



Murrindindi
Shire Council

MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 25 OCTOBER 2017
in the
ALEXANDRA COUNCIL CHAMBER
commencing at
6.00 pm

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1. PLEDGE AND RECONCILIATION STATEMENT

The meeting was opened with all Councillors declaring the following Pledge:

“We as Councillors democratically elected to represent our community as the Murrindindi Shire Council, are committed to working together in the best interests of the people who live in our municipality, who conduct business here and those who visit.”

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Present:

Crs C Bisset (Chair), S McAulay, R Bowles, J Ashe, L Dunscombe, E Lording, M Rae

In attendance:

Acting Chief Executive Officer: Stuart McConnell

General Manager Corporate and Community Services: Michael Chesworth

Manager Business Services: Andrew Bond

Manager Infrastructure Assets: John Canny

Manager Infrastructure Operations: Mark Leitinger

Manager Community Services: Naomi McNamara

Acting Manager Development Services: Amanda Vogt

Coordinator Communications, Media & Digital Services: Caroline Page

Senior Planning Officer: Melissa Crane

Governance Officer: Audrey Kyval

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held on 27 September 2017.

Officer Recommendation

That the Minutes of the Ordinary Meeting of Council held on 27 September 2017 be confirmed.

RESOLUTION:

Cr R Bowles / Cr E Lording

That the Minutes of the Ordinary Meeting of Council held on 27 September 2017 be confirmed.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Cr C Bisset declared an indirect Conflict of Interest under section 77A of the *Local Government Act 1989* in relation to item 6.6 - Transfer of Land at 15 Bayley Street, Alexandra to Alexandra & District Kindergarten Inc. The nature of interest is that Cr Bisset is a past president of the Alexandra & District Kindergarten Inc.

The Chairperson declared Public Participation Time and invited questions from the Gallery.

5. PUBLIC PARTICIPATION TIME**5.1 QUESTIONS OF COUNCIL**

Questions of Council were received from Mr Jack Russell and the Yea District Progress Association that did not comply with Section 104.2 of Council's Local Law #2. When given the opportunity to correct the submissions provided, Mr Russell declined. As such these questions were not tabled as part of the meeting, in accordance with Section 104.4 of Council's Local Law. A written response will be provided to be Mr Russell and the Yea District Progress Association, reminding them of the appropriate requirements for submitting questions to Council.

5.2 OPEN FORUM

Heather Moss spoke support the 2017/27 – Glamping, 3100 Maroondah Highway, Taggerty (item 6.2 on the Agenda).

5.3 PETITIONERS SPEAKING TO PETITIONS

Nil

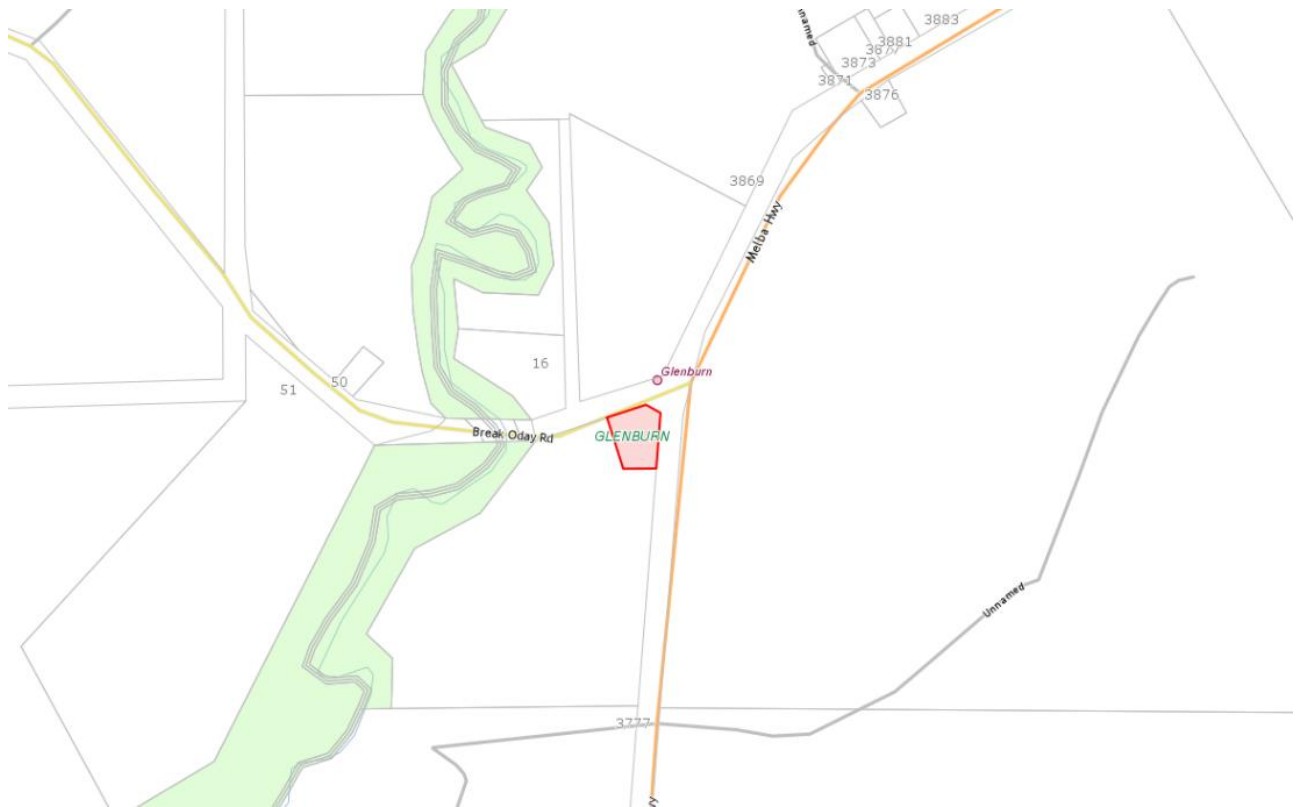
The Chairperson closed Public Participation Time.

6. OFFICER REPORTS**6.1 2016/134 AND 2016/160 – GLENBURN TAVERN**

Attachment(s): *Application Documents (refer Attachment 6.1)*
Aerial photograph and submissions distributed separately

Land: 3813 Melba Highway Glenburn
Proposal: 2016/134 - Construction and use of a tavern and removal of one tree; reduction in car parking requirements.
2016/160 – Cafe/restaurant liquor licence
Applicant: Wychwood Estates Pty Ltd
Zoning: Rural Activity
Overlays: None

Locality Plan (next page)



Purpose

This report recommends that notices of decision to grant permits be issued for the following permits:

- 2016/134 the construction and use of a tavern and removal of one tree and a reduction in car parking requirements
- 2016/160 for a cafe/restaurant liquor licence.

Both applications relate to 3813 Melba Highway, Glenburn. A submission has been received in response to each of the applications, raising concern with technical matters associated with the development, such as hours of operation, liquor licensing, carparking, effluent and waste, access and car parking.

Officer Recommendation

1. That a notice of a decision to grant a permit be issued for the construction and use of a Tavern, removal of one tree and reduction in car parking requirements at 3813 Melba Highway, Glenburn (Lot 1, LP 124920), 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 years of the date hereof, or any extension of such period that the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six 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. The number of patrons permitted on site is limited to 100 people. It is the responsibility of the operator to ensure this condition is complied with at all times.

4. The use hereby permitted shall take place over a spread of five days per week which can be within the hours of Monday to Saturday 7 am to 11 pm, Sunday 10 am to 11 pm, Good Friday and Anzac Day 12 noon to 11 pm, unless otherwise approved in writing by the Responsible Authority. The business can operate seven days per week subject to an upgrade to the effluent disposal to the satisfaction 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. At the time of the development all onsite wastewater and stormwater management shall be in accordance with the recommendations outlined within the Land Capability Assessment prepared by Mansfield Land Capability and Soil Assessments (dated 7 August 2016).
9. Pre-recorded background music, or unamplified live performance may take place inside the tavern at any time the tavern is permitted to be used. Such entertainment must comply with State Environment Protection Policy (Control of Noise from Public Premises) No. N-2, as amended from time to time.
10. Notwithstanding Condition 9 of this permit, functions including live entertainment with the use of amplifiers may be permitted within the tavern building on six occasions per calendar year, provided that other conditions are complied with to the satisfaction of the Responsible Authority.
11. 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.
12. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence in the opinion of the Responsible Authority, to any person(s) outside the subject land.
13. The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises, garden or car parking area which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood to the satisfaction of the Responsible Authority.
14. 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.
15. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted must not cause annoyance to persons beyond the site.
16. 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.

17. 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.
18. Prior to commencing construction a suitable prepared engineering plan detailing the proposed driveway, earthworks and drainage, including the abovementioned erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement.
19. 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.
20. The approved works must not cut off natural drainage to adjacent properties.
21. Prior to commencing residential building works, any new or otherwise vehicular entrance to the subject land from the road must be constructed at the 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. The crossover width should be at least 6 metres to accommodate delivery vehicles.
22. An application for consent to work on the road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations.
23. Before construction works start associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the Relevant Authority must be submitted to and approved by the Responsible Authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitably qualified person.
24. A sign(s) to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres.
25. Prior to the commencement of use or the occupation of the development starts, the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.
26. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
27. In order to offset the removal of 0.071 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the General offset *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*:

The offset must:

 - contribute gain of 0.002 general biodiversity points equivalence units
 - be located within the Goulburn Broken Catchment Management Authority boundary
 - have a strategic biodiversity score of at least 0.080.

28. Offset Evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:

- a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan
- a credit register extract from the Native Vegetation Credit Register.

VicRoads

29. Direct access to Melba Highway is not permitted. Access is to be obtained from the local road network, Break O' Day Road, constructed to Murrindindi Shire Council satisfaction, at no cost to the Roads Corporation and be generally in accordance with the site plan prepared by EB Traffic Solutions, dated 14 November 2016.
30. All disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the issue of Certificate of Occupancy.

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.

VicRoads

3. All signage installations located within the road reserve must be approved by the VicRoads.
2. That for planning application 2016/160 Council issue a notice of decision to grant a permit for a cafe/restaurant liquor licence at 3813 Melba Highway, Glenburn 3717(Lot 1, LP 124920), subject to the following conditions:
 1. This permit shall expire if the use of the premises for a Liquor License has not commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before six months after such expiry.
 2. 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.
 3. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted must not cause annoyance to persons beyond the site.
 4. The area in which alcohol may be served and consumed on the premises must be in accordance with the endorsed plan. No alteration or modification will be permitted without the written consent of the Responsible Authority.

5. Trading hours will be in accordance with the Liquor License authorised by the Liquor Licensing Commission and planning permit 2016/134 whichever is the most restrictive.

Background

Prior to the 2009 bushfires, the land at 3813 Melba Highway, Glenburn contained the Glenburn Tavern. This building was destroyed in the bushfires and the current owner of the property is now looking to reconstruct a tavern at the site.

An application was received for the removal of one tree and the construction of a temporary tavern structure using shipping containers (reference 2016/134). This application was placed on hold after adjoining landholders were notified. Amended plans showing a proposal for a permanent tavern were received and the application was re-advertised and adjoining landholders notified again. An application for a liquor licence with a red line around the tavern building application was also received and advertised (reference 2016/160). The two applications are discussed in this report.

The final proposal is for:

- Permit application 2016/134 – Tavern:
 - The construction of a building that includes an eating area, bar, cafe, kitchen, bathroom facilities, small stage, office and staff room.
 - It is proposed to open for breakfast, lunch and dinner.
 - Intended normal operating hours are:
 - Friday 11 am to 11 pm
 - Saturday 7 am to 11 pm
 - Sunday 11 am to 10 pm
 - Extended trading hours for public holidays and peak holiday periods.
 - Operate on other days as demand requires.
 - Expected number of patrons to be between 80 and 100.
 - Provision of 39 car spaces on site.
- Permit application 2016/160 – Liquor Licence:
 - The red line area extends over the building and the garden area at the front of the building.
 - Trading hours would be per the liquor licensing requirements, which are:
 - Sunday – 10 am to 11 pm
 - Good Friday and Anzac Day – 12 noon to 11 pm
 - Any other day – 7 am to 11 pm.

The Land and Surroundings

The subject land is approximately 4,500 square metres in area and contains a water tank and one tree. The property is bounded by the Melba Highway to the east, Break O’Day Road to the north and private land on the western and southern boundaries. The property is on the southern edge of the Glenburn locality.

Discussion

The applications are for the construction and use of a ‘tavern’ which is defined as:

“Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.”

As part of the planning assessment process, the applications were advertised, with a submission received for each application. The issues raised in the submissions can be summarised as follows:

- For permit application 2016/134 – Tavern:
 - generally supports the need for the tavern
 - not enough detail provided
 - no liquor licence considered
 - concerned with management of waste and rubbish
 - specific hours of operation should be identified
 - concerned not enough land allocated to effluent disposal
 - removal of the tree will have aesthetic impacts
 - access on Break O’Day Road too close to the Melba Highway
 - parking should all be on site
 - car parking should be sealed not gravel
 - does not believe that trucks will be able to enter and exit the site in a forward manner
 - concerned with intersection safety.
- For permit application 2016/160 – Liquor Licence:
 - liquor licence does not seem to match the tavern proposal as the licence is for a cafe/restaurant and the building is called a tavern
 - no mention of music being played
 - number of patrons proposed not in line with tavern application
 - operating hours should be specified
 - concerned that when the tavern shuts, patrons will camp illegally in nearby public spaces, as happened with the old tavern.

The issues raised have been assessed as follows:

1. Hours of operation

The application documents state that the initial intention is to operate mostly on a Friday, Saturday and Sunday. The applicant also wishes to operate more extended hours when there is demand. As this application is being assessed at the same time as the liquor licence application, it is intended that any recommended permit conditions contain operating hours that are consistent with the liquor licence. The ordinary trading hours issued for a cafe/restaurant liquor licence are as follows:

- Sunday – 10 am to 11 pm
- Good Friday and Anzac Day – 12 noon – 11 pm
- any other day – 7 am till 11 pm.

These hours are generally in accordance with the proposed hours set out in the application and are considered reasonable for the proposed use.

2. Liquor licensing

In relation to the liquor licence, the application is for a cafe/restaurant licence which would need to comply with the Victorian Commission for Gambling and Liquor Regulation (VCGLR) restrictions including:

- Licensees must ensure tables and chairs are available for at least 75 per cent of patrons attending the premises at any one time.
- The licensee must not permit the live performance of music or the playing of recorded music on the premises at higher than background level at any time outside ordinary trading hours.

The planning application details for the liquor licence included a cover note stating that a liquor licence allowing up to 300 people would be requested from the Victoria Commission for Gambling and Liquor Regulation. Further investigation of the site shows that there are limited numbers of people that can be supported on site due to limited effluent disposal options. A condition limiting the numbers to 100 has been proposed.

When considering this from a planning perspective, Council officers must ensure that the planning permit and the liquor licence do not contradict each other. All conditions must be complied with. When there is an inconsistency between the liquor licence and planning permit conditions the conditions are likely to be more stringent, particular in relation to patron numbers. As part of the liquor licence application a copy of the planning permit must be provided prior to a liquor licence being approved.

3. Effluent disposal and waste management

The Land Capability Assessment that supports the application recommends the disposal of effluent in the north western section of the property. A site meeting confirmed that this is the most appropriate area of the site for effluent disposal. The allocated area is sufficient in size to accommodate the loading capacity of the treatment plant, is located within a specified area that would be segregated from vehicle access and is not within the 'red line' area where alcohol can be consumed.

The submission raised concern that the effluent system was not large enough to accommodate increased use, as suggested by the applicant should demand arise. Upon assessment by Council officers, it would be recommended that a condition be placed on the permit to require an upgrade to the effluent system if the site was to operate more than five days per week.

4. Car parking

The building has the capacity to accommodate up to 100 people. Clause 52.06 *Car Parking* of the Murrindindi Planning Scheme, requires taverns to have 40 car spaces for 100 people. As such, the proposal includes a reduction in car parking spaces to 39. However, the application does not include full construction plans for the car park area, and it may result in a reduction of a few more car spaces once full design is undertaken. In most planning applications, a condition is placed on permits that require the provision of engineering plans for approval prior to works being undertaken. The final number of car spaces will be determined at this point.

The provision of less than 40 car spaces is not considered an impediment to this proposal as there is access to on street car parking and the need for this parking would be rare. The submission also raises concerns about the car park being gravel instead of a sealed surface. In rural developments it is important to ensure that the design of infrastructure reflects the character of the area, and a gravel car park is not considered out of character and would be a suitable construction standard for the proposal.

5. Access

Before it was destroyed, the tavern used to be accessed from both the Melba Highway and Break O'Day Road. In this proposal, access is to be provided from Break O'Day Road only. The application was referred to VicRoads and no objections were raised (subject to conditions). Conditions on construction standards are included in the recommendation.

In this case, the vehicle crossing would need to be constructed to the Rural Vehicle Crossing standard, which is at least 6 metres wide to accommodate delivery vehicles.

The proposal will support provision of a range of facilities for both local residents and visitors to the area, and will assist in the recovery of the area post the 2009 bushfires. The issues raised have been assessed in accordance with the Murrindindi Planning Scheme and the Council Plan and can be adequately addressed with conditions.

Referrals

The application was referred to the VicRoads, who had no objections subject to conditions requiring access from Break O' Day Road and closure of the existing crossing on the Melba Highway.

Council Plan/Strategies/Policies

The application has been assessed with reference to the following strategic objectives and strategies in the Murrindindi Shire Council Plan 2017-2021:

- Our Prosperity: Work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events.
- Our Place: Through good land use planning enhance the liveability, prosperity and rural character of our Shire.

Relevant Legislation

The application is being assessed in accordance with the requirements of the *Planning and Environment Act 1987 (Victoria)*.

Financial Implications and Risk

There is no financial risk to Council in this report.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

The initial and revised tavern applications were advertised in the Yea Chronicle. Nearby and adjoining properties were also notified of the initial and revised tavern applications and a sign was placed on site. Nearby and adjoining properties were notified of the liquor licence application and the submitter was directly notified.

One submission was received for each application.

Planning Considerations

Legal/Policy Issues

State Planning Policy Framework

12.01-2 *Native Vegetation Management*

Objective: to ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Strategies:

- where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by native vegetation to be removed.

13.04-1 *Noise Abatement*

Objective: to assist the control of noise effects on sensitive land uses.

Strategies:

- ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

17.01-2 *Out of centre development*

Objective: to manage out of centre development.

Strategies:

- ensure that out of centre proposals are only considered where the proposed use or development is of net benefit to the community in the region served by the proposal.

17.03-1 *Facilitating Tourism*

Objective: to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

Strategies:

- encourage the development of a range of well designed and sited tourist facilities, including smaller scale operations.

Local Planning Policy Framework**21.03-1 *Business and Industry***

Objective 1: create a strong economy to promote business investment and expansion, population growth and social and cultural benefits to the community.

Strategies:

- develop and promote opportunities for business retention and expansion, investment and employment
- revitalise economies and employment in towns and communities affected by natural disasters, including the 2009 bushfires.

21.03-3 *Tourism*

Objective 1: enhance and promote tourism to increase the economic, social and cultural benefits to the municipality.

Strategies:

- foster a range of natural and built tourist attractions that encourage strong visitation to the municipality
- facilitate recreational and tourism activities that attract tourists year round
- promote and enhance the range of tourist and recreational activities available across the entire municipality
- facilitate the rebuilding of tourism accommodation, attractions and facilities in areas affected by natural disasters, including the 2009 bushfires.

Zoning**35.08 *Rural Activity Zone*****Purpose:**

- to provide for the use of land for agriculture
- to provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area

- to ensure that use and development does not adversely affect surrounding land uses.

Decision Guidelines:

General issues:

- the capability of the land to accommodate the proposed use or development, including the disposal of effluent
- 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
- the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

Environmental issues:

- the impact of the use or development on the flora, fauna and landscape features of the locality
- the need to protect and enhance the biodiversity of the area
- 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 impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts
- the location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities
- whether the use or development will require traffic management measures.

In the Rural Activity Zone, a planning permit is required for a tavern.

Particular Provisions

52.06 *Car Parking*

Purpose:

- to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality
- to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Decision Guidelines:

- the role and function of nearby roads and the ease and safety with which vehicles gain access to the site
- the ease and safety with which vehicles access and circulate within the parking area
- the provisions of landscaping for screening and shade
- the amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.

Under Clause 52.06, 40 car spaces are required for a venue of up to 100 people. A permit can be granted for a reduction in this requirement.

52.17 *Native Vegetation*

Purpose:

- to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Decision Guidelines:

- the contribution that native vegetation makes to Victoria's biodiversity.

A planning permit is required to remove native vegetation.

52.27 *Licensed Premises*

Purpose:

- to ensure that licensed premises are situated in appropriate locations
- to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Decision Guidelines:

- the impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area
- the impact of the hours of operation on the amenity of the surrounding area
- the impact of the number of patrons on the amenity of the surrounding area.

A planning permit is required for a cafe/restaurant liquor licence.

RESOLUTION:

Cr E Lording / Cr M Rae

- 1. That a notice of a decision to grant a permit be issued for the construction and use of a Tavern, removal of one tree and reduction in car parking requirements at 3813 Melba Highway, Glenburn (Lot 1, LP 124920), 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 years of the date hereof, or any extension of such period that the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six 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. The number of patrons permitted on site is limited to 100 people. It is the responsibility of the operator to ensure this condition is complied with at all times.**
 - 4. The use hereby permitted shall take place over a spread of five days per week which can be within the hours of Monday to Saturday 7 am to 11 pm, Sunday 10 am to 11 pm, Good Friday and Anzac Day 12 noon to 11 pm, unless otherwise approved in writing by the Responsible Authority. The business can operate seven days per week subject to an upgrade to the effluent disposal to the satisfaction 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. At the time of the development all onsite wastewater and stormwater management shall be in accordance with the recommendations outlined within the Land Capability Assessment prepared by Mansfield Land Capability and Soil Assessments (dated 7 August 2016).
9. Pre-recorded background music, or unamplified live performance may take place inside the tavern at any time the tavern is permitted to be used. Such entertainment must comply with State Environment Protection Policy (Control of Noise from Public Premises) No. N-2, as amended from time to time.
10. Notwithstanding Condition 9 of this permit, functions including live entertainment with the use of amplifiers may be permitted within the tavern building on six occasions per calendar year, provided that other conditions are complied with to the satisfaction of the Responsible Authority.
11. 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.
12. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence in the opinion of the Responsible Authority, to any person(s) outside the subject land.
13. The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises, garden or car parking area which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood to the satisfaction of the Responsible Authority.
14. 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.
15. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted must not cause annoyance to persons beyond the site.
16. 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.
17. 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.

18. Prior to commencing construction a suitable prepared engineering plan detailing the proposed driveway, earthworks and drainage, including the abovementioned erosion and sediment control measures must be submitted to the Responsible Authority and receive its endorsement.
19. 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.
20. The approved works must not cut off natural drainage to adjacent properties.
21. Prior to commencing residential building works, any new or otherwise vehicular entrance to the subject land from the road must be constructed at the 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. The crossover width should be at least 6 metres to accommodate delivery vehicles.
22. An application for consent to work on the road reserve is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations.
23. Before construction works start associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the Relevant Authority must be submitted to and approved by the Responsible Authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitably qualified person.
24. A sign(s) to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres.
25. Prior to the commencement of use or the occupation of the development starts, the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.
26. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
27. In order to offset the removal of 0.071 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the General offset *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*:

The offset must:

- contribute gain of 0.002 general biodiversity points equivalence units
- be located within the Goulburn Broken Catchment Management Authority boundary
- have a strategic biodiversity score of at least 0.080.

28. Offset Evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:

- a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan
- a credit register extract from the Native Vegetation Credit Register.

VicRoads

- 29.** Direct access to Melba Highway is not permitted. Access is to be obtained from the local road network, Break O' Day Road, constructed to Murrindindi Shire Council satisfaction, at no cost to the Roads Corporation and be generally in accordance with the site plan prepared by EB Traffic Solutions, dated 14 November 2016.
- 30.** All disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the issue of Certificate of Occupancy.

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.

VicRoads

3. All signage installations located within the road reserve must be approved by the VicRoads.
2. That for planning application 2016/160 Council issue a notice of decision to grant a permit for a cafe/restaurant liquor licence at 3813 Melba Highway, Glenburn 3717(Lot 1, LP 124920), subject to the following conditions:
 1. This permit shall expire if the use of the premises for a Liquor License has not commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before six months after such expiry.
 2. 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.
 3. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted must not cause annoyance to persons beyond the site.
 4. The area in which alcohol may be served and consumed on the premises must be in accordance with the endorsed plan. No alteration or modification will be permitted without the written consent of the Responsible Authority.

- 5. **Trading hours will be in accordance with the Liquor License authorised by the Liquor Licensing Commission and planning permit 2016/134 whichever is the most restrictive.**

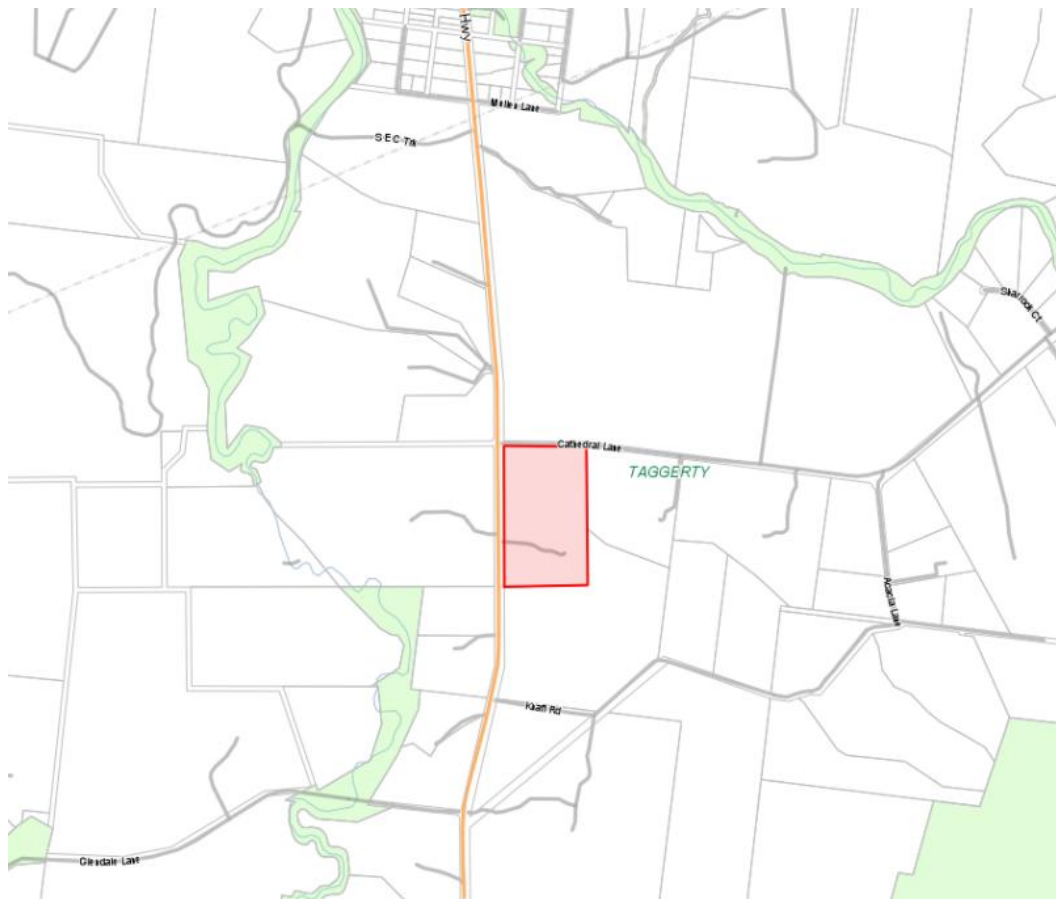
CARRIED

6.2 2017/27 – GLAMPING, 3100 MAROONDAH HIGHWAY, TAGGERTY

Attachment(s): *Application Documents (refer Attachment 6.2)*
 Aerial photograph and submissions distributed separately

Land: 3100 Maroondah Highway Taggerty
 Proposal: Use of land with associated buildings and works for a tourist development (glamping).
 Applicant: H E Moss
 Zoning: Farming
 Overlays: Significant Landscape, Bushfire Management

Locality Plan



Purpose

This report recommends that a notice of decision to grant a permit be issued for the use of land, and associated buildings and works, for a tourist development (glamping) at 3100 Maroondah Highway, Taggerty.

The application has been assessed by relevant authorities and no objections were received from those authorities. However, the advertisement process resulted in six objections in relation to visual impact, bushfire risk and effluent disposal which can be addressed with appropriate conditions.

The proposed use will increase the accommodation options in the area.

Officer Recommendation

That Council issue a Notice of Decision to Grant a Permit for the use of the land for a tourist development (glamping) with associated buildings and works at 3100 Maroondah Highway, Taggerty (LOT: 1 TP: 14344, Parish of Taggerty), subject to the following conditions:

1. Prior to the commencement of any buildings or works a plan or plans shall be submitted to and approved by the Responsible Authority. Such plans must show the nature of all external materials and finishes, siting and dimensions of all buildings, details of water storage tanks and any proposed excavations. When approved these plans shall be endorsed and form part of this permit. These plans must be generally in accordance with the plans submitted with the application but amended to show all buildings and works a minimum of 30 metres from the waterway.
2. This permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period that the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six 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. A maximum of seven tents are permitted for accommodation (six tents for rental and one manager's tent). No solid fuel heaters or cooking appliances can be used within the tents.
4. Within three months of the date of this permit a landscaping plan shall be submitted to, and approved by, the Responsible Authority.
5. Within six months of the date of this permit the landscaping shown on the endorsed plan shall be completed and shall be maintained over the life of this permit.
6. 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.
7. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and 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.
8. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council. The waste water system must be in accordance with the supplied Land Capability Assessment by Civil Test Pty Ltd, report number 2170035a.
9. Prior to the commencement of any works a suitably prepared engineering plan detailing the proposed driveway, earthworks and drainage, including erosion and sediment control measures must be submitted to, and endorsed by, the Responsible Authority.
10. Prior to the commencement of the use hereby permitted, the vehicle access entrance as shown on the plan lodged with the application must be constructed at the 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.
11. An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations.
12. Prior to the commencement of the use hereby permitted all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.

13. The internal access road to the building shall be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles. The works must include the provision of suitable pavement material of at least 3.5 metres in width with 0.5 metres side clearances and 4 metres vertical clearance and designed to carry a vehicle weighing at least 15 tonnes.
14. Before construction works start associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitably qualified person to the satisfaction of the Responsible Authority.
15. Appropriate signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.
16. Prior to the commencement of use the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
17. 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.
18. No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence in the opinion of the Responsible Authority, to any person(s) outside the subject land.
19. The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises, garden or car parking area which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood to the satisfaction of the Responsible Authority.
20. 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.
21. 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.
22. 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.

Goulburn Murray Water

23. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
24. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.
25. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size

to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.

26. All existing native vegetation within 30 metres of any waterways must be maintained; and any removal must be to the satisfaction of the Responsible Authority and the Department of Environment, Land Water and Planning.

Country Fire Authority (CFA)

27. The Bushfire Management Plan (prepared by Viewpoint Design, drawing no.NE.01 Sheet 6, dated 28 June 2017) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
28. Before operation of the business starts, a Bushfire Emergency Plan must be developed to the satisfaction of CFA and the Responsible Authority.
29. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Goulburn Broken Catchment Management Authority

30. Effluent absorption fields must be located a minimum of 60 metres from the designated waterway.
31. New access routes, or works, on the designated waterway are subject to licence, from the Goulburn Broken Catchment Management Authority, under Bylaw No. 1.

Background

The application for use of the land at 3100 Maroondah Highway Taggerty for glamping includes the following:

- six permanent tents
- one manager tent
- one communal toilet block and battery room
- one communal kitchen and mess room and
- one storage shed.

The application was amended after nearby properties were notified to address the concerns of neighbours and the CFA.

The Land and Surroundings

The subject land is 18.28 hectares of land, containing a dwelling and associated shedding. The property is bounded by the Maroondah Highway to the west, Cathedral Lane to the north and private property to the east and south. The site is mostly clear with a waterway running in an east/west direction in the northern part of the land.

The area can be characterised as rural lots with scattered dwellings and shedding.

Discussion

Under the Murrindindi Planning Scheme glamping use is considered as a caravan and camping park. As part of the planning assessment process, the application was advertised, with six submissions received. At the time of writing this report five objections remain which are summarised as follows:

- the proposal has a negative impact on visual amenity

- the proposal is not in character with the area
- the proposal is located on a waterway and there are concerns with wastewater treatment
- the location is inappropriate
- access should not be allowed from Cathedral Lane as it will be too dangerous
- the proposed fire pit is of concern for the broader area
- the proposal will increase the risk of bushfire
- the assessment of fire behaviour is not accurate.

The site currently contains a dwelling with associated shedding and some tent structures in the area which are subject to this application. These structures are currently being used by the owner of the property and their family. The need for a permit relates to the commercial use of the tents for accommodation purposes.

While the existing use of the site can be considered untidy the application has to be considered in terms of whether the proposed use can be supported on this site. Any permit issued can incorporate conditions relating to amenity to ensure the site is kept in a neat and tidy condition to Council's satisfaction.

The submissions also raised concerns with the appropriateness of the site and whether the business case would be achievable due to the proximity of the site to the Maroondah Highway and Cathedral Lane. From a planning perspective, the economic viability of a proposed use is not a consideration and is a matter for the business owner.

In relation to effluent management, the application originally included the provision of individual bathrooms for all tents with a communal kitchen and mess room. Following concerns regarding effluent disposal and the provision of a Land Capability Assessment the applicant amended the application to remove the individual bathrooms and use shared bathroom facilities in the form of an amenity block. The applicant provided details on how the effluent field will be located to achieve the required setbacks. Further design work will be required at the time of the septic tank permit application to address topographical issues with the site.

Due to the proximity of the proposal to a waterway, the application was considered by the Goulburn Broken Catchment Management Authority and Goulburn Murray Water. Both authorities have provided conditional consent with conditions relating to the provision of appropriate setbacks for the effluent disposal areas from any waterways. This position is supported by Council. These requirements can be specified within the planning permit and/or dealt with using the septic tank permit process.

The proposed location for the access from Cathedral Lane is reasonable and can achieve safe sightlines. Concerns with the existing safety of the intersection of Cathedral Lane with the Maroondah Highway are not relevant to this application as the extra traffic generated is expected to be minimal.

In terms of the fire risk, the applicant provided a Bushfire Management Statement (BMS) which was assessed by the Country Fire Authority (CFA). The CFA requested a range of amendments to the BMS to reflect the use of the land for accommodation for non-permanent residents. The CFA's concerns related to the provision of a larger defendable space area and the inability of tents to be constructed to a Bushfire Attack Level. An amended BMS was prepared and approved by the CFA with conditions.

Further issues raised by the submission relate to the use of fire pits on the property. The plans detail a fire pit located within the communal kitchen/mess room. This has been assessed by

Council officers and the CFA and found to adequately address risks with the provision of defensible space and fire fighting equipment.

Both the CFA and the submitters advised they had significant concerns with the use of solid fuel heater/cooker appliances inside the tents from a safety perspective. The applicant proposed to remove the heaters in summer and reinstall in winter, however the CFA advised that the removal and reinstallation of heaters increased risks around correct installation. This concern is supported by Council officers and a condition is proposed to prohibit the use of solid fuel heaters or cooking appliances in the accommodation tents.

When assessing the application against the provisions of the Murrindindi Planning Scheme it is considered that all of the issues raised can be addressed adequately with reasonable and enforceable conditions on a permit. Accommodation uses such as this proposal are relatively passive and will have minimal impact on surrounding amenity in terms of noise. The use of the land for a tourism business is supported by the planning scheme and Council officers are recommending that a notice of decision to grant a permit be issued.

Referrals

The application was referred to the Country Fire Authority, Goulburn Murray Water and Goulburn Broken Catchment Management Authority. No objections were raised subject to a range of conditions.

Council Plan/Strategies/Policies

The application is being assessed with reference to the following strategic objectives and strategies in the Murrindindi Shire Council Plan 2017-2021:

- Our Prosperity: "Work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events"
- Our Place: "Through good land use planning enhance the liveability, prosperity and rural character of our Shire".

Relevant Legislation

The application is being assessed in accordance with the requirements of the *Planning and Environment Act 1987 (Victoria)*.

Financial Implications and Risk

There is no financial risk to Council in this application.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

Nearby and adjoining owners were directly notified of the application, a sign was placed on site, and there was a notice in the Alexandra and Eildon Standard. Six submissions were received, with one resolved as part of the planning process. Five objections remain unresolved at the time of writing this report. The application was referred to the Country Fire Authority, Goulburn Murray Water and the Goulburn Broken Catchment Management Authority, who had no objections subject to a range of conditions.

Planning Considerations:

State Planning Policy Framework

11.12.1 *A diversified economy*

Objective: to develop a more diverse regional economy while managing and enhancing key regional assets.

Strategies:

- support tourism activities that take advantage of environmental and cultural heritage assets and the rural environment without compromising their future
- facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.

13.04-1 *Noise Abatement*

Objective: to assist the control of noise effects on sensitive land uses.

Strategies:

- ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

13.05-1 *Bushfire Planning strategies and principles*

Objective: to assist to strengthen community resilience to bushfire.

Strategies:

- prioritise the protection of human life over other policy considerations in planning and decision making in areas at risk from bushfire.

14.01-1 *Protection of agricultural land*

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

Strategies:

- prevent inappropriately dispersed urban activities in rural areas
- in considering a proposal to development agricultural land, the following must be considered:
 - the compatibility between the proposed or likely development and the existing uses on the surrounding land.

17.03-1 *Tourism*

Objective: to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

Strategies:

- encourage the development of a range of well designed and sited tourist activities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.

Local Planning Policy Framework

21.02-1 *Vision*

Key elements to the vision are:

- growth in the rate base, population and economic activities to create long term economic sustainability for the municipality
- facilitation of new and expanded economic development and employment activities
- expansion and promotion of the tourism industry for a range of existing and emerging activities.

21.03-2 *Agriculture*

Objective 2: protect rural land for productive agricultural land uses and compatible rural uses.

Strategies:

- ensure that use and development of rural land protects and enhances agricultural potential and the productive capacity of the land
- ensure that the use and development of rural land is compatible with surrounding agricultural activities

21.03-3 *Tourism*

Objective 1: enhance and promote tourism to increase the economic, social and cultural benefits to the municipality.

Strategies:

- support and grow tourism that builds upon the strengths of and is linked to the natural environment
- facilitate recreational and tourism activities that attract tourists year round
- facilitate development of new tourism accommodation options and conference centres.

Zoning

35.07 *Farming Zone*

Purpose:

- to provide for the use of land for agriculture
- to ensure that non-agricultural land uses do not adversely affect the use of land for agriculture
- to encourage the retention and employment of population to support rural communities.

Decision Guidelines:

General Issues:

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

Agricultural issues and the impacts from non-agricultural uses:

- whether the use or development will support and enhance agricultural production
- the potential of the use to limit the operation and expansion of adjoining and nearby agricultural uses.

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
- whether the use or development will require traffic management measures.

A planning permit is required for a place of assembly and for a camping and caravan park in the Farming Zone.

Overlays42.03 *Significant Landscape Overlay*

Purpose:

- to identify significant landscapes
- to conserve and enhance the character of significant landscapes.

Decision Guidelines:

- assess the development of the Cathedral Ranges and surrounding land, taking into account:
 - the protection of the environment
 - visual and aesthetic qualities.
- before deciding on an application, consider:
 - the design, height, mass and scale of the proposed development and buildings
 - the location of all buildings and the exterior colour/finish of buildings.

A planning permit is required for the construction of buildings in the Significant Landscape Overlay.

44.06 *Bushfire Management Overlay*

Purpose:

- to ensure that development of land prioritises the protection of human life and strengthens community resilience to bushfire
- to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

A planning permit is required for the construction of buildings associated with accommodation in the Bushfire Management Overlay.

RESOLUTION:**Cr R Bowles / Cr M Rae**

That Council issue a Notice of Decision to Grant a Permit for the use of the land for a tourist development (glamping) with associated buildings and works at 3100 Maroondah Highway, Taggerty (LOT: 1 TP: 14344, Parish of Taggerty), subject to the following conditions:

- 1. Prior to the commencement of any buildings or works a plan or plans shall be submitted to and approved by the Responsible Authority. Such plans must show the nature of all external materials and finishes, siting and dimensions of all buildings, details of water storage tanks and any proposed excavations. When approved these plans shall be endorsed and form part of this permit. These plans must be generally in accordance with the plans submitted with the application but amended to show all buildings and works a minimum of 30 metres from the waterway.**
- 2. This permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period that the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six 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. A maximum of seven tents are permitted for accommodation (six tents for rental and one manager's tent). No solid fuel heaters or cooking appliances can be used within the tents.**

4. **Within three months of the date of this permit a landscaping plan shall be submitted to, and approved by, the Responsible Authority.**
5. **Within six months of the date of this permit the landscaping shown on the endorsed plan shall be completed and shall be maintained over the life of this permit.**
6. **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.**
7. **All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and 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.**
8. **Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council. The waste water system must be in accordance with the supplied Land Capability Assessment by Civil Test Pty Ltd, report number 2170035a.**
9. **Prior to the commencement of any works a suitably prepared engineering plan detailing the proposed driveway, earthworks and drainage, including erosion and sediment control measures must be submitted to, and endorsed by, the Responsible Authority.**
10. **Prior to the commencement of the use hereby permitted, the vehicle access entrance as shown on the plan lodged with the application must be constructed at the 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.**
11. **An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations.**
12. **Prior to the commencement of the use hereby permitted all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.**
13. **The internal access road to the building shall be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles. The works must include the provision of suitable pavement material of at least 3.5 metres in width with 0.5 metres side clearances and 4 metres vertical clearance and designed to carry a vehicle weighing at least 15 tonnes.**
14. **Before construction works start associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitably qualified person to the satisfaction of the Responsible Authority.**
15. **Appropriate signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.**

16. **Prior to the commencement of use the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.**
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
17. **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.**
18. **No receptacles for any form of rubbish or refuse (other than public waste bins) may be placed or allowed to remain in view from a public road or thoroughfare and odour must not be emitted from any such receptacle(s) so as to cause offence in the opinion of the Responsible Authority, to any person(s) outside the subject land.**
19. **The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises, garden or car parking area which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood to the satisfaction of the Responsible Authority.**
20. **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.**
21. **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.**
22. **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.**

Goulburn Murray Water

23. **All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).**
24. **No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.**
25. **The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.**
26. **All existing native vegetation within 30 metres of any waterways must be maintained; and any removal must be to the satisfaction of the Responsible Authority and the Department of Environment, Land Water and Planning.**

Country Fire Authority (CFA)

27. **The Bushfire Management Plan (prepared by Viewpoint Design, drawing no.NE.01 Sheet 6, dated 28 June 2017) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**
28. **Before operation of the business starts, a Bushfire Emergency Plan must be developed to the satisfaction of CFA and the Responsible Authority.**

29. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Goulburn Broken Catchment Management Authority

30. Effluent absorption fields must be located a minimum of 60 metres from the designated waterway.
31. New access routes, or works, on the designated waterway are subject to licence, from the Goulburn Broken Catchment Management Authority, under Bylaw No. 1.

CARRIED

6.3 KINGLAKE WEST ADVENTURE CAMP AMENDMENT

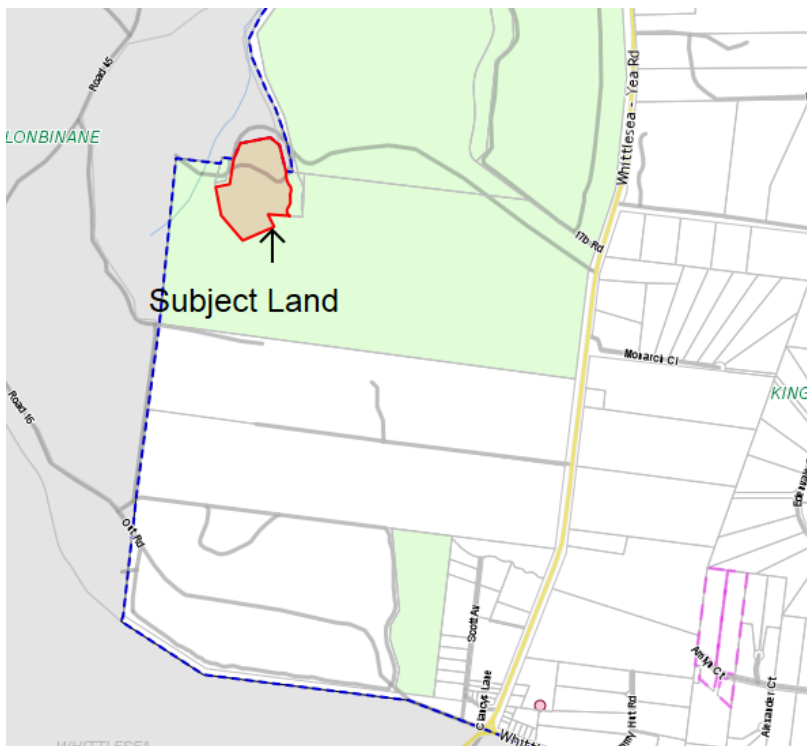
Attachment(s): *Application Documents (refer Attachment 6.3)*
Aerial photograph and submissions distributed separately

Land: 1419 Whittlesea-Yea Road Kinglake West
 Proposal: Amendment of planning permit 2010/226 to allow the following:

- include use of land for an adventure camp and associated tourism activities
- construction of a covered outdoor area, interpretive centre, three ropes courses and pump track bike circuit
- change VicRoads conditions 16 to 21 (inclusive) due to an alternative approach to camp entry.

Applicant: Frenchco Pty Ltd
 Zoning: Public Conservation & Resource Zone
 Overlays: Bushfire Management Overlay

Locality Plan (next page)



Purpose

This report recommends that a notice of decision to grant an amendment to a permit be issued for the amendment of planning permit 2010/226 to allow the following:

- include use of land for an adventure camp and associated tourism activities
- construction of a covered outdoor area, interpretive centre, three ropes courses and pump track bike circuit
- change VicRoads conditions 16 to 21 (inclusive) due to an alternative approach to camp entry.

The application has been assessed and one objection received. The issues raised in the objection in relation to amenity impacts from the driveway can be addressed with appropriate conditions.

Officer Recommendation

That Council issue a notice of decision to grant an amendment to planning permit 2010/226 on land located at 1419 Whittlesea-Yea Road Kinglake West (C/A: 4 CAL: F, Parish of Kinglake) to:

1. Amend the proposal to include use of land for an adventure camp and associated tourism activities and allow the construction of a covered outdoor area, interpretive centre, three ropes courses and pump track bike circuit.
2. Add one condition for driveway access to include signage and traffic calming
 - Prior to the commencement of the use hereby permitted the applicant shall complete the following works:
 - Signage along the access road to include a request to dim headlights
 - Signage to limit speed along the access road for traffic in the first 400 metres to 20 kilometres per hour
 - Three speed humps to be located in the first 100 metres
 - Gravelling of the access road for the first 400 metres
 - The speed humps, signage and works set out above must be located and constructed to the satisfaction of the Responsible Authority.
3. Remove Department of Environment, Land, Water and Planning (DELWP) conditions 12 and 13 and add conditions as follows:
 - Before the development starts all persons undertaking the works on site must be advised of all relevant conditions of this permit.
 - Parks Victoria Ranger Team Leader, (Kinglake Office) must be contacted to arrange a site meeting and Contractor Induction, at least seven days before the commencement of any works.
 - Prior to any construction equipment entering the site, all designated Work Zones/Construction Zones/Work Exclusion Zones must be correctly and clearly marked to the satisfaction of Parks Victoria.
 - Access must be via existing tracks.
 - The site is not to be accessed with plant during or after periods of heavy rainfall or flooding to avoid significant track damage and works cannot recommence until agreed by Parks Victoria.
 - Any damage to existing tracks must be repaired as soon as possible at the proponent's expense to the satisfaction of Parks Victoria.
 - No refuelling or maintenance of vehicles or machinery is to be undertaken on the Reserve.

- Works must not occur on days of Total Fire Ban or Code Red to avoid significant bushfire risks.
 - No native vegetation removal is permitted unless approved by DELWP and Parks Victoria.
 - There is to be no stockpiling of material or storage of machinery/equipment on vegetated sections of Crown land.
 - To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed and sprayed with Phytoclean (after pressure washing) before being taken to the works site and again on completion of the project.
 - The site must be rehabilitated to the satisfaction of Parks Victoria. Parks Victoria Ranger Team Leader, (Kinglake Office) must be contacted once works are completed.
 - On completion of works all surplus materials, used oils, construction equipment and rubbish must be removed and the site left in a clean and tidy condition.
 - At least thirty days prior to commencement of works, the applicant must contact Parks Victoria Regional Operations Manager, to ensure there are no requirements under the *Native Title Act 1993 (NTA) (Cwlth)*.
4. Remove VicRoads conditions 16 – 21 and add two conditions as follows:
- Prior to the commencement of the use hereby approved the applicant shall complete the mitigating works for the development at the intersection of Whittlesea-Yea Road and Camp Road:
 - Construct a Rural Basic Right Turn Treatment (BAR) at Whittlesea-Yea Road and Camp Road intersection in accordance with the Austroads Guide to Road Design – Part 4A Unsignalised and Signalised Intersections 2009 Edition Figure 7.5.
 - All works associated with the mitigating works within the road reserve are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition.
5. Add the notation:
- Separate consent for works within the road reserve and the specifications of these works may be required under the *Road Management Act*. The consent application will be treated as a developer funded application which will require fees and detailed plans and specifications.
6. Renumber conditions as required.

Background

Planning permit 2010/226 was issued 1 November 2010 for use as an educational adventure centre. The proposed amendment to the permit is to allow an increase to the number of activities on the site and open the site to general public use as a tourism facility.

The Land and Surroundings

The subject land is leased from the Crown and includes accommodation buildings, a training centre and various activities such as ropes courses.

The activity site is located in a cleared area amongst dense vegetation on the western boundary of the municipality and cannot be seen from any other property and complies with the minimum setback of 1 kilometre from the nearest dwellings.

The access road is 1.2 kilometre long and is situated on Crown land. The track is approximately 4 metres wide and constructed of gravel.

There are two dwellings situated opposite the intersection of the driveway with the Whittlesea-Yea Road.

Discussion

As part of the planning process four property owners were notified by mail and one objection was received which relates to increased traffic on the access road.

Specifically the concerns are that extra traffic on the road would increase dust issues, impacting on tank water and the clothes line. Also there was a concern about headlights shining into the property. The objector's house is located 80 metres from the access road.

In order to alleviate the issues raised in the objection, the applicant has advised that he would be prepared to resurface the gravel driveway and install signage to reduce speed and to dim lights.

The objector has indicated that the proposed measures are not enough and the preferred resolution would be to seal the first 100 metres of the access road.

The sealing of the road is considered onerous and not necessary when the dust issue can be reduced by the use of speed humps located in the first 100 metres of the access road. The road is well constructed and straight and signage on its own is unlikely to reduce the speed of vehicles enough to alleviate the dust issue.

When assessing the application against the provisions of the Murrindindi Planning Scheme it is considered that all of the issues raised can be addressed adequately with reasonable and enforceable conditions on a permit. Tourism uses such as this proposal are relatively passive and have minimal impact on surrounding amenity in terms of noise. The use of the land for a tourism business is supported by the planning scheme and Council officers are recommending that a notice of decision to grant an amendment to the permit be issued.

Referrals

The application was referred to DELWP as the land manager and to VicRoads due to the access intersection issues and the need to amend the conditions.

DELWP has responded with conditions. VicRoads has also responded with conditions which require a right hand turn treatment at the intersection in accordance with the appropriate standards.

Council Plan/Strategies/Policies

The application has been assessed with reference to the following strategic objectives and strategies in the Murrindindi Shire Council Plan 2017-2021:

- Our Prosperity: "Work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events"
- Our Place: "Through good land use planning enhance the liveability, prosperity and rural character of our Shire".

Relevant Legislation

The application is being assessed in accordance with the requirements of the *Planning and Environment Act 1987 (Victoria)*.

Financial Implications and Risk

There is no financial risk to Council in this application.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

Four nearby property owners were directly notified of the application. One submission was received and is still unresolved. No objections were received from DELWP or VicRoads.

Planning ConsiderationsState Planning Policy Framework11.12.1 *A diversified economy*

Objective: to develop a more diverse regional economy while managing and enhancing key regional assets.

Strategies:

- support tourism activities that take advantage of environmental and cultural heritage assets and the rural environment without compromising their future
- facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.

17.03-1 *Tourism*

Objective: to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

Strategies:

- encourage the development of a range of well designed and sited tourist activities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities
- seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

Local Planning Policy Framework21.02-1 *Vision*

Key elements to the vision are:

- growth in the rate base, population and economic activities to create long term economic sustainability for the municipality
- facilitation of new and expanded economic development and employment activities
- expansion and promotion of the tourism industry for a range of existing and emerging activities.

21.03-3 *Tourism*

Objective 1: enhance and promote tourism to increase the economic, social and cultural benefits to the municipality.

Strategies:

- support and grow tourism that builds upon the strengths of and is linked to the natural environment
- facilitate recreational and tourism activities that attract tourists year round
- facilitate development of new tourism accommodation options and conference centres.

Zoning36.03 *Public Conservation & Resource Zone*

Purpose:

- to protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values
- to provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes
- to provide for appropriate resource based uses.

Decision Guidelines:

- the comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land
- whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

Overlays44.06 *Bushfire Management Overlay*

Purpose:

- to ensure that development of land prioritises the protection of human life and strengthens community resilience to bushfire
- to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

A planning permit is required for the construction of buildings associated with accommodation in the Bushfire Management Overlay.

RESOLUTION:**Cr L Dunscombe / Cr M Rae**

That Council issue a notice of decision to grant an amendment to planning permit 2010/226 on land located at 1419 Whittlesea-Yea Road Kinglake West (C/A: 4 CAL: F, Parish of Kinglake) to:

- 1. Amend the proposal to include use of land for an adventure camp and associated tourism activities and allow the construction of a covered outdoor area, interpretive centre, three ropes courses and pump track bike circuit.**
- 2. Add one condition for driveway access to include signage and traffic calming**
 - **Prior to the commencement of the use hereby permitted the applicant shall complete the following works:**
 - **Signage along the access road to include a request to dim headlights**
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 - **Three speed humps to be located in the first 100 metres**
 - **Gravelling of the access road for the first 400 metres**
 - **The speed humps, signage and works set out above must be located and constructed to the satisfaction of the Responsible Authority.**
- 3. Remove Department of Environment, Land, Water and Planning (DELWP) conditions 12 and 13 and add conditions as follows:**
 - **Before the development starts all persons undertaking the works on site must be advised of all relevant conditions of this permit.**

-
- **Parks Victoria Ranger Team Leader, (Kinglake Office) must be contacted to arrange a site meeting and Contractor Induction, at least seven days before the commencement of any works.**
 - **Prior to any construction equipment entering the site, all designated Work Zones/Construction Zones/Work Exclusion Zones must be correctly and clearly marked to the satisfaction of Parks Victoria.**
 - **Access must be via existing tracks.**
 - **The site is not to be accessed with plant during or after periods of heavy rainfall or flooding to avoid significant track damage and works cannot recommence until agreed by Parks Victoria.**
 - **Any damage to existing tracks must be repaired as soon as possible at the proponent's expense to the satisfaction of Parks Victoria.**
 - **No refuelling or maintenance of vehicles or machinery is to be undertaken on the Reserve.**
 - **Works must not occur on days of Total Fire Ban or Code Red to avoid significant bushfire risks.**
 - **No native vegetation removal is permitted unless approved by DELWP and Parks Victoria.**
 - **There is to be no stockpiling of material or storage of machinery/equipment on vegetated sections of Crown land.**
 - **To reduce the spread of weeds, all earthmoving equipment must be free of soil and seed and sprayed with Phytoclean (after pressure washing) before being taken to the works site and again on completion of the project.**
 - **The site must be rehabilitated to the satisfaction of Parks Victoria. Parks Victoria Ranger Team Leader, (Kinglake Office) must be contacted once works are completed.**
 - **On completion of works all surplus materials, used oils, construction equipment and rubbish must be removed and the site left in a clean and tidy condition.**
 - **At least thirty days prior to commencement of works, the applicant must contact Parks Victoria Regional Operations Manager, to ensure there are no requirements under the *Native Title Act 1993* (NTA) (*Cwlth*).**
- 4. Remove VicRoads conditions 16 – 21 and add two conditions as follows:**
- **Prior to the commencement of the use hereby approved the applicant shall complete the mitigating works for the development at the intersection of Whittlesea-Yea Road and Camp Road:**
 - **Construct a Rural Basic Right Turn Treatment (BAR) at Whittlesea-Yea Road and Camp Road intersection in accordance with the Austroads Guide to Road Design – Part 4A Unsignalised and Signalised Intersections 2009 Edition Figure 7.5.**
 - **All works associated with the mitigating works within the road reserve are to be completed at no cost to VicRoads and the road reserve must be left in a neat and tidy condition.**
- 5. Add the notation:**
- **Separate consent for works within the road reserve and the specifications of these works may be required under the *Road Management Act*. The consent application will be treated as a developer funded application which will require fees and detailed plans and specifications.**

6. Renumber conditions as required.**CARRIED****6.4 DOMESTIC ANIMAL MANAGEMENT PLAN 2017-2021**

Attachment(s): *Domestic Animal Management Plan 2017-2021 (refer Attachment 6.4a)*
Summary of Submissions (refer Attachment 6.4b)

Purpose

This report presents Council with a revised draft of the Domestic Animal Management Plan 2017 – 2021 for adoption.

Officer Recommendation

That Council adopt the Domestic Animal Management Plan (DAMP) 2017-2021 included as *Attachment 6.4a*.

Background

The *Domestic Animal Act 1994* (the *Act*) requires Council to develop and regularly review a DAMP.

The DAMP outlines how the Council will promote compliance with the *Act* including the use of educational and regulatory approaches to promote responsible pet ownership within the Murrindindi Shire.

The final plan is required to be registered with the Department of Economic Development, Jobs, Tourism and Resources (DEDJTR) by 3 November 2017.

Discussion

The DAMP includes a comprehensive action plan, outlining how initiatives to support responsible pet ownership and domestic animal management will be implemented, monitored and maintained over the life of the plan. Examples of these include:

- enhanced requirements for training of relevant Council staff
- ensuring standard operating procedures (SOPs) are in alignment with the DAMP
- following up unpaid animal registrations more comprehensively
- the use of technology to improve efficiencies, eg. mobile EFTPOS for pound release
- working more closely with agency partners such as Animal Aid and neighbouring municipalities in the delivery of animal management services
- developing closer working relationships with veterinarians in Kinglake, Yea and Alexandra.

Community Survey

As part of consultation in relation to the DAMP, Council officers conducted a community survey. The results of the survey are included as an appendix in the DAMP (refer *Attachment 6.4a*).

In total, 237 responses were received to the DAMP survey. Some common themes included:

- 89% of respondents indicated that they support some form of cat curfew
- 56% of respondents wanted an overnight curfew compared to 37% of respondents in favour of a permanent curfew.

Cat curfews are beneficial to both native animals and to cat owners. Cats kept inside overnight (or permanently) are less susceptible to injury, fights with other animals and are less likely to predate upon small mammals and birds.

- 91% of respondents thought that off leash dog parks were a good idea.

It is proposed that community input be sought to explore opportunities and arrangements for the introduction of dog parks.

- 81% of respondents indicated that they support dogs being on leads except when in designated off lead areas.

The survey has indicated a strong preference for cat curfews and the control of dogs in public. In the first instance, rather than introducing curfews or new dog controls, an education and awareness program is proposed as part of the DAMP to reinforce expectations within the community about responsible dog and cat management. It is proposed to review the effectiveness of this approach by December 2019.

Further engagement with communities about the need and arrangements for any additional measures, such as a local law, would be required before such measures were considered or implemented. It is noted that the number of dog attacks reported in public areas in Murrindindi Shire is quite low.

Written Responses to DAMP

Five written responses were received to the DAMP. Further detail is available regarding these in Attachment 2. Generally the responses supported:

- cat curfews
- unfenced dog parks
- restrictions regarding dangerous dogs, wandering dogs and restricted breed dogs
- promoting registration where possible
- more comprehensive de-sexing programs

As a result of the submissions a number of items were modified in the DAMP. This included the vision statement which was shortened and edited to be clearer and more direct.

Council Plan/Strategies/Policies

The DAMP is consistent with Council Plan 2017-2021 Our Place – “We will maintain and enhance places to be attractive and liveable, in balance with our natural environment”. More specifically, the DAMP aligns with the Our Place strategy “Enhance community safety, resilience and liveability through improved planning, community engagement, and a fair and transparent approach to compliance”.

Relevant Legislation

The *Domestic Animal Act 1994* requires that Council create a new DAMP on a four year cycle.

Financial Implications and Risk

The costs of implementation of most recommended measures can be accommodated within existing operational budgets. Where required, additional funding would be subject to the normal Council budget allocation processes.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

Council used both an online survey and paper survey to ask the community of Murrindindi Shire about their thoughts on domestic animal management in the municipality.

Council also invited interested businesses and residents to comment on the DAMP. It was on public exhibition during August.

RESOLUTION:

Cr S McAulay / Cr J Ashe

That Council adopt the Domestic Animal Management Plan (DAMP) 2017-2021 included as Attachment 6.4a.

CARRIED

6.5 COMMUNITY GRANTS PROGRAM – JUNE TO SEPTEMBER 2017

Attachment(s): *Round 1 - June to September 2017 - Community Grant Summary and Committee Recommendations (refer Attachment 6.5)*

Purpose

This report informs Council of the recommendations made by the delegated Community Grants Assessment Panel (Panel) on applications received in the June to September 2017 round. The report also seeks Council endorsement of the recommendations.

Officer Recommendation

That Council supports the recommendations of the Community Grants Assessment Panel outlined in the following table:

Application	Funding sought	Recommendation
Alexandra Speedway <i>Replacement Safety Fence Stage 1 Upgrade safety fencing around the arena.</i>	\$5,000	Partially supported with a grant of \$3,000.
Big Little Events Alexandra <i>Cafe Culture Series 2018 Series of four music and cultural events to be held in Alexandra.</i>	\$5,000	Partially supported with a grant of \$2,000.
Taungurung Clans Aboriginal Corporation <i>Y Water Centre – Aboriginal Art Project Artworks on fencing at the Y Water Centre.</i>	\$4,000	Partially supported with a grant of \$2,000.
Fat Tyre Flyers (Downhill) Mountain Bike Club (FTFDH) <i>Support for costs to run 2018 Mountain Bike Australia (MTBA) Downhill National Series, Round 3, Narbethong.</i>	\$5,000	Partially supported with a grant of \$2,000.

Background

The Community Grants Program (Program) provides the opportunity for community groups and organisations to seek funding to support a range of activities and initiatives. The Program is open to community groups, organisations and service clubs undertaking initiatives based in the Murrindindi Shire. Grant applicants can seek a maximum of \$5,000 funding for projects that meet Council's aims, as outlined in the Council Plan 2012-2017 and Health and Wellbeing Plan. Applicants are required to make a cash and/or in kind contribution to their project.

There are three grant rounds each financial year. The current round, Round 1 was open from June 2017 to September 2017.

Applications for the current funding round were assessed by the Panel comprising of the Mayor, Deputy Mayor and the Chief Executive Officer. Applications for \$1000 or less are assessed and approved by the Panel with a report to Council on its decision. Applications for \$1001 or more are assessed by the Panel which makes a recommendation to Council.

Discussion

In total four applications were received from community organisations for the June to September 2017 round. These applications are listed in *Attachment 6.5*.

The Panel recommended supporting all applications in part:

- Alexandra Speedway sought funding of \$5,000 to upgrade and replace safety fencing around their arena. This upgrade would improve safety of speedway participants and provide the ability to hold a range of new events for different age groups. The Panel recommended a grant of \$3,000 be provided.
- Big Little Events Alexandra sought seed funding of \$5,000 to support the development and delivery of the Cafe Culture Series 2018 including four musical events to be held in Alexandra. The Panel recommended a grant of \$2,000 be provided and recommended that the group seek additional funding opportunities with Council's Grants Coordinator.
- The Taungurung Clans Aboriginal Corporation sought funding of \$4,000 to support the delivery of an arts project at the Y Water Centre. The art work is planned for a fence constructed as part of the newly developed Indigenous garden. The Panel recommended a grant of \$2,000 be provided.
- The Fat Tyre Flyers Mountain Bike Club sought funding of \$5,000 to support the cost of running a Mountain Bike Australia National Series event. The event is expected to attract over 600 riders for two races and a further 2,000 spectators. The Panel recommended a grant of \$2,000 be provided and encouraged the use of local services where applicable.

Council officers will provide feedback to applicants in writing and where necessary will contact them directly to discuss their proposals.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 strategic objective Our People – "Together we will celebrate and encourage diverse, caring and connected communities".

Relevant Legislation

Implementation of the program is in accordance with Council's policy for the Community Grants Program.

Financial Implications and Risk

The Community Grants budget for the 2017/18 financial year is \$30,000 and as this is the first grant round, there has been no expenditure to date. A total of \$9,000 has been recommended for approval in this round. The remaining budget allocated to Community Grants for the remaining two grant rounds will be \$21,000.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

The Community Grant applications are assessed by the Community Grants Assessment Panel.

RESOLUTION:**Cr E Lording / Cr L Dunscombe****That Council supports the recommendations of the Community Grants Assessment Panel outlined in the following table:**

Application	Funding sought	Recommendation
Alexandra Speedway Replacement Safety Fence Stage 1 Upgrade safety fencing around the arena.	\$5,000	Partially supported with a grant of \$3,000.
Big Little Events Alexandra Cafe Culture Series 2018 Series of four music and cultural events to be held in Alexandra.	\$5,000	Partially supported with a grant of \$2,000.
Taungurung Clans Aboriginal Corporation Y Water Centre – Aboriginal Art Project Artworks on fencing at the Y Water Centre.	\$4,000	Partially supported with a grant of \$2,000.
Fat Tyre Flyers (Downhill) Mountain Bike Club (FTFDH) Support for costs to run 2018 Mountain Bike Australia (MTBA) Downhill National Series, Round 3, Narbethong.	\$5,000	Partially supported with a grant of \$2,000.

CARRIED

Cr C Bisset declared an indirect Conflict of Interest under section 77A of the *Local Government Act 1989* in relation to item 6.6 - Transfer of Land at 15 Bayley Street, Alexandra to Alexandra & District Kindergarten Inc. The nature of interest is that Cr Bisset is a past president of the Alexandra & District Kindergarten Inc.

Cr C Bisset left the Chamber at 6.43 pm prior to consideration of item 6.6 of the Agenda.

Under section 26 of the *Governance Local Law No. 2* the Deputy Mayor, Cr S McAulay, took the position of Chair for agenda item 6.6.

6.6 TRANSFER OF LAND AT 15 BAYLEY STREET, ALEXANDRA TO ALEXANDRA & DISTRICT KINDERGARTEN INC.

Attachment(s): *Alexandra Kindergarten land transfer title plan final version (refer Attachment 6.6)*

Purpose

This report seeks to resolve the transfer of Council owned land at 15 Bayley Street Alexandra to the Alexandra & District Kindergarten Inc. to facilitate further use and development of the kindergarten.

The former Alexandra Shire Council originally purchased the land with the intent to transfer the title to the Alexandra & District Kindergarten Inc., but the transfer was not enacted. This report seeks Council's endorsement to now proceed with the land transfer subject to any outcomes of a proposed public notice of an intention to transfer the land.

Officer Recommendation

That Council:

1. authorises the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed transfer of land to the Alexandra &

District Kindergarten Inc., being Part of Lot 1 TP 328566 and Lot 1 TP 336364 and shown in *Attachment 6.6*.

2. resolves to give public notice of the proposed transfer of the Land as per the requirements of section 189 of the *Local Government Act 1989* (the *Act*) and receive submissions (if any) under section 223 of the *Act*
3. resolves to affix its common seal to a transfer under section 45 of the *Transfer of Land Act 1958* of the Land to the Alexandra & District Kindergarten Inc. provided:
 - a. no submissions are received in response to the public notice
 - b. Alexandra & District Kindergarten Inc. agrees to pay the nominal transfer fee of \$11.00 and its share of the legal fees and disbursements.

Background

In 1984 the former Shire of Alexandra resolved to purchase land adjacent to the Alexandra & District Kindergarten Inc. (Kindergarten) at 15 Bayley Street Alexandra, and to consolidate this land with the Kindergarten Committee of Management title, to facilitate the expansion of facilities at the site.

The land is Part of Lot 1 TP 328566 and Lot 1 TP 336364 and is shown in bold outline in *Attachment 6.6*.

Whilst the purchase of land by Council occurred, the titles were not consolidated due to difficulties with the Kindergarten's title and lack of action by the Kindergarten's voluntary solicitor at the time.

In 2004 the matter of consolidation of the titles was again pursued in order to facilitate development on the site. On 20 July 2004, following a statutory public notice period, Council resolved to formally transfer the Council owned land to the Kindergarten for a nominal sum of \$11.00. Unfortunately the land transfer still did not eventuate as the matter was not followed-up by either party.

Having recently granted development approvals for the site, Council officers have become aware of the lapsed land transfer process and propose to facilitate its resolution.

Discussion

It is recommended that Council honour its original commitment and formally resolve to pursue the transfer the land for the nominal sum of \$11.00. It is also recommended that Council issue a public notice of its intention to transfer the land to the Kindergarten.

The transfer of land at a nominal cost, less than market value, is an acceptable practice within the Local Government Best Practice Guidelines as Council can offer the following explanations:

1. it is a registered Centre-Based Care Provider under the *Education and Care Services National Law Act 2010* (PR-00001304, 01 January 2012)
2. it is a not-for-profit voluntary management operator
3. Kindergarten committee works tirelessly to raise funds for the purpose of facility upgrades
4. existing Kindergarten assets are located on the land owned by Council, with its approval
5. land presently owned by Council is complementary to the adjoining Kindergarten and represents little or no commercial benefit to Council
6. land was originally purchased by Council to aid the expansion of the Kindergarten, with the intent that the title of land be consolidated with the Kindergarten owned land
7. proposal is consistent with strategies in the Council Plan 2017-2021 as outlined later in this report.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our People strategies to “Create a positive environment that supports our young people to grow, participate and be happy” and to “Work with our community and groups to connect, collaborate and plan for our future”.

Relevant Legislation

Council cannot agree to transfer the land to a proposed purchaser unless it complies with the provisions of Section 189 of the *Act*. This requires Council to give public notice of the proposed sale or transfer and inviting submissions within 28 days from the date of publication of the notice. Council must consider any submissions (if received) under Section 223 of the *Act* before determining whether to proceed with the sale or transfer of the land.

Council must also obtain a valuation from a valuer who has the qualifications prescribed under the *Act*.

It is proposed that the parties will not enter into a contract of sale, but sell the land by way of a transfer only.

Financial Implications and Risk

The transaction will ultimately lower Council’s asset base as it is being transferred at a nominal value less than valuation, and therefore will be recorded as a loss. The current valuation provided by an independent valuer is \$30,000.

It is proposed that both parties will be represented by Council’s solicitor in the transfer to minimise costs and delays. Council’s legal, valuation and advertising costs associated with the transfer are estimated at \$4,500. These costs are within current budget allocations for the sale or transfer of land. The Kindergarten is also meeting its share of the costs.

Conflict of Interest

There are no declared conflicts of interest by Council officers in the preparation of this report.

Community and Stakeholder Consultation

Consultation has occurred between the current representatives of the Kindergarten and Council and engagement by both parties with Council’s legal representative on this matter.

By following the statutory public notification process, the community will have an opportunity to comment on the proposed land sale/transfer.

RESOLUTION:

Cr M Rae / Cr L Dunscombe

That Council:

1. **authorises the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed transfer of land to the Alexandra & District Kindergarten Inc., being Part of Lot 1 TP 328566 and Lot 1 TP 336364 and shown in *Attachment 6.6*.**
2. **resolves to give public notice of the proposed transfer of the Land as per the requirements of section 189 of the *Local Government Act 1989* (the *Act*) and receive submissions (if any) under section 223 of the *Act***
3. **resolves to affix its common seal to a transfer under section 45 of the *Transfer of Land Act 1958* of the Land to the Alexandra & District Kindergarten Inc. provided:**
 - a. **no submissions are received in response to the public notice**
 - b. **Alexandra & District Kindergarten Inc. agrees to pay the nominal transfer fee of \$11.00 and its share of the legal fees and disbursements.**

CARRIED

Cr C Bisset returned to the Chamber at 6.46 pm and resumed the position of Chair.

6.7 ENTERPRISE RISK MANAGEMENT POLICY REVIEW

Attachment(s): *Enterprise Risk Management Policy (refer attachment 6.7)*

Purpose

Council's current Enterprise Risk Management Policy (Policy) is due for review, to ensure alignment with the new Council Plan.

Council's Audit Advisory Committee reviewed the policy at its September 2017 meeting and recommended Council adopt the revised version. The implementation of this Policy has led to improved performance in strategic risk management since its adoption in June 2016.

Officer Recommendation

That Council adopts the revised Enterprise Risk Management Policy as contained in *Attachment 6.7*.

Background

Council's current Enterprise Risk Management Policy was approved at the 22 June 2016 Ordinary Meeting of Council. The Policy is consistent with the AS/NZ ISO 3100:2009 – Risk Management principles and guidelines and draws on best practice from other Councils, the Victorian Managed Insurance Authority and the Municipal Association of Victoria.

The Policy sets out Council's risk management principles, risk appetite, roles and responsibilities and risk reporting framework.

The Policy is still viewed as being current and reflective of a best practice approach to enterprise risk management, though a few updates are required to ensure that this Policy references the new Council Plan 2017-2021.

Discussion

Sound strategic risk management is critical to the Council's ability to achieve its strategic objectives as detailed in the Council Plan 2017-2021 and to effectively and efficiently carry out its duties and responsibilities as prescribed on the *Local Government Act 1989*.

The purpose of the Policy (*Attachment 6.7*) is to promote an integrated and common approach to risk management across Council so that the risks affecting the achievement of Council's objectives are identified, assessed and treated to an acceptable level.

The Implementation of this Policy has been supported by detailed guidelines outlining a consistent approach to identifying, assessing, managing and monitoring risks across Council. The Executive Risk Management Committee has led the implementation of this Policy, with regular reports provided to Council's Audit Advisory Committee highlighting the improvement in Council's approach to strategic risk management.

Council Plan/Strategies/Policies

This report is consistent with Council's Our Promise Strategic Objective in the Council Plan 2017-2021 to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

Relevant Legislation

Under the Local Government Performance Reporting Framework, Council has a requirement to report on an annual basis whether it has considered six monthly reports on strategic risks

concerning the Council's operations, including their likelihood and consequences of occurring and risk minimisation strategies.

Financial Implications and Risk

The Policy aims to maximise the organisation's capacity to achieve strategic goals for Council and the broader community and ensure that risk management is integrated with decision making and business planning decisions. Intended benefits of this Policy include improved identification and management of risks, improved financial outcomes through better risk based decision making and more effective allocation and use of resources.

Conflict of Interest

There are no declared conflicts of interest by Council officers in the preparation of this report.

Community and Stakeholder Consultation

Council's Audit Advisory Committee at its meeting of 14 September 2017 reviewed the revised Policy and recommended that the Policy be adopted by Council.

RESOLUTION:

Cr E Lording / Cr M Rae

That Council adopts the revised Enterprise Risk Management Policy as contained in Attachment 6.7.

CARRIED

6.8 PRIMARY AND ORDINARY RETURNS EXEMPTION

Purpose

This report is to provide information to Council on special committees (including Section 86 Committees of Management) for the purposes of considering exempting members of special committees, who are not Councillors and Council officers from needing to submit primary and ordinary returns.

Any delegated committee member that does not have an exemption applied, will be required to submit a full primary and ordinary return to ensure compliance with the *Local Government Act 1989*.

Given the community nature of these committees, and the low level of financial responsibility delegated to these committee members, it is appropriate for Council to continue providing exemptions.

Officer Recommendation

That Council:

1. Exempts members (other than Councillors and Council officers) of the tabled Committees from lodging primary or secondary returns:

Buxton Recreation Reserve Committee of Management
Eildon Alliance Boat Ramp Committee of Management
Eildon Community Resource Centre Committee of Management
Gallipoli Park Precinct Committee of Management
Glenburn Community Centre Committee of Management
Strath Creek Pioneer Reserve and Hall Committee of Management
Yea Pioneer Reserve Committee of Management
Yea Saleyards Committee of Management
Yea Showgrounds & Recreation Reserve Committee of Management
Yea Wetlands Committee of Management

2. Notifies the special and Section 86 Committees of Management of Council's resolution.

Background

Section 81 of the *Local Government Act 1989* (the *Act*) requires Councillors, nominated members of Council staff and members of special committees to lodge primary and ordinary returns.

Any person who is a member of a special committee of Council must lodge primary and ordinary returns. This applies to the members of any committee with delegated Council powers, duties or functions under the *Local Government Act 1989* or any other Act, including the *Planning and Environment Act 1987*.

Under Section 81 (2A) of the *Act*, the Council may exempt a member of a special committee, who is not a Councillor or an officer of Council from this responsibility. Under Section 81 (2B) the Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election. Council undertook this review following the general election of October 2012 and again in April 2016.

The following are committees that Council would be applying the exemption to:

Buxton Recreation Reserve Committee of Management
Eildon Alliance Boat Ramp Committee of Management
Eildon Community Resource Centre Committee of Management
Gallipoli Park Precinct Committee of Management
Glenburn Community Centre Committee of Management
Strath Creek Pioneer Reserve and Hall Committee of Management
Yea Pioneer Reserve Committee of Management
Yea Saleyards Committee of Management
Yea Showgrounds & Recreation Reserve Committee of Management
Yea Wetlands Committee of Management

Discussion

To ensure that the Council is not breaching the requirements of the *Act*, it is essential that Council resolves that the members, excluding Councillors and Council officers, of the above mentioned committees are exempt under Section 81 (2A) of the *Act* from needing to submit primary and ordinary returns, or requiring them to do so. It has been past practice of Council to exempt committee members other than Councillors and Council officers from the requirement to lodge primary and secondary returns.

Council is required to review this exemption within 12 months of each Election of Council (October 2016).

Council Plan/Strategies/Policies

This report is consistent with Council's Our Promise Strategic Objective in the Council Plan 2017-2021 to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

Relevant Legislation

Council may exempt a member of a special committee, who is not a Councillor or an officer of Council, from the responsibility of submitting a primary or ordinary return in compliance with Section 81(2A) of the *Act*. Notwithstanding the proposed exemption, at the start of each meeting, committee members present must declare an interest (direct or indirect) in respect to any matter on the agenda. Any member with an interest must declare that interest by fully disclosing and describing to the committee the interest and the conflict that may result from it.

Financial Implications and Risk

Failure to provide returns as required under Section 81 (2A) of the *Act* can result in significant financial penalties for Councillors and or members of special committees.

Conflict of Interest

There are no declared conflicts of interest by Council officers in the preparation of this report.

Community and Stakeholder Consultation

Public consultation was not required for this agenda item.

RESOLUTION:

Cr E Lording / Cr L Dunscombe

That Council:

1. **Exempts members (other than Councillors and Council officers) of the tabled Committees from lodging primary or secondary returns:**

Buxton Recreation Reserve Committee of Management
Eildon Alliance Boat Ramp Committee of Management
Eildon Community Resource Centre Committee of Management
Gallipoli Park Precinct Committee of Management
Glenburn Community Centre Committee of Management
Strath Creek Pioneer Reserve and Hall Committee of Management
Yea Pioneer Reserve Committee of Management
Yea Saleyards Committee of Management
Yea Showgrounds & Recreation Reserve Committee of Management
Yea Wetlands Committee of Management

2. **Notifies the special and Section 86 Committees of Management of Council's resolution.**

CARRIED

6.9 REVIEW OF CEO REMUNERATION PACKAGE**Purpose**

The purpose of this report is for Council to resolve the annual increase to the remuneration package of the Chief Executive Officer in accordance with the Contract of Employment.

Recommendation

That Council:

1. Approve an annual CPI increase to the remuneration package of the Chief Executive Officer of 2.2% to \$253,456 in accordance with the minimum limit set in the Contract of Employment
2. Approve the back-dating of the increase to the one year anniversary date of the Contract of Employment (1 July 2017).

Background

The Chief Executive Officer (CEO) is currently entitled to a remuneration package totalling \$248,000.

In accordance with the Contract of Employment, which commenced on 1 July 2016, the Council is required to review the CEO's remuneration package annually within one month following the Performance Review, having regard to:

- the officer's achievement of Performance Criteria
- the extent of any increase over the preceding 12 months in the Consumer Price Index (CPI All Groups, Melbourne) as issued by the Australian Statistician.
- that Council must increase the remuneration package by the CPI as a minimum, each financial year.

The CPI All Groups Melbourne for the most recent quarter (twelve months to June 2017) was 2.2%. On the basis of the Council's determination that the performance criteria were achieved, and that the Council desires to increase the CEO's remuneration package in accordance with the minimum requirements of the contract, the CEO's remuneration package will increase to \$253,456.

RESOLUTION:

Cr L Dunscombe / Cr S McAulay

That Council:

- 1. Approve an annual CPI increase to the remuneration package of the Chief Executive Officer of 2.2% to \$253,456 in accordance with the minimum limit set in the Contract of Employment**
- 2. Approve the back-dating of the increase to the one year anniversary date of the Contract of Employment (1 July 2017).**

CARRIED

6.10 RETAIL SUPPLY OF ELECTRICITY – LARGE SITES AND STREET LIGHTING

Purpose

This report asks Council to delegate authority to the Chief Executive Officer (CEO) to enter into a contract procured by the Municipal Association of Victoria (MAV) for the supply of electricity to large council sites and street lights.

Officer Recommendation

That Council authorise the Chief Executive Officer (CEO) to enter into a contract procured by the Municipal Association of Victoria (MAV) for the supply of electricity to Council's large sites and street lighting.

Background

Council's current electricity contract for large sites and street lights was procured by MAV as an agent for a number of councils and is due to expire on 31 December 2017. This contract provides electricity to Council's head office, the Marysville Community Centre and street lights.

Discussion

The Australian energy market is complex and there is considerable uncertainty regarding energy prices in Victoria over the next one to two years due to the planned closure of existing generators and general uncertainty over sector regulation.

Council's best opportunity to achieve competitive retail electricity prices is to join an existing large volume contract or participate in a collaborative procurement with other councils.

The two available existing large volume contracts are:

- Procurement Australia - joining this contract is not a recommended because it expires on 30 June 2018
- State Government Contract - the State Government contract could supply Council's head office and Marysville Community Centre but it can't supply our un-metered street lights because un-metered sites are specifically excluded from the contract. Accordingly, this option is not recommended because it does not provide a complete solution and would require the splitting of our large sites into two separate contracts leading to unnecessary contracting complexity and additional administrative burden.

Council's remaining option is to participate in the collaborative procurement being coordinated by MAV with specialist technical support from Trans Tasman Energy Group (TTEG).

The objective of the MAV collaborative procurement is to obtain best value for councils by aggregating electricity demand and buying power to achieve maximum discounts based on volume and a 36 month contract. This procurement strategy has been used by MAV and TTEG in previous electricity procurements and achieved around \$15 million of savings to councils since 2010.

MAV and TTEG have successfully run collaborative electricity procurement processes in the past, demonstrating their skill, capacity and experience in this area. Appointing MAV as our agent to run this process, will enable Council to benefit from this expertise at no cost because costs are recovered via a \$0.0012 kilowatt hour contract management fee on the successful retailer.

Prices in the electricity market fluctuate considerably and tender price offers are generally only valid for seven days, as market prices are reset fortnightly. MAV's ability to achieve the best tendered rate for Council depends picking the most advantageous time to approach the market and closing contracts as quickly as possible to avoid rate changes.

MAV will approach the market in late 2017, depending on market fluctuations. Once tenders are received and evaluated by a steering group including MAV, TTEG and council representatives, Council will have seven days to accept the recommended offer. Any delay in Council accepting the offer, could result in the offer being retracted or a price increase. Accordingly, it is critical that Council is able to accept the offer quickly which requires the authority to enter into the contract to be delegated to the CEO.

Council Plan/Strategies/Policies

This report is consistent with Council's Our Promise Strategic Objective in the Council Plan 2017-2021 to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

Relevant Legislation

Council must comply with Section 186 of the *Ac*) which requires councils to undertake a public procurement process before entering into a contract for goods and services worth \$150,000 (including GST) or more. However, the *Act* includes some specific exemptions from this requirement, including an exemption that allows a council to appoint an agent, such as the MAV, to undertake a public procurement process on its behalf.

Financial Implications and Risk

Electricity for large sites and street lighting in 2015/16 cost approximately \$324,600. Budget estimates for 2017/18 allowed for a small consumer price index (CPI) increase, whilst continuing Council's gradual reduction in energy usage through improved building and lighting efficiencies. A report detailing the impact of the new electricity arrangement will be returned to Council upon the completion of the procurement exercise.

Conflict of Interest

There are no declared conflicts of interest by Council officers in the preparation of this report.

Community and Stakeholder Consultation

Public consultation was not required for this report.

RESOLUTION:

Cr E Lording / Cr J Ashe

That Council authorise the Chief Executive Officer (CEO) to enter into a contract procured by the Municipal Association of Victoria (MAV) for the supply of electricity to Council's large sites and street lighting.

CARRIED

6.11 QUARTERLY PRIORITY ACTION PLAN 2017/18 PROGRESS REPORT - 30 SEPTEMBER 2017

Attachment(s): *Quarter 1 Priority Action Plan Report 2017/18 (refer Attachment 6.11)*

Purpose:

This report provides the first quarter summary of progress to date in delivering the actions in the Council's Priority Action Plan 2017/18.

Officer Recommendation

That Council receive the quarterly report ending 31 September 2017 on the status of actions from the Priority Action Plan 2017/18.

Background

Council adopted its Council Plan 2017-2021 at the Special Meeting of 21 June 2017, which sets out the overall strategic direction of Council over its four year term based on an extensive community consultation program conducted across the Shire.

At the September 2017 Ordinary Meeting Council adopted the Priority Action Plan 2017/18 which outlines the actions that Council will pursue during the 2017/18 year to implement the four year strategies in the Council Plan.

Both the Council Plan 2017-2021 and the Priority Action Plan 2017/18 are published on Council's website.

A report on progress in implementing the priority actions is provided to Council at the end of each quarter.

Discussion

Much of the work undertaken during the July to September 2017 quarter involved the development and finalisation of the Priority Action Plan for 2017/18. Whilst implementation of many of the actions within this Plan also commenced, progress during the quarter was limited by the timing of the Priority Action Plan's adoption.

Attachment 6.11 provides a brief summary of activity undertaken to date under each of the four Strategic Objectives relating to Our People, Our Place, Our Prosperity and Our Promise. Reference is made to the action number from the Priority Action Plan 2017/18.

Highlights from the first quarter include the following:

Our People:

- design of the new Marysville Tourism and Arts Centre was completed
- discussions were initiated with community members in both Kinglake and Marysville about creating 'Friends of the Library' groups in those areas
- draft Health and Wellbeing Plan was prepared for public exhibition in collaboration with service partners and community groups across the Shire
- number of initiatives were undertaken to increase youth participation including two school holiday programs, Resilient Relationships across the Ranges Program in Kinglake, monthly Open Mike Nights, and a Performing Arts Program in collaboration with Yea High School and local community arts groups.

Our Place:

- Council joined the 'Local Government Energy Savers Program' to assist Council reduce its energy consumption

- trial of re-use shops at Alexandra and Yea Resource Recovery Centres was endorsed by Council
- Municipal Emergency Management Plan was updated and adopted by Council.

Our Prosperity:

- Council supported the staging of the new Murrindindi Business Awards
- meetings were held with the Hon. Jaala Pulford, Minister for Regional Development, to promote and advocate for development opportunities around Eildon
- stage 2 of the Yea Saleyard expansion was completed along with the design of the new truck parking facilities.

Our Promise:

- implementation plan for the upgrade of Council's main IT operating system, and electronic document management system was completed
- review of customer payment options for Council fees and charges commenced which aims to provide more flexible payment options for customers and included the introduction of direct debits for rate payments
- new innovative design for the pavement material used in re-sheeting gravel roads was introduced to improve useful life and reduce dust.

A more detailed report on progress on priority actions will be provided in the second quarter report to Council.

Council Plan/Strategies/Policies

This report is consistent with Council's Our Promise Strategic Objective in the Council Plan 2017-2021 to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

Relevant Legislation

Council has a statutory obligation to prepare and approve a Council Plan in accordance with Section 125 of the *Local Government Act 1989*.

Financial Implications and Risk

The delivery of the Council Plan 2017-2021 is supported by the four year Strategic Resource Plan and the Annual Budget.

Implementation of several actions within the Priority Action Plan 2017/18 remains subject to further resource allocations from the 2017/18 annual budget, which will be considered under a separate report at this meeting.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

The actions in the Priority Action Plan 2017/18 have been developed with reference to the priorities identified from the community following the 'Have Your Say' community consultation undertaken in February – April 2017.

RESOLUTION:**Cr L Dunscombe / Cr S McAulay****That Council receive the quarterly report ending 31 September 2017 on the status of actions from the Priority Action Plan 2017/18.****CARRIED****6.12 QUARTERLY FINANCIAL REPORT TO 30 SEPTEMBER 2017**

Attachment(s): *Qtr Report Attachment - Financial Statements (refer Attachment 6.12a)*
Qtr Report Summary - Operational Carry Forwards (refer Attachment 6.12b)

Purpose

The report provides the quarterly financial report for the period ending 30 September 2017.

Awareness by Council of general budgeting and reporting requirements are necessary to ensure general oversight of the financial performance of the operations of Council. A strong understating of the current year operating statement as well as Council's overall financial position will also facilitate the preparation of the Annual Budget and Strategic Resource Plan. The operating performance for the September 2017 quarter has been largely in line with the total budget. Council remains in a favourable cash position with a low level of debt.

Officer Recommendation

That Council:

1. Receives the Quarterly Financial Report to 30 September 2017
2. Approves the reallocation of \$429,275 to fund the key action items in the adopted Council Priority Action Plan 2017/18 that were highlighted as unfunded at the time of its adoption.

Background

Financial governance is important for a Council's good governance because the consequences of failure can be very significant for a Council.

Council has overall accountability for the Council's finances. This comes in two ways. Firstly, the Council is required to prepare and periodically review its long term financial plan. This is called the Strategic Resource Plan and forms part of the Council Plan.

Secondly a Council must prepare and adopt the annual budget. The Council must also receive regular financial reporting. As a minimum a Council must receive a quarterly financial report which compares actual and budget revenues and expenses in each of the four prescribed Standard Statements (refer *Attachment 6.12a - Statements A – D*)

These four Standard Statements are:

- Comprehensive Income Statement
- Balance Sheet (incorporating Changes in Equity)
- Statement of Cash Flow
- Statement of Capital Works

It is important to note that these Standard Statements are based upon public sector financial reporting, the key principle of which is that Council is required to account for the revenue in the year that it is received rather than when it is expended. As capital works projects and grant funded programs often extend over one financial year, then another principle of public sector reporting is that carry forward adjustments need to be made.

Discussion

Annual Council Budget

The draft quarterly financial statements that are attached to this report detail Council's financial position as of 30 September 2017, a record of all financial activity that occurred in the first three months of the 2017/18 financial year. It should be noted that one of the first priorities in preparing the statements in the first quarter is to appropriately recognise and adjust for the financial impact of all items carried forward from the 2016/17 financial year. This includes items that were budgeted to occur in the 2016/17 financial year that were incomplete or not achieved prior to 30 June 2017, as well as the impact of items that were budgeted to occur from 1 July 2017 onwards, that were in fact recognised in last year's financial statements.

Carry Forward Adjustments to 30 September 2017

The table below is a reconciliation between Council's adopted budget 2017/18 and the adjustments for carry forwards relating to unexpended projects from 2016/17.

Table 1:

Reconciliation of 2017/18 Revised Budget Adjustments - for September 2017 Review		
	2017/2018	2017/2018
	Operating Result	Capital Works
	Surplus / (Deficit)	Budget
Adopted Budget 2017/2018	(536,201)	(7,433,775)
Capital Works Program 2016-17 End of Year Report 23 Aug 2017		
Table 1 - c/fwd with recommendations (Council report 23 August 2017)		(338,058)
Table 2 - carry forwards - committed works (Council report 23 August 2017)		(2,359,148)
Carry forward adjustments	(3,013,935)	-
September Revised Budget 2017/2018 (Deficit)	(3,550,136)	(10,130,981)

The original 2017/18 budget operating deficit has been impacted by carry forward adjustments as summarised above (refer *Attachment 6.12b*). The resultant deficit should be considered in light of the 2016/17 period which forecasted a budgeted operating deficit of (\$1,132,000), while the actual operating result for 2016/17 was a surplus of \$3,267,000.

The change in the current year's adopted deficit from (\$536,000) to a deficit of (\$3,550,000) should be understood with regard to the result of the previous year. The bulk of the variance relates to the advance payment of 2017/18 Victorian Grants Commission (VGC) funding of \$2,224,000 that was unexpectedly received in the last week of June 2017. Several other grant funded projects either advanced or not completed at year end, improved the overall 30 June 2017 operating result and increased the levels of cash held by Council. These project budgets will be expended during 2017/18.

Balance sheet variances from the forecast position 30 June 2017 to actual results as recorded in Council's Annual Report for the year ended 30 June 2017 shows an increase in cash held of \$5.17 million plus an increase in Trade & Other Receivables of \$0.28 million. This is the funding allocated to support the carried forward budget adjustments.

As part of Council Quarterly Reviews an alternative view of the Income Statement, Statement A, has been provided showing Council's 'underlying result', which is the net surplus or deficit adjusted for capital grants, contribution to capital projects, and other once off adjustments.

Quarterly Financial Report to 30 September 2017

The four Statements for the first quarter to 30 September 2017 are included in *Attachment 6.12a*. These statements provide the first opportunity to detail the impacts of the final carried forward items from both a capital and operating perspective from the previous year. A more detailed summary of the minor variances in the operating statement and capital works program is included in this attachment.

Table 2 below is a reconciliation between Table 1, incorporating carry forward of unexpended projects from 2016/17, and the Revised Budget 2017/18 as detailed within the attached statements, which also includes all newly approved grant funded projects and all other known variances since budget adoption.

Table 2:

	2017/2018	2017/2018
	Operating Result	Capital Works
	Surplus / (Deficit)	Budget
September Revised Budget 2017/2018 - with carry forwards	(3,550,136)	(10,130,981)
Additional Funding & adjustments:		
VGC Grants Commission - final allocation - additional funding	127,520	
Yea & Districts Children's Centre Upgrade - Grant \$325K Cont \$50K	375,000	(375,000)
Savings Interest on Loans - no drawdown 2016/17	24,152	
Doing Business Better - Stage 1 \$24,840 & Stage 2 \$175,000	-	
Bushfire Management Overlay \$40,000 - no change in net result	-	
Bushfire Memorials - transfer from Operating to Capital	380,000	(380,000)
transfer ACLC - Reserve Balance to Alexandra Secondary College	(20,802)	
September Revised Budget 2017/2018 - with carry forwards (Deficit)	(2,664,266)	(10,885,981)

The original budget operating deficit has been impacted by carry forward adjustments as detailed above projecting a (\$3,550,000) operating deficit for 2017/18. With additional grant funding and inclusion of other known budget variances this has now been reduced to a revised operating deficit of (\$2,664,000).

VGC final funding allocation has seen an overall increase of \$127,000 in funding for 2017/18.

Non Recurrent Grant Revenue has increased with additional funding of \$375,000 for the Yea & District Children's Centre Upgrade which has corresponding increase in Council Capital Works Program.

Finance costs (interest) show a saving of \$24,152 as a result of not drawing down the \$500,000 loan in 2016/17. In addition there has been a reduction of \$39,637 in principal through repayments in 2017/18.

Several other minor grants have been added to both the operating income and expenditure including Doing Business Better Stage 1 \$25,000 and Stage 2 \$175,000, and Bushfire Management Overlay funding \$40,000. Bushfire Memorial funding of \$380,000 has been reallocated from operation to capital.

Balance Sheet (Statement B)

The Balance Sheet – Statement B as at 30 September 2017 shows minimal year to date variance with Cash and Cash Equivalents favourable variance of \$396,000 directly related to the year to date operating surplus variance as presented within the Income Statement.

Trade and Other receivables year to date shows minimal variance and is on track. Provision for employee entitlements is trending slightly higher than predicted and will be monitored and reviewed as part of the December report. This traditionally trends higher in the first quarter, with staff expected to take more leave over the Christmas and New Year period.

The overall revised budget position shows the projected level of cash as at 30 June 2018 of \$24.87 million which is \$0.42 million above the original budget for 2017/18 of \$24.45 million. The bulk of this relates to the increased level of Council Reserve funds.

Cash Flow Statement (Statement C)

This statement provides a more holistic picture and reports the important information on Council's cash inflows and outflows. Net cash flow from operating activities in the Cash Flow Statement (a cash view of the operating statement) shows a decrease of (\$1.11 million). The bulk of this adjustment is in grants received in advance and payments to suppliers relating to carry forwards and new grant funded projects. Net cash used in investing activities (Capital Works) shows an overall increase of (\$3.32 million) and net cash used in financing activities (mainly Trust and Deposits) has increased by (\$0.32 million).

The overall result with the inclusion of the additional cash of \$5.17 million held at 30 June 2017 is reflected in the Balance Sheet with the Revised Budget for 2017/18 projecting an increase in cash of \$0.42 million.

Non Discretionary Cash and Council Reserves (Statement E)

Included as part of this report is an additional reconciliation flowing from the cash flow statement of Council's Non Discretionary Cash Flow requirements. This reconciliation lists all Council reserves together with funds held as Deposits or Trust which are required to be refunded, and an allowance for the provision of employee entitlements. This latter provision being a nominal amount of 25% of Council's Annual Leave Liability and 25% of the current Long Service Leave Liability by 30 June 2017. This is then offset against the level of projected cash at year end.

Councillor Expenses (GST Exclusive):

As agreed in the new Councillor Reimbursement Policy that was adopted by Council at its February 2017 Ordinary Meeting, the following table details Councillor expenses for the three month period ending 30 September 2017.

Table 3:

Councillor	Councillor Allowance	Mobile Phone	Training & Professional Development	Accomm. & Travel	Total
Cr C Bisset	\$21,101.40	\$218.18	\$0.00	\$0.00	\$21,319.58
Cr S McAulay	\$7,062.76	\$218.18	\$0.00	\$0.00	\$7,280.94
Cr J Ashe	\$7,062.76	\$218.18	\$0.00	\$0.00	\$7,280.94
Cr R Bowles	\$7,062.76	\$218.18	\$0.00	\$0.00	\$7,280.94
Cr L Dunscombe	\$7,062.76	\$218.18	\$0.00	\$1,004.53	\$8,285.47
Cr E Lording	\$7,062.76	\$218.18	\$0.00	\$1,440.97	\$8,721.91
Cr M Rae	\$7,062.76	\$221.16	\$0.00	\$0	\$7,283.92
Subtotal	\$63,477.96	\$1,530.24	\$0.00	\$2,445.50	\$67,453.70

It should be noted that accommodation and travel costs include the reimbursement of the claims which a Councillor may choose to submit for travelling to Council meetings, briefings and other functions which they attend in their capacity as a Councillor. Where a Councillor's residence is greater than 50 kilometres from the location of a Council meeting they may also claim the statutory remote area allowance.

It should also be noted that Councillors can elect for part of their allowance to be deducted for superannuation purposes.

Re-allocation of Resources to Fund the Priority Action Plan 2017/18

As highlighted in the report to Council on 27 September 2017, the Priority Action Plan 2017/18 adopted at this meeting was prepared in line with the resource commitments contained in the adopted Annual Budget 2017/18, with the exception of several actions under the Our Prosperity Objective. Implementation of these actions were to be contingent on a review of resource allocations undertaken as part of the Council's September quarter budget review or subject to external grant funding.

The key unfunded activities that are to be included to meet the priority actions relating to business grants, improved tourism and event support have been costed by Council as requiring

an additional \$380,000 per annum. Additional human resources of \$115,000 is also required to ensure the successful delivery of these programs.

The expected annual cost to implement these priority actions is \$495,000, though given that one quarter of the current financial year has passed without allocation of resource to achieve these actions, it is expected that only \$425,000 needs to be re-allocated to deliver these Council priorities for 2017/18.

Council officers have extensively reviewed the available budget, and re-assessed the priorities of other activities. As a result the re-allocation of resources shown in Table 4 is proposed to deliver the unfunded priority actions.

Table 4:

Proposed re-allocation	\$
Kinglake RAC revenue	60,000
VEC revenue	4,376
Building permits revenue	20,000
Interest revenue	50,000
Wages savings	27,099
SES funding	19,668
Corporate overheads	47,800
Planning projects	20,000
Infrastructure maintenance	180,332
Total	429,275

The first four items highlighted relate to revenue that is now anticipated to be received in excess of levels originally budgeted. The revenue relating to the former Kinglake Rebuilding Advisory Centre facility was excluded on the original assumption that the lease arrangements would not continue through 2017/18, whilst Council has also received additional unbudgeted revenue from the Victorian Electoral Commission (VEC) due to voter fines relating to Council elections in 2016. Building permit applications are also trending higher than budget allowing for a reallocation of a further \$20,000 in revenue, whilst Council's cash position remains strong and generating positive cash flows through its investment strategy.

The wages savings highlighted relate to positions that have been vacant throughout the first quarter, and represent one-off savings. These funds cannot be factored into allocation for the delivery of these actions in future years. The reallocation of the \$20,000 of State Emergency Services (SES) funding is due to the change in State Government funding arrangements for this service, resulting in Council not requiring to provide funding from 1 July 2017.

A number of procurement initiatives and re-allocation of priorities has allowed for \$478,000 of corporate overhead to be re-allocated. These funds are taken from numerous spending categories including legal costs, printing and stationery, postage and telecommunications. The \$20,000 of planning project funding to be reallocated will result in some strategic planning work being deferred until the 2018/19 financial year.

The \$180,000 of funding to be reallocated from infrastructure maintenance areas will be achieved by the re-scheduling and re-profiling of works across a large number of public areas, primarily in the areas of parks, gardens, car parks and shared trails. The deferral of these programmed works are again offered as one-year opportunities to assist in achieving the prioritised actions highlighted by Council and are not savings available in perpetuity, as longer term reduced maintenance will likely lead to higher capital works renewal costs in future years, and lower utility levels for the community.

Council Plan/Strategies/Policies

This report, in relation to the Annual Budget and quarterly financial reporting, is consistent with the Council Plan 2017-18 Our Promise Council theme which has a strategic objective to provide strong advocacy, transparent governance, two-way communication and engagement, stewardship of our community's resources. A key strategy objective is to maintain Council's financial sustainability through sound financial and asset management practices.

Relevant Legislation

The *Local Government Act 1989* (the *Act*) requires, under section 126, that a Council must prepare a Strategic Resource Plan for a period of four years.

The *Act* also sets out in section 127 that the Council must prepare a budget for each financial year.

Then, in section 138, the *Act* requires that quarterly financial reports must be presented to Council.

Financial Implications and Risk

The financial governance of a Council is an important role for Councillors. The risk of poor financial management can have a significant impact upon the governance of the Council. The financial implications flowing from this quarterly financial review are outlined in this report.

Conflict of Interest

There are no declared conflicts of interest by Council officers in the preparation of this report.

Community and Stakeholder Consultation

The *Act* requires that Councils give public notice of their annual review of the Council Plan (which includes the Strategic Resource Plan) and also its Annual Budget. All submissions received by Council must be considered, in accordance with section 223 of the *Act*.

RESOLUTION:

Cr E Lording / Cr L Dunscombe

That Council:

- 1. Receives the Quarterly Financial Report to 30 September 2017**
- 2. Approves the reallocation of \$429,275 to fund the key action items in the adopted Council Priority Action Plan 2017/18 that were highlighted as unfunded at the time of its adoption.**

CARRIED

6.13 SEPTEMBER QUARTERLY REPORT – CAPITAL WORKS PROGRAM 2017/18

Attachment(s): *Capital Works Progress Report (refer Attachment 6.13)*

Purpose

This report provides an update on the Capital Works Program for the first quarter of the 2017/18 year. The Capital Works Program is progressing well overall. The status of individual projects is shown in *Attachment 6.13*.

Officer Recommendation

That Council notes this report.

Background

At the Ordinary Council Meeting on 23 July 2012 Council resolved that a quarterly report on the progress and financial status of the Capital Works Program be incorporated in Council's regular reporting cycle.

The 2017/18 Capital Works Program is comprised of those projects endorsed by Council as part of the 2017/18 capital works budget as well as those projects identified for carry forward from the 2016/17 Capital Works Program.

Discussion

Works undertaken during the first quarter of the 2017/18 generally consist of the completion of carry forwards from the 2016/17 Capital Works Program and the scoping, planning, design and tender phases of the 2017/18 capital works projects.

This report also includes *Attachment 6.13* which indicates the Council officer's level of confidence in projects being completed within the current financial year using a traffic light system. The colours shown highlight the following:

- Green – Council officers are confident that the project will be delivered within the current financial year
- Yellow – there is a medium risk that there may be a delay in delivery due to issues outside of officer's control
- Red – there is a high risk that delivery will not occur within the current financial year for reasons as outlined
- Blue - the project has been assessed and is no longer required.

This report provides commentary on the following:

1. Major areas of expenditure for the quarter
 - path upgrade - \$16,268
 - drainage upgrade trouble-spots - \$23,359
 - footpath missing links - \$34,890
 - kerb renewal - \$32,169
 - bridge renewal - \$101,909
 - Yea Saleyards truck parking - \$9,934
 - Yea Saleyards development - \$56,184
 - Yea Caravan Park - \$29,499
 - Council Office Alexandra - \$12,742.
2. Projects where physical works are anticipated to commence during the next reporting period (1 October to 31 December, 2017)
 - Sealed Roads Program
 - Bridge Renewal Program
 - Roads – Major Maintenance
 - Gravel Road Re-sheeting Program
 - Alexandra Shire Hall – Window Furnishings
 - Chambers Meeting Room – Lights and Curtain Renewal

- Bushfire Memorials – Construction
- Cheviot Tunnel – Assessment.

3. Projects that are delayed or other significant issues that have arisen which affect the budget for the project

Yea Shire Hall – Council officers have identified a possible grant funding opportunity for further renewal works. It is proposed that the current budget allocation for repairs to the clock tower and facade renewal are provided as a Council's contribution to support the grant application.

The scope of additional renewal works is as follows:

- remove the old toilets and convert to meeting space
- restore the original ticket box located under the stairs
- retrofit glass to balustrade in balcony to make safe for users
- reconstruct the floor finish in the foyer in materials to match heritage style
- restore the projection box
- repair and refurbish the stairs and handrails
- restore the cinema seating.

Council officers will submit an expression of interest by the end of October 2017. If, following an invitation to apply, Council is successful it is likely that the project will need to be held over to the 2018/19 year to allow time for the grant funds to be received.

4. Projects completed in the September quarter.

- Dairy Creek Road – Bridge Replacement
- Drayton's Bridge Replacement (old bridge still to be removed)
- Yea Pioneer Hall – Floor Restoration in Foyer
- Yea Caravan Park – Electrical Works
- Alexandra Office – Air Conditioning.

Council Plan/Strategies/Policies

Council Plan 2017-2021: the Capital Works Program is consistent with the strategic objective Our Promise - "We will work in collaboration with our communities to deliver the best possible outcomes in all that we do" and the strategy to "Maintain Councils financial sustainability through sound financial and asset management".

Financial Implications and Risk

Timely reporting of financial issues assists in early identification of the need for corrective action or reallocation of budget where required. Reporting of project progress also provides Council and the community with an understanding of when projects will commence and communicates delays if they occur.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external consultation has been undertaken in the preparation of this report.

RESOLUTION:**Cr E Lording / Cr M Rae****That Council notes this report.****CARRIED****7. SEALING REGISTER**

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/895	22 September 2017	Lease - Toolangi Castella Community House - Existing Improvement - Between Murrindindi Shire Council and Toolangi District Community House Inc - Section 17D Crown Land (Reserves) Act 1978 Lease (Non Retail)	Margaret Abbey Cr Margaret Rae
CONT 17/17	4 October 2017	Formal Instrument of Agreement between Murrindindi Shire Council and M & A Dean for the Provision of General Building Maintenance and Minor Building Works - Builders	Margaret Abbey Cr Margaret Rae
CONT 17/15	12 October 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Fineblade Pty Ltd for 2017/8 Bridge Renewal Program	Cr Charlotte Bisset Margaret Abbey
CONT 17/11	12 October 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Perrett Simpson Pty Ltd for Engineering Services Panel Contract	Cr Charlotte Bisset Margaret Abbey
CONT 17/14	19 October 2017	Formal Instrument of Agreement between Murrindindi Shire Council and GW & BR Cramer Pty Ltd for 2017/18 Sealed Roads Program	Stuart McConnell Cr Charlotte Bisset
CONT 17/11	19 October 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Civinfra Pty Ltd for Engineering Services Panel Contract	Stuart McConnell Cr Charlotte Bisset
CONT 17/6	19 October 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Victorian Chamber of Commerce and Industry - Training Services Panel	Stuart McConnell Cr Charlotte Bisset

Officer Recommendation

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

RESOLUTION:**Cr M Rae / Cr J Ashe****That the list of items to which the Council seal has been affixed be noted.****CARRIED****8. COUNCILLOR PORTFOLIO REPORTS****8.1 LAND USE PLANNING PORTFOLIO**Cr M Rae

On the matter of sustainable animal industries, at the last Council meeting I advised that there would be a public meeting held in Alexandra as part of a series of information sessions to support the submission process. This will be held in the Alexandra Chamber, Thursday 26 October 10.30

am to 1.30 pm. Submissions in respect of the proposed reforms to the planning scheme should be completed by 14 November and Council will be making a submission as part of this process. The consultation document, a series of fact sheets and how to make a submission can be found at <https://www.planning.vic.gov.au/policy-and-strategy/planning-reform/sustainable-animal-industries>

The Bushfire Management Overlay mapping has now been formally gazetted, effective 3 October 2017. All property owners affected by the changes have been advised in writing and those who would like more information, advice and support should contact our Planning Unit in Alexandra on 5772 0333. There will also be a planner temporarily available at Council's Kinglake Service Centre, three days a week for eight weeks. Appointments can be made by contacting the Kinglake office on 5786 1522. Information on the changes, including fact sheets, can be found at <https://www.planning.vic.gov.au/bushfire-protection/bushfire-management-overlay>

A new *Heritage Act 2017* commences operation on 1 November 2017. This includes new streamlined processes and enforcement tools for protecting Victoria's significant heritage places and objects. There are also opportunities to apply for future heritage grant funding.

The State Government is also undertaking a process to simplify and improve the planning system. A discussion paper entitled *Reforming the Victoria Planning Provisions* has been released and submissions are invited, closing 24 November 2017. Many of the proposals are technical in nature and are designed to streamline a number of processes and, if implemented, will significantly reshape the Planning Provisions. Undoubtedly there will be costs associated with the accompanying requirements to achieve this. There is also an increased focus and emphasis on the VicSmart process – applications eligible for this process are processed much more quickly and with much less consultation. For those who are interested to keep abreast of changes, the discussion paper and an online submission process can be accessed at <https://engage.vic.gov.au/reform-victoria-planning-provisions>

In addition, other activities at which I have represented Council include:

- annual National Police Remembrance Day ceremony, held this year at Mansfield
- Buxton Recreation Reserve Annual General Meeting
- Alexandra District Traders and Tourism Association meeting
- Seniors Week Lunch in Alexandra
- launch of Alexandra Compost Program
- the privilege of addressing the North East Region Community Engagement Forum.

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr J Ashe

Council is organising the launch of the PlanSmart emergency management tool on 30 November 2017. This will kick off the roll out and promotion of the PlanSmart tool which helps businesses plan for emergencies.

The 'Eat, Play and Stay' multi media package will first screen on Foxtel/Austar networks/platforms from 1 November 2017. In addition to the television coverage, the segment will be available on the YouTube channel, which attracts 1.4 million views and Murrindindi will be represented on the Eat, Play and Stay website which attracts more than 2 million hits per year.

The Goulburn River Valley Tourism (GRVT) is preparing a series of four commercials to run over a six month summer campaign to promote regional attractions and the Heart of Victoria brand. Each commercial will have a thematic focus such as nature or food and wine and promote

attractions across the region. The aim is to raise the profile of the region and encourage increased visitation. Council has provided GRVT with still images promoting the full range of attractions in the shire.

The Victorian Government's Small Business Bus visited Yea on 18 October and Alexandra on 19 October. This is a really useful service and it is worth businesses keeping an eye open for this in the future.

A Great Victorian Rail Trail Digital Mentoring Sessions and Cycle Tourism workshop is being held in Yea on 1 November 2017.

Council is working with Goulburn River Valley Tourism (GRVT) to update the Destination Management Plan.

Council is working with Nexus Primary Health to roll out the 2018 'Good Access is Good Business' program aimed at making local businesses more accessible and welcoming.

The planning for sustainable animal industries information session will be held at Alexandra Council Chamber, 26 October 10.30 am to 1.30 pm. Submissions close 14 November 2017.

Congratulation to those involved in organising, participating and volunteering in events during October. Some of these events are:

- Marysville Jazz Festival
- Yea Open Gardens
- Eildon Big Fish
- Foggy Mountain Bluegrass
- official opening of the Cathedral Golf Course

Still to come are:

- Alexandra & District Open Gardens
- Festival of Flowers
- Picnic Races
- Yea's MAD Billycart
- FreeZer
- plus lots more...Happy Events Season!

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr E Lording

Infrastructure:

- gravel road maintenance grading program has commenced, with works underway in the Highlands and Marysville areas
- shoulder grading program commenced on the Eildon Back Road
- Council Infrastructure teams have assisted with maintenance activities and signage for several events throughout the shire including the Foggy Mountain Bluegrass, Marysville Jazz and Eildon Big Fish
- green waste amnesty was once again in place for the first two weeks of October and well received by the community

Wasps:

- Council has been working with wasp experts to test the control and treatment strategies to refine Phase 2 of the community based wasp program.
- Phase 2 will focus on:
 - reducing attractants in our townships by trialling different rubbish bin options such as bins that seal, bait stations contained within bin enclosures and standard wheelie bins with lids
 - reducing wasp population numbers through a whole of community baiting program.
- Council is doing some desktop mapping analysis to get an understanding of the total area we are targeting for the placement of bait stations. This will then determine the number of bait stations required.
- Council is engaging local businesses such as caravan parks and food premises to encourage people to participate in the program by hosting and monitoring bait stations during the peak season. This will also include data collection.

Waste:

- we are still saving 67% of our waste from landfill
- Goulburn Valley Waste Board is working through the risks posed by fires in storage areas
- there are a number of grants becoming available but these are open to all waste authorities but must be won, not given.

8.4 CORPORATE AND CUSTOMER SERVICES PORTFOLIO

Cr L Dunscombe

Officers are progressing with the upgrade of Council's main IT operating platforms with an implementation plan developed and upgrade works scheduled to commence in November. At this stage it is anticipated the new systems will go live in March 2018.

With rates notices sent out, we have established an additional payment option using direct debiting. This enables ratepayers to select a payment frequency that suits their needs, including fortnightly and monthly options, with deductions made from the ratepayers nominated account. Initial take-up of these options have been encouraging and the minimal rate increase that we have managed to deliver and freezing of commercial rates have also been widely welcomed across our communities.

As I predicted in my report in June, at least one sensationalist media organisation has indeed jumped on The Budget Update with grubby and misleading headlines. Implying that the 'adjustment' of \$2.2 million of Grants Commission revenue equates to a 'loss' is both disingenuous and deliberately misleading.

They know very well that this adjustment is due to funds being received earlier than expected in the previous financial year and that the 'blow out' is fully offset by the previous years unexpected 'surplus. They know that this is just an accounting adjustment and not a decrease in Council's financial position. In fact, Council's balance sheet shows a slight increase in the level of funds held by Council, another fact that has been conveniently overlooked. They also know that a similar 'adjustment' will have to be made by all Victorian Councils' for exactly the same reason.

They know all this and they know that the big, bold full width headlines that predict a \$2.6 million loss does not accurately represent the facts. They know it and choose to use it anyway. It's an insult to the intelligence of their readers and an insult to the journalism profession in general.

I find this blatant lack of journalistic integrity disappointing to say the very least. It does nothing to help unite our Councillors, officers and communities and instead deliberately tries to drive a wedge between them. I am pleased to report however that it seems to have had the opposite effect.

It does nothing to inform, but rather seeks to instil fear, confusion and concern amongst our residents and ratepayers and promotes theories of conspiracy where none exist. These types of grubby attacks are not helpful to anyone and are designed solely to provide the illusion of relevance and help sell advertising space.

Unfortunately it seems to work, so as long as people and businesses continue to support these types of publications I suppose we will have to get used to the notion that news does not necessarily mean accuracy or truth.

8.5 NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO

Cr R Bowles

No report this month

8.6 COMMUNITY SERVICES PORTFOLIO

Cr S McAulay

Aged and Disability Services

Council officers are working closely with members of the Murrindindi Aged and Disability Service Providers network to develop a joint workforce planning project. We are currently seeking external funding to support the project that aims to strengthen the local aged and disability services workforce to meet the changing needs of our communities.

Community lunches celebrating seniors week were a big success. Over 150 people attended one of the lunches held in Yea, Kinglake, Alexandra and Eildon. The lunches brought people together and provided a great opportunity to celebrate the contribution older people make to their local community.

Children Services

The annual ELF Reading Day celebrations are in full swing. Marysville, Eildon and Yea have already held their ELF reading day celebrations and the Alexandra event is on this Friday.

Children of all ages dress up as their favourite literary character to celebrate learning and literacy. Local primary schools, kindergartens and child care services all get involved in a walk around their local main street to hear stories read by community members.

These events are well supported by the community with many local traders getting involved and there are a great number of volunteer readers sharing their favourite books with children.

October is Walk to School month and Council is working with seven schools across Murrindindi Shire to hold breakfasts and activities promoting physical activity and healthy eating.

Health and Wellbeing Plan

The Health and Wellbeing Plan is currently on public display (closing 27 October). We are hoping the final plan will be endorsed by Council at the November meeting. A further workshop has been

held with Health and Support Services partnering with Council on the plan to begin to develop the first year implementation plan.

Youth Services

The Mad Billy Cart Derby after party is on this weekend. The event will follow the popular Mad Billy Cart Derby and will involve rides, raffles, music and an open mic session where young people can showcase their talents. There will also be a question and answer session with band members of 'Little Bee', where young people can seek advice and information on the music industry.

Library Services

The Mobile library held a well attended 'On the Couch' event at the Highlands Hall in preparation for the launch of the new fortnightly service to Highlands in 2018. We are planning for similar events for other new Mobile Library locations in November (Toolangi and Glenburn).

On 7 October a 'Certificate for the Local History Grants Program 2016-2017' for \$5000 was presented by Cindy McLeish MP to Murrindindi Shire Council. Indigenous elder Aunty Lee Healey made a welcome to country in language. The grant will enable publication of 'The cultural memoir of Taungurung Elder Uncle Roy Patterson' by Dr Jennifer Jones and is auspiced by Council.

Our best attended single event for the year was held at the Yea Library – 42 people attended a program featuring crime writers Jock Sorang and Bill Robertson (retired police officer, the other a barrister).

All library staff have now completed training in the use of communication boards for library members who need assistance with communication.

With the assistance of Friends of the Library Alexandra, we initiated discussions with community members in both Kinglake and Marysville about creating of 'Friends of the Library' groups in those areas. To this end, Marysville has created a working group for community members interested in supporting the Mobile Library.

We worked in collaboration with the Kinglake Primary School to identify how we can support the learning and development needs of their students, including running several Story Time sessions at the school.

We have submitted a grant application to the Victorian Government seeking additional funds to assist with internal and external refurbishment of Mobile Library van.

Emergency Management

Council's Fire Restriction Period has commenced with landowners requiring permits to burn. The Country Fire Authority (CFA) fire danger period is expected to be declared in mid November after which no further permits to burn will be issued.

The Council's Fire Prevention Slashing Program will begin in Alexandra on 6 November 2017.

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr C Bisset

Thank you for the opportunity to present my report.
As Mayor, over the past month I have:

- attended the National Police Remembrance day at Mansfield with Cr Rae.
- had a wonderful time attending the senior's lunch in Yea as part of the celebrations of the Victorian Seniors Week Festival. The Seniors Week Festival has been going for 35

years in Victoria and is a wonderful way to acknowledge and celebrate the contributions to the communities that our senior residents make. At this lunch I met a wonderful senior resident of Yea by the name of Lance Adams. Mr Adams had an esteemed career as a train driver and was in fact the driver who drove the very last train from Tallarook to Mansfield along what we now know as the Great Victorian Rail Trail

- I have also had the honour this past month to view the works of Highlands Artist, the renowned Mr Denis Spiteri
- I attended the opening of the Cathedral Golf Course and wish Mr and Mrs Evans every success on their endeavour which has already had positive impacts on our region as an economic boost
- I was also absolutely delighted to attend the grand opening of the Alexandra Community Shed/Eildon Wood Workers Guild. It was wonderful to see the new workshop space and the work the 'Woodies' have done to make it safe, comfortable and user friendly for all
- as part of my Mayoral role and having been a teacher, I felt it was important to visit the schools within the Murrindindi Shire to share with the students and staff what role Council plays in their communities, what a Councillor does and what is the role of the Mayor. It has been a wonderful experience for myself to be back in the classroom and to meet the future generations of Murrindindi Shire residents. We exchanged ideas, information and learnt about where Local Government fits into the tiers of government in our nation. I also have a long list of requests to take back to the officers!
- I attended the Steavenson Falls Committee meeting with Cr McAulay and learnt that the hydro turbine based at the falls near Marysville actually powers the lights that line the track from the car park to the falls. This lighting increases the accessibility and adds to the attraction of one of the iconic destinations within our shire
- Last Friday the Acting Chief Executive Officer, Mr McConnell, and I attended the Municipal Association of Victoria State Regional Council in Melbourne. There were 51 motions put and voted on by Mayors
- This week Mr McConnell and I met with Minister D'Ambrosio about the future opportunities for Murrindindi Shire with relevance to accessing public land for development

Finally, as my last report as Mayor, I would like to extend a massive thank you to my fellow Councillors for their unwavering support. Being a first time Councillor and first time Mayor has been a rather large learning curve. To Margaret Abbey, Michael Chesworth, Stuart McConnell and their staff, another big thank you goes out to you all for your support, not only of me but all the Councillors. To the community, thank you also. We are here for you and we hope that in our first year, you have been able to gather a sense of the difference we are trying to make.

9. GENERAL BUSINESS

Nil

10. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil

11. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil

12. ASSEMBLIES OF COUNCILLORS**Purpose**

This report presents the records of assemblies of Councillors for 20 September 2017 to 11 October 2017, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (Act)*.

Officer Recommendation

That Council receives and notes the record of assemblies of Councillors for 20 September 2017 to 11 October 2017.

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:		20 September 2017		
Matters Discussed:		<ol style="list-style-type: none"> 1. Identity, Branding and Promotions 2. Goulburn Broken CMA 3. Municipal Public Health and Wellbeing Plan 4. Privacy Policy 5. Central Highlands Statement 6. Bonfire Station Planning Application 7. Financial Statements 8. Sealing Bridges Program 		
Councillor Attendees: Cr Bisset, Cr Bowles, Cr Dunscombe, Cr Ashe, Cr Rae		Council Officers: M Abbey, M Chesworth, S McConnell, J Rabel, N McNamara, A Bond, T Carter, A Vogt, K Girvan, M Crane		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
6.	Cr J Ashe	No	Yes	Before discussion

Meeting Name/Type:		Pre Council Briefing		
Meeting Date:		27 September 2017		
Matters Discussed:		<ol style="list-style-type: none"> 1. Public Participation Time 2. Bonfire Station Place of Assembly 3. Planning Application - Taggerty 4. Municipal Emergency Management Plan 5. Provisions of General Building Maintenance 6. Prime Mover Supply and Delivery 7. 2017/18 Bridge Renewal Program 8. 2017/18 Sealed Roads Program 9. Engineering Services Panel 		
Councillor Attendees: Cr Bowles, Cr Lording, Cr Rae, Cr Dunscombe, Cr Ashe, Cr Bisset		Council Officers: M Chesworth, A Bond, S McConnell, J Canny, A Vogt, K Girvan, M Leitinger, C Price		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
2.	Cr J Ashe	No	Yes	Before discussion

Meeting Name/Type:		Councillor Briefing		
Meeting Date:		11 October 2017		
Matters Discussed:		<ol style="list-style-type: none"> 1. Murrindindi 2030 Vision 2. Next Steps – Management of Central Highlands Statement 3. GRVT – Presentation to Council 4. Planning Application – Kinglake West 5. Planning Application – Taggerty 6. Planning Application – Glenburn 7. Sustainable Animal Industries 8. Alexandra & District Kindergarten – Transfer of Land 		
Councillor Attendees: Cr Bisset, Cr Bowles, Cr Dunscombe, Cr Lording, Cr Ashe, Cr Rae		Council Officers: M Abbey, S McConnell, M Chesworth, S Brown, B Elkington, A Vogt, G Scale, M Crane, K Girvan		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
8.	Cr C Bisset	No	Yes	Before discussion

RESOLUTION:**Cr M Rae / Cr R Bowles****That Council receives and notes the record of assemblies of Councillors for 20 September 2017 to 11 October 2017.****CARRIED****13. URGENT BUSINESS**

Nil

14. 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 report on the 'Tender 17/13 – 2017/18 Gravel Road Resheeting Program' is being considered in the closed part of this meeting because it is considered under S89(2)(d) 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)(d), resolve to close the meeting to the members of the public:

- Tender 17/13 – 2017/18 Gravel Road Resheeting Program

RESOLUTION:

Cr E Lording / Cr M Rae

That the meeting be closed to the public pursuant to s.89(2)(h) of the *Local Government Act 1989* due to matters which the Council or special committee considers would prejudice the Council or any person.

CARRIED

The meeting closed to the public at 7.38 pm

RESOLUTION:

Cr M Rae / Cr S McAulay

That the meeting re-opens to the public.

The meeting re-opened to the public at 7.40 pm.

14.3 TENDER 17/13 – 2017/18 GRAVEL ROAD RE-SHEETING PROGRAM

RESOLUTION:

Cr M Rae / Cr E Lording

That Council:

- 1. Accept the tender from Alpine Civil Pty Ltd for the lump sum price of \$922,861.00 (excluding GST), for the 2017/18 Gravel Road Re-sheeting Program.**

2. Authorise the signing and sealing of contract number 17/13 – 2017/18 Gravel Re-sheeting Program.
3. Approve the allocation of a contingency amount as detailed in this report.

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 7.40 pm.

CONFIRMED THIS

Wednesday 22 November 2017

CHAIRPERSON

