

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 19 May 2015

To be held
Swan Hill Town Hall
Council Chambers McCallum Street, Swan Hill
Commencing at 2:00 PM

COUNCIL:

Cr CM Adamson – Mayor

Cr JN Katis

Cr GW Norton

Cr GI Cruickshank

Cr JA Kiley

Cr LT McPhee

Cr JB Crowe

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SECTION A – PROCEDURAL MATTERS

- **Open**

Mayor, Cr Michael Adamson assumed the chair and declared the meeting open at 2pm.

- **Acknowledgement of Country**

Mayor, Cr Michael Adamson read the Acknowledgement to Country.

- **Prayer**

Cr Kiley read the prayer.

- **Apologies**

Recommendation

That the apologies be accepted.

- **Confirmation of Minutes**

- 1) Ordinary Meeting held on 21 April 2015
- 2) Extraordinary Council Meeting held on 5 May 2015

3/15 Motion

MOVED Cr Kiley

That the minutes be confirmed for the Ordinary Meeting held on 21 April 2015.

SECONDED Cr McPhee

The Motion was put and CARRIED

MOVED Cr McPhee

That the minutes be confirmed for the Extraordinary Council Meeting held on 5 May 2015.

SECONDED Cr Kiley

The Motion was put and CARRIED

- **Declarations of Conflict of Interest**

Nil

- **Receptions and Reading of Petitions, Memorials, Joint Letters and Deputations**

Nil

4/15 RMotion

MOVED Cr McPhee

That standing orders be suspended for Public Question Time.

SECONDED Cr Katis

The Motion was put and CARRIED

- **Public Question Time**

Question 1 – Mrs Joan Slater

How often are the green bins in Campbell Street emptied and washed out? As many times there is a smell coming from the bins.

The Chief Executive Officer Dean Miller replied “the bins are maintained and emptied by Ellwaste under a contract that they have with Council and that’s a weekly service that Council provide and when it’s brought to Council that there is an issue with smell eliminating from the bins Council can go and ask Ellwaste to investigate and wash those bins under that contract.

Question 2 – Mrs Joan Slater

Who is responsible for removing a rail that a truck or someone ran into in McCallum Street down near the bridge on the right hand side, it has been there for a few months.

The Chief Executive Officer Dean Miller replied “that Council is aware of that and we are not sure if it Council or VicRoads responsibility and our Director of Infrastructure will follow that up.

SECTION B – REPORTS

B.15.30 DEVELOPMENT PLAN APPLICATION IN ACCORDANCE WITH THE DEVELOPMENT PLAN OVERLAY – SCHEDULE 5 FOR HAYES ROAD SOUTH, LAKE BOGA

Responsible Officer: Director Development and Planning
File Number: P731805
Attachments: 1 Proposed Development Plan

Declarations of Interest:

Brett Luxford - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report seeks a Council resolution to approve a Development Plan as required by Development Plan Overlay, Schedule 5 at 85 Hayes Road, Lake Boga, the subject site.

This application has been referred to Council as three objections to the proposal have been lodged.

Discussion

Location and existing conditions

The subject site is located on the south eastern side of Lake Boga adjacent an existing low density residential area to the south west, and Farming Zone land to the north and east. The subject land is located approximately 3km from the main township of Lake Boga and is accessed directly from Hayes Road and has an overall area of 45.78 hectares.

Part of the subject land is located within the General Residential Zone (GRZ), which is affected by the Development Plan Overlay – Schedule 5 (DPO5) and Design and Development Overlay – Schedule 6 (DDO6). The subject land is also partly affected by the Land Subject to Inundation Overlay (LSIO).

Currently there is a single dwelling on the land within the General Residential Zone area. Aside from the existing house, the site is currently un-used, open grass land that has been used for cropping and fodder production in the past.

Proposal

The application for development plan approval was received on 1 July 2014.

The proposal includes the following:

- A development plan showing the general road layout, earthworks, public reserves and the foreshore public shared path alignment.

An amendment to the above proposal was lodged with Council on 11 March 2015, which included the following amendments:

- Revised street layout removing the court bowls
- Relocation of common property boat ramp and public car park to be adjacent Reserve No. 4
- A redesign of Reserve No. 3

Purpose of the zone and overlays

The purpose of the General Residential Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The purpose of the Development Plan Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

The purpose of the Design and Development Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

The purpose of the Land Subject to Inundation Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit to subdivide the land is required under the above zone and overlay provisions. However, under the Development Plan Overlay (DPO) a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the Responsible Authority.

The application before Council is only for the adoption of the development plan pursuant to the requirements under the Development Plan Overlay (DPO) and the schedule to the overlay, Schedule 5 (DPO5). The only planning scheme requirements applicable to this application is that of the schedule to the overlay.

The purpose of a DPO is to guide future development of land and allow a co-ordinated process of land release. The DPO is typically used to:

- Co-ordinate proposed use and development, before a permit under the zone can be granted;

- Provide certainty about the nature of the proposed use or development; and
- Remove notice requirements and third-party review rights from the planning permit applications for proposals that are generally in accordance with the development plan.

The preparation and adoption of a development plan for this area is necessary to provide guidance for the future development of the subject land. The provision of a development plan is a mandatory requirement for the administration of a Development Plan Overlay. Further development and subdivision of the subject land would be subject to the requirements of the relevant provisions of the Swan Hill Planning Scheme.

The proposed Development Plan, Revision No. E, has been prepared in accordance with the requirements for a development plan, as described in the schedule to the overlay (DPO5).

Requirements for a development plan

The requirements for a development plan as set out in Schedule 5 of the DPO have been satisfactorily addressed in the application submitted by the applicant.

Subdivision Planning Permit

Further to the development plan application, a planning permit application to subdivide the land into 63 lots has also been received. This subdivision application is considered to be in accordance with the proposed development plan and once the development plan is approved, the subdivision application would be exempted from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

The proposed subdivision plan, as part of the original subdivision planning permit application, has been discussed previously at number of Council assemblies. Please note that the original subdivision layout has been amended by the applicant by reducing the number of lots from 87 to 63.

State and Local Planning Policy

There are no specific State and local planning policies applicable to the adoption of a development plan.

Consultation

Please note that Council is not required to advertise such applications, as there are no statutory public notification requirements in the planning scheme associated with development plan applications. However, due to the scale and nature this particular application it was decided to referred and advertise as usual.

Referrals

Referrals/Notice	Advice/Response/Conditions
External Referrals	<p>Goulburn Murray Water- Made general comments on the layout of the development plan and provided conditions for the planning permit application.</p> <p>Powercor – consent subject to condition on the planning permit.</p> <p>Country Fire Authority – Consent subject to conditions on the planning permit.</p> <p>North Central Catchment Management Authority – Consent subject to a condition on the planning permit.</p> <p>Public Transport Victoria – No conditions.</p> <p>VicRoads – Consent subject to conditions on the planning permit.</p>

Internal Council Notices	Advice/Response/Conditions
Engineering	No objection
Building	No requirements
Health	No requirements
Environment	No requirements

Public Notification

The original proposal was advertised by requesting the applicant to notify surrounding land owners and occupiers as well as displaying a sign on the property and placing an advertisement in The Guardian newspaper.

Following notification, three objections were received. The objectors' main concerns are summarized as follows:

- Will there be any upgrades to Hayes Road and the Murray Valley Hwy intersection? This is an already dangerous intersection;
- Will Hayes Road be upgraded as there an existing dust and corrugation problem;
- Why the proposed boat ramp is to be a private facility;
- Foreshore shared path construction, alignment and maintenance;
- When will the future residential development occur and will that be subject to further planning approvals?
- Utility services – will there be any additional load on existing services?
- What requirements for any bridge upgrade are in place?

The amended proposal was advertised in the same manner as above and no additional objections have been received.

The landowner owner at No. 577 Lakeside Drive, Lake Boga (adjacent the subject land) has however asked if it would be possible to have a reserve between the property boundary and proposed lot 62, as there are similar reserves adjacent proposed lots 1 and 33. Planning officers have advised that it would be impractical to have a reserve in that location as there would be no rationale behind providing public open space in that area. Sufficient public open space has been provided in the current proposal.

Planning response to the issues raised

It is important to note that the above concerns are not specifically against the proposed development plan, but aimed against the next stage in the planning process, which is the planning permit to subdivide the land.

As previously discussed, when a planning permit application is generally in accordance with the development plan the application to subdivide the land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. Therefore, the concerns/objections raised above, that are before Council now, are in fact not relevant to the application.

However, and for the purposes of clarifying matters raised, the following response to the issues raised is presented:

- *Hayes Road and Murray Valley Hwy intersection upgrade*
VicRoads has requested that the staggered intersection Murray Valley Highway, Hayes Road and Bael Bael Road must be modified into a cross intersection. VicRoads has also requested that turning lane treatments be provided on the Murray Valley Highway to turn into Hayes Road. Therefore, the concern can be addressed through appropriate conditions on the planning permit.
- *Hayes Road upgrade*
Hayes Road will be upgraded to the standard as set by the Infrastructure Design Manual (IDM). The commencement of the necessary upgrades to Hayes Road

can happen at any stage as determined by Council. This could be in the form of a condition on the permit.

- *Private vs public boat ramp*
The proposed boat ramp, which is part of the planning permit to subdivide the land is part of the last stage of the subdivision proposal, and will be for private use only; meaning use by the future residents in the subdivision.
- *Foreshore shared path construction and alignment*
The shared path is to be constructed on Crown Land to Council's satisfaction as it will become a Council asset to be maintained in the future. Specific conditions relating to the construction of the shared path will be included as permit conditions to ensure that it would be to Council's standard and satisfaction.
- *Future residential development*
Construction of dwellings will occur later and will be subject to separate planning permit applications as per the Design and Development Overlay, which also affects the land as previously stated.
- *Utility services – any additional load on existing services*
The application for a development plan and planning permit to subdivide the land were referred to the relevant referral authorities who did not object to the proposal subject to conditions being included on the planning permit to service the subdivision.
- *Hayes Road bridge upgrade*
A condition will be included in the permit to upgrade the bridge prior to the Statement of Compliance of Stage 7 of the subdivision, which is consistent with the comments received from Goulburn Murray Water, the asset holder.

Financial Implications

Council will need to contribute to the upgrade of Hayes Road.

Social Implications

There are no known negative social implications associated with the proposed development plan. The development will improve access to the lake frontage.

Economic Implications

The development plan will have positive flow on effects on the economy of the local area and Swan Hill.

Environmental Implications

It is not anticipated that the development will have a detrimental impact on the environment. Only one native tree will be removed from the site and conditions will be included to ensure that stormwater is appropriately managed.

Risk Management Implications

There are no known risk management implications

Council Plan Strategy Addressed

Economic Growth - A prosperous, growing and diverse local and regional economy.

Options

- 1) That Council adopt the Development Plan (DPO5)
- 2) That Council refuse to adopt the Development Plan (DPO5)

Recommendation

That Council adopt the Development Plan (as attached) for the land located at 85 Hayes Road, Lake Boga.

5/15 Motion

MOVED Cr McPhee

That Council adopt the Development Plan (as attached) for the land located at 85 Hayes Road, Lake Boga.

SECONDED Cr Cruickshank

The Motion was put and CARRIED



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W & J PYE
 PROPOSED RESIDENTIAL DEVELOPMENT
 85 Hayes Road, Lake Boga
DEVELOPMENT PLAN

REVISION NO. F
 0 15 30 60
 Scale 1:1500 (A1)

B.15.31 PLANNING APPLICATION TO SUBDIVIDE LAND IN ACCORDANCE WITH THE DEVELOPMENT PLAN OVERLAY – SCHEDULE 5 FOR HAYES ROAD SOUTH, LAKE BOGA

Responsible Officer: Director Development and Planning
File Number: 2014/56
Attachments: 1 Proposed subdivision plan – for discussion purposes

Declarations of Interest:

Brett Luxford - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

This report seeks a Council resolution to approve a Planning Permit 2014/56 to subdivide the land into 63 lots at 85 Hayes Road, Lake Boga, the subject site.

This application has been referred to Council as it is a significant development and because objections were received as part of the Development Plan approval process.

Discussion

Location and existing conditions

The subject site is located on the south eastern side of Lake Boga adjacent an existing low density residential area to the south west, and Farming Zone land to the north and east. The subject land is located approximately 3km from the main township of Lake Boga, is accessed directly from Hayes Road and has an overall area of 45.78 hectares.

Part of the subject land is located within the General Residential Zone (GRZ), which is affected by the Development Plan Overlay – Schedule 5 (DPO5) and Design and Development Overlay – Schedule 6 (DDO6). The subject land is also partly affected by the Land Subject to Inundation Overlay (LSIO).

Currently there is a single dwelling on the land within the General Residential Zone area. Aside from the existing house, the site is currently un-used, open grass land that has been used for cropping and fodder production in the past.

Proposal

The planning application was received on 1 July 2014.

The current proposal includes the following:

- Subdivide the land into 63 lots in seven (7) stages;
- Creation of a public road –Extension of Hayes Road;

- Creation of five reserves;
- Creation of a common property boat ramp;
- Creation of a foreshore shared path;
- Removal of native vegetation;
- Removal of a restriction (Section 173 Agreement); and
- Creation and removal of service easements.

Proposed lot sizes vary between 1800m² to 3022m². The remainder Farming Zone lot will be 30.11ha in size.

Amendment to the planning application

The proposed subdivision plan, as part of the original submission, has been discussed previously at number of Council assemblies. The original subdivision layout has been amended by the applicant by reducing the number of lots from 87 to 63.

The previous subdivision layout provided for a much wider range of lot sizes, from as small as 427m² to just over 3000m². The original layout also included multiple small courts and most of the smaller lots were arranged around these courts.

The planning application was amended in March 2015 and the layout changed to only 63 lots with lot sizes as previously mentioned, between 1800m² and 3022m². All the small courts have also been removed.

Purpose of the zone and overlays

The purpose of the General Residential Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The purpose of the Development Plan Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

The purpose of the Design and Development Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

The purpose of the Land Subject to Inundation Overlay is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit to subdivide the land is required under the above zone and overlay provisions. However, under the Development Plan Overlay (DPO) a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the Responsible Authority. A development plan has been prepared and approved for the subject land.

Planning scheme requirements

- Development Plan Overlay:

Clause 43.04-1 of the planning scheme - Requirement before a permit is granted

“A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.”

The requirements for a development plan as set out in Schedule 5 of the DPO have been satisfactorily addressed in the development plan application submitted by the applicant.

Clause 43.04-2 of the planning scheme - Exemption from notice and review

This subdivision application is considered to be in accordance with the development plan and is, therefore, exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

- General Residential Zone:

Pursuant to Clause 32.08-2 of the planning scheme the following is required:

- *A permit is required to subdivide land.*
- *An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 of the Swan Hill Planning Scheme.*

A clause 56 assessment was undertaken for the proposed subdivision. The proposal is considered to be consistent with the relevant standards and objectives of clause 56.

- Land Subject to Inundation Overlay (LSIO):

Pursuant to Clause 44.04-2 of the planning scheme, a permit is required to subdivide land.

The LSIO only affects a small part of the subject land, mainly along the water channel boundary. The proposed residential lots will not be affected by the overlay. The application was referred to the relevant catchment management authority who did not object or raised any concerns.

- Design Development Overlay, Schedule 6 (DDO6):

Pursuant to Clause 43.02-3 of the planning scheme, a permit is required to subdivide land.

Design objectives:

- *To ensure that subdivision and development respect the amenity of Lake Boga and its foreshore environs.*
- *To ensure a site responsive subdivision and building design, particularly at the interfaces with Lake Boga, existing residential areas, existing dwellings and the Farming Zone.*
- *To ensure that building height, setbacks and bulk respect the Lake Boga foreshore environs, existing residential areas, existing dwellings and the interface with the Farming Zone.*
- *To locate any public open space to maximise public access to the lake foreshore.*
- *To provide for visual permeability from within the subdivision to Lake Boga.*
- *To provide for uninterrupted pedestrian access to the foreshore of Lake Boga.*

The proposed subdivision is considered to be consistent with the above design objectives, given that all the above mentioned elements have been incorporated in the design.

Particular Provisions

Clause 52.02 – Easements, restrictions and reserves

A permit is required before a person proceeds:

- *Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.*

Standard conditions will be included in the permit, if one is to issue, to facilitate the removal and creation of easements as required.

Clause 52.17 – Removal of native vegetation

- *A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.*

Council's Natural Resource Management department has assessed the native vegetation removal and the permit, if one is to be issued, will be conditioned accordingly.

Clause 52.29 – Land adjacent to a Road Zone, Category 1

A permit is required to:

- *Create or alter access to a road in a Road Zone, Category 1.*

The application was referred to VicRoads that has provided conditions to be included in the permit, if one is to be issued.

State and local policies

Clause 11 Settlement:

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Clause 16 Housing:

- *Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*
- *New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.*
- *Planning for housing should include providing land for affordable housing.*

The following clauses provide local content to support the above State planning policies:

Clause 21.04 Settlement and Housing

Clause 21.04-2 Orderly growth of towns and settlements, objective 5 and strategy 5.1 is to encourage infill and new development in urban areas within town boundaries.

Clause 21.10-3 Lake Boga

Settlement and housing

- *Encourage the sustainable use and development of land around Lake Boga for*

recreation, tourism and residential development that are consistent with the Lake Boga Township Framework Plan.

- *Capitalize on the variety of residential options at locations with strong environmental, aesthetic and lifestyle amenity options to ensure the ongoing viability of the community and the wider municipality.*
- *Ensure residential development, including low density residential development, occurs adjacent to existing development and is serviced with reticulated sewerage and town water.*
- *Investigate the potential of residential development south east of the town in Hayes Road South on the lake foreshore at locations consistent with the town framework plan.*
- *Any residential development should be connected to reticulated water and sewerage facilities.*

Consultation

Referrals

Referrals/Notice	Advice/Response/Conditions
External Referrals	<p>Goulburn Murray Water- Consent subject to conditions on the planning permit</p> <p>Lower Murray Water – consent subject to conditions on the planning permit</p> <p>Powercor – consent subject to conditions on the planning permit.</p> <p>Country Fire Authority – Consent subject to conditions on the planning permit.</p> <p>North Central Catchment Management Authority – Consent subject to a condition on the planning permit.</p> <p>Public Transport Victoria – No conditions.</p> <p>VicRoads – Consent subject to conditions on the planning permit.</p>

Internal Council Notices	Advice/Response/Conditions
Engineering	No objection
Building	No requirements
Health	No requirements
Environment	No objection

Public Notification

As previously mentioned, the permit application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Financial Implications

Council will need to contribute to the upgrade of Hayes Road.

Social Implications

There are no known negative social implications associated with the proposed subdivision. The development will improve access to the lake frontage.

Economic Implications

The proposal will have positive flow on effects on the economy of the local area and Swan Hill.

Environmental Implications

It is not anticipated that the development will have a detrimental impact on the environment. Only one native tree will be removed from the site and conditions will be included to ensure that storm water is appropriately managed.

Risk Management Implications

There are no known risk management implications

Council Plan Strategy Addressed

Economic Growth - A prosperous, growing and diverse local and regional economy.

Options

- 1) That Council issue a planning permit subject to conditions
- 2) That Council refuse the application.

Recommendation

That Council issue a Planning Permit for a staged subdivision, removal of native vegetation, removal of a restriction (Section 173 Agreement), creation and removal of easements and works in a Road Zone Category 1 in accordance with the endorsed plans, subject to the conditions listed in this report for land located at 85 Hayes Road, Lake Boga.

GENERAL PLANNING CONDITIONS

Amended Plans

- 1 Prior to the certification of the subdivision approved by this permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan(s) will be endorsed and will then form part of the permit. The plan(s) must be generally in accordance with those submitted as part of the original application, but modified to include:
 - a) A 20 metre wide road reserve (proposed extension of Hayes Road);
 - b) Designated areas for future bus shelters near the Reserve No. 4 on both sides of the proposed Hays Road;
 - c) The public car park part of Reserve No. 4 to be sealed in accordance with condition No. 31;
 - d) A landscape master plan for the entire subdivision as per condition No. 38;
 - e) Details of the proposed 15m wide tree plantation within the 20m wide buffer on proposed lot 63;
 - f) Traffic calming measures to be implemented at appropriate sections along the proposed Hayes Road;
 - g) Reserve No. 1 to be included in Stage 1.

All the above to the satisfaction of the Responsible Authority.

- 2 The Plan of Certification for Stage 1 must separate the Lot No. 63 (the Farming Zone land) from the General Residential Zone land.

Layout not to be altered

- 3 The layout of the subdivision as shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.
- 4 No works other than earth works associated with land forming for the subdivision are permitted prior to the certification of Stage 1 unless otherwise agreed in writing by the Responsible Authority.

Staging

- 5 All stages of the subdivision as approved by this permit must be undertaken in accordance with the endorsed plan and within the time as specified in this permit, unless otherwise agreed to in writing by the Responsible Authority.

Subdivision conditions

- 6 The owner of the land (the permit holder) 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.
- 7 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.
- 8 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.
- 9 The owner of the land (the permit holder) must enter into an agreement with:
 - a) 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
 - b) 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.
- 10 Prior to the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land (permit holder) must

provide written confirmation from:

- a) 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
- b) 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.

Section 173 Agreement

- 11 Prior to the issue of the Statement of Compliance of respective stages approved by this subdivision the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to include agreements on lots that are deemed appropriate by the Responsible Authority in writing at the Certification Stage for the following:
 - a) A 20 metre buffer is maintained within the proposed Lot No. 63 (the remainder lot within the Farming Zone Land)
 - b) Within the above 20 metre buffer a 15 metre wide tree planting with a minimum of three rows trees must be established as per the endorsed plan and to the requirements of the relevant condition contained in this permit to the satisfaction of the Responsible Authority.
 - c) Lots abutting Lot 1 PS 534129S (one on each side) must be not less than 1800sqm in size and must be abutting the entire length of the north and south sides of Lot 1 PS 534129S.

This Agreement must be registered on title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable cost of the preparation, execution and registration of the Section 173 Agreement.

ENGINEERING CONDITIONS

- 12 Prior to Certification of stage 1 of subdivision approved by this permit, a Drainage Master Plan must be submitted to Council's Engineering Department for consideration. Once approved this plan will be endorsed and will form part of this permit. This plan must include an operational plan for the proposed bio-retention area and must detail the following:
 - a) the types of plants used in the bio-retention area;
 - b) the maintenance and re-planting schedule for the area to ensure continual water treatment;
 - c) proposals for testing of the discharge to ensure water quality requirements are being achieved. Council may request that continual testing of the

water quality is undertaken by the owner's corporation to ensure the quality of the discharge water, this may be required depending on GMW discharge requirements;
and be to the satisfaction of the Responsible Authority.

13 Prior to certification of each subsequent stage detailed drainage plans in line with the Drainage Master Plan must be submitted to Council's Engineering Department for review. Once approved this plan will be endorsed and will then form part of this permit. The plans must be drawn to Scale and should be in accordance with Council's Infrastructure Design Manual and include:

- a) How the Land will be drained and subsequent levels on assets such as swales.
- b) Underground pipe sizes, and gradients.
- c) Measures to enhance storm water discharge quality from the site.
- d) Documentation of approval of legal point of discharge and the relevant discharge rate.
- e) The provision of gross pollutant and Litter traps installed at important outfall points to ensure no polluted or silted water enters Council's storm water system.
- f) Swales shall be connected between driveways using appropriately sized culverts (Reinforced Concrete);

and be to the satisfaction of the Responsible Authority.

14 Each allotment must be serviced by a storm water discharge point within the bounds of the property. These must discharge to the underground drainage network as appropriate to the specific property's location, to the satisfaction of the Responsible Authority.

15 Prior to issue of Statement of Compliance for each stage of the subdivision, all drainage works required by the approved drainage plan must be completed to the satisfaction of the Responsible Authority. Prior to acceptance of works the developer must show/prove that all piped systems are free of silt or will clean the pipes prior to acceptance of works to the satisfaction of the Responsible Authority.

16 Prior to certification of each stage of the subdivision detailed construction plans must be submitted to Council's Engineering Department for consideration. Once approved this plan will be endorsed and will then form part of this permit. The plans must include:

- a) A two coat spray seal surface with kerb types as approved in the IDM SD100.
- b) Concrete path along the one side of Hayes Road;
- c) A plan showing areas of fill in excess of 300mm;
- d) Any retaining walls or erosion control structures;
- e) Showing cross over locations and levels;

- f) Showing street tree planting locations;
 - g) Showing cross-sectional dimensions, longitudinal dimensions, levels and gradients;
 - h) Street lighting locations (Note that LED lights should be utilised).
- 17 Prior to issue of Statement of Compliance for each stage of the subdivision, all construction works required by the approved construction plans must be completed to the satisfaction of the Responsible Authority.
- 18 Prior to the issue of a Statement of Compliance for each stage of the subdivision, the relevant section of road reserve as shown on the endorsed construction plans must be transferred to Council and all road works are to be completed prior to the transfer to the satisfaction of the Responsible Authority.
- 19 Prior to the Statement of Compliance for stage 1 of the subdivision, the permit holder must upgrade or make payment in lieu of upgrade of the section of Hayes Road between the Murray Valley Highway to the start of the adjoining subdivision/subject land. Works are to include:
- a) Supply of a construction design
 - b) Re-sheeting with 150mm of limestone material and widening of the existing pavement to meet IDM standards for a Low Density Residential area road
 - c) Signage on the associated bridge to indicate the traffic right of way.
- Options for the construction of this section of road include the following:
- 1) Prior to Certification of stage 1 of the subdivision approved by this permit the applicant must enter into an agreement with the Responsible Authority to upgrade Hayes Road, this would be considered a payment in lieu of carrying out the upgrade. Should the applicant choose to make a payment in lieu of the upgrade, Council or Council's nominated contractor will carry out the works in the nearest construction period (October through to March);
 - 2) The applicant may carry out the upgrade works. Council will enter into an agreement with the permit holder to ensure that the contribution is based on current traffic usage percentages and is paid towards the cost of the upgrade of the relevant section of Hayes Road.
- 20 Staging of development infrastructure:
- a) Footpaths must be constructed to each relevant stage of development;
 - b) Staging of road construction and storm water drainage construction will be considered as part of the submission of detailed design;
 - c) Kerb and channel and any relevant swale drains/urban storm water treatment facilities must be constructed on the road frontage to each relevant stage of development.

- 21 Prior to the issue of a Statement of Compliance for Stage 3 of the subdivision, car parking as shown on the endorsed plan must be constructed in accordance the car parking requirements and standards specified in clause 14 of Council's IDM including a minimum spray sealed surface.
- 22 Prior to Certification of stages 1, 2, 3 and 4 of the subdivision approved by this permit, temporary court bowls must be designed and constructed at the start of the adjoining stage for the abovementioned stages. The temporary court bowl may require an easement for access to the turning area. The entire court bowl shall be constructed to the same standard and composition as the road pavement. The temporary court bowl may remain as an unsealed surface. Council shall enter into an agreement with the developer for a bond for the cost of the works to complete the Court bowl. This bond value will be based on the cost to install kerb, remediate the surface, prime and asphalt the surface and maintain the existing surface until such time as the next stage is commenced. The bond agreement shall be made prior to statement of compliance of that stage. The excess road base material in the court bowl maybe re-used on site provided the excavated material is inspected and approved for re-use by Council's Representative.
- 23 Prior to the issue of the Statement of Compliance for the adjoining stages of the subdivision approved by this permit, the temporary court bowl constructed for the previous adjoining stage must be reinstated to allow the continuation of the new section of Hayes Road to the standard road as proposed to the satisfaction of the Responsible Authority.
- 24 Prior to the issue of a Statement of Compliance for each stage of the subdivision, all roads/streets (including footpaths, crossovers to each lot and street lighting, street furniture and street planting) relevant each stage must be fully constructed to the satisfaction of the Responsible Authority.
- 25 Prior to Statement of Compliance of Stage 1 a land exchange will be carried out to formally gazette the altered alignment of Hayes Road. During construction access must be maintained for existing residents at the end of Hayes Road. Prior to Statement of compliance of Stage 1 a rural type road similar to the existing gravel road will be constructed between the temporary court bowl and the existing residence at the end of Hayes Road.
- 26 Prior to commencement of construction of each stage a pre-start meeting shall be held between the developer, Council and the Contractor. At this stage hold points for inspection shall be identified and agreed upon to the satisfaction of the Responsible Authority.
- 27 Prior to the issue of a Statement of Compliance the applicant must pay to the Council an amount equivalent to 5% of the cost of the roads, drainage and hard landscaping and the calculated amount must be based on the Bill of Quantities. This amount is nominated to cover any maintenance works required but not

completed within the maintenance period nominated by IDM clause 8.3.

- 28 Prior to the issue of certification of each stage of the subdivision, the applicant shall pay the responsible authority a supervision fee of 2.5% and a plan checking fee of 0.75% of the value of the assets and works to be taken over by Council.
- 29 Prior to the issue of a Statement of Compliance for each stage of the subdivision, approved by this permit, the foreshore shared path must be constructed as per the approved plans. This path will be of a concrete or asphalted surface and must comply with AS1428 Design for access and Mobility and to the satisfaction of the Responsible Authority.
- 30 Prior to the issue of a Statement of Compliance for each stage of the subdivision, approved by this permit, the foreshore shared path must be constructed as per the approved plan and to the satisfaction of the Responsible Authority.
- 31 Prior to the issue of a Statement of Compliance for Stage 3 of the subdivision, a spray sealed or asphalted parking area must be supplied in Reserve 4 as shown on the endorsed plans. The detailed plans of this area must be submitted with stage 3 detailed plans for approval prior to commencement of construction. The car park must comply with AS2890.1.
- 32 Prior to Certification of Stage 7 of the subdivision approved by this permit, the permit holder must upgrade or make payment in lieu of upgrade of the one way bridge on Hayes Road accessing the subdivision. Works are to include:
 - a) Construction of a two lane bridge or similar structure in the existing location to allow two way traffic flow.

Options for the construction of this section of road include the following:

- 1) Prior to certification of stage 7 the applicant must enter into an agreement to upgrade Hayes Road (Bridge section), this would be considered a payment in lieu of carrying out the upgrade. Should the applicant choose to make a payment in lieu of the upgrade, the interested parties (GMW and Council) will schedule the upgrade works;
- 2) The applicant may carry out the upgrade works in agreement with the asset owner and Council.

Native Vegetation

- 33 No native vegetation other than that are shown on the endorsed plan must be removed.

Native Vegetation Removal

- 34 Prior to the removal of the native vegetation (one tree) approved by this permit the permit holder must submit an Off-Set Management Plan to the Responsible Authority for approval. Offset requirements are as below:

Offset for 0.071 hectares of native vegetation with a strategic biodiversity score of 0.100 approved for removal as part of this permit, the applicant must provide for:

- Contribute gain of 0.002 general biodiversity equivalence units,
- Be located within the North Central Catchment Management Authority area or Swan Hill Rural City Council municipal district, and
- Have a minimum strategic biodiversity score of 0.100.

Offset evidence requirements are as below:

The permit holder must:

- a) Provide to the Responsible Authority, an Allocated Credit Extract issued by the Department of Environment and Primary Industries Native Vegetation Credit Register that satisfies the required offset, and/or
- b) Commence the management of an offset site in accordance with an offset plan endorsed by the Responsible Authority. The location of any native vegetation offset must not increase the bushfire risk to the proposed development or existing developments in the surrounding area. The offset plan must include:
 - i) a description of the site, including a map of where the offset will be provided
 - ii) a schedule of the works required to achieve the offset over a 10-year period, detailing:
 - management actions to be performed (e.g. fencing, weed control, pest control, re-vegetation),
 - the person(s) responsible for implementing the specified management actions,
 - the timeline for the implementation of the management actions,
 - the method by which the management actions will be undertaken,
 - the standard to which the management actions will be undertaken.

When endorsed, the above plan will form part of this permit.

- 35 Prior to the removal of the native vegetation, the permit holder must enter into

an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 and make application to the Registrar of Titles to have the agreement registered on the title of Lot 2 PS 534129 (or on a title agreed in writing by the Responsible Authority) under Section 181 of that Act to register the offset plan and ongoing maintenance requirements specified in this planning permit (2014/56) to satisfaction of the Responsible Authority.

The owner must pay the reasonable costs of the preparing, execution and registration of the Section 173 Agreement.

Planting within the tree buffer

- 36 Prior to the certification of Stage 1 a detailed tree planting plan for the 15 metre wide tree planting strip shown between the General Residential Zone and Lot No. 63 Farming Zone on the endorsed plan must be submitted to and approved by the Responsible Authority. The endorsed plan will then form part of this permit.
- 37 Prior to the issue of the Statement of Compliance for each stage of the subdivision, the above tree planting must be completed as relevant and approved for each stage. The tree planting shown on the endorsed plan must be maintained to the satisfaction of the Responsible Authority. Any dead deceased or damaged trees must be replaced within six (6) months with the same tree to the satisfaction of the Responsible Authority.

Landscaping

- 38 Prior to Certification of Stage 1 a Landscape Master Plan for the entire subdivision approved by this permit must be submitted to and approved by Responsible Authority.
- 39 Prior to the issue of the Statement of Compliance for each stage of the subdivision approved by this permit, detailed landscaping plans for each relevant stage must be submitted to and approved by the Responsible Authority. When approved the plan/s will be endorsed and then form part of the permit. The plan must be drawn to scale with dimensions. The plans must include:
 - Schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified.
 - The method of preparing, draining, watering (including an in ground irrigation system) and maintaining the landscape area;
 - Details of recreational facilities to be installed;
 - Details of surface finishes of pathways (including the proposed shared path on the Lake Boga foreshore);

- Landscaping and planting details for reserves;
- Cultural heritage management requirements as specified in the approved CHMP.

All species selected for planting must be in consultation with the Council's Natural Resource Management Unit.

- 40 Prior to the issue of a Statement of Compliance for each stage of the subdivision approved by this permit, all landscaping applicable to each stage including landscaping to the Reserves as shown in the endorsed plan must be carried out to the satisfaction of the Responsible Authority. Construction works on Reserves 1 and 3 must be developed in accordance with the recommendations of the Cultural Heritage Management Plan and approved landscape plan to the satisfaction of the Responsible Authority
- 41 Prior to the issue of the Statement Compliance for each stage of the subdivision approved by this permit, recreational facilities, if applicable, shown on the endorsed plan must be completed to the satisfaction of the Responsible Authority.

Construction Management Plan

- 42 Prior to certification of Stage 1 of the subdivision approved by this permit, a site construction and environmental management plan must be submitted to Council's Planning Department for approval to ensure the amenity of the surrounding neighbourhood and nearby streets are not affected by the construction, hours of construction works and vehicle movement to and from the subject land during and for construction. This plan once approved will form part of the planning permit. This plan must address the following points but not limited to:
- a) Maintenance of the existing gravel section of Hayes Road to ensure the existing level of safe access and the amenity are maintained during construction
 - b) Dust suppression method
 - c) Mitigation of mud on roads/dirty roads
 - d) Treatment of potentially contaminated site run-off
 - e) Waste management of construction materials
 - f) Mitigation of noise pollution during construction
 - g) Hours of construction works
 - h) Installation of temporary signage indicating increased construction traffic on Hayes Road and the location of these signage

The site construction and environmental management must be at all times complied with and undertaken in accordance with the approved plan to the satisfaction of the Responsible Authority.

It is the responsibility of the permit holder to ensure that all contractors, sub-

contractors, workers, supervisors and others involve in construction are made aware of the endorsed site construction and environmental management plan and the above requirements.

- 43 The subdivision hereby permitted must be managed during construction 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
 - e) Spread of noxious weeds and other unwanted plants
- 44 All wastes and the remnants of solid waste materials used or produced on the site must be stored and removed from the site and disposed of in such a manner as to avoid any nuisance, pollution or offence to the satisfaction of the Responsible Authority.

Lower Murray Water Conditions

- 45 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Lower Murray Water pursuant to Section 8 of that Act.
- 46 The requirements of Lower Murray Water must be met, in regard to the provision of water supply and sewerage services to the land, including payment of all associated costs prior to the Corporation agreeing to the issue of a Statement of Compliance for each stage.
- 47 The holder of this permit or authorised agent must meet Lower Murray Water's requirements regarding easements in favour of the Lower Murray Urban and Rural Water Corporation prior to the submission of any plan of subdivision for Certification for each Stage of the development.
- 48 The Developer or authorised agent must supply Lower Murray Water with design plans of the raw water network to be installed to service the development.
- 49 The Developer or authorised agent must supply Lower Murray Water with a copy of the approved and signed Engineering Plan, which has been endorsed for construction, prior to the commencement of construction of each stage of development.
- 50 The Sub-divider/Developer or authorised agent must supply Lower Murray Water with a copy of the final services layout plan (Co-ordination plan), which has been fully signed by Council and all relevant service authorities, prior to the commencement of construction of works for each Stage of the development.

- 51 The development must be serviced by a modified sewerage system approved by Lower Murray Water which includes an on-site pumping stations owned, operated (including running costs), maintained and if necessary replaced by the owners of the individual titles.
- 52 Prior to the issue of a Statement of Compliance for Stage 1 the owner must enter into an Agreement with the Responsible Authority and Lower Murray Water made pursuant to Section 173 of the Planning and Environment Act 1987. As per Section 174, the Agreement must be under seal and must bind the owner to the following covenant which also must be specified in the Agreement:-
- a) No title shall be subdivided into smaller allotments without the approval of Lower Murray Urban & Rural Water Corporation;
 - b) The Lower Murray Water water main which transverses the land must be incorporated into the Hayes Road road reserve, this may be completed in stages as the development progresses providing easements are created in favour of Lower Murray Urban and Rural Water Corporation for any bridging piece installed, connecting the existing water main to the relocated water main inside the Hayes Road road reserve. All costs associated with the water main relocation must be met by the Developer;
 - c) Recognition by the owner that the lot created, when connection to sewerage is required, will be subject to a modified or "non-conventional" sewerage system;
 - d) That such modified system will include an obligation on the land owner to install a pump mechanism within the relevant allotment;
 - e) A requirement to provide to Lower Murray Water, before any works relating to the sewerage connection occur, plans to the satisfaction of Lower Murray Water of the proposed pump station and all related assets and connections;
 - f) That the land owner will be responsible for the purchase, installation, ongoing maintenance and any replacement of the individual property pump stations and related infrastructure;
 - g) That the individual pump stations will be operated at the cost of the landowner, including all costs of electricity or any other maintenance or operational cost;
 - h) That normal wastewater tariffs will apply.

The land owner must pay the costs of Lower Murray Water associated with the preparation, negotiation, execution and if necessary, enforcement of such agreement.

The relevant agreement must be registered on titles to the land (including individual lots created).

The Responsible Authority must make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act.

The owner must pay the cost of the preparation, execution and registration of the Section 173 Agreement.

Powercor Conditions

53 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Powercor in accordance with Section 8 of that Act.

54 The applicant shall:

- Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electrical substation (other than a pole mounted type) is required to service the subdivision.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated power lines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of caveat prior to the registration of the plan of subdivision.

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land for any new power lines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. The easements shall show on the plan easement(s) in favour of "Powercor Australia Ltd" for "Power line Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easements(s) for power lines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a power line and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Country Fire Authority Conditions

Hydrants VC46 clause 56.09-3

55 Prior to certification of each stage of the subdivision approved by this permit, the following must be complied with:

- Operable hydrants, above or below ground must be provided to the satisfaction of the CFA.
- The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority website (www.cfa.vic.gov.au).

Roads VC49 clause 56.06-7

56 Prior to certification of each stage the subdivision approved by this permit, following must be complied with:

- Roads must be constructed to a standard so that they are accessible in all

weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- Constructed roads with a minimum trafficable width of 7.3m if parking unrestricted, 5.4m if parking prohibited on one side of road or 3.5m if parking is prohibited on both sides.
- Constructed roads including common property access roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

OR

If the above standard CFA requirements are unable to be met, the owner must enter into an agreement with CFA under section 173 of the Planning and Environment Act 1987:

- a) Provide a plan of subdivision showing the standard conditions coverage of hydrants to each lot by the way of cross hatching the area
- b) In the event that the owner is to construct a habitable dwelling, or any part of habitable dwelling, outside of the area shown cross-hatched on the plan annexed hereto marked 'CFA', which is the extent of the zone accessible by the CFA's standard fire fighting facilities [i.e within a 120 metre hose reach (standard lay) distance from existing fire plugs provided within the subdivision] the owner shall either seek the consent of the CFA in respect of the siting of the habitable dwelling or, in the alternative install a CFA approved Non-Reticulated Water Supply with the following conditions:
 - A minimum of 10,000 litres of onsite static storage must be provided on the allotment, maintained solely for fire fighting
 - Access road must be a minimum of width of 4 metres with a vertical clearance of 4 metres and have a construction to support GVM 15 ton in all weather
 - The water supply must be within 60 metres of the outer edge of the dwelling (including obstructions)
 - Adequate access for fire brigade vehicles must be provided to within 4 metres of the tank outlet
 - The water supply should be readily identifiable from the dwelling, or appropriate signage must point to the water supply
 - A tank outlet point:
 - Must provide at least one 75mm diameter Full bore. Valve and Storz coupling to CFA's specifications
 - All below ground water pipelines must be installed to the following depths:

- Subject to vehicle traffic – 300mm
- Under houses or concrete slabs – 75mm
- All other locations – 225mm
- All fixed above ground pipelines and fittings, including water supply, must be constructed of non-rust materials and protected from the effect of heat.

This Agreement must be registered on title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable cost of the preparation, execution and registration of the Section 173 Agreement.

VicRoads Conditions

- 57 Prior to the issue of a Statement of Compliance beyond any 34 lots from the subdivision, the following intersection works on the Murray Valley Highway at Hayes Lane intersection must be designed, constructed and sealed (Hayes Road must be sealed to a minimum up to the property boundary line) including all line marking and signs related to the intersection to a standard acceptable to and at no cost to VicRoads;
- a) Hayes Road must be realigned to form a cross road with Bael Bael Road.
 - b) A3.5 metre wide Basic Left Turn Treatment (BAL) or an Auxiliary Left Turn Treatment AUL(S) in lieu of the BAL treatment on the Murray Valley Highway at the Hayes Road intersection in accordance with the 2009 edition of the Austroads publication, "Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections"
 - c) A 3.5 metre wide Short Channelised Right Turn Lane (CHR(S)) on the Murray Valley Highway at the Hayes Road intersection in accordance with the 2009 edition of the Austroads publication, "Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections"

Goulburn Murray Water Conditions

- 58 The development on the plans submitted with the application must not be altered without the written consent of Goulburn Murray Water (GMW) if the proposed amendments directly affect a GMW water asset or management area.
- 59 Before any works commence on the banks of the foreshore of Lake Boga, detailed plans must be submitted to and approved in writing by GMW .The detailed plans must include the dimensions and structure of the walkway, erosion barriers, landscaping including the access barrier from the adjoining lots.
- 60 The works on the walking track must be completed to the full extent of the

stage of the subdivision fronting Lake Boga prior to the issue of the Statement of Compliance for that Stage. The works will be funded by the applicant and not at any cost to GMW.

- 61 No works are to be carried out on GMW owned or managed land without a GMW Works Approval.
- 62 The stormwater discharge rate and discharge disposal point from the development must be approved by GMW prior to the commencement of works.
- 63 All drainage works must be approved by GMW and carried out in accordance with the report prepared by Heil engineering Consultants and prepared in accordance with the principles described in "Urban Stormwater: Best Practice Environmental Management Guidelines" (Victorian Stormwater Committee 1999)
- 64 Vehicle crossings into each lot must be constructed in a manner that does not affect the function of the swale drain within the road reserve
- 65 The plan of subdivision must clearly indicate building exclusion zones to the satisfaction of GMW on any stage of the plan submitted for Certification
- 66 The boundary of each lot with Lake Boga frontage must be fenced with an access barrier which allows pedestrian only access to the foreshore/walking track area. No access for vehicles or vessels is to be permitted. The fencing or barrier must be installed prior to the issue of the Statement of Compliance for that stage.
- 67 The applicant and /or Council must enter a licensing agreement for the maintenance and occupation of the walking track area along the foreshore of Lake Boga
- 68 Reticulated water, sewerage and electricity must be provided to each lot shown on the plan of subdivision
- 69 Prior to the commencement of works on stage 7 of the subdivision the applicant, Council and Goulburn Murray Water must enter a cost sharing agreement for the upgrade of the Hayes Road bridge for the difference in costs between a single lane and dual lane bridge.
- 70 All construction activities must follow sediment control principles outlined in "Construction Techniques for Sediment Pollution Control" (EPA 1991)

North Central Catchment Management Authority Conditions

- 71 All new allotments must be filled to a minimum of 600 millimetres above the 1% AEP flood level of 70.3 metres AHD, i.e. no lower than 70.9 metres AHD. Prior to issuing a statement of compliance a certified survey plan of the finished

surface levels must be submitted to the responsible authority and North Central CMA for its approval.

Timing of stages

72 Within three (3) months of the certification of Stage 1, the owner/ permit holder must submit a plan with the anticipated timelines for the certification of the subsequent stages of the subdivision approved by this permit to the Responsible Authority. This plan and the estimated timelines for certification of each stage will be endorsed to form part of this permit.

Permit Expiry

73 This permit will expire if one of the following circumstances applies:

- a) The plan of subdivision for Stage 1 is not certified within **two years** of the date of this permit;
- b) The plan of subdivision for Stages 2, 3, 4, 5, 6 and 7 are not certified within the timelines endorsed as per the above '**Timing of stages**' condition of this permit;
- c) The registration of the subdivision of each stage is not completed within **five years** of the date of certification of each stage of the plan of subdivision.

The responsible authority may extend the permit if the plan is not certified within two years of the date of the permit and a request is made in writing before the permit expires, or within six months afterwards.

If a request is made outside of the above time, the responsible authority cannot consider the request and the holder of this permit cannot apply to VCAT for a review of this matter.

NOTES FROM THE RESPONSIBLE AUTHORITY:

- a) Shared trenching of reticulated services should be provided where possible.
- b) All works carried out within the road reserve associated with this approval require a "Consent to the Conduct of Proposed Work on a Road" from the Responsible Authority. The developer must obtain this consent prior to the commencement of works. A financial penalty under the Council's Local Laws will be imposed for non-compliance with this condition.

Note Council no longer implement street tree themes that incorporate 'Frazinus pennsylvanica' (Claret Ash) and 'Melia azedarach' Cedar due to the maintenance issues they cause to road infrastructure when mature. Ensure suitable qualified person has addressed tree selection criteria.

NOTES FROM LOWER MURRAY WATER:

Urban Water Supply

- a) The land west of the Corporation's water main is inside the Corporation's Urban Water District. The land east of the Corporation's water main is outside of the Corporation's urban water district and an extension to the district will be required as part of this development.
- b) The provision of water supply to all allotments is a requirement of subdivision. New Customer Contributions for water will be payable for each new allotment created.
- c) Augmentation works may be required to the existing Lake Boga water reticulation network due to the increased demand and AHD of the land to be developed in future stages.

Sewerage

- a) The land is located outside the Corporation's Sewerage District. An extension to the Sewerage District will be required as part of this development.
- b) A sewerage connection point will be required to be installed to service each allotment created, including the existing dwellings owned by Cutri and Pye.
- c) New Customer Contributions for sewer will be payable for each new allotment created as part of this development including the existing dwelling owned by Pye.

General

- a) The installation of water and sewerage infrastructure to service the development must be completed under Developer Design & Construct Agreement with the Corporation including the payment of all associated fees and charges
- b) The sub-divider is required to pay the Urban Subdivision Processing fee.
- c) All other requirements must be met prior to the Corporation consenting to Certification and agreeing to the issue of a "Statement of Compliance".

NOTES FROM POWERCOR:

- a) It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).
- b) Prospective purchasers of lots in this subdivision should contact Powercor

Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

NOTES FROM NORTH CENTRAL CMA:

- a) Flood levels for the 1% AEP probability (100 year ARI) have not been determined for this area under the Water Act 1989. The full supply level of Lake Boga is 69.5 metres to Australian Height Datum. The water level in Lake Boga can reach 70.3 AHD at which point the lake overtops and flows into the Avoca outfall to the north of Lake Boga.
- b) In accordance with Section 66 of the Planning and Environment Act 1987, please provide a copy of the outcome of this proposal to the Authority for our records.

NOTES FROM GOULBURN MURRAY WATER:

- a) Application must be made to Goulburn-Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be constructed on a waterway as defined under the Water Act 1989. For further information, the applicant should contact Goulburn-Murray Water 1800 013 357 and request to be directed to the relevant Diversions Area.

NOTES FROM VICROADS:

- a) The proponent must comply with the Road Management Act 2004, Road Management (Works and Infrastructure) Regulations 2005 and the Road Management (General) Regulations 2005 with respect to any requirements to notify VicRoads and/or seek consent from VicRoads to undertake "work" (as defined in the Act) in, over or under the road reserve.

6/15 Motion

MOVED Cr McPhee

That Council issue a Planning Permit for a staged subdivision, removal of native vegetation, removal of a restriction (Section 173 Agreement), creation and removal of easements and works in a Road Zone Category 1 in accordance with the endorsed plans, subject to the conditions listed in this report for land located at 85 Hayes Road, Lake Boga.

GENERAL PLANNING CONDITIONS

Amended Plans

- 1 Prior to the certification of the subdivision approved by this permit, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan(s) will be endorsed and will then form part of the permit. The plan(s) must be generally in accordance with those submitted as part of the original application, but modified to include:
 - a) A 20 metre wide road reserve (proposed extension of Hayes Road);
 - b) Designated areas for future bus shelters near the Reserve No. 4 on both sides of the proposed Hays Road;
 - c) The public car park part of Reserve No. 4 to be sealed in accordance with condition No. 31;
 - d) A landscape master plan for the entire subdivision as per condition No. 38;
 - e) Details of the proposed 15m wide tree plantation within the 20m wide buffer on proposed lot 63;
 - f) Traffic calming measures to be implemented at appropriate sections along the proposed Hayes Road;
 - g) Reserve No. 1 to be included in Stage 1.

All the above to the satisfaction of the Responsible Authority.

- 2 The Plan of Certification for Stage 1 must separate the Lot No. 63 (the Farming Zone land) from the General Residential Zone land.

Layout not to be altered

- 3 The layout of the subdivision as shown on the endorsed plan must not be altered without the prior written consent of the Responsible Authority.
- 4 No works other than earth works associated with land forming for the subdivision are permitted prior to the certification of Stage 1 unless otherwise agreed in writing by the Responsible Authority.

Staging

- 5 All stages of the subdivision as approved by this permit must be undertaken in accordance with the endorsed plan and within the time as specified in this permit, unless otherwise agreed to in writing by the Responsible Authority.

Subdivision conditions

- 6 The owner of the land (the permit holder) 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.

- 7 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.
- 8 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.
- 9 The owner of the land (the permit holder) must enter into an agreement with:
 - a) 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
 - b) 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.
- 10 Prior to the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land (permit holder) must provide written confirmation from:
 - a) 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
 - b) 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.

Section 173 Agreement

- 11 Prior to the issue of the Statement of Compliance of respective stages approved by this subdivision the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to include agreements on lots that are deemed appropriate by the Responsible Authority in writing at the Certification Stage for the following:
 - a) A 20 metre buffer is maintained within the proposed Lot No. 63 (the

- remainder lot within the Farming Zone Land)
- b) Within the above 20 metre buffer a 15 metre wide tree planting with a minimum of three rows trees must be established as per the endorsed plan and to the requirements of the relevant condition contained in this permit to the satisfaction of the Responsible Authority.
- c) Lots abutting Lot 1 PS 534129S (one on each side) must be not less than 1800sqm in size and must be abutting the entire length of the north and south sides of Lot 1 PS 534129S.

This Agreement must be registered on title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable cost of the preparation, execution and registration of the Section 173 Agreement.

ENGINEERING CONDITIONS

- 12 Prior to Certification of stage 1 of subdivision approved by this permit, a Drainage Master Plan must be submitted to Council's Engineering Department for consideration. Once approved this plan will be endorsed and will form part of this permit. This plan must include an operational plan for the proposed bio-retention area and must detail the following:
 - a) the types of plants used in the bio-retention area;
 - b) the maintenance and re-planting schedule for the area to ensure continual water treatment;
 - c) proposals for testing of the discharge to ensure water quality requirements are being achieved. Council may request that continual testing of the water quality is undertaken by the owner's corporation to ensure the quality of the discharge water, this may be required depending on GMW discharge requirements;and be to the satisfaction of the Responsible Authority.
- 13 Prior to certification of each subsequent stage detailed drainage plans in line with the Drainage Master Plan must be submitted to Council's Engineering Department for review. Once approved this plan will be endorsed and will then form part of this permit. The plans must be drawn to Scale and should be in accordance with Council's Infrastructure Design Manual and include:
 - a) How the Land will be drained and subsequent levels on assets such as swales.
 - b) Underground pipe sizes, and gradients.
 - c) Measures to enhance storm water discharge quality from the site.
 - d) Documentation of approval of legal point of discharge and the relevant discharge rate.
 - e) The provision of gross pollutant and Litter traps installed at important outfall points to ensure no polluted or silted water enters Council's storm water system.
 - f) Swales shall be connected between driveways using appropriately sized

culverts (Reinforced Concrete);

and be to the satisfaction of the Responsible Authority.

- 14 Each allotment must be serviced by a storm water discharge point within the bounds of the property. These must discharge to the underground drainage network as appropriate to the specific property's location, to the satisfaction of the Responsible Authority.
- 15 Prior to issue of Statement of Compliance for each stage of the subdivision, all drainage works required by the approved drainage plan must be completed to the satisfaction of the Responsible Authority. Prior to acceptance of works the developer must show/prove that all piped systems are free of silt or will clean the pipes prior to acceptance of works to the satisfaction of the Responsible Authority.
- 16 Prior to certification of each stage of the subdivision detailed construction plans must be submitted to Council's Engineering Department for consideration. Once approved this plan will be endorsed and will then form part of this permit. The plans must include:
 - a) A two coat spray seal surface with kerb types as approved in the IDM SD100.
 - b) Concrete path along the one side of Hayes Road;
 - c) A plan showing areas of fill in excess of 300mm;
 - d) Any retaining walls or erosion control structures;
 - e) Showing cross over locations and levels;
 - f) Showing street tree planting locations;
 - g) Showing cross-sectional dimensions, longitudinal dimensions, levels and gradients;
 - h) Street lighting locations (Note that LED lights should be utilised).
- 17 Prior to issue of Statement of Compliance for each stage of the subdivision, all construction works required by the approved construction plans must be completed to the satisfaction of the Responsible Authority.
- 18 Prior to the issue of a Statement of Compliance for each stage of the subdivision, the relevant section of road reserve as shown on the endorsed construction plans must be transferred to Council and all road works are to be completed prior to the transfer to the satisfaction of the Responsible Authority.
- 19 Prior to the Statement of Compliance for stage 1 of the subdivision, the permit holder must upgrade or make payment in lieu of upgrade of the section of Hayes Road between the Murray Valley Highway to the start of the adjoining subdivision/subject land. Works are to include:
 - a) Supply of a construction design
 - b) Re-sheeting with 150mm of limestone material and widening of the

existing pavement to meet IDM standards for a Low Density Residential area road

- c) Signage on the associated bridge to indicate the traffic right of way.

Options for the construction of this section of road include the following:

- 1) Prior to Certification of stage 1 of the subdivision approved by this permit the applicant must enter into an agreement with the Responsible Authority to upgrade Hayes Road, this would be considered a payment in lieu of carrying out the upgrade. Should the applicant choose to make a payment in lieu of the upgrade, Council or Council's nominated contractor will carry out the works in the nearest construction period (October through to March);
- 2) The applicant may carry out the upgrade works. Council will enter into an agreement with the permit holder to ensure that the contribution is based on current traffic usage percentages and is paid towards the cost of the upgrade of the relevant section of Hayes Road.

20 Staging of development infrastructure:

- a) Footpaths must be constructed to each relevant stage of development;
- b) Staging of road construction and storm water drainage construction will be considered as part of the submission of detailed design;
- c) Kerb and channel and any relevant swale drains/urban storm water treatment facilities must be constructed on the road frontage to each relevant stage of development.

21 Prior to the issue of a Statement of Compliance for Stage 3 of the subdivision, car parking as shown on the endorsed plan must be constructed in accordance the car parking requirements and standards specified in clause 14 of Council's IDM including a minimum spray sealed surface.

22 Prior to Certification of stages 1, 2, 3 and 4 of the subdivision approved by this permit, temporary court bowls must be designed and constructed at the start of the adjoining stage for the abovementioned stages. The temporary court bowl may require an easement for access to the turning area. The entire court bowl shall be constructed to the same standard and composition as the road pavement. The temporary court bowl may remain as an unsealed surface. Council shall enter into an agreement with the developer for a bond for the cost of the works to complete the Court bowl. This bond value will be based on the cost to install kerb, remediate the surface, prime and asphalt the surface and maintain the existing surface until such time as the next stage is commenced. The bond agreement shall be made prior to statement of compliance of that stage. The excess road base material in the court bowl maybe re-used on site provided the excavated material is inspected and approved for re-use by Council's Representative.

- 23 Prior to the issue of the Statement of Compliance for the adjoining stages of the subdivision approved by this permit, the temporary court bowl constructed for the previous adjoining stage must be reinstated to allow the continuation of the new section of Hayes Road to the standard road as proposed to the satisfaction of the Responsible Authority.
- 24 Prior to the issue of a Statement of Compliance for each stage of the subdivision, all roads/streets (including footpaths, crossovers to each lot and street lighting, street furniture and street planting) relevant each stage must be fully constructed to the satisfaction of the Responsible Authority.
- 25 Prior to Statement of Compliance of Stage 1 a land exchange will be carried out to formally gazette the altered alignment of Hayes Road. During construction access must be maintained for existing residents at the end of Hayes Road. Prior to Statement of compliance of Stage 1 a rural type road similar to the existing gravel road will be constructed between the temporary court bowl and the existing residence at the end of Hayes Road.
- 26 Prior to commencement of construction of each stage a pre-start meeting shall be held between the developer, Council and the Contractor. At this stage hold points for inspection shall be identified and agreed upon to the satisfaction of the Responsible Authority.
- 27 Prior to the issue of a Statement of Compliance the applicant must pay to the Council an amount equivalent to 5% of the cost of the roads, drainage and hard landscaping and the calculated amount must be based on the Bill of Quantities. This amount is nominated to cover any maintenance works required but not completed within the maintenance period nominated by IDM clause 8.3.
- 28 Prior to the issue of certification of each stage of the subdivision, the applicant shall pay the responsible authority a supervision fee of 2.5% and a plan checking fee of 0.75% of the value of the assets and works to be taken over by Council.
- 29 Prior to the issue of a Statement of Compliance for each stage of the subdivision, approved by this permit, the foreshore shared path must be constructed as per the approved plans. This path will be of a concrete or asphalted surface and must comply with AS1428 Design for access and Mobility and to the satisfaction of the Responsible Authority.
- 30 Prior to the issue of a Statement of Compliance for each stage of the subdivision, approved by this permit, the foreshore shared path must be constructed as per the approved plan and to the satisfaction of the Responsible Authority.
- 31 Prior to the issue of a Statement of Compliance for Stage 3 of the subdivision, a spray sealed or asphalted parking area must be supplied in Reserve 4 as shown on the endorsed plans. The detailed plans of this area must be

submitted with stage 3 detailed plans for approval prior to commencement of construction. The car park must comply with AS2890.1.

32 Prior to Certification of Stage 7 of the subdivision approved by this permit, the permit holder must upgrade or make payment in lieu of upgrade of the one way bridge on Hayes Road accessing the subdivision. Works are to include:

- a) Construction of a two lane bridge or similar structure in the existing location to allow two way traffic flow.

Options for the construction of this section of road include the following:

- 1) Prior to certification of stage 7 the applicant must enter into an agreement to upgrade Hayes Road (Bridge section), this would be considered a payment in lieu of carrying out the upgrade. Should the applicant choose to make a payment in lieu of the upgrade, the interested parties (GMW and Council) will schedule the upgrade works;
- 2) The applicant may carry out the upgrade works in agreement with the asset owner and Council.

Native Vegetation

33 No native vegetation other than that are shown on the endorsed plan must be removed.

Native Vegetation Removal

34 Prior to the removal of the native vegetation (one tree) approved by this permit the permit holder must submit an Off-Set Management Plan to the Responsible Authority for approval. Offset requirements are as below:

Offset for 0.071 hectares of native vegetation with a strategic biodiversity score of 0.100 approved for removal as part of this permit, the applicant must provide for:

- Contribute gain of 0.002 general biodiversity equivalence units,
- Be located within the North Central Catchment Management Authority area or Swan Hill Rural City Council municipal district, and
- Have a minimum strategic biodiversity score of 0.100.

Offset evidence requirements are as below:

The permit holder must:

- a) Provide to the Responsible Authority, an Allocated Credit Extract issued by the Department of Environment and Primary Industries Native Vegetation Credit Register that satisfies the required offset, and/or

- b) Commence the management of an offset site in accordance with an offset plan endorsed by the Responsible Authority. The location of any native vegetation offset must not increase the bushfire risk to the proposed development or existing developments in the surrounding area. The offset plan must include:
- i) a description of the site, including a map of where the offset will be provided
 - ii) a schedule of the works required to achieve the offset over a 10-year period, detailing:
 - management actions to be performed (e.g. fencing, weed control, pest control, re-vegetation),
 - the person(s) responsible for implementing the specified management actions,
 - the timeline for the implementation of the management actions,
 - the method by which the management actions will be undertaken,
 - the standard to which the management actions will be undertaken.

When endorsed, the above plan will form part of this permit.

- 35 Prior to the removal of the native vegetation, the permit holder must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 and make application to the Registrar of Titles to have the agreement registered on the title of Lot 2 PS 534129 (or on a title agreed in writing by the Responsible Authority) under Section 181 of that Act to register the offset plan and ongoing maintenance requirements specified in this planning permit (2014/56) to satisfaction of the Responsible Authority.

The owner must pay the reasonable costs of the preparing, execution and registration of the Section 173 Agreement.

Planting within the tree buffer

- 36 Prior to the certification of Stage 1 a detailed tree planting plan for the 15 metre wide tree planting strip shown between the General Residential Zone and Lot No. 63 Farming Zone on the endorsed plan must be submitted to and approved by the Responsible Authority. The endorsed plan will then form part of this permit.
- 37 Prior to the issue of the Statement of Compliance for each stage of the subdivision, the above tree planting must be completed as relevant and approved for each stage. The tree planting shown on the endorsed plan must be maintained to the satisfaction of the Responsible Authority. Any dead deceased or damaged trees must be replaced within six (6) months with the

same tree to the satisfaction of the Responsible Authority.

Landscaping

- 38 Prior to Certification of Stage 1 a Landscape Master Plan for the entire subdivision approved by this permit must be submitted to and approved by Responsible Authority.
- 39 Prior to the issue of the Statement of Compliance for each stage of the subdivision approved by this permit, detailed landscaping plans for each relevant stage must be submitted to and approved by the Responsible Authority. When approved the plan/s will be endorsed and then form part of the permit. The plan must be drawn to scale with dimensions. The plans must include:
- Schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified.
 - The method of preparing, draining, watering (including an in ground irrigation system) and maintaining the landscape area;
 - Details of recreational facilities to be installed;
 - Details of surface finishes of pathways (including the proposed shared path on the Lake Boga foreshore);
 - Landscaping and planting details for reserves;
 - Cultural heritage management requirements as specified in the approved CHMP.

All species selected for planting must be in consultation with the Council's Natural Resource Management Unit.

- 40 Prior to the issue of a Statement of Compliance for each stage of the subdivision approved by this permit, all landscaping applicable to each stage including landscaping to the Reserves as shown in the endorsed plan must be carried out to the satisfaction of the Responsible Authority. Construction works on Reserves 1 and 3 must be developed in accordance with the recommendations of the Cultural Heritage Management Plan and approved landscape plan to the satisfaction of the Responsible Authority
- 41 Prior to the issue of the Statement Compliance for each stage of the subdivision approved by this permit, recreational facilities, if applicable, shown on the endorsed plan must be completed to the satisfaction of the Responsible Authority.

Construction Management Plan

- 42 Prior to certification of Stage 1 of the subdivision approved by this permit, a site

construction and environmental management plan must be submitted to Council's Planning Department for approval to ensure the amenity of the surrounding neighbourhood and nearby streets are not affected by the construction, hours of construction works and vehicle movement to and from the subject land during and for construction. This plan once approved will form part of the planning permit. This plan must address the following points but not limited to:

- a) Maintenance of the existing gravel section of Hayes Road to ensure the existing level of safe access and the amenity are maintained during construction
- b) Dust suppression method
- c) Mitigation of mud on roads/dirty roads
- d) Treatment of potentially contaminated site run-off
- e) Waste management of construction materials
- f) Mitigation of noise pollution during construction
- g) Hours of construction works
- h) Installation of temporary signage indicating increased construction traffic on Hayes Road and the location of these signage

The site construction and environmental management must be at all times complied with and undertaken in accordance with the approved plan to the satisfaction of the Responsible Authority.

It is the responsibility of the permit holder to ensure that all contractors, sub-contractors, workers, supervisors and others involve in construction are made aware of the endorsed site construction and environmental management plan and the above requirements.

- 43 The subdivision hereby permitted must be managed during construction 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
 - e) Spread of noxious weeds and other unwanted plants
- 44 All wastes and the remnants of solid waste materials used or produced on the site must be stored and removed from the site and disposed of in such a manner as to avoid any nuisance, pollution or offence to the satisfaction of the Responsible Authority.

Lower Murray Water Conditions

- 45 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Lower Murray Water pursuant to Section 8 of that Act.

- 46 The requirements of Lower Murray Water must be met, in regard to the provision of water supply and sewerage services to the land, including payment of all associated costs prior to the Corporation agreeing to the issue of a Statement of Compliance for each stage.
- 47 The holder of this permit or authorised agent must meet Lower Murray Water's requirements regarding easements in favour of the Lower Murray Urban and Rural Water Corporation prior to the submission of any plan of subdivision for Certification for each Stage of the development.
- 48 The Developer or authorised agent must supply Lower Murray Water with design plans of the raw water network to be installed to service the development.
- 49 The Developer or authorised agent must supply Lower Murray Water with a copy of the approved and signed Engineering Plan, which has been endorsed for construction, prior to the commencement of construction of each stage of development.
- 50 The Sub-divider/Developer or authorised agent must supply Lower Murray Water with a copy of the final services layout plan (Co-ordination plan), which has been fully signed by Council and all relevant service authorities, prior to the commencement of construction of works for each Stage of the development.
- 51 The development must be serviced by a modified sewerage system approved by Lower Murray Water which includes an on-site pumping stations owned, operated (including running costs), maintained and if necessary replaced by the owners of the individual titles.
- 52 Prior to the issue of a Statement of Compliance for Stage 1 the owner must enter into an Agreement with the Responsible Authority and Lower Murray Water made pursuant to Section 173 of the Planning and Environment Act 1987. As per Section 174, the Agreement must be under seal and must bind the owner to the following covenant which also must be specified in the Agreement:-
 - a) No title shall be subdivided into smaller allotments without the approval of Lower Murray Urban & Rural Water Corporation;
 - b) The Lower Murray Water water main which transverses the land must be incorporated into the Hayes Road road reserve, this may be completed in stages as the development progresses providing easements are created in favour of Lower Murray Urban and Rural Water Corporation for any bridging piece installed, connecting the existing water main to the relocated water main inside the Hayes Road road reserve. All costs associated with the water main relocation must be met by the Developer;

- c) Recognition by the owner that the lot created, when connection to sewerage is required, will be subject to a modified or “non-conventional” sewerage system;
- d) That such modified system will include an obligation on the land owner to install a pump mechanism within the relevant allotment;
- e) A requirement to provide to Lower Murray Water, before any works relating to the sewerage connection occur, plans to the satisfaction of Lower Murray Water of the proposed pump station and all related assets and connections;
- f) That the land owner will be responsible for the purchase, installation, ongoing maintenance and any replacement of the individual property pump stations and related infrastructure;
- g) That the individual pump stations will be operated at the cost of the landowner, including all costs of electricity or any other maintenance or operational cost;
- h) That normal wastewater tariffs will apply.

The land owner must pay the costs of Lower Murray Water associated with the preparation, negotiation, execution and if necessary, enforcement of such agreement.

The relevant agreement must be registered on titles to the land (including individual lots created).

The Responsible Authority must make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act.

The owner must pay the cost of the preparation, execution and registration of the Section 173 Agreement.

Powercor Conditions

- 53 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Powercor in accordance with Section 8 of that Act.
- 54 The applicant shall:
 - Provide an electricity supply to all lots in the subdivision in accordance with Powercor’s requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective

purchasers will be so informed.

- Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.
- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electrical substation (other than a pole mounted type) is required to service the subdivision.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated power lines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of caveat prior to the registration of the plan of subdivision.

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land for any new power lines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. The easements shall show on the plan easement(s) in favour of "Powercor Australia Ltd" for "Power line Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- Adjust the position of any existing easements(s) for power lines to accord with the position of the line(s) as determined by survey.
- Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a power line and for the construction of any works in such an area.
- Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

Country Fire Authority Conditions

Hydrants VC46 clause 56.09-3

55 Prior to certification of each stage of the subdivision approved by this permit, the following must be complied with:

- Operable hydrants, above or below ground must be provided to the satisfaction of the CFA.
- The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority website (www.cfa.vic.gov.au).

Roads VC49 clause 56.06-7

56 Prior to certification of each stage the subdivision approved by this permit, following must be complied with:

- Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- Constructed roads with a minimum trafficable width of 7.3m if parking unrestricted, 5.4m if parking prohibited on one side of road or 3.5m if parking is prohibited on both sides.
- Constructed roads including common property access roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

OR

If the above standard CFA requirements are unable be met, the owner must enter into an agreement with CFA under section 173 of the Planning and Environment Act 1987:

- b) Provide a plan of subdivision showing the standard conditions coverage of hydrants to each lot by the way of cross hatching the area

- b) In the event that the owner is to construct a habitable dwelling, or any part of habitable dwelling, outside of the area shown cross-hatched on the plan annexed hereto marked 'CFA', which is the extent of the zone accessible by the CFA's standard fire fighting facilities [i.e within a 120 metre hose reach (standard lay) distance from existing fire plugs provided within the subdivision] the owner shall either seek the consent of the CFA in respect of the siting of the habitable dwelling or, in the alternative install a CFA approved Non-Reticulated Water Supply with the following conditions:
- A minimum of 10,000 litres of onsite static storage must be provided on the allotment, maintained solely for fire fighting
 - Access road must be a minimum of width of 4 metres with a vertical clearance of 4 meters and have a construction to support GVM 15 ton in all weather
 - The water supply must be within 60 metres of the outer edge of the dwelling (including obstructions)
 - Adequate access for fire brigade vehicles must be provided to within 4 metres of the tank outlet
 - The water supply should be readily identifiable from the dwelling, or appropriate signage must point to the water supply
 - A tank outlet point:
 - Must provide at least one 75mm diameter Full bore. Valve and Storz coupling to CFA's specifications
 - All below ground water pipelines must be installed to the following depths:
 - Subject to vehicle traffic – 300mm
 - Under houses or concrete slabs – 75mm
 - All other locations – 225mm
 - All fixed above ground pipelines and fittings, including water supply, must be constructed of non-rust materials and protected from the effect of heat.

This Agreement must be registered on title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable cost of the preparation, execution and registration of the Section 173 Agreement.

VicRoads Conditions

- 57 Prior to the issue of a Statement of Compliance beyond any 34 lots from the subdivision, the following intersection works on the Murray Valley Highway at Hayes Lane intersection must be designed, constructed and sealed (Hayes Road must be sealed to a minimum up to the property boundary line) including all line marking and signs related to the intersection to a standard acceptable to and at no cost to VicRoads;

- a) Hayes Road must be realigned to form a cross road with Bael Bael Road.
- b) A3.5 metre wide Basic Left Turn Treatment (BAL) or an Auxiliary Left Turn Treatment AUL(S) in lieu of the BAL treatment on the Murray Valley Highway at the Hayes Road intersection in accordance with the 2009 edition of the Austroads publication, "Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections"
- c) A 3.5 metre wide Short Channelised Right Turn Lane (CHR(S)) on the Murray Valley Highway at the Hayes Road intersection in accordance with the 2009 edition of the Austroads publication, "Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections"

Goulburn Murray Water Conditions

- 58 The development on the plans submitted with the application must not be altered without the written consent of Goulburn Murray Water (GMW) if the proposed amendments directly affect a GMW water asset or management area.
- 59 Before any works commence on the banks of the foreshore of Lake Boga, detailed plans must be submitted to and approved in writing by GMW .The detailed plans must include the dimensions and structure of the walkway, erosion barriers, landscaping including the access barrier from the adjoining lots.
- 60 The works on the walking track must be completed to the full extent of the stage of the subdivision fronting Lake Boga prior to the issue of the Statement of Compliance for that Stage. The works will be funded by the applicant and not at any cost to GMW.
- 61 No works are to be carried out on GMW owned or managed land without a GMW Works Approval.
- 62 The stormwater discharge rate and discharge disposal point from the development must be approved by GMW prior to the commencement of works.
- 63 All drainage works must be approved by GMW and carried out in accordance with the report prepared by Heil engineering Consultants and prepared in accordance with the principles described in "Urban Stormwater: Best Practice Environmental Management Guidelines" (Victorian Stormwater Committee 1999)
- 64 Vehicle crossings into each lot must be constructed in a manner that does not affect the function of the swale drain within the road reserve
- 65 The plan of subdivision must clearly indicate building exclusion zones to the satisfaction of GMW on any stage of the plan submitted for Certification

- 66 The boundary of each lot with Lake Boga frontage must be fenced with an access barrier which allows pedestrian only access to the foreshore/walking track area. No access for vehicles or vessels is to be permitted. The fencing or barrier must be installed prior to the issue of the Statement of Compliance for that stage.
- 67 The applicant and /or Council must enter a licensing agreement for the maintenance and occupation of the walking track area along the foreshore of Lake Boga
- 68 Reticulated water, sewerage and electricity must be provided to each lot shown on the plan of subdivision
- 69 Prior to the commencement of works on stage 7 of the subdivision the applicant, Council and Goulburn Murray Water must enter a cost sharing agreement for the upgrade of the Hayes Road bridge for the difference in costs between a single lane and dual lane bridge.
- 70 All construction activities must follow sediment control principles outlined in "Construction Techniques for Sediment Pollution Control" (EPA 1991)

North Central Catchment Management Authority Conditions

- 71 All new allotments must be filled to a minimum of 600 millimetres above the 1% AEP flood level of 70.3 metres AHD, i.e. no lower than 70.9 metres AHD. Prior to issuing a statement of compliance a certified survey plan of the finished surface levels must be submitted to the responsible authority and North Central CMA for its approval.

Timing of stages

- 72 Within three (3) months of the certification of Stage 1, the owner/ permit holder must submit a plan with the anticipated timelines for the certification of the subsequent stages of the subdivision approved by this permit to the Responsible Authority. This plan and the estimated timelines for certification of each stage will be endorsed to form part of this permit.

Permit Expiry

- 73 This permit will expire if one of the following circumstances applies:
- a) The plan of subdivision for Stage 1 is not certified within **two years** of the date of this permit;
 - b) The plan of subdivision for Stages 2, 3, 4, 5, 6 and 7 are not certified within the timelines endorsed as per the above '**Timing of stages**' condition of this permit;
 - c) The registration of the subdivision of each stage is not completed within **five years** of the date of certification of each stage of the plan of

subdivision.

The responsible authority may extend the permit if the plan is not certified within two years of the date of the permit and a request is made in writing before the permit expires, or within six months afterwards.

If a request is made outside of the above time, the responsible authority cannot consider the request and the holder of this permit cannot apply to VCAT for a review of this matter.

NOTES FROM THE RESPONSIBLE AUTHORITY:

- a) Shared trenching of reticulated services should be provided where possible.
- b) All works carried out within the road reserve associated with this approval require a "Consent to the Conduct of Proposed Work on a Road" from the Responsible Authority. The developer must obtain this consent prior to the commencement of works. A financial penalty under the Council's Local Laws will be imposed for non-compliance with this condition.

Note Council no longer implement street tree themes that incorporate 'Frazinus pennsylvanica' (Claret Ash) and 'Melia azedarach' Cedar due to the maintenance issues they cause to road infrastructure when mature. Ensure suitable qualified person has addressed tree selection criteria.

NOTES FROM LOWER MURRAY WATER:

Urban Water Supply

- a) The land west of the Corporation's water main is inside the Corporation's Urban Water District. The land east of the Corporation's water main is outside of the Corporation's urban water district and an extension to the district will be required as part of this development.
- b) The provision of water supply to all allotments is a requirement of subdivision. New Customer Contributions for water will be payable for each new allotment created.
- c) Augmentation works may be required to the existing Lake Boga water reticulation network due to the increased demand and AHD of the land to be developed in future stages.

Sewerage

- a) The land is located outside the Corporation's Sewerage District. An extension to the Sewerage District will be required as part of this development.

SECTION B - REPORTS

19 May 2015

- b) A sewerage connection point will be required to be installed to service each allotment created, including the existing dwellings owned by Cutri and Pye.
- c) New Customer Contributions for sewer will be payable for each new allotment created as part of this development including the existing dwelling owned by Pye.

General

- a) The installation of water and sewerage infrastructure to service the development must be completed under Developer Design & Construct Agreement with the Corporation including the payment of all associated fees and charges
- b) The sub-divider is required to pay the Urban Subdivision Processing fee.
- c) All other requirements must be met prior to the Corporation consenting to Certification and agreeing to the issue of a "Statement of Compliance".

NOTES FROM POWERCOR:

- a) It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).
- b) Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

NOTES FROM NORTH CENTRAL CMA:

- a) Flood levels for the 1% AEP probability (100 year ARI) have not been determined for this area under the Water Act 1989. The full supply level of Lake Boga is 69.5 metres to Australian Height Datum. The water level in Lake Boga can reach 70.3 AHD at which point the lake overtops and flows into the Avoca outfall to the north of Lake Boga.
- b) In accordance with Section 66 of the Planning and Environment Act 1987, please provide a copy of the outcome of this proposal to the Authority for our records.

NOTES FROM GOULBURN MURRAY WATER:

- a) Application must be made to Goulburn-Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be constructed on a waterway as defined under the Water Act 1989. For further information, the applicant should contact Goulburn-Murray Water 1800 013 357 and request to be directed to the relevant Diversions Area.

NOTES FROM VICROADS:

- a) The proponent must comply with the Road Management Act 2004, Road Management (Works and Infrastructure) Regulations 2005 and the Road Management (General) Regulations 2005 with respect to any requirements to notify VicRoads and/or seek consent from VicRoads to undertake “work” (as defined in the Act) in, over or under the road reserve.

SECONDED Cr Cruickshank

The Motion was put and CARRIED



FOR DISCUSSION PURPOSES ONLY – DO NOT ENDORSE



• Urban Design • Project Management •
 Infrastructure Design • Construction Administration
 Swan Hill (VIC) 3585 AUSTRALIA
 Darwin Grove (VIC) 3106 AUSTRALIA
 P. 03 58337188 www.heilconsultants.com.au

W & J PYE
 PROPOSED RESIDENTIAL DEVELOPMENT
 85 Hayes Road, Lake Boga

LOT LAYOUT AND STAGING PLAN

REVISION NO. F
 0 15 30 60
 Scale 1:1500 (A1)

B.15.32 GOULBURN-MURRAY WATER CONNECTIONS PROJECT REQUEST FOR SUPPORT FOR MINISTERIAL AMENDMENT

Responsible Officer:	Director Development and Planning
File Number:	73-02-10
Attachments:	1 Goulburn-Murray Water Connections Project Incorporated Document, June 2015
	2 Map of the Goulburn-Murray Water Connections Project area

Declarations of Interest:

Brett Luxford - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Goulburn-Murray Water Connections and Modernisation Project (**GMWCP**) is the continuation of the former Northern Victoria Irrigation Renewal Project (**NVIRP**). GMWCP involves seven municipalities ((Swan Hill, Gannawarra, Loddon, Campaspe, Moira, Greater Shepparton and Greater Bendigo). Phase 2 of the project involves irrigation connections including on farm, and river connections works, which requires planning permits under various zones, overlays and other provisions of respective planning schemes.

As such, Goulburn-Murray Water (**GMW**) is preparing to approach the Minister for Planning for a Ministerial amendment to exempt planning requirements for works related to GMWCP. The amendment will replace the existing schedules to Clause 52.03 (Specific Sites and Exclusions) and Clause 81.01 (Documents Incorporated in this Scheme) with a revised Incorporated Document.

Prior to seeking the approval from the Minister for the above amendment, GMW is seeking support from participating Councils for their approach.

Discussion

Project overview

GMWCP extends across seven municipalities between Yarrawonga in the east to Nyah in the west. The project commenced in 2007 as NVIRP which was developed in two phases:

- Phase 1 - Automation of the Backbone System
- Phase 2 – Connections including On Farm, and River Connections

Phase 1 has been managed by a combination of Ministerial planning scheme amendments, including the insertion of an Incorporated Document into the above-mentioned planning schemes. Phase 2, most of which are on private land, involves the implementation of the connection works.

However, the current Incorporated Document (incorporated in 2012) specifically notes that there are further works to be undertaken by private landowners and their contractors as part of the project. These works are not permitted by the current Incorporated Document. An analysis of the zones, overlays and other provisions of the seven planning schemes indicate that there are thousands of planning triggers across the project area. The proposed amendment seeks to manage these works through the implementation of a new Incorporated Document into these planning schemes.

What the amendment does

A single GC planning scheme amendment is considered the most appropriate mechanism by which the GMWCP could be approved under the provisions of the *Planning and Environment Act 1987*. The use of this mechanism would have the effect of exempting the project from all of the provisions of the planning schemes in accordance with the specific conditions contained within the Incorporated Document without further planning approvals being required.

The conditions of the current approved Incorporated Document are not proposed to be changed significantly. The revised Incorporated Document includes:

- minor changes to the description of works to which the control does not apply, to reflect the updated character of the Project;
- minor amendments to the description of land (as well as the corresponding map) to include land adjoining the channels for the purposes of this Project;
- a new note providing clear guidance that Incorporated Document does not negate the need to comply with other legislative requirements;
- administrative changes due to departmental restructures and policy changes; and
- a new requirement for the provision of a program of works to be provided in advance to each Council.

Benefits of the amendment include:

- ability to create uniform controls across the Goulburn Murray Irrigation District (**GMID**);
- ability to significantly reduce administrative burden on Councils, by removing the need to address hundreds of individual planning permit triggers through the planning system;
- higher likelihood of achieving holistic environmental outcomes, and
- timely delivery of overall project approval.

Amendment process

Section 20(4) of the *Planning and Environment Act 1987* allows the Minister, in the interests of Victoria, to prepare, adopt and approve a planning scheme amendment without public notification. GMW proposes that the Minister uses this process (as it was done in 2012 for the previous amendment) to facilitate the approval of the amendment. This will ensure consistency across the difference phases of the project.

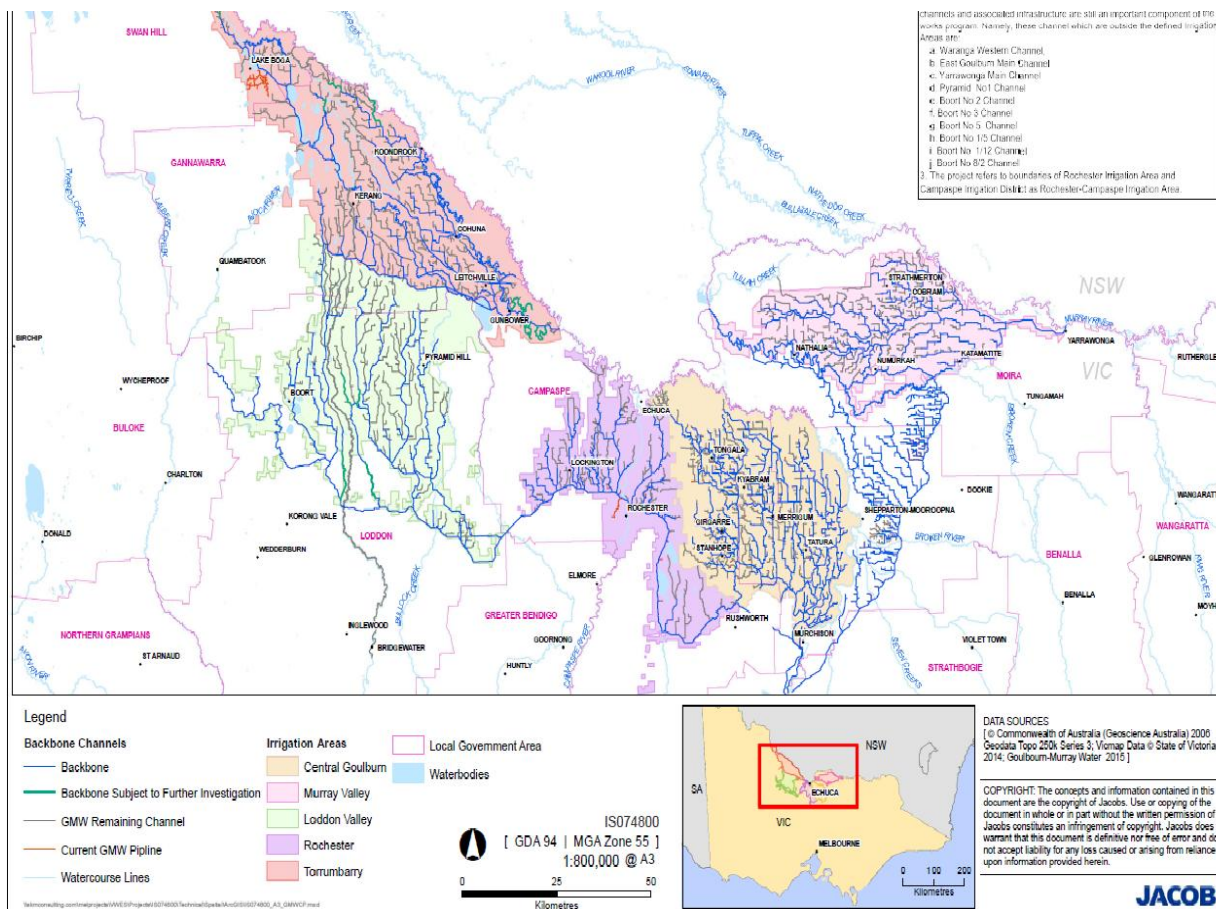
Land affected by the amendment

The amendment affects land in the Shire of Moira, City of Greater Shepparton, City of Greater Bendigo, Shire of Loddon, Shire of Gannawarra, Shire of Campaspe and Rural City of Swan Hill. The amendment includes land within the irrigation districts of Murray Valley, Central Goulburn, Loddon Valley, Rochester-Campaspe, Torrumbarry and Shepparton and associated channels and adjoining land as described in the '*Goulburn-Murray Water Connections Project Incorporated Document, June 2015*' (attached).

The description of land in the previous approved Incorporated Document, (as well as the corresponding map) has been amended slightly to include land adjoining the channels for the purposes of this project. Additionally, an administration change has been made to the name of one of the irrigation districts, where the previously named Pyramid-Boort Irrigation District is now known as the Loddon Valley Irrigation District.

The following map shows the areas affected by GMWCP within the participating municipalities including areas within the Rural City of Swan Hill (a PDF map is attached).

1.



2. Source: Goulburn Murray Water Authority

Other approvals required

The GMWCP is also subject to a range of other legislation. A note is contained in the revised Incorporated Document noting the need to consider other legislative requirements including (but not limited to):

- *Aboriginal Heritage Act 2006*
- *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*
- *Road Management Act 2004*
- *Local Government 1988*

Consultation

GMW continues to undertake stakeholder and community engagement associated with the GMWCP. This has included:

- customer meetings;

- communication through newsletters;
- media releases; and
- other stakeholder engagement with industry groups e.g. Dairy Australia

In addition, an Agency Liaison Group (ALG) for the Project has been meeting since 2009. At the meeting held on 4 February 2015, GMW has introduced the alternative delivery model for connections works and proposed planning scheme amendment. GMW will continue to engage with agencies throughout the preparation of the amendment documentation, as well as for the duration of the project.

GMW continues to develop its stakeholder and communication strategy. A review of Stakeholder Engagement and Communications for the development of a Project Communications Plan for 2015 is underway with 8 individual Communication Plans currently being developed or updated for the Special Project Communications Plans, to reflect current status and Project needs.

The Communications Action Plan is due for mid-year review.

Financial Implications

The preparation of the planning scheme amendment is being funded by GMW. There will be no costs to Council in amending the scheme.

There will be a beneficial impact on the administrative costs of the Council. Approval of the amendment will ensure that the processing of planning permit applications will not be required. This will significantly reduce the administrative burden on councils when assessing permit applications and with regard to farm businesses preparing individual permit applications.

Social Implications

There are no known negative social implications of the project.

Economic Implications

The project is creating jobs for local residents and businesses, injecting much-needed economic support into local communities and helping to create long-term business growth.

A 2008 report, undertaken by Deloitte, found that Stage 1 of the irrigation renewal project will inject about \$381 million into the regional economy and create more than 680 new jobs. The connections works program aims to work with customers to tailor individual supply arrangements most suited to their business. In some cases, rationalisation and modernisation of delivery system assets will necessitate changes to farm type from irrigation to dryland agriculture. The modernisation of the irrigation infrastructure will help boost resilience from natural variation and help to future proof the industry.

Under the revised delivery model, GMW will facilitate these works. Where landowners wish to manage the works themselves, financial incentives will be provided by GMW. However, private landowners undertaking works (and their contractors) will not be subject to the proposed Incorporated Document, and will have to obtain all relevant approvals themselves.

Environmental Implications

The purpose of the GMWCP is to provide improvements to irrigation system efficiency to respond to climate change and drought, and to enable the delivery additional water for the environment. The water savings accruing to the environment are anticipated to be up to 279GL on average each year, with up to 75GL being delivered in Stage 1 and up to 204GL in Stage 2. The amendment requires works to be managed in accordance with the conditions as earlier determined by the Minister for Planning.

The Project has established and implemented a Construction Environment Management Framework (CEMF). The CEMF contains the overarching environmental management commitments and native flora and fauna, offsetting and cultural heritage strategies. The Connections Protocol is a subsidiary CEMF and outlines the key environmental responsibilities and processes for works to be completed by Landholders (and their Contractors). Any significant and/or noteworthy amendments to the CEMF require Ministerial approval (as set out in the CEMF). The Environmental Management Plan (EMP) is the operational document applicable to construction managed by the GMW Connections Project and its Contractors. The EMP is aligned with the CEMF documents and any significant and/or noteworthy amendments to the EMP require Secretarial approval prior to implementation.

The EMP details the site assessment and other relevant environmental planning and site management measures. These are developed in line with current policy settings (i.e. native vegetation management) and in consultation with relevant Department of Environment Land Water and Planning.

Additionally GMW has an agreement in place with Yorta-Yorta Nation Aboriginal Corporation (YYN) in which the GMW Connections Project serves as custodian. The agreements sets out the consultation and engagement requirements between YYN and GMW (including GMW Connections Project and its Contractors) in relation to GMW operational and construction activities.

Risk Management Implications

There are no known risks by this amendment. The Incorporated Document contains conditions that have to be met by landowners and their contractors.

Council Plan Strategy Addressed

Governance and Leadership - Effective partnerships and relationships with key stakeholders.

Recommendations

That Council:

- 1. Note that Goulburn-Murray Water is seeking a GC Ministerial amendment to facilitate the Phase 2 of the Goulburn Murray Water Connections and Modernisation Project.**
- 2. Note that for the above-mentioned purpose Goulburn Murray Water is to request the Minister for Planning to amend the Swan Hill Planning Scheme without public notification pursuant to Section 20 of the *Planning and Environment Act 1987*.**
- 3. Note that the above-mentioned amendment of the Swan Hill Planning Scheme will replace the Schedules to Clause 52.03 (Specific Sites and Exclusions) and Clause 81.01 (Documents Incorporated in this Scheme) to include a revised Incorporated Document, and**
- 4. Provide written support to Goulburn-Murray Water for the above-mentioned Ministerial amendment to the Swan Hill Planning Scheme.**

7/15 Motion

MOVED Cr Katis

That Council:

- 1. Note that Goulburn-Murray Water is seeking a GC Ministerial amendment to facilitate the Phase 2 of the Goulburn Murray Water Connections and Modernisation Project.**
- 2. Note that for the above-mentioned purpose Goulburn Murray Water is to request the Minister for Planning to amend the Swan Hill Planning Scheme without public notification pursuant to Section 20 of the *Planning and Environment Act 1987*.**
- 3. Note that the above-mentioned amendment of the Swan Hill Planning Scheme will replace the Schedules to Clause 52.03 (Specific Sites and**

Exclusions) and Clause 81.01 (Documents Incorporated in this Scheme) to include a revised Incorporated Document, and

- 4. Provide written support to Goulburn-Murray Water for the above-mentioned Ministerial amendment to the Swan Hill Planning Scheme.**

SECONDED Cr Norton

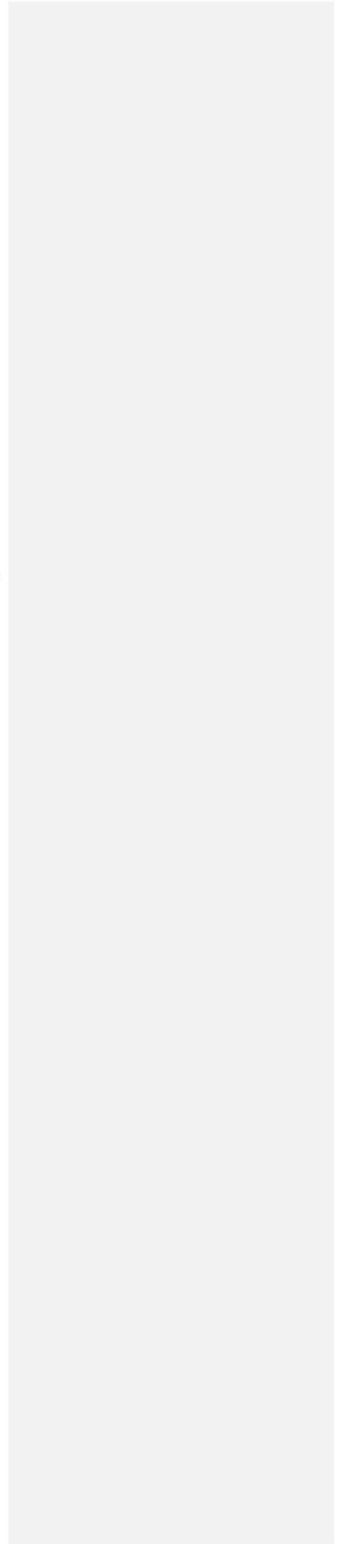
The Motion was put and CARRIED

Goulburn-Murray Water Connections Project – Incorporated Document

Incorporated document pursuant to section 6(2)(j) of the Planning and Environment Act 1987

June 2015

DRAFT



1 Introduction

This document is an incorporated document in the Moira, Greater Shepparton, Greater Bendigo, Loddon, Campaspe, Gannawarra and Swan Hill Planning Schemes pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in this document may be used and developed in accordance with the specific control in the document.

2 Purpose

The purpose of the specific control is to allow the use and development of land for the purpose of irrigation modernisation works to be undertaken by or on behalf of the Goulburn-Murray Rural Water Corporation (**Goulburn-Murray Water**).

3 The Project

This document applies to use and development of land undertaken by or on behalf of Goulburn-Murray Water for the purposes of the project known as the Goulburn-Murray Water Connections Project (**the Project**), which is the irrigation infrastructure modernisation project for the Goulburn-Murray Irrigation District. Under the Project, the Victorian Government, in conjunction with the Commonwealth and local irrigators, is investing \$2 billion to upgrade Northern Victoria's irrigation infrastructure. The upgrade will improve water delivery management and irrigation services, and recover much of the water now being lost through leaks, evaporation and system inefficiencies.

The goal of the Project is to save 225GL of water over Stage 1 of the implementation of the Project and 204GL of water in Stage 2, by reducing water losses in the irrigation delivery system through renewal, rationalisation, and decommissioning of irrigation infrastructure.

The Project includes, but is not limited to, the following components to be undertaken by or on behalf of Goulburn-Murray Water for both capital, on farm and associated works:

- Automation of regulators on major (backbone) irrigation channels.
- Replacement, upgrading or removal of meters.
- Remediation and lining of backbone channels to reduce leakage and seepage.
- Decommissioning of channels.
- New pump stations, pipelines or channels
- River connections.
- Replacement or upgrading of regulators or regulator gates.

- Reconfiguration of landowner connection points including connections and associated on farm works.
- Construction of access works to site for construction and maintenance.
- Any use and development ancillary to the above.

Works undertaken by Goulburn-Murray Water and their contractors on behalf of private landowners, as part of the Project, are subject to these controls.

4 Land

The specific control in this document applies to the following land:

- a) The irrigation districts of Murray Valley, Central Goulburn, Loddon Valley, Rochester-Campaspe, Torrumbarry and Shepparton as declared pursuant to Part 6A of the *Water Act 1989*; and
- b) The Waranga Western Channel, Channel, Pyramid No1 Channel, Boort No 2 Channel, Boort No 3 Channel, Boort No 5 Channel, Boort No 1/5 Channel, Boort No 8/2 Channel, Boort No 1/12 Channel East Goulburn Main Channel and Yarrawonga Main Channel and land adjoining those channels that is either owned by the Goulburn- Murray Water Corporation, is subject to irrigation easement or is public or freehold land required for the purposes for the project.

The land in paragraph (a) is shown on the drawing entitled “*Goulburn-Murray Water – Connections and Modernisation Project, Works Program*” which is attached to and forms part of this document. The land in paragraph (b) is shown indicatively on this drawing. For the avoidance of doubt, this document supersedes the previous Incorporated Documents dated May 2009 and June 2012.

The land specified in this clause is referred to as the “Project Area” in this document.

5 Control

The specific control in the document prevails over any inconsistent provision in the Moira, Greater Shepparton, Campaspe, Greater Bendigo, Loddon, Gannawarra or Swan Hill Planning Schemes.

Works undertaken by Goulburn-Murray Water and their contractors on behalf of private landowners, as part of the Project, are subject to these controls.

However, the control does not apply to connection works and on farm works undertaken by private landowners, or their agents or contractors, whether or not undertaken by agreement with Goulburn-Murray Water or the former State Owned Enterprise for Irrigation Modernisation in Northern Victoria.

Subject to that limitation, no planning permit is required to undertake the following use or development of land within the Project Area to implement the Project:

- Use and develop land for a Utility Installation including a Minor Utility Installation.
- Activities ancillary to the use and development of land for the purposes of a Utility installation and Minor utility installation, including but not limited to the creation of access roads, radio communication towers, provision for car parking, erection of temporary structures and materials storage.
- Remove, destroy, prune or lop native and non-native vegetation.
- Erect fencing.
- Demolish structures.
- Undertake earthworks to create access roads, bunds, borrow pits, mounds, wetlands and otherwise to excavate land, salvage artefacts and alter drainage;
- Create or alter access to a road in a Road Zone – Category 1.

The conditions in clauses 6.1 to 6.4 of this document must be met.

6 Conditions

6.1 Environmental Management Framework

Environmental Management Framework

Before any native vegetation is removed or any works on a natural waterway or wetland are constructed or carried out, an Environmental Management Framework must be prepared to the satisfaction of the Minister for Planning.

The approved Environmental Management Framework may be amended to the satisfaction of the Minister for Planning.

The Environmental Management Framework must include, but is not limited to, all matters listed in condition 1 of the Minister for Planning's decision under the Environment Effects Act 1978 in relation to the Project, save for any matter relating to connection works by landowners and their contractors, which are matters to which this control does not apply.

Environmental Management Plan

Before any native vegetation is removed or any works on a natural waterway or wetland are constructed or carried out, an Environmental Management Plan must be prepared to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning .

An approved Environmental Management Plan may be amended to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.

The Environmental Management Plan must be in accordance with the approved Environmental Management Framework.

The Environmental Management Plan must include compliance with *Permitted Clearing of Native Vegetation Biodiversity Assessment Guidelines*.

Implementation

The Environmental Management Framework and Environmental Management Plan must be implemented to the satisfaction of the Minister for Planning.

Definition of terms

For the avoidance of doubt, the meaning of the term “waterway” is as defined in section 3 of the *Water Act 1989*.

6.2 Catchment Management Authority Consent

the consent of the relevant Catchment Management Authority must be obtained prior to the commencement of any new use, buildings and works within the following zones and overlays:

- Urban Floodway Zone
- Floodway Overlay
- Land Subject to Inundation Overlay
- Salinity Management Overlay.

6.3 Heritage

Where any building or place within the Project Area is identified in a schedule to the Heritage Overlay in the Scheme but is not a heritage place under the Heritage Act 1995, the prior written consent of the Minister for Planning is required prior for any action which, but for this control, would have required a planning permit. The Minister will have regard to the nature of the protection afforded to that place.

Any request for the Minister’s consent under this provision must be accompanied by a report by a suitably qualified heritage adviser.

A copy of any such consent must be forwarded to the relevant responsible authority.

6.4 Compatibility with public purpose

The consent of the public land manager or the acquiring authority must be obtained prior to the commencement of any new use or buildings and works, or any removal, destruction or lopping of vegetation within a Public Land Zone or a Public Acquisition Overlay which, but for this control, would have required a planning permit.

7 Provision of documents

A copy of the environmental management framework must be provided, for information to each responsible authority for the planning schemes into which this document is incorporated.

A copy of an approved Environmental Management Plan and Offset Management Plan must be given for information to each responsible authority for the planning schemes into which this document is incorporated if the Plan relates to the area affected by that Planning Scheme.

Ongoing provision of a programme of works must be made to each responsible authority for the planning schemes into which this document is incorporated.

8 Expiry

This control expires on 30 June 2020.

Comment [LC1]: To be confirmed

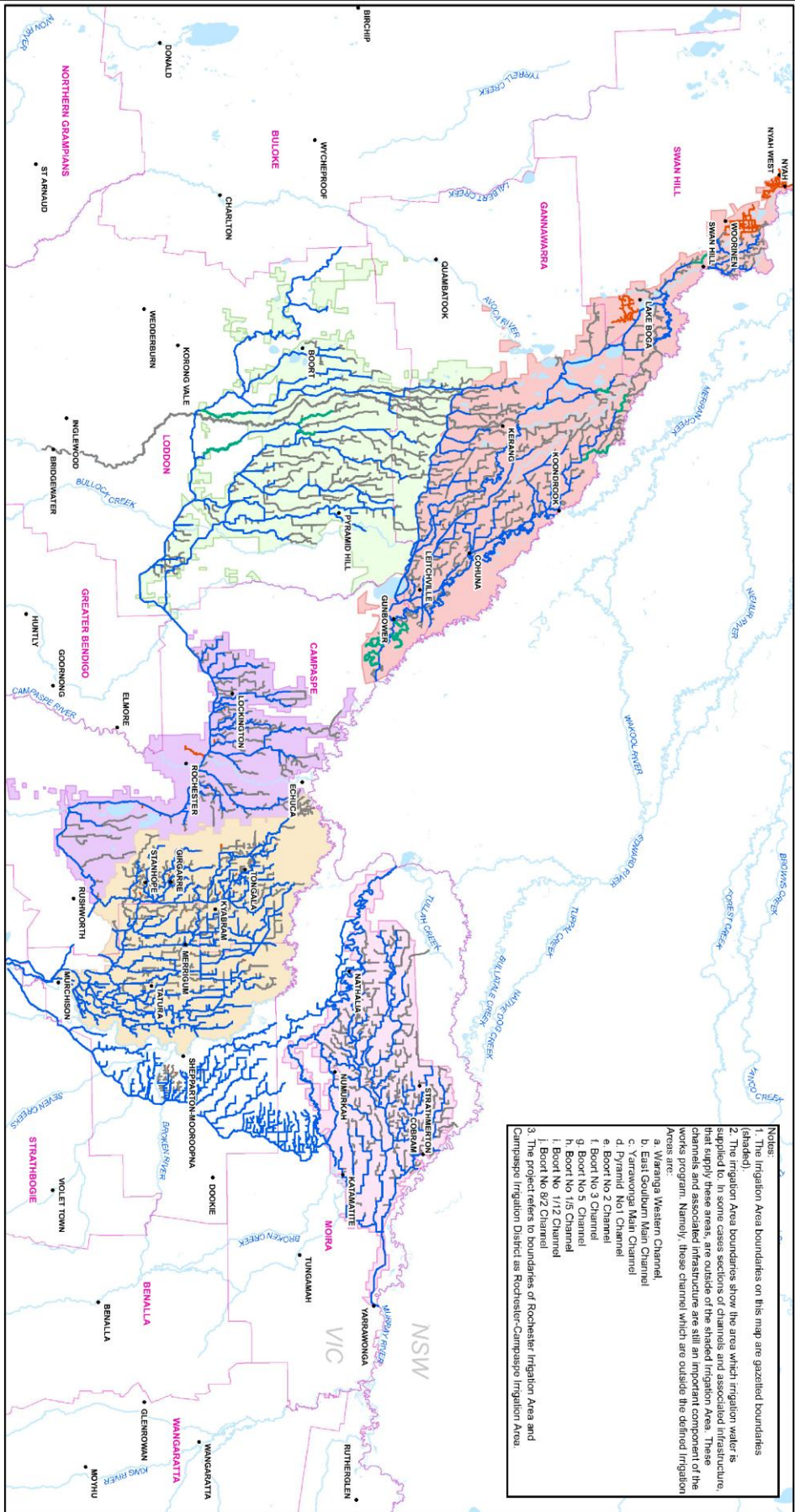
9 Notes

This document:

- c) only relates to the provision of the Moira, Greater Shepparton, Campaspe, Greater Bendigo, Loddon, Gannawarra and Swan Hill Planning Schemes. It does not negate the need to comply with other legislative requirements, for example (but not limited to) the *Aboriginal Heritage Act 2006*, *Road Management Act 2004*, *Water Act 1989*, or *Catchment Land Protection Act 1994*.
- d) supersedes the 'Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire, August 2010' incorporated document and any other inconsistent provision in the Moira, Greater Shepparton, Campaspe, Greater Bendigo, Loddon, Gannawarra and Swan Hill Planning Schemes.

Goulburn-Murray Water - Connections Project

Works Program



- Notes:**
1. The Irrigation Area boundaries on this map are gazetted boundaries (shaded).
 2. The Irrigation Area boundaries show the area which irrigation water is supplied to. In some cases sections of channels and associated infrastructure that supply these areas, are outside the shaded Irrigation Area. These channels and associated infrastructure are still an important component of the works program. Namely, these channels which are outside the defined Irrigation Areas are:
 - a. Warragamba Western Channel
 - b. East Goulburn Main Channel
 - c. Yarrawonga Main Channel
 - d. Pyramid No 1 Channel
 - e. Pyramid No 2 Channel
 - f. Pyramid No 3 Channel
 - g. Pyramid No 4 Channel
 - h. Pyramid No 5 Channel
 - i. Pyramid No 7/5 Channel
 - j. Pyramid No 8/2 Channel
 3. The project refers to boundaries of Rochester-Campaspe Irrigation Area and Campaspe Irrigation District (as Rochester-Campaspe Irrigation Area).

Legend

Backbone Channels

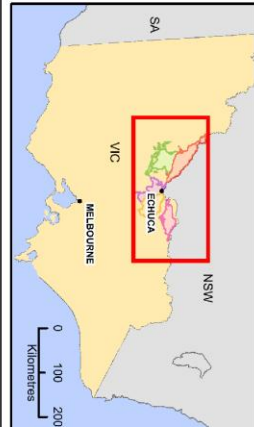
- Backbone
- Backbone Subject to Further Investigation
- GMW Remaining Channel
- Current GMW Pipeline
- Watercourse Lines

Irrigation Areas

- Central Goulburn
- Murray Valley
- Loddon Valley
- Rochester
- Torrumbury
- Local Government Area
- Waterbodies

IS074800
[GDA 94 | MGA Zone 55]
1:800,000 @ A3

0 25 50
Kilometres



DATA SOURCES

© Commonwealth of Australia (Geoscience Australia) 2006
 [Goulburn-Murray Water 2015]
 2014; Goulburn-Murray Water 2015]

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JACOBS

B.15.33 POLICY REVIEW – DEPUTY MAYOR POSITION POLICY

Responsible Officer: Chief Executive Officer
File Number: 22-42-00
Attachments: 1 Deputy Mayor Position Policy

Declarations of Interest:

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The Deputy Mayor Policy has been reviewed in accordance with its set review period.

Discussion

The Deputy Mayor Policy provides guidelines for the appointment and role of the Deputy Mayor and applies to all Councillors.

The review has resulted in no change to the intent of the policy.

Consultation

Nil.

Financial Implications

The position of Deputy Mayor is not recognised by the Local Government Act as a position that attracts an allowance. As such, the Deputy Mayor shall receive the Councillor allowance as set by Council in accordance with the Act.

Social Implications

Nil.

Economic Implications

Nil.

Environmental Implications

Nil.

Risk Management Implications

Nil

Council Plan Strategy Addressed

Governance and Leadership - Effective and efficient utilisation of resources.

Recommendation

That Council adopt the Deputy Mayor Position Policy as presented.

8/15 Motion

MOVED Cr Norton

That Council adopt the Deputy Mayor Position Policy as presented.

SECONDED Cr Katis

The Motion was put and CARRIED

POLICY TITLE DEPUTY MAYOR POSITION POLICY

POLICY NUMBER POL/GOV006

PURPOSE

The purpose of this policy is to establish the position of Deputy Mayor.

SCOPE

This policy applies to all Councillors.

POLICY

The position of Deputy Mayor is necessary to facilitate the smooth and uninterrupted civic, statutory and policy-making functions of Council in the absence of the Mayor.

Any Councillor may nominate for the position of Deputy Mayor.

Immediately following the election of Mayor, Council will elect a Deputy Mayor.

RELATED POLICIES

Nil

RELATED LEGISLATION

Nil

Signed: _____ **Mayor** **Date:** _____

PROCEDURE TITLE **DEPUTY MAYOR POSITION PROCEDURE**

PROCEDURE NUMBER **PRO/GOV006P**

ENABLING POLICY/DIRECTIVE

DEPUTY MAYOR POSITION POLICY – POL/GOV006

ENABLING LEGISLATION

Nil

PURPOSE

The purpose of this procedure is to establish guidelines for the appointment and role of the Deputy Mayor.

SCOPE

This procedure applies to all Councillors.

PROCEDURE

The process of election of the position of Deputy Mayor shall be the same as the election of the mayor, as set in Swan Hill Rural City Council Local Law No. 1 Meeting Procedures, Part 3. The first Statutory Meeting following Council election has the right to over ride policy.

Activation of Position

The Deputy Mayor may be required to stand in for the Mayor during any absence of the Mayor due to illness, multiple engagements, or periods of leave. Council will determine whether to continue with the role of Deputy Mayor.

Remuneration

The position of Deputy Mayor is not recognised by the Local Government Act as a position that attracts an allowance. As such the Deputy Mayor shall receive the ordinary Councillor allowance as set by Council in accordance with the Act.

Other Support

The Deputy Mayor shall receive appropriate support from the organisation, in accordance with the Councillor Expense Reimbursement and Support Policy, or as otherwise determined by Council.

Signed: _____ **CEO** **Date:** _____

B.15.34 ROADSIDE MEMORIALS POLICY REVIEW

Responsible Officer: Director Infrastructure
File Number: 84-08-00
Attachments: 1 Roadside Memorials Policy

Declarations of Interest:

David Leahy - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Council's Roadside Memorials Policy is due for review. The review process to date has resulted in a minor change to the Policy.

The Policy now states that Council reserves the right to remove any memorials that are likely to cause a public safety risk or are deemed inappropriate.

Discussion

Council has a range of policies that guide how the Council operates to deliver services and its dealings with the community. These policies are periodically reviewed to ensure that they are still applicable.

The purpose of this Policy is to outline the conditions under which roadside memorials can be erected on local roads.

Consultation

All members of the Leadership Team have reviewed the Policy. The Policy was also presented at a Councillor Assembly.

Financial Implications

The costs associated with any removals of memorials deemed to be inappropriate or a safety risk will be met by Council.

Social Implications

In recognition of community members who wish to mark the location of a fatal crash on the local road network by the establishment of a roadside memorial, Council will deal sensitively with requests, but will not encourage their placement.

Economic Implications

Nil.

Environmental Implications

Nil

Risk Management Implications

The Policy dictates that memorials must be located in a position where it will not distract drivers' attention or interfere with the role of any traffic control item, must be located in a position where it will not be hazardous to passing traffic or prevent appropriate maintenance of the road reserve and must be constructed of material or installed in a way that will not cause injury if struck by a vehicle.

Council Plan Strategy Addressed

Governance and Leadership - Positive community engagement and inclusiveness.

Recommendation

That Council adopt the Roadside Memorials Policy as presented.

9/15 Motion

MOVED Cr McPhee

That Council adopt the Roadside Memorials Policy as presented.

SECONDED Cr Kiley

The Motion was put and CARRIED

POLICY TITLE ROADSIDE MEMORIALS

POLICY NUMBER POL/INFRA508

PURPOSE

The purpose of this Policy is to outline the conditions under which roadside memorials can be erected on local roads.

A roadside memorial is any object constructed, erected or placed on the road or within the road reserve to commemorate/indicate a road fatality. Memorials may include items such as wooden crosses, coloured posts, flowers or any type of construction with or without plaques or inscriptions.

SCOPE

This Policy applies to members of the public who wish to erect roadside memorials. Applications must be made prior to the memorial being erected.

POLICY

In recognition of community members who wish to mark the location of a fatal crash on the local road network by the establishment of a roadside memorial, Council will deal sensitively with requests, but will not encourage their placement.

Council reserves the right to remove any memorials that are likely to cause a public safety risk or are deemed inappropriate.

RELATED POLICIES/DOCUMENTS

Nil

RELATED LEGISLATION

Victorian Charter of Human Rights and Responsibilities Act 2006

Signed: _____ **Mayor** **Date:** _____

B.15.35 ASSET NAMING POLICY REVIEW

Responsible Officer: Director Infrastructure
File Number: 22-42-00
Attachments: 1 Asset Naming Policy

Declarations of Interest:

David Leahy - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

Council's Asset Naming Policy is due for review. The review process to date has resulted in no changes to the intent of the Policy.

Discussion

This policy provides clear guidelines for the naming of Council's assets including roads, streets, reserves, open space and other Council facilities in the Municipality.

Consultation

All members of the Leadership Team have reviewed the Policy. The Policy was also presented at a Councillor Assembly.

Financial Implications

As assets are named or renamed, there is a minimal cost associated with the purchase of new signs and their installation. The average street name sign cost approximately \$100 installed.

Social Implications

The naming of assets provides an avenue for community recognition of people who have contributed to the shaping of the various communities.

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Governance and Leadership - Positive community engagement and inclusiveness.

Recommendation

That Council adopt the Asset Naming Policy as presented.

10/15 Motion

MOVED Cr Cruickshank

That Council adopt the Asset Naming Policy as presented.

SECONDED Cr McPhee

The Motion was put and CARRIED

POLICY TITLE ASSET NAMING

POLICY NUMBER POL/INFRA500

PURPOSE

This policy provides clear guidelines for the naming of Council's assets including roads, streets, reserves, open space and other Council facilities in the Municipality.

SCOPE

Applicable to roads, streets, reserves, open space and other Council facilities in the Swan Hill Rural City Council Municipality.

POLICY

Council will have an Asset Naming Committee chaired by the Deputy Mayor, and will include the Robinvale Ward Councillor. The committee will also include a community member from the Swan Hill Genealogical & Historical Society, Council's Director Infrastructure, Planning Officer, Technical Officer, and Assistant Revenue Officer who will act as the secretary for the committee.

The committee will meet annually and as required. The committee will consider all requests for asset naming in accordance with the Asset Naming Procedure.

Each member of the committee will be entitled to vote on all issues brought before the Asset Naming Committee. The committee must have a minimum of 4 members present for a meeting to occur (quorum), of which at least one must be a councillor.

The committee will have a master list of names that it should consult when considering the naming of assets.

Council will advertise annually to allow the public to submit names to be included on the list.

RELATED POLICIES/DOCUMENTS

Nil

RELATED LEGISLATION

Victorian Charter of Human Rights and Responsibilities Act 2006

Geographic Place Names Act 1998

Signed: _____ **Mayor** **Date:** _____

**B.15.36 PART ROAD CLOSURE –
NIEMANN ROAD PARISH OF TYNTYNDER, ADJOINING PC372268**

Responsible Officer: Director Infrastructure
File Number: 84-04-02
Attachments: 1 Niemann Road map

Declarations of Interest:

David Leahy - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

A request has been received from Department of Environment, Land, Water and Planning (DELWP) for closure of a government road.

Discussion

The Department has received an application from the adjoining landowner to purchase the government road shown coloured blue on the attached plan. This is an unused section of road and landowners hold a current Crown land tenure.

It would be practicable to extend the road closure further to the north shown coloured orange on the attached plan; to include this section of road in the closure so an isolated section of road does not remain.

These road segments will be closed under Section 349 Land Act 1958 and sold to the adjoining landowners.

Council consent is requested for the closure of road by DELWP.

Consultation

Consultation and sale of land will be carried out by DELWP in accordance with Section 349 of the Land Act 1958.

Financial Implications

As this section of road is not constructed and remains unused, Council and the public will not be disadvantaged in anyway.

Council Plan Strategy Addressed

Built and Natural Environment - Infrastructure that is provided and appropriately maintained in accordance with agreed standards.

Options

1. Allow DELWP to close road segments and sell to adjoining landowners.
2. Retain road status.

Recommendation

That Council allow DELWP to close road segments under section 349 under the Land Act 1958 and sell to adjoining land owners.

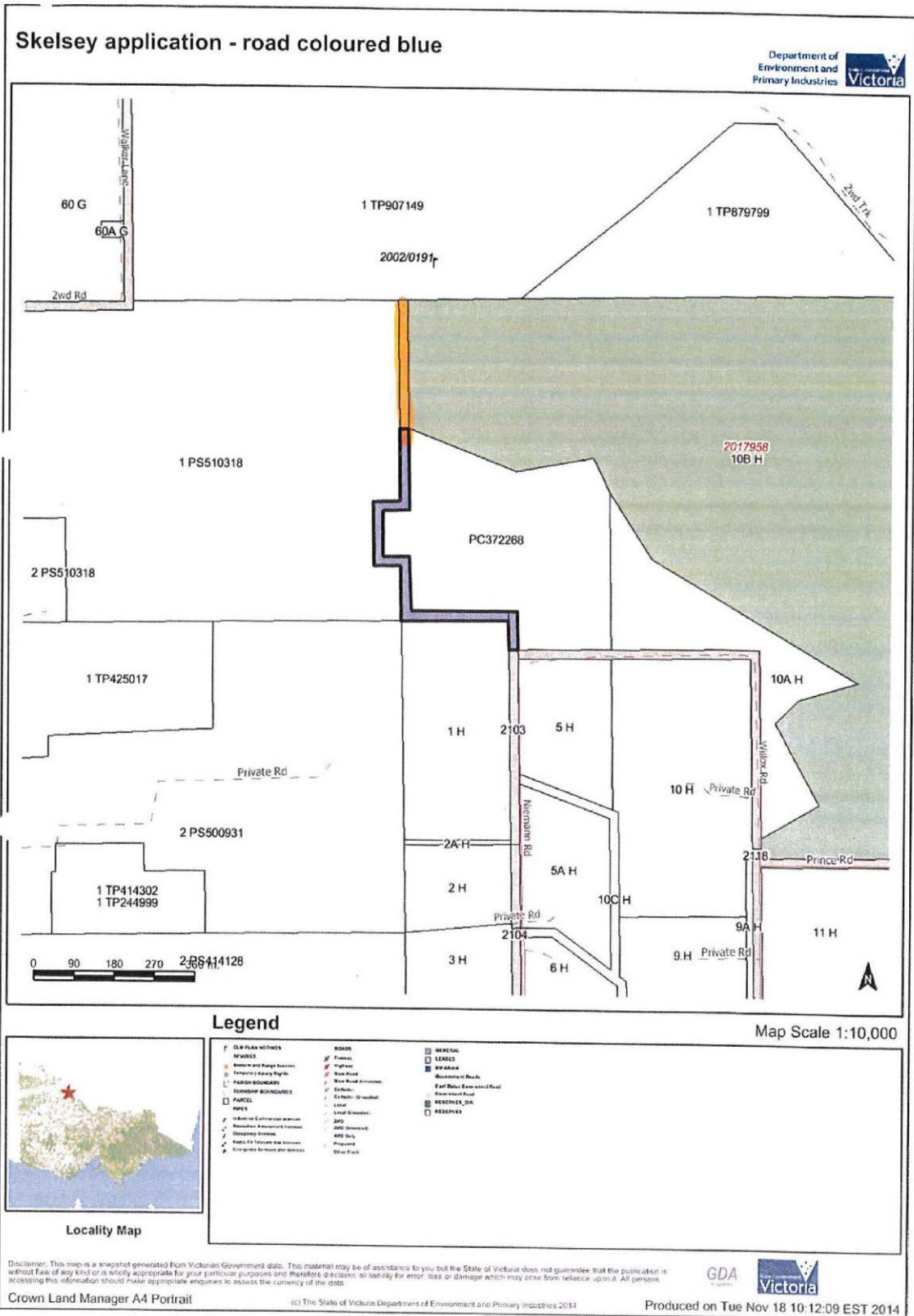
11/15 Motion

MOVED Cr McPhee

That Council allow DELWP to close road segments under section 349 under the Land Act 1958 and sell to adjoining land owners.

SECONDED Cr Katis

The Motion was put and CARRIED



B.15.37 QUARTERLY REVIEW OF FINANCIAL PERFORMANCE AND FINANCIAL POSITION TO 31 MARCH 2015

Responsible Officer: Director Corporate Services
File Number: 42-20-00
Attachments: 1 Statement of Income & Expenditure ending 31-3-15
 2 Summarised Balance Sheet as at 31-3-15

Declarations of Interest:

David Lenton - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

A review of Council's Financial Performance (income and expenditure) and Financial Position (balance sheet) to the adopted Budget for the nine months to 31 March 2015 has been conducted and the results are summarised in this report.

Discussion

A summarised Statement of Income and Expenditure and a summarised Balance Sheet for the nine months ended 31 March 2015 are included with this report.

Major variations to budget as at 31 March 2015 are explained by way of notes on the attached report.

The forecast result is expected to be better than budget. The predicted surplus assumes that Major Projects and Capital Works during the last three months of the financial year will be within budget.

Significant forecast variations to budget include:

	Current Forecast Variances		Previous Forecast Variances	
Rates	\$48,500	Favourable	\$48,500	Favourable
Grants Commission	\$25,600	Favourable	\$25,600	Favourable
Grants expected 2013/14, received 2014/15	\$193,700	Favourable	\$193,700	Favourable
Loans Budgeted 2013/14, taken-up 2014/15	\$3,500,000	Favourable	\$3,500,000	Favourable
Rates Discount	\$20,000	Favourable	\$21,200	Favourable
Interest on Rates and Investments	\$97,000	Unfavourable	\$35,000	Unfavourable
Loan Interest and Repayment	\$120,000	Favourable	\$40,000	Favourable
Pioneer Settlement Results (net)	\$144,500	Unfavourable	\$51,000	Unfavourable
Maternal & Child Health Grant	\$20,000	Unfavourable	\$20,000	Unfavourable
Insurance (net)	\$115,000	Favourable	\$90,300	Favourable

SECTION B - REPORTS

19 May 2015

Land Sales Deferred to 2015/16	\$105,000	Unfavourable	-	-
Building Permit Income	\$35,000	Unfavourable	-	-
Youth Support Rental Income	\$21,600	Unfavourable	-	-
Construction of Office in Indoor Sports Stadium (net)	\$10,000	Unfavourable	-	-
Pioneer Settlement Redevelopment Grant deferred to 15/16	\$1,347,350	Unfavourable	-	-
Livestock Exchange Income (Net)	\$54,000	Favourable	\$74,000	Favourable
Public Lighting conversion to L.E.D.'s	\$86,000	Unfavourable	\$86,000	Unfavourable
Workcover	\$26,900	Unfavourable	\$26,900	Unfavourable
New Scout Hall	\$37,000	Unfavourable	\$27,000	Unfavourable
Employee Costs	\$345,000	Favourable	\$131,500	Favourable
Electricity Costs (Incl. Public Lighting)	\$25,600	Favourable	\$15,800	Favourable
Caravan Park Lease fees	\$15,000	Favourable	\$15,000	Favourable
Fire Services Levy	\$15,900	Unfavourable	\$15,900	Unfavourable
Parking Fines Income	\$15,000	Unfavourable	\$15,000	Unfavourable
Planning Permit Income	\$33,500	Favourable	\$20,000	Favourable
Infringement Income – Animal Control	\$13,000	Favourable	\$10,000	Favourable
Upgrade Dog Pound	\$67,000	Unfavourable	\$50,200	Unfavourable
Grant for administration officer of Fire Services Levy	\$21,900	Unfavourable	\$21,900	Unfavourable
Fuel Tax Credits	\$10,000	Favourable	\$10,000	Favourable
Other Items (net)	\$21,250	Unfavourable	\$18,200	Unfavourable
	\$2,447,500	Favourable	\$3,828,500	Favourable
Less: Income/Loans owing from 2013/14	\$3,693,700	Unfavourable	\$3,693,700	Unfavourable
Plus: Capital Grants to be received 2015/16	\$1,347,350	Favourable	-	-
Net Variation to 2014/15 Budget	\$101,150	Favourable	\$134,800	Favourable

Consultation

Consultation occurred as part of the Budget preparation process.

Financial Implications

The report shows a predicted rates determination surplus \$101,150 better than budget for the 2014/15 financial year.

Social Implications

Not relevant to this item.

Economic Implications

Not relevant to this item.

Environmental Implications

Not relevant to this item.

Risk Management Implications

The anticipated surplus is subject to income and costs trending as expected over the final six months of the year.

Council Plan Strategy Addressed

Responsible management of resources - We will continually improve the management of our finances, assets, systems and technology to achieve and maintain Best Value in our operations.

Options

Nil

Recommendation

That Council note the contents of this report.

12/15 Motion

MOVED Cr Norton

That Council note the contents of this report.

SECONDED Cr Katis

The Motion was put and CARRIED

**SWAN HILL RURAL CITY COUNCIL
STATEMENT OF INCOME & EXPENDITURE
FOR THE 9 MONTHS ENDING 31/03/2015**

	Actual Year To Date 31/03/2015 \$000	Budget Year To Date 31/03/2015 \$000	\$ Variance To Budget \$000	% Variance To Budget	Original Annual Budget 2014/15 \$000	Notes
OPERATING INCOME :-						
Rates, garbage charges and marketing levy	24,173	24,146	27	0.1%	24,146	
Statutory fees & fines	837	764	73	9.6%	1,019	
User fees	3,371	3,750	(379)	-10.1%	5,000	1
Grants - operating (recurrent)	9,809	9,942	(133)	-1.3%	13,256	
Grants - operating (non-recurrent)	949	299	650	217.4%	399	2
Grants - capital (recurrent)	1,000	1,485	(485)	-32.7%	1,980	3
Grants - capital (non-recurrent)	2,568	3,973	(1,405)	-35.4%	5,297	4
Contributions - cash non recurrent	272	168	104	61.9%	224	5
Reimbursements	215	191	24	12.6%	255	
Interest income	353	540	(187)	-34.6%	720	6
Proceeds from disposal of assets	116	564	(448)	-79.4%	752	7
Other revenue	1,120	923	197	21.3%	1,231	8
TOTAL INCOME	44,783	46,745	(1,962)	-4.2%	54,279	
OPERATING EXPENSES (Excluding Depreciation) :-						
Employee benefits	14,174	14,828	(654)	-4.4%	19,771	
Contract payments materials & services	8,705	9,401	(696)	-7.4%	12,535	
Agency payments and community grants	3,933	4,281	(348)	-8.1%	5,708	
Bad & doubtful debts	1	3	(2)	-66.7%	4	
Finance costs	188	374	(186)	-49.7%	499	9
Other expenses	809	767	42	5.5%	1,022	
TOTAL OPERATING EXPENSES (Excl. Deprn.)	27,810	29,654	(1,844)	-6.2%	39,539	
OPERATING RESULT (Excl. Deprn.)	16,973	17,091	(118)	-0.7%	14,740	
CAPITAL ITEMS :-						
Capital works/asset purchases - funding sourced	8,711	8,769	(58)	-1%	11,692	
Capital works/asset purchases - funding not sourced	66	-	66	0.0%	4,337	
	8,777	8,769	8	0%	16,029	
SURPLUS (DEFICIT) AFTER CAPITAL ITEMS	8,196	8,322	(126)	-1.5%	(1,289)	
ADD FINANCING TRANSACTIONS						
Loan principal redemption	(672)	(846)	174	-20.6%	(1,128)	11
Transfers to/from reserves	10	-	10	0.0%	1,180	
Proceeds from loans	-	-	-	0.0%	1,295	
TOTAL FINANCING TRANSACTIONS	(662)	(846)	184	-21.7%	1,347	
BUDGET RESULT SURPLUS	7,534	7,476	58	0.8%	58	

- 1 User fees charged for aged care brokered works was \$85K below forecast due to a significantly reduced number of services being used in this program. User fees at the Pioneer Settlement were \$298K below budget, some of this variance is expected to be reduced in April from the Easter period patronage.
- 2 Grants for the Piangil Community Centre Building (\$180K) and the Lake Boga Foreshore restoration (\$142K) have been received, but these funds were forecast to be received last financial year. A number of other grants forecast to be received over the financial year have already been received in full.
- 3 Grants for the Country Roads and Bridges program (\$1M) has been received in full. The Roads to Recovery capital component should be received in the last quarter of the financial year.
- 4 Grants - capital (non-recurrent) includes funding for the Chisholm Reserve Upgrade (\$2.0M) and Pioneer Settlement Heartbeat of the Murray project (\$2.5M). The forecast allows for these to be received throughout the year, but as at the end of March only \$1M for Chisholm Reserve has been received, with the balance expected upon completion of the project.
- 5 Contributions - cash (non-recurrent) is currently \$104K above forecast due to the contribution from the Nyah West Senior Citizens for the purchase of a new bus (\$56K) and a contribution from the AFL Central Murray Commission towards offices at the Swan Hill Indoor Sports facility.
- 6 As at 31 March 2015 Council had accrued \$69K of interest income in addition to the \$353K already received. Due to lower interest rates, interest income will be well below budget by the end of the financial year.

- 7 Proceeds from the sale of plant and equipment are \$448K below forecast due to a number of vehicle replacements yet to take place. Two large graders are forecast to be replaced in the final quarter along with a number of Council vehicles.
- 8 Tower Hill land sales are currently above forecast.
- 9 The loan budgeted to be borrowed in June 2014 was deferred until November 2014, resulting in a lower than forecast interest expense. The first interest repayment is not due until May 2015.
- 10 The budget had allowed for the borrowing of a principal and interest loan, however Council borrowed funds via the Local Government Funding Vehicle with 7 year interest only terms.

**SWAN HILL RURAL CITY COUNCIL
SUMMARISED BALANCE SHEET
AS AT 31/03/2015**

	This Year Actual As At 31/03/2015 \$000	Last Year Actual As At 31/03/2014 \$000	\$ Movement Y.T.D. \$000	% Movement Y.T.D.	Budget As At End 2014/15 \$000
CURRENT ASSETS:-					
Cash and Cash Equivalents	18,036	13,327	4,709	35.3%	8,667
Trade & Other Receivables	5,875	5,614	261	4.6%	1,821
Inventories	65	49	16	32.7%	39
Non Current Assets Classified as held for sale	89	102	(13)	-12.7%	110
Other Assets	149	201	(52)	-25.9%	270
TOTAL CURRENT ASSETS	24,214	19,293	4,921	25.5%	10,907
CURRENT LIABILITIES:-					
Trade & Other Payables	916	916	0	0.0%	2,871
Trust Funds & Deposits	387	448	(61)	-13.6%	0
Provisions	4,607	4,353	254	5.8%	5,058
Interest Bearing Loans & Borrowings	785	2,279	(1,494)	-65.6%	1,143
TOTAL CURRENT LIABILITIES	6,695	7,996	(1,301)	-16.3%	9,072
NET CURRENT ASSETS	17,519	11,297	6,222	55.1%	1,835
NON-CURRENT ASSETS:-					
Trade & Other Receivables	131	118	13	11.0%	118
Property, Plant, Equipment & Infrastructure	405,777	407,363	(1,586)	-0.4%	439,196
Intangible Assets	726	768	(42)	-5.5%	768
TOTAL NON-CURRENT ASSETS	406,634	408,249	(1,615)	-0.4%	440,082
NON-CURRENT LIABILITIES:-					
Interest Bearing Loans & Borrowings	8,006	2,706	5,300	195.9%	7,117
Provisions	1,772	1,683	89	5.3%	1,718
TOTAL NON-CURRENT LIABILITIES	9,778	4,389	5,389	122.8%	8,835
TOTAL NET ASSETS	414,375	415,157	(782)	-0.2%	433,082
EQUITY:-					
Accumulated Surplus & Reserves	277,733	276,444	1,289	0.5%	278,116
Asset Revaluation Reserve	136,642	138,713	(2,071)	-1.5%	154,966
TOTAL EQUITY	414,375	415,157	(782)	-0.2%	433,082

SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION

C.15.4 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS

Responsible Officer: Chief Executive Officer
File Number: 22-13-12
Attachments: 1 Councillor Assemblies Attendance and Agenda

Declarations of Interest:

Dean Miller - as the responsible officer, I declare that I have no disclosable interests in this matter.

Summary

The Local Government Act 1989 requires that the details of Councillor Assemblies be reported to Council meetings on a monthly basis.

Discussion

The State Government has amended the Local Government Act 1989 which requires Council to report on Councillor Assemblies.

Whilst Minutes do not have to be recorded, Agenda items and those in attendance must be, and a report presented to Council.

An assembly of Councillors is defined as a meeting that is planned or scheduled at which at least half of the Council and one Officer are in attendance, and where the matters being considered that are intended or likely to be the subject of a Council decision.

No formal decisions can be made at an assembly but rather direction can be given that is likely to lead to a formal decision of Council.

Details of the most recent assemblies of Council are attached.

Consultation

Nil

Financial Implications

Nil

Social Implications

Nil

Economic Implications

Nil

Environmental Implications

Nil

Risk Management Implications

Nil

Council Plan Strategy Addressed

Governance and Leadership - Community leadership through effective strategic planning.

Options

Council must comply with the requirements of the Local Government Act 1989.

Recommendation

That Council note the contents of the report.

13/15 Motion

MOVED Cr McPhee

That Council note the contents of the report.

SECONDED Cr Kiley

The Motion was put and CARRIED

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
28 April 2015 at 1pm
TOWN HALL - COUNCIL CHAMBERS, SWAN HILL

AGENDA ITEMS

- Councillors only session
- 2015-2020 Strategic Plan Key Projects update
- Customer Service Charter
- Budget Update
- Rate Capping
- Financial Assistance Grants
- Chisholm Reserve Site Visit

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Jessie Kiley
- Cr John Katis
- Cr Jim Crowe
- Cr Les McPhee
- Cr Michael Adamson
- Greg Cruickshank

Apologies

- Cr Gary Norton

Officers

- Dean Miller, Chief Executive Officer
- David Lenton, Director Corporate Services
- Brett Luxford, Director Development and Planning
- Bruce Myers, Director Community & Cultural Services
- David Leahy, Director Infrastructure
- Doug Warren, Design Engineer

Other

- Mark Francis CEO Murray Regional Tourism

CONFLICT OF INTEREST

- Nil

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
5 May 2015 at 12.45pm
SWAN HILL TOWN HALL, COUNCIL CHAMBERS**

AGENDA ITEMS

- Rural Access Report Update
- Goulburn Murray Water River Connections Program
- Hayes Road
- Acknowledgement to Country (wording)
- Part Road Closure – Niemann Road Tyntynder
- Policies – Asset Naming and Roadside Memorials
- Rate Capping submission

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Jessie Kiley
- Cr John Katis
- Cr Gary Norton
- Greg Cruickshank
- Cr Les McPhee

Apologies

- Cr Jim Crowe
- Cr Michael Adamson

Officers

- Dean Miller, Chief Executive Officer
- David Lenton, Director Corporate Services
- Brett Luxford, Director Development and Planning
- David Leahy, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services
- Vige Satkunarajah, Development Manager
- Clinton Hucker Rural Access Co-ordinator
- Fiona Gormann, Community Planning & Development Officer
- Stefan Louw, Planning Team Leader
- Mazen Aldaghstani, Engineering Projects & Assets Manager

Other

CONFLICT OF INTEREST

- Nil

COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA
12 May 2015 at 1pm
SWAN HILL TOWN HALL, COUNCIL CHAMBERS
MUNICIPAL VISIT WAKOOL AGENDA ITEMS

- The Tooleybuc Bridge – Maintenance Upgrade and Replacement Program
- Resource Sharing Opportunities
- Riverside Park Swan Hill and links to Wakool Shire
- Murray Downs Residential Land Development and links to Swan Hill
- Road Train Permits for Murray Valley Highway
- Tourism
- The Swan Hill Bridge

ADDITIONAL ITEMS DISCUSSED

- Nil

ATTENDANCE

Councillors

- Cr Jessie Kiley
- Cr John Katis
- Cr Michael Adamson
- Cr Les McPhee
- Cr Jim Crowe
- Cr Gary Norton

Apologies

- Greg Cruickshank

Officers

- Dean Miller, Chief Executive Officer
- Brett Luxford, Director Development and Planning
- David Leahy, Director Infrastructure
- Bruce Myers, Director Community & Cultural Services

Other

- Lois Lockhart, Wakool Shire Councillor
- Anne Crowe, Wakool Shire Councillor
- Anthony Jackson, Wakool Shire Councillor (Deputy Mayor)
- Colin Membrey, Wakool Shire Councillor
- Paul O'Brien, Wakool Shire Deputy General Manager
- Bruce Graham, Wakool Shire General Manager
- Sunil Prakash, Wakool Shire Director Engineering Services

CONFLICT OF INTEREST

- Nil

SECTION D – NOTICES OF MOTION

Nil

SECTION E – URGENT ITEMS NOT INCLUDED IN AGENDA

Nil

SECTION F – TO CONSIDER & ORDER ON COUNCILLOR REPORTS

Cr Greg Cruickshank

Dinner with Bunnings Representatives
Official Opening of Bunnings
Chisholm Reserve Dragstrip Steering Committee meeting
Heartbeat of the Murray story board

Cr Les McPhee

Nyah Recreation Reserve Official handover of lighting for oval
Lake Boga Inc Meeting
Ultima Progress Association meeting
Bunnings Official opening
CEO review panel
Swan Hill Neighbourhood House acknowledgement to volunteers

Cr Jessie Kiley

Swan Hill Art Gallery Committee
Basketball Stadium Committee
Heart beat story board review
Swan Hill Inc board meeting
Alan Garden Reserve Committee

Cr Jim Crowe

Woorinen Field Day
Barham Water users meeting
Dawn Anzac Service - Swan Hill
Afternoon Service – Wakool
Drag Strip progress
MEMPC meeting
Opening May Bowls Carnival

Cr John Katis

Anzac ceremony - laid a wreath
Bhutan Delegation and welcome to Robinvale
Public Meeting of Budget in Robinvale
Mental Health Information Night

Cr Gary Norton

MAV Rural Forum
Opening of the lights at Nyah Recreation Reserve
MAV Board Meeting
Bunnings Dinner – Swan Hill
Bunnings official opening
GMW water public meeting – Horsham
Rural Councils Forum
MAV State Council

Cr Michael Adamson

Woorinen Field Days
MAV Rural and Regional Mayors forum - Melbourne
Anzac Dawn and day service and march – Swan Hill
Yamagata Club Meeting
Regional Living Expo - Melbourne
Yamagata Club Dinner
CEO performance review
Budget presentation to public
Rural Councils Victoria forum - Melbourne
Piangil Primary School council visit

SECTION G – IN CAMERA ITEMS

14/15 Motion

MOVED Cr McPhee

That Council close the meeting at 3.10pm to the public on the grounds that the report include personnel matters.

SECONDED Cr Katis

The Motion was put and CARRIED

B.15.38 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT

15/15 Motion

MOVED Cr Norton

That at 4.00pm the meeting move out of closed session.

SECONDED Cr Kiley

The Motion was put and CARRIED

There being no further business, Mayor Cr Michael Adamson closed the meeting at 4.00pm.