

Agenda

Ordinary Meeting of Council

Tallangatta Council Office

Tuesday 3 June 2014

This information is available in alternative formats on request

AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD AT TOWONG SHIRE COUNCIL, TALLANGATTA OFFICE ON TUESDAY 3 JUNE 2014 COMMENCING AT 10.00 AM.

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1 Opening Prayer

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

2 Councillor and Officer presence at the meeting

3 Apologies and granting of leave of absence

4 Declaration of pecuniary interest and/or conflict

For the purpose of this section, Councillors must disclose the nature of the conflict of interest in accordance with s79(2) of the Local Government Act.

5 Confirmation of minutes

Ordinary Meeting of 6 May 2014.

6 Petitions, joint letters and declarations

7 Assembly of Councillors

A written record of the Assemblies of Councillors from 6 May to 27 May 2014 is included at Appendix 1.

RECOMMENDATION:

THAT THE INFORMATION BE NOTED.

8 Open Forum

9 Organisational improvement

9.1 Finance Report as at 30 April 2014 (DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Ms Jo Shannon, Director Community and Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

OPERATING RESULT

	Note	Apr-14 (Actual) \$'000	Apr-14 (Budget) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	YTD (Variance) %
Income	1	1,407	135	14,167	13,299	868	7%
Expenditure	2	998	982	9,164	9,809	(645)	-7%
Surplus		409	(847)	5,003	3,490	1,513	43%

Table 1: Operating Result

Note 1:

Income year to date (YTD) is higher than budget, primarily due to the timing of grant funding payments. Where the timing is unknown at the time of preparing the budget, the budget is placed in the month of July. Refer "Grant Income" below.

Note 2:

Expenditure YTD is lower than budget, primarily due to the timing of grant funded projects and actual employees being lower than originally budgeted. Where the timing is unknown at the time of preparing the budget, the budgeted expenditure is placed in the month of July.

Projects or activities that were budgeted in ahead of actual expenditure include:

- \$188,000 Strategies and Master Plans
- \$147,000 Infrastructure maintenance
- \$87,000 Planning legal fees, contractors and scheme amendment expenses
- \$73,000 Insight 360 Development
- \$61,000 Local Government Reform (Shared Services)
- \$55,000 Community Development Officer (advertised April 2014)
- \$53,000 Community Health and Wellbeing Manager (commenced Jan 2014)

Projects or roles that were budgeted but have not proceeded include:

- \$151,000 Director Development Services
- \$95,000 Flood Recovery Officer
- \$64,000 Statutory planner (maternity leave relief) and planning support

The actual full time equivalent employees for the year is currently 66.3, whilst the budget is 70.6.

Grant Income

	Note	Apr-14 (Actual)	YTD (Actual)	YTD (Budget)	YTD (Variance)	12 Month (Budget)
		\$'000	\$'000	\$'000	\$'000	\$'000
Recurring		69	1,648	1,675	(27)	2,184
Non-Competitive	1	579	3,240	2,363	877	2,783
Competitive	2	430	1,384	1,490	(106)	1,576
Total		1,078	6,272	5,528	744	6,543

Table 2: Grant Income

Note 1:

The following grant was budgeted for in the YTD budget but has not yet been received:

- \$195,000 Emergency Response (March 2012 flood recovery)

The following grants were received but were not budgeted until later in the financial year:

- \$660,000 Local Government Infrastructure Program
- \$410,000 Roads to Recovery

Note 2:

The following grants were budgeted for in the YTD budget but have not yet been received:

- \$354,000 Blackspot funding
- \$68,000 Tallangatta Multi-Sport Precinct
- \$75,000 Upper Murray 2030 Vision
- \$67,000 Victorian Grants Commission

Whilst the following grant was budgeted for in the YTD budget, it will not be received:

- \$235,000 Tallangatta Community Hub (Senior Citizens)-RDAF Round 5 grant withdrawn

The following grants were received but were not budgeted until later in the financial year:

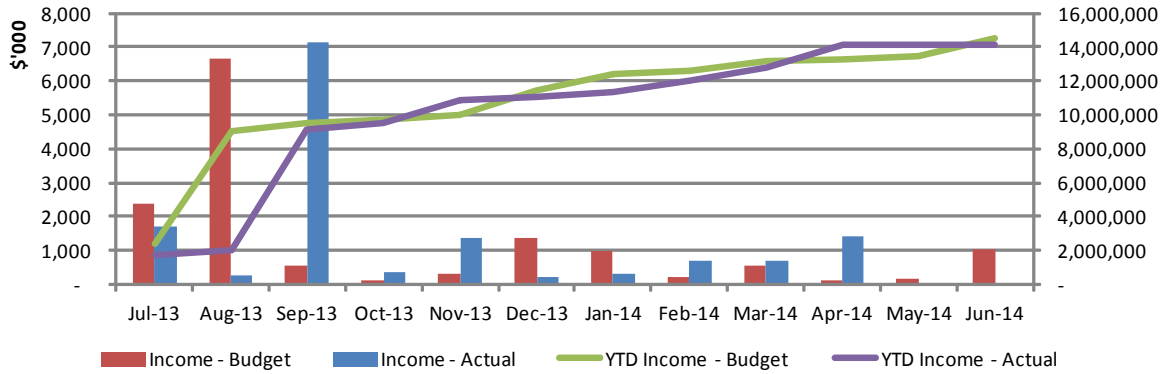
- \$108,000 Colac Colac bike path
- \$200,000 Magorra Park
- \$250,000 Tallangatta Integrated Community Centre

Grants received Year-to-Date (YTD) are shown in the following table:

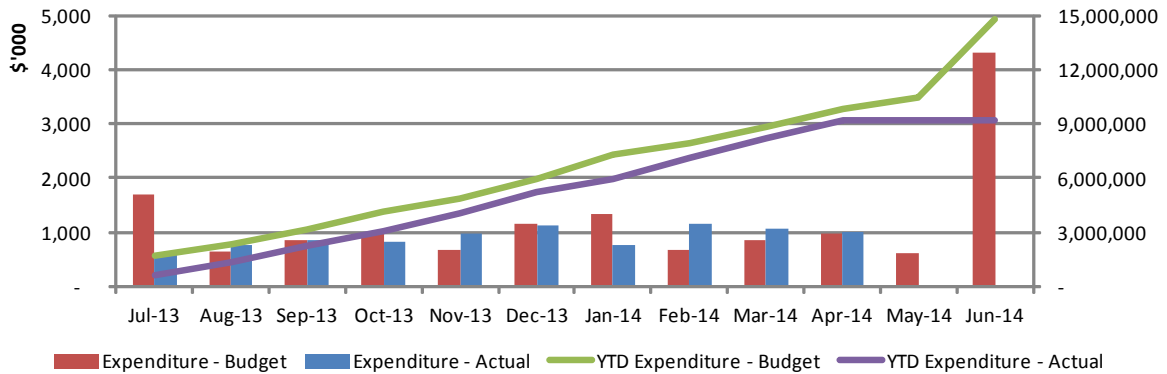
	YTD (Act) \$'000
Recurring	
VGC (General Purpose and Road) Funding	1,294
Emergency Response	576
Maternal and Child Health	104
Corryong Pre School	103
Library	93
Tallangatta Pre School	61
Berringa Pre School	51
Pre-School Cluster	25
State Emergency Service Corryong	13
State Emergency Service Tallangatta	13
State Emergency Service Mitta	7
Health Admin (Tobacco Activity Service Agreement)	3
Competitive and Non-Competitive	
Country Roads and Bridges	1,000
R2R Supplementary	822
LG Infrastructure Projects	660
Tallangatta Multi-sport Precinct	339
Tallangatta Community Hub	250
Magorra Park (DSE)	200
Scenic Wayside Stop Project	117
Colac Colac Bike Path	108
Walwa Community Recovery Centre	84
Municipal Emergency Response Program	60
Children Services Review	45
L2P Program	45
Community Access	30
Tallangatta Neighbourhood House	29
Weed Project	28
Caravan Park Masterplan	27
The Narrows Project	26
Mitta Valley Dairy Pathways	25
Freeza Funding	12
Comm Health & Wellbeing (VPR)	11
NE Dairy Regional Growth Plan	6
Towong Racecourse (DSE)	4
Seniors Week	2
Youth Week	2
Total	6,272

Operating result

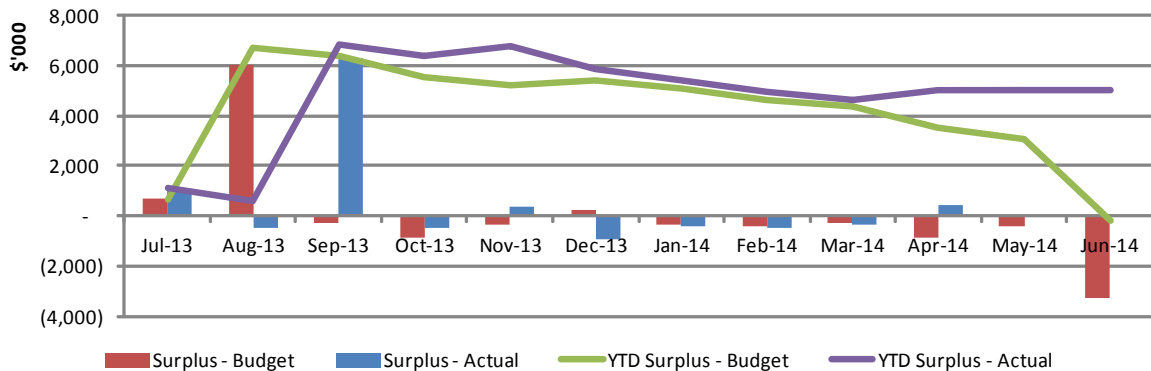
Income



Expenditure



Operating Surplus



Notes to major income and expenditure:

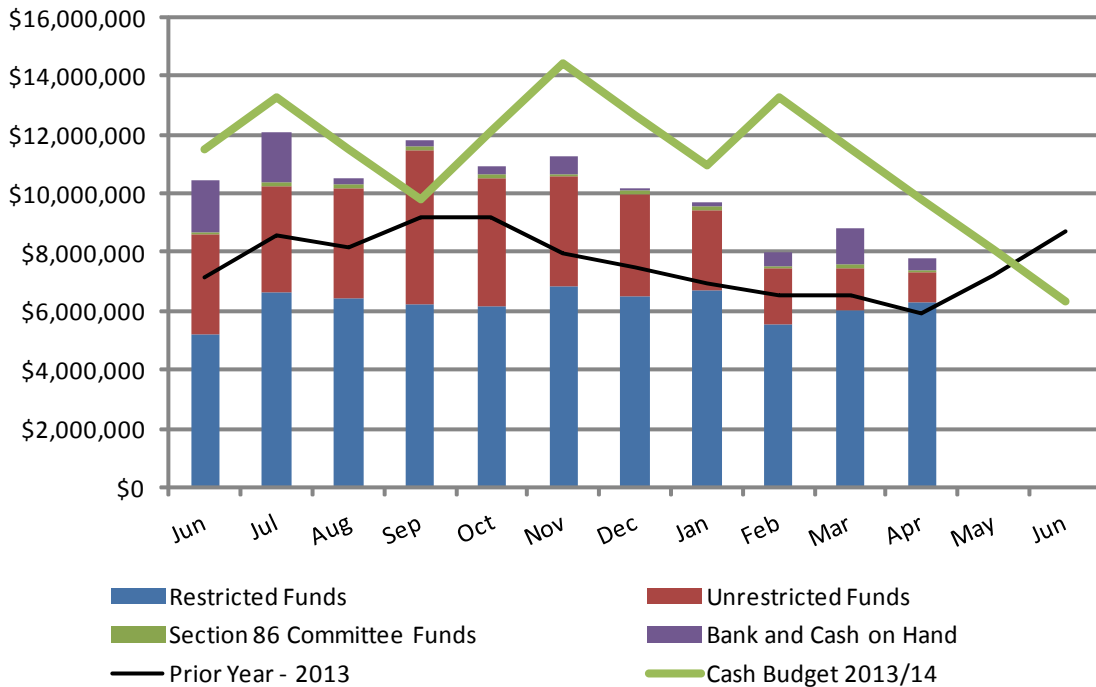
- Council rates were budgeted to be raised in August. This occurred in September.
- Depreciation is budgeted to be recorded in June.

CASH POSITION

Cash on Hand

The cash position moved during the month as detailed below:

	Current Month	Prior Month	Variance	
	Apr-14	Mar-14	\$	%
	\$	\$	\$	%
Unexpended Grants	5,340,510	5,028,482	312,028	6.2%
Provisions and reserves	965,429	965,429	-	0.0%
Restricted Funds	6,305,939	5,993,911	312,028	5.2%
Unrestricted Funds	988,211	1,448,223	(460,012)	-31.8%
Section 86 Committee Funds	115,468	115,468	-	0.0%
Total Investments	7,409,618	7,557,602	(147,984)	-2.0%
Bank and Cash on Hand	401,722	1,273,880	(872,158)	-68.5%
Total Cash	7,811,340	8,831,482	(1,020,142)	-11.6%
Average Interest Rate	3.48%	3.50%		



Investments

Investments were made up of the following at the month end:

Date	Product	Institution	Principal	Yield	Term	Rating	Maturity
5/02/2014	Term Deposit	ING Bank	1,075,589	3.48%	90 Days	A1	6/05/2014
23/04/2014	Term Deposit	NAB	2,000,000	3.58%	90 Days	A1+	22/07/2014
16/12/2013	Term Deposit	AMP	1,000,000	3.90%	182 Days	A1	16/06/2014
11/03/2014	Term Deposit	Bank of Queensland	1,071,564	3.50%	92 Days	A2	11/06/2014
13/03/2014	Term Deposit	Wide Bay Australia Ltd	500,000	3.65%	92 Days	A2	13/06/2014
26/03/2014	Term Deposit	WAW	793,369	3.65%	90 Days		26/06/2014
N/A	Online Saver	ANZ	853,628	2.25%	On Call	AA-	N/A
N/A	S86 Committees	Various	135,588	4.68%	N/A		N/A
Total Investments			7,429,738				

Table 4: Investments at month end

Restricted Funds

Unexpended Grants and Provisions and Reserves at the end of the month are detailed on the next page.

	\$
Unexpended Grants	
LG Infrastructure Projects	1,338,712
Tallangatta Community Hub	1,318,089
Country Roads and Bridges	1,219,317
R2R Supplementary	586,877
Magorra Park (DSE)	230,263
Local Gov Business Collaboration (A Maclean)	102,032
Municipal Emergency Response Program	64,142
Flood Recovery Officer (T Hall)	55,451
Tallangatta Neighbourhood House	52,331
Flood Recovery (Community projects)	50,634
Mitta Valley Dairy Pathways	47,130
Community Access	45,290
Children Services Review	45,000
Cudgewa Multi Purpose Facility (DSE)	41,500
Towong Racecourse (DSE)	30,985
The Narrows Project	25,446
Improving Liveability of Older People	24,951
CaravanPark Masterplan	14,831
Tallangatta Swimming Pool Upgrade	14,003
Bushfire Management Overlay	13,090
Freeza Funding	10,076
Weed Project	7,843
Fire Access Track Maintenance	1,764
Youth Week	454
SP Ausnet Community Development	196
Biggara Recreation Reserve (DSE)	104
Provisions and Reserves	
Long Service Leave	765,429
Landfill Rehabilitation	200,000
Total	6,305,939

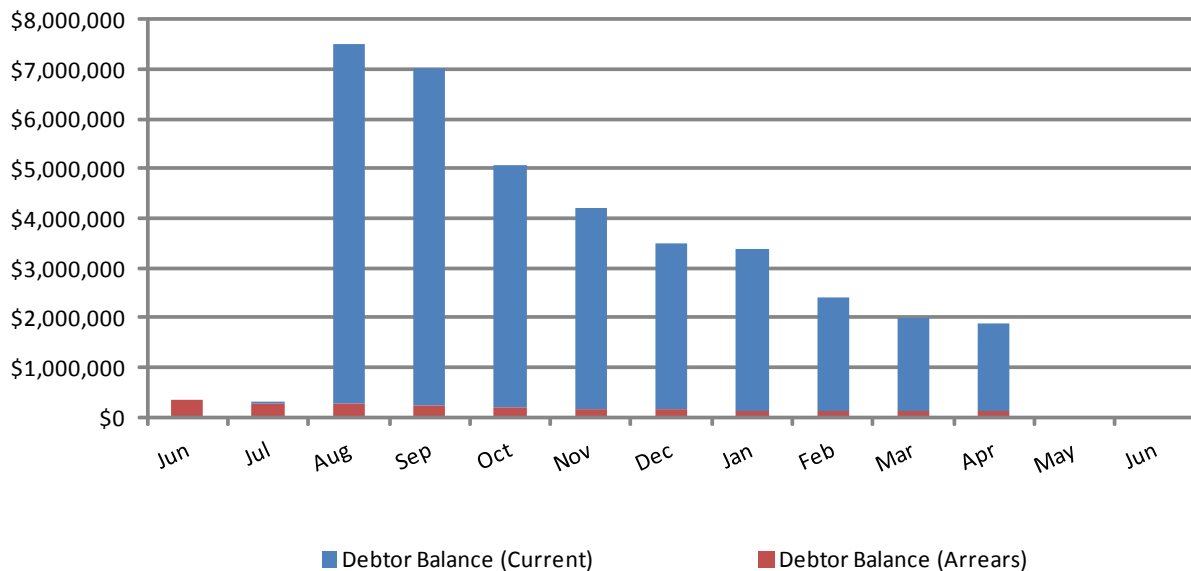
Table 5: Unexpended Grants

RECEIVABLES

Rates, Municipal Charge, Waste Management Charge and Waste Collection Charge

The breakdown of rates received for the current month and year to date is shown in the following table and graph:

Rates, charges and FSPL Debtors	Amount \$	Received	% Collected	Received	Collected	Balance Outstanding \$
		Apr-14 \$	Apr-14 %	YTD \$	YTD \$	
Levied 2013/14	7,280,283	99,101	1.4%	5,485,372	75.3%	1,794,911
Arrears prior to 2013/14	339,358	6,475	1.9%	231,901	68.3%	107,456
Total Charges		105,576		5,717,274		1,902,367

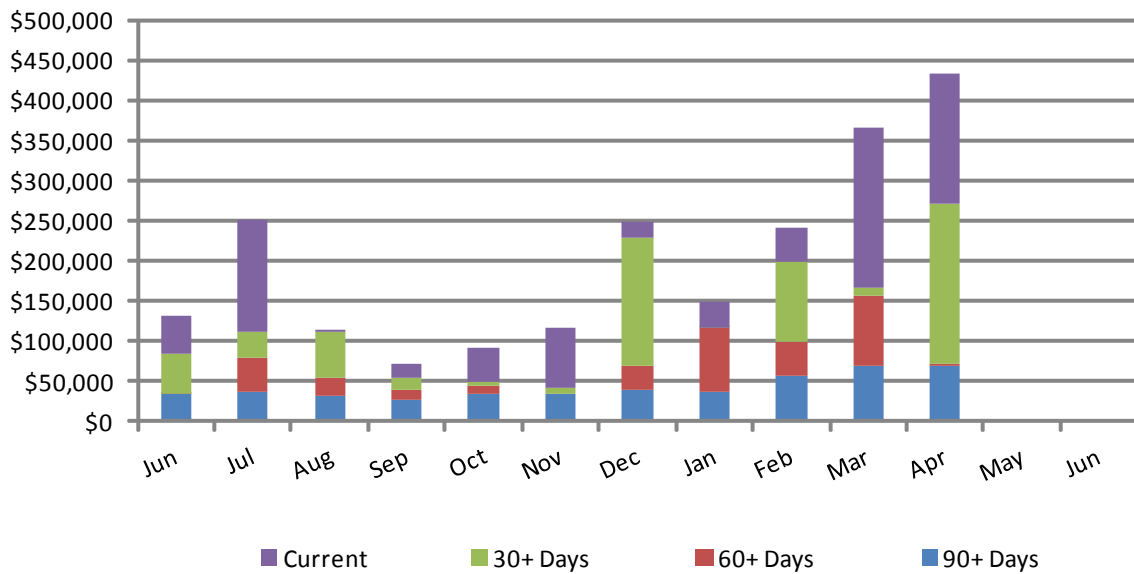


Sundry Debtors

The Sundry Debtors outstanding at month end total \$432,047.

The variance in Sundry Debtors from the current month to prior months is shown below:

Sundry Debtors	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$
April 2014	161,529	198,740	2,042	69,736	432,047
March 2014	199,891	9,179	89,032	68,748	366,850
Variance	(38,362)	189,561	(86,990)	988	65,197



Significant debtors (>\$1,000) with ageing of greater than 90 days are as follows:

Debtor	Amount	Description	RO	Notes
AGL Hydro Ltd (15849)	\$42,114	Agreement in lieu of rates	JS	Payment has been requested. Advised to be received mid-May
Cudgewa Football/Netball Club (15598)	\$5,000	Community Contribution	JH	An additional funding contribution was committed by the community if required to deliver the project. This will be reviewed as part of the finalisation of the project.
VicRoads (10266)	\$4,807	School Supervisor	JH	For December 2013, six monthly invoice entered ahead of schedule. Received mid-May.
Regional Development Victoria (17261)	\$4,070	Towong Racecourse	PS	10% balance due when acquittal report lodged. The project is not complete and acquittal will be prepared once the project is finalised.
Debtor 18925	\$4,000	Community Group Loan	JS	The long term binding payment agreement has not yet been signed but making payments within terms. Paying \$500 per annum. \$500 received May 2013.
Debtor 17007	\$2,950	Infringement Notice	JS	Debt undergoing review.

Table 6: Significant debtors > 90 days

LOCAL ROADS

Local Roads Capital Works

	Note	YTD Actual \$	YTD Budget \$	Variance \$	Annual Budget \$
402 Survey and Design		39,874	95,000	(55,126)	105,000
410 Road Construction		527,638	570,000	(42,362)	570,000
413 Storm Damage	1	50,902	418,951	(368,049)	418,951
416 Sealing	2	774,251	188,500	585,751	188,500
417 Resealing	2	-	750,000	(750,000)	750,000
420 Drainage Construction	3	32,148	91,500	(59,352)	91,500
421 Digouts	4	620,449	1,075,972	(455,523)	1,075,972
422 Resheeting	5	93,688	230,000	(136,312)	230,000
432 Footpaths		15,905	30,000	(14,095)	30,000
433 Kerb and Channel		46,844	100,000	(53,156)	100,000
450 Bridge Construction	6	1,438,714	1,866,077	(427,363)	2,239,077
Total		3,640,413	5,416,000	(1,775,587)	5,799,000

Table 7: Local Roads – Capital Works (ytd)

Note 1: Works relating to the March 2012 flood event have been completed, with the last claim to be submitted.

Note 2: Reseal program complete. Line marking and culvert head wall lift works to be completed by end of the year.

Note 3: Works currently underway on drainage at the depot.

Note 4: Digouts program complete. Budget includes Kurrajong Gap Rd works that are currently underway.

Note 5: Resheet program 80% complete.

Note 6: Two bridges remaining. Contracts have been awarded with construction to commence in early June.

Local Roads Maintenance

	Note	YTD Actual \$	YTD Budget \$	Variance \$	Annual Budget \$
301 Inspections		766	-	766	-
302 Survey and Design		14,218	4,170	10,048	5,000
304 Pavement Maintenance	7	64,380	150,000	(85,620)	180,000
306 Grading		436,181	400,000	36,181	480,000
308 Shoulder Maintenance		51,455	83,330	(31,875)	100,000
310 Drainage Maintenance	7	92,209	162,500	(70,291)	195,000
312 Call Outs		11,823	10,000	1,823	12,000
313 Storm Damage		38,562	-	38,562	-
324 General Roadside Maintenance		58,082	54,170	3,912	65,000
326 Mowing		663	-	663	-
328 Tree Maintenance		62,758	74,790	(12,032)	89,749
330 F/Path Maintenance		2,071	6,670	(4,599)	8,000
331 K and C Maintenance		1,958	4,170	(2,212)	5,000
334 Roadside Treatments		-	12,500	(12,500)	15,000
336 Signs Maintenance		7,990	10,000	(2,010)	12,000
338 Linemarking		3,463	8,330	(4,867)	10,000
340 Guideposts		5,067	5,830	(763)	7,000
342 Guardrail		-	4,170	(4,170)	5,000
346 Bridge Maintenance		19,622	11,439	8,183	15,256
Total		871,268	1,002,069	(130,801)	1,204,005

Table 8: Local Roads - Maintenance (ytd)

Note 7: The budget was spread evenly throughout the financial year and does not align with the maintenance schedule. Maintenance program expected to be delivered by the end of the financial year. The timing of future maintenance programs will be considered as part of the budget process to better align budget with expected expenditures.

RECOMMENDATION:

THAT THE FINANCE REPORT BE NOTED.

9.2 Action Sheet Reports (06/05/0010-EA)

Items requiring action from the 6 May 2014 Council Meeting are attached at Appendix 2.

RECOMMENDATION:

THAT THE REPORT BE NOTED.

9.3 Council Plan Priorities (07/05/0022-DCCS)

The monthly updates on the 2013-2017 Council Plan priorities are attached at Appendix 3 for information.

RECOMMENDATION:

THAT THE REPORT BE NOTED.

9.4 Performance Reporting Graphs (DCCS)

The Performance Reporting Graphs are attached at Appendix 4 for information.

RECOMMENDATION:

THAT THE INFORMATION BE NOTED.

10 Community wellbeing

10.1 Towong Health Communities Plan 2013-2017 (07/01/0001-DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Tricia Hazeleger, Manager Community Health and Wellbeing.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates.

Background/History:

Under the *Public Health and Wellbeing Act 2008* (the Act), all councils in Victoria are required to prepare a **Municipal public health and wellbeing plan** (Municipal Public Health Plan) which is consistent with their Council Plan and their Municipal Strategic Statement.

The Act recognises the important role council health planning has in supporting the strategic direction of the municipality. The Municipal Public Health Plan must outline what councils will do to create a local community in which people can achieve maximum health and wellbeing.

The Towong Healthy Communities Plan (THCP) 2013 – 2017 has been developed to provide a Municipal Public Health Plan for the Towong Shire, that:

- identifies goals and strategies for creating a local community in which people can achieve maximum health and wellbeing;
- specifies how Council will work in partnership with the Department of Health and other agencies undertaking public health initiatives, projects and programs to accomplish the above goals and strategies.

The opportunities presented in the THCP 2013 – 2017 are based on population health data and research, demographics, community values and needs, government policy and directions.

Impact on Council Policy:

Council has partnered with the Walwa Bush Nursing Centre, Upper Murray Health and Community Services and Tallangatta Health Service to form the Towong Alliance.

This collaborative approach has contributed to an informed plan to facilitate decision-making and support initiatives that will help our residents be safe, well and capable of living a full life.

The THCP 2013 – 2017 promotes a unified, central approach to help the Towong Alliance and the individual partner organisations to prioritise community health and wellbeing initiatives, work together effectively on joint initiatives and achieve greater outcomes.

The THCP 2013 – 2017 is aligned with the Council Plan and partner health service strategic priorities and service plans.

State Government Policy Impacts:

The THCP 2013 – 2017 is aligned with relevant State and Federal government policies and strategic directions, including Because Mental Health Matters, National and Hume Region Chronic Disease Strategy and the Hume Aged Care Strategy.

Budget Impact:

The THCP 2013 – 2017 is aligned with the Council Plan and resourcing has already been allocated in Council’s Strategic Resource Plan.

Risk Assessment:

A risk assessment has been undertaken. Key risks and mitigation strategies identified include:

Possible risk	Level of risk	Strategy to minimise risk	Who and when
Community does not support the plan	Low. Community consultation and priorities have been incorporated into the plan.	Council has released the plan for public exhibition prior to adopting the final plan. No comments or suggestions were received.	Council June 2014
Lead agencies do not deliver on plan strategies	Low. The plan aligns with individual health service Service Plans and the Council Plan.	Manager Community Health and Wellbeing resource engaged to drive implementation of strategies by lead agencies.	Towong Alliance Ongoing.

Risk matrix	Insignificant	Minor	Moderate	Major	Catastrophic
Rare (>10 yrs)	Low	Low	Low	Medium	High
Unlikely (5-10 yrs)	Low	Low	Medium	High	High
Occasionally (3-5 yrs)	Low	Medium	Medium	High	Extreme
Likely (1-3 yrs)	Medium	Medium	High	Extreme	Extreme
Almost certain (Every year)	Medium	High	High	Extreme	Extreme

Community Consultation/Responses:

Community consultations have been undertaken in the development of a variety of related strategies and planning which have informed the development of the Towong Alliance partners' health service plans and the THCP 2013 – 2017.

The governing Chief Executive Officers and Boards of the Walwa Bush Nursing Centre, Upper Murray Health and Community Services and Tallangatta Health Service, have all contributed to the development of the THCP 2013 -2017 and endorsed the draft plan for public exhibition.

The THCP 2013 – 2017 was available throughout the public exhibition period (4 April – 2 May 2014) to provide community members with a further opportunity to make comments and offer suggestions to improve the plan. The Public Exhibition Period was advertised and supported by website (Have Your Say), Facebook and print media coverage to encourage feedback. No comments or suggestions were received.

RECOMMENDATION:

THAT THE TOWONG HEALTHY COMMUNITIES PLAN 2013 – 2017 BE ADOPTED.

11 Asset management

11.1 Works Schedule (DTS)

The works scheduled for the period 29 March to 9 May 2014 is attached at Appendix 5 for information.

RECOMMENDATION:

THAT THE REPORT BE NOTED.

12 Land-use planning

No report.

13 Environmental sustainability

No report.

14 Economic and tourism development

14.1 Hume Region Significant Tracks and Trails Strategy (HRSTTS) 2013-2022 (05/02/0007-MED)

At the time of printing this report was unavailable. It will be emailed to Councillors before the Council meeting.

15 Councillor reports

15.1 Timber Towns (Cr Gadd)

Date	16 May 2014
Details About the Activity	<p><u>Executive Officer's Report</u></p> <p>Timber Towns VIC are working with the MAV Country Roads and Bridges program, a response is needed from Council for advocacy strategy for commitment to the program, to let State Govt know how valuable the program is. Transport solutions fund topped up in the Federal Budget. Tires report - positive discussions with stakeholders, some new ideas re the report coming through but no details at this stage. The Timber Towns history project is underway.</p> <p><u>Cr Sandy Cam (Latrobe City)</u></p> <p>Wood Encouragement Policy, Latrobe - round table with key stakeholders to see key benefits and negatives, wood is not factored into some tenders, let's not discriminate against any source</p> <p>South East fibre exports closing in Eden - Japanese owned and the Australian dollar has not helped. Challenge in finding ways to use low quality product.</p> <p><u>Warwick Jordan (Wilderness Society)</u></p> <p>Spoke about forests and some challenges. National forest campaigner. Providing oversight of forest conservation National policy issues, certification and assessments, mainly for native forests. An approach of having a conversation to deal with levels of conflict as this happens in communities so we can - understand the issues, there is a lack of leadership in being able to resolve these issues - Is there enough wood ?</p> <p>We need leadership to solve this problem. We can hear and see the issues, will involve some pain in the community, need to work out a solution - How does it affect people? Is there a market?</p>

	<p><u>Stuart McDonnell (Lead Beater Possum Project)</u> Supporting the possum within the timber industry, what's the right mix to strike the right balance. Possum numbers Impacted by 2009 fires, how do we manage this forest? Solution will have around 5% impact to forest industry. Long term solutions are the key.</p> <p><u>Lachlan Spencer (VicForests General Manager Corporate Services)</u> Need strong advocate for something people embrace otherwise forestry will be a challenge for us all. One of the most important processes is regeneration.</p> <p>Social and economic sustainability is important, means less profit, fire is a huge problem.</p> <p>Timber native has declined due to national parks, harvesting etc. We must find a point where we can get a 20 year window, we must have viable businesses.</p> <p>Four (4) billion approximate economic activity in regional Victoria 2004 – 2014.</p>
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16 Urgent business

17 Committee minutes

17.1 NevRwaste (Cr Joyce)

The Executive Summary from the NevRwaste Board meeting held on 8 May 2014 is attached at Appendix 6.

RECOMMENDATION:

THAT THE NEVRWASTE EXECUTIVE SUMMARY OF 8 MAY 2014 BE NOTED.

18 Occupational health and safety

18.1 OHS Committee (06/04/0212-DCCS)

The unconfirmed minutes of the meeting held on 1 May 2014 are attached at Appendix 7 for information.

RECOMMENDATION:

THAT THE UNCONFIRMED OCCUPATIONAL HEALTH AND SAFETY COMMITTEE MINUTES BE NOTED.

19 Council policies (10/01/0007-CEO)

The following policies were tabled for review at the 1 April 2014 Council meeting and are presented at Appendix 8 for adoption. Please note that recommended changes are shown in red.

Disability Access (DCCS)
Disabled Access funding (DTS)
Discrimination, Workplace and Sexual Harassment (DCCS)
Investment (DCCS)
OHS (DCCS)
Renewable Energy and Development (MED)
Temporary Road Closures (DTS)
Town Entrance Signage (DTS)

RECOMMENDATION:

THAT THE FOLLOWING POLICIES AS AMENDED BE ADOPTED:

- **DISABILITY ACCESS**
- **DISABLED ACCESS FUNDING**
- **DISCRIMINATION, WORKPLACE AND SEXUAL HARASSMENT**
- **INVESTMENT**
- **OHS**
- **RENEWABLE ENERGY AND DEVELOPMENT**
- **TEMPORARY ROAD CLOSURES**
- **TOWN ENTRANCE SIGNAGE**

The following policies are attached at Appendix 9 for review. Councillors are requested to provide feedback on the policies to the Director Community and Corporate Services by 1 July 2014.

- Employee Code of Conduct and Conflict of Interest Policy and Guidelines (DCCS)
- No Smoking (DCCS)

20 Sealing of documents

20.1 Section 173 Agreement – Hancock Victorian Plantations Pty Ltd and Towong Shire Council (P213400)

Planning Permit 2012/038 provided consent for a two lot subdivision of Crown Allotment 16B, Section 15, Parish of Burrowye. Condition 2 of the Planning Permit requires a Section 173 Agreement to be registered on the title of proposed lot 2. The Agreement indicates that the maintenance of the road between Hardings Road (at the boundary of Lot 1) and the title boundary of proposed Lot 2 is the responsibility of the owner of Lot 2 and this road shall be constructed and maintained to a standard that is to the satisfaction of the Responsible Authority.

The Agreement has now been drafted in accordance with the Planning Permit and needs to be signed and sealed.

RECOMMENDATION:

THAT THE CHIEF EXECUTIVE OFFICER BE AUTHORIZED TO SIGN AND SEAL THE SECTION 173 AGREEMENT RELATING TO LAND KNOWN AS CROWN ALLOTMENT 16B, SECTION 15, PARISH OF BURROWYE (PROPOSED LOTS 1 AND 2 PS706026W) THAT HAS BEEN DRAFTED IN ACCORDANCE WITH THE REQUIREMENTS OF PLANNING PERMIT 2012/038.

20.2 Section 173 Agreement – Chicala Holdings Pty Ltd and Towong Shire (P224900)

Planning Permit 2012/057 provided consent for a dwelling and the re-subdivision of Lot 1 TP743588 and Crown Allotment 3A, Section C, Parish of Talgarno. Condition 7 of the Planning Permit required a Section 173 Agreement to be registered on the title of the land. The Agreement indicates that the land may not be further subdivided so as to increase the number of lots unless specifically permitted by the prevailing zone. This was a requirement of the zone at the time that the permit was issued.

The Agreement has now been drafted in accordance with the Planning Permit and needs to be signed and sealed.

RECOMMENDATION:

THAT THE CHIEF EXECUTIVE OFFICER BE AUTHORIZED TO SIGN AND SEAL THE SECTION 173 AGREEMENT RELATING TO LAND KNOWN AS LOT 1 TP743588 AND CROWN ALLOTMENT 3A, SECTION C, PARISH OF TALGARNO THAT HAS BEEN DRAFTED IN ACCORDANCE WITH THE REQUIREMENTS OF PLANNING PERMIT 2012/057.

21 Confidential

In accordance with S77(2) information is 'confidential information' if:

- (a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
- (b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
- (c) subject to sub-section (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.

In accordance with Section 89(2) and 89(3) of the Local Government Act 1989,

(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following—

- (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.

(3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting

No report.