



MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 25 MARCH 2015
in the
YEA COUNCIL CHAMBERS
15 The Semi Circle, Yea
commencing at
6.00 pm

INDEX

1.	PRAYER, OATH & RECONCILIATION STATEMENT	2
2.	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	2
3.	CONFIRMATION OF MINUTES.....	2
4.	DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST	3
5.	PUBLIC PARTICIPATION TIME	3
5.1	Questions of Council.....	3
5.2	Open Forum.....	4
5.3	Petitioners Speaking to Petitions.....	4
6.	OFFICER REPORTS.....	5
6.1	Response to Petitions – Recreational Vehicles Dumpsite	5
6.2	Rating Strategy	21
6.3	Castella Quarry Extension of Hours	8
6.4	2014/176 – Pop Up Restaurant, Thornton.....	13
6.5	Community Grants Round November 2014 to February 2015.....	27
6.6	Committee of Management Membership Endorsement.....	29
6.7	Murrindindi Shire Council Advocacy Plan.....	30
6.8	Cost and Asset Review Project following the New and Gifted Assets.....	32
6.9	Murrindindi Environment Advisory Committee Meeting Minutes.....	36
6.10	Petition received by Council	36
	'Place of Assembly' and Farming Zoned Land Petition	36
7.	SEALING REGISTER	37
8.	COUNCILLOR PORTFOLIO REPORTS.....	38
8.1	Land Use Planning Portfolio.....	38
8.2	Economic Development Portfolio	39
8.3	Infrastructure and Waste Portfolio	39
8.4	Community Services Portfolio	39
8.5	Corporate Services Portfolio	40
8.6	Natural Environment & Climate Change Portfolio.....	41
8.7	Mayor and Delegated Committee Reports	41
8.8	General Business.....	42
9.	MATTERS DEFERRED FROM PREVIOUS MEETING	42
10.	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN	42
11.	ASSEMBLIES OF COUNCILLORS	42
12.	URGENT BUSINESS	45

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 Business Services: Andrew Bond

Manager Communications Library & Customer Service: Jacqui Rabel

Manager Development and Environmental Services: Matt Parsons

Statutory Planning Co-ordinator: Karen Girvan

Governance Officer: Kenneil Martin

3. CONFIRMATION OF MINUTES

- That the Minutes of the Ordinary meeting of Council held on 25 February 2015 be confirmed.

Recommendation:

That the Minutes of the Ordinary meeting of Council held on 25 February 2015 be confirmed.

RESOLUTION:

Cr J Walsh / Cr C Challen

That the Minutes of the Ordinary meeting of Council held on 25 February 2015 be confirmed.

CARRIED

- That the Minutes of the Special meeting of Council held on 11 March 2015 be confirmed.

Recommendation:

That the Minutes of the Special meeting of Council held on 11 March 2015 be confirmed.

RESOLUTION:

Cr C Challen / Cr J Walsh

That the Minutes of the Special meeting of Council held on 11 March 2015 be confirmed.

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

TRIM: SF/783

Cr Ruhr declared an interest in Item 6.5 Community Grants.

To avoid a possible preconception of bias, Cr Walsh declared he would withdraw from consideration of Item 6.1 Recreational Vehicle (RV) Dumpsite.

5. PUBLIC PARTICIPATION TIME**5.1 QUESTIONS OF COUNCIL****The Chairperson declared Public Participation Time and invited questions from the Gallery.**

Two questions were received from Jack Russell:

Question 1. I wish to know why Council refuse to install recording facilities of all business of the day during Council General and Special Open Meetings and with consideration of the need for the public to assess the record and to be answered on the day. Consideration is required of all previous statements and input from myself and others in this community?

The Chief Executive Officer responded:

Mr Russell presented on this matter to the 22 October 2014 Council Meeting. There were also two questions of Council regarding the recording of conversations with staff and Council Meetings at the 25 February 2015 Ordinary Meeting, where the CEO provided a response which was minuted.

Mr Russell has also been previously advised in writing of Council's stance on the recording of Council meetings.

Sufficient responses have been previously provided on this matter

Question 2.

What is Council's stance on the Agenda Business 6.2 being the endorsement of the proposed implementation of the differential rating strategy for the next 5 year period?

The Chief Executive Officer responded:

Council will be discussing and considering the Rating Strategy as part of tonight's Agenda at item number 6.2, and your correspondence regarding your application to VCAT is noted. Council has not received any notice from VCAT at this stage.

5.2 OPEN FORUM

TRIM: SF/130

Angela Peluso spoke against an application for extended hours by Castella Quarry hours (Item 6.3 on the agenda).

Jack Kraan, of Focus CDS Consultants, spoke in support of the application for extended hours by the Castella Quarry (Item 6.3 on the agenda).

RESOLUTION:

Cr J Walsh / Cr C Ruhr

That Mr Kraan be allowed to extend his presentation time by one minute.

CARRIED**An extension of time was granted to Mr Kraan by the Chair.**

Tim George, representing Louise and Julian Brennan, spoke against an application for a Pop Up Restaurant in Thornton (Item 6.4 on the agenda).

Patrick Browning, representing Jackie Ash, spoke in support of an application for a Pop Up Restaurant (Item 6.4 on the agenda).

Chris Healy spoke on the proposed Rating Strategy (Item 6.2 on the agenda).

Neil Guscott spoke on Gifted Assets as referred to in the Rating Strategy.

Jack Russell spoke on recording of meetings, FOI issues and VCAT hearing.

5.3 PETITIONERS SPEAKING TO PETITIONS

TRIM: SF/132

Bruce Colville spoke regarding road safety concerns at the proposed RV Dumpsite in Leckie Park (Item 6.1 on the agenda).

Geoff Hall spoke against the proposed RV Dumpsite in Leckie Park (Item 6.1 on the agenda).

The Chairperson closed Public Participation Time.**RESOLUTION:**

Cr A Derwent / Cr C Challen

That the agenda be re-ordered to consider Items 6.3 and 6.4 before considering Item 6.2 of the agenda.

CARRIED

6. OFFICER REPORTS

Cr J Walsh, having declared there may be a preconception of bias, left the meeting at 7.12pm before consideration of Item 6.1.

6.1 RESPONSE TO PETITIONS – RECREATIONAL VEHICLES DUMPSITE

REF: SF/1340

Purpose:

This report provides Council with a response to the petition tabled at the February 25 2015 Ordinary Council Meeting which requested Council “to halt the installation of a septic waste pit planned for Station Street adjacent to Leckie Park”.

Recommendation:

That Council

- 1. Note the report and request that the Manager Infrastructure Assets proceed with the installation of the Recreational Vehicle (RV) Dump Point in the car park located in the Station Street road reserve opposite Lamont Street Alexandra.**
- 2. Request that the Manager Infrastructure Assets write to the convenors of the petition advising them of the resolution.**

Background:

A petition was received on 25 February 2015 to Council regarding the proposed site for the RV Dumpsite. The petition was signed by 114 signatories and requested the following:

“We the undersigned, petition and appeal to the councillors and staff of Murrindindi Shire to halt the installation of a septic waste pit planned for Station Street adjacent to Leckie Park.

We are aware there are several more appropriate sites available that cause no impact on the residents, ratepayers and users of Leckie Park.”

Council Plan/Strategies:

The Council Plan 2013-2017 reference relating to this report includes the following:

Our Environment – Strategic objective: ‘We will manage and renew our infrastructure assets in a responsible manner’

Legal/Policy Issues:

Council’s Asset Management Policy states that ‘Integrated decision making will be utilised in order that the built, social, economic and natural impacts of asset provisions and maintenance are properly considered throughout the asset management process.’

Financial/Resources/Risk

The budget for the installation of the Alexandra site is \$13,740 and the estimate is \$12,000.00 which is within the budget.

Discussion

Funds were initially allocated in the 2013/2014 budget for the installation of RV Dump points in the townships of Alexandra and Yea. These funds were carried forward into the 2014/2015 budget.

Officers identified a location within the Leckie Park on the site of the former tennis courts for the installation of the point. This site was noted by Councillors in the Capital Works Quarterly Report at the Ordinary Meeting 26 February 2014.

Feedback was sought from local residents however this demonstrated a level of concern that this location, within the park, was an unacceptable intrusion requiring vehicular access into the park.

Officers then met with local residents and an informal Community Group was formed to work with officers to identify and assess alternate locations within Alexandra that may be suitable.

The Group identified thirteen possible locations all of which were assessed and ranked for suitability by officers considering the following criteria:

- Strategic Location In assessing strategic location officers considered the ownership of the land, visitor "friendliness" which related the surrounding environment and the connection to highways and main traffic routes.
- Impact on Amenity considered the closeness of adjoining residential properties and businesses, and the likelihood of vehicles staying in the area for extended periods or unauthorised camping.
- Access considered ease of vehicular entry and egress.
- Cost Effectiveness considered the extent of new paving or roadway that may be required, whether suitable sewer and water connection was available in the vicinity, the amount of directional signage that would be required and the ease of operational maintenance. Any location where the sewer was not available for connection and required a sewer main extension or pump station were considered unsuitable due to the likely cost that would be incurred.

The sites that were identified in order of suitability were:

- Swimming Pool Precinct
- Tennis Court Area near Hardware
- Station Street car park area (near helipad)
- Briggs Oval (Hall Street)
- Tourist Railway Precinct Station
- BMX Reserve area (Bayley Street)
- Showgrounds
- Albert Street
- Dame Pattie Menzie Centre
- Binns McCrae Road
- Vickery Street - Water Point
- Rotary Park Vickery Street West End
- Entry/exit to town on Highway

The Group met and inspected the first three highest ranked sites being:

- Swimming Pool Precinct
- Tennis Court Area near Hardware
- Station Street car park area (near helipad)

These three sites were each inspected by the Group in order. The Swimming Pool precinct site did not receive support from the Group as it was thought it may interfere with the pool operations. The Tennis Court area was supported as a possible location but the Station Street site was the final site inspected and was fully supported as a suitable site for the location of the point. All members of the Group agreed that this site was the preferred location subject to some

additional landscaping, although subsequent advice from the Chair of the Group is that the preference was subject to unanimous support from the residents living nearby. No further sites were considered.

The site recommended is considered suitable for the following reasons;

Strategic Location

The site provides an attractive stopping point for visitors showcasing the adjoining park and gardens. Council is the responsible road authority and the point will be located in an existing carpark on Councils road reserve.

Impact on Amenity

The existing carpark which will be extended by approximately 12 metres, levelled and re-gravelled. Additional landscaping will be added to enhance the appearance of the existing carpark. The point will be approximately 50 metres from the nearest residence and does not intrude into Leckie Park. The location on a main traffic route is unlikely to attract unauthorised camping.

Access

The site is located on the Over Dimensional truck route that directs heavy vehicles through Alexandra. The site is easily accessed by vehicles and is on a main traffic route and therefore the additional vehicles could be easily accommodated with minimal impact on volume or noise.

Cost Effectiveness

Minimal pavement works are required as the location is in an existing gravelled carpark. The site has a suitable sewer connection point available which is easily accessible for connection at a distance of 25 metres along the road reserve. A water tapping point is available within 50 metres however following discussions with the water supply authority their preferred option is to use Council's existing tapping at the Cricket Pavilion in Leckie Park. Officers propose to accept this option as it is more cost effective although it is 140 metres distant it reduces the need for road opening works and costs associated with water main tapping. The site is easily located by tourist and requires minimal signage. It can be easily maintained and checked by Council operations staff who pass this location daily.

The location of the RV Dump point in the road reserve adjacent to Leckie Park is a suitable and appropriate location which will have a minimal impact on residents. Due to the compact size of the point it will be unobtrusive and the area will be enhanced with additional landscaping to reduce any visual intrusion.

Consultation:

Following initial feedback a Community Consultation Group was formed to identify possible sites and recommend the most appropriate location. Following the selection of preferred site by the Group, officers notified affected residents in writing seeking further feedback resulting in five letters received opposing installation of the point and the petition received by Council on 25 February 2015. The objections received relate to;

Potential smell and visual intrusion: Experience of the site already installed in Yea is that discharge points of this type are clean and do not omit any odour and that due to their compact size, the discharge point will be unobtrusive and will also be enhanced with landscaping to further reduce any visual intrusion.

Loss of the parking area: The parking area is being extended by 12m and will provide sufficient capacity for users of the Park as well as users of the dump point.

Safety of the intersection at Lamont Street: The proposal will not negatively impact on the operation of the intersection. However, concerns from residents about the current operation of

the intersection were noted and it is proposed that a Safety Audit be undertaken to identify any issues and minor improvement works.

Impact and intrusion on the Park: The point will be fully contained within the reserve and have no impact on the use of the Park. The connection to the water supply will require a narrow trench across the park, the grass that is removed will be kept and fully reinstated.

Alternative sites are available and should be considered: An initial assessment was undertaken of the thirteen sites identified, which ranked them by suitability and allowed more detailed investigation of the top three sites. The Community Group was unanimous on their preference for the Station Street site at that time, although subsequent advice from the Chair of the Group has been received. The current site meets all the objectives for the proposal.

Conclusion:

This facility will promote Alexandra as a Recreational Vehicle friendly town with the aim of increasing tourism and business opportunities for the district. It will also reduce impacts on the environment by encouraging responsible disposal of waste and will have minimal impact on park users and local residents.

RESOLUTION:

Cr C Challen / Cr A Derwent

That Council

1. Notes the report and request that the Manager Infrastructure Assets proceed with the installation of the Recreational Vehicle (RV) Dump Point in the car park located in the Station Street road reserve opposite Lamont Street Alexandra.
2. Requests that the Manager Infrastructure Assets write to the convenors of the petition advising them of the resolution.

CARRIED

CALL FOR A DIVISION

For: Cr C Challen, Cr J Kennedy, Cr M Rae, Cr A Derwent

Against: Cr C Ruhr, Cr B Magner

Cr J Walsh returned to the meeting at 7.26 pm.

Consideration of Item 6.3

6.3 CASTELLA QUARRY EXTENSION OF HOURS

REF: 1999/75

Land: 2900 Melba Highway Castella

Proposal: Castella Quarry (Permit under Division 5 of Part 4 of P&E Act)

Applicant: Filja Pty Ltd

Zoning: Farming

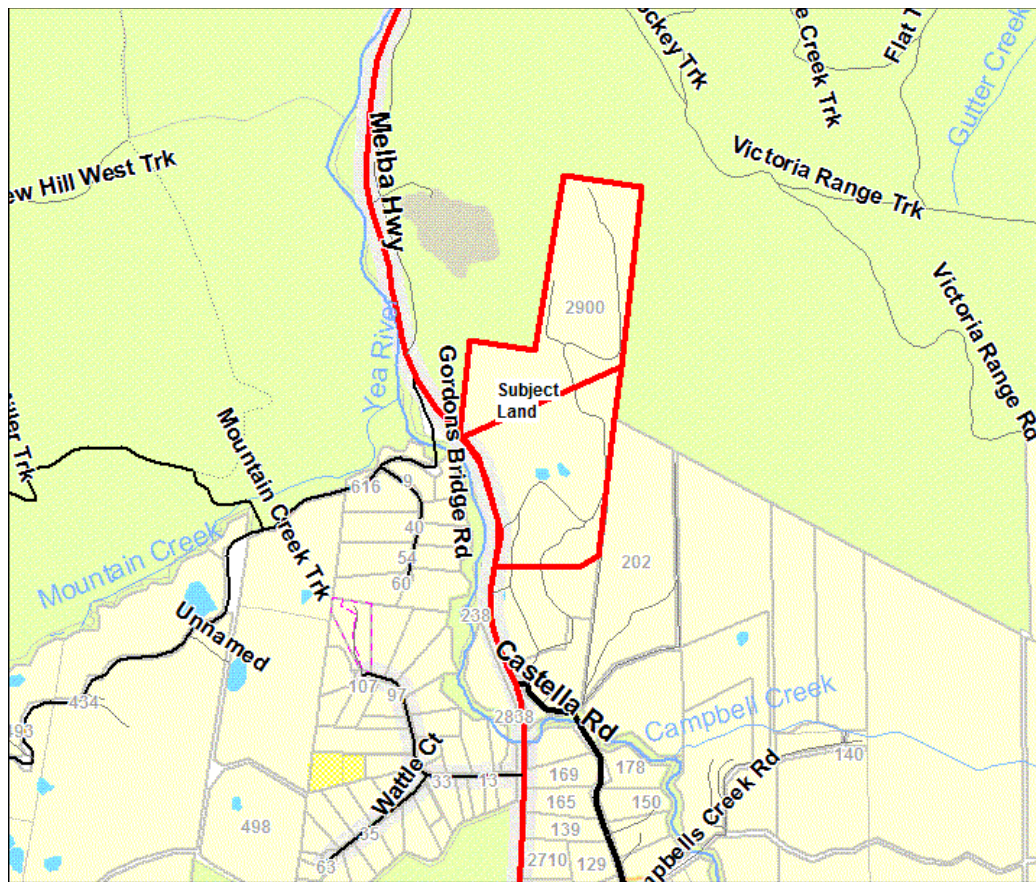
Overlays: Bushfire Management Overlay

Attachments: Submissions and response to submissions distributed separately

Enclosure 6.3a – Castella Quarry Request for consent to extend hours (TRIM 15/3004)

Enclosure 6.3b – Castella Quarry Noise Assessment (TRIM 15/9891)

Locality Plan



Purpose:

This report recommends that the request to extend the hours of use for the Castella Quarry at 2900 Melba Highway, Castella be refused.

Recommendation:

That Council refuses to allow an extension of hours under Condition Q of Planning Permit 1999/75 on the grounds that the extended hours will adversely impact on the amenity of the nearby low density residential zoned land with an unreasonable level of noise during the night period prior to 7.00am.

History:

The quarry operates under planning permit 1999/75 which was issued by the Minister for Planning as part of the approval of the consolidated Murrindindi Planning Scheme. At the time that the consolidated Murrindindi Planning Scheme was approved, any existing use that had specific conditions of use built into the relevant planning scheme was translated into a planning permit. In this instance the quarry operation was approved by the Shire of Healesville and the operating conditions were contained in the Healesville Planning Scheme.

The conditions that were placed on the quarry when it was approved in 1994 generally relate to the need to comply with development and management requirements of the quarry as well as protecting neighbourhood amenity with the limitation on hours that were included in the Ministers approval of the amendment.

The existing planning permit allows extraction and cartage activities from 7am to 6pm Monday to Friday and 7am to 1pm Saturday.

The Proposal:

The application is to obtain consent to allow quarry trucks to access the quarry from 5.30am Monday to Saturday for the purpose of loading trucks and for extractive and cartage operations to begin at 6am on Monday to Saturday. All other extractive operations including carting, excavation, drilling, crushing etc to be conducted from 6am to 6pm Monday to Friday inclusive and 6am to 1pm on Saturdays.

The existing Condition Q reads as follows:

The operator must ensure that unless authorised otherwise in writing by the Responsible Authority, no operation including excavation, drilling, blasting, loading, crushing and cartage of stone or other material or access to the site by cartage trucks shall take place outside the hours of 7.00am and 6.00pm Monday to Friday inclusive, and 7.00am and 1.00pm on Saturdays and no works, other than essential maintenance, shall occur outside the hours of 6.00am and 6.00pm Monday to Friday inclusive, and 6.00am and 4.00pm on Saturdays, or on a Sunday or a Public Holiday.

The justification for the application is on economic grounds around the need to be able to have rock product delivered prior to 7.00am to meet the demand of customers. The request for truck access and loading from 5.30am is to allow trucks to leave the quarry after 6.00am to arrive on site at 7.00am depending on the travel distance. The need for extended hours for other extractive operations such as drilling, crushing etc has not specifically been addressed in the application.

The application states that it takes a truck and trailer 25 minutes to enter the quarry, load, weigh and then exit the quarry.

The Land & Surroundings:

The quarry is situated on a site of 92 hectares on the eastern side of the Melba Highway. The excavation area is approximately 20 hectares and is located at an elevation 280 metres above the Melba Highway with the driveway leading into the quarry being more than 2km long.

The land is surrounded by the Toolangi State Forest to the west, north and east with Farming zoned land to the south and an area of Low Density Residential zoned land to the south west on the western side of the Melba Highway. Thirteen Low Density Residential lots are located within 500 metres of the quarry property boundary with the majority in Moore Court and three in Wattle Court. All four of the objectors are either located on or in the vicinity of Moore Court which is the closest area to the quarry and access road.

Referrals:

The application was not referred to any authorities. The Work Authority for the site allows for the same hours of use as the planning permit.

Consultation:

This application does not have third party rights, however due to the implications of this application notification was made by mail to all owners within 500 metres of the property boundary with an opportunity to comment on the proposal.

Newspaper / Other	Publishing/Consultation Date(s)
Newspaper:	N/A
Consultation:	Separate meetings held with applicants and previous objectors prior to new proposal being submitted
Mail out:	19 January 2015

There were four objections and one letter of support and the objections are précised below:

1. Believe that Council is disregarding their concerns
2. Noise levels remain high all day but particularly in the early morning due to
 - o Frequency of trucks
 - o Quieter road noise
 - o Wanting to sleep prior to 7.30am
3. Quarry noise is constant and creates an amenity issue to nearby residents
4. Truck noise wakes children and it is unacceptable that this occur at 5.30am
5. Complaints to quarry about noise have no impact
6. Believe the noise levels are outside the "*Noise from Industry in Regional Victoria, - Recommended Maximum Noise Levels* (NIRV or RMNL)
7. Worst noise is from loaded quarry trucks descending with engine brakes applied
8. Noise extends for some time due to the length of the access road while highway traffic passes quickly
9. All of the noise reports show that the guidelines have been exceeded and there is no basis for an exception to compliance due to locational constraints
10. Mitigation measures undertaken have not stopped noisy trucks
11. Does not believe that there is community benefit as their operations impact adversely on the community
12. Noise should not be permitted within sleep time.

A submission has been received from an abutting neighbour advising that she has no objection to the proposed extended hours.

Planning Considerations:

The predominant issue is the access track which intersects with the Melba Highway at a point that is 300 metres from the nearest objectors dwelling. The track then climbs for 2 km, is quite steep in parts and has tight bends.

The assessment framework for noise in regional Victoria is the EPA Publication 1411 "*Noise from Industry in Regional Victoria, - Recommended Maximum Noise Levels* (RMNL). This document is a guideline only and Council can approve a use that has noise impacts outside the recommended limits.

Refusal to allow an extension of hours will limit the operating hours of the quarry to a 7.00am start Monday to Saturday for all access and quarry works except for essential maintenance. The existing hours of use are all within the *day period* as defined by the Environment Protection Authority while the proposed hours come under the *night period* which specifies lower recommended noise levels.

As part of the temporary extended use previously permitted, cartage was permitted to commence at 6am with a requirement for noise testing to occur as part of this trial. This use only occurred on about 38% of working days in 2014.

A previous acoustic report in 2012 calculated the recommended maximum noise level at 52dB(A) during the *day period* and 45dB(A) for the *night period* (before 7am). The acoustic report commissioned by Council from AECOM (2014) determined those noise levels to be 47dB(A) and 38dB(A) respectively. These figures are set using background noise levels and determine the allowable noise during each period of the day. The lower the background noise

level, the less noise that the quarry can make under the guidelines. The noise testing for the two reports was done at adjacent properties in Moore Court and the discrepancy in the background noise levels is unexplained.

The quarry noise levels that were measured in March 2014 were 46dB(A) during day time and 42dB(A) during night time as adjusted for duration and tone. These levels would comply with the recommended noise levels from the earlier 2012 acoustic report for both night and day but would not comply with the night time recommended level in the AECOM 2014 report.

The AECOM 2014 report identified that one factor in affecting noise is the number of truck movements during any half hour period and the resultant continuity of noise. An increase in the number of truck movements during the day above 16 per half hour could change the daytime noise level to non compliant. Conversely, a restriction of the number of truck movements during the night time period to 2 for every half hour would achieve compliance with the guidelines.

The applicant acknowledges that the noise testing results do not comply with the RMNL but argues that they be exempted from the noise requirements due to 'locational constraints', which allows for an alternative application approach that applies best practice.

In this instance that means the work that has been undertaken by the quarry to reduce noise levels, in particular the trucks that were permitted to access the quarry prior to 7am, being approved and noise tested, a code of practice implemented for drivers, signage placed on the access road reminding drivers of their obligations to reduce noise and a direction for some trucks to replace exhaust and muffler systems.

The noise levels have generally fallen over the two year period during the *day period* from 50dB(A) to 46dB(A) taking into account the noise levels that were taken during the two testing periods. This has not satisfied the neighbouring residents and ongoing discussion and the submissions received to this application to extend the hours of use show clearly that they are impacted by the quarry. It has been strongly stated that the *day period* truck noise creates issues on occasion with particularly noisy trucks but generally they accept that the quarry exists and there will be some noise impacts.

An extension of hours from 7am to 5.30am will mean that the quarry is operating for 12½ hours per day. Even with the quieter trucks operating prior to 7am there is still an issue due to the extended time. The impact of noise is cumulative and nuisance value is about exposure having regard for the time of day and the extended time frame. As the quarry only operated prior to 7am on 38% of days in 2014 there is a strong probability that this would increase hence exacerbating the existing impact on the residents.

Conclusion:

The Castella Quarry commenced operation in close proximity to a low density residential area and conditions on operating times were placed on the quarry to protect the amenity of nearby residents. Although conditions could be applied related to the number of vehicles that can be used prior to 7am, to ensure compliance with the RMNL, the accumulated noise impact on residents would still increase.

Legal/Policy Issues:

State Planning Policy Framework

14.03 Resource Exploration and Extraction

Strategy

Protect the opportunity for exploration and extraction of natural resources where consistent with overall planning considerations and application of acceptable environmental practice

Provide for the long term protection of natural resources in Victoria

Policy Guideline To consider as relevant any policy guideline relating to State Environment Protection Policy

Particular Provisions

52.09 Stone Extraction and Extractive Industry Interest Areas

Purpose To ensure use and development of land for stone extraction does not adversely affect the environment or amenity of the area during or after extraction To ensure that sand and stone resources, which may be required by the community for future use, are protected from inappropriate development

Decision Guidelines The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area

Other

Noise from industry in regional Victoria (NIRV – EPA publication 1411)

- Planning Scheme requires document to be considered as relevant.
- Document used for assessment of noise outside Melbourne Metropolitan area. Is a guideline only and needs to be applied through a statutory instrument such as a notice or a permit.

RESOLUTION:

Cr C Ruhr /Cr C Challen

That Standing Orders be suspended.

CARRIED

Standing Orders were suspended at 7.36pm.

RESOLUTION:

Cr C Ruhr / Cr J Walsh

That Standing Orders be resumed.

Standing Orders resumed at 7.41pm.

The officer recommendation and no other motion was moved. The Chair advised that the matter will now be reported to the next Ordinary Council meeting.

Consideration of Item 6.4

6.4 2014/176 – POP UP RESTAURANT, THORNTON

REF: 2014/176

Land: 1556 Goulburn Valley Highway THORNTON 3712

Proposal: Seasonal and occasional restaurant

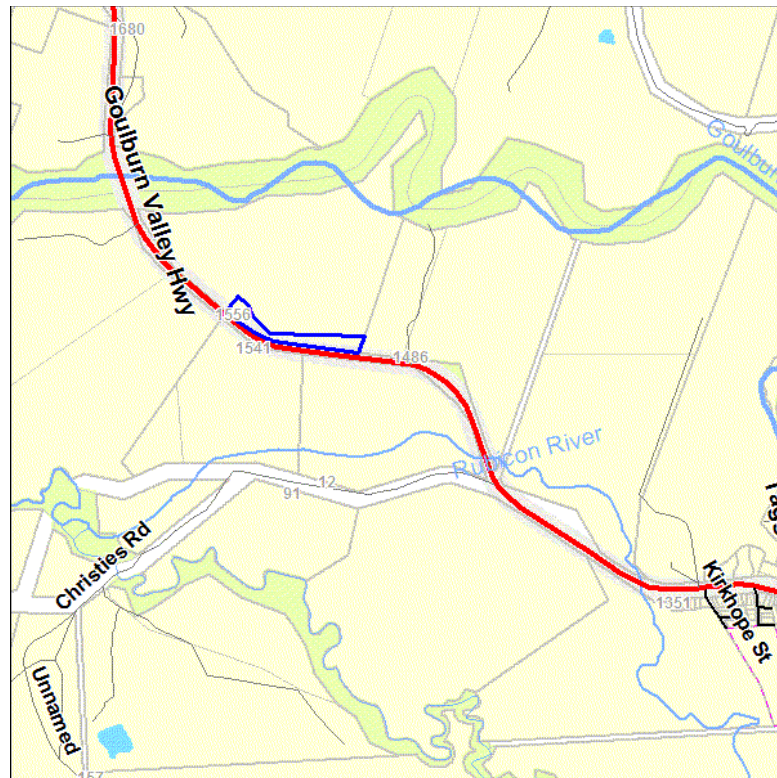
Applicant: J B Ashe

Zoning: Farming

Overlays: Environmental Significance; Floodway

Attachments: (Refer Enclosure 6.4 - Application details) (aerial photograph and submission distributed separately)

Locality Plan



Purpose:

This report recommends that a Notice of Decision to Grant a Permit be issued for a seasonal and occasional restaurant at 1556 Goulburn Valley Highway, Thornton.

Recommendation:

That Council issues a notice of decision to grant a permit for a restaurant at 1556 Goulburn Valley Highway, Thornton, 3712 (LOT: 1 LP: 119159, Parish of Thornton), subject to the following conditions:

- (1) This permit shall expire if the use hereby permitted has not commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.
- (2) Prior to the commencement of the use hereby permitted, plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed as part of the permit. The plans must be drawn to scale, and must show the following:
 - a. The location of any external dining areas, and must be clear of all effluent disposal areas.
 - b. The location all car parking spaces on site.
- (3) The use as restaurant must not exceed 24 days in any calendar year and a log must be kept of the number of times the restaurant is operated in a calendar year. This log must be made available to Council Officers upon request.
- (4) Prior to the commencement of use, details about the car parking and access provisions must be provided to the Responsible Authority. This must include the following:

- a. **Position, width and length of access way.**
 - b. **Location of all car spaces.**
 - c. **Details on how all cars can enter and exit the site in a forward manner.**
 - d. **Signage to assist patrons to the designated parking spots.**
 - e. **Signage to advise patrons that no cars are to be parked in the Goulburn Valley Highway Road reserve.**
- (5) **The maximum number of patrons allowed on site is 16, unless a larger number is approved in writing by the Responsible Authority.**
- (6) **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.**
- (7) **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.**
- (8) **The emission of noise from the premises including the surrounding environment and carpark areas during the use of the restaurant must not be amplified and must not cause annoyance to persons beyond the site.**
- (9) **The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.**
- (10) **Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.**

Proposal:

An application has been received for a seasonal and occasional restaurant at 1556 Goulburn Valley Highway, Thornton. The 16 seat restaurant is to be located in an existing dwelling and will be used during the daylight savings period, with people to be seated on the verandah, the outdoor entertaining area to the rear of the house and in the dwelling itself. There are also options for locating seating within the gardening/vineyard area of the property. The restaurant was originally intended to be on the front lawn area, but an assessment of the site and location of the effluent disposal required a change to this. The application originally included a farm gate stall as well, but this has now been removed from the application and is being dealt with as a separate planning permit application.

The Land & Surroundings:

The subject land is approximately 2 hectares in size, and has a road frontage of approximately 500 metres along the Goulburn Valley Highway. At its widest, around the dwelling and proposed restaurant, the property is approximately 70 metres wide. There is a lagoon on a large portion of the eastern section of the property. The property has an extensive, established fruit and vegetable garden, with a single dwelling and associated shedding. Access to the property is from the Goulburn Valley Highway.

The land in all directions is used for farming purposes, with a dwelling on the abutting property to the north west and one to the south east on the opposite site of the Goulburn Valley Highway.

Referrals:

As the application did not contain any buildings or works, no external referrals were undertaken.

Consultation:

Newspaper / Other	Publishing/Consultation Date(s)
Mail out: Adjoining and nearby owners	20 November 2014

The application was notified to five nearby and adjoining owners. One submission was received, and the objection to the restaurant was based on the following grounds:

- The use will result in direct conflict with established agricultural activities.
- Is in conflict with the primary "agricultural" purpose of the farming zone.
- Will result in inappropriate ribbon development along a major tourism landscape/route being the Goulburn Valley Highway.
- Is in conflict with the intentions of Local Planning Policies 21.02, 21.04 and 21.06.

The submission also raised concerns with the capacity of the site to contain wastewater.

Planning Considerations:

The primary purpose of the Farming zone is to provide for the use of land for agriculture. In the zone a planning permit is required to use the land (and any buildings on the land) for a restaurant. The property has an existing dwelling, with the resident of that dwelling undertaking a home occupation that involves preparation of food. This is supported by the extensive, established fruit and vegetable garden on the site. The applicant has established where the effluent disposal is located, and how it is contained within the boundaries of the property. This has been assessed by Council Environmental Health Unit, who are satisfied that the effluent is located in the best location on the property, being as far from the waterway as possible. The proposal will not significantly increase the requirements for effluent disposal, with the 16 person capacity as described in the application.

The objector has raised concerns that the location of the restaurant is adjacent to their main farm infrastructure, and that this proximity will conflict with their ongoing agricultural practices.

The restaurant can be managed through appropriate planning permit conditions that will limit the number of people and the amount of times per year it can be used, as well as conditions that restrict the use of amplified music on the property. These conditions will ameliorate the impact of the restaurant on the adjoining agricultural property. The subject land is used for food production, with a large range of fruit trees, vegetable plots, etc, which are all proposed to be used within the farm gate and the restaurant.

The Local Planning Policy Framework (LPPF) does provide a range of policies to be considered in an application such as this, such as 21.02 *Municipal Vision*. In this, the vision outlines that not only will agriculture be supported, as undertaken on the submitters land, but that sustainable land management and resource utilisation will be supported, as undertaken on the subject land. Clause 21.04 *Agriculture and Rural Land Strategies* requires that the use of land be compatible with and complementary to agricultural activities and also encourages agricultural diversity and promotes opportunities for new farming enterprises. This application also provides an opportunity to promote the region in terms of its natural qualities – river flats and high quality produce. Clause 21.06 *Tourism and Heritage Strategies* has an objective that requires council officers to facilitate tourist uses that are linked to the natural environment, as long as it is established that the use will not have a negative impact on the environment.

When considering the potential conflict between the use as a restaurant and the agricultural uses adjacent, the existing use of the land is important. The property is small in context with surrounding properties, with an existing dwelling and has potential to be used as a rural living style allotment. The extensive fruit and vegetable gardens on this small parcel have allowed the property to be used in a manner that is supported in the zone. The extension of this use, a restaurant that will be relying to a large extent on the produce grown on the property, is a reasonable addition and can be managed appropriately through conditions on the permit.

On balance, the proposed use of the land, being for a seasonal and occasional restaurant, can be supported as it will not detrimentally affect the adjoining agricultural use and will support tourism and sustainable land management on the property.

Conclusion:

The use of the land for a restaurant encourages agricultural diversity and is supported by the various application policies and decision guidelines in the Murrindindi Planning Scheme.

Legal/Policy Issues:

State Planning Policy Framework

11.10 Hume Regional growth

Strategies:

- Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.
- Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.

13.02 Floodplains

Objective:

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- Floodplain areas of environmental significance or of importance to river health.

14.01 Agriculture

Strategies:

Planning for rural land use should consider:

- Land capability and
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.

17.03 Tourism

Objective:

To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

Local Planning Policy Framework

21.02 Municipal Vision

This vision will be assisted by:

- Supporting the development of the Shire based on sustainable land management and resource utilisation practices.
- Ensuring that the use of land is based on its capability to support development.
- Supporting agriculture and timber industries as the major economic activities.
- Retaining and protecting of prime agricultural land.

21.04 Agriculture and rural land strategies

Issues:

- The use of agricultural land for non-agricultural, rural living or hobby farming purposes that may conflict with established or future agricultural and horticultural land uses.

Strategies and objectives:

- Ensure that the use of rural land is both compatible with and complementary to agricultural activities and protect agricultural potential.
- Encourage agricultural diversity and promote opportunities for new farming enterprises
- Develop the agricultural economic base through the attraction Floodway Overlay value adding agricultural industries.
- Facilitate diversification and development of rural land when it can be demonstrated that the economic base of the Shire will be enhanced.

21.06 Tourism and Heritage strategies

Strategies and objectives:

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

22.01-5 High Quality Agricultural Land

Objectives:

- Ensure that high quality agricultural land is protected from unplanned loss.
- Support the sustainable use of land for intensive agricultural production.
- Discourage the conversion of land to uses incompatible with productive agriculture

Zoning

35.07 Farming Zone

Purpose:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Decision Guidelines

General Issues

- The capability of the land to accommodate the proposed use, including the disposal of effluent.
- How the use relates to sustainable land management
- Whether the site is suitable for the use and whether the proposal is compatible with adjoining and nearby land uses.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- The potential for the use to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.

Environmental Issues

- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

A planning permit is required for a restaurant in the Farming Zone.

Overlays

42.01 Environmental Significance Overlay

No planning permit is required for the use of the land in the Environmental Significance overlay.

44.03 Floodway Overlay

No planning permit is required for the use of the land in the Floodway overlay.

RESOLUTION:

Cr C Ruhr / Cr A Derwent

That Council issues a notice of decision to grant a permit for a restaurant at 1556 Goulburn Valley Highway, Thornton, 3712 (LOT: 1 LP: 119159, Parish of Thornton), subject to the following conditions:

- (1) This permit shall expire if the use hereby permitted has not commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.
- (2) Prior to the commencement of the use hereby permitted, plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed as part of the permit. The plans must be drawn to scale, and must show the following:
 - a. The location of any external dining areas, and must be clear of all effluent disposal areas.
 - b. The location all car parking spaces on site.
- (3) The use as restaurant must not exceed 24 days in any calendar year and a log must be kept of the number of times the restaurant is operated in a calendar year. This log must be made available to Council Officers upon request.
- (4) Prior to the commencement of use, details about the car parking and access provisions must be provided to the Responsible Authority. This must include the following:
 - a. Position, width and length of access way.
 - b. Location of all car spaces.
 - c. Details on how all cars can enter and exit the site in a forward manner.
 - d. Signage to assist patrons to the designated parking spots.
 - e. Signage to advise patrons that no cars are to be parked in the Goulburn Valley Highway Road reserve.
- (5) The maximum number of patrons allowed on site is 16, unless a larger number is approved in writing by the Responsible Authority.
- (6) 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.
- (7) 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.
- (8) The emission of noise from the premises including the surrounding environment and carpark areas during the use of the restaurant must not be amplified and must not cause annoyance to persons beyond the site.

- (9) The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
- (10) Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

AMENDMENT:

Cr J Walsh / Cr J Kennedy

That Council issues a notice of decision to grant a permit for a restaurant at 1556 Goulburn Valley Highway, Thornton, 3712 (LOT: 1 LP: 119159, Parish of Thornton), subject to the following conditions:

- (1) This permit shall expire if the use hereby permitted has not commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.
- (2) Prior to the commencement of the use hereby permitted, plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed as part of the permit. The plans must be drawn to scale, and must show the following:
 - a. **The location of all dining areas to be within enclosed solid walls.**
 - b. The location all car parking spaces on site.
- (3) The use as restaurant must not exceed 24 days in any calendar year and a log must be kept of the number of times the restaurant is operated in a calendar year. This log must be made available to Council Officers upon request.
- (4) Prior to the commencement of use, details about the car parking and access provisions must be provided to the Responsible Authority. This must include the following:
 - a. Position, width and length of access way.
 - b. Location of all car spaces.
 - c. Details on how all cars can enter and exit the site in a forward manner.
 - d. Signage to assist patrons to the designated parking spots.
 - e. Signage to advise patrons that no cars are to be parked in the Goulburn Valley Highway Road reserve.
- (5) The maximum number of patrons allowed on site is 16, unless a larger number is approved in writing by the Responsible Authority.
- (6) 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.
- (7) 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.
- (8) The emission of noise from the premises including the surrounding environment and carpark areas during the use of the restaurant must not be amplified and must not cause annoyance to persons beyond the site.

- (9) The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
- (10) Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

THE AMENDMENT BECAME THE MOTION

CARRIED

Consideration of Item 6.2

Cr J Walsh raised a point of order asking whether Council had received notification from VCAT of a hearing on the Rating Strategy.

The CEO advised that Council had received correspondence from the applicant stating that an application had been made to VCAT in relation to the Rating Strategy however Council has not received any confirmation from VCAT on the matter.

The CEO advised that it was understood that the application had been made under the Review and Regulations List and the powers of VCAT to hear these reviews or referrals under the Local Government Act.

6.2 RATING STRATEGY

REF: 15/11913

(Refer Encl 6.2 – Rating Strategy – March 2015 (15/1538))

Purpose:

The purpose of this report is to present the Rating Strategy 2015-2019 for adoption by Council which sets the strategic direction for Council's rating structure over the next 5 years.

Recommendation:

- 1. That Council adopts the Rating Strategy as attached in Enclosure 6.2 which has incorporated feedback from the formal submissions as detailed in this report.**
- 2. That Council directs officers to respond to each submitter to the strategy as per the requirement under Section 223 of the Local Government Act.**

Background:

As detailed at the January 2015 Ordinary Meeting of Council, a number of reports prepared by the Victorian Auditor General's Office have in recent years highlighted the need for greater clarity on rating practices undertaken by Councils across the State.

In 2012 Council commenced a review of the structure of Council's existing 2009 Rating Strategy in order to investigate options that could be adopted to better address Council's revenue requirements, whilst ensuring an equitable distribution of the rate burden.

In considering these options Council has investigated the possible introduction of a differential rate for vacant developable land within residential, commercial and industrial planning zones within the Shire, as an incentive to encourage development. Council has also considered the

introduction of a differential rate for developed commercial/industrial land to provide for a more equitable distribution of the rate burden across the rate base.

Council officers have undertaken extensive analysis of these options over the last 12 months in the development of this recommended strategy, to ensure that the new structure addresses Council's overall strategic objectives and to ensure compliance with the *Act* and Ministerial Guidelines.

As highlighted in Council's recent budgets, annual reports and the Council Plan 2013-2017, Murrindindi Shire continues to be challenged in its recovery from the tragic events of the 2009 Bushfires. The population and number of rateable properties in Murrindindi Shire have not recovered to levels prior to those of February 2009. Furthermore, the additional maintenance, operational, depreciation and insurances costs of the new and enhanced assets gifted to the Council through the Victorian Bushfire Reconstruction & Recovery Authority continues to have a significant impact on the long term financial sustainability of Council.

In taking a responsible approach to its forward financial planning, Council has been indicating to all ratepayers and residents over the last 12 months via a variety of communications methods, that it would be necessary to evaluate a range of potential measures that might be applied to ensure Council's future financial sustainability. The Rating Strategy is one such measure that aims to address part of the challenging task that faces Council at present.

Following the release of the draft Rating Strategy for public consultation at the 28 January 2015 Ordinary Meeting of Council, a total of 47 formal submissions were received to be considered by Council from 44 individual submitters. Two submissions were from anonymous parties. A further three submissions were received after the close of the formal public consultation process, which were provided to Council at the Special Meeting of Council on 11 March 2015, at which all submissions were considered.

At this Special Meeting of Council, eight (8) people provided oral submissions on the Rating Strategy.

Council Plan/Strategies:

This report is consistent with the Council Plan 2013-2017 theme of Financial Sustainability. A key strategy for this theme is to continue to promote an equitable rating strategy for all ratepayers.

The key strategic goal, Our Council, includes an objective to deliver financial sustainability to

- Grow our rate base through diligent planning.
- Provide value for money through the delivery of long term financial plans.
- Promote an equitable rating strategy for all ratepayers.

2014-2015 Actions within the Council Plan include:

- Develop and coordinate a master plan for growing the rates base.
- Complete and implement the Council's Rating Strategy.
- Complete the alignment of the Council's Planning Zones with the rating system

Legal/Policy Issues:

The statutory requirements with respect to the administration of Council's Rating practices are outlined in *Sections 3(C)* and *Sections 154-185* of the *Local Government Act (1989)*.

The development and adoption of a Rating Strategy will assist in the development of the 2015/16 Budget and Strategic Resource Plan which are statutory requirements of the *Local Government Act (1989)*.

The new Local Government Performance Reporting Framework also requires Council to have a current Rating Strategy in order to satisfy Indicator 6 on the Governance and Management Checklist.

New Ministerial regulations concerning differential rating were published in April 2013 that provided greater clarity regarding the objectives and suitability of differential rating for Council's to consider when developing their respective rating strategies.

Financial/Resources/Risk

There is a provision of \$20,000 within the 2014/15 Annual Budget to allow for the alignment of rating and planning categories within Council's databases which will be required to successfully facilitate the introduction of further differential rating options.

The outcomes of the Rating Strategy, once adopted by Council, will form a key component in the preparation of Council's Annual Budget for 2015-16, and the Strategic Resource Plan which enables the outcomes of the Council Plan 2013-2017 to be achieved.

Discussion:

The draft Rating Strategy was made available for public comment over a four week period from 2 February to 5 March 2015. The document was available on Council's website, and hard copies could be viewed at service centres and libraries.

Feedback on the draft strategy was received from a total of fifty (50) Murrindindi Shire residents, businesses and community groups.

The majority of submissions received raised queries concerning the introduction of two new classes of differential rating, being the proposed 125% differential rate for Commercial / Industrial properties, and the proposed 150% differential rate for Vacant Land. Council considered these submissions at the Special Meeting of Council on 11 March 2015.

Several broad themes emerged from the submissions as follows:

Commercial / Industrial Differential Rate

The proposed differential rate of 125% is too high given prevailing poor economic conditions.

It is acknowledged that the Shire has not fully recovered from the impacts of the 2009 fires, and in some areas economic conditions are stagnant. Council has therefore ensured that the introduction of a commercial / industrial differential rate is at a level no greater than the average of similar differential rates applying across small rural Councils in Victoria, and is considerably lower in many cases.

By way of example, for a commercial/retail property valued at \$250K, the application of the proposed differential rate in 2015/16, combined with the anticipated annual rate increase of 6% will involve an additional annual payment of \$213.36, or \$4.10 per week. This is not considered to be an unrealistic or unfair increase.

The introduction of the differential rate will discourage new investment and make businesses less viable.

Sound investment decisions are based on careful consideration of the financial implications and level of risk associated with the investment. It is anticipated that the proposed differential rate

will be one (amongst many) of the factors considered when making a decision to invest. Rates in general tend to be a lower order factor in business investment decisions. It is unlikely that the size of the increase associated with the differential rate will significantly influence decisions relating to new business investment, nor be the determining factor in establishing the viability of a business.

The differential rate is not equitable across different land classes.

The introduction of the commercial / industrial differential rate is designed to ensure that reasonable rate relativity is maintained between commercial / industrial and other classes of land. A higher differential rate for commercial and industrial properties reflects the following considerations:

- The ability of business to absorb rates as a legitimate business expense and pass on rate increases through pricing
- Rates in general tend to be a lower order factor in business investment decisions
- Council maintains a commitment to support economic development initiatives that specifically supports the business sector
- Much of the focus of Council's infrastructure development and maintenance services reflects the need to support commerce and industry

Commercial / Industrial properties already pay a premium as these properties are valued higher than other property classes.

Properties are independently valued in accordance with the principle of 'highest and best use' of the land. Commercial and industrial properties can attract a higher valuation as a consequence of the ability of the business activity to derive an economic return (that is, a higher value return per unit of area), when compared to other land classes. Where higher valuations apply for commercial properties (than otherwise would apply for say a residential property of similar size), this does not represent an additional and artificially imposed burden, but rather a true reflection of the value of the property.

Therefore Council does not accept the argument that the valuation pertaining to a commercial property and the associated Council rates that ensue does in itself remove the Council's need to adjust the rate in the dollar for these properties to ensure an equitable contribution is made by this land class relative to others.

Vacant Land Differential Rate

There are reasons why vacant land is not immediately developed other than land-banking for investment purposes.

It is acknowledged that individual circumstances will determine when and if vacant developable land is ultimately developed. The Council however, as the Responsible Authority for local land planning, makes decisions to support and encourage the use of land for certain purposes (via use of Planning Controls such as Zones and Overlays). These decisions are based on strategic considerations of what provides the best and appropriate outcomes for the benefit and amenity of the locality and the municipality as a whole.

The Council therefore wants to encourage the best and highest use of land, as reflected in its planning decisions, to support the ongoing growth and social and economic development of the Shire's communities. To this end, and consistent with many other rural municipalities across the State, the Council considers it appropriate to impose a higher differential rate for vacant

developable land to, as far as possible, discourage land banking for investment purposes, and provide an incentive to pursue timely development of land to achieve its highest and best use as determined by the Murrindindi Planning Scheme.

Given that vacant land is valued considerably lower than developed (or capital improved land), the prompt development of land and its occupation will also ensure the appropriate contribution, through Council rates, towards the costs of delivering Council services.

Increasing rate payments for vacant land may act as a disincentive to develop land by making it more expensive.

There is evidence across the Local Government sector that indicates that whilst a higher vacant land differential may appear to be a penalty for owning vacant developable land, its use does, on average, promote land development. This is a reason why the vacant land differential is used by a large number of council across the State.

It may be appropriate however to consider a rebate of the vacant land differential in cases where vacant land is subdivided into two or more lots in accordance with the Planning Zone which applies to the land. Without any form of rebate, the vacant differential applying to the unsubdivided land would apply to the new lots once the titles are created. The vacant land differential would be removed from each new lot only after a certificate of occupancy had been issued for a development on the lot.

In meeting the requirements of a subdivision a developer must provide appropriate infrastructure in accordance with the Planning Permit to subdivide (eg, roads, pathways, drainage, services etc.). A Notice of Compliance is issued by Council once these requirements have been satisfactorily met. This then triggers the creation of the individual titles for each lot created.

It could be argued that at this point the developer has complied with or met the requirements of the vacant land differential in that the land has been developed to the point of sale of the new subdivided (and vacant) lots with the developer having borne the costs of this development.

It is proposed therefore that Council considers the use of a rebate of the vacant land differential rate following the issuance of the Statement of Compliance for a subdivision, and that this waiver applies until the individual lots created under the subdivision are sold.

In total the submissions have provided extensive commentary, and the Council has given serious consideration to the matters raised. Council acknowledges the financial impact of rates and the prevailing difficult economic conditions which many businesses are facing in the Shire. The Council however needs to balance the needs of the individual with the greater good of the broader community and in doing so remains committed to restructuring the Council's rating system through the introduction of the proposed differential rates.

Other than the inclusion of a Subdivided Vacant Land Rebate as discussed above, it is not therefore proposed to change the draft Rating Strategy and the final document is enclosed (see Encl 6.2) for Council's endorsement.

Consultation:

Initial extensive community consultation was undertaken by Council during the development and finalisation of the independent consultant's report into Council's rating options in 2012.

In accordance with S223 of the *Local Government Act*, the proposed Rating Strategy was made available for inspection at its offices and on its website for a period of at least 28 days, and submissions invited from members of the public. The Rating Strategy was formally advertised in

the following publications from 2 February 2015, with written submissions called for by 5.00pm on Thursday 5 March 2015.

Newspaper / Other	Publishing Date(s)
<i>Newspaper:</i>	
<i>Alexandra Standard</i>	4 February 2015
<i>Yea Chronicle</i>	4 February 2015
<i>Marysville Triangle</i>	5 February 2015
<i>North Central Review</i>	3 February 2015
<i>Website:</i>	2 February 2015
Copies at Council offices: Alexandra, Kinglake, Yea and also Eildon Resource Centre and Marysville Visitor Information Centre	

Council was also requested to attend a number of public meetings with various representatives of business and community groups that were held in Alexandra and Yea. These sessions were attended by around 120 people, including ratepayers and a number of Councillors and Council officers.

As detailed previously, at the 11 March 2015 Special Meeting of Council, eight (8) of the individual submitters provided further oral submissions in support of their written submissions that had previously been provided to Council.

Conclusion:

The adoption of a new Council strategy will provide clearer understanding to the community about Council's objectives for raising revenue through rates, as well as better define the parameters that Council will use to collect and manage its rates revenue in order that it can continue to appropriately and responsibly manage its long term financial obligations in delivering services to the Murrindindi Shire community.

The community's contribution in submissions relating to the Draft Rating Strategy and attendance at public information sessions is acknowledged and appreciated.

Cr Ruhr left the meeting at 8.10 pm.

Cr Ruhr returned to the meeting at 8.12 pm.

RESOLUTION:

Cr C Ruhr / Cr B Magner

1. That Council adopts the Rating Strategy as attached in Enclosure 6.2 with the deletion of the second bullet point on pages 4 and 25, which has incorporated feedback from the formal submissions as detailed in this report.
2. That Council directs officers to respond to each submitter to the strategy as per the requirement under Section 223 of the Local Government Act.

CARRIED UNANIMOUSLY

Cr C Ruhr having declared an interest left the meeting at 8.35 pm prior to consideration of Item 6.5.

6.5 COMMUNITY GRANTS ROUND NOVEMBER 2014 TO FEBRUARY 2015

REF: 15/11708

(Refer Encl 6.5 - Community Grants Summary November 2014 to February 2015)

Purpose:

The purpose of this report is to inform Council of the recommendations made by the delegated Community Grants Assessment Committee on funds to be allocated from the Community Grants Program.

Recommendation:

That Council notes and supports the recommendations of the Community and Emergency Grant Committee outlined in the following table.

Application	Funding sought	Recommendation
The Flowerdale Sports Club Inc.	\$5,000	Not supported
Flowerdale Men's Shed	\$5,000	Supported
Berry Street – Connect for Kids	\$4,966	Not supported
Eildon Community Centre Committee of Management	\$3,135.03	Not supported

Background:

Applications for the November 2014 to February 2015 cycle of Council's Community Grants Program were assessed by the Community Grants Committee comprising the Mayor, Deputy Mayor and the Chief Executive Officer.

Four applications for grant funding were received in this cycle. All applications and the Committee's recommendations are summarised in the attached document.

Council Plan/Strategies:

The Community and Emergency Grants process is an operational outcome of the 2013-2017 Council Plan theme of Community to provide a seed funding pool to support community initiated projects.

Legal/Policy Issues:

Implementation of the program is in accordance with the policy for the Community Grants Program.

Financial/Resources/Risk

The Assessment Committee is recommending that a total of \$5,000 in funding be granted this round; this amount falls well within the remaining budget allocated to Community and Emergency Grants therefore there is very little financial risk to Council. Funds remaining unallocated in the 2014/2015 year after this round will amount to \$882.00. This is the final grant round for this financial year.

Discussion:

In total, four applications were received from community organisations for the November 2014 to February 2015 round. These applications are listed in Enclosure 6.5 - Community Grants Summary November 2014 to February 2015 of this report.

The Committee recommend Council support the following application:

- The Flowerdale Men's Shed sought \$5,000 funding to support members of the Murrindindi Men's Shed cluster to attend the Biennial National Men's shed Conference in Newcastle. Twenty men's Shed members are seeking to attend as delegates and as members of a choir that will perform at the conference. Delegates come from the six sheds across the Shire.

The committee recommend that three applications should not be supported:

- The Flowerdale Sports Club inc. sought \$5,000 funding to install safety fencing, netting and soft fall for the recently installed play equipment donated from the Department of Education and Early Childhood relocated from the now closed Thornton Primary School. The committee commented that the club should identify other funding opportunities through Sport and Recreation Victoria and the Department of Environment, Land, Water and Planning. The club will be supported by Council officers to determine their eligibility for other funding sources and opportunities and invited to resubmit in a future grant round if other opportunities are unavailable or unsuitable.
- Berry Street sought \$4,966 to support the Red Recreation program, targeting disengaged or unemployed youth in Eastern Murrindindi aged 17-22 years. Funds from the Community Grant would add value to the program by allowing it to run a full range of proposed activities. The committee did not support this grant due to concerns regarding the budget and the amount of funding sought from Council, including for services provided by Council.
- The Eildon Community Centre Committee of Management are seeking \$3,135.03 to replace the existing kitchen bench tops, modify the existing cupboards and draws to create a new space to house and to install a dishwasher. The committee did not support this grant and recommended that funds for capital renewal projects should be sought through provisions set out in the joint use agreement or the owner of the facility rather than through the Community Grants Program.

Consultation:

The Community Grant applications are assessed by the Community Grants Assessment Committee. As required, information is sought from the Community Services Department and other Council Departments.

Conclusion:

Council, on the recommendations of the Community Grants Assessment Committee has successfully provided funding to a range of community groups across the shire. Council officers will continue to assist and support the community to identify potential projects for funding.

RESOLUTION:

Cr J Kennedy / Cr B Magner

That Council notes and supports the recommendations of the Community and Emergency Grant Committee outlined in the following table.

Application	Funding sought	Recommendation
The Flowerdale Sports Club Inc.	\$5,000	Not supported
Flowerdale Men's Shed	\$5,000	Supported
Berry Street – Connect for Kids	\$4,966	Not supported
Eildon Community Centre Committee of Management	\$3,135.03	Not supported

CARRIED

Cr C Ruhr returned to the meeting at 8.37pm.

6.6 COMMITTEE OF MANAGEMENT MEMBERSHIP ENDORSEMENT

REF: SF/112, SF/114

Purpose:

This purpose of this report is to seek Council's endorsement of proposed new membership for the Buxton Recreation Reserve and Eildon Community Resource Centre Section 86 Committees of Management.

Recommendation:

1. That Council appoints the following individuals to fill the vacant positions on the Section 86 Committees of Management:

Committee of Management	Name	Representative position	Term
Eildon Community Resource Centre Committee of Management	Sue Beggs	Community Representative	2 years and 4 months
Buxton Recreation Reserve Committee of Management	Nola Sarah	Community Representative	2 years

Background:

Committees of Management are delegated under section 86 of the *Local Government Act, 1989* (The Act) to manage reserves and facilities on behalf of Council.

Section 86 Committees of Management must hold a public nomination process to propose the community representative membership to Council. Both Committees of Management followed this process as part of the Annual General Meetings held in 2014. The Buxton Recreation Reserve Committee of Management had a vacant position post the AGM and the Eildon Community Resource Centre Committee of Management has had a recent vacancy. Both Committees of Management were encouraged to actively recruit for the positions.

Council Plan/Strategies:

This report is consistent with the Council Plan 2013-2017 goal – 'Our Council' – to provide effective governance that supports the aspirations of our community.

Legal/Policy Issues:

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

Financial/Resources/Risk

Until Council has endorsed these memberships the individuals do not have any obligations under the Instrument of Delegation and cannot make any financial decisions or have any voting power.

Discussion:

The Buxton Recreation Reserve Committee of Management held its Annual General Meeting on 2 September 2014. The Committee of Management advertised the seven community representative positions as part of the Annual General Meeting notification. Only five nominations were received, all were accepted though this leaves two positions vacant. The Committee resolved to call for nominations again at the next meeting of the Committee in November, and this filled one of the positions. Due to the process being advertised twice Council Officers encouraged the Committee of Management to recruit a new member and propose membership at the next available meeting.

The Buxton Recreation Reserve Committee of Management at its meeting of 3 February 2015 proposed that Nola Sarah be endorsed by Council as a member of the Committee of Management for two years.

The Eildon Community Resource Centre Committee of Management held their Annual General Meeting on 7 July 2014. The Committee of Management called for nominations for the seven positions and they received eight in total. Sue Beggs kindly stood aside. Unfortunately the Committee of Management has had a vacancy recently with the passing of one of its long time members. The Committee of Management then at its meeting of 3 March 2015 proposed that Sue Beggs fill the vacancy for the remainder of the 3 year term.

Consultation:

Council advertised the community representative nomination processes and Annual General Meeting details for two weeks prior to each of the meetings in a newspaper of the Committee of Management's choice. This process adheres with the regulations in the Committee of Management Governance Manual.

Conclusion:

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

RESOLUTION:

Cr C Challen / Cr C Ruhr

1. That Council appoints the following individuals to fill the vacant positions on the Section 86 Committees of Management:

Committee of Management	Name	Representative position	Term
Eildon Community Resource Centre Committee of Management	Sue Beggs	Community Representative	2 years and 4 months
Buxton Recreation Reserve Committee of Management	Nola Sarah	Community Representative	2 years

CARRIED

6.7 MURRINDINDI SHIRE COUNCIL ADVOCACY PLAN

REF: SF / 2068

(Refer Encl 6.7 – Draft MSC Advocacy Plan March 2015 (15/10468))

Purpose:

An Advocacy Plan provides a strategic framework for discussions between Council and State and Federal Government representatives on issues of interest to the Murrindindi community. This report provides the opportunity for Council to confirm its advocacy priorities and the outcomes that are sought from that advocacy.

Recommendation:

That Council adopt the Murrindindi Shire Council Advocacy Plan as contained within Enclosure 6.7 to this report.

Background:

As the Council Plan places a strong priority on Council working with community leaders in advocating on behalf of the Murrindindi community, it is appropriate that Council has an up to date Advocacy Plan. The first Advocacy Plan was received by Council at its Ordinary meeting on 26 June 2013 and it was acknowledged that this would form the basis of Council's advocacy in the coming year.

Since that time, Council has had an advice advocacy program, especially with the previous State Government in relation to the impacts of the new and gifted infrastructure following the February 2009 bushfires.

In addition, Council undertook an extensive consultation with the Murrindindi community in the latter half of 2014 regarding a range of options in which it could respond to both reducing expenditure and increasing income sources to enhance its financial sustainability. Following this consultation and discussions with the new State Government it is clearly evident that there are a number opportunities where increased business development and community wellbeing will also contribute to the overall economic sustainability of Council.

Council Plan/Strategies:

The review and implementation of an Advocacy Plan supports the implementation of the Council Plan 2013-2017 which includes as a Strategy:

- Involve community leaders in regular advocacy to State and Federal Governments on local needs and issues.

The associated target is to – Advocate on behalf of the community on a minimum of 10 issues a year.

The Year 2 Action is to – Advocate on behalf of the community on relevant local issues.

Legal/Policy Issues:

The Advocacy Plan provides a sound strategic framework for Council's advocacy on behalf of the local community.

Financial/Resources/Risk

Having an Advocacy Plan enables Council to proactively seek out government grants and other financial support as well as the assistance of advocacy partners to support it in addressing the needs of the Murrindindi community.

Discussion:

The development of an Advocacy Plan provides the strategic framework for Council to initiate its advocacy activities with State and Federal government and other agencies.

The Plan is based upon the four Goals in the Council Plan 2013-2017. The Plan also outlines the issues that will be the subject of advocacy action and the outcomes sought. It also indicates

relevant partners and action to be undertaken. The revised Advocacy Plan is included as *Enclosure 6.7* to this report.

Key elements that are included within the Advocacy Plan include such activities as:

- Support for greater integration and coordination of early years services;
- Maintenance of funding for aged and disability services including a greater number of aged care packages;
- Enhancement of local road networks and traffic control works;
- Enhancement of bicycle and pedestrian trail networks;
- Increased funding to community and emergency services;
- Improved communications, both mobile and broadband networks;
- Increased business investment and support for business and tourism initiatives;
- Support for post secondary training and educational opportunities;
- Review of the Murray Darling Basin Authority's Constraints Management Strategy and its impact upon local landholders and facilities;
- Continued advocacy on support for small rural shires and in particular the management of new and gifted assets; and
- The transition of responsibility for the management and maintenance of assets, particularly those that are State Government owned.

Consultation:

The items which are listed in the Advocacy Plan have been, or will be, the subject of separate community consultations. The Advocacy Plan will provide a strategic framework to its consultations with State and Federal governments.

Conclusion:

Having an Advocacy Plan provides Council with a strategic framework for its discussions with State and Federal governments and supports its advocacy on issues which are of interest to the Murrindindi community.

RESOLUTION:

Cr C Ruhr / Cr J Kennedy

That Council adopts the Murrindindi Shire Council Advocacy Plan as contained within Enclosure 6.7 to this report.

CARRIED

6.8 COST AND ASSET REVIEW PROJECT FOLLOWING THE NEW AND GIFTED ASSETS

REF: SF/2096

Purpose:

This report provides Council with the range of initiatives that are proposed to be undertaken as a result of the community engagement carried out in 2014. This engagement followed advice from the then Minister for Local Government of no further direct assistance to Council in relation

to the impacts of the new and gifted assets upon Council's financial obligations and its long term financial sustainability.

Recommendation:

That Council endorses, in principle, the direction of the Cost and Asset Review Project as outlined in this report.

Background:

Since February 2012 Council has been advocating to the State Government for further assistance in acknowledgement of the impacts of the new and gifted assets upon Council's financial obligations and its long term financial sustainability.

Following advice from the then Minister for Local Government on 26 June 2014 that there would be no additional financial support to Council in relation to the gifted assets, Council undertook an advocacy program with the community on six options, invited the community to provide additional suggestions and has received feedback in relation to the mix of options that should be pursued.

The options included:

1. Rate rises
2. Differential rating categories
3. Asset sales
4. Transfer of support for community assets
5. Review of capital expenditure
6. Review of council services

It was recognised that these proposals could be considered individually or in any combination to assist in achieving the necessary outcomes of raising revenue and/or cutting costs.

Whilst a range of responses were received from the community, there was a clear preference for Council to concentrate its responses in relation to Options 2, 3, 4 and 5.

Council Plan/Strategies:

The decisions in relation to Council priorities will implement the objective of the Council Plan 2013-2017 Our Council Goal to provide strategic leadership and effective governance that supports the aspirations of our community.

Legal/Policy Issues:

The outcomes of Council's review of the costs of its assets and other financial measures will direct Council's future budgets, long term financial planning and also its responsibilities regarding Crown and other land and facilities which it does not own.

Financial/Resources/Risk

Work undertaken as part of the implementation of the options discussed with the community will be determined and incorporated into future budgets (starting from the 2015-2016 budget) and also Council's Long Term Financial Plan.

Discussion:

During the second half of 2014, following the advice from the Minister for Local Government that 'the Government has no plans to provide further financial assistance in relation to your gifted assets', Council undertook extensive community engagement. This engagement sought to inform the community about the impacts of the new and gifted assets and to gain feedback on options which Council should consider to address its long term financial sustainability.

In addition to considering these options, it has become evident that Council's advocacy approach needs to be based upon the acceptance that Council will need to manage the immediate and potentially the long term implications of the new and gifted assets. This advocacy also needs to emphasise the broader community and economic needs of the Shire to place it in a stronger position to deal with these financial implications. It is acknowledged that this will also assist in focussing government efforts positively on new, community-focussed funding needs, rather than on a backward focus that relies on fixing the consequences of post – reconstruction activity. This is reflected in the revised Advocacy Plan which is also the subject of a report to this Ordinary Council meeting.

The discussions with the community identified that there were a range of options that should be considered by Council and that it would be likely that a mix of these options, rather than considering them mutually exclusive, should be pursued by Council. Whilst immediate benefit should be sought, it is acknowledged that some outcomes may take a longer period, especially when they involve the State Government and community organisations.

The options that it is now desirable for Council to pursue can be grouped into five general areas, as outlined below:

1. The consideration of new differential rating categories, following community consultation.

Council has placed on public exhibition a draft Rating Strategy and received submissions which were heard at a Special Council meeting on 11 March 2015. Council will be considering those submissions and the draft Rating Strategy at this Ordinary Council meeting.

2. The reduction of financial support for a range of assets by transferring support for those assets for which Council has no responsibility to their own responsible body, and the sale of appropriate assets.

Council should continue to review the use of its assets and where there is no longer a requirement or where community users are unwilling to support the assets, then the sale of such assets should be included in Council's planning and budget considerations.

There is a range of assets and infrastructure that is the responsibility of State Government agencies and departments for which Council provides either financial support or undertakes works. Discussions have been commenced with State Government officers with the objective of having the State Government take over the levels of support currently provided by Council or funding Council for these activities.

3. Engaging with community groups and committees to transfer responsibility for managing and maintaining community assets in order to provide the community with a greater say in how these assets are managed into the future.

Council will be engaging with local communities and committees of management to seek their increased contribution to the management of community facilities. This contribution will need to be based upon the capacity of these community organisations as well as the benefits that accrue to the primary users of community facilities. In particular, Council will be seeking an increased responsibility by the community in relation to the operating and maintenance costs of the facility whilst acknowledging that it should continue to cover long term renewal (however the level of the renewal needs to be determined).

The engagement with local communities and committees of management will be undertaken on a case by case basis recognising the differing capacities of each community. Officers will also continue to investigate alternative governance

arrangements which may provide a cost effective approach for Council. These governance arrangements which may be explored include the establishment of town based Incorporated Associations that have responsibility for a number of facilities, Advisory Committees and/or licence or lease arrangements for individual organisations.

4. The development of a policy in respect of asset renewal which identifies the extent to which renewal of identified assets is assessed by Council as appropriate for individual communities. Reducing commitment to funding renewal at an appropriate level rather than the 100% currently projecting in Council's Asset Management Plans will assist markedly in reducing the financial pressure currently faced.

It is acknowledged that in many cases the gifted assets are in excess of those that would normally be required and funded for communities of the sizes in which these assets are located. In addition, there may be some 'old assets' that should not be renewed in favour of other new assets.

It is therefore appropriate that as part of the review of Council's Asset Management Strategy, the level of renewal funding should be reviewed and adjusted where appropriate. The Strategic Resource Plan can identify a target which will guide the review of the Asset Management Strategy and this could be incorporated into Council's 10 year capital improvement plan.

5. Continuous improvement in Council operations

Council will continue to review its operations to achieve efficiencies and limit annual increases in operating and maintenance costs. There will also be additional savings to be realised through the transfer of asset maintenance, operating costs and responsibilities to State Government agencies and departments and the greater involvement of community organisations and committees of management in the management of community assets.

Consultation:

As each of these options is further developed there will be comprehensive consultation with individual community organisations, committees of management and the broader community. In addition, significant engagement will be required with State Government agencies and departments and this has commenced.

Conclusion:

Following the extensive community consultation in 2014 Council has received feedback on the range of options that it should consider in order to address its long term financial sustainability. In addition, Council's advocacy to State and Federal Governments reflects this commitment to addressing the broader community and economic needs of the Shire which will also place it in a stronger position to deal with these financial challenges. This work provides Council with a strong framework to action over the coming months.

RESOLUTION:

Cr C Ruhr / Cr A Derwent

That Council endorses, in principle, the direction of the Cost and Asset Review Project as outlined in this report.

CARRIED

6.9 MURRINDINDI ENVIRONMENT ADVISORY COMMITTEE MEETING MINUTES

REF: 14/43731

(Refer Encl 6.9 - MEAC Minutes 10.02.2015)

The minutes of the Murrindindi Environment Advisory Committee Meeting held on 10 February 2015 are attached for receiving.

Recommendation:**That the Minutes of the Murrindindi Environment Advisory Committee meeting held on 10 February 2015 be received.****RESOLUTION:**

Cr J Kennedy / Cr C Challen

That the Minutes of the Murrindindi Environment Advisory Committee meeting held on 10 February 2015 be received.

CARRIED**6.10 PETITIONS RECEIVED BY COUNCIL*****'Place of Assembly' and Farming Zoned Land Petition******Addendum report as presented.***

REF: 15/13696, 15/13698, 15/13999

Council received a petition on 23 March 2015 from a lead petitioner on behalf of 135 residents, visitors and landholders regarding festivals being approved by Council in farming zoned areas.

The petition is in response to the approval of the Strawberry Fields event. The petition is specifically seeking:

“Council reconsider the planning approval process for ‘Places of Assembly’ under which these events are approved, as part of the overall Local Planning Scheme. To act now would prevent unnecessary community concerns, which will otherwise escalate further across the Shire of Murrindindi. We also request that this issue be presented on our behalf to the Department of Planning and Development for amending the appropriate clauses of the Victorian Municipal Planning Scheme.”

The key issues raised by the petitioners are summarised as being:

- The local roads are not appropriate for the levels of traffic an event creates
- The local area has experienced a very destructive and early fire season this creates concerns for the welfare of visitors with little to no mobile coverage.
- That the local roads would not handle a mass evacuation in the event of an emergency
- Belief that a culture of supporting such permit applications may attract further events both legal and illegal.
- Associated problems including risk management and noise pollution are not seriously considered or adequately monitored

- Concerns with the immediate and long term impacts of potential drug use at such events
- The remoteness of communities creates an issue if there is a need for health or emergency services to attend
- Patron behaviour, extreme noise and trespassing
- Perceived economic benefit to communities is incorrect –highlighted by the Victoria Police operation at Strawberry Fields' Tocumwal event last year that cost the taxpayer more than 1050 hours of their time. Any emergency hospitalisation costs more than \$4000 *per day*.

The head petitioner further calls for Council to “reflect on our request to *not* approve such applications that fall under ‘Place of Assembly’ in Farming Zones, and in the interim, place much greater restrictions on permits issued than has been previously undertaken, until policy guidelines are developed”. It is requested that this issue be listed as a specific work item in the revised Murrindindi planning scheme, or at a minimum, a specific guideline and that Council support the concerns by sending this onto the Minister for the Department of Transport, Planning, and Infrastructure “to amend the Victorian Planning Provisions, to reinforce the need to prevent further social divisions, environmental impacts and confusion spreading to other councils and communities”

Recommendation:

That the petition be received, noted and referred to the General Manager Infrastructure & Development Services for a report to be prepared for the 22 April 2015 Ordinary meeting of Council.

RESOLUTION:

Cr J Walsh / Cr J Kennedy

That the petition be received, noted and referred to the General Manager Infrastructure & Development Services for a report to be prepared for the 22 April 2015 Ordinary meeting of Council.

CARRIED

7. SEALING REGISTER

File: 13/6325

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
CONT 14/18	5 March 2015	Formal Instrument of Agreement for the Yea Swimming Pool Redevelopment between Murrindindi Shire Council and Farley Pools.	Margaret Abbey Margaret Rae
CONT 14/16	5 March 2015	Formal Instrument of Agreement for the Ghin Ghin Bridge Replacement between Murrindindi Shire Council and Civil Bridge & Wharf Pty Ltd.	Margaret Abbey Margaret Rae
SF/1803	5 March 2015	Transfer of Land, 3871 Melba Highway, Glenburn, Country Fire Authority to Murrindindi Shire Council.	Margaret Abbey Margaret Rae

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/640	10 March 2015	Sublease of part of Railway lot 29 at Alexandra between Victorian Rail Track trading as VicTrack (Head Landlord), Murrindindi Shire Council (Landlord) and The Alexandra & Eildon District Lapidary Club Inc. (Tenant).	Margaret Abbey Margaret Rae
SF/861	10 March 2015	Sublease of part of Railway lot 29 at Alexandra, excluding Lots 14 & 16, between Victorian Rail Track trading as VicTrack (Head Landlord), Murrindindi Shire Council (Landlord) and Alexandra Timber Tramway & Museum Inc. (Tenant).	Margaret Abbey Margaret Rae
SF/887	13 March 2015	Sublease of part of Railway Lot 29 at Alexandra, between Victorian Rail Track trading as VicTrack (Head Landlord), Murrindindi Shire Council (Landlord) and Alexandra Community Shed/Eildon & District Woodworkers Guild Inc (Tenant)	Margaret Abbey Margaret Rae
SF/123	11 March 2015	Instrument of Delegation to the Chief Executive Officer	Margaret Rae John Kennedy
SF/123	18 March 2015	Instrument of Delegation to Members of Council Staff	Margaret Abbey Margaret Rae
SF/123	18 March 2015	S11. Instrument of Appointment and Authorisation - Murrindindi Shire Council	Margaret Abbey Margaret Rae
SF/123	18 March 2015	S11A. Instrument of Appointment and Authorisation (Planning and Environment Act 1987) - Murrindindi Shire Council	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 A Derwent

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 J Walsh provided the following report:

In addition to the planning matters that have been addressed this evening, I have also attended:

Timber Towns AGM held at Parliament House. The primary focus for the coming year is to update the Timber Impacted Roads report and all member Councils will be asked to contribute data on timber operations for the upcoming five year period.

Central Ranges Local Learning and Employment Network strategy development meeting where there will be an emphasis on improving the employment opportunities for young people through support for economic development initiatives as well as continuing the partnerships with local industries.

Represented the Council at the funeral of Ken Mc Colm who was not only the major driver of the Alexandra Band but also worked tirelessly to the musical education of our young people and youth with learning difficulties amongst many of his community contributions. It says something of the man and his wife Jill that his last trip was to the tune of "You don't have to go home – but you can't stay here".

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr C Challen provided the following report:

- This month the GRVT Board meeting was held at the revamped 501 Bar and Grill at Jerusalem Creek Marina and Holiday Park. There has been some impressive development taking place and I recommend to Councillors to take a leisurely drive and have a look around Jerusalem Creek if you haven't been there for a while.
- The inaugural Open Veggie Gardens was held last weekend. 8 gardens were open to the public and there have been very positive comments from people who travelled, in some cases, long distances to see them. I believe this has fantastic potential as has garden tourism generally in our Shire. When we look around our townships and beyond, there are some lovely gardens and there's an obvious interest in gardening by our residents.
- The Small Business Bus is coming to our Shire. It will be at Marysville on the 13th April and will be parking outside the Visitor Information Centre (VIC), then on to Eildon on the 14th April located opposite the Hardware Store and finally to Alexandra on the 15th April, near the ANZ Bank in Grant Street.

The Victorian Government is offering a free mentoring service throughout the visiting days, as well as tools and tips to assist people.

Bookings are essential for the mentoring sessions and anyone is welcome to reserve a place by ringing the designated number (132215) or logging in to www.business.vic.gov.au/sbb.

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr C Ruhr advised:

- Kerbside Contractors - Contracts have been negotiated. Should be signed off at the end of the month
- Landfill Leachate - Protracted contract negotiations have been finalised and will be signed off at end of month
- Taylor Bay - Community meeting is set for 18 April
- Cleanup Australia - Council assisted seven Landcare groups at eight locations around the shire. In total 180kg of rubbish was collected of which approximately 50% is recyclable.

8.4 COMMUNITY SERVICES PORTFOLIO

Cr J Kennedy provided the following report:

I had registered to attend a Seminar on Community Activities in Local Government that promised a number of Council case histories in Melbourne on Thursday 19 March.

However ahead of the date I received an email that the presenting organisation had been placed in administration and the full day seminar would not be presented.

I have recently been alerted to a new mature age resident arrival in Yea who having purchased a villa unit has some mobility issues.

I am currently awaiting his family's consent to allow me to pass on his contact details to Naomi McNamara and her team for potentially some assistance for the gentleman.

I will also attend the Freeza schools music event to be held in Yea on Wednesday 22 April from the start at 2 pm.

Although not directly in my Portfolio I'd just like to report of the very well organised and even better very well attended Celebration of 155 Years of Public Education in Yea on Saturday last.

The attendances and the quality of the presentations at the three venues, the Yea Primary School, the Yea Pioneer Reserve and the Yea High School were exceptional.

The event also brought a large number of former students and teachers who are now out of towners back to Yea and the feedback I have received from local traders indicates it was a very busy weekend.

I should declare that I was a sometime itinerant member of the organising committee and I also edited and wrote a 15,000 word booklet compiled from memories of previous students some date backing back to the first half of last century and it was a personally informative and interesting project on early memories of the Yea community.

8.5 CORPORATE SERVICES PORTFOLIO

Cr B Magner provided the following report:

Officers have continued to work towards finalising the draft 2015/16 Budget and the draft Strategic Resource Plan for consideration by Council at the Special Meeting of 8 April.

The Council's Rating Strategy has been finalised for consideration at this meeting.

Work has progressed in preparation for an external audit of Council's Records and Information Management system by the Public Records Office of Victoria, the audit will be conducted on 23 April.

Audit plans have been finalised with Council's new External and Internal auditors for audits covering the next 12 months.

Council's Valuation tender is currently open for submissions and closing on the 31st of March. This tender will cover the provision of valuation services by Council for the 2016 General Re-valuation of all properties within the municipal boundaries.

Work has commenced to update the forms and content for Council's website to meet best-practice accessibility standards.

Considerable resource continues to be allocated to dealing with an influx of Freedom of

Information applications, primarily from a single individual. Council traditionally averages 6 applications per year, but have received 24 as of the middle of March for the current financial year.

8.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

No further report.

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

This month has seen a range of activities at which I have represented Council:

- **MAV Strategic Planning meeting** with the CEO: this meeting provided the opportunity to receive updates on activities undertaken by the MAV over the past year which included:
 - Victorian State Local Government Agreement
 - Funding issues in relation to libraries, early years and HACC services
 - Bond issue - successfully implemented with AA2 rating
 - Planned self insurance scheme for workers compensationand to hear about their agenda for the coming year. Key issues will include:
 - Rate capping
 - Federation review
 - MAV Act
 - Federal Assistance Grants
 - Electoral review of designated Councils
 - EPA levies
- Hume Region Local Government Network together with the CEO: this included a presentation from Regional Development Victoria Hume Region.
- Together with Councillor Challen and the CEO, I met with Jaclyn Symes, State member for Northern Victoria, who undertook an extensive tour of the eastern side of the shire and intends to tour the western side at a later date.

I also had the pleasure of attending the following community events:

- the **Cittaslow Australian Annual General Meeting** held in Yea, one of three Cittaslow towns in Australia. The International Congress is planned to be held in Goolwa in 2017.
- the **Alexandra Race Club meeting for the running of the Alexandra Cup**. This was a very successful event and was well attended, with a number of distinguished visitors including the Minister for Racing, the Hon Martin Pakula and the Minister for Regional Development, the Hon Jaala Pulford, the Federal member for Indi, Cathy McGowan, and the State member for Eildon, Cindy McLeish.
- with the Deputy Mayor I attended **the celebration of 155 years of State education in Yea**, with presentations and displays taking place in the Primary School, the Pioneer Centre and the High School. Hundreds of past and present students and families came and it was a most enjoyable occasion.
- **the presentation of a plaque by the Mechanics Institute of Victoria** to mark the 130th anniversary of the Mechanics Institute in Alexandra where the Library also commenced and still continues in the building.

In addition, it is with sadness that I note the passing of Mark Lewis, former Councillor of Alexandra Shire and a passionate and committed member of our community.

8.8 GENERAL BUSINESS

RESOLUTION:

Cr C Ruhr/ Cr J Kennedy

That Cr C Challen be appointed the alternate delegate to Goulburn Valley Waste & Resource Recovery Local Government Forum.

CARRIED

9. MATTERS DEFERRED FROM PREVIOUS MEETING

No matters deferred from previous meeting.

10. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

No motions received.

11. ASSEMBLIES OF COUNCILLORS

REF: CY15/110

Purpose:

This report presents the records of assemblies of Councillors for the 18 February 2015 to 11 March 2015, 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 18 February 2015 to 11 March 2015.

Background:

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

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

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

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

Summary:

Meeting Name / Type	Councillor Briefing Session
Meeting Date	18 February 2015
Matters discussed	<ol style="list-style-type: none"> 1. Strategic Resource Plan Review 2. Rating Strategy 3. Second Year Council Plan Review 4. Development and Environmental Service Department Quarterly Activity Report 5. December 2014 Capital Works Program 6. Waste Fees & Charges 2015-16 7. Solar Installation Project
Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Derwent, Cr Walsh, Cr Magner	Staff – M Abbey, A Bond, E Wyatt, J Canny, M Parsons, M Leitinger, J Russell
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Economic Development Advisory Committee
Meeting Date	23 February 2015
Matters discussed	<ol style="list-style-type: none"> 1. Key directions for Economic Development 2. Growing the Rate Base 3. Eildon Structure Plan 4. RCV Summit 5. Plansmart 6. Project Updates
Attendees: Councillors – Cr Rae, Cr Challen, Cr Derwent	Staff – M Abbey, B Elkington, M Parsons, L Wallace
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Murrindindi Environment Advisory Committee
Meeting Date	25 February 2015
Matters discussed	<ol style="list-style-type: none"> 1. Council's Historical Offsets Program 2. Council's submission to VicForest on the Ecologically Sustainable Forest Management Plan 3. Council's Environment Policy Review 4. Council's Environment Strategy Review
Attendees: Councillors –Cr Kennedy,	Staff – M Leitinger, Z Blakeney
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Pre Council Meeting Discussion
Meeting Date	25 February 2015
Matters discussed	<ol style="list-style-type: none"> 1. Strategic Resource Plan Review 2. Amendment C54 - LPPF 3. Quarterly financial Report 4. 2016 General Valuation

5. Draft Rating Strategy				
Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Walsh, Cr Derwent, Cr Magner			Staff – M Abbey, M Chesworth, A Bond, E Wyatt, J Canny	
Conflict of Interest disclosures -				
Matter No.	Councillor making disclosure	Was a vote taken?	Did Councillor leave the room?	When? Before / after discussion / vote?
Item 2 – Agenda Item 6.2	Cr Rae	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Before discussion
Item 2 – Agenda Item 6.2	CEO – Margaret Abbey	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Before discussion

Meeting Name / Type	Councillor Briefing Session
Meeting Date	4 March 2015
Matters discussed	<ol style="list-style-type: none"> 1. GMW – Current Activities & Future Plans 2. Waste Services in Taylor Bay 3. Yea Saleyards 4. Draft Budget
Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Challen, Cr Derwent, Cr Walsh	Staff – M Abbey, E Wyatt, M Parsons, B Elkington, M Chesworth, M Leitingner, J Russell, A Bond
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	11 March 2015
Matters discussed	<ol style="list-style-type: none"> 1. LGPro Emerging Leaders Program 2. Planning Application - Thornton 3. Castella Quarry – Proposed Amended Hours 4. Murrindindi Shire Council Advocacy Plan 5. Council Plan – Second Year Review 6. Draft Budget
Attendees: Councillors - Cr Rae, Cr Kennedy, Cr Challen, Cr Walsh, Cr Derwent, Cr Magner, Cr Ruhr	Staff – M Abbey, E Wyatt, M Chesworth, M Parsons, K Girvan, M Crane, A Bond, J Rabel
Conflict of Interest disclosures - Nil	

RESOLUTION:

Cr J Kennedy / Cr C Challen

That Council receives and notes the record of assemblies of Councillors for 18 February 2015 to 11 March 2015.

CARRIED

12. URGENT BUSINESS

No urgent business.

RESOLUTION:

Cr C Ruhr / Cr J Walsh

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 9.04 pm.

RESOLUTION:

Cr C Ruhr / Cr J Walsh

That the meeting re-open to the public.

CARRIED

The meeting re-opened to the public at 9.06 pm.

There being no further items of Business, the Chairperson declared the meeting closed at 9.06 pm.

CONFIRMED THIS

CHAIRPERSON
