

# **Agenda**

## **Ordinary Meeting of Council**

Bethanga Hall

Tuesday 4 October 2016

---

This information is available in alternative formats on request

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL TO BE HELD AT THE  
BETHANGA HALL, BETHANGA ON TUESDAY 4 OCTOBER 2016 COMMENCING AT  
10.00 AM.**

**TABLE OF CONTENTS**

1	Opening Prayer.....	3
2	Councillor and Officer presence at the meeting.....	3
3	Apologies and granting of leave of absence .....	3
4	Declaration of pecuniary interest and/or conflict .....	3
5	Confirmation of minutes .....	3
6	Petitions, joint letters and declarations.....	4
7	Assembly of Councillors .....	4
8	Open Forum.....	5
9	Organisational improvement.....	6
9.1	Finance Report as at 31 August 2016 (DCCS) .....	6
9.2	Occupational Health and Safety Report (06/04/0212-DCCS) .....	17
9.3	Action Sheet Reports (06/05/0010-EA) .....	17
9.4	Council Plan Priorities (07/05/0022-DCCS).....	17
9.5	Performance Reporting Graphs (DCCS) .....	18
10	Community wellbeing .....	18
11	Asset management.....	18
12	Land-use planning.....	18
13	Environmental sustainability .....	19
14	Economic and tourism development.....	19
15	Councillor reports .....	20
15.1	Cathy McGowan MP for Indi meeting Wangaratta (Mayor Wortmann) .....	20
15.2	Towong Planning Scheme Amendment C25 - Planning Panel Hearing (Mayor Wortmann) .....	22
15.3	Towong Planning Scheme Amendment C25 - Planning Panel Hearing (Cr Fraser) .....	23
16	Urgent business.....	24
17	Committee minutes.....	24
17.1	Upper Murray Business Inc (UMBI) (Cr Joyce) .....	24
18	Occupational health and safety .....	25
18.1	OHS Committee (06/04/0212-DCCS).....	25
19	Council policies (10/01/0007-CEO) .....	25
20	Sealing of documents.....	26
20.1	Section 173 Agreement – Anthony Mark Ley, Mark Thomas Ley And Vicki Lee Ley and Towong Shire Council (P272650).....	26
21	Confidential.....	27
		2

## **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 September 2016  
Special Meetings of 15 and 20 September 2016

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

### **RECOMMENDATION:**

**THAT THE MINUTES OF THE ORDINARY MEETING HELD ON 6 SEPTEMBER 2016 AND SPECIAL MEETINGS OF 15 AND 20 SEPTEMBER 2016 AS CIRCULATED BE CONFIRMED.**

## **6 Petitions, joint letters and declarations**

## **7 Assembly of Councillors**

A written record of the Assemblies of Councillors from 31 August to 28 September 2016 is included at [Appendix 1](#).

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

### **RECOMMENDATION:**

**THAT THE INFORMATION BE NOTED.**

**8 Open Forum**

## 9 Organisational improvement

### 9.1 Finance Report as at 31 August 2016 (DCCS)

#### Disclosure of Interests (S.80C):

This report was prepared by Mr Blair Phillips, Manager Finance.

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	Aug-16 (Actual) \$'000	Aug-16 (Budget) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	YTD (Variance) %	2016/17 Full Year (Budget) \$'000	2016/17 Full Year (Achieved) %
Income	1	8,965	8,810	9,039	8,932	107	1%	16,975	53%
Expenditure	2	799	1,002	1,383	1,722	339	20%	14,002	10%
Surplus/ (Deficit)		8,166	7,808	7,656	7,210	446	6%	2,972	258%

Table 1: Operating Result

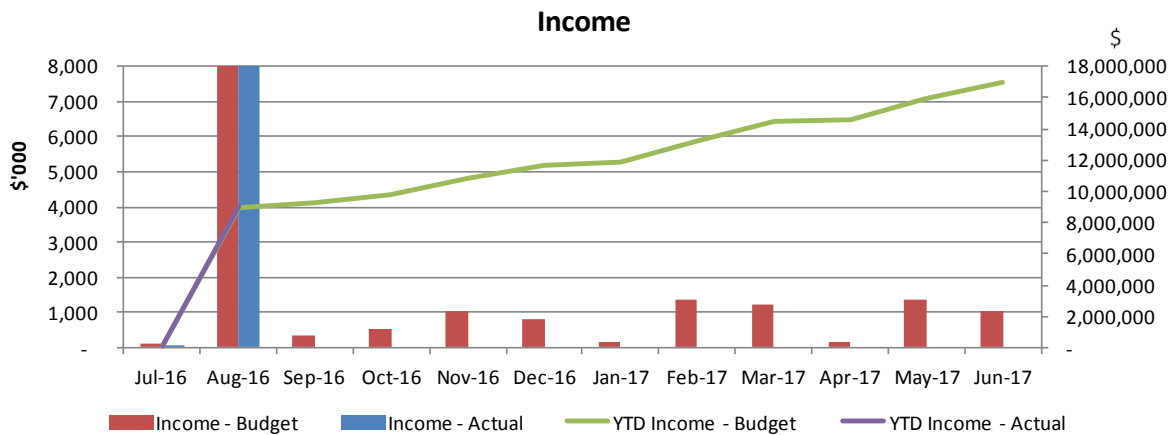
#### Note 1:

In August, Council rates and charges totaling \$7,735,956 were levied on Towong Shire properties.

Council's YTD income at 31 August 2016 is \$9.0 million against a budget of \$8.9 million. The major items contributing to the \$107,000 variance include:

- Revenue received that was not budgeted in 2016/17:
  - \$56,000 - Bushies Hit for Six – for cricket nets upgrade at Rowen Park Tallangatta.
  - \$45,000 – the final instalment for the completion of the Wyeewoo Multi Purpose Facility.
- Revenue expected to be received later than anticipated:
  - \$47,000 – for the State Government Library contribution.
  - \$32,000 – from the State Government for the local State Emergency Services units.

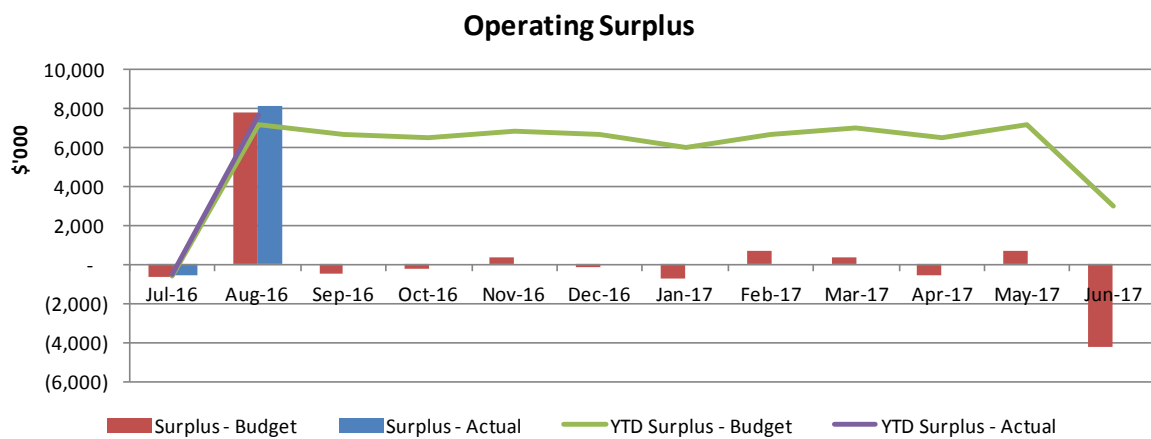
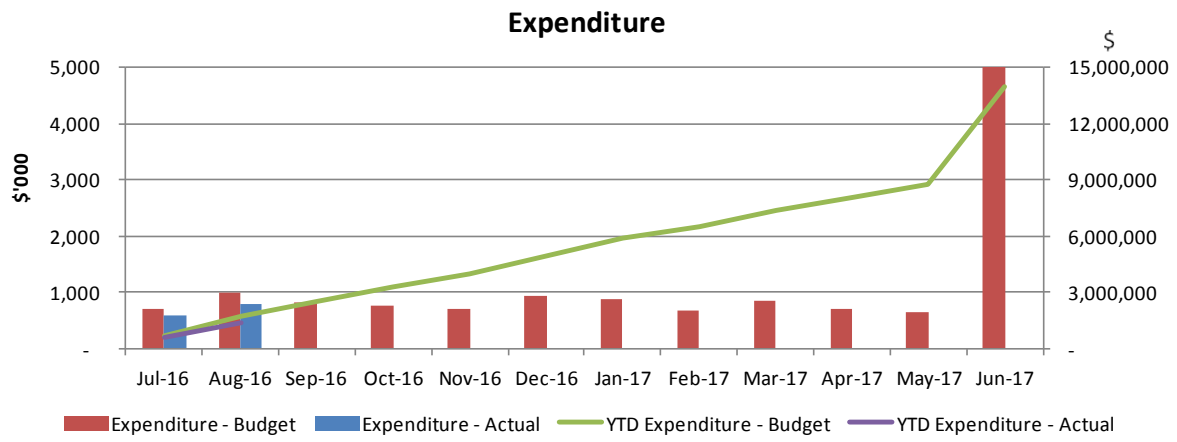
- Revenue received earlier than anticipated:
  - \$30,000 – for the Municipal Emergency Response Program.
  - \$30,000 – for the Weed Control Project.



Note 2:

Council’s expenditure at 31 August 2016 is \$1.4 million against a budget of \$1.7 million. The major items contributing to the \$339,000 variance include:

- Expenditure that will be incurred later than expected:
  - \$112,000 - staff costs – positions not yet filled in childcare and Executive services.
  - \$55,000 – membership renewals not yet received.
  - \$40,000 – community buildings insurance expense will be recognised in September.
  - \$40,000 – contribution to local State Emergency Service units delayed until State Government funding is received.
  - \$23,000 – audit fee invoice for 2015/16 not received in full.
  - \$22,000 – other associated costs of the childcare facility that is not yet operational.



### Grant Income

	Note	Aug-16	YTD	YTD	YTD	YTD	2015/16	2015/16
		(Actual)	(Actual)	(Budget)	(Variance)	(Variance)	Full	Full
		\$'000	\$'000	\$'000	\$'000	%	Year	Year
							(Budget)	(Achieved)
							\$'000	%
Recurrent		1,080	1,110	1,131	(21)	(2%)	6,488	17%
Non Recurrent	1	124	124	-	124	0%	1,146	11%
<b>Total</b>		<b>1,204</b>	<b>1,234</b>	<b>1,131</b>	<b>103</b>	<b>9%</b>	<b>7,634</b>	<b>16%</b>

Table 2: Grant Income

#### Note 1:

Council's YTD non-recurrent grant income at 31 August 2016 is \$124,000 against a budget of \$0. The major items contributing to the \$124,000 variance include:

- Revenue received that was not budgeted in 2016/17:
  - \$56,000 - Bushies Hit for Six – for cricket nets upgrade at Rowen Park Tallangatta.
  - \$45,000 – the final instalment for the completion of the Wyeboo Multi Purpose Facility.



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

	\$'000
<b>Recurring</b>	
Victorian Grants Commission - General Purpose Funding	569
Victorian Grants Commission - Local Roads Funding	352
Library	52
Weed Project	31
Municipal Emergency Resourcing Program	30
Maternal and Child Health	27
Corryong Pre School	24
Tallangatta Pre School	14
Berringa Pre School	11
<b>Total Recurring Grants</b>	<b>1,110</b>
<b>Competitive and Non-Competitive</b>	
Bushies Hit for Six	56
Wyeboo Multi Purpose Facility	45
Community Health and Wellbeing	7
Banking on Solar	7
Community Access	7
Seniors Week	2
<b>Total Competitive and Non-Competitive Grants</b>	<b>124</b>
<b>Total Grants Received</b>	<b>1,234</b>

Table 3: Grant Income received

### ***Unexpended Grants and Restricted Funds***

Where Council has received grants that are required to be expended in a specified manner, but the funds have not yet been expended, the grant is recognised as an unexpended grant or restricted funds. This identifies cash holdings that are required to be spent on a specified purpose and are not available for other Council priorities.

The following table provides a listing of current unexpended grants and restricted funds:

	<b>\$'000</b>
<b>Unexpended Grants</b>	
Roads to Recovery (R2R)	952
Corryong Swimming Pool Upgrade Grant	242
Country Roads and Bridges	124
Community Access	114
Maternal and Child Health Enhancement	100
Corryong Tennis Courts Grant	77
Flood Recovery Officer	42
Weed Project	38
The Narrows Project	36
Local Gov Business Collaboration	32
Tallangatta Neighbourhood House	30
Bushfire Management Overlay	13
Kinder Enrolment	12
Towong Shire Connections Project	11
Children Services Review	10
Improving Liveability of Older People	10
Freeza Funding	7
Health Promotions (Walk to School)	4
Fire Access Track Maintenance	1
<b>Total Unexpended Grants</b>	<b>1,855</b>

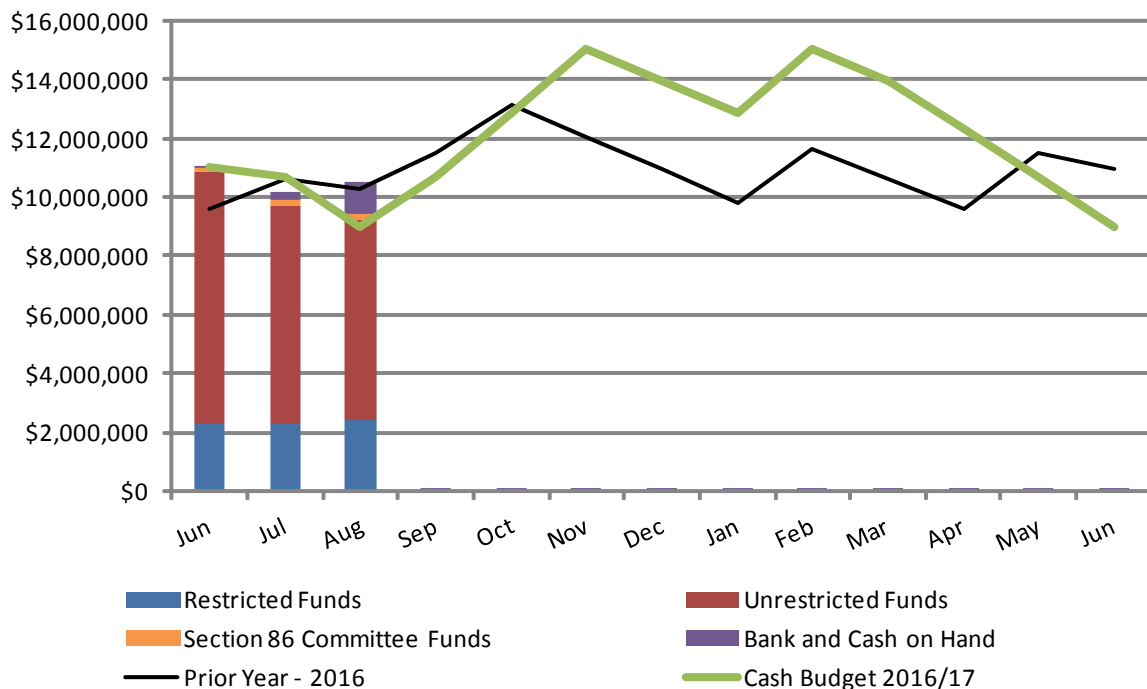
Table 4: Unexpended Grants and Restricted Funds

**CASH POSITION**

***Cash on Hand***

The cash position moved during the month as detailed below:

	Current Month Aug-16 \$	Prior Month Jul-16 \$	Variance	
			\$	%
Unexpended Grants	1,856,139	1,839,688	16,451	0.9%
Other Provisions and Reserves	541,802	425,706	116,096	27.3%
<b>Restricted Funds</b>	<b>2,397,941</b>	<b>2,265,394</b>	<b>132,547</b>	<b>5.9%</b>
Provision for Employee Entitlements	1,197,002	1,076,125	120,877	11.2%
Other Unrestricted Funds	5,640,932	6,367,715	(726,784)	-11.4%
<b>Total Unrestricted Funds</b>	<b>6,837,934</b>	<b>7,443,840</b>	<b>(605,907)</b>	<b>-8.1%</b>
Section 86 Committee Funds	190,039	190,039	-	0.0%
<b>Total Investments</b>	<b>9,425,913</b>	<b>9,899,273</b>	<b>(473,360)</b>	<b>-4.8%</b>
Bank and Cash on Hand	1,126,919	285,774	841,145	294.3%
<b>Total Cash</b>	<b>10,552,832</b>	<b>10,185,047</b>	<b>367,785</b>	<b>3.6%</b>
Average Interest Rate	2.88%	2.92%		



**Investments**

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

Date	Product	Institution	Principal	Yield	Term	Rating	Maturity
18/05/2016	Term Deposit	AMP	1,500,000	3.00%	183 Days	A1	17/11/2016
18/07/2016	Term Deposit	NAB	1,000,000	2.88%	179 Days	A1+	13/01/2017
16/03/2016	Term Deposit	NAB	2,000,000	3.05%	182 Days	A1+	14/09/2016
26/04/2016	Term Deposit	Bank of Queensland	1,500,000	3.16%	183 Days	A2	26/10/2016
18/05/2016	Term Deposit	Bank of Queensland	1,000,000	3.00%	184 Days	A2	18/11/2016
31/08/2016	Term Deposit	AMP	1,000,000	2.95%	217 Days	A1	5/04/2017
11/07/2016	Term Deposit	WAW	852,186	2.60%	180 Days		11/01/2017
N/A	Cash Management	Westpac	383,689		On Call	AA-	N/A
N/A	S86 Committees	Various	136,246	4.68%	N/A		N/A
<b>Total Investments</b>			<b>9,372,120</b>				

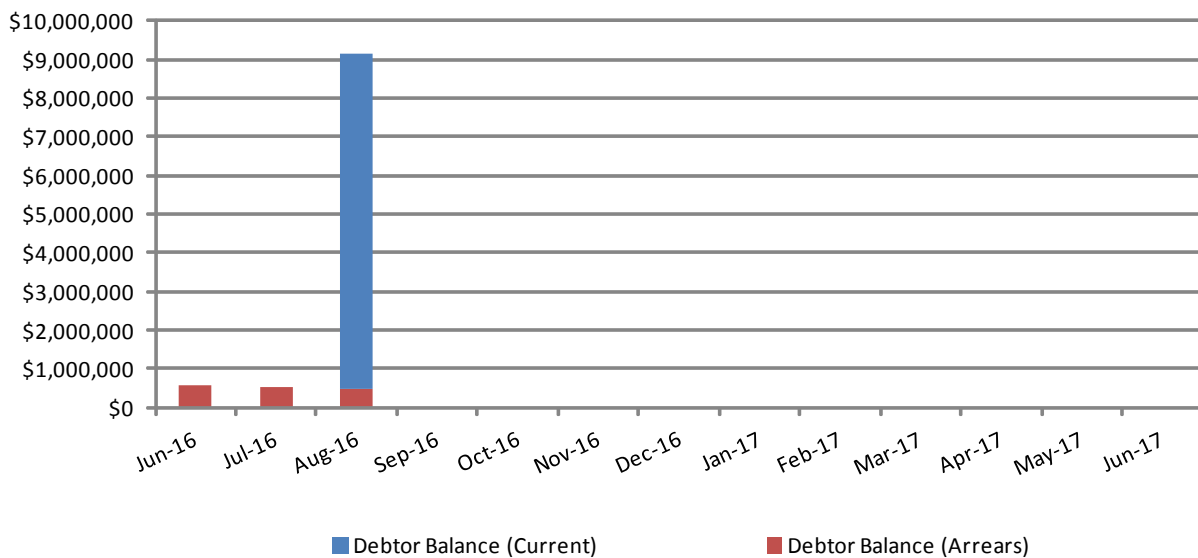
Table 5: Investments at month end

**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:

<b>Rates, charges and FSPL Debtors</b>						
	Amount	Received	% Collected	Received	Collected	Balance
	\$	Aug-16	Aug-16	YTD	YTD	Outstanding
	\$	\$	%	\$	\$	\$
Levied 2016/17	8,770,870	97,505	1.1%	114,690	1.3%	8,656,179
Arrears prior to 2016/17	596,030	47,030	7.9%	133,597	22.4%	462,433
<b>Total Charges</b>		<b>144,536</b>		<b>248,288</b>		<b>9,118,612</b>



Note – rates were struck in August 2016. Quarterly instalments are due at the end of September, November, February and May.

**Debt Collection**

At 31 July 2016 there were 416 rate debtors remaining with an outstanding balance greater than \$200 that were sent first reminder letters.

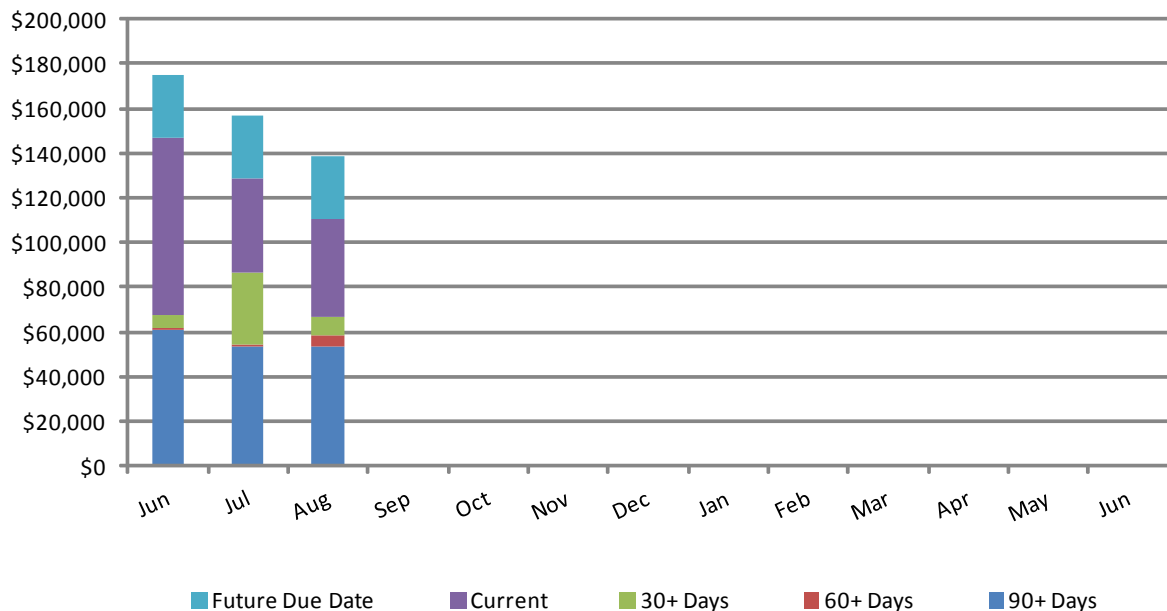
Of these, 120 ratepayers had a balance greater than \$1,000. These ratepayers were sent a second reminder letter advising them that the next step in the debt collection process was for them to be listed with Council’s external credit collection agency. As a result of taking no action, 39 ratepayers were listed with Council’s external credit collection agency and were issued a letter of demand on 24 August 2016.

At 31 August 2016 there were 304 rate debtors remaining with an outstanding balance greater than \$200.

**Sundry Debtors**

The Sundry Debtors outstanding at month end and the movement from the prior month is shown below:

Sundry Debtors	Future Due Date \$	Current \$	30 Days \$	60 Days \$	90+ Days \$	Total \$
<b>August 2016</b>	27,664	44,065	8,426	4,813	53,352	138,321
<b>July 2016</b>	27,664	42,883	31,513	947	53,741	156,749
<b>Movement</b>	-	1,182	(23,088)	3,866	(389)	(18,428)



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

<b>Debtor</b>	<b>Amount</b>	<b>Description</b>	<b>RO</b>	<b>Notes</b>
Debtor 8411	\$1,580	Contribution	JS	Payment has been requested.
Debtor 15570	\$40,548	FSPL Admin support	BP	Payment was received on 12 September 2016.
Debtor 17007	\$1,540	Cost recovery for slashing	BP	Contact has been made with the debtor and is expected to be recovered.
Debtor 18925	\$3,250	Community contribution	BP	Council considered a proposal at the May 2016 Council meeting. A letter has been issued to the debtor.
Debtor 19755	\$1,548	50% Cost Recovery for weed control	BP	Contact has been made with the debtor and is expected to be recovered.
Debtor 20210	\$1,100	Fees	BP	Contact has been made with the debtor and is expected to be recovered.

Table 6: Significant debtors > 90 days

## LOCAL ROADS

The following tables report on progress of Local Roads and Bridges Capital and Maintenance programs.

### *Local Roads and Bridges Capital Works*

Local Roads and Bridges Infrastructure	Note	YTD Actual \$	YTD Budget	Variance \$	Annual Budget \$
410 Road Construction	1	42,284	10,000	(32,284)	980,523
416 Sealing	2	13,974	-	(13,974)	50,000
417 Resealing		-	-	-	1,025,000
420 Drainage Construction		-	-	-	130,000
421 Digouts		-	-	-	671,479
422 Resheeting	1	23,792	15,000	(8,792)	230,000
432 Footpaths	1	78	-	(78)	431,496
433 Kerb and Channel	1	19,212	25,000	5,788	840,737
442 Guardrails		-	-	-	30,000
450 Bridge Construction		-	-	-	20,000
<b>Total</b>		<b>99,340</b>	<b>50,000</b>	<b>(49,340)</b>	<b>4,409,235</b>

Table 7: Local Roads & Bridges – Capital Works (YTD)

#### Note 1:

The phasing of the budget does not align with the phasing of the works. Items as shown comprise of significant projects e.g. Hanson Street, Corryong upgrade, Walwa Main Street upgrade and Destination Tallangatta project.

#### Note 2:

A late invoice was received for works completed in 2015/16. This was funded as part of the Roads to Recovery program.

**Local Roads and Bridges Maintenance**

	Note	YTD Actual \$	YTD Budget \$	Variance \$	Annual Budget \$
302 Survey and Design		2,400	834	(1,566)	5,000
304 Pavement Maintenance	1	31,962	-	(31,962)	148,000
306 Grading	2	16,141	76,666	60,525	452,000
308 Shoulder Maintenance	2	3,192	16,666	13,474	98,000
310 Drainage Maintenance	3	44,306	28,334	(15,972)	167,000
312 Call Outs		7,775	3,334	(4,441)	20,000
322 Resheeting		384	-	(384)	-
324 General Roadside Maintenance		16,163	12,500	(3,663)	73,000
328 Tree Maintenance		20,362	16,500	(3,862)	99,000
330 Footpath Maintenance		801	-	(801)	8,000
331 Kerb and Channel Maintenance		1,775	-	(1,775)	-
334 Roadside Treatments		3,800	-	(3,800)	15,000
336 Signs Maintenance		2,596	2,000	(596)	12,000
338 Linemarking		-	-	-	10,000
340 Guideposts		1,690	1,166	(524)	7,000
342 Guardrail		-	-	-	5,000
346 Bridge Maintenance		3,965	-	(3,965)	32,366
<b>Total</b>		<b>157,312</b>	<b>158,000</b>	<b>688</b>	<b>1,151,366</b>

Table 8: Local Roads & Bridges - Maintenance (YTD)

**Note 1:**

Pavement maintenance has been required earlier than anticipated due to the wet weather (timing variance).

**Note 2:**

Grading works and shoulder maintenance have been delayed due to the wet weather (timing variance).

**Note 3:**

Drainage maintenance has occurred earlier than anticipated in preparation for the reseal program due to exceptionally wet weather conditions (timing variance).

**OTHER FINANCIAL MATTERS**

There are no other financial matters to report.

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

**RECOMMENDATION:**

**THAT THE FINANCE REPORT BE NOTED.**



## 9.2 Occupational Health and Safety Report (06/04/0212-DCCS)

The Occupational Health and Safety report is presented every second month. The next report is due in November 2016.

The bi-monthly Council Plan Priorities report is included in this agenda at Item 9.4 and provides a progress report on relevant activities from the 2013-2017 Council Plan.

## 9.3 Action Sheet Reports (06/05/0010-EA)

Items requiring action from the 6 September 2016 Council Meeting are attached at [Appendix 2](#).

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

### **RECOMMENDATION:**

**THAT THE REPORT BE NOTED.**

## 9.4 Council Plan Priorities (07/05/0022-DCCS)

The monthly updates on the 2013-2017 Council Plan priorities are attached at [Appendix 3](#) for information.

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

### **RECOMMENDATION:**

**THAT THE PROGRESS REPORT BE NOTED.**

## 9.5 Performance Reporting Graphs (DCCS)

The Performance Reporting Graphs are attached at [Appendix 4](#) for information.

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

### **RECOMMENDATION:**

**THAT THE REPORT BE NOTED.**

## 10 **Community wellbeing**

The Community Wellbeing report is presented every second month. The next report is due in November 2016.

The bi-monthly Council Plan Priorities report is included in this agenda at Item 9.4 and provides a progress report on relevant activities from the 2013-2017 Council Plan.

## 11 **Asset management**

The Asset Management report is presented every second month. The next report is due in November 2016.

The bi-monthly Council Plan Priorities report is included in this agenda at Item 9.4 and provides a progress report on relevant activities from the 2013-2017 Council Plan.

## 12 **Land-use planning**

No Planning reports.

### **13 Environmental sustainability**

The Environmental Sustainability report is presented every second month. The next report is due in November 2016.

The bi-monthly Council Plan Priorities report is included in this agenda at Item 9.4 and provides a progress report on relevant activities from the 2013-2017 Council Plan.

### **14 Economic and tourism development**

The Economic and Tourism Development report is presented every second month. The next report is due in November 2016.

The bi-monthly Council Plan Priorities report is included in this agenda at Item 9.4 and provides a progress report on relevant activities from the 2013-2017 Council Plan.

## 15 Councillor reports

### 15.1 Cathy McGowan MP for Indi meeting Wangaratta (Mayor Wortmann)

<b>Date</b>	5 September 2016
<b>Details About the Activity</b>	<p>The CEO and I met with Cathy McGowan at her Wangaratta Office to discuss issues that impact on Towong Shire.</p> <p>We raised the topic of freezing of indexation on Federal Assistance Grants which had reduced Towong Shires grant allocation by approximately \$658,000 over the three year period of the freeze. We are pleased with the Federal Government announcement that the indexation to FAGS will be applied in 2017.</p> <p>We voiced our concern that this measure will not cover the short fall of grant funding over that period. We explained that the formula for calculating FAGS needs to be raised as an urgent issue with the Minister for Local Government, Fiona Nash. The formula with the as of right component (per capita allocation) is disadvantaging Rural Councils across Australia; there has been a number of reports and enquiries that validate this concern. We expressed to Cathy we are willing to meet with the Minister to explain our situation at Towong Shire Council.</p> <p>We spoke about mobile phone Black Spots within the Towong Shire. We thanked Cathy for what she has achieved on this front; with the announcement that towers will be built in the areas of Bethanga, Dartmouth, Cudgewa and Granya. We did explain that Council is not in agreement with the proposed site in the Granya valley as opposed to our preferred site on Mt Granya which we believe will offer much greater coverage. Telstra are conducting more modelling and testing of the Mt Granya site and these results will be known very soon.</p> <p>We spoke about the sites nominated for the next round of funding in our Shire and we also encouraged her to advocate for co-location of wireless broadband internet and mobile phone towers on the same towers. We also explained that reliable fast internet connectivity is vital for individuals, families and businesses within our Shire.</p>

	<p>Roads to Recovery funding were the next topic we covered. This funding is vital to small Rural Shires like Towong with over 1200 km of roads and 168 Bridges. We asked Cathy to advocate that this funding needs to be locked in as an ongoing financial commitment.</p> <p>We raised the issue of the Shelley Walwa Road election commitment by the coalition during the election campaign. We would like confirmation of this and how we progress this project with all the partners i.e. Federal, State and Local Governments and HVP.</p> <p>Cathy mentioned the difficulties that the dairy farmers are facing at present and how we can work together to help. We explained that Towong Shire Council is partnering with Murray Dairy, Rural Financial Counselling Service Victoria, Northeast partner Councils and the Victorian Government to support farmers and communities through this challenging time for the industry. There is a large range of services being rolled out to support dairy farmers and these are being advertised on Councils website. We also emphasised if Cathy could gain any additional funding or support for dairy farmers from the Federal Government this would greatly appreciated by the dairy farmers.</p> <p>We also touched on the train service between Melbourne and Albury. The issue of reliability, the condition of the track and the upgrade of the rolling stock is well publicised and it is a priority of Cathy McGowan and she advised that she raises it at every opportunity to progress a solutions.</p>
--	---

## 15.2 Towong Planning Scheme Amendment C25 - Planning Panel Hearing (Mayor Wortmann)

<b>Date</b>	8 September 2016
<b>Details About the Activity</b>	<p>The hearing was held at Tallangatta's new Community Centre and a number of people attended over the day to speak to their submissions. The Manager Planning for Towong Shire Council Mr Simon Hollis represented the Council. Our CEO Juliana Phelps, Cr Mary Fraser and myself were also in attendance.</p> <p>Mr Simon Hollis delivered the Towong Shire Council submission on the Planning Scheme Amendment C25.</p> <p>The submission was comprehensive and extremely detailed. The Panel Chairman asked a number of questions and sought clarification on certain points within the submission.</p> <p>On behalf of Council I would like to thank Simon for preparing this submission and delivering a compelling explanation and history of why this Amendment C25 is so important to the strategic direction of the Towong Shire.</p> <p>The Towong Shire Rural Land Use Study and Towong Shire Council Settlement Strategy were developed as result of the Planning Scheme Amendment C14 2006. These two studies have heavily informed the current Municipal Strategic Statement.</p> <p>The Manager Planning went to great lengths to explain to the Panel Chairman that high quality agricultural land is a priority of Council and is protected within our Farming Zone. The C25 Amendment is targeted at locations within the Shire, where there is capacity to encourage different outcomes that can contribute to the environmental, social and economic wellbeing of the Shire.</p> <p>The areas nominated for rezoning by Amendment C25, especially in the Western end of the Shire will enable greater choice to the residential market in areas where this has not previously been available in a coordinated manner. The</p>

	<p>nominated areas are adjacent to existing townships or existing rural living areas and it is anticipated that providing for residential development in such areas will complement and enhance existing communities and enable them to become more sustainable.</p> <p>I believe the case that the Towong Shire Council put forward for the Planning Scheme Amendment C25 was a very compelling and I am hopeful the Planning Panel decision will support the Amendment.</p>
--	---

### 15.3 Towong Planning Scheme Amendment C25 - Planning Panel Hearing (Cr Fraser)

<b>Date</b>	8 September 2016
<b>Details About the Activity</b>	<p>Simon represented Council very well. There were several submitters and the objection from James Laycock on behalf of his client was all encompassing and wanted the C25 thrown out.</p> <p>The Chairman wasn't interested in any negative comment about Hurst's previous dealings with Council and it was good that our submission didn't make any reference to that. There were some issues raised about the impact of the Transfer Station and the North East Water facility on the Moyle land.</p> <p>The Walwa Resort Submission was to a degree refuted by Peter O'Dwyer who argued that any noise created by a housing development would be no greater than that made by a farmer operating a tractor or any machinery which is allowed under the present system. Peter Star made a submission asking for the area of land be extended which the Chairman was interested in, and sought more information about. Elliots also asked for the overlay to be extended further over their land.</p> <p>I am hopeful that the C25 will be passed but there is a little doubt which is unfortunate.</p>

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

**RECOMMENDATION:**

**THAT THE COUNCILLOR REPORTS BE NOTED.**

**16 Urgent business**

**17 Committee minutes**

**17.1 Upper Murray Business Inc (UMBI) (Cr Joyce)**

The unconfirmed minutes of the meeting held on 12 July 2016 are attached at [Appendix 5](#) for information.

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

**RECOMMENDATION:**

**THAT THE UNCONFIRMED UPPER MURRAY BUSINESS INC MINUTES BE NOTED.**



## **18 Occupational health and safety**

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

There was no meeting conducted during the month of September.

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

The following policies were tabled for review at the 2 August 2016 Council meeting and are presented at **Appendix 6** for adoption.

- Community use of Council Meeting Spaces and Facilities (MES)
- Computer and Mobile Use (DCCS)
- Debt Collection (MF)

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

### **RECOMMENDATION:**

#### **THAT THE FOLLOWING POLICIES AS PRESENTED BE ADOPTED:**

- **COMMUNITY USE OF COUNCIL MEETING SPACES AND FACILITIES**
- **COMPUTER AND MOBILE USE**
- **DEBT COLLECTION**

The following policies are attached at **Appendix 7** for review. Councillors are requested to provide feedback on the policies to the Responsible Officer by 8 November 2016.

- Fraud and Corrupt Conduct (DCCS)
- Fraud, Corrupt Conduct and Conflict of Interest Reporting Procedure (DCCS)
- Kerbside Refuse and Recycling Collection (DTS)
- Protected Disclosure (DCCS)
- Road Construction (DCCS)
- Social Media (DCCS)

## **20 Sealing of documents**

### **20.1 Section 173 Agreement – Anthony Mark Ley, Mark Thomas Ley And Vicki Lee Ley and Towong Shire Council (P272650)**

Planning Permit 2016/033 provided consent for a two lot boundary realignment subdivision of Lots 1 and 2 PS 337432 being located at 279 Leys Road Eskdale. Condition 5 of the Planning Permit requires a Section 173 Agreement to be entered and registered on the title of proposed lot 1 being the smaller parcel containing two dwellings. The Agreement indicates that the land is located in a rural area and there may be amenity impacts, such as noise, dust and smell caused by nearby agricultural activity.

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

*The recommended decision is not a "Major Policy Decision", as defined in section 93A of the Local Government Act 1989, or a "Significant Decision" within the meaning of the Code of Conduct".*

#### **RECOMMENDATION:**

**THAT THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE SECTION 173 AGREEMENT RELATING TO LAND KNOWN AS LOT NO 1 PS 645637C LOCATED AT 279 LEYS ROAD ESKDALE THAT HAS BEEN DRAFTED IN ACCORDANCE WITH THE REQUIREMENTS OF PLANNING PERMIT 2016/033.**

## **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 Confidential Reports.