



**Murrindindi**  
Shire Council

MINUTES  
of the  
ORDINARY MEETING OF COUNCIL  
held on  
WEDNESDAY 24 JANUARY 2018  
in the  
YEA COUNCIL CHAMBER  
commencing at  
6.00 pm

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

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

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

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

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

**Present:**

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

**In attendance:**

Interim Chief Executive Officer: Craig Lloyd

General Manager Corporate and Community Services: Michael Chesworth

General Manager Infrastructure and Development Services: Stuart McConnell

Manager Business Services: Andrew Bond

Manager Development Services: Shivaun Brown

Governance Officer: Audrey Kyval

## **3. CONFIRMATION OF MINUTES**

3.1 Minutes of the Ordinary Meeting of Council held on 20 December 2017.

**Officer Recommendation**

That the minutes of the Ordinary Meeting of Council held on 20 December 2017 be confirmed.

**RESOLUTION:**

**Cr R Bowles / Cr E Lording**

**That the minutes of the Ordinary Meeting of Council held on 20 December 2017 be confirmed.**

**CARRIED**

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

Nil

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

## **5. PUBLIC PARTICIPATION TIME**

### **5.1 QUESTIONS OF COUNCIL**

Two questions were received from Mr Jack Russell of Yea and from the Yea & District Progress Association. Per section 109.3 of the *Governance Local Laws No. 2*, the questions were not read

as the submitters were not present at the meeting. A separate response to the submitters will be provided as per section 110 of the *Governance Local Law No. 2*.

## **5.2 OPEN FORUM**

Mr Philip Loble spoke in support of the Application For Planning Permit No 2017/133, Proposed Extension to Winery and Liquor Licence, 1084 Kinglake – Glenburn Road, Glenburn (item 6.2 on the Agenda).

## **5.3 PETITIONERS SPEAKING TO PETITIONS**

Nil

### **5.3.1 RESPONSE TO PETITION - BURN OFF KINGS ROAD KINGLAKE WEST**

Attachment(s): *CFA Kings Road Kinglake – Flyer (refer Attachment 5.3.1)*  
*Petition - Burn Off Kings Road, Kinglake West (distributed to Councillors separately)*

#### **Purpose**

The purpose of this report is to outline the background and proposed response to a petition to Council regarding the cool burn project in Kings Road, Kinglake West.

The petition sought Council permission for an extension of roadside burning along Kings Road due to concern that dangerous undergrowth is presenting a fire risk to properties and human life.

#### **Officer Recommendation**

That Council:

- not approve further burns on this roadside until the effect of the recent cool burn on the roadside vegetation is assessed
- request that the Manager Infrastructure Operations consult with concerned local residents on the outcomes of the cool burn and use these outcomes to identify the need and appropriate options for any future fuel reduction works
- request that the Manager Infrastructure Operations write to the head petitioner and to other stakeholders involved communicating the outcome of Council's consideration of the petition.

#### **Background**

##### Petition

Council received the petition from twenty three residents at the 20 December 2017 Ordinary Meeting. The petitioners requested that the Country Fire Authority (CFA) be allowed to burn sections of the roadside of Kings Road, Kinglake West where the CFA was not previously allowed to burn. The petition requests the clearing of this part of the roadside as they are concerned about dangerous undergrowth that is still remaining.

Council has also received correspondence on behalf of the Upper Goulburn Landcare Network (UGLN) and Kinglake Landcare Group opposing proposals for further burning in Kings Road, Kinglake West.

### Location

Kings Road, Kinglake West is identified as an ecological significant roadside and in early 2017 was included in the Ribbons of Remnant Roadside project.

The Ribbons of Remnant Roadside is a collaborative program between Council, UGLN and Cittaslow Yea. The Program showcases roadsides which have significant conservation value and biodiversity and aims to improve community's understanding of their value not only for maintaining biodiversity but also for soil stability, water quality and landscape values. There are eight roadsides across Murrindindi Shire selected to be part of this Program.

Kings Road is approximately 1.8 kilometres long with approximately half of the roadside cleared of native vegetation (northern half). The western side of the southern section (off Whittlesea-Kinglake Road) is considered of High Conservation value.

The roadside is significant because it contains native vegetation that is becoming increasingly scarce in the landscape. In addition the critically endangered *Pomaderris vacciniifolia* is present on the roadside and the area is potential habitat for the endangered *Brush-Tail Phascogale*.

### Purpose of the Burn

Due to the conservation value of the area, a cool burn was proposed as a strategy to control invasive annual grasses present on the roadside which affect the quality of biodiversity. It was not intended to be a stand-alone fire prevention activity, however the burn has assisted in reducing the fuel load risk of introduced grasses.

There is increasing appreciation for fire as a management tool of indigenous vegetation, however, there is still much to learn and understand about fire and its affect on the native environment including timing, heat generated and intervals between fire events. Due to the uncertainties a small section was agreed upon enabling Council to test the outcomes and apply these to future roadside reserve management.

### Planning and Undertaking the Burn

Onsite meetings were attended by North East CFA representatives (including a local CFA brigade member and resident of the road), local Landcare members (also a resident of the road) and Council's Environmental Officer to scope the cool burn project.

It was agreed a cool burn would be undertaken on a 200 metre section of the western side of the road to reduce the density of introduced annual grasses outcompeting native vegetation. A flyer was distributed to residents outlining the scope of the burn and when it would occur (attachment 5.3.1). The Kings Road cool burn was undertaken on 1 November 2017, and resulted in 385 metre of roadside burnt.

### **Discussion**

The section requested by petitioners to be burnt was not an area agreed to be treated as part of the original cool burn project. In relation to the section requested by the petitioners to be burnt:

- native vegetation is also diverse, well represented and successfully regenerating
- the section has good examples of native vegetation (both in extent and condition)
- some plantings of native understory have occurred as part of the Ribbons of Remnant Roadside project
- introduced grasses are not as dense in this area. This is significant as the original purpose of the burn project was to reduce weeds and improve ecological condition, rather than necessarily to reduce fuel
- in the last 10 years much of this roadside has already been burnt, approximately 800 metre section was burnt in the 2009 fires and another 150 metre section was burnt adjacent to 48 Kings Road in 2008.

Council has obligations in relation to threatened species under the *Environment Protection and Biodiversity Act 1999* and the *Flora and Fauna Guarantee Act 1998*.

Due to the potential impact on endangered vegetation, further burns are not recommended at this time. Subject to the outcomes of this trial, Council could work with concerned stakeholders to consider such work in the future.

#### Additional Fire Management actions

It should also be noted that this burn will be complemented by two other roadside burns (led by the CFA) scheduled for Watson Road and Nichols Road in Kinglake West. Council will also be spraying noxious weeds along this roadside as part of the 2017/18 roadside weed control program which will also reduce fuel loads.

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

This matter relates to the Council Plan 2017-2021 'Our Place' strategic objective 'we will maintain and enhance places to be attractive, liveable, in balance with our natural environment', and the following strategies:

- 'Strengthen the environmental sustainability of our communities, protect our natural environment, and reduce resource consumption'
- 'Enhance community safety, resilience and liveability through improved planning, community engagement and fair and transparent approach to compliance'

#### **Relevant Legislation**

*Catchment and Land Protection Act 1994*

*Environment Protection and Biodiversity Conservation Act 1999*

*Flora and Fauna Guarantee Act 1988*

*Planning and Environment Act 1987*

#### **Financial Implications and Risk**

Not applicable.

#### **Conflict of Interest**

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

#### **Community and Stakeholder Consultation**

The Manager Infrastructure Operations will write to the head petitioner and other stakeholders involved communicating the outcome of Council's decision. In addition, consultation will be required with key stakeholders at a later date in relation to the outcomes of the cool burn and future fuel load reduction strategies for Kings Road.

#### **RESOLUTION:**

**Cr E Lording / Cr M Rae**

**That Council:**

- **not approve further burns on this roadside until the effect of the recent cool burn on the roadside vegetation is assessed**
- **request that the Manager Infrastructure Operations consult with concerned local residents on the outcomes of the cool burn and use these outcomes to identify the need and appropriate options for any future fuel reduction works**
- **request that the Manager Infrastructure Operations write to the head petitioner and to other stakeholders involved communicating the outcome of Council's consideration of the petition.**

**CARRIED**

## **6. OFFICER REPORTS**

### **6.1 RECONSTRUCTION OF GLENBURN SERVICE STATION**

Attachment(s): *Application Details (refer Attachment 6.1)*  
*Application Details (aerial photograph and submissions distributed separately)*

Land: 3883 Melba Highway, Glenburn  
Proposal: Reconstruction of a service station  
Applicant: SMB Design and Construction  
Zoning: Rural Activity  
Overlays: Nil

#### **Locality Plan**



#### **Purpose**

This report recommends that a Notice of Decision to grant a permit be issued for the reconstruction of a service station at 3883 Melba Highway Glenburn. The redevelopment of the site will result in a better designed and utilised service station and provide a positive economic benefit for the broader area.

#### **Officer Recommendation**

That Council issue a Notice of Decision for a Planning Permit for the reconstruction of a service station and removal of vegetation at 3883 Melba Highway Glenburn (LOT: 1 LP: 133134, Parish of Woodbourne), subject to the following conditions:

1. This permit shall expire if the development hereby permitted is not completed within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the development allowed by the permit has not yet commenced, or within 12 months where the development allowed by the permit lawfully commenced before the permit expired.

2. Prior to the erection of any building and/or the commencement of any works whatsoever, a plan or plans properly drawn to scale and showing, inter alia:
  - (i) the siting and dimension of all buildings and works including access lanes and driveways proposed to be erected or constructed
  - (ii) the nature of all external materials and finishes of all such buildings including the roofing, all of which shall be non reflective
  - (iii) amended site plan to show:
    - a. the diesel tank to be relocated to the north and outside the drip line of the two mature eucalypts
    - b. accurately identify the north point
    - c. the extent of the sealed area and the area of the dust free area in relation to the truck parking
    - d. an acoustic fence located adjacent to Lot 4 of LP217444 and:
      - i. as near as practical to the north-east boundary for a length of 50 metres from the north-east corner of the subject land; and
      - ii. 2 metres from the north-west boundary for a length of 37 metres from the north east corner of the subject land
    - e. detail on the design of the acoustic fence
    - f. a barrier, which is to be constructed to ensure that vehicles cannot enter the effluent disposal field and reserve fieldshall be submitted to the Responsible Authority and when approved shall be endorsed and form part of this Permit.
3. 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.
4. Prior to the commencement of development works the acoustic fence as required by condition 2(iii)d, must be erected to the satisfaction of the Responsible Authority.

#### Environmental Health

5. The effluent disposal is to be installed in accordance with the Land Capability Assessment (LCA) supplied by Ground Science, dated 27 September 2017, reference E2608.1 AA prior to the commencement of the use of the development hereby permitted.
6. The area set aside for effluent disposal and the reserve field is to be protected by a barrier which will be constructed in accordance with the amended site plan to ensure that no vehicles, animals or structures can enter these areas. All waste water is to be contained onsite in accordance with Council and Environment Protection Authority (EPA) requirements.
7. The new food preparation sales area and café must comply with the relevant Australian Food Standards.

#### Infrastructure provision

8. Runoff collected in truck parking and fuel refilling areas must be treated with an oil separator prior to discharge into the drainage system.
9. Any contaminated material needs to be identified, treated and disposed of according to EPA guidelines.
10. 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, car and truck parking areas including one car space for disabled persons
- 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. All parking areas and driveways must be sealed with the rear most area for the three truck parking bays being constructed of materials that are dust free and maintained in that manner to the satisfaction of the Responsible Authority.

11. 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.
12. Before construction works associated with the provision of driveway, drainage and car parking commence, 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 suitably qualified person.
13. Prior to the commencement of use, the area(s) set aside for parking of vehicles, and access lanes as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.

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

#### Amenity

14. 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.
15. 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.
16. The emission of noise from the premises including the surrounding environment and carpark areas must not cause annoyance to persons beyond the site.
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.

#### Landscaping

18. Prior to the commencement of the use the landscaping shown on the endorsed landscaping plan must be planted and then must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants be replaced.

#### Parking signs

19. Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for parking and must be located and maintained to the satisfaction of the Responsible Authority.

**Construction phase**

20. All activities associated with the construction of the development allowed by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.
21. Prior to commencement of works the owner or applicant must submit a 'Construction Management Plan' (CMP) for approval by the Responsible Authority. This plan shall include, but be limited to:
  - a. a site specific plan showing proposed erosion and sedimentation control works
  - b. techniques and intervention levels to prevent a dust nuisance
  - c. techniques to prevent mud and dirt being transported from the site to adjacent streets
  - d. the protection measures taken to preserve any vegetation identified for retention
  - e. details of a contact person/site manager must also be provided so that this person can be easily contacted should any issues arise.

**Other**

22. The proposed development must comply with the relevant requirements of the *Dangerous Goods Act* and its subordinate legislation, particularly the *Dangerous Goods (Storage and Handling) Regulations 2000*.
23. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
24. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV, EPA Publication 1411, 2011) or as amended.

**Background**

An application has been received to demolish the existing building and rebuild the service station at Glenburn. The proposed redevelopment of the site includes the following works:

- construction of a new service station building, consisting of the shop and convenience restaurant, which includes:
  - a total area of 475 square metres (store, dining area and associated food prep and office spaces)
  - increased setback of the service station building by 15 metres
  - maximum building height of 4.45 metres, with canopy height retained at 6.05 metres
  - painted concrete construction and glass to shop front area, with red metal cladding on the fascia.
- installation of new bowsers in the same location as existing bowsers
- modification of the existing canopy
- construction of a new canopy link between the modified canopy and new building
- construction of new diesel bowsers and associated truck canopy in the south west corner of the site
- installation of new above-ground 70 kiloliter diesel fuel tank
- retention of existing underground fuel tanks, above ground LPG tank, above ground water tank and 5 metre high pylon sign
- installation of an additional 2 x 22,500 litre water tanks.

In relation to traffic and car parking, the proposal includes:

- retaining existing entry and exit crossovers
- provision of 17 car spaces, with 13 at the front and four to the side of the building
- provision of six truck parking spaces at the rear of the building, with three on concrete and three on a dust free surface.

### **The Land and Surroundings**

The subject land is 1.6 hectares in area and is located in the Rural Activity Zone. The surrounding land is zoned Farming and consists of a small reserve/playground on the south western boundary, a 26 hectare grazing property with house on the north western boundary and a 3 hectare property on the north eastern boundary used for horses, also with a house. The house on the property to the north-west is 200 metres from the rear boundary of the subject land and the house on the north eastern boundary is 12 metres from the corner of the land.

The land abuts the Melba Highway with two existing access entry points into the site. This is not proposed to be altered.

The existing building is located 40 metres from the Melba Highway and 110 metres from the rear boundary and is 400 square metres under roof. The proposed building will be located 55 metres from the Melba Highway boundary and 79 metres from the rear boundary and is 475 square metres under roof. There is an existing fenced area at the rear that is used for effluent disposal and horse grazing. This fence is proposed to be removed to extend the truck parking area and the land at the rear will be retained as grass for the purpose of effluent disposal and to allow for a reserve effluent field.

The land behind the existing building includes a service compound and is gravelled and currently used for truck parking, including overnight. The new proposal is for 6 formal truck parking spaces that will extend 10 metres into the existing fenced area.

A number of reports were lodged with the application documents and this includes a land capability assessment report (effluent disposal), infrastructure services report, traffic impact assessment report and noise assessment report.

### **Discussion**

Under the Murrindindi Planning Scheme a planning permit is required for buildings and works in the Rural Activity Zone in relation to the service station.

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

- the parking provided on site will not be enough for increased number of motorists anticipated
- informal parking areas should be formalised
- the removal of eucalypts in the vicinity of the proposed diesel tank should be avoided
- the diesel tank should be located away from the park
- overnight truck parking will have noise impacts
- concerns that developing further towards the rear of the land will impact on residential amenity
- the redevelopment will increase truck noise for nearby dwellings
- concerned that lighting will impact on the nearby houses and horses
- unsealed parking areas have dust pollution issues
- concerned there will be an increase in criminal activity at the site

- 24 hour operation of the site will exacerbate noise issues.

1. Use of the land:

Under the Murrindindi Planning Scheme, the definition for the use of the site is 'Service Station', which is:

Land used to sell motor vehicle fuel from bowsers, and lubricants. It may include the:

- (a) selling of motor vehicle accessories or parts
- (b) selling of food, drinks and other convenience goods
- (c) hiring of trailers
- (d) servicing or washing of motor vehicles, and
- (e) installing of motor vehicle accessories or parts.

The reconstruction of the building, with the addition of the diesel fuel tank, diesel canopy and canopy extension, will not significantly change how the site is used from a planning perspective. The main visual impact is from the road frontage and the setback for the proposed service station building will be 15 metres further back than existing.

The application documents detail that the use is to have the capacity to operate 24 hours a day, seven days a week. They also noted that this is the current practice which is not the case (ie. the original application was in error) and this has since been corrected. Service stations generally have the capacity to operate 24 hours and it is not proposed to place any conditions on this site to restrict the hours.

The applicant has advised that they could reduce the hours to 5 am to midnight.

The applicant advised that there will be improved security with camera surveillance.

2. Car parking and traffic management

The current car parking for the site is mostly informal, with parking undertaken in either the six existing formal car parks or on an ad hoc basis across the site. The redevelopment will provide delineated parking areas for both trucks and cars. This will provide 17 sealed spaces, including one accessible space, for cars and six spaces for trucks, with three on a sealed surface and three on a dust free surface to the rear of the building.

The application has been supported by a Traffic Impact Assessment, which includes a Car Parking Demand Assessment. This assessment determined that the convenience restaurant would need to be supported by nine car spaces, and the store supported by an additional four car spaces. There is an additional provision of three car spaces for staff, with one accessible car space for the site. The size of the site does allow additional informal parking if required, but Council officers have assessed that the provision of 17 car spaces and six truck spaces will be adequate and the parking onsite will comply with the car parking provisions in clause 52.06 of the Murrindindi Planning Scheme.

3. Vegetation removal

The original proposal shows that some trees and bushes may need to come out to provide for the diesel tank. The landscaping plan provided with the application details extensive planting throughout the site, including around the tank itself. Extensive landscaping is proposed to support the existing vegetated areas on the site, and this includes planting in the area near where the trees are proposed to be removed.

In order to retain the trees on site a proposed condition has been included for the relocation of the tank further away from the two mature eucalypts to ensure the retention of these trees. This will have the added advantage of increasing the setback of the tank from the playground to 18 metres.

There is significant planting existing around the boundary of the property, mostly on abutting land, that effectively screens the service station from neighbouring property owners.

4. Noise and light impacts

The application has been supported by an Environmental Noise Assessment, which details that management controls for the redevelopment of the site mean that the proposal will not have any additional impact on surrounding properties in terms of noise. Concerns were raised that the truck parking proposed at the rear, which is further back on the block than previously experienced, would detrimentally impact on the house at the rear. The applicant has since advised that they would support an acoustic barrier on the fence line in the vicinity of this house and consequently a condition has been included in the recommendation for 87 metres of acoustic fence to be installed.

In relation to light, there will be lighting requirements on the redeveloped building and canopies. However, the application documents clarified that the height of the canopy at the front is not changing, and the new truck canopy will be to the south west of the site over the diesel bowzers. There is a public park between this site and the nearest dwelling, and landscaping is proposed on this boundary as well. The whole of the site will need to be landscaped appropriately, and a condition will be included on any permit that may issue that lighting would need to be baffled and designed so as not to emit light beyond the boundaries of the property.

One of the issues also raised in the submissions is that the redevelopment of the site will result in a lot of noise, dust and pollution issues throughout the demolition and reconstruction process. Any building site is required to contain all waste on site, and this proposal would be no exception. A condition is proposed for a construction management plan to be approved including a contact person.

When considering the balance of the proposal alongside the recommended conditions, the redevelopment of the site will result in a positive outcome for both the Glenburn township and the broader locality. There will be some impacts through the construction phase, but with appropriate site management practices these can be minimised.

### **Referrals**

The application was referred to VicRoads, who have no objections and requested no additional 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 Prosperity: 'Work with our businesses, regional partners and communities to support a diverse visitor experience that promotes our natural assets, and a vibrant range of events'.
- 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 declared conflicts of interest by Council officers with this proposal or the preparation of this report.

**Community and Stakeholder Consultation**

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

**Planning Considerations**Legal/Policy IssuesState Planning Policy Framework12.01-2 *Native Vegetation Management*

Objective: To ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Strategies:

- avoid the removal, destruction or lopping of vegetation
- minimise impacts from the removal, destruction or lopping of vegetation
- provide an offset to compensate if removal required

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.

17.01 *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:

- provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

Local Planning Policy Framework21.03-1 *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

#### 35.08 *Rural Activity*

Purpose:

- to provide for uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area
- to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Decision Guidelines:

- the capability of the land to accommodate the development
- whether the site is suitable for the use and development and compatible with adjoining and nearby land uses
- 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 siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vista and water features and the measures to be undertaken to minimise any adverse impacts.

### Particular Provisions

#### 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.

### **RESOLUTION:**

**Cr E Lording / Cr L Dunscombe**

**That Council issue a Notice of Decision for a Planning Permit for the reconstruction of a service station and removal of vegetation at 3883 Melba Highway Glenburn (LOT: 1 LP: 133134, Parish of Woodbourne), subject to the following conditions:**

- 1. This permit shall expire if the development hereby permitted is not completed within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the development allowed by the permit has not yet commenced, or within 12 months where the development allowed by the permit lawfully commenced before the permit expired.**
- 2. Prior to the erection of any building and/or the commencement of any works whatsoever, a plan or plans properly drawn to scale and showing, inter alia:**
  - (i) the siting and dimension of all buildings and works including access lanes and driveways proposed to be erected or constructed**
  - (ii) the nature of all external materials and finishes of all such buildings including the roofing, all of which shall be non reflective**
  - (iii) amended site plan to show:**
    - a. the diesel tank to be relocated to the north and outside the drip line of the two mature eucalypts**
    - b. accurately identify the north point**

- c. the extent of the sealed area and the area of the dust free area in relation to the truck parking
- d. an acoustic fence located adjacent to Lot 4 of LP217444 and:
  - i. as near as practical to the north-east boundary for a length of 50 metres from the north-east corner of the subject land; and
  - ii. 2 metres from the north-west boundary for a length of 37 metres from the north east corner of the subject land
- e. detail on the design of the acoustic fence
- f. a barrier, which is to be constructed to ensure that vehicles cannot enter the effluent disposal field and reserve field
- g. a toilet facility that allows 24 hour access

shall be submitted to the Responsible Authority and when approved shall be endorsed and form part of this Permit.

3. 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.
4. Prior to the commencement of development works the acoustic fence as required by condition 2(iii)d, must be erected to the satisfaction of the Responsible Authority.

#### Environmental Health

5. The effluent disposal is to be installed in accordance with the Land Capability Assessment (LCA) supplied by Ground Science, dated 27 September 2017, reference E2608.1 AA prior to the commencement of the use of the development hereby permitted.
6. The area set aside for effluent disposal and the reserve field is to be protected by a barrier which will be constructed in accordance with the amended site plan to ensure that no vehicles, animals or structures can enter these areas. All waste water is to be contained onsite in accordance with Council and Environment Protection Authority (EPA) requirements.
7. The new food preparation sales area and café must comply with the relevant Australian Food Standards.

#### Infrastructure provision

8. Runoff collected in truck parking and fuel refilling areas must be treated with an oil separator prior to discharge into the drainage system.
9. Any contaminated material needs to be identified, treated and disposed of according to EPA guidelines.
10. Prior to the commencement of any works, a suitably prepared engineering plan must be submitted to the Responsible Authority and must detail the following:
  - e. the proposed driveway, car and truck parking areas including one car space for disabled persons
  - f. earthworks
  - g. drainage and stormwater management
  - h. erosion and sediment control measures.

When approved these plans will be endorsed and will form part of the permit. All parking areas and driveways must be sealed with the rear most area for the three truck parking bays being constructed of materials that are dust free and maintained in that manner to the satisfaction of the Responsible Authority.



11. 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.
12. Before construction works associated with the provision of driveway, drainage and car parking commence, 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 suitably qualified person.
13. Prior to the commencement of use, the area(s) set aside for parking of vehicles, and access lanes as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority.  
  
Vehicle spaces, access lanes and driveways must be kept available for these purposes at all times.

#### Amenity

14. 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.
15. 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.
16. The emission of noise from the premises including the surrounding environment and carpark areas must not cause annoyance to persons beyond the site.
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.

#### Landscaping

18. Prior to the commencement of the use the landscaping shown on the endorsed landscaping plan must be planted and then must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants be replaced.

#### Parking signs

19. Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the areas set aside for parking and must be located and maintained to the satisfaction of the Responsible Authority.

#### Construction phase

20. All activities associated with the construction of the development allowed by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.
21. Prior to commencement of works the owner or applicant must submit a 'Construction Management Plan' (CMP) for approval by the Responsible Authority. This plan shall include, but be limited to:
  - a. a site specific plan showing proposed erosion and sedimentation control works

- b. techniques and intervention levels to prevent a dust nuisance
- c. techniques to prevent mud and dirt being transported from the site to adjacent streets
- d. the protection measures taken to preserve any vegetation identified for retention
- e. details of a contact person/site manager must also be provided so that this person can be easily contacted should any issues arise.

**Other**

- 22. The proposed development must comply with the relevant requirements of the *Dangerous Goods Act* and its subordinate legislation, particularly the *Dangerous Goods (Storage and Handling) Regulations 2000*.
- 23. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
- 24. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV, EPA Publication 1411, 2011) or as amended.

**CARRIED**

**6.2 APPLICATION FOR PLANNING PERMIT NO 2017/133, PROPOSED EXTENSION TO WINERY AND LIQUOR LICENCE, 1084 KINGLAKE – GLENBURN ROAD, GLENBURN**

Attachment(s): *Application Documents (refer Attachment 6.2)*  
*Application Details (aerial photograph and submissions distributed separately)*

Land: 1084 Kinglake – Glenburn Road, Glenburn  
 Proposal: Amendment of liquor licence, 12 functions per annum, extension to building  
 Applicant: Philip Lobley  
 Zoning: Farming  
 Overlays: Bushfire Management

**Locality Plan**



**Purpose**

This report recommends that a Notice of Decision to grant a Planning Permit be issued for an amendment of liquor licence, 12 functions per annum and an extension to an existing building at Philip Lobley Wines located at 1084 Kinglake – Glenburn Road, Glenburn. The proposed extension of use will allow for an expansion of the winery that will provide a positive economic impact and increase the tourism opportunities for the area.

**Officer Recommendation**

That Council issue a Notice of Decision to grant a Planning Permit for the use of land for 12 functions per year, amendment of liquor licence, development / extension of an existing building for a verandah and sign at 1084 Kinglake – Glenburn Road, Glenburn, in accordance with an endorsed plans, subject to the following conditions:

1. 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.
2. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans shall not be altered or modified without the consent in writing of the Responsible Authority.
3. The use of winery events/functions allowed under this permit may only take place in accordance with:
  - a maximum of 12 events in any one calendar year
  - operation between the hours of 11 am to 11 pm on any day
  - a maximum number of patrons for any event of 50
  - an area for the serving and consumption of alcohol defined in the endorsed site plan, in conjunction with a Liquor License authorised by the Liquor Licensing Commission.

**Amenity**

4. 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.
5. The emission of noise from the premises, including the surrounding environment and car parking areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.
6. Background music within the building may be played until 11 pm, acoustic music may be played until 5 pm.
7. 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.

**Wastewater:**

8. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.

9. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.

Car parking:

10. Prior to the commencement of any use allowed under this permit, car parking indicated on the endorsed site plan must be constructed as follows, to the satisfaction of the responsible authority:
- at least 15 car parking spaces are to be constructed and surfaced with an all weather gravel surface
  - the car parking area and spaces are to be clearly delineated and may only be used for car parking and no other purpose.

Signage:

11. The sign allowed under this permit must be located wholly within the curtilage of the subject land and not located on the road reserve.
12. The sign allowed under this permit must be kept in good order and maintained to the satisfaction of the Responsible Authority.

Country Fire Authority (CFA):

13. Bushfire Management Plan required:

Before the development starts, an amended bushfire management plan generally in accordance with Bushfire Management Plan – 1084 Kinglake-Glenburn Road, Glenburn (prepared by Yarra Valley BAL Assessments, Version no. A, dated 25/08/2017) must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Construction standards

- a) Specify that the existing building must be upgraded / retrofitted to a minimum Bushfire Attack Level (BAL) of BAL19 construction standard.
14. Before the hosting of tourism promotional events occurs, an amended (more detailed and robust) Bushfire Emergency Plan (which is generally in accordance with the Bushfire Emergency Plan – Phil Lobley Wines – 1084 Kinglake-Glenburn Road, prepared by Yarra Valley BAL Assessments dated September 2017) must be submitted to and endorsed by the Responsible Authority.
15. Mandatory condition to Clause 44.06-3 – Building and works:
- 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.

## Background

The subject land has an established winery located on it. An application has been made to:

- amend an existing liquor licence from a wine and beer producer's licence to a full liquor licence with an extended licence area of 590 square metres within the existing winery building and the outdoor area to the east and south of the existing building
- hold up to 12 functions per year for up to 50 people
- extend an existing shed (verandah), holding 50 seats; this proposal is for retrospective approval of the existing verandah

- erect a 600 x 900 milometer identification sign at the Kinglake – Glenburn Road entrance to the property, attached to the fence railings on the south side of the gate.

### **The Land and Surroundings**

The land is 8.6 hectares in area and contains a house, a bakery, various shedding, a large dam and vineyards.

The road accessing the property is sealed and to a good standard with good sight distances at the driveway access. The subject land and the surrounding land are zoned Farming with a Bushfire Management Overlay. The lots are of varying sizes and predominantly used for grazing with some houses. The land to the south is forested crown land.

### **Discussion**

One objection was received to the application and raises issues of potential public nuisance with festivals; noise, lights and traffic issues; interference with quality of life with traffic and noise, potential numbers outside that permitted and interference with wildlife. The objection does not oppose the liquor licence, only the proposed monthly events. It suggests not having the monthly events, only serving wine during the day, and having facilities for food with wine.

The applicant has submitted:

- there will be no concerts associated with the proposal. Background and acoustic music only would be played until 5 pm
- functions could be open cellars, end of vintage celebrations, local artists showcases, new vintage releases, wine festivals and an annual dinner
- functions will normally be held 12 pm – 5 pm, although an annual dinner will be held in the evening. The maximum trading time for evening events would be 11 pm. With functions typically being held 12 pm – 5 pm, there will be minimal impact on neighbours.
- there will be no impacts on wildlife
- there will be no increase in noise, with cars already using the road and trail bikes already generating excessive noise
- there will be no serving of wine without food.

The land is 8.6 hectares in area and contains a house, a bakery, various shedding, a large dam and vineyards.

The road accessing the property is sealed and to a good standard with good sight distances at the driveway access. The subject land and the surrounding land are zoned Farming with a Bushfire Management Overlay. The lots are of varying sizes and predominantly used for grazing with some houses. The land to the south is forested crown land.

An assessment of the key issues is outlined below:

Liquor licence: the proposed amendment to the existing liquor licence will allow promotional events and for the producer's own product to be sold from the premises directly to the public.

Traffic and car parking: it is considered that the proposal will not create any marked increase in traffic or traffic impacts to residents of the area. Kinglake–Glenburn Road is already used as a tourism and access route by a range of traffic. The subject land has good existing access and visibility. The defined car parking area is adequate to cater for the minimum number of required spaces under the planning scheme of 15 but require gravel surfacing.

Events: the proposed range of events is considered appropriate to be conducted as part of an established winery. A maximum of 12 functions per year, while not necessarily restricted to

monthly events, is not excessive and will enhance the range of opportunities offered by the winery.

Operating hours: it is considered that proposed hours of 12 pm – 5 pm for the majority of the time and a maximum closing time of 11 pm for occasional events is reasonable and will not detract from the amenity of local residents. A restriction to afternoons only is not realistic for an established winery that requires some flexibility to expand business and conduct evening events.

Wildlife: there is no likelihood or evidence that the proposal could adversely affect wildlife.

The proposed extension of use will allow for an expansion of the winery that will provide a positive economic impact and increase the tourism opportunities for the area and is consistent with the planning scheme. Any issues identified can be readily managed by inclusion of relevant conditions as recommended.

### **Referrals**

The application was referred to Department of Environment, Land, Water and Planning (DELWP) and the CFA. DELWP have no objection and no conditions, the CFA who have no objections subject to conditions.

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

This matter is consistent with the Council Plan 2017-2021 strategic objective Our Prosperity 'In partnership with the community we will promote an environment in which business and community can thrive' and associated strategies under this objective.

### **Relevant Legislation**

The application is being considered under the Murrindindi Planning Scheme, which is administered under the *Planning and Environment Act 1987*.

### **Financial Implications and Risk**

There are no financial implications or risks for Council associated with this proposal.

### **Conflict of Interest**

There are no declared conflicts of interest by Council officers with this proposal or the preparation of this report.

### **Community and Stakeholder Consultation**

The proposal was advertised to nearby landowners, a notice was placed in the paper and a sign on site.

### **Planning Considerations**

#### 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.

##### 17.01 *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:**

- provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

**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****35.07 *Farming*****Purpose:**

- to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture
- to encourage the retention of employment and population to support rural communities.

**Decision Guidelines:**

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

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

**That Council issue a Notice of Decision to grant a Planning Permit for the use of land for 12 functions per year, amendment of liquor licence, development / extension of an existing building for a verandah and sign at 1084 Kinglake – Glenburn Road, Glenburn, in accordance with an endorsed plans, subject to the following conditions:**

- 1. 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.**
- 2. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans shall not be altered or modified without the consent in writing of the Responsible Authority.**
- 3. The use of winery events/functions allowed under this permit may only take place in accordance with:**

- a maximum of 12 events in any one calendar year
- operation between the hours of 11 am to 11 pm on any day
- a maximum number of patrons for any event of 50
- an area for the serving and consumption of alcohol defined in the endorsed site plan, in conjunction with a Liquor License authorised by the Liquor Licensing Commission.

#### **Amenity**

4. 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.
5. The emission of noise from the premises, including the surrounding environment and car parking areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.
6. Background music within the building may be played until 11 pm, acoustic music may be played until 5 pm.
7. 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.

#### **Wastewater:**

8. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
9. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.

#### **Car parking:**

10. Prior to the commencement of any use allowed under this permit, car parking indicated on the endorsed site plan must be constructed as follows, to the satisfaction of the responsible authority:
  - at least 15 car parking spaces are to be constructed and surfaced with an all weather gravel surface
  - the car parking area and spaces are to be clearly delineated and may only be used for car parking and no other purpose.

#### **Signage:**

11. The sign allowed under this permit must be located wholly within the curtilage of the subject land and not located on the road reserve.
12. The sign allowed under this permit must be kept in good order and maintained to the satisfaction of the Responsible Authority.

#### **Country Fire Authority (CFA):**

13. Bushfire Management Plan required:



**Before the development starts, an amended bushfire management plan generally in accordance with Bushfire Management Plan – 1084 Kinglake-Glenburn Road, Glenburn (prepared by Yarra Valley BAL Assessments, Version no. A, dated 25/08/2017) must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:**

**Construction standards**

- a) **Specify that the existing building must be upgraded / retrofitted to a minimum Bushfire Attack Level (BAL) of BAL19 construction standard.**
14. **Before the hosting of tourism promotional events occurs, an amended (more detailed and robust) Bushfire Emergency Plan (which is generally in accordance with the Bushfire Emergency Plan – Phil Lobley Wines – 1084 Kinglake-Glenburn Road, prepared by Yarra Valley BAL Assessments dated September 2017) must be submitted to and endorsed by the Responsible Authority.**
15. **Mandatory condition to Clause 44.06-3 – Building and works:**
- 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.**

**CARRIED**

### **6.3 BUSINESS AND TOURISM INNOVATION GRANTS**

Attachment(s): *Business and Tourism Innovation Grants Policy (refer Attachment 6.3)*

#### **Purpose**

The purpose of the report is to present Council the draft Business and Tourism Innovation Grants Policy (Policy) for adoption.

#### **Officer Recommendation**

That Council adopt the Business and Tourism Innovation Grants Policy as attached (Attachment 6.3)

#### **Background**

The 2017-2021 Murrindindi Shire Council Plan includes an 'Our Prosperity' strategy to use a fresh approach to attract new and existing business investment.

In response, Council officers have investigated ways to establish a business grants program in support of existing local businesses and in order to attract business, investment and events. This has included review of other selected grant programs by councils and other agencies. The Business and Tourism Innovation Program is intended to lead to increased employment opportunities and increased investment in the local economy.

Council subsequently allocated funding to establish a grants program.

#### **Discussion**

Council officers have drafted a Policy that will ensure the fund meets the following objectives:

- grow businesses
- start businesses
- support events that grow tourism.

It is proposed Council will therefore make funds available to carry out projects and activities for:

1. businesses or organisations that can demonstrate:
    - funding received will facilitate economic growth within Murrindindi Shire
    - funding received will facilitate greater employment outcomes within Murrindindi Shire
- and/or
2. organisations that will deliver events that attract visitation from a state, national or international base. These applications will demonstrate that the event will drive overnight stays, promote repeat visitation and increase visitor yield.

The details of the types of activities that will be funded are set out in the proposed Policy (Attachment 6.3). These include:

- professional support for mentoring and business case development
- business and industry investment and growth
- support to attract and build tourism events

In particular it is expected that the business and tourism innovation grants may be used by applicants to leverage other funding sources or to prepare projects or establish events which may subsequently be eligible for funding from other sources.

It is proposed that this fund be fully expended in this financial year. The Business and Tourism Innovation Grants Program will be reviewed after the first round. If this round is successful (and with Council's approval as part of the 2018/19 budget process), two funding rounds will be run next financial year with applications closing in February and August.

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

This matter is consistent with the Council Plan 2017-2021 objective Our Prosperity 'Use a fresh approach to attract new and existing business investment'. The 2017-18 Priority Action Plan includes 'Provide a seamless service for businesses and investors - Explore the options for business grants'.

### **Relevant Legislation**

The *Local Government Act 1989* (the *Act*) sets out a range of objectives that Council needs to have regard to including (paraphrased):

- promotion of economic viability and sustainability
- promotion of appropriate business and employment opportunities
- ensuring that resources are used efficiently and effectively
- ensuring that services and facilities provided by the Council are accessible and equitable
- ensuring transparency and accountability in Council decision making.

### **Financial Implications and Risk**

Council endorsed reallocation of funds to support priority actions relating to business grants, improved tourism and event support as part of the September Quarter Financial report (considered at the October 2017 meeting of Council).

The amount available for the grants will be contingent on budget decisions each year.

Any grants program carries some risk that individual grants will not be successful in delivering the anticipated benefits. The attached Policy includes program design elements that aim to minimise this risk, including:

- an expectation that applicants access other business support programs to strengthen the capability of applicants
- professional support for development of applications
- evaluation of applications by an independent, skills based panel
- normal acquittal and evaluation requirements

Council is not bound to expend the full budget allocation if applications received do not warrant this. Any unexpended funds will be directed to Council's Infrastructure Renewal Reserve.

### **Conflict of Interest**

No conflicts of interest were declared by Council officers in relation to this report.

### **Community and Stakeholder Consultation**

The basis for this proposal has been driven from the Council Plan 'Have Your Say' engagement program.

### **RESOLUTION:**

**Cr M Rae / Cr J Ashe**

**That Council adopt the Business and Tourism Innovation Grants Policy as attached (Attachment 6.3)**

**CARRIED**

## **6.4 CHILD SAFE POLICY**

Attachment(s): *Draft Child Safe Policy (refer Attachment 6.4a)*  
*Statement of Commitment to child safety (refer Attachment 6.4b)*

### **Purpose**

This report advises Council of the introduction of the Child Safe Standards to protect children. The standards apply to all organisations, community and sporting groups. Council is required to develop and implement a Child Safe Policy (Policy) to fulfil its obligations under the Child Safe Standards. A Statement of Commitment has also been developed to assist in communicating Council's commitment to child safety to the community.

### **Officer Recommendation**

That Council endorse the Child Safe Policy and Statement of Commitment as attachment 6.4a and 6.4b to this report.

### **Background**

The 'Protecting Victoria's Vulnerable Children Inquiry' recommended a formal investigation into how religious and other organisations respond to child abuse.

The resulting 'Betrayal of Trust Report' was tabled in Parliament on 13 November 2013. It found that while the majority of children are safe in organisations, there are inadequate and inconsistent approaches to child safety in organisations across Victoria. It provided 15 recommendations, including the introduction of child safe standards to provide child safe environments in organisations that work with children.

The Victorian Government has committed to implementing all of the recommendations of the Betrayal of Trust Inquiry.

Three phases of implementation are in progress as summarised below:

1. criminal law reform – introduction of legislation to criminalise grooming, failure to disclose abuse, failure to protect from abuse
2. child safe organisations – strengthening organisations approached to preventing and responding to abuse by introducing minimum child safe standards for organisations providing services for children (commencing in phases from January 2016)
3. civil law reform – improving access to justice for victims.

The Child Safe Standards are principle based standards. They cover sexual, physical, serious emotional and psychological abuse and serious neglect. The initial focus of the standards is to educate organisations and the community to build capacity in recognising abuse and protecting children. In addition to protecting the safety of all children, the standards promote the importance of supporting the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability.

### **Discussion**

Child safety is the concern of everyone who works at Council, regardless if they have direct contact with children in their work or incidental contact. Council has the opportunity to be a leader in the community when it comes to the safety of children.

The service areas of Council that come into direct contact with children and/or offer services to children include: Maternal and Child Health, Home Based Child Care, Library Services, Aquatic Services, Disability Services, Youth Services, school crossing supervisors. Other areas with incidental contact with children include: Parks and Gardens, Transfer Stations, Building and Planning inspections, Local Laws and waste and environment education programs.

There are seven child safe standards:

1. culture and leadership - strategies to embed an organisational culture of child safety, including through effective leadership arrangements
2. Child Safe Policy or Statement of Commitment to child safety
3. code of conduct - established clear expectations for appropriate behaviour with children
4. human resources - screening, supervision, training and other human resources practices that reduce the risk of child abuse
5. reporting and responding - processes for responding to and reporting suspected child abuse
6. detect and prevent (risk management) - strategies to identify and reduce or remove risks of child abuse
7. empowering children - strategies to promote the participation and empowerment of children.

A working party was formed to investigate the implications of the standards for Council and to develop an action plan to ensure Council meet all of its obligations under the standards.

The draft Policy was developed along with a public Statement of Commitment (attachment 6.4a and 6.4b). While the organisation does not need both, the Statement of Commitment is a shorter version of the Policy and lets the community know that Council is a Child Safe organisation.

The development of the Policy will satisfy the requirements of the regulations in a broad sense. However, each department will work with the nominated Child Safety Officer/s to ensure any specific operational procedures and policies are implemented as required.

Future training will be provided for all staff in relation to child protection as part of the introduction of the Policy.

**Council Plan/Strategies/Policies**

This matter is consistent with the Council Plan 2017-2021 'Our People' strategic objective of 'together we will celebrate and encourage diverse, caring and connected communities' and more specifically an annual action to 'support healthy and happy children and families'.

**Relevant Legislation**

Child Safety Standards of Victoria require organisations that offer services to children have a Child Safe Policy.

**Financial Implications and Risk**

This Policy will not have any significant impact on staff or financial resources. The Policy recommends a regular safety review every two years, however this will be included with an organisational risk review.

The regulations require that staff and volunteers are aware of the organisation's commitment to child safety and their duty of care requirements. Training to support this will be resourced from existing operational budgets.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

Advice has been sought from external sources such as Department of Justice, Commission for Children and Young People and the Department of Health and Human Services, as well as other Local Governments undertaking Policy development.

**RESOLUTION:**

**Cr S McAulay / Cr L Dunscombe**

**That Council endorse the Child Safe Policy and Statement of Commitment as attachment 6.4a and 6.4b to this report.**

**CARRIED**

**6.5 AUDIT ADVISORY COMMITTEE MINUTES**

Attachment(s): *2017-12-14 Audit Advisory Committee Minutes (refer Attachment 6.5)*

The minutes of the Audit Advisory Committee Meeting held on 14 December 2017 are attached (item 6.5) for receiving.

**Officer Recommendation**

That Council note and receive the minutes of the Audit Advisory Committee meeting held on 14 December 2017 (Attachment 6.5).

**RESOLUTION:**

**Cr L Dunscombe / Cr M Rae**

**That Council note and receive the minutes of the Audit Advisory Committee meeting held on 14 December 2017 (Attachment 6.5).**

**CARRIED**

## 6.6 AUDIT ADVISORY CHARTER REVIEW

Attachment(s): *Audit Committee Charter – Draft (Attachment 6.6)*

### **Purpose**

This purpose of this report is to seek Council's endorsement of the revised Audit Advisory Committee Charter.

### **Officer Recommendation**

That Council endorse the revised Charter of the Audit Advisory Committee as enclosed (item 6.6).

### **Background**

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

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

### **Discussion**

At the 14 December 2017 Audit Advisory Committee meeting, the Committee recommended that the Charter of the Committee be modified slightly regarding attendance at meetings by members of the Committee to encourage high attendance rates and support greater transparency.

The changes recommended at sections 2m and 2p of the Charter include an expectation of 100% meeting attendance per annum for all members, and that independent members be required to resign their position if they are not able to attend at least 75% of meetings per annum, unless exempted by Council on recommendation of the Committee, based on reasonable grounds.

It is also recommended that the Charter include the requirement for the Chair of the Committee to report annually to Council on meeting attendance by Committee members.

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

This matter is consistent with the Council Plan 2017-2021 'Our Promise' strategy to "expand our communication".

### **Relevant Legislation**

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

### **Financial Implications and Risk**

Council is required to endorse the Audit Advisory Charter to ensure appropriate governance relating to the function of this committee.

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

### **Conflict of Interest**

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

**Community and Stakeholder Consultation**

No external consultation was required in relation to this item.

**RESOLUTION:**

**Cr E Lording / Cr S McAulay**

**That Council endorse the revised Charter of the Audit Advisory Committee as enclosed (item 6.6).**

**CARRIED**

**7. SEALING REGISTER**

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/2751	15 December 2017	Alexandra Community Leisure Centre Sub-Licence Agreement between Murrindindi Shire Council and Alexandra Traders Pty Ltd trading as Vita Nova Fitness	Cr Charlotte Bisset Margaret Abbey

**Officer Recommendation**

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

**RESOLUTION:**

**Cr E Lording / Cr R Bowles**

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

**CARRIED**

**8. COUNCILLOR PORTFOLIO REPORTS****8.1 LAND USE PLANNING PORTFOLIO****Cr M Rae**

This is the first report to Council for 2018, following what was a very welcome break, it will consequentially be a very short one.

A range of planning applications are still under consideration and as I have mentioned in earlier reports, it is interesting to note the diversity of these. As a planning authority I feel it would be timely to start more proactive consideration of the ways in which we would like to encourage development whilst retaining the very special characteristics of our shire that are valued so much by our community. Current and ongoing changes to the Victoria Planning Provisions (VPP) may ultimately result in unanticipated outcomes and any specific provisions we might wish to use will take time for development and incorporation into the planning scheme. Discussions therefore need to be cognisant of the need for long term strategies and objectives.

Since the last meeting of Council another amendment has been made to the VPP. Amendment VC142 is the first phase of Smart Planning's reforms to planning schemes. The amendment includes a wide range of reforms across the VPP that generally remove permit triggers, expand permit exemptions for land uses and buildings and works, remove superfluous and outdated provisions, update references, improve and update definitions, clarify common points of confusion and improve the usability of planning schemes.

The main features encompass changes in relation to:

- home based business - reforming and expanding the home occupation provisions

- heritage overlay - reducing the number of permit triggers for minor matters
- permit exemptions - increasing the number of permit exemptions throughout the VPP
- correcting anomalies in the flood provisions - making changes to permit requirements for dependent person's units and rainwater tanks in flooding overlays
- land use provisions - making more uses exempt from a permit through changes to land use provisions in specific zones
- land use terms and definitions - modernising and removing unnecessary land use terms and definitions
- integrated public transport planning - relocating the public transport referral requirements from clause 52.36 to clause 66 (Referral and Notice Provisions) and making a consequential change to the State Planning Policy Framework
- neighbourhood and site description approval - making minor changes to clauses 34, 54, 55, 56 and 58 to remove a procedural step
- land adjacent to a Road Zone Category 1 road, or a public acquisition overlay for a Category 1 road - modifying clause 52.29 to expand permit exemptions
- car parking - modifying clause 52.06 to expand permit exemptions
- loading and unloading of vehicles - removing the permit trigger at clause 52.07
- biodiversity strategy - updating clause 12 of the State Planning Policy Framework to reflect amendment VC138
- reference documents - removing and replacing obsolete reference documents.

As always, I encourage any potential applicant to discuss what they want to achieve with our planning officers. They are best informed to advise on the requirements of the Planning Scheme and any local requirements and always happy to discuss either formally or informally to help people achieve their aims wherever possible.

## **8.2 ECONOMIC DEVELOPMENT PORTFOLIO**

### Cr J Ashe

The Alexandra Rodeo event went well with over 3000 attendees, congratulations to the organisers.

Other events that occurred in the area over the summer was Tanglewood Festival in Thornton and the Australian Canoe Slalom Championships on the Goulburn in Eildon

The Jayco Herald Sun Tour (JHST) preparations are progressing well, particularly for Saturday 3 February and Sunday 4 February. The tour will cover a lot of our shire over the two days and there are heaps of activities planned for the finish at Lake Mountain on Saturday and in Kinglake on Sunday for the final stage. We are also really pleased that on 30 January the JHST Womens Road Stage will pass through Toolangi as part of a route centred around Healesville.

Discover Dindi has over 1500 followers on Facebook and 258 on Instagram. The purpose is to showcase our wonderful shire as a place to visit, stay and play. It reminds us locals of places we can explore or revisit.

For the Mobile Blackspot program, Flowerdale and the surrounding area now has access to Telstra's 3G and superfast 4GX mobile coverage. Local Government/Council have worked hard in advocating for facilities which will improve coverage according to the priorities of population, emergency management, economic and community development and general communications for residents.



Thank you for all the work that has gone into the Business and Tourism Innovation Grants Program that was mentioned earlier in the meeting. Something that begins as a thought takes so much to get to this point. If I could pass on our thanks to the Council officers involved and wish for the local entrepreneurs to get involved.

### **8.3 INFRASTRUCTURE AND WASTE PORTFOLIO**

#### Cr E Lording

##### Infrastructure

Planning and contract negotiations are ongoing with contractors for the remaining works this financial year.

The structure for the Alexandra re-use shop at the Resource Recovery Centre (RRC) is currently under construction. We expect to have re-use shops at Yea and Alexandra operational in March 2018, allowing time for the stocking of the shops with recovered items for sale.

We are working with the Goulburn Valley Waste Resource Recovery Group (GVWRRG) to finalise the appointment of a consultant to undertake a detailed study of the requirements for RRC's within the Murrindindi Shire. This work is expected to be completed before June 2018 and compliments the previous regional report into RRC's completed by the regional group.

##### Waste

A large amount of work is still continuing with Council and the GVWRRG. This addresses the new waste requirements coming from Sustainability Victoria (SV), Department of Environment, Land Water and Planning (DELWP) and Environmental Protection Authority (EPA). Major requirements are the relocation of current RRC away from old landfills, audit and checking of old landfills at Flowerdale, Yea, Alexandra and Kinglake. The ban on eWaste going into landfill does require significant expenditure. GVWRRG have put in comprehensive bids on their and Council's behalf for a share of the \$5 million currently on offer to assist with these required changes.

### **8.4 CORPORATE AND CUSTOMER SERVICES PORTFOLIO**

#### Cr L Dunscombe

Council officers are progressing with the preparatory work for developing the annual budget for 2018/19. Council briefing sessions are scheduled to work on this over the next three months.

The Exposure Bill for the new *Local Government Act (Act)* has been released for public comment. The current *Act* was established in 1989 and is considered to be too prescriptive and not up to date with contemporary practices. The aim of the State Government is to reduce the level of regulation in the *Act*, by making it more principle-based and leaving it to individual Council's to determine how they will meet the new principles. Council officers are reviewing the detail of what is being proposed and Council will consider making a submission to the consultation process in February.

The process of conducting property revaluations is being changed by the State Government. As of 2019, properties will be required to be re-valued on an annual basis instead of every two years. The Victorian Valuer General will be taking over the responsibility from councils for conducting the annual valuation process. The benefit to councils of this change is that the State Government will now cover the full cost of the revaluation process, whereas currently councils commit 50% of this cost.

Council officers are progressing well with the upgrade to Council's main IT platforms and work is on track to go live in mid March. Amongst other things this will enable improvements to Council's ability to track and manage the requests it receives from ratepayers and the general public and improve our overall responsiveness.

## **8.5 NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO**

### Cr R Bowles

A short environment portfolio report this month, as the summer months are more for planning the cooler months ahead when most the work is done.

Yea Wetlands are holding a guided bird tour Friday 2 February at 7am. Breakfast is included at the end of the walk.

An environment management plan for the beds and banks of the UT Creek is currently being finalised ready for consultation with the local community.

The annual roadside weed management program is 75% complete.

A draft greenhouse gas emissions inventory and energy reduction plan is being finalised by Ironbark Sustainability as part of the initial stage under the Local Government Energy Saver Program.

A public meeting is scheduled for 22 February to present information about the Queensland fruit fly, a media release will be occurring shortly. This is collaboration between Ag/Victoria, Agribusiness Yarra Valley and Council. Thank you Stuart McConnell, Zoe Blakeney and Sue McNair.

## **8.6 COMMUNITY SERVICES PORTFOLIO**

### Cr S McAulay

#### Marysville Tourism and Arts Centre

Contractors to undertake the capital works to redevelop the Marysville Visitor Information Centre have been confirmed and construction is being planned to begin mid February. It is hoped that all building works will be finished by the middle of the year.

Discussions with Marysville Triangle Business and Tourism (MTBT) and UGFM have taken place and draft lease agreements have been developed.

#### Children's Services

Murrindindi Shire Council has been funded to provide a support playgroup program across the shire.

The program aims to support parents of young children and offer a supported environment for them to make connections with others and gain parenting support. Project planning is currently underway with a view to begin the first playgroups in April.

The project is ongoing and has recurrent funding provided through the Department of Health and Human Services.

#### Extreme Heat

We have been experiencing very hot temperatures across the shire over the past week with more hot weather on the way.

Attendance at each of our four pools has been strong. We are planning for all pools to have extended hours on Friday, Saturday and Sunday in anticipation of high temperatures and potential heat health alerts being issued.

The Council officers contact people on the Vulnerable Persons Register when heat health alerts are issued. Council officer who come in contact with our more vulnerable residents, older people,

young children and people with compromised health, have been providing information on heat health.

#### Aged and Disability Services

The planning for the civic reception to acknowledge Murrindindi Shire residents over 90 years of age is well underway.

The reception will be held 22 February in the Alexandra Shire Hall and will be an opportunity for Council and community to acknowledge the contribution that has been made by our older residents. Invitees will enjoy a high tea and entertainment.

The 90 up project is documenting the lives and memories of a number of people in our communities over the age of 90 years will be launched and a short film shown.

#### Library Services

The Alexandra Library was closed for a few days earlier this month in order to enable the old carpet to be replaced. This was a pretty enormous undertaking with staff removing and then replacing 13,000 individual library items, to enable the old carpet to be removed and the new carpet to be laid.

A big well done to the Alexandra library team, especially for managing to keep all the books in order during this process! And a very special thanks to our amazing volunteers who gave up their time to polish, sort, order, wipe and wash everything, the library looks great!

### **8.7 MAYOR AND DELEGATED COMMITTEE REPORTS**

#### Cr C Bisset

Thank you for the opportunity to present my report.

I would like to begin my report by extending a special welcome to Mr Craig Lloyd who joined Murrindindi Shire Council on Monday 8 January 2018 as Interim Chief Executive Officer (CEO). He will continue in this role until 1 July 2018 when he begins his five year contract as permanent CEO.

Mr Lloyd has commenced a series of ward tours with Councillors to meet and greet residents and see the wonderful places in the shire.

Things have been quiet through the Christmas and New Year period.

In January I attended the Alexandra Pro Rodeo and was impressed by the coordination of the event and the behaviour of the crowd, despite the rainy weather. Well done to Alexandra Events Inc. on organising this event.

Australia day is this Friday and I would like to thank those residents that were part of the Australia Day selection panel that had the hard task of choosing the most eligible for the three categories, Citizen of the Year, Senior Citizen of the year and Young Citizen of the Year. The number and calibre of nominees was outstanding, best of luck to all the nominees.

Excitement is rising around the shire with the upcoming Jayco Herald Sun Tour, being only a week and half away. There will be plenty of opportunities over the Saturday 3 February and Sunday 4 February to see the elite riders face challenging terrain as they work their way through various locations around the shire.

The Local Government Bill Exposure Draft is out and calling for submissions, Councillors and Executives will be looking at this closely and attending consultation sessions to fully grasp the intended changes and their impacts on Local Government and Murrindindi Shire Council.

Council has also recently put in submissions to the following:

1. VicRoads - Parliament of Victoria - Law Reform and Community Safety Committee on VicRoad's management of country roads
2. VicForests - Proposed 2017 Timber Release Plan submission

As a Council representative of the Yea Saleyards Committee of Management it is wonderful to report that the January sales have been huge with great numbers of animals and good prices.

The saleyards are looking fantastic with the new extension of roof and yards. The offerings from the yards have also increased with the installation of a scale house to weigh the cattle which in turn increases the professionalism of the facility and raises quality of service.

## **9. GENERAL BUSINESS**

Nil

## **10. MATTERS DEFERRED FROM PREVIOUS MEETING**

Nil

## **11. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

Nil

## **12. ASSEMBLIES OF COUNCILLORS**

### **Purpose**

This report presents the records of assemblies of Councillors for 13 December 2017 to 20 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 13 December 2017 to 20 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 13 December 2017 to 20 December 2017:

Meeting Name/Type:	Councillor Briefing	
Meeting Date:	13 December 2017	
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Bushfire Memorials</li> <li>2. Strathbogrie Solar Bulk Buy Scheme</li> <li>3. Child Safety Policy</li> <li>4. Planning Application - Narbethong</li> <li>5. Business Support Program</li> <li>6. Capital Works 2018-19</li> <li>7. Advocacy Plan</li> </ol>	
Councillor Attendees: Cr Bisset, Cr Ashe, Cr Rae, Cr McAulay, Cr Bowles, Cr Dunscombe	Council Officer Attendees: M Abbey, M Chesworth, S McConnell, Z Blakeney, N McNamara, M Crane, K Girvan, S Brown, A Bond, J Canny, L Kelly	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Murrindindi Environment Advisory Committee	
Meeting Date:	19 December 2017	
Matters Discussed:	<ol style="list-style-type: none"> <li>1. MEAC Terms of Reference Review</li> <li>2. Taggerty Microgrid Project</li> <li>3. Indi Renewable Energy Group</li> <li>4. Central Highlands Logging <ul style="list-style-type: none"> <li>• Review of Regional Forest Agreements</li> <li>• Review of Critically Endangered Status of Leadbeater's Possum</li> <li>• Reapplication for FCS Certification</li> <li>• VicForests Timber Release Plan</li> </ul> </li> <li>5. Rubicon Valley Logging</li> <li>6. Commutting Hills Local Area Plan (GBCMA)</li> </ol>	
Councillor Attendees: Cr Bowles	Council Officer Attendees: Z Blakeney, M Leitinger, S McConnell	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Council Pre-meet	
Meeting Date:	20 December 2017	
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Kings Road Petition</li> <li>2. Narbethong Towing Depot</li> <li>3. Service Provision on Code Red Days</li> <li>4. Fees at Yea Saleyards</li> <li>5. Marysville Arts and Culture Centre</li> <li>6. Bushfire Memorials</li> <li>7. VicForests Timber Release Plan</li> </ol>	
Councillor Attendees: Cr Bisset, Cr McAulay, Cr Dunscombe, Cr Lording, Cr Rae, Cr Bowles, Cr Ashe	Council Officer Attendees: S McConnell, M Chesworth, J Canny, A Bond, S Brown, K Girvan	
Conflict of Interest Disclosures: Nil		

### Council Plan/Strategies/Policies

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

**Relevant Legislation**

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

**Financial Implications and Risk**

There are no financial or risk implications.

**Conflict of Interest**

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

**RESOLUTION:**

**Cr E Lording / Cr S McAulay**

**That Council receives and notes the record of assemblies of Councillors for 13 December 2017 to 20 December 2017.**

**CARRIED**

**13. URGENT BUSINESS**

Nil

**14. CONFIDENTIAL ITEMS**

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

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

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

The report on the Murrindindi Bushfire Memorials - Construction is being considered in the closed part of this meeting because it is considered under S89(2)(d) contractual matters.

**Recommendation**

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

- Murrindindi Bushfire Memorials - Construction

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

The meeting closed to the public at 6.52 pm

**RESOLUTION:****Cr E Lording / Cr M Rae****That the meeting re-opens to the public.**

The meeting re-opened to the public at 6.55 pm.

**14.3 MURRINDINDI BUSHFIRE MEMORIALS CONSTRUCTION****RESOLUTION:****Cr S McAulay / Cr M Rae****That Council:**

1. Confirms the Bushfire memorial project construction can be fully funded from grant funds to the value of \$513,142, plus a contingency amount to be funded from the balance of the Murrindindi Assistance Package, as outlined in this report
2. Release the resolution of confidential item 14.3 from the Confidential meeting of 22 November 2017 into the Minutes of the Ordinary Meeting of 24 January 2018
3. Release this resolution into the Minutes of the Ordinary Meeting of 24 January 2018.

**CARRIED****COUNCIL MEETING 22 NOVEMBER 2017 - TENDER 17/21 – MURRINDINDI BUSHFIRE MEMORIALS - CONSTRUCTION****RESOLUTION:****Cr S McAulay / Cr E Lording****That Council:**

1. Accept the tender from Fineblade Pty Ltd for the lump sum price of \$501,142.00 (excluding GST), for the Murrindindi Bushfire Memorials – Construction, subject to confirmation of full funding.
2. Authorise the signing and sealing of contract number 17/21 – Murrindindi Bushfire Memorials – Construction, subject to confirmation of full funding.
3. Approve the allocation of a contingency amount as detailed in this report.
4. Approve allocation of the contingency amount from the balance of the Murrindindi Assistance Package Funding Reserve.

**CARRIED**

**There being no further items of Business, the Chairperson declared the meeting closed at 6.55 pm.**

**CONFIRMED THIS**

Wednesday 28<sup>th</sup> February 2018

**CHAIRPERSON**

Bessie