



AGENDA  
of the  
ORDINARY MEETING OF COUNCIL  
to be held on  
WEDNESDAY 22 JANUARY 2014  
in the  
YEA COUNCIL CHAMBERS  
15 The Semi Circle, Yea  
commencing at  
6.00 pm

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

TRIM: SF/306

Apologies (Leave of Absence) have been received from Cr C Ruhr and Cr B Magner.

**3. CONFIRMATION OF MINUTES**

➤ Minutes of the Ordinary meeting of Council held on 18 December 2013.

***Recommendation:***

**That the Minutes of the ordinary meeting of Council held on 18 December 2013 be confirmed.**

**4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

TRIM: SF/783

**5. OPEN FORUM**

TRIM: SF/130

**6. PETITIONS RECEIVED BY COUNCIL**

TRIM: SF/132

**7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES****7.1 AUDIT ADVISORY COMMITTEE**

TRIM: SF/290

(Refer Encl 7.1 – Audit Advisory Committee Meeting Minutes)

The Minutes of the Audit Advisory Committee Meeting held on 12 December 2013 are attached for noting.

***Recommendation:***

**The Minutes of the Audit Advisory Committee Meeting held on 12 December 2013 as attached be noted.**

**8. OFFICER REPORTS****8.1 DEVELOPMENT & ENVIRONMENT****8.1.1 *Amendment C51, Murrindindi Planning Scheme - Rezoning of the CFA Site, Eildon***

File No: 58/07/64

(Refer Encl 8.1.1 - Proposed rezoning plan)

***Purpose:***

The purpose of this report is to recommend that Council resolve to adopt Amendment C51 to the Murrindindi Planning Scheme to rezone the CFA site, 1 Hillside (South) Avenue, Eildon from Public Use 7 (other public use) to Commercial 1.

***Recommendation:*****That:**

**Having been authorised by the Minister for Planning to prepare Amendment C51 to the Murrindindi Planning Scheme under section 8A(3) of the *Planning and Environment Act 1987* (“the Act”);**

**Having prepared and exhibited Amendment C51 to the Murrindindi Planning Scheme under section 19 of the Act;**

**Having in accordance with section 12 of the *Planning and Environment Act 1987* had regard to the Minister’s directions and the Victoria Planning Provisions, and taken into account any significant effects which the planning scheme might have on the environment or that the environment might have on use and development envisaged in the planning scheme and taken into account the social and economic effects;**

**Having considered all submissions to Amendment C51 under section 22 of the Act;**

**Council resolves to:**

- 1. Adopt Amendment C51 to the Murrindindi Planning Scheme, without changes, in accordance with section 29 of the Act, as outlined in the separately distributed Amendment C51 package.**
- 2. Submit Amendment C51 to the Murrindindi Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with section 31 of the *Planning and Environment Act 1987*.**

***Background:***

An approach has been made by the CFA to rezone the former CFA site at 1 Hillside Avenue, Eildon from Public Use 7 (other public use) to Commercial 1. The CFA has submitted that the site is surplus to CFA requirements, the zoning will be inappropriate for private ownership and that the Commercial 1 Zone is the most appropriate zoning for the land.

The subject land lies at the eastern extent of the Eildon commercial area and adjoins the Commercial 1 Zone to the north and south and opposite to the west. The site contains existing buildings previously used by the CFA prior to relocating to the new site.

***Council Plan/Strategies:***

The proposed amendment and development plan are consistent with and implement the *Our Environment* goal in the *Murrindindi Shire Council Plan 2013-2017* and specifically the strategic

objective to 'plan for future growth that is sensitive to the constraints of our natural environment whilst considering development needs'.

**Legal/Policy Issues:**

There are no particular legal or policy issues associated with the proposed amendment.

**Financial/Resources/Risk**

It is considered that the proposed amendment will not create any financial or resources risk to Council. The CFA has agreed to pay the fee for a request to approve an amendment (\$798).

**Discussion:**

As the land is no longer required for public purposes, it is considered appropriate to rezone the land from a public zone to a suitable zone to provide for the private ownership and use of the land. The Commercial 1 Zone is considered to be a suitable zone to reflect the general use and potential of the area as the land is bordered by the Commercial 1 Zone on three sides. The Commercial 1 Zone allows the uses of shop and office without a planning permit, requires a planning permit for a wide range of other uses and requires a planning permit for all buildings and works, other than very minor installations.

This amendment request and proposed rezoning is considered to be a minor, corrective matter. As no objections were received to the amendment, it is now recommended that the amendment be adopted and forwarded to the Minister for Planning for approval.

**Consultation:**

The amendment was exhibited for a minimum of one month, comprising notice to affected and nearby landowners, notice to relevant agencies, public notice in local press and notice to prescribed ministers.

Submissions were received from Goulburn Valley Water (GVW) and Goulburn Murray Water (GMW), both raising no objection to the amendment. GVW did note that any new owner may be required to enter into a trade waste agreement upon purchase.

**Conclusion:**

The proposal will provide an appropriate zoning for the land to allow its sale as surplus land and its use for private purposes. The Commercial 1 Zone is considered to be the appropriate zone for the land, is consistent with the surrounding area and allows for commercial use of the land as part of the Eildon commercial area.

## **8.2 INFRASTRUCTURE SERVICES**

### **8.2.1 Dust Issues Pendlebury Street, Alexandra**

File No: STR/458 – Pendlebury Street

(Refer Encl 8.2.1 – Letter Requesting Dust Suppression Measures In Pendlebury/Wattle Street)

**Purpose:**

Enclosure 8.2.1 contains correspondence from residents concerning a request for dust suppression measures in Pendlebury Street Alexandra, including the consideration by Council of sealing the road.

**Recommendation:**

**That an officer's report concerning the dust issues and the potential sealing of Pendlebury Street, Alexandra be presented for Council's consideration at the next Ordinary Meeting of Council.**

**8.3 CORPORATE SERVICES**

No further reports.

**8.4 CHIEF EXECUTIVE OFFICER****8.4.1 Review of Councillor Reimbursement Policy**

TRIM: 14/71, 14/499

**Purpose:**

The purpose of this report is to enable Council to undertake the regular review of the Councillor Reimbursement Policy.

**Recommendation:**

**That Council adopt the revised Councillor Reimbursement Policy contained in Enclosure 8.4.1 to this report.**

**Background:**

Council adopted the revised Councillor Reimbursement Policy in November 2012. At that time, the Policy was revised in a number of areas including an updating of the method of reimbursement to Councillors as well as the provision of communications equipment.

**Council Plan/Strategies:**

The review of the Policy supports the objectives of the Council Plan 2013-2017 to 'Continue to improve our processes to enhance the efficiency and effectiveness of the organisation'.

**Legal/Policy Issues:**

The Councillor Reimbursement Policy supports the implementation of the *Local Government Act 1989* and its various regulations, including the Councillor Code of Conduct.

**Financial/Resources/Risk**

The review of the Policy seeks to minimise the risk to Councillors with respect to the taxable nature of the Mayoral and Councillors Allowance and in the conduct of their duties as Councillors.

**Discussion:**

The Councillor Reimbursement Policy provides for its review to be conducted in February 2014. In conducting this review, there is an area that has been highlighted in relation to the payment of the Mayoral and Councillor allowances where clarification is required concerning the taxable nature of this allowance.

The review has also highlighted a number of areas where the wording of the Policy can be improved whilst retaining its intent.

In addition, the Minister for Local Government has reviewed the limits and ranges of the Mayoral and Councillor allowances and determined under Section 73B of the Local Government Act that these allowances be increased by 2.5% from 24 December 2013.

**Consultation:**

Councillors have identified areas for review within this Policy.

**Conclusion:**

It is good governance for Council to regularly review its Policies and to recognise the costs involved for Councillors in undertaking their duties.

**8.5 COMMUNITY SERVICES****8.5.1 Grant Applications – Country Football & Netball Association**

An Addendum Report will be presented.

**9. SEALING REGISTER**

TRIM: 13/6325

<b>File Reference</b>	<b>Date Seal Affixed</b>	<b>Description of Documents</b>	<b>Signatures of Persons Sealing</b>
24/13/125	17 December 2013	Transfer of Land Lot 5A on Plan of Subdivision PS401066J being the whole of the land described in Certificate of Title Volume 11461 folio 107 between Murrindindi Shire Council and Colin James Briggs and Sandra Kaye Briggs both of 34 Mareeba Avenue, Buxton 3711 as joint proprietors.	Margaret Abbey Margaret Rae
D13/1916	17 December 2013	Preschool Sub-Licence Agreement made between Murrindindi Shire Council and Kinglake Ranges Children's Centre Inc. to use the Early Learning Area and the Outdoor Play area, for the purposes of operating a Preschool Program and providing long day care services.	Margaret Abbey Margaret Rae
D13/1916	17 December 2013	Sublease between Murrindindi Shire Council (Landlord), Martin Dixon, Minister for Education, for and on behalf of the State of Victoria and Murrindindi Shire Council (Subtenant) for land comprised in Certificate of Title Volume 11187 Folio 750 (being Lot 1 on PS632195G) situated at Extons Road, Kinglake Central, Victoria.	Margaret Abbey Margaret Rae
32/06/08	18 December 2013	Joint use agreement (Responsible Partner) between Minister for Education, Middle Kinglake Primary School Council and Murrindindi Shire Council for the purposes of the School.	Margaret Abbey John Kennedy
	9 January 2014	Disclosure Statement by Murrindindi Shire Council being the owners of Marysville Retirement Village.	Margaret Abbey John Kennedy

***Recommendation:***

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

**10. COUNCILLOR PORTFOLIO REPORTS**

10.1 LAND USE PLANNING PORTFOLIO

10.2 ECONOMIC DEVELOPMENT PORTFOLIO

10.3 INFRASTRUCTURE AND WASTE PORTFOLIO

10.4 COMMUNITY SERVICES PORTFOLIO

10.5 CORPORATE SERVICES PORTFOLIO

10.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

10.7 MAYOR AND DELEGATED COMMITTEE REPORTS

10.8 GENERAL BUSINESS

**11. MATTERS DEFERRED FROM PREVIOUS MEETING****12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****13. ASSEMBLIES OF COUNCILLORS**

TRIM: CY13/143

No assemblies of Councillors to report.

**14. URGENT BUSINESS****15. CONFIDENTIAL ITEMS**

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

- SALE OF UNITS 7 AND 8 - MARYSVILLE VILLAGE
- UNPAID RATES RECOVERY ACTION



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.