



MINUTES
of the
ORDINARY MEETING OF COUNCIL
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

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

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

REF: SF/306

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

RESOLUTION:

Cr C Challen / Cr J Walsh

That the apologies of Cr Ruhr and Cr Magner be accepted.

CARRIED

Present:

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

In attendance:

Chief Executive Officer: Margaret Abbey

General Manager Corporate and Community Services: Michael Chesworth

General Manager Infrastructure and Development Services: Tamara Johnson

Manager Business Services: Andrew Bond

Manager Customer & Communications: Damien Cocks

Statutory Planning Co-ordinator: Karen Girvan

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.

RESOLUTION:

Cr J Kennedy / Cr A Derwent

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

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

REF: SF/783

No disclosures of interest or conflict of interest were declared.

5. OPEN FORUM

REF: SF/130

There were no attendees at the Open Forum session.

6. PETITIONS RECEIVED BY COUNCIL

REF: SF/132

None received.

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

REF: 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 receiving.

Recommendation:

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

RESOLUTION:

Cr J Walsh / Cr J Kennedy

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

CARRIED

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.

RESOLUTION:

Cr C Challen / Cr J Walsh

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*.

CARRIED

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.

RESOLUTION:

Cr A Derwent / Cr C Challen

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

CARRIED

8.3 CORPORATE SERVICES

No further reports.

8.4 CHIEF EXECUTIVE OFFICER

8.4.1 *Review of Councillor Reimbursement Policy*

REF: 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 adopts 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.

RESOLUTION:

Cr J Kennedy / Cr J Walsh

That Council adopts the revised Councillor Reimbursement Policy contained in Enclosure 8.4.1 to this report with the replacement of the word "annual" in Clause 3.1 with the word "initial".

CARRIED

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

This item was withdrawn.

9. 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>
24/13/1254	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.****RESOLUTION:**

Cr J Walsh / Cr J Kennedy

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

CARRIED**10. COUNCILLOR PORTFOLIO REPORTS****10.1 LAND USE PLANNING PORTFOLIO**

Cr Walsh had nothing further to report.

10.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr Challen advised:

- the GRVT Visitor Information Summit will be held on 1 May 2014 at Narbethong Hall.
- The Great Victorian Rail Trail website went live on 20 December 2013 and will be refined at the end of this month. All councils received 10,000 copies of the new pocket guide and distribution of the updated DL sized brochures has been commenced.
- The Great Victorian Bike Ride in November 2014 will include an overnight stay in Alexandra and a lunch break in Marysville.
- Memoranda of Understanding (MOU) for the Visitor Information Centres (VICs) is under development and will go to Information Centre Coordinators and Local Business Tourist Associations for input and the final version will be on the next Murrindindi Inc meeting agenda.
- The Marysville VIC lease is linked with a new MOU and both should be in place by mid February.
- Mapping via the rates database of all main towns is underway to identify land classifications as part of the Growing the Rates Base Strategy.
- The Economic Development team have had a number of consultations to assist local businesses and investors.
- The next Economic Development Advisory Committee Meeting is scheduled for 10 February 2014.

10.3 INFRASTRUCTURE AND WASTE PORTFOLIO

No report.

10.4 COMMUNITY SERVICES PORTFOLIO

Cr Derwent advised:

- Community Services continued to operate and provide services through the holiday period and particularly during the recent hot weather.

10.5 CORPORATE SERVICES PORTFOLIO

No report.

10.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

Cr J Kennedy reported:

- He had attended the Murrindindi Environment Advisory Committee meeting in Yea in December.
- Building requirements were presented at the January meeting of the Friends of Yea Railway Committee of Management and the Manager Infrastructure Assets advised.
- He had received complaints about the state of some Highlands roads.
- Following complaints from the local community, Council had requested the removal of an illegal structure on the Melba Highway, Yea.

10.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr Rae attended the Essential Mayor's Weekend and provided the following summary:

This proved to be time well spent, albeit that the gain for each participant was primarily individual and personal. However, given the structure of the program, this was clearly the intent and was singularly appropriate, as about half of the 17 mayors who attended were first time councillors and first time mayors, ie all in their second year of experience.

The range of skills and confidence was therefore varied but the free flowing nature of the program – with not a piece of butcher's paper in sight! – allowed for good Q and A sessions and interchange of experiences between all participants. The cross section of age, experience and gender (7 of the 17 were female mayors) added to the strength of the program.

Master classes covered the topics:

- What's my personal mayoral brand and how do I develop it further?
- Mayors governing, leading and surviving
- Getting the best out of the State election year
- Ramping up the image of local government

With associated workshops covering:

- Habits of Highly Effective Mayors, and
- Sharing Key Strategies,

as well as time for reflection and evaluation.

There were also opportunities provided for one on one mentoring sessions with experienced ex-mayors. Not all took up this option but I elected to speak with an ex-mayor of a large rural shire with many scattered communities. I wanted to hear how they might have managed to bring their communities together in a more inclusive way and gained some valuable insights into their achievements and ideas which could be applicable to us.

10.8 GENERAL BUSINESS

Nil.

11. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil.

12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil.

13. ASSEMBLIES OF COUNCILLORS

REF: CY13/143

No assemblies of Councillors to report.

14. URGENT BUSINESS**RESOLUTION:**

Cr J Walsh / Cr C Challen

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 6.18 pm.****RESOLUTION:**

Cr J Walsh / Cr C Challen

That the meeting re-open to the public.

CARRIED**The meeting re-opened to the public at 6.23 pm.**

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

15.3 SALE OF UNITS 7 & 8 MARYSVILLE VILLAGE

REF: SF/994 & SF/995

RESOLUTION:

Cr J Walsh / Cr A Derwent

1. Provided that Council receives an offer to purchase for either Lot 7A or 8A or both Lots for no less than the Market Value, then the Chief Executive Officer be authorised to sign the contract(s) of sale of lots 7A & 8A on PS401066J. 4 Sedgwick Street, Marysville ("Lots 7A & 8A") together with all other documents in relation to the sales of those lots to which Council's seal is not required to be affixed; and
2. Council's common seal be affixed to the transfers of Lots 7A & 8A and to any other documents connected with the sale of those lots.

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 6.23 pm.

CONFIRMED THIS

CHAIRPERSON
