



STRATHBOGIE SHIRE COUNCIL

**MINUTES OF A SPECIAL MEETING OF THE STRATHBOGIE SHIRE COUNCIL HELD
ON TUESDAY 26 MAY 2015 AT THE EUROA COMMUNITY CONFERENCE CENTRE,
COMMENCING AT 5.00 P.M.**

Councillors:	Debra Swan (Chair)	(Lake Nagambie Ward)
	Colleen Furlanetto	(Seven Creeks Ward)
	Malcolm Little	(Hughes Creek Ward)
	Patrick Storer	(Honeysuckle Creek Ward)
	Robin Weatherald	(Mount Wombat Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:	Steve Crawcour - Chief Executive Officer
	Roy Hetherington - Director, Asset Services
	David Woodhams - Director, Corporate and Community
	Phil Howard - Director, Sustainable Development

BUSINESS

1. Welcome
2. Acknowledgement of Traditional Land Owners
*'I acknowledge the Traditional Owners of the land on which we are meeting.
I pay my respects to their Elders, past and present, and the more recent
custodians of the land'*
3. Apologies
Councillor Alister Purbrick (Lake Nagambie Ward)
4. Disclosure of Interests
Nil
5. Reports of Council Officers
 - 5.1 Climate Change
 - 5.2 Infrastructure
 - 5.3 Private Enterprise
 - 5.4 Public Institutions
 - 5.5 Housing and Recreation
 - 5.6 Tourism
 - 5.7 Organisation
6. Urgent Business
7. Closure of Meeting to the Public to consider matters listed for consideration in accordance with Section 89(2) (d) of the Local Government Act 1989
8. Confirmation of 'Closed Portion' Decision/s

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5. REPORTS

An item advertised as being a matter for consideration and determination at this meeting – ‘Goulburn-Murray Water – Snipey Road Bridge Project Short Term Road Closure’ has been taken off the Agenda due to Goulburn-Murray Water since advising that works will now not require the full closure of the bridge, as was initially advised to Council.

5.7 ORGANISATION

5.7.1 2013-2017 Strathbogie Shire Council Plan (2015 Review) (incorporating the 2015/16 to 2019/20 Strategic Resource Plan), Proposed 2015/2019 Strathbogie Shire Council Rating Strategy and 2015/2016 Draft Strathbogie Shire Council Budget - Receiving / Hearing of Submissions

Author & Department

Director, Corporate and Community / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

Officers providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

The purpose of this report is to receive / hear submissions made under Section 223 of the Local Government Act 1989 ("The Act") in relation to the 2013-2017 Council Plan 2015 Review, the proposed 2015/2019 Rating Strategy and 2015/2016 proposed Budget.

The closing date for submissions was Friday 8 May 2015 at 5.00pm.

Sixteen submissions were received, and four people requested to speak to their submissions. Only two submitters attended the meeting to speak to their submission. Copies of all submissions were distributed to Councillors for their information and are tabled for identification purposes.

RECOMMENDATION

That Council resolve to –

- 1. Receive and note the submissions in response to the public advertisement of the 2013-2017 Council Plan 2015/2016 Review, proposed 2015/2019 Rating Strategy and 2015/2016 draft Budget.**
- 2. Hear those who wish to be heard in support of their written submissions.**
- 3. Formally consider all received submissions and the adoption of the 2013-2017 Council Plan 2015/2016 Review, proposed 2015/2019 Rating Strategy and 2015/2016 draft Budget at a Special Council meeting to be held on Tuesday 9 June 2015.**

- 5.7.1 2013-2017 Strathbogie Shire Council Plan (2015 Review) (incorporating the 2015/16 to 2019/20 Strategic Resource Plan), Proposed 2015/2019 Strathbogie Shire Council Rating Strategy and 2015/2016 Draft Strathbogie Shire Council Budget
- Receiving / Hearing of Submissions (cont.)

RECOMMENDATION (cont.)

CR WEATHERALD –

That Recommendations 1, 2 and 3 be considered separately.

THE MOTION LAPSED FOR WANT OF A SECONDER

CRS LITTLE/WILLIAMS –

That the Recommendation be adopted.

25/15

ON BEING PUT, THE MOTION WAS CARRIED

Background

The review of the 2013-2017 Council Plan, proposed Rating Strategy and proposed Budget was considered by Council at a Special Council Meeting held on Tuesday 31 March 2015. Subsequent to that meeting, public notice of the Council Plan review, proposed Rating Strategy and proposed Budget was given in local newspapers, calling for submissions under Section 223 of the Act. The reviewed Council Plan, proposed Rating Strategy and proposed Budget were made available for inspection at various locations throughout the Shire and on Council's website. Submissions in writing were invited until 5.00pm on Friday 8 May 2015. Submissions were received that covered numerous themes.

Alternative Options

The processes undertaken in relation to the Council Plan review, Rating Strategy and Budget advertising, consideration of submissions and adoption are legislated under the Local Government Act 1989. There are no alternative options.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan. Specifically, the review of the Council Plan, proposed Rating Strategy and proposed Budget are prepared in the context of the Council Plan and Council's long term financial planning.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

5.7.1 2013-2017 Strathbogie Shire Council Plan (2015 Review) (incorporating the 2015/16 to 2019/20 Strategic Resource Plan), Proposed 2015/2019 Strathbogie Shire Council Rating Strategy and 2015/2016 Draft Strathbogie Shire Council Budget
- Receiving / Hearing of Submissions (cont.)

Financial / Budgetary Implications

No financial implications have arisen from the Council Plan review, Rating Strategy and Budget advertising process.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The Local Government Act 1989 required that Council give public notice of the review of the Council Plan, proposed Rating Strategy and proposed Budget and invite submissions under Section 223 of the Act. The Act requires that Council must adopt the Budget by 30 June 2015.

The Act further requires, under Section 125(7), that Council must consider whether the current Council Plan requires any adjustment. This process satisfies this requirement.

Consultation

Council's proposed Council Plan Review, proposed Rating Strategy and proposed Budget have been on public exhibition for the statutory period of 28 days and submissions were invited from the community.

The 2015/2016 draft Budget provides funding allocations and support for nominated projects to proceed in both operational and capital works budgets, and, where appropriate, further community consultation will occur throughout the year specific to each project.

Attachments

Nil.

**5.7.2 Shadforth Reserve Violet Town
- Interim Section 86 Committee**

Author and Department

Director Asset Services / Asset Services Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

A group of Violet Town residents has shown strong interest in the redevelopment and management of Shadforth Reserve for community benefit.

Over past months the group has renovated oval turf, reconstructed fencing and cleared parts of the reserve, in preparation to host an equestrian "Jumping Classic" event in August this year.

To support the group to consider and explore redevelopment opportunities and to manage events, the establishment of an Interim Local Government Act Section 86 Management Committee is put forward for Council consideration.

A draft instrument of delegation from Council to the proposed interim Committee is attached.

RECOMMEDATION

That Council:

1. **Endorse the Instrument of Delegation to the Interim Shadforth Reserve Management Committee and establish the Committee.**
2. **Offer appointment to the Committee in accordance with the Instrument of Delegation to the following:**
 - **Mr John Ivill**
 - **Ms Katie Hill**
 - **A representative of the former Violet Town Golf**
 - **A representative of the Violet Town Community House**
 - **Community Development Officer**
 - **Director, Asset Services, and**
 - ***Honeysuckle Creek Ward Councillor, Councillor Pat Storer, as ex officio, non-voting member***
3. **Allocate a budget of \$3,000 for use of the Interim Committee.**

26/15 **CRS STORER/FURLANETTO** : *That the Recommendation be adopted without the Ward Councillor being named, and replaced by the Ward Name 'Honeysuckle Creek Ward Councillor', as shown by italics and strikethroughs above.*

CARRIED

5.7.2 Shadforth Reserve Violet Town
- Interim Section 86 Committee (cont.)

Background

The Violet Town Golf Club advised Council in March 2014 that it had gone into recession and would not continue management of the Reserve. Since that time minimal maintenance of the 57ha site has been undertaken by Council's Works Depot utilizing an existing budget of \$3,000 pa. for grounds mowing.

Early in 2015 Mr John Ivill and Ms Katie Hill, with Council staff support, took the initiative to renovate part of the reserve to support an equestrian "Jumping Classic" event and have offered to participate in future management of the site and its redevelopment for Community Use.

The Violet Town Community House has expressed interest in management and use of part of the reserve.

The former Golf Club members have assisted Mr Ivill and Ms Hill with advice and use of equipment in the renovations to date.

The proposed Committee membership reflects the interest shown in the project by these parties.

Alternative Options

The author has considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

The author considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

5.7.2 Shadforth Reserve Violet Town
- Interim Section 86 Committee (cont.)

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration does not warrant a community consultation process

Attachments

Draft Instrument of Delegation – Interim Shadforth Reserve Management Committee

INSTRUMENT OF DELEGATION

Interim Shadforth Reserve Management Committee

In exercise of the power conferred by Section 86 of the Local Government Act 1989 the Strathbogrie Shire Council ("the Council") delegates to the Interim Shadforth Reserve Management Committee ("the Committee") being a Committee established by resolution of the Council, the powers, duties and functions as set out herein, and declares that :-

1. This Instrument of Delegation is authorised by a resolution of the Council, passed on/...../2015.
2. The Delegation shall:
 - i. Come into force immediately the common seal of the Council is affixed to this Instrument of Delegation;
 - ii. Remain in force until 30th June 2016 unless the Council resolves to vary or revoke it;
 - iii. Remain in force until the Committee resolves to terminate it;
 - iv. Be subject to any conditions and limitations set out herein.

3. **Powers, Duties and Functions** granted under this delegation to the Committee are:

3.1 Aims of the Committee

To exercise for Council, its responsibilities for care, protection and management of Shadforth Reserve, all in accordance with Council's appointment as Committee of Management for the Land and the Regulations.

3.2 Objectives of the Committee

- a) To authorize use of the reserve consistent with its "Public Recreation and Showgrounds" purpose, and to establish and enforce appropriate conditions of use relating to:
 - Risk management and liability,
 - Occupational Health and Safety, and
 - Financial Management
- b) To exercise operational control of the reserve, all within the constraints of Council and Committee budgets.
- c) To promote the Public use of the reserve in accordance with its purpose.
- d) To assist Council to establish and implement further development of the reserve.
- e) To establish an interim management plan for the reserve and to commence implementation of high priority tasks.

3.3 Insurance

The Committee shall observe and maintain a Terms of Arrangement between the Committee and Council as provided herein in relation to insurance.

Members

Subject to the Committee and its members acting within the scope powers and functions set out in this Instrument of Delegation, the Public Liability insurance held by the Council shall protect individual members from liability other than for criminal matters.

Volunteers

Any volunteers co-opted to assist with the Committee to discharge its obligations will be covered by the Council's Public Liability and Personal Accident Insurance policies where the volunteers have completed and signed the Volunteer Registration Form and their names duly recorded in a Register.

Void Insurance

The committee will not do or allow anything to be done which might result in any insurance becoming void or voidable or which might increase the premium on any insurance.

3.4 Books of Account

The Committee shall operate such bank accounts and books of accounts as the Committee determines necessary. Bank account must be operated with not less than two signatories.

3.5 Audit

The financial statements of the Committee shall be prepared to 30th June Each year and audited forthwith by a suitably qualified person. Audited statements shall be submitted for consideration of the Council's auditor by 31st July each year or when otherwise requested by the Council.

Funded projects undertaken by the Committee will be subject to the acquittal requirement of funding organizations as appropriate.

3.6 Reports

The Committee shall submit copies of its minutes of ordinary and extraordinary meetings and Annual General Meetings to the Council within 30 days of such meeting being held.

3.7 Money

The Committee may:

- a) Solicit and collect donations
- b) Seek and receive grants and contributions, (including Government grants without express approval of the Council).
- c) Maintain credit accounts with suppliers of services where necessary. In purchasing supplies the Committee will have regard to purchasing goods locally where possible and operate broadly within the procurement thresholds of the Council's Procurement Policy and Procedures.
- d) The Committee is limited to funding as approved by Council.

The Treasurer shall receive all monies on behalf of the Committee and shall bank all monies received within 14 days unless otherwise agreed to by Council.

Committee funds shall be used only towards the aims and objectives stated herein.

3.8 Termination

a) Termination upon Default

If the Council is satisfied, after giving the Committee a reasonable opportunity to be heard, that the Committee has failed to comply with any terms or conditions of the Delegation, the Council may by giving written notice to the Committee, declare that the Delegation is cancelled, and upon cancellation the Committee will not be entitled to any compensations whatsoever. Where Council cancels the Delegation under this Clause, the Committee shall forthwith terminate all accounts and activities delegated pursuant to this Instrument of Delegation.

b) Termination without Default

In addition to and not in substitution for the power to cancel this Delegation under Clause 3.8a), the Council may by giving to the Committee at least (30) days written notice to that effect cancel this Delegation upon a date to be specified in that notice notwithstanding that there has been no breach by the Committee of any term or condition of this Delegation.

c) The Committee may at its own instigation terminate the Delegation with Council by giving the Council at least thirty (30) days written notice to that effect.

No compensation is payable in respect of the cancellation of Delegation.

3.9 Notices

Any notice, consent or demand or other communication to be served or given to the Committee by Council under this Delegation shall be deemed to have been duly served or given if it is in writing signed by the Council and delivered or sent by pre-paid post to the Committee's address set out in Item 4 of Schedule 1 or to the latest address stated by the Committee in any written communication with the Council.

3.10 Pecuniary Interest

All members of the Committee who are not Councillors shall be exempted from the Register of Interest provisions of the Local Government Act 1989, pursuant to S81(2A) of the Act.

The members of the Committee shall observe the Pecuniary Interest requirements of Sections 77, 78 and 79 the Local Government Act set out in Schedule 3 with regard to disclosure of interest in a matter of business before a meeting.

4. Committee Structure

The Committee shall comprise of no less than five (5) persons.

The Council may appoint one or more non-voting ex-officio members from time to time.

The Committee shall at its first meeting or after the Annual General Meeting elect the following office bearers for the following year:

- Chairperson
- Vice Chairperson
- Secretary/Treasurer

Within seven (7) days of appointment, the Committee shall advise in writing to the Council the office bearers' and general members' names and contact details.

Co-opted Persons

The Committee shall have the power to co-opt additional non-voting persons for a specific purpose and for a specified period.

5. Meetings

5.1 All meetings shall be conducted in accordance with the procedures and conventions of the Council's Local Laws as far as practicable.

The provisions of the Local Government Act 1989 as amended from time to time in relation to the conduct of Committee meetings shall be an annexure to this Instrument of Delegation (Schedule 2) and shall be observed by the Committee. (Sections 89,90,91,92 and 93 – meetings open to the public, voting, conduct of meetings, validity of proceedings and minutes).

5.2 Annual General Meeting

The Committee shall hold an Annual General Meeting during the month of July each year at a date determined by the Committee.

Notice for holding the Annual General Meeting shall be given by advertisement in the official newspaper designated by the Council at least 14 days in advance of the meeting.

The business conducted at the Annual General Meeting shall be:

- a) Confirmation of the minutes of the previous Annual General Meeting.
- b) Reception of reports on the operation of the Committee and office bearers during the past year.
- c) Reception of the audited statement of accounts and balance sheet for the last financial year.
- d) Proposals for amendment to the Instrument of Delegation.
- e) Election of person for appointment as members of the Committee for the ensuing year.
- f) Other business for which notice has been given.

5.3 Committee Meetings

Meetings of the Committee shall be held as required at times, dates and places as determined by its members.

5.4 Quorum

Meetings of the Committee is a whole number that is an absolute majority of the number of members of the Committee or no less than 3.

6. Limitation of Powers

6.1 Amendments to Instrument of Delegation

No amendment may be made to this Instrument of Delegation except by the Council. Amendments may be proposed to the Council by the Committee.

6.2 Other Limitations

The Committee has no power to:

- Delegate its functions
- Declare a rate or charge (except the fixing and collections of user charges, admittance fees to functions, registration fees for seminars, and the levy of membership fees etc.)
- Borrow money
- Enter into contracts other than in accordance with this Instrument of Delegation)
- Exceed expenditure limits in this Instrument of Delegation

7. Compliance with Council's Guidelines

The Committee hereby agrees to comply with the terms and conditions of this Instrument of Delegation.

8. Building and Planning Requirements

The Committee hereby agrees to comply with any building or planning permits or policies which the Council or other regulatory bodies from time to time adopts.

.....
Chairperson's Name (block letters)

.....
Chairperson's Signature

.....
Secretary's Name (block letter)

.....
Secretary's Signature



9. Attestation Clause

The COMMON SEAL of the
STRATHBOGIE SHIRE COUNCIL was affixed
this day of 2015
in the presence of



..... Mayor

..... Councillor

..... Chief Executive Officer

An item advertised as being a matter for consideration and determination at this meeting – ‘Goulburn-Murray Water – Snipey Road Bridge Project Short Term Road Closure’ has been taken off the Agenda due to Goulburn-Murray Water since advising that works will now not require the full closure of the bridge, as was initially advised to Council.

6. URGENT BUSINESS

CRS WILLIAMS/FURLANETTO -

That the Confidential report, as listed below, be considered as Urgent Business –

Contractual Matters

C.P. 1 Contract No. 14/15-30 ~ Evaluation Report
- Road Stabilisation Minor Patches – Shire-Wide

27/15

ON BEING PUT, THE MOTION WAS CARRIED

7. CLOSURE OF MEETING TO THE PUBLIC TO CONSIDER MATTERS LISTED FOR CONSIDERATION IN ACCORDANCE WITH SECTION 89(2) OF THE LOCAL GOVERNMENT ACT 1989

5.34 p.m.

CRS WEATHERALD/STORER –

That Council, in conformance with Section 89(2) of the Local Government Act 1989, resolve to close the meeting to members of the public for the purpose of considering items relating to:-

- Ground(s) under section 89(2):

89(2)(d): *Contractual Matters*

C.P. 1 Contract No. 14/15-30 ~ Evaluation Report
- Road Stabilisation Minor Patches – Shire-Wide

28/15

ON BEING PUT, THE MOTION WAS CARRIED

5.35 p.m.

CRS CRS WEATHERALD/WILLIAMS -

That Council open the meeting to members of the public and resume normal business.

30/15

ON BEING PUT, THE MOTION WAS CARRIED

8. CONFIRMATION OF 'CLOSED PORTION' DECISION/S

Closed Portion Decision/s -

Contractual Matters

**C.P. 1 Contract No. 14/15-30 ~ Evaluation Report
- Road Stabilisation Minor Patches – Shire-Wide**

RECOMMENDATION

1. That the tender received from Citywide Service Solutions Pty Ltd for the schedule of rates Contract 14-15-30 – Road Stabilisation Minor Patches – Shire Wide be accepted;
2. That the unsuccessful tenderers be advised;
3. That Council endorse the signing and sealing of the contract documents once received; and
4. That the Chief Executive Officer be authorised to approve contract extensions for two additional one year periods.

29/15 **CRS WILLIAMS/WEATHERALD** : *That the Recommendation be adopted.*

CARRIED

RECOMMENDATION

CRS FURLANETTO/LITTLE -

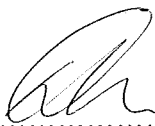
That the decision/s of Council's 'Closed Portion' considerations be confirmed.

31/15

ON BEING PUT, THE MOTION WAS CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.37 P.M.

Confirmed as being a true and accurate record of the Meeting



Chair

19-06-2015

Date

