



AGENDA
of the
ORDINARY MEETING OF COUNCIL
WEDNESDAY 22 MAY 2019
at
Murrindindi Shire Council
Council Chamber
The Semi Circle
Yea
6.00 pm

** Audio recordings of all Council meetings are taken by Council's Governance Officers and published on Council's website. (Resolution of Council 23 January 2019)

INDEX

1.	PLEDGE AND RECONCILIATION STATEMENT.....	2
2.	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	2
3.	COMMUNITY RECOGNITION	2
4.	DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST	2
5.	CONFIRMATION OF MINUTES.....	2
6.	PETITIONS.....	2
7.	PUBLIC PARTICIPATION TIME	2
7.1	Open Forum.....	2
7.2	Questions of Council.....	2
8.	OUR PLACE.....	2
8.1	82 Rollasons Road Thornton Permit Amendment	2
8.2	2018/229 – Oswald Drive 20 Lot Residential Subdivision.....	8
8.3	Planning Scheme Amendment – C67 – Alexandra Waste Facilities	26
9.	OUR PEOPLE	30
9.1	Grants and Contributions Program Panel Recommendations - April 2019	30
10.	OUR PROSPERITY.....	32
10.1	Draft Murrindindi Shire Tourism and Events Strategy.....	32
11.	OUR PROMISE	34
11.1	Instruments of Delegation, Appointments and Authorisations.....	34
11.2	Yea Saleyards Committee of Management Membership Endorsement.....	37
11.3	Audit and Risk Advisory Committee Minutes.....	39
11.4	Confirmation of Audit and Risk Advisory Committee Chairperson	39
12.	NOTICES OF MOTIONS	40
13.	MATTERS DEFERRED FROM PREVIOUS MEETING.....	40
14.	URGENT BUSINESS	40
15.	COUNCILLOR REPORTS.....	40
15.1	Cr Margaret Rae	40
15.2	Cr Jackie Ashe.....	40
15.3	Cr Eric Lording.....	41
15.4	Cr Charlotte Bisset.....	41
15.5	Cr Rebecca Bowles.....	41
15.6	Cr Leigh Dunscombe	41
15.7	Cr Sandice McAulay – Mayoral Report.....	41
16.	CHIEF EXECUTIVE OFFICER REPORT	41
17.	ASSEMBLIES OF COUNCILLORS	41
18.	SEALING REGISTER	43
19.	CONFIDENTIAL ITEMS	43

1. PLEDGE AND RECONCILIATION STATEMENT**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE****3. COMMUNITY RECOGNITION**

Suspension of standing orders to thank and acknowledge community achievements for the following:

- Kinglake West Primary School – School Leaders

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**5. CONFIRMATION OF MINUTES**

5.1 Minutes of the Ordinary Meeting of Council held on 24 April 2019.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 24 April 2019 be confirmed.

6. PETITIONS**7. PUBLIC PARTICIPATION TIME**

7.1 OPEN FORUM

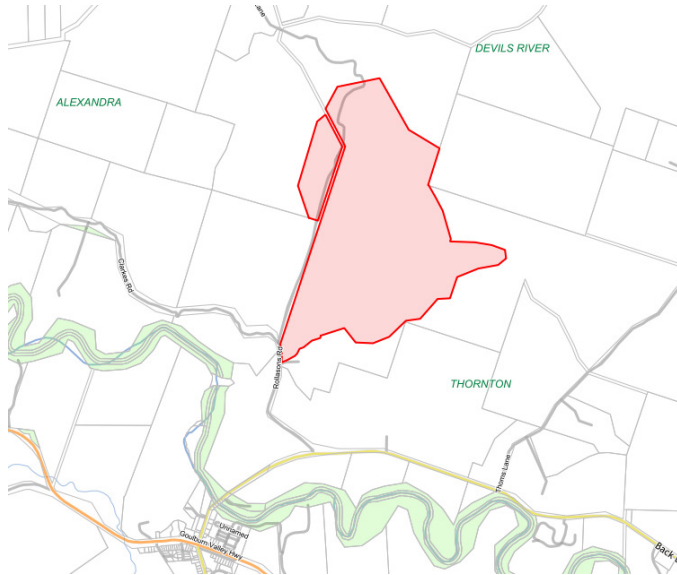
7.2 QUESTIONS OF COUNCIL

8. OUR PLACE**8.1 82 ROLLASONS ROAD THORNTON PERMIT AMENDMENT**

Attachment(s): *Application Details (refer Attachment 8.1)*
Submission Details (distributed to Councillors separately)

Land: 82 Rollasons Road THORNTON 3712
Proposal: Amendment of planning permit 2014/151 to include two x 2-bedroom accommodation units, multipurpose building, swimming pool and pergola
Applicant: Hedger Constructions Pty Ltd
Zoning: Farming
Overlays: Bushfire Management (Part)

Locality Plan



Purpose

This report recommends that a notice of decision to amend a permit be issued for planning permit 2014/151 to include two x 2-bedroom accommodation units, a multipurpose building, swimming pool and pergola at 82 Rollasons Road Thornton.

Officer Recommendation

That Council issue a notice of decision to amend a permit for planning permit 2014/151 to include two x 2-bedroom accommodation units, a multipurpose building, swimming pool and pergola at 82 Rollasons Road, Thornton 3712 (PC: 353655, Parish of Eildon), subject to the following conditions:

- 1. amend the proposal to include the two x 2-bedroom accommodation units, a multipurpose building, swimming pool and pergola**
- 2. remove the reference to “helipad” in the permitted uses.**

Background

Council received an application to amend an existing planning permit for the Cathedral Golf Club. The permit has had three changes since it was first issued. The original permit was issued on 11 March 2015 for:

‘The use and development of an 18-hole golf course, golf clubhouse, five cabins (group accommodation), maintenance facility, removal of 10 trees and irrigation lake with associated infrastructure.’

Originally the group accommodation cabins were planned as five dormitory style accommodation buildings, with four separate rooms and one common living area in the middle.

The applicant applied to change the form and layout of the group accommodation from the five cabins to 13 separate individual cabins. They also requested the addition of a day spa to be ancillary to the golf club and a helipad. The permit was amended on 22 August 2016 for:

‘The use and development of an 18-hole golf course, golf clubhouse, 13 cabins and one dormitory (group accommodation), day spa, helipad, maintenance facility, removal of 10 trees and irrigation lake with associated infrastructure.’

The applicant then applied to include a shed over the car park area to provide shelter for guest's vehicles. The last amendment to the permit was on 24 October 2016 to result in the current permission being for:

'The use and development of an 18-hole golf course, golf clubhouse, 13 cabins and one dormitory (group accommodation), day spa, helipad, maintenance facility, shed on car park site, removal of 10 trees and an irrigation lake with associated infrastructure.'

The current application is to include an additional two, two-bedroom dormitory style accommodation buildings, a multipurpose room, a swimming pool and a pergola. The application advised that the accommodation is required to support the 'stay and play' demand for current members, and to provide ancillary facilities for guests to use while on site.

The Land and Surroundings

The subject land currently contains a residential dwelling with associated shedding, an 18-hole golf course, golf clubhouse, three completed cabins with two under construction, a maintenance facility and a shed over the car park.

The subject land is accessed from Rollasons Road, and rises up from the entrance through the property to the site of the buildings associated with the golf club. The parcels to the north west, north and east are owned by the owner of the golf club site. The property to the south west and south are owned separately.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* and letters were sent to adjoining and nearby property owners.

Two objections were received, and the issues raised in the objections can be summarised as follows:

- increased air traffic and overfly of neighbouring property
- requested a cap on air movements
- non notification of amendments concerns
- current development significantly larger than originally proposed
- use of term 'cabin' misleading.

Discussion

When considering the existing permissions and the amendment application, the assessment of an amendment is restricted to the parts of the permit being amended only. In this case, the assessment is limited to whether it is appropriate to include an additional two buildings for group accommodation, a multipurpose room, a swimming pool and a pergola. The current permissions allow a golf course, group accommodation and other buildings ancillary to the golf course use. The current proposal does not change the permissions per se, but provides for additional structures similar to those already approved. When considering the impacts on the broader area, it is important to note that the buildings are located such that they are not visible from any nearby dwellings, nor are they on any ridgelines, thus avoiding any landscape implications. In terms of the grounds of objection, concerns have been raised in relation to the change in the form and content of the group accommodation and in relation to the process for the first two amendments to the permit.

1. Group Accommodation

Group accommodation is defined as 'Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence'. There has been some confusion about the terminology used in the existing permit, with the dwellings being used for accommodation being referred to as 'cabins'. For the purposes of planning assessment, these

buildings are considered as group accommodation. In relation to the first permission issued, the permission referred to the cabins as group accommodation, and the changes have been to the extent and form of the dwellings used in this permission being from five buildings containing four separate accommodation rooms to separate dwellings ranging in size and more dispersed on the property.

The proposed amendment includes two new accommodation buildings. These are proposed to be located near the existing clubhouse. From an amenity perspective, the additional buildings will fit in with the existing built form of the development, and will not impact of surrounding land with potential conflicts of use.

When considering the planning provisions relevant to the amendment, the permit has always included group accommodation, and it is considered that the addition of more dwellings used in this manner will not be detrimental to nearby owners, and can be supported.

2. Helicopters

The first amendment to the permit in 2016 included a helipad in the permitted uses.

Assessment of the helipad use as part of considering this application to amend the permit has resulted in the determination that the helipad did not need to be included in the permitted uses, as the use of the land for a helipad does not require a planning permit.

Clause 52.15 Heliport and Helicopter Landing Site of the Murrindindi Planning Scheme states that a planning permit is not required for a helicopter landing site, provided the landing site is located than 1000 metres (m) away from a building use for a sensitive use (normally a dwelling) that is not associated with the helicopter operation. The helicopter landing site for the golf club is more than 2000m away from the nearest dwelling not associated with the club, and does not need a permit.

One of the submissions raised concern with the number of landings per day and possible impacts on fauna over his property. The flight path for the club has been confirmed and is not over the objector's property and so no change is needed.

As a result, as part of the assessment of this current amendment application, Council officers are recommending that the reference to helipad in the permitted use be removed, as it is an as-of-right use and should not be in the permissions.

3. Notification of Application

The current application is the third amendment to the original permit. The previous two amendments were not notified to nearby and adjoining owners for comment, and this has raised some concerns. While Council officers are unable to change previous decisions, this amendment was notified and due consideration of submissions is being undertaken as part of this assessment.

Applications for amendments to permits are made under Section 72 of *The Planning and Environment Act 1987*. Notification of applications is undertaken under Section 52 of *The Planning and Environment Act 1987*, which states:

‘The responsible authority must give notice of an application in a prescribed form –

- a. to the owners and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.’

When considering an amendment to the permit, Council officers are only able to consider the specific changes being requested, and not the broader permit. In the case of the previous two amendments, Council officers made the determination that the changes proposed did not cause additional material detriment beyond that which had been already addressed through the original

permit. It is acknowledged that this determination is subjective, and this current amendment was notified due to concerns raised with the continued change to the form and content of the proposal by the neighbours.

4. Growth and Change from the Original Proposal

The objection has raised concerns with changes to the originally proposed extent of development, with the current permit larger than what was expected. With uses such as this, there are often changes over time to the proposed development that were not initially anticipated, as is the case here. As the golf club has evolved the applicant sought amendments to reflect these changes. The most significant change was to the form and location of the accommodation buildings.

All planning permits are assessed on the information available at the time. Subsequent amendments to any permit are assessed on the same basis. It is acknowledged that the development on the site has changed in both form, content and extent since the original permit. However, the basis of the permit has not changed from a golf course, group accommodation and ancillary buildings.

5. Ancillary Buildings

The predominant use of the land, as allowed under the current permissions, is for a golf course and group accommodation. The golf course has buildings that are ancillary to that use, including the club house and the shed on the car park site. This application includes additional structures that are considered ancillary to the existing permissions. Ancillary uses, otherwise considered as something that happens 'in conjunction with another use', are considered in Clause 65.02 Land used in conjunction with another use. This states that:

- there must be an essential association between the two uses
- the use must have a genuine, close and continuing functional relationship in its operation with the other use.

In this case, the ancillary buildings are only required to support the golf course and they have a genuine association and functional relationship with the golf course. In planning terms, when considering ancillary buildings, the main consideration will be the form and location of the buildings. In this case, the location of the proposed buildings, being close to the existing infrastructure on site, is appropriate and will not have a negative impact on the broader area.

Referrals

No referrals were made as part of this application.

Council Plan/Strategies/Policies

This report is consistent with the Murrindindi Shire Council Plan 2017-2021 Our Place strategic objective 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and the strategy 'through good land use planning enhance the liveability, prosperity and rural character of our Shire.' It is also aligned with Our Prosperity strategic objective 'in partnership with the community we will promote an environment in which business and community can thrive.'

Relevant Legislation

The proposal is being considered under the provisions of the Murrindindi Planning Scheme and the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financial implications or risks associated with the writing of this report.

Conflict of Interest

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

Legal/Policy Issues

13.07-1S Land Use Compatibility

Objective - to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Strategies:

- ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:
 - directing land uses to appropriate locations
 - using a range of building design, urban design, operational and land use separation measures.

15.01-6S Design for Rural Areas

Objective - to ensure development respects valued areas of rural character.

Strategies:

- ensure that the siting, scale and appearance of development protects and enhances rural character
- protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

17.01-1R Diversified Economy - Hume

Strategies:

- encourage appropriate new and development forms of industry, agriculture, tourism and alternative energy production.

Local Planning Policy Framework

21.02-1 Vision

Key elements of achieving the vision will be:

- growth in the rate base, population and economic activities to create long term economic sustainability for the municipality
- facilitation of new and expanded economic development and employment opportunities
- expansion and promotion of the tourism industry for a range of existing and emerging activities
- recognition and protection of the natural and built environment to protect high amenity rural and natural landscapes and the character of the area.

21.03-2 Agriculture

Issues:

- potential for use of agricultural land for non-agricultural or rural living purposes to conflict with established or future agricultural or horticultural land uses.

Objective 2 - rural and agricultural land use and development:

- discourage the development or conversion of land to uses incompatible with productive agriculture.

21.03-3 Tourism

Issues:

- need to enhance tourism in the municipality

- contribution of tourism to generate local employment and business opportunities.

Objective 1 - tourism growth and facilitation:

- enhance and promote tourism to increase the economic, social and cultural benefits to the municipality.

Zoning

35.07 Farming Zone

Purpose:

- to ensure that non-agricultural uses do not adversely affect the use of land for agriculture.

Decision Guidelines:

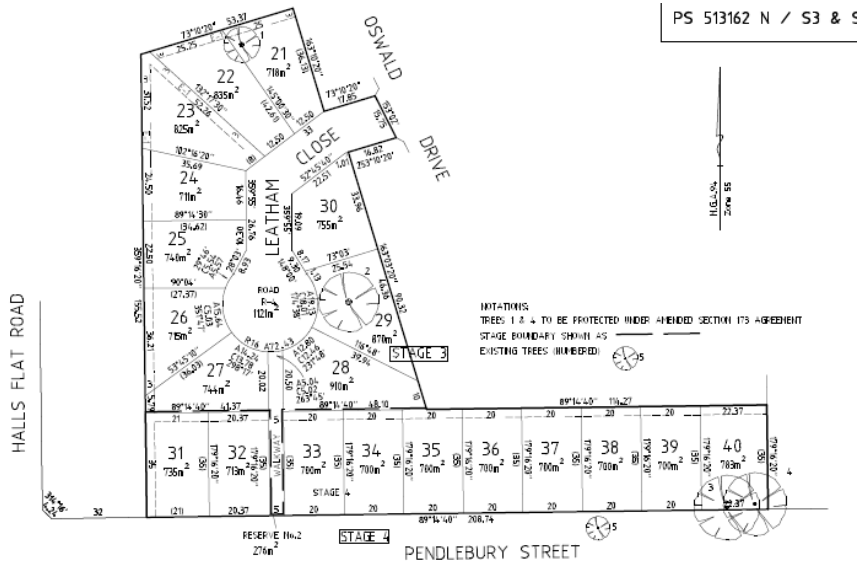
- general issues:
 - whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses
 - how the use and development makes use of existing infrastructure and services
- agricultural issues and the impacts from non-agricultural uses:
 - whether the use or development will support and enhance agricultural production
 - the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural production
- design and siting issues:
 - the impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts
 - the impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

8.2 2018/229 – OSWALD DRIVE 20 LOT RESIDENTIAL SUBDIVISION

Attachment(s): *Application Documents (refer Attachment 8.2)*
Submission Documents (distributed to Councillors separately)

Land: Oswald Drive ALEXANDRA 3714
Proposal: 20 Lot Residential Subdivision (2 stages); Removal of native vegetation (3 trees).
Applicant: Discedo Pty Ltd
Zoning: General Residential
Overlays: None

Locality Plan



Purpose

This report recommends that a notice of decision to grant a permit be issued for a 20 lot residential subdivision (2 stages) and removal of native vegetation (three trees) at Oswald Drive, Alexandra. The subdivision is the completion of an existing residential development, and the lot sizes are in character with the broader area.

Officer Recommendation

That Council issue a 20 Lot Residential Subdivision (2 stages); Removal of native vegetation (three trees) at Oswald Drive, Alexandra 3714 (Lot: S3 PS: 513162, Parish of Alexandra), subject to the following conditions:

1. The subdivision must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
2. This permit shall expire if all stages of the plan of subdivision hereby permitted are not certified within two years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within six months after such expiry.
3. Before any works associated with the development commence, the developer shall appoint a competent and suitably qualified Project Manager who shall be responsible for the supervision and management of the project, to the satisfaction of the Responsible Authority.
4. The owner of the land must enter into an agreement with:
 - a telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time
 - a suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.

5. **Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:**

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time
- a suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.

6. **All new power lines within the subdivision must be underground.**

7. **Prior to the issue of a Statement of Compliance, a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:**

- protection of the existing mature trees shown on plan on lots 21 and 40 except with the written consent of the Responsible Authority.

The Section 173 agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the *Planning and Environment Act 1987*.

8. **Engineering**

Prior to commencing construction of Pendlebury Street extension, the following must be submitted to and approved by the Responsible Authority:

- a. a suitably prepared cost estimate for the works
- b. provision of a cash bond or bank guarantee of 1.5 times of the construction cost as guarantee that the works will be constructed accordingly
- c. written request from the applicant for Council to cancel the agricultural lease and bring the road into the road register.

Upon completion of the construction of the road to the satisfaction of the Responsible Authority, the cash bond will be refunded to the applicant.

9. **Stormwater Management**

Prior to the commencement of any works, a drainage plan or plans must be submitted to and approved by the Responsible Authority, detailing the following:

- a. the levels of stormwater discharge estimated from a fully constructed development (including dwellings),
- b. lots 31 to 40 drainage to be directed along Pendlebury Street to Hall Street
- c. provision of appropriate detention works, including onsite detention if necessary, to ensure that the discharge from the site to Hall Street is kept to pre development levels.

10. **Design and Specification of Roads and Drainage**

Prior to the commencement of any construction work on the development, the Developer must undertake or cause to be provided in accordance with the requirements of the Responsible Authority the following:

- a. the layout for the roads shall generally be in accordance with the endorsed plan
- b. the road and drainage design must meet the objectives for the minor and major drainage systems as defined in Infrastructure Design Manual (IDM) Guidelines

- c. drainage pipes located in drainage easements shall be designed for 100-year Average Recurrence Interval (ARI) storm events to protect buildings
- d. the road and stormwater drainage systems for the development shall incorporate water sensitive urban design and shall be designed in accordance with Urban Stormwater Best Practice Environmental Management Guidelines 1999
- e. the road design shall incorporate measures to protect swale drain and infiltration areas by deterring unauthorised parking and/or access of vehicles in those areas
- f. each lot must be independently drained to the satisfaction of the Responsible Authority. Drainage pipes from each lot should not discharge directly to the kerb and channel
- g. a landscaping plan detailing features designed to enhance the visual and environmental amenity of the development. The plan should provide for extensive planting of predominately native trees, shrubs and grasses in the road reserves through and abutting the development
- h. plans and specifications for the landscaping, roads and stormwater drainage system, including computations and supporting information must be prepared to the satisfaction of the Responsible Authority and be endorsed.

11. Road Reserve, Road Pavement, Drainage and Footpath Requirements

The parameters used for the design and the construction of roads, footpaths and drainage must be as follows:

- a. court road and bowl (from Oswald Drive) under Stage 3:
 - minimum pavement width of 5.6 metres (m), with semi-mountable kerb and channel or concrete edge strip, measured invert to invert
 - pavement shall consist of a minimum depth 250 millimetre (mm) of class 3 crushed rock placed on a suitably prepared subgrade. The pavement shall be primed and have a minimum two coat sealed (Size 7mm and 10mm); or 30mm asphaltic final surface
 - design and construct a 1.5m wide concrete footpath, on one side of the road
 - design and construct all pavement, kerb and channel, concrete edging, drainage and footpaths
 - the road shall be designed and constructed with batter slopes not steeper than 5 to 1 fill and 3 to 1 cut
 - vehicle crossings for all lots shall be designed and constructed. The design of the crossings shall generally be in accordance with Council standard requirements for urban areas with kerb and channel with modifications as necessary to accommodate drainage system operation
- b. Pendlebury Street (frontage to the subject land and including the intersection with Hall Street) under Stage 4:
 - construction to be within the existing (nominally 20m wide) road reserve
 - minimum pavement width of 7.1m, with semi-mountable kerb and channel or concrete edges, measured invert to invert
 - pavement shall consist of a minimum depth 250mm of class 3 crushed rock placed on a suitably prepared subgrade. The pavement must be primed and have a two coat seal (size 7mm and 10mm); or 30mm asphaltic final surface
 - design for 1.5m wide concrete footpath along northern side

-
- **construct full width sealed road pavement with kerb/concrete edging and footpath on the north side. Construction of the footpath and kerb/concrete edging on the south side of the road is not required. In lieu of constructing the edging on the south side a 1.0m shoulder and conventional open drain shall be provided**
 - **vehicle crossings for Lots 31 to 40 are permitted directly on to Pendlebury Street**
 - **vehicle crossings for all lots shall be designed and constructed. The design of the crossings shall generally be in accordance with Council standard requirements for urban areas with kerb and channel with modifications as necessary to accommodate drainage system operation**
 - **traffic calming measures to be installed at an agreed location, and in a manner that will reduce the speed of traffic past the development site**
- c. prior to the issue of a Statement of Compliance for Stage 3 (Lots 21 to 30) by the Responsible Authority, the Developer must undertake or cause to be provided in accordance with the requirements of the Responsible Authority the following:**
- **construct road and court bowl including landscaping, roads, footpaths, vehicle crossings and stormwater drainage systems in accordance with the endorsed plans and specification to the satisfaction of the Responsible Authority**
 - **the maintenance of all Stage 3 construction works for a defect liability period of 12 months from the date construction is practically completed including the lodgement of a refundable bond calculated at 5% of the road and drainage construction costs. The Responsible Authority will only accept the works at the end of this period if there is no damage or defect identified during or at the conclusion of the defect liability period. Defects shall be rectified to the satisfaction of the Responsible Authority**
 - **payment to the Responsible Authority of a supervision fee to a maximum of 2.5% of the actual cost of the Stage 3 construction works, the amount to be determined by the Responsible Authority (the developer must submit a copy of the Construction Contract Schedule, for verification of the amount by Council)**
 - **payment to the Responsible Authority of an engineering design checking fee of up to 0.75% of the value of documented Stage 3 works, the amount to be determined by the Responsible Authority**
 - **complete planting of trees, shrubs and grasses in accordance with the landscaping plan. Planting is to be completed at least nine months prior to conclusion of defects liability period**
 - **install and provide details of permanent survey/bench marks**
 - **install public lighting in the court bowl and road. Public street lighting shall be installed on steel or concrete poles for public street lighting, where underground electrical cables are required**
 - **reticulated water supply, sewerage, telecommunications and electricity to each lot, in conjunction with the relevant authorities**
 - **under road conduits for lot water services**
 - **full set of 'as constructed' digitised construction plans for roads and drainage (DXF format or equivalent format)**
 - **an 'as constructed' set of plans for the entire work.**

12. **Prior to the issue of a Statement of Compliance for Stage 4 (Lots 31 to 40) by the Responsible Authority, the Developer must undertake or cause to be provided in accordance with the requirements of the Responsible Authority the following:**
- **complete the construction of Pendlebury Street including landscaping, roads, footpaths, vehicle crossings and stormwater drainage systems in accordance with the endorsed plans and specification to the satisfaction of the Responsible Authority**
 - **the maintenance of all Stage 4 construction works for a defect liability period of 12 months from the date construction is practically completed including the lodgement of a refundable bond calculated at 5% of the road and drainage construction costs. The Responsible Authority will only accept the works at the end of this period if there is no damage or defect identified during or at the conclusion of the defect liability period. Defects shall be rectified to the satisfaction of the Responsible Authority**
 - **payment to the Responsible Authority of a supervision fee to a maximum of 2.5% of the actual cost of the Stage 3 construction works, the amount to be determined by the Responsible Authority (the developer must submit a copy of the Construction Contract Schedule, for verification of the amount by Council)**
 - **payment to the Responsible Authority of an engineering design checking fee of up to 0.75% of the value of documented Stage 3 works, the amount to be determined by the Responsible Authority**
 - **complete planting of trees, shrubs and grasses in accordance with the landscaping plan. Planting is to be completed at least nine months prior to conclusion of defects liability period**
 - **install and provide details of permanent survey/bench marks**
 - **install public lighting in Pendlebury Street. Public street lighting shall be installed on steel or concrete poles for public street lighting, where underground electrical cables are required**
 - **fire plugs in accordance with the Country Fire Authority requirements (generally at a maximum spacing of 120m), at the subdivider's expense**
 - **reticulated water supply, sewerage, telecommunications and electricity to each lot, in conjunction with the relevant authorities**
 - **under road conduits for lot water services**
 - **electrical power and street lighting by underground cables to all lots in Pendlebury Street that do not command a high voltage supply. Telecommunications also to be supplied by underground cabling**
 - **full set of 'as constructed' digitised construction plans for roads and drainage (DXF format or equivalent format)**
 - **an 'as constructed' set of plans for the entire work**
 - **the subdivision must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed to by the Responsible Authority.**
13. **Water Sensitive Urban Design – Owner Information**
- The developer shall prepare and implement an information package to warn and educate owners, trades and service authorities of the presence of the drainage system and requirements to protect its integrity. The information package shall be prepared and implemented to the satisfaction of the Responsible Authority and should include:**
- **street signs**

- tagging of individual properties to warn trades
- owner information and maintenance instruction procedures.

14. Street/Road Name Allocation

Prior to the application for certification of the subdivision being made under the *Subdivision Act 1988*, the applicant must lodge an application to Council for the approval of any street names and street numbers on the proposed plan of subdivision.

15. Construction Management Plan

Before commencement of works for any stage of the subdivision, a Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority. The plan must include:

- a site specific plan showing proposed erosion and sedimentation control works
- techniques and intervention levels to prevent a dust nuisance, including provision of a water cart for dust suppression throughout the construction phase
- techniques to prevent mud and dirt being transported from the site to nearby streets
- the protection measures taken to preserve any vegetation identified for retention
- a requirement that all construction traffic for the works on the court bowl and road (off Oswald Drive) will enter the site from Pendlebury Street wherever possible
- the barrier closing Pendlebury Street to through traffic not to be removed until such time as the whole of the road is completed.

AusNet Pty Ltd

16. The applicant must:

- enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan
- enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system
- enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd
- provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of 'Power Line' in the favour of 'AusNet Electricity Services Pty Ltd' pursuant to Section 88 of the *Electricity Industry Act 2000*, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land
- obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots
- adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey
- set aside on the plan of subdivision reserves for the use of AusNet Electricity Services Pty Ltd for electric substations

- provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the *Transfer of Land Act* prior to the registration of the plan of subdivision
- provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required
- agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AusNet Electricity Services Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the *Electricity Safety Act 1998*
- ensure that all necessary auditing is completed to the satisfaction of AusNet Electricity Services Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Goulburn Valley Water (the Corporation)

17. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.
18. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
19. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
20. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (the works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains).
21. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.
22. The operator under this permit shall be obliged to enter into an agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request.
23. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the *Subdivision Act 1988*.

Country Fire Authority (CFA)

24. Hydrants

Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants

must be no more than 200m apart. These distances must be measured around lot boundaries

- the hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the CFA

Note - CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the CFA's website www.cfa.vic.gov.au .

25. Roads

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width:

- the average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50m. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle
- curves must have a minimum inner radius of 10m
- have a minimum trafficable width of 3.5m and be clear of encroachments for at least 1.5m on each side and 4m above the access way.
- roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Department of Environment, Land, Water and Planning (DELWP)

26. Before works start, the permit holder must advise all persons undertaking the vegetation removal and road works of all relevant permit conditions of this permit.

27. To offset the removal of 0.273 hectares (ha) of native vegetation the permit holder must secure a native vegetation offset, in accordance with the 'Guidelines for the removal, destruction of lopping of native vegetation' (DELWP 2017) as specified below:

- a. a general offset of 0.084 general habitat units
- b. located within the Goulburn Broken Catchment Authority boundary or Murrindindi Shire boundary
- c. with a minimum strategic biodiversity score of 0.193
- d. the offset secured must provide protection of at least four large trees.

28. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of Murrindindi Shire Council. The evidence is one or both of the following:

- a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site and/or;
- b. credit extract allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, by the Responsible Authority, a copy of the endorsed offset evidence must be provided to DELWP.

Notations:

- 1. All works must be designed and constructed in accordance with Council's Infrastructure Design Manual.**

The Land and Surroundings

The subject land is generally clear with some remnant vegetation protected with a Section 173 Agreement. To the north, south and east the land is in the General Residential Zone, and there is some Low Density Residential Zone further to the west. The land to the south is the subject of a current planning application for subdivision.

The property is within the township boundaries of Alexandra, and slopes down from Pendlebury Street towards Cooper Street and Halls Flat Road.

Background

The application seeks approval for a 20 lot residential subdivision and for the removal of three trees. The application is to complete the subdivision of the Oswald Drive development, with the two remaining stages to be finalised. The original subdivision was undertaken in 2011, with the first 41 allotments. The original permit included the remaining 20 allotments but the permit expired prior to completion of the subdivision.

Remnant vegetation was protected in the original subdivision with a Section 173 Agreement, and the application includes the removal of three of these trees. One of the trees proposed for removal on proposed lot 29 is at the request of the neighbouring properties due to concerns with limbs dropping and danger to surrounding property. The tree on the road reserve in Pendlebury Street will be lost to enable the construction of the road, and the tree on proposed lot 40 will be deemed lost due to the impact on the tree with the construction of a vehicle crossing to the site.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* as follows:

- letters to adjoining and nearby property owners
- notice of application displayed on the subject land
- notice of application placed in the Alexandra and Eildon Standard.

Six submissions were received to the initial application and a meeting of parties was held to discuss the issues raised. The application was amended to the current proposal, and four of these submissions were resolved, subject to conditions on any permit that may issue that would address dust management through the construction phase, management of the remnant vegetation and drainage details through the properties.

Two submissions remain outstanding, and the concerns can be summarised as follows:

- does not support the removal of the tree on proposed lot 40
- concerned with overshadowing when developed
- would like only single storey dwellings allowed
- impacts of construction work
- fence lines should match existing dwellings
- stormwater management from the site.

A detailed response to the grounds of objection is set out further in this report.

Assessment Against Clause 56 of the Murrindindi Planning Scheme

Clause 56 of the Murrindindi Planning Scheme sets out State planning provisions relating to the subdivision of land in the general residential zone. The following table provides details on whether the proposal complies with these requirements. Under these provisions a development:

- must meet all of the objectives
- should meet all of the standards.

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative solutions may be considered.

		Objectives	Standards	Comments
		✓ - Compliance ✗ - Non compliance NA - Not Applicable		
C1	Policy Implementation	✓	✓	<p>This standard seeks to ensure that the application accurately describes how the subdivision is consistent with and implements any relevant plans for the area.</p> <p>The application provided the relevant documents and supporting information to address the provisions of ResCode. The subject land is not in a development plan overlay, so the only requirements that need to be addressed are included in these documents.</p> <p>The only change from the original approved subdivision was to create a cul-de-sac with a walkway to Pendlebury Street.</p>
C5	Built Environment Objective	✓	✓	<p>This standard seeks to create urban places with identity and character.</p> <p>The built environment should implement urban design strategies, provide environments that are functional, safe and attractive, be integrated and contribute to a sense of place. In the absence of a broader states neighbour character, the Responsible Authority must consider the implied character of the area. In this case, the character has been developed through the establishment of single dwellings on lot sizes similar to those proposed with the application.</p> <p>The layout and lot sizes proposed in this subdivision will continue to provide a consistent character response for the area.</p>
C7	Lot Diversity and Distribution	✓	✓	<p>This standard seeks to provide higher density within walking distances, and to provide a range of lot sizes suited to a variety of dwellings and household types.</p> <p>The proposed subdivisional layout provides for the development of an additional 20 allotments within an existing residential area, with lot sizes ranging between 700 and 910 square metres (sqm) in size. The shapes of the allotments are generally in accordance with the existing character of the subdivision.</p>
C8	Lot Area And Building Envelopes	✓	✓	<p>This standard requires that each lot is capable of enabling the appropriate siting and construction of a dwelling.</p> <p>Under this provision any lot more than 500sqm must be able to contain an envelope of 10m x 15m, and may contain a building envelope but this is not a requirement. Each lot is also able to accommodate a dwelling in a manner that protects the solar access of adjoining dwellings in accordance with the building regulations.</p>

		Objectives	Standards	Comments
		✓ - Compliance ✗ - Non compliance NA - Not Applicable		
				The dimensions of each lot are such that this standard is achieved, and building envelopes have not been applied to allow more freedom of placement for future owners.
C9	Solar Orientation of Lots	✓	✓	This standard seeks to provide good solar orientation for future dwellings. Without any significant topographical constraints, the dimensions of each lot are considered adequate to allow for the protection of solar access to each lot. There are some challenges to ensure solar access for lots 23 and 24, but with appropriate house sitings on each of these allotments, maximum solar benefit can be achieved.
C10	Street Orientation	✓	✓	This standard seeks to provide for a lot layout that contributes to social interaction, safety and security. The site is constrained in relation to how the streets can be developed by the existing road reserve in Pendlebury Street and the location of the access into the property from the first two stages of the subdivision. However, all lots from streets and roads, and no lots have side or rear orientation to connector streets. All lots are oriented to the street frontages to ensure maximum visibility and interaction with the public realm.
C11	Common Areas	NA	NA	
C12	Integrated Urban Landscape	✓	✓	This standard seeks to provide for attractive and continuous landscaping in streets and public spaces, and to protect remnant native vegetation. Landscape design for the development should create attractive landscapes and respond to the broader area in terms of character. The site should also protect and enhance natural features of the site. The proposal will include the removal of three trees, two of which are currently protected with a Section 173 Agreement. The applicant has requested to remove two of these trees, with one being considered dangerous and the other will be significantly impacted by the construction of a crossover to the point that it will be deemed lost. The third tree to be removed is in the road reserve, and is required to be removed to support the construction of Pendlebury Street. A landscape plan for the street plantings will form a conditional requirement for any permit that may issue.
C13	Public Open Space Provision	✓	✓	This standard seeks to provide for public open space for all users. The first two stages of the subdivision of this land included a contribution in the form of land in a reserve within the subdivision. This is located on the eastern side of Oswald Drive, opposite the cul-de-sac proposed in the application. Council officers are not able to request further contributions to open space for this development.
C15	Walking and Cycling Network	✓	✓	This standard seeks to provide for safe movement through neighbourhoods for pedestrians and cyclists. The application is not providing specific paths for bicycling, but there is the provision of footpaths on all new roads being constructed. These will allow for pedestrian movements, with the streets of a standard to

		Objectives	Standards	Comments
		✓ - Compliance ✗ - Non compliance NA - Not Applicable		
				accommodate the cycling requirements. The walkway between the cul-de-sac and Pendlebury Street will allow for connectivity between the two areas for pedestrians and cyclists.
C17	Neighbourhood Street Network	✓	✓	<p>This standard seeks to provide for direct, safe and easy movement through and between neighbourhoods.</p> <p>The design of the subdivision must take account of the existing network, provide for safe and efficient access to all lots, and for safe movement of vehicles.</p> <p>Cooper and Hall Streets were developed in the first part of this subdivision, and it is proposed to construct the cul-de-sac (Leatham Link) and the remainder of Pendlebury Street in this subdivision. Pendlebury will be a collector street when completed, and the cul-de-sac will link Oswald Drive to Pendlebury for pedestrians and cyclists only.</p> <p>Both roads will be subject to conditions on any permit that may issue requiring them to be sealed, have kerb and channel and footpaths in accordance with the requirements of the IDM.</p>
C18	Walking and Cycling Network Detail	✓	✓	<p>This standard seeks to ensure footpaths, shared paths and cycle path networks can accommodate all users.</p> <p>Footpaths will be required to be constructed as part of this subdivision, in accordance with the IDM.</p>
C19	Public Transport Network Detail	✓	✓	<p>This standard seeks to provide access to public transport networks. There is not a formal public transport system within the township of Alexandra, with the only public transport option being a bus to and from Melbourne each day. This proposal will have the same access to this available transport as the rest of the township.</p>
C20	Neighbourhood Street Network Detail	✓	✓	<p>This standard seeks to ensure the design and construction of streets is accessible and safe for all users.</p> <p>The proposed road construction standard for Pendlebury Street and the cul-de-sac is for a sealed road of a required width, with semi-mountable kerb.</p>
C21	Lot Access	✓	✓	<p>This standard seeks to provide for safe vehicle access between roads and lots.</p> <p>The proposed semi-mountable kerb will allow for access to each property at any point without the need for delineated driveway entries. This will allow each site to place the driveway in the most appropriate location for each individual dwelling.</p> <p>The protection of one tree adjacent to lot 40 will determine the location of the access on this lot.</p>
C22	Drinking Water Supply	✓	✓	<p>This standard seeks to provide for drinking water.</p> <p>Drinking water will be supplied by Goulburn Valley Water and will be connected as part of the subdivision.</p>
C23	Reused and Recycled Water	✓	✓	<p>This standard seeks to provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p> <p>There is no formal reused or recycled water supply within Alexandra from Goulburn Valley Water, however</p>

		Objectives	Standards	Comments
		✓ - Compliance ✗ - Non compliance NA - Not Applicable		
				each individual allotment will be able to install recycled systems as they wish.
C24	Waste Water Management	✓	✓	This standard seeks to ensure all properties have adequate access to waste water management systems. Sewerage will be supplied by Goulburn Valley Water to all allotments.
C25	Stormwater Management	✓	✓	This standard seeks to minimise any offsite impacts from stormwater, and to ensure streets operate adequately in storm events. Drainage plans were prepared to help address some of the submissions raised to the application. Drainage from the development is proposed to go partly along Pendlebury Street to Hall Street, with 10 lots draining to Hall Street and 10 lots draining to the existing stormwater drain along the boundary on lot 23. Some onsite detention may be required, and will be subject to conditions for drainage computations and plans on any permit that may issue.
C26	Site Management	✓	✓	This standard seeks to ensure the protection of infrastructure and the surrounding area during the construction phase of the development. The site is currently clear of rubbish, with all construction waste to be contained onsite and removed when the development is completed. There will be requirements on any permit that may issue to manage dust and other impacts through the construction phase.
C27	Shared Trenching	✓	✓	This standard seeks to maximise shared trenching opportunities. Power and telecommunications will be placed in a shared trench, and all opportunities to share trenching will be undertaken where agreed by servicing authorities.
C28	Electricity, Telecommunications and Gas	✓	✓	This standard seeks to ensure the development is services with the available public utilities. Electricity and telecommunications will be provided as part of the subdivision. Gas is not available in Alexandra and will not be supplied.
C29	Fire Hydrants	✓	✓	This standard requires the provision of hydrants to enable firefighting access. Fire hydrants will be supplied in accordance with any requirements from the CFA.
C30	Public Lighting	✓	✓	This standard seeks to allow for the provision of street lighting for safety at night. Lighting will be designed and supplied in accordance with the requirements of both Council and AusNet Pty Ltd.

Consideration of Objections Received

A Council officer's response to the objections outstanding is summarised below:

Does not support the removal of the tree on Proposed Lot 40:

- remnant vegetation in any development must be carefully considered for retention. The trees on the property were originally protected as part of the first subdivision with a Section 173 Agreement. A Biodiversity report has been submitted with the application

to support the removal of the trees. The red gum on proposed lot 29 has been noted in the report as 'suffering from Lerp infestation. Recently dropped large limb'. In relation to the grey box on lot 40, it is one of two trees, one being 104.8 centimetres (cm) Diameter at Breast Height (DBH) and one being 112.1 cm DBH, with the larger tree to remain.

- the submission raises concern with the removal of the red gum on lot 40 only. The environmental consultant advised that this tree will have an impact on more than 10% of its tree protection zone due to the proposed crossovers for lots 39 and 40, and cannot be retained. When a tree is impacted by more than 10%, it is deemed lost from a planning perspective and must be offset as part of the development proposal
- the submitter outlined a number of cases where trees have survived even with an impact on their tree protection zones, and was not supportive of this tree being removed to facilitate driveway access. From a planning perspective, the tree will be impacted and will need to be offset accordingly. However, while Council officers would forego formal ongoing protection of a tree that had been offset, it could be a condition on the permit that the tree remain until it is deemed dangerous by a relevantly qualified arborist. This would give the tree an opportunity to remain in situ, but would apply the requisite offsets should the impacts result in its loss.

Concerned with overshadowing when developed:

- development of all lots will need to be in accordance with the building provisions in relation to ResCode. These provisions include due consideration for existing dwellings on adjoining lots, and overshadowing is specifically controlled. There may be development that does create shadows on adjoining properties under these standards, however, the level of overshadowing allowed is limited. Further to this, the land is zoned for residential use, and there is an expectation that dwellings will be constructed on these allotments.

Would like only single storey dwellings allowed:

- with the range of lots sizes provided there is options for the development, there is a capacity for a range of dwelling sizes and types to be constructed. They will need to comply with the building provisions in relation to ResCode as well. Council Planning officers do not generally place conditions on any development in relation to the types of dwellings that could be constructed. A Responsible Authority may place limitations to protect vegetation, place envelopes on allotments and the like. Placing more specific conditions such as single storey only is not considered necessary as the individual lots will be developed in accordance with the relevant regulations.

Impacts of construction work:

- concerns have been raised by a number of submissions about the impacts through the construction phase on adjoining and nearby property owners, particularly in relation to dust. The provisions of Clause 56 do require that the site be managed appropriately, but any permit that may issue will have conditions in relation to dust suppression and site management through the construction phase.

Fence lines should match existing dwellings:

- fencing between two properties is not a matter considered by Council, and is regulated with the *Fences Act 1968*. While it is considered desirable by a neighbour to only have to deal with one person on the matter of fencing a boundary, this is not something that can be considered from a planning perspective.

Stormwater management from the site:

- concerns were raised with both stormwater drainage through the site and to Hall Street from the proposed development. Preliminary stormwater management plans were prepared and detailed that 10 lots would drain through the existing drainage easement on proposed lot 23 with the remaining 10 lots to be directed to Pendlebury Street and out to Hall Street. Council's development engineer has undertaken a desktop assessment of the anticipated stormwater discharge from the site for both the flow to the existing drainage easement and for the flow to Hall Street
- it is noted that the existing drain on Hall Street is of a large enough capacity to accommodate the expected flows. However, the driveway culverts currently in place along the section of Hall Street between Pendlebury and Cooper Streets are not large enough to accommodate the free flow of water. It is noted that these culverts have become blocked in the past due to the scatter from the trees adjacent to the drain and the upstream flow of debris. While there can be no requirement for the developer to pay for upgrades to existing Council infrastructure, there is a requirement that the development itself to maintain pre development level impacts on Council infrastructure. The only time this can be varied is if the infrastructure is capable of handling the additional flow
- in this case, while the drain is able to accommodate the expected flows, the culverts are not and the development must find a way to ensure this is ameliorated appropriately prior to entering Council's infrastructure. Any permit that may issue will have conditions that require detailed stormwater management plans in accordance with the IDM. These conditions will also require that the design of the development does not have a negative impact on the downstream assets. This may require on site detention of stormwater, and will be considered as part of the assessment of formal plans for stormwater management.

Referrals

This application was referred to Goulburn Valley Water, AusNet Pty Ltd and the Department of Environment, Land, Water and Planning (DELWP). No objections were received subject to conditions.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Place strategic objective 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and 'through good land use planning enhance the liveability, prosperity and rural character of our Shire.'

Relevant Legislation

The proposal is being considered under the provisions of the Murrindindi Planning Scheme and the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financials implications or risks associated with the consideration of this application for planning permit.

Conflict of Interest

There are no declared conflicts of interest by Council officers preparing this report.

Legal/Policy Issues

The following provides additional planning scheme provisions relating to the consideration of the application proposal.

State Planning Policy Framework

11.03-3S Peri-urban Areas

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

Strategies:

- provide for development in established settlements that have capacity for growth
- enhance the character, identity, attractiveness and amenity of peri-urban towns.

12.01-2S 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 native vegetation
- minimise the impacts from the removal of native vegetation that cannot be avoided
- provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

15.01-3S Subdivision Design

Objective - to ensure the design of subdivision achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies:

- in the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities.

Local Planning Policy Framework

21.04-1 General Housing in the Municipality

Objective 1 - general housing:

- attract and promote an increase in populations, housing, residential diversity and lifestyle options.

Strategies:

- promote and facilitate further residential development and investment in the municipality
- facilitate housing and population growth and development in a manner that balances and protects the natural environment
- ensure the future layout and form of residential subdivision and development is properly planned
- concentrate development in locations free from environmental constraints, where environmental values are protected and the level of community safety is improved.

Objective 2 - housing in townships:

- facilitate further housing development in and around townships with established communities and services.

Strategies:

- facilitate further residential development in established townships and settlements, maximising the sustainability and use of existing physical and community infrastructure and ensuring a high level of community safety.

21.04-2 Serviced Townships

Objective 1 - housing in serviced townships:

- facilitate residential growth and diversity in serviced townships with a range of community and physical services.

Strategies:

- facilitate residential growth in established, serviced townships that have potential for further growth, in particular Yea and Alexandra.

Zoning

32.08 General Residential Zone

Purpose:

- to encourage development that respects the neighbourhood character of the area
- to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

Decision Guidelines:

- Subdivision:
 - the pattern of subdivision and its effect on the spacing of buildings
 - for subdivision of land for residential development, the objectives and standards of Clause 56

A planning permit is required for subdivision. A subdivision of between 16 and 59 lots must address all of Clause 56 exempt 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.

Particular Provisions

52.17 Native Vegetation

Purpose:

- to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation
- to manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

56 Residential Subdivision

Purpose:

- to create liveable and sustainable neighbourhoods and urban places with character and identity
- to achieve residential subdivision outcomes that appropriately respond to the site and its context for infill sites within established residential areas
- to ensure residential subdivision design appropriately provides for:
 - policy implementation
 - liveable and sustainable communities
 - residential lot design
 - urban landscape
 - access and mobility management
 - site management
 - utilities.

8.3 PLANNING SCHEME AMENDMENT – C67 – ALEXANDRA WASTE FACILITIES

Purpose

This report seeks Council's endorsement to commence the process for implementation of a planning scheme overlay to formalise buffer zones around waste facilities in Alexandra. The overlay aims to strengthen management of environmental risks associated with landfilling and other waste management and protect our community.

This includes development and design of the overlay, and consultation in relation to the overlay and associated changes, in accordance with the process for a planning scheme amendment set out in the *Planning and Environment Act*.

Officer Recommendation

That Council:

1. **authorise Council officers working with the Goulburn Valley Waste and Resource Recovery Group to progress the project 'Amendment to the Murrindindi Planning Scheme, introduction of an Environmental Significance Overlay (ESO)' and local policy 'Alexandra- Landfill, Resource Recovery Centre and Transfer Station'.**
2. **request that the Minister of Planning authorise Murrindindi Shire Council to prepare an amendment to the Murrindindi Planning Scheme to introduce an Environmental Significance Overlay and related local policy changes to identify and protect buffers around waste management facilities in Alexandra.**

Background

Statewide Policy and Planning Framework

The Victorian Waste and Resource Recovery Infrastructure Planning Framework (WRR Infrastructure Planning Framework), includes the:

- Statewide Waste and Resource Recovery Infrastructure Plan 2018 (Infrastructure Plan)
- Goulburn Valley Waste and Resource Recovery Implementation Plan (Implementation Plan).

Sustainability Victoria led the development of the WRR Infrastructure Planning Framework, and is leading its integration into statutory decision making for planning and environmental approvals in Victoria.

A key statutory function of the Goulburn Valley Waste and Resource Recovery Group (GVWRRG) is to identify the waste and resource recovery infrastructure needs of the region over a 10-year period, in line with the statewide Infrastructure Plan. This involves integrating waste and resource recovery infrastructure planning with land use and transport planning.

GVWRRG has engaged with key stakeholders to implement strategic planning controls, such as overlays, related to critical waste and resource recovery infrastructure, consistent with the WRR Infrastructure Planning Framework. Although the GVWRRG is progressing similar work for a number of waste sites in the region, the Alexandra Landfill is one of the higher priorities.

This work will deliver an outcome consistent with the objectives of planning in Victoria, the State Planning Policy Framework and Environment Protection Authority guidance. This includes:

- separating incompatible land development and use (e.g. separating residential land use from waste facilities)
- protecting utilities providing community benefit
- realising the full lifespan of significant infrastructure investment.

Links with Other State Level Policy

Plan Melbourne 2017 – 2050 applies across Victoria setting strategic directions for linkages between metropolitan Melbourne and regional Victoria and strategic directions concerning infrastructure delivery and protection for waste and resource recovery.

These practices underpin and are an essential element of the Hume Regional Growth Plan 2014 (Growth Plan), which recognises the critical importance of waste management infrastructure to achieve the desired economic growth for the region. The identification, recognition and protection of waste management and resource recovery infrastructure from the encroachment of incompatible development and use, is consistent with the future directions for regional infrastructure laid out in the Growth Plan.

State planning policy in Murrindindi Planning Scheme requires that a responsible authority have regard to the following objectives and strategies:

Clause 13 Environmental Risks and Amenity - states that 'planning should strengthen the resilience and safety of communities by adopting best practice environmental management and risk management approaches' and '...avoid amenity conflicts'.

Clause 13.07-1S Land Use Compatibility - seeks to 'safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off site effects'. Councils are required to use a range of building design, operational and land use separation measures to achieve these outcomes.

Clause 17.03-2S Industrial Development Siting - seeks to 'provide adequate separation and buffer areas' between sensitive uses and industries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

Clause 19.03-5S Waste and Resource Recovery:

- ensure future waste and resource recovery infrastructure needs are identified and planned for to
- safely and sustainably manage all waste and maximise opportunities for resource recovery
- protect waste and resource recovery infrastructure against encroachment from incompatible land
- uses by ensuring buffer areas are defined, protected and maintained
- ensure waste and resource recovery facilities are sited, designed, built and operated so as to
- minimise impacts on surrounding communities and the environment.

Identification of the need to formalise buffers around the Alexandra waste facilities

GVWRRG commissioned a preliminary assessment prioritising the strategic work for waste and resource recovery infrastructure across its region.

The Alexandra landfill, resource recovery centre and transfer station are identified as priorities for this strategic work having regard to multiple considerations including:

- the risk of encroachment of incompatible development and use
- the risk of encroachment to the full realisation of the infrastructure's life span
- sub-optimal community outcomes by reducing access to waste and resource recovery services in a geographically isolated area

- the risk of constraints on the future expansion of existing services and limiting the opportunity for advanced waste technology to be established (landfill airspace for disposal of residual waste is critical for the feasibility of advanced technology).

The Alexandra landfill, resource recovery centre and transfer station are identified in the:

- Growth Plan as a state significant land use in the peri-region where advanced and alternative waste technology is to be encouraged
- Infrastructure Plan and Implementation Plan, collectively, as a hub of regional significance.

Further, the Growth Plan, Infrastructure Plan and Implementation Plan identify the important function of the Alexandra infrastructure in term of contingency arrangements and under-pinning future investment in alternative waste and resource recovery initiatives where residual waste disposal is a necessary service.

Note that the overlay, and the buffer it formalises, will remain relevant even after closure of the Alexandra landfill given that the risk of gas migration remains for a period of time.

Discussion

Why is it important to formalise buffers around Alexandra waste facilities?

There is a risk of encroachment of the Alexandra landfill, resource recovery centre and transfer station by residential uses. If unmanaged, this may:

- pose an unacceptable risk to those more sensitive uses or
- impact the full lifespan of the infrastructure and the provision of essential services to the local community, and more broadly the region.

Risks include amenity impacts such as noise, litter and odour. In other places, landfill gas migration has also posed risks to surrounding land uses.

This proposed strategic work led by GVVRRG, with Murrindindi Shire Council as the planning authority, integrates strategic planning controls, providing an opportunity to support the existing pattern of subdivision and development without further compromising important waste infrastructure.

What controls may be considered to formalise the buffer?

The proposed strategic planning controls include local planning policy provisions and an overlay.

An Environmental Significance Overlay will trigger the need for a planning permit in certain circumstances. It also has the effect of alerting the community and prospective purchasers to the presence of the buffer.

Council would need to consider the relevant risks, including those from landfill gas, in determining whether or not to issue the permit or the conditions of any permit that may be issued. The provisions associated with the overlay would include decision guidelines to assist in this determination.

The proposed provisions could also include an exemption from the need for a planning permit for buildings and works within the overlay where measures are in place to manage any relevant risks including landfill gas. The details of the provisions associated with the overlay will be further developed prior to exhibition of the proposed amendments.

The ESO is not intended to prevent any development, but rather ensures that any risks are considered and mitigated as appropriate.

Note that construction of a dwelling on much of the land around the waste facilities already would be subject to a planning permit due to other controls (e.g. Bushfire Management Overlay, requirements of the Rural Living Zone and schedule). However, only where a permit requirement is triggered by the landfill buffer ESO would any decision guidelines related to landfill risks specifically apply.

What area would be covered by an ESO?

An assessment of the area to be included in the ESO will be made based on expert advice as part of preparing the amendment for exhibition. During the exhibition period the community will have the opportunity to make submissions about the proposed buffer.

Process to Progress Proposed Buffer

To progress the project, Murrindindi Shire Council, as the planning authority, must seek Ministerial approval to proceed with preparing and exhibiting the amendment.

In parallel with this, further work is required to define the extent of the proposed buffer (see above) based on the risks posed by the waste facilities, taking into account their age, setting and other characteristics.

Once sufficient work has been completed to define an appropriate buffer, Council officers will prepare the draft planning scheme amendment, for exhibition.

Depending on the submissions received Council may determine to:

- recommend the scheme amendment to the Minister for Planning
- refer the amendment to a panel for further consultation and advice or
- abandon the amendment.

Embedded within this process is significant engagement with the community and specifically with potentially affected landholders.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our Place strategy to 'strengthen the environmental sustainability of our communities, protect our natural environment and reduce resource consumption' and 'through good land use planning enhance the liveability, prosperity and the rural character of our Shire'.

Relevant Legislation

Planning and Environment Act and the *Environment Protection Act*

Financial Implications and Risk

Subject to Council approval to proceed with the project, funding of \$30,000 has been made available through the Metropolitan Waste and Resource Recovery Group, Buffer Support Program to support the project. Council has committed to contributing a further \$40,000 to the project.

Conflict of Interest

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

Community and Stakeholder Consultation

Local Stakeholder Consultation

A communications and engagement plan will be developed for the project.

The *Planning and Environment Act* sets out specific requirements in terms of exhibition and consideration of submissions for any planning scheme amendment.

Agency Consultation

The following agencies have been informed of the recommendations of the GVWRRG preliminary assessment work and specifically of the proposed amendment to the Murrindindi Planning Scheme to introduce an Environmental Significance Overlay (ESO) and local policy:

- Department of Environment, Land, Water and Planning (DELWP),
- Goulburn Valley Water (GVW),
- Sustainability Victoria (SV) and
- Environment Protection Authority (EPA)

9. OUR PEOPLE**9.1 GRANTS AND CONTRIBUTIONS PROGRAM PANEL RECOMMENDATIONS - APRIL 2019**

Attachment(s): *Grant Applications (distributed to Councillors separately)*

Purpose

The purpose of this report is to inform Council of the recommendations made by the Grants and Contributions Evaluation Panel (Panel) for allocations from the Grants and Contributions Program (Program).

**Officer Recommendation
That Council:****1. award the recommendations of the Grants and Contributions Evaluation Panel:**

Application	\$	Stream	Outcome
Sedona Estate	20,000.00	Business Growth and Establishment	Recommended
Kinglake Ranges Forest Adventures	0	Industry and Economy Growth	Not recommended
Purpose Driven Upholstery	5,000.00	Business Growth and Establishment	Recommended
Yea Bank Tearooms	0	Business Growth and Establishment	Not recommended
Cheeky Fox	0	Business Growth and Establishment	Not recommended

**2. note the grants awarded under delegation by the Grants and Contributions
Evaluation Panel Chair:**

Application	\$	Stream	Outcome
Alexandra Cricket Club	1000.00	Fee reduction	Awarded
Kellock Lodge Gala Ball	595.00	Fee reduction	Awarded

Background

The Grants and Contributions Program (Program) provides the opportunity for community groups and organisations, and businesses to seek funding to support a range of activities and initiatives happening in Murrindindi Shire. There are a range of funding streams under the program including:

- fee reductions (and waivers by exception)
- quick response grants
- sponsorships (including eligible individuals)
- governance and capacity building
- community projects and events

- small and new tourism events
- events of state significance
- business growth or establishment
- industry or economy growth.

Each stream has its own objectives and eligibility criteria. The Panel meets monthly to meet timeframes described in the Grants and Contributions Policy, not all streams are assessed each month.

Discussion

The Panel received 10 applications in April 2019. All evaluation applications and the Panel's recommendations have been distributed to the Councillors separately.

Two applications received were within the delegation of the Panel Chair, and the evaluation was carried out in accordance with the Program guidelines and policy:

- Alexandra Cricket Club - fee waiver - \$1,000.00
- Kellock Lodge - fee waiver - \$595.00.

The Panel assessed the following applications:

- Sedona Estate
- Kinglake Ranges Forest Adventures
- Purpose Driven Upholstery
- Yea Bank Tearooms
- Cheeky Fox

The following applications were received this month and are still being evaluated by the Panel:

- Bonfire Station
- Alexandra Hotel
- Marysville Jazz and Blues Festival

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our People strategic objective 'to celebrate and encourage diverse, caring and connected communities'.

Relevant Legislation

There are no legislative considerations to this report.

Financial Implications and Risk

A total of \$31,129.45 funds have been allocated through Council grants and contributions this 2018/19 financial year.

The assessment panel has recommended that a total of \$26,595.00 grant funds be awarded in this round, with all allocations within budget.

Conflict of Interest

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

Community and Stakeholder Consultation

There has been no formal community consultation with respect to the assessment of this round of Program applications.

10. OUR PROSPERITY**10.1 DRAFT MURRINDINDI SHIRE TOURISM AND EVENTS STRATEGY**

Attachment(s): *Draft Tourism and Events Strategy (refer Attachment 10.1)*

Purpose

The purpose of this report is to receive feedback on the Draft Murrindindi Shire Tourism and Events Strategy (Strategy) and seek Council endorsement for the Draft Strategy to be placed on public exhibition.

Officer Recommendation**That Council:**

- 1. endorse the release of the Draft Murrindindi Shire Tourism and Events Strategy for the purpose of public consultation and input**
- 2. notes the improvements already identified and listed in this report for inclusion into the final draft of the Murrindindi Shire Tourism and Events Strategy.**

Background

In 2018, Council requested Council officers to engage a consultant to design and deliver a Tourism and Events Strategy for the Murrindindi Shire.

In adherence with Council's Procurement Policy, Urban Enterprise was appointed to carry out the work. The consultants brief required comprehensive engagement with the local tourism sector and relevant stakeholders to develop the strategy. Engagement activities included:

- internal officer workshops
- local, regional and state stakeholder meetings
- three industry workshops (including local business and tourism associations and individual operators).

The consultants carried out a comprehensive visitor services review, and visitor economy and servicing analysis.

A series of audits informed the draft Strategy, including Murrindindi Shire's product and experience profile, an events audit, governance structure mapping and resourcing, and marketing activity.

Discussion

The attached draft Strategy (Attachment 10.1) proposes four strategic directions:

1. Direction A - deliver a streamlined approach to tourism industry governance
2. Direction B - deliver streamlined and effective marketing and visitor information services
3. Direction C - development of product strengths and investment in emerging opportunities and supporting infrastructure.
4. Direction D - drive tourism growth to Murrindindi Shire through an enhanced events calendar.

To develop these objectives, the consultants have:

- used a range of engagement, survey and consultations
- carried out a Visitor Economy and Servicing Analysis

- conducted a product, experience and events audit.

A number of key findings have been made throughout the document:

Context

Destination development for Murrindindi Shire Council is supported by an extensive list of Federal, State, Regional and Local Government policy and strategy documents.

Statistics

Visitation to Murrindindi Shire was 823,000 visitors in 2017/18. This was comprised of predominately day trip visitors (73%), followed by overnight trip visitors (26%). The visitor economy contributes \$94.1 million and 493 jobs to the Murrindindi Shire economy.

Status Quo

Whilst Murrindindi Shire has high quality natural assets, there is a need for investment by the private sector in businesses that deliver new and improved food, beverage and accommodation product to the region. These products are critical to increasing yield and attracting high spend visitors to Murrindindi Shire.

Events

There were 27 tourism events in 2018, attracting a total of approximately 39,000 visitors. It is also important to note that although not tourism events, there were many other small-scale community events in the region, totalling 43 events and receiving about 5,500 visitors annually.

Governance

Murrindindi Shire has a very fragmented approach to tourism governance when compared to most other Local Governments in regional Victoria.

Visitor Information Services

Murrindindi Shire has a well-developed network of Visitor Information Centres (VIC), with four VIC including two accredited VIC in Yea and Marysville. Yea and Marysville VIC are performing relatively well with around 30,000 visitors to the Yea VIC annually and 40,000 visitors to the Marysville VIC annually. The Eildon and Alexandra VIC have significantly lower visitation than Yea and Marysville.

The draft Strategy has been reviewed by a small internal working group and Council has received a preliminary briefing on the strategy directions.

The following key points have been noted for reference through this consultation and final draft phase of the project:

In general, the strategy is comprehensive and generally conforms to our understanding of the region, industry, business and visitor experience. The recommendations are based on evidence and consultation and appear logical and will assist both Council and the industry sector to enhance the value of tourism to the local economy.

Never-the-less the review to date has highlighted some areas that will need to be addressed and incorporated into the Strategy before it is finally adopted. These include:

- a summary document or 'snap shot' that could be used as a prospectus that would adequately describe the current tourism environment, the strategic direction of Council and the key items that are the current focus for action
- to bring forward in the document the strategic directions and that these be better reflected in the structure of the Strategy to ensure they are not lost amongst the details

- improve the recognition of Murrindindi Shire's proximity to Melbourne, as this is recognised as a significant selling point for Murrindindi Shire
- improve the events profile section to more accurately describe the Murrindindi Shire's events environment including the need to adequately account for the opportunities around Farmers' Markets and to improve overall clarity of this section
- identify opportunities to further establish Recreational Vehicle (RV) Friendly townships in Murrindindi Shire.

The draft Strategy tackles some key issues of governance in Local Business and Tourism Associations (LBTA). Feedback from LBTA will be crucial to continue this discussion through the consultation period, and well after. The document highlights the need to continually review the structures that promote healthy and sustainable businesses and industry sectors. Similarly, the Strategy makes reference to the need to develop an efficient and effective model for delivering VIC based on a partnership approach.

Council officers recommend that Council place this draft Strategy on public exhibition. This would allow the document to be circulated to all those businesses, LBTAs, State Government, individuals and regional tourism bodies previously engaged to provide feedback. The link to the document will be included on Council's website for distribution via media release, 'What's On' newsletter and business newsletter. The exhibition period would close Saturday 22 June and it is proposed that the final draft Strategy progress to the July 2019 Ordinary Meeting of Council with the recommendations developed from the consultation.

Council Plan/Strategies/Policies

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

Relevant Legislation

There are no legislative implications in the preparation of this report.

Financial Implications and Risk

The delivery of this Strategy will influence the budget and expenditure of Council. Established budgetary processes and financial management principles will be utilised and enforced to guide this outcome.

Conflict of Interest

There were no conflict of interests declared by Council officers in the preparation of this report.

Community and Stakeholder Consultation

The engagement and consultation undertaken to create the Strategy has been discussed in the body of the report. Council officers will ensure the public exhibition of the document is comprehensive, includes businesses and organisations previously consulted, and aims to engage any parties not yet consulted.

11. OUR PROMISE

11.1 INSTRUMENTS OF DELEGATION, APPOINTMENTS AND AUTHORISATIONS

Attachment(s): *S5. Delegation from Council to the Chief Executive Officer (refer Attachment 11.1a)*
 S6. Delegation from Council to members of Council staff (refer Attachment 11.1b)

S11A. Instrument of Appointment & Authorisation (Planning and Environment Act 1987) (refer Attachment 11.1c)

Purpose

The purpose of this report is to seek Council's adoption of the Delegations to the Chief Executive Officer and staff, and Appointment and Authorisations of staff and others under the prescribed legislation.

Officer Recommendation

In the exercise of the powers conferred by Section 98(1) of the *Local Government Act 1989* (the *Act*) and the other legislation referred to in the attached instrument of delegation, Murrindindi Shire Council (Council) resolves that:

- 1. there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached 'Instrument of Delegation to the Chief Executive Officer' (Attachment 11.1a), subject to the conditions and limitations specified in that Instrument**
- 2. the instrument comes into force immediately the common seal of Council is affixed to the instrument**
- 3. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked**
- 4. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt**
- 5. it is noted that the instrument includes a power of delegation to members of Council staff, in accordance with Section 98(3) of the *Act*.**

In the exercise of the powers conferred by Section 98(1) of the *Act* and the other legislation referred to in the attached instrument of delegation, Council resolves that:

- 1. there be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the attached 'Instrument of Delegation to Members of Council Staff' (Attachment 11.1b), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument**
- 2. the instrument comes into force immediately the common seal of Council is affixed to the instrument**
- 3. on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked**
- 4. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

In the exercise of the powers conferred by Section 224 of the *Act* and the other legislation referred to in the attached 'Instrument of Appointment and Authorisation' (Instrument) (Attachment 11.1c), Council resolves that:

- 1. the members of Council staff referred to in the Instrument (S11A) be appointed and authorised as set out in the Instrument**
- 2. the Instrument comes into force immediately the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it**

3. **on the coming into force of the Instrument all previous authorisations to members of Council staff (other than the Chief Executive Officer) are revoked**
4. **the instrument be sealed.**

Background

Council is a legal entity comprised of its members (the seven Councillors). Its decision making power exists only as a group through resolution not as singular Councillors. Most decisions are not required to be made at a Council level therefore the Council must entrust some of the decision making power to others, this is done through delegations and authorisations.

Council officers undertake a thorough review annually of all of the delegated powers to ensure that legislation, staff and role changes are reflected.

This review reflects any legislated changes, staff changes and an effort to ensure that staff are adequately delegated to provide efficient and effective service.

Discussion

Under Section 98(1) of the *Local Government Act 1989* (the *Act*) Council can delegate its powers to others. This is documented using the following delegations:

- S5. Delegation from Council to the Chief Executive Officer (Attachment 11.1a)
- S6. Delegation from Council to members of Council staff (Attachment 11.1b).

Instruments of Appointment and Authorisations allow Council to authorise or appoint a person to a particular statutory position. Under the *Planning and Environment Act 1987* an employee of Council can only be authorised by Council, this is done through the following:

- S11A. Instrument of Appointment & Authorisation (*Planning and Environment Act 1987*) (Attachment 11.1c)

The primary difference between delegations and authorisations are that Council can delegate powers pursuant to the *Act* to a position and the person who holds that position undertakes those powers on Council's behalf (as the delegate). Instruments of Appointment and Authorisations are where Council appoints others to specific statutory roles under the relevant *Act*'s and therefore it is the specified individual that is then authorised to undertake the powers and not simply acting as a delegate of Council.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Promise strategic objective 'to work in collaboration with our communities to deliver the best possible outcomes in all that we do'.

Relevant Legislation

The *Local Government Act 1989* Section 98(1) provides for Council to delegate its powers to others. The instruments cover various pieces of legislation and Council's responsibilities.

Financial Implications and Risk

Effective and efficient functioning of Local Government would not be possible without formal delegations to Council officers.

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 is required in the preparation of Delegations and Authorisations.

11.2 YEA SALEYARDS COMMITTEE OF MANAGEMENT MEMBERSHIP ENDORSEMENT

Purpose

The purpose of this report is to seek Council's endorsement of three membership positions for the Yea Saleyards Section 86 Committee of Management.

Officer Recommendation

That Council endorse the following membership:

Committee of Management	Representative Position	Member	Period
Yea Saleyards Committee of Management	Community Representative	Anthony Dredge	Current to November 2020
Yea Saleyards Committee of Management	Community Representative	Jim Osborne	Current to November 2020
Yea Saleyards Committee of Management	Livestock Transport Representative	Peter Hauser	Current to November 2020
Yea Saleyards Committee of Management	District Farming Representative	Cindy Coad	Current to November 2020
Yea Saleyards Committee of Management	District Farming Representative	Jan Beer	Current to November 2020
Yea Saleyards Committee of Management	District Farming Representative	Tom Oliver	Current to November 2020
Yea Saleyards Committee of Management	District Farming Representative (Proxy)	Trevor Sargeant	Current to November 2020
Yea Saleyards Committee of Management	Yea Livestock Representative	Chris Pollard	Current to November 2020
Yea Saleyards Committee of Management	Yea Livestock Representative	Rick Wills	Current to November 2020
Yea Saleyards Committee of Management	Yea Livestock Representative (Proxy)	Jamie Quinlan	Current to November 2020
Yea Saleyards Committee of Management	Yea Livestock Representative (Proxy)	Hamish Falla	Current to November 2020

Background

The Yea Saleyards Committee of Management (Committee) is delegated under Section 86 of the *Local Government Act 1989* to manage the Yea Saleyards on behalf of Council.

Committees must hold a public nomination process to propose membership to Council and Council may in its absolute discretion decline to appoint. Representatives can sit on a committee for up to three years without re-election and the committees call for nominations as part of the Annual General Meeting (AGM) process when required.

Council via an Instrument of Delegation in 2017 structured the membership of the Committee to have the following membership:

- two Community Representatives
- one Livestock Transport Representative

- three District Farming Representatives
- two Yea Livestock Representatives.

The Committee membership was endorsed for a three-year period in November 2017 and currently has two vacant positions due to recent resignations.

Discussion

Committees play an important role in assisting Council with the operation of many of its facilities and reserves. The members of these committees are all volunteers and are proposed to Council through a democratic process. Nominations are sought from the public at an AGM or Special Meeting called for that purpose.

The Committee has had two resignations recently and sought to fill these positions at its meeting held in April. The Committee had three applicants and has requested that two of the applicants be appointed and the third applicant be recognised as a proxy vote in the absence of the other positions. These applicants were Cindy Coad, Anthony Dredge and Trevor Sargeant.

Proxy representatives are common in specific user group representative positions such as those within this Committee.

The Committee is proposing the following membership for the remainder of the original three-year term:

Committee of Management	Representative Position	Member	Period
Yea Saleyards Committee of Management	Community Representative	Anthony Dredge	Current to November 2020
Yea Saleyards Committee of Management	Community Representative	Jim Osborne	Current to November 2020
Yea Saleyards Committee of Management	Livestock Transport Representative	Peter Hauser	Current to November 2020
Yea Saleyards Committee of Management	District Farming Representative	Cindy Coad	Current to November 2020
Yea Saleyards Committee of Management	District Farming Representative	Jan Beer	Current to November 2020
Yea Saleyards Committee of Management	District Farming Representative	Tom Oliver	Current to November 2020
Yea Saleyards Committee of Management	District Farming Representative (Proxy)	Trevor Sargeant	Current to November 2020
Yea Saleyards Committee of Management	Yea Livestock Representative	Chris Pollard	Current to November 2020
Yea Saleyards Committee of Management	Yea Livestock Representative	Rick Wills	Current to November 2020
Yea Saleyards Committee of Management	Yea Livestock Representative (Proxy)	Jamie Quinlan	Current to November 2020
Yea Saleyards Committee of Management	Yea Livestock Representative (Proxy)	Hamish Falla	Current to November 2020

The Committee has a Council representative as a non-voting member in addition to the above.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our Promise strategic objective 'we will all work in collaboration with our communities to deliver the best possible outcomes in all that we do'.

Relevant Legislation

The Committee is delegated by Council in accordance with the *Local Government Act 1989*

Financial Implications and Risk

Until Council has endorsed these memberships the individuals do not have any obligations under the Instrument of Delegation and cannot make any financial decisions.

Conflict of Interest

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

Community and Stakeholder Consultation

Council advertised the vacancy nomination processes and the meeting details for two weeks prior to the meeting in a newspaper of the Committees choice. This process adheres with the regulations in the Committee of Management Governance Manual.

11.3 AUDIT AND RISK ADVISORY COMMITTEE MINUTES

Attachment(s): *2019-05-09 Audit and Risk Advisory Committee Minutes (19/29365)*
2019-05-09 Audit and Risk Advisory Committee Attachments (distributed to Councillors separately)

Officer Recommendation

That Council note and receive the minutes of the Audit and Risk Advisory Committee meeting held on 9 May 2019 (Attachment 11.3).

11.4 CONFIRMATION OF AUDIT AND RISK ADVISORY COMMITTEE CHAIRPERSON**Purpose**

This purpose of this item is to seek Council's endorsement of the election of the Chairperson of Council's Audit and Risk Advisory Committee (Committee) for the next 12 months.

Officer Recommendation

That Council endorse the election of Mr Claude Baxter as Chairperson of Council's Audit and Risk Advisory Committee for the 2019/20 financial year.

Background

The primary objective of the 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 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 Committee is the primary instrument outlining the roles and responsibilities of the Committee and its members.

Discussion

At the 9 May 2019 Committee meeting, nominations were sought for the Chairperson of the Committee for the next 12 months. Ms Michele Steward nominated the incumbent, Mr Claude Baxter, with this nomination being seconded by Mr Ian McKaskill. The Committee resolved to endorse Mr Baxter as Chairperson subject to the ratification of Council at the May 2019 Ordinary Meeting. If appointed by Council, this will be Mr Baxter's first term as Committee Chair.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Promise strategic objective 'to work in collaboration with our communities to deliver the best possible outcomes in all that we do' and the strategy 'to maintain Council's financial sustainability through sound financial and asset management practices'

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.

As per Section 2g of the Committee Charter, the Committee is to elect the Chair of the committee in the first quarter of each financial year. The term of the Chair is to be 12 months, with a maximum of three consecutive years with a break of at least one year if three consecutive terms have been served.

The Chairperson shall be appointed from the external members of the Committee by the Audit and Risk Advisory Committee, subject to Council's approval.

Financial Implications and Risk

Council is required to endorse the election of the Chair so that Council's Committee is appropriately constituted in accordance with legislation and with its charter. The honorarium paid to the independent members of the Committee is \$2,000.00 per annum.

Conflict of Interest

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

Community and Stakeholder Consultation

External consultation was not required.

12. NOTICES OF MOTIONS**13. MATTERS DEFERRED FROM PREVIOUS MEETING****14. URGENT BUSINESS****15. COUNCILLOR REPORTS****15.1 CR MARGARET RAE****15.2 CR JACKIE ASHE**

- 15.3 **CR ERIC LORDING**
- 15.4 **CR CHARLOTTE BISSET**
- 15.5 **CR REBECCA BOWLES**
- 15.6 **CR LEIGH DUNSCOMBE**
- 15.7 **CR SANDICE MCAULAY – MAYORAL REPORT**
- 16. CHIEF EXECUTIVE OFFICER REPORT**
- 17. ASSEMBLIES OF COUNCILLORS**

Purpose

This report presents the records of assemblies of Councillors for 24 April 2019 to 15 May 2019, 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 24 April 2019 to 15 May 2019.

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 an assembly 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 24 April 2019 to 15 May 2019:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	24 April 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. 6 Smith Street, Yea – 12-Lot Low Density Residential Subdivision 2. 102 Falls Road, Marysville – Construction of Eight Dwellings 3. Recreation and Open Space Strategy - Public Comment Feedback on Draft 4. Grants and Contributions Program Panel Recommendations - March 2019

	<ul style="list-style-type: none"> 5. Hume Region Transformation Program Business Case 6. 2019/20 Draft Annual Budget and Strategic Resource Plan 7. Extension of Leases at Kinglake Rebuilding and Advisory Centre 8. Audit Advisory Committee Annual Report 9. Quarterly Council Plan 2017-2021 Progress Summary – 31 March 2019 10. Quarterly Financial Report to 31 March 2019 11. Quarterly Capital Works Report 12. Proposed Dwelling – 5 Pine Ridge Road, Kinglake West 13. CEO update
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, T Carter, N Stewart, N McNamara, S Coller, G Haylock, M Crane, B Scott
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing
Meeting Date:	1 May 2019
Matters Discussed:	<ul style="list-style-type: none"> 1. Indi Federal Election Labour Party Candidate Eric Kerr 2. Community Local Law - Briefing #1 3. Temporary Accommodation 4. Flowerdale Memorial 5. Grant Street Review 6. Rubicon Village
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, N Stewart, C Price, K Girvan
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing
Meeting Date:	8 May 2019
Matters Discussed:	<ul style="list-style-type: none"> 1. Communication Strategy 2. Electoral Representation Review 3. Dry Seasons Assistance 4. Cathedral Golf Course Permit Amendment 5. 2018/229 – Oswald Drive 20 Lot Residential Subdivision 6. Planning Scheme Amendment - C67 - Alexandra Waste Facilities 7. Review of MAV State Council Motions'
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, D Jackson, M Crane, N Stewart
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Workshop
Meeting Date:	15 May 2019
Matters Discussed:	<ul style="list-style-type: none"> 1. Draft Tourism and Events Strategy 2. Future of Business Development Activities 3. Financial Reserves – Public Open Space 4. Related Party Disclosure Policy and Process 5. Planning Scheme Amendment – C67 – Alexandra Waste Facilities
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae
Council Officer Attendees	C Lloyd, S McConnell, S Brown, G Haylock, S Coller, T Carter
Conflict of Interest Disclosures: Nil	

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 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 assembly of Councillors tables listed above.

18. SEALING REGISTER**19. 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 Corporate and Outdoor Uniform Supply 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:

- **CONT19/2 - Corporate and Outdoor Uniform Supply**