



MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 23 JANUARY 2013
in the
MULTI PURPOSE ROOM at
EILDON PRIMARY SCHOOL
commencing at
6.00 pm

INDEX

1.	PRAYER & RECONCILIATION STATEMENT	2
2.	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	2
3.	CONFIRMATION OF MINUTES	2
4.	DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST	2
5.	OPEN FORUM.....	2
6.	PETITIONS RECEIVED BY COUNCIL	3
7.	REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES.....	9
7.1	Murrindindi Environment Advisory Committee meeting	9
7.2	Minutes of the Audit Advisory Committee meeting	10
8.	OFFICER REPORTS	10
8.1	Development & Environment.....	10
8.1.1	House Lot Excision - Springs Road, Caveat.....	18
8.1.2	Two Dwellings In Farming Zone.....	10
8.1.3	Three Lot Subdivision and Three Dwellings	24
8.1.4	Section 173 agreement - R L Keast	35
8.2	Infrastructure Services	35
8.2.1	Proposed Discontinuance and Sale of Parts of Old Molesworth-Dropmore Road, Molesworth (Schiavello (Vic) Pty Ltd)	35
8.3	Chief Executive Officer.....	38
8.4	Corporate Services	38
8.4.1	Councillor Representation on External Bodies – Amendment	38
8.4.2	Audit Committee Charter Amendments.....	39
8.4.3	Audit Committee 2012 Annual Report.....	41
8.4.4	Petition – Library Redundancies and Services	3
8.5	Inwards Correspondence	42
9.	SEALING REGISTER.....	42
10.	COUNCILLOR PORTFOLIO REPORTS	43
10.1	Land Use Planning Portfolio.....	43
10.2	Economic Development Portfolio	43
10.3	Infrastructure and Waste Portfolio	43
10.4	Community Services Portfolio	43
10.5	Corporate Services Portfolio	43
10.6	Natural Environment & Climate Change Portfolio.....	43
10.7	Mayor and Delegated Committee Reports	44
10.8	General Business.....	44
11.	MATTERS DEFERRED FROM PREVIOUS MEETING	44
11.1	Special Charge Scheme – Proposed Road Construction, Part Green Street, Alexandra	44
12.	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN.....	52
13.	ASSEMBLIES OF COUNCILLORS.....	52
14.	URGENT BUSINESS.....	53
15.	CONFIDENTIAL ITEMS	53

1. PRAYER & RECONCILIATION STATEMENT

The meeting was opened with Prayer and reading of the Reconciliation Statement.

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

File: 12/02/19

Cr B Magner tendered his apologies for being unable to attend the meeting.

RESOLUTION:

Cr C Ruhr / Cr C Challen

That Cr Magner's apologies be accepted.

CARRIED

3. CONFIRMATION OF MINUTES

- Minutes of the Ordinary meeting of Council held on 17 December 2012.
- Minutes of the Special meeting of Council held on 21 January 2013.

RESOLUTION:

Cr C Ruhr / Cr J Kennedy

- That the minutes of the Ordinary meeting of Council held on 17 December 2012 be confirmed.
- That the minutes of the Special meeting of Council held on 21 January 2013 be confirmed.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

File No: 12/01/06-1

Nil.

5. OPEN FORUM

The Mayor announced that Julia Foletta, reporter for the Alexandra Standard and Yea Chronicle, is retiring from the papers.

The Mayor commended the excellent service provided by Julia in reporting Council and community matters over more than a decade and wished her well for the future.

The Chairperson declared Open Forum and invited questions from the Gallery.

Margaret Tilley, representing Colin West of Acheron, spoke in support of a Permit Application (Item 8.1.2 on the agenda).

Tom Farrell, of Alexandra, spoke on behalf of Rotary Club of Alexandra Inc. regarding the Library petition (Item 8.4.4 on the agenda).

Bob Scott, President of Friends of the Library, spoke on the Library petition (Item 8.4.4 on the agenda).

The Chair asked and Councillors agreed to extend Mr Scott's speaking time by two minutes.

Maurice Pawsey, of Alexandra, spoke regarding the Library petition (Item 8.4.4 on the agenda).

RESOLUTION:

Cr M Rae / Cr C Challen

That Open Forum be extended.

CARRIED

Lea Jellinek, of Taggerty, spoke on the Library petition (Item 8.4.4 on the agenda).

Jan Boronova, a visitor from Czechoslovakia, spoke in support of the Library petition (Item 8.4.4 on the agenda).

Eva Jelinek, of Alexandra, spoke in support of the Library petition (Item 8.4.4 on the agenda).

The Chairperson closed Open Forum.

6. PETITIONS RECEIVED BY COUNCIL

Refer to Item 8.4.4 – Alexandra Library Petition.

The chair advised that because of the large number of interested people in the gallery that Item 8.4.4 would be dealt with prior to Item 7 on the agenda.

Consideration of Item 8.4.4.

8.4.4 *Petition – Library Redundancies and Services*

File No: 10/08/05

(Refer Encl 8.4.4a – Petition – Library Redundancies and Services and Encl 8.4.4b – Letter - Alexandra Library Staff sackings)

Purpose:

The purpose of this report is to provide background and context to the petition received from the Rotary Club of Alexandra Inc. (Rotary Club) and Friends of the Alexandra Library Inc. (FOL) with regard to the Alexandra Library (Headquarters) redundancies and services. The report also refers to a letter received from a local resident expressing like concerns to the petition and requesting that their letter be tabled at the Council meeting.

Recommendation:

That a copy of this report be forwarded to Mr. Tom Farrell (Secretary, Rotary Club of Alexandra Inc., organiser of the petition and to Mr. Simon Gillespie, author of a letter to the Chief Executive Officer, regarding the implementation of the Library Services Review.

Background:

At the Special Budget Meeting of Council on 25 May 2011, Council resolved to identify savings and revenue that would ensure the establishment of an infrastructure renewal reserve sufficient to rectify the current infrastructure gap and provide a sustainable cash flow while limiting further rate increases in each of the following 10 years to 6% or less. Council also requested that in addition to continuing to advocate for additional Federal and State Government funding assistance, the CEO was to report on options for asset sales, policy changes, operating efficiencies, staff reductions, changes in fees and charges and changes in services.

The report was presented to Council at its meeting on 27 February 2012 and Council resolved to adopt the Services Review Report February 2012 and note that community consultation would be undertaken on the findings of the Services Review Report February 2012 (with the exception of any matter in accordance with the Enterprise Bargaining Agreement) during March 2012.

Council at its April 2012 Ordinary meeting acknowledged the submissions received and resolved to consider them as part of the preparation of the 2012-2013 Budget and the review of the Council Plan 2009-2013. The conduct of the Services Review was based upon the four elements of asset rationalisation, policies and procedures, fees and charges and service levels and efficiencies. The Library Service Level Review fits into the latter of these four elements and is one of a number of reviews occurring across the organisation. Subsequent to implementation of report recommendations, Council, as part of its ongoing intent to achieve savings across the organisation, commissioned a comprehensive review of the Library Service. A consultant with extensive library experience and qualifications was engaged to undertake the review.

As a consequence of the implementation of recommendations, from the Library Service Review and subsequent report, a petition, as detailed at Enclosure 8.4.4a, was received by Council at its ordinary meeting of 17 December 2012 from Mr Tom Farrell, Secretary of the Rotary Club, on behalf of the Rotary Club and FOL. The petition contained three (3) signatures and requests that Council receive, consider and act on the motions carried by show of hands at the special public meeting, convened by the Rotary Club and the FOL at the Alexandra Shire Hall on Thursday 6 December, 2012 at 5.00pm. The public meeting was convened in response to Council making redundant three (3) library positions from the Alexandra Library Headquarters on Tuesday 27 November 2012.

The motions carried at that meeting are provided below together with responses provided in an open letter to the public from the Chief Executive Officer (CEO) and which appeared in local publications (further detailed under 'Consultation' in this report).

Motion 1 This Public Meeting requests Council to present to the public the financial analysis used to underpin their decision to abolish the Library Headquarters activity and make three people redundant.

Response *Council has been open with the community regarding its service review of all its operations and services. Libraries, together with many departments in the organisation, have or will be reviewed to find savings that will have limited impacts on service delivery. Council is committed to creating \$1.6 million inefficiencies across the whole organisation. Savings are being made or have been made in:*

- *Infrastructure Operations – target to be met of \$300,000*
- *Economic Development – saving of \$200,000*
- *Community Services – saving of \$140,000*
- *Finance – target to be met of \$77,000*
- *Corporate Services – target to be met of \$60,000*

- *Library Services – saving of \$50,000*
- *Parks and Gardens – saving of \$32,000*

Council has also undertaken a comprehensive review of library services across the shire and a comparison with other single rural council library services and neighbouring regional library services. We are not abolishing activities; they will be undertaken by a coordinator and all staff across the library services. The most recent annual Victorian Public Library survey shows that the cost of library service per head of population in 2011-2012 was:

- *Murrindindi - \$74.88*
- *Gannawarra - \$51.15*
- *Glenelg - \$48.87*
- *Mitchell - \$41.30*
- *High Country - \$40.17*
- *East Gippsland - \$37.94*
- *Wellington - \$35.97*
- *Swan Hill - \$34.64*

The survey also shows that our library service has the highest ratio of staff to population (1:1,450) compared to:

- *1:2073 – Gannawarra*
- *1:2234 – East Gippsland*
- *1:2868 – High Country*
- *1:2920 – Mitchell*
- *1:3211 – Swan Hill*
- *1:3262 – Glenelg*
- *1:3378 – Wellington*

The average salary level in our libraries is higher relative to other libraries in the state. This information is available at www.plvn.net.au Council understands the importance of libraries and wants to ensure services are sustainable in the future.

Council understands the importance of libraries and wants to ensure services are sustainable in the future.

Motion 2

This Public Meeting requests Council to inform the public of the basis behind creating redundancies before any costing for an alternative proposal were available.

Response

Council has considered all alternatives raised by staff and in the services review. In February Council did consider a reduction in hours across the services, but further research and analysis shows that this would have a direct impact on the quality of service. Council has worked closely with library staff throughout the review process. There were four options presented under the review and staff did provide a fifth option for consideration. The difficult decision to make headquarters operations redundant and have these duties undertaken by the branches allows all branches to keep their current hours and front desk services. Any cuts in library hours and program funding, proposed in some options, were a last resort. The hours that the libraries are open and accessible to the community for programs and activities are the most important aspect of the service.

Motion 3

This meeting notes that the Shire has given commitments to not to cut program funding and services and we demand that this commitment be honoured and reviewed regularly.

Response Council gives an unequivocal commitment to honour this pledge and to regularly review the situation to ensure compliance. That includes:

- *Current library service openings across all three (Alexandra, Kinglake and Yea) branches remaining the same.*
- *No impact on staff hours at these branches.*
- *Further analysis of the mobile library will take place over the coming months, but it will continue to deliver its current service level.*
- *The secondment of a Library Coordinator (Yarra Plenty Regional Library Service) to oversee operation and compliance for a six month period.*
- *Library headquarters functions being absorbed at the library branches and through the coordinator.*
- *No impact on program funding.*
- *New book stock remaining above the best practice standard.*

Motion 4 This meeting censures the Shire for the insensitive manner in which the three library staff were made redundant, without notice, or prior consultation with the staff, or the stakeholders and without any recognition of their contribution to the community. This meeting requires the Shire recognise that a mistake has been made and reinstate the three members.

Response The Services Review has had a significant impact on all staff across the Council. It has been a difficult process with positions being made redundant and the loss of some very good people.

The Library Services Review has been an inclusive process. Interviews have been conducted with staff and meetings held between the three library branches and the mobile library. The decision to make the three roles redundant was difficult, and we have worked with those affected staff to offer redeployment within the organisation. Our library staff have provided outstanding service to the community, however, the Library Services Review shows there are efficiencies that can be made in a way that will not impact on service and obligations that Council must meet.

Motion 5 This Public Meeting censures Council for the failure to adhere to Council Community Engagement Policy and Guidance in its considerations relating to the restructuring of library management.

Response Council will be implementing the changes. This decision needs to take its course. We have continued to have talks with the Friends the Library. It is not a popular decision – but as we have said we are acting in good faith to continue to deliver a quality service. Council has worked under the provisions of its Enterprise Agreement in relation to this matter. It has been an operational matter and one that deals directly with the staff impacted. Council has been open and transparent with the Services Review across the organisation. We went to the community in February outlining the need to implement a four point action plan. That Plan provides a framework to build a secure financial footing for the future, while minimising impacts on ratepayers and the broader community. It is expected to achieve more than \$1.6 million in savings every year, as well as providing a one off capital injection of \$4.45 million. It includes:

1. *Disposing of land, buildings, plant and equipment considered to be surplus to needs.*
2. *Assessing fees and charges to bring them in line with those of other comparable councils.*
3. *Introducing policies that will deliver cost savings.*
4. *Streamlining Council services and operations including achieving greater efficiencies in Council practices and business planning and*

adjusting services to better reflect community use, patronage and demand.

In addition to the petition received, a letter has also been received from Mr. Simon Gillespie, as per Enclosure 8.4.4b, indicating his concern over the treatment and dismissal of key library staff at Alexandra and requesting that his correspondence be tabled at the Council meeting. Similar to what was expressed in the petition motions, Mr. Gillespie requests that the affected staff be reinstated at the Alexandra Library.

Council Plan/Strategies:

The Services Review relates to two strategies under the Governance Theme of the Council Plan 2009-2013 namely; 'to improve governance systems, processes and relationships' and 'to provide sound financial management'.

Legal/Policy Issues:

During the course of the Services Review process, Council has continued discussions with staff and the relevant unions as well as ensuring that it complied with the provisions of the Enterprise Agreement. This includes offering the three staff affected by the changes, redeployment within the library service. The review process has required consideration of Council's statutory responsibilities and also included consideration of the effectiveness and appropriateness of key policies of Council.

Financial/Resources/Risk:

The Services Review has involved consideration of Council's financial position given a range of scenarios and options developed under each element of the review. Costs incurred in undertaking the Review have been contained within existing overall budgetary limits, and where necessary through the identification of budget savings, excepting that Council has allocated some funds for external advice. CT Management was engaged to provide an independent assessment of functional areas where savings could be made within Council.

In terms of savings obtainable out of Service Level and efficiency reviews, \$50,000 was identified in the Library Service. As an indication of the relative scale of this saving other parts of the organisation where savings have or are being made include:

- Infrastructure Operations (outdoor maintenance services) - \$300,000
- Economic Development - \$200,000
- Community services - \$140,000
- Finance - \$77,000
- Corporate services - \$60,000
- Library services - \$50,000
- Parks and Gardens - \$32,000

Achievement of the \$50,000 saving from the Library Service meant that consideration had to be given to reducing costs and implement efficiencies whilst maintaining current services.

Discussion:

The initial plan to achieve the library services savings of \$50,000, involved the reduction in the Yea and Kinglake Council offices and library hours and the mobile library service to Eildon on Saturdays would cease. Following the consultation with the community, where there was a strong reaction against the reduction in service hours, and more detailed work undertaken with the library staff, it was recommended that savings be found within the operational area of the library rather than the direct community service (such as branch hours) and program delivery areas. This work also highlighted some major areas where compliance needed to be addressed as a priority.

As a result of ongoing consultation with the staff, various options were developed and discussed, prior to the implementation of the final review. The final review implementation included:

- Current library service openings across all three (Kinglake, Yea and Alexandra) branches remaining the same.
- No impact on staff hours at these branches.
- Further analysis of the mobile library will take place over the coming months, but it will continue to deliver its current service level.
- A secondment of a Library Coordinator to oversee the operation and compliance of the library service.
- Library headquarters functions being absorbed at the library branches and through the Coordinator Library Services.
- No impact on program funding.
- New book stock remaining above the best practice standard.

In addition to the responses provided by the CEO, the following additional points are provided with respect to the derivation of the savings achieved from the Library Service review. It is also important to note that staff input assisted with determination of the areas where savings could be obtained.

The net savings achieved from the review totalled \$52,776 and comprised:

- A net reduction of 17 staff hours per week from the Library HQ. This still maintains the same coverage for front line service (achieved via creation of the '10 hour' position) and inclusion of the Coordinator Library Services role. Both the Library Service Review report and consultation with staff indicated that significant staff hours could be reduced.
- A reduction in the Book Vote. This still allows for an enhanced service to be provided in accordance with Australian Library and Information Association guidelines. This was determined via recommendation from the Library Service review Report and from consultation with staff.
- A reduction in power consumption, with elimination of underfloor heating of Library HQ as determined with consultation with staff.
- Removal of an ISP address. This does not have any impact on delivery of service, as identified via consultation with staff.
- Reduced Advertising cost. Achieved through consultation with staff that determined that subsidisation of advertising costs could occur with support from the FOL.
- Reduced cost of consumables. It was identified in consultation with staff, that the cost of postage, materials and supplies could be reduced and achieved without detriment to the operation of the Alexandra Branch.

Consultation:

During the Service Level Review undertaken by CT Management, the consultant conducted interviews with library staff (with exception of four employees who work no more than six hours a week each). The Alexandra Friends Of The Library Inc. was also consulted in the process and visitation to all library mobile sites was undertaken as part of the review process.

During the course of the review, consultation also included discussions with managers of public libraries in Victoria, the President of the Public Libraries Victoria Network Inc. (PLVN), representatives of the State Library of Victoria and the Department of Planning and Community Development.

Throughout the Services Review implementation Council has continued discussions with staff and the relevant unions as well as ensuring that it complied with the provisions of the Enterprise

Agreement. This includes offering the three staff affected by the changes, redeployment within the library service.

In an open letter to the public, the CEO provided detailed responses to the motions from a public meeting held at the Alexandra Shire Hall on Thursday 6 December, 2012. The responses addressed each of the motions, which also form the body of the petition. The response was published in the following publications:

Newspaper / Other	Publishing Date(s)
<i>Newspapers:</i>	
• <i>North Central Review</i>	18 December, 2012
• <i>Alexandra Standard</i>	19 December, 2012
• <i>Yea Chronicle</i>	19 December, 2012
• <i>Marysville Triangle</i>	20 December, 2012
<i>On display - Council website:</i>	19 December, 2012

Conclusion:

The provision of Library services within the Shire is an integral and important part of the community's cultural life. The implementation of recommendations out of the Library Service Review represent the most appropriate action out of a combination of options for the future delivery of Library services to ensure that the needs of the community are met, that Library services are holistic in approach, cost effective and provide the most efficient use of Council resources.

RESOLUTION:

Cr C Ruhr / Cr C Challen

That a copy of this report be forwarded to Mr. Tom Farrell (Secretary, Rotary Club of Alexandra Inc.), organiser of the petition and to Mr. Simon Gillespie, author of a letter to the Chief Executive Officer, regarding the implementation of the Library Services Review.

CARRIED

RESOLUTION:

Cr C Ruhr / Cr M Rae

That the meeting be adjourned.

The meeting was adjourned at 7.09 pm.

RESOLUTION:

Cr C Ruhr / Cr J Kennedy

That the meeting be resumed.

The meeting resumed at 7.16 pm.

Consideration of Item 7.1

7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES

7.1 MURRINDINDI ENVIRONMENT ADVISORY COMMITTEE MEETING

(Refer Encl 7.1)

Recommendation:

That the minutes of the Murrindindi Environment Advisory Committee meeting held on 11 December 2012 be received.

RESOLUTION:

Cr C Ruhr / Cr C Challen

That the minutes of the Murrindindi Environment Advisory Committee meeting held on 11 December 2012 be received.

CARRIED

7.2 MINUTES OF THE AUDIT ADVISORY COMMITTEE MEETING

(Refer Encl 7.2)

Recommendation:

That the minutes of the Audit Advisory Committee meeting held on 13 December 2012 be received.

RESOLUTION:

Cr A Derwent / Cr M Rae

That the minutes of the Audit Advisory Committee meeting held on 13 December 2012 be received.

CARRIED

Consideration of Item 8.1.2**8. OFFICER REPORTS****8.1 DEVELOPMENT & ENVIRONMENT*****8.1.2 Two Dwellings In Farming Zone***

File No: 2012/161

Land: 20 Moir Lane ACHERON 3714

Proposal: Construction and use of 2 dwellings and 3 sheds

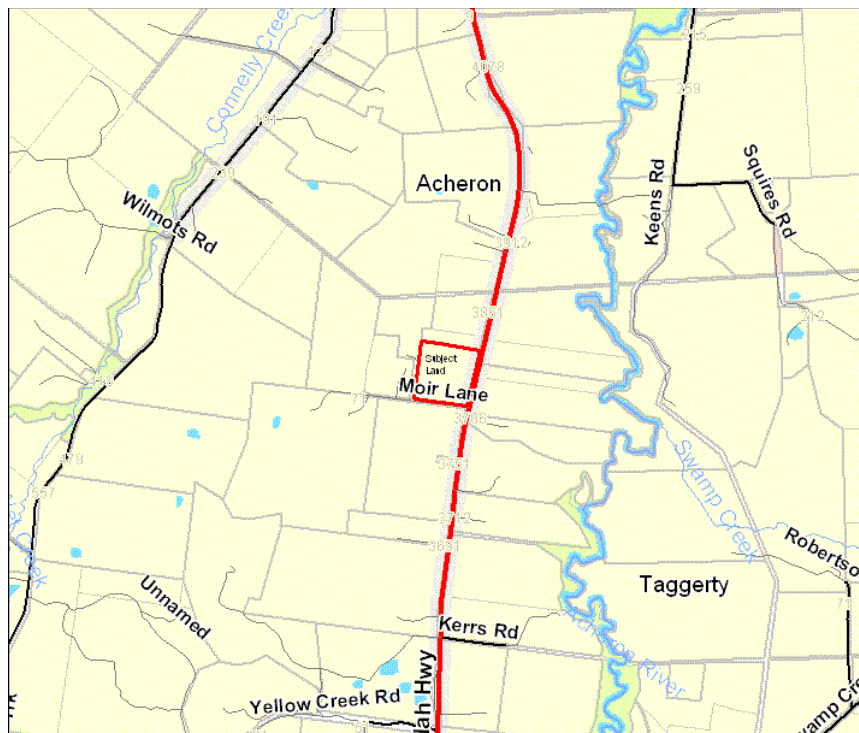
Applicant: C K West

Zoning: Farming

Overlays: part Land Subject to Inundation

Attachments: Application details (*refer Encl 8.1.2*) (aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a Notice of Decision to Grant a Permit be issued for the construction and use of 2 dwellings and 3 sheds at 20 Moir Lane, Acheron.

Recommendation:

That Council issue a Notice of Decision to Grant a Permit for the construction and use of 2 dwellings and 3 sheds at 20 Moir Lane, Acheron (Lot:1 TP:132583) subject to the following conditions:

- (1) Prior to the commencement of any buildings or works three (3) copies of a plan or plans shall be submitted to, and approved by, the Responsible Authority. Such plans must show the following:
 - The nature of all external materials and finishes for all buildings;
 - The elevations for the main dwelling;
 - The floor and elevation plans for the three sheds; and
 - The location of appropriate screen planting between the building envelope and the western and northern boundaries.When approved these plans shall be endorsed and form part of this permit.
- (2) The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
- (3) This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.
- (4) Within 12 months of the date of this permit, the area set aside for screen planting, as shown on the endorsed plan approved under Condition 1, must be planted with

advanced trees and shrubs. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.

- (5) All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
- (6) All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
- (7) Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.
- (8) On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres of which 45,000 litres shall be for domestic purposes and 10,000 litres for fire fighting purposes, the latter being in the lower portion of the tank. All outlets from the lower tank shall be fitted with 64 mm 3 thread/25 mm x 50 mm nominal bore British Standard Pipe (BSP), round male coupling, and fire brigade vehicles must be able to get to within four metres of the coupling.

The fire fighting purposes tank may be substituted by a minimum 2 megalitre dam with a hard fill point located in close proximity to the dwelling.

Should the tank or dam not be elevated sufficiently to provide adequate pressure at hose points around the dwelling, then a 50 mm centrifugal water pump shall be provided, driven by an internal combustion engine.

- (9) **Rural Vehicle Crossing Location**
Prior to commencing of any residential building works, any new or otherwise vehicular entrances to the subject land from the road must be constructed at applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 - Rural Vehicle Crossings and standard drawing SD 255.
- (10) The developer must place appropriate rural road number plaque at the access point to development to the satisfaction of the Responsible Authority.

NOTATIONS:

- (1) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- (2) A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application.

- (3) **The dwellings must not be used for commercial purposes without the relevant planning approval.**
- (4) **Prior to commencing of any works on existing road reserves a “Consent to work on road reserve” application is required to be made to the relevant Road Manager (Council).**

Proposal:

This application is for the construction and use of two dwellings and three sheds on the subject land which is located on the corner of the Maroondah Highway and Moir Lane.

The primary dwelling is a larger ranch style home, whilst the smaller dwelling is a two bedroom relocatable unit. The applicants plan on living in the smaller dwelling while they build the larger house. The smaller dwelling would then be used for family members and friends on an occasional basis. The three sheds are proposed to be used for a workshop, storage shed and a machinery shed. The buildings are located on the southern side of the lot, with access gained from Moir Lane. The buildings are also located on the western half of the property, which is outside the Land Subject to Inundation Overlay which impacts the eastern half of the property adjacent to the Maroondah Highway.

The dwellings and sheds are required for the ongoing maintenance and management of the property, and have been located in one area, to minimise the loss of productive farming land. The landowners currently use this property for horses and plan to add cattle production in the near future.

The Land & Surroundings:

The subject land is currently vacant and used for the grazing of horses. The property is approximately 16.7 hectares, and is surrounded by other properties used predominantly for grazing purposes with associated dwellings.

The two abutting lots are 10 and 13 hectares in area and both have dwellings and are used for grazing. The nearest dwelling to the proposed house site is 250 metres to the west.

The land is low along the Maroondah Highway (eastern) boundary and rises gently up to the western half of the property. There is no vegetation on the land at all and none that need to be removed to construct an access.

Moir Lane is an unsealed gravel access road which has established planting on the nature strip abutting this property.

Referrals:

The application was referred internally to Council’s Environmental Health Unit and the Assets and Infrastructure Department. There were no objections and no conditions from the Environmental Health Unit and proposed conditions from Assets and Infrastructure relating to road numbering and the crossing location.

Consultation:

The application was advertised to adjoining land owners and a sign was placed on site. The advertising period ran from 7 November 2012 to 22 November 2012. The application was available to be viewed in the Alexandra Shire Office.

As a result, three objections have been received from neighbouring landowners to the north and west. These objections were forwarded to the applicant at the end of the advertising period. The concerns raised in the objections are as follows:

- The small dwelling has already been placed on the property without receiving the relevant permits (1)
- The use of a generator as a backup for the solar power will create a noise disturbance (2)
- Limit the amount of time between the use of the first dwelling and the completed construction of the main dwelling (1)
- Would like to see screening trees and shrubs around perimeter of buildings (2)
- The construction of an additional 2 dwellings and 3 sheds will place a greater burden on the existing electricity supply (1)
- The visual impact on the surrounding properties will have a detrimental effect on their property values (1)

Suggested changes:

- That the permit is issued for one dwelling only
- That the dwellings are connected to the power grid
- Planting of screening vegetation
- The generator to be housed in a sound-proofed building

The objections were forwarded to the applicant who provided a response to the concerns raised.

This response was sent to the submitters. The objections have not been withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
Sign on site:	8 – 22 November 2012
Mail out:	7 November 2012

Planning Considerations:

The dwellings and sheds are required for the ongoing maintenance and management of the property as an equine facility and with the plan to expand to cattle production once the landowners are living on the land. The buildings have been sited within the one area of the property to minimise the impact on the remainder of the property, and to maintain a larger area of productive farming land.

The issues raised in the objections do not relate to how a dwelling is linked to the agricultural activity on the land, but rather to the details of the development itself. The applicants wish to build and use the smaller dwelling first, so they can live on the property while they construct the main dwelling. Once the main dwelling is built, the smaller dwelling will be used for family members and guests on an occasional basis. It is a small dwelling and if it was to be used for commercial purposes such as tourist accommodation it would require additional planning approval.

Due to contracts and timing issues the small relocatable dwelling has already been delivered to the property. It has not been permanently fixed in place yet, as the landowners are awaiting planning approval. Should the planning permit be refused, the applicants are aware that this building will need to be removed immediately.

The objections have raised conflicting issues. One submitter has said that the existing electricity supply struggles to maintain the existing demand, and the other submitters suggest that solar power and the subsequent use of generators would have a detrimental impact on the surrounding properties. The applicants are aware of the problems with the electricity supply in

the area and have indicated that they wish to use solar power. If they were to connect to reticulated electricity, they would need to discuss the issues with the electricity company.

The use of sustainable energy is supported both in the Murrindindi Planning Scheme and also the Environment Strategy. Solar power is generally a passive form of power generation. The intermittent use of a generator to charge batteries is unlikely to create much of a disturbance to surrounding properties. The applicant has stated that the generator will be enclosed in an appropriate sound minimising structure, and the noise created by a generator is no greater than any other noise normally created at a farming property.

The draft permit conditions include time constraints on completion of the development of two years. It is possible to extend this time period if required.

The applicants have indicated that they are happy to plant vegetation in open areas of the property as screen planting. They have also indicated that no trees will be planted within 20 metres of the dwellings, to minimise the impact of bushfires. It is noted that the nearest dwelling to the proposed house site

Conclusion:

The application has justified the requirement for the two dwellings for the ongoing management and maintenance of the property. The dwellings and sheds have been located to minimise the impact on productive land and screen planting on the property can minimise the visual impact on adjoining properties.

Legal/Policy Issues:

State Planning Policy Framework

14.02-1 Catchment planning and management.

Objective: To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater and the marine environment.

Local Planning Policy Framework

21.04 Agriculture and Rural Land Strategies

Issues:

- Protection of high quality agricultural land for agricultural use.
- Possible incremental effect of housing on productive agricultural land
- The use of agricultural land for non agricultural, rural living or hobby farming purposes that may conflict with established or future agricultural and horticultural land uses.

Strategies and objectives:

- Ensure that the use and development of rural land is both compatible with and complementary to agricultural activities and protect agricultural potential.
- Ensure that agricultural land is not developed for primarily residential purposes.

22.01-2 Rural siting and design guidelines

Objectives:

- Facilitate the agricultural use of rural land where appropriate.

22.04-1 Catchment management and landcare

Objectives:

- Facilitate the rectification of land degradation and the improvement of agricultural land.
- Ensure that changes to the use of land and new developments do not prejudice the continued production and operation of the agricultural, horticulture and timber industries or the productive capacity of land.
- Ensure that productive soils are not lost from agricultural and horticultural production.

Zoning

35.07 Farming Zone

Purpose:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

Decision guidelines:

General issues:

- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management
- Whether the site is suitable for the use and development and whether the proposal is compatible with adjoining and nearby land uses.

Agricultural issues:

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.

Dwelling issues:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling is reasonably required for the operation of the agricultural activity conducted on the land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration and proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Environmental issues:

- The impact of the proposal on the natural physical features and resources of the area, in particular soil and water quality.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues:

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the character and appearance of the area.

A planning permit is required for the construction and use of a dwelling and associated outbuildings, in the Farming Zone on any allotment under 40 hectares in size.

44.04 Land Subject to Inundation Overlay

NB: This overlay covers the eastern side of the property, along the Maroondah Hwy. It does not impact the portion of property where the proposed buildings are to be located.

RESOLUTION:

Cr C Ruhr / Cr A Derwent

That Council issue a Notice of Decision to Grant a Permit for the construction and use of 2 dwellings and 3 sheds at 20 Moir Lane, Acheron (Lot:1 TP:132583) subject to the following conditions:

- (1) Prior to the commencement of any buildings or works three (3) copies of a plan or plans shall be submitted to, and approved by, the Responsible Authority. Such plans must show the following:
 - The nature of all external materials and finishes for all buildings;
 - The elevations for the main dwelling;
 - The floor and elevation plans for the three sheds; and
 - The location of appropriate screen planting between the building envelope and the western and northern boundaries.When approved these plans shall be endorsed and form part of this permit.
- (2) The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
- (3) This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.
- (4) Within 12 months of the date of this permit, the area set aside for screen planting, as shown on the endorsed plan approved under Condition 1, must be planted with advanced trees and shrubs. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.
- (5) All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
- (6) All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
- (7) Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.
- (8) On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres of which 45,000 litres shall be for domestic purposes and 10,000 litres for fire fighting purposes, the latter being in the lower portion of the tank. All outlets from the lower tank shall be fitted with 64 mm 3 thread/25 mm x 50 mm nominal bore British Standard Pipe (BSP), round male coupling, and fire brigade vehicles must be able to get to within four metres of the coupling.

The fire fighting purposes tank may be substituted by a minimum 2 megalitre dam with a hard fill point located in close proximity to the dwelling.

Should the tank or dam not be elevated sufficiently to provide adequate pressure at hose points around the dwelling, then a 50 mm centrifugal water pump shall be provided, driven by an internal combustion engine.

- (9) Rural Vehicle Crossing Location
Prior to commencing of any residential building works, any new or otherwise vehicular entrances to the subject land from the road must be constructed at applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 - Rural Vehicle Crossings and standard drawing SD 255.
- (10) The developer must place appropriate rural road number plaque at the access point to development to the satisfaction of the Responsible Authority.

NOTATIONS:

- (1) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- (2) A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application.
- (5) The dwellings must not be used for commercial purposes without the relevant planning approval.
- (6) Prior to commencing of any works on existing road reserves a "Consent to work on road reserve" application is required to be made to the relevant Road Manager (Council).

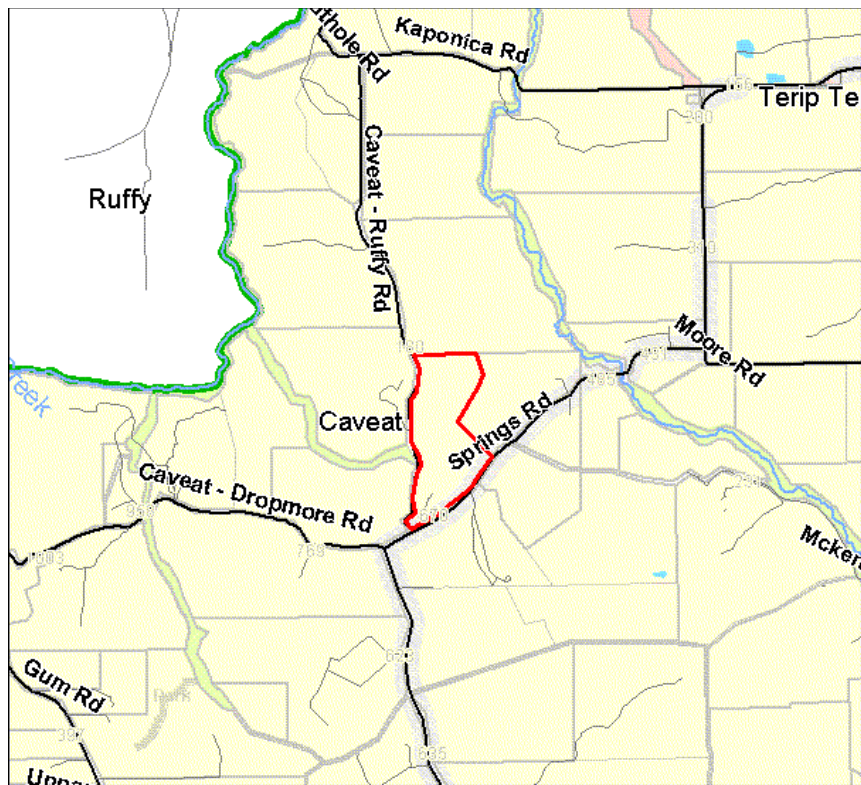
CARRIED

Consideration of Item 8.1.1

8.1.1 House Lot Excision - Springs Road, Caveat

File No: 2012/142
Land: 670 Springs Road CAVEAT 3660
Proposal: 2 lot subdivision (House Lot Excision)
Applicant: KJ Petersen & J L Petersen
Zoning: Farming
Overlays: None
Attachments: Application details (*refer Encl 8.1.1*) (aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a refusal to grant a permit be issued for the 2 lot subdivision (House Lot Excision) at 670 Springs Road, Caveat.

Recommendation:

That Council issue a refusal to grant a permit for a two lot subdivision (house lot excision) at 670 Springs Road, Caveat (Lot 1 LP 405331), on the following grounds:

1. The proposal does not comply with Murrindindi Shire Council's Local Planning Policy Clause 22.01-4 *House Lot Excision*.
2. The proposal does not comply with the requirements of Clause 35.07 *Farming Zone* as the proposed subdivision does not maintain ongoing agricultural production on the land.
3. The proposal does not comply with the Decision Guidelines of Clause 35.07 *Farming Zone* as it creates a rural living style subdivision in the Farming Zone.

Proposal:

The proposal is for a two lot subdivision (house lot excision) at 670 Springs Road, Caveat. The proposal is to create a 10 hectare house lot in the southern section of the property, and a 48.5 hectare vacant balance lot.

The application documents advise that both owners work full time, and are not able to manage the property appropriately. Because of this, they wish to dispose of the larger portion of land and remain in the dwelling. The proposed 10 hectare lot has about 6 hectares of usable area, with the remainder rendered unusable due to a wet gully and various rocky areas.

The applicant further advised that they intend to continue with agistment of the 10 hectares of land, although on a reduced scale from current.

The Land & Surroundings:

The property is bounded by Springs Road to the east and Caveat-Ruffy Road to the west, and is adjoining a private property to the north. A stream runs through the property, and leads to the Hughes Creek. The land contains two dams in the western section of the property, and both are proposed to be in the house lot.

The surrounding area is generally used for broad acre farming, including both grazing and cropping. There are dwellings scattered through the area, but generally situated on larger allotments with large setbacks from other dwellings.

Referrals:

The application was referred internally to Council's Assets and Development Unit and no objection was received.

Consultation:

The application was notified to adjoining and nearby owners, by way of a sign on the site, and with a notice in the Yea Chronicle.

Four objections were received, and can be summarised as follows:

- The proposal contravenes the Victorian State Planning policy and the Murrindindi Planning Scheme. (1)
- The proposal will permanently change the character of the area. (2)
- It creates a rural living style block in a farming area. (4)
- It exceeds the 2 hectare maximum house lot. (1)
- The house is not directly linked nor is required for the on-going agricultural use of the land. (1)
- Small parcels of land are not viable for agriculture. (3)
- The subdivision does not assist with consolidation. (1)
- The proposal does not address the likely environmental impact. (2)
- The property forms part of the Hughes Creek catchment area and the subdivision will put extra pressure on the creek system. (2)
- Small lot subdivision overinflates the value of the land and makes it impossible to expand legitimate farming enterprises. (3)
- Weed and pest issues from small lots not being maintained properly.(3)
- There can be a conflict between lifestyle properties and farming practices. (2)

Newspaper / Other	Publishing/Consultation Date(s)
Newspaper: Yea Chronicle	10 October 2012
Consultation: Notice on Site	11 October 2012 – 26 October 2012
Mail out: Adjoining and nearby owners	3 October 2012

Planning Considerations:

The house lot excision policy is intended to ensure that the creation of small allotments is only approved when it will assist the process of farm consolidation. The application has been made as the owners of the property work full time and are not able to manage the land themselves, however, they wish to remain in their existing dwelling.

Whilst the proposed vacant lot complies with the minimum 40 hectare requirement of the excision policy clause, the house lot itself is well above the 2 hectare maximum (or as near as practicable) lot size set out in the policy. The 10 hectare lot size is required as the owners wish to have a small area for a few stock animals. Creating a lot of this effectively results in a rural

living type allotment in a farming area which is not supported by the Murrindindi Planning Scheme.

Murrindindi Shire Council has undertaken extensive work to identify areas within the farming area that could be considered appropriate for these rural living type allotments. These areas of land were rezoned to rural living in July 2006. The intent of this amendment was to provide areas of land where people could undertake a residential use in the rural environment, but located in a manner that would not have a detrimental impact on the agricultural use of the land, and to ensure that the conflicts between lifestyle properties and farming practices were minimised.

The pattern of subdivision in this area is for larger allotments with a single dwelling on some of these parcels of land. The land in the general area is currently used for farming purposes, although the applicant does advise the owners wish to stay on the land without having to farm it. It is their intention that the 10 hectares will be leased to an adjoining landowner for grazing or cropping. As stated in some of the objections, fragmentation of productive rural land creates adverse impacts including inflated land prices and loss of productive land. The state planning policy in relation to agricultural land requires that Council has particular regard to land values and the viability of the land. With incremental subdivisions it can be difficult to quantify the exact impact of the creation of a small lot on the surrounding land values. The vacant lot proposed to be created here would have an "as of right" for a dwelling on the lot and would then have a value that would reflect the ability to have a dwelling. This would be significantly more than the value of land that could be used for purely agricultural purposes.

The concerns raised by objectors in relation to Hughes Creek are not a ground for refusal as in considering the likely environmental impact of the proposal, any new dwelling that may be constructed on the new lot, should the permit be allowed, would need to comply with the requirements of the Building Regulations and all effluent disposal would need to be in accordance with the Septic Tank Code of Practice. This would ameliorate any impacts of any new development in relation to Hughes Creek. Further to this, any landowner would be required to manage their land appropriately, and should there be an issue with any pest plants on the property, these would come under the *Catchment & Land Protection Act 1994*, which is administered through the Department of Sustainability and Environment.

The planning considerations in relation to the creation of a smaller house lot in the farming environment need to go beyond the current owners. Once the lot is created it will exist in perpetuity. Whilst the current owners may be aware of how the surrounding land is used, and may have intentions of continuing to farm the small parcel of land in some manner, any future owners may not have the same understanding or intentions. It is important that Council officers consider the lot that is being created and what the implications of this lot are, not the personal circumstances of the current owners.

Conclusion:

The application is for a two lot subdivision, does not comply with the house lot excision policy and will create a rural living type allotment in a farming area.

Legal/Policy Issues:

State Planning Policy Framework

14.01-1 Protection of agricultural land

Objective: To protect productive agricultural farmland which is of strategic significance in the local or regional context.

Strategies:

- In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- The desirability and impacts of removing the land from primary production, given its agricultural productivity.
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
- The compatibility between the proposed or likely development and the existing uses of the surrounding land.

Local Planning Policy Framework

21.04 Agriculture and Rural Land Strategies

Issues:

- Possible incremental effect of rural subdivision and housing on productive agricultural land.
- The use of agricultural land for non agricultural, rural living or hobby farm purposes that may conflict with established or future agricultural and horticultural land uses.

Strategies and Objectives:

- Ensure that the use and development of rural land is both compatible with and complementary to agricultural activities and protect agricultural potential.
- Ensure that agricultural land is not developed for primarily residential purposes.
- Ensure that any excision of an existing dwelling be directly linked to and required for agricultural use of the land.
- Ensure that any excision of an existing dwelling does not create “rural living” style lots, protecting productive agricultural land, existing rural character and existing rural uses.

22.01-4 House Lot Excision

Policy Basis: House lot excision refers to the subdivision of an existing dwelling from a larger rural lot. Subdivision of this nature can be detrimental to the efficient operation of farming land if the subdivision does not relate to and is not required for the farming activity on the land. It is essential that any excision of an existing dwelling protects productive rural land and does not create a de facto “rural living” subdivision. While generally discouraged in rural areas, the small lot subdivision of an existing house may in some circumstances assist the process of farm consolidation.

Objectives:

- Ensure that any excision of an existing dwelling protects and maintains the productive agricultural capacity of the land and general area.
- Discourage the fragmentation of rural land into lots that are not capable of productive agricultural and rural use.
- Ensure that small lot subdivisions do not prejudice primary production activities on the land or in the surrounding rural area.
- Ensure that any new lot is provided with an adequate level of standard of infrastructure.

Policy:

It is policy that:

- Any excision of an existing dwelling does not create a “rural living” style vacant lots that are used for residential lifestyle rather than productive rural purposes.
- Any excision of land has a relationship with and is required for the continuing operation of the rural and agricultural use of the land.
- Any proposal for a dwelling lot excision be discouraged if the proposal can be otherwise met by the realignment of existing land titles.
- Any proposal for excision is compatible with and will not have an adverse impact on and not reduce the potential for farming and other rural land uses on the land, adjoining land and the general area.

- Any proposal for excision meets the principle of “right to farm” in rural areas, where existing agricultural and rural uses in the area have a right to legally continue.
- Subdivision that is likely to lead to a concentration of lots that would change the general use and character and limit the productive capacity of the rural area be discouraged.
- No more than one lot may be excised from a lot that existed on the date that the Murrindindi Planning Scheme was gazetted.
- An adequate distance be maintained around a dwelling within any existing lot to limit impacts of agricultural activity.
- Any excision of an existing dwelling provides:
 - A maximum area of 2 hectares for the lot with the existing house located on it, or if existing buildings and dwelling infrastructure covers a large area, as near as practicable to this area.
 - An area of at least 40 hectares for the vacant balance of land.
 - A minimum setback of 30 metres from the dwelling on the land to be excised from any agricultural activity or rural industry on any adjoining land.
- Any existing dwelling to be excised is to be in a habitable condition to comply with the Building Act and Building Code of Australia.

Zoning

35.07 Farming

Purpose:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To protect and enhance natural resources and the biodiversity of the area.

A permit is required to subdivide land.

Each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if:

- The subdivision is to create a lot for an existing dwelling.

Decision Guidelines:

General Issues:

- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

Agricultural Issues:

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.

Dwelling Issues:

- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Environmental Issues:

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.

General Provisions

65 Decision Guidelines

Before deciding on an application, the responsible authority must consider:

- The purpose of the zone.
- The orderly planning of the area.
- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.

RESOLUTION:

Cr C Challen / Cr J Kennedy

That Council issue a refusal to grant a permit for a two lot subdivision (house lot excision) at 670 Springs Road, Caveat (Lot 1 LP 405331), on the following grounds:

1. The proposal does not comply with Murrindindi Shire Council's Local Planning Policy Clause 22.01-4 *House Lot Excision*.
2. The proposal does not comply with the requirements of Clause 35.07 *Farming Zone* as the proposed subdivision does not maintain ongoing agricultural production on the land.
3. The proposal does not comply with the Decision Guidelines of Clause 35.07 *Farming Zone* as it creates a rural living style subdivision in the Farming Zone.

CARRIED

Item 8.1.2 considered previously.

8.1.3 *Three Lot Subdivision and Three Dwellings*

File No: 2011/319

Land: 82 Myrtle Street ALEXANDRA 3714

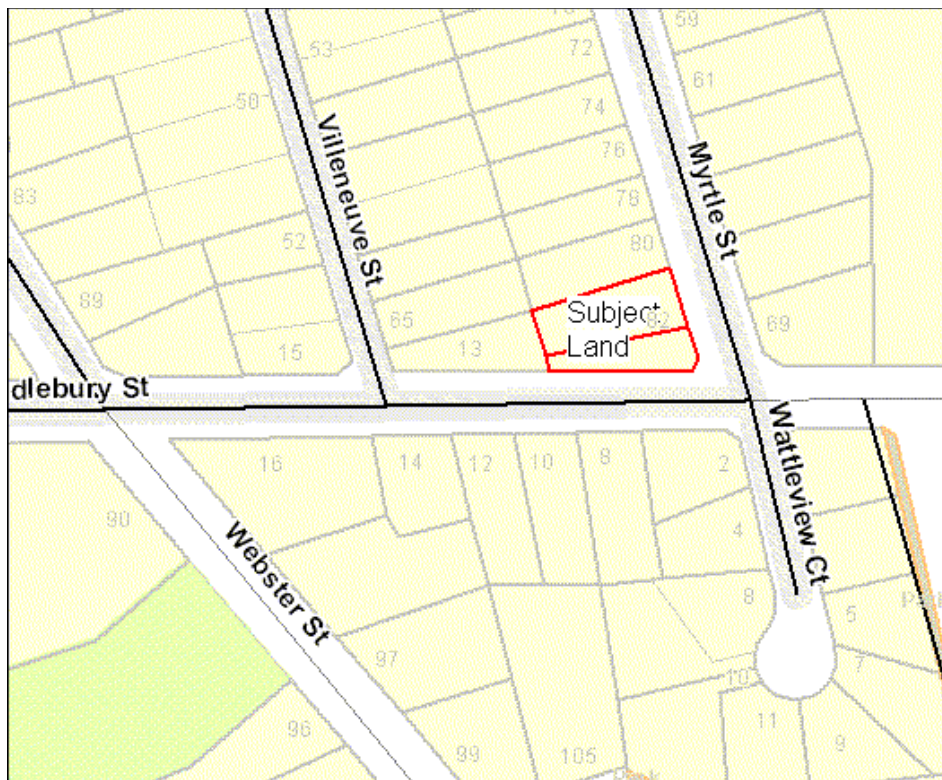
Proposal: Three (3) lot subdivision and construction of three (3) dwellings

Applicant: Mr L Staples

Zoning: Residential 1

Overlays: Nil

Attachments: Application details (*Refer Encl 8.1.3*) (aerial photograph and submissions distributed separately)

Locality Plan**Purpose:**

This report recommends that a Notice of Decision to Grant a Permit be issued for the three (3) lot subdivision and construction of three (3) dwellings at 82 Myrtle Street, Alexandra.

Recommendation:

That Council issue a Notice of Decision to Grant a Permit for a three (3) lot subdivision and the construction of three (3) dwellings at 82 Myrtle Street, Alexandra (Lot:1 TP:100120, Lot:1 TP105358) subject to the following conditions:

- (1) The subdivision and development must be in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
- (2) This permit shall expire if the plan of subdivision hereby permitted is not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within three months after such expiry.
- (3) This permit shall expire if the development hereby permitted is not completed within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.
- (4) All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.

- (5) Prior to the issue of a Statement of Compliance, if the development hereby approved has not been completed, a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:

- Development must be in accordance with the plans approved and requirements of Planning Permit 2011/319 to the satisfaction of the Responsible Authority. The Section 173 Agreement will apply to lots where development has not been completed in accordance with planning permit 2011/319.

The Section 173 Agreement must be either prepared or checked by Council's solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987.

All fees associated with the preparation or checking of the documentation must be fully paid by the applicant.

- (6) Amended plans required

Prior to the endorsement of the unit development plan, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Such plan must be generally in accordance with the plan submitted but modified to show:

- Amended driveway crossing location and alignments that are perpendicular to the road pavement with a uniform width across the verge area
- Crossings longitudinal sections that confirm grades can be achieved in accordance with the Infrastructure Design Manual (IDM).
- Show a 1.5 metre concrete footpath along the Pendlebury Street frontage of the development

- (7) Urban Vehicle Crossing Requirements

Prior to the issue of a Statement of Compliance for the plan of subdivision or prior to the use of the development, whichever comes first, vehicular crossings must be constructed in accordance with the endorsed plans and Council's Standard drawings to the satisfaction of the Responsible Authority, and must comply with the following:

- a) Standard concrete vehicular crossings must be constructed at right angles to the road to suit the proposed driveways locations;
- b) Any proposed vehicular crossing must have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required must be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.

- (8) Road Upgrading

Prior to the issue of a statement of compliance to a plan of subdivision, the developer must upgrade the Myrtle and Pendlebury Street frontages of the development to incorporate earthworks, pavement, sealing, drainage, footpath, and kerbing, in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:

- a) Kerb and channel and vehicular crossings and pavement works where required;

- b) Concrete footpath (where required) including verge earthworks
- c) Drainage works;
- d) Underground conduits for water, gas, electricity and telephone;

(9) Drainage Discharge Plan

Before any of the development starts or before the plan of subdivision is certified under the Subdivision Act 1988, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) Independent drainage for each lot;
- b) Underground pipe drains conveying stormwater to the point of discharge for each allotment;
- c) Documentation demonstrating approval from the relevant authority for the point of discharge of the development.

(10) Detailed Construction Plans

Before any road or drainage works associated with the subdivision start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. All works constructed or carried out must be in accordance with those plans.

(11) Construction of Works

Before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must construct road works, drainage and other civil works, in accordance with plans and specifications approved by the Responsible Authority and in accordance with the Infrastructure Design Manual.

(12) Construction Phase

Sediment control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.

Before the development starts, a construction management plan must be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

(13) Completion of Works

Prior to the issue of a Statement of Compliance, the applicant or developer must submit to the satisfaction of the relevant authority the following:

- a) An assets statement for council maintained infrastructure;
- b) 'As constructed' information for the entire work in each development stage detailing information as listed in the council's Infrastructure Design Manual;
- c) Payment to the Responsible Authority of an amount up to 2.5% of the actual cost of work, being for costs of the Responsible Authority supervision of the works, as determined by the Responsible Authority;

- d) **Payment to the Responsible Authority of a engineering design checking fee of an amount up to 0.75% of the value of documented works.**

Goulburn Valley Water

- (14) **Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment.**
- (15) **Provision of separate water services and individual water supply meters to each allotment within the development.**
- (16) **Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment**
- (17) **Provision of reticulated sewerage and associated construction works to lot 3 within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.**
- (18) **Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.**

All works required are to be carried out in accordance with AS 3500.2 – 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.

- (19) **Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.**
- (20) **The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.**
- (21) **The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8 (1) of the Subdivision Act 1988.**

Telstra

- (22) **That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.**

SP Ausnet

- (23) **The applicant must:**
- **Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to the lots on the plan of subdivision. A payment to cover the cost of such work will be required.**
 - **Provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.**

Notation

- (1) **Prior to commencing of any works on existing road reserves a “Consent to work on road reserve” application is required to be made to the relevant Road Manager (Council).**

Proposal:

The proposal is for the subdivision of two existing lots into three, and the construction of a dwelling on each of the new lots. The new lots range in size from 472 square metres to 521 square metres. The proposed dwellings are to be one two-bedroom dwelling and two three-bedroom dwellings and are all single storey. Lots 1 and 2 will gain access from Pendlebury Street, whilst the third lot will gain access from Myrtle Street. Reticulated services for water, sewerage and electricity are available in this area.

The Land & Surroundings:

The property is on the corner of Pendlebury and Myrtle Streets in Alexandra. Both streets are sealed roads. Neither frontage of the property has existing footpaths. The property sits at the top of the crest of a hill, with the land sloping down to the west and east.

The surrounding properties contain dwellings. The area is situated towards the southern part of the township.

Referrals:

The application was referred to Goulburn Valley Water, SP Ausnet, Telstra and internally to Council's Infrastructure Assets Department. There were no objections subject to particular conditions.

Consultation:

The application was advertised to adjoining land owners, by way of a sign on site, and an advertisement in the Alexandra Standard. The advertising period ran from 7 August 2012 to 29 August 2012. The application was available to be viewed at the Alexandra Shire Office.

As a result, two objections have been received from neighbouring landowners on Pendlebury Street. The concerns raised in the objections are as follows:

- The high density housing is not needed in Alexandra (1);
- The extra traffic and limited visibility around parked cars on top of the hill makes the area unsafe (2); and
- The extra water runoff created with the additional driveways and footpaths is a concern to neighbouring properties (1).

Changes to the application suggested by the submitters:

- Construction of only two units that both gain access from Myrtle Street (2).

These objections were forwarded to the applicant at the end of the advertising period. The applicant has provided a response and this has been forwarded to the objectors. Subsequently one objection has been withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
Newspaper: Alexandra Standard	15 August 2012
Consultation: Notice on Site	14 – 28 August 2012
Mail out: Adjoining and nearby owners	7 August 2012

Planning Considerations:

The three dwellings and subdivision have been assessed against the requirements of Clause 55 (Multiple dwellings on a lot) and Clause 56 (Residential Subdivision) of the Murrindindi Planning Scheme, and the proposal complies with the standards in these clauses. Although the sizes of the lots are smaller than those in the immediate vicinity, they are still of a size that can adequately contain a dwelling and garage and provide sufficient private open space to meet the requirements of the planning scheme. Under the State Planning provisions, it highlights one of the objectives of subdivision design as providing for a range of lot sizes and creating compact neighbourhoods. This includes infill development, as well as maximising potential development on lots. The Residential 1 Zone also states one of the purposes of the zone is to provide for development at a range of densities, and to provide for a variety of dwellings to meet the varying needs of different landowners. The lots created add to the range of lot sizes available in the residential area, and are deemed to be of an adequate size to accommodate development.

Discussions have taken place between the developer/landowner and officers in Council's Infrastructure Assets Department, regarding the issue of access onto the two lots in Pendlebury Street. These issues have been assessed and the driveways for the two lots on Pendlebury Street will be combined into one to maximise the visibility of approaching traffic when exiting these properties.

Adequate drainage plans need to be submitted as part of any development and will address the issue of water runoff from driveways and footpaths. There is also a requirement for a footpath in Pendlebury Street (one already exists in Myrtle Street) and kerb and channel where required.

The Murrindindi Planning Scheme is supportive of increased density in residential areas and infill development. The Murrindindi Planning Scheme requires that multi unit residential development and urban subdivision be assessed using the ResCode provisions of Clauses 55 and 56. Within these clauses are objectives and standards for each component of the development e.g. private open space has a general objective to provide reasonable space with the standard setting out the specific area needed.

This development as both a multi unit development and subdivision both meet all requirements of ResCode.

Conclusion:

The subdivision will add to the range of available lot sizes in the residential area of Alexandra and the proposed dwellings are in line with the requirements of the Residential 1 Zone and Clauses 55 and 56 of the Murrindindi Planning Scheme.

Legal/Policy Issues:**State Planning Policy Framework***15.01-3 Neighbourhood and subdivision design*

Objective: To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Strategy:

- Creating compact neighbourhoods
- Providing a range of lot sizes

Local Planning Policy Framework*21.07 Serviced Townships Strategies*

Issues:

- The need for consolidation of urban areas
- Maximising infrastructure investment

Strategies and objectives:

- Consolidate residential growth within the major townships that can be serviced by reticulated water and sewerage infrastructure.

22.03 Townships

Objectives:

- Ensure that all new development has regard to the existing townscape.

Zoning*32.01 Residential*

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and the local planning policies
- To provide for residential development at a range of densities with a variety of dwellings to meeting the housing needs of all households
- To encourage residential development that respects the neighbourhood character
- Subdivisions must meet the requirements of clause 56

Particular Provisions*55 Two or more dwellings on a lot and residential buildings*

Purpose:

- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.
- To encourage residential development that provides reasonable standards of amenity for existing and new residents.
- To encourage residential development that is responsive to the site and the neighbourhood.

56 Residential Subdivision

Purpose:

- To create livable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
 - Metropolitan Melbourne growth areas.
 - Infill sites within established residential areas.
 - Regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
 - Policy implementation.
 - Livable and sustainable communities.
 - Residential lot design.
 - Urban landscape.
 - Access and mobility management.
 - Integrated water management.
 - Site management.
 - Utilities.

RESOLUTION:

Cr M Rae / Cr A Derwent

That Council issue a Notice of Decision to Grant a Permit for a three (3) lot subdivision and the construction of three (3) dwellings at 82 Myrtle Street, Alexandra (Lot:1 TP:100120, Lot:1 TP105358) subject to the following conditions:

- (1) The subdivision and development must be in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
- (2) This permit shall expire if the plan of subdivision hereby permitted is not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within three months after such expiry.
- (3) This permit shall expire if the development hereby permitted is not completed within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.
- (4) All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
- (5) Prior to the issue of a Statement of Compliance, if the development hereby approved has not been completed, a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:
 - Development must be in accordance with the plans approved and requirements of Planning Permit 2011/319 to the satisfaction of the Responsible Authority. The Section 173 Agreement will apply to lots where development has not been completed in accordance with planning permit 2011/319.

The Section 173 Agreement must be either prepared or checked by Council's solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987.

All fees associated with the preparation or checking of the documentation must be fully paid by the applicant.

- (6) Amended plans required
Prior to the endorsement of the unit development plan, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Such plan must be generally in accordance with the plan submitted but modified to show:
 - Amended driveway crossing location and alignments that are perpendicular to the road pavement with a uniform width across the verge area
 - Crossings longitudinal sections that confirm grades can be achieved in accordance with the Infrastructure Design Manual (IDM).
 - Show a 1.5 metre concrete footpath along the Pendlebury Street frontage of the development
- (7) Urban Vehicle Crossing Requirements
Prior to the issue of a Statement of Compliance for the plan of subdivision or prior to the use of the development, whichever comes first, vehicular crossings must be constructed in accordance with the endorsed plans and Council's Standard drawings to the satisfaction of the Responsible Authority, and must comply with the following:
 - c) Standard concrete vehicular crossings must be constructed at right angles to the road to suit the proposed driveways locations;

- d) Any proposed vehicular crossing must have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required must be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.
- (8) **Road Upgrading**
Prior to the issue of a statement of compliance to a plan of subdivision, the developer must upgrade the Myrtle and Pendlebury Street frontages of the development to incorporate earthworks, pavement, sealing, drainage, footpath, and kerbing, in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:
- e) Kerb and channel and vehicular crossings and pavement works where required;
 - f) Concrete footpath (where required) including verge earthworks
 - g) Drainage works;
 - h) Underground conduits for water, gas, electricity and telephone;
- (9) **Drainage Discharge Plan**
Before any of the development starts or before the plan of subdivision is certified under the Subdivision Act 1988, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.
- The information and plan must include:
- d) Independent drainage for each lot;
 - e) Underground pipe drains conveying stormwater to the point of discharge for each allotment;
 - f) Documentation demonstrating approval from the relevant authority for the point of discharge of the development.
- (10) **Detailed Construction Plans**
Before any road or drainage works associated with the subdivision start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. All works constructed or carried out must be in accordance with those plans.
- (11) **Construction of Works**
Before the Statement of Compliance is issued under the Subdivision Act 1988, the applicant or owner must construct road works, drainage and other civil works, in accordance with plans and specifications approved by the Responsible Authority and in accordance with the Infrastructure Design Manual.
- (12) **Construction Phase**
Sediment control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
Before the development starts, a construction management plan must be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

(13) Completion of Works

Prior to the issue of a Statement of Compliance, the applicant or developer must submit to the satisfaction of the relevant authority the following:

- e) An assets statement for council maintained infrastructure;
- f) 'As constructed' information for the entire work in each development stage detailing information as listed in the council's Infrastructure Design Manual;
- g) Payment to the Responsible Authority of an amount up to 2.5% of the actual cost of work, being for costs of the Responsible Authority supervision of the works, as determined by the Responsible Authority;
- h) Payment to the Responsible Authority of a engineering design checking fee of an amount up to 0.75% of the value of documented works.

Goulburn Valley Water

- (14) Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment.
- (15) Provision of separate water services and individual water supply meters to each allotment within the development.
- (16) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment
- (17) Provision of reticulated sewerage and associated construction works to lot 3 within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
- (18) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

All works required are to be carried out in accordance with AS 3500.2 – 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.

- (19) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.
- (20) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
- (21) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8 (1) of the Subdivision Act 1988.

Telstra

- (22) That the plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

SP Ausnet

(23) The applicant must:

- Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to the lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- Provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Notation

(2) Prior to commencing of any works on existing road reserves a "Consent to work on road reserve" application is required to be made to the relevant Road Manager (Council).

CARRIED

8.1.4 Section 173 agreement - R L Keast

File No: 3/2012/40
Land: 199 Swamp Creek Road, Taggerty

Purpose:

To sign and seal the Section 173 Agreement in accordance with Condition 6 of planning permit 2012/166 being for a 2 lot resubdivision (realignment of boundaries) in Taggerty.

Recommendation:

That Council resolve to sign and seal the Section 173 Agreement as required by Condition 6 of Planning Permit No. 2012/166.

Background:

Planning permit 2012/166 requires a Section 173 Agreement to ensure the following:

- That the land may not be further subdivided so as to increase the number of lots.

The need for a Section 173 Agreement is a requirement under clause 35.07-3 of the Murrindindi Planning Scheme as the resubdivision creates small lots of less than 40 hectares in area.

RESOLUTION:

Cr C Ruhr / Cr J Kennedy

That Council resolve to sign and seal the Section 173 Agreement as required by Condition 6 of Planning Permit No. 2012/166.

CARRIED

8.2 INFRASTRUCTURE SERVICES**8.2.1 *Proposed Discontinuance and Sale of Parts of Old Molesworth-Dropmore Road, Molesworth (Schiavello (Vic) Pty Ltd)***

File No: 52/03/16 & A6640

(Refer Encl 8.2.1 – Title plan)

Purpose:

The purpose of this report is to inform Council of the need to commence the statutory processes for the discontinuance and sale of 2 parts of the Old Molesworth-Dropmore Road, Molesworth identified as lot 1 on the attached copy of TP949956C ("**Roads**") as requested by Schiavello (Vic) Pty Ltd. ("**Company**").

Recommendation:

That Council acting under clause 3 of Schedule 10 to the *Local Government Act 1989*:

- 1. Authorises the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed discontinuance/sale of the Roads;**
- 2. Obtains a valuation of the Roads ("Valuation") from a valuer who has the qualifications prescribed under the Act;**
- 3. Resolves to give public notice of the proposed discontinuance and sale of the Roads as per the requirements of section 189 of the *Local Government Act 1989*; and**
- 4. If no submissions are received in response to the public notice:**
 - a) Council resolves to publish notice of discontinuance of the Roads in the Victoria Government Gazette; and**
 - b) provided the Company agrees to pay the sale price and any additional legal fees and disbursements on settlement, Council resolves to affix its common seal to a transfer under section 207D of the *Local Government Act 1989* of the Roads to the Company for a price which is equal to the Valuation (plus GST if the value excludes GST).**

Background:

A request was initiated in 2008 by the then adjoining landowner to close and purchase a substantial length of the unused Molesworth-Dropmore Road at Molesworth.

On 28 April 2010 Council resolved to discontinue the sections of road reserve, give public notice and achieve the sale of the closed sections of road.

The matter did not progress until recently when the current owner Schiavello (Vic) Pty Ltd expressed interest in completing the road closures.

Peter Schiavello of the Company was under the impression that a long term lease or licence was held over sections of the road, however this is not the case.

The Company then expressed an interest in purchasing two sections of the road as per the attached Title Plan 949956 C, with a view to possible future purchases of further sections of unused road.

The Company has now formally responded to Russell Kennedy, acting on Council's behalf, requesting Council to carry out the procedures required under the *Local Government Act 1989* to discontinue the Roads and sell the Roads to the Company. Further the Company paid an up front (non-refundable) cost of \$8,869.59 to cover Council's legal costs and advertising and valuation costs.

Following the statutory processes the Company will be required to pay to Council the sale price (based on valuation) plus any remaining legal costs and disbursements.

Whilst the request was initiated in 2008 by the then adjoining landowner to close and purchase the unused length of Molesworth – Dropmore Road at Molesworth, the circumstances remain the same in that the road is still unused and will not be needed into the future.

Council Plan/Strategies:

This report is consistent with the following strategy in the Council Plan 2009/13:

Infrastructure Strategy – to enhance the sustainability of our infrastructure, recognising the changing needs and expectations of our communities.

Legal/Policy Issues:

Council cannot agree to sell the discontinued roads to the Company unless it complies with the provisions of section 189 of the *Local Government Act 1989* which requires Council to give public notice of the proposed sale inviting submissions on the proposal before a date specified in that notice, which must be no less than 28 days from the date of publication of the notice and obtain a valuation from a valuer who has the qualifications prescribed under the Act.

Financial/Resources/Risk

All costs associated with the sale, other than staff time, have already or will be pre-paid by the purchaser.

Discussion:

The statutory processes associated with the proposed discontinuance and sale of roads, include the following:

- Council's agreement to the unused roads to be discontinued.
- Public Notice of the intended sale of the discontinued roads.
- Obtain a valuation of the discontinued roads.
- Publication of the notice of discontinuance in the Victoria Government Gazette.
- Transfer under section 207D of the *Local Government Act 1989*.

Consultation:

There has been extensive consultation between the Company and Council representatives and engagement between legal representatives of both parties on this matter.

In relation to Section 223 of the Local Government Act 1989, Council is required to:

1. Give public notice of the proposed discontinuance/sale of the Roads as per the requirements of section 189 of the Local Government Act 1989:
2. Consider any submissions (if received) under section 223 of the *Local Government Act 1989* before determining whether to proceed with the discontinuance/sale of the Roads.

Conclusion:

This discontinuance and sale of the Roads resolves a long standing issue and provides a positive outcome to both the Council and the landholder.

RESOLUTION:

Cr J Kennedy / Cr M Rae

That Council acting under clause 3 of Schedule 10 to the *Local Government Act 1989*:

1. Authorises the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed discontinuance/sale of the Roads;
2. Obtains a valuation of the Roads ("Valuation") from a valuer who has the qualifications prescribed under the Act;

3. Resolves to give public notice of the proposed discontinuance and sale of the Roads as per the requirements of section 189 of the *Local Government Act 1989*; and
4. If no submissions are received in response to the public notice:
 - a) Council resolves to publish notice of discontinuance of the Roads in the Victoria Government Gazette; and
 - b) provided the Company agrees to pay the sale price and any additional legal fees and disbursements on settlement, Council resolves to affix its common seal to a transfer under section 207D of the *Local Government Act 1989* of the Roads to the Company for a price which is equal to the Valuation (plus GST if the value excludes GST).

CARRIED

8.3 CHIEF EXECUTIVE OFFICER

No reports.

8.4 CORPORATE SERVICES

8.4.1 Councillor Representation on External Bodies – Amendment

File No: 10/05/07

Purpose:

The purpose of this report is to determine Council's nominated representative for the Alexandra Police and Community Consultative Committee (PCCC).

Recommendation:

That Council nominates Cr Rae as Councillor representative to the Alexandra Police and Community Consultative Committee.

Background:

At the 26 November 2012 Ordinary Meeting Council resolved to appoint Councillors as delegates to various internal committees and external bodies in accordance with the *Local Government Act 1989*.

Council Plan/Strategies:

This report is consistent with the Council Plan 2009-2013 Governance theme to ensure that Council is exercising good governance principles.

Legal/Policy Issues:

Councillor appointments to external bodies and committees are to be made through Council resolution at an Ordinary meeting. Participation in some organisations means that Council fulfils its obligations under various agreements with these bodies.

Financial/Resources/Risk

There are no financial or budget implications associated with this briefing.

Discussion:

Subsequent to the Ordinary Meeting of Council on 26 November 2012, Cr Magner has advised that he is unable to undertake nomination as Councillor representative on the PCCC due to a possible conflict of interest.

Cr Rae has indicated her willingness to accept nomination as Councillor representative to the PCCC.

Consultation:

There has been consultation with Councillors in relation to this report.

Conclusion:

The appointment of Councillors to various Committees facilitates Council's engagement both across the local government sector and with local community organisations.

RESOLUTION:

Cr J Kennedy / Cr C Challen

That Council nominates Cr Rae as Councillor representative to the Alexandra Police and Community Consultative Committee.

CARRIED

8.4.2 Audit Committee Charter Amendments

File No: 24/03/08

(Refer Encl 8.4.2 - Charter of the Audit Committee)

Purpose:

The purpose of this report is to provide Council with an overview of amendments required to the Charter of the Audit Committee, subsequent to the recommendations arising from the Audit Committee meeting held on 13 December 2012.

Recommendation:

That Council endorses amendment to the Charter of the Audit Committee, as detailed in Enclosure 8.4.2, to reflect the following changes:

1. **The membership of the committee be increased from two (2) independent members to three (3).**
2. **The number of Councillors be increased to two (2) – (voting) and the Mayor (or alternate – both nonvoting).**
3. **The minimum term of appointment for Independent members be two (2) years with an option of a further one (1) year extension.**
4. **The rotation of Independent members be staggered to provide continuity and stability.**

Background:

The Audit Committee is an independent advisory committee to Council. The primary objective of the Audit Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Audit Committee is established to assist the co-ordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

The Charter of the Audit Committee is the primary instrument outlining the roles and responsibilities of the Audit Committee and Audit Committee members.

The Charter of the Audit Committee has been previously amended on three occasions in the past four years. In March 2008 and December 2009, amendment was required primarily around representation on the Committee and in August 2010 amendment was required to address minor anomalies in relation to remuneration of community representatives, quorum requirements and best practice guidelines.

Council Plan/Strategies:

This report is consistent with the 2009-13 Council Plan Governance theme strategies that espouse to:

“Improve governance systems, processes and relationships,”

“Be consistent, fair and transparent in our decision making,” and

“Provide sound financial management.”

Legal/Policy Issues:

Review of the Charter of the Audit Committee is consistent with the Audit Committee’s Annual Plan to review the Charter in Quarter 4 (December 2012).

Financial/Resources/Risk

The proposed amendment to the Charter, allowing for an additional independent member of the committee to be appointed, will incur a further stipend which will need to be allowed for in the development of the 2012-2013 Annual Budget.

Discussion:

The current Charter of the Audit Committee allows for membership of three members, one Councillor and two external independent persons. With the recent election of one serving member to Council, only one independent member of the Committee remains. This brings into question how workable the committee may be into the future.

In order to address this matter, the Committee recommended increasing the independent membership by one (1) and Councillor representation also by one (1) plus the Mayor. There was a view that the term for independent members should be limited to a two year term with an option of a further year extension. It was also considered that by staggering rotation of independent member positions, there would be better continuity and stability within the committee.

Consultation:

The amendment to the Charter was undertaken in consultation with the Audit Committee members, Senior Management and Local Government Guidelines.

Conclusion:

Council endorsement of amendments to the Charter of the Audit Committee will address potential membership issues and provide continuity and stability of representation in successive years.

RESOLUTION:

Cr C Ruhr / Cr M Rae

That Council endorses amendment to the Charter of the Audit Committee, as detailed in Enclosure 8.4.2, to reflect the following changes:

1. The membership of the committee be increased from two (2) independent members to three (3).
2. The number of Councillors be increased to two (2) – (voting) and the Mayor (or alternate – both nonvoting).
3. The minimum term of appointment for Independent members be two (2) years with an option of a further one (1) year extension.
4. The rotation of Independent members be staggered to provide continuity and stability.

CARRIED**8.4.3 *Audit Committee 2012 Annual Report***

File No: 24/03/08

*(Refer Encl 8.4.3 - Annual Report-Audit Committee)****Purpose:***

The purpose of this report is to provide Council with the Annual Report of Audit Committee activities, as received from the Acting Chair of the Audit Committee, Mr Jeff Hunter.

Recommendation:

That the Audit Committee Annual Report prepared by the Audit Committee Acting Chair (Mr Jeff Hunter), as enclosed, be received by Council for the period ended 30 November 2012.

Background:

The Audit Committee, as an Advisory Committee to Council, is responsible to Council for the provision of advice and recommendations on matters relevant to its Charter in order that Council's decisions may be appropriately facilitated.

Council Plan/Strategies:

The Audit Committee report is consistent with the 2009-13 Council Plan Governance theme strategies that espouse to:

*"Improve governance systems, processes and relationships,"**"Be consistent, fair and transparent in our decision making," and**"Provide sound financial management."****Legal/Policy /Financial/Resources/Risk Issues***

An Annual Report to Council is one of the requirements per *Section 2(o) of the Charter of the Audit Committee*.

Financial/Resources/Risk

There are no financial implications with presentation of the Audit Committee Annual Report.

Discussion:

Presentation of the Audit Committee Annual Report, as per Enclosure 8.4.3, is an annual reporting requirement to Council as specified in the Charter of the Audit Committee. The report, as detailed in the enclosure, provides a summary of activities during the period ending 30 November, 2012. Highlighted in this year's report were seven reviews and audits undertaken

and recognition of officers commitment to the pursuit of transparency and excellence in governance. The Acting Chair also acknowledged the leadership of Ms Margaret Rae, former Chair of the Audit Committee.

Conclusion:

The Annual Report on the activities conducted by the Audit Committee provides Council with assurance as to its effectiveness as an advisory committee and to meeting its prime objective to assist Council with meeting its financial and fiduciary responsibilities.

RESOLUTION:

Cr M Rae / Cr C Challen

That the Audit Committee Annual Report prepared by the Audit Committee Acting Chair (Mr Jeff Hunter), as enclosed, be received by Council for the period ended 30 November 2012.

CARRIED

8.5 INWARDS CORRESPONDENCE

Nil.

9. SEALING REGISTER

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
63/02/38	19/12/2012	Charter Eildon Alliance Boat Ramp Committee of Management	Cr J Walsh M Abbey
25/04/06	19/12/2012	Charter Friends of the Yea Railway Committee of Management	Cr J Walsh M Abbey
	19/12/2012	Charter Kinglake Memorial Reserve Committee of Management	Cr J Walsh M Abbey
25/03/07	19/12/2012	Charter Mt Pleasant Reserve Committee of Management	Cr J Walsh M Abbey
24/13/1029	20/12/2012	Murrindindi Shire Council Conditions of Contract Provision of Services and Software for an Enterprise Content Management System (ECMS) Contract #24/13/1029	M Abbey Cr M Rae
32/04/19	28/12/2012	Lease agreement between Murrindindi Shire Council and Yea Community Services Group Inc. Section 1+D Crown Land (Reserves) Act 1978 Lease (non retail) Yea Community House.	Cr C Challen M Abbey
32/05/82	3/01/2013	Sublease of Murrindindi Shire Council Landlord, Martin Dixon, Minister for Education, for and on behalf of the State of Victoria, Tenant, Murrindindi Shire Council, Subtenant, Middle Kinglake ELC.	Cr C Challen M Abbey
32/06/08	03/01/2013	Joint Use Agreement (Responsible Partner) Middle Kinglake Agora and Care Park, Minister for Education Middle Kinglake Primary School Council, Murrindindi Shire Council as Local Government Authority	Cr C Challen M Abbey

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
Murchison Street, Marysville (Lot 5)	11/01/2013	Disclosure Statement – Murrindindi Shire Council and Marysville Retirement Village.	Cr J Walsh M Abbey

Recommendation:

That the list of items to which the Council seal has been affixed be noted.

RESOLUTION:

Cr C Ruhr / Cr A Derwent

That the list of items to which the Council seal has been affixed be noted.

CARRIED

10. COUNCILLOR PORTFOLIO REPORTS

10.1 LAND USE PLANNING PORTFOLIO

Cr Rae advised that three Development Overlay plans are being reviewed currently.

10.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr Challen advised that tourism numbers are down and operators are concerned that visitors are advised not to come to rural areas, particularly owing to the hot weather currently being experienced.

10.3 INFRASTRUCTURE AND WASTE PORTFOLIO

No report.

10.4 COMMUNITY SERVICES PORTFOLIO

No report.

10.5 CORPORATE SERVICES PORTFOLIO

No report.

10.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

Cr Kennedy advised that the committees to which he has been appointed have not met over the holiday break but noted that several external committees meet on the same day, so he has encouraged them to change the day of meetings to enable him to attend.

10.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr Walsh provided the following report:

The period since the December 2012 meeting has traditionally be quiet for Council matters and so I took the opportunity to have some leave.

I returned in time to participate in the VLGA Essential Mayor's Conference from 17 – 19 January 2013.

29 Mayors attended the conference and there were sessions on Council Plans, Budgets and Rating Strategies; developing Council teams at the start of a term; Council and CEO relationships and managing performance; and the role of Mayor particularly for the first year of a Council term.

There were also presentations from the Minister for Local Government – Hon Jeanette Powell and the Shadow Minister, Hon Richard Wynne.

Very beneficial conference and I recommend all new Mayors to attend.

10.8 GENERAL BUSINESS

Cr Ruhr thanked the GM Infrastructure Services for the recent Shire Roadside Slashing report.

RESOLUTION:

Cr C Ruhr / Cr A Derwent

That the General Manager Infrastructure Services provide a report to Councillors and community on slashing throughout the Shire on a fortnightly basis.

CARRIED

Cr A Derwent requested that the Policy on Slashing Council land be reviewed.

RESOLUTION:

Cr A Derwent / Cr A Derwent /Cr C Challen

That the Policy on Slashing Council land be reviewed.

CARRIED.

Cr Ruhr advised that the Bowerbird structure at Bollygum has needed repairing for some time and asked that the reason for the delay be investigated.

The CEO undertook to investigate the matter.

11. MATTERS DEFERRED FROM PREVIOUS MEETING**11.1 SPECIAL CHARGE SCHEME – PROPOSED ROAD CONSTRUCTION, PART GREEN STREET, ALEXANDRA**

File No: 52/03/79

Addendum report as presented.

Purpose:

The purpose of this report is to enable Council to consider a special charge scheme for the construction of Green Street Alexandra in accordance with the proposed declaration or as amended after considering submissions at its meeting of the 21 January 2013.

Recommendation:

That Council declare a Special Charge Scheme for Green Street, Alexandra pursuant to Section 163(1) of the *Local Government Act 1989* for the purposes of defraying any expenses (including design, supervision and administration) in relation to street construction works as follows:

1. The land with the corresponding estimated liability amount for which the Special Charge is declared is as detailed below:

Property Address	Access	Amenity	Estimated Charge
10 AITKEN STREET, ALEXANDRA - Pt CA 10	\$5,915.00	\$3,605.00	\$9,520.00
11 McKENZIE STREET, ALEXANDRA - Pt CA 11	\$5,915.00	\$3,605.00	\$9,520.00
2 GREEN STREET, ALEXANDRA - Lot 8 LP 22569	\$825.00	\$3,605.00	\$4,430.00
4 GREEN STREET, ALEXANDRA - Lot 9 LP 22569	\$2,885.00	\$3,605.00	\$6,490.00
4 GREEN STREET, ALEXANADRA - Lot 10 LP 22569	\$2,885.00	\$3,605.00	\$6,490.00
4 GREEN STREETALEXANDRA - Lot 11 LP 22569	\$2,885.00	\$3,605.00	\$6,490.00
10 GREEN STREET, ALEXANDRA - Lot 1 PS 506018	\$5,155.00	\$3,605.00	\$8,760.00
12 GREEN STREET, ALEXANDRA - Lot 5 PS 506018	\$3,795.00	\$3,605.00	\$7,400.00
51 VICKERY STREET, ALEXANDRA - Lot 2 RP 17505	\$1,575.00	\$3,605.00	\$5,180.00
7 GREEN STREET, ALEXANDRA, - Lot 7 LP 25499	\$2,725.00	\$3,605.00	\$6,330.00
5 GREEN STREET, ALEXANDRA, - Lot 6 LP 25499	\$2,725.00	\$3,605.00	\$6,330.00
8 McKENZIE STREET,ALEXANDRA, - Lot 1 LP 25499	\$5,675.00	\$3,605.00	\$9,280.00
7 McKENZIE STREET,ALEXANDRA, -Pt Lot 3 LP 19936	\$1,335.00	\$3,605.00	\$4,940.00
3 GREEN STREET,ALEXANDRA - Pt Lot 3 LP 19936	\$4,685.00	\$3,605.00	\$8,290.00

Property Address	Access	Amenity	Estimated Charge
8 AITKEN STREET,ALEXANDRA, Lot 1 LP 41968	\$5,915.00	\$3,605.00	\$9,520.00
Total amount to be levied			\$108,150.00

2. The area for which the Special Charge is so declared is the area comprising all the lands listed in Clause 1 of this declaration. The following be specified as the criteria which form the basis of the special charge so declared; all those properties fronting, abutting or adjacent to the works or parts thereof and located in Green Street, Alexandra.
3. The estimated total cost of the works is \$216,300.00
4. The estimated total amount to be levied is \$108,150.00. The owners of the land detailed in Clause 1 are each estimated to be liable for the estimated amounts shown in Clause 1.
5. The Special Charge shall become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167 (3) of the *Local Government Act 1989*, and will remain in force for 10 years. The Special Charge will be discharged when it is paid in full by the landowner or rescinded by Council under the provisions of Section 164 of the Act.
6. The criteria on which the Council bases the Special Charges are:

The lands listed in Clause 1 of this declaration, the owners of which derive a benefit from the street construction works, which the Council assesses to be equal to that derived by the whole community. The 50% of the actual cost shared by the contributing landowners has been further distributed on the basis of approximately 50% of cost apportioned to amenity benefit and 50% of cost apportioned per metre of frontage to access benefit.
7. The Special Charge so declared will be assessed and levied in the following manner:-
 - (a) The actual costs of the portion of the works attributed to the benefiting property owners including design, supervision and administration expenses as certified by the Chief Executive Officer on completion of the works. As an owner of land in that area the share of the cost will be a percentage of the actual cost and determined according to the unit benefit
 - (b) Each benefiting owner will be charged, annually for one tenth of that share of the actual costs apportioned, together with interest on the unpaid balance (plus any unpaid interest) at the rate set from time to time under Section 172 of the *Local Government Act 1989*.
 - (c) Annual instalment payments of the Special Charge will be due and payable on the 1 January each year. Payments may be made by 4 instalments annually. The charge will be levied after completion of the works and calculation of the actual costs.
8. Such owners may, subject to any resolution of the Council, pay the whole of the Special Charge within 30 days of service of an annual notice requiring payment.

9. The Rates and Revenue Coordinator is authorised to levy and recover the Special Charge described in Clause 8 in accordance with the provisions of the *Local Government Act*.

Locality Plan



Background:

Council resolved at its Ordinary meeting on 24 September 2012 its intention to declare a Special Charge Scheme for the road construction of a section of Green Street, Alexandria.

The resolution by Council commenced the statutory process of the project which invited submissions from property owners regarding the proposed Special Charge Scheme.

Council advertised for written submissions to the proposed scheme in the week starting 5 November 2012. Submissions closed on 10 December 2012.

Council, at its Special Meeting on 21 January 2013, considered submissions received and heard one person who, in their written submission, under section 223 of the Act requested that they be heard.

As Council is to levy an amount that does not exceed two thirds of the total cost the affected ratepayers did not have objection rights under section 163(B) of the Act.

Four submissions were received from five of the fifteen property owners (two property owners provided a joint submission). Three property owners were in opposition and two property owners were supportive.

Council Plan/Strategies:

The proposed project is consistent with the Murrindindi Shire Council Plan 2009-2013 Year 3 Review:
Strategic Objective

‘To enhance the sustainability of our infrastructure, recognising the changing needs and expectations of our communities.’

Legal/Policy Issues:

The *Local Government Act 1989* requires Council to follow a specific process in declaring a scheme and Council currently has a policy in relation to Special Charge Schemes. The ministerial guideline on special rates and charges sets out a preferred process for preparation of a scheme.

Financial/Resources/Risk

Council has budgeted \$216,300 of expenditure, \$108,150 from rates and \$108,150 funded from contribution by properties within the scheme.

Estimated charges for each property are an indicative contribution only and apportionment has been revised to ensure equitable imposition of charges. The final charge per property can be adjusted once final cost are certified at the completion of construction. Finalisation of the works is reported to Council.

If cost variations of the scheme are equal to or greater than 10% then public notice is required to be given and affected persons may make a submission with consequential review rights to the Victorian Civil and Administrative Tribunal.

Two properties have had part of the works completed previously as a subdivision requirement and have paid a contribution for road sealing as a condition of a prior planning permit. This money has been held in trust and no further contribution is payable.

Council, under section 167 of the Act, must provide for an instalment plan to provide for instalments to be paid over a period of at least 4 years, however Council allows for instalments to be paid over a 10 year period.

Should Council decide to declare the special charge scheme, a formal “Levy Notice” will be forwarded to individual contributors.

This notice sets out:

1. The estimated amount of their contribution; and
2. Their right to have Council’s decision reviewed by the Victorian Civil and Administrative Tribunal later notice would then be forwarded at the time of works commencing seeking payment of contributions.

Final costs for the works will not be known until a contract is tendered and the works are complete.

The scheme will be ‘finalised’ when works are complete and contributions adjusted so that contributors pay their share of the actual cost.

Discussion:

In response to the public notice four written submission were received (on behalf of five property owners) within the statutory time frame, copies of which are attached.

Issued raised in the submissions are summarised in the following table:

Submitter DC Ref No.	Content of submission	Officer response
<p>Joint submission DC 9198</p>	<p><i>‘whilst we all support the sealing of Green Street, we consider that any contribution to the kerb and channel, driveway and the sealing of the road has already been paid for, and thus no contribution will be required from either of these properties’</i></p> <p>NB: Submitters Have requested confirmation that the proposed works requires no further contribution.</p>	<p>Works have been carried out. Includes kerb and channel, driveways and road sealing.</p> <p><i>Contribution has been made as part of 2002 planning permit condition</i></p>
<p>DC9271</p>	<p><i>“Strongly disapprove of it”</i> (the special charge scheme) the reasons given being:</p> <ul style="list-style-type: none"> • A pension and no other income • Cannot afford the money 	<p>The charge is against the property.</p> <p>In accordance with Section 167 of the Act Council must provide an instalment plan for instalments to be paid over a period of at least 4 years.</p>
<p>DC10117</p>	<p><i>“object to the special charge scheme”</i> the reasons given being:</p> <ul style="list-style-type: none"> • Property has no access from Green Street • It is an existing road within the Shire not a new estate • Green Street is well established Council has had plenty of time to surface the road • Should have been a condition of other new estate’s planning approvals as it is the obvious way to access the new residents • Does not believe owners should pay for works and works should have been carried out when houses were built. • Cannot afford to pay additional charge above rates/rates increase 	<p><i>Noted.</i></p> <p>The charge is against the property.</p> <p>In accordance with Section 167 of the Act Council must provide an instalment plan for instalments to be paid over a period of at least 4 years.</p> <p>Residents in new subdivision have already provided a contribution as a planning permit condition.</p>
<p>DC10139</p>	<p><i>“...think the monies could be better spent elsewhere”</i></p> <ul style="list-style-type: none"> • Has been dirt for 100-150 years • Better spent on preventative maintenance • Will burden householders with more debt • Project not a critical one for Shire 	<p>Scheme documents including costing were made available for inspections on the web site and Council offices.</p> <p>Council is required to seek quotation by open public tender. If tender sums are not with the expected costing, a contract may not be let for the works without further consultation.</p> <p>Council may consider funding the difference between the estimated scheme cost and the actual costs</p> <p>Where final scheme costs are less than actual contributions will be reduced accordingly</p>

Note: The DC (document control) number is the internal reference assigned to correspondence from the property owner.

Green Street remains one of the last unsealed residential street in Alexandra not subject planning requirements for future sealing.

The proposal for the scheme was the result of an initial resident request in 1997 to deal with dust problems. It was decided at that time to proceed with investigating a special charge scheme. The progress of this scheme has been interrupted several times since it was first proposed to residents in 1998.

The relevant section of Green Street has long been an unsealed roadway and the community benefit recognises its use by motorists as a through street linking the Maroondah Highway with Vickery Street. This cost sharing proposal will allow both residents of Green Street and the wider community to benefit in the future from a sealed street having kerb and channel and footpath.

The scheme fairly distributes a reasonable share of the costs across all benefitting properties. It proposes a significant Council contribution in recognition of the tangible and direct benefits to the people of the broader community.

It is considered appropriate to proceed with the implementation of a special charge scheme for these works without amendment.

Consultation:

The public notice was placed in the relevant newspapers on the 7 November 2012.

Letters were sent to land owners affected by the proposed scheme with copies of the notice following its publication.

Copies of the scheme documents were placed on the Council web site and at the Alexandra Office customer service centre.

Conclusion:

This proposed scheme provides the opportunity to complete construction of the section of Green Street remaining unsealed. The majority of residents support the development of the scheme and undertaking the works

RESOLUTION:

Cr J Kennedy/ Cr A Derwent

That Council declare a Special Charge Scheme for Green Street, Alexandra pursuant to Section 163(1) of the *Local Government Act 1989* for the purposes of defraying any expenses (including design, supervision and administration) in relation to street construction works as follows:

1. The land with the corresponding estimated liability amount for which the Special Charge is declared is as detailed below:

Property Address	Access	Amenity	Estimated Charge
10 AITKEN STREET, ALEXANDRA - Pt CA 10	\$5,915.00	\$3,605.00	\$9,520.00
11 McKENZIE STREET, ALEXANDRA - Pt CA 11	\$5,915.00	\$3,605.00	\$9,520.00
2 GREEN STREET, ALEXANDRA	\$825.00	\$3,605.00	\$4,430.00

Property Address	Access	Amenity	Estimated Charge
- Lot 8 LP 22569			
4 GREEN STREET, ALEXANDRA - Lot 9 LP 22569	\$2,885.00	\$3,605.00	\$6,490.00
4 GREEN STREET, ALEXANADRA - Lot 10 LP 22569	\$2,885.00	\$3,605.00	\$6,490.00
4 GREEN STREETALEXANDRA - Lot 11 LP 22569	\$2,885.00	\$3,605.00	\$6,490.00
10 GREEN STREET, ALEXANDRA - Lot 1 PS 506018	\$5,155.00	\$3,605.00	\$8,760.00
12 GREEN STREET, ALEXANDRA - Lot 5 PS 506018	\$3,795.00	\$3,605.00	\$7,400.00
51 VICKERY STREET, ALEXANDRA - Lot 2 RP 17505	\$1,575.00	\$3,605.00	\$5,180.00
7 GREEN STREET, ALEXANDRA, - Lot 7 LP 25499	\$2,725.00	\$3,605.00	\$6,330.00
5 GREEN STREET, ALEXANDRA, - Lot 6 LP 25499	\$2,725.00	\$3,605.00	\$6,330.00
8 McKENZIE STREET,ALEXANDRA, - Lot 1 LP 25499	\$5,675.00	\$3,605.00	\$9,280.00
7 McKENZIE STREET,ALEXANDRA, -Pt Lot 3 LP 19936	\$1,335.00	\$3,605.00	\$4,940.00
3 GREEN STREET,ALEXANDRA - Pt Lot 3 LP 19936	\$4,685.00	\$3,605.00	\$8,290.00
8 AITKEN STREET,ALEXANDRA, Lot 1 LP 41968	\$5,915.00	\$3,605.00	\$9,520.00
Total amount to be levied			\$108,150.00

2. The area for which the Special Charge is so declared is the area comprising all the lands listed in Clause 1 of this declaration. The following be specified as the criteria which form the basis of the special charge so declared; all those properties fronting, abutting or adjacent to the works or parts thereof and located in Green Street, Alexandra.
3. The estimated total cost of the works is \$216,300.00
4. The estimated total amount to be levied is \$108,150.00. The owners of the land detailed in Clause 1 are each estimated to be liable for the estimated amounts shown in Clause 1.
5. The Special Charge shall become due and payable within one month of the issue of the notice requesting payment pursuant to Section 167 (3) of the *Local Government Act 1989*, and will remain in force for 10 years. The Special Charge will be discharged when it is paid in full by the landowner or rescinded by Council under the provisions of Section 164 of the Act.
6. The criteria on which the Council bases the Special Charges are:

The lands listed in Clause 1 of this declaration, the owners of which derive a benefit from the street construction works, which the Council assesses to be equal to that derived by the whole community. The 50% of the actual cost shared by the contributing landowners

has been further distributed on the basis of approximately 50% of cost apportioned to amenity benefit and 50% of cost apportioned per metre of frontage to access benefit.

7. The Special Charge so declared will be assessed and levied in the following manner:-
- (a) The actual costs of the portion of the works attributed to the benefiting property owners including design, supervision and administration expenses as certified by the Chief Executive Officer on completion of the works. As an owner of land in that area the share of the cost will be a percentage of the actual cost and determined according to the unit benefit
 - (b) Each benefiting owner will be charged, annually for one tenth of that share of the actual costs apportioned, together with interest on the unpaid balance (plus any unpaid interest) at the rate set from time to time under Section 172 of the *Local Government Act 1989*.
 - (c) Annual instalment payments of the Special Charge will be due and payable on the 1 January each year. Payments may be made by 4 instalments annually. The charge will be levied after completion of the works and calculation of the actual costs.
8. Such owners may, subject to any resolution of the Council, pay the whole of the Special Charge within 30 days of service of an annual notice requiring payment.
9. The Rates and Revenue Coordinator is authorised to levy and recover the Special Charge described in Clause 8 in accordance with the provisions of the *Local Government Act*.

CARRIED

12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil.

13. ASSEMBLIES OF COUNCILLORS

File No: 12/01/06

Purpose:

This report presents the records of assemblies of Councillors for the 17 December 2012 to 9 January 2013, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

Recommendation:

That Council receives and notes the record of assemblies of Councillors for 17 December 2012 to 9 January 2013.

Background:

In accordance with Section 80A of *the Act*, written assemblies of Councillors are to be reported at an Ordinary Council Meeting of the Council.

An assembly of Councillors includes advisory committees, where one or more Councillors were present, along with planned or scheduled meetings involving at least half of the Councillors and a Council Officer.

A Councillor who has a conflict of interest at an assembly of Councillors, must disclose the conflict of interest, and leave the meeting while the matter is being discussed.

A written record is required to be kept of every assembly of Councillors, including the names of all Councillors and staff at the meeting, a list of the matters considered, any conflict of interest disclosed by a Councillor, and whether a Councillor who disclosed a conflict left the meeting.

Summary:

Meeting Name / Type	Council Meeting Agenda
Meeting Date	17 December 2012 4.00pm
Matters discussed	<ol style="list-style-type: none"> 1. Amendment C44 2. Ghin Ghin Road Petition 3. Councillor Representation on External Bodies 4. S86 Committees of Management 5. Advertising Public Notices
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Derwent, Cr Magner, Cr Kennedy, Cr Challen	Staff – M Abbey, R Cherry, M Chesworth, D Scordalides, T Johnson
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	9 January 2013 2.00pm
Matters discussed	Tour of the south western part of the municipality
Attendees: Councillors – Cr Rae, Cr Derwent, Cr Kennedy, Cr Challen	Staff – M Abbey, R Cherry, M Chesworth,
Conflict of Interest disclosures - Nil	

RESOLUTION:

Cr C Ruhr / Cr M Rae

That Council receives and notes the record of assemblies of Councillors for 17 December 2012 to 9 January 2013.

CARRIED

14. URGENT BUSINESS

Nil.

15. CONFIDENTIAL ITEMS

Nil.

There being no further items of Business, the Chairperson declared the meeting closed at 7.58 pm.

CONFIRMED THIS

CHAIRPERSON
