



AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
WEDNESDAY 25 SEPTEMBER 2013
in the
ALEXANDRA COUNCIL CHAMBERS
commencing at
6.00 pm

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

File: 12/02/19

3. CONFIRMATION OF MINUTES

➤ Minutes of the Ordinary meeting of Council held on 28 August 2013

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

File No: 12/01/06-1

5. OPEN FORUM**6. PETITIONS RECEIVED BY COUNCIL****6.1 PETITION RESPONSE – PROTECTION OF RIVER RED GUM TREE AT 13 HAMILTON HUME TERRACE, YEA.**

File No: 9931

*(Refer Encl 6.1 - Location of Reserve and tree)****Purpose:***

This report provides Council with a response to a petition tabled at the August 2013 Ordinary Council Meeting regarding the future protection of a tree located at 13 Hamilton Hume Terrace, Yea in the Yea Springs Estate.

Recommendation:**That Council**

- 1. Acknowledges that no planning permit is required for the removal of the tree at 13 Hamilton Hume Terrace, Yea under the current provisions of the Murrindindi Planning Scheme; and**
- 2. Endorse council officers to contact the current owner of 13 Hamilton Hume Terrace to discuss opportunities for the future protection of the tree.**

Background:

A petition was submitted to Council from residents in the Yea Springs estate and was raised at the open forum session at the August 2013 Council Meeting. The Council resolution was that the petition be received, noted and referred for discussion at the September 2013 Ordinary Meeting of Council.

The petition called for protection and retention of a large River Red Gum located in the Yea Springs Estate at number 13 Hamilton Hume Terrace.

The property in question is currently for sale.

The subdivision permit for the estate was issued in November 2004 in accordance with the development plan that was approved by Council in February 2002.

The land was purchased in two parts by the developer with the original parcels being a total of 14.5 hectares in area. While the two parcels were subdivided using separate permits, a reserve area of land was given to Council as a single parcel of open space land. This occurred when the first residential lots were created.

Under the Subdivision Act 1988, Council has the ability to request up to 5% of land or value of land for the purpose of open space for residential subdivision.

Council negotiated with the developer who agreed to give all of the land along Boundary Creek to Council for open space purposes. This land includes a portion above the floodway level and provides an important component of the pedestrian / riparian corridor that will eventually link this subdivision with Racecourse Road. The amount of land provided for public open space is 5.2 hectares, representing 36% of the total area of the two parcels of land. The focus of this contribution was to secure an overall open space area rather than protect individual trees. Appendix 1 provides the spatial layout of the subdivision including the open space area.

While the endorsed development plan does not specifically identify the tree at 13 Hamilton Hume Terrace it does provide general protection of the remnant native vegetation along Boundary Creek through the creation of a linear open space reserve.

A planning permit is not required for the removal of a tree under the Murrindindi Planning Scheme as clause 52.17 exempts the need for a permit when the land is less than 0.4 hectare in area. This is the case in all residential areas except for Marysville, which is the only location in the shire with a vegetation protection overlay.

Council Plan/Strategies:

The advocacy position in relation to this matter is in accordance with *Our Environment – Planning for future growth that is sensitive to the constraints of our natural environment whilst considering development needs* in the Council Plan 2013-2017.

Legal/Policy Issues:

The applicable law in relation to this issue is the *Planning and Environment Act 1987*, and the Victorian Planning Provisions. Specifically Clause 52.17 where permit exemptions for native vegetation removal exist for block sizes less than 0.4 hectares.

Financial/Resources/Risk

The identified property in this report is privately owned with no current restrictions on tree removal.

Discussion:

This River Red Gum tree is considered to have significant heritage and environmental value. The age of the tree is estimated to be around 200 years old and provides hollows for wildlife refuge. As hollows take at least 150 years to develop, urban encroachment has meant fewer hollow bearing trees in the landscape and only a small number of trees this age are left in the Yea township.

Potential removal of the tree would result in loss of visual amenity within the subdivision. The removal would result in loss of habitat for the many bird species dependent on hollows and limbs for nesting, feeding and roosting.

Concerns about the impacts of the root system both on the subject land and neighbouring lots have been raised as well as the concern in relation to falling limbs.

A group of residents have written to the owners of the property to request the land be gifted to the community for use as public open space. The residents group supporting the protection of the tree has indicated that this land could be managed by the community and be used for use such as community gardens. They are currently awaiting a response.

Whilst there is no planning permit required to address the native vegetation removal the property owner could impose conditions relating to the protection of the tree on the property such as a 173 agreement.

Council officers could advocate on behalf of the residents group to the property owner to further discuss possible options for the protection of this tree.

Council does have an option to provide protection over the removal of the tree through application of the environmental or a heritage overlay. The extended time frames involved in this process, the cost and the landowners opportunity through this process to object would suggest that this would not be a viable option.

As discussed, a planning permit is not required for the removal of a tree under the Murrindindi Planning Scheme within the residential area of the Yea Springs Estate. The land development considerations for this area focused on protection of the riparian area along Boundary Creek and did not specifically address any vegetation protection within the subdivided lots.

The officer recommendation for this report is to inform Council of the planning legislation applied to this property regarding the management of native vegetation. In addition the recommendation will also include discussing opportunities to protect the future of this tree with the current owner.

Consultation:

A petition was raised at open forum session at the August 2013 Council Meeting. The resolution was that the petition was received, noted and referred for discussion at the September 2013 Ordinary Meeting of Council.

Consultation with Council officers from Planning, Environmental programs and Infrastructure Operations was undertaken in the compilation of this report.

Conclusion:

The River Red Gum tree at 13 Hamilton Hume Terrace, Yea does not require planning consent for any works or removal. Officers understanding is that there is no permit been sought to remove the tree and the basis of this report is to inform Council of the planning provisions as they apply to the property regarding native vegetation removal. In addition officers will inform the owner of the property what opportunities exist for them to protect the tree.

6.2 PETITION RESPONSE – STREET LIGHTING IN OSWALD DRIVE, ALEXANDRA

File No: 52/02/06

Purpose:

This report provides Council with an interim response to three separate petitions tabled at the August 2013 Ordinary Council Meeting which supported and opposed the installation of additional street lighting in Oswald Drive, Alexandra.

Recommendation:**That Council**

- 1. Seek to mediate the issue of streetlight installations in Oswald Drive with residents and prepare a report to Council on the outcome for the November 2013 Ordinary Council Meeting.**
- 2. Request that the General Manager Infrastructure and Development Services write to the convenors of the petition advising them of the resolution.**

Background:

Three separate petitions were tabled at the August Ordinary Council meeting as follows:

Petition 1: Signed by 9 signatories from the areas of Oswald Drive which currently has street lighting, supporting the implementation of street lighting along the entire section of Oswald Drive.

Petition 2: Signed by 3 signatories from the residents of Dunn Court supporting the implementation of street lighting

Petition 3: Signed by 10 signatories from residents (Oswald Drive and Cooper Street) not supporting the installation of street lighting.

Oswald Drive is a quiet street in Alexandra with twenty three properties fronting the street and includes an area of undeveloped park land. Existing street lighting consists of five lights all located on the western end of the road covering the intersections, the bend in the road and outside the parkland area. There is no lighting between Cooper Street and Dunn Court which is the area of the Oswald Drive proposed for streetlighting and subject to the petitions.

A request for an additional street light in the vicinity of number 5 Oswald Street was originally received in June 2008 and following representations by a number of residents objecting to the proposal the installation was put on hold. However at that time parties objecting to the installation were advised that if Council received further requests for improved lighting the matter would be reconsidered and an emphasis placed on community safety and security

On the 30 March 2012 a further request was received by Council again requesting a streetlight in the vicinity of No. 5. The request included acknowledgement of the 2008 request and asked that the matter be reviewed on the basis of safety.

On the 20 June 2012 a letter was sent to all residents in the unlit section of Oswald Drive advising that Council had received a request for the provision of street lighting in Oswald Drive on the basis that it will provide for improved safety and security for residents and visitors to the area after nightfall. The letter proposed to erect a light in the vicinity of 5 Oswald Drive.

An order was placed with SP Ausnet for a single light outside number 5 Oswald Drive. In the interim Council was contacted by the residents of number 5 requesting that the light be placed on the opposite side of the street to be consistent with the other existing street light locations.

A further request was then received from the resident of number 5 for two additional lights to be installed. This proposal was costed by officers and was within the budget allocation.

Affected residents were advised in writing on 18 July 2013 of the proposal to install three street lights. Council received three written responses opposing this lighting option and the three petitions which are the subject of this report.

Council Plan/Strategies:

This report supports the Strategic Objectives within the Council Plan 2013-2017 as follows:

Our Economy – Strategic objective: ‘We will administer sound financial and management practices’.

Our Environment – Strategic objective: ‘We will use resources more efficiently and effectively’

Our Environment – Strategic objective: ‘We will apply a whole of life approach to the management and maintenance of Council’s assets’

Legal/Policy Issues:

Under the Road Management Act, Schedule 7A, Section 2 – Power to install streetlighting the following applies:

‘A responsible road authority may, at its discretion, cause to be installed streetlighting on roads or parts of roads for which it is the coordinating road authority or the responsible road authority to the extent and in a manner which it considers appropriate having regard to its road management functions.’

In relation to the Australian Standard AS/NZS 1158 1.1.2005 – Lighting for roads and public spaces Section 1.2 Application - the following applies

‘Subject to the requirements of the applicable laws, the choice of whether to install a road lighting scheme in compliance with this Standard and, if so, which subcategory of lighting is appropriate, rests with the client (usually the applicable road controlling authority). This decision is typically based on factors such as night time traffic flows and other patterns of use.’

In the case of Oswald Drive, Council is the responsible road authority therefore maintains the discretion for the decision to install street lighting.

A street lighting policy is currently under development and will be finalised in October 2013.

Financial/Resources/Risk

Council has a budget allocation \$10,000 carried forward from 2013/2014 for road safety issues including street lighting.

The estimated cost from SP Ausnet for the installation of street lighting in Oswald Drive was \$4,490 for one light and \$10,000 for three lights excluding GST.

Discussion

Further to the petitions being received by Council, additional correspondence has been received from residents in the unlit section of Oswald Drive opposing the installation of street lighting and a letter of support from a resident in Dunn Court which runs off Oswald Drive.

To this end officers have investigated a community mediation program offered by the Department of Justice through their Dispute Settlement Centre of Victoria (DSCV) to assist Council and residents to come to a resolution on this matter. The DSCV provides a free dispute resolution service and they will work with Council officers and residents to agree on an appropriate solution.

Consultation:

Council officers have undertaken consultation in the following ways:

- Held meetings with the convenors of the petitions and conducted site visits.
- Written correspondence to affected residents
- Held discussions with SP Ausnet
- Discussed community mediation with the Dispute Settlement Centre of Victoria regarding assistance in this matter.

Three residents have also presented to Council through the Open Forum.

Conclusion:

Council officers have reviewed and assessed the proposal outlined in the petitions regarding the installation of additional street lighting in Oswald Drive.

7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES

7.1 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEETING

(Refer Encl 7.1 – Economic Development Advisory Committee Minutes)

Recommendation:

That the minutes of the Economic Development Advisory Committee Meeting held 26 August be received.

8. OFFICER REPORTS

8.1 DEVELOPMENT & ENVIRONMENT

8.1.1 *Amendment C51, Murrindindi Planning Scheme Rezoning of the CFA Site, 1 Hillside (South) Avenue, Eildon to Commercial 1*

File No: 58/07/64

(Refer Encl 8.1.1 - Proposed rezoning plan).

Purpose:

To seek a Council resolution to request authorisation to prepare and exhibit Amendment C51 to the Murrindindi Planning Scheme to rezone the CFA site, 1 Hillside (South) Avenue, Eildon from Public Use 7 (other public use) to Commercial 1.

Recommendation:**That Council:**

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C51 to the Murrindindi Planning Scheme;
2. Notify the Minister for Planning that when it exhibits Amendment C51, Murrindindi Shire Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for the minimum statutory exhibition period of one month; and
3. When authorised by the Minister for Planning, exhibit Amendment C51 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

Background:

An approach has been made by the CFA to rezone the former CFA site at 1 Hillside Avenue, Eildon from Public Use 7 (other public use) to Commercial 1. The CFA has submitted that the site is surplus to CFA requirements, the zoning will be inappropriate for private ownership and that the Commercial 1 Zone is the most appropriate zoning for the land.

The subject land lies at the eastern extent of the Eildon commercial area and adjoins the Commercial 1 Zone to the north and south and opposite to the west. The site contains existing buildings previously used by the CFA prior to relocating to the new site.

Council Plan/Strategies:

The proposed amendment is compatible with the *Murrindindi Shire Council Plan 2013-2017*.

Legal/Policy Issues:

There are no particular legal or policy issues associated with the proposed amendment.

Financial/Resources/Risk

It is considered that the proposed amendment will not create any financial or resources risk to Council. The CFA has already paid the fee for a request to prepare an amendment (\$798) and will be requested to pay for other fees associated with the amendment.

Discussion:

As the land is no longer required for public purposes, it is considered appropriate to rezone the land from a public zone to a suitable zone to provide for the private ownership and use of the land. The Commercial 1 Zone is considered to be a suitable zone to reflect the general use and potential of the area as the land is bordered by the Commercial 1 Zone on three sides. The Commercial 1 Zone allows the uses of shop and office without a planning permit, requires a planning permit for a wide range of other uses and requires a planning permit for all buildings and works, other than very minor installations.

This amendment request and proposed rezoning is considered to be a minor, corrective matter. The officer recommendation is in three parts, the first part is to seek authorisation from DTPLI to exhibit the amendment (a legal process that is required prior to the exhibition of any amendment), the second part confirms the notification that will be undertaken and the third part is for the actual exhibition of the amendment.

Consultation:

A minimum one month statutory exhibition period will be undertaken for the amendment, comprising notice to affected and nearby landowners, notice to relevant agencies, public notice in local press and notice to prescribed ministers. This proposed notification provides a legal

right to comment on the amendment and have a submission considered by council, planning panel (if Council cannot meet objections) and the Minister for Planning.

Conclusion:

The proposed rezoning will provide an appropriate zoning for the land that allows for the sale of the surplus land for private purposes. The Commercial 1 Zone is consistent with the surrounding area and is considered to be the appropriate zone for the land.

8.1.2 Hume Regional Growth Plan

File No: 58/02/19

(Refer Encl 8.1.2 - Hume Region Growth Plan Final Draft).

Purpose:

To inform Council of the completion of the Hume Regional Growth Plan and to seek Council endorsement of the plan.

Recommendation:

That Council endorses the Hume Regional Growth Plan, as endorsed by the Hume Regional Growth Plan Project Steering Committee, as the region's strategic framework for land use planning and growth.

Background:

The Hume Regional Growth Plan (HRGP) is one of eight regional growth plans being developed across Victoria. Together with the Metropolitan Planning Strategy (MPS), the plan will form the basis of the State Government's Vision for Victoria.

Regional growth plans are intended to translate and integrate emerging state-wide regional land use planning policy.

The Hume Regional Growth Plan (the plan) has been developed in partnership throughout the 2011- 2013 with local government, state agencies and authorities to:

- Establish a framework for strategic land use and settlement planning that can sustainably accommodate growth.
- Identify important economic, environmental, social and cultural resources to be preserved, maintained or developed.
- Provide direction for accommodating growth and change including residential, employment, industrial, commercial, agriculture and other rural activities.
- Show which areas of land can accommodate growth and which are to be maintained.
- Identify opportunities for supporting regional level infrastructure, providing an essential contribution to the long-term sustainability of the region.

The plan provides an interface between state, regional and local planning. While the plan informs local planning, it does not generally provide specific direction at a local level. This local level planning is the role of Council's normal planning functions and processes such as structure planning, municipal strategic statements and other strategic projects, and the issuing of planning permits.

The plan has been developed over a two year period to allow for extensive consideration of the issues affecting the region, existing strategies, drivers of future change and views of

stakeholders and the community. The development of the plan has included the following key stages:

- Establishment of the project - to prepare a project plan, timelines and establish governance arrangements involving councils and other key agencies.
- Development of an issues paper - to build an evidence base of data, issues and policy.
- Development of a strategic framework - to set the strategic directions of the plan, including a vision for the future and principles to achieve this vision. Targeted public consultation was undertaken during this stage. Councillors received a presentation on 1 May 2013 from DTPLI in relation to the draft Hume Regional Growth Plan.
- Development of the draft plan and background paper - the draft plan was subject to a broad public consultation from 3 June 2013 to 12 July 2013.
- Finalisation of the plan - submissions have been considered and the plan updated.

Once considered and endorsed by councils, the plan will be submitted to the Minister for Planning for approval. An Advisory Committee has been appointed to conduct a review of the State Planning Policy Framework in order to deliver regional growth plans and other major planning policies (such as the Metropolitan Planning Strategy).

The plan will be reviewed on a regular basis to ensure it is a living and adaptable plan, able to respond to change over time.

Council Plan/Strategies:

The plan has been assessed in accordance with and complies with the *Murrindindi Shire Council Plan 2013 – 2017*. The plan directly implements the *Planning for Future Growth* objective under the *Our Environment* goal.

Legal/Policy Issues:

The plan outlines high level strategic land use directions at a regional level and provides an important future reference document and context for Council to link with the Murrindindi Planning Scheme.

Council and the community may use the plan to support regional and local infrastructure planning and investment initiatives outlined in the plan.

Financial/Resources/Risk:

There are no particular financial, resources or risks to council associated with the plan. All costs in the preparation of the plan have been borne by the DTPLI. All councils in the Hume Region have contributed staff time to help with the development of the plan.

The DTPLI will prepare the amendments that introduce the plan into planning schemes. This action will be undertaken without cost to Council.

Consultation:

The plan has been under development since June 2011. Stakeholders and the broader community have been involved at various stages of the plan's development.

Targeted public consultation was conducted as part of establishing the plan's strategic framework in November 2011 - May 2012 and broad public consultation was undertaken on the draft plan in June - July 2013. These processes provided an extensive range of feedback and suggestions which have assisted in the plan's development and refinement.

The HRGP Project Steering Committee and Chief Executive Officers from each respective Council attended a final stakeholder briefing on 22 August 2013 coordinated by the Department

of Transport Planning and Local Infrastructure (DTPLI) regarding the final iteration of the plan. The briefing provided an opportunity for further discussion on outstanding issues and outlined the final process steps for the plan prior to it being submitted to the Minister for Planning for approval.

Council has made submissions at every informal and formal stage of the HRGP process.

Discussion:

The plan has been prepared by the project team in close collaboration with council officers and key agencies including government departments, water authorities and catchment management authorities. All councils in the Hume Region are represented on the plan's Project Steering Committee and have had significant input into the direction and content of the plan.

The plan includes future directions, strategies and actions for the following key areas:

- Economic development – includes commercial and industrial activity, rural land use, agriculture, energy, earth resources, tourism and transport.
- Environment and heritage – includes key environmental assets (such as landscapes, habitat, water and soils), cultural heritage and natural hazards and risks.
- Settlement – includes identifying the regional urban settlement network, a sub regional perspective on urban settlements, planning for smaller and rural settlements, unique settlements types and managing housing provision and the character of towns.
- Infrastructure – includes transport networks, social infrastructure, energy, communications water and waste.

Council submissions to the plan have emphasised the attributes and opportunities for the municipality for residential growth and tourism, the locational advantages of proximity to metropolitan Melbourne, the need for economic growth, the enhancement of transport linkages and the environmental and natural qualities of the municipality.

The final plan has generally incorporated Council's preferred land use directions, but not to the level of detail requested by Council. An important component of the plan is that the both Yea and Alexandra have been indicated as 'key sub-regional settlements' in the future urban growth plan and as a 'moderate growth location' in the Lower Hume Future Urban Growth Plan. These indications provide key recognition of the residential growth potential that exists in both towns. It also provides a basis for a Council initiative to undertake a structure plan for the Yea township area to investigate and clarify future settlement and growth options.

Conclusion:

The plan will set an appropriate framework for future land use and growth in the Hume region. Extensive consultation has been undertaken for the plan, with Council making a contribution at all stages of the plan development. Key themes suggested by Council have been included in the plan, including recognition that Alexandra and Yea have potential for further residential growth.

Council and the community may use the plan to support regional and local infrastructure planning and investment initiatives outlined in the plan.

The Department of Planning, Transport and Local Infrastructure will prepare the amendments that introduce the Regional Growth Plan into planning schemes, including the Murrindindi Planning Scheme. This amendment would include the listing of the plan as a reference or policy document to the planning scheme and any consequential changes to the local planning policy framework, if required. This amendment to the planning scheme would be approved by the Minister for Planning without exhibition.

8.1.3 Final Community Consultation Report Associated with the Draft Kinglake Ranges, Flowerdale and Toolangi Plan

File No: 52/02/53

(Refer Encl 8.1.3a - Letter from Planning Minister and Encl 8.1.3b – Draft KFT Plan and Design Framework Community Consultation Report)

Purpose:

The purpose of this report is to seek Council's endorsement of the final version of the Draft Kinglake Ranges, Flowerdale and Toolangi Plan and Design Framework (Draft KFT Plan) Community Consultation Report.

Recommendation:

- 1. That Council endorses the final Community Consultation Report associated with the original public exhibition of the Draft KFT Plan and Design Framework, as contained in enclosure 8.1.3b.**
- 2. That the Community Consultation Report be made available for viewing by the general public.**

Background:

On 27 July 2011, Council resolved to release an Interim Consultation Report summarising the submissions received, and likely responses to the submissions, following the public exhibition of the Draft Kinglake Ranges, Flowerdale and Toolangi Draft Plan and Design Framework (KFT Plan).

The Consultation Report was considered an "interim" report pending further work by the State Government in response to recommendations of the 2009 Victorian Bushfires Royal Commission relating to bushfire risk mapping and the development of policies and planning controls governing land use in high bushfire risk areas. It was envisaged at the time that the outcome of this work would further inform Council's response to the submissions and influence the final draft of the KFT Plan.

The finalisation of the Consultation Report and the further development of the Draft KFT Plan was placed on hold for some 24 months whilst awaiting the outcome of the State Government's bushfire risk mapping and policy development work and advice concerning the level of support for the settlement planning and growth recommendations in the Draft KFT Plan.

On the 23 July 2013 Council received correspondence from the Minister for Planning (refer attachment 1) advising that whilst the Government supported the overall scope, directions and priorities of the Draft Plan it would not support recommendations pertaining to the expansion of housing in areas of high bushfire risk. This includes areas within the KFT Draft Plan highlighted as 'development investigation areas' and additional areas that were nominated for development investigation following the receipt of public submissions.

Further discussions with officers of the Department of Transport, Planning and Local Infrastructure (DTPLI) has confirmed that support for growth and development in the Kinglake Ranges will be limited to existing appropriately zoned areas (in-fill development) with no expansion of current settlement boundaries.

Council Plan/Strategies:

The strategies and implementation actions in the KFT Plan align with all of the four Strategic Goal areas of the Council Plan 2013-2017.

Legal/Policy Issues:

There are no legal or policy issues that are raised by this report.

Financial/Resources/Risk

There are no immediate financial risks to Council associated with this report. The funds remaining to complete the project and the contractual arrangements with the consultants AECOM are under the management of the Department of Transport, Planning and Local Infrastructure.

The advice from the State Government which effectively limits future growth opportunities in settlements across the Kinglake Ranges does add to the challenges faced by Council in ensuring the future sustainability of these areas and the financial viability of the Council in the longer term.

Discussion:

The advice from the State Government has enabled officers to recommence the process of finalising both the Interim Community Consultation Report and the KFT Plan and Design Framework.

Attached to this report is the proposed final version of the Community Consultation Report which has been updated from the 2011 "Interim" version to reflect the recent State Planning Policy changes and advice from the State Government. The document summarises in detail the submissions received to the original exhibition of the KFT Draft Plan and the response to these submissions based on the new advice.

Subject to Council's endorsement of the final Community Consultation Report at this meeting it is proposed that letters be sent to each of the original submitters with a copy of the Executive Summary of the Report outlining the proposed responses. The full Consultation Report will be made available for public viewing on Council's website and at Council offices.

The formal endorsement of the Community Consultation Report by Council will enable work to proceed on the finalisation of the KFT Plan and Design Framework. Council officers are currently working with representatives of the Department of Transport Planning and Local Infrastructure and the original consultants for the project AECOM to prepare a final KFT Plan document. It is proposed that this will involve updates to the content of the Draft KFT Plan to incorporate discussion of the following issues that have arisen since the original document was drafted:

- An overview of changes to the State Planning Policy Framework pertaining to bushfire risk and risk mapping (including the Bushfire Management Overlay)
- Implications of the State Buy Back Scheme
- Implications of the Council's recently adopted Municipal Fire Management Plan
- Implications of the Hume Regional Growth Plan
- Implications of the recent introduction of new planning zones and changes to the Farming Zone by the State Government
- Removal of references to development investigation areas and population growth associated with the potential expansion of settlement boundaries

- Review of the status of the implementation actions contained in the Plan, since the original draft.

It is anticipated at this stage that a final KFT Plan and Design Framework will be presented for formal adoption by Council at the December 2013 Ordinary Meeting.

Consultation:

The development of the KFT Draft Plan involved an extensive program of community consultation as outlined in the Community Consultation Report attached to this report.

In finalising both the Community Consultation Report and the final KFT Plan it is not intended to undertake any further community consultation, given the extensive level of consultation undertaken to date and the limited financial resources remaining to complete the project. Once finally adopted by Council both documents will be placed on permanent public display at Council offices and on Council's website.

Conclusion:

The proposed KFT Plan and Design Framework has been formulated through a comprehensive development and public consultative process. Once finalised, the Plan will provide an important guiding vision for the future of the communities in this southern region of the Shire.

8.2 INFRASTRUCTURE SERVICES

8.2.1 June (Final) Quarter Report – Capital Works Program 2012/2013

File No: 24/03/09

(Refer Encl 8.2.1 -

Purpose:

To provide Council with the final quarterly update on Councils 2012/2013 Capital Works Program. The report will ensure that Council is advised of the progress of projects and the end of year financial status compared to budget allocations.

Recommendation:

That Council note the June Quarter Capital Works Report.

Background:

At the Ordinary Council Meeting on 23 July 2012 Council resolved that a quarterly report on the progress and financial status of the Capital Works Program be incorporated in Council's regular reporting cycle.

This report represents the last quarter report from March to June 2013 for the 2012/2013 Capital Works Program.

During the budget preparations officers identified a number of projects that would not be completed in the 2012/2013 financial year. These projects were carried forward and adopted as part of the 2013/2014 Capital Works Program. The total budget of these projects equated to \$4,184,566.

Council Plan/Strategies:

This report supports the following objectives of the Council Plan 2013-2017:

1. Our Economy – Strategic objective: ‘We will administer sound financial and management practices’.
2. Our Environment – Strategic objective: ‘We will use resources more efficiently and effectively’
3. Our Environment – Strategic objective: ‘We will apply 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:

The June 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 developments that have surfaced affecting 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. Update on Reconstruction and Recovery projects

This report will outline issues which affected program delivery and will identify those projects which will need to carry forward into the next year’s program. The report also lists completed projects.

1. Budget Vs. Actual (year end)

- The 2012/2013 revised adopted Capital Works budget is \$10,558,989
- Final year expenditure for the 2012/2013 was \$6,960,774
- Variance on Year is \$3,598,215

- Total cost of projects identified at year end for carry forward \$ 2,944,948
- Total project savings identified for the 2012/2013 capital works program \$653,267

2. Carried forward projects

The projects not completed in 2012/2013 and identified for carry forward at year end are listed in Enclosure 8.2.1.

A number of projects are ongoing such as the Y Water Centre and the Yea Shire Hall and are due for completion in early 2014.

Projects such as Breakaway Bridge refurbishment, Allandale Road Bridge and Break O’ Day Road rehabilitation were started in 2012/2013 and due for completion in the last half of 2013. Breakaway Bridge however is now completed.

Attachment 1 also gives a status of each project and identifies those that have been completed at the time of writing this report.

The total value of projects that were not completed in 2012/2013 financial year is \$7,179,453 and is made up from the \$4,184,566 adopted as part of the 2013/14 Council Budget and the \$2,944,948 identified at year end.

The projects carried forward from the 2012/13 program will be included in the first quarter report for the 2013/2014 program. As part of this report, officers will provide the justification and project plans for these projects or reallocation of funds for approval by Council in line with Councils Capital Works Policy.

3. 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
Buildings	700	<p>Gallipoli Park Works - The contract works associated with the Marysville Community Centre will be completed in September 2013.</p> <p>Plans for the balance of the Gallipoli Park landscaping works have been finalised and works will be undertaken in 2013/2014 .These works were delayed to allow completion of the Marysville Skate Park.(\$90,000)</p> <p>Funding totalling \$229,000 has been carried forward to 2013/2014 to leverage further grant funding under the Putting Locals First Program for the Halls Project and Eildon Township Project.</p> <p>Yea Shire Hall – Works required further heritage assessment which have delayed the finalisation of the design for the rear extension.</p> <p>UT Creek Precinct – Works completed below estimated cost and balance returned to funding agency \$58,000.</p>

Asset category	Total Variance	Comments of major variances
Plant and Machinery	1183	This variance relates to the delay in purchasing of plant and motor vehicles with much of these due to the deferment of replacements to allow further consideration following the completion of the Services Review. Officers intend to present a report to Council by November 2013 outlining opportunities for further savings.
Roads and paths	748	Gravel Roads – Resheeting program budget was fully delivered. Unspent funds from previous years Roads to Recovery funding will be carried forward and delivered as part of the 2013/2014 year. \$147,000. Rehabilitation of Break O’ Day Road is complete apart from the final sealing works which have been held over to warmer, drier weather. \$266,000 will be held over to the 2013/2014 year when the final sealing is undertaken. Kerb and Drainage to Bon Street, Alexandra delayed, design work completed. Works are expected to be complete by the first quarter of 2014. \$65,000 Strath Creek intersection works not to proceed. \$59,000 Vegetation project held over to allow further assessment of requirements \$35,000
Bridges	661	Works on two major bridges, Breakaway and Allandale Rd commenced but were not completed in the final quarter.(Breakaway bridge complete at the time of writing this report)
Drainage	219	Buxton drainage design complete however works delayed due to wet weather conditions (This project complete at the time of writing this report)
TOTAL	3,511	

4. Major areas of expenditure for the quarter being reported on

The major areas of expenditure for the June quarter include:

- Y Water Centre \$320,000
- Break O’ Day Road \$525,000
- Breakaway Bridge \$526,000
- Resheeting Program \$816,000
- Road Resealing Program \$736,000

5. Details of projects where physical works are anticipated to commence or continue during the next reporting period

Physical works which are anticipated to commence or continue in the next reporting period as part of the 2013/2014 Capital Works Program include:

- Tender of the road resealing program
- Resheeting program
- Yea Shire Hall – Finalising Stage 1 renovation, commence construction stage 2 extension and fit out.
- Allendale Road Bridge construction
- Toponga Bridge rail installation
- Buxton drainage
- Tender for Bon Street and Green Street drainage and road construction works
- Yea Railway Building roof repairs
- Y Water Centre building construction
- Essential Safety Services System Audit and implementation of recommendations.

6. Details of the projects that are delayed or other significant developments that have surfaced affecting 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.

Yea Shire Hall

As previously reported The Yea Shire Hall project was not delivered in the financial year. Council sought a funding extension on the Regional Development Victoria (RDV) grant . A report was undertaken to consider the heritage elements of the project and this has been integrated into the final plans for the refurbishment. This process delayed the finalisation of the design and in turn the tender process. The tender has now been let for the works at the rear of the existing building which incorporate the accessible toilets and construction has commenced. Officers have reviewed the project timelines and anticipate completion in early 2014.

Break O'Day Road Rehabilitation

The practical completion of the road works was achieved in July 2013 with the road receiving a first seal. Rain and cold conditions severely hindered the progress of this project. As a result of the inclement weather conditions officers concluded that the final seal would be held over until the warmer weather. Minor failures may occur as a result of the wet conditions encountered during construction. These will be rectified prior to final sealing and are the main reason the final seal has been postponed. This resulted in \$266,000 being carried forward to the 2013/2014 financial year for the balance of payment to be made once all works are complete.

Breakaway Bridge Refurbishment

The bridge works have been undertaken in a timely manner with minimum disruption, and to the satisfaction of the local community.

Allendale Road Bridge Strath Creek

This bridge replacement consists of a precast bridge and some road reconstruction. The contractor has completed all design work and the precast elements have been constructed off site. Construction will commence as soon as water levels stabilise and completion is expected by November 2013.

Resheeting Program

All programmed works were completed under budget however the Roads to Recovery grant funding carried forward from the previous year was not expended and will be carried

forward to expand the 2013/14 program. The 2013/14 resheeting program is currently under development and should be finalised as of September 2013 allowing the additional work to be completed within the 2013/2014 year.

Kerb and Drainage renewal Bon Street Alexandra

This work was held over as design work was not complete and it will be delivered in the 2013/14 program as a package of works which will include the Green Street Special Charge Scheme Sealing Works. The estimated completion date for this work is the first quarter of 2014.

Buxton Drainage

These works were delayed however were completed in August 2013.

Strath Creek Intersection works

Intersection upgrade works have been carried forward from previous years. Officers have investigated the need for this project and this has included consultation with VicRoads. VicRoads have subsequently been identified as the appropriate organisation to fund the works, however they have indicated no work is planned in the foreseeable future. The recommendation for this project is that it not be undertaken in future capital works programs and the project funds reallocated.

Yarck Streetscape Project (YSP).

The YSP has been identified as a priority by officers following concerns from Police and Vicroads relating to the direction of traffic flows on the service roads in Yarck. The service roads are not clearly defined as either one or two way roads which has the potential to cause confusion with traffic and raises safety concerns for Police and VicRoads. This issue has been exacerbated by increased traffic stopping to access the local cafe's and hotel. Discussions with VicRoads and Police have confirmed that Council is required to undertake works as soon as practical to ensure compliance with road safety requirements.

Officers have consulted with local traders and are currently investigating design options and preparing preliminary cost estimated. Officers have identified that the initial budget proposed for the Yarck Streetscape Project will need to increase from the proposed project budget of \$80,000 (\$20,000 Council contribution).

Final cost estimates are being determined however the recommendation in a future report would be to allocate savings from the 2012/2013 capital works budget to the Yarck project subject to a more comprehensive report being presented to Council. It is expected that this report could be presented at the November 2013 Council Meeting.

7. This section relates to all Reconstruction and Recovery projects and provides a general update.

Marysville Car Park

A report on the tender was considered by Council at the May Ordinary Council Meeting. The anticipated completion date is 30 September 2013.

1000 Hands Project Marysville

The project has achieved practical completion although the wet weather has delayed the final grouting and sealing of the tiles which is now expected to occur in October 2013.

Narbethong Reserve

The balance of works at the Narbethong reserve has been delayed although the final landscaping works are expected to be completed by 30 September 2013.

Buxton Streetscape

The car parking works remain outstanding on this project however these works are expected to be completed in October 2013

Gallipoli Park Stage 2

The Project Control Group has finalised the concept plan for the development of the surrounds to the Marysville Skate Park. Quotations for the works are to be received and it is anticipated that the works will be completed by December 2013.

Marysville Community Centre Fit Out

These works which included a major kitchen upgrade have been completed. The remaining available funds (\$3k) will be used as a contribution to the installation of an audio system at the Community Centre funded by the Gallipoli Park Committee of Management.

8. Completed projects

- Road resealing program
- Road resheeting program
- Break O Day Road rehabilitation
- Pioneer Reserve Strath Creek tennis court and club rooms
- Construction of the Kinglake Medical Centre
- Yea Railway Reserve drainage works
- Rotary Park suspension bridge refurbishment
- Abes Lane bridge refurbishment
- Molesworth - Dropmore Roads safety project
- Yea saleyards roofing and canteen
- Alexandra depot garden shed
- UT Creek precinct works
- Buxton Reserve Upgrade
- Toolangi All Purpose Track (completed 2013/2014)
- Kinglake Memorial Reserve Redevelopment
- Kinglake Ranges Medical Centre
- Toolangi Neighbourhood House
- Marysville Drainage Project
- Yellow Creek Bridge works
- Glenburn Community Centre water storage
- Access compliance works
- Urban Access improvements
- Footpath renewal
- Whanregarwen Road Blackspot Road upgrade
- Jeruselum Creek Road Blackspot Road improvements
- Molesworth-Dropmore Safer Roads

Consultation:

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

Conclusion:

The introduction of regular / quarterly reporting on the capital works program will better inform Councillors of the progress and major variances for each project. This will have the level of accountability of all officers involved in the development and delivery of the annual capital works program.

8.3 CORPORATE SERVICES**8.3.1 S86 Committee of Management – Membership Endorsement**

File No: 25/03/03, 25/03/10, 25/04/07

Purpose:

This purpose of this report is to seek Council's endorsement of the membership changes for individual Section 86 Committee's of Management resulting from the 2013 Annual General Meetings held by each committee.

Recommendation:

That Council endorse the following membership changes for the S86 Committees of Management:

Committee of Management	Annual General Meeting Date	Community Representative / User Group Representative	Membership for Endorsement
Yea Saleyards Committee of Management	13/08/13	Yea Livestock Representative	Chris Pollard
Glenburn Community Centre Committee of Management	07/08/13	Community Representative	Angela Ryan
Glenburn Community Centre Committee of Management	07/08/13	Community Representative	Aranka Kandus
Yea Pioneer Reserve Committee of Management	13/08/13	Community Representative	Marg Findlay
Yea Pioneer Reserve Committee of Management	13/08/13	Garden Club Representative	S. McQueen
Kinglake Community Centre Committee of Management	12/08/13	Kinglake Senior Citizens Representative	Lois Brewer
Kinglake Community Centre Committee of Management	12/08/13	Kinglake Senior Citizens Representative	Joyce Shanks
Kinglake Community Centre Committee of Management	12/08/13	Kinglake Basketball Association Representative	Leslie Shea
Kinglake Community Centre Committee of Management	12/08/13	Craft Guild Representative	Jean Howard
Kinglake Community Centre Committee of Management	12/08/13	Stadium Representative	Heather Gurrieri
Kinglake Community Centre Committee of Management	12/08/13	Community Representative	Rodney Overall

Committee of Management	Annual General Meeting Date	Community Representative / User Group Representative	Membership for Endorsement
Mt Pleasant Reserve Committee of Management	30/08/13	Community Representative	Bob Tate
Mt Pleasant Reserve Committee of Management	30/08/13	Community Representative	Brian Hender
Yea Wetlands Committee of Management	06/08/13	Community Representative	Mike Bartels
Yea Wetlands Committee of Management	06/08/13	Community Representative	Michael Chesworth
Yea Wetlands Committee of Management	06/08/13	Community Representative	Terry Hubbard
Yea Wetlands Committee of Management	06/08/13	Community Representative	Russell Wealands
Yea Wetlands Committee of Management	06/08/13	Community Representative	Glenda Woods

Background:

Section 86 Committees of Management are delegated by Council to manage assets and grounds owned by or under Councils Management. Under section 6.4 of the Committee of Management Charter all formal appointments to the COM must be made by Council and that Council may in its absolute discretion decline to appoint. Community Representatives can sit on a Committee of Management for 3 years without re-election and the Committees of Management call for nominations as part of the AGM process when required.

Council Plan/Strategies:

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.

Discussion:

Committees of Management must advertise vacant Community representative positions and call for nominations as part of the AGM process. Council advertises on behalf of the COM in the statutory required publications.

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

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

Table 1

Committee of Management	Annual General Meeting Date	Community Representative / User Group Representative	Membership for Endorsement
Yea Saleyards Committee of Management	13/08/13	Yea Livestock Representative	Chris Pollard
Glenburn Community Centre Committee of Management	07/08/13	Community Representative	Angela Ryan
Glenburn Community Centre Committee of Management	07/08/13	Community Representative	Aranka Kandus
Yea Pioneer Reserve Committee of Management	13/08/13	Community Representative	Marg Findlay
Yea Pioneer Reserve Committee of Management	13/08/13	Garden Club Representative	S. McQueen
Kinglake Community Centre Committee of Management	12/08/13	Kinglake Senior Citizens Representative	Lois Brewer
Kinglake Community Centre Committee of Management	12/08/13	Kinglake Senior Citizens Representative	Joyce Shanks
Kinglake Community Centre Committee of Management	12/08/13	Kinglake Basketball Association Representative	Leslie Shea
Kinglake Community Centre Committee of Management	12/08/13	Craft Guild Representative	Jean Howard
Kinglake Community Centre Committee of Management	12/08/13	Stadium Representative	Heather Gurrieri
Kinglake Community Centre Committee of Management	12/08/13	Community Representative	Rodney Overall
Mt Pleasant Reserve Committee of Management	30/08/13	Community Representative	Bob Tate
Mt Pleasant Reserve Committee of Management	30/08/13	Community Representative	Brian Hender
Yea Wetlands Committee of Management	06/08/13	Community Representative	Mike Bartels
Yea Wetlands Committee of Management	06/08/13	Community Representative	Michael Chesworth
Yea Wetlands Committee of Management	06/08/13	Community Representative	Terry Hubbard
Yea Wetlands Committee of Management	06/08/13	Community Representative	Russell Wealands
Yea Wetlands Committee of Management	06/08/13	Community Representative	Glenda Woods

Consultation:

The appointment of members to Committees of Management has been conducted through the Annual General meeting process for each committee and advertised appropriately as per the Committee of Management Charter.

Conclusion:

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

8.3.2 Alexandra Tennis Club Section 86 Committee of Management - Revocation

File No: 25/04/01

Purpose:

The purpose of this report is to seek Council's support for the revocation of the Instrument of Delegation for the Section 86 Alexandra Tennis Club Committee of Management (COM) and further endorse an exclusive lease arrangement with the Alexandra Tennis Club Inc.

Recommendation:

That Council resolves:

- 1. To revoke the existing delegation of the Alexandra Tennis Club Committee of Management.**
- 2. Gift the \$3000 remaining in the Committee of Management account to the Alexandra Tennis Club Inc for future maintenance of the building subsequent to a licence being entered into with Council.**
- 3. That Department of Environment and Primary Industry be requested to prepare a lease under Section 17D *Crown Land (Reserves) Act 1978* between Council and the Alexandra Tennis Club Inc as per the terms and conditions agreed to by both parties.**
- 4. To recognise and thank the Alexandra Tennis Club Committee of Management for its service to the Council.**

The Alexandra Tennis Club Committee of Management (COM) was appointed in 1992 under section 86 of the *Local Government Act 1989 (the Act)* to manage the Alexandra Lawn Tennis Club buildings and surrounds on Council's behalf located on the south side of UT Creek within the Leckie Park precinct. The land is Crown Land with Council as the Committee of Management.

The COM has requested in writing to Council that the Instrument of Delegation be revoked to make way for an exclusive lease to be entered into between Council and the Alexandra Tennis Club Inc. Council officers met with COM members prior to the COM's Annual General Meeting to outline the various options for governance moving forward and the COM resolved at its AGM that revocation and a lease agreement is its preferred way forward.

The COM currently manages a bank account that was set up by Council for the running of the Pavilion Building. Council would ordinarily request the return of the contents of the Pavilion Account (\$3000); however it is recommended that Council resolve that the \$3000 be given to the Alexandra Tennis Club Inc. for maintenance of the Pavilion building subject to the Club entering into a lease agreement.

Council proposes an exclusive use lease under section 17D of the *Crown Land (Reserves) Act 1978* subject to Department of Environment and Primary Industry (DEPI) approval. This lease would be for an initial three year term with the option of a further two terms of three years. This will allow both Council and the Alexandra Tennis Club Inc the option to review the terms of the lease at the end of each three year term. The lease will outline the specific maintenance roles and responsibilities of both parties in line with Council's standard lease arrangements.

Council Plan/Strategies:

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

Legal/Policy Issues:

The Alexandra Tennis Club Committee of Management operates as a Section 86 Special Committee under the *Local Government Act 1989*.

As the property is Crown Land the exclusive use lease will be drawn up under section 17D of the Crown Land (Reserves) Act 1978 subject to DEPI approval.

Financial/Resources/Risk

The revocation of the Instrument of Delegation would allow Council resources to be directed to higher priorities.

It is recommended that the contents of the Pavilion bank account remain with the Alexandra Tennis Club Inc. for maintenance of the Pavilion building subject to a lease arrangement.

The COM has established that this is the preferred governance arrangement both for the management of and the future improvements of the facility.

Discussion:

To remain a compliant S86 COM there are several requirements that can be onerous on a community committee. Options for governance were discussed with the COM in an effort to support what would best suit the longevity of the Club and its plans for the future development of the facility. Entering into a lease arrangement is the Alexandra Tennis Club Inc’s preferred option.

From Council’s point of view this is a beneficial way forward for both parties and will require less Council resources. Council’s standard lease arrangement clearly defines the obligations of each party and includes a detailed schedule of maintenance responsibilities. Once the lease is agreed upon by both Council and the Alexandra Tennis Club Inc it will sent to DEPI for endorsement and signing.

Consultation:

A meeting was held between COM members and Council staff to discuss all potential avenues for future governance including remaining a COM. The COM advertised the Annual General Meeting which was held on 12 August 2013 and it was at this meeting that it was resolved to request the revocation.

Conclusion:

The Alexandra Tennis Club Committee of Management has requested the Council revoke the Instrument of Delegation in place on the proviso that the Club can enter a licence agreement with Council.

8.3.3 Correction to the Delegation of the Yea Wetlands Committee of Management

File No: 42/55/04 & 42/55/02

(Refer Encl 8.3.3 - Plan of Area)

Purpose:

The purpose of this report is to seek Council’s support to amend the delegation of the Yea Wetlands Committee of Management by adjusting the area recently excised from the

responsibility of the Committee to provide for future management arrangements of the Y Water Centre.

Recommendation:

That Council amends the delegation of the Yea Wetlands Committee of Management by excising an amended area to provide for future management arrangements of the Y Water Centre, as shown on Enclosure 8.3.3 - Plan of Area.

Background:

Council at its meeting on 24 July 2013 resolved to excise an area currently under control of the Yea Wetlands Committee of Management to provide for the future management of the Y Water Centre.

Since that time it has come to light that the area to be excised, which appeared to be the practical boundary between the Y Water Centre and the Wetlands actually included an area of interest and involvement by the Yea Wetlands Committee of Management.

As such the amended plan (attachment) now shows the area that is proposed to be excised from the Yea Wetlands Committee of Management to allow for a future management arrangement to be put in place between Council and the management regime for the Y Water Centre.

Council Plan/Strategies:

This report directly addresses the fourth action in the 2013 – 2017 Council Plan under the Our Economy – Tourism Development Theme to support the establishment of the accredited Visitor Information Centre as part of the Y Water Centre at Yea Wetlands.

Legal/Policy Issues:

The excising of the Y Water Centre site from the Yea Wetlands Committee of Management will return management responsibilities for the area to Council which in turn will lease the site to the Y Water Centre Management Committee under a Sect17D *Crown Land (Reserves) Act 1978* Lease.

Financial/Resources/Risk

The amendment of delegation, preparation of association incorporation and preparation of lease documentation are standard services provided by Council staff.

Consultation:

Officers met recently with the interested parties to agree on the area that will best suit both the Yea Wetlands Committee of Management and the proposed managers of the Y Water Centre.

Discussion:

It is therefore recommended that Council amends the delegation of the Yea Wetlands Committee of Management by excising the amended area, as shown on Attachment 1 Plan of Area, to provide for the future management arrangements of the Y Water Centre.

Conclusion:

This further amendment of the delegation of the Yea Wetlands Committee of Management will provide a more accurate solution for future management arrangements of the Y Water Centre.

8.3.4 Approval of Annual Financial Statements 2012-2013

File No: 24/03/1213 B

(Refer Encl 8.3.4 - Financial Report and Standard Statements 2012- 2013 – to be provided prior to the meeting)

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 2013.**
2. **Approves in principle the Murrindindi Shire Council Performance Statement for the year ended 30 June 2013.**
3. **Authorises the Mayor, Cr John Walsh, Cr Cris Ruhr 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 John Walsh, Cr Cris Ruhr 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, comprising the Financial Report, Standard Statements and Performance Statement, prior to submitting the report to the Auditor General. Prior to submission, two Councillors and the Chief Executive Officer must certify the statements in their final form, after any changes recommended, or agreed to, by the auditor have been made.

Preliminary audit work has been completed by Council's external auditors and officers have prepared a draft set of the 2012-2013 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 provided at Enclosure 8.3.4.

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 2013.

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.

The Principal Accounting Officer, (Manager Finance) 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 2012-13 Annual Report, including the audited Financial Report, Standard Statements and Performance Statement must be forwarded to the Minister by 30 September 2013.

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 19 September 2013. The recommendations of 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 2013; 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, the Mayor Cr John Walsh and Cr Chris Ruhr to certify the final version of the statements.
 - (iii) Authorises the Manager Finance to implement any non-material changes to the statements as recommended by the Auditor General.

A summary of annual financial results is provided for the year ending 30 June 2013 as follows:

1. Operating Performance – comparison results against budget

Table 1 – Summary of Income Statement

	2012-13 Budget \$M	2012-13 Actual \$M	Variance \$M
Revenue	32.9	39.6	6.7
Expenses	31.6	33.4	(1.8)
Surplus	1.3	6.2	4.9

The operating surplus posted for the financial year was \$6.2M and the variance to budget of \$4.9M is primarily attributed to contributed non cash revenue for assets gifted to Council.

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

Contributed assets of \$4.13M were taken up for the constructed works on the Rail Trail (\$3.0M) and Buxton Community Trail (\$1.1M). Non Recurrent Grant funding was also higher than expected (\$3.7M) relating to unbudgeted funding for a Natural Disaster storm event in February 2012 (\$2.7M), Bushfire Recovery Funding of \$0.5M and reconstruction & recovery projects (\$0.7M) offset by MAP's funding of \$0.2M held over to be received in 2013-2014.

User fees showed an unfavourable variance of (\$1.3M) relating to the cessation of external works undertaken by Council (\$1.0M), and absence of a crush and minimal sale of quarry product in 2012-13 (\$0.3M).

Interest on investment was again higher than anticipated due to the high levels of cash held throughout the year.

Operating expenditure, although showing minimal variance to budget of \$1.8M, can be attributed to higher than anticipated expenditure on Natural Disaster works for the Feb 2012 floods.

It should also be noted that the recognition of Vision Super Unfunded Liability of \$1.98M was taken up in 2012-13, and when paid is expensed from the liability account in 2012-2013 and is not included in the above expense figures.

In terms of cash flow, net cash from operating activities was \$11.99M, where as 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 2013

Table 2 – Summary of Balance Sheet components

	2012-13 Actual \$M	2011-12 Actual \$M	Change \$M
Assets			
Current	23.0	24.4	(1.4)
Non Current	282.3	279.1	3.2
Total Assets	305.3	303.5	1.8
Liabilities			
Current	7.0	10.7	3.7
Non Current	4.6	4.9	0.3
Total Liabilities	11.6	15.6	4.0
Equity	293.7	287.9	5.8

Council's asset base (Non Current Assets) has seen a net increase of \$3.2M. This was due to capital works expenditure on new and existing assets, covering Property, Plant and Equipment and Infrastructure of \$6.96M, together with contributed assets of \$4.13M for the constructed works on the Rail Trail (\$3.0M) and Buxton Community Trail (\$1.1M). This is offset by a revaluation decrement of \$0.4M, written down value of assets sold of \$0.2M and depreciation of our new and existing asset base of \$7.2M.

Cash is at a higher level than last year however it has been identified that \$6.2M needs to be carried forward into the 2013-14 Budget of which \$2.9M is for uncompleted capital works and \$3.3M for operational budget adjustments. This is mainly related to 50% of Grant Commission 2013-14 funding (\$2.2M) paid in June 2013 and other unexpended grant funded projects such as Bushfire Memorials (\$0.4M), MAPs funding (\$0.4M) and various other reconstruction and recovery projects. A complete listing and reconciliation will be provided to Council as part of the September Quarterly Finance Report.

Trade and other receivables has also reduced significantly to more acceptable levels with receipt during the year of significant grant funding, in particular Natural Disaster Funding that was outstanding at 30 June 2012.

The decrease in current liabilities \$3.7M is mainly trade and other receivables and relates to the level of activity and timing of payments to suppliers at year end.

The overall movement in the balance sheet equates to an increase in equity of \$5.8M. Critically, the measure of Council's ability to meet its obligation to pay its bills is favourable, where Current Assets (\$23.0M) exceed Current Liabilities (\$7.0M) 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

	2012 -13	2011-12	2010-11	Comment
Working Capital Ratio				
Current Assets / Current Liabilities	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	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	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	11.20 %	13.47%	14.94%	Indicates the level of realisable assets required to be sold to extinguish Council's total debt.

The Revenue Ratio and Debt Servicing Ratio, although trending upwards, has in recent years been distorted by a higher than normal level of total revenue used in these ratios. Total Revenue has been inflated by exceptional high levels of grant funding associated with Natural Disaster Funding for bushfire and flood events as well as the recognition of contributed assets from both bushfire rebuild and construction of the Rail Trail. The Rate Revenue Ratio will continue to trend upwards and on 2013-14 Budget estimates would be 50.22% which would be considered not unusual 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 2012-2013 Financial Report, Standard Statements and Performance Statement and appoint Councillors John Walsh and Cris Ruhr together with the Chief Executive Officer to sign the statements when the Auditor General has approved them.

8.4 CHIEF EXECUTIVE OFFICER

8.4.1 Councillor Code of Conduct

File No: 10/02/20

(Refer Encl 8.4.1a – Councillor Code of Conduct Policy and Encl 8.4.1b – Councillor Code of Conduct)

Purpose:

This report presents the revised Councillor Code of Conduct for Councils consideration and adoption.

Recommendation:

That Council adopts the Councillors Code of Conduct, September 2013.

Background:

Councils are required to review their Councillor Code of Conduct within 12 months of the general election.

The Good Governance Guide (provided to Councillors as part of the Councillor Information Kit) outlines the importance of Councillors demonstrating good conduct, the role of the Code of Conduct and what measures are available to address breaches of conduct.

Councillors have had a number of workshops where the current Code of Governance was discussed and areas for improvement identified. The Code of Conduct now presented to Council addresses these matters.

Council Plan/Strategies:

The review of the Code of Governance is consistent with the objectives of the Council Plan 2013-2017 which include under the Our Council Goal the Objective that 'We will deliver quality customer outcomes by continuing to find better ways of doing things.'

Legal/Policy Issues:

The *Local Government Act 1989*, under Clause 76C, provides that a Council must review the Councillor Code of Conduct within the period of 12 months after a general election. It also provides that a Councillor Code of Conduct must include the Councillor conduct principles, set out processes for resolving any internal dispute between Councillors as well as any other matters relating to the conduct of Councillors which the Council considers appropriate.

Clause 76 C also provides that a copy of the Code of Conduct must be given to each Councillor and be available for inspection by the public.

Financial/Resources/Risk

Much of the review of Council Policies and codes is undertaken within existing Council resources.

Discussion:

Council is required to have a Code of Conduct that is reviewed within 12 months of the general election. The Local Government Act provides that it is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must -

- (a) act with integrity;
- (b) impartially exercise his or her responsibilities in the interests of the local community;
and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

In addition, a Councillor must:

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;

- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative; and
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

A revised Code of Conduct has been developed in a manner which is easy to read and clear in its principles. It has been developed as a standalone document with a short overarching Policy.

The revised Code of Conduct covers a range of themes including not only the legal aspects of the role of a Councillor, such as the general principles of good conduct as set out in the Local Government Act, the declaration of conflicts of interest and the relationship between Councillors and staff, but also good governance such as decision making, providing a healthy and safe workplace and the appropriate use of resources.

Consultation:

Whilst there is no statutory obligation to consult with the community on the Code of Conduct, there is a requirement that it be made available for public inspection.

Conclusion:

Adoption of a Code of Conduct is not only a statutory obligation of Council, but it also provides an important tool to assist in ensuring that there are good working relationships between Councillors and also between Councillors and staff.

8.5 COMMUNITY SERVICES

8.5.1 Youth Charter

File No: 24/07/314

(Refer Encl 8.5.1 – Youth Charter)

Purpose:

The purpose of this report is to provide Council with information pertaining to the development of Youth Charter.

Recommendation:**That:**

1. **Council endorse the Youth Charter.**
2. **The Youth Charter is promoted in Council reception areas, libraries and offices as a tool to promote to the organisation and community Council's commitment to young people.**

Background:

The Murrindindi Youth Inclusion project was seeded from funding received from DHS/Office for Youth under the Rural and Regional Youth Inclusion Grant in 2011-12. The project had the following outcomes:

- An internal consultation process that inspired the development of Councils Youth Engagement Manual 'Get Engaged'. The manual is now available as a resource to staff to enhance the development of inclusive engagement strategies.
- Three Youth Engagement training workshops were conducted, 22 Council staff attended these sessions.
- The development of a Youth Charter in consultation with young people and service providers.

The intent of the Youth Charter is to publicly state realistic and effective methods for enabling youth participation in Council decision making processes.

Council Plan/Strategies:

The Youth Charter is supported by the Murrindindi Shire Council Plan 2013-17 priority of 'Community Engagement' to increase participation and community input.

More specifically the Murrindindi Youth Strategy 2012-15, Key Focus Area 'Leadership, Participation and Citizenship' states the following actions:

- Develop a Citizenship Program that supports young people to understand Council and how they can get involved.
- Develop a mechanism for connecting young people's voice to Murrindindi Shire Council.

Legal/Policy Issues:

Murrindindi Shire Council's Community Consultation Policy states a clear purpose:

"To ensure that persons affected by Council actions are advised and given an opportunity to share their opinions."

Financial/Resources/Risk

The risk associated with low standards of community engagement impact successful project management, delivery and community support and contribution.

Discussion:

Youth participation is the process of building partnerships between adults and young people to promote the role of young people in decision making on issues that affect them - within services, programs and society more broadly.

Adopting a Youth Charter is a visible way that council can acknowledge the importance of young people and the unique contributions they make to their community. A charter displays

Council's commitment to affirming young people as valued community members and engaging them in decisions that impact on their lives and their community.

A youth charter encourages Council to work more effectively with young people in planning, policy, advocacy and service delivery activities.

The Youth Charter developed for Murrindindi Shire Council incorporates the following actions that will assist all Council Departments to acknowledge young people and their important place in our community:

- Display youth friendly flyers, pamphlets or posters to share what Council does.
- Encourage young people to have a say in a broad range of areas.
- Offer a range of youth activities and events.
- Support young people to run activities.
- Celebrate young people's accomplishments.
- Utilise social media.
- Arrange conversations and build relationships where young people feel most comfortable.

Council officers are currently exploring opportunities to launch the Youth Charter publicly. Potential opportunities that are being explored include upcoming FReeZA events and events that may result from the 'Change it up' initiative.

Consultation:

Key consultations undertaken via the Murrindindi Youth Inclusion project included:

- Interviewing 22 Murrindindi Shire Council staff to determine the level of current youth engagement present within the organisation.
- Conducting a 'thinking hats' exercise with Council staff during youth inclusion training workshops. This same exercise was facilitated with Murrindindi Youth Partnership members and provided feedback on how it is perceived that Council as an organisation engages with young people.

Young people were actively engaged and consulted with during this project including:

- Approximately 45 young people from across the shire initially contributed via participation in three separate consultations conducted at Alexandra Secondary College, Yea High School and the Kinglake Youth Group.
- This process supported the development of the draft Murrindindi Youth Charter.
- The Charter wording was then revisited with young people at Alexandra Secondary College, Yea High School and the Kinglake Youth Group.
- A member of the Alexandra FReeZA committee, facilitated by Council, worked on the graphic design of the Charter once the wording was confirmed.

Conclusion:

The Youth Charter is a statement to the community that young people have the right to participate and that Council is showing leadership in enabling a youth voice.

9. SEALING REGISTER

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
32/05/02	28/8/13	Variation of Lease – Topsie Gully Road, Yarck.	Cr J Walsh M Abbey
06/05/11	29/08/13	Transfer of Land between Murrindindi Shire Council Owners Corporation Plan no PS401066J, the Marysville Village Residents Association Inc.	Cr J Walsh M Abbey
52/08/16	04/09/2013	Transfer of land between Murrindindi Shire Council and Schiavello (Vic Pty Ltd Land shown as Lot 1 on plan being part of land in certificates of title volume 2475 folio 893 and volume 3788 folio 529.	M Abbey Cr J Walsh
24/13/1314	11/09/2013	Formal Instrument of Agreement between Murrindindi Shire Council and Darjelyn Constructions Pty Ltd for Yea Shire Hall Extension.	M Abbey Cr M Rae
24/13/1251	18/09/2013	Transfer of land re Contract of Sale for 4 Vaughan Close, Eildon to N8Build Pty Ltd.	M Abbey Cr M Rae

Recommendation:

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

10. COUNCILLOR PORTFOLIO REPORTS

10.1 LAND USE PLANNING PORTFOLIO

10.2 ECONOMIC DEVELOPMENT PORTFOLIO

10.3 INFRASTRUCTURE AND WASTE PORTFOLIO

10.4 COMMUNITY SERVICES PORTFOLIO

10.5 CORPORATE SERVICES PORTFOLIO

10.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO

10.7 MAYOR AND DELEGATED COMMITTEE REPORTS

10.8 GENERAL BUSINESS

11. MATTERS DEFERRED FROM PREVIOUS MEETING**12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****13. ASSEMBLIES OF COUNCILLORS**

File No: 12/01/06

Purpose:

This report presents the records of assemblies of Councillors for the 28 August 2013 to 11 September 2013, 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 28 August 2013 to 11 September 2013.

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	Discussion prior to Ordinary Meeting
Meeting Date	28 August 2013
Matters discussed	<ol style="list-style-type: none"> 1. Sale of Land 2. Transfer of Land 3. Planning Application – Telecommunications Facility 4. Yea Shire Hall S86 Committee of Management
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Magner, Cr Ruhr, Cr Derwent, Cr Challen, Cr Kennedy	Staff – M Abbey, M Chesworth, T Johnson, J Canny, K Girvan, M Parsons
Conflict of Interest disclosures – Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	4 September 2013
Matters discussed	<ol style="list-style-type: none"> 1. Murray Darling Basin Authority - Constraints Management Strategy

	<ol style="list-style-type: none"> 2. Planning Scheme Amendment C51 3. Proposed Development Plan - Alexandra 4. Bushfire Management Overlay 5. Native Vegetation Clearance Regulations 6. Briefing Notes and Council Reports
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Derwent, Cr Kennedy, Cr Challen, Cr Magner	Staff – M Abbey, M Chesworth, T Johnson, J Canny, M Parsons
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Advancing Country Towns Steering Group Meeting
Meeting Date	10 September 2013
Matters discussed	<ol style="list-style-type: none"> 1. Project Plan and Year 2 Update 2. Industry Development and Business Innovation Initiative Update 3. Skills Training and Workforce Development Initiative Update 4. Project Transition
Attendees: Councillors – Cr Rae, Cr Magner	Staff – M Abbey, M Chesworth, A Leadbeater
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	11 September 2013
Matters discussed	<ol style="list-style-type: none"> 1. Youth Charter 2. Planning Application - Yarck 3. Planning Enforcement - Glenburn 4. Hume Regional Growth Plan 5. KFT Plan 6. Changes to Australia Day Activities 7. Review of Councillor Code of Conduct
Attendees: Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Derwent	Staff – M Abbey, T Johnson, N McNamara, M Parsons, K Girvan, T Bourke, R Elkington, M Chesworth
Conflict of Interest disclosures - Nil	

14. URGENT BUSINESS

15. CONFIDENTIAL ITEMS

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

- **SALE OF LAND**

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.