



**Murrindindi**  
Shire Council

MINUTES  
of the  
ORDINARY MEETING OF COUNCIL  
held on  
MONDAY 19 SEPTEMBER 2016  
in the  
MARYSVILLE COMMUNITY CENTRE  
commencing at  
6.00 pm

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**1. PRAYER, OATH & RECONCILIATION STATEMENT**

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

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

REF: SF/306

NIL

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

***Present:***

Crs M Rae (Chair), C Challen, J Kennedy, J Walsh, E Lording, C Healy

***In attendance:***

Chief Executive Officer: Margaret Abbey

General Manager Corporate and Community Services: Michael Chesworth

General Manager Infrastructure and Development: Elaine Wyatt

Manager Business Services: Andrew Bond

Manager Development Services: Shivaun Brown

Manager Infrastructure Assets: John Canny

Senior Planning Officer: Melissa Crane

Coordinator Governance and Performance: Tara Carter

**3. CONFIRMATION OF MINUTES**

➤ Minutes of the Ordinary Meeting of Council held on 24 August 2016

***Officer Recommendation:***

That the Minutes of the Ordinary Meeting of Council held on 24 August 2016 be confirmed.

**RESOLUTION:**

**Cr J Kennedy / Cr E Lording**

**That the Minutes of the Ordinary Meeting of Council held on 24 August 2016 be confirmed.**

**CARRIED**

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

REF: SF/783

Nil

**5. PUBLIC PARTICIPATION TIME****5.1 QUESTIONS OF COUNCIL**

Nil

**5.2 OPEN FORUM**

REF: SF/130

Carli Jones spoke in support of the Off Road Motorcycle Event, Flowerdale (item 6.1 on the agenda).

**5.3 PETITIONERS SPEAKING TO PETITIONS**

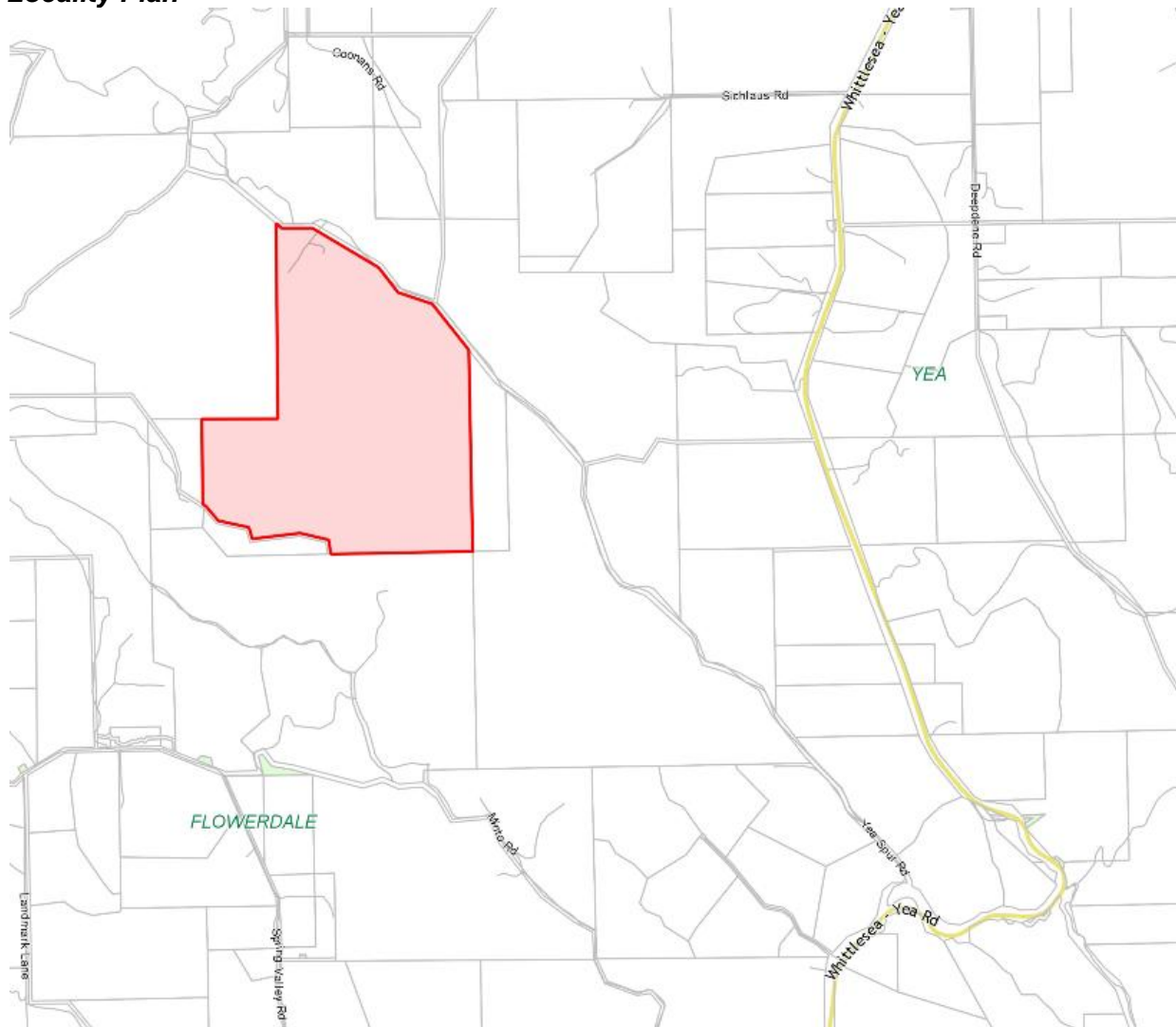
REF: SF/132

Nil

**The Chairperson closed Public Participation Time.**

**6. OFFICER REPORTS****6.1 2016/95 – OFF ROAD MOTORCYCLE EVENT, FLOWERDALE**

Ref: 2016/95  
Land: 539 Yea Spur Road FLOWERDALE 3717  
Proposal: Off road motorcycle racing event  
Applicant: Motorcycle Racing Club of Victoria  
Zoning: Farming Zone  
Overlays: Bushfire Management and Erosion Management  
Attachments: Application Details (refer *Attachment 6.1* – TRIM 16/45378)  
(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 off road motorcycle racing event at 539 Yea Spur Road, Flowerdale.

**Officer Recommendation:**

That Council issue a notice of decision to grant a permit for an off road motorcycle racing event at 539 Yea Spur Road, Flowerdale (C/A: 108, Parish of Yea), subject to the following conditions:

1. The event management plan, as endorsed shall not be altered or modified without the consent in writing of the Responsible Authority.
2. This planning permit allows for a one off road motorcycle racing event to be held within 12 months of the date of this permit, or any extension of such period the Responsible Authority may allow in writing, on an application made before six months after such expiry. Notification of the date of the event is to be provided at least 60 days prior to the event and the event must be held in August or October.
3. The submitted plan shall be stamped the endorsed plan, and once stamped, shall be the plan referred to in this Planning Permit. No alteration or modification will be permitted without the written consent of the Responsible Authority.
4. The use hereby permitted shall take place only between the hours of 9.30am to 4.00pm on the date approved under condition 2 above.

5. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.
6. At least 14 days prior to the event a Traffic Management Plan shall be provided showing the location of directional and warning signs that take into consideration a requirement for a low speed environment along Yea Spur Road from the adjoining VicRoads network to the entry point to the event to the satisfaction of the Responsible Authority. Signage must not remain in place after completion of the event.
7. Notice of the event must be posted in the Yea Chronicle Newspaper three weeks prior to the scheduled event date.
8. All activities carried out on the site, with the exception of management activities required for securing and making good the site, must be completed within one hour of the last scheduled event.
9. A water truck must be operating along Yea-Spur Road to ensure that any dust created by traffic is minimised.
10. Any promotional or directional signage must be removed at the completion of the event to the satisfaction of the Responsible Authority.
11. All refuse and rubbish associated with the use allowed must be removed from the area within 24 hours of the completion of the event to the satisfaction of the Responsible Authority.
12. Competition motorbikes are not to be operated on the site outside of the hours of operation.
13. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
14. Prior to the event taking place, photographic evidence of the existing conditions of the site without the track must be provided to the Responsible Authority.
15. Care must be taken to minimise erosion and deteriorating water quality of creek and dams and also minimise damage to vegetation during the event.
16. Within two (2) days of the completion of the event, an assessment of required remediation works to return the site to its original state (per condition 15 above) must be undertaken and submitted to the Responsible Authority.
17. Within three (3) months of the event being held, the environmental remediation works to return the site to its original state must be completed to the satisfaction of the Responsible Authority. Evidence of this remediation must be submitted to and approved by the Responsible Authority.
18. All effluent for portable toilets is to be disposed off-site in accordance with health and EPA regulations.
19. All due diligence actions to be taken for health safety of all race goers and spectators

#### Country Fire Authority (CFA)

20. The event is to be conducted in accordance with the Wild Fire Management Plan document submitted to Council as part of the application.
21. This consent relates only to the event being conducted in the months of August or October.

**Proposal:**

In June of this year the Motorcycle Racing Club of Victoria (MRCV) applied to hold an off-road motorcycle racing event at 539 Yea-Spur Road, Flowerdale. The event is for the club's championship round six race and is proposed to take place on a weekend between the hours of 9:30am to 4:00pm. It is proposed that 70 riders will compete and there will be support crew as well as spectators in attendance. The event was to be held on the 21 August 2016 with an alternative date of the 2 October, 2016 proposed if the first date fell through. As submissions were received, neither date was achievable for this year, so the club is currently proposing to postpone the event until next year, with new dates to be confirmed.

The track will be set up by use of timber stakes and flagging on the day prior to the event. The track will be placed around existing trees and shrubs and no vegetation is proposed to be removed. There are some cleared areas closer to Yea Spur Road where existing bike tracks are located however much of the land remains heavily vegetated. An area of Cultural Sensitivity exists along the southern boundary of the property and the track will be located 400 metres north of this at the request of the Victorian Aboriginal Heritage Council.

All structures proposed for the event (shade and first aid tents) are temporary and will be taken off the site at the event conclusion. No food or drink will be provided and participants are expected to bring their own supplies. Participants will also be responsible for removing all their rubbish from the site at the conclusion of the event.

The MRCV is bound by the sound control regulations of the Manual of Motorsport Australia 2016 and prior to the commencement of the event all motorcycles will be scrutinised to ensure they comply with EPA guidelines surrounding noise. Machines found to be outside of regulations will not be allowed to start until rectified.

In case of emergency there will be fire extinguishers placed around the course, at pit and refuelling areas and the start and finish of the race. The race will be cancelled in the event of extreme weather including rain, storms or heavy fog. First aid officers will be on site and Council has been advised that emergency services will be made aware of the event prior to the day. No alcohol or smoking will be permitted at the event.

A similar event by the MRCV was held at 131 Webbs Lane in Taggerty this year. There was one submission to this event that was then withdrawn and therefore the application did not go to Council.

**The Land & Surroundings:**

The subject land is a 238 hectare bush block that is located towards the end of Yea Spur Road, approximately 5.5 kilometres from the access at Whittlesea-Yea Road. Yea Spur Road is an unmade and single lane road. There is a house and a cleared area at the entrance to the property where it is proposed to provide parking for the event. The site is heavily vegetated and in hilly terrain with slopes varying from 32-56% which are subject to erosion.

The proposed site is considered to be favourable for the event due to its size and remoteness from neighbouring properties. The land is in a secluded area and adjoining properties are densely vegetated with little or no development. The closest dwelling is approximately 500 metres away from the property's boundary and the closest track point is approximately 800 metres away from the dwelling. Due to this it is thought that the surrounding environment is unlikely to be significantly impacted by noise emanating from the event.

**Referrals:**

The application was referred internally to Council's Environmental Programs, Environmental Health and Building Units, as well as the Economic Development and Infrastructure Assets

Departments. Externally the application was referred to the Country Fire Authority. No objections were received subject to conditions.

***Consultation:***

The application was notified to nearby and adjoining owners. At the time of writing this Council report, 3 submissions were still standing. The submissions can be summarised as follows:

Impact On Surrounding Properties

- Previous off road motorcyclists using the property have caused damage to fences and gates (three submitters)
- Previous off road motorcyclists using the property have caused damage to accommodation
- A motorcycle event is not in keeping with the ambience of the area (two submitters)
- The impact on the neighbouring residential properties and their serenity, particularly that of Lot 109 on the eastern boundary

Access

- The ability of paramedics to access the property if an accident were to occur
- The increased fire risk to the area and ability of CFA to access the property

Other

- If the proposed event is approved a precedent for allowing further and similar events may be set (two submitters).
- Issues with motorcycle groups in general and their character

The submissions were sent to the applicant who provided the following response:

Impact On Surrounding Properties

- The MRCV can guarantee that they would never enter a property where they did not have permission to do so
- Before every event a "Riders Briefing" is undertaken and during this time members are told that the event is being held on private property and under no circumstances are they to return to the property to ride
- The owner of 539 Yea Spur Road disputes the allegation that he has cut fences in the past and also advised that he has never been approached regarding any of these concerns, including the use of his property for motorbike riding
- The property is remote from the neighbouring properties and there will be no threat to the ambience of the neighbouring properties
- At the time of the application there is no residence on the lot adjoining the eastern boundary

Access

- As the property in question is under a Bushfire Management Overlay, the application was referred to the CFA and a Bushfire Management Plan was prepared. A professional consultancy, Verst Fire Services, was engaged to prepare this plan and the CFA have given conditional approval for the event
- The owner of the property has confirmed there was an accident on the property approximately seven years ago which resulted in an ambulance being called. They attended the property and it has been proven that should an air ambulance be required there is appropriate and safe space for this to occur



Other

- MRCV has been operating since 1946 and their reputation in Victoria is of the highest standard
- The MRCV prides itself on professionalism, respect and sportsmanship and a number of the members are elite athletes, competing around the world
- The MRCV of Victoria is only applying to hold a one off event. They are only seeking a permit for a one off sporting event and are not applying to develop or permanently change the land.
- Other properties that the MRCV use for events are on average only utilised for one day every two to three years
- The MRCV is unable to comment on the personal relations of neighbours

This was sent to all submitters, and one was withdrawn. Three submissions are still unresolved.

<b>Newspaper / Other</b>	<b>Publishing/Consultation Date(s)</b>
<b>Mail out: Nearby and adjoining owners</b>	28 June 2016

***Planning Considerations:***

The subject land is in the Farming Zone and under Bushfire Management and Erosion Management Overlays. Under the Farming Zone a motorcycle event is considered to be Leisure and Recreation and as such requires a planning permit. While the purpose of the Farming Zone is agriculture, other non-agricultural uses are permitted as long as these uses do not adversely affect the use of land for agriculture. As the proposed event is a one off event, held over a six and a half hour period, with no permanent structures or earthworks proposed it can be considered that the use will not affect the ability for the land to be used in an ongoing manner for agriculture.

The land is in a secluded area and adjoining properties are densely vegetated with little or no development. The closest dwelling is approximately 500 metres away from the property's boundary and the closest track point is approximately 800 metres away from the dwelling. The land is hilly and prone to erosion, but is not identified as high quality agricultural land and the proposed use will not comprise the agricultural quality of the land. The site inspection undertaken as part of the application indicated few signs of productive land use on nearby properties and it is unlikely any noise emanating from the event will have a negative effect on livestock or other animals.

In relation to fire risk as the property is under a Bushfire Management Overlay the application was referred to the Country Fire Authority. They have no objection to the event subject to conditions. These conditions include that the event is conducted in accordance with the prepared Wildfire Management Plan and that the event is either conducted in the month of August or October. The applicant is aware that any proposed dates need to fall within these months or the application may be again referred to the CFA.

In order to address the Erosion Management Overlay, an Erosion Management Plan was provided by the applicant. This was considered by Council's Environmental Programs Unit, where the main concern surrounded the impact that high impact activities can have on vegetation and soil stability. In order to address this, the applicant has proposed to undertake a site assessment at the conclusion of the event, replacing any damaged species like for like and reinstating and stabilising any areas damaged by the motorbikes.

Access to the property is via Yea Spur Road which is an unmade single lane road. In wet conditions the road can become muddy and visibility can be limited on a number of crests and dips. Permit conditions requiring a Traffic Management Plan with the implementation of a low

speed environment along Yea Spur Road should be adequate to ensure the safe passage of vehicles. The applicant has also advised that the event will be called off if weather is unfavourable.

A number of the objections do not fall within planning grounds and cannot be addressed by the planning permit application process. However a number of concerns can be addressed by planning permit conditions including conditions relating to the time and date of the event and that any subsequent events would need a planning permit.

The club has run events previously and they have been run successfully and without incident. While this site presents its own challenges it is believed they can be addressed with appropriate preparation, permit conditions and management plans. The local planning policy framework acknowledges the need for tourism growth in the Shire and the need to expand the sector, opening up to a wide range of markets. The use of the land for this one off event will encourage visitors to the municipality who may not be with familiar with the area and who will be introduced to its townships and amenities possibly opening up further economic opportunities.

**Conclusion:**

The amenity impacts from the proposed use of the land for an off road motorcycle event should not cause significant disturbance to neighbouring properties. The application is in accordance with *Clause 21.03 Economic Development*, and can be considered as a reasonable alternative use of land in the Farming Zone and should be supported.

**Legal/Policy Issues:**

State Planning Policy Framework

11.10 *Hume Regional Growth*

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

Strategies:

- Support tourism activities, including nature-based tourism, that take advantage of environment and cultural heritage assets and the rural environment without compromising their future

13.04-1 *Noise Abatement*

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

Strategy: Ensure that development is not prejudiced and community amenity is 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.

17.03-1 *Facilitating 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.

Local Planning Policy Framework

21.06 *Tourism and Heritage Strategies*

Strategies and objectives:

- Protection of water quality and environmental degradation in relation to new developments
- Facilitate recreational and tourism activities that attract tourists year round

Zoning35.07 *Farming Zone*

## Purpose:

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

## Decision Guidelines:

*General Issues*

- The capability of the site 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
- How the use and development makes use of existing infrastructure and assets

*Agricultural Issues and the Impact From Non-Agricultural Uses*

- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production

*Environmental Issues*

- The impact of the proposal in the natural physical features and resources of the area, in particular soil and water quality

Overlays44.01 *Erosion Management*

## Purpose:

- To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.

## Decision Guidelines:

- Any proposed measures to manage concentrated runoff and site drainage
- Any proposed measures to minimise the extent of soil disturbance
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management
- The need to stabilise disturbed areas by engineering works or revegetation

44.06 *Bushfire Management*

## Purpose:

- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented
- To ensure development is only permitted where the risk of life and property from bushfire can be reduced to an acceptable level

## Decision Guidelines

- The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application

- Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land

**RESOLUTION:****Cr J Kennedy / Cr C Healy**

**That Council issue a notice of decision to grant a permit for an off road motorcycle racing event at 539 Yea Spur Road, Flowerdale (C/A: 108, Parish of Yea), subject to the following conditions:**

- 1. The event management plan, as endorsed shall not be altered or modified without the consent in writing of the Responsible Authority.**
- 2. This planning permit allows for a one off road motorcycle racing event to be held within 12 months of the date of this permit, or any extension of such period the Responsible Authority may allow in writing, on an application made before six months after such expiry. Notification of the date of the event is to be provided at least 60 days prior to the event and the event must be held in August or October.**
- 3. The submitted plan shall be stamped the endorsed plan, and once stamped, shall be the plan referred to in this Planning Permit. No alteration or modification will be permitted without the written consent of the Responsible Authority.**
- 4. The use hereby permitted shall take place only between the hours of 9.30am to 4.00pm on the date approved under condition 2 above.**
- 5. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.**
- 6. At least 14 days prior to the event a Traffic Management Plan shall be provided showing the location of directional and warning signs that take into consideration a requirement for a low speed environment along Yea Spur Road from the adjoining VicRoads network to the entry point to the event to the satisfaction of the Responsible Authority. Signage must not remain in place after completion of the event.**
- 7. Notice of the event must be posted in the Yea Chronicle Newspaper three weeks prior to the scheduled event date.**
- 8. All activities carried out on the site, with the exception of management activities required for securing and making good the site, must be completed within one hour of the last scheduled event.**
- 9. A water truck must be operating along Yea-Spur Road to ensure that any dust created by traffic is minimised.**
- 10. Any promotional or directional signage must be removed at the completion of the event to the satisfaction of the Responsible Authority.**
- 11. All refuse and rubbish associated with the use allowed must be removed from the area within 24 hours of the completion of the event to the satisfaction of the Responsible Authority.**
- 12. Competition motorbikes are not to be operated on the site outside of the hours of operation.**
- 13. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.**
- 14. Prior to the event taking place, photographic evidence of the existing conditions of the site without the track must be provided to the Responsible Authority.**

15. Care must be taken to minimise erosion and deteriorating water quality of creek and dams and also minimise damage to vegetation during the event.
16. Within two (2) days of the completion of the event, an assessment of required remediation works to return the site to its original state (per condition 15 above) must be undertaken and submitted to the Responsible Authority.
17. Within three (3) months of the event being held, the environmental remediation works to return the site to its original state must be completed to the satisfaction of the Responsible Authority. Evidence of this remediation must be submitted to and approved by the Responsible Authority.
18. All effluent for portable toilets is to be disposed off-site in accordance with health and EPA regulations.
19. All due diligence actions to be taken for health safety of all race goers and spectators

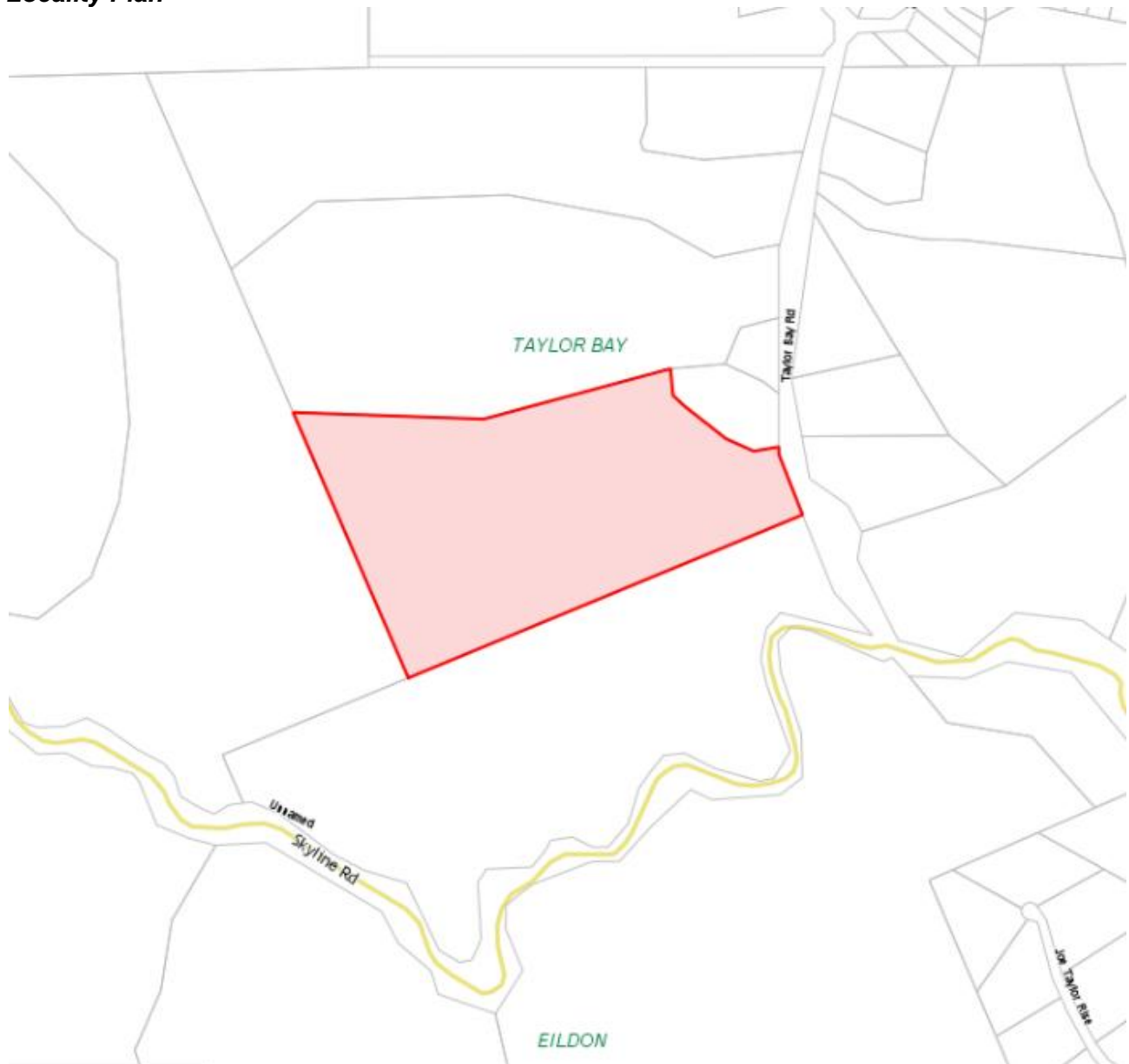
**Country Fire Authority (CFA)**

20. The event is to be conducted in accordance with the Wild Fire Management Plan document submitted to Council as part of the application.
21. This consent relates only to the event being conducted in the months of August or October.

**CARRIED**

**6.2 2016/60 – TAYLOR BAY GROUP ACCOMMODATION**

Ref: 2016/60  
Land: 39 Taylor Bay Road TAYLOR BAY 3713  
Proposal: Change of shed usage to group accommodation  
Applicant: G A Boulter  
Zoning: Farming  
Overlays: Significant Landscape, Bushfire Management  
Attachments: Application Details (aerial photograph and submissions distributed separately)

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

This report recommends that a notice of decision to grant a permit be issued for the change of use of a farm shed to group accommodation at 39 Taylor Bay Road, Taylor Bay.

**Officer Recommendation:**

That Council issue a notice of decision to grant a permit for the change of use of a farm shed to group accommodation at 39 Taylor Bay Road, Taylor Bay (Lot: 1 PS: 403435, Parish of Eildon), subject to the following conditions:

1. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
2. This permit shall expire if the use hereby permitted has not commenced 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 six months after such expiry.
3. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and

- contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.
4. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.
  5. At the time of the development all onsite wastewater and stormwater management shall be in accordance with the recommendations outlined within the Land Capability Assessment prepared by Porta Environmental Pty Ltd (Report No. GB18062015-1A).
  6. All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly and disposed of via a private waste disposal arrangement and not in the common residential waste collection depot, and more often if required by the Responsible Authority.
  7. The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
  8. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
  9. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
  10. The maximum number of patrons allowed in the accommodation at any one time is 12.
  11. 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:
    - Requirements of Goulburn Murray Water per condition 17 below
    - 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

#### Country Fire Authority (CFA)

12. The Bushfire Management Statement (prepared by IPS Building Services, drawing numbers – A03 Site Plan - 39 Taylor Bay Road, Taylor Bay Revision 2 & A01 General Notes Revision 1 dated June 2015) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
13. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

#### Goulburn-Murray Water (GMW)

14. All construction and ongoing activities must be in accordance with sediment control principles outlined in "Construction Techniques for Sediment Pollution Control" (EPA, 1991).
15. The wastewater disposal system must be located, installed and operated in accordance with the recommendations of Porta Environmental Land Capability Assessment dated July 2016.

16. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
17. Prior to the Use for Group Accommodation commencing, the owner shall enter into an agreement with the Responsible Authority and GMW under Section 173 of the Planning and Environment Act requiring that:
  - a. The wastewater treatment and disposal facility be installed, operated and maintained as required by the EPA and in accordance with the Porta Environmental Land Capability Assessment dated July 2016.
  - b. An annual inspection of the wastewater treatment and disposal facility be undertaken at the cost of the landholder by a servicing agent, and a report of the inspection must be forwarded to the Responsible Authority and Goulburn-Murray Water.
  - c. All repairs and maintenance undertaken to the wastewater treatment and disposal facility must be documented and reported to the Responsible Authority and Goulburn-Murray Water.
  - d. The owner shall meet the cost of the registration of the agreement on the title of the land and the costs of the annual inspection and reports.
18. The owner must provide evidence of registration of the Agreement to Goulburn-Murray Water within three (3) months of this occurring.
19. No buildings or works may be erected or carried out on any drainage lines.

**Notations:**

1. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

**Proposal:**

An application was received to change the use of existing shedding to group accommodation, containing three self contained bungalows each able to accommodate 4 people, for a total of 12 people. The application has been supported by a Bushfire Management Statement and a Land Capability Assessment both of which address the requirements of the proposal in accordance with the limitations of the site.

**The Land & Surroundings:**

The subject land is 27.12 hectares in size, and is predominantly covered with native vegetation. There is a cleared domestic area near the front of the property, and a small cleared area 750 metres from the boundary of Taylor Bay Road, which is the subject area for this application.

The properties in all directions are privately owned, and most contain single dwellings with associated shedding. The area is generally characterised as being covered with native vegetation, with cleared domestic areas only.

**Referrals:**

The application was referred externally to Goulburn-Murray Water and the Country Fire Authority, who had no objections subject to conditions on any permit that is issued.

**Consultation:**

The application was notified to nearby and adjoining owners, and one submission was received. The submission can be summarised as follows:

- The road already experiences significant traffic and this will only add to it
- The rubbish depot is already at capacity



- There is already enough accommodation in the area and this will take away from the serenity of the area

This was forwarded to the applicant who provided a response. The response can be summarised as follows:

- Taylor Bay Road is a well maintained and sealed road capable of accommodating the small increase in traffic associated with the accommodation
- Rubbish collection point is available for all residents of Taylor Bay
- Noise impacts from the site would be no different from other sites in Taylor Bay

The response was forwarded to the submitter, but the objection was not withdrawn.

<b>Newspaper / Other</b>	<b>Publishing/Consultation Date(s)</b>
<b>Consultation: Sign on site</b>	13 May 2016
<b>Mail out: Nearby and adjoining owners</b>	12 May 2016

***Planning Considerations:***

In the farming zone a planning permit is required for the use of the land for tourist accommodation. The purpose of the zone is for agriculture, but the zone allows the consideration of alternate proposals if it is determined that there will be no adverse impact on the use of this land, or adjoining land, for agricultural purposes. In this case, the site is generally heavily vegetated, with the exception of a section at the front of the property, currently containing the dwelling and associated shedding. The proposal is to use this existing shedding for accommodation.

As the shedding already exists, the proposal will not remove more land from agricultural use. Most properties in the area are not used for agricultural purposes nor do they have the capacity to be used in that manner. The submitters themselves identify that the use of the land in the area is mostly residential. This type of use is generally fairly passive, with the only real impacts being movement of vehicles to and from the accommodation, which will use existing road networks and internal access tracks. It is the consideration of the lack of farming in the general area, and the lack of ability of the land around to be farmed due to vegetation cover, that leads to the supporting of an alternative use such as the proposal.

The site is less than 400 metres from the start of Taylor Bay Road, with one other property accessing Taylor Bay Road before this property. The road to the property is sealed and well maintained. In terms of rubbish disposal it would be a condition of the permit that the applicant provide for waste disposal for the accommodation that would need to be independent of the Taylor Bay waste compound.

In considering the application in totality, the way the subject land and surrounding land is used is relevant in that the proposal will not have a detrimental impact on agriculture. Overall, the proposal has a positive economic benefit for the shire, and should be supported.

***Conclusion:***

The proposal is a reasonable use of existing buildings on the site. With appropriate bushfire management and effluent disposal, the use of the shed for accommodation is supported within the Murrindindi Planning Scheme.

***Legal/Policy Issues:*****State Planning Policy Framework**11.10 *Hume Regional Growth*

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

Strategies:

- Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production

14.01 *Agriculture*

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

Strategies:

- In considering a proposal to develop agricultural land, the following factors must be considered:
  - The desirability and impact from removing the land from primary production, given its agricultural productivity
  - The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard for land values and to the viability of infrastructure for such production
  - The compatibility between the proposed or likely development and the existing uses of the surrounding land

Clause 17.03 *Tourism* has the following strategy:

- Encourage the development of a range of well-designed and sited tourist facilities, including motel accommodation

**Local Planning Policy Framework**21.03-2 *Agriculture*

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

Strategies:

- Ensure that the development of rural land is compatible with surrounding agricultural activities
- Discourage the development or conversion of land to uses incompatible with productive agriculture

Clause 21.03-3 *Tourism* - this policy has the following objective:

- Enhance and promote tourism to increase the economic, social and cultural benefits to the municipality

**Zoning**35.07 *Farming*

The purpose of the Farming Zone is as follows:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- To provide for the use of the land for agriculture
- To encourage the retention of productive agricultural land

- To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture
- To encourage the retention of employment and population to support rural communities
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision

### Overlays

#### 42.03 *Significant Landscape*

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

Decision Guidelines:

- The conservation and enhancement of the landscape values of the area
- The impact of buildings and works on significant views

#### 44.06 Bushfire Management

Purpose:

- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented
- To ensure development is only permitted where the risk of life and property from bushfire can be reduced to an acceptable level

Decision Guidelines:

- The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application
- Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land

### **RESOLUTION:**

**Cr C Healy/ Cr E Lording**

**That Council issue a notice of decision to grant a permit for the change of use of a farm shed to group accommodation at 39 Taylor Bay Road, Taylor Bay (Lot: 1 PS: 403435, Parish of Eildon), subject to the following conditions:**

- 1. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.**
- 2. This permit shall expire if the use hereby permitted has not commenced 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 six months after such expiry.**
- 3. All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Authority and the Council. All effluent shall be disposed of and contained within the curtilage of the land and shall not discharge directly or indirectly to an adjoining property, street or any water course, water storage or dam. Sufficient land shall be set aside and kept available for the purpose of effluent disposal.**
- 4. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council.**

5. At the time of the development all onsite wastewater and stormwater management shall be in accordance with the recommendations outlined within the Land Capability Assessment prepared by Porta Environmental Pty Ltd (Report No. GB18062015-1A).
6. All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly and disposed of via a private waste disposal arrangement and not in the common residential waste collection depot, and more often if required by the Responsible Authority.
7. The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
8. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.
9. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.
10. The maximum number of patrons allowed in the accommodation at any one time is 12.
11. 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:
  - Requirements of Goulburn Murray Water per condition 17 below
  - 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

#### **Country Fire Authority (CFA)**

12. The Bushfire Management Statement (prepared by IPS Building Services, drawing numbers – A03 Site Plan - 39 Taylor Bay Road, Taylor Bay Revision 2 & A01 General Notes Revision 1 dated June 2015) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
13. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

#### **Goulburn-Murray Water (GMW)**

14. All construction and ongoing activities must be in accordance with sediment control principles outlined in "Construction Techniques for Sediment Pollution Control" (EPA, 1991).
15. The wastewater disposal system must be located, installed and operated in accordance with the recommendations of Porta Environmental Land Capability Assessment dated July 2016.

16. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.
17. Prior to the Use for Group Accommodation commencing, the owner shall enter into an agreement with the Responsible Authority and GMW under Section 173 of the Planning and Environment Act requiring that:
  - a. The wastewater treatment and disposal facility be installed, operated and maintained as required by the EPA and in accordance with the Porta Environmental Land Capability Assessment dated July 2016.
  - b. An annual inspection of the wastewater treatment and disposal facility be undertaken at the cost of the landholder by a servicing agent, and a report of the inspection must be forwarded to the Responsible Authority and Goulburn-Murray Water.
  - c. All repairs and maintenance undertaken to the wastewater treatment and disposal facility must be documented and reported to the Responsible Authority and Goulburn-Murray Water.
  - d. The owner shall meet the cost of the registration of the agreement on the title of the land and the costs of the annual inspection and reports.
18. The owner must provide evidence of registration of the Agreement to Goulburn-Murray Water within three (3) months of this occurring.
19. No buildings or works may be erected or carried out on any drainage lines.

**Notations:**

1. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

**CARRIED**

**6.3 2015/214 – 70 MURRAYS ROAD DWELLING**

Ref: 2015/214  
Land: 70 Murrays Road KINGLAKE 3763  
Proposal: Construction and use of a dwelling  
Applicant: JP McMahon & E M McMahon  
Zoning: Farming  
Overlays: Environmental Significance  
Attachments: Application Details (refer *Attachment 6.3* – TRIM 16/45372)  
(aerial photograph and submissions distributed separately)

**This item was removed from the agenda due to the Planning Application being withdrawn on 15 September 2016.**

**6.4 DELEGATION AND AUTHORISATIONS PERIODIC UPDATE**

REF: 16/17485

Attachments: S5. Instrument of Delegation to the Chief Executive Officer (refer *Attachment 6.4a* - TRIM 16/46426), S6 Instrument of Delegation to members of staff (refer *Attachment 6.4b* -TRIM 16/45472), S11 Instrument of Appointment and Authorisation (refer *Attachment 6.4c* -TRIM 16/45817), S11A Instrument of Appointment and Authorisation - Planning and Environment Act 1987 (refer to *Attachment 6.4d* - TRIM 16/45819)

**Purpose:**

The purpose of this report is to seek Council's adoption of the S5 Instrument of Delegation to the Chief Executive Officer, S6 Instrument of Delegation to Members of Staff, S11 Instrument of Appointment and Authorisation and S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987).

**Officer Recommendation:**

1. In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation (S5. Instrument of Delegation to the CEO), Murrindindi Shire Council (Council) resolves that:
  - a. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
  - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
  - c. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
  - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
  - e. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.
2. In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation (S6 Instrument of Delegation to members of staff), Murrindindi Shire Council (Council) resolves that:
  - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
  - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
  - c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
  - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

3. In the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instruments of appointment and authorisation (S11 Instrument of Appointment and Authorisation & S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987), Murrindindi Shire Council (Council) resolves that:
- a. The members of Council staff referred to in the instruments be appointed and authorised as set out in the instruments.
  - b. The instruments come into force immediately the common seal of Council is affixed to the instruments, and remains in force until Council determines to vary or revoke it.
  - c. The instruments be sealed.
  - d. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.

***Background:***

**Delegations and Authorisations**

The Council is a legal entity composed of its members (ie. the Councillors). It is not a "natural" person and therefore it can act in only one of two ways - by resolution, or through others acting on its behalf.

The power of a Council to act by resolution is set out in section 3(5) of the Act – "(5) Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council".

Alternatively, a Council can act through others. Where this is to occur, it is recommended that the appointment be formalised through written "instruments of delegation" wherever practicable. The Act, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of Councils.

Delegations are different in nature from authorisations. The decision of a delegate of Council is "deemed" to be a decision by Council. The decision by a person appointed by Council to a statutory position, for example a Municipal Building Surveyor is not. That person's powers and responsibilities are quite distinct from Council's. It is therefore important that the Council has in place appropriate policies and guidelines under which delegation should be exercised.

**Review of Instruments of Delegation, Authorisations and Appointments**

Council is required to review its delegations within 12 months of a general election. It is good governance practice that Council regularly review its Delegations, Authorisations and Appointments regularly to ensure recent changes to legislation, organisational structure and/or officer titles are accounted for and the appropriate delegations applied. Council conducts an annual review and further reviews are undertaken when required due to legislation or organisational change.

***Council Plan/Strategies:***

This recommendation is consistent with the Our Council Goal to "provide strategic leadership and effective governance that supports the aspirations of our community" of the Council Plan 2013-2017.

***Legal/Policy Issues:***

Council is required to approve Delegations, Authorisations and Appointments in accordance with section 98 of the *Local Government Act 1989*. The Instruments of Delegation, Appointments and Authorisations support the undertaking of various requirements under specific legislation.

All relevant legislation changes have been incorporated into this delegation review.

**Financial/Resources/Risk:**

Effective and efficient functioning of local government would not be possible without formal delegations to Council officers.

**Discussion:**

Legislation changes, introduction of new legislation and new interpretations are all included (as of June 2016). Changes in staffing, departmental structures and operational requirements have also been considered.

Legal advice from Council's solicitors indicates that good business practice is to ensure that there is more than one officer delegated for each power that is stipulated under each respective piece of legislation. The review reflects this by ensuring that there is a secondary delegate listed where applicable, unless qualifications are required.

**Consultation:**

The making of delegations does not require community consultation.

**Conclusion:**

Through delegating powers under various forms of legislation Council ensures the most effective governance Council operations.

**RESOLUTION:****Cr J Kennedy / Cr C Challen**

1. In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation (S5. Instrument of Delegation to the CEO), Murrindindi Shire Council (Council) resolves that:
  - a. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.
  - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
  - c. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
  - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
  - e. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.
2. In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation (S6 Instrument of Delegation to members of staff), Murrindindi Shire Council (Council) resolves that:
  - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
  - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument.



- c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
  - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
3. In the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instruments of appointment and authorisation (S11 Instrument of Appointment and Authorisation & S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987), Murrindindi Shire Council (Council) resolves that:
- a. The members of Council staff referred to in the instruments be appointed and authorised as set out in the instruments.
  - b. The instruments come into force immediately the common seal of Council is affixed to the instruments, and remains in force until Council determines to vary or revoke it.
  - c. The instruments be sealed.
  - d. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.

**CARRIED**

## 6.5 APPROVAL OF ANNUAL FINANCIAL STATEMENTS 2015/16

REF: 16/47494

Attachments: 2015/16 Draft Financial Statements (refer *Attachment 6.5a* - TRIM 16/45940)  
2015/16 Draft Performance Statements (refer *Attachment 6.5b* - TRIM 16/45950)

### ***Purpose:***

The purpose of this report is to approve in principle the draft Financial Report and Performance Statement for 2015/16 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 2016.
2. Approves in principle the Murrindindi Shire Council Performance Statement for the year ended 30 June 2016.
3. Authorises the Mayor, Cr Margaret Rae, Cr John Kennedy 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 Margaret Rae, Cr John Kennedy 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 of 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 2015/16 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 their opinion prior to the statutory deadline of 30 September 2016.

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 (CEO) 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 2015/16 Annual Report, which incorporates the audited Financial Statements and Performance Statement, must be forwarded to the Minister for Local Government by 30 September 2016.

***Council Plan/Strategies:***

The presentation of the information contained within the draft financial statements is consistent with the *Council Plan 2013-2017* goal "to administer sound financial management practices".

***Legal/Policy Issues:***

Council is required to produce an 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 Annual Financial Report, Standard Statements and Performance Statement will have been considered by the Audit Advisory Committee on 16 September 2016, after this agenda item was finalised. The Audit Advisory Committee will consider whether to recommend:

That Council:

1. Record its approval “in principle” to the Annual Financial Statements and Performance Statement (the statements), subject to the review of VAGO for the year ended 30 June 2016.
2. Authorises two Councillors to certify the Financial Statements and Performance Statement, subject to the review of VAGO, in the final form after any changes recommended or agreed to by the Auditor have been made.

The final resolution of the Audit Advisory Committee will be presented at the meeting.

The draft financial statements that are attached to this report detail Council’s financial position as of 30 June 2016, and a record of all financial activity that occurred during the 2015/16 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 VAGO.

A summary of annual financial results is provided for the year ending 30 June 2016 as follows:

1. Operating Performance – comparison results against budget

Table 1 – Summary of Income Statement

	2015-16 Budget \$M	2015-16 Actual \$M	Variance \$M
Revenue	31.04	31.75	0.71
Expenses	32.65	31.09	1.56
Surplus / (Deficit)	(1.61)	0.66	2.27

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 \$0.66 million and the variance to budget of \$2.27 million is primarily attributed to savings made in expenditure, particularly relating to materials and services (\$1.00 million), as well as the brought forward payment of the 2015/16 Roads to Recovery Grant which is required to be recognised in the 2015/16 accounts. Council also received positive movements against budget for non-monetary contributions (\$0.49 million), and for other income (\$0.3 million). Council had also budgeted to dispose of property and infrastructure assets during the 2015/16 financial year with a resulting accounting write-down of \$0.62 million.

Non-monetary contributions 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. The significant values for 2015/16 included \$208,000 for Roads, \$116,000 for Drainage and \$128,000 for bridge projects.

Other income levels were higher in 2015/16 primarily due to higher levels of cash held related to incomplete capitals works and carried forward grants funding. Higher than forecast interest rates on investments also contributed to additional interest revenue on invested funds of \$247,000 above the original budget estimate.

The savings achieved in materials and services expenditure primarily relate to budgeted expenditure relating to the New & Gifted Assets operating and maintenance allocation of \$1.2 million which was not fully required with \$395,000 transferred to Council's Infrastructure Reserve in accordance with Council's policy. Further significant savings were achieved in fuel costs of \$144,000, consultant's costs of \$247,000, insurance savings on premium and claims totalled \$68,000 and waste services \$108,000. Maintenance cost on the Great Victorian Rail Trail were reduced, largely due to the works required being recorded as capital expenditure, whereas the expenditure had been initially anticipated as maintenance expenditure in Council's adopted budget.

Council had budgeted for the sale of several buildings and land parcels, in addition to the annual plant and fleet vehicle change-over process. Two units were sold at the Marysville Retirement Village, this resulted in an accounting write-down of \$83,000, while the annual plant and fleet changeovers generated an income of \$24,000. The remaining variance is due to assets that were budgeted to sell that had not sold as of 30 June 2016.

## 2. Financial Position – Balance Sheet at year end 30 June 2016

Table 2 – Summary of Balance Sheet components

	2014-15 Actual \$M	2015-16 Actual \$M	Change \$M
<b>Assets</b>			
Current	30.1	30.6	0.5
Non Current	303.5	304.3	0.8
Total Assets	333.6	334.9	1.3
<b>Liabilities</b>			
Current	7.6	7.8	0.2
Non Current	3.7	6.9	3.2
Total Liabilities	11.3	14.8	3.5
Equity	322.3	320.1	(2.2)

Council's asset base (Non Current Assets) has seen a net increase of \$0.8 million. This was due to capital works expenditure on new and existing assets, covering Property, Plant and Equipment and Infrastructure.

The actual cash at the start of the year was \$8.2 million higher than the adopted budget due to grants received in advance and delayed capital works from 2014/15. 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, particularly outstanding rates debts, owed to Council. The increase in non-current assets is due to a revaluation of the landfill air space, which was undertaken in accordance with a recommendation from last year's audit. The result was an inclusion of an intangible asset of \$3.57 million which is now recorded in accordance with the Australian Accounting Standards. This is offset by a corresponding increase in landfill restoration provisions which increased by \$3.9 million, which is the key reason behind the non-current liabilities increase for 2015/16.

The overall movement in the balance sheet equates to a decrease in equity of \$2.2 million. Critically, the measure of Council's ability to meet its obligation to pay its bills is favourable, where Current Assets (\$30.6 million) exceed Current Liabilities (\$7.7 million) at a more than acceptable level (See Working Capital Ratio in Table 3).

There has been minimal movement in the overall balance sheet position between the past two financial years.

### 3. Key Financial Ratios

	2015/16	2014-15	2013-14	2012-13	Comment
<u>Working Capital Ratio</u>					
Current Assets / Current Liabilities	3.97	3.98	2.75	3.29	Assesses Council's ability to meet current commitments. A ratio > 1-1.5 times is favourable.
<u>Revenue Ratio</u>					
Rates Revenue / Total Revenue	57.61%	53.67%	50.47%	36.84%	Indicates Council's dependence on rates income. The higher the percentage, the higher the dependence.
<u>Debt Servicing Ratio</u>					
Debt Servicing Costs / Total Revenue	0.74%	0.62%	1.06%	0.89%	Expresses the amount of interest paid as a percentage of Council's total revenue.
<u>Debt Exposure Ratio</u>					
Total Indebtedness / Total Realisable Assets	16.44%	17.36%	17.53%	11.20%	Indicates the level of realisable assets required to be sold to extinguish Council's 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 2014/15 financial year reporting requirements.

Of particular note, the Rate Revenue Ratio has trended upwards again in 2015/16 to 57.61% which is well within the standard parameters for a small rural Council. In recent years this ratio has been quite abnormal due to the influx in grant funding following the 2009 bushfires.

Council's working capital ratio has remained high in 2015/16 to 3.98, which is reflective not only of Council's increased cash levels, but also of Council's debt reduction which continued throughout 2015/16.

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 2015/16 financial year and provide the community with an understanding of the allocation of financial resources across this period.

**RESOLUTION:**

**Cr J Walsh / Cr C Challen**

**That Council:**

1. **Approves in principle the Murrindindi Shire Council Financial Report for the year ended 30 June 2016.**
2. **Approves in principle the Murrindindi Shire Council Performance Statement for the year ended 30 June 2016.**
3. **Authorises the Mayor, Cr Margaret Rae, Cr John Kennedy 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 Margaret Rae, Cr John Kennedy 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.**

**CARRIED**

**6.6 MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE (MEMPC)  
MEETING MINUTES**

REF: 16/45701

Attachments: MEMPC Minutes 25 August 2016 (refer *Attachment 6.6* – TRIM 16/44698)

The minutes of the Municipal Emergency Management Planning Committee Meeting held on 25 August 2016 are attached for receiving.

***Officer Recommendation:***

That the minutes of the Municipal Emergency Management Planning Committee Meeting held on 25 August 2016 be received.

**RESOLUTION:****Cr J Kennedy / Cr E Lording****That the minutes of the Municipal Emergency Management Planning Committee Meeting held on 25 August 2016 be received.****CARRIED****6.7 MURRINDINDI ENVIRONMENT ADVISORY COMMITTEE (MEAC) MEETING MINUTES**

REF: 16/42350

Attachments: MEAC Minutes – 9 August 2016 (refer *Attachment 6.7* – TRIM 16/42014)***Officer Recommendation:***

That the minutes of the Murrindindi Environment Advisory Committee Meeting held on 9 August 2016 be received.

**RESOLUTION:****Cr J Walsh / Cr C Challen****That the minutes of the Murrindindi Environment Advisory Committee Meeting held on 9 August 2016 be received.****CARRIED****7. SEALING REGISTER**

REF: 13/6325

<b><i>File Reference</i></b>	<b><i>Date Seal Affixed</i></b>	<b><i>Description of Documents</i></b>	<b><i>Signatures of Persons Sealing</i></b>
CONT 16/3	23 August 2016	Formal Instrument of Agreement between Murrindindi Shire Council and Fineblade Pty Ltd for Connecting and Revitalising Eildon Town Square	Margaret Abbey Margaret Rae
CONT 15/39	7 September 2016	CONT 15/39 - Formal Instrument of Agreement between Murrindindi Shire Council and Assetic Australia Pty Ltd for Asset Management System and Services	Margaret Abbey Margaret Rae

***Officer Recommendation:***

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

**RESOLUTION:****Cr J Kennedy / Cr E Lording****That the list of items to which the Council seal has been affixed be noted.****CARRIED**

## **8. COUNCILLOR PORTFOLIO REPORTS**

### **8.1 LAND USE PLANNING PORTFOLIO**

Cr C Challen:

The Victoria in Future 2016 is the official State Government projection of population and households. The projections cover the period to 2051 for Victoria and its major regions. It's predicted that Victoria will have a population of 10.1 million people in 2051 – 8 million in Greater Melbourne and 2.1 million across the regions. The population for Murrindindi is predicted to increase by around 1.2% by 2031, to around 17,000 people. Mitchell could grow by around 5%. Thinking about those numbers and the requirements for managing these projections, I draw your attention to a publication called "Revisiting the Role of Development Sequencing in Growth Management" via the Peri Urban Group of Rural Councils website, or direct on [www.sgsep.com.au](http://www.sgsep.com.au)

At Peri Urban's last meeting on 25 August 2016, we met with Minister for Planning, Richard Wynne, Tim Peggie from the Victorian Planning Authority and representatives from Department of Environment Land Water and Planning (DELWP).

Some of the discussion included:

- Concern about the regional city focus of the Regional Partnerships and the inability of many rural residents to engage in discussions because of the lack of on-line coverage
- The new role of the Victorian Planning Authority as a state owned authority and its partnership aspirations with all councils. There is funding available for projects which the PUGRC may be able to access. Discussions to follow in this regard.
- Regional growth plans are fundamental; they will be looking to partner with State and/or Federal Government on projects that will assist communities to thrive. (Their words, not mine!)
- VPA may be directed to work/assist on strategic sites, either Crown or private, that have been bogged down.
- A Minister for Cities has also been established to assist with projects that have been locked up.
- In relation to FAGS Grants, councils are encouraged to think strategically about what we want the Commonwealth to invest in. The Prime Minister's wife has expertise in local government and this should be seen as an opportunity for Councils and the Peri-Urban Group.
- In order to streamline overlays, the SmartPlanning initiative is a \$30m investment to strip the planning scheme down to something simple that makes sense to the community and Councils.
- The Animal Husbandry Report is completed. According to the Minister, it's a good report but there are complexities like the growth and rights of farmers to go about their business. Will be released within the next 2 months. Several government departments are working on it. We're not sure if Councils will be able to respond to the Government Policy. The Minister is considering that request. Groups such as Invest VIC and Invest Australia have been consulted, as part of DEDJTR and MAV has been appointed to a working group.
- The planning fees review is still under consideration.
- Plan Melbourne documentation, which takes account of the Peri Urban areas, is due out in early October.
- The future of the Flying Squad is still uncertain.



## 8.2 ECONOMIC DEVELOPMENT PORTFOLIO

Cr J Kennedy:

Although the final term of Council has been winding down ahead of the election there has been no shortage of activity under the banner of the Economic Development Portfolio. Three recent meetings that I have attended warrant comment.

I am the Council representative on the Section 86 Committee of Management for the Yea Wetlands. At their recent Annual General Meeting a presentation from President Ron Litjens highlighted the one per month program of functions at the Wetlands that was achieved over the last financial year. Each acted to bring new and consistent visitors to the Yea Wetlands indicating its potential as a drawcard for tourists and visitors.

Some of the functions were devoted to engaging people of all ages with night walks to witness the natural residents. Others were working bees and extensive revegetation and continued tree planting. There was a very successful celebration of Womindjeka Day and discovery of the indigenous culture, in particular the plants of the Wetlands and some of their historic values. In addition, the small active Committee has worked assiduously with grant funded contractors, community support groups, the Green Army and volunteers to improve the surroundings and grow the features. What has been done to address and significantly reduce the Honeysuckle problem is very impressive.

In the New Year the Committee is proposing to stage a discovery walk in the untouched southern extensions or what I think historically is known as the Yea Police paddock to investigate what potentials lay there. This land abuts the Yea Caravan Park and the new operators are keen to be involved as they can see merit in creating new appeal for their visitors.

I also attended a regular meeting at the MAV of Timber Towns Victoria (TTV) standing in for Councillor Walsh in his absence overseas. A number of the senior Council representatives are not seeking re-election in their own Council's so the TTV Board will need new representation to be appointed post the Local Government elections.

A significant presentation was made to the meeting by the Green Triangle Group that represents the community in the south east of South Australia and south west Victoria. This region feeds the woodchip mill and port at Portland where volumes have risen and will continue to rise for several years. This has caused a material deterioration in the road networks of this area and they have prepared a significant report showing the need for road repairs and extensions supported by an "Economic Impacts and Cost Benefit study".

The road deterioration also impacts on tourist visitors and other users including the milk processing sector. Moyne Shire Council for instance has the highest rate of road accident deaths in Victoria with a high percentage of these resulting from accidents caused by road conditions, even collisions with heavily laden or B-double road trains carting wood chips or logs into Portland for export. There is a very good short presentation about that regions road issues on the Moyne Shire Council website. It is significant because it reflects the general lack of adequate VicRoads or other funding to repair, maintain or enhance road networks in regional Victoria. This is a factor that also impacts on our Council.

I also attended a very good presentation in Yea with four speakers from Centrelink, Meat & Livestock Australia, a clinical psychologist and a forward weather forecaster focusing on impacts on agriculture. With multiple sponsors the Sustainable Farming function was designed to help farmers address the issues of health, dealing with stress and depression and dealing with the complex issues of superannuation, pension eligibility, and succession planning and even selling

the farming property. The meeting concluded with a strong motivational presentation from former AFL great Stan Alves.

There was a lot of value and good information in his presentation on handling stress and depression. There was a disappointing attendance of only about 50 to this free evening including an excellent dinner. I thought many more local business people and farmers should have been there but the organisers were not to know that a Hawthorn versus Geelong qualifying final was to clash with the function and I'm sure this cost the attendance of quite a few people.

I recently hosted a visitor to Yea with an interest in purchasing a residential property locally. In doing a tour around three of Yea's recent subdivisions it was informative to see the number of new houses either under construction or just occupied. I think this is indicative of our future as buyers are increasing forestalled by the high and rising home prices in most Melbourne suburbs. I think the movement into our Shire will continue as buyers recognise the comparative value of residential properties in our towns and villages and the great support services that are available. Hopefully a development of our population will also assist our schools to grow their numbers in the next couple of years.

Sadly, I can report that the great little Highlands Primary School will close at year end with their numbers for next year showing only single digits of students enrolling.

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

Cr E Lording:

- The Eildon Township Rejuvenation Project is well under way with a third of the project completed prior to the busy Christmas period.
- A Cultural Heritage Survey is being undertaken for the Rail Trail extension from Alexandra to Eildon.
- The road sealing and rehabilitation contract is currently out for tender.
- The implementation of the new integrated asset management system has commenced, which will greatly improve Council's ability to accurately target its renewal spending.
- A pathways condition audit is currently being undertaken
- Works to the new leachate pond at the Alexandra Landfill are nearing completion after some delays caused initially by a delay in receiving the official approvals (EPA) and the unusually wet weather has also had an impact. Some cost overruns due to unforeseen, unsuitably of the materials that had been excavated. This was significant as the leachate pond is 130 metres long by 40 metres wide and has a volume equivalent to two and a half Olympic sized swimming pools. However the pond will meet the Council's needs for the next 20 years.
- Council has received approval for \$303,000 of Blackspot funding for road safety improvements on the Eildon-Jamieson road.

### **8.4 CORPORATE AND CUSTOMER SERVICES PORTFOLIO**

Cr C Healy:

No report this month.

### **8.5 NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO**

Cr J Walsh:

The Environment Strategy is currently being reviewed.

Cr Challen's portfolio report regarding the population projections is concerning as Council has based our rating position on population growth at a higher rate than now predicted.

Although Cr Kennedy is positive about the increase in new housing appearing I believe this will create a challenge for the future Council group.

Thank-you to Cr Kennedy looking after the western side of the Shire and for reporting on ward and portfolio items in my absence.

## **8.6 MAYOR AND DELEGATED COMMITTEE REPORTS**

Cr M Rae:

This month the range of activities at which I have represented Council includes:

- Municipal Association of Victoria (MAV) State Council - where over 40 motions relating to matters of importance to local government were voted on by the membership for inclusion in the MAV work plan priorities going forward
- Municipal Association of Victoria (MAV) Conference dinner and presentations - the presentations recognised designated periods of service by Councillors at 10, 15, 20 and 25 years. Mayor Emeritus awards were also presented for service as a Mayor for three terms or more. I was honoured to receive a Mayor Emeritus award on the evening.
- The Hume Region Local Government Network quarterly meeting
- The Mount Pleasant Reserve Committee of Management Annual General Meeting – the Committee is looking for new people to join.
- The Murrindindi Shire Council Audit Advisory Committee
- The Kids Teaching Kids Day held at the Yea Wetlands - this annual event offers a wonderful opportunity for schoolchildren to learn and share their knowledge on a wide range of environmental issues. It was a pleasure to share in their delight as they met many of our native animals for the first time and learned more about their very unique features.

We conducted:

- A Citizenship ceremony in Alexandra - at which we welcomed three new citizens to our community. Over the past three years I have been privileged to conduct some 18 citizenship ceremonies at which we welcomed 64 new citizens to our shire.

I attended:

- The Alexandra District Traders and Tourism Association monthly meeting - the organisation changed its name to include the word 'District' at its recent Annual General Meeting to more accurately reflect its membership and its area of activities.

## **8.7 GENERAL BUSINESS**

Nil

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

Nil

**10. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

Nil

**11. ASSEMBLIES OF COUNCILLORS**

REF: CY16/118

***Purpose:***

This report presents the records of assemblies of Councillors for 17 August 2016 to 7 September 2016, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (the Act)*.

***Officer Recommendation:***

That Council receives and notes the record of assemblies of Councillors for 17 August 2016 to 7 September 2016.

***Background:***

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

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

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

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

***Summary:***

<b>Meeting Name / Type</b>	Councillor Briefing
<b>Meeting Date</b>	17 August 2016
<b>Matters discussed</b>	1. Planning Application – High Street 2. Timber Release Plan – VicForests 3. End of Year Report – Capital Works Program 2015-16
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Lording, Cr Walsh, Cr Healy	Staff – M Abbey, M Chesworth, J Canny, S Brown, M Leitinger
<b>Conflict of Interest disclosures - Nil</b>	

<b>Meeting Name / Type</b>	Council Pre-Meeting
<b>Meeting Date</b>	24 August 2016
<b>Matters discussed</b>	1. Planning Application – Kinglake 2. Planning Application – Yea 3. Proposed Rezoning – Yarck 4. Tender – Supply and Delivery of one Backhoe Loader
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Challen, Cr Lording, Cr Healy	Staff – M Abbey, M Chesworth, J Canny, S Brown, M Crane, A Bond
<b>Conflict of Interest disclosures - Nil</b>	

<b>Meeting Name / Type</b>	Councillor Briefing
<b>Meeting Date</b>	7 September 2016
<b>Matters discussed</b>	<ol style="list-style-type: none"> <li>1. Mobile Library – Update and Community Consultation</li> <li>2. Bushfire Management Overlay</li> <li>3. Planning Application – Taylor Bay</li> <li>4. Planning Application – Yea Spur Road</li> <li>5. Planning Application – Murrays Road</li> <li>6. Planning Scheme Amendment – Kinglake</li> <li>7. 2016/17 Annual Report &amp; Financial Statements</li> <li>8. Local Government Act Review</li> </ol>
<b>Attendees:</b> Councillors – Cr Rae, Cr Kennedy, Cr Lording, Cr Healy, Cr Challen	Staff – M Abbey, M Chesworth, J Rabel, A Bond, S Brown, M Crane, N Maguire, J Archer
<b>Conflict of Interest disclosures - Nil</b>	

**RESOLUTION:**

Cr J Kennedy / Cr C Challen

That Council receives and notes the record of assemblies of Councillors for 17 August 2016 to 7 September 2016.

**CARRIED****12. URGENT BUSINESS**

Nil

**RESOLUTION:**

Cr J Kennedy / Cr E Lording

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 6:37pm

**RESOLUTION:**

Cr J Kennedy / Cr E Lording

That the meeting re-opens to the public.

The meeting re-opened to the public at 6.47 pm.

**13. CONFIDENTIAL ITEMS****13.3 ALEXANDRA COMMUNITY LEISURE CENTRE JOINT USE AGEEMENT**

REF: SF/2039

**RESOLUTION:**

Cr J Walsh / Cr E Lording

That Council endorses in-principle the preparation and signing of a Joint Use Agreement with the Alexandra Secondary College for the Alexandra Community Leisure Centre in accordance with the new terms outlined in this report.

**CARRIED**

Cr Walsh commended the General Manager Corporate and Community Services and Council Officers involved in resolving this agreement.

**13.4 CONTRACT AWARD – FIRE PREVENTION ROADSIDE SLASHING 2016-2021**

REF: SF/2639

**RESOLUTION:**

Cr E Lording / Cr J Kennedy

That Council:

1. Accept the tender with the proposed tendered rates from Glen Douglas McMaster for Roadside Slashing works for all four contract Areas, for an initial three year term (2016 - 2019) for an hourly rate of \$100 per hour for an estimated total cost of \$390,000.00 (excludes GST).
2. Authorise the signing and sealing of the contract.
3. Affix the Council seal to this contract.
4. Subject to the satisfactory performance of the contractor in accordance with the contract, delegate authority to the Chief Executive Officer to extend the contract by the two individual one year extensions beyond the initial three year period at an hourly rate of \$102 per hour at an estimated cost of \$130,000.00 (excludes GST) per year (2019/20 and 2020/21).

**CARRIED**

There being no further items of Business, the Chairperson declared the meeting closed at 6.48pm.

CONFIRMED THIS

19 October 2016

CHAIRPERSON

S.I. Rag