



MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 17 DECEMBER 2014
in the
ALEXANDRA COUNCIL CHAMBERS
commencing at
6.05 pm

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The Mayor opened the meeting with an acknowledgement of firefighting efforts in the community over the last few days.

1. PRAYER, OATH & RECONCILIATION STATEMENT

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

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

TRIM: SF/306

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

Present:

Crs M Rae (Chair), A Derwent, C Challen, J Kennedy, B Magner, C Ruhr, J Walsh

In attendance:

Chief Executive Officer: Margaret Abbey

General Manager Corporate and Community Services: Michael Chesworth

General Manager Infrastructure and Development Services: Elaine Wyatt

Manager Infrastructure Assets: John Canny

Manager Business Services: Andrew Bond

Manager Communications Library & Customer Service: Jacqui Rabel

Manager Infrastructure Operations: Mark Leitinger

Planning Officer: Melissa Crane

Governance Officer: Kenneil Martin

3. CONFIRMATION OF MINUTES

➤ Minutes of the Ordinary meeting of Council held on 26 November 2014

Recommendation:

That the Minutes of the Ordinary meeting of Council held on 26 November 2014 be confirmed with a correction to the wording of Item 8.6 Natural Environment & Climate Change Portfolio Report to no report.

RESOLUTION:

Cr A Derwent / Cr J Kennedy

That the Minutes of the Ordinary meeting of Council held on 26 November 2014 be confirmed with a correction to the wording of Item 8.6 Natural Environment & Climate Change Portfolio Report to no report.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

TRIM: SF/783

No disclosures of interest or conflict of interest declared.

5. PUBLIC PARTICIPATION TIME**5.1 QUESTIONS OF COUNCIL**

Nil.

5.2 OPEN FORUM

TRIM: SF/130

Iain McPherson spoke regarding ingress and egress to the Fire Station in Glenburn and the amendment of Item 19 on the permit (Item 6.2 on the agenda).

Wendy Dare spoke in support of the Great Victorian Rail Trail (GVRT) – Alexandra, Thornton and Eildon Link (Item 6.3 on the agenda).

Samantha Dean, spoke in support of the Great Victorian Rail Trail (GVRT) – Alexandra, Thornton and Eildon Link (Item 6.3 on the agenda).

Michael Cox, Campus Manager of Rubicon Outdoor Centre, spoke in support of the GVRT Alexandra, Thornton and Eildon Link (Item 6.3 on the agenda).

Chris Petersen, queried the tourism benefit of rail trails and the cost to Council of the Eildon Link (Item 6.3 on the agenda). He also raised the matter of feedback on items suggested by community members to improve local tourism and the lack of follow up (not on the agenda).

Jack Russell spoke on various matters relating to Council's asset upgrades scheduled for 2014/15 and his number of FOI matters that have been before Council in recent months.

5.3 PETITIONERS SPEAKING TO PETITIONS

TRIM: SF/132

The Chairperson closed Public Participation Time.

6. OFFICER REPORTS**6.1 STRATH CREEK PISTOL RANGE**

REF: 2014/145

Land: 681 King Parrot Creek Road STRATH CREEK 3658

Proposal: Pistol firing range

Applicant: Craig Rubinstein Pty Ltd

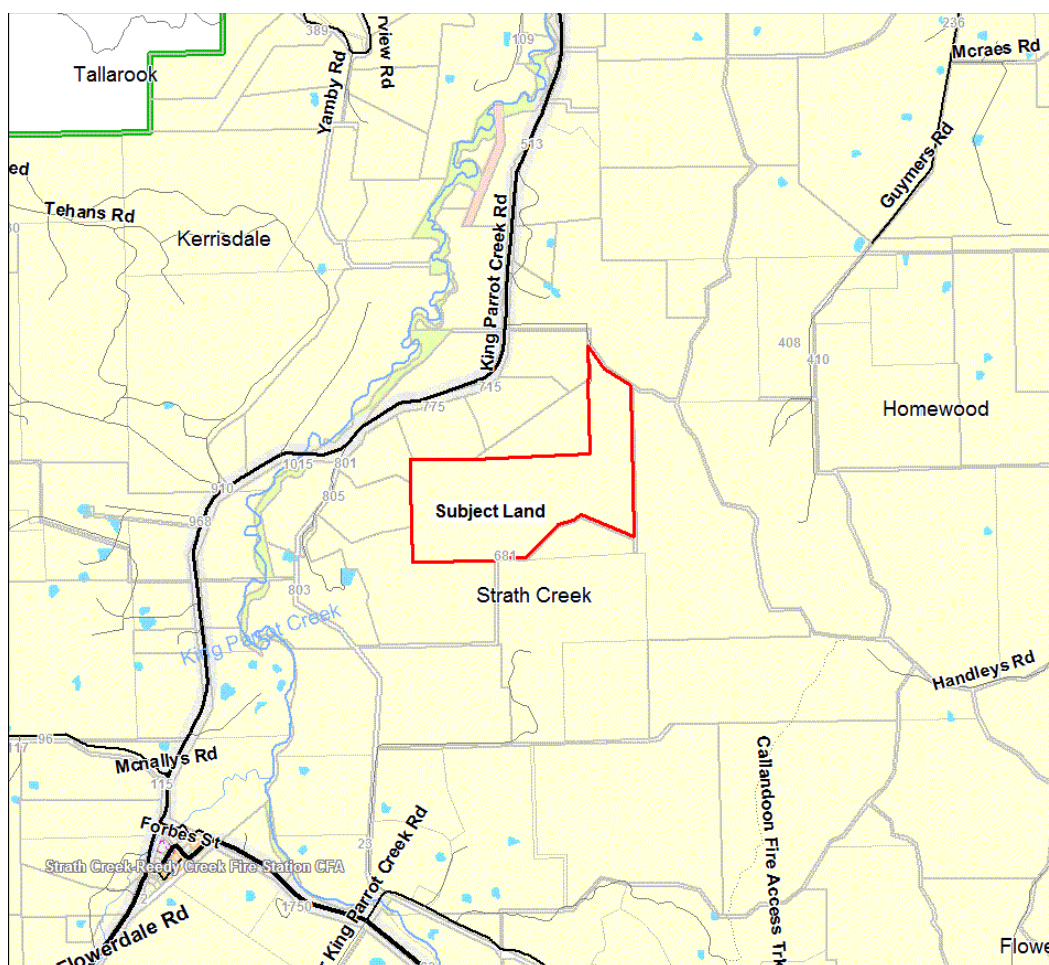
Zoning: Farming

Overlays: Erosion Management (Part); Bushfire Management

Attachments: Application details (*refer Encl 6.1*)

(aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a notice of decision to grant a permit be issued for a pistol firing range at 681 King Parrot Creek Road, Strath Creek, 3658.

Recommendation:

That Council issue a Notice of Decision to Grant a Permit for the use and development of a pistol firing range at 681 King Parrot Creek Road, Strath Creek, 3658 (C/A: 129 CAL: C, Parish of Windham), subject to the following conditions:

- (1) Prior to the commencement of any works three (3) copies of a plan or plans shall be submitted and approved by the Responsible Authority. Such plans must show the details of the earthen butt to be constructed. When approved these plans shall be endorsed and form part of this permit.
- (2) This permit shall expire if the development hereby permitted is not completed and the use 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) 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.

- (4) 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.
- (5) The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.
- (6) The pistol range hereby permitted shall take place only between the hours of 9am to 8pm Monday to Saturday inclusive and 12pm to 6pm on Sundays.
- (7) The pistol range hereby permitted must not be used on Christmas Day, Good Friday, Anzac Day or on days of a Total Fire Ban.
- (8) The use of the pistol range must not exceed 4 days in any calendar month and notification of the events must be sent to Council at least one week prior to any event taking place.
- (9) The number of patrons on the pistol range must not exceed 25 at any one time.

Country Fire Authority

- (10) **Static water supply**
 - The water supply must be stored in an above ground water tank and be full with water at all times.
 - The water supply must have a minimum capacity of 10,000 litres that is maintained solely for fire fighting purposes.
 - The water supply must be located down at the pistol firing range area.
 - The water supply outlet/s must be attached to the water tank to enable access during emergencies.
 - All pipework between the water supply and the outlet/s must be a minimum of 64 mm nominal bore.
 - All fixed above-ground water pipelines and fittings must be of non-corrodible and non-combustible materials.
 - The water supply must:
 - Be located so that fire brigade vehicles are able to get to within 4 metres of the water supply outlet.
 - Incorporate an additional 64 mm (minimum) gate or ball valve and 64 mm (fixed size), 3 threads per inch, male fitting to suit a CFA coupling
 - The water supply must be readily identifiable from the access track or appropriate signage must be provided which:
 - Has an arrow pointing to the location of the water supply.
 - Has dimensions of not less than 310 mm high and 400 mm long.
 - Is red in colour, with a blue reflective marker attached.
 - Is labelled with a 'W' that is not less than 15 cm high and 3 cm thick.
- (11) **Access**

Access to the pistol firing range location within the property must be designed to allow emergency vehicle access. The minimum design requirements (including gates, bridges and culverts) are as follows:

 - Curves in the driveway must have a minimum radius of 10 metres. The average grade must be no more than 1 in 7 (14.4%), however an absolute maximum of 1 in 5 (20%) is allowed for a maximum of 50 metres.

- Dips must have no more than a 1 in 8 (12.5%, 7.1 degree) entry and exit angle.
- Must provide a minimum trafficable width of 3.5 metres and be clear of encroachments for 4 metres vertically and 0.5 metres each side of the driveway.
- Must be designed, constructed and maintained for a load limit of at least 15 tonnes and be of all weather construction.
- Driveways longer than 100 metres must provide for the turning of fire fighting vehicles close to the building by either:
 - A turning circle with a minimum radius of 8 metres; or
 - By the driveway encircling the building; or
 - The provision of a T or Y head with a minimum formed surface of each leg being 8 metres in length measured from the centre point of the head, and 4 metres trafficable width.
- Driveways longer than 200 metres must provide a passing bay 20 metres along must be provided every 200 metres with a trafficable width of 6 metres.

(12) Car Parking

All attending shooters vehicles are to be parked at the house and travel into the pistol firing range is to be via ATV vehicles provided on site.

(13) Vegetation Management Requirements

Fuel reduction works must be undertaken by reducing the grass to no more than 100mm in height in and around the designated pistol range firing area (as specified by the applicant as being - 100 metres long and 50 metres wide) and must be maintained during the declared “ Fire Danger Period”.

The declared Fire Danger Period generally runs from the start of October until the end of April each year and can be verified by checking the CFA website at www.cfa.vic.gov.au

(14) Emergency Management

An Emergency Management Plan to be developed to the satisfaction of CFA and the responsible authority.

(15) Portable Fire Extinguishing Equipment

- A minimum of (1) one 9 Litre stored water extinguisher (or approved equivalent / Knapsack) shall be kept readily available at the Pistol Firing Range when in operation.
- Each of the ATV's is also to be equipped with a minimum of (1) one 9 Litre stored water extinguisher or approved equivalent / firefighting knapsack full with water when the range is operating.

Proposal:

An application was received for a pistol firing range in Strath Creek, which is proposed to be utilised up to 4 times per month, with a range membership of 20 members. Operating hours will be Monday to Saturday from 9am till 8pm and Sundays from 12pm till 6pm. No shooting will occur on Christmas Day, Good Friday or Anzac Day.

The Land & Surroundings:

The subject land is part of a larger, 433 hectare, land holding know as “Ouraway”. The whole of the land includes steep hills, ridges, valleys and lower slopes on the flat areas. Access to the property is from a formed gravel (unnamed) road off Upper King Parrot Creek Road. The range site is located at the base of a steep hill to the north west, with ridges running either side to the south west and north east.

The surrounding area is generally characterised by broad acreage farming practices, with houses scattered throughout the area. The nearest dwelling to the proposed range is over 1 kilometre away.

Referrals:

The application was referred to the CFA, who had no objections subject to various conditions, which have been included in the recommendation.

Consultation:

The application was notified to 96 nearby and adjoining owners by way of a notice of application, and with a notice in the Yea Chronicle.

11 objections and 1 support submission were received. 1 objection has since been withdrawn. The outstanding submissions can be summarised as follows:

- Effects on amenity/disturb the peaceful environment (7 submitters)
- Will disturb livestock and wildlife (4 submitters)
- Will have a negative impact on native vegetation (2 submitters)
- Inconsistent with the zone (3 submitters)
- Will create/increase fire risk (3 submitters)
- Access via a government road that is maintained by an adjoining landowner, and increase in traffic will deteriorate the road that the applicant has no financial investment in (1 submitter)
- Proposal will devalue adjoining properties (2 submitters)
- Not enough detail on governance and compliance of the range with appropriate legislation. (2 submitters)
- The idea of a pistol range raises concerns that there will be tragic results (1 submitter)
- The disturbance will have a negative impact on adjoining businesses (1 submitter)
- Location and orientation of the range is contrary to Victorian Firearm Safety Code (1 submitter)
- Details of sound travel not provided (2 submitters)
- The application is misleading and is for 7 days a week, 362 days a year. (1 submitter)
- The spread of hours is too extensive (1 submitter)
- Already have a problem in the area with illegal shooters (1 submitter)
- When the property changes hands it could be attractive to criminal types (1 submitter)
- Security of the community is a concern (1 submitter)
- Monitoring of compliance with permit will be a drain on council staff resources (1 submitter)
- Not enough information with the application (2 submitters)
- Access is not adequate (1 submitter)
- Concerns with management of spent bullets, and their containment of metals (1 submitter)
- Construction of the earthen butt wall is inconsistent with the Erosion Management Overlay (1 submitter)

All submissions were forward to the applicant, who prepared individual responses to the submissions. The applicant made the following statement:

“Ultimately the range still has to be approved by Firearms registry & has to be compliant with all of their regulations. I believe most of the objections do not apply to my actual proposal as this is not a commercial or even public enterprise. All laws will be obeyed, all advice from environmental experts, the CFA, EPA, Firearms registry etc will be strictly adhered to. As long as council approves I am prepared to limit days, hours, numbers & will be totally responsible for environmental & fire hazard.

I am sensitive to my neighbours & those who genuinely feel they will be affected. The range is tiny, isolated, safe & is particularly well contained with a very large steep hill in front, large hills on either side, a hill behind & is over a kilometre from the nearest house (whose owners have no objections at all). The only indirect opening at all, is distant, is between hills, is to the south-west & I don't believe there are any houses for kilometres & certainly none visible without an intervening hill. Shooting into soft dirt, straw or pulverised rubber will further dampen noise. It will be in keeping with all legislation including EPA requirements.”

The responses to the individual submitters can be summarised as follows:

- A pistol range is a permitted use in the Farming Zone, and can be considered for a planning permit.
- The use of the land will not impact on the agricultural use of the land, as it is located in an area with lower agricultural capacity.
- The land is not considered high quality agricultural land.
- Is prepared to comply with any conditions Council feel are necessary to satisfy amenity concerns.
- Range will not operate on total fire ban days.
- The construction of the earthen butt will not create an erosion issue.
- Land valuations are not a planning consideration.
- The shooting range will meet any noise and contamination requirements of the EPA.
- Shooting in the area of the range to manage pest animals has not had an impact on native fauna, and it is anticipated that the range will have the same minimal impact.
- It is noted that surrounding properties regularly shoot pest animals and wildlife on their own properties and native fauna is not affected.
- Proposed hours and days have been provided, and the permit would stipulate these limitations.
- The range will need to be licenced by the Victorian Police Licencing and Regulation Division.
- A condition could be place on the permit that the use of the range would cease should the land change hands.
- Some of the submissions raised can be considered alarmist.
- The area intended to be used is very small in context of the whole property, and there will be no real impact on native vegetation.
- The proposed range is not adjacent to any waterways and has no capacity for pollution.
- Access is via a government road reserve that is not under a grazing licence, and is not restricted for use by one property only.
- The hill immediately to the rear of the proposed constructed butt wall is approximately 369m high and therefore the trajectory of any bullets over the wall and the safety of both the range users and surrounding land owners is considered to be adequately addressed by both the wall and the hill to the rear of the butt wall which is totally in the ownership of the landholder and therefore there should not be any persons on the site without the permission of the landowner.

Newspaper / Other	Publishing/Consultation Date(s)
Newspaper: Yea Chronicle	24 September 2014
Mail out: Notice of Application	16 September 2014

Planning Considerations:

In the farming zone, a pistol firing range can be considered as a Section 2 (Permit required) use. This use is not specifically defined in the scheme, but is categorised as “any other use” which can be considered for a planning permit. A pistol firing range can be categorised as an Outdoor Recreation Facility, which is defined as “Land used for outdoor leisure, recreation or

sport". Due to the broadness of this definition, the proposal in the application is more specific to ensure that the actual use of the land is appropriately considered.

When considering the use of the land for a pistol firing range, the planning considerations look at both the purpose of the zone and overlays that apply, as well as any potential impacts on surrounding properties. In relation to this property, the range is to be located in a central valley position, screened by ridges to the south west (with a height of 370 metres) and north east (height of 440 metres), and a large hillside to the north west (height of 430 metres). Only a small area of land is being used for the range, and it is the opinion of Council officers that this will not have an impact on the agricultural use of the land. Further to this, the topography provides adequate buffering for any potential noise impacts on surrounding properties, particularly considering the nearest dwelling is over 1 kilometre away, with the nearest objector being approximately 2 kilometres away.

While a number of the issues raised by the objectors are not valid planning grounds, the ones that are can generally be covered by how the site will be managed and the restrictions on the use enforced. In relation to this, any shooting range must also consider the requirements of the EPA guidelines for "Noise from Outdoor Shooting Ranges" (publication 1508, October 2012). These guidelines provide recommended noise levels and guidance on operating hours to minimise the impact on surrounding properties. The hours of operation proposed in the application are well within the recommendation for restrictions on operating hours in this guideline.

From a licencing and safety perspective, the range must also obtain a licence from the Victorian Police under the Firearms legislation. To this end, the applicant has engaged a suitably qualified person to ensure that the range will comply with all requirements for the licencing from the Victorian Police.

Further to this, when assessing the issues raised by the submitters, any permit that should be issued would be recommended to contain conditions that restrict days and hours of operation, the number of patrons, as well as not allowing the range to be used on Total Fire Ban days. In order to address the enforcement of these conditions, the applicant will be required to notify Council a week prior to the events being held. These conditions would be in line with the application documents as advertised.

Conclusion:

The proposed use of the land for a pistol firing range is a use that can be considered in the Farming Zone, and with appropriate conditions, the impact of this use is not considered to have a negative impact on the amenity of the surrounding area or on the native flora and fauna. As such, it is considered that the use of the land is appropriate and a permit is recommended to be issued.

Legal/Policy Issues:

State Planning Policy Framework

13.03-2 Erosion and Landslip

Objective: To protect areas prone to erosion, landslip or other land degradation processes.

Strategies: Prevent inappropriate development in unstable areas or areas prone to erosion.

13.05 Bushfire

Objective: To assist to strengthen community resilience to bushfire.

Strategies:

- Prioritise the protection of human life over other policy considerations in planning and decision-making in areas at risk from bushfire.

14.01 Agriculture

Objective: To protect productive farmland which is of strategic significance in the local or regional context.

Local Planning Policy Framework

21.04 Agriculture and Rural Land Strategies

Strategies and objectives:

- Ensure that the use and development of rural land is both compatible with and complementary to agricultural activities and protect agricultural potential.

22.04-1 Catchment management and landcare

Objectives:

- Facilitate the rectification of land degradation and the improvement of agricultural land.
- Ensure that changes to the use of land and new developments do not prejudice the continued production and operation of the agricultural, horticulture and timber industries or the productive capacity of land.

Zoning

35.07 Farming Zone

Purpose:

- To provide for the use of land for agriculture
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

Decision Guidelines:

- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the use or development will support and enhance agricultural production.
- To potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The impact of the proposed use on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the proposed use or development on the flora and fauna on the site and its surrounds.

A planning permit is required for an outdoor recreation facility (pistol firing range) in the Farming Zone.

Overlays

44.01 Erosion Management Overlay

Purpose: To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

Decision Guidelines:

- Whether the buildings or works are likely to cause erosion or landslip.

A planning permit is required for the construction of the earthen butt in the Erosion Management Overlay.

44.06 Bushfire Management Overlay

Purpose: To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

A planning permit is required for buildings and works associated with Leisure and Recreation.

Particular Provisions

52.47 Planning for bushfire

Purpose:

- To ensure that development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.

RESOLUTION:

Cr C Ruhr / Cr J Walsh

That Council issues a Notice of Decision to Grant a Permit for the use and development of a pistol firing range at 681 King Parrot Creek Road, Strath Creek, 3658 (C/A: 129 CAL: C, Parish of Windham), subject to the following conditions:

- (1) Prior to the commencement of any works three (3) copies of a plan or plans shall be submitted and approved by the Responsible Authority. Such plans must show the details of the earthen butt to be constructed. When approved these plans shall be endorsed and form part of this permit.
- (2) This permit shall expire if the development hereby permitted is not completed and the use 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) 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.
- (4) 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.
- (5) The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.
- (6) The pistol range hereby permitted shall take place only between the hours of 9am to 8pm Monday to Saturday inclusive and 12pm to 6pm on Sundays.
- (7) The pistol range hereby permitted must not be used on Christmas Day, Good Friday, Anzac Day or on days of a Total Fire Ban.
- (8) The use of the pistol range must not exceed 4 days in any calendar month and notification of the events must be sent to Council at least one week prior to any event taking place.
- (9) The number of persons on the pistol range must not exceed 25 at any one time.

Country Fire Authority

- (10) Static water supply

- The water supply must be stored in an above ground water tank and be full with water at all times.
- The water supply must have a minimum capacity of 10,000 litres that is maintained solely for fire fighting purposes.
- The water supply must be located down at the pistol firing range area.
- The water supply outlet/s must be attached to the water tank to enable access during emergencies.
- All pipework between the water supply and the outlet/s must be a minimum of 64 mm nominal bore.
- All fixed above-ground water pipelines and fittings must be of non-corrodible and non-combustible materials.
- The water supply must:
 - Be located so that fire brigade vehicles are able to get to within 4 metres of the water supply outlet.
 - Incorporate an additional 64 mm (minimum) gate or ball valve and 64 mm (fixed size), 3 threads per inch, male fitting to suit a CFA coupling
- The water supply must be readily identifiable from the access track or appropriate signage must be provided which:
 - Has an arrow pointing to the location of the water supply.
 - Has dimensions of not less than 310 mm high and 400 mm long.
 - Is red in colour, with a blue reflective marker attached.
 - Is labelled with a 'W' that is not less than 15 cm high and 3 cm thick.

(11) Access

Access to the pistol firing range location within the property must be designed to allow emergency vehicle access. The minimum design requirements (including gates, bridges and culverts) are as follows:

- Curves in the driveway must have a minimum radius of 10 metres. The average grade must be no more than 1 in 7 (14.4%), however an absolute maximum of 1 in 5 (20%) is allowed for a maximum of 50 metres.
- Dips must have no more than a 1 in 8 (12.5%, 7.1 degree) entry and exit angle.
- Must provide a minimum trafficable width of 3.5 metres and be clear of encroachments for 4 metres vertically and 0.5 metres each side of the driveway.
- Must be designed, constructed and maintained for a load limit of at least 15 tonnes and be of all weather construction.
- Driveways longer than 100 metres must provide for the turning of fire fighting vehicles close to the building by either:
 - A turning circle with a minimum radius of 8 metres; or
 - By the driveway encircling the building; or
 - The provision of a T or Y head with a minimum formed surface of each leg being 8 metres in length measured from the centre point of the head, and 4 metres trafficable width.
- Driveways longer than 200 metres must provide a passing bay 20 metres along must be provided every 200 metres with a trafficable width of 6 metres.

(12) Car Parking

All attending shooters vehicles are to be parked at the house and travel into the pistol firing range is to be via ATV vehicles provided on site.

(13) Vegetation Management Requirements

Fuel reduction works must be undertaken by reducing the grass to no more than 100mm in height in and around the designated pistol range firing area (as specified by the applicant as being - 100 metres long and 50 metres wide) and must be maintained during the declared " Fire Danger Period".

The declared Fire Danger Period generally runs from the start of October until the end of April each year and can be verified by checking the CFA website at www.cfa.vic.gov.au

(14) Emergency Management

An Emergency Management Plan to be developed to the satisfaction of CFA and the responsible authority.

(15) Portable Fire Extinguishing Equipment

- A minimum of (1) one 9 Litre stored water extinguisher (or approved equivalent / Knapsack) shall be kept readily available at the Pistol Firing Range when in operation.
- Each of the ATV's is also to be equipped with a minimum of (1) one 9 Litre stored water extinguisher or approved equivalent / firefighting knapsack full with water when the range is operating.

NOTE:

1. For the purposes of this permit, a day as referred to in Condition (8) above, would be defined in accordance with EPA Guidelines for Outdoor Shooting Ranges, being the following:
 - a. Daytime: 9am – 6pm Monday to Saturday; 12noon – 6pm Sunday
 - b. Evening: 6pm – 10pm every day of the week.

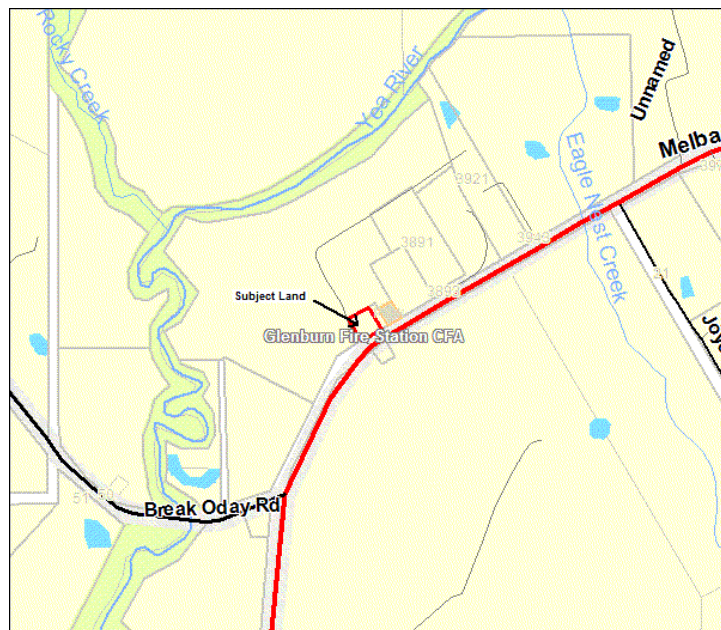
Where shooting occurs during both the daytime period and the evening period on a single day it shall be regarded as two days of shooting.

CARRIED

6.2 GLENBURN FIRE STATION PERMIT AMENDMENT

REF: 2013/169
Land: 3873 Melba Highway GLENBURN 3717
Proposal: Amendment to planning permit 2013/169 to remove condition 19
Applicant: Country Fire Authority
Zoning: Public Use Zone 6 (adjacent to Road Zone 1)
Overlays: None
Attachments: Application details (*Refer Encl 6.2*)
(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 of planning permit condition 19, on planning permit 2013/169, being for the construction of a new fire station for the Glenburn fire brigade and the creation of an access at 3873 Melba Highway, Glenburn.

Recommendation:

That Council issues a notice of decision to grant an amendment to planning permit 2013/169 to amend condition 19 at 3873 Melba Highway, Glenburn (LOT: 1 TP: 515651, Parish of Woodbourne), with the following amended condition:

- (19) Prior to the commencement of the use the access must be upgraded to the satisfaction of and at no cost to the Roads Corporation in accordance with the following standards:
- a. SD2065 Truck Access to Rural Properties Type B
 - b. Removal of part of the guard rail and the installation of a new terminal in accordance with SD3544 Road Safety Barriers Trailing Terminal General Arrangement

Proposal:

A planning permit was issued for the Glenburn Fire Station on 27 March 2014 which was subject to a number of conditions. An application has been made to amend the planning permit pursuant to Section 72 of the Planning and Environment Act 1987 to delete condition 19 which required a Road Safety Audit.

The Land & Surroundings:

The subject land contains the Glenburn Community Centre and shelter shed, a small storage shed, a toilet block and a vacant grassed area on the eastern section of the land. The property is bounded to the east by a residential dwelling, to the west by the current CFA station, to the north by a farming property and the south by the Melba Highway. The property is in the township area of Glenburn. The whole of the property is 4000 square metres in size, and the CFA utilise 1600 square metres of land for the fire station development.

Referrals:

The application was referred to VicRoads. VicRoads responded with the following condition to be placed on the permit instead of condition 19:

- (19) Prior to the commencement of the use the access must be upgraded to the satisfaction of and at no cost to the Roads Corporation in accordance with the following standards:
 - a. SD2065 Truck Access to Rural Properties Type B
 - b. Removal part of the guard rail and the installation of a new terminal in accordance with SD3544 Road Safety Barriers Trailing Terminal General Arrangement

Consultation:

The amendment to planning permit was notified to adjoining owners and previous submitters to the application. One submission was received. The submission can be summarised as follows:

- A proper Road Safety Audit is essential to identify potential conflicts.
- Concerned that the works have already been undertaken prior to the condition being amended.
- The application plans shows that the works could be undertaken without the need for removal of guard rail.
- Copy of TTM Consultants Report and Road Safety Audit not available as part of the application to amend.
- The guardrail is needed for safety of users of the community building and the residence adjacent to the site.

The objector further advised that the CFA should undertake the following:

- Complete a Road Safety Audit of the detailed design plans of the access/exit including necessary changes to line marking on the Melba Highway and the relationship with the driveway to the Glenburn Hall car park.
- Install a new section of guardrail to protect the residential property at 3877 Melba Highway, Glenburn.
- Prepare a Traffic Management Plan for the Glenburn Activity Area.
- Contribute to the cost of providing formal car parking in front of the Glenburn Community Centre.

The CFA responded to the objection with the following comments:

"The Country Fire Authority confirms that it appointed a Traffic Engineer - TTM Consulting to prepare plans in relation to the fire appliance vehicle movement into and exiting the Glenburn Fire Station property at 3873 Melba Highway. The planning was specifically in relation to the fire appliance movement and the interface with the existing guard rail on Melba Highway. The plans were presented to Vic Roads representatives at a joint meeting held in their Benalla office in June 2014.

The discussions with Vic Roads also reviewed the requirements and compliance with the specific Vic Roads Town Planning Permit conditions including condition 19. Vic Roads condition 19 dealt with the requirement for a Road Safety Audit (RSA) to be undertaken in respect of the design plans and in consideration of any alteration to the guard rail. As a consequence of the review of the CFA plans, Vic Roads agreed that the condition 19 was not required however CFA was requested to provide additional design information in relation to the fire appliance entry / exit to the site and details of the revised terminal arrangement in order to satisfy Vic Roads prior to final approval.

CFA information was issued to Vic Roads on 22 July 2014. Vic Roads subsequently confirmed their approval of the design arrangements as noted on the TTM drawing

8059105 including the alteration of the guard rail in email correspondence to the CFA Traffic Engineer dated 23 July 2014. Vic Roads also confirmed their agreement to the Vic Roads Permit condition 19 for a RSA be removed from the current permit.”

The above response did not address the concerns of the objector, and the objection was not withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
Mail out: Adjoining Owners and Previous Submitters	1 October 2014

Planning Considerations:

After the planning permit for the new Glenburn CFA station was issued in March 2014, the Country Fire Authority had several discussions with VicRoads and reached agreement in relation to the requirements of Condition 19. VicRoads accepted the removal of approximately 10 lineal metres of rail as part of the design undertaken by the CFA Traffic Engineer to facilitate the entry and exit of fire trucks and associated vehicles in the new station site.

Based on advice from VicRoads, the CFA proceeded with the alterations to the guard rail without undertaking a Road Safety Audit.

This condition is in line with the work already completed to VicRoads satisfaction, and assures consistency between what has been approved by VicRoads and what is in the permit.

In relation to the concerns raised by the submitter, the access to the property is from a VicRoads managed road reserve, and any requirements for construction and access are specified by VicRoads. With VicRoads as the Responsible Authority for the Melba Highway, it is reasonable that this condition be amended to reflect the works that have been undertaken to VicRoads satisfaction.

Conclusion:

The permit condition being considered for amendment was originally required by VicRoads, who have agreed to the permit amendment. The amendment will ensure that the development is in accordance with the requirements and to the satisfaction of VicRoads.

Legal/Policy Issues:

State Planning Policy Framework

15.01 Urban Design

Objective: To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Particular Provisions

52.29 Land adjacent to a Road Zone, Category 1

Purpose: To ensure appropriate access to identified roads.

Decision Guidelines:

- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.

RESOLUTION:

Cr J Kennedy / Cr C Challen

That Council issues a notice of decision to grant an amendment to planning permit 2013/169 to amend condition 19 at 3873 Melba Highway, Glenburn (LOT: 1 TP: 515651, Parish of Woodbourne), with the following amended condition:

- (19) Prior to the commencement of the use the access must be upgraded to the satisfaction of and at no cost to the Roads Corporation in accordance with the following standards:
- a. SD2065 Truck Access to Rural Properties Type B.
 - b. Removal of part of the guard rail and the installation of a new terminal in accordance with SD3544 Road Safety Barriers Trailing Terminal General Arrangement.

CARRIED

6.3 GREAT VICTORIAN RAIL TRAIL (GVRT) – ALEXANDRA, THORNTON AND EILDON LINK FEASIBILITY STUDY

REF: 14/42350

(Refer Encl 6.3 – GRVT Alexandra, Thornton and Eildon Link Feasibility Study)

Purpose:

This report discusses the options for the proposed development of the proposed Great Victorian Rail Trail Extension from Alexandra, through Thornton to Eildon.

Recommendation:

That Council:

- a. **Notes the findings in the feasibility study attached.**
- b. **Endorses officers to prepare a detailed Trail Development Plan, subject to identifying suitable funding.**
- c. **Endorses the implementation of Stage 1, the Trailhead to Alexandra Township, subject to funding and the Trail Development Plan identifying the stage as economically feasible, as first priority.**
- d. **Endorses the implementation of Stage 2, Thornton to Eildon, subject to funding and the Trail Development Plan identifying the stage as economically feasible, as second priority.**
- e. **Endorses the implementation of Stage 3, Alexandra Township to Thornton, subject to funding and the Trail Development Plan identifying the stage as economically feasible, as third priority.**

Background:

The feasibility study is funded through the Advancing Country Towns (ACT) project. ACT is a Victorian Government initiative designed to address rural disadvantage in nine locations around Victoria that are considered vulnerable to long-term decline, but which have opportunities for growth and prosperity.

Under the ACT program Council received funding over four years for the communities of Alexandra, Thornton and Eildon (known as the Alexandra Cluster) to develop and implement initiatives that improve economic development, opportunities for employment, skills and training and better integration of services.

One of the initiatives identified was the investigation of a trail connecting Alexandra, Thornton and Eildon (and Lake Eildon) to the Great Victorian Rail Trail. The construction of a trail linking the Great Victorian Rail Trail to Lake Eildon has the potential to increase 'year-round' tourism to the region and thereby improve the sustainability of businesses reliant on tourism.

The construction of the proposed trail also presents significant challenges for Council, most notably funding the construction and the ongoing management including maintenance and renewal of the trail. Given the ongoing financial impacts of the 2009 bushfires relating to new infrastructure, and extra costs associated with the maintenance and renewal of the recently opened Great Victorian Rail Trail in the Shire.

Mike Maher from Transplan Pty Ltd and Mike Halliburton Associates were appointed as the consultant to undertake the study.

Council Plan/Strategies:

The information provided in this report is consistent with the following objectives within the Murrindindi Shire Council Plan 2013-2017, as follows:

Our Economy – Strategic objective: ‘We will administer sound financial and management practices’.

Our Environment – Strategic objective: ‘We will use resources more efficiently and effectively’

Our Environment – Strategic objective: ‘We will apply a whole of life approach to the management and maintenance of Council’s assets’

Legal/Policy Issues:

Nil

Financial/Resources/Risk

The funding of the study has been made possible through a \$50,000 grant from the Advancing Country Towns project.

The feasibility study has identified the estimated costs for constructing the trail.

Trail Construction (including 15% contingency)

Stage 1. Trailhead to Alexandra Township	\$ 31,338
Stage 2. Thornton to Eildon	\$1,972,410
Stage 3. Alexandra Township to Thornton	\$2,967,522

Total Estimated Cost **\$4,971,270**

Cost to prepare Detailed Trail Development Plan **\$ 100,000**

The study has also estimated the expected annual maintenance costs and officers estimated likely renewal liability for each stage. These are outlined as follows:

Estimated Maintenance Cost

Stage 1. Alexandra Trailhead to Alexandra Town	\$ 810
Stage 2. Thornton to Eildon	\$26,162
Stage 3. Alexandra Township to Thornton	\$30,598

Total Estimated Maintenance Cost **\$57,570 per annum**

Estimated Annual Renewal liability

Stage 1. Alexandra Trailhead to Alexandra Town	\$ 787
Stage 2. Thornton to Eildon	\$20,400
Stage 3. Alexandra Township to Thornton	\$39,300

Total Estimated renewal liability **\$60,487 per annum**

Note: Renewal liability has been determined by officers based on construction costs provided in the study.

Discussion:

The study identified that there is a viable trail route between Alexandra and Eildon, that would result in benefits to the towns through which it passes and had support from the general community and key stakeholders, such as the Outdoor Education Group and ATTA (Alexandra Tourism and Traders Association).

The Study summarised that with the right marketing, the trail will attract local users, day-trippers and visitors and under a relatively conservative scenario, the following outcomes are achievable:

Table 1. Predicted Visitor Numbers

Category	Predicted numbers/year	Average spend per day	Predicted visitor expenditure/year
New day trippers	2,000	\$72.45	\$144,900
Day trippers converting to overnight stays (2 days/ 1night)	1,000	\$123.13	\$246,260
Overnight stays being extended by a day to use the trail	3,000	\$72.45	\$217,350
Total visitor numbers	6,000		\$608,510

Total visitor numbers to the Shire over the last five years indicate that the average visitor numbers have been 797,000 per year with a low of 693,000 in 2013. This report predicts that the likely increase in the total number of visitors to the Shire would be 2,000 per year (0.25% increase on the average). It also predicts the use of the trail by 4,000 existing visitors extending their stay and 13,500 local use trips, which would result in a total trail usage of 19,500 trips a year. It should be noted that the Study emphasises that user and visitor numbers may not necessarily be realised in the first years of operation if the trail proceeds (particularly if the trail is constructed in sections) but also that further development along the corridor will lead to increasing use of outdoor recreation resources such as a trail and a commensurate increase in economic benefits to the communities along the corridor. The Study identified that in the start-up years the usage for similar trails, such as South Australia's Riesling Trail and Bibbulmun Trail was lower, 11,000 trips and 10,000 trips, respectively

Maintenance Costs

The maintenance costs in the Study, of \$57,570 per annum, are considered a reasonable estimate taking into account that maintenance costs can be minimised by good design, appropriate material selection and high construction standards and that Council could seek commitment from community and user groups to contribute to maintenance. The Outdoor Education Group (OEG) has committed in writing to council that it would maintain the section of Rail Trail from the Eildon Pondage down to their property, Camp Eildon 724 Eildon Back road (about 4km). This section would also take in Blue Gums Caravan Park. OEG would also consider dependent on approval from their finance department to be responsible for the section from Camp Eildon down to the Point Hill public access area about 2km west of Camp Eildon.

Staged trail construction

The study identified the staging of the construction of the trail as an option outlined under the financial resources section of this report. It is also noted that a further detailed investigation/development plan would be required to confirm costs and design details. The Advancing Country Towns grant has identified \$300,000 for potential use as leverage for other grant funding for the development of a detailed design and construction in full or part thereof of

the trail. Grant opportunities for the funding of the trail would likely include both State and Federal Governments.

Councillors may also consider a staged delivery of the Trail. Stage 1, extending the trail from the Trailhead to the Alexandra Township, is a logical first stage to implement for a relatively small cost (when compared to the Trail as a whole). This would immediately provide the required connection and benefit to the township as trail users could more easily access and utilise local businesses (particularly food and beverage outlets). The estimate for Stage 1 is based on an assumption that it would be designed to be consistent with the remainder of the proposed trail in terms of surface, signage and construction. There is potential for smaller scale measures, such as just signage if it is not connected to further stages. However the detailed development plan or Stage 1 construction is unlikely to be funded through ACT without commitment to delivering a further stage or stages of the trail.

Stage 2, Eildon to Thornton (approximately \$1.9 Million to construct) is less expensive than the section from Alexandra to Thornton and has the significant advantage of passing the majority of businesses that will immediately benefit (along Back Eildon Road) especially the caravan parks, and it links the two Outdoor Education Group (OEG) camps therefore addressing OEG's concerns about safety of their students while cycling.

Stage 3, completes the trail from Thornton to Alexandra. This is the most expensive element (approximately \$3.0 million including contingency) to construct but has the benefit of completing the whole route and maximising the economic benefits.

Given that the Study is not a detailed trail development plan the cost estimates are broad estimates only and are subject to confirmation. The costs for development of the Trail (bridges, trail construction, etc) are based on conditions likely to be encountered during construction.

Consultation:

To assist in the development of the project, consultation included the following:

- A Project Control Group to oversee the project. Membership of this group includes the following:
 - General Manager Infrastructure and Development Services
 - Manager Infrastructure Assets
 - Manager Economic Development and Tourism
 - Coordinator Environmental Programs
 - Coordinator Youth and Recreation
 - Community member – Ken Deacon
 - Infrastructure and Waste Portfolio Councillor
- “Open House” (or “Drop In”) sessions held in Eildon, Thornton and Alexandra during July 2014.
- Direct consultation with key stakeholders.
- To test the economic assumptions made, further consultation was undertaken in November 2014 with Alpine Shire Council in terms of the research they commissioned in relation to the economic impact of cycle tourism.

Conclusion:

The feasibility study indicates that there is a potential economic benefit to the implementation of the rail trail but a corresponding cost in terms of both construction and ongoing maintenance and renewal. Funding to carry out a more detailed study is required to critically assess the feasibility of constructing a trail linking Alexandra, Eildon and Thornton and to assist the Council to determine if and what stages to progress to implementation. However ACT are unlikely to approve funding for the detailed study without commitment to the implementation of at least part

of the route. If approved the timescale for implementation will be determined by the availability of funding.

MOTION:

Cr B Magner / Cr C Challen

That Council:

- a. Notes the findings in the feasibility study attached.
- b. Endorses officers to prepare a detailed Trail Development Plan, subject to identifying suitable funding.
- c. Endorses the implementation of Stage 1, the Trailhead to Alexandra Township, subject to funding and the Trail Development Plan identifying the stage as economically feasible, as first priority.
- d. Endorses the implementation of Stage 2, Thornton to Eildon, subject to funding and the Trail Development Plan identifying the stage as economically feasible, as second priority.
- e. Endorses the implementation of Stage 3, Alexandra Township to Thornton, subject to funding and the Trail Development Plan identifying the stage as economically feasible, as third priority.

Cr C Challen proposed amendments as follow:

That Council:

- a. Endorses officers to prepare a detailed Trail Development Plan for the section of Thornton to Eildon, subject to identifying suitable funding.
- b. Endorses the implementation of Stage 2 of Option 1A, Thornton to Eildon, subject to funding and the Trail Development Plan identifying the cost of the trail.
- c. Subject to the completion of Stage 2, endorses officers to prepare a detailed Trail Development Plan for Stages 1 and 3 of Option 1A.
- d. Subject to funding opportunities, endorses the possibility of Stages 1 and 3 of Option 1A.

Cr B Magner as mover, declined to accept those amendments.

Cr J Walsh and Cr C Ruhr spoke against the motion.

Cr J Kennedy spoke in support of the motion.

Cr C Challen spoke in support of the motion.

Cr A Derwent spoke in favour of the project in principle, but would prefer to consider the stage recommendations separately.

Cr M Rae spoke against the motion on cost benefits ground and accountability and ethics.

Cr B Magner spoke in support of the motion.

MOTION LOST

RESOLUTION:

Cr C Ruhr / Cr J Walsh

That standing orders be suspended.

CARRIED

The meeting was suspended at 7.21pm.

RESOLUTION:

Cr C Ruhr / Cr J Walsh

That standing orders be resumed.

CARRIED

The meeting was resumed at 7.30pm.

RESOLUTION:

Cr C Challen /Cr J Kennedy

That Council:

- a. Endorses officers to prepare a detailed Trail Development Plan for the section of Thornton to Eildon, subject to identifying suitable funding.
- b. Endorses the implementation of Stage 2 of Option 1A, Thornton to Eildon, subject to funding and the Trail Development Plan identifying the cost of the trail.
- c. Subject to the completion of Stage 2, endorses officers to prepare a detailed Trail Development Plan for Stages 1 and 3 of Option 1A.
- d. Subject to funding opportunities, endorses the possibility of Stages 1 and 3 of Option 1A.

Cr A Derwent proposed an amendment to the motion, requesting that (c) and (d) be revised to the following:

- c. Subject to the completion of Stage 2, endorses officers to prepare a detailed Trail Development Plan for Stages 1 and 3 of Option 1A either at the same time or in different stages.
- d. Subject to funding opportunities, endorses the possibility of Stages 1 and 3 of Option 1A either at the same time or in different stages.

Cr C Challen, as mover of the motion, accepted these amendments.

Cr B Magner then proposed a further amendment to the motion, requesting that section (e) be added stating:

- e. Notes the findings in the feasibility study attached.

Cr C Challen, as mover of the motion, accepted this amendment.

Cr C Ruhr spoke against the motion.

Cr J Walsh spoke against the motion.

Cr A Derwent spoke supporting implementation of separate Stages of the Plan.

Cr M Rae on accountability and ethical groups could not support the motion.

Cr C Challen spoke again in favour of the amended motion.

Cr B Magner supported the motion.

CARRIED**CALL FOR A DIVISION**

For: Crs A Derwent, B Magner, J Kennedy, C Challen

Against: Crs C Ruhr, J Walsh, M Rae

6.4 AUDIT COMMITTEE 2014 ANNUAL REPORT

REF: 14/42190

*(Refer Encl 6.4 14/43382 Annual Report-Audit Committee)****Purpose:***

The purpose of this report is to provide Council with the Annual Report of Audit Committee activities, as received from the Chair of the Audit Committee, Mr. Ian McKaskill.

Recommendation:

That the Audit Committee Annual Report prepared by the Audit Committee Chair (Mr. Ian McKaskill), as enclosed, be received by Council for the 2014 calendar year.

Background:

The Audit Committee, as an Advisory Committee to Council, is responsible to Council for the provision of advice and recommendations on matters relevant to its Charter in order that Council's decisions may be appropriately facilitated.

Council Plan/Strategies:

The Audit Committee report is consistent with the 2013-2017 Council Plan Goal under 'Our Council' to provide strategic leadership and effective governance that supports the aspirations of our community.

Legal/Policy /Financial/Resources/Risk Issues

An Annual Report to Council is one of the requirements per *Section 2(o) of the Charter of the Audit Committee*.

Financial/Resources/Risk

There are no financial implications with presentation of the Audit Committee Annual Report.

Discussion:

Presentation of the Audit Committee Annual Report, as per Enclosure 1, is an annual reporting requirement to Council as specified in the Charter of the Audit Committee. The report, as detailed in the enclosure, provides a summary of activities during the 2014 calendar year.

Conclusion:

The Annual Report on the activities conducted by the Audit Committee provides Council with assurance as to its effectiveness as an advisory committee and to meeting its prime objective to assist Council with meeting its financial and fiduciary responsibilities.

RESOLUTION:

Cr C Ruhr / Cr J Kennedy

That the Audit Committee Annual Report prepared by the Audit Committee Chair (Mr. Ian McKaskill), as enclosed, be received by Council for the 2014 calendar year.

CARRIED

6.5 MURRINDINDI ENVIRONMENT ADVISORY COMMITTEE – APPOINTMENT OF REPRESENTATIVES

REF: 14/40107

Purpose:

This report seeks Council endorsement for the appointment of three (3) representatives to the Murrindindi Environment Advisory Committee.

Recommendation:

That Council endorses the following representatives to the Murrindindi Environment Advisory Committee:

1. **Ms. Christine Glassford (Goulburn Broken Catchment Management Authority representative)**
2. **Mr. Ron Litjens and Mr. Peter McKernan (Community Representatives).**

Background:

The Murrindindi Environment Advisory Committee (MEAC) participated in a review in April 2014, which focused on the role and responsibilities of the MEAC, its strengths and weaknesses and opportunities to improve the way the Committee functions. The outcomes of the review included a revision of the existing MEAC Terms of Reference and the development of an action plan for the Committee.

Council Plan/Strategies:

Under the goal of ‘Our Environment’ the Strategic Objective is that “We will protect and enhance the natural environment”. The MEAC plays an important role in achieving a number of actions under the Council Plan. The MEAC is also a critical reference group in the governance of the Council’s Environment Strategy 2011 – 2015.

Legal/Policy Issues:

The MEAC plays a role in the governance of the Council’s Environment Policy 2008.

Financial/Resources/Risk

The administration of the MEAC is funded within existing resources.

Discussion:

On 8 April 2014, the MEAC examined its key purpose and future direction. A number of recommendations were made post this review, including the revision of Terms of Reference, which involved the need to replace three vacancies on the Committee. One vacancy was for the Goulburn Broken Catchment Management Authority (GBCMA) representation and the other two vacancies were for community representation.

In response to an approach from Council, the GBCMA nominated Christine Glassford, their Coordinator for the Commuting Hills, Social Ecological Systems (SES) & River Health Officer.

An Expression of Interest Notice was advertised in the local newspapers and on the Council’s website in September and October 2014 seeking applications for two community representatives for the MEAC. Applicants were asked to submit their applications to Council addressing the selection criteria outlined in the Terms of Reference. These are:

- Demonstrated experience in environmental management within a community setting.
- Knowledge of environmental issues affecting the Murrindindi Shire.
- The ability to access networks and stakeholder groups within the community.

- Experience in facilitating/leading community based committees.
- Formal qualifications in environmental management or a related discipline (well regarded, not essential).

Four applications were received and a selection panel was convened, chaired by Cr Kennedy, in accordance with the MEAC Terms of Reference to evaluate the submissions. The following individuals are recommended for community representative positions on the MEAC:

- Mr. Ron Litjens of Flowerdale
- Mr. Peter McKernan of Thornton

Consultation:

Advertisements were placed in the following local news outlets:

Newspaper / Other	Publishing Date(s)
Newspaper:	
* Alexandra Standard	17/9/2014 24/9/2014 1/10/2014 8/10/2014
* Marysville Triangle	19/09/2014 26/09/2014 03/10/2014
* North Central Review	16/09/2014 23/09/2014 30/09/2014 07/10/2014
* Yea Chronicle	17/9/2014 24/9/2014 1/10/2014 8/10/2014

Conclusion:

The recommended appointments will contribute positively to the important work undertaken by the MEAC and support the Council's desired environmental outcomes as articulated in the Council Plan and Environment Strategy.

RESOLUTION:

Cr J Walsh / Cr J Kennedy

That Council endorses the following representatives to the Murrindindi Environment Advisory Committee:

1. Ms. Christine Glassford (Goulburn Broken Catchment Management Authority representative)
2. Mr. Ron Litjens and Mr. Peter McKernan (Community Representatives).

CARRIED

6.6 COUNCIL FACILITIES FEES

REF: SF/751 & SF/1601

Purpose:

The purpose of this agenda item is to seek Council's adoption of the proposed fees for Yea Pioneer Reserve and Thornton Hall.

Recommendation:

That Council adopts the following fee structures as of 1 January 2015:

Yea Pioneer Reserve	
Commercial (profit) casual hire	\$25 per hour
Community group (non-profit) casual hire	\$13 per hour
Tai Chi	\$13 per hour
Power Pals	\$850 per annum
U3A	\$400 per annum
Playgroup and 1st Yea Scouts Group	\$520 per annum each
Thornton Hall	
Commercial (profit) casual hire (HOURLY)	\$20 per hour
Community group (non-profit) casual hire (HOURLY)	\$15 per hour
Commercial (profit) casual hire (DAILY)	\$125 per day
Community group (non-profit) casual hire (DAILY)	\$100 per day
Commercial (profit) casual hire (WEEKEND)	\$200 per weekend
Community group (non-profit) casual hire (WEEKEND)	\$150 per weekend

Background:

The Yea Pioneer Reserve Committee of Management (the "Committee") is delegated by Council under section 86 of the *Local Government Act 1989* ("the Act") to manage the facility on behalf of Council. Section 86 Committees of Management are not delegated to set fees and charges therefore the Committee of Management are recommending fees and charges for Council's adoption.

The Thornton Hall and Recreation Reserve Committee of Management is in recess and Council has taken over direct management of the Thornton Hall. Council therefore is proposing a new fee structure for the Thornton Hall.

Council Plan/Strategies:

There is a strategic objective under the Our Council Goal of the Council Plan 2013-2017 to "administer sound financial management practices".

Legal/Policy Issues:

Council delegates powers to Committees of Management under section 86 of the Act. Council has endorsed an Instrument of Delegation for the Committees of Management which specifies the various delegated responsibilities. The setting of fees and charges cannot be delegated to a Committee of Management under the Act. Therefore Council must be responsible for adopting all fees and charges associated with the use of the Yea Pioneer Reserve and the Thornton Hall.

Financial/Resources/Risk

The Yea Pioneer Reserve Committee has recommended increasing the fees to manage increasing expenditure. The Thornton Hall has not had a fee increase in over 5 years; the proposed fee structure is based upon what has been previously charged for the hire of the Hall, increased costs and fees associated with similar facilities.

Discussion:**Yea Pioneer Reserve Committee of Management**

The Yea Pioneer Committee of Management at its Annual General Meeting proposed an increase for all user groups.

Tai Chi – \$13 per session (1 hour)

Session frequency fluctuates therefore fees are charged per session. The Committee of Management has proposed a \$1 per session increase from \$12 to \$13.

Power Pals, U3A, Playgroup and 1st Yea Scouts Group

These four users are the major users of the Yea Pioneer Building. They have non-exclusive use of the school house space. They have a negotiated yearly rate with the Committee of Management based on their high level of use. They predominantly run activities during school terms. So long as the facility is available and with the permission of the Committee of Management these groups can vary their times of use.

Power Pals - \$850 per annum.

This rate has seen a \$50 increase with Power Pals paying \$800 in the 2014 calendar year.

U3A - \$400 per annum

This rate has seen a \$50 increase with U3A paying \$350 in the 2014 calendar year.

Playgroup and 1st Yea Scouts Group - \$520 per annum

The Playgroup and 1st Yea Scouts Group's fees have been increased by \$40 from \$480 they paid in the 2014 calendar year.

The Committee of Management also proposed the introduction of two new rates to meet the increased casual use of the facility by community groups and commercial enterprises. The new fees proposed are:

\$25 per hour for commercial (profit) casual hire

\$13 per hour for community group (non-profit) casual hire

It is proposed that the above fees come into effect on 1 January 2015.

The Committee in 2013 – 2014 Financial Year made \$2,810 from building use fees. The Committee's expenditure totalled \$3,488 including all utilities, waste collection and minor maintenance. The Committee as of 1 July 2014 had a bank balance of \$5,320 to support unforeseen expenditure and to contribute towards modest funding applications. The new fee structure will enable the Committee to meet its annual expenses.

Thornton Hall

The Thornton Hall and Recreation Reserve Committee of Management is currently in recess. Council has been trialling managing the Hall directly. The Thornton District Sports Club has a lease with Council for the Recreation Reserve and Clubrooms.

The proposed fee structure for the Thornton Hall is as follows:

\$20 per hour for commercial (profit) use

\$15 per hour for community (not for profit) use

\$125 per day for commercial (profit) use
 \$100 per day for community (not for profit) use

\$200 per weekend for commercial (profit) use
 \$150 per weekend for community (not for profit) use

All cleaning is at the cost of the hirer. Council reserves the right to charge a bond to a user dependant on the nature of the booking.

The weekend and daily rates are to encourage further use of the Hall for weddings, family functions etc. The Hall currently only has one weekly user and is averaging one casual booking every two months. These rates are similar to that of other local facilities. Council needs to ensure the Thornton Hall fees are kept to an affordable rate in an attempt to encourage greater use by the community.

The RSL is a long term tenant of the Hall. They currently use the facility only very occasionally and have their own area which is separate to the main Hall. The RSL pay for the maintenance of its own section. Subject to Council's current deliberations with respect to facility maintenance it is proposed that a licence arrangement be established with the RSL to formalise the tenancy arrangement and ensure an appropriate return to Council

Consultation:

The Yea Pioneer Reserve Committee of Management membership includes a representative from each of the key user groups. At the Annual General Meeting this year the Committee discussed the fee increase and resolved to propose the new fee structures to Council.

Conclusion:

It is anticipated that the new fee structures will enable the Yea Pioneer Committee of Management and Council to better manage its income in line with the expenditure associated with the management of the facilities. The new fee structure for the Thornton Hall will allow Council to recover some of the expenses relating to the Hall and grow community use.

RESOLUTION:

Cr C Ruhr / Cr J Kennedy

That Council adopts the following fee structures as of 1 January 2015:

Yea Pioneer Reserve	
Commercial (profit) casual hire	\$25 per hour
Community group (non-profit) casual hire	\$13 per hour
Tai Chi	\$13 per hour
Power Pals	\$850 per annum
U3A	\$400 per annum
Playgroup and 1 st Yea Scouts Group	\$520 per annum each
Thornton Hall	
Commercial (profit) casual hire (HOURLY)	\$20 per hour
Community group (non-profit) casual hire (HOURLY)	\$15 per hour
Commercial (profit) casual hire (DAILY)	\$125 per day
Community group (non-profit) casual hire (DAILY)	\$100 per day
Commercial (profit) casual hire (WEEKEND)	\$200 per weekend
Community group (non-profit) casual hire (WEEKEND)	\$150 per weekend

CARRIED

6.7 PROCUREMENT POLICY 2014/15 REVIEW

REF: 14/43447

(Refer Encl 6.7a 14/35410 – Draft Procurement Policy 2014/15 and Encl 6.7b 14/38862 – Draft Procurement Guidelines 2014)

Purpose:

The purpose of this report is to seek Council's adoption of the revised Procurement Policy in accordance with Section 186A (7) of the *Local Government Act 1989* ("the Act")

Recommendation:

That Council adopts the revised Procurement Policy as contained in Enclosure 6.7a.

Background:

Council's Procurement Policy was last reviewed and adopted in June 2014. It is a requirement under Section 186A of the *Local Government Act 1989* that a Council must review the current procurement policy at least once in every financial year.

At the adoption of the current procurement policy it was agreed with Council that a comprehensive review of the existing structure and detail of the policy would be undertaken during the 2014/15 financial year.

Council Plan/Strategies:

This report is consistent with the 2013-17 Council Plan theme of Customer Service. A key strategy for this theme is to continue to improve our processes to enhance the efficiency and effectiveness of the organisation.

Legal/Policy Issues:

Review of the policy is required under Section 186 of the Act.

Section 186A states:

- 1) A Council must prepare and approve a procurement policy.
- 2) A Council must within 12 months after the commencement of section 67 of the *Local Government Amendment (Councillor Conduct and Other Matters) Act 2008* prepare and approve a procurement policy.
- 3) A procurement policy must include any matters, practices or procedures which are prescribed for the purposes of this section.
- 4) A Council must have regard to guidelines made under subsection (5) in preparing a procurement policy.
- 5) The Minister may make guidelines with respect to the form or content of a procurement policy.
- 6) Guidelines made under subsection (5) must be published in the Government Gazette.
- 7) At least once in each financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.
- 8) A copy of the current procurement policy must be available for inspection by the public:
 - a) at the Council office; and
 - b) on the Council's Internet website.

- 9) A Council must comply with its procurement policy.
- 10) In this section procurement policy means the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council."

Financial/Resources/Risk

Council has an obligation under S186 of the Act to not only have a Procurement Policy, but to review it annually to ensure its compliance with current legislation. Council is now also required to report on its compliance in this area as a part of the new Local Government Performance Reporting Framework that commences for the 2014/15 financial year.

Council's Procurement Co-ordinator is employed to not only oversee the development and review of the policy, but to ensure that Council meets its procurement legislative requirements and compliance with the Act.

Discussion:

The revised procurement policy has been prepared to reflect current practice across the local government sector. The changes to the policy have been focussed on simplifying language, removing redundant clauses and to not repeat instructions or statements that are included within other Councils policies.

Research across the local government sector, as well as feedback from recent procurement forums have highlighted the need for clearer and easier to understand procurement policies and obligations of Council officers. Council officers have expressed similar feedback regarding the existing policy and have sought a clearer and more concise document that will provide the direction required, whilst ensuring that compliance with both Council's objectives and legislative requirements are easily understood and able to be met. More Councils are now electing to move away from the MAV model, as many are finding it cumbersome to maintain and also too lengthy to ensure engagement with Council officers and to ensure compliance.

The nature of procurement within Council has also changed substantially in recent years, with various areas of Council's expenditure now managed via contract, tender (internally managed or through group MAV initiatives), or through more traditional quotation services. As such, Council's procurement policy needs to reflect these different options that are available to officers and to define the differing regulatory and compliance requirements that exist for each option.

Council also has developed a suite of other policies that address specific areas that relate to procurement (eg. Corporate Card Policy, Capital Works Expenditure Policy, Petty Cash Policy, Using Consultants Policy), which negates the requirement for these details to be repeated in the official procurement policy. This ensures consistency of message relating to Council's procurement compliance obligations, and also removes the requirement of developing one overarching policy which can extend for many pages, which is the current MAV model.

The new policy provides clear policy statements before introducing the main requirements of the eight key sections of the body of the policy:

1. Ethics and Probity
2. Responsible Financial Management
3. Methods
4. Procurement Processes and Thresholds
5. Financial Delegations
6. Procurement Plans

7. Tender Conduct Plans
8. Contract Management

Within these eight sections, the key responsibilities and requirements of Council officers are more clearly articulated, in language that is easier to be related to the procurement task that is at hand and has been condensed to approximately four pages, whereas the previous policy provides this information across about twelve pages in a more convoluted format.

Details regarding tender evaluation now reflect Council's preference for the inclusion of economic contribution to the Shire of Murrindindi as mandatory tender evaluation criteria, where the weighting of the selected criteria is to be considered by the evaluation panel during the procurement planning process.

The Procurement Guidelines that support this policy, and provide Council officers with clear direction around their responsibilities and how they are to align with Council's overriding procurement objectives and governance requirements have also been developed and are attached at Encl 6.7b as a reference.

Consultation:

This is a statutory review of the policy to ensure it remains compliant with the Act and therefore it has not required community consultation.

Council officers have reviewed a number of other Council's procurement policies and regulations to assist in providing a framework for how Murrindindi procurement practices can be better streamlined and more clearly detailed.

Once adopted, the procurement policy becomes a publically available document that is able to be viewed by the public and must be made available at Council offices and on Council's website.

Conclusion:

The endorsement of this reviewed policy will support compliance with the Section 186A of the *Local Government Act 1989*.

RESOLUTION:

Cr J Walsh / Cr C Ruhr

That Council adopts the revised Procurement Policy as contained in Enclosure 6.7a.

CARRIED

Cr J Walsh thanked staff for compiling a clear and concise Procurement document.

7. SEALING REGISTER

REF: 13/6325

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
CONT 13/5	16 October 2014	Formal Instrument of Agreement for Project Management Services between Murrindindi Shire Council and Point Project Management	Margaret Abbey Margaret Rae

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/861	22 October 2014	Sublease of land known as part of Railway Lot 29 at Alexandra specifically the dates of 25 October 2014 and 4 January 2014 and 28 February 2015 between the hours of 8.00am and 7.00pm for parking of horse floats & access to the racecourse in association with race day activities between VicTrack and Murrindindi Shire Council and Alexandra Race Club Inc.	Margaret Abbey Margaret Rae
SF/806	29 October 2014	Deed of Variation - Murrindindi Shire Council and Ken Adams and Christine Adams re: Section 17D Crown Land (Reserves) Act 1978 Lease (Non Retail) - Marysville Caravan and Holiday Park, Marysville	Margaret Abbey Margaret Rae

Recommendation:

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

RESOLUTION:

Cr C Ruhr / Cr C Challen

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

CARRIED

8. COUNCILLOR PORTFOLIO REPORTS

8.1 LAND USE PLANNING PORTFOLIO

Cr Walsh advised that this year has been an adventurous one and next year would be better.

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr Challen provided the following report:

Outdoor Education Group celebrated it's 30th birthday with functions at its Marysville compaus on 5 and 6 December.

On 9 December, the Yea Wetlands Memorandum of Understanding (MOU) and lease was signed at their Annual General Meeting.

Cr Kennedy and I were fortunate to attend both the above functions.

The final GRVT Board Meeting for 2014 was held in Shepparton on 11 December 2014. The CEO's representing the four collaborating shires will be meeting with the Board Chair in February next year to commence discussions on our MOU.

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr Ruhr reported Council will be reviewing kerbside waste collection in Taylor Bay. Officers will prepare a report to Council in January 2015.

8.4 COMMUNITY SERVICES PORTFOLIO

Cr Kennedy provided the following report:

With my recent appointment to the Community Services portfolio I have met with Naomi McNamara and some of her team members to establish a working arrangement.

We have agreed to make contact on a regular basis.

I also attended the recognition in Alexandra of the International Day of People with a Disability sponsored by the Shire and Nexus Primary Health.

We formed into eight teams of three to assemble a prosthetic hand which will be delivered to end-users in third world countries.

It was alarming to hear that about 300,000 land-mine related amputees exist in the third world today.

So far Australia has contributed over 1,500 prosthetic hands to a relief effort for people of all ages in need of this appliance.

As a result of our day eight more completed prosthetic hands have been added to the total.

It was an interesting experience in assembling the components.

All eight sets were achieved in about the same time of about 90 minutes and all worked.

It just showed that if you read the instructions, a foreign concept to most males, you can achieve a quality outcome.

On another matter I want to increase the community awareness and knowledge about the incidence of 'ice' in the local area.

I don't think it has been a problem yet to the magnitude that it has affected a number of other communities in regional Victoria where quite extensive distribution networks have been created.

I have been advised however that some experiences are being reflected currently in local hospital and emergency statistics.

I am aware that a community meeting in Mansfield recently attracted a considerable number of attendees and raised the understanding about it.

Also our recent guest from Berry Street was able to confirm some of the experiences being encountered in Shepparton.

It is a subject that I believe the Murrindindi community needs to be alert to as both a public security and public health experience.

8.5 CORPORATE SERVICES PORTFOLIO

No report.

8.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

Cr Derwent provided the following report:

There was a meeting of the Murrindindi Environment Advisory Committee held on 9 December in the Y Water Centre in Yea which both Councillor Kennedy and myself attended.

Apart from myself, the committee welcomed new members in and community representatives Ron Litjens, Christine Glassford (in absentia) from the Goulburn Broken Catchment Management Authority and Peter McKernan (in absentia).

Mark Leitinger gave us an update of the progress in delivery of the 14/15 business plan and of the preparations for the 15/16 business plan.

Zoe Blakeney then gave a progress update on strategies to identify opportunities to address the offsets backlog we have.

There was then round table discussion on a number of issues which included:

- the Riparian management program led by GBCMA
- Platypus hides and honeysuckle control works by Yea Wetlands Committee
- UGLN activities and works including a schools program, weeds control, biodiversity, landcare, river health, sustainable farming, rail trail, blackberry action groups, fire recover works and landcare group support
- the DEPI (now Dept. of Environment, Land, Water and Planning – DELWP) fauna camera monitoring
- Murrindindi Climate Network's 'Green Business Assessment Program'
- The Kinglake Landcare group's Koala browsing project and works on Number One Creek

The first draft of the reviewed evaluation of status/performance of Council's Environment Strategy was presented and comments received and the first review of the Council's Environment Policy was also presented for discussion.

MAV Emergency Management Committee

On 5 December I attended the MAV Emergency Management Committee meeting held in the city.

Agenda items included:

- a discussion of the EM committee purpose and terms of reference
- MAV board report
- MAV report on the 14/15 Strategic Work Plan and projects
- An update on the Victorian Emergency Management reforms

- discussion relating to the EMV three year rolling Strategic Action Plan

Ward News

A carols (by sunlight) gathering was held at Bollygum Park on 14 December and was well attended by locals with many smiles resulting from the visit by Santa, who was happily delivered in a Kinglake CFA truck.

The United Petroleum development is due to open on 17 January 2015 and is sure to be well received by not only local but visitors and passing tourists in need of fuel. I believe that two of the available shops are rented, one by a competing real estate agent.

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr M Rae gave the following report:

Over the past month I have represented Council on a number of formal occasions, including:

- Municipal Association of Victoria (MAV) quarterly regional meeting which provides a valuable opportunity for rural councils to be updated on issues of relevance
- Hume Region Local Government Network (HRLGN) quarterly meeting - again this is a useful forum where rural councils can share experiences and build collaborative capacity
- Victoria Police Medal Presentations and celebration of the 175th anniversary of policing in Benalla. It was pleasing to see some of our local police officers recognised
- CFA National Emergency Medal Presentation held in Yea, at which over 90 medals were presented to very deserving recipients
- Alexandra Urban Fire Brigade medal presentations at which outstanding lengthy periods of service were recognised and several Life Memberships awarded
- Goulburn Valley Water Annual Chairman's function

I attended:

- The Audit Advisory Committee quarterly meeting
- The International Day of People with a disability at which the Helping Hands workshop which promotes disability awareness and team building was conducted

We hosted:

- A citizenship ceremony
- A Vietnamese delegation from Ho Chi Minh City

Notable community events which took place were:

- the Kinglake Ranges Rotary Art Show of which Council is a sponsor and which I was invited to open
- the Great Victorian Bike Ride when around 4000 riders stayed overnight in Alexandra as part of the planned route. It was quite a sight to see Leckie Park with so many tents erected and organisers are to be complimented on an extremely well run event

- The Alexandra Christmas Tree Festival - thank you to Margaret Abbey for being available - which goes from strength to strength.

I should mention also that a Steering Committee has been formed - its role will be to work with community groups in Alexandra to plan for the Sesqui-Centenary celebrations to be held from December 2016 to March 2017.

8.8 GENERAL BUSINESS

No general business.

9. MATTERS DEFERRED FROM PREVIOUS MEETING

No matters deferred from previous meeting.

10. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil.

11. ASSEMBLIES OF COUNCILLORS

REF: CY14/117

Purpose:

This report presents the records of assemblies of Councillors for the 26 November 2014 to 3 December 2014, 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 2014 to 3 December 2014.

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	Pre Council Meeting Discussion
Meeting Date	26 November 2014
Matters discussed	1. Planning Application – Proposed Shed and Carport 2. Yea Structure Plan Adoption 3. September Quarterly Report – Capital Works Program
Attendees: Councillors – Cr Rae, Cr Walsh, Cr Kennedy, Cr Challen, Cr Derwent	Staff – M Abbey, M Chesworth, E Wyatt, M Parsons, G Scale, J Canny, A Bond

Meeting Name / Type	Councillor Briefing Session
Meeting Date	3 December 2014
Matters discussed	1. Proposed Light Fleet Replacement Program 2. Proposed Plant Replacement Program 3. Solar Installation Project 4. Capital Works Budget No. 2 5. Yea Pioneer Reserve & Thornton Hall Fee Structures
Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Walsh	Staff – M Abbey, M Chesworth, E Wyatt, M Leitinger, J Canny, L Kelly
Conflict of Interest disclosures - Nil	

RESOLUTION:

Cr J Kennedy / Cr C Challen

That Council receives and notes the record of assemblies of Councillors for 26 November 2014 to 3 December 2014.

CARRIED**12. URGENT BUSINESS**

Nil.

RESOLUTION:

Cr J Kennedy / Cr C Ruhr

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 8.17 pm.****RESOLUTION:**

Cr J Walsh / Cr C Challen

That the sale of Topsy Gully Quarry be added to list of Items in the Confidential Agenda.

CARRIED**RESOLUTION:**

Cr C Challen / Cr C Ruhr

That the meeting re-open to the public.

CARRIED

The meeting re-opened to the public at 8.24 pm.

In accordance with the confidential Council resolutions the Chair, Mayor Margaret Rae, released the following resolutions:

13.3 ALEXANDRA COMMUNITY LEISURE CENTRE MANAGEMENT ARRANGEMENTS

REF: SF/770

RESOLUTION:

Cr C Ruhr / Cr J Walsh

That Council resolves:

1. To extend the current arrangements with Alexandra Traders Pty Ltd to manage the Centre, the Gymnasium and Kiosk for a maximum period of one year to allow sufficient time for the review and finalisation of a new Joint Use Agreement for the Centre, and
2. That the existing options in the agreements with Alexandra Traders to extend the term of the agreements be preserved and considered following finalisation of the new Joint Use Agreement.

CARRIED

13.5 APPOINTMENT OF A PROVIDER FOR INTERNAL AUDIT SERVICES

REF: CONT 14/14

RESOLUTION:

Cr J Walsh / Cr C Challen

That Council:

1. Appoints Crowe Horwath as its Internal Auditor for four (4) years commencing 1 February 2015 at the contract price of \$113,100 (Ex GST);
2. Authorises the Chief Executive Officer to prepare contract documentation as required; and
3. Applies the Council's common seal to these contracts.

CARRIED

13.6 SALE OF TOPSIE GULLY QUARRY

REF: SF/1929

RESOLUTION:

Cr J Kennedy / Cr A Derwent

1. That Council accepts the tender submitted under the modified Option 2 by Lima South Quarries Pty Ltd for the purchase of the Topsie Gully Quarry business operated by Council for the sum of \$300,000 (excluding GST) subject to;
 - a. A 10% deposit (\$30,000 excl GST) being lodged by Lima South Quarries Pty Ltd with Council upon the award of the contract,

- b. Preconditions as specified in the contract specification being undertaken prior to completion of the sale and transfer of the transferring assets to the Lima South Quarries Pty Ltd,
 - c. Council receives the balance of the tendered price (\$270,000 excl GST) upon completion of the sale and transfer of the transferring assets to the Lima South Quarries Pty Ltd by the transfer date 30 April 2015 or a later date agreed by the parties;
 - d. That the CAT 950 loader is excluded from the sale of the quarry and to be offered separately for sale.
2. The Council accepts the amended Option 2 tender submitted by Lima South Quarries Pty Ltd for the supply of quarry products, as detailed at Enclosure 13.6, subject to the completion of the sale and transfer of the transferring assets to Lima South Quarries Pty Ltd.
 3. Council authorises the Chief Executive Officer to authorise contract documentation as required, including such amendments to the draft contracts as the Chief Executive officer considers appropriate.
 4. That Council applies the common seal to the contracts on finalisation of the contracts.

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 8.25 pm.

CONFIRMED THIS _____

CHAIRPERSON _____