



AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
WEDNESDAY 26 June 2013
in the
COMMUNITY CENTRE
Falls Road, Marysville
commencing at
6.00 pm

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

File: 12/02/19

3. CONFIRMATION OF MINUTES

- Minutes of the Ordinary meeting of Council held on 22 May 2013
- Minutes of the Special meeting of Council held on 20 June 2013

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

File No: 12/01/06-1

5. OPEN FORUM**6. PETITIONS RECEIVED BY COUNCIL****7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES****7.1 AUDIT ADVISORY COMMITTEE MEETING MINUTES***(Refer Encl 7.1 – Audit Advisory Committee minutes 30 May 2013)****Recommendation:*****That:**

- 1. The minutes of the Audit Advisory Committee meeting held on 30 May 2013 be received; and**
- 2. Council endorses the Audit Advisory Committee's recommendation to advertise for the appointment of an additional member to the Audit Advisory Committee.**
- 3. Council endorses the appointment of Ian MacKaskill as the nominated Chairperson of the Audit Advisory Committee.**

7.2 MURRINDINDI ENVIRONMENT ADVISORY COMMITTEE MINUTES*(Refer Encl 7.2 – MEAC Minutes 11 June 2013)****Recommendation:*****That the Minutes of the Murrindindi Environment Advisory Committee meeting held on 11 June 2013 be received.**

8. OFFICER REPORTS

8.1 DEVELOPMENT & ENVIRONMENT

8.1.1 Three Lot Subdivision – Marysville

File No: 2012/118

Land: 38 Falls Road, Marysville

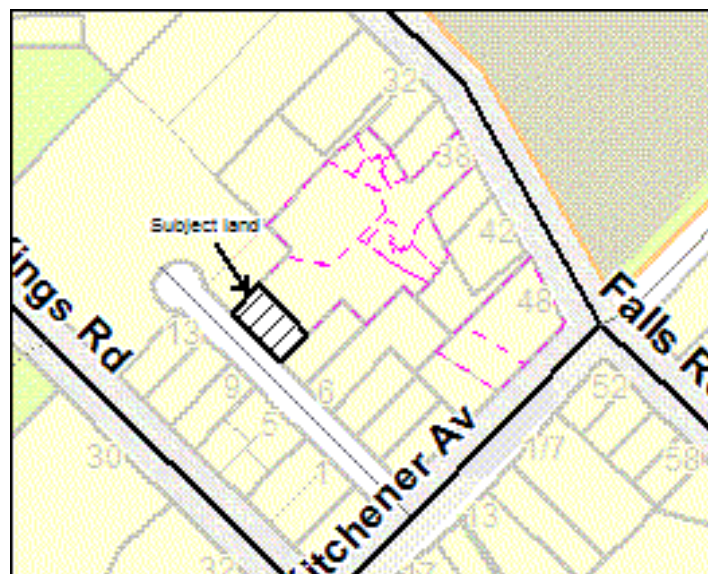
Proposal: 3 lot subdivision

Zoning: Residential 1

Overlays: Vegetation Protection Overlay

Attachments: Application details (*refer Encl 8.1.1*), (aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a notice of decision to grant a permit be issued for a 3 lot subdivision at 38 Falls Road, Marysville.

Recommendation:

That Council issue a Notice of Decision to Grant a Permit for a 3 lot subdivision at 38 Falls Road, Marysville (Lot A, PS 616323), 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 the plan of subdivision hereby permitted is not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within three months after such expiry.**
- (3) 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) 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.

Council will undertake to have the agreement prepared upon written notification from the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

- (6) Prior to the issue of a Statement of Compliance, a Statement of Compliance for PS616323 must be issued, lodged and registered with the Land Titles Office.
- (7) Lot Drainage

Each lot and the common property shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority. Prior to the issue of a Statement of Compliance, a report including drainage plans with computations must be prepared to the satisfaction of the Responsible Authority and receive its endorsement.

The drainage plan and computations must show:-

- For each lot, the direction of stormwater run off and a point of discharge;
- Common property and road drainage system;
- Provisions for the minor and major storm events;
- Details of the works required to upgrade the internal drainage system and external outfall drainage.

- Details of external catchments and drainage infrastructure that need to be catered for by the development

No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.

(8) Lot Access Requirements

Prior to the issue of a Statement of Compliance vehicle access to each lot must be constructed or upgraded to the satisfaction of the Responsible Authority. A plan detailing all vehicle crossings construction/upgrading is to be prepared to the satisfaction of the Responsible Authority and receive its endorsement. Specific requirements are as follows:

- Concrete Vehicle crossing design must be consistent with the endorsed drainage plan;
- Upgrade works in Hull Road to accommodate access to the development including kerb and channel and pavement works in accordance with Council's Infrastructure Design Manual.

(9) Subdivisional Development

Prior to the issue of a Statement of Compliance by the Responsible Authority, the Subdivider must undertake or cause to be provided in accordance with the requirements of the Responsible Authority the following for the relevant stage of the development:

- Form 23;
- Each lot shown on the endorsed plans must be independently drained to the satisfaction of the Responsible Authority. Construct and/or upgrade the drainage system in accordance with the endorsed drainage plans;
- Provide a vehicle crossing to each lot in accordance with Council's standards;
- Road upgrade works in Hull Road

(10) 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.

(11) 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

- (12) 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.**

(13) The applicant must –

- a. 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.
- b. 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

- (14) Payment of a new customer contribution for water supply to the development, such amount being determined by the Corporation at the time of payment.
- (15) Payment of a new customer contribution for sewerage services to the development, such amount being determined by the Corporation at the time of payment
- (16) 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; (Cut in lots 1-3).
- (17) 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.
- (18) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
- (19) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988

Telstra

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

NOTATIONS:**(1) Goulburn Valley Water**

Lots on this plan may not be able to be serviced by Goulburn Valley Water's gravity sewer reticulation network and may require the installation of a privately owned and operated sewage pumping station.

Proposal:

The application is for the subdivision of 3 lots fronting Hull Road in Marysville. These three lots have existing approval under Planning Permit 2009/632 for the construction of a dwelling on each of the proposed lots. The area of the three lots varies from 301 to 314 square metres.

Planning permit 2009/632 was issued in October 2010, for the construction of 22 dwellings on the subject land. Nineteen of these dwellings will be accessed from an internal road coming from Falls Road, with the remaining three dwellings gaining access directly from Hull Road. In July 2012, two separate planning permit applications were lodged for the subdivision of this land. One application, 2012/117, was to subdivide the property into 9 lots, being six of the approved dwellings, Stage 2 (containing 6 dwellings), Stage 3 (containing 7 dwellings) and Lot A (containing 3 dwellings fronting Hull Road). This application is to subdivide Lot A into three lots, thereby providing a separate title for each of the proposed dwellings on Hull Road. The application for the subdivision of the 9 lots was approved by delegation on 30 May 2013.

History:

Prior to the 2009 bushfires the entire property previously had ten dwellings that had predominantly been used for tourist accommodation and was in the process of being subdivided.

Planning permit 2009/632 was issued in October 2010 for a 22 lot residential development. This application was widely advertised and a number of submissions received. The layout and building design was assessed for Council by the urban design consultant who worked on the Marysville & Triangle Urban Design Framework. Ultimately a planning permit was issued and no appeals were lodged.

The Land & Surroundings:

The land fronts Hull Road on its south-western boundary and slopes down towards the north-east. Hull Road is a 'no through' road that currently gives access to 14 residential lots and also the large property that previously held the 'Marylands Country House' that was a conference centre and guest house accessed predominantly from Falls Road. Hull Road is an unsealed road with a four metre formation.

The surrounding land is in a predominantly residential area of Marysville, with scattered dwellings on surrounding properties.

Referrals:

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

Consultation:

Notice of Application was given to adjoining and nearby landowners, a sign was placed on site and a notice in the local publication. One objection was received. The issues raised in the objection are as follows:

- The proposal is an overdevelopment of the site as each of the three lots is less than 300 square metres in size.
- The proposal represents a major change to the character of Marysville, changing from the semi-rural nature to something more like inner suburban Melbourne
- The proposal is inconsistent with the mountain village character identified in the Marysville and Triangle UDF.

The objection was sent to the applicant who has provided a response to the concerns raised. A copy of this has been forwarded to the objector for their consideration. An informal meeting was also held with the objector, as there was some confusion as to which part of the subdivision was being objected to. The submission has been clarified and has not been withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
Newspaper: Marysville Triangle	20 December 2012
Sign on site:	29 January 2013
Mail out: Notice to adjoining and nearby landowners (19)	11 December 2012

Planning Considerations:

The current application is a proposal to create a separate title for each of the proposed dwellings already approved under Planning Permit 2009/632. 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 subdivision 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.

Conditions on the subdivision permit will require a Section 173 Agreement to ensure that the lots are developed in accordance with the development permit. Upgrade of Hull Road is limited to that required for the proposed development and cannot be used for general upgrade of the road. In this instance the upgrade works required will depend on the drainage and access plans required by conditions 7 and 8 to be lodged with and approved by Council.

Conclusion:

The amenity impacts of the increased number of dwellings on this lot have previously been assessed under Planning Permit 2009/632. The current application for the subdivision makes 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 that 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.

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.

22.03-1 Urban Areas

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 construction and use of tourist accommodation 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 Service Station, Retail Buildings And Signage

File No: 2013/32

Land: 2 Kinglake-Glenburn Road, Kinglake

Proposal: Construction and use of a service station, construction of retail buildings, a dispensation of loading requirements under Cl. 52.07, variation of Clause 52.12

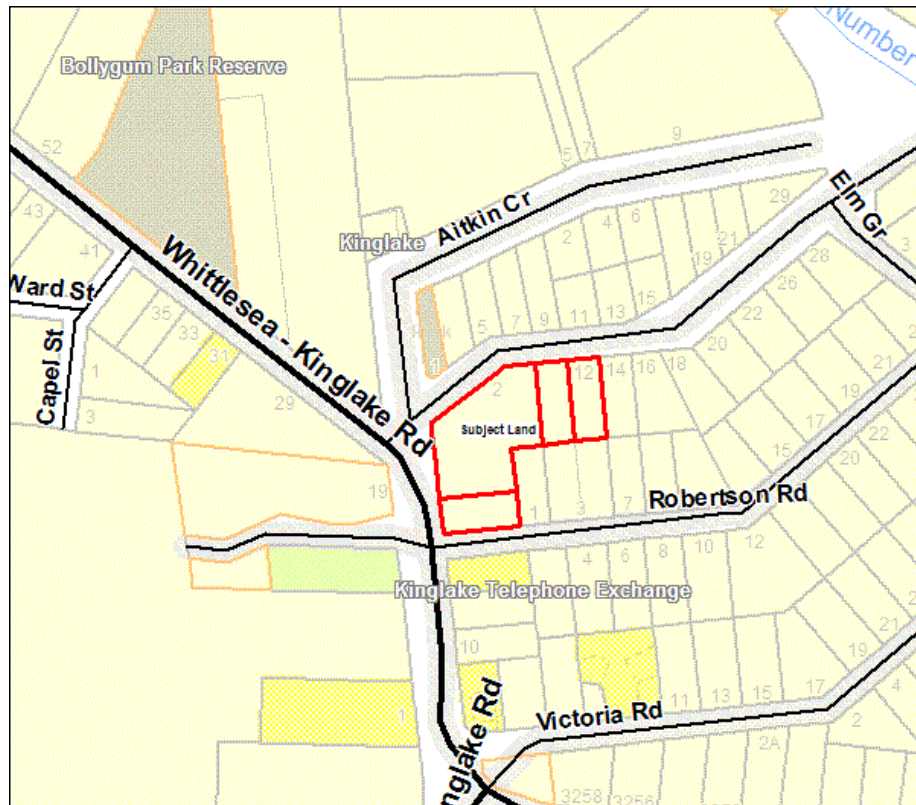
(access widths, water & air supply points); a variation of the bicycle facilities requirement under Cl. 52.34-3, and illuminated signage

Applicant: United Petroleum Pty Ltd
Zoning: Business 1 for 2 Kinglake-Glenburn Rd
Township for 12 Kinglake-Glenburn Rd

Overlays: nil

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

Locality Plan



Purpose:

This report recommends that a notice of decision to grant a permit be issued for the construction and use of a service station, construction of retail buildings, a dispensation of loading requirements under Cl. 52.07, variation of Clause 52.12 (access widths, water & air supply points); a variation of the bicycle facilities requirement under Cl. 52.34-3, and illuminated signage at 2 Kinglake-Glenburn Road, Kinglake.

Recommendation:

- A:** That Council make a formal approach to VicRoads to reduce the speed limit along the built-up sections of Kinglake-Glenburn Road to 50 kilometres per hour.
- B:** That Council issue a Notice of Decision to Grant a Permit for the construction and use of a service station, construction of retail buildings, a dispensation of loading requirements under Cl. 52.07, variation of Clause 52.12 (access widths, water & air supply points); a variation of the bicycle facilities requirement under Cl. 52.34-3, and illuminated signage at 2 & 12 Kinglake-Glenburn Road, Kinglake (Lot 4, LP9627; PC360163; LOT 1, TP117524; LOT 1 TP90302, Parish of Kinglake), subject to the following conditions:

- (1) Prior to the erection of any building or the commencement of any works whatsoever, three (3) copies of a plan or plans properly drawn to scale and showing:
- Extent of staging or works taking into account the amenity of adjoining owners and the public, including:
 - pavement,
 - fencing,
 - landscaping, and
 - footpath and kerbing requirements in Robertsons Road
 - Location of two long bay car spaces
 - Car parking to not encroach on landscaping
 - Landscape plan with a minimum width of 2 metres along the road boundaries
 - Floor plan to include location of separate toilets for each shop
 - Cladding types and colours for roof, parapet and walls
 - Amended plans of the illuminated signage limiting the height of the signs to be no more than 6 metres on the Whittlesea-Kinglake Road and 4 metres on the Kinglake-Glenburn Road.
 - Location of water tanks
 - Location of bin storage
 - Location of footpath along all of the property frontage
 - Location and style of fencing
 - Location of total of eight unsecured bicycle spaces
 - Location of water storage being 80,000 litres for normal use and 20,000 litres for fire fighting purposes and accessible for fire fighting appliances
 - The provision for pedestrian access to Tenancy 1 and 2 from Kinglake-Glenburn Road.
 - Kerb and barriers along the road alignment, except at crossovers, to prevent the passage of vehicles

These plans shall be submitted to the Responsible Authority and when approved shall be endorsed and form part of this Permit.

- (2) The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
- (3) This permit shall expire if the development hereby permitted is not completed and the use commenced within four (4) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.
- (4) Prior to the commencement of the use hereby permitted, the whole of the subject land (Lot 4, LP9627; PC360163; LOT 1, TP117524; LOT 1 TP90302, Parish of Kinglake) must be consolidated into one title.
- (5) 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.
- (6) Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council. Sewerage treatment must be by package treatment plant to the satisfaction of the Responsible Authority.

- (7) The advertising signs shown on the endorsed plan can only be altered or modified with the written approval of the Responsible Authority.
- (8) The signs hereby permitted shall be kept in good order and maintained to the satisfaction of the Responsible Authority.
- (9) Fencing shall be in accordance with the endorsed plan and completed prior to the use of the relevant stage.
- (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) The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
- (12) The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.
- (13) 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.
- (14) 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.
- (15) **Road Upgrading**
Prior to commencement of use for the relevant stage of the development the developer must provide footpath, kerb and channel for the full frontage of the development and also for opposite verge sections affected by truck movements including associated kerb, pavement, sealing, line marking and signage works in accordance with construction plans and specifications submitted to and approved by the Responsible Authority.

Where the development impacts on adjoining road and service authority infrastructure that requires adjusting, the developer will undertake all required works as part of the development and is responsible for all associated costs.

The design and plans must be drawn to scale with levels and dimensions and comply with the requirements of Council's Infrastructure Development Manual where there is construction external to the site.

- (16) **Driveway and Drainage Construction Requirements**
 - Before the commencement of any works associated with the provision of driveway, 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, in accordance with the endorsed development plan and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority.

- **Before the commencement of use, 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.**
- (17) Traffic management & parking signs**
Prior to the commencement of use signs, both internal and external, to the satisfaction of the responsible authority must be provided directing drivers to the area(s) set aside for car parking and to provide guidance in relation to speed and possible dangers on site, and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres. A signage plan to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority.
- (18) Stormwater Management**
Prior to approval of any construction plans associated with the development, a stormwater management plan must be forwarded to and approved by the Responsible Authority. All stormwater drainage must be connected to a single approved point of discharge nominated by the relevant authority.
- (19) 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 manager must also be provided, so that this person can be easily contacted should any issues arise.**
 - **Management measures are to be in accordance with EPA guidelines for Environment Management.**
- (20) Vehicle Crossing Requirements**
Before the use begins and/or the building(s) is/are are occupied vehicular crossings must be constructed in accordance with the approved roadwork's plans to the satisfaction of the Responsible Authority, and must comply with the following:
- a) **standard concrete vehicular crossings must be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing must be removed and replaced with concrete (kerb and channel);**
 - b) **any proposed vehicular crossing must have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and must be at the applicant's expense.**

VicRoads

- (21) The luminance of the business identification signs must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the business identification sign.**
- (22) Prior to commencement of the erection of the business identification signs, a lighting report from a suitably qualified lighting engineer demonstrating how the**

lighting output prescribed at Condition 21 above will be achieved must be provided to VicRoads for approval. When approved, the report will form part of the planning permit and the two signs must at all times operate in accordance with the report.

Worksafe

- (23) The proposed development must comply with the relevant requirements of the Dangerous Goods Act and its subordinate legislation, particularly the *Dangerous Goods (Storage and Handling) Regulations 2000*. These standards include, but are not limited to:
- AS 4897 Design, installation and operation of underground petroleum storage systems
 - AS 1596 Storage systems for LPG

Notation

- (1) **Consent for works within existing 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 relevant Co-ordinating Road Authority in accordance with the *Road Management Act 2004* and associated regulations.

Proposal:

An application has been received for the staged development of a service station, ten retail buildings, illuminated signage, a reduction of the loading requirements of clause 52.07, a variation to clause 52.12 (access widths, water & air supply points) and a variation of the bicycle facilities requirements of clause 52.34-3.

The site is proposed to be accessed from Kinglake-Glenburn Road to the north and Robertson Road to the south. No access to the lot will be available from Whittlesea-Kinglake Road.

A total of eight bowsers will be centrally located on the north-western part of the site, with the convenience shop associated with the petrol station located centrally on the eastern side. There will be four retail buildings to the south of the petrol station shop and six to the north. Shops 1 and 2 front onto Robertson Road and all other shops and the service station area will access from within the site.

The buildings are setback 3 metres from the abutting properties to the east and it is proposed to construct a 2 metre timber fence at the cost of the developer.

The whole of the property at 12 Kinglake-Glenburn Road has been set aside for effluent disposal.

The proposal includes the provision for ample carparking, with additional long-bay carparking and appropriate landscaping which would be required as conditions on any permit issued.

It is proposed to operate the service station 24 hours per day, 7 days per week.

The signage includes one six metre tall freestanding sign located at the northern entrance, which will be internally illuminated and identify the petrol prices, an eight metre free standing sign located centrally at the Whittlesea-Kinglake boundary, and internally illuminated signage on the canopy fascia above the bowsers and the building fascia above the convenience store in corporate colours. As well, an internally illuminated signage panel of 1.5m² is proposed for each tenancy.

The proposal to waive the loading and unloading of vehicles (clause 52.07) is due to the size of each of the proposed commercial premises being reasonably small and the difficulty in providing

a loading area for each of these premises, as well, the goods are likely to be delivered by van and these can be accommodated within the existing parking spaces.

The proposal to waive part of the bicycle parking requirement is required as the developer does not propose to have three of the six bicycle spaces as lockable spaces for employees.

The variation to clause 52.12 is due to the room on site and wanting to locate the water and air supply closer than 3.6 metres from a road and extending the allowable width of crossovers from 7.7 metres due to the need to manoeuvre a fuel truck into and out of the site.

The Land & Surroundings:

The land is currently vacant with the previous use since the 2009 bushfires being for carparking and temporary business location. There is one tree within the property that will need to be removed.

The land directly to the east on Robertson Road is the Mountain Monthly office while a dwelling is on the eastern boundary on Kinglake-Glenburn Road.

Properties opposite the proposed development in Kinglake-Glenburn Road are variously businesses and a dwelling while the land along the opposite sides of Robertson Road and the Whittlesea-Kinglake Road are a mixture of retail, local government, police and the hotel.

Robertson Road and the Kinglake-Glenburn Road are local roads while the Whittlesea-Kinglake Road is under the control of VicRoads.

Referrals:

The application was referred to VicRoads, WorkSafe and internally to the Assets and Development, Environmental Health and Building Units and the Economic Development Department. WorkSafe and VicRoads have no objection subject to conditions while the Assets and Development provided appropriate conditions in relation to infrastructure requirements. Building will require toilets for all shops, accessible facilities and one disability car space for every 50 carparks.

The Economic Development Department supported the application as a significant economic catalyst for the area that would resolve the issue of providing fuel locally, provide local employment and create opportunities for retail and commercial business.

Consultation:

The application has been notified to adjoining and nearby landowners, a sign was placed on site and advertised in the Kinglake Chronicle. The applicant was also available at the Kinglake office on Tuesday 21 May, from 4:00 to 6:30pm for consultation.

Four submissions have been received, with the concerns raised summarised below:

- Vehicular access on Robertson Road – this road is currently difficult to access for residents and there are safety concerns with current shop traffic which will be exacerbated with increased traffic generated by this proposal (2)
- Vehicular access on Robertson Road and Kinglake-Glenburn Road – these roads are not adequately constructed to support fuel delivery vehicles entering and exiting the site, as there is insufficient turning room (1)
- Safety of the access and egress on Kinglake-Glenburn Road will be compromised by drivers speeding along the Kinglake-Glenburn Road (1)
- Potential collisions with road tankers containing fuel is likely to lead to a loss of containment off the site and possible ignition, creating an unacceptable environmental and personal injury risk (1)
- The proposed signage in Kinglake-Glenburn Road is excessive in height (1)

- The illuminated signage will impact on adjoining residents (1)
- There are two potentially contaminated sites already in Kinglake, the previously existing service station and the current temporary site, and this proposal will create a third site that may become contaminated (1)
- Any currently proposed or approved development in Kinglake should be postponed until a clear and consistent strategic framework is in place (1)

Three of the four submitters supported the proposal and plans in principle.

Newspaper / Other	Publishing/Consultation Date(s)
Newspaper:	Yea Chronicle 8/5/2013 Kinglake Chronicle 8/5/2013
Consultation:	Applicant available for questions at Kinglake Office on 21 May 2013
Notice on site	10/5/2013
Mail out:	Public notice to 30 nearby/adjacent owners on 2/5/2013

Planning Considerations:

Except for one submission which objected to the proposal on a more strategic level, the other submissions did not object to the proposal in principal, but raised concerns with some of the detail. Several of these concerns can be addressed through appropriate conditions being placed on a planning permit.

Robertson Road and Kinglake-Glenburn Road

The concerns raised by the submitters regarding Robertson Road may be addressed by formalising the Robertson Road intersection with this development and by incorporating a treatment to stop vehicles encroaching onto the verge area on the southern side of Robertson Road. This issue is predominantly in relation to the fuel truck which is unlikely to be on site more than twice per week. Conditions 15 and 16 in the recommendation provide Council with an opportunity to fully assess the impact of the fuel truck exiting the site onto Robertson Road, and to ensure that there will be no negative impact on assets to the south of the subject land once detailed design plans have been provided.

The speed of drivers cannot be controlled through planning controls, but adequate signage and traffic management on the site for vehicles exiting and the appropriate speed controls on Kinglake-Glenburn Road would aid road safety at the intersection with Kinglake-Glenburn Road. This report includes a separate recommendation to seek approval from VicRoads, for a speed limit reduction along the built-up sections of Kinglake-Glenburn Road, from 60 down to 50 kilometres per hour.

Direct access onto Whittlesea-Kinglake Road is not an option as it would not be supported by VicRoads.

Signage

The proposed illuminated signage is located away from the adjoining dwellings and is located to minimise any potential light spill. VicRoads have placed their standard restriction on the amount of light that can be given off through the illuminated signage proposed for the site. This is restricted to 0/25 cd/m² which is their determined level of brightness that does not cause adverse distraction to drivers. A report by a qualified lighting engineer is also required to be provided demonstrating how the lighting output will be achieved.

Concerns about the height of the signs have been raised through the submissions. With an 8 metre sign proposed for the Whittlesea-Kinglake Road, and a 6 metre sign for the Kinglake-

Glenburn Road, council officers have assessed how this will fit into the streetscape. Considering the building itself will be set back from the front boundary by about 22 metres, the signs will be relatively prominent on the site. The canopy for the pumps is proposed to be 6.7 metres high, and will provide some context for the illuminated signage. Council officers have considered that a 6 metre sign will fit into the streetscape context with the canopy, and are requiring that the 8 metre sign be reduced to fit with this. As most buildings in the main shopping precinct are single storey, the reduction in height should not decrease the visibility of the signage as the site is approached from both the north and the south.

Further to this, as the site is on the crest of the hill as cars approach along Kinglake-Glenburn Road, the sign here can be reduced to 4 metres without decreasing its visibility to approaching motorists. These reductions in signage heights are important in ensuring the development is in keeping with the existing character of the Kinglake shopping precinct, which is for smaller, more subdued signage.

Strategic

Strategically this proposal is well placed, being primarily in the Business 1 Zone and within the commercial district of Kinglake. Traffic impacts on local residents are minimised with one dwelling located opposite the access point on Kinglake-Glenburn Road and all other buildings being commercial in nature. The inclusion of retail buildings in the proposal opens up the possibility of a more diverse range of shops and businesses in the town and also creates an increase in employment opportunities.

Planning applications must be dealt with as they are received and within prescribed time periods.

Drainage and effluent disposal

As the site is currently vacant, most stormwater runs across the site with the natural flow of the land. This is currently impacting the neighbouring property. With the development of the site, detailed drainage works will be required to ensure that all stormwater is directed to a legal point of discharge, and will most likely result in a better result for adjoining owners in relation to stormwater flows across the site.

The whole of the property at 12 Kinglake-Glenburn Road has been allocated for effluent disposal. The application has been supported by a Land Capability Assessment (LCA) which states that the land is capable of treating and retaining waste water within the boundaries of the property. Further, the report details that the available area is not limited and that there is sufficient available area for expansion of the irrigation areas.

As the development is staged, with the first four shops and the service station being constructed first, it is not anticipated that the effluent field will be fully utilised for some time, and that the 600 square metres allocated for effluent irrigation is still 36% more available area that would be required for the whole of the development.

Other

The issue of contaminated land is not relevant to this application which must be decided on its own merits. Any existing land that has contamination issues must be dealt with in accordance to the relevant legislation. The construction of the petrol station will have to comply with the relevant Australian Standards, which will have considered the long term likelihood of the land becoming contaminated.

Conclusion:

This proposal is an important development for the Kinglake area. The former service station was destroyed in the fires, and the existing fuel supply is temporary only and the current permission is due to expire on 30 April 2014. This proposal will provide an important permanent fuel supply for the Kinglake Ranges area and the inclusion of additional retail buildings will

enhance the commercial area of Kinglake and potentially provide greater variety of business opportunities and employment for the area.

Legal/Policy Issues:

State Planning Policy Framework

17.01-1 Business

Objective: To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides a net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Strategies:

- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.

17.03-1 Facilitating Tourism

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

Local Planning Policy Framework

21.08 Kinglake Strategies

Issues:

- Fire risk associated with settlement adjacent to forested land and lack of reticulated water.
- Management of heavy traffic within Kinglake East

22.03-1 Urban Areas

Objectives:

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

Design:

It is policy that:

- Development at town entrances should be designed with respect to the built environment and sited to contribute to the overall appearance and character of the town.
- The presentation of development to the street and how the proposal addresses and assists in streetscape presentation, attracts tourism and demonstrate civic pride.

22.03-2 Effluent disposal and water quality

Policy basis: Development that cannot be serviced by a reticulated sewerage system should be designed, sited and developed to prevent pollution of land and water resources.

Zoning

32.05 Township Zone (for 12 Kinglake-Glenburn Road)

Purpose: To provide for residential development and a range of commercial, industrial and other uses in small towns.

Decision Guidelines:

- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater.

- Provision of car parking and loading bay facilities and landscaping.

A planning permit is required in the Township Zone for the construction and use of a service station and retail buildings.

34.01 Business 1 Zone (for 2 Kinglake-Glenburn Road)

Purpose: To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

Decision Guidelines:

- The provision of car parking.
- The interface with adjoining zones, especially the relationship with residential areas.
- The storage of rubbish and materials for recycling.

A planning permit is required in the Business 1 Zone for the construction and use of a service station and retail buildings.

Particular Provisions

52.05 Advertising Signs

Purpose:

- To regulate the display of signs and associated structures.
- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Decision Guidelines:

- The character of the area
- The impacts on views and vistas
- The relationship to the streetscape, setting or landscape
- The relationship to the site and building
- The impact of structures associated with the sign
- The impact of any illumination
 - The impact of glare and illumination on the safety of pedestrian and vehicles.
 - The impact of illumination on the amenity of nearby residents and the amenity of the area.
 - The potential to control illumination temporally or in terms of intensity.
- The impact on road safety

The site is in a Business 1 Zone, which is considered a Category 1 for signage, which has the minimum amount of limitation. A planning permit is required for an illuminated sign.

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.

This clause generates a need for 65 car spaces to be provided. The development proposal satisfies this requirement by providing 69 car spaces on site.

52.07 Loading and unloading of vehicles

Purpose: To set aside land for loading and unloading of commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

Requirements to be met:

- Space is provided on the land for load or unloading vehicles with a minimum loading bay of 27.4 square metres (being 7.6m x 3.6m)

A permit may be granted to waive this requirement if either:

- The land area is insufficient.
- Adequate provision is made for loading and unloading vehicles to the satisfaction of the Responsible Authority.

A planning permit is required to waive the requirement for a designated on site loading bay.

52.12 *Service Station*

Purpose:

- To ensure that amenity, site layout and design are considered when land is to be used for a service station, especially if the site adjoins a residential zone.
- To ensure that use of land for a service station does not impair traffic flow or road safety.

Requirements to be met:

- The site must be at least 1,080 square metres.
- The frontage must be at least 36 metres (30 metres if the site is on a corner) and the depth at least 30 metres.
- No more than 2 vehicle crossovers may service the site from a road and at the road alignment a crossover must be:
 - No wider than 7.7 metres
 - At least 4.5 metres from another crossover on the site.
 - At least 4.5 metres from another road or if a splayed corner, at least 7.7 metres from the splay.
 - At least 1.8 metres from a crossover on another property.
- Except at crossovers, a kerb or barrier must be built along the road alignment to prevent the passage of vehicles.
- A wall of a building must be at least 9 metres from a road.
- A canopy must be at least 2.5 metres from a road.
- Petrol pumps, pump islands, water and air supply points and storage tank filling points must be at least 3.6 metres from a road.
- Petrol tankers must be wholly on the site when storage tanks are being filled.
- Driveway space must be sufficient to enable a vehicle 13.8 metres by 2.5 metres to enter and leave the site without reversing.
- No vehicle may be serviced unless it is wholly on the site.
- Waste from a vehicle wash area must drain into a public sewer or a settlement and oil separation system. The system must comply with the Environment Protection Act 1970 and be installed to the satisfaction of the responsible authority.
- The amenity of the locality must not be adversely affected by activity on the site, the appearance of any building, works or materials, emissions from the premises or in any other way.
- If the site adjoins a residential zone,
 - A landscape barrier at least 3 metres wide along the common boundary must be planted and maintained to the satisfaction of the responsible authority.
 - External lights must be directed away from the residential zone to prevent light spill and glare.

52.34 *Bicycle Facilities*

Purpose:

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

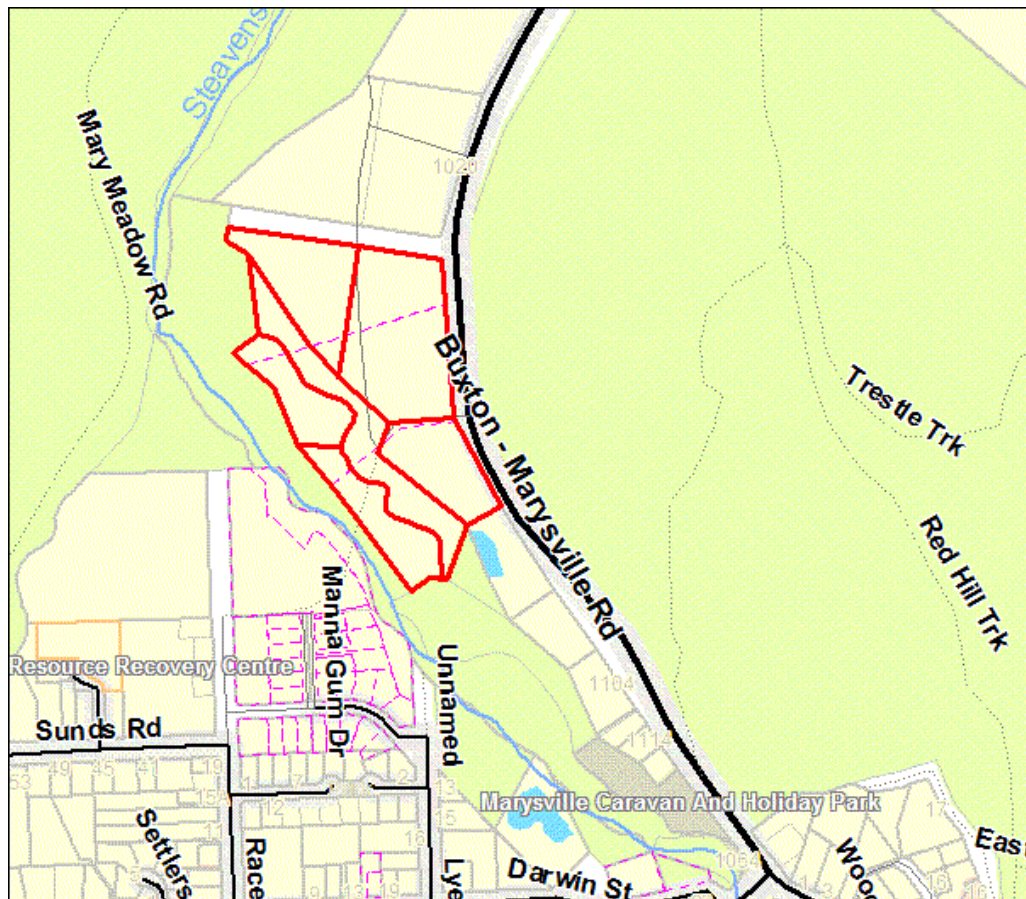
This clause generates a need for 6 bicycle spaces to be provided. The development proposal satisfies this requirement by providing 7 bicycle spaces on site.

The variation being requested is to provide the three bicycle spaces for staff in a bicycle locker or in a lockable compound.

8.1.3 **Boundary Realignment**

File No: 2013/33
Land: 1064 Buxton-Marysville Road MARYSVILLE 3779
Proposal: Boundary realignment, 6 lots down to 3 lots
Zoning: Farming
Overlays: Vegetation Protection (Part); Land Subject to Inundation (Part)
Attachments: Application details (*refer Encl 8.1.3*) (aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a notice of decision to grant a permit be issued for a boundary realignment, 6 lots down to 3 lots, at 1064 Buxton-Marysville Road, Marysville.

Recommendation:

That Council issue a Notice of Decision to Grant a Permit for a boundary realignment, 6 lots down to 3 lots, at 1064 Buxton-Marysville Road MARYSVILLE 3779 (C/A's 22, 23, 33, 34, 35, 25A, Sec 1, 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 the plan of subdivision hereby permitted is not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within three months after such expiry.
- (3) 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) Prior to the certification of the plan of subdivision, road names for the unnamed road reserve to the north must be submitted to and approved by the Responsible Authority. Until such time as these road names are approved, they should not be shown on any plans submitted for endorsement or certification.
- (6) Prior to the issue of a statement of compliance, all weather vehicular access must be provided from the intersection of the government road with Buxton Marysville Road to the crossing point of the site. The access must be designed in accordance with Murrindindi Shire Council's Infrastructure Design Manual, in accordance with Table 6 Rural Road Characteristics – Rural Access (0-50VPD). Once approved, the access must be constructed to the satisfaction of the Responsible Authority.
- (7) Prior to the issue of a statement of compliance a vehicle crossing must be constructed for Lot 1 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. An application for consent to work is required to be made prior to commencing any works on the road reserve and shall comply with the requirements of the Road Management Act 2004 and associated Regulations.

 - Refer to Vic Road "*Guidelines for Truck Access to Rural Properties - 2006*" for design guidelines.

VicRoads

- (8) Vehicular access to lot 1 of the subject land shall be via the Government Road located on the northern property boundary as shown on the plan of subdivision PS 716401 Q, reference number 15499, Version 1 prepared by Rodney Aujard & Associates.
- (9) Only one direct joint access will be permitted from the subject land to the Buxton-Marysville Road to the Government Road to the satisfaction of VicRoads.
- (10) Prior to the release of a Statement of Compliance for the subdivision the applicant shall:
 - (a) Submit detailed design plans showing the proposed access from the Buxton-Marysville Road to the Government Road for approval by VicRoads prior to commencement of any works.
 - (b) Construct the access from Buxton-Marysville Road to the Government Road to the satisfaction of VicRoads.
 - (c) Construct the joint access to Lot 2 and Lot 3 in accordance with the layout for a Truck Access to Rural Properties Type A as shown on drawing 720258.
- (11) The driveway 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 (for example, by spilling gravel onto the roadway).
- (12) All works associated with the construction of this access are to be completed at no cost to VicRoads and the road reserve must be left in a neat, tidy and safe condition upon completion.
- (13) The final plan of subdivision submitted for certification must be referred to VicRoads in accordance with Section 8 of the Subdivision Act 1988.

Notations:**Goulburn Murray Water**

- (1) Application must be made to Goulburn-Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be constructed on a waterway as defined under the *Water Act 1989*. For further information, the applicant should contact Goulburn-Murray Water Diversion Operations on (03) 5833 5740.

VicRoads

- (2) Separate consent to works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application, the works will include construction of the access from the Buxton-Marysville Road to the Government Road.
- (3) Submit to VicRoads a traffic management plan and Memorandum of Authorisation (MoA). The traffic management plan shall be prepared in accordance with the *Road Safety Act 1986* and shall be prepared in accordance with the *Road Safety Act 1986* and shall comply with *Road Safety (Traffic Management) Regulations 2009* and *Road Management Act 2004 Code of Practice: Worksite Safety-Traffic Management* (gazetted 31 August 2010).

Proposal:

The application is for a re-subdivision of existing allotments, taking six allotments and reducing them to three. The new lots are proposed to be 3.368, 3.859 and 3.095 hectares in size. Lot 1

will have access via an unmade road reserve to the north, and lots 2 and 3 will have a shared access off Buxton-Marysville Road. The land is currently farmed as part of a larger property. The application is supported with a Land Capability Assessment for each of the proposed lots, and all lots are capable of containing effluent within the boundaries of the properties.

The Land & Surroundings:

The property currently consists of 6 separate allotments, three with frontage to a constructed road or a road reserve. Three of the parcels are effectively landlocked without road frontage of their own. The property is currently grazed as part of a larger landholding to the north.

The land to the north is cleared grazing land, to the east and west is vegetated public land and the land to the south is used for primarily residential uses. The land is bounded by the Steavenson River to the west, an unconstructed road reserve to the north and the Buxton-Marysville Road to the east.

Referrals:

The application was referred internally to Council Assets and Infrastructure Department, and externally to Goulburn Murray Water, Goulburn Broken Catchment Management Authority, Goulburn Valley Water, SP Ausnet and VicRoads. No objections were received, subject to various conditions.

Consultation:

Notice of application was sent to 4 nearby and adjoining owners, a sign was placed on the site and a notice was placed in the Marysville Triangle. One objection was received. The objection can be summarised as follows:

- The property is subject to significant levels of flooding.
- The allotments are too small for a residential use.
- The proposal does not take full account of the purposes of the farming zone.
- Site should be investigated in relation to the extensive drainage on the site and its impact on any building works.

The applicant responded to this objection, and advised that a culvert had led to the flooding issues on the property, and was removed approximately 8 years ago. Since the removal, there have been no flooding issues on the property.

This response was forwarded to the objector, who has not withdrawn their submission.

Newspaper / Other	Publishing/Consultation Date(s)
<i>Newspaper: Marysville Triangle</i>	14 March 2013
<i>Consultation: Sign on Site</i>	12 March 2013
<i>Mail out: Notice of Application</i>	6 March 2013

Planning Considerations:

There are currently six allotments in single ownership. Three of these allotments have road frontage to a road reserve, and three are landlocked. As the land structure currently stands, the allotments can be sold separately. The realignment of the allotments into three single allotments will not change this.

The property has a small area identified as being subject to inundation (LSIO). The Goulburn Broken Catchment Management Authority has assessed the proposal, and has no objections. The objector has raised concerns with the level of flooding in the property. The levels for the

LSIO were set by the Goulburn Broken Catchment Management Authority, and no evidence to the contrary has been provided.

Council officers have sought further clarification from the GBCMA in relation to the flood levels in the area, and they have advised that the existing flood overlays are based on aerial imagery, not known flood levels or ground topography. The GBCMA does not have any flood levels for this location. However, in this instance the site is likely to have riverine flooding on the western edge, there is a relatively wide crown reserve along the Steavenson River and the developable site has changes in elevations from the river boundary to the Buxton Marysville road ranging from 5- 10m. In the opinion of the GBCMA there appears to be plenty of locations on the proposed allotments where houses and shedding could be located that would be out of any possible floodwaters from the Steavenson. It is also noted that there is a drainage line that flows from the hills on the east of the Buxton Marysville road that flows north. This drainage line has a very small catchment. The GBCMA are currently working on a hydrology study for the Acheron River that will include Marysville, and will help inform future flood modelling.

In light of the fact that the re-subdivision does not actually change the ability of the land to be sold separately, Council officers have considered that the response from the GBCMA is adequate.

The approval of a planning permit for the re-subdivision of the land does not change the requirements for planning permits for dwellings on these allotments. Should someone wish to construct a dwelling on any of these allotments, a planning permit will be required and any application will have to address the requirements of the Farming Zone. However, the applicant did provide land capability assessments, all of which show that each lot is capable of onsite effluent disposal.

Conclusion:

The proposal decreases the number of lots in the Farming Zone, and any dwelling on these allotments will be subject to a further planning permit application. The proposal is a reasonable restructure for an existing property and is supported by Council officers.

Legal/Policy Issues:

State Planning Policy Framework

13.02 Floodplains

Objective:

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

14.01 Agriculture

Objective:

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

Strategies:

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

- The compatibility between the proposed or likely development and the existing uses of the surrounding land.
- Assessment of the land capability.
- Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

Local Planning Policy Framework

21.04 Agricultural and rural land strategies

Issues:

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

Strategies and Implementation:

- 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.

Zoning

35.07 Farming Zone

Purpose:

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

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 relate to sustainable land management.

Agricultural issues:

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will permanently remove land from agricultural production.
- The capacity of the site to sustain the agricultural use.

Environmental issues:

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

A planning permit is required for the re-subdivision on land in the Farming Zone.

Overlays

42.02 Vegetation Protection Overlay

Purpose:

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

Decision Guidelines

- The effect of the proposed subdivision on the nature and type of vegetation to be protected.

44.04 Land Subject to Inundation Overlay

Purpose:

- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

Decision Guidelines:

- The existing use or development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.

8.1.4 C43 – Heritage Study Implementation

File No: 58/07/56

(Refer Encl 8.1.4 -Draft Amendment C43 documentation)

Purpose:

This report seeks a Council resolution to request authorisation and exhibit Amendment C43, which implements the findings and recommendations of the Murrindindi Shire Heritage Study.

Recommendation:

That Council resolves to:

- 1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C43 to the Murrindindi Planning Scheme.**
- 2. Notify the Minister for Planning that when it exhibits Amendment C43, Murrindindi Shire Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for the minimum statutory exhibition period of one month.**
- 3. When authorised by the Minister for Planning, exhibit Amendment C43 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.**

Background:

In 2005 Council began the first stage of the Murrindindi Shire Heritage Study. The study was broken up into three stages, and has been primarily funded through grants provided by Heritage Victoria. The three stages of the study are as follows:

- Stage 1 – Preparation of the Thematic Environmental History and identification of sites with heritage potential.
- Stage 2 – Research, assessment and documentation of all places identified in Stage 1.
- Stage 3 – Implementation of the Heritage Study, including the incorporation of the identified places within the Heritage Overlay in the Murrindindi Planning Scheme.

Stage 1 was adopted by Council in March 2007.

Stage 2 was separated into two sub-stages. Stage 2A involved the assessment of all the high priority places throughout the shire; the preparation of conservation guidelines for the existing heritage area in High Street, Yea and the assessment and guideline preparation for the Tallarook-Yea-Alexandra-Mansfield railway precinct. Stage 2B looked at the inclusion of two new places, being the Glenburn Schoolhouse and St Lukes Church in Yea, to be included as locally significant, updated the Thematic Environmental History and the Citations where needed, and included an archaeological report for the rail trail.

The progress of the study was delayed by the February 2009 bushfires. An assessment was done after the fires to determine if any properties needed to be removed from the study. Work was recommenced in January 2011, being Stage 2B, with the Murrindindi Shire Heritage Study Stage 2 Volume 3: Heritage Place & Precinct Citations Final Revised Report dated November 2011 prepared by Context Pty Ltd being delivered to Council at the end of 2011.

The Heritage Study was adopted by Council on 27 February 2012. The next stage (Stage 3) is an amendment to the Murrindindi Planning Scheme to implement the recommendations of the Heritage Study and include nominated places in the Heritage Overlay. The amendment has now been prepared, and can be commenced once authorisation is received from the Minister for Planning.

The amendment to the planning scheme will give all members of the community, including people with properties directly affected, a further opportunity to lodge a submission to the proposed amendment, which will apply a heritage overlay to designated properties and precincts and include an incorporated document into the planning scheme. Should concerns be raised by way of objections to the inclusion of a particular property in the overlay, the Planning Scheme amendment process will provide an opportunity for such objections to be heard and assessed by an independent Panel appointed by the Minister for Planning.

Council Plan/Strategies:

The study has been undertaken in accordance with the Planning and Environment Theme in the Murrindindi Shire Council Plan 2009-2013.

Legal/Policy Issues:

There are no particular legal issues associated with the proposed amendment.

Financial/Resources/Risk

The Department of Planning and Community Development has funded the preparation of amendment documentation under the Rural Planning Flying Squad program. There will be a potential increase in planning applications as a result of this amendment which can be covered with existing resources.

Council has budgeted funds for the fee payable to the Minister for Planning of \$798 for approving an amendment. There may be additional panel costs that may arise to deal with unresolved submissions. The Flying Squad has indicated that there may be an opportunity to apply for additional grant funds for this stage of the amendment process.

Any potential increase in planning applications as a result of this amendment can be covered with existing planning resources.

Discussion:

The Heritage Study has been ongoing for many years, and is now at a stage that it can proceed to the exhibition of a planning scheme amendment which will result in the implementation of the recommendations of the Study.

The planning scheme controls proposed by this amendment will provide Council officers with an important suite of tools to assist in the consideration and protection of places of heritage significance within Murrindindi Shire. When the study is implemented through a planning scheme amendment, and the identified places have a heritage overlay, more opportunities to access other funding streams for works will be available. These funding streams will be available to both Council and private residents.

Consultation:

There have been significant amounts of consultation with the community throughout the preparation of both Stages 1 and 2 of this study, as follows:

Stage 1

- A reference group was set up, with members of the community, council staff and the consultants to work on the Thematic Environmental History
- Workshops were held in Marysville, Alexandra, Yea and Kinglake for community members to attend.
- Nominations were called for from the public for places of potential heritage significance.
- The completed Thematic Environmental History was sent to all interested parties for their feedback.

Stage 2A

- All owners with properties identified in Stage 1 were notified of the potential heritage significance of their properties, and advised that this would be assessed as part of Stage 2A.
- Community information sessions were held to provide all community the opportunity to speak with both the consultants and Council officers.
- All owners with properties identified in Stage 1 were notified of the outcome of the assessments. If the place was determined to have heritage significance, a copy of the citation was provided, and an opportunity to give feedback was given.
- Based on feedback provided from the citations, amendments were made as appropriate and the final citations were sent back to the owners of the properties identified as having significance.
- Copies of all final reports have been placed in all libraries and Council offices for the public to view at any time.

Stage 2B

- Press releases and Councillor Comments to advise the community of the commencement of the next stage.

The planning scheme amendment process will provide any interested parties an opportunity to make formal submissions in relation to the properties identified for the Heritage Overlay. If submissions cannot be resolved by consultation, they will be referred to a Panel for consideration and recommendation.

Newspaper / Other	Publishing Date(s)
<i>Newspaper:</i>	
All local newspapers, being Alexandra and Eildon Standard, Yea Chronicle, Marysville Triangle, North Central Review and Mountain Monthly	To be determined
<i>Consultation:</i>	
Copy of amendment to be placed on line and at all offices for viewing	To be determined
<i>Mail out:</i>	
Direct notification to all affected property owners.	To be determined

Conclusion:

With the completion of Stage 2B of the Murrindindi Shire Heritage Study and adoption of the final study by Council, authorisation for exhibition can now be sought from the Minister and the planning scheme amendment exhibition process can commence.

8.1.5 Roadside Weed and Pest Animal Control Plan

File No: 24/07/293-4

*(Refer Encl 8.1.5 - Roadside Weed and Pest Animal Control Plan)***Purpose:**

The purpose of this report is to present the Roadside Weed and Pest Animal Control Plan for Council endorsement which has been prepared as a requirement for ongoing funding under DPI's roadside weed and Pest Animal Control program.

Recommendation:

That Council endorses the Roadside Weed and Pest Animal Control Plan contained in Enclosure 8.1.5.

Background:

Under the *Catchment and Land Protection Act 1994* (CaLP), the State Government relies on declaration categories to determine management responsibilities for particular invasive species. Public and private land managers are legally responsible for managing Regionally Prohibited and Regionally Controlled Weeds declared under the CaLP Act 1994. The Act relies on four declaration categories for noxious weeds, and four categories to regulate pest animals. These declaration categories and management responsibilities are defined in Table 1, of the Roadside Weed and Pest Animal Control Plan (*refer Enclosure 8.1.5*).

In 2010, the State Government set up a working party to examine responsibilities for operational management of invasive plants and animals on roadsides and how these management activities could be funded. This resulted in the production of the *Bailey Report* which made a series of recommendations for legislative amendments under the Catchment and Land Protection Act 1994. These were designed to assist in the implementation of these management responsibilities.

The report looked at simplifying declaration categories and with this clearer articulation of management responsibilities. Key recommendations include:

- Amendments that will make local government hold responsibility for on-site management of Regionally Prohibited, Regionally Controlled Weeds and rabbits on municipal roadsides.
- Amendments that will make State Government hold responsibility for funding the control of Regionally Prohibited Weeds, and will cost share the control of Regionally Controlled Weeds and rabbits with local government on municipal roadsides.

To enact these recommendations, the State Government introduced legislation into parliament to amend the Catchment and Land Protection Act 1994 to make it clear that road managers are responsible for roadside weed and pest animal control. To improve compliance, the State Government has set aside funding that will assist road managers fulfil this responsibility and announced a 3 year funding program for local governments to manage *Regionally Prohibited Weeds, Regionally Controlled Weeds* and *established pest animals (rabbits)* on roadsides under their control. Funding is subject to the preparation of a management plan. This Plan has been developed to fulfil this purpose and is contained in Enclosure 8.15.

It is not financially feasible for Council to eradicate and contain all declared noxious weeds and established pest animals on every municipal roadside in the municipality over the next 2 years. As a result this Plan has been developed on the basis of strategic priorities. To expand on this Plan and its ensuing Program collaboration with the State Government, other agencies, adjacent property owners and established community groups such as Landcare will be required.

A collaborative approach will assist secure additional support both in terms of resources and funding.

Council Plan/Strategies:

This report relates to the Environment and Climate Change Theme of the Murrindindi Shire Council Plan 2009-2013, and specifically the strategy to 'Integrate environmental resource and land management functions across Council operations', and the action to 'Establish and commence implementation of a weed and pest animal control strategy for Council managed land'.

The Roadside Weed and Pest Animal Control Plan is also an important commitment under our 'Environment Strategy, and will be incorporated into our Roadside Management Plan which is currently under development.

Legal/Policy Issues:

It is legal requirement under the CaLP Act 1994 that all road managers prevent and if detected, control declared noxious weeds. Local governments will be responsible for managing/controlling regionally prohibited and controlled weeds and rabbits on municipal roadsides, with the state government responsible for funding the control of regionally prohibited, and cost sharing the control of regionally controlled weeds with Councils.

Financial/Resources/Risk

There are no immediate financial or resource risks associated with this Plan pending its endorsement. Once endorsed, Council has a guaranteed stream of funding for 2 years, amounting to \$61,932, which will resource the engagement of professional contractors to conduct roadside spraying of Regionally Controlled Weeds in accordance to the Program outlined in the Plan.

It is the Environment Program Unit's intention to continually monitor upcoming grants available from other streams of funding at State and Federal levels to compliment our efforts under the Plan.

Discussion:

Over the last 2 to 3 years, with assistance from Federal and State Governments, Murrindindi Shire Council has delivered around 2,185 km's worth of weed control on Council managed roadsides and some pockets of other land owned by Council.

Levering this work, Council has identified eight specific program areas within the Shire to concentrate the operational weed and pest animal control program. These eight program areas meet the criteria outlined above and will benefit from weed control works on targeted municipal roadsides located within these areas. Each program area is described in detail in the Plan.

As raised earlier, it would not be financially feasible for Council to control all weeds on all of its roadsides across Murrindindi. As a result, Council has set up a Plan based around a set of priorities. The process of selecting priorities is discussed below.

The Plan and its Eight Program Areas

The objectives of this Plan are:

- To work strategically and in cooperation with neighbouring shires Landcare groups, Victorian Blackberry Task Force, GBCMA, DSE, DPI, VicRoads, other government agencies to identify best ways to align existing efforts of weed control.
- To encourage, promote and support voluntary work across Murrindindi in relation to controlling weeds.

- To raise awareness among landholder's of their legal responsibility to control Regionally Prohibited and Regionally Controlled Weeds and rabbits on their land.
- To protect and enhance roadsides given a Very High and High Conservation value.
- To protect environmental assets within the Shire such as endangered vegetation communities like Grassy Woodlands or Federal & State Protected species such as *Delmar impar* Striped Legless Lizard, *Pomaderris vacciniifolia* Round leaf Pomaderris, *Synemon plana* Golden Sun Moth, *Macquaria australasica* Macquarie Perch, and *Phascogale tapoatafa* Brush tailed Phascogale– among others.
- To identify ways in which Council can expand this Program through identification of additional funding opportunities and strategic partnerships.

Each of the eight program areas will benefit from weed control works on municipal roadsides located within these areas. These were selected based on a priority approach using the following set of criteria:

1. Roadsides that reflect a high level of conservation value especially: significant roadside vegetation, habitat, and/or endangered Ecological Vegetation Classes (which are under threat from weed invasion).
2. Roadsides with a high degree of threat posed by particular weeds especially Declared Noxious Weeds (which are a concern to the Shire's community).
3. Roadsides at locations that provide a high level of alignment with other community and agency efforts, especially locations which have been a focus for the Department of Environment and Primary Industries compliance and extension programs.
4. Roadsides that contribute to previous investment made by Murrindindi Shire Council in the control of Regionally Prohibited, Regionally Controlled Weeds and rabbits.
5. Roadsides which are able to support community group interest and investment especially locations where there is sustained community led action by recognised groups such as Landcare and other community groups (i.e. Blackberry Action Groups).
6. Control of emerging weeds on roadsides that have high potential to spread quickly and are adjoining properties with high conservation value habitats or Conservation Covenants.

Consultation:

The following stakeholders have been consulted in the development of this Plan:

- The Murrindindi Environment Advisory Committee
- Parks Victoria
- Department of Environment and Primary Industries
- Upper Goulburn Landcare Network
- Goulburn Broken Catchment Management Authority
- Council Officers

A promotional flyer is currently being prepared to further strengthen our capacity to communicate the Council's program to interested stakeholders.

Conclusion:

This Roadside Weed and Pest Animal Control Plan is an important document setting operational direction for the way weeds are managed on Council controlled roadsides. Council's

endorsement of the Plan will ensure ongoing eligibility to receive funding under the remaining funding rounds of the State Government's Roadside Weeds and Pest Animal Control Program.

8.2 INFRASTRUCTURE SERVICES

8.2.1 Re-Opening & Road Construction – McIntyre Lane, Thornton

File No: 52/02/1770

(Refer Encl 8.2.1 - McIntyre Lane Plan)

Purpose:

The purpose of this report is to seek Council's support to request the Minister for Environment and Climate Change to re-open the licensed, closed section of McIntyre Lane, Thornton to allow for a newly constructed road to service a four (4) allotment development by the owners of 255 McIntyre Lane, Thornton.

Recommendation:

That Council:

- 1. Endorse the reopening of the closed sections of McIntyre Lane, Thornton to allow for a newly constructed road to service the four allotments known as 255 McIntyre Lane, Thornton.**
- 2. Authorise the General Manager Infrastructure Services under Section 407 of the *Land Act 1958* to request the Minister of Environment and Climate Change to re-open the licensed closed section of McIntyre by cancelling existing grazing licences.**

Background:

Council has received a request from the owners to construct a new road (shown red on attached plan) to service the development of four allotments at 255 McIntyre Lane, Thornton.

A Planning Permit was not required for the development, however a permit is required for the removal of native vegetation from the road reserve. A Statement of Compliance was issued for boundary realignments of the four allotments on the 20 September 2012.

Council has given in principle support for inclusion of the constructed road on Council's Register of Public Roads and has responded to submitted plans prepared by the consulting engineer on behalf of the proponent.

The proponent will be required to construct the road to Council's approved standards and will be required to bear all road construction costs and has been advised accordingly. Once constructed the road will be added to the Council's Register of Public Roads and will be maintained by Council.

Three (3) existing grazing licenses are held by adjoining landholders over the unformed subject road reserve which will need to be cancelled or surrendered to enable construction works to be undertaken.

Council Plan/Strategies:

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

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

Key aims for the local economy in 2009 to 2013 are to stimulate the sustainable economic growth of local economies to strengthen economic activity in areas not directly affected by the bushfires. Success will create employment, encourage new business and services to the shire, and make the region more attractive to potential residents.

Legal/Policy Issues:

Section 407 of the *Land Act 1958* provides for the re-opening of licensed closed roads if a municipal council considers it desirable in the public interest that a licence in respect to an unused road in the municipal district should be cancelled. The process involves Council formally requesting the road re opening and so informs the Minister, after three months notice is given to the licensee, to cancel the licence.

This provision would not be required in the event that the licensees voluntarily withdraw their licences.

Financial/Resources/Risk

Council is not required to make a financial contribution to the road construction works but will have ongoing obligations for maintenance of the road in accordance with the nominated standard for the road type.

Discussion:

Investigation on the status of the roads in the surroundings indicates that no suitable access is available to the properties from McIntyre Lane or the government road reserves to the north which is also licensed and that practical access can only be achieved from the McIntyre Lane extension.

Consultation:

Communications and follow up discussions have been held with the proponent, Council officers and local Department Environment and Primary Industry (DEPI) representatives regarding the road construction and licence withdrawal processes.

The proponent has communicated with the existing road licence holders with a view to them withdrawing their licences.

Conclusion:

The reopening and construction of the section of unused road reserve as an extension of McIntyre Lane to service four allotments provides a satisfactory outcome for both the proponent and Council.

8.2.2 *Proposed Discontinuance and Sale of Parts of Currajong Avenue and The Ridge, Kinglake.*

File No: Property File 10 The Ridge, Kinglake, A7821

(Refer Encl 8.2.2 - Title Plan)

Purpose:

The purpose of this report is to inform Council of the need to commence the statutory processes for the discontinuance and sale of parts of Currajong Avenue and the Ridge, Kinglake identified as Lot 1 on the attached copy of TP 952178 H ("**Roads**") as requested by the Landholder.

Recommendation:

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

1. **Authorises the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed discontinuance/sale of the Roads;**
2. **Obtains a valuation of the Roads (“Valuation”) from a valuer who has the qualifications prescribed under the Act;**
3. **Resolves to give public notice of the proposed discontinuance and sale of the Roads as per the requirements of section 189 of the *Local Government Act 1989*; and**
4. **If no submissions are received in response to the public notice:**
 - a) **Council resolves to publish notice of discontinuance of the Roads in the Victoria Government Gazette; and**
 - b) **provided the Landholder:**
 - i. **has paid the up front fees of \$6,500 to cover Council’s legal costs, surveying, advertising and valuation costs; and**
 - ii. **executes the transfer under section 207D of the Local Government Act 1989; and**
 - iii. **grants to Council an easement of drainage by executing the Form 13; and**
 - iv. **agrees to pay the sale price and other costs on settlement; then;**
 - c) **Council resolves to affix its common seal to a transfer under section 207D of the *Local Government Act 1989* of the Roads to the Landholder for a price which is equal to the Valuation (plus GST if the value excludes GST) and to affix its common seal to the Form 13 Creation of Easement.**

Background:

In April 2011 the Landholder requested assistance from Council to address an issue with the replacement of fences at his property adjoining both Currajong Avenue and The Ridge, Kinglake.

The Landholder had prepared foundation for a solid fence, but on inspection by Council staff it was determined that the foundations were in fact not on the boundary line of the property, but encroaching some 4 metres (approx) onto the road reserve.

The matter remained outstanding for some time while options were explored including the landholders request to purchase the roadway between his title boundary and the line of constructed foundations, some 256m².

Council initially gave consideration to the discontinuance and sale of the road as requested by the Landholder, however engineering issues dictated that a lesser amount of road reserve (151m²) could only be made available and this was put to the Landholder in November 2012.

The Landholder now wishes to proceed with the purchase of the road reserve, but requested the up front fees be paid in four instalments.

The Landholder has now formally responded to Council, requesting Council to carry out the procedures required under the *Local Government Act 1989* to discontinue the Roads and sell the Roads to the Landholder. Further the Landholder has paid the first instalment of \$1,487.50

of the up front (non-refundable) fee of \$6,500.00 to cover Council's legal costs, surveying, advertising and valuation costs.

Following the statutory processes the Landholder will be required to pay to Council the sale price (based on valuation) and publication of a notice in the Government Gazette.

Council has also requested that an easement be reserved for drainage purposes in favour of the Council to enable the adjoining property to drain into Currajong Avenue via Lot 1.

Council Plan/Strategies:

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

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

Legal/Policy Issues:

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

Financial/Resources/Risk

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

Discussion:

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

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

Consultation:

There has been extensive consultation between the Landholder and Council representatives and engagement with Council's legal representatives on this matter.

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

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

Conclusion:

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

8.3 CORPORATE SERVICES

8.3.1 Adoption of Budget 2013-14

File No: 24/03/1314 A

(Refer Encl 8.3.1a - 2013-14 Budget and Encl 8.3.1b - Defined properties)

An addendum report will be provided.

8.3.2 Adoption of Council Plan and Strategic Resource Plan

File No: 24/03/1314 A

(Refer Encl 8.3.2 – Council Plan 2013-2017 and Strategic Resource Plan)

An addendum report will be provided.

8.4 CHIEF EXECUTIVE OFFICER

8.4.1 Murrindindi Shire Council Advocacy Plan

File No: 12/01/01

(Refer Enc 8.4.1 - Murrindindi Shire Council Advocacy Plan 2013)

Purpose:

This report presents to Council the Murrindindi Shire Council Advocacy Plan 2013. An Advocacy Plan will provide a strategic framework for discussions between Council and State and Federal Government representatives on issues of interest to the Murrindindi community.

Recommendation:

That Council receive the Murrindindi Shire Council Advocacy Plan 2013 and note that it will form the basis of its advocacy program during the 2013-2014 period.

Background:

The Council Plan 2013-2017, which is the subject of a separate report to this Ordinary Council Meeting, places a strong priority on Council working with community leaders in advocating on behalf of the Murrindindi community, it is appropriate that Council has an Advocacy Plan.

Once in place, it will be updated on a regular basis as new issues arise, and can also form the basis of presentations, meetings etc. that are held with government agencies, departments and politicians at both the State and Federal levels. In particular, with the completion of the Murrindindi Vision 2030, a number of new or revised priorities will be included in the Advocacy Plan

The Advocacy Plan has been based upon issues raised with Council as well as issues that Councillors and officers are currently aware of.

The value of an Advocacy Plan is that it is regularly reviewed as new issues arise.

Council Plan/Strategies:

The establishment of an Advocacy Plan supports the implementation of the Council Plan 2009-2013 (revised 2012) which has as a goal for Council to undertake "Effective leadership

providing representation and advocacy for the community backed by a financially strong organisation. The Council Plan's actions include to 'Advocate on issues of importance to our community' and to 'Lobby other levels of government to secure recovery resources.'

The draft Council Plan 2013-2017 includes as a Strategy:

- Involve community leaders in regular advocacy to State and Federal Governments on local needs and issues.

The associated target is to – Advocate on behalf of the community on a minimum of 10 issues a year.

Legal/Policy Issues:

The Advocacy Plan provides a sound strategic framework for Council's advocacy on behalf of the local community.

Financial/Resources/Risk

Having an Advocacy Plan enables Council to proactively seek out government grants and other financial support as well as the assistance of advocacy partners to support it in addressing the needs of the Murrindindi community.

Discussion:

The development of an Advocacy Plan provides the strategic framework for Council to initiate its advocacy activities with State and Federal government and other agencies.

The Plan is based upon the four Goals in the Council Plan 2013-2017. The Plan outlines the issues that will be the subject of advocacy action and the outcomes sought. It also indicates relevant partners and action to be undertaken.

The Council Plan 2013-2017 places a strong emphasis upon Council and community leaders in partnership, undertaking advocacy on behalf of the whole community. In this regard the Plan identifies not only the Advocacy Target but also the Advocacy Partners.

High priorities include within the Our Community Goal to support the renewal of infrastructure that supports community engagement in recreational activities as well as greater access for aged and disability support.

Within the Our Environment Goal high priorities relate to improvements in the road network, infrastructure renewal, financial support for rail trail and trail network maintenance as well as the conclusion of planning matters related to growth within the municipality.

Within the Our Economy Goal high priorities relate to improvements in community communications (both broadband and mobile coverage) business investment and employment and training facilities.

Finally, high priorities within the Our Council Goal relate to addressing Council's long term financial sustainability.

Consultation:

The items which are listed in the Advocacy Plan will have been, or will be, the subject of separate community consultations.

Conclusion:

Having an Advocacy Plan provides Council with a strategic framework for its discussions with State and Federal governments and supports its advocacy on issues which are of interest to the Murrindindi community.

8.5 ECONOMIC DEVELOPMENT**8.5.1 Railtrail Integrated Marketing and Wayfinding Strategy – Name and Branding**

File No: 60/02/06

(Refer Encl 8.5.1 – Rail Trail Name – PCG recommendation)

Purpose:

The purpose of this report is to present Council with a revised name for the Goulburn River High Country Rail Trail for formal endorsement.

Recommendation:**That Council:**

- 1. Adopt the name change from Goulburn River High Country Rail Trail to Great Victorian Rail Trail.**
- 2. Endorse the implementation of the Great Victorian Rail Trail across all print, digital and signage applications.**

Background:

At its May 2013 Ordinary Meeting the Council resolved not to accept a proposed name change to the rail trail from Goulburn River High Country Rail Trail to River High Line. The change to the name was proposed by the Project Control Group overseeing the development of the Integrated Marketing and Wayfinding Strategy, which involves establishing a revised name, branding and new promotional tools (online, signage, brochure) for the trail.

The need for a change to the name is based on the following considerations:

- The current name is considered too long and difficult to promote
- There already exists a High Country rail trail in Victoria
- Goulburn as a name is often confused by visitors with Goulburn in New South Wales or with the Shepparton district
- There is a preference that the name not sit within the nest of other rail trails but achieve a level of differentiation without losing the local connection with the railway line history

At the May 2013 Ordinary Council meeting it was resolved to refer the naming of the rail trail to the Project Control Group for further consideration. Subsequent to the Council Meeting the Rail Trail Advisory Committee also resolved not to support the River High Line Name.

The Project Control Group conducted a review of the rail trail name at a workshop on 31 May 2013 and reference was made to the feedback from a recent stakeholder survey on the proposed River High Line name, and the deliberations of the Murrindindi Shire Council and Rail Trail Advisory Committee. The outcomes of that workshop are summarised in *Enclosure 8.5.1*.

Council Plan/Strategies:

This project is broadly consistent with the Local Economy Theme of the Council Plan 2009-2013 and strategies to:

- Undertake or facilitate major economic development projects
- Participate in cooperative marketing

Legal/Policy Issues:

There are no legal issues associated with this report.

Financial/Resources/Risk

The strategy development project including the work to finalise the name and branding is fully funded by external grant funds.

Other than required directional and traffic management (safety) signs, no interpretive, identity (branding) or Wayfinding signage or marketing tools were part of the original scope of works.

The strategy development does not include the cost of manufacture and installation of signage, however it does include creation of content for all signage plus a fully operational website and mobile site, interactive mapping, social media pages and third party endorsement mechanisms such as Trip Advisor, Blogs and similar.

Discussion:

As discussed in *Enclosure 8.5.1*, the Project Control Group, consisting of Council officers and community representation from each of the Murrindindi, Mansfield and Mitchell Shires, has recommended a new name '*Great Victorian Rail Trail*' be considered as the preferred name for the rail trail. This is based on the following rationale:

- The name was one of the names suggested in the stakeholder feedback and by the Rail Trail Advisory Committee
- It achieves the broad aim of differentiation from other 'somewhere to somewhere' named rail trails
- Positions the trail as a significant or premier rail trail in the State and nationally
- Is aspirational for the community and the market
- Uses Victoria as the locational indicator

The Great Victorian Rail Trail name was considered by the Rail Trail Advisory Committee at a specially convened meeting on 6 June 2013 with the Committee resolving that the name be recommended to the three Councils for adoption at the June 2013 meetings of the respective Councils.

It is therefore recommended that Council adopt the name change as it meets the primary aim of positioning the trail as a trail of national significance. If the name is adopted by the three Councils at the June meetings it will enable the project to proceed within the original timelines without incurring additional costs associated with the need to delay the project. This will enable a formal launch of the new name at a date to be determined in July 2013 and the development of the suite of marketing tools, including signage design, for promotion of the trail.

Consultation:

The new name proposed is based on feedback gained following a community and industry stakeholder survey conducted during April and May. It is not proposed that further consultation

work be undertaken prior to the consideration of the new proposed names by the three Councils.

Conclusion:

The development of the Integrated Marketing and Wayfinding Strategy is important to the future success of the rail trail. The naming and branding of rail trail are key components in the further development of the Rail Trail experience for visitors and local people alike.

8.6 COMMUNITY SERVICES

8.6.1 Draft Municipal Public Health and Wellbeing Plan 2013-17

File No: 28/02/16

(Refer Encl 8.6.1 – Draft Municipal Public Health and Wellbeing Plan 2013-2017) – to be tabled at the meeting.

Purpose:

The purpose of this report is to present the draft *Municipal Public Health and Wellbeing Plan 2013-17* to Council.

Recommendation:

That Council adopt the Draft Municipal Public Health and Wellbeing Plan 2013-17 for the purposes of public consultation.

Background:

The *Public Health and Wellbeing Act 2008* establishes the statutory role of councils to 'protect, improve and promote public health and wellbeing within the municipal district'.

Under this Act it is a statutory requirement of every Council to develop a *Municipal Public Health and Wellbeing Plan* within 12 months of each Council election.

Our plan reflects and enhances actions outlined in the *Council Plan 2013-2017*, incorporates existing Council policies and frameworks, and provides direction to Council in its decision-making. The plan also provides information and guidance to the various community and service agencies that work in partnership in the community and with Council.

The plan was developed collaboratively with all council departments, community advisory groups, organisations, individuals and service providers. The content of the Plan is based on available health data and aligns with federal, state and regional health initiatives, as well as the social determinants of health as defined by the World Health Organisation.

The development of this plan has been led and coordinated by Council through the Department of Community Services.

The draft *Municipal Health and Wellbeing Plan 2013 – 2017* focuses on a whole of life approach and fulfill other Council planning responsibilities by embedding the following:

- Early Years Action Plan
- Youth Strategy
- Disability Action Plan
- Positive Ageing Action Plan
- Future Recreation and Play strategies

Council Plan/Strategies:

Council Plan 2013-17 – Our Community – ‘We will support and promote health and wellbeing, social connectedness and community involvement.’ (Page 9)

The plan will complement the Council Plan 2013-17 and support activities that have the ability to improve the Shire’s overall health and wellbeing

The title ‘Stay Active and Healthy’ gives a strong message that Murrindindi Shire is committed to the health and wellbeing of our residents.

Legal/Policy Issues:

Public Health and Wellbeing Act 2008 - No. 46 of 2008. Version incorporating amendments as at 31 March 2013.

Financial/Resources/Risk

The actions outlined in the draft plan will be delivered with the current level of staff and financial resources within Council and other agencies.

Discussion:

The plan demonstrates Council’s accountability for public health and wellbeing outcomes. It reflects strong collaboration across council departments and with external partners.

The four themes outlined below, along with the related key social determinants of health provide a foundation for the key strategies and actions within the MPHWPB.

Theme 1: Strong and Connected Communities

- Good social circumstances improve health throughout life; social exclusion creates misery and costs lives.
- Friendship, good social relations and strong supportive networks improve health at home, at work and in the community.
- The effects of early development last a lifetime; a good start in life means supporting families and young children.

Theme 2: Celebrating Place and Space

- Getting out into the fresh air and being physically active is good for bodies and minds.
- Healthy transport means reducing driving and encouraging more walking and cycling.

Theme 3: Sustainable Economic Growth

- Job security increases health, wellbeing and job satisfaction; stress in the workplace increases the risk of disease.
- A good education is critical.

Theme 4: Keeping People Well

- Stress harms health. Individuals turn to alcohol, drugs and tobacco and suffer from their use when their life circumstances are poor.
- Healthy food intake and regular physical activity is vital for minimising preventable diseases such as diabetes, chronic heart conditions and some cancers.

‘Stay Active and Healthy’ is a simple message with the potential to influence people to stay physically active and engaged in community life. Activities within the plan are designed to encourage people to make healthy lifestyles choices.

The partnership approach employed in the development of this plan provides a strong foundation for the effective implementation of the strategies and activities identified. A Health and Wellbeing Consortium will be developed with representation from Council and the community, including partner agencies, to provide a formal structure to guide and report on progress of the Plan's implementation.

Consultation:

Members of the community, service providers, Councillors and Council departments have contributed to the development of this plan through group and individual discussions over a period of six months and made a commitment to take the actions outlined in the Plan.

A planning workshop held on 9 May 2013, facilitated by Jamie Carroll from Indite Consulting, was attended by representatives of key agencies, Council departments and Councillors.

The four themes in the Plan are based on the insights and aspirations highlighted in the Vision 2030 community consultation held in 2012.

Community and service providers have a further opportunity to provide feedback on the plan when it becomes publically available for comment.

Conclusion:

The draft *Municipal Public Health and Wellbeing Plan 2013-2017* will be available for public comment for a period of 28 days from Monday 1 July 2013.

The final *Municipal Public Health and Wellbeing Plan 2013-2017* will be endorsed by Council by 31 October 2013.

8.6.2 Community Grants October 2012 to May 2013

File No: 24/07/139-10

(Refer Encl 8.6.2 - Summary of applications March - May 2013)

Purpose:

The purpose of this report is to inform Council on the decisions and recommendations made by the delegated Community and Emergency Grants Assessment Committee on funds to be allocated from the Community and Emergency Grants Program.

Recommendation:

That Council:

1. **Notes the decision made by the Community and Emergency Grants Assessment Committee to support applications for the King Parrot Creek Environment Group Inc. and the Yea Community Services Group Inc.**
2. **Supports the recommendations of the Community and Emergency Grant Committee outlined in the following table relating to the remaining three applications received.**

Application	Funding sought	Recommendation
Triangle Community Dance Group	\$1,675	Not supported

Catholic Care	\$3,740	Not supported
Alexandra Playgroup	\$5,000	Defer for further discussion

Background:

Applications for the third cycle (March to May 2013) of Council's Community and Emergency Grants Program were assessed by the Community and Emergency Grants Committee comprising the Mayor, Deputy Mayor and the Chief Executive Officer.

Five applications for grant funding were received in this cycle. The Assessment Committee, under the revised Community Grants Policy, are able to decide on grants less than \$1000. All other applications are discussed and a recommendation is put to Council for consideration.

All applications and committee's decisions and recommendations are summarised in the attached document.

Council Plan/Strategies:

The Community and Emergency Grants process is an operational outcome of the 2009-2013 Council Plan theme of Community to provide a seed funding pool to match community initiated projects.

Legal/Policy Issues:

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

Financial/Resources/Risk

A total of \$1,024 is being supported in this round, therefore there is no financial risk to Council. Funds remaining unallocated in the 2012/2013 year amount to \$17,493. There are no further grant rounds remaining in this financial year.

Consultation:

The Community and Emergency Grant applications are assessed by the Community and Emergency Grants Assessment Committee. As required, information is sought from the Community Services Department and other Council Departments.

Discussion:

In total, five applications were received from community organisations for the March to May 2013 round. These applications are listed in Enclosure: A3 Summary March – May 2013 of this report.

Two of the five applications have been supported by the Community and Emergency Grants Assessment Committee.

- King Parrot Creek Environment Group Inc. applied for \$500 to support the purchase of a movement activated camera and BBQ to extend and enhance the experience of the night walks within the Flowerdale community. The Assessment Committee granted \$210 for the purchase of the camera and provided a \$200 contribution to the purchase of a BBQ, in total \$410.
- The Yea Community Service Group Inc. applied for \$614 to support the development of a 'Big Community Lounge' atmosphere with the installation of a large screen television. They hope will encourage greater participation from men in the community and add value to the already successful family movie night events. The Assessment Committee granted the \$614 requested.

Two applications were not supported.

- The Triangle Community Dance Group sought \$1675 to contribute to the cost of hosting a Community Dance event for the Triangle area. The Assessment Committee did not support this application and felt that alternative funding may be available through other sources including Arts Victoria. Council officers will assist the group to seek information on other opportunities.
- Catholic Care, in partnership with a number of other organisations in the Kinglake Ranges is working towards a Music Festival. Grant funds are sought to assist in delivering workshops for three choirs in preparation for the Big Sing and Youth Performance events. The Assessment Committee did not support this application, noting that \$2000 was already committed by Council in support of the Arts Show component of the event.

The remaining application has been deferred to allow time for further discussion.

- Alexandra Playgroup sought \$5000 to assist in the cost of landscaping and creating a safe and stimulating outdoor play area at their new premises (Old Hospital site). The Assessment Committee deferred this application, noting that other funding sources may be available through the Putting Locals First Program and that Council currently contribute to the Playgroups annual operating costs. Council officers will support Playgroup to seek alternate funding options and encourage them to resubmit their application in the next cycle if other funding opportunities do not meet their needs.

Conclusion:

Council, on the recommendations of the Community Grants Committee has successfully provided funding to a range of community groups across the shire. Council officers will continue to assist and support the community to identify potential projects for funding.

9. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
24/13/1304	31/05/2013	Agreement between Murrindindi Shire Council and Global Contracting Pty Ltd, Road Pavement Rehabilitation and Sealing, Break O'Day Road, Glenburn – Formal Instrument of Agreement	M Abbey Cr M Rae
24/13/1239	06/06/2013	Formal Instrument of Agreement between Murrindindi Shire Council and Warrandale Industries Pty Ltd for construction of Marysville Community Centre Carpark and Associated Streetscape Works	M Abbey Cr J Walsh
24/13/1240	06/06/2013	Formal Instrument of Agreement between Murrindindi Shire Council and Nelmac Pty Ltd for Refurbishment of Breakaway Bridge, Acheron	M Abbey Cr C Challen
34/13/1308	13/06/2013	Formal Instrument of agreement between Murrindindi Shire Council and GHD Pty Ltd for Landfill Monitoring and Consulting Services.	M Abbey Cr J Walsh

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**

File No: 12/01/06

Purpose:

This report presents the records of assemblies of Councillors for the 15 May 2013 to 12 June 2013, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

Recommendation:

That Council receives and notes the record of assemblies of Councillors for 15 May 2013 to 12 June 2013.

Background:

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

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

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

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

Summary:

Meeting Name / Type	Councillor Briefing Session	
Meeting Date	15 May 2013	
Matters discussed	<ol style="list-style-type: none"> 1. Procurement Policy 2. Kinglake RAC 3. Draft Budget 4. Draft SRP 	
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Derwent, Cr Ruhr, Cr Magner, Cr Kennedy, Cr Challen	Staff – M Abbey, M Chesworth, T Johnson, A Cassell, R Cherry	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Ordinary Meeting of Council	
Meeting Date	22 May 2013	
Matters discussed	<ol style="list-style-type: none"> 1. Planning Application – Microbrewery and restaurant 2. Y Water Centre Tender 3. Exchange of Land - Kinglake 	
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Ruhr, Cr Magner, Cr Kennedy	Staff – M Abbey, M Chesworth, R Cherry, T Johnson, J Canny, M Leitinger, M Parsons, K Girvan	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Briefing session	
Meeting Date	5 June 2013	
Matters discussed	<ol style="list-style-type: none"> 1. Roadside Weed and Pest animal Control Plan 2. Rural Living Zoning Yea 3. Kinglake Ranges, Flowerdale and Toolangi Plan 4. Voluntary Contribution to Constitutional Recognition Campaign 5. Rail Trail Branding 	
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Derwent, Cr Magner, Cr Kennedy, Cr Challen	Staff – M Abbey, M Chesworth, T Johnson, Z Stephens, M Parsons, K Girvan	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Briefing session	
Meeting Date	12 June 2013	
Matters discussed	<ol style="list-style-type: none"> 1. Road Management Plan 2. Reopening of Rollasans Road, Thornton 3. Yea Shire Hall 	

	<ol style="list-style-type: none"> 4. Amendment C43-Heritage Study 5. 3 Lot Subdivision – Marysville 6. Service Station and Retail Development – Kinglake 7. Municipal Public Health and Wellbeing Plan 8. Municipal Public Health and Wellbeing Plan 2013-17 9. Kinglake Arts History Walk 10. Murrindindi Shire Council Advocacy Plan
<p>Attendees: Councillors – Cr Walsh, Cr Rae, Cr Magner, Cr Kennedy, Cr Challen</p>	<p>Staff – M Abbey, M Chesworth, T Johnson, R Cherry, L Kelly, J Canny, N McNamara</p>
<p>Conflict of Interest disclosures - Nil</p>	

14. URGENT BUSINESS

15. CONFIDENTIAL ITEMS

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

- **SALE OF LAND & BUILDINGS**

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.