



AGENDA
of the
ORDINARY MEETING OF COUNCIL
WEDNESDAY 26 JUNE 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)

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1. PLEDGE AND RECONCILIATION STATEMENT**2. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE****3. COMMUNITY RECOGNITION****4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST****5. CONFIRMATION OF MINUTES**

5.1 Minutes of the Ordinary Meeting of Council held on 22 May 2019.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 22 May 2019 be confirmed.

5.2 Minutes of the Special Meeting of Council held on 12 June 2019.

Officer Recommendation

That the minutes of the Special Meeting of Council held on 12 June 2019 be confirmed.

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

7.1 OPEN FORUM

7.2 QUESTIONS OF COUNCIL

8. OUR PLACE

8.1 PLANNING SCHEME AMENDMENT REQUEST – 265 WHITTLESEA-KINGLAKE ROAD, KINGLAKE CENTRAL (KINGLAKE CEMETERY PROPOSAL)

Attachment(s): *Locality Plan (refer Attachment 8.1a)*
 Site Plan (refer Attachment 8.1b)
 Zoning Map (refer Attachment 8.1c)
 Kinglake Cemetery Amendment Report (refer Attachment 8.1d)

Purpose

A formal request to amend the Murrindindi Planning Scheme has been received in relation to land at 265 Whittlesea-Kinglake Road, Kinglake Central. Together with Frank Thompson Reserve and land vested in the Kinglake Range Foundation, the site forms part of a tract of land for public and community use on Ganglehoff Hill in Kinglake Central.

The land is currently zoned for public use and reserved for cemetery purposes. The amendment request has been lodged by planning consultants on behalf of the Kinglake Cemetery Trust with the support of the Department of Health and Human Services.

The primary intent of the amendment is to change the purpose of the existing Public Use Zone from 'PUZ7 other public use' to 'PUZ5 cemetery'. The amendment also proposes to remove the

Environmental Significance Overlay (Schedule 1) to be generally consistent with other land zoned for public purposes.

This report provides a Council officer's assessment of the request, sets out the background to Council's earlier consideration of a previous similar amendment request in 2016/17, summarises community consultation findings undertaken by the amendment proponent and discusses planning scheme changes since Council's previous decision.

Council officers have not formed a firm view about the proposal but believe exhibition of a proposed amendment is appropriate to more fully elicit and consider the range of community views and submissions in relation to the proposal.

Officer Recommendation

That Council:

- 1. request authorisation from the Minister for Planning under Section 8A(2) and (3) of the *Planning and Environment Act 1987* to prepare and exhibit a planning scheme amendment to the Murrindindi Planning Scheme in relation to land reserved for cemetery purposes at 265 Whittlesea-Kinglake Road, Kinglake Central**
- 2. advise the Minister for Planning that notification of an amendment would be undertaken in accordance with Section 19 of the *Planning and Environment Act 1987*.**
- 3. require the amendment proponent to address the following matters prior to seeking authorisation to prepare an exhibit an amendment:**
 - a. a report which addresses and has regard to the bushfire planning provisions of Clause 13.02 and 44.06 of the Murrindindi Planning Scheme**
 - b. development of a professionally prepared concept plan showing how the cemetery land will be developed and integrated with other public land to the east**
 - c. a response to Ministerial Direction No. 19 and Planning Advisory Note No. 73 in relation to Environmental Protection Authority (EPA) requirements**
 - d. further clarification of measures to ensure that a crematorium use will not be established on the land**
- 4. prepare and exhibit a planning scheme amendment following any authorisation granted by the Minister for Planning.**

Subject Land and Surrounds

The subject land comprises a vacant reserve located on the Kinglake Ranges at 265 Whittlesea-Kinglake Road, Kinglake Central (refer Attachment 8.1a). The land is located 1.5 kilometres (km) south of the Kinglake Central community precinct on Extons Road and 2.5km northwest of the Kinglake Township.

The subject land (refer Attachment 8.1b) comprises an area of 5.1 hectares (ha) which is cleared other than for a few scattered mature trees. Road access is available from Blackwood Lane which is currently an unsealed local access road that intersects with the Whittlesea-Kinglake Road adjacent to the northern portion of the land. The reserve has a 133 metre (m) abuttal to Blackwood Lane.

The northern portion of the reserve (elevation 620m) forms part of the Great Dividing Range and provides panoramic views to the south across Melbourne and the Central Business District. The land falls approximately 30m in elevation from the northern to southern boundary over a distance of approximately 408m.

The land to the east (which also forms part of 265 Whittlesea-Kinglake Road) comprises further reserved land similar in size to the subject land. The State Government has previously transferred responsibility for this adjacent reserve to the Kinglake Ranges Foundation to establish

a multipurpose facility which to date has not proceeded. The Frank Thomson Reserve (225 Whittlesea-Kinglake Road) is located a short distance to the east and contains a recently completed bushfire memorial.

The western boundary of the subject land abuts a Government Road (an extension of Blackwood Lane) which is licenced to an adjoining land owner. Further land to the west comprises agricultural land and associated dwellings used for cropping and grazing and areas of native vegetation. Land to the south comprises a vacant private land parcel containing native vegetation. The Kinglake National Park is located south and southwest of the subject land.

Background

Amendment C33 and the Introduction of the Public Use Zone

Prior to the 2009 Victorian bushfires the subject land and the adjacent land to the east comprised a single vacant private lot within the Farming Zone. Following the 2009 bushfires the State Government acquired the land and rezoned it to Public Use Zone 7 - other public use (PUZ7) as part of a Ministerial amendment (Amendment C33) gazetted on 4 November 2010. The purpose of the amendment, as set out in the Amendment C33 Explanatory Report, was to '...enable the replacement of the Kinglake National Park office and depot, which were destroyed by fire on 7 February 2009, and the development of the Kinglake Ranges Cultural and Community Facility.' The Explanatory Report further stated:

'The acquisition of this land and incorporation in the public land estate will provide an opportunity to enhance the Kinglake National Park by providing for improved visitor access and facilities as well as providing the opportunity to revegetate the area which was cleared and has been bare since 1987, enhancing biodiversity values and improving connectivity with natural vegetation in the national park.

The rezoning and development it allows would also have a positive social and economic effect for the Kinglake Ranges community responding to the immediate community needs of residents by providing key public and social [infrastructure]. This will assist to strengthen local confidence in the recovery and resettlement of the Kinglake Ranges area.'

The amendment was found to be consistent with the objectives of planning in Victoria and relevant State and local planning provisions as set out in the Murrindindi Planning Scheme. The amendment also made 'proper use of the Victorian Planning Provisions as it rezones land to a Public Use Zone to facilitate the use and development of land for public purposes.' The amendment was prepared and approved by the Minister without any public notice requirements.

The Kinglake Ranges Foundation have been appointed by the State Government as the public land manager for the eastern portion of the site (Crown Allotment 2022) but as previously noted no development of this land has occurred to date and the land remains vacant.

The extent of the PUZ7 zoning currently affecting the subject land is further shown in Attachment 8.1c.

Reservation of the Land for Cemetery Purposes

The Kinglake National Park facility did not proceed because an alternative site was found. The State Government then subdivided the reserve and reallocated the western portion of the land (CA 2023) to the Kinglake Ranges Cemetery. The land was reserved in accordance with the *Crown Land (Reserves) Act 1978* for use as a cemetery (Government Gazette, 26 November 2015) and declared a public cemetery by the Governor in Council under the *Cemeteries and Crematoria Act 2003* to be managed by the Kinglake Ranges Cemetery Trust by Order in Council dated 10 March 2016.

Amendment C59

The first planning scheme amendment request to better reflect the cemetery reservation on the land was considered by the previous Council at its meeting on 27 April 2016 (see Item 6.2 of Minutes) Council was advised at that time that:

- the subject land had recently been reserved for cemetery purposes
- Kinglake Cemetery Trust (KCT) were working with the Department of Housing and Human Services (DHHS) to advance a cemetery proposal
- the existing 1889 cemetery reservation at 825 Whittlesea-Kinglake Road Pheasant Creek was no longer considered suitable for cemetery purposes due to constraints relating to native vegetation and zoning
- the cemetery proposal on the subject land could proceed under a planning permit pathway (under the existing PUZ7 provisions relating to 'other public use') but it was DHHS policy that cemeteries be included in the PUZ5 provisions relating to cemeteries. This change would exempt the need to obtain a planning permit for the future use and development of the land for cemetery purposes
- further changes to the Environmental Significance Overlay (Schedule 1) were required in support the zoning changes
- the proposed amendment potentially had planning merit and it would be appropriate to seek authorisation to prepare and exhibit an amendment.

Council resolved to adopt the Council officer recommendation and the Minister for Planning subsequently authorised Council to prepare and exhibit the amendment (Amendment C59). The amendment was exhibited from July to September 2016. A total of 23 submissions were received from individuals and authorities. The 19 individual submissions were opposed to the amendment proceeding.

At its meeting on 24 May 2017 (see Item 6.1 of Minutes) Council considered the submissions received and a Council officer recommendation to refer objecting submissions to an independent panel appointment by the Minister for Planning. Further Council officer recommendations made at that time included:

- to advise the Kinglake Cemetery Trust and the independent panel that members of the community consider that inadequate pre-amendment consultation was undertaken by the Trust regarding the need and site options for a cemetery in the Kinglake Ranges and request the independent panel consider the nature of the consultation undertaken by the Kinglake Cemetery Trust
- to request the proponents of the amendment to provide siting and design details of a future cemetery to support further discussions of amenity issues at a panel hearing.

Council resolved at the meeting to abandon the amendment 'due to the lack of community consultation prior to the commencement of the amendment process'. The resolution further notes that the Council had regard to the *Planning and Environment Act 1987*, Minister's Directions, the Victorian Planning Provisions and social and environmental effects as part of its decision to abandon the amendment.

Current Amendment Request

The current amendment request seeks the same planning scheme outcome as the earlier Amendment C59 request which is summarised below:

- change the purpose of the existing Public Use Zone from 'PUZ7 other public use' to 'PUZ5 cemetery/ crematoria'. A rezoning of the land is required to facilitate this outcome
- delete of the Environmental Significance Overlay (Schedule 1) which relates to the protection of agricultural land. This change would be generally consistent with other land zoned for public purposes.

Unlike the previous amendment request the current request is accompanied by letters and petitions of community support which are further discussed in this report.

The KCT has advised that its aims are to establish:

- a lawn cemetery which would be sympathetic to the layout of the land
- a veterans' memorial garden with use of either RSL or Gallipoli roses
- a pioneers' memorial garden
- a collection of small garden areas and low walls for the memorialisation of ashes
- revegetation of areas using the indigenous plants of the Ranges area.

A report prepared by planning consultants in support of the amendment has been provided, which includes the current planning policy context and strategic assessment (refer to Attachment 8.1d). Since the earlier amendment request, a Bushfire Management Overlay (BMO), and related provisions, have been introduced into the planning scheme. The current request does not seek to remove the BMO but addresses how these new controls can be addressed in the context of a future cemetery proposal.

Consistent with the previous amendment request, a crematorium does not form part of any current or future proposal for the land.

Planning Assessment

Planning Policy Framework

State Planning Policy objectives seek 'to provide fairer distribution of and access to, social and cultural infrastructure' and in particular responsible authorities are required to 'identify and protect land for cemeteries...' (Clause 19.02-4S).

Other Framework provisions relevant to the amendment request include:

- ensure growth in periurban areas is managed to protect and enhance identified valued attributes (Clause 11.03-3S)
- ensure that development respects rural character and minimises visual impacts on surrounding natural scenery and landscape features including ridgelines and hill tops (Clauses 11.03-5S, 12.05-2S and 15.01-6S)
- protect and conserve environmentally sensitive areas (Clause 12.05-1S)
- protect the State's agricultural base by preserving productive farmland (Clause 14.01-1S)
- require development to respond to its context in terms of character, cultural identity, natural features, surround landscape and climate (Clause 15.01-1S).

Local Planning Policy Framework

Council's planning vision anticipates sustainable population and economic growth in and around township areas and within the Kinglake Ranges (Clause 21-02-1), support for the ongoing development of community infrastructure and services and the rebuilding and revitalisation of towns and communities affected by the 2009 bushfires (Clause 21.06-4).

A further detailed response to State and local planning policy provisions is set out in the planning consultant report.

Zone Provisions

The purpose of the existing Public Use Zone (PUZ) which currently applies to the land (Clause 36.01) is 'to recognise public land use for public utility and community services and facilities.' A further purpose seeks to 'provide for associated uses that are consistent with the intent with the public land reservation or purpose.'

Clause 36.01-6 provides a 'table of public land use' (see below) which correspond to the planning scheme maps. The intent of the amendment is to change the purpose of the public land affecting the land from 'other public use (PUZ7) to 'cemetery/ crematoria' (PUZ5). This change will allow the land to be used and developed under the zone for cemetery purposes without the need for a planning permit.

36.01-619/01/2006
VC37**Table of public land use**

Shown on the planning scheme map	Purpose of public land use
PUZ1	Service & Utility
PUZ2	Education
PUZ3	Health & Community
PUZ4	Transport
PUZ5	Cemetery/Crematorium
PUZ6	Local Government
PUZ7	Other public use

The Department of Environment, Land, Water and Planning (DELWP) have issued guidance notes on the application of public use zones (Planning Practice Note 2, January 2018) which state:

'Public land zones are not intended to identify the legal status of the land nor indicate the existing land use. They are intended to set out appropriate statutory requirements which apply to the use and development of the land in addition to the relevant land management legislation.

It is intended that a public land zone be applied to public land where the surrounding zoning is inappropriate or where there is a special reason to identify separately the public land for planning purposes. This will commonly be where land management arrangements apply under legislation other than the *Planning and Environment Act 1987*.

A useful test in considering if a public land zone is appropriate is to determine if a public land manager needs some level of flexibility, protection or exemption different from the surrounding zone provisions because of the special nature of the public land or asset and its control (in a land use or management sense) under another Act. For this reason, public land zones should be applied in consultation with the relevant public land manager.

A public land zone will normally be applied to public land owned or managed by a government department or public land manager, including national parks, state forests, coastal crown land and land reserved under the *Crown Land (Reserves) Act 1978*.'

Having regard to the above guidance it is noted:

- the Minister for Planning has previously determined that the land should have the benefit of a PUZ (Amendment C27)
- the land has been reserved under the *Crown Land (Reserves) Act 1978*
- the appointed public land manager (Kingslake Cemetery Trust) have requested the rezoning due to the special nature of the public land (cemetery)
- the government department responsible for the land, DHHS, is supportive of the amendment
- the land is capable of being managed under separate legislation (*Cemeteries and Crematoria Act 2013*) and related regulations.

Environmental Significance Overlay (Schedule1)

This overlay seeks to protect high quality agricultural land located on the Great Dividing Range which constitute a finite resource. These areas are characterised by well-drained red soils, high rainfall and access to water. Objectives seek to 'prevent the conversion of high quality agricultural land to non-soil based development'.

The Ministerial amendment (C27) which rezoned the subject land (and adjacent land) to the current PUZ9 did not remove the ESO1 from the rezoned area. However, the Minister for Planning at the time was satisfied that the change in the zone from farming to public use had regard to environmental effects and balanced present and future interests. The deletion of ESO1 has previously been recommended by Council officers in relation to Amendment C59.

In relation to the current proposal to delete the overlay in conjunction with the current amendment request, the Public Land Zones Planning Practice Note 2 (January 2018) provides the following guidance:

'In deciding whether to apply an overlay to land, the public land zones should be treated in the same manner as other zones.

The decision about whether to apply an overlay to public land will depend on the nature of the overlay and the land management legislation of the public land manager. For example, a Vegetation Protection Overlay over a state forest duplicates the function of the public land manager. However, a Vegetation Protection Overlay may sometimes be appropriate over significant vegetation on road or railway land (where the core business is not the management of the vegetation).

Like the application of any overlay, there must be specific justification for the additional requirement. Appropriate provisions must be made for the routine operations of the public use, such as exemption for regular maintenance.'

In relation to the current ESO1 provisions, under part 3.0 of the Schedule, a planning permit is not required for any buildings or works by any government department or public authority for the purposes of any public utility, services, works or facility. It is likely that DHHS (or the Trust operating on its behalf) would be exempt from the provisions in relation to cemetery-related buildings and works. Accordingly, the removal of the overlay continues to be reasonable and consistent with the treatment of other PUZ sites.

The State Government is currently undertaking a review of Strategic Agricultural Land within 100km of Melbourne. However, as the subject land has previously been zoned for public purposes it is currently identified as 'constrained land' and not included in the ongoing assessment area.

Bushfire Management Overlay

Since Council's consideration of the earlier amendment proposal new bushfire planning provisions have been introduced 'to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life' (Clause 13.02-1S). Council is now required to ensure any planning scheme amendment 'properly assess bushfire risk and includes appropriate bushfire protection measures.'

Further provisions seek to:

- ensure the bushfire risk relating to future community infrastructure will not increase as a result of future land use and development
- achieve no net increase in risk in relation to future community infrastructure through the implementation of bushfire protection measures and where possible reducing bushfire risk overall

- not approve planning scheme amendments that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a Bushfire Attack Level (BAL)-12.5 rating.

A BMO has also been introduced on the land and surrounding land (Clause 44.06). The current amendment request intends to retain the BMO and the consultant report notes that these provisions will trigger relevant requirements at the time of development. However, a 'cemetery' (which includes ancillary activity such as funeral chapels) is not a use that would trigger any permit requirements under the BMO (as it is not technically a 'place of assembly' under the provisions of the planning scheme). Notwithstanding, the amendment proponent has indicated a willingness to prepare further reports, consult with the Country Fire Authority (CFA) and consider restrictions on high risk days. It will be appropriate that further requirements be addressed and agreed to prior to any authorisation or exhibition of an amendment.

Under the previous amendment proposal (Amendment C59) the land was not within a BMO and the CFA supported the amendment.

Community Consultation

To address previous recommendations of Council officers and Council, the KCT have sought the views of local residents and community groups within the Kinglake Ranges about the proposal for a cemetery on the existing reserve. This consultation occurred in 2017 following the earlier Council resolution. The Trust has advised that 168 individuals have signed letters of support for the cemetery proposal including 127 residents from 78 households within the Kinglake Ranges area and a further 37 residents within the broader region who are members of the Kinglake Senior Citizens, Whittlesea Senior Citizens, Kinglake Historical Society, Hurstbridge RSL and Yea-Kinglake RSL. The Whittlesea and Kinglake Anglican Church has provided a letter of support on behalf of the Parish Council and its local churches noting that 'for a significant period of time, the members of the Kinglake Ranges community have strongly desired for a cemetery in Kinglake'. The proponent has contrasted these consultation findings with the 19 objecting submissions previously received in relation to the public exhibition of Amendment C59.

The application does not present evidence that the consultation that occurred in 2017, engaged those members of the community that previously opposed the planning scheme amendment proposal. The application also does not present evidence in relation to the broader issue of 'need' and other alternative locations. However, the outcomes of the consultation show a level of community support that, in the view of Council officers, support the amendment proposal proceeding to a more formal public exhibition stage enabling a broader canvassing of community views.

It should be noted that there is no statutory or legislative requirement for an amendment proponent to undertake community consultation prior to, or as a condition of, any formal consideration of an amendment request by a responsible authority.

In relation to consultation with other affected authorities, DELWP, Melbourne Water and VicRoads have previously advised that they have no objections to the amendment proposal. In relation to the vehicular access arrangements to the land, Council officers acknowledge that this was previously a contentious issue for individual submitters, however a Transport Impact Assessment Report (TIAR) has now been prepared to the satisfaction of VicRoads.

A new Ministerial Direction (No.19) now requires that the written views of the EPA be obtained about the potential impacts of a proposed amendment on the environment, amenity and human health prior to seeking authorisation to prepare and exhibit an amendment. It will be appropriate that this further work be completed prior to any authorisation request. The Council officer recommendations set out this requirement.

Consideration of Previous Individual Submissions Under Amendment C59

The Council officer report (24 May 2017) prepared in relation to Amendment C59 provided a summary of submissions received and a detailed planning response (see Attachment 6.1b of Council minutes). The Council officer views set out in this earlier response remain relevant in the context of the current proposal.

Council officers continue to acknowledge that the reservation of the land for cemetery purpose by the State Government and the subsequent declaration as a public cemetery by the Governor in Council occurred with limited consultation with the broader Kinglake Ranges community. These decisions appear to have been made in the context of the bushfire recovery efforts. In retrospect, the relevant authorities and ministers should have integrated all relevant decision making (including planning scheme changes, needs assessment and site options) and consulted broadly on preferred outcomes. The amendment proponent notes, by way of fairness and comparison, that the allocation of reserved land to the Kinglake Ranges Foundation occurred in a similar manner.

The *Planning and Environment Act 1987* provides for a staged approach to considering changes to a planning scheme:

1. initial consideration of an amendment by the responsible authority
2. authorisation to prepare and exhibit and amendment by the Minister for Planning
3. consideration of submissions by the responsible authority
4. findings and recommendations of an independent panel and consideration by the responsible authority
5. adoption (or abandonment) by the responsible authority
6. approval consideration by the Minister for Planning
7. gazettal of an amendment.

This report relates to 'Step 1' above. The previous amendment was abandoned by Council at the conclusion of Step 3 above.

Conclusion

The proposed amendment seeks to facilitate the use and development of the land for a cemetery within the Kinglake Ranges. Authorisation of the amendment will allow for formal consultation to occur. Following an exhibition period Council will be given a further opportunity to consider submissions and determine whether the amendment should proceed, whether further changes are required and whether submissions should be referred to an independent panel for further consideration.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 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'.

Relevant Legislation

Section 4(1) of the *Planning and Environment Act 1987* set out the following objectives for planning in Victoria:

- to provide for the fair, orderly, economic and sustainable use, and development of land
- to protect public assets and enable the orderly provision and coordination of public facilities for the benefit of the community
- to balance the present and future interests of all Victorians

- to ensure the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land
- to establish a clear procedure for amending planning scheme, with appropriate public participation in decision making
- to ensure that those affected by proposals for the use, development or protection of land or changes in planning policy or requirements receive appropriate notice.

Financial Implications and Risk

The amendment proponent has paid the prescribed amendment consideration fee. Further fees are payable if the amendment proceeds to authorisation and exhibition.

Conflict of Interest

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

Community and Stakeholder Consultation

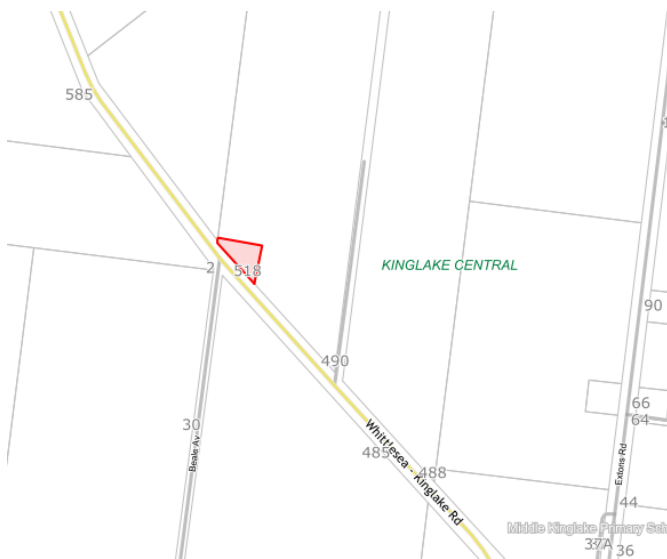
Refer to previous discussions in this report relating stakeholder consultation.

8.2 518 WHITTLESEA-KINGLAKE ROAD - USE AND DEVELOPMENT OF LAND FOR THE PURPOSE OF A DWELLING

Attachment(s): *Application Documents (19/32263)*
Letter of Support (distributed to Councillors separately)

Land: 518 Whittlesea-Kinglake Road, Kinglake Central
 Proposal: Use and development of land for the purpose of a dwelling and modification of access to Road Zone Category 1
 Applicant: Victorian Extension Design (VED)
 Zoning: Farming
 Overlays: Bushfire Management
 Environmental Significance

Locality Plan



Purpose

This report recommends that Council refuse to grant a planning permit to use and develop land at 518 Whittlesea-Kinglake Road, Kinglake Central for the purpose of a dwelling and related access works. The proposal is a predominantly residential use in an agricultural area that has the

potential to limit the ability of nearby and adjoining properties to be used for more intensive agricultural uses and create conflict with surrounding agricultural uses.

Officer Recommendation

That Council issue a refusal to grant a permit to use and develop land for a single dwelling at 518 Whittlesea-Kinglake, Kinglake Central (Lot 2 LP 111055), on the following grounds:

1. **the proposal does not comply with the requirements of Clause 13.07-1S Land Use Compatibility as residential uses should be directed to a residential area**
2. **the proposal does not comply with the requirements of Clause 14.01 Agriculture, in that it creates predominantly residential use in a farming environment that has the potential to limit the operation of adjoining and nearby agricultural uses in high quality agricultural land**
3. **the proposal does not comply with the requirements of Clause 21.03-1 Agriculture, Objective 2: Rural and agricultural land use and development as the proposal will establish a residential use on agricultural land, and does not protect the potential for productive capacity on nearby agricultural land**
4. **the proposal does not comply with the requirements of Clause 35.07 Farming Zone as the proposed dwelling has the potential to be adversely affected by agricultural activities on nearby agricultural land and has the capacity to limit the operation and expansion of adjoining and nearby agricultural uses**
5. **the proposal does not comply with the purpose and decision guidelines of Clause 42.01 Environmental Significance Overlay as it does not protect the high quality agricultural land.**

The Land and Surroundings

The subject land is a vacant 4,281 square metre (m²) parcel of land, triangular in shape, and bounded by Whittlesea-Kinglake Road to the south and private property in the Farming Zone on all other boundaries. The site is elevated from the road by approximately 2 metres (m), with access provided by an existing gravel crossover that extends over the shared bicycle and pedestrian path which runs parallel to the Whittlesea-Kinglake Road. The road reserve adjacent to the property contains native vegetation, however the broader area characterised by cleared agricultural land.

Historically the land contained a dwelling but this was destroyed in the 2009 bushfires and no consent was subsequently applied for or issued for a replacement dwelling. The land was subsequently sold to the current landowner/applicant.

The nearest dwelling is approximately 500m away. Further to the east of the subject site is a ground water extraction business and a berry farm on Extons Road. The broader area is characterised by larger allotments that are predominantly cleared and used for farming purposes.

Proposal

The proposal is to construct a single storey dwelling on the allotment with associated infrastructure including effluent disposal and water tanks. The property is not capable of supporting any farming or agricultural activity and will, in effect, be used for rural living purposes. The application also seeks approval to modify the access to the proposed dwelling from the Whittlesea-Kinglake Road.

Community and Stakeholder Consultation

Notice of the application was provided in accordance with the requirements of the *Planning and Environment Act 1987* by sending letters to adjoining and opposite property owners and occupiers. One submission supporting the application was received from the adjoining property owner. No objecting submissions were received.

Discussion

The purpose of the Farming Zone is to support the use of the land for agriculture, to encourage the retention of productive agricultural land and to ensure that the use of the land for dwellings does not adversely affect current and future agricultural activities (both on the land and on nearby land). The Zone sets out decision guidelines which emphasise the need to sustain agricultural uses, avoid the fragmentation of land and the proliferation of dwellings.

The subject land is only 4,821 m² in size, and has no capacity to sustain an agricultural use on the land. A dwelling on this land would result in a residential use in a farming zone. The main issues relate to conflicts that are likely to occur with nearby and adjoining farming properties. To the northeast of the subject site there is a water extraction business and an active berry farm. The land directly adjacent to this small lot has capacity to be used for an intensive agricultural use.

The application submission suggests that the use of the nearby land for water extraction would undermine the ability of other properties in the area to access enough water to undertake intensive horticulture. The applicant states that it is 'unlikely that a more intensive water-based agricultural use will occur'. This view is not supported by Council officers and it is noted that the property to the east of the water extraction site has been used for intensive horticulture in recent years, indicating that the extraction is not limiting access to water in the general area.

The purpose of the Environmental Significance Overlay is to identify and protect high quality agricultural land. Development proposals that have the potential to constrain agricultural outcomes or convert high quality land to non-soil based development are generally not supported.

In relation to the application proposal the proposed dwelling will have setbacks from the rear (northern) boundary of 8.5m and the side (eastern) boundary of 10m. These edges directly adjoin cleared, high quality agricultural land. While this land is currently being used for low level grazing purposes, there is significant potential for the land to be used for more intensive forms of agriculture. It is likely that such forms of agriculture would create conflict with the occupants of the dwelling and requirements for buffers within the adjacent farmland to reduce impacts relating to noise, dust, spray drift etc. As a planning permit 'runs with the land' it is likely that new landowners may have different expectation in relation to residential amenity.

It is for these reasons that officers recommend that Council refuse to grant a permit for the development.

Further, the Victorian Government has recently announced its intentions to further protect strategically significant agricultural land within 100 kilometres (km) of Melbourne. The subject land is currently included in the investigation area. Following recent community and stakeholder consultation, the Victorian Government is now preparing a range of strategies and planning controls for further discussion.

Referrals

The application was referred to VicRoads and the Country Fire Authority (CFA), who have raised no objections subject to conditions on any permit that may issue.

Council Plan/Strategies/Policies

This report is consistent with the Council Plan 2017-2021 Our Place strategic objective 'we will maintain and enhance places to be attractive and liveable, in balance with our natural environment' and 'through good land use planning enhance the liveability, prosperity and rural character of our Shire'.

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 by Council officers in relation to this report.

Legal/Policy IssuesState Planning Policy Framework

13.02-1S Bushfire Planning

Objective - to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

13.07-1S Land Use Compatibility

Objective - to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects

Strategies:

- directing land uses to appropriate locations
- using a range of building design, urban design, operational and land use separation measures.

14.01 Agriculture

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

Strategies:

- ensure that the State's agricultural land base is protected from the unplanned loss of productive agricultural land due to permanent changes of use
- limit new housing development in rural areas by:
 - directing housing growth into existing settlements
 - discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses
 - encouraging consolidation of existing isolated small lots in rural zones
- in considering a proposal to develop agricultural land, the following factors must be considered:
 - desirability and impacts of removing the land from primary production, given its agricultural productivity
 - impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production
 - compatibility between the proposed or likely development and the existing uses of the surrounding land.

Local Planning Policy Framework

21.01 Context

Issues:

- agriculture - the recognition and protection of the Goulburn River Valley and other areas as high quality agricultural land, with further opportunities to diversify and value add to agriculture.

21.03-2 Agriculture

Context:

- the Kinglake Ranges and Toolangi areas have high quality soils and agricultural value
- agricultural land is under increasing pressure for conversion into non-agricultural uses. It is important that any new uses, subdivisions or developments in rural areas do not reduce the productive capacity of agricultural land and the capability of existing agricultural, aquaculture, horticultural or timber productions uses to continue.

Issues:

- agriculture has economic and strategic significance for the municipality and has potential for continued expansion
- the protection of agricultural land is necessary to support future growth of the agricultural sector and the diversification of agricultural activities
- potential for rural subdivision and housing to lead to incremental loss of productive agricultural land
- potential for use of agricultural land for non-agricultural or rural-living purposes to conflict with established or future agricultural and horticultural land uses.

Strategies:

- ensure that the use and development of rural land is compatible with surrounding agricultural activities
- ensure that agricultural land is not developed for primarily residential purposes.

Zoning

35.07 Farming Zone

Purpose:

- to provide for the use of the 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:

- general issues:
 - how the use or development relates to sustainable land management
 - whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses
- agricultural issues and the impacts from non-agricultural uses:
 - whether the use or development will support and enhance agricultural production
 - whether the use or development will permanently remove land from agricultural production
 - the potential for the development to limit the operation and expansion of adjoining and nearby agricultural uses
 - the capacity of the site to sustain the agricultural use
- dwelling issues:
 - whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

- whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses
- the potential for the proposal to lead to concentration or proliferation of dwellings in the area and the impact of this use on the land for agriculture.

A planning permit is required for a dwelling in the Farming Zone on a lot of less than 40 hectares (ha).

Overlays

42.01 Environmental Significance Overlay

Environmental Objective to be achieved:

- protect high quality agricultural land because of its versatility, productivity and ability to sustain a wide range of agricultural uses without degradation
- protect the potential production from high quality agricultural land
- prevent the unsustainable development of high quality agricultural land that may result in the loss of the quantity or quality of the land and limit the full productive potential of land
- prevent the conversion of high quality agricultural land to non-soil based development.

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.

A planning permit is required for a dwelling in the Environmental Significance Overlay.

44.06 Bushfire Management Overlay

Purpose:

- to ensure that development of land prioritises the protection of human life and strengthens community resilience to bushfire
- to ensure development is only permitted where the risk to life or property from bushfire can be reduced to an acceptable level.

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

Particular Provisions

52.29 Land Adjacent to a Road Zone, Category 1

Purpose - to ensure appropriate access to identified roads.

Decision Guidelines:

- the views of the relevant road authority
- the effect of the proposal on the operation of the road and on public safety.

9. OUR PEOPLE

9.1 PROPOSED REMOVAL OF LIBRARY FINES

Purpose

The purpose of this report is to seek Council endorsement for the removal of overdue fines for all items borrowed from the Murrindindi Library Service and to waive all outstanding overdue fines, effective from 1 July 2019.

Officer Recommendation

That Council:

- 1. removes overdue fines for items borrowed from the Murrindindi Library Service and from Council's Schedule of Fees and Charges as proposed for adoption in the Annual Budget 2019/2020**
- 2. agrees to waive all outstanding overdue fines on library items.**

Background

The Murrindindi Library Service (MLS) has a service agreement with Yarra Plenty Regional Library (YPRL) to use the YPRL's Library Management System (LMS) to manage its collection and to provide access for Murrindindi members to the YPRL collection.

In 2018, YPRL's Board endorsed the removal of overdue fines for children's items borrowed from the YPRL collection. In September 2018, Council endorsed a Council officer recommendation to do the same for children's items borrowed from the Murrindindi collection.

YPRL's Board has decided to remove all overdue fines for all library items and remove all outstanding fines levied against members. They are implementing this change on 3 June to take full effect on 1 July 2019.

As YPRL and MLS share an LMS, the changes proposed by YPRL will automatically apply to our collection. At our request, YPRL has investigated and advised that it would be possible for MLS to retain existing arrangements; i.e. to collect and record fines within the shared LMS. However, this would lead to some practical implementation issues. Borrowers can use either YPRL or MLS cards to access our shared collection and would potentially incur a fine from the MLS branch if they returned late an item borrowed at a YPRL branch. Conversely, an item borrowed at an MLS branch would incur no fine if returned late to a YPRL branch.

There is a growing body of evidence, local and international, that suggests that removal of overdue fines on library items can remove barriers to access to library services. This eliminates the loss of access to the benefits offered by libraries, including lifelong learning, participation and inclusion, and literacy. Evidence suggests that:

- fines act as a deterrent to the return of the item, rather than an incentive to return it. Evidence shows that more books tend to be returned when fines are abolished
- fines, if left unpaid, can:
 - reduce opportunities for inclusion and participation as they can result in a ban on users from the library
 - reduce access to reading
 - deter users and alienate them from the library and all of its services
 - disproportionately impact on those of lower socio-economic means
- evidence also suggests where libraries have trialled or implemented the removal of overdue fines, staff morale improves due to no longer needing to charge/negotiate these fines with members.

The City of Port Phillip Library Service has not charged overdue fines for nearly eight years. They have reported no discernible increase in the number of items long overdue and lost when fines were removed. They report no ongoing issues with compliance. Reminder notices continue to be issued to borrowers, and non-compliance is managed through temporary reductions to loan entitlements, and in extreme cases members are prevented from borrowing entirely.

In January 2019, Bayside Council removed all fines from its library collection and has seen only marginal increases in the numbers of items overdue.

Sydney Library service stopped charging overdue fees in July 2017 and report an increase in loans and happier customers and staff. The trend in library services in the United States is the same.

Discussion

As of May 2019, MLS has 456 members who are blocked from borrowing due to unpaid overdue fines (either overdue fines totalling in excess of \$20 or item/s overdue by 40 days). There are 283 members who have overdue fines or other fees outstanding, but haven't yet reached the threshold for 'blocking' and can therefore still borrow. While we have a total active membership of 2834 (active membership is defined as having borrowed within the last 12 months), we have 5147 users (used in last three years). We note that as a general rule, members with overdue fines are most likely to become inactive library members.

Currently, a daily fine of 30 cents attaches to any item returned after its due date. The MLS Policy allows library staff some discretion to waive overdue fines due to extenuating circumstances such as financial hardship or difficulties with access which might make it appropriate to waive or reduce fees and charges associated with overdue items. The MLS waived \$190 in overdue fines on library items in the last six months.

The table below shows the forecast budget and actual amounts received in overdue fines and for lost items in recent years:

FY	Budgeted amount	Amount received (to 28 May 2019)
2018/9	\$2500.00	\$1662.00
2017/8	\$3000.00	\$3170.00
2016/7	\$1300.00	\$3165.00
2015/6	\$1300.00	\$2937.00
2014/5	\$1300.00	\$1371.00

To give full effect to a decision to remove overdue fines, it is also recommended to waive all outstanding overdue fines. This will encourage members to return overdue items without consequence and remove current blocks on those members from borrowing. There are \$12,338 in unpaid fines associated with both active and inactive users. These include current, recent and old fines carried over for a number of years. We note our income from overdue fines has been roughly consistent over the last five years. Libraries have limited success in collecting long overdue fines; the library member simply does not return to use our service.

In addition to encouraging inactive library users to become active again, the waiver of outstanding overdue fines might also result in the return of books which are long-term overdue items.

It is important to note that if fines on all items were removed, the following would still apply:

- notification that an item is overdue will still be sent to the borrower
- if greater than 40 days overdue, notification will be sent to the borrower seeking compensation for the cost of the item

- the member is barred from further borrowing until the item is returned or compensation has been received.

The benefits that are likely to flow from a decision to remove fines on overdue items are consistent with the goals set out in the Council Plan 2017-2021: to promote inclusion, increase active library memberships and participation in library programs, and to encourage participation.

There is strong evidence to suggest that library fines undermine one of the core principles of public libraries - the provision of free and universal access to information. Fines can work against the Council Plan goal of increasing active library membership and library participation.

Library fines also create a disproportionate administrative burden on staff. The time staff spend on the negotiation of overdue fines with members is time that could be spent delivering programs, helping people use computers and enhancing the quality of our service. The removal of overdue fines would enable MLS to redefine its relationship with our community to more truly reflect our shared values.

On balance, Council officers recommend that, in light of the evidence and experience of other libraries, and the direction set in the Council Plan that Council endorse the removal of overdue fines on all items and all associated outstanding fines.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our People Strategy 'to encourage activities and events that celebrate our vibrant, diverse and creative peoples and communities' and strategic indicator to 'increase active library members and participation in library and other Council programs'.

Relevant Legislation

Nil.

Financial Implications and Risk

The financial implications of removing fines and waiving outstanding fines are set out in the discussion above. The loss of income will be absorbed by the library service.

We note that while the removal of fines on all library items would be viewed favourably by many in the community, there may also be the contrary view that those who do not comply with library borrowing rules should be penalised through the imposition of fines, and that the removal of this income source, however minor, is not a financially responsible approach for Council to take.

Conflict of Interest

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

Community and Stakeholder Consultation

No community consultation was required in the creation of this report.

10. OUR PROSPERITY

10.1 GRANTS AND CONTRIBUTIONS POLICY

Attachment(s): *Murrindindi Shire Council Grants and Contribution Policy (refer Attachment 10.1a)*

Purpose

This report presents Council with a revised Murrindindi Shire Council Grants and Contributions Policy (Policy) for adoption (refer Attachment 10.1a). The Policy proposes an expanded scope to

include the various forms of financial contributions provided to community groups and businesses by Council.

The Policy framework supports Council to make consistent, equitable decisions in regards to financially supporting community groups and businesses for activities that contribute to broader community wellbeing, visitation and economic development.

Officer Recommendation

That Council:

- 1. adopt the revised Grants and Contributions Policy as contained in Attachment 10.1a**
- 2. rescind the Business and Tourism Innovation Grants Policy**
- 3. rescind the Community Grants Policy**
- 4. rescind the Waiving of Planning and Building Permit Fees for Community Groups Policy.**

Background

In December 2018 Council adopted the new format Grants and Contributions Policy (Policy) which combined six different streams of funding and support for community, business and individuals.

It was acknowledged at the time that the process would need a short term period of review as the program is implemented. The Policy, associated guidelines, timeframes, systems and outcomes have all been monitored to ensure the desired outcomes are able to be met.

Feedback from applicants, Council officers and Councillors has identified a number of refinements that are required to ensure there is an appropriate application, assessment and communication framework in place.

Discussion

Since the new Grants and Contributions Program opened in March 2019, 23 applications have been made.

There have been eight applications to the Fee Reductions Stream. The feedback received from applicants is that the application is too complicated and asks for too much information for some types of reductions. To mitigate these issues, Council officers have:

- changed the 'Expected outcome' of the funding stream to remove the reference to lowering the financial hardship or risk for community groups – instead will consider the community benefit
- included an 'Expected outcome' that the reduction may support businesses or business groups undertaking activities for broad economic benefit.

To date, there have been no applications to the Community and Business Governance, Skills and Capacity building stream, however, Council officers recommend that 'assistance to develop funding applications' should be added as an eligible activity. This will assist the community and businesses to access the Grants and Contributions Program more broadly, and also assist those applicants looking to attract funding from other sources.

While there has been one application for sponsorship and three applications for projects and events under Community Grants, there are no recommended changes for this stream. Council officers will continue to monitor the effectiveness of this stream of funding and will identify any areas for improvement as they arise.

It is also recommended that applications from Councillors or their immediate family, and applications from Council Executive or Managers (or their immediate family), or other Council

officers directly involved in the evaluation of applications be deemed ineligible. The Policy changes will also require that applicants be compliant with all Council and statutory laws and regulations.

Other, minor wording changes have been made throughout the document to ensure the Policy aligns with Council's expected outcomes.

Program Guidelines

A series of changes will be made to the program guidelines to enact the principles of the Policy.

Of most importance is the process for evaluation, which will change significantly. The first two rounds of this program have seen the Evaluation Panel (Mayor, Deputy Mayor, Director Community Engagement, Manager Development Services, Manager Community Wellbeing, Manager Community Assets, Coordinator Tourism & Events) reviewing all applications. This has been too onerous, and Council officers recommend the following key responsibility allocations:

1. Fee reductions to be assessed by the relevant Manager and referred to the relevant Director for approval – reported to Council for noting
2. Community Grants to be assessed by the Evaluation Panel (Deputy Mayor, Portfolio Councillor, Chief Executive Officer) and recommendations made to Council for a decision
3. Tourism Events (<\$5,000) application to be assessed by the Coordinator Tourism & Events and referred to the relevant Director for approval – reported to Council for noting
4. Tourism Events (>\$5,000) application to be assessed by the Coordinator Tourism & Events and recommendations made to Council for decision
5. Business and Innovation applications to be assessed by Council officers and referred to a Councillor Briefing session – this may include a recommendation to refer the application to an industry expert, a specialist organisation, a government agency or other statutory body for assessment and feedback. In this circumstance, the application will return to a Councillor Briefing session before proceeding with Council officer recommendation to an Ordinary Council Meeting for decision.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our People strategic objective 'to celebrate and encourage diverse, caring and connected communities'.

Relevant Legislation

There are no legislative considerations to this report.

Financial Implications and Risk

Funding across all streams represented in the Policy is within the existing Council budget.

Conflict of Interest

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

Community and Stakeholder Consultation

There has been no formal community consultation to date with respect to the development of this Policy.

11. OUR PROMISE

11.1 CUSTOMER SERVICE POLICY

Attachment(s): *Customer Service Policy (refer Attachment 11.1)*

Purpose

The purpose of this report is to introduce a draft Customer Service Policy (Policy) for proposed adoption by Council at its June 2019 Ordinary Meeting. The Policy is a statement of Council's commitment to providing great customer service to its community.

This report highlights key features of the draft Policy and provides background about its development and its link to the organisation-wide 'Customer First' Project.

Officer Recommendation

That Council adopt the revised Customer Service Policy as contained in Attachment 11.1.

Background

This draft Policy replaces an existing policy and aims to consolidate work underway to deliver Council's commitment to improve the services we provide to customers made in the Council Plan 2017-2021.

The Policy complements the work underway within the Customer First Project, aimed at ensuring Council's systems, processes and culture are aligned with best practice customer service principles.

In November 2017, Council conducted its first all-staff customer service training. At this session, staff worked through a facilitated process to arrive at a draft statement of Values and Behaviours. This was further refined through consultation with staff through early 2018 and endorsed by the Leadership Team in mid-2018. This process, together with best practice customer service principles obtained from a variety of sources, formed the basis for the new Policy.

The central elements of the draft Policy, along with broader training on customer service and customer feedback, formed part of the second all-staff customer service training days held in May 2019.

Discussion

The Policy sets out clear expectations for staff in the delivery of Council's customer service. It aims to strengthen the objectives of the organisation-wide Customer First Project, by setting firm standards of behaviour in our customer interactions. The Policy defines the elements of 'great' customer service and aligns these with our organisational values of Accountability, Empathy, Integrity and Professionalism. In addition, the draft Policy:

- provides clarity to staff about the customer service standards they must deliver and articulates the importance of various components of 'great' customer service, including:
 - the accurate capture of customer requests in an approved database
 - the importance of ongoing communication with customers, including if a request is delayed or requires input from another agency
 - the need to ensure requests are finalised and the customer is kept informed
- details our commitment to a range of behaviours and actions which support great customer service
- provides clarity about the systems and processes which are used to support great customer service within Council

- alerts staff to the need to measure and report on performance against standards and indicators, including so that we can achieve greater transparency
- sets out expectations of staff in their treatment of complaints and other feedback, including by actively encouraging feedback as an opportunity to improve our services
- reflects our expectations for customer behaviour and gives staff direction about how they can manage difficult or dangerous customers.

The operational implementation of this Policy is supported by an organisational Customer Service Charter which outlines our key performance indicators and customer service targets. It is anticipated that these indicators and targets may change over time to reflect improved response and turnaround times for the customer services we provide, as the Customer First Project continues to roll out.

Council Plan/Strategies/Policies

The Policy is consistent with the Council Plan 2017-2021 Our Promise strategy 'to commit to developing a stronger customer-focussed culture that makes us easier to deal with' and 'ensure our culture, systems and technologies encourage and enable innovation in our business practices and service delivery'.

Relevant Legislation

The *Local Government Act 1989*.

Financial Implications and Risk

While there are no financial implications relating to principles outlined in this Policy, future activities and enhancements to customer service delivery would be subject to the usual project and budget planning processes.

Conflict of Interest

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

Community and Stakeholder Consultation

Before creating this Policy, consultation took place with private sector organisations, other Councils and with a customer service bench-marking company.

11.2 PROCUREMENT POLICY ANNUAL REVIEW 2019

Attachment(s): *Procurement Policy June 2019 (refer Attachment 11.2)*

Purpose

The purpose of this report is to seek Council's endorsement of the revised Procurement Policy which requires annual review in accordance with Section 186A (7) of the *Local Government Act 1989* (the Act).

Officer Recommendation

That Council adopts the revised Procurement Policy as contained in Attachment 11.2.

Background

Council's Procurement Policy (Policy) was last reviewed and adopted in June 2018. It is a requirement under Section 186A of the Act that a Council must review the current procurement policy at least once every financial year.

Regular review of the Policy encourages continuous improvement so that Council's ways of doing business and procurement processes represent best practice.

Discussion

The Policy was extensively reviewed in May 2017, which brought the Policy in line with industry standards. The Policy has been successfully implemented and appears to be relatively well understood by the wider business community that seeks to engage with Council for the provision of goods or services.

There has not been any significant legislative or best practice changes to procurement since the comprehensive review was undertaken, and therefore the 2019 review has not resulted in significant change to the Policy. Some minor wording/grammatical changes have been made to improve clarity, with no alterations to Policy intent.

While Council is meeting its statutory requirement to review the Policy annually, it is proposed that a more comprehensive review be undertaken in the 2019/20 year. The majority of Council policies are reviewed every three years in line with best practice to ensure that policies meet industry standards and that they align with Council's strategic objectives.

This review will further focus on the following areas:

- environmental sustainability outcomes
- recognising local content
- use of social procurement principles.

Council Plan/Strategies/Policies

This item is consistent with the Council Plan 2017-2021 Our Promise strategic objective to 'ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council's resources'.

Relevant Legislation

Review of the Policy is required under Section 186A of the *Act* which requires local councils to have a procurement policy and to review it each financial year. Once Council approves a procurement policy it must comply with the Policy and make it publicly available.

Financial Implications and Risk

Council's Policy sets procedural controls to protect against financial, probity, fraud and corruption risk whilst also ensuring that resources are used efficiently and the removal of unnecessary barriers or costs of doing business with Council.

Conflict of Interest

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

Community and Stakeholder Consultation

Community consultation has not been required for the purpose of this statutory review of the Policy which primarily has assessed compliance with the *Act*. Upon approval, the revised procurement policy will become a publically available document available at Council offices and on Council's website. It is possible that community consultation may be incorporated into a comprehensive review of the Policy proposed for 2019/20.

11.3 BORROWINGS POLICY

Attachment(s): *Borrowings Policy (refer Attachment 11.3)*

Purpose

The purpose of this report is to seek Council's endorsement of the revised Borrowings Policy (Policy), which ensures that Council borrowings are well managed, and in accordance with legislative requirements.

Officer Recommendation

That Council adopt the revised Borrowings Policy as contained in Attachment 11.3.

Background

Following a recommendation from Council's Audit Advisory Committee in 2014 a Policy was adopted by Council to ensure that Council's borrowings are appropriately managed. The Policy was last updated in 2017 and is now due for review.

Discussion

Although there is not a statutory requirement for Council to have a borrowings policy, it is recognised as best practice should Council have a need to borrow funds.

The following are the proposed changes to the Policy from the previous version:

- Purpose - section updated:
 - now includes reference to the *Local Government Act 1989*
- Scope - has been simplified:
 - applies to Council and Council employees who make decisions regarding borrowings
- Policy - section updated:
 - added objectives
 - added legislative framework
 - added borrowings ratios and limits:
 - added target ratio for borrowings
 - added a sub-section on borrowing decisions.

This Policy will provide Council officers with better direction regarding Council's requirements for borrowings as well as provide a greater level of oversight should Council procure any debt.

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

The *Local Government Act 1989* (the *Act*) provides councils with the power to borrow.

Section 144(1) of the *Act* states 'Subject to the principles of sound financial management, a council may borrow money to enable the council to perform the functions and exercise the power conferred on the council under this *Act* or any other *Act*'.

Sections 145 to 150 of the *Act* further specify the circumstances in which the power to borrow may be exercised, securities to be used for Local Government borrowings, and how the borrowings should be disclosed.

Financial Implications and Risk

Council's borrowing strategy had historically acknowledged that a prudent level of debt will not exceed \$500,000 in new borrowings per annum. The draft Budget for 2019/20 proposes that for the second year in a row Council will not be undertaking to borrow funds, due to its strong financial position and cash holdings. This will result in Council's overall debt level being extinguished during the life of the current Strategic Resource Plan.

Conflict of Interest

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

Community and Stakeholder Consultation

This Policy was developed in consultation with Council's Audit and Risk Advisory Committee, to ensure that the Policy provides clear direction to Council officers regarding borrowing obligations and responsibilities, and to ensure compliance with Council's legislative obligations.

11.4 2019/20 ANNUAL BUDGET AND STRATEGIC RESOURCE PLAN ADOPTION

Attachment(s): *2019/20 Annual Budget (refer Attachment 11.4a)*
 Summary of Budget Submissions (refer Attachment 11.4b)
 Strategic Resource Plan 2019/20 Review (refer Attachment 11.4c)

Purpose

The purpose of this report is to present the 2019/20 Annual Budget and Strategic Resource Plan for adoption by Council.

Officer Recommendation

That Council:

- 1. having heard and considered public submissions on the draft 2019/20 Annual Budget, accept the Council officer recommendation for each submission outlined in Attachment 11.4b**
- 2. notify submitters of Council's decision noting that responses will be issued by the Manager Business Services**
- 3. adopt the 2019/20 Annual Budget (Attachment 11.4a) and Strategic Resource Plan (Attachment 11.4c) noting the following changes to the exhibited draft Annual Budget:**
 - a. increase of \$153,766 made to the level of funding to be received from the Victorian Grants Commission relating to Financial Assistance Grants for 2019/20 (noting, the 2018/19 forecast result has increased by \$2.39 million following confirmation that 50% of the 2019/20 allocation will be paid in 2018/19)**
 - b. increase of \$2.27 million to Capital Works Roads Program as a result of the successful application for funding under the Fixing Country Roads (FCR) program. This is funded by \$1.51 million in grants (40% to be received in 2018/19) and a Council contribution of \$755,900 as approved at the 12 June 2019 Special Council Meeting**
 - c. increase of \$200,000 to the Capital Works Buildings Program for energy efficiency upgrades. Fifty percent of this cost will be funded externally from Sustainability Victoria's Local Government Energy Saver Program**
 - d. increase of \$28,000 to the Capital Works Buildings Program to install bi-folding doors at Terip Terip Community Centre**
 - e. increase of \$2,500 to the Yea Recreation Reserve change rooms Capital Works Project to include provision for a drinking fountain**
 - f. rates in the dollar and property valuation figures have been updated following the receipt of the final revaluation data from the Valuer-General Victoria**
- 4. authorise the Chief Executive Officer to give public notice of this decision to adopt the Budget, in accordance with section 130(2) of the *Local Government Act 1989* (the Act)**

5. **note that a copy of the adopted 2019/20 Budget be submitted to the Minister for Local Government and copies made available for inspection by the public in accordance with Sections 130(4) and 130(9) of the Act**
6. **confirm the differential rates, municipal charge and waste service charges as detailed in the 2019/20 Budget per Attachment 11.4a**
7. **authorise the rates officers of Council to levy and recover the differential rates so declared in accordance with the Act**
8. **note the due dates for rate instalments will be as follows:**
 - a. **Instalment 1: 30 September 2019**
 - b. **Instalment 2: 30 November 2019**
 - c. **Instalment 3: 28 February 2020**
 - d. **Instalment 4: 31 May 2020.**

Background

At the 24 April 2019 Ordinary Council Meeting, Council endorsed the draft 2019/20 Annual Budget for the purposes of public exhibition in accordance with Sections 129 and 223 of the *Local Government Act 1989* (the Act).

Budget documents were made available at Council offices and on Council's website and submissions were sought from the public. The four-week public exhibition and submission process commenced on 1 May 2019 and was advertised in the relevant newspapers. The submission period closed on 31 May 2019.

An acknowledgement was sent to each submitter, confirming receipt of their submission and informing them of the opportunity to attend the Special Meeting of Council on the 12 June 2019 to speak to their submission if they wished. Six people spoke to their submissions at the Special Meeting.

Discussion

The 2019/20 Annual Budget (the Budget) details the resource requirements and project priorities that are in accordance with the key strategic objectives that have been set in the Council Plan 2017-2021.

The Budget has been prepared on the principles of responsible financial management to achieve an operating result that ensures and maintains long term financial sustainability.

Whilst always difficult to raise revenue, especially in times of economic uncertainty, the rate increase proposed is in line with the rate cap set by the State Government and provides for a continued mix of responsible operating and capital budget expenditures.

The Budget has been developed based on the following principles:

- to limit rate increases to an average of 2.5%. This is in line with the average rate increase allowable under the State Government's Fair Go Rates System for 2019/20
- to deliver a modest budget surplus – i.e. a budget where forecast revenue exceeds forecast expenditure
- to take on no new debt – this will reduce existing debt levels to under \$480,000 by 30 June 2020 and represents the lowest level of absolute debt Council has held in more than a decade
- to limit increases to non-statutory fees and charges to no more than 2%.

The Budget identifies that Council will spend \$46.35 million to deliver services and improve infrastructure. This includes a \$10.7 million Capital Works Program. Council's cash flows will remain strong with a projected cash increase of \$668,000 over the year.

Highlights of the Capital Works Program include:

- \$4.95 million allocated to sealed and unsealed roads, traffic treatments and kerb and channel works
- \$2.60 million for works to further develop landfill sites
- \$200,000 allocated to bridge and culvert renewal
- \$105,000 on drainage works
- \$328,000 on pathway improvements, including \$57,500 towards improvements to disability access in urban areas of Yea
- \$361,000 allocated for recreational facilities, including \$216,000 allocated for female friendly change facilities at the Yea Recreation Reserve and \$22,000 for perimeter fencing at the Kinglake Memorial Reserve
- \$551,000 for works on Council owned buildings and facilities including \$70,000 to upgrade the kitchen and restore external columns at the Alexandra Shire Hall
- \$128,000 for works at the Yea Saleyards and \$50,000 for improved floor covering for a range of public toilets
- \$30,000 to develop a concept design for the Kinglake West-Pheasant Creek streetscape
- \$30,000 for Recreational Vehicle (RV) Friendly Town preliminary works (including signage and line marking for long vehicles).

Other initiatives funded in the Budget include:

- \$230,000 to continue the Grants and Contributions Program
- \$247,000 of external grant funding to advance local community planning trials across the Shire
- \$250,000 to implement strategies that have been developed to better plan for service delivery and improve outcomes for the community. These strategies include:
 - Tourism and Events Strategy
 - Communications Strategy
 - Recreation and Open Space Strategy
- \$105,000 for environmental initiatives including continuing the roadside weed and pest control program, significant revegetation works, and an environmental forum to further engage the community in solutions to the environmental issues
- \$95,000 to continue the Customer First project focusing on enhancing Council's systems and processes to improve customer services.

Whilst the draft Budget was on public exhibition, Council received notification that it was successful in being awarded funding of \$1.52 million for four projects through the Regional Roads Victoria Fixing County Roads Program. As part of the funding agreement, Council will be contributing an additional \$755,900 towards these projects. The successful projects were:

- High Street Yea – safety improvement works
- Rubicon Road – route improvements
- King Parrott Creek Road – improvement works

- Back Eildon Road – improvement works.

Council received confirmation that 40% of this funding will be received in 2018/19 with the balance received in 2019/20.

Council also received confirmation of an increase in Victorian Grants Commission Financial Assistance Grant of \$150,766 above the exhibited draft Budget estimate and \$100,000 in funding for energy efficiency upgrades under the Sustainability Victoria's Local Government Energy Saver Program.

As a result of these grants, the 2019/20 budgeted surplus in the Income Statement has increased from \$5,000 to \$1,162 million. This is because this statement recognises the receipt of the capital grants, but not the associated expenditure. The expenditure is captured in the Statement of Capital Works which has been adjusted to reflect the additional projects.

In April 2019, Council made the decision to transition out of being a direct provider of State and Federal Government funded aged and disability services. It is anticipated that this transition to other provider/s will occur during 2019/20 financial year, however the precise timing is subject to State and Federal Government considerations. Therefore, the draft Budget maintains an annual funding allocation for these services in the budget, recognising that any savings realised during the year will support transition arrangements.

Public Submissions

Six submissions were received in relation to the draft Budget. All submissions were presented for Council's consideration at the Special Meeting of Council on 12 June 2019. A summary of the submissions received and associated officer recommendations is attached to this report (refer Attachment 11.4b).

All proposed changes in resources required to accommodate the supported submissions are included in the Council officer recommendation to Council in this report.

Strategic Resource Plan Review

In considering the proposed final budget for 2019/20, the Strategic Resource Plan (SRP) and long term financial plan have been adjusted to accommodate the changes made for the next financial year.

Key financial assumptions that underpin the longer term financial plan are as follows:

- operating within a rate cap of 2.25% annual rate increases, which is forecast to remain constant over the life of the SRP. The Minister for Local Government sets the rate cap annually and the SRP will be modified based on annual determinations
- fees and charges revenue to increase by 2.25% per annum
- no new borrowings to be undertaken by Council in the next 10 years
- cost of goods and services to increase by 2.5% per annum
- revenue received from grants (for either capital or operating purposes) only included where the source of funds is certain, or reasonably assumed to continue over the life of the plan (e.g. Roads to Recovery or Financial Assistance Grants)
- Council's permanent staffing establishment is forecast to remain relatively stable over the life of the SRP
- a strong focus maintained on balancing Council's asset renewal gap over the life of the SRP.

It is noted that on current assumptions, renewal expenditure will not fully meet renewal requirements over the next 10 years, which will see the infrastructure renewal gap increase. Council is continuing to invest in improved strategic asset management systems and planning, and this combined with enhanced strategic procurement is expected to slow growth in the renewal gap over the ten-year life of the plan.

Council reviews the SRP on an annual basis and therefore improvements to the management of Council's asset renewal requirements will involve a continual review of the current assumptions. This annual review also enables Council to consider other priorities and initiatives in the context of Council's financial position.

Council Plan/Strategies/Policies

The adoption of the Budget allocates the necessary resource to deliver the initiatives and objectives detailed in the Council Plan 2017-2021 for the upcoming financial year which is consistent with the Council Plan 2017-2021 strategy under Our Promise to 'maintain Council's financial sustainability through sound financial and asset management'.

Relevant Legislation

The adoption of the Budget is a statutory requirement of the *Local Government Act 1989* and sets the financial framework in which Council will operate for the 2019/20 financial year.

Financial Implications and Risk

Adoption of the Budget and the annual review of the Strategic Resource Plan is an essential part of effective corporate governance and has been prepared to ensure any long term financial risks to Council are minimised.

Conflict of Interest

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

Community and Stakeholder Consultation

The draft Budget was made available on Council's website and offices from 1 May 2019 and advertised for public exhibition in a range of publications (see table below), with written submissions sought by 12 pm on 31 May 2019.

Medium	Published Date
Newspapers:	
• Alexandra Standard	1 May 2019
• Yea Chronicle	1 May 2019
• Marysville Triangle	3 May 2019
• Local Paper	8 May 2019
Digital:	
• Council website – www.murrindindi.vic.gov.au	1 May 2019
• Council Facebook page	1 May 2019
Hard copies at Council offices: Alexandra, Kinglake, Yea and also Eildon Resource Centre and Marysville Visitor Information Centre	1 May 2019

11.5 RUBICON OUTDOOR CENTRE SCHOOL COUNCIL APPOINTMENT

Purpose

The purpose of this report is to seek Council's endorsement of the appointment of Councillor Charlotte Bisset to the Rubicon Outdoor Centre School Council.

Officer Recommendation

That Councillor Charlotte Bisset be appointed as the Murrindindi Shire Council representative on the Rubicon Outdoor Centre School Council.

Background

Rubicon Outdoor Centre School is a residential outdoor education school operated by the Department of Education and Training. Rubicon has two campuses, the Thornton Campus, in the Rubicon Valley and the Nayook Campus which is approximately 100 kilometres east of Melbourne.

The Rubicon Outdoor Centre School is governed by a School Council. The School Council has requested that Murrindindi Shire Council appoint a representative to the School Council.

Councillors are often requested or required to represent Council (as delegate) on committees or boards formed by other organisations and these are subject to formal Council approval processes.

Discussion

Annually over 3000 state school students attend the Rubicon Outdoor Centre School for programs, with the majority of programs being five days. Students come from across Victoria but most are drawn from metropolitan Melbourne. Programs may be residential and based at either of the school's campuses with both day and overnight trips to adjoining natural environments. The school also uses base camp and journey based delivery models, which can be taken through bush, lake or river environments.

Rubicon Outdoor Centre School Council's functions are primarily based around setting and monitoring the school's direction. The School Council membership currently includes:

- Victorian Outdoor Education nominee
- Parks Victoria nominee
- Regional Director of Department of Education and Training
- Principals Association nominee
- Alexandra Traders and Tourism nominee
- six community representatives
- three Department of Education and Training employees.

The School Council has indicated that it is amending its constitution to reflect having a representative from each municipality as part of the membership.

This representation will be for a 12-month period and will form part of the Councillor Committee Representation annual review in the future.

Council Plan/Strategies/Policies

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

Relevant Legislation

The *Local Government Act 1989*

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

The Rubicon Outdoor Centre School Council has requested that Council nominate a Murrindindi Shire Council representative to the School Council.

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**

This report presents the records of assemblies of Councillors for 22 May 2019 to 19 June 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 22 May 2019 to 19 June 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 22 May 2019 to 19 June 2019:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	22 May 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. 82 Rollasons Road Thornton Permit Amendment 2. 2018/229 – Oswald Drive 20 Lot Residential Subdivision 3. Planning Scheme Amendment – C67 – Alexandra Waste Facilities 4. Grants and Contributions Program Panel Recommendations - April 2019 5. Draft Murrindindi Shire Tourism and Events Strategy 6. Instruments of Delegation, Appointments and Authorisations 7. Yea Saleyards Committee of Management Membership Endorsement 8. Audit and Risk Advisory Committee Minutes 9. Confirmation of Audit and Risk Advisory Committee Chairperson 10. CONT19/2 - Corporate and Outdoor Uniform Supply
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, D Jackson, T Carter
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing
Meeting Date:	5 June 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. DELWP - Forest Modernisation Program 2. Council Grants Program Update 3. Proposed Removal of Library Fines 4. Alexandra Youth Precinct Masterplan 5. Capital Works Monthly Reporting – April 6. Borrowings Policy 7. Budget Submissions 8. Road Toll
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, S Coller, G Haylock
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing
Meeting Date:	12 June 2019
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Scheme Amendment Request – 265 Whittlesea-Kinglake Road, Kinglake Central (Kinglake Cemetery Proposal) 2. Procurement Policy Annual Review 2019 3. Customer Service Policy 4. Updated Grants Policy 5. Alexandra Youth Precinct Masterplan 6. Budget Submissions
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, D Jackson, T Carter, S Coller, G Haylock
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Post Council Meeting
Meeting Date:	12 June 2019
Matters Discussed:	1. Budget Submissions 2. Grant Funding Agreement – Fixing Country Roads
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, G Haylock, T Carter
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Workshop
Meeting Date:	19 June 2019
Matters Discussed:	1. 518 Whittlesea-Kinglake Road - Use and Development of Land for the Purpose of a Dwelling 2. Introduction to Domestic Waste Water Management Plan 3. Swimming Pool Update 4. Communications Strategy – Councillor Briefing 5. Health Check Report
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, M Crane, N Stewart, S Coller
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
D19/5075	23 May 2019	Deed of Variation of Lease between Murrindindi Shire Council and Murray Leadbetter t/a ML Accounting Solution for Kinglake Rebuilding Advisory Centre	Craig Lloyd Cr Margaret Rae
CONT 17/23	23 May 2019	Formal Instrument of Agreement between Murrindindi Shire Council and Argyle Maintenance Unit Trust T/AS Argyle Maintenance Services for Yea Shire Hall - External Restoration Works	Craig Lloyd Cr Margaret Rae
SF/3027	3 June 2019	Deed of Variation of Lease between Murrindindi Shire Council and Jodie Jackson t/a Up To Date Books and Training for Kinglake Rebuilding Advisory Centre	Craig Lloyd Cr Margaret Rae

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/2390	5 June 2019	Deed of Variation of Lease between Murrindindi Shire Council and Lara Mandeno for Kinglake Rebuilding Advisory Centre	Craig Lloyd Cr Leigh Dunscombe
SF/1176	5 June 2019	Deed of Variation of Lease between Murrindindi Shire Council and Leadbeater Group Pty Ltd for Kinglake Rebuilding Advisory Centre	Craig Lloyd Cr Leigh Dunscombe
SF/3073	5 June 2019	Licence between Murrindindi Shire Council and Kinglake Football Netball Club Inc. for CA 10, Township of Kinglake, Parish of Kinglake (Kinglake Memorial Reserve)	Craig Lloyd Cr Leigh Dunscombe
CONT19/2	14 June 2019	Formal Instrument of Agreement between Murrindindi Shire Council and Hip Pocket LV Pty Ltd for Corporate and Outdoor Uniform Supply	Craig Lloyd Cr Charlotte Bisset
CONT19/2	14 June 2019	Formal Instrument of Agreement between Murrindindi Shire Council and SafePak Industrial Supplies for Corporate and Outdoor Uniform Supply	Craig Lloyd Cr Charlotte Bisset
SF/123	13 June 2019	S11A. Instrument of Appointment and Authorisation (<i>Planning and Environment Act 1987</i>) - Murrindindi Shire Council	Craig Lloyd Cr Charlotte Bisset
SF/123	13 June 2019	S6. Instrument of Delegation - Members of Staff	Craig Lloyd Cr Charlotte Bisset
SF/123	14 June 2019	S5. Instrument of Delegation to the Chief Executive Officer	Cr Sandice McAulay Cr Charlotte Bisset

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:

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

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

The meeting is being closed to consider the Confidential Minutes from 22 May 2019.

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 to endorse the Confidential Minutes from 22 May 2019.