



MINUTES
of the
ORDINARY MEETING OF COUNCIL
WEDNESDAY 23 JANUARY 2019
at
Murrindindi Shire Council
Council Chamber
The Semi-Circle
Yea
6.00 pm

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1. PLEDGE AND RECONCILIATION STATEMENT

The meeting was opened with the Mayor declaring the following Pledge on behalf of all Councillors:

“As the Councillors democratically elected to represent our community as the Murrindindi Shire Council we are committed to working together in the best interests of the people who live in our municipality, who conduct business here and those who visit.

We would like to acknowledge the traditional custodians of the land on which we are gathered and pay my respects to the past and present elders”.

2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Councillors S McAulay (Chair), L Dunscombe, R Bowles, J Ashe, C Bisset, E Lording, M Rae

In attendance:

Chief Executive Officer: Craig Lloyd
Director Corporate and Shared Services: Michael Chesworth
Director Assets and Development: Stuart McConnell
Director Community Engagement: Shivaun Brown
Manager Governance and Risk: Tara Carter
Manager Development Services: Darren Jackson
Governance Officer: Audrey Kyval

3. COMMUNITY RECOGNITION

Suspension of standing orders to thank and acknowledge community achievements.

RESOLUTION:

Cr J Ashe/ Cr E Lording

That Standing Orders be suspended and for the Community Recognition be tabled in the minutes.

CARRIED

The meeting was suspended at 6.01 pm.

The Mayor, Councillor McAulay, made the following acknowledgement.

The 10-year anniversary of the 2009 Bushfires is fast approaching, and with it comes a difficult time for our community and other fire-affected communities across the state.

The bushfires started on 7 February 2009 and weren't officially contained until March. We saw more than 100 people lose their lives in the shire of Murrindindi and 173 lives lost across Victoria. Many homes, animals, businesses and other properties were lost as well. More than 40% of our shire was burnt.

And while we have often had occasions to celebrate the progress of our towns and the recovery of our communities since then, including welcoming many new residents, Murrindindi Shire Council and its communities were changed forever in 2009.

With the help of funding from the Victorian Government, our communities have been given a chance to commemorate this anniversary with events and activities. We're expecting more than 50 events to happen around the shire over the coming months.

From Council's perspective, there's a couple of really important things I would like to make note of. I would like to recognise the extraordinary contribution of Lyn and Brenton Gunter. As many would remember, Ms Gunter was serving as Mayor of Murrindindi Shire Council during the time of the 2009 fires.

Ms Gunter, a Flowerdale resident at the time, put her heart and soul into battling for the communities of shire to the State Government and other agencies which may not have been as familiar with the unique challenges we experienced. In the aftermath of the 2009 Bushfires, everyone gave 110%, but Ms Gunter gave 120%. For this, we would like to thank Ms Gunter, her contribution is not forgotten.

I would like to take a moment to reflect of the staff of Murrindindi Shire Council at the time. There were staff members who had defended their homes on the Saturday and Sunday, and were then at work on Monday ready to help with the emergency effort. In the aftermath of the fires, the staff of Murrindindi Shire Council put in hundreds and hundreds of volunteer hours. It was then, and remains today, an incredible and inspiring demonstration of the spirit of our community and organisation.

Finally, on behalf of Council, I would like to once again recognise the astonishing efforts of emergency services personnel during the 2009 Bushfires, including an incredible number of volunteers. The women and men fought the fires valiantly despite the risk to themselves.

So, as 7 February approaches, we all have a lot to reflect upon. As well as being a time to remember all those who were lost to the bushfires, this anniversary is also a time to reflect on the extraordinary goodwill and compassion shown to us after the fires.

The Chief Executive Officer, Craig Lloyd, made the following acknowledgement.

Vale Peter Mangan

Mr Peter Mangan was the Chief Executive Officer (CEO) and Shire Secretary for the Shire of Yea between 1987 and 1990. In fact, Mr Mangan was the first CEO appointed by the former Shire of Yea, and he resided in the Council, owned a residence at 14 Melbourne Road, Yea during his time as CEO.

He is remembered for establishing many of the basics of a modern local government organisation and introducing the first changes of the new (as it was then) *Local Government Act 1989*.

Mr Mangan left the area in 1990 and took up a position at Baw Baw Shire Council.

Mr Mangan passed away peacefully on Friday 28 December 2018, at the age of 69. A large crowd attended Mr Mangan's funeral service in Berwick on Friday 4 January.

We would like to take this opportunity to reflect on and recognise his contribution to the area and to other communities he worked with and for.

1939 and 1969 Bushfires

The 13th of January 2019 marked the 80-year anniversary of the 1939 fires, which became known as 'Black Friday'. These fires devastated Victoria. Narbethong was destroyed, and three quarters of the State was impacted, including Kinglake and Marysville. In all 71 lives were lost and approximately 650 buildings destroyed.

This fire predated the creation of the Country Fire Authority (CFA) and the subsequent Royal Commission led ultimately to the creation of the CFA.

Council would like to take this moment to remember those lives lost, and those who fought and lived through that terrible day using primitive firefighting techniques and without the aerial support, pumps and other equipment we expect today.

January 8 1969 marked the 50th anniversary of terrible fires which threatened the towns of Yea and Alexandra. There are still many people in our community with vivid recollections of these fires and the impacts they had.

On behalf of Council, I would like to take another moment to remember the life lost, significant property damage and the dedication and commitment of the fire fighters, emergency service volunteers and members of the community who worked so hard, to save our towns.

Cr L Dunscombe / Cr M Rae
That Standing Orders be resumed.

CARRIED

The meeting was resumed at 6.15 pm.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

Nil

5. CONFIRMATION OF MINUTES

5.1 Minutes of the Ordinary Meeting of Council held on 19 December 2018.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 19 December 2018 be confirmed.

RESOLUTION:

Cr M Rae / Cr R Bowles

That the minutes of the Ordinary Meeting of Council held on 19 December 2018 be confirmed.

CARRIED

6. PUBLIC PARTICIPATION TIME

6.1 QUESTIONS OF COUNCIL

Two questions were received from Jack Russell:

Question 1 Why is Council in breach of health and safety conditions in respect to failure to provide truck washing down bunding and treatment at the Yea Saleyard facility on site?

The Director Corporate and Shared Services responded to Question 1:

Truck operators (owners and drivers) are responsible for the management of waste from cattle being transported in their trucks and the trucks generally have bunding and tanks to contain waste.

Question 2 Has the Council allocated funds for such essential treatment systems and if so, then please detail the specifications for compliance and a start and completion date.

The Director Corporate and Shared Services responded to Question 2:

Council does not have specific plans in relation to such a treatment facility.

6.2 OPEN FORUM

Carmelo Rositano spoke in support of the 1/2018/289/1 – Display of a Major Promotion Sign – 1 Whittlesea Kinglake Road, Kinglake (item 7.1 on the Agenda).

The Chairperson closed Public Participation Time.

6.3 PETITIONS

6.3.1 PETITION – RATES OBJECTION – THE BOULEVARD EILDON

Attachment(s): *Petition – Objection Rates – Residential – The Boulevard Eildon (distributed separately to the Councillors)*

Purpose

This report is to advise Council that a petition has been received in relation to a Goulburn Murray Water property in the Boulevard, Eildon. The petition has two requests:

1. petition to Murrindindi Council to reduce our Council Rates after a clearing by GMW in The Boulevard has impacted on property values of its residents
2. the residents of The Boulevard requesting action to revegetate the recent destruction of the open drain.

Officer Recommendation

That Council refer the petition to the Director Corporate and Shared Services for a report to be prepared for 27 February 2019 Ordinary meeting of Council.

Background

The petition is signed by 15 people and submitted by Mr John Turner. The petition also has 13 supporting submissions requesting a 25% decrease in rates for the relevant properties.

RESOLUTION:

Cr J Ashe / Cr M Rae

That Council refer the petition to the Director Corporate and Shared Services for a report to be prepared for 27 February 2019 Ordinary meeting of Council.

CARRIED

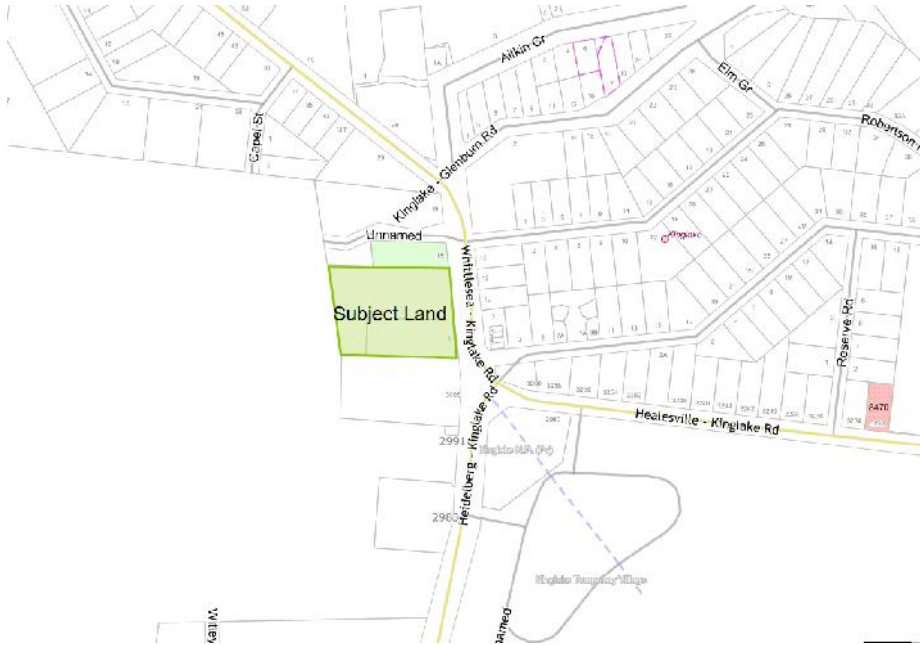
7. OUR PLACE

7.1 1/2018/289/1 – DISPLAY OF A MAJOR PROMOTION SIGN – 1 WHITTLESEA KINGLAKE ROAD, KINGLAKE

Attachment(s): *Application Documents (refer Attachment 7.1) (submission details were previously distributed to Councillors)*

Land: 1 Whittlesea-Kinglake Road, Kinglake
Proposal: Display of a major promotion sign
Applicant: Kinglake Village Pty Ltd
Zoning: Commercial 1
Overlays: Bushfire Management

Locality Plan



Purpose

This report relates to the display of a major promotion sign at 1 Whittlesea-Kinglake Road, Kinglake. The application is being reported to Council because a single objection has been received. This report recommends that Council issue a notice of decision to grant a permit on the basis that the sign complies with the provisions of the Murrindindi Planning Scheme, is located in a commercial area and will be temporary in nature.

Officer Recommendation

That Council issue a notice of decision to grant a permit for the display of a major promotional sign at 1 Whittlesea-Kinglake Road, Kinglake subject to the following conditions:

1. The location, content and details of the sign, including supporting structures, as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority
2. This permit expires three years from the date of issue. At the expiry of this permit, the sign and associated supporting structures must be removed from the land unless a further planning permit is issued prior to the expiry date
3. The sign must not contain any flashing or moving lights, to the satisfaction of the Responsible Authority
4. The sign must not contain colouring, materials or content that will dazzle or distract drivers or be mistaken for traffic signals or instructions to drivers
5. The sign must be kept in good order and maintained to the satisfaction of the Responsible Authority including the prompt removal of graffiti from the signs and associated support structures.

The Land and Surroundings

The subject land is described as Lot 1 TP 356174 (No. 1) Whittlesea-Kinglake Road and comprises of a 1.2 hectare (ha) vacant land parcel located to the west of the Kinglake main street commercial precinct.

The subject land and surrounding land (other than land to the west) is within a Commercial 1 Zone under the Murrindindi Planning Scheme. The land is also affected by a Bushfire Management Overlay.

The land is cleared, other than for some established planted native vegetation close to the frontage, and slopes gently to the west.

The land contains some concrete slabs associated with a former petrol station destroyed in the 2009 bushfires. The site frontage is 96.1 metres (m) has also been partially embellished with landscaping and seating and this area is managed by Council under a lease arrangement.

Surrounding land is characterised by:

- existing commercial uses (east)
- the Kinglake police station and Council's Kinglake service centre (north)
- the historic Eothen Residence which is also within a commercial zone (south)
- farmland (west).

A retail and commercial development, known as 'Kinglake Village', is proposed on the land and has been the subject of recent developer-initiated community consultation sessions. The landowner is currently preparing an application for a planning permit for the proposed development and anticipates construction and completion by 2020.

Proposal

Planning consultants for the applicant have described the proposal as follows:

The application is for the construction of a temporary major promotion sign to be displayed on a temporary fence (hoarding). The signage is to be positioned along the extent of the eastern frontage of the site to Whittlesea-Kinglake Road. It is proposed to be setback from the eastern property boundary by 7.4m and is at a slight angle to the street boundary.

The proposed signage is an integral component of Kinglake Village Pty Ltd's community engagement for the proposed redevelopment of the land. The space will be used to introduce imagery and information regarding the development concept through the various approvals and delivery stages. Initially the images include people shopping, food and produce and the like, as indicatively shown in the application material.

The signage will also include a panel detailing the details of the project team members contributing to the proposed redevelopment.

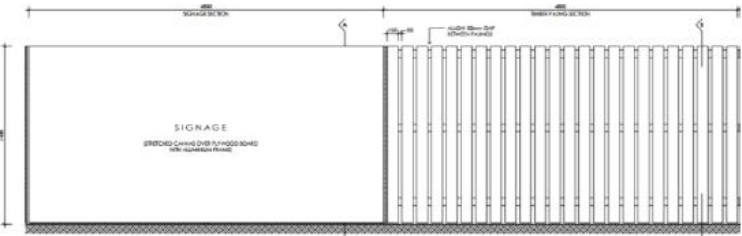
It is expected that the proposed signage will be erected on site for approximately two years, with the signage to serve as a community engagement and information tool, whilst also providing a neat, effective screen during site works. It is intended that the imagery will be updated intermittently throughout the life of the project, ensuring the hoarding signage is relevant and reflects the stages of construction to keep the community updated and informed throughout.

The hoarding itself (which doesn't require a planning permit) will incorporate recycled timber sourced from 'Recycled Timber Specialists, Kinglake'. The timber will be specified between the signage panels and spaced evenly across the overall structure. The timber palings will include 50 millimeters (mm) gaps to enable visual permeability to the land beyond. The

design also incorporates a single shipping container located centrally along the hoarding, creating a central point of interest where more detailed information will be displayed, and allowing for onsite storage of equipment during construction.

The proposed signage will consist of stretched canvas mounted on aluminium rods and screw fixed into a plywood backing. The plywood is fixed to the timber post fence behind, as explained on the accompanying architectural drawings.

Further details of the signage are set out in the following table:

Dimensions	Materials	Elevations
<p><u>Height</u> 2.25 metres (display area) and 2.40 metres (sign including structure).</p> <p><u>Length</u> 4.75 metres each panel (total 10 panels)</p>	<p><u>Signage</u> Stretched printed canvas with aluminium rod, mounted on plywood. Capral rope track extrusion is screw fixed to the all four edges of plywood (to each sign).</p>	
<p><u>Display Area</u> 10.7 sqm per sign</p>	<p><u>Fencing:</u> Recycled timber palings</p>	
<p><u>Total Display Area:</u> 107 square metres (10 signs)</p>	<p><u>Shipping Container</u> Standard 20 foot container painted back</p> <p><u>Gate</u> Hinge gate to most southern post constructed of plywood board with chain lock</p>	

Due to a misunderstanding by the signage contractors on behalf of the developer, the signage was put up for display immediately following the construction of the hoarding without the benefit of a planning permit (which was proposed to be issued on that same day). For the reasons set out further in this report, Council officers have not requested that the signage be removed pending any permit that may be issued.

Public Notification

Under section 52(1)(a) of the *Planning and Environment Act 1987* (the *Act*) a Responsible Authority must give notice of an application ‘unless the responsible authority is satisfied that the grant of a permit would not cause material detriment to any person’. In relation to the application proposal Council officers formed the view that notice would not be required for the following reasons:

- adjoining and opposite land is predominately located within the Commercial 1 Zone (C1Z) (including the residence to the immediate south). Signage objectives within this zone seek ‘to provide for identification and promotion signs and signs that add vitality and colour to commercial areas’ (Clause 52.05)

- the interfaces with the proposed signs were not considered to be sensitive and the sign is designed to face a public road and not private property
- the proposed signage does not contain any moving or flashing images and predominately contains artistic images
- the signage (and hoarding) are both temporary in nature and are to be removed once development on the site is complete.

It should be further noted that the proposed commercial and retail uses for the site will not require a planning permit. A permit is required for the development; however Victorian Planning Provisions exempt notice requirements relating to development in this zone (see Clause 34.01-7).

The single objection was received immediately following the display of the sign and prior to a planning permit being issued. Where a Council officer decision has been made to not proceed with notification, this does not prevent an objection being lodged if an affected person is made aware of an application proposal.

The objector is Kinglake resident located approximately 2 kilometres (km) from the subject land. The objection states 'this proposal has not been approved – massive advertising should be removed as no permit issued.' The submission further calls for proper community consultation.

Section 57(2) of the *Act* states that 'an objection must be made to the Responsible Authority stating the reasons for the objection and stating how the objector would be affected by the grant of the permit.' While the information provided by the objector is minimal, it is considered to constitute an objection under the *Act*.

Unfortunately, the objector was not able to attend the open house developer consultation sessions relating to Kinglake Village which was held on 6 and 7 December 2018 (including evenings). The objector has discussed the sign proposal (and the broader development proposal) with Council officers and planning consultants acting on behalf of the developer but the objection was not withdrawn, modified or clarified following these discussions.

Council officers are satisfied that the developer and fencing contractor made an error of judgment on the timing for the signage installation and its display. Council officers had intended to grant a permit for the sign on the day it was displayed but that outcome was prevented due to the lodgement of an objection and the need to report the matter to Council for a decision.

It remains the view of Council officers that the sign will not cause material detriment to others and in fact the combined effect of the hoarding and signage brings a positive amenity outcome and assists with the communication of the proposed development on this site. To date, no further enquiries, submissions or objections have been received from any other persons despite the sign being on display since 18 December 2018.

To the extent that the objector maintains a position that formal notice should be provided (such as a public notice on the site, written notice to all adjoining and opposite property owners and occupiers and publishing a notice in the local paper), there are Victorian Civil and Administrative Appeal (VCAT) provisions that are available. It should be further noted that a decision to not proceed with public notification will not preclude the objector lodging an appeal in relation to any decision by Council.

It is largely due to notification exemptions that the developer has undertaken community consultation outside the planning process to ensure that the proposal is responsive to existing and future community needs.

Discussion

The display of signage is regulated under the provisions of the Murrindindi Planning Scheme which are summarised below.

Zone and Overlay Provisions

The subject land is included in an B1Z (Clause 34.01) which forms part of the Kinglake commercial precinct. The purpose of the zone is to provide for vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. Signage within the B1Z has a minimum limitation. The signage purpose for these areas seeks to 'to provide for identification and promotion signs and signs that add vitality and colour to commercial areas'.

The land is affected by a Bushfire Management Overlay; however, the signage proposal does not trigger any requirements under this provision.

Planning Policy Framework

The following State planning policy provisions are relevant to the application proposal:

- community amenity is to be safeguarded when facilitating commercial and industrial development (Clause 13.07-1S – Land use compatibility)
- neighbourhood character, cultural identity and sense of place are important considerations when determining planning outcomes (Clause 15.01-5S – Neighbourhood character)
- development, including signage, must minimise detrimental impacts on amenity, on the natural and built environments and on the safety and efficiency of roads (Clause 15.01-1S – Urban design)
- new development on land near transport routes should seek to enhance safety and amenity over both the short and long term (Clause 18.01-2S – Transport system)
- planning should regulate the design of transport routes and nearby areas to achieve visual standards appropriate to the importance of the route with a particular reference to landscaping and the control of outdoor advertising (Clause 18.02-3S – Road system).

The following local planning policy provisions are relevant to the application proposal:

- support and facilitate commercial activities in smaller townships (Clause 23.01-3)
- encourage design and development of township entrances and streetscapes that respect the built environment and contribute to the overall appearance and township character and facilitate the rebuilding of towns and communities affected by natural disasters. (Clause 21.05-3).

Clause 52.05 of the Planning Scheme sets out particular provisions relating to advertising signs. The purpose and decision guidelines are set in full at the end of this report. The guidelines emphasise the need to consider the character and sensitivity of the area (including desired future character), impacts on views and vistas and landscape context. In relation to major promotion signs, before deciding on an application, a responsible authority must consider:

- the effect of the sign on significant streetscapes, buildings and skylines
- the visual appearance of a significant view corridor, view line, gateway location or landmark site identified in a framework plan or local policy
- residential areas.

When determining the effect of a major promotion sign, the following locational principles must also be taken into account:

- major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area
- major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways
- major promotion signs are discouraged within open space reserves or corridors and around waterways
- major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant view lines.

State, local and particular planning provisions emphasise the need for signage proposals to be carefully considered having regard to their broader site context. The sign on the subject land has been designed to promote future development on the land in a way that is respectful of the existing streetscape. The signage has a consistent theme with artistic elements. It is set back from the site frontage and will be integrated with existing and proposed landscaping. Importantly, the sign will serve to reduce the visual impact of site preparation, construction and development which is likely to occur over a number of years. Lastly the sign is temporary in nature and will be removed upon the completion of development on the land.

Unlike the major promotion sign refused at Council's previous meeting on 19 December 2018, the sign considered in this report is located in a commercial area, relates to proposed development on the land, is not adjacent to a visually sensitive road corridor and is temporary in nature.

In relation to the objector's reference to the sign being massive, it is acknowledged that the collective area of the display panels that constitute the sign are substantial (107m²) but the sign is largely expressed in artistic images and interspersed with fencing and landscaping. The treatment is preferred compared to a direct view into a future construction site or a blank construction hoarding.

Clause 52.05 requires that any permit allowing a major promotion sign contain conditions that specify that the sign must not dazzle or distract drivers due to its colouring. No traffic impacts have been identified with the application sign.

Referrals

The application was not required to be referred to any authority

Council Plan/Strategies/Policies

The Murrindindi Shire Council Plan 2017-2021 sets out the following objectives:

- Our Place – we will maintain and enhance places to be attractive and liveable, in balance with our natural environment and the strategy. Through good land use planning enhance the liveability, prosperity and rural character of our Shire
- Our Prosperity – in partnership with the community we will promote an environment in which business and community can thrive. We will ensure that opportunities to encourage economic development within our Shire are pursued. We will support business development and new investment, promote tourism, facilitate access to training, and advocate for improved infrastructure and services that meet our business and community needs.

Relevant Legislation

The proposal is being considered under the provisions of the Murrindindi Planning Scheme and the *Planning and Environment Act 1987*.

Financial Implications and Risk

The area no financial implications or risks in relation to this report.

Conflict of Interest

There are no declared conflicts of interest in relation to this report.

Legal/Policy Issues

Clause 52.05 *Signs*

Purpose:

- to regulate the development of land for signs and associated structures
- to ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character
- to ensure signs do not contribute to excessive visual clutter or visual disorder
- to ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Decisions Guidelines:

All Signs

Before deciding on an application, the Responsible Authority must consider, as appropriate:

- the character of the area including:
 - the sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character
 - the compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located
 - the cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs
 - the consistency with any identifiable outdoor advertising theme in the area.
- impacts on views and vistas:
 - the potential to obscure or compromise important views from the public realm
 - the potential to dominate the skyline
 - the potential to impact on the quality of significant public views
 - the potential to impede views to existing signs.
- the relationship to the streetscape, setting or landscape:
 - the proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape
 - the position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements
 - the ability to screen unsightly built or other elements
 - the ability to reduce the number of signs by rationalising or simplifying signs
 - the ability to include landscaping to reduce the visual impact of parts of the sign structure.

- the relationship to the site and building:
 - the scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building
 - the extent to which the sign displays innovation relative to the host site and host building
 - the extent to which the sign requires the removal of vegetation or includes new landscaping.
- the impact of structures associated with the sign:
 - the extent to which associated structures integrate with the sign
 - the potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area.
- the impact of any logo box associated with the sign:
 - the extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign
 - the suitability of the size of the logo box in relation to its identification purpose and the size of the sign.
- the need for identification and the opportunities for adequate identification on the site or locality.

Major Promotion Signs

- the effect of the proposed major promotion sign on:
 - significant streetscapes, buildings and skylines
 - the visual appearance of a significant view corridor, view line, gateway location or landmark site identified in a framework plan or local policy.
 - residential areas and heritage places
 - open space and waterways.
- when determining the effect of a proposed major promotion sign, the following locational principles must be taken into account:
 - major promotion signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area
 - major promotion signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways
 - major promotion signs are discouraged within open space reserves or corridors and around waterways
 - major promotion signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant view lines
 - on areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

RESOLUTION:**Cr L Dunscombe / Cr E Lording****That Council issue a notice of decision to grant a permit for the display of a major promotional sign at 1 Whittlesea-Kinglake Road, Kinglake subject to the following conditions:**

- 1. The location, content and details of the sign, including supporting structures, as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority**
- 2. This permit expires three years from the date of issue. At the expiry of this permit, the sign and associated supporting structures must be removed from the land unless a further planning permit is issued prior to the expiry date**
- 3. The sign must not contain any flashing or moving lights, to the satisfaction of the Responsible Authority**
- 4. The sign must not contain colouring, materials or content that will dazzle or distract drivers or be mistaken for traffic signals or instructions to drivers**
- 5. The sign must be kept in good order and maintained to the satisfaction of the Responsible Authority including the prompt removal of graffiti from the signs and associated support structures.**

CARRIED**7.2 KINGLAKE WEST AND PHEASANT CREEK RENAMING****Purpose**

This report provides Councillors with the outcomes of the recent community survey related to the naming of Kinglake West and Pheasant Creek localities, makes recommendations not to proceed with renaming as proposed by members of the Community, and recommends the next steps in implementing the Kinglake Flowerdale Toolangi Plan (KFT) for these areas.

Officer Recommendation

That Council resolve to:

1. note the outcomes of the Kinglake West and Pheasant Creek Naming Survey
2. determine not to proceed with renaming Kinglake West or Pheasant Creek, nor proceed with combining the names to Kinglake West-Pheasant Creek
3. note that, as previously included within the Planning Scheme, Kinglake West and Pheasant Creek will be considered as one Township for the purposes of planning
4. consider allocation of funding in the 2019/20 Murrindindi Shire Council Budget to commence community consultation and design of works to improve the streetscape and appearance of both townships, as the first stage of implementing the Kinglake Flowerdale Toolangi Plan.

Background

In 2015 an Independent Planning Panel (C54) (Panel) reviewed a proposed update to the Local Planning Policy Framework for Murrindindi Shire.

One of the matters raised in public submissions to the Panel was the need for Kinglake West and Pheasant Creek to be recognised as a single settlement.

The Panel supported this submission recommending that Kinglake West/Pheasant Creek be recognised 'for the purposes of Planning' as a single settlement. The Panel also recommended that the name of the Township should be known as Kinglake West-Pheasant Creek.

In Late 2015 Council adopted the revised Framework Plan, accepting the Panel recommendations, including recognising in the Planning Scheme Kinglake West and Pheasant Creek as a single Township named as Kinglake West-Pheasant Creek.

Recognition as a single Township does not in itself mean that the areas must be named as a single town, but provides status for the combined areas when planning priorities and funding are being considered.

Community Request

Since that time, members of the community have continued to raise with Council a desire to have the names of Kinglake West and Pheasant Creek, including residential addresses in those areas, formally changed to Kinglake West-Pheasant Creek.

If Council was to proceed with the suggestion, it would mean for example, the residential address of 1 Edenvale Crescent, Kinglake West, Victoria 3757 - would become 1 Edenvale Crescent, Kinglake West-Pheasant Creek, Victoria 3757.

In submissions made to the Panel by the Community, it was suggested that the single name would recognise that there is strong support in the Kinglake West-Pheasant Creek community for the localities of Kinglake West and Pheasant Creek to be combined into one locality.

Public submissions also suggested that not recognising the Kinglake West and Pheasant Creek areas as a single locality risks public safety for emergency response, confuses transport, mail services, communications and local community identity and results in lower investment in the area.

In order to bring resolution to the naming request and to test if the assertions made as to the high levels of support for renaming, Council issued a community survey on 30 October 2018. The survey sought community feedback on the naming, township identities, issues with emergency services attendance, postal service issues etc.

It was planned to supplement the online survey with a postal survey, however given the overwhelming and very clear response from the community it was determined not to spend funds on a postal survey.

It should also be noted that there has been no cost to Murrindindi Shire ratepayers through seeking the views of our community through an online survey.

Kinglake Flowerdale Toolangi Plan (KFT)

The KFT and design framework was initiated in 2010 to form the Victorian State Government's response to the 2009 bushfires and Victorian Bushfires Royal Commission. Council adopted the KFT in February 2014.

A key recommendation of the KFT was a need for more detailed streetscape master planning in town centres and community nodes to define potential future improvements, and integrate a number of activities to be undertaken by Council and others.

In response to this recommendation, the Kinglake Flowerdale Toolangi Streetscape Master Plan (Streetscape Plan) was developed to guide future design and works in the public realm, roads, and some adjoining private land areas in the Kinglake, Kinglake West/Pheasant Creek, Flowerdale and Toolangi community precincts. The Streetscape Plan was approved by Council in June 2015.

Since approval of the Streetscape Plan in 2015, little progress has been made to commence implementation of this plan, and the draft designs for Kinglake West-Pheasant Creek were not viewed by the Community as having been well consulted on or finalised.

Discussion

The Kinglake West and Pheasant Creek Naming Survey drew a significant number of responses (276 responses). All percentages shown have been rounded to the nearest percentage point for ease of reading.

Survey Findings (rounded to the nearest %)

Survey respondents were current residents of the Shire (92%), with 72% identifying as living in either Kinglake West (51%) or Pheasant Creek (21%).

Of those identifying as not living in Kinglake West or Pheasant Creek (28%) respondent's interests were described as:

- historical connection with the area – 10%
- former Resident – 12%
- family members resident in area – 14%
- own or operate a business in the area – 3%
- other (largely residents of adjoining areas such as Kinglake) – 44%.

Tenure of Residency in Kinglake West and Pheasant Creek

Current residents identified as having resided in their areas as follows:

- less than 1 year – 5%
- 1 year to 5 years – 20%
- 6 years to 10 years – 17%
- 11 years to 20 years – 22%
- over 20 years – 22%
- lifelong resident – 15%.

Emergency Services, Postal and Utilities

Current residents were asked to identify if they had, in the past five years, experienced any issues with attendance of emergency services, postal services, Council rates notices or other utilities related to their postal address:

	Never	Rarely	Sometimes	Often	Always
Post/Mail Deliveries	65%	15%	14%	7%	<1%
Emergency Services	89%	6%	4%	<1%	<1%
Utilities	80%	6%	7%	7%	<1%
Council Rates	88%	7%	2%	2%	<1%

It is clear from the responses that, in each case, a very small number of issues have been experienced by residents in the past five years with 89% of respondents reporting they had never had a problem with the emergency services knowing their location.

Single or Separate Communities

Respondents were asked if they feel Kinglake West and Pheasant Creek are a 'single community' or 'separate communities'. Across all respondents the following views were expressed:

- single community – 39%
- separate communities – 51%
- not sure - 3%

- other - 7%.

When reviewing the views of only those that currently reside within Kinglake West or Pheasant Creek the views are as follows:

- single community – 32%
- separate communities – 59%
- not sure - 3%
- other - 6%.

Single or Separate Townships

Respondents were asked if they feel Kinglake West and Pheasant Creek are a 'single township' or 'separate townships'. Across all respondents the following views were expressed:

- single township – 31%
- separate townships – 59%
- not sure - 4%
- other - 5%.

When reviewing the views of only those that currently reside within Kinglake West or Pheasant Creek the views are as follows:

- single township – 32%
- separate townships – 59%
- not sure - 3%
- other - 6%.

Renaming of Kinglake West and Pheasant Creek

Respondents were asked 'Do you support the suggestion received by Council to rename Kinglake West and Pheasant Creek to a single township name of Kinglake West-Pheasant Creek?'.

Across all respondents the following views were expressed:

- support – 8%
- do not support – 79%
- other - 13%.

When reviewing the views of only those that currently reside within Kinglake West or Pheasant Creek the views are as follows;

- support – 8%
- do not support – 79%
- other - 12%.

Kinglake West residents expressed their view on the proposal as follows:

- support – 5%
- do not support – 85%
- other - 10%.

Pheasant Creek residents expressed their view on the proposal as follows:

- Support – 16%
- Do Not Support – 67%
- Other - 18%.

Within the small number of other responses, suggestions to rename the combined areas under the name Kinglake West, or Pheasant Creek or a new name.

Conclusion

It is clear from the responses provided by our communities, reinforced by the consistency of views of those who are currently a resident in Kinglake West and Pheasant Creek that there is no support for merging the names.

Having already recognised that Kinglake West and Pheasant Creek are a single township for the purposes of land use planning has addressed the majority of issues raised related to how the area is funded and serviced. Kinglake West and Pheasant Creek however should continue to be recognised as separate communities as clearly indicated by our community.

Additional Considerations

Should Council wish to give further consideration to recognising Kinglake West and Pheasant Creek as a single township, the following would need to be considered, as raised by the community during the survey:

- impacts to residents needing to change their addresses, inconvenience, cost etc.
- practicality of a hyphenated town name, in some cases combined with already hyphenated street name
- parts of Kinglake West are in the City of Whittlesea
- cost of altering signage, administrative costs of processing mapping changes etc.
- lessons learnt through the Hazeldene/Flowerdale changes.

Implementing the Kinglake Flowerdale Toolangi Plan (KFT)

Should Council adopt the recommendations of this report, Council officers will proceed with the development of a budget proposal for consideration for funding in 2019/20. This proposal will seek funding to implement the first stage of the KFT as it relates to Kinglake West-Pheasant Creek.

This work will include finalising consultation and designs for a refreshed streetscape, correcting anomalies related to a small number of street addresses and determining appropriate locations for town signage.

Further additional work will be undertaken to assess the appropriate zoning of existing industrial/commercial land.

Council Plan/Strategies/Policies

The recommendations of this report are consistent with the Murrindindi Shire Council Plan 2017-2021, in particular the strategic objectives:

- Our Place – we will maintain and enhance places to be attractive and liveable, in balance with our natural environment; and the strategy:
 - through good land use planning enhance the liveability, prosperity and the rural character of our Shire
 - recognise and embrace the history, culture and identity of our towns and communities

- Our Promise – we will work in collaboration with our communities to deliver the best possible outcomes in all that we do;
 - expand our communication and two-way engagement with the community
 - ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council's resources.

Relevant Legislation

Kinglake West-Pheasant Creek is recognised as a single township for the purposes of planning in the Murrindindi Planning Scheme, which is administered under the *Planning and Environment Act 1987*.

Financial Implications and Risk

This report makes no financial commitment of Council

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

The recommendations contained in this report include considerable feedback from the community achieved through an online survey.

RESOLUTION:

Cr L Dunscombe / Cr E Lording

That Council resolve to:

1. **note the outcomes of the Kinglake West and Pheasant Creek Naming Survey**
2. **determine not to proceed with renaming Kinglake West or Pheasant Creek, nor proceed with combining the names to Kinglake West-Pheasant Creek**
3. **note that, as previously included within the Planning Scheme, Kinglake West and Pheasant Creek will be considered as one Township for the purposes of planning**
4. **consider allocation of funding in the 2019/20 Murrindindi Shire Council Budget to commence community consultation and design of works to improve the streetscape and appearance of both townships, as the first stage of implementing the Kinglake Flowerdale Toolangi Plan.**

CARRIED

8. OUR PEOPLE

Nil

9. OUR PROSPERITY

Nil

10 **OUR PROMISE**

10.1 **AUDIT ADVISORY COMMITTEE CONFIRMATIONS**

Attachment(s): *2018-12-13 Audit Advisory Committee Minutes (Attachment 10.1a)*
 Audit Advisory Committee Charter (Attachment 10.1b)
 2018-12-13 Audit Advisory Committee Attachments (distributed separately to
 Councillors)

Purpose

This report is to seek Council's endorsement of the:

- December 2018 Audit Advisory Committee meeting minutes
- one-year extension to the appointment of independent member Michele Sheward
- recommended revisions to the Audit Advisory Committee Charter.

Officer Recommendation

That Council:

1. receives the minutes of the Audit Advisory Committee meeting held on 13 December 2018
2. endorses the extension of Michele Sheward's term as an independent member of the Committee for a further one-year to February 2020
3. endorses the recommended revisions to the Audit Advisory Committee Charter as enclosed (Attachment 10.1b).

Background

The primary objective of the Audit Advisory Committee (Committee) is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Committee is established to assist the coordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

The Charter of the Committee is the primary instrument outlining the roles and responsibilities of the Committee and its committee members.

Discussion

The Committee met on 13 December 2018 and the minutes of the meeting are enclosed (Attachment 10.1a). At the meeting the Committee resolved to recommend to Council that the Committee Charter be modified as follows:

- the Committee be renamed the Audit and Risk Advisory Committee to better reflect the focus of the Committee
- independent members of the Committee be eligible to apply for a maximum of three consecutive three year terms, to set a limit on length of membership
- former Murrindindi Shire Councillors be ineligible from taking an independent position on the Committee for a minimum of two years after the expiry of their term as a Councillor, to enable adequate separation between the role of Councillor and role as an independent person
- the Chair of the Committee to present the Annual Report of the Committee to Council in person at an Ordinary Meeting of the Council, to ensure appropriate engagement and accountability between the Committee and Council

- induction for new independent members of the Committee to include an opportunity for all independent members to meet informally prior to the first Committee meeting attended by the new member to aide introductions.

These recommended changes are highlighted in the revised Charter (Attachment 10.1b).

Independent members of the Committee are appointed for a two-year term, with the option for Council to extend the appointment for a further one-year before the position is publically advertised. Independent member Michele Sheward was initially appointed as an independent member of the Committee at the Ordinary Meeting of Council of 27 November 2013 and served for three years. She re-applied and was reappointed by Council for a further term at the Ordinary Meeting of 22 February 2017. The first two years of this term expires in February 2019 and she has expressed an interest to extend the term for a further one-year to February 2020 as per the Committee Charter. At the December 2018 Committee meeting the Committee resolved to recommend to Council to extend Michele Sheward's term for a further year to February 2020.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our Promise strategic objective to 'work in collaboration with our communities to deliver the best possible outcomes in all that we do'.

Relevant Legislation

Council is required under the *Local Government Act 1989* to have an appropriately endorsed Audit Committee that meets regularly to provide oversight on Council's financial and governance requirements.

Financial Implications and Risk

The role of Audit Advisory Committee is to provide oversight of Council's risk, governance and financial management controls. An honorarium of \$2,000 per annum is paid to the independent members of the Audit Advisory Committee.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

This report arises from the discussions and recommendations of the Audit Advisory Committee.

RESOLUTION:

Cr M Rae / Cr L Dunscombe

That Council:

1. **receives the minutes of the Audit Advisory Committee meeting held on 13 December 2018**
2. **endorses the extension of Michele Sheward's term as an independent member of the Committee for a further one-year to February 2020**
3. **endorses the recommended revisions to the Audit Advisory Committee Charter as enclosed (Attachment 10.1b).**

CARRIED

10.2 QUARTERLY CAPITAL WORKS REPORT

Attachment(s): *Capital Works Quarterly Report – December (refer Attachment 10.2)*

Purpose

This report provides an update on the 2018/19 Capital Works Program (CWP) for the second quarter of the year ending 31 December 2018.

Officer Recommendation

That Council:

1. note the December 2018 Quarterly Report – Capital Works Program 2018/19
2. approve the reallocation of savings and unused budget as set out in this report.

Background

This report is the second quarterly report for the 2018/19 CWP. The period of reporting is from 1 October 2018 to 31 December 2018. The CWP is comprised of those projects endorsed by Council as part of the 2018/19 Capital Works budget, projects identified for carry forward from the 2017/18 program and approved projects that have received grant funding during the financial year.

Discussion

Works undertaken during the second quarter of 2018/19 generally consists of the completion of carry forwards from the 2017/18 CWP and the initiation of the scoping, planning, design and tender phases of the 2018/19 CWP.

This report also includes an attachment (*Attachment 10.2*) which indicates the Council officer's level of confidence in projects being completed within the current financial year using a traffic light system. The colours shown highlight the following:

- green – Council officers are confident that the project will be delivered within the current financial year
- yellow – there is a medium risk that there may be a delay in delivery due to issues outside of Council officer's control
- red – there is a high risk that delivery will not occur within the current financial year for reasons as outlined
- blue - the project has been assessed and is no longer required
- brown – the project has been completed.

Additional information on projects is presented below:

1. Major areas of expenditure for the quarter:
 - Bushfire Memorials - \$220,998
 - Gravel Road Sealing Program - \$34,145
 - Footpath Renewal - \$9,052
 - Marysville Tourism and Arts Centre - \$2,981
 - Yea and District Children's Centre - \$250,173
 - UT Creek Gravel Removal - \$34,400
 - Alexandra Tennis Club - \$93,098
 - Myles Road Culvert - \$16,350

- Spring Creek Bridge - \$16,350
 - Kinglake – Glenburn Curve - \$10,280
 - Leckie Park Alexandra - Toilet Removal - \$11,000
 - Bollygum Park Kinglake – Septic Upgrade - \$29,660
 - Yea Saleyards – Flooring Renewal - \$6,560
 - Marysville Settlers Park Power Heads – Renewal - \$ 20,160.
2. Projects that are delayed or where other significant issues that have arisen which affect the budget for the project:
- Yea Recreation Change Rooms – renewal and upgrade – Council obtained grant funding for additional upgrade works.
After consultation with the user groups, while preliminary work such as design will continue, physical works will be deferred until the completion of the 2019 football season.
 - Aitken Crescent – sealing and path – project on hold until Kinglake streetscape concept plan is finalised and funding for the overall streetscape and the associated delivery plan is completed. This reflects the need for careful integration of the two projects.
3. Projects where physical works are anticipated to commence during the next reporting period (1 January to 31 March 2019):
- Sealed Roads Program
 - Road Safety Program
 - Footpath / Kerb and Channel Program
 - CJ Dennis Memorial Hall Toolangi – External Refurbishment
 - Leckie Park Alexandra Storage Shed Extension
 - Strath Creek Playground Shade Structure
 - Switchboard Compliance Works
 - Kinglake Community Centre – Roof and Lighting
 - Ghin Ghin Road Safety Improvements – (Fixing Country Roads Grant)
 - Jorgensen Avenue Heavy Vehicle Access Improvement – (Fixing Country Roads Grant)
 - High Street Yea Traffic Management – (Fixing Country Roads Grant)
 - Wilhelmina Falls Road
 - Break O’day Road Traffic Treatment
 - Yea – Station Street Playground
 - Yea – High Street Irrigation
 - Eildon – Boat Ramp Widening
 - William and Peterkin Street Drainage
 - Yarck Recreation Reserve Public Toilet Renewal
 - Kinglake Ranges Neighbourhood House – Kitchen Renovation
 - Alexandra Shire Office – External Refurbishment
 - Yea Shire Hall - External Restoration.

4. Projects completed in the December quarter:

- Bushfire Memorials
- UT Creek Gravel Removal
- Alexandra Tennis Club
- Myles Road Culvert
- Spring Creek Bridge
- Kinglake – Glenburn Road Curve
- Leckie Park Toilet Removal
- Bollygum Park – Septic Upgrade
- Yea Saleyards Flooring Renewal
- Marysville Settlers Park Power Heads – Renewal.

5. Project savings and reallocations:

Project savings and proposed budget reallocations are outlined in Table 1 below.

Project - Savings	Saving	Reallocation	Amount
Sealed Roads Program	\$222,000	<ul style="list-style-type: none"> • pre sealing maintenance repairs and preparatory work • Fixing Country Roads – matching contribution for grant funded projects – Ghin Ghin Road, Jorgenson Parade, Pheasant Creek and High Street, Yea. • culvert replacement Myles Road, Murrindindi 	<p>\$145,000</p> <p>\$40,000</p> <p>\$16,350</p>
Paths Program	\$37,000	<ul style="list-style-type: none"> • Kinglake West Carpark (Memorial) resealing • Lake Mountain – bike path extension 	<p>\$20,000</p> <p>\$17,000</p>
Leckie Park Toilet Removal	\$9,000	Leckie Park disused tennis court slab removal	\$9,000
<ul style="list-style-type: none"> • Perkins Street Office – internal modifications (rescoped) • Thornton Football Club pavilion renewal • Yea Shire Hall restoration works • Flagpoles at Council offices 	<p>\$32,980</p> <p>\$30,000</p> <p>\$75,000</p> <p>\$14,237</p>	<ul style="list-style-type: none"> • Depot internal refurbishment • Kinglake Memorial Reserve Netball Courts – drainage and repairs 	<p>\$15,000</p> <p>\$60,000</p>
Total Savings Amount	\$420,217	Reallocation Amount	\$322,350

Savings available for further reallocation is \$97,867. Further advice will be provided in relation to the priorities for reallocation of these funds.

Council Plan/Strategies/Policies

The CWP is consistent with the Council Plan 2017-2021 Our Promise strategic objective ‘to work in collaboration with our communities to deliver the best possible outcomes in all that we do.’ It is also consistent with the strategy ‘to maintain Council’s financial sustainability through sound financial and asset management.’

Financial Implications and Risk

Timely reporting of financial issues assists in early identification of the need for corrective action or reallocation of budget where required. Reporting of project progress also provides Council and the community with an understanding of when projects will commence and communicates delays if they occur.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external consultation has been undertaken in the preparation of this report.

RESOLUTION:

Cr E Lording / Cr M Rae

That Council:

1. **note the December 2018 Quarterly Report – Capital Works Program 2018/19**
2. **approve the reallocation of savings and unused budget as set out in this report.**

CARRIED

10.3 AUDIO RECORDING OF COUNCIL MEETINGS**Purpose**

The purpose of this report is to seek Council's formal agreement to commence the audio recording of Council Ordinary and Special Meetings and for the recordings of meetings open to the public to be posted on Council's website.

Officer Recommendation

That Council:

1. endorses the audio recording of all Ordinary and Special Meetings of Council by Council's governance officers as an official record of the meeting, beginning with the February 2019 Ordinary Meeting
2. endorses the public release of audio recordings of meetings open to the public on Council's website
3. notes that the recordings of Council meetings remain the property of Council, and their use for the purposes of broadcasting or distribution requires prior approval of the Chief Executive Officer.

Background

In December 2016 the Victorian Ombudsman Office released a report regarding an investigation into the transparency of Local Government decision making. One of the outcomes of the report was the need for councils to improve access to council information and the decision making processes of the council.

Specifically, the Ombudsman recommended that the following be introduced by Councils:

'Audio recording wherever practicable of both open and closed council meetings, and posting of audio recordings of open meetings on council websites'.

In July 2018 the Ombudsman noted that 32 Councils had introduced streaming of meetings.

Murrindindi Shire Council does not currently record its Ordinary or Special Meetings and its Governance Local Law 2, 2014 (section 42.1) currently prohibits the recording of meetings by any person unless approved by the Chair.

Discussion

In an effort to meet the objectives of the Ombudsman's report and to improve public access to the decision making processes of Council, it is proposed that audio recordings be made of all Ordinary and Special Meetings of Council, and the audio recordings of meetings open to the public be posted on Council's website. It is proposed to commence these recordings at the February 2019 Ordinary Council Meeting.

In order to meet the requirements of Council's Governance Local Law 2, 2014 in relation to the recording of Council meetings, but remove the need for the Chair to approve these recordings at every meeting, it is recommended that Council resolve to commence and publically release these audio recordings.

It is noted that this will not replace the preparation of Council meeting minutes, nor will this remove the prohibition on any other person from recording Council meetings, as per the Governance Local Law 2, 2014.

It is intended that the recordings of Council meetings remain the property of Council, and it is recommended that their use for the purposes of broadcasting or distribution would require prior approval of the Chief Executive Officer.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Promise strategic objective to 'work in collaboration with our communities to deliver the best possible outcomes in all that we do'.

Relevant Legislation

The Governance Local Law 2, 2014 (section 42.1) currently prohibits the recording of meetings by any person unless approved by the Chair.

Financial Implications and Risk

There are no direct financial implications or risks associated with this resolution of Council.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external consultation is required in the preparation of Delegations and Authorisations

RESOLUTION:

Cr E Lording / Cr C Bisset

That Council:

- 1. endorses the audio recording of all Ordinary and Special Meetings of Council by Council's governance officers as an official record of the meeting, beginning with the February 2019 Ordinary Meeting**
- 2. endorses the public release of audio recordings of meetings open to the public on Council's website**
- 3. notes that the recordings of Council meetings remain the property of Council, and their use for the purposes of broadcasting or distribution requires prior approval of the Chief Executive Officer.**

CARRIED

11. NOTICES OF MOTIONS

Nil

12. MATTERS DEFERRED FROM PREVIOUS MEETING

Nil

13. URGENT BUSINESS

Nil

14. COUNCILLOR REPORTS**14.1 CR MARGARET RAE**

No report this month

14.2 CR JACKIE ASHE

No report this month

14.3 CR ERIC LORDING

Over January I was proud to be part of a three-week youth development program. It was conducted in the Puckapunyal Military Area (PMA) with billeting and messing in the old Nasho training areas.

The development syllabus consisted of training and every person participating in public speaking, leadership, field craft, survival, first aid and group management skilling fields.

The advantage of using the PMA is the isolation from electronic services, very high security services and close to a complete suite of Army infrastructure, ambulance services and military policing. They have excellent sleeping and ablution facilities, and great food provided by the Army and Air force instructors. An excellent ratio of one instructor to every 10 participants was achieved.

It was wonderful to see the 220 participants relearning personal communication skills without the use of electronics. And, all this in extreme heat at times. The youths were so keen to learn and participate in all activities, that I came away thinking that Australia was going to be in good hands into the future.

14.4 CR CHARLOTTE BISSET

Congratulations to the Scouts that participated in the Jamboree in Tailem Bend in South Australia. Murrindindi Shire had a great representation by scouting groups from within our shire.

Also congratulations to Alexandra Events for putting on the wonderful event Alexandra Pro Rodeo. They extended invitations to wider community groups to participate in the event to raise money for their individual groups.

14.5 CR REBECCA BOWLES

No report this month

14.6 CR LEIGH DUNSCOMBE

No report this month

14.7 CR SANDICE MCAULAY – MAYORAL REPORT

Happy New Year. Thank you to those staff who have kept Council activities functioning during the Christmas and New Year break.

Congratulations to the Alexandra Events Committee who have started 2019 in a spectacular fashion with their second Pro Rodeo being a huge success. My favourite part was the children's Barrel Racing – such budding champions.

Yesterday Mr Lloyd, Chief Executive Officer, and I met with the new Minister for Local Government, Adem Somyurek. This was a great opportunity for continuing our advocacy agenda. We reported on the many (approximately 59) events that are occurring in the lead up to the 2009 Bushfires Anniversary. Other topics that we raised with the Minister included:

- the timing of the Financial Assistance Grants creates such a misrepresentation of all Council's budget report year after year.
- mental health provision issues across the shire
- transformation program and shared services generally
- we requested that communication is open and direct with councils rather than just through the Municipal Association of Victoria (MAV) – as they are not always reflective of rural or councils outside of metropolitan Melbourne
- The Local Government Act Bill – he indicated that it would not be pushed through in current form and there would be a review.

This weekend we celebrate Australia Day across the shire. Thank you to the members of the Australia Day Citizenship Award Panel. Being my first panel, I along with the panel members were very impressed with the very high level of nominations as well as the high calibre of those citizens nominated. This was a difficult task to choose the recipients of this year's awards. All valuable nominees and award recipients will be acknowledged on the day. I look forward to my first Citizenship Ceremony in Alexandra and of course the colourful Australia Day Street Parade in Marysville. Everyone have a safe Australia Day.

This year has started with considerable effort in the lead up to the 10th anniversary of the 2009 Bushfires as mentioned in the Community Recognition item.

15. CHIEF EXECUTIVE OFFICER REPORT

The purpose of this report is to provide Councillors and Community with a high level overview of the key action currently being undertaken by Council officers. It is not intended as an exhaustive list of actions being undertaken. Due to the timing of Council meetings this report covers a period from mid-December to mid-January.

The focus of my report this month is heavily weighted to the impending 10th Anniversary of the 2009 Bushfires.

Advocacy

10th Anniversary 2009 Bushfires

Council officers are continuing to work with community groups to assist them in preparing for 10th Anniversary commemorative events.

Many events are planned for our shire, thanks to the hard work and dedication of community volunteers. I would like to thank everyone involved in planning and delivering these events and will be thinking of each of them during this difficult time.

A full list of the events taking place across the shire to mark the anniversary are available on the Murrindindi Shire Council website.

Key Operational Matters

Access to Mental Health Services in the Kinglake Ranges

Improving access to mental health services in the Kinglake Ranges, and in particular the restrictions preventing residents accessing nearby services in the Melbourne suburbs, has been a priority of Council for some time. The anniversary of the 2009 Bushfires is a difficult time for so many in our community and access to appropriate, local support is essential.

We have today received a letter from Minister Martin Foley MP, Minister for Mental Health, confirming that changes to facilitate access to the nearby services in Melbourne have been put in place through until 1 June 2019. Council will continue to advocate for this arrangement to be made permanent and have arranged a meeting in late February with the Minister.

Council Staff

I have already this evening acknowledged the incredible work of the emergency services and volunteers in our community.

I would also like to acknowledge that some 70 Council staff who were employed by the Shire at the time of the 2009 fires still work for us today. Many of these staff, and those that have since moved on, played a major role in Council's response to the fires and subsequent relief and recovery efforts.

Much of this work was difficult and traumatic and some are, like many in our community, still affected today.

I would personally like to thank all of our staff who played a role at that time for their incredible effort and dedication.

Preparedness

Whilst we have tonight placed considerable focus on the impacts of fires on our community, I would like to reiterate the key message from Emergency Management Commissioner Andrew Crisp that these important anniversaries must reinforce why we must continue to be prepared, review our fire plans and plan to leave early on days of high fire risk

16. ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 19 December 2018 to 16 January 2019, 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 19 December 2018 to 16 January 2019.

Background

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

Discussion

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.

The following summary details are for 19 December 2018 to 16 January 2019:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	19 December 2018
Matters Discussed:	<ol style="list-style-type: none"> 1. Major Promotion Sign – 2 Anderson Lane, Narbethong 2. Proposed Road Discontinuance and Sale of Unused Road to a Developer at 18 Main Street Eildon – Eildon Supermarket 3. Grants and Contributions Policy 4. Electricity Contract – Small Sites 5. Tender 18/17 – Provision of Internal Audit Services
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, D Jackson
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing
Meeting Date:	16 January 2019
Matters Discussed:	<ol style="list-style-type: none"> 6. Waste and Resource Recovery Strategy Update 7. Planning Scheme Restructure / Reformat and Four Year Review 8. Kinglake West and Pheasant Creek Naming 9. Planning Application – Display of a Major Promotion Sign – 1 Whittlesea Kinglake Road, Kinglake 10. Update on key Planning Proposals 11. Bushfire Anniversary –Events 12. Ordinary and Primary Returns 13. Tenders for Consideration at Council Meeting
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr R Bowles, Cr J Ashe, Cr M Rae
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, D Jackson, K Girvan, M Crane, T Carter, J Russell
Conflict of Interest Disclosures:	Nil

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our Promise strategy to ‘expand our communication’.

Relevant Legislation

For full details of Council's requirement for assemblies of Councillors, refer to Section 80A of the *Local Government Act 1989*.

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

Any conflicts of interest are noted in the assembly of Councillors tables listed above.

RESOLUTION:

Cr J Ashe / Cr M Rae

That Council receives and notes the record of assemblies of Councillors for 19 December 2018 to 16 January 2019.

CARRIED

17. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT 18/15	17 December 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Alpine Civil Earthmoving for 2018/2019 Gravel Roads Re-Sheeting Program	Craig Lloyd Cr Margaret Rae
CONT 18/16	17 December 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Landmark Construction Group Pty Ltd for Alexandra Shire Council Office External Refurbishment.	Craig Lloyd Cr Margaret Rae
2013/75	11 January 2019	Agreement made pursuant to section 173 of the <i>Planning and Environment Act 1987</i> . Between Murrindindi Shire Council and Loyano Pty Ltd and Sharing Pty Ltd	Craig Lloyd
CONT 18/12	11 January 2019	Formal Instrument of Agreement between Murrindindi Shire Council Fineblade for 2018/19 Path and Kerb Program	Craig Lloyd Sandice McAulay

Officer Recommendation

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

RESOLUTION:

Cr M Rae / Cr L Dunscombe

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

CARRIED

18. CONFIDENTIAL ITEMS

The Local Government Act 1989 section 89(2) allows Council to resolve to close a meeting to the public to consider confidential information relating to any of the following matters:

- (a) personnel matters
- (b) the personal hardship of any resident or ratepayer
- (c) industrial matters

- (d) contractual matters
- (e) proposed developments
- (f) legal advice
- (g) matters affecting the security of Council property
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person
- (i) a resolution to close the meeting to members of the public.

Where possible Council will resolve to make public any decision it makes in a closed meeting where the resolution does not disclose confidential information. There may be occasions where Council cannot make its decision public.

The report on the Campbell's Creek Bridge Upgrade, Campbell's Creek Road, Castella – Tender Evaluation Report and Yea Railway Reserve – Playground Upgrade – Tender Evaluation Report are being considered in the closed part of this meeting because it is considered under S89(2)(d) contractual matters.

Recommendation

That Council, in accordance with the *Local Government Act 1989* section 89(2)(d), resolve to close the meeting to the members of the public:

- Campbell's Creek Bridge Upgrade, Campbell's Creek Road, Castella – Tender Evaluation Report
- Yea Railway Reserve – Playground Upgrade – Tender Evaluation Report

Cr J Ashe / Cr E Lording

That the meeting be closed to the public pursuant to s.89(2)(d) of the *Local Government Act 1989* due to contractual matters.

CARRIED

The meeting closed to the public at 7.13 pm

The meeting re-opened to the public at 7.22 pm.

During the closed section of the meeting, Council resolved to bring the following resolution into the ordinary meeting.

18.3 CAMPBELL'S CREEK BRIDGE UPGRADE, CAMPBELL'S CREEK ROAD, CASTELLA – TENDER EVALUATION REPORT

RESOLUTION:

Cr E Lording / Cr L Dunscombe

That Council:

- 1. accept the tender from Axis Infrastructure for the lump sum price of \$269,838.00 (excluding GST) for the Campbell's Creek Bridge – Load Limit Upgrade**
- 2. authorise the signing and sealing of contract number CONT18/10 – Campbell's Creek Bridge – Load Limit Upgrade**
- 3. approve the allocation of a contingency amount as detailed in this report.**

**18.4 YEA RAILWAY RESERVE – PLAYGROUND UPGRADE – TENDER
EVALUATION REPORT**

RESOLUTION:

Cr E Lording / Cr J Ashe

That Council:

- 1. accept the tender from Activity Playgrounds Pty Ltd for the lump sum price of \$218,222.58 (excluding GST) for the Yea Railway Reserve – Playground Upgrade**
- 2. authorise the signing and sealing of contract number CONT18/18 – Yea Railway Reserve – Playground Upgrade**
- 3. approve the allocation of a contingency amount as detailed in this report.**

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 7.22pm.

CONFIRMED THIS

27 February 2019

CHAIRPERSON

[Signature]