



AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
WEDNESDAY 27 FEBRUARY 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 23 January 2013
- Minutes of the Special meeting of Council held on 13 February 2013

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST

File No: 12/01/06-1

5. OPEN FORUM**6. PETITIONS RECEIVED BY COUNCIL****7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES****8. OFFICER REPORTS****8.1 DEVELOPMENT & ENVIRONMENT****8.1.1 *Maroondah Link, Cathkin - Dwelling***

File No: 2012/199

Land: 114 Maroondah Link Highway CATHKIN 3714

Proposal: Construction and use of a relocated dwelling and alterations to driveway access

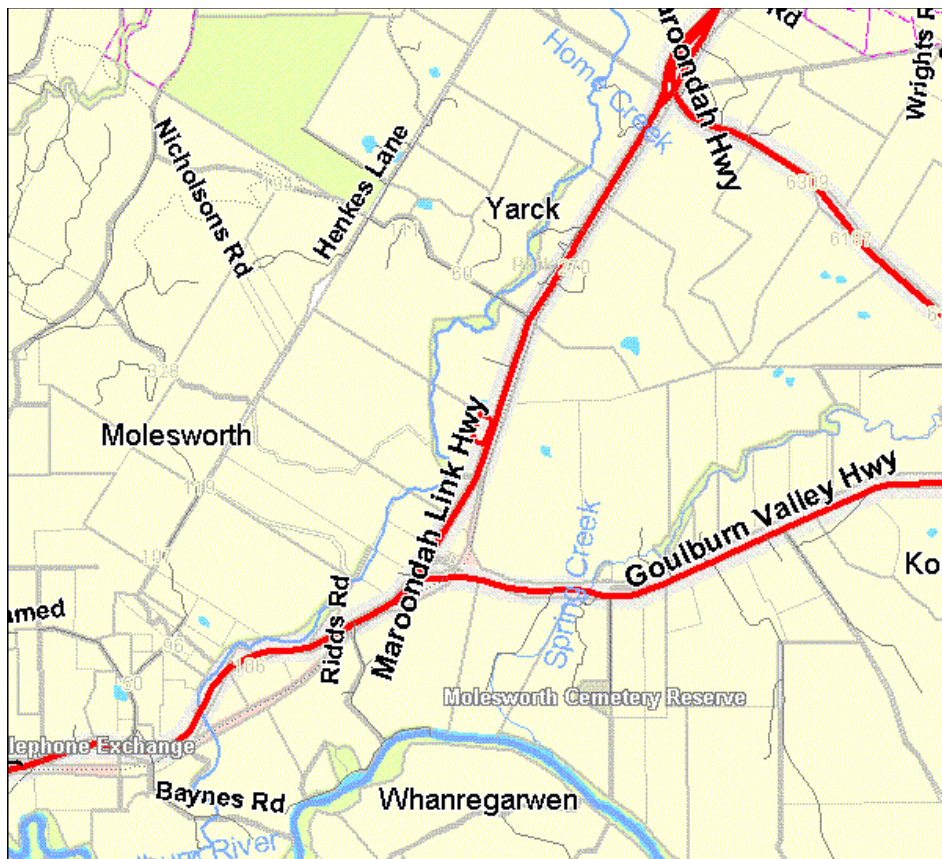
Applicant: E Hawke

Zoning: Farming

Overlays: None

Attachments: Application details (*refer Encl 8.1.1*) (aerial photograph distributed separately)

Locality Plan



Purpose:

This report recommends that a Refusal to Grant a Permit be issued for the construction and use of a dwelling and alterations to driveway access at 114 Maroondah Link Highway, Cathkin.

Recommendation:

That Council issue a Refusal to Grant a Planning Permit for the construction and use of a dwelling and alterations to driveway access at 114 Maroondah Link Highway, Cathkin (LOT: 1 TP: 219107, Parish of Molesworth), on the following grounds:

1. The proposal is not in accordance with Clause 11.05-3 *Rural Productivity* in that it encourages development of a small isolated lot in the farming zone which does not promote agriculture and rural production.
2. The proposal is not in accordance with Clause 21.04 *Agriculture and Rural Land Strategies* in that it creates a rural living style allotment in the farming zone that may conflict with established or future agricultural and horticultural land uses.
3. The proposal is not in accordance with Clause 35.07 *Farming Zone* in that it creates a rural living style allotment in the farming zone which may adversely affect the use of the land for agriculture.

Proposal:

An application has been received to relocate a dwelling to a 2.02 hectare allotment, and to upgrade the access, at 114 Maroondah Link, Cathkin. The property has three dams, and the remnants of an old house (being a chimney only). The old house that was on the site had not

been habitable for a significant period of time and has subsequently fallen down. Any existing use rights that may have existed for a dwelling have long since lapsed, and no longer apply to the land. The applicant has advised that they intend to grow garlic, keep bee hives, plant a small orchard with a variety of fruit trees, and small crops of rhubarb and raspberries.

The Land & Surroundings:

The property is accessed off the Maroondah Link Highway. The land is bounded by private farming land to the north, west and south with the Maroondah Link Highway bounding the property to the east. The property is in the Farming Zone, and is currently vacant with the remnants of a chimney at the old house site. The wider area is used for some relatively intense farming practices, with an olive grove to the immediate north and broad acre farming on other properties. There is a cherry farm further to the north of the property, separated by a distance of approximately 1.2 kilometres. This is an existing allotment, which was created back in the 1920's, and previously contained a dwelling.

Referrals:

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

The application was referred to VicRoads, who had no objections subject to conditions.

Consultation:

Notice of Application was sent to 3 adjoining and nearby owners. No objections were received.

Newspaper / Other	Publishing/Consultation Date(s)
<i>Consultation: Notice of Application</i>	21 November 2012

Planning Considerations:

The minimum lot size in the Farming Zone to create an "as of right use" for a dwelling is 40 hectares. The subject land is 2.02 hectares in size, and needs a permit to be considered for a dwelling in the zone. The purpose of the Farming Zone is to provide for the use of the land for agriculture, and to ensure that dwellings do not adversely impact on the use of the land for agriculture. The application does provide a limited agricultural element, but Council officers need to consider the wider implications of a dwelling on a small lot in the farming zone.

The State Planning Policy Framework considers that housing development on isolated small lots such as the subject land should be discouraged, and that new housing should be directed into existing settlements. In context with the local area, it could be considered that the best place for a use such as proposed in this application would be in the Rural Living zone, which assumes a residential use in a rural environment. In July 2006, areas of land were rezoned to the Rural Living and Low Density Residential Zones around Murrindindi Shire. There is significant amount of land zoned Rural Living both north of Alexandra, approximately 10 kilometres from this site, and in Yarck, only 5 kilometres away.

A dwelling on a small lot in the Farming Zone raises potential issues for conflict between a residential use and standard farming practices. This site is adjacent to an existing olive grove which could potentially undertake management practices that would affect the amenity of and adjoining dwelling. Practices such as spraying, mechanical cropping and scare guns are an example of the type of agricultural activities that may impact on an adjoining property. In light of this, whilst the current applicant may not have any issues with these practices, future owners may only use the land for a residential purpose with an amenity expectation that is associated with such a use. It is this future conflict that needs careful consideration.

In December 2011, Murrindindi Shire Council issued a Notice of Decision to issue a planning permit for a dwelling on a 4 hectare lot in Gobur. The application was taken the Victorian Civil and Administrative Tribunal (VCAT) by a submitter, and in *Rowe v Murrindindi SC* (2012) VCAT 1000, Member Glynn determined that the decision should be set aside and made the following statements in relation to a dwelling on a 4 hectare lot in the farming zone:

“I find that a 4 hectare lot is still too small to house a dwelling based on the purpose of the zone and the policy affecting farming land.”

“The land is located in a Farming Zone. It is not in a location where rural living or small lot rural holdings are encouraged by either the zone or policy provisions.”

“This is to protect land in a Farming zone for agricultural production and avoid the fragmentation of agricultural land, particularly through the impacts of introducing non farming activities such as dwellings and the impacts of these uses on adjoining and nearby farms.”

“Establishing a dwelling on such a small lot will only add to the limitations of the land to be farmed as part of a large collective holding.”

When considering an application of this nature it is important to not just consider the state and local provisions, but to consider how other applications of this nature have been viewed at VCAT. In *Rowe v Murrindindi SC* VCAT refused to issue a permit for a dwelling on a lot twice the size of the subject land. There have been no changes in planning policy since this decision that would allow officers to assess this property differently.

A dwelling on a small lot in the Farming Zone has a very strong likelihood of becoming a rural living style allotment in the farming zone, and does not comply with the various provisions of the Murrindindi Planning Scheme.

Conclusion:

A dwelling on a 2 hectare lot in the Farming Zone will create a rural living style allotment that is not in accordance with the provisions of the Murrindindi Planning Scheme and should not be supported.

Legal/Policy Issues:

State Planning Policy Framework

11.05-3 Rural Productivity

Objective: To manage land use change and development in rural areas to promote agriculture and rural production.

Strategies:

- Limit new housing development in rural areas, including:
 - Directing housing growth into existing settlements
 - Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other compatible uses.
 - Encouraging consolidation of existing isolated small lots in rural zones.

14.01-1 Protection of agricultural land

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

Strategies:

- In considering a proposal to develop agricultural land, the following must be considered:

- The impacts of the proposed development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
- The compatibility between the proposed or likely development and the existing uses of the surrounding land.

Local Planning Policy Framework

21.04 Agriculture and Rural Land Strategies

Issues:

- Possible incremental effect of rural housing on productive agricultural land.
- The use of agricultural land for non agricultural, rural living or hobby farming purposes.
- The use of agricultural land for non agricultural, rural living or hobby farming purposes that may conflict with established or future agricultural and horticultural land uses.

Strategies and Objectives:

- Ensure that the use and development of rural land is both compatible with and complementary to agricultural activities and protect agricultural potential.
- Ensure that agricultural land is not developed for primarily residential purposes.
- Encourage agricultural diversity and promote opportunities for new farming enterprises.

Zoning

35.07 Farming Zone

Purpose:

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

Decision Guidelines

General issues

- 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

- 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 use or development to limit the operation and expansion of adjoining and nearby agricultural land uses.

Dwelling issues

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

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

A planning permit is required for the construction and use of a dwelling in the Farming Zone if the size of the land is less than 40 hectares.

General Provisions

65.01 Approval of an application or plan

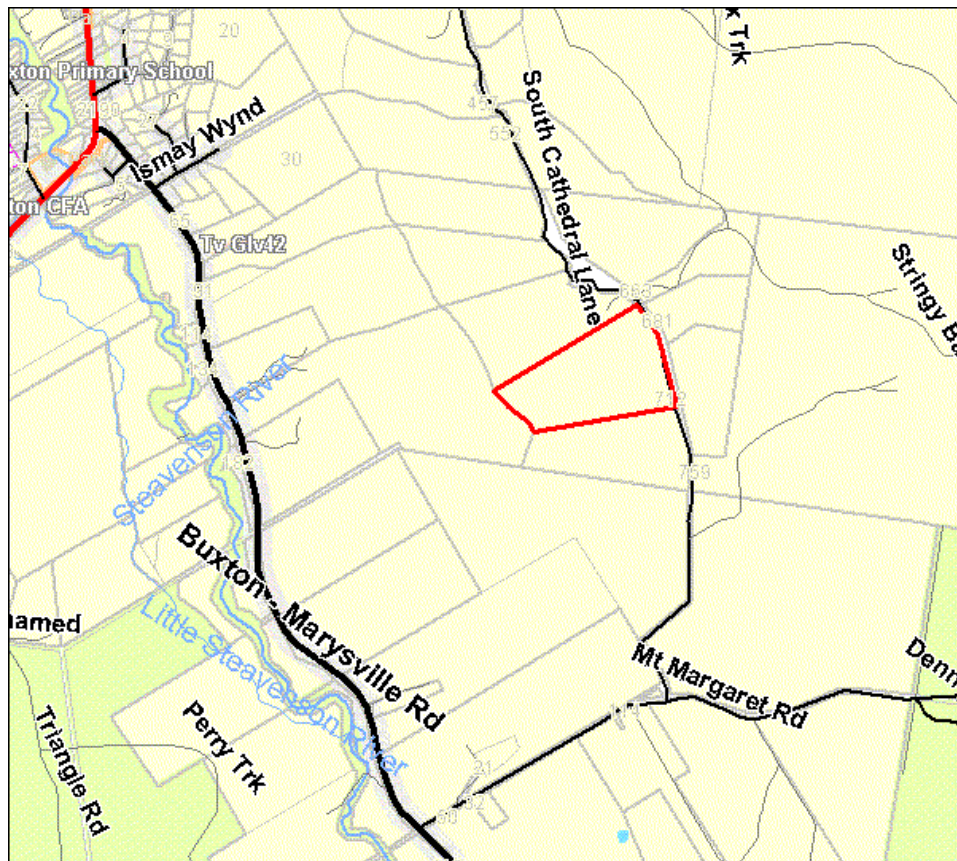
Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The purpose of the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.

8.1.2 2012/160 – South Cathedral Lane Dwelling

File No: 2012/160
 Land: 712 South Cathedral Lane BUXTON 3711
 Proposal: Construction and use of 1 dwelling
 Applicant: S A Blundell
 Zoning: Farming
 Overlays: Bushfire Management; Significant Landscape
 Attachments: Application details (*refer Encl 8.1.2*) (aerial photograph distributed separately)

Locality Plan



Purpose:

This report recommends that a Refusal to Grant a Planning Permit be issued for the construction and use of a dwelling at 712 South Cathedral Lane, Buxton.

Recommendation:

That Council issue a Refusal to Grant a Planning Permit for the construction and use of a dwelling at 712 South Cathedral Lane, Buxton 3711 (LOT: 5 LP: 219612, Parish of Buxton), subject to the following conditions:

1. **The proposal fails to comply with the State Planning Policy Framework Clause 13.05 – *Bushfire* as the risk to human life and property from bushfire will not be reduced to an acceptable level.**
2. **The proposal fails to comply with the purpose of Clause 44.06 – *Bushfire Management Overlay* as the application fails to demonstrate that the risk to life and property from bushfire can be reduced to an acceptable level.**
3. **The proposal fails to comply with the objective of Clause 52.47-3 (Landscape objective) and the requirements of standard BF3 as:**
 - a. **The subject land is located in an area of extreme bushfire risk at both the local and broader scale.**
 - b. **The topography of the land surrounding the site will significantly increase the intensity and severity of bushfire.**
 - c. **There is no safe access and egress to the site as a bushfire will directly impact the full length of South Cathedral Lane and the site is not located in immediate proximity to an established urban or township area.**
 - d. **The landscape risk surrounding the site presents a level of bushfire risk which would warrant development not proceeding.**
4. **The proposal fails to comply with the objective of Clause 52.47-1 (Water supply and access objectives) and the requirements of Mandatory Standard BF10 as safe access cannot be provided for emergency and other vehicles at all times.**

Proposal:

A planning application has been received for the construction and use of a dwelling at 712 South Cathedral Lane, Buxton. As the property is heavily vegetated, except for the existing cleared area around the dwelling site, the application is being made under Clause 22.04-2 – *Use and Development of Land for Conservation Purposes*.

The application has been supported by both a Land Management Plan and a Bushfire Management Statement (BMS). The BMS provided with the application showed, among other things, how the dwelling site can achieve a BAL-29, with the appropriate levels of vegetation management contained within the boundaries of the property.

The Land & Surroundings:

The 27.9 hectare property is located at the southern end of South Cathedral Lane, and is accessed from Buxton-Marysville Road and Mt Margaret Road. The area is generally heavily vegetated, and was severely affected by the bushfires in 2009.

The property is bounded by heavily vegetated privately owned land to the north, west and south. South Cathedral Lane is on the eastern boundary of the property, with more heavily vegetated privately owned properties on the opposite side of South Cathedral Lane. The properties further to the south have some larger cleared pastoral areas; however the general area is predominately heavily vegetated.

Referrals:

The application was referred internally to Councils Environmental Health Unit and Assets and Infrastructure Department. No objections were received.

The application was referred externally to the Department of Sustainability and Environment (DSE) and the Country Fire Authority. DSE assessed the Land Management Plan and provided comments in relation to the plan, but no objections to the issuing of the permit.

The CFA objected to the permit on the following grounds:

1. The proposal fails to comply with the State Planning Policy Framework Clause 13.05 – *Bushfire* as the risk to human life and property from bushfire will not be reduced to an acceptable level.
2. The proposal fails to comply with the purpose of clause 44.06 – *Bushfire Management Overlay* as the application fails to demonstrate that the risk to life and property from bushfire can be reduced to an acceptable level.
3. The proposal fails to comply with the objective of Clause 52.47-3 (Landscape objective) and the requirements of standard BF3 as:
 - a. The subject land is located in an area of extreme bushfire risk at both the local and broader scale.
 - b. The topography of the land surrounding the site will significantly increase the intensity and severity of bushfire.
 - c. There is no safe access and egress to the site as a bushfire will directly impact the full length of South Cathedral Lane and the site is not located in immediate proximity to an established urban or township area.
 - d. The landscape risk surrounding the site presents a level of bushfire risk which would warrant development not proceeding.
4. The proposal fails to comply with the objective of Clause 52.47-1 (Water supply and access objectives) and the requirements of Mandatory Standard BF10 as safe access cannot be provided for emergency and other vehicles at all times.

Section 61 (2) of the *Planning and Environment Act 1987* states:

“The responsible authority must decide to refuse to grant the permit if a relevant authority objects to the grant of a permit.”

As this is a statutory referral to the relevant authority, council is required to refuse the permit based on the grounds provided by the CFA.

Consultation:

The application was advertised to 11 adjoining and nearby owners. No objections were received.

Newspaper / Other	Publishing/Consultation Date(s)
Mail out: Notice to adjoining and nearby owners	13 November 2012

Planning Considerations:

The subject land is affected by three significant planning controls, the Farming Zone, the Significant Landscape Overlay and the Bushfire Management Overlay. Each of these provisions must be considered both on its own and in context with the other controls.

The provisions of the Farming Zone allow for a dwelling to be considered without an agricultural element under Clause 22.04-2 – *Land for Conservation Purposes*. This provision allows the construction of a dwelling to be considered if there is a conservation gain for the overall land. The application is supported by a Land Management Plan which outlines how the land will be

managed. Essentially, it is proposed to leave the land to natural bush, with pest plant and animal control as needed. The area around the proposed dwelling is essentially cleared already, and it is intended to maintain this cleared area as is for fire protection measures. This provision must be considered in context with the BMO, in that the long term management of land is to keep it in its natural state, which engenders its own level of fire risk. This management practice of the whole of the land needs to be considered in relation to the impact on the BMO requirements.

The provisions of the Significant Landscape Overlay are in place to protect the Natural Trust Landscape of the Cathedral Range. In this case, the site of the dwelling is such that there will be no visibility from South Cathedral Lane, and will have no impact on the broader landscape from a visual perspective.

The property was included in the Wildfire Management Overlay (WMO) through a planning scheme amendment in July 2004. In November 2011, the WMO was replaced with the Bushfire Management Overlay (BMO), which was a change in State Government policy in relation to Bushfire Protection in response to the findings of the Royal Commission. Any property in the BMO requires a referral to the Country Fire Authority (CFA). As the relevant fire authority, the CFA consider the application in relation to the State Planning Policy 13.05 – Bushfire; Clause 44.06 – Bushfire Management Overlay and Clause 52.47 – Bushfire protection: Planning Requirements.

A Bushfire Management Statement provided with the application showed, among other things, how the dwelling site can achieve a BAL-29, with the appropriate levels of vegetation management contained within the boundaries of the property. The CFA's assessment of the application has shown that the application can comply on most grounds except two – access and the broader landscape. Whilst South Cathedral Lane is continuous from the Maroondah Highway to the Buxton-Marysville Road, the construction standards vary throughout the length of the road. The section further to the north of the property it is not of an appropriate standard for the CFA, making the all weather access and egress for fire fighting vehicles to be via the same section of the road, out to Buxton- Marysville Road. Further, this road has forest on both sides for a significant length, creating a further risk to fire fighting vehicles.

The CFA has objected to the granting of a permit. The objection is on four grounds as follows:

1. The proposal fails to comply with the State Planning Policy Framework Clause 13.05 – *Bushfire* as the risk to human life and property from bushfire will not be reduced to an acceptable level.
2. The proposal fails to comply with the purpose of clause 44.06 – *Bushfire Management Overlay* as the application fails to demonstrate that the risk to life and property from bushfire can be reduced to an acceptable level.
3. The proposal fails to comply with the objective of Clause 52.47-3 (Landscape objective) and the requirements of standard BF3 as:
 - a. The subject land is located in an area of extreme bushfire risk at both the local and broader scale.
 - b. The topography of the land surrounding the site will significantly increase the intensity and severity of bushfire.
 - c. There is no safe access and egress to the site as a bushfire will directly impact the full length of South Cathedral Lane and the site is not located in immediate proximity to an established urban or township area.
 - d. The landscape risk surrounding the site presents a level of bushfire risk which would warrant development not proceeding.
4. The proposal fails to comply with the objective of Clause 52.47-1 (Water supply and access objectives) and the requirements of Mandatory Standard BF10 as safe access cannot be provided for emergency and other vehicles at all times.

As the referral to the CFA is a statutory requirement, Council are required to refuse the permit based on the CFA objection.

Conclusion:

The property is in a Bushfire Management Overlay, and the Country Fire Authority have assessed the site and determined that approval of a dwelling in this location would create an unnecessary risk to human life, and should be refused. Council is now obligated to issue a Refusal to Grant a Planning Permit using the CFA grounds.

Legal/Policy Issues:

State Planning Policy Framework

12.04-2 Landscapes

Objective: To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.

13.05 Bushfire

Objective: To assist to strengthen community resilience to bushfire.

Strategies:

Overarching strategies

- Prioritise the protection of human life over other policy considerations in planning and decision making in areas at risk from bushfire.
- Where appropriate, apply the precautionary principle to planning and decision-making when assessing the risk to life, property and community infrastructure from bushfire.

Bushfire hazard identification and risk assessment strategies

- Apply the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.
- Assess the risk to life, property and community infrastructure from bushfire at a regional, municipal and local scale.

Development control strategies

- In areas identified in the planning scheme as being affected by the bushfire hazard, require a site based assessment to be undertaken to identify appropriate bushfire protection measures for development that has the potential to put people, property or community infrastructure at risk from bushfire.
- Only permit new development where:
 - The risk to human life, property and community infrastructure from bushfire can be reduced to an acceptable level.
 - Bushfire protection measures, including the siting, design and construction of buildings, vegetation management, water supply and access and egress can be readily implemented and managed within the property.
 - The risk to existing residents, property and community infrastructure from bushfire is not increased.

Local Planning Policy Framework

22.04-2 Use and Development of Land for Conservation Purposes

Policy basis: Land that has not been cleared and used for agriculture is an important resource that needs to be conserved and managed. In many cases, the use of this land for agriculture purposes would be detrimental to the environment and conservation values of the site and surrounding area.

Objectives:

- Use and manage land that has substantial natural attributes for the conservation of vegetation, habitat, flora and fauna.
- Ensure that the conservation values of the site are enhanced and that environmental management plans are implemented.

- Ensure that design, siting and location of all development is in accordance with landcare principles and does not affect water quality or habitat.

Zoning

35.07 Farming Zone

Purpose:

- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To protect and enhance natural resources and the biodiversity of the area.

Decision Guidelines:

General Issues

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

Agricultural Issues

- Any integrated land management plan prepared for the site.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna of the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

A planning permit is required for the construction and use of a dwelling in the farming zone on a property that is less than 40 hectares.

Overlays

42.03 Significant Landscape Overlay

Purpose: To conserve and enhance the character of significant landscapes.

Landscape character objective to be achieved:

- Protect the nature of the Cathedral Range.
- Maintain and protect the diversity of landscapes, native fauna, remnant vegetation and site of historical, botanical and zoological significance.
- Encourage land development to be consistent with sustainable rural land management.

A planning permit is required for the construction of a dwelling in the Significant Landscape Overlay.

44.06 Bushfire Management Overlay

Purpose:

- To assist to strengthen community resilience to bushfire.
- To ensure that the location, design and construction of development considers the need to implement bushfire protection measures.
- To ensure development does not proceed unless the risk to life and property from bushfire can be reduced to an acceptable level.

Decision Guidelines:

- The objections, standards and decision guidelines of Clause 52.47.
- Whether the level of risk to life, property and community infrastructure from bushfire is acceptable.

A planning permit is required for the construction of a dwelling in the Bushfire Management Overlay.

Particular Provisions

52.47 Bushfire protection: Planning Requirements

Purpose:

- To ensure that development is only permitted if the risk to life, property and community infrastructure can be reduced to an acceptable level.
- To specify requirements for buildings, works and subdivision on land to which the Bushfire Management Overlay applies.

The following standards apply for the construction of a dwelling:

52.47-3 Location objective:

To ensure that development is located and sited so that it does not increase the risk to life, property and community infrastructure from bushfire.

Decision Guidelines:

- The characteristics of the bushfire hazard including the type, area and location of vegetation.
- The topography of the land and its potential impact on the intensity and severity of bushfire.
- The likely behaviour at both the local and broader scale.
- Access and egress both to the site and within the site.
- The proximity of the site to established urban or township areas.

52.47-4 Siting and layout objective:

To ensure that the siting and layout of development reduces the risk to life, property and community infrastructure from bushfire to an acceptable level and prioritises the protection of human life.

Decision Guidelines:

- Reasonable siting options which may be available to achieve acceptable bushfire protection through the siting of development.
- Whether acceptable bushfire protection has been achieved through the siting and layout of the development.

52.47-5 Bushfire protection measures objective

To ensure that bushfire protection measures required by this clause are implemented and maintained in perpetuity.

52.47-6 Defendable space for dwellings

To ensure that the construction of a dwelling has regard to the nature of the bushfire hazard of the site and surrounding area and that the necessary area of defendable space is provided.

Decision Guidelines:

- Whether the defendable space for a BAL-29 or less can be achieved.

52.47-9 Defendable space location objective

To ensure defendable space is contained on the land to which the planning permit will apply.

Decision guidelines:

- Whether defendable space has been provided on the lot subject to the application.

52.47-10 Water supply and access objectives

- To ensure the provision and adequate supply of water to facilitate fire fighting and property protection during and after the passage of a bushfire.
- To ensure that safe access is provided for emergency and other vehicles at all times.

Decision Guidelines:

- Whether the water supply and access requirements of the relevant fire authority have been met.

8.2 INFRASTRUCTURE SERVICES**8.2.1 Quarterly Report – Capital Works Program 2012/2013**

File No: 24/03/09

(Refer Encl 8.2.1a - 10 Year Capital Expenditure Profile and Encl 8.2.1b – 10 Year Capital Improvement Plan)

Purpose:

This report provides Council with the quarterly update on Councils 2012/2013 Capital Works Program. The report will ensure that Council is kept abreast of the progress of projects and the financial status compared to budget allocations.

Recommendation:

That Council note the Quarterly Capital Works Report and adopt the project changes for the Bridge renewal component of the Capital Works Program as contained in the report and outline below:

1. **Savings from Abes Lane Bridge works (\$60,000)**
2. **Savings from Rotary Park Cable Bridge works (\$100,000)**
3. **Increase in the Allandale Road project costs (\$110,000)**
4. **Expenditure for Moores Road Bridge (\$20,000)**
5. **Emergency works on the Ghin Ghin Bridge (\$30,000)**

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.

Council Plan/Strategies:

The Council Plan 2009-13 under the Infrastructure theme lists the strategic objective:

“To enhance the sustainability of our Infrastructure, recognising the changing needs and expectations of our community”

The strategies listed under this theme relevant to the project are to:

1. “Undertake a range of community infrastructure projects which enhance community amenity and foster civic pride”;
2. “Align infrastructure service delivery with community needs and expectations”; and
3. “Maintain and further develop a safe and efficient transport network”.

Legal/Policy Issues:

Council is obliged to prepare a budget annually. The preparations 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.

Council at its Ordinary Meeting held on 28 September 2011 resolved to adopt a model ten year capital expenditure profile to inform future budget deliberations and to support the Ten Year Capital Improvement Plan as a clear indication of Council's long term commitment to infrastructure renewal and to inform future budget deliberations.

Since this time officers have undertaken a significant amount of work in identifying the long term capital improvement needs to manage the infrastructure renewal gap through the development and adoption of the Asset Management Policy and the Asset Management Strategy and through the development of Asset Management Plans for Roads, Footpaths, Buildings and Bridges adopted by Council at its Ordinary meeting on 17 December 2012.

With the completion of this work Council Officers are currently reviewing the Ten Year Capital Improvement Plan as part of the annual budget planning process.

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

The list of projects in the Capital Works Program represents one year of the ten year plan detailing the financial implications for the 2012/2013 financial year.

Discussion:

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

1. Budget Vs. Actual (year to date);
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 reporting framework aims to ensure a higher level of accountability and therefore a better delivery outcome as compared to previous years. This reporting also aims to ensure that Council and the community are informed of a project's status.

The 2012/2013 Capital Works Program (budgeted and carryover projects) was still being finalised in regard to scope, consultation, design and procurement documentation during the first reporting quarter which means that the program is well behind an ideal delivery schedule.

This report will begin to outline issues regarding program delivery and start to identify those projects which will need to carry forward into the next year's program. The report also details completed projects.

In the last quarter there was significant activity undertaken in the design and development of projects including the preparations of tender documents.

Ongoing progress of the Capital Works Program will be reported to Council regularly and as this reporting structure is refined, further information will be provided.

1. Budget Vs. Actual (year to date)

- The 2012/2013 revised adopted Capital Works budget is \$14,652,093
- Year to date expenditure for the 2012/2013 is \$3,159,178
- Variance on Year to date is \$880,686
- This also incorporates the capital works projects for Reconstruction and Recovery.

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
Buildings	491,201	<p>Marysville Community Centre Car Park – works to tendered in February 2013. Project anticipated to be completed by 30 June 2013</p> <p>Landfill capital cell construction, evaporation pan and landfill design on hold whilst investigative works for project are undertaken.</p> <p>Yea Wetlands Project – design work nearing completion. Project time frames have been reviewed with construction anticipated to begin in April 2013.</p> <p>Yea Shire Hall – underpinning and drainage works have been undertaken and project time frames have been reviewed with project anticipated for completion in September 2013.</p> <p>UT Creek Precinct – quotes for this work are currently being assessed. Project will be completed this year.</p>
Plant and Machinery	55,732	This variance relates to the purchase of two new light fleet vehicles being postponed until February.
Roads Streets and Bridges	134,133	<p>Gravel Roads – Resheeting program – currently being prepared for tender.</p> <p>Gravel Roads – Resealing program – Tenders received and currently being evaluated</p>
Drainage	60,892	Drainage network expansion – drainage works completed in Drydale Street Yea and design work for Aitken Street Alexandra currently being developed.
Heritage Assets	11,485	1000 Hands Project Marysville – tenders received and currently being evaluated.
Furniture and Equipment	141,202	Essential Safety Services – project brief is currently being developed in preparation for tendering of works.
Library Bookstock	9,011	On hold whilst the library services review is finalised.
TOTAL	880,686	

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

The major areas of expenditure for the quarter include:

- Yellow Creek Road Bridge –\$78,000 - completed
- Blackspot funding works at Jerusalem Creek Road and Whangarewen Road -Total project value \$1,117,910 – commenced 2011/12 and now completed.
- Glenburn Community Centre Water storage \$4000 - completed
- Yea Community Park – construction of short path way from the railway platform , installation of drainage works, retaining walls and fencing at the playground \$26,000
- Drainage Renewal works (pipes and pits) at Eildon, Thornton and Marysville
- Yea Shire Hall – underpinning works, design and heritage advice - \$40,000
- Yea Wetlands – Design, project management - \$154,000
- Kinglake Ranges Pathways Project land acquisition -\$8000 completed
- Yea Recreation Reserve - installation of drainage works at the reserve and some light resheeting \$42,000 – complete
- Limestone Road – Extend seal \$39,000 – complete
- Flowerdale Skate Park was completed

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

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

- Delivery of the Resealing program should begin;
- Marysville Skate park construction will resume and it is expected that works will be completed in the March 2013 quarter.
- Yea Shire Hall – Repair and patching of internal wall and ceiling finishes in preparation for repainting.
- Yea Railway Station – roof repairs
- Alexandra Senior Citizens internal painting
- UT Creek Precinct – Beaching works to be undertaken in sections within the Alexandra township to stabilise the banks.
- Alexandra Hall Refurbishment- resealing of floor
- Eildon Community Centre – renewal of guttering and verandah lining.

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.

Yea Shire Hall

The Yea Shire Hall project will not be delivered in this financial year and as reported last quarter required Council to seek a funding extension on the Regional Development Victoria (RDV) Grant funding. A report was also undertaken to consider the heritage elements of the project and this has been integrated into the final plans for the refurbishment. Officers have reviewed the project timelines and anticipate completion in September 2013. Underpinning and drainage repair works have been completed to stabilise the building.

Bridge Renewal

There is a number of bridge renewal projects that have been reviewed with some significant changes proposed. These changes reflect further investigative works and

design development as well as the need to address an emerging safety issue at a bridge not considered as part of this program (Ghin Ghin Road Bridge). The following bridge renewal changes/issues are detailed by the following:

Allandale Road Bridge Upgrade , Strath Creek

In the last quarterly report officers were investigating funding opportunities to look at expanding this project to incorporate more wide scale flood mitigation in Allandale and Falls Roads. After further consultation with the Allandale and Falls Road residents on the expanded flood mitigation project the community was very clear on wanting to proceed with the original project and to have officers continue to seek additional funding for the expanded project at a later date. Review of this project has indicated that additional budget would be required. Preliminary engineering advice to finalise the design has indicated an additional \$110,000 would be required to replace the culvert with a bridge and raise the height of the road. The original budget estimates for this project were \$300,000 however did not consider detailed design, project management and supervision and traffic diversion during construction. Once tendering is complete final costings can be determined however the intent of this report is to bring to Councillors attention the issue of increased funding to complete this project. This project is intended to be completed this financial year.

Moore's Road Bridge, Flowerdale

Bridge works were undertaken as part of the flood recovery however the guard rail is now the final aspect of this project requiring completion. The cost of the guard rail is estimated to be \$20,000 as a worst case scenario. Officers are in the process of obtaining quotations.

Ghin Ghin Road Bridge, Homewood

During regular inspections the Ghin Ghin Bridge was found to be in need of some emergency works to the bridge deck. A budget of \$30,000 is estimated to be required for the works.

Officers have identified a number of savings in other bridge renewal projects such as Abes Lane Bridge (\$60,000) and the Rotary Park Cable Bridge (\$100,000) which could offset the additional Allandale Road costs (\$110,000), the guardrail for the Moores Road Bridge (\$20,000) and the emergency works on the Ghin Ghin Bridge (\$30,000) which total \$160,000. These are detailed below:

Abes Lane Bridge, Yea

Officers undertook further investigation of the scope of works required for this bridge and engineering advice has indicated that considerably less work is required. Officers estimate that the savings from this project to be \$60,000

Rotary Park Cable Bridge, Alexandra

Officers undertook further investigation of the scope of works required for this bridge and engineering advice has indicated that considerable less work is required. Officers estimate savings from this project to be \$100,000.

Breakaway Bridge

The Breakaway Bridge refurbishment project is anticipated to cost significantly less to complete. Final design is being completed and tenders are expected to be released in March 2013 with works completed by the end of the financial year. Once tenders have been received officers will have a clear determination of the project savings.

Yea Wetlands

Design work is nearing completion with drawings to be released for public comment during February. The final design to be presented to Council in March with tenders for construction to be called in April 2013.

Resealing Program

Tenders have been received for this project and are currently being evaluated. A tender report will be presented to Council at the March Ordinary Council Meeting.

Resheeting Program

The program has been finalised and is being prepared to be tendered. It is anticipated that all of this program may not be delivered in full this financial year however this will be dependant on weather conditions.

Essential Safety Services System

This project relates to the auditing and installation of safety infrastructure such as fire equipment, air systems, and maintaining access and egress for identified Council buildings. A project brief will need to be developed. It is anticipated that this project will not be completed in full this financial year and the budget will need to be carried forward to next year's program.

Landfill Capital Cell Construction, Evaporation Pan and Landfill design

These projects are listed in the Capital works Program as two separate projects with budgets of \$500,000, \$156,000 and \$50,000 respectively. However a new waste management strategy is being prepared including a new landfill management plan. This project will need to be carried forward to the next years program.

6. This section relates to all Reconstruction and Recovery projects and provides a general update.**Marysville Car Park**

Tenders to be called in February 2012 for works. Anticipated completion date will be prior to the end of the 2012/2013 financial year.

Buxton Reserve Upgrade

This project is almost complete with outstanding works still required on feature entrance wall and entrance signage installation. Due for completion by March 2013.

Toolangi All Purpose Track

Nearing completion with outstanding works including installation of guideposts and memorial seat. Anticipated to be completed by end March 2013.

Kinglake Memorial Reserve Redevelopment

The redevelopment has now been completed in line with the original scope of works. However further works were identified which include upgrade of a ticket box, fencing, car park sealing including drainage works and paving and drainage works adjacent to the building. Further works are subject to seeking a suitable grant and Council approval. In addition there are oval renovation works currently being undertaken which are due for completion prior to the beginning of the football season.

1000 Hands Project Marysville

Quotations have been received and are currently being evaluated. Project due for completion by 30 June 2013.

Narbethong Reserve

Remaining works include asphaltting of car park which are anticipated to be completed by the end of March.

Buxton Streetscape

Remaining works include Buxton Hall car parking. Project due for completion by 30 June 2013.

Gallipoli Park Stage 2

Awaiting completion of the Marysville Skate Park, however preliminary landscaping designs will be undertaken. Project due for completion 30 June 2013.

Consultation:

The December 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 Quarterly Council Plan Report to 31 December 2012**

File No: 10/01/15

(Refer Encl 8.3.1 – Report on Council Plan – 31 December 2012)

Purpose:

The purpose of this report is to provide Council with an update on the progress on activities listed in the Council Plan 2009 – 2013 (Fourth Year Review) for the quarter ended December 2012.

Recommendation:

That Council receives the Council Plan (2009-13) report to the end of December 2012 on the status of Council Plan activities.

Background:

The Council Plan for the period 2009 – 2013 was prepared following the Council election in November 2008. Due to the impact and uncertainty created by the February 2009 fires, the first version of the plan focussed largely on the first year 2009 - 2010. The plan has since been reviewed annually and Council has completed and adopted its final review of the Council Plan.

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 delivery 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 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:

In the second quarter of the 2012 - 2013 Council Plan Review, ending December 2012, 35 activities were on schedule (39%), 35 activities are ongoing (39%), 6 activities were not due to commence (7%) and six activities were completed. There are 6 activities that have been deferred and 2 have been withdrawn as a result of the Services Review or pending outcomes of the Services Review.

Highlights in implementing the Council Plan include:

Council has continued its advocacy to the State government on the securing of resources to contribute to the cost of the operating, maintaining and renewing of the gifted and novated assets. Officers have met with the consultants providing advice to Local Government Victoria and it is understood that further advice will be provided in early 2013.

The Vulnerable Persons registry is up to date and due to be uploaded to MECC Central by the end of January 2013.

Volunteers are acknowledged in a number of ways including the annual Volunteer Week events. A Positive Ageing community event is being planned for February 2013.

An integrated Diversity Plan has been developed in partnership with the Alexandra District Hospital.

The successful consortia for the New Marysville Hotel and Conference Centre, was announced in October 2012 and an open day was held in November 2012 for members of the public and business operators to view the plans and discuss opportunities with the developers and operators.

Officers continue to fulfil the agreed outcomes of the Goulburn River Valley Tourism agreement including the conduct of the second Tourism Industry Leadership Program. All 12 Murrindindi participants graduated from this program.

Advocacy for funding to be allocated to the role of business development manager for the Murrindindi Training Institute has been successful.

The Murrindindi and Lake Mountain Draft Municipal Fire Management Plan was adopted by Council in December 2012 following extensive community consultation.

Core level Asset Management Plans were adopted by Council at its December 2012 ordinary council meeting. This meant that Council achieved core competency in relation to the National Assessment Framework.

A contract for the supply and installation of an electronic document management system was entered into in December 2012.

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 second quarter 2013 in relation to the implementation of the Objectives and Strategies from the Council Plan.

Conclusion:

Progress on the plan throughout 2012 – 2013 is a priority as a key focus for implementing Council's objectives and priorities for the municipality.

8.3.2 Audit Advisory Committee – Appointment of Councillor Representatives

File No: 24/03/08

Purpose:

The purpose of this report is to request that Councillors consider the appointment of additional Councillor representatives to the Audit Advisory Committee to complete the membership requirements of the Audit Committee Charter amendments adopted at the Ordinary Meeting of Council on 21 January 2013.

Recommendation:

That Council appoints:

1. Councillor to the Audit Advisory Committee, in accordance with membership provisions of the Audit Committee Charter.
2. Councillor as an alternate to the Mayor to the Audit Advisory Committee, in accordance with membership provisions of the Audit Committee Charter.

Background:

Under the previous Audit Committee Charter, only two external independent community members, one Councillor and the Mayor made up the membership of the Audit Advisory Committee. This limited membership at times made it difficult for the Committee to function as it did not allow much leeway to maintain a quorum (by absences through illness or taking of leave).

Amendments to the Audit Committee Charter were adopted at the Ordinary meeting of Council on 23 January 2013 which included the membership of the Committee to be increased to a minimum of six (6) members, as follows:

- 3 independent members (voting)
- 2 Councillors (voting)
- Mayor (non voting) with an alternate.

At a Special meeting of Council on 13 February 2013, Mr Robert Richards and Mr Ian MacKaskill were appointed as independent members. With Mr Jeff Hunter previously appointed, this brings the number of independent members to three (3).

Currently, with only one Councillor representative (voting) and the Mayor representing Council, a further two Councillors need to be appointed in order that the membership requirements under the amended Charter are satisfied.

Council Plan/Strategies:

This report is consistent with the 2009-13 Council Plan Governance theme strategies that espouse to:

- “Improve governance systems, processes and relationships,”*
- “Be consistent, fair and transparent in our decision making,” and*
- “Provide sound financial management.”*

Legal/Policy Issues:

Appointment of two members to the Audit Committee is consistent with the Audit Committee Charter Clause 2 (b) which requires membership of two voting Councillors and the non voting Mayor (or alternate).

Financial/Resources/Risk

The appointment of additional Councillor representatives will improve the efficient running of the Audit Committee and the ability to maintain a quorum.

Discussion:

Following the recent Council election (October 2012), only one independent member of the Committee remained. Ms Margaret Rae, previously an independent member, was appointed Councillor representative, as a result of her election to Council, at its meeting held on 26 November 2012.

Following amendment of the Audit Committee Charter, by resolution of Council on 23 January 2013 and the appointment of two external independent members to the Committee, Council is required to appoint an additional Councillor representative (voting) and alternate member to the Mayor (non-voting).

Consultation:

The Executive Management Team, the Audit Advisory Committee and Councillors have been involved in discussions around the review of the committee membership.

Conclusion:

The appointment of additional Councillors to the Audit Advisory Committee will complete the membership requirements outlined in the Audit Committee Charter adopted by Council.

8.3.3 Delegations and Authorisations

File No: 10/02/50

(Refer *Encl 8.3.3a* - S5 – Delegation – Council to CEO, *Encl 8.3.3b* - S6 – Delegation – Council to members of staff, *Encl 8.3.3c* - S11A – Instrument of Appointment & Authorisation (*Planning & Environment Act 1987*))

Purpose:

The purpose of this report is to provide background for Council in order to consider adoption of the revised S5 Delegation (from Council to CEO), S6 Delegation (from Council to members of staff) and S11A Instrument of Appointment & Authorisation (*Planning & Environment Act 1987*) thereby meeting its obligations under the *Local Government Act 1989*.

Recommendation:

That Council resolves

1. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation (refer *Enclosure 8.3.3a - S5*), Murrindindi Shire Council (Council) resolves that:
 - 1) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer* subject to the conditions and limitations specified in that Instrument.

- 2) The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - 3) On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
 - 4) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
 - 5) It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.
2. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989*, and the other legislation referred to in the attached instrument of delegation (*refer Enclosure 8.3.3b – S6*), Murrindindi Shire Council (Council) resolves that:
- 1) There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
 - 2) The instrument comes into force immediately the common seal of Council is affixed to the instrument.
 - 3) On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
 - 4) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
- 3 In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (the instrument, (*refer Enclosure 8.3.3c – S11A*), Murrindindi Shire Council (Council) resolves that -
- 1) The members of Council staff referred to in the instrument S 11A Appointment & Authorisation (*Planning and Environment Act 1987*) be appointed and authorised as set out in the instrument.
 - 2) The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
 - 3) The instrument be sealed.

Background:**Sources of Council Power**

A Council is a statutory entity. It is able to do only those things which it is authorised by statute to do.

The sources of Council authority can be summarised as:

- power to do things which a 'natural person' can do -in particular, the power to enter into contracts.
- power conferred by provisions of acts and regulations, such as the *Local Government Act 1989* (the Act) and the *Planning and Environment Act 1987*. There are over 50 Acts and

Regulations which require Councils to carry out a power, function or duty.

- powers conferred by other forms of statutory instrument.

Decisions by Council

Council is a legal entity composed of its members (i.e. the Councillors). Because it is not a natural person, it can act in only one of two ways: by resolution or through others acting on its behalf.

The power of a Council to act by resolution is set out in section 3(5) of the Act:

'5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council.'

Most Council decisions are not made at Council meetings. Effective functioning of local government would not be possible if they were. Instead, most decision-making power is allocated by formal delegations to the Chief Executive Officer and Council Officers.

Types of delegation

Alternatively, a Council can act through others. Where this is to occur, it is recommended that the appointment be formalised through written "instruments of delegation" wherever practicable.

The Act, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of Councils. There are two basic forms of delegation under the *Local Government Act 1989* -

- To a special committee. Although a special committee is not a separate legal entity (being only a "committee" of persons) as a body it can act as a "delegate" of the Council. This applies to special committees comprising councillors as well as to special committees which include officers and/or other persons;
- To an officer of the Council. If the delegation is to the Chief Executive Officer that person has power to "sub-delegate" some or all of those powers to other officers. If the delegation is to any other officer, there is no power of "sub-delegation".

The delegation power under the *Local Government Act 1989* applies to powers under any Act. However, some other Acts also include provisions dealing with delegations relating to particular issues. There is a problem of interpretation when those Acts confer the delegation power more restrictively than the *Local Government Act 1989*. For example, a delegation under section 188 of the *Planning and Environment Act 1987* cannot authorise a delegate to acquire land on behalf of the Council in its capacity as responsible authority. The prudent approach is to comply with the more restrictive and specific delegation rules under the specific purpose legislation.

Following a review of recent changes to legislation, minor changes to the organisational structure and staff titles, Council is required to approve the S5, S6 Delegations in accordance with section 98 of the *Local Government Act 1989* (the Act). For the same reasons the S11A – Instrument of Appointment & Authorisation also requires approval.

The legislative changes and format of the S5 and S6 Delegations and S11A Instrument of Appointment & Authorisation have been provided by Maddocks Delegation services.

Council Plan/Strategies:

This report is consistent with the Council Plan values of *Accountability and Consistency* – 'We will accept responsibility for our actions and be consistent in the application of our principles, policies and processes.'

The report is also consistent with: the Council Plan theme of Governance: *To provide effective leadership, representation and advocacy for the community backed by a financially strong organisation*; the Corporate Development theme: *To improve systems and processes*.

Council is elected to provide leadership for the good governance of the municipality, representing and advocating for the community, and ensuring decisions are made that meet the strategic objectives in a transparent, responsible and accountable manner.

Legal/Policy Issues:

Council is required to approve Delegations in accordance with section 98 of the *Local Government Act 1989*.

It is also a requirement that Council review delegations within 12 months of an Election.

Financial/Resources/Risk

There is a financial impact in that it leads to the more efficient operation of Council.

Discussion:

Council is required to comply with section 98 of the Act, and due to recent changes to legislation, the organisational structure and staff titles, Council will need to review its S5 Delegation (Council to CEO), S6 Delegation (Council to Council staff) and S11A Authorisations (*Planning & Environment Act 1987*).

The three instruments of delegation are as follows:

- **S5** - Instrument of Delegation **from Council to CEO**. The instrument of delegation to the Chief Executive Officer empowers the Chief Executive Officer to exercise various powers of the Council, including the power to delegate powers to council officers.
- **S6** - Instrument of Delegation **from Council to members of Council staff** relating to various Acts and Regulations (or specific parts of those Acts or Regulations), which contain a specific power of delegation. These Acts include the *Domestic (Feral & Nuisance)*, *Animals Act 1994*, *Environment Protection Act 1970*, *Food Act 1984*, *Health Act 1958*, *Heritage Act 1995*, *Planning And Environment Act 1987*, *Planning And Environment Regulations 2005*, *Planning And Environment (Fees) Regulations 2000*, *Road Management Act 2004*, *Road Management (General) Regulations 2005*, *Road Management (Works And Infrastructure) Regulations 2005*.
- **S7** - Instrument of Delegation **from CEO to Council staff**. This contains most other Acts under which Councils have powers, duties or functions, which do not include a specific power of delegation.

Appointment & Authorisation to be reviewed:

- **S11A** – Appointment & Authorisation (*Planning & Environment Act 1987*). This is not a delegation but for the purposes of the *Planning & Environment Act 1987* relates to appointing and authorising officers to institute proceedings for offences against the Act.

In the S6 Instrument of Delegation to members of Council staff, one of the changes proposed is to delegate authority from Council to the CEO to enter into, to amend or to end a Section 173 Agreement under the *Planning & Environment Act 1987*. Section 173 Agreements are a legal contract made between Council and another party that confer an obligation on that party to carry out, or not carry out matters specified in the agreement. They are used where a planning permit condition would otherwise not be easily enforceable and/or where there is a requirement

for an obligation to be recorded on the title of the land so that it binds current and subsequent owners of that land.

In most cases new or amended Section 173 Agreements are either drafted or reviewed by Councils solicitors as they can be complex legal documents. Without a delegation to the CEO the Council is required to endorse the signing of the agreement at an Ordinary Council meeting. The Delegation to the CEO is recommended on the basis that the matters dealt with in Agreements are primarily operational in accordance with the setting of planning permit conditions and that such a delegation would improve the efficiency of Council meetings and improve timeliness for the persons affected by the Agreement.

Consultation:

Council utilises the Maddocks Delegation service to provide updates via templates for its various delegations and authorisations.

Conclusion:

Council is required to approve delegating its powers, duties and functions, noting limitations and requirements as listed in the S5 Delegation, S6 delegation and S11A Instrument of Appointment & Authorisation.

8.3.4 Mayoral and Councillors Allowances

File No: 12/02/04

Purpose:

The purpose of this report is to provide Councillors with a recommendation to adopt the Mayoral and Councillors Allowances as published in the *Victoria Government Gazette* S360.

Recommendation:

That Council having considered the submission received in relation to the revised Mayoral and Councillor Allowances adopt the Mayoral Allowance of \$53,684 plus 9% superannuation and the Council Allowance of \$17,969 plus 9% superannuation.

Background:

At the Ordinary Meeting of Council on 26 November 2012, the revised Mayor and Councillor Allowances were endorsed for public consultation in accordance with Section 223 of the *Local Government Act 1989* (the Act).

Submissions were sought from the public and advertisements were placed in the relevant weekly newspapers in the Shire and Council's website.

One (1) submission was received and a scanned copy of the submission has been provided to Councillors under separate cover.

An acknowledgement letter has been sent to the submitters, confirming receipt of their submission and informing them of the opportunity to attend the Special Meeting on the 13 February 2013 to speak to their submission if they wished. They declined to attend the hearing.

Council Plan/Strategies:

This report is consistent with the Council Plan 2009-2013 Governance theme to ensure that Council is exercising good governance principles.

Legal/Policy Issues:

Within six months after each general election, Council is required to review and determine the annual allowances that will be paid to the Mayor and Councillors. Allowances are to be within the allowance range set by the Government for Category 1.

Financial/Resources/Risk

The Minister for Local Government has reviewed the limits and ranges of the current Mayoral and Councillor allowances and has determined under Section 73B of the Act that these allowances be increased by 2.5% effective from 27 October 2012. These increases are outlined in detail in the Local Government Victoria (LGV) Circular 39/2012 and were also published in the *Victoria Government Gazette* S360.

Discussion:

One (1) submission was received in respect of the proposed Mayor and Councillor Allowances.

The submission can be summarised as follows:

- Are expenditures fully itemised and accounted for?
- Would be Councillors be out of pocket without the increase?
- Do Councillors spend their entire allowance on the purpose for which it is intended?
- We want reassurance that our ever increasing rates aren't benefitting Councillors personally.

In terms of a response to the submitters concerns, the following is proposed for Council's consideration:

Councillors receive an allowance as fixed by an Order in Council (State Government), which took effect from 29 November 2008. Each council determines the amount to be paid to councillors within specified limits set by the State Government. These limits vary depending on the revenue and population base of each council.

The allowance is provided in recognition of the time and personal exertion undertaken by Councillors in undertaking their role and responsibilities. The allowance is taxable in their hands and does not require documentation for its expenditure.

Councillors can also be paid for reimbursable expenses, which cover such things as travel, telephonic, carer and stationery type items. In this circumstance, prior to any reimbursement occurring, proper substantiation is required in terms of why the expenditure was incurred together with provision of tax receipts. These requirements are outlined in Council's 'Councillor Reimbursement Policy.'

Following consideration of the submission, the submitters will receive a reply in respect of their individual concerns raised.

Consultation:

Public submissions in relation to Council's initial allowance determination were invited under section 223 of the *Local Government Act 1989* (the Act). Subsequent annual adjustments to allowance levels are not subject to Council reviews or the section 223 public submission processes otherwise required under section 74 or section 223 of the Act.

The proposed Councillor and Mayoral allowances were advertised for public consultation and submissions in the following publications.

Newspaper / Other	Publishing Dates
Newspapers: <ul style="list-style-type: none"> • <i>Alexandra Standard</i> • <i>Yea Chronicle</i> • <i>Marysville Triangle</i> • <i>North Central Review</i> 	5 December 2012 5 December 2012 6 December 2012 4 December 2012

The closing date for submissions to be received on Councillor and Mayoral allowances was Friday 4 January 2013.

Conclusion:

Having considered the submission received on allowances for the Mayor and Councillors the Mayoral and Councillor allowances recommended at the ordinary meeting of Council held on 26 November 2012 be adopted.

8.3.5 Quarterly Financial Report to 31 December 2012

File No: 10/02/20

(Refer Encl 8.3.5)

Purpose:

The purpose of this report is to provide Council with a detailed overview of the quarterly financial report for the period ending 31 December 2012.

Recommendation:

That Council receive the Quarterly Financial Report to 31 December 2012.

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 give for reporting local government budgets.

At the end of the financial year, the draft Annual Financial Statements, comprising 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 2009-13 Governance theme which has a strategic objective of providing effective leadership, representation and advocacy for the community backed by a financially strong organisation. A key strategy is to provide sound financial management.

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. It also recognises in 2012-2013 the impact of the maintenance of the Goulburn River High Country Rail Trail and the Services Review.

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 five Budgeted Standard Statements of:

- Budgeted Standard Income Statement
- Budgeted Standard Balance sheet
- Budgeted Standard Cash Flow Statement
- Budgeted Standard Capital Works Statement
- Budgeted Statement of Investment Reserves

These first four Standard Statements are replicated in the quarterly financial report that is presented to Council (*refer Encl 8.3.5 - Statements A – D*).

It is important to note that these Standard Statements are based upon public sector financial reporting and the key principle 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 a principle of public sector reporting is also that carry forward adjustment need to be made.

Quarterly Financial Report to 31 December 2012

These four Statements for the quarter to 31 December 2012 are included in *Encl 8.3.5*

The table below is a reconciliation between Council's September 2012 Quarterly Review Revised Budget and the enclosed statements, which included carry forward of unexpended projects from 2011-12, adjustment for Grants received in advance and reduction in Grants Commission Allocation of \$235k with budget adjustments to accommodate this loss of revenue, and other known adjustments to budget as at 31 December 2012.

Reconciliation of Budget Adjustments - December 2012 Quarterly Review			
		Operating	Capital
Adopted Budget 2012/2013		(1,274,391)	10,239,815
Carry forward adjustments		4,026,602	3,932,086
Other Minor adjustments		(40,000)	(202,000)
Vic Grants Commission - Reduction		235,160	
September Revised Budget 2012/13		2,947,371	13,969,901
Transfer between Capital & Operating Accounts		(49,080)	49,080
Carry forward balance & Service Review Adjustments		15,193	415,590
Additional Rate Revenue offset by reduction in Rates Assistance Package		(151,016)	-
Infrastructure Operations - Private Works		180,829	-
Council Resolutions: Yea Saleyards		(42,364)	217,522
VBRR \$1.2 M + C/fwd \$600K		(1,500,000)	
Rail Trail Valuation - Underlying Asset \$10.0M & New Works \$6.0M		(16,000,000)	
December Revised Budget 2012/13		(14,599,067)	14,652,093
New Grant funding (offset by Exp Budget)			
Murrindindi Reserves Information Signage	11,891		
Green Building Program	45,000		
Kinglake RAC Fencing & Works	38,500		
	95,391		

The original budget operating surplus has been impacted by carry forward adjustments as discussed below. The resultant deficit should be considered in the light of the 2011/12 period which shows an original budgeted operating surplus of \$7.5m while the actual operating surplus result for 2011/12 was \$14.7m. The turnaround of the current years adopted surplus of \$1.3m to an initial revised budget deficit of \$2.9m as at Sept 2012, should be understood with regard to the result of the previous year. An example of how this turnaround has occurred is the payment of the 2012/13 Grants Commission funds. In May 2012 the Federal Government opted to advance Councils 50% of the 2012/13 payment in 2011/12 year. This has resulted in \$2.2m being received in 2011/12 increasing the 2011/12 surplus and \$2.2m being reduced in the 2012/13 operating budget decreasing the 2012/13 budgeted surplus.

Carry forward adjustments are generally made only once each year as part of the first quarterly budget review. The carry forward adjustments reflect the fact that the original budget for 2012/13 was adopted on 18/6/2012 being compiled from information based on most accurate forecast possible for the 2011/12 actual financial outcome. In the intervening period between the preparation of the 2012/13 budget (around March/April) and the completion of the 2011/12 year, variations arise between the forecast figures and the actual end result. Where these variations are related to capital works or grant fund projects then these commitments must be recognised in the current financial year. Typically these adjustments arise as the result of a delay in completing a capital works job or due to the receipt of a grant in advance.

The December Revised Budget now shows an operating surplus of \$14.5m and as detailed in the table above, which relates mainly to the recognition of Rail Trail Assets of \$16.0m as well as the reclassification of the bulk of the allocation for maintenance of the VBRRA new and expanded assets of \$1.5M from operating expenditure to reserve.

It should be noted that generally Local Government Income Statement reports 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.

As part of the December Review – 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.

The Cash flow (Statement C) provides a more holistic picture and reports the important information on Councils cash inflows and outflows. It can be seen from the *Net cash flow from operating activities* line in the Cash Flow statement (a cash view of the operating statement) the variation between the original budget and revised budget is around \$1.47m – which is affect the reclassification of the \$1.5M VBRRA maintenance budget.

Operating

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

The Year to Date Summary of the Income Statement for the period ending 31 December 2012 is provided in Table 1 as follows:

Table 1 – Summary of Income Statement

	YTD	YTD	
	Budget	Actual	Variance
	\$k	\$k	\$k
Revenue	24,470	23,886	-584
Expenses	14,257	14,291	-34
Surplus	10,213	9,595	-618

The Year To Date (YTD) operating result at 31 December 2012 shows income down \$0.584M and expenditure slightly ahead of budget \$0.34M generating a lower than expected YTD surplus variance of \$0.618M or 6% worse than the 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		
-584	Unfavourable to budget	
Key Components	Type	Particulars
31	Rates & Charges	Additional rate revenue from supplementary valuation.
-162	User Fees	Waste Collection & Disposal (\$98k), Sundry Debtor External Works (\$81k), offset by Quarry fees \$48k
162	Grants - recurrent	Mainly relates to Community Services programs – payments in advance and timing pending finalisation of funding agreements
-643	Grants - Non-Recurrent	Majority relates to timing of Bushfire related funding, including VBAF (\$310k), Yea Shire Hall (\$286k) and various minor variances, offset by Storm Damage \$85k.
-52k	Loss on Disposal	Sale of Motor Vehicles and Plant delayed.

Table 3 – Key Expense component variance

Variance		
\$k		
-34	Favourable to Budget	
Key Components:	Type	Particulars
159	Employee Benefits	Favourable variance mainly in <ul style="list-style-type: none"> Community services \$74k – Aged & Disability and Children’s Services Infrastructure Operations – External works \$22k (offsets user fees) and Maintenance \$36k (timing) Tourism – Yea Information Centre \$41k – not completed as yet. Plus various minor variations across several accounts
(183)	Materials & Services	Un favourable variance mainly relates to <ul style="list-style-type: none"> Plant & Fleet (\$412k) – utilisation & timing Maintenance of new and expanded assets \$47k, Storm Damage (\$306k) Council Management support (Bushfire projects) \$185k Community Recovery Projects (timing) \$126k Facility Management (timing) \$103k Various minor variations

Capital

As at 31 December 2012, Capital Works are \$0.881M under the year to date budget of \$4.03M. Statement D, as attached, indicates that across the asset categories, the largest variances are \$491k in Buildings

Table 4 – Summary of Capital Works completed (Financial)

Asset Category	YTD Budget	Actuals	Variance	Complete to
	31/12/12	31/12/12	YTD	YTD Budget
	\$'000	\$'000	\$'000	%
Buildings	2,340	1,849	491	21%
Plant & Machinery	364	308	56	15%
Roads Streets & Bridges	970	835	134	14%
Drainage	99	38	61	61%
Heritage Assets	-	11	(11)	0%
Furniture & Equipment	223	82	141	63%
Library Bookstock	44	35	9	21%
Total Capital Works	4,040	3,159	881	22%

Table 5 – Key Capital component variance

Variance		
\$k		
881	Favourable to Budget	
Key Components:	Type	Particulars
491	Buildings	Expenditure on buildings is running behind expectations including <ul style="list-style-type: none"> • UT Creek Precinct \$111k, • Marysville Community Centre car park \$75k, • Yea Shire Hall \$115k, • Landfill Design & Cell Construction \$100k • and Landfill Evaporative Pan \$58k. The remaining variations are a combination of minor variations across several projects.
56	Plant & Machinery	Delay in purchase of motor vehicles.
134	Roads Streets & Bridges	Variance due to projects running under YTD budget <ul style="list-style-type: none"> • Gravel roads – resheeting \$86k • Sealed Roads – reseals \$65k
141	Furniture & Equipment	Essential safety Services System \$140k

The overall capital budget has been increased from \$10.239m to \$14.652m mainly attributed to carry forwards from unexpended capital work projects forecast to be completed by 30 June 2012. The 2012/13 Capital Works Program (budgeted and carryover projects) was still being finalised in regard to scope, consultation, design and procurement documentation during the first reporting quarter, which means that the program is well behind an ideal delivery schedule. The December capital works quarterly report will begin to outline issues regarding program delivery and start to identify those projects which need to be carried forward into next year's program. Further details by category can be found in Statement D.

Council officers will be undertaking a complete review of all projects in February 2013 as part of the 2013/14 Budget development, and will be re-forecasting projections for year end 30 June 2013. It is critical to maintain the high level of expenditure on infrastructure projects to meet Roads to Recovery and Local Government Infrastructure Program expenditure targets and maintain revenue allocations from these funding initiatives.

Balance Sheet (Statement B) & Cash Flow Statement (Statement C)

The Balance Sheet – Statement B as at 31 December 2012 shows a major variance in Trade & Other Receivable of \$4.8m relating to outstanding claims for Natural Disaster Funded Projects being Bushfires \$1.4m and Storm Events \$5.0m. This has the offsetting impact on unfavourable cash. This is also represented as the major variance on the cash flow statement – Statement C with cash flows from Grants showing an unfavourable variance of \$5.5M.

Council has since received payment \$3.5M relating to these claims in early January 2013. Meetings have been held with Vic Roads & Department of Treasury and Finance to address this issue.

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.

This is then offset against the level of projected cash at year end.

The reconciliation has previously included Council Long Service Leave Liability as required by legislation; however with a change in legislation there is no longer a requirement to keep a separate bank account for this provision. The amount held in investment for this provision has currently been used to repay Council's component of the Vision Superannuation Defined Benefits Unfunded Liability.

Consideration is to be given as part of the 2013/14 Budget and Council's 2013-2017 Long Term Financial Plan as to re-establishing a cash back proportion of this liability.

Also included is a listing of Reserves (as per note 24 of Council's Annual Financial Statements) stating the balance as at 30 June 2012, projected balance to be held in Reserves as at 30 June 2013 and a brief explanation of the purpose of each reserve.

Key Financial Ratios

The Victorian Auditor General's Office (VAGO) prepares an annual report on a range of financial indicators for each Council. The Auditor General has recently forwarded his report which addresses three key indicators.

In 2006-2007 VAGO started publishing separate reports on the results of financial audits for the local government sector. It introduced a traffic light system for reporting on the financial sustainability risk of local Councils and also reporting on each Council individually. Each year VAGO has continued to report on a set of indicators that are outlined below and over that period VAGO has seen an overall improvement in these ratios.

The traffic light system comprises:

Risk Ledger
High risk of short-term and immediate sustainability concerns
Medium risk of long-term sustainability concerns
Low risk of sustainability concerns

Financial Ratios - VAGO Risk Assessment Criteria						
Ratio	Actual	Actual	Original Budget	Annual Budget	5 Year Average	
	2011	2012	2013	2013	2008-2012	
Liquidity (Measures the ability to pay existing liabilities within 12 months) Risk High 0-1 Medium 1.0-1.5 Low Greater than 1.5	2.28	2.34	1.69	1.70	2.19	
Self Financing (measures the ability to replace assets using cash generated by operations) Risk High <10% Medium 10%-20% Low >20%	21.59%	29.20%	28.73%	31.61%	24.26%	
Indebtedness (Shows how well Council can meet debt from own source revenue) Risk High >60% Medium 40%-60% Low <40%	27.50%	27.25%	25.39%	26.38%	29.79%	

This indicates that Council has an overall low risk in terms of its financial position, based on the VAGO assessment criteria. However, this does not negate the need for strong financial management nor support from the State Government in relation to the gifted and novated assets as these will have an impact upon the future assessment of these indicators and Council's long term financial sustainability.

Consultation:

The Local Government Act requires that Councils need to 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 December quarter has been largely in line with the total budget, where revenue has not been achieved corresponding expenditure has not been spent. Council remains in a favourable cash position despite the challenges that it faces.

8.3.6 2014 General Valuation

File No: 62/02/01

Purpose:

In accordance with Section 6 (1) of the *Valuation of Land Act 1960*, Council is required to resolve to conduct a General Valuation to be made of all rateable properties in the municipal district of the Murrindindi Shire Council.

Recommendation:

That pursuant to Section 6(1) of the *Valuation of Land Act 1960*, Council resolve to cause a general revaluation of all rateable properties in the municipal district of the Murrindindi Shire Council be made, and that the valuation be returned by 30 April 2014.

Background:

In accordance with Section 6 (1) of the *Valuation of Land Act 1960*, Council is required to resolve to conduct a General Valuation to be made of all rateable properties in the municipal district of the Murrindindi Shire Council.

The valuation is to be returned at the levels of value as at 1 January 2014 and in accordance with State Government best practise guidelines is to be returned to Council and the Valuer General by no later than 30 April 2014. The values will be first used in the 2014/15 financial year. Council's current valuation contract covers the period of the 2012 and 2014 General Revaluation cycles, taking into account the requirements and timelines as specified in the *Valuation Best Practice Guidelines 2014* – as prepared by the Valuer-General Victoria.

Council Plan/Strategies:

This report is consistent with the objective within the Council Plan, to be a financially strong organisation.

Legal/Policy Issues:

This resolution is required under Section 6 (1) of the *Valuation of Land Act 1960*.

Financial/Resources/Risk:

The financial implications of the General Valuation will be incorporated within the proposed 2013/14 Budget.

Discussion:

In accordance with the *Valuation of Land Act 1960* and *Local Government Act 1989*, Council's must revalue properties within their municipal districts every two years. As a result of the revaluation, ratepayers have a more accurate valuation reflecting current market values. It also provides for all properties to be revalued at the same time, allowing a state-wide picture of property values. Valuations are prepared and submitted in stages and timelines as prescribed by the *Valuation Best Practice guide* – used in producing the specifications for tender.

Although the final stage of the valuation must be completed by 30 April 2014, it is anticipated that the Valuer will be able to provide valuation data to Council prior to 31 March 2014 to assist in the budget preparation process. At this time the Valuer will also make a presentation to Council, identifying any significant movements in valuations within the sub market groups (residential, commercial, rural residential, rural etc.) and also any movement in valuations within general localities across the municipality.

Consultation:

Under Section 6 (1) of the *Valuation of Land Act 1960*, Council must give to the Valuer General and to every other rating authority interested in the valuation of land within its area notice of its resolution to cause such a general valuation to be made.

Conclusion:

Council must resolve to cause a general revaluation of all rateable properties in the municipal district of the Murrindindi Shire Council.

8.3.7 Council Representation on Flowerdale Community House Inc. Committee

File No: 32/04/05

Purpose:

The purpose of this report is to determine Council's nominated representatives to the Flowerdale Community House Inc. Committee of Management.

Recommendation:**That Council:**

1. **Nominates Cr Ruhr as the Councillor representative to the Flowerdale Community House Inc. Committee of Management.**
2. **Nominates Naomi McNamara as the Council Officer representative to the Flowerdale Community House Inc. Committee of Management.**

Background:

The Flowerdale Community House building and memorial garden project replaced the Jarara Community Centre (36 and 42 Silver Creek Road, Flowerdale) following loss of the facility in the 2009 Bushfires. Until February 2009, the Jarara Community Centre housed the Flowerdale Kindergarten, while providing limited space for community activities.

As part of the funding and reconstruction process, Council entered into a formal lease with the Flowerdale Community House Inc. (Community House) in May 2010 to enable building of a community house on the former Jarara site. Part of the lease special conditions required that the Community House amend its constitution to allow for (2) two Council representatives to sit on the committee's board. Whilst this amendment subsequently occurred (August 2012), Council representatives have to date, not been nominated to the committee.

Council Plan/Strategies:

This report is consistent with the Council Plan 2009-2013 Governance theme to ensure that Council is exercising good governance principles.

Legal/Policy Issues:

Council representation to external bodies and committees are to be made through Council resolution at an Ordinary meeting. Participation in some organisations means that Council fulfils its obligations under various agreements with these bodies.

Financial/Resources/Risk

There are no financial or budget implications associated with this report.

Discussion:

Cr Ruhr has indicated his willingness to accept nomination as Councillor representative to the Community House Committee and Naomi McNamara (Council Officer) has also consented to being a Council representative.

Consultation:

There has been consultation with Councillors and Council Officers in relation to this report.

Conclusion:

The appointment of Councillors and Council Officers to various Committees facilitates Council's engagement both across the local government sector and with local community organisations.

8.4 CHIEF EXECUTIVE OFFICER**8.4.1 Portfolio Councillor Policy**

File No: 12/01/01

(Refer Encl 8.4.1 - Draft Portfolio Councillor Policy)

Purpose:

This report introduces the draft Portfolio Councillor Policy for adoption by Council. This Policy establishes the objectives of creating the roles of a Portfolio Councillor as well as the roles and responsibilities of both Portfolio Councillors and the administration.

Recommendation:

That the Portfolio Councillor Policy be adopted.

Background:

As Council has established the Portfolio Councillor system, it is desirable that a Policy is created which articulates the role and support to be provided to Portfolio Councillors.

The role of the Portfolio Councillor recognises that the day to day management and direction of staff in implementing Council policy and strategy remains the responsibility of the relevant General Manager. Good governance identifies that the authority of councillors can only be exercised when they meet formally as Council at a properly constituted Council meeting. Outside the Council meeting, individual councillors have no authority.

Council Plan/Strategies:

The adoption of the Portfolio Councillor Policy is consistent with the objectives of the Council Plan 2009-2013 which include under the Governance theme to "Improve governance systems, processes and relationships" and to 'Provide sound financial management'.

Legal/Policy Issues:

The Local Government Act requires that adequate resources must be provided to enable Councillors to fulfil their duties as outlined under the Act. Providing the support by officers as articulated in this Policy is part of those resources, training and knowledge to support Councillors in undertaking their duties.

Financial/Resources/Risk

Support to Portfolio Councillors is undertaken by officers as part of their normal duties.

Discussion:

The objectives of establishing a Portfolio Councillor system are:

- To enable Councillors to have a greater understanding and input to strategic and policy development on portfolio issues. This facilitates the active and regular engagement of Councillors in major planning, projects and services related to the portfolio.
- To enable Councillors to advocate and "Champion" on strategic and policy issues to Council and the community.
- To enable the briefing of other Councillors on specialist areas by the Portfolio Councillor.
- To assist Councillors develop the fullest possible understanding of matters being put to the Council, through the Portfolio Councillor leading discussion of relevant items.

In order to support Councillors in undertaking these roles and to achieve the most effective outcome from the Portfolio system, it is desirable that both the support that will be provided to Portfolio Councillors and the reporting responsibilities are clearly articulated.

The Policy attached to this report seeks to ensure that these responsibilities are clearly stated.

As with all Policies, it is intended that its implementation will be regularly monitored and reviewed in the life of this current Council. Therefore the Policy provides that it will be reviewed in February 2015.

Consultation:

The introduction of this Policy will enable Portfolio Councillors to fulfil their responsibilities to advocate Council's position and consult with key stakeholders in relation to strategic and policy issues relevant to that Portfolio.

Conclusion:

The development and implementation of a Portfolio Councillor Policy supports the good governance of the Council in clearly articulating the roles and responsibilities of Portfolio Councillors and the support to be provided by the administration.

8.5 COMMUNITY SERVICES**8.5.1 Review of Community Services Council Policies**

File No: Youth Services: 06/09/12
HACC services: 06/03/13

Refer Encl 8.5.1a - Youth Services Policy 1997, Encl 8.5.1b - Youth Services Updated 2012, Encl 8.5.1c - Home and Community Care (HACC) and Encl 8.5.1d Home and Community Care (HACC Fees).

Purpose:

The purpose of this report is for Council to review three Council policies managed by the Community Services department and to implement recommendations as a result of this review.

Recommendation:**That Council:**

- 1. Adopts the updated Youth Services policy as per Enclosure 8.5.1b.**
- 2. Rescind the Home and Community Care (HACC) and the Home and Community Care (HACC Fees) as they are now better reflected within Community Services Operational policies.**

Background:

The Community Services Department has recently undertaken a review of relevant Council policies including:

- Youth Services
- Home and Community Care (HACC)
- Home and Community Care (HACC Fees)

Council Plan/Strategies:

This report relates to Theme 1 – Governance within the Council plan. It specifically addresses 1.1.3 Improve Governance systems, processes and relationships.

Legal/Policy Issues:

Review of Council policies is covered under the Policy Development and Approvals Delegation policy.

Financial/Resources/Risk

There are no financial or resourcing implications as a result of the policy review and proposed changes.

Discussion:

Home and Community Care (HACC) services are provided by Council and aim to assist in the prevention of premature or inappropriate admission to long term residential care. This is achieved by contributing to the maintenance and enhancement of the physical, emotional and social wellbeing and independence of frail older people, people with disabilities, carers and families assessed as in need of support.

Youth Services are also provided by Council through the Youth and Recreation Unit. The Unit has a strong focus on promoting youth inclusion and developing strategic approaches to support and maintain the interests of young people across the Shire.

The following provides a brief outline of the review of each policy and the changes proposed:

Youth Services

The Youth Policy aims to document Council's commitment to youth services.

The policy was reviewed and updated to reflect the Murrindindi Youth Strategy and Get Engaged – Murrindindi Shire Council's Youth Engagement Manual. Broad statements regarding Council intent to support and engage youth have replaced some of the previous policy statements which referred to specific actions and initiatives.

Home and Community Care (HACC)

The Home and Community Care (HACC) policy documented the scope of Aged and Disability services provided by Council and detailed operational aspects of the program including referral and assessment, user fees, confidentiality and consumer grievance.

The review found that the Aged and Disability Services Policy and Procedure Manual adequately cover the purpose and intent of this policy. The Policy and Procedure manual contains individual operational policies including the following aspects of the old Council policy:

- Access to service
- Service user assessment
- Complaints and service user feedback
- Advocacy
- Privacy and confidentiality
- Service user fees and debt management

Home and Community Care (HACC fees)

The Home and Community Care (HACC fees) policy documented the Department of Community Services approach to setting and collecting fees for service including describing the levels of fees charged according to income.

The review found that the Aged and Disability Services Policy and Procedure Manual adequately covers the purpose and intent of this policy. The Aged and Disability Services Policy and Procedure Manual contains detailed operational policies regarding service user fees and debt management, individual service agreement development and refusal of service.

Consultation:

Policy and procedure within the Aged and Disability Unit, Department of Community Services, is developed in line with State Government HACC guidelines and the Community Care Common Standards. Service user feedback is sought and used to inform policy and procedure. All staff across Aged and Disability Services were involved in the development and review of the manual.

Conclusion:

The Community Services Department undertook a full review of relevant Council policies that were out of date as part of a broader organisational continuous quality improvement process. The review highlighted one policy for updating and two policies that can be rescinded as they are now covered by the Department operational policy in the Aged and Disability Service Unit.

9. SEALING REGISTER

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
32/05/82	03/01/2013	Sublease of Murrindindi Shire Council, Landlord, Martin Dixon Minister of Education, for and on behalf of the State of Victoria, Tenant, Murrindindi Shire Council, Subtenant, Middle Kinglake ELC.	Cr C Challen M Abbey
32/06/08	03/01/2013	Joint Use Agreement (Responsible Partner) Middle Kinglake Agara and Car Park, Minister for Education, Middle Kinglake Primary School Council, Murrindindi Shire Council as Local Government Authority.	Cr C Challen M Abbey
Murchison Street, Marysville (Lot 5)	31/01/2013	Disclosure Statement – Murrindindi Shire Council and Marysville Retirement Village.	Cr J Walsh M Abbey
Part of Lot 1 on PS6321959	31/01/2013	Murrindindi Shire Council Landlord and Kinglake Ranges Men's Shed Inc. Tenant Deed of Variation of Lease. Premises: Part of Lot 1 on PS.632195G situated at 69 Extons Road, Kinglake Central, Victoria.	Cr J Walsh M Abbey
34/02/64	07/02/2013	Sublease of Murrindindi Shire Council (Tenant), Rosa Cicerale (Landlord) and Parks Victoria (Subtenant). Premises: Part of Lot 2 on PS634485L also known as 2950 Heidelberg-Kinglake Road, Kinglake.	Cr J Walsh M Abbey
ESLS-061	14/02/2013	Bushbroker Credit Agreement Advice Form Murrindindi Shire Council	M Abbey

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 9 January 2013 to 14 February 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 9 January 2013 to 14 February 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	Councillor Briefing Session
Meeting Date	9 January 2013
Matters discussed	Tour of Western part of the Municipality
Attendees: Councillors – Cr Rae, Cr Challen, Cr Derwent, Cr Kennedy	Staff – M Abbey, R Cherry, M Chesworth
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	21 January 2013
Matters discussed	Australia Day Program Submissions to Green Street Special Charge Scheme
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Derwent, Cr Kennedy	Staff – M Abbey, R Cherry, K James, M Chesworth, J Canny, T Johnson
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Ordinary Meeting of Council
Meeting Date	23 January 2013
Matters discussed	House Lot Excision – Springs Road Two Dwellings in Farming Zone
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Magner, Cr Kennedy, Cr Challen	Staff – M Abbey, R Cherry, K Girvan, M Chesworth, J Canny, M Parsons, T Johnson
Conflict of Interest disclosures - Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	6 February 2013
Matters discussed	Councillor Induction and Transition Program – Corporate & Community Services Request for rezoning of land – Yea Councillor Induction and Transition Program – Infrastructure Services
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Magner, Cr Kennedy, Cr Challen, Cr Derwent	Staff – M Abbey, M Chesworth, R Cherry, J Dickson, M Ellis, N McNamara, L Peddie, D Welch, S Mortensen, M Parsons, K Girvan, J Canny, P Cownley, M Leitinger, S Keath
Conflict of Interest disclosures – Nil	

Meeting Name / Type	Councillor Briefing Session
Meeting Date	13 February 2013
Matters discussed	Planning Applications Goulburn River Valley Tourism Council Plan Quarterly Report Council Budget Quarterly Report Capital Works Quarterly Report Yea Wetlands Concept Plan Community Services Policies Review Draft Rating Strategy Portfolio Councillor Policy
Attendees: Councillors – Cr Walsh, Cr Rae, Cr Magner, Cr Derwent, Cr Kennedy, Cr Challen	Staff – M Abbey, M Parsons, M Crane, M Chesworth, T Johnson, J Canny, M Leitinger
Conflict of Interest disclosures – Nil	

Meeting Name / Type	Goulburn River High Country Rail Trail Advisory Committee
Meeting Date	14 February 2013
Matters discussed	<ol style="list-style-type: none">1. Wayfinding Strategy Project update.2. Progress of Sealing works on the rail trail3. Use and distribution of surplus grant project funds4. Technical committee report
Attendees: Councillors – Cr Kennedy	Staff – M Chesworth
Conflict of Interest disclosures - Nil	

14. URGENT BUSINESS

15. CONFIDENTIAL ITEMS

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

- Transfer Of Equity – Coster Street, Alexandra Units to Sedgwick Street, Marysville Units (Department Of Human Services)

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.