



MINUTES  
of the  
ORDINARY MEETING OF COUNCIL  
held on  
WEDNESDAY 27 NOVEMBER 2013  
in the  
ALEXANDRA COUNCIL CHAMBERS  
commencing at  
6.00 pm

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**1. PRAYER & RECONCILIATION STATEMENT**

The meeting was opened with Prayer and reading of the Reconciliation Statement.

**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

File No: SF/306

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

***Present:***

Crs M Rae (Chair), A Derwent, C Challen, J Kennedy, B Magner, C Ruhr, J Walsh

***In attendance:***

Chief Executive Officer: Margaret Abbey

General Manager Corporate and Community Services: Michael Chesworth

General Manager Infrastructure and Development Services: Tamara Johnson

Manager Business Services: Andrew Bond

Manager Customer & Communications: Damien Cocks

Manager Development and Environmental Services: Matt Parsons

Management Accountant: Stephen Mortensen

Manager Infrastructure Assets: John Canny

Statutory Planning Co-ordinator: Karen Girvan

**3. CONFIRMATION OF MINUTES**

- Minutes of the Ordinary meeting of Council held on 23 October 2013
- Minutes of the Special meeting of Council held on 30 October 2013

**RESOLUTION:**

Cr J Walsh / Cr J Kennedy

That the Minutes of the Ordinary meeting of Council held on 23 October 2013 be confirmed.

**CARRIED**

**RESOLUTION:**

Cr J Walsh / Cr J Kennedy

That the Minutes of the Special meeting of Council held on 30 October 2013 be confirmed.

**CARRIED**

**4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

File No: SF/783

No disclosures made.

## **5. OPEN FORUM**

**The Chairperson declared Open Forum and invited questions from the Gallery.**

Aaron King, of Yarck, spoke regarding drainage implications of a planning application for a 18 lot subdivision in Yarck (Item 8.1.1 on the agenda).

Gary Wissenden, Hansen Partnership, spoke for the applicant for an 18 Lot Subdivision in Yarck, in support of an application for 18 lot subdivision (Item 8.1.1 on the agenda).

Ken Bishop, of Eildon, spoke for eight (8) residents in relation to a planning permit for additional parking at the rear of the CFA station (not on the agenda).

Alice Englert, of Eildon, commented that parking on the right hand side of the station would provide access to the CFA Station from High Street rather than Park Avenue (residential).

Nicholas Englert of Eildon spoke in support of his wife's comments and requested the site be cleaned up prior to Christmas.

**The Chairperson closed Open Forum.**

## **6. PETITIONS RECEIVED BY COUNCIL**

### **6.1 PETITION UPDATE – STREET LIGHTING IN OSWALD DRIVE, ALEXANDRA**

File No: 52/02/06

At the 25 September 2013 Ordinary Meeting of Council, Council resolved that a report be provided to Council at the 27 November 2013 Ordinary Meeting on the status of mediation in relation to petitions received on additional street lighting in Oswald Drive, Alexandra.

Council officers have been working with Department of Justice staff from the Dispute Resolution Centre to undertake mediation with residents regarding the provision of street lighting.

The group mediation session is scheduled for 4 December 2013 and a report is expected at the 18 December 2013 Ordinary Meeting of Council.

**Noted.**

## **7. REPORTS BY ADVISORY COMMITTEES OR SPECIAL COMMITTEES**

No reports received.

## **8. OFFICER REPORTS**

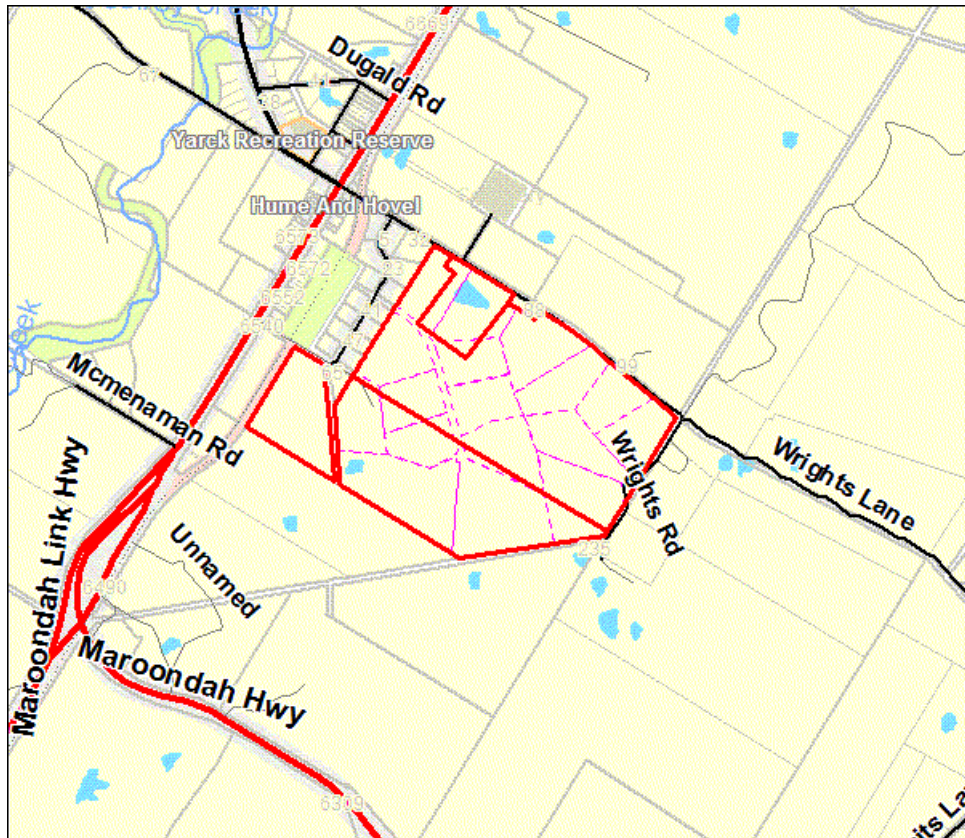
### **8.1 DEVELOPMENT & ENVIRONMENT**

#### **8.1.1 2013/150 – Yarck 18 Lot Subdivision**

File No: 2013/150  
Land: 6540 Maroondah Highway YARCK 3719  
Proposal: 18 lot staged subdivision

Applicant: Kervale Investments Pty Ltd  
Zoning: Rural Living  
Overlays: None  
Attachments: Application details (*Refer Encl 8.1a and Encl 8.1b*) (aerial photograph and submissions distributed separately)

### **Locality Plan**



### **Purpose:**

This report recommends that a notice of decision to grant a permit be issued for an 18 lot staged subdivision at 6540 Maroondah Highway, Yarck.

### **Recommendation:**

That Council issue a notice of decision to grant a permit for an 18 lot staged subdivision at 6540 Maroondah Highway, Yarck (LOT: 1 TP: 320893, LOT: 2 TP: 320893, LOT: 3 TP: 320893, LOT: 1 TP: 242437, Parish of Yarck), subject to the following conditions:

- (1) The subdivision must be in accordance with the endorsed subdivision and staging plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
- (2) This permit shall expire if all stages of the plan of subdivision hereby permitted are not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within six months after such expiry.
- (3) Before the plan of subdivision can be certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the responsible authority must be submitted

- to and approved by the responsible authority. When approved the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application and show:
- (a) Building exclusion zones for any land within 30 metres of a waterway and major drainage line.
  - (b) Effluent exclusion zones for any land within 60 metres of a waterway and major drainage line.
  - (c) Building exclusion zone for the ridgeline on lots 7 and 8.
- (4) Prior to the issue of a Statement of Compliance the following plans must be lodged with, and approved by, the Responsible Authority:
- (a) A Vegetation Plan for the allotment. The plan must include:
    - a. A survey (including botanical names) of all existing vegetation on the allotment.
    - b. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
    - c. Location of all planting within the site. This must include planting within the riparian zone of any waterway on the allotment.
    - d. Fencing of all riparian zones. This fencing must be of a sufficient standard to exclude stock from the area, and must not cross the waterways at any point.
    - e. A long-term management plan that will ensure that the plantings are protected and managed.
  - (b) A weed management plan for the management and operation of the land. The weed management plan must include:
    - a. The techniques to be used to eradicate and control all weeds on the allotment.
    - b. Procedures to ensure that no significant adverse environmental impacts occur as a result of the weed control.
    - c. Long-term management requirements of the weeds on the allotment.
- (5) Prior to the issue of a statement of Compliance the following must be undertaken:
- (a) All vegetation planting as detailed in the approved Vegetation plan.
  - (b) All weed eradication as detailed in the approved Weed Management plan.
  - (c) All riparian zones, including new plantings, must be fenced to the satisfaction of the responsible authority in a manner that will exclude domestic stock access.
- (6) Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:
- Long term management requirements of the plantings undertaken as part of the Vegetation Plan.
  - Long term management requirements of the Weed Management Plan.
  - No access to the fenced riparian zones by stock.
  - Building exclusion zones 30 metres from any waterways and major drainage lines on the allotment.
  - Effluent exclusion zones 60 metres from any waterways and major drainage lines on the allotment.
  - Building exclusion zone for the ridgeline on lots 7 and 8.
  - Formal protection of remnant vegetation identified in the Vegetation Plan.

The Section 173 agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.

Council will undertake to have the agreement prepared upon written notification from the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

- (7) The owner of the land must enter into an agreement with:
- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- (8) Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- (9) Prior to the commencement of any works on a waterway (including bridges), the applicant is required to apply for a "Works on Waterways Permit" from the Catchment Management Authority.
- (10) Prior to the certification of the plan of subdivision, road names must be submitted to and approved by the Responsible Authority. Until such time as these road names are approved, they should not be shown on any plans submitted for endorsement or certification.
- (11) Prior to the issue of a Statement of Compliance, the developer must provide new or upgraded road access in accordance with Council's Infrastructure Design Manual and in particular - Table 6 Rural Road Characteristics - Rural Living Access Road to include:
- a) For existing government road reserves from the intersection with Yarck Village Place and continue the construction internally as a new subdivisional road for access to lots 1 and 2
  - b) For any new subdivisional roads
  - c) For Wrights Road from the end of the existing seal to the driveway access to Lot 7
  - d) Vehicle crossing must be constructed or upgraded to council's current standards at the applicants expense to provide ingress and egress to each lot to the satisfaction of the Responsible Authority. Crossing must be sealed to the satisfaction of the responsible authority where they adjoin sealed roads.

- e) Where council assets are created the maintenance of all constructed works for a period of 3 months from the agreed date of Practical Completion. The Defects Liability period for the new works shall be 12 months. Council will only accept the works at the end of the 12 months Defects Liability period if there is no damage to any infrastructure and all of the work meets Council requirements.
  - f) Lodgement of a refundable 5% maintenance bond for the duration of the maintenance period
  - g) payment to the responsible authority of a supervision fee to a maximum of 2.5% of the actual cost of construction, the amount to be determined by the Responsible Authority (the subdivider must submit a copy of the Construction Contract Schedule, for verification of the amount by Council);
  - h) payment to the responsible authority of a engineering design checking fee of up to 0.75% of the value of documented works, the amount to be determined by the Responsible Authority;
  - i) issue of a Final Completion Certificate by Council's Engineering Section, for the acceptance of access construction, etc;
  - j) Construction of suitable post and wire fencing approved by the relevant authority for all land existing or new areas reserved for roads.
  - k) Infrastructure details formatted in accordance with council asset management requirements for each new asset to be maintained by council.
  - l) full set of 'as constructed' digitised construction plans for roads and drainage (*DXF format and formatted in accordance with council GIS requirements*);
  - m) full set of 'as constructed' digital construction plans in PDF format
- (12) Prior to approving road and drainage construction plans a Drainage Strategy Plan in accordance with Council's Infrastructure Design Manual Clause 11 with reference to Clause 17 - Rural Drainage must be submitted and approved by the responsible authority. Adverse affects on downstream properties must be considered and outfall requirements upgraded to accommodate diverted or concentrated flow.
- (13) Prior to any works associated with the subdivision/development commencing, detailed construction plans must be prepared to the satisfaction of the Responsible Authority. All works constructed or carried out must be in accordance with those approved plans. The plans shall be prepared by a competent person to a suitable scale and include construction notes, dimensions and levels to AHD.
- (14) Prior to the issue of the Statement of Compliance for the subdivision the developer must fence, at its own cost, the boundary of the allotments abutting the existing or new areas reserved for roads. Such fencing is to be constructed to the standard required by the Responsible Authority, and must be constructed on the correct boundary alignment.

#### **Goulburn Murray Water**

- (15) Any plan of subdivision lodged for certification must be referred Goulburn-Murray Rural Water Authority pursuant to Section 8(1)(a) of the Subdivision Act.
- (16) The building and wastewater exclusion zones must be identified on any plan of subdivision submitted for certification to the satisfaction of the Responsible Authority and Goulburn-Murray Water. Building and wastewater envelopes must be located:
- Within the building envelope areas identified in Drawing LCD-002 (10/7/2013, revision B).



- Outside of soil units D & E as identified in Drawing One, contained within the Land Capability Assessment (Paul Williams, October 2006).
- (17) All works within the subdivision must be done in accordance with EPA Publication 960 “Doing it Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites”, September 2004.
- (18) All existing native vegetation within 30 metres of a waterway must be maintained and any removal must be to the satisfaction of the responsible authority and the Department of Environment and Primary Industries.

#### **Country Fire Authority**

##### **(19) Access**

- 1.1 There must be no obstructions within one metre of the edge of the formed width of roads at any time, and there must be four metres height clearance above all roads to allow fire vehicle access.
- 1.2 Roads shall either have a minimum trafficable width of 6.0m or alternatively have a trafficable width of 4.9m with passing bays at minimum intervals of 200m. The combined width of the passing bay and the through road must be a minimum of 6.0m and a length of at least 20m.
- 1.3 Adequate provision for turning of fire brigade vehicles must be provided in dead end roads and cul de sacs by;
  - the court bowl must have a trafficable area with a minimum radius of 10 metres;
- 1.4 Bridges must be designed in accordance with the Australian Bridge Design Standard AS 5100 – 2004 to carry a rigid truck of at least 15 tonne.
- 1.5 Road pavements must have a minimum load limit of 15 tonnes.
- 1.6 The average grade must be no greater than 1 in 7 (14.4%), however, a maximum of 1 in 5 (20%) may be allowed for a maximum of 50 metres. Dips must have no more than a 1 in 8 entry and exit angle.
- 1.7 All roads must have a maximum cross fall alignment of 1 in 33 (3%) and a minimum of curves.
- 1.8 Curves must have a minimum inner radius of 10 metres.

#### **Goulburn Broken Catchment Management Authority**

- (20) Buildings and works to be set back a minimum distance of 30 metres from declared waterways.
- (21) Effluent absorption fields must be located a minimum of 60 metres from declared waterways.
- (22) New access routes, or works, on or across declared waterways are subject to licence, from the Goulburn Broken Catchment Management Authority.
- (23) All land within waterways is to be set aside for waterway protection.

#### **SP Ausnet**

- (24) The applicant must enter into an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
- (25) The applicant must enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
- (26) The applicant must enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any

private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.

- (27) The applicant must provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour or "SPI Electricity Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and /or abutting land.
- (28) The applicant must obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
- (29) The applicant must adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- (30) The applicant must set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
- (31) The applicant must provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88(2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- (32) The applicant must provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- (33) The applicant must agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- (34) The applicant must ensure all the necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

**Notations:**

- (1) Prior to the commencement of any works on a waterway (including bridges), the applicant is required to apply for a "Works on Waterways Permit" from the Catchment Management Authority.
- (2) Any works on existing road reserves must comply with the requirements of the Road Management Act 2004 and regulations. A "Consent to work on road application" is required for each separate area of roadwork's. Works cannot commence until council issues a consent.

**Proposal:**

The proposal is for a three stage, 18 lot rural living subdivision. The subdivision includes 60 metre wide effluent exclusion zones and 30 metre wide building exclusion zones from all waterways and drainage lines. Stage one includes lots 1 and 2, which are to be accessed from Yarck Village Place and an 80 metre section of road to be constructed at the southern part of

Yarck Village Place. Stage 2 includes Lots 3 to 12 (10 lots in all), and will require the construction of a 700 metre road from Yarck Village Place through the centre of the subdivision. Stage 3 includes Lots 13 to 18 (6 lots), and will require an upgrade to both Wrights Road and Wrights Lane for access.

***The Land & Surroundings:***

The property is in the Rural Living Zone, and has 7 dams and 4 drainage lines and waterways on it. The land is currently vacant, and is grazed. The properties to the North West are in the township zone, and generally contain single dwellings and associated shedding. The properties to the north, east and south are used for farming, with some dwellings scattered throughout.

There is a small ridgeline running through proposed lots 7, 8, 9 and 10. Access to the property is currently obtained by either the sealed road on Yarck Village Place, or via a formed gravel road on Wrights Road.

***Referrals:***

The application was referred externally to the Country Fire Authority, the Department of Environment & Primary Industry, Goulburn Murray Water, the Goulburn Broken Catchment Management Authority and SP Ausnet. The application was referred internally to Council's Assets and Infrastructure department and Environmental Health Unit.

No objections were received subject to various conditions.

***Consultation:***

The application was notified to 26 adjoining and nearby owners, a sign was placed on the site and a notice was placed in the Alexandra and Eildon Standard. Three objections were received. The objections can be summarised as follows:

- There is a problem with drainage in the area (2 submissions)
- With more dwellings being constructed, there will be more water coming into properties in Yarck Village Place (2 submissions)
- The subdivision will impede the views from Yarck Village Place (1 submission)
- The subdivision will increase traffic and ruin the peace and quiet of the area (2 submissions)
- The subdivision will be detrimental to adjoining properties "right to farm". (1 submission)
- The third stage will be directly impacted by adjoining farming enterprises (1 submission)
- Farming can be odorous and noisy, with long days and hours, and may draw issues from the rural living subdivision (1 submission)
- Will increase domestic pets in the area, and they would be at risk of bait that is used on the farm (1 submission).
- The impact on the drainage lines will have a detrimental impact on water flow, storage and flora and fauna (1 submission).
- There will be an increased risk of fire due to the size/management of the proposed lots (1 submission).
- The land is highly productive and should not be rural living (1 submission).

The applicant provided a response to the submissions, but no submissions were withdrawn.

<b>Newspaper / Other</b>	<b>Publishing/Consultation Date(s)</b>
<b><i>Newspaper:</i></b>	
Alexandra and Eildon Standard	14 August 2013
<b><i>Consultation:</i></b>	
Sign on Site	13 August 2013 – 28 August 2013
<b><i>Mail out:</i></b>	
Nearby and Adjoining Owners	13 August 2013 – 29 August 2013

**Planning Considerations:**

The land was rezoned from Rural to Rural Living under Amendment C14 in 2006. This zone allows for residential use in a rural environment, and any potential conflicts with the Farming Zone were considered at the time the land was rezoned.

The application is generally in accordance with a previously approved subdivision. The only change to the application is the staging of the development, and a request from the applicant to remove a building exclusion zone on the small ridgeline through lots 7-10. The property has been zoned Rural Living since July 2006, with an average lot size of 6 hectares as a requirement of the zone. The application is in accordance with the requirements of the zone in relation to lot size, with an average lot size of 6.16 hectares across the development. The road alignments proposed tie in with the existing road network. The constraints on the site, being waterways, drainage lines and remnant native vegetation, have been considered and are being protected with appropriate exclusion zones.

The proposed conditions of the permit require that the developer provide land management plans, both for vegetation (being remnant vegetation and future plantings) and weed management on the site. This will provide for a good environmental outcome for the both the site itself and properties further downstream, with improved water quality.

The developer will be required to submit detailed construction plans for both the road construction and the drainage of the site prior to commencing works. It is the opinion of Council officers that the drainage issues being experienced by adjoining property owners at the moment will either remain the same or improve as part of this subdivision. The development will not further increase the amount of water crossing the boundaries of the allotment into adjoining properties.

In relation to the ridgeline that runs along lots 7, 8, 9 and 10, Council officers carefully considered the likely impact of dwellings should they be constructed on this ridgeline. Whilst all lots will require a planning permit for a dwelling and the impact on the surrounding landscape can be considered on a site by site basis for most of the lots, it was determined that lots 7 and 8 needed special consideration at subdivision stage through a building exclusion zone. This will allow for flexibility in the development, and will also allow council officers to consider individual designs in context with the surrounding area, but ensure protection of the main part of the ridgeline, which has its highest point on lots 7 and 8.

On balance, the proposed subdivision has appropriately considered the site and responded to the constraints. The use of exclusion zones will protect and enhance the biodiversity of the site and have an impact on the broader area.

**Conclusion:**

The proposed subdivision is in accordance with the purpose and the requirements of the Rural Living zone, and will provide an environmental gain for the site in accordance with the *Rural Living Development Guidelines*.

**Legal/Policy Issues:****State Planning Policy Framework**

12.01-1 Protection of habitat

Objective: To assist the protection and conservations of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

Strategies:

- Assist re-establishment of links between isolated habitat remnants.
- Encourage the use of property vegetation plans or works programs.

## 12.04-2 Landscapes

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

Local Planning Policy Framework

## 22.01-1 Rural Living

Policy Basis: A Rural Living Zone seeks to provide for smaller rural lots to provide for residential use in a rural environment and which may also support small scale rural activities in an integrated way that does not adversely affect the amenity of surrounding land uses.

It is policy that:

- All applications meet the objectives of the *Rural Living Development Guidelines, Murrindindi Shire, March 2004*.
- All roads and other associated municipal infrastructure be designed and provided in accordance with the *Murrindindi Shire Infrastructure Design Manual*.

Zoning

## 35.03 Rural Living Zone

Purpose:

- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Decision guidelines:

*General issues*

- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

*Environmental issues*

- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the need to retain 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.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

*Design and siting issues*

- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.

A planning permit is required to subdivide land in the Rural Living Zone.

**RESOLUTION:**

Cr J Walsh / Cr C Ruhr

That Council issue a notice of decision to grant a permit for an 18 lot staged subdivision at 6540 Maroondah Highway, Yarck (LOT: 1 TP: 320893, LOT: 2 TP: 320893, LOT: 3 TP: 320893, LOT: 1 TP: 242437, Parish of Yarck), subject to the following conditions:

- (1) The subdivision must be in accordance with the endorsed subdivision and staging plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
- (2) This permit shall expire if all stages of the plan of subdivision hereby permitted are not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within six months after such expiry.
- (3) Before the plan of subdivision can be certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application and show:
  - (a) Building exclusion zones for any land within 30 metres of a waterway and major drainage line.
  - (b) Effluent exclusion zones for any land within 60 metres of a waterway and major drainage line.
  - (c) Building exclusion zone for the ridgeline on lots 7 and 8.
- (4) Prior to the issue of a Statement of Compliance the following plans must be lodged with, and approved by, the Responsible Authority:
  - (a) A Vegetation Plan for the allotment. The plan must include:
    - a. A survey (including botanical names) of all existing vegetation on the allotment.
    - b. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
    - c. Location of all planting within the site. This must include planting within the riparian zone of any waterway on the allotment.
    - d. Fencing of all riparian zones. This fencing must be of a sufficient standard to exclude stock from the area, and must not cross the waterways at any point.
    - e. A long-term management plan that will ensure that the plantings are protected and managed.
  - (b) A weed management plan for the management and operation of the land. The weed management plan must include:
    - a. The techniques to be used to eradicate and control all weeds on the allotment.
    - b. Procedures to ensure that no significant adverse environmental impacts occur as a result of the weed control.
    - c. Long-term management requirements of the weeds on the allotment.
- (5) Prior to the issue of a statement of Compliance the following must be undertaken:
  - (a) All vegetation planting as detailed in the approved Vegetation plan.
  - (b) All weed eradication as detailed in the approved Weed Management plan.
  - (c) All riparian zones, including new plantings, must be fenced to the satisfaction of the responsible authority in a manner that will exclude domestic stock access.
- (6) Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:
  - Long term management requirements of the plantings undertaken as part of the Vegetation Plan.
  - Long term management requirements of the Weed Management Plan.
  - No access to the fenced riparian zones by stock.

- Building exclusion zones 30 metres from any waterways and major drainage lines on the allotment.
- Effluent exclusion zones 60 metres from any waterways and major drainage lines on the allotment.
- Building exclusion zone for the ridgeline on lots 7 and 8.
- Formal protection of remnant vegetation identified in the Vegetation Plan.

The Section 173 agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.

Council will undertake to have the agreement prepared upon written notification from the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

- (7) The owner of the land must enter into an agreement with:
- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- (8) Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- (9) Prior to the commencement of any works on a waterway (including bridges), the applicant is required to apply for a "Works on Waterways Permit" from the Catchment Management Authority.
- (10) Prior to the certification of the plan of subdivision, road names must be submitted to and approved by the Responsible Authority. Until such time as these road names are approved, they should not be shown on any plans submitted for endorsement or certification.
- (11) Prior to the issue of a Statement of Compliance, the developer must provide new or upgraded road access in accordance with Council's Infrastructure Design Manual and in particular - Table 6 Rural Road Characteristics - Rural Living Access Road to include:
- a) For existing government road reserves from the intersection with Yarck Village Place and continue the construction internally as a new subdivisional road for access to lots 1 and 2
  - b) For any new subdivisional roads
  - c) For Wrights Road from the end of the existing seal to the driveway access to Lot 7
  - d) Vehicle crossing must be constructed or upgraded to council's current standards at the applicants expense to provide ingress and egress to each lot to the satisfaction

- of the Responsible Authority. Crossing must be sealed to the satisfaction of the responsible authority where they adjoin sealed roads.
- e) Where council assets are created the maintenance of all constructed works for a period of 3 months from the agreed date of Practical Completion. The Defects Liability period for the new works shall be 12 months. Council will only accept the works at the end of the 12 months Defects Liability period if there is no damage to any infrastructure and all of the work meets Council requirements.
  - f) Lodgement of a refundable 5% maintenance bond for the duration of the maintenance period
  - g) payment to the responsible authority of a supervision fee to a maximum of 2.5% of the actual cost of construction, the amount to be determined by the Responsible Authority (the subdivider must submit a copy of the Construction Contract Schedule, for verification of the amount by Council);
  - h) payment to the responsible authority of a engineering design checking fee of up to 0.75% of the value of documented works, the amount to be determined by the Responsible Authority;
  - i) issue of a Final Completion Certificate by Council's Engineering Section, for the acceptance of access construction, etc;
  - j) Construction of suitable post and wire fencing approved by the relevant authority for all land existing or new areas reserved for roads.
  - k) Infrastructure details formatted in accordance with council asset management requirements for each new asset to be maintained by council.
  - l) full set of 'as constructed' digitised construction plans for roads and drainage (*DXF format and formatted in accordance with council GIS requirements*);
  - m) full set of 'as constructed' digital construction plans in PDF format
- (12) Prior to approving road and drainage construction plans a Drainage Strategy Plan in accordance with Council's Infrastructure Design Manual Clause 11 with reference to Clause 17 - Rural Drainage must be submitted and approved by the responsible authority. Adverse affects on downstream properties must be considered and outfall requirements upgraded to accommodate diverted or concentrated flow.
- (13) Prior to any works associated with the subdivision/development commencing, detailed construction plans must be prepared to the satisfaction of the Responsible Authority. All works constructed or carried out must be in accordance with those approved plans. The plans shall be prepared by a competent person to a suitable scale and include construction notes, dimensions and levels to AHD.
- (14) Prior to the issue of the Statement of Compliance for the subdivision the developer must fence, at its own cost, the boundary of the allotments abutting the existing or new areas reserved for roads. Such fencing is to be constructed to the standard required by the Responsible Authority, and must be constructed on the correct boundary alignment.

#### Goulburn Murray Water

- (15) Any plan of subdivision lodged for certification must be referred Goulburn-Murray Rural Water Authority pursuant to Section 8(1)(a) of the Subdivision Act.
- (16) The building and wastewater exclusion zones must be identified on any plan of subdivision submitted for certification to the satisfaction of the Responsible Authority and Goulburn-Murray Water. Building and wastewater envelopes must be located:
- Within the building envelope areas identified in Drawing LCD-002 (10/7/2013, revision B).
  - Outside of soil units D & E as identified in Drawing One, contained within the Land Capability Assessment (Paul Williams, October 2006).



- (17) All works within the subdivision must be done in accordance with EPA Publication 960 "Doing it Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
- (18) All existing native vegetation within 30 metres of a waterway must be maintained and any removal must be to the satisfaction of the responsible of the responsible authority and the Department of Environment and Primary Industries.

#### Country Fire Authority

- (19) Access
- 1.1 There must be no obstructions within one metre of the edge of the formed width of roads at any time, and there must be four metres height clearance above all roads to allow fire vehicle access.
  - 1.2 Roads shall either have a minimum trafficable width of 6.0m or alternatively have a trafficable width of 4.9m with passing bays at minimum intervals of 200m. The combined width of the passing bay and the through road must be a minimum of 6.0m and a length of at least 20m.
  - 1.3 Adequate provision for turning of fire brigade vehicles must be provided in dead end roads and cul de sacs by;
    - the court bowl must have a trafficable area with a minimum radius of 10 metres;
  - 1.4 Bridges must be designed in accordance with the Australian Bridge Design Standard AS 5100 – 2004 to carry a rigid truck of at least 15 tonne.
  - 1.5 Road pavements must have a minimum load limit of 15 tonnes.
  - 1.6 The average grade must be no greater than 1 in 7 (14.4%), however, a maximum of 1 in 5 (20%) may be allowed for a maximum of 50 metres. Dips must have no more than a 1 in 8 entry and exit angle.
  - 1.7 All roads must have a maximum cross fall alignment of 1 in 33 (3%) and a minimum of curves.
  - 1.8 Curves must have a minimum inner radius of 10 metres.

#### Goulburn Broken Catchment Management Authority

- (20) Buildings and works to be set back a minimum distance of 30 metres from declared waterways.
- (21) Effluent absorption fields must be located a minimum of 60 metres from declared waterways.
- (22) New access routes, or works, on or across declared waterways are subject to licence, from the Goulburn Broken Catchment Management Authority.
- (23) All land within waterways is to be set aside for waterway protection.

#### SP Ausnet

- (24) The applicant must enter into an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
- (25) The applicant must enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
- (26) The applicant must enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.

- (27) The applicant must provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in the favour of "SPI Electricity Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and /or abutting land.
- (28) The applicant must obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
- (29) The applicant must adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- (30) The applicant must set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
- (31) The applicant must provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88(2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- (32) The applicant must provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- (33) The applicant must agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- (34) The applicant must ensure all the necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Notations:

- (1) Prior to the commencement of any works on a waterway (including bridges), the applicant is required to apply for a "Works on Waterways Permit" from the Catchment Management Authority.
- (2) Any works on existing road reserves must comply with the requirements of the Road Management Act 2004 and regulations. A "Consent to work on road application" is required for each separate area of roadwork's. Works cannot commence until council issues a consent.

**CARRIED**

**Cr Walsh left the Chamber at 6.46pm and returned at 6.47 pm.**

### **8.1.2 Proposed Yea Structure Plan**

File No: 50/04/35

(Refer Encl 8.1.2 - Draft brief)

#### **Purpose:**

The purpose of this report is to recommend that a structure plan be prepared for the Yea township and surrounds.

#### **Recommendation:**

**That Council prepare a structure plan for the Yea township and surrounds.**

#### **Background:**

Council has recently been briefed on a potential structure plan for the Yea area to consider land use issues and directions and the need / location of any new residential and rural living development.

The preparation of a structure plan is proposed to commence in 2013 and to be completed by mid 2014. The area of interest for consideration is proposed to be the Yea township to a radius of 6 kilometres.

A draft brief has been prepared for the structure plan, with the following objectives:

- Prepare a structure plan outlining a strategic framework for the future land use, development and servicing of the Yea township and environs.
- Allow for the future expansion and diversification of the Yea township, including the provision of a range of residential and rural living lifestyle options and developments.
- Consider land capability and the availability of services in the development of future strategies for land use and development in the Yea township and environs.
- Assess, maintain and enhance the role, functions and character of the Yea township.
- Provide the strategic justification for any changes to policy directions and planning controls in the Murrindindi Planning Scheme.

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

The proposal supports the *Murrindindi Shire Council Plan 2013 – 2017*, specifically under Our Environment the strategic objectives and directions relating to *Planning for Urban Growth* and provides for the future directions in the Hume Regional Growth Plan.

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

There are no legal issues associated with the proposal. A structure plan could however change policy directions for the Yea township area.

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

Financial allocations have been made in the 2013/14 budget to complete a Structure Plan for Yea which will inform changes to the Murrindindi Planning Scheme.

#### **Discussion:**

Given the relative location of Yea to metropolitan Melbourne and Seymour, it is likely that the town will experience continued growth in population and dwellings. The Yea township has significant potential to accommodate expanded population growth. The town's potential land availability, existing infrastructure and attractive settings make it an ideal location for provision of an expanded range of residential development at various densities.

The Regional Growth Plan for the Hume Region has recently been adopted by the state government. The growth plan provides a framework to facilitate settlement and economic growth in the region. The growth plan identifies Yea as a 'moderate growth location' in the Lower Hume future urban growth plan. A structure plan for Yea could implement Council's position in its submission to the Growth Plan that Yea offers a quality living environment and has significant residential and economic growth opportunities.

Upon completion of a structure plan, the next stage would be that Council adopts the plan and implements it through an amendment to the Murrindindi Planning Scheme, making both policy changes and any suggested rezoning and overlay changes.

The study will include Yea township and surrounds which at this preliminary stage will consider land use within an approximate 6km radius of the town centre as the land area under consideration.

**Consultation:**

The following minimum consultation would be undertaken in the preparation of a structure plan for the Yea area:

- Department of Transport, Planning and Local Infrastructure (DTPLI).
- Water, catchment and flooding policy / service agencies applying to the Yea township and environs (Goulburn Valley Water, Goulburn-Murray Water and Goulburn Broken Catchment Management Authority).
- Other technical and service agencies applying to the Yea township (VicRoads, DEPI, CFA, electricity / telecommunications).
- Yea landowners, relevant interest groups and the general Yea community (with at least one public information session for landowners and the general public).

**Conclusion:**

Council endorsement is sought to prepare a structure plan for the Yea township and environs. A plan would establish land use directions for the area, enabling future residential and rural living growth if required and recommend future policy and zoning changes to the Murrindindi Planning Scheme.

**RESOLUTION:**

Cr J Kennedy / Cr J Walsh

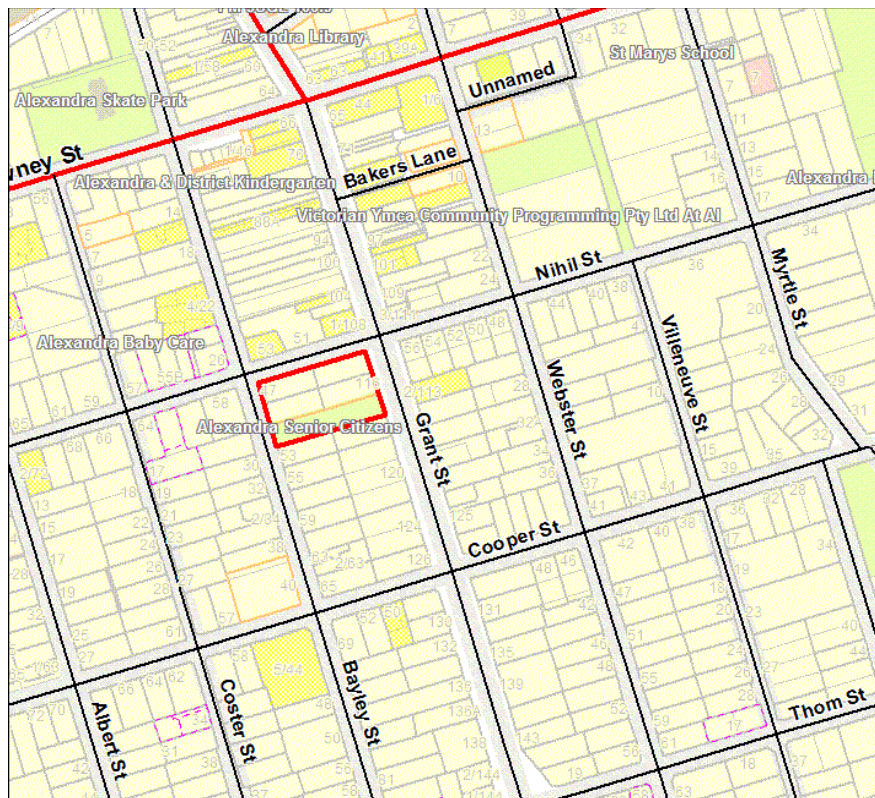
That Council prepare a structure plan for the Yea township and surrounds.

**CARRIED**

**8.1.3            *Amendment C50, Murrindindi Planning Scheme  
Rezoning Of Land In Grant & Bayley Streets, Alexandra To Mixed Use and  
Public Use 6 (Local Government)***

File No:            58/07/63

Attachments: Proposed rezoning plan (*refer Encl 8.1.3a*), Explanatory document (*refer Encl 8.1.3b*)

**Locality Plan:****Purpose:**

The purpose of this report is to seek a Council resolution to request authorisation to prepare and exhibit Amendment C50 to the Murrindindi Planning Scheme to rezone land in Grant and Bayley Streets, Alexandra from Residential 1 to Mixed Use and Public Use 6 (Local Government).

**Recommendation:****That Council:**

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C50 to the Murrindindi Planning Scheme;
2. Notify the Minister for Planning that when it exhibits Amendment C50, Murrindindi Shire Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for the minimum statutory exhibition period of one month; and
3. When authorised by the Minister for Planning, exhibit Amendment C50 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

**Background:**

An approach has been made by the landowner of 114 Grant Street, Alexandra (a recently vacated medical centre building) to rezone the land to allow a more flexible range of commercial uses on the land. Rather than simply rezoning this one parcel of land, officers consider that rezoning is also warranted for the immediate vicinity to apply to 114 – 116 Grant Street and 47 – 51 Bayley Street.

The land affected by this proposal lies at the southern end of the existing Alexandra commercial centre, south of Nihil Street. At present, the parcels are used for mixed commercial, residential

and community uses, with a recently vacated medical centre, veterinary surgery, two residences, senior citizen's centre and car park.

The amendment proposes to rezone 114 – 116 Grant Street, 47 – 49 Bayley Street and the eastern section of 51 Bayley Street (presently used for car parking) from Residential 1 to Mixed Use and the western section of 51 Bayley Street (presently used as a senior citizens centre) from Residential 1 to Public Use 6 (Local Government).

The amendment proposes to make the following changes to the Murrindindi Planning Scheme:

- Amend Map No 11 to rezone 114 – 116 Grant Street, 47 – 49 Bayley Street and the eastern section of 51 Bayley Street from Residential 1 to Mixed Use and the western section of 51 Bayley Street from Residential 1 to Public Use 6 (Local Government).
- Amend Clause 21.07, Serviced township strategies, to note the limited expansion of the Alexandra commercial centre south of Nihil Street, west of Grant Street and east of Bayley Street for mixed commercial and residential uses.

**Council Plan/Strategies:**

The proposed amendment is compatible with the *Murrindindi Shire Council Plan 2013-2017* and is consistent with clause 21.07 of the *Murrindindi Planning Scheme – Alexandra framework plan*.

**Legal/Policy Issues:**

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

**Financial/Resources/Risk**

It is considered that the proposed amendment will not create any financial or resources risk to Council. As the proposal would affect more than one site and would generate expanded economic activity, it is suggested that Council prepare the amendment without charging fees to landowners and pay the final fee for approval of an amendment (\$798).

**Discussion:**

The amendment is required to provide a small extension at the southern end of the Alexandra commercial centre, providing for an expanded range of future uses and developments in the area.

The proposed rezoning of 114 – 116 Grant Street, 47 – 49 Bayley Street and eastern section of 51 Bayley Street to Mixed Use would provide for a greater range of residential and commercial uses than the existing Residential 1 Zone to complement the adjoining commercial centre. This extension will link the centre to the former tyre centre at 118 Grant Street, which is zoned Business 4 (Commercial 2).

The rezoning of the western section of 51 Bayley Street from Residential 1 to Public Use 6 (Local Government) will provide for the ongoing existing ownership and use of the land for local government purposes (senior citizens centre).

Overall, the amendment is expected to have positive social and economic benefits for landowners, Murrindindi Shire Council and the general community through:

- Provision of further mixed use and commercial land that may be used to generate employment and economic activity for the Alexandra township.
- Correction of zoning to best recognise the public ownership and use of a section of the land (western section of 51 Bayley Street).

The Mixed Use Zone is considered the best option for 114 – 116 Grant Street, 47 – 51 Bayley Street and the eastern section of 51 Bayley Street as it is effectively a residential zone providing

maximum flexibility for future land use and development and is less restrictive than the Commercial 1 Zone (the zoning of the Alexandra commercial area), which requires a planning permit for a dwelling. The Mixed Use Zone allows various uses without a planning permit, including a dwelling, an office up to 250 square metres in area, a shop up to 150 square metres in area and food and drink premises up to 150 square metres in area. The Mixed Use Zone is currently used for the Station Street precinct in Yea.

The amendment complies with the Alexandra framework plan which is part of clause 21.07 under strategies for serviced townships in the Murrindindi Planning Scheme. This plan sets out the existing and future planning for Alexandra in a schematic manner and gets updated whenever zoning changes are made to the Alexandra township area. The amendment proposes to amend the existing strategy to consolidate commercial development within the Bayley Street, Myrtle Street and Nihil Street precinct to provide for a small extension to the centre to the south. In addition to complying with the local planning policy framework of the Murrindindi Planning Scheme, the proposed rezoning meets the directions of the adopted *Alexandra Urban Design Framework*, Urban Enterprise Pty Ltd, November 2005, to promote further commercial and economic activity and further redevelop and vitalise the Grant Street precinct.

The officer recommendation is in three parts, the first part is to seek authorisation from DTPLI to exhibit the amendment (a legal process that is required prior to the exhibition of any amendment), the second part confirms the notification that will be undertaken for amendment exhibition and the third part is to exhibit the amendment once it is authorised.

***Consultation:***

A minimum one month statutory exhibition period will be undertaken for the amendment, comprising notice to affected and nearby landowners, notice to relevant agencies, public notice in local press and notice to prescribed ministers. This proposed notification provides a legal right to comment on the amendment and have a submission considered by council, planning panel (if Council cannot meet objections) and the Minister for Planning.

***Conclusion:***

The proposed rezoning will allow a greater range of uses to effectively extend the existing Alexandra commercial centre and to link the centre with a former tyre centre to the south. The proposed Mixed Use zoning will provide for both commercial and residential uses, allow existing uses to continue and complement the adjoining Alexandra commercial centre.

**RESOLUTION:**

Cr B Magner / Cr A Derwent

That Council:

1. Request under Section 8A (2) and (3) of the *Planning and Environment Act 1987* that the Minister for Planning authorise Murrindindi Shire Council to prepare Amendment C50 to the Murrindindi Planning Scheme;
2. Notify the Minister for Planning that when it exhibits Amendment C50, Murrindindi Shire Council intends to give full notification of the amendment under Section 19 of the *Planning and Environment Act 1987* for the minimum statutory exhibition period of one month; and
3. When authorised by the Minister for Planning, exhibit Amendment C50 to the Murrindindi Planning Scheme under Section 19 of the *Planning and Environment Act 1987*.

**CARRIED**

## **8.2 INFRASTRUCTURE SERVICES**

### **8.2.1 Special Charge Scheme for Infrastructure Works Policy**

File No: 52/01/05

(Refer Encl 8.2.1 - Special Charge Scheme for Infrastructure Works policy)

#### **Purpose:**

The purpose of this report is to present to Council the Special Charges Scheme Policy for Infrastructure Works for consideration.

#### **Recommendation:**

**That Council adopt the Special Charge Scheme for Infrastructure Works Policy.**

#### **Background:**

The use of Special Charge Schemes is intended to enable a Council to recover the cost of capital works from property owners where those works will be of a special benefit to them.

These works are primarily, but not limited to, road, drainage, kerb & channelling and footpath construction projects that are either requested by the abutting property owners or implemented by Council as part of its capital works program.

Construction of local residential streets or drainage primarily benefits the people who live on that street. If it is clear that properties will benefit from the new works, Council will use the provision outlined in Section 163(1) of the Local Government Act to declare a Special Charge Scheme and to recover the costs of works from property owners where those works will be of special benefit to them. Councils chose to use this method because the cost of works is far greater than can be raised from rate revenue.

Council has an existing policy that is quite outdated relating to Special Charge Schemes. Over the past few years Council has had a number of enquiries relating to the development of special charge schemes. Council has currently one scheme in place which is the Green Street Special Charge Scheme. It was considered that a review of the existing Special Charges Scheme Policy be reviewed and updated.

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

The sections of the Murrindindi Shire Council Council Plan 2013-2017 that relate to this report include:

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

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

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

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

Council is required to implement and administer Special Charge Schemes under Section 163 of the Local Government Act (the Act). This policy is to ensure an equitable and consistent approach and compliance with the Act.

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

Most Councils are unable to provide the financial resources to construct all infrastructure



requested by the Community. However a Special Charge Scheme allows Council to facilitate the provision of infrastructure that directly benefits land-owners, or leaseholders. Schemes that require a contribution in full or part from land owners or leaseholders will be developed so that they are consistent, fair, equitable and cost effective for everyone.

***Discussion:***

The initiation of a Special Charge Scheme generally occurs as a result of residents approaching Council requesting that works be undertaken. However Council can also initiate a scheme.

The Act provides Council with a tool to develop schemes for the construction of infrastructure or the provision of services where a contribution from property owners is sought. As previously discussed the infrastructure may include (but not limited to) roads, footpaths, kerb and channel, drainage, sewerage, safety works, or improve amenity.

In reviewing the policy it was considered there was a need to provide Council and the community with some direction regarding how a Special Charge Scheme may be initiated and progressed. The review of the existing Special Charge Scheme does this with a more detailed procedure to set out the process to be followed for works to be constructed by way of a Special Charge Scheme. The scope of the newly revised policy is intended for infrastructure works only.

The guiding principles of this policy include the following:

- Consideration of all relevant circumstances will be properly defined, considered and taken into account when Special Charge Schemes are reported to Council for adoption;
- Opportunities to maximise community participation and consultation will be undertaken to ensure fairness and equity;
- Any imposition of Special Charges and the apportionment of costs on the basis of total benefits, including special benefits and community benefits, for the persons included in the Special Charge Scheme will be applied ensuring fairness and equity;
- Resources of Council are used to best meet the needs of the local community;
- Council will implement this policy within the legislative framework and the procedure for implementing Special Charge Schemes; Council will ensure transparency, accountability and consistency in all decision making;
- A Special Charge Scheme will only proceed where there is 60% or more support from affected property owners;
- The decision of Council to declare a Special Charge and to contribute to a Special Charge Scheme is (subject to any requirements in the Act to the contrary) entirely a matter for the discretion of Council, to be exercised as Council sees fit and subject to Council resolution;
- The extent of works for a street construction scheme must be acceptable to Council; and
- If, for any reason, Council resolves not to proceed, a moratorium of three years on instigating another similar proposal for a scheme will apply.

***Consultation:***

Consultation on this policy has included discussions with Councillors and internal officers from the Executive Management Team and the Capital Works Delivery Team within the Infrastructure Assets Business Unit.

In addition officers consulted with other Council's regarding the development of policy relating to Special Charge Schemes.

The policy is not intended to have a period of public consultation.

**Conclusion:**

This policy gives clear guidance of the process for implementation of Special Charges Schemes for Infrastructure Works. The provision of the policy will provide clear and consistent information for Council and community members who wish to investigate a Special Charge Scheme.

**RESOLUTION:**

Cr C Challen / Cr B Magner

That Council adopt the Special Charge Scheme for Infrastructure Works Policy.

**CARRIED**

**8.2.2 Quarterly Capital Works Report to 30 September 2013**

File No: 24/03/09, 13/7541

(Refer Encl 8.2.2 - 2013/2014 Capital Works Program)

**Purpose:**

The purpose of this report is to provide Council with the September quarterly update on Council's 2013/2014 Capital Works Program. The report will ensure that Council is advised of the progress of the capital works program.

**Recommendation:**

**That Council receives the 2013 September Quarterly Capital Works Report.**

**Background:**

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

This report represents the first quarter report of the 2013/2014 Capital Works Program. The period of reporting is from 1 July to 31 September 2013.

**Council Plan/Strategies:**

The Council Plan 2013-2017 reference that is applicable to this report is as follows;

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

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

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

**Legal/Policy Issues:**

Council is obliged to prepare a budget annually with the Capital Works Program forming a considerable component of the annual budget.

**Financial/Resources/Risk**

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

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

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

**Discussion:**

Works undertaken during the first quarter of the 2013/2014 capital works program generally consists of the completion of carry forwards from the 2012/2013 capital works program, and the initiation of the scoping, planning and design phases of the 2013/2014 capital works projects.

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

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

**1. Budget Vs. Actual (year to date)**

- The 2013/2014 revised adopted Capital Works budget is \$13,342m which includes \$3,088m of carried forward projects
- Variance on Year is \$821,000 above year to date budget of \$1.319m indicating works are ahead of schedule.
- 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	(481,000)	Significant component of expenditure relates to the Y Water Centre \$201k and Marysville Community Centre \$219k where construction is ahead of program.
Bridges	(319,000)	Bridge renewal ahead of program and scheduled Year To Date expenditure. Allendale Rd Bridge, Strath Creek \$109k Taponga Bridge1&2 \$85k Big River Bridge \$69k Breakaway Bridge \$56k
<b>TOTAL</b>	<b>(821,000)</b>	

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

The major areas of expenditure for the September quarter include:

- Y Water Centre \$547,888
- Break O' Day Road \$181,590
- Breakaway Bridge \$298,127
- Big River/Toponga Bridge \$154,325
- Yea Shire Hall \$137,485

### 4. Details of projects where physical works are anticipated to commence during the next reporting period of 31 September 2013 to 31 December 2013

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

- Road resealing program
- Resheeting program
- Shoulder Resheeting
- Yea Shire Hall – Finalising stage 1 renovation and stage 2 extension and fit out.
- Bon Street and Green Street drainage and road construction works
- Footpath renewal
- Footpath Missing links
- Alexandra Office layout changes following closure of Grant Street Office and the need to accommodate additional staff within the main office building.

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

#### Yarck Streetscape

Council has commenced work to develop initial concept designs and has engaged a traffic engineer to undertake this work including a traffic management study. This study will take into account Vicroads requirements relating to the two way usage of the service roads along with the input from local traders.

Preliminary drawings have been received from the traffic consultant and are currently being reviewed and discussed with Vicroads. Once a draft is finalised, the concept designs will be presented to the community for further consultation and input.

The project will need to be developed to ensure that it will meet the funding guidelines of the Putting Locals First Program (PLFP). This may involve including additional elements that improve the amenity of the township although not related to the actual road works. The project will be delivered subject to a successful grant application to be submitted under the PLFP.

Officers have identified that the current budget allowance of \$20,000 to be used as leverage to acquire a further \$60,000 of grant funding may be insufficient for this project.

Following finalisation of design options, officers will prepare costing and present a further report to Council for consideration on funding options including accessing funds which were identified as project savings from previous years capital works program in accordance with the Capital Works Policy.

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

**Marysville Car Park**

The construction of the car park achieved practical completion in September with only minor works remaining.

**1000 Hands Project Marysville**

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

**Narbethong Reserve**

The majority of works at the Narbethong Reserve have been completed with only minor landscaping works such as a top up of paving materials to be completed by November 2013.

**Gallipoli Park Stage 2**

Works on this project commenced in September and include the landscaping surrounds to the skate ramp, a BMW track and a netball half court.

**Marysville Community Centre Fit Out**

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

**7. Projects completed in the September quarter**

- Big River & Toponga Bridges
- Breakaway Bridge
- Marysville drainage
- Pioneer reserve BBQ shelter & toilets
- Playground renewal project
- Break O'Day renewal & major patching (excluding final seal)
- Rotary Park cable bridge
- Toolangi & Castella Central Park
- Toolangi All purpose track

## **8. Additional project information**

### **Kinglake Ranges Art History Walk**

A Project Control Group (PCG) has been established to oversee the implementation of the Project.

Following a call for expressions of interest from the community a Project Reference Group (PRG) has been formed to gather community input from volunteers, local artists, local tradespeople and interested persons or groups.

Council has engaged Aecom, a specialist consultant group, as project managers. Initially, Aecom will facilitate a series of workshops with the PCG and the PRG to develop and progress the project. The workshops are anticipated to be completed within the next quarter.

### **Kinglake East Walking Track**

Design and survey work has been completed on the project. Officers are now completing further assessment of the path alignment taking into consideration the impact on native vegetation, feedback from residents, Landcare groups and Council's environmental officers.

This involves assessment of possible options such as a boardwalk over an area of steeper, vegetated terrain. Following completion of this assessment Council's planning permit requirements will be fully defined. A small area of pathway was installed in this section to avoid further disturbance to the vegetation.

Officers will confirm final alignment of the trail within the next quarter. It is expected construction work on the trail will commence early in the new year subject to finalising planning requirements.

#### ***Consultation:***

The September Quarterly Capital Works report has been developed with the respective officers responsible for the delivery of the capital works program so that Council is kept informed of project progress through quarterly project updates.

#### ***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.

#### **RESOLUTION:**

Cr J Walsh / Cr J Kennedy

That Council receives the 2013 September Quarterly Capital Works Report.

**CARRIED**

## **8.3 BUSINESS SERVICES**

### **8.3.1 Section 86 Committee of Management Governance**

File No: SF/922

(Refer *Encl 8.3.1a* – Instrument of Delegation, *Encl 8.3.1b* – Committee of Management Governance Manual and *Encl 8.3.1c* – Committee of Management Governance Manual Form Templates)

**Purpose:**

The purpose of this report is to seek Council's endorsement of the proposed governance structure for Section 86 Committees of Management, including the Instruments of Delegation and the Committee of Management Governance Manual.

**Recommendation:****That Council:**

1. **Delegates the powers, duties and functions as set out in the attached Instrument's of Delegation for the following Section 86 Committees of Management:**

<b>Buxton Recreation Reserve Committee of Management</b>
<b>CJ Dennis &amp; Castella Public Hall Reserve Committee of Management</b>
<b>Eildon Alliance Boat Ramp Committee of Management</b>
<b>Eildon Community Resource Centre Committee of Management</b>
<b>Friends of Yea Railway Committee of Management</b>
<b>Gallipoli Park Precinct Committee of Management</b>
<b>Glenburn Community Centre Committee of Management</b>
<b>Kinglake Community Centre Committee of Management</b>
<b>Kinglake Memorial Reserve Committee of Management</b>
<b>Mt Pleasant Reserve Committee of Management</b>
<b>Strath Creek Reserves &amp; Hall Committee of Management</b>
<b>Yea Pioneer Reserve Committee of Management</b>
<b>Yea Saleyards Committee of Management</b>
<b>Yea Showgrounds &amp; Recreation Reserve Committee of Management</b>
<b>Yea Wetlands Committee of Management</b>

2. **Endorses the Delegation coming into force immediately the common seal of Council is affixed to the Instrument; and**
3. **Endorses the "Committee of Management Governance Manual" as attached to this report**

**Background:**

Section 86 (3) of the *Local Government Act 1989* (Act) outlines that Council can by way of an Instrument of Delegation delegate any of its functions, duties or powers under any Act to a Special Committee (Committee of Management).

Subsection (4) outlines that Council cannot delegate any of the following:

- (a) this power of delegation;
- (b) to declare a rate or charge;
- (c) to borrow money;
- (d) to enter into contracts for an amount exceeding an amount previously determined by the Council;
- (e) to incur any expenditure exceeding an amount previously determined by the Council;

(f) any prescribed power.

The current Instruments of Delegation for the Committees of Management were affixed with the common seal on 22 December 2010. It is best practice to review the Instrument of delegation following a Municipal Election. As part of this review a new Instrument of Delegation has been developed based upon a template provided by Council's solicitors, the current Instrument of Delegation and benchmarking against other Victorian Council's Delegations (*Refer Encl 8.3.1a*).

The delegated powers include the powers defined by the Act and by Council that are required by the Committee in order to effectively manage the facility / reserve on Council's behalf.

There are currently seventeen Committees of Management with delegated powers. Instruments of Delegation have been reviewed and changed for fifteen of these committees (included in *Encl 8.3.1a*). The Bollygum Park Reserve Committee of Management and the Thornton Recreation Reserve and Hall Committee of Management are currently in discussions with Council regarding the best governance arrangement for the management of the reserves and Hall and these matters will be considered by Council at a subsequent Council meeting.

To support the Instruments of Delegation and provide guidance to the members of the Committees of Management the "Committee of Management Governance Manual" has been developed and is attached in Encl 8.3.1b & Encl 8.3.1c. The Manual combines the former Charter and the Committee of Management Handbook. It aims to provide advice and tools required to ensure the effective governance of Council facilities and Committees of Management. The manual includes a series of templates (Encl 8.3.1c) aimed to ensure that volunteer members of the Committees achieve compliance in the simplest way.

***Council Plan/Strategies:***

This report addresses the Council Plan 2013-2017 Strategic Objective to continue to improve our processes to enhance the efficiency and effectiveness of the organisation and the annual activity to implement business process improvements related to governance.

***Legal/Policy Issues:***

The power to delegate functions, powers and duties to a Special Committee falls under Section 86 (3) of the *Local Government Act, 1989*. The powers delegated are predominantly from the Act but also include powers directly conferred by the Council.

***Financial/Resources/Risk***

One of the key powers that Council delegates to the Section 86 committee of Management is the power to manage the reserve / facilities finances. Council delegates that Committees can expend up to \$5,000 in a single transaction and set fees relating to the use of the facility. With this power comes the responsibility to meet reporting requirements. The Governance Manual and templates provided assist Committees of Management in this reporting function.

***Discussion:***

The Instrument of Delegation outlines the powers under the Act and further powers that a Committee requires in order to manage the facility/ reserve. These powers were all previously delegated to Committees of Management; however the following alterations have been made in consultation with the specific Committees of Management.



<b>Committee of Management</b>	<b>Alteration</b>
Gallipoli Park Precinct Committee of Management	In December 2012 Council resolved that the Murrindindi Shire Council Officer become non-voting.  The membership has been adjusted to be Nine (9) voting members instead of Ten (10).
Glenburn Community Centre Committee of Management	The Glenburn Committee of Management requested that the Neighbourhood Watch representative position which has been vacant for some time be changed to a Community Representative. The voting membership number is unchanged and the alteration has been reflected.
Friends of Yea Railway Committee of Management	The Friends of Yea Railway Committee of Management as part of its 2013 Annual General Meeting requested the addition of a UGFM user group representative. This has increased its voting membership by one (1).
Strath Creek Reserves & Hall Committee of Management	In December 2012 Council resolved to rename the Strath Creek Pioneer Reserve Committee of Management to Strath Creek Reserves & Hall Committee of Management.  The Instrument of Delegation has been altered to reflect this resolution.

In addition to the above changes, "One (1) Murrindindi Shire Council Councillor or Representative (non-voting)" has been added to each of the membership's to reflect Council's resolution at its Special Meeting of 30 October 2013 to appoint Council Representatives to each of the Committees of Management.

The Governance Manual illustrates the requirements that the Committees must meet. These requirements although not new, have been very specifically outlined in this document. In an effort to respond to any hesitance or resistance received from the Committees, templates have been produced to assist Committees with compliance in governance.

**Consultation:**

There has been no community consultation in relation to the preparation of these delegations or the Governance Manual. Council officers have undertaken a benchmarking exercise with other Councils to ensure the proposed governance arrangements reflect best practice across the sector.

Subject to Council's endorsement at this meeting it is proposed that Council Officers will meet with each Committee to provide an overview of the new delegations and Governance Manual.

**Conclusion:**

It is Council's responsibility to review the Instruments of Delegation to Committees of Management following a Council Election. The Governance Manual has been developed to ensure that managing facilities/ reserves is effective and the requirements placed upon the Committee of Management are made as simple as possible to help ensure compliance.

**RESOLUTION:**

Cr C Ruhr / Cr J Kennedy

That Council:

1. Delegates the powers, duties and functions as set out in the attached Instrument's of Delegation for the following Section 86 Committees of Management:

Buxton Recreation Reserve Committee of Management
CJ Dennis & Castella Public Hall Reserve Committee of Management
Eildon Alliance Boat Ramp Committee of Management
Eildon Community Resource Centre Committee of Management
Friends of Yea Railway Committee of Management
Gallipoli Park Precinct Committee of Management
Glenburn Community Centre Committee of Management
Kinglake Community Centre Committee of Management
Kinglake Memorial Reserve Committee of Management
Mt Pleasant Reserve Committee of Management
Strath Creek Reserves & Hall Committee of Management
Yea Pioneer Reserve Committee of Management
Yea Saleyards Committee of Management
Yea Showgrounds & Recreation Reserve Committee of Management
Yea Wetlands Committee of Management

2. Endorses the Delegation coming into force immediately the common seal of Council is affixed to the Instrument; and
3. Endorses the "Committee of Management Governance Manual" as attached to this report.

**CARRIED****8.3.2 Quarterly Financial Report to 30 September 2013**

File No: 10/02/20

*(Refer Encl 8.3.2 – Quarterly Financial Report to 30 September 2013)****Purpose:***

The report provides the quarterly financial report for the period ending 30 September 2013.

***Recommendation:*****That Council receives the Quarterly Financial Report to 30 September 2013.*****Background:***

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

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

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

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

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

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

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

***Council Plan/Strategies:***

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

***Legal/Policy Issues:***

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

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

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

***Financial/Resources/Risk***

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

***Discussion:***

***Annual Council Budget***

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

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

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

Finally it includes an analysis of the cash flow and capital works statements along with the 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 8.3.2 - Statements A – D*)

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

#### **Quarterly Financial Report to 30 September 2013**

These four Statements for the quarter to 30 September 2013 are included in Encl 8.3.2.

The table below is a reconciliation between Council's Adopted Budget and enclosed Statements which include carry forward of unexpended projects from 2012-13.

At this stage only adjustments for carry forwards have been included in the revised budget. Council will be undertaking a complete mid-year review as at December 2013, which will incorporate all newly approved grant funded projects and all other known variances since budget adoption, together with minor adjustments or reallocation to the works program to accommodate the final payment of the Murrindindi Assistance Package funding.

#### Reconciliation of Budget Adjustments - Sept 2013 Quarterly Review

	<b>Operating Result Surplus / (Deficit)</b>	<b>Capital Works Budgets</b>
Adopted Budget 2013/2014	38,567	(10,254,229)
Carry forward adjustments	(3,512,811)	(3,087,940)
Revised Budget 2013/2014	(3,474,244)	(13,342,169)

The original budget operating Surplus has been impacted by carry forward adjustments as discussed below. The resultant deficit should be considered in light of the 2012/13 period which shows an original budgeted operating surplus of \$1.27m while the actual operating surplus result for 2012/13 was \$6.28m. The turnaround of the current year's adopted surplus of \$39k to a deficit of \$3.5m 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 2013/14 Grants Commission funds. In June 2013 the Federal Government opted to advance Councils 50% of the 2013/14 payment in 2012/13 year. This has resulted in \$2.3m being received in 2012/13 increasing the 2012/13 surplus and \$2.3m being reduced in the 2013/14 operating budget decreasing the 2013/14 budgeted surplus.

It should be noted that generally Local Government Income Statements report a surplus because the statement includes all of Council's income sources, but does not include all of

Council's expenditure as Capital expenditure is reported via a separate Capital works Statement D.

As part of the September 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 Council's cash inflows and outflows. Although there has been an adjustment in the operating budget of \$3.5m, 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 only \$1.0m. The bulk of this adjustment is in grants. The adjustment of \$2.3m relating to Grant Commission funding (as reported above) has been offset by carry forward of several grants not received in 2012-13 totalling \$480k and a further reduction in Trade & Other Receivables of \$647k due to the actual balance at 30 June 2013 being greater than forecast.

Carry forward adjustments are 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 2013/14 was adopted on 26/6/2013 being compiled from information based on most accurate forecast possible for the 2012/13 actual financial outcome. In the intervening period between the preparation of the 2013/14 budget (around March/April) and the completion of the 2012/13 year, variations arise between the forecast figures and the actual end result. Where these variations are related to capital works or grant funded 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 project or due to the receipt of a grant in advance.

### **Balance Sheet (Statement B)**

The Balance Sheet – Statement B as at 30 September 2013 shows a major year to date variance in Trade & Other Receivable of \$1.4m relating to outstanding claims for Natural Disaster Funded Projects being Bushfires \$328k and Storm Events \$1.06m. Meetings have been held with Vic Roads and the Department of Treasury and Finance to address this issue. The other major year to date variance of \$1.14m relates to Property Plant & Equipment which is explained and reconciled with reference to Statement D Capital Works.

The overall revised budget position maintains a higher level of cash as at 30 June 2014 of \$12.1m which is \$2.0m above the original budget for 2013/14 of \$10.1m. The bulk of this relates to the increased level of Reserves \$1.3m with movements detailed in Statement E Reconciliation of Non Discretionary Cash & Reserves, together with an increase of \$0.7m in discretionary cash. (Original Budget 2013/14 \$3.5m / Revised Budget \$4.2m).

This additional cash is partially due to better than forecast results for 2012-13 e.g. interest on investment which was \$105k greater than projected, and also the balance of unexpended capital works for 2012-13 not identified to be carried forward.

It has been identified that approximately \$426k of these funds relate to unspent Infrastructure Works and as part of the December 2013 Quarterly Review will be reviewed and if not required to meet funding requirements such as Roads to Recovery expenditure from own source revenue, will be transferred to an Infrastructure Reserve for future capital works.

### **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 was used to repay Council's component of the Vision Superannuation Defined Benefits Unfunded Liability in 2012-13.

As part of the 2013/14 Budget and Council's 2013-2017 Long Term Financial Plan Council has made a commitment to re-establishing a cash backed proportion of this liability, to be at 25% of the current LSL Liability over a 4 year period, by 30 June 2017.

### **Operating**

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

The Year to Date Summary of the Income Statement for the period ending 30 September 2013 is provided in Table 1 as follows:

**Table 1 – Summary of Income Statement**

	YTD	YTD	
	Budget	Actual	Variance
	\$k	\$k	\$k
<b>Revenue</b>	18,850	19,462	<b>612</b>
<b>Expenses</b>	6,201	5,465	<b>736</b>
<b>Surplus</b>	<b>12,649</b>	<b>13,997</b>	<b>1,348</b>

The Year To Date (YTD) operating result at 30 September 2013 shows income up by \$612k and expenditure down \$736k generating a larger than expected YTD surplus of \$1.348m or 11% better 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		
612	Unfavourable to budget	
Key Components	Type	Particulars
13	Contributions	Contributions for Hume Learning Apprenticeship \$3k and Alexandra Community Leisure Centre \$7k had incorrect YTD budgets profiles showing these contributions favourable – these YTD budgets have been adjusted.

Variance		
\$k		
612		
Unfavourable to budget		
Key Components	Type	Particulars
109	Reimbursements	Reimbursement of legal expenses from debt recovery \$41k together with funding for Fire Service Property Levy costs \$61k make up the bulk of this favourable variance. In addition \$6k has been received for minor insurance claims.
21	Other Revenue	Lease rental for transmission towers \$11k and Caravan Parks \$7k have been received ahead of YTD budget expectations. In addition Council has received \$5k from unbudgeted lease revenue from Butter Factory.
337	Net Gain (loss) on disposal of property, infrastructure & equipment.	This favourable variance relates to the timing of the write out of carrying amount of assets sold. Invoices for sale of land and trade of motor vehicles were taken up in September, however as transactions were not completed until October the resulting write out of the carrying amount of these assets had not been processed at the reporting date 30 September.

**Table 3 – Key Expense component variance**

Variance		
\$k		
736		
Favourable to Budget		
Key Components:	Type	Particulars
654	Materials & Services	<p>Favourable variance mainly relates to</p> <ul style="list-style-type: none"> <li>• maintenance of new and expanded assets \$227k,</li> <li>• Murrindindi Assistance package \$142k,</li> <li>• Infrastructure maintenance \$83k,</li> <li>• Facilities Maintenance \$60k,</li> <li>• Plant &amp; Fleet \$56k,</li> <li>• Aged and Disability \$47k and</li> <li>• Waste –Landfill (\$75k ) unfavourable</li> </ul> <p>These favourable variances are spread mainly across contractors \$255k and consultants \$230k. It should be noted these are year to date variances to budget and not forecast savings as most budgets are predicted to be expended by year end.</p>
14	Other Expenses	With rate notices issued early September being later than initially anticipated, this had delayed the processing of abandonments \$8k and Commercial Garbage Waiver \$4k which were not processed until October 2013 – post the end of the Sept reporting period.

**Capital**

As at 30 September 2013, Capital Works are (\$821k) above the year to date budget of \$1.319m. Statement D, as attached, indicates that across the asset categories, the largest variances are (\$481k) in Buildings and (\$319k) in Bridges.

**Table 4 – Summary of Capital Works completed (Financial)**

Asset Category	YTD Budget	Actuals	Variance	Complete to
	30/09/2013	30/09/2013	YTD	YTD Budget
	\$'000	\$'000	\$'000	%
Buildings	584	1,065	(481)	-82%
Plant & Machinery	116	121	(5)	-4%
Roads & Paths	210	207	3	2%
Bridges	245	563	(319)	-130%
Drainage	104	112	(8)	-8%
Heritage Assets	-	4	(4)	0%
Furniture & Equipment	60	67	(7)	-12%
Library Bookstock	-	1	(1)	0%
Works in Progress	-	-	-	0%
<b>Total Capital Works</b>	<b>1,319</b>	<b>2,141</b>	<b>(821)</b>	<b>-62%</b>

**Table 5 – Key Capital component variance**

Variance		
\$k		
<b>-821</b>	<b>Favourable to Budget</b>	
Key Components:	Type	Particulars
-481	Buildings	<p>Expenditure on buildings is running ahead of expectations with the major three items being</p> <ul style="list-style-type: none"> <li>• Marysville Community Centre car park \$219k,</li> <li>• Y Water Centre \$201k, and</li> <li>• Yea Swimming Pool \$31k.</li> </ul> <p>The remaining variations are a combination of minor variations across several projects.</p>
-319	Bridges	<p>Variance due to projects running ahead of scheduled YTD budgets</p> <ul style="list-style-type: none"> <li>• Allendale Road – Strath Creek \$109k</li> <li>• Toponga Bridge 1 \$34k</li> <li>• Toponga Bridge 2 \$51k</li> <li>• Big River Bridge \$69k</li> <li>• Breakaway Bridge \$56k</li> </ul>

With minimal Year to Date variance, the capital works program overall appears to be running along well as at 30 September 2013. The overall budget has been increased from \$10.254m to \$13.342m with \$3.088m carry forwards from unexpended capital work projects forecast to be completed by 30 June 2013. Further details by category can be found in Statement D.



**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:

- Red High risk of short-term and immediate sustainability concerns
- Yellow Medium risk of long-term sustainability concerns
- Green Low risk of sustainability concerns

The relevant indicators are as follows:

**Liquidity**

Working Capital Ratio

VAGO Risk assessment criteria

2012	Risk	2013	Risk	2013	Risk	Risk
Actual		Actual		Mean		
2.34		3.29		2.56*		Low - More than 1.5

	High - Equal to or less than 1.0
	Medium - 1.0 - 1.5
	Low - More than 1.5

The ratio represents the amount of realisable assets required to cover short term liabilities. A ratio of one or more means there is more cash and liquid assets than short – term liabilities. This measures the ability to pay existing liabilities in the next 12 months and indicates that there are no immediate issues with repaying short-term liabilities as they fall due.

**Indebtedness**

Debt Exposure Ratio

VAGO Risk assessment criteria

2012	Risk	2013	Risk	2013	Risk	Risk
Actual		Actual		Mean		
27.25%		25.04%		26.83%*		Low - 40% or less

	High - More than 60%
	Medium - 40% - 60%
	Low - 40% or less

The ratio indicates the percentage of debt to realisable assets and is a measure of Council’s solvency. It provides a comparison of non-current liabilities (mainly comprised of borrowings) to own-sourced revenue. The higher the percentage, the less able a Council is to cover non-current liabilities from the revenues that a Council generates itself. Own-sourced revenue is used rather than total revenue because this measure does not include capital grants that are usually tied to specific projects. A percentage of less than 40 indicates that there is no concern over the ability of a Council to repay debt from its own-sourced revenue.

## Self Financing

### Revenue Ratio

#### VAGO Risk assessment criteria

2012	Risk	2013	Risk	2013	Risk	Risk
Actual		Actual		Mean		
29.20%		33.52%		25.15%*		

High - Less than 10%

Medium - 10% - 20%

Low - 20% or more

The ratio measures the ability to replace assets using cash generated by Councils operations. The higher the percentage, the more effectively this can be done.

\* Mean across small shire councils for the year ended 30 June 2013.

This indicates that Council has an overall low risk in terms of its financial position, based on the VAGO assessment criteria and also has a more favourable rating relative to other small shire Councils. 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:**

There has been no community consultation with respect to the preparation of this quarterly finance report.

#### **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 September 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.

#### **RESOLUTION:**

Cr C Challen / Cr B Magner

That Council receives the Quarterly Financial Report to 30 September 2013.

**CARRIED**

### **8.3.3 Service Provision on Code Red Days Policy**

File No: SF/491

(Refer Encl 8.3.3 – Service Provision on Code Red Days Policy)

#### **Purpose:**

The purpose of this report is to seek Council's endorsement of the Service Provision on Code Red Days Policy.

#### **Recommendation:**

**That Council formally adopts the Service Provision on Code Red Days Policy.**

**Background:**

Days when the Fire Danger Rating is Code Red are considered by fire agencies to be the most dangerous, with fire behaviour predicted to be uncontrollable, unpredictable and fast moving. On such days the Country Fire Authority (CFA) advise people to leave areas of high bushfire risk, either the night before, or early in the morning and avoid heavily grassed or forested areas.

In areas prone to bushfires it is likely the many public services will be suspended, including schools, kindergartens, and pre-schools and employment generally is likely to be disrupted as people heed the advice of the CFA and enact bushfire survival plans. The states forests and National Parks will be closed to public access on such days.

With the exception of the central urban areas of Yea and Alexandra, the Murrindindi Shire is predominantly classified by the State Government as bushfire prone. Consequently it is anticipated that the public within Murrindindi will be on heightened alert on Code Red Days and vigilant for information that assists them in their bushfire survival planning. It is therefore important that information is readily available to the public on Council's preparedness and service availability on such days to aid individual decision making.

A policy on Council's service provision on Code Red Days has therefore been prepared for Council's consideration and endorsement (refer Enclosure 8.3.3). The policy takes into consideration several pieces of work that have been undertaken since 2010 to assess bushfire risk and preparedness across the Murrindindi Shire. This has included improved mapping by the State Government of bushfire prone areas and wildfire risk across the State.

In addition Council adopted the Murrindindi Shire and Lake Mountain Municipal Fire Management Plan (MFMP) in 2012 which identifies and evaluates local bushfire risks. The CFA has also, in collaboration with Council, prepared community information guides for several townships within the Shire concerning bushfire risk, preparedness and neighbourhood safer places.

**Council Plan/Strategies:**

The policy relates to the Council Plan 2013-17 goals to manage our natural and built environment in a responsible manner and to support and promote health and wellbeing.

**Legal/Policy Issues:**

Council is obliged under the Occupational Health and Safety Act 2004 to provide a duty of care to its employees. Therefore Council needs to mitigate potential risk on Code Red Days by restricting work to essential services and those services that do not impose unnecessary risk to employees, other Council agents or the general public.

There is a separate organisational policy and procedures providing internal operational guidelines for staff on Code Red Days, including provisions for leave approval where required.

**Financial/Resources/Risk**

The Policy is aimed to ensure that Council personnel (including employees, Councillors, volunteers and contractors) and members of the public are not placed in situations of undue risk on Code Red Days when conducting Council business or in accessing Council services.

In the event of actual fire emergency on a Code Red day, Council's emergency management procedures, documented in Council's the Municipal Emergency Management Plan (MEMP), will come into operation.

**Discussion:**

The Policy recognises that Council's services are likely to operate with altered or reduced service levels on Code Red Days for the following reasons:

- The large area within the Shire considered to be of high bushfire risk
- The need to ensure Council's operations do not unintentionally cause a fire to start
- The need to provide for the safety of Council staff and to ensure that the public are not placed in situations of undue risk when travelling to and accessing Council services
- To ensure sufficient staff resources can be re-deployed to emergency response planning functions and, in the event of a fire event, provision of support to fire combating agencies and emergency relief centres, and
- The likelihood that some staff will take approved leave on Code Red days to attend to family arrangements and to enact personal bushfire survival plans.

The policy indicates that Council Offices in Alexandra, Yea and Kinglake will remain open, as far as practicable, on Code Red Days.

The draft policy emphasises the need to avoid all non-essential travel on Code Red days. The policy proposes that Council meetings (Ordinary, Special and Briefings) as well as Council's delegated Committee or Advisory Committee meetings be cancelled on Code Red Days recognising the extent of travel often required for Councillors, staff, volunteers and members of the public to attend meetings.

Given that the urban centres of both Alexandra and Yea are not considered bushfire prone there may be a greater propensity for people enacting their fire plans on Code Red days to relocate to these towns. Where possible, Council's recreational services such as swimming pools and library services will be maintained in these towns.

The policy also proposes that a number of non-essential Council services in locations outside Yea and Alexandra will be suspended on Code Red days, given the need for travel to, or through, higher risk bushfire prone areas by staff and the public to deliver or access these services. These include Maternal Child and Health Services (Toolangi, Kinglake, Eildon, Marysville and Flowerdale), Swimming Pools in Eildon and Marysville and all mobile library services.

The policy also indicates that Council's outdoor infrastructure operations will be suspended, with staff on stand-by arrangements to respond to any emergencies arising.

The policy also indicates that Council will issue media releases outlining the services available on Code Red days. Council's website will include a specific banner that will be updated regularly concerning the availability of Council services and Council will utilise the services of UGFM Community Radio to issue bulletins where possible.

**Consultation:**

The Policy has been developed in consultation with Council's Senior Management Team and Councillors. Input has also been provided from Council's Emergency Management and Fire Co-ordinator, Municipal Emergency Resource Officer and Municipal Recovery Manager. There has been no community consultation with respect to this policy.

It is proposed that subject to Council's endorsement of the Service Provision on Code Red Days Policy, that a communications plan will be implemented to ensure information concerning the content of the policy is readily available in accessible formats to members of the public.

**Conclusion:**

This Policy addresses Council's responsibility to plan and manage for the provision of services and Council information on Code Red days in order to maximise employee and community safety, whilst ensuring appropriate emergency responses can be activated as required.

**RESOLUTION:**

Cr J Walsh / Cr J Kennedy

1. That Council formally adopts the Service Provision on Code Red Days Policy.
2. That the pertinent points of the Policy including its rationale be made available to the public via media releases, fact sheets and Council's website commencing immediately.

**CARRIED****8.4 CHIEF EXECUTIVE OFFICER****8.4.1 Quarterly Council Plan Report to 30 September 2013**

File No: SF/291

*(Refer Encl 8.4.1 – Quarterly Council Plan Report to 30 September 2013)****Purpose:***

This report provides an update on the progress on activities listed in the Council Plan 2013-2017 for the first quarter ending 30 September 2013. This is the first quarterly report for the 2013-2017 Council Plan.

***Recommendation:***

**That the Quarterly Council Plan Report to 30 September 2013 on the status of Council Plan activities be received.**

***Background:***

The Council Plan for the period 2013-2017 was adopted by Council at its Ordinary Meeting of 26 June 2013 in accordance with Section 125 of the *Local Government Act 1989*. The Council Plan 2013-2017 will be reviewed annually.

***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 first quarter of the Council Plan 2013-2017 report, ending 30 September 2013 the following results were achieved:

- 42 activities were on schedule
- 44 activities were ongoing
- 6 activities were not due to commence
- 3 activities were completed

Highlights for the quarter were:

The Community Services team has prepared in partnership with KU Childrens Services a Communications and Social Media strategy. Community stakeholders and Early Years Service providers have been consulted and a draft report has been received for review. A final report is expected in November 2013.

The “Change It Up” youth leadership program was developed and delivered involving 20 young people engaged in a 3 day program to represent the ideas of all of the young people from across the municipality.

A policy has been formed to outline how native vegetation is to be managed for all Council Infrastructure works. In conjunction with this policy Officers have developed a roadside management guide for all Infrastructure Operations staff to assist in the delivery of Council's works program.

The concept of a Shire wide peak business and tourism body (Murrindindi Inc) progressed well in the quarter with significant steps towards incorporation being achieved. A road show of open business forums that took in Thornton, Marysville, Alexandra, Yea and Kinglake were well attended. The steering group expects incorporation to occur before Christmas 2013.

Council has assisted with the establishment of a representative body to assist the Houseboat Industry in maximising its growth and addressing regulatory challenges.

Council has auspiced a grant for the Alexandra Timber Tramways Association to support master planning of the site and surrounds.

Council has supported the establishment of the Rivers and Ranges Community Leadership Program which will support community leaders in their advocacy.

Council continues to advocate for support from the State Government to cover the on-going operating, maintenance and renewal costs associated with the gifted and novated assets as a result of the 2009 fires.

There has been advocacy to the Victorian Government with support from the Hume Local Government Network and the High Country Councils Coalition, for the provision of funding for both the initial capital and the ongoing maintenance of trails.

Council has launched its new Electronic Document Management System, which is being progressively implemented across the organisation to improve paper-based and digital record and information management, increase the overall efficiency of administrative procedures and improve customer service.

**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 first quarter of the 2013 - 2014 financial year in relation to the implementation of the strategies from the Council Plan.

**Conclusion:**

The 30 September 2013 report for the Council Plan 2013 - 2017 reflects the outcomes of the first quarter for this Council Plan. The majority of activities are on schedule, ongoing or completed reflecting a strong commitment by Council to meet the requirements set by the Council Plan.

**RESOLUTION:**

Cr C Ruhr / Cr J Kennedy

That the Quarterly Council Plan Report to 30 September 2013 on the status of Council Plan activities be received.

**CARRIED**

Cr Ruhr requested that quantitative measurement of activities (eg actual vs planned) be provided in the quarterly Council Plan Report.

**The CEO undertook to provide the requested information in future reports.**

## **9. SEALING REGISTER**

File No: 13/6325

<b><i>File Reference</i></b>	<b><i>Date Seal Affixed</i></b>	<b><i>Description of Documents</i></b>	<b><i>Signatures of Persons Sealing</i></b>
24/13/1324	30/10/2013	Variation Letter – Acceptance of Variation Letter dated 30 October 2013 – Fixed Rate Fully Drawn Advance Facility	M Abbey Cr J Walsh
Ass 5694. 2950 Heidelberg - Kinglake Road, Kinglake	31/10/2013	Transfer of Land – Lot 1 on PS714388P being part of the land formerly contained in Volume 11243 Folio 170 and Volume 11375 Folio 270	M Abbey Cr C Challen

**Recommendation:**

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

**RESOLUTION:**

Cr C Challen / Cr C Ruhr

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

**CARRIED**

**10. COUNCILLOR PORTFOLIO REPORTS****10.1 LAND USE PLANNING PORTFOLIO**

Cr Walsh reported that:

- he had attended a Politics of Planning Seminar and commented that Surf Coast Shire Council has implemented a s86 Committee to consider Planning Applications.

**10.2 INFRASTRUCTURE AND WASTE PORTFOLIO**

Cr Magner advised he had attended:

- a Resource GV Directors Meeting, and noted that some Councils have a third bin for collection of household organic waste.

**10.3 ECONOMIC DEVELOPMENT PORTFOLIO**

Cr Challen reported she had:

- received a draft Goulburn River Valley Tourism (GRVT) Plan for the GRVT Board meeting tomorrow.
- attended the Goulburn Valley Tourism Visitor Information Centre Volunteer Tour in Nagambie.
- attended the final MAV Arts & Culture Committee meeting for 2013.
- attended the Regional Development Victoria Awards Night at which Pheasant Creek Firefoxes won an award.
- listened to the Baragwanathia Story at the Alexandra Library.
- attended a Gallipoli Park Precinct Committee of Management Meeting.

**10.4 CORPORATE AND CUSTOMER SERVICES PORTFOLIO**

Cr Ruhr advised that both areas had been very busy.

**10.5 COMMUNITY SERVICES PORTFOLIO**

Cr Derwent advised:

- the Access project had occurred in Alexandra for people with disabilities at which 22 shops were audited. It is planned to extend the program to other townships in the Shire.
- the introduction of demographic reporting on Council's website which should streamline council officers' compilation of information.
- the wellness service is being offered under auspice of the Mens Shed.
- he had attended the Lower Hume Primary Care Partnership AGM today.

**10.6 NATURAL ENVIRONMENT & CLIMATE CHANGE PORTFOLIO**

Cr Kennedy reported that:



- there had been no recent meeting of the Murrindindi Environment Advisory Committee.
- the CBA is not interested in assisting with the purchase of a block of land at the Yea Springs subdivision.
- wishes to establish the Protocols for logging in the shire owing to witnessing a potentially dangerous incident between logging truck and vehicle on a deteriorating road in the shire.

**The CEO undertook to provide a briefing on the subject.**

## **10.7 MAYOR AND DELEGATED COMMITTEE REPORTS**

Cr Rae

- with the Acting CEO, attended the CEO and Mayors Forum which included seven Ministerial speeches.
- attended the CFA National Emergency Medal presentation at Kinglake last weekend.
- met with the fourth Chinese delegation to Murrindindi whose focus was on human sources and community services.
- attended the "Back to Kinglake" function at which the World War 1 Kinglake Honour Board was replaced and the launch of the book "*Kinglake – A Collected History 1861-2011*".
- attended the launch of the book "*Narbethong: Historical notes with local recollections*".

## **10.8 GENERAL BUSINESS**

Cr Challen acknowledged and congratulated the Manager Economic Development, Bob Elkington, on winning the National Leadership Award from Economic Development Australia.

## **11. MATTERS DEFERRED FROM PREVIOUS MEETING**

Nil.

## **12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

Nil.

## **13. ASSEMBLIES OF COUNCILLORS**

File No: CY13/143

### ***Purpose:***

This report presents the records of assemblies of Councillors for the 23 October 2013 to 13 November 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 23 October 2013 to 13 November 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:**

<b>Meeting Name / Type</b>	Discussion prior to Ordinary Meeting	
<b>Meeting Date</b>	23 October 2013	
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Community Grants Round June 2013 to September 2013</li> <li>2. Loan Borrowings 2013-2014</li> </ol>	
<b>Attendees:</b> Councillors – Cr Walsh, Cr Rae, Cr Ruhr, Cr Derwent, Cr Challen, Cr Kennedy, Cr Magner	Staff – M Abbey, T Johnson, M Chesworth, M Leitinger	
<b>Conflict of Interest disclosures – Nil</b>		

<b>Meeting Name / Type</b>	Councillor Briefing Session	
<b>Meeting Date</b>	6 November 2013	
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Fire Prevention Program and Communications</li> <li>2. Vulnerable Persons Register</li> <li>3. Marysville Arts Project</li> <li>4. Draft Special Charge Scheme Policy</li> <li>5. Y Water Centre</li> <li>6. S86 Committees of Management – Honorariums Payments</li> <li>7. Friends of the Library Alexandra District MOU</li> </ol>	
<b>Attendees:</b> Councillors –Cr Rae, Cr Derwent, Cr Walsh, Cr Kennedy, Cr Challen, Cr B Magner	Staff –M Abbey, T Johnson, M Parsons, M Chesworth, N McNamara, J Canny	
<b>Conflict of Interest disclosures - Nil</b>		

<b>Meeting Name / Type</b>	Councillor Briefing Session	
<b>Meeting Date</b>	11 November 2013	
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. S86 Committee Delegations</li> <li>2. Capital Works Projects Update for Kinglake, Yarck &amp; Taggerty</li> <li>3. Planning Applications</li> <li>4. Interim Contracts for Bushfire Recovery</li> <li>5. Yea Structure Plan</li> <li>6. Code Red Policy</li> </ol>	
<b>Attendees:</b> Councillors –Cr Rae, Cr Kennedy, Cr Challen, Cr Derwent, Cr Walsh, Cr Magner	Staff – M Abbey, T Johnson, M Chesworth, J Canny, S Keath, P Valente, K Girvan, M Parsons	
<b>Conflict of Interest disclosures - Nil</b>		

**RESOLUTION:**

Cr C Challen / Cr B Magner

That Council receives and notes the record of assemblies of Councillors for 23 October 2013 to 13 November 2013 noting that Cr B Magner attended the Councillor Briefing on 6 November 2013.

**CARRIED****14. URGENT BUSINESS**

No urgent business.

**RESOLUTION:**

Cr C Ruhr / Cr J Kennedy

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

**CARRIED****The meeting closed to the public at 7.34 pm.****RESOLUTION:**

Cr J Kennedy / Cr C Ruhr

That the meeting re-open to the public.

**CARRIED****The meeting re-opened to the public at 7.38 pm.**

***In accordance with the confidential Council resolutions the Chair, Mayor Margaret Rae, released the following resolutions:***

**15.3 BITUMEN SURFACING CONTRACT**

File No: 24/13/1246

**RESOLUTION:**

Cr C Ruhr / Cr C Challen

That Council:

1. Accept the contract variation for the first year of the two year option from Primal Surfacing Pty Ltd for the lump sum price of seven hundred and twelve thousand five hundred and forty five dollars and nineteen cents (\$712,545.19 ex GST) for Contract Number 24/13/1446 BITUMEN SURFACING – 2012/2013.
2. Authorise the signing and sealing of variation to contract number 24/13/1246 Bitumen Surfacing 2012/2013.

**CARRIED**

**15.4            AUDIT COMMITTEE APPOINTMENT**

File No:        24/03/08

**RESOLUTION:**

Cr J Kennedy / Cr C Challen

That Council appoints Ms Michele Sheward to the Audit Advisory Committee as external independent member in accordance with provisions of the Audit Committee Charter.

**CARRIED**

**There being no further items of Business, the Chairperson declared the meeting closed at 7.39 pm.**

**CONFIRMED THIS**

\_\_\_\_\_

**CHAIRPERSON**

\_\_\_\_\_