



Murrindindi
Shire Council

MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 22 NOVEMBER 2017
in the
YEA COUNCIL CHAMBER
commencing at
6.00 pm

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1. PLEDGE AND RECONCILIATION STATEMENT

The meeting was opened with all Councillors declaring the following Pledge:

“We as Councillors democratically elected to represent our community as the Murrindindi Shire Council, are committed to working together in the best interests of the people who live in our municipality, who conduct business here and those who visit.”

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

There were no apologies or requests for leave of absence tendered.

Present:

Crs C Bisset (Chair), S McAulay, R Bowles, J Ashe, L Dunscombe, E Lording, M Rae

In attendance:

Acting Chief Executive Officer: Michael Chesworth

General Manager Infrastructure and Development Services: Stuart McConnell

Manager Business Services: Andrew Bond

Manager Communications Library & Customer Services: Jacqui Rabel

Manager Development Services: Shivaun Brown

Manager Infrastructure Assets: John Canny

Coordinator Statutory Planning: Karen Girvan

Governance Officer: Audrey Kyval

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held on 25 October 2017.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 25 October 2017 be confirmed.

RESOLUTION:

Cr E Lording / Cr L Dunscombe

That the minutes of the Ordinary Meeting of Council held on 25 October 2017 be confirmed.

CARRIED

3.2 Minutes of the Special Meeting of Council held on 1 November 2017.

Officer Recommendation

That the minutes of the Special Meeting of Council held on 1 November be confirmed.

RESOLUTION:

Cr M Rae / Cr J Ashe

That the minutes of the Special Meeting of Council held on 1 November be confirmed.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Nil

The Chairperson declared Public Participation Time and invited questions from the Gallery.

5. PUBLIC PARTICIPATION TIME

5.1 QUESTIONS OF COUNCIL

Nil

5.2 OPEN FORUM

RESOLUTION:

Cr M Rae / Cr E Lording

That the 30 minutes allocated for Public Participation be extended to allow each participant five (5) minutes to be heard.

CARRIED

Geoff Ellis spoke against the 2017/83 – Farmstay and Lifestyle Resort, Gobur (item 6.1 on the Agenda).

Pietro Porcu spoke in support of the 2017/83 – Farmstay and Lifestyle Resort, Gobur (item 6.1 on the Agenda).

Peter Cureton spoke against the 2017/58 – 140 Granite Park Place Bunkhouse (item 6.2 on the Agenda).

Ian Williams spoke against the 2017/58 – 140 Granite Park Place Bunkhouse (item 6.2 on the Agenda).

Grant Stinear spoke against the 2017/58 – 140 Granite Park Place Bunkhouse (item 6.2 on the Agenda).

Laurie Wood spoke against the 2017/58 – 140 Granite Park Place Bunkhouse (item 6.2 on the Agenda).

Arthur Jones spoke against the 2017/58 – 140 Granite Park Place Bunkhouse (item 6.2 on the Agenda).

Nic Bolto spoke in support of the 2017/58 – 140 Granite Park Place Bunkhouse (item 6.2 on the Agenda).

Ilias Messimeris spoke about the cost of his rates as a Kinglake resident and raised concerns regarding the levels of maintenance of Kinglake's nature strips and roads.

Julie Harding spoke against the 2017/83 – Farmstay and Lifestyle Resort, Gobur (item 6.1 on the Agenda).

Mark Humphries spoke against the 2017/83 – Farmstay and Lifestyle Resort, Gobur (item 6.1 on the Agenda).

Andrew Perry spoke against the 2017/83 – Farmstay and Lifestyle Resort, Gobur (item 6.1 on the Agenda) and concerns over road safety in the area.

5.3 PETITIONERS SPEAKING TO PETITIONS

Nil

The Chairperson closed Public Participation Time.

6. OFFICER REPORTS

6.1 2017/83 – FARMSTAY AND LIFESTYLE RESORT, GOBUR

Attachment(s): *Application Documents (refer Attachment 6.1)*
(aerial photograph and submissions distributed separately)

Land: 978 Yarck Road Gobur

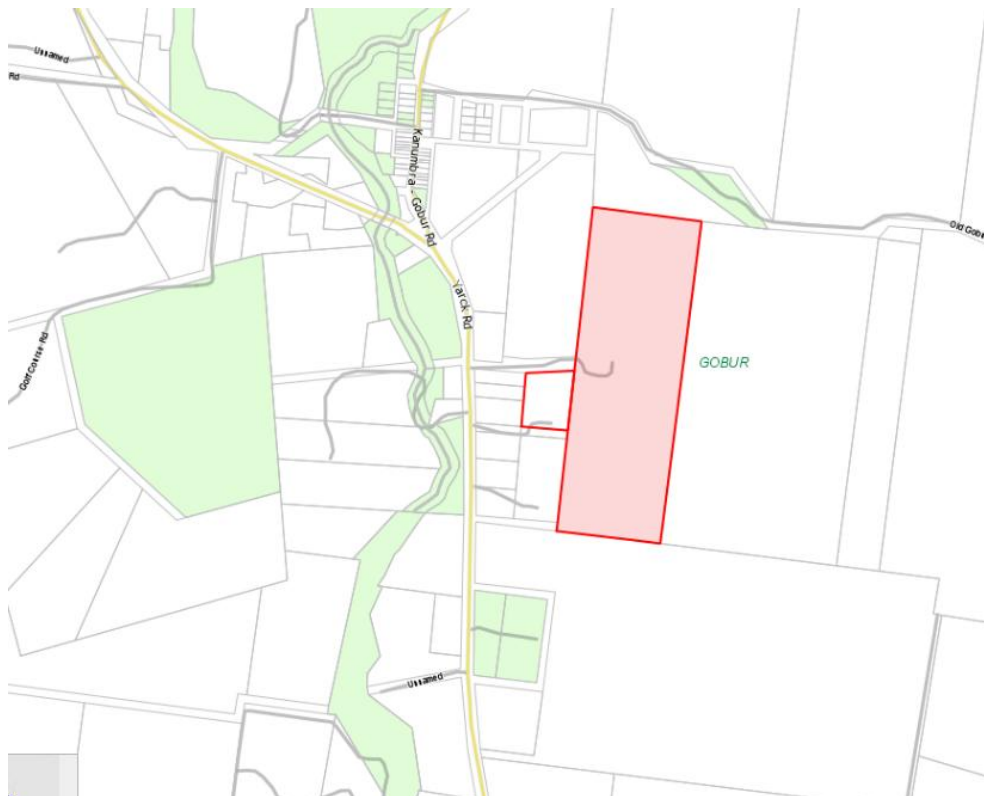
Proposal: Development of a farm stay and lifestyle resort, including a place of assembly (cooking and lifestyle classes), host farm (in the building and in yurts) and a cafe.

Applicant: P Porcu

Zoning: Farming

Overlays: None

Locality Plan



Purpose

The purpose of this report is to recommend that a notice of decision to grant a permit be issued for the development of a farm stay and lifestyle resort, including a place of assembly (cooking and lifestyle classes), host farm (in the building and in yurts) and a cafe at 978 Yarck Road, Gobur.

The offsite impacts raised by the submitters in relation to infrastructure, waste, security, amenity and building character can be addressed with appropriate conditions.

Officer Recommendation

That Council issue a notice of decision to grant a permit for the development of a farm stay and lifestyle resort, including a place of assembly (cooking and lifestyle classes), host farm (in the building and in yurts) and a cafe at 978 Yarck Road, Gobur (CA 8A Sec B1, CA 8B Sec B, Parish of Gobur), subject to the following conditions:

1. Prior to the commencement of works a plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The plan must be generally in accordance with the plan submitted with the application, but amended to show:
 - a. car parking to be contained wholly within the boundaries of the property
 - b. a minimum of 20 car parking spaces to be provided on site
 - c. all effluent disposal systems and absorption fields to be located completely within the boundaries of the property.
2. This permit shall expire if the development hereby permitted is not completed and the use commenced within two 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 six 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. The use of the property may only occur with the following patron numbers and operating days and hours:
 - a. place of assembly (cooking and lifestyle classes)
 - maximum of 12 patrons at any one time
 - Thursday to Sunday, 8 am to 10 pm
 - b. cafe
 - maximum of 26 patrons
 - Thursday to Sunday, 8 am to 10 pm
 - c. host farm
 - maximum of 15 guests.
4. Prior to the commencement of the use hereby permitted a private waste disposal arrangement must be entered into to accommodate all waste generated from the site.
5. Prior to the commencement of the use hereby permitted CA 8A, Sec B1 and CA8B Sec B, Parish of Gobur, must be consolidated into one allotment.

Amenity

6. No live or amplified music is to be played outside of the buildings approved as part of this permit. Noise must be managed in accordance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.
7. The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
8. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

9. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

Infrastructure Provision

10. Before construction works start associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car Parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the Relevant Authority must be submitted to and approved by the Responsible Authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitably qualified person.
11. Prior to the commencement of the use hereby permitted, the vehicle access entrance as shown on the plan lodged with the application must be constructed at the applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 - Rural Vehicle Crossings and Standard Drawing SD 255.
12. An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations.
13. Prior to the commencement of the use hereby permitted all internal access roads and car parking areas must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.

The internal access road to the building shall be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles. The works must include the provision of suitable pavement material of at least 3.5 metres in width with 0.5 metre side clearances and 4 metre vertical clearance and designed to carry a vehicle weighing at least 15 tonnes.
14. Appropriate signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.
15. Prior to the commencement of use, the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in *Construction Techniques for Sediment Pollution Control* (EPA, 1991) and to the satisfaction of the Responsible Authority.

Effluent Disposal

17. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
18. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.

19. At the time of the development, all onsite wastewater and stormwater management shall be in accordance with the recommendations outlined within the Land Capability Assessment prepared by Taylor Consulting Engineers (Reference No. TCEPP2017, Rev 1, August 2017).

Landscaping

20. Prior to the commencement of any buildings or works a plan or plans shall be submitted and approved by the Responsible Authority. Such plans must show the areas to the north, west and south of the proposed buildings must be set aside for landscaping, and planted with trees and shrubs indigenous to the area, and designed in a manner that will provide screening for the proposed buildings. This area must then be maintained to the satisfaction of the Responsible Authority.
21. Before the start of the use allowed, the areas set aside for landscaping, as shown on the endorsed plan, must be planted with trees and shrubs as detailed in the plan. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.

Background

An application for the development of a farm stay and lifestyle resort, including a place of assembly (cooking and lifestyle classes) and host farm is currently being assessed. The proposal includes the following buildings:

- a main building with cafe, kitchen, bar and reception area
- a pinnettu hut (the name for a dining room attached to a main building)
- three accommodation rooms
- three yurts for accommodation (as permanent fixtures)
- a toilet block.

The proposed use will include the following:

- lifestyle and cooking classes (place of assembly)
 - cooking – small groups (10 -12 people) for day classes or associated with accommodation
 - lifestyle – small groups (10 - 12 people) for yoga, meditation, health and wellbeing day classes or associated with accommodation
 - days of operation – Thursday to Sunday
 - hours of operation – 8 am to 10 pm
- cafe
 - up to 26 patrons
 - days of operation – Thursday to Sunday
 - hours of operation – 8 am to 10 pm
- accommodation
 - three rooms in building
 - three permanent yurts
 - provision for up to 15 people to stay on site within the proposed accommodation (rooms and yurts).

The Land and Surroundings

The subject land is made up of two parcels of land, one being 20.13 hectares and one being 1.56 hectares, making the land subject to this application a total of 21.69 hectares. The subject land is accessed via a formed gravel driveway through an unnamed road reserve, off Yarck Road. The land is bounded by Farming zoned land in all directions.

The site had a dwelling that was destroyed in December 2015. Two sheds and fencing remain on the site. The site is generally clear with three dams and an approximate 25 metre rise in elevation from the front of the property on Yarck Road to the back of the property.

Discussion and Planning Considerations

Under the Murrindindi Planning Scheme a planning permit is required for a place of assembly, a cafe and host farm in the Farming Zone.

Nine submissions to the application were received and can be summarised as follows:

- establishment of a farm stay will increase issues with dog attacks
- existing infrastructure in Gobur is not sufficient, particularly electricity
- tourists will increase fire risk as they will not be familiar with the area
- neighbours will be impacted by excessive noise from the resort, particularly during the construction phase
- increased traffic will increase dust and road damage
- the proposal does not fit with the history, character and culture of the area
- concerns that livestock and pets will not be controlled appropriately
- the development will impact on visual amenity of neighbouring property
- waste management is of concern due to larger amounts of waste being generated
- no turning lane has been provided and it will be dangerous going onto the property
- the proposed planting for screening will take too long to have a real impact
- the standard of the road is not sufficient to accommodate the proposal.

The property owned by the applicant covers multiple lots. The two lots that are part of this application contain two sheds and dams and are used for agricultural purposes.

The issues raised by the submitters have been considered as follows:

1. Road Access, Drainage and Infrastructure

The property is accessed by Yarck Road and then an unnamed government road that is a 250 metre gravel road and provides access to the subject land and one other lot. Yarck Road is a 7.5 metre wide sealed road. There is a proposed condition that the access to this property be upgraded to comply with the Infrastructure Design Manual. Conditions are proposed in relation to stormwater discharge and access ensuring that the development has minimal impact on surrounding land owners.

In relation to the car parking, the plan submitted with the application indicates that car parking will be located within the road reserve. There is a proposed condition that this parking should be relocated to within the boundary of the property. Due to the size of the lots there are many different options for this parking area.

The application is supported by a Land Capability Assessment detailing how effluent disposal will comply with the relevant legislation. This report has been assessed as appropriate. A condition will be proposed to ensure that the absorption field has appropriate setbacks from the road reserve.

Concerns raised by the submitters regarding the adequacy of the existing electricity supply should be referred to the electricity supplier for the area by the submitters as this is an issue properly dealt with by AusNet Services Pty Ltd and is not a planning consideration.

2. Waste Management

The area is not serviced by a Council kerbside service. Instead the local community has a private skip service that community members contribute to. The applicant is part of that arrangement and the submitters have raised concerns that extended use by the permit applicant will impact on other owners. A general condition would normally be placed on any permit issued to arrange for the removal of waste on a regular basis. The condition would not normally specify how that is to occur.

3. Security And Fire Risk

The property is not in a Bushfire Management Overlay. However, the applicant will be required to comply with all other relevant legislation in relation to managing the fire risk on the property. For instance, the buildings will need to incorporate specific requirements for fire infrastructure as set out in the building regulations.

The management of livestock and domestic animals, as raised by a number of the submitters, is an issue that has been referred to Council's Local Laws Unit.

4. Amenity Impacts

The proposed use is generally passive with no outdoor music or functions proposed. The buildings are set well back from the road and can be screened effectively to offset any impacts on the nearest dwelling. While the applicant has suggested a European forest in this area, Council officers recommend that a landscaping plan be submitted to Council for approval and this would need to detail a range of plants, including natives that will provide screening of the development.

From a noise perspective, there is no proposal to use amplified music on the site and this would be formalised by a condition on any permit that may be issued. For light emissions, a condition requiring any lighting be directed and baffled to ensure that no light leaves the property would be included.

5. Character of the Area

In terms of the character of the area, most local properties contain dwellings and shedding which are used for farming purposes. The proposed buildings are different from those in the broader area, but can be effectively screened with landscaping to ensure it does not have an adverse impact on the landscape.

When assessing the application against the provisions of the Murrindindi Planning Scheme it is considered that all of the issues raised by the submitters can be addressed adequately with reasonable and enforceable conditions on a permit. The submitters have raised a number of concerns that are not planning considerations and cannot be considered as part of this application.

Tourism and accommodation uses are supported in the Farming Zone. This needs to be balanced against right to farm issues. In this instance, the accommodation and cafe use takes place a minimum of 200 metres from the nearest boundary of a farming property and there is a link between the food components of the proposal and the farming use of the land.

Referrals

No external authorities were referred to as part of this application.

Council Plan/Strategies/Policies

The application is being assessed in accordance with the following strategic objectives and strategies in the Murrindindi Shire Council Plan 2017-2021:

- Our Prosperity: “Work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events”
- Our Place: “Through good land use planning enhance the liveability, prosperity and rural character of our Shire”.

Relevant Legislation

The application is being assessed in accordance with the requirements of the *Planning and Environment Act 1987 (Victoria)*.

Financial Implications and Risk

There is no financial risk to Council in this application.

Conflict of Interest

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

Community and Stakeholder Consultation

Nearby and adjoining owners were directly notified of the application. Nine submissions were received, with none resolved as part of the process.

Legal/Policy IssuesState Planning Policy Framework11.12-1 *A Diversified Economy*

Objective: to develop a more diverse regional economy while managing and enhancing key regional economic assets.

Strategies:

- support tourism activities, including nature-based tourism, that take advantage of environmental and cultural heritage assets and the rural environment without compromising their future.

17.03-1 *Tourism*

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

Strategies:

- encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities
- seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

Local Planning Policy Framework21.03-3 *Tourism*

Objective 1: enhance and promote tourism to increase the economic, social and cultural benefits to the municipality.

Strategies:

- generate sustainable growth in tourism, leveraging Murrindindi Shire’s natural assets, proximity to Melbourne and links with neighbouring regions

- support and grow tourism that builds upon the strengths of and is linked to the natural environment
- foster a range of natural and built tourism attractions that encourage strong visitation to the municipality
- facilitate recreational and tourism activities that attract tourists year round
- promote and enhance the range of tourism and recreational activities available across the entire municipality
- facilitate development of new tourism accommodation options
- encourage small creative enterprises in tourism, creative arts, home-based businesses, overnight visitor accommodation and farm enterprises/markets that showcase local produce.

Zoning

35.0

Farming

Purpose:

- to provide for the use of land for agriculture
- to ensure non-agricultural uses, including 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.

Decision Guidelines:

General Issues:

- whether the site is suitable for the use and whether the proposal is compatible with adjoining and nearby land uses
- how the use or development makes use of existing infrastructure and services/

Agricultural issues and the impacts from non- agricultural uses:

- whether the use or development will support and enhance agricultural production
- the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

Environmental issues:

- the impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality
- the location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues:

- the need to locate buildings in one area to avoid any adverse impacts on surrounding land uses and to minimise the loss of productive agricultural land
- the impact of the siting, design, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.

A planning permit is required for host farm, extensions to the building, and the construction of the carport and business identification signage in the Farming Zone.

Particular Provisions52.06 *Car Parking*

Purpose: to ensure provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

Under this clause, the following number of car parking spaces need to be provided:

Use	Ratio	Total Required
Host farm	1 per leasable room	6
Cafe	0.4 car spaces per patron	10
Place of assembly (cooking and lifestyle classes)	0.3 car spaces per patron	4
TOTAL		20

RESOLUTION:

Cr E Lording / Cr L Dunscombe

That Council issue a notice of decision to grant a permit for the development of a farm stay and lifestyle resort, including a place of assembly (cooking and lifestyle classes), host farm (in the building and in yurts) and a cafe at 978 Yarck Road, Gobur (CA 8A Sec B1, CA 8B Sec B, Parish of Gobur), subject to the following conditions:

1. **Prior to the commencement of works a plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The plan must be generally in accordance with the plan submitted with the application, but amended to show:**
 - a. **car parking to be contained wholly within the boundaries of the property**
 - b. **a minimum of 20 car parking spaces to be provided on site**
 - c. **all effluent disposal systems and absorption fields to be located completely within the boundaries of the property.=**
 - d. **cladding detail and muting tonings for all buildings.**
2. **This permit shall expire if the development hereby permitted is not completed and the use commenced within two 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 six 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. **The use of the property may only occur with the following patron numbers and operating days and hours:**
 - a. **place of assembly (cooking and lifestyle classes)**
 - **maximum of 12 patrons at any one time**
 - **Thursday to Sunday, 8 am to 10 pm**
 - b. **cafe**
 - **maximum of 26 patrons**
 - **Thursday to Sunday, 11 am to 10 pm**
 - **Thursday to Sunday, from 8am for host farm guests only**
 - c. **host farm**
 - **maximum of 15 guests.**

4. **Prior to the commencement of the use hereby permitted a private waste disposal arrangement must be entered into to accommodate all waste generated from the site. Evidence of this arrangement must be provided to Council before the use commences. This arrangement must be kept current for the entire time the use is operating on the site.**
5. **Prior to the commencement of the use hereby permitted CA 8A, Sec B1 and CA8B Sec B, Parish of Gobur, must be consolidated into one allotment.**

Amenity

6. **No live or amplified music is to be played outside of the buildings approved as part of this permit. Noise must be managed in accordance with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.**
7. **The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.**
8. **The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.**
9. **Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.**

Infrastructure Provision

10. **Before construction works start associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car Parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the Relevant Authority must be submitted to and approved by the Responsible Authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitably qualified person.**
11. **Prior to the commencement of the use hereby permitted, the vehicle access entrance as shown on the plan lodged with the application and located at the intersection of Yarck Road must be constructed at the applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 - Rural Vehicle Crossings and Standard Drawing SD 255. This must include a sealed surface for a distance of 20 metres.**
12. **An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations.**
13. **Prior to the commencement of the use hereby permitted all internal access roads and car parking areas must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.**

The internal access road to the building shall be constructed to a size and standard satisfactory to the Responsible Authority to provide all weather access for emergency service vehicles. The works must include the provision of suitable pavement material of at least 3.5 metres in width with 0.5 metre side clearances and 4 metre vertical clearance and designed to carry a vehicle weighing at least 15 tonnes.

14. **Appropriate signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres.**
15. **Prior to the commencement of use, the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.**
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. **Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.**

Effluent Disposal

17. **All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.**
18. **Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.**
19. **At the time of the development, all onsite wastewater and stormwater management shall be in accordance with the recommendations outlined within the Land Capability Assessment prepared by Taylor Consulting Engineers (Reference No. TCEPP2017, Rev 1, August 2017).**

Landscaping

20. **Prior to the commencement of any buildings or works a plan or plans shall be submitted and approved by the Responsible Authority. Such plans must show the areas to the north, west and south of the proposed buildings must be set aside for landscaping, and planted with trees and shrubs indigenous to the area, and designed in a manner that will provide screening for the proposed buildings. This area must then be maintained to the satisfaction of the Responsible Authority.**
21. **Before the start of the use allowed, the areas set aside for landscaping, as shown on the endorsed plan, must be planted with trees and shrubs as detailed in the plan. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.**

CARRIED

6.2 2017/58 – 140 GRANITE PARK PLACE BUNKHOUSE

Attachment(s): *Application Documents (refer Attachment 6.2)*
(aerial photograph and submissions distributed separately)

Land: 140 Granite Park Place Buxton

Proposal: Change of use of machinery shed to shared accommodation; Extension to existing shed; Construction and use of a carport; Construction of two business identification signs.

Applicant: N Bolto
Zoning: Farming
Overlays: Bushfire Management; Significant Landscape

Locality Plan



Purpose

The purpose of this report is to recommend that a notice of refusal to grant a permit be issued for the change of use of machinery shed to shared accommodation, extension to existing shed, construction and use of a carport and the construction of two business identification signs at 140 Granite Park Place, Buxton.

The application has been assessed against the provisions of the Murrindindi Planning Scheme. Until the previously approved dwelling is constructed at the site, the proposed building can be classified as a 'Residential Building' rather than 'Group Accommodation'. A 'Residential Building' is a prohibited use at the site and therefore a permit should be refused.

In the event that the proposed use is not prohibited, the issues raised by the application include risk to human life from bushfires and the expected impacts on the designated significant landscape. These issues could not be resolved using conditions in a satisfactory manner that would enable a permit to be issued.

Officer Recommendation

That Council issue a notice of decision to refuse to grant a permit for the change of use of the existing machinery shed to shared accommodation, extension to existing shed, construction and use of a carport, construction of two business identification signs at 140 Granite Park Place Buxton (LOT: 1 LP: 148241, Parish of Buxton) on the following grounds:

1. The proposal is not in accordance with Clause 12.01-1 *Protection of Biodiversity* as the cumulative impact of the vegetation removal to achieve defensible space, without any offsetting, will have a negative impact on Victoria's biodiversity.

2. The proposal is not in accordance with Clause 12.04-2 *Landscapes* as the creation of defensible space does not ensure that the natural features of the site are protected and enhanced.
3. The proposal is not in accordance with Clause 13.05 *Bushfire* as the Bushfire Management Plan requires support for the development from another dwelling on the lot that is not constructed.
4. The proposal is not in accordance with Clause 13.05 *Bushfire* and Clause 42.03 *Significant Landscape Overlay* as the bushfire protection measures in relation to vegetation management cannot be implemented on site without a negative impact on the significant landscape.
5. The proposal is not in accordance with Clause 17.03-1 *Facilitating Tourism* as the siting of the building does not respond well to the fire risk and landscape values of the area, and the vegetation removal required to support the development does not enhance the natural attractions of the area.
6. The proposal is not in accordance with Clause 21.01-3 *Key Issues and Influences*, as the works required for the development do not protect the natural environment.
7. The proposal is not in accordance with Clause 21.05-1 *Environmental Values*, Objective 1 as the proposed development does not protect or enhance the natural environment and environmental features and values of the site.
8. The proposal is not in accordance with Clause 21.05-1 *Environmental Values*, Objective 3 as the proposal is not sited in a manner that will avoid or minimise the removal of native vegetation and the approval of a second accommodation building on the site will cause an unacceptable cumulative loss of native vegetation.
9. The proposal is not in accordance with Clause 21.05-3 *Landscape and Built Environment* as it does not protect the landscape values of the Cathedral Ranges.
10. The proposal is not in accordance with Clause 35.07 *Farming Zone* as the siting of the building, and the required bushfire protection measures, will have a negative impact on the natural environment and natural scenic beauty of the area.
11. The proposal is not in accordance with Clause 42.03 *Significant Landscape Overlay* as the siting of the building does not allow for the protection of the rural landscape of the Cathedral Range.

Background

The site currently contains a machinery shed. An application has been received to:

- change the use of the existing machinery shed to a bunkhouse
- undertake a small extension to the shed to include a bathroom
- construct a detached carport
- install two business identification signs on the site.

The proposed access to the bunkhouse is from South Cathedral Lane, where there is existing site access. Vegetation will be managed to the east of the building to reduce bushfire risk by providing defensible space. Two signs are proposed to be placed at the entrances to the property, one on South Cathedral Lane and one on Granite Park Place. The signs are proposed to be 1 metre x 1.5 metres in size. At the Granite Park Place entry the sign will be mounted on a block wall that is 1.5 metres high and 8 metres long. At the South Cathedral Lane entry the sign will be mounted on a block wall that is 1.5 metres high and 3 metres long and placed 10 metres inside the boundary. The carport is to be located between the South Cathedral Lane entrance and the existing shed and will be used to store mechanical equipment used to manage the site.

The application is supported by a Bushfire Management Statement (BMS) and a Land Capability Assessment (LCA). The Land Capability Assessment provided a range of options for effluent disposal.

A planning consent has been previously issued for the rebuilding of a single dwelling located at the top of the property in the eastern corner. The applicant has advised that construction of this dwelling will be complete in late 2018 and that it will be used as a 'Bed and Breakfast', where up to 10 people can be accommodated. No planning permit is required for a bed and breakfast for up to 10 guests. The definition of 'Bed and Breakfast' is:

"A dwelling used, by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence."

The Land and Surroundings

The subject site is a 21.37 hectare parcel of land and is generally heavily vegetated. There is a cleared area in the eastern corner of the allotment, with a shed near the centre of the property, in the location of a destroyed dwelling.

The property is bounded by the Cathedral Range State Park to the north, and private, heavily vegetated properties in all other directions. The property is accessed by both South Cathedral Lane and Granite Park Place.

Discussion and Planning Considerations

Under the Murrindindi Planning Scheme, a planning permit is required for the construction and use of group accommodation, the extension to the shed, the construction of the carport and the installation of the signs.

Thirteen submissions were received which are summarised as follows:

- the roadway and driveway access is not constructed to a proper standard
- extra traffic will cause issues with the road and create dust
- the use will increase bushfire risk as people that are unfamiliar with the area and bushfire risk will be staying on the site
- the use may lead to security concerns associated with transient guests
- there will be no additional benefit to tourism in the area as the submitters don't believe the guests will be there for tourism purposes
- the proposed vegetation removal will create environmental damage by increased clearing on the property and the removal of habitat for local fauna
- there will be a negative visual impact from South Cathedral Lane and the National Park because the large cleared area will be visible, which is not in alignment with the Significant Landscape Overlay
- it will set a precedent to increase dwellings in the area
- there is a lack of information in the application
- effluent will contaminate Stirling Creek
- guests could wander onto other private property.

From a technical perspective, the LCA has demonstrated that effluent can be contained on site for the bunkhouse and it can comply with the Septic Tank Code of Practice. This will ensure that the effluent disposal does not impact on the waterway.

The main areas for consideration for the proposal are as follows:

1. Use of Land Under The Provisions of the Murrindindi Planning Scheme

Under the Murrindindi Planning Scheme, a bunkhouse is considered under the definition of *Group Accommodation* which is defined as:

“Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence.”

As the main dwelling on the site, being the building permitted under the planning consent, has not yet been constructed, there will only be one building on the site used for accommodation, not “a number of dwellings”. At this point in time, the main dwelling for the property has not commenced construction and a search of Council’s records at the time of writing this report indicates that a building permit for this dwelling is yet to be issued. This means that the application, as it stands, is for the change of use of the only building on the allotment to ‘Group Accommodation’, and may therefore be considered a prohibited use.

The only other relevant definition in the Murrindindi Planning Scheme is ‘Residential Building’ which is a prohibited use in the Farming Zone. ‘Residential Building’ includes uses such as a ‘Backpackers Lodge’ and is defined as:

“Land used to accommodate persons, but does not include camping and caravan park, corrective institution, dependant person’s unit, dwelling, group accommodation, host farm, residential village or retirement village”.

The applicant has been advised of these use issues. In response, the applicant has advised that the shed conversion will occur after the dwelling construction is complete in late 2018. Council officers considered whether a permit could be issued subject to the main dwelling being constructed first, but must consider the application on its merits as it stands at the time of application. Further to this, Council cannot resolve to issue a notice of decision to grant a permit if the proposed use is prohibited and must instead refuse the permit.

2. Fire Risk and Bushfire Management

The BMS was approved by the Country Fire Authority (CFA) with additional conditions requiring:

- the installation of a private bushfire shelter (bunker)
- defensible space within 50 metres of the building on three sides and 30 metres on the fourth side towards the creek
- the development of a Bushfire Emergency Management Plan to include requirements such as closing on days of extreme and code red fire danger ratings.

The BMS supplied with the application has been approved conditionally by the CFA, but the conditions and additional requirements raise concerns regarding the broader impact of the development and building safety in an area of high bushfire risk (eg. the need for a bushfire shelter and bushfire emergency plan which requires on-site staff).

The BMS is based on the assumption that there will be two buildings on the site and that guests “will be supported by the property hosts who are located 180m away on quad bike”. While the applicant has advised that the shed conversion will happen after the dwelling is constructed, when considering the issuing of a planning permit, Council officers cannot consider what might happen on a property, but must assess the proposal on existing conditions. In this case, the BMS cannot be complied with until there is another dwelling on the site.

Further, even if the dwelling is built first and the technical requirements of the BMS can therefore be met, it is necessary to consider whether those conditions or requirements are reasonable in the circumstances. In particular:

- If in order to reduce bushfire risk to an acceptable level, stringent measures such as the installation of a private bushfire shelter, are required, there is a need to ask whether reliance on measures such as this is reasonable, with or without the completion of the already approved dwelling. This is particularly the case where residents are not likely to be familiar with bushfire risks.
- The BMS also requires a large area of vegetation management and additional removal of native vegetation to achieve defensible space. While the removal of vegetation to achieve defensible space is exempt from offsetting requirements in the Bushfire Management Overlay, it is necessary to balance this against the importance of the site within a significant landscape area.

3. Vegetation Removal and Impact on Landscape

The property slopes down steeply from Granite Park Place to Stirling Creek and then rises slightly to the South Cathedral Lane boundary. Maintenance and upgrade works on the access from South Cathedral Lane have resulted in the thinning of vegetation in that part of the property. Further vegetation removal to achieve the required defensible space will exacerbate this visual impact and undermine the purpose of the Significant Landscape Overlay. This overlay is designed to protect the rural landscape and remnant vegetation for passive recreation and enjoyment. Without the backdrop of vegetation (as this would be removed to achieve defensible space) the proposed bunkhouse will be much more visible from South Cathedral Lane.

The Significant Landscape Overlay is primarily in place to protect the Cathedral Range which is a significant landscape form and also classified by the National Trust of Victoria. There are a number of landscape character objectives which include protecting the surrounding landscapes from visual intrusion and inappropriate development, and recognising and protecting the landscape conservation and scientific importance of the Cathedral Range.

4. Access to the Property

The main dwelling (when constructed) will be accessed from Granite Park Place and the proposed bunkhouse will be accessed from South Cathedral Lane. South Cathedral Lane is classified as an Unsealed Access road. South Cathedral Lane is routinely inspected every six months with additional inspections as needed in response to customer requests. The road to the bunkhouse is considered adequate and the addition of 12 people staying on the property is not anticipated to have a significant impact on the condition of the road.

5. Actual Use of the Land

A number of the submissions raised concerns with how the site will be used, including for drug rehabilitation. As part of the application it has been advised that the proposed bunkhouse "is required to support the functions and objectives of the dwelling and is required to house volunteers, staff and other guests who may attend the property". The building is variously called a bunkhouse, shared accommodation or a dwelling. The use of this building currently sits within the 'Residential Building' definition and potentially would still fit within that definition once the house has been built depending on how it is proposed to be used at that time. If a further application is received following completion of the currently approved dwelling, then the application can and will be assessed on its merits at that time, based on the advice provided about use of the structure.

When assessing the application, Council must first consider whether the proposed use is allowable under the Murrindindi Planning Scheme. The use as proposed, without a dwelling already constructed on site, is considered to be a 'Residential Building' which is a prohibited use and cannot be supported by Council officers.

If a permit could be issued, because there was no prohibited use impediment, Council officers would recommend against the granting of a permit because permit conditions cannot adequately address the broader issues including the:

- bushfire risk to human life
- significant cumulative impact of vegetation removal on visual amenity in the Significant Landscape Overlay.

While the CFA has not recommended against the development, it has required more extensive clearing of vegetation and the installation of a bunker, which are stringent conditions designed to reduce risk to human life. In this context, and in line with the State Planning Policy Framework (SPPF) requiring Council to give priority to the protection of human life over other policy considerations, Council officers would recommend against the permit being issued on fire safety and risk to human life grounds, based on the information provided to date.

Council officers also recommend against the permit being issued based on the unacceptable cumulative impact of the dwelling and the bunkhouse on the visual amenity of the area which is protected by the Significant Landscape Overlay. Whilst some visual amenity reduction can be tolerated to allow dwellings, the cumulative impact of the dwelling and the bunkhouse will create a significant impact on visual amenity in an area within the Significant Landscape Overlay. This is particularly so, when the impact can't be reduced with re-planting because it needs to be maintained as a key bushfire risk control.

On balance, taking all these issues into account and the provisions of the planning scheme, it is recommended that Council refuse to grant a permit for the proposal because:

- it is a prohibited use
- if allowed, the impact on risk to human life from bushfire and the amenity impact in a Significant Landscape Overlay area cannot be adequately addressed through conditions on the permit.

Referrals

The application was referred to the Department of Environment, Land, Water and Planning (DELWP) and the CFA. No objections were received subject to a range of conditions.

Council Plan/Strategies/Policies

The application is being assessed in accordance with the following strategic objectives and strategies in the Murrindindi Shire Council Plan 2017-2021:

- Our Prosperity: "Work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events"
- Our Place: "Through good land use planning enhance the liveability, prosperity and rural character of our Shire".

Relevant Legislation

The application is being assessed in accordance with the requirements of the *Planning and Environment Act 1987 (Victoria)*.

Financial Implications and Risk

There is no financial risk to Council in this application.

Conflict of Interest

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

Community and Stakeholder Consultation

Nearby and adjoining owners were notified of the application. Thirteen submissions were received, with none resolved as part of the process. The application was referred to the CFA and DELWP, who had no objections subject to a range of conditions.

Legal/Policy Issues**State Planning Policy Framework****11.12-1 *A Diversified Economy***

Objective: to develop a more diverse regional economy while managing and enhancing key regional economic assets.

Strategies:

- support tourism activities, including nature-based tourism, that take advantage of environmental and cultural heritage assets and the rural environment without compromising their future.

12.01 *Biodiversity*

Objective: to assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

Strategies:

- avoids and minimises significant impacts, including cumulative impacts, of land use and development on Victoria's biodiversity
- ensure that decision making takes into account the impacts of land use and development on Victoria's high value biodiversity.

12.04-2 *Landscapes*

Objective: to protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

Strategies:

- recognise the natural landscape for its aesthetic value and as a fully functioning system
- ensure natural key features are protected and enhanced.

13.05-1 *Bushfire Planning Strategies and Principles*

Objective: to assist to strengthen community resilience to bushfire.

Strategies:

- prioritise the protection of human life over other policy considerations in planning and decision making in areas at risk from bushfire
- only permit new development where:
 - the risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level
 - bushfire protection measures, including the siting, design and construction of buildings, vegetation management, water supply and access and egress can be readily implemented and managed within the property.

17.03-1 *Tourism*

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

Strategies:

- encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities
- seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

Local Planning Policy Framework

21.01-3 *Key Issues and Influences*

Key issues and influences affecting the use and development of land in Murrindindi Shire are:

- environment and landscape: the pristine environment, rich biodiversity, significant public land areas and high quality landscape, form an essential part of the municipality's character, liveability and economy. Protection of the natural environment is critical for the continued economic and social wellbeing of the municipality
- environmental risks and natural disasters: future planning for land use and development must fully consider environmental risks and natural hazards. These hazards and limitations including flooding, bushfire risk and erosion risk.

21.03-3 *Tourism*

Objective 1: enhance and promote tourism to increase the economic, social and cultural benefits to the municipality.

Strategies:

- generate sustainable growth in tourism, leveraging Murrindindi Shire's natural assets, proximity to Melbourne and links with neighbouring regions
- support and grow tourism that builds upon the strengths of and is linked to the natural environment
- facilitate recreational and tourism activities that attract tourists year round.

21.05-1 *Environmental Values*

Objective 1: develop and promote environmentally sustainable outcomes and protection of the natural environment in the use and development of land.

Strategies:

- ensure land use and development protects and enhances the natural environment and environmental features and values.

Objective 2: Biodiversity and native vegetation.

Strategies:

- protect and enhance biodiversity assets and natural environmental values of local, state and national and international significance
- protect and retain native vegetation and enhance its contribution to biodiversity values
- ensure that development is sited and designed to avoid and minimise removal of native vegetation
- prevent the ongoing and cumulative loss of native vegetation on both private and public land

- minimise any adverse impacts of development on landscape, environmental conservation and recreational values.

21.05-2 *Environmental Risks*

Objective 2: Bushfire Risk:

- implement bushfire risk assessment and mitigation in land use planning.

Strategies:

- direct future growth to existing townships to protect environmental values and improve community safety particularly from high bushfire risk.

21.05-3 *Landscape and Built Environment*

Objective 1: Protect significant landscapes in planning for the use and development of land.

Strategies:

- protect the environmental and landscape values of the Lake Eildon and Cathedral Ranges environs.

Zoning

35.07 *Farming* Purpose:

- to provide for the use of land for agriculture
- to ensure non-agricultural uses, including 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.

Decision Guidelines:

General Issues:

- whether the site is suitable for the use and whether the proposal is compatible with adjoining and nearby land uses
- how the use makes use of existing infrastructure and services.

Environmental Issues:

- the impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality
- the impact of the use on the flora and fauna on the site and its surrounds
- the need to protect and enhance the biodiversity of the area, including the retention of 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

Design and Siting Issues:

- the impact of the siting, design, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts
- the impact on the character and appearance of the area or features of natural scenic beauty or importance.

A planning permit is required for group accommodation, extensions to the building, and the construction of the carport and business identification signage in the Farming Zone.

Overlays

42.03 *Significant Landscape*

Purpose:

- to identify significant landscapes
- to protect and enhance the character of significant landscapes

Decision Guidelines:

- the conservation and enhancement of the landscape values of the area
- the need to remove, destroy or lop vegetation to create defensible space to reduce the risk of bushfire to life and property
- the impact of the proposed buildings and works on the landscape due to height, bulk, colour general appearance or the need to remove vegetation
- the extent to which the buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation
- protect the nature of the Cathedral Range
- provide that the development of tourism oriented activities complements the special nature of the Cathedral Range
- maintain passive recreational development of the land for the enjoyment of all visitors.

44.06 *Bushfire Management*

Purpose:

- to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire
- to ensure that development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Particular Provisions

52.05 *Advertising Signs*

Purpose:

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

A planning permit is required for business identification signage in the Farming Zone, with a maximum allowed signage area of 3 square metres.

RESOLUTION:

Cr M Rae / Cr R Bowles

That Council issue a notice of decision to refuse to grant a permit for the change of use of the existing machinery shed to shared accommodation, extension to existing shed, construction and use of a carport, construction of two business identification signs at 140 Granite Park Place Buxton (LOT: 1 LP: 148241, Parish of Buxton) on the following grounds:

- 1. The proposal is not in accordance with Clause 12.01-1 *Protection of Biodiversity* as the cumulative impact of the vegetation removal to achieve defensible space, without any offsetting, will have a negative impact on Victoria's biodiversity.**

2. The proposal is not in accordance with Clause 12.04-2 *Landscapes* as the creation of defensible space does not ensure that the natural features of the site are protected and enhanced.
3. The proposal is not in accordance with Clause 13.05 *Bushfire* as the Bushfire Management Plan requires support for the development from another dwelling on the lot that is not constructed.
4. The proposal is not in accordance with Clause 13.05 *Bushfire* and Clause 42.03 *Significant Landscape Overlay* as the bushfire protection measures in relation to vegetation management cannot be implemented on site without a negative impact on the significant landscape.
5. The proposal is not in accordance with Clause 17.03-1 *Facilitating Tourism* as the siting of the building does not respond well to the fire risk and landscape values of the area, and the vegetation removal required to support the development does not enhance the natural attractions of the area.
6. The proposal is not in accordance with Clause 21.01-3 *Key Issues and Influences*, as the works required for the development do not protect the natural environment.
7. The proposal is not in accordance with Clause 21.05-1 *Environmental Values*, Objective 1 as the proposed development does not protect or enhance the natural environment and environmental features and values of the site.
8. The proposal is not in accordance with Clause 21.05-1 *Environmental Values*, Objective 3 as the proposal is not sited in a manner that will avoid or minimise the removal of native vegetation and the approval of a second accommodation building on the site will cause an unacceptable cumulative loss of native vegetation.
9. The proposal is not in accordance with Clause 21.05-3 *Landscape and Built Environment* as it does not protect the landscape values of the Cathedral Ranges.
10. The proposal is not in accordance with Clause 35.07 *Farming Zone* as the siting of the building, and the required bushfire protection measures, will have a negative impact on the natural environment and natural scenic beauty of the area.
11. The proposal is not in accordance with Clause 42.03 *Significant Landscape Overlay* as the siting of the building does not allow for the protection of the rural landscape of the Cathedral Range.

CARRIED

6.3 AMENDMENT C62, MURRINDINDI PLANNING SCHEME - IMPLEMENTATION OF THE ADOPTED GAMING POLICY REVIEW

Attachment(s): *Draft Amendment C62 package (17/76329)*

Purpose

The purpose of this report is to commence the process of implementing the 'Murrindindi Shire Gaming Policy Review' into the Murrindindi Planning Scheme. This will give Council greater ability to ensure that gaming machines are located in areas that are considered appropriate from a social and community development perspective.

This report recommends that Council:

- request authorisation to prepare Amendment C62 to implement the adopted gaming policy review
- seek a partial exemption from notification of the amendment and when authorised, exhibit the amendment.

Officer Recommendation

That Council:

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* (the *Act*) that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C62 to the Murrindindi Planning Scheme.
2. Notify the Minister for Planning that when it exhibits Amendment C62, Murrindindi Shire Council intends to give notification of the amendment under Section 19 of the *Act*, other than under Section 19(1)(b), for the minimum statutory exhibition period of one month.
- 3a. Make an application to the Minister for Planning under Section 20(2) of the *Act* for an exemption from giving notice under Section 19(1)(b) of the *Act* to all owners and occupiers of land in the whole Murrindindi Shire municipal area as:
 - compliance with this section of the *Act* is not warranted due to the large number of landowners and occupiers involved
 - direct notice of the amendment to all owners and occupiers of land in the whole Murrindindi Shire municipal area is not considered necessary
 - proposed alternative notification is considered adequate to give sufficient public notification of the amendment.
- 3b. Advising that the following alternative notification of the amendment is proposed:
 - notification in accordance with all other sub-sections of Section 19 of the *Act*
 - direct notification to the Victorian Commission for Gambling and Liquor Reform
 - direct notification to all existing clubs, hotels and other venues in the townships of Alexandra, Eildon, Kinglake, Marysville and Yea, as identified in Figures 4 – 8 inclusive in the 'Murrindindi Shire Gaming Policy Review'.
4. When authorised by the Minister for Planning, exhibit Amendment C62 to the Murrindindi Planning Scheme under Section 19 of the *Act*, in accordance with any exemption from notice granted under Section 20(2) of the *Act*.

Background

The Murrindindi Planning Scheme currently prohibits gaming in strip shopping centres, with a planning permit required to install or use a gaming machine in all other areas. The state planning system only allows the prohibition of gaming machines under planning schemes in strip shopping centres and shopping complexes. However, the state planning system does allow councils to include a gaming policy in their local planning scheme to guide how future gaming proposals should be directed and considered.

In 2015, Council undertook and adopted the 'Murrindindi Shire Gaming Policy Review' (the Review) to provide context and guidance for future gaming proposals in the municipality. Key findings of the review included:

- an opportunity to limit expansion of gaming venues and facilities in the shire to locations where visitation and tourism are concentrated and economic development is sought
- support for any limited expansion of gaming venues to be constrained to locations that have greater tourist visitation
- clear guidance that gaming is strongly discouraged in areas immediately adjacent to prohibited areas (ie. strip shopping centres as per Clause 52.28 of the Murrindindi Planning Scheme).

The next step is to implement the review into the Murrindindi Planning Scheme which will provide more policy and legal weight to the document.

Discussion

Amendment C62 has been developed to implement the review recommendations. The amendment applies to the whole of the Murrindindi Shire municipal area and introduces new strategic directions and policy guidelines for gaming in Clause 21.06-4, Community Development of the Murrindindi Planning Scheme. Amendment C62 also incorporates the review in the Murrindindi Planning Scheme as a reference document.

Amendment C62 outlines preferred and non-preferred areas, sites and venues for gaming and provides application requirements and decision guidelines to guide future gaming proposals.

Council Plan/Strategies/Policies

This initiative to further clarify directions and approaches for gaming is consistent with the following strategic objectives of the Murrindindi Shire Council Plan 2017-2021:

- Our Prosperity: "Work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events"
- Our Place: "Through good land use planning enhance the liveability, prosperity and rural character of our Shire".

Relevant Legislation

Amendment C62 will introduce new policy into the Murrindindi Planning Scheme, which is administered under the *Planning and Environment Act 1987*.

Financial Implications and Risk

The proposed amendment will incur State prescribed amendment fees and panel costs, if a panel is required to hear any unresolved submissions. There are no other financial or resource risks associated with the proposed amendment.

Conflict of Interest

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

Community and Stakeholder Consultation

Council officers recommend that Council make an application to the Minister for Planning under Section 20(2) of the *Act* for an exemption from giving direct notice to all land owners and occupiers as it is not considered necessary. If the application is approved, notice of the proposed amendment would be given under Section 19 of the *Act* using the alternative notification process including:

- notice to all existing clubs, hotels and other venues in the townships of Alexandra, Eildon, Kinglake, Marysville and Yea, as identified in the adopted gaming policy review
- notice to the Victorian Commission for Gambling and Liquor Reform
- public notice in local papers and on social media
- a press release to outline proposed strategic and policy directions for gaming in Murrindindi Shire.

RESOLUTION:

Cr E Lording / Cr L Dunscombe

That Council:

1. **Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* (the *Act*) that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C62 to the Murrindindi Planning Scheme.**
2. **Notify the Minister for Planning that when it exhibits Amendment C62, Murrindindi Shire Council intends to give notification of the amendment under Section 19 of the**

Act, other than under Section 19(1)(b), for the minimum statutory exhibition period of one month.

- 3a. Make an application to the Minister for Planning under Section 20(2) of the Act for an exemption from giving notice under Section 19(1)(b) of the Act to all owners and occupiers of land in the whole Murrindindi Shire municipal area as:**
- **compliance with this section of the Act is not warranted due to the large number of landowners and occupiers involved**
 - **direct notice of the amendment to all owners and occupiers of land in the whole Murrindindi Shire municipal area is not considered necessary**
 - **proposed alternative notification is considered adequate to give sufficient public notification of the amendment.**
- 3b. Advising that the following alternative notification of the amendment is proposed:**
- **notification in accordance with all other sub-sections of Section 19 of the Act**
 - **direct notification to the Victorian Commission for Gambling and Liquor Reform**
 - **direct notification to all existing clubs, hotels and other venues in the townships of Alexandra, Eildon, Kinglake, Marysville and Yea, as identified in Figures 4 – 8 inclusive in the ‘Murrindindi Shire Gaming Policy Review’.**
- 4. When authorised by the Minister for Planning, exhibit Amendment C62 to the Murrindindi Planning Scheme under Section 19 of the Act, in accordance with any exemption from notice granted under Section 20(2) of the Act.**

CARRIED

RESOLUTION:

Cr J Ashe / Cr M Rae

That standing orders be suspended.

CARRIED

The meeting was suspended at 7.51 pm.

RESOLUTION:

Cr S McAulay / Cr E Lording

That standing orders be resumed.

CARRIED

The meeting was resumed at 7.58 pm.

6.4 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2017-2021

Attachment(s): *Municipal Public Health and Wellbeing Plan 2017-2021 (refer Attachment 6.4)*

Purpose

This report seeks Council's adoption of the Municipal Public Health and Wellbeing Plan 2017-2021.

Council is required to develop a Municipal Public Health and Wellbeing Plan (Health and Wellbeing Plan) to support active, healthy and connected communities. The Health and Wellbeing Plan is a four year plan and has been developed in line with the Council Plan strategic objectives, strategies and actions.

Officer Recommendation

That Council adopts the Municipal Public Health and Wellbeing Plan 2017-2021 as per *Attachment 6.4* to this report.

Background

The *Public Health and Wellbeing Act 2008* (the *Act*) establishes the statutory role of Councils to “protect, improve and promote public health and wellbeing within the municipal district”. Under the *Act* it is a statutory requirement of every Council to develop a Municipal Public Health and Wellbeing Plan.

The Health and Wellbeing Plan is developed collaboratively with all Council departments, community advisory groups, organisations, individuals and service providers.

This year has signalled the development of a new four year plan spanning 2017-2021.

Discussion

The development of the new Health and Wellbeing Plan for 2017 – 2021 has focused on aligning health and wellbeing priorities to the Council Plan 2017-2021. This integration drives a focus on health and wellbeing across the Shire and strengthens the mandate for health and wellbeing action.

The Health and Wellbeing Plan has been developed with consideration of feedback received through the ‘Have Your Say’ process and in consultation with key community and sector partners. Several workshops have been held with health and support agencies and sport and recreation clubs and groups. There was agreement from all partners that the structure of the Council Plan should be used to develop the Health and Wellbeing Plan. As a result many of the Council Plan actions are replicated in the Health and Wellbeing Plan.

The draft Health and Wellbeing Plan is structured in line with the strategic objectives, strategies and actions for:

- Our People
- Our Place
- Our Prosperity

Key focus areas spanning the four year life of the plan have been developed and articulated next to each action, they reflect Council and external partner responsibilities against the plan.

‘Our Promise’ has been reframed to articulate the values that will direct the work Council and partner agencies undertake in supporting the health and wellbeing of the community.

A four year implementation plan will be developed with partners to articulate key activities against each action. Council activities articulated in departmental business plans will be part of the implementation plan in addition to activities that are the responsibility of external partners.

Following public exhibition on the plan during October 2017, two submissions were received. These are detailed in the following table:

Submitter	Feedback	Action Taken
1	There is a need for plain text/word version of the plan to make it easier to download and print for community members.	A plain text word version of the draft Health and Wellbeing Plan has been created and placed on Council's website. The final Health and Wellbeing Plan will also be created in a plain text word version option.
2	There is a need to provide further detail on the benefits of supporting and growing cycle tourism.	The submitter has been contacted via email to highlight that the annual implementation plans will have further detail. The Council's Coordinator Youth and Recreation is meeting with the submitter to discuss further.

As a result of feedback from Council officers there were a number of minor wording changes made to the key focus areas in the plan. The minor changes aim to further promote the natural environment and volunteerism.

All reporting partners will participate in an annual reporting process against these activities. Council and the community will be updated on the progress on the plan each year.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017 – 2021 strategic objective 'Our People' – "Together we will celebrate and encourage diverse, caring and connected communities".

Relevant Legislation

The requirement to develop a Health and Wellbeing Plan is prescribed under the *Public Health and Wellbeing Act 2008* – N. 46 of 2008, version incorporating amendments as at 31 March 2013.

Financial Implications and Risk

The actions outlined in the Health and Wellbeing Plan will be delivered with the current level of human and financial resources within Council and other agencies.

Conflict of Interest

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

Community and Stakeholder Consultation

The Health and Wellbeing Plan 2017 – 2021 has been shaped by a number of consultations which took place during 2017:

- 'Have Your Say' community survey
Over 1600 people in Murrindindi Shire provided feedback through the survey.
- 'Have Your Say' community workshops
Over 120 community members attended one of four community workshops to review the information collected via the community survey and identify key priorities.
- Workshops with partner agencies
A total of 10 external agencies attended two workshops to agree on the framework and key focus areas of the plan.
- Sport and Recreation community conversations
Over 80 people representing community sport and recreation clubs and organisations participated in one of four community conversations to assist in highlighting key issues and priorities for the plan.

The plan was on public exhibition during October 2017. In this time two external submissions were received, which are detailed in the discussion section of this report.

RESOLUTION:

Cr S McAulay / Cr E Lording

That Council adopts the Municipal Public Health and Wellbeing Plan 2017-2021 as per Attachment 6.4 to this report.

CARRIED

6.5 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP ENDORSEMENT

Purpose

The purpose of this report is to seek endorsement of the membership positions for individual Section 86 Committees of Management resulting from the 2017 Annual General Meetings held by each committee. Council has 10 delegated Section 86 Committees of Management in total and three are currently in recess.

Officer Recommendation

That Council appoints the following individuals to fill the vacant positions on the Section 86 Committees of Management for the term specified:

Committee	Representative Position	Name	Years (if noted)
Buxton Recreation Reserve	Community Representative	James Cowell	3 Years
	Community Representative	Graham Eddy	3 Years
	Community Representative	Judy Kleiss	3 Years
	Community Representative	Andy Cowan	3 Years
	Community Representative	Mike Read	3 Years
	Community Representative	Bob Taylor	3 Years
	Community Representative	<i>Vacant</i>	3 Years
Eildon Community Resource Centre	Community Representative	Jean Laws	3 Years
	Community Representative	William Wright	3 Years
	Community Representative	Frank Stow	3 Years
	Community Representative	Michael Sundstrom	3 Years
	Community Representative	Phillip Gange	3 Years
	Community Representative	Sue Beggs	3 Years
	Community Representative	Pat Collier	3 Years
Gallipoli Park Precinct	Community Representative	Delice Guscott	3 Years
	Community Representative	Nat Morandi	3 Years
	Community Representative	Pauline Harrow	3 Years

Committee	Representative Position	Name	Years (if noted)
	Community Representative	Ben Giovanetti	3 Years
	Marysville Cricket Club Representative	Travis Gleeson	3 Years
	Marysville Football Netball Club Representative	Greg Elder	3 Years
	Alexandra Community Health Representative	Anne Marie Ellis	3 Years
	Marysville Primary School Representative	Leah Harrow- Ware	3 Years
Glenburn Community Centre	Community Representative	Judy Jackson	3 Years
	Community Representative	Kevin Baird	3 Years
	Community Representative	Bill Braden	3 Years
	Community Representative	Viv Frogley	3 Years
	Book Nook User Group Representative	Jenny Johnson	3 Years
	Book Club User Group Representative	Lorelei Mason	3 Years
	Craft User Group Representative	Maureen Astbury	3 Years
Strath Creek Reserve & Hall	Community Representative	David Ralph	3 Years
	Community Representative	Kay Granter	3 Years
	Community Representative	Serene Tresidder	3 Years
	Community Representative	Susan King	3 Years
	Community Representative	Jeanette Tilley	3 Years
	Progress Association User Group Representative	<i>Vacant</i>	
	Landcare User Group Representative	Terry Hubbard	3 Years
Yea Pioneer Reserve	Community Representative	Sandra Hanley	3 Years
	Community Representative	Tina Gorman	3 Years
	Community Representative	Margaret Findlay	3 Years
	Community Representative	Sandy McQueen	3 Years
	Community Representative	Nola Yorston	3 Years
	Community Representative	Ali Foster	3 Years
	Community Representative	<i>Vacant</i>	3 Years
Yea Saleyards	Community Representative	David McKenzie	3 Years
	Community Representative	Jim Osborne	3 Years

Committee	Representative Position	Name	Years (if noted)
	Livestock Transport Representative	Peter Hauser	3 Years
	District Farming Representative	Duncan Newcomen	3 Years
	District Farming Representative	Malcolm White	3 Years
	District Farming Representative	Jan Beer	3 Years
	Yea Livestock Representative	Rick Wills	3 Years
	Yea Livestock Representative	Chris Pollard	3 Years
Yea Wetlands	Community Representative	Geoff Lesley	2 Years
	Community Representative	Richard Lane	2 Years
	Community Representative	Corrine Border	2 Years
	Community Representative	Angela Tennburren	2 Years
	Community Representative	Debbie Templeton	2 Years
	Community Representative	Ron Litjens	1 Year
	Community Representative	Glenda Woods	1 Year
	Community Representative	Judy Watts	1 Year
	Community Representative	Amanda Hard	1 Year
	Community Representative	<i>Vacant</i>	1 Year

Background

Committees of Management are delegated under section 86 of the *Local Government Act 1989* to manage reserves and facilities on behalf of Council.

Committees must hold a public nomination process to propose the community representative membership to Council and Council may in its absolute discretion decline to appoint. Community representatives can sit on a Committee for up to three years without re-election and the Committees call for nominations as part of the Annual General Meeting process when required.

Discussion

Committees of Management play an important role in assisting Council with the operation of many of its facilities and reserves. The members of these Committees are all volunteers and are proposed to Council through a democratic process. Nominations are sought from the public or from the relevant user groups and a vote is held at the Annual General Meeting.

Council has 10 active committees, eight of which had memberships due for election.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Strategic Objective under Our Promise "We will all work in collaboration with our communities to deliver the best possible outcomes in all that we do".

Relevant Legislation

Committees of Management are delegated by Council in accordance with the *Local Government Act 1989*.

Financial Implications and Risk

Until Council has endorsed these memberships the individuals do not have any obligations under the Instrument of Delegation and cannot make any financial decisions.

Conflict of Interest

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

Community and Stakeholder Consultation

Council advertised the community representative nomination processes and AGM details for two weeks prior to each of the meetings in a newspaper of the Committee of Management's choice. This process adheres with the regulations in the Committee of Management Governance Manual.

RESOLUTION:

Cr L Dunscombe / Cr J Ashe

That Council appoints the following individuals to fill the vacant positions on the Section 86 Committees of Management for the term specified:

Committee	Representative Position	Name	Years (if noted)
Buxton Recreation Reserve	Community Representative	James Cowell	3 Years
	Community Representative	Graham Eddy	3 Years
	Community Representative	Judy Kleiss	3 Years
	Community Representative	Andy Cowan	3 Years
	Community Representative	Mike Read	3 Years
	Community Representative	Bob Taylor	3 Years
	Community Representative	<i>Vacant</i>	3 Years
Eildon Community Resource Centre	Community Representative	Jean Laws	3 Years
	Community Representative	William Wright	3 Years
	Community Representative	Frank Stow	3 Years
	Community Representative	Michael Sundstrom	3 Years
	Community Representative	Phillip Gange	3 Years
	Community Representative	Sue Beggs	3 Years
	Community Representative	Pat Coller	3 Years
Gallipoli Park Precinct	Community Representative	Delice Guscott	3 Years
	Community Representative	Nat Morandi	3 Years
	Community Representative	Pauline Harrow	3 Years
	Community Representative	Ben Giovanetti	3 Years

Committee	Representative Position	Name	Years (if noted)
	Marysville Cricket Club Representative	Travis Gleeson	3 Years
	Marysville Football Netball Club Representative	Greg Elder	3 Years
	Alexandra Community Health Representative	Anne Marie Ellis	3 Years
	Marysville Primary School Representative	Leah Harrow- Ware	3 Years
Glenburn Community Centre	Community Representative	Judy Jackson	3 Years
	Community Representative	Kevin Baird	3 Years
	Community Representative	Bill Braden	3 Years
	Community Representative	Viv Frogley	3 Years
	Book Nook User Group Representative	Jenny Johnson	3 Years
	Book Club User Group Representative	Lorelei Mason	3 Years
	Craft User Group Representative	Maureen Astbury	3 Years
Strath Creek Reserve & Hall	Community Representative	David Ralph	3 Years
	Community Representative	Kay Granter	3 Years
	Community Representative	Serene Tresidder	3 Years
	Community Representative	Susan King	3 Years
	Community Representative	Jeanette Tilley	3 Years
	Progress Association User Group Representative	<i>Vacant</i>	
	Landcare User Group Representative	Terry Hubbard	3 Years
Yea Pioneer Reserve	Community Representative	Sandra Hanley	3 Years
	Community Representative	Tina Gorman	3 Years
	Community Representative	Margaret Findlay	3 Years
	Community Representative	Sandy McQueen	3 Years
	Community Representative	Nola Yorston	3 Years
	Community Representative	Ali Foster	3 Years
	Community Representative	<i>Vacant</i>	3 Years
Yea Saleyards	Community Representative	David McKenzie	3 Years
	Community Representative	Jim Osborne	3 Years
	Livestock Transport Representative	Peter Hauser	3 Years

Committee	Representative Position	Name	Years (if noted)
	District Farming Representative	Duncan Newcomen	3 Years
	District Farming Representative	Malcolm White	3 Years
	District Farming Representative	Jan Beer	3 Years
	Yea Livestock Representative	Rick Wills	3 Years
	Yea Livestock Representative	Chris Pollard	3 Years
Yea Wetlands	Community Representative	Geoff Lesley	2 Years
	Community Representative	Richard Lane	2 Years
	Community Representative	Corrine Border	2 Years
	Community Representative	Angela Tennburren	2 Years
	Community Representative	Debbie Templeton	2 Years
	Community Representative	Ron Litjens	1 Year
	Community Representative	Glenda Woods	1 Year
	Community Representative	Judy Watts	1 Year
	Community Representative	Amanda Hard	1 Year
	Community Representative	<i>Vacant</i>	1 Year

CARRIED

6.6 ANNUAL REPORT 2016-2017

Attachment(s): *Annual Report (refer Attachment 6.6)*

Purpose

The presentation of the Annual Report is an important milestone in recognising the significant achievements of Council in 2016-2017, including the objectives and activities of the Council Plan 2013–2017 and the 2016-2017 Annual Budget.

This report presents the Annual Report for the period 1 July 2016 to 30 June 2017 for Council's endorsement. This report is the final report for the Council Plan 2013-2017.

In accordance with section 133 of the *Local Government Act 1989* the Annual Report was submitted to the Minister for Local Government by 30 September and following this submission Council made the report publicly available.

Officer Recommendation

That Council formally considers and endorses the Annual Report 2016-2017 as attached to this report.

Background

The Annual Report 2016-2017 details Council's performance over the past 12 months in achieving the objectives and activities of the Council Plan 2013–2017 and the 2016/17 Annual Budget.

A copy of the Annual Report is contained in *Attachment 6.6*.

Discussion

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

- Council undertook its largest ever community engagement process to inform the development of its new Council Plan for 2017-2021, receiving over 1,600 survey responses and community participation in a range of engagement activities
- new Council Plan 2017- 2021, which incorporates Council's Long Term Financial Plan was adopted on 21 June 2017
- Council has improved its communications during the year by launching its corporate Facebook page and creating engaging and useful content for the community
- Murrindindi Early Years Conference took place involving 75 local early years service provider representatives from across the Shire focusing on diversity and inclusion
- community arts groups and the Marysville and Triangle Business and Tourism Association have been supported to access grant funds to plan and design an Arts and Tourism Centre in Marysville
- Council worked in partnership with the Taungurung Aboriginal Corporation to progress the development of indigenous language cards for use by local early years service providers, primary schools and libraries
- 96% of scheduled works from the adopted capital works infrastructure budget were delivered. An additional \$3 million of grant funded or carried forward works were also delivered
- Council completed construction of the leachate management facility at the Alexandra Landfill site and developed a long term management plan for the landfill site
- overall diversion of waste from landfill achieved was 36.3%, exceeding the target diversion rate of 35%
- significant support was provided for the staging of the final day of the Jayco Herald Sun Tour in Kinglake
- Doing Business Better program was delivered in partnership with Murrindindi Inc. and included training and workshops covering customer service, financial management and online marketing, and the nominations and judging for the Murrindindi Business Excellence Awards
- PlanSmart was launched at a Business Forum held at Holmesglen, Eildon in November 2016 which provides an online tool to assist local businesses to plan for emergencies with the safety of their guests as the prime focus
- Climate Smart Agricultural Development project was completed with the online tool and information ready for use in better understanding the impacts of climate change on the agricultural sector in the region.

Under the *Local Government Act 1989*, the public notice statutory period of at least 14 days prior notice to the consideration of the Annual Report by Council is required:

Publication	Publishing Date(s)
Alexandra & Eildon Standard	8 and 15 November 2017
Yea Chronicle	8 and 15 November 2017
Marysville Triangle	10 and 17 November 2017
North Central Review	7 and 14 November 2017
Council Website	8 November 2017

Council Plan/Strategies/Policies

The delivery of the achievements in the Annual Report is consistent with the Council Plan 2017-2021 'Our Promise' strategy to "Ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council Resources".

Relevant Legislation

Sections 131 to 134 of the *Local Government Act 1989* set out the requirements for the preparation, public exhibition and consideration by Council of the Annual Report.

Subject to Council's consideration and endorsement of the Council's Annual Report 2016-2017 at this meeting and giving public notice of its endorsement, all statutory requirements associated with the Annual Report will have been met.

Financial Implications and Risk

The Annual Report includes the audited Financial Report and Standard Statements for the 2016/17 financial year which was approved by Council at its September 2017 Ordinary meeting.

Conflict of Interest

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

Community and Stakeholder Consultation

The Annual Report was forwarded to the Minister for Local Government in accordance with statutory requirements by 30 September and has been confirmed as received.

This report has been made publicly available in line with the requirements under section 133 of the *Local Government Act 1989*.

RESOLUTION:

Cr E Lording / Cr M Rae

That Council formally considers and endorses the Annual Report 2016-2017 as attached to this report.

CARRIED

7. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
D17/14059	25 October 2017	Community Joint Use Agreement between the Minister for Education, Alexandra Secondary College Council and Murrindindi Shire Council	Stuart McConnell Cr Charlotte Bisset
CONT 17/11	25 October 2017	Formal Instrument of Agreement between Murrindindi Shire Council and HDS Australia Pty Ltd for Engineering Services Panel Contract	Stuart McConnell Cr Margaret Rae
CONT 17/17	2 November 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Daniel Duna Construction Pty Ltd for the Provision of General Building Maintenance and Minor Building Works - Builders	Michael Chesworth Cr Charlotte Bisset
CONT 17/11	2 November 2017	Formal Instrument of Agreement between Murrindindi Shire Council and CAF Consulting Services Pty Ltd for Engineering Services Panel Contract	Michael Chesworth Cr Charlotte Bisset
CONT 17/17	2 November 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Stace and Newman Builders Pty Ltd for the Provision of General Building Maintenance and Minor Building Works - Builders	Michael Chesworth Cr Charlotte Bisset
CONT17/11	10 November 2017	Formal Instrument of Agreement between Murrindindi Shire Council and GH Engineers Pty Ltd for the Engineering Services Panel Contract	Michael Chesworth Cr Charlotte Bisset
CONT 17/11	15 November 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Regional Management Group Pty Ltd for Engineering Services Panel Contract	Margaret Abbey Cr Margaret Rae

Officer Recommendation

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

RESOLUTION:

Cr M Rae / Cr J Ashe

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

CARRIED

8. COUNCILLOR PORTFOLIO REPORTS**8.1 LAND USE PLANNING PORTFOLIO****Cr M Rae**

As evidenced by our agenda tonight, planning continues to be a dynamic and challenging space. Decisions such as those made tonight are based on extensive briefings and documentation so are in no way decisions made on the spur of the moment but arise from the very serious consideration given by Councillors and Council officers to the wide range of issues that emerge.

It is pleasing to see the progression of Amendment C62 which should see the consequent implementation of the Gaming Policy Review as earlier adopted by Council and its incorporation into the Murrindindi Planning Scheme.

A submission to the Sustainable Animal Industries proposals has been made by Council. This is available on our website for those who are interested at <http://www.murrindindi.vic.gov.au/News-Media/Sustainable-Animal-Industries-Submission>. Submissions have closed and the timeline for Government consideration has not yet been specified.

Council will also be making a submission to the proposed reforms to the Victoria Planning Provisions. Whilst these are primarily of a technical nature, the opportunity will be taken to also highlight the longer term and broader impact of some of the proposed changes.

I attended the Municipal Association of Victoria (MAV) Planning Committee meeting last week at which a range of significant issues were discussed:

- legislative changes associated with affordable housing initiatives
- Smart Planning reforms
- MAV strategic planning survey which will be sent out again to engage more councils in this process
- proposed MAV advocacy program in the context of the State elections next year
- other foreshadowed initiatives.

The draft MAV submission to the proposed Victorian Planning Provisions (VPP) reforms has also been made available to Council for comment.

In addition, other activities at which I have represented Council include:

- Sustainable Animal Industries information session held in Alexandra
- Remembrance Day services at Kellock Lodge and Leckie Park
- afternoon tea to recognise the installation of town entry signs acknowledging Alexandra as the birthplace of Ray Weinberg and Dame Pattie Menzies and the home and final resting place of Bernhard Smith
- Alexandra Racecourse and Recreation Reserve Committee meeting
- launch of the annual Geocaching Event at the Alexandra Showgrounds. I learned a great deal about geocaching and am impressed with the potential there is for an ongoing relationship and continued visitation from such passionate enthusiasts.

It has also been a wonderful month for community events and activities – of special note were the:

- Alexandra and District Open Gardens
- St John's Festival of Flowers
- Alexandra Wood and Craft Show
- Alexandra Agricultural Show
- Alexandra Spring Fair
- Yea Open Gardens

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr J Ashe

I attended numerous meetings this month, one that stood out was North East Cycle Tourism Information day at the Y Water Discovery Centre.

I would like to wish every luck and success to our local businesses nominated as part of the RACV Awards in various categories:

- Sedona Estate Winery
- Holmesglen at Eildon - in 2 categories
- Peppercorn Hotel at Yea

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr E Lording

There is nothing to report on Infrastructure projects from last month.

Reports of potholes and excessive dust on gravel roads are coming in. We will work with management to assist residents with this problem.

Single lane bridges on sealed roads continue to be problematic. I will work with the Infrastructure Department to look into potential for the widening of these 'old school' bridges.

Council has received reports that the slashing program may be too late for maximum effect on fire threats.

Waste work is proceeding at a feverish pace especially with a new release of the ABC series "War on Waste".

I have attended many waste meetings and the Waste Management Board and Forum meetings. Workshops have been held with the Department of Environment, Land, Water and Planning (DELWP), Sustainability Victoria and the Environment Protection Authority (EPA).

I am concerned that wasp season is upon us again with reports of the destruction of hundreds of queen wasps in local traps. This already suggests that a bad season is coming. It is my plan to ensure we do not fall for the old 'too little, too late' syndrome. Plans have been drawn up for bait stations and baiting of Council street rubbish bins but the orders have not been placed and could soon be in short supply. Council pest spraying contractors have not yet certified themselves to use specialist hard hitting baits and 'facilities sprays' such as transfer station bins etc where wasps form dangerous clouds of feeding frenzied activity.

8.4 CORPORATE AND CUSTOMER SERVICES PORTFOLIO

Cr L Dunscombe

No report this month.

8.5 NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO

Cr R Bowles

Round 2 of the remnant roadside project now has been completed. Kings Road, Old Highlands Road, Upper King Parrot Creek Road and Burns Road have now been added to the list, so that is eight Council roads that have had weed control, revegetation with local endemic species, with 18 nest boxes distributed throughout these four sites. Sugar gliders and phascogales have been located in last year's project sites.

The Green Army has been a great success under the tutelage of both Chris Cobern of Upper Goulburn Landcare network and Sue McNair, Council's Environment Officer. Some of the youth involved have now gone onto bigger things, one has become a park ranger, two are working for the Department of Environment, Land, Water and Planning as seasonal field services officers, two are employed in revegetation businesses, one has become a landscape gardener and quite a number are now employed in work unrelated to conservation.

A lot of people have commented on what appears to be the dying off of our gum trees, when this is in fact lurps in infestation mode. The Committee believes that this is a result of less habitat for our small native bird species, which do not live high up in trees but in lower under storey shrubbery, and it is our small native bird species that eat the lurps, which is why this particular project is so worthwhile doing.

Next round of funding for four more Council roads is being sort through a Victorian Landcare grant. The new roads are Racecourse Road, Native Dog Road, Old Fawcett Road and Captains Creek Road.

I attended the following:

- Yea Pioneer Reserve Committee of Management meeting
- Y Water Discover Centre – Annual General Meeting
- Remembrance Day service
- Wominjeka at Yea Wetlands
- Goulburn Broken Greenhouse Alliance

8.6 COMMUNITY SERVICES PORTFOLIO

Cr S McAulay

Health and Wellbeing Plan

The Health and Wellbeing Plan was on public display for the month of October. The final plan has been presented and adopted tonight. I would like to take this opportunity to formally thank and acknowledge the Council officers hard work and dedication to this project. It is a great document that is complimentary to and enhances the Council Plan. It is the result of successful collaboration between Council's health and wellbeing partners including other funded services and community groups.

The first year implementation plan is currently being developed with these partners.

Aged and Disability Services

We will begin planning for an Aged and Disability Services Review in the New Year with an aim of the review plan to be finalised in March 2017.

Children Services

The Yea Children's Centre redevelopment project is progressing well. The design plans are currently being finalised in collaboration with the Children's centre staff.

Youth and Recreation

All pools opened on the 17 November. Free entry was offered to celebrate the opening of the season. The pools are looking fantastic and we are looking forward to a great season ahead.

Marysville Tourism and Arts Project

The Marysville Tourism and Arts Centre Governance Committee are meeting regularly and working through operating issues in preparation for when the centre is redeveloped.

Tenders for the capital works component of the project have closed and are currently being evaluated. It is hoped that a report seeking approval of the successful contractor will come to Council in December.

Library Services

This month we celebrated our volunteers in Yea with a morning tea and in Alexandra with a lunch. These wonderful volunteers give of their valuable time to make our libraries even better places for the community.

We welcome a new staff member, Anette Allan, to our mobile library crew in advance of a return of the mobile library van in February 2018.

We are running a number of 'on the couch' book nights at the new sites our mobile library will be visiting when we resume the mobile library van service to build the excitement about the extension of the service. We have run a great night at Highlands and will be doing the same at Glenburn and Toolangi over the next week.

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr C Bisset

Over the last month I have been involved in the following activities:

- attended the Eildon Boat Club sail past
- opened the indigenous garden at the Y Water Discovery Centre
- attended the Y Water Discovery Centre Annual General Meeting
- formally announced the new CEO to Council staff and the community
- attended the Remembrance Day service at Yarck
- attended the Goulburn Murray Water stakeholder breakfast.

9. GENERAL BUSINESS

Nil

10. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil

11. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil

12. ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 18 October 2017 to 8 November 2017, 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 18 October 2017 to 8 November 2017.

Background

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

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

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

Discussion

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

The following summary details are for 18 October 2017 to 8 November 2017:

Meeting Name/Type:	Council Briefing	
Meeting Date:	18 October 2017	
Matters Discussed:	<ol style="list-style-type: none"> 1. Aquatic Services Analysis 2. Reducing GHG Emissions 3. DAMP 4. Quarterly Capital Works Report 5. September Finance Report & Review 6. Enterprise Risk Management 7. Bushfire Management Overlay 8. Planning for Sustainable Animal Industries 	
Councillor Attendees: Cr Rae, Cr Lording, Cr Ashe, Cr Bisset, Cr McAulay, Cr Bowles, Cr Dunscombe (part)	Council Officer Attendees: M Chesworth, S McConnell, M Leitinger, Z Blakeney, N McNamara, C Price, J Canny, C Lintott, A Vogt, K Girvan	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Pre Council Briefing			
Meeting Date:	25 October 2017			
Matters Discussed:	<ol style="list-style-type: none"> 1. Glenburn Tavern 2. Glamping, Taggerty 3. Kinglake West Adventure Camp Amendment 4. DAMP 5. Community Grants program 6. Transfer of Land 7. Enterprise Risk Management Policy Review 8. Review of CEO Remuneration Package 9. Retail Supply of Electricity 10. Quarterly Priority Action Plan 2017/18 Progress Report 11. Quarterly Financial Report 12. September Quarterly Report – Capital Works Program 2017/18 			
Councillor Attendees: Cr Ashe, Cr Lording, Cr Rae, Cr Bowles, Cr McAulay, Cr Bisset	Council Officer Attendees: J Canny, M Leitinger, M Chesworth, A Vogt, A Bond, S McConnell			
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
6.	Cr Bisset	No	Yes	Before

Meeting Name/Type:	Pre Council Briefing	
Meeting Date:	1 November 2017	
Matters Discussed:	<ol style="list-style-type: none"> 1. Election of Mayor and Deputy Mayor 2. Committee Representation 3. Appointment of New Chief Executive Officer 4. Election of Temporary Chair 	
Councillor Attendees: Cr Bisset, Cr Rae, Cr Lording, Cr Ashe, Cr Dunscombe, Cr Bowles, Cr McAulay	Council Officers: M Chesworth, S McConnell	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Council Briefing	
Meeting Date:	8 November 2017	
Matters Discussed:	<ol style="list-style-type: none"> 1. Marysville Community Foundation Presentation 2. Community Neighbourhood Houses 3. Building Community Resilience Project 4. Amended C62 – Gaming Policy 5. Sustainable Animal Industries Submission 6. Bushfire Memorials Project 7. Planning Application – Gobur 8. Planning Application - Buxton 	
Councillor Attendees: Cr Bisset, Cr Rae, Cr Lording, Cr Ashe, Cr Dunscombe, Cr Bowles, Cr McAulay	Council Officer Attendees: M Chesworth, S McConnell, N McNamara, A Vogt, S McDonald, K Girvan, M Crane	
Conflict of Interest Disclosures: Nil		

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2017 Our Promise strategy to “Expand our communication”.

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

RESOLUTION:

Cr M Rae / Cr E Lording

That Council receives and notes the record of assemblies of Councillors for 18 October 2017 to 8 November 2017.

CARRIED

13. URGENT BUSINESS

Nil

14. CONFIDENTIAL ITEMS

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

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

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

The report on the 'Tender 17/21 – Murrindindi Bushfire Memorials – Construction' is being considered in the closed part of this meeting because it is considered under S89(2)(d) that it may prejudice Council or a member of the public.

Recommendation

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

- Tender 17/21 – Murrindindi Bushfire Memorials – Construction

RESOLUTION:

Cr M Rae / Cr E Lording

That the meeting be closed to the public pursuant to s.89(2)(d) of the *Local Government Act 1989* due to contractual matters.

CARRIED

The meeting closed to the public at 8.19 pm

RESOLUTION:

Cr J Ashe / Cr E Lording

That the meeting re-opens to the public.

The meeting re-opened to the public at 8.25 pm.

14.3 TENDER 17/21 – MURRINDINDI BUSHFIRE MEMORIALS - CONSTRUCTION

RESOLUTION:

Cr E Lording / Cr J Ashe

The release of the resolution for confidential item 14.3 be reserved until no later than 19 December 2017.

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 8.25 pm.

CONFIRMED THIS

Wednesday 20th Dec. 2017

CHAIRPERSON

Cheset