



MINUTES
of the
ORDINARY MEETING OF COUNCIL
held on
WEDNESDAY 23 MARCH 2016
in the
STRATH CREEK HALL
commencing at
6.00 pm

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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

There were no apologies or requests for leave of absence tendered.

Present:

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

In attendance:

Chief Executive Officer: Margaret Abbey

General Manager Corporate and Community Services: Michael Chesworth

General Manager Infrastructure and Development: Elaine Wyatt

Manager Infrastructure Assets: John Canny

Manager Development Services: Shivaun Brown

Coordinator Statutory Planning: Karen Girvan

3. CONFIRMATION OF MINUTES

➤ Minutes of the Ordinary Meeting of Council held on 24 February 2016.

Officer Recommendation:

That the Minutes of the Ordinary Meeting of Council held on 24 February 2016 be confirmed.

RESOLUTION:

Cr J Kennedy / Cr J Walsh

That the Minutes of the Ordinary Meeting of Council held on 24 February 2016 be confirmed.

CARRIED

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

REF: SF/783

Margaret Abbey (Chief Executive Officer) declared an interest in item 13.4 of the Agenda as the matter being discussed is in reference to her contract role as the Chief Executive Officer.

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

Two questions were received from Jack Russell:

Question 1 Please provide details of the following as costs of works and projects that were fully or partially funded from outside grants to Council and to what degree:

- a. Road works and specify each
- b. Bridges and specify each
- c. Pools and specify each
- d. All other infrastructure works and specify each

Question 2 Please provide details of the following costs of operations:

- a. Libraries - totals
- b. all other community operations, including but not limited to Aged & disability care services, child card, etc.

What external funding was received by Council in the form of grants and what other monies were received as form of payment to all the above community operations and to what degree

The Chief Executive Officer responded:

The information that Mr Russell seeks is contained within Council's budget documentation and a copy of the relevant pages will be provided to Mr Russell

Two questions were received from Ed Norris:

Question 1 I would like to know what is being done by the Shire in regards to the Blackmore (feedlot) in Halls Flat Road Alexandra. There are more heavy trucks going past my place now, than there was before. Mr Blackmore applied for an intensive farming permit which he withdrew. There are cattle trucks, feed trucks in a larger number than 2015. How is Council monitoring this now?

Question 2 What is happening in regards to the contamination run off to the river (town water supply)?

The Chief Executive Officer responded:

Question 1 Council is not currently conducting any monitoring of truck movements on Halls Flat Road as there are no conditions or restrictions in place on their use of the road. There is ongoing communication with Blackmore's farm which has included a recent visit to the site by an officer in the normal course of their duties.

Question 2 The relevant authorities that have responsibility for water quality were consulted during the planning permit application process but they indicated that they did not have concerns at that time about contaminated run off into the Goulburn River and officers have had no reports that the situation has changed since. Any information provided to Council indicating an issue has since arisen would be forwarded to Goulburn Murray Water and Goulburn Valley Water for further investigation.

Two questions were received from Chris Adshead:

- Question 1 What actions is the council taking (if any) with Aus Post to install a temporary post office or full mail delivery in its absence? A 40 minute round trip to Broadford and waiting in a queue is often not possible for many residents. Is the Broadford PO equipped to manage the extra work load?
- Question 2 Are there plans underway to replace the general store? The rumour is that the owners wish to rebuild. Is this the case and will the council fast track this building process?

The Chief Executive Officer responded:

- Question 1 A Planning permit application for a temporary permit to use the site as a post office was lodged on 2 February and issued on 11 February. The permit allows the temporary structure for a period of 12 months whilst the new store is being built.
- Question 2 We believe that the owners intend to rebuild, however at this point we have not received a planning application for Council to consider. If and when Council receive an application officers will work with the proponent to ensure that the process is as smooth and efficient as possible.

In addition, Council has received advice from the office of Cathy McGowan MP that Australia Post has indicated that a red and white painted ATCO building has been refurbished for installation at the Strath Creek temporary site. The ATCO is expected to be installed after Easter and Ms McGowan's office is working with Australia Post and the contracted company who are delivering the ATCO to establish more exact dates/times. Some delays are still anticipated around the connection of power supplies as the ATCO building will be required to have power connected to an underground supply box. Further, new managers have been appointed to run the service on behalf of the Post Office owners.

In relation to long term options for the re-establishment of the post office Ms McGowan's office has advised that it will be up to the owners as to whether they re-build the post office and return to the previous level of service. However, Australia Post is willing to loan the ATCO in the meantime (expected around 12 months) until the owners can organise this.

5.2 OPEN FORUM

REF: SF/130

Sandice McAulay spoke against the CEO re-appointment process (Item 13.4 on the agenda).

Lyn Gunter spoke against the possible Council exemption from the rate cap and referred to her correspondence previously distributed to Councillors on this topic and a ratepayer petition sent to the State Government and Essential Services Commission. Lyn also spoke against the CEO re-appointment.

Jack Russell spoke in support of 134 Whittlesea-Kinglake Road dwelling (Item 6.1 on the agenda). Mr Russell referred to his submitted Question to Council and spoke against an article published by a Councillor in the Alexandra Standard Newspaper.

RESOLUTION:

Cr C Healy / Cr E Lording

That Mr. Russell's open forum period be extended by five minutes

MOTION LOST**CALL FOR A DIVISION****For:** Cr C Healy, Cr E Lording**Against:** Cr C Challen, Cr J Walsh, Cr J Kennedy, Cr M Rae, Cr A Derwent**The order of business was interrupted by a member of the public.****RESOLUTION:**

Cr J Walsh / Cr C Challen

That Standing Orders be suspended.

CARRIED**The meeting was suspended at 6.30 pm.**

The member of the public failed to comply with the direction of the Chair. The member was ordered to leave due to 'Improper and Disorderly Conduct' as per the *Governance Local Law No. 2 Section 114*. Enforcement was required for the member 'Removal from the Meeting' per the *Governance Local Law No. 2 Section 115*.

RESOLUTION:

Cr J Walsh / Cr J Kennedy

That Standing Orders be resumed.

CARRIED**The meeting was resumed at 6.43 pm.**

Jim Osborne spoke about his concerns with the equitable distribution of rate category groups.

Robyn Walsh spoke about her concerns with the water quality related to farming on Halls Flat Road.

Rosemary Simon spoke about her concerns with a foot path at the Yea Wetlands Centre.

Ed Norris spoke about his concerns with the water quality related to farming on Halls Flat Road and about the volume of cockatoos.

Terry Hubbard, Strath Creek Reserves and Hall Committee of Management, welcomed everyone to Strath Creek. Terry also thanked the Murrindindi Shire Council and the community for their support and funding towards the Strath Creek Hall and surrounding area.

Charnamat Singh spoke in support of 134 Whittlesea-Kinglake Road dwelling (Item 6.1 on the agenda).

5.3 PETITIONERS SPEAKING TO PETITIONS

REF: SF/132

The Chairperson closed Public Participation Time.

5.3.1 COMMUNITY MEMORIALS PROJECT - PETITION

REF: SF/1016

Purpose:

Council at its ordinary meeting held on 24 February 2016 received a petition containing 115 signatures in relation to the Community Memorials Project. The purpose of this report is to present this petition to Council and to advise Council of the progress of this project.

Officer Recommendation:

That the organiser of the petition be advised that further community consultation will be undertaken prior to the selection of the final design of the community memorials as outlined in this report.

Background:

The purpose of the Community Memorials Project is to create permanent lasting public memorials to the February 2009 bushfires.

A community working group has been established to provide advice on the project and as a result, the project is being conducted as follows:

Stage 1 – Establish a design framework and potential sites – completed

Stage 2 – Create a design brief and confirm sites – completed

Stage 3 – Design and construct – current.

Council Plan/Strategies:

This report seeks to implement the Objective of Social Connectedness in the Out Community Goal of the Council Plan 2013-2017 (2015 review) and particularly the strategy to work with communities to build resilience and prepare for future unplanned events.

Legal/Policy Issues:

This project is consistent with Council policy to appropriately recognise the events of the bushfires of February 2009.

Financial/Resources/Risk:

The original memorials grant from the former Department of Planning and Community Development was for both the conduct of commemorative events and the development of the community memorials. The consultation process is a normal component of a project such as this and is critical to the development of appropriate and meaningful memorials. Council officers and the memorials working group have been exploring possible avenues for additional funding through the two Foundations in the municipality. Should additional funding not be found for the project, it will be scaled to meet the budget and result in no cost to Council for the design and construction stage.

Discussion:

Council has received progressive reports on the progress of the community memorials project, and in particular, the need during 2015 to undertake further community consultation. The Marysville community requested further consultation to determine the most appropriate location within the Gallipoli Park locality and the Kinglake Ranges community requested further consultation regarding the preferred site of Frank Thompson Reserve and the former kindergarten location near the Kinglake Community Centre. This consultation confirmed the preference for the Frank Thompson Reserve.

Council has previously resolved, in February 2014 that the two larger memorials constructed in Marysville and Kinglake and four smaller memorials be constructed in Narbethong, Castella/Toolangi, Kinglake West and Flowerdale.

Since the community consultation in 2015, Council has commenced an Expressions of Interest process which led to three design teams being shortlisted from the nine submissions received. These design teams were then invited to prepare initial concepts and outline their thoughts in relation to the key elements of community memorials.

This information was placed on public exhibition, both at Council offices and service centres and on the website. Almost 100 comments were received and there was significant diversity in the views expressed. However, themes to emerge included the need to ensure that the design fits into and complements the natural attributes of the sites, are easy and cost effective to maintain, are not cluttered nor too confronting and are inclusive of the various forms of loss experienced by the community.

The shortlisted design teams were provided with the community feedback and attended interviews comprising council officers and four representatives of the memorials working group. These shortlisted teams are now required to provide a detailed description of their community consultation program for the development of the final memorials design and their final price for this work.

When the successful team is appointed from these three shortlisted groups, they will be required to undertake workshops and other communications with the community to ensure that extensive community involvement in the final designs for the various memorials.

What this petition is seeking is what the next stage in this project will entail; extensive community consultation. This consultation will involve not only ratepayers but also members of the bereaved community who lost family members within Murrindindi Shire. The only variance within the petition is that it is not intended that every ratepayer be informed by mail of the memorials project as it has been found that a number of communication tools are appropriate and a letter by mail to all ratepayers will not be a cost effective means of consultation with those residents and ratepayers who are interested in this project.

Consultation:

The three shortlisted design teams are now required to provide a detailed methodology for their consultation and engagement with the community in the detailed design stage of the memorials which is the next stage in the program for this project.

Conclusion:

Information about the community memorials project and how residents and interested parties can be involved is found on both Council's and the memorial's websites. As the process moves to the actual design stage it is expected that community interest will increase, which is welcomed.

RESOLUTION:

Cr J Kennedy / Cr C Challen

That the organiser of the petition be advised that further community consultation will be undertaken prior to the selection of the final design of the community memorials as outlined in this report.

CARRIED

6. OFFICER REPORTS

6.1 2015/120 – 134 WHITTLESEA-KINGLAKE ROAD DWELLING

Ref: 2015/120
Land: 134 Whittlesea-Kinglake Road Kinglake
Proposal: Construction and use of a dwelling
Applicant: G Pangly
Zoning: Farming
Overlays: Environmental Significance
Attachments: Application details (aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a notice of decision to grant a permit be issued for the construction and use of a dwelling at 134 Whittlesea-Kinglake Road, Kinglake.

Officer Recommendation:

That Council issue a notice of decision to grant a permit for the construction and use of a dwelling at 134 Whittlesea-Kinglake Road, Kinglake (Lot: 1 PS: 449213, Parish of Kinglake), subject to the following conditions:

- (1) The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
- (2) This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.

- (3) Prior to the commencement of works, a Farm Management Plan must be submitted to and approved by the Responsible Authority that details the following:
 - (a) The proposed staging for the establishment of farm infrastructure, including the buildings and works to be established prior to the occupation of the dwelling on the land.
 - (b) Establishment and management of the berry plantation.
 - (c) Details of application of fertilisers and sprays (including primary methods, timing and environmental conditions for applications).
 - (d) Management and eradication programs for weeds and pest animals.
 - (e) Indicative budgets covering all components of the operation.
- (4) Prior to or concurrent with the occupation of the dwelling, the permit holder must demonstrate that the Farm Management Plan has substantially commenced, to the satisfaction of the Responsible Authority.
- (5) All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
- (6) All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
- (7) Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.
- (8) A single vehicle access to the land shall only be permitted from Deviation Road and no vehicle crossing may be constructed to the lot from Whittlesea-Kinglake Rd.
- (9) Before the buildings are occupied, a new vehicular entrance to the subject land from Deviation Road must be constructed at least 10m north of the bike path and with safe intersection sight distances (SISD) as described in AustRoads Publication 'Guide to Road Design Part 4', maximised at the point of access, to the satisfaction of the Responsible Authority.
- (10) The vehicle crossing must be constructed at the applicant's expense to provide ingress and egress to the site of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 - Rural Vehicle Crossings and standard drawing SD 255. An appropriate rural road number plaque must be placed at the access point to the property to the satisfaction of the Responsible Authority.
- (11) On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres of which 45,000 litres shall be for domestic purposes and 10,000 litres for fire fighting purposes, the latter being in the lower portion of the tank. All outlets from the lower tank shall be fitted with 63 mm 3 thread, 25 mm CFA round thread male coupling. The fire fighting purposes tank must be located no more than 4 metres from the driveway.
- (12) Prior to the commencement of any buildings or works three (3) copies of a plan or plans shall be submitted and approved by the Responsible Authority. Such plans must show the areas set aside for landscaping, and must be planted with trees and shrubs sufficient to screen the property on the eastern corner of the property abutting the church land, known as 124 Whittlesea-Kinglake Road, Kinglake. This area must then be maintained to the satisfaction of the Responsible Authority.

- (13) Before the start of the use allowed, the area set aside for landscaping, as shown on the endorsed plan, must be planted in accordance with the landscaping plan. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.

Notations:

- (1) This consent does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- (2) A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application.
- (3) Drainage requirements for the development should be in accordance with Building Code of Australia.
- (4) An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the Road Management Act 2004 and associated Regulations.

Proposal:

An application has been received for a dwelling and shed at the property at 134 Whittlesea-Kinglake Road, Kinglake. The proposal is to place the dwelling and shed near the Whittlesea-Kinglake Road boundary, and to have the remainder of the 1.89 hectare allotment planted with berries. The shed is proposed to store machinery and produce as part of the agricultural enterprise.

The Land & Surroundings:

The subject land is vacant, and is bounded by Whittlesea-Kinglake Road to the south, Deviation Road to the West and private land to the north and east. The property is on the north east corner of Deviation Road with a church located immediately to the east. The church is located 10 metres from the common boundary with another church building 1 metre from the common boundary.

The area is generally characterised with agricultural uses with a large horticultural enterprise on the northern and most of the eastern boundary of the subject land with the church being located in the south east corner.

Referrals:

The application was referred internally to Council's Development Engineer and Environmental Health Unit. No objections were received subject to conditions.

Consultation:

The application was notified to nearby and adjoining owners, and one submission was received from the Roman Catholic Trusts Corporation. The issues raised in the submission can be summarised as follows:

- The proposed building envelope did not provide enough details.
- The proposed building envelope was too close to the boundary.
- There was not enough agricultural justification.

This was forwarded to the applicant, who advised that relocating the dwelling to the rear of the block would undermine their proposed agricultural use and they wished to proceed with the dwelling near the front boundary. Amended plans with more detail as to design were provided and forwarded to the submitter for their consideration. The objection was not withdrawn.

Newspaper / Other	Publishing/Consultation Date(s)
Mail out: Adjoining and nearby owners	2 July 2015

Planning Considerations:

The site is limited with its opportunities for more extensive agricultural activities due to its size, and as such is proposing an intensive horticultural enterprise to support the dwelling. The applicant has chosen the site of the proposed dwelling to ensure that all buildings, including the church next door, are located in the same area to try and maximise the amount of land available for the proposed intensive horticultural use. The property to the north and east is currently being used for intensive horticulture, and an extension of this type of use on this parcel is a reasonable agricultural outcome on this property.

The issues raised by the submitter are in relation to the proximity of the proposed dwelling and agricultural use to the church. The plans provided by the applicant have increased the setback of the building from the church, and provide for landscaping between both the dwelling and the church and the berry farm and the church. The dwelling location was also moved back on the site to have a larger setback than the church from Whittlesea-Kinglake Road.

The dwelling is proposed to be two storey, with articulation in the design to reduce any visual bulk that may be created with a dwelling of this size. With the landscape planting proposed, as well as a condition requiring muted tones on the dwelling, the dwelling should sit well on the property, and not detract from the prominence of the church to the east.

In the Farming Zone and within land designated as high quality agriculture, the proposed use of the land for horticulture is important in these considerations, and the applicant has demonstrated the focus of their use for agriculture by placing the buildings in this manner. The resistance to moving the site has highlighted the commitment of the applicant to the agricultural use. The inclusion of permit conditions requiring the agriculture use to commence prior to the construction of the dwelling is being done to ensure that the ongoing use of this land supports the proposed dwelling.

The siting of the dwelling at the front of the property ensures that the abutting horticultural use will not adversely impact on the proposed domestic portion of the subject land and neither will the house use impact on the abutting horticulture. The setback of the buildings and the screen planting will ensure an adequate buffer between the church and the domestic/agricultural use. No planning permit is required for the use of the land for horticulture.

Conclusion:

The proposed dwelling will be supported by a horticultural enterprise that can operate effectively on a smaller allotment, and the proposed landscaping and building setback will ameliorate any interface issues with the church site.

Legal/Policy Issues:

State Planning Policy Framework

14.01-1 Protection of agricultural land

Objective: To protect productive farmland which is of strategic significance in the local or regional context.

Strategies:

- Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.

- In considering a proposal to develop agricultural land, the following factors must be considered:
 - The desirability and impacts of removing the land from primary production, given its agricultural productivity.
 - The impacts of the proposed development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
 - The compatibility between the proposed or likely development and the existing uses of the surrounding land.

Local Planning Policy Framework

21.01 Context

Key issues and influences:

- Agriculture: The recognition and protection of the Goulburn River Valley and other areas as high quality agricultural land, with further opportunities to diversify and value add to agricultural.

21.03-2 Agriculture

Issues:

- Agriculture has economic and strategic significance for the municipality and has potential for continued expansion.
- Land with high quality agricultural attributes that has flexibility to grow a range of agricultural products needs to be identified and protected.
- Potential for use of agricultural land for non-agricultural or rural living purposes to conflict with established or future agricultural and horticultural land uses.
- Need for diversification of the agricultural economy, including agroforestry, farm gate agricultural sales, boutique, niche agriculture, agricultural processing and value adding industries.

Strategies:

- Retain and expand existing agricultural production activities, including beef and sheep grazing, horticulture, cropping, vegetable growing, aquaculture, timber production and niche products.
- Encourage agricultural diversity and expand opportunities for emerging and new farming enterprises.
- Facilitate diversification of agricultural industries that are compatible with existing agricultural practices.
- Ensure that agricultural land is not developed for primarily residential purposes.
- Identify and protect high quality agricultural land, ensuring that it is protected from unplanned long term loss and is available for ongoing agricultural use.

Zoning

35.07 Farming Zone

Purpose:

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

Decision Guidelines:

General issues:

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

Agricultural issues and the impacts from non-agricultural use:

- Whether the use or development will support or enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.

Dwelling issues:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

Design and siting issues:

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.

A planning permit is required for the construction and use of a dwelling and shed in the Farming Zone.

Overlays

42.01 Environmental Significance Overlay

Purpose:

- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Decision Guidelines:

- Maintain the productive potential of high quality agricultural land.
- Consider the suitability of high quality agricultural land in the assessment of development proposals. Buildings or works are to be sited to avoid or minimise loss of good quality agricultural land.

RESOLUTION:**Cr A Derwent / Cr C Challen**

That Council issue a notice of decision to grant a permit for the construction and use of a dwelling at 134 Whittlesea-Kinglake Road, Kinglake (Lot: 1 PS: 449213, Parish of Kinglake), subject to the following conditions:

- (1) The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.**
- (2) This permit shall expire if the development hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing, on an application made before three months after such expiry.**

- (3) Prior to the commencement of works, a Farm Management Plan must be submitted to and approved by the Responsible Authority that details the following:
- (a) The proposed staging for the establishment of farm infrastructure, including the buildings and works to be established prior to the occupation of the dwelling on the land.
 - (b) Establishment and management of the berry plantation.
 - (c) Details of application of fertilisers and sprays (including primary methods, timing and environmental conditions for applications).
 - (d) Management and eradication programs for weeds and pest animals.
 - (e) Indicative budgets covering all components of the operation.
- (4) Prior to or concurrent with the occupation of the dwelling, the permit holder must demonstrate that the Farm Management Plan has substantially commenced, to the satisfaction of the Responsible Authority.
- (5) All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
- (6) All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
- (7) Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.
- (8) A single vehicle access to the land shall only be permitted from Deviation Road and no vehicle crossing may be constructed to the lot from Whittlesea-Kinglake Rd.
- (9) Before the buildings are occupied, a new vehicular entrance to the subject land from Deviation Road must be constructed at least 10m north of the bike path and with safe intersection sight distances (SISD) as described in AustRoads Publication 'Guide to Road Design Part 4', maximised at the point of access, to the satisfaction of the Responsible Authority.
- (10) The vehicle crossing must be constructed at the applicant's expense to provide ingress and egress to the site of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 - Rural Vehicle Crossings and standard drawing SD 255. An appropriate rural road number plaque must be placed at the access point to the property to the satisfaction of the Responsible Authority.
- (11) On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres of which 45,000 litres shall be for domestic purposes and 10,000 litres for fire fighting purposes, the latter being in the lower portion of the tank. All outlets from the lower tank shall be fitted with 63 mm 3 thread, 25 mm CFA round thread male coupling. The fire fighting purposes tank must be located no more than 4 metres from the driveway.

- (12) Prior to the commencement of any buildings or works three (3) copies of a plan or plans shall be submitted and approved by the Responsible Authority. Such plans must show the areas set aside for landscaping, and must be planted with trees and shrubs sufficient to screen the property on the eastern corner of the property abutting the church land, known as 124 Whittlesea-Kinglake Road, Kinglake. This area must then be maintained to the satisfaction of the Responsible Authority.
- (13) Before the start of the use allowed, the area set aside for landscaping, as shown on the endorsed plan, must be planted in accordance with the landscaping plan. This area must then be maintained to the satisfaction of the Responsible Authority, and must not be used for any other purpose except with the prior written approval of the Responsible Authority.

Notations:

- (1) This consent does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- (2) A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application.
- (3) Drainage requirements for the development should be in accordance with Building Code of Australia.
- (4) An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the Road Management Act 2004 and associated Regulations.

AMENDMENT:

That condition 3 and condition 4 to be changed to:

- (3) Prior to the commencement of house construction works, a Farm Management Plan must be submitted to and approved by the Responsible Authority that details the following:
- (a) The proposed staging for the establishment of farm infrastructure, including the buildings and works to be established prior to the occupation of the dwelling on the land.
 - (b) Establishment and management of the berry plantation including details of the irrigation system with water usage and proposed supply arrangements.
 - (c) Details of application of fertilisers and sprays (including primary methods, timing and environmental conditions for applications).
 - (d) Management and eradication programs for weeds and pest animals.
 - (e) Indicative budgets covering all components of the operation.
- (4) Prior to or concurrent with the occupation of the dwelling, the permit holder must demonstrate that the Farm Management Plan has substantially commenced with, as a minimum, the completion of plantings and long term contractual arrangements for the provision of sufficient water for the enterprise, to the satisfaction of the Responsible Authority.

THE AMENDMENT WAS ACCEPTED BY THE MOVER AND SECONDER

THE AMENDMENT BECAME THE MOTION

CARRIED

6.2 COUNCIL ELECTION CARETAKER POLICY

REF: 16/11242

Attachment: Council Election Caretaker Policy (refer *Attachment 6.2* - TRIM 16/8573)

Purpose:

The purpose of this report is to seek Council's endorsement of the updated Election Caretaker Policy that defines the requirements for Murrindindi Shire Council in the lead up to the October 2016 Council elections.

Officer Recommendation:

That Council adopts the revised Council Election Caretaker Policy as contained in Attachment 6.2.

Background:

Council's Election Caretaker Policy was last reviewed and adopted in June 2012. It is a new requirement under Section 93B of the *Local Government Act 1989* that a Council must review and adopt an election caretaker policy prior to 31 March 2016.

In accordance with State Government legislation for the 2016 general elections for Victorian Councils the caretaker period covers 32 days, from Wednesday 21 September to Saturday 22 October 2016 (election day).

Council Plan/Strategies:

This report is consistent with the Council Plan 2013-2017 theme of Customer Service. A key strategy for this theme is to continue to improve our processes to enhance the efficiency and effectiveness of the organisation

Legal/Policy Issues:

Following amendments made to the Local Government Act ("the Act") in late 2015, Council now has a legislative requirement under Section 93B of the Act to prepare, adopt and maintain an election period policy.

Financial/Resources/Risk:

There are no financial implications associated with this policy.

Discussion:

The Election Caretaker Policy, detailed at *Attachment 6.2* has been developed in order to ensure that the elections for Murrindindi Shire Council are conducted in a manner that is fair and equitable and are publicly transparent. It draws upon well-established democratic principles and good governance practices and ensures that there is clarity in processes for everyone.

The policy governs a wide variety of issues that include: major policy decisions, public consultations processes, use of Council resources, access to information, communication including the content of media releases, content of Council publications and assistance to candidates for the forthcoming elections.

The policy particularly highlights the restrictions on Council's decision making abilities during the caretaker period and the ways that Council can engage and communicate with the community during this period.

In the context of this Policy, a “major policy’ decision as defined as per *section 93A (6)* of the Act as any decision:

- Relating to the employment or remuneration of a Chief Executive Officer (CEO), other than a decision to appoint an acting CEO;
- To terminate the appointment of a CEO;
- To enter into a contract the total value of which exceeds circa \$150,000; or
- To exercise any entrepreneurial powers under *section 193* of the Act if the sum of the total investment involved and the total risk exposure assessed in respect of the proposal exceeds circa \$150,000.

Council will avoid making significant decisions that affect the municipality and unreasonably bind the incoming Council. Examples of significant decisions of Council include the adoption of any Council strategies, policies that would bind any incoming Council to the outcomes included.

Council will also avoid any public consultation processes during the caretaker period unless absolutely critical to facilitate the day to day business of Council. This will include the facilitation of any project reference groups, or advisory committees during the caretaker period. Any such public consultations will avoid express or implicit links to the election.

In summary, the policy primarily restricts Murrindindi Shire Council to day-to-day normal business activities for the caretaker period of 32 days prior to the 2016 Council elections.

The general election of Councils across Victoria will be held on Saturday 22 October 2016, which means that the election period commences on 21 September 2016.

Consultation:

Consultation has occurred with other municipalities and Local Government Victoria during development of the Caretaker Policy. The policy is required to be made publically available following adoption.

Conclusion:

The adoption of the Election Caretaker Policy will provide clarity to all parties during the caretaker period.

RESOLUTION:

Cr J Kennedy / Cr A Derwent

That Council adopts the revised Council Election Caretaker Policy as contained in Attachment 6.2.

CARRIED

6.3 RESCHEDULING OF SEPTEMBER COUNCIL MEETING

REF: SF/286

Purpose:

This report proposes a change of meeting date for the September 2016 Ordinary Meeting of Council.

Officer Recommendation:

That Council endorse the change of Council Meeting date from Wednesday 28 September 2016 to Tuesday 20 September 2016.

Background:

Council is able to determine its Ordinary Meeting Schedule. Currently Ordinary Meetings of Council are held monthly on a Wednesday evening commencing at 6:00pm. The schedule of meetings for 2016 was resolved at the Special Meeting of Council on 28 October 2015.

In light of the requirements of Council's caretaker policy, it would be more appropriate to schedule Council's September 2016 meeting before the commencement of the caretaker period to ensure that there is no conflict between decisions made by Council prior to preparations for the 2016 General Election of Council.

Council Plan/Strategies:

The consideration of the Council meeting timetable for 2015/16 is consistent with the objectives of the Council Plan 2013-2017 which include under the Goal – Our Community to 'actively engage with our communities to increase participation and community input.'

Legal/Policy Issues:

Governance Local Law No. 2 does not specify a set day of the week for meetings, however clause 19(2) states that "Council may by resolution at an Ordinary Meeting or a Special Meeting, determine or alter the day, time and place of any meeting".

Financial/Resources/Risk:

There are no resourcing or financial issues associated with the change of date for the September 2016 meeting.

Discussion:

Following amendments made to the Local Government Act ("the Act") in late 2015, Council has a legislative requirement to prepare and adopt an election period policy.

In summary, the policy primarily restricts Murrindindi Shire Council to day-to-day normal business activities for the caretaker period of 32 days prior to the 2016 Council elections.

The general election of Councils across Victoria will be held on Saturday 22 October 2016, which means that the election period commences on 21 September 2016.

Council has previously scheduled the September Ordinary Meeting of Council to occur on Wednesday the 28th of September 2016, which would fall during the caretaker period. Given that it is anticipated that Council will be required to adopt its audited financial statements for 2015-16 at the September 2016 Ordinary Meeting, it would be considered prudent to ensure that this resolution of Council, as well as any other resolutions that may be considered by September 2016 are made outside the caretaker period to ensure compliance with Council's Election Caretaker Policy and the Local Government Act.

Consultation:

Once Council has resolved on the meeting date amendment, it will be advertised in the local press and Council's website to advise the community of the change in arrangements.

Conclusion:

The change of meeting date in September 2016 will support effective decision making and governance arrangements in the lead up to the general Council election.

RESOLUTION:

Cr C Challen / Cr J Kennedy

That Council endorse the change of Council Meeting date from Wednesday 28 September 2016 to Tuesday 20 September 2016.

CARRIED

6.4 COMMUNITY GRANTS ROUND OCTOBER 2015 TO FEBRUARY 2016

REF: 16/10980

Attachment: Community Grants Summary October 2015 to February 2016 (refer *Attachment 6.4 – TRIM 16/10978*)

Purpose:

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

Officer Recommendation:

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

Application	Funding sought	Recommendation
Alexandra Community Christmas Tree Festival	\$2,000	Not supported at this time, invitation to resubmit.
Alexandra Community Shed Eildon & District Woodworkers Guild Inc	\$5,000	Supported with a grant of \$3,000
Eildon Action Inc	\$2,500	Supported
Yea Community Garden (auspice by Yea community House)	\$3,890	Supported

Background:

Applications for the October 2015 to February 2016 cycle of Council's Community Grants Program were assessed by the Community Grants Committee comprising of the Mayor, Deputy Mayor and the Chief Executive Officer.

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

Council Plan/Strategies:

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

Legal/Policy Issues:

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

Financial/Resources/Risk:

The remaining budget allocated to Community and Emergency Grants is \$15,350. The Assessment Committee is recommending further expenditure of \$9,390. There are no further grant rounds to be paid within this financial year budget.

Discussion:

In total, four applications were received from community organisations for the October 2015 to February 2016 round. These applications are listed in the attached Community Grants Summary October 2015 to February 2016.

The committee recommend that three applications be supported:

- The Alexandra Community Shed Eildon District Woodworkers Guild Inc. sought \$5,000 to upgrade the lighting in their workshop to provide a safer workspace for members. The committee has recommended that a grant of \$3,000 be made available to support this project. In discussions with Councillors it was agreed that any future policy review should consider what priority should be given to group financial contributions to any project and also the applicability of this policy to capital works applications.
- The Eildon Action Group sought \$2,500 to fund display units and office equipment to assist the group to organise their extensive collection of historical items for public display.
- The Yea Community Garden (auspice by Yea Community House) sought \$3,890 to purchase two self watering 'wicking' beds for use in the small community garden project planned for outside the Yea Community House and Yea Council offices.

The committee recommend that one application should not be supported at this time:

- The Alexandra Community Christmas Tree Festival group sought \$2,000 to purchase safety equipment, decorations and promotion and advertising. The Assessment Committee stated that further information and detail is required prior to making a recommendation on the application. The group will be invited to resubmit their application in the next grant round and will be supported by Council officers to provide further information.

Council officers will provide feedback to applicants in writing and will contact them by phone to discuss further.

Consultation:

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

Conclusion:

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

RESOLUTION:

Cr E Lording / Cr C Healy

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

Application	Funding sought	Recommendation
Alexandra Community Christmas Tree Festival	\$2,000	Not supported at this time, invitation to resubmit.
Alexandra Community Shed Eildon & District Woodworkers Guild Inc	\$5,000	Supported with a grant of \$3,000
Eildon Action Inc	\$2,500	Supported
Yea Community Garden (auspice by Yea community House)	\$3,890	Supported

CARRIED

6.5 AUDIT ADVISORY COMMITTEE MEETING MINUTES

REF: 16/6244

Attachment: 2016-02-11 Audit Committee Minutes (refer *Attachment 6.6* – TRIM 16/6244)

The minutes of the Audit Advisory Committee Meeting held on 11 February 2016 are attached for receiving.

Officer Recommendation:

That the minutes of the Audit Advisory Committee Meeting held on 11 February 2016 be received.

RESOLUTION:**Cr J Walsh / Cr J Kennedy****That the minutes of the Audit Advisory Committee Meeting held on 11 February 2016 be received.****CARRIED****6.6 SECTION 86 COMMITTEE FEES – EILDON ALLIANCE BOAT RAMP**

REF: 16/12299

Purpose:

The purpose of this report is to seek Council endorsement of the Eildon Alliance Boat Ramp Committee of Management's proposal to increase its fees as of 1 April 2016.

Officer Recommendation:

That Council endorse the daily fee from \$2 to \$5 for the Eildon Alliance Boat Ramp in accordance with the proposal received from the Committee of Management.

Background:

Section 86 Committees of Management (COM) are delegated by Council to manage assets and grounds owned by or under Council's Management.

Section 86 Committees of Management are not delegated to set fees and charges therefore the Committees of Management recommend fees and charges for Council's adoption. The Eildon Alliance Boat Ramp COM has done so at its 4 February 2016 General Meeting.

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.

The setting of fees for Council facilities directly relates to the annual action in the Council Plan 2013-2017 under the Our Council goal to administer sound financial management practices.

Legal/Policy Issues:

The setting of fees and charges cannot be delegated to a Committee of Management under the Local Government Act. Therefore Council must be responsible for adopting all fees and charges associated with the use of the facilities managed by COM's.

Financial/Resources/Risk:

The current fee structure for the Eildon Alliance Boat Ramp COM is hindering the Committee from financially managing its obligations. The increase in the fee structure will allow the

Committee to better meet the facilities operating and maintenance costs and reduce the potential for any additional funds to be requested from Council.

Discussion:

The Eildon Alliance Boat Ramp COM at its AGM in 2015 discussed and resolved to propose a fee increase to Council. Currently the Committee charges a daily launch fee of \$2 via a ticket machine located at the ramp. The Committee covers several expenses associated with managing the boat ramp including cleaning, garbage collection, general upkeep and in recent year’s repairs to the ticket machine due to use and vandalism.

The Committee is proposing an increase of the daily boat ramp launch fee from \$2 to \$5 and they are also investing in a new ticket machine to reduce the maintenance expenses. This fee entitles the user to launch their boat from the boat ramp as well as park their vehicle and trailer in the car park located adjacent to the ramp.

The key points raised by the Committee in justifying the fee increase were:

1. Since the inception of the Alliance Boat Ramp (2006) the launching fees have not been increased from \$2.
2. The Committee has been bearing increased costs from Clean Away for the provision of skip bins since 2006. Of late, bins have had to be emptied regularly owing to household waste.
3. The Committee is also expecting that the cleaning contractor will be looking for an increase in charges as this charge has not increased since the ramp was opened in 2006.
4. In relation to other boat ramp facilities in Victoria, the Alliance is far behind in fees and yet offering the same if not better facilities.
5. If the Committee is to maintain the management of the ramp and surrounding areas of the ramp, and with increased costs of contractors, there is a need to better manage the financial sustainability of the Committee.

Committee	Fee proposal
Eildon Alliance Boat Ramp Committee of Management	Increase daily launch fees from \$2 to \$5. This is a daily rate for parking and launching

Consultation:

The appointment of members to COM’s has been conducted through the Annual General Meeting process for each committee and advertised appropriately as per the Council adopted “Committee of Management Instrument of Delegation and Governance Manual”.

The Committee will manage the replacement of all signage at the site reflecting the new fee structure. The Committee, Goulburn Murray Water and Council Officers will work together to ensure that the community and general public are well informed regarding the increase through media release, and the update of information on Council’s and GMW’s websites.

Conclusion:

It is important from a fiduciary and statutory perspective that Council endorses any fee changes of its Section 86 Committees of Management.

RESOLUTION:

Cr C Healy / Cr E Lording

That Council endorse the daily fee from \$2 to \$5 for the Eildon Alliance Boat Ramp in accordance with the proposal received from the Committee of Management.

CARRIED

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>
SF/995	16 March 2016	Transfer of Land from Murrindindi Shire Council to Glenys Margaret Wilson - Unit 7/4 Sedgwick Street, Marysville Victoria	Margaret Abbey John Kennedy

Officer Recommendation:

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

RESOLUTION:**Cr C Challen / Cr J Walsh**

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:

The Peri Urban Group of Councils has released their Value Capture Models for Infrastructure Funding (refer to their March newsletter via the website pugrc.vic.gov.au). Relevant topics include:

1. Peri Urban submission regarding the Residential Zones Review
2. The Food and Fibre Industry Strategy including:
 - a. Improvements to freight infrastructure
 - b. Water security and irrigation modernisation
 - c. Tailoring facilitation services to support sector growth
3. Consultation regarding biodiversity protections, native vegetation clearance regulations and water for Victoria

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr J Kennedy:

The Economic Development and Tourism portfolio has enjoyed another busy month.

A key event was my participation over two days in the Rural Councils Victoria Summit held in Marysville earlier this month. I congratulate the Council executives and particularly the staff team who presented a professional and well oiled event.

Well attended by over 130 Councillors and local government executives, the Summit effectively showed off Marysville and environs while the presentations were topical and inspiring.

I particularly liked those from Russel Howcroft and Gilbert Rouchecouste the latter one highlighting a number of campaigns and initiatives working to revive and restore the interest in small communities. His recommendation that these sorts of campaigns need to be led by local business people and traders themselves struck home. Some of the case histories at his web site 'the village well' are interesting solutions to retail, lifestyle or small town centre challenges.

I also attended the regular monthly board meeting of Goulburn River Valley Tourism held at Longwood. It is frustrating that the long promised delivery of a regional website is delayed and now looks like a sometime in April release.

I also attended a preview in Alexandra of the new grant funded *PlanSmart* Emergency Ready Software which will afford all types of businesses especially tourism in our shire a response to managing all types of emergencies from bushfires to floods, storms etc. I think it is important that the Council controls the Intellectual Property of this program as I believe it may have important implementation opportunities in other regions.

The software recently passed a stress test by Monash University's Accident Research Centre so congratulations to Anne and Fiona Leadbetter who have driven this project. It forms a part of the Victorian Government's Resilient Communities Program and all Councillors have subsequently been briefed on the project.

With the Mayor, Councillor Challen and a number of the Council's executives in the infrastructure and planning areas, we recently attended confidential briefings at two important and emerging local businesses. One was the Glencoe timber truss plant that is developing on the old Gould's and Gunn's mill site in Alexandra.

It was great to hear that that they are now shipping out about one and a half timber house frames per day to urban and country home builders with significant growth anticipated to come. While they have identified a number of challenges, I am sure Council will be proactive in assisting this business to meet their objectives.

We also visited the Cathedral Golf Club development at Thornton which is quite a mind boggling new initiative as a Greg Norman designed project that is expected to rank in the top five Australian golf courses in future.

I also attended regular meetings of the Yea Railway Reserve Committee, Murrindindi Inc. and a Yea Wetlands Committee and with the Mayor also the Harmony Day at the March Yea Market. It was also great to see my two young grandchildren and other youngsters participating in the music and dance routines that the Harmony Day group performed.

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr E Lording:

- The Goulburn Valley Waste Forum is impressive
- A problem with Benalla landfill occurred when the EPA changed their requirements and Benalla Rural City Council was unable to comply with the deadline. As a result this Council is accepting Mansfield waste
- The capital works program is running to schedule.

8.4 COMMUNITY SERVICES PORTFOLIO

Cr A Derwent:

No report this month.

8.5 CORPORATE AND CUSTOMER SERVICES PORTFOLIO

Cr C Healy:
No report this month.

8.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

Cr J Walsh:
No report this month.

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr M Rae:

It is true to say the significant focus of the past month has been our hosting of the Rural Councils Victoria Annual Summit. Titled '*Future Proofing Rural Communities*', it was attended by around 130 delegates representing three quarters of the rural councils of Victoria, together with State Government representatives. The range of speakers was excellent and their presentations addressed the theme of the Summit in a very coherent way.

Feedback from delegates has been extremely positive and thanks must go to the significant role the Council staff played in the successful delivery of this major event.

Other activities at which I have represented Council are as follows:

- Municipal Association of Victoria (MAV) Strategic Planning session – this meeting, as part of the annual strategic planning by the MAV, offered the opportunity for rural councils in the north east area to provide input and to identify priority areas for MAV focus over the coming year.
- Launch of the Acoustica program at the Alexandra Library – this is now a well established and much loved musical program for and by the community.
- Rivers and Ranges Leadership Program launch for 2016 – this competitive program offers a well structured program for the development of leadership skills to support and develop young leaders in our community. I was delighted to see some of our own young women leaders successful in gaining entry into the program for this year.
- CEACA AGM – as our local Registered Training Organisation, CEACA plays a very important role in the community and goes from strength to strength.
- Harmony Day – held this year in Yea, this provided a low key but entertaining backdrop to the monthly market.
- Lapidary Show – this annual event put on by the Alexandra Lapidary Club is becoming very successful and is set to continuing growing over future events.
- Industry visits – industry visits offer a valuable contribution to the knowledge and understanding of economic development and opportunities in our area for councillors and staff. The most recent visits included a private golf course development and a truss and frame factory for the house building industry.

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

Nil

11. ASSEMBLIES OF COUNCILLORS

File No: CY16/118

Purpose:

This report presents the records of assemblies of Councillors for 17 February 2016 to 8 March 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 17 February 2016 to 8 March 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	17 February 2016
Matters discussed	<ol style="list-style-type: none"> 1. Library Book Stock 2. Eildon Structure Plan 3. Murrindindi Regional Events Strategy 4. Murrindindi Business Investment Prospectus 5. 2016/17 Plant Replacement Program 6. Yea Caravan Park
Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Lording, Cr Walsh, Cr Healy	Staff – M Abbey, M Chesworth, E Wyatt, J Rabel, L Kotschet, S Brown, B Elkington, J Canny
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Taylor Bay Waste Services Community Reference Group
Meeting Date	20 February 2016
Matters discussed	1. Process and community satisfaction of development of Taylor Bay Bin Compound, ongoing issues and suggested resolutions
Attendees: Councillors – Cr Healy	Staff – M Leitinger, J Russell
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Council Pre-Meeting
Meeting Date	24 February 2016
Matters discussed	1. Eildon Structure Plan 2. Murrindindi Regional Events Strategy 3. Assembly of Councillors 4. Yea Caravan Park – Finalisation of Lease 5. Staff Reappointment
Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Lording, Cr Challen, Cr Walsh, Cr Derwent, Cr Healy	Staff – M Abbey, E Wyatt, C Lintott, S Brown, M Chesworth, A Bond
Conflict of Interest disclosures - Yes	

Matter No.	Officer making disclosure	Was a vote taken?	Did Officer leave the room?	When? Before / after discussion / vote?
Item 5	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	2 March 2016
Matters discussed	1. Council Election Caretaker Policy 2. Light Fleet Selection Process 3. ESC Submission
Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Walsh, Cr Healy	Staff – M Abbey, J Canny, E Wyatt, M Chesworth, A Bond
Conflict of Interest disclosures - Nil	

RESOLUTION:

Cr J Walsh / Cr E Lording

That Council receives and notes the record of assemblies of Councillors for 17 February 2016 to 8 March 2016.

CARRIED

12. URGENT BUSINESS

Nil

RESOLUTION:

Cr J Kennedy / Cr C Challen

That the meeting be closed to the public pursuant to s.89(2)(h) of the *Local Government Act 1989* due to matters which the Council or special committee considers would prejudice the Council or any person.

CARRIED

The meeting closed to the public at 7.49 pm

RESOLUTION:

Cr J Walsh / J Kennedy

That the meeting re-opens to the public.

The meeting re-opened to the public at 8.15 pm.

13. CONFIDENTIAL ITEMS**13.3 MOORES BRIDGE REPLACEMENT**

REF: CONT15/17

RESOLUTION:

Cr J Kennedy / Cr E Lording

That Council

1. Accept the tender from Nelmac Pty Ltd for the lump sum price of \$436,700 (\$397,000 excluding GST), with a \$79,400.00 contingency allowance, for a two lane bridge. Total project cost \$524,040 (\$476,400 excluding GST);
2. Authorise the signing and sealing of contract number 15/17 Moores Bridge Replacement.
3. Affix the Council seal to this contract.
4. Endorse the reallocation of project savings to bridge renewal works as detailed in this report.

CARRIED

13.4 CHIEF EXECUTIVE OFFICER RE-APPOINTMENT

REF: Personnel File (TRIM Per 2287)

Purpose:

The purpose of this report is for Council to finalise the process for the re-appointment of the Chief Executive Officer.

Officer Recommendation:

That Council:

1. Re-appoint the Chief Executive Officer, Margaret Abbey,
2. Set the term of the CEO contract for 2 years commencing 28 June 2016.
3. Set a CEO remuneration package of \$248,000, subject to annual indexation by a minimum of the Consumer Price Index, inclusive of base salary, employer superannuation contribution and motor vehicle value.

Background:

The current Chief Executive Officer (CEO), Margaret Abbey, was originally appointed to commence in this role on 28 June 2010 for a term of 3 years. On 24 April 2013 Council resolved to re-appoint Margaret Abbey to the CEO role for a further term of 3 years from 28 June 2013. The CEO's current employment contract expires on 27 June 2016.

At the Ordinary Meeting of Council on the 24 February 2016, Council passed a resolution in accordance with Section 94(4) of the *Local Government Act 1989*, to give public notice of the intention of Council to re-appoint the CEO without the position being advertised. A public notice was duly published in accordance with the resolution per the dates listed under "Consultation" in this report.

Council Plan/Strategies:

This report supports the implementation of the Council Plan 2013-2017 in relation to the Leadership Goal to provide strategic leadership and effective governance that supports the aspirations of our community.

Legal/Policy Issues:

The current contract for the Chief Executive Officer provides for her re-appointment. The *Local Government Act, 1989* (the Act) also provides the process for the re-appointment of the Chief Executive Officer.

Financial/Resources/Risk

There are no budget implications in respect of this report for the 2015-2016 financial year, given that Council is proposing to re-appoint the CEO without advertising the position.

Discussion:

Council is now in a position to consider reappointment of the CEO Margaret Abbey. In consideration of a Council resolution to reappoint the CEO without advertising the position, Council must make details of the total remuneration of the CEO available for public inspection within 14 days after the passing of the resolution. The term of the new contract must also be determined and disclosed. With that in mind Council has determined the following key conditions to be included in the CEO's new contract.

1. Remuneration Package value = \$248,0000 per annum
The components of the package will include:
 - Base Salary
 - Employer Superannuation Contribution
 - Motor Vehicle Value

2. The Remuneration package will be subject to annual indexation by a minimum of the Consumer Price Index (CPI) as determined each year.
3. The term of the CEO contract will be for 2 years commencing 28 June 2016 and expiring on 27 June 2018.

In respect of any changes to the statutory rate of the Employer Superannuation Contribution or change in the Motor Vehicle Value component during the period of the contract, it is proposed that any such increase/decrease be absorbed within the totality of the remuneration package value and that the case component be adjusted accordingly to maintain the package value (inclusive of indexation).

It is proposed that the new contract for the CEO will be prepared in a format similar to that of the former contract, as prepared by Maddocks Lawyers.

Consultation:

The Local Government Act provides for notification processes if Council wishes to reappoint a Chief Executive Officer.

In accordance with Section 94 (4)(b) of the Act, there needs to have been at least (14) days clear public notice prior to the Ordinary Meeting where the resolution to re-appoint the CEO will be considered. The following publishing dates, set out below, were achieved in respect of providing public notice of Council's intention to reappoint the CEO without advertising the position.

Newspaper / Other	Publishing Date(s)
Newspaper:	
North Central Review	1 March 2016
Alexandra Standard	2 March 2016
Yea Chronicle	2 March 2016
Marysville Triangle	4 March 2016
Council Website	1 March 2016

Conclusion:

Appointment of the Chief Executive Officer is an important role of the Council to ensure the effective operation of the municipality.

RESOLUTION:

Cr J Kennedy / Cr C Challen

That Council:

1. **Re-appoint the Chief Executive Officer, Margaret Abbey,**
2. **Set the term of the CEO contract for 2 years commencing 28 June 2016.**
3. **Set a CEO remuneration package of \$248,000, subject to annual indexation by a minimum of the Consumer Price Index, inclusive of base salary, employer superannuation contribution and motor vehicle value.**

CARRIED

There being no further items of Business, the Chairperson declared the meeting closed at 8.15 pm.

CONFIRMED THIS

27 April 2016

CHAIRPERSON

R. I. Rao