



11 December 2008

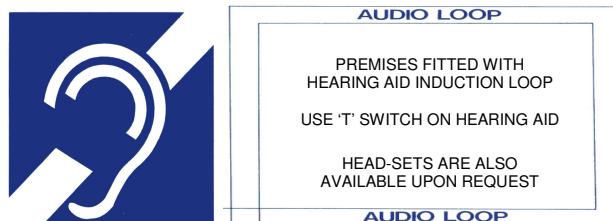
Councillor
(as addressed)

The next Council Meeting will be held in the Council Chamber, Braeside Avenue, Ringwood on Monday 15 December 2008, commencing at 7.30pm and your presence is requested.

Yours faithfully

Michael Marasco
CHIEF EXECUTIVE OFFICER

NOTE: Dinner will precede the Council Meeting at 6.00pm



Correspondence: City Offices, Braeside Avenue, Ringwood (PO Box 156, Ringwood 3134)
DX 38068 Ringwood Telephone: 1300 88 22 33 Fax: (03) 9298 4345

Service Centres: Croydon: Civic Square **Ringwood:** Level 2, Shop G104, Eastland

AGENDA

1. Prayer
2. Apologies
3. Declaration of Interests
4. Confirmation of Minutes of the Ordinary Council Meetings held Monday 17 November and Wednesday 10 December, 2008.
5. Public Question Time
6. Officers' Reports
 - Director Corporate Services (Gold)
 1. Notice of Intention to cause a General Valuation to be made 3
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 - Director Operations & Infrastructure (Mauve)
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8. Motions to Review
9. Late Item
10. Requests / Leave of Absence

IN CAMERA

NOTICE OF INTENTION TO CAUSE A GENERAL VALUATION TO BE MADE

ITEM 1

PURPOSE

To recommend that Council give notice of intention to cause the making of a general valuation for the year 2010.

STRATEGIC / POLICY ISSUES

This item relates to Council's Plan 2008-12, Vision, Mission and Values as well as the governance and Corporate support theme which articulates as one of the strategies, 'Ensure open, accessible and accountable local government provided through the application of good governance practices and utilising appropriate human and physical resources', as well as being an obligation under State Legislation for Council.

BACKGROUND

Council is required pursuant to Section 6(1) of the Valuation of Land Act to resolve to cause a general valuation to be made.

ISSUE / DISCUSSION

The proposed general valuation is part of the State Government's requirement for two-yearly general valuations of all property in the municipalities for rating and taxing purposes.

FINANCIAL / ECONOMIC ISSUES

Council budget includes provision for these works and for fee income for use of the valuations by the State Revenue Office.

ENVIRONMENTAL / AMENITY ISSUES

Not applicable.

SOCIAL / COMMUNITY ISSUES

Not applicable.

COMMUNITY CONSULTATION

The objection process for individual property valuations is available as an appeal process against the rate, under this legislation.

CONCLUSION

Council should give notice of intention to cause the making of a general valuation for the year 2010.

**NOTICE OF INTENTION TO CAUSE A GENERAL
VALUATION TO BE MADE**

ITEM 1

CONFIDENTIALITY

Not applicable.

RECOMMENDATION

THAT COUNCIL:

- 1. GIVES NOTICE OF INTENTION TO CAUSE A GENERAL VALUATION TO BE MADE, PURSUANT TO SECTION 6(1) OF THE VALUATIONS OF LANDS ACT 1960.**
- 2. IN ACCORDANCE WITH SECTION 13DA OF THE VALUATION OF LAND ACT APPOINTS MRS MIKA VANDERJAGT TO MAKE THE YEAR 2010 REVALUATION.**

VALUERS DECLARATION

ITEM 2

PURPOSE

To record the making of a declaration by the Valuer appointed to return the Year 2010 General Revaluation.

STRATEGIC / POLICY ISSUES

This item relates to Council's Plan 2008-12, Vision, Mission and Values as well as the Governance and Corporate support theme which articulates as one of the strategies, 'Ensure open, accessible and accountable Local Government provided through the application of good Governance practices and utilising appropriate human and physical resources'.

BACKGROUND

Section 13DH of the Valuation of Land Act 1960 requires that before any valuation and return is made by the person appointed to make it, that person must make a statutory declaration that the valuation and return will be impartial and true to the best of that person's judgement.

Further it is required that an entry be made in the minutes of the meeting of the Council of the making of the declaration and of its date.

ISSUE / DISCUSSION

Council is advised that the required declaration has been made by Mrs Mika VanderJagt on October 27, 2008. Mrs VanderJagt is the valuer nominated by the contractors Westlink Consulting Pty Ltd to make and return the valuation.

FINANCIAL / ECONOMIC ISSUES

Not applicable.

ENVIRONMENTAL / AMENITY ISSUES

Not applicable.

SOCIAL / COMMUNITY ISSUES

Not applicable.

COMMUNITY CONSULTATION

Not applicable.

CONCLUSION

Council should note the making of the declaration and its date.

VALUERS DECLARATION

ITEM 2

CONFIDENTIALITY

Not applicable.

RECOMMENDATION

THAT COUNCIL NOTES THE MAKING OF A STATUTORY DECLARATION BY MRS MIKA VANDERJAGT ON OCTOBER 27, 2008, DECLARING THAT THE VALUATION AND RETURN WILL BE IMPARTIAL AND TRUE TO THE BEST OF THAT PERSON'S JUDGEMENT.

COUNCIL REPRESENTATION

ITEM 3

A copy of this Report will be circulated prior to the meeting.

COUNCIL REPRESENTATION

ITEM 3

PURPOSE

To appoint Council representation on a number of internal and external organisations or bodies/advisory groups.

STRATEGIC / POLICY ISSUES

Council's vision, as articulated in the Council Plan 2008-12, is to be a vibrant city with an active community, a strong local economy and a diverse cultural life in a prosperous and sustainable environment.

As stated within the Council Plan, under the Governance and Corporate Support theme, Maroondah will ensure open, accessible and accountable local government through the application of good governance practices. Appointment of Council representatives to internal and external organisations or bodies/advisory groups is viewed as meeting this strategy.

BACKGROUND

The appointment of formal Council delegates is usual practice at the commencement of a Council term in accordance with the provisions of the Local Government Act 1989. It provides clear communication and delegate identification for Councillors, the community and the organisations or bodies/advisory groups to which a Councillor is a delegate.

There are two types of bodies requiring formal Council representation, either internal or external. Internal bodies/advisory groups have been initiated by Council and are serviced administratively, they typically consider in-depth issues that are related to Council policy or activities. Their primary purpose is to advise Council on issues. External bodies are outside the control of Council as they operate under their own charter and determine their own procedures, policies and practices. Council involvement is to participate and influence the activities of those external groups where those activities are in the Maroondah public's interest.

ISSUE / DISCUSSION

Committee representation is reviewed on an annual basis and coincides with the election of Mayor through the December cycle of meetings.

Convention indicates that where the Mayor is a member of an internal committee of Council, he/she would automatically act as chairman, unless he/she relinquishes that role. Additionally, in accordance with good governance practice the Mayor is not a specific member of a committee – they may exercise the option to attend any committee in an ex-officio capacity.

FINANCIAL IMPLICATIONS

Not Applicable

ENVIRONMENTAL / AMENITY ISSUES

Not Applicable

COUNCIL REPRESENTATION

ITEM 3

SOCIAL / COMMUNITY ISSUES

Not Applicable

COMMUNITY CONSULTATION

Not Applicable

CONCLUSION

That Council consider the appointment of delegates to the organisations bodies/advisory groups as listed within the recommendation to this report.

CONFIDENTIALITY

Not Applicable

RECOMMENDATION

THAT WITH RESPECT TO BODIES/ADVISORY GROUPS REQUIRING A FORMAL COUNCIL DELEGATE, COUNCIL:

- 1. NOTES THAT THE MAYOR IS ABLE AS EX-OFFICIO, TO ATTEND ANY OF THE BODIES/ADVISORY GROUPS WHERE HE IS NOT A SPECIFIC MEMBER AS A DELEGATE; AND**
- 2. MAKES THE FOLLOWING APPOINTMENTS:**

Arrabri Community Centre Special Committee

THAT CR. GURR BE APPOINTED COUNCIL'S REPRESENTATIVE TO THE ARRABRI COMMUNITY CENTRE SPECIAL COMMITTEE.

Audit Advisory Committee

THAT THE MAYOR OF THE DAY, CR. STEANE AND THE CHIEF EXECUTIVE OFFICER, BE APPOINTED COUNCIL'S REPRESENTATIVES TO THE AUDIT ADVISORY COMMITTEE.

Business Advisory Board

THAT THE MAYOR OF THE DAY AND THE CHIEF EXECUTIVE OFFICER BE APPOINTED COUNCIL'S REPRESENTATIVES WITH CR. THOMAS AS SUBSTITUTE REPRESENTATIVE TO THE BUSINESS ADVISORY BOARD.

COUNCIL REPRESENTATION

ITEM 3

Eastern Regional Libraries Corporation

THAT CR. P MACDONALD AND CR. THOMAS BE APPOINTED COUNCIL'S REPRESENTATIVES WITH CR. GURR AND THE DIRECTOR COMMUNITY & LEISURE SERVICES (OR NOMINEE) AS SUBSTITUTE REPRESENTATIVES TO THE EASTERN REGIONAL LIBRARIES CORPORATION.

Eastern Transport Coalition

THAT CR. MAKIN BE APPOINTED COUNCIL'S REPRESENTATIVE WITH CR. M MACDONALD AS SUBSTITUTE REPRESENTATIVE TO THE EASTERN TRANSPORT COALITION.

Maroondah Partners in Health, Safety and Well-Being Committee

THAT CR. STEANE, CR. LAMONT AND CR. MAKIN BE APPOINTED COUNCIL'S REPRESENTATIVES TO THE MAROONDAH PARTNERS IN HEALTH, SAFETY AND WELL-BEING COMMITTEE.

Maroondah Tourism and Heritage Advisory Board

THAT CR. P MACDONALD, CR. GURR, CR. LAMONT AND CR. FRASER BE APPOINTED COUNCIL'S REPRESENTATIVES TO THE MAROONDAH TOURISM AND HERITAGE ADVISORY BOARD.

Melbourne Yarra Valley of the Arts Marketing Board

THAT CR. GURR BE APPOINTED AS COUNCIL'S REPRESENTATIVE WITH CR. M MACDONALD AND CR. THOMAS AS SUBSTITUTE REPRESENTATIVES TO THE MELBOURNE YARRA VALLEY OF THE ARTS MARKETING BOARD.

Metropolitan Waste Management Group – Waste Management Forum

THAT CR. WILLMOTT BE APPOINTED COUNCIL'S REPRESENTATIVE TO THE METROPOLITAN WASTE MANAGEMENT GROUP – WASTE MANAGEMENT FORUM.

Municipal Association of Victoria

THAT THE MAYOR OF THE DAY BE APPOINTED COUNCIL'S REPRESENTATIVE WITH CRS. MAKIN AND WILLMOTT AS SUBSTITUTE REPRESENTATIVES, TO THE MUNICIPAL ASSOCIATION OF VICTORIA.

COUNCIL REPRESENTATION

ITEM 3

Roadsafe – Melbourne Eastern Ranges Inc

THAT CR. FRASER BE APPOINTED COUNCIL'S REPRESENTATIVE WITH CR. STEANE AS SUBSTITUTE REPRESENTATIVE TO THE ROADS SAFE – MELBOURNE EASTERN RANGES INC.

Wyreena Committee of Management

THAT CR. M MACDONALD BE APPOINTED COUNCIL'S REPRESENTATIVE TO THE WYREENA COMMITTEE OF MANAGEMENT.

**QUAMBY ROAD, NORTH RINGWOOD
– DUST PROBLEM**

ITEM 1

PURPOSE

The purpose of this report is for Council to receive and consider the petition, containing 24 signatures, regarding the “dust problem” along Quamby Road, North Ringwood.

STRATEGIC / POLICY ISSUES

Transport - Maroondah will facilitate the safe, effective and efficient movement of people and goods using all appropriate modes of transport in a manner that achieves a transport network which addresses the community’s social, environmental and economic values.

Strategy – Continue to develop and improve the safety and condition of the Maroondah road network.

Urban Design and Development - Maroondah will foster the development of distinct urban forms with a variety of land uses, visual designs and housing types that offer an attractive and safe environment, value the municipality’s diverse heritage and assist in creating the community’s sense of place.

Strategy – Strive to achieve the appropriate condition and safety of infrastructure assets in accordance with relevant legislation, policies and strategies

Strategy – utilise the concept of Total Life Cycle Asset Management to manage all infrastructure

BACKGROUND

A petition containing 24 signatures was received by Council on Monday 15 September 2008.

The prayer of the petition is as follows:

“We the undersigned, request the Council to address the dust problem along Quamby Road, in the form of a dust seal.

This extreme dust problem is affecting the personal health of many residents of Quamby Road, as well as affecting the environment ie. contamination of rainwater collecting systems, swimming pools and household dust.

We would appreciate a speedy resolution especially with the dry season upon us.

*Thanking you,
Yours the undersigned.”*

Quamby Road, is approximately 430m in length, and is currently listed as an unconstructed, local road on Council’s Register of Public Roads. As such, Council has an obligation to provide for the ongoing maintenance of the unconstructed surface in accordance with its Road Management Plan.

**QUAMBY ROAD, NORTH RINGWOOD
– DUST PROBLEM**

ITEM 1

Council has previously considered the issue of the construction of Quamby Road to address the existing dust concerns raised by the petitioners.

Background History

In October 2000 Council provided a quotation to undertake temporary sealing works at the request of the abutting property owners. The works were classified as private works and Council stated at the time that the residents would be responsible for any ongoing maintenance. Property owners subsequently obtained their own quotations for similar works and engaged a contractor to provide the road with a light seal. Due to its temporary nature, and lack of a formed crushed rock road pavement the light seal degraded over time until numerous potholes and failed pavement sections appeared.

Following the introduction of the Road Management Act 2004 (RMA2004) on 1 January 2005 the responsibility for providing an acceptable standard of maintenance for Quamby Road changed. The RMA2004 placed a legal obligation on Council to maintain the road to its current condition in accordance with a standard specified by Council in its Road Management Plan.

The temporary seal deteriorated to the point where it was unable to be maintained by Council to an appropriate standards under its Road Management Plan and was therefore removed in September 2005.

In July 2005, following representation from property owners regarding the condition of the road, Council conducted a public meeting of Quamby Road property owners to discuss the construction of Quamby Road via a Special Charge Scheme. The outcome of the meeting included an undertaking by Council to progress the issue by developing construction options, with an undertaking provided by the property owners that they would nominate representatives to meet with Council during the development of the concept designs.

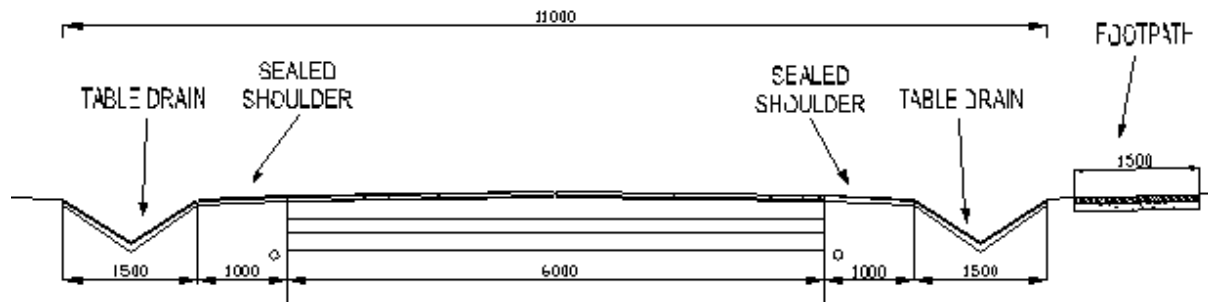
Council officers subsequently developed two construction options, “partial and full construction”, that would allow Council to permanently maintain Quamby Road as a constructed road in accordance with its Road Management Plan.

To ascertain the preferred option of construction for the proposed Special Charge Scheme, a “Survey Response” sheet was distributed to all the residents in Quamby Road dated 23 May 2007. The questions in the survey sheet were as follows:

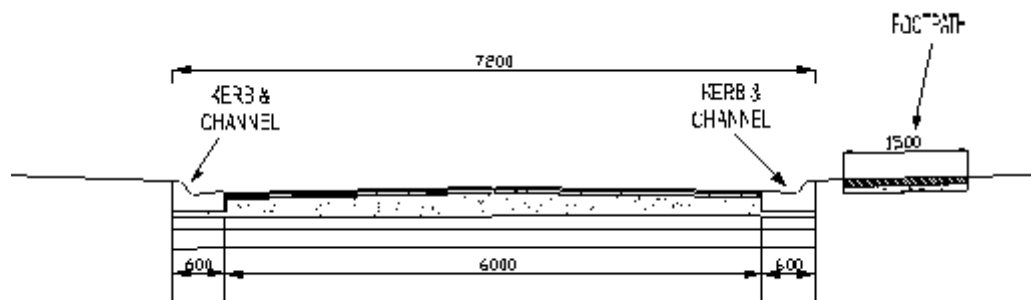
- Please tick or otherwise mark one option to indicate your preference:
 - Partial Construction via a Special Charge Scheme
 - Full construction via a Special Charge Scheme

**QUAMBY ROAD, NORTH RINGWOOD
– DUST PROBLEM**

ITEM 1



PARTIAL CONSTRUCTION OPTION



FULL CONSTRUCTION OPTION

Council subsequently received a joint letter from Quamby Road residents regarding the survey nominating a street committee to have further discussions regarding the two options and the methodology to be adopted for apportionment of costs.

Council officers held a meeting at the Council offices on 3 August 2007 with the nominated street committee and briefed the members regarding the two design options presented to the property owners. An explanation of the benefits and cost estimates together with a proposal for the cost apportionment methodology was also presented. The Street Committee representatives resolved to discuss the outcomes of the meeting with all the property owners and report back to Council, however no formal response was received. A decision was then made to proceed with the declaration of a Special Charge for the full construction as it had a lower cost and met Council minimum maintenance requirements.

**QUAMBY ROAD, NORTH RINGWOOD
– DUST PROBLEM**

ITEM 1

There are four distinct stages to the preparation of a Special Charge Scheme

1. Intention to Declare a Special Charge;
2. Declaration of a Special Charge;
3. Construction of the Scheme; and
4. Finalise the Scheme Costs.

After opting for the full construction option, Council resolved to give its Notice Of Intention to Declare a Special Charge Scheme for the construction of Quamby Road in the meeting of 17 March 2008. The decision to proceed was based on the support received in previous surveys and minimal objections previously expressed by property owners.

Property owners were advised of Council's decision, and were advised they could provide written submissions to Council in accordance with section 223 of the Local Government Act 1989 (the Act). In accordance with section 223 of the Act, they were also able to request to be heard by a Committee of Council to provide a verbal submission in support of their written submission.

The closing date for written submissions to be received by Council was 2 May 2008 and an appointed Committee of Council heard verbal submissions on 21 May 2008.

Council subsequently considered the formal declaration of the Special Charge Scheme at its meeting held on 16 June 2008. Following consideration of all written and verbal submissions, Council is obliged under the Special Charge Scheme provisions of the Local Government Act 1989 Section 163B(9) to consider the number of objections received before ascertaining if it can proceed with the declaration of the Special Charge Scheme.

Section 163B(6) of the Local Government Act 1989 states that:

"A Council can not make the proposed declaration if the Council receives objections from persons who will be required to pay the special rate or special charge in respect of a majority of the rateable properties in respect of which the special rate or special charge would be imposed". Section 163B(1) notes that this clause is applicable *"to recover an amount that exceeds two thirds of the total cost of the performance of the function or the exercise of the power in accordance with this section"*.

As Council is not contributing at least one-third of the total scheme cost, based on its assessment that the wider community does not benefit from the construction of Quamby Road, it is not able to declare the scheme if more than 50% of Quamby Road properties object to the proposal.

Council received written objections from 20 of the 27 properties subject to the scheme, with one property providing a submission that has not been treated as an objection. The 20 objections received against the proposed scheme represents 74% of the total properties included in the Special Charge Scheme and in accordance with Section 163(B) of the Local Government Act 1989, Council was therefore not able to declare the proposed scheme.

**QUAMBY ROAD, NORTH RINGWOOD
– DUST PROBLEM**

ITEM 1

Property Owners were notified of Council's resolution to discontinue the Special Charge Scheme in a letter dated 23 July 2008. The letter advised that any further enquiries regarding the ongoing maintenance of Quamby Road should be directed to Council operations department.

The condition of the temporary road seal had previously made grading of the road difficult and also posed immediate issues for the safety of motorists and pedestrians. As a consequence the decision was made to remove the temporary seal from the western end of Quamby Road to allow for the grading of the full width of the road as part of Council's ongoing maintenance responsibilities under its Road Management Plan.

ISSUE / DISCUSSION

Council has previously advised property owners in Quamby Road that a temporary lightweight seal ("dust seal") is not considered to be a viable alternative for the construction of the road. It has also been explained that the property owners created the previous problems with the condition of Quamby Road through its decision to proceed with the construction of a temporary lightweight seal without the construction of an appropriate depth crushed rock road pavement.

Dust seals are temporary seals that require a higher frequency of maintenance and while costing less to construct in the short term ultimately cost more for Council to maintain and ultimately replace. It is anticipated that a temporary seal would require significant maintenance, or renewal, within a short period of time at Council's cost in order to ensure it could be maintained to standard that was safe and trafficable. It is also likely that a temporary seal would last a maximum of five years without significant levels of maintenance and renewal at Council's cost.

It should be noted that Council is obliged under the requirements of the Road Management Act 2004 and its Road Management Plan to maintain a temporary seal. Council can under the Special Charge Scheme provisions of the Local Government Act 1989 still declare a Special Charge against property owners for the full construction of the road pavement should a temporary seal ever be constructed. There would be some question regarding whether Council could also recover the cost of the seal but it is anticipated that this could also be part of the Special Charge.

The options for full and partial construction presented to property owner as part of the proposed Special Charge Scheme are the minimum standard Council is prepared to accept for the construction of Quamby Road. These "partial and full construction" options presented in both proposals involved the construction of a full depth crushed rock road pavement and asphalt overlay. The proposal for a dust seal will still require the construction of a full depth crushed road pavement as presented for both Scheme options.

Unless property owners accept the construction options previously presented for the Special Charge Scheme Council should not proceed with the temporary seal option presented in the petition. Until such time Council should continue to provide maintenance to the unconstructed pavement and associated open table drains in Quamby Road in accordance with its Road Management Plan.

**QUAMBY ROAD, NORTH RINGWOOD
– DUST PROBLEM**

ITEM 1

FINANCIAL / ECONOMIC ISSUES

Council will continue to maintain Quamby Road in accordance with its Road Management Plan.

ENVIRONMENTAL / AMENITY ISSUES

The issue of Dust affecting property owners can be resolved through the construction of a road pavement that meets Council's minimum road construction standard.

SOCIAL / COMMUNITY ISSUES

There are no issue for the wider community posed by the petition.

COMMUNITY CONSULTATION

Council has extensively consulted with property owners as part of previous Special Charge Scheme proposals. Property owners are aware of Council's position regarding minimum construction standards for Quamby Road.

CONCLUSION

That Council continues to provide on going maintenance in accordance with its Road Management Plan for the unconstructed road pavement and associated open table drains in Quamby Road.

CONFIDENTIALITY

Not applicable.

RECOMMENDATION

THAT COUNCIL:

- 1. RECEIVES AND NOTES THE PETITION CONTAINING 24 SIGNATURES.**
- 2. NOTES THAT COUNCIL'S MINIMUM STANDARD FOR ROAD CONSTRUCTION IS NOT MET THROUGH THE CONSTRUCTION OF THE TEMPORARY LIGHTWEIGHT SEAL PROPOSED FOR QUAMBY ROAD BY THE PETITION.**
- 3. CONTINUES TO MAINTAIN QUAMBY ROAD AS AN UNCONSTRUCTED ROAD IN ACCORDANCE WITH THE REQUIREMENTS OF ITS ROAD MANAGEMENT PLAN.**
- 4. ADVISES THE LEAD PETITIONERS ACCORDINGLY.**

**LETTERS UNDER SEAL TO
MR T DIB, MRS J TAYLOR & MS M NAYLOR**

BACKGROUND

Following the results of Council Elections held last month, it is felt appropriate that Council consider formally recognising the contributions made to the local community by Mr Tony Dib, Mrs Jo-anne Taylor & Ms Maureen Naylor, who were not re-elected.

It is recommended that Letters under Seal be presented to the former Councillors, together with a plaque depicting Council's Coat of Arms.

Mr Tony Dib represented the Eastfield Ward from 2005 to 2008 and served as Mayor in 2007/08.

Ms Maureen Naylor represented the Yarrunga Ward from 1997 to 2008 and served as Mayor in 1999/2000.

Mrs Jo-anne Taylor represented the Mullum Ward from 2003 to 2008.

**SECTION 173 AGREEMENT
FOR 36 MULAWA STREET, CROYDON NORTH**

BACKGROUND

Council issued planning permit M/2000/294 for seven (7) lot subdivision of an existing property known as 36 Mulawa Street, Croydon North on 24 June 2002.

Condition 10 of the planning permit required the owner to enter into a Section 173 Agreement to provide for the following:

Prior to the issue of a Statement of Compliance for the subdivision permitted under this permit, the Owner of the land must complete to floor level, the unit development that is proposed to be subdivided or, enter into and register on title, an agreement with the Responsible Authority under Section 173 of the Planning & Environment Act 1987, which among other things, provides that:

No more than one (1) dwelling shall be permitted to be constructed on a lot as shown on the endorsed plans.

Except with the written consent of the Responsible Authority, all buildings, including a dwelling and any associated outbuildings, must be contained within the building envelope shown on the lots on the endorsed plans and to the satisfaction of the Responsible Authority.

Rubbish bins provided to each lot must be emptied by Council's waste contractor either immediately in front of each lot or within a shared designated rubbish bin collection area as shown on the endorsed plans. Rubbish bins may not be placed within the Mulawa Street road reserve for collection by Council's waste contractor.

The submitted agreement satisfies the provisions of the planning permit.

**SECTION 173 AGREEMENT
FOR 33 FORD STREET, RINGWOOD**

BACKGROUND

Council issued planning permit M/2005/1145 for a two (2) lot subdivision of an existing property known as 33 Ford Street, Ringwood on 18 August 2006 after a determination by VCAT.

The planning permit required the owner to enter into a Section 173 Agreement to provide that prior to the issue of a Statement of Compliance for the subdivision permitted under this permit, the Owner of the land must complete to floor level, the unit development that is proposed to be subdivided or, enter into, and register on title, an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987.

The agreement needs to ensure that the future development will accord with the Permit and endorsed plans and will not be altered or extended without the further written consent of Council.

The submitted agreement satisfies the provisions of the planning permit.

**SECTION 173 AGREEMENT
FOR 80-84 OLD WARRANDYTE ROAD, RINGWOOD NORTH**

BACKGROUND

Council issued planning permit M/2007/999 for thirteen (13) lot subdivision of an existing property known as 80-84 Old Warrandyte Road, Ringwood North on 5 August 2008.

Condition 9 of the planning permit required the owner to enter into a Section 173 Agreement to provide for the following:

Prior to the issue of a Statement of Compliance for the subdivision permitted under this permit, the owner of the land must, enter into and register on title, an agreement with the Responsible Authority under Section 173 of the *Planning & Environment Act* 1987, which provides that:

- (a) The development of any dwelling (including porches, covered verandahs and pergolas) garage, carport, shed or other building within each lot must not encroach into the building exclusion zone (other than for eaves, flues, appliances or other such ancillary fittings required for a dwelling).
- (b) All dwellings on the lots fronting onto Old Warrandyte Road must face this road, although access maybe obtained from the internal road, to the satisfaction of the Responsible Authority.
- (c) The cost of the preparation or review of the agreement and its registration on the title to the land must be borne by the owner of the land.

The submitted agreement satisfies the provisions of the planning permit.

**SECTION 173 AGREEMENT
FOR 30 KARDINIA CRESCENT, WARRANWOOD**

BACKGROUND

Council issued planning permit M/2006/587 for a two (2) lot subdivision of an existing property known as 30 Kardinia Crescent, Warranwood on 24 May 2007.

Condition 3 of the planning permit required the owner to enter into a Section 173 Agreement to provide for the following:

Prior to the issue of a Statement of Compliance for the subdivision permitted under this permit, the Owner of the land must enter into, and register on title, an agreement with the Responsible Authority under section 173 of the Planning & Environment Act 1987, which provides that:

- (a) Except with the consent of the Responsible Authority, the development of a dwelling, including any outbuildings or any other buildings and works ancillary to a dwelling, on any lot created by the subdivision of the land must be contained within the building envelope as contained within the plans endorsed as part of the permit.
- (b) The lots created by the subdivision of the land must only be developed for the purpose of one dwelling, including any outbuildings or any other buildings and works ancillary to a dwelling, and must not be further subdivided at any time except with the consent of the Responsible Authority.
- (c) Any fence constructed on the northern boundary shared with the Council reserve must be constructed of a post and rail, post and wire or chain wire mesh fence.
- (d) The cost of the preparation or review of the agreement and its registration on the title to the land must be borne by the Owner of the land.

The submitted agreement satisfies the provisions of the planning permit.

**SECTION 173 AGREEMENT
FOR 66 RICHARDSON ROAD, CROYDON NORTH**

Council issued planning permit M/2006/446 for a two (2) lot subdivision of an existing property known as 66 Richardson Road, Croydon North on 13 October 2006.

Condition 3 of the planning permit required the owner to enter into a Section 173 Agreement to provide for the following:

Prior to the issue of a Statement of Compliance for the subdivision permitted under this permit, the Owner of the land must enter into, and register on title, an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, which among other things provides that:

- (a) Despite any other regulation, or provision within the Maroondah Planning Scheme, the development of Lot 2 as shown within the endorsed plans shall be limited to only one dwelling.

DOCUMENTS FOR SEALING

- (b) The development of a dwelling within Lot 2 together with any /all outbuildings and associated buildings and works shall be contained within the building envelope. Buildings and works undertaken outside of the building envelope shall only occur with the prior written consent of the Responsible Authority.
- (c) Despite any other regulation, or provision within the Maroondah Planning Scheme Lot 2 as shown on the endorsed plan shall not at any time be permitted to be further subdivided.
- (d) The cost of the preparation or review of the agreement and its registration on the title to the land must be borne by the Owner of the land; and
- (e) A temporary turning bay outside the building envelope for construction vehicles may be provided during the construction of a dwelling within Lot 2. The location of the turning bay must be approved by the Responsible Authority prior to the commencement of any buildings and works. The turning bay shall be removed and the land reinstated to the satisfaction of the Responsible Authority within 6 months of the dwelling being occupied.

The submitted agreement satisfies the provisions of the planning permit.

RECOMMENDATION

THAT COUNCIL SIGNS AND SEALS:

1. **LETTERS TO BE PRESENTED TO MR TONY DIB, MRS JO-ANNE TAYLOR & MS MAUREEN NAYLOR, TOGETHER WITH A PLAQUE DEPICTING COUNCIL'S COAT OF ARMS, IN RECOGNITION OF THEIR TERMS AS COUNCILLORS OF THE CITY OF MAROONDAH.**
2. **THE SECTION 173 AGREEMENT SUBMITTED BY HILARY ELIZABETH MACKENZIE IN RELATION TO LAND AT 36 MULAWA STREET, CROYDON NORTH.**
3. **THE SECTION 173 AGREEMENT SUBMITTED BY RONALD LESLIE PATTIE AND LORNA FAYE PATTIE IN RELATION TO LAND AT 33 FORD STREET, RINGWOOD.**
4. **THE SECTION 173 AGREEMENT SUBMITTED BY KATHERINE MARY ECKSTEIN, NICHOLAS ALFRED ECKSTEIN, DAVID JOHN WILLIAM KEEN, AND BRIGITTE LUCIEN KEEN IN RELATION TO LAND AT 80-84 OLD WARRANDYTE ROAD, RINGWOOD NORTH.**
5. **THE SECTION 173 AGREEMENT SUBMITTED BY MICHAEL JOSEF NECHWATAL AND JANINE HEATHER NECHWATAL IN RELATION TO LAND AT 30 KARDINIA CRESCENT, WARRANWOOD.**
6. **THE SECTION 173 AGREEMENT SUBMITTED BY STEPHEN BERNARD COSTELLO AND BETH MARIE BURDETT IN RELATION TO LAND AT 66 RICHARDSON ROAD, CROYDON NORTH.**

REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

PURPOSE

The purpose of this report is to allow Council to consider the allocation of Federal funds to finance several asset refurbishments within the Municipality.

STRATEGIC / POLICY ISSUES

Not applicable.

BACKGROUND

At the inaugural meeting of the Australian Council of Local Government, held on 18 November 2008, the Prime Minister, the Hon Kevin Rudd MP, announced that the Australian Government would contribute \$300M to local councils across Australia to stimulate growth and economic activity.

The funding made available can be used by Councils for a range of projects including renovations and refurbishment of assets, facilities for recreation, tourism and environmental initiatives, to name a few.

The Regional and Local Community Infrastructure Program (RLCIP) has two components.

The first component, known as the Regional and Local Community Infrastructure Program, provides funding of \$250M in 2008-09 and has been distributed to all Councils and Shires on the basis of a methodology which includes relative need, population and projected growth. The funds are available for additional and ready to proceed projects as well as projects already commenced.

The City of Maroondah has been allocated \$620,000 and the Council must enter into an agreement with the Commonwealth by 30 January 2009. These projects must be completed by 30 September 2009.

The second component is known as the Regional and Local Community Infrastructure Program – Strategic Projects. The Government has made \$50M available in 2008-09 to Local Government on a nationally competitive basis.

Under this component, funding will be made available for large-scale strategic projects seeking a minimum contribution of \$2M. Projects with partnership agreements with joint funding with the State and Local Governments will be given preference. These projects must also be completed by 30 September 2009.

The Municipal Association of Victoria (MAV) and Department of Planning & Community Development (DPCD) proposes to establish a joint working party to support the development of appropriate applications for Victorian Councils. This working party will identify priority projects for the major projects funded and possible sources of existing State Government Funding.

REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

Completed applications must be submitted to Federal Government by 23 December 2008. The MAV advise that contact will be made to Councils shortly to provide further information about the joint working group.

It is not proposed Maroondah will be seeking the \$2M funding, as there are currently no projects proposed on Council's 4-year Capital Works plan fitting all criteria. It is also very doubtful that any projects of this size would be completed by 30 September 2009, given design work, tendering arrangements, contracts, joint funding agreements and funding from Council for such a project having not commenced the process.

ISSUE / DISCUSSION

Following consultation with various Managers, it was agreed that the following projects nominated for the \$620,000 Federal grants best address the Government's criteria and add value to the community facility as well as long-term sustainable outcomes. These projects are ready for commencement and will be completed within the stipulated time frames.

The nominated projects are:

1. Installation of a co-generation plant at Ringwood Aquatic Facility – cost \$250,000
2. Replacement of pool filtration system for outdoor pools at Ringwood Aquatic facility – cost \$75,000
3. Refurbishment of grandstand seating/access arrangements for Ringwood Soccer Stadium at Jubilee Park, Ringwood – cost \$295,000

All three projects have been scoped with specifications being completed. All works have been fully costed and can be completed by mid 2009. The installation of the major plant at the Ringwood Aquatic Facility will ensure substantial energy and water savings in line with Council's Sustainability Plan.

FINANCIAL / ECONOMIC ISSUES

All the projects will be fully funded from the \$620,000 Federal Government Infrastructure Program.

ENVIRONMENTAL / AMENITY ISSUES

Substantial energy and water savings with the installation of the co-generation plant and new 'state of the art' filtration system. Refurbishment of the grandstand seating at Ringwood Soccer Stadium will ensure access is provided for all community spectators and will assist in the completion of the complex as a regional soccer facility.

SOCIAL / COMMUNITY ISSUES

Not applicable.

REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM

COMMUNITY CONSULTATION

Internal consultation has occurred with various Council Managers and Stakeholders.

CONCLUSION

The three projects nominated have been chosen by key staff after careful consideration. The criteria set by the Federal Government for the funding assistance has been met. All projects can be completed by the designated time of September 2009. It is recommended that Council endorse the three projects listed within the report.

CONFIDENTIALITY

Not applicable.

RECOMMENDATION

THAT COUNCIL:

- 1. RECEIVES AND NOTES THE REPORT;**
- 2. ENDORSES THE FOLLOWING PROJECTS FOR THE REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM FUNDING, TOTALLING \$620,000:**
 - (a) CO-GENERATION PLANT AT RINGWOOD AQUATIC FACILITY;**
 - (b) REPLACEMENT OF POOL FILTRATION PLANT FOR OUTDOOR POOLS AT RINGWOOD AQUATIC FACILITY; AND**
 - (c) REFURBISHMENT OF RINGWOOD SOCCER PAVILION – JUBILEE PARK.**