



Murrindindi
Shire Council

AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
WEDNESDAY 22 MARCH 2017
in the
YEA COUNCIL CHAMBER
commencing at
6.00 pm

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

REF: SF/306

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Special Meeting of Council held on 22 February 2017.

Officer Recommendation:**That the Minutes of the Special Meeting of Council held on 22 February 2017 be confirmed.**

3.2 Minutes of the Ordinary Meeting of Council held on 22 February 2017.

Officer Recommendation:**That the Minutes of the Ordinary Meeting of Council held on 22 February 2017 be confirmed.****4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

REF: SF/783

5. PUBLIC PARTICIPATION TIME**5.1 QUESTIONS OF COUNCIL****5.2 OPEN FORUM**

REF: SF/130

5.3 PETITIONERS SPEAKING TO PETITIONS

REF: SF/132

5.3.1 RESPONSE TO PETITIONS – TARNPIRR ROAD, NARBETHONG

REF: SF/1779 (17/13718)

Purpose:

This report provides Council with a response to the petition tabled at the 25 January 2017 Ordinary Council Meeting. The petition raised concerns about the condition and management of Tarnpirr Road, Narbethong and its intersection with Maroondah Highway.

Officer Recommendation:**That Council:**

1. Refer the intersection to VicRoads for further assessment;
2. Consider inclusion of Tarnpirr Road in the resheeting program as part of the 2017-2018 budget;
3. Request that the Manager Infrastructure Assets writes to the affected landowners seeking their interest and willingness to contribute to a Special Charge Scheme to upgrade (sealing) of the road; and
4. Request that the Manager Infrastructure Assets write to the convenors of this petition advising them of the resolution.

Background:

The petition was received by Council on 16 January 2017 regarding two issues as follows:

1. Hazardous Intersection of Tarnpirr Road and the Maroondah Highway.

The petitioners assert that the design of the intersection does not meet current safety standards and is dangerous due to:

- being at a substantially lower level than the highway
- its sharp incline at the point of intersection
- being too narrow having no shoulder
- view of, and from, the intersection being occasionally obstructed by real estate signs and vegetation

2. Residential Road Maintenance – Tarnpirr Road

The petition states that general maintenance of the road surface under road maintenance standard 3 of Council's Road Management Plan (2013) is problematic, remedial action of potholes is minimal and is only undertaken after the condition of the road in winter has deteriorated to such an extent that residents and road users complaints are sufficient to prompt action. In summer dust from vehicles traversing the road constitutes a general environmental nuisance and a potential health hazard as it impacts on the quality of water residents must collect from their roofs in the absence of mains water.

The road is located 12.3 kilometres south of Buxton intersecting with the west side of the Maroondah Highway.



Figure 1

The majority of Tarnpirr Road is listed on Council's Public Road Register and classified as an unsealed Access Road. This classification is for roads described as follows:

- Provides predominantly for direct access to properties and industries
 - Caters for low traffic volumes and generally for low traffic speeds
 - Low percentage of through traffic

Officers consider that this is the appropriate classification for this road and the maintenance standard is consistent with the Road Management Plan.

The road is approximately 720 metres in length and the first 32 metres of the road from the edge of highway shoulder has a sealed surface. The sealed section falls mostly under VicRoads responsibility (ie. at the intersection) and responsibility for some of the sealed length rests with Council.

The road formation width is 5 metres and the pavement width is 3.6 metres. The road is listed for the 2017-2018 unsealed road re-sheeting program subject to budget approval.

Tarnpirr Road is a 'no through road' that services twenty seven parcels of land. Four large parcels are located on the west side of the road with twenty three parcels ranging in size from 1,200 square metres to 2,800 square metres on the east side of the road.

Council Plan/Strategies:

This report supports the Council Plan 2013-2017 strategic objective to apply a whole of life approach to the management and maintenance of Council's assets.

Legal/Policy Issues:

Council must meet its obligations under the *Road Management Act 2004* - Code of Practice - Operational Responsibility for Public Roads.

Council in the implementing of a Special Charge Scheme must adhere to the *Local Government Act 1989*.

Financial/Resources/Risk:

A budget allocation will be proposed for resheeting this road in accordance with Councils renewal program. A special charge scheme would defray all cost for any road upgrade works.

Discussion

A site inspection was carried out on 7 February 2017 to investigate the issues raised in the petition. The investigation found:

1. Hazardous Intersection of Tarnpirr Road and Maroondah Highway

This intersection is located in a rural setting not unlike many others in Victoria. All intersections are considered to be conflict points by their very nature.

The intersection falls within the VicRoads road reserve. VicRoads is the Responsible Road Authority and is responsible for maintenance and renewal requirements in accordance with the *Road Management Act 2004* - Code of Practice - Operational Responsibility of Public Roads.

The road generally follows the levels of the surrounding land with an approximate grade of 13 degrees approaching the intersection 'give way' line which transitions to the highway sealed shoulder. The grade does not impede driver's vision of the arterial road. Adequate sight distances are maintained in both directions. The placement of real-estate signage is prohibited on road reserves under the planning scheme. Responsibility for their removal rests with VicRoads surveillance officers. A small sign is currently located on the road reserve.

Any shoulder works required at the intersection would be the responsibility of VicRoads.

In relation to the high speed approach to the intersection raised in the petition, it is the responsibility of drivers to comply with the Victorian road rules. The use of bell mouth left hand turn (as in this case) is a common design feature to allow ease of exit from high speed roads.

Previous discussions with Public Transport Victoria indicated a private school bus service picks up a number of children along Tarnpirr Road generally at property driveways. Council, in consultation with VicRoads and Public Transport Victoria, has now relocated the school bus shelter to allow access to the bus stop from Tarnpirr Road without crossing any road pavement.

2. Residential Road Maintenance

The unsealed section of the road is in maintenance category 4 (not maintenance standard 3 as stated in the petition) as per the Council Road Management Plan.

The majority of road users are the residents. The road has a 'no through road' sign at its commencement that would normally discourage any external traffic. There is no significant crown land access to be gained by external users other than a narrow stream reserve.

Six monthly inspections are carried out by Council Officers. Defects detected during these inspections or reported to Council by community members are addressed in accordance with the Road Management Plan.

Council has recorded and responded to fifteen maintenance requests since 2007 for this road. Seven requests concerned potholing of the road, four requests for grading, two in relation to dust issues and two requesting sealing. A further six requests related to roadside vegetation and furniture issues.

The road is programmed for re-sheeting in the 2017-2018 year (subject to budget approval).

Council discontinued the use of dust suppressants as a treatment on unsealed roads some years ago due to the high cost, lack of effectiveness and environmental concerns.

Consultation:

Internal consultation with Council Infrastructure Operations and Planning Units has been carried out in response to this petition. In addition external consultation with VicRoads has been sought. Discussion also held with the owner of the one identified farming operation to determine its impact on the road.

Conclusion:

The intersection of Tarnpirr Road with Maroondah Highway is the responsibility of VicRoads and is constructed in a manner that is typical of many such intersections in Murrindindi Shire and other shires across the state. The intersection has no known record of accidents.

The road is currently maintained in accordance with Council's Road Management Plan and prior to this petition Council has received only thirteen customer requests relating to maintenance over the last 10 years. The road is scheduled for re-sheeting in the 2017-2018 year (subject to budget approval) which will significantly improve the road surface and assist in reducing dust.

The original subdivision in 1963 allowed for a road design and width that does not reflect current standards in a road that, while in a farming zone, is mostly urban in nature. To upgrade this road would require the implementation of a Special Charge Scheme in accordance with Council's Special Charge Scheme for Infrastructure Works Policy.

6. OFFICER REPORTS

6.1 2015/236 – NARBETHONG VEGETATION REMOVAL

Ref: 2015/236
Land: 241 Maroondah Highway NARBETHONG
Proposal: Removal of Native Vegetation for Bushfire Protection - Ongoing Management of 20,550 square metres of private land
Applicant: ER O'Flaherty
Zoning: Farming
Overlays: Bushfire Management
Attachments: Site Plan (refer *Attachment 6.1a* – TRIM 17/17429)
Biodiversity Impact (refer *Attachment 6.1b* – TRIM 17/17428)
Application details previously provided
Aerial photograph and submissions distributed separately

Locality Plan (next page)



Purpose:

This report recommends that a notice of refusal to grant a permit be issued for the removal of native vegetation for bushfire protection - ongoing management of 20,550 square metres of private land at 241 Maroondah Highway, Narbethong.

Officer Recommendation:

That Council issue a notice of refusal to grant a permit for the removal of native vegetation for bushfire protection - ongoing management of 20,550 square metres of private land at 241 Maroondah Highway, Narbethong 3778 (LOT: 1 TP: 561755, Parish of Narbethong), on the following grounds:

1. The proposal is not in accordance with Clause 12.01-1 *Biodiversity* in that the proposal does not assist in the protection and conservation of Victoria's biodiversity.
2. The proposal is not in accordance with Clause 12.01-2 *Native Vegetation Management* in that the proposal does not minimise the impact on biodiversity or provide an offset in a manner that makes a contribution to biodiversity that is equivalent to the contribution made by the vegetation to be removed.
3. The proposal is not in accordance with Clause 12.04-5 *Landscapes* in that it does not improve the landscape quality of the area nor does it protect and enhance the key features of the area.
4. The proposal is not in accordance with Clause 21.05 *Environment* as it does not protect and enhance the natural environment, features or values; nor does it minimise adverse impacts on landscape and environmental values.
5. The proposal is not in accordance with Clause 52.17 *Native Vegetation* in that an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) has not been identified.

Proposal:

The land has had a considerable amount of undergrowth removed and this application is to retain the land in a cleared state and not replant or be allowed to regenerate as would otherwise be required.

In early 2015 Council officers were made aware of clearing of undergrowth and ongoing poisoning of the property and the adjacent road reserve. Site inspections were undertaken in May 2015 to determine the extent of clearing that had taken place. The owner of the site was advised that the works went beyond the exemptions allowed in the Murrindindi Planning Scheme.

The owner of the property has elected to apply for a planning permit to maintain the illegally cleared area rather than rehabilitate the site. The application was lodged in December 2015, and as objections were received and meetings held with various authorities, the applicant amended the plan to include vegetation removal within the property boundaries only, which totals an area of 20,550 square metres (2.055 hectares). This includes the area from the exempt distance of 98m from the dwelling or to the property boundaries, whichever is lesser, and west of the power line easement. Refer to *Attachment 6.1a*.

The application was amended in March 2016, with the provision of an amended plan, and the biodiversity report required from the Native Vegetation Information Management (NVIM) tool was provided in April 2016. Because the biodiversity report was submitted without the additional information required for a high risk pathway, Department on Environment, Land, Water and Planning (DELWP) endeavoured to provide a response accordingly.

The applicant has stated that the decision not to provide all of the information was made due to the costs involved.

The Land & Surroundings:

The subject site is a 6.61 hectare parcel of land, with a rectangular shape, and is bounded by the Maroondah Highway to the east, public land to the west, privately owned land to the south, and Rouch Road to the north.

The property is heavily vegetated, with a dwelling and associated shedding located in the south-western corner of the property. Properties in the surrounding area are relatively heavily vegetated, with scattered dwellings and sheds, and used for rural lifestyle purposes.

Referrals:

The application was referred to both the DELWP and the Country Fire Authority (CFA).

The CFA advised standard vegetation management requirements for the defensible space, and provided an exempted distance of 98 metres of vegetation management from the dwelling, or to the boundary, whichever is lesser. They further advised that consideration could be given to increasing the Bushfire Attack Level (BAL) rating of the dwelling and/or the construction of a bushfire shelter to increase resilience to bushfire for the site.

DELWP has objected to the application on the following grounds:

'The application does not meet the decision guidelines of Clause 52.17-5 of the planning scheme:

- That an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) has been identified'.

DELWP has requested a compliant offset strategy to be provided as part of the application on a number of occasions and this has not been provided. The applicant has been advised that the hiring of a consultant to carry out a Habitat Hectare assessment may reduce the offset requirement when compared to the modelled scores. Further to this, they have advised that the objection could be withdrawn if the applicant were to provide details of how an offset could be secured.

Consultation:

The application was notified to nearby and adjoining owners, and nine submissions were received. One of these submissions has since been withdrawn, with eight submissions outstanding. The issues raised in the outstanding submissions are as follows:

- Clearing will increase water runoff and soil loss (five submitters)
- Impact on drains on Maroondah Highway and Rouch Road from silt and sediment (four submitters)
- Environmental concerns with silt and sediment in waterways (seven submitters)
- Should not be allowed to clear public land (five submitters) (this is no longer relevant as the public land component has been removed)
- Impact on visual amenity from loss of vegetation (four submitters)
- Concerns about loss of biodiversity (one submitter)
- Concerned about risk of flooding from increased water runoff (one submitter)
- Risk of contamination from chemicals used to clear (four submitters)
- Concern with accuracy of application information (one submitter)
- Dry Eucalypt Forest Model used in the application does not represent the site appropriately (two submitters)

- Believes the clearing of understorey will increase bushfire risk as the remaining forest dries out (one submitter)

These were forwarded to the applicant who provided the following responses (partly paraphrased):

- The public land component of this application came about because DELWP (the public land manager) has previously objected to cost factors - so the applicant accepted to do this work at his own cost under their supervision, and whatever other conditions DELWP may impose.
- The applicant stated there is little doubt about the bushfire risk, from the applicants own land, the adjacent public land, the fully mature bracken dominated fuel load. The risk is escalating as the country dries out.
- Water quality: The applicant cautioned anyone against regular consumption of household water from catchment heavily infested with bracken fern.
- The applicant indicated that "visual amenity" based on bracken fern is not a valid basis for exposing my property to extreme bushfire risk, based on fuel load, fire history and known bushfire weather from the north.
- Erosion and water gathering: the applicant indicated that the forest understorey has been severely invaded over many years by bracken, which is causing progressive degradation of the forest. Rainfall is reducing year by year, and the bracken hogs the water due to its near surface continuous root system. So all the young trees are dying, and available runoff is less and less. The applicant stated that he observed no evidence of erosion due to clearing the bracken on any of this land.
- The applicant indicated that understorey biodiversity has already been substantially lost on his property and adjacent public land components of the application, due to progressive invasion and takeover by bracken fern. Younger trees have been dying right through the forest along Maroondah Highway, since bracken has taken over, which hogs all the water and nutrients before it gets down to the lower tree roots. Only the big older trees with very deep roots manage to survive. The applicant stated this is getting worse with climate change.
- The applicant stated there is no evidence that removing bracken and other dead ground fuel from the forest areas of this property has created extra runoff and that some runoff always occurs from around buildings, driveways, and other sealed or compacted surfaces. The applicant stated that the driveways are constructed in the heaviest available aggregate with gradients designed to avoid concentration of water flows to the maximum extent possible.
- Flooding: The applicant stated the entrance driveway to #243 has always been subject to flooding since forestry operations set up a log loading area (known as Rouch Landing) in the current driveway many years ago, and failed to rehabilitate the area. The runoff is predominantly from Maroondah Highway, which empties out through the Rouch Road crossing, near the front gate.
- Chemicals: The applicant noted that Council has previously carried out herbicide work along Rouch Road, and indeed all public land managers do such works as required and that he had used Council's contractor, using only approved low risk methods. It is the applicant's opinion that water catchments dominated by bracken fern are now regarded medically as quite risky to human health.
- Damp/wet type forest: The applicant stated that the north eastern Victorian forests are becoming dryer from higher temperatures, less rain etc.
- Fire behaviour analysis submitted with the application clearly shows reduced fire risk from the proposed fuel management.

- The applicant stated detriment to local waterways, as raised in an objection, is not defined.

The application was amended after the original advertising to the current proposal. The amended proposal was outlined to all submitters, but no submissions were resolved.

Newspaper / Other	Publishing/Consultation Date(s)
<i>Mail out: Nearby and adjoining owners</i>	22 December 2015

Planning Considerations:

When considering the proposal, officers have to assess both the biodiversity impacts, with the help of DELWP, and the amenity impacts of such a proposal. In this case, the provisions that apply are detailed in the legal/policy issues section below. The considerations can be broken down into environmental, amenity and landscape and farming.

The provisions that consider the environmental impacts, including the proposed vegetation removal and any other offsite impacts, are considered by both Council and DELWP. The applicant provided cost estimates for the offset requirements determined in the Biodiversity Impact Offset Requirements (BIOR) report prepared by DELWP to assist the applicant in determining offsets, but the applicant advised that they would not be in a financial position to undertake the offsetting. Clauses 12.01-2 and 52.17 both outline that removal can only be supported when an offset is provided, and without a strategy to provide these offsets, the removal cannot be supported Council or DELWP.

In terms of the amenity and landscape impacts, the topography of the land is relevant with the land falling away towards the Maroondah Highway, Rouch Road and the properties at 243 and 271 Maroondah Highway. The impact includes silt and sediment runoff for properties to the east of the site, as the dwelling is at one of the highest points on the property. There are indications on Rouch Road that show that silt and sediment has been a problem from previous works, with existing sediment traps on the eastern side of the reserve being filled with sediment and no longer operational. The area of the property to be managed is visible from the Maroondah Highway, and is on the entrance into the municipality. In terms of assessment of landscape impact this corridor of land along the Maroondah Highway contains landscape values that are an important character element of this heavily vegetated area.

From a farming perspective, the land in the general area is heavily vegetated and not used for extensive farming practices. In these instances, the zone encourages the development of the land to be based on comprehensive and sustainable land management practices, with relevant decision guidelines for the environmental issues that should be considered with any proposal. The impact of the proposal on the natural physical features and resources of the area, the flora and fauna on the site and its surrounds and the need to protect and enhance the biodiversity of the area are all considerations, and the proposal to remove vegetation beyond the defensible space zone for the dwelling does not address these decision guidelines.

The trigger for the permit application is Clause 52.17, which requires the broader consideration of the removal of vegetation on a number of levels. Matters that should be considered include the need to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures as well as the role of the vegetation in protecting water quality and waterways, and land degradation. Consideration of the preservation of landscape values is also important in this application. In this case, the offsite impacts, including silt and sediment runoff from the site, as well as the impact on the broader landscape cannot be addressed should the clearing be retained. Further to this, the objection from DELWP in relation to the lack of a compliant offset strategy further strengthens the recommendation to refuse a permit.

The applicant raises the issue of the removal of vegetation to assist in bushfire protection for the dwelling on the site. The planning permit that was issued for the construction of the dwelling have due consideration for the bushfire risk, and allows defendable space of 98 metres from the dwelling, or to the property boundaries (whichever is lesser). Clause 52.17 does consider the need to create defendable space to reduce the risk to bushfire. The clause does not require that vegetation removal be the only option used on a site to reduce this risk, and it is the opinion of Council officers and the CFA that the 98 metre defendable space allowed already is sufficient to reduce the risk. It is acknowledged that this risk will never been completely removed, but there are other measures that can be put in place on the site that will increase the dwellings resilience to bushfire without the removal of 2.055 hectares of understory native vegetation.

Conclusion:

The site is in an area of extreme risk of bushfire. The owner of the property is able to manage the vegetation on the site to a relatively large extent as it currently stands – that is, 98 metres from the dwelling, or to the property boundary.

They are unable to manage the vegetation on the adjoining crown land as it is not in their ownership. The dwelling is constructed less than 30 metres from the property boundary adjoining the crown land in the south western corner of the property which limits their ability to create a full 98 metres defendable space around the dwelling. The location of the dwelling itself indicates that the lack of control on the adjoining land would require that alternative mitigation measures should be seriously explored, as the management of vegetation only on the private land will not remove the high risk of bushfire for the dwelling. The reality of this site, based on the recommendation of the CFA, is that the owners of the property should employ a leave early position in the case of a fire.

The Department of Environment, Land, Water and Planning has the relevant expertise to respond to the proposal implications in terms of native vegetation. In this case, DELWP has objected to the application, and in conjunction with the impacts on landscape and amenity of the area, Council officers recommend that this permit application be refused.

Legal/Policy Issues:

State Planning Policy Framework

12.01-1 *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 decision making takes into account the impacts of land use and development on Victoria's high value biodiversity

12.01-2 *Native Vegetation Management*

Objective: To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Strategies:

- Apply the risk-based approach to managing native vegetation as set out in *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013). These are:
 - Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity
 - Minimise impacts on Victoria's biodiversity

- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed

12.04-2 *Landscapes*

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

Strategies:

- Improve the landscape qualities, open space linkages and environmental performance in green wedges and conservation areas and non-urban areas
- Recognise the natural landscape for its aesthetic value and as a fully functioning system
- Ensure natural key features are protected and enhanced

Local Planning Policy Framework

21.01-3 *Murrindindi Key Issues and Influences*

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

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

21.03-2 *Agriculture*

Strategies:

- Protect water catchments and areas of high landscape, biodiversity, conservation and heritage value

21.05 *Environment*

Issues:

- Protection and enhancement of environmental features and values
- Protection of waterways and water quality
- Ongoing clearing of remnant native vegetation on private land and the need to protect this vegetation
- Decreasing indigenous vegetation cover due to a number of development pressures such as land clearing, invasion of weeds and loss of habitat

Strategies:

- Ensure that land use and development protects and enhances the natural environment and natural features and values
- Protect and enhance the biodiversity assets and natural environmental values of local, state, national and international significance
- Protect and retain native vegetation and enhance its contribution to biodiversity values

- Retain, protect and enhance native vegetation, including roadside vegetation, remnant vegetation areas, large old paddock trees and revegetation areas
- Prevent the ongoing and cumulative loss of native vegetation on both private and public land
- Minimise any adverse impacts of development on landscape, environmental conservation and recreational values

Zoning

35.07 *Farming Zone*

Purpose:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision

Decision Guidelines:

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality
- The impact of the use or development on the flora and fauna on the site and its surrounds
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area

The zone does not trigger a planning permit for the removal of vegetation.

Overlays

44.06 *Bushfire Management Overlay*

Purpose:

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

The overlay does not trigger a planning permit for the removal of vegetation.

Particular Provisions

52.17 *Native Vegetation*

Purpose:

- To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:
 - Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity
 - Minimise impacts on Victoria's biodiversity from the removal of native vegetation
 - Where native vegetation removal is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed
- To manage native vegetation to minimise land and water degradation

- To manage native vegetation near buildings to reduce the threat to life and property from bushfire

Decision Guidelines:

- The contribution that native vegetation to be removed makes to Victoria's biodiversity
- Whether reasonable steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity
- Whether the native vegetation to be removed makes a significant contribution to Victoria's biodiversity
- That an offset meets the requirements for the native vegetation that is to be removed as defined in the *Permitted Clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) has been identified

The Responsible Authority must also consider the following issues as appropriate:

- The need to remove, destroy or lop native vegetation to clear defensible space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures
- The role of native vegetation
- Managing native vegetation to preserve identified landscape values

A planning permit is required to remove native vegetation under Clause 52.17.

6.2 COMMUNICATIONS AND SOCIAL MEDIA POLICY

REF: 17/15845

Attachments: Draft Policy – Communication and Social Media 2017 (refer *Attachment 6.2 – TRIM 17/3536*)

Purpose:

This report seeks Council's adoption of the Communication and Social Media Policy.

Officer Recommendation:

That Council adopts the Communication and Social Media Policy as contained in *Attachment 6.2* to this report.

Background:

Council's policy approach to communication needs to be reviewed regularly to ensure currency and relevancy of existing practices and principles.

The Communication and Social Media Policy (Policy), refer *Attachment 6.2*, reflects Council's expansion of its social media presence. The Policy also ensures Council communications are distributed via a number of platforms, and in a way which enables citizens across the Shire to access information in a timely way.

It also incorporates a range of principles which will guide Council's broader approach to its communication.

The Policy combines and replaces two; formerly separate policies – the Social Media Policy and the Communication Policy - into one document to ensure consistency in Council's approach to communication, regardless of the platform used.

Council Plan/Strategies:

This Policy supports a range of strategies and objectives in the Council Plan 2013-2017; to communicate key Council decision and strategies to the community in a variety of ways; to build on our customer service and communication with the community and to continue to provide opportunities for community input and engagement.

Legal/Policy Issues:

Council applies the same criteria to its communication, including that done via social media, as it does with other business processes. This means all communication is bound by relevant legislation and regulations. This includes ensuring compliance with, for example the *Public Records Act 1973*, *Privacy and Data Protection Act 2014*, *Freedom of Information Act 1982*, the *Local Government Act 1989* and the *Councillor and Employee Codes of Conduct*.

Financial/Resources/Risk:

Use of social media affects a range of Council systems and processes, including the capture and actioning of customer service requests and feedback and also information management (record keeping).

As the Policy suggests, adding social media as a communication platform in addition to traditional media will require additional Council officer resources to effectively manage the increased workload.

Discussion:

The Policy will assist in providing a more cohesive and comprehensive approach to Council's communication across the Shire.

Council needs to provide multiple communication channels and platforms to ensure both the maximum reach of Council's information and also to complement efforts to engage the community. Providing multiple channels for communication ensures Council meets the needs of different demographics across the Shire, and helps compensate both for print media and mobile communication 'black spots' across the Shire.

The benefits of social media as a communication platform are well known; it is fast, two-way and if used well, enables an organisation to be both nimble and responsive to the needs of the community. Through this platform, the community can provide real time feedback and guidance about what the community values.

It is important that Council also retains use of traditional media platforms such as radio and newspapers to ensure it can also communicate with those without internet access or who are not familiar with digital platforms.

Council's website remains the key plank of its communication. The website is a bridge between traditional communication and social media; it is a static platform which provides information 24/7 to the community for those who are online, even if they are not social media users. It is also the repository of all general information the community needs to access about our services.

The Policy includes a number of principles which should guide Council's approach to communication; these include the requirement for responsiveness and flexibility in our approach, while maintaining standards around the quality of information we provide, including the need for clarity, accuracy, consistency and timeliness. It also requires Council to consider the needs of customers and the community in considering how it will communicate.

It provides necessary guidance around social media usage to help mitigate associated risk, while enabling Councillors and officers to use this valuable tool to promote Council's work and services.

Consultation:

Community consultation was not required in the drafting of this Policy. In the creation of this Policy, Council has been informed by approaches taken by other local Councils.

Conclusion:

Adoption of the Communication and Social Media Policy will enable Council to approach its communication with the community in a more cohesive way by helping to eliminate black spots in communication. It will also enhance the customer-focus and quality of communication being prepared and broadcast across the Shire.

6.3 BORROWINGS POLICY

REF: 17/10686

Attachments: Borrowings Policy (refer *Attachment 6.3* - TRIM: 17/16079)

Purpose:

The purpose of this report is to seek Council's adoption of the revised Borrowings Policy (Policy) which is designed to ensure that Council's borrowings are well managed and in accordance with its legislative responsibilities.

Officer Recommendation:

That Council adopts the revised Borrowings Policy contained in *Attachment 6.3* to this report.

Background:

Following a recommendation from Council's Audit Advisory Committee in 2014 a specific policy was developed and adopted by Council to ensure that Council's borrowings are appropriately managed. It should be noted that whilst the Policy directs the operational management of Council's borrowings, Council's strategy towards the value of its debts is determined through the development of the annual budget process.

Council Plan/Strategies:

This report is consistent with the Council Plan 2013-17 theme of Financial Sustainability. A key strategy for this theme is to continue to provide value for money through the delivery of long term financial plans and strategies.

Legal/Policy Issues:

The *Local Government Act 1989 (Act)* provides Council the power to borrow.

Section 144(1) of the *Act* states: 'Subject to the principles of sound financial management, a Council may borrow money to enable the Council to perform the functions and exercise the power conferred on the Council under this *Act* or any other *Act*.'

Sections 145 to 149 of the *Act* further specify the circumstances in which the power to borrow may be exercised, securities to be used for local government borrowings, and how the borrowings should be disclosed.

Financial/Resources/Risk:

As detailed in the Council Strategic Resource Plan 2013-2017, Council's current borrowing strategy has determined that a prudent level of debt will not exceed \$500,000 in new borrowings per annum over the next 10 years. This will result in Council's overall debt level decreasing over the life of the current Strategic Resource Plan.

Discussion:

The current Policy was developed in accordance with guidelines provided from the Municipal Association of Victoria and in reference to other Councils that have an adopted borrowings policy.

Although there is not a statutory requirement for Council to have a Borrowings Policy, it is recognised as best practice and is in accordance with the increased focus on compliance and financial management that is occurring in the sector from both the Victorian Auditor General's Office and Local Government Victoria.

The only significant change to the policy is the inclusion of the requirement that all of Council's borrowings are undertaken in Australian dollars, thus ensuring that Council does not have any exposure to foreign exchange risk relating to its debt.

Consultation:

This Policy was developed in accordance with recommendations from Council's Audit Advisory Committee, to ensure that this Policy provided clear direction to Officers regarding borrowing obligations and responsibilities, and to ensure compliance with Council's legislative obligations.

Conclusion:

This Policy supports Council's borrowing compliance with the Sections 144-149 of the *Local Government Act 1989*, as well as providing Council officers with clear direction regarding their obligations when managing borrowings on behalf of Council.

6.4 COMMUNITY GRANTS

An addendum report will be provided.

6.5 MURRINDINDI ENVIRONMENT ADVISORY COMMITTEE

REF: SF/1078 (17/14831)

Attachment: Draft Minutes of the Murrindindi Environment Advisory Committee Meeting held 28 February 2017 (refer *Attachment 6.5* - TRIM 17/14272)

Purpose:

To inform Council on the matters considered by the Murrindindi Environment Advisory Committee (MEAC).

Officer Recommendation:

That Council note the draft minutes of the MEAC meeting held on 28 February 2017.

6.6 MURRINDINDI MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE

REF: SF/572 (17/15433)

Attachment: Draft Minutes of the Murrindindi Shire Council and Lake Mountain Alpine Resort Municipal Emergency Management Planning Committee (MEMPC) Meeting Held 2 March 2017 (refer *Attachment 6.6* - TRIM 17/15251)

Purpose:

To inform Council on the matters considered by the Municipal Emergency Management Planning Committee (MEMPC).

Officer Recommendation:

That Council note the draft minutes of the MEMPC meeting held on 2 March 2017.

7. SEALING REGISTER

REF: 13/6325

8. COUNCILLOR PORTFOLIO REPORTS**8.1 LAND USE PLANNING PORTFOLIO**

Cr M Rae:

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr J Ashe:

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr E Lording:

8.4 CORPORATE AND CUSTOMER SERVICES PORTFOLIO

Cr L Dunscombe:

8.5 NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO

Cr R Bowles:

8.6 COMMUNITY SERVICES PORTFOLIO

Cr S McAulay:

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr C Bisset:

8.8 GENERAL BUSINESS**9. MATTERS DEFERRED FROM PREVIOUS MEETING****10. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

11. ASSEMBLIES OF COUNCILLORS

REF: CY17/114 (17/16510)

Purpose:

This report presents the records of assemblies of Councillors for 8 February 2017 to 8 March 2017, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

Officer Recommendation:

That Council receives and notes the record of assemblies of Councillors for 8 February 2017 to 8 March 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	Taylor Bay Wast Services Community Reference Group
Meeting Date	8 February 2017
Matters discussed	1. Taylor Bay Bin Compound, ongoing issues and suggested resolutions
Attendees: Councillors – Cr Ashe	Staff – M Leitinger, J Russell
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing
Meeting Date	15 February 2017
Matters discussed	1. Draft 2017/18 Annual Budget 2. Draft 2017/18 Capital Works Program 3. December 2017 Quarterly Development Services Report
Attendees: Councillors – Cr Bisset, Cr McAulay, Cr Dunscombe, Cr Lording, Cr Rae, Cr Bowles Cr Ashe	Staff – M Chesworth, S McConnell, A Bond, J Canny, L Kelly, S Brown
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Pre-meeting
Meeting Date	22 February 2017
Matters discussed	1. Public Participation Time 2. Quarterly Council Plan 2013-17 Report 3. Contract Award – Printers and Multi-Function Devices
Attendees: Councillors – Cr Bisset, Cr McAulay, Cr Bowles, Cr Dunscombe, Cr Rae, Cr Ashe	Staff – M Abbey, M Chesworth, S McConnell, A Bond, J Canny
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing
Meeting Date	1 March 2017
Matters discussed	<ol style="list-style-type: none"> 1. Proposed Amendment C64 – Rezoning of Hancock Victorian Plantations Land 2. Native Vegetation Clearing Guidelines 3. Economic Development Activities 4. Update on Progress of Council Plan Community Engagement 5. Alexandra Scouts Redevelopment Proposal
Attendees: Councillors – Cr Bisset, Cr McAulay, Cr Dunscombe, Cr Bowles, Cr Rae, Cr Ashe, Cr Lording	Staff – M Crane, M Chesworth, S McConnell, B Elkington, S Brown, N McNamara, M Leitinger
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Municipal Emergency Management Planning Committee
Meeting Date	2 March 2017
Matters discussed	<ol style="list-style-type: none"> 1. Roadside Slashing – timing of communications 2. Community Based Emergency Planning and the role of the MEMPC 3. MEMPC Membership – Neighbourhood and Community Houses 4. Red Cross – confirmation of cessation of Red Cross Emergency First Aid Program 5. MEMP review – due November 2017. Sub-committee requirements 6. NBN and communications issues in emergencies – update 7. General Business <ol style="list-style-type: none"> 7.1 New Mobile Phone Tower – Taylor Bay 7.2 Single House Fires information for residents 7.3 AusNet services – power off to townships coming up 7.4 UGFM licence renewal
Attendees: Councillors Cr McAulay	Staff – M Leitinger, N McNamara, J Canny, S Brown, C Price
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing
Meeting Date	8 March 2017
Matters discussed	<ol style="list-style-type: none"> 1. Tarnpirr Road Intersection Petition 2. Narbethong Vegetation Removal 3. Council Plan Consultation 4. Alexandra Land 5. Draft Annual Budget 2017/18 6. Schedule of Fees & Charges 7. Draft Communications and Social Media Policy
Attendees: Councillors – Cr Bisset, Cr McAulay, Cr Bowles, Cr Dunscombe, Cr Ashe, Cr Lording, Cr Rae	Staff – M Abbey, S McConnell, M Chesworth, J Canny, A Bond, J Rabel
Conflict of Interest disclosures - Yes	

Matter No.	Councillor making disclosure	Was a vote taken?	Did Councillor leave the room?	When? Before / after discussion / vote?
Item 4	C Bisset	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Before discussion

12. URGENT BUSINESS

13. 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 Path Program Tender is being considered in the closed part of this meeting because it is considered under S89(2)(d) that it may prejudice Council or a member of the public.

Recommendation:

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

- **Tender 16/26 – 2016/17 Path Program**