



AGENDA
of the
ORDINARY MEETING OF COUNCIL
To be held on
WEDNESDAY 28 OCTOBER 2015
in the
ALEXANDRA COUNCIL CHAMBERS
commencing at
7.00 pm

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

REF: SF/306

3. CONFIRMATION OF MINUTES

➤ Minutes of the Ordinary meeting of Council held on 23 September 2015

Officer Recommendation:**That the Minutes of the Ordinary meeting of Council held on 23 September 2015 be confirmed.****4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

REF: SF/783

5. PUBLIC PARTICIPATION TIME**5.1 QUESTIONS OF COUNCIL****5.2 OPEN FORUM**

REF: SF/130

5.3 PETITIONERS SPEAKING TO PETITIONS

REF: SF/132

6. OFFICER REPORTS**6.1 CASTELLA QUARRY – PROPOSED AMENDMENT OF CONDITIONS**

Ref: 1999/75

Land: 2900 Melba Highway Castella

Proposal: Amendment of conditions

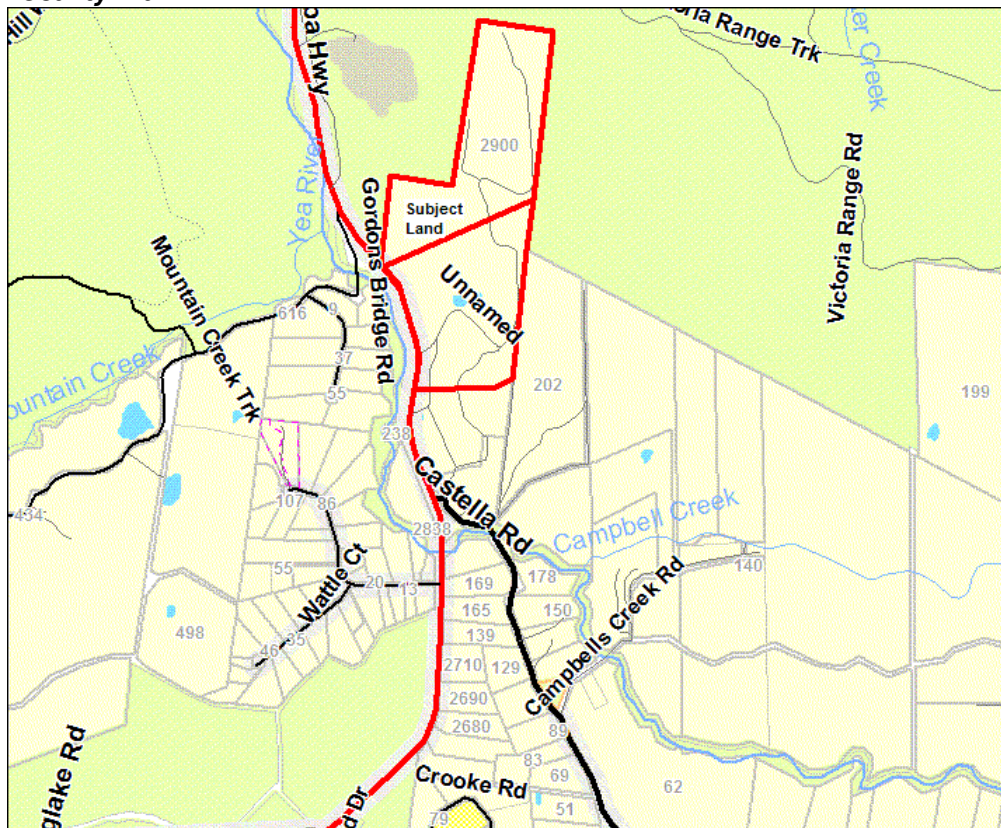
Applicant: Filja Pty Ltd

Zoning: Farming

Overlays: Bushfire Management Overlay

Attachments: Request for extended hours

(Refer Attachment 6.1 – Application details (TRIM 15/45359))
(aerial photograph and submissions distributed separately)

Locality Plan**Purpose:**

This report recommends that a request for amendment to the previous approval for extended hours be partly supported.

Officer Recommendation:

1. That Council support the amendment of conditions approved at the Ordinary Council Meeting of 22 July 2015 as follows:

Condition 4 – amend the wording to allow the log of trucks accessing the site before 7am to be provided within 3 days on request of the Responsible Authority.

Condition 9 – amend the wording to link any complaints that may impact on withdrawal of consent to actual truck movements as evidenced by the log of truck movements required by condition 4.

2. That Council agrees to reassess the number of vehicle movements allowed before 7am, as detailed in Condition 4, on receipt of additional noise testing, once the road realignment works have been completed.

Background:

The quarry operates under planning permit 1999/75 which was issued by the Minister for Planning as part of the approval of the consolidated Murrindindi Planning Scheme. At the time that the consolidated scheme was approved, any existing use that had specific conditions of use built into the relevant planning scheme was translated into a planning permit. In this instance the quarry operation was approved by the Shire of Healesville and the operating conditions were contained within the Healesville Planning Scheme.

The conditions that were placed on the quarry when it was approved in 1994 generally relate to the need to comply with development and management requirements of the quarry as well as protecting neighbourhood amenity with the limitation of hours that were included in the Ministers approval of the amendment.

At that time of the original application to the Shire of Healesville the quarry requested hours from 6am to 6pm Monday to Friday and 6am to 4pm on Saturdays. It was noted at the time that the start of 6am was based on a 7am start with the rationale that the first hour would be spent assessing and preparing for the day's work with the starting of plant and heavy machinery not commencing until 7am. It was also noted that the noise levels predicted from the quarry would comply with the day period but it was less certain whether the noise level for the afternoon period (Saturday afternoon) would be achieved.

The proposed hours of operation were altered through the amendment process and by the time the matter went to a panel hearing the proposed hours were 7am to 6pm Monday to Friday and 7am to 4pm on Saturdays for quarry and cartage operations.

Amendment L42 to the Healesville Planning Scheme was approved by the then Minister for Planning, The Honourable Rob Maclellan with three changes as follows:

- Reduced the operating hours on Saturdays to 7am to 1pm – condition Q
- Included a condition requiring that the proposed access road must be screen planted with locally indigenous vegetation - condition Eii
- Changed the condition relating to noise emissions to clarify that noise levels including those from quarry trucks using the internal access road must comply with the relevant noise policies of the EPA – condition F

As part of the consolidation of the seven original planning schemes into the Murrindindi Planning Scheme all particular developments that were approved via a planning scheme amendment were given a planning permit with the conditions of use being transferred into that permit. The approval is then treated as a normal planning permit and the wording of Condition Q in the permit allows a change to the hours of use as a 'secondary consent' and can be done with the written approval of the Responsible Authority.

Complaints from nearby owners highlighted that the quarry was operating outside of the approved hours and they were then directed to cease operations prior to 7am. The quarry subsequently applied for Council consent to extend the hours of operation. Permission was granted on 24 April 2013 for a 6am commencement on a temporary basis subject to a number of conditions. One component of these conditions was for further testing by an acoustic consultant. A further application was lodged earlier this year which included the offer to realign part of the access road in order to alleviate neighbourhood concerns around noise issues from truck movements to and from the quarry.

On that basis Council resolved at the Ordinary Council Meeting, 22 July 2015 to allow a limited extension of operating hours subject to nine conditions as follows:

1. All operations including truck movements, excavation, drilling, crushing and screening of product may only take place from 6.00am to 6.00pm Monday to Friday inclusive and 7.00am to 1.00pm on Saturdays.
2. Maintenance may be conducted as specified in the planning permit.
3. The quarry owner shall provide to the Responsible Authority a list of trucks that will be permitted on site before 7am, providing evidence that trucks have been assessed as satisfactory having regard to the Recommended Maximum Noise Levels (RMNL) and the acoustic report. An updated list and associated evidence is to be provided to the Responsible Authority whenever a truck is added to, or removed from, the list.

4. The quarry owner shall provide to the Responsible Authority on a monthly basis a log of all trucks that have accessed the site prior to 7am including dates, times and identification of the vehicles. There should be no more than two truck movements in any half hour period before 7am.
5. The quarry owner must maintain the existing signage and code of conduct to ensure continued driver education for both day and night periods.
6. Within 9 months of the date of this consent the quarry operator will realign that section of the quarry access road from the first right hand bend to the first left hand bend in a manner that achieves a gradient of approximately 13%.
7. All extended hours of use of the quarry as permitted by this consent must cease if the access realignment is not completed within 9 months of the date of this consent.
8. Monitoring of the extended hours is to be conducted through the Responsible Authority with the quarry operator advising of any complaints received related to the extended hours and any subsequent actions. Notification to be within 7 days of the receipt of any complaint.
9. The Responsible Authority may withdraw this consent with 3 months written notice to the quarry operator. Such withdrawal may occur on the basis of a reasonable belief by the Responsible Authority that the amenity of local residents is being adversely impacted.

Proposal:

The current request is for the conditions of approval to be amended in order for the following changes to be made:

- a) Extend early hours to include Saturdays from 6am.
- b) Supply the log of trucks that have accessed the site before 7am when requested instead of monthly.
- c) Alter the restriction on the number of trucks that can access the quarry between 6am to 7am from 2 truck movements each half hour to a maximum of 180 truck movements in a calendar month and 20 truck movements on a single day.
- d) Allow variation in the truck numbers above on the basis of specific contract requirements.
- e) Alter condition 9 to link any complaints that may impact on withdrawal of consent to actual truck movements as evidenced by the log of truck movements required by condition 4.

The submission by the quarry states that due to the length of time it takes to access the quarry, load and exit they are unable to adequately provide a service for their customers when there is an expectation that the product will be on site by 7am. They are therefore unable to service contracts that require early delivery.

There has been a substantial amount of work done by the quarry to reduce their noise levels in the time frame prior to 7am. This includes signage on the quarry road and a limitation on the vehicles accessing the site prior to 7am to the quieter trucks.

The Land & Surroundings:

The quarry is situated on a site of 92 hectares on the eastern side of the Melba Highway. The excavation area is approximately 20 hectares and is located at an elevation 280 metres above the Melba Highway with the driveway leading into the quarry being more than 2km in length.

The land is surrounded by the Toolangi State Forest to the west, north and east with Farming zoned land to the south and an area of Low Density Residential zoned land to the south west on the western side of the Melba Highway. Thirteen Low Density Residential lots are located within 500 metres of the quarry property boundary with the majority in Moore Court and three in Wattle Court. All of the objections received are from occupants of Moore Court which is the closest area to the quarry and access road.

Referrals:

The application was not referred to any authorities. The Work Authority for the site allows for the same hours of use as the planning permit.

Consultation:

This application does not have third party rights, however given the importance of this application the amended proposal was notified to all owners that previously lodged a submission with Council on this matter.

Newspaper / Other	Publishing/Consultation Date(s)
Mail out:	21 September 2015

Two further submissions have been lodged as a result of the new application by the quarry. These submissions object to the proposed extension of truck numbers and raise the following issues:

Submitter 1

1. The submission points out the previous permission was linked to noise testing and the EPA guidelines and this was a reasonable decision but to allow up to 10 trucks per hour would potentially have these trucks descend along the driveway in one continuous stream.
2. The original quarry was restricted to a 7am start and on that basis the infrastructure was built and a decision made that the quarry was viable under these circumstances.
3. This change is to allow the business to increase profits which then has a detrimental impact on neighbourhood amenity.
4. The low density residential area was existing prior to the construction of the quarry.
5. The number of trucks that can meet the night time noise levels are limited and during the daytime hours the quarry still operating noisy trucks that may not even meet the daytime noise limit.
6. Is concerned that in the event of a large contract the trucks will be those of the client making it difficult for the quarry to control noise.
7. Believe that noise testing can be manipulated and the only independent survey was by AECOM which stated that to comply with the guidelines the night time noise limits can only be met when no more than 2 truck movements per half hour travel on the access road.
8. If this is an issue trucks should be loaded in the afternoon prior to delivery.

Submitter 2

1. Background noise levels are low and highway traffic was limited to 5 vehicle movements between 5:20am and 6:30am during one morning that vehicles were monitored.
2. Truck movements can be very noisy inside house during daytime.
3. Children wake up every time the quarry starts operating, can also hear noise that is probably the sound of rock being tipped into trucks.
4. Property has direct line of sight to the quarry access path and trucks can be seen from midway up the access road to the top which is when the sound peaks.
5. Noise from Highway does not impact at house.

The objection issues received to this application shows the impact of noise varies and this would be partly due to the second submitter's house being 85 metres higher than the first submitter with the impacts therefore being different between the two properties.

Planning Considerations:

The main issue with the submissions relates to noise, both from trucks entering and exiting the quarry via the access road and also from one property about noise at the loading facility.

The current submission sets out the same information and justification as that previously before Council with the request being based on economic grounds.

The quarry approved operation hours were from 7am to 6pm Monday to Friday and 7am to 1pm on Saturdays. The current limited permitted use from 6am to 7am allows a further hour of use Monday to Friday which extends the quarry operations to 12 hours per day. While the economic reasons for increasing the truck movements are understood, these reasons must be balanced against the amenity considerations of the Low Density Residential area that is impacted by this use. It is also important to take into consideration the conditions that permitted the use to commence originally which were partly in place to protect the amenity of the nearby housing.

Noise testing has previously occurred in relation to truck movements into and out of the quarry by WGM in 2012 and AECOM in 2014. The assessment framework for noise in regional Victoria is the EPA Publication 1411 *"Noise from Industry in Regional Victoria, - Recommended Maximum Noise Level*. This document is a guideline only and Council can approve a use that has noise impacts outside the recommended limits. The ability to use the discretion allowed by the guidelines is being sought. This discretion provides flexibility to allow non-compliance providing best practice is adopted in minimising noise generation.

Noise is measured in accordance with day time and night time levels with night time extending until 7am. The time prior to 7am is considered to be sleep time and the allowable noise levels are therefore reduced.

The effective noise level readings are determined by the measured noise level, the duration of the noise and tonality adjustment. This means that the number of truck movements can impact on compliance outcomes. For example, using the AECOM readings as set out below the allowable number of truck movements to achieve compliance with the noise criteria is 16 per half hour during the day period and 2 per half hour during the night period. The table below compares the effective noise level readings undertaken in 2012 and 2014 and the impact of the predicted noise reduction of the proposed realignment of the access road, compared to the RMNL.

	Day period (after 7am)	Night period (prior to 7am)
WGM effective noise level readings 2012	52dB(A)	n/a
AECOM effective noise level readings 2014	46dB(A)	42dB(A)
Potential noise decrease of 1dB(A)	45dB(A)	41dB(A)
Potential noise decrease of 2dB(A)	44dB(A)	40dB(A)
Recommended maximum noise level (RMNL)	47dB(A)	38dB(A)

It is likely that the potential change in noise levels after the road realignment will allow more than the existing permitted 2 truck movements in each half an hour prior to 7am although this would need to be verified by noise testing at that time.

The request for an extended number of truck movements prior to 7am will certainly adversely impact on the residential properties in the vicinity of the quarry with trucks continuously either accessing or exiting the site during that time. The NIRV guidelines provide the most effective way of monitoring and assessing noise levels and have been used as a basis for setting the maximum number of truck movements within the existing approved conditions. Further testing could be done to reassess the limit once the realignment works have taken place and the impact on residential properties can be properly quantified.

The request to alter condition 4, relating to the log requirements to allow the information to be provided on request instead of monthly, and the request to alter condition 9, to link any complaints that may impact on withdrawal of consent to actual truck movements as evidenced by the log of truck movements, are administrative in nature and will not adversely impact on any other party, while still giving Council the ability to adequately monitor the truck movements and complaints. The information from the truck log will be available on request and within a time frame of 3 days. It is also reasonable to link the complaints with actual truck movements as this would be the basis for the complaint and would need to be proven. Therefore these amendments to the conditions could be granted without detriment.

Conclusion:

The main request to increase the potential truck movements between 6am to 7am on any given day, to up to 20 from the current approved limit of 4, is a significant increase. The NIRV guidelines provide the most effective way of monitoring and assessing noise levels and have been used to set the maximum number of truck movements within the conditions. Further noise testing could be used to reassess the limit once the realignment works have taken place.

No new information has been supplied as part of this submission that would alter the previous permission. Given that noise impacts are so subjective it is appropriate that the guidelines are used as a tool to measure impact and set the appropriate level of use.

Legal/Policy Issues:

State Planning Policy Framework

14.03 Resource Exploration and Extraction

Strategy	Protect the opportunity for exploration and extraction of natural resources where consistent with overall planning considerations and application of acceptable environmental practice
	Provide for the long term protection of natural resources in Victoria
Policy Guideline	To consider as relevant any policy guideline relating to State Environment Protection Policy

Particular Provisions

52.09 Stone Extraction and Extractive Interest Areas

Purpose	To ensure use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction
	To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development
Decision Guidelines	The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area

Other

Noise from Industry in Regional Victoria (NIRV – EPA publication 1411)

- Planning Scheme requires document to be considered as relevant
- Document used for assessment of noise outside Melbourne Metropolitan area. Is a guideline only and needs to be applied through a statutory instrument such as a notice or a permit
- Requirement should be placed in permits issued that noise must comply with the relevant noise emission policy of the EPA to the satisfaction of the Responsible Authority

6.2 COMMUNITY GRANTS JUNE TO SEPTEMBER 2015

REF: 15/53278

Attachment/s: Community Grants Summary June to September 2015
(Refer Attachment 6.2 – Application details (TRIM 15/53280))

Purpose:

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

Officer Recommendation:

That Council endorses the recommendations made by the Community Grants Assessment Committee as outlined in the following table:

Application	Funding sought	Recommendation
1. Berry Street Connect for Kids	\$2,585	Not supported
2. Yea Community House	\$5,000	Supported with grant of \$3,100
3. Rotary Club of Alexandra Inc.	\$5,000	Supported with grant of \$2,000
4. Triangle Food Op Shop	\$4,975	Supported with grant of \$4,000
5. The Outdoor Education Group	\$3,500	Supported with grant of \$3,000
6. Macedonian Orthodox Community	\$1,800	Supported with a grant of \$1,200
7. Buxton History Group	\$790	Supported with a grant of \$750 (grant provided)

Background:

Applications for the June to September 2015 cycle of Council's Community Grants Program were assessed by the Community Grants Committee comprising the Mayor, Deputy Mayor and the Chief Executive Officer.

Seven applications for grant funding were received in this round. All applications and the Committee's recommendations are summarised in the attached document (Attachment 6.2).

Council Plan/Strategies:

The Community and Emergency Grants process is an operational outcome of the 2013-2017 Council Plan theme of Community to provide a seed funding pool to support community initiated projects.

Legal/Policy Issues:

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

Financial/Resources/Risk

This is the first grant round for the 2015/16 financial year and there is an annual allocation of \$30,000 in the budget for Community and Emergency Grants. The Assessment Committee is recommending that \$14,050 is allocated in this round. This leaves a total of \$15,950 for the two subsequent rounds this financial year.

Discussion:

Seven applications were received from community organisations for the June to September 2015 round. These applications are listed in the attached Community Grants summary.

The committee aimed to ensure all eligible projects were supported, while being mindful of the need to retain adequate funds for the subsequent grant rounds in this financial year. To this end, the committee approved or recommended funding many grant requests in part.

The committee has approved the following application as it falls within the delegation of under \$1,000:

- The Buxton History Group sought a grant of \$790 to contribute to the Buxton Residents Reunion and Buxton Primary School 140th celebration. The committee approved \$750 for the group, a slight decrease from the amount requested reflecting existing Council contribution to insurance costs for the Buxton Hall where the event will be held.

The committee recommended that the following applications be supported:

- Yea Community House sought a grant of \$5,000 to assist in the upgrade of their furniture and storage to improve community use of the meeting space and enhance the programs that could be offered. The committee is recommending this application be supported with a grant of \$3,100, matching the cash and in kind contribution made by Yea Community House.
- Rotary Club of Alexandra sought a grant of \$5,000 to support the delivery of the Alexandra Lifestyle and Leisure Expo. The Expo intends to showcase the leisure industry and the environmental advantages of Murrindindi to promote employment prospects through lifestyle choices. The committee raised concerns that while this was a strong initiative, it is uncertain the number of people who will be attending and the scale of the event may need to be adjusted accordingly. The committee is recommending this application is supported with a grant of \$2,000.
- The Triangle Food Op Shop sought a grant of \$4,975 to develop a community garden to further support and enhance the Triangle Food Op Shop initiative. Alexandra District Health will auspice the proposed grant. The committee has recommended that this be supported with a \$4,000 grant.
- The Outdoor Education Group sought a grant of \$3,500 to support the development and delivery of a five day camp in partnership with Alexandra Primary school and Secondary College. The camp aims to support identified young boys who need additional support. The committee has recommended this application be supported with a grant of \$3,000.
- The Macedonian Orthodox Community sought a grant of \$1,800 to assist in funding the two year community celebration of the rebuilding of the Macedonian Orthodox Monastery St Kloment of Ohrid after the 2009 bushfires. The celebration will be open to the community. The committee recommended that this application be supported with a grant of \$1,200.

The committee recommended that the following application not be supported:

- Berry Street sought a grant of \$5,000 to support the Rad Recreation two day camp designed to work with disengaged youth aged 15-20 years of age in eastern Murrindindi. The committee felt that this initiative was part of a larger program that could be funded through other sources. Council officers will meet with Berry Street to offer assistance to seek other funding.

Council officers will provide feedback to applicants in writing and will provide further information in person or by phone as requested.

Consultation:

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

Conclusion:

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

6.3 MUNICIPAL RELIEF AND RECOVERY PLAN ADOPTION

REF: 15/53175

Attachment/s: Municipal Relief and Recovery Plan
(Refer Attachment 6.3 – Application details TRIM 15/39148))

Purpose:

The purpose of this report is to provide Council with information on the recent review of the Municipal Relief and Recovery Plan September 2015.

Officer Recommendation:

That Council endorse the final Municipal Relief and Recovery Plan September 2015 as attached to this report.

Background:

There is a requirement for municipalities to plan for and provide resources from within the municipal area in the event of an emergency, both in response and recovery, in accordance with the *Emergency Management Act 1986*, Part 4 (s18-21A) "Responsibilities of Municipal Councils". As part of this process, Murrindindi Shire Council has developed a Municipal Relief and Recovery Plan which outlines all of the operational requirements of Council in emergency management in the local coordination and delivery of local relief and recovery.

The reviewed plan (Attachment 6.3) includes a clear statement on the capacity and capability of all agencies at the local level to assist with the delivery of relief and recovery services. This allows Council to plan better by alerting regional, State and other municipalities of our capacity in relief and recovery. The overall aim with the Relief and Recovery Plan is the seamless delivery of relief and recovery services in our municipality in the case of an emergency.

Council Plan/Strategies:

The reviewed Relief and Recovery Plan is consistent with strategies outlined in the Murrindindi Shire Council Plan 2013-2017, specifically in relation to the 'Social Connectedness' goal. They include:

- Ensure that Council's emergency management planning responds to community safety needs
- Work with communities to build resilience and prepare for future unplanned events.

Legal/Policy Issues:

The Municipal Relief and Recovery Plan review is in accordance with Local Government responsibilities under Part 4 of the Emergency Management Manual Victoria (the State Emergency Relief and Recovery Plan), the *Emergency Management Act 1986* and has been undertaken with awareness of *Emergency Management Act 2013* which will in time supersede the 1986 Act.

Financial/Resources/Risk

The review of the Municipal Relief and Recovery Plan was fully funded within Council's existing budget.

Discussion:

A number of issues were raised at the community information and community group consultation sessions, these included:

- A need to better prepare local communities for impact and alerting the community to which potential services may be available during an emergency that are coordinated by Council. In response it was explained that Council aims to provide information to the community via a number of formats regarding emergency management including detailed information regarding emergencies on our website and through other media during an emergency.
- The key part community groups can provide through the supply of local knowledge – no one knows a community better than those that live in it. This is essential information in a time of crisis. This has been incorporated in the plan.
- Better equipping local sites for emergencies e.g. providing access points for generators if power goes out requires special wiring and the provision of generators themselves. This issue was raised at a number of community sessions. Council advised that we could assist community groups in applying for grants for generator wiring but were not in a position to provide financial assistance to non-government buildings for the suggested rewiring or provide generators at this time.

There were no submissions received during the public display period.

At the recent Municipal Emergency Management Planning Committee (MEMPC) meeting (24 September 2015) the Municipal Relief and Recovery Plan was endorsed as a sub-plan to the Municipal Emergency Management Plan. In accordance with the relevant legislation, the final step in the approval process is endorsement by Council. Once this has occurred, the plan will become the new Relief and Recovery Plan for the municipality.

A number of small changes to the document were suggested by member agencies of the MEMPC including the suggestion for clarification on the 'Personal Information Form' (PIF) by Red Cross. The PIF is the form Council fills out for each person that registers at an Emergency Relief Centre. Red Cross also fills out a Register.Find.Reunite form so that people registering at an Emergency Relief Centre can also register on the national Register.Find.Reunite database. The changes were made to avoid confusion between the two related but separate documents.

A number of positive comments were received regarding the comprehensiveness of the review of the plan and the extensive consultation process in both the community engagement sessions and by MEMPC members.

Consultation:

The Municipal Relief and Recovery Plan was subject to a comprehensive consultation program. This included:

- Two community information sessions in Kinglake and Alexandra

- Five community group mapping sessions in Kinglake (x2), Marysville, Eildon and Yea to determine capacity of community groups to assist Council in the delivery of relief and recovery services.
- The plan was on public display for 28 days for comment on the Council website.
- A number of further agency and community group specific meetings (including meetings with Red Cross, Rotary, Lions, Victorian Council of Churches, and Nexus Primary Health) over a 6 week period.

Letters were sent out to all of the known service clubs and groups in Murrindindi Shire to gauge their capacity to assist in a local emergency. 28 groups provided detailed responses which are included in the plan.

A total of 11 people attended the community group sessions and 7 people attended the community information sessions.

Newspaper / Other	Publishing Date(s)
<i>Newspaper:</i>	
Alexandra Standard	29 July and 5 August
Yea Chronicle	29 July and 5 August
North Central Review	28 July and 4 August
Eyes on Eildon	August
Marysville Triangle	31 July and 7 August
<i>Consultation:</i>	
Service club / Community group sessions	Eildon – 9 July, 6.30 – 8.30pm Kinglake – 16 July, 10-12noon and 7 9pm Yea - 24 July, 6.30 – 8.30pm Marysville – 30 July, 6.30 – 8.30pm
Community Information sessions	Alexandra – 10 August, 6.30 – 7.30pm Kinglake – 13 August, 7 – 8pm
<i>Mail out:</i>	
Letter to community groups	week of 29 June and 6 July
<i>Council website:</i>	
Public display of plan	August

Conclusion:

To effectively plan for and respond to an emergency event, Council needs an operational plan that focuses on its key role in an emergency; the coordination of relief and recovery. The Municipal Relief and Recovery Plan will assist Council, local, regional and State agencies and the community in the delivery and coordination of relief and recovery services.

6.4 PROPOSED GAMING POLICY, MURRINDINDI PLANNING SCHEME

File No: 15/47364

Attachments: Murrindindi Shire Gaming Policy Review, October 2015 (*Refer Attachment 6.4a - Application details (TRIM 15/51264)*)
Electronic Gaming Machines Policy (*Refer Attachment 6.4b – Application details (TRIM 15/13009)*)

Purpose:

The purpose of this report is to recommend that Council adopt the *Murrindindi Shire Gaming Policy Review, October 2015*, endorse its implementation in the planning scheme and revoke the current *Murrindindi Shire Electronic Gaming Machines Policy*.

Officer Recommendation:

That Council:

1. **Adopt the *Murrindindi Shire Gaming Policy Review, October 2015*.**
2. **Endorse the preparation of a planning scheme amendment to implement the review.**
3. **Revoke the current *Murrindindi Shire Electronic Gaming Machines Policy*.**

Background:

Murrindindi Shire has only one operating gaming venue, the Thornton Hotel – Motel, presently operating up to 25 gaming machines. This number is a low percentage of the current defined Victorian Commission for Gambling and Liquor Regulation municipal cap for Murrindindi Shire of 111 gaming machines.

Under Clause 52.28 of the Murrindindi Planning Scheme, a planning permit is required to install or use a gaming machine. The schedule to Clause 52.28-4 prohibits gaming in all strip shopping centres in Murrindindi Shire but all other areas can be considered through the planning permit process. A credible gaming policy in the planning scheme can be used to guide the decision process.

Council Plan/Strategies:

The proposed amendment is consistent with the Our Environment goal in the Murrindindi Shire Council Plan 2013-2017, specifically in relation to the strategic objectives and directions relating to Planning for Urban Growth and implementing ongoing changes to the Murrindindi Planning Scheme.

Legal/Policy Issues:

There are no legal issues associated with the proposal. A gaming policy will amend and introduce policy into the Murrindindi Planning Scheme to outline preferred areas and performance measures for gaming.

Financial/Resources/Risk

The total budget for this gaming policy was \$22,000, partly funded under the Community Services budget (\$4,550) but mostly funded through the Development Services budget.

Discussion:

A gaming policy will provide an adequate strategic background to justify policy changes for gaming in the planning scheme.

Given the low number of existing gaming machines in the municipality compared to the municipal gaming cap, there is potential for further gaming machine proposals. Although there are no known proposals for further gaming machines in the municipality, a gaming policy is a proactive approach to guide future proposals, if and when they are received.

A gaming policy cannot further prohibit gaming in areas other than strip shopping centres where gaming is already prohibited. This policy approach can however nominate preferred or non-preferred areas for future gaming. The *Murrindindi Shire Gaming Policy Review* is attached for information, comprising discussion and a draft gaming policy for inclusion in the planning scheme. Refer to Section 1, Executive Summary.

The gaming policy review outlines five key principles for future gaming approaches and the proposal:

1. Gaming machines should be accessible but not convenient.
2. Protect problem gamblers and vulnerable communities.
3. The provision of gaming machines should be capped, densities controlled and the number of new venues minimised.
4. A choice and diversity of other entertainment facilities and attractions should be available.
5. Venues should be designed and operated to minimise harm and amenity impacts.

The gaming policy review outlined a series of key findings that included:

- There is an opportunity for a limited expansion of gaming venues and facilities in the Shire in locations where visitation and tourism are concentrated and economic development is sought.
- In the event of limited expansion of gaming venues, locations with greater tourist visitation are more suitable, such as Yea, Marysville and Eildon;
- While Clause 52.28 prohibits gaming machines in strip shopping centres, it is desirable that gaming is also strongly discouraged in areas immediately adjacent to these prohibited areas.

The most appropriate means of implementation of the gaming review and policy is considered to be:

1. Council adoption of the review and draft policy.
2. Preparation and exhibition of an amendment to the Murrindindi Planning Policy to implement the adopted gaming policy by:
 - Inclusion of the adopted review as a reference document to the planning scheme;
 - Inclusion of proposed strategic directions for gaming in the planning scheme;
 - Inclusion of policy directions for gaming in the planning scheme.

The gaming policy review and its proposed implementation through a planning scheme. Amendment will replace the Council's current Electronic Gaming Machines Policy (Attachment 2). This policy is out of date and does not reflect the recommendations in the Gaming Policy Review. A recommendation is being made to Council to revoke it in conjunction with the adoption of the *Murrindindi Shire Gaming Policy Review*.

Consultation:

Consultation for the gaming policy comprised:

- Internal consultation with Council and relevant Council staff;
- Some consultation with key stakeholders (May 2015);
- Consultation with the general community through two public meetings (May 2015).

Additional consultation will occur at a later stage through the formal exhibition of an amendment to the Murrindindi Planning Scheme to implement an adopted gaming policy.

Conclusion:

A gaming policy will guide potential future applications for planning permits for gaming machines within Murrindindi Shire. The new gaming policy will be implemented through an amendment to the Murrindindi Planning Scheme.

6.5 KINGLAKE, FLOWERDALE & TOOLANGI STREETScape MASTER PLAN

File No: SF/1652

Attachment: Final draft Kinglake, Flowerdale and Toolangi Streetscape Masterplans 2015, proposed for adoption (*Refer Attachment 6.5 – Application details (TRIM 15/51244)*)

Purpose:

The purpose of this report is to recommend that Council adopt the *Kinglake, Flowerdale and Toolangi Streetscape Masterplans 2015*.

Officer Recommendation:

That Council adopt the *Kinglake, Flowerdale and Toolangi Streetscape Masterplans 2015*, as attached.

Background:

The Kinglake Flowerdale Toolangi Plan and Design Framework (KFT Plan) was initiated in 2010 to form the Victorian State Government response to the 2009 bushfires and Victorian Bushfires Royal Commission. Council adopted the KFT Plan in February 2014.

A key recommendation of the KFT Plan was a need for more detailed streetscape master planning in town centres and community nodes to define potential future improvements and integrate a number of activities to be undertaken by Council and others. In response to this recommendation, the KFT Streetscape Masterplans have been prepared to guide future design and works in the public realm, roads, and some adjoining private land areas in the Kinglake, Kinglake West - Pheasant Creek, Flowerdale (northern, central and southern precincts) and Toolangi community precincts.

Council Plan/Strategies:

The proposed streetscape masterplans are consistent with the Our Environment goal in the Murrindindi Shire Council Plan 2013-2017, particularly the *Planning for Future Growth* strategic objectives to:

- Review and progress Council's implementation of its Urban Design Frameworks for settlements within the Shire;
- Advocacy to the State Government regarding the adoption and implementation of the Kinglake, Flowerdale and Toolangi (KFT) Plan and Design Framework.

Legal/Policy Issues:

There are no legal issues associated with the streetscape masterplans. The completion of the plan will provide Council with a strategic and technical basis for the future provision of streetscape works in the plan area.

Financial/Resources/Risk

The budget for the streetscape masterplans, secured through the previous Victorian Bushfire Recovery and Reconstruction Authority (VBRRA), was placed in trust with Council for this purpose and included in Council's 2014/2015 budget.

Discussion:

The draft streetscape masterplans outline a detailed list of projects for each identified precinct (refer to Section 3.1 Projects, of the attached draft streetscape plan for further detail), identifying the following projects and potential further actions:

Toolangi:

TO1: Shared user path upgrade.

TO2: Enhance northern entrance to create better amenity and a 'gateway' to the entrance of the township.

TO3: Enhancement of community building streetscape interface.

Further actions:

1. Investigate a location for and the feasibility of long-vehicle parking to support existing bridle trails.
2. Proposed entrance signage including information on the locality, other nearby settlements and features of the area.

Kinglake:

KL1: Glenburn Road and Whittlesea-Kinglake Road roundabout.

KL2: Enhancement of Main Street.

KL3: Enhancement of the Healesville-Kinglake Road Intersection.

KL4: Kinglake pub car park and surrounds.

KL5: Shared user path upgrade.

KL6: Streetscape enhancement.

KL7: Recreation / tourism shelter area upgrade.

Further actions:

1. Investigate the upgrade of the picnic area and playground.
2. Proposed signage including information on the locality, other nearby settlements and features of the area.

Kinglake West - Pheasant Creek:

KP1: Shared user path upgrade.

KP2: Formalised public car parking.

KP3: Proposed planted verges.

KP4: Entry feature planting.

Further actions:

1. Improved retail forecourts. To be undertaken in consultation with individual retail owners.
2. Investigate improvement to existing bus stop shelter.
3. Proposed entrance signage including information on the locality, other nearby settlements and features of the area (notably Kinglake West - Pheasant creek and information signage to Kinglake National Park, Mount Sugarloaf and Mason Falls).

Flowerdale South:

FS1: Enhancement of Flowerdale Community House street interface.

FS2: Enhancement of creek environs.

FS3: Whittlesea-Yea Road median.

FS4: Shared user path upgrade.

Further actions:

1. Proposed entrance signage including information on the locality, other nearby settlements and features of the area.
2. Investigate improvement to existing bus stop shelter.

Flowerdale Central:

FC1: Improvement and formalisation of bus stop and toilet area.

FC2: Shared user path upgrade.

FC3: Formalised general store car park.

FC4: Rejuvenated public open space amenity.

Further actions:

1. Proposed entrance signage including information on the locality, other nearby settlements and features of the area.

2. Investigate improvement to existing bus stop shelter.

Flowerdale North:

FN1: Planting to denuded areas.

FN2: Shared user path upgrade.

FN3: Improved pedestrian crossing.

Further actions:

1. Proposed entrance signage including information on the locality, other nearby settlements and features of the area.
2. Investigate an area of improved amenity along the shared user path.

Potential projects have been given an estimation of priority and indicative cost. When adopted, the streetscape masterplans will inform future Council capital works programs, specifically for works on roads. The adopted masterplans, including identified projects and potential further actions, will be considered and prioritised against other works when determining Council's annual budget and strategic resource plan (capital works program) allocations.

Draft Amendment C53 has been prepared to implement the adopted KFT Plan into the Murrindindi Planning Scheme. Given that the development of the KFT Plan involved extensive community engagement, a request has been made to the Minister for Planning to prepare and approve Amendment C53 without exhibition. Given that the streetscape masterplans recommended by the KFT Plan is primarily a works plan rather than a land use planning document, it is considered that specific reference of the adopted plan as a reference or policy document to the planning scheme is not required.

Consultation:

The development of the streetscape masterplans was informed by three community consultation sessions held in Kinglake (26 November 2014), Flowerdale (16 December 2014) and Toolangi (16 December 2014). The submissions, including the use of feedback forms, were incorporated into the final draft of the masterplans.

Exhibition of the final draft streetscape masterplans was undertaken between 1 and 31 March 2015. One submission was received, relating to the correct definition of Kinglake West and Pheasant Creek and to not using the term 'Pheasant Creek industrial area'. The consultants agreed with this submission and incorporated its recommendations into the final draft streetscape masterplans.

VicRoads has been specifically consulted on the final draft masterplans, with its comments included in the final masterplans. Many VicRoads issues will be satisfactorily addressed in the future detailed design of specific streetscape works.

Conclusion:

The streetscape masterplans are a key recommendation of the adopted KFT Plan. The masterplans identify potential streetscape works and design in the Kinglake, Kinglake West - Pheasant Creek, Flowerdale and Toolangi community nodes, identifying specific projects within each precinct.

When adopted, the streetscape masterplans will inform future Council capital works programs and will be considered in more detail when determining Council's annual budget and strategic resource plan (capital works program) allocations.

**6.6 AMENDMENT C55, MURRINDINDI PLANNING SCHEME
IMPLEMENTATION OF THE YEA STRUCTURE PLAN**

REF: SF/2041

Attachments: Summary of submissions to Amendment C55
(Refer Attachment 6.6 – Application details (TRIM 15/30047))

Purpose:

The purpose of this report is to present the submissions received in relation Amendment C55 to Council for consideration and recommend that the submissions be referred to an independent panel for consideration.

Officer Recommendation:

That:

Having prepared and exhibited Amendment C55 to the Murrindindi Planning Scheme under section 19 of the Planning and Environment Act 1987;

Having considered all submissions to Amendment C55 under Section 22 of the Planning and Environment Act 1987 in accordance with Attachment 1, Summary of submissions;

Murrindindi Council resolves that:

- 1. Under Section 23 of the Planning and Environment Act 1987, all submissions to Amendment C55 to the Murrindindi Planning Scheme be referred to an independent panel appointed under Part 8 of the Planning and Environment Act 1987;**
- 2. The summary of submissions to Amendment C55 (Attachment 1) be adopted as Council's position on the submissions that will be presented to an independent panel;**
- 3. Each submitter to Amendment C55 be notified in writing of Murrindindi Council's position regarding their submission and informed of the forthcoming independent panel process.**

Background:

In 2014, Council undertook a structure plan for the Yea township and environs to guide future land use, development, growth potential and servicing of the area for the next 15-20 years. Council adopted the *Yea Structure Plan 2014* at its meeting on 29 November 2014. The adopted plan:

- Outlined new strategic directions for land use and development, infrastructure and economic and community development.
- Proposed some changes to controls, that is the rezoning of some land and the reduction of minimum subdivision size in the Rural Living Zone to the immediate northeast and west of the Yea township. Lot sizes will reduce from 4 hectares minimum and 6 hectares average to a 2 hectare minimum size with the application of the Development Plan Overlay (DPO) to these areas to guide the future use and development of land through a requirement for a development plan.

Council Plan/Strategies:

The proposed amendment is consistent with the Our Environment goal in the Murrindindi Shire Council Plan 2013-2017 3rd year review and specifically the strategic objectives and directions relating to Planning for Urban Growth and implementing ongoing changes to the Murrindindi Planning Scheme.

Legal/Policy Issues:

There are no particular legal issues associated with the exhibited amendment. The adopted structure plan has revised policy directions for the Yea township area, which are now proposed to be given further policy weight through implementation in the planning scheme.

Financial/Resources/Risk

Although the *Yea Structure Plan 2014* was funded by Council (\$25,000), Amendment C55 was prepared by Council officers at no cost.

Fees are applicable for a panel to hear submissions. Panel fees will be in accordance with the length of hearing and report and are unknown at this stage. A fee of \$798 will be incurred when forwarding the adopted amendment to the Minister for Planning for approval. Panel and amendment approval fees will be funded from the existing planning operating budget.

Discussion:

An adopted structure plan should be implemented into the planning scheme to both give it more policy weight and to implement actual changes to controls. Amendment C55 proposes to implement the plan by including the adopted structure plan as a 'reference' or 'policy' document to the scheme (that will be taken into consideration in determining future land use and development proposals), making strategy and policy changes, rezoning some land and making minor changes to planning overlays.

Proposed Amendment C55 directly aligns with and implements the adopted *Yea Structure Plan 2014*, other than the addition of a second parcel of land at 5691 Whittlesea-Yea Road proposed to be rezoned from Industrial 1 to General Residential. The owners of this parcel have submitted that the second, northern parcel has residential potential and that rezoning is required to facilitate the development and servicing of the area. Council previously agreed with this approach and exhibited C55 to rezone both land parcels to General Residential 1.

In addition to land use planning related matters, the adopted structure plan lists some implementation items for future Council works programs and budgets that will guide future Council and VicRoads actions for economic development and infrastructure.

The attached summary of submissions outlines each submission, with a response and recommendation for each. Although most submissions are in support of the amendment, four raise issues that are not fully met by the exhibited amendment, as follows:

- Submission 1.1, DELWP: Questions the level of native vegetation and biodiversity assessment and protection supporting the structure plan and amendment.
Officer response: While both the structure plan and amendment provide a general overview of environmental values, no additional work is proposed. Future development plan and / or planning permit stages will provide adequate opportunity for an assessment and protection of relevant environmental values through proposals being considered on their merits based on relevant planning scheme zoning and other controls. Further discussions are being held between Council and DELWP officers to assess available environmental information and resolve outstanding DELWP concerns. It is recommended that the submission be referred to panel for independent consideration.
- Submission 2.5 & 2.8, Private submissions: Object to amenity concerns between Farming and Rural Living Zones, servicing for rural living development and the proposed reduction in minimum subdivision size in some areas of the Rural Living Zone from 4 hectares minimum / 6 hectares average to 2 hectares minimum.
Officer response: Rural living development at the proposed minimum lot size of 2 hectares is a legitimate form of use and development offering a range of market choice. Reduction in lot size has been assessed and justified under the *Yea Structure Plan*. No formal buffers are practicable to separate farming and rural living activities, with the Rural Living Zone already providing a form of buffer between the Farming Zone and urban zones.

Servicing and proposed lot layout and development will be considered on its merits in accordance with land capability and future development plan and planning permit processes. It is recommended that the submissions be referred to panel for independent consideration.

- Submission 2.10, Private submission: Seeks change to RLDZ schedule to provide a minimum subdivision size of 0.2 hectare for an area in Lawrances Road with reticulated sewerage.
Officer response: As no submission was made to the *Yea Structure Plan 2014* to amend the LDRZ schedule to reduce the minimum subdivision size down to 0.2 hectares for this land, the adopted plan did not recommend it and this proposal was not exhibited under Amendment C55. Due to not being exhibited, the proposal is not recommended. It is recommended that the submission be referred to panel for independent consideration.

Under Submission 1.2, VicRoads sought application of the Development Plan Overlay to 5691 Whittlesea – Yea Road and 6469 – 6489 Melba Highway. Officers consider that the Development Plan Overlay is only required to guide future subdivision and development on 691 Whittlesea – Yea Road and not for 6469 – 6489 Melba Highway. Following further clarification with VicRoads, it has agreed with this proposed approach. The VicRoads submission is therefore now resolved.

As submissions to C55 cannot be fully resolved, Council cannot adopt the amendment at this stage and must refer submissions to an independent panel for consideration. A panel will hear submissions and report to Council on the merits of the amendment and submissions. To allow all submissions to be considered in the context of the structure plan and amendment, all submissions either supporting or opposing certain parts of the amendment should be referred to a panel.

The attached summary of submissions will form the basis of Council's submission to the panel for Amendment C55. Following consideration of a panel report, Council may then adopt the amendment, with or without changes, and submit it to the Minister for final approval.

Consultation:

An informal exhibition was held for the draft *Yea Structure Plan 2014*.

Council exhibited Amendment C55 between 7 May and 8 June 2015, with sixteen (16) submissions being received, five (5) from agencies and eleven (11) from private landowners.

A summary of submissions to Amendment C55, including officer recommendations, is attached.

Conclusion:

Amendment C55 has been prepared to implement the *Yea Structure Plan 2014* into the Murrindindi Planning Scheme. As submissions to C55 cannot be fully resolved, Council must refer submissions to an independent panel for consideration.

6.7 2014-15 ANNUAL REPORT

REF: 15/53940

Attachment/s: Murrindindi Shire Council Annual Report 2014/15
(Refer Attachment 6.7 – Application details (TRIM 15/51266))

Purpose:

The purpose of this agenda item is to present the Annual Report for the period 1 July 2014 to 30 June 2015 for Council's consideration.

Officer Recommendation:

That Council formally considers and endorses the Annual Report of the Murrindindi Shire Council for the 2014-15 financial year.

Background:

Sections 131 and 134 of the *Local Government Act 1989* set out the requirements for the preparation, public exhibition and consideration by Council of the Annual Report. These requirements also include the forwarding of a copy of the Annual Report to the Minister for Local Government by 30 September each year.

Subject to Council's consideration and endorsement of the Council's Annual Report 2014-2015 at this meeting, all statutory requirements associated with the Annual Report will have been met.

The Annual Report 2014-2015 details Council's performance over the past 12 months in achieving the objectives and activities of the Council Plan 2013–2017 and the 2014–2015 Annual Budget.

A copy of the Annual Report 2014-2015 is contained in Attachment 6.7. Councillors have previously been provided with a copy of the Report.

Council Plan/Strategies:

The preparation of the Annual Report supports the goal to provide strategic leadership and effective governance that supports the aspirations of the community, as contained in the Council Plan 2013-2017.

Legal/Policy Issues:

As per Section 134 of the *Local Government Act 1989*, it is a requirement that the Annual Report be considered by Council after Council has sent the annual report to the Minister.

Financial/Resources/Risk

The Annual Report includes the audited Financial Report and Standard Statements for the 2014–2015 financial year which were approved by Council at its September 2015 Ordinary meeting.

Discussion:

The Annual Report 2014-2015 details the Council's performance in achieving the strategic objectives set out in 2003-2017 Council Plan and the 2014-2015 Budget.

Whilst the Report lists many achievements for the year, some highlights include:

- Council undertook substantial consultation with the community on options to help meet the funding shortfall arising from the gifting to Council of new and expanded assets following the 2009 fires.
- Council's Rating Strategy was adopted at the March 2015 Council meeting following extensive community consultation.
- Following strong advocacy relating to mobile phone deficiencies across the shire, federal funding was announced for eight new mobile base stations in Murrindindi to address existing communication black spots.
- Council made a successful bid for the Rural Council's Victoria Summit to be held in Marysville in 2016.
- The review of the Municipal Emergency Management Plan was adopted by Council in October 2014.

- The Resource Recovery Centres recycled 71.2% of all waste entering the sites during the year.
- The Access Murrindindi Project has been successfully completed, culminating in a launch of the Access Murrindindi booklet on 4 May 2015, which covers Marysville, Alexandra, Eildon, Yea and Kinglake.
- The shire wide Show me the Money! Grant Forum event was delivered in May 2015 and had over 77 community participants listening to presentations and attending grant skill development sessions.

Consultation:

The statutory inspection period as required by the Act is to be complied with and includes public notification on Council's website and in local newspapers.

Publication	Publishing Date(s)
<i>Alexandra & Eildon Standard</i>	14 October 2015
<i>Yea Chronicle</i>	14 October 2015
<i>Marysville Triangle</i>	16 October 2015
<i>North Central Review</i>	13 October 2015
Council Website	14 October 2015

The Annual Report has been forwarded to the Minister for Local Government in accordance with statutory requirements and has been confirmed as received.

Conclusion:

The presentation of the Annual Report is an important milestone in recognising the significant achievements of Council in 2014–2015.

6.8 INSTRUMENTS OF DELEGATIONS, AUTHORISATIONS AND APPOINTMENTS

REF: SF/123

Attachments: S6 Instrument of Delegation to members of staff (*Refer Attachment 6.8a – Application details (TRIM 15/32837)*)
 S11 Instrument of Appointment and Authorisation (*Refer Attachment 6.8b – Application details (TRIM 15/32839)*)
 S11A Instrument of Appointment and Authorisation (Planning & Environment Act 1987) (*Refer Attachment 6.8c – Application details (TRIM 15/32840)*)

Purpose:

This report provides the background for Council to review the S6 Instrument of Delegation to members of staff, S11 Instrument of Appointment and Authorisation and S11A Instrument of Appointment and Authorisation (Planning & Environment Act 1987) following Council's recent organisational restructure.

Officer Recommendation:

1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached S6 Instrument of Delegation to members of staff, Council resolves that:
 - 1.1 There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
 - 1.2 The Instrument comes into force immediately when the common seal of Council is affixed to the instrument.
 - 1.3 On the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
 - 1.4 The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may adopt from time to time.

2. In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached S11. Instrument of Appointment and Authorisation and S11A. Instrument of Appointment and Authorisation (Planning & Environment Act 1987), Council resolves that:
 - 2.1 The members of Council staff referred to in the Instruments S11 & S11A be appointed and authorised as set out in the Instruments.
 - 2.2 The Instruments comes into force immediately when the common seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.

Background:

Following a recent organisational restructure of Council's operations it is necessary to modify the current delegations, authorisations and appointments to align with the new structure and positions created.

Delegations and Authorisations

The Council is a legal entity composed of its members (i.e. the Councillors). It is not a "natural" person and therefore it can act in only one of two ways: by resolution, or through others acting on its behalf.

The power of a Council to act by resolution is set out in section 3(5) of the Act - "(5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council". Alternatively, a Council can act through others. Where this is to occur, it is recommended that the appointment be formalised through written "Instruments of Delegation" wherever practicable. The Act, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of Councils.

Delegations are different in nature from authorisations. The decision of a delegate of Council is "deemed" to be a decision by Council. The decision by a person appointed by Council to a statutory position - for example, a Municipal Building Surveyor - is not. That person's powers and responsibilities are quite distinct from Council's. It is therefore important that the Council has in place appropriate policies and guidelines under which delegation should be exercised.

Review of Instruments of Delegation, Authorisations and Appointments

Council is required to review its delegations within 12 months of a general election. It is good governance practice that Council review its Delegations, Authorisations and Appointments regularly to ensure recent changes to legislation, organisational structure and/or officer titles are accounted for and the appropriate delegations applied. The last review was endorsed by Council at its Ordinary Meeting on 25 February 2015.

Council Plan/Strategies:

This issue is consistent with the Our Council Goal to “provide strategic leadership and effective governance that supports the aspirations of our community” of the Council Plan 2013-2017.

Legal/Policy Issues:

Council is required to approve Delegations Authorisations and Appointments in accordance with section 98 of the *Local Government Act 1989*. The Instruments of Delegation, Appointments and Authorisations support the undertaking of various requirements under specific legislation.

All relevant legislation changes have been incorporated into the delegation review.

Financial/Resources/Risk

Effective and efficient functioning of local government would not be possible without formal delegations to Council officers.

Discussion:

Council has S6 Instrument of Delegation to members of staff (Attachment 6.8a), S11 Instrument of Appointment and Authorisation (Attachment 6.8b) and S11A Instrument of Appointment and Authorisation (Planning & Environment Act 1987) (Attachment 6.8c).

Legislation changes, introduction of new legislation and new interpretations are all included. Changes in staffing, departmental structures and operational requirements have all been considered. Advice from Council's legal advisors indicates that good business practice is to ensure that there is more than one officer delegated for each power that is stipulated under each respective piece of legislation. The review reflects this by ensuring that there is a secondary delegate is listed where applicable.

Consultation:

The making of delegations does not require community consultation prior to adoption. A register of delegations kept under Sections 87, 88 and 98 of *the Act*, including the date on which the last review under Section 98(6) of the Act took place must be made available for public inspection at Council's office if requested.

Conclusion:

Through delegating powers under various forms of legislation Council ensures the most effective governance Council operations.

6.9 SALEYARDS FEES REVIEW

REF: FY5-03

Purpose:

The purpose of this report is to seek Council's support for the proposed fee changes for the Yea Saleyards as recently resolved by the Saleyards Committee of Management.

Officer Recommendation:

That Council adopts the following fee structures as of 1 November 2015 for the Yea Saleyards:

Fee	Type	Proposed inc GST
Cattle	Per head	\$ 9.20
Cow & Calf	Per head	\$ 10.20
Bulls	Per head	\$ 15.00
Scanning	Per head	\$ 2.55
Tags	Per head	\$ 35.00
Non Sale Day (private use)	Per head	\$ 1.20
Agent non sale day	Per sale	\$ 400.00
Agent Fee	Per head	\$ 0.50

Background:

The Yea Saleyards Committee of Management (the "Committee") is delegated by Council under section 86 of the Local Government Act 1989 ("the Act") to manage the facility on behalf of Council. Section 86 Committees of Management are not delegated to set fees and charges, therefore the Committee of Management are recommending fees and charges for Council's adoption.

Council Plan/Strategies:

There is a strategic objective under the Our Council Goal of the Council Plan 2013-2017 to "administer sound financial management practices".

Legal/Policy Issues:

Council delegates powers to Committees of Management under section 86 of the Act. Council has endorsed an Instrument of Delegation for the Committees of Management which specifies the various delegated responsibilities. The setting of fees and charges cannot be delegated to a Committee of Management under the Act. Therefore Council must be responsible for adopting all fees and charges associated with the use of the Yea Saleyards.

Financial/Resources/Risk

The Yea Saleyards Committee has recommended increasing the fees to manage increasing expenditure. The current fee structure has not been reviewed for the last two years; and it is now timely for this review to occur.

Council has an obligation to ensure compliance with competitive neutrality requirements under the National Competition Policy by benchmarking the saleyard fees against similar fees against other providers of saleyards across Victoria.

Regular review of the fees associated with the Yea Saleyards will also ensure that the Saleyards is well placed financially to deliver its longer term financial goals that were detailed in the Yea Saleyards Strategic Plan that was adopted by Council in June 2014.

Discussion:

At its 6 October 2015 Meeting, the Yea Saleyards Committee of Management resolved to recommend to Council a number of fee increases for the services it currently provides to the farming community.

A summary of the proposed fee increases are detailed below:

Fee	Type	Current inc GST	Proposed inc GST	Increase \$	Increase %
Cattle	Per head	\$ 8.00	\$ 9.20	\$ 1.20	13.04%
Cow & Calf	Per head	\$ 9.00	\$ 10.20	\$ 1.20	11.76%
Bulls	Per head	\$ 10.00	\$ 15.00	\$ 5.00	33.33%
Scanning	Per head	\$ 2.50	\$ 2.55	\$ 0.05	1.96%
Tags	Per head	\$ 33.00	\$ 35.00	\$ 2.00	5.71%
Non Sale Day (private use)	Per head	\$ 1.10	\$ 1.20	\$ 0.10	8.33%
Agent non sale day	Per sale	\$ 250.00	\$ 400.00	\$ 150.00	37.50%
Agent Fee	Per head	\$ 0.45	\$ 0.50	\$ 0.05	10.00%

It should be noted that all profits generated by the Saleyards are held in reserve to fund future capital and maintenance requirements of the Saleyards, as detailed in the Yea Saleyards Strategic Plan.

All fees that have been reviewed ensure that the Yea Saleyards are now comparable to similar facilities in Victoria. The most significant change in fees relate to the agent non-sale day fee which now ensures a better alignment with market costs and is reflective of the increased operational expense with facilitating extra service on non-sale days.

Comparisons with the two most similar saleyards are further provided for analysis:

Fee	Type	Yea Saleyards	Euroa Saleyards	Bairnsdale Saleyards
Cattle	Per head	\$ 9.20	\$ 8.75	\$ 9.20
Cow & Calf	Per head	\$ 10.20	\$ 8.75	\$ 10.00
Bulls	Per head	\$ 15.00	\$ 8.75	\$ 17.20
Scanning	Per head	\$ 2.55	\$ 2.50	\$ 3.40
Tags	Per head	\$ 35.00	\$ 50.00	\$ 31.00
Non Sale Day (private use)	Per head	\$ 1.20	N/A	\$ 1.60
Agent non sale day	Per sale	\$ 400.00	\$ 309.00	\$ 341.00
Agent Fee	Per head	\$ 0.50	\$ 0.30	Fixed Fee

It should be noted that the current Euroa fees were set prior to the recent completion of the roof that has been constructed at the Euroa saleyards. It is anticipated that their fees will see a minimum 5% increase early in 2016.

Consultation:

The Yea Saleyards Committee of Management membership includes representatives from each of the key user groups. At the October 2015 Meeting the Committee discussed the fee increase and resolved to propose the new fee structures to Council.

Conclusion:

It is anticipated that the new fee structures will enable the Yea Saleyards Committee of Management and Council to better manage its income in line with the expenditure associated with the management of the facilities.

7. SEALING REGISTER

REF: 13/6325

Nil

8. COUNCILLOR PORTFOLIO REPORTS

8.1 LAND USE PLANNING PORTFOLIO

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

8.4 COMMUNITY SERVICES PORTFOLIO

8.5 CORPORATE SERVICES PORTFOLIO

8.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

8.8 GENERAL BUSINESS

9. MATTERS DEFERRED FROM PREVIOUS MEETING

No matters deferred from the previous meeting.

10. MOTIONS FOR WHICH NOTICE HAVE PREVIOUSLY BEEN GIVEN

10.1 NOTICE OF MOTION

Cr C Healy

File: D15/14203

MOTION:

I put forward the following motion to be included in the October General Council Meeting and I ask that this Motion be dealt with in Open Session.

- a. The current process regarding the issuing of a new lease for the Yea Caravan Park be terminated.
- b. The invitation for Expressions of Interest regarding the lease be re-advertised with the correct information regarding the ownership of the Residence/Office. 3. The current tenants be given a 1 year extension of their Lease to enable this process to proceed.
- c. The new process be open to the public and only be closed to discuss Personal Information.
- d. The new Invitation for Expressions of Interest to be approved by Council Resolution.
- e. The new invitation will include advice that Expressions of Interest will be available to the Public.

10.2 NOTICE OF MOTION

Cr J Walsh

File: 15/54626

MOTION:

1. Council notes the proposal for the Great Forest National Park developed by My Forest Inc and supported at Open Forum of the August 2015 Council meeting by residents of Murrindindi Shire and encourages the proponents to further develop the details of their plan to cover:

- a. The capacity and terms of use of the proposed eco-forestry zones.
- b. Quantification of the potential for additional employment provided through the creation of the Park.
- c. Maintenance of Murrindindi Shire's existing forestry based businesses, given the small percentage of currently harvested native forest supporting local economic activity.
- d. A transition from native forest to plantations for the provision of woodchip, pulp and other non-sawlog products.
- e. Tourism, recreational and other uses proposed to continue in the forest compatible with protecting endangered species of fauna and flora.
- f. The management of the proposed national park.

2. Council requests meetings with the Minister for Regional Development and for Agriculture , the Minister for Environment, Climate Change and Water and the Minister for Tourism and Major Events to discuss the proposal for a Great Forest National Park in the Central Highlands.

11. ASSEMBLIES OF COUNCILLORS

REF: CY15/110

Purpose:

This report presents the records of assemblies of Councillors for 16 September 2015 to 14 October 2015, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

Officer Recommendation:

That Council receives and notes the record of assemblies of Councillors for 16 September 2015 to 14 October 2015.

Background:

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

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

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

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

Summary:

Meeting Name / Type	Councillor Briefing Session	
Meeting Date	16 September 2015	
Matters discussed	<ol style="list-style-type: none"> 1. Great Victorian Rail Trail 2. Murray Darling Basin – Constraints Management Strategy 3. Recreation and Open Space Strategies 4. Alexandra Scouts 5. Land Acquisition – Kinglake East 6. Dangerous Dog 7. Draft Annual Report 8. Yea Caravan Park 	
Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Challen, Cr Lording, Cr Healy	Staff – M Abbey, M Chesworth, E Wyatt, J Canny, B Elkington, M Leitinger, A Bond	
Conflict of Interest disclosures - Nil		
Meeting Name / Type	Council Pre-Meeting	
Meeting Date	23 September 2015	
Matters discussed	<ol style="list-style-type: none"> 1. Halls Flat Road Subdivision 2. Approval of Annual Financial Statements 3. Dangerous Dogs 	
Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Challen, Cr Derwent, Cr Lording, Cr Healy	Staff – M Abbey, E Wyatt, M Chesworth, A Bond, M Crane, K Girvan, M Leitinger	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Economic Development Advisory Committee	
Meeting Date	28 September 2015	
Matters discussed	<ol style="list-style-type: none"> 1. Murrindindi Investment Prospectus 2. Airfield Proposal 3. Investors Forum 4. Disaster Ready Business Prospectus 5. Mobile Black Spots 6. National Broadband Network 	
Attendees: Councillors - Cr Rae, Cr Challen	Staff – M Abbey, B Elkington, L Wallace	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Briefing Session	
Meeting Date	30 September 2015	
Matters discussed	<ol style="list-style-type: none"> 1. Rate Notices 2. Yea Caravan Park 3. Yea Saleyards 	

Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Challen, Cr Walsh, Cr Lording, Cr Healy	Staff – M Abbey, E Wyatt, M Chesworth, A Bond, G Taylor
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	7 October 2015
Matters discussed	<ol style="list-style-type: none"> 1. KFT Streetscape Master Plan 2. Amendment C55 3. Municipal Public Health & Wellbeing Plan 4. 2016-17 Budget Strategic Direction 5. Yea Saleyards
Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Walsh, Cr Challen, Cr Lording, Cr Healy	Staff – M Abbey, M Chesworth, E Wyatt, G Scale, N McNamara, A Bond
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing Session			
Meeting Date	14 October 2015			
Matters discussed	<ol style="list-style-type: none"> 1. Lilydale Community Campus 2. Murrindindi Regional Event Strategy 3. Y Water Centre Association – Annual Report 4. Alexandra Leisure Centre 			
Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Walsh, Cr Challen, Cr Lording, Cr Healy	Staff – M Abbey, M Chesworth, E Wyatt, G Scale, N McNamara, A Bond			
Conflict of Interest disclosures - Yes				
Matter No.	Officer making disclosure	Was a vote taken?	Did Officer leave the room?	When? Before / after discussion / vote?
Item 3	M Chesworth	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Before discussion

12. URGENT BUSINESS

13. CONFIDENTIAL ITEMS

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

- CEO Performance Review

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