

Minutes

Ordinary Meeting of Council

Corryong Council Office

Tuesday 1 July 2014

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<p style="text-align: center;">MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE TOWONG SHIRE COUNCIL, CORRYONG OFFICE ON TUESDAY 1 JULY 2014 COMMENCING AT 10.00 AM.</p>

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At 10am the CEO declared the meeting opened and explained that the Mayor Cr Mary Fraser OAM had been delayed due to a tree over the road.

**CR GADD
CR JOYCE**

THAT CR WORTMANN BE APPOINTED ACTING MAYOR.

CARRIED

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: Crs Wortmann, Gadd, Joyce and Scales.
Cr Fraser OAM joined the meeting at 10.55am.

In Attendance:	Title:
J Phelps	Chief Executive Officer
J Shannon	Director Community and Corporate Services
D Snaith	Executive Assistant

3 Apologies and granting of leave of absence

J Heritage.

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

Ordinary meeting of 3 June 2014.

CR GADD
CR JOYCE

THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 3 JUNE 2014 AS CIRCULATED BE CONFIRMED.

CARRIED

6 Petitions, joint letters and declarations

Nil.

7 Assembly of Councillors

A written record of the Assemblies of Councillors from 3 June to 25 June 2014 is included at Appendix 1.

**CR JOYCE
CR GADD**

THAT THE INFORMATION BE NOTED.

CARRIED

8 Open Forum

NAME	TOPIC
Mr Bruce Evans	Mr Evans spoke about stormwater issues he was experiencing on his property. Mr Evans sought information on his rights in this regard.
Mr Robert Price	Bethanga Men's Shed. Mr Price expressed his interest in the meeting's proceedings and in particular to Item 12.1 Planning Application 2014/028.

Council brought forward discussion on item 21.1 Magorra Park Multi-purpose Centre Tender Assessment.

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

**CR JOYCE
CR GADD**

THAT THE MEETING BE CLOSED TO THE PUBLIC TO CONSIDER INFORMATION CONSIDERED UNDER SECTION 89(2)(h) OF THE LOCAL GOVERNMENT ACT TO BE CONFIDENTIAL, THE TIME BEING 10.10 AM.

CARRIED

21.1 Magorra Park Multi-purpose Centre Tender Assessment (02/08/0099-DTS)

Mr Charlie Bird (Project Manager) advised Council that a tenderer (Andrew Randell of Barton St Developments) had expressed concern regarding the tender process for the construction of the Magorra Park Multi-purpose Centre.

The tenderer believes that Mr Andrew Kaye's (Project Manager of Magorra Park Multi-purpose Centre) recent involvement with another tenderer presented a conflict of interest. Due to this perceived conflict of interest Mr Andrew Kaye has been excluded from the tender assessment panel of the Magorra Park Multi-purpose Centre construction tender.

**CR JOYCE
CR GADD**

THAT THE MEETING BE OPENED TO THE PUBLIC, THE TIME BEING 10.25 AM.

CARRIED

**CR SCALES
CR GADD**

THAT:

- 1. COUNCIL AWARD THE CONTRACT FOR THE CONSTRUCTION OF THE MAGORRA PARK MULTI-PURPOSE CENTRE TO BARKER CONSTRUCTIONS FOR A LUMP SUM OF \$785,676 AND IF REQUIRED THE USE OF PROVISIONAL QUANTITIES UP TO THE VALUE OF \$114,324 FOR THE RAMMED EARTH PROPOSAL SHOULD THE PROJECT CONTROL GROUP WISH TO PURSUE THIS OPTION;**
- 2. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE CONTRACT FOR THE CONSTRUCTION OF THE MAGORRA PARK MULTI-PURPOSE CENTRE WITH BARKER CONSTRUCTIONS; AND**
- 3. TENDERERS BE ADVISED ACCORDINGLY.**

CARRIED

Mr Bird left the Council Meeting at 10.26 am and did not return.

Council returned to item 9.1 of the Agenda.

9 Organisational improvement

9.1 Finance Report as at 31 May 2014(DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Ms Jo Shannon, Director Community and 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	May-14 (Actual) \$'000	May-14 (Budget) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	YTD (Variance) %
Income	1	676	188	14,844	13,488	1,356	10%
Expenditure	2	661	628	9,825	10,438	(613)	-6%
Surplus		15	(440)	5,019	3,050	1,969	65%

Table 1: Operating Result

Note 1:

Income year to date (YTD) is higher than budget, primarily due to the timing of grant funding payments. Where the timing is unknown at the time of preparing the budget, the budget is placed in the month of July. Refer "Grant Income" below.

Note 2:

Expenditure YTD is lower than budget, primarily due to the timing of grant funded projects and actual employees being lower than originally budgeted. Where the timing is unknown at the time of preparing the budget, the budgeted expenditure is placed in the month of July.

Projects or activities that were budgeted in ahead of actual expenditure include:

- \$171,000 Strategies and Master Plans
- \$79,000 Planning legal fees, contractors and scheme amendment expenses
- \$73,000 Insight 360 Development
- \$60,000 Community Development Officer (advertised April 2014)
- \$50,000 Local Government Reform (Shared Services)

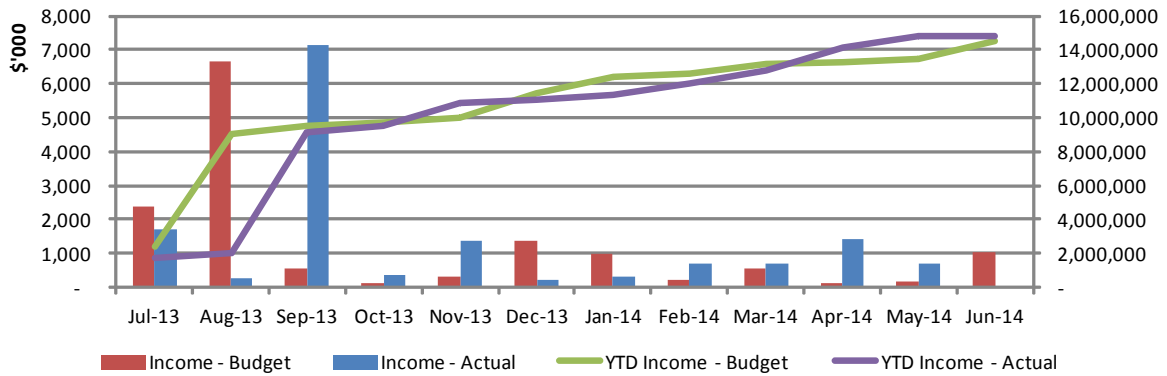
Projects or roles that were budgeted but have not proceeded include:

- \$164,000 Director Development Services
- \$105,000 Flood Recovery Officer
- \$71,000 Statutory planner (maternity leave relief) and planning support

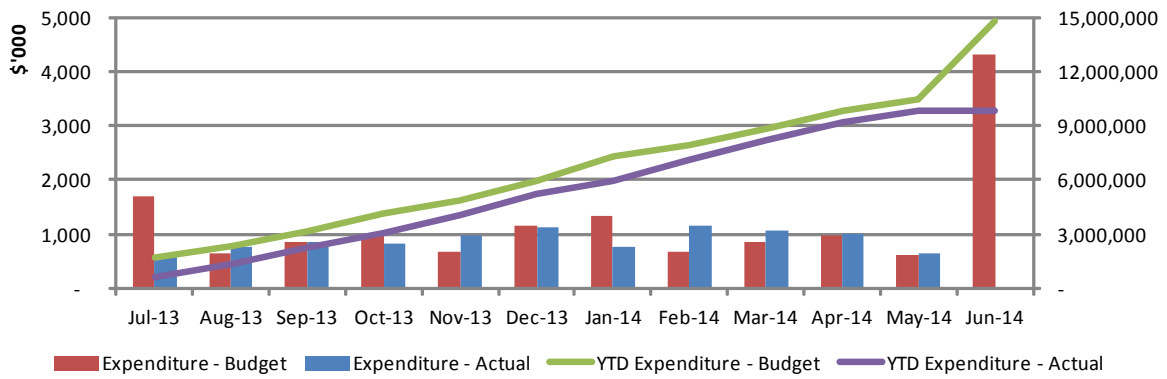
The actual full time equivalent employees for the year is currently 66.3, whilst the budget is 70.6.

Operating result

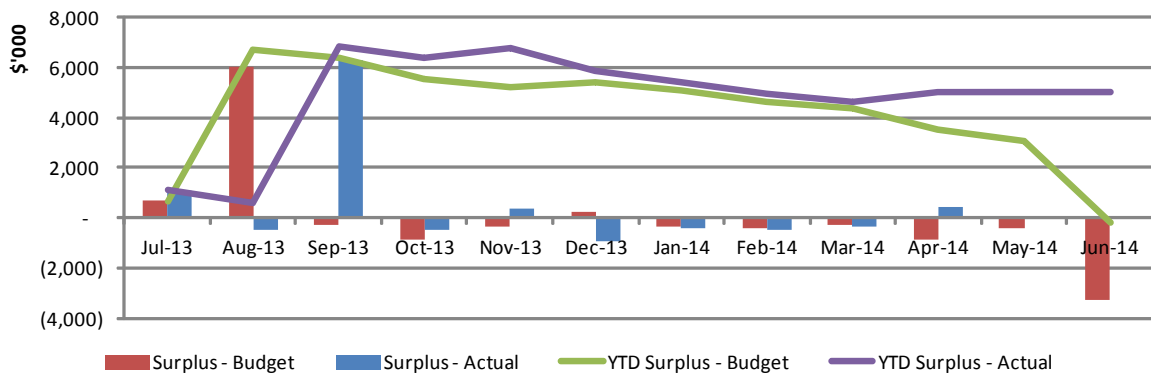
Income



Expenditure



Operating Surplus



Notes to major income and expenditure:

- Council rates were budgeted to be raised in August. This occurred in September.
- Depreciation is budgeted to be recorded in June.

Grant Income

	Note	May-14 (Actual)	YTD (Actual)	YTD (Budget)	YTD (Variance)	12 Month (Budget)
		\$'000	\$'000	\$'000	\$'000	\$'000
Recurring	1	431	2,079	1,702	377	2,184
Non-Competitive	2	3	3,243	2,363	880	2,783
Competitive	3	202	1,586	1,555	31	1,576
Total		636	6,908	5,620	1,288	6,543

Table 2: Grant Income

Note 1:

The following grant was received but not budgeted until the end of the financial year:

- \$364,000 Victorian Grants Commission (general purpose and roads) funding

Note 2:

The following grants were received but not budgeted until the end of the financial year:

- \$410,000 Roads to Recovery Funding
- \$660,000 Local Government Infrastructure Program

The following grant was budgeted for in the YTD budget but will not be received until the next financial year:

- \$195,000 Emergency Response (March 2012 flood recovery)

Note 3:

The following grants were budgeted for in the YTD budget but have not yet been received:

- \$354,000 Blackspot funding
- \$75,000 Upper Murray 2030 Vision

Whilst the following grant was budgeted for in the YTD budget, it will not be received:

- \$235,000 Tallangatta Senior Citizens-RDAF Round 5 grant withdrawn

The following grants were received but were not budgeted in this financial year:

- \$200,000 Magorra Park
- \$250,000 Tallangatta Integrated Community Centre

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

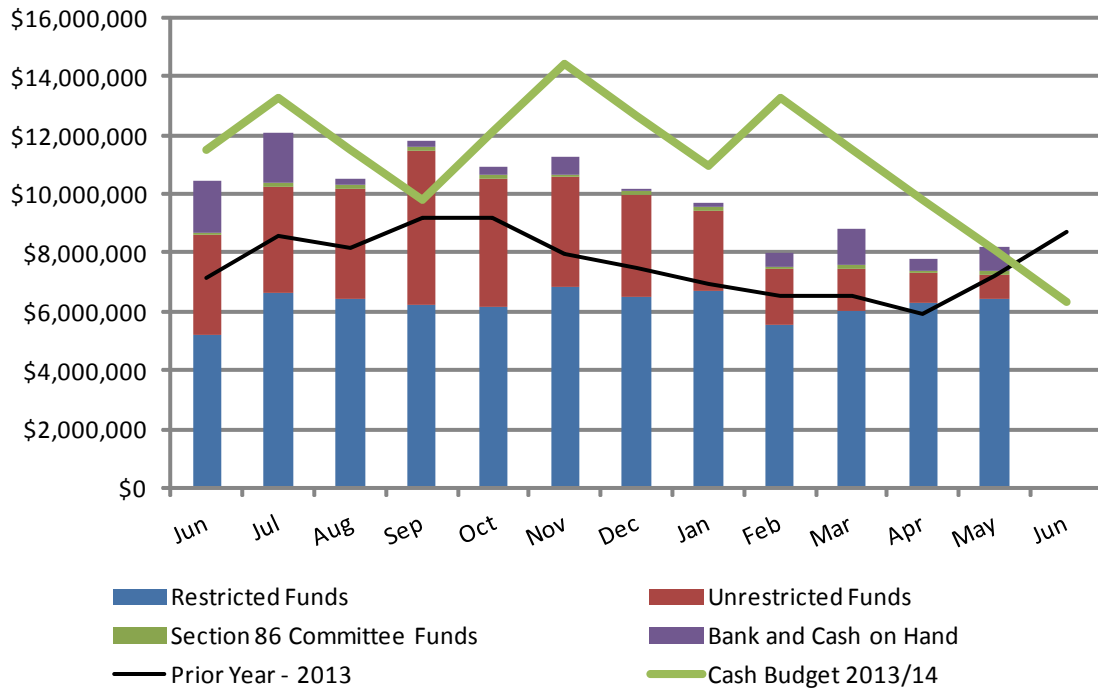
	YTD (Act) \$'000
Recurring	
VGC General Purpose and Road Funding	1,725
Emergency Response	576
Maternal and Child Health	104
Corryong Pre School	103
Library	93
Tallangatta Pre School	61
Berringa Pre School	51
Pre-School Cluster	25
State Emergency Service Corryong	13
State Emergency Service Tallangatta	13
State Emergency Service Mitta	7
Health Admin (Tobacco Activity Service Agreement)	3
Competitive and Non-Competitive	
Country Roads and Bridges	1,000
R2R Supplementary	822
LG Infrastructure Projects	660
Tallangatta Community Hub	450
Tallangatta Multi-sport Precinct	339
Magorra Park (DSE)	200
Scenic Wayside Stop Project	117
Colac Colac Bike Path	108
Walwa Community Recovery Centre	85
Municipal Emergency Response Program	60
Children Services Review	45
L2P Program	45
Community Access	33
Tallangatta Neighbourhood House	29
Weed Project	28
Caravan Park Masterplan	27
The Narrows Project	26
Mitta Valley Dairy Pathways	25
Comm Health & Wellbeing (VPR)	12
Freeza Funding	12
NE Dairy Regional Growth Plan	6
Towong Racecourse (DSE)	4
Seniors Week	2
Youth Week	2
Total	6,909

CASH POSITION

Cash on Hand

The cash position moved during the month as detailed below:

	Current Month May-14 \$	Prior Month Apr-14 \$	Variance	
			\$	%
Unexpended Grants	5,500,802	5,340,510	160,293	3.0%
Provisions and reserves	965,429	965,429	-	0.0%
Restricted Funds	6,466,231	6,305,939	160,293	2.5%
Unrestricted Funds	754,630	988,211	(233,582)	-23.6%
Section 86 Committee Funds	135,588	115,468	20,120	17.4%
Total Investments	7,356,449	7,409,618	(53,169)	-0.7%
Bank and Cash on Hand	844,454	401,722	442,732	110.2%
Total Cash	8,200,903	7,811,340	389,563	5.0%
Average Interest Rate	3.48%	3.48%		



Investments

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

Date	Product	Institution	Principal	Yield	Term	Rating	Maturity
23/04/2014	Term Deposit	NAB	2,000,000	3.58%	90 Days	A1+	22/07/2014
16/12/2013	Term Deposit	AMP	1,000,000	3.90%	182 Days	A1	16/06/2014
11/03/2014	Term Deposit	Bank of Queensland	1,071,564	3.50%	92 Days	A2	11/06/2014
13/03/2014	Term Deposit	Wide Bay Australia Ltd	500,000	3.65%	92 Days	A2	13/06/2014
26/03/2014	Term Deposit	WAW	793,369	3.65%	90 Days		26/06/2014
N/A	Online Saver	ANZ	1,855,927	2.25%	On Call	AA-	N/A
N/A	S86 Committees	Various	135,588	4.68%	N/A		N/A
Total Investments			7,356,449				

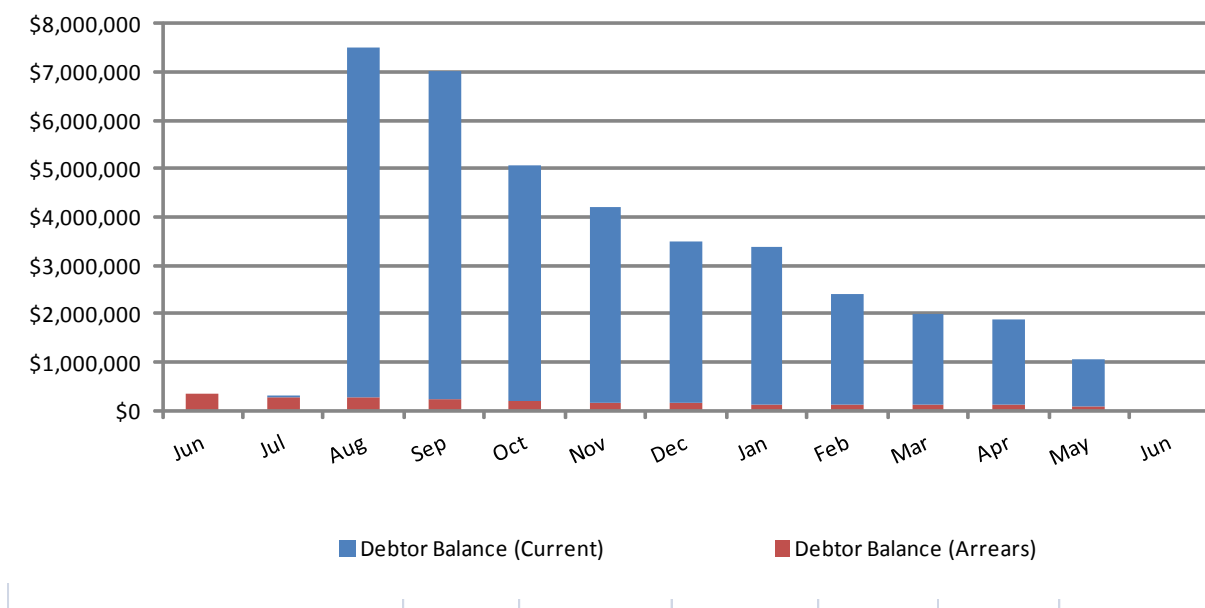
Table 4: Investments at month end

RECEIVABLES

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

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

Rates, charges and FSPL Debtors	Amount	Received	% Collected	Received	Collected	Balance
	\$	May-14	May-14	YTD	YTD	Outstanding
	\$	\$	%	\$	\$	\$
Levied 2013/14	7,275,493	823,784	11.3%	6,309,156	86.7%	966,337
Arrears prior to 2013/14	339,358	9,243	2.7%	241,145	71.1%	98,213
Total Charges		833,027		6,550,301		1,064,550

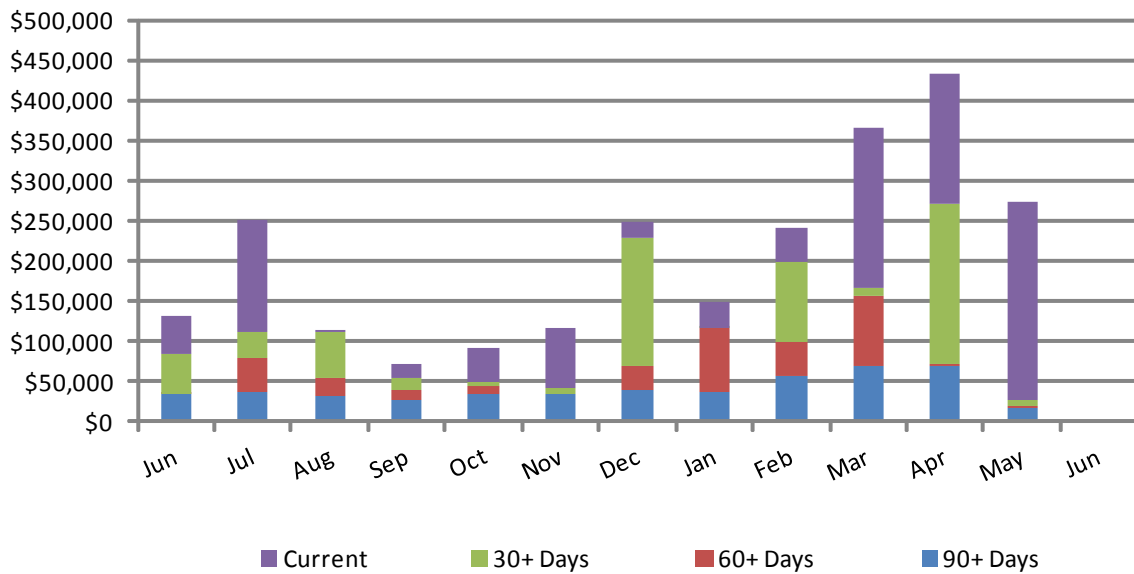


Sundry Debtors

The Sundry Debtors outstanding at month end total \$272,551.

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

Sundry Debtors	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
May 2014	246,456	5,957	1,894	18,244	272,551
April 2014	161,529	198,740	2,042	69,736	432,047
Variance	84,927	(192,783)	(148)	(51,492)	(159,496)



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

Debtor	Amount	Description	RO	Notes
Debtor 18925	\$4,000	Community Group Loan	JS	The long term binding payment agreement has not yet been signed but making payments within terms. Paying \$500 per annum. \$500 received May 2013.
Debtor 17007	\$2,950	Infringement Notice	JS	Debt undergoing review.
AGL Hydro Ltd (15849)	-	Agreement in lieu of rates	JS	Payment received
Cudgewa Football/Netball Club (15598)	-	Community Contribution	JH	Payment received
VicRoads (10266)	-	School Supervisor	JH	Payment received
Regional Development Victoria (17261)	-	Towong Racecourse	PS	Payment received

Table 6: Significant debtors > 90 days

LOCAL ROADS

Local Roads Capital Works

	Note	YTD Actual \$	YTD Budget \$	Variance \$	Annual Budget \$
402 Survey and Design		39,874	95,000	(55,126)	105,000
410 Road Construction		594,486	570,000	24,486	570,000
413 Storm Damage	1	51,882	418,951	(367,069)	418,951
416 Sealing	2	905,089	188,500	716,589	188,500
417 Resealing	2	-	750,000	(750,000)	750,000
420 Drainage Construction	3	33,059	91,500	(58,441)	91,500
421 Digouts	4	639,539	1,075,972	(436,433)	1,075,972
422 Resheeting	5	136,306	230,000	(93,694)	230,000
432 Footpaths		18,420	30,000	(11,580)	30,000
433 Kerb and Channel		59,786	100,000	(40,214)	100,000
450 Bridge Construction	6	1,460,422	1,866,077	(405,655)	2,239,077
Total		3,938,863	5,416,000	(1,477,137)	5,799,000

Table 7: Local Roads – Capital Works (ytd)

Note 1: Works relating to the March 2012 flood event have been completed, with the last claim to be submitted.

Note 2: Reseal program complete. Final line marking and culvert head wall lift works to be completed by end of the year.

Note 3: Works underway on drainage at the depot.

Note 4: Digouts program complete. Budget includes Kurrajong Gap Rd works that are currently underway.

Note 5: Resheet program 80% complete.

Note 6: Two bridges remaining. Contracts have been awarded with construction commencing in early June.

Local Roads Maintenance

	Note	YTD Actual \$	YTD Budget \$	Variance \$	Annual Budget \$
301 Inspections		766	-	766	-
302 Survey and Design		38,199	4,170	34,029	5,000
304 Pavement Maintenance	7	65,575	150,000	(84,425)	180,000
306 Grading		497,736	400,000	97,736	480,000
308 Shoulder Maintenance		52,053	83,330	(31,277)	100,000
310 Drainage Maintenance	7	95,591	162,500	(66,909)	195,000
312 Call Outs		11,823	10,000	1,823	12,000
313 Storm Damage		55,997	-	55,997	-
324 General Roadside Maintenance		60,589	54,170	6,419	65,000
326 Mowing		663	-	663	-
328 Tree Maintenance		67,698	74,790	(7,092)	89,749
330 F/Path Maintenance		4,599	6,670	(2,071)	8,000
331 K and C Maintenance		2,126	4,170	(2,044)	5,000
334 Roadside Treatments		-	12,500	(12,500)	15,000
336 Signs Maintenance		8,351	10,000	(1,649)	12,000
338 Linemarking		7,773	8,330	(557)	10,000
340 Guideposts		5,067	5,830	(763)	7,000
342 Guardrail		-	4,170	(4,170)	5,000
346 Bridge Maintenance		20,602	11,439	9,163	15,256
Total		995,208	1,002,069	(6,861)	1,204,005

Table 8: Local Roads - Maintenance (ytd)

Note 7: The budget was spread evenly throughout the financial year and does not align with the maintenance schedule. Maintenance program expected to be delivered by the end of the financial year. The timing of future maintenance programs will be considered as part of the budget process to better align budget with expected expenditures.

**CR GADD
CR JOYCE**

THAT THE FINANCE REPORT BE NOTED.

CARRIED

9.2 Action Sheet Reports (06/05/0010-EA)

Items requiring action from the 3 June 2014 Council Meeting are attached at Appendix 2.

**CR JOYCE
CR GADD**

THAT THE REPORT BE NOTED.

CARRIED

9.3 Performance Reporting Graphs (DCCS)

The Performance Graphs were unavailable for discussion at the meeting and would be circulated at a later date.

10 Community wellbeing

No report.

11 Asset management

11.1 Works Schedule (DTS)

The works scheduled for the period 10 May to 6 June 2014 is attached at Appendix 4 for information.

**CR SCALES
CR GADD**

THAT THE REPORT BE NOTED.

CARRIED

12 Land-use planning

12.1 Planning Application 2014/028 (319708-CEO)

- Proposal:** 6m x 2.4m Shipping Container, two (2) Water tanks (>4,500 litres) and static display of a 'Furphy' Water Cart.
- Property:** Lot 2 LP63042 - 6 Sirl Street (Corner Lobban and Sirl Streets, Bethanga)
- Applicant:** Robert Price on behalf of the Peninsular Men's Shed Group Inc.
- Owner:** Towong Shire Council
- Zoning:** Public Use Zone – 6 (Local Government) (PUZ6)
- Overlays:** Environmental Audit Overlay

Disclosure of Interests (S.80C):

This report was prepared by Mr Ron Mildren of Livingstreets Designs and Mr Simon Hollis, Manager Planning.

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

Permit Trigger:

Clause 36.01-2 refers to the Public Use Zone and provides that a Permit is required to:

- Construct a building or construct or carry out works for any use in 'Section 2' of Clause 36.01-1.

Clause 36.01-01 provides a Table of Uses identifying land uses where a permit is not required.

If the proposed use is not compliant with Clause 36.01-6 or the use is not being carried out for or on behalf of the public land manager, then by implication it becomes a 'Section 2' use and a permit is required. There are no prohibited uses listed in the Table of Uses to the Public Use Zone.

The proposed development is not a specified 'Section 1' use or a use carried out for or on behalf of the public land manager. Therefore a permit is required for buildings and works. A buildings and works clause defines 'structures' as falling under the buildings and works requirement.

Relevant State and Local Planning Policies:

There are no State Planning Policies of specific reference or relevance to the proposal.

Clause 22.06 (Shed and Outbuildings) of the Local Planning Policy Framework is relevant to the application.

DESCRIPTION OF PROPOSAL

The application seeks approval for development of the land, being the former Council Depot at Bethanga, as listed below for purposes associated with the 'Men's Shed':

- erection of an approximately 6m by 2.4m shipping container to be used for storage purposes ancillary to the currently approved Men's Shed use;
- the erection of two (2) water tanks greater than 4,500 litres each; and
- the erection of a restored 'Furphy' water cart as a static display.

The listed developments are all associated with the current Men's Shed use of the land and are therefore ancillary uses for which only buildings and works approval is required.

A permit is not required for placement of a portable compressor adjacent to the existing building.

SITE DESCRIPTION

The site is located at the corner of Sirl and Lobban Streets, Bethanga and is the former Council Depot site. The site slopes generally to Sirl Street and contains the former Council Depot building which is now used by the Peninsular Men's Shed Group and a 3m x 3m shed at the rear of the main building. The site is fenced by an approximately 1.8m high chain wire fence and has an access point constructed from Sirl Street. There is a large Peppercorn tree on the western side of the property which serves to screen the site when viewed from the west. Landscape plantings are also located along the western property boundary.

A soil test, done in 1988, revealed contaminants at levels greater than EPA guidelines. The contaminants are petroleum hydrocarbons in soil adjacent to the old fuel bowser. Hence the application of an Environmental Audit Overlay (EAO) which is activated only by sensitive use proposals. This is not a sensitive use proposal.

Land around the site is generally used for residential purposes and is within the Township Zone.

HISTORY AND COMMUNITY CONSULTATION:

The application before Council was lodged on 12 May 2014.

Upon receipt of the application, adjoining and nearby land owners were notified about the application pursuant to Section 52 of the Planning and Environment Act.

One objection to the application was received from the owner of abutting land in Lobban Street. The objection submission is provided at Appendix 5.

Comments in response to the submission

Any compliance issues derived from other planning approvals are not a relevant consideration under planning law in respect to this matter. This is a new application that must be considered entirely on its merits.

The objecting submission raises several matters that should be considered:

- What will be the final state of repair and visual presentation of the shipping container?
- Will the shipping container be visually intrusive? If so will that adversely affect amenity of the area?
- Will the 'Furphy' water cart be unsightly and a visual intrusion adversely affecting the amenity of the area?

There is no detail submitted with the application in respect to the state of repair or the intended finished presentation of the shipping container. However in ordinary circumstances what constitutes a shipping container in this context is reasonably well known and matters pertaining to its final presentation can reasonably be dealt with by conditions of the permit.

The question of visual intrusion of the shipping container is somewhat more subjective and should be considered in relative context. The issue raised is in respect to both visual intrusion from the objecting submitter's perspective and more broadly in the landscape. The position adjacent to the existing shed will limit the visual impact within the broader environment and generally the intrusive consequences in this regard are considered minimal in this context.

The visual intrusion impacts when viewed from the objecting submitters perspective is circumstantially different in that the shipping container is to be sited on the side of the existing shed facing the submitters property and could be regarded as, to some extent, in the line of site. This however is influenced by both the linear separation distance of about 75m and the substantial elevation of the submitter's premises above the subject site. Further, the visual intrusion effect on amenity needs to

consider the prevailing relevant amenity consequent of the structures and other existing features more broadly in the general vicinity.

In this case it is not considered sustainable to argue that the visual intrusion of the proposed development is of such significance that a permit ought to be refused.

In respect to the Furphy water cart, it is intended to be renovated and restored and displayed as a feature. It would, in that context, come very close to being regarded as a landscaping or garden feature. However it is a small structure as defined under the planning scheme and therefore requires a permit. In terms of visual effects it ought to be regarded as an enhancement. In terms of effects from the submitter's premises it would have a quite small visual affect because of its size, relative separation distance and position obscured by the main building.

The objecting submission also raises matters that are not the subject of the application at hand:

- objection to the placement of a compressor at the rear of the Council shed.
- placement of a rotary hoe and various piles of pallets and other materials (indiscernible) in the yard.

A permit is not required for placement of the compressor adjacent to the shed nor is a permit required to keep a rotary hoe on the premises. Issues associated with unsightly or cluttered storage of implements and equipment are not a matter for consideration in respect to this application and as appropriate may be dealt with under a different process pursuant to the Planning and Environment Act 1987.

The objecting submitter has not opposed the two proposed rain water tanks.

REFERRALS

There were no referrals required.

TOWONG PLANNING SCHEME REQUIREMENTS

State and Local Planning Policy Framework:

There are no State Planning Policies of specific reference or relevance to the proposal.

Clause 22.06 – Sheds and Outbuildings

The one Local Planning Policy that relates to this application is Clause 22.06. This policy applies to all sheds and outbuildings. Relevant policy objectives of Clause 22.06 are to:

- encourage the appropriate siting, materials and use of sheds and outbuildings; and
- protect the amenity and visual presentation of the Shire.

When making a decision about an application, Clause 22.06 requires the Responsible Authority to have regard to:

- The effect of the proposed building or works on the amenity of the area.
- The dimensions of the building and the effect on neighbourhood character.

In this instance, a permit could be adequately conditioned to mitigate any amenity or neighbourhood character impacts and satisfactorily address the policy requirements.

Clause 36.01 – Public Use Zone – 6 –Local Government (PUZ 6)

Key purposes of the PUZ are:

- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

The proposal is related to buildings and works associated with an innominate 'Section 2' use under the Table of Uses to the Public Use Zone. Therefore a permit is required.

Clause 36.01-3 'Application Requirements' provides that:

"An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:

- *To the application for permit being made.*
- *To the application for permit being made and to the proposed use or development."*

In this case the public land manager is Council. As the Council is the Land Owner Section 96 of the Planning and Environment Act 1987 also applies. Council has consented to the lodgement of the application.

Clause 67.01 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, extractive industry, hospital, industry, leisure and recreation, office, residential village, retail premises or service station.

The proposal is for a community facility use which is a Class 1 nominated exemption subject to the public notice requirement under Clause 67.02. Public notice was given in accordance with Clause 67.02.

Clause 36.01-4 Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

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

There are no SPPF, or MSS policies of specific reference or relevance to the proposal. LPPF considerations have been mentioned previously in this report.

- *The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.*

Council as the public land manager has consented to the application being made and has consented to the Peninsular Men's Shed Group Inc occupying the premises.

- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

There is no specific use, design or siting guidelines relevant to the proposal or subject land.

Clause 45.03 ENVIRONMENTAL AUDIT OVERLAY (EAO)

Although the subject land is affected by the Environmental Audit Overlay (EAO) the proposal does not include introduction of any sensitive use therefore the EAO provisions are not triggered by this application.

Clause 65.01 – Decision Guidelines

The following points are considered appropriate from the Clause 65.01 list. Any listed matters previously dealt with in this report are not repeated in detail and should be taken as read.

- *The matters set out in Section 60 of the Act.*
 - (a) *The Towong Planning Scheme*

This report addresses the relevant requirements under the Towong Planning Scheme.

(b) The objectives of planning in Victoria

This proposal is in accordance with the planning scheme provisions and relevant planning law and is considered consistent with the objective of provision of fair orderly, economic and sustainable use of land and other relevant objectives as set out in Section 4 of the Planning and Environment Act 1987.

(c) All objections and other submissions which have been received and which have not been withdrawn

The application has received one objecting submission which is considered in this report.

(d) Any decision and comments of a referral authority which it has received

There are no applicable referral authorities.

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

The purpose of the zone is:

- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

The proposal is essentially for a public and community service in the provision of services delivered from the 'men's shed' program.

○ *The orderly planning of the area.*

When dealing with Public Use Zoned land in regard to consideration of orderly and proper planning it is normally the case that the land is at least in part continuing to be used for a specified class of public use and the proposal will generally have a relationship with the principle use. In this case the land is essentially not required by Council.

However, probably at least in part, consequent of the contamination of part of the site, the land has been retained in Council ownership. As a general assessment the cost to decontaminate the land most likely would significantly exceed the value of the land. Given that this then means that the land cannot be used for any residential purpose (*without being decontaminated*) then determining what is orderly and proper in the circumstances becomes somewhat more difficult.

In this situation the site is within a surrounding area of Township Zone that has largely been developed for low density residential and rural living lots, yet the subject land cannot be used for residential purposes without clean up.

Therefore only non-sensitive uses can be considered. In considering the non-sensitive uses assessment should be given to the potential impacts and effects upon the surrounding residential amenity.

- *The proximity of the land to any public land.*
The subject land is owned by Council and is therefore public land.

CONCLUSION:

This application is for development of the land, being the former Council Depot at Bethanga, as listed below for purposes associated with the 'Men's Shed':

- erection of an approximately 6 metre by 2.4 metre shipping container to be used for storage purposes ancillary to the currently approved Men's Shed use;
- the erection of two (2) water tanks greater than 4500 litres each; and
- the erection of a restored 'Furphy' water cart as a static display.

It is the Officer's view that that the substantive requirements of the SPPF and LPPF, MSS, the requirements of the Public Use Zone 6 – Local Government, Particular and General Provisions and the Decision Guidelines of Clause 65 of the Towong Planning Scheme are met and this report presents a considered review of the relevant issues and recommendations.

D Snaith left the Council Chamber at 10.40 am.

D Snaith returned to the Council Chamber at 10.45 am.

**CR GADD
CR SCALES**

THAT COUNCIL HAVING CAUSED NOTICE OF PLANNING APPLICATION NO. 2014/028 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 ISSUE A NOTICE OF DECISION TO GRANT A PERMIT UNDER THE RELEVANT PROVISIONS OF THE TOWONG PLANNING SCHEME IN RESPECT TO THE LAND KNOWN AND DESCRIBED AS LOT 2 LP63042 (BEING 6 SIRL STREET, BETHANGA), FOR DEVELOPMENT COMPRISING THE ERECTION OF AN APPROXIMATELY 6M BY 2.4M SHIPPING CONTAINER; ERECTION OF TWO (2) WATER TANKS GREATER THAN 4,500 LITRES EACH; AND THE ERECTION OF A RESTORED 'FURPHY' WATER CART AS A STATIC DISPLAY, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. EXCEPT WITH THE PRIOR WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY THE PROPOSED BUILDINGS AND WORKS MUST BE SITED GENERALLY AS SHOWN ON THE ENDORSED PLAN.**
- 2. THE SHIPPING CONTAINER MUST BE SECURELY ANCHORED TO THE GROUND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 3. WITHIN 60 DAYS OF PLACEMENT OF THE SHIPPING CONTAINER ON THE LAND IT MUST BE RESTORED AS MAY BE NECESSARY TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY AND PAINTED IN NON-REFLECTIVE NEUTRAL "EARTH" COLOURS SUCH "GREENS", "DARK REDS", "GREYS" OR "BROWNS" OR ALTERNATIVELY CLAD IN ALTERNATIVE CLADDING MATERIAL WHICH MUST BE NON-REFLECTIVE IE NOT "ZINCALUME" TYPE MATERIAL AND OF NEUTRAL "EARTH" COLOURS SUCH AS "GREENS", "DARK REDS", "GREYS" OR "BROWNS".**
- 4. LANDSCAPE SCREENING TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY MUST BE INSTALLED ON THE WEST SIDE OF THE SHIPPING CONTAINER.**
- 5. THE FURPHY WATER CART MUST BE FULLY RESTORED PRIOR TO PLACEMENT AND MUST BE SECURED IN ITS POSITION. A BASE OF CONCRETE OR OTHER APPROPRIATE MATERIAL MUST BE PLACED UNDER AND IMMEDIATELY AROUND THE FURPHY TANK TO ELIMINATE GRASS OR WEED GROWTH UNDER OR IMMEDIATELY AROUND IT TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**
- 6. THE SITE COMPRISING THE APPROVED BUILDINGS AND WORKS MUST BE MAINTAINED IN A NEAT AND TIDY CONDITION AT ALL TIMES.**

7. **OVERFLOW WATER FROM THE WATER TANKS MUST BE DISCHARGED TO SATISFACTION OF THE RESPONSIBLE AUTHORITY TO A LEGAL POINT OF DISCHARGE.**

PERMIT EXPIRY

8. **THIS PERMIT WILL EXPIRE IF THE FOLLOWING CIRCUMSTANCES APPLY:**
- (a) THE APPROVED DEVELOPMENT DOES NOT COMMENCE WITHIN 12 MONTHS FROM THE DATE OF THIS PERMIT.**
 - (b) THE APPROVED DEVELOPMENT IS NOT COMPLETED WITHIN 2 YEARS FROM THE DATE OF THIS PERMIT.**

CARRIED

13 Environmental sustainability

No report.

14 Economic and tourism development

14.1 Economic Development Report (05/01/0001-MED)

Disclosure of Interests (S.80C):

This report was prepared by Mrs Lauren Elvin, Manager Economic Development.

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:

This report is a bi-monthly progress report on the main Economic Development activities we are delivering throughout the Shire.

Tallangatta Holiday Park Planning Study

Southern Cross Parks have completed the final draft of the Tallangatta Holiday Park Planning Study. On 11 June 2014 the final community consultation session was held at the Tallangatta Sports Centre. Matt Williams of Southern Cross Parks presented the proposed park layout and information and a question and answer session was held to provide a forum for those present to share their thoughts.

The final draft will be listed for discussion at the 15 July 2014 Workshop.

Corryong Airport

An application for the Corryong Airport project has been finalised and has been submitted to the Regional Aviation Fund for feedback. The application seeks funding to provide obstacle lighting on Mt. Elliot, Pilot Activated Lighting (PAL) for the runways at the airport, and to partially support the runway and apron sealing which is contained in the Council's 2013/14 Budget.

The Department of Environment and Primary Industries (DEPI) have been successful in gaining funding to relocate their fire fighting base from Avondale to the Corryong Airport and work will now commence on formalising an agreement with DEPI for their presence on the airfield. As part of their proposed move to the Corryong Airport, DEPI has proposed building a shared terminal / training space for use by both DEPI staff and the public, which could replace the existing ageing terminal building on the site.

Restructuring the site with a new terminal building will also allow Council to consider the provision of space for portable hangars. There have been several enquiries from members of the public seeking to lease space to erect private portable hangars over the past six months and this could provide an income stream to Council from the site. A site meeting with DEPI is currently being coordinated to further discuss site options.

Upper Murray 2030 Vision Plan

Planisphere have been appointed as the consultants for the project and have held their first meetings with the Steering Committee. The first rounds of public consultation are being rolled out, with community art projects running in schools and pre-schools across the Upper Murray. A community survey has been launched and a community bulletin has been sent to all households in the Upper Murray catchment inviting residents to become involved with the project. Planisphere will be on site on Friday 25 July at Walwa and Khancoban and will spend a whole day in Corryong on 26 July to launch the project within the community.

Mobile Communication Black Spot Submission

Alicia Power of VIVID consulting was appointed to write the mobile communication black spot submission to the Federal Department of Communication on behalf of Towong Shire Council. Council staff will continue to liaise directly with the Blackspot working group being facilitated by Ms Cathy McGowan AO, MP to advocate for the identified black spots across Towong Shire.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Nil.

Risk Assessment:

Nil.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

The Economic Development area is making good progress in relation to the Council Plan.

**CR GADD
CR SCALES**

THAT THE REPORT BE NOTED.

CARRIED

15 Councillor reports

15.1 MAV Emergency Management Committee (Cr Wortmann)

Date of Meeting	13 June 2014
Details About the Activity	<p>The Emergency Management Committee has expanded to include thirty members. The member representation is a very good mix of Councils across Victoria (Metropolitan, Regional and Rural). It is very informative to listen how different emergencies have been managed by local government and emergency services.</p> <p>There was a presentation from Latrobe City Council and its role in the Hazelwood Mine fire response and recovery. This was extremely interesting and highlighted how difficult this emergency was to manage.</p> <p>The Committee also set priorities for our future agendas, which I believe will enhance this Committee's goals and actions we want to achieve for our Councils. Here is the list of priorities.</p> <p>The following priorities (in no order) were identified for future agendas of this Committee:</p> <ol style="list-style-type: none">1) Victoria's emergency management reforms – to be a standing agenda item;2) Emergency Management Victoria (invitation to be extended to Emergency Management Commissioner);3) local government emergency management clusters and collaborations;4) training sought for Mayors and Councillors in their responsibilities in relation to emergency management, further the role guides developed by the MAV in 2012;5) the current status of Integrated Fire Management Planning (IFMP);6) the role of IGEM, including the performance framework and expectations of local government;7) the direction/local government responsibilities for flood mitigation, including levees; and8) comparison/inconsistency of Council resourcing of Emergency Management Officers and practices re: selection of MEMPC Chair.

**CR JOYCE
CR GADD**

THAT COUNCILLOR REPORTS BE NOTED.

CARRIED

16 Urgent business

Nil.

17 Committee minutes

17.1 Emergency Management Planning Committee (02/02/0005-DTS)

The unconfirmed minutes of the meeting held on 21 May 2014 are attached at Appendix 6 for information.

Cr Mary Fraser OAM entered the Council Chamber at 10.55 am and assumed the Chair.

**CR WORTMANN
CR GADD**

THE UNCONFIRMED MINUTES OF THE EMERGENCY MANAGEMENT PLANNING COMMITTEE MEETING HELD ON 21 MAY 2014 BE NOTED.

CARRIED

17.2 Tourism North East (05/02/0153-CEO)

Attached at Appendix 7 is the Tourism North East Quarterly Project Report (May 2014) for information.

CR SCALES

CR WORTMANN

**THAT THE TOURISM NORTH EAST QUARTERLY REPORT (MAY 2014) BE NOTED.
CARRIED**

17.3 MAV Representatives, Mayors and CEO's Forum (07/01/0006-Mayor)

The unconfirmed minutes of the meeting held on 5 June 2014 are attached at Appendix 8 for information.

CR SCALES

CR JOYCE

THAT THE UNCONFIRMED MINUTES OF THE MAV REPRESENTATIVES, MAYORS AND CEO'S FORUM HELD ON 5 JUNE 2014 BE NOTED.

CARRIED

17.4 Rural Councils Victoria (07/01/0137-CEO)

The unconfirmed minutes of the meeting held on 13 June 2014 are attached at Appendix 9 for information.

CR JOYCE

CR WORTMANN

THAT THE UNCONFIRMED MINUTES OF THE RURAL COUNCILS VICTORIA MEETING HELD ON 13 JUNE 2014 BE NOTED.

CARRIED

18 Occupational health and safety

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

The unconfirmed minutes of the meeting held on 5 June 2014 are attached at Appendix 10 for information.

CR GADD

CR WORTMANN

THE UNCONFIRMED MINUTES OF THE OCCUPATIONAL HEALTH AND SAFETY COMMITTEE MEETING HELD ON 5 JUNE 2014 BE NOTED.

CARRIED

18.2 Occupational Health and Safety Report (06/04/0212-DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Wayne Carter, Occupational Health and Safety Officer.

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:

This report is the bi-monthly progress report on the main Occupational Health and Safety activities being delivered.

Key areas for noting are as follows:

OHS Action Plan

The OHS Action Plan has been developed to address identified gaps in our OHS systems and this allows us to list and monitor the progress of all OHS items being addressed.

WorkCover

WorkCover claims and Return to Work plans are being managed internally by the OHS Officer. There are currently two claims and these are being actively managed.

Echelon Audit Action Plan

In November/December 2011, Echelon Australia was commissioned by Towong Shire Council to conduct an audit on the Council's current level of alignment with Australian Standard 4801 (requirements for implementing a Occupational Health and Safety Management System) and the proposed Model Work Health and Safety Act (due for implementation in most States Jan 2012).

An Action Plan was developed to address the identified improvement opportunities. Since the last report improvements have been made to Council's OHS documentation, facilities and event risk assessment processes and addressing hearing protection requirements.

The status of these actions at 30 June 2014 was:

Risk Rating	High	Medium	Low	Total
Total Recommendations – Original Risk rating	13	81	28	122
Total Recommendations – Revised Risk Rating	11 ¹	82 ²	29	122
Recommendations addressed / completed	11	57	24	92
% complete	100%	70%	83%	75%
% complete (last report)	100%	48%	52%	53%
Recommendations remaining to be addressed	0	25	5	30 ³

Notes:

1. Reassessed two risks originally rated as High to Medium – both items related to a specific road maintenance task and the signage being used. Further training has been undertaken.
2. Reassessed one risk originally rated as Medium to Low – action required to "Develop and Implement Procedure for OHS information distribution and document control" – reassessed as a Low risk, as there is currently paperwork which covers some information distribution and document control
3. A large number of remaining items refer to current Policies and documents which are due for review throughout 2014.

Safety Improvement Plans – Tallangatta and Corryong Pools

At the request of Council, Life Saving Victoria conducted Aquatic Facility Safety Assessments of the Corryong and Tallangatta Pools on 4 November 2011. The Assessments identified gaps between the Royal Life Saving Society of Australia (RLSSA) Guidelines for Safe Pool Operation and our current pool operations.

A number of best practice actions were recommended to bring operations at both pools more in line with the RLSSA Guidelines.

At 30 June 2014, the following recommendations have been completed:

	Corryong				Tallangatta			
	High	Medium	Low	Total	High	Medium	Low	Total
Total Recommendations with Revised Risk Rating	13	39	18	70	14	49	9	72
Recommendations addressed / completed	13	38	15	66	14	46	6	66
% complete	100%	97%	83%	94%	100%	94%	67%	92%
% complete (last report)	100%	74%	24%	66%	100%	92%	67%	90%
<i>Recommendations remaining to be addressed</i>	0	3	3	6 ¹	0	3	3	6 ¹

Notes:

1. Remaining items are to be addressed during the off-season.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Recommendations from the Echelon Audit and the Swimming Pool Safety Improvement Plans are still being addressed and implemented where appropriate. These actions may impact on future year budgets.

Risk Assessment:

All recommendations rated High have been addressed. Lower risk recommendations are continuing to be addressed.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

It is the Officer's view that Council has made steady progress in addressing items in the Echelon Audit Action Plan and the Safety Improvement Plans for both Pools.

**CR GADD
CR SCALES**

**THAT THE REPORT BE NOTED AND STAFF BE THANKED FOR THEIR EFFORTS IN
RELATION TO OCCUPATIONAL HEALTH AND SAFETY.**

CARRIED

19 Council policies (10/01/0007-CEO)

The following policies were tabled for review at the 1 April and 6 May 2014 Council meetings. The Stock Grid Policy was discussed at a Council workshop on 3 June 2014 and again on 17 June 2014. Both policies are presented at Appendix 11 for adoption.

- Stock Grid (DTS)
- Privacy (DCCS)

CR SCALES
CR FRASER

THAT THE STOCK GRID POLICY BE ADOPTED AS AMENDED WITH THE DATE FOR THE IMPLEMENTATION STRATEGY BEING MOVED TO 30 SEPTEMBER 2014.

CR WORTMANN MOVED AN AMENDMENT.
CR GADD

THAT THE STOCK GRID POLICY BE ADOPTED AS PRESENTED.

THE AMENDMENT WAS PUT AND LOST.

CR FRASER RETURNED TO THE MOTION

**CR SCALES
CR FRASER**

THAT THE STOCK GRID POLICY BE ADOPTED AS AMENDED WITH THE NOTIFICATION DATE FOR STOCK GRID OWNERS BEING AMENDED TO 30 SEPTEMBER 2014.

CARRIED

**CR WORTMANN
CR JOYCE**

THAT THE COUNCIL FEE FOR THE PERMIT FOR WORKS ON THE ROAD RESERVE BE WAIVED.

CARRIED

CR JOYCE
CR GADD

THAT THE PRIVACY POLICY AS PRESENTED BE ADOPTED.

CARRIED

The following policy is attached at Appendix 12 for review. Councillors are requested to provide feedback on the policies to the Director Technical Services by 5 August 2014.

- Access to Landfills Out of Hours (DTS)

20 Sealing of documents

No report.

There being no further business the meeting closed at 11.30 am

Cr Mary Fraser OAM 5 August 2014