



MINUTES

ORDINARY MEETING OF COUNCIL HELD AT
YARRAWONGA TOWN HALL,
WEDNESDAY 26 APRIL 2017

The meeting commenced at 6:00 pm.

PRESENT Councillor Gary Cleveland (Mayor)
Councillor Marie Martin (Deputy Mayor)
Councillor John Beitzel
Councillor Kevin Bourke
Councillor Wendy Buck
Councillor Ed Cox
Councillor Peter Lawless
Councillor Peter Mansfield
Councillor Libro Mustica

IN ATTENDANCE: Mark Henderson Chief Executive Officer
Andrew Close General Manager Infrastructure
Linda Nieuwenhuizen Manager Governance and Communication
Simon Rennie Chief Financial Officer

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

Cr Libro Mustica declared a conflict interest being an indirect interest in item 9.2.2: Proposed amendment to the Yarrawonga East Development Plan to incorporate a Residential Village - 11 and 13A Hogans Road, Yarrawonga - Schutz Consulting.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION:

CRS ED COX / MARIE MARTIN

"That the minutes of the Ordinary Council Meeting held on Wednesday, 22 March 2017, as prepared, be confirmed."

(CARRIED)

8. COUNCILLOR REPORTS

- Cr Peter Lawless reported on his attendance at the Lake Rowan Hall, St James, Jubilee Park and the Disability Advisory Committee meetings. .
- Cr Kevin Bourke reported on his attendance at the Barmah Anzac Day celebration and the acknowledgement of Murray Bouchier's family during the proceedings.

FILE NO: F17/222
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.1

AUTHORISATION TO COMMENCE CONSULTATION FOR 2017-2021 COUNCIL PLAN

Executive Summary

This report seeks Council's approval to commence community consultation on the draft 2017-2021 Council Plan to understand the community's views on the draft Plan and the priorities it establishes for this term of Council.

The Council Plan is a key strategic document because it provides the framework to support Council decisions on budget allocation and service delivery for each of the four years of the Council term. The four year financial and other resource requirements are described in the Strategic Resource Plan (SRP) that accompanies the Council Plan.

Council will consider all feedback received by 5pm Thursday 1 June 2017 and in line with the statutory S223 process requirements.

Council must consider the submissions prior to a Special Council meeting to be held on Wednesday 14 June 2017 at which Council may adopt the Council Plan with or without amendment.

MOTION

CRS KEVIN BOURKE / ED COX

That Council;

1. Accept the draft 2017-2021 Council Plan
2. Authorise the Chief Executive Officer to:
 - (a) give public notice of the preparation of the draft 2017-2021 Council Plan;
 - (b) make the draft 2017-2021 Council Plan available for public inspection;
 - (c) invite submissions in accordance with Section 223 of the *Local Government Act 1989*; and
 - (d) receive submissions until 5pm Thursday 1 June 2017.
3. Convene a Special Council Meeting on Monday 5 June 2017 to hear any person wishing to be heard in support of their submission on the draft Council Plan.
4. Consider a recommendation to adopt the Council Plan with or without amendment at a Special Council Meeting at 6pm Wednesday 14 June 2017.

(CARRIED)

FILE NO: 100.01.3
4. SMARTER DELIVERY OF SERVICES AND
PROGRAMS

ITEM NO: 9.1.1

MOIRA SHIRE COUNCIL DRAFT BUDGET 2017/18

Executive Summary

Prior to adopting its Budget for the 2017/18 year, Council is required to provide opportunity for the community to make submissions on the proposed Budget in accordance with S223 of the Victorian Local Government Act. This report seeks Council's authorisation to commence the S223 community consultation process for the proposed 2017/18 Budget.

If approved,

- The proposed 2017/18 budget will be available for public inspection at Council service centres and on Council's website from Thursday 27 April 2017 through to 5 pm, Thursday 1 June 2017.
- Members of the community will be invited to view and make written submissions on the proposed Budget by 5pm Thursday 1 June 2017.
- The committee of Council meeting will meet on Monday 5 June 2017 to hear any person who has indicated in their written submission that they would like to speak in support of their submission on the proposed 2017/18 Budget.

Council will then consider the submissions before considering a recommendation to adopt the proposed 2017/18 budget with or without amendments at the Special Council Meeting to be held at Wednesday 14 June 2017.

MOTION

CRS PETER MANSFIELD / ED COX

That Council:

1. Accept the draft 2017/18 Budget;
2. Authorise the Chief Executive Officer to:
 - i. give public notice of the preparation of the proposed 2017/18 Budget in accordance with section 129(1) of the Local Government Act 1989; and
 - ii. invite submissions in accordance with section 223 of the Local Government Act 1989; and
 - iii. receive submissions until 5pm Thursday 1 June 2017
3. Convene a Special Council Meeting on Monday 5 June 2017 to hear any person wishing to be heard in support of their submission on the proposed 2017/18 Budget;
4. Schedule a Special Council Meeting at 6pm Wednesday 14 June 2017 to consider adoption of the 2017/18 Budget with or without amendment.

(CARRIED)

FILE NO: F16/173
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.3

VICTORIAN ELECTORAL COMMISSION - 2016 ELECTION REPORT

Executive Summary

The Local Government Act 1989 requires the Victorian Electoral Commission (VEC) to prepare a report on the conduct of the Local Government Election in Moira Shire and for the report to be provided to the Council. The VEC report for the 2016 Local Government Election in Moira Shire is attached to this report.

MOTION

CRS PETER LAWLESS / MARIE MARTIN

That Council note the Moira Shire Council Local Council Election's report prepared by the Victorian Electoral Commission.

(CARRIED)

FILE NO: F13/203
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.4

**APPOINTMENT AND AUTHORISATION OF COUNCIL OFFICERS UNDER THE
PLANNING AND ENVIRONMENT ACT 1987**

Executive Summary

Council officers are appointed and authorised directly by Council under the *Planning and Environment Act 1987* to undertake inspections and carry out enforcement. Council does this through the powers provided by the *Local Government Act 1989*.

The list of Council officers to be appointed and authorised has been reviewed and is included in the attached instrument.

MOTION

CRS ED COX / WENDY BUCK

That Council, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument), resolves that:

1. the members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument;
2. the instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it;
3. the instrument be sealed; and
4. on coming into force of the instrument, the instrument of appointment and authorisation to members of Council staff as made by Council on 26 April 2016 is revoked.

(CARRIED)

FILE NO: F13/260
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.5

BARMAH CARAVAN PARK

Executive Summary

This report seeks Council's approval for Moira Shire Council to close the Barmah caravan park and cease Committee of Management responsibilities for the crown land following negotiations with DELWP.

In effect, this recommendation will see the current operations of the Barmah Caravan Park cease at the end of the current lease period on 30 June 2017 with ongoing residential tenancy obligations extending beyond that date.

The recommendation is in response to the results of two unsuccessful public Expression of Interest (EOI) processes to identify a long term park operator conducted in May 2016 and March 2017. There were no satisfactory responses to the first EOI and no responses to the second EOI. As a result officers are unable to recommend a future long term operator that would allow the park to operate in accordance with registration requirements and the framework for caravan parks located on Crown Land.

Council is aware of a number of residents who have resided at the park for an extended period of time. While tenure of permanent residents is in breach of Park regulations, the Residential Tenancies Act specifies the rights of any such residents and the processes Council must follow to ensure the tenants are provided appropriate assistance and time to make alternative arrangements if Council proceeds with the proposed recommendation.

For this reason, if the proposed recommendation is adopted one of the first priorities will be to meet with residents and site holders to understand their position and develop a transition plan.

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That a decision be deferred for three months, and that Moira Shire work with the Barmah Community to achieve a workable and amicable result for all parties concerned.

(CARRIED)

FILE NO: F13/199
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.1.6

DISABILITY ACCESS AND INCLUSION PLAN 2017-2021

Executive Summary

The Moira Shire Council Disability Access and Inclusion Plan 2017-2021 (attached) has been developed through consultation with the community and internal stakeholders. Following the recommendations of the plan, a Disability Access and Inclusion Plan 2017-2021 – Easy English (attached) version has also been developed. This new draft plan will replace Council's existing Disability Action Plan 2013-2016.

The plan meets Council's obligation under Section 38 of the Victorian *Disability Act 2006*. Each of the objectives outlined within the Act has been met through the development of the following themes of;

- Accessible Places and Spaces;
- Leadership and Opportunity;
- Participation and Inclusion; and
- Respect and Celebrate.

The plan has been submitted to the community, Disability Advisory Committee and all relevant staff members for review and feedback. Endorsement of the plan and its associated actions is now sought.

MOTION

CRS PETER LAWLESS / KEVIN BOURKE

That Council endorse the Disability Access and Inclusion Plan 2017-2021.

(CARRIED)

FILE NO: F15/203
8. REBALANCING COUNCIL'S ASSET MIX

ITEM NO: 9.1.7

SURPLUS COUNCIL LAND COBRAM - KOONOOMOO ROAD COBRAM

Executive Summary

In April 2002 Council secured ownership of 8.67 HA of Industrial 2, LSIO zoned land adjacent to Cobram – Koonoomoo Road for the purpose of relocating the existing saleyards in Dillon Street Cobram to this new site. Council has subsequently decided that it will no longer be involved in owning saleyards resulting in this land now being surplus to Council's requirements.

Due to its separation from Council's industrial estate in Cobram, the cost of services and LSIO considerations it is not considered viable to develop such a relatively small plot of land as a Council industrial estate.

However there has been some interest from the private sector in purchasing this land and if Council declare this land as surplus to Council's requirements and put the land on the market through an Expression of Interest process the land would most probably sell.

MOTION

CRS ED COX / KEVIN BOURKE

That:

1. Pursuant to Section 189 of the Local Government Act 1989 Moira Shire Council declares that the 8.67 HA of Council land adjoining Cobram – Koonoomoo Road is no longer required for Municipal purposes and give notice of its intention to sell the land.
2. Submissions be invited in relation to the proposed sale in accordance with Section 223 of the Act; and
3. A committee comprising the Mayor, Cr Cox, any another Councillor who would like to attend and the General Manager Infrastructure be appointed to consider any submissions received.

(CARRIED)

FILE NO: F13/877
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.8

NAMING OF RESERVE BETWEEN CAMPBELLFIELD DRIVE AND ROSEMARY COURT, YARRAWONGA

Executive Summary

At its meeting on 22 August 2016 Council adopted "Cooper Park" as the interim name for the unnamed park between Campbellfield Drive and Rosemary Court, Yarrowonga. Private Cooper was put forward as a candidate name by the Yarrowonga Mulwala Historical Society to Council under the national ANZAC Centenary Commemoration 2014-2018 Project.

The interim name was advertised in the Yarrowonga Chronical on 31 August 2016 and comments were sought on the proposed name from land owners adjoining the reserve.

In response to the advertising, the following alternative names were received:

- Stevenson Park or William Stevenson Reserve, and
- Tamarisk Reserve.

This report provides the results of the public consultation process and a summary of each of the proposed names.

MOTION

CRS WENDY BUCK / MARIE MARTIN

That Council:

1. Adopt the name Taylor Park as an interim name for the reserve between Campbellfield Drive and Rosemary Court Yarrowonga.
2. Place advertisements in local papers seeking comments on the proposed name within 30 days.
3. Write to owners of properties adjoining this reserve seeking comments within 30 days, and
4. Adopt the interim name if no objections are received and submit it to the Office of Geographic Names.

(CARRIED)

FILE NO: F13/503
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.9

ASSEMBLIES OF COUNCILLORS

Executive Summary

The records of the Assembly of Councillors reported during the month of March 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 JOHN BEITZEL / KEVIN BOURKE

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

(CARRIED)

FILE NO: .
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.1.10

REVIEW OF MAYORAL AND COUNCILLOR ALLOWANCES

Executive Summary

This report seeks Council's authorisation to commence community consultation on a proposal to retain the annual allowances for the Mayor and Councillors at the maximum limit set for a Category 2 Council.

Councils are required to review allowance levels by 30 June in the year following a general election and the allowance level determined by the Council remains in effect for the full term of the Council. Councils are also required to provide opportunity for community feedback on the proposed allowances in accordance with S223 of the Local Government Act (Act).

Following approval of this report, management will commence community consultation and will consider all feedback received by 5pm Thursday 1 June 2017 and in line with the statutory S223 process requirements.

Council must consider the submissions prior to a Special Council meeting to be held on Wednesday 14 June 2017 at which Council may adopt the proposed allowances with or without amendment.

MOTION

CRS PETER MANSFIELD / ED COX

That Council:

- 1) proposes to retain the annual allowances for the Mayor and Councillors at the maximum limit set for a Category 2 Council, being:
 - a) Mayoral Allowance – \$76,521
 - b) Councillor Allowance – \$24,730
- 2) Authorise the Chief Executive Officer to:
 - a) give public notice of the review of the annual allowances for the Mayor and Councillors;
 - b) make the proposal available for public inspection;
 - c) invite submissions in accordance with Section 223 of the Local Government Act 1989; and
 - d) receive submissions until 5pm Thursday 1 June 2017.
- 3) Convene a Special Council Meeting on Monday 5 June 2017 to hear any person wishing to be heard in support of their submission on the proposed Mayor and Councillor allowances.
- 4) Consider a recommendation to adopt the proposal with or without amendment at the June Ordinary Council Meeting at 6pm Wednesday 26 June 2017.

(CARRIED)

FILE NO: 52016141
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.1

PLANNING PERMIT APPLICATION 52016141 - TWO (2) LOT SUBDIVISION AT 5768 BENALLA-YARRAWONGA ROAD, YARRAWONGA

Executive Summary

A planning permit application has been received for a two lot subdivision at 5768 Benalla-Yarrowonga Road, Yarrowonga (Lot 2 Plan of Subdivision 642078E). One objection has been received with concerns regarding increased traffic with potential dust issues, changes to privacy and amenity.

The proposed development accords with the purpose of the Low Density Residential Zone and the decision guidelines set out in the Moira Planning Scheme. It also accords with the relevant State and Local planning policies. The application was referred both externally and internally with no objections from any referral authorities.

The concerns of the objector have been thoroughly considered and permit conditions will address the concerns requiring landscaping along boundaries forming a screen and the requirement to provide an all-weather driveway with drainage.

The report therefore recommends that a Notice of Decision to Grant a Permit be issued subject to conditions.

MOTION

CRS PETER MANSFIELD / WENDY BUCK

That Council issue a Notice of Decision to Grant a Permit for Planning Application No. 52016141 for a 'Two (2) Lot Subdivision' at 5768 Benalla-Yarrowonga Road, Yarrowonga, VIC 3730, also identified as Lot 2 on Plan of Subdivision 642078E, subject to the following conditions:

CONDITIONS

1. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. A satisfactory landscaping plan for the subject land must be submitted to and approved by the Responsible Authority, prior to the certification of the plan of subdivision. An endorsed copy of the plan must form part of this permit. The submitted plan must;
 - a) include a schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants,
 - b) the method of preparing, draining, watering and maintaining the landscaped area,
 - c) the weed management program,
 - d) show a permanent screen of trees and shrubs with a minimum of two rows using a mixture of local trees and understorey species must be planted along the southern driveway boundary of proposed lot 2 to form an effective screen between activities on the site and adjoining land in accordance with the endorsed plans and must be completed to the satisfaction of the Responsible Authority and then maintained to the

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**PLANNING PERMIT APPLICATION 52016141 - TWO (2) LOT SUBDIVISION AT 5768
BENALLA-YARRAWONGA ROAD, YARRAWONGA (cont'd)**

satisfaction of the Responsible Authority.

3. Prior to the release of the Statement of Compliance, the applicant must enter into an agreement under Section 173 of the Act with the Responsible Authority to provide for the following:
 - a) The landscaping along the southern driveway boundary of proposed lot 2 must be maintained in accordance with the landscape plan endorsed as part of the permit to the satisfaction of the Responsible Authority.

Council will undertake to have the Agreement prepared upon written notification of the applicant. All costs associated with the preparation of the agreement shall 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.

4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

6. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
7. The owner of the land must enter into an agreement with:
 - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
8. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

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**PLANNING PERMIT APPLICATION 52016141 - TWO (2) LOT SUBDIVISION AT 5768
BENALLA-YARRAWONGA ROAD, YARRAWONGA (cont'd)**

- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
9. Prior to the consent to Certification, any easements for the purpose of draining lots to the legal point of discharge must be created.
 10. Prior to the issue of a Statement of Compliance, the subdivider must provide a detailed drainage plan with computations prepared in accordance with Council's Infrastructure Design Manual [IDM], and has been prepared to the satisfaction of the Responsible Authority. In particular demonstrate that:
 - a) provision of sufficient on-site detention to limit the peak outflow from the site during a 18% AEP event to peak pre-development rates, and conveyed by underground pipes and / or by natural or constructed channels to a legal point of discharge nominated by the Responsible Authority;
 - b) all storm-water deposited upon, and transferred through, the developed site during a 18% AEP event must be collected and conveyed by underground pipes and / or by natural or constructed channels to a legal point of discharge nominated by the Responsible Authority;
 - c) all storm-water runoff originating from, or currently flowing through, the developed site in a 1% AEP event must be collected and conveyed by secure overland and / or underground flood pathways to a legal point of discharge identified by the Responsible Authority;
 - d) each proposed lot has a stormwater property drain inlet point, constructed in underground pipes extending from the legal point of discharge to within its property boundary to the specification and satisfaction of the Responsible Authority;
 - e) 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; and
 - f) stormwater drainage plans for the development must incorporate measures to enhance the quality of water discharged from the site and to protect downstream infrastructure and waterways.
 11. Prior to the issue of a Statement of Compliance, all drainage infrastructure required by the approved drainage plan must be constructed in accordance with plans and specifications approved by the Responsible Authority.
 12. Prior to the issue of a Statement of Compliance, or unless agreed otherwise, any required restriction to stormwater flows from the site in accordance with Council's Infrastructure Design Manual [IDM] will require a Section 173 Agreement to be registered on the title, and to the specification and satisfaction of the Responsible Authority, in accordance with Section 181 of

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**PLANNING PERMIT APPLICATION 52016141 - TWO (2) LOT SUBDIVISION AT 5768
BENALLA-YARRAWONGA ROAD, YARRAWONGA (cont'd)**

the Planning and Environment Act 1987. The Agreement must be registered on the title of each proposed Lot, at no expense to Council.

13. Prior to the issue of a Statement of Compliance, the subdivider must construct / provide an all-weather and drained driveway, at least 3.0m wide and provision for passing without conflict as required, and must extend the full length of the battle-axe leg of proposed Lot 2 and across easement E1 as shown on the endorsed plan.
14. Vehicle access and egress from the property must take place in a forward direction at all times.

VicRoads

15. Access to Lot 1 and 2 from Benalla-Yarrowonga Road will be via the existing carriageway easement and is to be generally in accordance with the Concept Development Plan, prepared by North East Survey Design, drawing reference M2245_ODP, dated 17/6/2016.
16. Prior to the issue of statement of compliance access to the Benalla-Yarrowonga Road must be upgraded to the satisfaction of and at no cost to the Roads Corporation in accordance with standard drawing SD2066 Residential Access Type 3.
17. Driveways 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).

Planning Notes:

Where an underground pipe or pipes discharges into a natural or constructed open channel, the pipe or pipes must be directed to an appropriate point of concentration, in the form of a pit or end-wall, and arrangements satisfactory to the Responsible Authority must be made to prevent erosion within the receiving channel.

No part of any constructed channel used to convey storm-water may pass through the zone of influence of the proposed septic tank absorption field.

In accordance with the Clause 22 (Environmental Management during Construction) of Council's Infrastructure Design Manual [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.

VicRoads Planning Notes

The construction works required by your permit conditions may require consent to work in the road reserve under the Road Management Act 2004. All applications/enquiries can be emailed to nriw.ntheastern@roads.vic.gov.au.

Prior to any construction in the Road Reserve a Memorandum of Authorisation (MOA) and Traffic Management Plan/s (TMP) needs to be submitted to and approved by Roads Corporation (VicRoads). The MOA and TMP needs to be prepared and implemented by a pre-qualified Traffic Management Company. All applications/enquiries can be emailed to nriw.ntheastern@roads.vic.gov.au.

(CARRIED)

FILE NO: F17/110
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.2

**PROPOSED AMENDMENT TO THE YARRAWONGA EAST DEVELOPMENT PLAN
TO INCORPORATE A RESIDENTIAL VILLAGE - 11 AND 13A HOGANS
ROAD, YARRAWONGA - SCHUTZ CONSULTING**

Cr Libro Mustica left the meeting at 7:08 PM in accordance with previously declared conflict of interest.

Executive Summary

A request has been received from Schutz Consulting to amend the approved Development Plan for Yarrowonga East in order to accommodate a 150 dwelling Residential Village at 11 and 13A Hogans Road, Yarrowonga.

The amendment involves changing the designation of standard residential and medium residential development and local park (public open space) to Residential Village and Community Recreation Facilities.

The amendment was referred to internal departments and external authorities and advertised to surrounding owners and occupiers and comments have been received.

The proposed amendment is not considered appropriate for approval until the plan is modified to show end of road treatment of two existing streets and that it accommodates for the approved drainage system that traverses through the subject land

It is recommended that this request to amend the Development Plan for Yarrowonga East be deferred until appropriate modifications are made to the proposed plan.

The Chief Executive Officer advised that the applicants have now amended their development plan to address the end of road treatment and drainage improvement.

MOTION

CRS WENDY BUCK / KEVIN BOURKE

That Council approve the Yarrowonga East Development Plan Amendment to incorporate a Residential Village at 11 and 13A Hogans Road, Yarrowonga subject to the Chief Executive Officer being satisfied that the amendment to the development plan meets all the relevant authorities requirements.

(CARRIED)

Cr Libro Mustica returned to the meeting at 7:14 PM.

FILE NO: 52016135
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.3

PLANNING PERMIT APPLICATION 52016135 - DEMOLITION OF SILO AND REMOVAL OF RAILWAY TRACKS AT TERMINUS STREET, COBRAM

Executive Summary

Planning Permit Application 52016135 is an application for the demolition of a silo and removal of railway tracks at Terminus Street, Cobram.

There are two triggers for the permit:

- Clause 34.01-4 – Works in the Commercial 1 Zone (C1Z)
- Clause 43.01-1 – Demolition and works in the Heritage Overlay (HO)

The application was advertised and objections have been received.

The application was referred internally and the Heritage Advisor has recommended refusal.

The application has been assessed and found to be inconsistent with the planning scheme, specifically at the state level (SPPF):

- Clause 11.10-2 – Application does not accord with heritage protection objectives for the Hume Region.
- Clause 15.03 – Application is inconsistent with objectives relating to heritage protection.

Further, the application is inconsistent with the local level (LPPF) of the planning scheme, specifically:

- Clause 22.06 – Application does not accord with objectives, policies and decision guidelines for demolition or removal of heritage.
- Clause 22.08 – Application significantly impacts upon the Cobram Town Centre Precinct.

The application is also inconsistent with the Overlay provisions (HO) of the planning scheme:

- Clause 43.01 – Application will adversely affect the significant of the heritage place.

Therefore, it is recommended that the Permit Application 52016133 for the demolition of a silo and removal of railway tracks be refused.

MOTION

CRS ED COX / KEVIN BOURKE

That Council issue a Notice of Decision to Grant a Permit for the 'Demolition of a Silo and Removal of Railway Tracks' at Terminus Street Cobram otherwise known as Crown Allotment 34B, Parish of Cobram subject to the following conditions:

1. The development (demolition) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
2. Prior to commencement of the development (demolition), a visual record of the silo and railway tracks, including upper interior levels of the silo, to the satisfaction of the Responsible Authority, must be submitted to the Responsible Authority.
3. Before the development (demolition) commences, the owner must enter in an agreement with the responsible authority, pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable

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**PLANNING PERMIT APPLICATION 52016135 - DEMOLITION OF SILO AND
REMOVAL OF RAILWAY TRACKS AT TERMINUS STREET, COBRAM (cont'd)**

costs of the preparation, execution and registration of the Section 173 Agreement. The agreement must provide that a commemorative plaque, setting out the history of the site and a visual depiction of the site, to the satisfaction of Council must form part of any future redevelopment of the site.

4. The development (demolition) must be managed so that the amenity of the area and locality in the opinion of the Responsible Authority is not detrimentally affected through the:
 - a. Transport of materials, goods or commodities to or from the land;
 - b. Appearance of any buildings, 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.
5. 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.
6. No native vegetation is to be removed without the consent of the Responsible Authority.
7. This permit will expire if:
 - a. The development (demolition) is not commenced within two (2) years of the issue date of this permit; or
 - b. The development is not completed within four (4) years of the issue date of this permit.

The Responsible Authority may extend the times referred to if a request is made in writing before the permit expires or within six months afterwards.

Planning Notes

1. This permit does not authorise the commencement of any development (demolition). Before such development (demolition) commences the applicant must apply and obtain appropriate building approval.
2. Prior to any works commencing an Asset Protection permit pursuant to Moira Shire Council Streets and Roads Local Law 2003 is to be obtained.
3. A consent to work within a Road Reserve permit must be obtained from the Responsible Authority prior to works commencing in the road reserve.

(CARRIED)

FILE NO: 1
2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 9.2.4

REVEGETATION OF THE GREATER YABBA TRANSFER STATION

Executive Summary

Council owns a 32 hectare parcel of land on Yabba South Rd between Katandra and Jeffreys Roads' (see image below). The north east corner of this land, approximately five hectares, is used as the Yabba Transfer Station. The remaining approximately 25 hectares is currently grazed by a neighbor. The attachment shows the location of Yabba South relative to Moira Shire.

This proposal seeks to undertake revegetation works and implement long term management actions that align with the objectives of Council's Environment Sustainability Strategy and native vegetation 'Net Gain' program.

The proposed project will:

- improve site management;
- contribute to Council's native vegetation 'Net Gain' objective;
- develop future native vegetation offset potential for Council activities;
- provide bio-diverse carbon sequestration;
- significantly improve biodiversity on the site and contribute positively to the broader landscape;
- provide a leading example of sound environmental management; and
- support Council and key partner strategies.

This report details a number of options that have been explored and recommends an option to pursue. The recommended option is for Council to develop and maintain the 25 hectare parcel of land according to the requirements of a registered offset site.

MOTION

CRS WENDY BUCK / KEVIN BOURKE

That Council:

1. Develop and maintain the Council owned 25 hectare parcel of land adjacent to the Yabba Transfer Station for use as a registered Native Vegetation offset site; and
2. Authorise the use of the Net Gain Native Vegetation Reserve to undertake this development.

(CARRIED)

FILE NO: F13/877
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.5

NAMING OF PRESCOTTS ROAD, YARRAWONGA SOUTH

Executive Summary

Council has the authority and responsibility to name roads and geographic features using the principles and procedures of the Naming rules for places in Victoria - Statutory requirements for naming roads, features and localities 2016 (the naming rules), which has recently replaced the Guidelines for Geographic Names 2010.

Council has received a request from VicNames to investigate two roads with similar names Prescott Road, Telford and Prescotts Road, Yarrowonga South and determine if the road names are incorrect.

These roads are approximately 2km from each other. Re-naming of one road is required to remove duplication. On checking Intramaps and Authority, there are six properties on Prescott Road, Telford and two properties located on Prescotts Road, Yarrowonga South.

Prescotts Road, Yarrowonga South has two properties one is a residential house on a farm and addressed from Prescotts Road, the other property is addressed to Reillys Road. It is proposed to rename this road.

Prescott Road, Telford has 6 properties including one residence. Only two of these properties (farming only) are addressed to Prescott Road, Telford, the house and remaining properties are addressed from alternate road accesses. Three properties on this road are owned by a Prescott. It is proposed to leave this name unchanged.

Neither road was originally named on the Parish plan, but does show that Prescott Road, Telford had an original owner James Prescott in the vicinity. Three parcels of land adjoining Prescott Road, Telford are currently owned by a Prescott.

MOTION

CRS PETER LAWLESS / PETER MANSFIELD

That Council:

1. Adopt Burgess Road as the interim name for Prescotts Road, Yarrowonga South.
2. Place advertisements in local papers seeking comments on the proposed name within 30 days.
3. Write to owners of properties adjoining this road seeking comments within 30 days, and
4. Adopt the interim name if no objections are received and submit it to the Office of Geographic Names.

(CARRIED)

FILE NO: F17/625
5. DEMONSTRATING GOOD GOVERNANCE

ITEM NO: 9.2.6

ROAD MANAGEMENT PLAN REVIEW

Executive Summary

This report seeks Council's approval to commence community consultation on the draft amendments to the Council's Road Management Plan

The review of Council's Road Management Plan has been conducted in accordance with the Road Management (General) Regulations 2016-Part 3 Road Management Plans.

The purpose of the review is to ensure that the standards in relation to, and the priorities given to the inspection, maintenance and repair of the roads and classes of road to which the Council's Road Management plan applies are safe, efficient and appropriate for use by the community served by the Council.

A written Review Report summarising the findings and conclusions of the review has been prepared. The Review Report makes a number of recommendations for proposed amendments to the Council's Road Management Plan.

Under Regulation 10 of the Road Management (General) Regulations 2016, Council as the road authority is required to give notice of its intention to amend its Road Management Plan. A notice is to be published in the Government Gazette and in a daily newspaper generally circulating in the area to which the Road management Plan will apply. Any person who is aggrieved by the proposed amendment may make a submission on the proposed amendment to the Council within the period specified in the notice.

MOTION

CRS KEVIN BOURKE / ED COX

That Council:

1. Accept the draft amendments to the Council's Road Management Plan and the Road Management Plan Review Report
2. Authorise the Chief Executive Officer to:
 - (a) give public notice of the preparation of the draft amendments to the Council's Road Management Plan;
 - (b) make the draft amendments to the Council's Road management Plan and a copy of the Road Management Plan Review Report available for public inspection in accordance with Regulation 9(2) of the Road Management (General) Regulations 2016;
 - (c) invite submissions in accordance with Regulation 10 of the Road Management (General) Regulations 2016; and
 - (d) receive submissions until 5pm Friday 2 June 2017.

(CARRIED)

**FILE NO: F17/300
5. DEMONSTRATING GOOD GOVERNANCE**

ITEM NO: 10.1

ACTION OFFICERS' LIST

MOTION

CRS ED COX / WENDY BUCK

That Council receive and note the Action Officers' List.

(CARRIED)

FILE NO: F/14 2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 11.1

DISABILITY WHEELCHAIR SWING

Take notice that at the Council Meeting to be held on 26 April 2017, it is my intention to move the following motion:

Cr Wendy Buck Cr Peter Mansfield

Date: 26 April 2017

MOTION

CRS WENDY BUCK

That Moira Shire Council include a disability wheelchair swing to the all abilities playground in Yarrawonga.

(LAPSED)

12. PETITIONS AND JOINT LETTERS

- Cr Kevin Bourke tabled a petition regarding a request for a pedestrian footpath being laid in Chapel Street between Pearce Street and Manifold Street Nathalia.
- Cr Wendy Buck tabled a petition asking that Moira Shire take notice of this petition and change its stance to support the Grey route and in doing so, support business in this town.

FILE NO: 5201110 2. IMPROVING MOIRA'S LIVEABILITY

ITEM NO: 13.1

**CREATION OF EASEMENT FOR COBRAM PROPERTY DEVELOPMENTS PTY LTD
- ELLEN DRIVE COBRAM****Background**

Planning Permit 5201110 was issued on 3 March 2011 for the purpose of subdividing land into residential lots by a staging plan (Rivertown Estate).

Part of the approval for Rivertown (stage 5) required the developer to create an easement of carriageway on the adjoining land to the south to provide the ability for vehicles to turn at the end of the road.

The adjoining property owner (Wallis Watson (Cowes) Pty Ltd) has agreed to the creation of the easement of carriageway in favour of Council and has prepared a Creation of Easement document under Section 45(1) of the Transfer of Land Act 1958.

MOTION

CRS ED COX / KEVIN BOURKE

That Council authorise the Chief Executive Officer to sign and seal the Creation of Easement documents.

(CARRIED)

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 KEVIN BOURKE / PETER MANSFIELD

That items of general business be considered.

(CARRIED)

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

That a review of Council's by laws and after hour services with regard to animal control be undertaken.

(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

15.1 June Jenkins – Barmah Caravan Park

Question: Why was the recommendation regarding the caravan park put forward without the appropriate information?

Answer: The Chief Executive Officer advised the report presented to Council details Council Officers' recommendations for the future management arrangements for the Park following the outcomes of publicly advertised, commercial processes to identify possible operators.

15.2 John Powel – Barmah Caravan Park

Question: What will be the format of the Barmah Caravan Park review?

Answer: The Chief Executive Officer advised that Council has just resolved to defer the decision for three months to work with the community to find a workable and amicable result that satisfies all parties. The commercial lease of the park is outside of this process.

15.3 Maureen Blair – Barmah Caravan Park

Question. What is the economic development plan for Barmah moving forward?

Answer: The Chief Executive Officer advised that Council has a shire-wide Economic Development strategy but does not have an economic strategy specific to Barmah.

15.4 Perry Whiston – Barmah Caravan Park

Question. What does Council think of Steve Bartlett's opinion?

Answer: The Chief Executive Officer advised that he would not critique a confidential submission in a public forum.

15.5 Kathleen Searle – Barmah Caravan Park

Question. What are the next steps for the Barmah Community?

Answer: The Chief Executive Officer advised that Council staff will work through Council's resolution with the stakeholders, which will include current park management, users and the local community.

15.6 June Jenkins – Barmah Caravan Park

Question. If the park isn't compliant, why hasn't Council done anything prior?

Answer: The Chief Executive Officer advised that Council was concerned with the capacity to meet future compliance requirements for Caravan Parks on Crown Land.

15.7 Liz Wilson – Barmah Caravan Park

Question. Can we have a time line?

Answer: The Mayor advised that the question would be taken on notice.

15.8 John Haye - Koonoomoo

Question. In relation to the Road Management Plan does my submission still stand?

Answer: The Chief Executive Officer advised that the submission has been addressed in the revised Road Management Plan presented to Council at the meeting but the submission would also be included in considering the adoption of the Plan.

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 at 8:10 PM

MOTION

CRS ED COX / KEVIN BOURKE

That the meeting be resumed.

(CARRIED)

Meeting resumed at 8:22 PM

MOTION

CRS ED COX / KEVIN BOURKE

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

(CARRIED)

MOTION

CRS KEVIN BOURKE / MARIE MARTIN

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

(CARRIED)

CLOSE OF MEETING

Meeting closed 8:27 PM