



MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 27 APRIL 2016
in the
ALEXANDRA CHAMBERS
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 | Amendment C55, Murrindindi Planning Scheme..... | 5 |
| 6.2 | Proposed Rezoning – Kinglake Cemetery – C59 | 9 |
| 6.3 | Delegation & Authorisations Update..... | 11 |
| 6.4 | Section 86 Committee of Management Membership..... | 14 |
| 6.5 | Primary And Ordinary Returns Exemption..... | 20 |
| 6.6 | Murrindindi Environment Advisory Committee Meeting – March 2016..... | 23 |
| 7. | SEALING REGISTER | 27 |
| 8. | COUNCILLOR PORTFOLIO REPORTS..... | 27 |
| 8.1 | Land Use Planning Portfolio..... | 27 |
| 8.2 | Economic Development Portfolio | 28 |
| 8.3 | Infrastructure and Waste Portfolio | 29 |
| 8.4 | Community Services Portfolio | 29 |
| 8.5 | Corporate and Customer Services Portfolio | 29 |
| 8.6 | Natural Environment & Climate Change Portfolio..... | 29 |
| 8.7 | Mayor and Delegated Committee Reports | 30 |
| 8.8 | General Business..... | 30 |
| 9. | MATTERS DEFERRED FROM PREVIOUS MEETING | 30 |
| 10. | MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN | 30 |
| 10.1 | Notice of Motion | 30 |
| 11. | ASSEMBLIES OF COUNCILLORS | 33 |
| 12. | URGENT BUSINESS | 35 |
| 13. | CONFIDENTIAL ITEMS | 35 |
| 13.3 | Bridge Renewal/Refurbishment Program 2015/16 | 35 |
| 13.4 | Audit Committee Appointments..... | 36 |

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

REF: SF/306

Apologies were received by Cr C Challen.

Present:

Crs M Rae (Chair), A Derwent, J Kennedy, J Walsh, E Lording, C Healy

In attendance:

Chief Executive Officer: Margaret Abbey

General Manager Infrastructure and Development: Elaine Wyatt

Manager Business Services: Andrew Bond

Manager Communications Library & Customer Services: Jacqui Rabel

Manager Development Services: Shivaun Brown

Coordinator Statutory Planning: Karen Girvan

Governance Officer: Audrey Kyval

RESOLUTION:

Cr J Walsh / Cr J Kennedy

That Council accepts Cr C Challen's apology.

CARRIED

3. CONFIRMATION OF MINUTES

➤ Minutes of the Ordinary Meeting of Council held on 23 March 2016

Officer Recommendation:

That the Minutes of the Ordinary Meeting of Council held on 23 March 2016 be confirmed.

RESOLUTION:

Cr J Kennedy / Cr J Walsh

That the Minutes of the Ordinary Meeting of Council held on 23 March 2016 be confirmed.

CARRIED

➤ Minutes of the Special Meeting of Council held on 13 April 2016

Officer Recommendation:

That the Minutes of the Special Meeting of Council held on 13 April 2016 be confirmed.

RESOLUTION:

Cr J Kennedy / Cr J Walsh

That the Minutes of the Special Meeting of Council held on 13 April 2016 be confirmed.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

REF: SF/783

Nil

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

Two questions were received from Jack Russell:

Question 1 Council is required to provide their 'Submission' to the ESC (prior to 31/03/16) 21/03 and for the general public (refer your statement - minutes at 5.1 Question 1 of 24/02/16). I require the release of that document prior to the 29th April 2016 and will Council comply? (see enclosure 1).

Question 2 When is Council, on the Hall Committee, going to provide my access to the 2 rooms at the front of the old shire hall at Yea as requested 3 months ago?

The Chief Executive Officer responded:

Question 1 Council's application to the Essential Services Commission is published on their website.

Question 2 Mr Russell has previously been advised that these two rooms are required for storage and are not suitable being un-renovated public toilets or appropriate for public access and use.

Two questions were received from Keith Davies:

Question 1 Is the Council aware that there are large volumes of Heavy Transport still delivering feed to the Blackmore property in Halls Flat Rd and of late these have been pre-dawn deliveries for processing in their mill?

Question 2 Is the Council aware that very few stock are being run on the paddocks that are in close proximity to public scrutiny? Upon further investigation from several vantage points it is clear the majority of stock are being contained in the paddock lots close to the river in numbers larger than acceptable for the reduced available lots.

The Chief Executive Officer responded:

Question 1 Council officers have been in discussions with a neighbouring owner and have received information in relation to on farm activities.

Question 2 Further onsite investigation will be undertaken if required. A process for ensuring the farm is complying with the Planning Scheme is underway.

Two questions were received from Margaret Cameron:

Question 1 For more than a month now, neighbours have counted more than 1000 head of cattle on Mr Blackmore's property. Under what regulations is MSC, as the responsible authority regulating the operation?

Question 2 If the operation was being regulated under the Victorian Code for Cattle Feedlot there would be have to be separation distance of 200m from the bore on Andretta's Property. There would also have to be a separation distance of 200m from the Mill operation. Why is MSC, as the responsible authority, are these regulations not enforced?

The Chief Executive Officer responded:

Question 1 Murrindindi Shire Council is the Responsible Authority for administering and enforcing the Planning Scheme. Objectives of planning enforcement include ensuring compliance with the Planning Scheme using a range of enforcement mechanisms. A process is in place to ensure compliance in this matter.

Question 2 The use of the property does not constitute a cattle feedlot and therefore cannot be regulated under the Victorian Code for Cattle Feedlots.

5.2 OPEN FORUM

REF: SF/130

Alex Pottage, Kinglake Ranges Cemetery Trust, spoke in support of the Proposed Rezoning – Kinglake Cemetery – C59 (Item 6.2 on the agenda).

Les Joynson, Kinglake Ranges Cemetery Trust, spoke in support of the Proposed Rezoning – Kinglake Cemetery – C59 (Item 6.2 on the agenda). Mr Joynson provided a letter of support from Kinglake Ranges Neighbourhood House Inc.

Maureen Jackson, Planning Consultant for the Kinglake Ranges Cemetery Trust, spoke in support of the Proposed Rezoning – Kinglake Cemetery – C59 (Item 6.2 on the agenda).

The Chairperson closed Public Participation Time.

5.3 PETITIONERS SPEAKING TO PETITIONS

REF: SF/132

5.3.1 EILDON STRUCTURE PLAN EXHIBITION

REF: SF/1439

Attachment: (Petitions circulated to Councillors under separate cover)

Council has received a petition relating to the Eildon Structure Plan which is currently out for Public Exhibition. The petition calls for:

“The petitioners request –

1. The Shire of Murrindindi NOT proceed with, and revoke the planning proposals to rezone from the bridge to the far side of the tennis courts including the football oval by Eildon Road from Public use to mixed use zone.
2. The Shire of Murrindindi NOT proceed with, and revoke the planning proposals to rezone Riverside Drive from Park Avenue to south end from public use to public park and recreation zone.

3. The Shire of Murrindindi NOT proceed with, and revoke the planning restrictions on Eildon's 1950's Housing"

The petition was signed by 409 people. The petition was submitted by Wendy Dare, Secretary of Eildon Action Inc.

This petition forms part of a greater submission to Council regarding the Eildon Structure Plan.

Officer Recommendation:

That the petition be received, noted and referred to the General Manager Infrastructure & Development Services for a report to be prepared for the 25 May 2016 Ordinary Meeting of Council.

RESOLUTION:

Cr C Healy / Cr E Lording

That the petition be received, noted and referred to the General Manager Infrastructure & Development Services for a report to be prepared for the 25 May 2016 Ordinary Meeting of Council.

CARRIED

6. OFFICER REPORTS

6.1 AMENDMENT C55, MURRINDINDI PLANNING SCHEME

REF: SF/2041

Attachment: Amendment C55 Package (refer *Attachment 6.1a* – TRIM 16/18416)
Planning Panel Report (refer *Attachment 6.1b* – TRIM 16/12858)

Purpose:

To advise Council of the background to Amendment C55, the panel report for the amendment and recommend that Council adopt the amendment with changes to include all recommendations of the panel.

Officer Recommendation:

That:

Having prepared and exhibited Amendment C55 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*;

Having considered all submissions to Amendment C55 to the Murrindindi Planning Scheme under Section 22 of the *Planning and Environment Act 1987*;

Having considered the report of the independent panel for Amendment C55 to the Murrindindi Planning Scheme under Section 27 of the *Planning and Environment Act 1987*;

Murrindindi Council resolves to:

1. Adopt Amendment C55 to the Murrindindi Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987*, adopting the amendment with changes to include all recommendations of the independent panel, as follows, in accordance with the attached Amendment C55 package:
 - Review the Amendment to include any consequential changes arising from the approval of Amendments C46 and C54;

- Apply the Development Plan Overlay Schedule 2 to 6469-6489 Melba Highway, Yea;
 - Change the exhibited western boundary of the General Residential Zone on 5691 Whittlesea-Yea Road, Yea to exclude the area currently subject to the Urban Floodway Zone;
 - Delete the rezoning of Crown land (CA 2 Sec 30 and CA 2 Sec 29, Township of Yea) from Public Use Zone Schedule 7 to General Residential Zone;
 - Add Lot 11 to land being rezoned in Ewing Wynd (Lots 1-10, PS 419551B) from Farming to Rural Living to rezone the whole of this existing 'rural living' subdivision.
2. Submit Amendment C55 to the Murrindindi Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the *Planning and Environment Act 1987*.

Background:

In 2014, Council undertook a structure plan for the Yea township and environs to guide future land use, development, growth potential and servicing of the area for the next 15-20 years.

The plan was prepared by the consulting firm PLANIT, on behalf of Council. Council adopted the *Yea Structure Plan 2014* at its meeting on 29 November 2014. The adopted plan:

- Outlined new strategic directions for land use and development, infrastructure and economic and community development.
- Proposed some changes to controls, that is the rezoning of some land and the reduction of minimum subdivision size in the Rural Living Zone to the immediate northeast and west of the Yea township.

Amendment C55 proposes to implement the adopted *Yea Structure Plan 2014* into the Murrindindi Planning Scheme by:

- Including the adopted plan as a 'reference' or 'policy' document to the scheme.
- Making changes to strategies.
- Rezoning and planning overlay changes.
- Amendment to the Rural Living Zone schedule to reduce subdivision sizes for areas closer to the Yea township itself from 4 / 6 hectares minimum / average to 2 hectares minimum.

In addition to land use planning related matters, the adopted structure plan lists some implementation items for future Council works programs and budgets that will guide future Council and VicRoads actions for economic development and infrastructure.

Council Plan/Strategies:

The proposed amendment is consistent with the Our Environment goal in the Murrindindi Shire Council Plan 2013-2017, specifically in relation to the strategic objectives and directions relating to Planning for Urban Growth and implementing ongoing changes to the Murrindindi Planning Scheme.

Legal/Policy Issues:

There are no particular legal issues associated with the exhibited amendment. The adopted structure plan has revised policy directions for the Yea township area, which are now proposed to be given further policy weight through implementation in the planning scheme.

Financial/Resources/Risk:

The Yea Structure Plan was funded by Council (\$25,000), with Amendment C55 being prepared internally by Council Officers.

Fees are applicable for a panel to hear submissions. Council has received an invoice for \$8,893.92 for panel fees. A fee of \$798 will be incurred when forwarding the adopted amendment to the Minister for Planning for approval. Panel and amendment approval fees will be funded from the existing planning operating budget.

Discussion:

An adopted structure plan should be implemented into the planning scheme to both give it more policy weight and to implement rezoning and other changes to planning controls.

Submissions to Amendment C55 raised the following key issues:

- The level of native vegetation and biodiversity assessment and protection supporting the structure plan and amendment (DELWP submission).
- Amenity concerns between the Farming and Rural Living Zones, servicing for rural living development and the proposed reduction in minimum subdivision size in some areas of the Rural Living Zone from 4 hectares minimum / 6 hectares average to 2 hectares minimum.
- The merits of reducing the minimum subdivision size for the area of the Low Density Residential Zone area in Lawrances Road that has reticulated sewerage from 0.4 hectares to 0.2 hectares.
- The need for a Development Plan Overlay to be applied to 5691 Whittlesea – Yea Road and 6469 – 6489 Melba Highway to guide future access, layout and development.
- A proposed addition to the amendment (not exhibited) to add Lot 11 to land being rezoned in Ewing Wynd (Lots 1-10, PS 419551B) from Farming to Rural Living to formalise the zoning for the whole of this existing ‘rural living’ subdivision on the southern side of the Yea township.

As not all submissions could be resolved, at its meeting on 28 November 2015 Council referred all submissions to an independent panel for consideration. The panel (M Kirsch, chair) was held in February with the panel report received on 18 March 2016. In summary, the panel report considered and recommended:

- The amendment is strategically justified.
- Support for Council's responses to submissions.
- Issues raised in submissions can be adequately dealt with, in conjunction with changes recommended by the panel.
- The Development Plan Overlay 2 is not required to be applied to 5691 Whittlesea-Yea Road, Yea, as requested by VicRoads.
- The amendment be adopted as exhibited, subject to the following:
 - Review the Amendment to include any consequential changes arising from the approval of Amendments C46 and C54.
 - Apply the Development Plan Overlay Schedule 2 to 6469-6489 Melba Highway, Yea.
 - Change the exhibited western boundary of the General Residential Zone on 5691 Whittlesea-Yea Road, Yea to exclude the area currently subject to the Urban Floodway Zone.
 - Delete the rezoning of Crown land (CA 2 Sec 30 and CA 2 Sec 29, Township of Yea) from Public Use Zone Schedule 7 to General Residential Zone.
 - Add Lot 11 to land being rezoned in Ewing Wynd (Lots 1-10, PS 419551B) from Farming to Rural Living to rezone the whole of this existing ‘rural living’ subdivision.

The panel recommendations are considered to be sound and will provide a strong basis for the adoption of the amendment. Although the application of the Development Plan Overlay Schedule 2 to 6469-6489 Melba Highway, Yea was not exhibited and was not subject to a specific submission or any debate at the panel hearing, the panel recommendation to apply the overlay to the land is considered reasonable as it will assist in the appropriate design of lots on elevated land and avoid any access off Melba Highway.

Consultation:

An informal exhibition was held for the draft *Yea Structure Plan 2014*, including a public meeting with formal exhibition of the amendment occurring between 7 May and 8 June 2015. This included giving general notice in the local press, direct notice to all landowners affected by proposed zoning, overlay or planning control changes and direct notice to previous submitters to the informal exhibition of the *Yea Structure Plan 2014*. Sixteen (16) submissions were received, five (5) from agencies and eleven (11) from private landowners. As Council did not

entirely agree with four (4) submissions, it requested an independent panel to hear all submissions.

Conclusion:

Amendment C55 has been prepared to implement the *Yea Structure Plan 2014* into the Murrindindi Planning Scheme to guide future land use and development for the Yea township and environs for the next 15-20 years. Although the extent of proposed rezoning and proposed changes to overlays and planning controls was very modest, submissions were received that could not be fully met by Council. A panel that considered all submissions has now found that the amendment is sound and that Council should adopt the amendment with minor changes. It is considered that recommended changes are reasonable and will further implement the intent and effectiveness of the amendment.

It is now recommended that Council adopt Amendment C55 with changes to include all recommendations of the panel.

RESOLUTION:

Cr J Kennedy / Cr J Walsh

That:

Having prepared and exhibited Amendment C55 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*;

Having considered all submissions to Amendment C55 to the Murrindindi Planning Scheme under Section 22 of the *Planning and Environment Act 1987*;

Having considered the report of the independent panel for Amendment C55 to the Murrindindi Planning Scheme under Section 27 of the *Planning and Environment Act 1987*;

Murrindindi Council resolves to:

- 1. Adopt Amendment C55 to the Murrindindi Planning Scheme in accordance with Section 29 of the *Planning and Environment Act 1987*, adopting the amendment with changes to include all recommendations of the independent panel, as follows, in accordance with the attached Amendment C55 package:
 - Review the Amendment to include any consequential changes arising from the approval of Amendments C46 and C54;
 - Apply the Development Plan Overlay Schedule 2 to 6469-6489 Melba Highway, Yea;
 - Change the exhibited western boundary of the General Residential Zone on 5691 Whittlesea-Yea Road, Yea to exclude the area currently subject to the Urban Floodway Zone;
 - Delete the rezoning of Crown land (CA 2 Sec 30 and CA 2 Sec 29, Township of Yea) from Public Use Zone Schedule 7 to General Residential Zone;
 - Add Lot 11 to land being rezoned in Ewing Wynd (Lots 1-10, PS 419551B) from Farming to Rural Living to rezone the whole of this existing 'rural living' subdivision.**
- 2. Submit Amendment C55 to the Murrindindi Planning Scheme, together with the prescribed information, to the Minister for Planning in accordance with Section 31 of the *Planning and Environment Act 1987*.**

CARRIED

Cr J Walsh commended staff with the work done on bringing the Yea Structure to fruition.

6.2 PROPOSED REZONING – KINGLAKE CEMETERY – C59

REF: SF/2420

Attachment: Explanatory Report (refer *Attachment 6.2a* – TRIM 16/14013)
Planning Report (refer *Attachment 6.2b* – TRIM 16/14011)
Zone Map (refer *Attachment 6.2c* – TRIM 16/12665)
ESO Deletion Map (refer *Attachment 6.2d* – TRIM 16/12666)

Purpose:

To seek a Council resolution to request authorisation from the Minister for Planning to prepare Amendment C59, then when authorised, exhibit the Amendment.

Officer Recommendation:

That Council:

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C59 to the Murrindindi Planning Scheme;
2. Notify the Minister for Planning that when it exhibits Amendment C59, Murrindindi Shire Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for the minimum statutory exhibition period of one month; and
3. When authorised by the Minister for Planning, exhibit Amendment C59 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

Background:

The Kinglake Ranges Cemetery Trust (KRCT) has been working with the Department of Health and Human Services to establish a cemetery in the Kinglake local area.

A 4ha crown parcel of land located at 825 Whittlesea-Kinglake Road had been reserved for the purpose of a cemetery for many years. This land is zoned Farming and would require a planning permit to establish a cemetery and also to remove vegetation. The land is heavily vegetated and a decision was made to investigate other options due to the difficulty and costs involved in clearing the land as well as the purchase of vegetation offsets.

The proposed parcel of land in Blackwood Lane is part of the original parcel known as 265 Whittlesea-Kinglake Road, purchased by the State Government in 2010. This land was rezoned from Farming to Public Use Zone 7 (other) by a Ministerial amendment and is predominantly cleared with the exception of a few paddock trees.

The eastern portion of this land (5ha in area) has been gifted to the Kinglake Ranges Foundation to establish a Multi Purpose Facility.

The Department of Health & Human Services (DHHS) has now reserved the crown land for the purpose of a cemetery. A planning consultant is working on behalf of the Kinglake Ranges Cemetery Trust with the support of DHHS on the proposed rezoning of land from the existing Public Use Zone 7 (other public use) to Public Use Zone 5 (cemetery/crematorium).

Council Plan/Strategies:

The proposed amendment is consistent with the Our Environment goal in the Murrindindi Shire Council Plan 2013-2017 3rd Year Review, specifically in relation to the strategic objectives and directions relating to implementing ongoing changes to the Murrindindi Planning Scheme.

Under Our Community the Health and Wellbeing strategic directive is to advocate for and support the lifelong needs of our communities at all ages and all stages.

Legal/Policy Issues:

There are no legal or policy issues associated with the proposal. Amendment C58 does not propose any changes to the Local Planning Policy Framework.

Financial/Resources/Risk:

The proponent is required to pay prescribed fees for the application for the amendment as well as any panel hearing costs, should that be required.

Discussion:

A letter of application to rezone the land has been made by the planning consultant (Maureen Jackson Planning Pty Ltd) on behalf of the Kinglake Ranges Cemetery Trust. As is the case with recent private applications for amendments, the consideration is to seek authorisation to exhibit the amendment and does not indicate Council support of the proposal.

While the current Public Use Zone would allow for the use of the land with a planning permit it is DHHS policy to have cemeteries zoned Public Use 5 (Cemetery/Crematoria). It is also their practice to go through a full amendment process to allow for adequate consultation. The proposal also requests the deletion of the Environmental Significance Overlay which signifies the land as being high quality agricultural land.

A rezoning to Public Use Zone 5 would allow the use and all development on the land for the purposes of a cemetery 'as of right' and no planning permit would be required. The ESO logically should be removed as the proposed use does not relate to agriculture.

The rezoning and potential removal of the Environmental Significance Overlay from this land is addressed in the amendment documents and the public will have the opportunity to make submissions to the amendment proposal.

It is commonly agreed that the land previously reserved for the purpose of a cemetery was inappropriate given the amount of vegetation on this land. The proposed site is predominantly cleared and is large enough to cater for future use. The site has an unimpeded view over Melbourne which has raised some community concern as to whether this is the most appropriate use of the land.

Council has a number of decision points in relation to this amendment. The first is to request authorisation from the Minister for Planning and the second will occur when submissions to the amendment have been received and assessed. This decision will be either to adopt the amendment having satisfied all submissions, to request a panel to hear submissions, or to abandon the amendment.

Consultation:

No formal consultation has occurred to date. Once authorised by the Minister for Planning the amendment will go on exhibition for a period of one (1) month and will be extensively advertised both in the local paper and by mail out to nearby owners. The amendment will also be redistributed to all relevant referral authorities and to prescribed ministers.

Conclusion:

This amendment will facilitate the development of a cemetery in Kinglake and authorisation will allow for formal consultation to occur.

After consultation a further decision of Council will be required in order to determine whether the amendment will proceed and also whether any changes are required.

RESOLUTION:

Cr E Lording / Cr A Derwent

That Council:

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C59 to the Murrindindi Planning Scheme;
2. Notify the Minister for Planning that when it exhibits Amendment C59, Murrindindi Shire Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for the minimum statutory exhibition period of one month; and
3. When authorised by the Minister for Planning, exhibit Amendment C59 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

CARRIED**6.3 DELEGATION & AUTHORISATIONS UPDATE**

REF: 16/17485

Attachment: S6 Instrument of Delegation to members of staff (refer *Attachment 6.3a* - TRIM 16/16083), S11 Instrument of Appointment and Authorisation (refer *Attachment 6.3b* - TRIM 16/16784)

Purpose:

The purpose of this report is to seek Councils adoption of the S6 Instrument of Delegation to members of staff and S11 Instrument of Appointment and Authorisation.

Officer Recommendation:

That Council resolves:

1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, that:
 - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
2. In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached S11. instrument of appointment and authorisation (the instrument), that:

- a. The members of Council staff referred to in the instrument S11 Instrument of Appointment and Authorisation be appointed and authorised as set out in the instrument.
- b. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
- c. The instrument be sealed.

Background:**Delegations and Authorisations**

The Council is a legal entity composed of its members (ie the Councillors). It is not a "natural" person and therefore it can act in only one of two ways: by resolution, or through others acting on its behalf.

The power of a Council to act by resolution is set out in section 3(5) of the Act - "(5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council".

Alternatively, a Council can act through others. Where this is to occur, it is recommended that the appointment be formalised through written "instruments of delegation" wherever practicable. The Act, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of Councils.

Delegations are different in nature from authorisations. The decision of a delegate of Council is "deemed" to be a decision by Council. The decision by a person appointed by Council to a statutory position - for example, a Municipal Building Surveyor - is not. That person's powers and responsibilities are quite distinct from Council's. It is therefore important that the Council has in place appropriate policies and guidelines under which delegation should be exercised.

Review of Instruments of Delegation, Authorisations and Appointments

Council is required to review its delegations within 12 months of a general election. It is good governance practice that Council review its Delegations, Authorisations and Appointments regularly to ensure recent changes to legislation, organisational structure and/or officer titles are accounted for and the appropriate delegations applied. Council conducts an annual review and further reviews are undertaken when required due to legislation or organisational change.

Council Plan/Strategies:

This issue is consistent with the Our Council Goal to "provide strategic leadership and effective governance that supports the aspirations of our community" of the Council Plan 2013-2017.

Legal/Policy Issues:

Council is required to approve Delegations Authorisations and Appointments in accordance with section 98 of the *Local Government Act 1989*. The Instruments of Delegation, Appointments and Authorisations support the undertaking of various requirements under specific legislation.

All relevant legislation changes have been incorporated into the delegation review.

Financial/Resources/Risk:

Effective and efficient functioning of local government would not be possible without formal delegations to Council officers.

Discussion:

Legislation changes, introduction of new legislation and new interpretations are all included (end of 2015 review of legislation). Changes in staffing, departmental structures and operational requirements have all been considered.

Further changes have been made to ensure that Officers are only delegated under the *Food Act 1984* and the *Public Health and Wellbeing Act 2008* if they have the required qualifications for each designated power.

Legal advice from Council's solicitors indicates that good business practice is to ensure that there is more than one officer delegated for each power that is stipulated under each respective piece of legislation. The review reflects this by ensuring that a secondary delegate is listed where applicable, unless qualifications are required.

Consultation:

The making of delegations does not require community consultation.

Conclusion:

Through delegating powers under various forms of legislation Council ensures the most effective governance of Council operations.

RESOLUTION:

Cr J Walsh / Cr J Kennedy

That Council resolves:

- 1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, that:**
 - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
 - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 2. In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached S11. instrument of appointment and authorisation (the instrument), that:**
 - a. The members of Council staff referred to in the instrument S11 Instrument of Appointment and Authorisation be appointed and authorised as set out in the instrument.**

- b. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
- c. The instrument be sealed.

CARRIED

6.4 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP

REF: 16/12428

Purpose:

This purpose of this agenda item is to seek endorsement of the community representative membership positions for individual Section 86 Committees of Management resulting from the 2015 Annual General Meetings held by each committee.

Officer Recommendation:

- That Council appoints the following individuals to fill the vacant positions on the Section 86 Committees of Management for the term specified:

| Committee | Membership Election Summary | Incoming membership | Term |
|----------------------------------|--|---------------------|---------|
| Eildon Alliance Boat Ramp | Community Representatives | Gary Constantine | 3 Years |
| | | Bill Peters | 3 Years |
| | | Robyn Hewitt | 3 Years |
| | | Michael Sundstrom | 3 Years |
| | | Tony Keddell | 3 Years |
| | | Ian McLachlan | 3 Years |
| | | Ron Maroney | 3 Years |
| Eildon Community Resource Centre | Community Representatives | Frank Stow | 3 Years |
| Friends of Yea Railway | Community Representatives | Deborah Bennett | 3 Years |
| | | Teresa Clue | 3 Years |
| | | Miranda Gill | 3 Years |
| | | Sue Huggins | 3 Years |
| | UGFM | Rod Clue | 1 Year |
| | Yea Country Market User Group | Jan Wealands | 1 Year |
| | Yea Rotary User Group | Elaine White | 1 Year |
| Gallipoli Park Precinct | Community Representative | Pauline Harrow | 3 Years |
| | Marysville Primary School Representative | Larnie Arnett | 1 Year |
| Glenburn Community Centre | Community Representatives | Viv Frogley | 3 Years |
| | | Judy Jackson | 3 Years |
| | Book Nook User Group Representative | Jenny Johnson | 1 Year |
| | Book Club User Group Representative | Loreli Mason | 1 Year |

| | | | |
|--|---|---------------------|---------|
| | Craft User Group Representative | Maureen Astbury | 1 Year |
| Kinglake Memorial Reserve | Community Representatives | Ray Bartlam | 3 Years |
| | | Aaron Westworth | 3 Years |
| | | Ken Benson | 3 Years |
| | Kinglake Football Netball Club User Group Representative | Anthony McMahon | 1 Year |
| | Kinglake Cricket Club User Group Representative | Jenn Martin | 1 Year |
| | Kinglake Ranges Tennis Club User Group Representative | Shane Bentley | 1 Year |
| | Kinglake Scouts Group User Group Representative | Michelle Blackney | 1 Year |
| | Kinglake Scouts Group User Group Representative (PROXY) | Sheren Walters | 1 Year |
| Yea Showgrounds and Recreation Reserve | Community Representatives | Tom O'Dwyer | 3 Years |
| | | Russell Gouldthorpe | 3 Years |
| | Yea Tennis Club User Group Representative | Ross Shaw | 1 Year |
| | Yea Tennis Club User Group Representative (PROXY) | | 1 Year |
| | Yea Showgrounds Committee User Group Representative | Elaine White | 1 Year |
| | Yea Showgrounds Committee User Group Representative (PROXY) | Greg Garlick | 1 Year |
| | Yea Cricket Club User Group Representative | Brad Watts | 1 Year |
| | Yea Cricket Club User Group Representative (PROXY) | Cam Armstrong | 1 Year |
| | Yea Red Cross User Group Representative | Margaret Mahon | 1 Year |
| | Yea Red Cross User Group Representative (PROXY) | Di Quick | 1 Year |
| | Yea Football Netball Club User Group Representative | David Stares | 1 Year |
| Yea Wetlands | Community Representatives | Rebecca Bowles | 2 Years |
| | | Glenda Woods | 2 Years |
| | | Russell Wealands | 2 Years |
| | | Ian Jones | 2 Years |
| | | Judy Watts | 2 Years |

Background:

Committees of Management (COM) 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 and Council may in its absolute discretion decline to appoint. Community Representatives can sit on a Committee of Management for up to three (3) years without re-election and the COM's call for nominations as part of the Annual General Meeting process when required.

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 the COM 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.

Discussion:

COMs must advertise vacant or expired term community representative positions and call for nominations as part of the AGM process. Council advertises on behalf of the COM in the statutory required publications.

The COM then makes its recommendation for election as part of the AGM and notifies Council. The new members do not have voting privileges until Council resolves to endorse the membership.

Updated Committee of Management membership is provided in Table 1 below:

| Committee | Membership Election Summary | Incoming membership | Term |
|----------------------------------|------------------------------------|-----------------------------|-------------|
| Eildon Alliance Boat Ramp | Seven Community Representatives | Gary Constantine | 3 Years |
| | | Bill Peters | 3 Years |
| | | Robyn Hewitt | 3 Years |
| | | Michael Sundstrom | 3 Years |
| | | Tony Keddell | 3 Years |
| | | Ian McLachlan | 3 Years |
| | | Ron Maroney | 3 Years |
| Eildon Community Resource Centre | Two Community Representatives | Frank Stow | 3 Years |
| | | One position remains vacant | 3 Years |
| Friends of Yea Railway | Five Community Representatives | Deborah Bennett | 3 Years |
| | | Teresa Clue | 3 Years |
| | | Miranda Gill | 3 Years |
| | | Sue Huggins | 3 Years |
| | | One position remains vacant | 3 Years |
| | UGFM | Rod Clue | 1 Year |

| | | | |
|--|--|-----------------------------|---------|
| | Yea Country Market User Group | Jan Wealands | 1 Year |
| | Yea Rotary User Group | Elaine White | 1 Year |
| Gallipoli Park Precinct | One Community Representative | Pauline Harrow | 3 Years |
| | Alexandra District Hospital Representative | Currently Vacant | 1 Year |
| | Marysville Primary School Representative | Larnie Arnett | 1 Year |
| Glenburn Community Centre | Three Community Representatives | Viv Frogley | 3 Years |
| | | Judy Jackson | 3 Years |
| | | One position remains vacant | 3 Years |
| | Book Nook User Group Representative | Jenny Johnson | 1 Year |
| | Book Club User Group Representative | Loreli Mason | 1 Year |
| | CFA User Group Representative | Currently Vacant | 1 Year |
| | Craft User Group Representative | Maureen Astbury | 1 Year |
| Kinglake Memorial Reserve | Three Community Representatives | Ray Bartlam | 3 Years |
| | | Aaron Westworth | 3 Years |
| | | Ken Benson | 3 Years |
| | Kinglake Football Netball Club User Group Representative | Anthony McMahon | 1 Year |
| | Kinglake Cricket Club User Group Representative | Jenn Martin | 1 Year |
| | Kinglake Ranges Tennis Club User Group Representative | Shane Bentley | 1 Year |
| | Kinglake Scouts Group User Group Representative | Michelle Blackney | 1 Year |
| | Kinglake Scouts Group User Group Representative (PROXY) | Sheren Walters | 1 Year |
| Yea Showgrounds and Recreation Reserve | Two Community Representatives | Tom O'Dwyer | 3 Years |
| | | Russell Gouldthorpe | 3 Years |
| | Yea Tennis Club User Group Representative | Ross Shaw | 1 Year |
| | Yea Tennis Club User Group Representative (PROXY) | | 1 Year |
| | Yea Showgrounds Committee User Group Representative | Elaine White | 1 Year |

| | | | |
|--------------|--|------------------|---------|
| | Yea Showgrounds Committee User Group Representative (PROXY) | Greg Garlick | 1 Year |
| | Yea Cricket Club User Group Representative | Brad Watts | 1 Year |
| | Yea Cricket Club User Group Representative (PROXY) | Cam Armstrong | 1 Year |
| | Yea Red Cross User Group Representative | Margaret Mahon | 1 Year |
| | Yea Red Cross User Group Representative (PROXY) | Di Quick | 1 Year |
| | Yea Football Netball Club User Group Representative | David Stares | 1 Year |
| Yea Wetlands | Five Community Representatives | Rebecca Bowles | 2 Years |
| | | Glenda Woods | 2 Years |
| | | Russell Wealands | 2 Years |
| | | Ian Jones | 2 Years |
| | | Judy Watts | 2 Years |

Council Officers will be working with the COMs with vacancies to promote and fill the positions as soon as possible. Once a suitable member is found the COM will seek Council's endorsement of the position.

Consultation:

Council advertised the community representative nomination processes and AGM 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 J Kennedy / Cr E Lording

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

| Committee | Membership Election Summary | Incoming membership | Term |
|-------------------------------------|------------------------------|---------------------|---------|
| Eildon Alliance Boat Ramp | Community Representatives | Gary Constantine | 3 Years |
| | | Bill Peters | 3 Years |
| | | Robyn Hewitt | 3 Years |
| | | Michael Sundstrom | 3 Years |
| | | Tony Keddell | 3 Years |
| | | Ian McLachlan | 3 Years |
| | | Ron Maroney | 3 Years |
| Eildon Community Resource Centre | Community Representatives | Frank Stow | 3 Years |

| | | | |
|---|---|----------------------------|----------------|
| Friends of Yea Railway | Community Representatives | Deborah Bennett | 3 Years |
| | | Teresa Clue | 3 Years |
| | | Miranda Gill | 3 Years |
| | | Sue Huggins | 3 Years |
| | UGFM | Rod Clue | 1 Year |
| | Yea Country Market User Group | Jan Wealands | 1 Year |
| | Yea Rotary User Group | Elaine White | 1 Year |
| Gallipoli Park Precinct | Community Representative | Pauline Harrow | 3 Years |
| | Marysville Primary School Representative | Larnie Arnett | 1 Year |
| Glenburn Community Centre | Community Representatives | Viv Frogley | 3 Years |
| | | Judy Jackson | 3 Years |
| | Book Nook User Group Representative | Jenny Johnson | 1 Year |
| | Book Club User Group Representative | Loreli Mason | 1 Year |
| | Craft User Group Representative | Maureen Astbury | 1 Year |
| Kinglake Memorial Reserve | Community Representatives | Ray Bartlam | 3 Years |
| | | Aaron Westworth | 3 Years |
| | | Ken Benson | 3 Years |
| | Kinglake Football Netball Club User Group Representative | Anthony McMahon | 1 Year |
| | Kinglake Cricket Club User Group Representative | Jenn Martin | 1 Year |
| | Kinglake Ranges Tennis Club User Group Representative | Shane Bentley | 1 Year |
| | Kinglake Scouts Group User Group Representative | Michelle Blackney | 1 Year |
| | Kinglake Scouts Group User Group Representative (PROXY) | Sheren Walters | 1 Year |
| Yea Showgrounds and Recreation Reserve | Community Representatives | Tom O'Dwyer | 3 Years |
| | | Russell Gouldthorpe | 3 Years |
| | Yea Tennis Club User Group Representative | Ross Shaw | 1 Year |
| | Yea Tennis Club User Group Representative (PROXY) | | 1 Year |
| | Yea Showgrounds Committee User Group Representative | Elaine White | 1 Year |

| | | | |
|---------------------|--|-------------------------|----------------|
| | Yea Showgrounds Committee User Group Representative (PROXY) | Greg Garlick | 1 Year |
| | Yea Cricket Club User Group Representative | Brad Watts | 1 Year |
| | Yea Cricket Club User Group Representative (PROXY) | Cam Armstrong | 1 Year |
| | Yea Red Cross User Group Representative | Margaret Mahon | 1 Year |
| | Yea Red Cross User Group Representative (PROXY) | Di Quick | 1 Year |
| | Yea Football Netball Club User Group Representative | David Stares | 1 Year |
| Yea Wetlands | Community Representatives | Rebecca Bowles | 2 Years |
| | | Glenda Woods | 2 Years |
| | | Russell Wealands | 2 Years |
| | | Ian Jones | 2 Years |
| | | Judy Watts | 2 Years |

CARRIED**6.5 PRIMARY AND ORDINARY RETURNS EXEMPTION**

REF: 16/17480

Purpose:

The purpose of this report is to provide information to Council on special committees (including Section 86 Committees of Management) for the purposes of considering exempting members of special committees, who are not Councillors and officers from needing to submit primary and ordinary returns.

Officer Recommendation:

That Council resolves:

1. To exempt members (other than Councillors and officers) of the tabled Committees from lodging primary or secondary returns.

| |
|--|
| Buxton Recreation Reserve Committee of Management |
| CJ Dennis & Castella Public Hall Reserve Committee of Management |
| Eildon Alliance Boat Ramp Committee of Management |
| Eildon Community Resource Centre Committee of Management |
| Friends of Yea Railway Committee of Management |
| Gallipoli Park Precinct Committee of Management |
| Glenburn Community Centre Committee of Management |
| Kinglake Memorial Reserve Committee of Management |
| Mount Pleasant Reserve Committee of Management |
| Strath Creek Pioneer Reserve and Hall Committee of Management |
| Thornton Recreation Reserve and Hall Committee of Management |
| Yea Pioneer Reserve Committee of Management |
| Yea Saleyards Committee of Management |

| |
|--|
| Yea Showgrounds & Recreation Reserve Committee of Management |
| Yea Wetlands Committee of Management |
| Kinglake Community Centre Advisory Committee |
| Murrindindi Environment Advisory Committee |
| Friends of Yea Shire Hall Advisory Committee |

2. To notify the special and Section 86 Committees of Management of Council's resolution.

Background:

Section 81 of the *Local Government Act 1989* (the Act) requires Councillors, nominated members of Council staff and members of special committees to lodge primary and ordinary returns.

Any person who is a member of a special committee of Council must lodge primary and ordinary returns. This applies to the members of any committee with delegated Council powers, duties or functions under the Local Government Act or any other Act, including the *Planning and Environment Act 1987*.

Under Section 81 (2A) of the Act, the Council may exempt a member of a special committee, who is not a Councillor or an officer of Council from this responsibility. Under Section 81 (2B) the Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election. Council undertook this review following the general election of October 2012, however, best practice is to also review the exemptions on a regular basis, taking into account any changes in committee names, membership or structures.

The following are committees that Council would be applying the exemption to:

| |
|--|
| Buxton Recreation Reserve Committee of Management |
| CJ Dennis & Castella Public Hall Reserve Committee of Management |
| Eildon Alliance Boat Ramp Committee of Management |
| Eildon Community Resource Centre Committee of Management |
| Friends of Yea Railway Committee of Management |
| Gallipoli Park Precinct Committee of Management |
| Glenburn Community Centre Committee of Management |
| Kinglake Memorial Reserve Committee of Management |
| Mount Pleasant Reserve Committee of Management |
| Strath Creek Pioneer Reserve and Hall Committee of Management |
| Thornton Recreation Reserve and Hall Committee of Management |
| Yea Pioneer Reserve Committee of Management |
| Yea Saleyards Committee of Management |
| Yea Showgrounds & Recreation Reserve Committee of Management |
| Yea Wetlands Committee of Management |
| Kinglake Community Centre Advisory Committee |
| Murrindindi Environment Advisory Committee |
| Friends of Yea Shire Hall Advisory Committee |

Council Plan/Strategies:

This proposal aligns with the Council Plan 2013-2017 Goal – 'Our Council' – Customer Service strategic objective to 'Continue to improve our processes to enhance the efficiency and effectiveness of the organisation.'

Legal/Policy Issues:

Council may exempt a member of a special committee, who is not a Councillor or an officer of Council, from the responsibility of submitting a primary or ordinary return in compliance with Section 81(2A) of the Local Government Act. Notwithstanding the proposed exemption, at the start of each meeting, committee members present must declare an interest (direct or indirect)

in respect to any matter on the agenda. Any member with an interest must declare that interest by fully disclosing and describing to the Committee the interest and the conflict that may result from it.

Financial/Resources/Risk:

Failure to provide returns as required under Section 81 (2A) of the Act can result in significant financial penalties for Councillors and or members of special committees.

Discussion:

To ensure that the Council is not breaching the requirements of the *Local Government Act, 1989*, it is essential that Council resolves that the members, excluding Councillors and officers, of the above mentioned committees are exempt under Section 81 (2A) of the Local Government Act from needing to submit primary and ordinary returns, or requiring them to do so. It has been past practice of Council to exempt committee members other than Councillors and officers from the requirement to lodge primary and secondary returns.

Council will need to review this exemption within 12 months of the next Election of Council (October 2016).

Consultation:

Public consultation was not required for this agenda item.

Conclusion:

In order to ensure Council meets both its legislative requirements and the needs of its volunteer special committees it is important that members are exempt from submitting primary and ordinary returns.

RESOLUTION:

Cr J Kennedy / Cr J Walsh

That Council resolves:

- 1. To exempt members (other than Councillors and officers) of the tabled Committees from lodging primary or secondary returns.**

| |
|---|
| Buxton Recreation Reserve Committee of Management |
| CJ Dennis & Castella Public Hall Reserve Committee of Management |
| Eildon Alliance Boat Ramp Committee of Management |
| Eildon Community Resource Centre Committee of Management |
| Friends of Yea Railway Committee of Management |
| Gallipoli Park Precinct Committee of Management |
| Glenburn Community Centre Committee of Management |
| Kinglake Memorial Reserve Committee of Management |
| Mount Pleasant Reserve Committee of Management |
| Strath Creek Pioneer Reserve and Hall Committee of Management |
| Thornton Recreation Reserve and Hall Committee of Management |
| Yea Pioneer Reserve Committee of Management |
| Yea Saleyards Committee of Management |
| Yea Showgrounds & Recreation Reserve Committee of Management |
| Yea Wetlands Committee of Management |
| Kinglake Community Centre Advisory Committee |
| Murrindindi Environment Advisory Committee |
| Friends of Yea Shire Hall Advisory Committee |

2. To notify the special and Section 86 Committees of Management of Council's resolution.

CARRIED

6.6 MURRINDINDI ENVIRONMENT ADVISORY COMMITTEE MEETING – MARCH 2016

REF: 16/17342

Attachment: Draft MEAC Meeting Minutes – 8 March 2016 (refer *Attachment 6.6a* - TRIM 16/11241), Draft National Recovery Plan for the Leadbeater's possum (refer *Attachment 6.6b* - TRIM 16/10150), Draft Submission on the Leadbeater's possum National Recovery Plan (refer *Attachment 6.6c* – 16/15291), "Unsustainable" – Submission by RFPG (refer *Attachment 6.6d* - TRIM 16/12087)

Purpose:

The purpose of this report is to present the minutes of the MEAC meeting held on 8 March 2016 and to allow Council's consideration of the resolutions made at that meeting.

Officer Recommendation:

That Council,

1. Note the minutes of the MEAC meeting held on 8 March 2016 and in response;
 - a. Endorse the draft submission on the National Recovery Plan for the Leadbeater's possum,
 - b. Note the Rubicon Forest Protection Group's (RFPG) submission on the impact of logging in the Rubicon Forest and instruct officers to advise the RFPG that the information they have provided will be considered as part of existing advocacy campaigns and ongoing discussions with VicForests.
 - c. Prepare a letter to the Minister for Environment, Climate Change and Water, the Hon. Lisa Neville MP to repeat the request for a meeting to discuss the impact of logging in State Forests in Murrindindi Shire.

Background:

MEAC at its meeting on 8 March 2016 passed two resolutions for Council's consideration (*Attachment 6.6a*). The first concerned the recently released draft National Recovery Plan for the Leadbeater's possum and the second was made following discussion of a submission made by the Rubicon Forest Protection Group (RFPG) to VicForests about timber harvesting operations in the Rubicon Forest.

Council Plan/Strategies:

The Plan is consistent with the Council Plan 2013-2017 strategic objective of "We will protect and enhance the natural environment."

Legal/Policy Issues:

The Leadbeater's possum Recovery Plan is informed and guided by relevant Commonwealth and State legislation and policies as well as Australia's obligations under various international agreements. The National Threatened Species Strategy released in 2015 identified Leadbeater's possum as requiring emergency intervention to avert extinction.

Leadbeater's possum is protected under Victoria's state policy and planning framework. Key land planning documents include The Central Highlands Forest Management Plan 1988 under the Forest Act 1958 and a number of Parks Management plans.

Timber harvesting's regulatory framework is The Code of Practice for Timber Production 2014 and in 2015 VicForests released the "Ecologically Sustainable Forest Management Plan".

Financial/Resources/Risk:

The plan has no direct budgetary impact on Council.

Discussion:

Leadbeater's possum draft National Recovery Plan

The Plan (*Attachment 6.6b*) describes the species, its distribution, population, habitat, diet and social structure. It is important to have knowledge of the habits of the species to understand the appropriate actions to consider the long term survival of the species.

The immediate threats to the species are identified as:

- Impacts of severe fire and changes in fire regime
- Timber harvesting
- Reduction in abundance of hollow-bearing trees
- Eucalypt dieback and altered hydrology
- Ongoing habitat loss has resulted in fragmentation and thus reduced genetic diversity and viability of subpopulations.

The Plan outlines eight objectives most of which are supported with some variations. For example, whilst it is agreed that pre-harvest surveys prior to timber harvesting should be undertaken to ensure that if Leadbeater's possum is detected these colonies should be protected from harvesting, an independent appointed experienced team, not VicForests, should undertake these surveys.

Objectives 3 & 4 discuss the possibility of translocating individual and colonies of Leadbeater's possum within and adjacent to its known range and also outside the core range of the Central Highlands. Historically, translocations have not been successful in the long term, and whilst more research is required, resources need to be directed towards ensuring habitat is retained rather than moving individuals and colonies to possibly unsuitable sites when historically this has not produced encouraging results.

The draft submission is provided in *Attachment 6.6c*. A summary of the proposed recommendations in the submission are;

1. All currently suitable and prospective habitat across the species known range must be maintained, enhanced and effectively managed including the protection of all remaining 1939 regrowth forest.
2. That timber harvesting in the Central Highlands region within the Murrindindi Shire Council be ceased immediately to ensure the objective of the Recovery Plan for Leadbeater's possum is achieved.
3. A fire mitigation strategy be developed and implemented to protect the remaining habitat areas identified as being suitable or inhabited by the Leadbeater's possum.
4. In the event that timber harvesting is allowed to continue, then the following actions be implemented;
 - a. Clear felling in the Central Highlands should cease and only retention harvesting techniques implemented for all harvesting operations
 - b. A rigorous pre harvesting inspection regime be implemented utilising an independent assessment team
 - c. Existing or potential Leadbeater's possum habitat is to be protected

- d. Buffer zones of a minimum of 1,000m be introduced to known Leadbeater's possum habitat or potential for Leadbeater's possum habitat
- e. Harvesting plans ensure that connectivity between neighbouring Leadbeater's possum habitat areas are maintained or enhanced
- f. Stags and old hollow bearing trees be protected with suitable buffer zones to ensure maximum life of these trees through lessening their exposure to wind storms etc
- g. That all remaining 1939 regrowth forest be protected
- h. Comprehensive post logging management that ensures control of pest plant and animals and achieves successful regeneration of coupes.

Rubicon Forest Protection Group Submission

The submission (*Attachment 6.6d*) prepared by RFBPG presents information which supports their contention that current forest logging practices are unsustainable, identifies other non forest impacts and makes recommendations for actions to address their concerns.

Based on the information gathered by the group;

1. All the remaining area of maturing 1939 regrowth ash forests of the Central Forest Management Area (FMA) will have been harvested in the next 7 years
2. The estimates of timber reserves by VicForests does not take into account the occurrence of bushfires which have had significant impacts previously in 2003, 2006/07 and 2009, with the likelihood of fires being increased through the impact of global warming

Other consequences of continued logging were identified as;

1. Destruction of the Leadbeater's possum habitat through loss of suitable forest habitat including the essential presence of tree hollows, a variety of tree species and mid and under storey plants including acacias which provide the Leadbeater's possum with access and food as well as habitat. This is exacerbated by lack of thorough pre-harvesting surveys
2. Regeneration efforts have failed to restore previously logged forests and have been hampered by the lack of control on feral animals (deer) and noxious weeds (blackberry)
3. The current estimated timber harvesting cycle is estimated at 85 years although the submission identifies that this could be reduced to 60 years (not without reduced yield)
4. It is noted that trees bearing hollows take an estimated 150 years to develop
5. Impact on various forest based businesses and other organisations including Outdoor Education Centre, local schools and potential future development of activities based around mountain biking, horse riding, bush walking and car touring.

The RFBPG suggest that the following actions be implemented;

1. A review of the harvesting limits be undertaken
2. Improved pre-harvesting audits be undertaken to ensure the protection of the Leadbeater's possum habitat
3. Implementation of less environmentally damaging harvesting techniques
4. Control of pest animals and weeds
5. Improved publicly available information of the VicForests logging activities
6. An immediate cessation of logging in the Rubicon Forest north of latitude 37 degrees 23 minutes

Council has previously passed two resolutions in the last 12 months that are relevant to this current request although not specific to the Rubicon Forest. At the Ordinary Council Meeting 27

May 2015 (item 6.11) in relation to the declaration of the Leadbeater's possum as "critically endangered", Council passed a resolution which resulted in letters being written to both the Victorian State Minister for the Environment, the Honourable Lisa Neville and the Federal Minister for the Environment, the Hon. Greg Hunt requesting a cessation of timber harvesting in the Central Highlands region within Murrindindi Shire Council. In his response the Hon Greg Hunt advised that because the area of the Central Highlands under timber harvesting is covered by a Regional Forest Agreement the responsibility rests with the Victorian Government, although the minister did indicate that the Federal Government would continue to work with the Victorian Government "to ensure that obligations and commitments under the RFA are honoured". Council has not received a response from the State Government to date.

Additionally at the Ordinary Council Meeting held on 28 October 2015 (item 10.2) in relation to the Great Forest National Park proposal, Council resolved to request meetings with the Minister for Regional Development and for Agriculture, the Minister for Environment, Climate Change and Water and the Minister for Tourism and Major Events. At this time no response has been received.

Consultation:

These matters were discussed at the MEAC meeting on 8 March 2016 and feedback was received from MEAC members on the draft Leadbeater's possum National Recovery Plan.

Conclusion:

The report highlights areas of Council concern as well as offering some suggestions for improvement in order to provide the best opportunity for the survival of Leadbeater's possum.

The RFPG submission has presented a case for the proposition that timber harvesting in the Victorian Ash Forests is not sustainable although the group admits that it has not had full access to all the data and has invited VicForests to correct any misinterpretations in their submission.

The submission has been a useful source of information for Council officers in the preparation of a submission in relation to the draft National Recovery Plan for the Leadbeater's possum which is a separate item on the Agenda

RESOLUTION:

Cr J Walsh / Cr A Derwent

That Council,

- 1. Note the minutes of the MEAC meeting held on 8 March 2016 and in response;**
 - a. Endorse the draft submission on the National Recovery Plan for the Leadbeater's possum,**
 - b. Note the Rubicon Forest Protection Group's (RFPG) submission on the impact of logging in the Rubicon Forest and instruct officers to advise the RFPG that the information they have provided will be considered as part of existing advocacy campaigns and ongoing discussions with VicForests.**
 - c. Prepare a letter to the Minister for Environment, Climate Change and Water, the Hon. Lisa Neville MP to repeat the request for a meeting to discuss the impact of logging in State Forests in Murrindindi Shire.**

CARRIED

Cr J Walsh mentioned that it is important to recognise the detailed work with reviewing the Leadbeater Possum and that The Rubicon Forest Protection Group has provided a lot of facts to assist with discussions with VicForests.

7. SEALING REGISTER

REF: 13/6325

| <i>File Reference</i> | <i>Date Seal Affixed</i> | <i>Description of Documents</i> | <i>Signatures of Persons Sealing</i> |
|------------------------------|---------------------------------|---|---|
| CONT16/6 | 18 March 2016 | Formal Instrument of Agreement between Murrindindi Shire Council and Upper Goulburn Landcare Network for Management of Murrindindi Shire Council's Pre-2006 Native Vegetation Offset Project | Margaret Abbey John Kennedy |
| CONT15/38 | 21 March 2016 | Formal Instrument of Agreement between Murrindindi Shire Council and North Central Constructions for Bridge Renewal & Upgrades - Mainly Bridge Components | Margaret Abbey Christine Challen |
| SF/1821 | 31 March 2016 | Deed of Cancellation and Release - Murrindindi Shire Council and Steven Ritichie and Melanie Cousins - Property: 23 Murchison Street, Marysville | Margaret Abbey Margaret Rae |
| CONT 15/34 | 5 April 2016 | Formal Instrument of Agreement between Murrindindi Shire Council and David Boscaglia - Bosco Construction Group - Alexandra Depot Expansion | Margaret Abbey Margaret Rae |
| CONT 15/37 | 6 April 2016 | Formal Instrument of Agreement between Murrindindi Shire Council and Paul Renouf - Fineblade Concreting - Major Culvert Replacements (Package A) | Margaret Abbey Margaret Rae |
| CONT15/17 | 15 April 2016 | Formal Instrument of Agreement between Murrindindi Shire Council and David McIntosh of Nelmac Pty Ltd for contract to design and construct Moores Bridge Replacement, Kennys Road, Flowerdale | Margaret Abbey Margaret Rae |
| CONT 15/32 | 20 April 2016 | Formal Instrucment of Agreement between Murrindindi Shire Council and Keystone Environmental Pty Ltd - Alexandra Landfill - Landfill Leachate Pond Construction | Margaret Abbey Margaret Rae |

Officer Recommendation:

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

RESOLUTION:**Cr J Kennedy / Cr E Lording**

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 C Challen:
No report this month.

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr J Kennedy:

It's been another busy month for portfolio activities.

I attended a Workspace board meeting in Bendigo where it was reported that most of their business incubator facilities are currently well supported.

Our contribution at Kinglake is fully booked with six businesses operating from that facility.

I also attended a Murrindindi Inc. meeting in Kinglake where the 'Doing Business Better' proposal for business engagement throughout Murrindindi Shire continues to evolve.

With the Mayor I also had a very useful meeting with the Federal Member for Indi who provided some valuable insights into addressing the shire's blackspot communication issues, one of which is the lack of coverage at the Yea Saleyards. Her recommended course of action has been passed on to the Saleyards Committee for their initial action and I am sure the Council will be in full support.

I also attended the regular meeting of the Yea Railway Reserve Committee where new initiatives by tenants - including the UG FM Yea studio and the pending occupancy of another room by the Yea Historical Society shows the value of the recently renovated Station building and its surrounds to Yea.

Immediately thereafter I attended the public meeting that decided to reinstate the Yea Show for 2016 on the fourth Saturday in November. After being in abeyance for twelve months the meeting was very well attended and an enthusiastic new Committee was formed.

I have accepted the position of Assistant Secretary to Rodney Ridd of Cathkin who has accepted appointment as Secretary for the next twelve months. I think it is important that Yea presents an annual Show after the success of the centenary Show in 2014. The new committee has about \$10,000 of available funds in hand so starts with a reasonable balance of working capital.

I also attended the regular meeting of the Yea Neighbourhood Watch committee.

The Goulburn River Valley Tourism Board (GRVT) on which I represent the Murrindindi Shire Council meets in Shepparton next Thursday and while the new website for the four shire region hasn't emerged yet, I am anticipating an update at this meeting.

The identity challenges for GRVT were reflected in recent comments in The Weekend Australian magazine and on his website by James Halliday. In giving three wines from Fowles at Avenel positive reviews he noted and I quote "the Strathbogie ranges is one of Victoria's least-known regions despite the fact that it is easily accessible in a day's return trip from Melbourne. The cynical might say this is just as well because there isn't much to see, next to nowhere to stay overnight and nowhere of any consequence to eat".

The GRVT which has adopted 'The Heart of Victoria' as its promotional theme has recently had this title commandeered for a coming dinner at Docklands in Melbourne that is sponsored by the Victorian Farmers Federation, the Royal Agricultural Society of Victoria and has the State Minister for Agriculture as the guest speaker.

In recent days I have attended the ANZAC Day celebrations at Strath Creek and Yea, both well attended and appropriate community recommendation for our services.

I want to pay a special tribute to the Strath Creek community for their unique presentation on the 75th anniversary of the Rabaul campaign in November 1943; the 2/22 Battalion troops engaged were trained at nearby Trawool under the expectation they would be headed for desert warfare in Egypt but instead they were taken to the jungles of Papua New Guinea to face the advancing Japanese.

Major losses of personnel occurred on land and at sea with the prison ship the Montevideo Maru which was sunk by an American submarine with the loss of 1,053 men. An impressive presentation by Sandra Parncutt related the linkage between the Trawool camp to the history of the Strath Creek area.

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr E Lording:

- The contractor has commenced construction of the Leachate pond at Alexandra Landfill, which is expected to finish mid June.
- Council has continued to accept waste from the Mansfield Shire since March 2016 due to a temporary issue at the Benalla Landfill site. These arrangements are expected to continue until mid May 2016.
- The green waste amnesty is currently in place until 15 May 2016 – grass clippings, leaves, garden prunings and branches up to a 300mm diameter can be deposited at the Council's Resource Recovery Centres. Note - noxious weeds such as blackberries are not permitted.
- Last week saw the opening of the new Yea multipurpose courts and the upgrade to the Eildon Bowling Club.
- Our larger than normal roads program is on track and will be completed in May, so no unspent funds will be lost.
- Yea toilet refurbishment is well underway.
- The first two components of the bridge renewal are commencing which includes the renewal of a number of failing culverts and steelwork repairs to bridges.
- Last week Council won the Award for Excellence for Projects under \$2m for the Ghin Ghin Bridge from the Institute of Public Works Engineers (IPWEA), hotly contested by many Councils. It should be noted that we also won with Breakaway Bridge a couple of years ago.

8.4 COMMUNITY SERVICES PORTFOLIO

Cr A Derwent:

Attended two ANZAC events. Kinglake church with an attendance of 200-300 people and the Lions Memorial Park with approximately 80 people attending. Both were moving services.

8.5 CORPORATE AND CUSTOMER SERVICES PORTFOLIO

Cr C Healy:

Attended the Thornton and Eildon ANZAC service. Eildon was very well attended.

8.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

Cr J Walsh:

Two reports under this portfolio have been accepted at this evening's Council meeting, as a result of the work of the Murrindindi Environment Advisory Committee – March 2016. The ANZAC service in Yarck was perfect.

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr M Rae:

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

- an announcement by the Minister for Roads of \$18.5 million for the installation of the central wire rope barrier for 10 kms between Yea and Molesworth
- a meeting with the Federal Member for Indi, Cathy McGowan to discuss matters of interest for our shire
- the opening of the Yea multipurpose court - which will provide significant recreational and social benefits to the community. With a membership of over 400, the Yea Football Netball Club is thriving and is now in a position to host regional finals that will enable the generation of additional income and showcase the Yea Recreation Reserve.
- the opening of the rejuvenated Eildon Bowling Club – rejuvenation of the club to improve universal access through the upgrade of existing amenity facilities to accessible standards and an external fully compliant ramp will provide significant benefits to members, visitors and the community well into the future.
- the Australian Local Government Women's Association (ALGWA) State Conference
- the opening of the Fitness Track in Leckie Park – this track comprising a number of stations each with their own specific focus and set of instructions, provides a learning and educational resource for those who use the park as well as a practical opportunity to build fitness into everyday life.
- three ANZAC Day ceremonies in Alexandra – it was a pleasure to share ANZAC Day with the residents of Kellock Lodge as well as the dawn service and 11am service in Leckie Park, both of which were extremely well attended.

We facilitated:

- a meeting of the Alexandra Railway Precinct Project Reference Group;
- a meeting of the Alexandra Sesquicentenary Committee.

And I attended the following community events:

- the Alexandra Rotary Art Show
- the Alexandra Easter Fair
- the Alexandra Traders and Tourism meeting
- the Walk to Save Our Children charity walk

8.8 GENERAL BUSINESS

Nil

9. MATTERS DEFERRED FROM PREVIOUS MEETING

No matters deferred from the previous meeting.

10. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

10.1 NOTICE OF MOTION

Cr J Walsh

REF: D16/5638

Attachment: 16/18057

MOTION:

In recognition of:

- the disparity between the proportion of Rural 1 and Rural 2 ratepayers compared to the total number of ratepayers, and the proportion of rates and municipal charges paid by Rural 1 and Rural 2 ratepayers compared to the total of rates and municipal charges from all rate payers; and
- the concentration of Council supported amenities and services within residential zones, Council undertake the following:
 - ❖ Set the Rural 1 differential rate at 70% of the general rate for the 2016/17 Budget.
 - ❖ Set the Rural 2 differential rate at 99% of the general rate for the 2016/17 Budget.
 - ❖ Implement a process such that eligibility for the Rural 1 and Rural 2 discounts for 2017/18 onwards is based on the provision, by 31 March 2017, of a statutory declaration by the owner/s of the property (or a partner in the case of a partnership or a trustee in the case of family trusts being property owners or a Director in the case of a Company owning a property) stating all of the following:
 - The property is their principal place of residence and domicile;
 - The property is being used for primary production;
 - The ABN relating to the property;
 - Acknowledgement that any change in the property ownership or owner's status will be advised to Council and will necessitate a new compliant declaration to be submitted to renew the discount.
 - ❖ A review of the Council Rating Strategy to examine the feasibility and impacts of introducing Township Amenity differential rates to provide a greater contribution to the cost of the amenities and services, based in towns, by those with close access to such amenities and services.

Basis for the Motion

The Local Government Act directs Councils to determine rates having taken into account equitable distribution of the rate burden and consideration of the ability to pay. It has been clear and accepted within the Shire that those with property of greater value should contribute more. However, it is not equitable to expect one sector of the community to continue to make increasingly higher contributions compared to other sectors.

An examination of contributions to rates by each Differential Rating Category compared to the numbers of assessments in each Differential Rating Category highlights an on-going disparity in revenue contributions. This is due to the inherent disparity within a rating system solely based on CIV. The current discount for Rural 1 differential rate category demonstrates Council's acceptance of a need to address the disparity in rate revenue contribution.

While in most instances, past annual rates increases have been applied equally across all categories, and even with a 25% discount for Rural 1 properties the difference in revenue between the average Rural 1 contribution and the average contributions of each of the other categories (except Vacant land introduced in 2015/16) has expanded since 2008/09 (even the recent increase in Commercial and Industrial rates has not halted the gradual increase in the difference with Rural 1). This is a result of the compounding effect of increases starting with a higher base in Rural 1.

The change to the Rural 1 discount is to limit future expansion of the disparity in revenue contributions. The change to Rural 2 is to overcome the consequential increase to an already high disparity caused by the reallocation of the reduction in Rural 1 revenue across the other rating categories.

In determining a rate strategy Council is also obliged to review equity which covers both the equity in the collection of revenue to pay for services and amenities and also equity in the provision of such amenities and services.

For efficient use of resources, amenities have been concentrated in the major townships of the Shire. However, for most Rural category ratepayers this also means reduced flexibility and increased costs to take advantage of such amenities which exacerbates the already skewed levels of revenue contribution.

The Council's 2030 Vision includes retention of open farmland to support the shire's character and visual appeal. Primary production is a cornerstone of the shire's economy. Eligibility for the Rural 1 discount has been solely based on the size of the property being greater than 40 hectares. There has been no requirement for the owners of the property to live on the property nor to use the property for anything other than a lifestyle change. People living on their properties and making productive use of their land contribute to the social and economic fabric of the local communities. The disadvantage of distance access to town based amenities is experienced by those living on the properties at a distance from the Towns not by absentee landholders.

The discounts to Rural 1 and Rural 2 differential rates, based on the recognition of disadvantages of their locations, also aim to support people living on their properties and contributing to the local economy and social fabric. The additional eligibility criteria focus the application of the discount in order to minimise the flow-on effects on other ratepayers.

There are also differences in the levels of services and amenities between the different townships within the shire. The differences add further complexity in achieving a more equitable distribution of the rate burden to match the provision of amenities especially as the financial situation of the Council precludes the provision of similar services and facilities in all towns. The development of a "Township Amenity" differential rate may provide greater equity but a Rating Strategy Review would be required to assess the feasibility and worth of its introduction.

RESOLUTION:

Cr J Walsh / Cr E Lording

In recognition of:

- **the disparity between the proportion of Rural 1 and Rural 2 ratepayers compared to the total number of ratepayers, and the proportion of rates and municipal charges paid by Rural 1 and Rural 2 ratepayers compared to the total of rates and municipal charges from all rate payers; and**
- **the concentration of Council supported amenities and services within residential zones,**

Council undertake the following:

- ❖ **Set the Rural 1 differential rate at 70% of the general rate for the 2016/17 Budget.**
- ❖ **Set the Rural 2 differential rate at 99% of the general rate for the 2016/17 Budget.**
- ❖ **Implement a process such that eligibility for the Rural 1 and Rural 2 discounts for 2017/18 onwards is based on the provision, by 31 March 2017, of a statutory declaration by the owner/s of the property (or a partner in the case of a partnership or a trustee in the case of family trusts being property owners or a Director in the case of a Company owning a property) stating all of the following:**
 - **The property is their principal place of residence and domicile;**
 - **The property is being used for primary production;**
 - **The ABN relating to the property;**

- **Acknowledgement that any change in the property ownership or owner's status will be advised to Council and will necessitate a new compliant declaration to be submitted to renew the discount.**
- ❖ **A review of the Council Rating Strategy to examine the feasibility and impacts of introducing Township Amenity differential rates to provide a greater contribution to the cost of the amenities and services, based in towns, by those with close access to such amenities and services.**

CALL FOR A DIVISION

For: Cr M Rae, Cr E Lording, Cr J Walsh
Against: Cr J Kennedy, Cr C Healy, Cr A Derwent
 Casting Vote Cr M Rae in favour

CARRIED

11. ASSEMBLIES OF COUNCILLORS

REF: CY16/118

Purpose:

This report presents the records of assemblies of Councillors for 16 March 2016 to 13 April 2016, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

Officer Recommendation:

That Council receives and notes the record of assemblies of Councillors for 16 March 2016 to 13 April 2016.

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 | 16 March 2016 |
| Matters discussed | <ol style="list-style-type: none"> 1. Box Hill Institute at Lilydale 2. Staff Satisfaction Survey 3. Community Grant Application 4. Planning Application - Kinglake 5. Disaster Ready Business Project 6. Industry Sector Stakeholder Engagement Program 7. Webster Street, Alexandra |

| | |
|--|---|
| 8. Community Planning | |
| Attendees: Councillors – Cr Kennedy, Cr Walsh, Cr Healy, Cr Challen, Cr Rae | Staff – M Abbey, M Chesworth, E Wyatt, L Peddie, N McNamara, K Girvan, S Brown, B Elkington |
| Conflict of Interest disclosures - Nil | |

| | |
|--|---|
| Meeting Name / Type | Council Pre-Meeting |
| Meeting Date | 23 March 2016 |
| Matters discussed | <ol style="list-style-type: none"> 1. Public Participation Time 2. Planning Application – Kinglake 3. Community Grants Round – February 2016 4. Section 86 Committee Fees – Eildon 5. Breakaway Bridge Works 6. CEO Reappointment |
| Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Lording, Cr Derwent, Cr Challen, Cr Walsh, Cr Healy | Staff – M Abbey, M Chesworth, E Wyatt, S Brown, K Girvan, J Canny |
| Conflict of Interest disclosures - Yes | |

| <i>Matter No.</i> | <i>Officer making disclosure</i> | <i>Was a vote taken?</i> | <i>Did Officer leave the room?</i> | <i>When? Before / after discussion / vote?</i> |
|-------------------|----------------------------------|---|---|--|
| Item 6 | M Abbey | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Before discussion |

| | |
|--|--|
| Meeting Name / Type | Councillor Briefing Session |
| Meeting Date | 6 April 2016 |
| Matters discussed | <ol style="list-style-type: none"> 1. Kinglake RAC 2. Lake Eildon Management Body Proposal 3. Councillor Code of Conduct Policy Review 4. Councillor Development and Conference Policy 5. Community Grant Forum |
| Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Walsh, Cr Healy, Cr Lording | Staff – M Abbey, M Chesworth, E Wyatt, B Elkington, T Carter, A Bond |
| Conflict of Interest disclosures - Nil | |

| | |
|--|--|
| Meeting Name / Type | Councillor Briefing Session |
| Meeting Date | 13 April 2016 |
| Matters discussed | <ol style="list-style-type: none"> 1. Rates – Receivables and Collections 2015-16 2. Budget Discussion 3. Goulburn Valley Highway – Yea to Molesworth Safety Scheme 4. Halls Flat Road – Alexandra 5. Submission to VicForest by Rubicon Forest Protection Group 6. Submission to the Draft National Recovery Plan for Leadbeater’s Possum 7. Electoral Regulations Review 8. Lake Eildon Management Body Proposal |
| Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Lording, Cr | Staff – M Abbey, E Wyatt, A Bond, S Mortensen, S Brown, M Leitinger |

| | |
|---|--|
| Walsh, Cr Healy, Cr Derwent | |
| Conflict of Interest disclosures - Nil | |

RESOLUTION:**Cr J Walsh / Cr J Kennedy****That Council receives and notes the record of assemblies of Councillors for 16 March 2016 to 13 April 2016.****CARRIED****12. URGENT BUSINESS**

Nil

RESOLUTION:**Cr J Kennedy / Cr E Lording****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 7.14 pm

RESOLUTION:**Cr J Kennedy / Cr C Healy****That the meeting re-opens to the public.**

The meeting re-opened to the public at 7.23 pm.

13. CONFIDENTIAL ITEMS**13.3 BRIDGE RENEWAL/REFURBISHMENT PROGRAM 2015/16**

REF: CONT16/1

RESOLUTION:**Cr J Kennedy / Cr E Lording****That Council**

- 1. Accept the tender from P & J Stewart Pty Ltd for the lump sum price of \$417,785.50 (\$379,805.00 excluding GST) with a \$38,000 contingency allowance. Total project cost \$459,564.05 (\$417,805 excluding GST);**
- 2. Authorise the signing and sealing of Contract number 16/1 Bridge Renewal and Upgrades (Mainly Timber Components) – Package C.**
- 3. Affix the Council seal to this contract.**

CARRIED

13.4 AUDIT COMMITTEE APPOINTMENTS

REF: 16/18438

RESOLUTION:

Cr J Walsh / Cr A Derwent

That Council appoints Mr Ian McKaskill and Mr Richard Rogerson to the Audit Committee as external independent members in accordance with provisions of the Audit Committee Charter.

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 7.23 pm.

CONFIRMED THIS

25 May 2016

CHAIRPERSON

R. Rogerson