



AGENDA
of the
ORDINARY MEETING OF COUNCIL
To be held on
WEDNESDAY 24 SEPTEMBER 2014
in the
ALEXANDRA COUNCIL CHAMBERS
commencing at
6.00 pm

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1. PRAYER, OATH & RECONCILIATION STATEMENT**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

TRIM: SF/306

An apology was received from Cr Cris Ruhr.

Recommendation:**That the apology received from Cr Cris Ruhr be accepted.****3. CONFIRMATION OF MINUTES**

- The Minutes of the Ordinary Meeting of Council held on 27 August 2014.

Recommendation:**That the Minutes of the Ordinary Meeting of Council held on 27 August 2014 be confirmed.**

- Confidential Minutes of the Ordinary Meeting of Council held on 23 July 2014.

Recommendation:**That the Confidential Minutes of the Ordinary Meeting of Council held on 23 July 2014 be confirmed.****4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

TRIM: SF/783

5. PUBLIC PARTICIPATION TIME**5.1 QUESTIONS OF COUNCIL****5.2 OPEN FORUM**

TRIM: SF/130

5.3 PETITIONERS SPEAKING TO PETITIONS

TRIM: SF/132

5.3.1 *Petitions Received by Council*

REF: SF/1779

KINGLAKE COMMUNITY CENTRE CLEANING

(Petitions –circulated to Councillors under separate cover)

Council has received two petitions relating to the same issue. The first was received by Kinglake Basketball Association. The petition summary is as follows:

“The Committee of the Kinglake Basketball Association are concerned about the level of cleaning taking place in the Stadium. An unsafe playing surface is a serious risk of injury to all those that participate or officiate in organised sport in the stadium. The last thing that the Committee of the Kinglake Basketball Association want is participants injuring themselves whilst playing sport in the stadium. If you are concerned about the state of the floor in the Kinglake Stadium, please add your name to this petition so that something can be done to insure the safety of all participants”

The Petition calls for:

“We, the undersigned, are concerned citizens who urge our leaders to act now to encourage the Shire of Murrindindi to investigate the level of cleaning that is taking place at the Kinglake Stadium”

The petition was signed by 32 people. The petition was submitted by Leslie Shea the Kinglake Basketball Association representative on the Kinglake Community Centre Advisory Committee.

The second petition was received by the Kinglake Netball Competition. The petition is headed

“The players of the Kinglake Netball Competition are not happy with the state of the playing surface at the Kinglake Sporting Stadium since the change over in management from the First of July 2014. The floor is flaking away and has not been buffed since the new cleaners have taken over.”

The petition is signed by 49 people. The petition was submitted by Heather Gurrieri on behalf of the Kinglake Netball Competition.

Recommendation:

That the petition be received, noted and referred to the Acting General Manager Infrastructure & Development Services for a report to be prepared for the 22 October 2014 Ordinary meeting of Council.

6. OFFICER REPORTS

6.1 TOOLANGI TAVERN

File No: 2003/187

Land: 1390 Myers Creek Road Toolangi

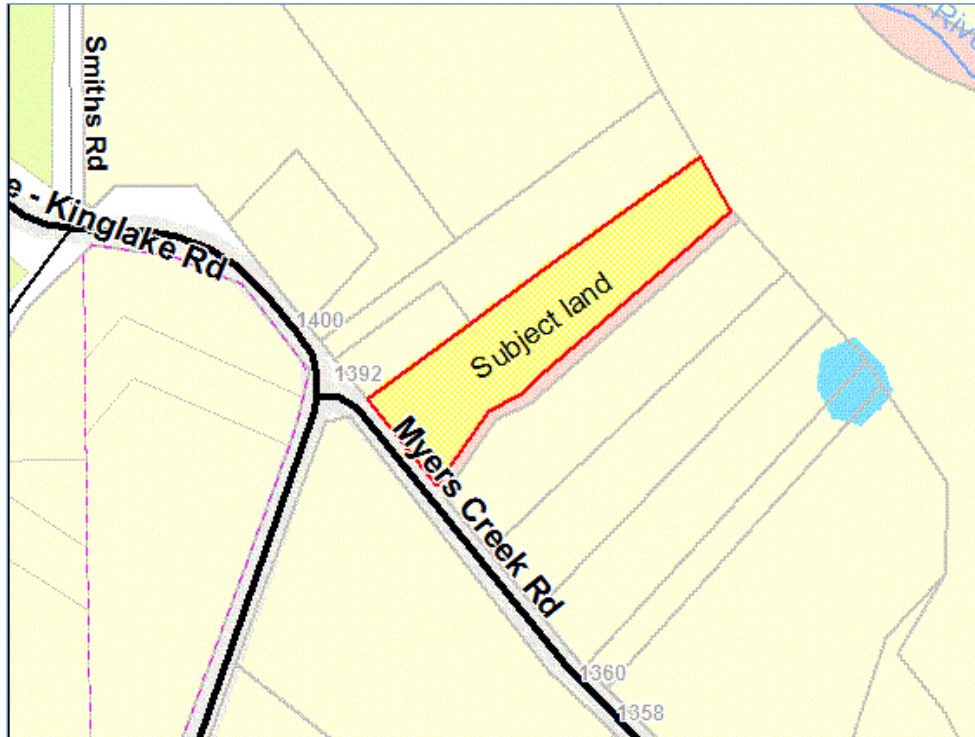
Proposal: Amendment to planning permit 2003/187 to vary conditions 8 and 13; increase in licensed area; and changes to endorsed plans

Applicant: J H Marshall c/- Millar & Merrigan Pty Ltd

Zoning: Farming

Overlays: Environmental Significance
Attachments: Application details, existing planning permit 2003/187 (*Refer Encl 6.1a to Encl 6.1d*) (aerial photograph and submissions distributed separately)

Locality Plan



Purpose:

This report recommends that a Notice of Decision to Amend a Planning Permit be issued for the amendment to planning permit 2003/187 to vary condition 8; increase in licensed area; and make changes to endorsed plans at 1390 Myers Creek Road, Toolangi.

Recommendation:

That Council issue a Notice of Decision to Amend Planning Permit 2003/187 to vary condition 8; increase in licensed area; and changes to endorsed plans at 1390 Myers Creek Road TOOLANGI 3777 (LOT: 6 LP: 54942, Parish of Tarrawarra North), subject to the following amended and additional conditions:

Amend condition 2:

Prior to the commencement of the expanded use to 150 patrons, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:

- (a) The additional 30 car spaces required by Condition 20;
- (b) Any alterations to the layout of the access driveways and car parking arising from the amended Traffic Management Plan required by Condition 21;

- (c) The buffer area required to be landscaped, including extent and type of planting, required by Condition 11;
- (d) The extended acoustic barrier as required by Condition 9.

Amend condition 7:

The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises, garden or car parking area which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood to the satisfaction of the Responsible Authority.

Amend condition 8:

The number of patrons permitted to remain in the licensed area is limited to 150 people. Patrons may only consume alcohol in the approved licensed area. No alteration or modification will be permitted without the written consent of the Responsible Authority. It is the responsibility of the operator to ensure this condition is complied with at all times, including such monitoring of the premises outside the licensed area as may be necessary.

Amend condition 9:

A suitable acoustic barrier to the satisfaction of the Responsible Authority is to be erected along the south eastern side of the car parking area, and if such barrier is a fence, then screen planting shall also be provided.

Amend condition 11:

A 6 metre wide buffer area shall be provided along the south eastern side boundary of the site from the road reserve to a point equivalent to the extent of the parking area, and such buffer area shall be landscaped with both trees and shrubs to provide visual screening to the adjoining property, to the satisfaction of the responsible authority.

Amend condition 12:

The use of the tavern and rear deck shall take place only between the hours of 10am to 10pm Monday to Thursday inclusive, 8am to 11pm Friday and Saturday, and 10am to 10pm Sunday. The use of all other licensed areas shall take place only between the hours of 11am to 8pm during Australian Eastern Daylight Savings Time, and 11am to 6pm at all other times.

Amend condition 20:

Prior to the commencement of the expanded use to 150 patrons, no fewer than 60 car spaces in total must be provided on the land including 2 spaces clearly marked for the disabled.

Amend condition 21:

The applicant shall engage a traffic engineer to prepare a new traffic management plan for the development. The plan shall detail parking, access lanes, footpaths, site ingress/egress, barricades, bollards, landscaping, signing, lighting and linemarking as required to provide for safe movement of vehicles and pedestrians. The qualifications and experience of the traffic engineer and the plan prepared by the same shall be to the satisfaction of the Responsible Authority. The traffic management plan shall be submitted for approval and endorsed by the Responsible Authority before any work commences.

Amend condition 23:

Before the expanded use starts, the new areas set aside for parked vehicles and access lanes as shown on the endorsed traffic management plan must be constructed to the satisfaction of the responsible authority; including:

- (a) surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority;
- (b) drained in accordance with an approved drainage plan;
- (c) line-marked or otherwise signed to indicate car spaces and all access lanes;
- (d) properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;
- (e) measures taken to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
- (f) Provision of traffic control signage and or structures as required;
- (g) Appropriate landscaping within the carpark.

Amend condition 24:

Before any of the works allowed by this permit can be started, a properly prepared drainage plan with computations must be submitted to and approved by the Responsible Authority. The plan must give details of how the new works on the land are to be drained. An endorsed copy of the plan and computations will form part of this permit.

Additional condition 33:

Prior to the commencement of the expanded use to 150 patrons, the acoustic barrier and buffer landscaping as required by condition 9 and condition 11 respectively, must be completed to the satisfaction of the Responsible Authority.

Additional condition 34:

Prior to the commencement of the expanded use to 150 patrons, a fence must be erected along the rear of the carparking area, to the satisfaction of the Responsible Authority. No customer parking or the parking of other vehicles is allowed beyond this point, without the written consent of the Responsible Authority.

Additional condition 35:

Prior to the commencement of the expanded use to 150 patrons a Land Capability Assessment must be undertaken demonstrating the capability of the existing effluent disposal system or the upgrade requirements, including the designated effluent disposal area, to the satisfaction of the Responsible Authority. All works required by the Land Capability Assessment must be completed prior to the commencement of the expanded use to 150 patrons, to the satisfaction of the Responsible Authority.

Additional condition 36:

Prior to the commencement of the expanded use to 150 patrons, an amended plan must be submitted showing the proposed area to be licensed. This area must be generally in accordance with the plan submitted on 28 August 2014, but amended to adequately reflect the correct verandah dimensions, the garden area, and the adjoining path.

Proposal:

The application is for an amendment to Planning Permit 2003/187, to vary condition 8 by increasing the number of patrons allowed in the licensed area from 50 to 150 and allowing alcohol to be consumed in other areas of the property. The application also includes the request to increase the licensed area of the Tavern to include the front verandah, the front garden area and a pedestrian link from the verandah to the garden. It is proposed that the outdoor licensed areas will be restricted to 11am to 8pm during Australian Eastern Daylight

Savings Time, and 11am to 6pm at all other times. The changes to the endorsed plans reflect the proposed changes to the licensed areas.

The application originally sought to allow pre-recorded background music and unamplified live performance outside of the Tavern building in the garden area. This request has now been withdrawn in light of the concerns raised by the objectors and discussions had with Council staff.

Background

The original planning permit to construct an extension to the existing shop and use of the building as a tavern was issued in October 2003. Although objections were received in relation to the application, Council ultimately supported the proposal, and a permit was subsequently issued with 32 conditions. No appeals were lodged from any of the objectors against the issue of a permit or from the applicant in relation to the conditions on the permit.

Amended plans were endorsed in March 2005 following consultation with the original objectors. The plans amended the design by enclosing the side verandah into the main building, extending the length of the building by two metres and double glazing all windows. This also involved the demolition of the existing store and construction of an entirely new building which allowed the building to be set back a further 12 metres from the road.

The tavern opened in 2006. On 17 January 2006 the permit was amended to allow an alteration to the hours of use of the tavern from Sunday 9am to 8pm and Monday to Thursday 8am to 8pm, to Sunday to Thursday 10am to 10pm. Friday and Saturday hours remained unchanged at 8am to 11pm.

In October 2012 Council supported an amendment to the tavern planning permit to increase the licensed area and a variation to endorsed plans to enclose the existing deck and construct a new deck. The extension of the licensed area allowed the existing decking to be enclosed and new decking constructed as a smoking area and the inclusion of a small area that previously was used as the shop.

The Land & Surroundings:

The land comprises a 2 hectare site with an 86 metre frontage to Myers Creek Road in Toolangi. The Tavern is located approximately 28m from the front boundary of the property, and includes some car parking at the front of the building, with the majority of parking located immediately at the rear of the building. On the right hand side at the front of the property is a large landscaped garden area. The landscaping continues along the same side boundary to a point in line with the end of the existing carparking area. The balance of the land is rural grazing paddocks.

The surrounding land can be described as rural living type land. The majority of landholdings within the immediate area east of Toolangi Township range in size from 1.5 to 5 hectares. On both sides of the subject land the properties contain dwellings, with each having paddocks at the rear. The property immediately to the east also contains a building used for commercial accommodation. This building existed on this property prior to the planning permit being issued for the tavern. In 2009 a planning permit was issued for an additional dwelling to be constructed further down the property, and for the existing building to be used as a studio. The new dwelling is located in line with the rear of the carparking area of the tavern. The studio has recently been granted a planning permit to be used for commercial accommodation. The land opposite the tavern property has a dwelling on 5 hectares.

Referrals:

There were no statutory referrals required for this application.

Consultation:

Notice of the application to amend the planning permit was given to adjoining and surrounding neighbours, and a sign was placed on site. Two objections were received in relation to the amendment from the immediate neighbour to the east and the landowner directly opposite.

The following concerns have been raised by the neighbour abutting the subject land to the east:

- The tripling of the current patron numbers will greatly affect the amenity of his property.
- He has no confidence that the owners will adhere to a new permit condition or that Council will enforce it.
- The proposed carparking area is visible from his dwelling and the application does not show any further acoustic fencing or landscaping to minimise the amenity impact.
- The location of the proposed outside licensed area is located near the property boundary adjacent to his building used for tourist accommodation.

The neighbour across the road has raised the following concerns:

- A permit to increase the patron numbers to 150 may lead to patron numbers well over this amount if the permit condition is not adhered to.
- There are inadequate facilities and parking for the proposed increase in numbers.
- Noise from the Tavern is a major concern and increasing numbers would further exacerbate the level of noise from the Tavern. This is especially so when patrons are entering and exiting the premises.
- The noise from patrons drinking in the garden at the wedding in October was disruptively loud and highly intrusive. The increase in noise and alcohol consumption in the garden and outside the closed tavern area would adversely affect the enjoyment of their rural life.

Both objectors proposed a compromise of an increase to 100 patrons only, to ensure the viability of the business, provided the licensed area was not increased.

The applicant provided a response to the concerns raised and this was forwarded to the objectors. The main points the applicant raised was that the increase in patron numbers was required for the business to be financially viable and that the facility cannot accommodate people in excess of the number sought. The applicant is willing to undertake additional landscaping along the eastern boundary if required, and the proposed licensing of the garden and limiting the license to daylight hours will not cause undue detriment to neighbours and would allow the area to be utilised for wedding ceremonies .

A late supporting submission has also been received from a Kinglake business owner and the President of the Kinglake Ranges Business Network stating that the tavern is a community asset, employs locals, provides a service in Toolangi and that growth of the business is necessary to meet the demands of small business.

Newspaper / Other	Publishing/Consultation Date(s)
Sign on site:	6 June 2014
Mail out: 15 landowners	6 June 2014

Planning Considerations:

When considering an application to extend the patron numbers and the licensed area the major considerations relate to amenity impacts on the neighbourhood and the facilitation of tourism within the area. The tavern expansion creates a potential economic benefit to the community by encouraging visitors but any approval must be balanced by an assessment of the impact this extension may have on the amenity of neighbouring properties.

The current planning permit for the operation of the tavern contains a number of conditions relating to amenity. In particular, the existing conditions relating to noise attenuation measures requiring an acoustic barrier along the south eastern and north western sides of the existing car parking area and the 6 metre wide landscaped buffer along the south eastern side boundary have all been completed. The requirements of these conditions will also apply to the area for the additional carparking required as a result of the increase in patron numbers.

The tavern building itself is large enough to accommodate the proposed increase in patron numbers and no further building works are proposed. An additional 30 car spaces will be required to be constructed on the property, and the existing 30 spaces will need to be formalised to enable sufficient parking on site. The property has adequate room to accommodate the additional carparking. The expanded carparking area will need to be landscaped and constructed properly to lessen the impact on the rural landscape and neighbouring property. Further landscaping will also be required along the eastern boundary of the property, abutting the carparking area. To prevent issues associated with visitors parking further down the property and creating a nuisance to neighbouring properties, the amended permit will contain a condition that requires a fence to be constructed along the back of the car park, preventing customers' vehicles from progressing past the designated car parking area.

The garden area is located towards the front of the property, and is currently used as an outdoor eating area. The area is extensively landscaped and provides a suitable setting for outdoor dining and is well screened from both the road and neighbouring property. The request to allow alcohol consumption in this part of the property should not cause undue detriment to adjoining landowners as the nearest dwellings are located 60 metres from this area and by limiting the hours for alcohol consumption to essentially daylight hours, it will lessen any potential amenity impacts.

When this permit was originally issued the building used for accommodation on the abutting land was the principal house on the property and the condition limiting the consumption of alcohol to the tavern building was partly based on the proximity of this house to the garden area. The construction of a new dwelling 55 metres further into the property lessens the impact from the garden area on the main dwelling. While this building is only 20 metres from the garden area the use for tourist accommodation does not have the same detrimental impact due to the intermittent nature of the accommodation use and the limited spread of the proposed hours of use. It can also be argued that the two uses of tavern/beer garden and tourist accommodation are mutually beneficial due to the tourism related nature of both uses.

The use of live entertainment with amplifiers is permitted within the tavern building only and on no more than six occasions per calendar year and no form of public address system can be used on the land.

Any adverse impact of increasing the patron numbers in relation to vehicles exiting the property will be limited as patrons will generally leave on a staggered basis and are more likely to be departing in daylight hours except for the occasions when there is a function. The closing of the garden area at an earlier time to the tavern will also encourage staggered exit times. Given the isolated location of the tavern in relation to the tourist customer base it is more likely the customers will depart before dark. The closing hours of the tavern are not changing and there is no capacity to allow an extension of those hours without a further amendment to the existing planning permit.

Conclusion:

With adequate provisions for carparking and appropriate landscaping and buffer plantings, the impact of additional parking can be ameliorated. By limiting the hours that patrons are allowed to consume alcohol in the garden area, any potential impact on surrounding neighbours is confined to the time of day when extra noise is less intrusive.

Legal/Policy Issues:Local Planning Policy Framework

21.06 Tourism Strategies

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

Zoning

35.07 Farming

When the permit was originally issued the land was zoned Rural under the Murrindindi Planning Scheme. The land was rezoned to Farming on 27 July 2006.

The purpose of the Farming Zone is to:

- Implement State and Local Planning Policy Frameworks
- Provide for the use of land for agriculture
- Encourage retention of productive agricultural land
- Ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision
- Protect and enhance natural resources and the biodiversity of the area

Overlays

42.01 Environmental Significance Overlay

- To recognise and protect high quality agricultural land

Decision Guidelines

Clause 63.12 requires that in addition to the normal decision guidelines set out in Clause 65 *the Responsible Authority must consider the extent to which compliance can be achieved with all scheme requirements that can reasonably be met.*

Clause 65 requires the Responsible Authority to consider as appropriate (not all listed below):

- State and Local Planning Policy Frameworks
- The purpose of the zone, overlay or other provision
- Any matter required to be considered in the zone, overlay or other provision
- The orderly planning of the area
- The effect of amenity of the area

6.2 REVIEW OF THE LOCAL PLANNING POLICY FRAMEWORK, MURRINDINDI PLANNING SCHEME

REF: 58/04/21 & SF/1523

(Refer Encl 6.2a Summary of submissions to the LPPF, Encl 6.2b Draft Local Planning Policy Framework (LPPF) Review, Murrindindi Planning Scheme – revised version proposed for authorisation / exhibition, Encl 6.2c Draft explanatory report, proposed Amendment C5.

Purpose:

The purpose of this report is to:

1. Inform Council of submissions received on the informal exhibition of the Local Planning Policy Framework (LPPF).

2. Endorse the LPPF, with changes recommended in the summary of submissions, for the purpose of formal exhibition as a planning scheme amendment.
3. Seek authorisation to prepare an amendment to the Murrindindi Planning Scheme to replace the current LPPF with this proposed exhibited LPPF, then exhibit the amendment when authorised.

Recommendation:

That Council:

1. **Endorse the Local Planning Policy Framework, with changes recommended in the summary of submissions, for the purpose of formal exhibition as a planning scheme amendment;**
2. **Request under Section 8A of the *Planning and Environment Act 1987* (the 'Act') that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C54 to the Murrindindi Planning Scheme;**
3. **When authorised by the Minister for Planning, exhibit Amendment C54 to the Murrindindi Planning Scheme under Section 19 of the Act for a minimum statutory exhibition period of one month.**
4. **Notify the Minister for Planning that when it exhibits Amendment C54, Murrindindi Shire Council intends to:**
 - (a) **Exempt itself under Section 19(1a) of the Act from giving notice to owners and occupiers of land that it believes may be materially affected by the amendment under Section 19(1b) of the Act on the grounds that the number of owners and occupiers affected makes it impractical to notify them all individually about the amendment;**
 - (b) **Give any other required notice of the amendment under Section 19 of the Act, other than under Section 19(1b);**
 - (c) **Take reasonable steps under Section 19(1b) of the Act to ensure that public notice of the proposed amendment is given in the area affected by the amendment by:**
 - **Publishing a press release in local press, in conjunction with publishing notice of the amendment, generally advising of proposed changes under the amendment;**
 - **Direct notification to all relevant agencies;**
 - **Direct notification to key interest groups and land use planning professionals operating in Murrindindi Shire;**
 - **Direct notification to submitters to the previous informal Local Planning Policy Framework exhibition.**

Background:

The proposed revised LPPF has been supported by an initial review (monitoring report under Section 12B of the Act) of the Murrindindi Planning Scheme in 2013. A draft revised LPPF was prepared in 2014 that:

- Outlines the current, relevant strategic directions, replacing current directions (most dating back to May 1999).
- Incorporates land use directions in the Council Plan and other Council corporate documents.
- Outlines a positive, facilitatory, growth oriented approach for future land use planning.
- Follows current proposals for the statewide review of the planning policy framework in planning schemes, using ten (10) proposed land use themes (grouped together under four

major headings of economic development, housing, environment and transport and infrastructure).

- Includes Council's identified future land use strategic actions and priorities.

The revised LPPF proposes a revision of local planning strategies and policies and does not include any proposed changes to any planning zoning, overlays or other controls.

Council resolved on 25 June 2014 to informally exhibit the draft LPPF for a minimum period of four (4) weeks. This informal exhibition was undertaken with eight (8) submissions being received, three (3) from authorities, five (5) from private submitters. A summary of submissions, with recommendations, is attached.

Council Plan/Strategies:

The review is consistent with the Our Environment goal in the Murrindindi Shire Council Plan 2013-2017 specifically in relation to the following strategic objective and action for Our Environment:

Objective: We will plan for the future growth that is sensitive to the constraints of our natural environment whilst considering development needs.

Year 1 Action: Complete a review of the Municipal Strategic Statement to establish directions that align to the Council Plan.

Legal/Policy Issues:

Council has satisfied its statutory obligations under Section 12B of the Planning and Environment Act to review its planning scheme no later than one year after approving the Council Plan. Council is now proposing new strategic directions through a revised LPPF which, when approved, will amend policy directions.

Financial/Resources/Risk

There is no particular financial resource risks to Council associated with this project. The draft proposed LPPF has been prepared in-house by staff. When an amendment to replace the Murrindindi Planning Scheme LPPF is finally adopted for approval, an amendment fee of \$798 will apply. This fee can be met under the existing 2014/15 planning budget allocation. The overall LPPF review will assist in prioritising Council's future land use resources / budget allocations.

Discussion:

The exhibition of the proposed revised LPPF has only attracted a small number of submissions, all of which either support the proposed LPPF or can be satisfactorily met through minor changes to it. The proposed LPPF has also been slightly revised to accommodate further internal feedback from Council staff.

In summary, the submissions can all be met, as follows:

- **Department of Environment and Primary Industries (DEPI):** Recommend further work for the protection of native vegetation through overlays may be undertaken in the future following further technical work.
Recommendation: Note submission, with no change to the exhibited LPPF required.
- **Goulburn Murray Water (GMW):** Supports proposed clauses to address old and inappropriate subdivisions and consider general environmental values but suggests addition of a strategy to protect surface and groundwater.
Recommendation: Note and support submission, adding the strategy *Ensure that development proposals do not impact detrimentally on the flow and quality of surface water and groundwater* under Objective 2 to Clause 21.05-1, Environmental values.

- **Goulburn Valley Water (GVW):** While work on formal planning scheme buffer zones around wastewater management facilities was originally requested, GVW has withdrawn this original submission, acknowledging that further work and joint approach is required between GVW and Council in the future before any buffer zones can be resolved. This separate work on buffers will be discussed with GVW.
Recommendation: Note submissions, with no change to the exhibited LPPF required.
- **Private submitter, Yea:** Submission supports the proposed rezoning of the northern extent of North Street from Industrial 1 to General Residential, a proposal that has been exhibited under both the proposed LPPF and proposed Yea Structure Plan.
Recommendation: Note submission, with no change to the exhibited LPPF required, referring the submission to the Yea Structure Plan consultation process.
- **Private submitters, Alexandra, relating to the Dame Pattie Menzies Centre land:**
Oppose indication of a buffer between residential and industrial land, with concern about the existing Industrial 1 Zone adjacent to the UT Creek.
Recommendation: Support submission in part, removing the line and legend item indicating '500 metre buffer for dwellings from the industrial estate' from the exhibited Alexandra framework plan but retaining the existing Industrial 1 Zone on the northern side of the UT Creek.

To date, the Department of Transport Planning and Local Infrastructure (DTPLI) has not made a submission to the exhibited proposed LPPF. The LPPF revision has been discussed with DTPLI officers who have provided in-principal support of the proposed revision and structure. As part of the planning scheme amendment process, before any planning scheme amendment can be exhibited, Council must legally seek the consent (authorisation) of the Minister for Planning to prepare the amendment. The Minister has 10 days to grant authorisation and may impose conditions, such as, an extended period above the statutory minimum of one month or additional consultation procedures.

The next steps in the implementation of a revised LPPF would be for Council to endorse the draft LPPF for exhibition, seek the Minister's authorisation (consent) to prepare an amendment to the Murrindindi Planning Scheme and when authorised, exhibit the amendment.

Amendment C54 to the Murrindindi Planning Scheme has been drafted to replace the current LPPF with a proposed revised LPPF by:

- Deleting the existing Municipal Strategic Statement (Clauses 21.01 to 21.12, inclusive).
- Deleting existing local planning policies (Clauses 22.01 to 22.05, inclusive).
- Introducing a new Local Planning Policy Framework, comprising:
 - Clause 21.01, Context;
 - Clause 21.02, The Planning Vision;
 - Clause 21.03, Economic Development;
 - Clause 21.04, Housing;
 - Clause 21.05, Environment;
 - Clause 21.06, Transport and Infrastructure.

Amendments in the proposed revised LPPF may affect landowners and occupiers within the shire and Council is required to give notice of these amendments unless it exempts itself from giving notification (under Section 19(1a) of the Act) on the grounds that the number of owners and occupiers make it impractical to do so. Officers considered that an exemption is appropriate in this instance on these grounds. When Council exempts itself from notification, it must take reasonable steps (under Section 19(1b) of the Act) to ensure that public notice of the amendment is given in the area affected by it; proposed consultation measures, including this notification, are outlined below.

Consultation:

An informal exhibition of the revised LPPF was undertaken with eight (8) submissions being received, three (3) from authorities and five (5) from private submissions. A timetable to complete the revised LPPF is anticipated to be as follows:

24 September 2014	Report on submissions, with recommendation to seek authorisation / exhibit a planning scheme amendment to implement LPPF review.
Mid October 2014	Advice from DTPLI on authorisation request. Note: The timeline for granting authorisations is 10 days. Any delay in authorisation or any authorisation condition from the Minister to exhibit for a period greater than one month will amend time estimates (below) for the exhibition of the revised LPPF.
20 November – 22 December 2014 (estimate)	Formal exhibition of an amendment to implement LPPF review. Exhibition will be supported by: <ul style="list-style-type: none"> ▪ A press release published in locally circulating press. ▪ Notice on Council’s website and in Council offices / libraries. ▪ Direct notification of all relevant agencies. ▪ Direct notification of key interest groups and land use planning professionals. ▪ Direct notification of submitters to the informal LPPF exhibition.

Conclusion:

The attached proposed revised LPPF has been prepared to implement current local land use planning directions in a contemporary format. The proposed revised LPPF only proposes a revision of local planning strategies and policies and does not include any proposed changes to any planning zoning, overlays or other controls.

Minor changes have been made to the proposed LPPF as a result of informal exhibition and internal review. It is recommended that Council seek authorisation to prepare and exhibit the proposed amendment, exempting itself from giving notice of the amendment to all affected landowners and occupiers but taking other steps to ensure adequate public notice of the proposed amendment in the municipality.

6.3 PROPOSED DISCONTINUANCE AND SALE OF PART OF ROBBINS ROAD, NARBETHONG

REF: SF/1701

(Refer Encl 6.3 - Title Plan TP 955398 B)

Purpose:

The purpose of this report is to seek a Council resolution to commence the statutory processes for the discontinuance and sale of part of Robbins Road, Narbethong, Lot 1 on the attached copy of TP 955398 B (“Road”) as requested by Anthony McDonald & Bridget McIntyre (“Proposed Purchaser”).

Recommendation:

That Council acting under clause 3 of Schedule 10 to the Local Government Act 1989:

1. **Authorises the Chief Executive Officer to sign all documents and undertake all administrative procedures in respect of the proposed discontinuance/sale of the Road;**
2. **Obtains a valuation of the Road (“Valuation”) from a valuer who has the qualifications prescribed under the Act;**
3. **Resolves to give public notice under Section 223 of the proposed discontinuance and sale of the Road as per the requirements of Section 189 of the *Local Government Act 1989*; and**
4. **If no submissions are received in response to the public notice:**
 - a) **Council resolves to publish notice of discontinuance of the Road in the Victoria Government Gazette; and**
 - b) **provided the Proposed Purchaser agrees to pay the sale price and any additional legal fees and disbursements on settlement, Council resolves to affix its common seal to a transfer under section 207D of the *Local Government Act 1989* of the Road to the Proposed Purchaser for a price which is equal to the Valuation (plus GST if the value excludes GST).**

Background:

An enquiry was received in August 2013 by a purchaser (then under contract) of land at 1211 Maroondah Highway, Narbethong as to the possibility to close and purchase a length of the unused Robbins Road, Narbethong, adjoining their property.

The Proposed Purchaser of the road took possession of the property on 12 December 2013 and requested Council to investigate the proposal to discontinue and purchase the road in their name.

Council formally advised the Proposed Purchaser of the process required to discontinue and sell the road, including compliance with relevant provisions of the *Local Government Act 1989*, an upfront fee required to be paid by the Proposed Purchaser, title plan requirements, public notice and other statutory requirements.

The Proposed Purchaser has now formally responded to Council, requesting Council to carry out the procedures required under the *Local Government Act 1989* to discontinue the Roads and sell the Road to the Proposed Purchaser. Further the Proposed Purchaser paid an up front (non-refundable) fee of \$5,902.19 to cover Council’s legal costs and advertising and valuation costs.

Following the statutory processes the Proposed Purchaser will be required to pay to Council the sale price (based on valuation) plus any remaining legal costs and disbursements.

Council Plan/Strategies:

This report is consistent with the following strategy in the Council Plan 2013/17:

Our Environment – Strategic objective – to enhance the sustainability of our infrastructure, recognising the changing needs and expectations of our communities.

Legal/Policy Issues:

Council cannot agree to sell the discontinued road to the Proposed Purchaser unless it complies with the provisions of section 189 of the *Local Government Act 1989* which requires Council to give public notice of the proposed sale inviting submissions on the proposal before a date specified in that notice, which must be no less than 28 days from the date of publication of the notice and obtain a valuation from a valuer who has the qualifications prescribed under the Act.

Financial/Resources/Risk

All costs associated with the sale, other than officer time has been pre-paid by the purchaser.

Discussion:

Officers have determined that there is no strategic benefit to Council or any reason that the road should not be discontinued.

The process of road discontinuance is a straight forward process of Council. The statutory processes associated with the proposed discontinuance and sale of roads, include the following:

- Council's agreement to the unused road to be discontinued.
- Public Notice of the intended sale of the discontinued roads.
- Obtain a valuation of the discontinued roads.
- Publication of the notice of discontinuance in the Victoria Government Gazette.
- Transfer under section 207D of the *Local Government Act 1989*.

After the public notification period officers will present a further report to Council addressing any submissions (if received) and will provide a recommendation in relation to the discontinuance of Robbins Road, Narbethong.

Consultation:

There has been extensive consultation between the Proposed Purchaser and Council representatives and engagement between Council's legal representatives on this matter.

In line with Council's Community Engagement Policy Council will advise adjoining landholders that may be affected by the road discontinuance, of Council's intention to give the following:

In relation to Section 223 of the *Local Government Act 1989*, Council is required to:

1. Give public notice of the proposed discontinuance/sale of the Road as per the requirements of section 189 of the *Local Government Act 1989*:
2. Consider any submissions (if received) under section 223 of the *Local Government Act 1989* before determining whether to proceed with the discontinuance/sale of the Road.

Conclusion:

This discontinuance and sale of Robbins Road provides a positive outcome to both the Council and the landholder.

6.4 FRAUD PREVENTION AND CONTROL POLICY

REF: CY14/234

(Refer Encl 6.4 Draft Fraud Prevention and Control Policy)

Purpose:

The purpose of this report is to seek Council's endorsement of revised Fraud Prevention and Control Policy, to ensure that Council's principles and processes relevant to fraud prevention are current and relevant.

Recommendation:

That Council formally adopt the revised Fraud Prevention and Control Policy as enclosed.

Background:

As fraud constitutes a significant risk to any organisation it is appropriate that Council establishes a culture of ethical conduct and ensures that there are relevant measures in place for the prevention, detection and control of fraud.

Council's current policy is in need of updating to better define the risks that Council may face through fraudulent activity, and to detail the control mechanisms required to manage the risk appropriately.

This policy applies to all Councillors, employees, volunteers, contractors and consultants of Murrindindi Shire Council.

Council Plan/Strategies:

This report is consistent with the Council Plan 2013-17 goal relating to Our Council – to “provide strategic leadership and effective governance that supports the aspirations of our community”. A key strategy for this goal is to continue to provide value for money through the delivery of long term financial plans and strategies.

Legal/Policy Issues:

Council must ensure it manages its risks, but also ensures its business processes adhere to relevant legislation and regulations. This includes ensuring compliance with the *Records Management Act*, *Information Privacy Principles*, *Protected Disclosures Act*, *Freedom of Information Act* and the *Local Government Act*.

Adherence to this policy is closely aligned with a number of other Council laws, regulations and policies, including:

- Confidentiality and Privacy Policy
- Conflict of Interest Policy
- Corporate Credit Card Policy
- Councillors Code of Governance
- Councillor Reimbursement Policy
- Discipline Policy
- Email Policy
- Employee Conduct Policy and Code of Conduct
- Gift Register Procedure
- Information Privacy
- Procurement Policy
- Protected Disclosures Policy
- Risk and Safety Policy
- Using Consultants Policy.

Financial/Resources/Risk

Management of fraud prevention is a prudent and necessary requirement of Council to ensure that the risks associated with fraud are minimised.

Highlighting the risks that exist for both Council, and all parties covered by this policy is necessary to develop an understanding of what fraud can look like within an organisation, and what steps must be taken if fraud is suspected at any time.

Following the adoption of this policy it is proposed that further fraud prevention training be provided to Council officers on an annual basis, as well as part of induction for any new employees.

Discussion:

The draft policy (*refer Enclosure 6.4*) has been developed in accordance with recommendations from Council's auditors, guidelines provided from the Municipal Association of Victoria, the Auditor General's June 2012 report into fraud prevention in the local government sector and in reference to other Councils that have a fraud prevention and control policy.

The key principle behind this policy is that Council will not tolerate any incident of fraud. Although Council's Staff Code of Conduct and the Councillor Code of Governance detail obligations regarding fraud, this policy provides a much clearer description of what is to be considered fraud in the Council environment.

The policy also stipulates the necessary internal controls and steps to be undertaken if fraud is suspected that are to be adhered to across Council to ensure that the risks associated with fraud are minimised.

An important point to note with this policy is that the responsibility of fraud prevention does not just sit with the Chief Executive Officer, Council or the responsible officer for the policy. All Councillors and employees are responsible to ensure that Council procedures are being followed so as to minimise the opportunity for fraud to occur.

This policy will provide Council officers with better direction and understanding regarding Council's requirements for fraud prevention as well as provide a greater level of oversight for the way in which Council implements internal controls, investigates suspected fraud and the responsibilities of all Council employees, contractors, volunteers and consultants.

Consultation:

Community consultation was not required for the revision of this policy.

Conclusion:

The introduction of this policy will support Council's risk and compliance framework, as well as provide Council officers with clear direction regarding their obligations to minimise Council's exposure to fraud.

6.5 BORROWINGS POLICY

REF: SF/103

(Refer Encl 6.5 – Borrowings Policy)

Purpose:

The purpose of this report is to present the Borrowings Policy for Council's consideration and

adoption.

Recommendation:

That Council adopts the Borrowings Policy contained in Enclosure 6.5 to this report.

Background:

Council's borrowings strategy has been directed through the development of the annual Strategic Resource Plan and Budget process, but is not underpinned by any specific policy. Council's Audit Advisory Committee has requested a specific policy to address this matter to ensure Council's borrowings are appropriately managed.

Council Plan/Strategies:

There is a strategic objective in the Council Plan 2013-2017 under the Our Council Goal to administer sound financial management practices. A key strategy for achieving this is to continue to provide value for money through the delivery of long term financial plans and strategies.

Legal/Policy Issues:

The *Local Government Act 1989* ("The Act") provides Councils the power to borrow.

Section 144(1) of the Act states: 'Subject to the principles of sound financial management, a Council may borrow money to enable the Council to perform the functions and exercise the power conferred on the Council under this Act or any other Act.'

Sections 145 to 149 of the Act further specify the circumstances in which the power to borrow may be exercised, securities to be used for local government borrowings, and how the borrowings should be disclosed.

Financial/Resources/Risk

As detailed in the Council Strategic Resource Plan 2013-2017, Council's current borrowing strategy has determined that a prudent level of debt will not exceed \$500,000 in new borrowings per annum over the next 10 years. This will result in Council's overall debt level decreasing over the life of the current Strategic Resource Plan.

Discussion:

The policy has been developed in accordance with recommendations from the Audit Advisory Committee, guidelines provided from the Municipal Association of Victoria and in reference to other Councils that have an adopted borrowings policy.

Although there is not a statutory requirement for a borrowings policy, it is recognised as best practice and is in accordance with the increased focus on compliance and financial management that is occurring in the sector from both the Victorian Auditor General's Office and LG Victoria.

This policy provides Council officers with better direction regarding Council's requirements for borrowings as well as provides a greater level of oversight for the way in which Council procures its debt.

Consultation:

This policy has been developed in consultation with Council's Audit Advisory Committee, which requested the introduction of this policy to provide clear direction to officers regarding borrowing obligations and responsibilities, and to ensure compliance with Council's legislative obligations.

Conclusion:

The introduction of this policy will support Council's borrowing compliance with the Sections 144-149 of the *Local Government Act 1989*, as well as provide Council officers with clear direction regarding their obligations when managing borrowings on behalf of Council.

6.6 COMMITTEE OF MANAGEMENT MEMBERSHIP ENDORSEMENT

REF: SF/112, SF/749, SF/750, SF/921

Purpose:

This purpose of this report is to seek Council's endorsement of the proposed membership for the Strath Creek Reserves & Hall, Gallipoli Park Precinct, Buxton Recreation Reserve and CJ Dennis & Castella Public Hall Reserve Section 86 Committees of Management resulting from the 2014 Annual General Meetings.

Recommendation:

1. That Council appoints the following individuals to fill the vacant positions on the Section 86 Committees of Management for a three year period:

Committee of Management	Name	Representative position
Strath Creek Reserves & Hall	Terry Hubbard	Community Representative
Strath Creek Reserves & Hall	Denise McKenzie	Community Representative
Strath Creek Reserves & Hall	John Hatchell-Brown	Community Representative
Strath Creek Reserves & Hall	Alissia Foster	Community Representative
Strath Creek Reserves & Hall	Jeanette Tilley	Strath Creek Progress Association Group Representative
Strath Creek Reserves & Hall	Kay Granter	Strath Creek Tennis Club User Group Representative
Strath Creek Reserves & Hall	David Ralph	Strath Creek Landcare User Group Representative
Buxton Recreation Reserve Committee of Management	Graham Eddy	Community Representative
Buxton Recreation Reserve Committee of Management	Peter Cureton	Community Representative
Buxton Recreation Reserve Committee of Management	Graham Page	Community Representative
Buxton Recreation Reserve Committee of Management	James Cowell	Community Representative
Buxton Recreation Reserve Committee of Management	John Moore	Community Representative
Gallipoli Park Precinct Committee of Management	Delice Guscott	Community Representative
Gallipoli Park Precinct Committee of Management	Nat Morandi	Community Representative
Gallipoli Park Precinct Committee of Management	Travis Gleeson	Community Representative
Gallipoli Park Precinct Committee of Management	Lyn Rogerson	Community Representative
Gallipoli Park Precinct Committee of Management	Pauline Harrow	Community Representative
Gallipoli Park Precinct Committee of Management	Jamie Fiske	Community Representative

2. That Council appoints the following individuals to fill the vacant positions on the Section 86 Committee's of Management for a two year period:

Committee of Management	Name	Representative position
CJ Dennis & Castella Public Hall Reserve Committee of Management	Joanne Priestley	Community Representative
CJ Dennis & Castella Public Hall Reserve Committee of Management	Peter McMahon	Community Representative
CJ Dennis & Castella Public Hall Reserve Committee of Management	Corina Horstra	Community Representative
CJ Dennis & Castella Public Hall Reserve Committee of Management	Danielle Ash	Community Representative
CJ Dennis & Castella Public Hall Reserve Committee of Management	Tabitha Barclay	Community Representative

Background:

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

Section 86 Committees of Management must hold a public nomination process to propose the community representative membership to Council. The User Group representative positions are elected by each user group and then proposed to the Committee of Management and Council for endorsement. The following summarises the delegated membership for each Committee of Management:

Committee of Management	Membership
Strath Creek Reserves & Hall Committee	Four Community Representatives One Strath Creek Progress Association Group Representative One Strath Creek Tennis Club User Group Representative One Strath Creek Landcare User Group Representative One Murrindindi Shire Councillor or Representative (non-voting)
Gallipoli Park Precinct Committee of Management	Six Community Representatives One Murrindindi Shire Councillor or Representative One Alexandra District Hospital Representative One Marysville Primary School (DEECD) One Murrindindi Shire Council Representative (non-voting)
Buxton Recreation Reserve Committee of Management	Seven Community Representatives One Murrindindi Shire Councillor or Representative (non-voting)
CJ Dennis & Castella Public Hall Reserve Committee of Management	Seven Community Representatives One Murrindindi Shire Councillor or Representative (non-voting)

Council Plan/Strategies:

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

Legal/Policy Issues:

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

Financial/Resources/Risk

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

Discussion:

The Strath Creek Reserves and Hall Committee of Management held its Annual General Meeting on 18 August 2014. The Committee of Management advertised the four Community Representative positions as part of the Annual General Meeting notification. Four nominations were received and accepted for the four positions and the three user groups representatives were nominated to the Committee of Management.

The Gallipoli Park Precinct Committee of Management held its Annual General Meeting on 26 August 2014. The Committee of Management advertised the six community representative positions as part of the Annual General Meeting notification. Six nominations were received and accepted for the six community representative positions. The user group representative positions were endorsed by Council in 2013.

The Buxton Recreation Reserve Committee of Management held its Annual General Meeting on 2 September 2014. The Committee of Management advertised the seven community representative positions as part of the Annual General Meeting notification. Only five nominations were received, all were accepted though this leaves two positions vacant. The Committee resolved to call for nominations again at the next meeting of the Committee in November.

The CJ Dennis & Castella Public Hall Reserve Committee of Management held its Annual General Meeting on 8 September 2014. The Committee of Management held the nomination as part of the 2013 Annual General Meeting process however the Committee had two resignations during the 2013/14 financial year. The Committee of Management is seeking Council’s endorsement of the current membership of five Community Representatives for the remaining two year period and the Committee will endeavour to fill the two vacant positions and seek Council’s endorsement when applicable.

Consultation:

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

Committee of Management:	Publication	Publishing Date(s)
Strath Creek Reserves & Hall	Yea Chronicle	6 & 13 August
Gallipoli Park Precinct	Marysville Triangle	15 & 22 August
Buxton Recreation Reserve	The Standard	20 & 27 August
CJ Dennis & Castella Public Hall Reserve	Mountain Views	26 August & 2 September 2014

Conclusion:

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

6.7 APPROVAL OF ANNUAL FINANCIAL STATEMENTS 2013-2014

REF: 14/29219

(Refer Encl 6.7 – Annual Financial Statements 2013-2014)

Purpose:

The purpose of this report is to consider the recommendation of Council's Audit Committee that Council approves in principle the draft Financial Report, Standard Statements & Performance Statement.

Recommendation:**That Council:**

1. Approves in principle the Murrindindi Shire Council Financial Report and Standard Statements for the year ended 30 June 2014.
2. Approves in principle the Murrindindi Shire Council Performance Statement for the year ended 30 June 2014.
3. Authorises the Mayor, Cr Margaret Rae, Cr John Kennedy and the Chief Executive Officer to certify the Financial Report and Standard Statements in their final form after any changes recommended, or agreed to, by the auditor have been made.
4. Authorises the Mayor, Cr Margaret Rae, Cr John Kennedy and the Chief Executive Officer to certify the Performance Statement in its final form after any changes recommended, or agreed to, by the auditor have been made.

Background:

As part of the requirements of Section 131 of the *Local Government Act 1989* and Local Regulations 2004, Council must pass a resolution giving its approval in principle to the Annual Financial Statements, which must comprise the Financial Report, Standard Statements and Performance Statement, prior to submitting the report to the Auditor General.

Preliminary audit work has been completed by Council's external auditors and officers have prepared a draft set of the 2013-2014 Financial Report, Standard Statements and Performance Statement ('the draft statements') for submission to the Victorian Auditor General Office (VAGO). A copy of these statements, forming the 'in principle' statements, is attached to this report.

The following process is required to ensure that Council's Financial Report, Standard Statements and Performance Statement are submitted to the Auditor General in a timely manner, enabling the Auditor General to officially express his opinion prior to the statutory deadline of 30 September 2014.

The initial step in the approval process is for Council's Audit Committee to review the draft statements and to recommend in principle approval to Council.

It is a requirement for Council to formally review the draft statements and to authorise two Councillors and the Chief Executive Officer to sign the final statements on behalf of, and with

the full authority of Council. The 'in principle' approved statements and the Council resolution are provided to the external auditor.

The external auditor checks the 'in principle' approved statements. The statements, Council's resolution, and the external auditor's recommended Audit Report will then be forwarded to the Auditor General for review.

The Auditor General reviews the statements and requests changes where appropriate.

Council's Principal Accounting Officer, (Manager Business Services) then considers the Auditor General's requested changes and incorporates them into the 'in principle' approved statements, where appropriate.

Following signoff by the two designated Councillors and the CEO, statements can be forwarded to the Auditor General.

The Auditor General's Audit Reports will be issued to Council once the formally signed statements have been received and checked by VAGO.

Council's 2013-14 Annual Report, including the audited Financial Report, Standard Statements and Performance Statement must be forwarded to the Minister for Local Government by 30 September 2014.

Council Plan / Strategies:

The presentation of the information contained within the draft financial statements is consistent with the Council Plan 2013-2017 Our Council Goal to administer sound financial management practices.

Legal / Policy Issues:

Council is required to produce audited Annual Financial Report, Standard Statements and Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the *Local Government (Finance and Reporting) Regulations 2004*.

Financial / Resources / Risk:

The review by the Audit Committee and the audit by the Auditor General's agent reduces the risk to the Council of inaccurate accounts.

The preparation of the annual financial statements is a statutory procedural matter and any associated costs are contained within Council's adopted budget.

Discussion:

The Annual Financial Report, Standard Statements and Performance Statement were presented to the Audit Committee on 15 September 2014. The recommendations from the Audit Committee were:

That Council:

1. Record its approval 'in principle' to the Annual Financial Report, Standard Statements and Performance Statement (the statements) for the year ended 30 June 2014; and
2. Subject to the review of the final version of the Standard Statements and the Performance Statement, that Council:
 - (i) Authorise the Chief Executive Officer to send the statements to the Auditor General.

- (ii) Authorises the Chief Executive Officer, and two Councillors to certify the final version of the statements.

A summary of annual financial results is provided for the year ending 30 June 2014 as follows:

1. Operating Performance – comparison results against budget

Table 1 – Summary of Income Statement

	2013-14 Budget \$M	2013-14 Actual \$M	Variance \$M
Revenue	31.15	31.10	(0.05)
Expenses	31.12	29.48	1.64
Surplus	0.04	1.31	1.27

The operating surplus posted for the financial year of \$1.31M and the variance to budget of \$1.27M is primarily attributed to savings made in expenditure, particularly relating to materials and services (\$1.4M) and depreciation (\$0.6M).

The income statement accounts for all Council revenue including grants and contributions associated with capital works.

User fees showed a favourable variance of (\$0.38M) which relates primarily to an increase in revenue collected from commercial waste charges.

Interest on investment was again higher than anticipated due to the high levels of cash held throughout the year, resulting in additional \$0.42M of income.

Operating expenditure was below budget expectations due to reductions in materials and services, with expenditure on new and expanded assets of \$1m remaining unspent. These funds were transferred to a reserve. A delay relating to NDF funding of \$325k also contributed to this decrease.

A net loss on disposal of assets of \$0.32M can be attributed to the plant replacement program being delayed, with several items ordered but not received prior to June 30. \$125k is carried forward to offset this in 2014/15. \$59k of bridge replacements written down as per independent audit assessment, and a further \$88k shortfall relates to the delay in settlement of industrial land in Yea which is contingent on installation of new sewerage infrastructure.

In terms of cash flow, net cash from operating activities was \$10.86M, whereas the above surplus takes into account the effect of non cash items such as depreciation and contributed assets.

2. Financial Position – Balance Sheet at year end 30 June 2014

Table 2 – Summary of Balance Sheet components

	2012-13 Actual \$M	2013-14 Actual \$M	Change \$M
Assets			
Current	23.0	26.1	3.1
Non Current	282.3	296.0	13.7
Total Assets	305.3	322.1	16.8
Liabilities			
Current	7.0	9.5	2.5
Non Current	4.6	4.3	(0.3)
Total Liabilities	11.6	13.8	2.2
Equity	293.7	308.3	14.6

Council's asset base (Non Current Assets) has seen a net increase of \$13.7M. This was due to capital works expenditure on new and existing assets, covering Property, Plant and Equipment and Infrastructure. Fair value assessments have also been performed at 30 June 2014 for land and buildings. This assessment demonstrated a movement in fair value of 7%, values have been indexed by this amount. A full revaluation will be conducted in 2014/15.

The actual cash at the start of the year was \$5m higher than the adopted budgeted due to grants received in advance and delayed capital works from 2012-13. An amount in excess of \$2m for the Fire Services Property Levy was received in late June and will be remitted in 2014/15. Income from assets sales exceeded budget by \$767k due to assets sales budgeted to be completed in 2012-13 being completed in 2013-14. A more detailed overview of the cash variance can be obtained from reviewing the Standard Statement Cash Flow Statement.

Trade and other receivables reduced slightly, reflecting Council's more active approach to recovering outstanding debts owed to Council. A significant proportion of Natural Disaster Funding that was outstanding at 30 June 2013 remains an issue for Council to resolve in 2014/15.

The increase in current liabilities is primarily due to the \$2m payment of the Fire Services Property Levy that was received by Council on 30 June 2014, and will be remitted at the appropriate time in the 2014/15 financial year.

The overall movement in the balance sheet equates to an increase in equity of \$14.6M. Critically, the measure of Council's ability to meet its obligation to pay its bills is favourable, where Current Assets (\$26.1M) exceed Current Liabilities (\$9.5M) at a more than acceptable level (See Working Capital Ratio in Table 3).

There has been minimal movement in the overall balance sheet position between the past two financial years.

3. Key Financial Ratios

	2013-14	2012-13	2011-12	2010-11	Comment
Working Capital Ratio					
Current Assets / Current Liabilities	2.75	3.29	2.28	2.28	Assesses Council's ability to meet current commitments. A ratio > 1-1.5 times is favourable.
Revenue Ratio					
Rates revenue / Total revenue	50.47%	36.84%	22.68%	19.10%	Indicates Council's dependence on rates income. The higher the percentage, the higher the dependence.
Debt Servicing Ratio					
Debt servicing costs / Total revenue	1.06%	0.89%	0.56%	0.49%	Expresses the amount of interest paid as a percentage of Council's total revenue.
Debt Exposure Ratio					
Total Indebtedness / Total realisable assets	17.53%	11.20%	13.47%	14.94%	Indicates the level of realisable assets required to be sold to extinguish Council's total debt.

The Rate Revenue Ratio has trended upwards substantially in 2013/14 to 50.47% which is not considered unusual for a small rural Council. In recent years this ratio has been quite abnormal due to the influx in grant funding following the 2009 bushfires.

All other ratios remain well within acceptable limits for a small rural Council.

Consultation:

The development of the draft Financial Report, Standard Statements and Performance Statement have been undertaken in consultation with Council's external auditors (VAGO) and the Audit Committee.

Conclusion:

It is recommended that Council give 'in principle' approval to the 2013-2014 Financial Report, Standard Statements and Performance Statement and appoint two Councillors together with the Chief Executive Officer to sign the statements when the Auditor General has approved them.

7. SEALING REGISTER

File: 13/6325

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
CONT 13/4	20 August 2014	Formal Instrument of Agreement Engineering Contractor and Consulting Services between Murrindindi Shire Council and HDS Australia Pty Ltd	Margaret Abbey Margaret Rae
CONT 13/10	28 August 2014	Formal Instrument of Agreement Hire of Plant with Operator (Wet Hire) between Murrindindi Shire Council and Rob Hamilton Earthmoving	Margaret Abbey Margaret Rae
SF/1753	29 August 2014	Memorandum of Understanding for Waste & Recycling Services between Benalla Rural City Council, Mansfield Shire Council, Murrindindi Shire Council, Strathbogie Shire Council and Mitchell Shire Council, Version 7 July 2014	Margaret Abbey Margaret Rae
32/04/64	11 September 2014	Deed of Renewal and Variation of Sublease - Part of Lot 2 on PS714388P, also known as 2950 Heidelberg-Kinglake Road, Kinglake - Rosa Cicerale (Landlord), Murrindindi Shire Council (Tenant) and Parks Victoria (Subtenant)	Margaret Abbey Christine Challen
32/05/81	11 September 2014	Deed of Renewal and Variation of Sublease - Part of Lot 2 on PS714388P, also known as 2950 Heidelberg-Kinglake Road, Kinglake - Rosa Cicerale and Murrindindi Shire Council	Margaret Abbey Christine Challen
CONT 13/5	11 September 2014	Formal Instrument of Agreement for Project Management Services between Murrindindi Shire Council and THINC Projects	Margaret Abbey Christine Challen

Recommendation:

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

8. COUNCILLOR PORTFOLIO REPORTS**8.1 LAND USE PLANNING PORTFOLIO****8.2 ECONOMIC DEVELOPMENT PORTFOLIO**

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO**8.4 COMMUNITY SERVICES PORTFOLIO****8.5 CORPORATE SERVICES PORTFOLIO****8.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO****8.7 MAYOR AND DELEGATED COMMITTEE REPORTS****8.8 GENERAL BUSINESS****9. MATTERS DEFERRED FROM PREVIOUS MEETING****10. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****11. ASSEMBLIES OF COUNCILLORS**

REF: CY14/117

Purpose:

This report presents the records of assemblies of Councillors for the 27 August 2014 to 17 September 2014, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

Recommendation:

That Council receives and notes the record of assemblies of Councillors for 27 August 2014 to 17 September 2014

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	Pre Council Meeting Discussion	
Meeting Date	27 August 2014	
Matters discussed	<ol style="list-style-type: none"> 1. Development Plan – Wattle Street 2. Capital Works Program 2013-14 3. Murrindindi Environment Advisory Committee Terms of Reference 4. Social Media Policy 	
Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Magner, Cr Ruhr	Staff – M Abbey, M Chesworth, T Johnson, J Rabel, J Simms, J Canny, M Leitinger, M Parsons, G Scale	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Briefing Session	
Meeting Date	3 September 2014	
Matters discussed	<ol style="list-style-type: none"> 1. Toolangi Tavern 2. New and gifted Assets Advocacy 3. Council Advocacy Plan 	
Attendees: Councillors – Cr Magner, Cr Derwent, Cr Challen, Cr Rae	Staff – M Abbey, T Johnson, J Canny, M Parsons, K Girvan, M Chesworth, J Rabel	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Briefing Session	
Meeting Date	10 September 2014	
Matters discussed	<ol style="list-style-type: none"> 1. Rates Waived in the Shire 2. Early Learning Centre Land Options 3. Planning Application for Music Event 4. Ghin Ghin Bridge Consultation Program 5. Grant Priorities 2014-2017 6. Draft Borrowings Policy 7. Murray Darling Basin Constrains Management Strategy 8. New and Expended Assets Media Campaign 9. Review of Local Planning Policy Framework 	
Attendees: Councillors – Cr Magner, Cr Walsh, Cr Challen, Cr Derwent	Staff – M Chesworth, T Johnson, J Canny, N McNamara, A Bond, M Parsons, K Girvan, G Scale	
Conflict of Interest disclosures - Nil		

Meeting Name / Type	Councillor Briefing Session
Meeting Date	17 September 2014
Matters discussed	<ol style="list-style-type: none"> 1. Planning Application for Music Event 2. Investment Prospectus Project Update 3. Capital Works Delivery Program 4. New and Expanded Assets Media Campaign Update 5. Fraud Prevention and Control Policy 6. Draft Financial Statements 7. Advocacy Plan
Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Magner, Cr Derwent, Cr Challen, Cr Walsh	Staff – M Abbey, M Chesworth, J Canny, J Rabel, A Bond, K Girvan, B Elkington, P Valente
Conflict of Interest disclosures - Nil	

12. URGENT BUSINESS

13. CONFIDENTIAL ITEMS

Should any confidential matters be raised, the meeting will be closed to members of the public as the discussion of any items is confidential pursuant to (Section 89(2)(h) of the *Local Government Act 1989*) - any other matter which the Council or special committee considers would prejudice the Council or any person.