



MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 28 AUGUST 2013
in the
ALEXANDRA COUNCIL CHAMBERS
commencing at
6.00 pm

INDEX

1.	PRAYER & RECONCILIATION STATEMENT.....	2
2.	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	2
3.	CONFIRMATION OF MINUTES.....	2
4.	DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST	2
5.	OPEN FORUM	2
6.	PETITIONS RECEIVED BY COUNCIL	3
6.1	Save Gum Tree at 13 Hamilton Hume Terrace, Yea	3
6.2	Petition – Oswald drive, Alexandra.....	4
7.	REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES	4
7.1	Murrindindi Environment Advisory Committee meeting	4
8.	OFFICER REPORTS.....	4
8.1	Development & Environment.....	4
8.1.1	Telecommunications Facility – Fixed Wireless Broadband	4
8.1.2	5 Lot Rural Living Subdivision	10
8.1.3	Amendment C42, Murrindindi Planning Scheme and Proposed Development Plan, Binns – Mccraes Road, Alexandra	17
8.2	Infrastructure Services	23
8.2.1	Capital Works Policy	23
8.2.2	Review of Council Road Management Plan 2013.....	25
8.3	Corporate Services	28
8.3.1	Gallipoli Park Precinct Committee of Management Redefined Area of Delegation	28
8.3.2	Protected Disclosure Policy.....	30
8.3.3	Yea Shire Hall S86 Committee of Management- Revocation	32
8.4	Chief Executive Officer.....	33
8.4.1	Quarterly Council Plan Report to 30 June 2013	33
8.5	Community Services	35
8.5.1	Draft Municipal Public Health And Wellbeing Plan Submissions.....	35
9.	SEALING REGISTER	38
10.	COUNCILLOR PORTFOLIO REPORTS.....	39
10.1	Land Use Planning Portfolio.....	39
10.2	Economic Development Portfolio	39
10.3	Infrastructure and Waste Portfolio	40
10.4	Community Services Portfolio	40
10.5	Corporate Services Portfolio	40
10.6	Natural Environment & Climate Change Portfolio.....	40
10.7	Mayor and Delegated Committee Reports	40
10.8	General Business.....	40
11.	MATTERS DEFERRED FROM PREVIOUS MEETING	40
12.	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN	41
13.	ASSEMBLIES OF COUNCILLORS	41
14.	URGENT BUSINESS	42
15.3	MARYSVILLE VILLAGE - DEED RELATING TO SUBDIVISION	43

1. PRAYER & RECONCILIATION STATEMENT

The meeting was opened with Prayer and reading of the Reconciliation Statement.

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

File: 12/02/19

No apologies.

Present:

Crs J Walsh (Chair), A Derwent, C Challen, J Kennedy, B Magner, M Rae, C Ruhr

In attendance:

Chief Executive Officer: Margaret Abbey
General Manager Corporate and Community Services: Michael Chesworth
General Manager Infrastructure and Development Services: Tamara Johnson
Manager Community Services: Naomi McNamara
Manager Development and Environmental Services: Matt Parsons
Manager Infrastructure Assets: John Canny
Statutory Planning Co-ordinator: Karen Girvan
Online Communications: Jo Simms

3. CONFIRMATION OF MINUTES

- Minutes of the Ordinary meeting of Council held on 24 July 2013 be confirmed with an amendment in Item 4 Disclosures of Interest or Conflict of Interest with the deletion of the words “as Chair of the Yea Saleyards Committee of Management and” before the words “as a farmer”.

RESOLUTION:

Cr M Rae / Cr J Kennedy

That the Minutes of the Ordinary Meeting of Council held on 24 July 2013 be confirmed with an amendment in Item 4 Disclosures of Interest or Conflict of Interest with the deletion of the words “as Chair of the Yea Saleyards Committee of Management and” before the words “as a farmer”.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

File No: 12/01/06-1

No disclosures of interest or conflict of interest made.

5. OPEN FORUM

The Chairperson declared Open Forum and invited questions from the Gallery.

Robert Gardiner, of Yea, spoke regarding the preservation of a red river gum tree at 13 Hamilton Hume Terrace (Item 6.1 on the agenda).

Toby Dean, of Alexandra, spoke against a petition for additional street lighting in Oswald Drive (Item 6.2 on the agenda).

Ann Argent, also spoke regarding a proposal for additional street lighting in Oswald Drive (Item 6.2 on the agenda).

Cr Challen left the meeting at 6.20 pm.

Cr Challen returned to the meeting at 6.25 pm.

Joel Rodski, representing VisionStream, spoke in support of Planning Application 2013/60 (Item 8.1.1 on the agenda).

Ivan Skok, of Kinglake West, spoke in support of Planning Application 2012/131 (item 8.1.2 on the agenda).

Roma Guerin, of Alexandra, spoke regarding vandalism at Bollygum Park (not on the agenda).

John Wainwright of Alexandra, spoke in support of a petition for additional lighting in Oswald Drive (Item 6.2 on the agenda).

The Chairperson closed Open Forum.

6. PETITIONS RECEIVED BY COUNCIL

6.1 SAVE GUM TREE AT 13 HAMILTON HUME TERRACE, YEA

A petition (28 signatures) has been received requesting Council's assistance in saving the red river gum tree at 13 Hamilton Hume Terrace, Yea and reads as follows:

"This red river gum habitat tree is around 200 years old and is very important and significant to the surroundings in Yea. As there are very few left, this particular tree houses nesting wild geese, magpies, parrots, owls and many more species that visit the area. This particular tree is still very healthy and is still growing and has many more years of life. It would be a great shame to see it destroyed only to see it finish up as firewood. It not only adds to the beauty of yea springs estate but residents enjoy its natural beauty and appearance all year round and we strongly feel we should protect and nurture this aspect."

Recommendation:

That the petition to save the gum tree at 13 Hamilton Hume Terrace, Yea be received, noted and referred to the General Manager Infrastructure and Development Services for a report to the September Ordinary Meeting of Council.

RESOLUTION:

Cr C Challen / Cr J Kennedy

That the petition to save the gum tree at 13 Hamilton Hume Terrace, Yea be received, noted and referred to the General Manager Infrastructure and Development Services for a report to the September Ordinary Meeting of Council.

CARRIED

6.2 PETITION – OSWALD DRIVE, ALEXANDRA

A petition (8 signatures) has been received requesting full street lighting in Oswald Drive, Alexandra.

Recommendation:

That the petition for full Street lighting in Oswald Drive, Alexandra be received, noted and referred to the General Manager Infrastructure and Development Services for a report to the September Ordinary Meeting of Council.

Since the compilation of the Agenda a further three petitions have been received on this issue:

- Petition (9 signatures) from the lit half of Oswald Drive to implement full street lighting.
- Petition (3 signatures) from the residents of Dunn Court for full street lighting
- Petition (10 signatures) from residents (Oswald Drive and Cooper Street) to Stop al Works requesting Council stop additional street lighting.

RESOLUTION:

Cr M Rae / Cr A Derwent

That all petitions in relation to lighting in Oswald Drive, Alexandra be received, noted and referred to the General Manager Infrastructure and Development Services for a report to the September Ordinary Meeting of Council.

CARRIED

7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES

7.1 MURRINDINDI ENVIRONMENT ADVISORY COMMITTEE MEETING

(Refer Encl 7.1 – Minutes of Murrindindi Environment Advisory Committee meeting held on 13 August 2013)

Recommendation:

That the minutes be received.

RESOLUTION:

Cr J Kennedy / Cr B Magner

That the minutes be received.

CARRIED

8. OFFICER REPORTS

8.1 DEVELOPMENT & ENVIRONMENT

8.1.1 Telecommunications Facility – Fixed Wireless Broadband

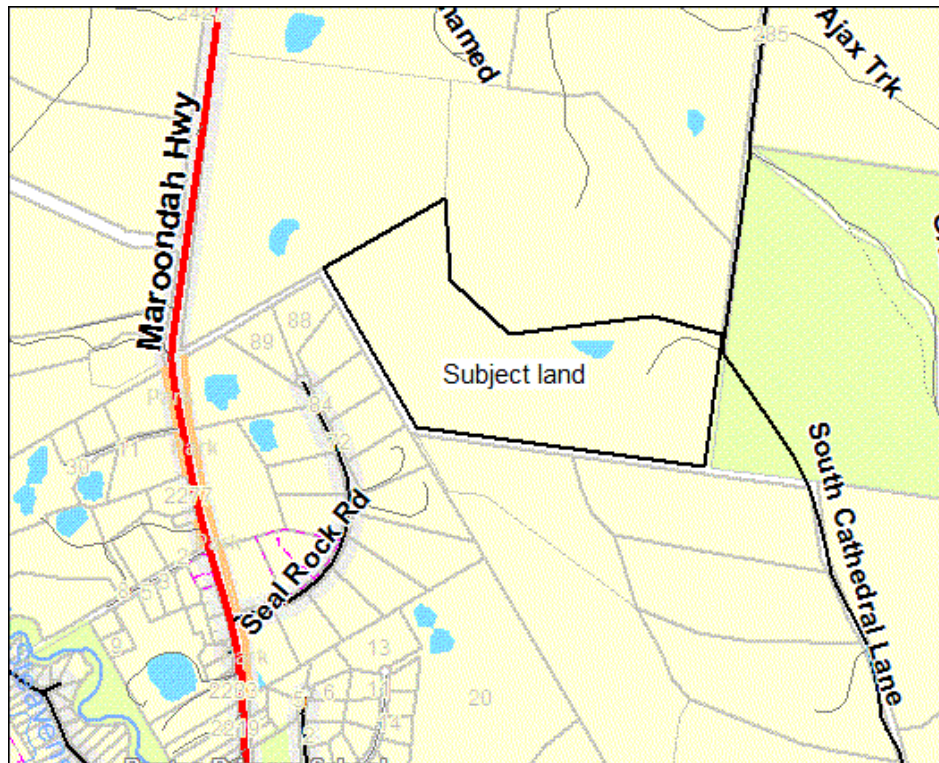
File No: 2013/60

Land: 356 South Cathedral Lane, Buxton

Proposal: Use and construction of a Telecommunications Facility (Fixed Wireless Broadband)

Applicant: Ericsson Australia Pty Ltd
Zoning: Farming
Overlays: Significant Landscape, Bushfire Management
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 the use and construction of a Telecommunications Facility (Fixed Wireless Broadband) at 356 South Cathedral Lane, Buxton.

Recommendation:

That Council issue a Notice of Decision to Grant a Permit for the use and construction of a Telecommunications Facility (Fixed Wireless Broadband) at 356 South Cathedral Lane, Buxton (LOT: 3 LP: 418277, Parish of Taggerty), subject to the following conditions:

- (1) The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.**
- (2) This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.**

- (3) **In the event that the telecommunications facility and other permitted uses are made redundant at any time in the future, the relevant operator of the facility at the time must remove the tower, to the satisfaction of the Responsible Authority.**
- (4) **The amenity of the area must not be detrimentally affected by the use or development through the:**
 - **Transport of materials, goods or commodities to or from the land.**
 - **Appearance of any building, works or materials.**
- (5) **All external cladding of the equipment shelter must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.**

Proposal:

This application is for the installation of a Telecommunications Facility (Fixed Wireless Broadband) at 356 South Cathedral Lane, Buxton. This facility is part of the rollout of infrastructure required to be established to facilitate the fixed wireless component of the National Broadband Network. This site will provide high speed wireless broadband coverage to the Buxton area and will link up with another wireless hub at Taggerty.

The proposal is for a 40 metre high monopole tower, radio transmission equipment and ancillary equipment shelters. The tower and equipment will be housed within a secure compound measuring 60 square metres, and is located approximately 20 metres from the nearest boundary to the east. The facility is located away from the development in Seal Rock Road, and is partly screened from the Maroondah Highway by trees and the ridge running along the rear of the Seal Rock Road development.

The Land & Surroundings:

The subject land is in the Farming Zone, and is impacted by the Significant Landscape Overlay and the Bushfire Management Overlay. The property is 40.47 hectares in area, contains a house and shedding, and has cleared grass areas as well as areas of bushland. The property is undulating, with South Cathedral Lane on the eastern boundary, the Seal Rock Road subdivision on the western boundary separated by an unmade government road, and private land to the north and south.

Most of the properties to the west, in the Seal Rock Road area, contain houses, and are on parcels of land that are approximately 2 hectares in size. To the north east of the subject land, the land is zoned Rural Living. Immediately to the north, south and east, the land is in the Farming Zone. The area to the east is significantly vegetated land, which adjoins the Cathedral Ranges. The walking track along the top of the range, Razorback Track, is approximately 3 km away at the nearest point, and is at a significantly higher elevation than the facility.

Referrals:

This application was referred to the Department of Environment and Primary Industries (DEPI), as a Section 55 referral under the Significant Landscape Overlay. Unconditional consent was received from DEPI.

Consultation:

The application was notified to 32 adjoining and nearby owners, and was published in the local paper. Two objections were received; one from a landowner in Seal Rock Road and the other from the adjoining landowner to the north of the subject land. The concerns raised are as follows:

- The negative visual impact of the tower on the rural landscape (2)
- Health implications due to the proximity of the tower, and the resulting drop in land values (2)

- The need for the tower has not been adequately provided (1)
- Direct material detriment to the immediate adjoining property to the north (1)

One objector suggested particular changes that would address the concerns raised. These are as follows:

- Move the location of the tower further onto the subject land, away from the boundary, or preferably, onto Crown land where it will not impact privately owned land.
- Provide compensation to the adjoining landowner
- Plant trees and bushes to obscure the view from the neighbouring property
- Paint the pole an appropriate colour; ie. green
- Obscure the view by placing a large mound of dirt between the boundary and the compound.

These objections were forwarded to the applicant. The applicant provided a response to the concerns, but did not make any changes to the submitted plans.

This response was forwarded to the objectors for their information. No objections have been withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
Newspaper: Marysville Triangle	6 June 2013
Mail out: Adjoining landowners	28 May 2013

Planning Considerations:

The proposed facility is required as part of the establishment of the fixed wireless component for the rollout of the National Broadband Network.

This tower has been sited to minimise the visual impact on the nearby township of Buxton and the Cathedral Ranges, whilst still providing the optimum service possible for the area. The location is amongst established trees, and is situated behind the ridge that runs north/south behind the Seal Rock Road properties. Although the tower will most likely be visible from walking tracks along the ridge of the Cathedral Ranges, it will not be a prominent feature in the landscape, as the track is over three kilometres away at the nearest point, and is at a much greater elevation than that of the tower.

The significance of the Cathedral Range must be taken into consideration, as it has been identified through the application of the Significant Landscape Overlay, and is classified by the National Trust of Victoria. Important views to the Ranges from the Buxton area and the Maroondah Highway, as a major tourist route through the area, must be protected and any development must be sensitively designed and sited. This facility has been located such that the views to the Cathedral Ranges from various points along the highway, and Buxton itself, will not be significantly impacted

The facility is to be located close to the boundary with an adjoining property, however the existing vegetation on the subject land and the adjoining property, and the slope of the land combine to minimise the impact on the neighbouring property.

The concerns regarding the health implications are often brought up with new telecommunication facilities. All facilities are required to comply with the standards of safety limits with regards to exposure to radio emissions under the national safety regulations, and the

applicant has stated that the fixed wireless facilities operate at radio signal strengths that are thousands of times below the safety limit.

The application states that all components of the regulatory framework have been satisfied and have taken into account the requirements of the Code of Practice for Telecommunications Facilities in Victoria. The four relevant principles are to minimise visual impact, co-locate where practical, address health impacts and reduce disturbance and risk associated with construction.

Conclusion:

This application is part of a significant step towards the rollout of the National Broadband Network in the Murrindindi Shire. Although telecommunication facilities have become part of our rural landscape it is still imperative that they are sited appropriately to minimise the potential impact on people, properties and prominent local and regional landmarks. The proposed facility has been sited in a location that minimises the visual impact on nearby properties, views of the Cathedral Range from the Maroondah Hwy and views from the Cathedral Range itself, whilst ensuring adequate coverage is achieved to service Buxton and the surrounding area.

Legal/Policy Issues:

State Planning Policy Framework

Clause 12.04-2 *Landscapes*

- To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.
- Recognise the natural landscape for its aesthetic value and as a fully functioning system
- Ensure natural key features are protected and enhanced.

Clause 19.03-4 *Telecommunications*

- To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.
- Ensure that modern telecommunications facilities are widely accessible to business, industry and the community.
- Do not prohibit the use of land for a telecommunications facility in any zone.
- Encourage the continued deployment of broadband telecommunications services that are easily accessible by:
 - Increasing and improving access for all sectors of the community to the broadband telecommunications trunk network
 - Supporting access to transport and other public corridors for the deployment of broadband networks in order to encourage infrastructure investment and reduce investor risk.
- In consideration proposals for telecommunication services, seek a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure.
- Must consider as relevant:
 - *A Code of Practice for Telecommunications Facilities in Victoria* (Department of Sustainability and Environment, 2004)

Zoning

Clause 35.07 *Farming Zone*

Purpose

- To provide for the use of 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 encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

OverlayClause 42.03 *Significant Landscape Overlay*

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

Schedule 1 to the Significant Landscape Overlay

CATHEDRAL RANGE

The Cathedral Range is a significant feature in the southeastern part of Murrindindi Shire. The area's landscape is classified by the National Trust of Victoria.

Landscape character objective to be achieved

- Protect the nature of the Cathedral Range
- Protect the rural landscape from insensitivity designed development
- Maintain and protect the diversity of landscapes, native fauna, remnant vegetation and sites of historical, botanical and zoological significance
- Provide that the development of tourism oriented activities complements the special nature of the Cathedral Range
- Recognise and protect the landscape conservation and scientific importance of the Cathedral Range
- Protect the Cathedral Range and the surrounding landscapes from visual intrusion and inappropriate development
- Maintain passive recreational development of the land for the enjoyment of all visitors
- Encourage land development to be consistent with sustainable rural land management

Particular ProvisionsClause 52.19 *Telecommunications Facility*

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

A Code of Practice for Telecommunications Facilities in Victoria (Department of Sustainability and Environment, 2004)

- A telecommunications facility should be sited to minimise visual impact.
- Telecommunications facilities should be co-located wherever practical.
- Health standards for exposure to radio emissions will be met.
- Disturbance and risk relating to siting and construction should be minimised.

RESOLUTION:

Cr C Ruhr / Cr B Magner

That Council issue a Notice of Decision to Grant a Permit for the use and construction of a Telecommunications Facility (Fixed Wireless Broadband) at 356 South Cathedral Lane, Buxton (LOT: 3 LP: 418277, Parish of Taggerty), subject to the following conditions:

- (1) The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
- (2) This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may

be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.

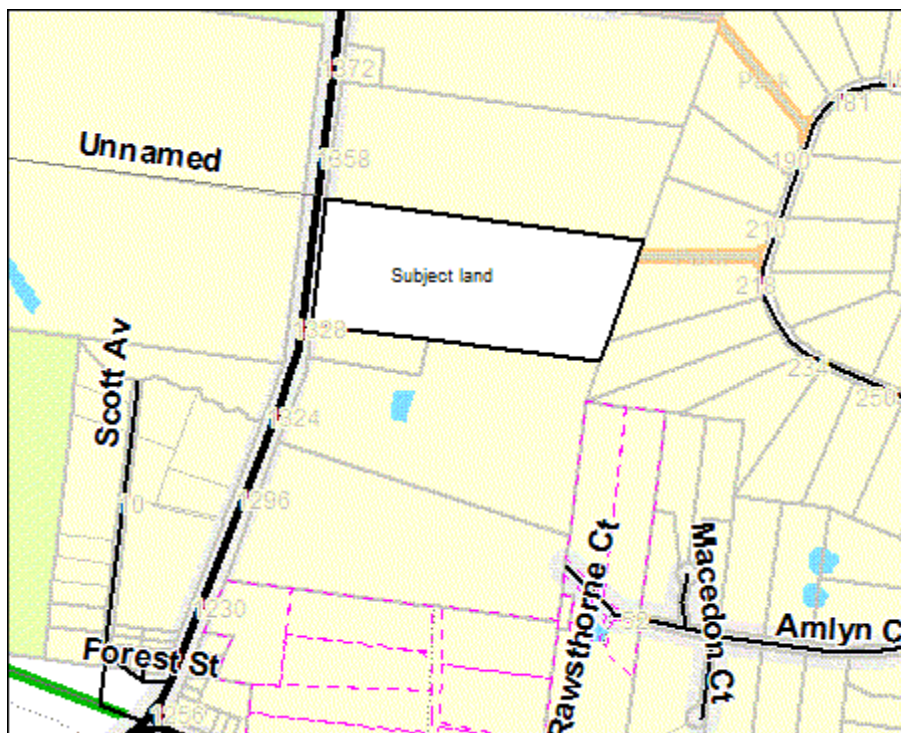
- (3) In the event that the telecommunications facility and other permitted uses are made redundant at any time in the future, the relevant operator of the facility at the time must remove the tower, to the satisfaction of the Responsible Authority.
- (4) The amenity of the area must not be detrimentally affected by the use or development through the:
 - Transport of materials, goods or commodities to or from the land.
 - Appearance of any building, works or materials.
- (5) All external cladding of the equipment shelter must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.

CARRIED

8.1.2 5 Lot Rural Living Subdivision

File No: 2012/131
 Land: 1350 Whittlesea-Yea Road, Kinglake West
 Proposal: 5 lot subdivision
 Applicant: I M Skok
 Zoning: Rural Living
 Overlays: Development Plan Overlay 6
 Attachments: Application details (*refer Encl 8.1.2*) (aerial photograph, zoning maps and Kinglake West Development Plan distributed separately)

Locality Plan



Purpose:

This report recommends that a Refusal to Grant a Permit be issued for the five lot subdivision at 1350 Whittlesea-Yea Road Kinglake West.

Recommendation:

1. **That Council issue a Refusal to Grant a Planning Permit for a five lot subdivision at 1350 Whittlesea-Yea Road Kinglake West (LOT: 1 TP: 603843, Parish of Kinglake), on the following grounds:**
2. **The subdivision plan is not in accordance with the Kinglake West Development Plan which stipulates that all lots must be a minimum of 2 hectares in area.**
3. **The application has not provided a response to the *Rural Living Development Guidelines*, and has not shown how a net environmental gain can be achieved**

Proposal:

This planning permit application is for a five lot subdivision of land in Kinglake West. The property is 11.74 hectares in size, is in the Rural Living Zone, and is impacted by the Development Plan Overlay. The proposal is to subdivide the land into three lots of 1.43 ha each, one lot of 1.11ha and the remaining lot of 5.31ha, using the averaging provision in the Rural Living Zone.

The proposed subdivision includes an internal access road, running north south, that would eventually link with other roads created as the adjoining lots are subdivided. This layout is in accordance with the Kinglake West Development Plan (KWDP). The proposed lots on this subdivision will gain access from the new internal road. Until such time as the other roads are created and linked up, a 10 metre wide access road running along the northern boundary of the land, from the Whittlesea-Yea Road to the internal road, will be created to provide access.

In the Rural Living Zone, section 35.03-3 (Subdivision), dot point 2 states:

A permit is required to subdivide land.

Each lot must be the minimum area specified for the land in a schedule to this zone.

A permit may be granted to create smaller lots if the following applies:

- The number of lots is no more than the number of lots the land could be subdivided into in accordance with the schedule to this zone. An agreement under Section 173 of the Act must be entered into with the owner of each lot created which ensures that the land may not be further subdivided so as to increase the number of lots. The agreement must be registered on title.

In the Schedule to the Rural Living Zone, the minimum subdivision area for this land is 2 hectares.

As this land is 11.74 hectares, the land has the potential to be subdivided into 5 lots. However, the KWDP states that the land may not be subdivided into lots less than 2 ha in size, and therefore does not allow the averaging provision to be used.

The KWDP went through an extensive consultation process with landowners within the development plan area and was adopted by Council in November 2008. The development plan was amended by Council in March 2010 to alter an access following representation from Mr Skok – the owner of the subject land. Since that time Mr Skok spoke at the Ordinary Meeting of Council in February 2011 and lodged a written request for the KWDP to be further amended to allow averaging of 2 hectares per lot instead of a minimum of 2 hectares per lot. This request was made on the basis that it would be beneficial for the environment.

The other land owners within the development plan and local area were consulted about the request to amend the development plan. Five responses were received, all objecting to the change to allow averaging. A report was presented to Council on 27 July 2011 (item 6.1.4). At that meeting Council resolved to not support an amendment to the KWDP to allow lot sizes of less than 2 hectares in area.

The Land & Surroundings:

The subject land is gently undulating and has frontage to the Whittlesea-Yea Road. The western portion of the property is cleared grass land while the eastern portion contains an area of significant vegetated bushland, approximately 5ha in size. This area links in with existing vegetation on the adjoining properties to the east. The proposal is to have all of this vegetation contained within the one lot; proposed Lot 5. The property to the north contains a dwelling and is of a size that can be subdivided. Two properties adjoin the subject land to the south. One smaller parcel fronts Whittlesea-Yea Road and contains a dwelling, and the other property, which surrounds the smaller parcel, is also of a size that can be subdivided in the future. The properties to the east of the subject land are in the Low Density Residential Zone and the properties to the west of the subject land, on the other western side of the Whittlesea-Yea Road, are in the Farming Zone.

Referrals:

This application was referred to the Country Fire Authority (CFA), Goulburn Murray Water (GMW), SPI Electricity, Telstra and VicRoads, pursuant to s 55 of the *Planning and Environment Act 1987* (Vic), and under s 52 to the Department of Environment and Primary Industries. It was also referred internally to Council's Assets and Development Unit, Environmental Health Unit and Council's Environment Project officer. No objections were received subject to specified conditions being placed on the planning permit should one be issued.

Consultation:

This application was not advertised, as it is exempt from the notice requirements under the Development Plan Overlay. This exemption from notice assumes that any application will be in accordance with the development plan that has already been through a consultation process.

Planning Considerations:

This application for subdivision was lodged on 2 August 2012 and uses the averaging provision of the Rural Living Zone, with 4 of the 5 lots being under the minimum size of the zone. The applicant was advised at the time that the proposal was not in accordance with the Kinglake West Development Plan and therefore not likely to be supported.

The applicant was requested to amend the proposal so that each lot complied with the minimum lot size of 2 ha. In light of the information supplied with the application in relation to the environmental values of the property and the vegetated area, this may have meant that the property was better suited to be subdivided into 3 or 4 lots, instead of the five proposed. The applicant, amongst other things, was also requested to provide a response to the Rural Living Development Guidelines. The applicant, in their response, submitted that the proposal complied with the development plan and therefore would not amend the proposed lot sizes, and would not provide a response to the Rural Living Development Guidelines, stating that this should have been done at the time the Development Plan was put together.

Given the likelihood of this application being refused the request for a response to the Rural Living Development Guidelines was not pursued.

The Rural Living Zone allows for averaging of lot sizes, while the Low Density Residential Zone, which adjoins this property to the east, does not. The minimum lot size in the LDRZ in this area is 2 ha. Allowing this application to be approved would result in smaller lots in this Rural Living Zone area, than that allowed in the adjoining Low Density Residential Zone area.

When considering the rezoning of this land to Rural Living and assessing the most appropriate minimum lot size for subdivision for the Low Density Residential Zones, the community argued strongly for a 2 hectare minimum. The 2 hectare minimum subdivision size was incorporated into the KWDP adopted by Council.

When the other landowners in the area were notified of Mr Skok's request to amend the KWDP to allow averaging, the general responses were that there was a community expectation that the lots would be at least 2 hectares in size, in accordance with the KWDP and the zoning, and were strongly against any changes that would allow smaller parcels to be created.

The purpose of the Rural Living Zone is to generally provide for residential use within a rural and agricultural framework while protecting the natural resources, biodiversity, landscape and heritage values. It would be difficult to argue that lots smaller than 2 hectares would still meet the purpose of the zone.

Notwithstanding the above, the ability to average lot sizes is allowed under the Rural Living Zone and this application may ultimately end up being decided at VCAT.

Conclusion:

The proposal for a five lot subdivision using the averaging provision of the Rural Living Zone is not supported as it is not in accordance with the Kinglake West Development Plan that requires lots to be a minimum size of 2 hectares.

Legal/Policy Issues:

State Planning Policy Framework

12.01 *Biodiversity*

12.01-1 *Protection of habitat*

Objective:

To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

12.01-2 *Native vegetation management*

Objective:

To achieve a net gain in the extent and quality of native vegetation

12.01-3 *Preparation of biodiversity strategies*

Objective:

To protect native habitat and areas of important biodiversity through appropriate land-use planning.

14.02-1 *Catchment planning and management*

Objective:

To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

Local Planning Policy Framework

21.03 Issues affecting the shire

- Natural resource management: The environmental condition and ecological sustainability of the Goulburn-Broken Catchment based on the soil characteristics and water quality.
- Proximity to Melbourne: Development pressures as a consequence of the proximity of the shire with the metropolitan area.

- Rural residential development: Demand for rural residential development opportunities in proximity to settlements.
- Environment: The protection of the natural environment from inappropriate development pressures and the availability of large areas of public land for recreational activities.

21.09 Natural Resource Management strategies

Issues:

- Native vegetation removal on private land.
- Soil erosion and soil structure degradation
- Protection of watercourses from pollution

Strategies and objectives:

- Retain and improve existing tree cover including roadside vegetation, remnant vegetation areas and support revegetation programs.
- Identify environmental constraints, such as areas subject to high fire hazard, soil erosion, and flooding.
- Identify areas of environmental significance that require protection or improvement.

22.01-1 Rural Living

Policy basis:

A Rural Living Zone seeks to provide for smaller rural lots to provide for residential use in a rural environment and which may also support small scale rural activities in an integrated way that does not adversely affect the amenity of surrounding land uses.

Policy:

It is policy that all applications meet the objectives of the *Rural Living Development Guidelines, Murrindindi Shire, March 2004*.

22.03-2 Effluent Disposal and Water Quality

Objectives:

- Ensure water quality is not affected by development.
- Prevent the discharge of effluent off site.
- Ensure that the density of effluent disposal systems is suitable to the soil type and topography of the site.
- Provide for alternative effluent disposal systems, such as package treatment plants.

Zoning

35.03 Rural Living Zone

Purpose:

- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of the surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the areas.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Decision Guidelines:

General Issues

- The capability of the land to accommodate the proposed use or development.

Agricultural Issues

- Any integrated land management plan prepared for the site.

Environmental Issues

- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Overlays**43.04 Development Plan Overlay****Purpose:**

- 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.
- To exempt an application from notice and review if it is generally in accordance with a development plan

Schedule 6 to the Development Plan Overlay**Rural Living Zone, Kinglake West and Pheasant Creek****Development Plan Kinglake West****Objectives:**

- Provide for a high quality rural residential development that respects and responds to the existing physical and environmental conditions and constraints
- Provide rural living opportunities as an extension to the existing Kinglake West settlement
- Provide potential future subdivision applications with carrying allotment sizes to suit site conditions
- Create a rural residential environment that creates the opportunity for a variety of lifestyle options, while protecting the existing special character of the neighbourhood

Performance measures***Site and building design:***

- Provision of a range of rural living allotments, with an initial indication of rural living 'superlots' that may be further subdivided in the future in accordance with Rural Living Zone provisions, with a minimum subdivision size of two (2) hectares.
- Creation of building envelopes or building exclusion zones through any future planning permit.
- Design subdivision to achieve excellent solar access for lots and buildings.
- Encourage dwelling materials of non-reflective materials in muted tones and the use of rainwater tanks for all future dwellings.
- Construct only 'fauna friendly' fencing.

Services, roads and linkages:

- Provision of a range of urban services, including sealed roads, drainage, electricity and telecommunications to meet Murrindindi Shire Council and service authority standards.
- Provide a safe road network to serve development, incorporating Whittlesea – Yea Road, Whittlesea – Kinglake Road, existing local roads and proposed local roads.

- Satisfactory onsite effluent disposal to comply with the *Septic Tanks Code of Practice, March 2003*, including the use of a Land Capability Assessment, an Onsite Domestic Wastewater Management Plan, water reuse and ongoing management and monitoring of the system.
- Prepare a Stormwater Management Plan using water sensitive urban design (WSUD) principles prior to the granting of any planning permit for subdivision.
- Provide temporary road access from Whittlesea – Yea Road to service the central development plan area until such time as access is available from the adjoining property or the future north – south road that will be constructed to service the overall development. Consideration will be given to a Section 173 Agreement at a future planning permit application stage to ensure removal of the temporary access as soon as the alternative internal access becomes available.
- Prevent additional individual access points from Whittlesea – Yea Road, while recognising the continuing use of existing driveways.
- Provide an internal north – south road being developed as part of this plan, catering for shared use for vehicles, pedestrians, cyclists and equestrians.
- Provide pedestrian linkages between existing carriageway reserves within the adjoining Edenvale Crescent Estate to the east and the internal north – south road being developed as part of this plan, catering for shared use for pedestrians, cyclists and equestrians.
- Provide for the potential extension of Amlyn Court to the east and the internal north – south road being developed as part of this plan, catering for shared use for vehicles, pedestrians, cyclists and equestrians.
- Provide a pedestrian walkway / bicycle path adjacent to the whole of the land on the Whittlesea – Yea Road with native vegetation being fully assessed and protected.
- Indicate the need to consider additional recreation contributions (land, monetary contribution or a mixture of both) through future planning permits for subdivision.

Environment:

- Assessment of general land capability, natural landscape features and views, environmental resources, protection of remnant native vegetation, additional landscaping and land constraints for any subdivision or development of the land, in accordance with a site analysis plan submitted at planning permit stage.
- Protection of drainage lines in the northwest and south, with the drainage line adjacent to Amlyn Court to the east fully incorporated into a reserve across the whole of the land to Whittlesea – Yea Road.
- Protection of water quality in waterways, including provision of a minimum building setback of 30 metres from any waterway and establishment of native vegetation riparian corridors along waterways on both private and public land.
- Retain and enhance biodiversity and existing native vegetation to implement the objectives and ‘net gain’ principles of the *Victoria Native Vegetation Management – A Framework for Action*.
- Protect remnant native vegetation through future proposals for subdivision and development.
- Provide landscaping within open space, buffer zones adjacent to drainage lanes and within the internal road reserves, detail being determined after the completion of the individual land management plans through individual planning permit applications.
- Any revegetation planting and any riparian planting in waterways and drainage lines be only with local indigenous species.

- Address measures to protect native vegetation as much as possible in future planning permit proposals and approvals for subdivision, roads, services and dwellings.

RESOLUTION:

Cr C Ruhr / Cr M Rae

1. That Council issue a Refusal to Grant a Planning Permit for a five lot subdivision at 1350 Whittlesea-Yea Road Kinglake West (LOT: 1 TP: 603843, Parish of Kinglake), on the following grounds:
2. The subdivision plan is not in accordance with the Kinglake West Development Plan which stipulates that all lots must be a minimum of 2 hectares in area.
3. The application has not provided a response to the *Rural Living Development Guidelines*, and has not shown how a net environmental gain can be achieved.

CARRIED**8.1.3 *Amendment C42, Murrindindi Planning Scheme and Proposed Development Plan, Binns – McCraes Road, Alexandra***

File Nos: 58/07/12 & 58/07/54

(Refer Encl 8.1.3 - Amendment C42 documents and maps and Draft Development Plan, Binns – McCraes Road, Alexandra). *(submissions provided separately)*

Purpose:

The purpose of this report is to recommend that Council adopts Amendment C42 to the Murrindindi Planning Scheme to rationalise industrial zoning, use and development opportunities in the northwestern section of Alexandra, and to approve a development plan to guide the future layout and development of the area.

Recommendation:**That:**

1. **Having been authorised by the Minister for Planning to prepare Amendment C42 to the Murrindindi Planning Scheme under section 8A(3) of the *Planning and Environment Act 1987* ('the Act');**

Having prepared and exhibited Amendment C42 to the Murrindindi Planning Scheme under section 19 of the Act;

Having in accordance with section 12 of the *Planning and Environment Act 1987* had regard to the Minister's directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use and development envisaged in the planning scheme and taken into account the social and economic effects;

Having considered all submissions to Amendment C42 under section 22 of the Act, Council resolves to:

- (1) **Adopt Amendment C42 to the Murrindindi Planning Scheme, without changes, in accordance with section 29 of the Act, as outlined in the separately distributed Amendment C42 package.**
- (2) **Submit Amendment C42 to the Murrindindi Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*;**

- (3) Advise all submitters to Amendment C42 of Murrindindi Council's adoption of the amendment.
2. Council approves the *Development Plan, Binns – McCraes Road, Alexandra* as a development plan under Clause 43.04, Development Plan Overlay, of the Murrindindi Planning Scheme as enclosed in Enclosure 8.1.3, incorporating alterations outlined in this report.

Background:

The proposed Amendment C42 and development plan affect 39 Binns – McCraes Road and 32 McKenzie Street, Alexandra.

The amendment proposes to rationalise industrial zoning, use and development opportunities in the northwestern section of Alexandra by:

- Rezoning parts of 39 Binns – McCraes Road and 32 McKenzie Street to Industrial 1 or Rural Living.
- Applying the Development Plan Overlay 4 (Industrial) to land to be zoned Industrial 1.
- Deleting the Development Plan Overlay 4 (Industrial) from land to be zoned Rural Living.
- Amending the Alexandra framework plan in Clause 21.07.

The amendment will be complemented by a proposed development plan, the *Development Plan, Binns McCraes Road, Alexandra*, which was exhibited at the same time as Amendment C42 to guide the future subdivision, development and use of the land.

The draft development plan outlines a series of objectives, performance measures (general use and development, site and building design, environment and roads and other services) and plans to guide the future subdivision, development and use of the land. The plan proposes to reinforce the rezoning proposed under Amendment C42, indicating the following key features:

- Locate future industrial lots off Kilpatrick Road, intersecting with Binns - McCraes Road to the west of the DEPI complex.
- Restrict dwelling development on land to be rezoned to Rural Living to the south adjacent to UT Creek.
- Provide setbacks and landscaping requirements to minimise potential amenity conflicts between industrial uses and adjoining rural living lots.
- Guide future land to be rezoned Industrial 1 on the northern side of Binns - McCraes Road.
- Provide additional guidance for future development for access and landscaping.

Council Plan/Strategies:

The proposed amendment and development plan are consistent with and implement the *Our Environment* goal in the *Murrindindi Shire Council Plan 2013-2017* and specifically the strategic objective to 'plan for future growth that is sensitive to the constraints of our natural environment whilst considering development needs'.

As well the extension of the industrial zone will allow for business opportunities and facilitates the expansion and utilisation of industrial land as advocated in the *Our Economy* goal.

Legal/Policy Issues:

There are no particular legal or policy issues associated with the proposed amendment and development plan.

Financial/Resources/Risk

It is considered that the proposed amendment and development plan will not create any financial or resources risk or impost to Council. There is a fee payable to the Minister for Planning of \$798 for approving an amendment. There will be some additional Council resources required for the future development of an Environmental Significance Overlay for the wastewater buffer, in conjunction with GVW.

Discussion:**Amendment C42:**

Five (5) submissions were received to the amendment, all from authorities, as follows:

- Goulburn Broken Catchment Management Authority:

No objection. Strongly recommends the proposed Development Plan Overlay considers setbacks from UT Creek for water quality, general public amenity and passive recreation. Land periodically floods to extent indicated in Floodway and Land Subject to Inundation Overlays.

- Department of Sustainability and Environment:

No objection. New proposed zones are near DEPI managed land that may be used as a helicopter base at times. Seeks to ensure that new zones may accommodate a helipad and 24 hour storage of dangerous goods on DEPI land.

- Goulburn Murray Water:

No objection. Any proposed subdivision and development of land rezoned to Rural Living will be restricted within proximity of waterway and industrial land. GMW requires development proposals to not impact detrimentally on the flow and quality of surface water and groundwater and that any required water supplies are available from an approved source.

- Environment Protection Authority:

Submission, 25/3/2013: Concern with rezoning to Rural Living, particularly land within the nominated buffer of the GVW wastewater plant (WTP). Supports the formalisation of an Environmental Significance Overlay (ESO) for land within the specified buffer of the WTP. Supports the parallel process of development plan preparation to protect sensitive uses from potential amenity impacts that may arise from the WTP.

Submission, 17/5/2013: No objection to amendment. Support additional measures put in place to ensure that future use and development is not adversely impacted by the WTP and Council working with Goulburn Valley Water to formalise an ESO for the treatment facility within the Murrindindi Planning Scheme in the future.

- Goulburn Valley Water (GVW):

Submission, 26/3/2013: The southwestern corner of the land proposed to be rezoned to Rural Living is within the identified buffer for the Alexandra Wastewater Management Facility (plan of buffer supplied). If amendments proceed, land within the buffer should be subject to the Environmental Significance Overlay (ESO), based on a similar approach for the Mooroopna facility that requires all development proposals to have mandatory (Section 55) referrals to GVW, allowing GVW to consent or to oppose proposals on a case-by-case basis. Seeks Council assistance in reducing potential for future land-use conflicts by ensuring that the Alexandra facility buffers are not threatened by future development.

Following this submission, Council officers wrote to the GVW and EPA proposing further clarifications in the proposed development plan and giving support for a future buffer but through a separate process and planning scheme amendment for the whole buffer.

Submission, 30/5/2013: Following Council's further letter of clarification, GVW withdrew its objection on the basis of the proposed changes to the development plan and commitment towards progressing the creation of an ESO for the buffer zone of the Alexandra facility.

All five authority submissions to Amendment C42 have been met, therefore the amendment may be adopted without changes and without the need for a planning panel to hear any unresolved submissions.

Development plan:

The Development Plan Overlay (DPO) requires that Murrindindi Shire Council approve a development plan before any planning permit is granted for any use, development or subdivision. The plan has been prepared to indicate the site assessment, layout, servicing and conditions for the future industrial subdivision and development of the land, also outlining guidance for the zoning, use and development of adjoining land.

Two (2) specific submissions were received to the development plan, as follows:

- Private submission:

Access: Satisfied that the plan correctly indicates that there will not be vehicle access to the industrial estate via Hall Street / Morris Street or McKenzie Street.

Buffer planting: Wants the buffer planting along the western and southern boundaries continuous to act as visual barrier and screen out external lighting from potentially impacted properties.

External lighting: Wants external lighting limited. New DEPI complex previously gave off light affecting owners to the south until the lights were turned off with an agreement that they were only to be used during major incidents. Consider lighting prior to buffers becoming fully established.

- VicRoads:

No objection to plan provided:

- An objective is added to maintain the safety and service on the road network;
- Direct access to the land will not be allowed onto the Maroondah Highway, with access from the local road network;
- A Traffic Impact Assessment Report (TIAR)) will be required to assess the need for mitigating works on declared arterial roads;
- Mitigating works are to be completed prior to each stage of development.

- Other related submissions:

The Goulburn Broken Catchment Management Authority, Environment Protection Authority and Goulburn Valley Water submissions to Amendment C42 are all relevant to the development plan, making suggestions for changes to it.

Several small changes have been made to the development plan to meet the private submission and general authority points raised in relation to the development plan, as follows:

Lighting: While lighting cannot be totally restricted and it is reasonable for industrial premise to have some external lighting, all development in the Industrial 1 Zone requires a planning permit and would usually require external lighting to be baffled and for direct light to be restricted onsite. As all development in the Industrial 1 Zone requires a planning permit, this condition may be placed on future permits. It is appropriate for the development plan to require future development to consider this issue and contain light as far as possible.

Alteration: Add an additional bullet point under the site and building design section of Section 6, Performance measures, to read *Contain external lighting on future buildings onsite as far as practicable with any future planning permit to include a condition that requires external lighting to be baffled and for direct light to be contained onsite.*

Buffer planting: The suggestion to link buffer planting along the western and southern boundaries to act as a continuous visual barrier from potentially impacted properties is sound and should be included in the approved development plan.

Alteration: Amend the development plan to provide continuous buffer planting between the western and southern boundaries.

VicRoads submission:

An objective to maintain the safety and service on the road network is considered sound. No direct access to the land is already allowed from Maroondah Highway, which may be reinforced. Officers consider that a TIAR would not be required for a minor alteration to zoning that would occur as a result of this amendment / development plan. Given that there will be no net increase in the area of zoned industrial land, it is considered that there would be no need or justification for additional works at the Maroondah Highway and Binns McCraes Road intersection (the major DEPI office / depot development did not require any additional works at this intersection). As a result, it is recommended that the first two points raised by VicRoads be supported but the two points requiring a TIAR not be supported.

Alterations: Amend the development plan as follows:

- Add an additional objective *To maintain the level of safety and service on the road network.*
- Add an additional bullet point under the roads and other services section of Section 6, Performance measures, to read *Direct access to the development from the Maroondah Highway will not be permitted. Access to the development must be via the local road network, generally in accordance with the plan forming part of this development plan. Internal access to the land must be from Binns McCraes Road with no direct access onto Hall Street south of the Alexandra Cemetery.*

Related authority submissions: The Goulburn Broken Catchment Management Authority suggestion to implement setbacks from UT Creek for water quality, general public amenity and passive recreation is appropriate. While setbacks are already provided through the application of the Floodway Overlay to the land and general setbacks requirements in the planning scheme, it is considered reasonable to add this general setbacks requirement to the development plan and text.

Both the Environment Protection Authority and Goulburn Valley Water are satisfied that the development plan will adequately protect the buffer area of the Alexandra wastewater treatment plant (WTP) and that Council will further protect the buffer through the future development and application of the Environmental Significance Overlay. To support this agreement, the buffer should be indicated on the plan, referred to in the plan text and a requirement be included for a Section 173 Agreement to nominate appropriate housing envelopes on land zoned Rural Living, in accordance with the approved development plan (therefore preventing the development of any additional dwelling on land to be rezoned to Rural Living).

Alterations: Add additional bullet points under the environment section of Section 6, Performance measures, and include references on the development plan, to read:

- *Implement development setbacks from UT Creek to protect water quality, general public amenity and passive recreation opportunities.*
- *Protect sensitive uses from potential amenity impacts that may arise from the Alexandra wastewater treatment plant through the development and application of the Environmental Significance Overlay to the identified wastewater treatment plant buffer.*

Add an additional bullet point under the site and building design section of Section 6, Performance measures, to read:

- *Apply a Section 173 Agreement in conjunction with any subdivision or development of land to nominate appropriate housing envelopes on land zoned Rural Living, in accordance with the approved development plan.*

Indicate the identified buffer to the Alexandra wastewater treatment plant on the development plan.

Consultation:

The amendment was exhibited for a minimum of one month, comprising notice to affected and nearby landowners, notice to relevant agencies, public notice in local press and notice to prescribed ministers. In addition to the amendment exhibition, the accompanying development plan for the subject land was also exhibited for one month, using similar notification to the amendment.

All submissions from agencies and the private submitter have been satisfied with the changes made to the development plan.

Conclusion:

The amendment proposes minor additions to an established industrial area and the rezoning of land from Industrial 1 to Rural Living in the southern section of land least suitable for industrial use and development. To resolve authority (GVW and EPA) concerns, Council has given its commitment to working with GVW to develop future planning controls to apply for the Alexandra Wastewater Management Facility. Given that there are no outstanding submissions, the amendment is now recommended for adoption without changes.

Council will need to progress the assessment and development of an Environmental Significance Overlay to apply to the wastewater treatment plant buffer. This initiative will be best undertaken primarily by GVW on the basis of a general approach for all treatment plant buffers in the region.

The proposed development plan for the area has been revised to reflect suggestions from a private submitter and general suggestions from authorities. As there are no outstanding concerns with the plan, the plan should also be adopted to guide the future use and development of land in the area.

RESOLUTION:

Cr M Rae / Cr B Magner

That:

1. Having been authorised by the Minister for Planning to prepare Amendment C42 to the Murrindindi Planning Scheme under section 8A(3) of the *Planning and Environment Act 1987* ('the Act');

Having prepared and exhibited Amendment C42 to the Murrindindi Planning Scheme under section 19 of the Act;

Having in accordance with section 12 of the *Planning and Environment Act 1987* had regard to the Minister's directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use and development envisaged in the planning scheme and taken into account the social and economic effects;

Having considered all submissions to Amendment C42 under section 22 of the Act, Council resolves to:

- (1) Adopt Amendment C42 to the Murrindindi Planning Scheme, without changes, in accordance with section 29 of the Act, as outlined in the separately distributed Amendment C42 package.
 - (2) Submit Amendment C42 to the Murrindindi Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the Planning and Environment Act 1987;
 - (3) Advise all submitters to Amendment C42 of Murrindindi Council's adoption of the amendment.
2. Council approves the *Development Plan, Binns – McCraes Road, Alexandra* as a development plan under Clause 43.04, Development Plan Overlay, of the Murrindindi Planning Scheme as enclosed in Enclosure 8.1.3, incorporating alterations outlined in this report.

CARRIED

8.2 INFRASTRUCTURE SERVICES

8.2.1 *Capital Works Policy*

File No: 24/03/09

(Refer Encl 8.2.1 – Capital Works Policy)

Purpose:

The purpose of this report is to provide Council with the Capital Works Policy for adoption.

Recommendation:

That Council adopt the Capital Works Policy.

Background:

As part of the development of the 2013 -2014 Capital Works budget as well as the Ten Year Capital Improvement Plan Councillors identified the need to develop a policy to address the

issue of unspent budget and projects not completed in the annual program. This was also identified as a key action in the Council Plan 2013-2017 under *Our Environment*. The key action is to identify a process for the transfer of project savings from the capital works program to the Infrastructure Reserve to assist in funding future capital renewal requirements.

In addition it was identified that projects not completed within the annual program were to be reassessed prior to being carried forward into the next year's program.

Council Plan/Strategies:

Council Plan 2013-2017

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

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

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

Legal/Policy Issues:

Council prepares and reviews annually a Ten Year Capital Improvement Plan. This plan provides the strategic framework to identify and prioritise capital expenditure.

Financial/Resources/Risk

Council currently has a widening infrastructure gap which requires the need to identify and seek funding opportunities to fund capital improvement into the future. A number of strategies need to be employed to address this issue including the seeking of funding sources other than rate revenue such as grants.

To meet the growing renewal needs of Council's infrastructure an Infrastructure Reserve was established. The Infrastructure Reserve has an allocation of 2% of rates income per annum. As previously presented during the budget development process the funding from the infrastructure reserve accumulates each year and is drawn down at strategic years within the Ten Year Capital Works Program.

Whilst project budgets are set to reflect the scope of works for a project there are times when project budgets are not fully expended. In these instances the policy seeks to identify these savings and develop a procedure which transfers these funds to the Infrastructure Reserve or alternatively to other Council priorities.

Discussion:

The guiding principles for the implementation of this policy include:

- Project budgets are developed to reflect the scope of the project allowing adequate funds to ensure delivery is achievable and to reduce the likelihood of overspend or underspend in projects.
- Unspent funds or project savings will be reassessed in line with future capital works requirements and reported quarterly to Council for approval.
See Diagram 1.
- Those projects not started within an annual program will be reassessed during the development of the following year's capital works program as part of the annual budget preparation.

- Funding for projects that are not delivered in the planned year and that will not proceed will also be reallocated to other Council projects or the Infrastructure Reserve via the process outlined in Diagram 2.
- Savings from projects are confirmed upon completion and are reported to Council as part of the Capital Works quarterly reporting process.
- Variances exceeding the Council approved contract value will be required to be reported back to Council and approved. Variances within the approved contract value will be subject to formal ratification with the project manager, General Manager Infrastructure and Development Services or the CEO dependant on the level of financial delegation. All variances however will be reported in the quarterly Capital Works report to Council.
- Councillors will be advised of any variation requiring CEO approval prior to that approval being given.

The Policy seeks to provide two diagrams which sets out the decision making process regarding the reallocation of expenditure of unspent capital budget including if the situation arises those projects not started within the annual program.

Diagram 1 seeks to detail the steps for the treatment of any unspent project funds or savings from project budget. The diagram outlines the steps for reprioritising unspent funds to either another capital works project if additional funding is required or to the Infrastructure Reserve for future capital works expenditure.

Diagram 2 seeks to detail the steps for the treatment of project funds for those projects that have not been started within the annual program. On the occasion where there may be a project not started in the annual program the priority of this project will need to be reassessed and approved by Council for carry forward into future programs.

Consultation:

Consultation on this policy has included the discussions with Councillors, Executive Management Team and the Capital Works Delivery Team within the Infrastructure Assets Business Unit.

Conclusion:

This policy gives Council a more rigorous and transparent process for the management and reallocation of unspent capital works budget.

RESOLUTION:

Cr A Derwent / Cr J Kennedy
That Council adopts the Capital Works Policy.

CARRIED

8.2.2 *Review of Council Road Management Plan 2013*

File No: 52/02/42

(Refer Encl 8.2.2 - Road Management Plan 2013)

Purpose:

The purpose of this report is to inform Council of the outcome of the consultation process that has been followed to review the Road Management Plan and report on changes that are proposed to the exhibited plan prior to adoption by Council.

Recommendation:**That Council**

1. **Notes that no submissions were received as part of the community consultation process for the review of the Road Management Plan; and**
2. **Adopts the reviewed Road Management Plan 2013 – 2017.**

Background:

Council's largest asset category is its local road network which consists of over 1,100 kilometres of sealed and unsealed roads. The road network and its associated road infrastructure are required to be maintained to ensure road safety, continued function and to provide a level of service acceptable to the community. The network consists of Arterial Roads (managed by VicRoads), Municipal Roads, which are under the control of the Council, and other roads, which are managed by the party responsible for the relevant land.

To assist Council in its management of the local road network, Council has developed a Road Management Plan (RMP) in accordance with the Road Management Act 2004(the Act). The plan describes the way in which Council will fulfil its road management obligations in respect of those municipal roads within its district.

In 2010, Council adopted the current RMP. The Act imposes a duty on road management authorities to inspect, maintain and repair public roads. Council must, in accordance with the regulations made under the Act, conduct a formal review of its Road Management Plan every four years generally in line with Council elections and the Council Plan.

The current RMP was developed in consultation with the community and seeks to balance the needs of the community by considering the various influencing factors of risk management, road safety, social needs, environmental influences, and economics.

In accordance with the Act, Council is obliged to undertake another formal review of this plan. Council officers have amended the current RMP (attachment 1) in line with policy and operational objectives, resources and best practice. The purpose and general purport of the review is to better reflect Council's road management priorities, the road network to which the plan applies and Council's financial capacity to manage the road network. The purpose of the review, consistent with the role, functions and responsibilities of the Road Authority under the Act, is to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and that Council's roads are safe, efficient and appropriate for use by the community.

The current RMP was reviewed by officers and was released for community consultation for viewing by the public on Council's website throughout June and July 2013.

A complementary document to the RMP is the Register of Public Roads and the opportunity has been taken to undertake an update of that document in conjunction with the review of the RMP.

Council Plan/Strategies:

Council Plan 2013-2017

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

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

Legal/Policy Issues:

The review of the RMP is a requirement of the Act.

In accordance with section 54 of the Act, Council is obliged to undertake:

- A regular review of its RMP ;
- Give notice to the community that the RMP is under review;
- Make the draft plan publically available and;
- Provide an opportunity for the community to make submissions to the plan.

Financial/Resources/Risk

There is no financial cost to Council to undertake a review of the current RMP. Minor costs will be incurred for advertising and resources. Senior Council officers will undertake the review which will limit the resources required, resource costs and associated risk resulting from the review.

Discussion:

As a result of the public notice under Section 223 of the Local Government Act 1989 Council received no written submissions on the RMP.

Officers however in finalising the road register in accordance with the new road hierarchy noted that following adjustment to Table 4 have been made to maintain a consistent level of service on the unsealed road network and to rectify the previous table.

- The response time for 'Potholes in traffic lanes' for Road Maintenance Standard 3 (Collector Road Unsealed) reduced from 3 months to 6 weeks.
- 'Drop off from edge of seal to shoulder' response time incorrectly identified now shown as 'Not Applicable'

Consultation:

Newspaper / Other	Publishing Date(s)
<i>Newspaper:</i>	
North Central Review	18 June 2013
Government Gazette	20 June 2013
Alexandra and Eildon Standard	19 June 2013
Yea Chronicle	19 June 2013
Marysville Triangle	20 June 2013
<i>Consultation:</i>	
Council Web Site	18 June - 18 July 2013
<i>Mail out:</i>	N/A

Conclusion:

Council has reviewed and revised the Road Management Plan to meet its responsibility under the *Road Management Act 2004*. Consultation has been carried out by requesting submissions via Public Notice.

RESOLUTION:

Cr M Rae / Cr C Challen
That Council

1. Notes that no submissions were received as part of the community consultation process for the review of the Road Management Plan; and

2. Adopts the reviewed Road Management Plan 2013 – 2017.

CARRIED

8.3 CORPORATE SERVICES

8.3.1 *Gallipoli Park Precinct Committee of Management Redefined Area of Delegation*

File No: 42/13/01 & 25/04/03

(Refer Encl 8.3.1 – Gallipoli Park Precinct CoM - Plans)

Purpose:

The purpose of this report is to seek Council's support to redefine the area of delegation of the Gallipoli Park Precinct Committee of Management.

Recommendation:

That Council resolves to:

1. **Revoke the existing deed of Delegation (dated 24 January 2012) of the Gallipoli Park Precinct Committee of Management.**
2. **Appoint the Gallipoli Park Precinct Committee of Management, under Section 86 of the *Local Government Act 1989* to manage and control the Gallipoli Park Precinct as defined as the area shown yellow on the plan attached – Plan 2 of Reserve Area to be controlled by Committee.**
3. **Amend the existing Deed of Delegation and Charter of the Gallipoli Park Precinct Committee of Management to reflect the redefined area of responsibility.**
4. **Advise the Department of Environment & Primary Industries of the area that Council as Committee of Management for the Marysville Recreation and Community Buildings Reserve – Gallipoli Park has appointed the Gallipoli Park Precinct Committee of Management to manage and control on Council's behalf.**

Background:

On 23 November 2011, Council resolved to revoke the existing Deed of Delegation of the then Gallipoli Park Recreation Reserve Committee of Management and appoint the Gallipoli Park Precinct Committee of Management to control and manage an amended area, primarily to exclude the Marysville Rebuilding Advisory Centre and include the Marysville Community Centre.

At that time it was recognised the area that Council was appointed as Committee of Management over in the precinct, was subject to change with various parcels of Crown Land to come under Council control, e.g. Settlers Park, Lions Park, etc.

That procedural process is now completed with the delegate of the Minister for Environment and Climate Change on 5 April 2013 appointing Council as Committee of Management for the Marysville Recreation and Community Buildings Reserve – Gallipoli Park as per the attached Plan 1.

This includes the area to the east of Steavenson River which was previously assumed to be under Council control, but was never gazetted.

Council Plan/Strategies:

This project addresses the following key strategy identified in the Council Plan 2013 – 17:

Community Engagement – actively engage with communities to increase participation and community input.

Council has previously adopted a model Charter and Instrument of Delegation for Section 86 Committees of Management and is developing a Facility Maintenance Policy covering insurance, grounds and building maintenance, to identify responsibilities and provide a basis for equitable support of all Committees across the Shire.

Legal/Policy Issues:

In exercising powers conferred under Section 86(3) of the *Local Government Act 1989*, Council can delegate duties and/or powers and/or functions to a Committee of Management.

The particular delegation referred to in this report relates to the area Council is appointing the Committee to manage and control.

Financial/Resources/Risk

The clear definition of the areas of delegation between Council and the Committee will reduce risks and provide clarity on financial control.

The amendment of delegations for Committees of Management is standard services provided by Council staff.

Discussion:

In determining the areas that Council is delegating management and control to the Committee over, the following areas were taken into consideration:

1. Committee of Management to control:

- Settlers Park (includes market site)
- Lions Park (committee presently takes bookings)
- Marysville Community Centre
- Greater part of Park including lake, oval, tennis courts and Steavenson River reserve (south west of river), etc.

2. Council to control:

- Marysville Rebuilding Advisory Centre and car park (Visitor Information Centre)
- Greater part of Marysville Kinspace Playground
- Balance of reserve on north east of Steavenson River
- Saddle Tramps paddock and shed

The southern bank of Leary's Creek was seen as an appropriate boundary of control in that area of the precinct.

Consultation:

Council staff worked in consultation with the Gallipoli Park Precinct Committee of Management to establish the appropriate areas that are best suited for the Committee to manage and control on Councils behalf.

Conclusion:

The recent appointment of Council as Committee of Management over a newly defined area of Gallipoli Park has provided the opportunity to clearly designate the areas that Council and the Gallipoli Park Committee of Management shall have responsibility for.

RESOLUTION:

Cr C Challen / Cr C Ruhr

That Council resolves to:

1. Revoke the existing deed of Delegation (dated 24 January 2012) of the Gallipoli Park Precinct Committee of Management.
2. Appoint the Gallipoli Park Precinct Committee of Management, under Section 86 of the *Local Government Act 1989* to manage and control the Gallipoli Park Precinct as defined as the area shown yellow on the plan attached – Plan 2 of Reserve Area to be controlled by Committee.
3. Amend the existing Deed of Delegation and Charter of the Gallipoli Park Precinct Committee of Management to reflect the redefined area of responsibility.
4. Advise the Department of Environment & Primary Industries of the area that Council as Committee of Management for the Marysville Recreation and Community Buildings Reserve – Gallipoli Park has appointed the Gallipoli Park Precinct Committee of Management to manage and control on Council's behalf.

CARRIED

8.3.2 *Protected Disclosure Policy*

File No: 32/02/22

(Refer Encl 8.3.2 – Protected Disclosure Policy)

Purpose:

The purpose of this report is to brief Council on the purpose and implementation of the Protected Disclosure policy in line with requirements under the *Protected Disclosure Act 2012*.

Recommendation:

That Council adopts the Protected Disclosure Policy and associated procedures.

Background:

The *Protected Disclosure Act 2012* (the Act) requires Council to establish internal processes that facilitate disclosures, effectively manage the receipt of information and provide protection for looking after all parties who may be involved. The Act, which commenced operation on 10 February 2013, replaces the former *Whistleblowers Protection Act 2001* and amends the *Ombudsman Act 1973*.

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

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

- encourage and facilitate disclosures of improper conduct or detrimental action
- enable the receipt and effective management of information relating to a Councillor or a Council officer or agent engaging in improper conduct or detrimental action and

- ensure effective processes are in place to support people who have made protected disclosures, those who maybe the subject of a protected disclosure and those who may be witness to an investigation.

Once the policy is adopted, Protected Disclosure procedures will be published on Council's website.

Council Plan/Strategies:

Adoption of the policy and procedure complies with the Council Plan objective for customer service: to deliver quality customer outcomes by continuing to find better ways of doing things.

Adoption of this policy supports our values of integrity, accountability, respect and service excellence.

Legal/Policy Issues:

By adopting the policy and procedures and making them available to all employees' and open to inspection by members of the public, Council is meeting its obligations under the Act.

Financial/Resources/Risk:

Breaches of the Act may give rise to civil liabilities and on occasion criminal penalties, by reviewing our whistleblower (now Protected Disclosure) procedures, Council maximises our capacity to defend claims of vicarious liability.

Discussion:

The policy content was developed with legal expertise on behalf of 10 participating Councils in the North Eastern Regional Development Scheme (NERDS).

Councils are required to have the policy and publically available procedures in place by 10 August 2013. Murrindindi Shire Council will be a few weeks outside this deadline, but will then comply with all requirements.

Once the policy and procedures are adopted, Council will proceed to:

- Publish procedures on Council website
- Develop a detailed procedures manual
- Train Protected Disclosure Officer(s) in detail
- Train all staff in broad procedures and importance of following them
- Incorporate requirements into Councillor and staff Codes of Conduct and Induction program.

Consultation:

The policy was developed by legal consultants and has been circulated to Councils of North East Victoria, to ensure a robust and consistent approach.

Conclusion:

The attached policy and procedures will meet Council's obligations under the Act.

RESOLUTION:

Cr M Rae / Cr J Kennedy

That Council adopts the Protected Disclosure Policy and associated procedures.

CARRIED

Cr M Rae queried training of staff in the protected disclosure Policy and timelines for full implementation of the new policy.

The General Manager Corporate and Community Services advised that training would be rolled out across the organisation but took on notice the question on timelines for implementation.

8.3.3 Yea Shire Hall S86 Committee of Management- Revocation

File No: 25/03/11

Purpose:

The purpose of this report is to seek Council's support for the revocation of the Instrument of Delegation for the Section 86 Yea Shire Hall Committee of Management (COM).

Recommendation:

That Council resolves:

- 1. To revoke the existing delegation of the Yea Shire Hall Committee of Management.**
- 2. To recognise and thank the Yea Shire Hall Committee of Management.**

Background:

The Yea Shire Hall Committee of Management (COM) was established in September 2007 to manage the Yea Shire Hall (advisory capacity) for Council.

The Yea Shire Hall is currently undergoing renovation works which have been in the design and implementation stage since 2009.

The last AGM held by the COM was in February 2009. The COM has not felt the need to meet as Council has been handling the renovation works, the bookings, the financials and the user group arrangements in recent years.

The COM has never opened a bank account as Council has always handled the financials including bookings, maintenance and operating costs.

The COM held a Special Meeting on 18 July 2013 where it resolved to request revocation of its existing delegation and requested that a "Friends of Yea Shire Hall" Committee be formed as an advisory committee to Council.

Council Plan/Strategies:

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

Legal/Policy Issues:

The Yea Shire Hall Committee of Management operates as a Section 86 Special Committee under the *Local Government Act 1989*.

Financial/Resources/Risk

The revocation of the existing delegation to the Yea Shire Hall Committee of Management will allow resources (staff, Councillor and Community) to be directed to higher priorities.

Council has remained responsible for all of the financials relating to the Yea Shire Hall, therefore there are no monies or financial records to be returned by the COM to Council.

Discussion:

As the circumstances that surrounded the appointment of the Committee are no longer relevant and given the level of responsibility and management Council has retained over the Yea Shire Hall, the responsibilities of the COM have diminished to the extent that continued operation is no longer warranted.

It was the view of those remaining on the Committee that it was appropriate and that the interests of the hall could be better served by establishment of a 'Friends of the Yea Hall' group as distinct from being part of any Council structure. It was generally felt that there would be community interest in supporting Council and the Hall's ongoing viability informally without the tie of statutory compliance which had also proven onerous in recent times.

Council would be supportive in terms of providing assistance with facilitating community interest in forming a 'Friends' group.

Consultation:

The Yea Shire Hall Committee of Management has been made aware of all options available to it moving forward and has resolved to request the revocation of the existing delegation.

Conclusion:

The inactivity of the COM since 2009 warrants the revocation of its delegation. Due to the level of management currently in place by Council over the Yea Shire Hall this revocation will not impact the operation of the Hall or place any greater onus on Council.

RESOLUTION:

Cr J Kennedy / Cr C Ruhr

That Council resolves:

1. To revoke the existing delegation of the Yea Shire Hall Committee of Management.
2. To recognise and thank the Yea Shire Hall Committee of Management.

CARRIED

8.4 CHIEF EXECUTIVE OFFICER**8.4.1 Quarterly Council Plan Report to 30 June 2013**

File No: 10/01/15

(Refer Encl 8.4.1 – Quarterly Council Plan Report to 30 June 2013)

Purpose:

This report provides an update on the progress on activities listed in the Council Plan 2009 – 2013 (2012 review) for the quarter ended June 2013. This is the final quarterly report for the 2009-2013 Council Plan.

Recommendation:

That the report to the end of June 2013 on the status of Council Plan activities be received.

Background:

The Council Plan for the period 2009 – 2013 was prepared following the Council election in November 2008. Due to the impact and uncertainty created by the February 2009 fires, the first version of the plan focussed largely on the first year 2009 -2010. The plan has since been reviewed annually and Council has completed and adopted its final review of the Council Plan.

Council Plan/Strategies:

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

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

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

Legal/Policy Issues:

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

Financial/Resources/Risk

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

Discussion:

In the fourth quarter of the 2012 - 2013 Council Plan Review, ending June 2013 and the final Council Plan Review for the 2009-2013 Council Plan we have the following results:

- 45 activities were completed (50%)
- 10 activities were on schedule (11%)
- 26 activities are ongoing (29%)
- 2 activities were not due to commence (2%)
- 5 activities that have been deferred (6%)
- 2 have been withdrawn as a result of the Services Review or pending outcomes of the Services Review (2%)

Highlights for the quarter were:

- Council has received over 270 responses to the community visioning survey. These responses have been collated and presented to Council. In addition, the outcomes have provided a framework for the Council Plan 2013-2017 and been a checklist for the consideration of strategies within the Council Plan.
- The Integrated Diversity Plan for 2012/13 has been reviewed in partnership with the Alexandra and District Hospital (June 2013). The plan has been redeveloped for the 13/14 year and sent to the Department of Health for approval. A NAIDOC week activity was held in partnership with the Alexandra and District Hospital in early July 2013, with further training and cultural awareness activities planned across the next 12 months.
- A contract for supply and installation of an electronic document management system was entered into in December 2012. Mapping of data has been completed. A number of departments have gone live at the end of the 2012/2013 financial year and the roll out will be happening between July and December 2013.

- Construction commenced on the Marysville Hotel and Conference Centre in April 2013.
- A range of marketing initiatives have been developed including 20,000 copies of a Marysville 150 years celebration offers booklet, wall displays at Lake Mountain Alpine Resort of the Great Victorian Rail Trail, Marysville Walks and Waterfalls and Marysville 150 Years Celebrations as well as development of a snow season packages page on the Marysville tourism website.
- In June 2013 Council formally endorsed the Great Victorian Rail Trail as the new name for the rail trail. The Integrated Strategy for Interpretation, Identity and Wayfinding project for the rail trail progressed well during May to June with considerable business and other stakeholder input into the name and brand development. The development of a marketing prospectus for the rail trail was a key focus throughout May with a launch of the prospectus being planned for Mansfield and Yea in July.
- An environmental best practice code has been developed as part of Council's draft Roadside Management Plan by the Environmental Programs Unit for the purpose of consulting with staff, contractors and service authorities. This consultation process was completed during the quarter and the document has been finalised. A training program covering the environmental code of practice was delivered to Council's infrastructure staff and contractors during the quarter.
- The Rebuilding program nearing completion. The 1,000 Hands project has achieved practical completion and the Marysville Community Centre car park is under construction. Documentation for remaining landscaping works in Gallipoli Park are to be finalised in July 2013.

Consultation:

Community consultation is undertaken in relation to individual projects and activities identified in the Council Plan. This report provides the opportunity for Council to promote its achievements for the first quarter 2013 in relation to the implementation of the Objectives and Strategies from the Council Plan.

Conclusion:

The June 2013 Council Plan report is the final report to be submitted to Council for the 2009 – 2013 Council Plan. With 50% of projects completed and a further 11% of projects on schedule, there have been some major achievements in the last quarter in particular and over the life of the plan.

RESOLUTION:

Cr J Kennedy / Cr C Challen

That the report to the end of June 2013 on the status of Council Plan activities be received.

CARRIED

8.5 COMMUNITY SERVICES**8.5.1 Draft Municipal Public Health And Wellbeing Plan Submissions**

File No: 28/02/16

(Refer Encl. 8.5.1 - Summary of Draft Municipal Public Health and Wellbeing Plan submissions)

Purpose:

The purpose of this report is to inform Council of the submissions resulting from the period of public consultation in relation to the Draft Municipal Public Health and Wellbeing Plan and provide recommendations on how feedback will be incorporated to the final report.

Recommendation:

That Council notes the public submissions to the Draft Municipal Public Health and Wellbeing Plan and endorses the proposed changes and inclusions recommended in Enclosure 8.5.1 to this report.

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 *Municipal Health and Wellbeing Plan 2013 – 2017* will focus on a whole of life approach and fulfill other Council planning responsibilities by incorporating the following:

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

Council endorsed the draft plan for public comment at the 26 June 2013 Council meeting. The public comment period ran from 4 July 2013 for a period of 28 days to 1 August 2013.

Council Plan/Strategies:

This report is consistent with Council Plan 2013-17 – Our Community – 'We will support and promote health and wellbeing, social connectedness and community involvement.'

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 Draft Public Municipal Health and Wellbeing Plan was open to public comment from the 4 July 2013 to the 1 August 2013. The plan was accessible via the Council website and also available in hard copy (including large print versions) at Council Customer Service Centres, Libraries and Visitor Information Centres. Advertisements publicising the public comment period also encouraged community members to contact the Community Services Department directly for a copy. The plan was also distributed to key government partners, service providers and Council Advisory groups and networks (including the Positive Ageing group and Access and Inclusion group).

Eight submissions were received during the public comment period. Submissions were received from a variety of sources including community members, organisations and State Government Departments.

All submissions have been acknowledged and further contact has been made to clarify and discuss feedback where required. This provided an opportunity to clarify the intent, purpose and scope of the Municipal Public Health and Wellbeing Plan and assisted to refine any requirements for change.

The following table includes a brief summary of the feedback received through the public comment period and a corresponding summary of the recommended actions.

Feedback	Explanation and Recommended Action
Strengthening comments regarding mental health issues in the introduction.	<u>Recommended Action:</u> Include Mental Health as a heading in the introduction with text referencing suicide as one of the top three causes of avoidable mortality.
Highlighting Australian Early Development Index (AEDI) data in reference to children in the introduction.	<u>Recommended Action:</u> Include Early Childhood as a heading in the introduction with text referencing children living in Murrindindi and AEDI performance.
Request to exclude statistics on comparison of food costs.	<u>Recommended Action:</u> Delete reference to these statistics.
Provide further detail within the plan regarding consultation process, responsibilities, measurements and timeframes.	<u>Explanation:</u> The consultation process is briefly covered in the introduction and networks sections of the document. Measurements, timeframes, key partners and responsibilities will be incorporated into the action and implementation plans currently being developed. <u>Recommended Action:</u> No action required
Clarification and additional wording required to some actions.	<u>Recommended Action:</u> New wording incorporated. Additional action regarding Workplace Achievement Program to be investigated and incorporated if resources are available.
Suggestions regarding inclusion of specific issues and actions into the plan (including	<u>Explanation:</u> Outside of the scope of the plan. <u>Recommended action:</u> No action required.

Feedback	Explanation and Recommended Action
engagement of primary schools, viticulture and specific transport services)	

A detailed summary of the individual applications including feedback received and proposed recommendations is attached (*refer Enclosure 8.5.1*).

The final version of the Municipal Public Health and Wellbeing Plan will incorporate any recommended actions approved by Council. The Final plan will be presented for endorsement at the October 2013 Council meeting.

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 were provided with a further opportunity to provide feedback on the plan during the public comment period.

Conclusion:

The submissions received for the public comment period of the Draft Municipal Public Health and Wellbeing Plan contained considered and constructive feedback. All submissions have been reviewed and the recommendations for changes contained in this report reflect this feedback and assist in the development of a plan that will actively promote and work towards strengthening healthy and active communities within a partnership approach.

RESOLUTION:

Cr C Ruhr / Cr M Rae

That Council notes the public submissions to the Draft Municipal Public Health and Wellbeing Plan and endorses the proposed changes and inclusions recommended in *Enclosure 8.5.1* to this report.

CARRIED

9. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
2012/66	31/07/2013	Agreement made pursuant to section 173 of the Planning and Environment Act 1989 between Murrindindi Shire Council and Rosemary Louis Keast, property Crown Allotments 9F and 9GH, Section5 Parish of Taggerty	Cr M Rae M Abbey
10/02/50	02/07/2013	Instrument of Appointment and Authorisation (Planning & Environment Act 1987	M Abbey

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
32/06/09	21/08/2013	Transfer of Land between Murrindindi Shire Council and Rural Housing Network Limited regarding transfer of equity Coster Street units, Alexandra	Cr J Walsh M Abbey

Recommendation:

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

RESOLUTION:

Cr C Challen / Cr M Rae

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

CARRIED

10. COUNCILLOR PORTFOLIO REPORTS

10.1 LAND USE PLANNING PORTFOLIO

Cr Rae advised:

- New Ministerial Guidelines on zoning have been released.
- Planning Officers are working on the Development Plan Overlay
- VCAT statistics have been released and noted that Murrindindi Shire Council has few appeals to VCAT.
- She had attended a funding announcement for the Alexandra Timber Tramway & Museum Masterplan.
- She attended the Alexandra Tourism & Traders Annual General Meeting and the Alexandra Tennis Club Annual General Meeting
- She attended the Hume & Hovell tree planting event at Yarck.
- She had attended the launch yesterday by Bill Sykes of the Industry Development and Business Innovation initiative.
- With the Mayor and Cr Magner attended the Advancing Country Towns Initiative Launch attended by Dr Bill Sykes which launched the ACT Industry Development & Business Innovation initiative. The organisers of the 'Eildon Big Fish Challenge & Food and Wine Festival and the working group of the Lake Eildon Houseboat Industry Association were also in attendance.

10.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr Challen advised she had attended:

- An Upper Goulburn Wine Association meeting.
- The Upper Goulburn Food and Wine Group meeting
- The Upper Goulburn Food Wine & Culture Group Annual General Meeting at the Alexandra Trade Training Centre Restaurant
- Mystic Mountains Annual General Meeting which launched a Tourism App.
- A land use planning presentation on the Impacts of Climate Change by Rob Faggian.

10.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr Magner advised:

- With Cr Derwent he had attended some Community – Vision 2030 Workshops.

10.4 COMMUNITY SERVICES PORTFOLIO

Cr Derwent advised that Community Services continue to tweak the Health & Wellbeing Plan.

10.5 CORPORATE SERVICES PORTFOLIO

Cr Ruhr advised:

- He had attended a number of Committee Annual General Meetings.
- With Cr Rae and the Chief Executive Officer he is revising the Councillor Code of Conduct Policy which will be completed for next meeting.

On behalf of Councillors Cr Ruhr congratulated Tamara Johnson and Michael Chesworth on their new roles (General Manager Infrastructure & Development and General Manager Corporate & Community Services respectively) and thanked and acknowledged Robert Cherry's contribution during his term with Council.

10.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

Cr Kennedy advised:

- He had attended the Upper Goulburn Food Wine and Culture Club Annual General Meeting.
- That the Y Water Centre construction was progressing quickly.
- He had attended the Yea Wetlands Committee of Management Annual General Meeting and
- Will be attending the Great Victorian Railtrail Committee Annual General Meeting tomorrow.

10.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr Walsh advised:

- In relation to the tree planting at Hume & Hovel, conveyed his thanks to Albury City Council for donating the tree for the event.
- Will be attending the Battle of the Bands at Flowerdale next Friday.

10.8 GENERAL BUSINESS

No general business.

11. MATTERS DEFERRED FROM PREVIOUS MEETING

None deferred.

12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

No notices of motions.

13. ASSEMBLIES OF COUNCILLORS

File No: 12/01/06

Purpose:

This report presents the records of assemblies of Councillors for the 24 July 2013 to 14 August 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 24 July 2013 to 14 August 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	Discussion prior to Ordinary Meeting
Meeting Date	24 July 2013
Matters discussed	<ol style="list-style-type: none"> 1. KFT Plan status and implementation 2. 2013/14 Fees and Charges amendments 3. Supplementary valuations 4. Rates and Charges abandoned 5. Township entrance and community events Signage Policy
Attendees: Councillors – Cr Walsh, Cr Derwent, Cr Challen, Cr Kennedy, Cr Magner, Cr Rae	Staff – M Chesworth, R Cherry, T Johnson, D Cocks, J Canny, R Bastin
Conflict of Interest disclosures – Cr Walsh regarding Item 2 – 2013/14 Fees and Charges amendments	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	7 August 2013
Matters discussed	<ol style="list-style-type: none"> 1. Memorials Project 2. Planning Reports – Request for Rural Living Zone 3. Planning Reports – VCAT decision

	4. Planning Reports – Proposed Amendment C50 5. Fire Services Property Levy 6. CFA land request to Council
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Magner, Cr Kennedy, Cr Challen	Staff – M Abbey, R Cherry, T Johnson, M Chesworth, M Parsons, S Mortensen
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Murrindindi Environment Advisory Committee
Meeting Date	13 August 2013
Matters discussed	1. Roadside Management Plan 2. Green Building Program 3. Environment Communications Plan 4. Member Updates
Attendees: Councillors –Cr. Kennedy	Staff – M Chesworth, Z Stephens
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	14 August 2013
Matters discussed	1. Flowerdale Flood Study 2013 2. Subdivision – Kinglake West 3. Amendment C42 – Murrindindi Planning Scheme 4. Telecommunications Facility – Buxton 5. Yea Saleyards Ten Year Plan 6. Draft Capital Works Policy 7. Landfill Update 8. Protected Disclosures 9. Rating Strategy Review 10. Community Satisfaction Survey
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Kennedy, Cr Magner, Cr C Challen	Staff – M Abbey, T Johnson, R Cherry, K Girvan, M Parsons, M Chesworth
Conflict of Interest disclosures - Nil	

RESOLUTION:

Cr C Challen / Cr J Kennedy

That Council receives and notes the record of assemblies of Councillors for 24 July 2013 to 14 August 2013.

CARRIED**14. URGENT BUSINESS**

Nil.

RESOLUTION:

Cr M Rae / Cr B Magner

That the meeting be closed to the public pursuant to s.89(2)(h) of the *Local Government Act 1989* due to matters which the Council or special committee considers would prejudice the Council or any person.**CARRIED****The meeting closed to the public at 8.14 pm.**

RESOLUTION:

Cr M Rae / Cr C Ruhr

That the meeting re-open to the public.

CARRIED

The meeting re-opened to the public at 8.21 pm.

In accordance with the confidential Council resolutions the Chair, Mayor John Walsh, released the following resolutions:

15.3 MARYSVILLE VILLAGE - DEED RELATING TO SUBDIVISION

File No: CONFID/06/05/11

RESOLUTION:

Cr C Challen / Cr B Magner

That Council affix its common seal to all transfers of lots 5A, 7A, 8A and 12A on PS401066J as required in accordance with a deed relating to subdivision dated 27 March 2013 made between Council, Owners Corporation Plan No. PS401066J, the Marysville Village Residents Association Inc and the owners of all other lots on that plan of subdivision.

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 8.22 pm.

CONFIRMED THIS

CHAIRPERSON
