



**Murrindindi**  
Shire Council

AGENDA  
of the  
ORDINARY MEETING OF COUNCIL  
to be held on  
WEDNESDAY 25 MAY 2016  
in the  
ALEXANDRA CHAMBERS  
commencing at  
6.00 pm

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

REF: SF/306

**3. CONFIRMATION OF MINUTES**

➤ Minutes of the Ordinary Meeting of Council held on 27 April 2016

***Officer Recommendation:*****That the Minutes of the Ordinary Meeting of Council held on 27 April 2016 be confirmed.**

➤ Minutes of the Special Meeting of Council held on 27 April 2016

***Officer Recommendation:*****That the Minutes of the Special Meeting of Council held on 27 April 2016 be confirmed.****4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

REF: SF/783

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

REF: SF/130

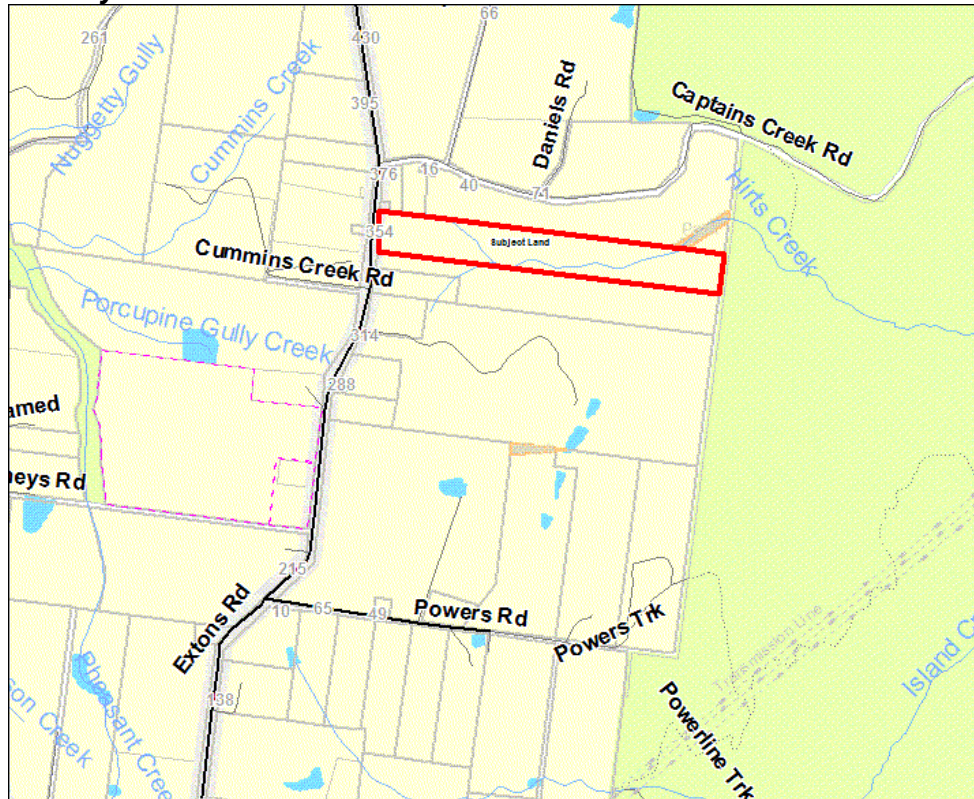
**5.3 PETITIONERS SPEAKING TO PETITIONS**

REF: SF/132

**6. OFFICER REPORTS****6.1 2016/23 – EXTONS ROAD HOUSE LOT EXCISION**REF: 2016/23  
Land: 354 Extons Road Kinglake Central  
Proposal: Two (2) lot subdivision  
Applicant: Hansen Partnership Pty Ltd  
Zoning: Farming  
Overlays: Environmental Significance Overlay

Attachments: Proposed Plan of Subdivision (refer *Attachment 6.1a* – TRIM 16/9633)  
Amended Planning Report (refer *Attachment 6.1b* – TRIM 16/14528)  
(Aerial photograph distributed separately)

### Locality Plan



### Purpose:

This report recommends that a refusal to grant a permit be issued for a two (2) lot subdivision (house lot excision) at 354 Extons Road, Kinglake Central.

### Officer Recommendation:

That Council issue a refusal to grant a permit for a two (2) lot subdivision at 354 Extons Road, Kinglake Central (LOT: 2 LP: 16711, Parish of Kinglake), on the following grounds:

1. The proposal does not comply with the requirements of Clause 14.01 *Agriculture*, in that it creates a rural living style allotment that has the potential to limit the operation of adjoining and nearby agricultural uses in high quality agricultural land.
2. The proposal does not comply with the requirements of Clause 21.03-1 *Agriculture*, Objective 2: Rural and agricultural land use and development, Policy Guideline: Excision of an existing dwelling as it will create a rural living style allotment in the Farming Zone.
3. The proposal does not comply with the requirements of Clause 35.07 *Farming Zone* as the proposed subdivision does not maintain ongoing agricultural production on the land, and has the capacity to limit the operation and expansion of adjoining and nearby agricultural uses.
4. The proposal does not comply with the purpose and decision guidelines of Clause 42.01 *Environmental Significance Overlay* in that it does not protect the potential of high quality agricultural land.

**Proposal:**

An application has been received to subdivide the property at 354 Extons Road, Kinglake Central, into two parcels. The property is currently 26.72 hectares in size, and it is proposed to create one lot of 26.47 hectares and one of 3242 square metres. Both lots will contain an existing dwelling.

**The Land & Surroundings:**

The subject land is a 26.47 hectare allotment and is located on the eastern side of Extons Road, approximately 3.5 kilometres from the beginning of Extons Road. The site is rectangular in shape and is undulating in nature, falling to the rear of the property. The front section of the property contains two dwellings and associated shedding. The remainder of the property contains remnant native vegetation and paddocks used for grazing cattle.

The properties to the north, south and west are used in a similar manner to the subject site, and the whole area is zoned Farming with an Environmental Significance Overlay that has identified the area as being of high quality agricultural land. To the east is public land that is heavily treed. The properties in the area range in size, with some small lots with existing dwellings, and some larger lots used for extensive animal husbandry of a similar size and greater than the subject land.

**Referrals:**

The application was referred internally to Council's Environmental Health Unit and Development Engineer, neither had any objections subject to conditions.

**Consultation:**

The application was notified to 7 nearby and adjoining owners, by way of a sign on site and with a notice in the North Central Review. No objections were received.

<b>Newspaper / Other</b>	<b>Publishing/Consultation Date(s)</b>
<b>Newspaper: North Central Review</b>	5 April 2016
<b>Consultation: Sign on site</b>	5 April 2016
<b>Mail out: Nearby and adjoining owners</b>	30 March 2016

**Planning Considerations:**

A planning permit was issued for the second dwelling on the lot, being the house on the larger proposed lot, in 2009. At that time the applicant advised that the house was for the resident of the property, with the existing dwelling to be used for family members. The application documents now state that the dwelling is being rented out separately.

The application documents state that the proposal will not have an adverse impact on the use of the land and surrounding land for agricultural purposes as it is not adding any dwellings. From a planning perspective the subdivision of one of these dwellings will have the potential for an impact on current and future agricultural uses of both these and surrounding properties. As it is currently structured, the property is in single ownership with the owner of the whole property having responsibility for managing the 26.47 hectare allotment. Separating off a small parcel that will then be separately transferrable will create a residential allotment in the Farming Zone. The proposed lot being only 3242 square metres will have no capacity to be used for agricultural purposes.

Clause 21.03-2 *Agriculture* has a specific policy in relation the excision of an existing dwelling. The policy provides the guidelines to be considered. In this case, Council officers have assessed the application against these provisions and make the following responses:

- The subdivision will create a rural living style allotment that has no productive rural purpose and the dwelling on the small lot can then be sold separately from the productive land.
- The excision allotment will not have a relationship with the agricultural use of the land, as the applicant has advised that the agricultural use will be associated with the other dwelling on the larger allotment only.
- The application documents state that the presence of other excision allotments nearby provides support for the concept of creating another small lot within this area. This does not make it 'acceptable' as set out in the application. Previous decisions in the past, likely to also be house lot excisions, have created an existing situation that can only be exacerbated by adding yet another small lot. This land has been designated high agricultural quality land with the potential productive capacity of that land to be protected. For a dwelling to be in separate ownership and in such close proximity creates a strong potential for future conflict of use.
- The application documents advise that the current tenant of the dwelling on the excision lot intends to buy the property and has no issues with ongoing agricultural practices. While this may be the case in the short term there is no guarantee that future owners will not have an issue with a potential farming practice.
- The proposal does not meet the minimum requirements for an excision, being an area of at least 40 hectares for the balance lot, or the minimum setback from the adjoining agricultural use of 30 metres.

The application only complies with the policy in that it is the first house to be excised from the property, the lot size is less than 2 hectares and the land is not in a proclaimed water supply catchment.

Apart from the local planning policy, the zone and overlay that apply to the property must be considered. In this case, the property is in the Farming Zone with an Environmental Significance Overlay. This has identified the land as High Quality Agricultural Land.

The decision guidelines in the Environmental Significance Overlay are based on maintaining the productive potential of high quality agricultural land. While there are two dwellings on the allotment already, this does not necessarily lend itself to an excision of one of those dwellings. Allowing an excision of one of the dwellings will create an individually owned rural living style allotment in the farming zone, which has potential to limit the operation and expansion of adjoining and nearby farming practices.

**Conclusion:**

The application for an excision of an existing dwelling at 354 Extons Road, Kinglake Central, will create a rural living style allotment in the Farming Zone, which has the potential to have a negative impact on farming practices in the area and should not be supported.

**Legal/Policy Issues:**

State Planning Policy Framework

14.01 *Agriculture*

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

Strategies:

- Ensure that the State's agricultural land base is protected from the unplanned loss of productive agricultural land due to permanent changes of use.
- In considering a proposal to subdivide 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 subdivision 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.
- Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

### Local Planning Policy Framework

#### 21.01 *Context*

##### Issues:

- 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 agriculture.

#### 21.03-2 *Agriculture*

##### Context:

- The Kinglake Ranges and Toolangi areas have high quality soils and agricultural value.
- Agricultural land is under increasing pressure for conversion into non-agricultural uses. It is important that any new uses, subdivisions or developments in rural areas do not reduce the productive capacity of agricultural land and the capability of existing agricultural, aquaculture, horticultural or timber production uses to continue.

##### Issues:

- Agriculture has economic and strategic significance for the municipality and has potential for continued expansion.
- The protection of agricultural land is necessary to support future growth of the agricultural sector and the diversification of agricultural activities.
- Potential for rural subdivision and housing to lead to incremental loss of productive agricultural land.
- Potential for use of agricultural land for non-agricultural or rural-living purposes to conflict with established or future agricultural and horticultural land uses.
- The need for any excision of an existing dwelling to protect productive rural land and not create a de facto 'rural living' subdivision. The small lot subdivision of an existing house may in some circumstances assist the process of farm consolidation or may assist in the conservation of an identified heritage place to which the Heritage Overlay applies.

##### Policy Guidelines: *Excision of an existing dwelling*

- Any excision of an existing dwelling will not create 'rural living' style vacant lots that are used for residential lifestyle rather than productive rural purposes.
- Any excision of land will have a relationship with and be required for the continuing operation of the rural and agricultural use of the land.
- Any proposal for excision is compatible with and will not have an adverse impact on and not reduce the potential for farming and other rural land uses on the land, adjoining land and the general area.

- Any proposal for excision will meet the principle of 'right to farm' in rural areas, where existing agricultural and rural uses in the area have a legal right to continue.
- Subdivision that is likely to lead to a concentration of lots that would change the general use and character and limit the productive capacity of the rural area is discouraged.
- No more than one lot may be excised from a lot that existed on the date that the Murrindindi Planning Scheme was gazetted.
- An adequate distance should be maintained around a dwelling within any existing lot to limit impacts of agricultural activity.
- Subdivision within proclaimed water supply catchment areas is discouraged to protect water quantity and quality.
- Ongoing sustainable use of the land is provided, including consideration of environmental constraints and protection and enhancement of the natural environment.
- Any excision for an existing dwelling should generally provide:
  - A maximum area of 2 hectares for the lot with the existing house located on it, or if existing buildings and dwelling infrastructure covers a large area, as near as practicable to this area;
  - An area of at least 40 hectares for any balance of land.
  - A minimum setback of 30 metres from the dwelling on the land to be excised from any agricultural activity or rural industry on any adjoining land.

## Zoning

### 35.07 Farming Zone

#### Purpose:

- To provide for the use of the 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.

#### Decision Guidelines:

##### *General Issues*

- 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 uses*

- Whether the use or development will support and enhance agricultural production
- Whether the use or development will permanently remove land from agricultural production.
- The potential for the 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 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 concentration or proliferation of dwellings in the area and the impact of this use on the land for agriculture.

A planning permit is required to subdivide land in the Farming Zone. Each lot must be 40 hectares in size. A permit may be granted for smaller lots if the application is to create a lot for an existing dwelling.

Overlays42.01 *Environmental Significance Overlay*

Environmental Objective to be achieved:

- Protect high quality agricultural land because of its versatility, productivity and ability to sustain a wide range of agricultural uses without degradation.
- Protect the potential production from high quality agricultural land.
- Prevent the unsustainable development of high quality agricultural land that may result in the loss of the quantity or quality of the land and limit the full productive potential of land.
- Prevent the conversion of high quality agricultural land to non soil based development.

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.

**6.2 EILDON STRUCTURE PLAN**

REF: 16/22672

Attachments: Eildon Structure Plan (for adoption) – (refer *Attachment 6.2a* – TRIM 16/24211)  
Report on submissions (Councillors have previously received all submissions) – (refer *Attachment 6.2b* – TRIM 16/24208)

***Purpose:***

This report is provided to Council to facilitate the adoption of the Eildon Structure Plan.

***Officer Recommendation:***

**That Council:**

1. **Note submissions received to the exhibited draft Eildon Structure Plan, as outlined in the attached report on submissions; and**
2. **Adopts the Eildon Structure Plan subject to minor grammatical and labelling corrections if required.**

***Background:***

At its February 2016 meeting, Council placed the draft Eildon Structure Plan on exhibition for a period of 30 days.

**Council Plan/Strategies:**

This project supports the following Council Plan 2013-2017 goals and strategic objectives:

- Planning for future growth that is sensitive to the constraints of our natural environment while considering development needs
- Supporting the sustainable growth of Murrindindi Shire's businesses and the local economy
- Advocating for the provision of infrastructure and services that support business growth
- Increasing the economic, social and cultural benefits to the Shire of a growing Tourism sector.

**Legal/Policy Issues:**

The adoption of the Structure Plan and its subsequent inclusion into the Murrindindi Planning Scheme will guide Council's land use planning policies and decision making.

**Financial/Resources/Risk:**

This project has been funded by the Department of Environment, Land, Water and Planning (DELWP) Flying Squad program (\$47,000) and delivery is being overseen by Murrindindi Shire Council officers.

**Discussion:**

Consultation on the Draft Eildon Structure Plan (for the full submission summary see *Attachment 6.2b*) has generated the following main submission points:

*Structure plan proposals expressly supported*

- Rural Activity rezoning at Snobs Creek.
- Potential expansion of The Outdoor Education Group site to the south on Goulburn Murray Water (GMW) land.
- Detailed site assessment of GMW land adjoining the Goulburn Valley Highway and Jerusalem Creek Road prior to development.
- Rezoning of the GMW office and depot facility in South Crescent to Mixed Use.
- Rezoning of the Upper Pondage Jerusalem Creek Road precinct to Mixed Use.
- Rezoning of Lower Pondage area to Public Park and Recreation Zone
- Residential rezoning of GMW owned site at the north west edge of town on the north side of Skyline Road – further work required.

*Additions to Structure Plan suggested in Submissions*

- Land around Mt Pinniger should be considered for rezoning to a zone which facilitates tourism related uses (Noted – further work required).
- Jerusalem Creek could be the site for an International six star resort (Noted).
- Additional opportunities can be investigated to expand Industrial zoned land to accommodate expansion of houseboat building/maintenance industry (Accepted).
- Plans for a retreat complex with accommodation west of the Eildon Holiday Park (Noted).
- Existing focal points around Snobs Creek (Snobs Creek Falls, Morris Lookout and Mount Torbreck) to be upgraded, formalised and interconnected (Noted).
- Build a bridge across Lake Eildon tying Mt Buller, Mansfield and opening up the region. This would support a resort development at Mt Pinniger (Noted).

*Main concerns raised in Submissions*

- Relocation of the Sports Oval and Tennis Courts is not supported (Accepted).

- Structure Plan needs to set the vision to attract private sector investment. Vision should be about Lake Eildon and not the Eildon Pondage (Accepted).
- Any proposal for transfer of hill slope land north and south of the township needs to be investigated further with discussions with relevant agencies (Accepted).
- Proposal to expand the Jerusalem Creek Campground within Lake Eildon National Park needs further investigation with relevant land managers (Accepted).
- Potential use of land adjoining the Eildon landfill site at Jerusalem Creek Rd for boat storage (Accepted).
- GMW land south of Jerusalem Creek Road has greater potential for future development due to proposed sewerage (Noted).
- Feasibility of swimming baths at Lower Pondage Precinct questioned (Noted).
- Condition and character of 1950's housing stock. Is there is need to protect character? (Noted, changed the proposal to a Character Statement in Local Planning Policy Framework).
- Riverside Drive should be retained in a plan for Lower Pondage Precinct (Accepted).
- Re-establishment of a suitable foot bridge over the tail race of the Power Station to link the Eildon Caravan Park and the Bull Pit Park at the bottom of the Dam Wall (Not accepted – consultation with GMW highlights issues with opening up the land at the base of the wall, however, further work should be undertaken looking at future path networks).
- Potential link from Sugarloaf Road to Eildon Caravan Park to improve connection between Lake and township (Noted).

Changes proposed for the Eildon Structure Plan on the basis of the above feedback:

- Deletion of the proposal to relocate the Sports Oval and Tennis Courts.
- Deletion of the proposal to close Riverside Drive to vehicular traffic.
- Proposed rezoning of the Sports Oval from Public Use Zone to Public Park and Recreation Zone to more accurately reflect current use.
- Correction to be made to Plan 2 Existing Land Use and Plan 3 ESP1 to show existing Rural Living and Farming zoned land north and south of the Goulburn Valley Highway in Snobs Creek area.
- Legend item Jerusalem Creek Camping Ground on Plan 3 ESP1 modified to read as follows: Jerusalem Creek Marina and Holiday Park: Investigate expansion of the Jerusalem Creek camping ground to north and west in consultation with the relevant land managers.
- Inclusion of information about Ecological Vegetation Class and biodiversity conservation status for the land identified for rezoning.
- Text modified to reflect Council participation in discussions with relevant land managers regarding future demand and potential expansion of Jerusalem Creek Marina and Holiday Park.
- The need for maintenance, upgrade or replacement of public infrastructure around Lake Eildon at boat ramps and designated camping areas and acknowledgment of the Lake Eildon Recreational Boating Facilities Improvement Plan.
- Insertion of a recommendation that any proposals for tourist development at Mt Pinniger and other lakeside tourist developments require comprehensive site assessment/selection and a site specific planning scheme amendment preceded with discussion with the Shire Council.
- Planning scheme amendment in relation to the proposed Rural Activity rezoning at Snobs Creek to include an amendment to the zone schedule to specify a 10 hectare minimum lot size.
- Deletion of the recommendation in the draft ESP to investigate the reduction in the minimum lot size in the schedule to the Rural Living Zone.
- Modification to Plan 3 ESP1 and document text to include recommendation that powerlines be undergrounded on the designated houseboat haulage route from the

harbours and through the township area.

- ESP3 Marinas Precinct Plan amended to include text “to investigate relocation of boat storage sheds and alternative site potential for tourist or residential apartments”
- Modification to Plan 3 ESP1 modified to show future location to boat storage sheds on land surrounding the Eildon Landfill site on the Jerusalem Creek Road.
- Development Plan Overlay applied to the entire Industrial zoned site east of Sugarloaf Road as a means to determine future site layout and better utilisation of the industrial site.

**Consultation:**

A series of consultation activities have been undertaken by officers throughout the delivery of this program:

- An internal officer and government agency briefing and information gathering session was hosted at the Alexandra Office with 18 attendees.
- A Project Steering Group meeting was held at the GMW office in Eildon with 10 attendees.
- A community input session with 8 attendees.
- A community workshop for the Issues Paper and Preliminary Structure Plans and ideas with 13 participants.
- A Town Meeting was hosted by the Eildon Action Group on Thursday 17 March and was attended by a Council Officer
- An Open House consultation session was held at the Eildon Information Centre on Saturday 19 March 2016 and was attended by 18 community members.
- A Community and stakeholder workshop was held at the Eildon Primary School Multipurpose Room and was attended by approximately 100 community members.
- 23 submissions were received.
- A petition including 417 signatures was received.
- 151 individually signed copies of a letter of objection were received.

Further consultation will be undertaken as Council progresses the recommendations from the Eildon Structure Plan.

**Conclusion:**

A structure plan for the Eildon township area will outline the future land use, development and servicing potential of the area for the next 15-20 year period, and assist the community and Council in working towards those aspirations.

**6.3 DEVELOPMENT SERVICES QUARTERLY ACTIVITY REPORT TO MARCH 2016**

REF: 16/23076

Attachments: Planning and Building Activity Report (refer *Attachment 6.3* – TRIM 16/22713)

**Purpose:**

The report provides Council with the 2015/16 March Quarterly Activity Report of the Development Services Department.

**Officer Recommendation:**

**That Council note the Quarterly Activity Report – for the Development Services Department for the March Quarter of the 2015/16 Financial Year.**

**Background:**

The Development Services Department reports quarterly to demonstrate accountability and responsiveness to our customers.

There are a number of key measurable areas which ensure the services offered are aligned to the local development industry needs and expectations.

Having previously dealt with Planning and Building statistics and customer services outcomes, this is the first quarter to fully integrate the Department service areas of Planning, Building, Economic Development and Tourism.

**Council Plan/Strategies:**

This report supports the Council Plan 2013-2017 strategy to deliver quality customer outcomes through continuous improvement.

**Legal/Policy Issues:**

There are no legal issues associated with the quarterly activity report.

**Financial/Resources/Risk:**

There are no financial costs relating to the preparation of this report.

**Discussion:****1. Permit Activity (Building and Planning)**

Planning and building monthly permit statistics, applications received and an exception report are attached to this report for the March quarter of the 2015/16 Financial Year (refer *Attachment 6.3*), however the following key points are noted:

- 156 planning applications have been received this financial year
- 167 planning applications have been determined
- 85% of all planning permits have been determined within 60 days.
- The average permit taking only 40 days to process, compared with the State wide average of 76 days.

Applications are tracking more slowly this financial year, one reason for this may be last year's drive on planning consents for bushfire recovery which occurred during the same period.

- 280 building permits have been issued this financial year
- 98% of building permits are issued within 30 days
- The total value of building works for the quarter is \$4,827,918
- Year to date value of building works is \$16,163,171 (which is on track to exceed last financial year total of building works of \$19,087,458)
- 8 Occupancy Certificates have been issued this quarter bringing the total to 28 for the financial year to date (does not include private surveyors).

Building activity continues to track strongly, which is an excellent indicator of the local economy. In addition, local builders and contractors are reporting a busy financial year with some contractors electing not to quote on works because of their existing contracts.

**2. Promotional Activities, Participation at Forums & Community Meetings**

The following activities have occurred during the quarter:

<b>Promotional Activities, Participation at Forums &amp; Community Meetings January – March 2016</b>	
Media releases	<ul style="list-style-type: none"> <li>• REMPLAN Database</li> <li>• Climate Smart Workshops</li> <li>• Y Water Discovery Centre Award Finalist</li> <li>• C46, C53, C54 Amendments</li> <li>• Eildon Structure Plan Community Consultation</li> </ul>
Community consultation	<ul style="list-style-type: none"> <li>• Eildon Structure Plan – 3 Community workshops/information sessions and one drop in session</li> </ul>
Advocacy	<ul style="list-style-type: none"> <li>• Advocated regarding the need for more information to be provided to business and wider community re broadband rollout schedule and implications.</li> <li>• Advocated to the Office of the Member for Indi for the remaining high priority Murrindindi Blackspots needing improvement. This information will be considered as part of regional submission process for Indi to the second round of the federal government Black Spot Improvement program.</li> <li>• Submission to Ministerial Advisory Committee - Intensive Animal Industry</li> </ul>

### 3. Customer Satisfaction and Feedback

Customer Satisfaction Response in the March Quarter of the 2015/16 Financial Year:

<u>Question</u>	<u>Excellent</u>	<u>Good</u>	<u>Average</u>	<u>Poor</u>
The Professionalism of the team was:	4	1		
The responsiveness of the planning team was:	4	1		
The planning team's overall attention to detail was:	5			
From lodgement to determination of your planning application, the planning team's performance in keeping you informed was:	4	1		

The applicants of all planning applications determined in the quarter were invited to comment on the service they received and five responses were received. Three of the five respondents reported that they had a pre-application meeting; one was completed over the phone and one was at a meeting.

In order to receive more detailed feedback a full Customer Service Review has been planned for the month of July. Thirty Planning Permit files at various stages of the process will be randomly selected and a survey will be emailed to enquire as to the experience the customer had in dealing with Council and invite constructive suggestions for improvement. The themes for the survey questions are professionalism, responsiveness, attention to detail and being kept informed.

In addition, intelligence will be gathered from the counter enquiries over the course of July. A survey card will be provided to each customer seen at the counter to help us assess the level of service being provided in this way.

Results from these activities and the existing survey will be collated to provide insights to how our service and processes might be improved to actively encourage planning permit applications and building activity.

The results may highlight other areas in which there are gaps of understanding – these can be further explored. It is proposed that this detailed survey be undertaken annually to compare trends. Research is currently being undertaken as to how we might measure and perhaps improve the telephone enquiries we currently handle.

#### 4. Strategic Studies and Projects

The planning projects and studies are aligned to the Council Plan initiatives and address important key strategic land use and development future directions. The current studies and amendments are listed below:

- Eildon Structure Plan

The Eildon Structure Plan is subject to a further report to Council at this meeting.

The exhibition period closed on 30 March 2016 and the consultant to the project has prepared a report detailing the submissions received and proposed changes to the document as a result of the feedback of the community and businesses.

#### Amendments

- C46 proposes to implement a 2013 review of the Development Plan Overlay and some minor rezoning of land in Alexandra. The amendment has been approved and gazetted by the Minister for Planning.
- C53 proposes to implement the Kinglake Flowerdale Toolangi Plan. The amendment has been approved and gazetted by the Minister for Planning.
- C54 proposes to implement the 2013 review of the Murrindindi Planning Scheme. The amendment has been approved and gazetted by the Minister for Planning.
- C55 proposes to implement the Yea Structure Plan 2014 and was referred to a panel for consideration. The panel hearing took place on 15 February 2016. The Yea Structure Plan is now awaiting approval and gazettal by the Minister for Planning.

#### 5. Great Victorian Rail Trail Statistics (GVRT)

Counter	Location	Jan-16	Feb-16	Mar-16	
1	Cheviot Tunnel (Yea)	320	260	638	
2	Yarck	238	274	473	
3	Homewood	369	580	334	
4	Eglington Cutting (Alexandra)	683	294	594	
<b>Totals</b>		<b>1610</b>	<b>1363</b>	<b>2039</b>	<b>5012</b>

Counter	Location	Jan-15	Feb-15	Mar-15	
1	Cheviot Tunnel (Yea)	410	282	588	
2	Yarck	238	187	399	
3	Homewood	367	588	652	
4	Eglington Cutting (Alexandra)	332	302	524	
<b>Totals</b>		<b>1347</b>	<b>1439</b>	<b>2163</b>	<b>4949</b>

- Totals listed in each table for all four locations in Murrindindi
- Total visitors for quarter in 2015 is 4949 and for 2016 is 5012. Percentage increase is 1.3%

Whole trail counter statistics for 2016 Jan –Mar quarter

Rail Trail Usage Statistics from Counters 2016												
	January	February	March	April	May	June	July	August	Sept	Oct	Nov	Dec
<b>Mitchell</b>												
Schoolhouse Lane	480	563	698									1741
Goulburn Valley HWY	351	374	554									1279
Trawool Hotel	440	331	512									1283
	1,271	1,268	1,764	-	-	-	-	-	-	-	-	4303
<b>Murrindindi</b>												
Cheviot Tunnel	320	260	638									1218
Yarck	238	274	473									985
Homewood	369	580	334									1283
Eglington Gap	683	294	594									1571
	1,610	1,408	2,039	-	-	-	-	-	-	-	-	5057
<b>Mansfield</b>												
Mansfield	2917	2106	4331									9354
Bonnie Doon	2209	773	2286									5268
Merton	213	174	681									1068
	5,339	3,053	7,298	-	-	-	-	-	-	-	-	15690
	8,220	5,729	11,101	-	-	-	-	-	-	-	-	25050
<b>Totals</b>												
	8,220	5,729	11,101	-	-	-	-	-	-	-	-	25050
Compared to 2015	↑ 1,136	↓ 846	↓ 366									

The GVRT website continues to record solid visitation and the site recorded an increase of 16% in users compared to the same period last year. New visitors to the site remain steady at 73% compared to same period last year.

6. Goulburn River Valley Tourism (GRVT)

The Victorian Caravan Camping and Touring Supershow was held across six days in February at the Melbourne Showgrounds and welcomed 50,000+ visitors. Over 1,000 Holiday Planners and many other brochures were handed out and hours of conversations which generated a vast amount of leads that GRVT will use to continue to promote the region.

GRVT has announced it is the host region for the 16th Annual Visitor Information Centre (VIC) State Summit will be held on 8-10 August 2016. The Summit will feature a tailored professional development program aimed at VIC Managers and staff, Regional Tourism Boards and Local Government, including a range of workshops and complimented by a number of famil tours showcasing some of the best of what our region has to offer.

7. Visitor Information Centre statistics – walk ins

**Visitor Information Centre statistics – walk ins**

	Jan-16	Feb-16	Mar-16	
Alexandra	957	451	1132	
Eildon	575	289	640	
Marysville	6,240	3366	6208	
Yea	2874	1740	2293	
<b>TOTALS</b>	<b>10646</b>	<b>5846</b>	<b>10273</b>	<b>26,765</b>

	Jan-15	Feb-15	Mar-15	
Alexandra	991	523	931	
Eildon	849	290	438	
Marysville	5094	2797	5029	
Yea	2817	1821	2664	
<b>Total</b>	<b>9751</b>	<b>5431</b>	<b>9062</b>	<b>24,244</b>

- Totals listed in each table for all four centres
- Total visitors for quarter in 2015 is 24,244 and for 2016 is 26,765. Percentage increase is 10.4%



8. Economic Development update

Events	<p><u>Doing Business Better Event Funding</u> Three Tier 1 events have submitted event funding applications for the Doing Business Better Event Funding grant in which the panel have assessed and approved funding for the following events: Foggy Mountain Bluegrass Festival Yea Arts Carnivale Alexandra Truck Ute &amp; Rod Show.</p> <p><u>Calendar of Events Brochure</u> The Murrindindi Calendar of Events brochure for the period of April to October 2016 was printed and distributed in late March in preparation for the Easter and school holiday periods. Copies have been distributed to the four Visitor Information Centres (VIC's), neighbouring shire VIC's and Federation Square, Melbourne.</p>
Business support	<p><u>NBN rollout</u> – During March, Council developed plans to host two NBN community/business information sessions set down for early May. The drop in sessions will enable interested business people and residents to speak directly with NBN's Community Affairs Manager (Amy Jaballah) regarding rollout timelines and likely modes of delivery and Telstra Country Wide officers regarding access to retail services. Telstra began hosting community information sessions locally as access to fixed wireless services around Alexandra, Thornton, Eildon, Acheron and Taggerty were due to become live. For up to date rollout information the following web address was made available <a href="http://www.finder.com.au/nbn-tracker/map">www.finder.com.au/nbn-tracker/map</a></p> <p><u>PlanSmart</u> – Following the independent evaluation being finalised in February, the PlanSmart project was completed in readiness for grant acquittal, due in April. Plans to launch and rollout the business readiness tool to local businesses progressed well.</p> <p><u>Climate Smart Agriculture Development</u> - Three truth testing workshops were delivered in Alexandra in January to test the assumptions and models under development in the Climate Smart Agriculture Development Project. Representatives from the timber, agriculture, horticulture and viticulture sectors attended and provided practical feedback based on their experience and local knowledge. A further strategic workshop was held in Benalla in March that focussed on the potential uses for the spatial tool being created from the perspective of economic development, the environment and strategic and statutory planning.</p> <p><u>Murrindindi Investment Prospectus</u> – The Investment Prospectus project was completed and acquitted in January. Agreement was reached with Koala Cherries to host the formal launch of the project, to coincide with an official opening of their expanded packing and distribution facilities in Yarck. The official launch will be held at a date yet to be fixed, subject to the availability of the Minister.</p> <p><u>REMPLAN</u> data supported the development of funding application/enquiries for Lake Mountain, Goulburn Murray Water (GMW) and Lake Eildon Houseboat Industry Association (LEHIA) projects.</p> <p><u>Mobile Phone Black Spots Funding</u> – Scoping work has been undertaken by Telstra to identify the most effective/likely locations for eight new mobile</p>

	base stations/towers. Council officers plan to meet with a representative from AcquireComm to discuss planning approvals and communications considerations for the identified works. It is anticipated that the works required leading to mobile coverage improvements will get underway as soon as permits are issued.
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**Consultation:**

There has been no consultation in the development of this report.

**Conclusion:**

The provision of Quarterly Activity Reports will continue to inform Council and the public of the work being carried out by the Development Services Department, and importantly, encourage customer feedback to inform improved performance.

**6.4 MARCH QUARTERLY REPORT – CAPITAL WORKS PROGRAM 2015/2016**

REF: 16/23014

Attachments: Infrastructure Capital Works Progress Report (refer Attachment 6.4 – TRIM 16/23016)

**Purpose:**

The purpose of this report is to provide Council with the March quarterly update on Council's 2015/2016 Capital Works Program. The report will ensure that Council is advised of the progress of the Capital Works Program.

**Officer Recommendation:**

**That Council note the March Quarterly Report – Capital Works Program 2015/2016.**

**Background:**

This report represents the third quarter report of the 2015/2016 Capital Works Program. The period of reporting is from 1 January, 2016 to 31 March, 2016.

The 2015/2016 Capital Works Program comprises of those projects endorsed by Council as part of the 2015/2016 Capital Works budget as well as those projects identified for carry forward from the 2014/2015 program.

**Council Plan/Strategies:**

This report supports the Council Plan 2013-2017 strategic objectives to advocate for the provision of infrastructure and services that support business growth, use resources more efficiently and effectively and applying a whole of life approach to the management and maintenance of Council's assets.

**Legal/Policy Issues:**

Council is obliged to prepare a budget annually. The preparation of a detailed Capital Works Program informs and significantly impacts on the budget.

**Financial/Resources/Risk:**

There is a risk that Council may not invest enough in the replacement of infrastructure to maintain services reasonably required by the community. The preparation of a Ten Year Capital Improvement Plan seeks to mitigate this risk by informing Council of the financial impacts of investment in capital replacement.

The consequence of an insufficient capital investment in replacement is a widening infrastructure gap. The adoption of a Ten Year Capital Improvement Plan provides Council with the ability to manage the infrastructure renewal gap.

Timely reporting of financial issues assists in early identification of the need to reallocate costs where required. Reporting of project progress also provides Council and the community with an understanding of when projects will commence and will communicate any delays if they occur.

***Discussion:***

Work undertaken during the third quarter of the 2015/2016 capital works program generally consists of the completion of the procurement and construction phases of the 2015/2016 capital works projects.

The March Quarterly Capital Works Program report provides commentary on the following features of the program:

1. Budget Vs. Actual ;
2. Identification of any major variances in income and expenditure;
3. Major areas of expenditure for the quarter being reported on;
4. Details of projects where physical works are anticipated to commence during the next reporting period;
5. Details of the projects that are delayed or other significant issues that have arisen which affect the budget for the project. This reporting, if done in a timely manner, removes the element of surprise and gives Council the opportunity to vary the scope of a project if required; and an
6. Projects completed in the March quarter
7. Additional project information

1. Budget Vs. Actual (year to date)

- As at 31 March 2016, the 2015/2016 revised adopted Capital Works budget is \$12.15m which includes \$3.62m of carried forward projects and an additional \$684,950 R2R funding.
- As at 31 March 2016, Capital Works are \$1,614m below the year to date budget of \$4,459m. Variances are due to invoices not yet being presented for works completed in the Roads – renewal, resealing and gravel road sealing programs.

2. Identification of any major variances in income and expenditure

Table 1 provides some comments on the major variances in relation to expenditure per asset category.

Table 1: Major Variance Comments

Asset category	Total Variance	Comments of major variances
Plant & Fleet	\$42k	Vehicle replacement behind schedule
Roads & Paths	\$801k	Expenditure behind due to invoices not being submitted by contractor
Buildings	\$115k	Expenditure behind due to invoices not being submitted by contractors for Yea Netball Courts and Yea Civic Centre Precinct Works

3. Major areas of expenditure for the March quarter being reported on

The major areas of expenditure for the March quarter include:

- Yea Netball Court \$80,000
- Kinglake Ranges Art History Walk \$175,000
- Yea Civic Centre Precinct \$40,000
- Alexandra to Eildon Rail Trail Design \$12,676
- Eildon Bowls Club \$47,000
- Kerb and Channel \$29,000
- Gravel Road Resheeting \$135,000
- Sealed Road – Renewals and Major Patching \$74,000
- Sealed Road – Reseals \$23,000
- Drainage \$26,000
- Landfill Design \$23,000

4. Details of projects where physical works are anticipated to commence during the next reporting period of 1 April 2016 to 30 June 2016

Physical works which are anticipated to commence in the next reporting period includes:

- Bridge Renewal Program
- Alexandra Library render repairs/painting
- Paths
- Yarck Rejuvenating Village Hub
- Yea Public Toilet Refurbishment
- Yea Civic Centre Precinct Works – Replacement of Floor – Yea Pioneer Reserve
- Alexandra Shire Offices – Air conditioning
- Alexandra Depot – Expand Open Shed/Main Shed Concreting
- Moores Bridge Replacement
- Shade Sail Repairs
- Alexandra Shire Hall – Seating
- Building Energy Improvements – Solar Panels
- Supply and Installation of Generators to Four Library Sites

5. Details of the projects that are delayed or other significant issues that have arisen which affect the budget for the project. This reporting, if done in a timely manner, gives Council the opportunity to vary the scope of a project if required.

This report also includes an attachment (*Attachment 6.4*) which indicates the officer's level of confidence in projects being completed within the current financial year using a traffic light system. The colours shown highlight the following:

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

Following is further information concerning some of the projects associated with this attachment.

### Leckie Park Expansion Facilities

Initial concept design completed. Community consultation has led to agreement on final concept plan. Detailed design work is currently underway. Expansion works will then be issued for request for quotation. As previously reported, construction will not be completed prior to the end of June. As a result these works will require funds to be carried forward.

### Eildon Town Centre – Stage 1 and 2

Works have been delayed as Goulburn Valley Water has advised that they are intending to replace the aged water service in Utah Place and in front of the Eildon Shopping Strip. These services are located under paving which need to be replaced and upgraded as part of the Eildon Town Centre project. Goulburn Valley Water has also advised that they are intending to commence replacement on the water service in August. The Eildon Town Centre Works will be undertaken in collaboration with Goulburn Valley Water's renewal works.

### 6. Projects completed in the March quarter

- Yea Multi Purpose Court
- Re roofing – Alexandra Chambers and Mayors Office
- Yea Civic Centre Precinct Works – Yea Shire Offices - Replacement of kitchen
- Eildon Bowls Club – Disability Access
- Kerb and Channel Works

### 7. Additional project information

Landfill Leachate – EPA approval has now been provided and works have commenced.

Additional Grant Funded Projects - The following projects are additional to the 2015-2016 Capital Works Program following successful grant applications for funding;

#### 1. Design of the Alexandra to Eildon Rail Trail:

Design is currently underway and will be completed prior to the end of the financial year.

#### 2. Construction of stage one of the Alexandra to Eildon Rail Trail:

This is the section of trail from Eildon along the Eildon Back Road to Outdoor Education Group. The works cannot commence until the full trail design is completed.

#### 3. Construction of Great Victorian Rail trailhead at Alexandra to the Township:

This work is underway and is expected to be completed this financial year.

#### 4. Supply and installation of generators to the following library sites:

- Kinglake Library and Office
- Yea Library and Office
- Alexandra Library
- Mobile Library

The contract has been awarded and installation is currently underway

#### 5. Yea Saleyards Upgrade – Stage Two. Works include:

- Construction of 36 holding pens
- Construction of roofing over new holding pens
- Construction of scale house and livestock scales and;
- Installation of height adjustable loading ramp

Design and specification currently being finalised in consultation with relevant stakeholders.

**Consultation:**

The March Quarterly Capital Works report has been developed with the respective officers responsible for the delivery of the capital works program.

**Conclusion:**

The reporting on the capital works program at the third quarter of the year for 2015/2016 informs Council of the progress any major variances for each project.

**6.5 QUARTERLY FINANCIAL REPORT TO 31 MARCH 2016**

REF: 16/17983 FY1-03

Attachments: 2016-05-25 BUS SERV Qtr Report Attachment (refer *Attachment 6.5 – TRIM 16/17981*)

**Purpose:**

The report provides the quarterly financial report for the period ending 31 March 2016.

**Officer Recommendation:**

**That Council receives the Quarterly Financial Report to 31 March 2016.**

**Background:**

Financial governance is important for a Council's good governance because the consequences of failure can be very significant for a Council.

Councillors, sitting as Council, have an overall accountability for the Council's finances. This comes in two ways. Firstly, the council is required to prepare and periodically review its long term financial plan. This is called the Strategic Resource Plan and forms part of the Council Plan.

Secondly a Council must prepare and adopt the annual budget. The council must also receive regular financial reporting. As a minimum a Council must receive a quarterly financial report which compared actual and budget revenues and expenses.

The format of the budget is prepared generally in accordance with both the financial regulations affecting local government and the best practice guide for reporting local government budgets.

At the end of the financial year, the draft Annual Financial Statements, comprising of the Financial Report, Standard Statements and Performance Statement, are considered by the Audit Committee and presented to Council prior to them being submitted to the Auditor General.

It is important that the Annual Budget is framed within the Strategic Resource Plan and contributes to achieving the strategic objectives specified in the Council Plan.

To enable the progress of each to be monitored throughout the year, Council receives quarterly reports on the Annual Budget, the Council Plan activities, and the Capital Works Program.

**Council Plan/Strategies:**

This report, in relation to the Annual Budget and quarterly financial reporting, is consistent with the Council Plan 2013-17 Our Council theme which has a strategic objective of delivering visible leadership and advocacy for the community backed by a financially strong organisation. A key strategy objective is to administer sound financial management practices.

**Legal/Policy Issues:**

The *Local Government Act 1989* requires, under section 126, that a Council must prepare a Strategic Resource Plan for a period of four years.

The Act also sets out in section 127 that the Council must prepare a budget for each financial year.

Then, in section 138, the Act requires that quarterly financial reports must be presented to Council.

**Financial/Resources/Risk:**

The financial governance of a Council is an important role for Councillors. The risk of poor financial management can have a significant impact upon the governance of the Council. The financial implications flowing from this quarterly financial review are outlined in this report.

**Discussion:****Annual Council Budget**

The Council Budget essentially comprises four components. Firstly it provides a description of the activities and initiatives to be funded in the Annual Budget and how these will contribute to achieving the strategic objectives that are specified in the Council Plan.

Secondly, it describes the various influences which have impacted upon the preparation of the annual Budget. These have included such things as Federal and State funding programs, such as Road to Recovery Allocations or costs such as the EPA levies.

Thirdly, it includes an analysis of the budget including the sources of revenue such as rates, user fees and grants as well as key expenditure categories.

Finally it includes an analysis of the cash flow and capital works statements along with the four Budgeted Standard Statements of:

- Budgeted Comprehensive Income Statement
- Budgeted Balance Sheet ( incorporating Changes in Equity)
- Budgeted Statement of Cash Flow
- Budgeted Statement of Capital Works

These four Standard Statements are replicated in the quarterly financial report that is presented to Council (*refer Attachment 6.5 - Statements A – D*)

It is important to note that these Standard Statements are based upon public sector financial reporting, the key principle of which is that Council is required to account for the revenue in the year that it is received rather than when it is expended. As capital works projects and grant funded programs often extend over one financial year, then another principle of public sector reporting is that carry forward adjustments need to be made.

**Quarterly Financial Report to 31 March 2016**

These four Statements for the quarter to 31 March 2016 are included in *Attachment 6.5*.

As previously reported to Council, the original budget operating deficit has been impacted by carry forward adjustments as detailed as part of the September 2015 Budget Review projecting a (\$3.50m) operating deficit for 2015-16. With additional Grant Funding together with revision of all operating and capital budgets for year end 30 June 2016 results, Council's Revised Budget for 2015-16 is now forecasting a reduced operating deficit of (\$2.95m).

The 2015-16 operating deficit has however been impacted significantly by \$2.1m Grants Commission funding paid in advance in June 2015 as adjusted as a part of the September 2015 Review.

It should also be noted that generally Local Government Income Statements report a surplus because the statement includes all of Councils income sources, but does not include all of Councils expenditure as Capital expenditure is reported via a separate Capital works Statement D.

#### Summary of Budget Adjustments

All forecast budget adjustments were provided as part of the Quarterly Financial Report to 31 December 2015, which was presented to Council on 24 February 2016. These are also the figures used as forecast for 2015-16 within the Council 2016-17 Draft Budget.

The Annual Revised Budget for 30 June 2016 incorporates all adjustments detailed above.

#### Balance Sheet (Statement B)

The Balance Sheet – Statement B as at 31 March 2016 shows a favourable variance on Cash & Cash Equivalents of \$3.03m which is directly related to the year to date operating surplus variance of \$1.40m as presented within the Income Statement and the Property Plant & Equipment variance of \$1.55m, which is detailed in tables 4 & 5 of this report with reference to Statement D Capital Works.

The overall Revised Budget position maintains a higher level of cash as at 30 June 2016 of \$21.3m which is \$1.4m above the Original Adopted 2015/16 Budget of \$19.9m. The bulk of this relates to the increased level of Reserves \$0.7m plus carry forward of capital projects of \$0.3m, with movements detailed in Statement E Reconciliation of Non Discretionary Cash & Reserves

#### Cash Flow Statement (Statement C)

The cashflow statement provides a more holistic picture and reports the important information on Council's cash inflows and outflows. The overall result is reflected in the Balance Sheet with the Annual Revised Budget for 2015-16 projecting an increase in cash of \$1.4m.

Major year to date variance show favourable variance of \$0.9m on payment to suppliers and favourable variance of \$0.5m on payments to employees – details in table 3 below, together with favourable variance \$1.6m on capital expenditure – details in table 6 below.

As part of Council Quarterly Reviews – an alternative view of the Income Statement – Statement A, has been provided showing Council's "underlying result" – which is the net surplus or deficit adjusted for capital grants, contribution to capital projects, and other once off adjustments. This is a measure of financial sustainability of a Council as it is not impacted by non-recurring or once off items of income or expenditure which can often mask the operating result.

#### Non Discretionary Cash & Council Reserves (Statement E)

Included as part of this report is an additional reconciliation flowing from the cash flow statement of Council's Non Discretionary Cash Flow requirements. This reconciliation lists all Council reserves together with funds held as Deposits or Trust which are required to be refunded, and an allowance for provision of employee entitlements – being a nominal amount of 25% of Council Annual Leave Liability and 18.75% of the current Long Service Leave Liability (moving towards 25% by 30 June 2017). This is then offset against the level of projected cash at year end.

#### Operating – Year to Date Review

Overall the income statement reflects minimal variances in both operating revenue and operating expenditure, with several projects behind anticipated expenditure budgets.



The Year to Date Summary of the Income Statement for the period ending 31 March 2016 is provided in Table 1 as follows:

Table 1 – Summary of Income Statement

	YTD	YTD	
	Budget	Actual	Variance
	\$k	\$k	\$k
<b>Revenue</b>	26,805	26,900	<b>95</b>
<b>Expenses</b>	17,346	16,040	<b>1,306</b>
<b>Surplus</b>	<b>9,459</b>	<b>10,860</b>	<b>1,401</b>

The Year To Date (YTD) operating result at 31 March 2016 shows income up by \$95k and expenditure down \$1,306k generating a larger than expected YTD surplus of \$1,401k or 15% better than the year to date budgeted surplus.

The key components comprising both Revenue and Expenses variances are summarised by category in Tables 2 and 3 as follows:

Table 2 – Key Revenue component variance

Variance		
\$k		
95k	Unfavourable to budget	
Key Components	Type	Particulars
44	User Fees	Favourable user fees for Waste Landfill \$95k offset by unfavourable variance on Aged & Disability (\$40k).
(35)	Grants - Recurrent	Aged Care Package funding unfavourable – CACP (\$28k) & EACH (\$6k) – with substantial carry forward from prior year & introduction of Consumer Directed Care creating some initial vacant packages.
129	Contributions – Non Cash	Recognition of footbridge – Mareeba Ave Buxton
(53)	Proceeds from Sale of Assets	Carrying value of Marysville Retirement Village units higher than sales value achieved (\$51k).

Table 3 – Key Expense component variance

Variance		
\$k		
1,306	Favourable to Budget	
Key Components:	Type	Particulars
457	Employee Benefits	Year to date saving across organisation due to vacant positions or in the Community Services area driven by service level demand. Favourable variances relate to; <ul style="list-style-type: none"> <li>• Community &amp; Children Services \$89k</li> <li>• Development Services \$72k, and</li> <li>• Infrastructure Operations \$265k</li> </ul>
853	Materials & Services	Favourable variance mainly relate to; <ul style="list-style-type: none"> <li>• Community Services \$84k</li> <li>• Development Services \$39k,</li> <li>• Infrastructure Assets / Maintenance \$263k</li> <li>• Infrastructure Operations \$375k</li> </ul> <p>It should be noted these are year to date variances to budget due to timing and not forecast savings as budgets have been revised.</p>

Capital - Year to Date Review

As at 31 March 2016, Capital Works is \$1,614k below the year to date budget of \$4,459k. Statement D, as attached, indicates that across the asset categories, the largest variances are \$318k in Buildings, \$1,042k in Roads & Paths and \$181k in Footpaths & Cycleways, with further details provided in Table 5 below.

Table 4 – Summary of Capital Works Completed (Financial)

Asset Category	YTD Budget	Actuals	Variance	Complete to
	31/03/16	31/03/16	YTD	YTD Budget
	\$'000	\$'000	\$'000	%
Land	-	-	-	0%
Buildings	1,411	1,093	318	23%
Plant & Machinery	386	344	42	11%
Roads & Paths	1,600	558	1,042	65%
Bridges	292	280	12	4%
Footpaths and Cycleways	528	346	181	34%
Drainage	57	56	1	2%
Heritage Assets	-	-	-	0%
Furniture & Equipment	104	93	11	11%
Library Bookstock	82	75	7	8%
Works in Progress	-	-	-	0%
<b>Total Capital Works</b>	<b>4,459</b>	<b>2,845</b>	<b>1,614</b>	<b>36%</b>

Table 5 – Key Capital Component Variance

Variance		
\$k		
1,614	Favourable to Budget	
Key Components:	Type	Particulars
318	Buildings	<p>Expenditure on buildings is running behind year to date expectations with the major items being:</p> <ul style="list-style-type: none"> <li>• Alex Depot Shed \$80k</li> <li>• Yea Civic Centre Precinct \$70k</li> <li>• Landfill Design / Upgrade \$80k</li> <li>• Yea Netball Courts \$45k</li> <li>• Alexandra Shire Office \$19k</li> </ul> <p>The remaining variations are a combination of minor variations across several projects.</p>
1,042	Roads & Paths	<p>Expenditure on roads and paths was \$1,042k behind budget as at 31 March 2016, with the major variances aligned to the following categories:</p> <ul style="list-style-type: none"> <li>• Sealed Road Reseals \$425k</li> <li>• Gravel Road Sealing \$235k</li> <li>• Sealed Roads Renewal &amp; Major Patch \$152k</li> </ul> <p>It is worth noting that major contracts for the undertaking of these works were signed during the March quarter, with works anticipated to be completed by the end of the financial year.</p> <p>Further, VicRoads Funded projects on Ghin Ghin Road (\$149k) &amp; Myers Creek Road (\$56k) are also behind year to date budgets but remain due for completion by 30 June 2016.</p>
181	Footpaths & Cycleways	<p>Alexandra to Eildon Trail Design \$87k, Kinglake Ranges Art History Walk \$45k and Footpaths – missing links \$45k also behind year to date budget expectations.</p>

The capital works program overall appears to be running well behind budget expectations as at 31 March 2016. It should be noted this financial report is a measure of actual expenditure paid to date, however Council officers have advised that a substantial part of the physical works have been completed but not yet invoiced.

The overall budget had increased from \$7.52m to \$12.15m with \$3.62m carry forwards from unexpended capital work projects forecast to be completed by 30 June 2015 (reported to Council 26 August 2015) and the inclusion of several new grant funded capital works projects – which were detailed separately as a part of the September Quarterly Review.

**Consultation:**

The Local Government Act requires that Councils give public notice of their annual review of the Council Plan (which includes the Strategic Resource Plan) and also its Annual Budget. All submissions received by Council must be considered, in accordance with section 223 of the Act.

**Conclusion:**

Awareness by Councillors of general budgeting and reporting requirements will facilitate the preparation of the Annual Budget and Strategic Resource Plan. Operating performance for the March 2016 quarter has been largely in line with the total budget. Council remains in a favourable cash position despite the challenges that it faces.

**6.6 QUARTERLY COUNCIL PLAN 2013-2017 REPORT TO 31 MARCH 2016**

REF: SF/291

Attachments: Council Plan Report Year Three – Quarter Three (refer *Attachment 6.6 - TRIM 16/5486*)

**Purpose:**

This report provides an update on the progress on year three activities listed in the Council Plan 2013-2017 for the third quarter ending 31 March 2016.

**Officer Recommendation:**

**That the report for the third quarter of the Council Plan 2013-2017 on the status of Year Three Council Plan activities be received.**

**Background:**

The Council Plan for the period 2013-2017 was adopted by Council at its Ordinary Meeting of 26 June 2013 in accordance with Section 125 of the *Local Government Act 1989*. The annual review was conducted and the Council Plan 2013-2017 Year 3 was adopted by Council at its Ordinary Meeting of 27 May 2015.

**Council Plan/Strategies:**

The Council Plan is the key planning document which translates Council's obligations under the *Local Government Act 1989* into strategies and actions. Specifically the plan:

- guides Council's strategic direction
- identifies Council priorities and strategic indicators
- contributes to the development of the annual budget for the next four years

The Council Plan is a key document for local community groups, residents, investors, and other levels of government who play a vital role in helping the Council deliver on its commitments. It sets out what we expect to achieve over a four year period and guides the allocation of finances through the Strategic Resource Plan.

**Legal/Policy Issues:**

Council is obliged under the *Local Government Act 1989* to review its Council Plan on an annual basis.

**Financial/Resources/Risk:**

The Council Plan, in particular the Strategic Resource Plan, includes Council's long term financial plan and its implementation is supported by the Annual Budget.

**Discussion:**

The third quarter progress report on year three actions of the Council Plan 2013-2017 is contained in *Attachment 6.6*.

At the end of the third quarter 5% of activities for the year were complete and 89% of actions were progressing without delays. 3% of actions were not yet scheduled to commence, with only 3% of activities being reported as experiencing delays.

In addition to its strategic activities, 19% of Council's determined Key Performance Indicators (KPIs) have been achieved by the end of the third quarter. A further 57% of KPIs have been classified as likely to be achieved in the 2015-16 year, with an additional 16% of KPIs either unable to yet be measured or assessment would be premature after only three quarters of the financial year. Only 8% of KPIs are currently classified as unlikely to be achieved.

The highlights for the third quarter include the following:

- Council submitted a detailed submission to the Essential Services Commission requesting an exemption from the newly imposed rate cap by the State Government to allow for the fulfilment of Council's Long Term Financial Plan.
- Council signed a contract for the purchase of additional land at the Yea Saleyards to support further enhancement of the Saleyards.
- Development of the Murrindindi Investment Prospectus (website, industry videos, 20 page brochure and promotional USB) was completed.
- The Eildon Bowling Club rejuvenation and the Yea Recreation Reserve Multipurpose Court were completed.
- Council's four seasonal pools were well utilised over the summer season between November and March with a total of 19,300 patrons.
- The Council's new Local Planning Policy Framework has been incorporated into the Murrindindi Planning Scheme.
- Council recycled 60% of all waste entering its Resource Recovery Centres (RRC), including metal items, batteries, mattresses, green waste and other streams.
- Officers worked with Goulburn Broken Catchment Management Authority (GBCMA) and Landcare to run Clean Up Australia Day activities during this quarter.
- The Yea Wetlands Fire Management Plan was adopted as a sub-plan to the Municipal Fire Management Plan.
- Council received data indicating that growth in property valuations across the Shire is likely to exceed 1.5% since the 2014 revaluation.
- Lost employee time due to injury for the quarter was zero, which has reduced the year to date rate to a historically low level of 0.27%.

**Consultation:**

Community consultation is undertaken in relation to individual projects and activities identified in the Council Plan. This report provides the opportunity for Council to promote its achievements for the third quarter of the 2015-16 financial year in relation to the implementation of the strategies from the Council Plan.

**Conclusion:**

The 31 March 2016 report for the Council Plan 2013-2017 reflects the outcomes of the third quarter for year three of this Council Plan. The majority of activities are on schedule, ongoing or

target likely to be achieved reflecting a strong commitment by Council to meet the requirements set by the Council Plan.

## **6.7 REVIEW OF EQUAL EMPLOYMENT OPPORTUNITY POLICY**

REF: 16/21883

Attachments: Equal Employment Opportunity (EEO) – 2016 Revision (refer *Attachment 6.7 – TRIM 16/13739*)

### ***Purpose:***

The purpose of this report is to seek Council endorsement of the revised Equal Employment Opportunity Policy.

### ***Officer Recommendation:***

**That Council adopts the revised Equal Employment Opportunity Policy as contained in *Attachment 6.7*.**

### ***Background:***

Discrimination in employment, and in the supply of goods and services, is unlawful under Commonwealth and Victorian legislation. The Local Government Act 1989 in particular places requirements on councils to implement Equal Employment Opportunity (EEO) principles.

A robust EEO policy enables Council to guide and implement compliance at all levels of the organisation and promote a corporate culture free from discrimination. It is also a standard requirement to meet legal and fiduciary obligations for a variety of audits, grant and accreditation processes required of Council.

Council's current policy was last updated in 2010 and is overdue for review. The policy applies to staff and Councillors in support of the Councillor Code of Conduct and Employee Code of Conduct. The policy is also a public document that promotes Council as an EEO organisation and employer.

### ***Council Plan/Strategies:***

The policy supports the Council Plan 2013-2017 strategic objectives to have engaged professional staff and to deliver quality customer outcomes through continuous improvement.

### ***Legal/Policy Issues:***

The review of policies is essential for ensuring that they are relevant, include current Legislation and reflect Council practices.

There is a vast array of legislation dealing with the obligations on organisations to abide by equal opportunity principles. Specifically Section 94(c) of the Local Government Act 1989 states that councils must establish employment processes that will ensure equal employment opportunity is provided. Further Schedule 6 of the Act places requirements on councils to implement an equal employment opportunity program within the workplace.

### ***Financial/Resources/Risk:***

There are no financial implications for Council in reviewing the EEO policy. Having a robust EEO policy in place reduces the risk of discrimination in the workplace. It also minimises the risk of claims of adverse action (*Fair Work Act 2009*) or discrimination (of various types) being taken against Council.

**Discussion:**

Council's Equal Employment Opportunity Policy has been reviewed and updated by officers for adoption by Council. The review included consideration of current legislation and guidance documents from the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) as well as consideration of similar policies used in other councils.

The policy outlines Council's commitment to recognising and valuing diversity in employment. It articulates the ongoing support for the principles of Equal Employment Opportunity and to fostering:

- a workplace free from discrimination, vilification, harassment and victimisation
- mutual respect and dignity in the workplace
- diversity and equity in the workforce at all levels
- an inclusive and culturally sensitive work environment.

Given the diversity of legislation that regulates Council obligations in relation to equal employment opportunity, the EEO policy provides a succinct documentation of the principles required to guide employment practices within Council operations.

This includes guidance on a range of practices relating to the recruitment and management of staff including selection, appointment and retention, promotion or advancement, training and staff development in a fair manner, with decisions made on equitable grounds and based on operational and business needs.

The main changes proposed to the EEO policy (refer *Attachment 6.7*) includes an expanded purpose and definitions to include reference to:

- the prohibition of vilification (as well as discrimination and harassment), and
- an expanded obligation of "positive duty" placed on employers to prevent discrimination, harassment and vilification in the workplace. This includes a more proactive focus to examine and improve organisational systems and processes to remove barriers to equal opportunity, rather than just have systems in place to respond to issues once they arise
- increased scope of people covered including Councillors.

The policy is presented for endorsement by Council.

**Consultation:**

Consultation has been undertaken with other Councils in the North East Human Resources Group, as well as with staff.

**Conclusion:**

The updated Policy will ensure Council's operations are compliant with best practice EEO principles to reduce the likelihood of discrimination in the workplace.

**6.8 SECTION 193 ENTREPRENEURIAL POWERS INCORPORATION OF RURAL COUNCILS VICTORIA**

REF: CY/16190, 16/23050

Attachments: RCV Incorporated Rules (refer *Attachment 6.8* – TRIM 16/23053)

**Purpose:**

The purpose of this report is to enable Council to authorise Cr Challen or the Chief Executive Officer to vote at a meeting of the Rural Councils Victoria (RCV) in relation to its incorporation.

**Officer Recommendation:****That:**

1. the proposed incorporation of Rural Councils Victoria does not involve an investment and/or risk exposure that exceeds the thresholds set out in s 193(5C) of the Local Government Act 1989;
2. Council votes in favour of authorising Jim Nolan, Chief Executive Officer of Pyrenees Shire Council, to apply to the Registrar of Incorporated Associations for the incorporation of Rural Councils Victoria Incorporated;
3. Council approves the draft Rules attached to this report as 'Attachment 6.8' as the Rules for Rural Councils Victoria Incorporated; and
4. Council authorises Cr Christine Challen, and in her absence, the Chief Executive Officer Margaret Abbey to vote on Council's behalf on this matter, in accordance with this resolution, at the meeting of RCV to be held on 10 June 2016.

**Background:**

Rural Councils Victoria (RCV) is an unincorporated organisation which represents the interests of rural councils within Victoria and currently has 38 members, of which Council is one.

The RCV's work includes:

1. providing opportunities for networking and professional development;
2. activities directed at ensuring the sustainability of rural councils; and
3. activities to assist rural communities to remain sustainable.

This occurs via a number of mechanisms, including the:

1. organisation of forums and conferences for member councils. Council hosted the 2016 RCV Summit in Marysville which received very favourable responses from both Summit participants and the local community;
2. engagement of consultants to undertake project work; and
3. applying for Government grants, particularly through Regional Development Victoria.

Given that the RCV is not a separate legal entity, it conducts its business through a 'Secretariat'. This involves the Executive appointing a willing council member to, essentially, act as its agent, providing administrative support and entering into contracts on its behalf.

**Council Plan/Strategies:**

Support for incorporation of Rural Councils Victoria is consistent with the Council Plan 2013-2017 Strategic Objective to deliver visible leadership and advocacy.

**Legal/Policy Issues:**

Rural Councils Victoria has received legal advice on the preparation of the model rules for its incorporation and this advice has formed the preparation of a council report to be utilised by all member Councils.

**Financial/Resources/Risk:**

Council's membership contribution to RCV in 2015-2016 was \$3,300. It is not anticipated that the membership contribution would change as a result of the incorporation of the organisation.

**Discussion:**

As the RCV is currently unincorporated, Council is, together with all other member councils, potentially exposed to liability in respect of its operations. In addition, the RCV has, in many aspects, operated under the auspice of the Municipal Association of Victoria (MAV) but it has now developed the capacity to operate in its own right.

To address this, and to enable the RCV to operate with greater independence and ease, it is proposed to incorporate the RCV as an incorporated association. It will be called 'Rural Councils Victoria Incorporated' and will operate in accordance with the draft Rules, attached to this report as 'Attachment 6.8'.



The benefits of the RCV being incorporated include that it:

1. is recognised as a separate legal entity, with protection from debts for members and perpetual succession;
2. has the power to own and hold property, enter into contracts and otherwise act as any other legal entity would;
3. cannot distribute profit to its members;
4. must operate in accordance with a set of rules, including a statement of purpose – being the draft Rules attached to this report as 'Attachment 6.8'; and
5. is operated by a Committee of Management and a Secretary, which are responsible for ensuring that all legislative obligations are complied with, and purposes are being achieved.

The RCV fulfils a number of functions that are important to rural councils in Victoria. Perhaps most importantly, it currently has responsibility for applying for Government grants, particularly through Regional Development Victoria, which are of benefit to rural councils.

It will be important that the RCV is incorporated to enable it to carry on those functions with greater independence and flexibility while still being subject to the views of its member councils.

It is not expected that the manner in which the RCV operates will be different from its current operations, although election to the Committee of Management will be based on slightly different zones, as set out in the draft Rules attached to this report as 'Attachment 6.8'.

#### Exercise of Entrepreneurial Powers

As Council will, if in favour of this proposal, be participating in the formation and operation of a separate legal entity, it is required, in accordance with s 193 of the Local Government Act 1989 (LG Act), to have regard to the risks involved and comply with ss 193(5A) and (5B) of the LG Act.

Council is advised that:

1. the total investment involved in Council's participation in the formation of Rural Councils Victoria Limited is:  
\$0  
Council will be required to continue paying membership fees, as fixed by the Committee from time to time, but will not be required to invest anything in respect of the incorporation; and
2. the total risk involved in Council's participation in the formation of Rural Councils Victoria Limited is:  
\$0  
Any liability for the activities of Rural Councils Victoria Limited will attach to it, not to the individual members.

So, the total investment and risk exposure will be \$0, meaning that Council is not required to take any further action in relation to this matter under s 193(5C) of the LG Act.

#### Next Steps

If the RCV continues operating as an unincorporated association, there is a risk that its individual members, including Council, will be exposed to liability if the RCV fails to properly conduct its business. Furthermore, it will be unable to enter into contractual arrangements on its own behalf – instead relying on the Secretariat council to do so.

It is therefore recommended that Council accepts the analysis of Council's investment and risk exposure and votes in favour of the RCV being incorporated on the basis of the draft Rules attached to this report as 'Attachment 6.8'.

It is proposed that a vote of all current members will be held at the next meeting of RCV to be held on 10 June 2016. The vote will, if a majority is in favour, authorise Jim Nolan, Chief Executive Officer of Pyrenees Shire Council (the current Secretariat council), to apply to the

Registrar of Incorporated Associations for the incorporation of RCV and approve the draft Rules. The Peri Urban Group of Council's meeting, regularly attended by Cr Challen as the Land Use Portfolio Councillor and Margaret Abbey, Chief Executive Officer, is meeting on that same day, prior to the RCV meeting. It is therefore appropriate that they be authorised to vote on Council's behalf.

***Consultation:***

The RCV Executive has consulted with member councils, through a session at the RCV Summit and via regular newsletters.

***Conclusion:***

The incorporation of RCV enables the organisation to progress as a separate organisation and continue to undertake its program of activities to support rural councils.

## **7. SEALING REGISTER**

REF: 13/6325

<b><i>File Reference</i></b>	<b><i>Date Seal Affixed</i></b>	<b><i>Description of Documents</i></b>	<b><i>Signatures of Persons Sealing</i></b>
CONT15/11	22 April 2016	Formal Instrument of Agreement between Murrindindi Shire Council and Simon Oxenham of Convic Pty Ltd for Bushfire Memorial Design Contract	Margaret Abbey Margaret Rae
SF/123	27 April 2016	Murrindindi Shire Council S6 Instrument of Delegation to Members of Council Staff	Margaret Abbey Margaret Rae
CONT 16/1	17 May 2016	Formal Instrument of Agreement between Murrindindi Shire Council and P & J Stewart Pty Ltd for Bridge Renewal and Upgrades - Mainly Timber Components	Margaret Abbey Margaret Rae

***Officer 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**

Cr C Challen:

### **8.2 ECONOMIC DEVELOPMENT PORTFOLIO**

Cr J Kennedy:

### **8.3 INFRASTRUCTURE AND WASTE PORTFOLIO**

Cr E Lording:

**8.4 COMMUNITY SERVICES PORTFOLIO**

Cr A Derwent:

**8.5 CORPORATE AND CUSTOMER SERVICES PORTFOLIO**

Cr C Healy:

**8.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO**

Cr J Walsh:

**8.7 MAYOR AND DELEGATED COMMITTEE REPORTS**

Cr M Rae:

**8.8 GENERAL BUSINESS****9. MATTERS DEFERRED FROM PREVIOUS MEETING****10. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****11. ASSEMBLIES OF COUNCILLORS**

REF: CY16/118

***Purpose:***

This report presents the records of assemblies of Councillors for 20 April 2016 to 11 May 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 20 April 2016 to 11 May 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:**

<b>Meeting Name / Type</b>	Councillor Briefing Session
<b>Meeting Date</b>	20 April 2016
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. General Valuation 2016</li> <li>2. Budget Discussion</li> <li>3. Amendment C55 – Yea Structure Plan</li> <li>4. Amendment C59 – Proposed Kinglake Cemetery</li> </ol>
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Lording, Cr Walsh, Cr Healy	Staff – M Abbey, E Wyatt, A Bond, S Mortensen, K Girvan, S Brown
<b>Conflict of Interest disclosures - Nil</b>	

<b>Meeting Name / Type</b>	Council Pre-Meeting
<b>Meeting Date</b>	27 April 2016
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Councillor Code of Conduct</li> <li>2. Proposed rezoning Kinglake Cemetery</li> <li>3. Primary and Ordinary Returns Exemption</li> </ol>
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Lording, Cr Derwent, Cr Walsh, Cr Healy	Staff – M Abbey, E Wyatt, A Bond, S Brown, K Girvan, J Canny
<b>Conflict of Interest disclosures - Nil</b>	

<b>Meeting Name / Type</b>	Councillor Briefing Session
<b>Meeting Date</b>	27 April 2016
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Managing Asset Renewal</li> </ol>
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Lording Cr Walsh, Cr Healy	Staff – M Abbey, E Wyatt, J Canny
<b>Conflict of Interest disclosures - Nil</b>	

<b>Meeting Name / Type</b>	Councillor Briefing Session
<b>Meeting Date</b>	4 May 2016
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Council's Website</li> <li>2. Council Resolution and Media Release</li> <li>3. Draft Council Budget 2016-17</li> <li>4. Code of Conduct Signing</li> </ol>
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Lording, Cr Walsh	Staff – M Abbey, E Wyatt, M Chesworth, J Rabel, T Ackerman, A Bond
<b>Conflict of Interest disclosures - Nil</b>	

<b>Meeting Name / Type</b>	Councillor Briefing Session
<b>Meeting Date</b>	11 May 2016
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. MAV State Council Motions</li> <li>2. Review of Council Plan</li> <li>3. Draft Budget 2016-17</li> </ol>
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Walsh, Cr Healy, Cr Lording	Staff – M Abbey, E Wyatt, M Chesworth, A Bond
<b>Conflict of Interest disclosures - Nil</b>	

**12.            URGENT BUSINESS****13.            CONFIDENTIAL ITEMS**

It is proposed that the following items be considered in closed session.

- Contract Award – Landfill Monitoring and Consulting

The meeting is to be closed to members of the public as the discussion of this item 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.