



MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
MONDAY 15 OCTOBER 2012
in the
ALEXANDRA CHAMBERS
commencing at
6.02 pm

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1. PRAYER & RECONCILIATION STATEMENT

The meeting was opened with Prayer and reading of the Reconciliation Statement.

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE***Apologies:***

Cr S Abbott Smith conveyed her apology for being unable to attend the meeting.

RESOLUTION:

Cr P Beales / Cr K Bellingham

That Cr S Abbott Smith's apology be accepted.

CARRIED

Present:

Crs J Walsh (Chairperson), P Beales, K Bellingham, B Flowers, C Healy, C Ruhr

In attendance:

Chief Executive Officer: Margaret Abbey

General Manager - Sustainability: Michael Chesworth

Executive Director, Reconstruction and Recovery: Dimitri Scordalides

General Manager Corporate & Community Services: Rob Cherry

General Manager Infrastructure Services: Tamara Johnson

Manager Customer & Communications: Damien Cocks

Statutory Planning Co-ordinator: Karen Girvan

3. CONFIRMATION OF MINUTES

➤ Minutes of the Ordinary meeting of Council held on 24 September 2012.

Recommendation:

That the minutes of the Ordinary meeting of Council held on 24 September 2012 be confirmed subject to the following amendment to the resolution in Item 8.1.1 Holmsglen Extension of use:

Resolution:

That Council issue a notice of decision to grant a permit for the extension of use permit to now include residential hotel accommodation, outdoor recreation facility and place of assembly as part of the current education facility at 92 Moore Road, Eildon subject to the following conditions:

- (1) The use of the buildings as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.**
- (2) This permit shall expire if the use hereby permitted has not commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.**

- (3) The use of the residential hotel accommodation must be in conjunction with the outdoor recreation facility.
- (4) The use as “place of assembly” must not exceed 10 in any calendar year and notification of the events must be sent to Council at least one week prior to any event taking place.
- (5) All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly, and more often if required by the Responsible Authority.
- (6) The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
- (7) The emission of noise from the premises including the surrounding environment and carpark areas must not cause annoyance to persons beyond the site.
- (8) The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
- (9) Prior to the commencement of construction of any road works, plans and specifications must be submitted to and approved by the Responsible Authority. Specific details of the extent of works are as follows:
- 4 metre wide sealed road construction, plus the sealing of the passing bays (with a minimum 20 metres x 2 metres), with shoulders of 1.5 metres in accordance with the Infrastructure Design Manual from approximately 130 metres distance along Moore road from the Goulburn Valley Highway for a distance of approximate 1.3 kilometres (entry into development).
 - Goulburn Valley Highway works as approved by VicRoads.
- (10) This permit allows the site to be used up to six (6) times in accordance with the proposal prior to the works being undertaken as per conditions (11) and (12) below. Prior to any of these six events being held, the following must be provided to the Responsible Authority at least six (6) weeks prior to the event being held:
- (a) Date and time of event (s), including estimated start and finish times.
 - (b) Type of event
 - (c) Expected number of patrons/visitors
 - (d) Expected number of vehicles

Notification of these events will be sent to all residents of Moore Road by the Responsible Authority.

- (11) With the exception of the six events allowed in Condition (10) above or six months after the issue of this permit whichever occurs first, prior to the commencement of the extension of use for the development, Moore Road must be upgraded in accordance with Traffic Work’s report, dated 13 June 2012, but with the following additional requirements:
- The sealing works must include the passing bay areas

- “Concealed entrance” and “Passing Bay” signs to be installed as appropriate.
 - The full cost of upgrading the road and installing the signs must be funded by the developer
- (12) With the exception of the six events allowed in Condition (10) above or six months after the issue of this permit whichever occurs first, prior to the commencement of the extension of use for the development, Moore Road must be upgraded in accordance with the approved plans required as part of Condition (9) above. These works must incorporate earthworks, pavements, sealing works, drainage, road side furniture/signage and environmental treatment in accordance with requirements of Councils’ Infrastructure Design Manual and to the satisfaction of the Responsible Authority.
- (13) The developer must be responsible for the rectification of failures, defects and omissions identified in the Moore Road upgrade works during a defect liability period of 12 months. The defect liability period commences from the date the Responsible Authority agrees the construction of the works is practically completed. Failures, defects and omissions must be rectified to the satisfaction of the Responsible Authority.
- (14) Before any works associated with the upgrade of Moore Road start, the developer must appoint a competent and suitably qualified Project Manager who shall be responsible for the supervision and management of the works, to the satisfaction of the Responsible Authority.
- (15) All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimize the effect of such activities on the amenity of the locality.
- (16) Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in *Construction Techniques for Sediment Pollution Control* (EPA, 1991) and to the satisfaction of the Responsible Authority.

VicRoads

- (17) Prior to the commencement of the proposed use, the applicant shall construct a Basic Right (BAR) Turn Treatment at Goulburn Valley Highway and Moore Road intersection in accordance with Figure 7.5 of the Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections.
- (18) Prior to the commencement of works within the arterial road reserve the applicant shall submit:
- (a) Application for consent in accordance with the Road Management Act (Works and Infrastructure) Regulations 2004, including payment of the prescribed fee (telephone 03 5761 1888 or visit www.vicroads.vic.gov.au for further information)
 - (b) Detailed design plans and specifications for the proposed BAR right turn treatment and obtain VicRoads written approval of the plans and specifications.
- (19) All works associated with the above requirements are to be completed to the satisfaction of and at no cost to the Roads Corporation (VicRoads).

NOTATIONS:

- (1) **All access roadwork's required to be constructed for the development must be designed and constructed in accordance with Councils Infrastructure Design Manual**
- (2) **Prior to commencing any works within the existing road reserve. a consent to work on the road reserve is required from the relevant Road Authority in accordance with the Road Management Act 2004 and associated regulations.**

RESOLUTION:

Cr B Flowers / Cr K Bellingham

That the minutes of the Ordinary meeting of Council held on 24 September 2012 be confirmed subject to the following amendment to the resolution in Item 8.1.1 Holmsglen Extension of use:

Resolution:

That Council issue a notice of decision to grant a permit for the extension of use permit to now include residential hotel accommodation, outdoor recreation facility and place of assembly as part of the current education facility at 92 Moore Road, Eildon subject to the following conditions:

- (1) The use of the buildings as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
- (2) This permit shall expire if the use hereby permitted has not commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.
- (3) The use of the residential hotel accommodation must be in conjunction with the outdoor recreation facility.
- (4) The use as "place of assembly" must not exceed 10 in any calendar year and notification of the events must be sent to Council at least one week prior to any event taking place.
- (5) All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly, and more often if required by the Responsible Authority.
- (6) The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
- (7) The emission of noise from the premises including the surrounding environment and carpark areas must not cause annoyance to persons beyond the site.
- (8) The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
- (9) Prior to the commencement of construction of any road works, plans and specifications must be submitted to and approved by the Responsible Authority. Specific details of the extent of works are as follows:

- 4 metre wide sealed road construction, plus the sealing of the passing bays (with a minimum 20 metres x 2 metres), with shoulders of 1.5 metres in accordance with the Infrastructure Design Manual from approximately 130 metres distance along Moore road from the Goulburn Valley Highway for a distance of approximate 1.3 kilometres (entry into development).
 - Goulburn Valley Highway works as approved by VicRoads.
- (10) This permit allows the site to be used up to six (6) times in accordance with the proposal prior to the works being undertaken as per conditions (11) and (12) below. Prior to any of these six events being held, the following must be provided to the Responsible Authority at least six (6) weeks prior to the event being held:
- (a) Date and time of event (s), including estimated start and finish times.
 - (b) Type of event
 - (c) Expected number of patrons/visitors
 - (d) Expected number of vehicles
- Notification of these events will be sent to all residents of Moore Road by the Responsible Authority.
- (11) With the exception of the six events allowed in Condition (10) above or six months after the issue of this permit whichever occurs first, prior to the commencement of the extension of use for the development, Moore Road must be upgraded in accordance with Traffic Work's report, dated 13 June 2012, but with the following additional requirements:
- The sealing works must include the passing bay areas
 - "Concealed entrance" and "Passing Bay" signs to be installed as appropriate.
 - The full cost of upgrading the road and installing the signs must be funded by the developer
- (12) With the exception of the six events allowed in Condition (10) above or six months after the issue of this permit whichever occurs first, prior to the commencement of the extension of use for the development, Moore Road must be upgraded in accordance with the approved plans required as part of Condition (9) above. These works must incorporate earthworks, pavements, sealing works, drainage, road side furniture/signage and environmental treatment in accordance with requirements of Councils' Infrastructure Design Manual and to the satisfaction of the Responsible Authority.
- (13) The developer must be responsible for the rectification of failures, defects and omissions identified in the Moore Road upgrade works during a defect liability period of 12 months. The defect liability period commences from the date the Responsible Authority agrees the construction of the works is practically completed. Failures, defects and omissions must be rectified to the satisfaction of the Responsible Authority.
- (14) Before any works associated with the upgrade of Moore Road start, the developer must appoint a competent and suitably qualified Project Manager who shall be responsible for the supervision and management of the works, to the satisfaction of the Responsible Authority.
- (15) All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimize the effect of such activities on the amenity of the locality.

- (16) Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in *Construction Techniques for Sediment Pollution Control* (EPA, 1991) and to the satisfaction of the Responsible Authority.

VicRoads

- (17) Prior to the commencement of the proposed use, the applicant shall construct a Basic Right (BAR) Turn Treatment at Goulburn Valley Highway and Moore Road intersection in accordance with Figure 7.5 of the Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections.
- (18) Prior to the commencement of works within the arterial road reserve the applicant shall submit:
- (a) Application for consent in accordance with the Road Management Act (Works and Infrastructure) Regulations 2004, including payment of the prescribed fee (telephone 03 5761 1888 or visit www.vicroads.vic.gov.au for further information)
 - (b) Detailed design plans and specifications for the proposed BAR right turn treatment and obtain VicRoads written approval of the plans and specifications.
- (19) All works associated with the above requirements are to be completed to the satisfaction of and at no cost to the Roads Corporation (VicRoads).

NOTATIONS:

- (1) All access roadwork's required to be constructed for the development must be designed and constructed in accordance with Councils Infrastructure Design Manual
- (2) Prior to commencing any works within the existing road reserve. a consent to work on the road reserve is required from the relevant Road Authority in accordance with the Road Management Act 2004 and associated regulations.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

File No: 12/01/05

None declared.

5. OPEN FORUM

The Chairperson declared Open Forum and invited questions from the Gallery.

Julia Foletta, of Buxton, acknowledged the efforts of all retiring Councillors and thanked them for a very difficult term in office.

Julia introduced Natalie Sevino, from the Alexandra Standard, who is the new reporter of Council matters.

Cr B Flowers thanked Julia for reporting on Council matters.

Steve Fleming thanked Cr P Beales for representing Kinglake as riding councillor.

John Marshall, of Toolangi, spoke in support his application for an amendment to a permit for the Toolangi Tavern (Item 8.1.1 on the agenda).

Andrew Nielsen, of Toolangi, spoke against an application for amendment to a permit for a tavern in Toolangi. (Item 8.1.1 on the agenda)

The Chairperson closed Open Forum.

6. PETITIONS RECEIVED BY COUNCIL

Nil.

7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES

Nil.

8. OFFICER REPORTS

8.1 DEVELOPMENT & ENVIRONMENT

8.1.1 Toolangi Tavern – Amendment to Permit

File No: 2003/187

Land: 1390 Myers Creek Road, Toolangi

Proposal: Amendment to planning permit 2003/187 to increase the licensed area and a variation to endorsed plans to enclose existing deck and construct a new deck

Applicant: J & M Marshall

Zoning: Farming

Overlays: Environmental Significance

Attachments: Application details (*refer Encl 8.1.1a*) and current planning permit (*refer Encl 8.1.1b*). Aerial photograph and submissions distributed separately

Locality Plan



Purpose:

This report recommends that a Notice of Decision to Grant a Permit be issued for the amendment to planning permit 2003/187 to increase the licensed area and vary the endorsed plans to enclose existing deck and construct a new deck at 1390 Myers Creek Road, Toolangi.

Recommendation:

That Council issue a Notice of Decision to Grant a Permit for an amendment to Planning Permit 2003/187 to increase the license area and vary the endorsed plans to enclose the existing deck and construct a new deck in accordance with the plans lodged with the proposal.

History

In September 2003 Council resolved to support a planning permit application, subject to suitable conditions, for the construction of a building extension and car parking for the use of the premises as a tavern in conjunction with the existing use as a general store. Five objections and 6 letters of support were received to the application. No appeals were lodged and a permit was issued on 21 October 2003.

The original application in 2003 stated as follows:

- Opening hours to generally mirror the existing shop hours from 7.30am, closing at 7.30pm Monday, Tuesday, Wednesday, 8.30pm Thursday, 11pm Friday and Saturday and 10pm Sunday.
- Only expected local patronage at nights.
- Plans showed 50 seats.
- The development will provide an important tourist focus with the existing store being a de-facto tourist information centre.
- Primary purpose of the tavern to provide comfortable seating for informal meetings, meals and refreshment for locals and tourists. The deck is to provide a view area over the valley. Service of alcohol is ancillary to the main objects of the development.

Plans endorsed with the permit show a floor area of 112 square metres for the tavern extension with the side and rear deck having an area of 60 square metres. Amended plans were endorsed in March 2005 after consultation with original objectors. These plans amended the design and provided for requirements specified in the permit in relation to:

- Car parking
- Traffic management
- 6 metre wide landscaping buffer to the east
- Acoustic fencing along east and west boundaries
- Building location 12 metres further away from road

The design was amended by enclosing the side decking into main building, extending the length by 2 metres and double glazing all windows. This also involved the demolition of the existing store and construction of an entirely new building instead of retaining the existing store.

Proposal:

This proposal is to amend the endorsed plans by enclosing the existing rear deck with glass panel infills to enable all weather use and to construct a new deck adjacent to the existing one for use by smokers and will have two open sides and no roof. The original decking area to be enclosed is 54 square metres and the proposed new decking are for smokers is 27 square metres.

The licensed area is currently restricted to the main tavern area and the rear deck. It is proposed to extend this area into the old store area and kitchen which is separated from the main tavern by the bar and also the proposed new decking at the rear.

The justification for increasing the license area is to allow separation of patrons for management purposes in relation to restaurant patrols, casual drinkers and take away customers.

The justification for filling in the existing deck is to allow dining in this portion of the building, thereby taking advantage of the better views from this outlook.

The Land & Surroundings:

The land comprises a 2 hectare site with an 86 metre frontage to Myers Creek Road in Toolangi. The tavern building is situated near the front of the land with parking both in front of the building and at the rear. The store section of the building and the tavern portion both have a frontage to the road and have separate access doors along the front verandah. There is a cottage located behind the tavern.

The subject land has a 5-10% slope away from the road to a creek at the northern end of the title. A substantial landscaped area exists on the two side boundaries of the land providing effective screening from the two neighbouring lots.

Existing Planning Permit Conditions

The existing planning permit caps the numbers of patrons to 50 and limits the drinking area to the building, specifically excluding the outdoor seating area on the east side of the driveway that was previously used in conjunction with the store. No alteration or modification is permitted to the number of patrons without the written consent of the Responsible Authority. This condition provides for one off events such as New Years Eve.

The hours of use are set at 10am to 10pm Sunday to Thursday and 8am to 11pm Friday and Saturday.

Other conditions address amenity concerns such as limiting the use of live entertainment with amplifiers to six occasions per calendar year.

Referrals:

This application was not required to be referred to any internal department or external agency.

Consultation:

The application was sent to 15 adjacent and nearby owners and a sign was placed on site for a period of 2 weeks.

Newspaper / Other	Publishing/Consultation Date(s)
<i>Newspaper:</i>	N/A
<i>Consultation:</i>	
<i>Sign on site</i>	21 August 2012 – 5 September 2012
<i>Mail out:</i>	20 August 2012

Two objections were received as follows:

- Existing building is in excess of the size required for the 50 patrons allowed on the premises in accordance with the existing planning permit. Further development is not warranted. Also noted that there are more than 50 patrons present frequently in contravention of the permit. (2)
- Noise from the premises has a significant impact on neighbours. (2)

- Further outdoor areas would create more noise. (2)
- Car parking issues have not been addressed adequately, nor policed by Council. More patrons will create more problems for neighbours. (2)
- Previous request for extension of patron numbers was refused by Council. (1)

Planning Considerations:

The current planning permit allows for the use as a tavern with a general liquor license. This permit was issued when the land was zoned Rural under the Murrindindi Planning Scheme. Since that time the Farming Zone has been implemented and under that zone a hotel is a prohibited use. In this instance a permit was issued before the approval date of the Farming Zone and the use commenced before the permit expired. Therefore the use as a tavern commenced lawfully and operates under an existing use right.

Section 72 of the Planning & Environment Act 1997 allows for an application to be made to amend a planning permit. When considering such an application for an existing use Council must look to clause 63.05 which sets out the provisions under which an existing use may continue, as follows:

- *No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.*
- *Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.*
- *The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.*

Dot point one relates to the need for a planning permit for development or works.

Dot point two refers to continuing to meet any implied restriction on the use and extent of the land subject to the existing use. The second part of this dot point refers to the intensity of use inferring that the use could not continue unless conditions relating to intensity of use continue to be met. The extent of the land and extent of activities will not change.

Dot point three relates to amenity and Council must assess whether extending the licence area would detrimentally impact on the amenity of the area beyond that which may presently be the case.

The Toolangi Tavern use has evolved over the years with glass infill being placed in the south eastern side of the deck and an area that was originally utilised as a roofed decking area now being used for dining with retractable blinds which can be closed in inclement weather. Since the advent of the tobacco laws in 2007 smoking is prohibited in an enclosed licensed premises which has resulted in the smokers being forced to use an existing walkway where the proposed deck is to be constructed.

Noise and overlooking has been raised as an objection by the neighbour to the south east in relation to the rear deck extension. The gardens between the dwelling and the hotel are extensive and have grown considerably since the building was first opened providing a good screen between the two properties. As well, the deck extension is on the side of the building that angles away from this property and will only have views into the paddock.

The other issues raised are in relation to the maximum number of patrons permitted on the premises and parking.

Both objections raise the issue of patrons in excess of what is permitted under the planning permit and the resultant parking issues.

The applicants acknowledge that the number of patrons is capped at 50 unless otherwise permitted and make the point that they are not requesting an amendment to raise the number of patrons but wish to use the spaces more efficiently. Also there is the ability to have larger numbers on occasion and the separation of areas will allow for better management of patrons.

The draft Kinglake Ranges, Flowerdale and Toolangi Strategic Plan has recognised that the use as a hotel is prohibited under the existing Farming Zone and that this creates pressures on the ability to expand on the use. It is recommended that this site should be the location of any new local convenience store and accommodation and encourages the re-establishment of the general store. Accordingly the recommendation is that the land be rezoned to Rural Activity to allow for these uses. This would also provide an opportunity for matters such as expanding the existing use through a planning permit process.

It is noted that Council has not received any written complaints in relation to the conduct of the hotel, including matters that relate to amenity, onsite parking and patron numbers.

Conclusion:

Council must assess the provisions of clause 63.05 and determine whether amending the permit will damage the amenity of the area beyond the limited purpose of the existing permit, if that is the case then the application must be refused. This application is not for extended number of patrons beyond that permitted by the planning permit but to allow better management of the facility and to offer a more attractive dining experience. There should be no detrimental impact on neighbouring properties and should assist with noise attenuation to properties to the south and south east as the building angles away from those properties.

Legal/Policy Issues:

Local Planning Policy Framework

21.06 Tourism Strategies

- Facilitate tourist uses and developments that are linked to the natural environment
- Facilitate recreation and tourism activities that attract tourists year round

Zoning

35.07 Farming

When the permit was originally issued the land was zoned Rural under the Murrindindi Planning Scheme. The land was rezoned to Farming on 27 July 2006.

The purpose of the Farming Zone is to:

- Implement State and Local Planning Policy Frameworks
- Provide for the use of land for agriculture
- Encourage retention of productive agricultural land
- Ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision
- Protect and enhance natural resources and the biodiversity of the area

Overlays

42.01 Environmental Significance Overlay

- To recognise and protect high quality agricultural land

Decision Guidelines

Clause 63.12 requires that in addition to the normal decision guidelines set out in Clause 65 *the Responsible Authority must consider the extent to which compliance can be achieved with all scheme requirements that can reasonably be met.*

Clause 65 requires the Responsible Authority to consider as appropriate (not all listed below):

- State and Local Planning Policy Frameworks
- The purpose of the zone, overlay or other provision
- Any matter required to be considered in the zone, overlay or other provision
- The orderly planning of the area
- The effect of amenity of the area

RESOLUTION:

Cr P Beales / Cr C Ruhr

That Council issue a Notice of Decision to Grant a Permit for an amendment to Planning Permit 2003/187 to increase the license area and vary the endorsed plans to enclose the existing deck and construct a new deck in accordance with the plans lodged with the proposal.

CARRIED

8.2 INFRASTRUCTURE SERVICES

No report.

8.3 CHIEF EXECUTIVE OFFICER**8.3.1 2011 - 12 Annual report**

File No: 24/03/1112C

(Refer Encl 8.3.1 – Murrindindi Shire Council Annual Report 2011-2012)

Purpose:

This report presents the Annual Report for the period 1 July 2011 to 30 June 2012.

Recommendation:

That the Council formally accept the Annual Report of the Murrindindi Shire Council for the 2011-2012 financial year.

Background:

Sections 131 and 134 of the *Local Government Act 1989* requires that the Council consider the Annual Report.

All advertising and statutory requirements including the forwarding of a copy of the report to the Minister for Local Government by 30 September 2012 have been met.

Councillors have been provided with a hard copy of the report.

The Annual Report details progress that Council has made over the past 12 months towards achieving the activities of the Council Plan and the Annual Budget.

It provides a detailed presentation of Council's performance around the seven themes within the Council Plan as well as the financial report for the 2011 – 2012 year.

Council Plan/Strategies:

The Annual Report supports the Council Plan 2009-13. Under the sections Governance and Corporate Development, the Annual Report supports the strategies; To be consistent, fair and transparent in our decision-making, Provide sound financial management and communicate well with our stakeholders.

Legal/Policy Issues:

It is a requirement of the *Local Government Act* that the Annual Report be accepted by Council.

Financial/Resources/Risk

The Audit Financial Statements are also included in the Annual Report and were received by Council at its September Ordinary meeting.

Discussion:

The Annual Report 2011-2012 details the progress which has been made in achieving the strategic goals set out in 2009-2013 Council Plan and the 2011-2012 Budget.

The report records and highlights how Council has progressed in relation to its Key Performance Indicators (KPIs) and sets out the challenges for the year ahead.

The Annual Report recognises the efforts of Council in developing plans in meeting its future financial commitments and acknowledges a number of planned activities have been put on hold while an internal services review has taken place.

Importantly it highlights a range of activities and service delivery that has supported the community, recognising that there is more to be done across 2012-13.

Consultation:

The statutory inspection period as required by the Act has been complied with and includes public notification on Council's website, The Age and in local newspapers.

Newspaper / Other	Publishing Date(s)
Newspaper:	
The Age	29 September 2012
Alexandra & Eildon Standard	3 October 2012
Yea Chronicle	3 October 2012
Marysville Triangle	4 October 2012
Consultation:	Nil
Mail out:	Nil

The report has been forwarded to the Minister for Local Government and the Department of Planning and Community Development.

Conclusion:

The presentation of the Annual Report is an important milestone in recognising the significant achievements of Council in 2011-2012.

RESOLUTION:

Cr B Flowers / Cr K Bellingham

That the Council formally accept the Annual Report of the Murrindindi Shire Council for the 2011-2012 financial year.

CARRIED

Cr Flowers thanked the Communications Team for putting the Annual Report together and the Finance Team for the Financial Statements at the back of the report.

8.4 CORPORATE SERVICES

8.4.1 Moores Road Reserve Committee of Management – Revocation

File No: 25/04/04

(Refer Encl 8.4.1 - Moores Road Reserve Committee of Management letter)

Purpose:

The purpose of this report is for Council to consider the revocation of the Instrument of Delegation for the Section 86 Moores Road Reserve Committee of Management (COM).

Recommendation:

That Council:

- 1. Revoke the Instrument of Delegation for the Section 86 Moores Road Reserve Committee of Management.**
- 2. Implement the COMs request for commitment of remaining bank funds of \$500.00 towards minor bollard works at the reserve.**
- 3. Formally thank the Moores Road Reserve COM for the valuable volunteer work that they have completed over the last five years.**

Background:

Council received a request on 15 August 2012 from the Moores Road Reserve COM to revoke the Section 86 delegation as per *(refer Encl 8.4.1)*. The committee was established by Council in July 2007 and the purpose of the committee was to enhance and develop the reserve. At a meeting held by the committee on 5 August 2012, a unanimous decision was made to recommend to Council to revoke the Committee of Management delegation.

The committee outlined that the development has been completed with the assistance of a number of volunteers and authorities including bushfire funding.

The committee have also requested Council to complete some minor bollard works utilising the remaining bank balance \$500.00.

Council has assumed responsibility for the maintenance and cleaning of the barbeques and public toilets on the reserve.

Council Plan/Strategies:

The Council Plan 2009-13 Theme of Governance, supports a well developed community engagement model, the Improvement of governance systems, processes and relationships.

Legal/Policy Issues:

There are no legal issues associated with this report.

Financial/Resources/Risk

In the event that the Section 86 delegation is revoked by Council, the COM will be required to forward to Council all administrative records, financial reports and undertake closure of the bank account.

Discussion:

The Moores Road Reserve COM was originally created to oversee the establishment of the Moores Road Reserve. The COM was successful in securing external funding to undertake works at the reserve to convert the area from grassland to parkland. The COM has successfully completed the development of the Moores Road Reserve in conjunction with Council. As the development function is complete and ongoing maintenance of the reserve is a Council responsibility, there is no longer a role for the COM. It is therefore appropriate that the COM's delegation be considered for revocation.

Consultation:

A letter of request was received from the COM in respect of the revocation of the Section 86 delegation together with informal discussions with Council Officers.

Conclusion:

It is important that Council recognise the volunteer component in developing and maintaining Council reserves and assets and it is appropriate to revoke the Instrument of delegation now that the COMs function is no longer required.

RESOLUTION:

Cr C Ruhr / Cr C Healy

That Council:

1. Revoke the Instrument of Delegation for the Section 86 Moores Road Reserve Committee of Management.
2. Implement the COMs request for commitment of remaining bank funds of \$500.00 towards minor bollard works at the reserve.
3. Formally thank the Moores Road Reserve COM for the valuable volunteer work that they have completed over the last five years.

CARRIED

8.4.2 S86 Committees of Management – Amendments to Charters

File No: 25/03/08, 25/04/07, 25/04/09, 25/03/05

Purpose:

The purpose of this report is for Council to consider amendments to individual Section 86 Committee of Management Charters as per recommendations by each committee.

Recommendation:

That Council endorse the recommendations for amendment to Charters, as submitted from the individual Section 86 Committees of Management, detailed in the table below:

S86 Committee	Committee Recommended Amendment
Yea Pioneer Reserve Committee of Management	That the area of delegation be amended to exclude the building footprint and barbeque area of the Yea Community Shed
Kinglake Community Centre Committee of Management	That the committee composition be increased to include one (1) more Community Representative
Yea Wetlands Committee	That the committee total membership remain at 10 Community Representatives and that half the Community Representatives

S86 Committee	Committee Recommended Amendment
of Management	spill every year as per the original delegation.
Gallipoli Park Precinct Committee of Management	That the Council Officer is a non-voting representative and that the 'Early Learning Centre Representative' be amended to read 'Marysville Primary School (DEECD) Representative'.
Strath Creek Reserves and Hall Committee of Management	That the Instrument of Delegation and the Charter be amended to reflect the correct name of the committee "Strath Creek Reserves and Hall Committee of Management"

Background:

Endorsement of individual Section 86 Committee of Management membership is an annual process. Each committee has also reviewed the committee composition to ensure that the structure is representative of the user groups and the wider community. This includes a review of the Charters which were implemented in July 2011.

The Instruments of Delegation and the Charters were adopted as a standard blanket document to serve all Section 86 Committees of Management. Individual Committees of Management have operated under the blanket governance model and as part of the Annual General Meeting process request amendments to best fit individual committee operations.

The following table represents recommended amendments to the charters for individual committees:

S86 Committee	Committee Recommended Amendment
Yea Pioneer Reserve Committee of Management	That the area of delegation be amended to exclude the building footprint and barbeque area of the Yea Community Shed
Kinglake Community Centre Committee of Management	That the committee composition be increased to include one (1) more Community Representative
Yea Wetlands Committee of Management	That the committee total membership remain at 10 Community Representatives and that half the Community Representatives spill every year as per the original delegation
Gallipoli Park Precinct Committee of Management	That the Council Officer is a non-voting representative and that the 'Early Learning Centre Representative' be amended to read 'Marysville Primary School (DEECD) Representative'.
Strath Creek Reserves and Hall Committee of Management	That the Instrument of Delegation and the Charter be amended to reflect the correct name of the committee "Strath Creek Reserves and Hall Committee of Management"

Council Plan/Strategies:

The Council Plan 2009-13 Theme of Governance, supports a well developed community engagement model, the improvement of governance systems, processes and relationships.

Legal/Policy Issues:

Failure to formally recognise changes in membership of Council's Section 86 Committees of Management may inhibit the operation of committees and prevent compliance with delegated authorities.

Financial/Resources/Risk

There are financial implications to not updating critical committee positions that have a financial role such as Treasurer or those that are required to be cheque signatories. In these instances, should an appointment not be ratified, the inability to transact financially could lead to statutory non compliance in terms of reporting and financial loss.

Discussion:

This report provides an update for Section 86 Committee membership and structure, subsequent to the reports endorsed by Council on 27 July 2011, 26 June 2012 and 24 September 2012. Reports at these times reflected similar amendments namely changes in membership and structure of special committees of management.

The following officer comments are made in relation to each of the committee recommended amendments:

1. Yea Pioneer Reserve Committee of Management – The Yea Community Shed is included in the area of delegation for the Yea Pioneer Reserve Committee of Management with a DSE lease to the Yea Community Services Group for the management of the building. The lease with the Yea Community Services Group has expired and they do not want to renew the lease, similarly the Yea Pioneer Reserve Committee of Management are not interested in ongoing management of the Yea Community Shed. The Yea Community Shed had two primary tenants, the Yea Pottery Group and the Yea Mens Shed. To excise the Yea Community Shed from the delegation will return direct management to Council, including direct leases with the two tenants.
2. Kinglake Community Centre Committee of Management – The committee has secured a new volunteer who is prepared to assist with the financial management of the Kinglake Community Centre and is keen to encourage participation. The addition of one additional Community Representative will increase the total membership to seven (7) plus the nominated Ward Councillor.
3. Yea Wetlands Committee of Management – The committee has historically had a high level of volunteer interest with a consistent committee number of ten (10). The committee is compliant from a governance perspective and would prefer to retain and encourage the existing number on the committee out of respect for the hard work completed and the volunteer support required for the future development. The Yea Wetlands Committee of Management delegation at its inception included the suggested committee operational structure of committee members having a two year term and half the committee retiring each year.
4. The Gallipoli Park Precinct Committee of Management – Following a review of the Charter as part of the Annual General Meeting process, the Gallipoli Park Precinct Committee of Management requested Council to consider amendment of the Charter to reflect the Council Officer representative to non-voting. This will bring in line the charter as consistent with the remainder of Section 86 Committees. Further, the 'Early Learning Centre Representative' be amended to read "Marysville Primary School (DEECD) Representative' to reflect the correct committee representation.
5. Strath Creek Reserves and Hall Committee of Management – Council adopted blanket Charters and Instruments of Delegation for all Section 86 Committees of Management, this committee were appointed as 'Strath Creek Pioneer Reserve' rather than 'Strath Creek Reserves and Hall Committee of Management', amendment to the Instrument of Delegation and Charter will reflect the correct name of this committee and its functions.

Consultation:

The appointment of members to Committees of Management and review of individual Instruments of Delegations and Charters has been conducted through the Annual General meeting process for each committee.

Conclusion:

It is important from a fiduciary and statutory perspective that Council maintains and has endorsed current membership of its Section 86 Committees of Management.

RESOLUTION:

Cr K Bellingham / Cr C Ruhr

That Council endorse the recommendations for amendment to Charters, as submitted from the individual Section 86 Committees of Management, detailed in the table below:

S86 Committee	Committee Recommended Amendment
Yea Pioneer Reserve Committee of Management	That the area of delegation be amended to exclude the building footprint and barbeque area of the Yea Community Shed
Kinglake Community Centre Committee of Management	That the committee composition be increased to include one (1) more Community Representative
Yea Wetlands Committee of Management	That the committee total membership remains at 10 Community Representatives and that half the Community Representatives spill every year as per the original delegation.
Gallipoli Park Precinct Committee of Management	That the Council Officer is a non-voting representative and that the 'Early Learning Centre Representative' be amended to read 'Marysville Primary School (DEECD) Representative'.
Strath Creek Reserves and Hall Committee of Management	That the Instrument of Delegation and the Charter be amended to reflect the correct name of the committee "Strath Creek Reserves and Hall Committee of Management".

CARRIED

8.4.3 S86 Committee of Management – Membership Endorsement

File No: 25/04/03

Purpose:

The purpose of this report is for Council to consider endorsement of membership structure and representation for Section 86, Gallipoli Park Precinct Committee of Management as recommended by the committee.

Recommendation:

That Council endorse the membership and structure listed in the table below for the Section 86 Gallipoli Park Precinct Committee of Management.

User Group Representation 2012	Membership 2012 Annual General Meetings	Position Held
Community Representative	Tony Thompson	Chairman
Marysville Primary School	Keith Ray	Secretary

User Group Representation 2012	Membership 2012 Annual General Meetings	Position Held
(DEECD)		
Community Representative	Delice Guscott	Treasurer
Community Representative	Nat Morandi	Booking Clerk
Community Representative	Pauline Harrow (new nominee)	Committee Member
Community Representative	David Harrison (new nominee)	Committee Member
Community Representative	VACANT	Committee Member
Alexandra District Hospital	Heather Byrne	Committee Member
Murrindindi Shire Council – Ward Councillor	Ward Councillor	Ward Councillor
Murrindindi Shire Council - Officer	Council Officer	Committee Member (non-voting)

Background:

Endorsement of individual Section 86 Committee of Management membership is an annual process. Each committee has also reviewed the committee composition to ensure that the structure is representative of the user groups and the wider community.

Council Plan/Strategies:

The Council Plan 2009-13, Theme of Governance, supports a well developed community engagement model, the improvement of governance systems, processes and relationships.

Legal/Policy Issues:

Failure to formally recognise changes in membership of Council's Section 86 Committees of Management may inhibit the operation of committees and prevent compliance with delegated authorities.

Financial/Resources/Risk

There are financial implications to not updating critical committee positions that have a financial role such as Treasurer or those that are required to be cheque signatories. In these instances, should an appointment not be ratified, the inability to transact financially could lead to statutory non compliance in terms of reporting and financial loss.

Discussion:

Section 86 Committees of Management have as their central function to manage, operate and control the reserve and or facilities in association with Council and to perform the powers, duties and functions delegated to it by Council and as specified in the instrument of delegation.

In order to properly and effectively undertake its role, COMs must be properly constituted and represent the true interests of the community it represents. It is therefore appropriate that COMs review their membership and structure accordingly.

This report provides an update for Section 86 Gallipoli Park Precinct Committee of Management membership and structure, subsequent to the reports endorsed by Council on 27 July 2011, 26 June 2012 and 24 September 2012. Reports at these times reflected similar amendments namely changes in membership and structure of special committees of management.

The Annual General Meeting for the Gallipoli Park Committee of Management was held 28 August 2012, advertising for three (3) Community Representatives due to resignations of membership within the existing committee established 29 November 2011.

As a result of the nomination process, two (2) nominations were received for the three (3) vacancies (Pauline Harrow and David Harrison). A further extraordinary meeting of the COM will need to be advertised and convened to deal with the remaining vacancy and business not dealt with at the AGM, specifically adoption of the audited annual financial report.

The role of the Ward Councillor representative will be subject to the new Council decision on the future role of councillors on all COMs.

Following a review of the Charter as part of the Annual General Meeting process the Gallipoli Park Precinct Committee of Management requested Council to consider amendment of the Charter to reflect the Council Officer representative to non-voting, and secondly to amend the Early Learning Centre Representative to the Marysville Primary School (DEECD) representative, which is the subject of a separate report. This will bring in line the charter consistent with the remainder of Section 86 Committees and reflect correct committee representation. Council recognises that pressures on the current committee with the management of the Community Centre and of the need to review and support its ongoing management arrangements.

The table below summarises the Gallipoli Park Precinct Committee of Management recommended membership and structure for endorsement.

User Group Representation 2012	Membership 2012 Annual General Meetings	Position Held
Community Representative	Tony Thompson	Chairman
Marysville Primary School (DEECD)	Keith Ray	Secretary
Community Representative	Delice Guscott	Treasurer
Community Representative	Nat Morandi	Booking Clerk
Community Representative	Pauline Harrow (new nominee)	Committee Member
Community Representative	David Harrison (new nominee)	Committee Member
Community Representative	VACANT	Committee Member
Alexandra District Hospital	Heather Byrne	Committee Member
Murrindindi Shire Council – Ward Councillor	Ward Councillor	Ward Councillor
Murrindindi Shire Council - Officer	Council Officer	Committee Member (non-voting)

Consultation:

The appointment of members to the COM has been conducted through the Annual General meeting process. The advertising for the three (3) Community Representatives were advertised in the Marysville Triangle for three (3) weeks and for four (4) weeks in the Alexandra Standard.

Newspaper / Other	Publishing Date(s)
Newspaper:	
Marysville Triangle	17, 24 & 31 August 2012
Alexandra & Eildon Standard	1, 8, 15 & 22 August 2012
Consultation:	Nil
Mail out:	Nil

Conclusion:

It is important from a fiduciary and statutory perspective that Council maintains and has endorsed current membership of its Section 86 Committees of Management.

RESOLUTION:

Cr K Bellingham / Cr B Flowers

That Council endorse the membership and structure listed in the table below for the Section 86 Gallipoli Park Precinct Committee of Management.

User Group Representation 2012	Membership 2012 Annual General Meetings	Position Held
Community Representative	Tony Thompson	Chairman
Marysville Primary School (DEECD)	Keith Ray	Secretary
Community Representative	Delice Guscott	Treasurer
Community Representative	Nat Morandi	Booking Clerk
Community Representative	Pauline Harrow (new nominee)	Committee Member
Community Representative	David Harrison (new nominee)	Committee Member
Community Representative	VACANT	Committee Member
Alexandra District Hospital	Heather Byrne	Committee Member
Murrindindi Shire Council – Ward Councillor	Ward Councillor	Ward Councillor
Murrindindi Shire Council - Officer	Council Officer	Committee Member (non-voting)

CARRIED

8.5 RECONSTRUCTION & RECOVERY

8.5.1 No. 1 Creek Walking Track - Kinglake

File No: 22/05/43-44

Attachments: *Encl 8.5.1a* – Summary of abutting Landholder discussion, *Encl 8.5.1b* – Practical Ecology P/L Responses, *Encl 8.5.1c* – Summary of Community Engagement and Advertising, *Encl 8.5.1d* – Project Proposal Poster

Purpose:

The report presents for Council's information the results of the public consultation process and project funding status associated with the No. 1 Creek Walking Track proposal.

Recommendation:

That the report be noted.

Background:

The People and Parks Foundation have been facilitating the implementation of the VBAF funded "Green Connections" projects in Marysville and the Kinglake Ranges.

The No. 1 Creek walking track project was nominated by the Kinglake CRC, environment sub – committee as a project for the Green Connections program.

This Green Connections project aims to connect the newly opened Bollygum Park to Glenburn Road through the construction of a 500 metre long walking track along the No. 1 Creek, including two tributary crossings.

This project aims to achieve the following outcomes:

- Improvement in the health and well being of the community through positive involvement in the restoration of the environment, and the subsequent environmental education.
- Restore the ecological health of No. 1 creek to provide habitat and a wildlife corridor and includes; installing nest boxes, weed control, erosion control.
- The proposed alignment will make accessible some very attractive and peaceful natural places offering opportunities to re –engage with Victorian bushland on a regular basis.

The Council at its meeting on 23 January 2012 resolved “That Council endorses the No. 1 Creek, Kinglake Walking Track proposal for the purpose of public consultation”. This consultation work occurred earlier this year and is the subject of this report.

Council Plan/Strategies:

This project addresses a number of key strategies identified in the Council Plan 2009 – 2013 including:

Infrastructure:

- Improve and expand the network of footpaths and shared trails both within towns and linking communities.
- Maintain and further develop a safe and efficient transport network.
- Undertake a range of community infrastructure projects which enhance community amenity and foster civic pride.
- Work with the fire affected communities and other levels of government to assist the implementation of priority infrastructure projects.

Community Strategies:

- Foster a more resilient community by promoting diversity, inclusion, access and equity, and supporting community interaction.
- Facilitate improved quality of life for the Murrindindi communities.

Local Economy:

- Facilitate and support recovery of businesses within fire affected communities.

Legal/Policy Issues:

The proposed development is located on Crown land for which Council is the Committee of Management.

Financial/Resources/Risk

People and Parks Foundation have advised that there are insufficient funds to implement this project. The original allocation for the project was \$75,000 and the quotations received including tree works totalled approximately \$120,000.

It was proposed that, if developed, Council would accept the ongoing ownership and maintenance responsibility for the track and creek crossings. This ongoing cost is estimated to be up to \$2,000 per annum. A specific allocation for this would need to be provided for in the Council budget.

Discussion:

The design and investigation work undertaken to date has brought the project to the point where it is ready to be constructed physically.

However, as indicated above the project is no longer able to proceed due to insufficient funds being available.

For Council's information and for future reference the outcome of the community consultation is provided for noting.

Encl 8.5.1a provides a summary of discussions held with individual abutting landowners.

In addition, a number of objections to the project were received from local residents. *Encl 8.5.1b* provides responses to these objections which have been prepared specialist consultant Practical Ecology Pty Ltd.

This information is provided for Council's reference if it is to consider this proposal further in the future.

Consultation:

A wide range of community consultation was undertaken by the People for Parks group and included interviews with adjoining landholders, poster displays, letter drops and advertisements in the local papers.

Encl 8.5.1c provides a list of the forms of communication and associated dates and *Encl 8.5.1d* is a copy of the 'flyer' that was displayed.

Conclusion:

This report responds to Council's resolution to consult with the community on this project and the results are available for future reference. At this present time the project will not proceed due to the lack of funding, however, the consultation outcomes provide information for Council if the project was to be reconsidered at a future date.

RESOLUTION:

Cr P Beales / Cr C Ruhr
That the report be noted.

CARRIED**8.6 INWARDS CORRESPONDENCE**

Nil.

9. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
241311-7-3	21/09/2012	Yea Wetlands Discover eCentre Interpretive Design Consultant Services Formal Instrument of Agreement Deed of Novation – Murrindindi Shire Council, Philip Fitzpatrick and Rhys Pty Ltd.	M Abbey

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
36/03/24	3/10/2012	Murrindindi Shire Council Community Local Law 2012, gazetted in Government Gazette G40.	M Abbey Cr J Walsh Cr B Flowers
1814 Healesville Kinglake Road	3/10/2012	Release and Indemnity Agreement between Murrindindi Shire Council and Donald William Hughes and Peter Grant Hughes re: property Road R-1 on PS7090835, 1814-1816 Healesville Kinglake Road, Toolangi, Victoria 3777.	M Abbey Cr J Walsh

Recommendation:

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

RESOLUTION:

Cr C Ruhr / Cr P Beales

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

CARRIED

10. COUNCILLOR PORTFOLIO REPORTS**10.1 PLANNING AND ENVIRONMENT PORTFOLIO**

Cr B Flowers thanked the Planning & Environment team for their assistance in understanding this portfolio.

10.2 ECONOMIC DEVELOPMENT AND TOURISM PORTFOLIO

Cr P Beales thanked those involved in the Economic Development & Tourism portfolio and hoped for a review of the portfolio themes by the next Council.

10.3 INFRASTRUCTURE AND ASSETS PORTFOLIO

Cr C Healy commented that this portfolio has experienced a difficult year and hoped the next one would be better.

10.4 COMMUNITY AND CUSTOMER SERVICES PORTFOLIO

No report.

10.5 CORPORATE SERVICES PORTFOLIO

Cr K Bellingham commented that the corporate services area has undergone a very busy year and thanked officers for their contribution over the past four years.

10.6 CLIMATE CHANGE AND NATURAL ENVIRONMENT PORTFOLIO

No report.

10.7 MAYOR AND DELEGATED COMMITTEE REPORTS

The Mayor, Cr J Walsh, summarised the past term of office with the following comments:

The past four years have been the most challenging that the Shire has ever had to face. Being on Council over that time has borne only little semblance to the tasks, in type and in quantity, normally undertaken by small rural Councils. Thus there has been a lot of adjusting to change and a constant flow of unique challenges that I believe have been met to an outstanding level by Councillors and Staff.

Within 2 months of being sworn in, this Council confronted a situation where the standard finances, operating structures and community procedures were thrown on their head by the fires; by the decisions of the State Government; and by the desires for quick fixes or rapid renewal in response to issues whose magnitude demanded time to develop considered, viable, long term solutions.

Council, with limited resources that were fully deployed and had been further depleted by the fires found the situation was translated into Council not caring and doing nothing. This misconception was compounded by the actions to introduce a separate organisation for Bushfire Recovery and to bypass Council structures except where it was legally unavoidable. A better solution would have been to bolster Council and work through the well understood channels, augmented where necessary by new procedures to cater for "disaster specific" needs.

Of course as well as adjusting to the new dynamic, this Council still had to maintain the existing structures for community support, because those in the non- burned areas were under massive strain but had no representation in the introduced regime and many in the burned area at this time of crisis fell back on the standard approaches with which they were familiar.

Councillors and staff did a superlative job in managing the often conflicting processes of the existing and the imposed worlds. But there were glitches and again these were leapt upon by some to vent pent-up frustrations. Not wanting to bite the hands that were feeding them and looking for the closest target, the attacks were directed against Council which made execution of the work we had signed up to do, even more difficult. It is a credit to Council and Staff that while many of the attacks were unwarranted and all were unsettling, the work continued to be done. It must be acknowledged that the work was done at a rate and at a level of quality that was commented favourably upon by all those local government executives and general managers that came to assist over the first three years.

The big gain for this Council from the first three years was that we were not afraid to tackle any of the tasks that needed to be done. I hope that is an attribute that flows through to the new Council. This was most evident with the Services Review. The courage to initiate the review has been surpassed by that needed to decide to pursue the recommendations necessary to remain financially viable as a Shire. It would have been easy to leave it to the next Council but we have taken it on and I believe that having had time to digest all the issues and the totality of the reforms being pursued the great majority of the community agree with the approach even though there are some difficult pills to swallow.

Similarly we have found good support for the Vision 2030 initiative which will be an essential tool for a cohesive Shire-wide plan for the future that is will be supported across the community. The Rates Review is a conversation that has had to be had. The education about rates needs to be continued and even if the decision is not to change everyone will now be aware of the way rates are distributed and the reasons behind the distributions of which, at the moment, most ratepayers have little idea.

Besides the Recovery and Rebuilding there are other advancements that have been achieved. Council's oversight and management of the Regional and Local Community Infrastructure Program provided many successful improvements directly meeting community needs. The rationalization of the cattle saleyards and the roofing of the Yea yards provided immediate and long term economic benefits to the Shire. The support for the community services has been

maintained with consistently high reports on the level and quality of the services being provided. The Shire has successfully contributed to the advances in education opportunities for our youth through association with Central Ranges Local Learning and Employment Network (CRLLEN) in gaining the Trade Training Centres and with assisting Murrindindi Training Institute (MTI) come to reality. We have also successfully responded to floods and drought as well as the fires while still maintaining a strong programme in road and bridge maintenance.

The Rail Trail, the highest cost asset we have taken on, was undertaken in a manner which I believe was a hallmark of this Council's approach. We advocated for the best result we could gain for our community and we continue to do so. We took on the project without disregarding earlier commitments made during earlier consultations and we did so in the face of extreme pressure from self interest groups and from some within the project consortium. The remaining challenge is to get the marketing right to ensure it becomes the economic driver we all hope it will be.

Procedurally there have been changes to the Chart of Accounts; stronger procurement practices; introduction of project management practices; proposal assessments through proper business cases; and establishment of long term financial and capital expenditure programmes to name a few. If consistently followed they will all contribute to a more efficient and productive organisation.

These are just some of the challenges that we have dealt with. But what remains for the new Council? Besides continuing with many of our initiatives, there are still the basic financial challenges that seem to be regularly added without notice. Clearly the unfunded superannuation liability is the latest which has landed on our plates and with more calls likely for top up funds. I believe that unless there is greater assistance from the two higher levels of Government in this area, there will be a fundamental threat to the existence of local democracy and government, especially in smaller rural Shires. The continued cost burden of this ill founded scheme on top of other short and long term cost shifts will make it more unlikely that good people will continue to put up their hands to be Councillors. No one will volunteer for a job with increasing workloads which keeps drawing the dislike of their fellow community members because of the need to continually raise rates or diminish services.

The other major challenge that faces the new Council will be to develop a Murrindindi Culture. We can no longer afford the luxury of pursuing outside assistance and grant funds based solely on individual community organisations or towns or localities. We need to turn around the corrosive negative attitude held by some about the Shire and the Council. We need to have the community recognise that benefits in one area of the Shire are benefits for all areas of the Shire and to also recognise that the Shire will benefit most if we progressively improve amenities and services across the whole Shire. And having knowledge of and pride in the achievements of all areas of the Shire will enrich the whole community. There are groups and associations who are already taking this wider view and the new Council must work to build upon those initiatives.

Overall we have responded well to the disasters and we have set the ground work for the future. I thank all Councillors and the Management and Staff of Council for all their efforts over the past four years.

10.8 GENERAL BUSINESS

Cr P Beales reflected on his term of representation on both the Yea and Murrindindi Shire Councils (*refer Encl 10.8*).

Cr J Walsh conveyed a special thanks to the CEO, Executive Management Team and staff for their assistance to him during the past term of office.

RESOLUTION:

Cr P Beales / Cr K Bellingham

Council thanked the CEO, Executive management team and staff for their assistance over the past term of office.

CARRIED

Cr J Walsh thanked retiring councillors for their contributions:

Cr S Abbott Smith for strengthening the Climate Change & Natural Environment and her tireless work in Yea and Glenburn areas.

Cr B Flowers who kept us on top of Waste Management in Council and Waste Management Regional Group, also being recognised for his two terms as ward councillor for Redgate (Alexandra).

Cr K Bellingham for his dedication, despite illness, to his role of Councillor and conveyed his thanks to Evie Bellingham during this difficult time.

Cr C Healy for his term as ward Councillor initially for Koriella and later for Eildon.

Cr P Beales for his three terms as a Councillor and four terms as Mayor (especially the term during and post the 2009 fires).

Cr J Walsh also thanked Cr Cris Ruhr for his contribution to Kinglake West.

RESOLUTION

Cr J Walsh / Cr C Ruhr

A formal vote of thanks to retiring Councillors for their contribution over the past term of office.

CARRIED

The CEO thanked all Councillors and acknowledged their support over the past two years. She also thanked the Executive Management Team and welcomed Tamara Johnson, General Manager Infrastructure Services, as the new member on that team.

The CEO then presented Councillors with framed certificates acknowledging their support to Council over the past four years.

The CEO also presented the Mayor with a framed set of photographs in recognition of his year as Mayor.

11. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil.

12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil.

13. ASSEMBLIES OF COUNCILLORS

File No: 12/01/06

Purpose:

This report presents the records of assemblies of Councillors for the 24 September 2012 to 8 October 2012, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

Recommendation:

That Council receives and notes the record of assemblies of Councillors for 24 September 2012 to 8 October 2012.

Background:

In accordance with Section 80A of *the Act*, written assemblies of Councillors are to be reported at an Ordinary Council Meeting of the Council.

An assembly of Councillors includes advisory committees, where one or more Councillors were present, along with planned or scheduled meetings involving at least half of the Councillors and a Council Officer.

A Councillor who has a conflict of interest at an assembly of Councillors, must disclose the conflict of interest, and leave the meeting while the matter is being discussed.

A written record is required to be kept of every assembly of Councillors, including the names of all Councillors and staff at the meeting, a list of the matters considered, any conflict of interest disclosed by a Councillor, and whether a Councillor who disclosed a conflict left the meeting.

Summary:

Meeting Name / Type	Councillor Briefing Session
Meeting Date	24 September 2012
Matters discussed	1. Vision Super – Unfunded Defined Benefit Superannuation
Attendees: Councillors – Cr Walsh, Cr Healy, Cr Flowers, Cr Bellingham, Cr Beales	Staff – M Abbey, R Cherry, D Cocks
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Council Meeting Agenda
Meeting Date	24 September 2012
Matters discussed	1. Planning Application - Holmesglen 2. Special Charge Scheme – Green Street 3. Castella Central Park Reserve 4. Community Grants 5. Marysville Visitor Information Centre Licence
Attendees: Councillors – Cr Walsh, Cr Healy, Cr Flowers, Cr Bellingham, Cr Beales	Staff – M Abbey, S Mortensen, D Scordalides, M Chesworth, R Cherry, M Parsons, K Girvan, D Cocks
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing Session	
Meeting Date	8 October 2012	
Matters discussed	<ol style="list-style-type: none"> 1. Yea Wetlands Interpretative Project 2. Planning Application 3. Local Government Community Satisfaction Survey 4. No. 1 Creek Walking Track 5. Services Review Update 6. Community Visioning Feedback 	
Attendees: Councillors – Cr Walsh, Cr Bellingham, Cr Flowers	Staff – M Abbey, D Scordalides, T Johnson, R Cherry, J Canny, K Girvan, M Chesworth	
Conflict of Interest disclosures - Nil		

RESOLUTION:

Cr P Beales / Cr B Flowers

That Council receives and notes the record of assemblies of Councillors for 24 September 2012 to 8 October 2012.

CARRIED**14. URGENT BUSINESS**

Nil.

RESOLUTION:

Cr C Ruhr/ Cr C Healy

That the meeting be adjourned.

CARRIED**The meeting was adjourned at 8.12 pm.****RESOLUTION:**

Cr C Healy / Cr P Beales

That the meeting be resumed.

CARRIED**The meeting resumed at 8.21 pm.****RESOLUTION:**

Cr C Ruhr / Cr K Bellingham

That the meeting be closed to the public pursuant to s.89(2)(h) of the *Local Government Act 1989* due to matters which the Council or special committee considers would prejudice the Council or any person.

CARRIED**The meeting closed to the public at 8.21 pm.****RESOLUTION:**

Cr C Ruhr/ Cr K Bellingham

That the meeting re-open to the public.

CARRIED

The meeting re-opened to the public at 8.37 pm.

In accordance with a confidential Council resolution the Chair, Mayor John Walsh, released the following resolutions:

15.3 COUNCILLOR REIMBURSEMENT

12/02/04

RESOLUTION:

Cr C Ruhr / Cr P Beales

That Council review its Councillor Reimbursement Policy, especially Section 3.6 in relation to communications equipment.

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 8.39 pm.

CONFIRMED THIS

CHAIRPERSON
