



AGENDA
of the
ORDINARY MEETING OF COUNCIL
WEDNESDAY 27 FEBRUARY 2019

at

Murrindindi Shire Council
Council Chamber
Perkins Street
Alexandra

6.00 pm

** Audio recordings of all Council meetings are taken by Council's Governance Officers and published on Council's website. (Resolution of Council 23 January 2019)

INDEX

1.	PLEDGE AND RECONCILIATION STATEMENT	2
2.	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	2
3.	COMMUNITY RECOGNITION	2
4.	DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST	2
5.	CONFIRMATION OF MINUTES	2
6.	PETITIONS	2
7.	PUBLIC PARTICIPATION TIME	2
7.1	Open Forum.....	2
7.2	Questions of Council.....	2
8.	OUR PLACE	2
8.1	Development Plan 45 Carey Road Yea.....	2
8.2	Construction and Use of Single Dwelling.....	7
8.3	Four-Year Review – Murrindindi Planning Scheme	15
8.4	Draft Strategy Recreation and Open Space Assets and Services	17
9.	OUR PEOPLE	19
10.	OUR PROSPERITY	19
11.	OUR PROMISE	19
11.1	Response to Petition – Rates Objection – The Boulevard Eildon	19
11.2	Quarterly Council Plan 2017-2021 Progress Summary – 31 December 2018	21
11.3	Quarterly Financial Report to 31 December 2018	22
12.	NOTICES OF MOTIONS	25
13.	MATTERS DEFERRED FROM PREVIOUS MEETING	25
14.	URGENT BUSINESS	26
15.	COUNCILLOR REPORTS	26
15.1	Cr Margaret Rae	26
15.2	Cr Jackie Ashe.....	26
15.3	Cr Eric Lording	26
15.4	Cr Charlotte Bisset	26
15.5	Cr Rebecca Bowles	26
15.6	Cr Leigh Dunscombe	26
15.7	Cr Sandice McAulay – Mayoral Report	26
16.	CHIEF EXECUTIVE OFFICER REPORT	26
17.	ASSEMBLIES OF COUNCILLORS	26
18.	SEALING REGISTER	28
19.	CONFIDENTIAL ITEMS	28

1. PLEDGE AND RECONCILIATION STATEMENT**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE****3. COMMUNITY RECOGNITION**

The Mayor intends to make a statement in relation to the 2009 Bushfires and the recent 10-year anniversary commemorative events.

4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**5. CONFIRMATION OF MINUTES**

5.1 Minutes of the Ordinary Meeting of Council held on 23 January 2019.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 23 January 2019 be confirmed.

6. PETITIONS**7. PUBLIC PARTICIPATION TIME**

7.1 OPEN FORUM

7.2 QUESTIONS OF COUNCIL

8. OUR PLACE

8.1 DEVELOPMENT PLAN 45 CAREY ROAD YEA

Attachment(s): *Proposed Development Plan, 45 Carey Road, Yea (refer Attachment 8.1)
(submissions distributed to Councillors separately)*

Purpose

This report advises Council of a development plan proposal submitted for 45 Carey Road, Yea and makes a recommendation to approve the plan.

Officer Recommendation

That Council approve the Development Plan 45 Carey Road Yea, as attached to this report.

Background and Proposal

The subject land is located abutting Williamsons and Carey Road and is 123 hectares in area, approximately 2.5 kilometres northeast of the Yea township with access via Killingworth Road.

There is a waterway running adjacent to Williamsons Road and the site varies from gentle slopes to over 15% slopes on the southern portions of the land.

The land was zoned Rural Living under Amendment C14 in July 2006 and has the Development Plan Overlay 3 (Rural Living Zone) applying to it. Minimum and average lot sizes of 4 and 6 hectares respectively originally applied to the land when it was first rezoned to Rural Living in 2006. Amendment C55, implementing the Yea Structure Plan 2014 in August 2016, reduced the minimum lot size in this location to 2 hectares in area.

Rural services are available to the land. Road access would be provided via Carey and Williamsons Roads, water would be from onsite collection, wastewater disposal would be onsite through septic systems and electricity is available to the land.

The Development Plan Overlay (DPO) requires that prior to the approval of any development for individual parcels of land, an overall development plan be approved to guide the coordination of subdivision, servicing and development for the overall area. Any future planning permit for the subdivision, use and development of land must be generally in accordance with the approved development plan. Any future application in accordance with an approved development plan is exempt from notification (advertising) and review (appeal) provisions of the planning scheme.

Schedule 3 (Rural Living Zone) of the DPO outlines requirements to address in the preparation of any development plan.

Community and Stakeholder Consultation

Notification of the proposed development plan was given to agencies and private landowners in the general area. Six submissions were received, four from agencies and two from private landowners, all of which are discussed below.

Submissions

Authority Submissions

1. Goulburn Murray Water (GMW):
No objection. A waterway determination would confirm whether the minor and major drainage lines are waterways. GMW requires a 30 metre building setback from any waterways, 60 metres for treated wastewater from any waterways/30 metres for secondary treatment, with all wastewater to be at least 40 metres from any drainage lines. GMW notes these distances have been achieved in proposal with 60 metre setback for effluent disposal.
2. Goulburn Valley Water:
No objection. Although some neighbouring properties receive a private potable water supply, it is not intended that this existing private supply be extended to include this development. No sewer is available, however all sewerage and sullage from the proposed development must be adequately treated, retained and disposed of within the boundaries of the allotments.
3. Goulburn Broken Catchment Management Authority (GBCMA):
No flood data available, but flooding is likely to be confined in and immediately along the waterways. Waterways and surrounds need to be protected from encroachment. In many instances, the GBCMA encourages waterway riparian areas to be restored/enhanced with native vegetation species. The proposed subdivision should avoid new lot boundaries through the waterways with new lot boundaries having a minimum of 30 metres measured from the top of bank of the waterways.
4. Department of Environment, Land, Water and Planning (DELWP):
No objection. Retention of native vegetation is to be seriously considered. Along with one tree to be removed at this stage, native vegetation should be assessed at future development stage.

Private Submissions

Two submissions from nearby landowners raised the following concerns:

- servicing:
 - septic systems may be detrimental and would be better serviced by mains sewerage
 - properties should be serviced by reticulated water
 - new lots should install and maintain a grey water system (third pipe)
 - the existing powerline traversing the site should be undergrounded to eliminate fire risk and enhance visual amenity
 - consideration and provision should be made for the future linking of Carey and Williamsons roads
 - a turning bowl needs to be created at the end of Williamsons Road
 - the shared rural pathway should be constructed with each relevant stage
 - infrastructure works should be completed for each stage
 - concerned property owners will seek access to the Yea River for water supply and wants access prohibited
- building envelopes and sizes:
 - identify minimum and maximum lot sizes
 - lots too small and will destroy the rural character of the area
 - small lot sizes do not allow sufficient water for garden and livestock
 - 20 metre building exclusion zone along road reserves should be utilised as a vegetation reserve
 - a planted 20 metre building exclusions zone is required on the abutting north eastern boundary
 - indicate useable building envelopes on each lot
 - open space must be useful and connected and consider fire risk and vegetation management
- environment:
 - no trees should be removed
 - existing and future fallen timber in excess of 30 centimetre diameter should be retained for habitat
 - owners must take action to control any Chilean Needle Grass.

Submissions

Agency submissions are considered to be either met by the proposed development plan or may be fully considered and implemented through future applications for planning permit for subdivision. The subject land is outside the serviced water and sewerage district and may be satisfactorily serviced through onsite water collection and onsite effluent treatment and disposal to Council standards for septic tank design, siting and disposal.

It is considered that issues raised in private submissions are either already met in the development plan, can be addressed with a planning permit or are not relevant planning matters. In response to key issues raised in private submissions:

- reticulated services versus septic tanks:
 - as the subject land is located outside the reticulated water and sewerage districts, these services cannot feasibly be provided to the land. Onsite wastewater will be required for each lot/future dwelling to the satisfaction of Council. A land capability assessment has been submitted that shows the ability of the lots to retain effluent onsite.
- Yea River water and access:
 - as proposed, any lot created under the development plan would use onsite water only. Potential water extraction from the Yea River is not an issue that can be directly controlled by Council or restricted through a development plan. Potential water extraction requires a water use and extraction license from GMW. The lot owner would also need to purchase water on the open market. GMW also restricts the diversion of water to dams and location of dams in proximity to waterways. If any future application for water extraction on the individual lots is made to GMW, it would be considered on its merits at the time. GMW is also responsible for licensing water bores.
 - Access to the Yea River is governed by DELWP on public land and the licensed road reserve west of Killingworth Road, while Council is the land manager on Carey, Killingworth and Williamsons Roads. A development plan cannot restrict or control any potential access to public roads.
- Carey and Williamsons roads design:
 - It is not considered feasible or necessary to provide a road that links through the development plan area between Carey and Williamsons roads.
 - The provision of a turning area at the end of Williamsons Road to allow private and emergency vehicles is warranted, although can only be feasibly provided as part of proposed stage 4 when the new road links with Williamsons Road at the eastern end of the subdivision provide an intersection for turning purposes. The upgrading of Williamsons Road and access for individual lots along Carey and Williamsons roads will be in accordance with Council's Infrastructure Design Manual. This requirement has been included in the proposed development plan.
- powerlines:
 - the undergrounding of existing powerlines is not considered to be warranted or required. The proposed extension to these lines to service the proposed subdivision will be undergrounded however, and a requirement has been included in the proposed development plan.
- lot sizes and building envelopes:
 - the issues of suitability for rural living and potential lot sizes was assessed and approved at the time of rezoning (Amendment C14, 2006) and reduction in minimum lot size to 2 hectares (Amendment C55, 2016). Both provide certainty to the use of the land for rural living purposes, with the final form of subdivision and development to be determined through future development plan and subdivision processes. As the Rural Living Zone already provides an absolute minimum lot size of 2 hectares, it is not necessary to repeat this minimum size in any development plan. Similarly, a maximum lot size should not be specified as individual subdivision proposals should be considered on their merits based on land capability.
 - potential lots are indicative only at this stage, with final lots sizes and boundaries to be determined at future planning permit stage for subdivision. It is premature to indicate building envelopes at this stage. It is considered that potential individual lots may be adequately considered and designed at future permit stages, including any need for building envelopes or building exclusion zones. The proposed

development plan included a performance measure to consider the need for future building envelopes or exclusion zones, including building exclusion zones along waterways.

- environment:
 - tree removal would be considered in detail under any future application for subdivision. DELWP has consented to the proposed development plan, noting that native vegetation should be assessed at future subdivision stage.
 - weeds are not an issue that can reasonably be included in a development plan approval. All landowners have a statutory responsibility to control declared weeds under the *Catchment and Land Protection Act*. Council can however include a condition to remove any particular weed infestation as part of specific future planning permits for subdivision.
 - future requirements such as dealing with weeds on an ongoing basis and protecting paddock trees would be included within the provisions of a Section 173 Agreement at the subdivision stage.

Compliance with Planning Controls and Policy

The proposed development plan meets the provisions and strategic directions of the Murrindindi Planning Scheme, in particular the applicable Rural Living Zone and Development Plan Overlay 3 (Rural Living Zone), and the Yea Framework Plan (indicating the subject land as 'Rural Living' under Clause 21.02, Vision and Clause 21.04, Housing).

Minor changes have been made to the plan since it was on exhibition and it has been reformatted to be consistent with Planning Practice Note 23. No substantive changes have been made.

The resultant lots will all be more than 2 hectares in area and will not require a planning permit for the development of individual lots for a single dwelling. Accordingly, at the subdivision stage each lot will be subject to a Section 173 Agreement that sets out building and effluent disposal exclusion zones, protection of vegetation and other design criteria.

Conclusion

The proposed development plan provides a suitable layout and performance measures for the full rural living subdivision and layout of the land. Approval of the plan is now recommended, including an expiry of 15 years to allow sufficient time for the completion of the proposal.

Council Plan/Strategies/Policies

The amendment is consistent with the Murrindindi Shire Council Plan 2017-2021, in particular the Our Place strategic objective 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and the strategy 'through good land use planning enhance the liveability, prosperity and rural character of our Shire.' It is also aligned with the Our Prosperity strategic objective 'in partnership with the community we will promote an environment in which business and community can thrive.'

Relevant Legislation

Proposals for development plans are considered under the Murrindindi Planning Scheme. Under the *Planning and Environment Act 1987* or the Murrindindi Planning Scheme, there is no formal statutory process for the consideration and approval of development plans, with no associated appeal rights in the event of Council refusal of proposals.

Financial Implications and Risk

There are no financial implications and risks associated with this proposal. An approved development plan will facilitate additional subdivision and economic development.

Given that there is no formal statutory process for development plans, there are no fees required for proposals. The proponent has prepared the draft development plan.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

8.2 CONSTRUCTION AND USE OF SINGLE DWELLING

Attachment(s): *Application Documents (refer Attachment 8.2)
(submissions distributed to Councillors separately)*

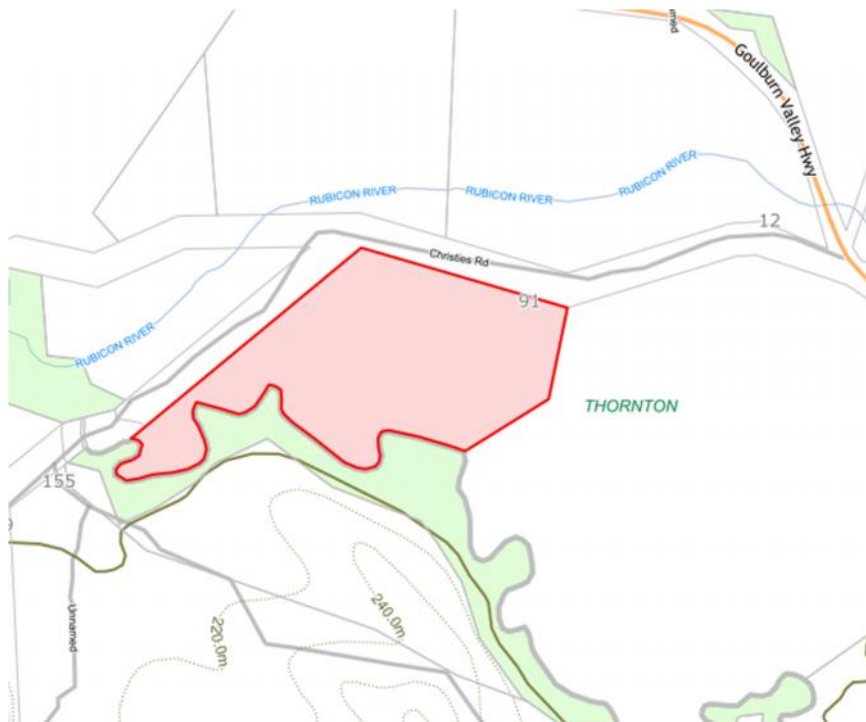
Land: 91 Christies Road, Thornton

Proposal: Construction and Use of a Single Dwelling and Construction of an Agricultural Shed

Applicant: J Crowe

Zoning: Farming Zone

Overlays: Bushfire Management Overlay, Environmental Significance Overlay – Schedule 1, Floodway Overlay

Locality Plan**Purpose**

This report recommends that a Notice of Decision to grant a permit be issued for the construction and use of a single storey dwelling and farm shed at 91 Christies Road Thornton, having regard to the provisions of the Murrindindi Planning scheme.

Officer Recommendation

That Council issue a Notice of Decision to grant a permit for the construction and use of a single storey dwelling and farm shed at 91 Christies Road Thornton (Lot: 2 PS: 606484, Parish of Thornton), subject to the following conditions:

- 1. Prior to the commencement of the use and development hereby permitted an integrated land management plan prepared by a suitably qualified environmental consultant must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show and include:**

- a. an assessment of the environmental values of that portion of the land containing native vegetation and measures to secure and improve the habitat and conservation values within this area
 - b. the land to be used for agriculture and permaculture
 - c. requirement for the fencing of the native vegetation component of the land and the waterway abutting the southern property boundary in the event of any stocking of animals (either as part of the current proposal or at any future date)
 - d. any other actions required to address identified land management
 - e. a schedule of works to be implemented over a five-year period.
2. Concurrent with the endorsement of plans under Condition 1, a landscape plan prepared to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
- a. an area measuring 10 metres wide along the eastern boundary of the house and machinery shed block as marked on the farm plan
 - b. a schedule of all proposed trees, shrubs/small trees and ground cover to be planted in the area specified in 'a.' above
 - c. the location of each species to be planted as set out the schedule required by 'b.' above.

This planting is to create an appropriate buffer between the house lot and the abutting agricultural land and must be of sufficient density to ensure that this is achieved.

Planting must be completed prior to the use of the dwelling hereby permitted.

3. 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.
4. This permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
5. All external cladding including the roof and trims of the building allowed must be coloured or painted in muted shades of green, brown or charcoal, or in a colour approved in writing by the Responsible Authority.
6. 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.
7. Prior to the commencement of any works, including site works, the applicant shall obtain a septic tank permit from Council. Sewerage treatment must be by package treatment plant to the satisfaction of the Responsible Authority.
8. 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 L112/2018 – Mansfield Land Capability Assessments.

9. On the construction of the dwelling a combined water system shall be provided to accommodate a total minimum of 55,000 litres of which 45,000 litres shall be for domestic purposes and 10,000 litres for firefighting purposes, the latter being in the lower portion of the tank, or in a separate tank. All outlets from the lower tank shall be fitted with 64 millimetre (mm) 3 thread/25 mm x 50 mm nominal bore British Standard Pipe (BSP), round male coupling, and fire brigade vehicles must be able to get to within four metres of the coupling.

Should the tank not be elevated sufficiently to provide adequate pressure at hose points around the dwelling, then a 50mm centrifugal water pump shall be provided, driven by an internal combustion engine.

10. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse effects within the site or to adjoining land or properties. The approved works must not cut off natural drainage to adjacent properties.

Goulburn Broken Catchment Management Authority (GBCMA)

Proposed dwelling:

11. The finished floor level of the proposed dwelling must be constructed at least 300mm above the 100-year Average Recurrence Interval (ARI) flood level of 198.8 metres (m) Australian Height Datum (AHD), i.e. 199.1m AHD, or higher level deemed necessary by the responsible authority.

Proposed agricultural shed:

12. Adequate storage areas and shelving must be provided at least 300mm above the 100-year ARI flood level for the storage of hazardous materials.
13. Electrical fittings should comply with any requirements of the relevant power authority and must be at least 300mm above the 100-year ARI flood level.
14. Adequate storage areas and shelving must be provided at least 300mm above the 100-year ARI flood level, for the storage of valuable goods.

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.
2. A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application.

GBCMA

3. The construction of a levee bank, to protect the building from flooding, would not be supported at a later stage.

The Land and Surroundings

The property is approximately 17.39 hectares (ha) in area, is situated between Thornton and Acheron approximately 500m from the Goulburn Valley Highway and on the south side of Christies Road. The property is generally flat and abuts a tributary of the Rubicon River. The property is currently used for agricultural activities with an established mature oak/truffle tree plantation on the northern edge of the property, and an existing apple tree orchard as well as hay production.

To the north of the property is Christies Road. Above this is Rubicon River which runs through neighbouring agricultural properties. There are extensive farming enterprises on these properties and scattered dwellings. A tributary to the Rubicon River is situated on the southern boundary and is included within a Public Conservation and Resource zone.

The land abutting to the south east is cleared agricultural land of approximately 62.46ha in area.

Proposal

The proposal is for the construction and use of a dwelling and construction of an agricultural shed. The subject land is in the Farming Zone and covered by an Environmental Significance Overlay – Schedule 1 (high quality agricultural land), Bushfire Management Overlay and a Floodway Overlay.

A planning permit is required for the use of a dwelling under the Farming Zone as the property is less than 40ha in area. A planning permit is also required for the construction of a dwelling under the Farming Zone, Environmental Significance Overlay – Schedule 1 and the Floodway Overlay.

The dwelling will be situated close to Christies Road and close to the eastern border of the property.

In support of the application, the applicant has submitted:

- the dwelling is required on the property for the ongoing agricultural use of the land. There is an ongoing agricultural use in the form of truffle farming and apple production
- the application has been assessed and approved by GBCMA in relation to floodway management, subject to conditions
- there will no adverse impact on surrounding agricultural land
- a Land Capability Assessment has been completed for the subject site which demonstrates it is capable of treating effluent disposal.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* as follows:

- letters to adjoining and opposite property owners and occupiers
- notice of application displayed on the subject land.

One objection was received from the neighbouring property to the east. The issues raised in this objection are set out below:

- proposal is in a rural zone below 100 acres
- there is no viable farming activity supported by financial analysis
- dwelling is within Floodway Overlay and poses significant contamination risk to the Rubicon River
- dwelling is proposed on boundary of my property and should be further set back.

The applicant has responded to the objection and this response was summarised by Council officers and provided to the objector.

An opportunity to meet and discuss concerns has been proposed however the objector has not responded.

Discussion

The proposed use and development of this property for a house and shed will allow for an increased agricultural use of the land, along with better land management and security for the truffles.

The applicant has provided details of the farm layout and shown proposed as well as existing agricultural activity areas. An assessment of the key decision guidelines is outlined below.

1. Ongoing Agricultural Use

The applicant has justified the requirement for a dwelling on this property as there is an established agricultural use that requires ongoing management.

There are two existing truffle orchards on site with varying levels of maturity. In total there are 910 inoculated trees. The applicant has submitted that they require ongoing care and security given their high market value.

Additionally, there is an apple tree orchard which is comprised of 240 apple trees. This is intended to be used for the production of apple cider. The property is also used for cattle grazing along with hay production.

To accord with the guidelines of the farming zone and to ensure appropriate agricultural and environmental outcomes the requirement for a land management plan forms part of the conditions.

2. Impact on Surrounding Agricultural Uses

Under Clause 35.07 of the planning scheme, the potential for the use and development to limit the operation and expansion of ongoing agricultural uses must be considered with an application for the construction and use of a dwelling.

The proposed dwelling is 35m from the boundary of the adjoining agricultural property. The applicant has agreed to provide landscaping to create a buffer between the two properties. This will minimise the impact on the adjoining land use.

While it may be preferable to site the dwelling further from the adjoining property, there are constraints on the site.

3. Environmental Risks

The proposed development is within the Floodway Overlay. The purpose of this overlay is to protect water quality and waterways as natural resources.

The application has been referred to GBCMA. Their survey information indicated that the proposed dwelling site is on land that is marginally above the 100-year ARI flood level or liable to shallow flooding in a 100-year ARI type flood event.

A large portion of the subject land is covered by a Bushfire Management Overlay. The proposed house site is outside this area. Ensuring development is outside a high fire danger area is consistent with planning policy (13.02-1S) to prioritise protection of human life above all other policy considerations.

4. Land Capability

The proposal must demonstrate that the land is capable of treating and containing effluent waste onsite.

A Land Capability Assessment was provided to Council which demonstrates that the land is capable of accommodating waste onsite and that there will be no detrimental impacts.

Referrals

This proposal was referred to GBCMA as a statutory referral authority. Conditional consent was received.

Council Plan/Strategies/Policies

This item is consistent with the Murrindindi Shire Council Plan 2017-2021, in particular the Our Place strategic objective 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and the strategy 'through good land use planning enhance the liveability, prosperity and rural character of our Shire.' It is also aligned with the Our Prosperity strategic objective 'in partnership with the community we will promote an environment in which business and community can thrive.'

Relevant Legislation

The proposal is being considered under the provisions of the Murrindindi Planning Scheme and the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financial implications or risks associated with the writing of this report.

Conflict of Interest

There are no declared conflicts of interest in relation to this report.

Legal/Policy IssuesState Planning Policy Framework

13.03-1S Floodplain Management

Objective - to assist the protection of:

- life, property and community infrastructure from flood hazard
- the natural flood carrying capacity of rivers, streams and floodways
- the flood storage function of floodplains and waterways
- floodplain areas of environmental significance or of importance to river health.

Strategies:

- avoid intensifying the impact of flooding through inappropriately located use and development
- locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

14.01-1S Protection of Agricultural Land

Objective - to protect the state's agricultural base by preserving productive farmland.

Strategies:

- consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity
- protect productive farmland that is of strategic significance in the local or regional context
- protect productive agricultural land from unplanned loss due to permanent changes in land use

- protect strategically important agricultural and primary production land from incompatible uses
- in considering a proposal to use, subdivide or develop agricultural land, consider the:
 - desirability and impacts of removing the land from primary production, given it's agricultural productivity
 - impacts on the continuation of primary production on adjacent land, with particular regard to land values and viability of infrastructure for such production
 - compatibility between the proposed or likely development and the existing use of the surrounding land
 - land capability
- balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinization) against the benefits of the proposal.

14.01-2S Sustainable Agricultural Land Use

Objective - to encourage sustainable agricultural land use.

Strategies:

- ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources
- support the development of innovative and sustainable approaches to agricultural and associated rural land use practices
- assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes
- facilitate ongoing productivity and investment in high value agriculture.

Local Planning Policy Framework

21.05 Environmental Values

Objective 1 - environmentally sustainable land use and development.

Strategies:

- ensure that land use and development protects and enhances the natural environmental features and values.

Objective 2 - waterways and catchment management.

Strategies:

- ensure that development proposals do not impact detrimentally on the flow and quality of surface water and groundwater.

Zoning

35.07 Farming Zone

Purpose:

- to provide for the use of land for agriculture
- to encourage the retention of productive agricultural land
- to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

Decision Guidelines:

- the capability of the land to accommodate the proposed use or development, including the disposal of effluent

- how the use or development relates to sustainable land management
- whether the use or development will support and enhance agricultural production
- the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses
- whether the dwelling will result in the loss or fragmentation of productive agricultural land
- whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation
- whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses
- the 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
- any integrated management plan for the site.

Overlays

42.01 Environmental Significance Overlay – Schedule 1

Purpose:

- to identify areas where the development of land may be affected by environmental constraints
- to ensure that development is compatible with identified environmental values.

Decision Guidelines:

- maintain the productive potential of high quality agricultural land
- consider the suitability of high quality agricultural land in the assessment of development proposals. Buildings or works are to be sited to avoid or minimise loss of good quality agricultural land
- in considering any proposal, the responsible authority may consider the need for:
 - the preparation and approval of a whole farm plan to outline proposed and future development, identify agricultural opportunities on the land, and protect future agricultural potential of the land
 - the need to forward the application for comment to the Department of Primary Industries if the proposal may result in a major loss of productive agricultural land.

44.03 Floodway Overlay

Purpose:

- to protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria)
- to ensure that development maintains or improves river and wetland health, waterway protection and flood plan health.

Decision Guidelines:

- the local floodplain development plan or flood risk report
- any comments of the relevant floodplain management authority

- in addition to the Decision Guidelines in Clause 44.03-5, before deciding on an application, the responsible authority must consider the following relevant local floodplain development plan, which has been incorporated at Clause 81 of this scheme, as indicated on the attached plan - Murrindindi Local Floodplain Development Plan, Precinct of Goulburn River, May 2008.

44.06 Bushfire Management Overlay

The development is not in the area covered by this overlay.

8.3 FOUR-YEAR REVIEW – MURRINDINDI PLANNING SCHEME

Attachment(s): *Four-Year Review Report (refer Attachment 8.3)*

Purpose

This report summarises a recently completed four-year review of the Murrindindi Planning Scheme which is required under Section 12B of the *Planning and Environment Act 1987*. The report recommends that Council adopt the review and forward it to the Minister for Planning.

Officer Recommendation

That Council:

1. **adopt the four-year review of the Murrindindi Planning Scheme under Section 12B of the *Planning and Environment Act 1987***
2. **forward the adopted four-year review to the Minister for Planning under Section 12B of the *Planning and Environment Act 1987*.**

Background

A review of the Murrindindi Planning Scheme is required under Section 12A of the *Planning and Environment Act 1987*. The review is required no later than one year after the approval of a Council Plan under Section 125 of the *Local Government Act 1989*. The current Council Plan 2017-2021 was adopted in June 2017 thus a review is now due.

The purpose of the review is to ensure the ongoing effectiveness and efficiency of the planning scheme and to assist Council in establishing planning priorities, resources and budgets for the next four-year planning period.

Since the original approval of the scheme in 1999, regular reviews have been undertaken in 2003, 2008 and 2015/16. The last review resulted in a comprehensive revision of the Local Planning Policy Framework (LPPF) which forms an important part of the scheme. This revision was implemented and approved under Amendment C54 in February 2016 and introduced more contemporary planning policy themes (economic development, housing, environment and transport and infrastructure), new and revised strategic planning objectives and matters for further planning investigation.

Discussion

The review forming part of this report (see Attachment 8.3) summarises achievements since the last review and identifies current gaps and priorities for the next four-year period. The review does not authorise changes to the planning scheme and it does not prevent Council implementing other changes to the scheme (if required) that may not be identified at this time.

Some achievements since the previous 2015/16 review include:

- Council adoption of Eildon Structure Plan (2016)

- approval of a number of planning scheme amendments including C55 (Yea Structure Plan implementation), C62 (gaming policy implementation) and GC13 (bushfire mapping).

Overall conclusions and recommendations of the four-year planning scheme review report (see Attachment 8.3) are summarised below:

- current State Government reformatting changes to the planning policy framework will enhance planning scheme ease of use and consolidate policy provisions within a single area (a separate Council report details these changes in relation to the Murrindindi Planning Scheme)
- the Murrindindi Planning Scheme is generally consistent with and complements the current Council Plan. However, Council's adopted Eildon Structure Plan 2016 will require that further changes be made to the planning scheme over the next four-year period. The current Activating Eildon project will be relevant to this work. This is a joint initiative by Regional Development Victoria, Goulburn Murray Water, Goulburn River Valley Tourism and Murrindindi and Mansfield Shire councils which seeks to develop a blueprint and business case for key development opportunities
- a Strategic Implementation Plan is required to prioritise existing and proposed planning projects and planning scheme changes relating to:
 - current projects under preparation including the Domestic Waste Water Management Plan and the Tourism and Events Strategy
 - new projects identified as part of the current review including the preparation of structure plans for Alexandra and other smaller township areas, assessment of industrial land requirements to ensure future employment needs are met and a review of the effectiveness of existing zones and overlays
 - new planning policy identified as part of the current review to address the protection of significant landscapes; protection of significant vegetation in and around township areas; agritourism and niche agricultural activities in rural area; and newly identified issues relating to landfill buffers, township entrances, neighbourhood character, outdoor advertising and shipping containers
 - economic development and tourism opportunities including an investigation of the Yea Saleyards precinct, review of the Pheasant Creek industrial precinct, Eildon pondage and opportunities for infill development within existing township areas.

The Victorian Planning Authority has made available funding for Council to prepare a Strategic Implementation Plan to ensure that planning projects are aligned with the Council Plan, adopted budgets, capital works program and grant funding opportunities. Consultants have now been appointed to commence this work and prepare recommendations for further Council consideration.

The review process has further identified a number of administrative improvements relating to processes and procedures that can be implemented over the next four-year period. The attached report provides further details on these changes.

Council Plan/ Strategies/ Policies

The Murrindindi Planning Scheme is consistent with the Council Plan 2017-2021 Our Place strategic objective of 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment'. It is also aligned with the Our Prosperity strategic objective that 'in partnership with the community we will promote an environment in which business and community can thrive'.

Relevant Legislation

A review of the planning scheme is required under Section 12B of the *Planning and Environment Act 1987*.

Financial Implications and Risk

There are no financial implications or risks associated with the planning scheme review. Projects and investigations listed in the planning scheme do not commit Council to implementing outcomes unless subsequently identified in the budget process. The review will assist in developing new strategic planning directions and policy that will enhance jobs and investment and protect our unique environment.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

The Murrindindi Planning Scheme and its local policies and provisions were comprehensively updated as part of a previous review in 2015/16. This review was informed by community consultation and formal exhibition. While the current review process identifies gaps and future directions for planning projects and policy, such changes would be subject to further stakeholder and community consultation and formal planning scheme amendment processes at a future date. On this basis it is the view of Council officers that no stakeholder or community consultation is required for this review.

8.4 DRAFT STRATEGY RECREATION AND OPEN SPACE ASSETS AND SERVICES

Attachment(s): *Recreation and Open Space Strategy (Draft) (refer Attachment 8.4)*

Purpose

This report seeks Council's endorsement of the draft Recreation and Open Space Assets and Services Strategy (Strategy) for the purpose of public exhibition.

The report includes a summary of the strategies main intent and details the consultation methods proposed during the exhibition period.

Officer Recommendation

That Council endorses the Draft Recreation and Open Space Assets and Services Strategy for the purpose of public exhibition.

Background

The draft Strategy has been developed following a service review conducted in 2017-2018 targeting recreation and open space. The review aimed to provide Council with a framework to plan and manage the future development of recreation and open space assets and services throughout the Shire. The review was supported by engagement with sport and recreation clubs and groups in 2017 that were conducted as part of the development of the Municipal Public Health and Wellbeing Plan 2017-2021.

Discussion

The draft Strategy has been developed to assist in formalising the outcomes of the 2017-2018 recreation and open space services review and to provide a public statement on the direction and priorities for Council over the 2018-2028 period.

The Strategy includes:

- the challenges and opportunities for recreation and open space service provision

- clarification of Council's varied role in service provision and planning and the importance of collaboration with community and other government agencies to enable the best outcomes
- the objectives and principles that will guide decision making
- information on the future directions under the identified categories and asset classes.

The collective responsibility between Council, community and other government agencies for core infrastructure at public recreation reserves, including those owned by the Crown, is clearly acknowledged.

The public exhibition period will support sporting clubs, recreation groups and the broader community in understanding the strategy focus and its implementation. Which in some asset areas supports future investigations for asset consolidation.

Working with the community to achieve the greatest health and wellbeing benefit will assist in achieving the most appropriate asset and service provision across Murrindindi Shire communities.

Council Plan/Strategies/Policies

The Strategy is consistent with the Council Plan 2017-2021 strategies of:

- Our People – work with our community and groups to connect, collaborate and plan for our future
- Our Place – support recreation opportunities for our residents and visitors that encourage participation and community connections
- Our Prosperity – advocate for improved infrastructure and access to public land to realise social and economic opportunities
- Our Promise – ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council's resources and maintain Council's financial sustainability through sound financial and asset management.

Relevant Legislation

Council does not have any statutory obligations in relation to the writing of this strategy.

Financial Implications and Risk

Demand for new facilities across the Shire is likely to remain relatively low, with some notable exceptions, including indoor aquatics provision. The focus of Council and community will be on maintaining and improving existing assets to maximise usage, maintain safety and meet contemporary user expectations.

Further analysis will be required to assess implications associated with allocating funding to non-Council assets, operational savings from rationalisation and other associated resourcing requirements.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

Targeted conversations were hosted in Kinglake, Yea, Marysville and Alexandra during 2017 with Sporting and Recreation clubs and groups. Consultation themes have been captured in draft Strategy recommendations.

It is proposed that the draft Strategy is made available for public comment following the 27 February Council meeting to enable adoption at the April 2019 Ordinary Meeting of Council.

Time Line	Activity
27 February 2019	Council Meeting - approval to activate public exhibition period
4 March - 10 April 2019	Public exhibition launched - communications plan activated via media outlets, including Facebook
11 March –10 April 2019	Engaging community and key stakeholders
24 April 2019	Council Meeting – Strategy presented for final adoption

9. OUR PEOPLE

10. OUR PROSPERITY

11. OUR PROMISE

11.1 RESPONSE TO PETITION – RATES OBJECTION, THE BOULEVARD EILDON

Purpose

The purpose of this report is to provide a response to a petition to Council regarding the removal of vegetation by Goulburn Murray Water (GMW) around the open drains in The Boulevard, Eildon.

Officer Recommendation

That Council:

- 1. continue to work with Goulburn Murray Water on remediation works within the drain**
- 2. not grant a rate reduction as there is no case to justify an immediate 25% reduction on rates**
- 3. request that the Director Corporate and Shared Services write to the convenor of the petition to provide Council's response to the petition.**

Background

In November 2018, GMW conducted maintenance on the drains in The Boulevard, Eildon. This work included the removal of vegetation from the drain which was providing a screen for the residents adjacent to the caravan park.

A number of residents expressed concern with the state of the site following the works and a petition was received at the Council Meeting on 23 January 2019. The petition had two requests:

- petition to Murrindindi Council to reduce our council rates after land clearing by GMW in The Boulevard has impacted on property values of its residents
- the residents of The Boulevard requesting action to revegetate the recent destruction of the open drain.

The petition was signed by 15 people and submitted by Mr John Turner. The petition also had 13 supporting submissions requesting a 25% decrease in rates for the relevant properties. The Council resolved to request an officer report on the matter.

Discussion

The impact of the works completed by GMW on a drain on GMW land adjacent to the Boulevard Caravan Park was considered by Council's Planning and Environmental Programs Unit. Upon assessment of the vegetation removed, it was noted that, while there would have been some native vegetation within the drain, the majority of what was inhabiting the drain would be

considered non-native environmental weeds, and that removal of this vegetation could not be undertaken without the removal of some native vegetation. GMW advised Council that the works were to both improve the functioning of the drain and to reduce fire risk to the caravan park adjacent. Due to the proximity of the caravan park to the drain, the works have resulted in residents being able to see the back of a number of sites in the caravan park.

Council officers have advocated on behalf of the local residents with GMW to provide a solution to the issues, both with the function of the drain and the landscape impact from the vegetation removal. As a consequence of this advocacy, in the short term, shade cloth has been placed along the caravan park edge to shield the view of the park, and GMW is looking at management of weeds that have sprouted from recent rain.

In the longer term, GMW will be undertaking additional works on the drain itself to ensure its ongoing function, fencing of the caravan park and some landscape remediation for the area. This work will likely involve replanting, but this is not able to be completed until after the summer period. Council officers have also requested that any fence structures be high enough to shield the view of the caravan park. Council officers have been providing information to residents on the progress of the plan preparation, and will arrange a meeting with interested parties when these plans have been provided to Council.

In regards to the request for a rate reduction (25% decrease) on the impacted properties, Council officers consulted the firm appointed by the State Valuer General to undertake property valuations in Murrindindi Shire for rating purposes, which advised that there is currently no sales evidence that suggests that property values have, or will reduce as a direct result of the removal of the vegetation.

As indicated above, given that GMW has placed temporary screening to address the immediate visual issues with the caravan park and has steps in train to avoid any longer term impacts on visual amenity through visual treatments, Council officers do not believe there is any rationale to justify a 25% reduction on rates.

Valuations are now undertaken on an annual basis and the valuer can take into account any significant changes to visual amenity that impact on property values. The next revaluation will be completed prior to the 2019/20 rate strike.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Promise strategy to maintain Council's financial sustainability through sound financial and asset management.

Relevant Legislation

Council's responsibilities in relation to rates and valuations are outlined in Part 8 of the *Local Government Act 1989* and Part II of the *Valuation of Land Act 1960*.

Financial Implications and Risk

There are no financial implications or risks in relation to this report.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

From a community consultation perspective, Council's Planning Unit have been providing updates to the residents of The Boulevard in relation to proposed timeframes and remediation works for the drain, fence and native vegetation impacted by the works. Plans are expected into Council by the end of February, and a meeting of interested parties will be arranged to discuss the proposed outcomes.

11.2 QUARTERLY COUNCIL PLAN 2017-2021 PROGRESS SUMMARY – 31 DECEMBER 2018

Attachment(s): *Quarterly Council Plan Report October-December 2018 (refer Attachment 11.2)*

Purpose

This report provides the second quarter summary of progress to date in delivering the actions in the Council's Priority Action Plan 2018/19.

Officer Recommendation

That Council receive the quarterly report ending 31 December 2018 on the status of actions from the Priority Action Plan 2018/19.

Background

Council adopted its Council Plan 2017-2021 at the Special Meeting of 21 June 2017. The plan sets out the overall strategic direction of Council over its four-year term based on an extensive community consultation program conducted across the Shire.

At the July 2018 Ordinary Meeting Council adopted the Priority Action Plan 2018/19 which outlines the actions that Council will pursue during the 2018/19 year to continue to implement the four-year strategies in the Council Plan.

Both the Council Plan 2017-2021 and the Priority Action Plan 2018/19 are published on Council's website.

A report on progress in implementing the priority actions is provided to Council at the end of each quarter.

Discussion

Attachment 11.2 provides a summary of activity undertaken in the second quarter of the Priority Action Plan 2018/19 for each of the four Strategic Objectives relating to Our People, Our Place, Our Prosperity and Our Promise.

Highlights from the quarter (October – December 2018) include the following:

Our People

- together with our community we officially opened the Marysville Information and Regional Artspace
- we worked with community groups to support planning for commemorative events associated with the 10-year anniversary of the 2009 Bushfires
- we advocated for better health services across the shire, with a particular focus on mental health services across the Kinglake Ranges and removal of the administrative boundaries
- we supported the Steer Leadership Group in Kinglake to deliver the Hume Regional Battle of Bands
- we completed the infrastructure redevelopment of the Yea and District Children's Centre.

Our Place

- we installed new signage along the Great Victorian Rail Trail
- we applied for and received grants to install additional e-waste recovery infrastructure at three Resource Recovery Centres

- we completed the construction of the six 2009 Bushfire Memorials following extensive consultation with community groups.

Our Prosperity

- we secured State Government funding for the Kinglake streetscape improvement and submitted an application through the Building Better Regions Fund to the Federal Government for further financial assistance.

Our Promise

- we secured State Government funding of \$600,000 to improve Murrindindi Shire Council roads
- we secured a State Government election commitment for \$1.7 million to build new clubroom facilities at the Alexandra Recreation Reserve
- we commenced use of our new asset management system
- we implemented our new management structure which aims to improve customer service, community engagement and service efficiencies.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Promise strategic objective to work in collaboration with our communities to deliver the best possible outcomes in all that we do.

Relevant Legislation

Council has a statutory obligation to prepare and approve a Council Plan in accordance with Section 125 of the *Local Government Act 1989*.

Financial Implications and Risk

The delivery of the Council Plan 2017-2021 is supported by the four-year Strategic Resource Plan and the Annual Budget.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

The actions in the Priority Action Plan 2018/19 have been developed with reference to the priorities identified from the community following the 'Have Your Say' community consultation undertaken in February – April 2017.

11.3 QUARTERLY FINANCIAL REPORT TO 31 DECEMBER 2018

Attachment(s): *2nd Qtr Financial Report – (refer Attachment 11.3)*

Purpose

The report provides the quarterly financial report for the period ending 31 December 2018.

Officer Recommendation

That Council receives the Quarterly Financial Report to 31 December 2018.

Background

The Quarterly Financial Report for the period ended 31 December 2018, is presented for consideration by Council, in accordance with the *Local Government Act 1989*.

The report includes the following statements are:

- Comprehensive Income Statement

- Balance Sheet (incorporating Changes in Equity)
- Statement of Cash Flow
- Statement of Capital Works
- Reconciliation of Non-Discretionary Cash & Reserves.

Discussion

The four Statements for the second quarter to 31 December 2018 are included in Attachment 11.3.

Income Statement (Statement A)

The Income Statement for the period 1 July 2018 to 31 December 2018 – also within the attached report – is presented below:

Income Statement For the period ended 31 December 2018

	Original Budget 2018/19 \$	September Revised Budget 2018/19 \$	Annual Revised Budget 2018/19 \$	Forecast Adjustment 2018/19 \$	YTD Budgets 31/12/2018 \$	YTD Actual 31/12/2018 \$	Budget/ Actual Variance (unfav) \$	%
Revenue								
Rates & Charges	20,525,445	20,565,445	20,612,589	47,144	20,569,020	20,504,282	(64,738)	0%
Special Charge	87,000	87,000	87,000	-	-	-	-	
Statutory fees and fines	888,678	998,678	1,049,980	51,302	535,462	534,502	(960)	0%
User fees	2,345,277	2,342,777	2,791,655	448,878	1,507,841	1,504,993	(2,848)	0%
Grants - Operating	7,346,704	5,715,096	5,790,501	75,405	3,485,525	3,489,013	3,488	0%
Grants - Capital	1,414,759	1,518,723	2,304,960	786,237	372,371	517,943	145,572	39%
Contributions - Cash	54,275	309,378	352,416	43,038	300,665	298,863	(1,802)	-1%
Contributions - Non Cash	400,000	400,000	805,000	405,000	-	-	-	
Reimbursements	382,114	382,114	475,425	93,311	175,518	160,071	(15,447)	-9%
Other revenue	1,181,015	1,115,514	1,238,489	122,975	414,082	425,773	11,691	3%
Total Revenue	34,625,267	33,434,725	35,508,015	2,073,290	27,360,484	27,435,439	74,955	0%
Expenses								
Employee Benefits	14,799,536	14,866,886	14,785,437	81,449	7,547,566	7,650,908	(103,342)	-1%
Materials and Services	9,798,106	11,536,479	11,545,557	(9,078)	5,311,433	5,361,952	(50,519)	-1%
Depreciation and amortisation	9,602,649	9,602,649	9,183,849	418,800	1,000	922	78	0%
Bad and Doubtful Debts	-	-	65,278	(65,278)	-	-	-	
Other Expense	313,338	313,338	330,065	(16,727)	162,497	164,916	(2,419)	-1%
Finance Costs (Interest)	55,050	55,050	55,050	-	20,520	20,546	(26)	0%
Total Expenses	34,568,679	36,374,402	35,965,236	409,166	13,043,016	13,199,244	(156,228)	-1%
Net gain(loss) on disposal of property, infrastructure, plant and equipment	(55,054)	96,830	223,845	127,015	294,414	135,911	(158,503)	
Surplus (deficit) for the period	1,534	(2,842,847)	(233,376)	2,609,471	14,611,882	14,372,106	(239,776)	-2%

The \$14.37 million operating result for the December 2018 quarter is \$239,776 or 2% unfavourable to the year to date budget. However, the forecast position for the financial year has improved by \$2.6 million moving from a predicted deficit of \$2.84 million to a deficit \$233,376.

The major forecast adjustments for the quarter include:

Line Item	Adjustment	Main Contributing Factors
User Fees	\$448,878	Favourable adjustments (items predicted to exceed budget estimates): <ul style="list-style-type: none"> Alexandra landfill fees (\$365,000) Yea Saleyards (\$97,000) Offset by: <ul style="list-style-type: none"> Aged and Disability meals on wheels fees (\$16,000) – original budget overstated.
Grants - Capital	\$786,237	Capital grants received for the following projects: <ul style="list-style-type: none"> Fixing Country Roads (\$568,000) Yea Recreation Reserve Female Change Rooms (\$140,000) E-Waste Upgrades (Alexandra & Kinglake) (\$60,000) Kinglake Ranges Neighbourhood House (\$18,000)
Contributions – Non-cash	\$405,000	Gifted assets in relation to development: <ul style="list-style-type: none"> Millview Estate, Pheasant Creek
Depreciation and Amortisation	\$418,800	Depreciation figures have been revised in line with the actual expenditure at 30 June 2018 which included a revaluation of roads.

Balance Sheet (Statement B)

The Balance Sheet – Statement B as at 31 December 2018 shows a Cash and Cash Equivalents favourable variance of \$268,616.

Trade and Other Receivables shows an unfavourable year to date variance of \$571,303. This is predominately due to Rate Debtor collections which are tracking under budget.

The overall revised budget position shows the projected level of cash as at 30 June 2019 of \$28.9 million which is \$0.88 million below the original budget for 2018/19 of \$28.13 million.

Cash Flow Statement (Statement C)

This statement provides a more holistic picture and reports the important information on Council's cash inflows and outflows. Net cash flow from operating activities in the Cash Flow Statement (a cash view of the operating statement) shows a favourable year to date budget variance of \$355,170 and a favourable forecast adjustment of \$666,371 - driven largely by receipt of user charges, fines and contributions.

Non-Discretionary Cash and Council Reserves (Statement E)

Included as part of this report is an additional reconciliation flowing from the cash flow statement of Council's Non-Discretionary Cash Flow requirements. This reconciliation lists all Council reserves together with funds held as Deposits or Trust which are required to be refunded, and an allowance for the provision of employee entitlements. This latter provision being a nominal amount of 25% of Council's Annual Leave Liability and 25% of the current Long Service Leave Liability. This is then offset against the level of projected cash at year end.

Councillor Expenses (GST Exclusive):

As agreed in the Councillor Reimbursement Policy that was adopted by Council at its February 2017 Ordinary Meeting, the following table details Councillor expenses for the second quarter period ending 31 December 2018.

Councillor Expenses for the 3 months ended 31 December 2018:

Councillor	Councillor Allowance	Mobile Phone	Training & Professional Development	Accomm. & Travel	Total
Cr S McAulay	\$16,766.64	\$317.76		\$2,847.82	\$19,932.22
Cr C Bisset	\$5,612.16	\$317.76	\$200.00	\$1,090.45	\$7,220.37
Cr J Ashe	\$5,612.16	\$317.76			\$5,929.92
Cr R Bowles *	\$5,545.18	\$317.76			\$5,862.94
Cr L Dunscombe	\$5,612.16	\$317.76	\$116.18	\$2,665.34	\$8,711.44
Cr E Lording	\$5,612.16	\$330.49		\$1,253.33	\$7,195.98
Cr M Rae	\$5,612.16	\$317.76			\$5,929.92
Subtotal	\$50,372.62	\$2,237.05	\$316.18	\$7,856.94	\$60,782.79

* Underpaid Councillor allowance error to be corrected in next quarter

It should be noted that accommodation and travel costs include the reimbursement of the claims which a Councillor may choose to submit for travelling to Council meetings, briefings and other functions which they attend in their capacity as a Councillor. Where a Councillor's residence is greater than 50 kilometres from the location of a Council meeting they may also claim the statutory remote area allowance.

It should also be noted that Councillors can elect for part of their allowance to be deducted for superannuation purposes.

Council Plan/Strategies/Policies

This report, in relation to the Annual Budget and quarterly financial reporting, is consistent with the Council Plan 2017-2021 strategy under Our Promise to maintain Council's financial sustainability through sound financial and asset management practices.

Relevant Legislation

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

The *Act* also sets out in section 127 that the Council must prepare a budget for each financial year. Then, in section 138, the *Act* requires that quarterly financial reports must be presented to Council.

Financial Implications and Risk

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

Conflict of Interest

There are no declared conflicts of interest by Council officers in the preparation of this report.

Community and Stakeholder Consultation

There was no community consultation required for the preparation of this quarterly budget report.

12. NOTICES OF MOTIONS

13. MATTERS DEFERRED FROM PREVIOUS MEETING

14. URGENT BUSINESS**15. COUNCILLOR REPORTS****15.1 CR MARGARET RAE****15.2 CR JACKIE ASHE****15.3 CR ERIC LORDING****15.4 CR CHARLOTTE BISSET****15.5 CR REBECCA BOWLES****15.6 CR LEIGH DUNSCOMBE****15.7 CR SANDICE MCAULAY – MAYORAL REPORT****16. CHIEF EXECUTIVE OFFICER REPORT****17. ASSEMBLIES OF COUNCILLORS****Purpose**

This report presents the records of assemblies of Councillors for 23 January 2019 to 20 February 2019, 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 23 January 2019 to 20 February 2019.

Background

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

Discussion

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.

The following summary details are for 23 January 2019 to 20 February 2019:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	23 January 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Petition – Rates Objection – The Boulevard Eildon 2. 1/2018/289/1 – Display of a Major Promotion Sign – 1 Whittlesea Kinglake Road, Kinglake 3. Kinglake West and Pheasant Creek Renaming 4. Audit Advisory Committee Confirmations 5. Quarterly Capital Works Report 6. Audio Recording of Council Meetings 7. Confidential items – 2 contracts
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, T Carter, D Jackson, D Smith, D Lee
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Councillor Workshop
Meeting Date:	29 January 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. 2019/20 Capital Works Briefing No.2 2. Goulburn River Valley Tourism (GRVT) Discussion
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, L Kelly, J Zhao
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Councillor Workshop
Meeting Date:	30 January 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Aged and Disability Services Review – Options and Recommendations
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, N McNamara
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing
Meeting Date:	13 February 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Draft Strategy Recreation and Open Space Assets and Services 2. Eildon Playspace Consultation and Design 3. Murrindindi Planning Scheme – Amendment C65 – Local Planning Policy Framework (LPPF) Review 4. Four Year Review – Murrindindi Planning Scheme 5. 2019/20 Capital Works Final - Presentation 6. Capital Works Monthly Reporting – January
Councillor Attendees:	Cr C Bisset, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, N McNamara, S Collier, D Jackson, K Girvan, M Crane, L Kelly, D Lee
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Workshop
Meeting Date:	20 February 2019
Matters Discussed:	1. Communications Strategy – Councillor Briefing 2. Aged and Disability Services Review 3. Update on Rates Management 4. Customer First Project – Status Report 5. Development Plan, 45 Carey Road, Yea 6. Construction and Use of Single Dwelling
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, J Rabel, N McNamara, G Haylock, D Jackson, K Girvan
Conflict of Interest Disclosures:	Nil

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our Promise strategy to ‘expand our communication’.

Relevant Legislation

For full details of Council’s requirement for assemblies of Councillors, refer to Section 80A of the *Local Government Act 1989*.

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

Any conflicts of interest are noted in the assembly of Councillors tables listed above.

18. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
CONT18/10	4 February 2019	Formal Instrument of Agreement between Murrindindi Shire Council and Adam Bordonaro of Axis Infrastructure for Campbell’s Creek Bridge Upgrade Design and Construction	Craig Lloyd Cr Rebecca Bowles
CONT 18/17	8 February 2019	Formal Instrument of Agreement between Murrindindi Shire Council and HLB Mann Judd for Provision of Internal Audit Services	Craig Lloyd Cr Sandice McAulay

Officer Recommendation

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

19. 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:

- personnel matters
- the personal hardship of any resident or ratepayer
- industrial matters
- 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 report on the Fixing Country Roads – Ghin Road Rehabilitation and Barrier Installation is being considered in the closed part of this meeting because it is considered under S89(2)(d) contractual matter.

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:

- **Fixing Country Roads – Ghin Ghin Road Rehabilitation and Barrier Installation**