



AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
MONDAY 17 DECEMBER 2012
in the
ALEXANDRA COUNCIL CHAMBERS
commencing at
6.00 pm

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1. PRAYER & RECONCILIATION STATEMENT**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

File: 12/02/19

3. CONFIRMATION OF MINUTES

➤ Minutes of the Ordinary meeting of Council held on 26 November 2012.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

File No: 12/01/06-1

5. OPEN FORUM**6. PETITIONS RECEIVED BY COUNCIL****7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES****8. OFFICER REPORTS****8.1 DEVELOPMENT & ENVIRONMENT****8.1.1 *Murrindindi Planning Scheme, Amendment C44, Bushfire Policy***

File No: 58/07/57

(Refer *Encl 8.1.1a* Proposed bushfire policy and *Encl 8.1.1b* explanatory report). Other strategy changes proposed under C44 have been separately distributed to Councillors.

Purpose:

The purpose of this report is to seek Council consent to the Minister for Planning undertaking and approving Amendment C44 to the Murrindindi Planning Scheme without exhibition to incorporate additional bushfire risk management measures into the Murrindindi Planning Scheme.

Recommendation:

That pursuant to Section 20(5) of the *Planning and Environment Act 1987*, Murrindindi Shire Council consents to the Minister for Planning preparing and approving Amendment C44 to the Murrindindi Planning Scheme without exhibition under Section 20(4) of the *Planning and Environment Act 1987* to incorporate additional bushfire risk management measures in the Murrindindi Planning Scheme.

Background:

Amendment C44 implements a key recommendation of the 2009 Victorian Bushfires Royal Commission to incorporate bushfire risk management in planning for rebuilding communities. The final Royal Commission report (July 2010) included the following recommendation:

Recommendation 45:

The State press municipal councils—in particular, Murrindindi Shire Council—to urgently adopt a bushfire policy in their Local Planning Policy Framework and incorporate bushfire risk management in their planning policies and strategies for rebuilding communities such as Marysville, Kinglake and others affected by the January–February 2009 fires.

Amendment C44 has been drafted to implement this recommendation by proposing to make the following changes to the Murrindindi Planning Scheme:

1. Amending Clause 21.02 (Municipal vision) to enhance bushfire risk assessment and protection considerations.
2. Amending Clause 21.03 (Issues affecting the shire) to enhance bushfire risk assessment and protection considerations.
3. Amending Clause 21.07 (Serviced townships strategies) to enhance bushfire risk assessment and protection considerations.
4. Amending Clause 21.08 (Kinglake strategies) to enhance bushfire risk assessment and protection considerations in Kinglake, including application of the BMO in areas where there is potential for extreme bushfire behaviour.
5. Amending Clause 21.09 (Other townships strategies) to enhance bushfire risk assessment and protection considerations.
6. Amending Clause 22.03 (Townships) to enhance bushfire risk assessment and protection considerations in urban areas.
7. Including new Clause 22.05, *Planning for Bushfire Protection*, in the planning scheme.

Council Plan/Strategies:

The proposed amendment is consistent with and implements the *Murrindindi Shire Council Plan 2009 – 2013*, in particular the strategic directions under the Planning and Environment Theme and the year four action to incorporate new bush fire policy into the Murrindindi Planning Scheme, having regard to the 2009 Victorian Bushfires Royal Commission recommendations.

Legal/Policy Issues:

This matter raises bushfire and community protection issues of statewide significance. The draft amendment will implement a key recommendation of the 2009 Victorian Bushfires Royal Commission, addressing major policy issues of bushfire protection and community resilience to bushfire.

Financial/Resources/Risk

There is no financial cost to Council associated with the amendment. The Minister for Planning will prepare and approve the amendment without fees. The amendment has been drafted using funds Council received from the Department of Planning and Community Development (DPCD) for bushfire related planning work.

There is the some likelihood that the application of the C44 Amendment and the Bushfire Policy will limit settlement growth, and in turn growth of the rate base, in some higher risk areas of the Shire. Their application will, however, reduce the potential risk to Council and the general Murrindindi community from bushfires.

Discussion:

This amendment implements a key direction of the 2009 Victorian Bushfires Royal Commission. The primary component of the amendment is proposed new Clause 22.05, *Planning for Bushfire Protection*. It is likely that this policy will become a state standard policy for use by other municipalities in areas of high bushfire risk.

The amendment complements other bushfire planning measures that have been implemented by the Minister for Planning into the planning scheme to strengthen community resilience to bushfires and guide the use and development of land in areas of high bushfire risk, including:

- State planning policy framework strategies for bushfire.
- Particular provisions dealing with bushfire protection and recovery.
- Clause 52.47, Bushfire Protection: Planning Requirements (which includes buildings and defensible space standards).
- Implementation of the Marysville and Triangle Urban Design Framework.
- Use of the Bushfire Management Overlay (replacing the Wildfire Management Overlay).

New and expanded Bushfire Management Overlay (BMO) mapping for the Murrindindi Shire has been prepared by DPCD and the Country Fire Authority. An amendment to implement revised BMO mapping will also be prepared and approved by the Minister for Planning without exhibition in due course.

While Clause 22.05, *Planning for Bushfire Protection* is most applicable for use in conjunction with applications for planning permits under the BMO, it will have general applicability for the municipality and planning applications. The objectives of the proposed policy are:

- *To facilitate the orderly and safe recovery and rebuilding of communities following Black Saturday bushfires.*
- *To strengthen community resilience to bushfire by ensuring that bushfire protection measures are considered and given effect to in decision making.*
- *Ensure that decisions on strategic and settlement planning prioritise the protection of human life over other policy considerations and apply the precautionary principle when assessing the risk to life, property and community infrastructure from bushfire.*

One measure of the proposed policy is:

- *The future urban growth within the Shire is directed to lower risk locations having regard to strategic and settlement planning in a regional, sub-regional, municipal and local context.*

While this proposed policy measure may appear far reaching, it is considered reasonable as the state planning policy framework already directs this strategic outcome.

In the case of this amendment the Minister for Planning is acting as Planning Authority by legally preparing and approving the amendment. Under Section 20(4) of the Act, the Minister may exempt himself from any requirements of the Act and regulations, including exhibition. Under Section 20(5), the Minister may consult with Council before exercising his powers under Section 20(4).

Consultation:

Section 20(4) of the *Planning & Environment Act 1987* provides that the Minister for Planning may prepare and approve amendments without exhibition. This report is to seek Council's consent under Section 20(5) to the Minister preparing and approving the amendment without exhibition under Section 20(4) of the Act.

The amendment was drafted with support from DPCD (Bushfire team, Statutory Systems). The documents were revised to include all DPCD feedback.

It is considered appropriate that the Minister prepare and approve the amendment without exhibition as:

- The 2009 Victorian Bushfires Royal Commission was subject to extensive community consultation and input.
- Bushfire risk and assessment is a genuine matter of state interest that is appropriately implemented at state level.
- State planning policies and planning scheme control measures for addressing bushfire risk have already been included in all planning schemes by the Minister and are now used throughout Victoria as accepted practice.

Conclusion:

The amendment implements a key recommendation of the 2009 Victorian Bushfires Royal Commission to incorporate bushfire risk management in planning. The proposed amendment makes changes to existing strategies and implements a new policy for planning for bushfire protection. The Minister for Planning proposes to implement the amendment by preparing it and approving it without exhibition. It is considered appropriate that Council agree to this course of action.

8.1.2 Adoption of the Murrindindi Shire and Lake Mountain Municipal Fire Management Plan (MFMP) and Additional Neighbourhood Safer Places

File No: 22/05/49

(Refer *Encl 8.1.2a* - Draft Murrindindi Shire and Lake Mountain Fire Management Plan and *Encl 8.1.2b* - Submission from WICEN (Vic.) Inc.)

Purpose:

The purpose of this report is to recommend to Council that following the period of public exhibition (2 months) and having regard to the submissions received, that Council proceeds to adopt the Murrindindi Shire and Lake Mountain Municipal Fire Management Plan. In addition the report recommends the adoption of additional Neighbourhood Safer Places (NSPs), which have been recommended by the Municipal Emergency Planning Committee (MEMPC) for endorsement by Council.

Recommendation:

That Council:

1. **Acknowledges the one submission received to the exhibition of the draft MFMP**
2. **Endorses the minor adjustments made to the draft MFMP in response to the one submission received to the public exhibition**
3. **Notes that the draft MFMP, including minor adjustments was endorsed by the Municipal Fire Management Planning Committee on 12 November 2012**
4. **Notes that the draft MFMP, including minor adjustments was endorsed by the Municipal Emergency Management Planning Committee on 21 November 2012**
5. **Adopts the Murrindindi Shire and Lake Mountain Municipal Fire Management Plan as contained in the attachment to this report**
6. **Adopts the recommendation of the Municipal Emergency Management Planning Committee (MEMPC) that the following sites be recognised as Neighbourhood Safer Places (Places of Last Resort)**
 - (a) **THORNTON -Thornton Recreation Reserve**

- (b) **MARYSVILLE - Community Centre, Falls Rd**
 - (c) **YARCK - Yarck Recreation Reserve**
 - (d) **KINGLAKE WEST - Kinglake West Oval, Recreation Rd**
7. **Accepts the recommendation of the Municipal Emergency Management Planning Committee (MEMPC) that the Community Centre in Eildon be recognised as a Neighbourhood Safer Place (Place of Last Resort) subject to finalisation of the appropriate consents with the Department of Education.**

Background:

Municipal Fire Management Plan (MFMP)

At its Ordinary Meeting, of 27 August 2012, the Council endorsed the Draft MFMP for the purpose of public exhibition.

The MFMP is one element of the new Integrated Fire Management Planning Framework which commenced in Victoria in 2007 and its introduction was hastened following the 2009 Victorian Bushfires Royal Commission. This new Planning Framework is intended to support improved integration, consistency and co-ordination of fire management planning activities across government and relevant fire management agencies.

As part of the new Planning Framework, the Murrindindi and Lake Mountain Municipal Fire Management Planning Committee (MFMPC) was formed in 2011, replacing the former Murrindindi Fire Prevention Committee and includes members from DSE, CFA, Murrindindi Shire Council and Lake Mountain Alpine Resort.

The MFMPC is a sub-committee of Council's Municipal Emergency Management Planning Committee, and oversaw the development of the MFMP with the assistance of a Technical Project Officer appointed by the CFA. Input into the Plan was also sourced from a wider range of emergency management stakeholder organisations. The format of the MFMP is prescribed in guidelines under the *Emergency Management Act 1986*.

The plan identifies a number of risks in the Murrindindi Shire which were assessed utilising a state-derived consequence table, risk assessment and likelihood matrix. The risks were then prioritised with those risks to human life taking precedence. Treatments or procedures to reduce these risks were then assembled from all the relevant agencies in the municipality.

An action plan was also developed which highlights the specific activities currently undertaken or proposed to be undertaken during the life of the plan.

The MFMP aligns with the Hume Regional Strategic Fire Management Plan 2011-2021 and describes how regional authorities, local government fire agencies and other relevant organisations can work together to effectively anticipate, respond and recover from bushfire events affecting Murrindindi Shire.

While the management of all types of fires is important the MFMP focuses on bushfire in the first instance. The life of the plan is for three years and it is envisaged that future updates of this plan will include planning for different types of fire.

Neighbourhood Safer Places (NSP's)

In its interim report, the 2009 Victorian Bushfires Royal Commission recommended that Neighbourhood Safer Places, or 'NSPs', be identified and established to provide persons in bushfire affected areas with a place of last resort during a bushfire.

NSPs are places of last resort, to provide shelter during the passage of a fire, when all other plans have failed. They should not be considered as places to relocate to when leaving early. Safety and survival cannot be guaranteed at NSPs and there is no support or services provided. They will offer minimum protection against radiant heat and embers and fire services may not be in attendance.

In response to this recommendation, the Victorian Government introduced legislation (Emergency Services Legislation Amendment Act 2009) which required the Country Fire authority ('CFA') to certify NSPs against the CFA's Fire Rating Criteria, and Victorian Councils to identify, designate, establish and maintain suitable places as NSPs in their municipal districts.

Council must formally resolve to designate the site(s) as an NSP but in doing so must consider the suitability of the potential NSP as outlined in Council's ***Municipal Neighbourhood Safer Places Plan (MNSPP)***.

The following sites have already been identified and endorsed by Council as NSP's:

- (a) FLOWERDALE - Flowerdale Hall, Whittlesea-Yea Road
- (b) ALEXANDRA - Leckie Park, Vickery Street
- (c) EILDON - Basketball Court, Corner Main Street and Centre Avenue
- (d) YEA - Railway Park, Station Street

Further sites listed below have also been considered for assessment as potential NSPs sites. These include:

- (a) THORNTON - Thornton Recreation Reserve
- (b) EILDON - Community Centre, Centre Avenue
- (c) MARYSVILLE - Community Centre, Falls Road
- (d) YARCK - Yarck Recreation Reserve
- (e) KINGLAKE WEST - Kinglake West Oval, Recreation Road

Council Plan/Strategies:

The items in this report are consistent with Council's Strategic Objective under the *Planning and Environment* Theme: of sustainable land use, development and growth and specifically actions identified that relate to reducing municipal fire risk including the 2012/13 action to complete the Municipal Fire Management Plan.

This report is consistent with the Strategic Objective under the *Community* theme: Communities enjoying good health & well being.

Under the *Corporate Development* theme, the key strategies, "Improve systems & processes" and "Reduce organisational risk" also support the recommendation.

Legal/Policy Issues:

Council's responsibilities in fire prevention planning are prescribed in the *Council Fire Authority Act 1958* and the *Emergency Management Act 1986*. The format of the MFMP is prescribed in guidelines under the *Emergency Management Act 1986*.

Financial/Resources/Risk

Municipal Fire Management Plan (MFMP)

The new Integrated Fire Management Planning Framework is specifically aimed at reducing the risk associated with bushfire within the municipality. It will also provide an improved strategic

platform for external funding opportunities across the region to assist Councils in meeting their Municipal Fire Management Plan priorities. There are no immediate financial implications with respect to the adoption of the Plan

Neighbourhood Safer Places (NSP's)

To enable CFA compliance to be maintained, the NSP sites at Flowerdale, Thornton and Yarck require that the surrounding grasslands (mostly on private property) be kept to a minimum maximum height of 100mm for 100 metres. Whilst this is expected to be achieved through livestock grazing activity there may be the odd occasion where Council will be expected to undertake slashing works. It is estimated that an annual cost of up to \$2,000 may be incurred to cover all sites.

In addition there will be the cost of providing and installing signs at each site which is estimated at \$500 per site although it is understood that assistance in establishment costs will be forthcoming from the MAV.

In terms of litigation risk, adopting a Municipal NSP Plan and ensuring compliance with it provides Council with a legal policy defence against litigation. Council reduces its risk by using the expertise of its MEMPC to guide its decision making and having formal agreements in place with landowners, committee of managements and adjoining landholders.

Discussion:

Municipal Fire Management Plan (MFMP)

The period and modes of consultation is discussed under the Consultation section of this report.

One written submission was received in response to the public release of the Draft MFMP and is attached to this report. The submission from WICEN (Vic.) Inc. (*refer Encl 8.1.2b*) requests Council's consideration of the following points:

- Several minor grammatical errors
- Suggests adjustments to specific risk assessments within the plan that include reference to radio communication and telephone failure (mobile and landline) as a medium to high risk based on the 2009 fires experience.

Officer response:

The submission raises important radio and telephone communication considerations and has been incorporated into the Plan to reflect the appropriate risk level having regard for the likelihood and consequence matrix.

The final MFMP (*refer Encl 8.1.2a*) was presented to and endorsed by the Municipal Fire Management Planning Committee on and the 12 November 2012, and the Plan was subsequently endorsed by the Municipal Emergency Management Planning Committee on 21 November 2012 for recommendation to Council for formal adoption.

Neighbourhood Safer Places (NSP's)

A MEMPC meeting was held on the 21 November 2012 to consider five additional sites as potential NSP's following CFA evaluation. All five sites were endorsed by the MEMPC for Council to consider designating as NSPs. These sites included:

- (a) THORNTON - Thornton Recreation Reserve
- (b) EILDON - Community Centre, Centre Avenue
- (c) MARYSVILLE - Community Centre, Falls Road
- (d) YARCK - Yarck Recreation Reserve
- (e) KINGLAKE WEST - Kinglake West Oval, Recreation Road

The CFA has placed a condition on the Thornton, Yarck and Kinglake West sites requiring that, for the fire season, the grass be kept at a height not exceeding 100mm for a 100 metre radius around the site. The Municipal Fire Prevention Officer has spoken to the adjoining landowners and Memorandum of Understanding/Agreements have been entered into with all adjoining landowners.

The Community Centre in Eildon is a shared committee of management between Council and the Primary School and is situated on Department of Education land. Accordingly the Department's agreement is required. Consent has been requested and is supported by the School Principal. Arrangements are being made to ensure the hall is opened on Code Red Days. Adoption of this site as an NSP will be subject to finalising the consent with the Department of Education.

The Community Centre Marysville is managed by a Council committee of management and arrangements are in place for access on Code Red Days.

Consultation:

The Draft MFMP was placed on public exhibition during September and October 2012 and advertisements were placed in local papers as summarised below. The document was available for viewing on Council's website and at several locations across the Shire.

Newspaper / Other	Publishing Date(s)
Newspaper:	
Alexandra and Eildon Standard	Wednesday 29 August, 5 September 2012
Yea Chronicle	Wednesday 29 August, 5 September 2012
Marysville Triangle	Thursday 29 August, 6 September
Whittlesea Review	Tuesday 4 & 11 September
Mountain Monthly.	October 2012 Edition
Council website:	Exhibition 1 September – 31 October 2012
Hardcopy Document Available: Flowerdale, Kinglake, Yea, Eildon, Marysville Council website	

The proposed NSP sites have been the subject of evaluation and discussion with a number of lead emergency services agencies, and in some circumstances local brigades and communities. In addition consultation has occurred with abutting landowners where grass cutting is required to maintain the criteria for CFA certification.

Any designated NSPs once established must be identified in Council's Municipal Emergency Management Plan and Municipal Fire Management Plan. The location of NSPs will also be published on Council's website.

If adopted the list of NSP's will be updated in the Municipal Fire Management Plan to reflect the new sites.

Conclusion:

The Municipal Fire Management Plan provides an improved new structure and risk based approach to fire preparation, prevention, response and recovery in the municipality. Council's adoption of the Plan and the new NSP's demonstrates Council's ongoing commitment to support fire safety within the Shire.

8.2 INFRASTRUCTURE SERVICES

8.2.1 Ghin Ghin Road Petition

File No: 52/05/4530

(Refer Encl 8.2.1 - Map of Ghin Ghin Road)

Purpose:

The report provides Council with a response to a petition received and then tabled at the 23 July 2012 Ordinary Meeting requesting that Council consider opening Ghin Ghin Road to the public for the purposes of ensuring public safety.

Recommendation:

- 1. That Council formally include the unnamed section of Ghin Ghin Road (which runs between the end of Larnoo Road and the end of Ghin Ghin Road) which enters the Murrindindi Shire from Whiteheads Creek (refer to red highlighted area on map Enclosure 8.2.1) on its Road Register as a Fire Access Track in accordance with the Road Management Plan.**
- 2. That officers write to the convenor of the petition advising them of Council's decision.**

Background:

The petition was signed by 87 signatories and stated the following:

'With the imminent fire season approaching we the undersigned (sic) petition Council requesting that Ghin Ghin Road be accessible to all property owners, residents and visitors.'

'This issue has been put to Murrindindi Shire Council on several occasions and we once again ask for your support by requesting that Murrindindi Shire Council ensures the safety of its residents by maintaining this road.'

The section of road referred to is the unnamed section of government road in Ghin Ghin which runs approximately northwest from the end of Larnoo Road and joins up with the end of Ghin Ghin Road which enters the Murrindindi Shire from Whiteheads Creek. It is approximately four (4) kilometres in length and takes in steep terrain with numerous water crossings.

This is quite separate from Ghin Ghin Road further to the east which is a sealed road running from the Goulburn Valley Highway to Highlands.

The section of road referred to in the petition is under licence issued by the Department of Sustainability and Environment (DSE). The road is currently licensed for agriculture use (grazing lease) by adjoining landholders. Council currently maintains Ghin Ghin Road and Larnoo Road for a combined distance of approximately 6.5km measured from Ghin Ghin Road. This provides access to the property at 393 Larnoo Road and is near the section of road where the licensed occupation starts.

In recent years Council has informally maintained the section of road referred to in the petition. Fire Access Tracks in the Shire are generally maintained for four wheel drive access only and would not be suitable for public access.

Council Plan/Strategies:

The Council Plan 2009-2013 provides a theme specifically for Infrastructure.

Strategic Objective: To enhance the sustainability of our infrastructure, recognising the changing needs and expectations of our communities.

Legal/Policy Issues:

Council has no legal responsibility to undertake works to upgrade this road.

As reported, the section of road is currently licensed for agricultural use (grazing lease) by the DSE. The license may be cancelled if Council requires the road to be reopened for traffic purposes.

Financial/Resources/Risk

It is estimated that if Council was to upgrade this road to be accessible to all property owners, residents and visitors it would require significant investment by Council in the order of \$150,000.00.

Council currently commits approximately \$160,000 annually to maintenance of all existing fire access tracks.

By formalising this section of road as Fire Access Track this will require maintenance to the value of approximately \$2,000 per annum dependant on what works are required each year.

Discussion:

Generally Council does not carry out any maintenance on a road beyond a gate where there is an occupation licence unless that road is identified in the Council's Municipal Fire Management Plan or is listed on Council's Road Register. The road in question was not previously identified in this plan nor was listed on the Road Register, however has now been included in the Integrated Fire Management Plan (IFMP) which will also come to Council for adoption at the December 2012 Council Meeting.

As a result Council has undertaken works this year to ensure this road is formally maintained as a "Fire Access Track". Ghin Ghin Road will also need to be placed on Council's Road Register as a Fire Access Track. Councils Road Management Plan provides the following definition:

"Fire Access Track" (not a public road)

Provides basic access for fire fighting vehicles during fire danger period.

- Caters only for fire fighting vehicles, often at low speed
- Only a concern during fire danger period
- May not be passable by traffic in winter
- Often narrow and with poor road formation and alignment.

It should be noted that it in recent years, and prior to Ghin Ghin Road being included in the IFMP, Council has carried out minor works to ensure this track provides access to fire vehicles during the fire danger period.

In order to upgrade this road to be accessible to all property owners, residents and visitors would require significant investment by Council, ongoing maintenance and renewal costs and inclusion on the Councils Public Road Register as an Access Track. An Access Track categorisation would require a greater level of maintenance than the current maintenance levels for Fire Access Track.

By updating this section of road to Fire Access Track status this would allow four wheel drive fire fighting vehicles only and would not be suitable for two wheel drive traffic. As part of individual bushfire safety plans residents should make arrangements to leave early on days of high fire danger and not rely on the egress via the fire access track.

Consultation:

Council officers have undertaken consultation by way of the following:

- Held a meeting with the convenor of the petition and undertaken a site visit.
- Liaised with officers of the Mitchell Shire Council who have also received a similar petition.
- Endorsement of the Municipal Fire Management Planning Committee and Municipal Emergency Management Planning Committee for the inclusion of the Ghin Ghin Road in the Integrated Fire Management Plan as a Fire Access Track.

Conclusion:

Council officers have reviewed and assessed the proposal outlined in the petition which seeks to maintain the section of Ghin Ghin Road as an access road for residents, visitors and property owners. To allow this access Council would need to construct this road to a standard for access by two wheel drive vehicles.

Council's assessment concludes that this would be cost prohibitive however recognises the need to ensure this section of road is maintained to a Fire Access Track standard which would allow access for four wheel drive fire fighting appliances only during the fire danger period.

In relation to safety concerns raised residents individual bushfire safety plans should include arrangement to leave early on days of high fire danger as a safety option and not rely on the egress via the fire access track.

8.2.2 Asset Management Plans

File No: 14/02/07

(Refer Encl 8.2.2a - Asset Management Plans:

- Volume A - General Information
- Volume B - Roads
- Volume C - Paths
- Volume D – Kerb & Channel
- Volume E – Bridges
- Volume F – Urban Drainage
- Volume H – Community Buildings
- Volume L – Corporate Buildings

Encl 8.2.2b - Asset Management Strategy

Encl 8.2.2c - Asset Management Policy)

Purpose:

The purpose of this report is to present to Council a suite of Asset Management Plans for consideration.

Recommendation:

That Council:

1. **Adopt the Asset Management Plans for the following:**
 - a. **Volume A - General Information**
 - b. **Volume B - Roads**

- c. **Volume C - Paths**
- d. **Volume D – Kerb & Channel**
- e. **Volume E – Bridges**
- f. **Volume F – Urban Drainage**
- g. **Volume H – Community Buildings**
- h. **Volume L – Corporate Buildings**

2. Note the work to date on the improvements in the area of asset management.

Background:

Council has undertaken a significant amount of work in the area of asset management over the last twelve months with the Asset Management Policy being adopted by Council at the December 2011 Ordinary Council Meeting and the Asset Management Strategy being adopted at the September 2012 Ordinary Council Meeting.

The development of the Asset Management Plans (AMP's) is the next step in the asset management journey. AMP's by their nature are dynamic documents which allow for ongoing continuous update through the implementation of improvement actions. The AMP's allow Council to demonstrate responsible management of its assets, compliance with regulatory requirements and they explain the funding necessary to provide the defined levels of service.

Council is responsible for the provision of many community focused services. Council must ensure that its infrastructure assets and community facilities are maintained in accordance with well-developed asset management programs and in line with the Council budget to enable these services to meet community needs. Asset management is a practical and financially responsible means of managing Council's assets by ensuring that the assets continue to provide a specified level of service delivery to defined standards in line with available resourcing over their entire life.

Asset Management Plan's form the centrepiece of Council's business planning framework and set out how the Council delivers services to the community on a long term sustainable basis. The AMP captures and documents corporate knowledge about assets and service delivery and develops and defines the future operational, renewal and maintenance expenditure.

Council Plan/Strategies:

The Council Plan 2009-13 provides a theme specifically for Infrastructure. The development of the asset management plans is consistent with and is a key mechanism to guide the implementation of the Council Plan and its strategic objectives with respect to asset management.

Key Year Three Activities reference

"Develop *Asset Management Plans* for key infrastructure categories (priorities determined by Overall Asset Management Strategy).

- Roads
- Bridges
- Paths

Institute the formation of an organisation wide Asset Management Working Group and develop a working plan that will ensure "core competency" under the National Asset Management Framework (NAMAF)

Implement systems that quantify the infrastructure renewal gap and adopt policies that seek to close the gap by 5% per annum”.

Key Future Activities

“Develop *Asset Management Plans* for key infrastructure categories (priorities determined by Asset Management Strategy).

- Buildings
- Drainage
- Paths”

Legal/Policy Issues:

While there is no legal requirement, Asset Management Plans are an essential element to a framework that includes an asset management policy and strategy that guide the Council to a position of long term financial sustainability of its infrastructure.

Financial/Resources/Risk

The way in which Council seeks to fund long term asset expenditure is integral to Council's Long Term Financial Plan. Financial information from each AMP will contribute to the formulation of the Long Term Financial Plan.

There are long term financial implications including appropriate staffing and software improvements that will be required to support and maintain a core standard of asset management practices and deliver plans to an advanced stage. Improvement actions and further updates of the plans will be progressively implemented as resources allow.

The financial modelling used for the AMP's is based on the Strategic Resources Plan 2012 - 2017 and includes the commitment of 2% of rates revenue to be allocated to a infrastructure renewal reserve to assist in meeting future renewal expenditure.

Within the AMP's there are improvement plans which allow updates and refinement of Councils asset management practices.

The key implications in Council not achieving core asset management competency include:

- potentially poor and unsustainable management of the community's assets; and
- infrastructure funding from government bodies potentially being put at risk by a lack of demonstration of good asset management practice.

The formulation and adoption of Council's AMP's are critical building blocks on the journey to achieving core asset management competency.

Discussion:

The International Infrastructure Management Manual (IIMM) was the guidance document used for development of Council's AMP and it is the framework recommended by the Institute of Public Works Engineering Australia's (IPWEA). The IIMM framework sets out how the Council's assets are managed from a strategic, tactical and operational point of view. The Council's AMP is sectioned into a general volume and further separate volumes based on Asset Types. Some volumes have been prepared and additional volumes will be developed for other assets in the future. Plan's currently prepared are as follows:

- Volume A - General Information: Background or information common to all assets.
- Volume B - Roads
- Volume C - Paths

- Volume D – Kerb & Channel
- Volume E – Bridges
- Volume F – Urban Drainage
- Volume H– Community Buildings
- Volume L – Corporate Buildings

The reason these plans are not in sequential order is that the Plans have been alphabetized in line with the asset capitalisation hierarchy and these are the plans that have been completed to date to maintain core competency. Other volumes will be progressively completed and presented to Council.

The AMP's highlight issues specific to individual asset groupings. Most importantly, the AMP's are intended to provide advice to Council on the financial requirements for long-term sustainability of each asset group. They outline how Council will support its objective to plan, develop and maintain a network of sustainable infrastructure. This means understanding the impact of any renewal gap and a plan to manage that gap where it exists. In addition, each volume will provide outcomes of financial modelling used to determine long-term funding requirements for asset renewal and maintenance. The individual AMP's aim to:

- Demonstrate responsible stewardship by the Council;
- Improve the understanding of levels of service;
- Provide a basis for customer consultation to determine the appropriate levels of service;
- Identify long term life cycle costs associated with the provision of current levels of service;
- Better understand and forecast asset related costs and management options;
- Improve decision making based on costs and benefits;
- Provide the ability to prioritise future funding demands;
- Justify future works programs and expenditure;
- Achieve savings by optimising whole of life costs;
- Manage risk associated with asset failures; and
- Provide a framework to continuously improve asset management practices

AMP's have been prepared with the assistance of Local Government asset management working groups set up under the auspices of the MAV with Federal Government funding. The templates and examples provided by these working groups have provided a substantial input into the preparation of these AMP's. There are other Council documented strategies that influence the AMP's and the AMP's may require updating when these are updated.

One of the key influences in the development of Councils AMP's has been the introduction of the Federal Government 'Enhanced National Framework for Asset Planning and Management', which will see all three levels of government (Federal, State and Local) working together to pursue common goals in asset management.

This new National Asset Management Assessment Framework (NAMAF) is designed to further support improvements in local governments' asset management and planning performance and to focus on what important aspects are needed to achieve a 'Core' or 'Advanced' level of maturity within their organisation. The 'Core' level of maturity is the minimum level that councils should attain, and the MAV has set a target for this to be achieved by all councils by December 2012.

The AMP's are the means of achieving objectives in order that Council meets core asset management competency against the NAMAFA and is the next step of the asset management process following the adoption of the Asset Management Strategy on 14 September 2012 .

AMP's seek to identify and document the costs associated with maintenance, renewal and planned new or upgrade works associated with an asset and are a written representation of intended asset management programs based on existing service level requirements. These plans provide the framework for managing the long term life cycle requirements of Council's infrastructure assets, to provide specified levels of service against defined standards, in order to meet community expectations in a responsible and sustainable manner.

As discussed the AMP's are at core level and set out a series of actions aimed at improving the level of the organisations asset management. The AMP's discuss the asset renewal gap and model the future financial requirements based on the existing Strategic Resources Plan 2012-2017 in meeting the future renewal needs.

These AMP's reflect the current position of asset management in Council based on the adopted budget and long term financial plan (including 10 year capital improvement plan). The plans are based on achieving core competency initially with the aim of achieving best practice in asset management into the future. Future improvement actions will ensure that planning for future renewal costs are strategically planned for and met and this may change the existing financial modelling for renewal expenditure. This is a consistent approach across all local governments as asset management practices become more refined.

Consultation:

The development of the Plans has drawn comment internally from the Asset Management Working Group which has cross organisation representation. Through the MAV STEP program Council receives guidance and support from the asset management consultant who has vetted the AMP's to ensure compliance with the objectives of the NAMAFA program.

Conclusion:

The AMP's are key in delivering asset management objectives and in particular achieving core competency within the National Asset Management Assessment Framework.

As discussed early in the report there has been considerable work undertaken to meet the core competency levels under the National Asset Management Framework (NAMAFA).

The development of Asset Management Plans do take time and require ongoing improvements which will be progressively carried out in line with resourcing in this area.

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 *Appointment of Councillors to Portfolio Roles*

File No: 12/02/01

Purpose:

This report provides the opportunity for Council to appoint Councillors to portfolio roles for 2013.

Recommendation:

That Council appoint the following portfolio roles for 2013:

- **Land Use Planning – Cr Margaret Rae**
- **Economic Development – Cr Christine Challen**

- **Corporate and Customer Services – Cr Cris Ruhr**
- **Community Services – Cr Andrew Derwent**
- **Natural Environment and Climate Change – Cr John Kennedy**
- **Infrastructure and Waste – Cr Bernie Magner**

Background:

Council has in the past appointed Councillors to portfolio roles as a means of strengthening its governance arrangements and enhancing its consultation practices. It is appropriate for this Council, having considered its meeting structure to now proceed to consider the purpose and implementation of Councillor Portfolios.

Council Plan/Strategies:

The appointment of Councillors to portfolio roles is consistent with the Council Plan 2009-2013 strategy to improve governance systems, processes and relationships.

Legal/Policy Issues:

Council is obliged under the Local Government Act 1989 to review its practices and ensure that they are consistent with good governance principles.

Financial/Resources/Risk

There are no financial implications to the appointment of Councillors to portfolio roles.

Discussion:

The appointment of Councillors to portfolio roles has the capacity to enhance Council's governance practices by enabling Councillors to have a greater understanding and input to strategic and policy development on portfolio issues. In that regard, Councillors are able to advocate on strategic and policy issues to both the community and across government sectors.

It also enables Councillors to represent Council on local, regional or state bodies of relevance to the portfolio. In addition, where there is a relevant Council Committee, that Councillor is appointed as chair of that committee, unless legislative provisions provide otherwise.

It is recognised that by undertaking a portfolio role, the organisation has an important function in supporting that Portfolio Councillor through regular briefings and the provision of memberships, publications, training and/or conference attendance where appropriate.

Consultation:

The appointment of Councillors to portfolio roles has the capacity to enhance Council's consultation and engagement with key community organisations, other government agencies and the local government sector.

Conclusion:

It is appropriate for a new Council to review its governance practices and ensure that they are consistent with the principles of Good Governance. The appointment of Councillors to portfolio roles is one opportunity to enhance both its governance and its consultation activities.

8.4 CORPORATE SERVICES**8.4.1 Councillor Representation on External Bodies**

File No: 10/05/07

Purpose:

The purpose of this report is to determine Council's nominated representatives for the Victorian Local Governance Association Board and the Goulburn Broken Greenhouse Alliance.

Recommendation:**That Council:**

1. **nominates the Mayor (Cr Walsh) as a candidate for election to the Victorian Local Governance Association Board.**
2. **appoints the Natural Environment and Climate Change Portfolio Councillor (Cr Kennedy) as a delegate to the Goulburn Broken Greenhouse Alliance.**

Background:

At the 26 November 2012 Ordinary Meeting Council resolved to appoint Councillors as delegates to various internal committees and external bodies in accordance with the Local Government Act 1989.

Two further external bodies require a Councillor nomination or delegate, these being the Victorian Local Governance Association (VLGA) Board and the Goulburn Broken Greenhouse Alliance (GBGA).

Council Plan/Strategies:

This report is consistent with the Council Plan 2009-2013 Governance theme to ensure that Council is exercising good governance principles.

Council's membership of the GBGA is consistent with the Plan's Climate Change and Natural Environment Theme and the strategies to reduce council and community carbon footprint and to encourage the community to adapt to climate change.

Legal/Policy Issues:

Councillor appointments to external bodies and committees are to be made through Council resolution at an Ordinary meeting. Participation in some organisations means that Council fulfils its obligations under various agreements with these bodies.

Financial/Resources/Risk

There are no financial or budget implications associated with this briefing. However, Council does pay an annual membership fee to both the VLGA and the GBGA.

Discussion:**VLGA**

The VLGA is a peak body that has local government, community organisations and individuals making up its membership. The VLGA advocates for social change and empowers local governments by strengthening their capacity to engage with their communities. It is governed by an elected Board of six councillors and three non-councillor members.

There is an opportunity for member Councils to nominate a representative for membership of one of the six positions on the Board. The VLGA has recently sought a nomination from the Murrindindi Shire Council as a candidate for election to the Board.

GBGA

The GBGA was established in 2007 to promote co-operative regional action on climate change. The GBGA is under the auspices of Resource GV and currently has members drawn from the Goulburn Broken Catchment Management Authority and the following councils; Murrindindi, Mitchell, Greater Shepparton, Moira, Benalla, Strathbogie and Mansfield.

Each Council is represented by an officer and Councillor delegate. Council's Co-ordinator Environmental Programs is the officer delegate to the alliance. To date the Murrindindi Councillor delegate on the alliance has been filled by the Councillor with the Climate Change and Natural Environment Portfolio.

Consultation:

There has been no community consultation in relation to this report.

Conclusion:

The appointment of Councillors to various Committees facilitates Council's engagement both across the local government sector and with local community organisations.

8.4.2 S86 Committees of Management – Membership Endorsement and Amendments to Charters

File No: 25/03/02, 63/02/38, 25/03/07, 25/04/02, 25/04/06, 25/03/06

(Refer Encl 8.4.2)

Purpose:

The purpose of this Council report is for Council to endorse membership, adopt fees for individual Section 86 Committees of Management, and endorse amendments to Charters as recommended by each committee.

Recommendation:

That Council:

1. **Endorse the recommendations for amendment to the individual Section 86 Committees of Management relating to committee membership, composition and fee structure as detailed in Attachment 1.**
2. **Endorse the recommended changes to individual Charters in the table below, and**
3. **Note the Section 86 Committees of Management with no change to the Charters as per the table below.**

S86 Committee	Committee Recommended Amendment
Buxton Recreation Reserve Committee of Management	No Change – 7 Community Representatives plus Ward Councillor
CJ Dennis & Castella Public Hall Reserve Committee of Management	No Change – 7 Community Representatives plus Ward Councillor
Eildon Alliance Boat Ramp Committee of Management	That the committee composition be amended to include (1) one non-voting maintenance representative and increase to 7 Community Representatives plus the Ward Councillor
Friends of Yea Railway Committee of Management	That the committee composition be amended to 7 in total, 5 x Community Representatives, 1 x Yea Country Market, 1 x Rotary Club of Yea, plus the Ward Councillor
Kinglake Memorial Reserve Committee of Management	That the committee composition be amended to reduce numbers to 7 members plus Ward Councillor. 3 x Community Representatives, 1 x Kinglake Football/Netball Club, 1 x Kinglake Cricket Club, 1 x Kinglake Ranges Tennis Club, 1 x

S86 Committee	Committee Recommended Amendment
	1 st Kinglake Scouts Group, plus Ward Councillor
Mt. Pleasant Reserve Committee of Management	That the committee composition be increased to 7 members plus a Ward Councillor. 2 Community Representatives, 1 x Field Naturalists (plus proxy), 1 x Trust for Nature, 1 x Department of Sustainability and Environment, 1 x Landcare, 1 x Parks Victoria (plus proxy), plus Ward Councillor

Background:

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

This report provides an update for Section 86 Committee membership, subsequent to the report endorsed by Council on 27 July 2011, 26 June 2012 and 24 September 2012.

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 the committees, prevent compliance with delegated authorities and is a non-compliance with the Local Government Act.

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.

It is important for updated schedules of fees to be implemented to offset increasing operating costs of special committees.

Discussion:

Enclosure 8.4.2 lists each of the Section 86 Committees of Management who have held their Annual General Meetings between September 2012 and November 2012, the recommended committee composition, the recommended membership, the office held by each committee member and the recommended fees and charges for the 2012/2013 year.

In summary the following Section 86 Committees of Management require membership endorsement and adoption of fees:

- Buxton Recreation Reserve Committee of Management
- CJ Dennis & Castella Public Hall Reserves Committee of Management
- Eildon Alliance Boat Ramp Committee of Management
- Friends of Yea Railway Committee of Management
- Kinglake Memorial Reserve Committee of Management
- Mt. Pleasant Reserve Committee of Management

The following table represents a summary of proposed changes to the individual Charters:

S86 Committee	Committee Recommended Amendment
Buxton Recreation Reserve Committee of Management	No Change – 7 Community Representatives plus Ward Councillor
CJ Dennis & Castella Public Hall Reserve Committee of Management	No Change – 7 Community Representatives plus Ward Councillor
Eildon Alliance Boat Ramp Committee of Management	That the committee composition be amended to include (1) one non-voting maintenance representative and increase to 7 Community Representatives plus the Ward Councillor (Note: existing structure 6 Community Representatives, 1 Council officer and Ward Councillor)
Friends of Yea Railway Committee of Management	That the committee composition be amended to 7 in total, 5 x Community Representatives, 1 x Yea Country Market, 1 x Rotary Club of Yea, plus the Ward Councillor (Note: existing structure includes a Skate Park Representative)
Kinglake Memorial Reserve Committee of Management	That the committee composition be amended to reduce numbers to 7 members plus Ward Councillor. 3 x Community Representatives, 1 x Kinglake Football/Netball Club, 1 x Kinglake Cricket Club, 1 x Kinglake Ranges Tennis Club, 1 x 1 st Kinglake Scouts Group, plus Ward Councillor (Note: existing structure includes a senior and junior cricket representative, 1 x Landcare Representative, and a Kinglake Radio Representative)
Mt. Pleasant Reserve Committee of Management	That the committee composition be increased to 7 members plus a Ward Councillor. 2 Community Representatives, 1 x Field Naturalists (plus proxy), 1 x Trust for Nature, 1 x Department of Sustainability and Environment, 1 x Landcare, 1 x Parks Victoria (plus proxy), plus Ward Councillor (Note: existing structure includes 1 x Roots and Shoots Representative – Landcare has been substituted in the recommendation along with Proxy nominations for Parks Victoria and Field Naturalists)

The following Section 86 Committees of Management are yet to hold Annual General Meetings for the 2012 year:

- Bollygum Park Reserve Committee of Management
- Thornton Recreation Reserve and Hall Committee of Management
- Yea Shire Hall Committee of Management

A further report will be presented to Council regarding the status of the non-compliant Committees of Management after consultation scheduled during January and February 2013.

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

1. Buxton Recreation Reserve Committee of Management – The committee were comfortable with the level and structure of the existing committee and therefore no change to the Charter.
2. CJ Dennis & Castella Public Hall Reserve Committee of Management - The committee were comfortable with the level and structure of the existing committee and therefore no change to the Charter.
3. Eildon Alliance Boat Ramp Committee of Management – The committee recognise the value in keeping up communication with the maintenance contractor and have included him as a non-voting committee member.
4. Friends of Yea Railway Committee of Management – The committee in the past twelve months have had difficulty in securing a Skate Park representative from within the parent group and resolved to replace this representation with an additional Community Representative.
5. Kinglake Memorial Reserve Committee of Management – The committee resolved to amend the structure to fit existing use arrangements.
6. Mt. Pleasant Reserve Committee of Management – The committee resolved to amend the structure and representation to fit with existing stakeholders.

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.

8.5 RECONSTRUCTION & RECOVERY

8.5.1 Reconstruction and Recovery Projects

File No: 24/13/1035

Purpose:

This report provides Council with the current status of Reconstruction and Recovery projects delivered by Council including the status of projects which were transferred to Council from the Victorian Bushfire Reconstruction and Recovery Authority (VBRRA) and the subject of agreements with the Victorian State Government and the Victorian Bushfire Appeal Fund (VBAF).

Recommendation:

That this report be noted.

Background:

A key objective in response to the 2009 Victorian Bushfires was the rebuilding of destroyed or damaged infrastructure and the construction of new infrastructure as identified by the community to assist the recovery.

Following the Bushfires, VBRRA commenced development of a number of Community Recovery Plan projects and entered into associated construction contracts to deliver these projects within the Murrindindi Shire.

VBRRA ceased on 30 June 2011 and delivery responsibility for these projects was transferred to Council and any associated Contracts were assigned or novated to Council.

At its Special Confidential Meeting of 11 May 2011 Council endorsed a funding agreement with VBAF for the delivery of all these projects. It also endorsed a funding agreement with the State Government for the provision of project management resources and a contingency fund to minimise the financial risk to Council for this arrangement.

These agreements effectively transferred to Council responsibility for the development and delivery of approximately \$20 million of projects within the Shire.

In addition to these VBRRA initiated projects; Council has directly entered into agreements for the delivery of other bushfire initiated projects through Regional Development Victoria (RDV), Bendigo Bank, Sport and Recreation Victoria (SRV), and individual donations. Some of the VBRRA projects expanded existing projects funded by Melbourne Water.

Council Plan/Strategies:

Council Plan 2009-2013: The Infrastructure strategies include “Work with fire affected communities and other levels of Government to assist the implementation of priority infrastructure projects.” The majority of the listed ‘priority projects were in this package of projects transferred to Council.

Legal/Policy Issues:

The funding agreements are legally binding agreements between the State Government and Council.

Financial/Resources/Risk

The funding agreements facilitated the transfer of in excess of \$20 million of funds and assets to Council. The agreements also provide for the obligations of the State Government and Council associated with the use and reporting of these funds.

While there are a number of financial risk mitigation aspects in relation to these agreements, ultimately the financial risk of project overruns of such remains with Council.

The direct agreements and projects placed additional demands on Council’s project management resources.

Discussion:

The major construction projects undertaken by the Reconstruction and Recovery Division are in two groupings.

VBRRA Transferred Projects

These are projects commenced by VBRRA and transferred to Council at its cessation and described in Encl 8.5.1a.

VBAF and State Government funding for works and project management total approximately \$22.5 million. This figure includes a \$223,000 contingency sum to allow for over-expenditures and flexibility across the projects.

While the contingency and some project management funds can be allocated across the projects as required, the funding for works is specific to each project and therefore savings in one project cannot be transferred to address needs in other areas. Funds need to be expended on the project or returned to the funding body. Consequently, some projects although substantially completed are still active in order to review and scope any additional works which were de-scoped or are missing from the works.

While there have been significant project management resources applied to these works over time, they have been significantly decreased from 1 January 2012 and effectively only Council resources have been directed to these works since 1 July 2012.

From a financial perspective, the potential risk exposure of managing major value contracts and dealing with large contractors such as Lend Lease has passed and issues managed as they arose through negotiation or de-scoping.

Essentially the current forecast for Attachment 1 projects of the total funds of \$22.5 million is that all VBAF funds will be expended, all project management funds will be expended and \$125,000 of the contingency fund. This will leave an amount of approximately \$100,000 for unforeseen finalisation items. Any unspent funds will be transferred to a new and expanded assets reserve to be available for future operating and maintenance costs.

Refer Encl 8.5.1a - Community Recovery Plan Projects Transferred to Council from VBRRA

Other Council delivered Major Bushfire Projects

The second group are the various projects which came to Council directly through community initiatives or were commenced post VBRRA and are described in Attachment 2.

These projects were not included in the VBRRA/State funding agreements and emerged through various funds and initiatives. Unfortunately, a number of these projects did not include project management funds or, if so, very limited.

Many of these projects have been completed or are in a finalisation stage and it is forecast that these projects have been managed within their allocated budgets through de-scoping or sourcing of additional funds if unforeseen circumstances occurred.

The total value of these projects is \$5.4 million.

Refer Encl 8.5.1b - Other Projects delivered by Council

Project management

It is important to recognise that the level of project management applied to these works has been considerably greater than that included in Council's normal Capital Works programs.

This had been necessary due to the need to carry out extensive and repeated community consultation and engagement at the scoping stage and continued through all stages of the work including the finalisation. This consultation, the process of working with various agencies and fire affected communities and dealing with many governance issues significantly protracted the length of these projects which significantly impacted on the project management and community engagement resources required.

Consultation:

Progress of these projects and issues are regularly reported and monitored by the Fire Recovery Unit. Projects were developed and scoped in consultation with the community and other relevant stakeholders.

Conclusion:

Reconstruction and Recovery projects transferred to Council from VBRRA are close to final completion. While the access to these new and expanded facilities to the community is a significant milestone and outcome, the management and mitigation of the associated financial risks is also a success of this program.

8.6 COMMUNICATIONS AND ENGAGEMENT

8.6.1 Advertising Public Notices

File No: 04/02/02

Purpose:

This report outlines Council's advertising requirements to meet its Public Notice provisions under the *Local Government Act 1989*.

Recommendation:

That Council determines that the Alexandra Standard, Yea Chronicle, Marysville Triangle and North Central Review are the newspapers in which Public Notice is to be given as well as all Public Notices being uploaded onto the Council's website.

Background:

A number of provisions of the *Local Government Act 1989* ("Act") require Council to give "Public Notice" of particular information.

In accordance with the definition of the term "Public Notice" within the Act, a public notice required to be given by Council must be published in a newspaper generally circulating in the municipal district. As there is no single newspaper source that covers the whole region, it is important the Council chooses a range of newspaper type publications that are published regularly and cover the shire.

The Alexandra Standard, Yea Chronicle, North Central Review and Marysville Triangle are published on a weekly basis, and by advertising in these publications Council can meet its statutory obligations for prescribed notice periods as well as providing a wider communication to the community.

Council Plan/Strategies:

This report supports the Council Plan 2009-2013 theme of *Governance*: improving the flow of information in both directions between Council and the community.

While Council has an obligation under the Act to advertise, Council also uses a number of other means of promoting statutory timeframes including regular Mayors Chair and Councillor Comment, radio segments on UGFM and media releases and advertisements uploaded to Council's website.

Legal/Policy Issues:

Council has a statutory requirement in meeting legislated advertising periods for a number of functions including – planning, budget, annual report, council plan, road closures, public holidays, street naming and tenders. For example, Council must give public notice of particular types of contracts (in accordance with section 186 of the Act) and of a proposed budget (under section 129 of the Act).

There are a number of statutory requirements in terms of the amount of time required for placement of documents out for public consultation. In most cases these must remain on public exhibition for a period of 28 days.

Documents that are considered a Public Notice under the Local Government Act include:

- Matters relating to elections (s23A).
- Notice of election (Schedule 2(3))
- Election or poll by postal voting (s41A)

- By-Elections (s38)
- Councillor allowances (s74B)
- Ordinary/Special Council meetings (s89)
- CEO contract (s94) (at least 6 months prior to end)
- Making of a local law (s118)
- Making of local laws (s119)
- Council Plan (s125)
- Budget or revised budget (s129)
- Adoption of Budget (s130)
- Annual report (s131) and meeting to consider AR (s134)
- Changing system for valuing of land (s157)
- Declaration of rates (s158)
- Special rate and special charge (s163)
- Sale of land (except where s181 or s191 applies)
- Sale of land to recover unpaid rates if unpaid for more than 3 years (s181)
- Entering into contracts for carrying out works to the value of \$150,000 (services) and \$200,000 (construction) or more (s186 – excluding s186(5)(a-d), s186(5A))
- Lease of land (s190)
- Use of land for another purpose (s192)
- Regional Libraries (s196)
- Sewers and drains vested in the Council – concentration or diversion of drainage (s199)
- Drainage of land (s200)
- Registration of titles of land affected by action concerning roads (s207D)
- Minor boundary changes (to municipal district) (s220T)
- Filling of extraordinary vacancies (Schedule 3A – various parts)
- Submission hearings (s223)
- Councillor Conduct Panels (s223B)

Financial/Resources/Risk

If Council fails to advertise a public notice (as required by the Act) then it would constitute a breach of the Act but there is no prescribed penalty. Needless to say any breach of the Local Government could be subject to investigation by Local Government Investigations and Compliance Inspectorate.

Failing to advertise could result in repeating the process.

Public Notice is a mandatory provision for tendered goods and services rather than a discretionary requirement. Failure to comply with this provision could more than likely render the contract void or voidable. This may have significant financial and public image consequences for Council.

Discussion:

Council could take the decision to advertise in a state-wide distributed newspaper (Herald Sun or The Age) to meet its obligations. However it is important to support local media and the opportunities it provides in terms of employment opportunities. Council presently has a set advertising rate with Newspaper House (publishers of The Standard and Yea Chronicle). Single advertisements would need to be placed in the North Central Review (Newspaper House) and a similar arrangement would occur with the Marysville Triangle (voluntarily run through Marysville Lions Club). All local publications provide Council with a good service and have good circulation figures for their respective regions.

Council is also a regular advertising supporter of the Mountain Monthly however the longer lead deadlines mean Council uses this publication for strategic issues when the timing fits.

Consultation:

Consultation has taken place with Newspaper House to increase the distribution of the North Central Review across the Kinglake Ranges. This has been supported by the company.

Conclusion:

By Council advising Public Notices concurrently in The Standard, Yea Chronicle, North Central Review and Marysville Triangle, it will meet its general requirements under the *Local Government Act 1989*. It will also be supporting local media and the people it employs.

8.9 INWARDS CORRESPONDENCE**9. SEALING REGISTER**

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
2980 Kinglake Heidelberg Road	27/11/2012	Lease agreement between Murrindindi Shire Council and Workspace Australia of premises Lot 1 on PS634485L also known as 2980 Kinglake Heidelberg Road, Kinglake.	M Abbey Cr M Rae
32/04/49	6/12/2012	Deed of Variation of lease between Murrindindi Shire Council and the Minister for Education for and on behalf of the State of Victoria Premises: Lot 1 on PS6321959 at 69 Extons Road, Kinglake Central.	M Abbey

Recommendation:

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

10. COUNCILLOR PORTFOLIO REPORTS**10.1 GENERAL BUSINESS****11. MATTERS DEFERRED FROM PREVIOUS MEETING****12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****13. ASSEMBLIES OF COUNCILLORS**

File No: 12/01/06

Purpose:

This report presents the records of assemblies of Councillors for the 26 November 2012 to 10 December 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 26 November 2012 to 10 December 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	Discussion on Council Agenda	
Meeting Date	26 November 2012	
Matters discussed	<ol style="list-style-type: none"> 1. Quarterly Report – Capital Works Program 2. Councillor Holiday Season Allocations 3. Defined Benefits Superannuation 4. Council meeting timetable 5. Sale of Property - Alexandra 	
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Derwent, Cr Challen, Cr Kennedy, Cr Magner	Staff – M Abbey, M Chesworth, D Scordalides, T Johnson	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Briefing Session	
Meeting Date	3 December 2012	
Matters discussed	<ol style="list-style-type: none"> 1. Councillor Induction – Planning 2. Marysville Arts Lease 3. Planning assistance 4. Caveat House Lot Excision 5. Yea Shire Hall 	
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Magner, Cr Kennedy	Staff – M Abbey, D Scordalides, M Chesworth, R Cherry, T Johnson, J Canny	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Briefing Session	
Meeting Date	10 December 2012	
Matters discussed	<ol style="list-style-type: none"> 1. Fire Recovery Unit 2. Good Governance 3. Yea Wetlands Building Design 4. Reconstruction and Recovery Projects 5. Asset Management Plans 6. Ghin Ghin Road Petition 7. Amendment C44 Murrindindi Planning Scheme 8. Enterprise Content Management System 	

Attendees: Councillors – Cr Walsh, Cr Rae, Cr Magner, Cr Derwent, Cr Kennedy, Cr Challen	Staff – M Abbey, M Chesworth, D Scordalides, T Johnson, J Canny, J Lewis
Conflict of Interest disclosures – Nil	

14. **URGENT BUSINESS**

15. **CONFIDENTIAL ITEMS**

It is proposed that the following items be considered in closed session.

- Contract – Enterprise Content Management System

The meeting is to be closed to members of the public as the discussion of this item is confidential pursuant to (Section 89(2)(h) of the *Local Government Act 1989*) - any other matter which the Council or special committee considers would prejudice the Council or any person.