



AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
WEDNESDAY 25 JULY 2018
in the
YEA - COUNCIL CHAMBER
commencing at
6.00 pm

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

Suspension of orders to thank and acknowledge community achievements for the following:

- Victorian Young Achiever Awards – Kate Chalmers
- Middle Kinglake Primary School – School Leaders
- Flowerdale Primary School – School Leaders
- 47 years of service – Elaine White
- Service to the Police force in Yea – Trevor Connell

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

5.1 Minutes of the Ordinary Meeting of Council held on 27 June 2018.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 27 June 2018 be confirmed.

6. PUBLIC PARTICIPATION TIME

6.1 QUESTIONS OF COUNCIL

6.2 OPEN FORUM

6.3 PETITIONS

7. OUR PLACE

7.1 PROPOSED ROAD DISCONTINUANCE AND SALE OF UNUSED ROAD BETWEEN 413 AND 431 TAYLOR BAY RIGHT ARM ROAD, TAYLOR BAY

Attachment(s): *Title Plan and Aerial Photograph (refer Attachment 7.1)*

Purpose

The purpose of this report is to provide advice to Council in response to a request that Council discontinue and sell the unused road between 413 and 431 Taylor Bay Right Arm Road, Taylor Bay (Road), shown on Attachment 7.1.

The landowner adjoining both sides of the Road, Suzette Devitt (Proponent) has asked Council to discontinue the Road and sell the Road to her. The statutory process to discontinue the Road has been initiated under Council officer delegation.

Officer Recommendation

That Council:

- 1. discontinue the Road as shown in Attachment 7.1**
- 2. affix its common seal to a transfer of the Road, under section 207D of the *Local Government Act 1989*, to the Proponent for a price which is equal to the valuation (plus GST if the value excludes GST) subject to:**
 - a. the Proponent consolidating the land into either of the Proponent's adjoining land titles and**
 - b. the Proponent agreeing to pay the sale price and any additional legal fees and disbursements on settlement**
- 3. publish a notice of discontinuance of this Road in the Government Gazette.**

Background

Lawyers Piper Alderman acting on behalf of the Proponent, requested Council in November 2017 to sell the unused Road reserve between Lot 36 on PS 416829W and Lot 37 on PS 044119 to their client.

Prior to considering the sale of any road, consideration needs to be given to:

- removal of the road from Council's register of public roads (if the road is on the register)
- discontinuance of the road under the *Local Government Act 1989*.

Register of Public Roads

The register of public roads lists roads maintained by Council for general public use. The Road was not on Council's register of public roads, as such consideration was not required to be given to public notice under section 17(4) of the *Road Management Act 2004*.

Discontinuance of a Road Under the *Local Government Act 1989*

Irrespective of whether a road is listed on Council's register of public roads (and maintained by Council), land may be designated as a public road or highway and therefore available to the public for access and use.

The statutory processes associated with discontinuance of a road under the *Local Government Act 1989* includes:

- the prior determination by Council under officer delegation that the road is no longer reasonably required for general public use
- giving public notice of the proposed discontinuance and sale of the road and receive and consider all submissions
- deciding whether or not to discontinue the road
- obtaining a valuation of the discontinued road
- if the road is to be discontinued, publishing a notice of discontinuance of the road in the Victorian Government Gazette.

Transfer of Land

Council obtained from our legal representatives a scope and fee estimate for the costs of the process including legal fees, public notice, valuation and gazettal, totalling \$4,730 and the Proponent has made this up-front (non-refundable) payment to Council.

The Proponent will also be required to pay any additional increases in costs associated with the process, plus preparation of a title plan of the Road and the sale price for the Road, based on valuation.

A valuer approved under the *Local Government Act 1989* assessed the market value of the property at \$45,000.00 exclusive of any GST which may be payable.

To date, Council has reserved the right to discontinue or not discontinue the Road and sell or not sell the Road to the Proponent.

Discussion

Proposed Road Discontinuance Under the *Local Government Act 1989*

As the Road is not reasonably required for public use, consideration can be given to a road discontinuance and sale process.

Council, acting under officer delegation, has initiated a road discontinuance process and has given public notice of the proposed road discontinuance in accordance with clause 3 of schedule 10 and section 223 of the *Local Government Act 1989*.

Council is obliged to consider any submissions received in accordance with section 223 before deciding whether or not the Road is to be discontinued. No submissions were received in response to the public notice.

If Council were to resolve that the Road be discontinued, then public notice of the discontinuance of the Road would be published in the Victorian Government Gazette.

Council officers recommend that Council consider discontinuing the Road on the basis of:

- the Road being unused
- the Road not being reasonably required for public use
- the Road not being practical for use as a road access
- ongoing management of the area by the Proponent.

The Proponent has indicated their intention to consolidate the Road into either of their adjoining titles, a requirement intended by Council and now made a condition.

Transfer of Land

Discontinuance and sale of roads inevitably surface from requests from adjoining landowners, as such Council's obligations are to give public notice of their intention to discontinue and sell and to obtain a valuation for sale purposes.

An appropriate independent valuation has been obtained and the Proponent has agreed to pay this price.

The notification of the proposed discontinuance of the Road included reference to the sale of the area to the Proponent. No submission was received in response.

The land is not suitable for development in its own right and therefore it is appropriate to sell to an adjoining landholder, the Proponent, and for the relevant titles to be consolidated.

Council Plan/Strategies/Policies

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

Relevant Legislation

The statutory process for the proposed road is set out in the *Local Government Act 1989*.

Financial Implications and Risk

All costs associated with the process including legal, survey, advertising, etc. will be borne by the Proponent.

Sale of the land following discontinuance of the road is proposed.

Conflict of Interest

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

Community and Stakeholder Consultation

By following the statutory notification process, the community has had an opportunity to comment on the discontinuance of the road.

8. OUR PEOPLE**9. OUR PROSPERITY****10. OUR PROMISE****10.1 ADOPTION OF PRIORITY ACTION PLAN 2018/19**

Attachment(s): *Draft Priority Action Plan 2018/19 (refer Attachment 10.1)*

Purpose

The purpose of this report is to seek Council's adoption of the Murrindindi Shire Council's Priority Action Plan 2018/19.

Officer Recommendation

That Council adopts the Murrindindi Shire Council Priority Action Plan 2018/19.

Background

At the Special Meeting of Council on 21 June 2017, Council adopted the Murrindindi Shire Council Plan 2017-2021 which outlines the strategic objectives and strategies the Council will pursue over its four-year term and the strategic indicators that measure Council's success in achieving its objectives.

As part of its annual planning cycle Council also develops a Priority Action Plan which details the specific actions and areas of focus Council will pursue during the financial year, funded by the adopted annual budget, in order to implement the strategies in the Council Plan 2017-2021.

This report presents the Priority Action Plan for the 2018/19 financial year for Council's adoption.

Discussion

The format of the Priority Action Plan 2018/19 (Plan) aligns with the structure of the Council Plan 2017-2021, and includes one or more annual actions for each of the strategies in the Council Plan.

Many actions can be fully implemented in the 2018/19 year, others will have a longer timeframe and may be continuing from 2017/18, or will extend into 2019/20. The focus of activity for the 2018/19 year however is highlighted in the Priority Action Plan.

The Priority Action Plan is reviewed and updated annually to reflect the forthcoming year's priority actions. Progress on achieving the actions is reported to Council quarterly, and an annual summary is provided in Council's Annual Report.

Council Plan/Strategies/Policies

The preparation of a Priority Action Plan is consistent with the Council's strategic objective in the Council Plan 2017-2021 under Our Promise 'to work in collaboration with our communities to deliver the best possible outcomes in all that we do'.

Relevant Legislation

The requirement to prepare a four-year Council Plan is mandated under Section 125 of the *Local Government Act 1989*. There is no statutory obligation to develop an annual Priority Action Plan, although this is recognised as best practice amongst councils.

Financial Implications and Risk

The Priority Action Plan 2018/19 has been prepared in line with the resource commitments contained in the adopted Annual Budget 2018/19.

Conflict of Interest

There are not declared conflicts of interest by Council Officers in relation to this report.

Community and Stakeholder Consultation

The actions in the Priority Action Plan have been developed with reference to the priorities identified from the community following the 'Have Your Say' consultation undertaken in February to April 2017, and from Council and Council officer input.

Subject to Council's endorsement of the Priority Action Plan 2018/19 at this meeting, the Priority Action Plan will be published on Council's website and made available for viewing at Council offices and libraries.

11. NOTICES OF MOTIONS

12. MATTERS DEFERRED FROM PREVIOUS MEETING

13. URGENT BUSINESS

14. COUNCILLOR AND PORTFOLIO REPORTS

14.1 CR MARGARET RAE - LAND USE PLANNING PORTFOLIO

14.2 CR JACKIE ASHE – ECONOMIC DEVELOPMENT PORTFOLIO

14.3 CR ERIC LORDING - INFRASTRUCTURE AND WASTE PORTFOLIO

- 14.4 **CR LEIGH DUNSCOMBE - CORPORATE AND CUSTOMER SERVICES PORTFOLIO**
- 14.5 **CR REBECCA BOWLES - NATURAL ENVIRONMENT AND CLIMATE CHANGE PORTFOLIO**
- 14.6 **CR SANDICE MCAULAY - COMMUNITY SERVICES PORTFOLIO**
- 14.7 **CR CHARLOTTE BISSET – MAYORAL REPORT**
- 15. CHIEF EXECUTIVE OFFICER REPORT**

16. ASSEMBLIES OF COUNCILLORS

Purpose

This report presents the records of assemblies of Councillors for 27 June 2018 to 11 July 2018, for Council to note in accordance with Section 80A of the *Local Government Act 1989* (the *Act*).

Officer Recommendation

That Council receives and notes the record of assemblies of Councillors for 27 June 2018 to 11 July 2018.

Background

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

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

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

Discussion

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

The following summary details are for 27 June 2018 to 11 July 2018:

Meeting Name/Type	Councillor Workshop
Meeting Date:	27 June 2018
Matters Discussed:	1. Social Media
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, A Bond, J Canny, M Leitinger, D Jackson, T Elkington, L Peddie
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Councillor Briefing Session
Meeting Date:	27 June 2018
Matters Discussed:	1. Kellock Lodge
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S Brown
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Council Pre-Meet			
Meeting Date:	27 June 2018			
Matters Discussed:	<ol style="list-style-type: none"> 1. Place of Assembly (Former Yea Butter Factory) - Application 2018/6 2. Proposed Amendment to Sec 173 Agreement – Mulqueeny Lane, Yea 3. Community Grants Program – March to May 2018 4. Annual Budget and Strategic Resource Plan 2018/19 Adoption 5. Procurement Policy Review – 2017/18 6. Audit Advisory Committee Minutes and Appointment of Chair 7. Quarry Products Panel – CONT18/5 			
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording			
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, A Bond, N McNamara, M Leitinger, D Jackson, K Girvan			
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
1	Cr R Bowles	No	Yes	Before

Meeting Name/Type	Councillor Briefing Session			
Meeting Date:	4 July 2018			
Matters Discussed:	<ol style="list-style-type: none"> 1. CEO KPI Review 2. Corporate Energy and Greenhouse Gas Reduction Plan 3. Employee Assistance Program (EAP) 4. Adoption of Priority Action Plan 2018/19 5. Council Contributions to Community Groups 6. Recreation and Open Space Assets and Services Review 			
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae			
Council Officer Attendees	C Lloyd, M Chesworth, S Brown, M Leitinger, Z Blakeney, L Peddie, N McNamara, S Coller			
Conflict of Interest Disclosures: Nil				

Meeting Name/Type	Councillor Briefing Session			
Meeting Date:	11 July 2018			
Matters Discussed:	<ol style="list-style-type: none"> 1. Municipal Association of Victoria (MAV) Attending 2. Tourism and Events Strategy 3. Communications and Marketing Strategy 4. Development Update 5. Proposed Road Discontinuance and Sale of Unused Road Between 413 And 431 Taylor Bay Right Arm Road, Taylor Bay 6. Capital Works Monthly Reporting 			
Councillor Attendees:	Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae			
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, J Rabel, D Jackson, J Canny			
Conflict of Interest Disclosures: Yes				

Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion
4	Cr J Ashe	No	Yes	Before

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2017 Our Promise strategy to “Expand our communication”.

Relevant Legislation

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

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

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

17. SEALING REGISTER

File Reference	Date Seal Affixed	Description of Documents	Signatures of Persons Sealing
SF/3014	22 June 2018	Section 17D Crown Land (Reserves) Act 1978 Lease (Non Retail) between Murrindindi Shire Council and Yea Railway Market Inc. for Yea Railway Reserve including Railway Station	Craig Lloyd Cr Charlotte Bisset
CONT18/5	13 July 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Castella Quarries Pty Ltd for Quarry Products Panel	Craig Lloyd Cr Sandice McAulay
CONT18/5	13 July 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Norville Nominees Pty Ltd t/as Euroa Quarries for Quarry Products Panel	Craig Lloyd Cr Sandice McAulay
SF/3072	13 July 2018	Lease for Crown Allotment 10, Township of Kinglake, Parish of Kinglake (Kinglake Memorial Reserve) between the Minister for Education and Murrindindi Shire Council	Craig Lloyd Cr Sandice McAulay

Officer Recommendation

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

18. 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 Plant Hire Panel is being considered in the closed part of this meeting because it is considered under S89(2)(d) contractual matters.

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:

- **Plant Hire Panel**