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THE MEETING OPENED AT 7.00PM

COUNCILLORS PRESENT:

Cr Bill Melbourne North Ward
Cr Rhonda Sanderson North Ward
Cr Bill Chisholm North Ward
Cr Rodney Parker Central Ward
Cr Kelley Stewart Central Ward
Cr Ross Lee Central Ward
Cr Sue Marstaeller South Ward
Cr Bob Cornish South Ward

OFFICERS PRESENT:

Ms Rebecca McKenzie Chief Executive Officer
Mr Dwight Graham Director Corporate Services
Mr Travis Heeney Director Community and Recreation (Acting)
Mr Jeff Saker Director Engineering and Infrastructure
Ms Kerrie Birtwistle Director Sustainable Development
Mr Julian Edwards Manager Statutory Planning and Building
Mr Lee McSweeney Governance Coordinator
Miss Jannice Foo Governance Officer
Mrs Juliana Hummerston Executive Assistant to CEO and Mayor

1 GOVERANCE DECLARATION

The declaration was read by Cr Sanderson.

2 APOLOGIES AND LEAVE OF ABSENCE

The Mayor advised that Cr Kevin Mulroney had lodged an apology for the meeting.

MOVED: CR. S. MARSTAELLER
SECONDED: CR. B. CORNISH

THAT the apology of Cr Kevin Mulroney be adopted.

CARRIED
3 DISCLOSURE OF CONFLICTS OF INTEREST
In accordance with Section 79 of the Local Government Act 1989.
NIL

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS
RECOMMENDATION
THAT the minutes of the Ordinary meeting of Council held on Monday 11 February 2013, as circulated, be confirmed.

MOVED: CR. S. MARSTAELLER
SECONDED: CR. B. CORNISH
THAT the recommendation be adopted. CARRIED

5 PETITIONS AND JOINT LETTERS
In accordance with Clause 66 of the Meeting Procedure Local Law.
NIL

6 QUESTION TIME
In accordance with Clause 65 of the Meeting Procedure Local Law.

6.1 KILMORE-WALLAN BYPASS – QUINNS ROAD OPTION – B. HUMM
My questions to Council are as follows:

“Having attended the display held in Kilmore recently I note Vic Roads drawings for Quinns Road option is not actually on Quinns Road Kilmore itself but in the adjoining paddock, my question will Mitchell Shire ratepayers be paying for the actual construction of Quinns Road with a link to this proposed by-pass? “

“My 2nd question is are funds budgeted by council to construct Quinns road matching in with the By-pass completion or will residents in the Mannagum Estate continue travelling west away from this option until funds available? I look forward to your answer on this important issue to our community.”

Council responds as follows:
Thank you for your question relating to Kilmore-Wallan Bypass – Quinns Road Option.

The Kilmore-Wallan Bypass is a VicRoads project. VicRoads has commenced a Planning Approvals process, to be undertaken throughout 2013 on three shortlisted options. As no decision has been made on the final Bypass option, Council is unable to commit funding as its role (if any) in the delivery of associated infrastructure is unclear.

6.2 WANDONG SKATE PARK – C. GILLARD

My questions to Council are as follows:

“1. Who is responsible for the kids safety in crossing the major highway to get back to the town side?”

“2. If it isn’t a Council responsibility and it is VicRoads can the community of Wandong have our local Council support in trying to get a fence and zebra crossing in place before another child is struck by another vehicle?”

6.3 EPPING/KILMORE ROAD HEATHCOTE JUNCTION RAILWAY ROAD CROSSING – K. KELLY-MANNING AND M & S. KELLY

My questions to Council are as follows:

“Concern: Epping/Kilmore Road at Heathcote Junction railway – road crossing has children crossing between 8-9am and 3-4.15pm when exiting from buses (school) sometimes the buses pull up and stop north bound just over the hill for children to exit to small housing estate and others cross road to main housing. Younger children walk from Wandong Primary up to Heathcote Junction and cross over road to small estate. Cars come over the road at 100km with no warning.

Question: What/How is Council going to make this area safe for children especially at these hours?

Recommendation: Warning signs and traffic crossing to be provided.

Concern: At shopping centre the crossing to be provided needs to occur asap as children adults cross with danger.

Question: When is this crossing going to be provided?

Concern: After the indoor stadium has been built at Wandong oval the children’s outdoor playground has not been replaced/ returned.

Question: When is this playground going to be returned? And the secure fencing needs to have two entry/ exit points due to snakes being found in playground area near gates previously.
Concern: The disabled parking at Wandong Primary School is inadequate and does not comply with the Australian Disability Standards (DDA). Also the footpath at the front gate of the school especially does not meet these standards and is very unsafe for children/adults who have a disability either walking/ or wheelchair access. These issues have been raised many times to the previous Community Service Managers David and Rob to be addressed. With time allowed for budget issues, they have not been resolved.

Question: When is DDA access to Wandong Primary School both at front gate and disabled parking going to be resolved?”

6.4 SAFETY LOCATION OF THE WANDONG SKATE PARK – M. KEEP

My questions to Council are as follows:

“Why was the location chosen for the skate park, if the infrastructure for the safety of the children was not already in place?

If Vicroads are saying that traffic counts and pedestrian movement did not warrant a crossing or reduced speed limit then why was this location even proposed to begin with?”

CHANGE TO ORDER OF BUSINESS

MOVED: CR. S. MARSTAELLER
SECONDED: CR. R. PARKER

THAT Item 15 Urgent Business be moved forward in the agenda between Items 6 and 7 due to the interest from Community members in the gallery and letters to Council.

CARRIED
7 URGENT BUSINESS

7.1 PEDESTRIAN SAFETY, WANDONG – EPPING ROAD, WANDONG

Author: Cr Sue Marstaeller
File No: Epping Wandong 4
Reference: Nil
Attachment: Correspondence from Wandong Junior Football Club, dated 23 February 2013

MOVED: CR. S. MARSTAELLER
SECONDED: CR. R. PARKER

THAT:

1. Council Officers write to VicRoads requesting them to urgently consider providing pedestrian crossing facilities adjacent to the recently constructed Wandong skate park as part of the current works on Wandong-Epping Road, Wandong.

   The request should also include reference to Council’s commitment to work with VicRoads and the local community in the advocacy and provision of these facilities.

2. Council Officers install a temporary fence adjacent to the skate park and in consultation with the community investigate appropriate long term fencing or other pedestrian management treatment options to direct users of the skate park to the designated crossing point.

3. Council Officers report back to a future Council meeting on the response from VicRoads and the outcomes of the investigations.

CR. S. MARSTAELLER called for a DIVISION:

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CARRIED
Date: 23 February 2012

Ms Rebecca McKenzie  
Chief Executive Officer  
Mitchell Shire Council  
113 High St,  
Broadford 3658

Dear Ms McKenzie,

**Re: Road safety at Wandong skate park**

You may already aware of an incident that took place on the Wandong-Epping road at Wandong last Sunday afternoon, 17th February 2013 where a young member of our club was knocked down and hurt while crossing the road between Wandong shopping centre and the newly established skate park. Many families of the football club were alarmed to learn of the accident and as such the committee has resolved to support measures to make the area safer for our children.

The Wandong-Epping road is a busy road, particularly with through traffic on a weekend. A majority of the residential area is east of the road and the train line. To access the park children use the railway overpass to the shopping centre and then on to the skate park. This influences where they cross the road to use the park. In addition, the park currently has no fencing or other effective mechanism to ensure pedestrians cross in designated areas. (The current paths are ineffective).

On behalf of the club I seek Mitchell Shire assistance in making it safer for our children to cross the road between the shopping centre and the skate park. Some suggested measures are: a fence to separate the park from the road with designated access points linking to a pedestrian crossing, installation of a pedestrian crossing and signage to warn motorists of a high pedestrian activity area. I seek advice of Mitchell Shire’s assessment of the situation and any actions that will be taken to make the area safer.

Wandong is a small community and the Football Club represents a high proportion of residents with approximately 100 children and their families as part of the club and also as users of the skate park. This matter is of an urgent nature, as the park has only been open for several weeks and we have had one young person already severely injured. We are very concerned about the hazard that this situation represents.

I will also be writing to VicRoads in the hope that a coordinated solution can be found. I will particularly be asking VicRoads for a reduction in the speed limit from the current 60kmh to 40kmh.

In closing I wish to thank Mitchell Shire and your officers and Cr Sue Marsteller for establishment of the park. It is an asset to the community and is clearly being well utilised. This makes it all the more important to ensure that extra measures are taken to ensure the safety of our children.

Please don’t hesitate to call should you or your staff wish to discuss the matter.

Yours sincerely,

Nick Ryan  
AFSM  
President, WJFC  
nickryanwandong@gmail.com  
ph 0428 424812
8  SUSTAINABLE DEVELOPMENT

8.1 PLANNING PERMIT P306960/12 - USE AND DEVELOPMENT FOR LEISURE AND RECREATION (FIXED WING AERO CLUB) AND DISPLAY OF SIGNAGE - NO. 470 SEYMOUR-TOOBORAC ROAD, HILLDENE

Author:  Paul Wood –Statutory Planning Coordinator
File No:  104378/P306960/12
Attachment:  Nil
Reference:  Nil

Applicant:  Mitchell Fixed Wing Aero Club Inc
Property:  Allotment 28, Section 3, Parish of Seymour
Address:  470 Seymour-Tooborac Road, Hilldene (104378)
Zoning:  Farming Zone
Overlays:  Environmental Significance Overlay (ESO3)
          Salinity Management Overlay (SMO)
Proposal:  Use and development for leisure and recreation (fixed wing aero club) and display of signage

Summary

An application has been received for the use and development of part of the land for leisure and recreation (fixed wing aero club) and display of signage at No. 470 Seymour-Tooborac Road, Hilldene.
The proposal would facilitate use of the land to fly a maximum of six (6) model aircraft at any one time and would allow for the construction of a storage shed and for the display of signage. A total of 30 car parking spaces will be provided for patrons of the club.

The application is on land owned by Mitchell Shire Council which has previously entered into an annual lease with the Mitchell Fixed Wing Aero Club for the proposed use of the land.

The application was referred to the relevant statutory authorities who have not objected to the proposal.

Notification of the application was given to all directly adjoining owners and occupiers of properties. A total of 1 objection was received with grounds concerning noise from aircraft impacting on an adjoining agricultural operation.

The application has been assessed and is considered to generally comply with the relevant provisions of the Mitchell Planning Scheme including the State and Local Planning Policy Framework, the provisions of the Farming Zone and applicable overlay controls and particular provisions of the Scheme.

This report recommends that Council issue a Notice of Decision to Grant a Planning Permit for the proposal subject to conditions.

Site Details

Subject site

The subject site being part of Allotment 28, Section 3, Parish of Seymour, also known as No. 470 Seymour-Tooborac Road, Hilldene and is a large irregular shaped parcel of land on the northern side of Seymour-Tooborac Road.

The site is bounded to the east by Hilldene Landfill Road and to the north by Popples Lane and has an overall area of 105.22ha.

It is a relatively flat parcel of land with a number of tributaries of the Goulburn River running through the north-western sections of the site. It is largely cleared of any vegetation.

The site is currently used in part as a Council landfill facility. The front of the site as it abuts Seymour-Tooborac Road is used as an emergency services facility for the Hilldene Country Fire Authority.

The area proposed to be used by the fixed wing aero club is between the landfill site and the CFA building and is accessed off Hilldene Landfill Road.

Title/Restrictions/Agreements

There are no restrictions that affect this parcel of land.
Surrounding land

The subject site is located within a rural part of the Shire with the predominant activities that take place on surrounding land being agricultural uses, most notably grazing. However, there are a number of other uses that contribute to a complexity of land uses in this part of Hilldene, such as a quarry directly to the south and the Puckapunyal Army Base and its military airport to the north-west, in addition to the non-agricultural uses on site.

Proposal

The application proposes the use and development for leisure and recreation (fixed wing aero club) and display of signage. Specific details of the proposal include:

- Use of an area of land in the order of 7.5ha for the flying of fixed wing model aircraft by the Mitchell Fixed Wing Aero Club.
- The use would be limited to a maximum of six (6) aircraft being flown at any one time between the hours of 9am and 5pm daylight savings times and 10am to 7pm non-daylight saving time 7 days a week.
- Provision of car parking for 30 vehicles in an existing car park accessed of Hilldene Landfill Road.
- Construction of a 6m wide by 7m long shed with a wall height of 2.4m located approximately 50m to the west of the car park.
- Display of a business identification sign with dimensions 1800mm wide by 900mm high and elevated with a maximum height of 2.7m above ground level. The sign has an overall area of 1.62sqm.

History

Planning history

There is no relevant planning history for the subject site that affects this application.

Planning Controls and Policy

Zone

Farming Zone

Pursuant to Clause 35.07-1 of the Mitchell Planning Scheme (the Scheme) a planning permit is required for a leisure and recreation use which is included at Section 2 of the table of uses.

Pursuant to Clause 35.07-4 of the Scheme, a planning permit is required to construct a building or for works associated with a use in Section 2 of the table of uses.

Pursuant to Clause 35.07-7 of the Planning Scheme, advertising sign requirements fall within Category 4 as set out in Clause 52.05 of the Scheme.
Overlays

*Environmental Significance Overlay (ESO3)*

Part of the site is affected by the Environmental Significance Overlay (Schedule 3), however there are no works associated with this proposal that are within the overlay and therefore a permit is not triggered under this control.

*Salinity Management Overlay*

The site is affected by the Salinity Management Overlay. Pursuant to Clause 44.02-1 of the Planning Scheme, a planning permit is required to construct a building or construct or carry out works.

Particular Provisions

*Advertising signs*

Pursuant to Clause 52.05 of the Planning Scheme, a planning permit is required to display a business identification sign. The total advertisement area to each premises must not exceed 3sqm.

*Car parking*

Pursuant to Clause 52.06-2 of the Planning Scheme, prior to a new use commencing an adequate number of car parking spaces must be provided. Where a use is not listed in the table at this clause, as is the case for a leisure and recreation use, then the number of car parking spaces must be to the satisfaction of the Responsible Authority.

*State Planning Policy Framework (SPPF)*

As it relates to the proposal, the following aspects of the State Planning Policy Framework (SPPF) are relevant.

The overarching State policy is:

- to ensure appropriate land use and development which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable benefit (Clause 10)

- to ensure planning anticipates and responds to the needs of existing and future communities, including to facilitate sustainable development (clause 11)

In relation to environmental management, it is policy to:

- adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards (clause 13.01)
• minimise the impacts of salinity and rising watertables in rural and urban areas and reduce salt loads in rivers, by identifying areas subject to salinity in planning schemes and promoting vegetation retention (Clause 13.03-3)
• ensure that development is not prejudiced and community amenity is not reduced by noise emissions (Clause 13.04-1)

In relation to design and built form considerations it is policy to:
• to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties (clause 15.01-2)

It is also relevant that policy seeks to:
• recognise social needs by providing land for a range of accessible community resources (clause 19)
• develop a strong cultural environment and increase access to arts, recreation and other cultural facilities

Consideration of these policies will be provided within the assessment of the application.

Local Planning Policy Framework (LPPF) including the Municipal Strategic Statement (MSS)

The following sections of the LPPF and MSS are relevant to this application:
• Clause 21.04 – Strategic vision and framework maps
• Clause 21.05 – Objectives and strategies
• Clause 22.03 – Environment
• Clause 22.06 – Infrastructure

Consideration of these policies will be provided within the assessment of the application.

Notification

The application was advertised under the provisions of Section 52 of the Planning and Environment Act 1987 by letters sent to surrounding owners and occupiers and by a sign displayed on site.

Council received one (1) objection to the proposal and the grounds of the objection are summarised as follows:
• Noise from the model aircraft will impact on adjoining agricultural operations, notably the breeding of horses.

A response to the objection is provided later in the report.
Hearings Committee

The applicant and one (1) submitter to this application were invited to the Hearings Committee on 18 February 2013 to provide a short verbal presentation in support of their written submission. The applicant and one submitter elected not to make a presentation.

Referral

The application was required to be referred under Section 55 of the Planning and Environment Act 1987 and Clause 66 of the Scheme to the Department of Sustainability and Environment.

No objection was received to the proposal.

Assessment

The key considerations of this application are the acceptability of the use of the land for leisure and recreation, whether the proposed development including the display of signage is consistent with the character of the area, whether the car parking arrangements are adequate, whether there will be any impact on salinity and whether the proposal will result in any associated amenity impacts.

Land use

The proposal seeks permission to facilitate a local community group to fly fixed wing model aircraft. The subject site currently contains a collection of uses including a landfill and use by the Hilldene CFA. The proposal would add to the collection of uses that take place on the land.

The use is a small operation, where at present the community group has a membership of 25 patrons. They seek to fly a maximum of six (6) aircraft at any one time and only between the hours of 9.00am and 7.00pm seven days a week, although in reality it is unlikely that the use will occur continuously between those hours on every day, rather it allows flexibility for the club.

With respect to the acceptability of the use, the land is located within the Farming Zone, which has the following purpose(s):

- to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- to provide for the use of land for agriculture
- to encourage the retention of productive agricultural land
- to ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture
- to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision
• to protect and enhance natural resources and the biodiversity of the area

While the purpose of the zone has a leaning towards agricultural uses, it implicitly accepts that uses other than for agricultural purposes can be located in the Farming Zone provided that the use does not adversely affect the use of land for agriculture and that consideration is provided to the decision guidelines.

General issues

Consideration must firstly be given to the suitability of the land to accommodate the proposed use, how it relates to sustainable land management and whether the proposal is compatible with surrounding land uses.

The site is currently used in part by the CFA and as a landfill facility to dispose of waste products. The proposal is considered to be a compatible use with the existing uses especially given that the proposal is not a sensitive use (i.e. a dwelling), and would allow for a diversification of the land use activities taking place on the land. This in itself promotes sustainable land management practices through facilitating varying forms of complementary uses on the land.

The surrounding land uses are formed of agricultural activities as well as other industry based operations such as a quarry and the Puckapunyal Army base. The proposal would add to the diversity of uses in this mixed use part of the Shire.

Agricultural issues

Consideration also needs to be given in relation to whether the use or development would support and enhance agricultural production, whether the use will remove land from agricultural production and how the use would impact on the operation or expansion of agricultural uses on nearby land.

As noted above, the land is not currently used for agricultural production with the predominant use of the land for landfill. In this respect the use would not remove any land from agricultural production. The site is also used by the CFA and it is unlikely that a farming use would occur on the site in conjunction with these other non-agricultural uses.

The use is also unlikely going to impact on the operation or expansion of nearby agricultural uses. The nature of the use being wholly contained within the land means that the proposed use would not demonstrably impact on nearby agricultural operations. Furthermore, the direct neighbouring properties support varying land uses including a quarry, agricultural operation and the Puckapunyal Army base.

An objection has been raised regarding the noise of aircraft frightening horses at their breeding facility. The breeding facility is situated diagonally to the south-east of the subject site and directly adjacent to a quarry almost 1km away. The noise of the aircraft, where it will be required to only be flown inside the subject site, is not expected to result in an unreasonable acoustic disturbance to this site given the substantial distance.
The proposal is well removed from any residential area, and would be required to operate wholly within the confines of the subject land. While there is noise associated with the model aircraft, this would not be dissimilar, and if anything quieter, than noise levels generated from surrounding land uses, most notably the quarry and the Puckapunyal Army base.

**Environmental issues**

The proposal involves very minor buildings and works through the construction of a shed. This avoids any need for vegetation removal and is sited to limit any significant earthworks that would affect the natural environment. In this respect the proposal has appropriate regard to the environmental issues of the Farming Zone.

**Design and siting issues**

As noted above the land is not currently productive agricultural land. The design and siting of the shed in association with the proposed use is such that it would have limited visibility from the public realm and therefore would be acceptable with respect to existing character. Further discussion of the design is outlined later within the report.

Overall there is support for the use of this leisure and recreation use for a fixed wing aero club under the provisions of the Farming Zone. A use of this nature requires a significant amount of land (or more specifically, airspace) and this is often only achievable in zones such as the Farming Zone where there is an abundance of land. There is also substantial policy support for providing land for social activities within the Shire at both a State and Local level, notwithstanding this must be balanced with other policies and zoning implications.

The use is considered to be a minor operation with a small patronage and therefore it would not remove land from agricultural productivity or impact on neighbouring and nearby agricultural operations.

**Development**

**Construction of the shed**

The proposal includes the construction of a shed located approximately 50m to the west of the car park. The shed would be of a typical utilitarian appearance and finished in muted colours similar to the CFA building to the front of the site (i.e. a series of beige colours). The shed would provide for the storage of materials associated with the use and is considered to have appropriate regard to the rural character of the area. It is well set back from the primary frontages and would have limited visibility from the public realm. Overall the proposal represents a suitable design response that has regard to the design criteria of Clause 15.01-2 (urban design principles) and local policy at Clause 22.04-3 (Subdued tones).

**Display of signage**
The proposal is for one sign to be located along the frontage to Seymour-Tooborac Road, however its exact location has not been shown. A condition would require details of its location to be shown on the site plan. Given that it is the only sign for the use it would not result in a proliferation of signs in the area.

The sign would not be illuminated or of reflective material and as such will not impact on driver safety. The proposed sign is likely to integrate well within the rural landscape and is of a scale and form that would not dominate any significant views to landscape or other valued features. The sign would provide for appropriate identification of the use that is taking place on the land.

Overall it is considered that the sign would have no significant impact to the existing rural character of the area and is acceptable.

Car parking

Clause 52.06 of the Scheme sets out that a new use must not commence until sufficient car parking has been provided to the satisfaction of the Responsible Authority.

The site benefits from an existing gravel all-weather sealed car park that accommodates 30 vehicles which is accessed off Hilldene Landfill Road. The car parking arrangements are considered to more than adequately cater for the use by the Mitchell Fixed Wing Aero Club, which currently has a membership of 25 patrons.

It is further considered that the car parking arrangements are adequate given that the use is a highly specialised use and is not expected to grow to such a rate that there would generate any significant demand for car parking spaces above that what is currently provided.

Overall, the layout and number of car parking spaces is considered adequate for the use and is consistent with the provisions of Clause 52.06 of the Scheme.

Salinity

The site is located within the Salinity Management Overlay and there is no evidence of salinity on the site or any evidence of salinity discharge areas in proximity to the site. The DSE has also advised that they have no objection to the proposal. As such it is considered that the proposal is consistent with the provisions of the Salinity Management Overlay.

Conclusion

On the basis of this assessment, it is considered that the application in its current form should be supported, subject to conditions.
RECOMMENDATION

THAT: Council resolve to issue a Notice of Decision to Grant a Planning Permit in respect of Planning Permit Application P306960/12 for use and development for leisure and recreation (fixed wing aero club) and display of signage at No. 470 Seymour-Tooborac Road, Hilldene subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

   a) The location of the sign detailed on the site plan

2. The use and the development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

3. The location, size and detail of the sign as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

4. 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 building, 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; or
   d) presence of vermin

5. The use may only operate between the hours of 9.00am to 5.00pm (daylight saving time) and 10:00am to 7:00pm (non daylight saving time) seven days a week.

6. No more than six (6) fixed wing model aircraft may be used on the site at any one time without the prior written consent of the Responsible Authority.

7. The use must be wholly contained within the boundary of the site. No fixed wing model aircraft is permitted to fly outside of the perimeter of the site or cross any roadway.

8. All waste material must be regularly removed from the site to the satisfaction of the Responsible Authority.
9. Car spaces, access lanes and driveways as shown on the endorsed plans must be kept available for these purposes at all times.

10. The sign must not be animated, floodlit, reflective, dynamic or flashing.

11. The sign must be maintained in good condition to the satisfaction of the Responsible Authority.

12. This permit will expire if one of the following circumstances applies:

   a) the development and the use are not started within two years of the date of this permit.
   b) the sign is not erected or displayed within two years of the date of this permit
   c) the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

MOVED: CR. B. CHISHOLM
SECONDED: CR. S. MARSTAELLER

THAT the recommendation be adopted. CARRIED
8.2 PROPOSED PLANNING SCHEME AMENDMENT C94 - AMEND THE WORDING OF SCHEDULE 9 TO THE DEVELOPMENT PLAN OVERLAY TO REMOVE REFERENCE TO MINIMUM LOT SIZES OF 4,000 SQUARE METRES

Author: Stacey Gardiner, Manager Strategic Planning and Environment

File No: PL/05/067

Attachment: Draft Amendment Documents

Reference: Nil

Summary

A request has been received from the owner of land seeking an amendment to the current Planning Scheme provisions as they affect their land.

This report recommends that Council resolve to prepare and exhibit Planning Scheme Amendment C94 to the Mitchell Planning Scheme to amend the current wording of Schedule 9 (Wallan South West Development Plan) to the Development Plan Overlay (DPO) by replacing the reference to minimum lots sizes of 4,000 square metres. The Planning Scheme Amendment would affect land at 109, 125 and 165 Rowes Lane; and 1 - 39, 15 and 24 Watson Street.

It is recommended that Council seek authorisation to prepare the amendment from the Minister for Planning and, should authorisation be received, prepare and exhibit a planning scheme amendment to amend the Development Plan Overlay Schedule 9.

Background

Site Context

The Development Plan Overlay Schedule 9 applies to land at 109, 125 and 165 Rowes Lane; and 1 - 39, 15 and 24 Watson Street. These sites are currently zoned Residential 1.

The proponent's land includes an area of 29 hectares and is currently vacant paddocks. The northern boundary of the site abuts a low density residential estate, comprising of allotments of 4-6,000 square metres in area within the Low Density Residential Zone.

The eastern boundary of the site adjoins Residential 1 zoned land that has been developed at conventional densities. To the west, Rowes Lane forms the site boundary and abuts Farming zoned land, which is included within the Urban Growth Boundary and is likely to be the subject of further investigation for future residential development in the future. Refer to attached location map at Attachment 1.
History of Planning Controls - Planning Scheme Amendment C15

This amendment sought to implement the findings of Council’s first review of the new format Planning Scheme. One of the many proposals within this amendment included the rezoning of land to the north and south of Wallan to a Residential 1 zone, with a Development Plan Overlay – Schedule 1, to provide for the future residential growth of Wallan.

An Independent Panel was established to consider submissions to the Amendment. In relation to the land at Wallan south (the subject land), submissions were received concerning the high density of proposed development immediately adjacent to low density development to the north of the site. At this time, the owner of the land submitted that the prescriptive lot sizes proposed by Schedule 1, to be provided on the western and northern boundaries, were too restrictive and would not result in a well planned and well designed outcome.

In response the Panel found that it:

“Is satisfied that appropriate design principles can be established for future residential development through a development plan for each site… “

The Panel further recommended:

“That the DPO schedules for the land north and south of Wallan be revised to incorporate the design principles discussed during the hearing. Separate schedules will be required as the nature and constraints of the two sites and the design principles arising from them, differ.”

Council adopted the amendment on 10 June 2003, accepting all recommendations of the Planning Panel. The amendment was approved on 18 March 2004.

It appears that the recommendations relating to the subject site were not acted upon.

History of Planning Controls – Planning Scheme Amendment C40

This amendment sought to make a number of corrections to the Mitchell Planning Scheme. These changes include:

- Correcting DPO1 references to land in southern Wallan to DPO9, and
- Amending DPO Schedule 9 to delete the existing development plan in the schedule, make minor department name changes and delete incorrect subdivision requirements.

The owner of the subject land again made a submission requesting a change be made to the lot size requirement of 4,000 square metres along the northern and western boundaries. A Panel hearing for this amendment was heard ‘on the papers’ as the proponent’s submission was the only unresolved submission.
In Council’s submission to the Panel, it:

“committed to reviewing and if appropriate, amending the 4,000m² subdivision size reference and that this review will be undertaken in the next 6 months.”

To date no further changes have been made to DPO9, despite this previous commitment.

By letter dated 8 February 2011, Peyton Waite, agents for the proponent, requested that Council prepare a Planning Scheme amendment to address this issue.

A further request was then made in March 2012.

Policy Implications

The proposed amendment would not affect Council’s broader planning policy framework. The proposed wording changes are minor in nature and would implement a more performance based assessment of the Development Plan for the site.

Issues

The Urban Growth Boundary Revision

In September 2012, the Urban Growth Boundary was moved to include an area up to and including Wallan, covering the subject land and all surrounding land. The land to the west of Rowes Lane adjoining the site is expected to become an urban area in the future in accordance with a future growth corridor plan and precinct structure plans to be prepared by the Growth Areas Authority (GAA). The GAA should be consulted on any proposed changes to controls for the western part of the land.

Development Controls for interface areas

The sensitive development of interface areas, ie: where new development will abut existing development, is an issue that requires consideration. The most appropriate planning tool in which to address this issue can be a Development Plan Overlay particularly for the development of greenfield sites.

At present, within the Mitchell Planning Scheme there is precedent for this approach. DPO 7 – Rural Living Zone – requires a Development Plan to outline and assess:

“The relationship, effect and linkages of proposed use and development of the land to uses and developments on adjoining land and nearby land.”

The objective of DPO8, which applies to the Springridge Estate, is to:

“Provide similar sized allotments along the existing edge of the residential area to the south.”

There are other examples where interface issues have been addressed during a planning permit process where permit conditions have required that buildings are
kept away from the interface and landscaping provided (examples include land at 180 and 190 Darraweit Road, 31 Darraweit Road and 39 Darraweit Road).

Amendment process

The amendment request proposes to amend two objectives of DPO9.

The existing objectives are dot points 4 and 6 of Subclause 1.0 and are shown below:

- Establish an effective edge to the western boundary of the site, by restricting allotments to a minimum of 4,000 square metres.
- Integrate the site with existing allotments to the north by providing a minimum allotment size of 4,000 m² along the northern boundary.

It is proposed to amend this wording to:

- To ensure the development integrates appropriately with the surrounding and adjoining land uses including future road networks

The proponent submits that the amendment would ‘enable a diversity of low density lot sizes to be considered, rather than adhering to a specific minimum lot size. This will enable a more attractive development and make more efficient use of public infrastructure.’

The Panel for Planning Scheme Amendment C15 endorsed an approach where interface issues were addressed in a DPO but recommended that these issues not be addressed by ‘prescriptive development conditions’ and that ‘providing lower lot densities adjacent to the LDRZ to the north and Rowes Lane to the west, to reduce impacts on adjacent land’ was a principle that should be adopted.

This approach is consistent with the Victorian Planning Provisions where performance based controls are preferred to a more prescriptive approach.

To reinforce the requirement to carefully assess the interface issues on the northern and western boundaries of the site, Council is also proposing to include in the amended DPO Schedule 9 additional wording which requires any future Development Plan to consider interface matters in detail and prepare a response to the satisfaction of Council prior to approval.

At Clause 3.0 ‘Requirements of a Development Plan’, the following wording additions are proposed:

- Road reservations, widths and alignments
- The number and size of allotments to be created
- The nature and use of all lots
- A comprehensive landscape plan
• An interface design response to the adjoining land that includes consideration of:
  - The relationship to existing or proposed land uses on adjoining land
  - Consideration of sensitive residential interfaces within adjoining low density residential land, where appropriate
  - Integration with existing vegetation, where appropriate
  - Future road network surrounding the land and likely access arrangements
  - Active frontages to any proposed future roads surrounding the land and orientation of lots to avoid dwellings backing on to roads where possible

(Bold text indicates the proposed changes)

The proponent has been advised of the additional changes that Council officers propose to make.

A copy of the draft Amendment documentation is included as an attachment to this report.

Following the receipt of Ministerial authorisation, it is proposed to exhibit the amendment to all adjoining landowners, public authorities and government agencies including the GAA. Public exhibition will be conducted for a minimum of one month.

Financial, Resource and Asset Management Implications

Under the Planning and Environment (Fees) Interim Regulations 2011, standard fees in the order of $1,600 are anticipated. These costs will be borne by the proponent for the amendment and will be paid to both the Department of Planning and Community Development and Council in accordance with the Regulations.

In addition, should submissions be received which are unable to be resolved, these may be referred to an Independent Planning Panel. Any costs related to the appointment of an Independent Planning Panel would be the responsibility of the proponent.

Environment and Sustainability Implications

The amendment will clarify the interface issues along the northern and western boundaries of the subject site and will have no significant environmental or sustainability implications.
Consultative Procedures

It is proposed to carry out a one month public exhibition of the amendment, where adjoining land owners, referral authorities and prescribed Ministers will be notified of the amendment in accordance with Section 19 of the Planning & Environment Act 1987.

Conclusion

The proposed changes to DPO9 will conclude a long running issue in relation to interface issues with the subject land and adjoining land to the north and west. If approved, the proponent will complete the Development Plan for the site and the development of the land can commence.

The proposed changes to the Schedule are of a minor nature and will ensure that all interface issues are addressed and that a range of allotment sizes will be provided, ensuring a range and mix of development types.

RECOMMENDATION

THAT:

1. Council Officers seek Ministerial Authorisation in accordance with section 8(A) of the Planning and Environment Act 1987 to amend Schedule 9 to the Development Plan Overlay applying to land at 109, 125 and 165 Rowes Lane and 1 – 39 Watson Street, 15 and 24 Watson Street, Wallan.

2. Subject to Ministerial Authorisation being granted, Council Officers prepare and exhibit a planning scheme amendment in accordance with the Planning and Environment Act 1987.

MOVED: CR. S. MARSTAELLER
SECONDED: CR. R. SANDERSON

THAT the recommendation be adopted.

CARRIED
8.3 DEVELOPMENT PLAN APPLICATION – WALLARA WATERS, WALLAN

Author: Amy Reynolds, Senior Strategic Planner
File No: PL/13/013-03
Attachment: 1- Proposed Development Plan
Reference: Nil

Summary

In accordance with Clause 43.04 (Development Plan Overlay Provisions) of the Mitchell Planning Scheme, an application for Development Plan approval has been received for the site identified as the Wallara Waters Estate. The site is currently located within the Mixed Use Zone, adjoins the Newbridge development to the east and the Hume Freeway to west.

After the conclusion of the public notice period, but before Council had a reasonable time to consider the matter, the applicant lodged an application for review with the Victorian Civil and Administrative Tribunal (the Tribunal). The application for review has been made in accordance with the provisions of Section 149 of the Planning and Environment Act 1987 and is made on the basis that Council failed to approve the Development Plan within 30 days following its receipt. On any view, 30 days was not a reasonable time to make a decision.

Although Council is technically able to still make a decision on the Development Plan because the Development Plan is not yet appropriate for endorsement, Officers do not recommend the approval of the Development Plan at this time. The matter is now likely to proceed to hearing and ultimately the Tribunal will make the determination on this Development Plan either approving it or refusing to approve it unless certain changes are made to it. Council is required to provide a submission to the Tribunal on the matters which are relevant to the Approval of the Development Plan. Very recently, the applicant for review lodged a (further) new Development Plan and has asked Council to consider the new Development Plan. This further Development Plan is the plan that is the subject of this report.

The Tribunal hearing is due to commence on 4 March 2013 and has been allocated 4 days for the conducting of the hearing. This report provides an overview of the Development Plan assessment process, the merits of the proposal and makes recommendations in relation to the matters which are of relevance to guide Council’s submission at the Tribunal hearing.
Background

Site Description

The land identified within the proposed Development Plan consists of the undeveloped portion of the Wallara Waters Estate. The Development Plan identifies this land as Balance of Phase 1 and Phase 2 development areas. The proposal also makes some minor changes to the development layout within Phase 1.

The Wallara Waters Estate is located at the southeast junction of the Hume Freeway and Wallan-Whittlesea Road. The land area currently consists of approximately 415 residential allotments which form part of Wallara Waters Phase 1 and approximately 15 hectares of undeveloped land for future Activity Centre development. The remainder of the subject land has an area of approximately 130 hectares and is known as the undeveloped portion of the Wallara Waters Estate (Balance of Phase 1 and Phase 2). No development approvals exist for this area of land.

The adjoining land to the east of the Wallara Waters Estate includes the Newbridge residential development and the Wallan Waste Water Treatment Facility.

The Development Plan for the Newbridge Estate (to the east of Wallara Waters) was approved via resolution of Council on 17 December 2012. The Newbridge Development Plan includes approximately 900 residential lots, land allocation for a primary school and 6.5 hectares of land for active open space to be co-located with a multipurpose community facility.
Diagram 1: Location Map

Existing Approvals and Development

Residential Development

Pursuant to Clause 43.04 (Development Plan Overlay) of the *Mitchell Planning Scheme*, a Development Plan was approved on 18 May 2006 for Phase 1 of the Wallara Waters Estate. This approved Development Plan identified approximately 678 residential allotments, the location of a future activity centre, aged care/independent living, community land uses, medical centre, childcare centre, petrol station and motel.
An amended Development Plan was approved by Council on 15 June 2010. The approved changes included:

- Reduction in the area identified as Phase 1, therefore resulting in the creation of Balance of Phase 1 development area.
- Removal of the activity centre and associated uses from the development plan.
- Identification of 600 residential lots.

Given that there are variations in the area which each Development Plan applies to, it is considered that each approved Development Plan must be read concurrently and are considered to be of relevance. Diagrams 2 and 3 provided on the following page/s of this report detail each approved Development Plan.

Following the approval of a Development Plan, Planning Permit PLA303767 was initially issued on 22 May 2006 for the subdivision of land into 550 residential lots. Following the issue of this planning permit various amendments were made to planning permit conditions; one amendment also approved a variation to what the permit allowed.

The most significant amendment to Planning Permit PLA303767 was issued on 16 April 2009, following VCAT (VCAT REF: 1945/2006) consent orders being issued. This amendment permitted the subdivision of land into 600 residential lots and made several changes to permit conditions, including conditions relating to the provision of developer contributions for community infrastructure, traffic infrastructure and public open space.

On 29 May 2009, Council issued an extension of time for Planning Permit PLA303767. The permit will therefore expire if:

- the first stage of the plan of subdivision (stage one) is not certified by 22 May 2010;
- the statement of compliance for stage one of the plan of subdivision is not lodged at the titles office within 5 years of the certification of stage one of the subdivision; or
- all stages of the subdivision are not certified by 22 May 2016; or
- the statement of compliance for all stages is not lodged at the titles office within five years of the certification of all stages of the plan of subdivision.

To date, approximately 412 residential lots have been created and released by the consent granted in Planning Permit PLA303767. Planning Permit PLA303767 remains current and can still be acted upon to complete the subdivision known as Phase 1 Wallara Waters.
Diagram 2: Approved Development Plan, 18 May 2006
Wallara Waters Activity Centre

As part of the initial Development Plan approval, the Wallara Waters Activity Centre and some associated uses were identified although notionally rather than in detail.

Following the removal of these uses from the amended Development Plan approved on 15 June 2010, a second Development Plan was issued on 6 October 2011 which relates only to the Activity Centre. This Development Plan allocates approximately 15 hectares of land for the activity centre and nominated several land uses, including, retail, community, medical centre, childcare centre, hotel/motel and non specific commercial sites.

Existing Section 173 Agreements

There are currently two Section 173 agreements which are registered on the titles for all of the subject land.
CONSIDERATION OF DEVELOPMENT PLAN (CONT'D)

Agreement 1 (Ref: AC567604N)

Agreement 1 was made on 12 December 2003 and required the construction of the roundabout at the intersection of Wallan-Whittlesea Road and Wallara Waters Boulevard. This has been satisfied.

Agreement 2 (Ref: AG804301F)

Agreement 2 was made on the 28 September 2009 and relates to all land identified as the Wallara Waters Estate, including Phase 1, the balance of Phase 1 and Phase 2. The agreement sets out several owner obligations which relate to:

- The extent of financial contribution which forms the Community Development Levy.
- Noise attenuation requirements which have resulted from the proximity of the land to the Hume Freeway.
- The provision of developer contributions for the upgrade and construction of surrounding road infrastructure.
- The provision of public open space.

The Proposal

In accordance with Clause 43.04 of the Mitchell Planning Scheme an application for Development Plan approval has been received for the land identified as Balance of Phase 1 and Phase 2 of the Wallara Waters Estate. The proposal also identifies some minor changes to the layout for Phase 1 Wallara Waters.

The initial application for Development Plan approval was submitted to Council on 25 January 2012. Initial officer assessment and public notice referral of the application has been completed.

On 12 April 2012, the applicant lodged an application for review with the Tribunal. This application was made on the basis that Council had not determined the application within a reasonable time.

Following the scheduling of the Tribunal hearing (to commence on 4 March 2013) a revised Development Plan was provided to Council on 1 February 2013. A copy of the proposed Development Plan, as submitted on 1 February 2013 is provided at Attachment 1 to this report.

Lot Yield and Layout

The proposed Development Plan identifies the entire residential development area within Wallara Waters, with the following lot yield proposed:
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CONSIDERATION OF DEVELOPMENT PLAN (CONT'D)

- Phase 1: 600 lots (approved via Planning Permit PLA303767)
- Balance of Phase 1: 260 lots
- Phase 2: 1016 lots

Total: 1876 lots

Phase 1 and Balance of Phase 1 have been previously included within approved Development Plans. As the proposed Development Plan includes revised layout for these areas, it is considered that the proposed Development Plan will relate to land previously included within approved Development Plans.

Phase 1

The changes to the Phase 1 subdivision layout are considered to be minor in nature. The lot yield for the Phase 1 area remains unchanged (maximum 600 lots); with the changes to Phase 1 lot layout as follows:

- Change in shape of the southern public open space reserve, to provide for greater consistency with the obligations within existing Section 173 Agreement.
- Change in the northwest and southern boundary locations between Phase 1 and Balance of Phase 1 development areas.

Balance of Phase 1

The changes to the Balance of Phase 1 layout are considered to be minor in nature and are summarised as follows:

- The general road layout provides greater connectivity through the increased use of a grid layout, the reduction in court bowls and discontinuous T heads.
- The revised Development Plan no longer proposes the continuation of Blue Lake Drive south and into Phase 2 development area.
- The proposed lot yield is considered to be generally consistent with the previously approved Development Plan.

Phase 2

The proposed Phase 2 development area includes a total of 1016 residential allotments. Phase 2 includes several medium density housing sites. For the purpose of determining accurate lot yields and developer contributions, a density of 25 dwellings per hectare has been assigned to the medium density housing sites.

The proposed subdivision layout includes two strong north-south linear connections within the eastern half of the development area. The road layout provides for a north-south and east-west grid layout, resulting in predominantly rectangular shaped allotments.
Community Facilities and Public Open Space

The existing Section 173 Agreement AG804301F made on 28 September 2009 provides (amongst other things) the developer's obligations for the provision of public open space and community infrastructure for all of the Wallara Waters development area.

The provision of open space and community facilities within the proposed Development Plan is generally consistent with the obligations contemplated within the existing Section 173 Agreement at the time that it was made. However, since that time, circumstances have changed and in particular, a Development Plan has been approved for the land to the east which provides for education and active public open space facilities to serve the entire area. Accordingly, those facilities should not be duplicated in the proposed Development Plan for Wallara Waters. This is discussed later in this report.

Policy Implications

Council Plan

The proposed Wallara Waters Development Plan is generally consistent with the objectives of the Council Plan 2009-2013, including the following:

**Key Result Area** Development - Planning for our communities needs

**Objectives** Plan developments and public spaces that take into account community needs and desires while being practical and responsive to longer term needs.

**Performance Measures** Continue to promote sustainable development through integrated strategic planning services, statutory planning services and preservation of heritage values in strategic and statutory planning.

**Strategies** Prepare and implement a program of Strategic Land Use Planning Activities.

State Planning Policy Framework

The following Clauses within the State Planning Policy Framework are quoted given their relevance to the proposed Wallara Waters Development Plan:
Table 1: State Planning Policy Assessment

<table>
<thead>
<tr>
<th>State Planning Policy</th>
<th>Officer Assessment</th>
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<tbody>
<tr>
<td><strong>CLAUSE 11.02-1 SUPPLY OF URBAN LAND</strong></td>
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<tr>
<td>The objective of the State planning policy regarding the supply of urban land is:</td>
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<tr>
<td>To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</td>
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<tr>
<td>The listed strategies to achieve this objective include the following:</td>
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<td>• Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.</td>
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<td>• Planning for urban growth should consider:</td>
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<tr>
<td>- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.</td>
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<tr>
<td>- Neighbourhood character and landscape considerations.</td>
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<tr>
<td>- The limits of land capability and natural hazards and environmental quality.</td>
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<tr>
<td>- Service limitations and the costs of providing infrastructure.</td>
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<tr>
<td>The proposed Development Plan is considered to be consistent with the State Planning Policy with respect to the supply of urban land.</td>
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<tr>
<td>The subject land has been zoned Mixed Use for some time and it is well established that further development will occur on the site. The land is capable of being serviced by all utility providers, is well located within proximity to the Wallan township and can benefit from the provision of existing infrastructure.</td>
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| **CLAUSE 11.05-2 MELBOURNE’S HINTERLAND AREAS** |
| The objective of the State hinterland planning policy is: |
| ‘To manage growth in Melbourne’s hinterland, the area immediately beyond Metropolitan Melbourne and within 100 kilometres of the Melbourne’s Central Activities District’. |
| One of the listed strategies (amongst others) is to: |
| • ‘Manage the growth of settlements to ensure development is linked to the timely and viable provision of physical and social infrastructure and employment.’ |
| The subject land is located approximately 60km from Melbourne’s Central Activities District and is therefore located within Melbourne’s Hinterland. |
| The subject site is currently appropriately zoned for further development and abuts the existing developed area of Wallan. The adjoining Newbridge estate includes provision of a multipurpose community facility, which is to be co-located with active open space. |
| The Wallara Waters estate includes land allocation for the development of an activity centre which will provide for a variety of uses, including, retail, commercial, community and entertainment. |

| **CLAUSE 12.01-1 PROTECTION OF HABITAT** |
| The objective of this State policy is to assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals. |
| The application for Development Plan approval did not include the flora and fauna assessment for the subject land. Therefore it is considered that the application fails to comply with the State Planning Policy with respect to the protection of habitat. |
Strategies to achieve the above objective include the following:

- Ensure that the siting of new buildings and works minimises the removal or fragmentation of native vegetation.

In the absence of a flora and fauna assessment, it cannot be ensured that works will not result in the loss or fragmentation of native vegetation.

<table>
<thead>
<tr>
<th>CLAUSE 12.01- NATIVE VEGETATION MANAGEMENT</th>
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<tr>
<td>The objective of the State policy with respect to native vegetation management is to achieve a net gain in the extent and quality of native vegetation.</td>
</tr>
<tr>
<td>The strategy to achieve the policy objective is to apply the three step process as set out by Victoria’s Native Vegetation Management - a Framework for Action.</td>
</tr>
<tr>
<td>The application for Development Plan approval did not include the flora and fauna assessment for the subject land, or the consideration of Victoria’s Native Vegetation Management - a Framework for Action.</td>
</tr>
<tr>
<td>Therefore it is considered that the application fails to comply with the State Planning Policy with respect to native vegetation management.</td>
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<tr>
<th>CLAUSE 13.02- FLOODPLAINS</th>
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<tr>
<td>The objective of the State floodplain policy includes to assist with the protection of:</td>
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<tr>
<td>- Life, property and community infrastructure from flood hazard.</td>
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<tr>
<td>- The flood storage function of floodplains and waterways.</td>
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<tr>
<td>- Floodplain areas of environmental significance or of importance to river health.</td>
</tr>
<tr>
<td>As discussed within the overlay control section of this report, the subject land is partially included within the Land Subject to Inundation and Floodway Overlays. Both these overlay controls provide objectives that relate to the management of flood risk.</td>
</tr>
<tr>
<td>To ensure early consideration of flood related matters, the proposed Development Plan was referred for informal comment to the floodplain management authority for this area, being Melbourne Water.</td>
</tr>
<tr>
<td>Melbourne Water has indicated no objection to the Development Plan, provided that three conditions are included on the relevant planning permit. To date, no planning permit application for the development of the land has been submitted to Council for consideration.</td>
</tr>
<tr>
<td>The provisions of the Land Subject to Inundation and Floodway Overlays trigger a planning permit for the subdivision of land and subsequently a statutory referral to Melbourne Water. Therefore Melbourne Water will have a future opportunity to require planning permit conditions.</td>
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<tr>
<th>CLAUSE 13.03-3 SALINITY</th>
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<tr>
<td>The objective of the State salinity planning policy is:</td>
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<tr>
<td>‘To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.’</td>
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<tr>
<td>As discussed within the overlay control sections of this report, the subject land is included within the Salinity Management Overlay.</td>
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<tr>
<td>The requirement to obtain a planning permit for the proposed residential subdivision is triggered by the Salinity Management Overlay. The planning permit process will include a detailed...</td>
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### CONSIDERATION OF DEVELOPMENT PLAN (CONT'D)

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<th>One of the listed strategies (amongst others) is to:</th>
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<tbody>
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<td>• Prevent inappropriate development in areas affected by groundwater salinity.</td>
</tr>
<tr>
<td>assessment of the proposal with respect to the Salinity Management Overlay, as such; the presence of this overlay is most appropriately dealt with via the planning permit application.</td>
</tr>
<tr>
<td>The Department of Sustainability and Environment provided commentary within their submission regarding the presence of the existing Salinity Management Overlay. This submission and the officer response are discussed within the issues section of this report.</td>
</tr>
</tbody>
</table>

#### CLAUSE 15.01-1 URBAN DESIGN

The objective of the State Urban Design policy seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

The identified strategies which seek to achieve the policy objective include:

- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.
- Require development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.
- Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.

The application for Development Plan approval did not include the flora and fauna assessment for the subject land. In the absence of such assessment it is considered that the proposed development has not adequately responded to the natural features or the subject land.

The absence of a flora and fauna assessment does not support the policy strategy of retaining the existing vegetation.

It is considered that the Development plan fails to comply with the policy objectives and strategies for the State urban design policy.

#### CLAUSE 15.01-3 NEIGHBOURHOOD AND SUBDIVISION DESIGN

The State Neighbourhood and Subdivision Design planning policy has the following objective:

‘To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.’

As discussed within the following sections of this report, the proposed subdivision layout has been assessed against Clause 56 (Residential Subdivision) of the Mitchell Planning Scheme. Clause 56 provides the assessment standards which seek to implement the State Planning Policy at Clause 15.01-3.

As discussed within this report it is considered that the Development Plan currently fails to provide a sufficient level of information which demonstrates adequate consideration of several objectives within Clause 56. As such, it is also considered that the proposed Development Plan fails to meet the State policy objectives with respect to neighbourhood and subdivision design.
CLAUSE 16- HOUSING

The State Housing Policy provides planning objectives for a variety of housing related matters including diversity, location, affordability, meeting the community needs and housing form.

Given the variety in lot size and shape, it is considered that the proposed subdivision will provide for a variety of housing choice within the Wallan East neighbourhood.

The policy objectives of Clause 16.02 are further implemented through the standards within Clause 56 (Residential Subdivision) of the Mitchell Planning Scheme.

An assessment of the Wallara Waters Development Plan against the Clause 56 (Residential Subdivision) objectives and standards is provided within the following sections this report.

As discussed within this report it is considered that the Development Plan currently fails to provide a sufficient level of information which demonstrates adequate consideration of several objectives within Clause 56. As such, it is also considered that the proposed Development Plan fails to meet the State policy objectives with respect to neighbourhood and subdivision design.

Local Planning Policy Framework

Clause 21.05-1, Natural resources and the environment

Clause 21.05-1 of the Mitchell Planning Scheme discusses the natural resources base within the Shire. The objectives of this local policy include improve the environmental performance and management of the Shire’s ecology.

The policy strategies include the following:

- Protect the cultural, built and natural environment
- Protect native vegetation and fauna.

Clause 21.05-3, Settlement

Clause 21.05-3 of the Mitchell Planning Scheme discusses the demographic statistics of Mitchell Shire and how it is forecast to grow in the future. It is stated that Wallan has grown rapidly in the previous 15 years and is forecast to continue to grow, given its proximity to Melbourne and available services.

Clause 21.05 provides a Wallan-Beveridge Structure Plan, which recognises the Mixed Use Zoned land (including subject site) and the future long term residential/commercial development opportunity.
CONSIDERATION OF DEVELOPMENT PLAN (CONT’D)

The Structure Plan objectives for residential growth within Wallan include the following:

- Encourage infill development within established residential communities.
- Support residential development that provides a variety of lot sizes.
- Work to ensure an improvement in the streetscapes of residential estates by ensuring footpaths are provided and street trees planted and maintained.

Clause 22.06 - Residential infrastructure requirements

This Local Planning Policy applies to the provision of infrastructure for new residential areas and has the following objectives:

- To ensure that all forms of residential development, including where practical rural residential development, are connected to reticulated water, sewerage, power and stormwater facilities.
- To ensure that the environment and water quality downstream of residential development is not detrimentally affected.
- To ensure that all roads that service residential development are fully constructed.

Officer Assessment

Recent State Government changes to planning policy for the Metropolitan growth areas have resulted in Wallan being included within Melbourne's Urban Growth Boundary. This change has dramatically altered the planning framework and the context for making decisions for the planning of the Wallan area.

While it is acknowledged that the current Mitchell Local Planning Policy does not reflect recent State Planning Policy for Melbourne’s Growth Areas, it is still considered to be a relevant assessment tool.

There are a number of deficiencies with the currently proposed Development Plan lodged with Council in February 2013.

The proposed Development Plan is not accompanied and by and does not include a completed flora and fauna assessment for the subject land. As such compliance with the Local policy at Clause 21.05-1 (natural resource and the environment) has not been demonstrated.

As identified at Clause 21.05, the subject land has been zoned Mixed Use for some time and development of this site has been identified within the Wallan-Beveridge Structure Plan (as identified at Clause 21.05).

Clause 21.05 seeks to ensure an improvement within the streetscapes of residential development within Wallan. The proposed Development Plan fails to provide a sufficient level of information which demonstrates adequate compliance with Clause 21.05.
The proposed Development Plan does not identify road cross-sections or a movement plan which demonstrates pedestrian and cycle connectivity. In addition the landscape concept plan for the estate appears to detail an extent of street tree planting which is inconsistent with the extent of planting which is provided within the existing Wallara Waters development.

Consistent with the objectives of Clause 22.06 (Residential Infrastructure Requirements) the proposed development can be connected to all utility services. Consultation regarding the proposed Development Plan has occurred with the relevant utility authorities and State Agencies and is discussed within the Issues section of this report.

Amendment C87 to the *Mitchell Planning Scheme* - Revised Local Planning Policy Framework

Draft Amendment C87 to the *Mitchell Planning Scheme* has recently been prepared and was placed on public exhibition from 15 October to 21 December 2012.

At the Ordinary Meeting of Council held on the 29 January 2013, Council considered all submissions to the amendment and resolved to request the Minister for Planning to appoint a Planning Panel. The Planning Panel will consider each submission received, the strategic merit of draft Amendment C87 and make recommendations to the Minister for Planning and Mitchell Shire Council.

Amendment C87 seeks to implement a revised Local Planning Policy Framework. The Amendment proposes to change the structure of the Local Planning Policy Framework and seeks to update the content by implementing ten new reference documents. Each new reference document has previously been adopted by Council and is currently being utilised by officers of Mitchell Shire Council. The revised structure of the Local Planning Policy Framework will ensure consistency with the structure and content of the State Planning Policy Framework.

The proposed new reference documents which are considered to be of relevance to the proposed Development Plan are:

- Mitchell 2020 Community Plan, 2011
- Mitchell Shire Environment Strategy 2008

It is considered that the proposed Development Plan is consistent with the intent and contents within the revised Local Planning Policy Framework as proposed by Amendment C87 to the *Mitchell Planning Scheme*. 
Zone Controls

Mixed Use Zone

The site is located within the Mixed Use Zone. Pursuant to Clause 32.04 of the Mitchell Planning Scheme the purpose of this zone is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To encourage residential development that respects the neighbourhood character.

The proposed Development Plan is considered to be inconsistent with the intent of the Mixed Use Zone, in that the Development Plan fails when assessed against several State and Local Planning Policies.

Existing developer contributions are being provided for community infrastructure and public open space. If there is an increase in residential lot yield, it is considered appropriate that variations to the existing agreements for developer contributions be made.

Overlay Controls

Development Plan Overlay - Schedule 4

Schedule 4 of the Development Plan Overlay relates to Wallan and requires a Development Plan to be approved prior to a planning permit being granted to use or subdivide land, construct a building or construct or carry out works.

The objectives of Schedule 4 to the Development Plan Overlay, are as follows:

- To provide for a mix of uses including residential, business and light industrial development.
- To establish appropriate buffers between non-compatible uses such as residential and industrial.
- To establish open space that provides for a variety of recreational activities.
- To provide integrated pedestrian access throughout the site and to the Wallan East railway station.
- Enhance the amenity of the locality

Schedule 4 provides various considerations for planning permit applications, including matters relating to staging, vehicle access, drainage and views from the Hume Freeway.
Consistent with the requirements of Schedule 4, any proposed Development Plan must address the following matters:

- Road reservations, widths and alignments
- The number and size of allotments to be created
- The nature and use of all lots
- A comprehensive landscape plan

The proposed Development Plan includes all the information requirements as detailed within Schedule 4 of the Development Plan Overlay Provisions.

Floodway and Land Subject to Inundation Overlays

As detailed in the following Diagram 4, the subject land is partially affected by the Floodway and Land Subject to Inundation Overlays. This diagram indicates that approximately 40% of the site is affected by the Land Subject to Inundation Overlay, and a smaller portion of the site is impacted by the Floodway Overlay.

Diagram 4- Floodway (FO) and Land Subject to Inundation Overlays (LSIO)
Both these overlay controls provide objectives that relate to the management of flood risk and the protection of water based environmental assets. The Floodway Overlay places the emphasis on identifying waterways, major flood paths, drainage depressions and high hazard areas which have the greatest degree of flood risk.

The Land Subject to Inundation Overlay focuses on identifying and managing the risk associated with the 1 in 100 year flood event.

Officer Assessment

To ensure early consideration of flood related matters, the proposed Development Plan was referred for informal comment to the floodplain management authority for this area, being Melbourne Water. It is important to note that all comments sought from utility authorities or State Agencies are not in the function of statutory referral authorities.

Melbourne Water has indicated no objection to the Development Plan, provided that three conditions are included on the relevant planning permit. To date, no planning permit application for the development of the land has been submitted to Council for consideration. A planning permit cannot be issued until a Development Plan has been approved.

The provisions of the Land Subject to Inundation and Floodway Overlays trigger a planning permit requirement for the subdivision of land and subsequently a statutory referral to Melbourne Water. Therefore Melbourne Water will have a future opportunity to require planning permit conditions as a statutory referral authority.

Salinity Management Overlay

The subject land is located within the Salinity Management Overlay. The intent of the Salinity Management Overlay includes the identification of areas subject to saline ground water discharge and to encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.

The requirement to obtain a planning permit for the proposed residential subdivision is triggered by the Salinity Management Overlay. It is considered that this planning permit process will undertake a detailed assessment of the proposal with respect to the Salinity Management Overlay. The presence of this overlay is most appropriately dealt with via consideration of the planning permit application.

The Department of Sustainability and Environment provided commentary within their submission regarding the presence of the Salinity Management Overlay. This submission and the officer response are discussed within the issues section of this report.
CONSIDERATION OF DEVELOPMENT PLAN (CONT’D)

Clause 56 - Residential Subdivision

Clause 43.04-3 of the Mitchell Planning Scheme (Development Plan Overlay provisions) states that any proposed Development Plan for the purpose of residential subdivision must meet the requirements of Clause 56 (Residential Subdivision) of the Mitchell Planning Scheme. A detailed assessment of the Wallara Waters development against the requirements within Clause 56 will be undertaken as part of the future planning permit consideration.

The following paragraphs provide a brief assessment of Clause 56, which is considered sufficient for the purposes of considering an application for Development plan approval.

Clause 56.01-1 Subdivision site and context description and design response

An appropriate flora and fauna assessment has not been prepared for the subject land. Therefore, it is not possible to say whether the proposed Development Plan has been prepared with any consideration of any existing flora and fauna which may exist on the subject land. Therefore the proposed Development Plan does not enable Council to form a view on whether the proposed Development Plan meets the requirements of Clause 56.01-1.

Given the lack of flora and fauna assessment it is not possible to conclude that the proposed subdivision design response satisfies or meets the requirements of Clause 56.01-2. At this stage, it does not appear to do so.

Clause 56.02- Policy Implementation

The proposed Development Plan includes an assessment of the relevant State and Local Planning Policies. The assessment provided within the Development Plan indicates compliance with the relevant policies. As discussed previously within this report and as identified within the Recommendation section, it is considered that the proposed Development Plan fails to accord with several Local and State Planning Policies.

Clause 56.03- Liveable and Sustainable Communities

The proposed Development Plan includes consideration of road layout. The proposed Development Plan does not provide cross sections for each road type, therefore it is not possible to understand what road infrastructure or even the range of types of road infrastructure will be provided within the road reservations. In addition, a movement plan detailing pedestrian, cycle and bus movement routes is not provided. As discussed within the Issues section, the Department of Transport have also raised this concern. While the proposed road reservation width may be suitable to accommodate footpaths and bicycles lanes, this should be confirmed through appropriate supporting detail.

Council’s submission to the Tribunal will identify this as an issue that needs to be addressed, it is a fairly simple matter for the developer to address.
CONSIDERATION OF DEVELOPMENT PLAN (CONT'D)

The proposed residential development area adjoins the land which has been earmarked for the future Wallara Waters Activity Centre. Consistent with the provisions of the Development Plan Overlay, a Development Plan has been approved for this activity centre. It is expected that planning permit applications for the development of the Activity Centre will be considered in the near future.

The provision of developer contributions for community infrastructure and public open space is managed via the existing Section 173 Agreement. If the proposed Development Plan is approved with an increased lot yield, variations to the existing Section 173 Agreement may be appropriate.

The proposed development layout is generally considered to be suitable in the context of future neighbourhood character considerations. The surrounding land is either under development or has strong policy support for future urban development. There is no neighbourhood character statement for this area.

Clause 56.04- Lot Design

The proposed Wallara Waters Development Plan includes an assessment of estimated lot yield and density. The proposed Development Plan indicates that 1878 allotments will be provided with varying lot sizes between 200m² and 700m². The average lot size for each development phase is identified as follows:

- Phase 1 - 510 sqm
- Phase 2 - 470 sqm
- Total Development - 490 sqm

It is therefore considered that the Development Plan will provide for sufficient diversity in lot size and subsequent dwelling design.

The proposed road layout will result in the provision of regular shaped allotments, with adequate passive surveillance. Each allotment will be capable of accommodating a sufficient sized and rectangular shaped building envelope.

The orientation of the proposed road layout will ensure there is sufficient solar access for future dwellings.

Clause 56.05 Urban Landscape

The proposed Wallara Waters Development Plan provides for a residential development that is consistent with the existing urban landscape and will be capable of accommodating an appropriate landscape treatment. A requirement of Clause 56.05-1 (integrated urban landscape objectives) is to maintain significant vegetation where possible within an urban context. Given that there has been no flora and fauna assessment (as noted by DSE in its comments) the proposed Development Plan cannot be said to meet the requirements of this provision.

The provision of passive open space within the proposed Development Plan is considered to be generally consistent with the existing framework established by the obligations within Section 173 Agreement 2 (Ref:AG804301F). However, the active
open space needs of the future Wallara Waters community will be provided within the adjoining Newbridge development. Accordingly, the proposed Development Plan will need to be amended to remove the sporting oval and redesignate that land for further residential yield. A monetary Public Open Space contribution will be sought instead at the planning permit stage.

Clause 56.06- Access and Mobility

As identified by the submission provided from the Department of Transport, the current Development Plan application identifies an insufficient level of information in relation to movement routes within Wallara Waters. As noted earlier, the proposed Development Plan also fails to provide cross sections for the proposed road network or a sufficient level of detail on the pedestrian and cycle networks.

It is considered that the proposed Development Plan cannot be said to meet the requirements of Clause 56.06.

Clause 56.07- Integrated Water Management

The development can be adequately provided with drinking water. Yarra Valley Water is the authority responsible for the provision of drinking water and has indicated that additional pipe construction work will be required to provide drinking water. The requirement for pipe construction is not uncommon within new residential growth areas and will be dealt with via the implementation of planning permit conditions.

In consultation with Melbourne Water, the proposed Development Plan identifies a number of drainage features which will adequately contribute to the improvement of the water quality which enters the surrounding catchment.

Clause 56.08- Site Management

A Construction Management Plan will be required as a condition of any future planning permit which is issued for the residential subdivision of the land. The Construction Management Plan must be approved by Council prior to the commencement of any works and will deal with the day to day management of nuisance issues (such as dust), impacts of construction activity on waterways and other environmental features and other activities as relevant to the specific site.

Clause 56.09- Utilities

The development area can be connected to all utility services. The detailed design of the utility infrastructure will be considered via future planning permit applications.

Issues

Referral and Public Notice

The Planning and Environment Act 1987 and the Mitchell Planning Scheme do not identify any statutory referral authorities for the consideration of the Wallara Waters Development Plan. However, an informal referral process was completed, as Council
officers consider that the proposed Development Plan may have implications for particular State Agencies or utility authorities.

A process of informal public notice was also undertaken by sending notices to the surrounding land owners and occupiers. The *Planning and Environment Act 1987* does not mandate any requirements for the public exhibition of the proposed Development Plan.

The referral and public notice process was completed concurrently with the Newbridge Development Plan application. This ensured that all relevant agencies/authorities were given a detailed understanding of development within the surrounding neighbourhood.

In response to the referral and public notice process, a total of twelve submissions were received. The following table provides a summary of each submission and the Council officer response.

**Table 2: Summary of Submissions**

<table>
<thead>
<tr>
<th>Submitter Details</th>
<th>Summary of Submission and Council Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Agencies/Utility Authorities</strong></td>
<td><strong>Summary of Submission</strong></td>
</tr>
<tr>
<td>Department of Education and Early Childhood Development</td>
<td>The submission provided by the Department of Education and Early Childhood Development (DEECD) provides advice in relation to the necessary State primary school provision being located within the Newbridge and Wallara Waters development areas. The DEECD indicate that the combined lot yield for both development areas generates a requirement for one primary school only. In addition, DEECD have indicated a preference for the future primary school to be located within the Newbridge Development Plan area. Officer Response At the Ordinary Meeting of Council on 17 December 2012 Council resolved to approve the Newbridge Development Plan, which details the provision of a State Primary School. The applicant for the Wallara Waters Development Plan, provided a revised application submission on 1 February 2013. This revised application submission no longer includes the provision of a State Primary School within Wallara Waters. Via resolution of Council on 17 December 2012, the Development Plan for the adjoining Newbridge development was approved. This approved Development Plan includes the provision of a State Primary School. It is considered that this school will also accommodate the needs of the future Wallara Waters community.</td>
</tr>
</tbody>
</table>
### Department of Transport

**Summary of Submission**

The submission provided by the Department of Transport (DOT) indicates that the proposed Development Plan does not nominate a potential bus route on the proposed development layout plans. In addition the DOT states that roads identified for use as public transport must comply with the road widths identified in the *Public Transport Guidelines for Land Use and Development*.

**Officer Response**

The proposed Wallara Waters Development Plan does not detail the potential bus route locations, it is considered that the Development Plan ought to identify such locations.

The applicant has been provided with a copy the submission provided by the Department of Transport. The proposed Development Plan application which was submitted on 1 February 2013 has not responded to this matter. As such, this submission remains unresolved and will now be considered as part of the up and coming Tribunal hearing commencing on 4 March 2013.

### Department of Sustainability and Environment

**Summary of Submission**

The submission provided by the Department of Sustainability and Environment (DSE) addresses two key issues; Native Vegetation and Biodiversity and the existing Salinity Management Overlay.

**Native Vegetation and Biodiversity**

DSE states that the biodiversity issues are not appropriately detailed within the proposed Development plan. DSE note that the application cover letter (dated 18 January 2012) refers to previous flora and fauna assessment by DSE in the approval for Phase 1 of Wallara Waters.

DSE indicated that it is unclear whether the previous assessments included that land within Phase 2 Wallara Waters. DSE also indicates that the previous reports and recommendation may now be outdated.

**Salinity Management Overlay**

DSE note the presence of the existing Salinity Management Overlay and the approved Amendment C71 which removed this control from Phase 1 of the Wallara Waters Estate.

DSE indicates that the potential for the subject land to be a saline discharge site is not canvassed within the proposed Development Plan. DSE indicate that they do not have the technical expertise to determine the potential impacts associated within saline discharge.

In conclusion DSE states:

- *It would be sensible to confirm at this stage in the planning process that groundwater saline discharge on site will not adversely impact upon future building and infrastructure. Such advice is to be provided by a suitably qualified professional.*

**Officer Response**

The applicant has been provided with a copy the submission provided by the DSE. The proposed Development Plan application as submitted on 1
February 2013 has not responded to this matter. As such, this submission remains unresolved and will now be considered as part of the up and coming Tribunal hearing commencing on 4 March 2013.

<table>
<thead>
<tr>
<th>Environment Protection Authority</th>
<th>Summary of Submission</th>
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<tr>
<td>The submission provided by the State Environment Protection Authority (EPA) confirmed that 700 metres is the applicable separation distance from the Wallan Wastewater Treatment Plant for a residential land use. This distance is consistent with the EPA publication AQ2/86, Recommended Buffer Distances for Residual Air Emissions and is based on an aerobic pondage system which services an equivalent population under 20,000. EPA also notes that if the design capacity for the existing system is reached, an EPA works approval is required to upgrade the plant. The works approval process would include consideration of appropriate separation distances for the upgrade and increased design capacity.</td>
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</table>

**Officer Response**

The text within the proposed Wallara Waters Development Plan states that a separation distance of greater than 700 metres is provided between the Wallan Wastewater Treatment Plant and the closest residential allotment.

<table>
<thead>
<tr>
<th>Growth Areas Authority</th>
<th>Summary of Submission</th>
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<tbody>
<tr>
<td>The submission provided by the Growth Areas Authority (GAA) encourages Council to discuss the Wallara Waters Phase 2 Development Plan with VicRoads. The GAA indicates that VicRoads are currently undertaking regional road network planning as part of the development of land to the south of the site which is included within the Urban Growth Boundary.</td>
<td></td>
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</table>

**Officer Response**

As discussed within this table, the proposed Development Plan was provided to VicRoads for comment. This table includes a summary of the submission provided by VicRoads and the Council officer response.

<table>
<thead>
<tr>
<th>Melbourne Water</th>
<th>Summary of Submission</th>
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</table>
| The submission provided by Melbourne Water indicates that they do not object to the proposed development provided that the following three conditions are placed on the relevant planning permit:  
1. Prior to the commencement of works the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water’s drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation  
2. Dimensions for reserve that will perform drainage functions (wetlands, waterways and overland flow paths) are to be confirmed with further calculation and design  
3. No polluted and/or sediment laden run off is to be discharged directly or indirectly into Melbourne Water’s drains or watercourses. |
### Officer Response

At this point in time an application for planning permit has not been submitted for the residential development of the subject land.

Consistent with the referral provisions within the *Mitchell Planning Scheme*, any future planning permit application for residential subdivision must be referred to Melbourne Water as a statutory referral authority. This referral process will provide Melbourne Water with an opportunity to require planning permit conditions.

### APA Group

**Summary of Submission**

APA Group indicated no objections or commentary in relation to the proposed development plan.

**Officer Response**

No further officer response is considered necessary.

### Telstra

**Summary of Submission**

Telstra indicated no objections or commentary in relation to the proposed development plan.

**Officer Response**

No further officer response is considered necessary.

### VicRoads

**Summary of Submission**

The submission provided by VicRoads is a response to proposed Wallara Waters and Newbridge Development Plans. Only the matters of relevance to the Wallara Waters Development Plan are discussed within this table.

#### Provision of a north-south arterial link

The VicRoads submission contends that a north-south arterial link is required to be provided between Wallan-Whittlesea Road and Hadfield Road. This would require land within the Wallara Waters and Newbridge Development Plans to be set aside for the purpose of an arterial road.

#### Access to Wallan-Whittlesea Road

The submission states that VicRoads will not permit additional vehicle access onto Wallan-Whittlesea Road at any location between the Hume Freeway and the Melbourne-Sydney railway line.

#### Hadfield Road/Hume Freeway Interchange

The VicRoads submission contends that the proposed Development Plan should be amended to allow for the provision of northern orientated ramps to the Hume Freeway at its intersection with Hadfield Road.

#### Traffic Impact Assessment Report

The VicRoads submission indicates that the two separate Traffic Impact Assessment Reports which have been submitted with the Wallara Waters and Newbridge Development Plans have not been prepared in accordance with the existing Section 173 Agreement.
The submission from VicRoads states that both Traffic Impact Assessment Reports should be amended to ensure compliance with the existing Section 173 Agreement and the consideration of a north-south arterial road through the development area.

**Noise**

The VicRoads submission states that the following obligations within the Section 173 Agreement have not been implemented by the developer:
- VicRoads have not received any noise test results for the relevant houses within Stage 2 and Stage 1A of the Wallara Waters Estate. The noise testing must relate to specific houses where the noise levels from the Hume Freeway may exceed 63dBa.
- Detailed design drawings for the culverts crossing the noise wall have not been provided to VicRoads.
- The developer has not provided the required written guarantee that future care and maintenance of the noise wall will be added as an encumbrance on the relevant titles.

**Drainage Strategy**

The drainage strategy provided by Reeds Consulting has not yet been approved or accepted by VicRoads.

The VicRoads submission states that they will not approve such a drainage strategy until it accommodates the cross Hume Freeway drainage and the drainage from the Hume Freeway reservation, outside of the Hume Freeway reservation. VicRoads contend that previous advice to Reeds Consulting has been that drainage must occur outside of the Hume Freeway reservation.

**Officer Response**

The applicant has been provided with a copy the submission provided by VicRoads. The revised Development Plan application which was submitted on 1 February 2013 has not responded to this matter. As such, this submission remains unresolved and will now be considered as part of the up and coming Tribunal hearing commencing on 4 March 2013.

**Yarra Valley Water**

**Summary of Submission**

**Separation distance from the Wallan Waste Water Treatment Plan**

Yarra Valley Water provided an initial submission on 19 March 2012 which indicated that the proposed buffer of 700m should be extended to 1000 metres. The basis of the extended buffer area was to enable a future expansion to the plant capacity using the current technology. Yarra Valley Water acknowledged that the use of better technology at the plant would reduce the buffer requirement to below 1000m.

On 25 June 2012 Yarra Valley Water formally advised Council (via a revised written submission) that as part of the preparation of the Northern Growth Corridor Plan, Yarra Valley Water had reviewed the sewerage servicing plan. The outcome of this review is that Yarra Valley Water no longer requires a buffer area of 1000metres, and that the proposed 700metre buffer is appropriate.
### Mandate for Class A Dual Pipe Recycled Water

The submission from Yarra Valley Water states that the supply of Class A recycled water within the Northern Growth Area is a mandatory requirement from the authority.

### Flood Protection

The submission from Yarra Valley Water states that the consent from Melbourne Water for this development was on the basis of a major upgrade to Taylors Creek. Yarra Valley Water seek confirmation from Council that this requirement will be implemented and who is responsible for the funding of the upgrade works.

### Dual Source Supply of Drinking Water

The submission states that current Yarra Valley Water requirements include the provision of dual sources for the supply of potable water for developments which exceed 500 allotments.

### Wallan Branch Sewer

The submission from Yarra Valley Water indicates that the existing branch sewer cuts through the subject land and will need to be relocated if the current Development Plan is to be implemented.

#### Officer Response

**Separation distance from the Wallan Waste Water Treatment Plan**

Yarra Valley Water consents to the buffer distance of 700 metres. It is important to note that any changes to the plant operation which would increase the plant’s capacity must be approved by the Environmental Protection Authority via a Works Approval. The works approval process will consider the implications of the change in plant capacity on nearby sensitive uses.

#### All other matters

The various other matters which have been raised by Yarra Valley Water are considered to be best addressed via the planning permit process and the implementation of permit conditions.

The funding arrangements for drainage works are the responsibility of Melbourne Water. It is understood that Melbourne Water and Yarra Valley Water have held several meetings with the aim of resolving this matter.
### Consideration of Development Plan (Cont’d)

<table>
<thead>
<tr>
<th>Land Owners/Occupier Submission</th>
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<tbody>
<tr>
<td><strong>SJB Planning Pty Ltd on behalf of Devine (Developer of adjoining Newbridge Estate)</strong></td>
<td>The submission raises a number of issues that relate to both the proposed Development Plan and the adjoining Newbridge development area. This table identifies only those issues that are of relevance to the Wallara Waters Development Plan. <strong>Summary of Submission</strong> Location of School and Active Open Space The submission provided by SJB Planning indicates that the combined lot yield within the Wallara Waters development and the subject site will only trigger the requirement for one State Primary School and one area of active open space. SJB Planning state that representatives of Mondous Property, Australand Pty Ltd and Devine met on 6 March 2012. At this meeting, in-principle agreement was reached for the proposed State Primary School and associated active open space to be located within the Newbridge development area. <strong>Officer Response</strong> Location of School and Active Open Space Via resolution of Council on 17 December 2012, the Development Plan for the adjoining Newbridge development was approved. This approved Development Plan includes the provision of a State Primary School. It is considered that this school will also accommodate the needs of the future Wallara Waters community. The revised Development Plan provided to Council on 1 February 2013 details the removal of the State Primary School from the Wallara Waters estate.</td>
</tr>
</tbody>
</table>
Officer Response

Proposed School and Active Open Space Location

Via resolution of Council on 17 December 2012, the Development Plan for the adjoining Newbridge development was approved. This approved Development Plan includes the provision of a State Primary School. It is considered that this school will also accommodate the needs of the future Wallara Waters community.

The proposed Development Plan provided to Council on 1 February 2013 details the removal of the State Primary School from the Wallara Waters estate.

Financial Resource and Asset Management Implications

Population growth can cause substantial financial impacts on local councils. As population increases so does the demand for physical infrastructure (e.g. roads, open space) and the delivery of services (e.g. household waste collection, maternal child health).

Responding to the financial implications associated with residential growth is not a new dilemma faced by Local Government; over time various growth areas have put in place many mechanisms which help to reduce the financial burden. Most commonly, a Developer Contributions Plan is implemented into the Planning Scheme (via the Development Contributions Overlay) or an Agreement (Pursuant to Section 173 of the Planning and Environment Act 1987) is reached via a process of negotiation. Both mechanisms aim to set out the necessary infrastructure items and the funding responsibilities. The funding arrangement for each infrastructure item can be a combination of cash or construction works.

In recent years the State Government has introduced the Growth Areas Infrastructure Contribution. This is a contribution which is made to the State Government at certain trigger points (e.g. sale of land, issue of title) and is then used to fund specific pieces of State infrastructure (e.g. train stations). In some circumstances the State contribution can be satisfied via the undertaking a works, however these works must be of State significance.

Consistent with the negotiations which have occurred for the Newbridge development, there is currently an external apportionment (Council apportionment) of $4,658,510 for the community infrastructure and active open space requirements to service the future Newbridge and Wallara Waters communities. With a proposed lot yield of 1876, the existing Section 173 obligations which relate to Wallara Waters, will reduce this external apportionment to $3,520,510.

It is considered appropriate that given the increase in residential lot yield, Council seeks a revision to the existing Wallara Waters contribution agreements. Any such revision may result in an increase in monetary contribution that would be directed to the external apportionment component for the community infrastructure and active open space within the Newbridge development and must be a negotiated and agreed
outcome with the Wallara Waters developer. A further report would be required for Council consideration before any variations can be implemented into the existing Section 173 Agreements.

Given that there has been a minimal amount of developer contribution funds negotiated in the past, there is currently a minimal pool of funds that could be used to supplement the Council’s external apportionment obligations in relation to infrastructure costs. However, it is considered that there is a current opportunity to seek revisions to existing developer contribution agreements which relate to Wallara Waters.

In addition, Council’s contribution can also be supplemented by obtaining grants from the State and Federal Governments. This option would need to be explored in more detail closer to the time of reaching the construction trigger.

**Environment and Sustainability Implications**

The proposed Development Plan has been referred to Melbourne Water, the Environment Protection Authority, Department of Sustainability and Environment and Yarra Valley Water, who have considered the biodiversity and water quality implications. As discussed within the Issues section of this report, the Department of Sustainability and Environment have outstanding concerns with the lack of vegetation assessment which has been completed. These concerns are consistent with the view of Council officers and will be addressed as part of the up and coming Tribunal hearing.

The proposed residential development cannot occur without first obtaining a planning permit. The planning permit application will deal with the detailed consideration of key environmental features such as water sensitive urban design and the construction management impacts.

The proposed Development Plan has been assessed against Clause 56 (Residential Subdivision) of the *Mitchell Planning Scheme* which includes various environment and sustainability considerations.

**Consultative Procedures**

The Development Plan Overlay provisions provide notification exemptions from the public exhibition requirements within the *Planning and Environment Act 1987*.

The proposed Development Plan was provided to key State agencies, utility authorities, Council Departments and surrounding land owners/occupiers for informal comment. The outcomes from this process have been discussed within the issues section of this report.

All submitters have been provided with written notification of the Council consideration of this report and will be informed of the outcome.
RECOMMENDATION

THAT: Council raises the following matters to be considered as part of VCAT hearing- P997/20152, in relation to the proposed Wallara Waters Development Plan:

1. The proposed Development Plan should be based upon a Flora and Fauna assessment.

2. The proposed Development Plan in its current form does not provide sufficient information which demonstrates adequate compliance with the following objectives within Clause 56 (residential Subdivision) within the Mitchell Planning Scheme:
   a. Clause 56.01-1, Subdivision site and context description and design response
   b. Clause 56.01-2, Subdivision design response
   c. Clause 56.03-1, Compact and walkable neighbourhoods objectives
   d. Clause 56.05-1, Integrated urban landscape objectives
   e. Clause 56.06-2, Walking and cycling network objectives
   f. Clause 56.06-3, Public transport network objectives
   g. Clause 56.06-4, Neighbourhood street network objective
   h. Clause 56.06-8, Lot access objectives

   and therefore, the proposed Development Plan does not comply with the requirements of the Development Plan Overlay.

3. Based on the current level of information provided within the proposed Development Plan, the application does not demonstrate sufficient compliance with the following State Planning Policies:
   a. Clause 12.01-1 Protection of habitat
   b. Clause 12.01-2, Native vegetation management
   c. Clause 15.01-1, Urban Design
   d. Clause 15.01-3, Neighbourhood and subdivision design
   e. Clause 16, Housing

4. Based on the current level of information provided with the proposed Development Plan, it cannot be established that the plan gives effect to the following Local Planning Policies:
   a. Clause 21.05-1, Natural resources and the environment
   b. Clause 21.05, Settlement

*The resolution for Item 8.3 is found at the end of this section.*
8.4 VICTORIAN CIVIL & ADMINISTRATIVE TRIBUNAL HEARINGS & ACTIVITIES CARRIED OUT UNDER DELEGATION

Author: Paul Wood, Statutory Planning Coordinator
File No: CL/04/004-01
Reference: Nil

Summary
The following is a summary of the current Victorian Civil and Administrative Tribunal (VCAT) proceedings.

Planning & Development
Victorian Civil and Administrative Tribunal (VCAT) Hearings Update

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Appealed By</th>
<th>Hearing Update</th>
</tr>
</thead>
</table>
| Appeal No. P1098/2012  
P306622/11  
15 Mathiesons Road, Wandong  
Two lot subdivision and removal of a restrictive covenant | Application for Review at VCAT has been made by the applicant following Council Refusal. | A Hearing is scheduled for 27 February 2013. |
| Appeal No. P1439/2012  
P306247/10  
22 Tomlinson Track, Willowmavin  
Use and development of the land for leisure and recreation (simulated field and game shotgun target range) | Application for Review at VCAT has been made by the objectors following Council’s decision to issue a Notice of Decision to Grant a Permit. | A four day Hearing has been scheduled commencing on 18 February 2013. |
| Appeal No. P1631/2012  
P306371/10  
490 Broadford-Kilmore Road, Broadford  
Re-subdivision of land and alteration of access to a road in a Road Zone - Category 1 | Application for Review at VCAT has been made by the objectors following Council’s decision to issue a Notice of Decision to Grant a Permit. | A Hearing occurred on 28 November 2012.  
VCAT directed on 24 December 2012 and more recently on 11 February 2013 in a corrected order that a permit should issue subject to conditions. |
<table>
<thead>
<tr>
<th>Proposal</th>
<th>Appealed By</th>
<th>Hearing Update</th>
</tr>
</thead>
</table>
| **Appeal No. P1711/2012**  
P306334/10  
380 Dry Creek Road and  
555 – 605 Kilmore East-Dry Creek Road, Kilmore  
To use and develop the land for the purpose of an extractive industry | Application for Review at VCAT has been made by the objectors following Council’s decision to issue a Notice of Decision to Grant a Permit. | A Hearing is scheduled for 25 February 2013. |
| **Appeal No. P2811/2012**  
P306840/12  
250 Ashes Bridge Road, Tallarook  
2 lot re-subdivision | Application for Review at VCAT has been made by the applicant against Council’s failure to determine the application. | A Hearing is scheduled for 26 April 2013. |
| **Appeal No. P2910/2012**  
P306963/12  
595 Homewood Road, Whiteheads Creek and Greenslopes Road, Trawool  
Wind Energy Facility | Application for Review at VCAT has been made by the applicant against Council’s failure to determine the application. | A 12 day Hearing has been scheduled commencing on 29 January 2013. This has been amended to include an additional 5 days. |
| **Appeal No. P2361/2012**  
P306759/11  
7 Fern Court, Wallan  
Animal Husbandry | Application for Review at VCAT has been made by the applicant following Council Refusal. | A date for a Hearing has not yet been set. |
| **Appeal No. P3310/2012**  
P305505/08  
9 Raglan Street, Wallan  
5 Lot subdivision | Application for Review at VCAT against Council’s refusal to extend the life of the permit as it was lodged outside the 3 month grace period. | A Hearing is scheduled for 15 March 2013. |
| **Appeal No. P3334/2012**  
P306920/12  
141 King Street, Wallan  
27 Lot Subdivision | Application for Review at VCAT has been made by the applicant following Council Refusal. | A date for a Hearing has not yet been set. |
<table>
<thead>
<tr>
<th>Proposal</th>
<th>Appealed By</th>
<th>Hearing Update</th>
</tr>
</thead>
</table>
| Appeal No. P3519/2012  
P306946/12  
1 Mount View Road, Heathcote Junction  
Use of land for a restricted recreational facility (gym) and buildings and works | Application for Review at VCAT has been made by the applicant contesting conditions in the permit. | A date for a Hearing has not yet been set. |
| Appeal No. P3577/12  
260 Strath Creek Road, Broadford  
State Motorcycle Complex | A declaration has been sought from VCAT by a neighbour to the State Motorcycle Complex as to whether certain types of vehicles can use the land based on the series of planning permits and the development plan that apply to the site. | A date for a Hearing has not yet been set. |
| Appeal No. P3675/2012  
P306980/12  
87 Sydney Street, Kilmore  
Buildings and works (office and retail development) | Application for Review at VCAT has been made by the objectors following Council's resolution to issue a Notice of Decision to Grant a Permit. | A date for a Hearing has not yet been set. |
| Appeal No. P3760/2012  
P306140/10  
152 Queen Street, Wallan  
31 lot subdivision | Application for Review at VCAT has been made by the objectors following Council's resolution to issue a Notice of Decision to Grant a Permit. | A date for a Hearing has not yet been set. |
| Appeal No. P194/2013  
P306627/11  
225 Mahadys Road, Upper Plenty  
Use of the land for rural industry (aboricultural business and sawmill), store and manufacturing sales | Application for Review at VCAT has been made by the applicant following Council Refusal. | A date for a Hearing has not yet been set. |
### Proposal

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Appealed By</th>
<th>Hearing Update</th>
</tr>
</thead>
</table>
| Appeal No. P237/2013  
P307071/12  
70 Ashes Bridge Road, Tallarook  
Use and Development of a dwelling  
Application for Review at VCAT has been made by the applicant against Council’s failure to determine the application. | A date for a Hearing has not yet been set. |
| Appeal No. P285/2013  
P305035/07  
88 Fitzroy Street, Kilmore  
Multi-dwelling development (3 dwellings)  
Application for Review at VCAT against Council’s refusal to extend the life of the permit as it was lodged outside the 3 month grace period. | A date for a Hearing has not yet been set. |

### Activities Carried out Under Delegation

A list of planning permit applications dealt with under delegated powers for the month is included below.

| Permit No.  
| Address  
| Description of Permit  
| Type of Document  
| Date Approved |
|-----------------|-----------------|-----------------|-----------------|
| P306085/10  
41 Tallarook Street SEYMOUR  
To construct buildings and works (clubrooms)  
Amendment  
02-Jan-13 |
| P307096/12  
76A Sydney Street KILMORE  
On-premises liquor licence in association with an existing food and drink premises  
Planning Permit  
03-Jan-13 |
| P306911/12  
22 Eastern Ridge WALLAN  
Removal of vegetation  
Planning Permit  
03-Jan-13 |
| P306381/10  
500 Tallarook Pyalong Road TALLAROOK  
To use and develop the land for a dwelling  
Planning Permit  
10-Jan-13 |
| P307051/12  
56-58 Wellington Street WALLAN  
Consolidation and removal of Easement  
Planning Permit  
11-Jan-13 |
| P306586/11  
175 Sungarrin Road HILDENE  
To use and develop the land for a dwelling  
Amendment  
11-Jan-13 |
| P306543/11  
38 Wimble Street SEYMOUR  
To subdivide the land into two lots  
Amendment  
11-Jan-13 |
| P307116/12  
830 Northwood Road NORTHWOOD  
Buildings and works (shed)  
Planning Permit  
17-Jan-13 |
| P307118/12  
170 Wallara Waters Boulevard WALLAN  
10 Lot Subdivision  
Planning Permit  
25-Jan-13 |
| P307155/12  
15 Cassidy Lane GLENAROU  
Buildings and works (sheds and carport)  
Planning Permit  
25-Jan-13 |
| P306990/12  
135 Doctors Creek Road CLONBINANE  
Use and development of a dwelling and removal of vegetation  
Planning Permit  
25-Jan-13 |
RECOMMENDATION

THAT the report be received and noted.

The resolution for Item 8.4 is found at the end of this section.

SUSTAINABLE DEVELOPMENT REPORTS – ITEMS NOT OTHERWISE DEALT WITH:

MOVED: CR. S. MARSTAELLE
SECONDED: CR. R. PARKER

THAT the recommendations contained within Items 8.3 and 8.4 of the Sustainable Development Reports, be adopted.

CARRIED
9 COMMUNITY AND RECREATION

NIL
10 CORPORATE SERVICES

10.1 2012/2013 MID YEAR BUDGET REVIEW

Author: Dwight Graham, Director Corporate Services
File No: FN/09/013
Attachment: 1 Overview Report
            2 Statement of Income
            3 Operating Income and Expenditure by Directorate Report
            4 Statement of Financial Position (Balance Sheet)
            5 Statement of Cash Flows
            6 Statement of Capital Expenditure
            7 Operating Carry Forwards
            8 Variance Analysis
Reference: Nil

Summary
A review of Council's budget has been undertaken. The review shows no significant issues and the overall change in real terms is minor. However, a number of changes have been made that realign the budget with the latest assumptions.

Background
Section 136 of the Local Government Act 1989 (the Act) requires Councils to implement the principles of sound financial management and manage any financial risk facing Council prudently. Section 137 of the Act requires Councils to set up a budgeting and reporting framework and section 138 requires regular Reporting. The 2012/2013 budget was developed nearly one year ago. The assumptions used at that time may have changed and it is prudent to revisit them. In addition, a number of uncompleted projects from the 2011/2012 year have been carried forward to the 2012/2013 year and these should be reflected in the budget.

Policy Implications
The midyear review was carried out in accordance with Council's Financial Planning Principles (adopted August 2012).

Issues
To meet the requirements of the Act, as outlined in the Purpose, Council should review its budget at least once during the year. A review has been carried out by staff. This review encompassed staff reviewing all of their budgets, then each manager presenting the proposed changes to the Executive Leadership team. All increases were scrutinised and only inserted if fully justified.
The attachments show that overall Council’s operating budget has improved in real terms by $455k. Capital has added $4.4m of carry forward projects but has decreased by $173k in real terms.

The 2012/2013 budget is in an underlying deficit and while the midyear budget improves this situation the result is still an underlying deficit. The Strategic Resource Plan shows Council working its way to an underlying surplus over a four year period, based on an assumption of tight financial management.

Council has yet to pay its $2.6m superannuation liability. The improved situation from the midyear review will assist in making this payment and a report will be brought to Council in the near future on this matter.

Financial, Resource and Asset Management Implications
The attachments outline the changes and impacts on Council’s financial resources.

Environment and Sustainability Implications
Prudent financial management is a crucial part of long-term financial sustainability.

Consultative Procedures
All Council managers and Directors were involved in the review and Councillors were briefed on 11 February 2013.

Conclusion
The midyear review shows that in real terms Council’s overall operating budget has improved by $455k. Capital has added $4.4m of carry forward projects but has decreased by $173k in real terms. There are no major financial concerns.

RECOMMENDATION

THAT Council note and approve the changes resulting from the mid-year budget review.

MOVED: CR. R. PARKER
SECONDED: CR. B. CORNISH
THAT the recommendation be adopted.  CARRIED
ATTACHMENT

Mitchell Shire Council

Ordinary Council Meeting

2012/2013 MID-YEAR BUDGET REVIEW

25 February 2013

Attachments 1-8
Introduction
The purpose of the midyear review is to review the budget and make required adjustments. The budget was developed nearly a year ago. The assumptions used at that time need to be revisited to see if they are all still accurate and make adjustments for any changes. In addition a number of uncompleted projects from the 2011/2012 year have been carried forward to the 2012/2013 year.

Changes
The section outlines the changes that are proposed as a result of the midyear review.

Operating
At the end of the 2011/2012 year a number of projects were left unfinished. The carried forward expense is matched by unspent cash held in the bank. So, while the carry forwards increase the expenditure in the current year, they are funded by cash held from the prior year and therefore have no real impact on the 2012/2013 year. The operating carry forwards amount to $1.4m and the major items are: Vietnam Veterans commemoration ($622k); and Kindergarten Management ($119k). All of the operating carry forwards are shown in attachment 7.

The proposed midyear budget has a number of other variances from the original budget. The major item is the grants commission revenue of which half was received (amounting to $3.195m) in the prior year. So while showing as a major variance in the current year, Council has already received the cash and is actually slightly better off due to the additional interest gained by being able to invest the early payment. Again this has no real impact on this year.

Capital grants have no real effect on the operating situation of Council but are required by accounting standards to be which shown on the Income Statement (attachment 2), have increased by $1.5m. These are explained in the capital section.

Council underestimated its depreciation expense and an assessment carried out as part of the midyear review has increased depreciation by $470k. Depreciation is a non-cash expense.

Council budgeted $455k in relation to Wallan Multipurpose Centre. The payments were made in the last financial year and this amount is now not required.

Council put aside $250k for a future superannuation call. A Victorian Auditor General’s Office ruling meant that this was expensed into last year’s financial statements and now needs taken out of this year’s statements. It should be noted that while shown in last year’s income statement, the actual cash payment of $2.6m is yet to be paid.
It is intended that a cash flow projection will be brought to Council soon, with a recommendation on how and when to pay this. There are a number of other minor variances which add up to an increase in expenditure of $260k. Overall the net change in operating is $3.8m. However, once the items which are either noncash, related to capital or of no real effect are excluded, the result is that Council’s operating situation in the proposed midyear budget is improved from the adopted budget by $445k. As Council is running an underlying deficit and has yet to pay the $2.6m superannuation call, it is proposed that this amount not be reallocated to additional expenditure.

**Capital**

In capital there are a number of changes, which are shown in attachment 8. The capital carry forwards amount to $4.4m, with the major items being: Wandong Stadium ($846k); and Sealed Roads Renewal ($572k). There are capital grants carried forward or reserves of $4.4m, of which the major item is $754k for Wandong Stadium.

Overall the result including the carry forwards and the other changes, the proposed midyear budget is $4.3m higher than the adopted budget. This is being funded by the accumulated surplus from prior years.

**Conclusions**

Overall the midyear budget has changed by $3.8m in operating. However the bulk of the change is caused by the Grants Commission funding paid early, the carry forward projects funded from the 2011/2012 year and noncash items. None of these items have a real impact on the current year. The underlying change in operating is an improvement of $455k, which is made up a number of minor changes.

The capital has increased by $4.3m, which is largely driven by the carry forward projects.

The changes to both operating and capital, in real terms, are minor and of little effect on Council’s finances. However, Council is running an underlying deficit and has not yet paid the superannuation call of $2.6m. Hence, Council will need to maintain tight control over its finances going forward.
# MITCHELL SHIRE COUNCIL Mid year Review Standard Statements

**Attachment 2**

## Income Statement by Type

for the period to 31 December 2012

<table>
<thead>
<tr>
<th>Comment</th>
<th>YTD Actual $'000</th>
<th>YTD Adopted Budget $'000</th>
<th>Var $'000</th>
<th>Full Year Adopted Budget $'000</th>
<th>Full Year Mid Yr Review $'000</th>
<th>Var $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenue from ordinary activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receivables</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates</td>
<td>27,786</td>
<td>27,632</td>
<td>154</td>
<td>27,437</td>
<td>27,606</td>
<td>169</td>
</tr>
<tr>
<td>Statutory fees and fines</td>
<td>206</td>
<td>219</td>
<td>(13)</td>
<td>408</td>
<td>382</td>
<td>26</td>
</tr>
<tr>
<td>User charges and other fines</td>
<td>2,624</td>
<td>2,482</td>
<td>142</td>
<td>5,425</td>
<td>5,448</td>
<td>23</td>
</tr>
<tr>
<td>Grants Recurrent</td>
<td>1,307</td>
<td>4,250</td>
<td>(1,173)</td>
<td>8,450</td>
<td>5,617</td>
<td>(2,833)</td>
</tr>
<tr>
<td>Grants Non Recurrent</td>
<td>2,531</td>
<td>3,172</td>
<td>(641)</td>
<td>3,172</td>
<td>4,685</td>
<td>1,513</td>
</tr>
<tr>
<td>Reimbursements</td>
<td>56</td>
<td>85</td>
<td>(29)</td>
<td>170</td>
<td>79</td>
<td>(91)</td>
</tr>
<tr>
<td>Contributions-Cash</td>
<td>261</td>
<td>120</td>
<td>141</td>
<td>220</td>
<td>309</td>
<td>89</td>
</tr>
<tr>
<td>Contributions-Non monetary assets</td>
<td>2,005</td>
<td>4,093</td>
<td>(2,089)</td>
<td>8,186</td>
<td>7,345</td>
<td>(842)</td>
</tr>
<tr>
<td>Other Income</td>
<td>452</td>
<td>214</td>
<td>237</td>
<td>429</td>
<td>589</td>
<td>160</td>
</tr>
<tr>
<td>Net gain/(loss) on disposal of fixed assets</td>
<td>4</td>
<td>107</td>
<td>-</td>
<td>107</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**Total Income** | 39,104 | 42,268 | (3,163) | 53,897 | 52,059 | (1,838) |

**Expenses**

**Expenses from ordinary activities**

<table>
<thead>
<tr>
<th>Comment</th>
<th>YTD Actual $'000</th>
<th>YTD Adopted Budget $'000</th>
<th>Var $'000</th>
<th>Full Year Adopted Budget $'000</th>
<th>Full Year Mid Yr Review $'000</th>
<th>Var $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee expenses</td>
<td>5</td>
<td>9,720</td>
<td>10,790</td>
<td>(1,070)</td>
<td>21,189</td>
<td>18,931</td>
</tr>
<tr>
<td>Contractors materials &amp; services</td>
<td>6</td>
<td>8,976</td>
<td>9,511</td>
<td>(535)</td>
<td>18,384</td>
<td>22,075</td>
</tr>
<tr>
<td>Bad and doubtful debts</td>
<td>5</td>
<td>16</td>
<td>(12)</td>
<td>30</td>
<td>33</td>
<td>(4)</td>
</tr>
<tr>
<td>Depreciation</td>
<td>4,994</td>
<td>4,765</td>
<td>229</td>
<td>9,530</td>
<td>10,000</td>
<td>(470)</td>
</tr>
<tr>
<td>Other expenses</td>
<td>906</td>
<td>816</td>
<td>89</td>
<td>1,632</td>
<td>1,666</td>
<td>(34)</td>
</tr>
<tr>
<td>Borrowing Cost expense</td>
<td>176</td>
<td>258</td>
<td>(82)</td>
<td>515</td>
<td>516</td>
<td>(1)</td>
</tr>
</tbody>
</table>

**Total Expenses** | 24,776 | 26,156 | (1,380) | 51,279 | 53,222 | 1,942 |

**Net Surplus/(Deficit)** | 14,328 | 16,112 | (1,784) | 2,618 | (1,162) | (3,780) |
## MITCHELL SHIRE COUNCIL

### Income Statement by Directorate for year to date December 2012

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Actual YTD</th>
<th>Adopt Bud YTD</th>
<th>Variance $</th>
<th>Adopt Bud Total</th>
<th>Mid Yr Review Total</th>
<th>Variance $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive Officer</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sustainable Development</td>
<td>597</td>
<td>382</td>
<td>215</td>
<td>764</td>
<td>955</td>
<td>190</td>
</tr>
<tr>
<td>Engineering &amp; Infrastructure</td>
<td>6,547</td>
<td>8,498</td>
<td>(1,951)</td>
<td>10,774</td>
<td>10,069</td>
<td>(706)</td>
</tr>
<tr>
<td>Community &amp; Recreation</td>
<td>3,998</td>
<td>2,607</td>
<td>1,391</td>
<td>4,486</td>
<td>6,197</td>
<td>1,711</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>27,963</td>
<td>30,781</td>
<td>(2,818)</td>
<td>37,872</td>
<td>34,839</td>
<td>(3,033)</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td><strong>39,104</strong></td>
<td><strong>42,268</strong></td>
<td><strong>(3,163)</strong></td>
<td><strong>53,897</strong></td>
<td><strong>52,059</strong></td>
<td><strong>(1,838)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Directorate</th>
<th>Actual YTD</th>
<th>Adopt Bud YTD</th>
<th>Variance $</th>
<th>Adopt Bud Total</th>
<th>Mid Yr Review Total</th>
<th>Variance $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive Officer</td>
<td>219</td>
<td>748</td>
<td>(529)</td>
<td>1,030</td>
<td>520</td>
<td>(510)</td>
</tr>
<tr>
<td>Sustainable Development</td>
<td>1,538</td>
<td>2,146</td>
<td>(608)</td>
<td>4,079</td>
<td>4,504</td>
<td>425</td>
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<tr>
<td>Engineering &amp; Infrastructure</td>
<td>8,668</td>
<td>8,451</td>
<td>217</td>
<td>16,830</td>
<td>18,278</td>
<td>1,448</td>
</tr>
<tr>
<td>Community &amp; Recreation</td>
<td>5,116</td>
<td>5,045</td>
<td>72</td>
<td>9,951</td>
<td>10,322</td>
<td>371</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>9,235</td>
<td>9,767</td>
<td>(531)</td>
<td>19,390</td>
<td>19,597</td>
<td>208</td>
</tr>
<tr>
<td><strong>Total Expenses</strong></td>
<td><strong>24,776</strong></td>
<td><strong>26,156</strong></td>
<td><strong>(1,380)</strong></td>
<td><strong>51,279</strong></td>
<td><strong>53,222</strong></td>
<td><strong>1,942</strong></td>
</tr>
<tr>
<td><strong>Surplus prior to :-</strong></td>
<td><strong>14,328</strong></td>
<td><strong>16,112</strong></td>
<td><strong>(1,784)</strong></td>
<td><strong>2,618</strong></td>
<td><strong>(1,162)</strong></td>
<td><strong>(3,780)</strong></td>
</tr>
</tbody>
</table>
### Balance Sheet

**as at 31 December 2012**

<table>
<thead>
<tr>
<th>Assets</th>
<th>YTD</th>
<th>YTD Adopted</th>
<th>Var</th>
<th>Full Year Adopted</th>
<th>Full Year Mid Year</th>
<th>Var</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual $'000</td>
<td>Budget $'000</td>
<td></td>
<td>Budget $'000</td>
<td>Review $'000</td>
<td></td>
</tr>
<tr>
<td><strong>Current assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash Assets</td>
<td>13,055</td>
<td>10,280</td>
<td>2,775</td>
<td>8,519</td>
<td>9,017</td>
<td>498</td>
</tr>
<tr>
<td>Receivables</td>
<td>18,448</td>
<td>13,046</td>
<td>5,402</td>
<td>6,638</td>
<td>6,400</td>
<td>(238)</td>
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<tr>
<td>Inventories</td>
<td>94</td>
<td>144</td>
<td>(49)</td>
<td>132</td>
<td>140</td>
<td>8</td>
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<tr>
<td>Prepayments</td>
<td>465</td>
<td>127</td>
<td>337</td>
<td>139</td>
<td>150</td>
<td>11</td>
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<tr>
<td><strong>Total current assets</strong></td>
<td>32,063</td>
<td>23,597</td>
<td>8,466</td>
<td>15,429</td>
<td>15,707</td>
<td>279</td>
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<tr>
<td><strong>Non-current assets</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receivables</td>
<td>71</td>
<td>50</td>
<td>21</td>
<td>44</td>
<td>70</td>
<td>26</td>
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<tr>
<td>Investments</td>
<td>5</td>
<td>6</td>
<td>(1)</td>
<td>6</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>Fixed Assets</td>
<td>345,077</td>
<td>305,370</td>
<td>39,707</td>
<td>324,617</td>
<td>353,398</td>
<td>28,781</td>
</tr>
<tr>
<td><strong>Total non-current assets</strong></td>
<td>345,153</td>
<td>305,426</td>
<td>39,728</td>
<td>324,667</td>
<td>353,474</td>
<td>28,807</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td>377,215</td>
<td>329,023</td>
<td>48,192</td>
<td>340,096</td>
<td>369,181</td>
<td>29,085</td>
</tr>
<tr>
<td><strong>Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payables</td>
<td>3,882</td>
<td>4,464</td>
<td>(582)</td>
<td>7,651</td>
<td>5,000</td>
<td>(2,651)</td>
</tr>
<tr>
<td>Trust Funds</td>
<td>2,896</td>
<td>2,310</td>
<td>586</td>
<td>2,360</td>
<td>3,000</td>
<td>640</td>
</tr>
<tr>
<td>Interest bearing liabilities</td>
<td>536</td>
<td>453</td>
<td>83</td>
<td>1,267</td>
<td>1,300</td>
<td>33</td>
</tr>
<tr>
<td><strong>Total current liabilities</strong></td>
<td>10,484</td>
<td>10,824</td>
<td>(341)</td>
<td>14,957</td>
<td>13,000</td>
<td>(1,957)</td>
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<tr>
<td><strong>Non-current liabilities</strong></td>
<td>6,155</td>
<td>9,319</td>
<td>(3,164)</td>
<td>10,975</td>
<td>11,200</td>
<td>225</td>
</tr>
<tr>
<td><strong>Total Non-current liabilities</strong></td>
<td>6,155</td>
<td>9,319</td>
<td>(3,164)</td>
<td>10,975</td>
<td>11,200</td>
<td>225</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td>16,640</td>
<td>20,143</td>
<td>(3,503)</td>
<td>25,932</td>
<td>24,200</td>
<td>(1,732)</td>
</tr>
<tr>
<td><strong>NET ASSETS</strong></td>
<td>360,575</td>
<td>308,880</td>
<td>51,696</td>
<td>314,164</td>
<td>344,981</td>
<td>30,817</td>
</tr>
<tr>
<td>Represented by:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated Surplus</td>
<td>180,800</td>
<td>144,171</td>
<td>36,629</td>
<td>149,515</td>
<td>167,370</td>
<td>17,855</td>
</tr>
<tr>
<td>Reserves</td>
<td>179,775</td>
<td>164,709</td>
<td>15,066</td>
<td>164,649</td>
<td>177,611</td>
<td>12,962</td>
</tr>
<tr>
<td><strong>Equity</strong></td>
<td>360,575</td>
<td>308,880</td>
<td>51,696</td>
<td>314,164</td>
<td>344,981</td>
<td>30,817</td>
</tr>
</tbody>
</table>
## Statement of Cash Flows

for the period to 31 December 2012

<table>
<thead>
<tr>
<th>Comments</th>
<th>Actual $'000</th>
<th>YTD Adopted Budget $'000</th>
<th>Var $'000</th>
<th>Full Year Adopted Budget $'000</th>
<th>Full Year Mid Yr Review $'000</th>
<th>Var $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cash from operating activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates</td>
<td>14,687</td>
<td>13,718</td>
<td>969</td>
<td>27,437</td>
<td>27,606</td>
<td>169</td>
</tr>
<tr>
<td>Statutory fees and fines</td>
<td>207</td>
<td>189</td>
<td>18</td>
<td>379</td>
<td>382</td>
<td>3</td>
</tr>
<tr>
<td>User Fees and other fines</td>
<td>2,666</td>
<td>2,887</td>
<td>(221)</td>
<td>5,775</td>
<td>5,448</td>
<td>(327)</td>
</tr>
<tr>
<td>Grants</td>
<td>10</td>
<td>5,831</td>
<td>952</td>
<td>11,661</td>
<td>10,302</td>
<td>(1,358)</td>
</tr>
<tr>
<td>Contributions</td>
<td>261</td>
<td>110</td>
<td>151</td>
<td>220</td>
<td>309</td>
<td>89</td>
</tr>
<tr>
<td>Reimbursements</td>
<td>56</td>
<td>85</td>
<td>(29)</td>
<td>170</td>
<td>(170)</td>
<td></td>
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<tr>
<td>Interest</td>
<td>334</td>
<td>150</td>
<td>184</td>
<td>300</td>
<td>460</td>
<td>160</td>
</tr>
<tr>
<td>Rent</td>
<td>117</td>
<td>65</td>
<td>52</td>
<td>129</td>
<td>(129)</td>
<td></td>
</tr>
<tr>
<td>Net GST refund</td>
<td>717</td>
<td>947</td>
<td>(230)</td>
<td>1,894</td>
<td>900</td>
<td>(994)</td>
</tr>
<tr>
<td>Payments to employees</td>
<td>11</td>
<td>(9,360)</td>
<td>1,079</td>
<td>(13,726)</td>
<td>(12,655)</td>
<td>(1,071)</td>
</tr>
<tr>
<td>Supplier payments (Inc of GST)</td>
<td>(14,369)</td>
<td>(9,292)</td>
<td>(5,077)</td>
<td>(19,900)</td>
<td>(24,675)</td>
<td>(4,775)</td>
</tr>
<tr>
<td>Other payments</td>
<td>(906)</td>
<td>(816)</td>
<td>(90)</td>
<td>(1,632)</td>
<td>(1,666)</td>
<td>(34)</td>
</tr>
<tr>
<td><strong>Operating Activities Net Cash</strong></td>
<td>1,194</td>
<td>3,435</td>
<td>(2,241)</td>
<td>5,554</td>
<td>264</td>
<td>(5,290)</td>
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<tr>
<td><strong>Cash flows from investing activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payments for Property, Plant and Equipment</td>
<td>(5,895)</td>
<td>(6,863)</td>
<td>968</td>
<td>(13,726)</td>
<td>(12,655)</td>
<td>1,071</td>
</tr>
<tr>
<td>Proceeds From Sale of Property, Plant and Equipment</td>
<td>367</td>
<td>821</td>
<td>(454)</td>
<td>1,641</td>
<td>1,641</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net Cash (Used In) Investing</strong></td>
<td>(5,527)</td>
<td>(6,042)</td>
<td>515</td>
<td>(12,085)</td>
<td>(11,014)</td>
<td>1,071</td>
</tr>
<tr>
<td><strong>Cash flows from financing activities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Finance Costs</td>
<td>(176)</td>
<td>(258)</td>
<td>82</td>
<td>(515)</td>
<td>(516)</td>
<td>(1)</td>
</tr>
<tr>
<td>Trust funds and Deposits</td>
<td>393</td>
<td>50</td>
<td>343</td>
<td>100</td>
<td>323</td>
<td>223</td>
</tr>
<tr>
<td>Proceeds of borrowings</td>
<td></td>
<td>3,000</td>
<td>(3,000)</td>
<td>6,000</td>
<td>6,000</td>
<td>-</td>
</tr>
<tr>
<td>Repayment of Borrowings</td>
<td>(418)</td>
<td>(630)</td>
<td>212</td>
<td>(1,260)</td>
<td>(957)</td>
<td>303</td>
</tr>
<tr>
<td><strong>Net Cash (Used In) Financing</strong></td>
<td>(200)</td>
<td>2,162</td>
<td>(2,362)</td>
<td>4,325</td>
<td>4,850</td>
<td>525</td>
</tr>
<tr>
<td><strong>Change in cash held</strong></td>
<td>(4,532)</td>
<td>(445)</td>
<td>(4,087)</td>
<td>(2,206)</td>
<td>(5,900)</td>
<td>(3,694)</td>
</tr>
<tr>
<td><strong>Cash at the start of the year</strong></td>
<td>17,588</td>
<td>10,725</td>
<td>6,863</td>
<td>10,725</td>
<td>14,917</td>
<td>4,192</td>
</tr>
<tr>
<td><strong>Cash at the End of the Period</strong></td>
<td>13,056</td>
<td>10,280</td>
<td>2,776</td>
<td>8,519</td>
<td>9,017</td>
<td>498</td>
</tr>
</tbody>
</table>
## STATEMENT OF CAPITAL WORKS

for the period to 31 December 2012

<table>
<thead>
<tr>
<th>Capital Works Areas</th>
<th>YTD Actual $,000</th>
<th>YTD Budget $,000</th>
<th>Var $,000</th>
<th>YTD Full Year Budget $,000</th>
<th>Mid Year Review Var $,000</th>
<th>Var $,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>9</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td>652</td>
<td>335</td>
<td>(317)</td>
<td>670</td>
<td>1,462</td>
<td>792</td>
</tr>
<tr>
<td>Bridges</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Drainage</td>
<td>295</td>
<td>520</td>
<td>224</td>
<td>1,039</td>
<td>1,344</td>
<td>305</td>
</tr>
<tr>
<td>Footpaths &amp; Kerb &amp; Chanel</td>
<td>113</td>
<td>327</td>
<td>214</td>
<td>653</td>
<td>649</td>
<td>(4)</td>
</tr>
<tr>
<td>Roads</td>
<td>12</td>
<td>1,790</td>
<td>199</td>
<td>3,977</td>
<td>5,182</td>
<td>1,205</td>
</tr>
<tr>
<td>Road Safety projects</td>
<td>37</td>
<td>116</td>
<td>78</td>
<td>231</td>
<td>286</td>
<td>55</td>
</tr>
<tr>
<td>Waste</td>
<td>44</td>
<td>49</td>
<td>98</td>
<td>158</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>Recreational Reserves and Parks</td>
<td>13</td>
<td>1,266</td>
<td>101</td>
<td>2,735</td>
<td>3,984</td>
<td>1,249</td>
</tr>
<tr>
<td>Plant, Furniture, Equipment &amp; Software</td>
<td>459</td>
<td>861</td>
<td>402</td>
<td>1,722</td>
<td>1,865</td>
<td>143</td>
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<tr>
<td>IT Equipment &amp; Software</td>
<td>424</td>
<td>583</td>
<td>159</td>
<td>1,165</td>
<td>1,106</td>
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</tr>
<tr>
<td>Motor Vehicles</td>
<td>237</td>
<td>179</td>
<td>(59)</td>
<td>357</td>
<td>528</td>
<td>171</td>
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<tr>
<td>Library Books</td>
<td>52</td>
<td>75</td>
<td>24</td>
<td>151</td>
<td>159</td>
<td>9</td>
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<tr>
<td>Other Capital</td>
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<td>15</td>
<td>(160)</td>
<td>30</td>
<td>362</td>
<td>332</td>
</tr>
<tr>
<td>Total Capital works</td>
<td>5,553</td>
<td>6,414</td>
<td>861</td>
<td>12,828</td>
<td>17,096</td>
<td>4,268</td>
</tr>
</tbody>
</table>

Less: Brought Forward Projects from 2011/2012

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual $,000</th>
<th>YTD Budget $,000</th>
<th>Var $,000</th>
<th>YTD Full Year Budget $,000</th>
<th>Mid Year Review Var $,000</th>
<th>Var $,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(3,184)</td>
<td>(0)</td>
<td>3,184</td>
<td>(0)</td>
<td>(4,441)</td>
<td>(4,441)</td>
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</table>

Net Capital Works

<table>
<thead>
<tr>
<th></th>
<th>YTD Actual $,000</th>
<th>YTD Budget $,000</th>
<th>Var $,000</th>
<th>YTD Full Year Budget $,000</th>
<th>Mid Year Review Var $,000</th>
<th>Var $,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2,369</td>
<td>6,414</td>
<td>4,045</td>
<td>12,828</td>
<td>12,655</td>
<td>(173)</td>
</tr>
</tbody>
</table>

Types of Capital Works

<table>
<thead>
<tr>
<th>Types of Capital Works</th>
<th>YTD Actual $,000</th>
<th>YTD Budget $,000</th>
<th>Var $,000</th>
<th>YTD Full Year Budget $,000</th>
<th>Mid Year Review Var $,000</th>
<th>Var $,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Renewal</td>
<td>2,367</td>
<td>3,110</td>
<td>742</td>
<td>6,219</td>
<td>7,210</td>
<td>991</td>
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<tr>
<td>Upgrade</td>
<td>982</td>
<td>1,197</td>
<td>215</td>
<td>2,393</td>
<td>3,317</td>
<td>924</td>
</tr>
<tr>
<td>Expansion</td>
<td>20</td>
<td>81</td>
<td>61</td>
<td>161</td>
<td>175</td>
<td>14</td>
</tr>
<tr>
<td>New Assets</td>
<td>2,185</td>
<td>2,028</td>
<td>(157)</td>
<td>4,055</td>
<td>6,393</td>
<td>2,338</td>
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</table>

Total Capital works

<table>
<thead>
<tr>
<th>Total Capital works</th>
<th>YTD Actual $,000</th>
<th>YTD Budget $,000</th>
<th>Var $,000</th>
<th>YTD Full Year Budget $,000</th>
<th>Mid Year Review Var $,000</th>
<th>Var $,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5,553</td>
<td>6,414</td>
<td>861</td>
<td>12,828</td>
<td>17,096</td>
<td>4,268</td>
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</tbody>
</table>
### Operating Carry Forwards from 2011/2012 to 2012/2013

<table>
<thead>
<tr>
<th>Description</th>
<th>Income</th>
<th>Income</th>
<th>Expense</th>
<th>Net CFWD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sustainable Development</strong></td>
<td>-</td>
<td>-</td>
<td>82,078</td>
<td>82,078</td>
</tr>
<tr>
<td>42726 - Cities for Climate Protection</td>
<td>-</td>
<td>-</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td>42752 - Engaging Equine in NRM</td>
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<td>-</td>
<td>1,180</td>
<td>1,180</td>
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<tr>
<td><strong>Total Sustainable Development</strong></td>
<td>-</td>
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<td>103,258</td>
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<tr>
<td><strong>Engineering &amp; Infrastructure</strong></td>
<td>-</td>
<td>-</td>
<td>621,734</td>
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<td>42871 - Vietnam Veterans Commemorative Walk</td>
<td>-</td>
<td>-</td>
<td>96,341</td>
<td>96,341</td>
</tr>
<tr>
<td>46807 - MERO - Neighbourhood Safer Places</td>
<td>-</td>
<td>-</td>
<td>3,966</td>
<td>3,966</td>
</tr>
<tr>
<td>48210 - Local Roads VGC Grant</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>48480 - Dry Creek Walking Track Flood Recovery</td>
<td>(96,341)</td>
<td>96,341</td>
<td>80,274</td>
<td>(16,067)</td>
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<td>48481 - Lions Park Seymour Flood Recovery</td>
<td>-</td>
<td>-</td>
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<td><strong>Total Engineering &amp; Infrastructure</strong></td>
<td>(96,341)</td>
<td>96,341</td>
<td>766,017</td>
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<td><strong>Community &amp; Recreation</strong></td>
<td>-</td>
<td>-</td>
<td>41,465</td>
<td>41,465</td>
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<tr>
<td>62211 - FReeZA Projects</td>
<td>(14,400)</td>
<td>14,400</td>
<td>14,400</td>
<td>-</td>
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<tr>
<td>62220 - Youth Grants</td>
<td>(9,400)</td>
<td>9,400</td>
<td>9,400</td>
<td>-</td>
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<tr>
<td>62427 - Skate Park and BMX Track</td>
<td>-</td>
<td>-</td>
<td>5,000</td>
<td>5,000</td>
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<tr>
<td>62429 - Reserve Maintenance</td>
<td>-</td>
<td>-</td>
<td>4,090</td>
<td>4,090</td>
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<tr>
<td>62445 - Feasibility Study</td>
<td>(1,500)</td>
<td>1,500</td>
<td>16,650</td>
<td>15,150</td>
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<tr>
<td>62602 - Kilmore Leisure Centre</td>
<td>-</td>
<td>-</td>
<td>3,789</td>
<td>3,789</td>
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<tr>
<td>62622 - Seymour Sports &amp; Aquatic Centre</td>
<td>-</td>
<td>-</td>
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<td>4,314</td>
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<td>62831 - Local Library Priorities Project</td>
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<td>-</td>
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<td>64220 - SILC Breastfeeding Project</td>
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<td>64600 - Management Kindergartens</td>
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<td>64618 - IESIP Funding - Seymour East Kinder</td>
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<td>-</td>
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<td>64619 - IESIP Funding - Pyalong Kindergarten</td>
<td>-</td>
<td>-</td>
<td>364</td>
<td>364</td>
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<tr>
<td>64620 - Flowerdale Kindergarten</td>
<td>-</td>
<td>-</td>
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<td>64634 - DEECD Project</td>
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<td>64640 - Kindergarten Universal Access</td>
<td>(15,000)</td>
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<td>64642 - Kindergarten IT Project</td>
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<td>-</td>
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<td><strong>Total Community &amp; Recreation</strong></td>
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<td>20001 - Council Operations</td>
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<td>20027 - General Grants &amp; Non Specific Income</td>
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<td>85000 - Central Purchasing</td>
<td>-</td>
<td>-</td>
<td>25,000</td>
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<tr>
<td>86202 - Risk &amp; Compliance Programs</td>
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<td>86203 - Insurances</td>
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<td>-</td>
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<tr>
<td>86212 - Business Continuity</td>
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<td>-</td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td>86400 - Citizens Services</td>
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<td>-</td>
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<tr>
<td><strong>Total Corporate Services</strong></td>
<td>-</td>
<td>-</td>
<td>155,036</td>
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</tr>
</tbody>
</table>

**Grand Total**

| (136,641) | 136,641 | 1,367,717 | 1,231,076 |
Variance Analysis Mid year budget Review 2012  Attachment 8

1. P&L -Grants Recurrent
   a. Full year forecast shortfall of $2,833k relates to 50% prepayment of Vic Grants Commission Grant in 2011/2012 financial year. This is not expected to be prepaid in 2012/2013 for the 2013/2014 financial year. Current YTD variances relate to the prepayment of the Vic Grants Commission Grants but are not for the full amount due to the timing of the budget.

2. P&L-Grants Non-recurrent
   a. Includes an additional $700k forecast Grant for Wandong Stadium from Dept of Infrastructure

3. P&L-Contributions Non- Monetary Assets
   a. Non-monetary Asset contributions are behind budget as at 31/12/12 but this is a timing difference that should be largely rectified by year end.

4. P&L-Net Gain/(loss) on Disposal
   a. All asset disposals are budgeted as break-evens as it is impossible to accurately forecast gains or losses.

5. P&L-Employee Expenses
   a. Are below budget YTD by some $1,070k due to an number of vacancies that are now being filled. This variance will be reduced by year end. Additionally, part of the forecast variance is due to the way Engineering and Infrastructure forecast with, for example, road crew costs forecast as Contractors, Materials and Services rather than as Employee Expenses.

6. P&L-Contractors, Materials and Services
   a. Are currently $535K below budget due to the budget only being approved in late August. Therefore many projects could not begin until after the budget was approved. Additionally, part of the forecast variance is due to the way Engineering and Infrastructure forecast with, for example, road crew costs forecast as Contractors, Materials and Services rather than as Employee Expenses.

7. P&L-Net Surplus/(Deficit)
   a. The Adopted budget result of $2.6m surplus for 2012-2013 is now forecast as a full year deficit of approximately $1.2m due to the net effect of the items noted above.
8. Balance Sheet -Cash Assets
   a. Cash assets are forecast to finish the year at approximately $9.0m rather than the budgeted $8.5m on the basis that while additional capital grants are received during the year, the Vision Super call of approximately $2.6m will be paid prior to year end. It is also predicated on drawing down $6.0m in loans later during the year.
   b. A separate report will be made to Council on this matter.

   a. Fixed Assets are forecast to finish the year at approximately $354m compared to a budget of $324.6m. This is due to the opening balance for the 12-13 financial year being higher than anticipated during the budget process due to found assets as per the 2011-2012 Annual Report.

10. Cashflow – Grants
    a. The cashflow from Grants is lower as explained in items 1 and 2.

11. Cashflow – Payments to Employees
    a. This includes the payout of the Vision Super actuarial call as explained in item 8.

12. Capital Works – Roads
    The additional expenditure of $2.7M is due to:
    a. $1M of Country Roads and Bridges Initiative (CRBI) funding for 2012/2013 which was received in 2011/2012
    b. $2M in projects carried forward from 2011/2012 for completion in 2012/2013
    c. $0.3M reduction in the expected cost of projects included in the 2012/2013 adopted budget. This was used to fund the general capital works design program.

13. Capital Works – Recreation Reserves and Parks
    a. The end of year forecast is approximately $1.2m higher than budget. This largely relates to the Wandong Stadium project which is forecast to exceed budget by some $0.8m. This is offset by additional Capital Grants income of $0.7m.
10.2 INFORMATION PRIVACY POLICY

Author: Angelo Luczek, Manager Information Services
File No: AD/03/002
Attachment: Information Privacy Policy
Reference: Nil

Summary
This report seeks to establish an Information Privacy Policy for Mitchell Shire Council.

Background
The Information Management Policy was created in 2001 with a review date of 2013. The content and format of the current policy was not consistent with the industry standard on Information Privacy. Responsible handling of personal information is a key aspect of democratic governance and Council is strongly committed to protecting an individual’s right to privacy, and ensuring that the personal information that customers share with us remains confidential.

Policy Implications
The outcome of this report is in accordance with the 2009/2013 Council Plan strategic objective “Council will work with the Community in developing policies and sound decision making processes that will result in strong and transparent leadership” and more specifically, with the strategic indicator “undertake a review of all Council policies over a four year cycle”. The draft policy is consistent with similarly positioned Councils in the region.

Issues
This policy has been created to enable Council to fulfill its obligations under the Information Privacy Act, 2000 and contains rules and guidelines committing to full compliance with its obligations under the Information Privacy Act 2000 (VIC).

Financial, Resource and Asset Management Implications
There are no financial or resource implications arising from the review of this policy or its adoption. The policy has been developed by Council staff during ordinary business hours and therefore has had no extraordinary impact on Council’s budget.

Environment and Sustainability Implications
There are no environment and sustainability implications.

Consultative Procedures
Consultations with the Executive Leadership Team have been undertaken.
Conclusion

Information is an asset which is crucial to the effective operation of Mitchell Shire Council. Council is responsible for all information related to its operations and service provision and is committed to effectively and efficiently managing and protecting its information. The responsible handling of personal information is a key aspect of democratic governance and Council is strongly committed to protecting an individual’s right to privacy in accordance with the Information Privacy Act 2000 (Vic).

RECOMMENDATION

THAT Council adopts the revised Information Privacy Policy.

MOVED: CR. K. STEWART
SECONDED: CR. R. SANDERSON
THAT the recommendation be adopted. CARRIED
11 ENGINEERING & INFRASTRUCTURE

NIL
12 EXECUTIVE SERVICES & GOVERNANCE

12.1 ASSEMBLY OF COUNCILLORS

Author: Lee McSweeney, Governance Coordinator  
File No: CL/04/013-02  
Attachment: Record of Assemblies of Councillors  
Reference: Nil

Summary

This report provides records of assemblies of Councillors that have occurred since the last Council meeting, which includes matters considered and any conflict of interest disclosures made by a Councillor.

Background

The Local Government Act 1989 requires assemblies of councillors to form part of the Council minutes.

Policy Implications

This report is consistent with Section 80A of the Local Government Act 1989 which requires the Chief Executive Officer to ensure that the written record of an assembly of Councillors is reported at an ordinary meeting of Council as soon as practicable and is incorporated in the minutes of that Council meeting.

Issues

The records of Assemblies of Councillors since the last Council meeting are:

- Monday 17 December – Informal Councillor Discussion
- Monday 21 January 2013 – Strategy Meeting
- Monday 21 January 2013 – Hearings Committee

Finance Resource and Asset Management Implications

There are no financial resource and asset management implications associated with this report.

Environment and Sustainability Implications

This is an administration process and does not have any environment and sustainability implications associated with this report.
Consultation Procedure
The Mayor, Councillors and officers have been consulted in preparing this report.

RECOMMENDATION

THAT Council receive and note the records of the Assemblies of Councillors received since the last Council meeting.

MOVED: CR. S. MARSTAELLER
SECONDED: CR. R. SANDERSON

THAT the recommendation be adopted. CARRIED
12.2 MITCHELL SHIRE COUNCIL GENERAL ELECTION OCTOBER 2012

Author: Lee McSweeney, Governance Coordinator
File No: CL/10/005
Attachment: VEC Report on General Election 2012
Reference: Nil

Summary

This report presents the report of the Victorian Electoral Commission on the Mitchell Shire Council general election held in October 2012.

Background

The Victorian Electoral Commission (VEC) was engaged by Council to conduct the Mitchell Shire Council general election in October 2012. The VEC appointed Alison Ridley as Returning Officer for the election.

In accordance with the Local Government Act 1989, the VEC has submitted its report on the election to the Council’s Chief Executive Officer. The report includes the Returning Officer’s certified record of ballot papers used in the election.

The Chief Executive Officer is required in accordance with Clause 14, Schedule of the Local Government Act 1989 to submit the report to the earliest practicable meeting of the Council held after the report is received.

Policy Implications

Council elections are a key part of the democratic process and contribute to the governance objective “to provide strong and transparent leadership” outlined in the Council Plan 2009-2013.

Issues

Comments on some of the information outlined in the VEC report and associated matters are provided below:

Voters’ Roll

The voters’ roll was certified by Council’s Chief Executive Officer on 20 September 2012. The voters’ roll comprised 23,465 state voters (residents) and 3,498 ratepayers (mainly non-resident owners of rateable property) making a total of 26,963.

The number of voters on each of the three ward voters’ rolls was well within the legislated parameters of ± 10% of the average number of voters.
Voter Information Program

The Voter Information Program is detailed in the VEC report. The program included:

- Statutory notices in Council’s appointed newspapers
- Statewide advertising in newspapers and radio, ethnic print and radio media and social media
- VEC website
- Media releases
- Communication services for those with special needs
- General telephone enquiry service

Candidates

There were 22 candidates for election compared to 24 at the 2008 general election.

Voter Participation and Informality

As indicated in the VEC report there was a 72.75% turnout of voters at the election, compared to 77.48% at the previous election.

The informal vote (ballot papers not completed correctly and therefore declared to be informal) averaged 2.16% across the Shire compared to 2.53% at the 2008 general election.

Account of Ballot Papers

As required in Clause 14(2) of Schedule 3 to the Local Government Act 1989 the Returning Officer appointed by the VEC has certified a record of ballot papers used in the election. This account is enclosed as Schedule 1 in the VEC report.

Complaints Process

The Returning Officer received one written complaint in relation to the election. The complaint relating to an “allegation of misleading or deceptive statements”, was referred to the Local Government Investigations and Compliance Inspectorate.

Compulsory Voting

Voting at the election was compulsory for Mitchell residents on the State electoral roll. It was not compulsory for non-resident electors to vote.

The VEC has been engaged to enforce the compulsory voting regulations and 3,347 ‘apparent failure to vote’ notices have recently been issued to persons who were required, but who failed, to vote at the election.
Finance, Resource and Asset Management Implications

The contract fees payable to the Victorian Electoral Commission, together with income from nonvoting fines, have been allowed for in the 2012/2013 Budget. The net cost is estimated at $125,000.

Environment and Sustainability Implications

There are no significant environment and sustainability implications arising from the conduct of the election.

Consultation Procedure

Elections are conducted in accordance with the legislative guidelines. The voter information program conducted by the Victorian Electoral Commission is outlined in the report.

RECOMMENDATION

THAT the attached report of the Victorian Electoral Commission and Returning Officer on the conduct of the Mitchell Shire Council general election held in October 2012 be received and noted.

MOVED: CR. R. LEE
SECONDED: CR. R. PARKER

THAT the recommendation be adopted. CARRIED
12.3 VICTORIAN LOCAL GOVERNMENT WOMEN’S CHARTER

Author: Rebecca McKenzie, Chief Executive Officer
File No: LG/01/002
Attachment: 1. Victorian Local Government Women’s Charter
2. Victorian Local Government Women’s Charter – Annual Action Plan
Reference: Nil

Summary

Council signed up to the Victorian Local Government Women’s Charter on 6 April 2004. The Charter promotes three key principles of local democracy being: Gender equity, diversity and active citizenship.

Since its endorsement in 2004, little has been done to implement any actions directly associated with the Charter or to demonstrate Council’s commitment in any meaningful way.

This paper proposes that, as part of its 2013 International Women’s Day celebrations, Council reaffirms its commitment to the Charter, nominates a Charter Champion and endorses a process of annual action planning.

Background

At its meeting of 6 April, 2004, Council endorsed the following motion:

“Council support the principles of the Local Government Women’s Charter for gender equity, diversity and active citizenship and display the charter at the Civic Centre.”

The Charter, developed in 1996, aims to support women's political and civic participation. It is unique to Victoria, and supported by the Municipal Association Victoria (MAV), Victorian Local Government Association (VLGA) and the State government.

The three (3) principles of the Victorian Local Government Women’s Charter are:

- **Gender equity**: That women and men have an equal right to be representatives in local governments, committees and decision making positions
• **Diversity**: The inclusion of different experiences and perspectives in local governments and community decision making strengthens local democratic governance and helps build cohesive communities. Councils and communities encourage and welcome the participation of all women.

• **Active citizenship**: Local governments will work with the community to increase the numbers and participation of women in public life, so that decision making more clearly represents and reflects the interests and demographics of communities.


Despite endorsement of the Charter in 2004, little has been done to implement any actions directly associated with the Charter or to demonstrate Council’s commitment in any meaningful way. It is proposed that this is resolved by:

• Nominating a Charter Champion as a local advocate for the Charter’s implementation and to encourage the participation of Councillors, Officers and the community in local events. Councillor Marstaeller has an active interest in this area, and has expressed an interest in assuming the local Champion role, subject to Council’s approval.

• Endorsing an Annual Action Plan and planning process that commits Council to undertake particular activities to demonstrate its commitment to the principles of the Charter.

If endorsed by Council, the outcomes of this paper will be launched at the International Women’s Day community event being planned for Wednesday, 6 March 2013 in Broadford.

**Financial, Resource and Asset Management Implications**

There are no additional costs associated with endorsement of the Charter. Annual Action plan items will be delivered within existing resources. Any specific new initiatives will be subject to the normal Council budget planning and prioritisation processes.
RECOMMENDATION

THAT Council:

1. Re-affirm its commitment to the Victorian Local Government Women’s Charter as contained in Appendix 1 as a sign of positive local leadership.

2. Endorse the nomination of Cr Marstaeller as Charter Champion for Mitchell Shire Council.

3. Endorse the draft Victorian Local Government Women’s Charter Action Plan, and note that the planning process will occur annually from this point forward.

4. Note that Council’s commitment to the Charter and Annual Action Plan will be launched at the International Women’s Day community event being held 6pm Wednesday 6 March 2013 in Broadford

MOVED: CR. K. STEWART
SECONDED: CR. R. SANDERSON

THAT the recommendation be adopted.
12.4 APPOINTMENT OF MITCHELL SHIRE COUNCIL REPRESENTATIVE TO
THE MUNICIPAL ASSOCIATION OF VICTORIA

Author: Lee McSweeney, Governance Coordinator
File No: LG/02/001-07
Attachment: Nil
Reference: Nil

Summary
The purpose of this report is to enable Council to appoint a representative to the
Municipal Association of Victoria (MAV).

Background
The MAV is the legislated peak body for Victoria's 79 councils. All Victoria's councils are members of the MAV.

Membership of the MAV enables Council to participate in forums involving other municipalities on matters of significance to local government in Victoria.

The State Council, made up of representatives of each member council, is the governing body of the MAV. The State Council meets twice a year to consider matters raised by councils.

Under the rules of the MAV, Council is entitled to appoint a representative and substitute representative to the Association.

The MAV is overseen by a Board which is elected every two years. The president is elected by all members and the other 12 members are elected by their region. The next scheduled election is March 2013.

Policy Implications
Representation on the MAV allows Mitchell Shire Council to further develop strategic relations at a state and national level which supports the outcomes and objectives of Council's Plan 2012/2013 Update, Strategic Objectives, Consulting on issues that will affect the community.

Issues
At its Statutory Council meeting held on 7 November 2012, Council resolved the appointment of representatives to committees and organisations for the 2012/2013 Council year.

Cr Kelley Stewart was appointed as the Mitchell Shire Council representative to the MAV. No substitute representative was appointed.
Due to unforeseen circumstances, Cr Stewart has relinquished the MAV representative role, thus creating an opportunity for a new Councillor appointment.

Financial, Resource and Asset Management Implications
There are no direct financial implications for Council in the recommendation of this report.

Environment and Sustainability Implications
Participation through the MAV’s State Council will allow the Mitchell Shire Council to advance sustainability objectives and programs at state and national levels.

Consultative Procedures
This report has been prepared in consultation with Council’s Executive Leadership Team and Councillors.

Conclusion
As a financial member of the MAV, Council is required to appoint a representative and a substitute representative to the Association.

RECOMMENDATION

THAT Council appoint a Councillor Representative and Substitute Representative to the Municipal Association of Victoria.

MOVED: CR. S. MARSTAELLER
SECONDED: CR. R. SANDERSON

THAT Cr Bill Melbourne is appointed Councillor Representative and Cr Sue Marstaeller is appointed Substitute Representative to the Municipal Association of Victoria.

CARRIED
13 NOTICES OF MOTION

NIL
14 DELEGATES REPORTS

NIL
15 GENERAL BUSINESS
In accordance with Clause 30 of the Meeting Procedure Local Law.

15.1 OVERHANGING TREES – NORTHERN HIGHWAY

MOVED: CR. B. CORNISH
SECONDED: CR. R. LEE

THAT: Council Officers write to VicRoads requesting them to inspect the overhanging trees on the Northern Highway in the Pretty Sally/Bylands area and to take appropriate action to remove hazardous tree limbs and associated growth.

CARRIED

16 CONFIDENTIAL BUSINESS

RECOMMENDATION

MOVED: CR. S. MARSTAELLER
SECONDED: CR. K. STEWART

THAT in accordance with Section 89(2) of the Local Government Act 1989, Council resolves to close the meeting to members of the public to consider the following items which relate to contractual matters:

16.1 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

16.2 PROCUREMENT: CONTRACT AWARD CT121280 – RECONSTRUCTION OF MAIN ROAD TALLAROOK (TALLAROOK STREETSCAPE STAGE 1)

16.3 PROCUREMENT CONTRACT AWARD CT12128 – NEW SKATE PARK AT HADFIELD RESERVE, WALLAN

16.4 RE-OPENING OF MEETING TO MEMBERS OF THE PUBLIC

CARRIED

The meeting was closed to members of the public at 7.39pm.

16.4 RE-OPENING OF MEETING TO MEMBERS OF THE PUBLIC

MOVED: CR. B. CORNISH
SECONDED: CR. S. MARSTAELLER

THAT the meeting be re-opened to members of the public.

The meeting was re-opened to members of the public at 7.42

CARRIED
17  DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Tuesday 12 March 2013, at the Mitchell Civic Centre 113 High Street Broadford, commencing at 7.00pm.

18  CLOSE OF MEETING

There being no further business the Mayor declared the meeting closed at 7.43pm.

Confirmed this 12 day of March, 2013

______________________________
Chairperson
Mayor, Cr Bill Melbourne