



MINUTES
of the
ORDINARY MEETING OF COUNCIL
WEDNESDAY 24 JULY 2019
at
Murrindindi Shire Council
Council Chamber
The Semi Circle
Yea
5.59 pm

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

INDEX

1.	PLEDGE AND RECONCILIATION STATEMENT.....	2
2.	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	2
3.	COMMUNITY RECOGNITION	2
4.	DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST	3
5.	CONFIRMATION OF MINUTES.....	3
6.	PETITIONS.....	3
7.	PUBLIC PARTICIPATION TIME	3
7.1	Open Forum	3
7.2	Questions of Council	4
7.3	Open Forum Re-opened.....	4
7.4	Questions of Council Re-opened	4
8.	OUR PLACE.....	5
8.1	Proposed Service Station - 1294 Goulburn Valley Highway Thornton.....	5
8.2	2011/313 – Amendment of Planning Permit to Extend Liquor Licence Hours – 6 Murchison Street Marysville	15
8.3	Planning Permit Amendment to Allow Temporary Dwelling – 38 Elliot Court Buxton	19
8.4	Proposed Dwelling - 388 Goulburn Valley Highway Eildon	26
8.5	Alexandra Youth Precinct Masterplan.....	35
8.6	Local Government Power Purchasing Agreement	37
9.	OUR PEOPLE	41
10.	OUR PROSPERITY.....	41
10.1	Grants and Contributions.....	41
11.	OUR PROMISE	46
11.1	Adoption of the Priority Action Plan 2019/20.....	46
12.	NOTICES OF MOTIONS	47
13.	MATTERS DEFERRED FROM PREVIOUS MEETING	47
14.	URGENT BUSINESS	47
15.	COUNCILLOR REPORTS.....	47
15.1	Cr Margaret Rae.....	47
15.2	Cr Jackie Ashe	48
15.3	Cr Eric Lording	48
15.4	Cr Charlotte Bisset	49
15.5	Cr Rebecca Bowles	50
15.6	Cr Leigh Dunscombe.....	50
15.7	Cr Sandice McAulay – Mayoral Report.....	50
16.	CHIEF EXECUTIVE OFFICER REPORT	50
17.	ASSEMBLIES OF COUNCILLORS	51
18.	SEALING REGISTER	53

1. PLEDGE AND RECONCILIATION STATEMENT

The meeting was opened with the Mayor declaring the following Pledge on behalf of all Councillors:

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

We would like to acknowledge the traditional owners of the Taungurung Nation, and pay our respect to their Elders past and present, and its emerging and future leaders.”

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

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

Present:

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

In attendance:

Chief Executive Officer: Craig Lloyd

Director Corporate and Shared Services: Michael Chesworth

Director Assets and Development: Stuart McConnell

Director Community Engagement: Shivaun Brown

Manager Governance and Risk: Tara Carter

Acting Manager Development Services: Natalie Stewart

Acting Coordinator Statutory Planning: Darren Jackson

Acting Coordinator Environmental Sustainability: Amanda Priest

Planning Officer: Nicole Grey

Governance Officer: Audrey Kyval

3. COMMUNITY RECOGNITION

Suspension of standing orders to acknowledge Australian Citizenship for community members.

RESOLUTION

Cr L Dunscombe/ Cr E Lording

That Standing Orders be suspended and for the Community Recognition be tabled in the minutes.

CARRIED UNANIMOUSLY

The meeting was suspended at 6 pm.

The Mayor welcomed Jane Harlow, Rodney Harlow, Lihua Kang and Jayalakshmi Sarada who took the Australia Citizenship Pledge Oath.

As citizens of Australia, they are now formally identified with this country, its people and its governments.

The decision to accept Australian Citizenship today is public recognition of their commitment to Australia and represents the bonding together of all Australians to take pride in their country and themselves.

On behalf of all Australians, we congratulate you and hope you have a happy and successful future as citizens of Australia.

RESOLUTION

Cr M Rae / Cr J Ashe

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

The meeting was resumed at 6.13 pm.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Nil.

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Ordinary Meeting of Council held on 26 June 2019.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 26 June 2019 be confirmed.

RESOLUTION

Cr L Dunscombe / Cr M Rae

That the minutes of the Ordinary Meeting of Council held on 26 June 2019 be confirmed.

CARRIED UNANIMOUSLY

6. PETITIONS

There are no new petitions to be tabled at this meeting.

The Chairperson declared Public Participation Time.

7. PUBLIC PARTICIPATION TIME

7.1 OPEN FORUM

John and Jacalyn Tossol spoke against the Proposed Service Station - 1294 Goulburn Valley Highway Thornton (item 8.1 on the Agenda).

Ben Stibbard from Auhaus Agriculture spoke in support of the Proposed Dwelling - 388 Goulburn Valley Highway Eildon (item 8.4 on the Agenda).

Jack Russell spoke about the Council meeting audio recording and the Yea Streetscape Safety Upgrade.

7.2 QUESTIONS OF COUNCIL

Two questions were received from Jack Russell of Yea. Per section 109.3 of the *Governance Local Laws No. 2*, the questions were not read as the submitter was not present for this agenda item. A separate response to the submitter will be provided as per section 110 of the *Governance Local Law No. 2*.

The Chairperson closed Public Participation Time.

RESOLUTION

Cr M Rae / Cr E Lording

That Council re-open the Public Participation.

CARRIED UNANIMOUSLY

7.3 OPEN FORUM RE-OPENED

Ashraf Doos spoke in support of 2011/313 – Amendment of Planning Permit to Extend Liquor Licence Hours – 6 Murchison Street Marysville (item 8.2 on the agenda).

7.4 QUESTIONS OF COUNCIL RE-OPENED

Due to Mr Russell returning to the Council meeting during the re-opened Public Participation, his Questions of Council were read.

Two questions were received from Jack Russell:

Question 1 Council conducted a number of public meetings in respect to the Aged and Disability Review process. Is it correct that recipients of such services have them choosing of any appropriate provider and not restricted to only one service/provider and how many of Council staff and casual staff will loose their jobs?

The Chief Executive Officer responded to Question 1:

The State and Federal Governments are working together to identify a new provider or providers, this is their responsibility as they contract out the service. People who are currently receiving a service under the Commonwealth Home Support Program (CHSP) or Home and Community Care Program for Younger People (HACC PYP) will continue to receive this service through a new provider contracted to provide these services. There will not be a choice. All Council employees in Aged and Disability services are impacted by Council's decision to exit as a direct service provider. All staff will be provided with the opportunity to apply for work with the new provider. The jobs continue to exist, just not with Council.

Question 2 How many Council staff and contractors/volunteers would be displaced in each category and for what reasons?

The Chief Executive Officer responded to Question 2:

There are 36 permanent staff and 8 casual staff members who will be impacted. All Aged and Disability staff working for Council will be offered the opportunity to apply for work with the new provider/s. Council is working with all staff to ensure they are supported through this process including providing opportunities for financial advice, CV writing and interview skills and ongoing access to the Employee Assistance Program. Some of our staff have indicated that they will seek to retire once Council transitions out of direct service delivery. There may

also be a small number of redeployment opportunities for some staff within Council. All staff will be eligible for full redundancy entitlements. Contractors and volunteers will also have the opportunity to offer their services to a new provider/s. Council will work with the new provider/s once announced, to facilitate these opportunities.

The Chairperson closed the re-opened Public Participation Time.

8. OUR PLACE

8.1 PROPOSED SERVICE STATION - 1294 GOULBURN VALLEY HIGHWAY THORNTON

Attachment(s): *Application documents (19/40397)*
Submissions and response to submissions (distributed to Councillors separately)

Land: 1294 Goulburn Valley Highway, Thornton
 Proposal: Use of existing buildings for a service station, associated works and signage
 Applicant: Kelaita Industries Pty Ltd
 Zoning: Township
 Overlays: Floodway

Locality Plan



Purpose

This report recommends that a notice of decision to grant a permit be issued for the use of existing buildings for a service station, associated works and signage at 1294 Goulburn Valley Highway Thornton. The proposal is a good reuse of the old service station site, and with the location on the Goulburn Valley Highway, it is well positioned to take advantage of through traffic.

Officer Recommendation

That Council issue a notice of decision to grant a permit for the use of existing buildings for a service station, associated works and signage at 1294 Goulburn Valley Highway Thornton (Lot 1 TP 756748), subject to the following conditions:

1. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.

2. This permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
3. The use hereby permitted shall take place as follows:
 - a. petrol station:
 - i. between the hours of 6 am to 10 pm Monday to Friday inclusive, 7 am to 8 pm Saturday and Sunday
 - b. workshop:
 - ii. between the hours of 8 am to 8 pm Monday to Friday inclusive, 8 am to 1 pm Saturday.

Effluent disposal:

4. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority (EPA) and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
5. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.
6. At the time of the development all onsite wastewater and stormwater management shall be in accordance with the recommendations outlined within the Land Capability Assessment prepared by Ground Science (Report Reference E2739.1AA, 14 September 2018).
7. Prior to the installation of the new effluent disposal system, the existing septic tank system must be decommissioned to the satisfaction of the Responsible Authority.

Infrastructure:

8. Prior to commencing construction, a suitable prepared engineering plan detailing the proposed building works, environmental management and drainage, must be submitted to the Responsible Authority and receive its endorsement.
9. Before the commencement of any works associated with the provision of vehicle access, drainage and car parking, detailed construction plans demonstrating appropriate drainage and levels compliance with AS2890 Part 1 Off Street Car Parking and AS3500 Part 3 – Stormwater Drainage, be prepared in accordance with endorsed plans and to be the satisfaction of the Responsible Authority.
10. Prior to the commencement of use, the areas set aside for the parking of vehicles and access lanes, as shown on the endorsed plans must be:
 - a. constructed and properly formed to levels shown on the endorsed plans
 - b. surfaced with an all-weather-seal coat
 - c. drained
 - d. line marked to indicate each car space and all access lanes clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority
 - e. designed in accordance with the design standards of Clause 52.06 of the Murrindindi Planning Scheme
 - f. compliant with disabled parking bays – Australian Standard AS/NZ 2890.6:2009.

11. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. Prior to the commencement of use, vehicular crossings must be constructed in accordance with an approved roadworks plan to the satisfaction of the Responsible Authority, and must have satisfactory clearance to any side-entry pit, power or telecommunications pole, manhole cover or marker or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the Relevant Authority and must be at the applicant's expense.
13. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the Relevant Authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties.
14. Prior to the commencement of use, a secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 *Bundling Guidelines 1992* or as amended.

Amenity:

15. For the duration of the use hereby permitted, displaced petrol fumes must be collected with a vapour recovery system.
16. For the duration of the use hereby permitted, noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
17. For the duration of the use hereby permitted, effluent and waste solvent generated from the washing or cleaning of engines or parts shall not be discharged on or from the premises.
18. All infrastructure for the storage and handling of Liquified Petroleum (LP) Gas must be designed, constructed and operated in accordance with AS/NZS 1596:2008 *The Storage and Handling of LP Gas* (Standards Association of Australia).
19. Petroleum storage tanks must be designed, installed and operated in accordance with the *Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs)* (EPA Publication No. 888.4, August 2015).
20. Offensive odours must not be discharged beyond the boundaries of the premises.
21. Construction and post-construction activities must be in accordance with EPA Publication 275 *Construction Techniques for Sediment Pollution Control 1991* or as amended.
22. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - a. transport of materials, goods or commodities to or from the land
 - b. appearance of any buildings, works or materials
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d. presence of vermin.
23. Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
24. A suitable acoustic barrier to the satisfaction of the Responsible Authority is to be erected along the western boundary of the proposed service station from the corner of the property for a distance of approximately 25 metres (m). If such barrier is a fence, it must be a minimum of 1.95m in height and constructed of overlapping timber boards with a minimum thickness of 20 millimetres (mm).

Advertising signs:

25. The advertising signage shown on the endorsed plan can only be altered or modified with the written approval of the Responsible Authority.
26. The signs hereby permitted shall be kept in good order and maintained to the satisfaction of the Responsible Authority.
27. The signs hereby permitted shall not contain any flashing lights.
28. Lighting of signs, including internal illumination, must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
29. Signs may only be illuminated during the approved hours of operation.

Security alarms:

30. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

Notations:

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

The Land and Surroundings

The subject site currently contains a disused service station, comprising of a service station, workshop, canopy and a carport at the rear of the property. The property is bounded on the north and the east by the Thornton Caravan Park, there is private dwellings to the west and the Goulburn Valley Highway, including the service lane, to the south. On the other side of the highway is the Rubicon Hotel Motel and other private dwellings. The area can generally be characterised as a mixed use township, with residential and commercial uses throughout the area.

Background

The site at 1294 Goulburn Valley Highway Thornton, was previous a service station, but has been closed for a significant period of time. Because of the length of time that has passed since it was operational, existing use rights no longer apply, and a planning permit is required to operate the service station and workshop on this property.

The site has retained the elements required for a service station, and the application proposes to undertake a range of works on the site, making alterations to the existing building and removing the carport. There is also signage proposed for the site, with the 'Shell' branding.

Community and Stakeholder Consultation

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

One submission was received, raising concern with the extent of operating hours proposed, and suggesting they would be satisfied with 7 am to 7 pm every day only.

The applicant advised that they considered the hours as proposed were reasonable given the proposed use of the land, and were required to accommodate the needs of residents, tourists and passing traffic.

Discussion

The site was previously used as a service station and workshop, and the proposal is to reopen the existing site, as well as provide some upgrades to the buildings and infrastructure on the site. From a planning perspective, the previous use would deem the site as potentially contaminated,

and reuse options for the site (without testing and potentially remediation) are limited. In this case, reopening the site as a service station is generally considered appropriate.

The location of the site, being on the main road through Thornton, is also considered appropriate for a business such as this, as it is serviced by sealed roads, and will allow the business to attract through traffic. From a business perspective, the planning scheme supports the locating of business in existing townships to provide for local and tourism needs, as this proposal will do. The township zone allows for the consideration of a range of uses where a specific commercial or industrial area is not able to be separately zoned due to the size of the township itself. This zone allows for residential and commercial uses to be placed closer together than would normally be considered for bigger towns with more capacity to provide for separation of uses.

The main issues that have been identified involve this potential conflict between the residential use adjacent to the site and the commercial use proposed for the subject land. Potential conflict of uses is considered in the planning scheme which recommends the use of land separation, building design or operational measures to minimise these impacts. For this proposal, land separation measures cannot be employed, as the use is proposed in existing buildings that are setback approximately 10m from the edge of the adjoining dwelling.

The objector has suggested an operational measure to address the concerns raised, i.e. a reduction in the hours of operation, and this was given significant consideration by both the applicant and Council officers. In this case, the applicant has advised that the business case to support the use of this site requires the hours of operation as proposed. It is important to note that while the hours of operation apply across the whole week, it is not anticipated that this will mean that there is significant movement into and out of the site for the whole time proposed. There will be busier times, such as Friday and Sunday nights, when people are travelling through the township.

In order to, in part, address the concerns raised with the hours proposed, the applicant has agreed to the provision of an acoustic barrier between the subject site and the adjoining dwelling. From a planning perspective, this is a reasonable building design response that can ameliorate the impact on the adjoining dwelling. It is acknowledged that any use of this site will have a greater impact on the neighbouring dwelling that is currently being experienced from a vacant or disused site.

The main impact is anticipated to be vehicle movements to and from the site from the road reserve at the front of the property. When the condition for the acoustic fence is applied in conjunction with conditions in relation to lighting, it is considered that the proposed use of the land will not have a significant detrimental impact on the adjoining property, and should be supported.

Referrals

The application was referred to the EPA, Goulburn Broken Catchment Management Authority, VicRoads and Worksafe. No objections were received.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

There are no 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 preparing this report.

Legal/Policy IssuesState Planning Policy Framework

13.03-1S Floodplain Management

Objective - to assist the protection of:

- life, property and community infrastructure from flood hazard
- the natural flood carrying capacity of rivers, streams and floodways.

Strategies:

- avoid intensifying the impact of flooding through inappropriately located use and development.

13.05-1S Noise Abatement

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

Strategies:

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

13.07-1S Land Use Compatibility

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

Strategies:

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

17.02-1S Business

Objective - to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Strategies:

- locate commercial facilities in existing activity centres
- provide small scale shopping opportunities that meet the needs of local residents and works in convenient locations.

Municipal Planning Strategy

02.03 Strategic Directions – Economic Development

- in promoting economic development Council supports:
 - encouraging business expansion, investment and employment
 - facilitating commercial activities in smaller townships.

Zoning

32.05 Township

Purpose:

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

Decision Guidelines:

General issues:

- the protection and enhancement of the character of the town and surrounding area including the retention of vegetation
- in the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*
- the effect that existing uses on adjoining or nearby land may have on the proposed use
- the safety, efficiency and amenity effects of traffic to be generated by the proposal.

Use for industry or warehouse:

- the effect that existing uses on adjoining or nearby land may have on the proposed use
- the effect of traffic to be generated by the use.

Overlays

44.03 Floodway Overlay

Purpose:

- to ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

Decision Guidelines:

- any comments of the relevant floodplain management authority.

Particular Provisions

52.05 Signs

Purpose:

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

52.06 Car Parking

Purpose:

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

52.29 Land Adjacent To A Road Zone Category 1

Purpose:

- to ensure appropriate access to identified roads.

MOTION**Cr L Dunscombe / Cr E Lording**

That Council issue a notice of decision to grant a permit for the use of existing buildings for a service station, associated works and signage at 1294 Goulburn Valley Highway Thornton (Lot 1 TP 756748), subject to the following conditions:

- 1. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.**
- 2. This permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.**
- 3. The use hereby permitted shall take place as follows:**
 - a. petrol station:**
 - i. between the hours of 6 am to 10 pm Monday to Friday inclusive, 7 am to 8 pm Saturday and Sunday**
 - b. workshop:**
 - ii. between the hours of 8 am to 8 pm Monday to Friday inclusive, 8 am to 1 pm Saturday.**

Effluent disposal:

- 4. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority (EPA) and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.**
- 5. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.**
- 6. At the time of the development all onsite wastewater and stormwater management shall be in accordance with the recommendations outlined within the Land Capability Assessment prepared by Ground Science (Report Reference E2739.1AA, 14 September 2018).**
- 7. Prior to the installation of the new effluent disposal system, the existing septic tank system must be decommissioned to the satisfaction of the Responsible Authority.**

Infrastructure:

- 8. Prior to commencing construction, a suitable prepared engineering plan detailing the proposed building works, environmental management and drainage, must be submitted to the Responsible Authority and receive its endorsement.**
- 9. Before the commencement of any works associated with the provision of vehicle access, drainage and car parking, detailed construction plans demonstrating appropriate drainage and levels compliance with AS2890 Part 1 Off Street Car Parking and AS3500 Part 3 – Stormwater Drainage, be prepared in accordance with endorsed plans and to be the satisfaction of the Responsible Authority.**
- 10. Prior to the commencement of use, the areas set aside for the parking of vehicles and access lanes, as shown on the endorsed plans must be:**

- a. constructed and properly formed to levels shown on the endorsed plans
 - b. surfaced with an all-weather-seal coat
 - c. drained
 - d. line marked to indicate each car space and all access lanes clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority
 - e. designed in accordance with the design standards of Clause 52.06 of the Murrindindi Planning Scheme
 - f. compliant with disabled parking bays – Australian Standard AS/NZ 2890.6:2009.
11. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
 12. Prior to the commencement of use, vehicular crossings must be constructed in accordance with an approved roadworks plan to the satisfaction of the Responsible Authority, and must have satisfactory clearance to any side-entry pit, power or telecommunications pole, manhole cover or marker or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the Relevant Authority and must be at the applicant's expense.
 13. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the Relevant Authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties.
 14. Prior to the commencement of use, a secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 *Bunding Guidelines 1992* or as amended.

Amenity:

15. For the duration of the use hereby permitted, displaced petrol fumes must be collected with a vapour recovery system.
16. For the duration of the use hereby permitted, noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
17. For the duration of the use hereby permitted, effluent and waste solvent generated from the washing or cleaning of engines or parts shall not be discharged on or from the premises.
18. All infrastructure for the storage and handling of Liquefied Petroleum (LP) Gas must be designed, constructed and operated in accordance with AS/NZS 1596:2008 *The Storage and Handling of LP Gas* (Standards Association of Australia).
19. Petroleum storage tanks must be designed, installed and operated in accordance with the *Guidelines on the Design, Installation and Management Requirements for Underground Petroleum Storage Systems (UPSSs)* (EPA Publication No. 888.4, August 2015).
20. Offensive odours must not be discharged beyond the boundaries of the premises.
21. Construction and post-construction activities must be in accordance with EPA Publication 275 *Construction Techniques for Sediment Pollution Control 1991* or as amended.

22. The use and development must be managed so that the amenity of the area is not detrimentally affected through the:
 - a. transport of materials, goods or commodities to or from the land
 - b. appearance of any buildings, works or materials
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d. presence of vermin.
23. Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
24. A suitable acoustic barrier to the satisfaction of the Responsible Authority is to be erected along the western boundary of the proposed service station from the corner of the property for a distance of approximately 25 metres (m). If such barrier is a fence, it must be a minimum of 1.95m in height and constructed of overlapping timber boards with a minimum thickness of 20 millimetres (mm).

Advertising signs:

25. The advertising signage shown on the endorsed plan can only be altered or modified with the written approval of the Responsible Authority.
26. The signs hereby permitted shall be kept in good order and maintained to the satisfaction of the Responsible Authority.
27. The signs hereby permitted shall not contain any flashing lights.
28. Lighting of signs, including internal illumination, must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
29. Signs may only be illuminated during the approved hours of operation.

Security alarms:

30. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

Notations:

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

AMENDMENT

Cr J Ashe / Cr C Bisset

That the following condition of the permit be changed to:

3. The use hereby permitted shall take place as follows:
 - a. petrol station:
 - i. for daylight savings between the hours of 7 am to 10 pm Monday to Friday inclusive, 7 am to 8 pm Saturday and Sunday. For non-daylight savings between the hours of 7 am to 7 pm Monday to Friday inclusive, 7 am to 8 pm Saturday and Sunday.

AMENDMENT LOST

The original motion was put to the meeting.

CARRIED

CALL FOR A DIVISION

Division called by Cr C Bisset

For: Cr R Bowles, Cr M Rae, Cr E Lording, Cr L Dunscombe and Cr S McAulay.

Against: Cr C Bisset and Cr J Ashe.

8.2 2011/313 – AMENDMENT OF PLANNING PERMIT TO EXTEND LIQUOR LICENCE HOURS – 6 MURCHISON STREET MARYSVILLE

Attachment(s): *Application Documents (refer Attachment 8.2)*

Land: 6 Murchison Street, Marysville

Proposal: Amendment of planning permit to extend liquor licence trading hours

Applicant: YHY Family Pty Ltd

Zoning: Commercial 1

Overlays: Bushfire Management
Design and Development

Locality Plan**Purpose**

An application to amend a planning permit has been received to extend the liquor licencing trading hours relating to the Duck Inn restaurant at 6 Murchison Street Marysville. The current General Licence allows trading until 11 pm each day. The application seeks to extend these hours until 1 am on Saturday and Sunday mornings. This application is being reported to Council because a single objection has been received by an adjoining landowner. Given the land is zoned for commercial purposes and the issues raised by the objector can be substantially addressed through conditions, it is recommended that a notice of decision to grant a permit be issued.

Officer Recommendation

That Council issue a notice of decision to amend Planning Permit No. 2011/313 to extend the liquor licence hours at 6 Murchison Street Marysville (PC378914D) subject to the following changes of inserting new conditions 17. to 20. as follows:

17. The liquor licence hereby approved shall only be used between the hours of 12 noon and 11 pm Good Friday and Anzac Day, 11 am to 11 pm Sunday to Thursday (inclusive), 11 am Friday morning until 1 am Saturday morning, 11 am Saturday morning until 1 am Sunday morning.

18. No alcohol can be consumed outside that part of the premises fronting Murchison Street after 11 pm.
19. Signage and barriers must be installed on the property to ensure that no alcohol is consumed on the property outside the hours outlined in conditions 17. and 18. above.
20. The designated smoking areas for the site must be confined to the side verandahs associated with the premises between the hours of 11 pm Friday night until 1 am Saturday morning and from 11 pm Saturday night until 1 am Sunday morning.

The Land and Surroundings

The subject land is located within the Marysville commercial precinct. The land comprises an area of 494 square metres (m²) and has a 12.1 metre (m) frontage to Murchison Street. The land contains a restaurant known as Duck Inn.

The rear and northeast side boundary abut Darwin Street and associated on-street car parking areas. The south western side boundary abuts an existing commercial property containing a confectionary shop and private residence above the retail premises. The broader area is characterised by other commercial uses and public open space.

Background

The development of the subject land was approved under a planning permit (2011/313) issued in 2012. The permit also authorises a "café wine bar", a reduction in the required car parking (as these spaces can be accommodated on-street within the surrounding area) and a general liquor licence.

The current general liquor licence (No. 31955648) issued by the Victorian Commission for Gambling and Liquor Regulation (VCGLR) authorises the licensee to 'supply liquor on the licenced premises for consumption on and off the licenced premises during the trading hours...'. These hours are currently:

- Good Friday and ANZAC Day Between 12 noon and 11 pm
- on any other day Between 11 am and 11 pm

The licence allows a maximum capacity of 140 patrons. The licence also sets out the following amenity condition:

'The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence. The licensee shall ensure that the level of noise emitted from the licenced premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. 2'.

Related planning permit conditions also state:

- '5. The emission of noise from the premises including the surrounding environment and car park areas either during or immediately after the hours permitted, must not cause annoyance to any persons beyond the site.
- 8 The area in which alcohol may be served and consumed on the premises must be in accordance with the endorsed plan. No alternation or modification will be permitted without the written consent of the Responsible Authority'.

The application seeks to extend the liquor trading hours on Friday and Saturdays nights until 1 am the next morning.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* by sending letters to adjoining and nearby property owners and occupiers. A single submission objecting to the extension of hours has been received by the adjacent landowner who runs a business on the land and resides in approved accommodation (with double glazed doors and windows) above the retail premises. The grounds of objection relate to non-compliance with the existing licenced trading hours in the evening. It is alleged that patrons are drinking and making noise in the alfresco area at the front of the premises (particularly during the warmer months). The objector has stated that an extension of hours would cause additional amenity impacts.

The objector has advised that the following conditions would address the issues raised:

- requirement that front alfresco area not be used by patrons after 11 pm on Friday and Saturday nights
- requirement for a trial period of 12 months. Following this date, the extension of trading hours would need to be further assessed.

In response to the suggested conditions the applicant has agreed to the following:

- alcohol will not be served within the front alfresco areas after 12 am (midnight) on the proposed extended trading hour days (Friday and Saturday night). Inside areas and the side verandah will continue to be available until the end of the extended trading hours
- outside smoking to be restricted to the side verandah area after 11 pm.

In relation to the current issues the applicant has advised that steps have been taken to now close the bar at 11 pm and patrons are asked to leave the premises at this time. Signage and rope barriers have also been put in place (after trading hours) and CCTV cameras adjusted to monitor the property after hours.

The applicant has advised Council that:

'We are a small family business in a commercial zone providing an asset to the town of Marysville while providing a family friendly pub catering for tourists and locals alike. We also employ 13-15 locals. Our neighbours and locals are important to us and our aim is to keep everyone happy'.

While the applicant is prepared to make some concessions (see above), agreement has not been reached in relation to a trial period and further limitations relating to the use of outdoor areas. Accordingly, the application and objection requires formal consideration by Council.

Discussion

General liquor licences are issued with standard operating hours of 7 am to 11 pm Monday to Saturday (excluding Anzac Day and Good Friday) and 10 am to 11 pm Sunday. The premises are currently required to comply with these requirements. The extension of these liquor trading hours requires formal planning approval and further approval by the VCGLA.

Clause 52.27 of the Murrindindi Planning Scheme sets out particular provisions relating to licensed premises. The purpose of this provision is to ensure that premises are in appropriate locations and that the amenity of surrounding areas is considered. A planning permit is required to change a licence category and to extend the hours of trading allowed under a licence. Before deciding on an application, the Responsible Authority must consider, as appropriate:

- the impact of the sale and consumption of liquor permitted by the liquor licence on the amenity of the surrounding area
- the impact of the hours of operation on the amenity of the surrounding area

- the cumulative impact of any existing licenced premises and the proposed licensed premises on the amenity of the surrounding area.

In relation to cumulative impacts, it should be noted that the application relates to an *existing* rather than *proposed licenced premises*.

The key issues for Council's consideration relate to whether the extension of trading hours are reasonable (and if so under what conditions) or whether the extension should not be supported because it will have an unreasonable amenity impacts on the adjoining residence.

The purpose of the Commercial 1 Zone which affects the land is to:

- create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses
- to provide for residential uses at densities complementary to the role and scale of the commercial centre.

Clause 13.07-1S (land use compatibility) requires that responsible authorities safeguard community amenity while facilitating appropriate commercial uses and direct land uses to appropriate locations.

Clause 21.03-1 sets out local provisions relating to business viability. Relevant strategies seek to 'develop and promote opportunities for business retention and expansion, investment and employment'.

It is the view of Council officers that, subject to proposed conditions, the extended trading hours are appropriate for this location. The extended hours are limited to two evenings. Proposed conditions are capable of containing noise and amenity impacts at acceptable levels for a commercial environment. Council officers are of the view that it is reasonable to limit outdoor trading after 11 pm (rather than midnight as currently proposed by the applicant) and proposed conditions of permit reflect this.

In relation to the proposal for a limited 12-month trial permit, the applicant has not agreed to this. Liquor licencing and planning permit conditioning all require consideration for the ongoing use of land rather than for trial periods. Accordingly, it is recommended that any permit that may be issued provide for an ongoing arrangement to give certainty to the applicant and for the surrounding area.

Referrals

No referrals were required as part of this application.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

Legal/Policy Issues

Refer to discussion above. The Bushfire Management and Design and Development overlays which affect the land under the provisions of the Murrindindi Planning Scheme, are not relevant to the consideration of the application proposal.

RESOLUTION

Cr M Rae / Cr E Lording

That Council issue a notice of decision to amend Planning Permit No. 2011/313 to extend the liquor licence hours at 6 Murchison Street Marysville (PC378914D) subject to the following changes of inserting new conditions 17. to 21. as follows:

- 17. The liquor licence hereby approved shall only be used between the hours of 12 noon and 11 pm Good Friday and Anzac Day, 11 am to 11 pm Sunday to Thursday (inclusive), 11 am Friday morning until 1 am Saturday morning, 11 am Saturday morning until 1 am Sunday morning.**
- 18. No alcohol can be consumed outside that part of the premises fronting Murchison Street after 11 pm.**
- 19. Signage and barriers must be installed on the property to ensure that no alcohol is consumed on the property outside the hours outlined in conditions 17. and 18. above.**
- 20. The designated smoking areas for the site must be confined to the side verandahs associated with the premises between the hours of 11 pm Friday night until 1 am Saturday morning and from 11 pm Saturday night until 1 am Sunday morning.**
- 21. No amplified music may be played in relation to outdoor areas on the premise after 11 pm.**

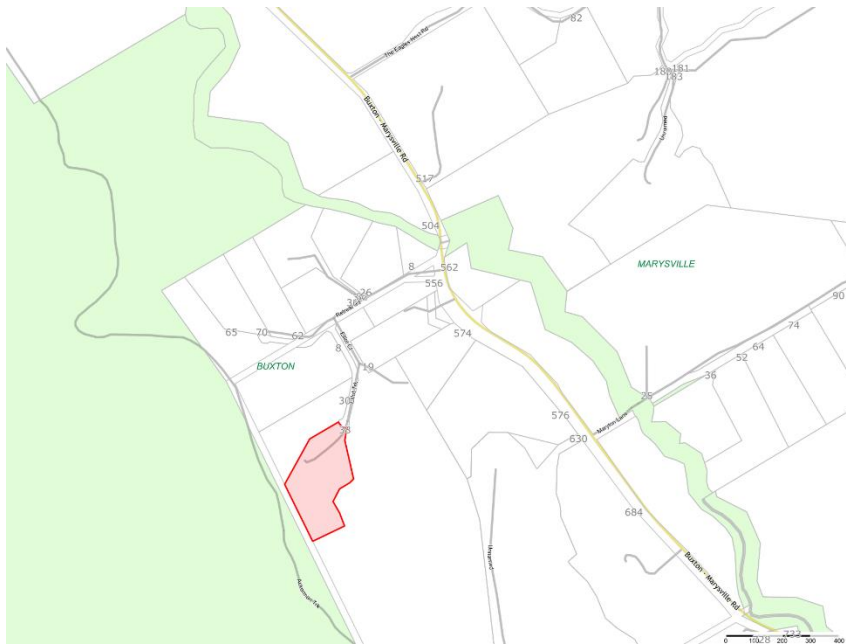
CARRIED UNANIMOUSLY

8.3 PLANNING PERMIT AMENDMENT TO ALLOW TEMPORARY DWELLING – 38 ELLIOT COURT BUXTON

Attachment(s): *Application Plans (refer Attachment 8.3a)*
Locality Plan (refer Attachment 8.3b)

Land: 38 Elliot Court, Buxton
Proposal: Amendment of planning permit to include a 'transportable and relocatable accommodation unit'
Applicant: D Barton
Zoning: Rural Living
Overlays: Bushfire Management

Locality Plan (next page)



Purpose

This report recommends that a notice of decision to amend a planning permit be issued to allow the use of a temporary dwelling prior to the construction of a permanent dwelling on the land. The application is being reported to Council because a single objection has been received from an abutting landowner.

Officer Recommendation

That Council issue a notice of decision to amend Planning Permit No. 2017/43 to include a transportable and relocatable accommodation unit at 38 Elliot Court Buxton (Lot 7 PS 643509, Parish of Buxton), subject to the following conditions.

Amendment of conditions 2, 3 and 6 to reflect the changed proposal:

2. This permit shall expire if the development of the single dwelling hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
3. All external cladding including the roof and trims of the buildings allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
6. The transportable and relocatable accommodation unit (temporary dwelling) and the single dwelling must have a total minimum of 45,000 litres of water for domestic use.

Addition of the following conditions:

9. The transportable and relocatable accommodation unit (temporary dwelling) must be constructed within six months of the date of the permit amendment unless otherwise agreed to in writing by the Responsible Authority.
10. The transportable and relocatable accommodation unit (temporary dwelling) is permitted to be used for a period of two years and must be removed at that time or within three months of the single dwelling being completed, whichever comes sooner.

Country Fire Authority (CFA)

12. The Bushfire Management Plan – 38 Elliot Court, Buxton (prepared by David Barton, Version no. 3, dated 23 May 2019) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Background

The subject land forms part of an eight lot rural living subdivision approved by Council in 2008 (Planning Permit No. 2006/138). As part of the subdivision a land management plan (LMP) was prepared and approved (2013) and forms part of a Section 173 Agreement which affects each lot (AK388462J). The Section 173 Agreement requires that landowners comply with and carry out works specified in the LMP and confine proposed dwellings and effluent disposal areas to defined locations.

The current landowner took ownership of the land in 2014 and subsequently obtained planning and building approval in 2015 to construct a 200 square metre (m²) shed on the land to be used for storage of equipment to assist in the management of the land. Condition No. 4 of Planning Permit 2015/40 states:

‘The proposed shed may be used for storage purpose only and must not contain facilities that will allow the building to be used for accommodation’.

A planning permit allowing a dwelling on the land was issued on 10 May 2017. As the land is subject to a Bushfire Management Overlay, a bushfire management plan was prepared and approved as part of this permit. The dwelling has not proceeded at this stage and no application for building approval has been lodged.

In 2018 Council officers were made aware the shed was being used for accommodation by the landowner in contravention of both the planning permit and planning scheme. In an attempt to resolve the contravention, and allow occupation of the site in a compliant and safe dwelling rather than the current shed, Council officers advised the landowner that an application to amend the existing planning permit to allow for temporary accommodation (prior to the construction of permanent dwelling accommodation) could be considered on its planning merits. It was also recommended that a further extension of the planning permit be requested. The extension request has been approved under delegation by Council officers and the new date on which the permit will lapse is 10 May 2021.

An application to amend the existing permit was lodged in February 2019 (to allow a temporary relocatable self-contained accommodation unit). Following the preparation of an amended bushfire management plan, adjoining and surrounding property owners were notified of the application in April 2019.

The Land and Surroundings

The subject land comprises an area of 6.05 hectares (ha) located at the southern termination of Elliot Court. Other than for the land containing the existing shed and proposed dwelling, the balance of the land contains native vegetation. The rear portion of the land abuts State Forest. Other boundaries abut further rural living lots with a number of these containing dwellings.

Proposal

The proposal is for a temporary and relocatable accommodation unit to be placed adjacent to the existing shed and to be connected to water and power and to an approved waste water treatment system. The building is rated to Bushfire Attack Level (BAL) 40 level of bushfire protection. The applicant hopes to commence the construction of the permanent dwelling ‘in about two years’ time’. The temporary building is 8.0 metres (m) x 3.0m and contains a single bedroom. There are no eaves or verandahs.

Community and Stakeholder Consultation

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

One objection was received, and the issues raised in the objections can be summarised as follows:

- the proposal would allow a second dwelling (because the owner has been given permission to live in a shed on the property)
- uncertainty whether the main dwelling will commence in a further two years as intended
- the proposed temporary accommodation could become a permanent structure on the land.

In response to the objection, Council officers provided the following advice:

- the Rural Living Zone allows for a single dwelling without a planning permit under specific circumstances e.g. land area over a specific size. In this instance, a planning permit is required for the use of the land for a single dwelling as it is below the nominated lot size in the schedule to the zone
- similarly, a planning permit can be issued for two dwellings on one lot although this is not common practice and is not the case for this lot
- the application to amend the planning permit is to allow for a relocatable dwelling to be used on the land while/until the main dwelling is constructed. The temporary building would then be removed. At no point would there be two dwellings in use on the property unless a further planning permit application was approved to allow this to occur
- any planning permission issued would require that the relocatable dwelling be removed from the site within a short time frame of the completion of construction of the main building
- the existing use of the shed for accommodation has not been permitted and this application is to allow the owner to live on the property in an approved, safe structure as a temporary measure. The relocatable dwelling will comply with all building and bushfire regulations
- if the main dwelling is not built the relocatable dwelling could remain onsite as the only house on the property (this would be subject to a permit amendment or new permit).

Notwithstanding the above, the objection has not been withdrawn. The objector has further advised that the site continued to be used for unauthorised accommodation and other unauthorised structures have been developed/placed on the land.

The issue of further unauthorised buildings and works on the land is still under investigation. This investigation will proceed in parallel with, but separate to, consideration of the application for the permit amendment.

Discussion

A planning permit has already been granted for a dwelling on the land. The use and development of the subject land for this purpose is supported under the provisions of the Murrindindi Planning Scheme.

The key issue in relation to this application is whether there is planning support for a modest one-bedroom temporary dwelling to be placed on the land prior to the construction of a permanent dwelling.

The proposed temporary dwelling has been assessed under the zone and overlay provisions. A BMP has now been approved and is to the satisfaction of the CFA. The land is capable of having access suitable for emergency vehicles and can be connected to an approved wastewater management system.

The objector's concerns relating to the continued and unauthorised use of the shed on the land for accommodation purposes are relevant. Unauthorised occupancy of shed (both permanent and occasional) is an ongoing issue within the municipality and poses issues in relation to safety (particularly in bushfire affected areas) and amenity. Where allowed to continue it has the potential to impact on the character and appearance of an area. It is not appropriate that the current unauthorised use continue indefinitely. The proposed amendment provides a pathway to address this compliance issue.

An amendment of the permit will allow the landowner to transition to permanent accommodation. If a permit is granted, and pending any appeals, it will be necessary for the landowner to act on the permit immediately and without further delay. The proposed conditions will require this outcome. If that cannot be achieved the unauthorised use will need to cease until such time as the permit can be acted on.

The objector has advised that if a permit were to be granted it would not be appropriate to allow the temporary accommodation to remain on the land. While the reasons for this have not been set out, the zone provisions do require that Council have regard to the siting, design and materials to be used and measures to be undertaken to minimise adverse impacts. The proposed accommodation is considered suitable for temporary purposes but is unlikely to be suitable as an enduring building given the purpose of the zone is to 'provide for a residential use in a rural environment'. As the application is for a temporary building, it will be appropriate that the permit lapse within two years of the permit issuing. Any proposal to retain the building for an ongoing dwelling would need to be subject to a new application for planning permit.

Subject to the permit conditions, the provision of the temporary accommodation is considered an acceptable outcome. Conditions will ensure that issues raised by the objector will be addressed where relevant.

Referrals

This application was referred to the CFA who provided conditional consent.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our Place strategic objective 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and the strategy '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 writing of this report.

Conflict of Interest

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

Legal/Policy IssuesPlanning Policy Framework

16.01-5S Rural Residential Development

Objective - to identify land suitable for rural residential development.

Strategies:

- manage development in rural areas to protect agriculture and avoid inappropriate rural residential development
- encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made
- ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:
 - maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources
 - protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat
 - maintaining an adequate buffer distance between rural residential development and animal production
- promote and facilitate sustainable land use and development, encouraging environmentally sustainable design and energy and water efficiency.

Zoning

35.03 Rural Living Zone

Purpose:

- to implement the Municipal Planning Strategy and the Planning Policy Framework
- to provide for residential use in a rural environment
- to provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses
- to protect and enhance the natural resources, biodiversity and landscape and heritage values of the area
- to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Decision Guidelines:

- the capability of the land to accommodate the proposed use or development
- whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses
- the impact of the use or development on the flora, fauna and landscape features of the locality
- the impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts
- the impact on the character and appearance of the area or features of architectural, historical or scientific significance or of natural scenic beauty or importance.

Overlays

44.06 Bushfire Management Overlay

Purpose:

- to implement the Municipal Planning Strategy and the Planning Policy Framework
- to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire
- to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented
- to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Particular Provisions

53.02-4.5 Bushfire Planning

- the bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application
- the impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development
- whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort
- whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land
- whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented
- whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.

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

- Issue a notice of decision to amend Planning Permit No. 2017/43 to include a transportable and relocatable accommodation unit at 38 Elliot Court Buxton (Lot 7 PS 643509, Parish of Buxton), subject to the following conditions.**

Amendment of conditions 2, 3 and 6 to reflect the changed proposal:

- This permit shall expire if the development of the single dwelling hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.**
- All external cladding including the roof and trims of the buildings allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.**

6. **The transportable and relocatable accommodation unit (temporary dwelling) and the single dwelling must have a total minimum of 45,000 litres of water for domestic use.**

Addition of the following conditions:

9. **The transportable and relocatable accommodation unit (temporary dwelling) must be constructed within six months of the date of the permit amendment unless otherwise agreed to in writing by the Responsible Authority.**
10. **The transportable and relocatable accommodation unit (temporary dwelling) is permitted to be used for a period of two years and must be removed at that time or within three months of the single dwelling being completed, whichever comes sooner.**

Country Fire Authority (CFA)

12. **The Bushfire Management Plan – 38 Elliot Court, Buxton (prepared by David Barton, Version no. 3, dated 23 May 2019) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.**
- b. **resolves to include dates in the relation to condition numbers 2, 9 and 10 to clarify the date of the amendment to the permit relating to this application for a planning permit**
- c. **adds a notation in the amended permit ‘This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval’.**

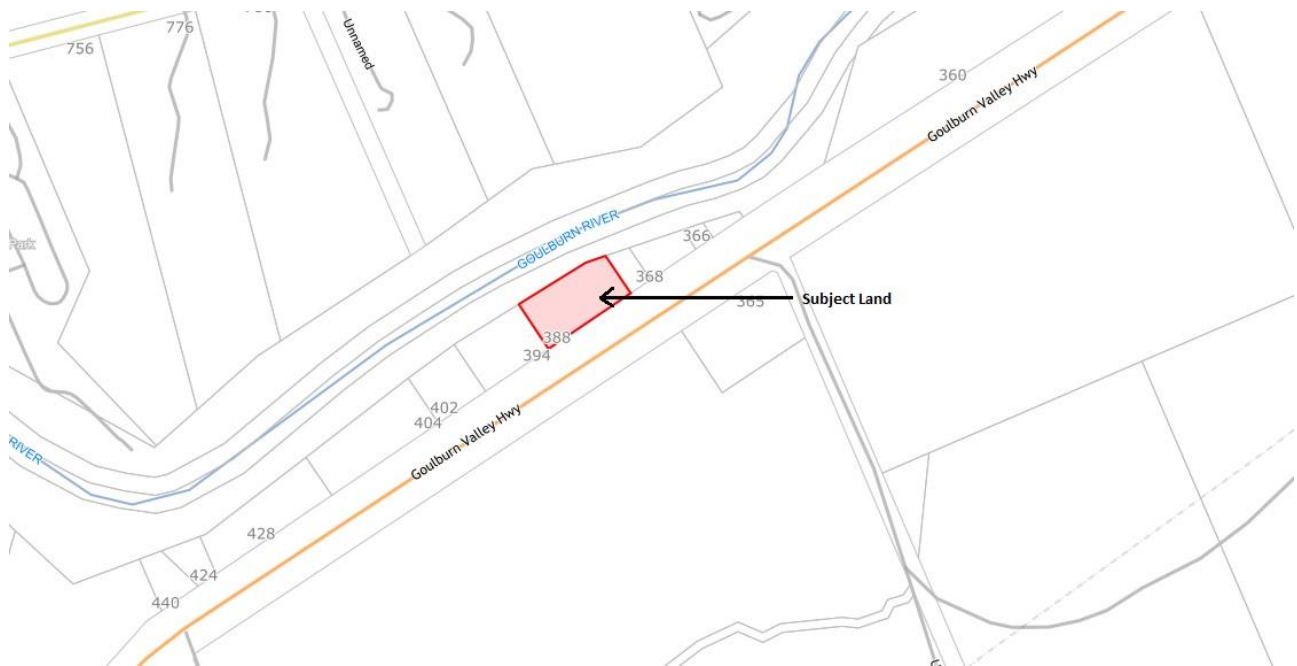
CARRIED UNANIMOUSLY

8.4 PROPOSED DWELLING - 388 GOULBURN VALLEY HIGHWAY EILDON

Attachment(s): *Application Documents (refer Attachment 8.4)*
Submission (distributed to Councillors separately)

Land: 388 Goulburn Valley Highway, Eildon
Proposal: Use and development of the land for the purpose of a dwelling
Applicant: Auhaus Architecture
Zoning: Rural Living
Overlays: Environmental Significance – Schedule 1 (High Quality Agricultural Area)

Locality Plan (next page)



Purpose

This report recommends that a notice of decision to grant a permit be issued for the use and development of land at 388 Goulburn Valley Highway Eildon for the purpose of a dwelling. The application is being reported to Council because an objection has been received from Goulburn Murray Water relating to effluent disposal.

Officer Recommendation

That Council issue a Notice of Decision to grant a permit for the use and development of land at 388 Goulburn Valley Highway Eildon (Lot 1 PS 449804) for a dwelling, subject to the following conditions:

1. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans shall not be altered or modified without the consent in writing of the Responsible Authority.
2. This permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
3. A new secondary 20/30 packaged wastewater treatment system must be installed. Effluent disposal fields are to be installed on high ground with a minimum setback from Goulburn River of 50 metres (m), in accordance with the recommendations outlined within the Land Capability Assessment prepared by HardCore Geotech, Report No. 190115-LCA, dated 16 January 2019 and the Code of Practice Onsite Wastewater Management, 891.4 2016.
4. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority (EPA) and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
5. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.

6. Existing old septic systems are to be decommissioned prior to the commencement of the approved use.
7. The existing vehicle crossover location is to be utilised. Prior to the commencement of the approved use, the vehicle crossover must be upgraded at the applicant's expense to provide ingress and egress to the site 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 260.
8. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the Relevant Authority. No stormwater during construction and discharge from downpipes or overflow from storage tanks and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site to adjoining land or properties and the Goulburn River.
9. On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres (ltr) of which 45,000ltr shall be for domestic purposes and 10,000ltr for firefighting purposes, the latter being in the lower portion of the tank, or in a separate tank. All outlets from the lower tank shall be fitted with 64 millimetres (mm) 3 thread/25mm x 50mm nominal bore British Standard Pipe (BSP), round male coupling, and fire brigade vehicles must be able to get to within four metres (m) of the coupling.

Should the tank not be elevated sufficiently to provide adequate pressure at hose points around the dwelling, then a 50mm centrifugal water pump shall be provided, driven by an internal combustion engine.

Goulburn Broken Catchment Management Authority:

10. The site location of the proposed dwelling and its finished floor level must generally be in accordance with the submitted plans.

Notations:

1. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
2. A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application.

Background

The Land and Surroundings

The subject land comprises a lot of 0.65 hectares (ha) and contains an unoccupied and derelict dwelling and associated shedding. The lot is located to the north of the Goulburn Valley Highway approximately 4 kilometres (km) southwest of the Eildon township. The land has a 112m wide frontage to the highway and a 106m wide rear boundary abutting Crown Land and the Goulburn River which runs parallel to the property. The land contains 10 native trees, none of which are proposed or required to be removed. There is an existing vehicle crossover to Goulburn Valley Highway very close to the western boundary of the lot.

The land forms part of a historic rural living subdivision along Goulburn Valley Highway comprising of more than 45 lots.

The adjoining land to the southwest (394 Goulburn Valley Highway) is currently in the same ownership and comprises of a slightly smaller lot which also contains a derelict dwelling (cottage) and shed. No development is currently proposed for this lot and it does not form part of the current application proposal.

There is a newly developed dwelling on the adjoining land to the northeast. This allotment is smaller in size than the application site considered in this report.

The land to the south (opposite the highway) is included in a Farming Zone and is used for agricultural purposes including animal grazing. A number of these properties have established dwellings. The land to the north (on the opposite side of the river) is also within a Farming Zone and contains a number of dwellings on lots less than 5ha.

The Eildon Riverside Holiday Park is less than 600m away to the northwest, which is accessed from Back Eildon Road.

Proposal

The application seeks planning approval to use and develop the land for a single storey five-bedroom dwelling. The proposed dwelling is architecturally designed and incorporates a number of best practice environmental and sustainable design elements. It is proposed that a local construction company partner with the applicant to complete the development if approved. The proposed dwelling is to be sited in a similar location to the existing derelict dwelling, which is to be demolished and removed from the site prior to the commencement of works. The proposal also includes the demolition and removal a former garage and shed. An existing shed associated with the bore is to remain.

The proposed dwelling maintains the existing setback of the buildings from the river. External cladding is to comprise of rammed earth, timber batten screening, timber lining board and a metal deck roof (charcoal colour).

The dwelling is proposed to be connected to a rainwater storage tank. Additionally, the land owner has access to bore water onsite and a river water licence, which will provide sufficient water for domestic and firefighting purposes. A Land Capability Assessment (LCA), prepared by HardCore Geotech (Report No. 190115, 16 January 2019) has been completed to determine how wastewater will be treated and retained onsite. The LCA recommends a 'Wisconsin Mound system', including two mounds totalling 384 square metres (m²) and a cutoff drain around the high side of the irrigation area to limit surface water flow.

Public Notification

Notice of the application was provided in the form of letters to adjoining, opposite and nearby property owners and occupiers, including Goulburn Murray Water (the water authority for the Goulburn River). At the end of the notice period one objection had been received from Goulburn Murray Water. The grounds of objection are summarised below:

- the proposal is an overdevelopment of the site
- the proposal presents an unacceptable risk to water quality
- the proposal is not in accordance with the EPA *Code of Practice – Onsite Wastewater Management 891.4*.

It is important to note that Goulburn Murray Water (GMW) is not a 'determining' or 'recommending' referral authority for this application proposal under Clause 66 of the planning scheme. In this instance Council officers have given notice to the water authority under section 52 of the *Planning and Environment Act 1987*. The submission from the water authority must be considered as a standard objection.

The objector (GMW) has requested that its concerns be addressed through one of the following actions:

1. reduction in the number of bedrooms, to be no more than the existing derelict dwelling (three bedrooms)
2. installation of a pressure compensated sub-surface irrigation system for effluent disposal

3. consolidation of the land with the adjoining land (which is currently in common ownership) and the decommissioning of the existing buildings and their associated effluent disposal systems.

Attempts to mediate an outcome relating to the objection have not been successful. The issues raised by GMW are discussed further in this report.

Referral Authority Advice

The application was referred to Goulburn Broken Catchment Management Authority (GBCMA), which has issued conditional consent subject to a condition that the finished dwelling floor levels must be generally in accordance with the submitted plans.

The application was also referred to VicRoads. VicRoads advised that it has no objection to the application proposal.

Discussion - Planning Assessment

State and Local Planning Policy

State and local planning objectives seek to protect and enhance the State's river corridors by protecting the environmental, cultural and landscape values of water bodies (Clause 12.03-1S).

Clause 14.01-1S sets out State objectives and strategies relating to protecting the State's agricultural base by preserving productive farmland.

Catchment Planning and Management (Clause 14.02-1S) provisions seek to protect and restore catchments, water bodies, groundwater and the marine environment. Particular strategies aim to 'retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway' and 'ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses'.

Clause 15.01-6S sets out State objectives and strategies relating to design in rural areas which seek to 'ensure that the siting, scale and appearance of development protects and enhances rural character.' Additionally, Clause 16.01-5S requires that suitable land be identified for rural residential development.

Local planning objectives set out in the Municipal Strategic Statement seek to facilitate new and expanded rural living development in smaller townships and settlements where appropriate (Clause 52.04 Housing).

Rural Living Zone (Clause 35.03)

The primary purpose of this zone seeks to provide for residential use in a rural environment. Responsible authorities are required to consider the following guidelines when considering an application for a dwelling:

- capability of the land to accommodate the proposal
- whether the site is suitable and whether the proposal is compatible with adjoining and nearby land uses
- impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours
- impact on the flora, fauna and landscape features of the locality
- the need to protect and enhance the biodiversity of the area
- location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation

- impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts
- impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty of importance
- location and design of existing and proposed infrastructure.

The proposal is supported by a professionally prepared LCA. The LCA recommends an effluent treatment and disposal system which is capable of retaining wastewater within the lot. Effluent disposal mounds are proposed within the front portion of the property, maintaining maximum setbacks from the river.

Although the use rights associated with the former dwelling have ceased, the proposed development is generally in accordance with the previous use and development and occupies the same building footprint. The impact on nearby farming land will be minimal as there are substantial setbacks from other farming land.

The proposed dwelling will have a low profile when viewed from the river edge and the visually sensitive highway corridor. The front of the dwelling will be nestled into built up contours of the site, sitting below the tree canopy. The elongated building form and natural material finishes have been designed to complement the surrounding environment. The existing vehicle crossover and driveway location will be utilised to minimise works in the road reserve.

Environmental Significance Overlay – Schedule 1 High Quality Agricultural Areas (Clause 42.01)

The primary purpose of the overlay is to ensure that development is compatible with identified environmental values and in particular high quality agricultural area along the Goulburn River floodplain. This area has been identified because of its combination of well-drained red soils, high rainfall and access to water. Responsible authorities are required to consider the following guidelines when considering an application for a dwelling:

- maintain the productive potential of high quality agricultural land
- consider the suitability of high quality agricultural land in the assessment of development proposals (building and works are to be sited to avoid or minimise loss of good quality agricultural land).

Typically, this overlay corresponds to land within the Farming Zone rather than the Rural Living Zone which affects the subject land. If the land were to be in Farming Zone, Council would be required to give greater weight to the overlay objectives. However, as the purpose of the zone seeks to provide for rural living outcomes, it is considered the dwelling proposal is acceptable in this instance. It should also be noted that unlike other sites there are no agricultural enterprises abutting the land nor is it likely that such uses will occur at a future date.

Land Adjacent to a Road Zone Category 1 (Clause 52.29)

The primary purpose of this particular provision is to ensure appropriate access to identified roads. The Goulburn Valley Highway is classified as a Road Zone Category 1 and there is an existing access to the lot that was previously used for the dwelling. This existing access is proposed to be used for the development and will not create or alter access to the lot. The proposal therefore meets the requirements of the provision.

Rural Living Development Guidelines – Murrindindi Shire 2004 (Strategic Report)

The primary purpose of the Guidelines is to 'guide landscape change, such as subdivision and development proposals, while taking into consideration existing land uses, farmers rights, catchment management principles and net environmental gain'.

Guideline No. 2 relates to water quality with objectives seeking to 'ensure the protection of water quantity and quality for both surface and groundwater supplies' and 'ensure that development does not impact on water quality through sediment runoff during construction and development'.

Guideline No. 9 relates to onsite wastewater management and requires that application proposals on small lots be accompanied by a LCA (approved by Council). The objectives seek to 'ensure land is capable of containing onsite effluent disposal systems' and 'ensure the protection of surface and groundwater quality through contaminated wastewater runoff'.

Guideline No. 11 relates to dwellings, buildings and works. The objectives seek to 'ensure that the siting of dwellings does not impact on the surrounding rural landscapes', 'ensure that the siting of dwellings, buildings and works do not impact on soil stability, water quality or native vegetation' and 'design and siting of dwellings to incorporate adequate fire protection measures'.

The proposed development meets the requirements of the *Rural Living Development Guidelines* and the provided LCA is to the satisfaction of Council's Environmental Health Officer.

Discussion - Issues Raised by Objector

As noted above, Council is required to consider whether the land is capable of accommodating the proposal, including how wastewater can be retained and treated within the lot. In response to the issues raised by the objector, the applicant has reiterated the relevance of the LCA and its recommendations for the proposed development.

Onsite Wastewater

Clause 35.03 (Rural Living Zone) requires wastewater to be retained within the lot. The applicant claims that the development, when constructed in accordance with the LCA, will allow all wastewater to be retained onsite with the recommended Wisconsin Mound system.

The objector remains unsatisfied as the disposal of wastewater on the site is constrained due to being directly adjacent to the Goulburn River, an existing onsite bore, areas of localised poor drainage and constrains relating to the small size of the lot.

Council's Environmental Health Officer is satisfied that the proposal is in accordance with section 3.10.2 of the *Code of Practice – onsite wastewater management* and that a reserve field is not required due to the designed size of the Wisconsin Mound system to adequately treat and disperse effluent. All setbacks to the mound system from Goulburn River have been achieved in accordance with Table 5 of the Code. The mound system has been designed to treat and dispose of 1,500 litres per day, at a full-time occupation of 10 people, in accordance with Table 4 of the Code.

Reduction of Bedrooms

Pre-application advice was provided by GMW to the applicant stating that the application would only be supported if the number of bedrooms in the existing derelict dwelling (three bedrooms) was not increased. The applicant claims that the proposed effluent disposal system is designed for 10 occupants, meeting the requirements for two people per bedroom.

The objector remains unsatisfied with this response and is seeking a full sized reserve area or a pressure compensated sub-surface irrigation system. The LCA demonstrates that an alternative waste water solution is capable of treating waste water onsite which also meets the requirements of the Code of Practice – Onsite Wastewater Management.

Consolidation of Lots

The applicant has stated that the landowner is unwilling to consolidate the subject site with the adjoining lot to the southwest. In an effort to satisfy the objection the applicant will demolish and decommission the derelict cottage on the adjoining lot once the proposed dwelling on the subject land is completed.

The objector remains dissatisfied with this response. Council is unable to require by condition the demolition, removal and decommissioning of structures on adjoining lots. However, it should be noted that the land cannot be used without a planning permit for a dwelling in any case because previous permissions/rights have lapsed.

It is the view of Council officers that the proposed requirements raised by the objector, while further reducing environmental risk, are not the only method of successfully treating waste water. The same objectives can be achieved through alternative methods as detailed in the LCA. This is supported in Section 3.10.2 of the Code of Practice – Onsite Wastewater Management (Irrigation Systems) where a system that has been calculated and designed using the latest version of the Model LCA Report a reserve area is not required, unless Council considers the site is subject to environmental or operational risk. Any environmental or operational risk should be rendered minimal with an annual service consisting of four treatment plant services per year. This is a requirement with the installation of any Aerated Wastewater Treatment System.

It is the view of Council officers that the proposal, subject to conditions, meets technical requirements relating to effluent disposal. As discussed in this report the proposed use and development also satisfies the requirement of the zone and overlay provisions and State and local planning policy. The dwelling has been designed and sited to have a minimal impact on the surrounding and adjoining land, including when viewed from the Goulburn River. The development has regard to the environment and landscape context and will provide for a rural living outcome.

Council Plan/Strategies/Policies

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

Relevant Legislation

The proposal has been assessed 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 this report.

Conflict of Interest

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

Community and Stakeholder Consultation

Refer to discussion above in relation to notification and assessment of issues raised by objectors.

RESOLUTION

Cr J Ashe / Cr E Lording

That Council issue a Notice of Decision to grant a permit for the use and development of land at 388 Goulburn Valley Highway Eildon (Lot 1 PS 449804) for a dwelling, subject to the following conditions:

- 1. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plans shall not be altered or modified without the consent in writing of the Responsible Authority.**
- 2. This permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12**

months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.

3. A new secondary 20/30 packaged wastewater treatment system must be installed. Effluent disposal fields are to be installed on high ground with a minimum setback from Goulburn River of 50 metres (m), in accordance with the recommendations outlined within the Land Capability Assessment prepared by HardCore Geotech, Report No. 190115-LCA, dated 16 January 2019 and the Code of Practice Onsite Wastewater Management, 891.4 2016.
4. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority (EPA) and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
5. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.
6. Existing old septic systems are to be decommissioned prior to the commencement of the approved use.
7. The existing vehicle crossover location is to be utilised. Prior to the commencement of the approved use, the vehicle crossover must be upgraded at the applicant's expense to provide ingress and egress to the site 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 260.
8. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the Relevant Authority. No stormwater during construction and discharge from downpipes or overflow from storage tanks and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site to adjoining land or properties and the Goulburn River.
9. On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres (ltr) of which 45,000ltr shall be for domestic purposes and 10,000ltr for firefighting purposes, the latter being in the lower portion of the tank, or in a separate tank. All outlets from the lower tank shall be fitted with 64 millimetres (mm) 3 thread/25mm x 50mm nominal bore British Standard Pipe (BSP), round male coupling, and fire brigade vehicles must be able to get to within four metres (m) of the coupling.

Should the tank not be elevated sufficiently to provide adequate pressure at hose points around the dwelling, then a 50mm centrifugal water pump shall be provided, driven by an internal combustion engine.

Goulburn Broken Catchment Management Authority:

10. The site location of the proposed dwelling and its finished floor level must generally be in accordance with the submitted plans.

Notations:

1. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
2. A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application.

CARRIED UNANIMOUSLY

8.5 ALEXANDRA YOUTH PRECINCT MASTERPLAN

Attachment(s): *Alexandra Youth Precinct – Masterplan report (refer Attachment 8.4)*

Purpose

This report seeks Council's endorsement of the draft Rotary Park Playground and Skate/BMX Park Master Plan (Master Plan) for the Alexandra Youth Precinct for the purpose of public exhibition.

This report includes a summary of the draft Master Plan main outcomes and details the consultation methods proposed during the exhibition period.

Officer Recommendation

That Council endorses the draft Rotary Park Playground and Skate/BMX Park Master Plan for the purpose of public exhibition from 25 July to 14 August 2019.

Background

The intent of the Master Plan project has been to seek creative and innovative solutions to support enhancing community participation, health and wellbeing outcomes. The project was activated with the knowledge that the Rotary Park Playground equipment is due for renewal.

Community consultation in October 2018 and March 2019 has enabled a transparent conversation with the community that has combined community vision and budget realities in a collaborative Master Plan. Consultation included discussion about budget restrictions for Council that have shaped the project scope included in the Master Plan, and enabled community to order their priorities for improvement.

Council's Recreation and Open Space Strategy highlights the Rotary Park Playground as a 'District' level facility, while the Hec Ingram Reserve is classified as a 'Local' facility, consistent with other Skate Parks across the Shire. This project intends to integrate these assets as a district level open space area.

Discussion

Consultation with the community during October supported data generation on user groups current experience and vision for the future at the youth precinct. Feedback included:

- enhance/improve the interconnectedness between the two open space areas
- upgrade play equipment, including nature based play
- upgrade BMX experience
- incorporate pump track to support mountain bike/BMX development
- upgrade the skate park with new features
- better use of available space.

A draft concept was created by landscape architect CONVIC which was then then tested with the community during a March workshop. Participants at the workshop were directly involved in discussing ideas and identifying priorities. The following themes summarise the workshop conversation:

- focus the skate park extension on beginner to intermediate skilled users
- extend pump track run and include jumps
- further inclusion of nature play elements
- retain existing play elements which are in good condition

- integrate a variety of play opportunities/elements to allow for skill progression and usability for all ages
- include unique and iconic play pieces and sculptures
- ensure play elements are all inclusive and the proposed design is compliant with the *Disability Discrimination Act*.

The summarised budget range in Table 1 is felt to be appropriate for an open space environment pitched at a district level, consistent with the Playground Management Framework adopted in Council's Recreation and Open Space Strategy.

Table 1:

In order of priority the following aspects are presented in the masterplan report:	
Northern playspace upgrade (Rotary Park Playground)	\$182,900
Pump track development for mountain/BMX bikes	\$ 93,800
Linear connection landscaping	\$139,000
Southern playspace	\$ 45,600
Sub Total	\$461,300
Other expenditure items include:	
Detailed design	\$ 30,000
Preliminaries (site establishment, project management)	\$ 44,390
Irrigation to establish landscaping	\$ 19,875
10% contingency	\$ 53,569
Sub Total	\$147,834
Total	\$609,134
Provisional items for budget consideration:	
Consideration for bitumen finish to 50% of pump track	\$180,000
Signage upgrade	\$ 20,000

Table 2 highlights items excluded from the Master Plan based on prioritisation with community, consideration to a 'District' level facility and budget constraints:

Table 2:

Excluded items:	
Additional skate park works	\$352,100
Additional pump track works	\$118,800
Additional southern playspace works	\$ 84,800
Additional landscaping	\$ 87,200
Total	\$642,900

The Master Plan highlights a significant project for the Youth Precinct to enable greater activation of the space and improved health and wellbeing outcomes for the community.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our Place strategic objective 'support recreation opportunities for our residents and visitors that encourage participation and community connections' and Our Promise strategic objective 'expand our communication and two-way engagement with community'.

Relevant Legislation

There is no specific legislation in relation to this item.

Financial Implications and Risk

The consultation process proposed during the public exhibition period will support activating further community support for the project which has the potential to attract financial and in-kind support.

There is a risk that the community may have high expectations in regards to the outcomes of the project. If a Council allocation or other funding allocations can't be secured, the community may be disappointed and Council's reputation could be impacted.

Conflict of Interest

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

Community and Stakeholder Consultation

Community consultations were conducted in October 2018 at the Youth Precinct, primary schools, secondary college and kindergarten which supported landscape architect CONVIC generating an initial concept plan. Input from community was also accessed via an online survey promoted on Facebook. In total over 145 responses were received from the October consultations.

A workshop with the community was promoted for Wednesday 6 March, which focused on testing the concept design with 29 young people and 21 adults. The workshop included discussion on budget restrictions for Council that would ultimately shape the final project scope, and enabled the community to order priority areas in the precinct for improvement.

It is proposed that the Master Plan be made available for public comment between 25 July and 14 August with the following engagement schedule:

Time Line Activity	Activity
24 July 2019	Council Meeting - approval to activate public exhibition period
25 July - 14 August 2019	Public exhibition launched - communications plan activated via media outlets, including Facebook
29 July –14 August 2019	Engaging community and key stakeholders
21 August	Council briefed on community feedback
28 August	Master Plan adopted at Council Meeting

RESOLUTION

Cr C Bisset / Cr E Lording

That Council endorses the draft Rotary Park Playground and Skate/BMX Park Master Plan for the purpose of public exhibition from 25 July to 14 August 2019.

CARRIED UNANIMOUSLY

8.6 LOCAL GOVERNMENT POWER PURCHASING AGREEMENT

Attachment(s): *Tender Parameters (distributed to Councillors separately)*
MAV Participant Agreement Terms & Conditions (distributed to Councillors separately)

Purpose

The following report seeks Council approval for participation in the Local Government Power Purchase Agreement (LG PPA) tender and sets out the benefits and risks associated with this proposal.

The LG PPA members make up the largest Power Purchasing Agreement (PPA) buyers' group in Australia and it's estimated that up to 25% of Victorian local government's electricity load may potentially be purchased through this arrangement. The LG PPA is a potentially a cost-effective way to transition some of our electricity to 100% renewable energy, demonstrated by comprehensive cost analysis and market-testing results. Purchasing renewable power through a PPA represents a significant step towards achieving our Council Plan 2017-2021 strategy of reducing Council's resource use.

Officer Recommendation

That Council:

1. notes the risks and opportunities associated with participation in the LG PPA project, particularly the opportunity to procure lower cost renewable energy in partnership with other Councils
2. agrees to participate in the LG PPA project to procure renewable energy for Council's Alexandra Corporate Office, Marysville Community Centre and unmetered public street light accounts
3. appoint Municipal Association of Victoria (MAV) as its agent in relation to this tender in accordance with the terms of that agreement and authorises the Chief Executive Officer (CEO) to sign the agency agreement (attachment distributed to Councillors separately)
4. delegates responsibility to sign the final retail contract to the CEO, should the tender be accepted by MAV and subject to the CEO's assessment that the contract terms would not expose Council to unexpected and unacceptable risks.

Background

All Victorian councils have received an invitation from Darebin City Council to participate in a (LG PPA). The intent of the project is to form a new, customer-led, 5 to 10 year contract to purchase 100% renewable energy, commencing in 2020/21. Participating councils will be able to purchase 20% to 100% of their electricity supply through the LG PPA. However, a minimum load contribution of 20% is required from each participating council. This LG PPA contract will coincide with the conclusion of three of our current electricity retail contracts. Darebin City Council leads this project, with 39 councils; including Murrindindi Shire Council participating in stage one (map showing spread of councils involved has been distributed to Councillors separately).

During the projects stage 1, leading energy market consultants Energetics conducted detailed cost modelling on behalf of the LG PPA group. This provided cost forecasts over 10 years and has shown that in most cases, renewable energy could be purchased for little or no extra cost to Council under a PPA, when compared to our current way of purchasing energy. This means that the group is well placed to use bulk buying power to drive down renewable electricity costs, while taking action on climate change by switching to 100% renewable energy at selected sites.

In stage 1, Murrindindi Shire Council indicated its interest in signing up our three largest electricity accounts, the Alexandra Corporate Office, the Marysville Community Centre and our public street lights. Collectively this makes up around 30% of Murrindindi Shire Councils electricity usage, and currently costs approx. \$100,000 per year (62% of which is non-contestable regulated supply charges and 38% of which is the contestable component for energy usage).

The project is now commencing stage 2, the tender phase, and Council is being asked to decide whether it agrees to participate further in the project. A letter of invitation was sent to Council seeking a firm commitment to the tender process and agreement for MAV to act as Council's agent in this matter. This invitation asks Council to commit to proceeding with the tender and accept the outcomes of that tender, recognising that some of the parameters are yet to be fully refined. The deadline for this firm commitment is 9 August 2019.

Discussion

The LG PPA is a unique opportunity to achieve a long-term contract for low cost renewable energy. PPAs have existed for many years for large energy consumers, however renewable energy PPAs are becoming increasingly popular for organisations who want to demonstrate a commitment to sustainability.

An example of this type of procurement is the Melbourne Renewable Energy Project (MREP), a consortium project led by Melbourne City Council and other metro councils. In 2019 MREP will be providing its project partners with cost competitive 100% renewable energy. The Intelligent Water

Network, a collaborative body for Victorian water authorities, is also working on the development of a PPA for the water sector.

If this LG PPA agreement proceeds, it will represent the largest buyers' group ever established in Australia and will be the largest single activity that any group has undertaken to reduce greenhouse gas emissions from Council operations.

Energy market prices are influenced by many factors and so cannot be forecast with absolute certainty, however results from the model provided by Energetics showed that Murrindindi Shire Council could potentially save up to 10% on energy costs over the next 10 years, when compared with purchasing 100% renewable energy under traditional contract methods. When compared to purchasing conventional energy under traditional contract methods, it is anticipated that we may save up to 2.4% on our annual costs for electricity.

The buyers group has established parameters for the tender process including a price cap (attachment has been distributed to Councillors separately). If the preferred tender is below the price cap (and other elements of the tender are acceptable) then the tender will be accepted. If the tender response is accepted at the top of our agreed price cap, the most we would pay is an additional 9% (around \$3,180 per year, combined across all three sites) for the benefit of 100% renewable energy.

If we purchase	The model shows that it will cost*
Conventional energy the way we buy energy now	\$322,299
100% renewable energy the way we buy energy now	\$351,027 (this is the acceptable tender price cap)
100% renewable energy as part of this PPA consortium	\$314,385

*based on a future market scenario with a mid-uptake of renewable energy. Prices indicate the cumulative total cost of electricity over 10 years for all three sites, but does not include non-contestable regulatory charges (approximately \$35,000 per year for contestable electricity usage).

The opportunities for Murrindindi Shire Council include:

- potential to lock in cheaper renewable electricity rates over the long term
- 100% renewable energy for Alexandra Corporate Office, Marysville Community Centre and our public street lights
- reduce administrative procurement activities every two to three years.
- reduce emissions from Council operations
- demonstrate climate change leadership to the community, State and Federal Governments
- support renewable electricity generation in Victoria
- leverage economies of scale by working across 39+ councils.

Council Plan/Strategies/Policies

This matter relates to the Council Plan 2017-2021 Our Place strategy to strengthen the environmental sustainability of our communities, protect our natural environment and reduce resource consumption.

Relevant Legislation

There are no statutory requirements in relation to this matter, other than normal procurement requirements under the *Local Government Act 1989*.

Financial Implications and Risk

The project cost for Council to participate in stages 2 and 3 will be a total of \$3,000.

The total contract value for Council will be in the range of \$800,000 up to \$1.1 million for the three nominated accounts over 10 years (up to approximately \$35,000 per year for the contestable component of the contract, the remaining costs are for non-contestable supply charges that are consistent across any retailer).

The main risk facing Council in this project relates to the long-term nature of the contract (up to 10 years), and contractual uncertainty at this stage. A practical challenge in establishing a contract involving so many Councils is the ability to negotiate contract terms within the timeframes that the energy sector are prepared to hold firm any offered price. The buyers group is dealing with this challenge by delegating the task to a small group of representatives led by MAV. At this stage councils are being asked to commit to a project without final retail contracts to review. Specifically, risks may pertain to:

- opt out clauses (and any associated penalties)
- how changes in the committed load are managed
- how consortium members are affected by actions of other members.

Further, Federal and State Government policy heavily influence the electricity market. A higher number of renewable energy generation facilities being built could mean renewable energy becomes cheaper over time. Under this scenario we may be locked into paying more than Council could get in a contract elsewhere (although under the reverse situation Council would have access to cheaper renewable energy than would be available elsewhere).

While there may be some protection to Council in participating in a large contract with a significant number of other Councils, as per this proposal, other renewable energy procurement opportunities are likely to arise in the coming years.

Conflict of Interest

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

Community and Stakeholder Consultation

Not required

RESOLUTION

Cr R Bowles / Cr C Bisset

That Council:

- 1. notes the risks and opportunities associated with participation in the LG PPA project, particularly the opportunity to procure lower cost renewable energy in partnership with other Councils**
- 2. agrees to participate in the LG PPA project to procure renewable energy for Council's Alexandra Corporate Office, Marysville Community Centre and unmetered public street light accounts**
- 3. appoint Municipal Association of Victoria (MAV) as its agent in relation to this tender in accordance with the terms of that agreement and authorises the Chief Executive Officer (CEO) to sign the agency agreement (attachment distributed to Councillors separately)**
- 4. delegates responsibility to sign the final retail contract to the CEO, should the tender be accepted by MAV and subject to the CEO's assessment that the contract terms would not expose Council to unexpected and unacceptable risks.**

CARRIED UNANIMOUSLY

RESOLUTION**Cr R Bowles / Cr E Lording****That Standing Orders be suspended.****CARRIED UNANIMOUSLY**

The meeting was suspended at 7.41 pm.

RESOLUTION**Cr R Bowles / Cr J Ashe****That Standing Orders be resumed.****CARRIED UNANIMOUSLY**

The meeting was resumed at 7.44 pm.

9. OUR PEOPLE

Nil.

10. OUR PROSPERITY**10.1 GRANTS AND CONTRIBUTIONS**

Attachment(s): *Community Projects and Events – Summary June 2019 (distributed to Councillors separately)*
Fee reductions – Summary June 2019 (distributed to Councillors separately)
Events Support – Summary June 2019 and applications (distributed to Councillors separately)
Business Growth applications (distributed to Councillors separately)

Purpose

The purpose of this report is to address the applications made to the first round of the 2019/20 Grants and Contributions Program, specifically:

- recommendations to Council for decision made by the Community Projects and Sponsorships Assessment Committee
- recommendations to Council for decision for the Business Growth and Events Support applications
- allocations made by Council officers under delegation for Fee Reduction, Events and Skills and Capacity Building streams.

Officer Recommendation**That Council:**

1. **endorse the following grants and contributions:**

	Applicant	Project	Funding Sought	Community Grants Panel Recommendation
1	Strath Creek Hall and Reserves Committee	'Funny Little World' with Alyce Platt	\$2,986	Support in full with a grant of \$2,986
2	Australian Golf Course Superintendents Association	Multi-spectral Drone Analysis to determine plant health and reduce water consumption on	\$3,800	Support in part with a grant of \$2,140

	Applicant	Project	Funding Sought	Community Grants Panel Recommendation
		Golf Course turf grass		
3	Terip Terip Recreation Reserve Inc.	Purchase of a new ride on mower to maintain grounds	\$4,750	Support in part with a grant of \$2,750
4	Kinglake West Primary School	Visual acknowledgement to create community connectedness	\$1,771	Support in full with a grant of \$1,771
6	Yea Agricultural, Pastoral and Horticultural Association	Yea Show Night Carnival	\$3,300	Support in part with a grant of \$2,260
	Applicant	Project	Funding Sought	Officer Recommendation (applications distributed to Councillors separately)
7	Marysville Jazz and Blues Weekend Committee	Marysville Jazz & Blues Weekend	\$10,000	Support in full with conditions (see below)
8	Bonfire Station	Bonfire Station Microbrewery	\$20,000	Officer recommendation to support in full
9	Kinglake Distillery	Barrel Cooperage at Kinglake Distillery	\$19,950	Officer recommendation to support in full

2. note the following allocations made by Council officers under delegation:

Applicant	Title	Grant Requested	Comments
Axiom Architects Pty Ltd on behalf of Scouts Victoria	<ul style="list-style-type: none"> Fee reduction Statutory fee reduction 	\$1,398	Approved 50% fee reduction as per Policy
Alexandra Community Christmas Tree Festival	<ul style="list-style-type: none"> Fee reduction Hall hire fee waiver 	\$7,650	Fee reduction granted as per application with \$1,100 owing as contribution to four weeks hall hire
Yea Saleyards Committee of Management	<ul style="list-style-type: none"> Fee reduction Yea Saleyards Planning Permit Extension 2018/118 - Exemption Request 	\$1,286	Approved 50% fee reduction as per Policy
Mittagundi Outdoor Education Centre	<ul style="list-style-type: none"> Fee reduction Alexandra Farmstay Mini-Fest 	\$1,286	Approved 50% fee reduction as per Policy
YAPPERS Group of Yea Community House	<ul style="list-style-type: none"> Fee reduction Ladies in Black: Musical Theatre Performance 	\$3,846	On this occasion we agree to a 85% fee reduction on the basis of the direct community benefit delivered by the activity
The Flowerdale Sports Club Inc.	<ul style="list-style-type: none"> Fee Reduction Recreation building community in Flowerdale 	\$5,000	Full fee waiver supported as this has been included in the overall budget as part of the Council contribution
Big Hill Events	<ul style="list-style-type: none"> Events Support The Buxton Weekender 	\$5,000	Supported in full

Background

The Grants and Contributions Program provides the opportunity for community groups, not for profit organisations and businesses to seek funding to support a range of activities and initiatives.

Discussion

In total, eight applications were received from community organisations and groups for the current round of community projects and events grants. These applications are summarised in an attachments distributed to the Councillors separately.

The Grants and Contributions Assessment Panel (Panel) have recommended supporting the following five applications:

1. Strath Creek Hall and Reserves Committee sought a grant of \$2,986 to support the 'Funny Little World' with Alyce Platt event in partnership with the Yea Arts Inc. in late November. The event will include musical entertainment and a three course meal at a subsidised cost to the community of Strath Creek and surrounds. A grant of \$2,986 has been recommended, acknowledging the partnership approach in bringing an arts and culture event to a small township.
2. The Australian Golf Course Superintendents Association sought funding of \$3,800 to support a research project using drone analysis to determine plant health and reduce water consumption on Golf Course turf grass. The project aims to include the Marysville Golf Course as part of the study and the analysis could return information that would reduce water and green maintenance costs for the club. The Panel has recommended a part grant of \$2,140 with a request that Council have access to the report once completed.
3. The Terip Terip Recreation Reserve Inc. has submitted an application seeking a grant of \$4,750 to purchase a new ride on mower. The Panel recommends that this application be supported in part with a grant of \$2,750, which provides the opportunity for the club to also contribute financially to the cost of the mower.
4. The Kinglake West Primary School has sought funding of \$1,771 to support the purchase and installation of three new flag poles, allowing them to fly the Australian, Aboriginal and Torres Strait Islander flags to recognise a growing number of their Indigenous students and families. The school has committed a cash contribution for the purchase of one flag pole and building a garden to showcase the flag poles. The Panel recommends that this application be supported in full with a grant of \$1,771.
5. The Yea Show Night Carnival is seeking funding of \$3,300 to support an extension of the Yea Show into a night carnival. Funding is sought specifically to assist with entertainment costs for a night show featuring a fun Stockman Show including local youth participation. The Panel recommends that this application be supported in part with a grant of \$2,260.

Council officers recommend the following five applications for funding:

6. Bonfire Station is seeking \$20,000 in funding to develop a microbrewery within the shire of Murrindindi and to increase their current production capacity. The funding is sought to assist with the purchase of brewery equipment and a canning machine to enable packaged beer sales. The Coordinator Tourism and Events recommends that this application be supported in full with a grant of \$20,000.
7. Kinglake Distillery is seeking a grant of \$19,950.00 to assist with the development of a site to conduct Cooper making demonstrations. This project provides a direct impact on the diversity of tourism product and experience available in the Kinglake Ranges. The documentation provided is clear and concise, the project is standalone, a simple model and deliverable within a short timeframe. The applicants have demonstrated an acceptable return on investment within a five year timeframe.
8. The Marysville Jazz and Blues Weekend Committee is seeking \$10,000 funding its well organised three day annual event - estimated to have a total attendance of 3,100 in 2018. 2018 event figures show there was an estimated 450-500 paying attendees each day with

an estimate of a further 400-500 daily attendees participating in free performances and workshops.

The event has historically been heavily dependent upon grant funding, however, given that the event has been operating for more than four years it could be anticipated that a reliance on sponsorship and grant funding would decrease as the event establishes itself and grows however this has not occurred.

Council officer recommendation is therefore to support the \$10,000 grant, with the following conditions:

- of the \$10,000 a minimum of \$2,000 must be spent on developing a plan for the financial sustainability of the event
- funding support of up to \$5,000 could be considered through the usual application method for 2020
- funding support of up to \$3,000 could be considered through the usual application method for 2021
- any further funding applications submitted beyond this point should demonstrate the way the funds would substantially grow or change the event.

Council Plan/Strategies/Policies

The Community Grants and Contributions program is an operational outcome of the Council Plan 2017-2021 Our People strategic objective 'to provide a seed funding pool to support community initiated projects'.

The program is guided by the Community Grants and Contributions policy.

Relevant Legislation

There is no legislation relating to this matter.

Financial Implications and Risk

The Council Grants and Contributions Program budget for the 2019/20 financial year is \$230,000 and a total of \$95,737 is recommended for this period.

Conflict of Interest

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

Community and Stakeholder Consultation

The Community Projects and Events Grants applications are assessed by the Panel including the Deputy Mayor, Portfolio Councillor and the Chief Executive Officer (CEO). The CEO, Manager Development services, Manager Community Wellbeing, Coordinator Tourism and Events, Director Assets and Development and the Director Community Engagement have each been involved in the assessment of applications.

RESOLUTION

Cr J Ashe / Cr C Bisset

That Council:

1. **endorse the following grants and contributions:**

	Applicant	Project	Funding Sought	Community Grants Panel Recommendation
1	Strath Creek Hall and Reserves Committee	'Funny Little World' with Alyce Platt	\$2,986	Support in full with a grant of \$2,986
2	Australian Golf Course Superintendents Association	Multi-spectral Drone Analysis to determine plant health and reduce water consumption on	\$3,800	Support in part with a grant of \$2,140

	Applicant	Project	Funding Sought	Community Grants Panel Recommendation
		Golf Course turf grass		
3	Terip Terip Recreation Reserve Inc.	Purchase of a new ride on mower to maintain grounds	\$4,750	Support in part with a grant of \$2,750
4	Kinglake West Primary School	Visual acknowledgement to create community connectedness	\$1,771	Support in full with a grant of \$1,771
6	Yea Agricultural, Pastoral and Horticultural Association	Yea Show Night Carnival	\$3,300	Support in part with a grant of \$2,260
	Applicant	Project	Funding Sought	Officer Recommendation (applications distributed to Councillors separately)
7	Marysville Jazz and Blues Weekend Committee	Marysville Jazz & Blues Weekend	\$10,000	Support in full with conditions (see below)
8	Bonfire Station	Bonfire Station Microbrewery	\$20,000	Officer recommendation to support in full
9	Kinglake Distillery	Barrel Cooperage at Kinglake Distillery	\$19,950	Officer recommendation to support in full

2. note the following allocations made by Council officers under delegation:

Applicant	Title	Grant Requested	Comments
Axiom Architects Pty Ltd on behalf of Scouts Victoria	<ul style="list-style-type: none"> Fee reduction Statutory fee reduction 	\$1,398	Approved 50% fee reduction as per Policy
Alexandra Community Christmas Tree Festival	<ul style="list-style-type: none"> Fee reduction Hall hire fee waiver 	\$7,650	Fee reduction granted as per application with \$1,100 owing as contribution to four weeks hall hire
Yea Saleyards Committee of Management	<ul style="list-style-type: none"> Fee reduction Yea Saleyards Planning Permit Extension 2018/118 - Exemption Request 	\$1,286	Approved 50% fee reduction as per Policy
Mittagundi Outdoor Education Centre	<ul style="list-style-type: none"> Fee reduction Alexandra Farmstay Mini-Fest 	\$1,286	Approved 50% fee reduction as per Policy
YAPPERS Group of Yea Community House	<ul style="list-style-type: none"> Fee reduction Ladies in Black: Musical Theatre Performance 	\$3,846	On this occasion we agree to a 85% fee reduction on the basis of the direct community benefit delivered by the activity
The Flowerdale Sports Club Inc.	<ul style="list-style-type: none"> Fee Reduction Recreation building community in Flowerdale 	\$5,000	Full fee waiver supported as this has been included in the overall budget as part of the Council contribution
Big Hill Events	<ul style="list-style-type: none"> Events Support The Buxton Weekender 	\$5,000	Supported in full

CARRIED UNANIMOUSLY

11. OUR PROMISE

11.1 ADOPTION OF THE PRIORITY ACTION PLAN 2019/20

Attachment(s): *Draft Priority Action Plan 2019/20 (refer Attachment 11.1)*

Purpose

The purpose of this report is to seek Council's adoption of the Murrindindi Shire Council's Priority Action Plan 2019/20.

Officer Recommendation

That Council adopts the Murrindindi Shire Council Priority Action Plan 2019/20.

Background

At the Special Meeting of Council on 21 June 2017, Council adopted the Murrindindi Shire Council Plan 2017-2021 which outlines the strategic objectives and strategies the Council will pursue over its four-year term and the strategic indicators that measure Council's success in achieving its objectives.

As part of its annual planning cycle Council also develops a Priority Action Plan which details the specific actions and areas of focus Council will pursue during the financial year, funded by the adopted Annual Budget, in order to implement the strategies in the Council Plan 2017-2021.

Discussion

The format of the Priority Action Plan 2019/20 (Plan) aligns with the structure of the Council Plan 2017-2021, and includes one or more annual actions for each of the strategies in the Council Plan.

Some actions and areas of focus will be fully implemented in the 2019/20 year, others will have a longer timeframe and may be continuing from 2018/19, or will extend into 2020/21. The focus of activity for the 2019/20 year however is highlighted in the Plan.

The Plan is reviewed and updated annually to reflect the forthcoming year's priority actions. Progress on achieving the actions is reported to Council quarterly, and an annual summary is provided in Council's Annual Report.

Council Plan/Strategies/Policies

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

Relevant Legislation

The requirement to prepare a four-year Council Plan is mandated under Section 125 of the *Local Government Act 1989*. There is no statutory obligation to develop an annual Priority Action Plan, although this is recognised as best practice amongst councils.

Financial Implications and Risk

The Plan has been prepared in line with the resource commitments contained in the adopted Annual Budget 2019/20.

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 Plan have been developed with reference to the priorities identified from the community following the 'Have Your Say' consultation undertaken in February to April 2017, and from Council and Council officer input.

Subject to Council's endorsement of the Plan at this meeting, the Plan will be published on Council's website and made available for viewing at Council offices and libraries.

RESOLUTION**Cr M Rae / Cr E Lording****That Council adopts the Murrindindi Shire Council Priority Action Plan 2019/20.****CARRIED UNANIMOUSLY****12. NOTICES OF MOTIONS**

Nil.

13. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil.

14. URGENT BUSINESS

Nil.

15. COUNCILLOR REPORTS**15.1 CR MARGARET RAE**

A brief report this month but I did want to take the opportunity to bring Council up to date. Councillors will recall the C65 Amendment which was adopted at the March 2019 meeting and referred to the Minister for approval following the gazettal of Amendment VC148 last year. Amendment VC148 introduced the new structure and thematic framework to the Victoria Planning Provisions to allow State, Regional and Local policy to be integrated into a single policy source. This results in better alignment of State policy with Local policy, less duplication, a strengthening of planning policy overall and, importantly, a simpler and more succinct planning scheme.

The result of the C65 Amendment, as well as streamlining and consolidating policy, is to replace the Municipal Strategic Statement (MSS) by the Municipal Planning Strategy (MPS), to set the context, vision and overarching strategic directions for the municipality. With a 5000-word limit and the inclusion of easy-to-interpret maps, the MPS expresses planning strategy in a more concise and transparent way. Consequently, the policy and strategy content of the Murrindindi planning scheme has been reduced by nearly 8,000 words, a reduction of 60%.

All 79 councils in Victoria are required to undertake this work to comply with VC148. So I am very pleased to advise that the C65 Amendment has now been gazetted and that Murrindindi Shire Council is the first council in the State to complete this work and to have our Local policy content fully integrated into the new Planning Policy Framework.

I would like to recognise and congratulate our Planning unit on their commitment, cooperation and professionalism in this achievement.

In addition amongst other things I have attended:

- Information Session for Representation Review of Murrindindi Shire Council conducted by the Victorian Electoral Commission. Submissions may be made online at <https://www.vec.vic.gov.au/reviews/murrindindirr.html> and close on 31 July 2019
- Towards Zero Regional Road Safety Forum held in Marysville – one of a series of forums held to gather community input into future planning for improved road safety
- Alexandra Bowling Club Sponsors evening – it is salutary to note that the club has been in existence for 113 years and the dedication of the members and volunteers is remarkable and to be commended.

15.2 CR JACKIE ASHE

The draft Tourism and Events Strategy has been out for input and comment, looking forward to seeing the results in the upcoming weeks for adoption at the August Council meeting.

We are developing the new look Visitor Guide with feedback from industry and advice from all the local business tourism associations (LBTA) now received. It will be ready to launch at the upcoming Victorian Tourism Industry Council (VTIC) Visitor Information Summit at Holmesglen in Eildon in August.

I attended the VTIC State Tourism Conference in Geelong last week. It was inspiring and interesting with many amazing speakers including a fantastic presentation from the Bay of Plenty New Zealand. At the conference the Minister for Tourism, Sport and Major Events, Martin Pakula, announced the Regional Tourism Review is out for comment, this is the most significant body of work to be done in the past 10 years. I would encourage industry and leading organisations to do a submission by the end of August. There is a Regional Industry Conversation in Seymour on Friday 9 August 10.30 am to 1 pm, Ringwood on Wednesday 4 September 10.30 am to 1 pm and Healesville to be advised. This will be led by Regional Tourism Board engage.vic.gov.au/regional-tourism-review.

Social media Discover Dindi update:

- Facebook – 16,338 page likes (increased by 800 in the last month)
- Instagram - 2259 followers

15.3 CR ERIC LORDING

Waste and Environment

The Local Government Energy Savers Stream 3 Grant application was successful. Council will be undertaking a range of energy efficiency works on our buildings in 2019/20. These will have the benefit of both reducing energy use and greenhouse gas emissions as well as reducing costs.

The National Tree Day is on Sunday 28 July and there are a number of events happening around the Shire:

- six local Landcare groups running planting events on Sunday 28 July
- Council will be working with the St Marys Primary School in Alexandra on Friday 26 July, with planting along the UT Creek. Plants have been supplied by Goulburn Broken Catchment Management Authority (GBCMA) and Euroa Arboretum

- Alexandra Rotary will be undertaking some planting in Leckie Park.

Construction of e-waste sheds have been completed at the Alexandra and Kinglake Resource Recovery Centres (RRC). E-waste is also being accepted at the Yea RRC. The State Government has a ban on e-waste disposal to landfill which came into effect 1 July 2019.

Due to illegal dumping and break-ins occurring at Council's RRC and common waste collection points, a network of security cameras have been installed, with footage accessible from Council offices. Offenders will be prosecuted. Roadside dumping, especially of tyres is continuing, which is a real shame. Action is being taken to protect our forests from this blight. Most of these sites are known with surveillance plans being drawn up to identify perpetrators.

Council officers are continuing to monitor changes in the recycling industry carefully, following media reports in relation to SKM Recycling. Fortunately Council's kerbside recyclables processing contract is with another contractor, Visy, and at this stage this is unaffected. Please keep recycling and paying attention to which materials can go in the recycling bin.

In February and March this year, Council's shared Waste Education Office completed a survey in our community to identify waste education needs and questions. A waste education strategy has now been prepared and this will be considered at a Council meeting in the coming months.

Infrastructure

With the Council Annual Budget adopted in June, July is always a time for planning and procurement of the key capital works programs for the next year. That work is underway. In the meantime a number of existing capital projects continue:

- William Street Alexandra - drainage upgrade works have commenced and is progressing well
- you may have noticed additional cyclist safety signage around the Shire. This work will be completed by the end of July
- High Street Yea safety upgrade - consultation will be completed by the end of this week. There has generally been a positive response with only a small number of minor adjustments proposed to the overall plan. Following the completion of the consultation period, Council officers will prepare a summary of feedback and an updated plan, with works to get underway later this financial year
- Yea Saleyards - a contractor has been appointed for the supply and installation of a ramp and steps to the scale house and an auctioneers walkway to the holding pens. These are currently being manufactured and will improve access.

At this time of year Council gets an increasing number of requests for work to repair and address potholes, corrugations and ruts. We prioritise this work based on safety. One of the challenges is that often at this time of year the best that can be done is a temporary fix, pending more substantial work such as grading, to address the problem when the weather improves.

Regional Roads Victoria have conducted a number of forums which gives hope that our voice will be heard more loudly than when dealing with VicRoads in the past.

15.4 CR CHARLOTTE BISSET

No report this month.

15.5 CR REBECCA BOWLES

No report this month.

15.6 CR LEIGH DUNSCOMBE

No report this month.

15.7 CR SANDICE MCAULAY – MAYORAL REPORT

No report this month.

16. CHIEF EXECUTIVE OFFICER REPORT

The purpose of this report is to provide Councillors and the community with a high level overview of the key actions currently being undertaken by Council officers. It is not intended as an exhaustive list of actions being undertaken. Due to the timing of Council meetings this report covers a period from mid-June to mid-July.

Road Safety

In addition to the Road Safety Forum in Marysville, already covered by Councillors, I had the pleasure to Chair a meeting with the Road Safety Minister Jaala Pulford with representatives of the local Police, Country Fire Authority (CFA), State Emergency Service (SES), Ambulance, Department of Environment, Land, Water and Planning (DELWP) and Council officers.

A broad range of issues were raised including safety of the Black Spur, enforcement matters and observations of recent accidents in our Shire.

I also accompanied the Minister on a visit to the Victorian Truck Drivers Memorial in Alexandra, and explained to her the significance and community sentiment of this memorial to our community.

Local Government Professionals – Customer Service Awards

I am delighted to advise that our Council has been notified that we have been shortlisted as finalists in the Local Government Professionals (LGPro) Customer Service Awards for our Customer 1st Project.

LGPro is the professional association for officers in Local Government in Victoria, so to reach this stage is very exciting.

The awards winners will be announced at a ceremony in August.

Eildon Boat Ramp

Council has progressed discussions with the State Government with regard to an election promise to remove boat ramp launching fees, specifically in our Shire and this would be at the Eildon Alliance Boat Ramp.

We hope to be able to announce this change very soon which will provide further encouragement to visit to Eildon.

17. ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 26 June 2019 to 10 July 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 26 June 2019 to 10 July 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 26 June 2019 to 10 July 2019:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	26 June 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Scheme Amendment Request – 265 Whittlesea-Kinglake Road, Kinglake Central (Kinglake Cemetery Proposal) 2. 518 Whittlesea-Kinglake Road - Use and Development of Land for the Purpose of a Dwelling 3. Proposed Removal of Library Fines 4. Grants and Contributions Policy 5. Customer Service Policy 6. Procurement Policy Annual Review 2019 7. Borrowings Policy 8. 2019/20 Annual Budget and Strategic Resource Plan Adoption 9. Rubicon Outdoor Centre School Council Appointment
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 Brown, T Carter, D Jackson, M Crane, G Haylock, N Stewart
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing
Meeting Date:	3 July 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Council Meeting Procedures 2. Aged and Disability Services Transition 3. Tourism and Events Strategy - Feedback 4. Operations Centre Review 5. Customer First Project – Wrap Up 6. Local Government Bill - Submission
Councillor Attendees:	Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae

Council Officer Attendees	C Lloyd, M Chesworth, S Brown, D Jackson, N McNamara, M Thomas, C Lintott, J Rabel, A Dennis
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing
Meeting Date:	10 July 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Application - Proposed Service Station - 1294 Goulburn Valley Highway Thornton 2. Amendment of Planning Permit To Extend Liquor Licence Hours - 6 Murchison Street Marysville 3. Planning Permit Amendment to Allow Temporary Dwelling – 38 Elliot Court Buxton 4. Planning Application - Proposed Dwelling - 388 Goulburn Valley Highway Eildon 5. Community Planning Update 6. Grants and Contributions - Community Grants 7. Moving Murrindindi – Community Transport Program 8. Goulburn Valley Rail Trail (GVRT) Strategic Development Plan Update 9. Local Government Renewable Energy Power Purchase Agreement 10. Yea Resource & Recovery Centre 11. Waste Education Strategy 12. Draft Policy for Commercial Lease of Public Facilities 13. Yea Caravan Park fire services infrastructure
Councillor Attendees:	Cr C Bisset, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, D Jackson, C Gartland, N Grey, N McNamara, A Paix, J Kirkwood, S Coller, M Thomas, J Russell, A Priest
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.

RESOLUTION

Cr R Bowles / Cr J Ashe

That Council receives and notes the record of assemblies of Councillors for 26 June 2019 to 10 July 2019.

CARRIED UNANIMOUSLY

18. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/3074	28 June 2019	Formal Instrument of Agreement between Murrindindi Shire Council and Kinglake Ranges Tennis Club Inc. for licence CA 10, Township of Kinglake, Parish of Kinglake (Kinglake Memorial Reserve)	Craig Lloyd Cr Sandice McAulay
SF/2751	28 June 2019	Deed of Variation of Management Agreement and Sub-Licence between Murrindindi Shire Council and Alexandra Traders Pty Ltd trading as Vita Nova Fitness for Alexandra Community Leisure Centre	Craig Lloyd Cr Sandice McAulay

Officer Recommendation

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

RESOLUTION

Cr L Dunscombe / Cr R Bowles

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

CARRIED UNANIMOUSLY

There being no further items of Business, the Chairperson declared the meeting closed at 8.11pm.

CONFIRMED THIS

28 August 2019

CHAIRPERSON

[Handwritten Signature]