



AGENDA  
of the  
ORDINARY MEETING OF COUNCIL  
to be held on  
WEDNESDAY 26 FEBRUARY 2014  
in the  
ALEXANDRA COUNCIL CHAMBERS  
commencing at  
6.00 pm

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## INDEX

<b>1.</b>	<b>PRAYER &amp; RECONCILIATION STATEMENT.....</b>	<b>2</b>
<b>2.</b>	<b>APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>3.</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>2</b>
<b>4.</b>	<b>DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST .....</b>	<b>2</b>
<b>5.</b>	<b>OPEN FORUM .....</b>	<b>2</b>
<b>6.</b>	<b>PETITIONS RECEIVED BY COUNCIL .....</b>	<b>2</b>
6.1	Dangerous Road Intersection - Wilhelmina Falls Road And Banbury Road Woodbourne	2
<b>7.</b>	<b>REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES .....</b>	<b>2</b>
<b>8.</b>	<b>OFFICER REPORTS.....</b>	<b>3</b>
8.1	Development & Environment.....	3
8.1.1	6 Lot Subdivision (Stage 2) & 7 Lot Subdivision (Stage 3).....	3
8.1.2	2012/108 – Yarck Road Tourist Development .....	15
8.1.3	Glenburn CFA Station .....	20
8.1.4	Final Adoption of Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework.....	30
8.2	Infrastructure Services .....	33
8.2.1	Street and Public Lighting Installation Policy .....	33
8.2.2	Review of Asset Management Policy .....	35
8.2.3	December Quarter Report – Capital Works Program 2013/2014.....	37
8.2.4	Dust Suppression Pendlebury and Wattle Streets, Alexandra .....	42
8.3	Business Services.....	44
8.3.1	CFA Request to Lease Council Land at Glenburn .....	44
8.3.2	Section 86 Committee of Management Membership Endorsement .....	49
8.3.3	Revocation of the Instrument of Delegation – Bollygum Park Reserve Section 86 Committee of Management .....	50
8.3.4	Quarterly Financial Report to 31 December 2013.....	51
8.3.5	Amendment to S11 Instrument of Appointment and Authorisation.....	60
8.4	Chief Executive Officer.....	61
8.4.1	Progress on Memorials Project .....	61
8.4.2	Quarterly Council Plan 2013-2017 Report to 31 December 2013.....	65
<b>9.</b>	<b>SEALING REGISTER .....</b>	<b>67</b>
<b>10.</b>	<b>COUNCILLOR PORTFOLIO REPORTS.....</b>	<b>68</b>
10.1	Land Use Planning Portfolio.....	68
10.2	Economic Development Portfolio .....	68
10.3	Infrastructure and Waste Portfolio .....	68
10.4	Community Services Portfolio .....	68
10.5	Corporate Services Portfolio .....	68
10.6	Natural Environment & Climate Change Portfolio.....	68
10.7	Mayor and Delegated Committee Reports .....	68
10.8	General Business.....	68
<b>11.</b>	<b>MATTERS DEFERRED FROM PREVIOUS MEETING .....</b>	<b>68</b>
<b>12.</b>	<b>MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN .....</b>	<b>68</b>
<b>13.</b>	<b>ASSEMBLIES OF COUNCILLORS .....</b>	<b>69</b>
<b>14.</b>	<b>URGENT BUSINESS .....</b>	<b>71</b>
<b>15.</b>	<b>CONFIDENTIAL ITEMS .....</b>	<b>71</b>

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

REF: SF/306

**3. CONFIRMATION OF MINUTES**

➤ Minutes of the Ordinary meeting of Council held on 22 January 2014

**4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

REF: SF/783

**5. OPEN FORUM**

REF: SF/130

**6. PETITIONS RECEIVED BY COUNCIL**

REF: SF/132, D14/313

**6.1 DANGEROUS ROAD INTERSECTION - WILHELMINA FALLS ROAD AND BANBURY ROAD WOODBOURNE**

(Petition – Dangerous Road Intersection circulated to Councillors under separate cover)

Council has received a petition requesting “Council to address the potentially dangerous “visual obstruction” at the intersection of Banbury and Wilhelmina Falls Roads. The high mound of earth, completely obstructs a driver’s view of any oncoming vehicles.”

The petition was signed by 34 people including Stan Banbury, the lead petitioner.

***Recommendation:***

**That the petition be received, noted and referred to the appropriate officer for a report to be prepared for the 26 March 2014 Ordinary meeting of Council.**

**7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES**

7.1 Audit Advisory Committee Meeting

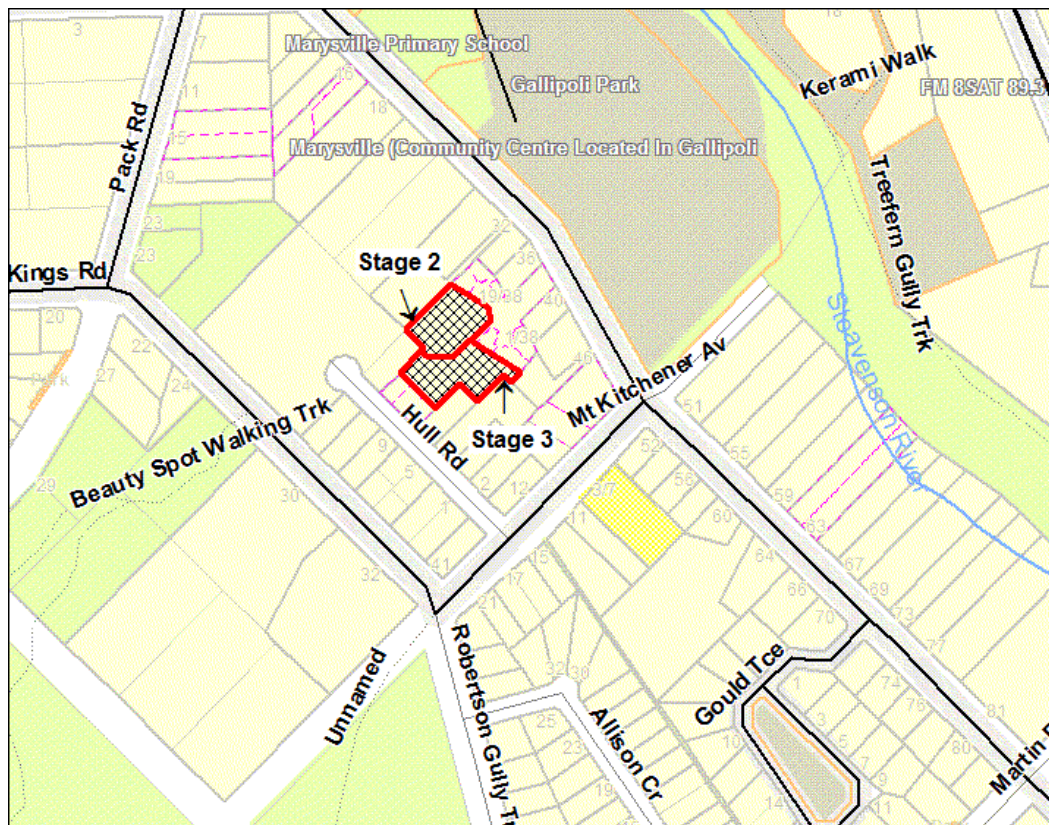
(Refer Encl 7.1 – 2014-02-13 Audit Advisory Committee Meeting Minutes)

**Recommendation:**

That the Minutes of the Audit Advisory Committee Meeting held on 13 February be noted.

**8. OFFICER REPORTS****8.1 DEVELOPMENT & ENVIRONMENT****8.1.1 6 Lot Subdivision (Stage 2) & 7 Lot Subdivision (Stage 3)**

File No: 2013/207 & 2013/208  
Land: 38 Falls Road Marysville  
Proposal: 6 lot subdivision (Stage 2) & 7 lot subdivision (Stage 3)  
Applicant: K Bell  
Zoning: Residential 1  
Overlays: Vegetation Protection  
Attachments: Application details (refer Encl 8.1.1 Bell Subdivision)  
(aerial photograph and submissions distributed separately)

**Locality Plan****Purpose:**

This report recommends that a Notice of Decision to Grant a Permit be issued for planning permit application 2013/207 for a 6 lot subdivision (Stage 2), and a Notice of Decision to Grant a Permit be issued for planning permit application 2013/208 for a 7 lot subdivision (Stage 3), at 38 Falls Road, Marysville.

**Recommendation:**

- A. That Council issue a Notice of Decision to Grant a Permit for a 6 lot subdivision (Stage 2) at 38 Falls Road MARYSVILLE 3779 (LOT: 1 LP: 422247, Parish of Steavenson), subject to the following conditions:**
- 1. The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.**
  - 2. This permit shall expire if all stages of the plan of subdivision hereby permitted are not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within six months after such expiry.**
  - 3. The owner of the land must enter into an agreement with:**
    - A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
    - A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
  - 4. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
    - A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
    - A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
  - 5. All new powerlines within the subdivision must be underground.**
  - 6. Pursuant to Section 18 of the Subdivision Act 1988, the applicant must pay to the Responsible Authority a sum equivalent to 5% of the site value of the land in the subdivision, contained within Stage 2 (proposed Lots 11-16), for Public Open Space. This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with Section 19 of the Subdivision Act 1988.**
  - 7. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:**
    - Development must be in accordance with Planning Permit 2009/632 to the satisfaction of the Responsible Authority. The Section 173 Agreement will**

apply to lots where development has not been completed in accordance with planning permit 2009/632 at the time of the issue of the Statement of Compliance.

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

**8. Access construction plans**

Prior to the certification of the plan of subdivision and before the start of construction works associated with the provision of access and visitor car parking for the development, detailed engineering plans demonstrating compliance with AS2890 Off Street Carparking must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and levels and include details of:

The access way internal to the site:

- a) surfaced with an all-weather seal coat;
- b) drained in accordance with an approved drainage plan;
- c) line-marked to indicate each car space and all access lanes;
- d) properly illuminated with lighting;
- e) provision of traffic control signage and or structures as required;
- f) provision of signage directing drivers to the area(s) set aside for the visitor car parking.

The Falls Road crossing must be a minimum width of 6m excluding splays and tapered over a distance of 5m from the title boundary line to inside the site to join the internal driveway width to the satisfaction of the Responsible Authority.

**9. Drainage Construction Plans**

Prior to the certification of the plan of subdivision and before any of the development construction starts, a properly prepared drainage discharge plan in accordance with AS3500.3, with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The information and plan must include:

- a) details of how the works on the land are to be drained and/or retarded;
- b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;
- c) the direction of stormwater runoff and a point of discharge for each Unit;
- d) provisions for the minor and major storm events;
- e) the provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system;
- f) Details of external catchments and drainage infrastructure that need to be catered for by the development.

On site detention will be required to reduce post development 5 year ARI flows, using calculated co-efficient of run-off, to the 5 year ARI pre development flows.

The onsite detention must be designed and constructed to the satisfaction of the Responsible Authority.

10. **Drainage works**  
Prior to the issue of a Statement of Compliance each lot and the common property shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.
11. **Lot Access Requirements**  
Prior to the issue of a Statement of Compliance vehicle access to the common property and all lots must be constructed or upgraded to the satisfaction of the Responsible Authority.
12. **Environmental measures**  
All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in *Construction Techniques for Sediment Pollution Control* (EPA, 1991) and to the satisfaction of the Responsible Authority.

13. **Works on Road Reserves**  
Prior to the commencement of any works on the road reserve A "Consent to Work on Roads" application must be made to the Murrindindi Shire Council in accordance with the Road Management Act 2004 and associated regulations. (The Permit Number will have to be provided prior to issue of the Statement of Compliance).

#### ***SP Ausnet***

14. The plan of subdivision submitted for certification must be referred to SPI Electricity Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
15. The applicant must –
  - Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
  - Provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

#### ***Goulburn Valley Water***

16. Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment.

17. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only and to the satisfaction of the Goulburn Valley Region Water Corporation
18. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

In the case of multi-tenement development, the works required are to be carried out in accordance with AS 3500.2 – 'Sanitary plumbing and drainage', and include disconnection of any existing house connection drain to the satisfaction of the Corporation's Property Services Section;

19. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.
20. A notation is to be placed on the plan of subdivision to note that pursuant to Section 12(2) of the Subdivision Act 1988, there exists 'implied easements' over all of the allotments and the common property within the development.

Alternatively, the developer is to provide a two metre wide sewerage easement over the common portion of the house connection drain, in favour of the benefiting land, to the satisfaction of the Goulburn Valley Region Water Corporation.

21. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988.

### ***Country Fire Authority***

#### **22. Hydrants**

- Operable hydrants, above or below ground must be provided to the satisfaction of CFA.
- The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

#### **23. Roads**

- Roads must be constructed to a standard to that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.



- **Roads must have a minimum trafficable width of:**
    - **5m if parking is prohibited on both sides of the road,**
  - **Provision shall be made at the end of all dead-end streets greater than 60m in length (whether or not created by staged construction) for turning this design vehicle to the satisfaction of the Responsible Authority. (A three point turn is acceptable)**
- B. That Council issue a Notice of Decision to Grant a Permit for a 7 lot subdivision (Stage 3) at 38 Falls Road MARYSVILLE 3779 (LOT: 1 LP: 422247, Parish of Steavenson), subject to the following conditions:**
- 1. The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.**
  - 2. This permit shall expire if all stages of the plan of subdivision hereby permitted are not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within six months after such expiry.**
  - 3. The owner of the land must enter into an agreement with:**
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  - 5. All new powerlines within the subdivision must be underground.**
  - 6. Pursuant to Section 18 of the Subdivision Act 1988, the applicant must pay to the Responsible Authority a sum equivalent to 5% of the site value of the land in the subdivision, contained within Stage 3 (proposed Lots 4-10), for Public Open Space.**

**This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with Section 19 of the Subdivision Act 1988.**

- 7. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:**
- Development must be in accordance with Planning Permit 2009/632 to the satisfaction of the Responsible Authority. The Section 173 Agreement will apply to lots where development has not been completed in accordance with planning permit 2009/632 at the time of the issue of the Statement of Compliance.**

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

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- c) line-marked to indicate each car space and all access lanes;**
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- e) provision of traffic control signage and or structures as required;**
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  - c) the direction of stormwater runoff and a point of discharge for each Unit;**
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and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

### ***Goulburn Valley Water***

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- Roads must be constructed to a standard to that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

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- **Roads must have a minimum trafficable width of:**
  - **5m if parking is prohibited on both sides of the road,**
- **Provision shall be made at the end of all dead-end streets greater than 60m in length (whether or not created by staged construction) for turning this design vehicle to the satisfaction of the Responsible Authority. (A three point turn is acceptable)**

***Proposal:***

These two applications are for the subdivision of lots in Stage 2 and Stage 3 of the land at 38 Falls Road, Marysville. Stage 2 consists of 6 lots and Stage 3 consists of 7 lots. Each of these stages has an existing planning permit for the construction of dwellings on each of the proposed lots. The proposed lots vary in size from 170 square metres to 437 square metres.

***History:***

Prior to the bushfires in February 2009, the subject land contained eight tourist cabins and one manager's residence. These buildings were all destroyed in the fires. In November 2009 a planning permit application was lodged by the land owners for the construction of 22 dwellings. This application was assessed for compliance under Clause 55 (*Two or more dwellings on a lot and residential buildings*) of the Murrindindi Planning Scheme and was widely advertised.

Nineteen of the dwellings are intended to be accessed from an internal road off Falls Road, and the remaining three dwellings will access directly from Hull Road. A number of objections were received for this application, and Council ultimately decided to issue a Notice of Decision to Grant a Permit. No appeals were lodged with the Victorian Civil and Administrative Tribunal (VCAT) and the planning permit was issued in October 2010. This permit for the construction of 22 dwellings is still current and is due to expire on 4 October 2014. To date, none of these dwellings have been constructed.

The landowners have now submitted planning permit applications for the subdivisions to create separate lots for each of the proposed 22 dwellings, effectively in four stages. The 19 lots accessed from the new internal road off Falls Road are to be created in three stages. Stage 1 contains 6 lots, Stage 2 contains 6 lots and Stage 3 contains 7 lots. The three remaining dwellings accessed from Hull Road are to be subdivided as a separate subdivision, titled Lot A. The planning permit to create the six stage 1 lots and three Lot A lots also went to Council and a permit was issued in May 2013.

***The Land & Surroundings:***

The land is currently vacant and fronts Falls Road to the north-east. The land slopes up from the road towards the south-west part of the lot. Stage 2 of the development is on the northern side of the property and Stage 3 is on the southern side. The neighbouring properties are mostly vacant, having lost houses in the fires in February 2009. The area is in a predominantly residential area of Marysville.

***Referrals:***

The application was referred to Goulburn Valley Water, SPI Electricity, Country Fire Authority and internally to Council's Assets and Development Unit. All gave conditional consent to the issue of a planning permit.

**Consultation:**

Notice of the application for a planning permit was given to adjoining and nearby landowners with a sign placed on the site and a notice placed in the local publication. Two objections were received. The issues raised in the objections are as follows:

- The number of units on the property will result in excessive noise.
- The number of units may have an adverse affect on the flora and fauna on the property.
- The number of units is too many for the area of land.
- The number of units is out of character for Marysville.
- Houses on land facing Hull Road and others close to the boundary may overshadow adjoining properties.

The objections have been sent to the applicant. The concerns raised relate to the issue of the number of dwellings on the subject land. These issues have already been considered under the planning permit 2009/632 for the 22 dwellings that was issued in October 2010. Any concerns relating to this previous approval cannot be considered under this application.

<b>Newspaper / Other</b>	<b>Publishing/Consultation Date(s)</b>
<b>Newspaper: Marysville Triangle</b>	12 December 2013
<b>Sign on site:</b>	19 December 2013
<b>Mail out: Notice to adjoining and nearby landowners</b>	29 November 2013

**Planning Considerations:**

The current applications propose to create a separate title for each of the dwellings already approved under Planning Permit 2009/632, in Stage 2 and Stage 3. A planning permit has already been issued for the subdivision of the approved (and as yet unconstructed) dwellings in Stage 1, and facing Hull Road. The issues surrounding the overdevelopment of the site and the character of the area have already been assessed under the development permit for the 22 dwellings. The proposed subdivisions will not have a detrimental impact on the amenity of the area, and will have no further impact on adjoining landowners than that already existing through the approval of the dwellings.

It is common practice for developers to gain planning approval for the subdivision of dwellings that are yet to be constructed. Any planning permit issued for this type of subdivision will contain a condition requiring a section 173 agreement be entered into that links the subdivision to the development permit, should the dwellings not be completed at the time that the new titles for the subdivision are created.

**Conclusion:**

The amenity impacts of the increased number of dwellings on this lot have previously been assessed under Planning Permit 2009/632. The current applications for subdivision make no changes to the development of the lot, other than providing a separate title for the approved dwellings. This will not have a detrimental impact on the amenity or the character of Marysville.

**Legal/Policy Issues:****State Planning Policy Framework**

## 15.01-1 Urban Design

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

Strategies:

- Promote good urban design to make the environment more liveable and attractive.

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

### Local Planning Policy Framework

#### 21.03 Issues affecting the shire

- Rebuilding bushfire affected communities. The level of devastation of Marysville and surrounding communities necessitates commitment and support for the return of high quality, sustainable development that is sited and designed to assist with minimising the risk to life and property from bushfire.

#### 21.07 Serviced Townships Strategies

##### Strategies:

- Maintain the attractive physical setting and environmental values of the Marysville township.
- Protect and enhance Marysville's mountain village townscape, lifestyle and tourism values.
- Protect essential design, form and character elements of the central area of Marysville.
- Encourage new development to be built in a human scale.
- Rebuild residential, employment and business and community opportunities and services.

#### 22.03-6 Marysville Residential Area

##### Policy:

- Maintain the garden and landscape character of residential areas
- Encourage the use of architectural styles that contributes to the mountain village character of Marysville.
- Support development that provides for self catering visitor accommodation.

### Zoning

#### 32.01 Residential Zone

##### Purpose:

- To provide for residential development at a range for densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects neighbourhood character.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

A planning permit is required for the subdivision of land in this zone.

### Overlays

#### 42.02 Vegetation Protection Overlay

##### Purpose:

- To protect areas of significant vegetation.
- To ensure that development minimises loss of vegetation.
- To preserve existing trees and other vegetation.

### Particular Provisions

#### 56 Residential Subdivision

##### Purpose:

- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- Metropolitan Melbourne growth areas.
- Infill sites within established residential areas.
- Regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
  - Policy implementation.
  - Liveable and sustainable communities.
  - Residential lot design.
  - Urban landscape.
  - Access and mobility management.
  - Integrated water management.
  - Site management.
  - Utilities.

### 8.1.2 2012/108 – Yarck Road Tourist Development

File No: 2012/108

Land: 106 Yarck Road YARCK 3719

Proposal: Amendment of planning permit 2012/108 to include the construction of 6 tourist cabins

Applicant: D May

Zoning: Farming

Overlays: Land Subject to Inundation (Part)

Attachments: Application details (refer Encl 8.1.2a) (aerial photograph and submissions distributed separately); Current Planning Permit (refer Encl 8.1.2b)

#### Locality Plan





**Purpose:**

This report recommends that a notice of decision to grant an amendment to a planning permit be issued to amend planning permit 2012/108 to include the construction of 6 tourist cabins at 106 Yarck Road, Yarck. A copy of the planning permit 2012/108 is in the attachments.

**Recommendation:**

That Council issue a notice of decision to grant an amendment to planning permit 2012/108 at 106 Yarck Road, Yarck, to include parcel Lot 1 TP 180203, to alter the proposal to include the construction of 6 tourist cabins, amend conditions 1 and 7, and add four conditions as follows:

- (1) Prior to the commencement of any buildings or works three (3) copies of a plan or plans shall be submitted 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:
  - (a) A single access to both the dwelling and the tourist development, located at the current access to the machinery shed.
  - (b) Removal of the existing access to Lot 1 TP 180203.
- (7) Prior to the commencement of construction of the development the vehicle crossing must be upgraded to Council's current standards at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.  
The access to the property must be 6 metres wide for at least the first 12 metres of the driveway and sealed for the first 5 metres.
- (10) Prior to the commencement of any buildings or works three (3) copies of a landscaping plan or plans shall be submitted and approved by the Responsible Authority. When approved, these plans will be endorsed and will form part of the permit. Such plans must show the areas set aside for landscaping. The plan must detail:
  - (a) The area to the south and west of the tourist cabins to be landscaped.
  - (b) Type and number of trees, shrubs and grasses to be planted.
  - (c) Location of all plantings.
  - (d) Ongoing watering and weed management practices to be utilised.

This area must then be maintained to the satisfaction of the Responsible Authority.
- (11) Prior to the commencement of use, the area set aside for landscaping, as shown on the endorsed plan, must be planted with trees and shrubs. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.
- (12) Prior to the commencement of use, the two allotments, being Lot 3 TP 249331 and Lot 1, TP 180203, must be consolidated to form one allotment.
- (13) 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 including the access road 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.**

***Proposal:***

A planning permit was issued in October 2012 to allow the construction and use of a dwelling and carport and for the construction of a hay shed and a machinery shed at the subject property. The owner has now applied for an amendment to the planning permit to include six (6) tourist accommodation cabins in the proposal.

The tourist accommodation cabins will be a mix of 1 and 2 bedroom cabins, and the final mix will be determined after further market research. The application is assessing the cabins all as 2 bedrooms in order to appropriately consider effluent disposal. The cabins are to be located in the south western section of the property.

***The Land & Surroundings:***

The subject land is mainly grassed, with one dam in the northern corner of the property and a machinery shed (constructed as part of the original permit). The application includes two parcels of land, being 11.16 and 0.4 hectares, making a total land area of 11.56 hectares. Access is from the Yarck Road. Home Creek runs in a north-south direction through the lower portion of the property. The land is generally flat along Yarck Road, and falls away to the creek approximately 150 metres from the front boundary. The land is grazed. The property has rural living zoned land to the east, township zoned to the south and farming zoned land to the west and north. The area is generally characterised with single dwelling, and associated shedding, in the farming and rural living areas.

***Referrals:***

The application was referred to Council's Assets and Infrastructure department and Environmental Health Unit. No objections were received subject to various conditions.

***Consultation:***

The application was notified to 16 adjoining and nearby owners and by way of a sign on the site. One submission was received. The submission can be summarised as follows:

- The cabins will be in the direct view line.
- It is a rural property and this should be in the town.
- Concerned about effluent disposal and stormwater.
- The development will lead to trespass onto adjoining property.

The submission was sent to the applicant who provided a response. The applicant advised that the design of the cabins and the layout on the land was determined to ensure no cabins overlooked adjoining properties, with low elevations and extensive landscape planting to ameliorate the impact of the cabins. This response was forwarded to the objector, who advised Council officers verbally that this would not satisfy his concerns, and only the withdrawal of the application would satisfy him.

<b>Newspaper / Other</b>	<b>Publishing/Consultation Date(s)</b>
<b>Consultation: Sign on Site</b>	26/12/13 – 14/1/14
<b>Mail out: Adjoining and nearby owners</b>	16/12/13 – 7/1/14

**Planning Considerations:**

The provisions of the Farming Zone were amended in September 2013 to allow consideration of group accommodation proposals such as this without the need to link the proposal with another use such as outdoor recreation, rural industry, etc. The purpose of the Farming Zone is for agriculture, and the application for the dwelling detailed how the land will be used for farming. Essentially, the proposal was to separate the property into 6 paddocks and a house block, with 2 paddocks for olives and 4 for rotational grazing. The amendment to the proposal uses one of the olive paddocks for the tourist accommodation, and maintains the rest of the proposal as originally approved.

In considering both the purpose of the State Planning Policy Framework and the farming zone, the application demonstrates how the property can and will be used for agricultural purposes, and will be supported with the additional income generated by the tourist accommodation. The proximity to tourist facilities such as the Great Victorian Rail Trail supports the application and provides for an effective development on this land.

When considering the impact on the amenity of surrounding properties, it is estimated that the development area is more than 300 metres from the submitter, and can be effectively screened with appropriate design, muted colours and landscaping. The tourist proposal has been designed to cater for visitors with horses, and sufficient area is required to allow for the horses to be appropriately cared for with access to grass and horse yards. This can be provided on the subject land.

**Conclusion:**

The proposal to include six tourist accommodation cabins on the property is complementary to the use of the land for agriculture. The additional income will help support the farming practices without removing significant areas of land from agricultural production.

**Legal/Policy Issues:****State Planning Policy Framework**

## 14.01-1 Protection of agricultural land

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

## Strategies:

- In considering a proposal to develop agricultural land, the following factors must be considered:
  - The desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - The impacts of the proposed development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
  - The compatibility between the proposed or likely development and the existing uses of surrounding land.
  - Assessment of the land capability.

## 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 and a competitive domestic and international tourist destination.

## Strategies:

- Encourage the development of a range of well designed and sited tourist facilities, 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 Framework

##### 21.04 Agriculture and Rural Land Strategies

###### Issues:

- The use of agricultural land for non agricultural, rural living and hobby farming purposes that may conflict with established or future agricultural and horticultural land uses.
- The need for diversification of the agricultural economy and the importance of timber production and agroforestry.

###### Strategies and Objectives:

- Ensure that the use and development of rural land is both compatible with and complementary to agricultural activities and protect agricultural potential.
- Ensure that agricultural land is not developed for primarily residential purposes.
- Encourage agricultural diversity and promote opportunities for new farming practices.
- Facilitate diversification and development of rural land when it can be demonstrated that the economic base of the Shire will be enhanced.

##### 21.06 Tourism Strategies

###### Issues:

- Ensuring that the landscape and natural features that make the Murrindindi environment unique are not degraded or spoilt.
- Tourism potential due to strategic location and natural environment.

###### Strategies and objectives:

- Facilitate tourist uses and developments that are linked to the natural environment.
- Facilitate recreational and tourism activities that attract tourists year round.

##### 22.01-2 Rural Siting and Design Guidelines

###### Objectives:

- Facilitate the agricultural use of rural land where appropriate.
- Encourage the identification of site opportunities and constraints so as to maximise development opportunities.

###### It is policy that:

- Lots should have access to an all weather road.
- New tracks or roads be designed and constructed to avoid sediment and runoff to streams and that stream crossings be minimised.
- Relationship to landscape and avoidance of visually prominent sites.
- Screening with regard to privacy and noise.

#### Zoning

##### 35.07 Farming Zone

###### Purpose:

- To provide for the use of land for agriculture
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and 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.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

*Agricultural issues and the impacts from non-agricultural uses*

- 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.
- The capacity of the site to sustain the agricultural use.

*Design and siting issues*

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

A planning permit is required for group accommodation in the Farming Zone.

**Overlays****44.04 Land Subject to Inundation**

Purpose: To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The proposed development is outside the overlay area, and the provisions of this overlay do not apply to this application.

**8.1.3 Glenburn CFA Station**

File No: 2013/169

Land: 3873 Melba Highway GLENBURN 3717

Proposal: Construction of a new Fire Station and creation of access

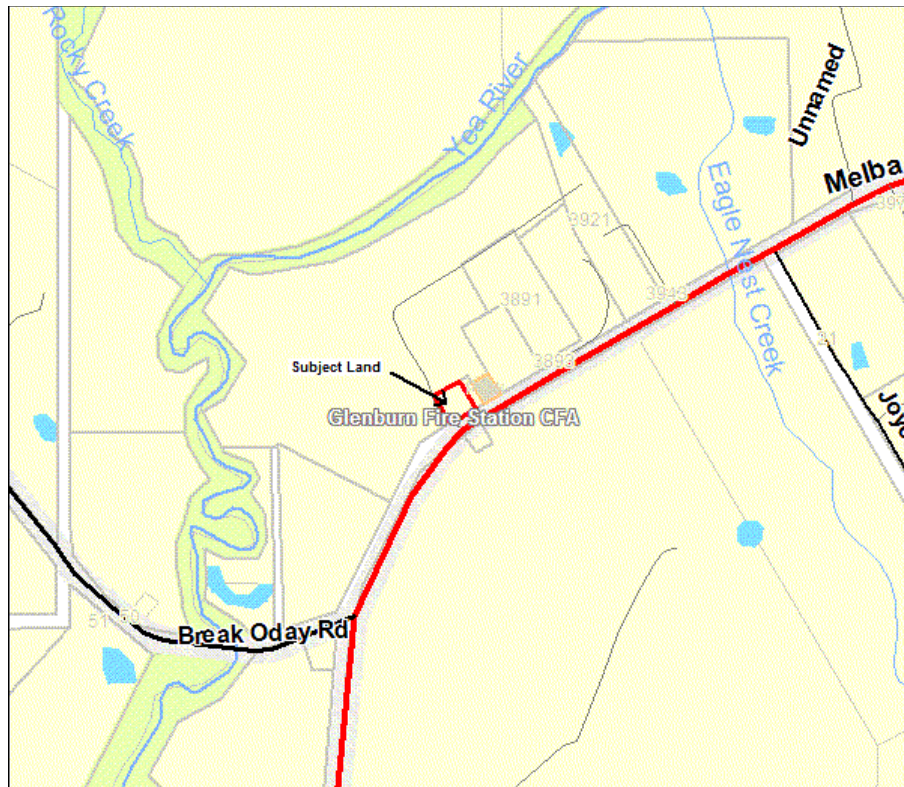
Applicant: Country Fire Authority

Zoning: Public Use Zone 6 (adjacent to Road Zone 1)

Overlays: None

Attachments: Application details (*refer Encl 8.1.3*) and CFA Site Plan (*refer Encl 8.1.3b*) (aerial photograph and submissions distributed separately)

### Locality Plan



#### **Purpose:**

This report recommends that a notice of decision to grant a permit be issued for the construction of a new fire station for the Glenburn fire brigade and the creation of an access at 3873 Melba Highway, Glenburn.

#### **Recommendation:**

That Council issue a Notice of Decision to Grant a Permit for the construction of a new fire station and creation of access at 3873 Melba Highway, Glenburn (LOT: 1 TP: 515651, Parish of Woodbourne), 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 and trees identified to be removed, as shown on the endorsed plans shall not be altered or modified without the consent in writing of the Responsible Authority.
- (2) This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
- (3) **Construction Requirements**  
Before construction works start associated with the provision of drainage and car parking, detailed construction plans demonstrating compliance with 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

dimensions and comply with the requirements of Council's Infrastructure Development Manual. The car parking area detailed on these plans must be constructed in an all weather seal.

Before the use of the development starts, the area(s) set aside for parking of vehicles and access lanes 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.

**(4) Drainage - Works**

Before the use begins all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe drains to the satisfaction of the responsible Authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.

**(5) Construction Phase**

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority. Before the development starts, a construction management plan shall be submitted to and approved by the Responsible Authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manger must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in accordance with EPA guidelines.

**(6) All external cladding including the roof and trims of the building allowed must be 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 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.**

**(8) Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.**

**(9) 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 Strata Geoscience and Environmental (Report Number 0944. 23/09/2013).**

**(10) 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.**

**(11) 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.**

- (12) 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.
- (13) Tree protection works must be undertaken for the two large trees, identified as trees 13 and 14 in the Arboricultural Report prepared by Tree Radar Australia, 16/9/13, in accordance with the recommendations in the report, including:
- a) Prior to excavation:
    - i) Mulching of the tree protection zones.
  - b) Prior to excavation, and during the construction phase:
    - i) Watering of the tree protection zones during the drier months and on a regular basis.
    - ii) Regular inspections by a qualified arborist to monitor the progress of the trees health.
  - c) During excavation:
    - i) A qualified arborist must be present to root prune any exposed roots.
- (14) Prior to the commencement of use, the storage shed located between the shelter shed and the community centre must be relocated or replaced in a location on the site to the satisfaction of the responsible authority.
- (15) Prior to the commencement of use three (3) copies of a landscaping plan or plans shall be submitted and approved by the Responsible Authority. Such plans must show the areas set aside for landscaping, and must be planted as follows:
- a) Larger fire retardant trees (such as deciduous European trees) to be planted on the common boundary between the new building and the school.
  - b) Evergreen hedge from the front edge of the new building to the front boundary.
  - c) The area between the shelter shed and the community centre in the vicinity of the storage shed shall be planted with vegetation of an appropriate era to the community centre grounds.
  - d) Shrubs and trees to be planted in the eastern section of the property. This area must then be maintained to the satisfaction of the Responsible Authority.
- (16) Prior to the commencement of use, the area set aside for landscaping, as shown on the endorsed plan, must be planted with trees and shrubs. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.

#### **VicRoads**

- (17) Prior to the commencement of use, the driveway must be constructed to the satisfaction of VicRoads in accordance with standard drawing SD2065 Truck Access to Rural Properties Type B.
- (18) Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
- (19) Prior to any construction activities within the road reserve a Road Safety Audit must be completed on the detailed design plans and considering the alteration/removal of the guardrail. The audit must be undertaken by an independent, VicRoads' prequalified road safety auditor and all findings of the



**audit incorporated into the design or otherwise addressed to the satisfaction of VicRoads. All auditors must be accredited by VicRoads/ARRB. A copy of the Road Safety Audit, the audit response and subsequently updated plans must be forwarded to VicRoads prior to the plans being accepted for construction purposes.**

**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.**

**VicRoads**

- (2) **Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act:**
- a. **Driveway**
  - b. **Removal/alteration to guardrail**

***Proposal:***

The application is for the construction of a new fire station in Glenburn. The new station is proposed to be constructed on the eastern side of the Glenburn Community Centre site. The new station contains a two bay motor room, a multipurpose room, office, store rooms, kitchen and toilets. Five car spaces are proposed to be provided on the site. A new access is proposed to be created to the Melba Highway.

***The Land & Surroundings:***

The subject land contains the Glenburn Community Centre and shelter shed, a small storage shed, a toilet block and a vacant grassed area on the eastern section of the land. The property is bounded to the east by a residential dwelling, to the west by the current CFA station, to the north by a farming property and the south by the Melba Highway. The property is in the township area of Glenburn. The whole of the property is 4000 square metres in size, and the CFA are proposing to utilise 1600 square metres of land for this development.

***Referrals:***

The application was referred internally to Council's Assets and Infrastructure Department and building and environmental health units. The application was also sent to Council's Heritage Advisor and referred to VicRoads.

There have been no objections to the application subject to various conditions.

***Consultation:***

The application was notified by direct mail to 10 nearby and adjoining landowners, by way of a sign on the site and with a notice in the Yea Chronicle. Five objections were received, and the objections can be summarised as follows:

**Development of public land**

- The site should only be leased to the CFA, not sold (1 submitter)
- It will be difficult to keep response and recovery phases in an emergency separate (1 submitter)
- Other sites do not appear to have been considered (1 submitter)
- The land exchange proposed does not provide enough land for a sports area. (1 submitter)
- All previous strategic work has not identified the need for a new station (1 submitter)
- The loss of public open space has long term implications (3 submitters)
- The proposal will have an unacceptable impact on the community centre (2 submitters)

- Council should be trying to achieve true market value from the land, not a “Peppercorn” rent (1 submitter)
- The proposal is not consistent with the intent of public use land (1 submitter)

#### Heritage

- The heritage of the school house must be considered (1 submitter)
- Should the permit be granted the old fire station and the storage shed should be removed to improve sight lines of the community centre. (1 submitter).

#### Site Management and access

- Both vehicles would not be able to reverse into the station from within the site (1 submitter)
- Access onto the highway will require further consideration to address safety concerns (1 submitter)

#### Stormwater:

- There is no provision for the dispersal of stormwater from the site. (1 submitter)
- Excess water will drain onto adjoining property leading to erosion (1 submitter)

#### Car Parking:

- Insufficient onsite car parking provided (2 submitters)
- Loss of onsite car parking for the community centre will lead to congestion. (2 submitters)
- The creation of the driveway will decrease road reserve parking available (1 submitter)

#### Current and Future requirements

- Questioning the need for a new fire station (1 submitter)
- The new station may not be large enough to accommodate all vehicles, and may need to be enlarged later (1 submitter)
- Any enlargement would be an overdevelopment of the site (1 submitter)
- The new station can fit on the existing site (2 submitters)
- Glenburn doesn't need another building for community use (1 submitter)

The objections were forwarded to the applicant to provide a response.

The CFA responded to the objections, and noted that the Glenburn Fire Station had been listed for replacement for the past 10 years, and that the existing site is too limited in space to be able to accommodate the new building and other associated works (such as the apron, car parking, hose drying areas, etc) and the future needs of the station. The CFA advised that the proposed site has the following benefits:

- The site remains in a central location and is in close proximity to the local community from which it is manned and to which it provides emergency services.
- The size of the land will accommodate the larger fire station with adequate setback to boundaries, provision of landscaping and maintains the existing established trees and native vegetation.
- The incorporation of a multipurpose room will provide opportunities for joint or separate meetings with the community. CFA has actively engaged with a number of similar municipalities where shared arrangements have been accommodated.
- The size of the land will accommodate all the standard CFA supporting facilities including fire hose drying areas and effluent disposal areas.
- The proposal accommodates the onsite vehicle manoeuvring of CFA vehicles
- The proposal has on site car parking and
- The proposal maintains the existing VicRoads barrier to the Melba Highway.

This response has been forwarded to the objectors for their consideration. At the time of writing this report no objections had been withdrawn. Two submitters raised further concerns.

<b>Newspaper / Other</b>	<b>Publishing/Consultation Date(s)</b>
<b>Newspaper: Yea Chronicle</b>	20 <sup>th</sup> November 2013
<b>Consultation: Sign on Site</b>	19 <sup>th</sup> November 2013 – 4 <sup>th</sup> December 2013
<b>Mail out: Adjoining and Nearby Landowners</b>	12 <sup>th</sup> November 2013

### **Planning Considerations:**

The subject land is in the Public Use Zone 6 (Local Government), and a planning permit is required for the construction and use of a building for any other public authority. The planning considerations are as follows:

#### 1. Development of Public Land

The site is currently a vacant grassed area that is used by the community in conjunction with the community centre building for the purpose of events and overflow carparking. The future use of this land has been considered in various strategic documents in the past. The Glenburn Urban Design Framework suggested that the Hall could be relocated to the vacant part of the land. With the reconstruction of the hall being done recently on the original site, this is no longer considered a viable option.

When considering the location of the building within the site, the location proposed by the CFA allows for both truck turning movements at the front to be within the boundaries of the property, and still enables the retention of the majority of the trees.

The use of the land for a public authority complies with the decision guidelines of the zone. The building has been designed and sited to appropriately from both a planning and heritage perspective. The zone also requires that the views of the public land manager be considered. As the CFA must obtain permission to construct the building on the subject land, the views of Murrindindi Shire Council will be appropriately addressed as part of this negotiation. Whilst the lease arrangements are not a planning consideration, should Council determine to lease the land it can be considered that this decision guideline is being appropriately addressed.

#### 2. Heritage

The property has been identified for the Heritage Overlay, being currently implemented through planning scheme amendment C43. The application documents were referred to Council's Heritage Advisor. The advice received supported the application generally, and made four main recommendations. Two of the recommendations will be implemented via recommended permit conditions, as follows:

- (a) Larger, fire retardant, trees should be planted on the common boundary between the new building and the school, such a European deciduous trees, and hedge planting with similar fire retardant properties. This can be implemented with a condition requiring landscaping in accordance with approved plans, which would specify the types of plants required.
- (b) The storage shed between the shelter shed and the community centre should be moved, and planting (of vegetation of the appropriate era) should be undertaken in this area. This will be implemented with a condition requiring the relocation or reconstruction of a storage shed in a location to be agreed between Council and the CFA. The landscaping plan referred to in point (a) above would address the planting requirements for this area also.

The third recommendation, that the existing CFA site should be cleared and rehabilitated with landscaping similar to land that is being transferred to the CFA, cannot be included as a condition on this permit as it refers to a parcel of land not part of the application. This recommendation would need to be part of the lease considerations.

The fourth recommendation suggested the building be located closer to the eastern boundary, even though this would require the removal of two large trees. Due to the amenity considerations for the neighbouring property and the protection of these trees, council officers determined that this was not a feasible option. This determination was made with due consideration of the general decision guidelines that require the Responsible Authority to protect native vegetation. Retention of the trees on the eastern boundary will contribute to maintaining the character of the community centre setting and assist in reducing the visual bulk of the new CFA station.

On balance, the removal of the existing CFA shed and the storage shed on the Community centre site will provide a positive outcome in relation to the heritage of the whole of the site and assist in achieving the objectives of Clause 15.03 Heritage.

3. Site Management and Access

The application has been referred to VicRoads, who requested further information. The CFA have provided this information, and VicRoads have had no objections subject to three conditions. When considering the access, VicRoads advised that the preferred position for any access onto a VicRoads road is that all vehicles can exit the site in a forward manner, and this application allows for this to happen within the site. The three conditions required by VicRoads relate to the standard to which the access must be constructed and to the ongoing maintenance of this crossing.

4. Stormwater

The building has been designed with a 25,000 litre water tank to further address some of the stormwater management for the site. The requirements of the building regulations will ensure that adjoining properties are not detrimentally affected by the proposed works.

5. Car Parking

The current CFA site does not provide any on site car parking. The proposed new site allows for 5 on site car spaces, including one disabled. Clause 52.06 Car Parking does not have any specific requirements in relation to the number of parking spaces to be provided for this type of development, other than it must be to Council's satisfaction. Historically, CFA members have used the road reserves adjacent to the existing site for additional parking, and there are no changes proposed that will not allow this to continue. In light of this, the creation of 5 additional car spaces is considered sufficient. Council's Infrastructure Department is considering the surface to which the car park will be required to be constructed as part of any recommended planning permit conditions.

6. Current and Future Requirements

The determination of whether the building is of sufficient size for future requirements is a consideration for the CFA, and is not a planning issue. The CFA have advised that the new building is required to ensure compliance with Occupational Health and Safety regulations, and that the building has been designed and sited to ensure that the building has the necessary facilities to enable the CFA to respond appropriately. Council officers must consider whether the development applied for is appropriate for the site, and cannot consider if an alternative site would be more appropriate. In considering the subject site, Council officers do have regard for various decision guidelines in the planning scheme, and make a recommendation based on a balanced assessment of all guidelines.

#### 7. Impact on vegetation

The CFA provided an arboricultural report on the trees within the subject area, and have identified that there are two high retention trees that will be impacted by the development as proposed, but that this impact can be managed with appropriate care. The specific recommendations on how these trees would be protected are a condition in the recommendation for a permit.

This protection will be important as the trees on the site, especially the trees on the eastern and northern boundaries, will provide a visual break for the bulk that the new building will create. The height of the peak of the building will be 5.7 metres. The two trees that will be behind the building, as you view the site from the south, are 24 and 26 metres in height, and the trees at the rear ranging in size from 6 metres to 15-16 metres in height. Should these trees be removed, the visual interpretation of the site will be distorted by the height of the new CFA station behind the community centre, as the only backdrop to the community centre will be the hard line of the roof structure. The softening that is achieved with vegetation to these lines cannot be achieved in a short period of time, and the maturity of the existing vegetation provides an immediate visual offset for the new building. The retention of these trees will greatly ameliorate the impact of the size of the fire station in comparison to the smaller stature of the community centre.

On balance for both the issues raised by the submitters, and the proposal itself, it is the opinion of Council officers that the proposed development is considered to be appropriate for the site and provides the best outcome from a heritage and streetscape perspective.

#### **Conclusion:**

The new CFA fire station will provide an essential community asset for Glenburn, and with the careful consideration of design and siting, the relocation can provide a better outcome from a heritage perspective for the community centre itself. This will be supported with appropriate conditions in relation to drainage, landscaping, car parking and colours of the building.

#### **Legal/Policy Issues:**

##### **State Planning Policy Framework**

##### 15.01 Urban Design

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

Strategies:

- Promote good urban design to make the environment more liveable and attractive.
- Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
- Encourage retention of existing vegetation or revegetation as part of development proposals.

##### 15.03 Heritage

Objective: To ensure the conservation of places of heritage significance.

Strategies:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme.
- Provide for the conservation and enhancement of those places which are of, aesthetic, archaeological, architectural, cultural, scientific, or social significance, or otherwise of special cultural value.
- Encourage appropriate development that respects places with identified heritage values and creates a worthy legacy for future generations.

- Retain those elements that contribute to the importance of a heritage place.
- Encourage the conservation and restoration of contributory elements.
- Ensure an appropriate setting and context for heritage places is maintained or enhanced.

### Local Planning Policy Framework

#### 22.03-1 Urban Areas

##### Objectives:

- Ensure that all new use and development has regard to the existing townscape, to design, siting and landscaping issues.
- Ensure that all use and development assists in the presentation of the main road entrances into townships.

##### It is policy that:

- The presentation of development to the street and how the proposal addresses and assists in streetscape presentation, attracts tourism and demonstrate civic pride.

### Zoning

#### 36.01 Public Use Zone

##### Purpose:

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

##### Decision Guidelines:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments of any Minister or public land manager having responsibility for the car 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.

The subject site is in the Public Use Zone 6 (Local Government), and as the use is not by or on behalf of the public land manager, a planning permit is required.

### 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 car parking does not adversely affect the amenity 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.

Under Clause 52.06, a fire station is not specified in the associated table, and a car parking requirement is not specified. In this instance, car parking spaces must be provided to the satisfaction of the Responsible Authority.

#### 52.29 Land adjacent to a Road Zone, Category 1

Purpose: To ensure appropriate access to identified roads.

##### Decision Guidelines:

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

A planning permit is required for the creation of an access to the Melba Highway.

### General Provisions

#### 65.01 Decision Guidelines for approval of an application or plan

Before deciding on an application, the Responsible Authority must consider as appropriate:

- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.

#### **8.1.4 Final Adoption of Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework**

File No: 52/02/53

(Refer Encl 8.1.4a - Letter from Minister Guy, Encl 8.1.4b - Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework and Encl 8.1.4c - Implementation Strategy Feb 2014 Report

#### ***Purpose:***

The purpose of this report is to present the final draft of the Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework and Implementation Strategy for formal adoption by Council.

#### ***Recommendation:***

**That Council:**

1. **Formally adopts the Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework as enclosed (Enclosure 8.1.4b).**
2. **Formally adopts the Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework Implementation Strategy and Strategy Report as enclosed (Enclosure 8.1.4c).**
3. **Notifies submitters to the draft Plan of Council's decision to adopt the Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework and Implementation Strategy.**

#### ***Background:***

The Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework (KFT Plan) is a vision for a sustainable future for the local communities of Kinglake, Kinglake West-Pheasant Creek, Flowerdale (including Hazeldene) and Toolangi (including Castella). The Draft Plan has been in development since June 2010 and is a key bushfire recovery project for these communities. The Plan is intended to guide population growth, land use and development, infrastructure and service provision, community safety and the character and identity of local communities into the future.

With respect to population growth, the initial Draft of the KFT Plan proposed that future population growth be focused around Kinglake and to a lesser extent Kinglake Central, and that existing rural living and residential zoned land in Kinglake West and Pheasant Creek be developed. It was estimated that this would enable an additional population of approximately 1,700 across these areas. No further growth was envisaged for Toolangi and Flowerdale, and it was proposed to remove the existing provision of subdivision in Castella, due to its relative isolation and bushfire safety risks.

The development of the KFT Draft Plan was initially managed by the Victorian Bushfire Reconstruction and Recovery Authority (VBRRA). With the discontinuation of VBRRA in 2011, project management responsibility was transferred to the former Department of Planning and Community Development (now Department of Transport, Planning and Local Infrastructure) and Council.

At the Special Meeting of 9 February 2011, Council adopted the KFT Draft Plan for the purposes of a public exhibition and submission process. The Draft Plan was placed on public exhibition from 14 February 2011 to 29 April 2011 and 98 submissions were received.

At the Ordinary Meeting of 27 July 2011, the Council resolved to release an Interim Consultation Report which summarised the submissions received and outlined initial responses to those submissions, including proposed changes to the Draft Plan.

The Consultation Report was considered an “interim” report pending further work by the State Government in response to recommendations of the 2009 Victorian Bushfires Royal Commission. This work related to bushfire risk mapping and the development of policies and planning controls governing land use in high bushfire risk areas. It was considered that this work would further inform Council’s response to the submissions and influence the final draft of the KFT Plan.

The finalisation of the Consultation Report and the further development of the KFT Plan was subsequently placed on hold for approximately 24 months whilst awaiting an outcome to the State Government’s policy work and its advice concerning the level of support for the settlement planning recommendations in the Draft Plan.

On the 23 July 2013 Council received correspondence from the Minister for Planning (refer Enclosure 8.1.4a) advising that whilst the Government supported the overall scope, directions and priorities of the Draft Plan it would not support recommendations pertaining to the expansion of housing in areas of high bushfire risk. This includes areas within the KFT Draft Plan highlighted as ‘development investigation areas’.

Subsequent discussions with officers of the Department of Transport, Planning and Local Infrastructure (DTPLI) confirmed that State Government support for further growth and development in the Kinglake Ranges will be limited to existing appropriately zoned areas (in-fill development) with no expansion of current settlement boundaries.

Consequently the Consultation Report in response to the original public submissions was finalised, incorporating the advice from the State Government. Council resolved to publically release the Report at its meeting of September 2013.

The advice from the State Government has also enabled the finalisation of the KFT Plan.

***Council Plan/Strategies:***

The strategies and implementation actions in the KFT Plan align with all of the four Strategic Goal areas of the Council Plan 2013-2017.

***Legal/Policy Issues:***

Several of the implementation actions in the KFT Plan will require a formal amendment to the Murrindindi Planning Scheme.

***Financial/Resources/Risk***

There are no immediate financial risks to Council associated with this briefing note. The advice from the State Government in limiting future growth of the settlements in the Kinglake Ranges, however, does add to the challenges faced by Council in ensuring the future sustainability of these areas and the financial viability of the Council in the longer term.



**Discussion:**

The finalisation of the KFT Plan has involved a number of revisions to the document since the original draft was placed on public exhibition in 2011. These include the following additions:

- Summary of the developments in State Planning Policy pertaining bushfire risk since 2010
- Implications of the State Buy Back Scheme
- Implications of the Council's recently adopted Municipal Fire Management Plan
- Implications of the Hume Regional Growth Plan
- Implications of the recent introduction of New Zones and changes to the Farming Zone by the State Government.
- Maps updated to correct errors and recognise changes in land use since the original draft of the Plan.

To reflect the directions of the State Government, the revisions have also included the removal of references to 'development investigation areas' and population growth projections associated with the potential expansion of settlement boundaries, including the investigation of growth opportunities in Kinglake Central.

The final KFT Plan is contained in Enclosure 8.1.4b.

The original KFT Draft Plan contained an Implementation Strategy for the Plan including actions designed to address the broad strategic directions of the Plan and catalyst projects for implementation as initial priorities. Given the finalisation of the Plan was placed on hold for two years, several of the original actions and catalyst projects have been completed or partially addressed in the intervening period. Consequently it was decided to separate the Implementation Strategy into a stand-alone document which can be periodically updated to reflect the progress and status of the implementation actions. The version attached to this briefing note contains the current implementation status of the actions. This is included in Enclosure 8.1.4c.

Examples of completed actions to date include:

- Provision of a medical (GP) practice in Kinglake
- Construction of off-road path connecting Flowerdale and Spring Valley Recreation Reserve
- Dedicated youth spaces have been created in Flowerdale and Kinglake
- Adoption by Council of a Local Planning Policy for bushfire management
- Preparation and adoption by Council of a Municipal Fire Management Plan
- Completion of a Flood Management Study for the King Parrot Creek in Flowerdale

It is noted that considerable progress has also been made on the amalgamation of Flowerdale and Hazeldene under the one name of Flowerdale. A note to this effect is included on page 4 of the KFT Plan and on page 14 of the Implementation Strategy. Given the process has not been finalised, it was decided to retain the separate Design Frameworks pertaining to Flowerdale and Hazeldene and associated mapping in the final version of the KFT Plan.

**Consultation:**

The development of the KFT Draft Plan involved an extensive program of community consultation which is detailed on page 7 the KFT Plan (refer Enclosure 8.1.4b).

It is not intended to undertake any further community consultation, given the extensive level of consultation undertaken to date and the limited financial resources remaining to complete the project. Once finally adopted by Council the KFT Plan documents will be placed on permanent public display at Council offices and on Council's website and submitters to the Plan will be notified of the report's finalisation.

**Conclusion:**

Whilst the KFT Plan has taken considerably longer than anticipated to finalise, and a number of the strategic directions in relation to growth of settlements in the study area have been removed, the Plan does nevertheless provide strategic direction for the enhancement of the local communities, incorporating community safety, economic development, retention of local character and identity, community health and wellbeing, environmental management and the provision of infrastructure.

**8.2 INFRASTRUCTURE SERVICES****8.2.1 Street and Public Lighting Installation Policy**

File No: 52/04/06

(Refer Encl 8.2.1a - Street and Public Lighting Installation Policy and Encl 8.2.1b - Schedule 1. Request for Public Lighting Installation)

**Purpose:**

The purpose of this report is to present the Street and Public Lighting Installation Policy for consideration by Council.

**Recommendation:**

**That Council adopt the Street and Public Lighting Installation Policy attached to this report.**

**Background:**

Council receives a number of requests for lighting in new developments and for additional street lighting in established areas. Council has no formal policy to deal with the requests and disputes can arise regarding a Council decision. A formal policy will assist in providing information to proponents and or objectors regarding the criteria used in assessing requests.

**Council Plan/Strategies:**

The Council Plan 2013-2017 strategies which relate to this report include the following:

Our Economy – Strategic objective: 'We will administer sound financial and management practices'

Our Environment – Strategic objective: 'We will use resources more efficiently and effectively'

Our Environment – Strategic objective: 'We will apply a whole of life approach to the management and maintenance of Council's assets'

**Legal/Policy Issues:**

Under the Road Management Act, Schedule 7A, Section 2 – Power to install street lighting the following applies:

*'A responsible road authority may, at its discretion, cause to be installed street lighting on roads or parts of roads for which it is the coordinating road authority or the responsible road authority Ordinary meeting of Council Minutes - 18 - 18 December 2013 to the extent and in a manner which it considers appropriate having regard to its road management functions.'*

In relation to the Australian Standard AS/NZS 1158 1.1.2005 – Lighting for roads and public spaces Section 1.2 Application - the following applies:

*'Subject to the requirements of the applicable laws, the choice of whether to install a road lighting scheme in compliance with this Standard and, if so, which subcategory of lighting is appropriate, rests with the client (usually the applicable road controlling authority). This decision is typically based on factors such as night time traffic flows and other patterns of use.'*

In the most cases, Council is the responsible road authority and therefore maintains the discretion for the decision to install street lighting.

**Financial/Resources/Risk**

The financial impact of this policy is resourced within existing officer duties for administration and an allocation for installation can be funded annually through Council's budget process for Road Safety items.

**Consultation:**

Consultation has occurred within Council's Infrastructure Services and Development Division. A recent request for street lighting has also highlighted a number of issues that have assisted in formulating the policy. It is not intended to consult with the public on this policy.

**Discussion:**

This policy has been developed to provide a framework for assessing the need for new street lighting installations and to provide an equitable and consistent approach to responding to requests for new street lighting or public lighting installations received by Council from members of the community.

The guiding principles for the implementation of this policy include the following:

- For Council to consider a request for street or public lighting installation all requests must follow the procedure set out in section 5 of the policy
- An acceptance by 60 % of affected owners will be required prior to final approval of the request.
- Lighting in local streets should provide an environment which is conducive to the safe and effective movement of vehicular and pedestrian traffic at night.
- Generally lighting design will consider visual requirements of pedestrians as dominant over motor vehicles.
- Reference will be made to Council's Infrastructure Design Manual and the relevant Australian Standard for street lighting. However the final design, including type, number, location and spacing will be determined by Council.
- Council will use its discretion in accordance with Schedule 7A of the Road Management Act 2004 as the responsible authority to ensure any street lighting installations are appropriate in regard to Councils road management functions.
- The installation of public lighting including design and specification of lamps will consider environmental impacts and will use energy efficient technology wherever possible.
- Installation of public lighting will ultimately be subject to the provision of funding with Council's budget.

The policy also sets out the procedure for assessing requests and on what basis decisions are made. This includes an assessment using criteria such as, location, land use, road type, light location, footpath details, pedestrian use, demographic assessment, existing spacing, safety issue, traffic control devices, existing pole, and consultation.

In addition the policy provides for officers to consider the following when assessing applications:

- The timing of installation will be determined by available funding in each year's budget and distributors (SP Ausnet) works program schedule.
- Council will be responsible for the cost of street and public lighting, electricity consumption and for the replacement of lamps and other luminaire parts as required in the form of an annual tariff as calculated by the distributor.
- The Developer will be responsible for the full cost of the provision of street lighting in new subdivisions including all design and implementation costs.
- The cost of the provision of public place lighting associated with Council manned and controlled public places will be borne by Council.
- The cost of the provision of public place lighting associated with privately owned and controlled public places will not be considered by Council.

The officer's recommendation is that Council accept the Street and Public Lighting Policy which is attached to this report.

**Conclusion:**

This policy outlines the process for assessing the need for new street and public lighting installations and includes the procedure for the community and developers to make requests for such lighting installations to Council.

**8.2.2 Review of Asset Management Policy**

File No: 09/06/03

(Refer Encl 8.2.2 - Asset Management Policy)

**Purpose:**

The purpose of this report is to present to Council the revised Asset Management Policy (AMP) for consideration.

**Recommendation:**

**That Council adopt the revised Asset Management Policy as enclosed (refer Encl 8.2.2)**

**Background:**

Council has been participating in the Municipal Association of Victoria's Step Asset Management Program (STEP) for a number of years including participation in the National Asset Management Assessment Framework (NAMAF). One of the primary objectives of NAMAF is to lift the standard of asset management nationally. Council adopted a revised Asset Management Policy in 2011 and in December 2012 Council was one of only fifteen councils in the state to achieve a NAMAF "Core" level of competency. Review of this policy assists Council to maintain its core level asset management competency.

**Council Plan/Strategies:**

The Council Plan 2013-2017 strategies which relate to this report include the following:

Our Environment – ‘We will apply a whole of life approach to the management and maintenance of Council’s assets’

Our Environment: ‘We will manage our natural and built environment in a responsible manner.’

Our Environment: ‘Engage with relevant communities on the development of community infrastructure and services’

**Legal/Policy Issues:**

While there is no legal requirement for an AMP identified as an action in the Asset Management Strategy, there is an expectation that local government demonstrate its ability to manage infrastructure in the long term.

The Federal Government also has an expectation that Local Government demonstrate continuous improvement in asset management to ensure the ongoing provision of services, at an acceptable level of service, that the community wants and can afford.

**Financial/Resources/Risk**

The AMP seeks to reduce the overall financial burden on Council by establishing a framework that requires ‘whole-of-life’ costing of assets and as such provide the most sustainable infrastructure that the community demonstrably requires at appropriate and affordable levels of service.

Application of the policy has an impact on Council resources in that the adherence to the asset management plans will need to be resourced if Council is to meet the challenge of maintaining core asset management competency.

The longer term impact of this policy on future budgets will be the appropriate allocation of financial resources to the renewal of infrastructure in order that existing service levels can be maintained.

**Discussion:**

A robust asset management policy guides the maintenance of Council’s Asset Management Strategy and plans. Together these will assist to guide Council to a position of financial sustainability of its infrastructure. This report puts forward a revised policy which, when adopted, will replace the existing policy.

In reviewing the existing policy officers have not made any major changes; however officers have condensed and formatted the document for the purpose of clarity.

The guiding principles of the policy include:

- Integrate decision making in order that the built, social, economic and natural impacts of asset provisions and maintenance are properly considered throughout the asset management process.
- Adopt a total lifecycle management approach to asset management which considers “whole-of-life” costs, particularly for all capital investment proposals and ensure that the asset base is not increased without considering the impact on the ability to fund future maintenance and renewal.
- Establish adopted processes where capital expenditure decisions are based on rigorous and documented economic appraisals of options that include financial as well as non-financial parameters.
- Maintain long-term (10 years plus) Asset Management Plans informed by community

- consultation and local government financial reporting frameworks, which set out capital and operational financial requirements for a suite of community and infrastructure assets.
- Adopt a multi-discipline approach to asset management which involves and engages all stakeholders.
  - Consult with, and engage as appropriate, the community in determining service levels for the maintenance and management of assets.
  - Prioritise funding for renewal of existing assets in preference to new assets, subject to being able to meet functional requirements.
  - Adopt a risk management approach to asset management to ensure that Council's risk exposure is minimised.
  - Integrate asset management principles into Council's business practices to help grow an asset management culture within the organisation.
  - Integrate asset planning and management into corporate and business plans, budgetary and reporting processes.
  - Ensure that grant funded projects are required to be reviewed for "whole-of-life" costs as part of the consideration process.
  - Commit to the establishment and use of a capital works priority evaluation methodology as part of the initial formulation of all capital works proposals.
  - Establish financial and asset management reporting that are categorised in terms of operational, maintenance, renewal, upgrade and new expenditure classifications.
  - Ensure ownership, control, accountability and reporting requirements for assets are established, clearly communicated and implemented.
  - Ensure asset management activities are undertaken within an integrated Asset Management Policy framework and on best practice principles and standards.
  - Ensure staff responsible for managing Council's assets have the required skill to manage assets appropriately
  - Ensure audit and review procedures are undertaken within appropriate timelines.

These principles outlined in the policy underpin asset management for Council and provide a clear direction for effectively managing infrastructure assets.

**Consultation:**

Consultation of this policy has been largely internal as the changes from the 2011 policy are minor and it is not proposed to consult with the public on this policy review.

**Conclusion:**

The revised Asset Management Policy is the key element of a framework of asset management actions to guide and facilitate the provision of sustainable infrastructure into the future.

**8.2.3 December Quarter Report – Capital Works Program 2013/2014**

File No: 24/03/09

**Purpose:**

The purpose of this report is to provide Council with the December Quarterly update on Council's 2013/2014 Capital Works Program. The report will ensure that Council is advised of the progress of the capital works program.

**Recommendation:**

**That Council note the 2013 December Quarterly Capital Works 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.

This report represents the second quarter report of the 2013/2014 Capital Works Program. The period of reporting is from 1 October to 31 December 2013.

**Council Plan/Strategies:**

The Council Plan 2013 -2017 reference that is applicable to this report is as follows;

Our Economy – Strategic objective: 'We will administer sound financial and management practices'.

Our Environment – Strategic objective: 'We will use resources more efficiently and effectively'

Our Environment – Strategic objective: 'We will apply a whole of life approach to the management and maintenance of Council's assets'

**Legal/Policy Issues:**

Council is obliged to prepare a budget annually with the Capital Works Program forming a considerable component of the annual budget.

**Financial/Resources/Risk**

There is a risk that Council may not invest enough in the replacement of infrastructure to maintain services reasonably required by the community. The preparation of a Ten Year Capital Improvement Plan seeks to mitigate this risk by informing Council of the financial impacts of investment in capital replacement.

The consequence of an insufficient capital investment in replacement is a widening infrastructure gap. The adoption of a Ten Year Capital Improvement Plan provides Council with the ability to manage the infrastructure renewal gap.

Timely reporting of financial issues assists in early identification of the need to reallocate costs where required. Reporting of project progress also provides Council and the community with an understanding of when projects will commence and will communicate any delays if they occur.

**Discussion:**

Works undertaken during the second quarter of the 2013/2014 capital works program generally consists of the completion of carry forwards from the 2012/2013 capital works program, and the planning and design phases of the 2013/2014 capital works projects.

The December Quarterly Capital Works Program report provides commentary on the following features of the program:

1. Budget Vs. Actual ;
2. Identification of any major variances in income and expenditure;
3. Major areas of expenditure for the quarter being reported on;
4. Details of projects where physical works are anticipated to commence during the next reporting period;

- 5. Details of the projects that are delayed or other significant issues that have arisen which affect the budget for the project. This reporting, if done in a timely manner, removes the element of surprise and gives Council the opportunity to vary the scope of a project if required; and an
- 6. Update on Reconstruction and Recovery projects
- 7. Projects completed in the December quarter
- 8. Additional project information

**1. Budget Vs. Actual (year to date)**

- The 2013/2014 revised adopted Capital Works budget is \$13.870m
- which includes \$3.088m of carried forward projects
- Variance on Year is \$1,077,000 to date
- This also incorporates the capital works projects for Reconstruction and Recovery.

**2. Identification of any major variances in income and expenditure**

Table 1 provides some comments on the major variances in relation to expenditure per asset category.

**Table 1: Major Variance Comments**

Asset category	Total Variance	Comments of major variances
Buildings	433,000	This variance relates to three major items: 1.The Y Water Centre construction has been delayed as detailed later in this report however construction will be completed within the financial year.(\$237k) 2. Final payment on the Yea Shire Hall was held over due the delay following water damage to the new works this project will be completed in the March quarter.\$81k 3.The Yea swimming pool works are likely to be undertaken in the next financial year, expenditure is below expectation as consultants have not yet completed the detail design work. (\$123k).
Roads & Paths	441,000	The major component of expenditure not undertaken in this quarter was the road resealing program which was held over due to the cooler pre Christmas weather conditions(\$253k) The Vegetation Projects are also a large component and works are likely to be held over until next financial year with a further briefing to Council relating to the native vegetation offsets scheduled over the coming months.(\$53k)

**3. Major areas of expenditure for the quarter being reported on**

The major areas of expenditure for the December quarter include:

- Y Water Centre \$354,267
- Yea Shire Hall \$231,663
- Bridge works \$243,464



#### **4. Details of projects where physical works are anticipated to commence during the next reporting period**

Physical works which are anticipated to commence in the next reporting period include:

- Road resealing program
- Resheeting program
- Shoulder Resheeting
- Bon Street and Green Street drainage and road construction works
- Footpath Missing links
- Glenwood Drive and Williams Lane intersection treatments
- Station & Perkins Streets and Myrtle & Cooper Streets intersection treatments
- Grant Street pavement rehabilitation
- Yea Drainage initiative

#### **5. Details of the projects that are delayed or other significant issues that have arisen which affect the budget for the project. This reporting, if done in a timely manner, removes the element of surprise and gives Council the opportunity to vary the scope of a project if required.**

- **Y Water Centre**

The building structure construction works are complete however the interpretative fit out has been delayed due to concerns by some stakeholders around the interpretative story content. These delays will result the internal fit out not commencing until at least April 2014. This delay has allowed time for additional curing and preparation of the external timber feature columns. Their erection will commence in February. Works will be completed within the financial year.

- **Yea Shire Hall**

Yea Shire Hall refurbishment is nearing completion. The extension project at the rear of the hall was completed prior to Christmas however due to a damaged water pipe which occurred during the holiday period, the vinyl flooring sustained significant damage along with damage to timber skirting boards.

The works will be completed in the March quarter and no costs have been incurred by Council as a result of this damage.

#### **The Putting Locals First Program Funding Submission.**

- The funding submissions for the Community Gathering Places and Eildon Shopping Centre Precinct projects are being finalised. Due to the time required in preparation, submission and approval process for these grant application works will not be completed within the financial year. This will include those projects where funding has been allocated as leverage for the grant and include works at:
  - Alexandra Shire Hall
  - Yea Pioneer Hall
  - Thornton Hall
  - Yea Chambers
  - Yea Community House

- Thornton Recreation Reserve.

### **Recreational Vehicle Dump(RVD) sites**

- RVD sites – Locations for suitable Recreational Vehicle Dump sites have been investigated. Quotes are being sought for the proposed site at Leckie Park, Alexandra (at the old tennis court). The site in Hood Street Yea, adjacent to the Y Water Centre is currently being considered and costed. It is proposed to combine the long vehicle parking project at this site.

### **Yea Pool**

- Consultant have been engaged to undertake the necessary preliminary works and development of the scope of works for the pool refurbishment. These works have now been completed and subject to review and approval, detailed design will be undertaken. The scoping, design and construction of the works is to be carried out over a two year period. It is expected that work on the pool will commence in the next financial year. A further presentation on the Yea Pool Refurbishment will be presented to Councillors prior to finalisation of the design.

### **6. This section relates to all Reconstruction and Recovery projects and provides a general update.**

- **1000 Hands Project Marysville**

The project has achieved practical completion with only minor works to be completed in February 2014.

- **Narbethong Reserve**

Construction works are complete and the project is in the process of being acquitted.

- **Buxton Streetscape**

Construction works have been advertised and will commence in February 2014.

- **Gallipoli Park Stage 2**

Works are being finalised and are expected to be completed by the end of February 2014.

- **Marysville Community Centre Fit Out**

The works have been completed.

### **7. Projects completed in the December quarter**

- Narbethong Reserve
- Strath Creek landscaping
- Strath Creek waterwheel
- Safer Roads Program (Jerusalem Creek Road signage)
- Gallipoli Park Pavilion

### **8. Additional project information**

- **Kinglake Ranges Art History Walk**

The Project Control & Reference Groups have undertaken a series of project development workshops. The major sites have been confirmed and the broad concept is under development. An artist's brief is anticipated to be distributed to the PCG and Council for comment by the end of February.

- **Taggerty Community Project**

The Project Reference Group is meeting regularly. External authorities are currently being consulted for advice on vegetation removal (bridge), river health (bridge), leasing/property rights (bridge and path), and heritage requirements.

- **Yarck Streetscape**

Councillors have recently been briefed on the functional layout received from the design consultants. Council officers are currently determining a probable cost of works for future budgetary purposes and assessing the viability of staging this project.

The project will need to be developed to ensure that the project will meet the funding guidelines of the Putting Locals First Program (PLFP). This may involve including additional elements that improve the amenity of the township although not related to the actual road works. The project will be delivered subject to a successful grant application to be submitted under the PLFP and anticipated to be delivered in the next financial year.

**Consultation:**

The December Quarterly Capital Works report has been developed with the respective officers responsible for the delivery of the capital works program.

**Conclusion:**

The introduction of regular / quarterly reporting on the capital works program will better inform Councillors of the progress and major variances for each project. This will have the level of accountability of all officers involved in the development and delivery of the annual capital works program.

#### **8.2.4 Dust Suppression Pendlebury and Wattle Streets, Alexandra**

File No: 52/05/120

(Refer Encl 8.2.4 – Map of Unsealed Section of Pendlebury and Wattle Streets)

**Purpose:**

The purpose of this report is to provide a response to correspondence received and tabled at the January 2014 Ordinary Council Meeting regarding dust issues in Pendlebury and Wattle Streets in Alexandra.

**Recommendation:**

**That Council**

1. **Endorse the General Manager Infrastructure and Development Services to write to all land owners in Pendlebury and Wattle Streets as well as to residents in Wattleview and Myrtle Streets to seek interest in the development of a Special Charge Scheme for the unmade sections of Pendlebury and Wattle Streets, Alexandra.**
2. **Seek a further report from the General Manager Infrastructure and Development Services relating to the level of interest in initiating the Special Charge Scheme.**

**Background:**

Pendlebury Street and Wattle Streets are in Alexandra and both include unsealed sections of road. Attachment 1 provides a map which indicates these unsealed sections. There is a significant amount of land yet to be developed in Pendlebury and Wattle Streets. During the construction of the Alexandra hospital and Ambulance Station sealing works occurred along the southern section of Wattle Street, north of the Ambulance Station.

In November 2013 officers received correspondence from two residents in Myrtle Street relating to a request for dust suppression measures to be taken in sections of Pendlebury and Wattle Streets in Alexandra where these roads are currently unsealed. As part of the correspondence the residents requested that their letter be tabled at a Council Meeting.

At the January 2014 Council Meeting a resolution was passed for a report to come back to Council which would outline the issue and provide a recommendation for Council consideration relating to the dust issues.

***Council Plan/Strategies:***

The Council Plan 2013-2017 strategies which relate to this report include the following:

Our Economy – Strategic objective: ‘We will administer sound financial and management practices’.

Our Environment – Strategic objective: ‘We will use resources more efficiently and effectively’

Our Environment – Strategic objective: ‘We will apply a whole of life approach to the management and maintenance of Council’s assets’

***Legal/Policy Issues:***

Council adopted a Special Charge Scheme Policy in November 2013 which sets out the policy framework and process for initiating a Special Charge Scheme.

Section 163 of the Local Government Act relates to the declaration of Special Charge Schemes and directs Council in the consideration of how Special Charges apply to properties where there is a special benefit in relation to the proposed works.

***Financial/Resources/Risk***

Officers have estimated that the cost of sealing works in Wattle and Pendlebury, including associated drainage upgrade works which would be required, would be in excess of \$160,000. Final costing would need to be confirmed on the development of a detailed design.

***Discussion:***

The issue of dust has been raised previously by another resident from Wattleview Court in Alexandra.

Officers have provided a comprehensive response to resident enquires relating to dust issues from Pendlebury and Wattle Streets. The following outlines the previous advice:

- Council officers have undertaken traffic counts to understand the traffic volume using these roads in December 2012 and this has determined that vehicle traffic on average was 86 traffic movements per day with speeds averaging 40km per hour peaking to 50km/hour at times. The traffic count noted no significant differences on particular days, for example, on days when the transfer station was open.
- Additional signage was erected to recommend road users drive at lower speeds due to dust.
- Residents were also informed that dust suppression treatments are often quite expensive, often requiring constant repetition and is not an effective option from either a cost or a dust control perspective. Residents were also informed that Council did not currently budget for this activity with the existing road maintenance budget.
- In response to a suggestion that some sections could be sprayed sealed officers responded that this type of treatment would not be a cost effective road maintenance

technique. Information was provided that sealing such as that suggested can lead to increased maintenance as the spray seal breaks up.

- Residents were also informed that there are requirements for the developers of the land in Pendlebury and Wattle Streets to form the road as part of any future development. Officers did acknowledge that this was a longer term measure and would not provide an immediate response to residents' concerns.
- Officers suggested that if there was a desire to have sealing works occur more quickly that residents could request that the works could be undertaken as part of a Special Charge Scheme and officers provided a copy of Council's Special Charge Scheme Policy.

In relation to assessing the priority of undertaking sealing works it is the opinion of officers that this is not currently a high priority and that there is provision for the road sealing by way of conditions in the development plan for the vacant land.

Whilst acknowledging that there is a desire to manage dust issues the officers recommendation will be that Council seek interest from residents in relation to the sealing of the road by way of a Special Charge Scheme on the basis that the full cost of construction is apportioned across properties which are deemed to receive a special benefit from the road sealing works.

**Consultation:**

Officers have not undertaken any further consultation at this stage relating to dust suppression or sealing works in Pendlebury or Wattle Streets.

If residents desired to initiate a Special Charge Scheme investigation would normally be initiated through a request from landowners, although a scheme may also be initiated by Council officers for Council approval to address maintenance or renewal requirements.

To ensure effective use of Council resources the initiation of an investigation and consultation process for a proposed scheme requires demonstrated support of landowners by a significant number of property owners who would be liable to contribute to a proposed scheme. This is required to be made in writing to Council.

To date Council Officers have not received a request from residents regarding initiating a Special Charge Scheme.

**Conclusion:**

Dust suppression techniques are not a maintenance activity Council currently undertakes due to the high cost and short term benefit. Any additional works in relation to road sealing need to be considered by Council and often, due to the significant challenges in maintaining an extensive road network, Special Charge Schemes are used to fund road sealing works where there is a special benefit to residents living in around these areas.

## **8.3 BUSINESS SERVICES**

### **8.3.1 CFA Request to Lease Council Land at Glenburn**

File No: 22/05/20

(Refer Encl 8.3.1 - Proposed Lease Area)

**Purpose:**

The purpose of this report is to seek Council's consent to lease Council Land at Glenburn to the Country Fire Authority (CFA) for the purpose of locating a new Fire Station for the local brigade.

**Recommendation:**

**That Council agrees to lease land at the Glenburn Community Centre as shown in Enclosure 8.3.1 to the CFA for the purpose of building a new Glenburn Fire Station, subject to the following terms and conditions:**

- a) **That the term of the lease be for an initial 21 years, with an option of two further terms of 10 years**
- b) **The a annual peppercorn rental (\$104) apply to the lease**
- c) **That statutory planning approval is granted (via the issuing of a planning permit) for the use, building and works prior to establishment of the lease**
- d) **That the land upon which the current CFA fire station sits is transferred to Council ownership at the CFA's cost,**
- e) **That the existing CFA shed and associated infrastructure, including the concrete slab be removed**
- f) **That the site is graded level, rehabilitated and returned to grass to the satisfaction of Council**
- g) **That the site is fenced into the existing Community Centre grounds and gated to enable vehicles to enter and exit**
- h) **That the driveway entrance for the private property to the west be clearly delineated, and signposted, to ensure that the use of the community land does not impede the access to this property.**

**Background:**

Council has received a request from the CFA to lease Council owned land between the Glenburn Community Centre building (former Glenburn School) and adjacent private land for the purpose of a new Glenburn Fire Station. The requested location and lease area for the new CFA fire station is shown in Enclosure 8.3.1.

The Glenburn Brigade has been listed by the CFA to receive a new station in 2013/14. The new station is required to maintain and develop a CFA service capacity for the next two decades and to meet updated CFA risk and safety workplace standards.

The CFA has indicated that the existing land is constrained on all four sides with limited opportunity for expansion and without significant land adjustment is too small to accommodate the floor plan of the new facility and required vehicle turning facilities. Specifically, the width of the new building exceeds the current site boundary and there is insufficient space to accommodate the following aspects:

- Property setback to accommodate building regulations
- Septic tank and absorption field and buffer
- An access pathway for personnel into the rear of the motor room
- Area for external water tank, air conditioning plant etc.
- Area for hose drying racks
- Area for car parking and manoeuvring the trucks to safely reverse into the motor rooms.

In relation to the last point there is a general requirement from VicRoads to ensure that vehicles can access and exit a site in a forward motion, in other words preventing reversing into or from a road, as sight lines would be restricted. In order to comply with VicRoads requirements, the CFA designs its new fire stations to eliminate the reversing manoeuvres of fire trucks from within the existing road reserve. The current site does not afford the opportunity to accommodate these vehicle manoeuvring requirements, whereas the proposed new site can accommodate all of the requirements the CFA associated with the new Station.

According to the CFA there are no options to extend the current CFA owned land to accommodate the requirements of the new station. The land at the rear and west of the current station is privately owned and is unavailable for purchase, and heritage restrictions associated with the former school buildings place restrictions on the possible expansion of the block to the east into the existing Community Centre Land.

The CFA has also advised that it is not in a position to purchase another block of land of the size required within reasonable distance of Glenburn.

The proposal to site the new CFA station development on the Council owned land to the east of the former School buildings requires statutory planning approval for the use and building and works. In addition to statutory approvals the CFA was advised that the Council would need to give formal consent as the land owner to enter into a lease arrangement.

This report considers the proposed lease arrangement only and does not consider the planning merits of the proposal.

A letter has been received from the CFA which, in addition to the request to lease the subject land, includes an offer to transfer the current fire station site to Council as some compensation for the loss of open space. Subsequent verbal advice has indicated that this offer to transfer the land can be with or without the current fire station building.

***Council Plan/Strategies:***

The following strategies in the Council Plan 2013 – 2017 relate to this item:

- Under Our Environment, engage with relevant communities on the development of community infrastructure and services
- Under Our Environment, review and progress Council's implementation of its Urban Design Frameworks for settlements within the Shire

At the Ordinary Council Meeting of 25 August 2010, Council resolved to receive (not adopt) the Glenburn Town Centre Urban Design Framework Update Report, which was commissioned as part of the 2009 bushfire recovery process to specifically examine the future use of, and need for, public land within Glenburn. The report was undertaken to inform Council with respect to the use of bushfire recovery and pipeline-associated funding that had been earmarked for various community facilities in Glenburn.

The report also contained Master Plan options for the use of the land now being considered for the new CFA fire station. These options included leaving the land as open space, either as grassed picnic area or as a common "kickabout" / community market space. Subject to future funding the report also canvases the option of a future multipurpose (tennis/basketball) court for the site, although the report concludes that demand for recreational facilities is unlikely to increase due to the small size of the community. The report is not conclusive, nor was it formally adopted by Council, due in part to the divergent community views prevailing at the time.

***Legal/Policy Issues:***

The Glenburn Community Centre (former school) site is managed by the Glenburn Community Centre Committee of Management appointed by Council under Section 86 of the Local Government Act. Whilst the Committee is not delegated to make decisions concerning the disposal or lease of Council land, minutes received by Council from a Special Meeting of the Committee in August 2012 indicated the support of the Committee for the CFA proposal.

The CFA has sought a long term lease over the subject land. To this end a term of 21 years, plus an option for two further terms of 10 years at annual (peppercorn) rental of \$104 is proposed. These terms are consistent with two other leases of Council land to the CFA at Thornton and Strath Creek.

The lease would require the excision of the land from the delegation of the Glenburn Community Centre Committee of Management.

The proposed new Glenburn fire station also requires a planning permit be issued for both the use and the buildings and works. Any decision by Council to enter into a lease of the subject land would need to be conditional on the proposal receiving planning approval.

***Financial/Resources/Risk***

There would be some financial risk to Council in terms of ongoing maintenance and renewal if Council were to accept the offer of the existing CFA site with the current shed remaining in situ.

There is some risk that small sections within the Glenburn community may object to the relocation of the Glenburn fire station as proposed, due to concerns about the loss of public open space and possible impacts on the heritage value of the former school site.

***Discussion:***

In recognition of the potential loss of public open space the CFA has offered to transfer its current site to Council ownership, with or without the existing CFA building. If this was to occur it would be proposed that the land (and building if retained) would form part of the management responsibility of the existing Glenburn Community Centre Section 86 Committee of Management.

In considering the merits of this offer, consideration has been given by officers to the condition of the current CFA building and its potential future use.

The current building is in moderate to good condition and fit for purpose, with some minor weathering and deterioration apparent. Only minor necessary maintenance and renewal funding requirements are projected over the short to medium term, with an overall remaining asset life of approximately 15 to 20 years.

Although the building is in relatively good condition, its transfer to Council would nevertheless be a further incremental increase to the Council's gifted asset base, and hence further contributing to Council's overall ongoing asset renewal burden.

In terms of the future use of the facility, from a strategic point of view there is no identified immediate need for additional meeting space in Glenburn, given both the Community Centre and Glenburn Hall provide for this need and the proposed new Fire Station also providing meeting space opportunities. With a potential oversupply of meeting space it is questionable whether the existing facility could be managed from a financial sustainability perspective into the future by such a small community.

On balance it is recommended by officers that the Council does not agree to the transfer of the shed, as it is not backed by a clearly defined plan for how the building would complement the range of existing community facilities in the town, or how it would be managed financially.



The existing CFA building is large and does create a visual bulk that impedes the views of the heritage buildings (Glenburn School house and shelter shed). The proposed new CFA building is even larger than the existing station, and would be a bigger impediment to the heritage values of the Glenburn Schoolhouse if it were located on the existing site.

The land adjacent to the schoolhouse currently proposed to be leased to the CFA is currently used as informal public open space. In order to offset the loss of this space, it is recommended that the lease arrangement include the requirement for the old CFA site land be vested to Council, with a requirement that all buildings and works on the site be removed, including the concrete slab, and the land graded level and returned to grass. This would allow better view lines to the schoolhouse and provide some offset for the loss of open space in the precinct.

In addition it is recommended that the area be fenced into the existing community grounds, and that the driveway entrance for the private property to the west be clearly delineated, and signposted, to ensure that the use of the community land does not impede the access to this property.

It is noted that land gifted to Council is capitalised at its market value and does not depreciate, hence the land transfer would not contribute to the Council's renewal burden.

Furthermore, given planning restrictions and the relatively small size of the block, there is unlikely to be any significant uses to which the site could be put that would make it attractive as a site to invest in and purchase. Hence its incorporation into the public open space of the Community Centre land seems a sensible outcome.

It is therefore recommended that Council supports a potential long term lease of the subject land to the CFA, subject to the following additional conditions:

1. Evidence of planning approval through the issuing of a planning permit for the new CFA Facility
2. The existing CFA owned land is transferred to Council ownership at the CFA's cost
3. The existing CFA shed and associated infrastructure, including the concrete slab be removed
4. The site is graded level and returned to grass
5. The site is fenced into the existing Community Centre grounds and gated to enable vehicles to enter and exit
6. The driveway entrance for the private property to the west be clearly delineated, and signposted, to ensure that the use of the community land does not impede the access to this property

**Consultation:**

Given the recent history of divergent local community views with respect to development of community facilities in Glenburn, the CFA was encouraged to ensure the community was consulted in the development of the proposal.

To this end a public meeting was called by the Glenburn CFA in April 2013 to consider the proposal. On the basis of recent history, given the potential for divergent views amongst those attending the meeting, Cr Ruhr was invited to Chair the meeting and Council's Manager of Development and Environmental Services was invited to provide technical planning advice (if required) at the meeting. The meeting of approximately 60 people overwhelmingly supported the proposal.

**Conclusion:**

The lease of the land for the purposes of constructing a new CFA Fire Station will ensure the value of the volunteer fire services provided through the local brigade can be maintained in appropriate facilities into the future.

**8.3.2 Section 86 Committee of Management Membership Endorsement**

REF: SF/95

**Purpose:**

This purpose of this Council Ordinary Agenda item to seek Council's endorsement of the membership change for the Friends of Yea Railway Section 86 Committee of Management.

**Recommendation:**

**That Council endorse Jan Wealands as the Yea Country Market User Group representative on the Friends of Yea Railway Section 86 Committee of Management.**

**Background:**

The Friends of Yea Railway Section 86 Committee of Management (COM) is delegated by Council to manage assets and grounds under Councils Management at the Yea Railway Station site. All formal appointments to the COM must be made by Council and that Council may in its absolute discretion decline to appoint. User Groups propose the representative to the COM and the COM have now requested that Council endorse the membership.

**Council Plan/Strategies:**

Consistent with the Council Plan 2013-2017 goal – 'Our Council' – to provide effective governance that supports the aspirations of our community.

**Legal/Policy Issues:**

Failure to formally recognise changes in membership of Council's Section 86 Committees of Management may inhibit the operation of committees and prevent compliance with delegated authorities.

**Financial/Resources/Risk**

Until Council has endorsed this membership the individual does not have any voting rights in regards to any financial decisions.

**Discussion:**

The COM's delegated membership includes One Yea Country Market representative. The Yea Country Market Committee has proposed the change of representative to the COM and at the January meeting the COM accepted the proposal. A request was received from the Secretary for Council to endorse Jan Wealands as the Yea Country Market representative.

**Consultation:**

Both the Yea Country Market Committee and the Friends of Yea Railway Section 86 Committee of Management have been involved in this decision.

**Conclusion:**

It is important from a fiduciary and statutory perspective that Council endorses current membership of its Section 86 Committees of Management.

**8.3.3            *Revocation of the Instrument of Delegation – Bollygum Park Reserve Section 86 Committee of Management***

REF:            SF/111

***Purpose:***

The purpose of this report is to seek Council's endorsement of the revocation of the Instrument of Delegation for the Bollygum Park Reserve Section 86 Committee of Management.

***Recommendation:*****That Council:**

- 1.    Revoke the Instrument of Delegation for the Bollygum Park Reserve Section 86 Committee of Management**
- 2.    Request the payment of the balance of any accounts to be made to Council**
- 3.    Thank the members for their time and commitment to the building and management of the Bollygum Park Reserve**
- 4.    Acknowledge that the Friends of Bollygum Park Inc is able to provide ongoing advice concerning the Park.**

***Background:***

The Bollygum Park Reserve Section 86 Committee of Management (the "Committee") was appointed in December 2004 to manage Bollygum Park – Kinglake on behalf of Council. In 2012 the Committee requested a 12 month period of recess following an inability to raise a quorum at the 2012 Annual General Meeting.

Council wrote to the 2011 elected members on 18 October 2013 outlining the compliance obligations that the Committee is required to meet and asked for a response from the committee members as to their interest in continuing the role of the Committee.

The letter also advised that Council could appoint the existing Friends of Bollygum Inc as an Advisory Committee to Council with terms of reference. This existing group could provide advice and work with Council in providing strategic direction for the Reserve.

Only one response was received from the 2011 elected Committee which indicated support for the proposal to revoke the Instrument of Delegation due to the increasing difficulty in finding interested volunteers to join the Committee of Management.

Council has been directly managing the Reserve over the last 18 months and liaising with the Friends of Bollygum Inc. whilst the Committee of Management has been in recess. As Council owns the land, by revoking the Instrument of Delegation Council's responsibilities will remain unchanged.

***Council Plan/Strategies:***

This report is consistent with the Council Plan 2013-2017 goal – 'Our Council' – to provide effective governance that supports the aspirations of our community.

***Legal/Policy Issues:***

The Bollygum Park Reserve Committee of Management is delegated as a Section 86 Special Committee under the *Local Government Act 1989*.

***Financial/Resources/Risk***

The last financial report from the Committee was received in September 2011. Recent contact with the Committee has confirmed that the current financial balance is approximately \$2,000.

Upon revocation of the Instrument of Delegation Council will request that the account be closed and the balance returned to Council to support future maintenance of the Park.

Council has been managing all financial obligations for the Reserve for the last 18 months.

***Discussion:***

The compliance obligations associated with being a Section 86 Committee of Management can be onerous on a group of community volunteers. Small communities regularly find it difficult to attract community members with the time to commit to a Committee of Management.

The Bollygum Park Reserve Committee of Management was a successful mechanism for managing the ongoing development of the park, however in recent years the Committee has found it difficult to meet.

Council has been the direct manager of the Reserve since the Committee went into recess. Every effort has been made to try to reinstate the Committee and the final step now is to revoke the Instrument of Delegation and strengthen the relationship between Council and Friends of Bollygum Inc.

***Consultation:***

Attempts to hold a Special Meeting to gauge the community's interest in re-instating the Committee of Management were unsuccessful. Each 2011 elected Committee member was sent a letter encouraging feedback regarding the future of the Committee of Management and one response was received.

***Conclusion:***

The revocation of the Instrument of Delegation for the Bollygum Park Reserve Section 86 Committee of Management with Council taking full responsibility for the Reserve is a practical solution to the ongoing management of the Council asset.

### **8.3.4 Quarterly Financial Report to 31 December 2013**

File No: 10/02/20

(Refer Encl 8.3.4 – Quarterly Financial Report to 31 December 2013)

***Purpose:***

This report presents the quarterly financial report for the period ending 31 December 2013.

***Recommendation:***

**That Council receive the Quarterly Financial Report to 31 December 2013.**

***Background:***

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

Councillors, sitting as Council, have an 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.

The format of the budget is prepared generally in accordance with both the financial regulations affecting local government and the best practice guide for reporting local government budgets.

At the end of the financial year, the draft Annual Financial Statements, comprising the Financial Report, Standard Statements and Performance Statement, are considered by the Audit Committee and presented to Council prior to them being submitted to the Auditor General.

It is important that the Annual Budget is framed within the Strategic Resource Plan and contributes to achieving the strategic objectives specified in the Council Plan.

To enable the progress of each to be monitored throughout the year, Council receives quarterly reports on the Annual Budget, the Council Plan activities, and the Capital Works Program.

***Council Plan/Strategies:***

This report is consistent with the Council Plan 2013-17 Our Council goal which has a strategic objective to deliver visible leadership and advocacy for the community backed by a financially strong organisation. A key strategy objective is to administer sound financial management practices.

***Legal/Policy Issues:***

The *Local Government Act 1989* 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/Resources/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.

***Discussion:***

***Annual Council Budget***

The Council Budget essentially comprises four components. Firstly it provides a description of the activities and initiatives to be funded in the Annual Budget and how these will contribute to achieving the strategic objectives that are specified in the Council Plan.

Secondly, it describes the various influences which have impacted upon the preparation of the annual Budget. These have included such things as Federal and State funding programs, such as Road to Recovery Allocations or costs such as the EPA levies.

Thirdly, it includes an analysis of the budget including the sources of revenue such as rates, user fees and grants as well as key expenditure categories.

Finally it includes an analysis of the cash flow and capital works statements along with the five Budgeted Standard Statements of:

- Budgeted Standard Income Statement
- Budgeted Standard Balance sheet
- Budgeted Standard Cash Flow Statement

- Budgeted Standard Capital Works Statement
- Budgeted Statement of Investment Reserves

These five Standard Statements are replicated in the quarterly financial report that is presented to Council (*refer Encl 8.3.4 - Statements A – E*)

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 a principle of public sector reporting is also that carry forward adjustment need to be made.

### **Quarterly Financial Report to 31 December 2013**

The table below is a reconciliation between Council's Adopted Budget and enclosed Statements which include carry forward of unexpended projects from 2012-13 as reported as part of the September Quarterly Review, and all newly approved grant funded projects and all other known variances since budget adoption identified as part of the midyear review.

#### Reconciliation of Budget Adjustments - December 2013 Quarterly Review

	<b>Operating Result Surplus / (Deficit)</b>	<b>Capital Works Budget</b>
<b>Adopted Budget 2013/2014</b>	<b>38,567</b>	<b>(10,254,229)</b>
Carry forward adjustments	(3,512,811)	(3,087,939)
<b>September Revised Budget 2013/2014</b>	<b>(3,474,244)</b>	<b>(13,342,168)</b>
Non Recurrent Grants - Capital	526,906	(526,906)
Non recurrent Grants - Operating	184,022	
Recurrent Grant Funding	73,236	
Reimbursements	163,186	
Other Revenue	299,934	
Fees, Fines & User Charges	11,000	
Employee Benefits	(289,801)	
Materials & Service and Other Exp.	(194,375)	
Carry forward adjustment	93,501	(1,195)
Depreciation - recalculation new values	447,870	
Finance Cost - Interest	5,961	
Asset Sales MRV \$220k Plant \$18K	238,182	
Carrying Amount of Assets Sold	(238,182)	
<b>December Revised Budget 2013/2014</b>	<b>(2,152,804)</b>	<b>(13,870,269)</b>
Variance reduced deficit / add Capex	1,321,440	(528,101)
<b>Represented by</b>	<b>Balance Sheet</b>	<b>Cash Flow</b>
Improved Cash position	701,194	971,359
Property Plant & Equipment	737,789	(289,919)
Liabilities / Provisions	(117,543)	19,754
	<b>1,321,440</b>	<b>701,194</b>

The original budget operating Surplus has been impacted by carry forward adjustments as detailed as part of the September Budget Review, projecting a \$3.47m operating deficit for 2013-14. With additional grant funding and revision of budgets as part of the December "mid year" review, this has now been reduced to a Revised Operating Deficit of \$2.15m.

It should be noted that generally Local Government Income Statements report a surplus because the statement includes all of Council's income sources, but does not include all of Council's expenditure as Capital expenditure is reported via a separate Capital works Statement D.

Non Recurrent Grant revenue has increased with the addition of the following funding;

<b>Non Recurrent Grant Funding</b>	
<b>Capital</b>	
Kinglake Art History Walk	202,000
Taggerty Walking Trail & Town	309,906
Kinglake Transfer Station	15,000
	<b>526,906</b>
<b>Operating</b>	
Community Connectedness Facilitator	48,500
Building Beyond Conference	5,000
Community Projects Initiative	15,000
Murrindindi Heritage Study	5,000
Roadside Weeds & Pests Management	3,522
Disaster Ready Business Project	107,000
<b>Total</b>	<b>184,022</b>

Recurrent Grant Funding of \$73,236 consists of adjustments to align Council Budget with current increased funding agreements in Home & Community Care.

Reimbursements increase of \$163,186 recognises the recoupment of the increased costs of Debt Collection \$90k, funding for the implementation of the Fire Service Property Levy \$61k and minor insurance claims \$12k. All this additional revenue has offsetting expenditure.

Other revenue \$299,934 relates mainly to increased projection of Interest on Investment of \$261k generated by the high levels of cash being held from unexpended capital works carried forward and some grant funding for projects received in advance. It is also influenced by the increase in the level of Reserve Funds. Other minor adjustments to lease rentals and plant income make up the balance.

Fees & User charges have been incremented by \$7k for Road Works permits and \$4k for Building Beyond Conference Fees.

The increase in Employee Benefits \$289,801 is mainly related to increases in grant or other funding i.e. Fire Services Property Levy funding of \$61k, Community Connectedness Facilitator \$22k and Home & Community Care Programs \$81k. An allocation was also made providing for unbudgeted 'one off' redundancy cost of \$124k associated with finalising the services review implementation. Council's annual workcover premium has been reassessed and represents a saving of \$90k against original budget estimates, partially offsetting some of the above additional costs.

The increase of \$194,375 for Materials & Contractors is offset by increased revenue with key budget movements of \$107K grant funding for Disaster Ready Business Project and \$90k Debt Collection expenses which are recouped when added as a charge on the rate assessments.

In reviewing budgets an error of \$93,501 was identified on a grant funded project, with a carry forward of an unexpended allocation from 2012-13 that had already been included in the 2013-14 budget. Budgets have been adjusted to reflect the actual amount of the funding, which has been spread over several years.

Depreciation has been revised downwards by \$447,870 based on new valuation data returned as the result of asset revaluations in the year ended 30 June 2013.

Finance costs (interest on loans) has been adjusted to reflect actual borrowing costs with the interest rate on current borrowings lower than anticipated.

Asset Sales budgets have been increased to include the sale of a unit at the Marysville Retirement Village \$220,000 and also sale of plant \$18,182. A corresponding budget has been provided to write out the carrying amount of these assets from Property Plant & Equipment. Although there is a \$0 net effect within the income statement (operating result) there is movement within the balance sheet decreasing fixed assets and increasing cash.

The Cash flow (Statement C) provides a more holistic picture and reports the important information on Council's cash inflows and outflows. The *Net cash flow from operating activities* line in the Cash Flow Statement (a cash view of the operating statement) shows from the revised budget an increase of \$971k. The bulk of this adjustment is in grants. *Net cash used in investing activities* (Capital Works) shows an overall increase of (\$289k) and *Net cash used in financing activities* (borrowing cost & repayments) has reduced by \$20k.

The overall result is reflected in the Balance Sheet with the Revised Budget for 2013-14 projecting an increase in cash of \$701,194.

The other major revised budget variance of \$737,789 relates to Property Plant & Equipment which is explained and reconciled with reference to Statement D Capital Works. The summary of this value is represented through a \$528k increase in the value of Capital Works forecast to be completed in the 2013/14 financial year, which is further enhanced by the \$447k recalculation of depreciation values detailed above. This is offset by the write-out of the carrying amounts of the asset sales (232k) detailed earlier on this page.

The overall revised budget position maintains a higher level of cash as at 30 June 2014 of \$12.8m which is \$2.7m above the original budget for 2013/14 of \$10.1m. The bulk of this relates to the increased level of Reserves \$1.4m with movements detailed in Statement E Reconciliation of Non Discretionary Cash & Reserves, together with an increase of \$1.3m in discretionary cash. (Original Budget 2013/14 \$3.5m / Revised Budget \$4.8m).

It has been identified that approximately \$426k of these funds relate to unspent Infrastructure Works from 2012-13 not identified to be carried forward, and as part of the March 2014 Quarterly Review will be reviewed.

### **Operating YTD Review**

Overall the Income Statement reflects minimal variances in both operating revenue and operating expenditure, with several projects behind anticipated expenditure budgets.

The Year to Date Summary of the Income Statement for the period ending 31 December 2013 is provided in Table 1 as follows:



**Table 1 – Summary of Income Statement**

	YTD	YTD	
	Budget	Actual	Variance
	\$k	\$k	\$k
<b>Revenue</b>	22,730	21,520	<b>(1,210)</b>
<b>Expenses</b>	11,731	9,709	<b>2,022</b>
<b>Surplus</b>	<b>10,999</b>	<b>11,811</b>	<b>812</b>

The Year To Date (YTD) operating result at 31 December 2013 shows income down by (\$1,210k) and expenditure behind \$2,022k generating a larger than expected YTD surplus of \$812k or 7.38% better than the budgeted surplus.

The key components comprising both Revenue and Expenses variances are summarised by category in Tables 2 and 3 as follows:

**Table 2 – Key Revenue component variance**

Variance		
\$k		
(1,210)	Unfavourable to budget	
Key Components	Type	Particulars
42	Rates & Charges	Additional services charges for Garbage and Recycling.
81	User fees	Additional user charges at Alexandra Landfill \$72k offset by unfavourable fees at Alexandra Transfer Station (\$25k). Home Care user charges are favourable \$25k.
(1,376)	Grants – Non Recurrent	<p>Unfavourable variance mainly relates to</p> <ul style="list-style-type: none"> <li>• Roads to Recovery \$417k,</li> <li>• Local Government Infrastructure Program \$690k,</li> <li>• VBAF Other \$64k,</li> <li>• Community Project Initiative \$51k, and</li> <li>• Yea Shire Hall \$150k,</li> </ul> <p>The bulk of the variances are either reliant on completion of works or acquittal of claims.</p>

**Table 3 – Key Expense component variance**

Variance		
\$k		
2,022	Favourable to Budget	
Key Components:	Type	Particulars
194	Employee Benefits	<p>Favourable variance mainly relates to</p> <ul style="list-style-type: none"> <li>• maintenance of new and expanded assets \$121k &amp;</li> <li>• Community Services Programs \$45k</li> </ul> <p>Variances will be reviewed as part of the 2014-15 Budget development.</p>
1,085	Materials & Services	<p>Favourable variance mainly relates to</p> <ul style="list-style-type: none"> <li>• maintenance of new and expanded assets \$412k,</li> <li>• Infrastructure maintenance \$117k,</li> <li>• Facilities Maintenance \$72k,</li> <li>• Quarry - crush \$120k,</li> <li>• Bushfire Insurance \$50k,</li> <li>• Community Liaison \$50k, and</li> <li>• Youth Services – L2P \$70k</li> </ul> <p>These favourable variances are spread mainly across contractors \$930k and materials \$72k. It should be noted these are year to date variances to budget and not forecast savings as most budgets are predicted to be expended by year end.</p>
747	Net Gain (loss) on disposal of property, infrastructure & equipment.	<p>This favourable variance relates to the timing of the write out of carrying amount of assets sold. Sale of land and trade of motor vehicles have been taken up in December, however the resulting write out of the carrying amount of these assets had not been processed at the reporting date 31 December.</p>

**Capital** As at 31 December 2013, Capital Works are \$1.077M under the year to date budget of \$4.458M. Statement D, as attached, indicates that across the asset categories, the largest variances are \$433k in Buildings and \$441k in Roads & Paths.

**Table 4 – Summary of Capital Works completed (Financial)**

Asset Category	YTD Budget 30/12/13	Actuals 30/12/13	Variance YTD	Complete to YTD Budget
	\$'000	\$'000	\$'000	%
Buildings	2,308	1,875	433	19%
Plant & Machinery	193	172	21	11%
Roads & Paths	785	343	441	56%
Bridges	825	762	63	8%
Drainage	227	136	90	40%
Heritage Assets	13	4	9	69%
Furniture & Equipment	85	86	(1)	-2%
Library Bookstock	23	2	21	92%
Works in Progress	-	-	-	0%
<b>Total Capital Works</b>	<b>4,458</b>	<b>3,381</b>	<b>1,077</b>	<b>24%</b>

**Table 5 – Key Capital component variance**

Variance		
\$k		
1,077	Favourable to Budget	
Key Components:	Type	Particulars
433	Buildings	<p>Expenditure on buildings is under the YTD budget with the major three items being:</p> <ul style="list-style-type: none"> <li>• Yea Shire Hall Upgrade \$81k,</li> <li>• Y Water Centre \$237k, and</li> <li>• Yea Swimming Pool \$123k.</li> </ul> <p>The remaining variations are a combination of minor variations across several projects.</p>
441	Roads & Paths	<p>Expenditure on roads and paths is under the YTD budget with the major items being:</p> <ul style="list-style-type: none"> <li>• Town Amenity Project \$46k</li> <li>• Township Street Bins \$40k</li> <li>• Vegetation Projects \$53k</li> <li>• Sealed Roads – Reseals \$235k</li> <li>• Urban Access Improvements \$42k, and</li> <li>• Road Safety –Disabled Parking \$8k</li> </ul>
90	Stormwater Network	<p>Expenditure on Stormwater Network is under the YTD budget with the major items being:</p> <ul style="list-style-type: none"> <li>• Buxton Drainage \$23k</li> <li>• Alexandra Drainage \$23k</li> <li>• Kinglake Glenburn Road \$16k, and</li> <li>• Flood Levee Buxton \$25k</li> </ul>

The overall capital works budget has been increased from \$10.254m to \$13.870m with \$3.088m carry forwards from unexpended capital work projects forecast to be completed by 30 June 2013, plus \$528k of additional grant funded projects identified as part of this review. Further details by category can be found in Statement D.

Council officers will be undertaking a complete review of all projects in February 2014 as part of the 2014/15 Budget development, and will be re-forecasting projections for year end 30 June 2014.

### **Balance Sheet (Statement B) & Cash Flow Statement (Statement C)**

The Balance Sheet – Statement B as at 31 December 2013 shows a major variance in Trade & Other Receivables of \$1.23m relating to outstanding claims for Natural Disaster Funded Projects, being Bushfires \$328k and Storm Events \$1.39m. This is also represented as the major variance on the cash flow statement – Statement C with cash flows from Grants showing an unfavourable variance of \$2.3M which also includes the unfavourable variance in Non Recurrent Grants of \$1.3M from the Income Statement.

Meetings have been held with Vic Roads & Department of Treasury and Finance to address this issue.

### **Non Discretionary Cash & Council Reserves (Statement E)**

Included as part of this report is a 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 provision of employee entitlements – being a nominal amount of 25% of Council Annual Leave Liability. This is then offset against the level of projected cash at year end.

The reconciliation has previously included Council Long Service Leave Liability as required by legislation, however with a change in legislation there is no longer a requirement to keep a separate bank account for this provision. The amount held in investment for this provision was used to repay Council's component of the Vision Superannuation Defined Benefits Unfunded Liability in 2012-13.

As part of the 2013/14 Budget and Council's 2013-2017 Long Term Financial Plan Council has made a commitment to re-establish a cash backed proportion of this liability, to be at 25% of the current LSL Liability over a 4 year period, by 30 June 2017.

### **Key Financial Ratios**

The Victorian Auditor General's Office (VAGO) prepares an annual report on a range of financial indicators for each Council. The Auditor General has recently forwarded his report which addresses three key indicators.

In 2006-2007 VAGO started publishing separate reports on the results of financial audits for the local government sector. It introduced a traffic light system for reporting on the financial sustainability risk of local Councils and also reporting on each Council individually. Each year VAGO has continued to report on a set of indicators that are outlined below and over that period VAGO has seen an overall improvement in these ratios.

The traffic light system comprises:

<b>Risk Ledger</b>
High risk of short-term and immediate sustainability concerns
Medium risk of long-term sustainability concerns
Low risk of sustainability concerns

Financial Ratios - VAGO Risk Assessment Criteria							
Ratio	Actual 2010	Actual 2011	Actual 2012	Actual 2013	Revised Budget 2014	5 Year Average 2010-2014	
<b>Liquidity</b> (Measures the ability to pay existing liabilities within 12 months) Risk High 0-1 Medium 1.0-1.5 Low Greater than 1.5	2.59	2.28	2.34	3.29	2.35	2.57	
<b>Self Financing</b> (measures the ability to replace assets using cash generated by operations) Risk High <10% Medium 10%-20% Low >20%	22.71%	21.59%	29.20%	33.75%	26.84%	26.82%	
<b>Indebtedness</b> (Shows how well Council can meet debt from own source revenue) Risk High >60% Medium 40%-60% Low <40%	29.03%	27.50%	27.25%	25.04%	22.39%	26.24%	

This indicates that Council has an overall low risk in terms of its financial position, based on the VAGO assessment criteria. However, this does not negate the need for strong financial management nor support from the State Government in relation to the gifted and novated assets as these will have an impact upon the future assessment of these indicators and Council's long term financial sustainability.

**Consultation:**

There has been no community consultation with respect to the preparation of this quarterly finance report.

**Conclusion:**

Awareness by Councillors of general budgeting and reporting requirements will facilitate the preparation of the Annual Budget and Strategic Resource Plan. Operating performance for the December quarter has been largely in line with the total budget. Where revenue has not been achieved corresponding expenditure has not been spent. Council remains in a favourable cash position despite the challenges that it faces.

**8.3.5 Amendment to S11 Instrument of Appointment and Authorisation**

REF: SF/123

(Refer Encl 8.3.5 - Amendment to S11 Instrument)

**Purpose:**

The purpose of this report is to recommend to Council the amendment of the S11 Instrument of Appointment and Authorisation which was adopted by Council on 18 December 2013.

**Recommendation:**

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (*Enclosure 8.3.2 - S11*), Murrindindi Shire Council (Council) resolves that:

1. The members of Council staff referred to in the instrument Ian Coller, Andrew Daly, Karen Girvan, Mark Leitinger, John Canny, Natalie Stewart, Owen Robert Evans, Michael Chesworth, Tamara Johnson, Casey Southurst, Robert Skinner, Matt Parsons, Angelina Bell, Melissa Crane, Grant Scale, Marcus Hann and Oliver Boyd be appointed and authorised as set out in the instrument.
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
3. The instrument be sealed.

**Background:**

At its Ordinary Meeting on 18 December 2013 Council resolved to adopt the S11 Instrument of Appointment and Authorisation. The S11 Instrument delegates authority to officers conferred by section 224 of the *Local Government Act 1989*.

The Instrument of Appointment and Authorisation is required to be amended to add Ian Coller as a Local Laws Officer.

**Council Plan/Strategies:**

This report implements the Council Plan 2013-2017 Strategy 4.2.2 "Continue to improve our processes to enhance the efficiency and effectiveness of the organisation."

**Legal/Policy Issues:**

Council is required to approve Delegations in accordance with section 98 of the *Local Government Act 1989*.

**Financial/Resources/Risk**

There are no financial implications associated with this delegation.

**Discussion:**

Through the implementation of the delegations and authorisations appointed by Council at the 18 December 2013 Ordinary Meeting it has been recognised that in order to be able to perform the duties required under *the Act*, Ian Coller is required to be added as a Local Laws Officer.

**Consultation:**

Community consultation is not required for this delegation.

**Conclusion:**

Council is required to approve its delegating of powers, duties and functions, noting limitations and requirements as listed in the S11 Instrument of Appointment and Authorisation.

**8.4 CHIEF EXECUTIVE OFFICER**

**8.4.1 Progress on Memorials Project**

REF: 24/07/275-03, 22/05/43-31, SF/1016

**Purpose:**

This report provides Council with information regarding the activities, progress and outcomes to date of the Memorials' development process and addresses the next stages for the project.

**Recommendation:**

**That Council endorses the recommendations of the Memorials Working Group for the construction of two large memorials, one in Marysville and one in Kinglake and 5 smaller memorials in Narbethong, Castella/Toolangi, Kinglake West, Kinglake Central and Flowerdale.**

**Background:**

The purpose of the Murrindindi Memorials Project is to create permanent lasting public memorial/s to the February 2009 bushfires which represent community sentiment and feeling using a process of community engagement and consultation which contributes to the recovery and healing process.

In keeping with the working group directive the project is being conducted over three stages as outlined below.

- Stage 1 - Establish a design framework and potential sites - completed
- Stage 2 - Create a design brief and confirm sites - current
- Stage 3 - Design and construct - next

**Stage One Findings**

Consultation identified specific design features and location options appropriate to each individual community. The following were identified as the strongest themes presented across all communities throughout the program:

- Memorials are preferred to be developed in each township that suffered loss of life. Options for a single larger memorial on either side of the Shire should also be developed to provide a realistic comparison of what can be achieved under either option
- Elements including rocks, gardens, trees and water should be incorporated into design options
- Messages including honour, remembrance and reflection should be conveyed through the memorial, along with survival, recovery and community spirit
- The names of those who were lost in the fires should feature in the memorials, with space left for future listing of names for those who opt out in the initial development
- The loss of pets and wildlife should be acknowledged in some way, but in a manner secondary to the loss of human life
- The loss of property should be acknowledged through a general statement
- The story of the fires should be told through some interpretive elements to provide context into the future and to reduce the need for locals to tell their story to visitors over and over
- Linking the memorials through some common theme should be considered but is not essential
- Adding to existing memorials was not widely supported, with the exception possibly of the Flowerdale community.

Sites raised during this stage were

- Kinglake – Frank Thomson Reserve.
- Kinglake West/Pheasant Creek – Kinglake West intersection.
- Flowerdale – land near Hazeldene Store, original fire shed opposite Flowerdale Hotel or adding to the new community house though a memorial garden.

- Marysville –beside the river.
- Narbethong – Narbethong Reserve.
- The results for Toolangi were inconclusive.
- Strath Creek indicated they did not want a memorial.

### **Stage 2 Results**

The main focus of the stage two consultation has been to confirm that the design elements identified in Stage one are supported by the community and to finalise site selection.

The consultation results:

- Confirmed there should be a memorial in each town that suffered lost of human life. There was also strong support for the combination of two large memorials on either side of the shire, representing the two fires (Kilmore East and Murrindindi).
- Confirmed that the names of the people who died should be included.
- Overwhelmingly confirmed (92%) that the things identified in the stage one consultation regarding what was important in memorial design were accurate. These included:
  - recognition of the loss of property, pets the environment and communities.
  - acknowledgment of the enormous effort contributed by the emergency services and individuals in communities, particular Alexandra, Yea and Whittlesea in the response and recovery phase.

The working group are recommending that the regional memorials be in Marysville, in Lions Park and Kinglake in Frank Thompson Reserve. These would contain the names of the individuals who died in the fire that each memorial represents. Families of the deceased will have the option to not include their loved ones name.

Investigation of possible sites for the smaller local memorials has concluded. The final recommendations are:

Narbethong - Narbethong Reserve  
Castella/Toolangi - Central Park  
Kinglake West - Corner of Whittlesea-Kinglake Road and Whittlesea-Yea Road  
Kinglake Central - Corner of Extons Road and Whittlesea Kinglake Road  
Flowerdale - Byrneside Reserve

### **Council Plan/Strategies:**

This report seeks to implement the Objective of Social Connectedness in the Our Community Goal of the Council Plan 2013-2017 and particularly the strategy to work with communities to build resilience and prepare for future unplanned events.

### **Legal/Policy Issues:**

This project is consistent with Council Policy to appropriately recognise the events of the bushfires of February 2009.

### **Financial/Resources/Risk**

The original DPCD memorials grant was \$628,588. Of this approximately \$140,000 has been expended on the consultation and development process. The consultation process is a normal component of a project like this and is critical to the development of meaningful memorials and to avoid contributing any additional trauma to the community. It is envisaged that the design and construction of 2 large and 5 small memorials will cost in the vicinity of \$650,000. Council officers and the memorial consultants have been exploring possible avenues for additional



funding. Should additional funding not be found the project will need to be scaled to meet the budget and result in no cost to Council for the design and construction stage.

**Discussion:**

The site assessment process included an assessment of the ongoing maintenance impacts of the memorials. Wherever possible sites have been considered within existing parks and reserves. Two of the sites Frank Thompson Reserve and Byrneside Reserve are on undeveloped crown land which would mean negotiation regarding site management and ongoing maintenance commitment which will most likely fall to Council. Further discussions will be required to ensure that the requirements for site management are fully understood.

There has been strong support that the names of people who died be included. A significant minority (19%) did not agree. On this basis the working group has recommended that an opt-out option be offered for those who do not wish their loved ones names to be incorporated into a memorial. The Royal Commission Report includes the names of the deceased and will be used to determine where names will be placed. There will be provision for names not included at the development phase to be included in the future, should those families wish it.

Throughout the memorials consultation process time lines have been based upon community need and extended where necessary. The philosophy of 'it will take however long it takes' has been the driver of the time frame. Having passed the fifth anniversary and with interest in the project progressing, it is appropriate that the tender design and construction process commence. Initially an expression of interest process will be undertaken from which a short list of tenderers will be requested to provide detailed design concepts, not final designs. From these the successful tender will be appointed and the final designs developed in consultation with the community and construction completed. It is anticipated the construction will be completed in mid to late 2014 to allow for any landscaping and other aspects to be bedded down prior to the sixth anniversary.

To enable the design brief to be finished, decisions are needed by Council. These are primarily that dependent on successful funding applications Council endorse the recommendations of the Memorials Working group, specifically:

- the construction of two large memorials, one in Marysville and one in Kinglake and 5 smaller memorials in Narbethong, Castella/Toolangi, Kinglake West, Kinglake Central and Flowerdale.
- the preferred sites be at the locations listed below. Officers will proceed to seek permission from the relevant bodies to proceed with the project on those sites.

Marysville - Lions Park

Kinglake - Frank Thompson Reserve

Narbethong - Narbethong Reserve

Castella/Toolangi - Central Park

Kinglake West - Corner of Whittlesea-Kinglake Road and Whittlesea-Yea Road

Kinglake Central - Corner of Extons Road and Whittlesea Kinglake Road

Flowerdale - Byrneside Reserve.

- the names of the people who died be included on the large memorials with families of the deceased given the option to opt out of the inclusion of their loved ones name and the option to have them included in the future should they wish to do so.
- messages including honour, remembrance and reflection should be conveyed through the memorials, along with survival, recovery and community spirit.
- the loss of pets and wildlife be acknowledged in some way, but in a manner secondary to the loss of human life.

- the loss of property be acknowledged through a general statement.
- the story of the fires be told through some interpretive elements, including the response from the emergency services and broader community to provide context into the future.
- structures should be simple, not overstated,
- elements including rocks, gardens, trees and water be incorporated into design options.
- maintenance and durability be a key consideration. The materials should be durable, long lasting and have a relatively low maintenance requirement over the long term.

In order to enable the project to progress approaches will be made to philanthropic organisations for support to complete the Memorials development. If this funding is not available the project will be rescoped to ensure that it is within budget and Council's ongoing maintenance costs are minimised.

**Consultation:**

An extensive consultation process has been undertaken. The results of this consultation are available on the Murrindindi Bushfire Memorial website. Further consultation will occur with Council and the broader community once the design concepts are developed.

**Conclusion:**

Information about the process so far and how to be involved now can be found on the Murrindindi Bushfire Memorial web site. As the process moves closer to conclusion and decisions are made it is expected community interest will increase, which is welcomed. Council confirmation of the role and number of memorials will enable the project to proceed to the design and construction stage.

#### **8.4.2 Quarterly Council Plan 2013-2017 Report to 31 December 2013**

File No: SF/291

(Refer Encl 8.4.2 – Quarterly Council Plan 2013-2017 Report)

**Purpose:**

This report provides an update on the progress on activities listed in the Council Plan 2013-2017 for the second quarter ending 31 December 2013.

**Recommendation:**

**That the report for the second quarter of the Council Plan 2013-2017 on the status of Year One Council Plan activities be received.**

**Background:**

The Council Plan for the period 2013-2017 was adopted by Council at its Ordinary Meeting of 26 June 2013 in accordance with Section 125 of the *Local Government Act 1989*. The Council Plan 2013-2017 will be reviewed annually.

**Council Plan/Strategies:**

The Council Plan is the key planning document which translates Council's obligations under the *Local Government Act 1989* into strategies and actions. Specifically the plan:

- guides Council's strategic direction
- identifies Council priorities and strategic indicators
- contributes to the development of the annual budget for the next four years

The Council Plan is a key document for local community groups, residents, investors, and other levels of government who play a vital role in helping the Council delivery on its commitments. It sets out what we expect to achieve over a four year period and guides the allocation of finances through the Strategic Resource Plan.

***Legal/Policy Issues:***

Council is obliged under the *Local Government Act 1989* to review its Council Plan on an annual basis.

***Financial/Resources/Risk***

The Council Plan, in particular the Strategic Resource Plan, includes Council's long term financial plan and its implementation is supported by the Annual Budget.

***Discussion:***

In the first six months of the Council Plan 2013-2017 report, ending 31 December 2013 the following results have been achieved:

- 8 activities have been completed
- 36 activities are ongoing
- 27 activities are on schedule
- 9 activities have been delayed
- 2 activities were not due to commence during the quarter.

Highlights for the quarter ending 31 December 2013 were:

In November, Council's CEO attended a meeting with neighbouring shire representatives, member for Indi, Cathy McGowan and representatives from Telstra, to advocate for improved mobile phone coverage across the region. This initial meeting lead to the creation of a regional mobile black spots advocacy working group.

A meeting including Council officers, the Primary Care Partnership (PCP) and CEO's of local aged care facilities and hospitals was held in December to begin dialogue relating to opportunities for joint advocacy, to build relationships and investigate the potential for partnership projects.

The continued roll out of the Electronic Document Management System within Council has been successful in the second quarter with more that 50% of Council office staff trained by 31 December 2013.

The Community Services Department has achieved a number of initiatives for the second quarter. These include:

- The Integrated Early Years feasibility study final report was completed and received by Council Officers, it is scheduled to be presented to Council in the March quarter.
- The Health and Wellbeing Consortium was established with representation from community partners involved in the delivery of activities within the Municipal Health and Wellbeing Plan.
- The FReeZA program continued to provide events to support youth participation and expression. Examples this quarter were the Battle of the Bands event and Skating competitions.
- The Municipal Public Health and Wellbeing Planning message 'HealHhh'Stay Active and Healthy' has formed part of the new reserve signage across the Shire.

- The Internet Training for Older People program has assisted older people with their ability to find creative transport solutions using the internet such as the 'Get me about' and 'Getting There' web based travel and transport resources.

An energy management plan identifying strategies to fund a pilot program for energy improvements in a selection of key Council buildings.

A policy and process for managing native vegetation (and broader environmental impacts) in Council's infrastructure works, which was adopted by Council in the quarter.

Several Economic Development initiatives were progressed during the quarter including the following:

- Planning for an event between local employers and schools to increase employment opportunities and information exchange.
- The creation of the Local Strategic Skills, Training and Employment Network (LSSTEN) including local business representatives, the Murrindindi Training Institute and Alexandra CEACA, local government representatives and other stakeholders.
- Council was successful in attracting a leg of the Great Victorian Bike Ride (GVBR) for December 2014, including an overnight stay in Alexandra and a lunch stop in Marysville.

#### **Consultation:**

Community consultation is undertaken in relation to individual projects and activities identified in the Council Plan. This report provides the opportunity for Council to promote its achievements for the second quarter of the 2013 -2014 financial year in relation to the implementation of the strategies from the Council Plan.

#### **Conclusion:**

The 31 December 2013 report for the Council Plan 2013-2017 reflects the outcomes of the second quarter for this Council Plan. The majority of activities are on schedule, ongoing or completed reflecting a strong commitment by Council to meet the requirements set by the Council Plan.

## **9. SEALING REGISTER**

REF: 13/6325

<b><i>File Reference</i></b>	<b><i>Date Seal Affixed</i></b>	<b><i>Description of Documents</i></b>	<b><i>Signatures of Persons Sealing</i></b>
SF/123	17 January 2014	S5 Instrument of Delegation to Chief Executive Officer	Margaret Abbey John Walsh
SF/123	17 January 2014	S6 Instrument of Delegation - Members of Staff	Margaret Abbey John Walsh
SF/123	17 January 2014	S11 Instrument of Appointment and Authorisation	Margaret Abbey John Walsh
SF/123	17 January 2014	S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)	Margaret Abbey John Walsh
SF/123	17 January 2014	S7 Instrument of Sub-Delegation by CEO	Margaret Abbey John Walsh

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SF/112	24 January 2014	Instrument of Delegation to Section 86 Committees of Management	Margaret Abbey Margaret Rae
SF/640	5 February 2014	Section 17D Crown Land (Reserves) Act 1978 Lease - Existing Improvements Committee (Non Retail) between Murrindindi Shire Council and Marysville & Triangle Community Foundation Inc. for Marysville rebuilding Advisory Centre	Margaret Abbey Margaret Rae
SF/993	5 February 2014	Section 17D Crown Land (Reserves) Act 1978 Lease - Existing Improvements Committee (Non Retail) between Murrindindi Shire Council and Alexandra Lawn Tennis Club Inc.	Margaret Abbey Margaret Rae

***Recommendation:***

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

**10. COUNCILLOR PORTFOLIO REPORTS****10.1 LAND USE PLANNING PORTFOLIO****10.2 ECONOMIC DEVELOPMENT PORTFOLIO****10.3 INFRASTRUCTURE AND WASTE PORTFOLIO****10.4 COMMUNITY SERVICES PORTFOLIO****10.5 CORPORATE SERVICES PORTFOLIO****10.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO****10.7 MAYOR AND DELEGATED COMMITTEE REPORTS****10.8 GENERAL BUSINESS****11. MATTERS DEFERRED FROM PREVIOUS MEETING****12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

**13. ASSEMBLIES OF COUNCILLORS**

REF: CY14/117

**Purpose:**

This report presents the records of assemblies of Councillors for the 18 December 2013 to 12 February 2014, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

**Recommendation:**

**That Council receives and notes the record of assemblies of Councillors for 18 December 2013 to 12 February 2014.**

**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:**

<b>Meeting Name / Type</b>	Discussion prior to Ordinary Meeting
<b>Meeting Date</b>	18 December 2013
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Murrindindi Environment Advisory Committee</li> <li>2. Removal of Vegetation</li> <li>3. Street Lighting in Oswald Drive</li> <li>4. Delegations</li> <li>5. Lease of land in Glenburn</li> </ol>
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Ruhr, Cr Derwent, Cr Challen, Cr Walsh	Staff – M Abbey, T Johnson, J Canny, K Girvan, M Parsons, M Chesworth
<b>Conflict of Interest disclosures</b> <b>Item 8.2.2 Cr Rae, Vote taken – Yes, Councillor left the room before the discussion</b>	

<b>Meeting Name / Type</b>	Councillor Briefing Session
<b>Meeting Date</b>	15 January 2014
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Glenburn CFA Development</li> <li>2. Local Law Governance</li> <li>3. Unpaid Rates - Yea</li> <li>4. Yea Recreation Reserve</li> </ol>
<b>Attendees:</b> Councillors –Cr Rae, Cr Kennedy, Cr Walsh, Cr Challen	Staff – M Abbey, T Johnson, M Chesworth, T Carter, K Girvan, M Parsons, A Bond
<b>Conflict of Interest disclosures - Nil</b>	

<b>Meeting Name / Type</b>	Discussion prior to Ordinary Meeting	
<b>Meeting Date</b>	22 January 2014	
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Amendment of C51 Murrindindi Planning Scheme – Rezoning of CFA Site - Eildon</li> <li>2. Dust Issues Pendlebury Street, Alexandra</li> <li>3. Review of Councillor Reimbursement Policy</li> <li>4. Grant Applications – Country Football &amp; Netball Association</li> <li>5. Sale of Units - Marysville Village</li> </ol>	
<b>Attendees:</b> Councillors –Cr Rae, Cr Kennedy, Cr Magner, Cr Challen, Cr Walsh, Cr Derwent	Staff – M Abbey, M Chesworth, T Johnson, M Parsons, K Girvan	
<b>Conflict of Interest disclosures - Nil</b>		

<b>Meeting Name / Type</b>	Councillor Briefing Session	
<b>Meeting Date</b>	29 January 2014	
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Glenburn CFA Planning Application</li> <li>2. SRP Review Workshop No. 1</li> <li>3. Great Victorian Rail Trail</li> <li>4. Alexandra Railway Land</li> </ol>	
<b>Attendees:</b> Councillors –Cr Rae, Cr Kennedy, Cr Magner, Cr Challen, Cr Walsh, Cr Derwent	Staff – M Abbey, M Chesworth, T Johnson, J Canny, M Parsons, K Girvan, M Crane, A Bond	
<b>Conflict of Interest disclosures - Nil</b>		

<b>Meeting Name / Type</b>	Councillor Briefing Session	
<b>Meeting Date</b>	5 February 2014	
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Review of the Murrindindi Planning Scheme &amp; Strategic Planning Program</li> <li>2. General Valuation 2014</li> <li>3. Asset Management Policy</li> <li>4. KFT Plan</li> <li>5. Yea Caravan Park</li> </ol>	
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Challen	Staff – M Abbey, M Chesworth, J Canny, T Johnson, M Parsons	
<b>Conflict of Interest disclosures - Nil</b>		

<b>Meeting Name / Type</b>	Councillor Briefing Session	
<b>Meeting Date</b>	12 February 2014	
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Subdivision Application - Marysville</li> <li>2. Tourist Accommodation - Yarck</li> <li>3. Capital Works Program</li> <li>4. Street Lighting Policy</li> <li>5. Rating Strategy</li> <li>6. Bollygum Committee of Management</li> </ol>	
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Magner, Cr Challen, Cr Walsh	Staff – M Abbey, T Johnson, K Girvan, M Parsons, M Chesworth, J Canny, P Valente, A Bond	
<b>Conflict of Interest disclosures –</b>		
<b>Item 2 – Cr Walsh, Vote taken – No, Councillor left the room before the discussion.</b>		

**14.            URGENT BUSINESS****15.            CONFIDENTIAL ITEMS**

It is proposed that the following items be considered in closed session.

- **Grant Funding to Replace the Murrindindi Assistance Package**
- **MAV Procurement Electricity Tender**
- **Tender Report Yea Drainage Initiatives**

The meeting is to be closed to members of the public as the discussion of this item is confidential pursuant to (Section 89(2)(h) of the *Local Government Act 1989*) - any other matter which the Council or special committee considers would prejudice the Council or any person.