



AGENDA  
of the  
ORDINARY MEETING OF COUNCIL  
WEDNESDAY 24 APRIL 2019  
at  
Murrindindi Shire Council  
Council Chamber  
Perkins Street  
Alexandra  
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)

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**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:

- Alexandra Secondary College – student leaders for 2019
- St Mary's Primary School – student leaders for 2019
- Eildon Primary School – student leaders for 2019

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

5.1 Minutes of the Ordinary Meeting of Council held on 27 March 2019.

**Officer Recommendation**

**That the minutes of the Ordinary Meeting of Council held on 27 March 2019 be confirmed.**

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

7.1 OPEN FORUM

7.2 QUESTIONS OF COUNCIL

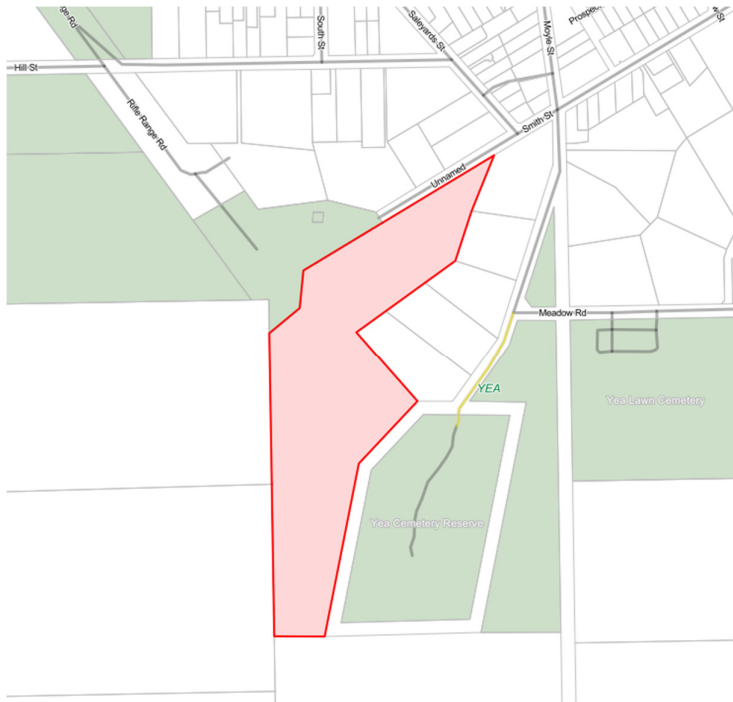
**8. OUR PLACE**

8.1 **6 SMITH STREET, YEA – 12-LOT LOW DENSITY RESIDENTIAL SUBDIVISION**

Attachment(s): *Application Documents (refer Attachment 8.1)  
Submissions (distributed to Councillors separately)*

Land: 6 Smith Street, Yea  
Proposal: 12-lot low density residential subdivision  
Applicant: North East Survey Design Pty Ltd  
Zoning: Low Density Residential  
Overlays: Nil

## Locality Plan



### Purpose

This report recommends that a notice of a decision to grant a permit be issued for a 12-lot low density residential subdivision at 6 Smith Street Yea. The application is being reported to Council because submissions have been received objecting to the proposal. This report provides an assessment of the proposal under the provisions of the Murrindindi Planning Scheme and responds to the objections received.

### Officer Recommendation

**That Council issue a notice of decision to grant a permit for a 12-lot subdivision at 6 Smith Street Yea subject to the following conditions:**

- 1. An amended subdivision plan must be submitted to the Responsible Authority for endorsement to include the following requirements:**

- a. vegetation protection zones for trees identified in the Flora and Fauna Assessment**
- b. building and effluent exclusion zones (rather than specific envelopes)**
- c. removal of the existing outbuilding on Lot 1**

**The subdivision must be generally in accordance with the endorsed plan and must not be altered or modified except with the prior written approval of the Responsible Authority, or to comply with statutory requirements**

- 2. This permit shall expire if the plan of subdivision hereby permitted is 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. Prior to issue of the statement of compliance, a Section 173 Agreement must be prepared and entered into at no cost to Council which ensures the following:**
  - a. building and effluent exclusion zones in accordance with the endorsed plan**
  - b. vegetation protection zones in accordance with the endorsed plan**

- 
- c. **boundary fencing at the rear of lots 6 to 12 to be constructed of wire mesh to ensure domestic animals are contained within these lots**
    - d. **no dwellings to be constructed within 5 metres (m) of the boundary abutting land within the Farm Zone on proposed lots 6 -12**
    - e. **all septic works to comply with conditions with the land capability assessment prepared by B.M Civil (Job No: 47613-7)**
    - f. **all effluent treatment and disposal to be by secondary treatment plant**
    - g. **external cladding of buildings and structures to be provided in non-reflective finishes to the satisfaction of the Responsible Authority**
    - h. **no further subdivision of lots**
    - i. **requirements for outbuildings to be only constructed in conjunction with a dwelling on the land**
  4. **The Section 173 agreement must be prepared by Council's solicitors to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.**
  5. **The owner of the land must enter into an agreement with:**
    - a. **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; and**
    - b. **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 will not be provided by optical fibre**
  6. **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. **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; and**
    - b. **a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre**
  7. **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. **a site specific plan showing proposed erosion and sedimentation control works**
    - b. **techniques and intervention levels to prevent a dust nuisance**
    - c. **techniques to prevent mud, dirt and crushed rock being transported from the site to nearby streets**
    - d. **the protection measures taken to preserve vegetation identified for retention**
    - e. **transport routes for construction vehicles to ensure they will not use Saleyards Street**

8. **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**
9. **Prior to the issue of a statement of compliance, the outbuilding on proposed Lot 1 must be removed and the land reinstated to the satisfaction of the Responsible Authority**

#### **Environment**

10. **Any soil moved off site must be taken to a secure location and monitored for weeds**

#### **Environmental Health**

11. **Prior to the issue of a statement of compliance the dam on proposed Lot 9 must be filled and remediated to the satisfaction of the Responsible Authority**
12. **All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal**
13. **A permit to install a septic tank will be required from Council prior to the commencement of works on individual blocks**

#### **Engineering**

14. **Before any works associated with the subdivision commence or construction of buildings, detailed construction plans must be prepared in accordance with Council's Infrastructure Design Manual Clause 6 - Documentation and the satisfaction of the Responsible Authority. Details to be shown on the plan/s include drainage, driveways, driveway crossing works and other service authorities' details. All works constructed or carried out must be in accordance with those approved plans**
15. **Prior to certification, road and drainage construction plans, a Drainage Strategy Plan in accordance with Council's Infrastructure Design Manual Clause 17 – Rural Drainage must be submitted and approved by the Responsible Authority. Potential Adverse effects on downstream properties must be considered and outfall requirements upgraded to accommodate diverted or concentrated flows**
16. **Access roads comprising the extension of Moyle Street and Smith Street shall be constructed with following guidelines to the satisfaction of the Responsible Authority:**
  - a. **sealed access roads must be constructed, formed and drained to avoid erosion and to minimize disturbance to the natural topography of the land to the satisfaction of the Responsible Authority**
  - b. **there must be no obstruction within the 1m of the edge of the formed width of roads at any time, and there must be 4m height clearance above all roads to allow for fire vehicle access**
  - c. **roads shall have minimum sealed width of 6.2m and 1.5m wide shoulder on both sides, unless otherwise approved by the Responsible Authority in order to minimise the removal of road side vegetation in Smith Street**
  - d. **sealed pavement shall be constructed on minimum 250 millimetre (mm) thick layer of 20mm Fine Crushed Rock (FCR) Class 2 compacted 98% of Modified Dry Density (MDD)**

- e. **pavement shall be constructed on minimum 150mm thick layer of 20 mm FCR Class 3**
  - f. **pavement surface shall be spray sealed with two coats**
  - g. **road pavements must have minimum load limit of 15 tonnes**
  - h. **adequate provision for turning emergency vehicles must be provided in dead end roads and cul de sacs by providing a court bowl with trafficable turning radius of 12m. Dips must have no more than a 1 in 8 for both entry and exist angles**
  - i. **the average grade of the road must be no greater than 1 in 7 (14.4%), however, a maximum of 1 in 5 (20%) may be allowed for a maximum length of 50m**
  - j. **roads must have minimum cross fall alignment of 1 in 33 (3%) and minimum inner radius of 10m**
  - k. **culverts shall be capable to pass flow of 1 in 100-year storm event**
  - l. **bridges must be designed in accordance with the Australian Bridge Design Standard AS 5100 – 2004 to withstand rigid truck load of 15 tonnes**
17. **Prior to issue of a Statement of Compliance for any stage of the subdivision under *Subdivision Act 1988*, vehicular entrance to each lot from the road must be constructed at applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 - Rural Vehicle Crossings and standard drawing SD 255. An appropriate rural road number plaque at the access point to development to the satisfaction of the Responsible Authority**

#### **Goulburn Valley Water**

18. **Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment**
19. **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. Water network augmentation works (e.g. water main extensions and pressure booster pump station etc.) will be required for servicing the development**
20. **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*.**

#### **AusNet**

21. **The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*.**
22. **The permit holder must:**
  - a. **enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan**
  - b. **enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system**
  - c. **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**

- d. 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
- e. obtain for the use of AusNet Electricity Services Pty Ltd for any other easement required to service the lots
- f. 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
- g. set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations
- h. 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
- i. 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
- j. 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*.

#### Notations

- 1 Chilean Needle Grass has been found in the vicinity of the area and is considered a weed of national significance. The weed is predominately spread by machinery and soil movement and can also be introduced onto a property by fodder. As it is not determined whether this weed is on site, any earthworks involving the movement of soil should consider stabilising stockpiled earth material to ensure no movement or spread offsite. Silt traps and/or tarps covering stockpiled soil may assist in preventing the spread of this weed
- 2 Golden sun moth (*Synemon plana*) and striped legless lizard (*Delmar impar*) are species that are listed under both the *State Flora & Fauna Guarantee Act (FFG)* and the *Commonwealth Environment Protection & Biodiversity Conservation Act (EPBC)*. Known occurrences exist in nearby habitat and the subject land may contain suitable habitat for the species. The permit holder should make enquiries to determine if further surveys are required to comply with the relevant legislation.

#### **The Land and Surroundings**

The subject land comprises of a 9.5 hectare (ha) irregular-shaped land parcel located within the southern portion of the Yea township. The land has a 300m abuttal to Smith Street (west of Moyle Street) and a further 260m abuttal to an unconstructed Government Road which extends southwest from the current termination of Moyle Street. The northern portion of the subject land (abutting Smith Street) is located 1.1 kilometres (km) south of the Yea main street precinct.

Land to the north of Smith Street and west of Moyle Street contains a number of established and recently completed dwellings on larger unsewered allotments. Unlike the subject land, these areas are included in a General Residential rather than Low Density Residential zone. Further land to the north abuts Constitution Hill which is reserved for public purposes and managed by Council.



The southern portion of the subject land abuts rural land used for grazing purposes (included in the Farming Zone). Land to the east, opposite the Government Road, comprises the historic Yea Cemetery which is included in a Heritage Overlay under the Murrindindi Planning Scheme. The southern portion of the subject land overlooks the cemetery reserve.

The subject land is located on the western and southern slopes of Constitution Hill (elevation 290m) which forms a significant and prominent landscape feature of the township. Lower elevated areas (near Smith and Moyle streets) rise moderately to steeply 80m to the to the top of the hill.

The subject land (and adjacent road reserves) are further defined by areas of native vegetation in the form of mature indigenous trees comprising of Grey Box and Red Box on higher elevations and River Red Gums within lower areas. Cleared areas comprise introduced pastures with areas of regenerating small trees (as the land has not been actively farmed for many years). The land, which includes a number of small dams, currently supports a population of kangaroos.

An outbuilding associated with the former agricultural use of the land remains on the northern portion of the property adjacent to Smith Street.

### **Proposal**

The proposal is for a 12-lot low density residential subdivision with lots sizes of between 0.41ha and 1.47ha (refer Attachment 8.1). The proposal also includes the following:

- creation of a reserve for municipal purposes (0.57ha) to protect the higher elevated areas of Constitution Hill within public open space. This area comprises 5% of the total site area and will contribute to the existing hilltop reserve
- designation of building and effluent disposal envelopes for each proposed lot
- provision of vehicular crossovers and construction of driveways to building envelopes to the Country Fire Authority (CFA) requirements
- protection of native vegetation within lots via formal designation of tree protection zones
- filling of redundant dams
- removal or reuse of the existing farm shed on proposed Lot 1
- construction of a new sealed road extension from the current termination of Moyle Street within the existing Government Road reservation. The new road construction will extend approximately 260m to the southern portion of the land. Additional areas of road reserve will be set aside to ensure the protection of existing large indigenous trees
- upgrading of Smith Street (west of Moyle Street) to provide access to new proposed lots and reflect the increase in traffic volumes
- provision of drainage relating to new lots and road upgrade works, including legal points of discharge
- provision of reticulated services (including water, power and telecommunications).

The application does not include earthworks or building works associated with the construction of dwellings/outbuildings or works associated with effluent disposal. Under the Low Density Residential Zone, a further planning permit is not required for a dwelling. Proposed dwellings will require building and septic tank approvals.

The application is supported by a detailed planning assessment and the following technical assessments:

- Land Capability Assessment (B.M. Civil Engineers Pty, Ltd, 2018) - the assessment demonstrates that proposed lot sizes are sufficient to contain effluent disposal

- Flora and Fauna Assessment (Hamilton Environmental Services, 2018) - the assessment documents existing indigenous trees on the land and within adjacent road reserves and provides recommendations for their protection with development exclusion zones. No rare or threatened species were recorded on the land.

The planning assessment concludes that the subdivision proposal:

- is consistent with the provisions of the Murrindindi Planning Scheme
- is capable of treating and disposing of effluent within the boundaries of each lot
- protects native vegetation and habitat areas
- will not result in an unreasonable traffic impacts.

### **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 opposite property owners and occupiers
- notice of application displayed on the subject land.

A total of 14 individual objections were initially received in relation to the application proposal. Following a meeting convened in January 2019, attended by the applicant, objectors and Councillors, the application was amended to reduce one lot and amend building envelopes. As a consequence, three of the initial objections were withdrawn.

The grounds of objections relating to the 11 current submitters are summarised as follows:

- land is inappropriately zoned and should be changed to a more appropriate zone
- land is too steep for the proposed residential development and does not have regard to drainage and erosion control
- environmental impacts particularly in relation to loss of native vegetation, impact of road construction on mature trees and habitat loss
- traffic impacts relating to nearby local roads
- adverse amenity impacts from overlooking of existing properties on Moyle Street
- adverse amenity, health and environmental impacts relating to wastewater and effluent disposal
- increased potential for dog attacks on adjacent farmland.

A detailed response relating to the above grounds of objections is discussed further in this report.

### **Planning Assessment Under Murrindindi Planning Scheme**

The following provides an assessment of the proposal under the provisions of the Murrindindi Planning Scheme. There are no planning scheme overlays which affect the land.

#### Zone Provisions

The subject land was rezoned to the current Low Density Residential Zone (LDRZ) as part of Amendment C55 to the Murrindindi Planning Scheme in August 2016. The land is within the Yea township boundary as set out in the *Yea Township and Environ Structure Plan* which forms part of the Murrindindi Planning Scheme.

The purpose of the LDRZ seeks to 'provide for low density development on lots which, in the absence of reticulated sewerage, can treat and retain all waste water.' The minimum subdivision size for this area is 0.4ha.

Clause 32.03-6 (zone decision guidelines) requires that a Responsible Authority consider:

- the protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries
- in the absence of reticulated sewerage, the capacity of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (waters of Victoria) under the *Environment Protection Act 1970*.

#### Planning Policy Framework

Clause 15.01-3S (subdivision design) seeks to ensure that 'the design of subdivisions achieves attractive, safe, accessible and diverse and sustainable neighbourhoods'. This is to be achieved by 'providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people'.

Clause 21.04 sets out the following local policy statement:

'Land around various townships is zoned Low Density Residential or Rural Living in response to a demand for this style of living identified in the Rural Residential Study, 2004. These zoned areas provide a range of residential choice and diversity in proximity to established townships and settlements'.

Related local strategies seek to 'provide land and housing choice and diversity around established townships through the provision of zoned Low Density Residential and Rural Living in proximity to existing townships and settlements'.

Other policy provisions relevant to the subdivision proposal include:

- need to protect native vegetation to ensure no net loss to biodiversity (Clause 12.01-2S)
- development should seek to 'minimise visual impacts on surrounding natural scenery and landscape features including...hilltops...' (Clause 15.01-6S)
- development should ensure an appropriate setting and context for heritage places (Clause 15.03-1S)
- integrated water management is required to bring together stormwater, wastewater, drainage, water supply and water treatment and reuse (Clause 19.03-3S).

The subject land is on the edge of the township and falls within a bushfire prone area. Clause 13.02-1S (bushfire planning) requires consideration of bushfire impacts relating to new subdivision. Any particular requirements relating bushfire attack level (BAL) rating for future dwellings will need to be assessed at the building approval stage. Proposed driveways will be constructed to CFA requirements.

#### Particular Provisions

Clause 56.07 sets out requirements for integrated water management. The proposed subdivision has addressed these requirements which relate to drinking water supply (reticulated supply is proposed in conjunction with Goulburn Murray Water), wastewater management and stormwater drainage.

#### Decision Guidelines

Before deciding on an application to subdivide land a responsible authority must consider the following:

- the suitability of the land for subdivision
- the availability of subdivided land in the locality and the need for the creation of further lots

- the subdivision pattern having regard to the physical characteristics of the land including existing vegetation
- the density of proposed development
- the area and dimensions of each lot in the subdivision
- the layout of roads having regard to their function and relationship to existing roads
- the provision and location of reserves for public open space and other community facilities
- the staging of the subdivision
- the availability and provision of utility services, including water, sewerage, drainage, electricity and gas
- the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot
- whether in relation to subdivision plans, native vegetation can be protected through subdivision and siting of public open space areas.

### **Consideration of Objections**

The following provides a planning response to objections received:

- land is inappropriately zoned and should be changed to a more appropriate zone.

While Council is required to consider 'the suitability of the land for subdivision', the appropriateness of the zone itself is not a matter that can be considered as part of the current proposal. The land was rezoned in 2016 after the Yea Structure Plan 2014 identified a need for more residential land to accommodate population growth. The property was previously in a Farming Zone.

Some submitters have noted that when lots were recently sold on Moyle Street, purchasers were advised by agents that the land was zoned for farming purposes (or were not informed of the current zoning or subdivision potential or the subject land). Some submitters have advised that alternative dwelling locations and designs would have been pursued on their land if this information was known. Affected owners are encouraged to pursue any concerns directly with the relevant agent as the zoning of the land has been in place for a number of years.

- land is too steep for the proposed residential development and does not have regard to drainage and erosion control requirements.

The slope characteristics of the land are acknowledged; however, it is the view of Council officers that the design response is appropriate. The higher elevated areas are now proposed for reserve purposes and land above the 260m contour is to be excluded from development. Driveways will require construction to appropriate engineering standards and to the satisfaction of the CFA. Detailed plans will be required showing driveway alignment, cross sections, culverts and drainage, erosion control measures and surfacing materials. The construction of any cut and filling relating to dwellings (including batter angles and required stabilisation) will be addressed and the building approval stage.

In relation to drainage, conditions of permit will require that additional stormwater not flow onto adjacent lots and where required detained and conveyed to a legal point of discharge for the land. Cutoff drains and swales can be used to direct additional stormwater away from existing properties. The proposed building envelopes are offset at least 3m from the lot boundaries which provide sufficient space for swales and/or underground drainage to be provided as required. A detailed drainage plan will be required as a condition of any permit that is issued.

- environmental impacts particularly in relation to loss of native vegetation, impact of road construction on mature trees and habitat loss.

All mature native and indigenous trees on the land are to be protected within tree protection zones and will have the added security of a Section 173 Agreement (an added legal protection in addition to the planning scheme provisions). Condition requirements will stipulate protection measures during the dwelling construction stage.

Trees within the Government Road forming the extension of Moyle Street are to be protected through the creation of additional areas of road reserve on the subject land to enable the road pavement to be clear of tree protection zones. In relation to Smith Street, the trees are already partially affected by the existing road. Further required road upgrades will seek to minimise any further impacts as part of the detailed design process.

Further objections have been raised in relation to the loss of fauna habitat and wildlife movements, particularly in relation to kangaroos that graze over the land and utilise the existing dams. Council officers have referred the proposal to the Department of Environment, Land, Water and Planning (DELWP). The authority did not set out any particular requirements relating to these impacts. Because of the open nature of the surrounding landscape it is not proposed that any further actions be implemented to address this issue.

- traffic impacts relating to nearby local roads.

A number of residents in Saleyards Road have raised concerns about the impact of the subdivision and the additional traffic movements likely to be generated on this unsealed section of road (directly north of Smith Street). A recent and separate Council proposal to introduce a special charge scheme to upgrade and seal this local road has not proceeded due to cost. Residents have expressed concern that additional traffic (both from construction and subsequent additional dwellings) will increase wear on the road and increase dust. Objectors have suggested that the developer be responsible for the sealing of Saleyards Road. Safety issues have been identified by submitters in relation to the transition from sealed to unsealed pavement at the intersection with Smith Street.

The developer has advised Council that it would be unreasonable on planning grounds to require that these works form part of any conditions of permit that may be issued (given its responsibility for upgrading other roads). Council officers agree with this position. In relation to the extent of works at the intersection this is a matter that will be determined at the detailed design stage and it will be appropriate that issues of safety and pavement transition be considered at this stage.

In relation to Smith Street, some residents have expressed concerns that they may be responsible for the upgrading of this road. The developer intends to provide a contribution to Council for the upgrade of this road in lieu of works. No additional contributions will need to be made by existing residents to the north of Smith Street.

In relation to the existing section of Moyle Street, Council's Development Engineer has advised that the existing construction standard will accommodate the additional eight new dwellings that will require access from this road.

- adverse amenity impacts from overlooking of existing properties on Moyle Street.

A number of residents on Moyle Street have objected to the proposed elevated lots on Smith Street and on Lot 5. It is claimed that the dwellings constructed on these lots will overlook the Moyle Street dwellings (which are at a lower elevation) and in particular the rear private areas associate with the existing Moyle Street lots and associated dwellings. In response to these concerns the applicant has reduced the number of lots and increased the setback of the building envelopes from the rear boundary of the Moyle Street properties. Although objections relating to this have not been withdrawn,

Council officers are satisfied with the amendments that have been made. The extent of overlooking can be mitigated over time through boundary landscaping.

- adverse amenity, health and environmental impacts relating to wastewater and effluent disposal.

The applicant has provided a Land Capability Assessment which demonstrates that the land is capable of processing effluent onsite. Wastewater from new development on the land will be managed in accordance with the EPA Code of Practice for Onsite Wastewater Management. No wastewater will be permitted to flow onto adjacent properties and appropriate setbacks will be provided from dams and designated waterways.

The applicant has advised that the wastewater management systems installed on individual lots will not create an odour under normal operating conditions. Only where a septic system is not operating correctly will an odour be discernible. Future dwellings on the lots will be required to install modern systems to the current Environment Protection Authority (EPA) standards. If odours are detected Council's Environmental Health Officer can be contacted and will be responsible for ensuring that any operating issues with the effluent disposal system is rectified.

- increased potential for dog attacks on adjacent farmland.

The developer understands the concerns of farmers in relation to domestic dogs and proposes to provide wire mesh along the existing fenceline on the western boundary of lots 6 to 12 and the southern boundary of lot 13 to minimise the opportunity for dogs to wander onto adjacent farming land and cause a nuisance. This requirement will form part of the proposed Section 173 Agreement.

#### Assessment Summary

The proposed subdivision has been assessed by Council officers to be in accordance with the provisions of the Murrindindi Planning Scheme. The proposal accords with State and local policy objectives and strategies (including the Yea Framework Structure Plan). The subdivision is also consistent with the purpose of the zone and other particular provisions set out in the scheme. The plan of subdivision has been amended to address objector concerns. While not all objections can be resolved, conditions of permit and a requirement for a section 173 Agreement will further assist in delivering a positive planning and housing outcome for this area.

#### **Referrals**

This application was referred to DELWP, who had no objections but provided some comments. The application was also referred to Goulburn Valley Water and AusNet who have provided conditional consent to the issuing of a permit.

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

The 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. We will ensure our built environments are well planned to enable sensible growth that does not compromise the natural environment, nor the liveability, accessibility and character of our towns and localities'. It also aligns with Our Prosperity strategic objective 'in partnership with the community we will promote an environment in which business and community can thrive. We recognise that prosperity within our communities is key to supporting individual aspirations and community growth. We will ensure that opportunities to encourage economic development within our shire are pursued'.

#### **Relevant Legislation**

The application 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 in relation to this report.

**Conflict of Interest**

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

**Legal/Policy Issues**

Refer to previous discussion in this report assessing the proposal under the provisions of the Murrindindi Planning Scheme.

**8.2 102 FALLS ROAD, MARYSVILLE – CONSTRUCTION OF EIGHT DWELLINGS**

Attachment(s): *Application Documents (refer Attachment 8.2)*  
*Aerial and Submissions (distributed to Councillors separately)*

Land: 102 Falls Road, Marysville  
Proposal: Construction of eight (8) dwellings  
Application No. 2018/118  
Applicant: Jackson & Fapio Pty Ltd  
Zoning: General Residential  
Overlays: Bushfire Management and Vegetation Protection

**Locality Plan****Purpose**

This report recommends that a notice of refusal to grant a permit be issued to construct eight dwellings at 102 Falls Road, Marysville. The particular issues relevant to this proposal relate neighbourhood character, development density, design and bushfire risk. This report also provides a Council officer assessment of the development proposal under the provisions of the Murrindindi Planning Scheme and sets out a planning response to objections received from surrounding property owners and occupiers.

**Officer Recommendation**

**That Council issue a Notice of Refusal to grant a permit to construct eight dwellings at 102 Falls Road, Marysville (Lot 1 TP 135028) on the following grounds:**

1. **the proposed development does not have regard to, and will not enhance, the existing or preferred neighbourhood character of the area as required under Clause 11.03-3C, 15.01-5S, 32.08 and 55 of the Murrindindi Planning Scheme**
2. **the proposed development and its level of density is not supported by local policies (Clause 21.04-1 and Clause 55) and does not support the directions and actions set out in the Marysville and Triangle Urban Design Framework (2009) forming part of the Murrindindi Planning Scheme**
3. **the proposed development site is not adequately connected to the Marysville town centre environs and associated services and facilities (Clauses 16.01-2S and 16.01-3S) and there is no pedestrian or shared path access from the subject land connecting to the town centre.**

### **The Land and Surroundings**

The subject land comprises a vacant lot of 3,161 square metres (m<sup>2</sup>) located 1.1 kilometres southeast of the Marysville town centre. The land has a 39.8 metres (m) frontage to Falls Road and rises 8.0m from the frontage to the rear boundary. The land is vacant and contains no existing vegetation. The land is surrounded by seven existing single dwellings on larger residential lots of between approximately 800m<sup>2</sup> to 2,500m<sup>2</sup>. A further two large residential lots are located directly opposite the subject land. Falls Road comprises of a sealed 6.7m wide collector road within a 30m road reservation containing open swale drainage. There is currently no footpath or shared path connecting the subject land to the town centre and associated community facilities/school.

### **Proposal**

The application seeks approval to construct eight single storey detached dwellings (refer Attachment 8.2). Dwellings will have access from a shared central driveway, however one of the dwellings will have direct access to Falls Road via a separate crossover. Each of the dwellings will contain three bedrooms and a double garage. A further four visitor car parking spaces will be provided.

All dwellings will be constructed with lightweight weatherboard lining, black roof tiles and aluminium window frames.

The average lot size for the proposal is 395m<sup>2</sup>.

### **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 opposite property owners and occupiers
- notice of application displayed on the subject land.

Nine submissions were received objecting to the development. The grounds of objection are summarised below:

- not consistent with the low density character of the area and is 'suburban' and 'commercial' in appearance
- overdevelopment (density)
- failure to meet Clause 55 Murrindindi Planning Scheme requirements including garden area requirements
- insufficient visitor parking and no provision for on street parking
- no pedestrian (footpath) access to proposed development
- potential impacts from bushfire



- proposed fencing is inappropriate
- provision for storage of bins is inadequate
- development not appropriate on Falls Road which leads to tourist attractions
- inadequate provisions relating to drainage
- potential for dwellings to be rented for short-term accommodation.

The original application proposal sought approval to construct 10 dwellings on the land, however as a result of the objecting submissions received and a mediation meeting the application was amended to the current eight-dwelling proposal. The amended proposal was readvertised but no objections were withdrawn. A detailed response to the grounds of objections is provided further in this report.

#### Assessment Against Clause 55 of the Murrindindi Planning Scheme

Clause 55 of the Murrindindi Planning Scheme sets out State Government planning provisions relating to the construction of two or more dwellings in residential zones. 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 design solution may be considered.

		Objectives	Standards	Comments
		✓ - Compliance ✗ - Non compliance NA - Not Applicable		
B1	Neighbourhood Character	X	X	<p>Objectives seek to 'ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.' Development must also 'respond to the features of the site and the surrounding area'.</p> <p>The standards state that 'the design response must respect the existing or preferred neighbourhood character and respond to the features of the site.'</p> <p>A responsible authority must consider any relevant neighbourhood character objective, policy or statement set out in the scheme when considering whether a proposal is consistent with character objectives and standards.</p> <p>The existing character of the immediate area is defined by single dwellings on a range of larger residential lots typically having an open garden setting. While smaller lots have been approved as part of subdivisions within the broader area (prior to the 2009 bushfires), there are no medium density housing development sites within this outer area of the township. This form of development is typically provided within closer proximity to the town centre environs.</p> <p>The Marysville and Triangle Urban Design Framework 2009 (a reference document under the planning scheme) seeks to 'provide direction on the physical growth and character of Marysville' and 'rebuild Marysville as a safer, more sustainable town; a town with a distinctive character and high quality environment, creating a memorable place to visit'.</p>

		Objectives	Standards	Comments
				<p>Preferred character is defined in the Framework by reference to the natural environment and a modest development scale. The Framework states that 'reconstruction and new buildings should reference heritage and subalpine character rather than reproduce styles that may appear artificial'.</p> <p>General design principles are set out as follows:</p> <ul style="list-style-type: none"> <li>• buildings should be human scaled in a form that acknowledges the mountain village character of Marysville</li> <li>• buildings should reinstate the simple forms, modest scale and rustic detailing that characterise Marysville</li> <li>• building setbacks from streets boundaries should be varied to create front courtyards, gardens and walkways through sites. Roof forms should provide visual interest in the streetscape and provide opportunity for the capture of rainwater</li> <li>• new development should incorporate landscaping and garden settings</li> <li>• buildings should be designed to optimise solar orientation and environmental sustainability should be sought through the use of water tanks, water sensitive urban design, water harvesting, renewable energy sources, energy efficiency and the promotion of walking and cycling</li> <li>• accessible design to allow for all ages and for the mobility impaired.</li> </ul> <p>Specific design guidelines for residential areas seek to maintain landscape character; minimise the use of solid fences; and encourage energy efficiency, innovative architecture (particularly that which reflects the mountain character of the area), and encourage development that is distinctive in design and provides for a range of housing options.</p> <p>The application proposal and submission fails to acknowledge or assess the proposal under the Design Framework provisions. It is considered the design does not adequately reflect or respect the existing or preferred character for the area - particularly in relation to density and design.</p> <p>The applicant submits that neighbourhood character objectives are met because the land is within a General Residential Zone, does not contain any native vegetation and because an appropriate setback is provided.</p>
B2	Residential Policy	NA	X	<p>This standard seeks to ensure that residential development is provided in accordance with policy for housing in Councils Municipal Planning Strategy and Planning Policy Framework.</p> <p>The application submission does not address local planning policy provisions but sets out irrelevant housing policy provisions forming part of the Monash Planning Scheme (located within metropolitan Melbourne). These provisions have not assisted Council or objectors in assessing the proposal.</p> <p>The following provides a Council officer assessment of the relevant provisions under the Murrindindi Planning Scheme.</p>

		Objectives	Standards	Comments
				<p>Clause 21-04-1 (Housing) sets out local planning policy which seeks to 'rebuild housing and create housing diversity in towns and communities affected by the 2009 bushfires'. The layout and form of this development must be properly planned and within areas not constrained by environmental values. New housing is also to be 'sustainable and innovative and support community values'.</p> <p>Relevant strategies seek to 'provide a range of residential development options in established townships and settlements including opportunities for higher density development...'. Specifically, Council is required to 'implement the recommended housing directions and actions forming part of adopted urban design frameworks'.</p> <p>Clause 21.04-2 seeks to ensure 'the redevelopment of Marysville as a strong, attractive, sustainable and resilient town' and 'encourage diversity...including opportunities for higher density...'. The accommodation needs of older and younger populations 'should be located as close to the town centre as possible to maintain high levels of access to services'. The land is not within an 800m walkable catchment as identified in the Framework.</p> <p>The application proposal and its location does not have adequate regard to local polices and it is considered the standard is not met.</p>
B3	Dwelling Diversity	NA	NA	This provision only applies to developments of ten or more dwellings. In this case, the application has been reduced to eight dwellings (each comprising of a three-bedroom single story dwelling).
B4	Infrastructure	✓	✓	The subject land is fully serviced. Council's Development Engineer is satisfied that adequate stormwater treatment can be accommodated as part of conditions of any permit that may be issued.
B5	Integration with the Street	✓	✓	The proposed integration with the street has been assessed as adequate from a design perspective.
B6	Street Setback	✓	✓	The front setback is based on an average of the adjoining allotments at 8.8m.
B7	Building Height	✓	✓	Single storey dwellings have a maximum height of 5.5m above natural ground level.
B8	Site Coverage	✓	✓	The total site coverage is 59.40%.
B9	Permeability	✓	✓	The total permeable site area is 40.60%.
B10	Energy Efficiency	✓	✓	The dwellings have been designed to make use of northern light, while not affecting the solar access of adjoining properties.
B11	Open Space	NA	NA	No communal open space is proposed.
B12	Safety	✓	✓	The entries to each dwelling are prominent and clear with two dwellings facing Falls Road.
B13	Landscaping	X	X	A landscape plan (or landscape concept) has not been submitted with the application. The reduction in the number of dwellings proposed will allow further opportunities, however the Bushfire Attack Level (BAL) 29 level of construction and conditions of the bushfire management plan will constrain opportunities to integrate dwellings within a landscaped setting.

		Objectives	Standards	Comments
				<p>In particular, the following conditions would be imposed:</p> <ul style="list-style-type: none"> <li>plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building</li> <li>trees must not overhang or touch any element of the building</li> <li>the canopy of trees must be separated by at least 5m.</li> </ul> <p>Any permit issued would need to require a condition for a landscape plan to be submitted for approval.</p>
B14	Access	✓	✓	The common driveway has a width of 3.5m with two crossovers to Falls Road.
B15	Parking Location	✓	✓	Each dwelling is provided with a double lock up garage. A total of four visitor car parking spaces provided on site within common areas.
B17	Side and Rear Setbacks	✓	✓	In the absence of a particular schedule for the zone, the current proposal complies with the relevant setback requirements.
B18	Walls on Boundaries	✓	✓	No walls are proposed on boundaries.
B19	Daylight to Existing Windows	✓	✓	There are no habitable room windows within 3m of the site.
B20	North-facing Windows	✓	✓	There are no north facing windows within 3m of a boundary.
B21	Overshadowing Open Space	✓	✓	Shadow diagrams have been provided that shadowing is confined to the subject land and complies with the objectives and standards.
B22	Overlooking	✓	✓	The proposal has been designed to have no overlooking of adjoining private open space.
B23	Internal Views	✓	✓	The dwellings have been designed so they do not overlook into neighbouring private open spaces.
B24	Noise Impacts	✓	✓	No mechanical plant is proposed, and noise sensitive rooms are adequately separated from driveways and parking areas.
B25	Accessibility	✓	✓	Dwelling 5-8 entry corridors have been adjusted to allow for disability entry. Steps and floor levels have been kept to a minimum.
B26	Dwelling Entry	✓	✓	
B27	Daylight to New Windows	✓	✓	
B28	Private Open Space	✓	✓	
B29	Solar Access to Open Space	✓	✓	Private open space associated with each of the dwellings will receive adequate solar access.
B30	Storage	✓	✓	Each dwelling will have 6 cubic metres of storage (either in the garage or the rear garden).
B31	Design Detail	✓	✓	Each dwelling provides façade articulation and a roof form that responds to the neighbourhood. However the roof material (black tiles) are not considered to be consistent with the character of the area.
B32	Front Fences	✓	✓	No front fences are proposed.
B33	Common Property	✓	✓	Common property is limited to driveway and visitor parking areas.
B34	Site Services	✓	✓	Letterboxes and bin enclosures will be provided at the front of the allotment to provide easy access for all dwellings.

Car Parking

Clause 52.06 (Car Parking) of the Murrindindi Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Under these provisions the following car spaces are required:

Dwelling No.	No. of Bedrooms	Car Spaces Required	Car Spaces Provided	Complies
1	3	2	2	Yes
2	3	2	2	Yes
3	3	2	2	Yes
4	3	2	2	Yes
5	3	2	2	Yes
6	3	2	2	Yes
7	3	2	2	Yes
8	3	2	2	Yes
Visitor	NA	2	4	Yes

An additional two visitor car parking spaces are provided above the standard requirements set out in the Scheme.

Bushfire Management Overlay (Clause 44.06)

The subject land is affected by a Bushfire Management Overlay and in particular is located within an area (Schedule 2) that has a predetermined BAL 29 rating for single dwellings. Because the proposal is not a single dwelling the provisions of Clause 53.02 (Bushfire Planning) apply. A bushfire management statement has been prepared which has confirmed that a BAL 29 level of construction will be appropriate. A bushfire management plan has been prepared in accordance with the requirements of the overlay. The Country Fire Authority (CFA) have approved the plan subject to a range of planning permit conditions.

Vegetation Protection Overlay

The subject land contains no existing native vegetation. One of the objectives of the Overlay (Clause 42.02 Schedule 1) seeks to 'protect the aesthetics and character of gateways into Marysville'.

**Consideration of Objections Received**

A Council officer's response to the objections received are summarised below:

Not consistent with the low density character of the area and is 'suburban' and 'commercial' in appearance:

- the subject land is located in a general Residential Zone where a diversity of housing types may be considered. The purpose of the zone also seeks to 'encourage development that respects the neighbourhood character of the area' (Clause 32.08)
- State planning provisions require that development proposals enhance the identity, attractiveness and amenity of peri-urban towns (Clause 11.03-3C); contribute positively to the local context' (Clause 15.01-2S); and have regard to the pattern of existing urban structure and subdivision, the underlying natural landscape character and community identity (Clause 15.01-5S)
- while the land does not form part of a Low Density Residential Zone, the existing residential character typically provides for larger residential lots. For the reasons set out previously in this report the applicant has failed to demonstrate that the proposal has regard to both the existing and preferred township character for this area. It is considered that the development in its current form does have potential to introduce a 'suburban' character and on this basis the concerns raised by objectors are justified.

#### Overdevelopment (density)

- State planning provisions relating to housing diversity encourage well-designed medium density housing that respects neighbourhood character but requires that such development be in 'well-serviced locations' which are integrated with infrastructure (Clause 16.01-3S). Provisions relating to the location of residential development also seek to reduce the share of new dwellings in dispersed development areas in favour of locations that are connected to services and public transport (Clause 16.01-2S). The proposal is considered to be an overdevelopment for this particular location (notwithstanding the number of dwellings being reduced by two from the original proposal) and on this basis the concerns of objectors are considered justified.

#### Failure to meet Clause 55 planning scheme requirements including garden area requirements:

- the development proposal has been found to be technically compliant with many of the Clause 55 requirements, however the proposal has not adequately addressed issues of local planning policy and neighbourhood character
- in relation to garden area requirements, the reduced number of dwellings has enabled the proposal to be technically compliant with this provision.

#### Insufficient visitor parking and no provision for on street parking:

- proposed resident and visitor parking is in accordance with the Scheme provisions. While the absence of any formal on street parking is a constraint, it does not constitute a grounds for refusal.

#### No pedestrian (footpath) access to proposed development:

- the absence of any path connecting the dwellings to the town centre environs presents a constraint to medium density housing at this location - particularly for children and older residents. The regular use of the Falls Road by pedestrians is likely to present increased risks particularly outside of daylight hours. The proposed development would therefore be more car dependent compared to other areas in closer proximity to the town centre. It is the view of Council officers that this ground of objection is substantiated
- the community have requested a path along Falls Road. A special charge scheme is currently being investigated as a means to fund this project, however further feedback to the community is required as part of Council's draft budget.

#### Potential impacts from bushfire:

- residents have raised concerns that the increased density of development at this location should be further considered from a bushfire risk perspective
- State planning provisions relating to bushfire planning (Clause 13.02-1S) require that responsible authorities plan to strengthen the resilience of settlements and communities and prioritise the protection of human life by directing population and settlement growth at the neighbourhood and local level to alternative low risk locations. In particular, these locations are those assessed as having:
  - a radiant heat flux of less than 12.5 kilowatts/ square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009)
- the subject land exceeds this measure as it requires a BAL 29 level of construction. Clause 13.02-1S (introduced after the current application was initially lodged but before the most recent amendment of the application) must now be applied to planning decisions. It is noted that these provisions have not been addressed as part of the most recent revision of the bushfire management statement in support of the application (March 2019)

- although the CFA approved the bushfire management plan for the land (and have set out further conditions of any permit that may be issued), its assessment has been at a technical level. The authority has not made any comment on the broader strategic question of where density and growth should be directed within the context of the broader township.

Proposed fencing is inappropriate:

- An objector has raised concerns about the extent of proposed wooden fencing and the bushfire risk that this may present. In response it is noted that the CFA have approved a bushfire management plan including this element of the design.

Provision for storage of bins inadequate:

- The site layout plan shows provision for the storage of waste bins (including recycling bins) within a screened area at the front of the site. This provision complies with relevant Clause 55 requirements.

Development not appropriate on Falls Road which leads to tourist attractions:

- From a streetscape perspective the development proposal presents as two single storey dwellings which is considered to be an acceptable outcome for this tourist road.

Inadequate provisions relating to drainage:

- Council officers have assessed the development proposal and are satisfied that stormwater management can be accommodated on site subject to appropriate conditions.

Potential for dwellings to be rented for short-term accommodation:

- The use of the proposed dwellings for private or holiday rental is not a relevant planning matter for Council consideration.

### **Referrals**

The application was referred to the Country Fire Authority and Goulburn Valley Water. Both authorities have raised no objection to the proposal subject to conditions on any permit that may issue.

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

This report is consistent with the Council Plan 2017-2021 Our Place strategic objective to '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 financial 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 in relation to this report.

### **Legal/Policy Issues**

The legal and policy considerations relating to this application have been discussed previously in this report.

**Community and Stakeholder Consultation**

The statutory notification and mediation outcomes have been discussed previously in this report.

**8.3 RECREATION AND OPEN SPACE STRATEGY - PUBLIC COMMENT  
FEEDBACK ON DRAFT**

Attachment(s): *Recreation and Open Space Strategy - Draft (refer Attachment 8.3)*

**Purpose**

The intent of this report is to inform Council of feedback received during the public exhibition period for the draft Recreation and Open Space Strategy (Strategy).

The report includes a summary of feedback received and any proposed changes to the Strategy document.

**Officers Recommendation**

**That Council adopt the Recreation and Open Space Strategy with amendments as described in this report.**

**Background**

The draft Strategy has been developed following a service review conducted in 2017-2018 targeting recreation and open space. The review aimed to provide Council with a framework to plan and manage the future development of recreation and open space assets and services throughout the Murrindindi shire.

The review was supported by engagement with sport and recreation clubs and groups in 2017 that were conducted as part of the development of the Municipal Public Health and Wellbeing Plan 2017-2021.

The Strategy was available for public exhibition for the period of 4 March to 10 April 2019. During this time four public information sessions were held. In total 19 people attended these sessions with an additional five submissions received on line via Survey Monkey or email.

**Discussion**

The Strategy includes:

- the challenges and opportunities for recreation and open space service provision
- clarification of Council's varied role in service provision and planning and the importance of collaboration with community and other government agencies to enable the best outcomes
- the objectives and principles that will guide decision making
- information on the future directions under the identified categories and asset classes
- the collective responsibility between Council, community and other government agencies for core infrastructure at public recreation reserves, including those owned by the Crown
- a focus on investigating opportunities for asset consolidation.

The public exhibition period supported conversations with sporting clubs, recreation groups and the broader community. This communication supported a transfer of knowledge that assisted understanding the Strategy focus and its implementation.

At the end of this report, all feedback has been collated in Appendix A and B. The majority of the feedback focused on individual communities and can be considered operational in nature.



The following changes have been embedded into the draft strategy to support improvements:

Page	Source	Focus
pg1	General Feedback	Change the title to make it more accessible
pg7	Alexandra Consult 18/3/19	Equestrian focus (Alexandra, Acheron, Yarck). Need for seasonal surface. Would like to include action on priorities following facilities review
pg14	Coordinator Recreation	Playing Oval and Surrounds maintenance responsibilities: Row 1 Remove 'Fencing around reserve'
pg14	Coordinator Recreation	Add additional row: Reserve Perimeter Fencing
pg15	Environment Officer	Reserve Grounds (Area surrounding Oval). There is no mention of responsibility for controlling noxious weeds or invasive environmental weeds.
pg15	Coordinator Roads and Parks Maintenance	With irrigation user groups, would undertake inspections with Council and once all defects are rectified take over breakages
pg19	Environment Officer	Willow Park (Tumbling Waters). Willows have been removed from this section of Rubicon River - do not think that Willow Park is a suitable name I have always known this site as Tumbling Waters

These items have been amended within the attached draft Strategy.

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

The Strategy is consistent with the Council Plan 2017-2021 Our Place strategy to 'support recreation opportunities for our residents and visitors that encourage participation and community connections' and the Our People strategy 'work with our community and groups to connect, collaborate and plan for our future'.

### **Relevant Legislation**

There is no legislation related to this matter.

### **Financial Implications and Risk**

Demand for new facilities across the Murrindindi shire is likely to remain relatively low, with some notable exceptions, including indoor aquatics provision. The focus of Council and community will be on maintaining and improving existing assets to maximise usage, maintain safety and meet contemporary user expectations.

Further analysis will be required to assess implications associated with allocating funding to non-Council assets, operational savings from rationalisation and other associated resourcing requirements.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

The Public Exhibition period was launched on 4 March and ran until 10 April 2019. Traditional and social media avenues were used to advertise the opportunity to community. This was also extended with direct contact with sporting and recreation groups across the Murrindindi shire.

Targeted conversations were hosted in Kinglake, Yea, Eildon and Alexandra during March with sporting, recreation and community groups and individuals attending.

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

Attachment(s): *Grants and Contribution Panel – Community Grants Summary (refer Attachment 9.1)*

**Purpose**

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

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

Application	Funding Sought	Recommendation
<b>Community Grants</b>		
Flowerdale Community House	\$5,000	Supported
Highlands Community Hall	\$1,761.45	Supported
<b>Sponsorships</b>		
Mother's Day Classic Foundation	\$2,000	Supported

**2. notes the grants awarded by the Panel under delegation:**

Application	Funding Sought	Outcome
<b>Community Grants</b>		
Alexandra Football Netball Club	\$2,700	Awarded
Flowerdale Primary School	\$500	Awarded

**Background**

The Grants and Contributions 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 four applications under the community projects and events stream and one sponsorship application assessed in March 2019. All applications and the Panel's recommendations are summarised in the attached document (refer Attachment 9.1).

One application received fell within the delegation of the Panel and the Panel have supported this in full. Flowerdale Primary School have submitted an application to pay for the costs of the Healthy Eating and Active Living Week the school is planning. The program will include a visit by the Life Education Van, grocery items (for healthy lunch) and vegetables seedlings/fruit trees. The Panel supported this application for \$500.

The application received from Alexandra Football and Netball Club (AFNC) was also supported by the panel outside of the usual process. AFNC submitted an application to support the home game costs to run the 2009 Bushfires reflections, Anzac Spirit and Local Sports Community Celebration event including supporting free entry, umpiring and game balls. The AFNC would pay for other home game costs including ground marking, waste disposal and will provide a complimentary afternoon tea at half time of the senior match. The Panel supported this application for \$2,700 with the condition that terminology of Black Saturday be replaced with '2009 Bushfire's' in all promotions and naming. Ordinarily, an application of this type would be recommended for a decision to Council, but due to the timeframes (associated with the transition to the new Grants and Contributions Program), a decision was made to support the grant at the Panel stage.

The Panel assessed the following applications for events, projects and a sponsorship and recommends they be supported in full:

- Highlands Community Hall Committee submitted an application to contribute to the cost of a defibrillator. The Bendigo Bank (Yea) have committed to contributing \$1,750. The defibrillator will be located in the foyer of the hall which is accessible to the local community. The Panel recommends supporting this application in full with an allocation of \$1,761.45
- Mother's Day Classic Foundation are seeking a sponsorship to support the Walk All Over Breast Cancer for Alexandra, Yea and District which will raise funds to fight breast cancer. The funds will cover the cost of activities at the end of the walk such as live music and children's activities. Funds will be held by the Mother's Day Classic Foundation and allocated to Alexandra, Yea & District Walk All Over Breast Cancer group. The Panel supported this application with a package of \$2,000 to include sponsorship and fee reductions
- Flowerdale Community House submitted an application for \$5,000 to support the cost of installing 24 solar panels, an inverter on the roof of the Flowerdale Community House and the removal of 2 small solar panels. The Panel supported this application in full with an allocation of \$5,000 and acknowledges that electricity costs for the group are high and the installation of solar panels will support lower costs and increase the financial sustainability of the organisation

Council officers will provide feedback to applicants in writing and where necessary will contact them directly to discuss the outcome of their application.

**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 \$38,340 funds have been allocated to supporting community projects and events in the 2018/19 financial year, to date \$19,168 has been awarded to successful applicants in previous rounds.

The assessment panel has recommended that a total of \$11,961.45 grant funds be awarded in this round, leaving \$7,210.55 in the budget with one further community projects and events grant round left in this financial year.

**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 Grants and Contributions Program applications.

**10. OUR PROSPERITY****11. OUR PROMISE****11.1 HUME REGION TRANSFORMATION PROGRAM BUSINESS CASE**

Attachment(s): *Hume Region Transformation Project Business Case (refer Attachment 11.1)*

**Purpose**

The purpose of this report is to seek Council's endorsement of the attached 'Hume Region Business Case' which forms part of a funding application by Hume Region Councils under the State Government's Rural Councils Transformation Program.

The business case details a number of proposed transformations across five service areas of Council, spanning all twelve councils of the Hume region to enable greater collaboration and resource sharing.

The recommended resolution meets the requirements of the funding body, Local Government Victoria, and Council's endorsement is a requirement of the application.

**Officer Recommendation****That Council:**

- 1. notes that Murrindindi Shire Council is a participant in a grouping of councils that have made an application for funding under the Victorian Government Rural Councils Transformation Program (RCTP) for the following initiative:**
  - a. Hume Region Transformation Program, in conjunction with Wodonga, Wangaratta, Moira, Mitchell, Towong, Benalla, Strathbogie, Mansfield, Alpine councils, and Indigo Shire Council (lead council)**
- 2. notes that for an RCTP application to be eligible for consideration, the following criteria must be met:**
  - a. submission of a joint business case by 31 March 2019**
  - b. each council must pass an accompanying resolution committing to implement the business case, if approved for funding. The resolution must be lodged with Local Government Victoria by 30 April 2019**

3. **approves the submission of the business case by Indigo Shire Council on behalf of Murrindindi Shire Council**
4. **approves implementation of the projects and initiatives within the submitted business case by Murrindindi Shire Council, subject to the application being approved for RCTP funding.**

### **Background**

For many years' Victorian councils have explored ways of improving the sustainability and service delivery of council operations. In many cases this has involved working in a collaborative way with other municipalities to share resourcing or combine together in some way to enhance services to the community.

A number of examples of this exist in the Hume region with councils sharing services and working together on collaborative projects. Often these efforts are constrained by the limited resourcing that is available to make transformational change to processes or systems that would enable collaboration.

In December 2017 a report prepared by KPMG advised the State Government that significant investment into the Victorian Local Government sector would be required to facilitate change in business practices and to provide the funding needed to transition to new models of service delivery.

Rural Councils Victoria formalised this request in their Victorian Budget Submission 2018-19 document, stating that:

'Rural councils want to be more efficient to keep rates low for residents, spend revenue responsibly and deliver fantastic liveability. By investing in shared service provision, energy saving programs and collaborative procurement, councils will be able to make every dollar go further, but we need the state government's help to get there.

The costs of setting up shared service provision are beyond the means of rural councils despite the long-term savings. With State Government support to combine services and invest in cost-saving measures, rural councils will gain long term sustainability and rural Victorians will continue to enjoy the service provision they deserve.'

In response, the State Government provided a grant fund of \$20 million to assist with the transformation of rural councils. The objectives of this fund are to:

1. improve the financial sustainability of rural and regional councils by achieving economies of scale including through regional service delivery or collaborative procurement
2. promote more efficient and improved service delivery through collaboration and innovation
3. facilitate benefits for rural and regional communities, with priority given to those for rural communities
4. demonstrate potential efficiencies to be gained through regional service delivery.

This is a significant allocation of unmatched funding that provides an opportunity for councils throughout the state to progress transformative projects that had previously stalled due to limited resources.

Councils in the Hume region submitted a joint expression of interest in November 2018 that proposed transformative projects in five areas of common interest. This expression of interest was endorsed by the State Government for the purposes of moving to a full business case (refer Attachment 11.1).

Timelines for this project have been very tight with the business case required by 31 March this year. Due to the operational nature of the proposed transformations this business case was

developed by councils' Chief Executive Officers' (CEO) with the assistance of consultancy Ernst & Young (now known as EY). Mayors and CEOs (or their delegates) were briefed on the emerging business case at a meeting with EY in February 2019.

### **Discussion**

The attached business case (Attachment 11.1) is presented in accordance with State Government requirements and contains a number of important sections.

The problem identification section sets out three key problems that impact the sustainability of councils in the Hume region and provide justification for the need for transformation:

1. different operating systems across councils are causing inefficiencies in service delivery and lack of consistency across councils in the quality of services delivered
2. increasing cost pressure on councils with limited funds available
3. increasing community expectations of council services are causing demand beyond current council capabilities.

As part of the development of the business case a number of important principles from council CEOs and councillors were identified to guide the transformation. These include:

- no intended job losses within councils (aside from normal attrition)
- the need to avoid the centralisation of service delivery towards larger councils
- improved financial sustainability for councils – projects proposed in the business case are to produce long term savings rather than additional costs
- the need for flexibility in implementation with the ability for individual councils to 'opt-out' of transformative projects
- transformation needs to have positive community impacts through improvements to service delivery
- the benefits of the transformation should be shared equitably amongst participating councils
- efficiencies gained from the transformation projects should be reinvested into improved asset management and service delivery to 'future proof' Hume region councils.

The business case then considers the recommended solution, starting with three strategic responses:

1. align business systems and processes across councils
2. enable resourcing sharing and flexible working to attract and retain highly skilled staff
3. coordinate service delivery across appropriate functions.

These responses then lead to five service areas as the initial focus for transformative change and shared service arrangements:

1. business systems
2. procurement
3. integrated landfill, recycling and organics
4. regulatory services (including statutory planning, building control, local law enforcement and environmental health)
5. emergency management.

The business case proposes different models of potential shared service arrangements including:

- use of third-party provider to provide common business systems across councils
- service provision in 'clusters' of councils where one Council delivers a service on behalf of others in the cluster for a service fee, or
- resource sharing in clusters of councils, where staffing, plant and equipment are shared amongst all councils in a cluster.

The business case then explains each of these options in greater detail including a number of case studies showing how Hume region councils are already working in a collaborative way to improve services and manage costs.

The benefits section describes the community outcomes that this project seeks to deliver. Four major benefit categories have been identified as being critical to the success of the transformative projects, including:

1. creating greater capacity for the workforce to deliver consistently high-quality services
2. providing greater access to the skilled workforce required
3. improving local community liveability through improved service delivery and outcomes
4. increasing the cost-effectiveness of delivery of services.

The business case then provides evidence and analysis of the expected benefits of the project and consideration of project risks.

The business case recognises that much of the detail of the individual transformative projects can only be worked out once the implementation of the business case commences. For this reason, the business case proposes a further opportunity for councils to 'opt out' of individual projects once sufficient detail is known about how individual projects will be implemented and the shared services delivered.

These project decision points and the ability for councils to shape the projects as they are developed, combined with the fact that if the funding submission is successful the transformative work will be fully funded, makes the supporting of this business case a relatively low-risk decision for Council at this point in time. Councils are being asked to consider the business case and give an indication of support, with the knowledge that a future decision point is available once the project details are finalised.

The business case explores different project options and analyses the relative success of the project under different financial conditions. In addition, the business case considers scenarios relating to the number of councils participating in the final outcomes of the project. Due to the transformative nature of the project it is anticipated the project will remain viable even if only five of the twelve councils continue through to full implementation.

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

This matter 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 strategy 'maintain Council's financial sustainability through sound financial and asset management' and 'ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council's resources.'

### **Relevant Legislation**

There are no legislative implications associated with the support of the business case.

**Financial Implications and Risk**

The business case seeks \$5 million of funding over a five-year period. The funding sought by the business case works alongside Council's current budget allocations for the five focus areas listed above, and this business case does not require additional Council funding. This allows participating councils to leverage their current spend in the five focus areas with support from the Rural Transformation Fund.

As indicated, given there will be further opportunity for Council to opt out of each of the projects prior to commencing shared service arrangements, the immediate risk to Council in supporting the business case is considered very low.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

No community consultation has been undertaken for this project. Any community consultation that may be appropriate for any of the five project areas would be premature at this pre-application stage and would be more appropriate as part of the project development phase.

**11.2 2019/20 DRAFT ANNUAL BUDGET AND STRATEGIC RESOURCE PLAN**

Attachment(s): *2019/20 Draft Annual Budget (refer Attachment 11.2a)*  
*Strategic Resource Plan (2019/20 Review) (refer Attachment 11.2b)*

**Purpose**

The purpose of this report is to seek Council's endorsement of the draft 2019/20 Annual Budget (draft Budget) and draft Strategic Resource Plan (2019/20 Review) (SRP) for the purposes of public exhibition in accordance with the *Local Government Act 1989*.

**Officer Recommendation****That Council:**

1. **note that the draft 2019/20 Annual Budget (draft Budget) attached to this resolution is the draft Budget prepared by Council for the purposes of Section 127 (1) of the *Local Government Act 1989* (the Act)**
2. **authorise the Chief Executive Officer to:**
  - a. **give public notice of the draft Budget and draft Strategic Resource Plan (SRP) in accordance with Section 129 of the Act**
  - b. **pursuant to Section 129(3) (b) of the Act, advise that copies of the draft Budget and SRP are available for inspection at the following locations:**
    - **Murrindindi Shire Council - Alexandra, Perkins Street**
    - **Murrindindi Shire Council - Kinglake, 19 Whittlesea-Kinglake Road**
    - **Murrindindi Shire Council - Yea, The Semi Circle**
    - **Eildon Resources Centre - Main Street Eildon**
    - **Marysville Visitor Information Centre - 5 Murchison Street Marysville**
    - **Murrindindi Shire Council's website - [www.murrindindi.vic.gov.au](http://www.murrindindi.vic.gov.au)**
3. **consider submissions on a proposal (or proposals) contained in the draft Budget made in accordance with Section 223 of the Act at a Special Meeting of Council on Wednesday 12 June 2019 commencing at 6 pm at the Council Chambers in Alexandra**



- 4. note that following the consideration of all written and verbal submissions, the draft Budget be presented at the Council Meeting to be held on Wednesday 26 June 2019 commencing at 6 pm at the Council Chambers in Alexandra.**

### **Background**

The preparation of the financial budget is part of a cyclical process that begins with the development of the Council Plan, the four-year blueprint for Council activities. Council developed the Council Plan 2017-2021 following consultation with the community. Council has also developed the Strategic Resource Plan, which ensures resource allocation is able to service Council's long term activities and initiatives. The SRP and its underpinning strategies inform the budget development process. The annual budget is a one-year financial plan that considers Council Plan activities, current influences and any new initiatives.

The draft Budget attached to this report outlines the financial implications of the strategic objectives and initiatives planned by Council, focusing on the coming financial year.

The draft Budget balances the need to deliver infrastructure and services while also providing the best possible value for residents and recognising the need for careful ongoing financial management.

### **Discussion**

The draft Budget details the resource requirements and project priorities that are in accordance with the key strategic objectives that have been set in the Council Plan 2017-2021.

The draft Budget has been prepared on the principles of responsible financial management to achieve an operating result that ensures and maintains long term financial sustainability.

Whilst always difficult to raise revenue, especially in times of economic uncertainty, the rate increase proposed is in line with the rate cap set by the State Government and provides for a continued mix of responsible operating and capital budget expenditures.

The draft Budget has been developed based on the following principles:

- to increase average rates by 2.5%. This is in line with the average rate increase allowable under the State Government's Fair Go Rates System for 2019/20
- to deliver a modest budget surplus – i.e. a budget where forecast revenue exceeds forecast expenditure
- to take on no new debt – this will reduce existing debt levels to under \$480,000 by 30 June 2020 and represents the lowest level of absolute debt Council has held in more than a decade
- to limit increases to fees and charges (where possible and under Council's control), to no more than 2%.

The draft Budget identifies that Council will spend \$43.86 million to deliver services and improve infrastructure. This includes a \$8.19 million Capital Works Program. Council's cash flows will remain very strong with a projected cash increase of \$2 million over the year.

Highlights of the Capital Works Program include:

- \$2.68 million allocated to sealed and unsealed roads, traffic treatments and kerb and channel works
- \$2.60 million for works to further develop landfill sites
- \$200,000 allocated to bridge and culvert renewal
- \$105,000 on drainage works

- \$328,000 on pathway improvements, including \$57,500 towards improvements to disability access in urban areas of Yea
- \$358,000 allocated for recreational facilities, including \$216,000 allocated for female friendly change facilities at the Yea Recreation Reserve and \$22,000 for perimeter fencing at the Kinglake Memorial Reserve
- \$323,000 for works on Council owned buildings and facilities including \$70,000 to upgrade the kitchen and restore external columns at the Alexandra Shire Hall, \$128,000 for works at the Yea Saleyards and \$50,000 for improved floor covering for a range of public toilets
- \$30,000 to develop a concept design for the Kinglake West-Pheasant Creek streetscape
- \$30,000 for RV Friendly Town preliminary works (including signage and line marking for long vehicles).

Other initiatives funded in the draft Budget include:

- \$230,000 to continue the Grants and Contributions Program
- \$247,000 of external grant funding to advance local community planning trials across the Shire
- \$250,000 to implement strategies that have been developed to better plan for service delivery and improve outcomes for the community. These strategies include:
  - Tourism and Events Strategy
  - Communications Strategy
  - Recreation and Open Space Strategy
- \$105,000 for environmental initiatives including continuing the roadside weed and pest control program, significant revegetation works, and an environmental forum to further engage the community in solutions to the environmental issues.
- \$95,000 to continue the 'Customer First' project.

In April 2019, Council made the decision to transition out of being a direct provider of State and Federal government funded aged and disability services. It is anticipated that this transition to other provider/s will occur during 2019/20 financial year, however the precise timing is subject to State and Federal Government considerations. Therefore, the draft Budget maintains an annual funding allocation for these services in the budget, recognising that any savings realised during the year will support transition arrangements.

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

The draft Budget and SRP are consistent with the Council Plan 2017-2021 Our Promise strategy to 'maintain Council's financial sustainability through sound financial and asset management'.

### **Relevant Legislation**

Council is required under the *Act*, to prepare and adopt an annual budget. The structure and contents of the draft Budget and Strategic Resource Plan are legislated under Section 126 & 127 of the *Act*.

### **Financial Implications and Risk**

The proposed 2019/20 Budget is fiscally responsible in its scope of discretionary spending. The draft Budget details how Council can manage its requirement to keep average rate increases within the rate cap of 2.5% legislated by the State Government for 2019/20, whilst providing a responsible and viable financial plan for the ensuing year.

**Conflict of Interest**

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

**Community and Stakeholder Consultation**

In accordance with the requirement of the *Act*, Council is required to give public notice that it intends to adopt the Budget. The draft Budget must be made available for inspection at its offices and on its website for a period of at least 28 days, and submissions invited from members of the public. The draft Budget will be formally advertised in a range of publications from 1 May 2019, with written submissions called for by 12 pm on 31 May 2019.

The advertising program for the draft Budget is outlined below:

Medium	Publishing date
Newspapers:	
• Alexandra Standard	1 May 2019
• Yea Chronicle	1 May 2019
• Marysville Triangle	3 May 2019
• Local Paper	8 May 2019
Digital:	
• Council website – <a href="http://www.murrindindi.vic.gov.au">www.murrindindi.vic.gov.au</a>	1 May 2019
• Council Facebook page	1 May 2019
Hard copies at Council offices: Alexandra, Kinglake, Yea and also Eildon Resource Centre and Marysville Visitor Information Centre	1 May 2019

### 11.3 EXTENSION OF LEASES AT KINGLAKE REBUILDING AND ADVISORY CENTRE

**Purpose**

This report seeks Council's endorsement to extend the leases with the current tenants at the former Kinglake Rebuilding and Advisory Centre (RAC) for a further two years, until 30 June 2021. This is to enable sufficient time for the tenants, including Parks Victoria, to relocate and to allow options for the potential future community use of the facility to be properly formulated and assessed by the community and Council.

**Officer Recommendation****That Council:**

- **authorise the Chief Executive Officer to offer an extension to the current leases arrangements with Parks Victoria and other business tenants at the Kinglake Rebuilding and Advisory Centre (RAC) for a further term of two years, until 30 June 2021**
- **continue to support efforts by the Kinglake community to develop a viable community management model for the RAC into the future.**

**Background**

At the May 2017 Ordinary Meeting, Council resolved to enter into tenancy agreements for the RAC by Parks Victoria and other small business tenants for 12 months until 30 June 2018, whilst options are explored for potential future community use of the facility.

In February 2018 at the Ordinary Meeting of Council, Deed of Variations were entered into with Parks Victoria and other tenants for a further 12 months, ending 30 June 2019.

**Discussion**

On 22 October 2017 a community led public meeting was held in Kinglake to identify options for the future community use of the RAC. At the meeting a community working group was formed to

assess the feasibility of the ideas raised at the meeting. Whilst the group has been working through these ideas there has not yet been sufficient time for the group to formulate a sustainable community management model for the RAC for consideration by Council.

Further, Parks Victoria has advised that it is likely to rebuild its Kinglake facilities on its former site in the Kinglake National Park on National Park Road, however the new facilities would not be ready for occupation prior to 30 June 2021. Consequently, it has sought a 24-month extension to its current lease. The three small business tenants at the RAC have also indicated a desire to extend their leases for a further 24 months to 30 June 2021.

It is recommended therefore to extend the current tenancies at the RAC for a further 24 months, and continue to support the development of viable options for community management of the RAC into the future.

A Consumer Price Index (CPI) increase component has been applied to the rental fees associated with the new Deed of Variations.

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

This matter is consistent with the Council Plan 2017-2021 Our People strategy to 'work with our community and groups to connect, collaborate and plan for our future'.

### **Relevant Legislation**

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

### **Financial Implications and Risk**

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

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

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

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

### **Conflict of Interest**

There was no declared conflict of interest by Council officers in relation to this report.

### **Community and Stakeholder Consultation**

Council has not initiated any community consultation with respect to the proposed extension of leases at the RAC. Council officers have been assisting the community working group formed to investigate viable options for future community management and this group is aware that the matter of extending the current leases for a further 24 months is being considered by Council at this meeting.

**11.4 AUDIT ADVISORY COMMITTEE ANNUAL REPORT**

Attachment(s): *Audit Advisory Committee Annual Report (refer Attachment 11.4)*

As per the Audit & Risk Advisory Committee Charter, the Chair of the Committee will present the 1 July 2017 to 30 June 2018.

**Officer Recommendation**

**The Council receives the Audit Advisory Committee Annual Report for 2017/18.**

**11.5 QUARTERLY COUNCIL PLAN 2017-2021 PROGRESS SUMMARY – 31 MARCH 2019**

Attachment(s): *Quarterly Council Plan Report January – March 2019 (refer Attachment 11.5)*

**Purpose**

This report provides the third quarter summary of progress to date in delivering the actions in the Council's Priority Action Plan 2018/19.

**Officer Recommendation**

**That Council receive the quarterly report ending 31 March 2019 on the status of actions from the Priority Action Plan 2018/19.**

**Background**

Council adopted its Council Plan 2017-2021 at the Special Meeting of 21 June 2017. The plan sets out the overall strategic direction of Council over its four-year term based on an extensive community consultation program conducted across the Murrindindi shire (Shire)

At the July 2018 Ordinary Meeting Council adopted the Priority Action Plan 2018/19 which outlines the actions that Council will pursue during the 2018/19 year to continue to implement the four-year strategies in the Council Plan.

Both the Council Plan 2017-2021 and the Priority Action Plan 2018/19 are published on Council's website.

A report on progress in implementing the priority actions is provided to Council at the end of each quarter.

**Discussion**

Attachment 11.4 provides a summary of activity undertaken in the third quarter of the Priority Action Plan 2018/19 for each of the four Strategic Objectives relating to Our People, Our Place, Our Prosperity and Our Promise.

Highlights from the quarter (January – March 2019) include the following:

**Our People**

- we supported community groups and schools across the Shire with 51 projects to mark the 10th Anniversary of the 2009 Bushfires
- we completed the review of Aged and Disability Services and made the decision to transition direct delivery of services to other providers by the end of 2019
- we secured access for residents of the Kinglake Ranges to mental health services in the northern suburbs of Melbourne until 30 June 2019

### Our Place

- the 2018/19 pool season drew to a close with 22,000 visits during the public hours
- we supported community based Clean Up Australia day events across two schools, five Landcare groups, Yea Wetlands Committee and Friends of Marysville Walks

### Our Prosperity

- we launched the new Grants and Contributions Program, combining a broader range of grant and sponsorship opportunities under one program and introducing a new streamlined application process
- we delivered three Murrindindi Business Monthly newsletters communicating relevant business information to over two hundred local businesses
- we secured \$750,000 of Federal Government funding for the Kinglake streetscape improvement

### Our Promise

- we went live with an integrated organisation wide Customer Request Management system
- we worked with all councils in the Hume Region to develop a funding application and business case for collaborative service delivery arrangements across councils
- we launched our new Customer Contact Centre within Council to enable a more responsive and efficient response to customer phone enquiries and requests
- we began audio recordings of our Council meetings from February and making them publically available on Council's website.

### **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**

Council has a statutory obligation to prepare and approve a Council Plan in accordance with Section 125 of the *Local Government Act 1989*.

### **Financial Implications and Risk**

The four-year Strategic Resource Plan and the Annual Budget support the delivery of the Council Plan 2017-2021.

### **Conflict of Interest**

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

### **Community and Stakeholder Consultation**

The actions in the Priority Action Plan 2018/19 have been developed with reference to the priorities identified from the community following the 'Have Your Say' community consultation undertaken in February – April 2017.

**11.6 QUARTERLY FINANCIAL REPORT TO 31 MARCH 2019**

Attachment(s): 3<sup>rd</sup> Qtr Financial Report (refer Attachment 11.6)

**Purpose**

The report provides the quarterly financial report for the period ending 31 March 2019.

**Officer Recommendation**

**That Council receives the Quarterly Financial Report to 31 March 2019.**

**Background**

The Quarterly Financial Report for the period ended 31 March 2019, is presented for consideration by Council, in accordance with the *Local Government Act 1989*.

The report includes the following statements:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Cash Flow
- Statement of Capital Works
- Reconciliation of Non-Discretionary Cash & Reserves.

**Discussion**

The statements for the third quarter to 31 March 2019 are included in Attachment 11.6.

Income Statement (Statement A)

The Income Statement for the period 1 July 2018 to 31 March 2019 (also within the attached report) is presented below (next page):

Income Statement  
For the period ended 31 March 2019

	Original Budget 2018/19 \$	December Revised Budget 2018/19 \$	Annual Revised Budget 2018/19 \$	Forecast Adjustment 2018/19 \$	YTD Budgets 31/03/2019 \$	YTD Actual 31/03/2019 \$	Budget/ Actual Variance (unfav) \$	%
<b>Revenue</b>								
Rates & Charges	20,525,445	20,612,589	20,612,589	-	20,600,761	20,544,769	(55,992)	0%
Special Charge	87,000	87,000	87,000	-	-	-	-	
Statutory fees and fines	888,678	1,049,980	1,049,980	-	836,914	776,720	(60,194)	-7%
User fees	2,345,277	2,791,655	2,791,655	-	2,270,118	2,222,347	(47,771)	-2%
Grants - Operating	7,346,704	5,790,501	8,341,851	2,551,350	4,576,374	4,562,050	(14,324)	0%
Grants - Capital	1,414,759	2,304,960	2,304,960	-	1,373,959	1,868,701	494,742	36%
Contributions - Cash	54,275	352,416	352,416	-	342,118	315,140	(26,978)	-8%
Contributions - Non Cash	400,000	805,000	805,000	-	-	-	-	
Reimbursements	382,114	475,425	488,425	13,000	262,735	250,200	(12,535)	-5%
Other revenue	1,181,015	1,238,489	1,238,489	-	759,297	724,231	(35,066)	-5%
<b>Total Revenue</b>	<b>34,625,267</b>	<b>35,508,015</b>	<b>38,072,365</b>	<b>2,564,350</b>	<b>31,022,276</b>	<b>31,264,157</b>	<b>241,881</b>	<b>1%</b>
<b>Expenses</b>								
Employee Benefits	14,799,536	14,785,437	14,812,255	26,818	11,237,431	10,804,242	433,189	4%
Materials and Services	9,798,106	11,545,557	11,609,839	64,282	8,552,652	7,906,761	645,891	8%
Depreciation and amortisation	9,602,649	9,183,849	9,183,849	-	1,000	922	78	8%
Bad and Doubtful Debts	-	65,278	65,278	-	65,278	-	65,278	
Other Expense	313,338	330,065	330,065	-	237,632	253,461	(15,829)	-7%
Finance Costs (Interest)	55,050	55,050	55,050	-	20,520	20,546	(26)	0%
<b>Total Expenses</b>	<b>34,568,679</b>	<b>35,965,236</b>	<b>36,056,336</b>	<b>91,100</b>	<b>20,114,513</b>	<b>18,985,932</b>	<b>1,128,581</b>	<b>6%</b>
Net gain(loss) on disposal of property, infrastructure, plant and equipment	(55,054)	223,845	223,845	-	245,892	213,976	(31,916)	-13%
<b>Surplus (deficit) for the period</b>	<b>1,534</b>	<b>(233,376)</b>	<b>2,239,874</b>	<b>2,473,250</b>	<b>11,153,655</b>	<b>12,492,201</b>	<b>1,338,546</b>	<b>12%</b>

The \$12.49 million operating result for the March 2019 quarter is \$1.34 million or 12% favourable to the year to date budget. The forecast position for the financial year has improved by \$2.47 million moving from a predicted deficit of \$233,376 to a surplus of \$2.24 million. This is predominately due to the Federal Government announcement that 50% of the 2019/20 Financial Assistance Grant will be paid in June 2019.

The major forecast adjustments for the quarter include:

Line Item	Adjustment	Main Contributing Factors
Grants - Operating	\$2,551,350	Operating grants received for the following: <ul style="list-style-type: none"> <li>• 50% of 2019/20 Financial Assistance Grant to be paid in advance (\$2.37 million)</li> <li>• Moving Murrindindi Community Cars (\$156,100)</li> <li>• Walk to School program (\$15,000)</li> <li>• This Girl Can (\$12,000)</li> </ul>



The major year to date variances for the quarter include:

Line Item	Variance	Main Contributing Factors
Grants - Capital	\$494,752	Favourable variance due to Capital grants received for the following projects: <ul style="list-style-type: none"> <li>• Fixing Country Roads (\$227,205)</li> <li>• Roads to Recovery program (\$270,740)</li> </ul>
Employee Benefits	\$433,189	Favourable variance mainly due to lower than budgeted payments to staff as a result of vacancies and the timing of appointments.
Materials & Services	\$645,891	Favourable variance due to lower than anticipated year to date expenditure on: <ul style="list-style-type: none"> <li>• Utilities (\$46,295)</li> <li>• Contractors (\$124,656)</li> <li>• Legal expenses (\$101,021)</li> <li>• Insurance (\$5,278)</li> <li>• Materials (\$67,918)</li> <li>• Contributions (\$194,300)</li> <li>• Consultants (\$106,424)</li> </ul>

#### Balance Sheet (Statement B)

The Balance Sheet – Statement B as at 31 March 2019 shows a Cash and Cash Equivalents favourable variance of \$1,091,233.

The overall revised budget position shows the projected level of cash as at 30 June 2019 of \$31.3 million which is \$3.2 million above the original budget for 2018/19 of \$28.1 million. This is predominately due to the Federal Government announcement that 50% of the 2019/20 Financial Assistance Grant will be paid in June 2019.

#### Cash Flow Statement (Statement C)

This statement provides a more holistic picture and reports the important information on Council's cash inflows and outflows. Net cash flow from operating activities in the Cash Flow Statement (a cash view of the operating statement) shows a favourable year to date budget variance of \$871,942 and a favourable forecast adjustment of \$2.47 million driven by the 50% prepayment of the 2019/20 Financial Assistance Grant.

#### Non-Discretionary Cash and Council Reserves (Statement E)

Included as part of this report is an additional reconciliation flowing from the cash flow statement of Council's Non-Discretionary Cash Flow requirements. This reconciliation lists all Council reserves together with funds held as Deposits or Trust which are required to be refunded, and an allowance for the provision of employee entitlements. This latter provision being a nominal amount of 25% of Council's Annual Leave Liability and 25% of the current Long Service Leave Liability. This is then offset against the level of projected cash at year end.

#### Councillor Expenses (GST Exclusive):

The Local Government (Planning and Reporting) Regulations 2014 Part 4 - Annual Report, Division 1 requires Council to report annually regarding Councillor expenses under prescribed categories.

As agreed in the Councillor Reimbursement Policy that was adopted by Council at its February 2017 Ordinary Meeting, Council reports quarterly on the Councillor related expenses. The following table details Councillor expenses for the third quarter period ending 31 March 2019.

## Councillor Expenses for 3 months ended 31 March 2019:

	Allowances	Travel Expenses	Childcare Expenses	Information & Communications Expenses	Conference & Training Expenses	Other Expenses
Cr Ashe	\$5,649.12	\$-	\$-	\$203.64	\$426.86	\$-
Cr Bisset	\$5,649.12	\$567.97	\$-	\$1,532.00	\$426.86	\$-
Cr Bowles	\$5,716.10	\$-	\$-	\$203.64	\$426.86	\$-
Cr Dunscombe	\$5,649.12	\$1,987.64	\$-	\$1,482.00	\$426.86	\$56.82
Cr Lording	\$5,649.12	\$1,945.22	\$-	\$1,532.00	\$426.86	\$-
Cr McAulay	\$16,876.95	\$-	\$-	\$1,531.33	\$7,635.86	\$478.75
Cr Rae	\$5,649.12	\$-	\$-	\$1,532.00	\$426.86	\$-

It should be noted that accommodation and travel costs include the reimbursement of the claims which a Councillor may choose to submit for travelling to Council meetings, briefings and other functions which they attend in their capacity as a Councillor. Where a Councillor's residence is greater than 50 kilometres from the location of a Council meeting they may also claim the statutory remote area allowance.

It should also be noted that Councillors can elect for part of their allowance to be deducted for superannuation purposes.

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

This report, in relation to the Annual Budget and quarterly financial reporting, is consistent with the Council Plan 2017-2021 Our Promise strategy 'to maintain Council's financial sustainability through sound financial and asset management practices'.

### **Relevant Legislation**

The *Local Government Act 1989* (the *Act*) requires, under Section 126, that a Council must prepare a Strategic Resource Plan for a period of four years.

The *Act* also sets out in Section 127 that the Council must prepare a budget for each financial year. Then, in Section 138, the *Act* requires that quarterly financial reports must be presented to Council.

### **Financial Implications and Risk**

The financial governance of a council is an important role for Councillors. The risk of poor financial management can have a significant impact upon the governance of the Council. The financial implications flowing from this quarterly financial review are outlined in this report.

### **Conflict of Interest**

There are no declared conflicts of interest by Council officers in the preparation of this report.

### **Community and Stakeholder Consultation**

There was no community consultation required for the preparation of this quarterly budget report.

## 11.7 QUARTERLY CAPITAL WORKS REPORT

Attachment(s): Capital Works Quarterly Report – March (refer Attachment 11.7)

### Purpose

This report provides an update on the 2018/19 Capital Works Program (CWP) for the third quarter of the year ending 31 March 2019.

### Officer Recommendation That Council

1. note the March 2019 Quarterly Report – Capital Works Program 2018/19
2. approve the reallocation of savings as set out in this report.

### Background

This report is the third quarterly report for the 2018/19 CWP. The period of reporting is from 1 January 2019 to 31 March 2019. The CWP is comprised of those projects endorsed by Council as part of the 2018/19 Capital Works budget, projects identified for carry forward from the 2017/18 program and approved projects that have received grant funding during the financial year.

### Discussion

The third quarter of any year is a key period for civil construction and that is reflected in project progress and expenditure for the quarter ending 31 March 2019. In addition, a number of significant new grant funded projects have been progressed:

- Fixing Country Roads funding program – Ghin Ghin Road, Jorgensen Parade, Pheasant Creek and concept design of Yea High Street safety improvements
- Kinglake Streetscape – following confirmation of funding, the concept design has been finalised for consultation. Community consultation is occurring during April 2019.

This report also includes an attachment (Attachment 11.7) which indicates the Council officer's level of confidence in projects being completed within the current financial year using a traffic light system. The colours shown highlight the following:

- green – Council officers are confident that the project will be delivered within the current financial year
- yellow – there is a medium risk that there may be a delay in delivery due to issues outside of Council officer's control
- red – there is a high risk that delivery will not occur within the current financial year for reasons as outlined
- blue - the project has been assessed and is no longer required
- tick – the project has been completed.

Additional information on projects is presented below:

1. Major areas of expenditure for the quarter include:
  - Sealed Roads Program - \$612,802
  - Gravel Roads Resheeting Program - \$850,804
  - Strath Creek Playground Shade Structure - \$16,130
  - Switchboard Compliance Works - \$7,050
  - High Street Yea Traffic Management - (Fixing Country Roads Grant) - \$4,900

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- Break O'day Road Traffic Treatment - \$29,300
  - Yea – Station Street Playground - \$223,862
  - Eildon – Boat Ramp Widening - \$54,730
  - Campbell's Creek Bridge - Load Upgrade - \$316,685
  - Kinglake West Carpark Resealing - \$30,000
  - CJ Dennis Hall painting - \$17,500.00
2. Projects that are delayed or where other significant issues that have arisen which affect the budget for the project:
- Aitken Crescent - sealing and path - this project continues to be on hold until Kinglake Streetscape concept plan is finalised. This reflects the need for careful integration of the two projects. During the quarter funding from the Commonwealth Government was announced for the Kinglake Streetscape, bringing the funding available from Council, the Victorian Government and Commonwealth Government for the project to \$1.72 million
  - Kinglake Community Centre - further investigation has revealed that additional areas of the roof needs replacement. The project has been deferred pending the allocation of additional budget and suitable weather
  - Alexandra office external refurbishment - this project has been delayed given that the prices received for the project exceeded the budget. Further design options are being prepared although it is possible that an additional budget allocation may be required
  - William Street Drainage works - tenders for this project were above the budget allocation. Reallocated of savings from other projects was approved at the March 2019 meeting of Council enabling the project to proceed.
3. Projects where physical works have commenced or are anticipated to commence during the next reporting period (1 April to 30 June 2019):
- Road Safety Program
  - Footpath/Kerb and Channel Program
  - Leckie Park, Alexandra, Storage Shed Extension
  - Ghin Ghin Road Safety Improvements - (Fixing Country Roads Grant)
  - Jorgensen Avenue, Pheasant Creek, Heavy Vehicle Access Improvement - (Fixing Country Roads Grant)
  - Wilhelmina Falls Road, Murrindindi
  - Yea - High Street Irrigation
  - William and Peterkin Street, Alexandra Drainage
  - Kinglake Ranges Neighbourhood House - Kitchen Renovation
  - Alexandra Shire Office - External Refurbishment
  - Yea Shire Hall - External Restoration
  - Skyline Road Rehabilitation
  - UT Creek Road Intersection (with Skyline Road)
  - Yarck - Gobur Road - (McDonalds Bridge Design)
  - Dyes Lane Bridge, Buxton - Renewal
  - Brooks Cutting Bridge, Alexandra - Renewal and Upgrade

- UT Creek Bridge, Alexandra - Renewal
4. Projects completed in the March quarter:
- Sealed Roads Program
  - CJ Dennis Memorial Hall Toolangi - External Refurbishment
  - Switchboard Compliance Works
  - Kinglake Community Centre - Lighting
  - High Street Yea Traffic Management - (Fixing Country Roads Grant)
  - Break O'day Road, Glenburn Traffic Treatment
  - Eildon Boat Ramp Widening
  - Yarck Recreation Reserve Public Toilet Renewal
  - Gravel Road Re-Sheeting Program
  - Campbell's Creek Bridge, Castella - Load Upgrade
  - Bower Street, Kinglake - Realignment - Design
  - Urban Access Improvements
  - Alexandra Depot Development Works
5. Project savings and reallocations:
- savings of \$36,000 (compared to budget allocation) have been identified for the Westbridge Road, Glenburn, safety upgrade project. Council officers propose \$20,000 of this budget be reallocated to fund signage and other traffic safety works identified as a result of the Eildon speed limit review.

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

The CWP is consistent with the Council Plan 2017-2021 Our Promise strategic objectives '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.'

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

Timely reporting of financial issues assists in early identification of the need for corrective action or reallocation of budget where required. Reporting of project progress also provides Council and the community with an understanding of when projects will commence and communicates delays if they occur.

#### **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 has been undertaken in the preparation of this report.

**12. NOTICES OF MOTIONS****13. MATTERS DEFERRED FROM PREVIOUS MEETING****13.1 PROPOSED DWELLING – 5 PINE RIDGE ROAD, KINGLAKE WEST**

Land	5 Pine Ridge Road, Kinglake West
Proposal	Use and development of land for the purpose of a dwelling
Application No.	2018/265
Applicant	A R Ma'a
Zoning	Farming
Overlays	Restructure Bushfire Management

**Purpose**

This report provides an update on an application for planning permit to use and develop land at 5 Pine Ridge Road, Kinglake West. The application was reported to Council at its previous meeting on 27 March 2019 because an objection had been received. Council resolved to defer consideration of the application until its next meeting. This report recommends that Council further defer any decision as the applicant is still considering options to address issues raised in the Council officer report.

**Officer Recommendation****That Council:**

- 1. further defer consideration of Application for Planning Permit No. 2018/265 for a dwelling at 5 Pine Ridge Road, Kinglake West pending ongoing planning investigations by the applicant**
- 2. note that any amendments to the application arising out of further work by the applicant (refer 1. above) may need to be readvertised to surrounding and opposite property owners and occupiers, allowing further submissions in relation to the application**
- 3. note that Council officers may grant a planning permit for the dwelling under delegation in the event that the objection is withdrawn in relation to the current application for planning permit or no objections are received in relation to any amended application.**

**Background**

The previous Council officer report relating to the application is set out in the minutes of Council's meeting held on 27 March 2019 (agenda item 8.2). At this meeting Council resolved 'that the matter be deferred to the next Ordinary Meeting of Council'.

**Discussion**

The applicant has advised Council that the matters raised in the Council officer report are being assessed and that further time is required to consider any changes. If further changes are proposed by the applicant to address issues raised by Council officers and the objector it may be necessary for the application and supporting plans and documents to be formally amended and readvertised to surrounding property owners and occupiers (including the original objector). If the application is amended the statutory timeframe for a decision (60 days) will recommence.

The applicant has advised that a bushfire management plan will be prepared for a BAL 29 level of construction (which will address one of the grounds of objection set out by Council officers).

In the event that issues raised by Council officers and the objector are resolved (and the objection withdrawn) or in the event that an amended application is satisfactory and no objections are received, Council officers are likely to issue a planning permit under delegation. Under this scenario the matter will not need to be reported to Council for a decision.

If objections are not withdrawn, a Council officer report with recommendations will be prepared for consideration at a future meeting of Council.

#### **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'.

#### **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 matters set out in this report.

#### **Conflict of Interest**

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

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

The Council officer report set out in the 27 March 2019 Council minutes (agenda item 8.2) provides information of the statutory notification outcomes relating to this proposal.

### **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 27 March 2019 to 10 April 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 27 March 2019 to 10 April 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 27 March 2019 to 10 April 2019:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	27 March 2019
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Yea Outdoor Storage Facility</li> <li>2. Development Plan - 66 Racecourse Road Yea</li> <li>3. Murrindindi Planning Scheme – Local Planning Policy Framework Review</li> <li>4. Planning Permit 2018/264 – 5 Pine Ridge Road Kinglake West</li> <li>5. Future Delivery of Aged and Disability Services</li> <li>6. Future of Regional Tourism Activities</li> <li>7. Portfolio Councillor Policy</li> <li>8. Audit and Risk Advisory Committee Meeting Minutes</li> <li>9. Tender 19/4 - William Street Alexandra - UT Creek - Drainage Renewal</li> <li>10. Tender 19/3 Flood Rectification Works 2019 - Road and Small Culvert Program</li> </ol>
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, D Jackson, N McNamara, J Carns.
Conflict of Interest Disclosures:	Nil



Meeting Name/Type	Briefing
Meeting Date:	3 April 2019
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Hume Region Transformation Project - Business Case</li> <li>2. Local Government Community Survey Methodology</li> <li>3. Community Planning Update</li> <li>4. Historical Native Vegetation Offsets 2006-2011</li> <li>5. Planning Decision Deferrals</li> </ol>
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, S Brown, N McNamara, J Kirkwood, A Paix, A Priest, D Jackson, Z Blakeney
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing
Meeting Date:	10 April 2019
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Indi Federal Election - Liberal Party Candidate Steve Martin</li> <li>2. Kinglake Cemetery Planning Scheme Amendment</li> <li>3. 12 Lot Residential Subdivision – 6 Smith Street, Yea</li> <li>4. 102 Falls Road, Marysville – Construction of Eight Dwellings</li> <li>5. Dindi Bulk Buy – Community Solar System Donation</li> <li>6. 2019/20 Draft Budget – Briefing #3</li> <li>7. Leasing Arrangements at Kinglake RAC</li> <li>8. Transfer of Land Alexandra Scouts</li> </ol>
Councillor Attendees:	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, S Brown, D Jackson, M Crane, Z Blakeney, G Haylock, A Priest, C Gartland
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

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/814	10 April 2019	Flowerdale Preschool Sub-Licence between Murrindindi Shire Council (Shire Council) and Mitchell Shire Council (Preschool Operator)	Craig Lloyd Cr Sandice McAulay
CONT 19/3	10 April 2019	Formal Instrument of Agreement between Murrindindi Shire Council and Keith Excavations Pty Ltd for Flood Event Rectification Works - Road and Small Culvert Program - 2019	Craig Lloyd Cr Leigh Dunscombe

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File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT 19/3	10 April 2019	Formal Instrument of Agreement between Murrindindi Shire Council and Plumbtrax Infrastructure Services Pty Ltd for William Street - UT Creek - Drainage Renewal	Craig Lloyd Cr Leigh Dunscombe

**Officer Recommendation**

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