



AGENDA  
of the  
ORDINARY MEETING OF COUNCIL  
WEDNESDAY 19 DECEMBER 2018

at

Murrindindi Shire Council  
Council Chamber  
Perkins Street  
Alexandra

6.00 pm

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

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

- Beggs Family – Scouts Award
- Kate Hill – fundraising efforts.

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

5.1 Minutes of the Ordinary Meeting of Council held on 28 November 2018.

**Officer Recommendation**

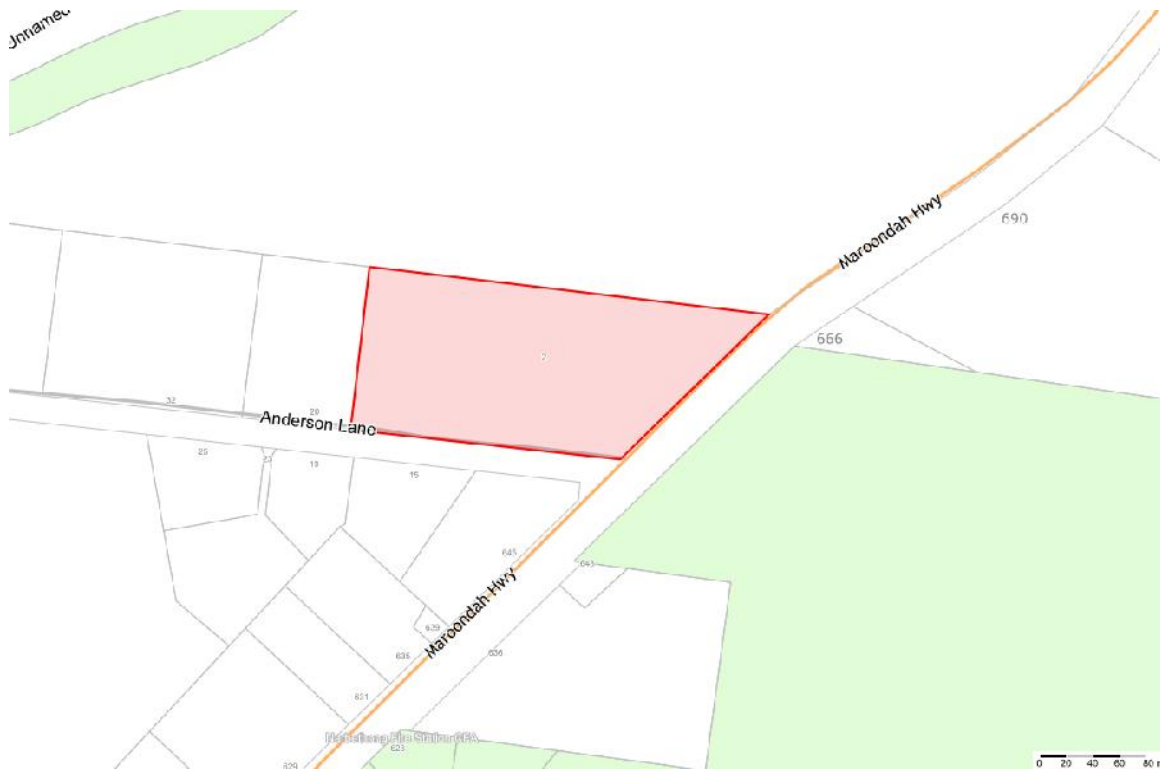
**That the minutes of the Ordinary Meeting of Council held on 28 November 2018 be confirmed.**

**6. PUBLIC PARTICIPATION TIME****6.1 QUESTIONS OF COUNCIL****6.2 OPEN FORUM****6.3 PETITIONS****7. OUR PLACE****7.1 MAJOR PROMOTION SIGN – 2 ANDERSON LANE, NARBETHONG**

Attachment(s): *Application Documents (refer Attachment 7.1)  
(aerial photograph and submissions were previously distributed separately)*

Land: 2 Anderson Lane, Narbethong  
Proposal: Construction and display a double sided major promotion sign  
Applicant: Regional Billboard Co Pty Ltd  
Zoning: Industrial 1  
Overlays: Bushfire Management

## Locality Plan



### Purpose

This report provides an assessment of an application for a planning permit to construct and display a double sided major promotion sign at 2 Anderson Lane, Narbethong. Having regard to the provisions of the Murrindindi Planning Scheme and a large number of objections received, this report recommends that the application be refused.

### Officer Recommendation

**That Council issue a notice of refusal to grant a permit to construct and display a double sided major promotion sign at 2 Anderson Lane, Narbethong on the following grounds:**

1. **The proposal does not support State planning policy objectives and strategies relating to the protection of significant landscapes, neighbourhood character and community amenity (Clauses 12.05-2S, 13.07-1S and 15.01-5S)**
2. **The proposal does not support State planning policy objectives and strategies which seek to protect the visual amenity of valued rural landscapes, township approaches and sensitive tourist routes (Clause 15.01-6S)**
3. **The proposal does not support State Planning policy objectives and strategies which seek to minimise amenity impacts of new development and signage adjacent to road and transport corridors (Clauses 15.01-1S, 18.01-2S and 18.02-3S)**
4. **The proposal does not support local planning policy framework provisions which seek to protect the amenity and character of rural and natural landscapes, protect township entrances, encourage tourism and facilitate the rebuilding of communities (Clause 21.02, 21.03-3 and 21.05-3)**
5. **The proposal is not in accordance with purpose and decision guidelines of Clause 52.05 (advertising signage) because:**
  - a. **the signage does will not complement or enhance the character of the area**
  - b. **the signage is inappropriately located adjacent to a visually sensitive road corridor that is both a scenic and tourist route**

- c. **the signage is inappropriately located at a gateway location and entrance to the Narbethong Township**
  - d. **the signage does not reflect the existing and preferred neighbourhood character of the area**
  - e. **the signage will have a cumulative impact on signage clutter in the locality and establish a precedent for other similar signage.**
6. **The proposal will have a negative social impact on Narbethong community who are seeking to rebuild the Township and improve the image and appearance of the area following the 2009 Victorian bushfires.**

### **The Land and Surroundings**

The subject land comprises an area of 3.0 hectares located at the northern 'gateway' of the Narbethong Township on the northwest corner of Maroondah Highway and Anderson Lane.

The land is included within an Industrial 1 Zone under the Murrindindi Planning Scheme and is further affected by a Bushfire Management Overlay. The land contains buildings and structures associated with a former timber mill which was destroyed in the 2009 Victorian bushfires. A number of these buildings and structures remain unoccupied and some are in poor condition. Other buildings remaining on the land appear to be used for storage purposes. The Maroondah Highway frontage is approximately 154 metres (m) and this area is predominately cleared and open other than for a vegetated area on the northeast corner of the lot.

Land to the south (opposite Anderson Lane) comprises the Narbethong Township area which is included within a Township Zone. This area contains a mixture of dwellings, businesses and some vacant lots. Anderson Lane provides access to approximately eight dwellings (both within the Township and nearby Farming zones).

Land to the north is within the Farming Zone and comprises open agricultural land and some bushland.

Land to the east, opposite Maroondah Highway, comprises State Forest and is included in the Rural Conservation and Resource Zone. Further land to the north lies within the Farming Zone and contains an existing timber trading business.

The Narbethong Township is the first settlement on the Maroondah Highway north of the Black Spur/Yarra Ranges National Park and Melbourne metropolitan area. The community have made significant progress in rebuilding following the 2009 bushfires and this work remains ongoing.

### **Proposal**

The proposal is for a double sided advertising billboard. Under the provisions of the Murrindindi Planning Scheme the sign is defined as a 'major promotion sign'. The proposed sign is to be located adjacent to the Maroondah Highway frontage approximately 70m north of the Anderson Lane intersection.

The proposed total combined advertising area (display area) is 35.5 square metres (m<sup>2</sup>) (17.75m<sup>2</sup> each side). The display area is designed to face north and southbound traffic on the Highway. The sign is to be supported by a reclaimed charred timber clad structure which will elevate the sign 2.8m above ground level. Some landscaping is also proposed at the base of the sign. Further details relating to the location and design of the sign are shown in the attachment to this report including a perspective image (photomontage) from Maroondah Highway. The proposed sign will not be illuminated or internally lit.

A full copy of the application submission in support of the proposal is included in the attachment to this report. In summary, the applicant submits that the signage proposal:

- is consistent with the provisions of the Murrindindi Planning Scheme

- will help grow local businesses and has the potential to attract visitors to the town and generate investment in the area
- will provide an economic benefit to the landowner
- incorporates appropriate rural and rustic design elements and landscaping and is of an appropriate scale and size that has regard to the existing site, broader context and other nearby signage
- is located on land zoned for industrial purposes.

### **Community and Stakeholder Consultation**

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

- letters to adjoining and opposite property owners and occupiers
- notice of application displayed on the subject land
- notice of application published in a local paper (*The Mountain Monthly*).

A total of 21 individual objections and a 237-signature petition opposing the proposal have been received. No supporting submissions have been received. In relation to the petition it should be noted some of the signatories have also lodged individual objections; some are individual members of the same household; and some are residents of other nearby townships/communities. The petition was formally received and noted by Council at its previous meeting on 28 November 2018.

The objections raised in the petition can be summarised as follows:

- negative impacts on the Narbethong Township entrance
- will introduce a 'suburban' influence to the area
- negative influence on tourism
- precedent for other similar signs
- negative impact on rural and natural landscape values and the character of the area.

The issues raised in the individual objections include the following:

- not in keeping with the visual amenity of the Shire as a whole nor the Narbethong Township and will have a detrimental impact on the scenic views of the valley and associated landscape
- negative impact on tourism – particularly those seeking to visit and appreciate natural areas and landscapes
- not consistent with existing other modest business identification signage in the area and will further add to the proliferation and clutter of signage along the Highway
- the subject land cannot be considered an 'industrial area' as it is adjacent to and within close proximity to the Township area
- potential for sign to be a distraction to road users and cause accidents
- detrimental impact on resident wellbeing and community pride as the Township continues to rebuild following the 2009 bushfires. The design of the sign structure utilising charred timber cladding is offensive to residents recovering from the 2009 bushfires
- proposed signage will not directly benefit the Narbethong Township

- proposal will further blight an already degraded site and area and compromise future landscape screening required on the land
- the signage is not required and is an outdated form of media given other technologies
- content of the sign may not be appropriate (such as graphic TAC ads) and has the potential adversely affect residents
- potential for property devaluation.

The applicant has responded to the objections received (see further attachment to this report) and this response has been forwarded to objectors and the head petitioner. No changes to any submissions have resulted from this additional information. Under these circumstances Council officers have not convened any mediation meetings to seek further resolution.

The applicant has advised that some changes to the design of the proposed sign could be made to address objector concerns (such as design around the base of the sign and materials used in the supporting structure).

### **Discussion**

The display of signage is regulated under the provisions of the Murrindindi Planning Scheme which are summarised below.

#### Zone and Overlay Provisions

The subject land is included in an Industrial 1 Zone (Clause 33.01) which forms the northern extent Narbethong Township area. The purpose of the zone is to 'provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner that does not affect the safety and amenity of local communities.' The subject land has a number of identified building safety and amenity issues associated with the former use of the land as a timber mill that will need to be resolved as part of any future use and development of the site including the removal/repair of partially destroyed buildings and provision of landscape screening.

The Industrial 1 Zone is one of the few zones in the municipality where a major promotion sign (a sign with a display area greater than 18m<sup>2</sup>) may be considered. This form of signage is prohibited in the adjacent and nearby zones such as the Township, Farming and Rural Conservation and Resource zones. Signage within these sensitive and high amenity areas (referred to as Category 1 and 2 areas) is to be unobtrusive and must have regard to the character of the surrounding area. Other forms of promotion signage are either prohibited (Category 1 areas) or restricted to an area of 3m<sup>2</sup> (subject to a planning permit in Category 2 areas).

Within the Industrial 1 Zone advertising signs have a lower limitation (Category 3) and both promotion and major promotion signs may be considered. The purpose of signs within these areas is to provide 'adequate identification that are appropriate to office and industrial areas'.

A further Category of signage (Category 1 – minimum limitation) is designated for commercial areas 'to provide for identification and promotion signs and signs that add vitality and colour to commercial areas'. This category does not apply to any land in the Narbethong Township.

The land is affected by a Bushfire Management Overlay, however the signage proposal does not trigger any requirements under this provision.

#### Planning Policy Framework

The following State planning policy provisions are relevant to the application proposal:

- significant landscapes that contribute to character, identity and sustainable environments are to be protected (Clause 12.05S – Landscapes)
- community amenity is to be safeguarded when facilitating commercial and industrial development (Clause 13.07-1S – Land use compatibility)

- neighbourhood character, cultural identity and sense of place are important considerations when determining planning outcomes (Clause 15.01-5S – Neighbourhood character)
- planning must ‘protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located’ (Clause 15.01-6S – Design for rural areas)
- development, including signage, must minimise detrimental impacts on amenity, on the natural and built environments and on the safety and efficiency of roads (Clause 15.01-1S – Urban design)
- new development on land near transport routes should seek to enhance safety and amenity over both the short and long term (Clause 18.01-2S – Transport system)
- planning should regulate the design of transport routes and nearby areas to achieve visual standards appropriate to the importance of the route with a particular reference to landscaping and the control of outdoor advertising (Clause 18.02-3S – Road system).

The following local planning policy provisions are relevant to the application proposal:

- protect the amenity and character of rural and natural landscapes (Clause 21.02-1)
- support and facilitate commercial activities in smaller townships (Clause 23.01-3)
- enhance tourism, promoting the proximity to Melbourne and the natural environment (Clause 21.03-3)
- encourage design and development of township entrances and streetscapes that respect the built environment and contribute to the overall appearance and township character and facilitate the rebuilding of towns and communities affected by natural disasters. (Clause 21.05-3).

Clause 52.05 of the Planning Scheme sets out particular provisions relating to advertising signs. The purpose and decision guidelines are set in full at the end of this report. The guidelines emphasise the need to consider the character and sensitivity of the area (including desired future character), impacts on views and vistas and landscape context. In relation to major promotion signs, before deciding on an application, a responsible authority must consider:

- the effect of the sign on significant streetscapes, buildings and skylines
- the visual appearance of a significant view corridor, view line, gateway location or landmark site identified in a framework plan or local policy
- residential areas.

When determining the effect of a major promotion sign, the following locational principles must also be taken into account:

- major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area
- major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways
- major promotion signs are discouraged within open space reserves or corridors and around waterways
- major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant view lines.



Clause 52.05 requires that any permit allowing a major promotion sign contain conditions that specify that the sign must not dazzle or distract drivers due to its colouring and must contain an expiry date of 15 years (which may under certain circumstances be reduced to 10 years or increased to not more than 25 years).

State, local and particular planning provisions emphasise the need for signage proposals to be carefully considered having regard to their broader site context. While the proposed sign is to be displayed on land zoned for industrial purposes the land is also an area that occupies a gateway location and, furthermore, is adjacent to a visually sensitive/ scenic road corridor used by tourists. Furthermore, the sign is in close proximity to township and rural land uses. Major promotions signs are generally 'discouraged' in these locations.

The proposed sign may provide some commercial benefit to passing motorists and to the landowner but these are outweighed by other planning considerations referred to above. As objectors and petitioners have also raised a range of relevant planning and amenity concerns it is the view of officers that the proposal will not lead to an acceptable planning outcome and provide a net community benefit.

#### Comments on Other Grounds of Objection

The following provides a response to a number of specific concerns raised by objectors/petitioners. While some of these matters are justified on planning grounds, others cannot be considered under the planning scheme.

#### *Precedent for display of further signage*

The proposal, if approved, would be the first major promotion sign for this area of the municipality. Further applications would need to be considered on their individual planning merits but an approval on this particular site (at a gateway location and on a visually sensitive scenic road corridor) would set a 'low bar' and a potential precedent for further proposals.

#### *Existing conditions on the land and adjacent areas*

The land on which the sign is proposed is currently in poor condition and the former use has not been re-established following the 2009 bushfires. Council officers are not aware of any proposals for the further use and development on the site or amenity improvements. Any future development proposal would need to provide an appropriate design and landscape treatment to Maroondah Highway. The proposed sign may potentially compromise this outcome because viewlines to the sign would need to be retained over the longer term and not compromised with landscape screening. However, the current condition of the land is not considered to constitute grounds for refusal.

#### *Impact on resident wellbeing*

The need for the rebuilding of towns and communities is supported under the Murrindindi Planning Scheme. Objectors are concerned that the proposed signage would provide a setback to these completed and ongoing rebuilding initiatives due to the amenity impacts of the proposed sign.

Under legislative changes introduced in 2015, Council is required under section 60(1B) of the *Planning and Environment Act 1987* to have regard to the number of objectors when considering whether a use or development may have a significant social impact. The number of objections in this application is considerable in the context of the small size of the community. A significant proportion of the community are opposed to the sign and have set out reasonable planning grounds why it should not be approved. In this context it is appropriate that Council give some weight to the number of objections and the social impacts on the community.

#### *Benefit to Narbethong Township*

The applicant has indicated that the content of the proposed sign could be used for promoting local businesses and tourism. Objectors have raised some doubts over whether this would occur.

Both the Planning Scheme and any permit that may issue are unable to regulate signage content. Even if it could be regulated it would not be a sufficient basis to justify the sign.

*The need for the proposed signage*

The applicant has indicated that the proposed sign, if approved, could be commercially viable. The lack of need for a planning proposal, even if substantiated, is not generally a sufficient basis to refuse an application.

*Content of the proposed signage*

Objectors have raised concerns that signage content may be inappropriate for the community such as graphic TAC road safety messages. Signage content is not regulated under the planning provisions but via separate codes of practice.

*Potential for property devaluation*

No evidence has been submitted by objectors to substantiate any claims concerning property devaluation.

*Impacts on road safety*

The signage proposal has been referred to VicRoads (see below) who have not raised any safety concerns subject to appropriate conditions on any permit that may issue.

**Referrals**

Notice of the application was provided to VicRoads. The authority has indicated it has no objection subject to the following conditions:

1. the sign must be installed totally inside the property line
2. all signs must not be reflective
3. all signs are secured in a safe manner to ensure there is no public safety risk
4. the sign and any displayed advertisement must not include ancillary extension, embellishment or accessorisation within or outside the permitted advertising area, unless VicRoads has agreed in writing, prior to installation.

**Council Plan/Strategies/Policies**

The Murrindindi Shire Council Plan 2017-2021 sets out the following objectives:

- Our Place – we will maintain and enhance places to be attractive and liveable, in balance with our natural environment and the strategy. Through good land use planning enhance the liveability, prosperity and rural character of our Shire.
- Our Prosperity – in partnership with the community we will promote an environment in which business and community can thrive. We will ensure that opportunities to encourage economic development within our Shire are pursued. We will support business development and new investment, promote tourism, facilitate access to training, and advocate for improved infrastructure and services that meet our business and community needs.

**Relevant Legislation**

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

**Financial Implications and Risk**

The area no financial implications or risks in relation to this report.

**Conflict of Interest**

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

**Legal/Policy Issues**Clause 52.05 *Signs*

## Purpose:

- to regulate the development of land for signs and associated structures
- to ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character
- to ensure signs do not contribute to excessive visual clutter or visual disorder
- to ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

## Decisions Guidelines:

All Signs

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- the character of the area including:
  - the sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character
  - the compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located
  - the cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs
  - the consistency with any identifiable outdoor advertising theme in the area.
- impacts on views and vistas:
  - the potential to obscure or compromise important views from the public realm
  - the potential to dominate the skyline
  - the potential to impact on the quality of significant public views
  - the potential to impede views to existing signs.
- the relationship to the streetscape, setting or landscape:
  - the proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape
  - the position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements
  - the ability to screen unsightly built or other elements
  - the ability to reduce the number of signs by rationalising or simplifying signs
  - the ability to include landscaping to reduce the visual impact of parts of the sign structure.
- the relationship to the site and building:
  - the scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building
  - the extent to which the sign displays innovation relative to the host site and host building

- the extent to which the sign requires the removal of vegetation or includes new landscaping.
- the impact of structures associated with the sign:
  - the extent to which associated structures integrate with the sign
  - the potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.
- the impact of any logo box associated with the sign:
  - the extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign
  - the suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- the need for identification and the opportunities for adequate identification on the site or locality.

#### Major Promotion Signs

- the effect of the proposed major promotion sign on:
  - significant streetscapes, buildings and skylines
  - the visual appearance of a significant view corridor, view line, gateway location or landmark site identified in a framework plan or local policy.
  - residential areas and heritage places
  - open space and waterways.
- when determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
  - major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area
  - major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways
  - major promotion signs are discouraged within open space reserves or corridors and around waterways
  - major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant view lines
  - on areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

## **7.2 PROPOSED ROAD DISCONTINUANCE AND SALE OF UNUSED ROAD TO A DEVELOPER AT 18 MAIN STREET EILDON – EILDON SUPERMARKET**

Attachment(s): *Aerial Photograph / Title Plan (refer Attachment 7.2)*

### **Purpose**

The purpose of this report is to advise Council that the statutory processes for the proposed road discontinuance and sale of unused road reserve, R2 on LP41711 (Road) at 18 Main Street Eildon to a developer have been initiated under Council officer delegation and to recommend Council discontinue the Road.

The landowner adjoining the Road, being Lot 3 on PS041711, Dreyfus Pty Ltd (Proponent) has asked Council to discontinue the Road and sell the Road to the Proponent to enable a proposed extension to the existing supermarket at 18 Main Street Eildon.

The Proponent has paid up-front (non-refundable) costs to cover Council's legal, advertising and valuation costs associated with the discontinuance and sale of the Road.

### **Officer Recommendation**

#### **That Council:**

- 1. discontinue the Road as shown on the title plan in this report**
- 2. Council affix its common seal to a transfer under section 207D of the *Local Government Act 1989* of the Road to the Proponent for a price which is equal to the valuation (plus GST if the value excludes GST), provided the Proponent:**
  - a. agrees to pay the sale price and any additional legal fees and disbursements on settlement**
  - b. signs a deed based on the following conditions:**
    - i. the purchaser is required to establish the precise location of the main in relation to the boundary of the sale area and whether any part of the main is located on the intended sale land**
    - ii. if any part of the main is on the sale area, the purchaser is to provide a written indemnity and release to protect Council and Goulburn Valley Water against any claims and responsibility in relation to the main**
    - iii. any activity undertaken on the land including possible removal of the main is to be undertaken in accordance with all legal requirements and good industry practice.**
- 3. publish a notice of discontinuance of this Road in the Government Gazette.**

### **Background**

Retail design and construction managers TRG are acting on behalf of the Proponent and requested Council in June 2018 to discontinue and sell part of the unused Road reserve adjacent to Lot 3 on PS041711 to enable an extension to the existing adjoining supermarket.

Council has issued a development approval for the extension works, subject to conditions relevant to the discontinuance and sale of the Road.

Council, acting under Council officer delegation, has determined that the Road was not on Council's register of public roads, as such consideration was not required to be given in regard to public notice under section 17(4) of the *Road Management Act 2004*.

As the Road was not reasonably required for public use, consideration could be given to a road discontinuance and sale process.

Council obtained from our legal representatives a scope and fee estimate for the costs of the process including legal fees, public notice, valuation and gazettal, totalling \$7,245.00. The Proponent has made this up-front (non-refundable) payment to Council.

The Proponent will also be required to pay any additional increases in costs associated with the process, plus preparation of a main plan showing the precise location of the unused asbestos cement water main and a title plan of the Road, and the sale price for the Road, based on valuation.

Goulburn Valley Water (GVW) has indicated to Council and to the Proponent that there is an unused asbestos cement water main in proximity of the Road or within the Road, for which Council and GVW will require the Proponent to enter into a deed of release and indemnity.

A valuer approved under the *Road Management Act 2004* has assessed the market value of the property at \$800.00 exclusive of any GST which may be payable.

The statutory processes associated with discontinuance of the Road, include the following:

- the prior determination by Council under Council officer delegation that the Road is no longer reasonably required for general public use (completed)
- giving public notice of the proposed discontinuance and sale of the Road (completed) and receive and consider all submissions
- deciding whether or not to discontinue the Road
- obtaining a valuation of the discontinued Road (completed)
- if the Road is to be discontinued, publishing a notice of discontinuance of the Road in the Victorian Government Gazette.

Council reserves the right to discontinue or not discontinue the Road and sell or not sell the Road to the Proponent.

### **Discussion**

Council, acting under Council officer delegation, has initiated a road discontinuance process and has given public notice of the proposed road discontinuance in accordance with clause 3 of Schedule 10 and Section 223 of the *Local Government Act 1989* (the *Act*), Council is obliged to consider any submissions received in accordance with section 223 before deciding whether or not the Road is to be discontinued.

As per the public notice, the deadline for submissions is 19 December 2018. This report has been written prior to the expiry of the deadline for submissions, however at the time of writing of this report no submissions have been received.

If Council were to resolve that the Road be discontinued, then public notice of the discontinuance of the Road would be published in the Victorian Government Gazette.

Council officers are of the view that there is prima facie case for Council to consider discontinuing the Road on the basis of the Road being unused, not reasonably required for public use, that use as road access is not practical and ongoing management of the area by the Proponent.

Discontinuance and sale of Roads inevitably surface from requests from adjoining landowners, as such Council's obligations are to give public notice of their intention to discontinue and sell and to obtain a valuation for sale purposes.

**Council Plan/Strategies/Policies**

This matter is consistent with the Council Plan 2017-2021 Our Promise strategic objective 'working in collaboration with our communities to deliver the best possible outcomes in all that we do'.

**Relevant Legislation**

The statutory process for a proposed road discontinuance has now been initiated under Council officer delegation in accordance with clause 3 of Schedule 10 and section 223 of the *Act*. Council is required to consider submissions (if any) in accordance with section 223 of the Act, before deciding whether or not to discontinue the Road. If Council decides to discontinue the Road, Council must publish a notice of discontinuance of the Road in the Victorian Government Gazette. Council must also give notice of its decision and the reasons for its decision to all persons who made submissions in respect of the proposal.

**Financial Implications and Risk**

All costs associated with the process including legal, survey, advertising, etc. will be borne by the Proponent.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

By following the statutory notification process, the community has had an opportunity to comment on the discontinuance of the road. At the time of writing of this report no submission has been received.

**8. OUR PEOPLE****8.1 GRANTS AND CONTRIBUTIONS POLICY**

Attachment(s): *Murrindindi Shire Council Grants and Contribution Policy DRAFT (refer Attachment 8.1a)*  
*Murrindindi Shire Council Grants and Contributions Framework (refer Attachment 8.1b)*

**Purpose**

This report presents Council with the draft Murrindindi Shire Council Grants and Contributions Policy (Policy) for adoption. The Policy proposes an expanded scope to include the various forms of financial contributions provided to community groups and businesses by Council.

The Policy framework supports Council to make consistent, equitable decisions in regards to financially supporting community groups and businesses for activities that contribute to broader community wellbeing, visitation and economic development.

**Officer Recommendation**

**That Council adopts the Grants and Contributions Policy as attached to this report.**

**Background**

In response to a request from Council, Council officers have reviewed the grants and contributions currently provided to the community and businesses across a number of different formats. It had been established that while recipients were supportive of the ways that Council provides these levels of support, it could be confusing for applicants.

In addition, Council has sought to explore other forms of financial contribution provided by Council to community groups, and the extent to which these can be incorporated into an expanded Community Grants Program.

### **Discussion**

The Policy provides a strong policy framework to support not for profit community groups and organisations and businesses.

The following Policy principles have been developed to support consistent and equitable decision making including:

- alignment with Council Plan 2017-2021
- partnerships
- good governance
- diversity and access
- value for money

The Policy scope has been expanded to include the various ways Council provides support to community groups including the following funding streams:

- fee reductions (and waivers by exception)
- quick response grants
- sponsorships (including eligible individuals)
- governance and capacity building
- community projects and events
- small and new tourism events
- events of state Significance
- business growth or establishment
- industry or economy growth

A visual representation of the Policy framework can be found in Attachment 8.1b, providing a quick reference guide to each stream including timing, eligibility, funding caps and governance arrangements.

The full draft Policy can be found in Attachment 8.1a.

If adopted by Council a new assessment method will be implemented. Council officers have investigated the use of an online grants platform to manage applications, assessment and implementation of successful grants, and this could be implemented in January. An assessment panel will meet monthly to meet timeframes described in the Policy (not all streams will be assessed monthly – refer to framework for details).

### **Council Plan/Strategies/Policies**

This matter is consistent with the Council Plan 2017-2021 Our People strategic objective 1 'to celebrate and encourage diverse, caring and connected communities'.

### **Relevant Legislation**

There are no legislative considerations to this report.



**Financial Implications and Risk**

Funding across all streams represented in the Policy is within existing Council budget. Further work is required to reallocate budget allocations and this will occur in preparation for implementation.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

There has been no formal community consultation to date with respect to the development of this Policy.

**9. OUR PROSPERITY****10 OUR PROMISE****10.1 ELECTRICITY CONTRACT – SMALL SITES****Purpose**

The purpose of this report is to seek Council's approval to procure retail electricity for Council's small sites from the Victoria State Purchase Contract (SPC).

**Officer Recommendation****That Council:**

- 1. agree to procure retail electricity for its small sites from the Victoria State Purchase Contract**
- 2. authorise the Chief Executive Officer to sign the required documentation to give effect to Council's decision to procure retail electricity from the Victoria State Purchase Contract.**

**Background**

Aggregated electricity contracts are available for small sites (less than 40MWh p.a), large sites (more than 40 MWh p.a) and street lighting.

Council currently procures electricity for its small sites through the SPC. This contract number SS – 02 – 2015 expires 31 December 2018.

Council procures electricity for its larger sites and street lighting through the Municipal Association Victoria (MAV) Large Sites and Street Lighting Contract which expires 31 December 2020.

**Discussion**

The Australian energy market is complex and retail prices are comprised of a number of components including wholesale costs (electricity generation), network charges (power lines and poles) and a retail margins (covering meter reading and other services).

There has been considerable uncertainty regarding energy prices in Victoria over the last one to two years due to the closure of the Hazelwood Coal Generator in mid-2017 and general uncertainty over sector regulation.

The market experienced a sharp rise in retail prices in 2017/18 of around 8-10%, however it is predicted to become more stable after 2018/19 with increases in line with consumer price index (CPI).

Council has identified and assessed the following options for procurement electricity for small sites:

1. join the MAV Retail Electricity Small Sites Procurement - which commenced July 2018 and expires 30 June 2021 or
2. continue to purchase from SPC - which will commence 1 January 2019 and expires 31 December 2022.

#### Procurement Options Appraisal – Price

A comparison between Council's current electricity rates and rates available under the new MAV contract show that Council is currently getting a rate 14% lower than those offered under the new MAV contract.

Rates provided under the new SPC show a one percent drop in the tariff price for the first year of the contract and significant drops in years two and three.

The SPC option therefore offers greater price certainty as its rates have already proven to deliver best value for money. It also reduces the administrative burden of having to complete a full roll over to a new contract.

#### Procurement Options Appraisal – Value and Service

The SPC option offers superior value and service as it includes access to an independent invoice auditing service. This service may enable Council to drive further savings by making sure sites are on the most competitive tariff at all times. It may also help Council avoid unforeseen costs arising from incorrect tariffs being applied.

The MAV contract does not include this service and it is not known if the next contract will. Even if the new MAV contract includes this service, it will be a new service leading to increased risks around service quality, particularly in the initial period.

#### Consideration of Renewable Energy Options

Consideration has been given to the availability of renewable energy options for this supply. At this point in time however, whilst options are being explored in the local government sector, there are no cost-effective procurement-ready options available for consideration for the supply under this contract. However, the large sites and street lighting contracts both expire by the end of 2019, at which time it is more likely that renewable energy options for local government would be more developed.

#### **Council Plan/Strategies/Policies**

This contract is consistent with the Council Plan 2017-2021 strategy 'ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council's resources', which has a particular focus on shared service arrangements.

#### **Relevant Legislation**

Council must comply with Section 186 of the *Local Government Act 1989* (the *Act*) which requires councils to undertake a public procurement process before entering into a contract for goods and services worth \$150,000 (including GST) or more.

The *Act* includes some specific exemptions from this requirement. For example, procurements that use an aggregated contract set up by the State Government, MAV or Procurement Australia are exempt from the requirement to undertake a public procurement process. In relation to electricity for small sites, it is recommended that Council use an aggregated contract established by the State Government and therefore does not need to comply with Section 186.

**Financial Implications and Risk**

The current financial allocation for electricity in 2017/18 is \$127,758.00. The estimated annual contract value should Council continue to purchase from the SPC is \$120,638.00.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

No external consultation was required as part of this evaluation process.

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

14.1 CR MARGARET RAE

14.2 CR JACKIE ASHE

14.3 CR ERIC LORDING

14.4 CR CHARLOTTE BISSET

14.5 CR REBECCA BOWLES

14.6 CR LEIGH DUNSCOMBE

14.7 CR SANDICE MCAULAY – MAYORAL REPORT

**15. CHIEF EXECUTIVE OFFICER REPORT**

## **16. ASSEMBLIES OF COUNCILLORS**

### **Purpose**

This report presents the records of assemblies of Councillors for 28 November 2018 to 12 December 2018, 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 28 November 2018 to 12 December 2018.**

### **Background**

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

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

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

### **Discussion**

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

The following summary details are for 28 November 2018 to 12 December 2018:

Meeting Name/Type		Council Pre-Meet		
Meeting Date:		28 November 2018		
Matters Discussed:		<ol style="list-style-type: none"> <li>1. Petition – Billboard - 2 Anderson Lane Narbethong</li> <li>2. Proposed Planning Scheme Amendment - Ewing Wynd, Yea</li> <li>3. 1/2016/33/2 – Bonfire Station Amendment</li> <li>4. 2 Lot Subdivision – 450 Stoney Creek Road, Fawcett</li> <li>5. Amendment C63, Adoption Report</li> <li>6. Annual Report 2017/18</li> <li>7. Section 86 Committee of Management Membership Endorsement</li> <li>8. Service Provision and Fire Danger Ratings Policy</li> <li>9. Instrument of Appointment and Authorisation</li> <li>10. Tender 18/12 – Footpath and Kerb Renewal Program – 2018/19</li> <li>11. Tender CONT18/15 – Gravel Roads Re-Sheeting Program 2018/19</li> </ol>		
Councillor Attendees:		Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording		
Council Officer Attendees		C Lloyd, M Chesworth, S McConnell, S Brown, D Jackson, M Crane, C Lintott		
Conflict of Interest Disclosures: Yes – Declared a conflicting personal interest				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
3	Cr S McAulay	No	Yes	Before

Meeting Name/Type	Briefing
Meeting Date:	5 December 2018
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Promotion Sign – 2 Anderson Lane, Narbethong</li> <li>2. Waste Management Budget 2019-20 Including Fees and Charges</li> <li>3. Council Greenhouse Reduction Plan</li> <li>4. Draft Strategy Recreation and Open Space Assets and Services</li> </ol>
Councillor Attendees:	Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, M Crane, D Jackson, Z Blakeney, S Coller, T Lucas
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing
Meeting Date:	12 December 2018
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Aged and Disability Services Review</li> <li>2. Communications Strategy – Councillor Workshop</li> <li>3. Tourism and Events Strategy – Councillor Workshop</li> <li>4. 2019/20 Capital Works Briefing No. 1</li> <li>5. GRVT Board Meeting Update</li> </ol>
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, S McLauren, J Rabel, L Kelly, G Haylock
Conflict of Interest Disclosures: Nil	

### Council Plan/Strategies/Policies

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

### Relevant Legislation

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

### Financial Implications and Risk

There are no financial or risk implications.

### Conflict of Interest

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

## 17. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/814	10 December 2018	Flowerdale Preschool Sub-Licence between Murrindindi Shire Council (Shire Council) and Mitchell Shire Council (Preschool Operator)	Cr Sandice McAulay Cr Leigh Dunscombe

### Officer Recommendation

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

**18. CONFIDENTIAL ITEMS**

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

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

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

The report on the Internal Audit Services is being considered in the closed part of this meeting because it is considered under S89(2)(d) contractual matters.

**Recommendation**

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

- **Internal Audit Services**