



AGENDA
of the
ORDINARY MEETING OF COUNCIL
to be held on
WEDNESDAY 27 JUNE 2018
in the
ALEXANDRA - 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:

- Eildon Primary School – School Leaders
- Marysville Primary School – School Leaders

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

5.1 Minutes of the Ordinary Meeting of Council held on 23 May 2018.

Officer Recommendation

That the minutes of the Ordinary Meeting of Council held on 23 May 2018 be confirmed.

5.2 Minutes of the Special Meeting of Council held on 13 June 2018 4 pm.

Officer Recommendation

That the minutes of the Special Meeting of Council held on 13 June 2018 4 pm be confirmed.

5.3 Minutes of the Special Meeting of Council held on 13 June 2018 6 pm.

Officer Recommendation

That the minutes of the Special Meeting of Council held on 13 June 2018 6 pm be confirmed.

6. PUBLIC PARTICIPATION TIME

6.1 QUESTIONS OF COUNCIL

6.2 OPEN FORUM

6.3 PETITIONS

7. OUR PLACE

7.1 PLACE OF ASSEMBLY (FORMER YEA BUTTER FACTORY) - APPLICATION 2018/6

Attachment(s): *Application Details (refer Attachment 7.1)
Submissions supplied separately*

Land: 13 Rattray Street Yea
 Proposal: Use and development of land for the purpose of a place of assembly, buildings and works within a Heritage Overlay and a reduction in car parking requirements
 Applicant: R A Litjens
 Zoning: Mixed Use Zone
 Overlays: Heritage Overlay (HO104)

Locality Plan



Purpose

This report recommends that a Notice of Decision to Grant a Permit be issued for the adaptive reuse and development of the historic Yea Butter Factory for the purpose of a place of assembly. The application is being reported to Council because a single objection has been received.

Officer Recommendation

That Council issue a Notice of Decision to Grant a Permit allowing the use and development of the land for the purpose of a place of assembly, buildings and works within land affected by a Heritage Overlay and for a reduction of car parking requirements at 13 Rattray Street Yea (Lot 2 PS 330151), subject to the following conditions:

1. **The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority**
2. **This permit shall expire if the development hereby permitted is not completed and the use commenced within two years of the date hereof, or any extension of such period the Responsible Authority may allow in writing. A request for an extension of**

- time may be made before or within six months after the permit expiry date, where the use or development allowed by the permit has not yet commenced, or within 12 months after the permit expiry date, where the development allowed by the permit lawfully commenced before the permit expired
3. The use of the land for the purpose of a place of assembly is restricted to theatre productions, wellness classes, community events, conferences, functions, exhibitions and concerts. The use can only be undertaken between the hours of 9 am to 9 pm Sunday to Thursday and 9 am to 11 pm Friday and Saturday except with the written consent of the Responsible Authority
 4. The maximum number of patrons onsite cannot exceed 100 except with the written consent of the Responsible Authority
 5. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority
 6. A register of all events must be kept and provided to the Responsible Authority upon request. The register must include information on:
 - a. the type of event
 - b. the date and duration of the event
 - c. the number of patrons at the event
 7. All refuse and rubbish associated with the use must be removed from the area at least once weekly, and more often if required by the Responsible Authority
 8. The use or development hereby permitted shall not cause nuisance or injury to, or prejudicially affect the amenity of the locality, by reason of the transportation of materials, goods and commodities to and from the land, the appearance of any building, works, or materials on the land, the emission of noise, vibration, smell, fumes, smoke, vapour, steam soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise
 9. The emission of noise from the premises including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site
 10. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality
 11. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

Infrastructure

12. Prior to the commencement of the use or development a suitable prepared engineering plan detailing the proposed carpark, driveway, earthworks and drainage, must be submitted to the Responsible Authority and receive its endorsement. Endorsed plans must incorporate 28 car parking spaces with a minimum of two accessible car parking spaces
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. The approved works must not cut off natural drainage to adjacent properties

15. **The existing two vehicular crossings to be used for access and egress must be constructed/upgraded to suit the proposed driveways to the satisfaction of the responsible authority. Construction of new vehicular crossings must comply with the SD 250 of IDM for New Industrial Vehicle Crossing Detail**
16. **The existing northernmost driveway shall not be used to access the car park**
17. **Entrance 3 on the endorsed plan shall be used to enter the car park while Entrance 2 shall be used to exit the car park**
18. **No crossover shall be allowed from View Street unless the road is upgraded to Council's standards**
19. **An application for consent to work on the road reserve 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**
20. **Prior to the construction of works associated with the provision of driveway, drainage and car parking, detailed construction plans in accordance with the endorsed plan, AS 2890 Part 1 Off Street Car Parking and AS 3500 Part 3 Stormwater Drainage and to the satisfaction of the relevant authority must be submitted to and approved by the Responsible Authority. The design and plans must be drawn to scale with levels and dimensions and prepared by a suitable qualified person**
21. **Signs to the satisfaction of the Responsible Authority must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The area of each sign must not exceed 0.3 square metres**
22. **Prior to the commencement of the use hereby permitted the area(s) set aside for parking of vehicles, access lanes and parking signs as shown on the approved plans must be constructed and completed to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.**

Notation:

1. **The permit holder should be aware that the operation of the use is at all times required, pursuant to the *Environmental Protection Act 1970*, to meet the requirements of the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*.**

Background

The Yea Butter Factory is a heritage place of local significance which is included in a Heritage Overlay under the Murrindindi Planning Scheme. The brick factory was constructed in 1905 and used for butter manufacturing until it closed in 1993. Since that time the building has been used as a dwelling (and for a short time as a restaurant).

A planning permit is required to use and develop the land for the purpose of a place of assembly under the Mixed Use Zone which affects the land. A permit is also required for external alternations to the heritage buildings under the Heritage Overlay and to reduce car parking requirements (discussed further in this report).

Notice of the application was provided in the form of sign on the land and notification to adjoining and opposite property owners and occupiers. A single objection has been received from a non-resident landowner opposite the subject land. The objection raises issues of potential public nuisance (particularly in association with the hours proposed for weddings and music concerts); noise, light emission and traffic issues. The objection states that there is potential for patron numbers and hours to extend beyond what is proposed and this will have an impact on the amenity of the area. Although the landowner does not reside at the premises there is a future intention to do so.

Attempts by Council officers to mediate an outcome between the objector and applicant have occurred however the objection has not been withdrawn. The application must therefore be determined by Council.

The Land and Surroundings

The land is approximately 1.75 hectares in size and extends from Rattray Street to View Street within the Yea township. The former butter factory comprises of a large three storey building which is situated on the Rattray Street frontage. The area immediately surrounding the butter factory is flat and cleared (other than for garden vegetation) while the balance of the land slopes up to the east (View Street) with scattered trees and vegetation.

There are existing dwellings on abutting land to the north of the property, on the southern boundary and on the western side of Rattray Street. The land to the east is in the Public Use Zone and vacant while the rest of the surrounding land is in a General Residential Zone.

Discussion

The proposed use and development will provide a positive economic outcome and community benefit. It has the potential to increase tourism opportunities for the area and is consistent with the provisions of the planning scheme and with the Council Plan 2017-2021. From a heritage perspective, the use and development will allow upgrades to the heritage place to ensure its future viability.

The applicant has provided details of the layout and proposed frequency of events, number of attendees and timeframes. An assessment of the key issues is outlined below.

Operating hours: the hours of use in the proposed conditions are not specific to the type of use and reflect the Mixed Use Zoning of the land and the substantial building located on the site. All evening events will end by 9 pm Sunday to Thursday and 11 pm on Fridays and Saturdays. While there is no restriction on the number of events there are conditions that protect the general amenity of the area.

Access and egress: there will be a one-way driveway system where the car parking exit has been positioned to reduce disturbance caused by patrons leaving the venue late in the evening. The driveway is located opposite the intersection of Rattray and Drysdale Streets, minimising any potential impact on properties from headlights. The entry point uses the southern access in Rattray Street.

Car parking: there will be a slight increase in traffic on occasions when the venue is used for weddings, concerts and theatre productions. The applicant has proposed 28 car parks on site. Under the parking provisions, Clause 52.06 Car Parking, 30 car spaces are required for 100 patrons when used as a place of assembly. This requires two further car spaces outside the property which can be accommodated on Rattray Street.

Traffic: there will be an increase in traffic on occasions when weddings, concerts and theatre productions take place. The roads are sealed and suitable for increased traffic flows. It is considered that the increased traffic will have minimal impact on residents of Rattray Street particularly given the management of onsite traffic flows detailed above.

Noise: the events will be held inside the former butter factory. All evening events will end by 11 pm. Proposed condition 5 ensures that no external amplification occurs on the property and the building itself is solid brick which aids noise attenuation. There are *State Environment Protection Policies* that must be adhered to and these requirements regulate noise levels for sensitive land uses.

Lights from car park: The applicant has submitted that the car park lighting will only be used on nights when events are held. They have also committed to ensuring modern lighting techniques are used with baffles to ensure the lighting will not impinge on residents of Rattray Street.

Potential for numbers of people and frequency of events outside that permitted: if a planning permit is issued, it will only permit the use of the land for that detailed in Condition 3. There is no evidence that the applicant will not comply with conditions of any permit that may be issued and if that were to occur compliance action could be commenced. The applicants will be required to keep a register of all events to be provided to Council on request.

The issues identified above can, where necessary, be readily managed by conditions as part of any permit that may be issued for the use and development.

Referrals

This application was referred to Council's heritage consultant who has supported and commended the proposed works.

Council Plan/Strategies/Policies

The application has been assessed to be consistent with the strategic objectives and strategies in the Murrindindi Shire Council Plan 2017-2021 which seeks to 'enhance the liveability, prosperity and rural character of our Shire'.

Relevant Legislation

The application is being assessed in accordance with the requirements of the *Planning and Environment Act 1987 (Victoria)*.

Financial Implications and Risk

There is no financial risk to Council in this report.

Conflict of Interest

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

Community and Stakeholder Consultation

Nearby and adjoining properties were notified of the application by mail and an advertisement was placed in the Yea Chronicle. One submission was received which raised several concerns as previously mentioned in this report.

The submission was provided to the applicants who subsequently responded to the submission addressing the concerns raised. The submitter called council to discuss their submission further. The submitter has not responded to two invitations to meet with the applicants and discuss the application. The submitter provided a further submission by email.

Legal/Policy Issues

State Planning Policy Framework

13.04 *Noise and Air*

Objective: To assist the control of noise effects on sensitive land uses.

Strategies:

- ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

17.01 *Business*

Objective: to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Strategies:

- provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

17.03 *Tourism*

Objective: to encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.

Strategies:

- encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities
- seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.

Local Planning Policy Framework

21.03-1 *Business and Industry*

Objective 1: business and industry investment - create a strong economy to promote business investment and expansion, population growth and social and cultural benefits to the community.

Strategies:

- support the sustainable growth of Murrindindi Shire's businesses and the local economy
- develop and promote opportunities for business retention and expansion, investment and employment
- build on strengths of existing local industry sectors, identifying and supporting new and emerging industries
- facilitate the operation and growth of rural and home based industries and commercial activities.

21.03-3 *Tourism*

Objective 1: tourism growth and facilitation - enhance and promote tourism to increase the economic, social and cultural benefits to the municipality.

Strategies:

- generate sustainable growth in tourism, leveraging Murrindindi Shire's natural assets, proximity to Melbourne and links with neighbouring regions
- foster a range of natural and built tourism attractions that encourage strong visitation to the municipality
- promote and enhance the range of tourist and recreational activities available across the entire municipality
- enhance tourism opportunities in townships with tourism potential
- facilitate development of new tourism accommodation options and conference centres
- market, promote and enhance of heritage assets, including the municipality's unique streetscapes, timber, rail and gold history and indigenous cultural heritage

- encourage tourism activities in any identified heritage place to which the Heritage Overlay applies
- encourage small creative enterprises in tourism, creative arts, home-based businesses, overnight visitor accommodation and farm enterprises/markets that showcase local produce.

Zoning

32.04 *Mixed Use Zone*

Purpose:

- to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality
- to provide for housing at higher densities
- to encourage development that responds to the existing or preferred neighbourhood character of the area
- to facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Decision Guidelines:

- the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Overlays

43.01 *Heritage Overlay*

Purpose:

- to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- to conserve and enhance heritage places of natural or cultural significance
- to conserve and enhance those elements which contribute to the significance of heritage places
- to ensure that development does not adversely affect the significance of heritage places.

Decision Guidelines:

- the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies
- the significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place
- any applicable statement of significance, heritage study and any applicable conservation policy
- whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place
- whether the demolition, removal or external alteration will adversely affect the significance of the heritage place
- whether the proposed works will adversely affect the significance, character or appearance of the heritage place.

Particular Provisions52.06 *Car Parking*

Purpose:

- to ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework
- to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality
- to promote the efficient use of car parking spaces through the consolidation of car parking facilities
- to ensure that car parking does not adversely affect the amenity of the locality
- to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

Decision Guidelines:

- the role and function of nearby roads and the ease and safety with which vehicles gain access to the site
- the ease and safety with which vehicles access and circulate within the parking area
- the provision for pedestrian movement within and around the parking area
- the provision of parking facilities for cyclists and disabled people
- the protection and enhancement of the streetscape
- the provisions of landscaping for screening and shade
- the measures proposed to enhance the security of people using the parking area particularly at night
- the amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians
- the workability and allocation of spaces of any mechanical parking arrangement
- the design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters
- the type and size of vehicle likely to use the parking area
- whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation
- the need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier
- whether the layout of car spaces and access ways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).

7.2 PROPOSED AMENDMENT TO SEC 173 AGREEMENT – MULQUEENY LANE, YEA

Attachment(s): *Application and Site Plan (refer Attachment 7.2)*

Purpose

The purpose of this report is to consider a request by a landowner (applicant) in Mulqueeny Lane Yea to amend a section 173 Agreement under the *Planning and Environment Act 1987*. The current Agreement restricts residents along the west side of Mulqueeny Lane from providing

direct access between private lots and the adjacent Yea Racecourse and Recreation Reserve. The proposed amendment, which has been made on behalf of all 16 abutting residents, seeks to remove this access restriction.

Before a section 173 Amendment request is formally considered, the applicant must seek and obtain the in-principle support of Council. This report sets out the context for the Section 173 Agreement and the potential impacts on the future use of the reserve if the amendment were to proceed. The report recommends that in-principle support not be provided.

Officer Recommendation

That Council not provide in-principle support to amend the Section 173 Agreement to allow access from the rear of properties in Mulqueeny Lane into the Yea Racecourse and Recreation Reserve.

Background

When the subdivision was created, one of the issues that needed to be resolved was the common boundary with the Yea Racecourse and Recreation Reserve. Objections from the Reserve Committee of Management, Yea Golf Club and Yea Race Club all raised concerns about direct access from the 16 rear abutting lots proposed at that time. All requested that there be no formal access permitted from the lots onto the reserve because of the risks associated with the existing horse racing and the golf course uses. Consequently, a condition was placed on the subdivision permit requiring an agreement to be entered into under Section 173 of the *Planning and Environment Act 1987* to fully restrict direct access into the reserve. This agreement was put in place in 2005 and is a legal document that continues with the ownership of the land and binds all existing and future owners.

Below is the wording in the agreement relating to access:

The owner covenants and agrees that any Lot which has a western boundary that adjoins the Crown land to the west of the Land, must not have direct access to or from that Crown land, to the satisfaction of the Council.

The reserve currently has three gates along Racecourse Road which facilitate public access. These gates can be closed to restrict access when required, see *Attachment 7.2*.

Council officers were notified that gates had been constructed in the rear fences of a number of properties to facilitate private access to the reserve (in contravention of the Agreement). A meeting was held with representatives of the Committee of Management (CoM) and an inspection was undertaken from the reserve with the Department of Environment, Land, Water and Planning (DELWP). The inspection indicated that of the 16 properties affected by the Agreement, three were vacant. Of the remaining 13 properties containing a dwelling, seven were found to have unauthorised access. The gates vary from small pedestrian gates to those that can accommodate vehicles. An additional property has installed a gate since the inspection with DELWP.

A formal request, refer to *Attachment 7.2*, has been made by a landowner in Mulqueeny Lane on behalf of all property owners abutting the reserve to amend the Agreement on the following terms:

The Council is so satisfied and permits the Owner limited direct access to and from the Crown land on the conditions following:

- a. *the Owner supports the amendment and certifies that the terms of the covenant as amended are accepted under no coercion or duress*
- b. *the covenant as amended permits private direct access to the Crown land for the Owner's immediate family only*

- c. *such access is restricted to a single gate for each property, of a size and design acceptable to the Council*
- d. *such access is not to be used to facilitate business or trade or heavy vehicle access*
- e. *any gate providing such access will be chained and locked securely on any day a race meet or similar closed event is held*
- f. *the Owner accepts and agrees that penalties may apply in the case of any infringement of the terms of the covenant as amended*
- g. *the Owner accepts liability for damage and/or injury proven to be caused by their breach of the covenant as amended.*

The process for amending a section 173 Agreement involves two-steps. The first step requires the in-principle support of Council (or CEO acting on behalf of Council). There are no appeal provisions on the merits of the case for a decision at this stage. If in-principle support is given there is a more formal process that would include formal notification of affected persons and appeal provisions.

Discussion

Residents have submitted that private gates would allow direct access onto the reserve for the purpose of exercise, maintenance of the golf course, use for golf buggies and care for those areas immediately adjacent to the rear fences. The supporting submission also states that there have not been any accidents or misdemeanour arising from the existing access gate or access. In relation to errant golf balls, it is submitted that that the fencing does not protect residents from this.

The proposed amendment was sent to the Reserve CoM, DELWP and Country Racing Victoria for comment. The CoM advised that it does not have a consensus in relation to the issue although DELWP is not supportive. The two race clubs are also not supportive and have requested that the gates be removed. The Golf Club is supportive of the proposed amendment.

The CoM requested information from Goulburn Valley Water (GVW) in relation to the use of recycled water for irrigation of both the golf course and racecourse. GVW noted that there is a four hour withholding period between irrigation and public access to the site and any site access must comply with the Environment Protection Authority (EPA) *Guidelines for Environmental Management, Use of Reclaimed Water, Publication 464.2*.

If public access was granted during the use of recycled water (which occurs over a four-month period) there would need to be appropriate signage with access points being locked during that time. Alternatively, if access were to be granted generally, there would need to be signage and resident training and written records kept of this training which could then be audited by the EPA or GVW. GVW have stated that the reserve would not be under risk of losing access to the recycled water as long as the EPA guidelines were complied with.

DELWP have concerns that the proposed amendment will impact on the current and future CoM to control access and does not support private access into the reserve.

Country Racing Victoria does not support the proposed agreement because of a safety issue for riders, horses and residents. Country Racing Victoria has stated that there may be an impact on increased insurance premiums to the race clubs and further conditions on race days which could make these events challenging to continue.

In summary, the proposal does not have the support of the key agencies responsible for the management of the land (DELWP and Country Racing Victoria) and the CoM has not at this time provided its full support. Given that convenient and reasonable public access is available to the site via a public road, it is not recommended that in-principle support be provided for the amendment. It should be noted that in the Victorian context the provision of private access from

rear residential lots to public reserves does not generally constitute orderly planning and raises numerous issues of management and liability over the longer term.

If the recommendation in this report is adopted, Council officers will request that previously constructed gates be reinstated with fencing within an appropriate timeframe to accord with the Agreement and, if necessary, instigate further compliance action if this does not occur.

Council Plan/Strategies/Policies

The Council Plan 2017-2021 Our Prosperity seeks to advocate for improved infrastructure and access to public land to realise social and economic opportunities and support events and attractions that bring visitors to the area.

Relevant Legislation

The power to enter into the agreement arises under section 173 of the *Planning and Environment Act 1987*. This document is a legal contract that is recorded on title and binds future owners and occupiers of the land. The agreement can be enforced in the same way as a permit condition.

The matters a Responsible Authority must consider when considering an amendment to an Agreement include:

- the purpose of the agreement and the purpose of the amendment
- whether any change in circumstances necessitates the amendment
- whether the amendment would disadvantage any person, whether or not a party to the agreement.

It is the view of Council officers that the purpose of the agreement remains relevant and there are no compelling circumstances which necessitates the amendment.

The reserve is zoned Public Park and Recreation Zone under the Murrindindi Planning Scheme. Zone provisions require a Responsible Authority to consider 'the comments of any public land manager having responsibility for the care of management of the land or adjacent land'. The comments from the relevant authorities and land managers in this matter are not supportive of the amendment.

Financial Implications and Risk

There is no direct risk to Council, however removing this agreement would potentially increase the risk for the CoM in relation to retention of recycled water and safety risks on the site. There is also a potential economic risk to the Yea Township if the four annual racing meets are restricted or cancelled.

The proponent and residents would be responsible for legal costs associated with preparing and registering any approved amendments to the Agreement.

Conflict of Interest

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

Community and Stakeholder Consultation

Further formal notification and stakeholder consultation would be required if the proposed amendment were to be approved in principle. This would entail formal referral to relevant authorities and agencies and notification to landowners/occupiers.

8. OUR PEOPLE

8.1 COMMUNITY GRANTS PROGRAM – MARCH TO MAY 2018

Attachment(s): *Community Grant Program 2017-18 Round 3 March – May 2018 Summary (refer Attachment 8.1)*

Purpose

This report informs Council of the recommendations made by the delegated Community Grants Assessment Panel (Panel) on applications received in the March to May 2018 round.

Officer Recommendation

That Council endorses the recommendations of the Community Grants Assessment Panel outlined in the following table:

Application	Funding sought	Recommendation
Alexandra Primary School Arts Committee (APSAC)	\$4,800	Application supported in full.
Yea Water Tigers Amateur Swimming Club	\$4,218	Application supported in full.
Fawcett Mechanics Institute Reserve Committee of Management	\$1,750	Application supported in full.
Yea Wetlands Committee of Management	\$4,340	Application held awaiting further information.

Background

The Community Grants Program (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 2017-2021 and the Municipal Public 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. The current round, round 3, was open from March to May 2018.

Applications for the current funding round were assessed by the Panel comprising of the Mayor, Deputy Mayor and the Chief Executive Officer. Applications for \$1000 or less are assessed and approved by the Panel with a report to Council on its decision. Applications for \$1001 or more are assessed by the Panel which makes a recommendation to Council.

Discussion

In total four applications were received from community organisations and schools for the March to May 2018 round. These applications are listed in *Attachment 8.1*.

The Panel recommended supporting the following three applications in full:

1. The Alexandra Primary School Arts Committee sought funding for a multifaceted arts project titled Alexandra Beasties. There are three phases to the project, this application seeks funding for Phase 2 only:
 - a. in-class art workshops over Easter for kids (completed)

- b. master design for the art work, plus a set of six postcards. Both elements will tell the story of each animal, including its status, habitat and profile through a downloadable app
- c. installation of the artwork, this includes an out-of-school club for young people who will work with the artist to install the artwork, an exhibition and booklet.

The Alexandra Primary School Arts Committee submitted an application relating to this project in the second round of the Community Grants Program, the panel required further information on the project prior to making a decision and recommended they resubmit. The group revised the application and the project in line with assessment panel feedback.

Council officers will work with the group to clarify plans for phase 3 and the ultimate completion of the project.

2. The Yea Water Tigers Swimming Club sought funding to improve the Yea Swimming Pool facilities by installing four Swim Starting Blocks. This enhances their swim club members ability to train in dive pool entry and supports participation in pennant competitions. Blocks are removable and will be available for use by the Yea Water Tigers Swim Club only, as they have trained instructors to supervise diving. There are minor works that are required to the Yea Swimming pool concourse, these works will be undertaken by a Council approved contractor and overseen by the Infrastructure Assets department.

Council officers will work with the club to ensure blocks are stored and used appropriately.

3. The Fawcett Mechanics Institute Reserve Committee of Management sought funding to purchase a defibrillator package which is to be used by users of the Fawcett Hall and the wider community. In addition, an information session will be held to advise and train the community how to use the defibrillator correctly. This session will also be used as the unveiling of the plaque honouring contribution by Rotary, Lions and Murrindindi Shire Council. The Committee provided evidence of significant support from the broader community and local health services for this initiative.

Council officers will discuss plans for ongoing maintenance and renewal and the position of signage to ensure the resource is visible to the general public.

The Panel recommended that the following application be held over to the next round of Community Grants pending further information:

4. The Yea Wetlands s86 Committee of Management is seeking to install five signs in the Yea Wetlands to highlight and explain the Indigenous use of the flora within the wetland reserve, the signs will include relevant information on the plant, a photograph and Indigenous name/use of the plant. This initiative aims to support a plan for a self-guided tourist trail in the Wetlands.

Council officers will work with the s86 Committee to seek further information on the broader vision for the tourist trail and to refine their application.

Council officers will provide feedback to applicants in writing and where necessary will contact them directly to discuss their proposals and provide further detail on Council's decision and any further work required.

Council Plan/Strategies/Policies

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

Relevant Legislation

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

Financial Implications and Risk

The Community Grants budget for the 2017/18 financial year is \$30,000 and this is the third grant round for the year. There has been expenditure of \$18,500 to date. A total of \$10,768 has been recommended for approval in this round, bringing the total expenditure to \$29,268. There are no further grant rounds for this financial year.

Conflict of Interest

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

Community and Stakeholder Consultation

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

9. OUR PROSPERITY**10 OUR PROMISE****10.1 ANNUAL BUDGET AND STRATEGIC RESOURCE PLAN 2018/19 ADOPTION**

Attachment(s): *Budget 2018/19 (refer to Attachment 10.1a)*
Summary of Budget submissions (refer to Attachment 10.1b)
Strategic Resource Plan Review 2018/19 (refer to Attachment 10.1c)

Purpose

The report presents the draft 2018/19 Budget and review of the Strategic Resource Plan for adoption by Council.

Officer Recommendation

That having given notice under section 129 of the *Local Government Act 1989* and invited and considered submissions under Section 223 of the *Local Government Act 1989*, the Council resolves:

- 1. that the 2018/19 Budget be adopted as generally exhibited and as attached as *Attachment 10.1a*, noting the following changes:**
 - i) inclusion of a \$30,000 allocation to support the Flowerdale Sports Club in its application for further grant funding to upgrade the Spring Valley Recreation Reserve clubrooms**
 - ii) an adjustment of \$26,850 be made to increase the level of funding received from the Victorian Grants Commission relating to Financial Assistance Grants for 2018/19**
 - iii) cost increases of \$133,620 relating to the recycling service be included for 2018/19 due to the re-negotiated contract for the ongoing provision of this service**
 - iv) the recycling charge be increased by a further \$21 per bin to offset the associated increase with the delivery of the recycling service.**
- 2. that responses to issues contained within the 16 submissions received, in respect of the draft 2018/19 Budget, be issued by the Manager Business Services**

3. that the Chief Executive Officer be authorised to give public notice of this decision to adopt the 2018/19 Budget, in accordance with Section 130(2) of the *Local Government Act 1989*
4. that a copy of the adopted 2018/19 Budget be submitted to the Minister for Local Government and copies made available for inspection by the public in accordance with Sections 130(4) and 130(9) of the *Local Government Act 1989*
5. to confirm the differential rates, municipal charge and waste service charges as detailed in the 2018/19 Budget per *Attachment 10.1a*
6. that the rates officers of Council be authorised to levy and recover the differential rates so declared in accordance with the *Local Government Act 1989*
7. that Council note the due dates for rate instalments will be as follows:
 - 30 September 2017
 - 30 November 2017
 - 28 February 2018
 - 31 May 2018
8. that Council adopt the revised and updated Strategic Resource Plan as contained in *Attachment 10.1c*.

Background

At the 24 April 2018 Ordinary Meeting of Council, Council endorsed the Draft Annual Budget 2018/19 for the purposes of public exhibition in accordance with the *Local Government Act 1989* (the Act).

Submissions were sought from the public and the budget documents were made available at Council offices and on Council's website. The public exhibition period and submission process was advertised in the relevant newspapers. Submissions were due by 1 June 2018.

Acknowledgement letters were sent to the submitters, confirming receipt of their submissions and informing them of the opportunity to attend the Special Meeting of Council on the 13 June 2018 to speak to their submissions if they wished. Five submitters spoke to their submissions at the Special Meeting of Council on 13 June 2018.

Discussion

The Annual Budget for 2018/19 (the Budget) ultimately details the resource requirements and project priorities that are in accordance with the key strategic objectives that have been set in the Council Plan 2017-2021.

The Budget has been developed based on the following principles:

- to increase average rates by no more than 2.15%. This is below the average rate increase allowable under the State Government's Fair Go Rates System (which is 2.25% for the 2018/19 financial year)
- to deliver a balanced budget – i.e., a budget where forecast revenue matches forecast expenditure
- to take on no new debt – this will reduce existing debt levels to under \$700,000 by 30 June 2019. This represents the lowest level of absolute debt Council has held in more than a decade
- to not reduce service levels and to improve service levels in some areas where they will have a great impact on the community – e.g. Customer Services and Community Safety (formerly known as Local Laws)

- to limit increases to all fees and charges (those within Council's control) and to cap any increases to no more than 2.25%, in line with the rate cap.

For 2018/19, the Budget has identified total operating expenditure of \$34.4 million against forecast revenue of \$34.4 million, which will generate a breakeven result – a balanced budget. Council's cash flows will remain very strong with a projected cash increase of \$1.57 million over the year.

For 2018/19, service levels have been maintained in most areas, though additional resources are proposed to be added to the areas of customer service, community safety and community planning to increase service levels. These proposed additional budget features have been made possible through the delivery of greater operational efficiencies internally in our service provision.

Green waste will also now be free to drop off at any of Council's Resource Recovery Centres (RRC) from 1 July 2018 following strong feedback from the community about the popular green waste amnesty program that has previously been in place.

The Budget also provides another allocation of \$280,000 to fund the Business and Tourism Innovation Grants Program that was successfully launched in the current financial year. These grants will help businesses to prosper, and provide opportunities for growth and expansion. The grants will also support staging of events within the Shire which help encourage people to visit and to showcase all the Shire has to offer.

Highlights of the \$7.8 million capital works program that are included in the Budget include:

- Yea High Street irrigation upgrade - \$103,000
- Yea Recreation Reserve change room renewal and upgrade - \$65,000
- Kinglake Range Neighbourhood House renewal - \$45,000
- Kinglake Community Centre renewal and upgrade - \$60,000
- Toolangi CJ Dennis Memorial Hall renewal - \$40,000
- Strath Creek Playground shade structure - \$47,000
- Bollygum Park toilets renewal - \$30,000
- Yarck public toilets renewal - \$59,000
- Flagpole installations at all Council offices - \$27,000
- Library book stock renewal - \$100,000
- Roads and bridges renewal & upgrade program - \$3.43 million.

It should be noted that since the Draft Budget was placed on public exhibition, Council has been able to advance its negotiations with its recycling services contractor to ensure that the provision of this service will continue next year. The impact of changes in the international recycling market are being felt by local governments across Australia, as the costs associated with the delivery of this service have increased substantially.

As highlighted in the Draft Budget, any increase in costs associated with recycling services need to be passed on to rate payers through an increase in the waste service charge that was detailed in the Draft Budget. It will therefore be necessary to increase the recycling collection charge for 2018/19 by an additional \$21 per bin per annum (or 40 cents per week) from the previously detailed charge of \$90 per bin, to ensure the continuity of this service.

Public Submissions

Sixteen submissions were received in relation to the Draft Budget. All submissions were provided in full to Council and considered at the Special Meeting of Council on 13 June 2018. A summary of the submissions received is attached to this report.

Many of the submissions are able to be addressed through existing resources that are available within next year's budgets, whilst some will require Council officers to undertake further consultation with community members to advance the potential for these suggestions to be undertaken by Council in the future.

One submission that was not able to be funded through available resources, that is proposed to be included, is a \$30,000 allocation to support the Flowerdale Sports Club in their grant application to improve the conditions of the change rooms and toilet facilities at the Spring Valley Recreation Reserve. This can be achieved by adjusting the expected amount to be received by Council from the Victorian Grants Commission for 2018/19, in line with adjusted forecasts received since the initial publication of the Draft Budget.

All proposed changes in resources required to accommodate any supported suggestions are included in the recommendation to Council.

Strategic Resource Plan Review

In considering the proposed final budget for 2018/19, the Strategic Resource Plan (SRP) and long term financial plan have also been adjusted to accommodate the changes made for the next financial year.

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

1. operating within a rate cap of 2.25% annual rate increases, which is forecast to remain constant over the life of the SRP. The Minister for Local Government sets the rate cap annually and the SRP will be modified based on annual determinations
2. fees & charges revenue to increase by 2.25% per annum
3. no new borrowings to be undertaken by Council in the next 10 years
4. cost of goods and services to increase by 2.5% per annum
5. interest on investments to remain at 2.5% per annum, with interest on Council's diminishing borrowings at 4.5% per annum until paid out in 2021/22
6. revenue received from grants (for either capital or operating purposes) only included where the source of funds is certain, or reasonably assumed to continue over the life of the plan (e.g. Roads to Recovery or Financial Assistance Grants)
7. Council's permanent staffing establishment is forecast to remain relatively stable over the life of the SRP
8. a strong focus maintained on balancing Council's asset renewal gap over the life of the SRP.

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

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

Council Plan/Strategies/Policies

The adoption of the Budget allocates the necessary resource to deliver the initiatives and objectives detailed in the Council Plan 2017-2021 for the upcoming financial year.

Relevant Legislation

The adoption of the Budget is a statutory requirement of the *Local Government Act 1989* and sets the financial framework in which Council will operate for the 2018/19 financial year.

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

The Draft Budget was made available on Council's website from 1 May 2018 and advertised for public exhibition and submissions in the following publications:

Newspaper / Other	Publishing Date(s)
<i>Newspaper:</i>	
The Alexandra Standard	2 May 2018
Marysville Triangle	4 May 2018
The Local Paper	2 May 2018
The Yea Chronicle	2 May 2018
<i>Hard copies available at:</i>	
Council Office - Alexandra	
Council Office - Kinglake	
Council Office - Yea	
Marysville RAC (VIC)	
Eildon Community Resource Centre	

The Budget was on public display for 28 days in accordance with statutory obligations, prior to the Special Meeting of 13 June 2018 to consider and hear public submissions.

10.2 PROCUREMENT POLICY REVIEW – 2017/18

TRIM References: SF/1705-02, 18/34816

Attachment(s): *Procurement Policy – Revised 2018 (refer Attachment 10.3)*

Purpose

The purpose of this report is to seek Council's endorsement of the revised Procurement Policy (Policy).

Officer Recommendation

That Council adopts the revised Procurement Policy as contained in *Attachment 10.3*.

Background

Council's Procurement Policy was last reviewed and adopted in May 2017. It is a requirement under Section 186A of the *Local Government Act 1989* (the *Act*) that a council must review the current procurement policy at least once in every financial year.

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

Discussion

The most recent review of Councils current Policy in May 2017 identified a number of areas for improvement. As such, the 2018/19 review is not proposing significant changes to the Policy that was well reviewed last year, and that has been implemented and understood by the wider business community that seeks to engage with Council for the provision of goods or services. Council's Policy has also been compared against those of other councils, and against best practice procurement guidelines issued by the Municipal Association of Victoria (MAV) and state and federal governments.

Two key changes are proposed for inclusion in the revision of the Policy. Firstly, it is proposed to add section 5.4 outlining Council's support for improved sustainability outcomes and to ensure that environmental and resource consumption principles are taken into consideration in procurement decisions. Sustainable procurement is an issue that is receiving greater focus across the public sector, and it also aligns with a number of strategic initiatives highlighted in the Council Plan regarding Council's desire for improved environmental outcomes.

The proposed section provides Council officers with the opportunity to include sustainable criteria in procurement processes, whilst ensuring that value for money and the capability of providers are still considered before purchasing goods and services.

Secondly, to provide greater clarity to the business community regarding Council's position on not accepting late submissions to a tender process. Although not a frequent occurrence, it was felt that having a more definitive statement in the Policy would provide both submitters to any tender process, and Council officers responsible for managing a procurement process, greater clarity regarding Council's position on accepting late submissions and the requirement to run a process with integrity.

There have also been some minor changes to language and structure of the document to ensure that it is consistent with Council's current policy template and to ensure that it is aligned with the Council Plan 2017-2021, which was adopted after the Policy was updated in 2017.

Council Plan/Strategies/Policies

This matter is consistent with the Council Plan 2017-2021 Our Promise:

- strategy 4.3 - ensure the range of services we provide and the way we provide them are best aligned with community priorities and Council's resources
- strategy 4.4 - commit to developing a stronger customer – focused culture that makes us easier to deal with.

Relevant Legislation

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

Financial Implications and Risk

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

Conflict of Interest

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

Community and Stakeholder Consultation

Consultation with the community is not considered to be required as the purpose of the statutory review of the Policy is to ensure that it remains compliant with the *Act* and consistent with best practice. Upon approval, the revised Policy will become a publically available document available at Council offices and on Council's website.

10.3 AUDIT ADVISORY COMMITTEE MINUTES AND APPOINTMENT OF CHAIR

Attachment(s): 2018-05-25 Audit Advisory Committee Minutes (refer Attachment 10.4)

The minutes of the Audit Advisory Committee Meeting held on 25 May 2018 are attached (*Attachment 10.4*) for receiving.

At this meeting, Ms Michele Sheward was nominated and endorsed by the Committee to be its Chairperson for 2018/19, subject to ratification of Council at its next Ordinary Meeting.

Ms Sheward has served two consecutive years as Chair of the Committee commencing in 2017/18. Under the Committee Charter, the term of the Chair is to be 12 months, with a maximum of three consecutive years with a break of at least one year if three consecutive terms have been served.

**Officer Recommendation
That Council**

1. note and receive the minutes of the Audit Advisory Committee meeting held on 25 May 2018 (*Attachment 10.4*).
2. endorse the election of Ms Michele Sheward as Chairperson of Council's Audit Advisory Committee for the 2018/19 financial year.

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 23 May 2018 to 13 June 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 from 23 May 2018 to 13 June 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 23 May 2018 to 13 June 2018:

Meeting Name/Type	Council Meeting Pre-Meet
Meeting Date:	23 May 2018
Matters Discussed:	<ol style="list-style-type: none"> 1. Community Recognition 2. Business and Tourism Innovation Grants – Industry and Economy Growth - Evaluation Panel Report 3. Business and Tourism Innovation Grants – Business Growth or Establishment - Evaluation Panel Report 4. Business and Tourism Innovation Grants – Business Support - Evaluation Panel Report 5. Business and Tourism Innovation Grants – Events Kick Starter - Evaluation Panel Report 6. Audit Advisory Committee Appointment

Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, S Brown, D Jackson, M Thomas
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session
Meeting Date:	6 June 2018
Matters Discussed:	1. Recreation and Open Space Assets and Service Review 2. Goulburn River Valley Tourism - Memorandum of Understanding 3. Visy Contract Matters
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, N McNamara, S Coller
Conflict of Interest Disclosures: Nil	

Meeting Name/Type	Briefing Session			
Meeting Date:	13 June 2018			
Matters Discussed:	1. Chamber works 2. Procurement Policy Review 2017/18 3. GRVT Board Meeting Update 4. Proposed Amendments to Sec 173 Agreement - Mulqueeny Lane Yea 5. Place of Assembly (Former Yea Butter Factory) - Application 2018/6 6. Budget Submissions Discussion			
Councillor Attendees:	Cr C Bisset, Cr S McAulay, Cr L Dunscombe, Cr R Bowles, Cr J Ashe, Cr M Rae, Cr E Lording			
Council Officer Attendees	C Lloyd, M Chesworth, S McConnell, J Canny, A Bond, D Jackson			
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
5	Cr R Bowles	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
CONT17/4	21 May 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Fineblade Pty Ltd for Civil Works Panel	Craig Lloyd Cr Charlotte Bisset
SF/1176	25 May 2018	Deed of Variation of Lease between Murrindindi Shire Council and Leadbeater Group Pty Ltd for part of building known as the Kinglake Rebuilding Advisory Centre	Craig Lloyd Cr Sandice McAulay
SF/3020	28 May 2018	Sublease for 19 Taggerty-Thornton Road, Taggerty between Minister for Education (Landlord), Murrindindi Shire Council (Tenant) and Taggerty Community Progress Group Inc (Subtenant)	Craig Lloyd Cr Margaret Rae
SF/779	1 June 2018	Access Licence Agreement at Via Halls Flat Road, Alexandra between Murrindindi Shire Council (Owner) and Optus Mobile Pty Limited (Optus)	Craig Lloyd Cr Charlotte Bisset
CONT17/4	8 June 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Keath's Excavations Pty Ltd for Civil Works Panel	Craig Lloyd Cr Sandice McAulay
CONT17/4	18 June 2018	Formal Instrument of Agreement between Murrindindi Shire Council and Marchese Excavations and Bin Hire Pty Ltd for Civil Works Panel	Craig Lloyd Cr Charlotte Bisset

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 Quarry Products Panel – CONT18/5 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:

- **Quarry Products Panel – CONT18/5**