



AGENDA
of the
ORDINARY MEETING OF COUNCIL
WEDNESDAY 27 MARCH 2019
at
Murrindindi Shire Council
Council Chamber
The Semi Circle
Yea
6.00 pm

** Audio recordings of all Council meetings are taken by Council's Governance Officers and published on Council's website. (Resolution of Council 23 January 2019)

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1. PLEDGE AND RECONCILIATION STATEMENT**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE****3. COMMUNITY RECOGNITION**

Suspension of standing orders to thank and acknowledge the achievements for the following:

- Middle Kinglake Primary School – student leaders for 2019
- Yea Primary School – student leaders for 2019
- Sacred Heart Primary School – student leaders for 2019
- Yea High School – student leaders for 2019

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**5. CONFIRMATION OF MINUTES**

5.1 Minutes of the Ordinary Meeting of Council held on 27 February 2019.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 27 February 2019 be confirmed.

6. PETITIONS**7. PUBLIC PARTICIPATION TIME**

7.1 OPEN FORUM

7.2 QUESTIONS OF COUNCIL

8. OUR PLACE

8.1 YEA OUTDOOR STORAGE FACILITY

Attachment(s): *Application Documents (refer Attachment 8.1)*
Aerial Photograph (distributed to Councillors separately)

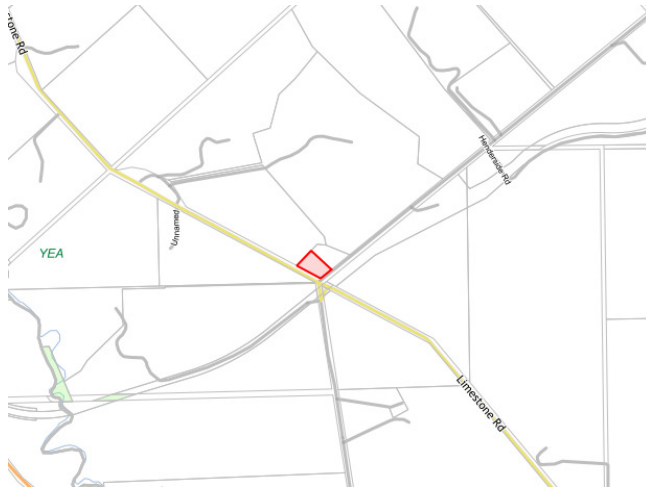
Land: 7 Cheviot Road YEA 3717

Proposal: Use of land for Storage (Caravans, Boats, Vehicles and Lock Up Self-Storage);
Placement of 20 shipping containers.

Applicant: N D Roberts

Zoning: Farming
Overlays: None

Locality Plan



Purpose

This report recommends that a refusal to grant a permit be issued for the use of land for:

- storage (Caravans, Boats, Vehicles and Lock Up Self-Storage)
- placement of 20 shipping containers
- erection of advertising signage at 7 Cheviot Road Yea.

Officer Recommendation

That Council issue a refusal to grant a permit for the use of land for Storage (Caravans, Boats, Vehicles and Lock Up Self-Storage); Placement of 20 shipping containers and erection of advertising signage at 7 Cheviot Road Yea (Lot: 1 PS: 515512, Parish of Murrindindi), on the following grounds:

1. The proposal is not in accordance with Clause 12.05-2S *Landscapes* as it will not improve the landscape qualities of the area due to the visual impact of the external storage
2. The proposal is not in accordance with Clause 13.07-1S *Land Use Compatibility* as it is an industrial use not in character with the area
3. The proposal is not in accordance with Clause 14.01-1S *Protection of Agricultural Land* due to the incompatibility between the proposed use and the likely development of surrounding land and the potential for traffic associated with the use to spread pest plants in an agricultural area
4. The proposal is not in accordance with Clause 15.01-6S *Design for Rural Areas* as it is not sympathetic to the visual impact on the Great Victorian Rail Trail, and the Cheviot Station site
5. The proposal is not in accordance with Clause 21.02-1 *Vision* as it does not protect the amenity of the rural landscape and character of the area
6. The proposal is not in accordance with Clause 21.03-1 *Business and Industry* as it provides for a localised need outside of an existing settlement
7. The proposal is not in accordance with Clause 21.03-2 *Agriculture* as it does not add value to agriculture but has the potential to detract from it

- 8. The proposal is not in accordance with Clause 35.07 *Farming Zone* as the use will not support or enhance the use of the land and nearby land for agricultural purposes, the nature of the storage will have an unacceptable impact on the landscape of the area as the broader area has scenic and historic significance.**

The Land and Surroundings

The subject land is a 1.137-hectare parcel of land in the Farming Zone. The site currently contains a dwelling and associated shedding. The site has commenced operating a storage facility, on a smaller scale than considered in this report. The subject land is bounded by Limestone Road to the south west, and by Cheviot Road to the south east. Private property bounds the property on the other two boundaries.

There is a small waterway running north of the property that is relatively vegetated, and remnant native vegetation is the Limestone Road road reserve. The Great Victorian Rail Trail runs in a northeast/southwest direction along Cheviot Road directly across from the subject site, with the old Cheviot Station site approximately 400 metres (m) further along Cheviot Road to the north east of the property.

Proposal

The proposal is for an outdoor storage facility, with 20 containers placed on the site, with two lines of containers, one along the rear western boundary and one 20m further into the allotment along the same alignment. Two of the containers have a roof structure joining them for undercover storage beneath. There are two separate areas proposed for storage of caravans, boats and other vehicles. These sections are made up of one on the northern boundary, being an area of 8m deep by 45m long and in the centre of the property, between the proposed containers the dwelling with an area of 8m deep and 65m long. The functional area of the proposal will be approximately 5000 square metres, with the overall site being expected to store approximately 50 vehicles.

The hours of operation are proposed to be between 8.30 am till 6.00 pm, seven days a week, on an as needs basis. Access to the proposed use is from Limestone Road. The applicant also wishes to place a business identification sign on the site.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* as follows:

- letters to adjoining and opposite property owners and occupiers
- notice of application displayed on the subject land.

No objections were received.

Discussion

The proposed use of the land for a storage facility and advertising signage is essentially an industrial use in an agricultural area, and with the nature of the facility being predominantly outdoor storage, this proposal will have a detrimental impact on the broader area in a range of ways. The impacts include the way the proposal will look from both public roads, adjoining properties and the Great Victorian Rail Trail.

An assessment of the key decision guidelines is outlined below.

1. Landscape Impacts

The nature of the facility is outdoor, with small goods stored within the 20 containers proposed, vehicles parked between these containers and 110m (in total) of external vehicle storage. The application documents detail that they anticipate the total number of vehicles will number 50.

When considering what the site will look like when at full capacity, Council officers considered the number of vehicles that could be stored within the vehicle storage areas. Based on a site space of 3m (a standard car space is 2.6m wide) there would be between 35 and 40 vehicles able to be stored externally. In addition, there is the capacity for another 18 vehicles to be parked between the containers, giving the site the capacity to externally store between 55 and 60 vehicles on site.

Due to the expected amount of vehicles, in conjunction with the containers themselves, the site could easily become unsightly. There will be limited ability to manage the grass in and around the vehicles in a tidy way, and the practicalities of moving these vehicles regularly enough to allow the grass to be mown is in doubt. The applicant is not proposing to undertake any site works other than placement of the vehicles and containers. This is further detailed in the advice from Jo Bell, Heritage Services, in relation to the Cultural Heritage implications for the site, where it is stated that 'all storage units, caravans, boats, vehicles will be parked/placed directly on the ground surface with no significant ground disturbance occurring in preparing the site for the proposed use', and as such, no significant ground disturbance will be undertaken. The report notes that if works did occur on the surface to undertake the use, such as creating a gravel base, a Cultural Heritage Management Plan would be required.

2. Potential Conflict of Use

The applicant has justified the use by detailing the nature of the storage is in itself not permanent, advising that the containers and vehicles can all be removed relatively easily. However, the planning permit being applied for will run with the land, and will allow the use to be ongoing with no proposed expiry date. This means that there will be 20 containers on site and 110m (in total) of vehicles, caravans and boats placed on grass in perpetuity. There is a vacant allotment directly to the north east of the site, which has the potential for both an agricultural enterprise as well as for an application for a dwelling.

There is no landscaping proposed to be between the open storage of boats, caravans and cars along the boundary here, with all vehicles proposed to be setback 1.5m from the boundary. There is no significant vegetation on the adjoining property, which could create a conflict of use for the future use of this land.

3. Traffic and Weed Management

The nature of storage is that vehicles bring goods onto site, place them as agreed with the owner, then leave the site. Most of the traffic is expected to be from the Yea township, with vehicles coming to the site from the Melba Highway, and then along Limestone Road. There will be many different customers using the site, which has the potential for these cars to bring weeds into the area from offsite at a rate much higher than normally expected in a rural area. This has the potential to cause issues offsite for other agricultural properties.

4. Interface with Rail Trail

The property is opposite the Great Victorian Rail Trail, with the Cheviot station on Cheviot Road in close proximity to the proposed storage facility. This facility is a major tourist attraction for the Murrindindi Shire. The proposed use is industrial in its presentation, and will be in conflict with the rural amenity that the rail trail is promoting. While the proposal has no direct physical impact on the rail trail itself, there is a broader concern with how this area is used from a heritage and tourism perspective.

Both the rail trail and the Cheviot Station site are in the Heritage Overlay, and in the *Tallarook to Mansfield/Alexandra Railway: Archaeology and Heritage Guidelines* (Context, 2012), which forms part of the *Murrindindi Shire Heritage Study*, it is noted that a goods shed and weighbridge at Cheviot are some of the few remaining contributory features. The contributory features are described as:

"The main features of the station site are a dilapidated goods shed on a concrete pad (the sign on its south west face was not legible by may be that recorded in 2008 as reading

‘Gisborne Building’) and an intact weighbridge with the labels ‘16 Tons, No 733’ and ‘Hawke and Co Kapunda SA’. The line of three *Pinus Radiata* to the west of the station (on the south eastern side of the track bed) and the large clump of Monterey Cypress trees to the south of the Goods Shed also remain, but the concrete foundation walls recorded amongst the latter were not apparent.”

With these documents outlining the importance of this site from a heritage perspective, consideration should be given to the tourism potential for this site, and the impact of an industrial type use on this potential.

Referrals

There were no external referrals undertaken as part of this application.

Council Plan/Strategies/Policies

This report is consistent with the Murrindindi Shire Council Plan 2017-2021, in particular the Our Place strategic objective ‘we will maintain and enhance places to be attractive and liveable, in balance with our natural environment’ and the strategy ‘through good land use planning enhance the liveability, prosperity and rural character of our Shire.’ It is also aligned with the Our Prosperity strategic objective ‘in partnership with the community we will promote an environment in which business and community can thrive.’

Relevant Legislation

The proposal is being considered under the provisions of the Murrindindi Planning Scheme and the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financial implications or risks associated with the writing of this report.

Conflict of Interest

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

Legal/Policy Issues

State Planning Policy Framework

12.05-2S Landscapes

Objective - to protect and enhance significant landscapes and open spaces that contribute to character, identify and sustainable environments.

Strategies:

- ensure development does not detract from the natural qualities of significant landscape areas
- recognise the natural landscape for its aesthetic value and as a fully functioning system
- ensure important natural features are protected and enhanced.

13.07-1S Land Use Compatibility

Objective - to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies:

- ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:
 - directing land uses to appropriate locations
 - using a range of building design, urban design, operational and land use separation measures.

14.01-1S Protection of Agricultural Land

Objective - to protect the state's agricultural base by preserving productive farmland.

Strategies:

- in considering a proposal to use or develop agricultural land, consider the:
 - impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production
 - compatibility between the proposal or likely development and the existing use of the surrounding land
 - potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.

15.01-6S Design for Rural Areas

Objective - to ensure development respects valued areas of rural character.

Strategies:

- ensure that the siting, scale and appearance of development protects and enhances rural character
- protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

17.01-1R Diversified Economy - Hume

Strategies:

- encourage appropriate new and development forms of industry, agriculture, tourism and alternative energy production.

Local Planning Policy Framework

21.02-1 Vision

Key elements of achieving the vision will be:

- growth in the rate base, population and economic activities to create long term economic sustainability for the municipality
- facilitation of new and expanded economic development and employment opportunities
- expansion and promotion of the tourism industry for a range of existing and emerging activities
- recognition and protection of the natural and built environment to protect high amenity rural and natural landscapes and the character of the area.

21.03-1 Business and Industry

Issues:

- a desire to facilitate and promote economic development generally
- the need to support the economic prosperity and vitality of the municipality
- provision of adequate land for a range of industrial types in a variety of locations.

Objective 2 - business and Industry in townships:

- facilitate active and vibrant commercial areas in townships.

Strategies:

- facilitate industrial activities within existing settlements to support localised need.

21.03-2 Agriculture**Issues:**

- potential for use of agricultural land for non-agricultural or rural living purposes to conflict with established or future agricultural or horticultural land uses.

Objective 1 - agricultural production, growth and diversity:

- develop the agricultural economic base through the attraction of value adding agricultural industries.

Objective 2 - rural and agricultural land use and development:

- discourage the development or conversion of land to uses incompatible with productive agriculture.

21.03-3 Tourism**Issues:**

- the role of heritage to tourism and the need to promote these assets to enhance tourism visitation to the municipality.

Objective 1 - tourism growth and facilitation:

- investigate and support the further development of tourism attractions, facilities and accommodation to support the Great Victorian Rail Trail.

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

- to provide for the use of land for agriculture
- to ensure that non-agricultural uses do not adversely affect the use of land for agriculture
- to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Decision Guidelines:

- general issues:
 - whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses
 - how the use and development makes use of existing infrastructure and services
- agricultural issues and the impacts from non-agricultural uses:
 - whether the use or development will support and enhance agricultural production
 - the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural production
- design and siting issues:
 - the impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts

- the impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

A planning permit is required for the use of the land for a store, and for business identification signage.

Particular Provisions

52.05 Signs

Purpose:

- to regulate the development of land for signs and associated structures
- to ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

A planning permit is required for business identification signage in the Farming Zone.

8.2 DEVELOPMENT PLAN - 66 RACECOURSE ROAD YEA

Attachment(s): *Proposed Development Plan, 66 Racecourse Road, Yea (Attachment 8.2)*

Purpose

This report relates to a development plan that has been prepared to guide future staged residential development on land at 66 Racecourse Road Yea.

Officer Recommendation

That Council approve the Development Plan, 66 Racecourse Road Yea.

Background

The subject land is located within the Yea Township approximately 750 metres west of the commercial main street precinct. The land is bounded by the Goulburn Valley Highway and the Great Victorian Rail Trail (rail trail) to the north, Racecourse Road to the south, existing residential development to the west and undeveloped residential land to the east. The land (described as Lot S3 PS 523108) is vacant and comprises an area of 4.9 hectares. Some limited native vegetation in the form of mature trees are located on the southern boundary adjacent to Racecourse Road. The land forms part of Stage 3 and 4 of the 'Habitat' residential estate. Previous stages (Stages 1 and 2) to the west have been completed recently with new dwellings.

The land is zoned General Residential under the Murrindindi Planning Scheme and it is also affected by a Development Plan Overlay - Schedule 1 (DPO). The DPO was originally introduced as part of the current planning scheme in 1999. The development plan prepared under this Overlay (2003) lapsed following the completion of Stages 1 and 2 of the Habitat estate in 2016. A new development plan is required to guide remaining stages.

Planning Scheme Requirements

The purpose of the DPO (Clause 43.04) is to 'identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land'. A secondary purpose is 'to exempt an application from notice [advertising] and review [appeals] if a development plan has been prepared to the satisfaction of the responsible authority'.

The development plan prepared for 66 Racecourse Road has been prepared in accordance with the DPO requirements. The plan is generally in accordance with the previous (lapsed) plan.

Development Plan Details

The current development plan extends the existing local road network from the recently completed Stage 1 and 2 areas (Newbury Chase and Innisfail Rise). A proposed road (not named at this stage) will extend northeast from a new intersection on Racecourse Road and terminate at the northern boundary.

The plan provides for a public shared path link from the plan area to the rail trail to ensure pedestrian and cyclist connectivity. Other footpaths will be provided at the planning permit and design stage (to link with existing footpath along Racecourse Road abutting the high school and North Street).

The proposed intersection with Racecourse Road may require the removal of some native vegetation in the form of trees. The extent of any loss, and associated offsets, will be determined at the planning permit stage.

The development plan is consistent with State and local planning scheme provisions relating to housing (Clause 21.02 and 21.04) including the General Residential Zone (Clause 32.08). In particular, the proposal is consistent with the Yea Framework Plan. Reticulated services are now available to the all of the land. The views of relevant authorities, including VicRoads, have been considered in the preparation of the plan.

The proposed development plan provides an appropriate basis to guide future applications for subdivision and development at the planning permit stage. Approval of the plan is recommended, including an expiry of 10 years to allow sufficient time for the completion of remaining stages.

Council Plan/Strategies/Policies

The amendment is consistent with the Murrindindi Shire Council Plan 2017-2021 Our Place strategic object 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and 'through good land use planning enhance the liveability, prosperity and rural character of our Shire'. The amendment is also consistent with Our Prosperity strategic objective of 'in partnership with the community we will promote an environment in which business and community can thrive'.

Relevant Legislation

The development plan has been prepared pursuant to Clause 43.04 and Schedule 1 of the DPO which forms part of the Murrindindi Planning Scheme and under the provisions of the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financial implications and risks associated with this proposal.

Conflict of Interest

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

Community and Stakeholder Consultation

There are no statutory requirements for Council to formally exhibit the development plan. Informal notification is not considered necessary in this instance as the land is zoned for residential purposes and forms part of the further (final) stages of an estate that has already commenced. The proposed layout is generally consistent with plans previously approved by Council and the proposed layout does not impose obligations on abutting or surrounding landowners.

8.3 MURRINDINDI PLANNING SCHEME – LOCAL PLANNING POLICY FRAMEWORK REVIEW

Attachment(s): *Proposed LPPF changes (refer Attachment 8.3)*

Purpose

This report relates to a current State Government initiative to restructure Victorian planning schemes. The Department of Environment, Land, Water and Planning (DELWP) have requested that Council consider and endorse proposed changes to Murrindindi Planning Scheme and consent to the Minister for Planning approving an amendment to the scheme to give effect to the changes.

Officer Recommendation

That Council:

- 1. Endorse the restructuring of the Murrindindi Planning Scheme as proposed by the Department of Environment, Land, Water and Planning.**
- 2. Consent under Section 20(5) of the *Planning and Environment Act 1987 (the Act)* to the Minister for Planning preparing and approving an amendment to the Murrindindi Planning Scheme without exhibition under Section 20(4) of the *Act* to approve the revised planning scheme format.**

Background

The Victorian State Government has prepared a new structure for all Victorian planning schemes which seeks to include all state, regional and local planning policy content under a single framework. Changes to the Murrindindi Planning Scheme have been drafted by DELWP for review and endorsement by Council.

Discussion

Existing local planning directions under the Local Planning Policy Framework (LPPF) have been converted in a 'policy neutral' manner into the new planning policy framework. An advantage of the revised framework is the consolidation of state, regional and local policy content within a single area providing ease of access for scheme users. Areas of duplication between state and local planning policy content have been removed and the size of the scheme has been reduced.

As the Murrindindi LPPF currently follows the State planning policy headings, the restructuring of the policy framework has been relatively straight forward. Council officers have ensured that existing local planning policy content has been effectively carried forward into the new planning policy format, including specific local policies.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Place strategic objective 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and Our Prosperity strategic objective 'in partnership with the community we will promote an environment in which business and community can thrive'.

Relevant Legislation

Council is not required to undertake any statutory processes in relation to the proposed planning scheme changes. DELWP have advised that it will recommend, following Council consideration, that the changes proceed under section 20(4) of the *Planning and Environment Act 1987*. This provision allows the Minister for Planning to approve planning scheme amendments without formal exhibition.

Financial Implications and Risk

There are no financial implications or risks associated with the planning scheme reformatting. The State Government is fully funding this project through DELWP.

1. **The siting, scale and appearance of the proposed dwelling does not enhance the character or the area as required under Clause 14.01-6S (Rural Character)**
2. **The proposed dwelling design does not have regard to the Farming Zone decision guidelines (Clause 35.07) and will have an adverse impact on the area and in particular the adjoining dwelling due to its siting, design, height and bulk**
3. **The proposed dwelling and its design does not have regard to the Restructure Overlay decision guidelines (Clause 45.05) and does not have sufficient regard to the existing dwelling on the adjoining land particularly in relation to overlooking and overshadowing**
4. **The proposed Bushfire Attack Level 12.5 (BAL 12.5) construction forming part of the application is insufficient having regard to the requirements of the Bushfire Management Overlay which affects the land (Clause 44.06).**

Background

The Land and Surroundings

The subject land comprises a vacant lot of 1,112 square metre located on the east side of Pine Ridge Road Kinglake West approximately 44 metres (m) south of National Park Road. The lot has a 20m wide road frontage and falls gently by 2.4m from the frontage to the rear boundary. The land contains no native vegetation.

The land forms part of a residential subdivision comprising over 100 lots created in the early 1960s (prior to the introduction of planning controls). Due to the constraints imposed by the historic subdivision and the need to reduce the environmental impacts of dwellings and other development, planning controls were introduced in the 1980s to require the restructure and consolidation of vacant lots as a condition for any further dwellings. These controls remain in place under the current Murrindindi Planning Scheme in the form of a Restructure Overlay. The National Park Road/Pine Ridge Road Restructure Plan (Restructure Plan) forms part of the schedule to the Overlay. The subject land is designated in the Restructure Plan as 'Restructure Lot A32' and a dwelling may be considered on this land.

During the 2009 Victorian bushfires nearly all the dwellings within the Restructure Plan area were destroyed. The majority of these dwellings have now been rebuilt other than for a number of significantly constrained lots at the end of Pine Ridge Road and other land parcels which have been purchased through the Government Bushfire Buy-Back Scheme. A number of these lots have now been sold to new owners with restrictions preventing new dwellings and in most cases they have been consolidated with adjacent lots having existing dwellings.

The land to the north comprises a consolidated lot of 0.26 hectares (ha) which is currently vacant. Newer dwellings have been recently completed on the land opposite Pine Ridge Road (on similar size lots to the subject land). The rear of the land abuts a 2.0 ha property which is also vacant. The land to the south contains a recently completed single storey dwelling.

Proposal

The application seeks planning approval to use and develop the land for a large double storey five-bedroom dwelling (refer to Attachment 8.4). The dwelling comprises of a Simonds Homes 'New Living' design which is set back 9m from the frontage, 1m from the northern boundary and 5.4m from the southern boundary. The ground floor comprises of a family, meals, theatre and guest rooms and the second floor contains a further four bedrooms, rumpus room and study. A double garage provides for onsite vehicle parking. External cladding is to comprise of brickwork and concrete roof tiles. Rainwater storage tanks for potable water supply and firefighting purposes (each 22,500 litre capacity) are proposed within the rear yard.

A Bushfire Management Plan has been prepared by the applicant to address the requirements of the Bushfire Management Overlay affecting the land.

Public Notification

Notice of the application was provided in the form of letters to adjoining and opposite property owners and occupiers and by displaying a notice on the land for a period of 14 days. At the end of the notice period one objection had been received from the abutting landowner to the south. This land contains a recently completed single storey dwelling which is set back 3.4m to 4.7m from the shared side boundary of the subject land. The grounds of objection are summarised below:

- the proposed development will result in unacceptable overlooking into the objector's land and living areas from proposed habitable room windows
- the proposed double storey development will result in unacceptable overshadowing of the objector's dwelling and outdoor living areas and in particular will result in a loss of solar access (sunlight) to existing roof mounted solar panels. The solar panels are relied upon to provide cost effective heating in the winter months.

The objector has requested that these matters be addressed through a redesign and/or repositioning of the dwelling. Attempts to mediate an outcome relating to the objection have not been successful. The issues raised by the objector are discussed further in this report.

Referral Authority Advice

The application was referred to the Country Fire Authority (CFA) who have issued conditional consent subject to a range of conditions discussed further in this report.

The application was also referred to a number of other authorities including Department of Environment, Land, Water and Planning (DELWP), Melbourne Water and Goulburn-Murray Water. These authorities have advised that they have no objection to the application.

Discussion

Planning Assessment

State and Local Planning Policy Frameworks

State and local planning objectives seek to protect the State's agricultural base by preserving productive farmland (Clause 14.01-S and 31.03-2). Particular strategies seek to limit new housing in rural areas by 'encouraging consolidation of existing isolated small lots in rural zones' and providing for the 'restructure of inappropriate subdivisions where they exist on productive agricultural land.' The subject land forms part of an area that is being restructured to achieve these objectives. It is noted that while Pine Ridge Road is in the Farming Zone, it is not used for farming purposes and is predominantly characterised by residential uses in a rural environment.

Clause 15.01-6S sets out State objectives and strategies relating to design in rural areas which seek to 'ensure that the siting, scale and appearance of development protects and enhances rural character.'

Farming Zone (Clause 35.07)

The primary purpose of the Farming Zone seeks to protect and encourage agriculture. However, discretion is available under this zone to consider a dwelling on smaller existing/restructured lots where adequate servicing infrastructure is available and impacts on surrounding agriculture can be minimised. Responsible authorities are required to consider the following guidelines when considering an application for a dwelling:

- whether the dwelling will result in the loss or fragmentation of productive agricultural land
- whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation

- whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses
- the potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture
- the impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

The subject land and surrounds has previously been fragmented through historic subdivision and now contains a number of dwellings unrelated to agriculture. While the rear (eastern) boundary abuts land used for agriculture (grazing) the proposed dwelling will not have an impact on this activity and it is unlikely that it will prejudice any future agricultural activity on this adjacent land.

Although the application proposal will not compromise agricultural objectives, the use and development of land must also have regard to design and siting issues 'to minimise any adverse impacts.'

Restructure Overlay (Clause 45.05)

As previously noted the subject land forms part of an existing Restructure Allotment (No. 32) on which a dwelling may be considered. Responsible authorities are required to consider the following guidelines when considering an application for a dwelling:

- appropriate measures to cope with any environmental hazard or constraint affecting the land, including slope, drainage, salinity and erosion
- the protection and enhancement of the natural environment and the character of the area
- the availability of utility services, including sewerage, water, drainage, electricity, gas and telecommunications
- the relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land
- the effect on surrounding uses, especially agricultural uses, and nearby public land
- the design of buildings.

The proposed use of the land for dwelling purposes is considered appropriate because environmental hazards and servicing constraints can be addressed. However, Council is still required to have regard to the 'design of dwellings', the relationship of the dwelling to existing dwellings and the effects on the existing dwellings.

Bushfire Management Overlay (Clause 44.06)

The CFA have advised Council that a planning permit may be issued subject to conditions and amended plans demonstrating that a dwelling can meet a required BAL 29 rating. The applicant is proposing a Bushfire Attack Level (BAL) 12.5 level of construction and Council officers are concerned that the CFA requirement for a BAL 29 level of construction may have design implications for the dwelling. It is the view of Council officers that these requirements should be demonstrated at the application stage because it relates to issues of life and property and should be resolved at an early stage and not be conditioned as part of any permit that may be issued. The applicant has advised Council officers that this requirement is disputed.

Issues Raised by Objector

As noted above, Council is required to have regard to the relationship of intended development to existing development on adjoining land, the effects on surrounding uses and the design of buildings.

In response to the issues raised by the objector, the applicant has sought to rely on relevant provisions in the Victorian *Building Regulations (2018)*. These provisions also form part of the planning scheme (Clause 54) but it is important to note that they only have statutory application in urban and township zones. They do not have any statutory weight in relation to the current application. The provisions have some relevance for the purpose of a comparative assessment.

Overlooking

Regulation 84 states that a habitable room window of a building (in an urban or residential area) must not provide a direct line of sight into a habitable room window or secluded open space of an existing dwelling on an adjoining allotment which is less than a horizontal distance of 9m. The proposed separation for the subject land is approximately 10m. Although claiming to be compliant with this requirement the applicant has submitted amended plans showing habitable windows on the upper storey southern elevation now replaced with obscure glazing. A proposed upper storey balcony will also be treated to prevent overlooking with aluminium horizontal slats.

The objector remains unsatisfied with these outcomes and is seeking a higher degree of privacy.

Solar Access

Regulation 82 requires that new development protect solar access to existing north facing habitable room windows. The applicant claims that these provisions are met because the proposed dwelling is set back greater than 3m from the boundary.

The objector remains unsatisfied with this outcome and is seeking a higher degree of solar access, particularly during winter months.

As noted above these requirements, in the current planning context, only relate to urban and township zones.

Overshadowing

Regulation 83 sets out provisions relating to overshadowing of private open space. The applicant claims that these provisions are also met as the proposed development is not within 3m of the proposed boundary.

The applicant remains unsatisfied with the response and in particular the 'overshadowing during winter months that reduces our natural solar collection that our home was ultimately designed to achieve.'

In relation to the proposed upper storey habitable room windows the objector continues to be concerned about 'the privacy of our living areas these windows pose and as our home is cut in to the terrain, they [occupants] will have a clear view into our living areas as they will tower over our home.'

The objector has further stated:

'...the height of the home is the biggest issue of concern...and the shade it will create being so large on a property so small. Other homes in the street utilise their properties better by not having a second floor that overshadows their neighbour. We simply ask that the home be moved further to the boundary giving greater distance between our homes or that they simply build a home that will not shade our home'.

It is the view of Council officers that the objector has raised legitimate planning concerns. The provisions relied upon by the objector only relate to dwellings in residential and township zones or in other circumstances where a planning permit is not required. While the subject land and surrounds has residential characteristics it is within a non-urban zone and it is to be expected that residents will have a higher expectation regarding issues of amenity and privacy.

For the above reasons the applicant response and the technical compliance should not be given significant weight. The provisions are useful in setting out minimum requirements relevant to residential and urban settings but should not be viewed as determinative in relation to the current application.

In relation to issues of solar access, it is appropriate that the objector have full winter access (beyond what is technically prescribed) because the dwelling was designed for this purpose and it was reasonable for the landowner to assume that such access would be maintained given the zoning and character of surrounding area. It is also appropriate that Council have regard to the colder conditions and more limited sunlight hours within this area of Kinglake. It is not appropriate that the landowner be put to the cost of repositioning or adding further panels because of the dwelling design on the subject land.

Although the provisions of Clause 54 do not technically apply in this instance, the issue of protecting energy efficiency on adjoining properties was incorporated into the planning scheme in October 2018. Specifically, the provisions require council officers to consider how an application for a dwelling impacts solar access on abutting properties, and what the effect the proposed dwelling will have on an existing rooftop solar facility on an adjoining lot. This recent change was tested at VCAT in *Hall v Moreland CC (2018) VCAT 2022 (18 December 2018)*, with the tribunal determining that a reduction in the overall height of the building was appropriate to try and minimise any overshadowing on the adjoining properties solar panels.

The issues raised by the objector are indicative of the proposed dwelling being an overdevelopment of the site. While in an urban context the proposed development is likely to be an acceptable outcome, in the current context non-urban context it is appropriate that Council give greater weight to amenity and separation issues.

Large double storey dwellings are not precluded from the Restructure Plan area and there are other nearby larger lots (such as the vacant lot immediately to the north of the subject land) that could accommodate the scale of development proposed. The subject land is one of the smaller lots in the Restructure Plan area and the dwelling proposal is one of the largest in terms of building mass. There is no further scope to reposition the dwelling further away from the objector's dwelling. A redesign (not supported by the applicant) is likely to result in a substantial modification of the proposal and for these reason it is not considered appropriate to condition this outcome. For the above reasons it is recommended that the application be refused. Council officers can work with the applicant in relation to alternative sites within the area or a modified design that has greater regard to amenity impacts on adjacent land.

As part of any new proposal, the applicant will be encouraged to submit a design that better integrates rural design elements and features to ensure its integration with the surrounding area. It will also be necessary to submit a new bushfire management plan that reflects a higher BAL 29 rating affecting this area.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Place strategic objective 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment'.

Relevant Legislation

The proposal is being considered under the provisions of the Murrindindi Planning Scheme and the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financial implications or risks associated with this report.

Conflict of Interest

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

Community and Stakeholder Consultation

Refer to discussion above in relation to notification and assessment of issues raised by objectors.

9. OUR PEOPLE**9.1 FUTURE DELIVERY OF AGED AND DISABILITY SERVICES**

Attachments: *Murrindindi Shire Council Aged and Disability Strategic Review report (refer Attachment 9.1)*

Purpose

This report provides a summary of the key issues and strategic options identified for Council's role in the future delivery of Aged and Disability Services that will best serve the community, in light of the Commonwealth Government aged care reforms.

Council is asked to consider the information contained in the report and Attachment 9.1 to assist in determining Council's future role in Aged and Disability services.

Officer Recommendation**That Council:**

1. **receive the Murrindindi Shire Council Aged and Disability Strategic Review report**
2. **note that funding by the Commonwealth Government for the provision of aged and disability services is changing in July 2020 to enable greater client choice and flexibility in how services are delivered**
3. **endorse a withdrawal of Council from the direct provision of Aged and Disability services funded through the Commonwealth Government and the Victorian Government, noting that other aged care and disability service providers will be better placed to take advantage of the funding changes**
4. **authorise the CEO to provide formal notice to the Commonwealth Department of Health and Victorian State Government Department of Health and Human Services that this withdrawal will occur by the end of 2019, subject to their agreement**
5. **direct that this period of notice be used to work constructively with the Commonwealth and Victorian State Governments and other parties to support manage an orderly transition process to new service provider(s)**
6. **note that there will be a range of support measures offered to staff affected by this decision**
7. **continue to focus on support for older people and people with a disability more broadly beyond 2020, providing information, advocacy and service planning**
8. **note that by making this decision now prior to the funding changes in July 2020 Council is better able to:**
 - a. **support the appointment of an alternative provider(s) who can provide client choice, flexibility and cost effective service**
 - b. **assist in a smooth transition for the new provider(s) and our clients before the funding changes are introduced.**

Background

Council's consideration of its future role in aged and disability services is in response to the Commonwealth Governments Aged Care reform and the introduction of the National Disability Insurance Scheme (NDIS). These reforms are fundamentally changing the operating and funding

environment for the aged and disability services sector, particularly through increased market contestability and client choice.

The specific details of funding arrangements for the full operation of the Commonwealth Home Support Program (CHSP) and the Home and Community Care Program for Young People (HACC PYP) post June 2020 have not been disclosed as yet. However, it is highly likely that the shift away from an operating environment based on block funded grants to a more competitive operating environment will not be reversed.

This creates some significant risks for Council and community including:

- security of funding – while there remains some uncertainty of what funding model will be introduced it is likely that the new model will increase funding instability which will introduce a significant level of financial and commercial risk
- declining scale and increasing costs – as the NDIS roll out progresses and other changes occur, the size and scale of Murrindindi Shire Council's service will decrease, further increasing unit costs of delivery and placing pressure on Council's budget with an increasing need to subsidise services
- the need to reduce unit costs – National Competition Policy dictates that Council cannot subsidise or underwrite service delivery unless there is a market failure. It is difficult for Council to meaningfully reduce the costs of service delivery due to pre-existing structural industrial relations arrangements.

There are some risks that vary depending on local market maturity and the number of providers delivering service:

- competitive markets – the likely future 'demand and consumer led' model will create a competitive market environment. If Council continues to provide services in a highly competitive market, it faces significant financial risk if its offering is not as attractive to clients because of higher staff and overhead costs. Alternatively, Council may also block other entrants from entering the market due to its current large market share risking the development of a strong local market
- service coverage and access – if Council discontinues service delivery and there is a limited number of alternative providers, there is a risk that service gaps will appear impacting on the quality and accessibility of services to the community. Alternatively, if Council discontinues service delivery and there is a highly competitive market, there is a risk that some clients may experience access issues due to their complexity or geographic location.

Local Governments in Victoria are also facing a range of other challenges that are placing pressure on available financial resources such as rate-capping, demographic shifts, cost growth, and increasing community expectations across a range of service areas. Many Councils are considering their future role in Aged and Disability service delivery. Currently, only four out of the 12 Councils in the Hume Region are delivering these services.

A strategic review of Council's Aged and Disability Services has been completed to assist in determining our future role in direct service delivery.

Incite Information were contracted by Council to conduct this review.

Discussion

Incite Information have produced the final 2019 Aged and Disability Services Strategic Review Options Assessment and Recommendations report (refer to Attachment 9.1). The options and recommendations have been informed by the consultations that have occurred with community members, Council officers, Council executive officers, Councillors and other local service providers as part of the review process. Options have been tested and refined through financial

modelling, meetings with potential alternative providers and consultation with a selected community reference group.

The following options are detailed in the report:

Option 1 - Continue Service Provision

Change Council’s current service model to respond to the new operating environment. The new optimised model involves:

- continuation of the current suite of services
- enhanced service responsiveness and flexibility to increase attractiveness to clients and funding agencies
- a review of the client fee structure to address financial sustainability risks.

Option 2 - Withdrawal from Direct Service Provision

Council discontinues its current role as a direct service provider and refocuses on the following three interconnected activities to minimise potential community risks and reposition Council’s role in the local service system, including:

- transferring clients to an appropriate local service provider(s) following a transparent selection process (and a phased transition process that supports growth in service provider capacity)
- undertaking local business development activities to attract additional service providers
- providing community information and individual support.

The following table provides a summary of the benefits and risks of each strategic option:

	Option 1 - Continue Service Provision	Option 2 – Withdrawal from Service Provision
Community Outcomes	<ul style="list-style-type: none"> • less disruption to current clients and staff and ensures service quality and access across the Shire • continued service delivery by Council may block new entrants who may better meet community needs; and limit economic development opportunities including the growth of existing local service providers (impacting their long term sustainability). 	<ul style="list-style-type: none"> • potential for greater choice, innovative service offerings and lower client fees with alternative service providers • reduction to staff hourly rates and travel allowances, however may be offset by one off redundancy payments, salary packaging (community organisations) and increase in total hours
Financial Sustainability	<ul style="list-style-type: none"> • higher estimated total cost to Council over 10 years for Option 1 (\$3.58 million) when compared to Option 2 (\$2.68 million). 	<ul style="list-style-type: none"> • option 2 has higher short term transition costs but significantly lower estimated ongoing Council contribution to operating costs.
Operational Feasibility	<ul style="list-style-type: none"> • significant change in culture and policy required to implement proposed service enhancements • uncertainty with regard to application of National Competition Policy and Council’s ability to attract Commonwealth/State Government contract and/or maintain sustainable market share (increasing risk to financial sustainability). 	<ul style="list-style-type: none"> • Council can take a proactive role in local service system design and activities to support local service providers to grow their capacity and empower residents as consumers of community care services • no certainty that the Commonwealth/State will approve Council’s recommended alternative provider(s).

Input from Councillors and Council executive officers identified the following principles to guide the development of options and to support Council's decision making:

- Council has a role in providing services to minimise the quality and access risks and should continue service delivery if exiting would result in service gaps
- there is no basis for Council to continue to deliver services if there is an appropriate alternative provider(s)
- Council has a broader role in supporting all older people and people with a disability not just those eligible for Community/State funded programs
- Council should be fiscally responsible and actively respond to potential financial sustainability risks in accordance with Council's Risk Appetite Statement
- it is appropriate for Council to have a role in developing an effective market for community services (particularly business development activities that support local businesses and/or enable growth in local employment opportunities).

Option 2 - Withdrawal from Direct Service Provision is the option most aligned with these decision parameters:

- continued service delivery (Option 1) would require a commitment to maintaining the current level of Council contribution to service, whereas exiting service delivery (Option 2) would significantly minimise financial sustainability risks
- preliminary market sounding indicated that appropriate alternative providers would be interested in providing services in the shire, although Council's current dominant position in the local market is a barrier to the entry and the ongoing sustainability of potential alternative providers
- Council's continued role in service provision (Option 1) provides more certainty that access to a quality service will be maintained. However, under Option 2 the risk of service disruption can be managed through the active involvement by Council in local service system design and activities to support alternative providers in growing their capacity
- option 2 provides greater opportunities for client choice and the development of innovative service responses to meet diverse needs. The potential benefits of an effective local market for community service are more likely to be realised if Council takes an active role in supporting the development of a sustainable local service system and empowering residents as consumers of community care services
- withdrawal from direct service delivery provides an opportunity to reallocate resources and re-position Council's role to respond to other areas of need for all older residents and those with a disability; to promote better community outcomes; and to break community perceptions of entitlement to aged and disability services funded through the rates base.

Any change to the delivery of Aged and Disability Services will not be immediate. Council will continue to deliver services until the formal appointment of a new provider(s) and a full transition has occurred by the Commonwealth Government and Victorian Government. A full transition process is likely to take six to nine months.

Council is committed to working collaboratively with the approved alternative service providers to support a smooth and seamless transition process. A withdrawal from Aged and Disability service delivery will be a significant change for our community and Aged and Disability staff. A comprehensive communication plan and transition plan is being developed to ensure that the community and staff feel informed and supported throughout the transition.

Council is critically aware of the need for sensitivity and due diligence in managing the transition process, particularly to ensure that people who use our services currently experience minimum disruption and continue to have their needs met.

In addition to all employee related entitlements, staff will be provided with a range of services to support the transition including information and support for resume writing, interview skills, and financial information and advice. All staff will have access to the Employee Assistance Program should they require additional confidential support.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our People strategy 1.3 'work with our partner agencies to ensure people of all ages can access the health and community services they need' and the action 'determine Council's future role in delivery of aged and disability services beyond 2020'.

Relevant Legislation

There are no legislative obligations on Council relevant to this matter.

Financial Implications and Risk

Council receives Commonwealth and State Government funding to provide Aged and Disability Services to the community. The Commonwealth Government has committed to maintaining current funding levels to June 2020. Council contributes approximately 20% to the delivery of services. As a result of funding changes to take effect from July 2020 the contribution made by Council to the delivery of these services will increase.

There is significant financial risk to Council in continuation of service delivery in an uncertain funding environment and limited opportunities for significant reduction in unit cost.

Financial estimates have been prepared for the ten-year period 2018/19 to 2027/28, including:

- Council contribution to annual operating costs
- one off transition costs.

Over a ten-year period, the total cost to Council is higher for Option 1 (\$3.58 million) when compared to Option 2 (\$2.68 million). Option 2 has higher short term transition costs but significantly lower estimated ongoing Council contribution to operating costs than Option 1.

Conflict of Interest

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

Community and Stakeholder Consultation

Incite Information have undertaken three community consultation sessions throughout the review. One in Alexandra and one in Yea on the 10 September 2018 and a further consultation in Yea on the 12 November. The feedback provided in these sessions has been incorporated into the attached review report (refer Attachment 9.1) and used to inform the assessment criteria and options for future service delivery.

A range of aged and disability service providers were consulted with as part of the review process.

The decision of Council will be communicated by letter to all current clients of the service, follow up support will be provided to anyone who is seeking further clarification or information through one on one conversations.

Regardless of the Council decision, a number of information sessions will be held to provide our clients, their families and the broader community with a better understanding about the future of aged and disability services in Murrindindi Shire and ask any questions they might have.

Sessions will be held in the following locations:

Alexandra	Thursday 11 April 2 - 3 pm	Alexandra Shire Hall Grant Street Alexandra
Yea	Friday 12 April 1 - 2 pm	Murrindindi Shire Council The Semi Circle Yea (Chambers room)
Kinglake	Friday 12 April 3.30 - 4.30 pm	Kinglake Ranges Community Centre Extons Road Kinglake
Eildon	Monday 15 April 9.30 – 10.30 am	Eildon Community Centre 45 Main Street Eildon
Marysville	Monday 15 April 12 – 1 pm	Marysville Community Centre Falls Road Marysville

10. OUR PROSPERITY

10.1 FUTURE OF REGIONAL TOURISM ACTIVITIES

Purpose

This report provides a summary of the key issues and options identified for the future delivery of a regional tourism presence that will best serve the Murrindindi tourism Industry and associated Council areas. It provides Council with information on the results of recent industry consultation and changes to the membership of Goulburn River Valley Tourism (GRVT). The report seeks to provide Councillors with the information required to determine if an extension of the current arrangement with GRVT should be pursued.

Officer Recommendation

That Council:

- 1. discontinue its membership of Goulburn River Valley Tourism (GRVT) at the end of the current financial year**
- 2. authorise the Chief Executive Officer to notify GRVT of this decision, and commence discussions of exit arrangements**
- 3. request the Chief Executive Officer to continue to work with the shires of Mitchell and Strathbogie to ensure continuity of existing projects and identify further opportunities for collaboration**
- 4. request the Chief Executive Officer to continue advocacy with the State Government for appropriate coverage of the Shire by a funded Regional Tourism Board**
- 5. note the continued use of the successful Discover Dindi brand in promotional activities for Murrindindi Shire**
- 6. restates its support for our Murrindindi tourism industry, noting that a new Tourism and Events Strategy will be presented to Council for consideration of placing on public display shortly**
- 7. thank all past and present GRVT Board Members for their valuable contribution to our region.**

Background

Council has in the past entered into agreements with a regional tourism organisation to provide collective marketing, product development and other tourism support and development services with other councils (and similar organisations).

Since 2011 Murrindindi Shire Council has been a Member of GRVT in partnership with three other Councils being Mitchell Shire, Strathbogie Shire and the City of Greater Shepparton. Council's current Memorandum of Understanding (MoU) with GRVT expires on 30 June 2019.

At its February 2018 Ordinary Meeting, Council made the following four-part resolution:

That Council:

1. endorses the renewal of the Memorandum of Understanding with Goulburn River Valley Tourism for a period of one year commencing 1 July 2018, subject to confirmation that all existing member Councils will continue to be members for this period
2. appoints Mr Stuart McConnell as Council's representative on the board of Goulburn River Valley Tourism
3. undertakes further consultation with affected businesses and stakeholders to explore options in relation to the potential of other partnerships that may deliver greater value to the communities of Murrindindi Shire, consistent with the directions of the Council Plan 2017-2021
4. requests Council officers to provide a report for consideration by Council no later than 28 February 2019 setting out options and recommendations for future regional tourism partnership arrangements, including consideration of the performance of Goulburn River Valley Tourism in contributing to delivery of the relevant strategies of the Council Plan 2017-2021 and taking into account the capacity, capability and strategic alignment of Goulburn River Valley Tourism and any commitment to ongoing funding by the Victorian Government.

Parts one and two of the above resolution were completed and Council officers have actively participated in both the Board and operational activities of GRVT since this resolution was made.

Part three of the resolution has been progressed largely as a component of the delivery of the Tourism and Events Strategy consultation. This new strategy will be presented to Council with the intention of being placed on public display for feedback in the next few months. During the development of this strategy information was collected through a survey that is related and relevant to the future of Council's involvement in GRVT.

Survey

The appointed consultants conducted a survey of tourism operators as a key part of the development of the draft strategy. Over 50 responses were received and the main areas of information can be summarised as:

- 85% of respondents did not use the services provided by GRVT (only four businesses recorded an 'active participation' with GRVT)
- 25% of respondents were in support of an alignment with GRVT (other responses included Yarra Ranges 26%, High Country 15%, and 'other' 33%)
- Responses reflected the 'split' nature of Murrindindi Shire, with:
 - businesses located in the northern parts more likely to align with Tourism North East
 - businesses located in the more southern locations more likely to align with Yarra Ranges.

Product and Experience Alignment

In further exploring these concepts, the consultants provided a comprehensive audit of the alignment of Murrindindi Shire's key product and experiences. This desktop exercise demonstrated that, on paper, the strongest alignment is with Tourism North East. However, it is noted that there are synergies with both Yarra Ranges and Tourism North East, and when taken in context of the feedback from industry regarding the alignment being strongly based on location within Murrindindi Shire, the situation is more complex than Council naturally collaborating with one Regional Tourism Board.

In a broader context, existing funding agreements were recently extended for Regional Tourism Boards for a one-year period (note, this does not apply to GRVT, which has not been able to achieve State Government Board recognition.). The extension of the funding agreements allows for a full review of regional tourism arrangements which was announced by the State Government on 18 March 2019. As part of this announcement the State Government have indicated that regional engagement sessions will take place shortly.

Part four of the resolution above has been delayed due to changes by Councils involved in the agreement.

Funding

At an Ordinary Meeting of Council on 19 March 2019 Greater Shepparton City Council resolved to withdraw from the membership of GRVT. This withdrawal provides some significant issues for the remaining three councils as it undermines the financial stability of the alliance. The base contributions agreed for the 2018/19 financial year (and the term of the current MoU) are:

- Greater Shepparton City Council \$102,040
- Mitchell Shire Council \$68,027
- Murrindindi Shire Council \$40,816
- Strathbogie Shire Council \$40,816.

Without its major contributor, Council officers do not believe that GRVT will be able to fulfil its goals and objectives as the key body for regional marketing, promotion and advocacy activities for the region's tourism needs. It is noted that there may be avenues for new private industry contribution, however it should be noted that this has been an objective of GRVT since its inception and to date this has not been significantly achieved. Even if funds were available from other sources, the withdrawal of the largest individual funder of GRVT undermines the nature of the partnership and its viability.

Subsequent to Greater Shepparton City Council's decision, it is understood that Strathbogie and Mitchell Shire Councils are considering withdrawing from the partnership.

The decision to renew (or not renew) the MoU with GRVT should consider:

- the capability, capacity and viability of GRVT to meet the aspirations of Council in the context of the Council Plan 2017-2021 in light of the changes to membership
- the strategic alignment of tourism assets and products in Murrindindi Shire with those in other local government areas that are members of GRVT and the impact of this on the strength of collective marketing and other services
- the availability of other partnerships that can deliver greater value to the communities of Murrindindi Shire, consistent with the directions of the Council Plan 2017-2021.

Over time, it has been noted that GRVT is limited by the resources available. The financial base for operation is provided by the member councils as GRVT does not receive any base funding from Visit Victoria.

GRVT has been successful in gaining some grant funding from Visit Victoria however this would need to increase substantially to provide a level of resources commensurate with what is needed to deliver on Council's aspirations in relation to tourism marketing and development, especially in light of the exit by Greater Shepparton City Council and the consideration of other member councils. It is unlikely that supplementing the remainder of the membership with private industry contributions can deliver a more sustainable outcome.

Conclusion

In conclusion, GRVT cannot demonstrate an ability to meet the higher expectations of Council or our community in delivering enhanced tourism marketing and promotion for our Shire or region. It has also, despite many years of self-advocacy been unsuccessful in achieving recognised Regional Tourism Board status and the secured funding that this provides. Taken in context with the results of industry feedback, it is going to be difficult for GRVT to meet expectations.

The recent announcement by the State Government is a fresh opportunity for Council to advocate in its own right, and with our neighbouring councils for appropriate coverage by a State Government funded tourism body or bodies.

Council's successful Discover Dindi brand, as well as the ongoing collaboration with other councils and tourism organisations and associations can be leveraged in the short term.

Council Plan/Strategies/Policies

The future of regional tourism activities is consistent with the Council Plan 2017-2021 Our Prosperity strategy 'to work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events'.

Relevant Legislation

Not applicable.

Financial Implications and Risk

The membership fee payable to GRVT for 2019/20 would be \$41,713 (increasing by consumer price index (CPI) in subsequent years). In practice, Council would need to contribute to tourism campaigns and other work in excess of this in order to meet Council's aspirations in relation to tourism, consistent with the Council Plan.

Conflict of Interest

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

Community and Stakeholder Consultation

Council officers have consulted Goulburn River Valley Tourism and a range of tourism industry stakeholders in gathering information to support preparation of this report.

11. OUR PROMISE

11.1 PORTFOLIO COUNCILLOR POLICY

Attachment(s): *Portfolio Councillor Policy (refer Attachment 11.1)*

Purpose

This report is seeking Councillor endorsement of the Portfolio Councillor Policy (Policy), the portfolios for the next 12 months and the portfolio Councillors.

**Officer Recommendation
That Council:**

1. **adopts the revised Portfolio Councillor Policy (Attachment 11.1)**
2. **establishes the following portfolios and Councillor appointments:**
 - **Land Use Planning Portfolio – Cr M Rae**
 - **Aged and Disability Services Portfolio – Cr M Rae**
 - **Communications, Tourism and Events Portfolio – Cr J Ashe**
 - **Financial Services and Grants Portfolio – Cr L Dunscombe**
 - **Youth, Recreation and Community Planning Portfolio – Cr C Bisset**
 - **Waste and Environment Portfolio – Cr E Lording and Cr R Bowles**
 - **Infrastructure Portfolio – Cr E Lording**
 - **Information Technology Portfolio – Cr R Bowles**

Background

Council has historically had in place a portfolio system to enable Councillors to focus on specific areas of Council, have input into the strategic and policy development on portfolio issues and to better inform Council. The Portfolio Councillor Policy articulates the role of, and support to be provided to, Portfolio Councillors.

The Policy was last reviewed in June 2017. At its 31 October 2018 Special Meeting, Council resolved to suspend the use of the portfolio roles for a 12-month period.

Discussion

Council has indicated a preference for the reintroduction of portfolios that are more closely aligned with the specific areas of strategic focus for Council at present. It is proposed that the subject and title of portfolios be reviewed and determined at least annually, and therefore that the Policy be updated to remove the current titles of portfolios from the Policy (refer to Attachment 11.1).

Council has proposed the portfolios and Councillor appointments as listed in the Officer Recommendation for this report.

Council Plan/Strategies/Policies

This Policy is consistent with the Council Plan 2017-2021 Our Promise strategy to 'represent and advocate for our community in a transparent and equitable way'.

Relevant Legislation

The *Local Government Act 1989* (the *Act*) requires that adequate resources must be provided to enable Councillors to fulfil their duties as outlined under the *Act*. Providing the support by Council officers as articulated in this Policy is part of those resources, training and knowledge to support Councillors in undertaking their duties.

Financial Implications and Risk

Support to Portfolio Councillors is undertaken by Council officers as part of their normal duties.

Conflict of Interest

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

Community and Stakeholder Consultation

No external community consultation was required in the writing of this Policy.

11.2 AUDIT AND RISK ADVISORY COMMITTEE MEETING MINUTES

Attachment(s): *2019-03-14 Audit & Risk Advisory Committee Minutes (refer Attachment 11.2)*
 2019-03-14 Audit & Risk Advisory Committee Attachments (distributed to Councillors separately)

The minutes of the Audit and Risk Advisory Committee meeting held on 14 March 2019 are attached (Attachment 11.2) for receiving.

Officer Recommendation

That Council notes and receives the minutes of the Audit and Risk Advisory Committee meeting held on 14 March 2019 (Attachment 11.2).

12. NOTICES OF MOTIONS**13. MATTERS DEFERRED FROM PREVIOUS MEETING****14. URGENT BUSINESS****15. COUNCILLOR REPORTS**

15.1 CR MARGARET RAE

15.2 CR JACKIE ASHE

15.3 CR ERIC LORDING

15.4 CR CHARLOTTE BISSET

15.5 CR REBECCA BOWLES

15.6 CR LEIGH DUNSCOMBE

15.7 CR SANDICE MCAULAY – MAYORAL REPORT

16. CHIEF EXECUTIVE OFFICER REPORT

17. ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 27 February 2019 to 20 March 2019, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the *Act*).

Officer Recommendation

That Council receives and notes the record of assemblies of Councillors for 27 February 2019 to 20 March 2019.

Background

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

Discussion

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.

The following summary details are for 27 February 2019 to 20 March 2019:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	27 February 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Development Plan 45 Carey Road Yea 2. Construction and Use of Single Dwelling 3. Four-Year Review – Murrindindi Planning Scheme 4. Draft Strategy Recreation and Open Space Assets and Services 5. Response to Petition – Rates Objection – The Boulevard Eildon 6. Quarterly Council Plan 2017-2021 Progress Summary – 31 December 2018 7. Quarterly Financial Report to 31 December 2018 8. Fixing Country Roads – Ghin Ghin Road Rehabilitation and Barrier Installation
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, D Jackson, T Carter, G Haylock
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing
Meeting Date:	6 March 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Council Agenda Process 2. Financial Reserves 3. 2019/20 Draft Budget – Briefing #1 4. Update on Recycling Contracts (Visy) 5. Future of Our Forests
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording

Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, G Haylock, T Carter
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing
Meeting Date:	13 March 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Indi Federal Election Independent Candidate Dr Helen Haines 2. Future Delivery of Aged and Disability Services 3. Planning Permit 2018/264 – 5 Pine Ridge Road, Kinglake West 4. Yea Outdoor Storage Facility 5. Development Plan - 66 Racecourse Road Yea 6. Rural Road Victoria Grant Application - Round 2
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, N McNamara, D Jackson
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Workshop
Meeting Date:	20 March 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. 2019/20 Draft Budget – Briefing #2 2. Portfolio Councillor Policy 3. Council Forward Planner 4. Kerbside Recyclables Processing Market and Contract Update 5. Former 4WD Training Site - Narbethong 6. Alternative Resolution for 2018/264, 5 Pine Ridge Road, Kinglake 7. Future of Regional Tourism Activities
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, G Haylock,

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our Promise strategy to ‘expand our communication’.

Relevant Legislation

For full details of Council’s requirement for assemblies of Councillors, refer to Section 80A of the *Local Government Act 1989*.

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

Any conflicts of interest are noted in the assembly of Councillors tables listed above.

18. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT 18/14	25 February 2019	Formal Instrument of Agreement between Murrindindi Shire Council and Detail 9 Architects Pty Ltd for Operations Centre Function Review and Design	Craig Lloyd Cr Sandice McAulay

Officer Recommendation**That the list of items to which the Council seal has been affixed be noted.****19. CONFIDENTIAL ITEMS**

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

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

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

The reports on Tender 19/4 - William Street Alexandra - UT Creek - Drainage Renewal and are being considered in the closed part of this meeting because it is considered under S89(2)(d) contractual matters.

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

- **Tender 19/4 - William Street Alexandra - UT Creek - Drainage Renewal**
- **Tender 19/3 Flood Rectification Works 2019 - Road and Small Culvert Program.**