



Murrindindi
Shire Council

AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
WEDNESDAY 27 SEPTEMBER 2017
in the
YEA COUNCIL CHAMBER
commencing at
6.00 pm

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

REF: SF/306

3. CONFIRMATION OF MINUTES

3.1 Minutes of the Ordinary Meeting of Council held on 23 August 2017.

Officer Recommendation:**That the Minutes of the Ordinary Meeting of Council held on 23 August 2017 be confirmed.****4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

REF: SF/783

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

REF: SF/130

5.3 PETITIONERS SPEAKING TO PETITIONS

REF: SF/132

6. OFFICER REPORTS**6.1 1/2017/41/1 – BONFIRE STATION PLACE OF ASSEMBLY, ACHERON**

REF: 2017/41 (17/56598)

Land: 3625 Maroondah Highway Acheron

Proposal: Change of use of the existing golf club building and land to a place of assembly for the purposes of weddings, functions and general events; to allow the land to be used as temporary accommodation with a maximum of 5 tents accommodating a maximum of 12 guests (caravan and camping park) and for the erection of advertising signage.

Applicant: R Christopher

Zoning: Farming

Overlays: None

Attachments: Application documents (refer *Attachment 6.1a* – TRIM 17/55792)Noise report (refer *Attachment 6.1b* – TRIM 17/59439)

(submissions distributed previously, additional submission separately distributed)

Locality Plan:**Purpose:**

This report recommends that a notice of refusal to grant a permit be issued:

- for the change of use of the existing golf club building and land to a place of assembly for the purposes of weddings, functions and general events;
- for use of the land as temporary accommodation with a maximum of five tents accommodating a maximum of 12 guests (caravan and camping park);
- for the erection of advertising signage at 3625 Maroondah Highway, Acheron.

Officer Recommendation:

That Council issue a notice of refusal to grant a permit for the change of use of the existing golf club building and land to a place of assembly for the purposes of weddings, functions and general events; to allow the land to be used as temporary accommodation with a maximum of five tents accommodating a maximum of 12 guests (caravan and camping park) and for the erection of advertising signage at 3625 Maroondah Highway, Acheron (Lot: 1 PS: 445373, Parish of Taggerty), on the following grounds:

1. The proposal does not comply with Clause 13.04-1 *Noise Abatement* as there is not sufficient separation from the subject site to nearby sensitive uses to ensure that community amenity is not detrimentally impacted.
2. The proposal does not comply with Clause 14.01-1 *Protection of agricultural land* as the proposal is not compatible with existing uses on the surrounding land.
3. The proposal is not in accordance with Clause 21.03-2 *Agriculture* as it is not compatible with surrounding agricultural activities.
4. The proposal is not in accordance with Clause 35.07 *Farming Zone* as it is not compatible with adjoining and nearby land uses.

5. **The proposal is not in accordance with Clause 35.07 *Farming Zone* as it does not support and enhance agricultural production as it has the potential to limit intensive or extensive farming activities close to the proposal area.**
6. **The proposal is not in accordance with Clause 65.01 *Approval of an application or plan* as it will have a detrimental impact on the amenity of the area.**

Background:

At the meeting on 23 August 2017, Council resolved the following:

“That Council defer consideration of planning permit application 2017/41 to allow all parties an opportunity to review the noise assessment report by WatsonMossGrowcott dated August 21017 and submitted to Council on 22 August 2017 to support the permit application”.

The noise report was sent to all submitters and assessed by Council officers. No submissions were withdrawn and one amended objection was received. This submission expands on the original grounds by raising new issues such as lighting as well as addressing the noise issues.

Proposal:

The subject land currently has a planning permit to be used for accommodation for up to 48 people (with alcohol allowed to be served to accommodation guests).

This application proposes to also allow:

- use of the property as a place of assembly (events)
- for up to 12 weekends per year
- with up to 200 people on site on Saturday between 11am and 11pm
- with alcohol being served (to event patrons only) from 6pm – 11pm Fridays and 2pm – 11pm Saturdays

Events could be functions or the premises may be operated as a public bar during the allowed “event” times.

The application also proposes to use the property as a caravan and camping park (glamping), with the following parameters:

- maximum of five tents, 5m in diameter
- accommodation for up to 12 people
- tents to be erected when site being used for an event

The proposal also includes the erection of advertising signage.

The Land and Surroundings:

The subject land is a 49.1 hectare parcel of land in the Farming Zone. The land contains two dwellings, a group accommodation building, a common building which contains the bar area (known as the mess hall), and other shedding. The property is bounded by the Maroondah Highway on the eastern boundary, by Yellow Creek Road on the southern boundary, and private property to the north and west. All the surrounding land is zoned farming, and contains scattered dwellings and associated shedding. There are three dwellings within 1 kilometres of the area to be used for the place of assembly.

Referrals:

The application was referred externally to the CFA and VicRoads. Both authorities had no objections subject to a range of conditions. VicRoads conditions required all access to the site to be from Yellow Creek Road, and the CFA required bushfire protection measures for the proposal.

Consultation:

Twelve nearby and adjoining owners were notified of the application directly. In addition a sign was erected on the site and a notice placed in the Alexandra and Eildon Standard. At the time of writing this report, 5 objections and 41 supporting submissions had been received. The objections can be summarised as follows:

- alternate uses/previous use of the land:¹
 - does not support other uses such as night hunting safaris and cider brewing classes (three submitters)
 - night hunting very dangerous (four submitters)
 - current permits are adequate and should not be extended (two submitters)
 - concerned with previous illegal use of the site (two submitters)
- place of assembly concerns:
 - concerned with potential number of people (four submitters)
 - land is zoned Farming, and this use is not needed to support a farming enterprise (one submitter)
 - amenity will be negatively affected by noise (four submitters)
 - proposal will have a negative effect on other local businesses (one submitter)
 - security will be an issue (two submitters)
 - site located in natural amphitheatre, and sound travels easily in this area (one submitter)
 - no information provided on expected noise levels (one submitter)
 - neighbouring residence has experienced several instances of functions with loud noise from the site, heard easily inside dwelling (one submitter)
- camping/tent concerns:
 - tents will create a fire risk (one submitter)
 - tents will have a negative visual impact (one submitter)
- fire issues:
 - high risk of fire with number of guests (two submitters)
 - evacuation of a large number of people in a fire will be dangerous (one submitter)
- traffic/road management:
 - traffic report only considers the accommodation of 48 people, not larger events (one submitter)
 - increased traffic will create a lot of dust and damage on Yellow Creek Road (three submitters)
 - parking on Yellow Creek Road is dangerous (one submitter)
- other issues:
 - one objector felt that Council does not have the power to abrogate the common law rights of landowners including the right to quiet enjoyment of their land (one submitter)
 - not enough detail on the proposed signage (two submitters)
 - proposal is not in keeping with a rural area (one submitter)

¹ The premises have been previously advertised as available for hunting.

The applicant provided a response to the objections, which is summarised as follows:

- clarification of the guest numbers and operating hours was provided to submitters
- additional landscaping to address visual impact of tents will be completed
- parking will be provided on site
- no carparking will be allowed in Yellow Creek Road
- no night hunting will be allowed
- will not pursue beer or cider brewing classes
- will only use their own sound systems to manage sound levels
- will only have live bands outside and noise will be kept to a reasonable level
- tents will not have heating and will only be used in warmer months
- have a fire plan to address risk of fire

This was forwarded to all objectors, and no objections were withdrawn.

The supporting submissions can be summarised as follows:

- applicant should be allowed to supplement their income
- support submission with no additional information (just name and address)
- good for Alexandra
- proposal will support local business
- proposal will bring visitors to the area
- proposal will not affect the submitter

Newspaper / Other	Publishing/Consultation Date(s)
<i>Newspaper: Alexandra and Eildon Standard</i>	3 May 2017
<i>Consultation: Sign on Site</i>	3 May 2017
<i>Mail out: Nearby and adjoining owners</i>	20 April 2017

An amended submission was received in response to the noise report. This submission expands on previous issues relating to noise and notes the following points which were not previously addressed:

- the doors and windows would need to be open for ventilation on hot days
- that measurements to the nearest house does not take into account potential use in paddocks closer to the venue
- houses on the subject land are not considered
- bus on site is not considered
- proposal will potentially result in 24 nights of music on top of normal venue noise
- lighting will be visible

Planning Considerations:

The property has current planning permission to use the land for accommodation for up to 48 people, and a liquor licence that allows alcohol to be served to guests of the property. This application would allow the existing buildings to be used for events, including weddings, for up to 12 weekends a year. The application documents advise that this could be any combination of events or being open to the public, and run like a bar.

The property is in the Farming Zone, and the purpose of the zone is to provide for the use of the land for agricultural purposes. In the assessment of this application, the three parts of the proposal are considered separately as follows:

1. Place of assembly

The proposal will allow the site to be used for 12 weekends per year, for up to 200 people at one time – which is 4 times the amount of people allowed on the site currently. The size of the existing buildings on the site will necessitate that the bulk of these people will be outside the existing buildings, generally in the area delineated within the Red Line area on the liquor licence. The current permits allow people to be outside of the buildings, and current operations provide an indicator of the potential amenity impacts for nearby and surrounding properties under the proposal.

The submissions have raised serious concerns with amenity in relation to the noise and traffic impacts of the proposal. The current use allows up to 48 people to be on the premises and to utilise the existing bar. These submissions detail a range of times where noise has easily been heard within their dwellings. This is not consistent with reasonable amenity expectations in the Farming Zone.

Under the Building Regulations, a bar is allowed to have up to 1 person per square metre. In this case, the area is approximately 50 square metres (the verandahs and kitchen are excluded) and therefore only able to accommodate approximately 50 people inside the building, which is reflective of the current number of people allowed. The proposed increase to 200 people would necessitate the predominant use of outdoor areas. Utilising the outdoor areas in turn creates a negative amenity impact on neighbouring properties, particularly when live bands support the event.

A number of objectors report instances of amenity impact that they regard as unacceptable (e.g. audible within indoor living spaces at nearby houses) with the current operations. The proposal is expected to give rise to greater amenity impacts than currently experienced because:

- guest numbers increase from 48 to 200
- the guest numbers and size of buildings onsite means that the proposed events will be largely outside
- live music will be played outside

When considering whether amenity impacts are acceptable, the decision guidelines under both the Farming Zone and Clause 65 *Decision Guidelines* must be considered. As the primary purpose of the zone is for agricultural purposes, the use of the land for an agricultural enterprise that may have amenity impacts could be supported, as long as it was demonstrated that there would be no environmental impact.

In this case, the use of the land for events will have an offsite amenity impact for a use that is not related to the primary purpose of the farming zone.

It is not reasonable to issue a permit for a use that would reduce an individual's amenity, where that use is not the primary purpose of the zone (i.e. it is not associated with a farming use). The ability to apply for a permit to use farming zoned land for proposals such as this would normally only be supported if it could be reasonably demonstrated that the amenity impacts would be minimal. Often this is achieved with one-off events, limiting the use to small events or by locating the proposed use in an area that is not close to existing dwellings.

Further, the proposal has the potential to increase the risk that extensive or intensive farming activities on adjoining sites (consistent with the Farming Zone) result in amenity impacts on the subject site. Use of the site as a place of assembly would increase the risk of amenity complaints potentially impacting on farming use of the surrounding land.

A number of objectors also raised concerns about traffic, fire risk and waste water.

The application proposes that car parking would be provided on site, and generally conditions could ensure that car parking is constructed on site, and that the road reserve not utilised for parking. Yellow Creek Road is a formed gravel road which is of an appropriate standard to service the proposed activity. Dust caused by traffic would also be expected to settle before it had an impact on the nearby dwellings.

In terms of fire risk, the application was considered by the CFA, which had no objections subject to a range of conditions in relation to vegetation management, water supply and access to the site.

The site currently complies with the Septic Tank Code of Practice and would be expected to continue to do so. Provision of additional facilities (portable toilets) in this space could be addressed through conditions on the permit had the application been supported.

Noise Report – new information

The noise assessment report prepared by WatsonMossGrowcott is based on modelling and not onsite testing. The type of music to be played has been designated as "controlled upbeat music" rather than "amplified live and/or recorded DJ music" which is more relevant to this application. As a result the report underestimates the noise impacts.

As an outdoor venue with live bands the relevant guideline should be State Environment Planning Policies (SEPP) N-2. This guideline states that outdoor venues should have no more than 6 events per year, and if the duration of music is more than 5 hours, it should cease at 10pm. These limitations apply generally to public spaces and are designed to preserve the amenity of nearby people. Under the SEPP, extra events can occur, but the noise must be abated to address any complaints. These limitations are designed to reduce the issue of the cumulative impact on amenity from an outdoor venue on the nearby dwellings.

The report makes the statement that the site will be able to comply with the relevant SEPP, under some strict conditions, without providing sufficient justification to support this. For example, one of the requirements to achieve compliance will be for all windows and doors to be shut on the building when music is being played. In assessing the application consideration needs to be given to whether this is a practical control measure that is likely to be effective.

The report confirms that compliance with SEPP noise levels will not stop audible noise at nearby dwellings.

2. Glamping

The camping/glamping section of the proposal is very similar to the existing use of the land for group accommodation. This part of the proposal would have little increased amenity impact beyond the existing use on nearby properties. Any visual concerns could be addressed with some additional landscaping, and officers support the proposal for glamping in principle. Refusal of this permit would still allow the owner of the property to apply separately for the tent element of the proposal, to be used in conjunction with the existing accommodation use of the land.

3. Signage

When considering advertising signage, each zone has a category allocated for signs, with permit requirements for different categories detailed in Clause 52.05 *Advertising Signage*. Advertising signage in the Farming Zone is classified as Category 4, and Category 4 is considered a sensitive area and requires strong amenity control. As such any signage must be unobtrusive. A planning permit is required for a business identification sign, and the sign itself cannot exceed 3 square metres. Generally advertising signage to support a business would be supported, if the size complied with this requirement and it was located in a manner that did not affect the broader amenity of the area. Both of these matters could be addressed with permit conditions.

As the proposal is for all three elements, all elements have to be considered together. Refusal of this permit application in its current form will not stop a further application for elements of the proposal that could be otherwise supported. Further to this, the submissions have raised a number of concerns that are not planning matters, for example, how the land has been used in the past, proposals for night safaris and cider brewing classes. While these issues have caused concern for the neighbours, they are not issues that can be considered as part of assessing this application.

Council has also received supportive submissions, with the grounds of support listed above.

The value of economic benefit for the municipality is a valid consideration, however it must be considered alongside the amenity of nearby properties. While the planning scheme generally supports the development of tourism and economic development within the municipality, the planning scheme does require careful evaluation of each proposal, including consideration of the proposed sites.

A place of assembly is a good use of buildings in a farming area, when it can be established that the amenity impacts are not detrimental to nearby properties. In this case, it should be noted that the bulk of the supporting submissions are from people not located near the proposal, i.e. from people that will not experience any negative amenity impacts.

When considering the proposal in its entirety, the use of the land as proposed is expected to have a negative impact on the amenity of nearby properties, particularly noise impacts. As this proposal is not for a farming enterprise, it is not considered reasonable to reduce amenity in this way.

Conclusion:

The proposal for the use of the land for events, glamping and signage will potentially have a negative impact on the amenity of nearby properties, particularly in terms of noise impacts. As this proposal is not for a farming enterprise, and given the potential extent of amenity impact, on balance it is not considered reasonable to reduce amenity in this way, and therefore Council officer's recommend that the application not be supported.

Legal/Policy Issues:**State Planning Policy Framework**11.12.1 *A diversified economy*

Objective: To develop a more diverse regional economy while managing and enhancing key regional assets.

Strategies:

- Support tourism activities that take advantage of environmental and cultural heritage assets and the rural environment without compromising their future.
- Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.

13.04-1 *Noise Abatement*

Objective: To assist the control of noise effects on sensitive land uses.

Strategies:

- Ensure that development is not prejudiced and community amenity if not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

13.05-1 *Bushfire Planning strategies and principles*

Objective: To assist to strengthen community resilience to bushfire.

Strategies:

- Prioritise the protection of human life over other policy considerations in planning and decision making in areas at risk from bushfire.

14.01-1 *Protection of agricultural land*

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

Strategies:

- Prevent inappropriately dispersed urban activities in rural areas.
- In considering a proposal to development agricultural land, the following must be considered:
 - The compatibility between the proposed or likely development and the existing uses on the surrounding land.

17.03-1 *Tourism*

Objective: To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

Strategies:

- Encourage the development of a range of well designed and sited tourist activities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.

Local Planning Policy Framework21.02-1 *Vision*

Key elements to the vision are:

- Growth in the rate base, population and economic activities to create long term economic sustainability for the municipality.

- Facilitation of new and expanded economic development and employment activities.
- Expansion and promotion of the tourism industry for a range of existing and emerging activities.

21.03-2 *Agriculture*

Objective 2: Protect rural land for productive agricultural land uses and compatible rural uses.

Strategies:

- Ensure that use and development of rural land protects and enhances agricultural potential and the productive capacity of the land.
- Ensure that the use and development of rural land is compatible with surrounding agricultural activities.

21.03-3 *Tourism*

Objective 1: Enhance and promote tourism to increase the economic, social and cultural benefits to the municipality.

Strategies:

- Support and grow tourism that builds upon the strengths of and is linked to the natural environment.
- Facilitate recreational and tourism activities that attract tourists year round.
- Facilitate development of new tourism accommodation options and conference centres.

Zoning

35.07 *Farming Zone*

Purpose:

- To provide for the use of land for agriculture.
- To ensure that non-agricultural land uses do not adversely affect the use of land for agriculture.
- To encourage the retention and employment of population to support rural communities.

Decision Guidelines:

General Issues:

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

Agricultural issues and the impacts from non-agricultural uses:

- Whether the use or development will support and enhance agricultural production.
- The potential of for the use to limit the operation and expansion of adjoining and nearby agricultural uses.

Design and siting issues:

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- Whether the use or development will require traffic management measures.

A planning permit is required for a place of assembly and for a camping and caravan park in the Farming Zone.

Particular Provisions

52.05 *Advertising Signage*

Purpose:

- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

A planning permit is required for a business identification sign on this property, and the sign cannot be more than 3 square metres.

52.06 *Car Parking*

Purpose:

- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated the activities on the land and the nature of the locality.

For a place of assembly for up to 200 people, 60 car spaces would need to be provided.

General Provisions

65.01 *Approval of an application or plan*

Before deciding on an application, the Responsible Authority must consider, as appropriate:

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

6.2 2017/99 – TWO LOT SUBDIVISION, TAGGERTY

REF: 2017/99 (17/62837)
Land: 24 Southam Drive TAGGERTY 3714
Proposal: Two (2) lot subdivision
Applicant: C J Forbes-Bailey & S Karimi
Zoning: Township
Overlays: Nil
Attachments: Plan of Subdivision (refer *Attachment 6.2 – TRIM 17/61821*)
(aerial photograph and submission distributed separately)

Locality Plan:**Purpose:**

This report recommends that the application for a two (2) lot subdivision at 24 Southam Drive, Taggerty be supported.

Officer Recommendation:

That Council issue a Notice of Decision to Grant a Permit for a two (2) lot subdivision at 24 Southam Drive, Taggerty (LOT: 1 LP: 54093, Parish of Taggerty), subject to the following conditions:

- (1) The subdivision must be in accordance with the endorsed 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) The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
 - (4) All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
 - (5) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**
 - (6) The owner of the land must enter into an agreement with:**
 - A telecommunications network or service provider for the provision of telecommunications 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 telecommunications 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.**
 - (7) 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.**
 - (8) 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:**
 - All onsite wastewater and stormwater management shall be in accordance with the recommendations outlined within the Land Capability Assessment prepared by Paul Williams & Associates Pty Ltd (Report No. A170302 dated December 2016).**

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.

- (9) Prior to the issue of a Statement of Compliance, any new or otherwise vehicular entrance to the proposed lot 2 from the road must be constructed at the applicant's expense to provide ingress and egress to the satisfaction of the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.2 – Rural Vehicle Crossings and standard drawing SD 260. An appropriate road number plaque must be placed at the access point to each lot to the satisfaction of the Responsible Authority.**

NOTATIONS:

- (1) **An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the Road Management Act 2004 and associated Regulations.**

Proposal:

The existing allotment is 6572 square metres (sqm) in size and contains a dwelling, garage and tennis court. The proposal is to create two lots, one of 2884 sqm which contains the existing house and one of 3419 sqm which will include the tennis court.

The Land and Surroundings:

The subject land is 6572 sqm in size, bounded by Southam Drive to the south and west. There is an existing unused road reserve 20 metres wide along the eastern boundary and private property abutting the land to the north.

Referrals:

This application was not referred to any authorities.

Consultation:

Nearby and adjoining owners were notified by letter and a sign was placed on the site by the owner. One submission was received, raising the following issues:

- Proposal will disadvantage amenity and interests in own property
- Southam Drive lots are larger than normal residential allotments, providing isolation from adjoining properties
- The proposed subdivision will establish precedent for future subdivisions
- Access to properties via single lane road and future construction of new residences necessitates improved access to all Southam Drive properties

The applicant responded to the concerns raised, and advised the following:

- Peace and tranquillity will not be disturbed
- Township Zone lots can be subdivided, dependent on effluent disposal
- Population growth requires new housing
- Proposed lot sizes are larger than most in Taggerty township
- Existing standard of construction of Southam Drive is suitable

Newspaper / Other	Publishing/Consultation Date(s)
<i>Consultation: Sign on site</i>	26 June 2017
<i>Mail out: Nearby and adjoining owners</i>	26 June 2017

Planning Considerations:

When considering an application for a two lot subdivision, Council must assess the proposal against the subdivision provisions (Clause 56).

The provisions drive outcomes via objectives and associated standards. The standards are methods to deliver the objective; however they are generally guidelines and can be varied as long as the objective itself is achieved.

The proposal was assessed against these provisions and complies.

In considering neighbourhood character, while the area generally is made up of larger residential allotments with single dwellings, the area does not have an identified character overlay. Therefore the assessment must be based on the provisions of Clause 56. The proposed vacant lot is well screened from neighbouring properties and it is unlikely that any development on this land will be visible except from the road and the Farming Zoned land opposite. There will be a minimum separation of 50 metres from the neighbouring house to the east and 40 metres from the house to the north for any new building on this land.

The Township Zone does not specify a minimum lot size, provided each lot is capable of managing wastewater onsite. The application is supported by a Land Capability Assessment that demonstrates that wastewater can be managed onsite. Southam Drive is a sealed road of 4.5 metres in width, with a flat verge, and is adequate for two vehicles to pass. Access to the vacant lot will need to be constructed to the Rural Vehicle Crossings standard specified in the Infrastructure Design Manual.

The State and Local Planning Policy Frameworks support the provision of diversity in lot sizes in townships. The planning scheme supports the consolidation of development within township areas.

Conclusion:

The proposed subdivision accords with the relevant planning provisions as it increases density in the residential area, consistent with the Murrindindi Planning Scheme.

Legal/Policy Issues:

State Planning Policy Framework

11.07 *Regional Victoria*

Objective: To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

Strategies:

- Promote liveable regional settlements and healthy communities by:
 - Improving the availability of a diverse range of affordable accommodation, including social housing, in regional cities and locations with good access to transport, commercial facilities and community services.

11.12-3 *Planning for growth*

Objective: To focus growth and development to maximise the strength of existing settlements.

Strategies:

- Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.

15.01-3 *Neighbourhood and subdivision design*

Objective: To ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Strategies:

- In the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:
 - Creating compact neighbourhoods that have walkable distances between activities and where neighbourhood centres provide access to services and facilities to meet day to day needs.
 - Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

Local Planning Policy Framework21.02-1 *Vision*

Residential growth will be provided in established townships and settlements with existing communities and infrastructure, where natural environment is protected and a high level of community safety is achieved.

How will we achieve our vision:

- Growth in the rate base, population and economic activities to create long term economic sustainability for the municipality.
- Facilitation of residential growth opportunities in established townships and settlements.

Zoning32.05 *Township Zone*

Purpose:

- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.

Decision Guidelines:

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

A planning permit is required for a two lot subdivision in the Township Zone.

Particular Provisions56 *Residential Subdivision*

Purpose:

- To create liveable and sustainable neighbourhoods and urban places which character and identity.
- To achieve residential subdivision outcomes that appropriately responds to the site and its context for regional towns.

Applicable Provisions:

- Must address 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.

6.3 ADOPTION OF THE COUNCIL PRIORITY ACTION PLAN 2017/18

REF: 17/64354

Attachment/s: Draft Priority Action Plan – 2017/18 (refer *Attachment 6.3* – TRIM 17/60116)

Purpose:

The purpose of this report is to seek Council's adoption of the Priority Action Plan 2017/18, which implements the first year of the Council Plan 2017-2021.

Officer Recommendation:

That Council adopts the Murrindindi Shire Council Priority Action Plan 2017/18 as attached to this report (refer *Attachment 6.3*).

Background:

At the Special Meeting of Council on 21 June 2017 Council adopted the Murrindindi Shire Council Plan 2017-2021 which outlines the strategic objectives and strategies the Council will pursue over the four years of its term and the strategic indicators that measure Council's success in achieving its objectives.

Council's preparation of the Council Plan 2017-2021 was informed by the Murrindindi 2030 Vision, an extensive 'Have Your Say' community engagement initiative during March and April 2017 involving approximately 1,600 responses from the community, and a number of officer and Council workshops to develop the strategic directions and priorities over the next four years.

Council has also developed a Draft Priority Action Plan 2017/18 which details the specific actions and areas of focus Council will pursue during the 2017/18 year to implement the strategies in the Council Plan (*refer Attachment 6.2*).

Council Plan/Strategies:

The preparation of a Priority Action Plan is consistent with the Council's Strategic Objective in the Council Plan 2017-2021 under Our Promise "to work in collaboration with our communities to deliver the best possible outcomes in all that we do"

Legal/Policy Issues:

The requirement to prepare a four year Council Plan is mandated under Section 125 of the Local Government Act 1989. There is no statutory obligation to develop an annual priority action plan, although this is recognised as best practice amongst Councils.

Financial/Resources/Risk:

The Draft Priority Action Plan 2017/18 has been prepared in line with the resource commitments contained in the adopted Annual Budget 2017/18, with the exception of several actions under the Our Prosperity Objective. Implementation of these actions, separately indicated in the Plan, will be contingent on a review of resource allocations undertaken as part of the Council's September quarter budget review or subject to external grant funding.

Discussion:

The format of the Priority Action Plan 2017/18 aligns with the structure of the Council Plan 2017-2021, and includes one or more annual actions for each of the strategies in the Council Plan.

Many actions can be fully implemented in the 2017/18 year, others will have a longer timeframe to complete. In either case the focus of activity for the 2017/18 year has been highlighted in the Plan.

It is intended that the Priority Action Plan will be reviewed and updated annually to reflect the forthcoming year's priority actions. Progress on achieving the actions will be reported to Council quarterly, and an annual summary will be provided in Council's Annual Report.

Consultation:

The actions in the Plan have been developed with reference to the priorities identified from the community following the 'Have Your Say' consultation undertaken in February – April 2017, and from Council and staff input. It is not intended that the Priority Action Plan 2017/18 be the subject of further community consultation.

Subject to Council's endorsement of the Priority Action Plan 2017/18 at this meeting, the Plan will be published on Council's website and made available for viewing at Council offices and libraries.

Conclusion:

Endorsement of the Priority Action Plan 2017/18 will support the implementation of the key strategic directions set by Council for its four year term.

6.4 APPROVAL OF ANNUAL FINANCIAL STATEMENTS 2016-2017

REF: 17/63731

Attachment/s: Financial Statements 2016-2017 (refer *Attachment 6.4a* – TRIM 17/63761)
Performance Statements 2016-2017 (refer *Attachment 6.4b* – TRIM 17/62415)

Purpose:

The purpose of this report is to approve in principle the draft Financial Report and Performance Statement for 2016-2017 subject to the recommendation of Council's Audit Advisory Committee.

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

1. Approves in principle the Murrindindi Shire Council Financial Report for the year ended 30 June 2017.
2. Approves in principle the Murrindindi Shire Council Performance Statement for the year ended 30 June 2017.
3. Authorises the Mayor, Cr Charlotte Bisset, Cr Leigh Dunscombe and the Chief Executive Officer to certify the Financial Report in its final form after any changes recommended, or agreed to, by the auditor have been made.
4. Authorises the Mayor, Cr Charlotte Bisset, Cr Leigh Dunscombe and the Chief Executive Officer to certify the Performance Statement in its final form after any changes recommended, or agreed to, by the auditor have been made.

Background:

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

Preliminary audit work has been completed by Council's external auditors and officers have prepared a draft of the 2016-2017 Financial Statements and Performance Statement (the draft statements) for submission to the Victorian Auditor General Office (VAGO). A copy of these statements, forming the 'in principle' statements, is attached.

The following process is required to ensure that Council's Financial Statements and Performance Statement are submitted to the Auditor General in a timely manner, enabling the Auditor General to officially express his opinion prior to the statutory deadline of 30 September 2017.

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

It is a requirement for Council to formally review the draft statements and to authorise two Councillors and the Chief Executive Officer to sign the final statements on behalf of, and with the full authority of Council. The 'in principle' approved statements and the Council resolution are provided to the external auditor.

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

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

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

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

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

Council's 2016-2017 Annual Report, which incorporates the audited Financial Statements and Performance Statement, must be forwarded to the Minister for Local Government by 30 September 2017.

Council Plan/Strategies:

Reviewing the financial statements supports the Council Plan 2017-2021 'Our Promise' strategic objective "maintain Council's financial sustainability through sound financial and asset management", by ensuring that our financial reports are compliant with legislative requirements and are clearly communicated.

Legal/Policy Issues:

Council is required to produce audited Annual Financial Report and Performance Statement pursuant to the requirements and process outlined in the *Local Government Act 1989* and the *Local Government (Finance and Reporting) Regulations 2014*.

Financial/Resources/Risk:

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

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

Discussion:

The draft financial statements that are attached to this report detail Council's financial position as of 30 June 2017, and a record of all financial activity that occurred during the 2016-2017 financial year. It should be noted that these statements are prepared in accordance with Australian Accounting Standards and the Model Accounts for Victorian Councils which are developed by Local Government Victoria and the VAGO.

It should also be noted that these draft statements are then signed off by Council's external auditor (Johnsons MME acting as agent for VAGO) and presented to Council's Audit Advisory Committee.

The financial statements were then presented to Council's Audit Advisory Committee on 14 September 2017 where they were endorsed for adoption by Council at the September 2017 Ordinary Meeting of Council.

A summary of the draft financial results for the year ending 30 June 2017 compared to Council's adopted budget for 2016-2017, is provided as follows:

1. Operating performance – comparison results against budget

Table 1 – Summary of Income Statement

	2016-2017 Budget \$M	2016-2017 Actual \$M	Variance \$M
Revenue	32.85	35.70	2.85
Expenses	32.85	32.43	0.42
Surplus / (Deficit)	0.0	3.27	3.27

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

The operating surplus posted for the financial year of \$3.27m is primarily attributed to advance grant payments received from the Victorian Grants Commission (\$2.23m) as well as some savings made across a variety of expenditure accounts. Council also received positive movements against budget for statutory fee revenue (\$0.15m), and for other income (\$0.46m), which offset some grant revenue relating to Road to Recovery capital grants that has been deferred to the 2018-2019 financial year. These revenue improvements assisted in offsetting the accounting treatments required for the disposal of property & infrastructure assets during the 2016-2017 financial year which was \$0.49m over budget.

Non-monetary contributions of \$0.55m represent the recognition of assets gifted to Council by either new subdivisions or assets created by Community Projects on Council land. Council does not budget for these contributions due to the difficulty in estimating an item which is largely outside of Council control.

Other income levels were increased in 2016-2017 primarily due to higher levels of cash held related to incomplete capitals works, carried forward grants funding and increased reserve funds held.

Employee Benefits expenditure was under budget by \$975,000. Major variances include infrastructure operating and maintenance expenditure which was \$471,000 below budget due to several vacant positions, however these works were undertaken by external contractors and have offsetting expenditure that is categorised under materials & services.

Council's unexpended budget of \$150,000 for unfunded defined benefits superannuation was not required and has been transferred to Reserve. As with operating grants, Council has under expended in wages for Community Aged Care Packages \$141,000 and Extended Aged Care at Home Packages \$107,000 as these packages were transferred to Goulburn Valley Health in August 2016. A number of other minor variances are due to the timing of staff replacements or reduced hours on return from maternity leave.

Borrowing costs have reduced due to Council not borrowing in the 2014-2015, 2015-2016 and 2016-2017 years. Borrowings were budgeted to assist in the funding of Councils plant replacement program, however the purchase of several major items of plant were delayed pending further consideration of Councils ongoing plant requirements.

2. Financial position – balance sheet at year end 30 June 2017

Table 2 – Summary of Balance Sheet components

	2015-2016 Actual \$M	2016-2017 Actual \$M	Change \$M
Assets			
Current	30.63	31.43	0.80
Non Current	304.33	310.03	5.79
Total Assets	334.95	341.46	6.50
Liabilities			
Current	7.85	5.85	(2.00)
Non Current	6.95	6.96	0.01
Total Liabilities	14.80	12.81	(1.99)
Equity	320.15	328.65	8.50

Council's asset base (non current assets) has seen a net increase of \$5.8m. This was due to capital works expenditure on new and existing assets, covering property, plant and equipment and infrastructure as well as the revaluation of all Council land, buildings and footpaths during 2016-2017.

The actual cash at the start of the year was \$4.7m higher than the adopted budget due to grants received in advance and delayed capital works from 2015-2016. A more detailed overview of the cash variance can be obtained from reviewing the Standard Statement Cash Flow Statement.

Trade and other receivables continued to reduce, reflecting Council's continued approach to recovering outstanding debts owed to Council. Council's total debts also continued to decrease, as 2016-2017 was the third consecutive year that the available budgeted loan amount was not required to be drawn.

The overall movement in the balance sheet equates to an increase in equity of \$8.5m. Critically, the measure of Council's ability to meet its obligation to pay its bills is favourable, where Current Assets (\$31.4m) exceed Current Liabilities (\$5.8m) at a more than acceptable level (See working capital ratio in Table 3).

3. Key financial ratios

	2016/17	2015/16	2014/15	2013/14	Comment
Working Capital Ratio					
Current Assets / Current Liabilities	5.37	3.97	3.98	2.75	Assesses Council's ability to meet current commitments. A ratio > 1-1.5 times is favourable.
Revenue Ratio					
Rates revenue / Total revenue	55.45%	57.61%	53.67%	50.47%	Indicates Council's dependence on rates income. The higher the percentage, the higher the dependence.

Debt Exposure Ratio					
Total Indebtedness / Total realisable assets	18.59%	16.44%	17.36%	17.53%	Indicates the level of realisable assets required to be sold to extinguish Councils total debt.

An analysis of the key financial ratios reviewed by Council's auditors is provided above. This is a subset of all of the indicators which Council is required to report on as a part of its obligations under the new Local Government Performance Reporting Framework (LGPRF) which came into effect for the first time as a part of the 2014-2015 financial year reporting requirements.

Council's working capital ratio has remained high in 2016-2017 to 5.37, which is reflective not only of Council's increased cash levels, but also of Council's debt reduction which continued throughout 2016-2017. The receipt of half of the 2017-2018 Financial Assistance Grants in late June also strongly contributed to the increase in this ratio.

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

Consultation:

The development of the draft Financial Statements and Performance Statement have been undertaken in consultation with Council's external auditors (Johnsons MME) and Council's Audit Advisory Committee.

Conclusion:

The submission of the financial statements and performance statement conclude Council's financial reporting requirements for the 2016-2017 financial year and provide the community with an understanding of the allocation of financial resources across this period.

6.5 MUNICIPAL EMERGENCY MANAGEMENT PLAN

REF: SF/575 (17/61258)

Attachment/s: Murrindindi Shire Council and Southern Alpine Resort Municipal Emergency Management Plan (MEMPC) (refer *Attachment 6.5* – TRIM 17/38700)

Purpose:

This report updates Council on the draft Municipal Emergency Management Plan (MEMPC) following its recent public exhibition period and seek Council's approval of the Plan.

Officer Recommendation:

That Council consider and approve the Murrindindi Shire Council and Southern Alpine Resort Municipal Emergency Management Plan, 2017.

Background:

The Murrindindi Shire Council and Southern Alpine Resort Municipal Emergency Management Planning Committee (MEMPC) was formed pursuant to Section 21(3) & (4) of the Emergency Management Act 1986. The role of the MEMPC is to formulate a plan for Council's consideration regarding the prevention of, response to and the recovery from emergencies within the Murrindindi Shire and Lake Mountain Alpine Resort areas.

The MEMPC is required to prepare the Municipal Emergency Management Plan (MEMP). The MEMP documents emergency response and recovery operational arrangements. It also ensures that all the risks identified in the MEMP are assessed and that adequate mitigation measures are planned for and implemented.

The ongoing role of the MEMPC is to review and amend the operational components of the MEMP by:

- producing the MEMP for consideration by Council
- reviewing and updating the Plan annually, including reviewing risks to the community (responsibility for this task is delegated to the MEMPC Executive Officer)
- conducting a review of the risks examined in the Community Emergency Risk Analysis (CERA) processes on a three yearly basis
- arranging regular tests/exercises of the MEMP

The MEMP is required be audited every three years as required under Section 21a of the *Emergency Management Act 1986*. This audit assesses whether the MEMP complies with relevant statutory requirements and the next audit is scheduled in November 2017. The current auditing body is the State Emergency Service with assistance provided by Victoria Police and the Department of Health and Human Services.

The latest version of the MEMP aligns with:

- new requirements of the Emergency Management Manual Victoria
- the latest versions of the State Health Emergency Response Plan
- the latest auditing requirements of Emergency Management Victoria and
- the implementation of the *Emergency Management Act 2013*

The plan also examines a number of additional risks absent from previous versions including the risk to mass gatherings and the risk of major transport disasters in the municipality.

The table below shows the required steps in the lead up to the MEMP audit.

Step	Details	Complete
1	MEMP is drafted with input from the MEMPC re-write sub-committee	
2	Draft MEMP presented to Council for noting that it will be released by officers for public exhibition	
3	Draft MEMP provided to the MEMPC for information	
4	Draft MEMP placed on public exhibition for 28 days	
5	Submissions to the MEMP by the public/agencies received by Council	
6	Submissions replied to by the MEMPC re-write sub-committee	
7	Plan adjusted by the sub-committee as required	
8	Finalised MEMP presented to the MEMPC and endorsed 21/9/17	
9	MEMP presented to the Council for adoption (subject of this agenda item)	
10	Plan sent to SES by 2 October	
11	Plan audited in November	

Council Plan/Strategies:

The preparation of the MEMP is supported by the strategic objectives of the Council Plan 2017-2021 and specifically the strategy under “Our Place” of “Enhance community safety, resilience and liveability through improved planning, community engagement, and a fair and transparent approach to compliance.”

Legal/Policy Issues:

Under s21 (3) and (4) of the *Emergency Management Act* 1986 the MEMPC is required to formulate a MEMP for the consideration of Council

Financial/Resources/Risk:

Officer time was required in the preparation of the plan – approximately 100 hours. Approximately a further \$600.00 was spent on advertising the public consultation period.

The plan reduces Council’s exposure to risk by detailing how Council’s resources are to be requested and used in an emergency. All municipal funds expended in accordance with the protocols in the plan may be subject to a claim for reimbursement through the Department of Treasury and Finance.

Discussion:

The MEMPC endorsed the final plan as the emergency plan for the municipality at its meeting on 21 September 2017. The next step of the process is to present the plan to Council for consideration and approval. If approved by Council, the final remaining stage is to present the plan to the auditor (SES) by 2 October 2017 for audit in November.

Consultation:

The plan was released for 28 day’s public consultation from 16 August to 13 September 2017. Three submissions were received.

Submission one referred to the omission of Toolangi-Castella Community House in the plan. This has now been included in section 2.3.3.

The second submission suggested the MEMPC consider the risk of major vehicle accidents in the Community Emergency Risk Assessment (CERA process). Vehicle accidents have not been identified as a major risk by the MEMPC in the CERA process. This risk will be reviewed by the MEMPC during the next CERA audit. This submission also raised some questions on financial delegations (5.6.1) which have been clarified directly.

The third submission suggested that additional information should be included in the relief and recovery sections of the MEMP, particularly in sections in 6.4 and 6.5. Operational detail for relief and recovery is covered comprehensively in Council’s Relief and Recovery Plan (RRP), which is not the subject of the up-coming audit. Officers will meet with the submitter to discuss their concerns. No changes to the MEMP were made as a result of these comments.

The following table summarises where the plan was advertised, made available or presented to a community meeting.

Newspaper / Other	Publishing Date(s)
<i>Newspaper:</i>	
Alexandra Standard	Wednesday 16 August – 13 September
Yea Chronicle	Wednesday 16 August – 13 September
Marysville Triangle	Wednesday 16 August – 13 September
<i>Consultation:</i>	Wednesday 16 August – 13 September
Kinglake Community Groups meeting – PowerPoint presentation	Tuesday 22 August
<i>Council Website:</i>	Wednesday 16 August – 13 September
Document available: in print form from Alexandra, Kinglake, Yea Council offices	Wednesday 16 August – 13 September

Conclusion:

The final version of the MEMP is a comprehensive re-examination of the major risks to the Lake Mountain and Murrindindi Shire geographical areas and the mitigation measures in place for these risks. The plan meets all of the statutory requirements under relevant legislation and is written to meet the detailed requirements of the Emergency Management Manual Victoria.

6.6 PRIVACY POLICY

REF: SF/146 (17/63724)

Attachment/s: Privacy Policy (refer *Attachment 6.6* – TRIM: 17/26684)

Purpose:

The purpose of this report is to seek Council's adoption of the Privacy Policy to ensure that the public are aware of Council's commitment to appropriate collection, management and disclosure of personal information.

Officer Recommendation:

That Council:

- 1. Adopt the Privacy Policy as contained in *Attachment 6.6***
- 2. Revoke Council's "Confidentiality and Privacy Policy (adopted 2010)" and the "Information Privacy Policy (adopted 2002)".**

Background:

Council has an Information Privacy Policy (2002) and a Confidentiality and Privacy Policy (2010) that have not been comprehensively reviewed for some time. The *Privacy and Data Protection Act 2014* and *Health Records Act 2001* require Council to have certain privacy statements and processes in place to ensure that the Information Privacy Principles are adhered to.

Council Plan/Strategies:

Reviewing and adopting Council policies supports the Council Plan 2017-2021 'Our Promise' strategic objective "we will all work in collaboration with our communities to deliver the best possible outcome in all that we do", by ensuring that our public responsibilities are clear and communicated.

Legal/Policy Issues:

Council has a legislated responsibility under the *Privacy and Data Protection Act 2014* to address the Information Privacy Principles and make the statements available to the public. This Policy achieves this requirement.

Financial/Resources/Risk:

There are no major financial implications or risks associated with the creation of this Policy.

Discussion:

There are 10 Information Privacy Principles that fall under the *Privacy and Data Protection Act 2014*. These principles provide the basis for Council's requirements when it comes to the collection and disclosure of personal information, data security, transparency and allowing the community the opportunity to update their information or to remain anonymous in some circumstances.

Council must have a statement on how it will meet the requirements of the 10 Principles, this Policy provides these statements. Members of the community reserve the right to know that their information is only being collected for a required purpose and that it will be treated handled in a manner which is appropriate.

Every Council representative, including Councillors, Officers and Contractors, has a responsibility under this Policy. This Policy outlines our requirements when collecting information, holding, using and when required disclosing the information. Health Information also has further specific requirements which are outlined within the Policy.

This Policy identifies the differences between personal information, sensitive information, confidential information and health information. Although predominantly Council must treat all personal information in the same way, there are some extra requirements regarding some of the categories of information.

This Policy provides a clear statement to the community that we understand our responsibility to the general public and that we respect every individual's right to ensure their information is handled appropriately.

This Policy also outlines how members of the community can make a request for change of information or a complaint regarding how their information has been handled by Council.

Organisational Privacy Policy Guidelines are being finalised to assist Council Officers in meeting the responsibilities within this policy.

Consultation:

No community consultation was required in the development of this Policy.

Conclusion:

Council's Privacy Policy requires that the public's right to ensure that their personal, health or sensitive information is collected and managed appropriately by Council and all of its representatives is a priority.

6.7 SECTION 86 COMMITTEES OF MANAGEMENT INSTRUMENTS OF DELEGATION

REF: SF/922 (17/63647)

Attachment/s: Buxton Recreation Reserve Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7a* – TRIM 17/63454)
 Eildon Alliance Boat Ramp Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7b* – TRIM 17/63462)
 Eildon Community Resource Centre Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7c* – TRIM 17/63463)
 Gallipoli Park Precinct Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7d* – TRIM 17/63487)
 Glenburn Community Centre Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7e* – TRIM 17/63500)
 Strath Creek Reserves & Hall Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7f* – TRIM 17/63515)
 Yea Pioneer Reserve Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7g* – TRIM 17/63591)
 Yea Saleyards Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7h* – TRIM 17/63522)
 Yea Showgrounds and Recreation Reserve Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7i* – TRIM 17/63523)
 Yea Wetlands Committee of Management Instrument of Delegation 2017 (refer *Attachment 6.7j* – TRIM 17/63571)

Purpose:

The purpose of this report is to seek Council's adoption of the revised Instruments of Delegation for 10 Section 86 Committees of Management, review management arrangements for 5 of Council's reserves previously under Section 86 Committees of Management and revoke 3 inactive Advisory (Special) Committees to Council.

Officer 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:

Buxton Recreation Reserve Committee of Management
Eildon Alliance Boat Ramp Committee of Management
Eildon Community Resource Centre Committee of Management
Gallipoli Park Precinct Committee of Management
Glenburn Community Centre 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.
3. Adopt the following changes to the existing delegation of the of the following Committees of Management (effective immediately):

Committee of Management	Action
CJ Dennis & Castella Public Hall Reserve Committee of Management	<ol style="list-style-type: none"> 1. Revoke the existing Instrument of Delegation of the CJ Dennis & Castella Public Hall Reserve Committee of Management 2. Request the closure of the CJ Dennis & Castella Public Hall Reserve Committee of Management bank accounts and return to Council the remaining balance 3. Thank the members of the Committee of Management for their years of service.
Thornton Recreation Reserve and Hall Committee of Management	<ol style="list-style-type: none"> 1. Revoke the existing Instrument of Delegation of the Thornton Recreation Reserve and Hall Committee of Management 2. Request the closure of the Thornton Recreation Reserve and Hall Committee of Management bank accounts and return to Council the remaining balance 3. Thank the members of the Committee of Management for their years of service.
Friends of Yea Railway Committee of Management	<ol style="list-style-type: none"> 1. Revoke the existing Instrument of Delegation of the Friends of Yea Railway Committee of Management 2. Request the closure of the Friends of Yea Railway Committee of Management bank accounts and return to Council the remaining balance 3. Thank the members of the Committee of Management for their years of service.
Mt Pleasant Reserve Committee of Management	<ol style="list-style-type: none"> 1. The Mt Pleasant Reserve Committee of Management be placed into recess for 12 months. 2. That Council will manage the finances for the Committee of Management during this period
Kinglake Memorial Reserve Committee of Management	<ol style="list-style-type: none"> 1. The Kinglake Memorial Reserve Committee of Management be placed into recess for 6 months. 2. That the Kinglake Memorial Reserve Committee of Management submit monthly financial reports and bank statements to Council during this period and payments be endorsed by Council.

4. Revoke the following Advisory (Special) Committees to Council and thank the members for their years service:

Kinglake Community Centre Advisory Committee
Friends of Yea Shire Hall Advisory Committee
Economic Development Advisory Committee

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 4 December 2013. It is a requirement to review the Instruments of Delegation within 12 months of a Municipal Election.

There were 15 existing Committees of Management, as part of the review of the Instruments of Delegation, Council will only be adopting reviewed Instruments for 10 Committees of Management.

Council Plan/Strategies:

Supporting and delegating Committees of Management aligns with the Council Plan 2017-2021 strategy to “work with community and groups to connect, collaborate and plan for our future”.

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.

Discussion:

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 feedback requesting it to be more user friendly.

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 15 Committees of Management with delegated powers. Instruments of Delegation have been reviewed and changed for 10 of these Committees.

Alterations were made to the following Committees of Management’s Instruments of Delegation:

Committee of Management	Alteration
Gallipoli Park Precinct Committee of Management	The voting membership for this Committee of Management has been changed to: <ul style="list-style-type: none"> • Four Community Representatives • One Alexandra District Health Representative • One Marysville Primary School Representative • One Marysville Cricket Club Representative • One Marysville Football Netball Club Representative
Glenburn Community Centre Committee of Management	The voting membership for this Committee of Management has been changed to: <ul style="list-style-type: none"> • Four Community Representatives • One Book Nook User Group Representative

	<ul style="list-style-type: none"> • One Book Club User Group Representative • One Craft User Group Representative
Strath Creek Reserves & Hall Committee of Management	<p>The voting membership for this Committee of Management has been changed to:</p> <ul style="list-style-type: none"> • Five Community Representatives • One Strath Creek Progress Association User Group Representative • One Strath Creek Landcare User Group Representative
Yea Pioneer Reserve Committee of Management	<p>The voting membership for this Committee of Management has been changed to:</p> <ul style="list-style-type: none"> • Seven Community Representatives
Yea Saleyards Committee of Management	<p>The delegated area of the Committee of Management has been altered slightly to reflect the natural boundary of the creek line to best utilise the available space.</p>

Revocation of Existing Instruments of Delegation

The following Committee of Management are being proposed for revocation:

- CJ Dennis & Castella Public Hall Reserve Committee of Management
- Thornton Recreation Reserve and Hall Committee of Management
- Friends of Yea Railway Committee of Management

Both the CJ Dennis & Castella Public Hall Reserve and Thornton Recreation Reserve and Hall Committees of Management have been inactive for a substantial period of time and Council has entered into new management arrangements for each of the facilities.

The Friends of Yea Railway Committee of Management have mutually agreed with Council to disband and Council will work through the governance arrangements going forward as a matter of priority.

All facilities remain open to the general public and the local community are encouraged to utilise the spaces.

Recess Period Proposed

The Mt Pleasant Reserve Committee of Management has requested that Council place the existing Committee of Management into recess for 12 months. The current Committee of Management has had some challenges in relation to membership with some key members suffering from ill health. Council will work with the members towards the end of the 12 months to assess the future of the Committee of Management.

During the 12 month period Council will directly manage the finances for this Committee of Management.

Council is proposing to place the Kinglake Memorial Reserve Committee of Management into recess for 6 months. During this time Council Officers will meet with representatives of the user groups and the Committee of Management to resolve the governance arrangements for this Reserve and facilities.

During this period of recess, the Committee of Management will be required to submit monthly financial reports and bank statements to Council. All payments will need to be endorsed by Council officers; this will enable the operational expenses to continue to be managed appropriately.

Revocation of Advisory (Special) Committees to Council

The Kinglake Community Centre Advisory Committee, Friends of Yea Shire Hall Advisory Committee and the Economic Development Advisory Committee were all established as Advisory (Special) Committees under the *Local Government Act 1989* to encourage community engagement with Council regarding the 3 areas. The Committees have been inactive for some time and therefore it is proposed that they are revoked.

Consultation:

The Committees of Management undergoing change have been in consultation with their Council representative and Officers. Committees of Management have been advocates for the changes in the majority of situations.

Conclusion:

Committees of Management established under the *Local Government Act 1989* undertake an amazing service in assisting Council with the management of its facilities. It is the responsibility of Council to ensure that the governance arrangements including the Instruments of Delegation are appropriately managed to enable the Committees of Management to operate effectively.

6.8 AUDIT ADVISORY COMMITTEE MEETING MINUTES

REF: 17/63395

Attachments: 2017-09-14 Audit Advisory Committee Meeting Minutes (TRIM 17/63395)

The minutes of the Audit Advisory Committee Meeting held on 14 September 2017 are attached for receiving.

Officer Recommendation:

That the minutes of the Audit Advisory Committee Meeting held on 14 September 2017 be received.

7. SEALING REGISTER

REF: 13/6325

<i>File Reference</i>	<i>Date Seal Affixed</i>	<i>Description of Documents</i>	<i>Signatures of Persons Sealing</i>
CONT 17/12	17 August 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Pavescape - Property Maintenance Services	Margaret Abbey Cr Margaret Rae
CONT 17/15	30 August 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Metro Urban Management Pty Ltd - Street Sweeping Services	Margaret Abbey Cr Rebecca Bowles
CONT 17/6	1 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Play Safety Training Group Pty Ltd ATF CCEP Safe Play Training Trust - Training Services Panel	Margaret Abbey Cr Margaret Rae
CONT 17/6	1 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Sarden Group Pty Ltd (trading as Sarden	Margaret Abbey Cr Margaret Rae

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
		Learning) - Training Services Panel	
CONT 17/6	1 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Time2Talk Leadership Pty Ltd - Training Services Panel	Margaret Abbey Cr Margaret Rae
CONT 17/6	1 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and The Institute of Training and Further Education (ITFE) - Training Services Panel	Margaret Abbey Cr Margaret Rae
CONT 17/6	1 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Steedan - Training Services Panel	Margaret Abbey Cr Margaret Rae
CONT 17/6	1 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Blue Visions Management Pty Ltd (trading as Institute of Management) - Training Services Panel	Margaret Abbey Cr Margaret Rae
CONT 17/6	1 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Logan Consulting Group Pty Ltd - Training Services Panel	Margaret Abbey Cr Margaret Rae
CONT 17/6	7 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and St Johns Ambulance Australia (Victoria) Inc - Training Services Panel	Margaret Abbey Cr Margaret Rae
CONT 17/6	11 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and Local Government Professionals Inc - Training Services Panel	Margaret Abbey Cr Margaret Rae
CONT 17/6	15 September 2017	Formal Instrument of Agreement between Murrindindi Shire Council and The Recovre Group - Training Services Panel	Margaret Abbey Cr Charlotte Bisset

Officer Recommendation:

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

8. COUNCILLOR PORTFOLIO REPORTS**8.1 LAND USE PLANNING PORTFOLIO**

Cr M Rae:

8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr J Ashe:

8.3 INFRASTRUCTURE AND WASTE PORTFOLIO

Cr E Lording:

8.4 CORPORATE AND CUSTOMER SERVICES PORTFOLIO

Cr L Dunscombe:

8.5 NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO

Cr R Bowles:

8.6 COMMUNITY SERVICES PORTFOLIO

Cr S McAulay:

8.7 MAYOR AND DELEGATED COMMITTEE REPORTS

Cr C Bisset:

9. GENERAL BUSINESS**10. MATTERS DEFERRED FROM PREVIOUS MEETING****11. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN****12. ASSEMBLIES OF COUNCILLORS**

REF: CY17/114 (17/64237)

Purpose:

This report presents the records of assemblies of Councillors for 16 August 2017 to 13 September 2017, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (Act)*.

Officer Recommendation:

That Council receives and notes the record of assemblies of Councillors for 16 August 2017 to 13 September 2017.

Background:

In accordance with Section 80A of the *Act*, written assemblies of Councillors are to be reported at an Ordinary Council Meeting of the Council.

An assembly of Councillors includes advisory committees, where one or more Councillors were present, along with planned or scheduled meetings involving at least half of the Councillors and a Council Officer.

A Councillor who has a conflict of interest at an assembly of Councillors, must disclose the conflict of interest, and leave the meeting while the matter is being discussed.

A written record is required to be kept of every assembly of Councillors, including the names of all Councillors and staff at the meeting, a list of the matters considered, any conflict of interest disclosed by a Councillor, and whether a Councillor who disclosed a conflict left the meeting.

Summary:

Meeting Name/Type:		Councillor Briefing		
Meeting Date:		16 August 2017		
Matters Discussed:		<ol style="list-style-type: none"> 1. Planning Application - Acheron 2. VCAT Decision - Kinglake 3. End of Year – Capital Works Program 4. Feasibility of Reuse Shops at RRC's 5. Long Overdue Rates 6. Business Grants and Seed Funding 7. Council Plan Actions 		
Councillor Attendees: Cr Bisset, Cr Ashe, Cr Lording, Cr Rae, Cr McAulay, Cr Bowles, Cr Dunscombe		Council Officers: M Abbey, S McConnell, M Chesworth, K Girvan, M Crane, J Canny, M Leitinger, S Brown		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
1	Cr J Ashe	No	Yes	Before discussion
1	Cr S McAulay	No	Yes	Before discussion
4	Cr L Dunscombe	No	Yes	Before discussion

Meeting Name/Type:		Councillor Briefing		
Meeting Date:		23 August 2017		
Matters Discussed:		1. Planning Application - Acheron		
Councillor Attendees: Cr Bisset, Cr Dunscombe, Cr Bowles, Cr Lording, Cr Rae		Council Officers: M Abbey		
Conflict of Interest Disclosures: Nil				

Meeting Name/Type:		Council Pre-Meeting		
Meeting Date:		23 August 2017		
Matters Discussed:		<ol style="list-style-type: none"> 1. Public Participation Time 2. Planning Application - Acheron 3. End of Year – Capital Works Program 2016-17 4. Correction to the Training Services Panel Appointment 		
Councillor Attendees: Cr Bisset, Cr McAulay, Cr Bowles, Cr Dunscombe, Cr Ashe, Cr Lording, Cr Rae		Council Officers: M Abbey, M Chesworth, S McConnell, S Brown, K Girvan		
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
1 + 2	Cr J Ashe	No	Yes	Before discussion
1 + 2	Cr S McAulay	No	Yes	Before discussion

Meeting Name/Type:	Councillor Briefing	
Meeting Date:	6 September 2017	
Matters Discussed:	<ol style="list-style-type: none"> 1. Community Sport Infrastructure Fund 2. Council Plan Actions 3. Business Grants 	
Councillor Attendees: Cr Bisset, Cr McAulay, Cr Bowles, Cr Dunscombe, Cr Ashe, Cr Rae	Council Officers: S McConnell, S Brown, N McNamara, S Collier	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Councillor Briefing	
Meeting Date:	13 September 2017	
Matters Discussed:	<ol style="list-style-type: none"> 1. Bendigo Bank Activities 2. Section 86 Committees of Management 3. Subdivision Application – Taggerty 4. Doing Business Better Program 5. Development Assessment Team 6. Business Support Fund 7. Council Plan Priority Action Plan 8. Australia Day Activities 	
Councillor Attendees: Cr Bisset, Cr Bowles, Cr Dunscombe, Cr Ashe, Cr Lording, Cr Rae	Council Officers: M Abbey, S McConnell, A Bond, T Carter, K Girvan, N Maguire, S Brown, B Elkington	
Conflict of Interest Disclosures: Nil		

13. URGENT BUSINESS

14. CONFIDENTIAL ITEMS

The Local Government Act 1989 section 89(2) allows Council to resolve to close a meeting to the public to consider confidential information relating to any of the following matters:

- (a) personnel matters;
- (b) the personal hardship of any resident or ratepayer;
- (c) industrial matters;
- (d) contractual matters;
- (e) proposed developments;
- (f) legal advice;
- (g) matters affecting the security of Council property;
- (h) any other matter which the Council or special committee considers would prejudice the Council or any person;
- (i) a resolution to close the meeting to members of the public

Where possible Council will resolve to make public any decision it makes in a closed meeting where the resolution does not disclose confidential information. There may be occasions where Council cannot make its decision public.

The reports on five contractual matters are being considered in the closed part of this meeting because it is considered under S89(2)(d) that it may prejudice Council or a member of the public.

Recommendation:

That Council, in accordance with the *Local Government Act 1989* section 89(2)(d), resolve to close the meeting to the members of the public:

- **TENDER 17/17 – PROVISION OF GENERAL BUILDING MAINTENANCE AND MINOR IMPROVEMENTS - BUILDERS**
- **TENDER 17/18 – PRIME MOVER – WASTE – SUPPLY AND DELIVERY**
- **TENDER 17/15 – 2017/18 BRIDGE RENEWAL PROGRAM**
- **TENDER 17/4 – 2017/18 SEALED ROADS PROGRAM**
- **TENDER 17/11 – ENGINEERING SERVICES PANEL**