



MINUTES  
of the  
ORDINARY MEETING OF COUNCIL  
WEDNESDAY 26 SEPTEMBER 2018

at

Murrindindi Shire Council  
Council Chamber  
The Semi Circle  
Yea

6.02 pm

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## INDEX

<b>1.</b>	<b>PLEDGE AND RECONCILIATION STATEMENT</b> .....	<b>2</b>
<b>2.</b>	<b>APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE</b> .....	<b>2</b>
<b>3.</b>	<b>COMMUNITY RECOGNITION</b> .....	<b>2</b>
<b>4.</b>	<b>DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST</b> .....	<b>4</b>
<b>5.</b>	<b>CONFIRMATION OF MINUTES</b> .....	<b>4</b>
<b>6.</b>	<b>PUBLIC PARTICIPATION TIME</b> .....	<b>4</b>
6.1	Questions of Council.....	4
6.2	Open Forum.....	4
6.3	Petitions.....	4
6.3.1	Response to Petition – Proposed Speed Zone Changes to Eildon.....	5
<b>7.</b>	<b>OUR PLACE</b> .....	<b>8</b>
7.1	2 Lot Subdivision – 35 Watsons Road Kinglake West.....	8
7.2	Multi Purpose Facility – 85 National Park Road, Pheasant Creek .....	18
<b>8.</b>	<b>OUR PEOPLE</b> .....	<b>32</b>
<b>9.</b>	<b>OUR PROSPERITY</b> .....	<b>32</b>
<b>10</b>	<b>OUR PROMISE</b> .....	<b>33</b>
10.1	Removal of Library Overdue Fines For Children’s Items .....	33
10.2	Approval of Annual Financial Statements 2017/18.....	35
10.3	Audit Advisory Committee Minutes.....	39
<b>11.</b>	<b>NOTICES OF MOTIONS</b> .....	<b>40</b>
<b>12.</b>	<b>MATTERS DEFERRED FROM PREVIOUS MEETING</b> .....	<b>40</b>
<b>13.</b>	<b>URGENT BUSINESS</b> .....	<b>40</b>
<b>14.</b>	<b>COUNCILLOR AND PORTFOLIO REPORTS</b> .....	<b>40</b>
14.1	Cr Margaret Rae - Land Use Planning Portfolio .....	40
14.2	Cr Jackie Ashe – Economic Development Portfolio.....	40
14.3	Cr Eric Lording - Infrastructure and Waste Portfolio .....	42
14.4	Cr Leigh Dunscombe - Corporate and Customer Services Portfolio.....	42
14.5	Cr Rebecca Bowles - Natural Environment and Climate Change Portfolio .....	43
14.6	Cr Sandice McAulay - Community Services Portfolio .....	44
14.7	Cr Charlotte Bisset – Mayoral Report.....	45
<b>15.</b>	<b>CHIEF EXECUTIVE OFFICER REPORT</b> .....	<b>45</b>
<b>16.</b>	<b>ASSEMBLIES OF COUNCILLORS</b> .....	<b>45</b>
<b>17.</b>	<b>SEALING REGISTER</b> .....	<b>47</b>
<b>18.</b>	<b>CONFIDENTIAL ITEMS</b> .....	<b>48</b>

## **1. PLEDGE AND RECONCILIATION STATEMENT**

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

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

We would like to acknowledge the traditional custodians of the land on which we are gathered and pay my respects to the past and present elders”.

It is with much sadness that we note the passing of Rick Wegrzyn.

Rick is known to some here as a former Council Resource Recovery Centre Operator – having worked in the role from October 2009 to December 2011. Others know him as the husband of Leanne from Council’s Information Management.

Rick was also a talented and well known musician, performing nationally for many years under the name ‘Rick E Vengeance’ including many performances at the Port Fairy Folk Festival.

Our deepest sympathy and support go out to Leanne and her family during this difficult time.

## **2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

Cr C Bisset had approved leave as per the Ordinary Meeting of Council on 22 August 2018.

That Council accept the apologies of Cr J Ashe.

### **RESOLUTION:**

**Cr M Rae / Cr R Bowles**

**That Council accept the apologies of Cr J Ashe.**

**CARRIED**

### **Present:**

S McAulay (Chair), R Bowles, L Dunscombe, E Lording, M Rae

### **In attendance:**

Chief Executive Officer: Craig Lloyd

Director Corporate and Shared Services: Michael Chesworth

Director Assets and Development: Stuart McConnell

Manager Development Services: Shivaun Brown

Manager Community Assets: John Canny

Acting Manager Development Services: Darren Jackson

Governance Officer: Audrey Kyval

## **3. COMMUNITY RECOGNITION**

Suspension of standing orders to thank and acknowledge community achievements.

**RESOLUTION:****Cr M Rae/ Cr L Dunscombe****That Standing Orders be suspended and for the Community Recognition be tabled in the minutes.****CARRIED**

The meeting was suspended at 6.04 pm.

Cr S McAulay welcomed the young leaders from Kinglake West Primary School, their families and their principal.

It is a great pleasure to be able to recognise the following school leaders who have been appointed for 2018:

- Emily Wunderlich - School Captain
- Harry Cook - School Captain
- Matilda Brereton - Vice School Captain
- Cayden Ray - Vice School Captain
- Miki Nitschke - Eagles House Captain (absent)
- Nathan Eaton - Eagles House Captain
- Trinity Tebbutt - Possums House Captain
- Archie Forde - Possums House Captain
- Tayah Drew - Wombats House Captain (absent)
- Alex Lowry - Wombats House Captain
- Maggie Withers - Kangaroo House Captain (absent)
- Jordan Kelly - Kangaroo House Captain (absent)

Congratulations to each student for taking on these important roles in your school communities. We wish you all the very best in your final year of Primary School. Enjoy every moment of it and we hope that you look back on it as one of your best!

We would like to acknowledge Mark Leitinger who has been a pillar of Murrindindi Shire Council for 20 years. His recent retirement brings to a conclusion and even longer career in local government. Mark's contribution to the community is through the maintenance and the development of the community infrastructure and played a key role in the recovery and rebuilding effort after the 2009 fires. Thank you for your service and contribution to Murrindindi Shire Council.

**RESOLUTION:****Cr M Rae / Cr E Lording****That Standing Orders be resumed.****CARRIED**

The meeting was resumed at 6.17 pm.

**4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

Nil

**5. CONFIRMATION OF MINUTES**

5.1 Minutes of the Ordinary Meeting of Council held on 22 August 2018.

**Officer Recommendation**

That the minutes of the Ordinary Meeting of Council held on 22 August 2018 be confirmed.

**RESOLUTION:****Cr L Dunscombe / Cr E Lording****That the minutes of the Ordinary Meeting of Council held on 22 August 2018 be confirmed.****CARRIED****6. PUBLIC PARTICIPATION TIME****6.1 QUESTIONS OF COUNCIL**

Two questions were received from Jack Russell of Yea. Per section 109.3 of the *Governance Local Laws No. 2*, the questions were not read as the submitter was not present at the meeting. A separate response to the submitter will be provided as per section 110 of the *Governance Local Law No. 2*.

**6.2 OPEN FORUM**

Roger and Susy Chapman spoke in support of the Multi Purpose Facility – 85 National Park Road, Pheasant Creek (item 7.2 on the Agenda).

**RESOLUTION:****Cr M Rae / Cr E Lording****That the speaking time for Roger and Susy Chapman be extended for a further two minutes.****CARRIED**

Ken Wall spoke against the Multi Purpose Facility – 85 National Park Road, Pheasant Creek (item 7.2 on the Agenda).

**RESOLUTION:****Cr L Dunscombe / Cr E Lording****That the speaking time for Ken Wall be extended for a further two minutes.****CARRIED****6.3 PETITIONS**

Nil

**The Chairperson closed Public Participation Time.**

**6.3.1 RESPONSE TO PETITION – PROPOSED SPEED ZONE CHANGES TO EILDON**

Attachment(s): *Eildon Speed Zone Changes - Petition (distributed separately to Councillors)*

**Purpose**

The purpose of this report is provide a response to a petition to Council regarding the proposed speed changes at Back Eildon Road and Eildon township.

The petition requested:

- provision of evidentiary data and reasoning to the residents of Eildon as to why these speed limit changes are being considered
- a review of decisions regarding the Back Eildon Road speed reduction plans in consultation with the residents.

The speed limit changes were proposed following community requests. Feedback was sought from the community. Council officers have considered the community feedback and will now make recommendations to VicRoads.

**Officer Recommendation**

That Council:

1. note that the Manager Community Assets:
  - a. has considered the community feedback, including submissions received and this petition
  - b. reviewed the proposed speed limit changes in light of the feedback and assessment information
  - c. has determined to recommend the changes detailed in this report to VicRoads for approval
2. request that the Manager Community Assets write to the convenor of the petition to provide Council's response to the petition and advise of the recommended changes to the speed limits
3. note that Council officers are updating the Eildon community on the outcomes of the consultation and the next steps in considering proposed speed limit changes, through relevant media.

**Background**

The proposed speed changes were advertised in the Murrindindi Matters section of the Alexandra and Eildon Standard newspaper and on Council's Facebook page. Feedback was requested as part of the public consultation. The feedback period was from the 4 July to 20 July 2018.

A petition was tabled on 13 August 2018 to Council. It requested Council to:

- provide evidentiary data and reasoning to the residents of Eildon as to the why these speed limit changes are being considered and
- review the decisions regarding the Back Eildon Road speed reduction plans in consultation with the residents.

**Discussion**

Council's general approach to considering speed change requests is as follows:

- complete an initial assessment to ensure there is a reasonable basis for the request
- undertake a *V-Limits* assessment (i.e. a technical assessment using a tool provided by VicRoads)

- engage an external Traffic Consultant to review the current limits
- seek community feedback on any changes being proposed
- seek support for any proposed changes from Victorian Police
- present proposed changes to VicRoads for approval.

Council must seek approval from VicRoads, the final decision maker, on speed limit changes.

While the Manager Community Assets has determined the recommended changes to be provided to VicRoads, at this stage the recommendations on speed limit changes in Eildon have not been forwarded to VicRoads.

### **Petition Responses**

***'Provide evidentiary data and reasoning to the residents of Eildon as to why these speed limit changes are being considered'***

#### Response

The speed zone review of Eildon Township and Back Eildon Road was triggered by requests from four different sources in the community.

The concerns raised include:

- Skyline Road, South Crescent, High Street and Back Eildon Road having speed limits too high
- Park Avenue and Riverside Drive having speed limits too low

A speed review and report on the subject road sections within the township was carried out by an external traffic consultant. Council officers also carried out a *V-Limits* assessment on a number of sections the Back Eildon Road.

*V-Limits* is a tool provided by VicRoads to determine a recommended speed limit for roads. *V-Limits* takes into account VicRoads guidelines and includes consideration of the frequency of speed limit zone changes (i.e. minimising the frequency of changes).

Following the request from the community and assessment using the *V-Limits* tool and advice from the traffic consultant, Council officers determined that changes to the speed limits should be considered and subsequently sought feedback from the community.

***'Review decisions regarding the back Eildon Back Road (sic) speed reduction plans in consultation with the residents'***

#### Response

The Manager Community Assets has reviewed the proposed changes to the speed limit on Back Eildon Road, taking into account the results of the community consultation and this petition. See below for the results of this review.

### **Recommended Speed Limit Changes**

Having now considered both the technical advice and the feedback from the community the Manager of Community Assets has determined to make the following recommendations about speed limit changes to VicRoads for approval:

- reduce Skyline Road 60 kilometre per hour (km/h) zone to 50km/h
- reduce South Crescent 60km/h zone to 50km/h

- reduce High Street from Park Avenue to Tenth Street from 60km/h to permanent 40km/h zone
- change High Street from Tenth Street to Seventh Street from time based 40km/h zone to permanent 40km/h zone
- reduce High Street 60km/h zone from Seventh Street to East Crescent from 60km/h to 50km/h
- increase Park Avenue from 20km/h to 40km/h
- increase Riverside Drive from 20km/h to 40km/h, and install additional speed humps where required

These recommended changes reflect consideration of the specific context of each road, the initial requests and community feedback. They will simplify and improve consistency of speed limits around Eildon township.

The Manager Community Assets has determined not to recommend any speed limit changes to the Back Eildon Road.

As part of this process, information is being provided to the community about the results of the consultation and the recommendations to VicRoads.

### **Conclusion**

The speed limit review for Eildon Township and Back Eildon Road was triggered by requests from members of community. The proposed speed changes were the outcome of external advice and internal V-Limits assessment. Following consideration of the community feedback, the Manager Community Assets has determined the above recommendations will be made to VicRoads for changes.

Council officers will advise the community of the outcomes of this prior to recommendations being presented to VicRoads for approval.

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

The Council Plan 2017-2021 reference relating to this report includes the following:

- Our People – ‘work with community and groups to connect, collaborate and plan for our future’
- Our Place – ‘improving links and making Murrindindi Shire easier to navigate and its services and destinations easy to find’.

### **Relevant Legislation**

*Road Management Act 2004*

### **Financial Implications and Risk**

Under the *Road Management Act 2004*, Council, as the responsible road manager, is required to undertake works and activities to promote the safe and efficient operation of the road. There are minor financial implications associated with replacing signage to reflect new speed limits.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

Council officers have sought feedback from the community and have consulted with the local Country Fire Authority (CFA) and Police.



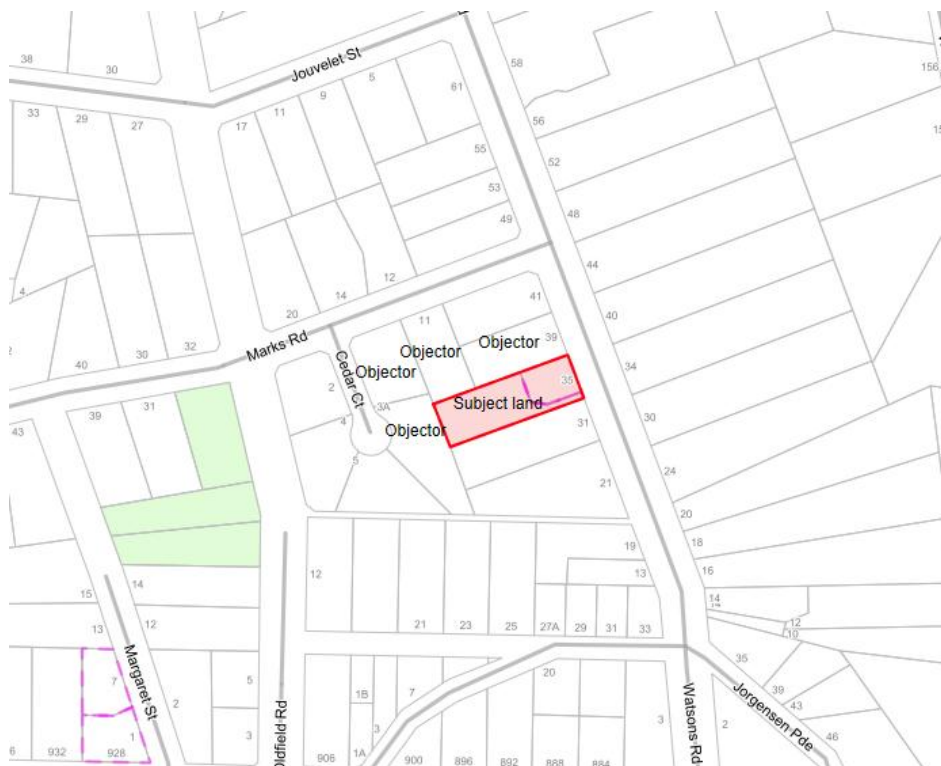
**RESOLUTION:****Cr E Lording / Cr L Dunscombe****That Council:**

1. note that the Manager Community Assets:
  - a. has considered the community feedback, including submissions received and this petition
  - b. reviewed the proposed speed limit changes in light of the feedback and assessment information
  - c. has determined to recommend the changes detailed in this report to VicRoads for approval
2. request that the Manager Community Assets write to the convenor of the petition to provide Council's response to the petition and advise of the recommended changes to the speed limits
3. note that Council officers are updating the Eildon community on the outcomes of the consultation and the next steps in considering proposed speed limit changes, through relevant media.

**CARRIED****7. OUR PLACE****7.1 2 LOT SUBDIVISION – 35 WATSONS ROAD KINGLAKE WEST**

TRIM References: 2017/160 and 18/53731

Attachment(s): *Application Details (refer Attachment 7.1)  
Aerial photographs, submissions and responses previously submitted to  
Councillors*Land: 35 Watsons Road, Kinglake West  
Proposal: Two (2) lot subdivision  
Applicant: B A Neagle  
Zoning: Township  
Overlays: Bushfire Management Overlay**Locality Plan (next page)**



### Purpose

This report recommends that a Notice of Decision to Grant a Permit be issued for a two (2) lot subdivision at 35 Watsons Road, Kinglake West. The subject land is located in the Township Zone and is further affected by a Bushfire Management Overlay.

The proposed subdivision has been assessed as complying with the objectives and standards of clause 56 (ResCode provisions) and the land can be developed in accordance with the Bushfire Management Overlay provisions.

### Officer Recommendation

That Council issue a Two (2) lot subdivision at 35 Watsons Road Kinglake West (LOT: 4 LP: 146746, Parish of Kinglake), subject to the following conditions:

1. The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements
2. This permit shall expire if the plan of subdivision hereby permitted is not certified within two years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within six months after such expiry
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created
5. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the Relevant Authority in accordance with Section 8 the *Subdivision Act 1988*

6. The owner of the land must enter into an agreement with:
  - a telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time
  - a suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time
  - a suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre
8. Prior to the issue of a Statement of Compliance the existing wastewater management system on Lot 1 shall be decommissioned and upgraded with a suitable secondary treatment system in accordance with the Land Capability Assessment by GroundScience dated 10 May 2018
9. Prior to the issue of a Statement of Compliance the access for both proposed lots shall be constructed and the nature strip between the boundary of the subject land and the road pavement shall be rehabilitated as follows:
  - the location of the driveway and parking area shall be located in accordance with Figure 3 on page 8 of the Tree Impact Report by EnSpec Environment and Risk dated 3 August 2018
  - the area marked for closure and rehabilitation shall be treated in such a way that permanently prevents continuing vehicular access to the satisfaction of the Responsible Authority
  - the permitted driveway and parking area shall be delineated to ensure there is no traffic incursion outside this zone
  - the construction of the driveway and parking area shall be entirely outside the structural root zones and there must be no excavation into the existing soil profile within the tree protection zone
  - the surface treatment of the driveway and parking area shall be undertaken so as to prevents soil compaction within the tree protection zone
10. Prior to commencing any construction works a suitable prepared engineering plan detailing the proposed driveway works must be submitted to and approved by the Responsible Authority
11. Prior to the issue of a Statement of Compliance an appropriate rural road number plaque must be provided at the access point to each lot to the satisfaction of the Responsible Authority
12. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following in relation to the approved bushfire management plan and other requirements of this permit:

- Bushfire
  - state that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Murrindindi Planning Scheme
  - incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit
  - state that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the Responsible Authority on a continuing basis
  - include the Bushfire Management Plan as an annexure to the agreement
- Access
  - access and parking on the nature strip between the lots and the road pavement may only take place within the defined driveway and parking area approved under this permit
- Effluent disposal
  - effluent treatment and disposal shall be generally in accordance with the Land Capability Assessment by GroundScience dated 10 May 2018
  - effluent disposal shall be located within the allocated effluent disposal fields, but amended to ensure a 20 metre separation from the bore located on 3 Cedar Court
  - the dwelling on Lot 1 shall not be extended beyond two bedrooms unless the effluent disposal field is sized accordingly to the satisfaction of the Responsible Authority
- Building envelopes
  - all buildings must be constructed within the building envelope contained in the endorsed plan
  - effluent disposal must be by packaged treatment plant and contained within the effluent disposal envelope generally in accordance with the Land Capability Assessment by GroundScience dated 10 May 2018
  - the land may not be used for the purposes of industry or warehouse

The Section 173 agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987.

13. Country Fire Authority (CFA)

The Bushfire Management Plan – Lot 2 / 35 Watsons Road, Kinglake West (prepared by Geoffrey Stone / SBA Fire, Version No.1.6, dated 15/06/2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the Murrindindi Shire Planning Scheme.

## **Background**

### The Land and Surroundings

The land currently consists of an older small two bedroom dwelling and garage on a lot of approximately 5,062 square metres. The house and garage are both located at the front of the property with a setback of 10 metres from the front boundary. The existing dwelling does not have any fire rating for bushfire protection.

Between the property boundary and the road formation there is a 23 metre wide nature strip containing a number of significant mature indigenous trees. This area is currently being impacted by driveways and informal car parking.

Abutting land is also within the Township Zone with lot sizes ranging from 3,300-5,000 square metre. The lots opposite Watsons Road are larger in size (approximately 1 hectares). An industrial area is located approximately 100 metres to the south of the subject land.

The immediate area is well vegetated along the road reserve with significant vegetation screening along the southern boundary of the subject land and a stand of native vegetation within Proposed Lot 2.

Lots in this area typically consist of a single detached dwelling except for the two lots opposite on Watsons Road which are vacant and the land to the rear which has two dwellings on a 4,400 square metre lot.

#### Application Details

The application includes an effluent envelope for the existing house, an updated land capability assessment and a bushfire management plan (for the proposed lot only). The applicant is not proposing to replace the existing dwelling with a new bushfire compliant dwelling.

The proposed lots will comprise an area of 1,511 square metres for the existing dwelling and a second larger lot of 3,551 square metres to contain a future larger dwelling at the rear which will have access via a battle axe driveway arrangement.

A building envelope of 600 square metre has been designated within the larger lot to contain a new dwelling. This building envelope is located 3 metres from the northern and eastern boundaries and within an existing cleared area. The effluent envelope associated with this larger lot will be located 3 metres from the north and western boundaries at the rear of the property (and also within a cleared area).

In relation to Lot 1, the existing old effluent disposal system will be decommissioned and upgraded with a new package treatment plant and associate effluent envelope.

#### **Discussion**

The land is within a Township Zone which has typically been applied to land not having reticulated sewerage. A planning permit is not required to use land for the purpose of a dwelling within this zone. A planning permit is also not required for a dwelling under the Bushfire Management Overlay as these issues are addressed as part of the subdivision proposal.

#### Access and Native Vegetation

As part of the assessment process issues were identified in relation to the existing and proposed driveways and their impact on native vegetation within the road reserve. The area affected is approximately 850 square metres and consists of remnant indigenous trees of varying size and age. An arborists report was commissioned by Council which confirmed that continuing informal vehicular access will have an adverse impact on the trees. It was recommended that the existing driveway be closed, that the soil surface be rehabilitated to improve soil condition and that further planting take place to prevent future vehicle movements outside the designated vehicle zone. This report recommends that this outcome be secured as part of the subdivision and further secured under a section 173 Agreement.

New access into the two lots will need to be on the southern side of the property and constructed entirely outside the structural root zones and this will require the installation of a permanent surface treatment that prevents soil compaction within the Tree Protection Zones. No pruning of these trees would be required.

The applicant is not supportive of the above tree protection measures on the following grounds:

- there will be no increased use of the northern driveway and the extra traffic on the southern driveway will have minimal or no impact. These driveways have existed for many years
- the retention and landscaping of vegetation within the road reserve will increase fire risk.

The planting of further vegetation on the road reserve is partly about revegetation and partly to restrict access into these areas. Development of nature strips can occur in an ad hoc way over time resulting in poor streetscapes and amenity. When assessing an application for subdivision it is appropriate to consider all aspects of access and parking, taking into account both safety and environmental concerns. To the extent that the applicant is concerned about fire risk, the applicant is not prevented from constructing a new bushfire compliant replacement dwelling on the front lot to address any real or perceived issue relating to bushfire risk.

Native vegetation within the proposed lots is generally outside the areas that contain the building envelope and effluent disposal. However, this native vegetation will be impacted due to the need for a bushfire protection zone around the proposed new dwelling and some removal is likely to occur.

#### Character/Visual Amenity

Viewed from the street there will be little obvious change as the building envelope on proposed Lot 2 is behind the existing house. Also, the extent of the roadside nature strip and existing vegetation limits views into the property. The rehabilitation of the nature strip will serve to enhance the character of the area.

From the abutting properties, the dwelling envelope proposed for Lot 2 is screened from all sides with existing vegetation of varying heights. A property that is less than 4,000 square metres in area is exempt from the need for a planning permit for the removal of native vegetation. Council could require the retention of the indigenous vegetation within the proposed Lot 2, however this would likely conflict with the Bushfire Management Statement and the defendable space around the new dwelling and priority will need to be given to safety.

#### Effluent Disposal

The amended land capability assessment has recommended the replacement of the existing system (associated with the older existing dwelling) with a package treatment plant. An area of 140 square metres has been set aside for this purpose. The effluent disposal envelope for Lot 2 is much larger at 400 square metres and would be capable of servicing a five bedroom dwelling.

Issues raised in relation to a nearby bore for potable water supply were not raised in the land capability assessment as the bore is not identified as a registered bore on the state database. The bore owner has advised that a bore is located 7.9 metres from the common boundary at the rear of the subject land. The Septic Tank Code of Practice allows a setback of 20 metres when treating effluent to 20/30 standard. This would require minor alterations to the location of the effluent disposal field for the proposed Lot 2. This can be accommodated on the site.

The subdivision application has been assessed to be compliant with the provisions of the Murrindindi Planning Scheme which are further set out at the end of this report.

#### Referrals – Bushfire

The Bushfire Management Plan was referred to the CFA who do not object to the grant of a permit subject to compliance with specific conditions. These conditions include the mandatory requirement for a Section 173 Agreement to give permanent effect to the endorsed Bushfire Management Plan. This also would allow the development of a house on the property without the need for a planning permit subject to complying with the Section 173 Agreement. The CFA have

not required that the existing older dwelling be replaced with a new dwelling capable of meeting current bushfire standards and Bushfire Attack Level (BAL) ratings.

**Council Plan/Strategies/Policies**

The application has been assessed to be consistent with the strategic objectives and strategies in the Murrindindi Shire Council Plan 2017-2021 which seeks to 'enhance the liveability, prosperity and rural character of our Shire'.

**Relevant Legislation**

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

**Financial Implications and Risk**

There is no financial risk to Council in relation to this report.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

Four objections were received to the original application and none of those objections have been withdrawn.

The objections can be summarised as follows:

- proposed Lot 1 is too small and has a non-functioning waste water management system. The system should be upgraded to a treatment plant
- land capability assessment may not be accurate
- the effluent disposal area associated with proposed Lot 2 is too close to a bore used for domestic drinking purposes
- the creation of proposed Lot 1 is not in keeping with the existing residential and neighbourhood character of the area
- the existing dwelling is in poor condition and is being maintained in poor condition
- the proposed lots have the potential to be used for industry and warehousing under the Township Zone affecting the land
- the proposed subdivision will increase fire risk.

In response to the objections received, it can be confirmed that the land capability assessment has been undertaken by a professionally qualified company and Council officers are satisfied with the assessment and reporting. Objector concerns relating to the replacement of the older effluent disposal system with a new treatment plant can be accommodated and are reflected in proposed conditions.

In relation to issues of character, the proposed conditions requiring upgrading and protection of the nature strip and an appropriately constructed access drive will assist in improving the amenity of the area. Any ongoing issues relating to the condition or appearance of the existing dwelling can be addressed by Community Safety officers under Local Law provisions if this continues to be an ongoing issue. The use of land for a dwelling on lots within the Township Zone does not require a planning permit.

The location of the effluent disposal envelope for proposed Lot 2 can be altered to accommodate the required 20 metres setback from the abutting water bore located on the property to the rear.

The potential use of the lots for industry or warehouse is discretionary under the current zone provisions but unlikely to be proposed or approved. The lots are not suitable for this purpose and

do not adjoin the existing industrial area. To address this concern by objectors it is proposed that the section 173 Agreement forming part of the conditions set out a further restriction that lots must not be used for the purpose of industry or a warehouse.

## **Planning Considerations**

### **Legal/Policy Issues**

#### Planning Policy Framework

##### 11.01-1S *Settlement*

Objective: to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Strategies: limit urban sprawl and direct growth into existing settlement

##### 11.03-S *Peri-Urban Areas*

Objective: to manage growth in peri-urban areas to protect and enhance their identified valued attributes.

Strategies: prevent dispersed settlement and provide for non-urban breaks between urban areas.

#### Local Planning Policy Framework

- Kinglake West – Pheasant Creek Framework Plan
- Encourage infill development in the Township Zone.

### Zoning

#### 32.05 *Township Zone*

Purpose:

- to provide for residential development and a range of commercial, industrial and other uses in small towns
- to encourage development that respects the neighbourhood character of the area.

Decision Guidelines:

- the capability of the lot to retain and treat all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*
- the scale and intensity of the use and development.

### Overlays

#### 44.06 *Bushfire Management Overlay*

Purpose:

- to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented
- to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

### **RESOLUTION:**

**Cr L Dunscombe / Cr E Lording**

**That Council issue a Two (2) lot subdivision at 35 Watsons Road Kinglake West (LOT: 4 LP: 146746, Parish of Kinglake), subject to the following conditions:**



1. The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements
2. This permit shall expire if the plan of subdivision hereby permitted is not certified within two years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within six months after such expiry
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created
5. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the Relevant Authority in accordance with Section 8 the *Subdivision Act 1988*
6. The owner of the land must enter into an agreement with:
  - a telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time
  - a suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre
7. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time
  - a suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre
8. Prior to the issue of a Statement of Compliance the existing wastewater management system on Lot 1 shall be decommissioned and upgraded with a suitable secondary treatment system in accordance with the Land Capability Assessment by GroundScience dated 10 May 2018
9. Prior to the issue of a Statement of Compliance the access for both proposed lots shall be constructed and the nature strip between the boundary of the subject land and the road pavement shall be rehabilitated as follows:
  - the location of the driveway and parking area shall be located in accordance with Figure 3 on page 8 of the Tree Impact Report by EnSpec Environment and Risk dated 3 August 2018

- the area marked for closure and rehabilitation shall be treated in such a way that permanently prevents continuing vehicular access to the satisfaction of the Responsible Authority
  - the permitted driveway and parking area shall be delineated to ensure there is no traffic incursion outside this zone
  - the construction of the driveway and parking area shall be entirely outside the structural root zones and there must be no excavation into the existing soil profile within the tree protection zone
  - the surface treatment of the driveway and parking area shall be undertaken so as to prevent soil compaction within the tree protection zone
10. Prior to commencing any construction works a suitable prepared engineering plan detailing the proposed driveway works must be submitted to and approved by the Responsible Authority
11. Prior to the issue of a Statement of Compliance an appropriate rural road number plaque must be provided at the access point to each lot to the satisfaction of the Responsible Authority
12. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following in relation to the approved bushfire management plan and other requirements of this permit:
- **Bushfire**
    - state that is has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Murrindindi Planning Scheme
    - incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit
    - state that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the Responsible Authority on a continuing basis
    - include the Bushfire Management Plan as an annexure to the agreement
  - **Access**
    - access and parking on the nature strip between the lots and the road pavement may only take place within the defined driveway and parking area approved under this permit
  - **Effluent disposal**
    - effluent treatment and disposal shall be generally in accordance with the Land Capability Assessment by GroundScience dated 10 May 2018
    - effluent disposal shall be located within the allocated effluent disposal fields. but amended to ensure a 20 metre separation from the bore located on 3 Cedar Court
    - the dwelling on Lot 1 shall not be extended beyond two bedrooms unless the effluent disposal field is sized accordingly to the satisfaction of the Responsible Authority
  - **Building envelopes**
    - all buildings must be constructed within the building envelope contained in the endorsed plan

- effluent disposal must be by packaged treatment plant and contained within the effluent disposal envelope generally in accordance with the Land Capability Assessment by GroundScience dated 10 May 2018
- the land may not be used for the purposes of industry or warehouse
- **Fence**
  - Prior to the construction of a dwelling on Lot 2, a 1.8 metre high solid fence must be constructed on the common boundary of Lot 2 and 39 Watsons Road at the expense of the owners of Lot 2

The Section 173 agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987

### 13. Country Fire Authority (CFA)

The Bushfire Management Plan – Lot 2 / 35 Watsons Road, Kinglake West (prepared by Geoffrey Stone / SBA Fire, Version No.1.6, dated 15/06/2018) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to Clause 44.06-3 of the Murrindindi Shire Planning Scheme.

**CARRIED**

### 7.2 MULTI PURPOSE FACILITY – 85 NATIONAL PARK ROAD, PHEASANT CREEK

Attachment(s): *Application details – Planning Report, Plans (refer Attachment 7.2)  
Aerial photo and submissions previously supplied*

Land: 85 National Park Road, Pheasant Creek

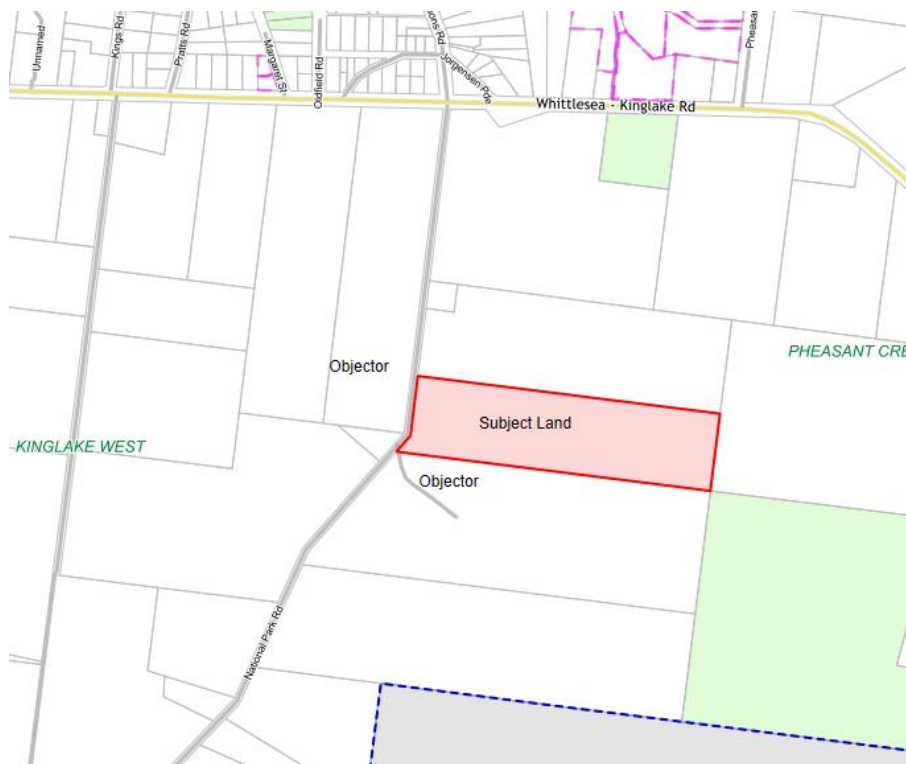
Proposal: Use and development of land for the purpose of a function centre, residential hotel, restaurant and artist retreat.

Applicant: S M & R A Chapman

Zoning: Farming

Overlays: Environmental Significance  
Bushfire Management

**Locality Plan (next page)**



### Purpose

This report recommends that a Notice of Decision to Grant a Permit be issued for the use and development of land at 85 National Park Road, Pheasant Creek for the purpose of a function centre (up to 50 attendees), residential hotel (accommodating up to 15 guests per night within eight rooms), restaurant and artist retreat. The application is being reported to Council because two objections have been received.

### Officer Recommendation

That Council issue a Notice of Decision to Grant a Permit allowing the use and development of the land for the purpose of a function centre, residential hotel, restaurant and artist retreat at Lot 1 TP 101976 (No. 85) National Park Road, Pheasant Creek, subject to the following conditions:

1. Before the development and/or use hereby permitted starts, amended and additional site layout and development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - Plan A101 to include the following:
    - a. the area of the plan extending to the southern property boundary
    - b. contour intervals of not less than 1 metre
    - c. the full extent of the nominated easement that traverses the land and its width
    - d. the areas for landscaping as set out in the landscape plan required under this permit
    - e. the proposed water tank for firefighting purposes to be set back further from the frontage to allow for screening from National Park Road
    - f. the setbacks of the proposed greenhouse structure and associate shed from the northern boundary
    - g. the building setbacks associated with the artist's retreat structure
    - h. the alignment of the underground electrical supply

- i. further details and dimensions relating to proposed car parking area, road access and crossovers. All proposed infrastructure and service areas required for effluent disposal under the approved land capability assessment
    - j. the areas for the storage of waste and associated screening
    - k. location and details of the effluent disposal areas associated with the existing dwelling.
  - the conversion of at least one of the residential hotel accommodation rooms to an accessible room for guests with disabilities
  - a schedule of external colours for existing and proposed buildings (walls and roofing). External Colours and materials must in muted tones and finishes consistent with the surrounding rural landscape and to the satisfaction of the Responsible Authority
2. Concurrent with the endorsement of plans under Condition No.1 and before the uses hereby permitted commence, a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
  - a. the area or areas set aside for landscaping
  - b. a schedule of all proposed trees, shrubs/small trees and ground cover
  - c. the location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material
  - d. paving, retaining walls, fence design details and other landscape works including areas of cut and fill
  - e. appropriate irrigation systems
3. Prior to the commencement of the use and development hereby permitted an integrated land management plan prepared by a suitably qualified environmental consultant must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show and include:
  - a. an assessment of the environmental values of that portion of the land containing native vegetation and measures to secure and improve the habitat and conservation values within this area
  - b. the land to be used for agriculture and permaculture
  - c. measures to address areas of former disturbance including weed control and pasture reestablishment
  - d. requirement for the fencing of the native vegetation component of the land in the event of any stocking of animals (either as part of the current proposal or at any future date)
  - e. requirements and location for any property firebreaks to minimise native vegetation loss
  - f. control of pest animals and plants
  - g. erosion control
  - h. construction details relating to the existing internal access track including surfacing, culverts and drainage
  - i. any other actions required to address identified land management issues
  - j. a schedule of works to be implemented over a five year period.
4. Prior to the commencement of the uses hereby permitted a Bushfire Emergency Management Plan must be approved to the satisfaction of the Responsible Authority and

the Country Fire Authority. When approved, the plan will be endorsed and will then form part of this permit

5. Before the uses and/or development hereby permitted starts, a waste management plan must be prepared to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:
  - a. the type/s and number of waste bins
  - b. screening of bins
  - c. type/size of trucks
  - d. frequency of waste collection
  - e. the provision and use of a bin-tug. The bin-tug must be maintained in an operational state at all times
  - f. hours of collection (to comply with the Environment Protection Authority Regulations)

The endorsed waste management plan must not be amended without prior written consent of the Responsible Authority

6. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans, shall not be altered or modified without the consent in writing of the Responsible Authority
7. This permit shall expire if the development hereby permitted is not completed and the use(s) commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use(s) or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired
8. Once the uses and/or development hereby permitted have started they must be continued and completed to the satisfaction of the Responsible Authority. In the event that the permit lapses, the existing partially completed building structure on the subject land (and any other partially completed building or works commenced under this permit) must be removed and the land reinstated with pasture/ grasses suitable for agricultural purposes
9. The area proposed for permaculture, horticulture and associated outbuildings and works must be established and completed on the subject land within one year following the commencement of the use to the satisfaction of the Responsible Authority
10. The number of guests permitted for accommodation within the residential hotel forming part of this permit must not exceed 15
11. The total number of patrons/visitors permitted on the land at any one time in association with the function centre and restaurant must not exceed 50 (inclusive of guests to be accommodated within the residential hotel)
12. The use of the land for the purpose of the function centre and restaurant must be limited to not more than three nights in any one week period to accord with the requirements of the Land Capability Assessment approved under this permit
13. The artist retreat must not be used for guest accommodation
14. Unless with the prior written consent of the Responsible Authority, the function centre and restaurant uses approved under this permit must cease by 11.00 pm
15. The use or development hereby permitted must be managed so that the amenity of the area is not detrimentally affected through the:
  - a. transport of materials, good or commodities to or from the land

- b. appearance of any building, works or materials
  - c. emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d. presence of vermin.
16. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site
  17. The land must not be used for the purpose of an indoor or outdoor live music entertainment venue except where in accordance with Clause 53.06 of the Murrindindi Planning Scheme. The playing of music must also be in accordance with the State Environment Protection Policy N2 – Control of Music Noise from Public Premises
  18. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority
  19. Outdoor lighting must be designed, baffled and located to ensure no direct light is emitted outside the boundaries of the subject land to the satisfaction of the Responsible Authority
  20. 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
  21. Before the uses commence, the area set aside for landscaping, as shown on the endorsed landscape plan, must be completed unless otherwise agreed to in writing by the Responsible Authority. Landscaped areas must 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. Any dead, diseased or damaged plants are to be replaced
  22. All sewage and sullage waters shall be treated in accordance with the requirements of the Responsible Authority and the Environment Protection Authority. All effluent must be disposed of and contained within the curtilage of the land and must not discharge directly or indirectly to an adjoining property, street or any watercourse, water storage, dam or potable bore. Sufficient land must be set aside and kept available for the purpose of effluent disposal
  23. Prior to the commencement of any works, including site works, the applicant must obtain approval for waste water disposal from the Responsible Authority. Sewerage treatment must be by package treatment plant to the satisfaction of the Responsible Authority and in accordance with the Land Capability Assessment by GroundScience dated 15 August 2018
  24. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties. The approved works must not cut off natural drainage to adjacent properties
  25. Prior to commencing construction, a suitably prepared engineering plan detailing the proposed driveway, drainage and any associated earthworks must be submitted to the Responsible Authority for approval. This plan must include a traffic management plan if the southern crossing point is proposed to be used in full or in part in association with the uses authorised under this permit. This plan must be prepared in accordance with *AustRoad Sight Distance Guidelines*
  26. Prior to commencing the use, the vehicular entrance(s) and access ways must be constructed at the applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority

27. An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations
28. A minimum of 30 car spaces must be provided on the land for the uses hereby permitted, to the satisfaction of the Responsible Authority
29. Before the uses approved under this permit commence, the area(s) set aside for the parking of vehicles as shown on the endorsed plans must be:
  - a. constructed and properly formed to such levels that they can be used in accordance with the plans
  - b. compacted crushed rock can be used for the car park and external areas and must be maintained regularly to reduce dust generation
  - c. properly drained to avoid pooling of stormwater
  - d. designated with ground markers to indicate each car space
30. One car space must be provided for the exclusive use of disabled persons and be designed in accordance with AS 2890.6 – 2009. The car space must be provided as close as practicable to (a) suitable entrance(s) of the building and must be clearly marked with a sign to indicate that the space must only be utilised by disabled persons
31. Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres
32. Car spaces, access lanes and driveways must be kept available for these purposes at all times

#### Country Fire Authority (CFA)

33. The Bushfire Management Plan prepared by IPS Building Services Pty Ltd, Drawing No. A01, dated October 2017 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

#### Southern Rural Water

34. The take and use of groundwater from a spring or bore for the purpose of providing water for the development must be licensed in accordance with Section 51 of the *Water Act 1989*.

#### NOTATIONS:

Existing structures will require certification from a structural engineer.

A further planning permit may be required for the display of advertising signage (other than direction signs required under this permit) associated with the uses authorised under this permit.

The premises are required to be registered with Council under the *Food Act 1984* and the *Health Act 1958*.

This permit does not authorise the sale or consumption of liquor on the land in association with the uses permitted under this permit.

#### **Background**

##### The Land and Surrounding Area

The subject land is located on the east side of National Park Road approximately 800 metres south of the Whittlesea-Kinglake Road and approximately 3 kilometres from the Kinglake National Park (Masons Falls Block) entrance. The land comprises an area of 19.6 hectares with a 232 metre road frontage and a lot depth of approximately 875 metres. The front one-third of the property is located on the Kinglake Plateau and is predominately cleared other than for scattered vegetation. The balance of the property comprises steeper falling land which contains a denser



coverage of native vegetation. The property drains into Regans Gully (a tributary of Running Creek). The southeast portion of the land abuts the Kinglake National Park.

An existing small and established dwelling is located on the northwest portion of the land and will be integrated into the proposed use and development. Both the dwelling and the remains of a former restaurant are set back approximately 40 metres from National Park Road. The subject land is currently used for rural living purposes with some limited agricultural activities.

Surrounding land is predominately being used for grazing and cropping purposes on larger lots although a small rural residual landholding is located southwest of the subject land. Surrounding land parcels also contain established dwellings. The farm dwelling located directly opposite the subject land is set back only 20 metres from the road frontage and directly opposite the current main entrance to the subject land.

The partially intact building on the land comprise the remains of the Bambi/Misty Mountain restaurant (originally constructed in the early 1980s) which was subsequently destroyed by fire. The building's foundations and walls remained intact and a permit was issued in 1998 to redevelop the structure for the purpose of a reception and function centre. The roof of this building subsequently collapsed and a further permit was issued in 2002 allowing for reconstruction (which did not occur). The structure was further impacted by the 2009 Victorian bushfires and has remained in an uncompleted condition since this time. Planning permits relating to previous approvals have lapsed and have no ongoing legal status.

#### Proposal

In summary, the proposal is to rebuild an existing partially completed brick structure and develop six accommodation rooms and other multipurpose spaces for functions, conferences, restaurant and other related purposes. A structural engineer has advised the applicant that the existing foundations and walls are suitable for adaptive reuse for the new proposals (subject to further building applications and approvals).

Other related development proposals for the site are summarised below:

1. an existing concrete water tank is proposed for conversion into a two storey artists retreat with a domed roof accessed by external stairs. Concept plans have been prepared but no detailed plans have yet been submitted
2. extensions to the existing dwelling on the land are proposed (carport and decking). These buildings and works do not require planning approval under the current zone and overlay controls affecting the land
3. an existing approved small outbuilding south of the dwelling is located on the land
4. the proposed outbuilding shown on the plans south of the main building has an existing planning permit and will be used in conjunction with agriculture on the land. This building does not form part of the current application
5. further proposed agricultural structures and works are also proposed on the northern portion of the land in proximity to the dwelling. These buildings and works do not require planning approval (but are shown on the application plans for information purposes)
6. a crushed rock car park will be constructed on the site of the previous carpark between the frontage and building setback. The submitted plans provide for 50 car spaces to accommodate the maximum number of guests (50).

In support of the proposal, and consistent with the purpose of the Farming Zone which affects the land, the applicant intends to utilise the remaining cleared portion of the land for a range of horticultural activities using permaculture principles. Land rehabilitation and remediation are proposed within some areas that in the past have been degraded through former poor land management practices. The areas of native vegetation which extend over approximately two-thirds of the subject land are to be retained and improved. Some rural industry is proposed in

relation to small-scale packing and processing of agricultural produce. A planning permit is not required for this activity under the Farming Zone as the processing is of a small scale.

A professionally prepared land capability assessment was lodged with the application and details the size and location of the effluent disposal systems required to support the use and development. This system limits the number of persons that can use the property. The use of the function centre and restaurant at the maximum numbers of guests/visitors proposed (50) can only occur three days per week (with the effluent disposal system rested on the remaining days). The system is capable of accommodating the maximum number of proposed guests (15) within the residential hotel on an ongoing daily basis.

Works to the existing building will incorporate repairs to the existing walls, a new roof, repair to verandahs and new decking. The roof is proposed to be of a 'sawtooth design' which will allow solar access through five windows built into the design and facing north. Environmental sustainable design principles and energy efficient materials are to be incorporated into the building design.

## **Discussion**

### Murrindindi Planning Scheme

The application proposal has been assessed against the provisions of the Murrindindi Planning Scheme (MPS). A summary of this assessment is provided below.

### Planning Policy Framework (Framework)

The Framework provides support for new uses which assist in diversifying the rural economy and promote rural and nature-based tourism – particular where proposals can build on the assets and qualities of surrounding activities and attractions (such as Kinglake National Park). The Framework further supports use and development that promote innovate and sustainable approaches to agriculture and rural land use practices (see Clauses 14.01-2S, 17.01-1R, 17.04, 17.04-1R).

### Municipal Strategic Statement (Statement)

The Statement (Clause 21.03) sets out strategies and objectives relating to sustainable economic growth, tourism and agricultural productivity. It identifies the 'need for rebuilding of visitor accommodation, attractions and visitor facilities in areas impacted by the 2009 bushfires.' Strategies seek to encourage year round visitation and 'facilitate development of new tourism accommodation options and conference centres' – particularly those affected by the 2009 fires. In relation to agriculture, the Statement seeks to ensure that high quality agricultural land is protected.

### Zone Provisions

The Farming Zone (Clause 35.07) seeks to encourage the retention of productive agricultural land and ensure that non-agricultural uses do not adversely affect the use of land for this purpose. Land use and development are to be based on comprehensive and sustainable land management practices. The use of the land for the purpose of a function centre (which includes a conference centre and reception centre), residential hotel, restaurant and artist retreat are all discretionary (permit required) uses under the zone. Before deciding on an application proposal, the Responsible Authority must consider a range of decisions guidelines including:

- the capability of the land to accommodate the proposed use, including effluent disposal
- how the use and development relates to sustainable land management
- compatibility with adjoining and nearby uses
- whether the use will support and enhance agricultural production
- whether the proposal will remove land from agricultural production
- any integrated land management plan prepared for the site

- the need to protect and enhance the biodiversity of the area, including retention of vegetation
- design and siting issues
- whether the use and development will require traffic management issues.

#### Planning Scheme Overlays

The subject land is affected by an Environmental Significance Overlay (Schedule 1 – High Quality Agricultural Land) (Clause 42.01 Schedule 1). A planning permit is required to construct the proposed buildings and associated works under this overlay. The application has regard to and addresses the permit requirements and decision guidelines by restricting development to a defined area that already has a development footprint. The proposal will also better utilise the productive capacity of the land through permaculture and horticultural activities. An integrated land management plan will be a requirement as part of any permit issued and this plan will require that existing areas of land degradation be appropriately rehabilitated.

The land is also affected by a Bushfire Management Overlay (Clause 44.06). Professionally prepared bushfire management plan has been prepared and assessed as suitable for endorsement by the Country Fire Authority (CFA). The facility will need to be constructed to an appropriate Bushfire Attack Level (BAL) rating and further conditions are proposed to address bushfire risk. The proposed buildings and works are separated from the bushland component of the site and direct access is available to National Park Road.

#### Other Planning Scheme Provisions

Clause 52.06 (car parking and access). The proposal generates a requirement for 30 car parking spaces for the uses proposed. An existing car parking area accommodating 80 spaces (associate with the former use) is currently available. The applicant proposes that this area be reduced to accommodate 50 spaces. A crushed rock finish to the parking areas is considered acceptable although it will be necessary that crossovers and vehicular entrances from National Park Road be sealed. Proposed permit conditions set out particular requirements for parking and access.

The application does not include details relating to the display of signage (Clause 52.05), the sale or consumption of liquor (Clause 52.27) or live music and entertainment (Clause 53.06). Any future proposals under these provisions may require a separate planning permit.

It is the view of Council officers that the application proposal adequately responds to the relevant provisions of the Murrindindi Planning Scheme. Proposed conditions of the permit will further ensure that the new uses have regard the agricultural and conservation significance of the land and address potential amenity issues that may arise in relation to surrounding land. Council officers will continue to work with the proponent to consider and assess the further plans and information required to be submitted and approved prior to the commencement of the use and development.

#### Objections Received

Two objections have been received in relation to the application proposal. One objection has been received by the landowner/occupier of the property opposite the subject land. The grounds of objection can be summarised as follows:

- the proposed sewage treatment system will have an adverse impact on bores located on the property which are used for commercial and potable purposes. In particular, the proposal will have an adverse impact on the quality and quantity of water supply. The proposed sewage treatment system is not sufficiently set back from the existing bores
- insufficient screening has been provided in relation to the car parking areas and related infrastructure such as water tanks
- impacts on rural amenity particularly in relation to noise impacts relating to the objector's dwelling.

In response to the issues raised about the impacts of effluent disposal, the *Septic Tank Code of Practice* sets out separation distances between effluent disposal fields and groundwater bores for both potable or non-potable water. The specified separation distance is 20 metres. This separation can be met for the development proposal. As further noted in this report, Southern Rural Water have not objected to the proposal. Conditions will stipulate that any further licenses for water extraction will be subject to separate consideration and approval.

In relation to landscape screening, a separate landscape plan will be required to ensure an appropriate level of screening to minimise visual impacts associated with buildings and the use of the car park. Council officers are satisfied that there is sufficient distance between the frontage and proposed car parking area (3 to 5 metres) to allow screening. However, permit conditions will require a large water tank to be further set back from the road frontage.

In relation to amenity impacts, a range of permit conditions are proposed to address hours of use, numbers of visitors/guests and noise. Hours in relation to the function centre and restaurant are proposed to be limited to 11.00 pm (noting that these uses are to be restricted to three days in any one week period). When established, landscaping will provide an effective visual buffer to the building when viewed from the objector's land.

A second submission has been received from the abutting landowner to the south noting that the area is being used for grazing and the proposed development should have regard to these farming activities. The proposed use and development will not be located in proximity to this boundary and no conflict with ongoing grazing activities are anticipated.

In summary, the concerns raised by objectors can reasonably be addressed through amended and additional plans and conditions of permit. The applicant has advised Council officers in the planning submission that the proposed uses will be operated to have regard to ongoing agricultural activities and resident amenity.

### **Referrals**

The application was referred to the CFA who have no objection to the development and use. The authority has advised that the bushfire management plan prepared for the proposal can be endorsed as part of any permit that may be issued. The authority has also recommended that a Bushfire Emergency Management Plan (BEMP) be prepared and approved as a condition of any approval. The proposed permit conditions require this outcome. The condition will require that the plan be approved by the CFA before final endorsement under the permit. The BEMP will need to set out procedures and action statements relating to evacuation, closure of the premises on 'extreme' and 'Code Red' days and other reporting arrangements.

Southern Rural Water are the water authority for this area. The authority has no objection to the application proposal subject to a requirement for the permit holder to obtain the appropriate license to take and use groundwater. The authority will ensure that the needs of other water users in close proximity are taken into account. This permit will not authorise the installation of any bores or volume allocation.

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

The application has been assessed to be consistent with the strategic objectives and strategies in the Murrindindi Shire Council Plan 2017-2021 which seeks to 'enhance the liveability, prosperity and rural character of our Shire'.

### **Relevant Legislation**

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

### **Financial Implications and Risk**

There is no financial risk to Council in relation to this report or the recommendations.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

The application was notified by mail to eight nearby and abutting property owners/occupiers. The submissions received have been discussed previously in this report.

**RESOLUTION:**

**Cr M Rae / Cr E Lording**

**That Council issue a Notice of Decision to Grant a Permit allowing the use and development of the land for the purpose of a function centre, residential hotel, restaurant and artist retreat at Lot 1 TP 101976 (No. 85) National Park Road, Pheasant Creek, subject to the following conditions:**

- 1. Before the development and/or use hereby permitted starts, amended and additional site layout and development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
  - **Plan A101 to include the following:**
    - a. the area of the plan extending to the southern property boundary**
    - b. contour intervals of not less than 1 metre**
    - c. the full extent of the nominated easement that traverses the land and its width**
    - d. the areas for landscaping as set out in the landscape plan required under this permit**
    - e. the proposed water tank for firefighting purposes to be set back further from the frontage to allow for screening from National Park Road**
    - f. the setbacks of the proposed greenhouse structure and associate shed from the northern boundary**
    - g. the building setbacks associated with the artist's retreat structure**
    - h. the alignment of the underground electrical supply**
    - i. further details and dimensions relating to proposed car parking area, road access and crossovers. All proposed infrastructure and service areas required for effluent disposal under the approve land capability assessment**
    - j. the areas for the storage of waste and associated screening**
    - k. location and details of the effluent disposal areas associated with the existing dwelling.**
  - **the conversion of at least one of the residential hotel accommodation rooms to an accessible room for guests with disabilities**
  - **a schedule of external colours for existing and proposed buildings (walls and roofing). External Colours and materials must in muted tones and finishes consistent with the surrounding rural landscape and to the satisfaction of the Responsible Authority**
- 2. Concurrent with the endorsement of plans under Condition No.1 and before the uses hereby permitted commence, a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:**

- a. the area or areas set aside for landscaping
  - b. a schedule of all proposed trees, shrubs/small trees and ground cover
  - c. the location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material
  - d. paving, retaining walls, fence design details and other landscape works including areas of cut and fill
  - e. appropriate irrigation systems
3. Prior to the commencement of the use and development hereby permitted an integrated land management plan prepared by a suitably qualified environmental consultant must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show and include:
- a. an assessment of the environmental values of that portion of the land containing native vegetation and measures to secure and improve the habitat and conservation values within this area
  - b. the land to be used for agriculture and permaculture
  - c. measures to address areas of former disturbance including weed control and pasture reestablishment
  - d. requirement for the fencing of the native vegetation component of the land in the event of any stocking of animals (either as part of the current proposal or at any future date)
  - e. requirements and location for any property firebreaks to minimise native vegetation loss
  - f. control of pest animals and plants
  - g. erosion control
  - h. construction details relating to the existing internal access track including surfacing, culverts and drainage
  - i. any other actions required to address identified land management issues
  - j. a schedule of works to be implemented over a five year period.
4. Prior to the commencement of the uses hereby permitted a Bushfire Emergency Management Plan must be approved to the satisfaction of the Responsible Authority and the Country Fire Authority. When approved, the plan will be endorsed and will then form part of this permit
5. Before the uses and/or development hereby permitted starts, a waste management plan must be prepared to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:
- a. the type/s and number of waste bins
  - b. screening of bins
  - c. type/size of trucks
  - d. frequency of waste collection
  - e. the provision and use of a bin-tug. The bin-tug must be maintained in an operational state at all times
  - f. hours of collection (to comply with the Environment Protection Authority Regulations)

- The endorsed waste management plan must not be amended without prior written consent of the Responsible Authority**
- 6. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans, shall not be altered or modified without the consent in writing of the Responsible Authority**
  - 7. This permit shall expire if the development hereby permitted is not completed and the use(s) commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use(s) or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired**
  - 8. Once the uses and/or development hereby permitted have started they must be continued and completed to the satisfaction of the Responsible Authority. In the event that the permit lapses, the existing partially completed building structure on the subject land (and any other partially completed building or works commenced under this permit) must be removed and the land reinstated with pasture/ grasses suitable for agricultural purposes**
  - 9. The area proposed for permaculture, horticulture and associated outbuildings and works must be established and completed on the subject land within one year following the commencement of the use to the satisfaction of the Responsible Authority**
  - 10. The number of guests permitted for accommodation within the residential hotel forming part of this permit must not exceed 15**
  - 11. The total number of patrons/visitors permitted on the land at any one time in association with the function centre and restaurant must not exceed 50 (inclusive of guests to be accommodated within the residential hotel)**
  - 12. The use of the land for the purpose of the function centre and restaurant must be limited to not more than three nights in any one week period to accord with the requirements of the Land Capability Assessment approved under this permit**
  - 13. The artist retreat must not be used for guest accommodation**
  - 14. Unless with the prior written consent of the Responsible Authority, the function centre and restaurant uses approved under this permit must cease by 11.00 pm**
  - 15. The use or development hereby permitted must be managed so that the amenity of the area is not detrimentally affected through the:**
    - a. transport of materials, good or commodities to or from the land**
    - b. appearance of any building, works or materials**
    - c. emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil**
    - d. presence of vermin.**
  - 16. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site**
  - 17. The land must not be used for the purpose of an indoor or outdoor live music entertainment venue except where in accordance with Clause 53.06 of the Murrindindi Planning Scheme. The playing of music must also be in accordance with the State Environment Protection Policy N2 – Control of Music Noise from Public Premises**

18. **No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority**
19. **Outdoor lighting must be designed, baffled and located to ensure no direct light is emitted outside the boundaries of the subject land to the satisfaction of the Responsible Authority**
20. **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**
21. **Before the uses commence, the area set aside for landscaping, as shown on the endorsed landscape plan, must be completed unless otherwise agreed to in writing by the Responsible Authority. Landscaped areas must 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. Any dead, diseased or damaged plants are to be replaced**
22. **All sewage and sullage waters shall be treated in accordance with the requirements of the Responsible Authority and the Environment Protection Authority. All effluent must be disposed of and contained within the curtilage of the land and must not discharge directly or indirectly to an adjoining property, street or any watercourse, water storage, dam or potable bore. Sufficient land must be set aside and kept available for the purpose of effluent disposal**
23. **Prior to the commencement of any works, including site works, the applicant must obtain approval for waste water disposal from the Responsible Authority. Sewerage treatment must be by package treatment plant to the satisfaction of the Responsible Authority and in accordance with the Land Capability Assessment by GroundScience dated 15 August 2018**
24. **All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties. The approved works must not cut off natural drainage to adjacent properties**
25. **Prior to commencing construction, a suitably prepared engineering plan detailing the proposed driveway, drainage and any associated earthworks must be submitted to the Responsible Authority for approval. This plan must include a traffic management plan if the southern crossing point is proposed to be used in full or in part in association with the uses authorised under this permit. This plan must be prepared in accordance with *AustRoad Sight Distance Guidelines***
26. **Prior to commencing the use, the vehicular entrance(s) and access ways must be constructed at the applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority**
27. **An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated Regulations**
28. **A minimum of 30 car spaces must be provided on the land for the uses hereby permitted, to the satisfaction of the Responsible Authority**
29. **Before the uses approved under this permit commence, the area(s) set aside for the parking of vehicles as shown on the endorsed plans must be:**
  - a. **constructed and properly formed to such levels that they can be used in accordance with the plans**



- b. compacted crushed rock can be used for the car park and external areas and must be maintained regularly to reduce dust generation
  - c. properly drained to avoid pooling of stormwater
  - d. designated with ground markers to indicate each car space
30. One car space must be provided for the exclusive use of disabled persons and be designed in accordance with AS 2890.6 – 2009. The car space must be provided as close as practicable to (a) suitable entrance(s) of the building and must be clearly marked with a sign to indicate that the space must only be utilised by disabled persons
31. Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres
32. Car spaces, access lanes and driveways must be kept available for these purposes at all times

#### Country Fire Authority (CFA)

33. The Bushfire Management Plan prepared by IPS Building Services Pty Ltd, Drawing No. A01, dated October 2017 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

#### Southern Rural Water

34. The take and use of groundwater from a spring or bore for the purpose of providing water for the development must be licensed in accordance with Section 51 of the *Water Act 1989*.

#### NOTATIONS:

Existing structures will require certification from a structural engineer.

A further planning permit may be required for the display of advertising signage (other than direction signs required under this permit) associated with the uses authorised under this permit.

The premises are required to be registered with Council under the *Food Act 1984* and the *Health Act 1958*.

This permit does not authorise the sale or consumption of liquor on the land in association with the uses permitted under this permit.

**CARRIED**

#### **8. OUR PEOPLE**

Nil

#### **9. OUR PROSPERITY**

Nil

## **10            OUR PROMISE**

### **10.1            REMOVAL OF LIBRARY OVERDUE FINES FOR CHILDREN'S ITEMS**

#### **Purpose**

To purpose of this report is to seek Council endorsement for the removal of overdue fines for children's items borrowed from the Murrindindi Library Service and to waive all outstanding overdue fines on children's items.

The Murrindindi Library Service (MLS) has a service agreement with Yarra Plenty Regional Library (YRPL) to use the YPRL's Library Management System to manage its collection and to provide access for Murrindindi members to the YPRL collection.

YPRL's Board recently endorsed the removal of overdue fines for children's items borrowed from the YPRL collection. This report seeks Council's endorsement to do the same for children's items borrowed from the Murrindindi collection.

#### **Officer Recommendation**

That Council:

1. removes overdue fines for children's items borrowed from the Murrindindi Library Service and from Council's Schedule of Fees and Charges as adopted in the Annual Budget 2018/19
2. agrees to waive all outstanding overdue fines on children's items.

#### **Background**

YPRL Board recently resolved to remove overdue fines for children's items borrowed from its collection and to waive all outstanding overdue fines on children's items.

This decision was based on a considerable body of evidence, locally and internationally, that suggests that removal of overdue fines on children's items can remove barriers to improving children's literacy, inclusion and participation and have a range of other benefits:

- interstate trials (NSW) suggest that rather than act as an incentive for members to return books on time, once an item is overdue, fines act as a deterrent to the return of the item. They also show that more books tend to be returned when fines are abolished
- YPRL has gathered evidence to suggest that children of lower socio-economic background are deterred from joining the library due to parents' concerns about having to pay overdue fines on borrowed items
- overdue fines, if left unpaid, can reduce opportunities for children that are beneficial to their health and wellbeing. They can:
  - result in a ban on users from the library
  - reduce access to reading
  - deter users and alienate them from the library and all of its services
  - disproportionately impact on those of lower socio-economic means
- evidence also suggests where libraries have trialled or implemented the removal of overdue fines on children's items that staff morale improves due to no longer needing to charge/negotiate these fines with aggrieved parents.

#### **Discussion**

As of 18 September 2018, MLS has 44 child members who are blocked from borrowing due to unpaid overdue fines (either overdue fines totalling in excess of \$40 or item/s overdue by 40

days). There is also one child member who has overdue fines, but hasn't yet reached the threshold for 'blocking' and can therefore still borrow.

Currently, a daily fine of 30 cents attaches to any item returned after its due date. The MLS Policy allows library staff some discretion to waive overdue fines due to 'extenuating circumstances such as financial hardship or difficulties with access which might make it appropriate to waive or reduce fees and charges associated with overdue items'. The MLS waived \$860 in overdue fines on children's items in the 2017/18 financial year and received \$1,800 in fines paid.

To give full effect to a decision to remove the overdue fines on children's items, it is also recommended to waive all outstanding overdue fines, encouraging members to return overdue items without consequence and removing current blocks on those members from borrowing. This decision will have a small once-off financial impact on Council of approximately \$6,000 in unpaid fines.

It is noted that under the initiative to remove overdue fines on children's items, the following would still apply:

- notifications that an item is overdue will still be sent to the borrower
- if greater than 40 days overdue, notification will be sent to the borrower seeking compensation for the cost of the item
- the member is barred from further borrowing until the item is returned or compensation has been received.

Whilst the removal of fines on children's items would be viewed favourably by many in the community, there may also be the contrary view that those who do not comply with library borrowing rules should be penalised through the imposition of fines, and that the removal of this income source, however minor, is not a financially responsible approach for Council to take.

The benefits that are likely to flow from a decision to remove fines on overdue children's items are consistent with the goals set out in the Council Plan 2017-2021. That is to promote inclusion, increase active library memberships and participation in library programs, and to encourage young people's participation.

On balance, Council officers recommend that in light of the evidence listed above and the direction set in the Council Plan that Council provides its support for the removal of overdue fines on children's items and to waive all associated outstanding fines.

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

This issue is consistent with the Council Plan 2017-2021 strategy to 'create a positive environment that supports our young people to grow, participate and be happy' and 1.5, to 'promote opportunities for people of all ages to connect with and be involved in their community'.

### **Relevant Legislation**

Nil

### **Financial Implications and Risk**

There is only minimal financial impact anticipated for Council from this decision, as set out above.

### **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 community consultation on this issue to date.

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

1. **removes overdue fines for children's items borrowed from the Murrindindi Library Service and from Council's Schedule of Fees and Charges as adopted in the Annual Budget 2018/19**
2. **agrees to waive all outstanding overdue fines on children's items.**

**CARRIED****10.2 APPROVAL OF ANNUAL FINANCIAL STATEMENTS 2017/18**

Attachment(s): *Financial Statements 2017/18 (refer Attachment 10.2a)*  
*Performance Statement 2017/18 (refer Attachment 10.2b)*

**Purpose**

The purpose of this report is to approve in principle the draft audited Financial Report and Performance Statement for 2017/18.

The Draft Financial Report 2017/18 shows that Council continues to maintain a sound financial position.

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

1. approves in principle the Murrindindi Shire Council Financial Report for the year ended 30 June 2018
2. approves in principle the Murrindindi Shire Council Performance Statement for the year ended 30 June 2018
3. authorises the Deputy Mayor, Cr Sandice McAulay, Cr Leigh Dunscombe and the Chief Executive Officer to certify the Financial Report in its final form after any changes recommended, or agreed to, by the auditor have been made
4. authorises the Deputy Mayor, Cr Sandice McAulay, Cr Leigh Dunscombe and the Chief Executive Officer to certify the Performance Statement in its final form after any changes recommended, or agreed to, by the auditor have been made.

**Background**

As part of the requirements of Section 131 of the *Local Government Act 1989* and *Local Government (Finance and Reporting) Regulations 2014*, Council must pass a resolution giving its approval in principle to the Annual Financial Statements, which must comprise of the Financial Statements and Performance Statement, prior to submitting the report to the Auditor General.

Audit work has been completed by Council's external auditors and Council officers have prepared a draft Financial Report 2017/18 and Performance Statement for submission to the Victorian Auditor-General's Office (VAGO). A copy of the draft report and statements, forming the 'in principle' statements, are attached (refer to Attachments 10.2a and 10.2b).

The following process is required to ensure that Council's Financial Statements and Performance Statement are submitted to VAGO in a timely manner, enabling the Auditor General to officially express his opinion prior to the statutory deadline of 30 September 2018.

The initial step in the approval process is for Council's Audit Advisory Committee to review the draft statements and to recommend in principle approval to Council.

It is a requirement for Council to formally review the draft statements and to authorise two Councillors and the Chief Executive Officer to sign the final statements on behalf of, and with the full authority of Council. The 'in principle' approved statements and the Council resolution are provided to the external auditor.

The external auditor checks the 'in principle' approved statements. The statements, Council's resolution, and the external auditor's recommended Audit Report is then forwarded to VAGO for review.

The Auditor General reviews the statements and may request changes where appropriate.

Council's Principal Accounting Officer, the Financial Accountant, then incorporates any requested changes by the Auditor General into the 'in principle' approved statements, where appropriate.

The Auditor General's Audit Report will then be issued to Council once the final signed statements have been received and checked by VAGO.

Council's Annual Report 2017/18, which incorporates the audited Financial Statements and Performance Statement and Auditor General's Report, must be forwarded to the Minister for Local Government by 30 September 2018.

### Discussion

The draft financial statements that are attached to this report detail Council's financial position as at 30 June 2018, and a record of all financial activity that occurred during the 2017/18 financial year. It should be noted that these statements were prepared in accordance with Australian Accounting Standards and the Model Accounts for Victorian Councils which are developed by Local Government Victoria and VAGO.

It should also be noted that these draft statements have been signed off by Council's external auditor Johnsons MME, acting as agent for VAGO.

The financial statements were presented to Council's Audit Advisory Committee on 13 September 2018 where they were endorsed for adoption by Council at this meeting.

A summary of the draft financial results for the year ending 30 June 2018 is provided as follows.

#### 1. Operating Performance – Comparison Results Against Budget

Table 1 – Summary of Income Statement

	2017/18 Adopted Budget \$M	2017/18 Actual \$M	Variance \$M
Revenue	32.72	35.31	2.59
Expenses	33.26	32.70	0.56
Surplus / (Deficit)	(0.54)	2.61	3.15

The income statement accounts for all Council revenue, including grants and contributions associated with capital works and all operating expenditure.

The operating surplus posted for the financial year of \$2.61 million was largely the result of increased revenue of \$2.59 million. Major contributing factors to this additional (unbudgeted) revenue include the following:

- Statutory Fees - additional planning and building permit income \$166,000
- User Fees - increased demand for Aged Care Packages \$214,000
- User Fees - landfill fee income increased \$144,000 due to higher waste volumes
- Operating Grant - early part payment of the Commonwealth Financial Assistance Grant \$248,000
- Operating Grant - growth in the Family Day Care service \$139,000
- Capital Grant - Marysville Tourism and Arts Centre \$118,000
- Capital Grant - Eildon-Jamison Road Black Spot funding \$288,000
- Capital Grant - Yea Saleyards \$90,000
- Contributions - Marysville Tourism and Arts Centre \$329,000
- Contribution – Bushfire Memorials \$112,000
- Other Income – additional interest on investments \$220,000

Expenditure was largely in line with budget, the largest variance being a savings on employee costs of \$395,000. This partly reflects several vacancies in a number of positions during the year and is somewhat offset by corresponding use of labour hire arrangements, where the expenditure is reported under materials and contractors rather than employee costs.

Borrowing costs also reduced due to Council not borrowing over the last four financial years resulting in interest cost savings.

A detailed analysis of all variance greater than \$500,000 or 10% is outlined in note 1.1 of the Financial Statements in Attachment 10.2a.

## 2. Financial Position – Balance Sheet at Year End 30 June 2018 Compared to Previous Year

Table 2 – Summary of Balance Sheet Components

	2016/17 Actual \$M	2017/18 Actual \$M	Change \$M
<u>Assets</u>			
Current	31.43	36.99	5.56
Non Current	310.03	345.17	35.14
Total Assets	341.46	382.17	40.70
<u>Liabilities</u>			
Current	5.85	7.85	2.00
Non Current	6.96	6.83	(0.13)
Total Liabilities	12.81	14.68	1.87
Equity	328.65	367.49	38.83

Council's current assets increased by \$5.56 million in 2017/18. This is essentially a result of the better than budgeted operating result. Cash held increased by \$2.8 million, while trade receivables increased by \$2 million, including \$1 million for rate debtors and \$0.48 million in

Government Grants. A more detailed summary of the financial position can be found in note 4 of the Financial Statements.

Council's non-current assets had a net increase of \$35.28 million. The consumption or reduction in assets due to depreciation (\$8.3 million) was largely offset by the take up of constructed and gifted assets (\$7.87 million). The \$35.28 million increase was largely due to the revaluation of assets in accordance with Accounting Standards and best practise principles. A detailed analysis of non-current assets including valuation disclosures appear in note 5.2 of the Financial Statements. A summary of the valuation increases is provided below:

- land (including land under roads) \$11.37 million
- buildings \$1.34 million
- infrastructure assets \$23.51 million.

The overall movement in the balance sheet equates to an increase in equity of \$38.83 million. Critically, the measure of Council's ability to meet its obligation to pay its bills is favourable, where current assets (\$36.99 million) exceed current liabilities (\$7.85 million) at a more than acceptable level.

Table 3 below shows the movement of key financial indicators over the last 4 reporting periods.

### 3. Key Financial Ratios

An analysis of the key financial ratios reviewed by Council's auditors is provided below. This is a subset of all of the indicators which Council is required to report on as a part of its obligations under the new Local Government Performance Reporting Framework (LGPRF).

Table 3 – Key Financial Ratios

	2017/18	2016/17	2015/16	2014/15	Comment
Working Capital					
Current Assets / Current Liabilities	471.11%	537.67%	390.20%	397.61%	Assesses Council's ability to meet current commitments. A percentage greater than 100% is favourable.
Revenue Ratio					
Rates revenue / Total revenue	58.66%	55.45%	60.33%	53.66%	Indicates Council's dependence on rates income. The higher the percentage, the higher the dependence.
Loans and Borrowings					
Total Loans/ Rates	4.98%	7.06%	11.09%	16.58%	Indicates the level of long term debt being appropriate to Council's rating capacity. Low or decreasing level suggests an improvement in the capacity to meet long term obligations.

Council's working capital remained high in 2017/18 which is reflective of Council's strong cash levels and debt reduction strategy. All other key financial indicators remain well within acceptable limits for a small rural council.

Further Financial Performance Indicators can be found on page 5 and 6 of the Performance Statement in Attachment 10.2b.

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

Reviewing the financial statements supports the Council Plan 2017-2021 Our Promise strategy to 'maintain Council's financial sustainability through sound financial and asset management'.

### **Relevant Legislation**

Council is required to produce audited Annual Financial Report and Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the *Local Government (Finance and Reporting) Regulations 2014*.

### **Financial Implications and Risk**

The review by the Audit Advisory Committee and the audit by VAGO's agent reduces the risk to the Council of inaccurate accounts.

The preparation of the annual financial statements is a statutory procedural matter and all associated costs are contained within Council's adopted budget.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

The development of the draft Financial Statements and Performance Statement have been undertaken in consultation with Council's external auditors (Johnsons MME) and Council's Audit Advisory Committee.

### **RESOLUTION:**

**Cr R Bowles / Cr E Lording**

**That Council:**

- 1. approves in principle the Murrindindi Shire Council Financial Report for the year ended 30 June 2018**
- 2. approves in principle the Murrindindi Shire Council Performance Statement for the year ended 30 June 2018**
- 3. authorises the Deputy Mayor, Cr Sandice McAulay, Cr Leigh Dunscombe and the Chief Executive Officer to certify the Financial Report in its final form after any changes recommended, or agreed to, by the auditor have been made**
- 4. authorises the Deputy Mayor, Cr Sandice McAulay, Cr Leigh Dunscombe and the Chief Executive Officer to certify the Performance Statement in its final form after any changes recommended, or agreed to, by the auditor have been made.**

**CARRIED**

## **10.3 AUDIT ADVISORY COMMITTEE MINUTES**

Attachment(s): *2018-09-13 Audit Advisory Committee Minutes (refer Attachment 10.3)*  
*Attachments were distributed separately to the Councillors*

### **Officer Recommendation**

That Council note and receive the minutes of the Audit Advisory Committee meeting held on 13 September 2018 (Attachment 10.3).



**RESOLUTION:****Cr L Dunscombe / Cr M Rae****That Council note and receive the minutes of the Audit Advisory Committee meeting held on 13 September 2018 (Attachment 10.3).****CARRIED****11. NOTICES OF MOTIONS**

Nil

**12. MATTERS DEFERRED FROM PREVIOUS MEETING**

Nil

**13. URGENT BUSINESS**

Nil

**14. COUNCILLOR AND PORTFOLIO REPORTS****14.1 CR MARGARET RAE - LAND USE PLANNING PORTFOLIO****Planning Reforms for Animal Industries and VC150 Victoria Planning Provisions**

I attended the community information session conducted to advise the definitions that will be applied to describe the practices that take place within animal industries and would be legislated into the Victoria Planning Provisions (VPP). This has now been achieved with the adoption of Amendment VC150 which forms part of the State Government's program of 12 actions.

Amendment VC150 significantly changes the VPP in respect of planning for sustainable animal industries by implementing the following four actions to:

- Action 3 - introduce clearer land use definitions into the VPP
- Action 4 - take a graduated approach to planning controls based on risk
- Action 7 - remove the *Code of Practice: Piggeries* as an incorporated document in the VPP
- Action 12 - develop clear guidance to improve the quality of planning permit applications and develop model permit conditions for local government.

Training programs and practice notes are being provided to support planners to implement the reforms. Fact sheets and information can be found at

[www.agriculture.vic.gov.au/agriculture/livestock/2018-planning-reform](http://www.agriculture.vic.gov.au/agriculture/livestock/2018-planning-reform)

**Smart Planning**

Despite a fire at the Department of Environment, Water, Land and Planning (DEWLP) main office in Melbourne, Smart Planning has been proceeding apace with the introduction of permits online, currently with the ability to lodge, pay for, track and process applications for Ministerial Permits and will be expanded in the future to manage other types of permit applications. Also future VC Amendments will be drafted online, and Local Planning Schemes will also be migrated to the digital database. Planning is rapidly becoming part of the 21<sup>st</sup> century.

### Solar in the Planning System

The State Government has announced its intention to introduce provisions into the VPP regarding due consideration of solar panels and hot water systems in specified instances, including heritage areas. Further details are pending.

### Municipal Association Victoria (MAV) Planning Committee

The major items on the agenda on which presentations were given were the Native Vegetation Reforms and the Environment Protection reforms. These relate to the earlier adoption of 'Amendment VC138 - incorporated into the VPP as a response to the *release of Protecting Victoria's Environment - Biodiversity 2037*' and forming part of the Victorian Government's commitment to ensure that planning provisions relating to native vegetation removal sensibly protect biodiversity by providing, amongst other things, 'Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)' - and to the recent passing of the *Environment Protection Amendment Bill 2018*.

### Environment Protection Act

The *Environment Protection Amendment Bill 2018 (the Bill)* has received royal assent with most of its provisions due to come into effect in 2020. *The Bill* will replace the *Environment Protection Act 1970* with a substantially different *Environment Protection Act 2017* that will move the Environment Protection Authority (EPA) towards being a more proactive regulator.

The most relevant aspect for planning is a new system for environmental audits on contaminated land. *The Bill* allows for a Preliminary Risk Screening (PRS) to tailor the level of audit needed to the risk posed by the level of contamination and the proposed use. It is hoped that this will significantly reduce the costs incurred by planning activities, where there is either limited contamination or a limited potential risk posed by contamination. A pilot program with a number of councils and government landholders is currently being conducted to ensure that the PRS process still results in an adequate consideration of the risk posed.

### Building Act Amendments

The *Building Amendment (Registration of Building Trades and Other Matters) Bill 2018* has been passed. This will establish the framework for a mandatory swimming pool register (following a subsequent Regulatory Impact Statement), registration of several subcontractor trades through the Victorian Building Authority, Cladding Rectification Agreements, as well as increasing the powers of the Minister to ban combustible cladding products.

### Addition Portfolio Matters

In addition to portfolio matters I have attended a number of activities representing Council, including:

- Aged and Disability services review community consultation – this was a very informative and useful session
- Alexandra Scouts Annual Report and Awards Presentation – it is very rewarding to see the growth, development and commitment that is so evident in this group. They play a very valuable role in the community
- Alexandra Library Volunteers Lunch – the passion and enthusiasm of our volunteers never ceases to be amazing. It is a pleasure and a privilege to spend time with them and hear about their achievements
- Alexandra and District Traders and Tourism Association meeting – forward planning for the Spring Fair is well under way
- Yea Garden Expo – this is such a great event and the new location was well received by those attending. In particular, it was clear that the level ground at the venue made it much more accessible to visitors with disabilities - wheelchairs and pushers for example were able to move around with ease.

**14.2 CR JACKIE ASHE – ECONOMIC DEVELOPMENT PORTFOLIO**

No report this month.

**14.3 CR ERIC LORDING - INFRASTRUCTURE AND WASTE PORTFOLIO**

We are making good progress in getting underway with the key infrastructure maintenance and renewal programs with:

- a decision to be made shortly to award the contract for the 2018/19 sealed roads program – this is a key milestone in this season work
- the gravel roads re-sheeting program will be put out for tender during October
- tenders close on the 17 October for the path program

In other general updates, the upgrade of the septic system for the toilets at Bollygum Park has been completed, detailed design for the upgrade of the Yea Playground is underway, and we are waiting on quotations for the renewal of the Alexandra Tennis Courts.

We will shortly appoint a consultant to work with Council to refresh Council's waste strategy. This will be an important step in setting out our directions in relation to waste management and we will be looking for community input to this.

**E-waste a Growing Concern**

- Council is inviting residents and business owners across the Shire to join in the effort to reduce e-waste going into landfill
- e-waste is any item with a plug, battery or cord that is no longer working or wanted, and it's one of the fastest growing categories of waste worldwide.

Residents are encouraged to go the extra mile and drop your e-waste off in the Alexandra, Yea or Kinglake Resource Recovery Centres' special e-waste collection bins.

**Events**

I attended a two day training session delivered by Department of Environment, Land, Water and Planning (DELWP), Sustainability Victoria and the Environmental Protection Agency.

**14.4 CR LEIGH DUNSCOMBE - CORPORATE AND CUSTOMER SERVICES PORTFOLIO**

Tonight we have certified the Financial Statements and Performance Statement for the 2017/18 financial year. These reports represent an extraordinary amount of work and given the Council officers absences in key positions within the organisation of late it is a real credit to all concerned. I would especially like to thank Michael Chesworth and his team on a job well done. Of note in these reports is as follows:

- equity in the balance sheet shows an increase of \$38 million for the year making Council's current assets of \$37 million and current liabilities of \$7.8 million a very positive result. Importantly this is a measure of Council's ability to meet our obligations and pay the bills and by any standards is at a more than acceptable level
- working capital also remains strong which can be attributed in no small part to our debt reduction strategy. Council has taken on no new debt for five years now and continue to pay down the small amount of debt that we do have. All other key financial indicators also remain well within acceptable limits for a small rural council
- another popular result is the recording of a \$2.6 million surplus for the year. This includes \$544,557 of un-budgeted capital grants that have been received which can be

attributed to the strong advocacy work undertaken by Councillors and Council officers throughout the year. State and Federal funding is critical for all rural councils in providing the infrastructure and services on which our communities rely and this advocacy work is continuing. Stay tuned...

- these reports along with the Annual Report will now be sent to the Minister for endorsement and released to the public once they have been adopted.

The Annual report is another major piece of work which has been completed under very trying circumstances and again, thank you to all involved in its production. It too requires endorsement by the Minister and I will speak to it next month.

On other topics I had the honour of being a judge at the Ellimatta Youth Push Start FreeZa event in Kinglake during the month and also attended the Youth Art Show at the same venue. I am constantly amazed by the depth of talent displayed by the youth across the shire, the musical talent and artistic flair is truly something to behold.

Advocacy opportunities were also plentiful throughout the month. Firstly, with a fundraiser for a drought affected family hosted by the Kinglake Pub with Cindy McLeish MP, Sally Brennan (Labor candidate), and Michelle Dunscombe (independent candidate) present. It was a fantastic event with more of our local talent on display and over \$5,000 raised for a very grateful family. They are doing it tough up north and it was great to see the generosity and support of our community.

Jaclyn Symes MP, with Andrew Clegg and Melissa Short from Department of Environment, Land, Water and Planning (DELWP) along with Sally and Michelle were also in attendance at the official launch of our new Mobile Library and Customer Service Van in Toolangi. They joined with us and the Toolangi school kids in welcoming this fantastic new service to Toolangi. And it didn't stop there, a three day study tour of Melbourne and State Parliament with the Rivers and Ranges Leadership Program provided Councillor Bowles and myself with the opportunity to meet with a whole range of Government Ministers and Community Leaders from all over the state. Many conversations were had and we look forward to working with them all in the future advocating for Murrindindi.

#### **14.5 CR REBECCA BOWLES - NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO**

The following information can be found on our website [www.murrindindi.vic.gov.au](http://www.murrindindi.vic.gov.au) :

- Council is seeking more volunteers for the Fruit Fly Project.
- Backyard Bird Count is on again between 22 to 28 October 2018.
- now is the time to set queen wasp traps for the upcoming season. Council's Wasp Management Program is underway and members of the public are encouraged to report any suspect wasp nests.
- Dindi Bulk Buy Scheme is up to 120 kilowatts.

Council and Upper Goulburn Landcare Network (UGLN) had a very successful two days at the Rotary Garden Expo held last weekend, the venue for the expo was much improved on prior years with the car park absolutely full and the Yea Wetlands making a profit of approximately \$1,400 from the kitchen.

The Upper Goulburn Landcare annual general meeting (AGM) will be held on 26 October at the Yea Water Discovery Centre at 6.30 pm, everyone is welcome to attend.

The new Biodiversity Spring website is available [www.biodiversityspring.com](http://www.biodiversityspring.com)

I attended the following meetings:

- Grants Commission meeting in Benalla
- Murrindindi Food and Wine Inc. AGM
- Yea Wetlands AGM
- Community Age and Disability Services
- Kids Teaching Kids at the Yea Wetlands
- Yea Pioneer Reserve Community of Management
- Governance course 'One Community'
- Rotary Garden Expo
- Community House Strategic Plan

#### **14.6 CR SANDICE MCAULAY - COMMUNITY SERVICES PORTFOLIO**

I was delighted to be able to attend the Alexandra Library Volunteer Luncheon to acknowledge the fabulous things that our volunteers contribute to the community. So much of what the library is able to offer is due to the untiring enthusiasm of the volunteers.

I was also excited and honoured to participate in the relaunch of the Mobile Library and Service Centre Van. The mobile van is a symbol of community engagement and it is a gathering point for small communities and schools with limited or no easy access to library services and facilities. It's value to the people of Murrindindi Shire simply can't be measured in dollar terms.

The Chief Executive Officer, Craig Lloyd, and I also participated in the extremely fun activity of dressing up for Early Learning is Fun (ELF) Reading Day here in Alexandra. This very important activity is run across the shire in a number of locations to encourage young children and adults alike to enjoy the simple act of reading.

Manager Community Services, Naomi McNamara, and I enjoyed the opportunity to catch up with a few members of the Narbethong community at our Coffee with Council. It was nice to have a chat and listen to peoples questions and concerns and I look forward to my next Coffee with Council at the Buxton Hall in the next month or so.

The Mayor, Charlotte Bisset, and I have visited a number of the sites of the Bushfire Memorials across the shire and it is pleasing that most of them are now just receiving the final touch ups.

The Victorian Government has announced a grants program to help community groups across the shire to fund activities to mark the 10-year anniversary of the 2009 Victorian Bushfires. I am continuing to work with a number of groups in my ward to develop these activities. I will leave the details of the funding for the Chief Executive Officer to discuss.

I would like to take this opportunity to remind Councillors that the launch of the Marysville Information and Regional Arts Centre (MIRA) is 12 November 2018.

I would like to acknowledge that the installation of three flag poles at Alexandra, Yea and Kinglake Council offices have been completed – allowing display of the Aboriginal and Torres Strait Islander flags alongside the Australian flag at each of our offices.

As Chair of the Municipal Emergency Management Planning Committee (MEMPC) I would like to remind people that the Council fire amnesty period concludes on 30 September 2018.

In response to community feedback, Council is trialling to bring forward the timing of slashing this year (compared to previous years), particularly across the Kinglake Ranges. Council's Fire Prevention Roadside Slashing Program will get underway next week around Eildon and Alexandra – more details will be available on Council's website shortly. We have also allowed for some additional slashing where required. We are working hard to coordinate our program with VicRoads who are responsible for slashing on their roadsides within our Shire and with neighbouring councils in the Kinglake Ranges area. The purpose of this program is to reduce risk by reducing roadside fuel.

#### **14.7 CR CHARLOTTE BISSET – MAYORAL REPORT**

No report this month.

#### **15. CHIEF EXECUTIVE OFFICER REPORT**

The purpose of this report is to provide Councillors and community with a high level overview of the key actions currently being undertaken by Council officers. It is not intended as an exhaustive list of actions being undertaken. Due to the timing of Council meetings this report covers a period from mid August to mid September.

##### **Advocacy**

###### 10<sup>th</sup> Anniversary 2009 Bushfires

Grants remain open until 8 October for community groups to apply for funding support for commemorative events. Council has held and continues to hold meetings with the community to assist them in their planning and application. This has included meeting with groups directly and drop-in sessions.

Council officers are continuing to advocate for an extension of the closing date to assist communities who are unable to finalise applications by 8 October.

###### Bushfire Memorials

Bushfire memorials have been completed at Toolangi/Castella, Kinglake West and Flowerdale. The Kinglake memorial is well underway and works are nearing completion at Marysville and Narbethong.

##### **Key Operational Matters**

###### Pick My Project

There were 27 projects approved for being included in the voting stage of this State Government grants programme within the Murrindindi Shire. Provisional advice is that announcements will be made in the next two weeks.

###### Customer First

The project continues to make good progress with process workshops planned across many areas of the organisation. The Council's website will be updated on 29 September with the first 'live' customer request being turned on. This will mean the request submitted will enter directly into the Customer Request system with associated workflows.

#### **16. ASSEMBLIES OF COUNCILLORS**

##### **Purpose**

This report presents the records of assemblies of Councillors for 22 August 2018 to 12 September 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 22 August 2018 to 12 September 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 22 August 2018 to 12 September 2018:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	22 August 2018
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Petition – Proposed Speed Zone Changes to Eildon, Victoria</li> <li>2. Murrindindi Planning Scheme Amendment C62 - Gaming Policy</li> <li>3. Off Road Motorcycle Event – Yea Spur Road</li> <li>4. End of Year Report – Capital Works Program 2017/18</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	M Chesworth, C Lloyd, S McConnell, J Canny, L Kelly, C Lintott, K Girvan
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing
Meeting Date:	5 September 2018
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Tourism, Events and Business Support Update</li> <li>2. Update State Arrangement 10<sup>th</sup> Anniversary 2009</li> <li>3. Interim Compliance and Enforcement Policy</li> <li>4. Capital Works Monthly Reporting – August</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, C Lintott, J Canny
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Councillor Briefing
Meeting Date:	12 September 2018
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Community Grants and Contribution Policy</li> <li>2. 2 Lot Subdivision – 35 Watsons Road Kinglake West</li> <li>3. Multi Purpose Facility – 85 National Park Road, Pheasant Creek</li> <li>4. Petition - Proposed Speed Zone Changes to Eildon</li> <li>5. Sealed Road Program Panel And 2018/19 Sealed Road Program Tender</li> </ol>

Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae,
Council Officer Attendees	S Brown, M Chesworth, S McConnell, C Lloyd, S Keath, D Jackson, K Girvan, J Canny, C Lintott
Conflict of Interest Disclosures:	Nil

### Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2017 Our Promise strategy to 'expand our communication'.

### Relevant Legislation

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

### Financial Implications and Risk

There are no financial or risk implications.

### Conflict of Interest

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

### RESOLUTION:

**Cr M Rae / Cr L Dunscombe**

**That Council receives and notes the record of assemblies of Councillors for 22 August 2018 to 12 September 2018.**

**CARRIED**

## 17. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT18/6	22 August 2018	Formal Instrument of Agreement between Murrindindi Shire Council and D & L Excavations Pty Ltd for Plant Hire Panel Contract	Craig Lloyd Cr Charlotte Bisset
CONT18/6	22 August 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Environmental Services Group Pty Ltd for Plant Hire Panel Contract	Craig Lloyd Cr Charlotte Bisset
CONT18/6	22 August 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Robert Hamilton Earthmoving for Plant Hire Panel Contract	Craig Lloyd Cr Sandice McAulay
SF/794	19 September 2018	Section 17D <i>Crown Land (Reserves) Act 1978</i> Lease (Non Retail) between Murrindindi Shire Council and Alexandra Bowling Club Inc	Craig Lloyd Cr Jackie Ashe
CONT18/6	21 September 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Sherrin Rentals Pty Ltd for Plant Hire Panel Contract	Craig Lloyd Cr Sandice McAulay

### Officer Recommendation

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



**RESOLUTION:****Cr M Rae / Cr R Bowles****That the list of items to which the Council seal has been affixed be noted.****CARRIED****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 Sealed Road Program Panel and 2018/19 Sealed Road Program Tender 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:

- Sealed Road Program Panel and 2018/19 Sealed Road Program Tender

**RESOLUTION:****Cr M Rae / Cr E Lording****That the meeting be closed to the public pursuant to s.89(2)(d) of the *Local Government Act 1989* due to contractual matters.****CARRIED**

The meeting closed to the public at 7.42 pm

The meeting re-opened to the public at 7.48 pm.

During the closed section of the meeting, Council resolved to bring the following resolution into the ordinary meeting.

**18.3 SEALED ROAD PROGRAM PANEL AND 2018/19 SEALED ROAD PROGRAM TENDER****RESOLUTION:****Cr E Lording / Cr L Dunscombe****That Council:**

- 1. endorse the recommendation by Procurement Australia for it to establishment a panel on Council's behalf for Spray Sealing and Associated Services – North East Regional Procurement Excellence Network under contract 2108/0331, for a period of three years, with an option for two 12 month extensions, including the following contractors:**
  - Anthony T. Lindsay Pty Ltd
  - Bitupave Ltd T/A NSW Boral Asphalt
  - Downer EDI Works Pty Ltd
  - GW & BR Crameri Pty Ltd
  - Primal Surfacing
  - QR Construction (Gippsland) Pty Ltd
  - State Asphalt Services Pty Ltd
  - VicRoads T/A Sprayline Road Services
- 2. note that Council is expected to spend approximately \$3 million on services through the panel over the three year life of the panel**
- 3. accept the recommendation by Procurement Australia to award the 2018-2019 Sealed Roads Program tender to GW & BR Crameri Pty Ltd for the lump sum price of \$446,149.22 (ex GST), consisting of works on the following roads:**
  - Craigie Street, Yea
  - Duke Street, Yea
  - Ghin Ghin Road, Highlands
  - Girdwood Parade, Eildon
  - High Street, Eildon
  - High Street, Yea
  - Highlands Road, Highlands
  - Kanumbra-Gobur Road, Gobur
  - Lyons Street, Yea
  - Miller Street, Yea
  - Moyle Street, Yea
  - Murrindindi Road, Glenburn
  - Nolan Street, Yea
  - Oliver Street, Yea
  - Park Avenue corner High Street, Eildon
  - The Parade South Bend, Yea
  - Wattle Street, Alexandra

- Yarck Road, Gobur
4. approve the allocation of a contingency amount as detailed in this report
  5. reallocate savings \$222,462.78 from the Sealed Road program to further works from the roads, bridge or road safety program.

**CARRIED**

There being no further items of Business, the Chairperson declared the meeting closed at 7.48 pm.

**CONFIRMED THIS**

Wednesday 24 October 2018

**CHAIRPERSON**

Esset