



Murrindindi
Shire Council

AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
WEDNESDAY 20 DECEMBER 2017
in the
ALEXANDRA COUNCIL CHAMBER
commencing at
6.00 pm

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1. PLEDGE AND RECONCILIATION STATEMENT**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE****3. CONFIRMATION OF MINUTES**

3.1 Minutes of the Ordinary Meeting of Council held on 22 November 2017.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 22 November 2017 be confirmed.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**5. PUBLIC PARTICIPATION TIME**

5.1 QUESTIONS OF COUNCIL

5.2 OPEN FORUM

5.3 PETITIONERS SPEAKING TO PETITIONS

FIRE PREVENTION – BURN OFF – KINGS ROAD KINGLAKE WEST

Attachment(s): Fire Prevention - Burn off - Kings Road Kinglake West

Purpose

This report is to advise Council that a petition has been received relating to “Burn Off Kings Road West Side”. The petitioners request:

1. The section of Kings Road that the CFA was not allowed to burn be re-addressed by allowing the CFA to extend the burn to this section of the road.
2. Residents would like to see clearing of this part of the roadside as residents are concerned about dangerous undergrowth that is still remaining.

Officer Recommendation

That the petition be received, noted and referred to the General Manager Infrastructure and Development Services for a report to be prepared for 24 January 2018 Ordinary Meeting of Council.

6. **OFFICER REPORTS**

6.1 **2017/147 – NARBETHONG TOWING DEPOT**

Attachment(s): *Application Documents (refer Attachment 6.1)*

Application Details (aerial photograph and submissions distributed separately)

Land: 635 Maroondah Highway NARBETHONG 3778

Proposal: Construction of workshop, office and caretaker's dwelling, use as a towing depot); erection of advertising signage.

Applicant: H E Moss

Zoning: Township

Overlays: Bushfire Management

Locality Plan



Purpose

This report recommends that a notice of decision to grant a permit be issued for the construction of a workshop, office and caretakers dwelling, use as a towing depot and the erection of advertising signage at 635 Maroondah Highway, Narbethong.

The proposal to allow the land to be used as a towing depot and the associated structures and sign will support the expansion of an existing business. It is located on a site that will be able to adequately accommodate the required infrastructure without significant impacts on nearby property owners.

Officer Recommendation

That Council issue a notice of decision to grant a permit for the construction of a workshop, office and caretakers dwelling, use as a towing depot and the erection of advertising signage at 635 Maroondah Highway, Narbethong (LOT: 2 LP: 207495, Parish of Narbethong), 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 three years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use 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. Storage of damaged vehicles may only be undertaken within the building or in the temporary overflow vehicle storage area shown on the endorsed plan. Vehicles in this temporary overflow vehicle storage area may only remain on site for a maximum of four days.

Building and works

4. 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.
5. The workshop, storage and mezzanine areas of the proposed shed may be used for storage purposes only and must not contain facilities that will allow that part of the building to be used for the purposes of accommodation.
6. Prior to the commencement of use, a 1.8m (approximately) colourbonded solid fence must be erected on the north-western and north-eastern boundaries of the property, in a muted shade of green, brown or charcoal, to the satisfaction of the Responsible Authority.

Effluent disposal

7. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority (EPA) 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.
8. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council. Sewerage treatment must be by package treatment plant to the satisfaction of the Responsible Authority.

Advertising sign

9. The advertising sign shown on the endorsed plan can only be altered or modified with the written approval of the Responsible Authority.
10. Only one advertising sign can be put on the property. This sign must not contain any flashing, animated, illuminated or reflective parts, and its only message must relate to a use conducted on the property.
11. The sign shall be located wholly within the curtilage of the subject land.
12. The sign hereby permitted shall be kept in good order and maintained to the satisfaction of the Responsible Authority.

Amenity

13. All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly, and more often if required by the Responsible Authority.
14. 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.
15. The emission of noise from the premises including the surrounding environment and carpark areas must not cause annoyance to persons beyond the site.
16. 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.
17. 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.
18. The use of the land for ancillary mechanical repairs hereby permitted shall generally only take place between the hours of 9am to 5pm Monday to Friday inclusive unless for the purposes of an emergency repair.
19. Truck movements on the land for the purpose of bulk removal of vehicles may only take place between the hours of 7am and 7pm unless with the prior written consent of the Responsible Authority.

Landscaping

20. Prior to the commencement of any buildings or works, a plan or plans shall be submitted to and approved by the Responsible Authority. Such plans must show the areas set aside for landscaping, and must be designed with plants that will both provide screening for the adjacent properties all year round, and must not interfere with the effluent disposal field. This area must then be maintained to the satisfaction of the Responsible Authority.
21. Before the start of the use allowed, the area set aside for landscaping, as shown on the endorsed plan, must be planted in accordance with the plan. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.

Infrastructure provision

22. Before the use begins, gross pollutant and/or litter traps shall be installed at the drainage outfall of the development to the satisfaction of the Responsible Authority.
23. Prior to the commencement of any works, a suitably prepared engineering plan must be submitted to the Responsible Authority and must detail the following:
 - a. the proposed driveway and car parking area (in accordance with the requirements of condition 23 below)
 - b. earthworks
 - c. drainage and stormwater management
 - d. erosion and sediment control measures.

When approved these plans will be endorsed and will form part of the permit.

24. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater

discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse affects within the site or to adjoining land or properties.

25. The approved works must not cut off natural drainage to adjacent properties.
26. Before construction works start associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitable qualified person.
27. A sign(s) to the satisfaction of the responsible authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the responsible authority. The area of each sign must not exceed 0.3 square metres.
28. Prior to the commencement of use, the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Country Fire Authority (CFA)

29. The Bushfire Management Plan (*prepared by Heather Moss / Vu Design, 635 Maroondah Highway, Narbethong, dated 18/07/2017*) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
30. An area of defensible space around the proposed building / dwelling for a distance of 29 metres or to the property boundary, whichever is the lesser where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
 - a. grass must be short cropped and maintained during the declared fire danger period
 - b. all leaves and vegetation debris must be removed at regular intervals during the declared fire danger period. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building
 - c. plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
 - d. shrubs must not be located under the canopy of trees
 - e. individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres
 - f. trees must not overhang or touch any elements of the building
 - g. the canopy of trees must be separated by at least 5 metres
 - h. there must be a clearance of at least 2 metres between the lowest tree branches and ground level.
31. 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.

VicRoads

32. **Only one access will be permitted from the subject land to the Maroondah Highway located as shown on the plan appended to the application.**
33. **Prior to development coming into use, the access must be constructed and sealed in accordance with VicRoads standard drawing SD2065 Truck Access to Rural Properties Type B to the satisfaction of and at no cost to the Roads Corporation.**
34. **Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).**

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.**
2. **Ancillary mechanical repairs are only to be done on vehicles owned by the resident of the dwelling or for minor repairs to vehicles on site only. No panel beating is included.**

VicRoads

3. **Separate consent for works within the road reserve and the specifications of these works may be required under the *Road Management Act*.**

Background

An application was received for the following proposal:

- construction and use of a workshop, office and caretakers dwelling
- use of the land as a towing depot
- erection of advertising signage.

The application also includes some minor vehicle repairs in the workshop, with no panel beating. Storage will be for vehicles only, with no dangerous goods to be kept on site and no anticipated waste discharge from damaged vehicles. It is anticipated that vehicle movements will be minimal, with up to 10 movements per day. The site has been designed to accommodate a large turning area within the site for trucks to ensure that all vehicles enter and exit in a forward manner.

The applicant currently has a towing depot in Buxton, which is limited in size and will not allow the business to expand. The site proposed is of sufficient size to allow for growth of the business.

The Land and Surroundings

The subject land is currently vacant, generally flat and clear of vegetation. The site previously contained accommodation cabins and a ski hire business that were destroyed in the 2009 bushfires.

To the west, north and south east of the site the land is used for residential purposes. The property adjacent to the north east is used for the construction of modular buildings. The land to the south west contains a retail premises. There is a mobile phone tower in the eastern corner of the property.

Discussion and Planning Considerations

Under the Murrindindi Planning Scheme, a planning permit is required for a towing depot, mechanical repairs, an office and a caretakers dwelling in the Township Zone.

Three submissions to the application were received and can be summarised as follows:

- the area is not industrial, which is the nature of the business
- concerned with traffic into and out of site, when the speed limit is 80 kilometres per hour
- the type of use will have no specific office hours, so there will be noise at all hours
- concerned with the visual impact of damaged cars stored outside
- proposal will have negative impact on the streetscape of Narbethong
- Narbethong is the gateway to the shire, and how it looks is important
- proposed use may have an environmental impact on adjoining dam and waterways (from petrol, lubricants, etc)
- proposal will create a fire risk with the petrol tanks on damaged cars
- thinks the security fence should be solid so that it blocks the view from nearby properties
- trees planted should not be deciduous as they won't screen in winter
- concerned any landscaping will not be maintained properly
- believe that the development will create noise and light spill
- proposal will have a negative impact on enjoyment on nearby crown land reserves.

The submissions were forwarded to the applicant, who provided a response. The response can be summarised as follows:

- the proposed use is not considered a "Use with adverse amenity impacts" under Clause 52.10, and can be considered in the zone
- VicRoads are satisfied with the proposal and will require the crossing to be updated
- night time activity will only be undertaken if there is a major accident, with most loading to be undertaken in daytime hours
- the building design is neat and contemporary
- landscaping will soften the visual impact
- most storage will be in the shed, with only temporary overflow parking outside and confined to a specific area on the northern boundary
- the operator will be living on site permanently
- all wastewater will be treated to a 20/30/10 standard in a treatment plant
- silt traps and triple interceptors will be installed on site to prevent spread of any contamination
- able to change to colourbond fencing on sections of the boundary if necessary.

When considering the application and the concerns raised by submitters, the following is noted:

1. Industrial use of land

The property is in the Township Zone, which provides for residential development as well as a range of commercial, industrial and other uses in small towns. The Township Zone is generally used in areas where the township itself is not large enough to accommodate a range of zones and there is no reticulated sewerage available.

When considering an industrial use in the Zone, Council officers consider the character of the township and the use of nearby properties.

The location on the Maroondah Highway has clear sight lines in both directions. To the north east of the property is a modular building factory, to the south west is a retail outlet, with residential uses to the rear in the north west. When developed, a light industrial use such as the proposal will fit in well with the uses on the adjoining properties facing the highway. Screen planting will be a critical component of any proposed permit for this site.

When considering how the proposal will interface with the residential uses, conditions can be used to ensure that most of the concerns raised by the submitters will be able to be addressed.

2. Visual impact

The visual impact of this proposal will be minimal as proposed building is set back further than the building on the neighbouring lot to the south west (ski hire shop). Fencing and landscaping will offset most visual impacts of the proposed development, with the existing vegetation on the adjoining properties having an immediate effect, while waiting for landscaping to develop.

The building is proposed to be two storeys, which will sit higher in the landscape than the adjoining buildings. However, the setback proposed and the landscaping requirements will offset this impact, and allow the site to be used more efficiently.

3. Noise and amenity concerns

The proposed use will create additional traffic, but as detailed in the application a large number of vehicle movements are not anticipated. The site is on a main highway, with a bitumen formation, and the road itself experiences high amounts of traffic. It is not anticipated that the traffic for this use will add significant noise impacts beyond what is already experienced from the highway traffic itself.

Permits for businesses such as this also include standard amenity conditions in relation to the emission of noise, dust, etc, that will allow officers mechanisms to ensure the land is kept neat and tidy in an ongoing manner.

4. Environmental management

There are two areas of consideration in relation to environmental management – effluent disposal and management of vehicle waste products. The proposal is to install a secondary treatment system that will dispose of effluent from the building itself within the boundaries of the property to EPA standards. Most of the vehicles will be stored within the building itself, with only overflow vehicles parked outside and within a specified area. Management of any waste products from damaged vehicles will be caught with silt traps and sediment interceptors, and will ensure there are no environmental impacts from the proposed use.

The site has been assessed as being of sufficient size to accommodate the building, associated infrastructure and effluent disposal in an appropriate way. The road access is of a standard that will support the proposed traffic movements and has been approved by VicRoads subject to upgrade works. The proposal generally complies with the provisions of the Murrindindi Planning Scheme and the relevant decision guidelines and provides an important service to the area.

In order to address the concerns raised, and ensure that the development proceeds in accordance with the application, it will be recommended that conditions are included on any permit that may issue as follows:

1. Colourbond fencing to the rear and north eastern side of the property – this will provide both screening for the residential properties at the rear, and formal screening for the overflow area for damaged vehicles.

2. Installation of silt traps and sediment interceptors on site – to ensure that any spill from the damaged vehicles will be managed accordingly.
3. Landscaping around the boundaries of the property – this will provide a visual buffer, with a requirement that the trees be native and indigenous to the area. Deciduous trees will not be considered appropriate for the landscaping.
4. Any overflow parking of damaged vehicles will only be able to take place within the designated area.
5. All buildings must be constructed in muted tones of green, brown or charcoal to ensure they blend into the natural environment.

Referrals

The application was referred to the Country Fire Authority and VicRoads, who had no objections subject to a range of conditions.

Council Plan/Strategies/Policies

The application is being assessed in accordance with the following strategic objectives and strategies in the Murrindindi Shire Council Plan 2017-2021:

- Our Place: Through good land use planning enhance the liveability, prosperity and rural character of our Shire.

Relevant Legislation

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

Financial Implications and Risk

There is no financial risk to Council in this application.

Conflict of Interest

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

Community and Stakeholder Consultation

Nearby and adjoining owners were notified of the application and a sign was placed on the site. Three submissions were received, with none resolved as part of the process.

Legal/Policy Issues

State Planning Policy Framework

13.04-1 *Noise Abatement*

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

Strategies:

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

13.05 *Bushfire 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
- Only permit new development where:
 - The risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level.

17.01-1 Business

Objective: to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Strategies:

- locate commercial facilities in existing activity areas.

Local Planning Policy Framework**21.03-1 Business and Industry**

Issues:

- facilitation of sustainable economic growth to enhance the general economic performance of the municipality
- a desire to facilitate and promote economic activity generally
- economic impacts of planning for and recovery from natural disasters, including the need to revitalise the economies of towns and communities affected by the 2009 bushfires.

Strategies:

- support the sustainable growth of Murrindindi Shire's businesses and the local economy
- facilitate the operation and growth of rural and home based industries and commercial activities.

Zoning**32.05 Township Zone**

Purpose:

- to provide for residential development and a range of commercial, industrial and other uses in small towns
- to encourage development that respects the neighbourhood character of the area
- to allow a limited range of other non-residential uses to serve local community needs in appropriate locations.

Decision Guidelines:

- the protection and enhancement of the character of the town and surrounding area including the retention of vegetation
- the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*
- the design, height, setback and appearance of the proposed buildings and works including provision for solar access
- provision of car and bicycle parking and loading bay facilities and landscaping
- the effect that existing uses on adjoining or nearby land may have on the proposed use
- the scale and intensity of the use and development
- the safety, efficiency and amenity effects of traffic to be generated by the proposal
- the effect of traffic to be generated by the use.

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.

Particular Provisions

52.05 *Advertising Signs*

Purpose:

- to ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of the road.

Decision Guidelines:

- the character of the area
- the relationship to the streetscape, setting or landscape
- the relationship to the site and building
- the impact on road safety.

52.06 *Car Parking*

Purpose:

- to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

6.2 SERVICE PROVISION ON CODE RED DAYS POLICY REVIEW

Purpose

This report seeks Council's endorsement of the revised Service Provision on Code Red Days Policy.

Fire behaviour on Code Red Days is considered to be uncontrollable. Council has a legal obligation to ensure its employees, Councillors and the general public are not placed in situations of risk to safety due to its services and actions. The Service Provision on Code Red Days Policy outlines how Council will respond on declared Code Red Days to minimise risk to personal safety.

Officer Recommendation

That Council adopts the revised Service Provision on Code Red Days Policy as contained in attachment 6.2.

Background

In November 2013 Council adopted the Service Provision on Code Red Days Policy (Policy) and reviewed and updated the Policy in November 2015. The Policy is again scheduled for review.

The Policy sets out the anticipated level of service delivery by Council on days designated by the Country Fire Authority (CFA) as code red. Such days are considered by fire agencies to be the most dangerous, with fire behaviour predicted to be uncontrollable, unpredictable and fast moving. On such days the CFA advises people to leave areas of high bushfire risk, either the night before, or early in the morning and avoid heavily grassed or forested areas.

Many public services will be reduced or suspended on Code Red Days, including schools, kindergartens, pre-schools and employment generally is likely to be disrupted as people heed the advice of the CFA and enact their bushfire preparedness plans.

Council has a legal responsibility to provide a duty of care to its employees, Councillors and the general public to ensure people are not placed in undue risk as a consequence of Council's services and activities.

Discussion

The Policy recognises that Council's services are likely to operate with altered or reduced service levels on Code Red Days for the following reasons:

- large area within the Shire considered to be of high bushfire risk
- need to ensure Council's operations do not unintentionally cause a fire to start
- need to provide for the safety of Council staff and to ensure that the public is not placed in situations of undue risk when travelling to and accessing Council services
- ensure sufficient staff resources can be re-deployed to emergency response planning functions and, in the event of a fire event, provision of support to fire combating agencies and emergency relief centres
- likelihood that some staff will take approved leave on Code Red Days to attend to family arrangements and to enact personal bushfire plans.

The Policy indicates that Council offices in Alexandra, Yea and Kinglake will remain open, as far as practicable, on Code Red Days.

The Policy emphasises the need to avoid all non-essential travel on Code Red Days. The Policy requires that Council meetings (Ordinary, Special and Briefings) as well as Council's delegated Committee or Advisory Committee meetings be cancelled on Code Red Days recognising the extent of travel often required for Councillors, staff, volunteers and members of the public to attend meetings.

Given that the urban centres of both Alexandra and Yea are the only areas in the Shire not considered bushfire prone there may be a greater propensity for people enacting their fire plans on Code Red Days to relocate to these towns. Where possible, Council's recreational services such as swimming pools and library services will be maintained in these towns.

The Policy also requires that a number of non-essential Council services in locations outside Yea and Alexandra will be suspended on Code Red Days, given the need for travel to, or through, higher risk bushfire prone areas by staff and the public to deliver or access these services. These include Maternal Child and Health Services (Toolangi, Kinglake, Eildon, Marysville and Flowerdale), Swimming Pools in Eildon and Marysville and all mobile library services.

The Policy also indicates that Council's outdoor infrastructure operations will be suspended, with staff on stand-by arrangements to respond to any emergencies arising.

The Policy also indicates that Council will issue media releases outlining the services available on Code Red Days. Council's website and facebook pages will include regularly updated information concerning the availability of Council services and Council will utilise the services of UGFM Community Radio to issue bulletins where possible.

It is not proposed to change the Policy direction, other than to update the references to the new Council Plan and to recognise the role of social media (facebook) in Council's communications.

Council Plan/Strategies/Policies

The policy review relates to the Council Plan 2017-2021 Strategic Objective to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

There is a separate organisational policy and procedures providing internal operational guidelines for staff on Code Red Days, including provisions for leave approval where required.

Relevant Legislation

Council is obliged under the *Occupational Health and Safety Act 2004* to provide a duty of care to its employees, Councillors and the general public. Therefore Council needs to mitigate potential risk on Code Red Days by restricting work to essential services and those services that do not impose unnecessary risks.

Financial Implications and Risk

The Policy is aimed to ensure that Council personnel (including employees, Councillors, volunteers and contractors) and members of the public are not placed in situations of undue risk on Code Red Days when conducting Council business or in accessing Council services.

In the event of actual fire emergency on a code red day, Council's emergency management procedures, documented in Council's Municipal Emergency Management Plan (MEMP), will come into operation.

Conflict of Interest

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

Community and Stakeholder Consultation

It is not planned to conduct community consultation with respect to this Policy review. The Policy is published on Council's website.

7. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/2817	12 December 2017	Standard Council Lease of Land - Property: Yea South (Yea Spur Road, Flowerdale) between Murrindindi Shire Council and Telstra Corporation Limited	Margaret Abbey Annette Reddon (witness)

Officer Recommendation

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

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

9. GENERAL BUSINESS**10. MATTERS DEFERRED FROM PREVIOUS MEETING****11. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****12. ASSEMBLIES OF COUNCILLORS****Purpose**

This report presents the records of assemblies of Councillors for 15 November 2017 to 6 December 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 15 November 2017 to 6 December 2017.

Background

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

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

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

Discussion

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

The following summary details are for 15 November 2017 to 6 December 2017:

Meeting Name/Type:	Councillor Briefing	
Meeting Date:	15 November 2017	
Matters Discussed:	<ol style="list-style-type: none"> 1. Economic Value Visitors can Provide 2. Smart Planning 3. Yarra Ranges Tourism 4. 2017-18 Fire Season Predictions and Fire Prevention Program 5. Eildon Structure Plan 6. Youth Charter and Service Overview 7. Review of Murrindindi Environment Advisory Committee 8. Doing Business Better 	
Councillor Attendees: Cr Bisset, Cr Rae, Cr McAulay, Cr Ashe, Cr Bowles	Council Officer Attendees: M Abbey, S McConnell, M Chesworth, B Elkington, S Brown, K Girvan, L Wallace, N McNamara, S Coller, M Leitinger	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Council Pre-Meet	
Meeting Date:	22 November 2017	
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Application - Gobur 2. Planning Application - Buxton 3. Gaming Policy Planning Amendments 4. Health and Wellbeing Plan 5. Section 86 Committee Membership 6. Annual Report 	
Councillor Attendees: Cr Ashe, Cr Bowles, Cr Bisset, Cr Rae, Cr Dunscombe, Cr McAulay	Council Officer Attendees: A Bond, J Canny, M Chesworth, S McConnell, S Brown, K Girvan	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Municipal Emergency Management Planning Committee	
Meeting Date:	30 November 2017	
Matters Discussed:	<ol style="list-style-type: none"> 1. Update of Contact List 2. MEMP Adoption 3. Fire Season Outlook and Update 4. Disaster Legal Help Victoria Update 5. Vulnerable People in Emergencies Policy Review 6. Flood Preparation 	
Councillor Attendees: Cr McAulay	Council Officers: C Price, M Leitinger, J Canny	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Councillor Briefing	
Meeting Date:	6 December 2017	
Matters Discussed:	<ol style="list-style-type: none"> 7. Local Laws Permit - Alexandra 8. Asset Management Presentation 9. Aquatic Services Data 10. Instagram 11. Waste Fees and Charges 12. Code Red Day Policy 	

Councillor Attendees: Cr Bisset, Cr McAulay, Cr Ashe, Cr Lording, Cr Rae, Cr Bowles, Cr Dunscombe	Council Officers: M Abbey, S McConnell, M Chesworth, A Bond, Z Blakeney, J Canny, S Coller, T Ackerman, M Leitinger
Conflict of Interest Disclosures: Nil	

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

13. URGENT BUSINESS**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 ‘Tender 17/20 – Marysville and Triangle Arts And Culture – Internal Refurbishment’ is being considered in the closed part of this meeting because it is considered under S89(2)(d) that it is 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:

- **Tender 17/20 – Marysville and Triangle Arts And Culture – Internal Refurbishment**

**ADDENDUM
ORDINARY MEETING AGENDA ITEM**

20 December 2017

6.3 YEA SALEYARDS – WEIGHING FEE

Purpose

This report is to seek Council's endorsement of a revised schedule of fees for the Yea Saleyards, to commence from 1 January 2018.

Officer Recommendation:

That Council:

- **Endorse a \$2.00 increase to existing yard fees, to include the weighing of all cattle, commencing 1 January 2018, resulting in the following updated fee schedule:**

Cattle	\$12.00 per head, inclusive GST
Cow and Calf	\$13.00 per unit, inclusive GST
Bulls	\$17.00 per head, inclusive GST
- **Endorse a minimum call out fee of \$250.00 to be charged for scalehouse operations outside of scheduled sale days, or \$5.00 per head, whichever the greater.**

Background

Council, together with the Yea Saleyards Committee of Management took advantage of a Commonwealth funding opportunity to commence the Stage 2 Development of the Yea Saleyards.

This development has been able to be undertaken via the Commonwealth Grant of \$363,000, with the balance funded from the Yea Saleyard Reserve funds.

A part of this development included the construction of a set of cattle scales and a scale. The current scanning contractor has conducted two trials at recent yard sales to confirm the operations of the equipment, and to assess their expected costs associated with the operations of the new technology.

Discussion

The Yea Saleyards Committee of Management organise and facilitate approximately 20 store cattle sales per annum at the Yea Saleyards, selling approximately 27,000 animals and generating a turnover of approximately \$1.5 million for the livestock sector. Individual cattle sales vary in numbers from 1,200 head up to 3,500 head.

The trial for the combined weighing and scanning process conducted at the December sale processed 1,400 animals in four hours, proving to be both a time and cost efficient process. Scanning and weighing is conducted pre-sale and cattle are sold by dollar per head and the weight is displayed for the benefit of both vendor and buyer. By having the scales in full operation lends itself to private weigh opportunities and in the future the possibility of live weight sales (fat sales). The introduction of the weighing and scanning technology software also provides additional reporting and analytical benefits for both contractors and livestock agents.

The current fee structure, which was adopted as a part of Council's 2017/18 budget, is based on the costs associated with the operations and did not include cost recovery associated with the operations of the scalehouse, as the construction of the new scalehouse and timing of its functionality was unknown prior to 30 June 2017.

Following the successful conclusion of the testing program of the new scalehouse and associated technology, at its 19 December 2017 Committee Meeting, the Yea Saleyards Committee of Management resolved to seek Council support to introduce a new fee schedule from 1 January 2018 to cover the new operating costs associated with this technology.

The proposed fees will be reviewed for 2018/19 as a part of Council's budget review and development, which will be able to consider the performance and return on technology after some months of operation.

Council Plan/Strategies/Policies

Reviewing the fees associated with the operation of the Yea Saleyards relates to two strategic objectives of the Council Plan 2017-2021:

- Our Prosperity – advocate for improved infrastructure to realise economic opportunities
- Our Promise – maintain Council's financial sustainability through sound financial and asset management

Relevant Legislation

The Saleyards Committee of Management has delegated responsibility for the operations and management of the Yea Saleyards under section 86 of the *Local Government Act 1989*. This delegation does not include the setting of fees, hence the requirement for Council to resolve on the introduction of any new fee.

In addition, the operation of the Yea Saleyards must comply with various requirements within the *Livestock Disease Control Act (1994)*, the *Livestock Management Act (2010)*, the *Occupational Health & Safety Act (2004)* and the *Environmental Protection Act (1970)*.

Financial Implications and Risk

Additional revenue derived from weighing and scanning cattle will be dependent on throughput and estimated at approximately \$50,000 per annum and will result in the Saleyards Reserve increasing by \$10,000 after costs associated with weighing and scanning are considered.

Conflict of Interest

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

Community and Stakeholder Consultation

The Yea Saleyards Committee of Management conducted a benchmarking exercise in late 2016 when all Yea Saleyard fees were reviewed as part of the annual budget process which is considered to still be relevant to the current marketplace.