



Murrindindi
Shire Council

AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
WEDNESDAY 25 JANUARY 2017
in the
YEA COUNCIL CHAMBER
commencing at
6.00 pm

INDEX

1.	PRAYER, OATH AND 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.	PUBLIC PARTICIPATION TIME	2
5.1	Questions of Council.....	2
5.2	Open Forum.....	2
5.3	Petitioners Speaking to Petitions.....	2
	Intersection of Tarnpirr Road and Maroondah Highway	2
6.	OFFICER REPORTS.....	3
6.1	2013/75 – Amendment of Planning Permit Conditions – 6 Station Street Yea.....	3
6.2	Telecommunication Facility at Kinglake West	9
6.3	Bunderboweik Street Reuse Centre	14
6.4	Redevelopment of the Yea and District Children’s Centre.....	19
6.5	2018 General Valuation	22
6.6	Review of Protected Disclosure Policy	23
6.7	Differential Rates	25
7.	SEALING REGISTER	26
8.	COUNCILLOR PORTFOLIO REPORTS.....	26
8.1	Land Use Planning Portfolio.....	26
8.2	Economic Development Portfolio	26
8.3	Infrastructure and Waste Portfolio	26
8.4	Corporate and Customer Services Portfolio	27
8.5	Natural Environment and Climate Change Portfolio	27
8.6	Community Services Portfolio	27
8.7	Mayor and Delegated Committee Reports	27
8.8	General Business.....	27
9.	MATTERS DEFERRED FROM PREVIOUS MEETING	27
10.	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN	27
11.	ASSEMBLIES OF COUNCILLORS	27
12.	URGENT BUSINESS	28
13.	CONFIDENTIAL ITEMS	28

1. PRAYER, OATH AND RECONCILIATION STATEMENT**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

REF: SF/306

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held on 21 December 2016.

Officer Recommendation:**That the Minutes of the Ordinary Meeting of Council held on 21 December 2016 be confirmed.****4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

REF: SF/783

5. PUBLIC PARTICIPATION TIME**5.1 QUESTIONS OF COUNCIL****5.2 OPEN FORUM**

REF: SF/130

5.3 PETITIONERS SPEAKING TO PETITIONS**INTERSECTION OF TARNPIRR ROAD AND MAROONDAH HIGHWAY**

REF: SF/132, D17/803)

Attachments: (Petitions –circulated to Councillors under separate cover)

Council has received a petition relating to the intersection of Tarnpirr Road and Maroondah Highway. The petitioners request:

1. Assessment of civil, structural and signage requirements for the intersection, and its approach
2. Review of road surface maintenance of Tarnpirr Road
3. Advice as to temporary surface treatment and permanent sealing options for Tarnpirr Road.

The petition was signed by 29 people. The petition was submitted by Peter Lovett.

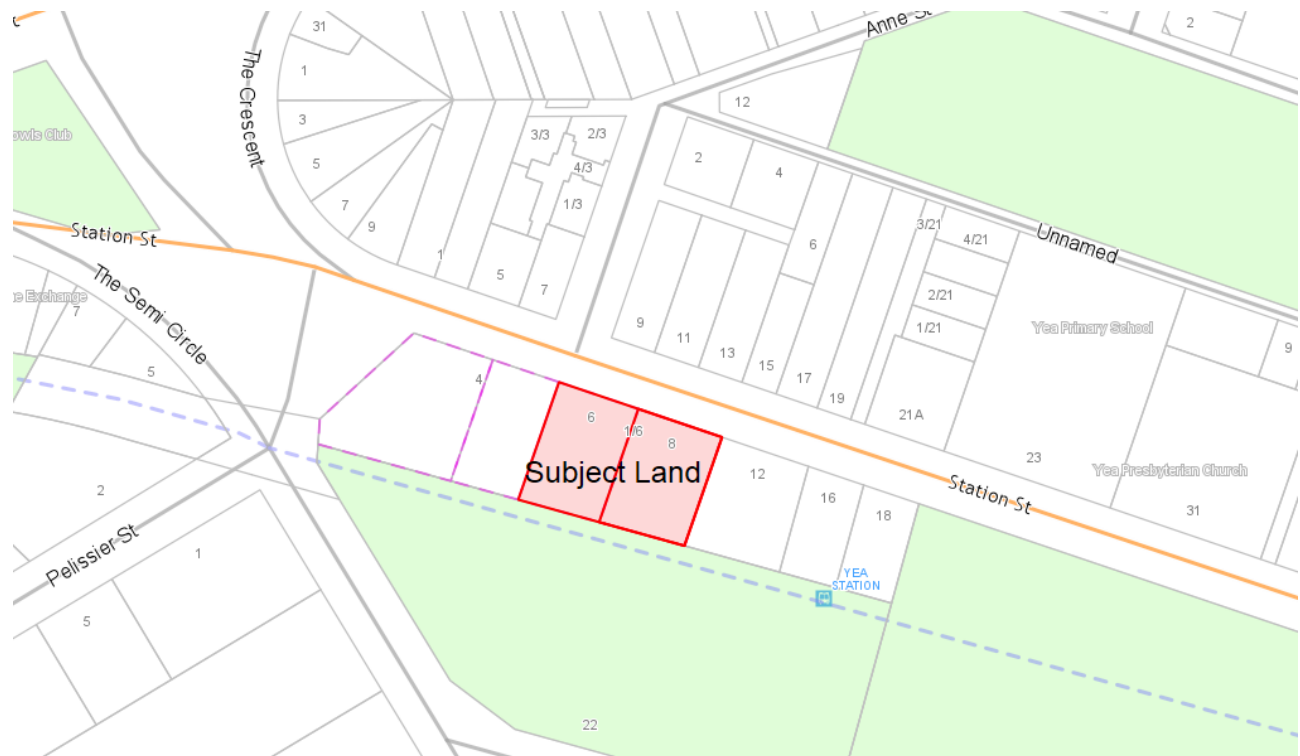
There are concerns about the condition and management of Tarnpirr Road Narbethong and its intersection with Maroondah Highway and that it is a hazardous intersection.

Officer Recommendation:

That the petition be received, noted and referred to the General Manager Infrastructure and Development Services for a report to be prepared for the 22 March 2017 Ordinary meeting of Council.

6. OFFICER REPORTS**6.1 2013/75 – AMENDMENT OF PLANNING PERMIT CONDITIONS – 6 STATION STREET YEA**

Ref: 2013/75
Land: 6 Station Street YEA 3717
Proposal: Amend Planning Permit 2013/75 to delete/amend conditions 8, 9, 10, 11, 12, 13, 14, and 15.
Applicant: Sharing Deltaquest Super Funds
Zoning: Mixed Use Zone
Overlays: Nil
Attachments: Proposal (refer *Attachment 6.1a* – TRIM 17/3749)
Planning Permit (refer *Attachment 6.1b* – TRIM B15/4146)
Endorsed Plans (refer *Attachment 6.1c* – TRIM B15/4147)
Soil Investigation Report (refer *Attachment 6.1d* – TRIM 17/3747)
Planning Practice Note – Potentially Contaminated Land (refer *Attachment 6.1e* – TRIM 16/66265)
Aerial photograph distributed separately

Locality Plan**Purpose:**

This report recommends that a Notice of Decision to Refuse to Grant an Amendment to a Permit be issued for the proposed amendment to planning permit 2013/75 to delete/amend conditions 8, 9, 10, 11, 12, 13, 14, and 15.

Officer Recommendation:

That Council issue a Notice of Decision to Refuse to Grant an Amendment to a Permit for the amendment to planning permit 2013/75 to delete/amend conditions 8, 9, 10, 11, 12, 13, 14, and 15 at 6 Station Street, Yea (SEC: 24 PCA: 14, Parish of Yea), on the following grounds:

1. The proposal does not comply with the requirements of Clause 19.03-2 *Water Supply, sewerage and drainage*, as it does not include the provision of drainage services.
2. The proposal does not comply with the requirements of Clause 21.04-1 *General Housing in the Municipality*, as it creates an additional lot which would allow residential use without adequately addressing the environmental concerns associated on land that has been identified as being potentially contaminated.
3. The proposal does not comply with the requirements of Clause 21.06-2 *Infrastructure*, as the new subdivision will not be provided with an adequate level and standard of infrastructure.
4. The proposal does not comply with the requirements of Clause 56.06-8 *Lot Access Objective*, as the verge width and kerbing does not meet the standards required by the relevant road authority.
5. The proposal does not comply with the requirements of Clause 56.07-4 *Urban Run-off Management Objectives*, as it does not include the provision of stormwater management and drainage services for the newly created lots.
6. The proposal does not comply with the requirements of Clause 56.08-1 *Site Management Objectives*, as it does not include supervision and maintenance provisions during subdivisional development, to ensure protection of the site and surrounding areas from environmental degradation.

Proposal:

An application was received to delete/amend conditions 8, 9, 10, 11, 12, 13, 14, and 15 on planning permit 2013/75 for a two lot subdivision. This permit was issued on 11 June 2013, was extended in 2015 and now expires on 11 June 2017. The proposal is to delete conditions 8 and 9, which address environmental concerns of the site, which has been identified as potentially contaminated land, as it was previously used by the Lands Department as a depot storing herbicides and poisons. The application also proposes to delete or amend conditions 10-15, which require the provision of infrastructure for the subdivision, including the upgrade of Station Street for the frontage of the site and drainage and the maintenance of the new works for a period of time.

The applicant believes that conditions 8 and 9 which relate to an environmental audit can be deleted as the report completed by Alpha Environmental and submitted to Council states that the site is suitable for use.

Conditions 10 relates to the requirement to do works on the road reserve for pavement and sealing works, kerb and channel, footpath and drainage. The applicant has stated that this is not a greenfield site but is making good of previous neglect by Council and that the majority of the benefit is to the community therefore the condition should be deleted.

Condition 11 is a requirement to extend the drainage network to connect the two lots into the main drainage system. The applicant has stated that stormwater external to their property services the greater entry artery to the town of Yea and therefore the condition should be deleted.

Conditions 12, 13, 14 and 15, apply to a consent to work on road reserve permit, plan checking and supervision fees and a maintenance bond. The applicant has advised that this condition should be deleted except where they interface with the crossings.

The Land & Surroundings:

The subject land is situated in the township of Yea and is approximately 2432 square metres. The land contains a retail shop along the north-western boundary and the remainder of the lot is vacant. The land to the east and the adjacent land to the north is residential, the land to the west contains a retail shop, and the land to the south is public reserve.

Referrals:

The application was referred to VicRoads as the relevant road authority and to the Environment Protection Authority (EPA) in relation to the potential contamination issue.

Consultation:

The application was not advertised as the application is exempt under the Murrindindi Planning Scheme from notice requirements and has no third party rights.

Planning Considerations:*Potential Environmental Contamination*

The site at 6 Station Street encompassing all of the land that is the subject of this permit was previously used as a depot by the Department of Lands until 1993. According to the Department of Environment, Land, Water and Planning (DELWP) the site would have been used for the storage of herbicides and poisons amongst other possible contaminants. As such, the site has been identified as being potentially contaminated.

The application, along with the accompanying soil investigation report, was referred to the Environment Protection Authority (EPA) who advised Council that there was no objection to the removal of conditions 8 and 9 as the 2 lot subdivision does not constitute a change of use and that when a change of use is proposed that Council consult the *General Practice Note, Potentially Contaminated Land June 2005*. This practice note states that "Potentially contaminated land is defined in *Ministerial Direction No. 1 – Potentially Contaminated Land*, as land used or known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel (if not ancillary to another use of land)."

The response from the EPA is based on the assumption that further development of the site for a sensitive use (dwelling) would require planning permission. This is not the case as a single dwelling in the Mixed Use Zone does not require a planning permit and is an "as of right" use under the Murrindindi Planning Scheme.

The *General Practice Note, Potentially Contaminated Land June 2005* states that the framework for assessing potentially contaminated land is through an Environmental Audit Overlay which is the mechanism under planning for identifying land that has the potential for contamination. The Responsible Authority is also required before deciding on a planning permit application to consider "any significant effects the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development".

In this instance there was enough evidence that the land may be contaminated to include conditions 8 and 9 in the planning permit when it was originally issued and the report lodged by the applicant does not provide enough information to alter that requirement.

Infrastructure

The property is currently used for a single retail shop and has adequate infrastructure provisions for its existing use. A two lot subdivision has been deemed appropriate for the site, but the addition of an extra lot will require the provision of additional infrastructure due to the increased demand on the surrounding area and the need to provide services to each individual lot.

The Murrindindi Planning Scheme sets out infrastructure requirements for subdivision and residential development and Council's Infrastructure Design Manual (IDM) specifies the standards that are required when land is subdivided and developed. Condition 10 reflects the

standards in the IDM for a two lot subdivision in a township area. Additionally, this subdivision is an in-fill development where there is existing infrastructure which should be extended to the boundary of the land to be subdivided.

The application was referred to VicRoads, as the relevant road authority, which supports the infrastructure conditions.

The external stormwater network services the Yea township and it is a requirement that each lot must be independently drained and connected to the existing network. The existing lot is already connected and Condition 11 requires the drainage system to be extended to service both the lots.

Conditions 12 and 13 require the developer to have construction plans approved and seek approval for works within road reserves prior to commencing any works. These conditions do not specify the extent of the works required, as they are detailed in previous conditions, but ensure that any works to be done are carried out in accordance with approved plans and with appropriate permission before commencing.

Supervision and engineering design checking, specified in condition 14, ensures that the subdivisional development works will be done in accordance with, and to the satisfaction of, the requirements of the Responsible Authority. It is reasonable that the Responsible Authority charges a fee for this service as specified in the *Subdivision Act 1988*.

A maintenance bond provides the Responsible Authority with a guarantee that the constructed works will be maintained. This bond is refundable at the end of the maintenance period. These monies are calculated at a small percentage of the construction costs and do not specify the extent of the works required, as this is detailed in previous conditions.

Condition 15 ensures the maintenance of constructed works, for a three month period, at which point the maintenance bond (condition 14), can be refunded. This condition does not specify the extent of the works required, as this is detailed in previous conditions.

Conclusion:

The existing infrastructure conditions on planning permit 2013/75 are consistent with the Murrindindi Planning Scheme requirements for a two lot subdivision in a built up area. The creation of an additional lot will increase the use of the land and reliance on infrastructure. The requirements are not onerous and meet minimum standards.

The existing environmental conditions are necessary given the previous use of the land and the potential threat of the land being contaminated by ensuring the site is suitable for future sensitive uses, such as residential.

Legal/Policy Issues:

State Planning Policy Framework

15.01-1 *Urban Design*

Objective: To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Strategies:

- Ensure new development or redevelopment contributes to the community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability

19.03-3 *Stormwater*

Objective: To reduce the impact of stormwater on bays and catchments.

Strategies:

- Support integrated planning of stormwater quality through a mix of on-site measures and developer contributions

Local Planning Policy Framework21.01 *Context***Issues:**

- Environmental risks and natural disasters: Future planning for land use and development must fully consider environmental risks and natural hazards. These hazards and limitations include flooding bushfire risk and erosion risk

21.04-1 *General Housing in the Municipality***Objective 1: General housing:**

- Attract and promote an increase in population, housing, residential diversity and lifestyle options

Strategies:

- Ensure the future layout and form of residential and rural living subdivision and development is properly planned, recognising and protecting areas of environmental values and avoiding areas of natural environmental hazards/constraints

21.06-2 *Infrastructure***Objective 1: Infrastructure:**

- Provide adequate infrastructure to support new subdivision or development in both rural towns and rural areas

Strategies:

- Ensure that any new subdivision or development in urban or rural areas is provided with an adequate level and standard of infrastructure, to the standards of the relevant service authority
- Support development of infrastructure and facilities that will enhance liveability within the municipality

Zoning32.04 *Mixed Use Zone***Purpose:**

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality
- To provide for housing at higher densities
- To encourage development that responds to the existing or preferred neighbourhood character of the area

Decision guidelines:***Subdivision:***

- The pattern of subdivision and its effect on the spacing of buildings
- For subdivisions of land for residential development the objectives and standards of Clause 56

A planning permit is required to subdivide land in the Mixed Use Zone

Overlays

Not applicable

Particular Provisions52.29 *Land adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road*

Purpose:

- To ensure appropriate access to identified roads
- To ensure appropriate subdivision of land adjacent to identified roads

Decision guidelines:

- The views of the relevant road authority
- The effect of the proposal on the operation of the road and on public safety

56 *Residential Subdivision*56.03-5 *Neighbourhood Character Objective:*

To design subdivisions that respond to neighbourhood character

Standard C6

Subdivision should:

- Respond to and integrate with the surrounding urban environment

56.06-8 *Lot Access Objective*

To provide for safe vehicle access between roads and lots.

Standard C21:

- The design and construction of a crossover should meet the requirements of the relevant road authority

Table C1 Design of roads and neighbourhood streets

Arterial Road:

- Verge width (includes footpaths): Arterial road design as required by the relevant roads authority
- Kerbing: Arterial road design as required by the relevant roads authority

56.07-4 *Urban Run-off Management Objectives:*

- To minimise damage to properties and inconvenience to residents from urban run-off
- To ensure that the street operates adequately during major storm events and provides for public safety
- To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off

Standard C25

The urban stormwater management system must be:

- Designed and maintained in accordance with the requirements and to the satisfaction of the relevant drainage authority
- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts

The design of the local drainage network should:

- Ensure run-off is retarded to a standard required by the responsible drainage authority
- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system of legal point of discharge

56.08-1 *Site Management Objectives:*

- To protect drainage infrastructure and receiving waters from sedimentation and contamination
- To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works
- To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable

Standard C26

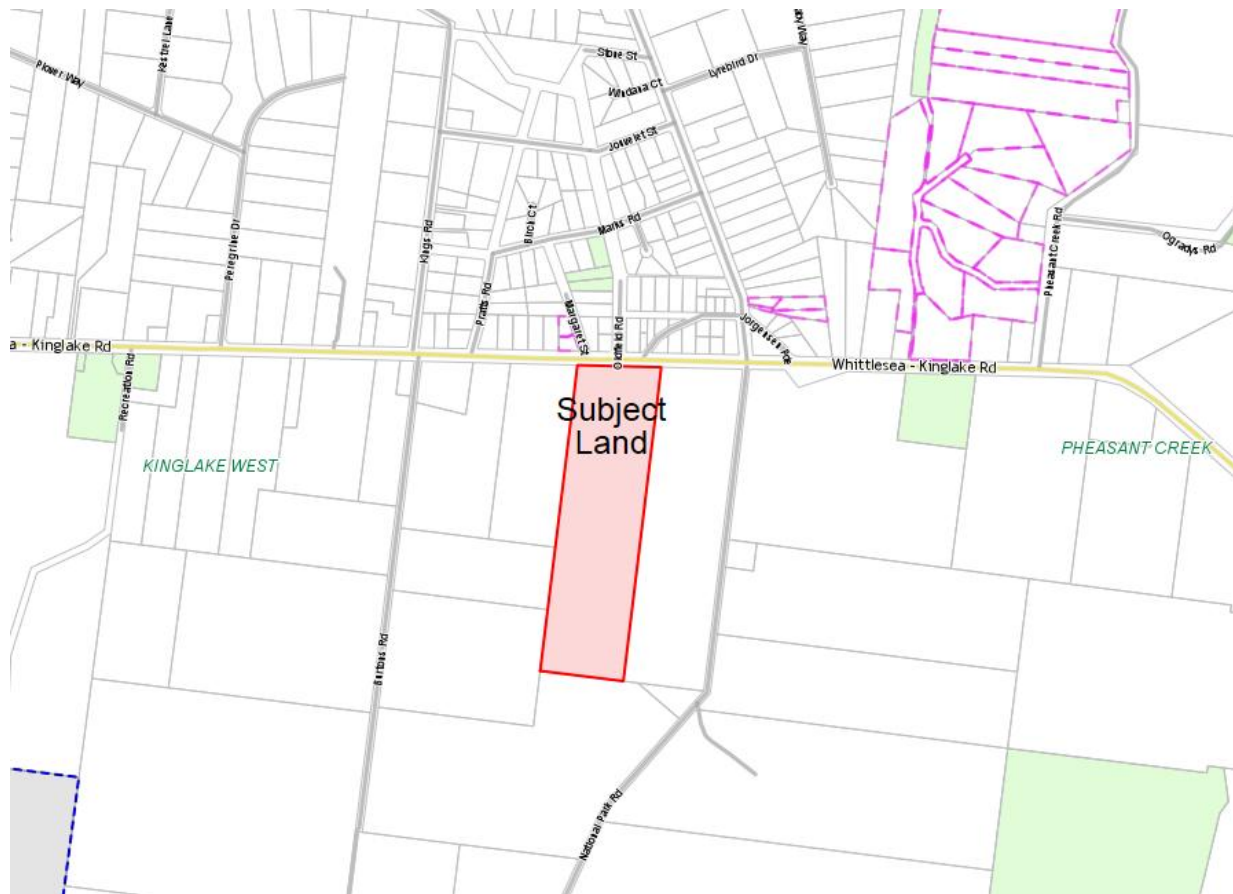
A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

- Erosion and sediment
- Dust
- Run-off
- Litter, concrete and other construction wastes
- Chemical contamination
- Vegetation and natural features planned for retention

6.2 TELECOMMUNICATION FACILITY AT KINGLAKE WEST

Ref: 2016/135
Land: 100 National Park Road Kinglake West
Proposal: Telecommunications Facility, trimming vegetation and construction of access on lot
Applicant: Ericsson Australia Pty Ltd & Visionstream Pty Ltd
Zoning: Farming
Overlays: Environmental Significance
Attachments: Planning Report (refer *Attachment 6.2a* - TRIM 16/44227)
Plans (refer *Attachment 6.2b* - TRIM 16/61167)
Native Vegetation Removal (refer *Attachment 6.2c* - TRIM 16/61168)
Aerial photograph and submissions distributed separately

Locality Plan (next page)

**Purpose:**

This report recommends that a Notice of Decision to Grant a Permit be issued for a telecommunications facility (National Broadband Network (NBN) fixed wireless facility), trimming vegetation and construction of access on CA 74B1 located on land known as 100 National Park Road Kinglake West.

Officer Recommendation:

That Council issue a Notice of Decision to Grant a Permit for a Telecommunications Facility (NBN fixed wireless facility), trimming vegetation and construction of access on CA 74B1, Parish of Kinglake, located on land known as 100 National Park Road, Kinglake West, subject to the following conditions:

1. The layout of the site and the size and type of the proposed structures 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.
2. 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. A request for an extension of time may be made before or within six (6) months after the permit expiry date, where the development allowed by the permit has not yet commenced, or within 12 months where the development allowed by the permit lawfully commenced before the permit expired.
3. In the event that the telecommunications facility and other permitted uses are made redundant at any time in the future, the relevant operator of the facility at the time must remove the tower, to the satisfaction of the Responsible Authority.
4. The amenity of the area must not be detrimentally affected by the use or development through the:
 - Transport of materials, goods or commodities to or from the land

- **Appearance of any building, works or materials**
5. **All external cladding of the equipment shelter must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.**

VicRoads

6. **Only one access will be permitted from the subject land to the Whittlesea-Kinglake Road located as shown on the plan appended to the application.**
7. **Prior to the telecommunications facility coming into use, the applicant must complete the following works to the satisfaction of and at no cost to the Roads Corporation:**
- a. **The access must be constructed and sealed in accordance with VicRoads standard drawing SD2066 Typical Rural Driveway Access to Residential Properties -Type C.**
 - b. **All disused or redundant vehicle crossings including the vehicle crossing located at the north eastern corner of the subject land (Crown Allotment 74B1 Parish of Kinglake) must be removed and the gate removed and fence reinstated to prevent access and the area reinstated to the satisfaction of and at no cost to the Roads Corporation.**
8. **Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).**

Proposal:

The proposal is to install a new fixed wireless facility on this site which comprises a 50 metre lattice tower, five antennas, two outdoor cabinets at ground level and a 2.4 metre high chain link security compound fencing. This development is proposed to be located 3.5 metres from the western boundary, in the immediate vicinity of a forested area of land on the adjacent property.

As well, the application includes the trimming of vegetation and the creation of a new access onto the Whittlesea-Kinglake Road at the north western part of the property, immediately adjacent to the neighbouring land. The trimming of vegetation is limited to less than 30% of the foliage on five trees and needs a planning permit under the overlay only, therefore there are no offsets required.

The NBN uses cellular technology to transmit signals to and from a small antenna fixed on the outside of a home or business and the tower will also function as a hub site providing transmission connection to seven dependant downstream facilities.

The Land & Surroundings:

The subject land is a 21 hectare property that is owned and farmed in conjunction with the neighbouring lot on the corner of Whittlesea-Kinglake Road and National Park Road. This land is mostly cleared, good quality land that is actively farmed by the owner.

The land to the south and south west is also general farming land while the land immediately to the west contains a house and existing Optus tower that is located 225 metres from the proposed tower. Also on this property is a large 4.5 hectare forested area that would be immediately adjacent to the proposed tower.

To the north is the Whittlesea-Kinglake Road and both Township and Industrial 1 zoned land with housing, industry, and a bakery in the vicinity. There is a substantial amount of roadside vegetation on the Whittlesea-Kinglake Road which filters views through into the subject land.

The tower location is 530 metres south west of the bakery and 250 metres from the nearest dwelling which is located on the property to the west.

Referrals:

The application was referred to VicRoads as the road authority. They have responded with no objection to the proposed new access point subject to conditions requiring a single access to this lot, the sealing of the access and the removal of an existing redundant crossing.

Consultation:

Prior to the application being lodged a community information session was held on 18 May 2016, this session resulted in the tower location being moved 190 metres to the south to achieve a better setback from both the neighbouring dwelling and the Whittlesea-Kinglake Road.

The application was advertised by notice in the Mountain Monthly, by mail to 71 individual property owners in the vicinity and by notice on site.

Newspaper / Other	Publishing/Consultation Date(s)
Newspaper	1 December 2016
Consultation	18 May 2016
Mail out	8 November 2016

Three objections have been received to the application raising the following issues:

- Better potential site at 27 Jorgensen Parade
- Proposed site is visually intrusive
- Opposite an existing business (Flying Tarts) thereby impacting on customers
- Location not appropriate as another fire could damage existing and proposed tower as in close proximity taking out all communications
- Concern over proposed driveway access using existing driveway to objectors house
- Safety issues already at that location and a better option 150 metres to the east

The objections were forwarded to the applicant for a response which was subsequently sent to the submitters, no objections were withdrawn as a result.

The responses made the following points:

- The property at 27 Jorgenson was investigated however a 50 metre high lattice tower was seen as being too intrusive in an area with a high number of dwellings in the vicinity
- The proposed site is well screened with established trees along the road reserve while the trees immediately adjacent to the tower will provide a backdrop
- The Flying Tarts view line is immediately to the south while the proposed tower site is to the south west and well screened by the roadside tree cover
- The construction period of the tower is proposed to take 10 weeks, during that time appropriate traffic management measures will ensure that construction vehicles will not interfere with the safe movement of traffic. Once completed the facility will only require maintenance visits two to three times per year. This location is seen as the most appropriate and by clustering the crossover with an existing one limits change to the Whittlesea-Kinglake Road interface as far as possible.

Planning Considerations:

The *Telecommunications Code of Practice 1997* requires that, where possible, site sharing facilities are used first to prevent a proliferation of towers and masts. Two alternative sites with existing infrastructure were investigated, both for use of the existing towers and also for new towers. Both were discounted due to height issues for the existing infrastructure with particular issues relating to proximity to residential development at Jorgensen Parade and higher construction costs and lack of tenure agreement at 925 Whittlesea-Kinglake Road (neighbour to subject land).

The impact of the tower in this instance has been minimised by its location set well back on the land. This ensures that existing vegetation creates both a screening and backdrop to the proposed tower. The setback distances and type of tower (lattice) reduces any visual impact on properties to the north of the Whittlesea-Kinglake Road.

The economic benefit to the community is important. The tower creates business opportunities by providing internet coverage to over 250 premises directly and, as part of the NBN network, will provide direct and downstream connectivity to approximately 1,680 premises in the region.

The decision guidelines of the Farming Zone and the Environmental Significance Overlay are to encourage retention of productive potential of farming land. This proposal takes a very small portion of land out of production and the benefits of the tower more than offset the impact on the high quality agricultural land.

Conclusion:

The location of the tower at this site has taken into account amenity and visual issues and has resulted in a good balanced outcome for the community.

Legal/Policy Issues:**State Planning Policy Framework****19.03-4 Telecommunications**

Objective: To facilitate orderly development, extension and maintenance of telecommunication infrastructure.

Strategies:

- Facilitate the upgrading and maintenance of telecommunication facilities
- Ensure that modern telecommunications facilities are widely accessible to business, industry and the community
- Ensure the communication technology needs of business, domestic, entertainment and community services are met
- In consideration of proposals for telecommunications services, seek a balance between the provision of important telecommunication services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure

Zoning**35.07 Farming Zone****Purpose:**

- To provide for the use of the land for agriculture
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture

Overlay42.01 *Environmental Significance Overlay*

Purpose:

- To ensure that development is compatible with identified environmental values

Objective:

- To recognise the finite nature of high quality agricultural land
- Protect high quality agricultural land because of its versatility, productivity and ability to sustain a wide range of agricultural uses without degradation
- Protect the potential production
- Prevent unsustainable development
- Prevent the conversion of high quality agricultural land to non soil based development

Particular Provisions52.19 *Telecommunications Facility*

Purpose:

- To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs
- To ensure the application of consistent provisions for telecommunications facilities
- To encourage an effective state wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the *Planning and Environment Act 1987*
- To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area

Decision Guidelines:

- The principles for the design, siting, construction and operation of a Telecommunications Facility are set out in the Code of Practice for Telecommunications Facilities in Victoria.
- The effect of the proposal on adjacent land

A planning permit is required for telecommunications facility under clause 52.19.

6.3 BUNDERBOWEIK STREET REUSE CENTRE

Ref: 2016/176

Land: 11 Bunderboweik Street, Alexandra

Proposal: Use of land as a Community Reuse Centre incorporating events and workshops, and the installation of five shipping containers.

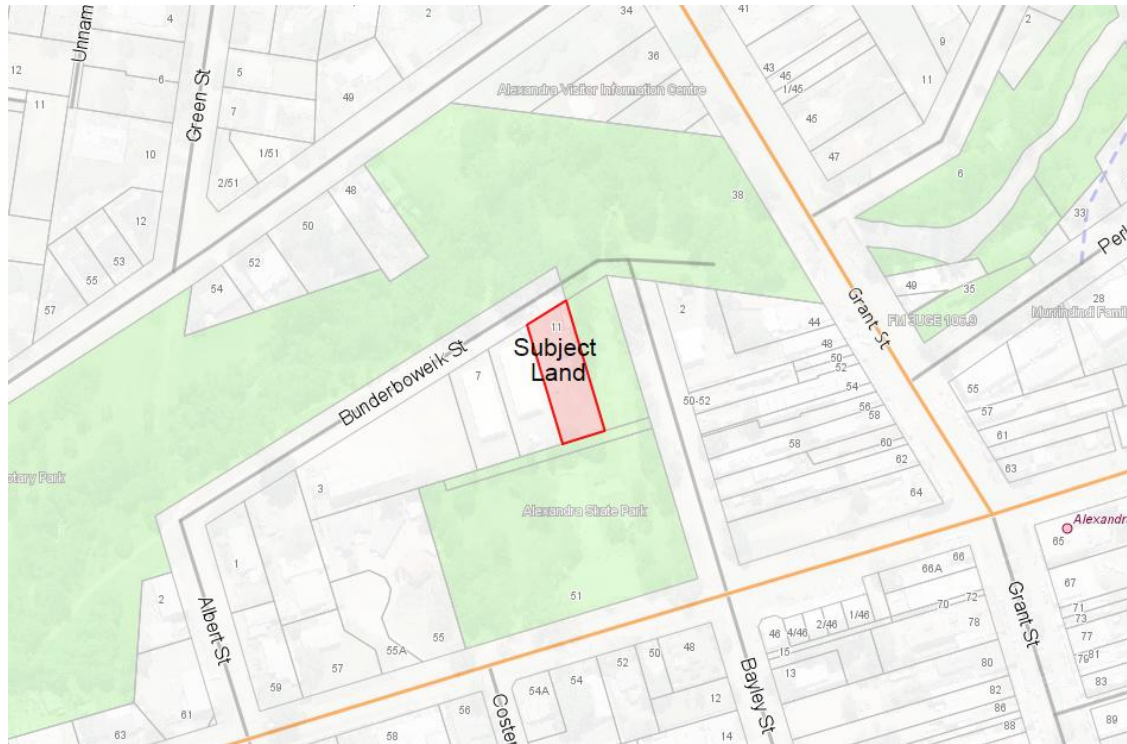
Applicant: S K Barrow

Zoning: Commercial 2 Zone

Overlays: None

Attachments: Application details (refer *Attachment 6.3* – TRIM 16/72872)
Aerial photograph and submission distributed separately

Locality Plan



Purpose:

This report recommends that a notice of decision to grant a permit be issued for the use of land as a Community Reuse Centre incorporating events and workshops, and the installation of five shipping containers at 11 Bunderboweik Street, Alexandria.

Officer Recommendation:

That Council issue a notice of decision to grant a permit for the use of land as a Community Reuse Centre incorporating events and workshops, and the installation of five shipping containers at 11 Bunderboweik Street Alexandria (LOT: 1 TP: 551802, Parish of Alexandria), subject to the following conditions:

1. 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.
2. 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. A request for an extension of time may be made before or within six (6) months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
3. All external cladding including the roof and trims of the buildings 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.
4. Any signage on the site shall be kept in good order and maintained to the satisfaction of the Responsible Authority.
5. All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly, and more often if required by the Responsible Authority.
6. The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of

- materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
7. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
 8. The use hereby permitted shall take place only between the hours of 9 am and 9 pm Monday to Sunday, unless with the written consent of the Responsible Authority.
 9. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
 10. Within six (6) months of the start of the use allowed, the area of land as shown on the endorsed site plan must be planted with appropriate native trees/shrubs that are indigenous to the area. This area must then be maintained to the satisfaction of the Responsible Authority.
 11. All materials used for the conduct of the community reuse centre must be contained within buildings unless with the written consent of the Responsible Authority.
 12. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse affects within the site or to adjoining land or properties.
 13. Prior to commencing construction a suitably prepared plan detailing the proposed roadworks, driveway, earthworks and drainage, must be submitted to the Responsible Authority and receive its endorsement.
 14. Vehicular crossing(s) must be constructed to the road to suit the proposed driveway(s) to the satisfaction of the responsible authority. Construction of new vehicular crossing(s) must comply with the SD 260 of IDM for New Vehicle Crossing Detail.
 15. Prior to the commencement of the use, the works on Bunderboweik Street, the driveway crossing, driveway and parking area must be constructed in accordance with the approved construction drawings.

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. Any works on existing road reserves shall comply with the requirements of the *Road Management Act 2004* and regulations. "Consent to work on road application" is required to be made to the Murrindindi Shire Council and works cannot commence until Council issues a works consent permit.
3. 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.
4. All new toilets are required to be accessible for disabled persons.
5. An engineer will be required to justify any changes (new openings) to shipping containers as part of any building permit application.

Proposal:

An application was received to use the site for a creative community reuse centre. The business receives donations of unwanted materials and uses them in project ideas, art, education and innovation for community groups and individuals. The proposal includes areas for hands on creative activity, events and workshops, as well as having a market space where re-purposed objects can be sold.

The proposal is to operate from 9.30 am to 5 pm Monday to Friday, with reduced operating hours in the initial stages, and 9 am to 3 pm on Saturday. Some events and workshops would be held outside these hours, and may be up to 9 pm at night, but on an irregular basis.

The Land & Surroundings:

The land is currently not used and contains a site office that is dilapidated and proposed to be removed, and a shed that will remain.

The two lots immediately to the west contain self storage facilities and further to the west is the panel beater. To the south is the Alexandra Skate Park, to the east is crown land and Bayley Street and to the north is Rotary Park, the playground and UT Creek.

Referrals:

The application was not referred to any external authorities.

Consultation:

Public notice was by a mail out to eight properties. One objection was received which relates solely to the standard of the road as follows:

- Increased traffic from the business will increase dust on the road
- Their business will be impacted by increased dust as they do vehicle repairs and detailing
- The condition of the road should be addressed first

A response to the objection was forwarded to the submitter.

Newspaper / Other	Publishing/Consultation Date(s)
<i>Mail out:</i>	15 November 2016

Planning Considerations:

All private land in Bunderboweik Street, including the subject land is in a Commercial 2 Zone with other abutting land being Public Park and Recreation Zone.

The proposed use provides a community element for a commercial facility. The Murrindindi Planning Scheme supports the provision of niche businesses in the municipality, and this would fit well within the site and the general area. The use as a community reuse facility is in accordance with the planning scheme requirements for sustainable developments, and will provide an opportunity to reduce the amount of refuse going to landfill.

The proximity to Bayley Street and the commercial district will encourage most visitors to the site to park in either Bayley Street or Grant Street and walk into the property. Vehicle access via Bunderboweik is likely to be used mainly for deliveries and pickups. The proposal provides an adequate amount of car parking on site in accordance with the parking provisions, with sufficient access to public parking in the public land adjacent should there be any overflow.

While the site is accessed from Bunderboweik Street as its road frontage, there is existing easy pedestrian access to the site from Bayley Street and the adjacent public land with the UT Creek walking track being located on the northern side of Bunderboweik Street.

Bunderboweik Street is accessed via Albert Street which is sealed to the western boundary of the panel beating shop located at number 3 and then gravel to the last entrance to the abutting self storage facility at number 7. The last short section is unconstructed and will need to be upgraded.

Bunderboweik Street is included on the road register only to the end of the seal. This means that only that section of the road is maintained and the remainder of the road, being the land fronting the panel beaters, self storage and subject land, is not maintained by Council. The road standard raised by the objector is an existing issue that should be addressed separately to this application. The amount of traffic generated by this proposal is minor and except for basic upgrading of the road reserve from the end of the existing construction, it would be unreasonable to require any further works as part of this application.

Conclusion:

The proposed use is a sustainable development that has no adverse impacts on the neighbouring properties. The location is in a good position to take advantage of the proximity to Bayley Street and the existing retail commercial area. Suitable conditions governing visual amenity will ensure that the visual aspect of the development will not detrimentally impact on the streetscape.

Legal/Policy Issues:

Local Planning Policy Framework

21.03-1 *Business and Industry*

Strategies:

- support the sustainable growth of Murrindindi Shire's businesses and the local economy
- encourage the growth of home-based industries, small businesses and niche industries

21.06-4 *Community Development*

- support and encourage local 'place-based' initiatives that will provide community benefit to individual towns and communities

Zoning

34.02 *Commercial 2*

Purpose:

- To implement the State Planning Policy framework and the Local Planning Policy framework, including the Municipal Strategic Statement and local planning policies
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses

Decision Guidelines:

General Issues

- The interface with adjoining zones, especially the relationship with residential areas

Use

- The effect the existing uses may have on the proposed use
- The drainage of the land
- The availability of and connection to services
- The effect of traffic to be generated on roads

Buildings and Works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport
- The provision of carparking
- The availability of a connection to services
- Outdoor storage, lighting, and stormwater discharge

6.4 REDEVELOPMENT OF THE YEA AND DISTRICT CHILDREN'S CENTRE

REF: 17/4609

Attachments: Yea & District Children's Centre Stage 1 Concept Design (refer *Attachment 6.4 – TRIM 17/721*)***Purpose:***

The purpose of this report is to seek Council's endorsement to proceed with the proposed redevelopment of the Yea & District Children's Centre (stage 1), funded by the State Government's Children's Facilities Capital Program.

Officer Recommendation:**That Council:**

1. **Notes the proposed distribution of grant funds from the Children's Facilities Capital Program for the Alexandra Kindergarten (\$325,000) and the Yea & District Children's Centre (\$325,000), and**
2. **Approves the stage 1 redevelopment of the Yea & District Children's Centre as outlined in this report.**

Background:

In August 2015 Murrindindi Shire Council submitted an Expression of Interest for a Children's Facilities Capital Program Grant to develop an integrated children's service centre in Alexandra. The new centre was to be developed on a surplus Department of Environment, Land, Water and Planning (DELWP) site involving the relocation of the Alexandra & District Kindergarten. Unfortunately, it was not possible to progress the development at the DELWP site. Following discussion between Council and the funding body it was proposed that funds of \$650,000 be re-allocated to upgrades at the Alexandra & District Kindergarten and at the Yea & District Children's Centre.

Facilities at both centres are inadequate for the population base and do not support best practice in delivery of early years services.

The Alexandra & District Kindergarten project includes the removal and replacement of the existing building with a purpose built, prefabricated building. The Kindergarten owns the building and the land where the building will be situated. Council approval is not required for these works to continue.

The Yea & District Children's Centre is located in a Council managed building situated on Crown Land. There is a *Crown Land (Reserves) Act 1978* lease between Council and the Uniting Church of Australia for the Centre and any capital works must be approved by Council and following this, Ministerial approval must be sought.

Council Plan/Strategies:

The redevelopment of the Yea & District Children's Centre is consistent with the strategic objectives of the Council Plan 2013-2017 to:

- Advocate for the lifelong needs of our communities at all ages and stages; and
- Support local business retention and growth and attract new business and residential investment in the Shire

Legal/Policy Issues:

Murrindindi Shire Council and the Yea & District Children's Centre (under the auspices of Uniting Church of Australia) have a lease arrangement under Section 17D *Crown Land (Reserves) Act 1978*.

Financial/Resources/Risk:

A total of \$650,000 has been allocated through the Children's Facilities Capital Grant Program, funds can be split 50:50 across the Alexandra & District Kindergarten and the Yea & District Children's Centre redevelopments.

\$325,000 will be allocated to Yea & District Children's Centre with an additional \$50,000 contributed by the Yea & District Children's Centre bringing the total budget to \$375,000. Council is not required to financially contribute to the project. The estimated cost of the stage one redevelopment is \$341,000. The remaining funds will be used for consultant's fees and project management costs. Any cost savings will be allocated to equipment and furnishings.

Council will be undertaking a project management role to deliver the capital works on the Council owned asset and ensure contractor compliance with contractual and regulatory requirements.

An estimate of the annualised additional renewal requirement for the new works associated with the stage 1 redevelopment is \$4,476 based on a service life of 50 years. No allowance for operating and maintenance costs has been made as these are borne by the lessee.

Discussion:

The Yea & District Children's Centre is managed by the Uniting Church of Australia which leases the facility from Council and manages the kindergarten cluster. The Centre is located next to the Yea Civic Centre and Library at 23 The Semi-Circle in Yea.

The Kindergarten program has been operational for more than 60 years and the Long Day Care program commenced in January 2013 after a strong community effort to establish it. Initially the long day care started with an average of 7 children per day and has grown to supporting an average of 35 children in 2016. The Centre is thriving; it currently employs 19 staff working across all programs each week, 81 children using the programs each week and 62 families using the service each week.

Yea & District Children's Centre facilities are at capacity within its current design with local demand exceeding available spaces. The Centre was not purpose built and as such does not meet Department Regulations. Issues with the current building include:

- The area where the children sleep is not visible from the main room which does not conform to supervision requirements
- The kindergarten room has a maximum capacity of 29 children. In 2017 child enrolments are above 29 therefore rotational sessions will be run over 4 days
- The entrance into the Long Day Care room does not comply with Department Regulations as it is through the kitchen/laundry. Children, families, staff and educators enter past kitchen appliances including a washing machine, a dryer and oven

- Subsequently, children need to bring their own lunch as the Centre is not able to provide meals due to the location and functionality of the kitchen. Additionally, the kitchen is not of an adequate size to cater for the number of children using the Centre
- Administrative space does not comply with Department Regulations as there is no distinct staff room. Staff and educators use the office for lunch, breaks and planning and there is no private area for the Centre Director to talk with other staff/educators, families and specialists about confidential matters

The Centre is an asset of Murrindindi Shire Council and therefore the proposed redevelopment is subject to the endorsement of Council prior to confirming a change of scope for funding. If approved, Council would enter into a funding agreement with the Department of Education and Training to deliver the proposed project.

The proposed works are planned in 3 stages with the completion of the first stage forecast for late 2017/early 2018. This report relates to Stage One of the proposed works only. Any further stages would require further approval from Council and be subject to the availability of further grant funding.

The Yea & District Children's Centre redevelopment concept plan (refer *Attachment 6.4*) shows modifications and a small extension that includes:

- Modifications to increase the size of the Kindergarten Room including demolition of the existing kitchen, store and staff toilet
- Modifications to include a new cot room and store, hallway and refurbished staff toilet.
- Extension of the facility comprising a new kitchen and laundry/cleaners room and external bin store
- Repainting existing walls and ceilings

On completion of the Stage One works the Centre will be able to:

- Provide meals for the children from the purpose built kitchen prepared by an employed cook
- Increase licensed capacity by increasing the floor space of the Kindergarten Room (group 3). Kindergarten places for 3 and 4 year old kindergarten will increase from 29 to 33 places for each age group (8 places in total)
- Meet the child safe standards and remove the risks associated with children and adults walking past a washing machine, dryer and oven/stove to gain access to the Long Day Care room (group 2)
- Access to staff toilets will be improved

Pending available funding and Council approval two further redevelopment stages (stages 2 and 3) are envisaged. These stages would include space for visiting speech, oral health and hearing specialists and incorporate Maternal and Child Health Services, reception area and staff room separate to the Director's office, foyer and waiting area with accessible toilet/shower, new pantry and an extension to Long Day Care room (group 1) and additional external storage.

Given the risk issues and constraints of the current set-up, and the unmet demand for places it is recommended that Council support the stage one works.

Consultation:

Council officers have met with the Yea & District Children's Centre regularly over the past six months to discuss this proposal. Several meetings have also been held with the Department of Education and Training to negotiate the proposed change of scope for the Children's Facilities Capital Program funding application.

Conclusion:

The Yea & District Children's Centre provides a valuable service to the community and contributes to the economic development of the local area. The proposed redevelopment of the Centre will improve service delivery and access for children and families.

6.5 2018 GENERAL VALUATION

REF: 16/67348

Purpose:

In accordance with Section 6(1) of the *Valuation of Land Act 1960*, Council is required to resolve to conduct a General Valuation to be made of all rateable and non-rateable leviable properties in the municipal district of the Murrindindi Shire Council.

Officer Recommendation:

That pursuant to Section 6(1) of the *Valuation of Land Act 1960*, Council resolves to cause a general revaluation of all rateable and non-rateable leviable properties in the municipal district of the Murrindindi Shire Council, and that the valuation be returned to Council and the Valuer-General by 30 April 2018.

Background:

In accordance with Section 6(1) of the *Valuation of Land Act 1960*, Council is required to resolve to conduct a General Valuation to be made of all rateable and non rateable leviable properties in the municipal district of the Murrindindi Shire Council.

The valuation is to be returned at the levels of value as at 1 January 2018 and in accordance with State Government best practise guidelines, and is to be returned to Council and the Valuer-General by no later than 30 April 2018. These values will be first used in the 2018-19 financial year. Council's current valuation contract covers the period of the 2016 general revaluation cycle with the option(s) for extension of contract to cover the 2018 & 2020 General Valuations, taking into account the requirements and timelines as specified in the *2018 Valuation Best Practice Guidelines* – as prepared by the Valuer-General Victoria.

Council Plan/Strategies:

This report is consistent with the Council Plan 2013-2017 strategic objective of delivering visible leadership and advocacy for our community backed by a financially strong organisation. A key strategic objective is to administer sound financial management practices.

Legal/Policy Issues:

Council is required to make this resolution under Section 6(1) of the *Valuation of Land Act 1960*.

Financial/Resources/Risk:

The cost of conducting the General Valuation will be incorporated within the proposed 2017-18 Budget.

Discussion:

In accordance with the *Valuation of Land Act 1960* and *Local Government Act 1989*, Councils must revalue properties within their municipal districts every two years. As a result of the revaluation, ratepayers have a more accurate valuation reflecting current market values. It also provides for all properties to be revalued at the same time, allowing a state-wide picture of property values. Valuations are prepared and submitted in stages and timelines as prescribed by the Valuation Best Practice guide – used in producing the specifications for tender.

The final stage of the valuation must be completed by 30 April 2018.

As per previous revaluation cycles, Council's Contract Valuer will also make a presentation to Council during the 2018-2019 budget preparation cycle, identifying any significant movements in valuations within the sub market groups (residential, commercial, rural residential, rural, vacant land etc.) and also any movement in valuations within general localities across the municipality.

Consultation:

Under Section 6(1) of the *Valuation of Land Act 1960*, Council is required to give the Valuer-General and every other rating authority interested in the valuation of land within its area notice of its resolution to cause such a general valuation to be made.

Council is required to provide notice to the following state and local government authorities:

Newspaper / Other	Authorities
<i>Mail out:</i>	Valuer- General State Revenue Office Mansfield Shire Council Mitchell Shire Council Nillumbik Shire Council Shire of Strathbogie City of Whittlesea Shire of Yarra Ranges Yarra Valley Water Goulburn Valley Water.

Conclusion:

Council must resolve to cause a General Valuation of all rateable and non-rateable leviable properties in the municipal district of the Murrindindi Shire Council.

6.6 REVIEW OF PROTECTED DISCLOSURE POLICY

REF: 17/4618

Attachments: Protected Disclosure Policy 2017 (refer to *Attachment 6.6* - TRIM 16/52444)

Purpose:

The purpose of this report is to present to Council the recently revised Protected Disclosure Policy for Council adoption.

Officer Recommendation:

That Council adopt the revised Protected Disclosure Policy as attached to this report replacing the Protected Disclosure Policy adopted on 28 August 2013.

Background:

Under the *Protected Disclosure Act 2012* (the *Act*) Council established processes to facilitate disclosures of improper conduct, manage the receipt of information and provide protections to parties who may be involved. The *Act* replaced the former *Whistleblowers Protection Act 2001* and amended the *Ombudsman Act 1973*.

The *Act* closely intersects with the *Independent Broad-based Anti-corruption Commission Act 2011* and the *Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015*.

The purpose of Council's Protected Disclosure Policy, adopted in 2013, is to support the ethical behaviours and values expected from Councillors and Council officers and agents as detailed in the Councillor and Employee Codes of Conduct.

Council's Protected Disclosure Policy enables Murrindindi Shire Council to:

- Encourage and facilitate disclosures of improper conduct or detrimental action
- Enable the receipt and effective management of information relating to a Councillor or a Council officer or agent engaging in improper conduct or detrimental action
- Ensure effective processes are in place to support people who have made protected disclosures, those who maybe the subject of a protected disclosure and those who may be witness to an investigation

The policy has recently undergone a scheduled review which ensures it remains current and consistent with recent legislative changes. This report seeks Council's endorsement of the revised policy.

Council Plan/Strategies:

Adoption of the policy complies with our Council Plan 2013-2017 objective to deliver quality customer outcomes by continuing to find better ways of doing things.

Legal/Policy Issues:

By adopting the policy and making it available to all employees and members of the public, Council is meeting its obligations under the *Act*, and promoting an ethical and accountable culture. The review ensures relevance to current legislation and reflects Council practices.

Financial/Resources/Risk:

Breaches of the *Act* may give rise to civil liabilities and on occasion criminal penalties, by reviewing its Protected Disclosure Policy, Council maximises its capacity to defend claims of vicarious liability.

Discussion:

Council officers have reviewed the Protected Disclosure Policy to fulfil the requirements of the *Act* and subsequent legislative amendments (refer *Attachment 6.6*). It includes expanded definitions of corrupt conduct, as contained in recent advice from Independent Broad-based Anti-corruption Commission (IBAC).

The policy also now provides guidance on the potentially overlapping obligation on Council Chief Executive Officers (CEO) to report suspected corrupt conduct to IBAC under the related *Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015*. Advice from IBAC indicates that a notification by a CEO of suspected corrupt conduct will be treated by IBAC as a protected disclosure. If suspected corrupt conduct has already been notified to IBAC specifically as a potential protected disclosure, IBAC will also treat it as a suspected corrupt conduct notification and there will be no need for the CEO to further notify IBAC.

Consultation:

The review included consideration of current legislation and guidance documents from IBAC, as well as consultation with staff. It has also been endorsed by Council's Executive Management Team for presentation to Council.

Conclusion:

Council's policies form the framework for how and why operations are undertaken. It is essential to ensure that policies are up to date and relevant.

6.7 DIFFERENTIAL RATES

REF: 17/5747

Purpose:

The purpose of this report is to seek revocation of the decision to introduce eligibility requirements of the Rural 1 and Rural 2 differential rating categories.

Officer Recommendation:

That Council revoke the decision of 27 April 2016 to introduce eligibility requirements based on primary place of residence and use of land for primary production for Rural 1 and Rural 2 differential rating categories from 2017-2018 year onwards.

Background:

At the 27 April 2016 Ordinary Meeting, following a notice of motion, Council resolved to change the differential rates to increase the discount for Rural 1 and Rural 2 rating categories commencing in the 2016-17 financial year. These changes were subsequently included in the 2016-17 annual budget adopted by Council and have been implemented.

The resolution on 27 April 2016 also stated that Council would undertake to:

Implement a process such that eligibility for the Rural 1 and Rural 2 discounts for 2017-18 onwards is based on the provision, by 31 March 2017, of a statutory declaration by the owner/s of the property (or a partner in the case of a partnership or a trustee in the case of family trusts being property owners or a Director in the case of a Company owning a property) stating all of the following:

- *The property is their principal place of residence and domicile;*
- *The property is being used for primary production;*
- *The ABN relating to the property;*
- *Acknowledgement that any change in the property ownership or owner's status will be advised to Council and will necessitate a new compliant declaration to be submitted to renew the discount.*

Council Plan/Strategies:

This report is consistent with the objective within the Council Plan 2013-2017 strategic objective of delivering visible leadership and advocacy for our community backed by a financially strong organisation. A key strategic objective is to administer sound financial management practices.

Legal/Policy Issues:

Council is required to ensure that all decisions made with regard to differential rating practices comply with Section 161 of the *Local Government Act 1989*.

Financial/Resources/Risk:

The determination of all rates and charges for 2017-2018 will be incorporated within the proposed 2017-2018 Budget which is required to be adopted by Council prior to 30 June 2017.

Discussion:

Council has received recent legal advice indicating that the "place of primary residence" should not be included as part of an eligibility requirement for the Rural 1 and Rural 2 differential rate, as place of primary residence is not related to the rural use of the land.

Further it is considered that rural properties 40 hectares or greater (Rural 1) in the Shire would most likely be used for primary production and that the administrative costs associated with implementing an eligibility requirement to prove this use would not justify any anticipated

benefits of excluding an expected very small number of properties from receiving the differential rate.

In addition, given the discount applicable for rural land between 4 and 40 hectares (Rural 2) is only 1%, it is considered unreasonable to expect Rural 2 ratepayers to have to complete a declaration that the land is used for primary production to obtain such a small discount.

On the basis of the above it is recommended that Council abandon the requirement to introduce the eligibility requirements for the Rural 1 and Rural 2 rating categories as resolved in April 2016.

Consultation:

No further consultation is required to implement this decision of Council.

Conclusion:

Consistent with the *Local Government Act 1989*, Council needs to endeavour to achieve the best outcomes for the community having regard to the long term and cumulative impact of its decisions and to ensure the equitable imposition of rates and charges.

7. SEALING REGISTER

REF: 13/6325

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
CONT16/20	19 December 2016	Formal Instrument of Agreement between Murrindindi Shire Council and Quality Roads Pty Ltd for CONT16/20 Sealed Roads Program 2016/2017	Margaret Abbey Cr Charlotte Bisset
D16/17449	3 January 2017	Transfer of Land and Release and Indemnity Agreement. Property: Road on LP212493G, Alexandra. Between Murrindindi Shire Council, Ann Lesley Gunton and Joan Jackson	Margaret Abbey Cr Charlotte Bisset

Officer Recommendation:

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

8. COUNCILLOR PORTFOLIO REPORTS

8.1 LAND USE PLANNING PORTFOLIO

Cr M Rae:

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr J Ashe:

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr E Lording:

8.4 CORPORATE AND CUSTOMER SERVICES PORTFOLIO

Cr L Dunscombe:

8.5 NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO

Cr R Bowles:

8.6 COMMUNITY SERVICES PORTFOLIO

Cr S McAulay:

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr C Bisset:

8.8 GENERAL BUSINESS**9. MATTERS DEFERRED FROM PREVIOUS MEETING****10. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****11. ASSEMBLIES OF COUNCILLORS**

REF: CY17/114

Purpose:

This report presents the records of assemblies of Councillors for 14 December 2016 to 21 December 2016, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

Officer Recommendation:

That Council receives and notes the record of assemblies of Councillors for 14 December 2016 to 21 December 2016.

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	Councillor Briefing	
Meeting Date	14 December 2016	
Matters discussed	<ol style="list-style-type: none"> 1. Councillor Code of Conduct 2. Proposed Discontinuance of Unused Roads – Alexandra 3. Central Highlands Montane Ash Forests 4. Goulburn Murray Water - Operations 	
Attendees: Councillors – Cr Bisset, Cr McAulay, Cr Rae, Cr Lording Cr Bowles Cr Dunscombe, Cr Ashe	Staff – M Abbey, J Canny, M Chesworth, A Bond, T Carter, M Leitinger	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Briefing	
Meeting Date	19 December 2016	
Matters discussed	<ol style="list-style-type: none"> 1. Community Services Overview 2. Municipal Health & Wellbeing Plan 3. Development Services Overview 4. Municipal Strategic Statement Review 	
Attendees: Councillors – Cr Bisset, Cr McAulay, Cr Rae, Cr Lording, Cr Dunscombe, Cr Ashe, Cr Bowles	Staff – M Abbey, J Canny, M Chesworth, N McNamara, S Brown, K Girvan	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Pre-meeting	
Meeting Date	21 December 2016	
Matters discussed	<ol style="list-style-type: none"> 1. Amendment C57 2. Amended Notice of Motion 3. Municipal Emergency Management Planning Committee 	
Attendees: Councillors – Cr Bisset, Cr McAulay, Cr Rae, Cr Lording Cr Bowles Cr Dunscombe, Cr Ashe	Staff – M Abbey, J Canny, M Chesworth, S Brown, K Girvan, A Bond, J Rabel	
Conflict of Interest disclosures - Yes		

Matter No.	Officer making disclosure	Was a vote taken?	Did Officer leave the room?	When? Before / after discussion / vote?
Item 3	L.Dunscombe	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Before discussion

12. URGENT BUSINESS

13. CONFIDENTIAL ITEMS

The Local Government Act 1989 section 89(2) allows Council to resolve to close a meeting to the public to consider confidential information relating to any of the following matters:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;

- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public

Where possible Council will resolve to make public any decision it makes in a closed meeting where the resolution does not disclose confidential information. There may be occasions where Council cannot make its decision public.

The minutes of the Confidential Meeting of Council on 21 December 2016 are being considered in the closed part of this meeting under S89(2)(h) that it may prejudice Council or a member of the public.

Recommendation:

That Council, in accordance with the *Local Government Act 1989* section 89(2)(h), resolve to close the meeting to the members of the public to consider:

- **Confirmation of the Confidential Minutes of the Ordinary Meeting of Council 21 December 2016**