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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

The meeting will be opened with the Mayor reading the following on behalf of the Murrindindi Shire Council:

"Murrindindi Shire Council is proud to acknowledge the Taungurung and Wurundjeri people as the traditional custodians of the land we now call Murrindindi Shire.

We pay our respects to their Elders past, present and emerging, who are the keepers of history, traditions, knowledge and culture of this land."

1.2 Councillors' Pledge

"The Councillors, democratically elected to represent our community as the Murrindindi Shire Council, are committed to working together in the best interests of the people who live in our municipality, those who conduct business here and those who visit."

2 PROCEDURAL MATTERS

2.1 Privacy Note

This public meeting is being streamed live via our Facebook page and website. A recording of the meeting along with the official Minutes of the meeting will also be published on our website.

2.2 Apologies and Request for Planned Leave

Nil.

2.3 Disclosure of Interest or Conflict of Interest

In accordance with section 130 (1)(a) of the *Local Government Act 2020* Councillors are required to disclose any "conflict of interest" in respect of a matter to be considered at a Council Meeting.

Disclosure must occur immediately before the matter is considered or discussed.

2.4 Confirmation of Minutes

Minutes of the Scheduled Meeting of Council held on 22 May 2024

RECOMMENDATION

That Council confirm the minutes of the Scheduled Meeting of Council held on 22 May 2024



Minutes of the Special Meeting of Council held on 12 June 2024.

RECOMMENDATION

That Council confirm the minutes of the Special Meeting of Council held on 12 June 2024.

2.5 Petitions

Petitions received will be tabled at the Scheduled Meeting of Council.

2.6 Community Recognition

Council may suspend standing orders to thank and acknowledge particular community achievements.

2.7 Matters Deferred from Previous Meeting

Council may resolve to defer a matter to a future meeting for consideration for various reasons. Where a matter has been previously deferred it will be tabled for consideration under this section.

2.8 Urgent Business

Council may by resolution admit an item of urgent business only if:

- a. it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- b. deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- c. the item involves a matter of urgency as determined by the Chief Executive Officer; and
- d. it cannot be addressed through an operational service request process.
- e. Provided the matter does not:
 - I. substantially affect the levels of Council service
 - II. commit Council to significant expenditure not included in the adopted budget
 - III. establish or amend Council Policy.

3 PUBLIC PARTICIPATION

3.1 Open Forum

Section 8 of the *Governance Rules 2020* allows for Community Participation in Council Meetings. Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.

3.2 Questions of Council

Questions of Council are an opportunity for the general public to submit a question prior to the Scheduled Meeting and receive a response from Council in the Questions of Council time.



4 REPORTS - COMMUNITY & DEVELOPMENT GROUP

Nil.

5 REPORTS - PEOPLE & CORPORATE PERFORMANCE GROUP

5.1 Adoption of Fees and Charges Schedule 2024/25

Department People & Corporate Performance

Presenter M Chesworth, Director People and Corporate Performance
Approved by M Chesworth, Director People and Corporate Performance

Purpose For decision

Attachment(s) 1. Attachment 1 - Schedule of Fees and Charges [5.1.1 - 36

pages]

Executive Summary

This report seeks Council's adoption of the 2024/25 Schedule of Fees and Charges. The fees and charges reflect fair consideration for various services provided by Council.

RECOMMENDATION

That Council adopt the attached schedule of Fees and Charges effective for the 2024/25 Financial Year.

Background

Council's Schedule of Fees and Charges consists of fees and charges set by Council and statutory fees and charges set by the State Government. Council fees and charges are reviewed annually by officers to reflect the cost of service delivery. Where possible these fees and charges are benchmarked against similar sized councils to ensure parity, equity and fairness.

Annual changes to fee units for statutory fees and charges are advised by the State Government.

Discussion

Typically, Council exhibits and adopts its annual fees and charges as part of the exhibition and adoption of the Annual Budget. This year there was a delay in receiving advice on the statutory fee increases and consequently only the non-statutory fees and charges were exhibited with the draft annual budget. To accommodate the late receipt of the annual statutory fee increases, the final adoption of Schedule of Fees and Charges was deferred to this meeting.

Since the draft budget was exhibited, the new 2024-25 Family Day Care levy set by Council has been amended to differentiate between Murrindindi residents and non-residents, with the levy for non-residents increasing from \$2.25 per hour to \$3:00 per hour. This is recommended to address the cost-of-service provision and to reduce the subsidy of non-resident service costs from Murrindindi Shire Council rate revenue.



Council Plan/Strategies/Policies

The report supports the *Council Plan 2021 –2025 Transparency, Inclusion and Accountability* strategy to "ensure Council remains financially-sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate".

Relevant Legislation

Local Government Act 1989. Local Government Act 2020.

Financial and Risk Implications

The fees and charges are based on information available at the time of publishing and may vary during the financial year subject to any changes in Council's policy or legislation.

Conflict of Interest

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

Community and Stakeholder Consultation

A draft schedule of Fees and Charges (non-statutory only) was included with the Draft Budget document open to public submission following the Council meeting held on 24 April 2024.

5.2 Yea Saleyards Community Asset Committee Composition

Department People & Corporate Performance

Presenter M Chesworth, Director People and Corporate Performance
Approved by M Chesworth, Director People and Corporate Performance

Purpose For decision

Attachment(s) Nil

Executive Summary

The Council-owned Yea Saleyards has over the years developed into a significant regional livestock selling facility. It has traditionally been managed by a Community Asset Committee (the Committee) established by Council, consisting of community volunteers and industry representatives including the two local livestock agents, Elders and Nutrien. This committee has worked well over the years to manage the operations, source external funds to upgrade and expand the facilities at the Saleyards and grow the local cattle beef industry.

Following the announcement of the closure of the Pakenham Saleyards east of Melbourne, there has been interest expressed to Council from a new agent interested in establishing operations in Yea and joining the local cattle sale days. There is also expected to be a sizeable increase in the volume of cattle sold through the Yea Saleyards.

Given the changing local market, with possible new entrants, it is necessary to review the governance arrangements for the saleyards, and in particular the composition of the Committee to ensure it continues to meet the thresholds for good governance under the Local Government Act 2020, and serve the interests of the broader Murrindindi Shire community.

In particular, given the new competitive nature associated with the allocation of Saleyards capacity across several livestock agents, it is opportune to revisit the role of the agents'



representatives on the Committee. It is possible to create opportunities for all agents to contribute advice to assist the Committee without being involved in the Committee's decision making, through open forum sessions or advisory forums. This report therefore proposes the composition of the Committee be changed to replace the two agent representatives on the Committee with two Councillor representatives, to meet best practice governance arrangements, and to set up the committee for success into the future.

RECOMMENDATION

That Council:

- 1. amend the composition of the Yea Saleyards Community Asset Committee, commencing from the date of the Committee's Annual General Meeting due to be conducted in August 2024, to include the following:
 - a. Four Farming / Community Representatives
 - b. One Livestock Transport Representative
 - c. Two Murrindindi Councillors
- 2. set a maximum term of 3 years for each member appointed, with staggered terms to avoid all positions spilling at the same time, to be determined by the Committee
- 3. request a report from the Committee on saleyard operations and finances on a six monthly basis
- 4. appoint Cr _____ and Cr ____ to the Yea Saleyards Community Asset Committee
- 5. request the Chief Executive Officer to issue a revised Instrument of Delegation to give effect to these changes
- 6. request the Chief Executive Officer to provide the Committee with governance advice and support to enable an efficient transition to the new Committee structure, including an appropriate means for community and agent engagement
- 7. formally thank the two outgoing agent representatives for their valuable contribution to the Committee

Background

The beef cattle sector is a key economic driver for the local economy in the Murrindindi Shire. The Yea Saleyards, a Council owned facility, plays a significant role in supporting the success of this sector.

Built in the early 1990s under the former Shire of Yea, the Yea Saleyards has undergone considerable growth and expansion over the years to become a significant regional saleyard facility, with a strong reputation for the sale of high-quality store cattle. The Yea Saleyards Business and Strategic Plan 2022-2032 states that over the last 20 years the yards have grown from an initial annual yarding of 4,700 head to 32,700 head in 2021/22, with estimated annual sales turnover of \$60 million. To date this financial year, the Committee has recorded the second highest throughput of 37,200 head.

In addition, the Yea Saleyards provides important social benefits to the local farming community, by providing a regular meeting place on sale days for farmers to gather, share information and renew acquaintances, all important for positive mental health and wellbeing. For a sector where the day to day working environments can involve significant periods working in isolation, these social benefits cannot be underestimated. In recent times, as part of flood recovery efforts, these



benefits have extended to the provision of health services, such as skin and heart checks and mental health support for farmers provided by the Yea Hospital.

Since its inception, the day-to-day operations of the Saleyards have been managed by a community-based committee appointed by Council, consisting of volunteers and local livestock agents. Up until 2020, the Committee was operating under S86 of the former Local Government Act 1989 as a Committee of Management, with powers delegated by Council, and a Councillor appointed to the Committee. With the transition to the new Local Government Act 2020, the Committee was re-established by Council on 26 August 2020 as a Community Asset Committee under S65 of the Act, with powers delegated by the Chief Executive Officer and with no formal appointment of a Councillor.

Over the last four financial years, the Yea Saleyards received an average annual income of \$501k and has consistently generated an average annual operating surplus in the range of \$138k to \$170k which is held in Reserve to fund improvements and capital works. The income derived from saleyard operations covers all operating costs, including the cost of employment of a Council appointed Operations Coordinator, who supports the Committee and facilitates the management of day-to-day operations and financial reporting.

The Yea Saleyards Committee's primary source of income is from agents' booking fees and sales fees based on cattle throughput. Two local agents, Elders and Nutrien, have for many years jointly conducted the main monthly store cattle sale at the Saleyards, and they either jointly or individually conduct additional sales at different times during the year. Representatives of the two agents have historically been appointed as voting members on the Committee.

This model of operation has been working well over the years, with the Committee being successful in attracting significant external grant funds to contribute to the upgrade and expansion of the facilities at the Saleyards and benefitting from the input and expertise of the local agents in operating the yards and growing the local market for high quality store cattle.

Following the announcement of the closure of the Pakenham Saleyards at the end of June, a major saleyard facility south-east of Melbourne, there has been a substantial increase in the number of cattle sold through the yards and Council has been approached by a new livestock agent wishing to establish operations in Yea and enter the local market to participate in the current sale days.

A report commissioned by Council in 2020 into possible future operating models for the Yea Saleyards noted the need for Council to ensure the governance arrangements for the saleyards enabled input from, but not control by, interested parties with commercial interests (producers, selling agents, buyers).

In recognising the changing livestock market conditions, with the potential introduction of new agents and extra cattle volumes through the remaining saleyards in the State, including Yea, it is timely to review the governance arrangements of the Yea Saleyards Committee, as suggested in the 2020 report, to ensure it continues to provide appropriate management oversight of the saleyards and good governance into the future.

Discussion

The Yea Saleyards instrument of delegation outlines the Committee's composition, role, powers and governance arrangements. In addition to decisions about the day-to-day operations of the saleyards, the Committee's formal decisions consist of recommendations to Council on matters outside of its delegation, such as the setting of annual fees and charges for the yards, and recommendations concerning the renewal, upgrade and expansion of the yard's facilities.



The composition of the Committee has largely remained unchanged since its inception and currently includes the following positions with voting rights:

- Two Community Representatives
- One Livestock Transport Representative
- Three District Farming Representatives
- Two Yea Livestock Agent Representatives

In addition, Council's Saleyards Operations Coordinator attends meetings of the Committee in a non-voting capacity and, whilst not formally appointed as part of the Committee's membership, Cr Walsh has been attending most meetings, as an observer in a non-voting capacity.

Whilst community asset committees are not required to operate with the same formality as for Council meetings, several aspects of Council's Governance Rules do apply; these are provisions relating to Meeting Quorum, Conflicts of Interest, Conduct and Voting.

With the prospect of the local cattle market changing and new agents entering the market to sell from the Yea Saleyards, the role of livestock agents on the Committee needs to be considered. To date the governance model has worked well, with both local agents conducting sales at the Saleyards (Elders and Nutrien) participating in the operational management decisions pertaining to the running of the Saleyards. The knowledge and expertise provided by the agents have been invaluable to the Committee in ensuring the safe and efficient running of the saleyards.

However, with increasing sale volumes and the potential for additional selling agents entering the market, the current composition of the Committee ought to be revised to ensure it continues to meet the thresholds for good governance under the Local Government Act 2020. With the Committee responsible for managing the saleyards and the bookings by agents, and the agents responsible for running commercial cattle sales, it is prudent that these roles be separated in the Committee's decision-making processes.

The report commissioned by Council in 2020 into possible future governance models for the Saleyards, noted that any future structure should recognise and balance the interests of producers, selling agents and the wider community and that these interested parties should have a 'say' in the management and operation of the saleyards, without being in a position of control.

Agents can continue to contribute valuable advice, knowledge and expertise to the Saleyards Committee without necessarily being members of the Committee. This could include an Open Forum section prior to every Committee meeting, similar to the public participation section of Council Meetings, where members of the public, including livestock agents, are welcome to make submissions, ask questions and provide advice to the Committee in relation to the running of the saleyards. This contribution sits outside of the decision-making process. Alternatively, the Committee could hold regular agents' advisory forums to achieve the same ends.

To ensure good governance principles are met, in recognition of the changing local market conditions, it is therefore recommended that Council amend the composition of the Yea Saleyards Committee to replace representation by the two local sales agents from the Committee, with two Murrindindi Shire Councillor representatives with voting rights.

It is also proposed to support the Committee in introducing an appropriate consultative and advisory structure to enable the ongoing engagement with, and input from, local agents that use the Yea Saleyards, recognising the value of their expertise and contribution to the safe and efficient running of the Yea Saleyards. To allow sufficient time to transition to this new



arrangement, it is proposed that the change take effect at the time of the Committee's Annual General Meeting expected to be held in August 2024.

The Committee has from time to time, reported difficulty in filling all existing positions on the Committee, particularly two community representatives in addition to three farming representatives. There have also been instances where quorum has not been achieved for Committee meetings to proceed (needing 5 members attending), and this has impacted on the efficiency of Committee decision making. It is therefore recommended to reduce the number of Committee members to seven (reducing quorum to 4 members) by combining the current two community and three farming positions into four community or farming members. It is noted that these changes will not enable a livestock agent representative to fill a community or farming member position.

It is also recommended that a term of three years be set for positions on the Committee, and that the term of positions be staggered so as to avoid the spilling of all positions at any one time.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategic objective "to ensure our services, people and systems deliver the best possible outcomes for our communities now and into the future".

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

This matter relates to Sec 65 of the Local Government Act 2020, concerning Community Asset Committees.

Financial and Risk Implications

There are no financial considerations in relation to a potential decision to change the composition of the Yea Saleyards Committee.

Conflict of Interest

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

Community and Stakeholder Consultation

Council Officers have consulted with the Chair of the Yea Saleyards Committee, and advised the current Agents representatives of this proposed amendment to the composition of the Committee.



5.3 Motions to MAV State Council

Department People & Corporate Performance

Presenter M Chesworth, Director People and Corporate Performance
Approved by M Chesworth, Director People and Corporate Performance

Purpose For decision

Attachment(s) 1. Attachment 1 - Motons to MAV State Council August 2024 [5.3.1 -

4 pages]

Executive Summary

This report seeks Council's endorsement of three motions to be put to the 24 August 2024 meeting of the MAV State Council. A motion is proposed to be submitted from Council concerning the need for a review of the methodology used by the Victorian Grants Commission to allocate Commonwealth Financial Assistance Grants to Victorian Councils.

In addition, Council is proposing to submit two motions on behalf of the Hume Region Local Government Network (HRLGN), for which Council is auspice. The motions relate to the need to create appropriate planning controls to recognise and retain the character of rural townships and a motion to enhance road safety, renewal and disaster recovery for Victoria's regional and rural roads.

RECOMMENDATION

That Council

1. endorse the following motion for submission to the MAV State Council Meeting to be held on 24 August 2024:

That the methodology used by the Victorian Grants Commission in determining the allocation of Commonwealth Financial Assistance Grants be reviewed to place greater emphasis on the impacts of natural disasters and climate change, the limited alternate revenue options for rural Councils, and the increased demands of heavy transport and tourism impacting local roads'

2. endorse the following motions for submission to the MAV State Council Meeting to be held on 24 August 2024, on behalf of the Hume Region Local Government Network:

Motion 1

That the MAV seek a commitment from the Minister for Planning to recognise and retain the character of rural townships through the creation of appropriate Planning Scheme controls, with these controls set to keep the country character of our small towns and localities.

That this commitment provide for planning controls that recognise local constraints and fit the size, character, and location of our rural townships, avoiding local policy being over-ridden by policy and regulations more appropriate to Metropolitan Melbourne.



Motion 2

- 1. That the MAV advocate for better road funding at both State and Federal level, with particular focus on the following:
 - a. An immediate 10% increase in Federal Assistance Grants S roads funding by the Federal Government and maintained in real terms thereafter:
 - b. State Government funding for Regional Roads Victoria must be increased to keep all Victorian regional roads at acceptable service levels;
 - c. The process for accessing disaster recovery funding must be simplified and streamlined;
 - d. Disaster recovery funding to incorporate provisions for betterment to enable enhancements to road infrastructure alongside repair efforts thus ensuring that funding not only restores infrastructure but also enhances its resilience to withstand future events;
 - e. Road maintenance standards across the State are improved;
 - f. Increased funding dedicated to road safety initiatives; and
 - g. Increased accountability for Regional Roads Victoria for renewal of the regional road network through performance indicator reporting similar to the Local Government Performance Reporting Framework.
- 2. That the MAV acknowledges and welcomes the increase in Roads to Recovery funding for the next 5 years from the Federal Government.

Background

The next State Council Meeting of the Municipal Association of Victoria (MAV) is scheduled for 24 August 2024. Under the MAV Rules 2022, all motions to the meeting from member councils must be submitted not later than 60 days before the meeting. In addition, motions are required to be of strategic relevance to the MAV or of such significance to local government that they ought to be considered at the State Council meeting.

Motions of strategic relevance should relate to the The MAV Strategic Plan 2024-2027 'Shaping our Future', which identifies the following enabling priorities:

- 1. Active local democracy
- 2. Connected places
- 3. Health & wellbeing
- 4. Sustainable economy
- 5. FutureGen
- 6. First Peoples local government relations
- 7. Climate & regenerative design
- 8. Diversity, equity & inclusion
- 9. Resilience & recovery
- 10. Intergenerational infrastructure



The MAV Board will determine whether a motion is submitted for State Council consideration.

This report concerns the proposed submission of motions by Council for consideration at the State Council Meeting.

Discussion

Motion from Council

In September 2023 a motion was put to the MAV State Council from Murrindindi Shire Council seeking a review of the methodology (formulae and weightings) used to calculate the allocation of Commonwealth Financial Assistance Grants to Victorian councils by the Victorian Grants Commission. This is based on Council's view that they do not adequately reflect the impacts of natural disasters and climate change, the limited capacity of rural councils to raise own sourced revenue and the increasing demands of heavy transport and tourism impacting local roads.

The motion only just failed to receive majority support at the 2023 MAV State Council and subsequently Council has been encouraged by the support from other Councils to re-submit a similar motion to the August 2024 State Council.

Motions from HRLGN

At its meeting of 20 June 2024, the Hume Regional Local Government Network (HRLGN) resolved to support the submission of two motions to the August 2024 MAV State Council. As Murrindindi Shire Council is the current auspice for HRLGN, it was agreed that these motions be endorsed and submitted by Council on behalf of the Network.

The first motion seeks a commitment from the Minister for Planning to recognise and retain the character of rural townships through the creation of appropriate Planning Scheme controls, with these controls set to keep the country character of our small towns and localities.

Further, that this commitment provide for planning controls that recognise local constraints and fit the size, character, and location of our rural townships, avoiding local policy being over-ridden by policy and regulations more appropriate to Metropolitan Melbourne.

The second motion concerns the need for interventions to support community safety on regional and rural roads in Victoria via increased funding from Financial Assistance Grants and Roads to Recovery, simplifying access to disaster recover funds, providing adequate betterment funding and increasing funding for road safety improvements.

The three proposed motions, along with their rationale, are contained in full in Attachment 5.3.1 and all are consistent with the MAV's Strategic Outcomes.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Townships and Rural Settings* strategy "to create a better place for our community and visitors to live in harmony with our rural character, natural beauty and heritage".

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to "deliver efficient, sustainable land use planning outcomes to enhance liveability, protect our unique rural character and natural beauty, and to enable growth".

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategic objective "to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community".

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to "ensure Council remains financially-sustainable through sound management, forward planning, innovative service delivery and asset consolidation as appropriate".



Relevant Legislation

There are no legislative obligations in relation to this report.

Financial and Risk Implications

There are no immediate financial or risk implications with respect to Council's endorsement of these motions for the MAV State Council.

Council is very much dependent on the revenue it receives from the Financial Assistance Grants, and has been advocating directly to other levels of Government to seek a fairer share of the grants pool. If Council's motion is supported at State Council, the result of advocacy by the MAV to press for a review of the Grants Commission's grant allocation methodology would lend weight to Council's advocacy and may lead to a more favourable distribution of these Grants to rural councils and Murrindindi Shire Council in particular, thus contributing to Council's longer term financial sustainability.

The motions from HRLGN do not create any financial risks for Council and are consistent with strategies in the Council Plan 2021-2025.

Conflict of Interest

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

Community and Stakeholder Consultation

No external community or stakeholder consultation was undertaken for this matter.

5.4 Adoption of Priority Action Plan 2024/25

Department People & Corporate Performance

Presenter A Vogt, Manager Governance & Risk

Approved by M Chesworth, Director People & Corporate Performance

Purpose For decision

Attachment(s) 1. Attachment 1 - Council Priority Action Plan 2024-25 - Final

[**5.4.1** - 7 pages]

Executive Summary

The purpose of this report is to present the Priority Action Plan 2024/25 for adoption.

The Plan has been developed to address the strategies in the Council Plan 2021-2025 and is aligned with Council's annual budget to ensure all proposed initiatives are developed in line with the Integrated Planning Principles in the *Local Government Act 2020*.

All initiatives in the plan are either funded in the 2024/25 Annual Budget.

RECOMMENDATION

That Council adopt the Priority Action Plan 2024/25 as contained in Attachment 5.4.1



Background

Section 90 of the *Local Government Act 2020* (Act) requires councils to prepare and adopt a Council Plan for a period of at least four financial years after each general election.

This Council adopted the Council Plan 2021-2025 and Priority Action Plan 2021/22 on 27 October 2021. Annual Priority Action Plans have been adopted by 30 June each subsequent year to guide implementation of the Council Plan and major initiatives.

The Priority Action Plan 2024/25 was presented to Council briefing on 7 February 2024. The Plan incorporates the major Initiatives included in the 2024/25 Annual Budget and Capital Works Program.

Discussion

The attached Priority Action Plan 2024/25 is presented to Council for endorsement following updates to ensure alignment with the Draft Annual budget which was on public exhibition for community feedback until 24 May.

The Action Plan projects and actions support delivery of the five Council Plan Strategic Directions being:

- Connected communities
- Beautiful townships and rural settings
- Growth and opportunity
- Our protected environment
- Transparency, inclusion, and accountability.

All proposed initiatives in the Priority Action Plan are either funded in the 2024/25 Annual Budget. Once the Priority Action Plan 2024/25 is endorsed by Council, it will be finalised in the same design theme as the Council Plan 2021-2025 for publication and distribution to the community.

Council Plan/Strategies/Policies

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

The Priority Action Plan is a key document that sets out how Council is allocating resources over the next financial year to achieve Council Plan strategic directions and performance measures.

Relevant Legislation

Section 90 of the *Local Government Act 2020 (Act)* requires councils to prepare and adopt a Council Plan for a period of at least 4 financial years after each general election.

The Priority Action plan sets out the key projects to be delivered each year for Council to achieve the goals and objectives of the Council Plan.

Financial and Risk Implications

All proposed initiatives in this Priority Action Plan 2024/25 are either funded in the 2024/25 Annual Budget.

Conflict of Interest

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

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.



5.5 Enterprise Risk Management Policy - Risk Appetite Review

Department People & Corporate Performance

Presenter A Vogt, Manager Governance & Risk

Approved by M Chesworth, Director People & Corporate Performance

Purpose For decision

Attachment(s) 1. Attachment 1 - Policy - Enterprise Risk Management - Risk

Tolerance Framework [5.5.1 - 4 pages]

Executive Summary

The Enterprise Risk Management Committee met in April 2024 and recommended that the Risk Tolerance for Legal Compliance – Cyber Security in Attachment 1 should be changed from Low to Medium. The revised risk appetite for this category will reflect more accurately the current landscape in the cyber-security space and how Council can respond to this threat. This report presents the proposed revision to the Enterprise Risk Management Policy Attachment 1 - Risk Tolerance Framework.

RECOMMENDATION

That Council adopt the revised Enterprise Risk Management Policy Attachment 1 - Risk Tolerance Framework as contained in attachment 5.5.1

Background

Council adopted the Risk Management Policy and Framework on 25 May 2022. The Enterprise Risk Tolerance Framework is designed to be updated on a regular basis, following changes in environmental scans and threat assessments, to ensure Council manages its risks effectively.

Discussion

The Enterprise Risk Management Committee (ERMC) met in April 2024 and discussed the Cyber-attack tolerance and risk assessment in detail.

The ERMC agreed to recommend that the Enterprise Risk Tolerance Framework be amended to change the risk appetite for Legal Compliance – Cyber Security from *Low* to *Medium*. The change was deemed appropriate given the number of cyber-security events that have recently impacted small and large organisations.

The ERMC also discussed the associated Strategic Risk-14 Cyber-attack (system down, data loss, financial loss) and agreed to adjust the Residual and Target risk levels to reflect the fact that cyber-attacks now occur regularly and best practice is to prepare for when an attack occurs, shifting the focus to consequence management.

As a result, Strategic Risk-14 target was increased from Unlikely/Minor to Possible/Moderate with a risk rating of Medium for both Target and Residual, as described in the table below. With this likelihood/consequence mix, Council accepts the event might occur while maintaining the consequence target at minor.



	Previous	Updated	Description
Likelihood	Unlikely	Possible	The event might occur at some point; once every 3 years or 30% to 70% probability
Consequence	Minor	Minor	Breach of regulations; minor fine or legal costs; minor litigation

Council will continue to invest in mitigating the threat of cyber-security through both preventative and consequence mitigation strategies.

The Audit and Risk Committee noted the proposed changes to the Risk Enterprise Tolerance Framework and the revised risk assessment at the 9 May 2024 meeting.

Council Plan/Strategies/Policies

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

The *Local Government Act 2020* has a general requirement that the Audit and Risk Committee will provide advice on financial management and broader aspects of a council's operations, particularly where compliance issues and risks are involved.

Financial and Risk Implications

This report directly relates to the management of risk by Council. There are no budgetary impacts associated with the Policy or the proposed changes to Attachment 1 – The Enterprise Risk Tolerance Framework.

Conflict of Interest

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

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

5.6 Adoption of Generative Artificial Intelligence (AI) Policy

Department People & Corporate Performance

Presenter A Vogt, Manager Governance & Risk

Approved by M Chesworth, Director People & Corporate Performance

Purpose For decision

Attachment(s) 1. Attachment 1 - Draft Generative Al Policy [5.6.1 - 4 pages]

Executive Summary

The Generative Artificial Intelligence (AI) Policy has been developed to provide the community with a clear statement on Council's position on AI and to give staff clear guidance on when AI may be used and the principles that must be followed. The policy has been informed by best practice guidance including the Australian Government's, *Interim guidance on government use of*



public generative AI tools (November 2023) and Office of Victorian Information Commissioner's (OVIC's) Artificial Intelligence – Understanding Privacy Obligations, which is currently under public consultation. This report seeks Council's adoption of the Artificial Intelligence Policy.

RECOMMENDATION

That Council adopt the Generative Artificial Intelligence Policy as contained in Attachment 5.6.1

Background

Generative AI tools present new and innovative opportunities for individuals, businesses and government. However, due to its rapid evolution and uptake, the risks involved are still being understood and assessed; particularly those relating to privacy, security and bias. The Australian Government's, *Interim guidance on government use of public generative AI tools* (November 2023) is a valuable government guidance and is being regularly updated as learning and best practice emerge. The Office of Victorian Information Commissioner (OVIC) is currently seeking feedback on its Artificial Intelligence – Understanding Privacy Obligations guidance.

Discussion

The Artificial Intelligence Policy has been developed to provide guidance on the use of Al by Council given its rapid evolution and increasing popularity while government specific frameworks are still being developed.

The policy has been informed by the Australian Government's *Interim guidance on government use of public generative AI tools* (November 2023) and the Office of Victorian Information Commissioner's (OVIC's) Artificial Intelligence – Understanding Privacy Obligations, which is currently under public consultation.

The policy provides clear guidance to staff and informs the public on when AI may be used and the principles that must be followed. For instance, the policy clearly states that Council is responsible for the decisions it makes and the information it produces, regardless of whether AI is used or not. It also restricts the upload of information into public AI Tools that:

- Is not already public.
- Would not be made public in line with the Public Transparency Policy.
- Has an Official Sensitive or Protected Sensitive label, in accordance with Council's Protective Data Security Plan.

Council Plan/Strategies/Policies

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

The policy has been developed in compliance with the *Privacy and Data Protection Act 2014 (VIC) and the Public Records Act 1973 (VIC).*

Financial and Risk Implications

The policy restricts the entering of confidential, private, or otherwise sensitive information into an open AI tool, in order to reduce privacy and security risks to an acceptable level. The policy does not have material financial implications.



Conflict of Interest

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

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

Community and Stakeholder Consultation

Council staff was consulted through the development of the Policy, including through a staff survey. No external community or stakeholder consultation was required for this matter.

5.7 Review of Privacy Policy

Department People & Corporate Performance

Presenter A Vogt, Manager Governance & Risk

Approved by M Chesworth, Director People & Corporate Performance

Purpose For decision

Attachment(s) 1. Privacy Policy - Final version [5.7.1 - 9 pages]

Executive Summary

The Privacy Policy is due for review by August 2024. Since the last review in 2020, there have been no changes in legislation or standards that require significant changes to the policy. As a result, an administrative review with minor changes was undertaken to update the policy and ensure its content remains current. The policy was reviewed by the Audit and Risk Committee in May and no changes were recommended.

RECOMMENDATION

That Council adopt the revised Privacy Policy as contained in Attachment 5.7.1

Background

Council adopted the current Privacy Policy in August 2020, in accordance with the *Privacy and Data Protection Act 2014* and *Health Records Act 2001*. This legislation requires Council to have policy statements and processes to ensure that the Information Privacy Principles are adhered to.

Discussion

Since the last review of this policy, in which the 10 Information Privacy Principles were included, there have been no further changes in legislation. As a result, a desktop review was undertaken to ensure the policy remains current and aligned with the current organisation structure.

Key administrative changes include:

- Addition of acknowledgement of Country
- References to the Local Government Act 2020
- Gender Impact Assessment
- Reference to the Council Plan 2021-2025.

The Audit and Risk Committee noted the review of the Policy on 9 May 2024 with no further changes were recommended to Council.



Council Plan/Strategies/Policies

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

The *Privacy and Data Protection Act 2014*, the *Health Records Act 2001* and the Information Privacy Principles (IPPs)

Financial and Risk Implications

There are no major financial implications or risks associated with the review of this policy.

Conflict of Interest

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

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

5.8 Review of Councillor Expenses and Support Policy

Department People & Corporate Performance

Presenter A Vogt, Manager Governance & Risk

Approved by M Chesworth, Director People & Corporate Performance

Purpose For decision

Attachment(s) 1. 24 35685 Policy Councillor Expenses and Support DRAFT

2024 [**5.8.1** - 8 pages]

2. Policy Attachment 1 Councillor Expenses and Support

Procedures DR [5.8.2 - 6 pages]

Executive Summary

The Councillor Expenses and Support Policy was reviewed in 2020 in line with the requirements of the *Local Government Act 2020*, the 2019 VAGO Fraud and Corruption Control Audit and industry best practice. Since this major review, there have been no changes in legislation, standards or industry practices that require substantive policy changes. However, we have taken the opportunity to separate policy from procedure and incorporate procedure instructions in an Attachment. This provides the public with a clearer and shorter statement of what expenses and support are covered, to whom and where approval responsibilities lie.

RECOMMENDATION

That Council

- 1. adopt the revised Councillor Expenses and Support Policy as contained in Attachment 5.8.1
- 2. note the Council Expense and Support Procedures as contained in Attachment 5.8.2



Background

The Local Government Act 2020 requires councils to have an Expenses Policy that:

- 1. Applies to Councillors and Delegated Committee members
- 2. Includes reimbursement of child care and carer costs
- 3. Includes the process for the setting of Allowances via the Victorian Independent Remuneration Tribunal.

The Councillor Expenses and Support Policy was adopted by Council in July 2020 and meets these legislative requirements. It also incorporates the recommendations of the 2019 VAGO Fraud and Corruption Control – Local Government Audit and industry best practice.

The Policy provides clarity on allowances and legitimate expenses associated with the role of Councillors and Delegated Committee members and outlines the resources and support available for Councillors to enable them to undertake their role.

The report presents the outcomes of a scheduled review of the Policy.

Discussion

Since the Policy was adopted in 2020, there have been no changes in legislation, standards or audit recommendations that require any substantive changes to the Policy.

This review has focussed on maximising transparency, administrative changes to improve efficiency and readability improvements. The revised policy clearly states what expenses and support are provided, to whom and responsibilities for approval. The procedure details 'how' expense claims are processed.

Transparency

The current Policy combines policy statements with detailed information on the procedures for managing expense claims. This makes it harder for the public to quickly and clearly understand the policy position on what expenses are reimbursed, what other forms of support are provided and how these are approved.

Consequently, all procedural elements have been separated form the policy statements and incorporated into Attachment 1 – Councillor Expenses and Support Procedures. This will also make it easier for Councillors, Delegated Committee Members and officers to understand and follow the correct process. Procedures can also more easily be adapted as needed to respond to new corporate systems and more efficient ways of working.

Administrative changes

The current claim processing process involves assessment by the Executive Assistant, the Mayor, the CEO and, for the Mayor's claim forms, the Director People and Corporate Performance. This approval process is resource intensive, time consuming and inconsistent with best practice.

Local Government Victoria has identified expense policies from three councils as best practice. Whilst each of these councils have slightly different positions involved in the approval process, none involve more than two positions and none involve either the Mayor or a Councillor in the review.

Accordingly, the approval process has been amended to include the Executive Assistant, Manager Governance and Risk and the CEO only. The one process will apply to both Councillor and Mayoral claims.



Readability

The following key changes have been made to improve readability:

- The rationale has been updated to include references to the Act. This avoids repetition of the purpose and clearly links the policy to compliance with the Act.
- The Scope has been amended to clearly refer to Councillors and Delegated Committee Members in accordance with the Act.
- The Definition amended to include Delegated Committee Member
- Allowances have been linked to the decisions of the Victorian Independent Remuneration Tribunal.
- Some information in the policy has also been moved to improve logical flow.
- The language has been simplified and sentences shortened where possible.

Council Plan/Strategies/Policies

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

This report relates to the requirements of Section 57 of the Local Government Act 2020.

Financial and Risk Implications

There are no significant risk issues or financial implications associated with this policy review.

Conflict of Interest

There were no conflicts or interests declared by Council officers in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

5.9 Review of Portfolio Councillor Policy

Department People & Corporate Performance

Presenter A Vogt, Manager Governance & Risk

Approved by M Chesworth, Director People & Corporate Performance

Purpose For decision

Attachment(s) 1. Policy Portfolio Councillor DRAFT 2024 [5.9.1 - 4 pages]

Executive Summary

The Portfolio Councillor Policy was last reviewed in June 2021. Accordingly, the review recommends minor administrative changes to improve clarity, readability and ease of implementation. This report seeks Council's endorsement of the revised Portfolio Councillor Policy.

RECOMMENDATION

That Council adopt the revised Councillor Portfolio Policy and as contained in Attachment 5.9.1

Background



Council has historically had a portfolio system to enable Councillors to develop a greater understanding of, and ability to input into strategy and policy development across Council's functions and services. Good governance and appropriate operation of a portfolio councillor system requires a policy establishing the role of the Portfolio Councillor and the support that will be provided.

The Councillor Portfolio Policy provides the framework and guiding principles for how the portfolio structure operates, the duties of a portfolio Councillor and the support that will be provided.

Discussion

The Councillor Portfolio Policy was last reviewed in June 2021 and is now due for review. Minor changes are proposed aimed at improving clarity, readability and ease of implementation.

Key changes to the policy include:

- The Gender Impact Assessment section was added in accordance with current policy.
- Attachment 1 was added to provide greater clarity on the scope, role and responsibility of each Portfolio Councillor at the time of appointment.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategic objective "to ensure our services, people and systems deliver the best possible outcomes for our communities now and into the future".

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

The Local Government Act 2020 requires Council to best support Councillors in undertaking their role. Whilst Councillor Portfolios are not a requirement of the Act, they do enable Councillors to be better informed regarding Council's functions. services and key priorities.

Financial and Risk Implications

There are no financial or risk implications with respect to the operation of Councillor portfolios. Support to Portfolio Councillors is provided by Council officers as part of their normal duties.

Conflict of Interest

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

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.



5.10 Biannual Audit and Risk Committee Report

Department People & Corporate Performance

Presenter A Vogt, Manager Governance & Risk

Approved by M Chesworth, Director People & Corporate Performance

Purpose For noting

Attachment(s) 1. Biannual Audit and Risk Committee Report 1 [5.10.1 - 2 pages]

Executive Summary

Council is committed to providing good governance, public transparency and accountability. The Audit and Risk Committee (the Committee) is an independent advisory committee to Council, established under section 53 of the *Local Government Act 2020* (the Act) to provide oversight, guidance and assurance to assist Council and Council's Executive to meet this commitment. The Act requires the Committee to provide biannual reports to Council on its activities. The attached Audit and Risk Committee Biannual Report outlines the Committee's activities from July to December 2023

RECOMMENDATION

That Council note the Biannual Report from the Audit and Risk Committee for the period July to December 2023.

Background

The Local Government Act 2020 requires Audit and Risk Committee to provide biannual reports to Council detailing its activities for the previous 6 months. This Biannual Report was prepared by the Audit and Risk Committee Chair and covers the period from July to December 2023.

Discussion

The Audit and Risk Committee endorsed the attached biannual report to be presented to Council. The report highlights developments, achievements or risks of concern to the Audit and Risk Committee.

Council Plan/Strategies/Policies

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

This report relates to the requirements of Audit and Risk Committee's under Section 55 of the Local Government Act 2020.

Financial and Risk Implications

The Audit and Risk Committee is established to monitor Council's approach to mitigating and managing risk and financial performance. There are no financial implications in relation to this report.

Conflict of Interest

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

Community and Stakeholder Consultation

No external community or stakeholder consultation was necessary for this matter.



5.11 Review of Audit and Risk Charter

Department People & Corporate Performance

Presenter A Vogt, Manager Governance & Risk

Approved by M Chesworth, Director People & Corporate Performance

Purpose For decision

Attachment(s) 1. Murrindindi Shire Council Audit and Risk Committee Charter

2024 D [**5.11.1** - 12 pages]

Executive Summary

Section 54 of the *Local Government Act 2020* requires the Audit and Risk Committee to have a Charter that outlines the Committee's responsibilities and areas of oversight. The Charter was reviewed by the Audit and Risk Committee at its meeting on 9 May 2024 and was recommended for Council endorsement with minor amendments. This report seeks Council's endorsement of the revised Audit and Risk Charter.

RECOMMENDATION

That Council adopt the revised Audit and Risk Charter as contained in Attachment 5.11.1

Background

Section 54 of the *Local Government Act 2020* (the Act) requires the Audit and Risk Committee to have a Charter that specifies the functions and responsibilities of the Audit and Risk Committee. The Charter was first adopted by this Council in July 2020 and has been reviewed each year since, with the current version being adopted in June 2023.

Discussion

The Charter complies with the requirements of section 54 of the Act. There have been no changes in legislative requirements since the Charter was last adopted.

The only substantive proposed change to the Charter is the removal of a clause requiring a two year period between a Councillor's elected term ending and their appointment to the Committee as an independent member. This was considered an unnecessary requirement. There are no further changes required to the Charter, with only minor changes made to improve readability and clarity.

Council Plan/Strategies/Policies

This report supports the Council Plan 2021-2025 Transparency, Inclusion and Accountability strategy to "maintain transparent, inclusive and accountable governance practices".

Relevant Legislation

Section 54 of the *Local Government Act 2020* sets the Audit and Risk Committee Charter requirements.

Financial and Risk Implications

There are no significant risk issues or financial implications associated with this Charter review.



Conflict of Interest

There were no conflicts or interests declared by Council officers in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was necessary for this review.

6	REPORTS - ASSETS & ENVIRONMENT GROUP
Nil.	
7	COUNCILLOR AND CEO REPORTS
7.1	Notices of Motions
7.2	Cr Ilona Gerencser
7.3	Cr Eric Lording
7.4	Cr Sandice McAulay
7.5	Cr Karine Haslam
7.6	Cr John Walsh
7.7	Cr Sue Carpenter
7.8	Cr Damien Gallagher - Mayoral Report
7.9	Chief Executive Officer Report



8 RECORD OF COUNCIL BRIEFING SESSIONS

Purpose

For noting.

Executive Summary

This report presents the records of Council Briefing Sessions for 22 May 2024 to 19 June 2024, for Council to note.

RECOMMENDATION

That Council receive and note the records of Council Briefing Sessions for 22 May 2024 to 19 June 2024.

Background

The Governance Rules adopted by Council at its 24 August 2022 meeting sets the order of business for scheduled meetings. As part of section 7.2.1 "Record of Council Briefing Sessions" is listed as to be included in the order of business.

Discussion

The purpose of keeping a record of Council Briefing Sessions is so that the content of the Briefing Session, the attendance and any declared conflicts of interest are recorded in a formal document. Council is making every effort to ensure that it is transparent in the content of Briefing Sessions and any conflicts of interest, therefore the formal record is presented for noting as part of the Scheduled Meeting Agenda.

The following summary details are for 22 May 2024 to 19 June 2024:

Meeting Name/Type			Council Pre-Meet		
Meeting Date:			22 May 2	2024	
Matters Discussed:			2. 0 3. 4 8 4. M	 Grants and Sponsorships Alexandra Truck Ute and Rod Show Sponsorship Murrindindi Economic Development Strategy Adoption 	
Councillor Attendees:			Cr J Walsh, Cr S Carpenter, Cr D Gallagher, Cr S McAulay		
Council Officer Attendees:			L Bonazzi, M Chesworth, A Paxton, C Lintott, A Vogt		
Conflict of Interest Disclosures: Yes					
Matter No.	Councillor making disclosure	Was a vote taken?		Did the Councillor leave the room?	When? Before or after discussion
2 Part 2b	Cr D Gallagher	No		Yes	Before
3	Cr D Gallagher	No		Yes	Before



Meeting Name/Type	Briefing Session	
Meeting Date:	5 June 2024	
Matters Discussed:	 Ian Marshman - Opportunities for Collaboration (30 mins) Review Portfolio Councillor Policy Review Privacy Policy Flood Recovery Update Annual Budget Submissions Kindergarten and Childcare Strategy - current state and benchmarks Access and Inclusion funding update (FIO) 	
Councillor Attendees:	Cr J Walsh, Cr K Haslam, Cr D Gallagher, Cr E Lording, Cr S McAulay, S Carpenter	
Council Officer Attendees	M Chesworth, A Paxton, C Lintott, L Bonazzi, S Coller, A Vogt, K Chadband, D O'Keeffe, S Porter	
Conflict of Interest Disclosures: No		

Meeting Name/Type	Briefing Session		
Meeting Date:	12 June 2024		
Matters Discussed:	 Resilient Public Estate Project Presentation Enterprise Risk Policy - Risk Appetite review Capital Works Update Yea Saleyards Community Asset Committee membership Councillor Expenses & Support Policy Review Council Priority Action Plan 2024/25 - Final Draft 		
Councillor Attendees:	Cr J Walsh, Cr D Gallagher, Cr E Lording, Cr S McAulay, S Carpenter		
Council Officer Attendees	M Chesworth, A Paxton, C Lintott, L Bonazzi, B Chapman, D Echeverry (virtual), P Bain, A Vogt (virtual)		
Conflict of Interest Disclosures: No			

Meeting Name/Type	Briefing Session		
Meeting Date:	19 June 2024		
Matters Discussed:	Aquatics - Annual Update Audit and Risk Charter MAV September State Council - Motion Due 15-7-2024 Kindergarten and Childcare Strategy		
Councillor Attendees:	Cr J Walsh, Cr D Gallagher, Cr E Lording, Cr S McAulay, S Carpenter		
Council Officer Attendees	M Chesworth, A Paxton, C Lintott, L Bonazzi, A Campbell, B Gill, S Coller, S Porter		
Conflict of Interest Disclosures: No			

9 SEALING REGISTER

Nil.

10 CONFIDENTIAL ITEMS

Nil.