



**Murrindindi**  
Shire Council

MINUTES  
of the  
ORDINARY MEETING OF COUNCIL  
held on  
WEDNESDAY 28 JUNE 2017  
in the  
ALEXANDRA COUNCIL CHAMBER  
commencing at  
6.00 pm

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## **1. PLEDGE AND RECONCILIATION STATEMENT**

The meeting was opened with all Councillors declaring the following Pledge:

“We as 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, who conduct business here and those who visit.”

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

REF: SF/306

That Council accept the apologies of Cr J Ashe.

It was noted that the Chief Executive Officer was on annual leave and not present at the meeting.

### **RESOLUTION:**

**Cr M Rae / Cr S McAulay**

**That Council accept the apologies of Cr J Ashe.**

**CARRIED**

### **Present:**

Crs C Bisset (Chair), S McAulay, R Bowles, L Dunscombe, E Lording, M Rae

### **In attendance:**

Acting Chief Executive Officer: Michael Chesworth

General Manager Infrastructure and Development Services: Stuart McConnell

Manager Business Services: Andrew Bond

Manager Development Services: Shivaun Brown

Manager Infrastructure Assets: John Canny

Coordinator Communications, Media and Digital Services: Caroline Page

Senior Planning Officer: Melissa Crane

Governance Officer: Audrey Kyval

## **3. CONFIRMATION OF MINUTES**

3.1 Minutes of the Ordinary Meeting of Council held on 24 May 2017.

### ***Officer Recommendation:***

That the Minutes of the Ordinary Meeting of Council held on 24 May 2017 be confirmed.

### **RESOLUTION:**

**Cr M Rae / Cr R Bowles**

**That the Minutes of the Ordinary Meeting of Council held on 24 May 2017 be confirmed.**

**CARRIED**

3.2 Minutes of the Special Meeting of Council held on 7 June 2017.

### ***Officer Recommendation:***

That the Minutes of the Special Meeting of Council held on 7 June 2017 be confirmed.

**RESOLUTION:****Cr L Dunscombe / Cr E Lording****That the Minutes of the Special Meeting of Council held on 7 June 2017 be confirmed.****CARRIED**

3.3 Minutes of the Special Meeting of Council held on 21 June 2017.

***Officer Recommendation:***

That the Minutes of the Special Meeting of Council held on 21 June 2017 be confirmed.

**RESOLUTION:****Cr M Rae / Cr S McAulay****That the Minutes of the Special Meeting of Council held on 21 June 2017 be confirmed.****CARRIED****4. DISCLOSURES OF INTEREST OR CONFLICT OF INTEREST**

REF: SF/783

Nil

**The Chairperson declared Public Participation Time and invited questions from the Gallery.****5. PUBLIC PARTICIPATION TIME****5.1 QUESTIONS OF COUNCIL**

Two questions were received from Jack Russell purporting to represent the "Yea and District Progress Association":

Question 1 Why would prospective Murrindindi residents/rate payers choose to build in the Shire whilst Council's recently proposed 'grab for cash' in the draft budget figures just released, are a total abuse - therefore justify the fee increases over 160% for planning application fees and over 400% for larger projects and of over 300% for two lot subdivision applications and including over a 1000% increase for an application to remove a tree on the property and at a cost to be set at \$1240 and over 300% increase for planning permit consent - and so it goes on!

The Acting Chief Executive Officer responded to Question 1:

The statement that Council was making a 'grab for cash' in introducing new planning and sub-division fee increases is not correct.

The fees that Council can charge for processing planning and sub-division applications are set by the Victorian Government. In October 2016 the Government increased these fees. The Victorian Government's intention was to ensure costs for planning and sub-division applications are paid by those individuals making the application, rather than being a cost to Council which is then passed on to all ratepayers through rate collection. The State Government's announcement in 2016 follows a review of the fees for the services provided under the *Planning and Environment Act 1987* and *Subdivision Act 1988*.

Before the review, planning fees had not been updated or indexed consistently since 2000. Planning fees only covered about 20-30% of the planning costs to councils. Under the new model, applicant fees cover an estimated 60-70% of planning costs.

Council has ensured that the 2017-18 budget now makes clear which fees and charges are statutory in nature (ie., set by the Victorian Government) and which are set by Council.

Question 2 What is the cost of proposed works to refurbish and to repair the tower at the facade at the Yea Shire Hall and the scope of all the works?

The Acting Chief Executive Officer responded to Question 2:

An allocation of \$120,000 has been made in the capital works budget for 2017-18 for the restoration of the Yea Shire Hall.

Two questions were received from Jack Russell:

Question 1 What is the current and future status of the CEO of Council, Ms M Abbey as stated to be as follows:

1. Who will be standing in as the Council CEO during such period?
2. What provisions are in place to avoid waste of monies?

The Acting Chief Executive Officer responded to Questions:

As detailed in recent local media reports and on Council's website, more news will be forthcoming about the process of recruiting a CEO soon which will cover the period that Ms Abbey is on leave and into the future. The process of appointing a CEO is governed by the *Local Government Act 1989* and is the responsibility of Council.

## **5.2 OPEN FORUM**

REF: SF/130

Graeme Hume spoke against the 2015/103 – Two Dwellings and Two Lot Subdivision, Marysville (item 6.1 on the Agenda).

Nicholas Jans spoke against the 2015/103 – Two Dwellings and Two Lot Subdivision, Marysville (item 6.1 on the Agenda).

Peter Johnson spoke in support of the 2015/103 – Two Dwellings and Two Lot Subdivision, Marysville (item 6.1 on the Agenda).

Richard Holland spoke against the 2015/103 – Two Dwellings and Two Lot Subdivision, Marysville (item 6.1 on the Agenda).

## **5.3 PETITIONERS SPEAKING TO PETITIONS**

REF: SF/132

Nil

**6. OFFICER REPORTS**

**6.1 2015/103 – TWO DWELLINGS AND TWO LOT SUBDIVISION, MARYSVILLE**

REF: 2015/103 (17/43623)  
 Land: 45 Sedgwick Street, Marysville  
 Proposal: Construction and use of a second dwelling; Two (2) lot subdivision and creation of carriageway easement.  
 Applicant: P Johnson  
 Zoning: General Residential  
 Overlays: Vegetation Protection  
 Attachments: Application details (refer *Attachment 6.1 – TRIM 17/43244*)  
 (aerial photograph and submissions distributed separately)

**Locality Plan:**



**Purpose:**

This report recommends that a notice of decision to grant a permit be issued for the construction and use of a second dwelling, a two (2) lot subdivision and the creation of a carriageway easement at 45 Sedgwick Street, Marysville.

**Officer Recommendation:**

That Council issue a notice of decision to grant a permit for the construction and use of a second dwelling, a two (2) lot subdivision and the creation of a carriageway easement at 45 Sedgwick Street, Marysville (LOT: 5 LP: 112191, Parish of Steavenson), subject to the following conditions:

1. The development, subdivision and creation of easement must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.

2. This permit shall expire if the plan of subdivision and creation of easement hereby permitted are not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within six months after such expiry.
3. This permit shall expire if the second dwelling hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
4. The layout of the site and the size and type of the second dwelling, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
7. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of *Subdivision Act 1988*.
8. The owner of the land must enter into an agreement with:
  - A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
9. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
  - A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
10. If the dwelling on proposed lot 1 has not been constructed and obtained a Certificate of Occupancy, prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:
  - Development of the dwelling on proposed Lot 1 must be in accordance with the plans endorsed under planning permit 2015/103

The Section 173 agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.

11. Before any works associated with the subdivision commence or construction of buildings, detailed construction plans must be prepared in accordance with Council's Infrastructure Design Manual Clause 6 – Documentation, and to the satisfaction of the Responsible Authority. Details to be shown on the plan/s include proposed earthworks, drainage, driveway crossing works and other service authority's details. All works constructed or carried out must be in accordance with those approved plans.
12. Prior to certification of the plan of subdivision or the approval of any building construction plans, a stormwater management plan must be forwarded to and approved by the Responsible Authority. The plan must be in accordance with Council's Infrastructure Design Manual Section 16 – Urban Drainage. All dwellings must be connected to the Council's underground drainage system.
13. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse affects within the site or to adjoining land or properties.
14. Prior to commencing any residential building works, any new or otherwise vehicular entrance to the subject land from the road must be constructed at the applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.1 - Urban Vehicle Crossings and standard drawing SD 245.
15. An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated regulations.

**NOTATIONS:**

1. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
2. A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application. This will need to be addressed as part the building permit process.

***Proposal:***

The existing allotment is 964 square metres in size, and contains three buildings, identified on the plans as a dwelling, bungalow and a games room. The proposal is to create two lots, one of 305 square metres and one of 659 square metres. The larger lot is proposed to contain the existing buildings, which have been described as one dwelling with associated outbuildings. The proposal includes a two bedroom dwelling on the small lot to the front of the allotment. The application proposes a shared access way from Sedgwick Street.

***The Land and Surroundings:***

The subject land is 964 square metres in size, bounded by Sedgwick Street to the north and private properties on all other sides.

***Referrals:***

The application was referred to Council's Development Engineer and Municipal Building Surveyor. No objections were received subject to a range of conditions.



**Consultation:**

Notification was undertaken by way of a letter to nearby and adjoining owners, a sign was placed on the site by the owner and a notice was placed in the Marysville Triangle. Seven submissions were received, raising a range of issues with the proposal, as follows:

- Bushfire risk not considered in proposal
- Does not achieve a high quality urban design
- The density is not in character with the area
- Both buildings on site currently are being used as separate dwellings
- There are actually three dwellings on the lot already
- Setback of front dwelling too close to the street
- Not enough parking for four buildings
- Buildings are too close to the boundaries
- No advertising sign placed on site

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

- Sign went on site after advertisement in paper, but this meant the exhibition period was extended
- Subdivision pattern on the same side of Sedgwick Street is large lots, but the other side has a range of lot sizes and shapes
- The proposal will add to the diversity of available lot sizes
- Front dwelling is proposed to be 7 metres from the front boundary and there is also a wide road reserve at this location
- The dwelling will need to be constructed to an appropriate BAL in accordance with the building regulations

Newspaper / Other	Publishing/Consultation Date(s)
<i>Newspaper: Marysville Triangle</i>	13 October 2016
<i>Consultation: Sign on site</i>	10 November 2016
<i>Mail out: Nearby and adjoining owners</i>	4 October 2016

**Planning Considerations:**

When considering an application for a second dwelling and for a two lot subdivision, the proposal must be assessed against both the subdivision and multiple dwelling provisions (Clause 55 and 56).

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

The proposal was assessed against these provisions, and it was found that it generally complies with both provisions, with the exception of Clause 55.03-1.

The desired outcome for Clause 55.03-1 *Street Setback objective* is to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site. In this case, the normal setback requirement would be 9 metres. The

decision guidelines for this provision allow consideration of a different setback, taking into account the visual impact when viewed from the street and from adjoining properties.

In this case, the road reserve is very wide and includes a 12 metre verge, with the topography of the allotment rising from Sedgwick Street to the rear of the allotment. The width of the road reserve makes it reasonable to allow the shortened setback from Sedgwick Street. When considering the location of the proposed dwelling in relation to the houses on the adjoining allotments, the property to the west has not yet had a dwelling reconstructed, nor have these owners objected to the application. The property to the east has had a dwelling reconstructed on it, and it is located higher on the hill than the proposed second dwelling. With the existing slope of the allotment, the existing dwelling on the adjoining property would look over the proposed second dwelling, and it is not anticipated that the new dwelling will impede views from this property.

In considering neighbourhood character, while the area generally is made up of larger residential allotments with single dwellings, the area does not have an identified character overlay. Therefore the assessment must be based on the provisions of Clause 55 and 56.

The State and Local Planning Policy Frameworks support the provision of diversity in both housing styles and lot sizes in serviced townships. As the site has access to reticulated water, sewer and power, the size of the allotment is not an issue. Further to this, the planning scheme supports the consolidation of development within township areas.

The issue of bushfire risk has been raised by the submitters. Bushfire considerations in the township of Marysville are valid concerns, considering the history of the area. However, the property is not currently in the Bushfire Management Overlay, and officers are unable to apply these provisions at this point. Should the provisions change before a planning permit is issued, the applicant would be required to address these provisions at that time. The second dwelling will still have to comply with the building regulations in terms of a bushfire attack level to determine construction standards as the property is in a bushfire prone area under those regulations.

In terms of the existing buildings on the allotment, the plans detail a dwelling, a bungalow and a games room. The building regulations allow one dwelling to contain a number of outbuildings, as long as together they are being used as one dwelling. Some of the objections demonstrate concern that there would be four dwellings on the allotment should the application be supported. This application is for a second dwelling only, and the other buildings are all considered to be part of one (existing) dwelling.

Should it be determined that this is not the case, that is, if the buildings are being used as separate dwellings, Council officers will investigate and apply the relevant building and planning considerations. If the owner of the property should wish to change the use of any of these buildings in a permanent way to allow for more dwellings on the site, a planning permit would be required, and this would be considered through the relevant provisions of the Murrindindi Planning Scheme. The matters associated with the use of the existing buildings are not relevant considerations in determining this application for subdivision and construction of a second dwelling.

**Conclusion:**

The proposed subdivision accords with the relevant planning provisions as it increases density in residential areas which is supported by the Murrindindi Planning Scheme.

**Legal/Policy Issues:**

State Planning Policy Framework

11.07 *Regional Victoria*

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

Strategies:

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

11.12-3 *Planning for Growth*

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

Strategies:

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

15.01-3 *Neighbourhood and Subdivision Design*

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

Strategies:

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

Local Planning Policy Framework

21.02-1 *Vision*

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

How will we achieve our vision:

- Growth in the rate base, population and economic activities to create long term economic sustainability for the municipality
- Facilitation of residential growth opportunities in established townships and settlements, particularly in locations with a full range of physical and community services

21.04-1 *General Housing in the Municipality*

Objective 1: Attract and promote an increase in population, housing, residential diversity and lifestyle options.

Strategies:

- Promote and facilitate further residential development and investment in the municipality
- Facilitate housing and population growth and development in a manner that balances and protects the natural environment

Objective 2: Facilitate further housing development in and around townships with established communities and services.

**Strategies:**

- Facilitate further residential development in established townships and settlements, maximising the sustainability and use of existing physical and community infrastructure and ensuring a high level of community safety
- Provide a range of residential development options in established townships and settlements, including opportunities for higher density development and retirement living
- Facilitate the rebuilding of housing and residential diversity in towns and communities affected by natural disasters, including the 2009 bushfires

**21.04-2 *Serviced Townships***

Objective 1: Facilitate residential growth and diversity in serviced townships with a range of community and physical services.

**Strategies:**

- Encourage diversity of housing in serviced townships, including options for higher density residential development and retirement/assisted accommodation

**Zoning****32.08 *General Residential Zone*****Purpose:**

- To encourage development that respects the neighbourhood character of the area
- To encourage diversity of housing types and housing growth particularly in locations offering good access to services and transport

**Decision Guidelines:**

- For subdivision of land for residential development, the objectives and standards of Clause 56
- For the construction of two or more dwellings on a lot, the objectives, standards and decision guidelines of Clause 55

A planning permit is required for two dwellings on one lot in the General Residential Zone.

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

**Overlays****42.02 *Vegetation Protection Overlay*****Purpose:**

- To ensure that development minimises loss of vegetation

**Decision Guidelines:**

- The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected

There are no permit triggers under this overlay.

**Particular Provisions****52.02 *Easements, Restrictions and Reserves*****Purpose:**

- To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people area considered

## Decision Guidelines:

- Must consider the interests of affected people

A planning permit is required to create an easement.

52.06 *Car Parking*

## Purpose:

- To ensure provision of an appropriate number of car parking spaces having regard to the demand likely to be generated

This provision applies to the second dwelling on the allotment.

One car space is required to be provided for a two bedroom dwelling.

55 *Two or More Dwellings on a Lot*

## Purpose:

- To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character
- To encourage residential development that provides reasonable standards of amenity for existing and new residents
- To encourage residential development that is responsive to the site and the neighbourhood

## Applicable Provisions:

- Must address clauses 55.01 to 55.06

## Operation:

- The provisions of this clause contain:
  - Objectives: An objective describes the desired outcome to be achieved in the completed development
  - Standards: A standard contains the requirements to meet the objective. A standard should normally be met, however an alternative design solution may be considered

56 *Residential Subdivision*

## Purpose:

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

## Applicable Provisions:

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

**RESOLUTION:**

**Cr R Bowles / Cr L Dunscombe**

**That Council issue a notice of decision to grant a permit for the construction and use of a second dwelling, a two (2) lot subdivision and the creation of a carriageway easement at 45 Sedgwick Street, Marysville (LOT: 5 LP: 112191, Parish of Steavenson), subject to the following conditions:**

1. **The development, subdivision and creation of easement must be in accordance with the endorsed plan. This endorsed plan can only be altered or modified with the prior**

- written approval of the Responsible Authority, or to comply with statutory requirements.
2. This permit shall expire if the plan of subdivision and creation of easement hereby permitted are not certified within two (2) years of the date hereof or any extension of such period, the Responsible Authority may allow in writing on an application made before or within six months after such expiry.
  3. This permit shall expire if the second dwelling hereby permitted is not completed and the use commenced within two (2) years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired.
  4. The layout of the site and the size and type of the second dwelling, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.
  5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
  6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
  7. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of *Subdivision Act 1988*.
  8. The owner of the land must enter into an agreement with:
    - A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
    - A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
  9. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
    - A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
    - A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

10. If the dwelling on proposed lot 1 has not been constructed and obtained a Certificate of Occupancy, prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:

- Development of the dwelling on proposed Lot 1 must be in accordance with the plans endorsed under planning permit 2015/103

The Section 173 agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be registered at the Office of Titles pursuant to Section 181 of the *Planning and Environment Act 1987*.

11. Before any works associated with the subdivision commence or construction of buildings, detailed construction plans must be prepared in accordance with Council's Infrastructure Design Manual Clause 6 – Documentation, and to the satisfaction of the Responsible Authority. Details to be shown on the plan/s include proposed earthworks, drainage, driveway crossing works and other service authority's details. All works constructed or carried out must be in accordance with those approved plans.
12. Prior to certification of the plan of subdivision or the approval of any building construction plans, a stormwater management plan must be forwarded to and approved by the Responsible Authority. The plan must be in accordance with Council's Infrastructure Design Manual Section 16 – Urban Drainage. All dwellings must be connected to the Councils underground drainage system.
13. All stormwater and surface water discharging from the building and works must be conveyed to a point of discharge, approved by the relevant authority. No stormwater discharge from downpipes or overflow from storage tank and surface water shall be directed or caused to be directed in a concentrated form that will cause erosion and or adverse affects within the site or to adjoining land or properties.
14. Prior to commencing any residential building works, any new or otherwise vehicular entrance to the subject land from the road must be constructed at the applicant's expense to provide ingress and egress to the site at a location and of a size and standard satisfactory to the Responsible Authority. Refer to Council's Infrastructure Design Manual Section 12.9.1 - Urban Vehicle Crossings and standard drawing SD 245.
15. An application for consent to work is required to be made prior to commencing any works on the road reserve and must comply with the requirements of the *Road Management Act 2004* and associated regulations.

#### NOTATIONS:

1. This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
2. A site assessment for determining the bushfire attack level (BAL) in relation to the construction of a building has not been considered as part of this planning permit application. This will need to be addressed as part the building permit process.

**CARRIED**

**6.2 MARYSVILLE TOURISM AND ARTS CENTRE**

REF: 17/44948

Attachments: Marysville Community Arts Centre - QS Report and Costing Ex Summary (refer *Attachment 6.2a* – TRIM 17/44633)  
Marysville Tourism Arts Centre Signed MOU – MTBT and Community Arts Groups 2017 (refer *Attachment 6.2b* – TRIM 17/39028)  
Marysville Tourism Arts Centre – MTBT recognition of Council conditions (refer *Attachment 6.2c* – TRIM 17/44110)  
Marysville Tourism and Arts Centre - Final Draft Plans (refer *Attachment 6.2d* – TRIM 17/44730)

***Purpose:***

The purpose of this report is to seek Council support for the plans and operational arrangements to redevelop the building formally known as the Marysville Rebuilding Advisory Centre (RAC) to create the Marysville Tourism and Arts Centre.

***Officer Recommendation:***

That Council approve the redevelopment of the building formally known as the Marysville Rebuilding Advisory Centre (RAC) to create the Marysville Tourism and Arts Centre.

***Background:***

The role of the arts in rebuilding communities, improving liveability and cohesion and contributing to the economic sustainability of townships has been well documented. While the rebuilding of Marysville has seen a lot of new public infrastructure, the Marysville and Triangle arts community is yet to benefit directly, with its needs being considered in several recovery and rebuilding projects that have not come to fruition.

Council provided in principle support for the proposal in January 2016, subject to approval of final plans and the development of clear governance, operational and financial planning that would support the long term sustainability of the centre with no additional financial support from Council.

The Marysville and Triangle Business and Traders Association (MTBT) and community arts groups have worked collaboratively with Council officers to progress the proposal to establish a Marysville Tourism and Arts Centre.

***Council Plan/Strategies:***

This item relates to the Council Plan 2017-2021 strategic objective of Our People to encourage activities and events that celebrate our vibrant, diverse and creative people and communities.

***Legal/Policy Issues:***

This item is related to the Murrindindi Shire Council Arts and Culture Policy which describes Council's role in supporting arts and cultural activities within the Shire.

***Financial/Resources/Risk:***

\$1.05 million of donated funds are available through the Victorian Bushfire Assistance Fund, Regional Development Victoria and the Bendigo Bank to support the establishment and the medium term operation of the proposed Marysville Tourism and Arts Centre. The funds are available to support the capital works required to redevelop the centre and to support operations for the first five years.

Significant work has been undertaken by MTBT, Marysville Cultural Community, Triangle Arts Group and Triangle Community Steel Bands to develop and agree on a memorandum of understanding and financial plan that will guide the operations of the centre and promote long term sustainability in both governance and operations.



The financial plan for the centre (capital and operations) has previously been circulated to Councillors. \$595,000 of the available funding has been set aside to support the design and construction costs to redevelop the centre. The remaining funds are available to support the operation of the centre during its first five years. The financial model developed separates the Visitor Information Centre (VIC) revenue and expenditure which shows a small annual operating surplus and the Arts Programs revenue and expenditure which show a small recurring deficit (decreasing over the five year period). The combined budget brings these two functions together and includes other costs of running the centre including building maintenance and operations (e.g. utilities) and staff costs to coordinate the centre.

It is noted that the total budget runs at a significant deficit in the first five years and is sustained by the operational funding available through Victorian Bushfire Appeal Fund.

It will therefore be necessary for MTBT and the Community Arts Groups to review their financial plan into the future to ensure ongoing financial viability once the additional operational support is no longer available. Whilst this represents a considerable risk to the sustainability of the project, there are opportunities to seek additional grant funding (not currently reflected in the budget) and to grow income received through functions, art exhibitions and sales and retail offerings. A key function of the VIC/Arts Centre Coordinator and the Arts Coordinator roles will be to explore and take advantage of these opportunities during the initial five years of operation.

***Discussion:***

The in principle support provided by Council in 2016 was subject to four conditions. The following outlines the conditions set in the Council decision and provides information on progress made in each area:

1. Council approval of the final design for the building reconfiguration works.

The design plans have been developed to maximise the capacity to utilise the centre for a number of functions and include provisions for office and meeting space, tourism information, public exhibition space, theatre and cinema and significant additional storage. The plans have been sensitive to the ongoing use of the space by UGFM. Council officers representing Infrastructure Assets have been involved in the design process and have approved the plans from a technical and asset management perspective. The design plans and Quantity Surveyor report is attached.

2. Council approval of an agreement between Marysville and Triangle Business and Tourism Association (MTBT) and community arts groups.

MTBT and community arts groups have undertaken a number of planning workshops to determine and agree on the governance arrangements and operating responsibilities that will support the establishment and ongoing sustainability of the centre. The signed Memorandum of Understanding detailing these arrangements is attached. Further work has been undertaken by MACH2 consulting to assist in the development of a detailed financial plan to support the long term sustainability of the centre. The financial plan combines MTBT and Community Arts centre finances and demonstrates a thorough approach to financial planning for the centre's future operations.

3. Formal recognition by MTBT and the arts groups that the Council does not intend to allocate additional funding, over and above the existing Visitor Information Centre subsidy, to support the establishment, operations and maintenance of the proposed new Centre, including covering any future operating shortfall.

MTBT and Community arts groups have a clear understanding of Council's position regarding no additional funding to support the proposed new centre, the attached letter from MTBT confirms their understanding of this condition.

4. A new lease is established with MTBT which provides for a review of the building rental after four years of operation with the prospect of introducing a rental to contribute towards building renewal costs for the additional area leased by MTBT beyond the current leased VIC area, commensurate with MTBT's capacity to pay.

MTBT and community arts groups have agreed that MTBT will become the lead tenant in the lease between MTBT and Council for the new Marysville Tourism and Arts Centre. The development of a new lease will be progressed subject to Council's final endorsement of the project.

**Consultation:**

Significant consultation with the community has taken place over the past seven years to determine how the available funding could be best utilised to meet the needs of the community. A Marysville Arts Reference Group was established in 2012 (facilitated by Regional Development Victoria) to further define opportunities, undertake a needs analysis and develop a functional brief to determine the parameters of the proposed project. Council established a Project Reference Group (PRG) in 2016 to assist in the development and management of this project. The PRG includes representatives from the Marysville and Triangle Business and Traders Association, Marysville Cultural Community, Triangle Arts Group and the Triangle Community Steel Bands. The PRG also includes representatives from Council's Infrastructure Assets and Community Services departments. PRG have worked collaboratively to develop the final design plans, governance and operating arrangements and financial plan. Representatives from UGFM have also been involved in the design process to ensure their ongoing needs are met.

**Conclusion:**

The proposal to develop a Marysville Tourism and Arts Centre offers the opportunity to meet the needs of the Marysville and Triangle communities by providing purpose built space for community to gather and promote the significant arts and cultural offerings of the area. Redeveloping existing infrastructure and supporting a collaborative governance model supports the ongoing sustainability of the Marysville and Triangle Business and Traders Association and Community Arts Groups.

**RESOLUTION:**

**Cr E Lording / Cr S McAulay**

**That Council approve the redevelopment of the building formally known as the Marysville Rebuilding Advisory Centre (RAC) to create the Marysville Tourism and Arts Centre.**

**CARRIED**

**6.3 COMMUNITY GRANTS ROUND - MARCH TO MAY 2017**

REF: 17/43250

Attachments: Community Grants Summary and Committee Recommendations – March 2017 to June 2017 (refer *Attachment 6.3* – TRIM 17/44108)

**Purpose:**

The purpose of this report is to inform Council of the recommendations made by the delegated Community Grants Assessment Panel (Panel) in regard to funds to be allocated from the Community Grants Program - Round 3 (Program)

**Officer Recommendation:**

That Council notes and supports the recommendations of the Community Grants Assessment Panel outlined in the following table:

Application	Funding Sought	Recommendation
Yea Racecourse and Recreation Reserve Inc ( <i>Public Night Safety Access - purchase and installation of sensor lights in the car park</i> )	\$737	Not supported. Deferred to future round to allow the applicant to investigate other funding sources which may contribute to these works.
Keep the Faith Ministry Inc ( <i>Food to Move – free Blenda Bike, cooking demonstrations, tastings and nutritional information sessions</i> )	\$2,500	Not supported. Insufficient grant funds.
Kinglake Ranges Boomerang Bags ( <i>Kinglake Ranges Boomerang Bags - equipment for volunteers to make Boomerang Bags</i> )	\$3,776	Partially supported. Grant of \$2,500 to be provided.
Yea Agricultural, Pastoral and Horticultural Society Inc ( <i>Friday Night Fun for Everyone – community entertainment and activities at the Yea Show Friday Night Carnival</i> )	\$1,460	Partially supported. Grant of \$660 to be provided to fund children's activities.

**Background:**

The Community Grants Program provides the opportunity for community groups and organisations to seek funding to support a range of activities and initiatives. The Program is open to community groups, organisations and service clubs undertaking initiatives based in the Murrindindi Shire. Grant applicants can seek a maximum of \$5,000 funding for projects that meet Council's aims, as outlined in the Council Plan and Health and Wellbeing Plan. Applicants are required to make a cash and/or in kind contribution to their project.

There are three grant rounds each financial year. Round 1 was open from June to October 2016, Round 2 was open from November 2016 to February 2017. The current round, Round 3 was open from March 2017 to May 2017.

Applications for the current funding round were assessed by the Community Grants Assessment Panel comprising of the Mayor, Deputy Mayor and the Chief Executive Officer. Applications for \$1,000 or less are assessed and approved by the Panel with a report to Council on their decision. Applications for \$1,001 or more are assessed by the Panel who make a recommendation to Council.

Four applications for grant funding were received in this round. All applications and the Panel's recommendations are summarised in *Attachment 6.3*.

**Council Plan/Strategies:**

The community grants processes are an operational outcome of the 2017-2021 Council Plan, Our People strategic objective, to provide a seed funding pool to support community initiated projects.

**Legal/Policy Issues:**

Implementation of the program is in accordance with Council's policy for the Community Grants Program.

**Financial/Resources/Risk:**

The Community Grants budget for the 2016-17 financial year was \$30,000 and a total of \$27,099 in grants has been approved in Rounds 1 and 2. The remaining budget allocated to Community Grants for the final round in the 2016-17 financial year is \$2,901.

The Panel is recommending further expenditure of \$3,160. This is \$259 more than the available grants budget of \$2,901. The additional expenditure has been identified in budget savings.

**Discussion:**

In total, four applications were received from community organisations for the March to May 2017 round. These applications are listed in the attached Community Grants Summary.

The Panel supported one application in part, bringing the grant within the Panel's \$1,000 delegation. A grant of \$660 has been provided to the Yea Agricultural, Pastoral and Horticultural Society Inc. to fund the children's activities at the Yea Show Friday Night Carnival.

The Panel recommended one application be supported in part. The Kinglake Ranges Boomerang Bags sought funding of \$3,776 to purchase supplies and equipment for use by volunteers to make handmade, reusable, cloth shopping totes. The Panel recommended a grant of \$2,500 be provided.

The Panel recommended that one application should be deferred to a future round. The Yea Racecourse and Recreation Reserve sought funds of \$737 to install lights and a sensor in the car park so people will be able to access the buildings safely for evening activities and events. The Panel recommended that the applicant investigate other funding sources that may be able to contribute to this work.

The Panel recommended that one application not be supported due to insufficient grant funds. The Keep the Faith Ministry Inc. sought funding of \$2,500 to purchase materials and deliver cooking demonstrations, tastings and provide nutritional information.

Council officers will provide feedback to applicants in writing and where necessary will contact them directly to discuss their proposals.

**Consultation:**

The Community Grant applications are assessed by the Community Grants Assessment Panel.

**Conclusion:**

Council, on the recommendations of the Community Grants Assessment Panel has successfully provided funding to a range of community groups across the Shire. Council officers will continue to assist and support the community to identify potential projects for funding.

**RESOLUTION:**

**Cr E Lording / Cr L Dunscombe**

**That Council notes and supports the recommendations of the Community Grants Assessment Panel outlined in the following table:**

<b>Application</b>	<b>Funding Sought</b>	<b>Recommendation</b>
<b>Yea Racecourse and Recreation Reserve Inc (Public Night Safety Access - purchase and installation of sensor lights in the car park)</b>	<b>\$737</b>	<b>Not supported. Referred to Council officers to support the applicant to investigate other funding sources which may contribute to these works.</b>

Application	Funding Sought	Recommendation
<b>Keep the Faith Ministry Inc (Food to Move – free Blenda Bike, cooking demonstrations, tastings and nutritional information sessions)</b>	\$2,500	<b>Not supported. Insufficient grant funds.</b>
<b>Kinglake Ranges Boomerang Bags (Kinglake Ranges Boomerang Bags - equipment for volunteers to make Boomerang Bags)</b>	\$3,776	<b>Partially supported. Grant of \$2,500 to be provided.</b>
<b>Yea Agricultural, Pastoral and Horticultural Society Inc (Friday Night Fun for Everyone – community entertainment and activities at the Yea Show Friday Night Carnival)</b>	\$1,460	<b>Partially supported. Grant of \$660 to be provided to fund children’s activities.</b>

**CARRIED****6.4 RATES AND CHARGES ABANDONED 2016-2017**

REF: FY53-03 (17/44111)

***Purpose:***

This report seeks approval of General Rates and Municipal Charges to be abandoned for the 2016-2017 financial year.

***Officer Recommendation:***

That the rates and charges for the properties as listed in this report be abandoned for the financial year 2016-2017.

***Background:***

This report provides a summary of rateable properties for which it is proposed Council grants abandon the rates levied. The abandonment recognises the charitable and community nature of the organisations operating from these rateable properties.

***Council Plan/Strategies:***

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

***Legal/Policy Issues:***

Exemptions for General Rates and Municipal Charges are granted under Section 154(2) C of the *Local Government Act 1989* – where it can be shown that the properties are used exclusively for charitable purposes. In the cases below, whilst the properties are rateable, that is they are all rental properties, their current use is for charitable purposes.

***Financial/Resources/Risk:***

The financial implications flowing from this review are included within the report.

***Discussion:***

The following listing represents properties for which General Rates and Municipal Charges totalling \$8,983.04 are proposed to be abandoned for the financial year 2016-17 and they are listed for approval (\$9,969.08 of General Rates and Municipal Charges were resolved to be abandoned in 2015-16). It should be noted that these values do not include the Fire Services

Property Levy, which Council collects on behalf of the State Revenue Office, nor the waste collection charges for those properties that are in the compulsory waste collection zone.

All properties that have received a rate abandonment in recent years were contacted to ensure that the property was still used exclusively for charitable purposes. No applications were received from properties wishing to seek the charitable purposes exemption for the first time in 2016-17.

The following properties are those that met the statutory conditions required to be considered for abandonment of rates for 2016-17:

Assess	Name
23	Alexandra Opportunity Shop (48 Grant Street, Alexandra)
1518	Eildon Opportunity Shop (12A Main Street, Eildon)
91	Apostolic Church Australia (118 Grant Street, Alexandra)
70	Friends of the Library (1/99 Grant Street, Alexandra)
5776	St Luke's Opportunity Shop (78 High Street, Yea)
9178	Marysville Opportunity Shop (4/19 Murchison St, Marysville)

**Conclusion:**

The above listing represents properties for which General Rates and Municipal Charges totalling \$8,983.04 will be abandoned for the financial year 2016-2017 due to the community and charitable nature of the organisations concerned.

**RESOLUTION:**

**Cr M Rae / Cr R Bowles**

**That the rates and charges for the properties as listed in this report be abandoned for the financial year 2016-2017.**

**CARRIED**

**6.5 COUNCILLOR REPRESENTATIVE APPOINTMENTS**

REF: 17/44600

Attachments: Councillor Committee Representative List (refer *Attachment 6.5* – TRIM 17/44554)

***Purpose:***

This report has been prepared to enable Council to review the appointment of Councillors as delegates to various Council Committees and external bodies in compliance with *the Local Government Act 1989*.

***Officer Recommendation:***

That Council resolve to appoint Councillors as Council's representatives to the listed Council and External Committees and Bodies for 2017 as contained within *Attachment 6.5* to this report

***Background:***

Council each year appoints Councillors as its formal representative to a range of Council Committees and external bodies. This last happened as part of the 23 November 2016 Ordinary Meeting. There have been some changes with Committees that have a Council delegate and therefore Council is now reviewing its representation.

***Council Plan/Strategies:***

This report is consistent with the Council Plan 2017-2021 Our Promise to ensure that Council represent and advocate for our community in a transparent and equitable way.

**Legal/Policy Issues:**

Councillor appointments to external associations, bodies and committees are to be made through Council resolution at an Ordinary meeting. Participation in some organisations means that Council fulfils its obligations under various agreements with these bodies.

**Financial/Resources/Risk:**

There are no financial or budget implications associated with this report. However, Council does pay a membership fee to local government peak bodies such as the Municipal Association of Victoria and the Victorian Local Governance Association.

**Discussion:**

Council determines each year which Councillor(s) it wishes to appoint to each committee in order to progress its objectives of both community engagement and good governance. In order for this representative list to remain relevant it sometimes requires review.

It is standard practice for local government to have representation on a diverse range of committees which reflects the diversity of the roles and responsibilities of local government. As such, some external bodies have already sought advice regarding Councillor participation on their committees.

Attached to this report is the list of committees and organisations along with suggested appointments for Council's consideration and adoption (refer *Attachment 6.5*). The list has been divided into those which are Council Committees and those external bodies with which Council has a relationship. Appointments have been suggested based on prior discussions with Council.

The review that has been conducted has seen the removal of any inactive committees or any external bodies in which Council no longer requires a representative.

**Consultation:**

The appointment of Councillors to various committees facilitates Council's engagement both across the local government sector and with local community organisations.

**Conclusion:**

Appointment of Councillors to committees provides an opportunity for open and responsive communication between Councillors and local community groups and local government organisations.

**RESOLUTION:**

**Cr L Dunscombe / Cr M Rae**

**That Council resolve to appoint Councillors as Council's representatives to the listed Council and External Committees and Bodies for 2017 as contained within *Attachment 6.5* to this report**

**CARRIED**

**6.6 INSTRUMENTS OF DELEGATION, APPOINTMENTS AND AUTHORISATIONS**

REF: 17/44523

Attachments: S5. Delegation from Council to the Chief Executive Officer (refer *Attachment 6.6a - TRIM 17/24813*)  
S6. Delegation from Council to members of Council staff (refer *Attachment 6.6b - TRIM 17/5616*)  
S11. Instrument of Appointment & Authorisation (refer *Attachment 6.6c - TRIM 17/24810*)

S11A. Instrument of Appointment & Authorisation - Planning and Environment Act 1987 (refer *Attachment 6.6d* - TRIM 17/24808)

**Purpose:**

The purpose of this report is to seek Council's adoption of the Delegations to the Chief Executive Officer and staff, and Appointment and Authorisations of staff and others under the prescribed legislation.

**Officer Recommendation:**

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989 (Act)* and the other legislation referred to in the attached instrument of delegation *Attachment 6.6a (S5)*, Murrindindi Shire Council (Council) resolves that:

1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument (*Attachment 6.6a (S5)*).
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the *Act*.

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989 (Act)* and the other legislation referred to in the attached instrument of delegation (*Attachment 6.6b (S6)*), Murrindindi Shire Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument (*Attachment 6.6b (S6)*).
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989 (Act)* and the other legislation referred to in the attached Instrument of Appointment and Authorisation (the instrument) (*Attachment 6.6c (S11)*), Murrindindi Council (Council) resolves that:

1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument (*Attachment 6.6c (S11)*).
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
3. The instrument be sealed.



4. On the coming into force of the instrument all previous Appointments and Authorisations to staff and others are revoked.

In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Appointment and Authorisation (the instrument) (*Attachment 6.6d* (S11A)), Murrindindi Shire Council (Council) resolves that:

1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument (*Attachment 6.6d* (S11A)).
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
3. The instrument be sealed.
4. On the coming into force of the instrument all previous Appointments and Authorisations to staff are revoked.

**Background:**

Council is a legal entity comprised of its members (the seven Councillors). Its decision making power exists only as a group through resolution not as singular Councillors. Most decisions are not required to be made at a Council level therefore the Council must entrust some of the decision making power to others, this is done through delegations and authorisations.

Delegated powers fall under two areas:

- Those delegated by Council to another party (including staff)
- Those delegated by the Chief Executive Officer to staff

Council subscribes to a Delegations and Authorisations service that provides Council with twice yearly legislation updates which facilitates an efficient review process of all delegations in place at Murrindindi Shire Council. Council's current delegations were last reviewed at the 19 September 2016 Council Meeting.

It is a requirement under the *Local Government Act 1989 (Act)* that Council review all of its delegations and authorisations within 12 months of a general election.

**Council Plan/Strategies:**

Delegating and authorising others to undertake the role of Council is consistent with the Council Plan 2017-2021 strategy of ensuring that the range of services we provide and the way we provide them are best aligned with community priorities and Council's resources.

**Legal/Policy Issues:**

Council is required to approve Delegations, Authorisations and Appointments in accordance with section 98 of the *Act*. The Delegations, Authorisations and Appointments assign powers to officers under numerous pieces of legislation.

**Financial/Resources/Risk:**

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

**Discussion:**

Pursuant to section 98(1) of the *Act*, Council can delegate its powers to others; this is documented using the following delegations:

- The S5. Delegation from Council to the Chief Executive Officer (*Attachment 6.6a*)
- The S6. Delegation from Council to members of Council staff (*Attachment 6.6b*)

Instruments of Appointment and Authorisations allow Council to authorise or appoint a person to a particular statutory position. It also allows Council to make more specific authorisations or appointments under other pieces of legislation. Council has two Instruments of Appointment & Authorisation:

- The S11. Instrument of Appointment & Authorisation (*Attachment 6.6c*)
- The S11A. Instrument of Appointment & Authorisation (*Planning and Environment Act 1987*) (*Attachment 6.6d*)

The primary difference between delegations and authorisations are that Council can delegate powers pursuant to the *Act* to a position and the person who holds that position undertakes those powers on Council's behalf (as the delegate). Instruments of Appointment and Authorisations are where Council appoints others to specific statutory roles under the relevant *Act's* and therefore it is the specified individual that is then authorised to undertake the powers and not simply acting as a delegate of Council.

Council Officers regularly review the delegations and authorisations and make recommendations to Council for resolution. These reviews take into account legislative changes and internal changes in staffing structures.

Generally it is recommended that more than one officer is delegated or authorised to undertake a power. This assists operationally in that more than one officer is responsible for the work load as a consequence of having that power or so that if there is a short term absence this does not hinder the ability of decisions to be made on behalf of Council.

However, some powers have a requirement for the person delegated to have specific qualifications to undertake the delegated power.

**Consultation:**

No external consultation is required in the preparation of Delegations and Authorisations.

**Conclusion:**

Delegations and Authorisations ensure that Council officers have the appropriate powers and authority to undertake Council operations efficiently and effectively.

**RESOLUTION:**

**Cr E Lording / Cr S McAulay**

**In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (*Act*) and the other legislation referred to in the attached instrument of delegation *Attachment 6.6a* (S5), Murrindindi Shire Council (Council) resolves that:**

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument (*Attachment 6.6a* (S5)).**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the *Act*.**

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989 (Act)* and the other legislation referred to in the attached instrument of delegation (*Attachment 6.6b (S6)*), Murrindindi Shire Council (Council) resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument (*Attachment 6.6b (S6)*).
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989 (Act)* and the other legislation referred to in the attached Instrument of Appointment and Authorisation (the instrument) (*Attachment 6.6c (S11)*), Murrindindi Council (Council) resolves that:

1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument (*Attachment 6.6c (S11)*).
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
3. The instrument be sealed.
4. On the coming into force of the instrument all previous Appointments and Authorisations to staff and others are revoked.

In the exercise of the powers conferred by the legislation referred to in the attached Instrument of Appointment and Authorisation (the instrument) (*Attachment 6.6d (S11A)*), Murrindindi Shire Council (Council) resolves that:

1. The members of Council staff referred to in the instrument be appointed and authorised as set out in the instrument (*Attachment 6.6d (S11A)*).
2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.
3. The instrument be sealed.
4. On the coming into force of the instrument all previous Appointments and Authorisations to staff are revoked.

**CARRIED**

## 6.7 CONFLICT OF INTEREST POLICY

REF: 17/37280

Attachments: Conflict of Interest Policy 2017 (refer *Attachment 6.7 - TRIM 17/32278*)

### ***Purpose:***

The purpose of this report is to present the reviewed Conflict of Interest Policy (Policy) for Council's consideration and adoption.

**Officer Recommendation:**

That Council adopt the revised Conflict of Interest Policy (2017) contained in *Attachment 6.7*.

**Background:**

It is a requirement under the *Local Government Act 1989 (Act)* that Councillors, Council staff, the CEO and contractors declare any conflicts of interest they may have. A conflict of interest may arise in the undertaking of delegated roles or tasks and in providing advice to Council. The Conflict of Interest Policy defines the types of conflicts of interest and provides the framework for handling the conflict.

**Council Plan/Strategies:**

This report is consistent with the Council Plan 2017-2021 Our Promise strategy to represent and advocate for our community in a transparent and equitable way.

**Legal/Policy Issues:**

Sections 77 and 78 of the *Act* define conflicts of interest and the requirement of Councillors, staff and contractors to declare conflicts of interest. This Policy provides advice to all parties as to how to manage any conflict of interest that may arise to ensure that they are not in breach of the *Act*.

**Financial/Resources/Risk:**

Failure to declare a conflict of interest may have implications for the individual and for Council. It is essential that Council makes Councillors, Council staff and contractors aware of the requirements and from there the onus falls on the individual to ensure that they declare a conflict of interest and managed their actions appropriately.

**Discussion:**

The current Conflict of Interest Policy was developed in May 2014 using the Department of Planning and Community Development guidelines for Councillors, Council staff and special committees. Emphasis was placed on ensuring that examples provided were relevant to members of Council, in particular focusing on living and working in small communities.

The policy has been reviewed and minor changes have been made to ensure clarity in some of the examples used.

This Policy is aimed at encouraging Councillors, Council staff, committee members, volunteers and contractors to consider the aspects of their lives that could present an actual or perceived conflict of interest in undertaking their Council duties, and to increase understanding of how the conflict needs to be declared and handled.

The Policy clearly defines and provides examples for direct interests and indirect interests, including:

- Close association;
- Financial interest;
- Conflicting duty;
- Party to the matter;
- Applicable gift; and
- Residential amenity.

The Policy also outlines the process for declaring a conflict of interest once it is identified by an individual. The various exemptions are also detailed.

**Consultation:**

No external consultation was required in the reviewing of this Policy.

**Conclusion:**

The purpose of the Conflict of Interest Policy is to inform Councillors, Council staff, committee members, volunteers and contractors of their obligations. The Policy interprets the legislation in a relevant and comprehensive manner and as part of the review process minimal change has been made to the Policy.

**RESOLUTION:**

**Cr M Rae / Cr S McAulay**

**That Council adopt the revised Conflict of Interest Policy (2017) contained in *Attachment 6.7*.**

**CARRIED**

**6.8 REVIEW OF PORTFOLIO COUNCILLOR POLICY**

REF: SF/491 (17/43622)

Attachments: Revised Portfolio Councillor Policy (refer *Attachment 6.8* – TRIM 17/44292)

**Purpose:**

This report presents the revised Portfolio Councillor Policy (Policy) to Council for adoption.

**Officer Recommendation:**

That Council adopt the revised Portfolio Councillor Policy presented as *Attachment 6.8* to this report.

**Background:**

The Portfolio Councillor Policy was first developed in 2013 and is now due for review. As Councillors have been Portfolio Councillors for the past six months it is timely to review the Policy.

**Council Plan/Strategies:**

There is a Strategy in the Council Plan 2017-2021 under the Our Promise Strategic Objective to represent and advocate for our community in a transparent and equitable way.

**Legal/Policy Issues:**

The *Local Government Act 1989 (Act)* requires that adequate resources must be provided to enable Councillors to fulfil their duties as outlined under the *Act*. Providing the support by Council officers as articulated in this Policy is part of those resources, training and knowledge to support Councillors in undertaking their duties.

**Financial/Resources/Risk:**

Support to Portfolio Councillors is undertaken by Council officers as part of their normal duties.

**Discussion:**

The objectives of establishing a Portfolio Councillor system are:

- To enable Councillors to have a greater understanding and input to strategic and policy development on portfolio issues. This facilitates the active and regular engagement of Councillors in major planning, projects and services related to the portfolio
- To enable Councillors to advocate and “Champion” on strategic and policy issues to Council and the community
- To enable the briefing of other Councillors on specialist areas by the Portfolio Councillor

- To assist Councillors develop the fullest possible understanding of matters being put to the Council, through the Portfolio Councillor leading discussion of relevant items

In order to support Councillors in undertaking these roles and to achieve the most effective outcome from the Councillor Portfolio system, it is desirable that both the support that will be provided to Portfolio Councillors and the reporting responsibilities are clearly articulated.

The Policy attached to this report seeks to ensure that these responsibilities are clearly stated. It has been found that this Policy has worked well since its adoption and only two minor changes are proposed to the existing Policy which more clearly identify the strategic, rather than operational, role of Portfolio Councillors.

***Consultation:***

The continuation of this Policy will enable Portfolio Councillors to fulfil their responsibilities to advocate Council's position and consult with key stakeholders in relation to strategic and policy issues relevant to their Portfolio.

***Conclusion:***

The implementation of a Portfolio Councillor Policy supports the good governance of the Council in clearly articulating the roles and responsibilities of Portfolio Councillors and the support to be provided to them by the administration.

**RESOLUTION:**

**Cr L Dunscombe / Cr S McAulay**

**That Council adopt the revised Portfolio Councillor Policy presented as *Attachment 6.8* to this report.**

**CARRIED**

**6.9 COUNCILLOR REIMBURSEMENT POLICY REVISION**

REF: 17/43619

Attachments: Councillor Reimbursement Policy (refer *Attachment 6.9* – TRIM 17/40839)

***Purpose:***

This report presents the revised Councillor Reimbursement Policy (Policy) to Council for adoption.

***Officer Recommendation:***

That Council:

1. Revokes the Councillor Development and Conference Policy; and
2. Adopts the Councillor Reimbursement Policy presented as *Attachment 6.9* to this report.

***Background:***

Councils are required under the *Local Government Act 1989 (Act)* to have a Councillor Reimbursement Policy. The review of such policies is part of the suite of responsibilities for a new Council following their election.

Council adopted the Councillor Reimbursement Policy at its February 2017 Ordinary Council meeting. In the subsequent discussion regarding the Councillor Development and Conference Policy, it was agreed that the two policies should be combined.

In considering the amalgamation of these policies it was agreed that the revised Policy would come to the June 2017 Ordinary Meeting of Council to enable it to come into operation at the start of the new financial year.

***Council Plan/Strategies:***

Adoption of this Policy supports the strategy in the Our Promise Strategic Objective of the Council Plan 2017-2021 to maintain Council's financial sustainability through sound financial and asset management.

***Legal/Policy Issues:***

Section 75B of the *Act* requires that a Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors. The Policy must be available for inspection at the office of Council.

***Financial/Resources/Risk:***

The review of the Policy seeks to manage the cost to Council and Councillors in fulfilling their duties as well as the professional development support provided to Councillors.

***Discussion:***

The revised policy which is now presented to Council incorporates both the adopted Councillor Reimbursement Policy and the former Councillor Development Policy. The Policy establishes both the opportunities for professional development of Councillors as well as the reimbursement of costs borne by Councillors in undertaking their duties.

***Consultation:***

There was no community consultation required in the review of this Policy.

***Conclusion:***

It is good governance for Council to regularly review its policies and to recognise the costs involved in Councillors undertaking their duties as well as the support available to Councillors.

**RESOLUTION:**

**Cr M Rae / Cr E Lording**

**That Council:**

- 1. Revokes the Councillor Development and Conference Policy; and**
- 2. Adopts the revised Councillor Reimbursement Policy presented as *Attachment 6.9* to this report.**

**CARRIED**

**7. SEALING REGISTER**

REF: 13/6325

Nil

**8. COUNCILLOR PORTFOLIO REPORTS**

**8.1 LAND USE PLANNING PORTFOLIO**

Cr M Rae:

No report this month

## **8.2 ECONOMIC DEVELOPMENT PORTFOLIO**

Cr J Ashe:  
No report this month

## **8.3 INFRASTRUCTURE AND WASTE PORTFOLIO**

Cr E Lording:

The Goulburn Valley Waste and Resource Recovery Group (GVWRRG) have had their first Board meeting and the four new Councillors successfully embedded. The Board is a statutory body which means that they are tasked to deliver on behalf of the Victorian Government and to make sure policy is followed. Also, to facilitate purchases to make sure that sharing of infrastructure and other purchases is the most economic available. The Board positions are filled by the Minister directly.

Then there is the Forum which as the name implies acts to promote to put items to the Board such as recommending infrastructure and processes fed from the Technical groups. The Forum has a voice.

I am both a Board member and Forum member and as such will work as a conduit to help tie the groups together.

Significant new initiatives are being developed right now which will further enhance the good work being done in diverting waste to recycling rather than landfill.

On Tuesday I visited the new 200 acre organic recycling complex at Stanhope which the Minister also attended. I was impressed with her understanding of the needs of waste disposal throughout Victoria. They are licensed to convert 100,000 tonnes to compost yearly.

In terms of the broader infrastructure program there is not a lot to highlight this month other than the capital program is largely complete for 2017-18, we will report on this next month as part of the quarterly reporting.

In terms of waste we have received Environment Protection Authority (EPA) approval for use of the new Leachate Pond at the Alexandra Landfill which is great and avoids costs for disposal of the leachate.

Also, Council officers continue to work on a grant application with Mitchell Shire Council and Strathbogie Shire Council on the development of a joint waste education program

Councillor Bowles will also discuss the recent media release 'War On Waste'

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

Cr L Dunscombe:

At a Special Meeting of Council last week we adopted the Council Plan and Budget with a huge and collective sigh of relief. These two documents along with others represent more than six months of intensive work and I am sure that I speak on behalf of all the Councillors in thanking the entire management and staff of the Murrindindi Shire Council for their efforts, assistance and dedication to the task.

As a new Council we placed significant extra demands on all of the Council staff in preparation of these documents. We were determined and adamant in our desire to do everything we could to ensure that these documents be prepared with the wishes and aspirations of our communities at the forefront of our thinking and as such instructed Margaret Abbey and her team to embark on the biggest community engagement project the Council has ever undertaken with our "Have Your Say Campaign". And did they deliver. Popup stalls at community markets and events, print, social



and radio promotions, community workshops and meetings, school visits and more - and the results speak for themselves.

With what is widely regarded in the survey industry as a fantastic response rate of over 10% with a good spread of age groups and localities it is fair to say that we were able to garner a very good understanding of our communities wishes and aspirations and build them into the development process of both the Council Plan and Budget.

We have listened and continue to listen to and seek the thoughts and ideas of our communities. We have heard that we need to focus on rates, infrastructure, tourism and economic development. We have heard that we need to build on and nurture our natural environment, to facilitate employment and encourage business investment and to continue to provide the crucial community services on which many in our communities rely.

These themes have all been built into our Council Plan and Budget and will continue to be at the forefront of our thinking over the next four years. An early indication of our commitment to these themes is reflected in the budget with an effective rate increase of only 1.8% (below the state legislated rate cap of 2%) and the freezing of rates for 12 months for commercial properties.

These figures have been misrepresented in the press with the implication that a 3% increase in overall rate revenue in the budget equates to a 3% increase in peoples rates. The fact that a 1% growth factor is built into the budget forecast, it seems, was overlooked.

We will also no doubt need to prepare ourselves to do some explaining when the first budget update is released. It will show that the forecast deficit has increased by a further \$2.4 million. This is due to the fact that half of the budgeted federal grant funding for 2017-18 has already been received in this current financial year. The fact that this also means that the forecast deficit for the current financial year suddenly becomes a significant surplus, could and most likely will be overlooked and hard to understand by some.

Over the past six months we have also resolved to return the Kinglake Rebuilding Advisory Centre (RAC) building back to the community and are working consultatively and collaboratively with the community on an appropriate management model for the future use of the facility. We are working to restore and improve the Mobile Library service and expand the service offerings and range of this popular community facility. The redevelopment and new management structure of the Marysville Rebuilding Advisory Centre (RAC) is progressing well. The destiny of an iconic parcel of land at the top of Gengelhoff Hill in Kinglake has been placed back in the hands of the community and a range of new business development and tourism initiatives are in the process of being finalised and announced. All in all, it has been a very busy six months and all of these decisions and initiatives are all guided by the wishes and aspirations of our communities.

We are also having very productive Council initiated conversations with the new General Managers and Chief Executive Officers of Lake Mountain Resort, Goulburn-Murray Water and VicRoads over a range of projects and hope to deliver some updates soon.

I again congratulate Margaret Abbey and her entire team on their fantastic efforts over the past six months and feel that we can all hold our heads high in the knowledge that we are all delivering and will continue to deliver on our commitments. I am encouraged by an increasing sense of enthusiasm throughout the shire and am pleased that we have been able to demonstrate that we are listening.

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

Cr R Bowles:

Re-iterated Cr E Lording's comments regarding 'War On Waste'.

Community groups are starting more intense environment programs.

## **8.6 COMMUNITY SERVICES PORTFOLIO**

Cr S McAulay:

The Health and Wellbeing Plan is being developed to be incorporated into the Council Plan. Community service partners and stakeholders have been identified and invited to participate in two half day workshops to identify priorities and develop actions. The workshops are planned for the 13 and 18 July. RSVP responses are tracking well for the workshops.

Recreation and Open Plan strategic actions will also be included in the plan. Four 2 hour workshops are planned to consult with recreation groups and sporting clubs. Workshop locations are Marysville, Alexandra, Yea and Kinglake. Workshops are being scheduled for July.

To celebrate NAIDOC week 2 to 9 July, come along and join Aunty Lee Healey a Taungurung elder as she presents stories around the 2017 NAIDOC theme 'Our Languages Matter'. Indigenous story times will be held at:

- Kinglake Library - 4 July, 10.30 am
- Yea Library - 5 July, 11 am
- Alexandra Library - 6 July, 11 am

The Indigenous Literacy Cards have been finalised and are looking great. We are excited to launch this wonderful resource as part of NAIDOC week, Tuesday 4 July at the Kinglake Library.

Telstra Tech Savvy Seniors Training is a grant funded program aimed at up-skilling seniors in the Murrindindi Shire. The aim of the program is to empower our senior citizens to make use of their devices and gain access to the Murrindindi Library Service growing e-resources.

The program was presented at all Murrindindi Library Service (MLS) branches over the past 12 month. Over 40 sessions were held with 164 participants involved, far exceeding expectations. Training sessions will continue at Kinglake 18 July at 2 pm and Alexandra Library by arrangement.

## **8.7 MAYOR AND DELEGATED COMMITTEE REPORTS**

Cr C Bisset:

Productive meetings have been held with Goulburn-Murray Water, mutually beneficial outcomes for both organisations based on their new Board Chair and new General Manager and the new Council.

I also visited Rubicon Village at the invitation of residents and fully support Councils' position in that they are doing everything they can to facilitate the return of water.

I acknowledge Stuart McConnell and the staff with regards to the Think Tanks that were held earlier in June and again the outcomes of those fed into the draft Council Plan about the economic development, tourism and events and Council being easier to deal with. The Industry and Business and Tourism & Events Think Tanks were successful in providing those key stakeholders the opportunity to have their say in the direction Council should be taking over the next four years. Also being a bonus that Councillors in attendance were able to hear first hand from these important groups and individuals.

## **9. GENERAL BUSINESS**

Nil

**10. MATTERS DEFERRED FROM PREVIOUS MEETING**

Nil

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

Nil

**12. ASSEMBLIES OF COUNCILLORS**

REF: CY17/114 (17/42614)

***Purpose:***

This report presents the records of assemblies of Councillors for 17 May 2017 to 14 June 2017, for Council to note in accordance with Section 80A of the *Local Government Act 1989 (Act)*.

***Officer Recommendation:***

That Council receives and notes the record of assemblies of Councillors for 17 May 2017 to 14 June 2017.

***Background:***

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

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

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

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

***Summary:***

Meeting Name/Type:	Councillor Briefing	
Meeting Date:	17 May 2017	
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Mobile Library</li> <li>2. Goulburn Regional Partnership</li> <li>3. Councillor Committee Representative Appointments</li> <li>4. Status of School Crossings</li> <li>5. Amendment C59 – Kinglake</li> <li>6. Planning Application - Buxton</li> </ol>	
Councillor Attendees: Cr Bisset, Cr McAulay, Cr Dunscombe, Cr Lording, Cr Rae, Cr Bowles	Council Officers: M Abbey, S McConnell, M Chesworth, J Rabel, T Carter, M Leitinger, C Price, S Brown, M Crane, G Scale	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Council Pre-Meet	
Meeting Date:	24 May 2017	
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Amendment C59 - Kinglake</li> <li>2. Planning Application – Narbethong</li> <li>3. Planning Application – Buxton</li> <li>4. Adoption of Road Management Plan 2017</li> </ol>	
Councillor Attendees: Cr Bisset, Cr McAulay, Cr Bowles, Cr Ashe, Cr Dunscombe, Cr Lording, Cr Rae	Council Officers: M Abbey, M Chesworth, A Bond, S McConnell, J Canny, S Brown, K Girvan, M Crane	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Municipal Emergency Management Planning Committee	
Meeting Date:	1 June 2017	
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Telstra and NBN Co – emergencies and communications</li> <li>2. Green Season (summer) fire safety at Lake Mountain Alpine Resort</li> <li>3. Review of the MEMP – Status Report and Auditing Tool Updates</li> <li>4. Murrindindi Shire Council Flood Emergency Plan - update</li> <li>5. Lake Mountain Alpine Resort – Winter Preparation</li> <li>6. Safer Together Pilot Project Eildon Update</li> <li>7. Single Incident (e.g.: Housefire) Brochure Update</li> </ol>	
Councillor Attendees: Cr McAulay	Council Officers: M Leitinger, N McNamara, J Canny, C Price	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Councillor Briefing	
Meeting Date:	7 June 2017	
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Review of Portfolio Councillor Policy</li> <li>2. Councillor Reimbursement Policy</li> <li>3. Municipal Association Act Review</li> <li>4. Submissions to Draft Council Plan and Draft Budget</li> </ol>	
Councillor Attendees: Cr Bisset, Cr McAulay, Cr Ashe, Cr Rae, Cr Bowles, Cr Dunscombe	Council Officers: M Abbey, S McConnell, M Chesworth, A Bond	
Conflict of Interest Disclosures: Nil		

Meeting Name/Type:	Councillor Briefing	
Meeting Date:	14 June 2017	
Matters Discussed:	<ol style="list-style-type: none"> <li>1. Planning Application - Marysville</li> <li>2. Bushfire Management Overlay</li> <li>3. Council Plan Action Plan</li> <li>4. Council Plan and Budget Submissions</li> <li>5. Delegations and Instruments of Appointments and Authorisations</li> <li>6. Kinglake RAC</li> </ol>	
Councillor Attendees: Cr Bisset, Cr McAulay, Cr Dunscombe, Cr Rae, Cr Ashe, Cr Bowles	Council Officers: M Abbey, M Chesworth, S McConnell, S Brown, M Crane, K Girvan, A Bond, T Carter	
Conflict of Interest Disclosures: Nil		

**RESOLUTION:****Cr M Rae / Cr E Lording****That Council receives and notes the record of assemblies of Councillors for 17 May 2017 to 14 June 2017.****CARRIED****13. URGENT BUSINESS**

Nil

**14. CONFIDENTIAL ITEMS**

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

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

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

The report on the Tender CONT 17/06 for Supply and Delivery of One (1) Sealed Road Maintenance Truck and Tender 16/24 – Council Facilities Cleaning Services are being considered in the closed part of this meeting because it is considered under S89(2)(d) that it may prejudice Council or a member of the public.

**Recommendation:**

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

- Tender CONT 17/06 for Supply and Delivery of One (1) Sealed Road Maintenance Truck
- Tender 16/24 – Council Facilities Cleaning Services

**RESOLUTION:****Cr M Rae / Cr E Lording****That the meeting be closed to the public pursuant to s.89(2)(h) of the *Local Government Act 1989* due to matters which the Council or special committee considers would prejudice the Council or any person.****CARRIED**

The meeting closed to the public at 7.23 pm

**RESOLUTION:**

**Cr M Rae / Cr S McAulay**

**That the meeting re-opens to the public.**

The meeting re-opened to the public at 7.29 pm.

**14.3 TENDER CONT 17/06 FOR SUPPLY AND DELIVERY OF ONE (1) SEALED ROAD MAINTENANCE TRUCK**

REF: SF/192 (17/39836)

**RESOLUTION:**

**Cr E Lording / Cr R Bowles**

**That Council**

1. **Accept the offer from Ausroad Systems for the supply and delivery of one (1) sealed road maintenance truck based on a contract price of \$433,175.70 including GST (allowing for trade-in of \$55,000 including GST);**
2. **Allow a \$10,000 contingency for optional equipment; and**
3. **Authorise the Chief Executive Officer to sign and seal the contract documentation as required.**

**14.4 TENDER 16/24 – COUNCIL FACILITIES CLEANING SERVICES**

REF: CONT16/24 (17/32312)

**Cr E Lording / Cr M Rae**

**That Council:**

1. **Agrees to form a contract with KC Facility Services Pty Ltd (KC) for the provision of cleaning services for a two (2) year period with an additional optional two (2) year term subject to satisfactory performance, with an estimated total contract value of \$368,738.96 (excluding GST); and**
2. **Authorise the signing and sealing of contract number 16/24 Council Facilities Cleaning services.**

**CARRIED**

There being no further items of Business, the Chairperson declared the meeting closed at 7.29 pm.

CONFIRMED THIS

Wednesday 26<sup>th</sup> July 2017

CHAIRPERSON

