



Murrindindi
Shire Council

MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 24 MAY 2017
in the
YEA COUNCIL CHAMBER
commencing at
6.00 pm

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1. PLEDGE AND RECONCILIATION STATEMENT

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

“As the seven 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.”

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

REF: SF/306

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

Present:

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

In attendance:

Chief Executive Officer: Margaret Abbey

General Manager Corporate and Community Services: Michael Chesworth

General Manager Infrastructure and Development Services: Stuart McConnell

Manager Business Services: Andrew Bond

Manager Communications Library & Customer Services: Jacqui Rabel

Manager Development Services: Shivaun Brown

Manager Infrastructure Assets: John Canny

Manager Infrastructure Operations: Mark Leitinger

Coordinator Statutory Planning: Karen Girvan

Senior Planning Officer: Melissa Crane

Coordinator Governance and Performance: Tara Carter

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held on 26 April 2017.

Officer Recommendation:

That the Minutes of the Ordinary Meeting of Council held on 26 April 2017 be confirmed.

RESOLUTION:

Cr J Ashe / Cr S McAulay

That the Minutes of the Ordinary Meeting of Council held on 26 April 2017 be confirmed.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

REF: SF/783

Nil

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

5. PUBLIC PARTICIPATION TIME

5.1 QUESTIONS OF COUNCIL

Two questions were received from Mr John Griffiths:

Question 1. There are now two gazetted cemetery sites in the Kinglake Ranges. Are Councillors aware that under the Cemeteries and Crematoria Act of 2003 that the responsibility for management, maintenance, costs and liabilities of a Kinglake Ranges Cemetery could fall on Murrindindi Council?

The Chief Executive Officer responded to Question 1:

Under the Cemeteries and Crematoria Act 2003 a municipal council can be appointed to manage a cemetery. Such a circumstance would only occur after a Council resolved to request or accept this responsibility. There is no obligation on a Council to have to do so.

Question 2 Obviously, Murrindindi Shire Council is the responsible planning authority for Crown Land within the Shire. If C59 proceeds valuable land will be locked up for cemetery use only. This decision should not be abdicated to a Planning Panel. Are Councillors aware that they have the power to determine the strategic implementation of planning regulations within the Shire and by abandoning the C59 Amendment the issue of a cemetery on Ganglehoff Hill can be forced to open public forums with detailed costings, business plans and funding sources to be provided by the Kinglake Ranges Cemetery Trust?

The Chief Executive Officer responded to Question 2:

DELWP has responsibility for the designation and management of Crown Land. Council has responsibility for the administration of the Murrindindi Planning Scheme; in this role, it is acting as planning authority for the proposed amendment to the scheme to rezone the subject land. Councillors are aware that they can resolve to abandon the Amendment. Should Council resolve to refer the Amendment to a planning panel this would allow further detailed consideration of the planning merits of the proposal. Any detail regarding business planning and costings of a potential cemetery are not necessarily required for the planning scheme amendment and are the separate responsibility of the Kinglake Ranges Cemetery Trust.

Two questions were received from Ann Burgess:

Question 1 Contained within the attachments for today's meeting on page 4 is the statement "the application of the publicly owned land will reduce the administrative costs of the responsible authority". Could the Council explain who is referred to in this statement as the responsible authority and if it is the Shire Council what costs are currently incurred, given that the land is held by a Department of the Victorian Government.

The Chief Executive Officer responded to Question 1:

The statement on administrative costs being reduced is included within the explanatory report for Amendment C59. The statement that the rezoning would reduce administrative costs of the responsible authority arise as with a rezoning, no planning permit would be required for a cemetery, therefore reducing administrative costs. This compares to the present situation where a planning permit would be required, therefore increasing administrative costs.

Question 2 Contained within the attachments for today's meeting on page 4 is the statement "The amendment is required to ensure that the future use and development is aptly reflected in the zoning of the land" - Can the Council provide details of the prior consultation with the wider Kinglake Community that indicate that the best future use of this exceptional piece of public land is a cemetery?

The Chief Executive Officer responded to Question 2:

The statement that 'The amendment is required to ensure that the future use and development is aptly reflected in the zoning of the land' is included within the explanatory report for Amendment C59. The statement is included to note that a rezoning to PUZ5 will provide for the use and development of a cemetery.

Although it is understood that community consultation was limited prior to the amendment, from a planning perspective, notification of the proposal has been given to nearby landowners and the general community through the exhibition of Amendment C59.

Two questions were received from Paul Rogers:

Question 1 On page 2 of the C59 explanatory report it is stated: "The amendment will facilitate the use and development of cleared land for a cemetery and crematorium, which will have positive social impacts" - Council please detail these positive social impacts on the local residents of the amendment that have been determined by Council in the preparation of the report?

The Chief Executive Officer responded to Question 1:

The statement on the amendment having positive social effects is included within the explanatory report for Amendment C59. Overall, it is considered that the proposal will provide positive social effects and a net community benefit given that cemeteries provide a necessary community service. The proposal is consistent with the adopted land use strategic plan for the area, the Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework 2016 (the KFT Plan) to consider further public use opportunities for the land. The KFT Plan is a reference document to the Murrindindi Planning Scheme, providing a vision for a sustainable future for the local communities of Kinglake, Kinglake Central, Kinglake West/Pheasant Creek, Flowerdale and Toolangi, supporting limited growth within the area and providing a clear transition between urban and rural land uses. Figure 2, Kinglake Central Design Framework, indicates the following notations for the land, 'Support the Public Use Zone 7' and 'Consider for future public use opportunities'. No other potential land uses are explored or given direction in the framework.

Question 2 In the amendment C59 Explanatory report it states: "the amendment is consistent with the Ministerial Direction on the form and content of planning schemes under section 7(5) of the Act. Under Section 12(2) of the Act, Ministerial direction No11 - Strategic assessment of amendments is applicable to the consideration of this amendment. The purpose of this direction is to ensure a comprehensive strategic evaluation of a planning scheme amendment and the outcomes it produces. It requires an explanatory report to discuss how the amendment addresses certain strategic considerations. The preparation of this explanatory report relating to this amendment complies with this direction". What level of community consultation is required under the Ministerial direction on the form and content of Planning Schemes and how has the Council fulfilled this obligation?

The Chief Executive Officer responded to Question 2:

The question asks what level of community consultation is required (under the Ministerial direction on the form and content of Planning Schemes) and how has the Council fulfilled this obligation? This direction only affects the actual form and

content of schemes, not consultation requirements. Similarly, the Strategic Assessment Guidelines referred to in the question require strategic and technical assessment of a proposal, rather than consultation requirements.

Consultation requirements for amendments are addressed under the Planning and Environment Act. Section 19 of the Act outlines what notice of an amendment must be given, requiring a minimum of one month's public notice and notice to owners and occupiers of land that it believes may be materially affected by the amendment. Council made an error in the original public notice and consequently notice of the amendment occurred over a two month period instead of the standard one month period. Notice was also given by mail to a wide range of nearby landowners.

Two questions were received from Veronica Hendrickson:

Question 1 What do you see as the most important first step in the community's goal for an Early Childhood Development Precinct (as described in the Urban Development Framework 2005)

The Chief Executive Officer responded to Question 1:

The first step will be to re-establish the Integrated Early Years Steering Group which will bring key stakeholders together to determine future requirements and progress planning for a potential integrated early years centre.

Ultimately external funding would need to be sourced in order for the project to proceed.

Question 2 Who does the Murrindindi Shire Council consider to be the stakeholders in the development of an Early Childhood Precinct?

The Chief Executive Officer responded to Question 2:

Representatives from organisations and groups delivering early years services are key stakeholders and will make up the Integrated Early Years Steering Group. Broader community involvement would also be required as planning progresses.

Two questions were received from Jack Russell purporting to represent the "Yea and District Progress Association":

Question 1 Of the Engineers employed by Council what are the certified qualifications or gradings of each and please identify the duties assigned to each Engineer so employed?

The Chief Executive Officer responded to Question 1:

This was the subject of a refused FOI Request in February 2015. It formed part of a request that was deemed voluminous under the FOI Act 1982. The FOI Commissioner upheld Council's decision in relation to this request.

Question 2 The Yea Swimming Pool is losing approximately 25mm height of toxic water into the surrounding water table each week - what is Council doing to stop the pool leaking and after extensive repairs and to hold the contractors accountable?

The Chief Executive Officer responded to Question 2:

The pool is retaining water in accordance with its design requirement and appropriate standards. Any water loss can be attributed to the normal operation of a pool such as evaporation and maintenance.

Two questions were received from Jack Russell:

Question 1 Council and yourself failed to include my Questions and submission for the General Meeting of the 26th April 2017 - "Questions to Council" etc, what is your explanation for the decision not to include each and when will you comply?

The Chief Executive Officer responded to Question 1:

Mr Russell's Questions have been previously responded to by Council

Question 2 Councillor Charlie Bissett, Mayor of Council visited South Australia recently for a Cittaslow Conference - What is the benefit to residents and what costs were borne by Council and when will she provide her report?

The Chief Executive Officer responded to Question 2:

As part of each Council Meeting the Mayor makes a report.

All Councillor costs are reported as part of the Quarterly Financial Report.

5.2 OPEN FORUM

REF: SF/130

RESOLUTION:

Cr L Dunscombe / Cr E Lording

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

CARRIED

Mr John Griffiths spoke against the Amendment C59, Murrindindi Planning Scheme – Proposed Kinglake Cemetery (item 6.1 on the Agenda).

Jemima Richards spoke against the Amendment C59, Murrindindi Planning Scheme – Proposed Kinglake Cemetery (item 6.1 on the Agenda).

Ann Burgess against the Amendment C59, Murrindindi Planning Scheme – Proposed Kinglake Cemetery (item 6.1 on the Agenda).

Paul Rogers spoke against the Amendment C59, Murrindindi Planning Scheme – Proposed Kinglake Cemetery (item 6.1 on the Agenda).

Nigel Head spoke against the Amendment C59, Murrindindi Planning Scheme – Proposed Kinglake Cemetery (item 6.1 on the Agenda).

Alex Pottage spoke in support of the Amendment C59, Murrindindi Planning Scheme – Proposed Kinglake Cemetery (item 6.1 on the Agenda).

Maureen Jackson of Maureen Jackson Planning Pty Ltd spoke in support of the Amendment C59, Murrindindi Planning Scheme – Proposed Kinglake Cemetery (item 6.1 on the Agenda).

Bev Johns spoke against the Planning Permit no. 2016/2 – Kinglake West Service Station (item 6.2 on the Agenda).

David Vorchheimer spoke in support of Planning Permit no. 2016/2 – Kinglake West Service Station (item 6.2 on the Agenda).

Paul Thomas spoke in support of the 2017/33 – Stoney Creek Court Dwelling (item 6.4 on the Agenda).

Ellen Hogan spoke in support of the 2017/33 – Stoney Creek Court Dwelling (item 6.4 on the Agenda).

Arthur Jones spoke against the 2017/15 – Fun Mudder Event, Buxton (item 6.3 on the Agenda).

Nic Bolto spoke in support of the 2017/15 – Fun Mudder Event, Buxton (item 6.3 on the Agenda).

5.3 PETITIONERS SPEAKING TO PETITIONS

REF: SF/132

Nil

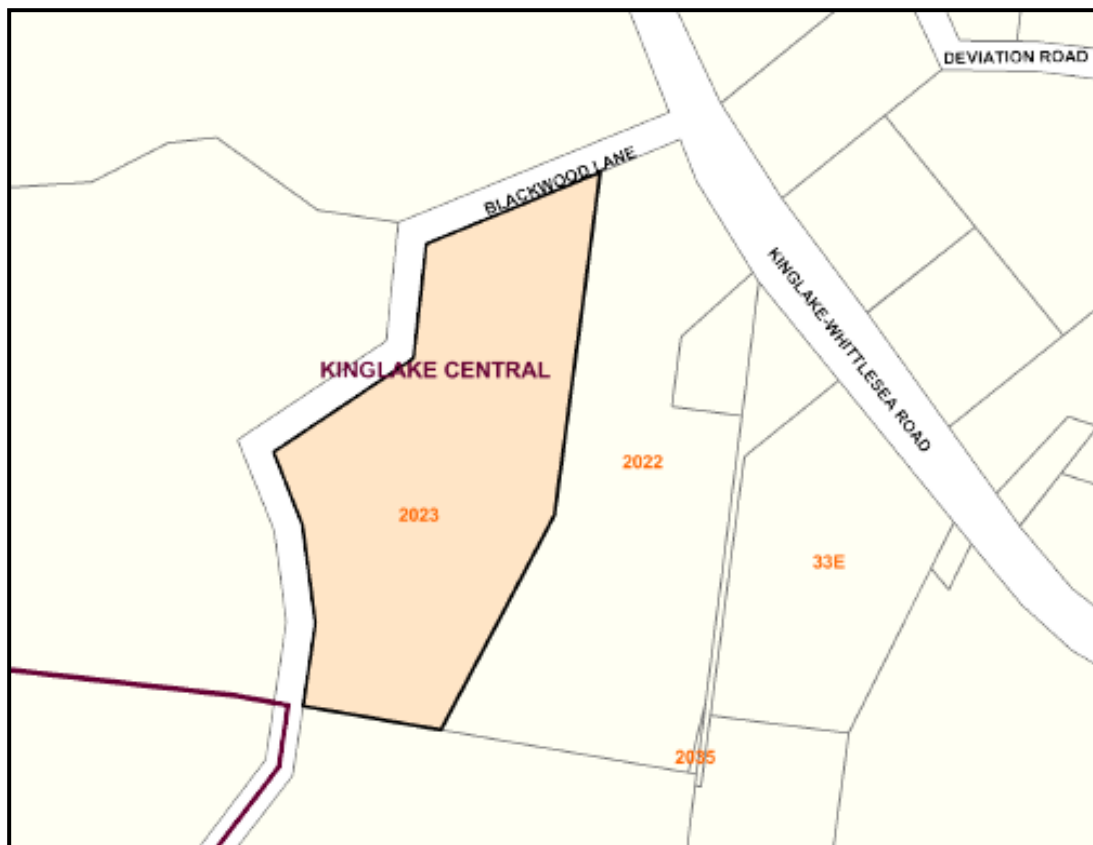
The Chairperson closed Public Participation Time.

6. OFFICER REPORTS

6.1 AMENDMENT C59, MURRINDINDI PLANNING SCHEME – PROPOSED KINGLAKE CEMETERY

REF: SF/2420

Attachments: Amendment document (refer *Attachment 6.1a* – TRIM 16/27091; 16/27100; 16/12665; 16/12666)
Summary of submissions to Amendment C59 (refer *Attachment 6.1b* – TRIM 16/68040);
(submissions distributed to Councillors separately)

Locality Plan:**Purpose:**

The purpose of this report is to advise Council of submissions to Amendment C59 and seek a Council resolution as to whether to refer all submissions to an independent panel for consideration.

Officer Recommendation:

That:

Having prepared and exhibited Amendment C59 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*;

Having in accordance with section 12 of the Planning and Environment Act 1987 had regard to the Minister's directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use or development envisaged in the planning scheme or amendment and taken into account the social and economic effects;

Having considered all submissions to Amendment C59 to the Murrindindi Planning Scheme under Section 22 of the *Planning and Environment Act 1987*;

Murrindindi Council resolves:

1. Under Section 23 of the *Planning and Environment Act 1987*, to refer all submissions to Amendment C59 to the Murrindindi Planning Scheme to an independent panel appointed under Part 8 of the *Planning and Environment Act 1987*;
2. That the summary of submissions to Amendment C59 (*Attachment 6.1b*) be adopted as Council's position on the submissions that will be presented to an independent panel;

3. That each submitter to Amendment C59 be notified in writing of Murrindindi Council's position regarding their submission and informed of the forthcoming independent panel process;
4. To advise the Kinglake Ranges Cemetery Trust and the independent panel that members of the community consider that inadequate pre – amendment consultation was undertaken by the Trust regarding the need and site options for a cemetery in the Kinglake Ranges area and request the independent panel consider the nature of the consultation undertaken by the Kinglake Ranges Cemetery Trust.
5. To request the proponents of the amendment to provide siting and design details of a future cemetery to support the further discussion of amenity issues at a panel hearing.

Background:

Proposed Amendment C59 has been prepared on behalf of the Kinglake Ranges Cemetery Trust (KRCT), manager of 265 Whittlesea-Kinglake Rd, Kinglake on behalf of the Department of Health and Human Services (DHHS), to facilitate the use and development of a cemetery on the land by:

1. Rezoning the land from Public Use 7 (Other) to Public Use 5 (Cemetery and Crematorium).
2. Removal of the Environmental Significance Overlay 1 (High Quality Agricultural Land) from the land.

The exhibited amendment is presented as *Attachment 6.1a*.

Council Plan/Strategies:

The proposed amendment is consistent with the Our Environment goal in the Murrindindi Shire Council Plan 2013-2017 (2016 Review), specifically in relation to the strategic objectives and directions relating to Planning for Urban Growth and implementing ongoing changes to the Murrindindi Planning Scheme.

The proposed amendment will also increase the available services to the local community via the provision of a cemetery.

Legal/Policy Issues:

There are no legal or policy issues associated with the exhibited amendment. Amendment C59 does not propose any changes to the Local Planning Policy Framework.

Amendment C59 complies with the Local Planning Policy Framework, in particular implementing the objective under Clause 21.06-4 (Community development):

Objective 1: Community services and public health:

- 2 *Facilitate the provision of community services and public health program for the whole of the community.*

Financial/Resources/Risk:

The proponent has paid an initial prescribed fee (\$798) for requesting the amendment and has agreed in writing to pay all subsequent amendment fees and any panel hearing costs.

Consultation:

Amendment C59 was exhibited between 8 July and 8 September 2016, with notice given to directly affected and adjoining landowners, relevant departments and authorities and prescribed Ministers. Twenty-three (23) submissions were received, four (4) from referral agencies and nineteen (19) private submissions, with all private submissions objecting to the proposal.

A summary of the submissions to Amendment C59, including officer recommendations, is provided as *Attachment 6.1b*.

Discussion:

The proposed amendment to the category of Public Use Zone applying to the land, that is a change from 7 (Other) to 5 (Cemetery and Crematorium) would provide certainty for the future use of cemetery and crematorium on the land. The proposed change will amend an existing requirement for a planning permit for both the use and development of a cemetery / crematorium under Public Use 7 so that there would be no requirement for a planning permit for this use and development under Public Use 5, provided the use is carried out by or on behalf of the public land manager. This approach in providing certainty for public uses, with no planning permit requirements for relevant public land managers, is consistently applied for various public land categories throughout Victoria.

The proposed parcel of land in Blackwood Lane is part of the original parcel known as 265 Whittlesea-Kinglake Road, purchased by the State Government in 2010. This land was rezoned from Farming to Public Use Zone 7 (Other public use) by a Ministerial amendment (Amendment C27, gazetted 11 March 2010) and is predominantly cleared with the exception of a limited number of paddock trees. The eastern portion of this land (five hectares in area) transferred to the Kinglake Ranges Foundation to establish a Multi-Purpose Facility, which has not progressed. The western portion of the land is owned by the Department of Health and Human Services (DHHS) and has been reserved as crown land (Cemeteries and Crematoria Act 2003, 10 March 2016) for the purpose of a cemetery (Kinglake Ranges Cemetery).

An alternative four hectare crown parcel of land at 825 Whittlesea-Kinglake Road has been reserved for the purpose of a cemetery for many years. This land is zoned Farming and would require a planning permit to establish a cemetery, provide new access from the Whittlesea-Kinglake Road and to remove vegetation. In addition to these planning requirements, the south-eastern portion of the site is in an area of cultural heritage sensitivity, triggering a requirement to prepare a Cultural Heritage Management Plan. Given that this parcel of land is heavily vegetated, a decision was made by the KRCT and DHHS to investigate other options for a cemetery due to the difficulty and costs involved in clearing the land and the additional requirement to purchase vegetation offsets.

Key issues raised in submissions:

Key issues raised in submissions were:

- Consultation, funding and prematurity of the proposal
- Alternative sites for a cemetery and alternative land uses
- Amenity
- Road access and other site issues
- Application of the Environmental Significance Overlay 1 (High quality agricultural land)

Consultation, funding and prematurity of the proposal:

While some members of the community may consider that this proposal is premature, the Kinglake Ranges Cemetery Trust and the Department of Health and Human Services (DHHS) have determined that a cemetery is required in this location and are seeking approval for it. Council has been approached by a representative of both these bodies to exhibit the proposed amendment, which it has undertaken.

From the perspective of this amendment, consultation is being undertaken through this statutory process of exhibition of a planning scheme amendment. The amendment assessment can only consider relevant planning matters, with any consultation of the proposal before the amendment stage considered to be the responsibility of the Kinglake Ranges Cemetery Trust and DHHS.

Based on the nature of submissions received from members of the community, it is apparent that members of the community consider that insufficient initial consultation was undertaken by the

Kinglake Ranges Cemetery Trust (KRCT) prior to this amendment stage. Such consultation could have sought views on the need for a cemetery, the preferred site for a cemetery and the merits of the land subject to this amendment for a cemetery. It is considered appropriate that in conjunction with any referral of submission to a panel, Council express its view that inadequate pre – amendment consultation was undertaken with the community by the KRCT regarding the need and site options for a cemetery in the Kinglake Ranges area.

Alternative sites and land uses:

Many private submissions have raised alternative uses and the need to consider other options for the subject land.

Planning considerations available under the *Planning and Environment Act 1987* (the Act) and the Murrindindi Planning Scheme do not provide for wider land use alternatives to be considered, requiring that each proposal must be considered on its merits for the land at the time of the proposal being made.

Sections 4 (Objectives), 12 (What are the duties and powers of planning authorities?) and 60 (What matters must a responsible authority consider?) of the Act include consideration of Victorian planning objectives, the relevant planning scheme, social, economic and environmental effects and relevant strategic plans. These sections of the Act do not provide for alternative land uses or sites to be directly considered in addressing a proposal.

Council is therefore restricted to considering the proposal in front of Council, i.e. to consider whether it is appropriate to amend the existing classification of Public Use Zone from being undefined (7, Other public use) to specifically nominate the public use of the land as being for cemetery purposes (5, Cemetery/Crematorium).

Amenity:

The actual layout and design of the cemetery development at the site may be appropriately addressed to reduce potential impacts on adjoining and nearby properties. This may include the use of landscaping.

It is considered that potential adjoining and nearby public uses are generally compatible and any impacts may be addressed through appropriate siting and design of future cemetery use and development.

Although future detailed site and development works were not submitted as part of the amendment proposal, this further detail would be useful in further discussion on the amendment at a panel hearing and in addressing potential design and amenity issues raised by submitters. It is appropriate that a request be made to the proponents of the amendment to provide layout and design details of a future cemetery to support the further discussion of amenity issues at a panel hearing.

Road access and other site issues:

A Traffic Impact Assessment Report (TIAR) has been prepared to address the VicRoads requirement to determine what mitigating works would be required on the Whittlesea-Kinglake Road to facilitate access to the proposed cemetery and crematorium. Particular consideration has been given to the impact on Whittlesea-Kinglake Road / Blackwood Lane intersection and any access points to abutting land.

Key findings of the TIAR were that:

- Proposed car parking (108 spaces to be provided, noting 100 spaces are required under the planning scheme) and access is considered appropriate.
- Anticipated traffic volumes are not expected to impact on the operation of Whittlesea – Kinglake Road or the surrounding road network.

- Some mitigating works are required for Whittlesea – Kinglake Road. The mitigating works include a basic left turn treatment and a short auxiliary right turn treatment.
- Sight lines at proposed access points are considered to be sufficient to meet Austroads requirements.

Following preparation of the TIAR, VicRoads required further changes, to provide clarification of some details including the methodology for turning lane identification and sight distances. Once these amendments were completed, VicRoads advised that the amended TIAR had addressed its comments and was acceptable.

VicRoads also noted that road safety concerns regarding heavy fog and winter conditions had been raised by objectors and made the point that climatic conditions can affect many locations and motorists should drive in a manner that is appropriate for the prevailing climatic conditions. However, it would be appropriate to install intersection warning signs as part of the mitigating works at this intersection.

While finding traffic movements, sight distances and car parking satisfactory, the TIAR recommended that to accommodate the proposal, a basic left turn treatment and a short channelised right turn treatment be constructed on Whittlesea-Kinglake Road, in accordance with the requirements of Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections. Officers recommend that, should the amendment proceed, a Section 173 Agreement be entered into between Council and the proponents to ensure that these works are undertaken prior to the use and development of the land as a cemetery. This agreement should be satisfactorily completed prior to any Council adoption of Amendment C59.

Application of the Environmental Significance Overlay 1 (High quality agricultural land):

The ESO1 indicates higher quality agricultural land that is zoned Farming and uses for farming purposes. The ESO1 is not generally used for public use, residential or commercial sites and has previously been removed from several sites used for these alternative purposes. It is considered that the application of the ESO1 to the land is anomalous and should be removed, either in the current or proposed Public Zone category.

Summary:

As submissions to C59 cannot be fully resolved (e.g. by minor changes to the proposed amendment), Council cannot adopt the amendment at this stage and must either:

- Refer submissions to an independent panel for consideration; or
- Alternatively resolve to abandon the amendment.

If referred to a panel, submissions will be heard and a report made to Council on the merits of the amendment and on the submissions. To allow all submissions to be considered in context, all submissions to the proposed amendment, both supporting and objecting, would be referred to the independent panel.

To abandon the amendment Council would make a specific formal recommendation. In the event of abandonment there are no appeal rights available to the proponent. There are no formal grounds required to abandon an amendment.

Conclusion:

The proposed amendment will facilitate the use and development of a cemetery in Kinglake. As submissions to C59 cannot be fully resolved (e.g. by minor changes to the proposed amendment to the satisfaction of all parties),

Based on consideration of the relevant planning matters, Council officers recommend Council now refer the proposed amendment and submissions to an independent panel for consideration.

Should the proposed amendment be referred to an independent panel, the attached summary of submissions will form the basis of Council's submission to the panel for Amendment C59. Following consideration of a panel report, Council would then adopt the amendment, with or without changes, and submit it to the Minister for final approval or alternatively abandon the amendment at that stage.

ALTERNATE MOTION:

Cr L Dunscombe proposed:

That:

- A. Having prepared and exhibited Amendment C59 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*;

Having in accordance with section 12 of the Planning and Environment Act 1987 had regard to the Minister's directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use or development envisaged in the planning scheme or amendment and taken into account the social and economic effects;

Murrindindi Shire Council resolves to:

Abandon Amendment C59 under section 28 of the Planning and Environment Act 1987

- B. That the Minister for Planning and the Minister for Health be advised that the decision to abandon Amendment C59 was made due to the lack of community consultation prior to the commencement of the amendment process.

RESOLUTION:

Cr L Dunscombe / Cr E Lording

That:

- A. Having prepared and exhibited Amendment C59 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*;**

Having in accordance with section 12 of the Planning and Environment Act 1987 had regard to the Minister's directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use or development envisaged in the planning scheme or amendment and taken into account the social and economic effects;

Murrindindi Shire Council resolves to:

Abandon Amendment C59 under section 28 of the Planning and Environment Act 1987

- B. That the Minister for Planning and the Minister for Health be advised that the decision to abandon Amendment C59 was made due to the lack of community consultation prior to the commencement of the amendment process.**

CARRIED

6.2 PLANNING PERMIT NO 2016/2 – KINGLAKE WEST SERVICE STATION

REF: SF/2321 (17/21183)

Attachments: C57 panel report (refer *Attachment 6.2a* – TRIM 17/23313)
Amendment C57 package (refer *Attachment 6.2b* – TRIM 17/31304, 17/31563, 17/31794)
Explanatory report, C57 and Planning Permit 2016/2 (refer *Attachment 6.2c* – TRIM 17/31826)
Proposed Planning Permit 2016/2 (refer *Attachment 6.2d* – TRIM 17/31787).

Locality Plan:**Purpose:**

- To advise Council of the panel report for proposed Amendment C57 and Planning Permit No 2016/2;
- To recommend that Council adopt Amendment C57 and recommend that the Minister for Planning grant Planning Permit No 2016/2, both subject to the recommendations of the panel.

Officer Recommendation:

That:

Having prepared and exhibited Amendment C57 to the Murrindindi Planning Scheme and Planning Permit No 2016/2 under Section 96A of the *Planning and Environment Act 1987*;

Having in accordance with Section 12 of the *Planning and Environment Act 1987* had regard to the Minister's directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use or development envisaged in the planning scheme or amendment and taken into account the social and economic effects;

Having considered all submissions to Amendment C57 to the Murrindindi Planning Scheme and Planning Permit No 2016/2 under Section 22 of the *Planning and Environment Act 1987*;

Having considered the report of the independent panel for Amendment C57 and Planning Permit No 2016/2 to the Murrindindi Planning Scheme under Section 27 of the *Planning and Environment Act 1987*;

Council resolves to:

1. Adopt Amendment C57 to the Murrindindi Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987*, adopting the amendment with the following change recommended by the independent panel, as outlined in the attached Amendment C57 package:
 - Amend Clause 21.02, Kinglake West-Pheasant Creek Framework Plan, to show 1274 Whittlesea-Yea Road, Kinglake West within the Township Zone.
2. Recommend to the Minister for Planning that Planning Permit No 2016/2 be granted in accordance with Section 96G of the *Planning and Environment Act 1987* with the following change recommended by the independent panel, as outlined in the attached proposed Planning Permit No 2016/2:
 - That Planning Permit 2016/2 (Proponent version 28 February 2017) be issued in the amended form contained in Appendix C.
3. Submit Amendment C57 to the Murrindindi Planning Scheme and Planning Permit No 2016/2, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the *Planning and Environment Act 1987*.

Background:

In 2015, an application for combined planning permit and amendment to the Murrindindi Planning Scheme to facilitate a service station and associated uses and developments at 1274 Whittlesea-Yea Road, Kinglake West was lodged with Council by PLANIT on behalf of G & A Bonnadio.

The proposal is for:

1. Amendment C57: Rezone the land from Rural Living Zone to Township.
2. Planning Permit No 2016/2: Use and development of the land for a service station, shop, postal agency and food and drink premises, the display of internally illuminated signs and the removal of native vegetation.

Section 96A of the *Planning and Environment Act 1987* provides an opportunity for a combined application to be made for both a planning scheme amendment and a planning permit. The intent of this combined permit / amendment process is to provide an integrated approach to both amending the scheme and approving a specific proposal, providing only one exhibition process and review opportunity. The combined procedure follows the planning scheme amendment process, not the application for planning permit process. The proposal is therefore exhibited as an amendment, with the review process for hearing unresolved submissions being a planning panel, not VCAT.

The Minister authorised Council to exhibit the amendment and permit on 7 April 2016. The combined permit / amendment was exhibited between 4 August and 5 September 2016, with notice being given to adjoining and nearby landowners, relevant referral agencies and the relevant ministers. Twelve (12) submissions were received. As five (5) private submissions raised objections to the proposal and could not be resolved, the proposal was referred to an independent panel for consideration.

Council Plan/Strategies:

The proposed amendment is consistent with the Our Environment goal in the Murrindindi Shire Council Plan 2013-2017 (2016 Review), specifically in relation to the strategic objectives and directions relating to Planning for Urban Growth.

Legal/Policy Issues:

There are no legal issues associated with the proposal. The proposal is a combined permit – amendment process to both rezone the land through an amendment and grant a specific approval on the land through a planning permit.

There are no policy issues associated with the proposal. The panel considered that the proposal complies with the directions of the *Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework*, although the panel has recommended a minor change to the Kinglake West Framework Plan in the Murrindindi Planning Scheme to redefine the township boundary to reflect this proposed rezoning.

Financial/Resources/Risk:

The proponent has paid all prescribed fees for the combined permit/amendment to date, including the final prescribed fee to adopt the amendment. The proponent has also agreed to pay panel hearing costs, when received.

Discussion:

The panel considered all submissions to the proposed amendment and planning permit.

The key findings in the panel report, attached to this report, included:

- The planning scheme includes strong policy support for the re-establishment of uses and community infrastructure lost in the bushfires in and around townships.
- The rezoning had appropriate strategic justification.
- There is a lack of suitably sized vacant land in the Township Zone to accommodate the proposal.
- The proposal complies with the *Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework* (the 'KFT Plan') with some flexibility in the planning scheme framework plan to include the proposed rezoning to Township.
- Other key issues of service station requirements, bushfire risk and water, neighbourhood character, traffic, amenity, signage, flora and fauna impacts, waterway impact and cultural heritage are all met by the proposal or additional reports prepared to support the proposal.

The panel recommended the adoption of the proposal, subject to one change in the amendment (amend the Kinglake West – Pheasant Creek Framework Plan to reflect the expansion of the Township Zone) and a series of minor changes to Planning Permit No 2016/2.

The panel has noted that Council should consider additional reference of the KFT Plan in the planning scheme. Although Amendment C53 (implementation of the KFT Plan) was prepared and approved by the Minister for Planning without exhibition, Council officers will consider this panel comment in any future review of the Murrindindi Planning Scheme.

A Section 173 Agreement was required in conjunction with Amendment C57. The agreement prohibits the use of accommodation (including a dwelling) and any further subdivision of the land. This agreement has been implemented. While the intended Section 173 agreement was acknowledged in the panel report, the panel noted this is effectively a Council matter and did not make any specific recommendation regarding this matter. The signed Section 173 agreement is ready to be lodged on title when the Amendment is approved by the Minister and it will ensure the property is used in the manner proposed into the future.

Consultation:

Amendment C57 and proposed Planning Permit No 2016/2 Amendment C57 were exhibited between 4 August and 5 September 2016, with notice given to directly affected and adjoining landowners, relevant departments and authorities and prescribed Ministers. Twelve (12) submissions were received, four (4) from referral agencies and eight (8) from private submitters, five (5) objecting to the proposal. As some submissions could not be resolved, all submissions were referred to a panel for consideration. Four (4) submitters elected to appear at the panel hearing and made verbal submissions.

Conclusion:

The proposed amendment and planning permit have been prepared by the proponent to facilitate a service station and associated commercial development at the northern edge of the Kinglake West township.

Following a panel hearing to consider all submissions, the panel has recommended that the proposal be adopted, subject to minor changes. A recommendation has been made to Council to adopt the amendment and recommend that the Minister for Planning grant the planning permit, both subject to changes recommended by the panel.

RESOLUTION:

Cr M Rae / Cr McAulay

That:

Having prepared and exhibited Amendment C57 to the Murrindindi Planning Scheme and Planning Permit No 2016/2 under Section 96A of the *Planning and Environment Act 1987*;

Having in accordance with Section 12 of the Planning and Environment Act 1987 had regard to the Minister's directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use or development envisaged in the planning scheme or amendment and taken into account the social and economic effects;

Having considered all submissions to Amendment C57 to the Murrindindi Planning Scheme and Planning Permit No 2016/2 under Section 22 of the *Planning and Environment Act 1987*;

Having considered the report of the independent panel for Amendment C57 and Planning Permit No 2016/2 to the Murrindindi Planning Scheme under Section 27 of the *Planning and Environment Act 1987*;

Council resolves to:

- 1. Adopt Amendment C57 to the Murrindindi Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987*, adopting the amendment with the following change recommended by the independent panel, as outlined in the attached Amendment C57 package:
 - Amend Clause 21.02, Kinglake West-Pheasant Creek Framework Plan, to show 1274 Whittlesea-Yea Road, Kinglake West within the Township Zone.**
- 2. Recommend to the Minister for Planning that Planning Permit No 2016/2 be granted in accordance with Section 96G of the *Planning and Environment Act 1987* with the following change recommended by the independent panel, as outlined in the attached proposed Planning Permit No 2016/2:
 - That Planning Permit 2016/2 (Proponent version 28 February 2017) be issued in the amended form contained in Appendix C.**

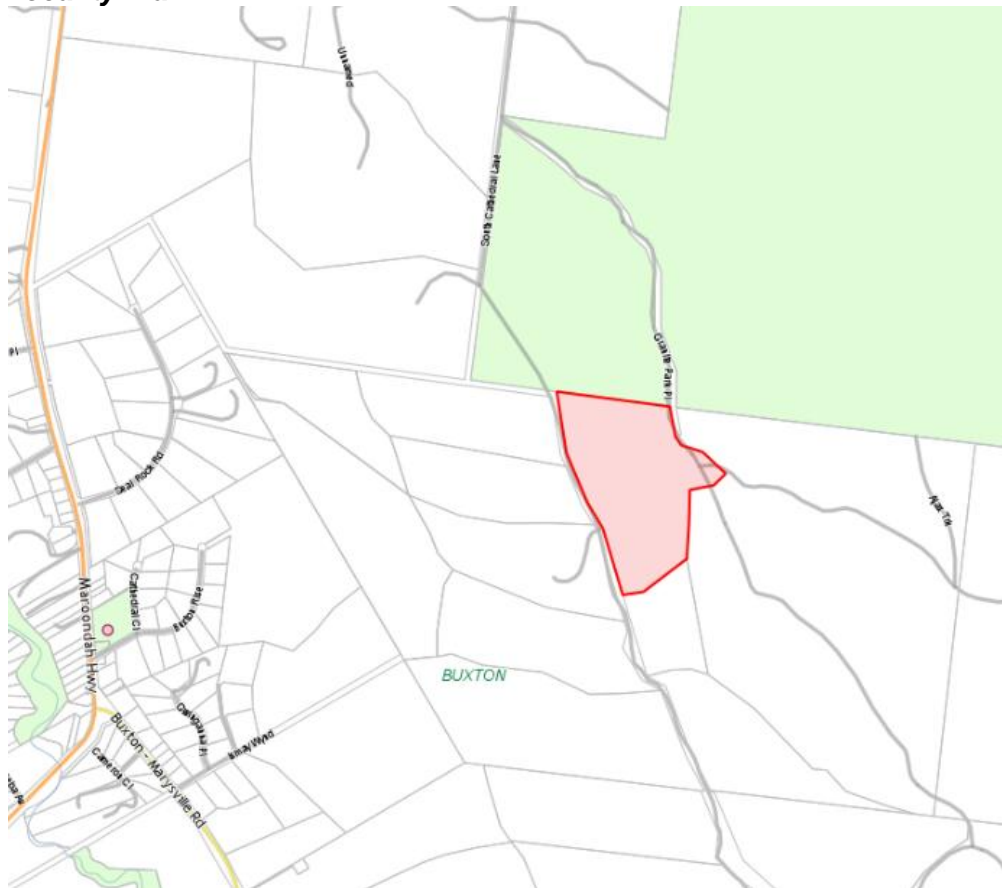
3. **Submit Amendment C57 to the Murrindindi Planning Scheme and Planning Permit No 2016/2, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the *Planning and Environment Act 1987*.**

CARRIED

6.3 2017/25 – FUN MUDDER EVENT, BUXTON

Ref: 2017/25
Land: 140 Granite Park Place BUXTON 3711
Proposal: Use of land to hold Fun Mudder event on Sunday 22nd October 2017
Applicant: N Bolto
Zoning: Farming
Overlays: Significant Landscape, Bushfire Management
Attachments: Application details (refer *Attachment 6.3 – TRIM 17/30806*)
(aerial photograph and submissions distributed to Councillors separately)

Locality Plan:



Purpose:

This report recommends that a notice of decision to grant a permit be issued for the use of land to hold the Fun Mudder event on Sunday 22 October 2017 at 140 Granite Park Place, Buxton.

Officer Recommendation:

That Council issue a notice of decision to grant a permit for the use of land to hold a Fun Mudder event on Sunday 22nd October 2017 at 140 Granite Park Place, Buxton (LOT: 1 LP: 148241, Parish of Buxton), subject to the following conditions:

1. This permit allows one event to be held on Sunday 22nd October 2017, between the hours of 10am and 2.30pm. The establishment of the site for the purpose of the event and re-

instatement of the site after the event may occur outside the dates specified above, to the satisfaction of the Responsible Authority.

2. No more than 120 patrons and event staff may be permitted on the site at any one time to the satisfaction of the Responsible Authority.
3. Prior to the commencement of the event hereby permitted, management plans shall be submitted to and approved by the Responsible Authority. Once approved, all relevant management plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but must be updated to form the final version of the plans, to the satisfaction of the Responsible Authority. The plans must include:
 - a. Event Management Plan, detailing the management of the event, and amended to include the provision of toilet and water facilities for patrons.
 - b. Event Site Plan, generally in accordance with the plan submitted with the application, but amended to remove challenge number 9 "Arctic Enema".
 - c. Emergency Management Plan
 - d. Waste Management Plan
 - e. Traffic Management Plan, generally in accordance with the plan submitted with the application, but amended to include the following measures:
 - Stop/Go provisions to allow one way traffic management measures on Granite Park Place from approximately 400m into Granite Park Place, and to run for at least 800m along the road
 - Stop/Go provisions on any other sections of Granite Park Place longer than 100m to allow one way traffic management (in locations where cars are unable to pass for a distance of more than 100m).

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

4. All food providers are to comply with relevant Food Act legislation requirements to the satisfaction of the Responsible Authority.
5. A final list of any food vendors must be submitted to the responsible authority at least 4 weeks prior to the event.
6. A public address system must be installed throughout the site to advise patrons of any emergency on the site to the satisfaction of the Responsible Authority.
7. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
8. The owner / operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
9. The car parking of all vehicles must be confined to designated parking areas within the site as set out on the endorsed plan and no vehicles associated with the event may be parked on any public land, including the road reserve, to the satisfaction of the Responsible Authority.
10. The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.

11. The emission of noise from the property including the surrounding environment and carpark areas either during or immediately after the hours permitted must not cause annoyance to persons beyond the site.
12. Prior to the event taking place, photographic evidence of the existing conditions of the site without the track must be provided to the Responsible Authority.
13. Post event responsibilities and reporting:
 - a) All temporary structures erected on the site, including all promotional or directional signage, and all waste must be removed at the completion of the event to the satisfaction of the Responsible Authority.
 - b) The site must be fully remediated and revegetated, including any areas of disturbed ground.
 - c) Within 4 weeks of the completion of the event, a report must be submitted to Council for approval:
 - a. outlining any damage that has been done to the site during the event, with recommendations for remediation works to return the site to its original state;
 - b. demonstrating that all temporary structures erected on the site including all promotional or directional signage and all waste have been removed at the completion of the event to the satisfaction of the Responsible Authority; and
 - d) Within 3 months of the event being held, any environmental remediation works to return the site to its original state must be completed to the satisfaction of the Responsible Authority. Evidence of this remediation must be submitted to and approved by the Responsible Authority.

Country Fire Authority

14. An amended Emergency Management Plan to the satisfaction of CFA must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plans submitted with the application but modified to include :-
 - The use Vic Emergency Website / App for the monitoring of any Bushfire incidents/activity. This should then feed into triggers for action and associated emergency procedures to follow. (CFA recommends setting up a large threat zone given the time it is likely to take to evacuate patrons safely from the site.)
15. A draft copy of the emergency management plan is to be submitted to;
Rob Van Dorsser
CFA District 12 Operations Manager
NORTH EAST
Not less than three (3) months prior to any proposed event to provide opportunity for comment to the Responsible Authority.
16. A finalised draft copy of the emergency management plan is to be submitted to;
Rob Van Dorsser
CFA District 12 Operations Manager
NORTH EAST
Not less than six (6) weeks prior to any proposed event to provide opportunity for comment to the Responsible Authority.
17. No fires are to be permitted without the written consent of CFA.

18. Access and egress routes are to be clearly marked to a width of not less than six (6) metres and are to meet the following conditions;
 - Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres.
 - Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle.
19. Car parking areas, vehicular routes and emergency assembly areas are to maintain vegetation to the following standard to the satisfaction of the Responsible Authority:
 - Grass must be no more than 100mm in height
 - Leaf litter must be less than 10mm deep
 - There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most sparse, with very little dead material.

Department of Environment, Land, Water and Planning

20. All patrons to the event must be advised that camping is only permitted within the adjoining Cathedral State Park, by pre-booking and paying for a site on-line via www.parks.vic.gov.au or by calling 13 1963.
21. The Parknote for this section of the Cathedral Range State Park is attached and should be displayed on a public notice board at the event site, for the benefit of patrons. Visiting the Park is subject to various conditions outlined with the Parknote.
22. Removal of firewood from the Cathedral Range State Park is not permitted.

NOTATIONS:

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

Proposal:

An application was received to use the land at 140 Granite Park Place, Buxton for a 'Fun Mudder' event, which is a walk/run challenge, including obstacles such as a mud pit, ground level tyre jumping course, climbing wall, ropes climb, bridge and a rope crossing. The event is aimed at young people aged 10 to 16 who:

- have, or whose siblings have, attended The Royal Children's Hospital, or
- are members of the community who wish to participate in an outdoors event.

The event is proposed to be held from 10.00am till 2.30pm on Sunday 22 October 2017. The total number of people attending the event will be capped at 120, with at least 20 of these people being adult supervisors. The applicant has noted that if the event is run and successful, they will be looking to run the event again in 2018 and 2019.

The Land & Surroundings:

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

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

Referrals:

The application was referred to the Country Fire Authority, the Goulburn Broken Catchment Management Authority and the Department of Environment, Land, Water and Planning. No objections were received subject to various conditions (included in the conditions outlined above).

Consultation:

Nearby and adjoining owners were notified of the application by way of a sign on site and with a notice in the Alexandra and Eildon Standard. Four objections were received, and the issues raised can be summarised as follows:

- Significant impact on the landscape, flora and fauna to establish such an event which will likely require modification of the property to enable the event to be held (2 submitters).
- The land is heavily treed with extensive native flora and fauna that may be impacted.
- New people in area increases security risks to people living in the area.
- Will impact on the serenity, isolation and tranquil nature of the area (3 submitters).
- Noise, traffic, crowds, sanitation, waste and visual effect will directly impact the area and surrounding residents.
- People may get lost or disoriented which could lead to trespass on adjoining properties (2 submitters).
- People that enter other properties will create a liability risk for neighbouring properties.
- Concerned for the safety of children and participants on the site (3 submitters).
- Concerned with the number of vehicles proposed to use local roads with both wear and tear and inexperienced drivers getting into difficulty (2 submitters).
- Road is too narrow to accommodate buses (3 submitters).
- Granite Park Place is extremely narrow with many blind bends.
- Bus parking area does not allow for car parking.
- Access for emergency management vehicles will be compromised.
- The track is not entirely within the property boundaries.
- Site management area is exposed to winds, and there is a strong likelihood of rubbish being swept off site.

The objections were sent to the applicant, who provided a response. This can be summarised as follows:

- Changes are proposed to the event plan, including:
 - Placing a 'boundary rider' on South Cathedral Lane to assist any lost participants.
 - Working constructively with direct neighbour to ensure traffic on Granite Park Place is managed, using STOP/SLOW traffic controls if required at narrow points of the roadway.
 - Demarcating adjoining property boundaries using high visibility tape.
 - Placing 'deer track' directions at points where participants may be confused about where to go.

- Ensuring participants are provided with clear directions in relation to the event procedures.
- Numbering the participant groups as they depart to ensure they can be accounted for during and after the event.
- Delaying the event if winds reach more than 50km/h.
- Not distributing plastic water bottles at the event and instead refill participants bottles.
- The weight of a 28 seater bus is less than vehicles engaged in trucking and construction activity in the area. We do not agree that the passage of three 28 seater buses on public, crushed rock roads is unreasonable or will create long term damage to public roads.
- Bus drivers will have all appropriate licences.
- The road is wide enough and only one other neighbour uses Granite Park Place.
- No cars will be parked on roads or affect amenity.

This response was sent to all submitters. No objections were withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
<i>Newspaper: Alexandra and Eildon Standard</i>	29 March 2017
<i>Mail out: Nearby and adjoining owners</i>	23 March 2017

Planning Considerations:

In considering the use of the land for this event, both the impacts of the proposal on site and off site must be considered. The area can be characterised as a rural lifestyle area, with little or no farming undertaken on the land and the surrounding land. The properties are mostly heavily vegetated. The subject site is accessed via South Cathedral Lane in the first instance, then via Granite Park Place.

The proposal is for a one day event only, for a maximum of 120 people. The site has the capacity to sustain the use for one day, and conditions can be placed on any permit issued that onsite impacts are managed and remediated if necessary. Conditions would also include requirements for onsite amenities, parking areas, hours of operation and the like to ensure that the event is run in accordance with the Event Management Plan.

The application was considered by the relevant authorities (GBCMA, DELWP and the CFA), and no objections were received subject to various conditions being included any permit issued for the event. Further, the event is being held outside of the high fire danger period, and will be contained on private land.

The objectors raise concerns about impacts on the native flora and fauna at the site, the road access, parking and trespassing. The issues in relation to flora and fauna can be addressed as they will be confined to the site, and conditions for remediation can be specific in this instance. Note that threatened flora or fauna have not been identified at the site. Trespassing is a police matter, and questions raised by the neighbour about the exact location of the property boundary, while relevant for the neighbour, are not planning considerations. These concerns should be addressed by the individual property owners.

Access and car parking are two issues for consideration in this application. The area to be used for the event management is considered large enough to accommodate the event infrastructure as well as the bus parking, and any additional car parking, required without impacting on the road reserve.

South Cathedral Lane has a 4.5 metre pavement width, and a 6.5 metre formed width. Granite Park Place is a narrow unsealed road, with steep sections and tight corners and a 4 metre formed width. There is a section of approximately 400 metres that does not have the capacity to allow vehicles to pass at any point. Council officers have inspected the road and with appropriate traffic management measures (e.g. stop/go controls) this issue can be managed.

Conclusion:

The use of the land for an event will have an impact both on and off site, but with appropriate management controls and conditions both can be managed in a reasonable manner to allow the event to proceed.

Legal/Policy Issues:

State Planning Policy Framework

11.12-1 A diversified economy

Objective:

- To develop a more diverse regional economy while managing and enhancing key regional economic assets.

Strategies:

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

12.01 Biodiversity

Objective:

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

Strategies:

- Ensure that decision making takes into account the impacts of land use and development on Victoria's high value biodiversity.

12.04-2 Landscapes

Objective:

- To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

Strategies:

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

13.05-1 Bushfire planning strategies and principles

Objective:

- To assist to strengthen community resilience to bushfire.

Strategies:

- Prioritise the protection of human life over other policy considerations in planning and decision making in areas at risk from bushfire.

17.03-1 Tourism

Objective:

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

Local Planning Policy Framework

21.03-3 Tourism

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

Strategies:

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

21.05-1 Environmental Values

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

Strategies:

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

21.05-3 Landscape and built environment

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

Strategies:

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

Zoning

35.07 Farming

Purpose:

- To provide for the use of land for agriculture.
- To ensure non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Decision Guidelines:

General Issues:

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

Agricultural issues and the impacts from non-agricultural uses:

- The potential for the use to limit the operation and expansion of adjoining and nearby agricultural land uses.

Environmental issues:

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use on the flora and fauna on the site and its surrounds.

A planning permit is required to have an event in the Farming Zone.

Overlays

42.03 Significant Landscape

Purpose:

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

Decision Guidelines:

- The conservation and enhancement of the landscape values of the area
- Protect the nature of the Cathedral Range
- Provide that the development of tourism oriented activities complements the special nature of the Cathedral Range
- Maintain passive recreational development of the land for the enjoyment of all visitors

44.06 Bushfire Management

Purpose:

- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

RESOLUTION:**Cr J Ashe / Cr L Dunscombe**

That Council issue a notice of decision to grant a permit for the use of land to hold a Fun Mudder event on Sunday 22nd October 2017 at 140 Granite Park Place, Buxton (LOT: 1 LP: 148241, Parish of Buxton), subject to the following conditions:

- 1. This permit allows one event to be held on Sunday 22nd October 2017, between the hours of 10am and 2.30pm. The establishment of the site for the purpose of the event and re-instatement of the site after the event may occur outside the dates specified above, to the satisfaction of the Responsible Authority.**
- 2. No more than 120 patrons and event staff may be permitted on the site at any one time to the satisfaction of the Responsible Authority.**
- 3. Prior to the commencement of the event hereby permitted, management plans shall be submitted to and approved by the Responsible Authority. Once approved, all relevant management plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but must be updated to form the final version of the plans, to the satisfaction of the Responsible Authority. The plans must include:**
 - a. Event Management Plan, detailing the management of the event, and amended to include the provision of toilet and water facilities for patrons.**
 - b. Event Site Plan, generally in accordance with the plan submitted with the application, but amended to remove challenge number 9 “Arctic Enema”.**
 - c. Emergency Management Plan**

d. Waste Management Plan**e. Traffic Management Plan, generally in accordance with the plan submitted with the application, but amended to include the following measures:**

- **Stop/Go provisions to allow one way traffic management measures on Granite Park Place from approximately 400m into Granite Park Place, and to run for at least 800m along the road**
- **Stop/Go provisions on any other sections of Granite Park Place longer than 100m to allow one way traffic management (in locations where cars are unable to pass for a distance of more than 100m).**

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

- 4. All food providers are to comply with relevant Food Act legislation requirements to the satisfaction of the Responsible Authority.**
- 5. A final list of any food vendors must be submitted to the responsible authority at least 4 weeks prior to the event.**
- 6. A public address system must be installed throughout the site to advise patrons of any emergency on the site to the satisfaction of the Responsible Authority.**
- 7. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.**
- 8. The owner / operator must ensure that litter is not deposited beyond the boundaries of the premises to the satisfaction of the Responsible Authority. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.**
- 9. The car parking of all vehicles must be confined to designated parking areas within the site as set out on the endorsed plan and no vehicles associated with the event may be parked on any public land, including the road reserve, to the satisfaction of the Responsible Authority.**
- 10. The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.**
- 11. The emission of noise from the property including the surrounding environment and carpark areas either during or immediately after the hours permitted must not cause annoyance to persons beyond the site.**
- 12. Prior to the event taking place, photographic evidence of the existing conditions of the site without the track must be provided to the Responsible Authority.**
- 13. Post event responsibilities and reporting:**
 - a) All temporary structures erected on the site, including all promotional or directional signage, and all waste must be removed at the completion of the event to the satisfaction of the Responsible Authority.**
 - b) The site must be fully remediated and revegetated, including any areas of disturbed ground.**
 - c) Within 4 weeks of the completion of the event, a report must be submitted to Council for approval:**

- a. outlining any damage that has been done to the site during the event, with recommendations for remediation works to return the site to its original state;
 - b. demonstrating that all temporary structures erected on the site including all promotional or directional signage and all waste have been removed at the completion of the event to the satisfaction of the Responsible Authority; and
- d) Within 3 months of the event being held, any environmental remediation works to return the site to its original state must be completed to the satisfaction of the Responsible Authority. Evidence of this remediation must be submitted to and approved by the Responsible Authority.

Country Fire Authority

14. An amended Emergency Management Plan to the satisfaction of CFA must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plans submitted with the application but modified to include :-
 - The use Vic Emergency Website / App for the monitoring of any Bushfire incidents/activity. This should then feed into triggers for action and associated emergency procedures to follow. (CFA recommends setting up a large threat zone given the time it is likely to take to evacuate patrons safely from the site.)
15. A draft copy of the emergency management plan is to be submitted to;
Rob Van Dorsser
CFA District 12 Operations Manager
NORTH EAST
Not less than three (3) months prior to any proposed event to provide opportunity for comment to the Responsible Authority.
16. A finalised draft copy of the emergency management plan is to be submitted to;
Rob Van Dorsser
CFA District 12 Operations Manager
NORTH EAST
Not less than six (6) weeks prior to any proposed event to provide opportunity for comment to the Responsible Authority.
17. No fires are to be permitted without the written consent of CFA.
18. Access and egress routes are to be clearly marked to a width of not less than six (6) metres and are to meet the following conditions;
 - Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
 - The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres.
 - Dips must have no more than 1 in 8 (12%) (7.1 degrees) entry and exit angle.
19. Car parking areas, vehicular routes and emergency assembly areas are to maintain vegetation to the following standard to the satisfaction of the Responsible Authority:
 - Grass must be no more than 100mm in height

- Leaf litter must be less than 10mm deep
- There must be no elevated fuel on at least 50% of the area. On the remaining 50% the elevated fuel must be at most sparse, with very little dead material.

Department of Environment, Land, Water and Planning

20. All patrons to the event must be advised that camping is only permitted within the adjoining Cathedral State Park, by pre-booking and paying for a site on-line via www.parks.vic.gov.au or by calling 13 1963.
21. The Parknote for this section of the Cathedral Range State Park is attached and should be displayed on a public notice board at the event site, for the benefit of patrons. Visiting the Park is subject to various conditions outlined with the Parknote.
22. Removal of firewood from the Cathedral Range State Park is not permitted.

NOTATIONS:

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

CARRIED

6.4 2017/33 – STONEY CREEK COURT DWELLING

Ref: 2017/33 (17/36590)
Land: 31 Stoney Creek Court, Narbethong
Proposal: Construction and use of a dwelling
Applicant: P G Thomas & D J Thomas
Zoning: Farming
Overlays: Bushfire Management
Attachments: Application Details (refer *Attachment 6.4* – TRIM 17/30461)
(aerial photograph and submissions distributed to Councillors separately)

Locality Plan**Purpose:**

This report recommends that a notice of refusal to grant a permit be issued for the construction and use of a dwelling at 31 Stoney Creek Court, Narbethong.

Officer Recommendation:

That Council issue a notice of refusal to grant a permit for the construction and use of a dwelling at 31 Stoney Creek Court, Narbethong (LOT: 2 LP: 222221, Parish of Granton), on the following grounds:

1. The proposal does not comply with the requirements of Clause 14.01 *Agriculture*, in that it creates a rural living style use in a location on the allotment that has the potential to limit the operation of adjoining and nearby agricultural uses.
2. The proposal does not comply with the requirements of Clause 35.07 *Farming Zone* as the proposed dwelling location has the capacity to limit the operation and expansion of adjoining and nearby agricultural uses.

Proposal:

Planning permit 2012/167 was issued on 10 October 2012 for a farm machinery shed. After construction of the shed, the owner subsequently applied to amend the permit to use the building as a dwelling, however, this application was later withdrawn by the owner of the property.

A new application has now been lodged for the construction and use of a dwelling, utilising an existing structure on the property (the shed approved in permit 2012/167).

The Land & Surroundings:

The subject land is 3.935ha in size, and has been developed as an equestrian property, with fencing, water troughs and other infrastructure. The machinery shed has been constructed on the property and is 18.6m long by 9.6m wide, with a height of approximately 8m. The property is generally cleared, with native vegetation on the northern boundary.

The properties to the east, west and south are of a similar size, with dwellings located on the properties to the east and west. The dwellings on these allotments are located approximately 150m and 250m from the commercial access to the farm at 723 Maroondah Highway. The property to the north is 162ha in size, and is used for farming purposes.

Referrals:

The application was referred internally to Council's Development Engineer and Environmental Health Unit. The application was referred externally to the Country Fire Authority. No objections were received subject to various conditions.

Consultation:

Nearby and adjoining owners were notified, and two submission were received, one in support of the application (neighbouring property in Stoney Creek Court) and one objection (farming property to the north). The issues raised in the objection were as follows:

- Dwelling is adjacent to the main commercial entrance to the adjoining farm
- The adjacent access is used for deliveries and heavy vehicle movements, including chemicals and animals.
- The adjacent farm heavily grazes their property and access ways.
- Site is too close to existing vegetation and will increase the fire risk.
- Property is not large enough to sustain an agricultural use.
- Will impact on the "right to farm" of the owners of the adjoining property

The supporting submission advised support for the dwelling, and wished the owners success on their lifestyle choice.

The objection was forwarded to the applicant, who provided a response. The response was in the form of a letter, and detailed the following:

- The original subdivision anticipated the possibility of future dwellings.
- There are no building envelopes on the Section 173 agreement attached to the title.
- The permit for subdivision is considered "spent", and the Section 173 agreement does not impose any binding requirements for a new dwelling to be sited in a particular place.
- The land has been clearly marked out for a dwelling since 1988.
- The Section 173 agreement enshrines the aspects of the original permit that matter.
- The objectors "right to farm" must be tempered by the fact that he is part of a subdivision that was considered suitable for dwellings.
- The area is semi-residential in nature.
- Right to farm should not lead to refusal of a dwelling.

This was forwarded to the submitter who did not withdraw the objection.

Newspaper / Other	Publishing/Consultation Date(s)
<i>Mail out: Nearby and adjoining owners</i>	22 March 2017

Planning Considerations:

Context:

The allotment at 31 Stoney Creek Court, Narbethong has been in the current ownership for 7 years, and has had a number of improvements made to the site during that time. The farm shed has been mostly constructed, and the rest of the property has been separated into paddocks and are being used for horses. The owners of the land have established an agricultural use that is supported in the Farming Zone.

When considering a planning permit for a dwelling on an allotment in the Farming Zone, the purpose of the zone is prevalent in the assessment.

In making this application the owners are, in principle, accepting the conflicts and impacts associated with the existing farming use adjoining the site. However, the planning system needs to consider the implications of these impacts and potential conflicts for any person that may own or reside on the site in the future.

In a case such as this, the assessment of the proposal must consider not just how the land and the surrounding land are currently used, but how these properties could be used in future (consistent with relevant zone or other constraints), with either the current owners or with different owners. The proposal for a dwelling effectively allows a residential use, and the consideration of the impact of the long term use of this land for residential purposes must be made in a manner that, consistent with the purpose of the Farming Zone, will protect the ability of nearby and surrounding land to be used for farming purposes.

Proposal:

The proposed dwelling would be located within the existing structure on the site, with two levels, and four bedrooms on the top floor. The building is located 20 metres from the western boundary, which abuts the driveway access for the property at 723 Maroondah Highway, Narbethong. The property was created with a subdivision in 1988, and is subject to a Section 173 agreement. Building envelopes were included in the original subdivision permit and were referred to in the Section 173 agreement. This agreement was discussed by the applicant, and the building envelopes discussed in this Section 173 agreement are not relevant to this application. The proposed dwelling is not in the same location as the previous building envelopes.

Purpose and requirements of Farming Zone:

The purpose of the Farming Zone is to support the use of the land for agriculture, and to ensure that the use of land for dwellings does not adversely affect the use of the subject and adjoining land for agriculture. The Farming Zone has a range of decision guidelines, some of which consider:

- whether the site will have the capacity to sustain an agricultural use;
- whether the development limits the ability of this land and nearby land to be used for agriculture;
- the impact of the proposal on the continuation of primary production of adjacent land;
- the fragmentation of farming land; and
- the proliferation of dwellings in an area.

As the property is less than 40 hectares in size, a planning permit is required for both the use of the land for a dwelling, as well as for the construction of the dwelling itself. While the application does propose an agricultural enterprise that satisfies the requirements for the use of the land, the key issue in this case is not whether the agricultural use is reasonable, but whether the proposed location of the dwelling could, or would, reduce the potential of the subject land and the surrounding land to be used for the purposes of farming (including changes in farming practices and use in the future).

Evaluation of proposal in context of Farming Zone:

Should the proposed agricultural enterprise at the subject site not continue in the future or ownership of the subject site change, the potential for this lot to be used for rural living purposes is high. Amenity expectations on properties used for rural lifestyle purposes are generally much higher than traditional farming properties.

The location of the dwelling has been determined by the location of the existing shed that is proposed to be converted for the dwelling. The farm shed is located 20 metres from the commercial access to the property to the north, and was considered appropriate at the time for a farm shed. A farm shed does not trigger the same amenity considerations that may impact on the adjoining properties ability to farm.

A permit for a dwelling will effectively allow the property to be permanently used for residential purposes. Allowing a dwelling in the proposed location, with the associated traffic on the abutting commercial access, may result in unacceptable impacts on the amenity of the dwelling in the future. Mitigation of any amenity impacts for a dwelling at this location would be very difficult (e.g. planting of vegetation for screening may increase bushfire risk). Any future occupier would be able to seek resolution of the amenity impacts, for example, through relevant EPA requirements in relation to noise and amenity impacts. In cases where a conflict of use occurs between a residential use and a farming practice, the main trigger for a noise complaint is audibility in a habitable room. With the proposed setback of 20m, should a complaint be received about impacts from use of this access, Council and/or EPA would need to investigate. Resolution of such impacts may result in restrictions on use of the access or the farming property more generally.

To this extent, the proposal has the capacity to decrease the ability of the adjoining land to be used for agriculture due to likely amenity impacts on a dwelling in the proposed location.

Council officers recognise that there are other dwellings on similar properties in the immediate vicinity of the subject site and the farming property to the north. These dwellings have a larger setback or buffer from the adjoining commercial farm that reduces any impact from the commercial access. Council officers would support a dwelling on the property if it was located on the site in a manner that would not create a potential conflict of use with the adjoining property.

Conclusion:

Should a dwelling in the proposed location be approved, the potential farming use of the adjoining land could be compromised by the location of the dwelling in close proximity to the farm driveway, and the proposal as lodged should not be supported. To ensure consistency with other neighbouring properties, a dwelling could be considered at an alternate location on the property.

Legal/Policy Issues:

State Planning Policy Framework

11.10 Hume Regional Growth

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

Strategies:

- Avoid encroachment from rural residential settlement and other land uses that are non-complementary to agriculture in areas identified as strategic agricultural land and direct proposals for settlement to existing centres and townships.

13.05 Bushfire

Objective: To assist to strengthen community resilience to bushfire.

Strategies:

- Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.

14.01 Agriculture

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

Strategies:

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.
- In considering a proposal to develop agricultural land, the following factors must be considered:
 - The desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - The impacts of the proposed development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
 - The compatibility between the proposed or likely development and the existing uses of the surrounding land.

Local Planning Policy Framework

21.01 Context

Issues:

- Agriculture: the recognition and protection of the Goulburn River Valley and other areas as high quality agricultural land, with further opportunities to diversify and value add to agriculture.

21.03-2 Agriculture

Context:

- Agricultural land is under increasing pressure for conversion into non-agricultural uses. It is important that any new uses, subdivisions or developments in rural areas do not reduce the productive capacity of agricultural land and the capability of existing agricultural, aquaculture, horticultural or timber productions uses to continue.

Issues:

- Agriculture has economic and strategic significance for the municipality and has potential for continued expansion.
- The protection of agricultural land is necessary to support future growth of the agricultural sector and the diversification of agricultural activities.
- Potential for rural subdivision and housing to lead to incremental loss of productive agricultural land.
- Potential for use of agricultural land for non-agricultural or rural-living purposes to conflict with established or future agricultural and horticultural land uses.

Objective 2: Rural and agricultural land use and development

- Protect rural land for productive agricultural uses and compatible rural uses.

Strategies:

- Ensure that the use and development of rural land protects and enhances agricultural potential and the productive capacity of the land.
- Ensure that the use and development of rural land is compatible with surrounding agricultural activities.
- Ensure that agricultural land is not developed for primarily residential purposes.
- Discourage the development or conversion of land to uses incompatible with productive agriculture.

Zoning**35.07 Farming Zone****Purpose:**

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

Decision Guidelines:***General Issues***

- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use

Dwelling Issues

- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to concentration or proliferation of dwellings in the area and the impact of this use on the land for agriculture.

A planning permit is required for a dwelling in the Farming Zone on a lot of less than 40ha.

Overlays

44.06 Bushfire Management Overlay

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

A planning permit is required for a dwelling in the Bushfire Management Overlay.

ALTERNATE MOTION:

Cr M Rae proposed:

That a notice of decision to grant a permit be issued for the construction and use of a dwelling at 31 Stoney Creek Court, Narbethong (LOT: 2 LP: 222221, Parish of Granton), subject to the following conditions:

- (1) 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 plan shall not be altered or modified without the consent in writing of the Responsible Authority.
- (2) This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
- (3) All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
- (4) All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
- (5) Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.
- (6) On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres of which 45,000 litres shall be for domestic purposes and 10,000 litres for fire fighting purposes, the latter being in the lower portion of the tank, or in a separate tank. All outlets from the lower tank shall be fitted with 64 mm 3 thread/25 mm x 50 mm nominal bore British Standard Pipe (BSP), round male coupling, and fire brigade vehicles must be able to get to within four metres of the coupling.

Should the tank not be elevated sufficiently to provide adequate pressure at hose points around the dwelling, then a 50 mm centrifugal water pump shall be provided, driven by an internal combustion engine.

Country Fire Authority

- (7) The Bushfire Management Plan (*prepared by Heather Moss / VU Design, drawing no. Bushfire Site Hazard Assessment, 31 Stoney Creek Court, Narbethong, dated*

15/11/2016) 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.

- (8) The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

NOTATIONS:

- (1) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

RESOLUTION:

Cr M Rae / Cr S McAulay

That a notice of decision to grant a permit be issued for the construction and use of a dwelling at 31 Stoney Creek Court, Narbethong (LOT: 2 LP: 222221, Parish of Granton), subject to the following conditions:

- (1) **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 plan shall not be altered or modified without the consent in writing of the Responsible Authority.**
- (2) **This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.**
- (3) **All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.**
- (4) **All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.**
- (5) **Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.**
- (6) **On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres of which 45,000 litres shall be for domestic purposes and 10,000 litres for fire fighting purposes, the latter being in the lower portion of the tank, or in a separate tank. All outlets from the lower tank shall be fitted with 64 mm 3 thread/25 mm x 50 mm nominal bore British Standard**

Pipe (BSP), round male coupling, and fire brigade vehicles must be able to get to within four metres of the coupling.

Should the tank not be elevated sufficiently to provide adequate pressure at hose points around the dwelling, then a 50 mm centrifugal water pump shall be provided, driven by an internal combustion engine.

Country Fire Authority

- (7) The Bushfire Management Plan (*prepared by Heather Moss / VU Design, drawing no. Bushfire Site Hazard Assessment, 31 Stoney Creek Court, Narbethong, dated 15/11/2016*) 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.
- (8) The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

NOTATIONS:

- (1) This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

CARRIED

6.5 2017/31 – SHED EXTENSION, HILL ROAD KINGLAKE

Ref: 2017/31 (17/36509)
Land: 5 Hill Road KINGLAKE 3763
Proposal: Enclose existing verandah for storage purposes
Applicant: V Dimoski
Zoning: Farming
Overlays: Restructure
Attachments: Application Details (refer *Attachment 6.3* – TRIM 17/28616)
(aerial photograph and submissions distributed to Councillors separately)

Locality Plan**Purpose:**

This report recommends that a notice of refusal to grant a permit be issued for retention of an existing enclosed verandah for storage purposes at 5 Hill Road, Kinglake.

Officer Recommendation:

That Council issue a notice of refusal to grant a permit to retain an existing enclosed verandah for storage purposes at 5 Hill Road, Kinglake (LOT: 1 TP: 167435, Parish of Kinglake), on the following grounds:

1. The proposal is not in accordance with Clause 14.01-1 *Protection of agricultural land* in that it would allow an inappropriately dispersed urban activity in a rural area and it would allow an incompatible use on a small rural lot.
2. The proposal is not in accordance with Clause 21.03-2 *Agriculture* as the extension to the shed has potential to allow the land to be used for rural living purposes and could create a conflict with future agricultural land uses.
3. The proposal is not in accordance with Clause 35.07 *Farming* as the extension will not enhance agricultural production on the site.
4. The proposal is not in accordance with Clause 45.05 *Restructure Overlay* as the extension is not consistent with the objectives of the restructure plan for the area.
5. The proposal is not in accordance with Clause 65.01 *Approval of an application or plan* in that the extension does not support the purpose of the Restructure Overlay.

Proposal:

A permit was previously issued for a shed that was 4 metres x 8 metres in size. Since then, an enclosed verandah of 4.4 metres x 9 metres in size has been added.

The owner has been contacted and advised that the shed extension must be removed as no permission, either planning or building, has been obtained for the structure. The owner has chosen to apply for a retrospective planning permit.

The subdivision was originally created in 1929. Subsequently the Shire of Eltham deemed the subdivision to be inappropriate because the block sizes were too small to properly accommodate dwellings. As a result a Restructure Overlay was applied across the 47 lots. This did not change when the land became part of Murrindindi Shire Council as part of Council amalgamations in 1994 and this overlay has been in place since at least 1989.

The effect of the overlay is that an applicant must demonstrate the aggregation of a minimum of 13 parcels of land before an application for a dwelling will be considered. The restructure overlay also requires that a planning permit is required for any other buildings.

Historically, permits have only been issued for small sheds to discourage both the proliferation and the use of any shedding for accommodation.

The Land & Surroundings:

The subject land is located within the Bayview Estate, to the west of the Kinglake Township. Bayview Estate contains 47 separate allotments, with a range of different owners. Most of these properties are vacant, but some contain small sheds used for agricultural purposes. The area contains scattered dwellings outside of the estate, and is predominantly used for rural lifestyle or farming purposes.

Referrals:

The application was referred to Goulburn Murray Water, Goulburn Broken Catchment Management Authority, the CFA, VicRoads and the Department of Environment, Land, Water and Planning in accordance with the planning scheme requirements. No objections were received.

Consultation:

The proposal was not notified to nearby and adjoining owners.

Planning Considerations:

The Bayview Estate has a number of properties that have shedding that is either constructed without permits or constructed in a manner that does not comply with permit conditions.

The owner of the property wishes to retain the enclosed verandah, however, council officers have formed the view that the shed originally approved is of sufficient size to manage the land, and the extension is not required for this purpose.

When considering a shed on a restructure allotment, council officers must be satisfied that the building is for storage and farming related uses only, and that the building cannot be used for accommodation purposes.

In this assessment, the shed that is allowed on the property is considered of sufficient size for storage/agricultural purposes, being 32 square metres. The enclosed verandah is 39.6 square metres, which more than doubles the size of the original shed. The property is approximately 1500 square metres in size, and therefore has limited farming use. The original shed was considered appropriate for the lot size when it was issued originally. The lot size has not changed, nor has the use of the land changed in this time, leading to the determination that the shed extension is not required to support the management of the land.

Conclusion:

The retention of the extension to the existing shed is not required for storage and agriculture on the land and should not be supported.

Legal/Policy Issues:State Planning Policy Framework14.01 *Protection of Agricultural Land*

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

Strategies:

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use
- Prevent inappropriately dispersed urban activities in rural areas
- Limit new housing development in rural areas, including:
 - Discouraging development of isolated small lots in the rural zones from use for single dwelling, rural living or other incompatible uses
- Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure

Local Planning Policy Framework21.03-2 *Agriculture*

Issues:

- Potential for rural subdivision and housing to lead to incremental loss of productive agricultural land
- Potential for use of agricultural land for non-agricultural or rural living purposes to conflict with established or future agricultural and horticultural land uses

Zoning35.07 *Farming Zone*

Purpose:

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

Decision Guidelines:

General Issues

- How the use or development relates to sustainable land management
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining or nearby land uses

Agricultural Issues and the impacts from non-agricultural uses

- Whether the use of development will support and enhance agricultural production

A planning permit is required for a shed on the allotment in the Farming Zone that is less than 20m from a road reserve.

Overlays45.05 *Restructure*

Purpose:

- To identify old and inappropriate subdivisions which are to be restructured
- To preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development

Decision Guidelines:

- The objectives for the restructure plan for the area
- The relationship of the intended use and development to the existing or likely use and development of adjoining and nearby land

General Provisions:

- A planning permit is required for an outbuilding. A maximum of one outbuilding may be allowed on each restructure lot without a dwelling being located on the restructure lot
- In considering an application for an outbuilding, the Responsible Authority must be satisfied that the outbuilding is for domestic storage only. No outbuilding may be used for domestic occupation at any stage

Decision Guidelines65.01 *Approval of an Application or Plan*

Before deciding on an application or approval of a plan, the Responsible Authority must consider, as appropriate:

- The purpose of the zone, overlay or other provisions
- Any matter to be considered in the zone, overlay or other provision
- The orderly planning of the area

RESOLUTION:

Cr E Lording / Cr M Rae

That Council issue a notice of refusal to grant a permit to retain an existing enclosed verandah for storage purposes at 5 Hill Road, Kinglake (LOT: 1 TP: 167435, Parish of Kinglake), on the following grounds:

- 1. The proposal is not in accordance with Clause 14.01-1 *Protection of agricultural land* in that it would allow an inappropriately dispersed urban activity in a rural area and it would allow an incompatible use on a small rural lot.**
- 2. The proposal is not in accordance with Clause 21.03-2 *Agriculture* as the extension to the shed has potential to allow the land to be used for rural living purposes and could create a conflict with future agricultural land uses.**
- 3. The proposal is not in accordance with Clause 35.07 *Farming* as the extension will not enhance agricultural production on the site.**
- 4. The proposal is not in accordance with Clause 45.05 *Restructure Overlay* as the extension is not consistent with the objectives of the restructure plan for the area.**
- 5. The proposal is not in accordance with Clause 65.01 *Approval of an application or plan* in that the extension does not support the purpose of the Restructure Overlay.**

CARRIED

6.6 DEVELOPMENT SERVICES QUARTERLY ACTIVITY REPORT

REF: 17/36595

Purpose:

To provide Councillors with the March 2017 Quarterly Activity Report in relation to Development Services.

Information presented in this report indicates:

- continued high levels of performance in processing planning, building and events applications, while maintaining a focus on customer service and continuous improvement; and
- an increase in building permit activity in March, suggesting that building permit activity over the year will be similar to that of last year, notwithstanding the downward trend shown in previous activity reports.

Officer Recommendation:

That the March 2017 Development Services Quarterly Activity Report be noted.

Background:

The Development Services Department reports quarterly to provide information about development services provided by the department including activity levels, key measures aligned to the needs and expectations of the development industry, and indicators relevant to activity in selected industry sectors. The provision of Quarterly Activity Reports will continue to inform Council and the community of the work being carried out by the Development Services Department, and importantly, encourage customer feedback to inform improved performance.

Council Plan/Strategies:

This report supports the Council Plan 2013-2017 strategic objective to deliver quality customer outcomes through continuous improvement.

Legal/Policy Issues:

There are no legal issues associated with the quarterly activity report.

Financial/Resources/Risk:

There are no financial costs relating to the preparation of this report.

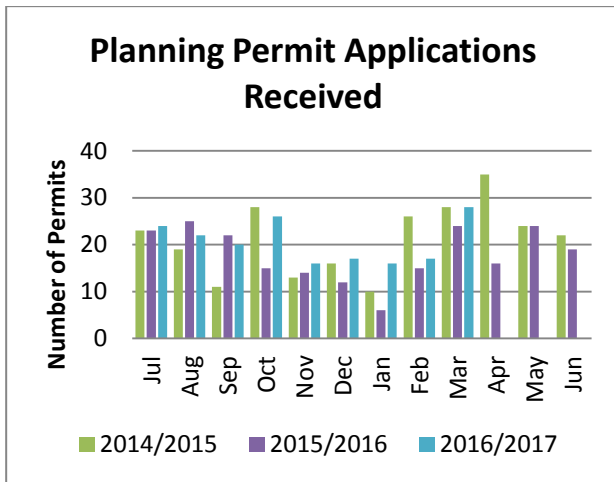
Discussion:**1. Permit Activity (Building and Planning)**

The following information indicates activity levels and performance against industry benchmarks and previous years' performance. The statistics indicate continued good performance against these performance benchmarks.

In addition, the statistics can provide an indication of the local economy with the number of planning permits received tracking higher than the equivalent period last year.

The value of building works (\$6,537,911) for the 3rd quarter was compared to the pro rata quarterly figure for 2015/16 (\$4,944,108). Last quarter a significant downturn in the value of building works was noted, and this raised concerns that it may be an indicator of economic downturn. However, the value of works and permit applications received now indicate that the value of building works over the full year may well exceed last year's totals.

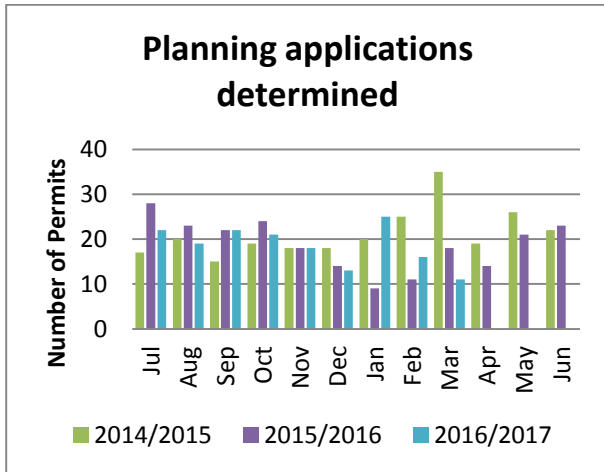
Planning Unit



The number of applications received includes new planning applications, requests to amend existing planning permits and planning consents.

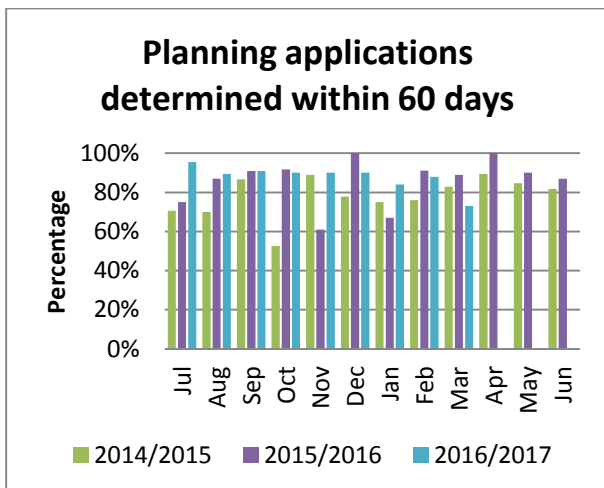
For the 2014/2015 financial year there were a total of 255 applications received, and for the 2015/2016, 217 applications were received.

Year to date for 2016/2017, 186 applications have been received which means we are on track to exceed last year's total by around 15%.



The number of applications determined for 2014/2015 was 254, and for the 2015/2016 financial year there were 225 applications determined.

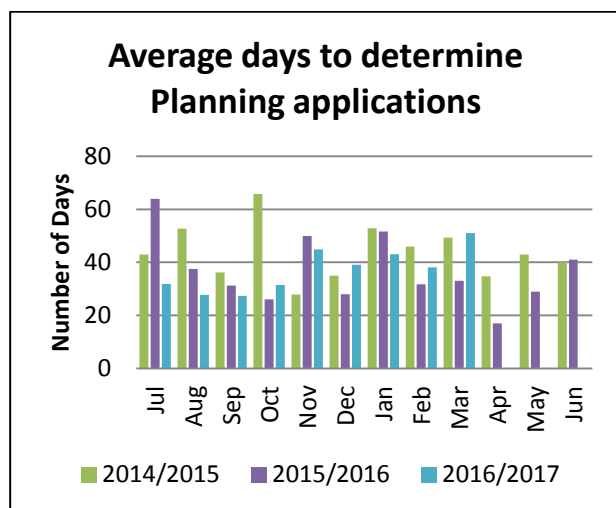
Year to date for 2016/2017, 167 applications have been determined. This means that we are on target to meet last year's figures.



The statutory time frame to issue permits under the *Planning and Environment Act 1987* is 60 days.

In 2014/2015, 78% of permits were issued within the statutory time frame, with 86% of permits issued within the statutory time frame in 2015/2016.

For the 2016/2017 financial year to date, 87% of permits have been issued within the statutory time frame.



The average days to determine planning applications includes officer delegated decisions and decisions of Council.

The average number of days to determine planning permits in 2014/2015 was 44 days, with the average number of days for 2015/2016 being 37.

For the 2016/2017 financial year to date, the average number of days to determine permits was 37 days.

Comparison with other municipalities – Planning Permits

Council is required to report planning permit activity on a monthly basis to the State Government, which is then compared against various regions and groups of councils within the whole of Victoria. The following table provides a brief outline of how Murrindindi is performing this financial year to date.

Benchmark	MSC	Peri Urban Region	Rural Municipalities	State Wide
Planning permits determined within 60 days (YTD)	86% ¹	70%	74%	63%
Average days to determination (YTD)	49 ¹	76	61	80

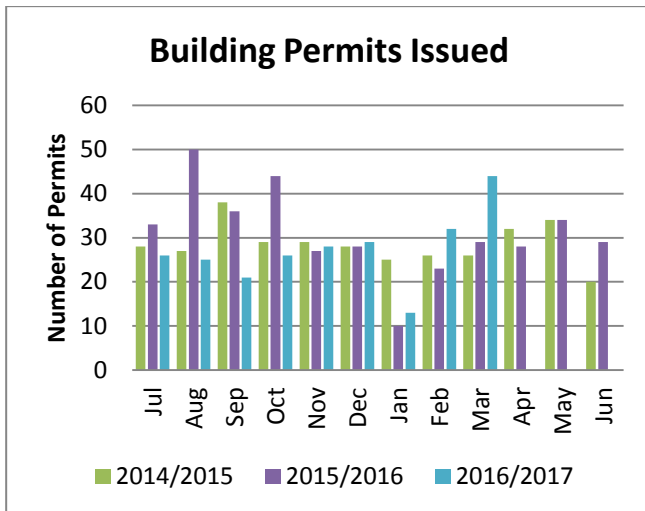
There is a significant discrepancy in what is registered on the State Government website compared with figures held by council. Officer error in recording requests for additional information resulted in inaccurate capture of 'Average days to determination' in the State Government system. We are investigating whether there is an ability to correct the inputs and will advise Council at the next Quarterly Report.

Review of planning decisions by VCAT for the 2016/2017 financial year

Applicants and objectors have the right to appeal decisions at VCAT – the following table shows all appeals and decisions for the 2016/17 year to date:

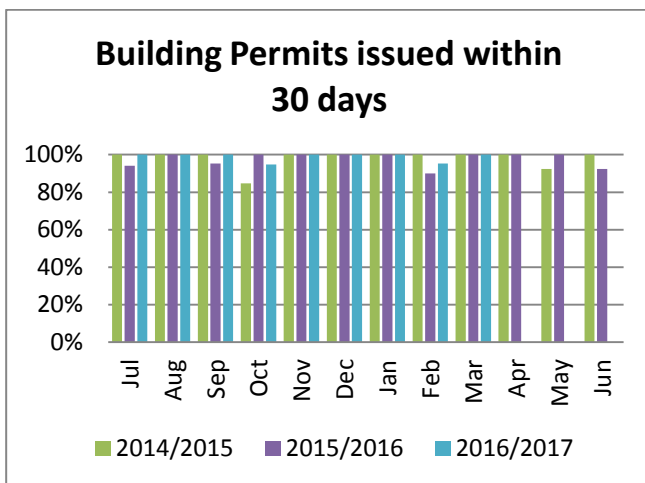
Outcomes of VCAT hearings 2016/2017		
Ghin Ghin Road, Ghin Ghin	Refusal	Against the recommendation of officers and resolution of Council.
1556 Goulburn Valley Highway, Thornton	Issued Permit	In accordance with both officer recommendation and resolution of Council.
140 High Street, Yea	Issued Permit	In accordance with both officer recommendation and resolution of Council.

Building Unit



This chart details the number of building permits issued within Murrindindi Shire, including both municipal and private building surveyor permits.

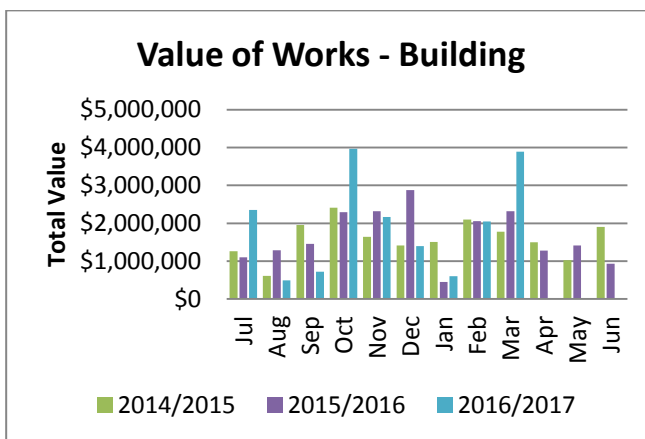
The total for 2014/2015 was 342. For the 2015/2016 year, 371 permits were issued. For the 2016/2017 financial year to date, 266 permits have been issued.



This chart details the percentage of building permits issued by the municipal building surveyor within the unit's 30 day Key Performance Indicator (KPI).

The overall percentage of permits issued within 30 days for the 2014/2015 financial year was 98%. In the 2015/2016 year, 98% of permits were issued within 30 days.

For the 2016/2017 financial year to date, 98% of permits have been issued within 30 days.



The value of works for the December quarter was \$6.54m which is higher than the same quarter last year (\$4.83m).

2. Strategic Studies and Projects

The studies and amendments progressed during the 3rd quarter are listed below:

- C57 proposes to rezone land at 1274 Whittlesea-Yea Road, Kinglake West from Rural Living Zone to Township Zone and concurrently approve a planning permit application for a service station, convenience shop, postal agency, food and drink premises and

associated car parking and signs. The panel report has been received and will be considered by Council in May.

- C59 proposes to rezone part of 265 Whittlesea-Kinglake Road, Kinglake from Public Use Zone 7 (PUZ7) – Other, to Public Use Zone 5 (PUZ5) – Cemetery and Crematorium, and to remove the Environmental Significance Overlay Schedule 1 (ESO1) – High Quality Agricultural Land, from the subject site. This amendment has been on exhibition and will be considered by Council in May.

3. Promotional Activities, Participation at Forums and Community Meetings

The following activities have occurred during the quarter:

Media releases	• Development Services Quarterly Activity Report
Community consultation/information	• Nothing required this quarter

4. Customer Satisfaction and Feedback

Customer Satisfaction Response in the March Quarter of the 2016/17 Financial Year:

Question	Excellent	Good	Average	Poor
The Professionalism of the team was:	4			
The responsiveness of the planning team was:	4			
The planning team's overall attention to detail was:	4			
From lodgement to determination of your planning application, the planning team's performance in keeping you informed was:	4			

The applicants of all planning applications determined in the quarter were invited to comment on the service they received and three responses were received. Four respondents reported that they had a pre-application meeting; three were completed over the phone and one at a meeting.

Further consideration will be given to best approach to monitor customer satisfaction when the new Council Plan is finalised.

Comments received:

"Digital correspondence (i.e. email) is great. Good turnaround time from lodgement to decision."

"The Murrindindi Council Planning Department have provided an excellent and timely service that has enabled us to proceed with a new business opportunity in Yea, with confidence. The Council team have provided a very friendly, helpful and professional service."

"Extremely helpful and easy to deal with. Proactive in identifying potential issues and solutions."

"Wish XXXXX Shire Council planning department could be as efficient."

Conclusion

The department continues to perform well in the delivery of key Council Services which support the development of the Murrindindi Shire.

RESOLUTION:**Cr L Dunscombe / Cr J Ashe****That the March 2017 Development Services Quarterly Activity Report be noted.****CARRIED****6.7 ADOPTION OF THE ROAD MANAGEMENT PLAN 2017**

REF: 17/36953

Attachments: Draft Road Management Plan 2017 - Version 2 (refer *Attachment 6.7a* – TRIM 17/36992)Copy of Submission (refer *Attachment 6.7b* – TRIM 17/36990)***Purpose:***

This report presents to Council the Road Management Plan 2017 for adoption.

Officer Recommendation:

That Council adopt the revised Road Management Plan 2017 (Version 2).

Background:

The Road Management Plan (RMP) is used to assist Council in its management of the local road network.

Council developed a RMP in accordance with the *Road Management Act 2004 (the Act)*. The RMP describes the way in which Council will fulfil its road management obligations in respect to those municipal roads within its district.

The Act imposes a duty on Council as a road management authority to inspect, maintain and repair public roads. Council must, in accordance with the Act, review its RMP every four years in line with council elections.

Council officers reviewed the RMP in line with current best practice in the sector and a draft revision of the RMP was released for public consultation from 29 March 2017 until 1 May 2017.

Council Plan/Strategies:

The Road Management Plan 2017 supports the Council Plan 2013-2017 objectives to:

- Provide opportunity for open and responsive communication with the community
- Align infrastructure service delivery with community needs and expectations

Legal/Policy Issues:

In accordance with section 54 of the Act, Council is obliged to undertake:

- A regular review of its RMP
- Give notice to the community that the RMP is under review
- Make the draft plan publically available, and
- Provide an opportunity for the community to make submissions to the RMP.

Financial/Resources/Risk:

Only minor direct costs are associated with the recommended adoption of the revised RMP.

The RMP sets out Council's approach to managing roads and the risks associated with this. While road management is a significant cost item for Council's budget, the recommended changes incorporated in the revised RMP do not impose any significant new costs on Council.

Discussion:

Council's recent "Have your say" engagement process reinforced the importance of road management and maintenance to the communities of the Murrindindi Shire. This process did not however provide feedback in relation to any specific changes affecting the RMP.

One written submission was received on the consultation draft of the revised RMP. A copy of the submission is attached. The issues raised in the submission are summarised as follows:

- The RMP is concerned principally with repair and maintenance of roads. The RMP should also address prevention of damage and risk to road users and residents?
- There is no mention in the RMP about maintenance of drains and gutters alongside roads.
- The slope of a road, especially when unsealed, renders a road much more vulnerable to damage.
- Decisions influencing road service levels include factors such as road function, construction standard, road use, and incident risk. There is no mention of what council proposes to do to improve the construction standard and manage risk if there are changes in road function and road use.

A key aspect of the RMP is to identify and rectify road safety items with emphasis on the travel lanes. The RMP addresses defects and what level of defect requires action. The RMP is used to define what action must be taken to ensure that the defect does not have an unacceptable impact on road users – to this extent the RMP does address issues of preventing damage and risk to road users.

The RMP has been amended to include information about the maintenance of drains and gutters. The items relating to drainage now included in the Road Management Plan are outlined in the following Table 1:

Table 1: Road related infrastructure - Drainage

Kerb & channel(sealed pavement)	When kerb & channel is damaged and causing water to pond over the trafficable road surface to a depth greater than 50mm.	All	Rectify within 12 months
Surface drains & culvert to maintain flow of water and protect road and roadside from scouring.	When there is a blocked surface drain or culvert preventing the free flow of water away from the road pavement	1	Clear or cleanout within 6 months
		2	
		3	
		4,5	Clear or cleanout within 12 months
Culvert or pit repairs Repairs or replacement of road culverts or pits.	Where a culvert or pit is a hazard to road users	All	Take remedial action within 24 hours of confirmation of defect.
	Where road culverts or roadside pits are damaged or have deteriorated through age to the extent where they are not able to function adequately, or where they are likely to become a hazard	1	Repair within 6 months
		2	
		3	
		4,5	
Bridge maintenance (Routine repairs to structure) Routine tasks associated with bridge maintenance	Repair of defects as identified	1,2,3	Rectify within 6 months
		4,5	Rectify within 24 months

A number of wording changes have also been included to ensure a clearer understanding of the RMP.

The implications of slope on road management are addressed in the RMP and it is acknowledged that slope can make roads more vulnerable to damage. This is taken into account in road design.

The submission raises an issue in relation to upgrading of a road based on safety issues, particularly where the function or use of the road changes. Decisions about upgrading of roads, as opposed to management of roads based on a current design, are dealt with outside the RMP, as part of Council’s Capital Works Program.

Council may consider upgrading a road to improve safety. Typically this is assessed in terms of the number accidents recorded along a section of road. Where a development or similar has caused the change in use or increase in traffic then Council will typically require the developer to fund any necessary upgrades as part of the development process.

Where amenity factors, rather than safety, are the reason for an upgrade (such as sealing unsealed road), Council may consider such works as part of its overall budgeting and planning processes, taking in account the range of priorities. Council does not however have an obligation to undertake such works.

Consultation:

In accordance with the Act, the draft RMP was publically available for more than the required 28 day period from 29 March 2017 until 1 May 2017. During this time community members could make a submission to Council. Any submissions are then considered in finalising the RMP.

Council gave notice that it intends to amend its RMP through local media (as outlined in the table below) and a notice was also published in the Government Gazette. A notice was also placed on Council's website. Copies of the draft revised RMP were made available for viewing at Council's service centres at Alexandra, Yea and Kinglake.

Newspaper / Other	Publishing Date(s)
Newspaper:	
Government Gazette	Thursday 30 March 2017
The Local Paper	Wednesday 29 March
Alexandra Standard	Wednesday 29 March
Yea Chronicle	Wednesday 29 March
Marysville Triangle	Friday 31 March 2017

On adoption of the revised RMP a notice will be placed in the Government Gazette and a copy of the RMP will be available on Council's website.

Conclusion:

A revised RMP was prepared to reflect current best practice in the sector. The community has been provided the opportunity to make a submission on the draft RMP as required.

As a result of the public submission received amendments have been made to the plan which now includes items relating drainage which are considered to be road related infrastructure.

A revised RMP is now presented for adoption by Council.

RESOLUTION:

Cr E Lording / Cr M Rae

That Council adopt the revised Road Management Plan 2017 (Version 2).

CARRIED

Cr S McAulay commended officers for the community consultation undertaken and reflecting the feedback within the Road Management Plan.

6.8 CENTRAL HIGHLANDS STATEMENT

REF: 17/37125

Attachments: Central Highlands Statement (refer *Attachment 6.8a* – TRIM 17/37249)
Selected Council resolutions on the Central Highlands (refer *Attachment 6.8b* – TRIM 17/37255)

Purpose:

This report presents a draft statement of Council's position in relation to native timber harvesting in the state forests of the Central Highlands within the Murrindindi Shire for consideration and adoption by Council.

Officer Recommendation:

That Council adopt the Central Highlands Statement presented as *attachment 6.8a* to this report.

Background:

The native timber industry has a long history in the Murrindindi Shire. While continuing to be an important sector in the Murrindindi Shire, the timber industry has undergone significant change already with a reduction in the number of timber processing facilities operating in the Murrindindi Shire with a commensurate reduction in employment in the sector.

Concern has also been raised by a range of stakeholders that native timber harvesting also impacts on a range of environmental and other values of state forest. These include impacts on threatened species such as the Leadbeater's possum, landscape values and water resources. The relationship between native timber harvesting and fire has also been the subject of considerable study.

The 2009 fires had a major impact on both habitat currently available for threatened species and on the available timber resources, particularly within the Murrindindi Shire.

Native timber harvesting can affect other uses of state forest (e.g. recreation, tourism and education), and adjoining private land owners and council assets (e.g. as a result of increased heavy vehicle traffic).

The *Forestry and Logging/Saw Mill* and *Wood and Paper Product Manufacturing* sectors in Murrindindi Shire currently have an estimated annual output \$31.641M and employment of 63 (REMPPLAN, 2017). The employment figures do not account for contractors (such as machinery operators and truck drivers) in this sector. Any contractors, of which anecdotally there are a considerable number, would not appear in these employment figures. This is based on integration of 2011, 2013/14 and 2016 data sources.

Over the last 5 years Council has considered matters associated with timber harvesting in the Central Highlands on several occasions. As outlined below Council adopted a position statement in 2012. Other resolutions are summarised in *attachment 6.2b*.

Key themes emerging from the *Have your say* community engagement, as part of the development of the new Council Plan, include:

- The importance of the natural environment
- Protecting the rural lifestyle of the Murrindindi Shire
- Prioritising economic development, including jobs, opportunity and business investment

Council Plan/Strategies:

This item is consistent with the Council Plan 2013-2017 strategic objective that we will protect and enhance the natural environment and that we will support the sustainable growth of Murrindindi Shire's businesses and the local economy.

Legal/Policy Issues:

Timber harvesting practices are regulated through the *Code of Practice for Timber Production* 2014 and in 2015 VicForests released the *Ecologically Sustainable Forest Management Plan*.

Both the State Planning Policy Framework and the Local Planning Policy Framework support timber production within the Murrindindi Shire.

VicForests have the right to access timber resources from Victoria's State forests, and have regulatory obligations placed upon them, via a range of legislated instruments such as, but not limited to, the following:

- Sustainable Forests Act 2004
- Conservation Forests and Lands Act 1987

- Forest Act 1958,
- Flora and Fauna Guarantee Act 1998
- Aboriginal Heritage Act 1996

Council endorsed the following policy on 12 August 2012:

“The Murrindindi Shire Council recognises that State Forest in the Murrindindi Shire provides important environmental, economic, and social benefits. For these benefits to be realised the Council supports forest management practices that sustain the long term health and biodiversity of the forest and respect the needs of Shire’s local communities.

To this end, the Murrindindi Shire Council opposes logging in State Forest in the Murrindindi Shire which:

- reduces the visual appeal of significant landscapes and vistas
- adversely impacts threatened species or ecological communities
- in the longer term reduces biodiversity of the forest
- significantly reduces reasonable access to the forest by local communities
- unfairly impacts on the amenity of local residents.”

Financial/Resources/Risk:

No direct impact on Council resources or risk associated with the proposed resolution. There are a range of financial and risk impacts to Council associated with the timber industry (e.g. impact on Council assets). The inevitable transition in the timber industry in the Murrindindi Shire raises a number of social, economic and financial issues for both Council and the communities of the Murrindindi Shire.

A range of views are held by members of the community in relation to the native timber harvesting industry, its benefits, its impacts and future contributions and so a range of responses may be expected from any statement adopted by Council.

Discussion:

Following a number of events including the 2009 fires, the available timber resources will not support continued harvest at the level and using the approaches employed historically. Some evidence suggests continuing to do so will cause unacceptable damage to the local environment and undermine a range of uses of forests within the Shire that underpin the local economy.

The Rubicon Valley is currently a particular focus of VicForests harvesting activities. Concerns have been raised by members of the community about the impacts of current harvesting, particularly given the scale of harvesting in the Rubicon Valley.

While Council continues to support local businesses involved in timber processing, saw logs are largely transported out of the Murrindindi Shire for processing. Murrindindi communities bear the impact of harvesting activities but do not share fairly in the economic returns.

Transition in the timber industry within the Murrindindi Shire has already been occurring and is likely to continue to occur. The attached statement recognises both the contribution of the timber harvesting sector and the potential impacts associated with this activity causes. As a result the statement calls on the State government to:

- Phase out current native timber harvesting activities in the Central Highlands forests within the Murrindindi Shire
- Invest now to assist in industry transition and ensure that communities reliant on timber harvesting can continue to be part of a thriving economy in the future

Investment to support industry transition needs to include support for:

- Existing timber industry businesses and their employees to adjust to a plantation-based future together with the development of other sectors of the Murrindindi Shire economy
- Re-training opportunities to mitigate the impact on timber sector workers of the structural change being experienced within the timber industry

Allowing the timber industry to continue to slowly reduce in size over time as the available timber resource continues to decline will both:

- Cause continuing impacts on the businesses and families in the Murrindindi Shire that currently rely on timber harvesting activities; and
- Inhibit new investment, opportunities and jobs in both a plantation-based timber industry and other sectors that harness the natural assets of the Murrindindi Shire including eco-tourism, education and recreational activities.

Transition in this sector needs to be carefully managed.

The 2017 State Budget includes a commitment to \$110 million for establishing new plantations to continue the transition of the timber industry away from native forests. Details of this initiative are not currently available. The draft statement calls for additional investment to support transition in the Murrindindi economy.

The Wilderness Society commissioned the NOUS group to prepare a report entitled "Great Forest National park: economic contribution of park establishment, and visitor expenditure" (February 2017). The NOUS report considered three scenarios from basically just creating the national park to the attraction of private funding to develop attractions related to the park. Under these scenarios it was estimated financial benefit ranging from \$7.5M/yr to \$71.1M/yr was estimated including the creation of between 80 and 760 FTE jobs.

Consultation:

Council has met with VicForests, environmental stakeholders, other businesses and local landholders. No consultation was undertaken specifically in preparation of the draft statement.

Conclusion:

The native timber industry has been an important part of the Murrindindi Shire for many years although it is an industry in transition. There is some concern that native timber harvesting as it has historically been undertaken is not sustainable and affects a range of environmental and landscape values, as well as other users of state forest, adjoining land owners and council assets. The attached draft statement sets out a clear position for consideration and adoption by Council that calls for the phasing out of native timber harvesting and support for transition in both the sector and the Murrindindi Shire economy more generally.

Cr R Bowles left the Chamber at 8:08 pm

Cr R Bowles returned to Chamber at 8:10 pm prior to the vote.

RESOLUTION:

Cr R Bowles / Cr J Ashe

That Council adopt the Central Highlands Statement presented as *attachment 6.8a* to this report.

CARRIED

6.9 COMMUNITY USE OF THE KINGLAKE REBUILDING ADVISORY CENTRE (RAC)

REF: SF/1445 (17/37355)

Purpose:

The purpose of this report is to seek Council's endorsement for officers to investigate viable options for the ultimate transition of use of the Kinglake RAC site to a community-based management arrangement.

Officer Recommendation:

That:

1. The CEO be Authorised to progress commercial lease negotiations with Parks Victoria and other current business tenants of the Kinglake RAC to extend their current occupation of the Kinglake RAC for 12 months commencing 1 July 2017
2. That the terms of the leases ensure operating and maintenance costs of the Kinglake RAC site are the responsibility of, or covered by, the tenants
3. Officers investigate potential viable options for future local community-based management and uses of the Kinglake RAC site and a further report be presented for Council's consideration
4. Officers continue to assist Parks Victoria to find an alternative site for its Kinglake based operations following the expiry of its tenure in the RAC.

Background:

Under the direction of the Victorian Bushfire Reconstruction and Recovery Authority (VBRRA) land was purchased by Council in late 2009 at the corner of Kinglake-Healesville and Kinglake-Heidelberg Roads (with funds provided by the State Government), to locate a Rebuilding Advisory Centre (RAC) following the 2009 bushfires.

The RAC was subsequently built from donated corporate funds, under VBRRA's supervision, and housed a number of building advisory and social support services to assist recovery across the Kinglake Ranges. The land in Council ownership also includes a separate kitchen complex, constructed as part of the Kinglake temporary village, and associated infrastructure (car park, water tanks etc).

In April 2011 the ownership and operation of the RAC and associated infrastructure was transferred to Council, with an agreement that the rebuilding advisory and recovery services cease at the site in June 2012.

In February 2012, following an expression of interest process, Council resolved to lease the RAC and kitchen facility from July 2012 to Workspace Australia for a 5 year term (with option for a further 5 year term) on the basis that it provided the longest and only cost neutral proposal, as well as providing economic development benefits to the community through its business incubation program.

Parks Victoria also expressed an interest to be a tenant in the RAC at the time, on a temporary basis, as its Kinglake office and depot facilities had been destroyed in the fires and a new site for its facilities had not been identified.

Following the signing of the head lease with Workspace Australia, a sub-lease was provided by Workspace Australia to Parks Victoria for its tenancy of a substantial area in the RAC. This sub-lease arrangement has continued to the present date.

In response to local community feedback, the Council has recently given consideration to possible future community-based uses for the RAC site, with the long term aim that it becomes a community run facility.

Workspace has recently advised Council that it does not intend to seek a further 5 year lease term and will vacate the premises at 30 June 2017. This will also involve the termination of the current sublease arrangements between Workspace and Parks Victoria.

Council Plan/Strategies:

This report is consistent with the overall Community Goal of the Council Plan 2013- 2017 to support and promote health and wellbeing, social connectedness and community involvement. It is also relevant to the Strategic Objective to apply a whole of life approach to the management and maintenance of Council's assets.

Legal/Policy Issues:

There are no significant legal issues which need to be addressed in the context of this report.

Financial/Resources/Risk:

The daily operating and maintenance costs of the Kinglake RAC site have, to date, been largely covered by the current leasing arrangements, with Council retaining financial responsibility for capital renewal.

Moving to a community based operating model for the Kinglake RAC may require a greater role for Council to financially support or underpin the operations and maintenance of the site, as currently exists for other large facilities in Kinglake and other areas of the Shire.

Consideration may also need to be given to the source for any required funding to reconfigure the layout of the RAC in order to best support viable community uses.

It will be necessary therefore that any proposals for community use of the site be considered by balancing the broader community benefits of the proposed use with the impacts on the longer term financial viability of this site, the consequences for the viability of other public facilities in the area and Council's ongoing financial sustainability requirements.

The lease arrangements proposed in this report covering the next twelve months will be negotiated such that the operating and maintenance costs at the site are not borne by Council.

Discussion:

Council has recently been considering the potential for the local community of the Kinglake Ranges to take a more active role in the use and management of the Kinglake RAC site.

Whilst the range of possible community-based uses for the site has yet to be fully explored by Council, a number of potential project concepts have been raised with officers in recent times. Council is also aware that Regional Development Victoria (RDV) is undertaking a community planning project in the Kinglake Ranges, and that the potential community use of the RAC site has been raised in these discussions.

It is therefore proposed that council officers explore viable options for future community management and use of the Kinglake RAC for Council's future consideration.

Recent discussions with Parks Victoria has indicated that whilst it has a preference to continue its tenure at the Kinglake RAC site, its use of the site for depot and administrative operations is not compatible, from a risk and safety perspective, with a shared community (public) use. Constraints with respect to the size and layout of the site, and its proximity to a major road intersection, do not make it feasible to create adequate separation of depot/office activities from public access/use arrangements. Parks Victoria has therefore indicated it would need to find an

alternative site for its operations in light of Council's desire to pursue a community use model for the RAC site.

As it is likely to take some time to identify viable community uses of the RAC site, and for Parks Victoria to identify an alternative base for its Kinglake operations, it is proposed to offer a 12 month lease to Parks Victoria to remain at the RAC site under similar arrangements as exist now. Representatives of Parks Victoria have agreed in principle with these arrangements, subject to negotiation of final lease terms. Officers have also commenced discussions with Parks representatives to identify other potential sites in the Kinglake Ranges for their operations.

There are currently two local businesses operating from the RAC site under the business support programs delivered by Workspace. It is also proposed that 12 month leases be offered to these businesses to enable them to continue to operate whilst providing sufficient time to consider alternative arrangements, should this use be inconsistent with a future community-based model.

Consultation:

There has been no direct community consultation undertaken to date by council to identify future community-based uses of the RAC site. It is likely that some form of 'expression of interest' process for community groups and organisations will be initiated to identify potential options of the use of RAC. Council is also aware of the RDV Community Planning process currently underway in the Kinglake Ranges which may raise options for consideration for the future use of the site.

Conclusion:

Decisions on the future use of the Kinglake RAC site under a community-based model would need to balance the broader social and economic benefits to the local communities, with the ability of the Council and the broader Murrindindi community to sustain any financial impacts of such a use.

RESOLUTION:

Cr L Dunscombe / Cr E Lording

That:

- 1. The CEO be Authorised to progress commercial lease negotiations with Parks Victoria and other current business tenants of the Kinglake RAC to extend their current occupation of the Kinglake RAC for 12 months commencing 1 July 2017**
- 2. That the terms of the leases ensure operating and maintenance costs of the Kinglake RAC site are the responsibility of, or covered by, the tenants**
- 3. Officers investigate potential viable options for future local community-based management and uses of the Kinglake RAC site and a further report be presented for Council's consideration**
- 4. Officers continue to assist Parks Victoria to find an alternative site for its Kinglake based operations following the expiry of its tenure in the RAC.**

CARRIED

6.10 AUDIT ADVISORY COMMITTEE CONFIRMATIONS

REF: 17/38217

Attachments: Audit Advisory Committee Minutes (refer *Attachment 6.10a* – TRIM 17/36878)
Audit Committee Charter – Draft (refer *Attachment 6.10b* - TRIM 17/37818)

Purpose:

This purpose of this report is to seek Council's endorsement of the recent Audit Committee minutes, and to confirm the appointment of the Chairperson and the revised Audit Advisory Committee Charter.

Officer Recommendation:

That Council endorse:

1. The minutes of the Audit Advisory Committee meeting held on 11 May 2017;
2. The election of Ms Michele Sheward as Chairperson of Council's Audit Advisory Committee for the 2017-18 financial year; and
3. The revised Charter of the Audit Advisory Committee as enclosed.

Background:

The primary objective of the Audit Advisory Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Audit Advisory Committee is established to assist the coordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

The Charter of the Audit Advisory Committee is the primary instrument outlining the roles and responsibilities of the Audit Advisory Committee and its committee members.

Ms Michele Sheward was initially appointed as an independent member of Council's Audit Advisory Committee at the Ordinary Meeting of Council of 27 November 2013. Ms Sheward's continued term as an independent member was approved by Council at the Ordinary Meeting of Council of February 2017. Ms Sheward is the current Chair of the Audit Advisory Committee, and will have served for one year as Chair at the end of June 2017.

Council Plan/Strategies:

This report ensures that in accordance with the Council Plan 2013-2017 goal –“Our Council” – to provide effective governance that supports the aspirations of our community, that Council's Audit Advisory Committee is properly constituted.

Legal/Policy Issues:

Council is required under the Local Government Act 1989 to have an appropriately endorsed Audit Advisory Committee that meets regularly to provide oversight on Council's financial and governance requirements.

As per Section 2c of the Audit Advisory Committee Charter, the Audit Advisory Committee is to “elect the Chair of the committee prior to the first quarter of each financial year.” “The term of the Chair is to be 12 months, with a maximum of three (3) consecutive years with a break of at least one (1) year.”

As per Section 2g of the Audit Advisory Committee Charter, “The Chairperson shall be appointed from the external members of the committee by the Audit Advisory Committee subject to Council's approval.”

Financial/Resources/Risk:

Council is required to endorse the Audit Advisory Committee to ensure appropriate governance relating to the function of this committee. The honorarium paid to the independent members of the Audit Advisory Committee is \$2,000 per annum.

Discussion:

At the 11 May 2017 Audit Advisory Committee meeting Ms Michele Sheward was nominated and endorsed by the Committee to be its Chairperson for 2017/2018, subject to the ratification of Council at its next Ordinary Meeting.

It was also requested that the Charter of the Committee be modified slightly regarding the detail of what constitutes a quorum for Committee meetings. The changes proposed include defining a quorum as a simple majority of the voting members of the Committee, including at least two (2) independent members, and clarifying that the term of the Chair is to be 12 months, with a maximum of three (3) consecutive years with a break of at least one (1) year if three consecutive terms have been served.

Consultation:

No external consultation was required in relation to this item.

Conclusion:

It is important from a fiduciary and statutory perspective that Council endorses the Charter of the Audit Advisory Committee.

RESOLUTION:

Cr L Dunscombe / Cr M Rae

That Council endorse:

- 1. The minutes of the Audit Advisory Committee meeting held on 11 May 2017;**
- 2. The election of Ms Michele Sheward as Chairperson of Council's Audit Advisory Committee for the 2017-18 financial year; and**
- 3. The revised Charter of the Audit Advisory Committee as enclosed.**

CARRIED

6.11 PROCUREMENT POLICY REVIEW – 2016/2017

REF: 17/37454

Attachments: Procurement Policy – Revised 2017 (refer *Attachment 6.11* - TRIM 17/20787)

Purpose:

The purpose of this report is to seek Council's approval of the annual review of Council's Procurement Policy in accordance with Section 186A (7) of the *Local Government Act 1989* ("the Act")

Officer Recommendation:

That Council adopts the revised Procurement Policy as contained in *Attachment 6.11*.

Background:

Council's Procurement Policy was last reviewed and adopted in January 2016. It is a requirement under Section 186A of the *Local Government Act 1989* that a Council must review the current procurement policy at least once in every financial year.

Regular review of the Procurement Policy encourages continuous improvement so that Council's ways of doing business and procurement processes represent best practice.

Council Plan/Strategies:

This report is consistent with the Council Plan 2013-2017 theme of Customer Service. A key strategy for this theme is to continue to improve our processes to enhance the efficiency and effectiveness of the organisation.

Legal/Policy Issues:

Review of the policy is required under Section 186 of the Act which requires local councils to have a procurement policy and to review it each financial year. Once Council approves a procurement policy it must comply with the policy and make it publicly available.

Financial/Resources/Risk:

Council’s procurement policy sets procedural controls to protect against financial, probity, fraud and corruption risk whilst also ensuring that resources are used efficiently and the removal of unnecessary barriers or costs to doing business with Council.

Discussion:

The review of the current procurement policy has identified the following areas requiring improvement.

1. Revised Procurement Threshold

The wording of the current procurement thresholds requires procurements worth \$5,001 to \$20,000 to seek at least two quotes whilst procurements worth \$20,001 to \$150,000 (goods and services) and \$200,000 (capital works) to seek at least three quotes and receive at least three quotes.

As suppliers can’t be compelled to participate, a policy that sets a minimum number of required responses leads to inefficiencies because it requires officers to either chase additional quotes or seek an exemption from complying with the procurement threshold. Council has had feedback from officers and suppliers that the process of chasing additional quotes delays projects, increases the cost of doing business and causes some suppliers feel that they are just making up the numbers.

The table below outlines the current and recommended revised procurement thresholds.

Current	Proposed
\$0 - \$5,000 – minimum of one verbal quote from a potential supplier. Council officer to confirm successful verbal quote via email to the supplier. Rationale for selecting successful respondent to be documented.	No change
\$5,001 - \$20,000 – Issue a request in writing (letter, fax, email) to a minimum of two potential suppliers. Response can be verbal or written. Rationale for selecting successful respondent documented. If successful response is verbal it must be confirmed by the Council officer via email.	No change
\$20,001 – \$150k(G&S) / \$200k (works) - Issue a request in writing (letter, fax, email, e-Tender portal) to a minimum of three potential suppliers. At least three written responses must be received. Responses to be in writing. Rationale for selecting successful respondent to be documented. Agreement between parties.	\$20,001 – \$150k(G&S) / \$200k (works) - Issue a request in writing (letter, fax, email, e-Tender portal) to a minimum of three potential suppliers. At least three written responses must be received. Responses to be in writing. Rationale for selecting successful respondent to be documented. Agreement between parties.

Current	Proposed
\$150k(G&S) / \$200k (works) – Open public tender	No change

2. Extend the Delegation to Approve Threshold Exemptions to the CEO and General Managers

The Procurement Policy currently requires all procurement threshold exemptions to be approved by the CEO. It is proposed to extend this to the CEO or relevant General Manager in accordance with their financial delegation to streamline the approval process.

3. Clarify Council's Policy Regarding Preference for Local Suppliers

Council's current procurement policy states that local suppliers will be given preference when all other value for money factors are equal. Council can also assign an evaluation criterion for local contribution on projects where local involvement or support for local suppliers is a key project objective.

It is proposed that the revised policy is revised to state that Council is committed to buying from suppliers based in the Shire of Murrindindi and will give preference to these suppliers where their price is within 5% of the highest scoring value for money offer and they have demonstrated that they can meet Council's requirements with minimal risk.

4. Clear Policy Statement on Late Submissions

Whilst Council's current Procurement Policy does not state how late submissions are to be handled, its practice has been to reject late submission unless there were exceptional circumstances beyond the control of the respondent such as a natural disaster, electricity black out, cyber-crime or a failure of Council's e-Tendering Portal system. It is proposed to embed this practice into the procurement policy.

5. Make a More Prominent Statement Against Fraud and Corruption

It is proposed to give greater prominence to Council's current statement against fraud and corruption by moving it to the procurement principles section at the start of the policy.

6. Include Emergency Procurement Provisions

The Municipal Emergency Management Plan states that the Emergency Management Coordination Group, led by the Municipal Emergency Response Coordinator is the municipal decision making group responsible for coordinating municipal resources during emergency responses. The Municipal Emergency Response Coordinator has the same delegated authority as the CEO to act during a declared emergency. To ensure consistency between the Act, the Municipal Emergency Management Plan and Council's Procurement Policy, it is proposed to add the following new section to the Procurement Policy:

Emergency Procurement

In accordance with the Murrindindi Shire Municipal Emergency Management Plan (MEMP), during an emergency the Municipal Emergency Resources Officer will have the same Financial Delegation as the CEO and the power to suspend parts of the Procurement Policy where required to enable a timely emergency response. The decision to suspend parts of the Procurement Policy must be recorded and reported to Council as soon as reasonably practicable.

The Municipal Emergency Resources Officer must ensure that procurement processes comply with the Emergency Management Act 1986 and take into account value for money, accountability and probity to the extent possible given the severity of the emergency. As a minimum, the Municipal Emergency Resources Officer will be required to report to Council details regarding Council's suppliers and the value of goods, services and works supplied.

Consultation:

Consultation with the community is not required as the purpose of the statutory review of the policy is to ensure that it remains compliant with the Act and consistent with best practice. Upon approval, the revised procurement policy will become a publically available document available at Council offices and on Council's website.

Conclusion:

The endorsement of this reviewed policy will support compliance with the Section 186A of the *Local Government Act 1989*.

RESOLUTION:

Cr E Lording / Cr L Dunscombe

That Council adopts the revised Procurement Policy as contained in *Attachment 6.11*.

CARRIED

6.12 ELECTRICITY CONTRACT – SMALL SITES

REF: 17/19669

Purpose:

Approval to procure retail electricity for Council's small sites from the Victoria State Purchase Contract ("SPC").

Officer Recommendation:

That Council:

1. Agree to procure retail electricity for its small sites from the Victoria State Purchase Contract.
2. Authorise the CEO to sign the required documentation to give effect to Council's decision to procure retail electricity from the Victoria State Purchase Contract.

Background:

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

Council currently procures electricity for its small sites through the Municipal Association of Victoria (MAV) Retail Electricity Small Sites Contract which expires on 30 June 2017.

Council procures electricity for its larger sites and street lighting through the MAV Large Sites and Street Lighting Contract which expires on 31 December 2017.

Council Plan/Strategies:

This item supports the "Our Council" theme of the Council Plan 2013-2017 which recognises the importance of improving business processes as a strategic indicator.

Legal/Policy Issues:

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

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

Financial/Resources/Risk:

The current financial allocation for electricity in 2016/17 is approximately \$154,700.

Discussion:

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

There is considerable uncertainty regarding energy prices in Victoria over the next 1 to 2 years due to the closure of the Hazelwood Coal Generator in mid-2017 and general uncertainty over sector regulation.

Market forecasts are indicating a sharp rise in retail prices in 2017/18 of around 8-10% followed by a potential fall of 1.3% in 2018/19. Council's current energy supplier has advised that it expects retail rates for small sites to increase by 10-15% in 2017-18 followed by CPI increases. Council has identified the following options for procurement electricity for small sites:

1. Participate in the MAV Retail Electricity Small Sites Procurement - which commenced April 2017;
2. Join the existing Victoria State Purchase Contract (SPC) - which commenced on 1 November 2015 and expires on 31 December 2018; and
3. Join the existing Procurement Australia Contract - this option has been excluded from further consideration because it expires on 31 December 2017.

Procurement Options Appraisal – Price

A comparison between Council's current electricity rates and rates under the SPC indicates that Council could save around 10% by transferring to the SPC. Rates under the SPC are set for the term of the contract.

As the new MAV contract is yet to be procured, it is not possible to analyse its tariff rates. However, given the market analysis indicates an increase in prices of around 10%, it can be assumed that the tariff rates will not be cheaper than Council's existing contract tariff rates.

The SPC option therefore offers greater price certainty as rates are already set. It also reduces risk as Council can delay participation in an open procurement process until market uncertainty eases in 2018/19.

Procurement Options Appraisal – Value and Service

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

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

Consultation:

The following Council areas have been consulted: Business Services (Finance, Leases), Environmental Programs and Infrastructure Assets.

Conclusion:

The SPC Contract offers competitive electricity pricing to December 2018 in a very uncertain market. It also offers a value add service that may help Council to drive further savings through improved tariff monitoring and the avoidance of tariff errors.

RESOLUTION:**Cr J Ashe / Cr M Rae****That Council:**

1. **Agree to procure retail electricity for its small sites from the Victoria State Purchase Contract.**
2. **Authorise the CEO to sign the required documentation to give effect to Council's decision to procure retail electricity from the Victoria State Purchase Contract.**

CARRIED**7. SEALING REGISTER**

REF: 13/6325

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
CONT 17/3	3 May 2017	Formal Instrument of Agreement between Murrindindi Shire Council and North Central Constructions for Bridge Renewal and Upgrades	Margaret Abbey Cr Margaret Rae
	17 May 2017	Release and Indemnity Agreement between Murrindindi Shire Council and Melbourne Estates and Finance Company Propriety Limited. Land: Lot 1 on TP896693A, Torbreck Street, Acheron Street, Murrindindi Street and Momican Street, Taggerty	Margaret Abbey Cr Margaret Rae
CONT 16/25	17 May 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Nelmac Pty Ltd for CONT 16/25 Design and Construction - Bridge Replacement Program	Margaret Abbey Cr Margaret Rae

Officer Recommendation:

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

RESOLUTION:**Cr S McAulay / Cr M Rae****That the list of items to which the Council seal has been affixed be noted.****CARRIED****8. COUNCILLOR PORTFOLIO REPORTS****8.1 LAND USE PLANNING PORTFOLIO**

Cr M Rae:

The work of the Planning Unit continues unabated with the majority of applications being processed without undue complication. As you will see from the Development Services Quarterly Report, also on tonight's agenda, our performance when compared with other councils across Victoria remains excellent.

Major issues under more prolonged and detailed consideration have been considered during the course of this meeting and, I think, serve to reflect the complexity and diversity of planning issues that come up for consideration and decision.

In recent days I attended the Municipal Association of Victoria (MAV) Planning Committee at which recent changes to planning in Victoria were outlined and discussed. In brief, these included:

- *V134 Plan Melbourne* through which the Victorian planning system is being restructured with significant policies developed which sit behind and inform the planning scheme;
- *VC133 Planning Scheme Information Management System (PSIMS)* which is the first step in a three year process to develop a centralised system;
- *VC110 Reformed Residential Zones* – the aim of which is to create housing diversity, choice and affordability – a range of criteria is now mandated which will apply to us, particularly around the requirement for garden area space in the General and Neighbourhood Residential Zones; these new criteria are not open to appeal nor can they be amended;
- the *Smart Planning Program* with the *VicSmart extension* now introduced with some thresholds in the rural areas being changed. It is clearly the State Government's intention to continue streamlining and simplifying the planning process wherever possible.

There is also significant reform of the building system with a revised Bill to be enacted soon.

In addition, there have been a number of activities that I have attended and represented Council, including:

- the Rural Councils Victoria Forum – this was a very full and informative forum and a report has been provided to Councillors and officers;
- a meeting with the new President of the Municipal Association of Victoria;
- the Alexandra Racecourse and Recreation Reserve Committee;
- the Alexandra District Traders and Tourism Association meeting; and
- an informal lunch with the Goulburn River Valley Tourism Board.

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr J Ashe:

The past month I have attended the following:

- GRVT Board visit – hosted at Alexandra chamber
- Annual Yarra Ranges Tourism Summit
- Lake Eildon Tourism steering committee meeting
- People power 100% Renewable – TRY (Yackandandah) & Seymour Hydro

I would like to highlight that the “Doing Business Better – Financial Health Check” is rolling out in Kinglake, Yea, Alexandra & Marysville in the next week.

The “Discover the Heart of Victoria” from Goulburn River Valley Tourism has been released.

Council has also released the latest Calendar of Events.

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr E Lording:

Waste:

- Unfortunately the Kinglake Resource Centre was broken into again recently
- EFTPOS payments is now available at the resource recovery centres
- The Goulburn Valley Waste and Resource Recovery Group has recently commenced two regional projects looking at shared procurement of waste services and a review of resource recovery centre infrastructure across the region with the aim of providing more consistent facilities.

Infrastructure:

- Yea Regional Saleyards – New Holding Pens and B Double ramp will be completed this Thursday (25 May 2017)
- Gravel Road Resheeting Program – Works have been completed in Two Hills Road, Glenburn and Cummins Road, Murrindindi. Contractors have now commenced in O’Gradys Road, Pheasant Creek. Contract works 80% complete
- This Resheeting has been well received by the community with the new materials proving to be beneficial
- Sealed road program is now completed
- Leckie Park Cricket Pavilion and public toilets in Alexandra are now completed.

I have been appointed to the Goulburn Valley Waste and Recovery Board. The Board is appointed by the Minister and there are four Local Government representative positions.

I am also representing Council as part of the Goulburn Valley Water and Recovery Group Forum. The Forum is an advisory group made up of Local Government representatives.

8.4 CORPORATE AND CUSTOMER SERVICES PORTFOLIO

Cr L Dunscombe:

I would just like to acknowledge the hard work of all involved in putting together the Draft Council Plan, Strategic Resource Plan and Budget and I am looking forward to the community feedback.

8.5 NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO

Cr R Bowles:

The Murrindindi Environment Group invited the Yackandandah Renewable Energy group and the Seymour Hydro to a presentation in Alexandra about establishing our small rural villages into renewable eco-centres. Cathy McGowan, our Federal member for Indi would like to see Indi as a whole, the renewable showcase of Victoria. Which also ties in naturally to the push for Cittaslow to become an Indi beacon with a gathering of Mayors and Councillors from other Local Government areas coming to Yea to meet and greet.

The European Wasp initiative is being wholly embraced by everyone but the business community. I am receiving many emails covering this issue and I am passing them onto the General Manager Infrastructure Development Services to add to the growing file. These may assist in our need for assistance from the Agriculture Minister, but we need some letters from horticulturalists in our region to aid us.

The last group of Green Army participants are finalising their projects. The program in our region worked well, with participants successfully going onto other employment. Thanks to Chris Cobern of the Upper Goulburn Landcare Network.

The roadside weeds program has been completed for this year and mapping has commenced for next year. Vic Roads has admitted that it has fallen as the wayside regarding this matter as well as its roadside slashing program.

The Council, working with the Goulburn Broken Greenhouse Alliance through the Collaborative Climate Change Program is working towards establishing a common environmental reporting mechanism covering areas such as waste, biodiversity, Greenhouse Gas emissions and corporate resource use.

The Healthy Hectares Program conducts small landholder forums and so far two out of the five have been held this year. I have also asked them to look at it from a horticulturalist perspective.

8.6 COMMUNITY SERVICES PORTFOLIO

Cr S McAulay:

Early Years

- Victorian Maternal and Child Health Services are turning 100 this year, there are a range of activities planned to celebrate this State-wide. Maternal and Child Health Services are looking at ways to celebrate this within Murrindindi throughout the year
- The Early Years conference was held on the 2 May at Jungai, 75 delegates attended to hear from a range of speakers under the theme 'No child left behind'. I would like to acknowledge the hard work behind the scenes. A lot of positive feedback from participants since the conference with participants reporting using some of the strategies they learnt on the day.

Recreation

- Sport and Recreation Victoria has released information on this year's Community Sports Infrastructure Fund and the Country Football Netball Program grants round. Council officers have been working with a number of sporting clubs and groups to explore potential projects and applications
- Council officers are preparing an expression of interest to apply for funds to support a replacement of the playing surface at the Alexandra Tennis Club and funds to support the redevelopment of the Yea Railway Park playground
- Council will be briefed on these projects in the coming months to seek approval to proceed to a full application stage.

Aged and Disability Services

- Council has recently been informed that the Commonwealth Government would like to extend current contracts for the delivery of aged care services from June 2019 to June 2020. This extension is to allow further time to embed the new aged care reforms and the National Disability Insurance Scheme (NDIS)
- The volunteer week celebration held on the 11 May. The celebration event was a partnership between Murrindindi Shire Council, Alexandra and District Hospital and Kellock Nursing Home. Volunteers play an important role in each organisation, adding value to the services we can deliver. Over 70 community volunteers attended to enjoy a wonderful performance from the Hoffman Duo and afternoon tea.

Library Services

- The Library is looking at options to broaden customer services on the mobile Library. Council will be briefed in the next month or so
- The Murrindindi Library Service has held some great events across all library branches over the last month
- The Alexandra Library has been keeping busy with a full program of events as part of the Autumn Festival in May, including on the topic of Parenting for Resilience with Clinical Psychologist Andrew Fuller. Much fun was had by all involved in Family Music Making with Jon Madin and 'Radio Days' with the Jumping Jazz Swing Band at the Shire Hall. Our thanks to the Alexandra Friends of the Library for their support in making these events such a success.

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr C Bisset:

Thank-you to Council Officers for working with the Councillors to compile the Council Plan, Budget and Strategic Resource Plan. We are looking forward to the 7 June 2017 Meeting to hear submissions.

Margaret Abbey and I have been speaking with Council Officers regarding the Council Plan and it has been really well received.

I attended the International Cittaslow Conference in South Australia. Cittaslow – meaning slow town slow city is about stopping and enjoying towns and cities. The international movement has 200 towns in over 30 countries. This was a good opportunity to speak to other countries and other Mayors. We discussed how it has benefited their areas and in particular economic development and tourism. I also spent time with the Mayor of Alexandrina Shire.

MAV President committed to meeting with every Victorian Council, this saw a visit to Murrindindi Shire Council in the last month.

I also reiterate that the Renewable Resources presentation in Alexandra was fascinating. Cathy McGowan would like to see a Cittaslow town in each of her Local Government Areas and a renewable town as well.

9. GENERAL BUSINESS

Nil

10. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil

11. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil

12. ASSEMBLIES OF COUNCILLORS

REF: CY17/114 (17/37104)

Purpose:

This report presents the records of assemblies of Councillors for 19 April 2017 to 10 May 2017, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (Act)*.

Officer Recommendation:

That Council receives and notes the record of assemblies of Councillors for 19 April 2017 to 10 May 2017.

Background:

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

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

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

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

Summary:

Meeting Name/Type:	Councillor Briefing
Meeting Date:	19 April 2017
Matters Discussed:	<ol style="list-style-type: none"> 1. Briefing Notes and Agendas 2. Councillor Development and Conference Policy 3. Section 86 Committees of Management 4. Draft Council Plan 5. Draft Budget
Councillor Attendees: Cr C Bisset, Cr E Lording, Cr M Rae, Cr S McAulay, Cr R Bowles, Cr J Ashe	Council Officers: M Abbey, M Chesworth, S McConnell, T Carter, A Bond
Conflict of Interest Disclosures: Nil	

Meeting Name/Type:	Council Pre-Meeting
Meeting Date:	26 April 2017
Matters Discussed:	<ol style="list-style-type: none"> 1. Council Plan Quarterly Report 2. Notice of Motion 3. Confidential Agenda Reports
Councillor Attendees: Cr C Bisset, Cr S McAulay, Cr R Bowles, Cr J Ashe, Cr L Dunscombe, Cr E Lording, Cr M Rae	Council Officers: M Abbey, M Chesworth, S McConnell, A Bond, K Girvan, S Brown
Conflict of Interest Disclosures: Nil	

Meeting Name/Type:	Councillor Briefing
Meeting Date:	3 May 2017
Matters Discussed:	<ol style="list-style-type: none"> 1. Briefing by Department of Environment, Land, Water & Planning 2. Pop Up Cinema for Murrindindi 3. VicForests – Forest Management in the Central Highlands 4. Central Highlands Forests Statement
Councillor Attendees: Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae	Council Officers: M Abbey, S McConnell, M Chesworth, C Price
Conflict of Interest Disclosures: Nil	

Meeting Name/Type:	Councillor Briefing	
Meeting Date:	10 May 2017	
Matters Discussed:	<ol style="list-style-type: none"> 1. Procurement Policy Review 2. Planning Application - Kinglake 3. VicRoads Presentation 4. Planning Application - Narbethong 5. Murray Darling Basin Authority 6. Yea Saleyards 7. Road Management Plan Review 8. Bushfire Memorials 	
Councillor Attendees: Cr S McAulay, Cr L Dunscombe, Cr J Ashe, Cr E Lording, Cr M Rae	Council Officers: M Abbey, M Chesworth, A Bond, S McConnell, S Brown, M Crane, L Elward, L Kelly	
Conflict of Interest Disclosures: Nil		

RESOLUTION:**Cr L Dunscombe / Cr J Ashe****That Council receives and notes the record of assemblies of Councillors for 19 April 2017 to 10 May 2017.****CARRIED****13. URGENT BUSINESS**

Nil

14. CONFIDENTIAL ITEMS

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

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

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

The report on the **Contract Award- Street Sweeping Services** is being considered in the closed part of this meeting because it is considered under S89(2)(d) to be related to 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 for the following items:

- Contract Award – Street Sweeping Services

RESOLUTION:

Cr M Rae / Cr J Ashe

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 for the following items:

- Contract Award – Street Sweeping Services

CARRIED

The meeting was closed to the public at 8:41 pm

Cr E Lording left the Chamber at 8:41 pm

Cr E Lording returned to the Chamber at 8:43 pm prior to the vote.

14.3 CONTRACT AWARD – STREET SWEEPING SERVICES

REF: CONT17/5 (17/23672)

RESOLUTION:

Cr E Lording / Cr M Rae

That Council:

1. Accept the tender from Metro Urban Management Pty Ltd for the lump sum price of \$90,904.00/year including GST (\$82,640.00 excluding GST), with a contingency allowance of \$15,000.00/year including GST (\$13,636.36/year excluding GST), for a maximum of a five (5) year period totalling \$529,520.00 including GST (\$481,381.82 excluding GST).
2. Metro Urban Management Pty Ltd be appointed for an initial term of three (3) years and subject to satisfactory performance the Chief Executive Officer is authorised to grant two additional one year extensions.
3. Authorise the signing and sealing of contract number CONT 17/5 for Street Sweeping Services.

CARRIED

RESOLUTION:

Cr M Rae / Cr J Ashe

That the meeting re-opens to the public.

CARRIED

The meeting re-opened to the public at 8:45 pm.

There being no further items of Business, the Chairperson declared the meeting closed at 8:45 pm.

CONFIRMED THIS

28 June 2017

CHAIRPERSON

