

# Minutes

## Ordinary Meeting of Council

Tallangatta Council Office

Tuesday 4 June 2013

---

This information is available in alternative formats on request

**MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT TOWONG SHIRE COUNCIL,  
TALLANGATTA OFFICE ON TUESDAY 4 JUNE 2013 COMMENCING AT 10.00 AM.**

**TABLE OF CONTENTS**

1	Opening Prayer.....	4
2	Councillor and Officer presence at the meeting .....	5
3	Apologies and granting of leave of absence .....	5
4	Declaration of pecuniary interest and/or conflict .....	5
5	Confirmation of minutes .....	5
6	Petitions, joint letters and declarations .....	6
6.1	Our Bellbridge Project (05/01/0142-Cr Wortmann) .....	6
7	Assembly of Councillors .....	7
8	Open Forum.....	7
9	Governance and decision making .....	8
9.1	Finance Report as at 30 April 2013 (MCS).....	8
9.2	Council Budget 2013/14 (06/02/0064-DCCS).....	19
9.3	Action Sheet Reports (06/05/0010-EA).....	26
9.4	Council Plan Priorities (07/05/0022-DCCS) .....	27
9.5	Performance Reporting Graphs (DCCS) .....	28
10	Asset management .....	29
10.1	Works Schedule (DTS) .....	29
10.2	Road Deviation – Hardys Road (01/01/0135-DTS) .....	30
11	Our environment.....	32
12	Planning for the future.....	33
12.1	Towong Planning Scheme Amendment C33 (03/02/0039-CEO).....	33
12.2	Planning Application No: 2013/025 (287900-CEO) .....	36
13	Our community’s wellbeing .....	53
14	Economic and tourism development.....	53
15	Councillor reports .....	54
15.1	Walwa Recreation Reserve (Cr Fraser) .....	54
15.2	Tallangatta Senior Citizens (Cr Fraser).....	54
15.3	Tallangatta Eco-Education and Integrated Community Services Hub (Cr Fraser).....	54
15.4	MAV State Conference (Cr Fraser) .....	55
15.5	Australia Local Government Women’s Association (Cr Fraser) .....	55
15.6	Upper Murray Regional Library (Cr Fraser) .....	56
15.7	Tallangatta for the Future (Cr Fraser).....	56
15.8	Debutante Ball Tallangatta (Cr Fraser).....	56
15.9	Mens Shed Bethanga (Cr Fraser) .....	57

16	Urgent business.....	58
16.1	Constitutional Recognition Campaign (07/01/0006-CEO).....	58
16.2	Tallangatta Eco-Education and Integrated Community Services Hub Legal Agreement (04/11/0012-DCCS).....	59
17	Committee minutes .....	62
17.1	NevRwaste (Cr Joyce).....	62
17.2	Emergency Management Planning Committee (02/02/0005).....	62
18	Occupational health and safety .....	63
18.1	OHS Committee (06/04/0212-DCCS) .....	63
19	Council policies (10/01/0007).....	64
19.1	Community use of Council Meeting Spaces and Facilities Policy (EA) .....	66
20	Sealing of documents .....	68
20.1	Section 173 Agreement – Douglas Maxwell Mason And Elaine Mary Mason And Towong Shire Council (P248850).....	68
21	Confidential.....	69

## **1 Opening Prayer**

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

## **2 Councillor and Officer presence at the meeting**

**Present:** Cr Fraser OAM, Crs Wortmann, Gadd, Joyce and Scales

<b>In Attendance:</b>	<b>Title:</b>
J Phelps	Chief Executive Officer
D Barry	Director Community and Corporate Services
J Heritage	Director Technical Services
D Snaith	Executive Assistant
P Barber	Manager Corporate Services

## **3 Apologies and granting of leave of absence**

Nil.

## **4 Declaration of pecuniary interest and/or conflict**

For the purpose of this section, Councillors must disclose the nature of the conflict of interest in accordance with s79(2) of the Local Government Act.

Nil.

## **5 Confirmation of minutes**

7 May 2013

**CR WORTMANN  
CR JOYCE**

**THAT THE MINUTES OF THE ORDINARY MEETING HELD ON 7 MAY 2013 AS  
CIRCULATED BE ADOPTED.**

**CARRIED**

## **6 Petitions, joint letters and declarations**

### **6.1 Our Bellbridge Project (05/01/0142-Cr Wortmann)**

Cr Wortmann presented a petition on behalf of Bellbridge residents who are opposed to the sale of parkland at Bellbridge to fund the Our Bellbridge Project.

Ms Denise Anderson attended the meeting and spoke to the petition at Open Forum.

The petition will lay on the table for one month and will be discussed at the 2 July 2013 Council meeting.

## **7 Assembly of Councillors**

A written record of the Assemblies of Councillors from 7 - 21 May 2013 is included at Appendix 1.

**CR SCALES  
CR WORTMANN**

**THAT THE INFORMATION AS AMENDED BE NOTED.**

**CARRIED**

## **8 Open Forum**

<b>NAME</b>	<b>TOPIC</b>
Mr Colin Teek	Mr Teek has made a submission to the Draft Council Plan - registering his intention to speak to the submission at the 18 June 2013 Special Council Meeting. However Mr Teek advised that he may be absent that day and requested permission to make his comments today. Mr Teek urged Council to not raise the rates and requested that Council consider the viability of ratepayers ahead of the viability of Council. Mr Teek also sought clarification on current staff numbers.
Mrs Karen Moroney	Mrs Moroney supported Mr Teek's comments and commented that she felt farming communities cannot keep absorbing rate increases.  Mrs Moroney advised that she was not happy with the standard of the grading of Little Snowy Creek Road.
Ms Denise Anderson	Ms Anderson spoke to the petition tabled regarding the proposed sale of parkland to fund the Our Bellbridge project. She requested Council reconsider other avenues to raise funds to complete the project.

**J Phelps left the Council Chamber at 10.01 am.**

**J Phelps returned to the Council Chamber at 10.02 am.**

## 9 Governance and decision making

### 9.1 Finance Report as at 30 April 2013 (MCS)

#### Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

#### OPERATING RESULT

	Note	Apr-13 (Actual) \$'000	Apr-13 (Budget) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	YTD (Variance) %
Income	1	872	1,886	13,568	16,537	(2,969)	-18%
Expenditure	2	831	1,022	8,133	10,048	(1,915)	-19%
Surplus		41	864	5,435	6,489	(1,054)	-16%

Note 1:

The variance in YTD budgeted income compared to YTD actual income is due to a number of income items that have been budgeted to occur but the income has not yet been received including:

- Grant Income (per *Grant Income* below) \$2,942,000
- Community contribution to recreation projects \$135,000

Non-grant income has been received in excess of budget, including:

- Developer and private contribution to works \$40,000
- Corryong Netball Courts contribution \$35,000

Note 2:

The variance in YTD budgeted expenditure compared to YTD actual expenditure is due to timing differences (ie: budgeted expenditure items that have not yet occurred). Expenditure was budgeted at the earliest anticipated time that it could occur for the following:

- Stock grid surveys - \$100,000
- Walwa waste water - \$105,000
- Recreation projects - \$1,379,000
- Waste collection - \$71,000



- Waste management - \$97,000
- Planning services - \$174,000
- Economic Development activities - \$554,000

*Grant Income*

	<b>Note</b>	<b>Apr-13</b> (Actual) \$'000	<b>YTD</b> (Actual) \$'000	<b>YTD</b> (Budget) \$'000	<b>YTD</b> (Variance) \$'000	<b>12 Month</b> (Budget) \$'000
Recurring	1	33	1,564	3,031	(1,467)	3,081
Non-Competitive	2	707	3,036	4,089	(1,053)	4,269
Competitive		38	1,555	1,977	(422)	1,696
<b>Total</b>		<b>778</b>	<b>6,155</b>	<b>9,097</b>	<b>(2,942)</b>	<b>9,046</b>

Note 1: VGC payments YTD budgeted in advance of YTD actual payment dates.

Note 2: Emergency response and Roads to Recovery (R2R) funding has not been received in line with budget timing.

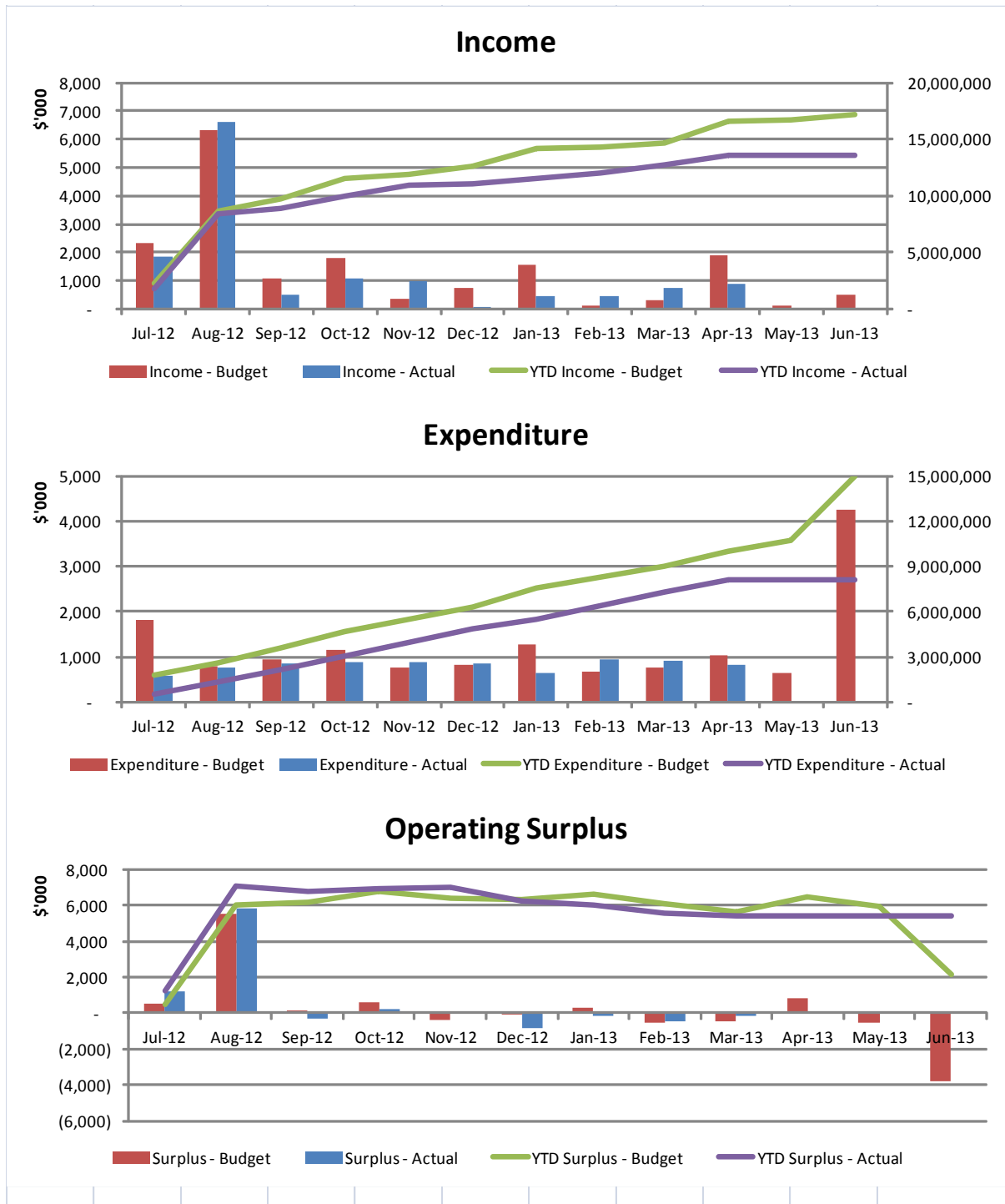
*Grants received Year-to-Date (YTD) are shown in the following table:*

**TOWONG SHIRE COUNCIL  
ORDINARY MEETING 4 JUNE 2013**

	<b>YTD (Act) \$'000</b>
Competitive and Non-Competitive	
Country Roads and Bridges	1,000
R2R Supplementary	616
LG Infrastructure Projects	500
Sandy Creek Bridge Grant	350
Tallangatta Multi-sport Precinct	271
Cudgewa Recreation Reserve	210
Adaptation at the Source	133
Walwa Community Recovery Centre	125
Flood Recovery Officer	120
NE Solar Hub	119
Corryong Netball Courts	72
Community Development Officer (Flood)	72
Municipal Emergency Response Program	60
Mitta Valley Dairy Pathways	50
L2P Program	47
MFSR Precinct	38
Bushfire Management Overlay	35
Weed Project	28
SP Ausnet Community Development	26
Freeza Funding	12
Improving Liveability of Older People	10
Universal Access to Kindergarten	10
Regional Living Expo	10
Sustainable Intelligence	6
Seniors Week	2
Youth Services Strategy	2
** Flood Recovery	(39)
Recurring	
VGC General Purpose Funds	1,211
Emergency Response	707
Maternal and Child Health	99
Corryong Pre School	90
Tallangatta Pre School	58
Berringa Pre School	71
State Emergency Service Corryong	13
State Emergency Service Tallangatta	13
State Emergency Service Mitta	6
Health Administration	3
<b>Total</b>	<b>6,155</b>

\*\*

\*\* Flood Recovery  
Note: This is due to an invoice being issued on completion of the grant funded project, where the funds had already been paid in the 2011/2012 financial year.



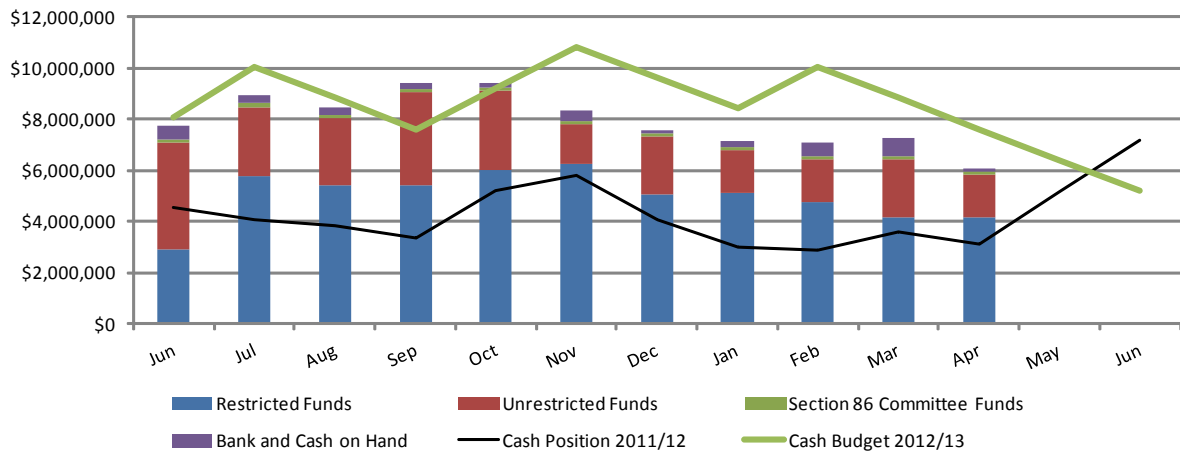
Note: Large income in August due to the raising of rates. Large expenditure in June due to recognition of depreciation.

## CASH POSITION

### Cash on Hand

The cash position moved during the month as detailed below:

	Current Month Apr-13	Prior Month Mar-13	Variance	
	\$	\$	\$	%
Unexpended Grants	3,094,934	3,113,378	(18,444)	-0.6%
Notional Reserves	1,050,793	1,050,793	-	0.0%
Restricted Funds	4,145,727	4,164,171	(18,444)	-0.4%
Unrestricted Funds	1,675,472	2,281,778	(606,306)	-26.6%
Section 86 Committee Funds	119,889	119,889	-	0.0%
Total Investments	5,941,088	6,565,838	(624,750)	-9.5%
Bank and Cash on Hand	118,950	672,572	(553,622)	-82.3%
<b>Total Cash</b>	<b>6,060,038</b>	<b>7,238,411</b>	<b>(1,178,372)</b>	<b>-16.3%</b>
Average Interest Rate	4.35%	4.36%		



## Investments

Investments were made up of the following at the month end:

Date	Product	Institution	Principal	Yield	Term
11/02/2013	Term Deposit	ME Bank	523,509	4.35%	91 Days
13/03/2013	Term Deposit	ING Bank	1,029,860	4.32%	120 Days
8/01/2013	Term Deposit	Bank of Qld	1,028,758	4.50%	120 Days
26/12/2012	Term Deposit	WAW	753,086	4.50%	180 Days
22/04/2013	Term Deposit	Heritage Bank	1,022,814	4.30%	90 Days
9/04/2013	Term Deposit	ME Bank	1,011,466	4.40%	90 Days
N/A	Online Saver	ANZ	451,707	3.75%	On Call
N/A	S86 Committees	Various	119,889	4.68%	N/A
<b>Total Investments</b>			<b>5,941,088</b>		

## Restricted Funds

Unexpended Grants and Notional Reserves at the end of the month:

	\$
Unexpended Grants	
Country Roads and Bridges	860,000
LG Infrastructure Projects	678,712
Bushfire Camera Network	277,384
Cudgewa Recreation Reserve	222,016
Tallangatta Multi-sport Precinct	213,634
R2R Supplementary	186,701
Walwa Community Recovery Centre	120,845
Flood Recovery Officer	120,000
Mitta Valley Dairy Pathways	79,447
Improving Liveability of Older People	74,625
Community Development Officer (Flood)	71,897
Flood Recovery	44,326
Municipal Emergency Response Program	40,418
Bushfire Management Overlay	35,000
Tallangatta Swimming Pool Upgrade	19,425
SP Ausnet Community Development	15,400
Universal Access to Kindergarten	9,997
Freeza Funding	7,933
Towong Racecourse	5,631
Weed Project	4,761
Regional Living Expo	4,042
Fire Access Track Maintenance	1,764
Local Government Reform	977
Provisions and Reserves	
Long Service Leave	850,793
Landfill Rehabilitation	200,000
<b>Total</b>	<b>4,145,727</b>

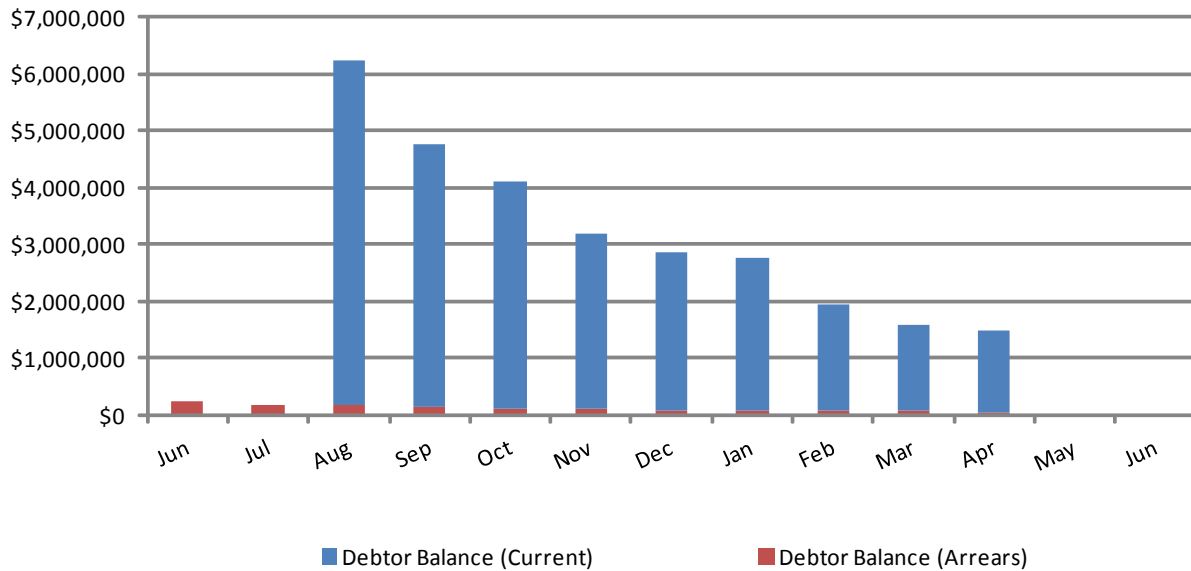
**RECEIVABLES**

*Rates, Municipal Charge, Waste Management Charge and Waste Collection Charge*

The outstanding amount of rates, municipal charge, waste management charge and waste collection charge at month end were \$1,491,252.

The breakdown of rates received for the current month and year to date is shown in the following table and graph:

<b>Rates, Municipal Charge, Waste Collection Charge and Waste Management Charge Debtors</b>	<b>Amount Received \$</b>	<b>% Collected Apr-13 \$</b>	<b>% Collected Apr-13 %</b>	<b>Received YTD \$</b>	<b>Collected YTD %</b>	<b>Balance Outstanding \$</b>
Levied 2012/13	6,353,282	66,607	1.0%	4,915,463	77.4%	1,437,819
Arrears prior to 2012/13	243,607	9,432	3.9%	190,174	78.1%	53,433
<b>Total Charges</b>		<b>76,039</b>		<b>5,105,637</b>		<b>1,491,252</b>

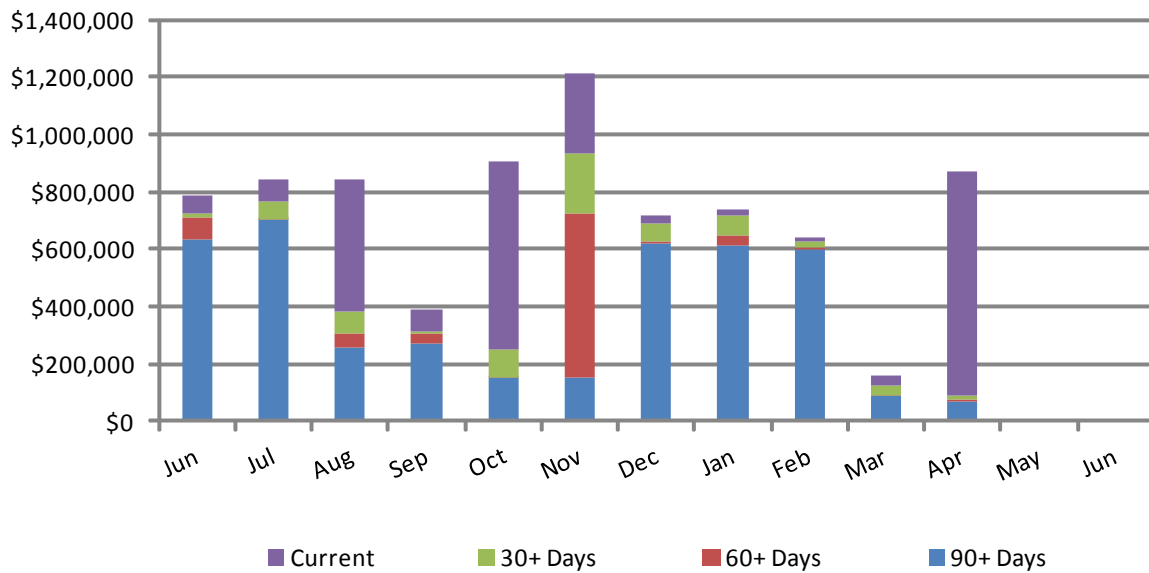


*Sundry Debtors*

The Sundry Debtors outstanding at month end total \$872,538.

The variance in Sundry Debtors from the current month to prior months is shown below:

Sundry Debtors	Current \$	30 Days \$	60 Days \$	90+ Days \$	Total \$
<b>April 2013</b>	784,404	15,191	6,610	66,333	872,538
<b>March 2013</b>	35,282	32,453	4,120	87,159	159,014
<b>Variance</b>	749,122	(17,262)	2,490	(20,826)	713,524



Significant debtors (>\$1,000) with ageing of greater than 90 days are as follows:

<b>Debtor</b>	<b>Amount</b>	<b>Description</b>	<b>RO</b>	<b>Notes</b>
Debtor 16010	\$22,070.80	Lease	PB	Full year invoiced. Payments are ahead of lease terms.
Debtor 19132	\$22,000.00	Corporate contribution	DB	Payment plan of \$11,000 per month until March 2013 agreed. Two payments behind schedule.
Debtor 8411	\$4,741.50	Towong Alliance Contribution	JP	Alliance partner seeking funding to assist with Alliance project
Debtor 18925	\$4,500.00	Community Group Loan	DB	Long term binding payment agreement has not yet been signed. \$100 per month terms verbally agreed. \$500 received April 2012.
Regional Development Victoria (17261)	\$4,070.00	Towong Racecourse	PS	10% balance due when acquittal report lodged. Project complete and acquittal still to be prepared.
Debtor 18871	\$1,383.34	Back Rent – Corryong Innovation Space		Monthly direct debits in place. Within payment plan terms.
Debtor 17007	\$1,410.00	Infringement Notice	PL	Unable to place in debt collection process as not allowed as part of infringement notifications.
Debtor 18781	\$1,337.00	Equipment Loan		Agreed (annual) payment plan. Within payment plan terms.
Debtor 14846	Nil	Maintenance Contact - NEW	JH	Paid
Tumbarumba Shire Council	Nil	Waste Collection	JH	Paid



<b>Debtor</b>	<b>Amount</b>	<b>Description</b>	<b>RO</b>	<b>Notes</b>
Debtor 19600	Nil	Reinstatement for Walwa sewerage	JH	Invoice reduced as part of finalisation of contract.

## **LOCAL ROADS**

### *Local Roads Capital Works*

	<b>Note</b>	<b>YTD Actual</b>	<b>YTD Budget</b>	<b>Variance</b>	<b>Annual Budget</b>
		<b>\$</b>	<b>\$</b>		<b>\$</b>
402 Survey and Design	1	7,493	100,000	(92,507)	120,985
410 Road Construction	2	158,622	759,000	(600,378)	759,000
413 Storm Damage	3	1,268,238	2,600,000	(1,331,762)	3,048,951
416 Sealing	4	92,093	307,000	(214,907)	307,000
417 Resealing		719,151	750,000	(30,849)	750,000
420 Drainage Construction	5	8,571	90,000	(81,429)	90,000
421 Digouts	6	474,484	550,000	(75,516)	550,000
422 Resheeting	7	228,440	286,465	(58,025)	286,465
432 Footpaths	8	17,875	44,000	(26,125)	44,000
433 Kerb and Channel	9	20,238	95,000	(74,762)	123,000
450 Bridge Construction	10	34,528	1,394,601	(1,360,073)	1,516,315
<b>Total</b>		<b>3,029,733</b>	<b>6,976,066</b>	<b>(3,946,333)</b>	<b>7,595,716</b>

Note 1: Flood Damage has absorbed Survey and Design cost for several items listed for this year.

Note 2: Timing of actual works has not lined up with budget timing. Flood damage has also absorbed some cost e.g. Georges Creek Rd Culverts.

Note 3: Claimable works as a result of March 2012 event. Budget for these works was included in full at capital works but actual expenditure has been split across operating and capital items. Anticipated to complete in 2012/13 financial year but some bridge works will be carried forward.

Note 4: Timing of actual works has not lined up with budget timing. Works due to be completed by end of April, with invoicing in May.

Note 5: Timing of actual works has not lined up with budget timing.

Note 6: Timing of actual works has not lined up with budget. Majority of works now completed.

Note 7: Timing of actual works has not lined up with budget timing. Final portion due to be completed within April.

Note 8: Footpath construction is underway and was due for completion by April, rectification portion due for completion in May. Expenditure will be incurred in May.

Note 9: Rectification works due for completion in May.

Note 10: Timing of actual works has not lined up with budget timing, Flood Damage has absorbed minor cost, two contracts are currently let with construction due to commence.

*Local Roads Maintenance*

	Note	YTD Actual \$	YTD Budget \$	Variance	Annual Budget \$
302 Survey and Design		3,588	-	3,588	-
304 Pavement Maintenance	1	111,937	150,725	(38,788)	180,869
306 Grading	2	409,778	374,999	34,779	449,999
308 Shoulder Maintenance	2	41,352	116,666	(75,314)	140,000
310 Drainage Maintenance	3	209,690	162,500	47,190	195,000
312 Call Outs		11,574	10,000	1,574	12,000
313 Storm Damage	4	277,124	-	277,124	35,000
324 General Roadside Maintenance	5	72,430	54,166	18,264	65,000
328 Tree Maintenance		59,052	74,166	(15,114)	85,000
330 F/Path Maintenance		3,489	6,666	(3,177)	8,000
331 K and C Maintenance		1,771	4,166	(2,395)	5,000
334 Roadside Treatments		10,365	-	10,365	-
336 Signs Maintenance		19,031	10,002	9,029	12,000
338 Linemarking		11,088	8,332	2,756	10,000
340 Guideposts		2,809	8,335	(5,526)	10,001
342 Guardrail		7,025	4,166	2,859	5,000
346 Bridge Maintenance	6	26,946	42,503	(15,557)	51,005
<b>Total</b>		<b>1,279,049</b>	<b>1,027,392</b>	<b>251,657</b>	<b>1,263,874</b>

Note 1: Pavement conditions have been reasonable due to dry summer, less work required.

Note 2: Budget is evenly spread throughout the year with more work required on grading as opposed to shoulder maintenance.

Note 3: Budget is evenly spread throughout the year, drainage work has been prioritised during the winter months. Priority given to recurring maintenance issues.

Note 4: Claimable works as a result of March 2012 event. The \$35,000 budget is allowance for one event insurance claim. Budget for these works was included at capital works.

Note 5: Additional roadside spraying undertaken for noxious weed control and sight distance improvement.

Note 6: Budget is evenly spread throughout the year, bridge maintenance occurs as required.

**CR GADD**

**CR JOYCE**

**THAT THE FINANCE REPORT BE NOTED.**

**CARRIED**

**J Heritage left the Council Chamber at 10.38 am.**

**J Heritage returned to the Council Chamber at 10.40 am.**

## **9.2 Council Budget 2013/14 (06/02/0064-DCCS)**

### **Disclosure of Interests (S.80C):**

This report was prepared by Mr Peter Barber, Manager Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

### **Background/History:**

The Towong Shire Council Draft Budget 2013/14 has been prepared for consideration by Council. Copies of the Draft Budget have been provided to Council. The Draft Budget documentation provides an overview, summary and analysis of the proposed budget and current financial position.

In accordance with the legislative requirements below, Council is required to adopt a Budget by 31 August 2013.

**Impact on Council Policy:**

Draft Council Plan Objectives

Council's 2013-2017 Draft Council Plan has an objective of providing community leadership through the provision of accessible, open and consultative government. Council encourages appropriate community involvement in its governance processes and will aim to produce accurate, concise and easy to read reports and publications for members of our public. Further, Council's objectives include ensuring that Council's plans and budgets are both responsible and sustainable.

Draft Strategic Resource Plan (DSRP) and Long Term Financial Plan

The Draft Budget has been prepared within the guidelines provided by the DSRP 2013/17. The updated financial outcomes for the DSRP period and long term until 2021/22 financial year have been included within the appendices of the Budget.

Community Outcomes

The establishment of the Draft Budget 2013/14 is a critical component in the financial management of Council's operations to ensure the delivery of appropriate services and programs to residents and ratepayers.

Financial Impact

The Draft Budget 2013/2014 establishes the financial framework of Council including income and expenditure, rating strategy, borrowings and asset management programs necessary for Council operations.

Environmental Impact

The Draft Budget contains financial provision for Council to achieve significant environmental outcomes for the community.

Organisational Impact

The Draft Budget 2013/14 establishes the organisational arrangements necessary for Council's operations.

**State Government Legislation:**

The Draft Budget has been prepared in accordance with the relevant sections and regulations of the Local Government Act 1989 and Local Government (Finance and Reporting) Regulations 2004 No. 30, which are repeated below.

## Local Government Act 1989

### S 127. Council must prepare a budget

1. A Council must prepare a budget for each financial year.
2. The Council must ensure that the budget contains—
  - (a) the standard statements in the form and containing the matters required by the regulations;
  - (b) a description of the activities and initiatives to be funded in the budget;
  - (c) a statement as to how the activities and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
  - (d) separately identified Key Strategic Activities to be undertaken during the financial year and performance targets and measures in relation to each Key Strategic Activity;
  - (e) any other details required by the regulations.
3. The Council must ensure that the budget also contains:
  - (a) the information the Council is required to declare under section 158(1);
  - (b) if the Council intends to declare a differential rate under section 161, the details listed in section 161 (2)
  - (c) if the Council intends to declare a differential rate under section 161A, the details listed in section 161(2).

### S 129. Public notice

1. As soon as practicable after a Council has prepared a budget or revised budget, the Council must give public notice.
2. A person has a right to make a submission under section 223 on any proposal contained in the budget or revised budget.
3. In addition to any other requirements specified by this Act, the notice referred to in sub-section (1) must:
  - (a) contain any details required by the regulations; and
  - (b) advise that copies of the budget or revised budget are available for inspection for at least 14 days after the publication of the notice at:
    - the Council office and any district offices; and
    - any other place required by the regulations.
4. A copy of the budget or revised budget must be displayed at the places specified under sub-section (3)(b).

S 130. Adoption of budget or revised budget

1. A Council may adopt a budget or revised budget if it has complied with all of the relevant requirements of this Act relating to budgets and revised budgets.
2. The Council must give public notice of its decision under sub-section (1).
3. The Council must adopt the budget by August 31 each year.
4. The Council must submit a copy of the budget to the Minister by August 31 each year.
5. The Minister may extend the period within which a Council must comply with sub-section (4).
6. If a Council fails to submit a copy of the budget to the Minister within the time allowed, the Secretary must ensure that details of the failure are published in the annual report of the Department.
7. A Council must give the Minister any details concerning its budget or revised budget that the Minister requests.
8. A Council must comply with sub-section (7):
  - (a) within 14 days of receiving a request in writing for the details from the Minister; or
  - (b) within any longer period specified by the Minister in the request.
9. A copy of the budget or revised budget must be available for inspection by the public at:
  - (a) the Council office and any district offices; and
  - (b) any other place required by the regulations.

**Local Government (Finance and Reporting) Regulations 2004 No. 30**

R 8. Other matters to be included

For the purposes of sections 127(2)(e) and 128(3) of the Act, the budget and any revised budget must contain the following information for the financial year to which the budget or revised budget relates:

- (a) the total amount proposed to be borrowed, other than borrowings to refinance existing loans;
- (b) the proposed total amount of debt redemption;
- (c) in the case of the proposed budget—
  - the proposed rate in the dollar for each type of rate to be levied;
  - the estimated amount to be raised by each type of rate to be levied;
  - the estimated total amount to be raised by rates;
  - the proposed percentage change in the rate in the dollar for each type of rate to be levied compared to that of the previous financial year;

- the number of assessments for each type of rate to be levied compared with the previous year;
  - the total number of assessments;
  - the basis of valuation to be used;
  - the estimated total value of land in respect of which each type of rate is to be levied compared with the previous year;
  - the proposed municipal charge, if any;
  - the proposed rate or unit amount to be levied for each type of service rate or charge under section 162 of the Act;
  - the estimated amount to be raised by each type of charge to be levied compared with the previous year;
  - the estimated total amount to be raised by rates and charges;
  - any significant changes that may affect the estimated amounts to be raised;
- (d) in the case of a revised budget, those matters referred to in paragraph (c) as applicable to any additional rates and charges to be levied.

#### R 9. Public notice of proposed budget or revised Budget

For the purposes of section 129 of the Act, the following information must be included in the public notice of the preparation of a proposed budget or revised budget—

- (a) the date on which Council will meet to adopt its budget or revised budget;
- (b) the total amount borrowed as at 30 June of the previous financial year;
- (c) the total amount proposed to be borrowed during the financial year or the total amount borrowed immediately before the preparation of the revised budget, other than borrowings to refinance existing loans;
- (d) the total amount projected to be redeemed during the financial year;
- (e) the projected total amount of borrowings as at June 30 of the financial year;
- (f) the projected cost of servicing the borrowings during the financial year;
- (g) the proposed rate in the dollar for each type of rate to be levied;
- (h) the proposed municipal charge, if any;
- (i) the proposed rate or unit amount for each type of service rate or charge to be levied under section 162 of the Act;
- (j) in the case of a revised budget, a summary of reasons for the preparation of the revised budget.

**State Government Policy Impacts:**

Nil.

**Budget Impact:**

The budgetary impact is detailed in the Draft Budget 2013/14.

**Risk Assessment:**

Nil.

**Community Consultation/Responses:**

A person has a right to make a submission under section 223 on any proposal contained in the budget.

Submissions on the Draft Budget 2013/14 will be invited in the local media. Copies of the Draft Budget Report 2013/14 will be available for inspection at both the Corryong and Tallangatta Council Offices, during office hours, and on Council's website from Tuesday 11 June until Tuesday 9 July 2013.

Submissions on any proposal contained in the Draft Budget may be lodged at either the Tallangatta or Corryong Office during that period.

Any submissions received will be tabled at a Special Meeting of Council on Tuesday 16 July 2013 and any person or persons requesting that they wish to appear or be represented will be heard.

**Discussion/Officers View:**

N/A



CR GADD  
CR WORTMANN

THAT THE DRAFT BUDGET 2013/14 INCLUDE A 5.5% RATE INCREASE

**CR JOYCE PROPOSED AN AMENDMENT  
CR SCALES**

**THAT THE DRAFT BUDGET 2013/2014 INCLUDE A 4.95% RATE INCREASE.**

**THE AMENDMENT WAS PUT AND CARRIED AND BECAME THE MOTION.**

**CR JOYCE  
CR SCALES**

**THAT THE DRAFT BUDGET 2013/2014 INCLUDE A 4.95% RATE INCREASE.**

**CARRIED**

**CR JOYCE  
CR SCALES**

**THAT:**

- 1. THE DRAFT BUDGET 2013/14 BE AMENDED AS DISCUSSED AND INCLUDE A RATE INCREASE OF 4.95% FOR THE PURPOSES OF SECTION 127(1) OF THE LOCAL GOVERNMENT ACT 1989;**
- 2. THE CHIEF EXECUTIVE OFFICER IS AUTHORISED TO:**
  - a. GIVE PUBLIC NOTICE OF THE PREPARATION OF THE DRAFT BUDGET IN ACCORDANCE WITH SECTION 129(1) OF THE LOCAL GOVERNMENT ACT 1989; AND**
  - b. MAKE AVAILABLE FOR PUBLIC INSPECTION THE INFORMATION REQUIRED TO BE MADE AVAILABLE BY THE LOCAL GOVERNMENT (FINANCE AND REPORTING) REGULATIONS 2004; AND**
- 3. A SPECIAL MEETING OF COUNCIL IS TO BE HELD ON TUESDAY 16 JULY 2013 AT TALLANGATTA TO:**
  - a. CONSIDER ANY SUBMISSIONS ON A PROPOSAL (OR PROPOSALS) MADE IN ACCORDANCE WITH SECTION 129 OF THE LOCAL GOVERNMENT ACT 1989;**
  - b. HEAR ANY PERSON OR THEIR REPRESENTATIVE IN SUPPORT OF THEIR SUBMISSION; AND**
  - c. CONSIDER THE ADOPTION OF THE DRAFT BUDGET.**

**CARRIED**

### **9.3 Action Sheet Reports (06/05/0010-EA)**

Items requiring action from the 7 May 2013 Council Meeting are attached at Appendix 2.

**CR GADD  
CR WORTMANN**

**THAT THE INFORMATION BE NOTED.**

**CARRIED**

#### **9.4 Council Plan Priorities (07/05/0022-DCCS)**

The monthly updates on the 2009-2013 Council Plan priorities are attached at Appendix 3 for information.

##### **Discussion/Officers View:**

With the adoption of the new 2013-2017 Council Plan it is recommended that reporting against the priorities take place every two months (rather than monthly) as is presently the case.

**CR GADD  
CR WORTMANN**

**THAT:**

- 1. THE REPORT BE NOTED;**
- 2. STAFF BE COMMENDED FOR THEIR EFFORTS IN IMPLEMENTING AND DELIVERING THE 2009-13 COUNCIL PLAN; AND**
- 3. UPDATES ON THE 2013-2017 COUNCIL PLAN PRIORITIES BE PROVIDED TO COUNCIL EVERY TWO MONTHS.**

**CARRIED**

## 9.5 Performance Reporting Graphs (DCCS)

The Performance Reporting Graphs are attached at Appendix 4 for information.

**CR SCALES**  
**CR JOYCE**

**THAT THE INFORMATION BE NOTED.**

**CARRIED**

**D Barry left the Council Chamber at 11.25 am.**

## **10 Asset management**

### **10.1 Works Schedule (DTS)**

The works scheduled for the period 27 April to 10 May 2013 is attached at Appendix 5 for information.

**CR SCALES**

**CR JOYCE**

**THAT THE INFORMATION BE NOTED.**

**CARRIED**

**P Barber left the Council Chamber at 11.25 am and did not return.**

**D Barry returned to the Council Chamber at 11.30 am.**

## 10.2 Road Deviation – Hardys Road (01/01/0135-DTS)

### **Disclosure of Interests (S.80C):**

This report was prepared by Mr Bruce Braines, Manager Assets.

At the time of preparation and presentation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

### **Background/History:**

At its meeting of 2 April 2013, Council resolved:

*pursuant to the provisions of Section 207A of the Local Government Act to give notice in local newspapers of its intention to deviate a section of Hardys Road and to invite submissions in accordance with Section 223 of the Act.*

Subsequently, a public notice (copy attached at Appendix 6) was placed in the Border Mail of Saturday 6 April 2013 and also placed on Council's website.

One submission was received (copy attached at Appendix 7).

Council is required to consider the content of the submission, make a decision and document the reasons for the decision.

### **Impact on Council Policy:**

The road deviation facilitates the development of rural living allotments close to Tallangatta township in accordance with the Local Planning Policy Framework (LPPF) section of the Towong Planning Scheme.

### **State Government Policy Impacts:**

Nil.

### **Budget Impact:**

The approved budget for the realignment of Hardys Road includes the cost of preparation of a road deviation plan and land transfer fees.

**Risk Assessment:**

None undertaken.

**Community Consultation/Responses:**

Notification of the proposed deviation to affected landowners did not result in any submissions.

The placing of the public notice regarding the proposed deviation resulted in one submission.

**Discussion/Officers View:**

The submission contends that:

- groundwater is vulnerable to contamination as a result of the proposed road deviation;
- the proposed road deviation will alter the natural hydrology of the catchment and cause water quality, sedimentation and erosion issues.

The natural hydrology of the catchment was altered many years ago when the natural watercourse was diverted to the south of the transfer station site. This occurred when the site was developed as a land fill prior to construction of the present transfer station. Part of the area to the south of the site where the watercourse is now located has the appearance of a wetland.

The proposed road deviation to the north of the transfer station site will not affect this area.

Inside the northern boundary of the transfer station site, the operating area of the transfer station is protected from overland flow from the north by an existing swale drain, pit and underground stormwater pipe which effectively directs run-off flows away from the site.

The proposed road deviation will contribute some run-off into this drainage system, but the table drain along the northern side of the road deviation will act as a cut-off drain. This will direct stormwater flows through a new culvert at the Murray Valley Highway intersection and along the road reserve to the east so that all of this run-off water will be directed away from the transfer station site. (refer Appendix 8)

On balance, construction of the proposed road deviation will result in less stormwater flow entering the transfer station site. No stormwater will be directed onto the operating area, as it will be collected in the existing drainage system.

It is considered therefore that no detrimental effect upon groundwater quality will result from the construction and ongoing use of the road deviation of Hardys Road.

Any erosion and sedimentation issues can be managed utilising normal road maintenance practices.

It remains for Council to finalise the road deviation by publishing a notice describing the deviation in the Victorian Government Gazette.

**CR JOYCE  
CR SCALES**

**THAT COUNCIL:**

- 1. RESOLVE, AFTER HAVING CONSIDERED THE MATTERS RAISED IN THE SUBMISSION, TO PROCEED WITH THE PROPOSED ROAD DEVIATION FOR THE REASONS THAT:
  - **IT CONSIDERS THAT NO DETRIMENTAL EFFECT UPON GROUNDWATER QUALITY WILL RESULT FROM THE CONSTRUCTION AND ONGOING USE OF THE ROAD DEVIATION; AND**
  - **ANY EROSION AND SEDIMENTATION ISSUES CAN BE MANAGED UTILISING NORMAL ROAD MAINTENANCE PRACTICES;****
- 2. ADVISE THE SUBMITTER OF COUNCIL'S DECISION, INCLUDING THE REASONS FOR THE DECISION; AND**
- 3. RESOLVE TO PUBLISH A NOTICE DESCRIBING THE DEVIATION IN THE VICTORIAN GOVERNMENT GAZETTE.**

**CARRIED**

## **11 Our environment**

No reports.



## 12 Planning for the future

### 12.1 Towong Planning Scheme Amendment C33 (03/02/0039-CEO)

#### Disclosure of Interests (S.80C):

This report was prepared by Mr Simon Hollis, Manager Planning.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

#### Background:

This matter was previously reported to Council in August 2012 at which time Council resolved to seek Ministerial authorisation to prepare Amendment C33 to the Towong Planning Scheme.

#### Mixed Use Rezoning – Murray Valley Highway, Corryong

The area adjacent to the Murray Valley Highway crossing of the Thowgla Creek north of Corryong contains a cluster of dwellings and commercial uses. It includes the Upper Murray Seeds site and Murray Goulburn retail outlet.

The area is presently zoned Farming Zone (FZ). This zoning is a product of the direct translation of the former Rural Zone (RUZ). The Rural Zone was applied in a 'blanket' manner across all rural areas of Towong Shire when the Towong Planning Scheme was gazetted in 1999. The application of the zone in this manner did not cater for localised land use anomalies where there were discrete clusters of non agricultural land uses. The result in this location is a zoning regime that does not accord with the prevailing land use situation, provides limited scope for additional similar uses in the area and restricts redevelopment of the site.



**Figure 1: Proposed rezoning**

Murray Goulburn Trading have requested that Council rezone the area from Farming Zone to Mixed Use Zone (MUZ) to facilitate the future redevelopment of the Murray Goulburn site. The area proposed for rezoning is shown in Figure 1.

The rezoning of the site from Farming Zone to Mixed Use Zone is supported by the Council adopted *Rural Land Use Study*.

**Impact on Council Policy:**

The proposed change to the Towong Planning Scheme implements a key recommendation of the adopted *Towong Shire Rural Land Use Study* and also implements the current *Council Plan*.

**State Government Policy Impacts:**

The exhibited Amendment to the Towong Planning Scheme is consistent with State Planning Policy. The Amendment has been prepared in accordance with Minister's Direction No 11 'Strategic Assessment of Amendments', the Practice Note 'Strategic Assessment Guidelines for Planning Scheme Amendments' (revised August 2004).

**Budget Impact:**

All costs associated with the Amendment including planning panel costs have been budgeted for.

**Community Consultation/Responses:**

In accordance with the previous resolutions of Council, the amendment was placed on public exhibition pursuant to Sections 17, 18 and 19 of the Planning and Environment Act 1987, with the formal exhibition period closing on 18 April 2013.

Exhibited documents are attached at Appendix 9.

**Notification Summary:**

Section 17 notice:

Sent to Planning Minister on 25 February 2013

Section 19 notices:

Letter to owners and occupiers:	4 March 2013
Letter to authorities:	4 March 2013
Letter other Ministers:	4 March 2013
Corryong Courier:	7 and 14 March 2013
Border Mail:	9 March 2013
Tallangatta Herald:	14 March 2013
Gazette:	14 March 2013

A media release was further issued in the middle of March and subsequent public consultation meetings were held at:

Eskdale: 2 April 2013  
Bethanga: 3 April 2013  
Corryong: 4 and 9 April 2013  
Walwa: 4 April 2013

**Submissions:**

A total of five submissions were received during the exhibition period.

C33 Submissions		
Organisation	Comment	Outcome
North East Catchment Management Authority	Incorrect information in explanatory report – overlays and waterway. Business encroaching on creek reserve.	No objection
Goulburn-Murray Water	No objection	No objection
Environment PA	No objection	No objection
Department of Sustainability and Environment	No objection, note incorrect information in explanatory report – overlays, waterway, vegetation class.	No objection
VicRoads	No objection	No objection

Although there were five submissions none were in objection to the exhibited amendment.

**Discussion/Officers View:**

It is recommended that Council resolve to adopt Amendment C33 and request Ministerial approval of Amendment C33 to the Towong planning Scheme pursuant to Section 31 of the *Planning and Environment Act 1987*.

**CR GADD**

**CR WORTMANN**

**THAT:**

- 1. COUNCIL ADOPT AMENDMENT C33; AND**
- 2. REQUEST MINISTERIAL APPROVAL OF AMENDMENT C33 TO THE TOWONG PLANNING SCHEME PURSUANT TO SECTION 31 OF THE *PLANNING AND ENVIRONMENT ACT 1987*.**

**CARRIED**

## **12.2 Planning Application No: 2013/025 (287900-CEO)**

### **Application for Planning Permit for use and development of an Industry (precast concrete product manufacturing) at 5 and 7 Towong Street East, Tallangatta**

#### **Disclosure of Interests (S.80C):**

This report was prepared by Mr Ron Mildren, Living Streets Design Pty Ltd.

At the time of preparation of the report Mr Mildren (Living Streets Design Pty Ltd) did not have a direct or indirect interest in any matter to which the report or advice relates.

#### **Proposal:**

Use and development of the subject land for concrete product manufacturing, specifically manufacture of precast concrete buildings.

The application described the proposal as installation of a casting bed comprising a concrete slab 15m by 5m and installation of a shipping container for storage of materials.

Activities are described as formwork setup, placing and finishing concrete and loading and transport of the finished articles.

The proposed noise generation would be limited to the hours of 7am to 5.30pm Monday to Friday and 8am to noon Saturdays. Noise generation would mainly consist of trucks and other motor driven equipment.

**Background/History:**

This application was amended at the request of the applicant to include Lot 3 PS 218324, No. 5 Towong Street East, Tallangatta as part of the proposed use and development.

**Property:** Lots 3 and 4, LP 218324, Parish of Bolga, being 5 and 7 Towong Street East, Tallangatta.

**Applicant:** Jeremy O'Brien

**Owner:** Towong Shire (Lot 4) and GD and MP Holt (Lot 3)

**Zoning:** Industrial 1 Zone.  
However, Planning Scheme Amendment C29, which is currently awaiting the recommendation from a Planning Panel held on 16 May 2013, proposes to rezone the land to Mixed Use Zone.

**Overlays:** There are no Overlays applicable to the subject land

**Permit Trigger:**

Clause 33.01-1 comprising the Table of Uses to the Industrial 1 Zone specifies that a permit is required for any use not included in Section 1 or 3 of the Table. Industry is referred to in Section 1 of the Table but specifies that the industry use must not be located within the threshold distance, for a purpose listed in the table to Clause 52.10. The proposed use is listed in Clause 52.10 and has a specified threshold distance from a Residential Zone of 100m. The subject land is within 100m of a Residential Zone. Therefore the proposal is not 'as of right' under Section 1 of the Table of Uses and the use is not specifically prohibited under Section 3 of the Table of Uses and by default becomes an innominate use under Section 2 of the Table of Uses to the Industrial 1 Zone.

Not only do the provisions of Clause 52.10 serve as an invalidating condition in reference to Section 1 of the Table of Uses to the Industrial 1 Zone but Clause 52.10 also stands and must be considered as a provision of the planning scheme in its own right. This is of particular reference in that the provisions of Clause 52.10 as relevant to this matter specify that the nominated threshold distance is "*the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone*". In essence Council should not grant a permit for a proposal that is located within a nominated threshold.

Clause 33.01-4 also requires a permit for Buildings and Works associated with the proposal.

**Relevant Local Planning Policies:**

Clause 21.05 of the MSS establishes Local Strategic Directions and provides Structure Plans.

Clause 22.09 refers to Industrial Development policy

**DESCRIPTION OF PROPOSAL**

Site Description

The subject land is on the south side of Towong Street East approximately 100m east of the Wagara Street intersection. The land forms part of a subdivision undertaken by the former Tallangatta Shire circa 1989.

The land slopes very gently to the Towong Street East road formation. The street is sealed to the kerb on the south side frontage and there are two established street trees in front of the subject land. Overhead electricity lines run along the south side verge and there is no formed or constructed footpath.

Lot 3 contains existing use and development with a Vehicle Repair premises established on site.

Land opposite the site is zoned and developed for residential use.

### Use and Development Description

The proposal involves the manufacturing of fully concrete buildings as a precast casing for relocation to site.

As a start-up business the applicant commenced operation of the precast concrete buildings manufacturing on part of the land currently containing the vehicle repair premises which are understood to be owned by a family member. A planning permit was not obtained prior to commencement.

The business has developed and functional operation and expansion has resulted in the need to extend to the adjoining Lot. The proposal intends to continue to utilise amenities at the existing vehicle repair premises but to expand the production facility and accessibility on to the adjoining Lot and to formalise operations.

### **HISTORY AND COMMUNITY CONSULTATION:**

The application was registered on 7 March 2013.

Adjoining and nearby land owners were notified about the application pursuant to Section 52 of the Planning and Environment Act.

A total of four objections have been received (Appendix 10) from owners of land in the residential estate across Towong Street East to the north east of the subject land.

The grounds of objection are summarised as:

- The industry site is offensive
- The industry produces unacceptable noise, including well prior to 7am (as early as 5.30am) and after 5.30 pm
- The site will be environmentally and visually unattractive at the town entry
- The proposal will attract increasing heavy vehicle movements to and from the site
- The proposal will have an adverse impact on residential amenity.
- The industry uses heavy machinery including concrete pumps and cranes that will adversely impact on residential amenity and pose a safety risk accessing and egressing the site.
- Debris and litter from the site has blown into residential properties adjacent to the subject site.

The issues of concern were conveyed to the applicant who provided a written response (Appendix 11) which is summarised as:

- Objector concerns about noise and the site being offensive have only arisen consequent of the application for permit whilst the operations on site have been conducted for almost 2 years.
- The objectors live in close proximity to Towong Street East which already has heavy vehicle traffic which would generate more noise than vehicles at the subject site.
- The applicant admits that on rare occasion concrete trucks have been on site early in the morning and apologises for that and assures that it will not happen again.
- The noise is not continual as the site has only been used for 36 weeks out of the past 96 weeks, with an average of 3 weeks use for each project.
- One objector does not have a view over the site and should therefore not be concerned with whether the subject site is visually offensive.
- The issue of risk to safety of attending heavy vehicles is put into perspective when the actual numbers are considered. 12 Precast buildings have been done in 96 weeks, with 42 concrete trucks, 24 cranes, 12 delivery trucks and 15 concrete pumps being a total of 93 heavy vehicles.

## **REFERRALS**

The application was referred to GMW and EPA pursuant to Section 55 of the Planning and Environment Act and to North East Water and WorkCover Authority under Section 52 of the Act.

GMW responded with no objection to the proposal

The EPA responded with some comments and no objection subject to conditions. In comments the EPA noted that the threshold distance of 100m for the proposed activity will not be met and that as such it is essential that Council are satisfied that the permit conditions required by the EPA are able to be met before any permit may be granted. The EPA further comments that Council may elect to request further information to be confident that the environmental controls are attainable.

The requested EPA conditions should a decision be made to grant a permit are:

1. *Noise emitted from the premises must not exceed the recommended levels as set out in the Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.*
2. *Nuisance dust must not be discharged beyond the boundaries of the premises.*
3. *Sediment traps or similar must be installed to prevent the transportation of wash down water, sediment, litter and waste oil, grease and detergents from vehicles to the storm water system.*



4. *Stormwater contaminated with waste (oil, grease, chemicals, leachate or wash down water) must not be discharged beyond the boundary of the premises.*
5. *A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA publication 347 Bunding Guidelines 1992 or as amended.*

Comment

The front boundary of the subject land is approximately 35m from the nearest dwellings on the opposite side of Towong Street East. Given the nature of the activity it is very unlikely that the EPA noise levels could be achieved all the time. For example, it is reasonable to anticipate that vehicles such as concrete trucks and pumps will have motors and associated equipment running for the duration of the stay on site. Given the locational proximities this noise could be expected to at best constitute a nuisance but in probability likely exceed residential noise levels.

**PLANNING AND ENVIRONMENT ACT 1987**  
**Section 60**

*(a) the relevant planning scheme;*

This report considers the provisions of the relevant Towong Planning Scheme.

*(b) the objectives of planning in Victoria;*

The proposal is not considered to be consistent with the objectives of planning in Victoria.

The proposal could reasonably be expected not to provide for the fair, orderly, economic and sustainable use and development of land as the adverse impacts upon existing residential amenity would be unacceptable. Also the potential adverse impacts on the visual environment on a main road entrance to the Tallangatta Township would detract from the townscape and broader visual presentation and amenity.

The proposal could reasonably be expected not to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria. The appropriateness of a precast concrete manufacturing facility in visual and acoustic proximity to residential environment and the town entry would not be consistent in the circumstances with securing a pleasant living environment.

In balancing the present and future interests of Tallangatta it is considered that the subject site is not appropriate for the proposed use and development.

(c) *all objections and other submissions received and which have not been withdrawn;*  
Four submissions in objection have been received and are addressed elsewhere in this report.

(d) *any decision and comments of a referral authority which it has received;*  
Referral Authorities and responses are specifically addressed elsewhere in this report

(e) *any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*

Clause 52.10 refers to separation distances between industrial activities and residential environments and in this case provides for a 100m separation distance. These separation distances are established based on experience and research in respect to the specific activities. Therefore it is reasonable to anticipate that the proposal within the 100m separation distance might have an adverse effect on the residential environment.

## **TOWONG PLANNING SCHEME REQUIREMENTS**

### Definition

Under the Towong Planning Scheme Clause 74 the proposal is defined as an '*Industry*', being a '*process of manufacture*'. The proposal is further defined and limited by the provisions of Clause 52.10 where it is classified under *Non Metallic Mineral Products* as a '*Concrete article or stone article production*'.

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

**Clause 11** provides that:

*"Planning is to prevent environmental problems created by siting incompatible land uses close together."*

**Clause 11.02-3** refers to **Structure planning** and establishes the **objective** "To facilitate the orderly development of urban areas." Clause 11.02-3 also establishes a strategy to *"Ensure effective planning and management of the land use and development of an area through the preparation of strategic plans, statutory plans, development and conservation plans, development contribution plans and other relevant plans."*

The Tallangatta Structure Plan prepared as part of the Towong Shire Settlement Strategy (2010) and introduced into the Planning Scheme as part of Amendment C24 on 15 November 2012 provides specifically for rezoning of the subject land to the Mixed Use Zone.

The proposal on the subject land is not consistent with prevention of environmental problems by separately siting incompatible land uses.

The Tallangatta Structure Plan identifies the subject land as appropriately rezoned to Mixed Use Zone to better reflect landscape and environmental amenity objectives and suitable growth objectives for Tallangatta. The amendment to rezone the land has completed exhibition and went to Panel on 16 May 2013.

**Clause 13** refers to **Environmental Risks** and provides that:

*"Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society."*

**Clause 13.04** refers to **Noise and air** and specifically at **Clause 13.04-1 Noise abatement** and establishes the **Objective** *"To assist the control of noise effects on sensitive land uses"*. **Clause 13.04-1** also establishes as a **Strategy** to *"Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area."*

**Clause 13.04-1** additionally provides that *"Planning must consider ..... 'Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989)'"*.

The established separation distance in the absence of any other detailed environmental or acoustic report indicating an acceptable alternative is 100m. The site is approximately 35m from the adjacent residences.

**Clause 15** refers to the **Built Environment and Heritage** and provides that:

*"Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value."*

*Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns.*

*Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design."*

The proposal is not conducive to presenting an attractive streetscape entry to Tallangatta and is located within the accepted separation distance from a residential area and is therefore not conducive to maintaining a good community, social environment or a suitable quality urban design.

**Clause 17** refers to **Economic Development**

**Clause 17.02-2** refers to **Design of industrial development** and establishes an **Objective** *"To facilitate the sustainable development and operation of industry and research and development activity."* **Clause 17.02-2** also establishes as **Strategies** to:

- *Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.*
- *Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area.*
- *Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*

**Clause 17.02-2** additionally provides that *"Planning must consider:*

- *Recommended Buffer Distances for Industrial Residual Air Emissions (Environmental Protection Authority, 1990).*
- *Any comments from the Victorian WorkCover Authority on requirements for industrial land use or development under the Dangerous Goods Act 1985 and associated legislation and the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000.*

The proposal does not meet the 100m separation distance.

### **Local Planning Policy Framework (LPPF):**

#### **MSS**

The MSS at **Clause 21.05** in reference to **Settlement** provides local strategic policy and township structure plans. Clause 21.05-5 refers to policy implementation and explicitly provides that Council:

*"Undertake rezonings to progressively implement the Tallangatta Structure Plan. In particular the following:*

*Industrial 1 Zone (IN1Z) to Mixed Use Zone (MUZ) at Towong St East between Wagara St and Waller St."*

The rezoning referred to has been exhibited and presented to Panel on 16 May 2013. Only one submission objecting to the amendment went to Panel and that related to a site at another part of the Amendment. Once the land is rezoned to the Mixed Use Zone the proposal would be a prohibited use.

**Clause 21.07** refers to **ECONOMY** and at Clause **21.07-3** establishes **Objectives**:

- *To ensure that industrial sites are well presented and maintained throughout the Shire*
- *Require adequate separation of industrial and non-industrial uses to avoid conflict*

The proposal does not meet the adequate separation distance test being within 100m of a residentially zoned area.

### **Local Planning Policies**

**Clause 22.09** refers to **INDUSTRIAL DEVELOPMENT** policy and applies to all development within land zoned Industrial 1 Zone.

**Clause 22.09** as relevant establishes the **Policy Basis** as:

*"The presentation of new industrial development is important for the overall amenity and appearance of Corryong and Tallangatta, as well as for providing attractive and efficient areas in which to locate businesses so as to attract further investment. Many industrial areas are located on main roads or near residential land and the appearance and functioning can be improved by attention to site layout, location of development, building materials, screening and landscaping. The amenity of these areas will be improved with the application of this policy."*

**Clause 22.09** establishes **Objectives** as:

- *Ensure that landscape and environmental values are considered, protected and enhanced.*
- *Accommodate a range of industrial land uses to meet local service needs and to create employment opportunities in the Shire and which do not detract from the appearance or amenity of adjoining or nearby land.*
- *To ensure that all new industrial development is designed, sited and landscaped to a high standard so that it positively contributes to the amenity of the area.*
- *To ensure that any new industrial development on main road entrances into townships is sited and designed to enhance the entrance to the town.*
- *To minimise the impact on the amenity of surrounding residential areas from traffic, noise and emissions generated by industrial land uses and to reduce and minimise conflict between industrial and non-industrial land uses.*

**Clause 22.09** also establishes (amongst other things) that it is **Policy** that:

- *Industrial and commercial development adjacent main roads and residential areas should address those interfaces and be of a high visual standard to enhance the amenity of the transport corridors and nearby sensitive land uses.*
- *Any proposal to use or develop land for industrial purposes in the immediate area of residential uses, open space or other sensitive land uses must incorporate measures to limit adverse impact on the surrounding area, in particular, the emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
- *Plant and equipment must be insulated and located to minimise noise impacts on the surrounding area.*

The proposal fails to meet the majority of the objectives and policy under Clause 22.09 having adverse impact potential on residential amenity and not presenting an appropriate streetscape in a town entrance location.

### **Zone Provisions**

#### **Industrial 1 Zone**

**Clause 33.01-1** provides the **Table of Uses** in respect to the Industrial 1 Zone and specifies that a permit is required for any use not included in Section 1 or 3 of the Table. Industry is referred to in Section 1 of the Table but specifies that the industry use must not be located within the threshold distance, for a purpose listed in the table to Clause 52.10. The proposed use is listed in Clause 52.10 and has a specified threshold distance from a Residential Zone of 100m. The subject land is within 100m of a Residential Zone. Therefore the proposal is not 'as of right' under Section 1 of the Table of Uses and the use is not specifically prohibited under Section 3 of the Table of Uses and by default becomes an innominate use under Section 2 of the Table of Uses to the Industrial 1 Zone.

**Clause 33.01-2** refers to the **Use of land** and specifies **Application requirements**.

An application to use land for an industry or warehouse in the Industrial 1 Zone must be accompanied by the following information, as appropriate:

- *The purpose of the use and the types of processes to be utilised.*
- *The type and quantity of goods to be stored, processed or produced.*
- *How land not required for immediate use is to be maintained.*
- *Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.*
- *Whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.*

- *The likely effects, if any, on the neighbourhood, including:*
  - *Noise levels.*
  - *Air-borne emissions.*
  - *Emissions to land or water.*
  - *Traffic, including the hours of delivery and despatch.*
  - *Light spill or glare.*

The application as submitted contained minimal attention to the list of required information comprising only of a brief description of the proposal (Appendix 12) and a basic hand drawn plan (Appendix 13). It was not indicated whether a notification under the Occupational Health and Safety (Major Hazard Facilities) Regulations 2000 is required, a licence under the Dangerous Goods Act 1985 is required. As a consequence and in light of the listing of the proposed use in Clause 52.10 (Uses with Adverse Amenity Potential) notice was given to the relevant authority.

#### Clause 33.01-2 Decision guidelines

*The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

The SPPF, LPPF, MSS and Local Policies have been considered previously in this report.

*The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*

The proposal is on a site within the 100m separation distance and can reasonably be expected to have an adverse impact on residential amenity. The EPA have in their referral response made it clear that separation distances should be applied unless clear evidence produced by appropriate investigation is provided indicating a lesser separation distance. In this matter no such information has been provided and objector experience derived from existing non-compliant operations, have supported the need to apply the 100m separation distance requirement.

*The drainage of the land.*

Drainage is not at issue subject to runoff quality management.

*The availability of and connection to services.*

Services are available to the subject land.

*The effect of traffic to be generated on roads.*

The effect of traffic generated by the proposal should be considered in light of the status of Towong Street East as a main town entry and the anticipated traffic volume generated by the proposal. Traffic numbers generated by the proposal would be expected to have very minimal effect however the vehicle movement pattern in accessing and egressing the site, may create some minor increase in risk to safety with turning vehicles crossing the path of oncoming traffic.

**Clause 33.01-4** refers to **Buildings and works** and establishes the following **Decision guidelines:** (previously considered matters are not repeated)

*Any natural or cultural values on or near the land.*

There are no known natural or cultural values impacted upon by the proposal.

*Streetscape character.*

The proposed use and development is not conducive to generating or maintaining an appropriate streetscape character in a main town entrance location.

*Built form.*

The proposal entails mostly open to the environment build form comprising a working surface slab and adjacent traffic and storage areas as well as placement of a shipping container for under cover storage. These are not built form characteristics suited to presenting a pleasant streetscape and town entry.

*Landscape treatment.*

Landscaping was not proposed in the application but in the event of grant of a permit it could contain a landscape requirement condition.

*Interface with non-industrial areas.*

The proposed use does not integrate well into a residential interface environment consequent of noise and visual aesthetics.

*Parking and site access.*

Although the application does not provide plans or details of car parking there would be adequate land to accommodate requirements.

*Loading and service areas.*

The proposal site is adequate to and intended for accommodating loading and unloading on site.

*Lighting.*

There is no reference in the application to outdoor lighting



*Stormwater discharge.*

Subject to quality management stormwater could be adequately addressed.

#### Mixed Use Zone

The Mixed Use Zone (MUZ) is proposed to cover the subject land after Amendment C29 is gazetted.

The table of uses to the MUZ lists Industry as a Section 2 permit required use unless it is a use listed in the table to Clause 52.10 where it becomes a prohibited use. The proposed use is listed in Clause 52.10 and is therefore a prohibited use in the MUZ.

### **Clause 52.10 Uses with Adverse Amenity Potential**

#### Definition

*"The threshold distance referred to in the table to this clause is the minimum distance from any part of the land of the proposed use or buildings and works to land (not a road) in a residential zone, Business 5 Zone, Capital City Zone or Docklands Zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre."*

Concrete article or stone article production is listed in the table as having a 100m separation requirement.

### **Clause 65.01 – Decision Guidelines**

It is noted that although a permit can be granted this does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of Clause 65.01. In making a determination on this application, Council must consider, (as appropriate):

- *The matters set out in Section 60 of the Act.*

The relevant matters set out in Section 60 of the Act have been addressed throughout this report.

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

The SPPF has been considered previously in this report and the proposal is generally not compliant with SPPF provisions.

- *The purpose of the zone, overlay or other provision.*

The purpose of the zone, overlay or other provision have been addressed previously in this report.

- *The orderly planning of the area.*

The proposal is in a significant town entry location adjacent to a residentially zoned and developed area. The proposal is anticipated as having adverse impacts upon the residential amenity and the streetscape presentation. Therefore the proposal is considered to be inconsistent with orderly and proper planning.

- *The effect on the amenity of the area.*

The proposal is expected to have an adverse effect upon the amenity of the area.

**Clause 67** refers to **APPLICATIONS UNDER SECTION 96 OF THE ACT**

This clause applies to an application for a permit which, except for the provisions of this clause, would be made to the Minister in accordance with Section 96 of the Act.

**Section 96 of the Planning and Environment Act 1987** refers to **Land owned or permit required by responsible authorities** and provides that:

*(1) A responsible authority must obtain a permit from the Minister before carrying out any use or development for which a permit is required under the planning scheme for which it is the responsible authority unless the planning scheme exempts the land, use or development from this subsection.*

*(2) A person other than the responsible authority must obtain the consent of the responsible authority and a permit from the Minister before carrying out any use or development on any land managed (whether as committee of management or otherwise) occupied or owned by the responsible authority for which a permit is required under the planning scheme for which it is the responsible authority unless the planning scheme exempts the land, use or development from this subsection.*

**Clause 67.01** provides **Exemptions from Section 96(1) and 96(2) of the Act**

In accordance with Section 6(2)(ka) of the Act, the following classes of use and development are exempted from Section 96(1) and 96(2) of the Act:

**CLASS 1**

*"Use of land for -*

*Car park, camping and caravan park, community facility (including child care centre, maternal and infant welfare centre, neighbourhood house, place of assembly and toilet block), dwelling, stone extraction, hospital, **industry**, leisure and recreation, office, residential village, retail premises or service station."* (Emphasis added)

An application for an industry is exempt from the need for a permit from the Minister subject to the notice requirements of **Clause 67.02** which have been met in respect to this application.

**Impact on Council Policy:**

Council policy as espoused in the Towong Planning Scheme does not support the proposal on the subject land.

**State Government Policy Impacts:**

State Government policy as espoused in the Towong Planning Scheme does not support the proposal on the subject land.

**Budget Impact:**

Council is the owner of part of the land forming the subject site and proposes the sale of the land to the proponents if the proposed industry obtains planning approval.

**Risk Assessment:**

The grant of a permit may have an adverse impact upon the amenity of residents living in the adjacent residential estate.

**Community Consultation/Responses:**

Community consultation in accord with the Planning and Environment Act was undertaken and four (4) submissions were received as summarised previously in this report

**Discussion/Officers View:**

The proposal the subject of this application fails to meet the Planning Scheme requirements in respect to separation distances and fails to meet State and Local policy.

The proposal being within the 100m separation distance from a residential area puts residential amenity at an unacceptable risk. The nature and location of the proposal on a main road entry into Tallangatta is not consistent with or conducive to meeting objectives and maintaining visual amenity and presentation.

**CR JOYCE  
CR SCALES**

**THAT COUNCIL HAVING CAUSED NOTICE OF PLANNING APPLICATION NO. 2013/025 TO BE GIVEN UNDER SECTION 52 OF THE PLANNING AND ENVIRONMENT ACT 1987 AND HAVING CONSIDERED ALL THE MATTERS REQUIRED UNDER SECTION 60 OF THE PLANNING AND ENVIRONMENT ACT 1987 DECIDES TO REFUSE TO GRANT A PLANNING PERMIT UNDER THE RELEVANT PROVISIONS OF THE TOWONG PLANNING SCHEME IN RESPECT TO THE LAND KNOWN AND DESCRIBED AS LOTS 3 AND 4, LP 218324, PARISH OF BOLGA, BEING 5 AND 7 TOWONG STREET EAST, TALLANGATTA, FOR THE INDUSTRIAL USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSES OF THE MANUFACTURE OF PRECAST CONCRETE BUILDINGS FOR THE FOLLOWING REASONS:**

- 1. THE LOCATION OF THE PROPOSED INDUSTRY FOR MANUFACTURE OF PRECAST CONCRETE BUILDINGS IS WITHIN THE PRESCRIBED SEPARATION DISTANCE PURSUANT TO CLAUSE 52.10.**
- 2. THE PROPOSED INDUSTRY FOR MANUFACTURE OF PRECAST CONCRETE BUILDINGS IS NOT COMPLIANT WITH STATE PLANNING POLICY.**
- 3. THE PROPOSED INDUSTRY FOR MANUFACTURE OF PRECAST CONCRETE BUILDINGS IS NOT COMPLIANT WITH THE MUNICIPAL STRATEGIC STATEMENT AND LOCAL PLANNING POLICY.**
- 4. THE PROPOSED INDUSTRY FOR MANUFACTURE OF PRECAST CONCRETE BUILDINGS IS NOT COMPLIANT WITH THE TALLANGATTA STRUCTURE PLAN.**
- 5. THE PROPOSED INDUSTRY FOR MANUFACTURE OF PRECAST CONCRETE BUILDINGS IS NOT COMPLIANT WITH AMENDMENT C29.**
- 6. THE PROPOSED INDUSTRY FOR MANUFACTURE OF PRECAST CONCRETE BUILDINGS IS NOT COMPLIANT WITH INDUSTRIAL 1 ZONE PROVISIONS.**
- 7. THE PROPOSED INDUSTRY FOR MANUFACTURE OF PRECAST CONCRETE BUILDINGS WILL HAVE AN ADVERSE IMPACT UPON RESIDENTIAL AMENITY.**

**8. THE PROPOSED INDUSTRY FOR MANUFACTURE OF PRECAST CONCRETE BUILDINGS WILL HAVE AN ADVERSE IMPACT UPON THE VISUAL AMENITY AND STREETScape PRESENTATION AT THE TALLANGATTA TOWN ENTRY.**

**CARRIED**

**CR WORTMANN  
CR JOYCE**

**THAT COUNCIL EXPLORE FURTHER OPTIONS FOR THE LOCATION OF THIS BUSINESS.**

**CARRIED**

### **13 Our community's wellbeing**

No reports.

### **14 Economic and tourism development**

No reports.

## 15 Councillor reports

### 15.1 Walwa Recreation Reserve (Cr Fraser)

<b>Date</b>	8 May 2013
<b>Details About the Activity</b>	Council reps met with members of the Football Committee to discuss the funding proposals for the Walwa Reserve, there were some reservations expressed but it was probably only about four of a committee of 12, as I understand who had the reservations. By the end of the meeting people seemed reasonably happy with what is proposed, it pays to communicate effectively, and although an expensive afternoon for our staff I believe it was worthwhile.

### 15.2 Tallangatta Senior Citizens (Cr Fraser)

<b>Date</b>	13 May 2013
<b>Details About the Activity</b>	I met with Dave Barry and the Senior Citizens to discuss their future plans. I am sure they were happy for the opportunity to ask questions and we left them to consider our report at a later date.

### 15.3 Tallangatta Eco-Education and Integrated Community Services Hub (Cr Fraser)

<b>Date</b>	13 May 2013
<b>Details About the Activity</b>	The CEO, DCCS and I met with the people who had contacted Council about the proposed location of the new Community Building. We explained the difficulties associated with other sites and the level of support from other businesses nearby as well as the members of the community who are delighted with the proposed location. I am not sure if they are totally convinced that it is the best option but we did try to explain. It was also pointed out that none of the buildings on the site are being used commercially except the Hub Cottage Crafts which we intend to work with to provide a suitable location.

#### 15.4 MAV State Conference (Cr Fraser)

<b>Date</b>	17 May 2013
<b>Details About the Activity</b>	I attended the conference for the day as an alternative representative for Cr Joyce. Our motion in relation to revaluations being four yearly instead of every two years was successful. It was pointed out that it had previously been approved so it may mean nothing changes. I put the motion as affecting rural Shires, but it was presented as including all Shires and was wholeheartedly supported. A couple of divisions were called for, one for a motion asking the MAV to include more women as speakers at functions, this motion was narrowly lost. I am always surprised at how Councillors vote as the option of using smart metres was again on the agenda and was again lost

#### 15.5 Australia Local Government Women's Association (Cr Fraser)

<b>Date</b>	25 May 2013
<b>Details About the Activity</b>	I attended the Mayor's Forum at Euroa. There were six Mayors present and most had attended the two day conference. I arrived to hear Bill Sykes speaking followed by Sharman Stone speaking of her experiences in Federal Government. She was very charitable in her views on how Julia Gillard has been treated and pointed out how differently men are treated by the media. She surprised me by saying that although she had not agreed with affirmative action in the past and believed women should achieve on their merits, she now believed as women were 51% of the population they should have equal representation. A view I don't hold. Sharman was very supportive of Constitutional Recognition and expressed disappointment in the Victorian Govt view. Unfortunately they didn't have question time. It was a great location in the Old Euroa Butter Factory.

### 15.6 Upper Murray Regional Library (Cr Fraser)

<b>Date</b>	28 May 2013
<b>Details About the Activity</b>	We are continuing to progress the finalisation of UMRL and trying to achieve the best results for the communities. The mobile arrangements are progressing well with Riverina Regional Library and we have two meetings to discuss the new proposals with our static Libraries in Corryong and Tallangatta. Indigo Shire have been very helpful with the transition. We hope to have things finalised by the end of June while continuing to wind up until the end of July. It has been a difficult time for all. I also met with the UMRL staff on Wednesday morning with Steve Pinnuck Hume Shire's General Manager to discuss the decisions from Tuesday's Board Meeting.

### 15.7 Tallangatta for the Future (Cr Fraser)

<b>Date</b>	28 May 2013
<b>Details About the Activity</b>	I met with the members at the Aldrich home. They are very happy to have the opportunity to meet in the Tallangatta Community Centre and hope it will encourage more people to join. There was some discussion about the Fifties Festival and also a brochure for the town to promote itself. I was asked to find out if Council could copy some current brochures at a fee. I explained that we were hoping to do more for visitor information centre in the near future and they were very happy to see that happening. I explained that most communities in the Shire were doing their own brochures and suggested they may be interested in the Mitta Valley's. I was also asked about a recent meeting in Corryong attended by an officer from Tourism North East and if something similar could be arranged for them.

### 15.8 Debutante Ball Tallangatta (Cr Fraser)

Verbal report



### 15.9 Mens Shed Bethanga (Cr Fraser)

Verbal report

**CR JOYCE  
CR SCALES**

**THAT THE COUNCILLOR REPORTS BE NOTED.**

**CARRIED**

## **16 Urgent business**

**CR JOYCE  
CR WORTMANN**

**THAT THE FOLLOWING TWO ITEMS OF URGENT BUSINESS BE ADMITTED:**

- 1. CONSTITUTIONAL RECOGNITION VOLUNTARY CAMPAIGN LEVY; AND**
- 2. TALLANGATTA ECO-EDUCATION AND INTEGRATED COMMUNITY SERVICES HUB LEGAL AGREEMENT; AND**

**CARRIED**

### **16.1 Constitutional Recognition Campaign (07/01/0006-CEO)**

At the recent Municipal Association of Victoria (MAV) State Council, Constitutional Recognition was discussed. The Australia Local Governance Association (ALGA) Board had previously identified that a national campaign could cost local government in the order of \$10 million, of which the contribution from Victoria was estimated at \$2 million. At the State Council meeting Towong supported the 2012 State Council resolution for the MAV to issue a voluntary levy on members. Towong Shire Council has been advised that its voluntary levy is \$3,628.

**CR SCALES  
CR JOYCE**

**THAT COUNCIL MAKE A CONTRIBUTION OF \$3,628 TO THE CONSTITUTIONAL RECOGNITION CAMPAIGN.**

**CARRIED**

## 16.2 Tallangatta Eco-Education and Integrated Community Services Hub Legal Agreement (04/11/0012-DCCS)

### **Disclosure of Interests (S.80C):**

This report was prepared by Mr Dave Barry, Director Corporate and Community Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

### **Background/History:**

Council has been successful in securing \$800,000 funding from the Department of Education and Early Childhood Development to support the construction of the \$2.6 million Tallangatta EcoEducation and Integrated Services Hub.

The facility will include provision for a kindergarten, long day care, community activity space, open plan library (publications, digital media and toy), internet access bar, eco living education zone, consultation room and Maternal Child Health room.

Council's preferred site for the new services hub is 33-37 Towong Street, Tallangatta. Part of this site (35-37 Towong Street) is owned by the State Government and Council has an option to enter in to a "Peppercorn" lease agreement with the Minister for Education to lease this part of the site for a 21 year period.

Council also has a legal agreement in place that gives the option of purchasing 33 Towong Street, Tallangatta. That parcel of land would enable further design flexibility and improved community services outcomes for the proposed facility.

To secured funding for the \$2.6 million facility several partnership opportunities have been leveraged with the Department of Education and Early Childhood Development, Sustainability Victoria and the Department of Planning and Community Development. In addition, Council has committed \$400,000 to the project.

The projects aim to support a strong partnership between the community, State and Local Government by delivering much needed facilities in Tallangatta.

In order to secure a long term lease over 35-37 Towong Street from the State Government the relevant lease needs to entered into with the Minister for Education.

In order to secure \$800,000 funding from the Department of Education and Early Childhood Development the relevant Capital Funding Agreement (CFA) needs to be entered into with the Department of Education and Early Childhood Development.

**Impact on Council Policy:**

Nil. This project is consistent with Council's strategic objectives as outlined in the Council Plan.

**State Government Policy Impacts:**

Nil.

**Budget Impact:**

This project has been budgeted for in Council's budget and long term financial plan.

**Risk Assessment:**

Both documents have been reviewed by Council's solicitor and his advice has been acted on as deemed appropriate.

The CFA is a straightforward document consistent with other funding agreements that Council routinely enters into.

The lease places a series of obligations on Council. The most significant of these obligations is that Council is responsible for any reasonable remediation of the site within the extent of the project budget.

**Community Consultation/Responses:**

Nil.

**Discussion/Officers View:**

Council should enter into both legal agreements as they meet Council's needs. A failure to so would jeopardise the project funding, which in turn would result in a failure to secure tenure over the site due to a requirement to enter into both documents concurrently.

**CR JOYCE  
CR SCALES**

**THAT THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE FOLLOWING TWO LEGAL AGREEMENTS RELATING TO THE TALLANGATTA ECO-EDUCATION AND INTEGRATED SERVICES HUB:**

- 1. LEASE BETWEEN THE MINISTER FOR EDUCATION AND TOWONG SHIRE COUNCIL;  
AND**
- 2. CAPITAL FUNDING AGREEMENT BETWEEN THE STATE OF VICTORIA AS REPRESENTED BY THE DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT AND TOWONG SHIRE COUNCIL.**

**CARRIED**

## **17 Committee minutes**

### **17.1 NevRwaste (Cr Joyce)**

The Executive Summary of the key outcomes and issues discussed at the NevRwaste AGM and General Meeting held on 9 May 2013 is attached at Appendix 14.

**CR GADD  
CR SCALES**

**THAT THE INFORMATION BE NOTED.**

**CARRIED**

### **17.2 Emergency Management Planning Committee (02/02/0005)**

Draft Minutes of the Emergency Management Planning Committee meeting held on 15 May 2013 are attached at Appendix 15.

**CR WORTMANN  
CR JOYCE**

**THAT THE EMERGENCY MANAGEMENT PLANNING COMMITTEE DRAFT  
MINUTES BE NOTED.**

**CARRIED**

## **18 Occupational health and safety**

### **18.1 OHS Committee (06/04/0212-DCCS)**

Minutes of the meeting held on 2 May 2013 are attached at Appendix 16 for information.

**CR GADD  
CR SCALES**

**THAT THE OCCUPATIONAL HEALTH AND SAFETY COMMITTEE MINUTES BE  
NOTED.**

**CARRIED**

## **19 Council policies (10/01/0007)**

The following policy was tabled at the 5 March 2013 Council meeting and is presented (at Appendix 17) for adoption. Incorporated changes are highlighted in red.

- Renewable Energy and Development

**CR JOYCE  
CR GADD**

**THAT THE RENEWABLE ENERGY AND DEVELOPMENT POLICY AS AMENDED BE ADOPTED.**

**CARRIED**

**CR JOYCE  
CR GADD**

**THAT COUNCIL INVESTIGATE AVENUES FOR LOBBYING TO NEGATE THE PROPOSED INCREASED SUPPLY CHARGES BY POWER AGENCIES ON HOUSEHOLDS WHO HAVE INSTALLED SOLAR ENERGY GENERATION UNITS.**

**CARRIED**

The following policy was tabled for review on 7 May 2013 and deferred pending further discussion. The policy is attached at Appendix 18 with incorporated changes highlighted in red.

- Stock Grid

**CR GADD  
CR SCALES**

**THAT THE STOCK GRID POLICY AS AMENDED BE ADOPTED.**

**CARRIED**



The following policies were tabled at the 2 April 2013 Council meeting and are presented (at Appendix 19) for adoption.

- Disabled Access Funding (DTS)
- Discrimination, Workplace Sexual Harassment (DCCS)
- Occupational Health and Safety (DCCS)
- Temporary Road Closure (DTS)
- Young Person Award (EA)

**CR GADD**

**CR JOYCE**

**THAT THE FOLLOWING POLICIES AS AMENDED BE ADOPTED:**

- **DISABLED ACCESS FUNDING**
- **DISCRIMINATION, WORKPLACE SEXUAL HARASSMENT**
- **OCCUPATIONAL HEALTH AND SAFETY**
- **TEMPORARY ROAD CLOSURE**
- **YOUNG PERSON AWARD**

**CARRIED**

The following policy is attached at Appendix 20 for review. Councillors are requested to provide feedback on these policies to the Responsible Officer by 2 July 2013.

- No Smoking (DCCS)

## 19.1 Community use of Council Meeting Spaces and Facilities Policy (EA)

### Disclosure of Interests (S.80C):

This report was prepared by Mrs Diana Snaith, Executive Assistant.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

### Background/History:

From time to time Council receives requests from local community groups for free use of the Tallangatta Community Centre and Berringa Community Centre located in Bellbridge. This is because the local groups are generally Not-For-Profit organisations and membership numbers are diminishing. Such requests have been granted. At present there are only two local groups who regularly use the Tallangatta Community Centre who pay the scheduled fee.

The situation at the Berringa Community Centre is very similar. However as the only group that has traditionally used the Centre is in recess, there is no income at present.

### Impact on Council Policy:

Nil.

### State Government Policy Impacts:

Nil.

### Budget Impact:

A brief history of income for the Tallangatta Community Centre is provided below:

2012/2013	\$160 year-to-date
2011/2012	\$355 (due to being hired out for six corporate training sessions)

**Risk Assessment:**

Nil.

**Community Consultation/Responses:**

Nil.

**Discussion/Officers View:**

Because the local groups who use the Tallangatta Community Centre and the Berringa Community are generally Not-For-Profit organisations and membership numbers are diminishing or committees are in recess, it is recommended that all local Not-For-Profit groups be granted free use Council Meeting Spaces and Facilities. Business or Corporate use of rooms would still be charged according to the Schedule of Fees and Charges. It should also be noted that bookings for the purposes of Council business will take precedence over all other bookings regardless of when the bookings are made. Attached at Appendix 21 is the Draft Community Use of Council Meeting Spaces and Facilities policy with incorporated changes highlighted in red.

**CR JOYCE  
CR GADD**

**THAT COUNCIL ADOPT THE COMMUNITY USE OF COUNCIL MEETING SPACES  
AND FACILITIES POLICY AS AMENDED.**

**CARRIED**

## **20 Sealing of documents**

### **20.1 Section 173 Agreement – Douglas Maxwell Mason And Elaine Mary Mason And Towong Shire Council (P248850)**

Amended Planning Permit 2011/079.1 provided consent for a re-subdivision of Lot 2 TP428734, Lot 2 PS626851 and Lot 1 TP853247, Parish of Beethang (Murray Valley Highway, Huon). Condition 12 of the Planning Permit requires a Section 173 Agreement to be registered on the Titles of proposed lots. The Agreement is a requirement of Clause 35-08.3 of the Towong Planning Scheme which states that when creating lots smaller than 40 hectares through a re-subdivision an agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots.

The Agreement has now been drafted in accordance with the Planning Permit and needs to be signed and sealed.

**CR WORTMANN  
CR JOYCE**

**THAT THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE SECTION 173 AGREEMENT RELATING TO LAND KNOWN AS LOT 2 TP428734, LOT 2 PS626851 AND LOT 1 TP853247, PARISH OF BEETHANG (MURRAY VALLEY HIGHWAY, HUON) THAT HAS BEEN DRAFTED IN ACCORDANCE WITH THE REQUIREMENTS OF AMENDED PLANNING PERMIT 2011/079.1.**

**CARRIED**

## **21 Confidential**

In accordance with S77(2) information is 'confidential information' if:

(a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or

(b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or

(c) subject to sub-section (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.

In accordance with Section 89(2) and 89(3) of the Local Government Act 1989,

(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—

(a) personnel matters;

(b) the personal hardship of any resident or ratepayer;

(c) industrial matters;

(d) contractual matters;

(e) proposed developments;

(f) legal advice;

(g) matters affecting the security of Council property;

(h) any other matter which the Council or special committee considers would prejudice the Council or any person;

(i) a resolution to close the meeting to members of the public.

(3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting

Nil.

There being no further business the meeting closed at 12.23 pm.

---

**Cr Mary Fraser OAM**

**2 July 2013**