



Murrindindi
Shire Council

MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 23 NOVEMBER 2016
in the
ALEXANDRA COUNCIL CHAMBER
commencing at
6.00 pm

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1. PRAYER, OATH & RECONCILIATION STATEMENT

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

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

REF: SF/306

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

Present:

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

In attendance:

Chief Executive Officer: Margaret Abbey
General Manager Corporate and Community Services: Michael Chesworth
Acting General Manager Infrastructure and Development: John Canny
Manager Business Services: Andrew Bond
Manager Communications Library & Customer Services: Jacqui Rabel
Manager Community Services: Naomi McNamara
Coordinator Statutory Planning: Karen Girvan
Senior Planning Officer: Melissa Crane
Technical Officer Planning: Nicole Maguire
Governance Officer: Audrey Kyval

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held on 19 October 2016

Officer Recommendation:

That the Minutes of the Ordinary Meeting of Council held on 19 October 2016 be confirmed.

RESOLUTION:

Cr M Rae / Cr E Lording

That the Minutes of the Ordinary Meeting of Council held on 19 October 2016 be confirmed.

CARRIED

3.2 Minutes of the Special Meeting of Council held on 9 November 2016

Officer Recommendation:

That the Minutes of the Special Meeting of Council held on 9 November 2016 be confirmed.

RESOLUTION:

Cr J Ashe / Cr L Dunscombe

That the Minutes of the Special Meeting of Council held on 9 November 2016 be confirmed.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

REF: SF/783

Margaret Abbey (Chief Executive Officer) declared an interest in item 6.4 of the agenda due to her involvement being listed in the applications by the Alexandra & District 150th Committee and the Speak Up Alexandra & More Murals Victoria application being auspiced by Dame Pattie Menzies Centre Inc.

The Chairperson opened Public Participation Time and invited questions from the gallery.

5. PUBLIC PARTICIPATION TIME**5.1 QUESTIONS OF COUNCIL**

Two questions were received from Jack Russell, representing the “Yea District Progress Association”:

Question 1 Will Council provide at least 15 minutes of open access to all aiding 'Councillors' prior to the open Council business of the day?

Question 2 Will Council agree for spend up to \$4,000 to install portable CCTV recording or audio only recording for each of every open Council meeting and if so, what time line and forget bureaucratic idleness such as next year's budget submissions etc.?

The Chief Executive Officer responded:

Question 1 Item 6.7 on tonight's agenda concerns Council setting the Council Meeting timetable for 2017. The venue where the meeting is held is generally opened to the public to enter 5-10 minutes prior to the meeting commencing.

Question 2 Council currently has no provision within its budget for the installation of CCTV or audio equipment, nor has it resolved on exploring this as an option to consider at this point in time.

5.2 OPEN FORUM

REF: SF/130

John Gilbert spoke in support of the 2016/131 – Fawltly Farm Bed and Breakfast Accommodation (item 6.1 on the agenda).

Anna Berkeley spoke against 2016/113 – Tanglewood Festival, Thornton (item 6.2 on the agenda).

James McMahon spoke against 2016/90 – Murrays Road Earthworks (item 6.3 on the agenda).

Michael McMahon spoke in support of the 2016/90 – Murrays Road Earthworks (item 6.3 on the agenda).

Stephanie Born spoke in support of the 2016/113 – Tanglewood Festival, Thornton (item 6.2 on the agenda).

5.3 PETITIONERS SPEAKING TO PETITIONS

REF: SF/132

Nil

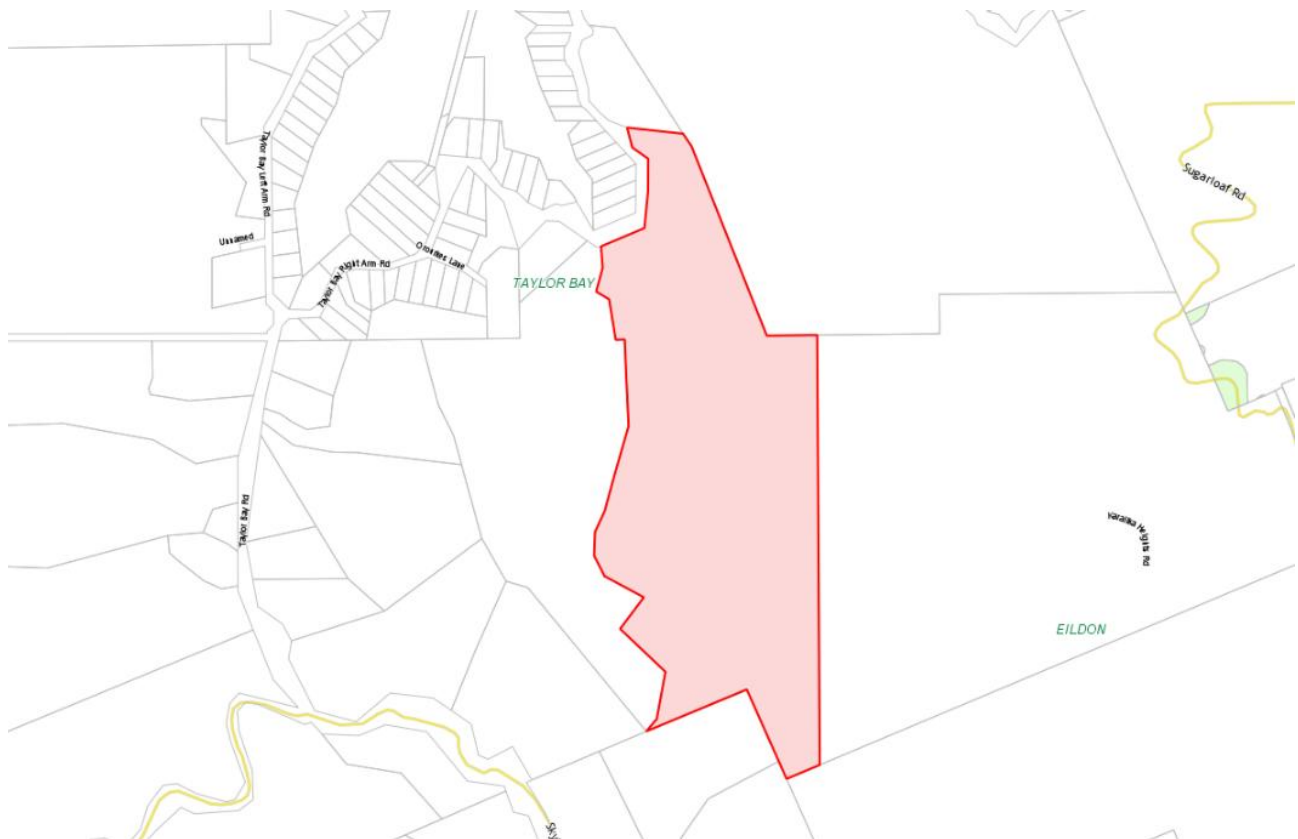
The Chairperson closed Public Participation Time.

6. OFFICER REPORTS

6.1 2016/131 – FAWLTY FARM BED AND BREAKFAST ACCOMMODATION

Ref: 2016/131
Land: 264 Taylor Bay-Right Arm Road TAYLOR BAY 3713
Proposal: Extension to bed and breakfast to cater for up to 18 persons
Applicant: Ellen Hogan & Associates
Zoning: Farming
Overlays: Bushfire Management
Attachments: Application details (refer *Attachment 6.1* – TRIM 16/62493)
Aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a notice of decision to grant a permit be issued for the extension to bed and breakfast to cater for up to 18 persons at 264 Taylor Bay-Right Arm Road, Taylor Bay.

Officer Recommendation:

That Council issue a notice of decision to grant a permit for an extension to bed and breakfast to cater for up to 18 persons at 264 Taylor Bay-Right Arm Road, Taylor Bay (Lot 2 PS 718583U, Parish of Eildon), subject to the following conditions:

1. The submitted plan shall be stamped the endorsed plan, and once stamped, shall be the plan referred to in this Planning Permit. No alteration or modification will be permitted without the written consent of the Responsible Authority.
2. This permit shall expire if the use hereby permitted has not commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before six months after such expiry.
3. Patrons may only be accommodated in buildings in accordance with the endorsed plan.
4. All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly, and more often if required by the Responsible Authority.
5. 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.
6. The emission of noise from the premises including the surrounding environment and carpark areas must not cause annoyance to persons beyond the site.
7. 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.
8. 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.
9. The use of the land for a bed and breakfast can only be undertaken when the resident of the dwelling is on site.
10. No more than 18 people are allowed to be accommodated on site in the bed and breakfast.
11. Only patrons associated with the bed and breakfast at 264 Taylor Bay - Right Arm Road, Taylor Bay are permitted to use the facilities on the site.

Proposal:

An application was received to have the number of guests allowed at the bed and breakfast at 264 Taylor Bay-Right Arm Road, Taylor Bay, known as Fawlty Farm, increased from 10 to 18. A planning permit is required to increase this number from 10 to 18.

The existing dwelling consists of a number of separate buildings that include:

- The main house, which includes the kitchen, laundry, store, bathrooms, billiards room and bunk rooms
- The four A-Frame bedrooms
- The covered BBQ and spa area
- The lake house (as a bedroom to the main house)

There is no proposal to increase the number of bedrooms currently offered or undertake any further buildings and works, as the existing structures can provide accommodation for up to 22 adults and eight children. The additional eight guests proposed in this application are to be

accommodated within the existing buildings. The applicant is requesting the increase to allow the venue to be used to a higher capacity.

The Land & Surroundings:

The subject land is made up of two parcels of land, being 40.84 hectares and 70.07 hectares in size. The buildings are located on the 70.07 hectare parcel of land. The property is bounded by private land in all directions, with access to the Taylor Bay-Right Arm Road in the north western section of the property.

The property is largely vegetated, with Lake Eildon further to the north, and rural living land further to the south. The area is general heavily treed; with a smaller section of land generally clear around the existing buildings. The properties to the North and North West are used for primarily residential purposes.

Referrals:

As the permit application is for an extension of an existing use only, with no buildings and works proposed, no referrals were required to be undertaken as part of the application.

Consultation:

This application was notified to 11 adjoining and nearby owners and placed on the Council website. Two objections were received, one submission signed by three separate parties. The objections can be summarised as follows:

- People using the site can overlook adjoining properties and increased use will lead to privacy being invaded (one submitter)
- Noise can already be heard from the site and an increase in visitors will increase noise (four submitters)
- An increased number of visitors will increase fire risk
- The applicant has contravened Council regulations by already permitting more than 10 people to stay on site (four submitters)
- An increase to the number of guests allowed will be detrimental to the neighbourhood's tranquil lifestyle (four submitters)
- Guests to "Fawltly Farm" have in the past trespassed on neighbouring properties (three submitters)
- Concern that if a permit is granted to accommodate 18 guests more will be permitted in the future

The applicant provided a response to the objections which can be summarised as follows:

- The distance of the neighbouring homes from "Fawltly Farm" is too far for them to be influenced by noise or be overlooked
- Guests at the bed and breakfast are advised what they can and can't do on site, particularly in relation to fire risk and there are rules in place
- No reports have been made of unacceptable behaviour or people trespassing
- No complaints have been made to the land owners regarding noise or music
- The distances between the guest accommodation and any neighbours are too far for there to be an impact on amenity

The response was forwarded to all submitters, with no objections being withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
<i>Mail out: Notice of application to nearby and adjoining owners</i>	6 September 2016

Planning Considerations:

The property in question is in the Farming Zone and under a Bushfire Management Overlay and Significant Landscape Overlay. Under the Farming Zone a permit is not required for a Bed and Breakfast as long as a dwelling is located on the property, the use is carried out by a resident of the dwelling and the following condition is met:

“No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence”.

A planning permit is required to increase the number of people to be accommodated to more than 10.

In this case there is no proposal to increase the number of buildings or to rearrange the internal layout. The increased numbers will be accommodated in the existing bedrooms and will use the existing facilities. As such there was no trigger to refer the application to the Country Fire Authority (CFA) and it is not believed an extra eight people onsite will greatly increase the fire risk. Similarly a planning permit is only triggered under the Significant Landscape Overlay if buildings or works are proposed.

There have been concerns raised regarding how the increase in patrons will impact the amenity of the area, particularly in relation to noise. Up until now no planning permit has been required to operate the bed and breakfast and there has been no ability for Council to put controls on the use. The granting of a planning permit to allow 18 persons will enable Council to put conditions on the use, including conditions surrounding amenity impacts. Similarly if a planning permit is issued, planning officers will have the opportunity to undertake compliance inspections and ensure the business is complying with conditions. It should be noted that there have been no complaints formally lodged with Council since the bed and breakfast began operation, though the submissions do note that they have heard noise from the site.

The objection raised in relation to overlooking is not directly relevant to this application. The dwelling used to accommodate the Bed and Breakfast is located in the lower part of the property, around 160 metres from Taylor Bay-Right Arm Road. It is surrounded by vegetation on all sides, except on the north, and there is little potential for any visitors to overlook other properties or to be seen themselves. The objection is in relation to a structure that sits on top of a hill at the rear of the property, around 800 metres from the dwelling itself. The owner advised that he had been allowing groups of visitors to the area to use the lookout during the day. The owner has been advised that this would require a planning permit for a place of assembly, and without such permit using the lookout in this manner could not continue.

It is believed that concerns surrounding this proposal can be addressed with permit conditions and periodic inspections of the property. The local planning policy framework acknowledges the need for tourism growth in the municipality and the need to expand the sector. The site already has the capacity to accommodate an increased number of people. While Taylor Bay is a sensitive area with acknowledged environmental significance it is believed allowing the extension to the bed and breakfast will not detrimentally impact the surrounding area.

Conclusion:

The amenity impacts from the proposed increase to guest numbers at an established Bed and Breakfast should not cause significant disturbance to neighbouring properties. The application is in accordance with Clause 21.03 Economic Development, and can be considered as a reasonable proposal in the Farming Zone and should be supported.

Legal/Policy Issues:State Planning Policy Framework13.04 *Noise and Air*

Objective: To assist the control of noise effects on sensitive land uses

Strategy: Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

14.01 *Agriculture*

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

Strategies:

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land uses

Local Planning Policy Framework21.03-2 *Agriculture*

Objective 2: Rural and agricultural land use and development

Strategies:

- Ensure that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land
- Develop the agricultural economic base through the attraction of value adding agricultural industries

21.03-3 *Tourism*

Objective 1: Tourism growth and facilitation

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 all year round
- Facilitate development of new tourism accommodation options

Zoning35.07 *Farming Zone*

Purpose:

- The provide for the use of land for agriculture

- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture

Decision Guidelines:

General Issues

- Whether the site is suitable for the use and whether the proposal is compatible with nearby and adjoining land uses

Agricultural Issues and the Impacts From Non-Agricultural Uses

- Whether the use will support and enhance agricultural production
- The potential for the use to limit the operation and expansion of adjoining and nearby agricultural uses

Environmental Issues

- 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 agricultural uses and to minimise the loss of productive agricultural land
- Whether the use will require traffic management measures

A planning permit is required for a bed and breakfast of more than 10 persons.

Overlays

44.06 *Bushfire Management*

Purpose: To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level

No planning permit is required for the extension of use of the land for a bed and breakfast as no buildings and works are proposed.

RESOLUTION:

Cr M Rae / Cr J Ashe

That Council issue a notice of decision to grant a permit for an extension to bed and breakfast to cater for up to 18 persons at 264 Taylor Bay-Right Arm Road, Taylor Bay (Lot 2 PS 718583U, Parish of Eildon), subject to the following conditions:

- 1. The submitted plan shall be stamped the endorsed plan, and once stamped, shall be the plan referred to in this Planning Permit. No alteration or modification will be permitted without the written consent of the Responsible Authority.**
- 2. This permit shall expire if the use hereby permitted has not commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before six months after such expiry.**
- 3. Patrons may only be accommodated in buildings in accordance with the endorsed plan.**
- 4. All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly, and more often if required by the Responsible Authority.**
- 5. 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.

6. The emission of noise from the premises including the surrounding environment and carpark areas must not cause annoyance to persons beyond the site.
7. 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.
8. 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.
9. The use of the land for a bed and breakfast can only be undertaken when the resident of the dwelling is on site.
10. No more than 18 people are allowed to be accommodated on site in the bed and breakfast.
11. Only patrons associated with the bed and breakfast at 264 Taylor Bay - Right Arm Road, Taylor Bay are permitted to use the facilities on the site.

CARRIED

6.2 2016/113 – TANGLEWOOD FESTIVAL, THORNTON

Ref: 2016/113
Land: 969 Goulburn Valley Highway THORNTON
Proposal: Change of use of land to Place of Assembly (music festival)
Applicant: Tanglewood Festival, Born Rhythm Entertainment
Zoning: Farming
Overlays: Bushfire Management; Floodway (Part)
Attachments: Application details (refer *Attachment 6.2* – TRIM 16/62659
Aerial photograph and submissions distributed separately

Locality Plan (next page)

**Purpose:**

This report recommends that a notice of decision to grant a permit be issued for the change of use of land to place of assembly (music festival) at 969 Goulburn Valley Highway, Thornton.

Officer Recommendation:

That Council issue a notice of decision to grant a permit for the change of use of land to place of assembly (music festival) at 969 Goulburn Valley Highway, Thornton Lot 1 TP342881, Lot 2 TP342881, Parish of Thornton, subject to the following conditions:

1. This permit allows three events to be held over three consecutive years from 30 December to 2 January, subject to satisfactory compliance with condition (2) below. The establishment of the site for the purpose of the event and re-instatement of the site after the event may occur outside the dates specified above, to the satisfaction of the Responsible Authority.
2. The consecutive events may only proceed upon satisfactory compliance with the conditions of the permit for the previous event to the satisfaction of the Responsible Authority.
3. Music from the events may occur between the hours of 3 pm and midnight on 30 December 2016, from 10 am on 31 December to 6 am on 1 January and 10 am till 11 pm on 1 January.
4. Prior to the event a Noise Management Plan must be endorsed as part of the permit for each event. Noise levels must be in accordance with the endorsed Noise Management Plan.
5. No more than 3000 patrons plus event staff may be permitted on the site at any one time to the satisfaction of the Responsible Authority.
6. Prior to the commencement of the event hereby permitted management plans shall be submitted to and approved by the Responsible Authority. Once approved, all relevant management plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but must be

updated to form the final version of the plans, to the satisfaction of the Responsible Authority. The management plans must include:

- a. Event Management Plan
- b. Noise Management Plan
- c. Emergency Management Plan
- d. Waste Management Plan
- e. Traffic Management Plan

The event must be managed in accordance with the endorsed management plans at all times to the satisfaction of the Responsible Authority.

7. Noise generated from the use hereby permitted for normal operating hours must not exceed 96 decibel (A) on the main stage and 92 decibel (A) on Stage 2, measured at 30 metres from front of the stage, and for late night noise levels must not exceed 89 decibel (A) on the main stage and 86 decibel (A) on Stage 2, measured at 30 metres from front of the stage as detailed in the noise management plan. Should a complaint be received about the noise level, the sound engineer must check levels and adjust accordingly.
8. All food providers are to comply with relevant Food Act legislation requirements to the satisfaction of the Responsible Authority.
9. A final list of all food vendors must be submitted to the Responsible Authority at least four (4) weeks prior to the event.
10. All temporary structures erected on the site including all promotional or directional signage and all waste must be removed at the completion of the event to the satisfaction of the Responsible Authority. The site must be re-instated including any areas of disturbed ground to be re-vegetated, no later than two weeks after the completion of the event on the land, to the satisfaction of the Responsible Authority. A post-event site condition report must be submitted to the Responsible Authority to demonstrate compliance with this condition, no later than four (4) weeks after the completion of the event on the land.
11. A public address system must be installed throughout the site to advise patrons of any emergency on the site to the satisfaction of the Responsible Authority.
12. 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.
13. The owner/operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority.
14. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
15. The car parking of all vehicles must be confined to designated parking areas within the site as set out on the endorsed plan and no vehicles associated with the event may be parked on any public land, including the road reserve, to the satisfaction of the Responsible Authority.
16. 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.

17. The emission of noise from the property including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.

Country Fire Authority (CFA)

18. The event organiser is to engage a suitably qualified risk management practitioner that to the satisfaction of the Responsible Authority has recognised qualifications and experience to conduct a full risk assessment and response plan meeting Australian Standard 4360 in the following areas (but not limited to):

- Assessments of fire and other emergencies within the site and external threats impinging on the site
- Risk treatments to mitigate identified risks
- Develop an Emergency Management Plan based on the treatment strategy
- Identification of the area(s) for assembly of event patrons. In the event of an emergency to the satisfaction of the CFA
- Assembly areas, vehicular traffic, parking or paths of access and egress are not to impinge on responding CFA vehicles or the operational requirements of CFA
- Event plans for the site are to be developed using a guide document, "Event Management – Planning Guideline for Event Managers"
- Any identified fire fighting resources and personnel are to be available at the site and available for use during set-up, duration and demobilisation of the event

19. A draft copy of the Emergency Management Plan is to be submitted to:

- CFA District 22
- North East Region

Not less than three (3) months prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.

20. A finalised draft copy of the Emergency Management Plan is to be submitted to:

- CFA District 22
- North East Region

Not less than six (6) weeks prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.

21. A Site Fire Ban is to be imposed for this event prohibiting patrons (and other persons) from any activities which produce a naked flame or ignition source for the total duration of the event.

- This ban prohibits the following:
 - Naked flames of any kind regardless of cause or source
 - Use of any "open flame" equipment including gas cookers, gas lights, barbeques or tea candles
 - Use of unauthorised "portable" generators, quad bikes or motorbikes
 - Unauthorized "Fire Twirling" and like activities undertaken by patrons or others

22. Food vendors, display stalls, market stalls and other providers are not to have their stalls/tents/vans or other temporary or permanent structures within a distance of not less than six (6) metres of each other or may have a lesser distance where the event organiser has demonstrated to the satisfaction of the Responsible Authority that fire spread between stalls will not occur.

23. Each food vendor, stall holder or other provider is required to get an individual CFA Schedule 14 / Fire Danger Period and/or Section 40 / Total Fire Ban Day permit (no blanket or group permit for these operators are to be issued).
24. Access and egress routes are to be clearly marked to a width of not less than six (6) metres and are to meet the following conditions:
 - Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width
 - The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres
 - Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle
25. Car parking areas, vehicular routes, camping areas and emergency assembly areas, (i.e. the entire event area as designated on the Event Site Plan) are to maintain the vegetation to the following conditions to the satisfaction of the Responsible Authority:
 - Grass must be no more than 100 millimetres in height
 - Leaf litter must be less than 10 millimetres deep
 - There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most sparse, with very little dead material. This fuel reduction must be completed three weeks prior to the event date and maintained in this state until the conclusion of the event
26. Camping areas are to be structured in 20 metre squared blocks with 6 metre wide access roads provided between each camping block as per Campsite Map 2016 document.
27. There must be two (2) Emergency Assembly Areas. One situated the northern side of the watercourse running through the event area. The second assembly area is to be located just north of the patron camping area adjacent to the small dam.
28. The small dam adjacent to patron camping area and the dam next to the car parking area (as indicated as quick fill/static water supply locations on the Event Site Plan) must be full of water a minimum of one (1) week prior to the event through until the end of the event. Clear vehicular access must be maintained to these areas.
29. The event organiser is to provide their own fire suppression resources and equipment to be on site 24/7 for the duration of the event including bump in and bump out times. This will require two Slip On Units (minimum 500 litres) to be crewed from Wednesday 28th December through until Wednesday 4th January inclusive as per the Tanglewood Festival Fire Management Roster document. The event organiser is to provide the names and evidence of the fire fighting qualifications of the engaged personnel to CFA by no later than 1st December 2016.
30. There are to be no fireworks/pyrotechnics and/or fire performances at this event.
31. The event organiser is to appoint Safety Officers for the event, who have successfully completed the "Safety Officer – In a Place of Public Entertainment" training that is available from Melbourne Metropolitan Fire Brigade. Evidence of qualification to be provided to CFA.

VicRoads

32. Prior to the commencement of the Use the access must be upgraded to the satisfaction of and at no cost to the Roads Corporation (VicRoads) to be generally in accordance with standard drawing Truck Access to Rural Properties Type B SD2065.
33. The event days will be in accordance with the Emergency Management Plan appended to the application.

34. Ticket sales provisions are to be located at the Information Station as identified on the site plan appended to the application. Ticket sales will not be permitted at the subject site access with Goulburn Valley Highway.
35. Appropriate traffic management must be applied for and used for each event.

NOTATIONS:

1. Any marquees and stages over 100 square metres in size will require an Occupancy Permit from the Municipal Building Surveyor.

VicRoads

2. Separate application for a Memorandum of Authorisation (MoA) and associated Traffic Management Plan (TMP) will be required prior to the event. The TMP shall be prepared in accordance with the *Road Safety Act 1986* and shall comply with *Road Safety (Traffic Management) Regulations 2009* and *Road Management Act 2004 Code of Practice: Worksite Safety-Traffic Management (Gazetted 31 August 2010)*. Traffic management companies must be VicRoads pre-qualified.

Proposal:

In July of this year, event company Born Rhythm applied to hold a four day music festival, Tanglewood, at 969 Goulburn Valley Highway, Thornton for the next three years. The festival is to be held from 30 December 2016 to 2 January 2017. Tanglewood is promoted as a small boutique music and arts festival which is being targeted towards 25 to 60 year olds. Tanglewood festival was held last year at the same location and overall ticket sales came to 666 (however it is expected around 1200 patrons will attend this year) raising to 3,000 over the three years. The type of music varies from blues and rock 'n' roll to electronic music.

The Land & Surroundings:

The subject land is 165 hectares, comprising of 5 separate lots, with the festival to be located over lots 1 and 2, located approximately 3.5 kilometres from the township of Thornton. The land contains a dwelling and several machinery sheds and is used for cattle grazing. The general area is used for farming purposes, with scattered dwellings and sheds.

Referrals:

The application was referred to the Goulburn Broken Catchment Management Authority, Country Fire Authority and VicRoads. All authorities have given conditional approval to the event.

Consultation:

The application was also notified to nearby and adjoining owners and two submissions were received. One submission has been withdrawn and one is still outstanding. The submission can be summarised as follows:

- Noise from the event will negatively impact on the amenity of the locality
- Hours of music should be restricted to reduce impact

The applicant provided a response to the objection which can be summarised as follows:

- They are currently working on a revised noise management plan
- New measures to be undertaken include:
 - Changing the direction of the speakers to face east into a mountain range without residences
 - Eliminating some of the low end frequencies
 - Turning the levels down during the late night periods

- Music will be turned down to Low Level (cannot be heard inside a place of residence) between 10 am and noon and 1 am and 6 am on New Year's Day and between 10 am and noon on New Year's Day
- All other music will be played at Normal Level (89 decibel (A) to 92 decibel (A) and will be played between 3 pm – midnight on 30th December, noon - midnight on New Year's Eve and midnight – 1 am and noon - 9:30 pm on New Year's Day.
- A qualified sound engineer will be employed to take sound readings throughout the event
- All nearest residents will be provided with contact details for the site manager
- The event was held successfully last year and there were no noise complaints lodged
- While New Year's Eve is a time to relax it is also a time to come together and celebrate

The applicant has since provided an updated Noise Management Plan incorporating the time frames above which was sent to the submitter for their consideration. At the time of writing this report the objection had not been withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
<i>Newspaper: Alexandra and Eildon Standard</i>	24 August 2016
<i>Mail out: Nearby and adjoining owners</i>	12 August 2016

Planning Considerations:

The proposed event site is 165 hectares (5 lots) and the festival to be located over lots 1 and 2. The land is developed with a dwelling and several machinery sheds and is used for cattle grazing. During the event cattle will be moved offsite. The stages and camping ground are to be located towards the rear of lot 1 around 1.5 kilometres from the Goulburn Valley Highway. There will be two main stages to accommodate live music performances and other activities will include: a local art show and gallery, silent disco, buskers, roving performers, local market stalls and education workshops. Food stalls will operate between 9 am to midnight and free drinking water will be provided.

The festival gates will open at 9 am on the morning of the 30th and music will begin at 3 pm, and run through until midnight. Music will start again at 10 am on the 31st and run through until 4 am on New Year's Day. Between 4 am and 6 am on New Year's Day it is proposed to have some low volume entertainment or a silent disco. On New Year's Day music will commence at 10 am and finish at 9:30 pm, which will end the music component of the festival. The festival will conclude on the 2nd January and patrons will be required to leave the site by noon.

The land is in the Farming Zone and under a Bushfire Management Overlay. Under the Planning Scheme a music festival is considered to be a Place of Assembly and as such requires a planning permit. While the purpose of the Farming Zone is agriculture, other uses are permitted as long as non-agricultural uses do not adversely affect the use of land for agriculture. As the land is proposed to be used for a four day event, with no permanent structures or earthworks proposed it can be considered that the use will not affect the ability for the land to be used in an ongoing manner for agriculture.

The land is in a relatively secluded area and the adjoining properties are mostly grazing land. There are some dwellings located closer to the Goulburn Valley Highway however the event was advertised and of the two objections received the one from an adjoining owner has since been

withdrawn. The nearest township is Thornton which is around 3.5 kilometres away from the proposed site and the noise from the festival is being directed away from this direction.

A number of procedures have been put in place to manage any risk associated with running a musical festival. Measures include 24 hour security provided by a professional security team, patron wrist bands and limited pass out hours, no glass onsite, a total fire ban, and increased shaded areas to provide shelter in case of extreme heat. While children under 12 will be allowed with an adult, teenagers between 12 and 18 will not be permitted in order to avoid the risk of underage drinking.

The site area was chosen due to a number of factors. The area is relatively clear and there are no areas of dense vegetation adjoining the property. The site avoids any waterways and areas of Cultural Sensitivity and makes use of existing roads and infrastructure. There is enough room to accommodate parking, camping and all facilities onsite. The topography creates a natural amphitheatre and as such provides an ideal venue for listening to music. Access to the property is via the Goulburn Valley Highway and is capable of accommodating the increased traffic.

The objection submitted primarily relates to noise and the impact it may have on the amenity of the area. The applicant has addressed these concerns by changing the direction of the stage and reducing the volume during the early morning. It is believed that it is unreasonable to require the event managers to cease music during this time as it is a New Year's Eve festival and patrons will want to be able to celebrate to some extent throughout the night.

The permit application is for a four day event to be run on the site each year for the next three years. As detailed above, the event was held last year with no complaints. The applicant also undertook a debrief of the event with Council officers, the owner of the property, Victoria Police, CFA and VicRoads to identify areas of concern and opportunities for improvement for the event proposed this year. All authorities expressed support of the event and how it had been run, and made suggestions that have been incorporated into the proposal. An event of this type with the capacity to draw up to 3,000 people into the local area will provide a positive impact on the local tourism providers, and is supported by the state and local planning policy frameworks. Recommended permit conditions will be similar to those used on the last permit, which were all complied with, but amended to provide for the additional day and changes implemented in the proposal.

Conclusion:

The application is in accordance with Clause 21.03 Economic Development and can be considered as a reasonable alternative use of land in the Farming Zone, and the use of the land for a music festival will not have any ongoing amenity impacts.

Legal/Policy Issues:

State Planning Policy Framework

13.02 *Floodplains*

Objective: To assist in the protection of life, property and community infrastructure from flood hazard

Strategies:

- Avoid intensifying the impacts of flooding through inappropriately located uses and developments

13.04 *Noise and Air*

Objective: To assist the control of noise effects on sensitive land uses

Strategy: Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land

use separation techniques as appropriate to the land use functions and character of the area

13.05 *Bushfire*

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

14.01 *Agriculture*

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

Strategies:

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land uses

17.03 *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

Local Planning Policy Framework

21.03-2 *Agriculture*

Objective 2: Rural and agricultural land use and development

Strategies:

- Ensure that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land
- Develop the agricultural economic base through the attraction of value adding agricultural industries

21.03-3 *Tourism*

Objective 1: Tourism growth and facilitation

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 all year round
- Facilitate development of new tourism accommodation options

Zoning

35.07 *Farming Zone*

Purpose:

- To provide for the use of land for agriculture

- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture

Decision Guidelines:

General Issues

- Whether the site is suitable for the use and whether the proposal is compatible with nearby and adjoining land uses

Agricultural Issues and the Impacts From Non-Agricultural Uses

- Whether the use will support and enhance agricultural production
- The potential for the use to limit the operation and expansion of adjoining and nearby agricultural uses

Environmental Issues

- The location of onsite 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 agricultural uses and to minimise the loss of productive agricultural land
- Whether the use will require traffic management measures

A planning permit is required for a place of assembly in the Farming Zone.

Overlays

44.06 Bushfire Management

Purpose: To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level

A planning permit is required for a place of assembly in the Bushfire Management Overlay.

Particular Provisions

52.29 Land Adjacent to a Road Zone, Category 1.

Purpose: To ensure appropriate access to identified roads

A planning permit is required to alter access to the Goulburn Valley Highway, as is required to undertake the events.

RESOLUTION:

Cr M Rae / Cr L Dunscombe

That Council issue a notice of decision to grant a permit for the change of use of land to place of assembly (music festival) at 969 Goulburn Valley Highway, Thornton Lot 1 TP342881, Lot 2 TP342881, Parish of Thornton, subject to the following conditions:

- 1. This permit allows three events to be held over three consecutive years from 30 December to 2 January, subject to satisfactory compliance with condition (2) below. The establishment of the site for the purpose of the event and re-instatement of the site after the event may occur outside the dates specified above, to the satisfaction of the Responsible Authority.**
- 2. The consecutive events may only proceed upon satisfactory compliance with the conditions of the permit for the previous event to the satisfaction of the Responsible Authority.**

3. **Music from the events may occur between the hours of 3 pm and midnight on 30 December 2016, from 10 am on 31 December to 6 am on 1 January and 10 am till 11 pm on 1 January.**
4. **Prior to the event a Noise Management Plan must be endorsed as part of the permit for each event. Noise levels must be in accordance with the endorsed Noise Management Plan.**
5. **No more than 3000 patrons plus event staff may be permitted on the site at any one time to the satisfaction of the Responsible Authority.**
6. **Prior to the commencement of the event hereby permitted management plans shall be submitted to and approved by the Responsible Authority. Once approved, all relevant management plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but must be updated to form the final version of the plans, to the satisfaction of the Responsible Authority. The management plans must include:**
 - a. **Event Management Plan**
 - b. **Noise Management Plan**
 - c. **Emergency Management Plan**
 - d. **Waste Management Plan**
 - e. **Traffic Management Plan**

The event must be managed in accordance with the endorsed management plans at all times to the satisfaction of the Responsible Authority.

7. **Noise generated from the use hereby permitted for normal operating hours must not exceed 96 decibel (A) on the main stage and 92 decibel (A) on Stage 2, measured at 30 metres from front of the stage, and for late night noise levels must not exceed 89 decibel (A) on the main stage and 86 decibel (A) on Stage 2, measured at 30 metres from front of the stage as detailed in the noise management plan. Should a complaint be received about the noise level, the sound engineer must check levels and adjust accordingly.**
8. **All food providers are to comply with relevant Food Act legislation requirements to the satisfaction of the Responsible Authority.**
9. **A final list of all food vendors must be submitted to the Responsible Authority at least four (4) weeks prior to the event.**
10. **All temporary structures erected on the site including all promotional or directional signage and all waste must be removed at the completion of the event to the satisfaction of the Responsible Authority. The site must be re-instated including any areas of disturbed ground to be re-vegetated, no later than two weeks after the completion of the event on the land, to the satisfaction of the Responsible Authority. A post-event site condition report must be submitted to the Responsible Authority to demonstrate compliance with this condition, no later than four (4) weeks after the completion of the event on the land.**
11. **A public address system must be installed throughout the site to advise patrons of any emergency on the site to the satisfaction of the Responsible Authority.**
12. **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.**
13. **The owner/operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority.**

14. **Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.**
15. **The car parking of all vehicles must be confined to designated parking areas within the site as set out on the endorsed plan and no vehicles associated with the event may be parked on any public land, including the road reserve, to the satisfaction of the Responsible Authority.**
16. **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.**
17. **The emission of noise from the property including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.**

Country Fire Authority (CFA)

18. **The event organiser is to engage a suitably qualified risk management practitioner that to the satisfaction of the Responsible Authority has recognised qualifications and experience to conduct a full risk assessment and response plan meeting Australian Standard 4360 in the following areas (but not limited to):**
 - **Assessments of fire and other emergencies within the site and external threats impinging on the site**
 - **Risk treatments to mitigate identified risks**
 - **Develop an Emergency Management Plan based on the treatment strategy**
 - **Identification of the area(s) for assembly of event patrons. In the event of an emergency to the satisfaction of the CFA**
 - **Assembly areas, vehicular traffic, parking or paths of access and egress are not to impinge on responding CFA vehicles or the operational requirements of CFA**
 - **Event plans for the site are to be developed using a guide document, "Event Management – Planning Guideline for Event Managers"**
 - **Any identified fire fighting resources and personnel are to be available at the site and available for use during set-up, duration and demobilisation of the event**
19. **A draft copy of the Emergency Management Plan is to be submitted to:**
 - **CFA District 22**
 - **North East Region**

Not less than three (3) months prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.
20. **A finalised draft copy of the Emergency Management Plan is to be submitted to:**
 - **CFA District 22**
 - **North East Region**

Not less than six (6) weeks prior to any proposed event (annually) to provide opportunity for comment to the Responsible Authority.

21. **A Site Fire Ban is to be imposed for this event prohibiting patrons (and other persons) from any activities which produce a naked flame or ignition source for the total duration of the event.**
 - **This ban prohibits the following:**
 - **Naked flames of any kind regardless of cause or source**
 - **Use of any “open flame” equipment including gas cookers, gas lights, barbeques or tea candles**
 - **Use of unauthorised “portable” generators, quad bikes or motorbikes**
 - **Unauthorized “Fire Twirling” and like activities undertaken by patrons or others**
22. **Food vendors, display stalls, market stalls and other providers are not to have their stalls/tents/vans or other temporary or permanent structures within a distance of not less than six (6) metres of each other or may have a lesser distance where the event organiser has demonstrated to the satisfaction of the Responsible Authority that fire spread between stalls will not occur.**
23. **Each food vendor, stall holder or other provider is required to get an individual CFA Schedule 14 / Fire Danger Period and/or Section 40 / Total Fire Ban Day permit (no blanket or group permit for these operators are to be issued).**
24. **Access and egress routes are to be clearly marked to a width of not less than six (6) metres and are to meet the following conditions:**
 - **Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width**
 - **The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres**
 - **Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle**
25. **Car parking areas, vehicular routes, camping areas and emergency assembly areas, (i.e. the entire event area as designated on the Event Site Plan) are to maintain the vegetation to the following conditions to the satisfaction of the Responsible Authority:**
 - **Grass must be no more than 100 millimetres in height**
 - **Leaf litter must be less than 10 millimetres deep**
 - **There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most sparse, with very little dead material. This fuel reduction must be completed three weeks prior to the event date and maintained in this state until the conclusion of the event**
26. **Camping areas are to be structured in 20 metre squared blocks with 6 metre wide access roads provided between each camping block as per Campsite Map 2016 document.**
27. **There must be two (2) Emergency Assembly Areas. One situated the northern side of the watercourse running through the event area. The second assembly area is to be located just north of the patron camping area adjacent to the small dam.**
28. **The small dam adjacent to patron camping area and the dam next to the car parking area (as indicated as quick fill/static water supply locations on the Event Site Plan) must be full of water a minimum of one (1) week prior to the event through until the end of the event. Clear vehicular access must be maintained to these areas.**

29. The event organiser is to provide their own fire suppression resources and equipment to be on site 24/7 for the duration of the event including bump in and bump out times. This will require two Slip On Units (minimum 500 litres) to be crewed from Wednesday 28th December through until Wednesday 4th January inclusive as per the Tanglewood Festival Fire Management Roster document. The event organiser is to provide the names and evidence of the fire fighting qualifications of the engaged personnel to CFA by no later than 1st December 2016.
30. There are to be no fireworks/pyrotechnics and/or fire performances at this event.
31. The event organiser is to appoint Safety Officers for the event, who have successfully completed the "Safety Officer – In a Place of Public Entertainment" training that is available from Melbourne Metropolitan Fire Brigade. Evidence of qualification to be provided to CFA.

VicRoads

32. Prior to the commencement of the Use the access must be upgraded to the satisfaction of and at no cost to the Roads Corporation (VicRoads) to be generally in accordance with standard drawing Truck Access to Rural Properties Type B SD2065.
33. The event days will be in accordance with the Emergency Management Plan appended to the application.
34. Ticket sales provisions are to be located at the Information Station as identified on the site plan appended to the application. Ticket sales will not be permitted at the subject site access with Goulburn Valley Highway.
35. Appropriate traffic management must be applied for and used for each event.

NOTATIONS:

1. Any marquees and stages over 100 square metres in size will require an Occupancy Permit from the Municipal Building Surveyor.

VicRoads

2. Separate application for a Memorandum of Authorisation (MoA) and associated Traffic Management Plan (TMP) will be required prior to the event. The TMP shall be prepared in accordance with the *Road Safety Act 1986* and shall comply with *Road Safety (Traffic Management) Regulations 2009* and *Road Management Act 2004 Code of Practice: Worksite Safety-Traffic Management (Gazetted 31 August 2010)*. Traffic management companies must be VicRoads pre-qualified.

CARRIED

6.3 2016/90 – MURRAYS ROAD EARTHWORKS

Ref: 2016/90
Land: 70 Murrays Road KINGLAKE
Proposal: Earthworks for the construction of an all weather driveway access (Retrospective)
Applicant: T & C Development Services Pty Ltd
Zoning: Farming
Overlays: Environmental Significance
Attachments: Application details (refer *Attachment 6.3 – TRIM 16/56444*)
Aerial photograph and submissions distributed separately

Locality Plan



Purpose:

This report recommends that a notice of decision to grant a permit be issued for earthworks for the construction of an all weather driveway access at 70 Murrays Road, Kinglake.

Officer Recommendation:

That Council issue a notice of decision to grant a permit for earthworks for the construction of an all weather driveway access at 70 Murrays Road, Kinglake (C/A: 42 CAL: E, LOT: 1 TP: 244666, Parish of Kinglake), subject to the following conditions:

1. The layout of the site and the size and type of the proposed works as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
2. This permit shall expire if the earthworks hereby permitted are not completed within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six (6) months after the permit expiry date, where the development allowed by the permit has not yet commenced, or within 12 months where the development allowed by the permit lawfully commenced before the permit expired.
3. Within three (3) months of the date of this permit, the driveway should be upgraded to be in accordance with the endorsed plans, and undertaken to minimise erosion and sedimentation on adjacent properties by carrying out the following actions:

- a. Both culverts should be upgraded as per engineer's recommendations on pipe size and material. All the runoff generated from the contributing area should be passed through these culverts and no other flow diversion is accepted.
 - b. Both upstream and downstream of culverts to be provided with standard end walls similar to IDM Standard Drawing SD 465.
 - c. Beaching should be provided both upstream and downstream of culverts with a suitable geo-textile membrane to control erosion. The extent of the beaching and median rock size to be designed by a qualified engineer.
 - d. Provide properly formed table drains to convey runoff to the culverts. Also provide rock check banks or properly installed hay bales along table drains at regular intervals to capture sediment and leaf litter.
 - e. Exposed soil surfaces to be grassed to reduce erosion potential. As an interim measure exposed batters may be protected with silt curtains.
 - f. Regular cleaning of table drains and culverts should be performed to remove accumulated leaf litter.
 - g. Realignment of formation to allow for landscape planting and sediment control.
4. Within one (1) month of the date of this permit, a landscaping plan or plans shall be submitted to and approved by the Responsible Authority. Such plans must show the areas either side of the driveway formation on the section of driveway that runs in an east/west direction to be set aside for planting, and must be planted with trees, shrubs and grasses indigenous to the area. This area must then be maintained to the satisfaction of the Responsible Authority.
 5. Within six (6) months of the date of this permit, the area set aside for landscaping, as shown on the endorsed landscaping plan, must be planted in accordance with 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.

Proposal:

Council officers were made aware of earthworks that had been undertaken at 70 Murrays Road, Kinglake to construct a driveway in a carriageway easement. The earthworks changed the flow of water across property boundaries, and as such, a planning permit was required in the Farming Zone. The property is also in the Environmental Significance Overlay, and a planning permit is required for works such as these. While this could have been an enforcement matter, the owner of the property chose to apply for a retrospective permit for approval of the earthworks.

70 Murrays Road is made up of 4 parcels of land:

- Crown allotment 44A is 11.48 hectares
- Crown allotment 44B is 5.42 hectares
- Crown Allotment 42E is 21.22 hectares
- Lot 1 TP244666 is 20.39 hectares, making a total of 58.51 hectares

The works commence at the end of the road reserve of Murrays Road through an easement on C/A 42E and Lot 1, TP 244666. The driveway provides access to the property adjoining to the east, known as 120 Murrays Road, Kinglake (Lot 1, TP374889), and to another parcel of land to the south, being C/A 44A, which is part of 70 Murrays Road, Kinglake.

The properties have always had an easement to provide access, but the easements on the property were changed in 2015 to the current position. The application for the relocation of the

easements was notified to nearby and adjoining owners and no objections were received to the application.

The site has been the subject of a number of planning applications. Planning Permit 2014/192 was issued on 2 March 2015 to allow the creation of the easement as it is on title currently. The current carriageway easements are shown on the plan below as E-1, E-2 and E-3 as follows:



The Land & Surroundings:

The subject land is currently part of a larger holding, known as 70 Murrays Road, Kinglake. There are four parcels in the holding, making it a total of 58.51 hectares. The subject land contains a dwelling on one allotment, and a carriageway easement creates access to all the remaining allotments. The subject land is bounded by a heavily vegetated waterway. The land to the east is private land that is heavily vegetated, and the land to the north and west are used for farming purposes.

Referrals:

The application was referred to Council’s Development Engineer and the Department of Environment, Land, Water and Planning. No objections were received.

Consultation:

The application was notified to nearby and adjoining owners, and one submission was received from the owner to the north. The objection can be summarised as follows:

- Earthworks were undertaken illegally
- Having a damaging effect on adjoining property
- Silt and sediment from works being directed onto adjoining property
- If gravel is placed on driveway it will wash into adjoining paddock
- Owner has not done any immediate remedial works
- Should relocate driveway further to the south

Newspaper / Other	Publishing/Consultation Date(s)
Mail out: Nearby and Adjoining owners	24 August 2016

Planning Considerations:

The property as it is currently owned makes up nearly 60 hectares of high quality agricultural land, some of which contains remnant native vegetation. The property is isolated from the residential areas in Kinglake, being separated by both the river reserve and other farming properties. In the Murrindindi Planning Scheme, the property has been identified as high quality agricultural land with the application of the Environmental Significance Overlay.

The purpose of the Farming Zone is to support the use of the land for agriculture, and to ensure that the development of land does not adversely affect the existing or potential use of the land for agriculture. The Zone has a range of decision guidelines, which consider how the development should be assessed.

This application is a retrospective permit for earthworks that have already been undertaken; however, the plans provided in the application have been done by an engineer and indicate how the works should be changed to better work with the site. The current construction is not in accordance with the plans provided. Council officers have assessed whether the proposed plans can be supported as if they have not already happened.

The lots have legal access (via the current and a previous carriageway) and the works being considered with the retrospective permit are to create a practical access along the legal carriageway easement. While there is clear land that could have been used, it is also important to note that the property is identified as high quality agricultural land, and careful consideration is given to location of all buildings and works in these areas to ensure that the bulk of the clear land is available for farming purposes.

Upon assessment of the proposed driveway plans, it is considered that a conditional notice of decision to grant a permit be issued with some of the following requirements:

- Works will need to be done to remediate the accessway works to be in accordance with the engineering plans
- Drainage from the works will need to be improved to ensure that there are no negative offsite impacts
- Vegetation replanting along areas of the carriageway to offset some of the vegetation removal already undertaken and to assist with the management of silt, sediment and visual impact of the works

Conclusion:

The earthworks provide access to properties along a legal carriageway easement, and with a requirement for some restoration and replanting, any offsite impacts will be minimised.

Legal/Policy Issues:State Planning Policy Framework14.01-2 *Sustainable Agricultural Use*

Objective: To encourage sustainable agricultural land use

Strategies:

- Ensure agricultural and productive rural land use activities are managed to maintain the long term sustainable use and management of existing natural resources

14.02-1 *Catchment Planning and Management*

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

Strategies:

- Encourage measures to filter sediment and wastes from stormwater prior to its discharge into waterways
- Ensure that works at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses
- Require the use of appropriate measures to restrict sediment discharges from construction sites

Local Planning Policy Framework21.03-2 *Agriculture*

Objective 2: Rural and agricultural land use and development

Strategies:

- Ensure that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land
- Ensure that the use and development of rural land is compatible with surrounding agricultural activities
- Identify and protect high quality agricultural land, ensuring that it is protected from unplanned long term loss and is available for ongoing agricultural use

21.05-1 *Environmental Values*

Objective 2: Waterways and catchment management

Strategies:

- Promote environmentally sustainable development and land management practices that protect and enhance waterways and catchments
- Encourage protection of waterways and environs through the retention and revegetation of native vegetation along them to minimise erosion, prevent sediment runoff, enhance water quality and improve riparian river health
- Ensure that development proposals do no impact detrimentally on the flow and quality of surface water and groundwater

Zoning35.07 *Farming Zone*

Purpose:

- To provide for the use of land for agriculture
- To encourage the retention of productive agricultural land

Decision Guidelines:

General Issues:

- Whether the site is suitable for the use and development 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

- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure

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 or development on the flora and fauna on the site and its surrounds

Design and Siting Issues

- The need to locate buildings in one area to avoid any impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities

A planning permit is required for earthworks which change the rate of flow or the discharge point of water across a property boundary.

Overlays

42.01 *Environmental Significance*

Purpose:

- To identify areas where the development of land may be affected by environmental constraints
- To ensure that development is compatible with identified environmental constraints

The Environmental Significance Overlay (ESO) identifies High Quality Agricultural Land, and the environmental objectives to be achieved are:

- Recognise the finite nature of high quality agricultural land
- Protect high quality agricultural land because of its versatility, productivity and ability to sustain a wide range of agricultural uses without degradation
- Protect the potential production from high quality agricultural land

RESOLUTION:

Cr E Lording / Cr M Rae

That Council issue a notice of decision to grant a permit for earthworks for the construction of an all weather driveway access at 70 Murrays Road, Kinglake (C/A: 42 CAL: E, LOT: 1 TP: 244666, Parish of Kinglake), subject to the following conditions:

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

3. **Within three (3) months of the date of this permit, the driveway should be upgraded to be in accordance with the endorsed plans, and undertaken to minimise erosion and sedimentation on adjacent properties by carrying out the following actions:**
 - a. **Both culverts should be upgraded as per engineer's recommendations on pipe size and material. All the runoff generated from the contributing area should be passed through these culverts and no other flow diversion is accepted.**
 - b. **Both upstream and downstream of culverts to be provided with standard end walls similar to IDM Standard Drawing SD 465.**
 - c. **Beaching should be provided both upstream and downstream of culverts with a suitable geo-textile membrane to control erosion. The extent of the beaching and median rock size to be designed by a qualified engineer.**
 - d. **Provide properly formed table drains to convey runoff to the culverts. Also provide rock check banks or properly installed hay bales along table drains at regular intervals to capture sediment and leaf litter.**
 - e. **Exposed soil surfaces to be grassed to reduce erosion potential. As an interim measure exposed batters may be protected with silt curtains.**
 - f. **Regular cleaning of table drains and culverts should be performed to remove accumulated leaf litter.**
 - g. **Realignment of formation to allow for landscape planting and sediment control.**
4. **Within one (1) month of the date of this permit, a landscaping plan or plans shall be submitted to and approved by the Responsible Authority. Such plans must show the areas either side of the driveway formation on the section of driveway that runs in an east/west direction to be set aside for planting, and must be planted with trees, shrubs and grasses indigenous to the area. This area must then be maintained to the satisfaction of the Responsible Authority.**
5. **Within six (6) months of the date of this permit, the area set aside for landscaping, as shown on the endorsed landscaping plan, must be planted in accordance with 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

Margaret Abbey left the room at 6.52 pm prior to consideration of item 6.4 due to a declared conflict of interest.

6.4 COMMUNITY GRANTS ROUND JUNE 2016 TO OCTOBER 2016

REF: 16/65415

Attachments: Community Grants Summary and Committee Recommendations June to October 2016 (refer *Attachment 6.4* – TRIM 16/64764)

Purpose:

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

Officer Recommendation:

That Council notes and supports the recommendations of the Community Grants Program Assessment Panel outlined in the following table:

Application	Funding sought	Recommendation
Rotary Club of Alexandra for the Alexandra District 150 th Committee	\$4,976	Supported to the value of \$976 to cover the cost of the historical display.
Speak Up Alexandra and More Murals Victoria	\$4,800	Supported
Y Water Centre Association inc.	\$5,000	Defer the application for consideration in the next grant round to provide opportunity for the applicant to provide further information.
Euroa Arboretum	\$5,000	Supported

Background:

The Community Grants Program provides the opportunity for community groups and organisations to seek funding to support a range of activities and initiatives. The program is open to community groups, organisations and service clubs undertaking initiatives based in the Murrindindi Shire. Grant applicants can seek a maximum of \$5,000 funding, with the requirement for a cash and/or in kind contribution from the applicant.

There are three grant rounds each financial year. The current round (June to October) was extended by one month to cover Council's election caretaker period.

Applications for the current funding round were assessed by the Community Grants Program Assessment Panel comprising of the Mayor, Deputy Mayor and the Chief Executive Officer.

Four applications for grant funding were received in this round. All applications and the Assessment Panel's recommendations are summarised in the attached document (Attachment 6.4).

Council Plan/Strategies:

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

Legal/Policy Issues:

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

Financial/Resources/Risk:

The remaining budget allocated to Community Grants for the 2016-17 financial year is \$25,000. The Assessment Panel is recommending further expenditure of \$10,776. There are two further grant rounds to be paid within this financial year budget.

Discussion:

In total, four applications were received from community organisations for the June 2016 to October 2016 round. These applications are listed in the attached Community Grants Program Summary.

The Assessment Panel recommend that two applications be supported:

- Speak Up Alexandra and More Murals sought funding of \$4,800 to support the delivery of a Digital Graffiti light projection and outdoor slide show project that will promote disability awareness and celebrate the history of Alexandra
- Euroa Arboretum in partnership with Upper Goulburn Landcare Network sought \$5,000 funding to assist with the postage of a land management to small landholders in Murrindindi and the delivery of a five part Healthy Hectares training course

The Assessment Panel recommend that one application should be supported in part:

- The Rotary Club of Alexandra on behalf of the Alexandra District 150th Committee sought funding to assist with a historical display and advertising of the events associated with the 150th celebrations. The Assessment Panel recommends that \$976 be provided to support the historical display. The \$4,000 sought for advertising and promotion is not supported.

The Assessment Panel recommends that one application be deferred to the next round of community grants and assessed in March 2017:

- The Y Water Centre Association sought funding to progress an incomplete landscaping project including the creation of an amphitheatre looking out onto the wetlands. The Assessment Panel recommend that that this application be deferred to the next funding round to provide the opportunity for the applicant to provide further information on project stages, timelines and other funding sources

Council officers will provide feedback to applicants in writing and will contact them directly to discuss their proposals and Assessment Panel feedback further.

Consultation:

The community grant applications are assessed by the Community Grants Program Assessment Panel.

Conclusion:

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

RESOLUTION:

Cr L Dunscombe / Cr R Bowles

That Council notes and supports the recommendations of the Community Grants Program Assessment Panel outlined in the following table:

Application	Funding sought	Recommendation
Rotary Club of Alexandra for the Alexandra District 150th Committee	\$4,976	Supported to the value of \$976 to cover the cost of the historical display.
Speak Up Alexandra and More Murals Victoria	\$4,800	Supported

Application	Funding sought	Recommendation
Y Water Centre Association inc.	\$5,000	Defer the application for consideration in the next grant round to provide opportunity for the applicant to provide further information.
Euroa Arboretum	\$5,000	Supported

CARRIED

Margaret Abbey returned to the room at 6.57 pm.

6.5 APPOINTMENT OF COUNCILLOR PORTFOLIOS 2016-17

REF: SF/139

Attachments: Portfolio Councillor Policy (refer *Attachment 6.5* – TRIM 15/22105)

Purpose:

This report provides the opportunity for Council to appoint Councillors to portfolio roles for 2016-17.

Officer Recommendation:

That Council appoint the following portfolio roles for 2016-17:

- Land Use Planning – Cr M Rae
- Economic Development – Cr J Ashe
- Corporate and Customer Services – Cr L Dunscombe
- Community Services – Cr S McAulay
- Natural Environment and Climate Change – Cr R Bowles
- Infrastructure and Waste – Cr E Lording

Background:

Council has in the past appointed Councillors to portfolio roles as a means of strengthening its governance arrangements and enhancing its consultation practices. It is appropriate for this Council, having considered its meeting structure to now proceed to consider the purpose and implementation of Councillor Portfolios.

Council Plan/Strategies:

The appointment of Councillors to portfolio roles is consistent with the Council Plan 2013-2017 Our Council to ensure that Council is exercising good governance principles.

Legal/Policy Issues:

Council is obliged under the *Local Government Act 1989* to review its practices and ensure that they are consistent with good governance principles.

Council also adopted a Portfolio Councillor Policy at the 27 May 2015 Ordinary Meeting of Council. One of the key principles of the policy states that in order to enable Councillors to gain a broader experience of Portfolio roles, Councillors will generally not represent a portfolio for more than two years (refer to current policy – *Attachment 6.5*).

Financial/Resources/Risk:

There are no financial implications to the appointment of Councillors to portfolio roles.

Discussion:

The appointment of Councillors to portfolio roles has the capacity to enhance Council's governance practices by enabling Councillors to have a greater understanding and input to strategic and policy development on portfolio issues. In that regard, Councillors are able to advocate on strategic and policy issues to both the community and across government sectors.

It also enables Councillors to represent Council on local, regional or state bodies of relevance to the portfolio. In addition, where there is a relevant Council Committee, that Councillor is appointed as Chair of that committee, unless legislative provisions provide otherwise.

It is recognised that by undertaking a portfolio role, the organisation has an important function in supporting that portfolio Councillor through regular briefings and the provision of memberships, publications, training and/or conference attendance where appropriate.

Since 2014 the portfolio roles have been as follows:

- Land Use Planning
- Economic Development
- Corporate and Customer Services
- Community Services
- Natural Environment and Climate Change
- Infrastructure and Waste

Council can choose to change these roles at any time.

Consultation:

The appointment of Councillors to portfolio roles has the capacity to enhance Council's consultation and engagement with key community organisations, other government agencies and the Local Government sector.

Conclusion:

It is appropriate for a new Council to review its governance practices and ensure that they are consistent with the principles of good governance. The appointment of Councillors to portfolio roles is one opportunity to enhance both its governance and its consultation activities.

RESOLUTION:

Cr M Rae / Cr McAulay

That Council appoint the following portfolio roles for 2016-17:

- **Land Use Planning – Cr M Rae**
- **Economic Development – Cr J Ashe**
- **Corporate and Customer Services – Cr L Dunscombe**
- **Community Services – Cr S McAulay**
- **Natural Environment and Climate Change – Cr R Bowles**
- **Infrastructure and Waste – Cr E Lording**

CARRIED

6.6 ADVISORY COMMITTEE AND OTHER APPOINTMENTS 2016-17

REF: SF/920

Attachments: Councillor Representative List 2016-17 (refer *Attachment 6.6* – TRIM 16/51750)

Purpose:

This report has been prepared to enable Council to make the appointment of Councillors as delegates to various internal committees and external bodies in compliance with *the Local Government Act*.

Officer Recommendation:

That Council:

1. Appoint Councillors as Council's representatives to the listed committees and organisations for 2016-17 as contained within *Attachment 6.6* to this report; and
2. Nominate (Name) for membership of the Goulburn Valley Waste and Resource Recovery Group Board.

Background:

Council each year appoints a number of Councillors or senior staff as its formal delegate representative to a range of internal and external bodies. Most appointments are for a one year term, but for some others it may be for a longer period of time. Therefore, it is now appropriate for Councillors to consider the appointment of delegates for 2016-17.

Advisory Committees consist of community members, Council officers and Councillors. They provide advice on a range of issues including: projects, planning, policy, resource planning, disability and community access, community amenity and many other strategic community issues. These committees have no other authority or purpose other than to give information or advice to Council to assist it in its ultimate decision-making role. An example of an Advisory Committee is Council's Audit Advisory Committee which has been established in accordance with the requirements of Section 139 of the *Local Government Act 1989*.

Under the *Local Government Act 1989*, (Section 86) in addition to any Advisory Committees, the Council may establish one or more Special Committees made up of any combination of Councillors, Council staff and community members. Council has established a range of such committees which provide the day to day management of local sites and facilities. Instruments of Delegations and a "model" Committee Charter along with the composition of representatives on these committees have previously been adopted by Council. Council is required to review its delegations to these committees within 12 months of the general election and this will form a subsequent report to Council within the timeframe specified.

In addition, Councillors are often requested or required to represent Council (as delegate) on committees or boards formed by other organisations and these are subject to formal Council approval processes. These range from State-wide committees, such as Timber Towns Victoria, through to regional or sub-regional committees that support a particular program or activity.

Council Plan/Strategies:

This report is consistent with the Council Plan 2013-2017 Our Council to ensure that Council is exercising good governance principles.

Appointments to committees promotes:

- Fiscally responsible practices (eg. as in the Audit Advisory Committee)

- Employment growth and business opportunities (eg. Central Ranges Local Learning and Employment Network)
- Environmentally sustainable practices such as recycling (eg. the Goulburn Valley Local Government Waste Forum)

Legal/Policy Issues:

Councillor appointments to external associations, bodies and committees are to be made through Council resolution at an Ordinary meeting. Participation in some organisations means that Council fulfils its obligations under various agreements with these bodies.

Financial/Resources/Risk:

There are no financial or budget implications associated with this report. However, Council does pay a membership fee to Local Government peak bodies such as the Municipal Association of Victoria and the Victorian Local Governance Association.

Discussion:

Council needs to determine each year which Councillor(s) it wishes to appoint to each committee in order to progress its objectives of both community engagement and good governance.

It is standard practice for Local Government to have representation on a diverse range of committees which reflects the diversity of the roles and responsibilities of Local Government. As such, some external bodies have already sought advice regarding Councillor participation on their committees.

Attached to this report is the list of committees and organisations along with suggested appointments for Council's consideration and adoption (refer *Attachment 6.6*). The list has been divided into those which are Council committees and those external bodies with which Council has a relationship. Appointments have been suggested based on prior discussions with Council.

In addition, as part of new governance arrangements for the Goulburn Valley Waste and Resource Recovery Group, the Minister for Energy, Environment and Climate Change has recently sought four Local Government nominees from the Goulburn Valley Waste and Resource Recovery Local Government Forum for membership of the group's Board to take effect in May 2017. Each of the six Councils (including Murrindindi) represented on the Local Government Forum are encouraged to nominate a Councillor, Council officer or community representative for appointment to the Board by 1 December 2016. The Local Government Forum will subsequently elect the four Board nominees from the six Council nominations, for consideration by the Minister.

Council may wish to resolve a Board Director nomination during the meeting and this has been added to the Councillor Committee Representative List in *Attachment 6.6*.

Consultation:

The appointment of Councillors to various committees facilitates Council's engagement both across the Local Government sector and with local community organisations.

Conclusion:

Appointment of Councillors to committees provides an opportunity for open and responsive communication between Councillors and local community groups and Local Government organisations.

RESOLUTION:**Cr E Lording / Cr J Ashe****That Council:**

1. **Appoint Councillors as Council's representatives to the listed committees and organisations for 2016-17 as contained within *Attachment 6.6* to this report; and**
2. **Nominate Cr E Lording for membership of the Goulburn Valley Waste and Resource Recovery Group Board.**

CARRIED**6.7 COUNCIL MEETING TIMETABLE - 2017**

REF: SF/286

Purpose:

This report sets out the proposed monthly timetable of Council meetings for the next twelve months from January to December 2017.

Officer Recommendation:

That the proposed schedule, as included in this report, be confirmed and the requisite scheduling and advertising arrangement take place to inform the community of the 2017 meeting timetable.

Background:

Council is able to determine its Ordinary Meeting Schedule. Currently Ordinary Meetings of Council are held monthly on the fourth Wednesday evening of every month commencing at 6 pm.

Council Plan/Strategies:

The consideration of the Council meeting timetable for 2017 is consistent with the objectives of the Council Plan 2013-2017 which include under the goal "Our Community" to "actively engage with our communities to increase participation and community input."

Legal/Policy Issues:

Council's adopted *Governance Local Law No. 2* does not specify a set day of the week or starting time for Ordinary Meetings of Council.

Financial/Resources/Risk:

There are no significant financial implications associated with this report.

Discussion:

The proposed meeting schedule for 2017 is shown below and is based on Ordinary meetings of Council being scheduled on the fourth Wednesday of every month.

Meeting Date	Venue	Time
Wednesday 25 January 2017	Yea Council Chamber	6 pm
Wednesday 22 February 2017	Alexandra Council Chamber	6 pm
Wednesday 22 March 2017	Yea Council Chamber	6 pm
Wednesday 26 April 2017	Alexandra Council Chamber	6 pm
Wednesday 24 May 2017	Yea Council Chamber	6 pm

Meeting Date	Venue	Time
Wednesday 28 June 2017	Alexandra Council Chamber	6 pm
Wednesday 26 July 2017	Yea Council Chamber	6 pm
Wednesday 23 August 2017	Alexandra Council Chamber	6 pm
Wednesday 27 September 2017	Yea Council Chamber	6 pm
Wednesday 25 October 2017	Alexandra Council Chamber	6 pm
Wednesday 1 November 2017 <i>Special meeting</i>	Alexandra Council Chamber	6 pm
Wednesday 22 November 2017	Yea Council Chamber	6 pm
Wednesday 20 December 2017	Alexandra Council Chamber	6 pm

The arrangements for the meeting cycle proposed are as follows:

- Meetings to occur monthly on the fourth Wednesday unless otherwise notified. It is proposed that the December 2017 meeting is held on the third Wednesday of the month, as the fourth Wednesday falls on 27 December 2017, a date that is not considered to be suitable for Councillors, officers, or community members
- Commencement time of Ordinary Council Meetings is 6 pm unless otherwise notified

In determining the Council meeting timetable there are two matters that require further consideration. These are discussed as follows:

1. Meeting Day for the Ordinary Meeting of Council

Should Councillors determine that it is preferable for the Ordinary Meetings to continue to be held in the evening, it is appropriate for Councillors to identify the most convenient day for these meetings. It is not unusual for Councils to change their meeting days to reflect any pre-commitments which Councillors may have.

A review of public holidays for 2017 has identified that there are no public holidays falling on the fourth Wednesday of the month.

2. Special Council Meeting

A Special Council meeting is held each year to elect a new Mayor, review Council committee representations, Councillor allowances and determine the meeting schedule for the following year.

As per section 71 of the *Local Government Act*, the Councillors must elect the Mayor at an open meeting of Council that occurs after the fourth Saturday of October, but not later than 30 November each year.

Consultation:

Once Council has determined the preferred meeting schedule, it will be advertised in Council's statutory newspapers and on Council's website to advise the community of the change in arrangements.

Conclusion:

A review of the Council meeting timetable provides the opportunity for Councillors to consider how increased community participating in Council meetings can be encouraged. By conducting the Council meetings in the evening, greater community participation may be encouraged.

RESOLUTION:**Cr M Rae / Cr L Dunscombe**

That the proposed schedule, as included in this report, be confirmed and the requisite scheduling and advertising arrangement take place to inform the community of the 2017 meeting timetable.

CARRIED

6.8 MAYOR AND COUNCILLORS' ALLOWANCES AND REIMBURSEMENTS – 2016-17

REF: SF/286

Attachments: Councillor Reimbursement Policy (refer *Attachment 6.8* – TRIM 16/44287)**Purpose:**

The purpose of this report is to enable Councillors to consider the revised Mayoral and Councillors' Allowances.

Officer Recommendation:

1. That Council adopt the Mayoral Allowance of \$59,257.30 plus 9.5% superannuation and the Councillor Allowance of \$19,833.75 plus 9.5% superannuation for the purpose of public consultation; and
2. That notice be given under Section 223 of the *Local Government Act* of the proposed Mayoral Allowance and Councillor Allowance.

Background:

The Victorian Government sets upper and lower limits for allowances paid to Councillors and Mayors. For the purpose of these allowance limits, Councils are divided into three categories based upon the income and population of each Council. Murrindindi is a Category 1 Council for the determination of allowances. Councillors are entitled to receive remuneration in the form of a Councillor allowance. Mayors are entitled to receive a higher allowance.

Section 73B of the *Local Government Act 1989* (the *Act*) provides for annual adjustments to the allowance levels set by Council. These adjustments are decided by the Minister for Local Government, after having regard to movements in the levels of remuneration of Victorian Statutory and Executive Officers. Under section 73B(5) of the *Act*, a Council must increase allowances in accordance with the adjustment factor specified in the *Victoria Government Gazette* notice published by the Minister.

Councillor and Mayoral allowances are also subject to the addition of the equivalent of the Superannuation Guarantee Contribution (currently 9.5%). Councillors receiving this amount can decide whether or not to pay this 9.5% into superannuation.

Council Plan/Strategies:

This report is consistent with the Council Plan 2013-2017 Our Council to ensure that Council is exercising good governance principles.

Legal/Policy Issues:

Within six months after each general election, Council is required to review and determine the annual allowances that will be paid to the Mayor and Councillors. Allowances are to be within the allowance range set by the Government for Category 1 Councils.

The Councillor Reimbursement Policy supports the implementation of the *Local Government Act 1989* and its various regulations, including the Councillor Code of Conduct.

Financial/Resources/Risk:

The Minister for Local Government reviews the limits and ranges of the Mayoral and Councillor allowances and determined the current levels under Section 73B of the *Act* as per the Government Gazette of 26 November 2015.

Discussion:

The Mayoral allowance for the 2015-16 period was set at \$57,812 per annum with the provision of a corporate standard vehicle, mobile telephone and laptop computer and an amount equivalent to 9.5% superannuation.

The Councillors allowance for the 2015-16 period was set at \$19,350 per annum plus mobile telephone, laptop computer and an amount equivalent to 9.5% superannuation.

Since the publication of the agenda for the 23 November 2016 Ordinary Meeting of Council, the Minister for Local Government has issued the revised Mayoral and Councillor allowances that are to be gazetted on 24 November 2016, and are to take effect from 1 December 2016. An adjustment factor from the rates gazetted in 2015 of 2.5% is now to be applied to the Mayoral and Councillor allowances.

The revised schedule of allowances that take effect from 1 December 2016 is provided as follows:

Key Components of the Allowance

Part A: -----Range-----

Councillor \$8,324.00 \$19,833.75

Mayor: a maximum of \$59,257.30

Part B: An amount the equivalent of the Superannuation Guarantee Contribution (currently 9.5%) will apply to Part A.

-----Range-----

Councillor \$790.78 \$1,884.21

Mayor: a maximum of \$5,629.44

Councillors may choose to have all or part of their total allowance package (\$9,114.78 to \$21,717.96 per annum for Councillors and a maximum of \$64,886.74 per annum for the Mayor) paid into a complying superannuation fund.

As payment of Councillor allowances are not to exceed more than one month in advance, it is proposed that payment will be made monthly in advance.

Consultation:

Public submissions in relation to Council's initial allowance determination are to be invited under section 223 of the *Local Government Act 1989*. Subsequent annual adjustments to allowance

levels are not subject to Council reviews or the section 223 public submission processes otherwise required under section 74 or section 223 of the *Act*.

The period for public consultation is in effect 28 days from the last publishing date of proposed allowances. After this period Council will then consider submissions prior to formal adoption of allowances at a future Ordinary Meeting of Council.

It is proposed that once Councillor and Mayoral allowances have been agreed upon that the allowances be advertised for public consultation and submissions sought in accordance with Council's Public Notice procedures.

Conclusion:

It is good governance for Council to update and adopt allowances for the Mayor and Councillors in accordance with provisions of the *Act* and also recognising the time and effort required by Councillors to undertake their respective roles and responsibilities.

RESOLUTION:

Cr E Lording / Cr S McAulay

1. That Council adopt the Mayoral Allowance of \$59,257.30 plus 9.5% superannuation and the Councillor Allowance of \$19,833.75 plus 9.5% superannuation for the purpose of public consultation; and
2. That notice be given under Section 223 of the *Local Government Act* of the proposed Mayoral Allowance and Councillor Allowance.

CARRIED

7. SEALING REGISTER

REF: 13/6325

Nil

8. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil

9. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

9.1 NOTICE OF MOTION

Cr E Lording

REF: SF/131

Attachment: Notice of Motion – Cr E Lording (refer *Attachment 9.1* – TRIM 16/64815)

MOTION:

In order to greatly improve timely communication to the southern sector of the Shire, including Strath Creek, Flowerdale, Hazeldene, Kinglake West, Pheasant Creek, Kinglake and surrounds,

Toolangi, Castella and Glenburn, it is proposed that all print advertisements and articles issued by the Council to also be placed in 'The Local Paper'.

RESOLUTION:

Cr E Lording / Cr L Dunscombe

In order to greatly improve timely communication to the southern sector of the Shire, including Strath Creek, Flowerdale, Hazeldene, Kinglake West, Pheasant Creek, Kinglake and surrounds, Toolangi, Castella and Glenburn, it is proposed that all print advertisements and articles issued by the Council to also be placed in 'The Local Paper'.

AMENDMENT:

Cr S McAulay

In order to greatly improve timely communication to the southern sector of the Shire, including Strath Creek, Flowerdale, Hazeldene, Kinglake West, Pheasant Creek, Kinglake and surrounds, Toolangi, Castella and Glenburn, it is proposed that all advertisements and articles issued by the Council to also be placed in the local newspapers and other avenues.

THE AMENDMENT WAS ACCEPTED BY THE MOVER AND SECONDER

THE AMENDMENT BECAME THE MOTION

RESOLUTION:

Cr R Bowles / Cr J Ashe

That this matter be adjourned until the Ordinary Meeting of Council on 21 December 2016.

CARRIED

10. ASSEMBLIES OF COUNCILLORS

REF: CY16/118

Purpose:

This report presents the records of assemblies of Councillors for 14 November 2016, 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 14 November 2016.

Background:

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

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

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

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

Summary:

Meeting Name / Type	Councillor Briefing
Meeting Date	14 November 2016
Matters discussed	<ol style="list-style-type: none"> 1. Overview of Statutory and Strategic Context of Local Government 2. Overview of Organisation Structure 3. Murrindindi 2030 Vision 4. The Council Plan 5. Murrindindi Advocacy Plan 6. Update on Key Issues 7. IT Opportunities
Attendees: Councillors – Cr Bisset, Cr McAulay, Cr Rae, Cr Lording Cr Bowles Cr Dunscombe, Cr Ashe	Staff – M Abbey, J Canny, M Chesworth, S Elliot, P Robinson
Conflict of Interest disclosures - Nil	

RESOLUTION:

Cr J Ashe / Cr E Lording

That Council receives and notes the record of assemblies of Councillors for 14 November 2016.

CARRIED**11. URGENT BUSINESS**

Nil

RESOLUTION:

Cr L Dunscombe / Cr E Lording

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

CARRIED

The meeting closed to the public at 7.15 pm

RESOLUTION:

Cr M Rae / Cr J Ashe

That the meeting re-opens to the public.

The meeting re-opened to the public at 7.25 pm.

12. CONFIDENTIAL ITEMS

12.3 TENDER 16/20 – 2016-2017 GRAVEL ROAD RE-SHEETING PROGRAM

REF: CONT16/23

RESOLUTION:

Cr E Lording / Cr S McAulay

That Council:

1. Accept the tender from Alpine Civil Pty Ltd for the lump sum price of \$1,018,078.53 (\$925,525.94 excluding GST), with a \$185,000 (excluding GST) contingency allowance, for the 2016-17 gravel road re-sheeting program. Total project cost \$1,221,577.50 (\$1,110,525.94 excluding GST).
2. Authorise the signing and sealing of contract number 16/23 - 2016/201 Gravel Road Re-Sheeting Program.
3. Affix the Council seal to these contracts.

CARRIED

12.4 TENDER 16/20 – SEALED ROADS PROGRAM 2016-2017

REF: CONT16/20

RESOLUTION:

Cr E Lording / Cr M Rae

That Council:

1. Accept the tender from Quality Roads Pty Ltd for the lump sum price of \$1,713,606.64 (\$1,557,824.22 excluding GST), with a \$138,376.78 (excluding GST) contingency allowance, for the sealed roads program 2016-2017. Total project cost \$1,865,821.10 (\$1,696,201.00 excluding GST)
2. Authorise the signing and sealing of contract number 16/20 Sealed Roads Program 2016-2017.
3. Affix the Council seal to these contracts.

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 7.25 pm.

CONFIRMED THIS

21 December 2016

CHAIRPERSON

