

Minutes

Ordinary Meeting of Council

Tallangatta Council Office

Tuesday 1 October 2013

This information is available in alternative formats on request

<p style="text-align: center;">MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT TOWONG SHIRE COUNCIL, TALLANGATTA OFFICE ON TUESDAY 1 OCTOBER 2013 COMMENCING AT 10.00 AM.</p>

TABLE OF CONTENTS

1	Opening Prayer.....	4
2	Councillor and Officer presence at the meeting.....	5
3	Apologies and granting of leave of absence	5
4	Declaration of pecuniary interest and/or conflict	5
5	Confirmation of minutes	5
6	Petitions, joint letters and declarations.....	6
7	Assembly of Councillors	6
8	Open Forum.....	6
9	Organisational improvement.....	7
9.1	Finance Report as at 31 August 2013 (DCCS)	7
9.2	Delegation to s86 Committees (07/05/0007-CEO)	17
9.3	Delegation to members of Council staff (07/05/0007-DCCS).....	20
9.4	Code of Conduct (07/05/0007-DCCS)	26
9.5	Register of Interests (07/05/0007-DCCS)	27
9.6	Hume Regional Growth Plan (07/01/0135-CEO)	29
9.7	Workers Compensation Performance and Benchmarking (06/06/0004-DCCS) 36	
9.8	Council Plan Priorities (07/05/0022-DCCS).....	38
9.9	Action Sheet Reports (06/05/0010-EA)	38
9.10	Performance Reporting Graphs (DCCS)	39
10	Community wellbeing	40
10.1	Neighbourhood Safer Places (07/01/0123-DTS)	40
11	Asset management.....	45
11.1	Works Schedule (DTS)	45
12	Land-use planning.....	45
13	Environmental sustainability	45
14	Economic and tourism development.....	45
15	Councillor reports	46
15.1	VicRoads Regional Meeting (Cr Fraser).....	46
15.2	Police Remembrance Day (Cr Fraser).....	46
15.3	Antique Machinery Day Corryong (Cr Fraser).....	46
15.4	Minister Walsh Meeting (Cr Fraser)	46
15.5	Dart Mining Meeting Thowgla (Cr Fraser).....	46
15.6	Hume Region Local Government Network [HRLGN] (Cr Fraser).....	46
15.7	Wyeboo Recreation Reserve (Cr Fraser)	46

15.8	Talgarno CWA 75th Birthday Celebrations (Cr Fraser).....	46
15.9	Berringa Kindergarten 'Veggie Patch' Opening (Cr Fraser)	47
15.10	Roadsafe North East (Cr Scales).....	47
16	Urgent business.....	47
17	Committee minutes.....	47
18	Occupational health and safety	47
18.1	OHS Committee (06/04/0212-DCCS).....	47
19	Council policies.....	48
20	Sealing of documents.....	49
21	Confidential.....	50
21.1	Proposed sale of Lot 4 Towong Street East, Tallangatta (05/01/0001-DCCS) 51	
21.2	Lease Agreement – Corryong Innovation Space (05/01/0089-DCCS)	52
21.3	Stabilisation of Major Patches Contract No. 2013/2014-02 (01/01/0434- DTS).....	52

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."

The Mayor offered congratulations to Mr Dave Barry on his appointment as CEO at Alpine Shire Council.

**CR GADD
CR WORTMANN**

THAT COUNCIL CONGRATULATE MR DAVE BARRY ON HIS APPOINTMENT TO THE POSITION OF CEO AT ALPINE SHIRE COUNCIL AND EXPRESS ITS APPRECIATION FOR HIS EFFORTS WHILST AT TOWONG SHIRE COUNCIL.

CARRIED

2 Councillor and Officer presence at the meeting

Present: Cr Fraser OAM, Crs Wortmann, Gadd and Scales

In Attendance:	Title:
J Phelps	Chief Executive Officer
J Heritage	Director Technical Services
D Barry	Director Community and Corporate Services
D Snaith	Executive Assistant

3 Apologies and granting of leave of absence

Cr Peter Joyce

**CR GADD
CR WORTMANN**

THAT THE APOLOGY BE NOTED.

CARRIED

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.

Nil.

5 Confirmation of minutes

Ordinary Meeting of 3 September 2013 and Special Meeting of 17 September 2013

The Director Technical Services advised that there was an error in the Confidential Section of the Minutes of 3 September 2013 in relation to item 21.1 - Design and construction of new bridge on Yabba Road, over Spring Creek, Tallangatta South (01/06/0022-DTS).

The contract number 2012/13-04 as listed in the resolution is incorrect. The contract number should read 2012/13-03. The title of the report and all other information is correct.

**CR WORTMANN
CR GADD**

THAT:

- 1. THE MINUTES OF THE ORDINARY MEETING OF 3 SEPTEMBER 2013 BE AMENDED TO REFLECT THE CORRECT CONTRACT NUMBER AT ITEM 21.1 THAT BEING 2012/13-03;**
- 2. THE MINUTES OF THE ORDINARY MEETING OF 3 SEPTEMBER 2013 SUBJECT TO THE AMENDMENT ABOVE BE CONFIRMED; AND**
- 3. THE MINUTES OF THE SPECIAL MEETING OF 17 SEPTEMBER 2013 AS CIRCULATED BE CONFIRMED.**

CARRIED

6 Petitions, joint letters and declarations

Nil.

7 Assembly of Councillors

A written record of the Assemblies of Councillors from 27 August to 24 September 2013 is included at Appendix 1.

**CR SCALES
CR WORTMANN**

THAT THE INFORMATION BE NOTED.

CARRIED

8 Open Forum

As there was no-one present in the gallery, Open Forum did not take place.

9 Organisational improvement

9.1 Finance Report as at 31 August 2013 (DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager 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	Aug-13 (Actual) \$'000	Aug-13 (Budget) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	YTD (Variance) %
Income	1	258	6,638	1,969	8,998	(7,029)	-78%
Expenditure		764	637	1,389	2,324	(935)	-40%
Surplus		(506)	6,001	580	6,674	(6,094)	-91%

Notes to the expenditure will be provided in future reports once trends are established in the current financial year.

Notes:

1. Council rates recognised as income in September, budgeted in August.

Grant Income

	Note	Aug-13 (Actual) \$'000	YTD (Actual) \$'000	YTD (Budget) \$'000	YTD (Variance) \$'000	12 Month (Budget) \$'000
Recurring		63	94	89	5	2,184
Non-Competitive		3	1,153	1,166	(13)	2,783
Competitive		119	516	950	(434)	1,576
Total		185	1,763	2,205	(442)	6,543

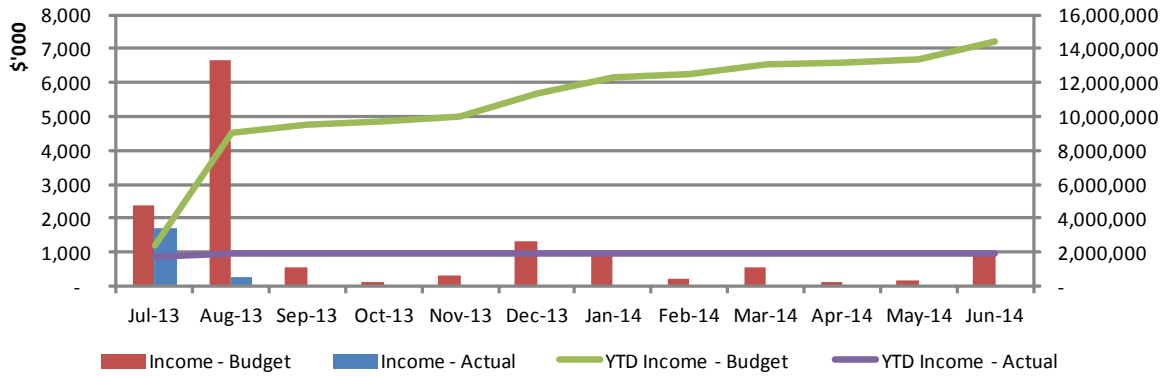
Notes to the grant income will be provided in future reports once trends are established in the current financial year.

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

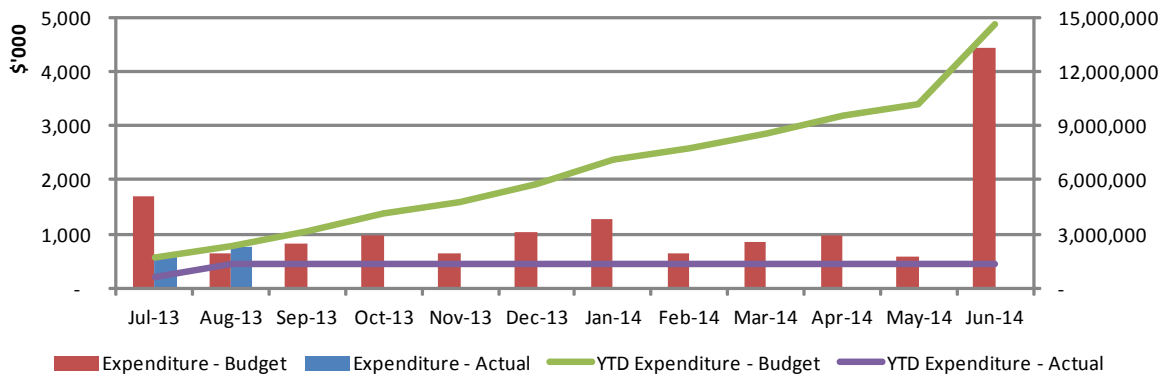
	YTD (Act) \$'000
Recurring	
Library	87
Maternal and Child Health	20
Corryong Pre School	20
State Emergency Service Corryong	13
State Emergency Service Tallangatta	13
Tallangatta Pre School	11
Berringa Pre School	10
State Emergency Service Mitta	7
Competitive and Non-Competitive	
Country Roads and Bridges	1,000
Tallangatta Multi-sport Precinct	332
Scenic Wayside Stop Project	117
Municipal Emergency Response Program (P Leddy)	60
Weed Project	28
L2P Program	23
Tallangatta Neighbourhood House	7
Community Access	6
Freeza Funding	6
Seniors Week	2
Comm Health & Wellbeing	1
Total	1,762

Operating result

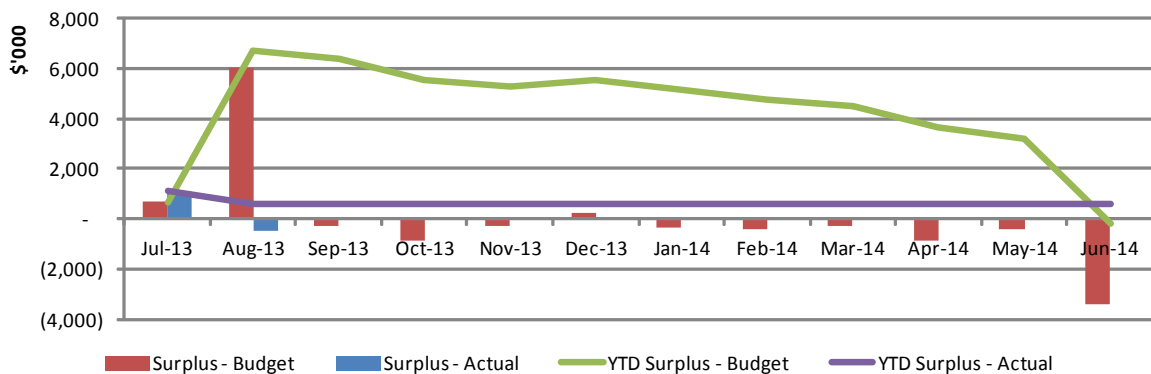
Income



Expenditure



Operating Surplus



Notes to major income and expenditure:

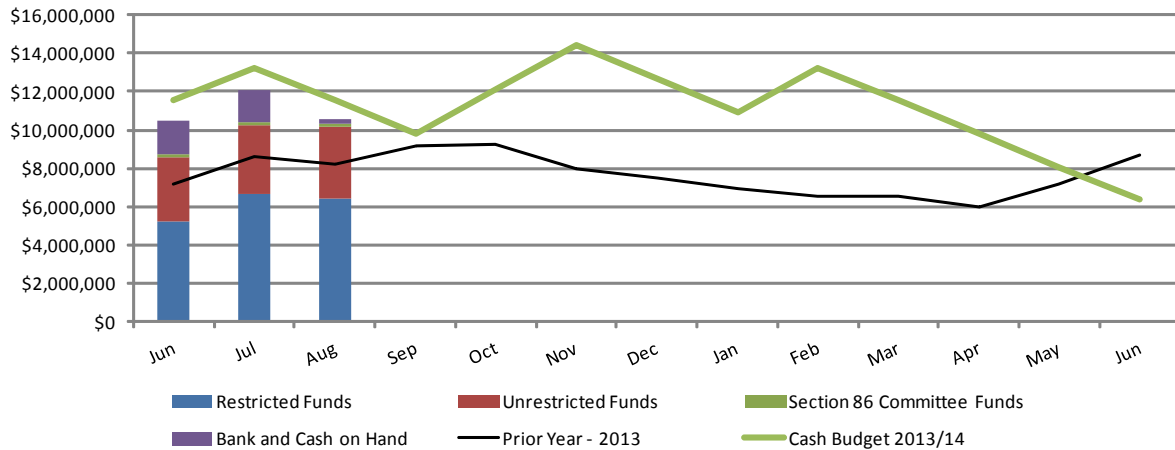
- Council rates were budgeted to be raised in August. This occurred in September.
- Depreciation is budgeted to be recorded in June.

CASH POSITION

Cash on Hand

The cash position moved during the month as detailed below:

	Current Month Aug-13 \$	Prior Month Jul-13 \$	Variance	
			\$	%
Unexpended Grants	5,428,671	5,646,014	(217,343)	-3.8%
Provisions and reserves	973,120	973,120	-	0.0%
Restricted Funds	6,401,791	6,619,134	(217,343)	-3.3%
Unrestricted Funds	3,764,520	3,628,972	135,547	3.7%
Section 86 Committee Funds	134,159	135,066	(907)	-0.7%
Total Investments	10,300,470	10,383,172	(82,702)	-0.8%
Bank and Cash on Hand	242,125	1,694,025	(1,451,900)	-85.7%
Total Cash	10,542,594	12,077,197	(1,534,602)	-12.7%
Average Interest Rate	4.02%	4.06%		



Investments

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

Date	Product	Institution	Principal	Yield	Term	Rating	Maturity
12/07/2013	Term Deposit	ME Bank	1,044,487	4.20%	90 Days	A2	10/10/2013
9/08/2013	Term Deposit	ING Bank	1,055,293	3.90%	180 Days	A1	5/02/2014
26/06/2013	Term Deposit	WAW	769,983	4.20%	180 Days		26/12/2013
15/04/2504	Term Deposit	ME Bank	1,000,000	4.20%	91 Days	A2	21/10/2013
16/07/2013	Term Deposit	Wide Bay Australia Ltd	2,000,000	4.15%	120 Days	A2	13/11/2013
10/07/2013	Term Deposit	ME Bank	1,022,594	4.20%	92 Days	A2	10/10/2013
N/A	Online Saver	ANZ	3,273,955	3.75%	On Call	AA-	N/A
N/A	S86 Committees	Various	134,159	4.68%	N/A		N/A
Total Investments			10,300,470				

Restricted Funds

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

**TOWONG SHIRE COUNCIL
ORDINARY MEETING 1 OCTOBER 2013**

	\$
Unexpended Grants	
Country Roads and Bridges	1,690,000
Tallangatta Community Hub	1,030,937
LG Infrastructure Projects	678,712
Tallangatta Multi-sport Precinct	487,018
Cudgewa Recreation Reserve	217,205
R2R Supplementary	186,701
Local Government Reform	130,977
Walwa Community Recovery Centre	117,299
Flood Recovery Officer (T Hall)	97,898
Municipal Emergency Response Program (P Leddy)	87,148
High Country Rail Trail Upgrade (DSE)	75,000
Improving Liveability of Older People	62,744
Magorra Park (DSE)	55,000
Mitta Valley Dairy Pathways	51,353
Flood Recovery (Community projects)	50,634
Cudgewa Multi Purpose Facility (DSE)	45,650
Staceys Bridge Reserve (DSE)	44,000
Towong Racecourse (DSE)	42,689
NE Dairy Regional Growth Plan	39,793
Rural Land Use Study	37,500
Bushfire Management Overlay	33,120
Weed Project	32,457
Community Development Officer (Vacant)	23,546
L2P Program	22,500
Community Access	21,262
Biggara Recreation Reserve (DSE)	14,962
Tallangatta Swimming Pool Upgrade	14,003
Universal Access to Kindergarten	9,997
Freeza Funding	9,686
SP Ausnet Community Development	8,256
Tallangatta Neighbourhood House	7,044
Fire Access Track Maintenance	1,764
Seniors Week	1,449
Youth Services/Strategy	368
Provisions and Reserves	
Long Service Leave	773,120
Landfill Rehabilitation	200,000
Total	6,401,791

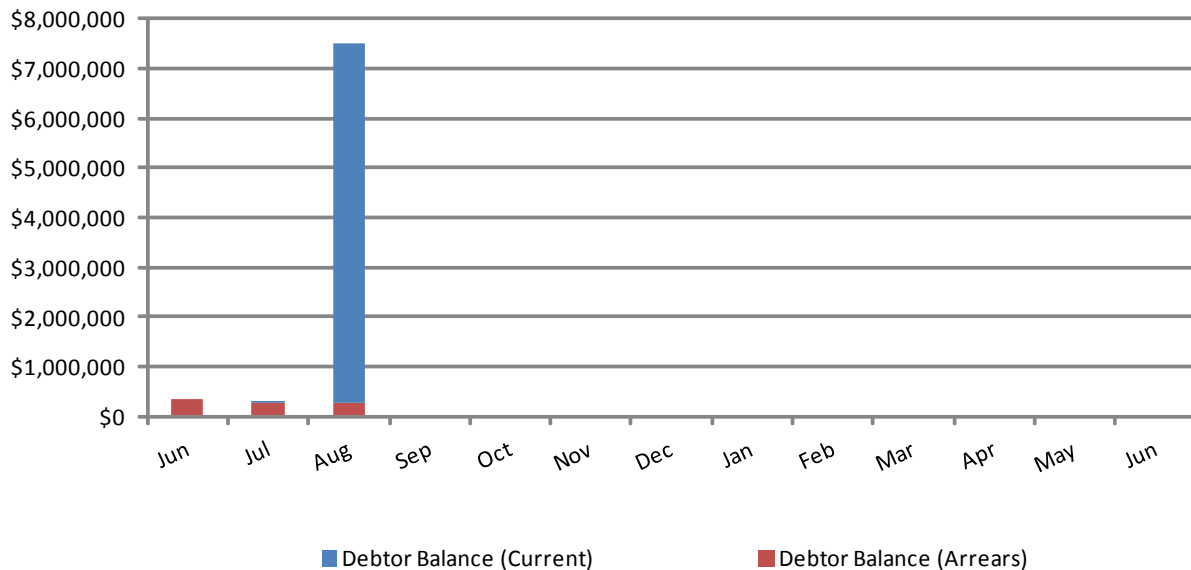
RECEIVABLES

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

The outstanding amount of rates, municipal charge, waste management charge and waste collection charge at month end were \$6,648,649. This includes the rates raised in August.

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

Rates, Municipal Charge, Waste Collection Charge and Waste Management Charge Debtors	Amount \$	Received Aug-13 \$	% Collected Aug-13 %	Received YTD \$	Collected YTD \$	Balance Outstanding \$
Levied 2012/13	6,454,994	67,680	1.0%	66,178	1.0%	6,388,816
Arrears prior to 2012/13	339,358	149	0.0%	79,525	23.4%	259,833
Total Charges		67,829		145,703		6,648,649

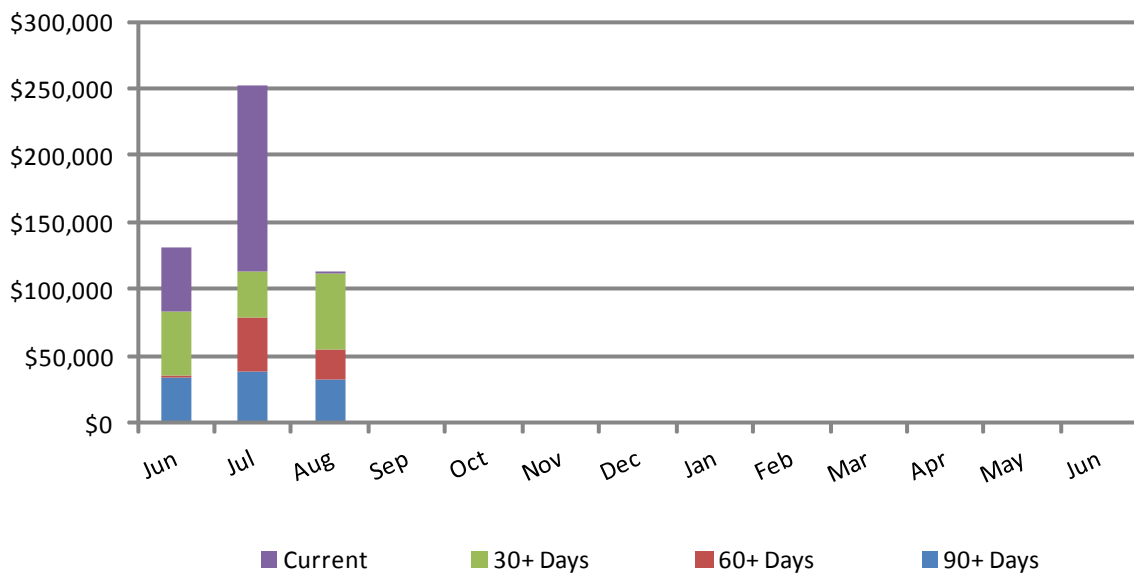


Sundry Debtors

The Sundry Debtors outstanding at month end total \$112,547.

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 \$
August 2013	620	57,332	22,270	32,325	112,547
July 2013	139,094	34,347	40,342	38,055	251,838
Variance	(138,474)	22,985	(18,072)	(5,730)	(139,291)



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

Debtor	Amount	Description	RO	Notes
Debtor 19132	\$11,000.00	Corporate contribution	DB	Final payment received in September 2013.
Debtor 18925	\$4,000.00	Community Group Loan	DB	Long term binding payment agreement has not yet been signed. Paying \$500 per annum. \$500 received May 2013.
Regional Development Victoria (17261)	\$4,070.00	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 17007	\$2,950.00	Infringement Notice	PL	Unable to place in debt collection process as not allowed as part of infringement notifications.
Debtor 15571	\$2,500.00	NE Dairy Regional Growth Plan	JP	Indigo Shire Council
Debtor 18781	\$1,337.00	Equipment Loan	DB	Agreed (annual) payment plan. Within payment plan terms.

LOCAL ROADS

Local Roads Capital Works

	Note	YTD Actual \$	YTD Budget \$	Variance	Annual Budget \$
402 Survey and Design		625	5,000	(4,375)	105,000
410 Road Construction		125,906	185,000	(59,094)	570,000
413 Storm Damage		24,168	80,000	(55,832)	418,951
416 Sealing		8,982	133,500	(124,518)	188,500
417 Resealing		-	-	-	750,000
420 Drainage Construction		-	-	-	91,500
421 Digouts		6,150	-	6,150	1,075,972
422 Resheeting		1,573	-	1,573	230,000
432 Footpaths		13,941	-	13,941	30,000
433 Kerb and Channel		12,822	-	12,822	100,000
450 Bridge Construction		14,528	321,677	(307,149)	2,239,077
Total		208,695	725,177	(516,482)	5,799,000

Notes to local roads operations will be provided once trends against budget can be established.

Local Roads Maintenance

	Note	YTD Actual \$	YTD Budget \$	Variance	Annual Budget \$
302 Survey and Design		7,310	834	6,476	5,000
304 Pavement Maintenance		16,327	30,000	(13,673)	180,000
306 Grading		21,116	80,000	(58,884)	480,000
308 Shoulder Maintenance		5,907	16,666	(10,759)	100,000
310 Drainage Maintenance		42,984	32,500	10,484	195,000
312 Call Outs		6,107	2,000	4,107	12,000
313 Storm Damage		8,774	-	8,774	-
324 General Roadside Maintenance		10,693	10,834	(141)	65,000
328 Tree Maintenance		16,397	14,958	1,439	89,749
330 F/Path Maintenance		577	1,334	(757)	8,000
331 K and C Maintenance		1,347	834	513	5,000
334 Roadside Treatments		-	2,500	(2,500)	15,000
336 Signs Maintenance		3,216	2,000	1,216	12,000
338 Linemarking		256	1,666	(1,410)	10,000
340 Guideposts		1,352	1,166	186	7,000
342 Guardrail		-	834	(834)	5,000
346 Bridge Maintenance		5,732	-	5,732	-
Total		148,096	198,126	(50,030)	1,188,749

Notes to local roads operations will be provided once trends against budget can be established.

**CR WORTMANN
CR SCALES**

THAT THE FINANCE REPORT BE NOTED.

CARRIED

9.2 Delegation to s86 Committees (07/05/0007-CEO)

Disclosure of Interests (S.80C):

This report was prepared by Ms Juliana Phelps, Chief Executive Officer.

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:

In accordance with section 86(6) of the Local Government Act 1989, Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.

Council currently has three section 86 committees (as listed below). The Instruments of Delegation for each are included in the appendices as listed below:

- Burrowye Recreation Reserve (refer Appendix 13A)
- Guys Forest Recreation Reserve (refer Appendix 13B)
- Walwa Bush Nursing Hospital Committee of Management Inc. (Riverview Committee of Management Walwa) (refer Appendix 13C)

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Nil.

Risk Assessment:

The review of delegations to special committees is a requirement of the Local Government Act and not doing so will result in Council being in breach of the Act.

Community Consultation/Responses:

There has been no community consultation in relation to the review of the delegations.

Discussion/Officers View:

Burrowye Recreation Reserve

The Burrowye Recreation Reserve Committee has been inactive for many years. The CFA have advised that they are looking to establish a new fire shed in the Burrowye community and the recreation reserve land is the preferred site. Whilst there has been no community consultation at this point, in light of the CFA proposal it would seem appropriate for Council to consider the following:

1. Revocation of the Instrument of Delegation to the Recreation Reserve Committee;
2. Community consultation to determine the views of the Burrowye community in relation to the CFA proposal; and
3. Development of a new formal arrangement (eg. lease, licence or instrument of delegation) in relation to the Recreation Reserve with the CFA or a community committee of management (as appropriate).

Guys Forest Recreation Reserve

We believe the Guys Forest Recreation Reserve Committee is currently inactive. In reviewing the Instrument of Delegation for this special committee it would seem appropriate to:

1. Consult with the committee members to ascertain the status of the committee and the use and condition of the reserve;
2. Determine whether a special committee is still required (and whether community members are prepared to participate on the committee); and
3. Provide a report to a future Council meeting in order for a decision to be made to either revoke the Instrument of Delegation or continue with a special committee.

Riverview Committee of Management Walwa

The Riverview Independent Living Units at Walwa are an integral part of the community and continue to operate. Council considered a report from the Chief Executive Officer at the 7 March 2011 Council meeting and this report is attached at Appendix 13D.

It was resolved at the 7 March 2011 Council meeting:

That the section 86 Deed of Delegation in relation to the Riverview Independent Living Units be retained until the expiry date of the current lease and upon expiry of the current lease a new lease be put in place (and at that time the s86 Deed of Delegation be revoked).

The lease to Walwa Bush Nursing Centre of the land occupied by the Riverview Units expires in 2015.

In reviewing the Instrument of Delegation (and in light of the above motion) it would be appropriate to retain the current Instrument of Delegation.

CR SCALES

CR WORTMANN

THAT;

- 1. THE INSTRUMENT OF DELEGATION FOR THE BURROWYE RECREATION RESERVE S86 COMMITTEE BE REVOKED;**
- 2. THE GUYS FOREST RECREATION RESERVE COMMITTEE BE CONSULTED IN RELATION TO THE STATUS OF THE COMMITTEE AND A REPORT BE PRESENTED TO A FUTURE COUNCIL MEETING FOR COUNCIL TO DETERMINE WHETHER A S86 SPECIAL COMMITTEE IS REQUIRED; AND**
- 3. THE INSTRUMENT OF DELEGATION IN RELATION TO THE RIVERVIEW INDEPENDENT LIVING UNITS AT WALWA BE RETAINED IN ACCORDANCE WITH THE COUNCIL RESOLUTION OF 7 MARCH 2011.**

CARRIED

9.3 Delegation to members of Council staff (07/05/0007-DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager 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.

Background/History:

Most statutory bodies have a power of delegation - delegation of powers is generally considered essential to enable day-to-day decisions to be made. Because it is a common feature of legislation, not all details about delegations are set out in the empowering Act - some general features of delegation are set out in the Interpretation of Legislation Act 1984. In particular -

- the decision, once made, is for all legal purposes a decision of the Council itself (section 42A of the Interpretation of Legislation Act);
- the "delegate" is in much the same position as the Council itself in terms of making the decision - for example, where the decision requires that opinion be formed, the delegate's opinion can be the basis for the decision (section 42 of the Interpretation of Legislation Act);
- The fact that a delegation has been made does not affect the Council's powers in relation to the issue concerned (section 42A of the Interpretation of Legislation Act). This is subject, of course, to the rule that the delegate's decision (once made) is taken to be the decision of the Council itself. The Council can therefore find itself bound by a decision that it would not itself have made, and if this occurs the existence of this "residual" power may provide little solace.

For this reason, it is important that the Council have in place appropriate policies and guidelines under which delegation should be exercised.

Delegation to the Chief Executive Officer

Most statutes impose limitations on the powers that may be delegated. Usually one of the powers that may not be delegated is the delegation power itself.

This limitation does not apply in respect of a delegation to the Chief Executive Officer. Under section 98 of the Local Government Act 1989 -

"(3) The instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to delegate a power of the Council other than the power of delegation to a member of Council staff."

Thus the instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to exercise various powers of the Council, including the power to delegate powers to Council officers.

The possibility that the Chief Executive Officer might further delegate Council powers does carry potential for loss of control. However, the advantage for a Council in conferring on its Chief Executive Officer the power of sub-delegation is that it need not concern itself with many of the details of Council administration, allowing the Chief Executive Officer to issue and revoke instruments of delegation at regular intervals without the need to resubmit the issue to Council.

The Council may wish to direct its Chief Executive Officer to report to it on any use made of the power of sub-delegation.

The last delegation was prepared, considered and resolved at the July 6, 2009 Ordinary Meeting of Council.

Delegations to Officers

The power of delegation under section 98 is a power to delegate Council's powers under the Local Government Act or any other Act (with specific exceptions).

A recurring problem with delegations to Council officers is that changes occur in personnel - if delegations are to named officers, each time a new officer is appointed a further instrument of delegation must be made.

A solution to this problem is to delegate to the person who, for the time being, occupies a specified office - for example, to the "Manager Corporate Services".

If a restructuring of positions occurs, any delegation made in this form should be remade to refer to the new positions.

Unlike delegations to special committees, there is no express legislative provision for the Council to "require" officers to report to Council at intervals about decisions made under the delegation. However, officers are employees of Council, so this requirement can be imposed as one of the requirements of the job. One approach is

to have the Chief Executive Officer report to Council at regular intervals about decisions made by officers under delegation.

Documentation

Whatever reporting requirements are imposed on each delegate, it is important that decisions and actions taken under delegations be properly documented.

If the delegations were not in place, the exercise of functions, powers and duties of Council would be recorded in the minute book of the Council.

It is possible that decisions taken under delegation will be reviewed in other spheres (ie: internal or management review, Council review, Ombudsman, Administrative Appeals Tribunal, Magistrates' (or higher) Court).

Therefore a proper record of delegated action must be kept to ensure that the decision or action can be substantiated at a later date.

The detail and method of recording will depend on the nature of the power duty or function. However, the need for proper documentation should be uppermost in the minds of all delegates.

The register of delegations

Under sections 87 and 88 of the Local Government Act the Council is required to keep a register of delegations to special committees. Those registers of delegations must be made available for public inspection (regulation 98 of the Local Government Regulations 1990).

Under section 98 of the Local Government Act a register of delegations to members of Council staff must be kept. It is prudent to keep in that register a record of all delegations from the Council to members of Council staff, whether those delegations are authorised by the Local Government Act alone, or whether they are also authorised under specific purpose legislation.

Three different instruments of delegation

The three instruments of delegation are as follows:

- Instrument of Delegation from Council to CEO
- Instrument of Delegation from Council to members of Council staff relating to the Food Act 1984, the Planning and Environment Act 1987 (and Planning and Environment Regulations 1998), Part 9B of the Environment Protection Act 1970 and Part III of the Health Act 1958.

- Instrument of Delegation from CEO to Council staff.

The reason for these three instruments of delegation turns on the source of the powers of delegation.

Section 98(1) of the Local Government Act provides that a Council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of a Council under the Local Government Act or any other Act, other than certain specified powers.

Section 98(2) provides that the Chief Executive Officer may, by instrument of delegation, delegate to a member of the Council staff any power, duty or function of his or her office except the power of delegation itself.

Other Acts also empower a Council to delegate certain powers, duties or functions. For example, section 188 of the Planning and Environment Act 1987 and section 58A of the Food Act 1984, empower Councils to delegate their powers under those Acts to members of Council staff.

There is a presumption that a power of delegation cannot be sub-delegated in the absence of express authority to do so.

The Planning and Environment Act, the Food Act, Part 9B of the Environment Protection Act and Part III of the Health Act contain specific powers of delegation, but do not contain an express power of sub-delegation. Therefore, it is assumed that the power of delegation cannot be sub-delegated. This means it is necessary for the delegation to come from Council to the staff members directly.

By contrast, the Local Government Act provides that the powers of delegation under that Act can be either delegated to its staff members or to the CEO, who may then sub-delegate his or her powers (provided that the delegation to the CEO specifically authorises him or her to sub-delegate). Therefore, the CEO is able to sub-delegate to Council staff without infringing the presumption.

While it could be argued that Councils could simply rely on the general delegation powers in the Local Government Act to delegate matters under these other Acts and ignore the specific delegation powers in these other Acts, there is an appreciable risk in doing so. This would be to ignore a rule of statutory interpretation which dictates that the specific takes priority over the general.

Included at Appendix 11 are the Delegations to the Chief Executive Officer and Delegations to Council staff.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Nil.

Risk Assessment:

Nil.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

The delegations presented are from the template provided by Maddocks.

**CR GADD
CR SCALES**

DELEGATION TO CHIEF EXECUTIVE OFFICER:

IN THE EXERCISE OF THE POWERS CONFERRED BY SECTION 98(1) OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION, TOWONG SHIRE COUNCIL (COUNCIL) RESOLVES THAT –

- 1. THERE BE DELEGATED TO THE MEMBERS OF COUNCIL STAFF HOLDING, ACTING IN OR PERFORMING THE DUTIES OF THE OFFICES OR POSITIONS REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF, THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THAT INSTRUMENT, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT.**
- 2. THE INSTRUMENT COMES INTO FORCE IMMEDIATELY THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT.**

3. ON THE COMING INTO FORCE OF THE INSTRUMENT ALL PREVIOUS DELEGATIONS TO MEMBERS OF COUNCIL STAFF (OTHER THAN THE CHIEF EXECUTIVE OFFICER) ARE REVOKED.
4. THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENT MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENTS MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES OF COUNCIL THAT IT MAY FROM TIME TO TIME ADOPT.

DELEGATION TO MEMBERS OF COUNCIL STAFF

IN THE EXERCISE OF THE POWERS CONFERRED BY SECTION 98(1) OF THE LOCAL GOVERNMENT ACT 1989 (THE ACT) AND THE OTHER LEGISLATION REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION, TOWONG SHIRE COUNCIL (COUNCIL) RESOLVES THAT –

1. THERE BE DELEGATED TO THE MEMBERS OF COUNCIL STAFF HOLDING, ACTING IN OR PERFORMING THE DUTIES OF THE OFFICES OR POSITIONS REFERRED TO IN THE ATTACHED INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF, THE POWERS, DUTIES AND FUNCTIONS SET OUT IN THAT INSTRUMENT, SUBJECT TO THE CONDITIONS AND LIMITATIONS SPECIFIED IN THAT INSTRUMENT.
2. THE INSTRUMENT COMES INTO FORCE IMMEDIATELY THE COMMON SEAL OF COUNCIL IS AFFIXED TO THE INSTRUMENT.
3. ON THE COMING INTO FORCE OF THE INSTRUMENT ALL PREVIOUS DELEGATIONS TO MEMBERS OF COUNCIL STAFF (OTHER THAN THE CHIEF EXECUTIVE OFFICER) ARE REVOKED.
4. THE DUTIES AND FUNCTIONS SET OUT IN THE INSTRUMENT MUST BE PERFORMED, AND THE POWERS SET OUT IN THE INSTRUMENTS MUST BE EXECUTED, IN ACCORDANCE WITH ANY GUIDELINES OR POLICIES OF COUNCIL THAT IT MAY FROM TIME TO TIME ADOPT.

CARRIED

9.4 Code of Conduct (07/05/0007-DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager 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.

Background/History:

In accordance with Section 76C(2) of the Local Government Act 1989 'A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.'

The current Councillor Code of Conduct was endorsed on December 6, 2004. The document was reviewed on April 6, 2009 and is attached at Appendix 2.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Nil.

Risk Assessment:

Nil.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

To meet the requirements of the Local Government Act the Councillor Code of Conduct requires review by all Councillors.

Mr J Heritage left the Council Chamber at 10.40 am.

Mr S Hollis entered the Council Chamber at 10.41 am.

**CR GADD
CR SCALES**

**THAT COUNCIL ENDORSE THE CODE OF CONDUCT AS PRESENTED IN
ACCORDANCE WITH SECTION 76(2) OF THE LOCAL GOVERNMENT ACT 1989.**

CARRIED

9.5 Register of Interests (07/05/0007-DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Peter Barber, Manager 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.

Background/History:

In accordance with Section 81 (Register of interest) of the Local Government Act 1989;

“(2A) A Council may exempt a member of a special committee who is not a Councillor from being required to submit a primary return or an ordinary return.

(2B) The Council must review any exemptions in force under subsection (2A) within the period of 12 months after a general election.”

At the current time no exemptions exist.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Nil.

Risk Assessment:

The risk of allowing exemptions to exist is for a perceived or real conflict of interest to arise.

The risk of not allowing any exemptions is non compliance of the Local Government Act 1989 due to section 86 committee members not providing the primary or ordinary returns within a given timeframe.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

Granting a general exemption from providing an ordinary or primary return will reduce the administrative burden to Council and to the volunteers of these committees.

Given the close knit nature of Towong communities, there is a lower risk of conflicts of interest that would be disclosed in the primary or ordinary return remaining undetected.

Mr J Heritage returned to the Council Chamber at 10.42 am.

**CR WORTMANN
CR SCALES**

THAT COUNCIL:

- 1. REVIEW THE EXEMPTIONS AS THEY CURRENTLY EXIST IN ACCORDANCE WITH 2B OF SECTION 81 OF THE LOCAL GOVERNMENT ACT 1989; AND**
- 2. GRANT AN EXEMPTION TO ALL MEMBERS OF SECTION 86 COMMITTEES WHO ARE NOT COUNCIL MEMBERS FROM SUBMITTING PRIMARY AND ORDINARY RETURNS IN ACCORDANCE WITH 2A OF SECTION 81 OF THE LOCAL GOVERNMENT ACT 1989.**

CARRIED

9.6 Hume Regional Growth Plan (07/01/0135-CEO)

Disclosure of Interests (S.80C):

This report was prepared by Ms Juliana Phelps, Chief Executive Officer (using the generic draft report provided by the Department of Transport Planning and Local Infrastructure [DPTLI]).

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.

Purpose:

The purpose of this report is to provide Councillors with information about the development of the Hume Regional Growth Plan and seek endorsement of the plan as the region's strategic framework for growth and land use planning.

Background/History:

The Hume Regional Growth Plan (RGP) is one of eight regional growth plans being developed across Victoria. Together with the Metropolitan Planning Strategy (MPS), the plans will form the basis of the State Government's Vision for Victoria.

The Hume Regional Growth Plan (the plan) has been developed in partnership between local government, state agencies and authorities.

Regional growth plans are intended to translate and integrate emerging state-wide regional land use planning policy.

The Hume RGP responds to directions established in the regional strategic plan for the Hume Region (the *Hume Strategy for Sustainable Communities 2010 – 2020*) which represents regional aspirations and sets an agenda for regional development and long term strategic planning. The development of the Hume RGP is considered to be part of the implementation of the *Hume Strategy for Sustainable Communities*.

The draft Hume RGP aims to:

- establish a framework for strategic land use and settlement planning that can sustainably accommodate growth
- identify important economic, environmental, social and cultural resources to be preserved, maintained or developed
- provide direction for accommodating growth and change including: residential, employment, industrial, commercial, agriculture and other rural activities
- show which areas of land can accommodate growth and which are to be maintained
- identify opportunities for supporting regional level infrastructure, providing an essential contribution to the long-term sustainability of the region.

The key themes considered in the plan include:

- Supporting the development of a more diverse regional economy while managing and enhancing key regional economic assets
- Protecting environmental and heritage assets and maximising the regional benefit from them, whilst managing exposure to natural hazards and planning for the potential impacts of climate change
- Focusing growth and development to maximise the strengths of existing settlements
- Supporting the improvement of people and freight movement and planning strategically for future infrastructure needs.

The plan:

- Builds on the land use directions of the Hume Strategy for Sustainable Communities
- Establishes a regional scale understanding of opportunities for growth and change
- Provides directions for managing future growth and change to capitalise on the region's competitive advantages, opportunities and strengths.
- Spatially identifies key employment and urban growth locations.
- Considers broad infrastructure requirements to support regional growth.

- Identifies important regional environmental, economic, community and cultural resources to be preserved, maintained or developed.

The plan provides an interface between state, regional and local planning. It informs local planning, but does not generally provide specific direction at a local level; this is the role of Council's normal planning functions and processes such as structure planning, municipal strategic statements and other strategic projects, and the issuing of planning permits.

The plan has been developed over a two year period to allow for extensive consideration of the issues affecting the region, existing strategies, drivers of future change and views of stakeholders and the community. The development of the plan has included the following key stages:

- A. Establishment of the project - to prepare a project plan, timelines and establish governance arrangements involving councils and other key agencies.
- B. Development of an issues paper - to build an evidence base of data, issues and policy.
- C. Development of a strategic framework - to set the strategic directions of the plan, including a vision for the future and principles to achieve this vision. Targeted public consultation was undertaken during this stage.
- D. Development of the draft plan and background paper - the draft plan was subject to a broad public consultation from 3 June 2013 to 12 July 2013.
- E. Finalisation of the plan - submissions have been considered and the plan updated.

The final plan has been endorsed by the Project Steering Committee to be considered for endorsement by all councils in the region.

Once considered and endorsed by councils, the plan will be submitted to the Minister for Planning for approval.

The plan will be reviewed on a regular basis to ensure it is a living and adaptable plan, able to respond to change over time.

The plan will have status as part of the Victoria Planning Provisions and planning schemes. An Advisory Committee has been appointed to conduct a review of the State Planning Policy Framework in order to deliver regional growth plans and other major planning policies (such as the Metropolitan Planning Strategy).

Implementation of actions in the plan will be advanced through the same processes and structures established to implement the *Hume Strategy for Sustainable*

Communities. These structures allow for inter-agency cooperation to implement regional priorities.

The plan has been prepared by the project team in close collaboration with council officers and key agencies including government departments, water authorities and catchment management authorities. All councils in the Hume Region are represented on the plan's Project Steering Committee and Technical Working Group and have had a significant input into the direction and content of the plan.

It is intended that the plan be used to support regional and local infrastructure planning and investment which help implement the directions of the plan. It is expected that the plan will be referenced or included in planning schemes to aid its implementation.

A copy of the plan is included at Appendix 12. Appendix 12A includes future directions, strategies and actions in relation to the following matters:

- **Economic development** – this includes commercial and industrial activity, rural land use, agriculture, energy, earth resources, tourism and transport.
- **Environment and heritage** – this includes key environmental assets (such as landscapes, habitat, water and soils), cultural heritage and natural hazards and risks.
- **Settlement** – this includes identifying the regional urban settlement network, a sub regional perspective on urban settlements, planning for smaller and rural settlements, unique settlements types and managing housing provision and the character of towns.
- **Infrastructure** – this includes transport networks, social infrastructure, energy, communications water and waste.

The Plan provides directions for managing future growth and change to build on the region's strengths and to seize new opportunities.

Challenges for the Hume Region include finding the most effective ways to:

- adapt to the likely impacts of climate change
- support communities
- provide for residential, commercial and industrial growth
- assist agricultural industries to remain competitive
- provide transport and other infrastructure to meet the needs of communities and industries
- protect and enhance environmental assets and minimise exposure to natural hazards, such as bushfires and floods
- diversify the economy, increase employment and fill skills gaps.

The plan seeks to develop a region with:

- efficient and sustainable settlements
- sustainable rural communities
- a healthy environment and a celebrated heritage
- healthy, vibrant and resilient communities
- a thriving and dynamic economy
- a mobile and connected region.

A broad thematic overview of the key directions of the plan is provided in the table below:

Theme	Overall approach (what?)	Overview of directions (how?)
Economic development	Supporting the development of a more diverse regional economy while managing and enhancing key regional economic assets.	<ul style="list-style-type: none"> - Encouraging planning for growth and development in an integrated fashion and providing strategic employment locations. - Supporting key existing activities such as manufacturing and agricultural production whilst attracting new investment and industries such as renewable energy generation. - Maximising use of key transport and tourism assets.
Environment and heritage	Protecting environmental and heritage assets and maximising the regional benefit from them, whilst managing exposure to natural hazards and planning for the potential impacts of climate change.	<ul style="list-style-type: none"> - Managing key regional environmental assets such as significant landscapes, habitat, significant water resources, public land and soils. - Maintaining and enhancing cultural and built heritage assets - Planning for the potential impacts and opportunities arising from climate change. - Minimising flood and bushfire risk.
Settlement	Focussing growth and development to maximise the strengths of existing settlements.	<ul style="list-style-type: none"> - Providing an urban settlement framework which builds on, and strengthens the existing urban settlement network by directing urban growth, development and change to those urban locations with the greatest capacity to accommodate it. - Fostering the sustainability of small settlements -

		<ul style="list-style-type: none"> - Recognising and planning for settlement locations requiring specific approaches such as peri-urban areas, 'cross-border' towns. - Supporting housing development which responds to regional needs and maintain the distinctive character of settlements.
Infrastructure	Supporting the improvement of people and freight movement and planning strategically for future infrastructure needs.	<ul style="list-style-type: none"> - Building on key transport assets such as the Hume and Goulburn Valley corridors to provide for the differing transport needs of freight and people. - Providing social infrastructure (such as sports and recreation facilities, schools and hospitals) that are equitable, integrated and accessible and supports physical activity. - Supporting the provision of energy, telecommunications, water and waste infrastructure to facilitate urban growth, environmental enhancements and key economic development initiatives.

Community Consultation:

The plan has been under development since June 2011. Stakeholders and the broader community have been involved at various stages of the plan's development. Appendix 12B details the consultation and engagement undertaken and provides a summary of submissions and responses at the broad public consultation phase of the project.

Targeted public consultation was conducted as part of establishing the plan's strategic framework in November 2011 - May 2012 and broad public consultation was undertaken on the draft plan in June - July 2013. These processes provided an extensive range of feedback and suggestions which have assisted in the plan's development and refinement.

A framework for the project's approach to consultation was established through the development of a community engagement strategy guided by the IAP2 spectrum of public consultation.

Generally, consultation and engagement included a website, brochures, newsletters, face-to-face meetings, advertisements placed in locally circulating newspapers across the region and 'open days' providing for opportunities to view and discuss the draft plan.

The project team has undertaken a number of meetings with councillors and Council officers during the development of the plan.

Appendix 12C details the integrated, strategic land use plan for the Hume region.

Budget Impact:

All councils in the Hume Region have contributed staff time to help with the development of the plan. All costs in the preparation of the plan have been borne by the Department of Planning, Transport and Local Infrastructure (former Department of Planning and Community Development). There is no impact on Council's budget

State Government Policy Impacts:

The Department of Planning, Transport and Local Infrastructure will prepare the amendments that introduce the Regional Growth Plan into planning schemes, including any consequential changes to the LPPF needed to give them effect, however will not include MSS reviews.

Council and other agencies may use the plan to help seek future funding and investment in infrastructure or other planning which supports the directions of the plan.

Discussion/Officers View:

The Manager Planning delivered the report at the Council Meeting.

**CR WORTMANN
CR GADD**

THAT:

- 1. COUNCIL ENDORSE THE HUME REGIONAL GROWTH PLAN AS ENDORSED BY THE HUME REGIONAL GROWTH PLAN PROJECT STEERING COMMITTEE; AND**
- 2. COUNCIL EXTEND ITS THANKS TO THE MANAGER PLANNING ON HIS INPUT TO THE DEVELOPMENT OF THE PLAN.**

CARRIED

Mr S Hollis left the Council Chamber at 11.00 am.

9.7 Workers Compensation Performance and Benchmarking (06/06/0004-DCCS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Wayne Carter, Occupational Health and Safety Officer.

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:

Gallagher Bassett Services (GBS) are the Worker's Compensation agent for Council. Echelon Australia provides customised risk consulting solutions for businesses.

GBS have a large proportion of Victorian Councils in their portfolio, and as such are able to provide valuable data on the performance of Council against other Councils in Victoria.

GBS, together with Echelon, have provided a brief report which details how Council compared to other Victorian Councils for the period 01 July 2011 to 30 June 2012.

The key findings are:

- Council is ranked with the lowest WorkCover claims rate per million dollars remuneration among the 79 Councils for the period;
- Council's claims rate is lower than the average claims rate for Councils; and
- Council's claims rate is lower than the Workers Compensation scheme run by WorkSafe Victoria as a whole.

Employer Performance Rating (EPR) is a parameter developed by WorkSafe Victoria to guide Employers as to their relative performance compared to others in the same industry sector. An EPR of 1.0 indicates your performance is exactly the average. A rating of less than 1.0 is an indication your performance is better than average, and more than 1.0 is worse than average.

Over a four year period covering 2009 – 2013, all Victorian councils varied from 0.15 to 2.97 EPR. Council has maintained an EPR of less than 1.0 throughout this period – this indicates that we are successfully achieving a claims cost performance rating that is lower than the industry average.

The report also highlighted injury trends and hotspots by bodily location. This data is reflective of the Victorian Local Government sector, and highlights that almost 50% of all claims were for musculoskeletal disorders associated with back, shoulders and knee injuries.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Costs associated with any workers compensation claims affect our premiums for the following three years.

Premium calculations are partly based on a projected estimate of the claims cost and this estimate fluctuates every month depending on the progress of the claim. It should be noted however, that due to being a small municipality we are more susceptible to rise and falls in the premium calculation process.

Through early intervention processes, closer claims management and a proactive return-to-work process, we can directly influence the costs associated with a claim and therefore the estimate month by month. If we reduce the estimate prior to the review period each July we can directly influence our new premium.

Therefore, by continuing to develop and implement a proactive Safety Management System, we will be able to minimise any negative impact on WorkCover premiums resulting from Workers Compensation claims.

The projected average industry premium rate is currently 1.7592% of rateable remuneration. Council's projected insurance premium rate is 1.2833% of rateable remuneration.

Risk Assessment:

Nil.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

Through early intervention and closer management of injuries, we may be able to prevent the likelihood of injuries becoming a claim. Incident investigations, follow-up and communication/discussion of agreed control measures through toolbox meetings will also form an integral part of this holistic process.

**CR SCALES
CR WORTMANN**

THAT THE REPORT BE NOTED.

CARRIED

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

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

Councillors will note that the new report format (as previously discussed) has been used. An index of the position acronyms is included at the end of the report. Any feedback on the new report format is most welcome.

**CR GADD
CR SCALES**

THAT THE REPORT BE NOTED.

CARRIED

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

Items requiring action from the 3 September 2013 Council Meeting and 17 September Special Meeting are attached at Appendix 4.

**CR WORTMANN
CR GADD**

THAT THE REPORT BE NOTED.

CARRIED

9.10 Performance Reporting Graphs (DCCS)

The Performance Reporting Graphs are attached at Appendix 5 for information.

CR SCALES
CR GADD

THAT THE REPORT BE NOTED.

CARRIED

10 Community wellbeing

10.1 Neighbourhood Safer Places (07/01/0123-DTS)

Disclosure of Interests (S.80C):

This report was prepared by Mr Paul Leddy, Emergency Management Co-ordinator.

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:

Council is responsible for identifying potential places as Neighbourhood Safety Places (NSP's) within its municipal district. Section 50 G of the CFA Act requires Council to identify potential NSP locations. The process of NSP identification is ongoing.

The Granya Public Park (Cricket Reserve) Pavilion Building, 1536 Granya Road (Carlyle Street) Granya (CFA Assessment No: 1000017785) is submitted for endorsement to be designated as a NSP. The location has been assessed by the CFA and has been deemed fully compliant and meets the CFA Fire Rating Criteria.

Attached at Appendix 6 are the supporting documents in relation to the proposed Granya NSP. These documents include:

- 1 Cover Sheet
- 2 CFA Neighbourhood Safer Places Assessment Summary Report
- 3 CFA Assessment Criteria Report
- 4 Site Map
- 5 Council NSP Criteria Assessment Tool
- 6 Inspection Pro Forma
- 7 Department of Environment and Primary Industries Letter
- 8 Letter from CoM to Council – Consent to Designation of premises as NSP – No tenant.
- 9 Copy of Public Notification in Victoria Government Gazette
- 10 Liability relating to designated NSP- Extract from CFA Act (Section 50N)

Factors that should be considered when identifying potential NSP locations:

- (a) The environment surrounding the potential NSP;
- (b) What other uses are made of the potential NSP, and whether or not those uses could be inconsistent with its designation as an NSP;
- (c) Whether the land is owned by Council and that there is a clear means for access and egress to and from the potential NSP;
- (d) The proximity of the NSP to the population's centre;
- (e) The risks involved in people staying in the area being considered versus leaving the area and travelling to a nearby urban area;
- (f) The adequacy of egress routes from the NSP and the capacity of egress routes to accommodate large numbers of vehicles is very good.

As part of the process Council should assess the site against its Neighbourhood Safer Places Plan.

The key criteria described in this plan relate to:

1. Consent and right of access – Can Council enter into an arrangement with the land owner to access the site for use as an NSP?
Council has received a signed letter of consent from the Committee of Management to Council as non tenant for designation of NSP and public notification in Victoria Government Gazette.
2. Access and Egress – Do access routes to the potential NSP allow for the anticipated potential number of people to move to and from the site and for CFA and other emergency services to attend?
Consideration has been given to the criteria for Access and Egress and the site is deemed compliant with the following points:
 - *Maintenance of roads and surrounding areas*
 - *Proximity of major road networks*
 - *Pedestrian access*
 - *Buffer zone*
 - *Council's Road Management Plan.*

3. Maintenance of NSP in accordance with CFA assessment – Can Council maintain the potential NSP in accordance with the criteria taken into account by CFA in arriving at its fire rating assessment?
Council will need to monitor vegetation levels around the site and place any required works within its works program to ensure limits remain within the assessment criteria.
4. Opening of the NSP – Will it be possible and practicable to make the potential NSP available for use on a 24 hour basis during the declared fire danger period.
Access to the site will be available on a 24 hour basis.
5. Defendable space and fire suppression activities – Is the potential NSP surrounded by sufficient open space to enable the CFA to conduct asset protection and fire suppression operations?
The site is well cleared and accessible for this purpose.
6. Defendability of buildings – Are there any buildings on the site that may be subject to ember attack and if so can that risk be satisfactorily managed?
The building on the site has been assessed by the CFA to be compliant with the setback distance and radiant heat measures. CFA assessments do not address ember attack. This site may be subject to ember attack, however protection of the building by CFA crews would be implemented.
7. Signage – Can appropriate signage be erected at the entry to the potential NSP and in the general vicinity?
Yes (appropriate location to be determined on site).
8. Maintenance and maintainability – Is the potential NSP capable of being maintained to ensure continuing compliance with the CFA Fire Rating Criteria and Council Neighbourhood Safer Places Plan Criteria?
Yes – refer to comments at criteria 3.
9. Disabled access – Are there means of access for disabled and mobility impaired persons to the potential NSP?
Access is available for persons with mobility impairments.
10. Alternative uses of potential NSP – Can Council manage alternative uses which may be made of the potential NSP so as to ensure that those uses will not compromise its use as an NSP?
Yes as agreed to in letter of consent and NSP Criteria assessment tool, as site is not locked and always open.

11. Community Communication - Will it be possible to ensure that there will be good community awareness of the location of the potential NSP and the risks associated with its use.

The site is located in a small community where communication about the proposed NSP can be readily achieved.

A copy of the CFA assessment confirming that the site has been assessed as compliant with CFA radiant heat guidelines will be tabled at the meeting.

This site has been deemed compliant.

Impact on Council Policy:

On 18 September 2013, the submission for this NSP was put before the Towong Municipal Emergency Management Planning Committee. No objections to this submission were received. The process being undertaken is consistent with Council's adopted Neighbourhood Safer Places Plan.

State Government Policy Impacts:

The process is consistent with the intent of the Emergency Services Legislation Amendment Act 2009 and Recommendation 4 from the 2009 Victorian Bushfires Royal Commission (reproduced below):

The State introduced a comprehensive approach to shelter options that includes the following:

- *Developing standards for community refuge as a matter of priority and replacing the 2005 Fire Refuges in Victoria: Policy and Practice*
- *Designating community refuges- particularly in areas of very high risk – where other bushfire safety options are limited*
- *Councils to ensure that appropriate criteria are used for bushfire shelters, so that people are not discouraged from using bushfire shelters if there are no better options available.*

Budget Impact:

Maintenance requirements are included in Council's current works program.

Signage at the NSP will be in accordance with Council's assessment criteria.

Risk Assessment:

Advice from the MAV suggest that provided Council follows recommended procedures developed in response to the outcomes of the Bushfires Royal Commission and amendments to the CFA Act 1958 that Council would not be liable for any incident arising out of a person relying on a NSP in the event of a bushfire. Division 4 of the amended CFA Act 1958 deals with Liability in relation to designated neighbourhood safer places.

Community Consultation/Responses:

Consultation has taken place with CFA Community Safety Manager Darren Viney, Assessor Mark Williams and Janelle Hunt Coordinator – Bushfire Shelter Options. Municipal Fire Prevention Planning Committee meetings were also conducted on the 13 August 2013.

Discussion/Officers View:

The Granya Public Park (Cricket Reserve) Pavilion Building, 1536 Granya Road (Carlyle Street) Granya is recommended for designation as a Neighbourhood Safer Place.

**CR WORTMANN
CR SCALES**

**THAT THE ITEM BE DEFERRED PENDING FURTHER INFORMATION REGARDING
INSURANCE AND MAINTENANCE REQUIREMENTS.**

CARRIED

11 Asset management

11.1 Works Schedule (DTS)

The works scheduled for the period 17 August to 13 September 2013 is attached at Appendix 7 for information.

CR SCALES

CR GADD

THAT THE REPORT BE NOTED.

CARRIED

12 Land-use planning

No reports.

13 Environmental sustainability

No reports.

14 Economic and tourism development

Commencing from the November Council Meeting the newly appointed Manager Economic Development, Ms Lauren Elvin, will provide a bi-monthly report to Council on progress in the area of Economic and Tourism Development.

FOR INFORMATION

15 Councillor reports

15.1 VicRoads Regional Meeting (Cr Fraser)

Verbal report.

15.2 Police Remembrance Day (Cr Fraser)

Verbal report.

15.3 Antique Machinery Day Corryong (Cr Fraser)

Verbal report.

15.4 Minister Walsh Meeting (Cr Fraser)

Verbal report.

15.5 Dart Mining Meeting Thowgla (Cr Fraser)

Verbal report.

15.6 Hume Region Local Government Network [HRLGN] (Cr Fraser)

Verbal report.

15.7 Wyeeboo Recreation Reserve (Cr Fraser)

Verbal report.

15.8 Talgarno CWA 75th Birthday Celebrations (Cr Fraser)

Verbal report.

15.9 Berringa Kindergarten 'Veggie Patch' Opening (Cr Fraser)

Verbal report.

15.10 Roadsafe North East (Cr Scales)

Verbal report.

16 Urgent business

Nil.

17 Committee minutes

Nil.

18 Occupational health and safety

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

The unconfirmed minutes of the meeting held on 5 September 2013 are attached at Appendix 8 for information.

**CR GADD
CR WORTMANN**

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

CARRIED

19 Council policies

The Investment Policy was presented on 2 July 2013 and finalised on 17 September 2013 and is presented at Appendix 9 for adoption.

The Debt Collection, Privacy and Workplace Bullying and Harassment policies were presented for review on 6 August 2013 and are presented at Appendix 9 for adoption. Please note that recommended changes are shown in red.

CR GADD

CR SCALES

THAT THE FOLLOWING POLICIES AS AMENDED BE ADOPTED:

- **INVESTMENT**
- **DEBT COLLECTION (RATE DEBTORS, SUNDRY DEBTORS)**
- **PRIVACY**
- **WORKPLACE BULLYING AND HARASSMENT**

CARRIED

The following policies are attached at Appendix 10 for review. Councillors are requested to provide feedback on these policies to the Responsible Officer by 1 October 2013.

- Employee Code of Conduct
- Fraud and Corrupt Conduct
- Fraud, Corrupt Conduct and Conflict of Interest Reporting Procedure
- Protected Disclosure

20 Sealing of documents

Nil.

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

**CR GADD
CR SCALES**

THAT THE MEETING BE CLOSED TO THE PUBLIC TO CONSIDER INFORMATION CONSIDERED UNDER SECTIONS 89(2)(d),(e) AND (h) OF THE LOCAL GOVERNMENT ACT TO BE CONFIDENTIAL THE TIME BEING 11.45 AM.

CARRIED

**CR GADD
CR WORTMANN**

THAT THE MEETING BE REOPENED TO THE PUBLIC THE TIME BEING 12.05 PM.

CARRIED

21.1 Proposed sale of Lot 4 Towong Street East, Tallangatta (05/01/0001-DCCS)

**CR WORTMANN
CR SCALES**

THAT LOT 4, TOWONG STREET EAST, TALLANGATTA BE OFFERED FOR SALE BY PUBLIC TENDER.

CARRIED

21.2 Lease Agreement – Corryong Innovation Space (05/01/0089-DCCS)

**CR GADD
CR SCALES**

THAT THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE LEASE.

CARRIED

21.3 Stabilisation of Major Patches Contract No. 2013/2014-02 (01/01/0434-DTS)

**CR WORTMANN
CR SCALES**

THAT:

- 1. THE TENDER FROM SZABOLICS PTY LTD (CONTRACT 2013/2014-02) FOR THE STABILISATION OF MAJOR PATCHES BE ACCEPTED;**
- 2. THE DISCRETIONARY SPEND OF THE MAINTENANCE PATCHING BE AUTHORISED BASED ON UNIT RATES; AND**
- 3. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL THE CONTRACT DOCUMENT.**

CARRIED

There being no further business the meeting closed at 12.06 pm

Cr Mary Fraser OAM 12 November 2013