

LODDON SHIRE COUNCIL

Notice of an Ordinary Meeting of the Loddon Shire Council to be held in the Council Chambers, Serpentine on Tuesday 15 December 2015 at 3pm.

ORDER OF BUSINESS

1. APOLOGIES	2
2. PREVIOUS MINUTES	2
2.1 CONFIRMATION OF MINUTES.....	2
2.2 REVIEW OF ACTION SHEET	2
3. COUNCILLORS' REPORTS	3
3.1 MAYORAL REPORT	3
3.2 COUNCILLORS' REPORT.....	3
4. DECISION REPORTS	4
4.1 NOVEMBER 2015 AUDIT COMMITTEE MEETING	4
4.2 ADOPTION OF PERFORMANCE REPORTING FRAMEWORK.....	8
4.3 FINANCE REPORT FOR THE PERIOD ENDING 23 NOVEMBER 2015.....	10
4.4 ANNUAL LEAVE CHIEF EXECUTIVE OFFICER	12
4.5 PLANNING APPLICATION 5125 DEVELOPMENT OF A BROILER FARM.....	13
4.6 ALLOCATION OF THE 2015/16 COMMUNITY PLANNING STRATEGIC FUND ...	19
4.7 RAVE PARTY AND MUSIC FESTIVAL ADMINISTRATION AND ENFORCEMENT	21
5. INFORMATION REPORTS	26
5.1 PROGRESS OF 2016 REVALUATION.....	26
6. COMPLIANCE REPORTS	29
6.1 DOCUMENTS FOR SIGNING AND SEALING	29
6.2 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-BOORT BUSINESS AND TOURISM COUNCIL	30
6.3 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-INGLEWOOD COMMUNITY SPORTS CENTRE	32
6.4 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-DINGEE PROGRESS ASSOCIATION.....	34
6.5 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-LODDON SOUTHERN TOURISM AND DEVELOPMENT	36
6.6 AMENDMENT TO WEDDERBURN TOURISM SECTION 86 COMMITTEE OF MANAGEMENT INSTRUMENT OF DELEGATION	38
6.7 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-LITTLE LAKE BOORT	40
6.8 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-BOORT DEVELOPMENT	42
6.9 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-KORONG VALE SPORTS CENTRE	44
7. GENERAL BUSINESS	46
8. CONFIDENTIAL ITEMS	46

1. APOLOGIES

Nil

2. PREVIOUS MINUTES

2.1 CONFIRMATION OF MINUTES

SUMMARY

Seeking approval of the unconfirmed minutes of the previous Council Forum and Meetings.

Author: John McLinden - Chief Executive Officer

Council Plan ref: Core business 8: Compliance

File No: 02/01/001

Attachment: Nil

RECOMMENDATION

That Council confirm:

1. *The minutes of the Special Council Meeting of 20 November 2015*
2. *the minutes of the Council Briefing of 24 November 2015*
3. *the minutes of the Ordinary Council Meeting of 24 November 2015*

2.2 REVIEW OF ACTION SHEET

SUMMARY

Approval of Action Sheet.

Author: John McLinden - Chief Executive Officer

Council Plan ref: Core business 8: Compliance

File No: 02/01/001

Attachment: 2.2 Action Sheet

RECOMMENDATION

That Council receive and note the Action Sheet.

3. COUNCILLORS' REPORTS

3.1 MAYORAL REPORT

SUMMARY

Approval of the Mayoral Report.

Author: John McLinden, Chief Executive Officer

Council Plan ref: Core business 1: Leadership

File No: 02/01/001

Attachment: Nil

RECOMMENDATION

That Council receive and note the Mayoral Report.

3.2 COUNCILLORS' REPORT

SUMMARY

Approval of Councillors' Reports.

Author: John McLinden, Chief Executive Officer

Council Plan ref: Core business 1: Leadership

File No: 02/01/001

Attachment: Nil

RECOMMENDATION

That Council receive and note the Councillors' Report.

4. DECISION REPORTS

4.1 NOVEMBER 2015 AUDIT COMMITTEE MEETING

SUMMARY

This report provides Council with an overview of the Audit Committee meeting held on 19 November 2015.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic enabler: Effective and efficient operating systems and procedures
File no:	06/02/003
Attachment:	Anti-fraud and Corruption Policy v3

RECOMMENDATION

That Council:

1. *endorses the performance improvement recommendations in the Review of Succession Planning and Workforce Development*
2. *approves the Anti-fraud and Corruption Policy v3*
3. *receives and notes the Risk Management Report*
4. *receives and notes the Compliance Report and Compliance Report – update*
5. *receives and notes the Annual Report of Committee Activities for 2015*
6. *receives and notes the timetable for 2016.*

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council was provided with a summary of the August 2015 Audit Committee Meeting at the Ordinary Meeting held on 22 September 2015.

BACKGROUND

The Audit Committee was created under Section 139 of the Local Government Act 1989, which states that "Council must establish an audit committee".

The committee is made up of four independent community members, and Cr Gavan Holt, as Council's representative. Council's Chief Executive Officer and Director Corporate Services attend the meetings in an advisory capacity.

The primary objective of the Audit Committee is to assist Council in the effective conduct of its responsibilities for:

- the enhancement of the credibility and objectivity of internal and external financial reporting
- effective management of financial and other risks and the protection of Council assets
- compliance with laws and regulations as well as use of best practice guidelines
- the effectiveness of the internal audit function
- the provision of an effective means of communication between the external auditor, internal audit, management and the Council
- facilitating the organisation's ethical development
- maintaining a reliable system of internal controls.

In order to provide a structured approach and ensure that the committee addresses each of its responsibilities, an annual calendar of actions and an internal audit review program are established each year, and these guide the activities of the committee.

ISSUES/DISCUSSION

The agenda for the November 2015 meeting included the following:

Audit report – Succession planning and workforce development

Council's internal auditor, Mark Holloway of HLB Mann Judd, presented the report on succession planning and workforce development.

The auditors noted that Council has undertaken some positive work in the area which includes:

- development of a Knowledge Management Strategy
- identification of ageing workforce in the Risk Register
- use of the compliance software to capture internal and legislative requirements
- HR policies and procedures around recruitment
- monitoring of leave balances.

The report raised only one action which is the development of a workforce strategy.

This is a large piece of work and the auditor provided a staging tool for assisting Council in the developing the strategy. Council has committed to its development and will undertake the work in those stages of:

- context and environment
- current workforce profile
- future workforce profile
- gap analysis and closing strategies
- review and evaluation.

Review of anti-fraud and corruption policy

Council's Anti-Fraud and Corruption Policy is due for review. It has been taken through the early review cycle of Management and Executive Group and Management and Leadership Team. The Audit Committee is the next level for review before adoption by Council.

There are no changes recommended to the current version of the policy.

Draft timetable for 2016

At this time each year a draft timetable is provided to the committee to ensure all obligations under the Audit Committee Charter are met. The timetable was accepted by the committee.

Annual report on committee's activities

Ordinarily this report would be presented to the February Audit Committee meeting and then to Council; however, the Audit Committee Chair, Mr Ken Belfrage will be addressing Council in December, so the report has been brought forward for him to provide an overview at that meeting.

The report outlines the committee membership, attendance at meetings, reviews during the year, progress on outstanding actions, and adherence to governance activities.

Performance reporting framework

The committee were provided with an overview of Council's draft Performance Reporting Framework that has been developed in response to the Local Government Performance Reporting Framework Governance and Management Checklist.

The document will now be referred to Council for adoption.

Compliance report

The committee was provided with a newly developed report on compliance which covers progress with actions captured in Council's compliance software, customer request management software, and electronic content management software.

This report will now be a standing item on the agenda.

The committee was provided with an update report at the meeting showing movement in outstanding actions from the time of preparing the agenda to the week of the meeting.

Review of outstanding action list

The Outstanding Action List showed 45 actions at the commencement of the reporting period. There were 4 actions added from the follow up review of town planning undertaken in July 2012, and 12 from the interim management letter (generated for the external audit) for the year ended 30 June 2015. Ordinarily the final management letter would be included, not the interim letter, however, Council did not receive a final management letter this year. There were 10 actions completed during the reporting period leaving 51 outstanding.

Of the 51 actions, two are very high risk, six are high risk, 33 are medium risk, and 10 are low risk.

Update on Council Plan

The Chief Executive Officer provided the committee with an update on actions in the Council Plan.

Other agenda items

Other agenda items, some of which are standard items included:

- risk management report, which now incorporates more detail in line with the new risk management framework
- a staff presentation by Council's Manager Community Development and Recreation
- a staff presentation by Council's Manager Infrastructure Program Development
- fraud report
- major lawsuits report
- monthly finance report.

Next review

The next review will be the disaster recovery plan. This review will assess the draft Disaster Recovery Plan and make recommendations about it to be incorporated in the final version before adoption.

It will be presented at the next meeting of the committee which has been scheduled for 18 February 2016.

COSTS/BENEFITS

There are costs associated with the audit committee and internal audit function.

However, in most cases, actions resulting from audit reviews do not bear any new costs as they are undertaken by current staff.

The benefits that the internal audit function provides Council are:

- business improvement relating to the audit review areas
- standard policy and procedure documents which are developed through the action list
- improvement in knowledge management that will assist with succession planning over time
- a reduction in risk in areas relating to audit reviews.

RISK ANALYSIS

The internal audit program has been created and is annually updated on a risk basis, ensuring that Council's program addresses the areas of highest risk or greatest concern to audit committee members and Council officers.

CONSULTATION AND ENGAGEMENT

Nil

4.2 ADOPTION OF PERFORMANCE REPORTING FRAMEWORK

SUMMARY

This report seeks Council's approval to adopt the Performance Reporting Framework.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic enabler: Delivery of service excellence
File no:	10/03/004
Attachment:	Performance Reporting Framework v1

RECOMMENDATION

That Council adopts the Performance Reporting Framework v1.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council was provided with an overview of the draft Performance Reporting Framework at the Council Forum held on 10 September 2015.

BACKGROUND

The Local Government Performance Reporting Framework (LGPRF) which is mandated for Victorian Councils came into effect on 1 July 2014.

The framework contains a number of performance indicators that Council reports in the Performance Statement and Report of Operations annually. Part of the Report of Operations reporting is the Governance and Management Checklist which contains 24 checklist items that Council must identify as existing or not.

At 30 June 2015, the first reporting period for the LGPRF, Council was able to satisfy 19 of the 24 checklist items as being developed and current. Council is working on developing the six checklist items that did not exist. Two of those items are:

- Performance reporting framework (a set of indicators measuring financial and non-financial performance, including the performance indicators referred to in section 131 of the Act)
- Performance reporting (six-monthly reports of indicators measuring the results against financial and non-financial performance, including performance indicators referred to in section 131 of the Act).

ISSUES/DISCUSSION

The Performance Reporting Framework has been developed in response to the Governance and Management Checklist requirements.

The framework articulates the purpose of the framework, its legislative context, roles and responsibilities under the framework, and reporting the framework. It includes appendices of the LGPRF indicators and Loddon specific indicators that have been identified as important indicators to judge organisational health of Council. The Loddon indicators are included under the headings of:

- financial
- non-financial
 - business improvement
 - compliance
 - culture
 - customer service
 - governance
 - public safety, welfare and amenity
 - workplace safety.

It should be noted that the Loddon specific indicators are discretionary and Council can add or remove indicators from the framework during the review process.

Once the framework is adopted council will be provided with six-monthly reports of the indicators, which satisfies the Performance Reporting checklist item.

As documented in the framework, results will be scrutinised by the Management Executive Group before being presented to the Audit Committee and Council.

COSTS/BENEFITS

There are no direct costs with the adoption of this framework.

The benefit is that Council will over time build trend data across each indicator which will show whether council is improving in a certain area, and if not, Council will be able to investigate why and put improvement strategies in place.

RISK ANALYSIS

The adoption of this framework minimises Council's risk of not complying with the Local Government (Planning and Reporting) Regulations 2014. It also provides an avenue for monitoring organisational health and identifying risk in Council's operating and financial activities.

CONSULTATION AND ENGAGEMENT

The framework has been subject to the internal review process which includes the Management Executive Group, the Management and Leadership Group, and the Audit Committee.

4.3 FINANCE REPORT FOR THE PERIOD ENDING 23 NOVEMBER 2015

SUMMARY

This report provides Council with financial information for the period ending 23 November 2015.

Author	Deanne Caserta, Manager Financial Services
Council Plan ref:	Strategic enabler: Sound financial management protocols
File no:	08/06/001
Attachment:	Finance Report for Period Ending 23 November 2015

RECOMMENDATION

That Council:

1. *receives and notes the 'Finance Report for the period ending 23 November 2015'*
2. *approves budget revisions included in the report for internal reporting purposes only.*

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

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PREVIOUS COUNCIL DISCUSSION

Council is provided with Finance Reports on a monthly basis.

BACKGROUND

The Finance Report for the period ended 23 November 2015 includes standard monthly information about budget variations, cash, investments, interest, debtors and creditors, and provides a comparison of year-to-date actual results to year-to-date budget (by dollars and percentage) and total revised budget (by percentage). The report has been prepared prior to the end of month due to the Council Meeting being held on the third Tuesday of the month (not the fourth Tuesday as normally scheduled).

The information is in the format provided in the 2015/16 Budget, and includes operating results, capital expenditure and funding sources.

This Finance Report also includes supplementary valuations. Each year Council makes a number of additions, subtractions and alterations to the valuations contained in the annual rate book.

These changes arise from various sources including:

- splitting of parcels into new rateable assessments
- development of vacant or unproductive land (urban and rural)
- consolidation of separate rateable assessments into one assessment
- re-assessment of property valuations arising from objections to the initial valuation
- additions and cancellations of licences (grazing and water frontages)
- change of use

- covenant on Title
- area amendment
- change of Australian Valuation Property Classification Code (AVPCC)
- supplementary valuation corrections.

ISSUES/DISCUSSION

This month a capital and major projects variance report has been included as per the new reporting regime. This gives explanation notes for capital expenditure and some major projects included as operating expenditure and is designed to provide Council with progress information on these works.

COSTS/BENEFITS

The benefit to Council and the community is that accurate and regular financial reporting is being disclosed, along with an accurate representation of property valuations being reflected in Council's rating system and the distribution of rate notices for the year 2015/16.

Provision of financial reports on at least a quarterly basis is a requirement of the Local Government Act.

RISK ANALYSIS

The provision of regular and accurate finance reports to Council minimises the risk of Council not delivering projects within the approved budget. Council's risk exposure is also increased if the rating system does not reflect the valuation changes associated with supplementary valuations as Council will not be aware of the changes, which can alter the rate revenue in the current year and in future rating years.

CONSULTATION AND ENGAGEMENT

There has been considerable consultation internally with respective managers in understanding their budget responsibilities and keeping within budgetary constraints.

Consultation with ratepayers and authorities that act on behalf of ratepayers occurs when a change to a property is required or occurs by virtue of a sale.

External engagement with the community was undertaken during the submission period of the budget, and regular reporting provides a mechanism of monitoring the financial outcomes of Council against that expectation.

4.4 ANNUAL LEAVE CHIEF EXECUTIVE OFFICER

SUMMARY

Report requests annual leave for the Chief Executive Officer.

Author	John McLinden, Chief Executive Officer
Council Plan ref:	Core business 8: Compliance
File no:	02/04/001
Attachment:	Nil

RECOMMENDATION

That Council:

1. *grants the Chief Executive Officer annual leave from Monday 8 February 2016 to Friday 19 February 2016 inclusive.*
2. *appoints Mr Ian McLauchlan, Director Operations, as Acting CEO for the period.*

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
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PREVIOUS COUNCIL DISCUSSION

Nil

BACKGROUND

Nil

ISSUES/DISCUSSION

The Chief Executive Officer wishes to apply for annual leave to be taken from Monday 8 February to Friday 19 February 2016 inclusive.

It is proposed that Mr Ian McLauchlan, Director Operations, be appointed as Acting Chief Executive Officer during the Chief Executive Officer's absence.

COSTS/BENEFITS

Nil

RISK ANALYSIS

Nil

CONSULTATION AND ENGAGEMENT

Nil

4.5 PLANNING APPLICATION 5125 DEVELOPMENT OF A BROILER FARM

SUMMARY

Presents Council with an assessment report and associated recommendation in relation to planning application 5125 which seeks to establish a broiler farm development near Laanecoorie.

Author	Tyson Sutton, Manager Planning and Local Laws
Council Plan ref:	Core business 9: Regulation
File no:	13/02/001
Attachment:	Development plans Objections Broiler Code Assessment Proposed conditions

RECOMMENDATION

That Council approve planning permit application 5125 subject to the attached conditions:

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council has not previously discussed this matter

BACKGROUND

Planning application 5125 proposes the use and development of a 400,000 bird broiler farm at CA 12, 15, 16 and 17 Section A Parish of Tarnagulla. The subject land is located between the Laanecoorie Newbridge Road and the Loddon River approximately 3 kilometres to the north of the Laanecoorie Township. The land was previously the Gloroy Poll Dorset Stud.

The proposed development consists of 8 broiler sheds and ancillary infrastructure (water tanks, gas tanks, silos, water treatment and backup generator), stormwater retention basin, internal access roads and a staff amenities building.

The application was referred to Department Economic Development Jobs Transport and Resources, Department of Environment, Land, Water and Planning, Goulburn-Murray Water, Environment Protection Authority and North Central Catchment Management Authority. No objections were received from the various authorities.

Notice of the application was given to surrounding landholders within a 3 kilometre radius of the subject land and by publication in the Bendigo Advertiser and the Loddon Times. The application received 7 objections.

ISSUES/DISCUSSION

The subject land comprises 4 parcels with a combined area of approximately 85.8 hectares which form part of a larger 472 hectare property. Access to the site is from Laanecoorie-Newbridge Road via an unmade government road.

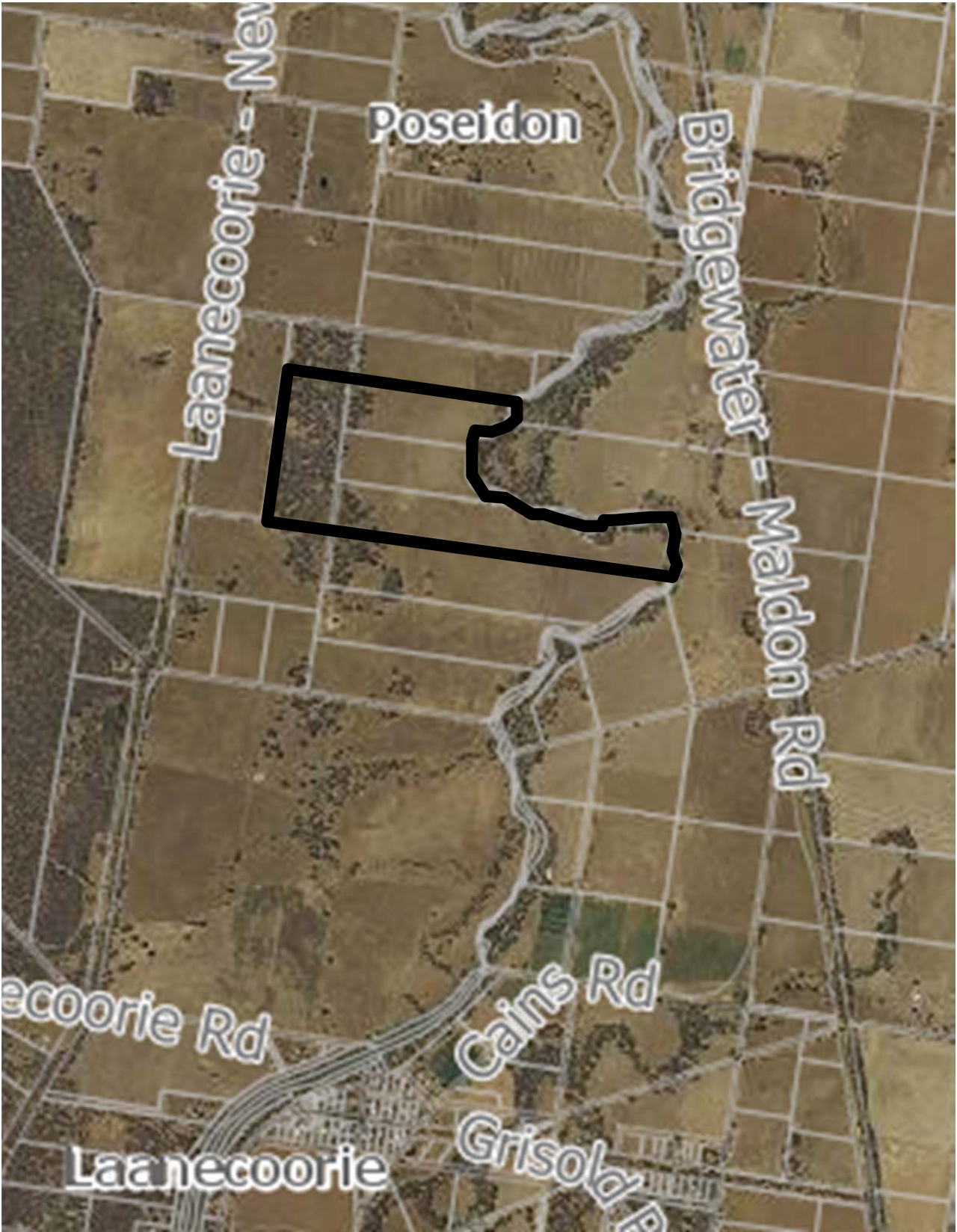


Figure 1. Subject land shown outlined.

The land is contained within the Farming Zone of the Loddon Planning Scheme and is affected by the Land Subject to Inundation Overlay and the Erosion Management Overlay.

Planning approval is required under the Farming Zone for the use and development of the land and the Land Subject to Inundation Overlay for buildings and works.

Farming Zone

The purpose of the Farming Zone is:

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

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The proposed development is consistent with the purpose of the zone. It is an agricultural use that will enhance the productivity of the land; it will encourage employment and population retention and is a use that is based on sustainable land management practices.

The use of land in the Farming Zone for a broiler farm contains the conditions that it must meet the requirements of Clause 52.31 of the planning scheme. This requirement is addressed later in this report.

The decision guidelines of the Farming Zone require consideration of a number of matters including:

- policies and strategies
- site suitability
- sustainability of the proposal
- existing infrastructure and services
- agricultural issues and the impacts from non-agricultural uses
- environmental issues
- design and siting issues.

These matters have been considered in the assessment of the application and is it considered that the proposal satisfies the decision guidelines of the Farming Zone.

Land Subject to Inundation Overlay

The purpose of the Land Subject to Inundation Overlay is:

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

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The proposed development is consistent with the purpose of the overlay. It will not unduly obstruct the flow of floodwater or reduce the storage capacity of the floodplain. It will not detrimentally impact water quality or the health of waterways.

The proposed work contained within the Land Subject to Inundation Overlay equate to approximately 1 hectare of land with 0.8 hectares being the proposed retention basin. The proposed development is to be surrounded with a 600mm high earthen berm to control stormwater from the site and to protect the site from any potential flooding. All stormwater from the development is to be directed to the proposed retention basin which is to be constructed with the capacity for a 1 in 100 year storm event.

The application has been considered by the North Central Catchment Management Authority who have raised no objection to the proposal subject to conditions.

Particular Provisions

An application for the use and development of a broiler farm under the provisions of the Farming Zone must meet the requirements of Clause 52.31 Broiler Farm. The purpose of this Clause is:

To facilitate the establishment and expansion of broiler farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

Clause 52.31 contains the following requirement:

A permit application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, must comply with the Victorian Code for Broiler Farms 2009.

The Victorian Code for Broiler Farms 2009 (the Code) specifies different information and assessment requirements for an application depending on the classification of the proposed farm. The Broiler Code classifies broiler farms as Class A, Class B, Special Class or Farm Clusters reflecting the different level of environmental and amenity risk of the broiler farm. For the purpose of the Code the proposal is classified as a Class B farm. That is, it is a farm with a capacity of equal to or less than 400,000 birds and it can meet the minimum separation distances specified by the Code but cannot fully contain this distance within the farm boundaries.

The proposed broiler farm is consistent with the Code. An assessment against the Code is attached.

Objections

The grounds of objection are addressed as follows:

- Traffic volumes and routes
 - Impact on road maintenance
 - Traffic volumes
 - Increased accident risk

The proposed broiler farm will result in an increase in the volume of traffic utilising the Laanecoorie Newbridge Road with an average of 8200 movements per annum. This equates to approximately 22 vehicles per day. Available data indicates that current traffic volumes amount to 109 vehicle movements per day with 51 being commercial vehicles. The anticipated increase of 22 vehicles per day is not expected to have a significant impact on the road function.

- Proximity to and impact on waterways

The Loddon River forms the eastern boundary of the subject land. The separation of the development from the river combined with the proposed stormwater management practices will result in minimal impact on the riverine environment.

Due in part to the proximity of the development to the river, advice was sought from the North Central Catchment Management Authority, Department of Environment, Land, Water and Planning, Goulburn-Murray Water and Environment Protection Authority.

All authorities consented to the approval of the application with the North Central Catchment Management Authority, Goulburn-Murray Water and Environment Protection Authority requesting specific conditions to be included on any permit issued.

- Vermin

The site is designed to minimise opportunities for vermin such as mice and rats. All feed systems are enclosed to prevent spillage and buildings are designed to prevent ingress of vermin.

- Animal cruelty

Animal welfare is an issue dealt with under the Prevention of Cruelty to Animals Act 1986. The operators of the proposed broiler farm are required to comply with this Act in the conduct of the business.

- Validity of the Victorian Code for Broiler Farms 2009

Objectors have called into question the validity of the Code citing that it is due for review and that recent history at VCAT indicates that practices sanctioned in the Code are out-dated.

Notwithstanding this assertion the Code is an incorporated document within the Loddon Planning Scheme. Clause 52.31 requires that an application to use or develop land to establish a new broiler farm must comply with the Code.

- Impact on the future growth of the Laanecoorie Township

The proposed broiler farm will create increased economic activity in the vicinity of the Laanecoorie Township and may aid to encourage future growth in the area. It is not considered that the proposal will detrimentally affect the ongoing sustainability of Laanecoorie.

- Devaluation of properties

There is established case law which holds that a proposed decrease in property value is an irrelevant consideration. This has been a long standing position by VCAT and other than in exceptional cases, and where clear evidence can be presented, loss in property value will not be entertained as a ground of objection. If adjoining land is devalued because of detriment to its amenity, it is the detriment to the amenity that is considered in relation to planning permit applications, not the resulting devaluation.

- Loss of amenity

- Noise
- Odour
- Dust

The amenity impacts of the proposed broiler farm are addressed through the requirements of the Code. An assessment against the Code identifies that the proposal will result in acceptable outcomes in terms of amenity impact.

- Impacts on groundwater

The proposed development contains several design features intended to control stormwater runoff and waste streams generated by the operation. The impact of the proposal on groundwater has been addressed in the assessment of the application against the Code.

COSTS/BENEFITS

Nil

RISK ANALYSIS

Failure to process planning applications in a timely manner or undertake rigorous assessment of development or works proposals is considered to pose the following risks:

- barrier to development and associated economic growth within the Shire
- proliferation of incompatible land use development
- Council's reputation as a regulatory authority
- infrastructure, service provision or regulatory and enforcement pressures
- protection of zones to accommodate intended activities or reduction of surrounding property amenity.

CONSULTATION AND ENGAGEMENT

Consultation and engagement with planning permit applicants is routinely conducted at the required periods throughout the assessment and permit approval process.

4.6 ALLOCATION OF THE 2015/16 COMMUNITY PLANNING STRATEGIC FUND

SUMMARY

A request for allocation of the 2015/16 community planning strategic fund has been received.

Author	Bryan McEwan, Director Economy and Community
Council Plan ref:	Strategic Platform 4: Make our towns liveable and memorable
File no:	13/09/005
Attachment:	Nil

RECOMMENDATION

That Council allocate the 2015/16 Community Planning Strategic Fund to the Pyramid Hill Streetscape project

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council has previously discussed the allocation of the 2015/16 strategic fund at the November council briefing.

BACKGROUND

The allocation of the Community Planning Strategic Fund is a decision by council based on community nomination of projects of significant impact. Council's stated preference is for 'big picture' projects which may also be used to attract external funding.

In the past, the strategic fund has been utilised to assist with a variety of projects:

Financial Year	STRATEGIC FUND	CPSF PROJECT
11/12	200,000	40K per Ward
12/13	500,000	Inglewood Town Hall
13/14	500,000	Wedderburn Streetscape
14/15	500,000	Boort Lake Water
15/16	500,000	<i>No project assigned</i>

The 2015/16 strategic fund remains unallocated.

ISSUES/DISCUSSION

The Pyramid Hill Progress Association (community planning committee) has requested the allocation of the strategic fund to its streetscape project.

Following on from the commencement of planning and works to complete the Wedderburn streetscape redevelopment, a project is currently underway to complete preliminary plans for the main streets of the Loddon's remaining major townships, including Pyramid Hill.

The major town streetscape planning project is due for completion in February/March 2016, which will result in completed concept plans (incorporating community and council feedback) and preliminary cost estimates.

While the State government had previously approved an allocation of \$100,000 toward the Pyramid Hill Streetscape through the Local Government Infrastructure Program (LGIP), it is expected that further funding will be required to enable the project to proceed.

Current State Government funding for streetscape projects allows for a maximum contribution (from the state) of \$500,000 per application, with a funding ratio of \$2 (state government): \$1 (contribution).

With no further contributions the allocation of the strategic fund, combined with a successful application to the state government, would result in \$1.1M available to the project.

While more favourable funding ratios are available (\$3:\$1), the maximum funding amount available is \$300,000 per application and would result in staging of the project.

COSTS/BENEFITS

The allocation of the strategic fund to the Pyramid Hill Streetscape would enable the project to proceed to construction relatively quickly (noting the need for a successful application to the State Government to secure external funding)

The completion of a Pyramid Hill Streetscape project is in line with objective 4.1 of the Council Plan:

Renew the streetscape in our major towns - Develop plans for Boort, Pyramid Hill, Bridgewater streetscape redevelopment.

The Strategic Platform success indicator being: *Three new streetscape projects completed*

RISK ANALYSIS

Without completed concept plans for the Pyramid Hill project, preliminary cost estimates have not yet been finalised.

It is expected that the project will require a successful application to the State Government to secure further funding.

CONSULTATION AND ENGAGEMENT

The matter has been discussed within the Pyramid Hill Progress Association, ward councillor and council officers.

Streetscape planning has involved significant community engagement.

4.7 RAVE PARTY AND MUSIC FESTIVAL ADMINISTRATION AND ENFORCEMENT

SUMMARY

Provides Council with a summary of the various powers and actions available to Council or Victoria Police officers in respect to the control and management of rave parties or music festival events.

Author	Ian McLauchlan, Director Operations
Council Plan ref:	Core business 8: Compliance
File no:	16/03/001
Attachment:	Nil

RECOMMENDATION

That Council:

1. *note the powers available to both Council and Victoria Police officers in respect to responding to complaints associated with either planned or illegal rave parties or music festivals within the Shire*
2. *Write to the Minister for Police expressing concern in relation to both the effectiveness and availability or resources to undertake enforcement action against such illegal events and seek clarification as to Victoria Police's resource planning intentions to remedy this deficiency.*

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

[Refer to the Staff and Contractors Code of Conduct for definitions of conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council briefly discussed this matter during its forum in January 2015. This discussion centred around a number of complaints which had been received in relation to an illegal rave party which occurred on New Year's Eve in the Rheola area. In consideration of these complaints Council sought further advice as to what options or powers were available to various authorities, to respond to such events if they were to occur again in the future.

BACKGROUND

The occurrence of unauthorised rave parties, music festivals or other similar public events has historically proved problematic to both monitor and control once identified. With respect to Council's ability to control such events, difficulties primarily lay with the process by which Council is required to adhere in order to enact its powers, resourcing to implement such powers and in some circumstances the associated administrative timeframes.

Council's powers in this matter primarily lie within the Planning and Environment Act and the Building Act. Specific detail regarding both pieces of legislation and the associated process which are applicable should they be enacted to control such entertainment events is provided below. It is

however recognised that significant reliance is placed upon the level of support afforded by Victoria Police in the course of implementing and enforcing such powers.

Further to powers provided to Council via the above legislation, Victoria Police maintain a variety of powers across a diverse range of legislative instruments, enabling them to intervene where civil disobedience, illicit/criminal activities or antisocial behaviour is occurring. Further to their independent powers, Victoria Police also play a pivotal role in enabling Council to enforce its powers with respect the Building Act and Planning and Environment Act, with these instruments both containing particular provisions in respect to police assistance.

The occurrence of rave parties or music festivals has been a long standing issue given the potential impacts which such events can have on local amenity. More often than not, substantial numbers of complaints are received from neighbours in relation to these events in the context of such issues as:

- excessive noise late into the evening
- volumes of traffic and lack of traffic management arrangements
- antisocial behaviour or public intoxication / drug use
- environmental or property damage
- trespassing

Whilst there are a number of music festivals and rave parties which are well organised and run in compliance with all relevant legislation and approvals, there are equally a number which are conducted in the absence of any formal approval framework. It is typically these illegal events which generate the most community angst and pose significant public risk.

Anecdotally the occurrence of unauthorised music festivals and rave parties is becoming more frequent. It is believed that this is primarily due to the lucrative nature of such events, particularly in the absence of costs associated with legislative compliance.

It is also being observed that such events are becoming more transient in nature, rarely re-occurring in the same location with any regularity. This makes enforcement and monitoring of such events difficult.

Further, many of these events occur on private land, often in rural areas where limited scrutiny can be applied. Such sites often are not designed to cater for large volumes of people and as such reliance is placed upon the establishment of temporary facilities, or no facilities or services are provided e.g. fire suppression, medical assistance.

The benefit of events being run in relatively isolated areas is a reduced intensity of impact upon the broader community. However the lack of visibility and relatively limited availability of policing or emergency services leads to an enhanced public welfare or social compliance risk.

In many instances illegal festivals or rave parties occur with little warning to the general public. Promotion of such events is typically restricted to specific sub-cultures, with little information being readily available/accessible to the broader community. As such authorities are often provided extremely short notice, if any, of a pending event and consequently have limited time to intervene.

More often than not, involvement of Council and the police in such events occurs at the time of receiving notification that an event has been identified or complaints received from surrounding community members.

For those events which are organised within the appropriate legislative framework, Council is provided with the opportunity to ensure that appropriate controls are put in place to manage any potential conflict between event goers and the broader community. A focus is also applied to ensure that appropriate services and facilities are provided at these events in the interest of maintaining public safety.

As such the occurrence of both authorised or illegal music festivals and rave parties poses a significant challenge for Council given our function of ensuring the peace, order and good government of the municipal district. To this end Council relies on its legislative powers and the support of Victoria Police in enforcing these powers, should the need arise.

ISSUES/DISCUSSION

In the context of controlling the impact, scale and compliance of rave parties and music festivals, the approach applied by Council, and applicable powers available, varies subject to the time at which we become involved with, or aware of, such events. The following provides a short summary of the approach taken by Council in advance of, during or post an event.

Advance notification and approval:

Some organisers of music festivals and rave parties seek to establish these events in compliance with the relevant legislative framework. This involves the event organisers obtaining all necessary permits and approvals from Council as well as preparing event management plans in consultation with other relevant authorities such as Victoria Police and the Country Fire Authority.

In these instances Councils regulatory involvement primarily relates to the following functions:

- planning permit approval
- place of public entertainment approval
- road closure and traffic management approvals
- waste and wastewater management services
- public and environmental health compliance

In performing the above regulatory functions, reliance is placed upon the processes, powers and requirements set out within various legislative instruments. Legislation relied upon includes:

- Planning & Environment Act
- Building Act
- Road Management Act
- Food Act
- Environment Protection Act

Through the relevant pre-approval processes, adequate controls can be put in place to mitigate potential public risk as well as inform the community of the pending event.

Occasionally Council is made aware of a pending event for which the organisers have no intention of seeking pre-approval. Typically such notification occurs at the time of tickets being offered for sale or through general comments made by the public.

In these instances a number of options are available to Council from a legislative perspective, to attempt to intervene before the event occurs. Such options lie within the Planning and Environment Act and include:

- application for an enforcement order through VCAT (Section 114)
- application for an interim enforcement order through VCAT (Section 120)

Failure to comply with an enforcement or interim enforcement order (i.e. if event proceeds) can incur significant financial penalties. Such penalties would be imposed by the Courts and will require Council to prosecute the responsible individual(s).

During an active event:

If an illegal event has been identified or an approved event is suspected of failing to comply with the imposed conditions/approvals, a number of options exist for Council officers or Victoria Police to respond.

Under the Planning and Environment Act Council officers can issue the responsible persons with either a notice of contravention or an infringement notice for failing to comply with the Planning Scheme, permit or any Section 173 agreement.

Such notices may require the responsible person to do certain things i.e. cease the use of the land. Failure to comply with the requirements of a notice exposes any individual or corporation to potential prosecution. The next step in the compliance process under the Planning and Environment Act requires the matter be brought before the Court.

Before entering private land upon which such an event may be taking place, officers are required to either gain the consent of the landowner or alternatively obtain a warrant. Given the potential timeframe to obtain such a warrant, the gathering of evidence for a further prosecution under the Planning and Environment Act may be problematic.

If a warrant is obtained and officers are obstructed from entering the property for the purposes of gathering evidence, Victoria Police may be called upon to assist. In these circumstances, should such individuals continue to obstruct Council officers, they may be subject to arrest.

Given the above course of action may not result in the closure of an illegal or non-complaint event, in that no immediate action can be undertaken to forcibly remove people from the premises under the Planning and Environment Act, Council also give consideration to the exercising of powers under the Building Act.

Under the Building Act the Municipal Building Surveyor (MBS) may issue an Emergency Order where he or she is of the opinion that the order is necessary because of a danger to life or property, arising out of the condition or use or proposed use of a building, the land on which building work is being or is proposed to be carried out or a place of public entertainment.

The operation of rave parties or music festivals is considered to be a place of public entertainment and as such they must comply with the relevant building regulations. Failure to comply with these regulations, which is the case with most illegal events, allows the MBS to issue an Emergency Order and require that all persons immediately vacate the area.

In the event that individuals fail to comply with the Emergency Order the MBS may seek the assistance of Victoria Police to enforcement the required actions i.e. forcibly remove persons from the site.

In addition to the immediate powers to remove persons from the site, individuals responsible for not complying with an Emergency Order are also exposed to potential prosecution for the breach of the Building Act. Such legal action is undertaken through the Courts and can result in significant financial penalties.

Further to the available Council powers as identified above, Victoria Police also maintain powers under other legislation such as the Summary Offences Act and Environment Protection Act. These powers include the ability for the police to require persons to move on from any illegal event whether it be on public land or private land (if associated with a noise complaint issue). Other powers also exist for Victoria Police in the event that illicit or illegal activity is identified as such events.

As detailed above, Council is heavily reliant on support from Victoria Police to undertake any enforcement action which involves the forcible removal of persons from such events. Similarly, whilst the police have various powers to intervene, the availability of resources to effectively enforce such powers is considered to be a limiting factor.

Given the isolated location in which many rave party and music festival events occur, the availability of police resources is often severely restricted. Many such events have large numbers of attendees (up to 10,000 people in some instances) and as such the limited police resources often found in remote or regional areas, are simply inadequate to facilitate effective policing.

Accordingly it is often impractical for Council or local Victoria Police officers to intervene when an event is in progress. The issue of effective policing of such events is a current discussion topic across the state, particularly in light of recent events surrounding illicit drug use at music festivals and the consequences of this activity on society.

Post event enforcement:

Whilst intervention during an event is often impractical or ineffectual, having gathered sufficient evidence of the relevant breaches of legislation, prosecution of the responsible persons can occur post event.

This process involves the preparation of a brief of evidence and subsequent prosecution through the Courts. In many instances it can be clearly demonstrated that individuals or corporations have been issued with notices or order either pre event or during the course of the activities.

Demonstrated non-compliance with such orders strengthens any subsequent prosecution and likelihood of severe penalties being imposed by the Courts. Such prosecutions rely on Council collecting the necessary evidence and allocating the required resources to present the matter to

the Court. Any fines or penalties handed down by the Courts are payable to the prosecuting authority.

Given the above points it considered that wherever possible Council should attempt to intervene early where it becomes apparent that music festivals or rave parties are being organised. It is recognised however that for illegal events such intervention may be ineffectual given the already demonstrated unwillingness of individuals to comply with the relevant regulations.

Early intervention is also limited by legislative process and powers, until such time that an actual breach of legislation occurs i.e. event is held. Once such a breach occurs, as demonstrated above further powers are available to both Council officers and Victoria Police to remedy the situation. Practically however this is unlikely to occur given the limited police resources available in the area.

It is recommended that Council write to the Minister for Police seeking clarification around any measures which they intend to put in place at a state level, in order to improve operational capability in response to such events.

Should an unauthorised or non-compliant event occur, Council officers will continue to gather the required evidence and commence prosecution under relevant legislative instruments.

COSTS/BENEFITS

Council incurs operational costs in the performance of its powers, functions and duties as specified within legislation. In this instance such costs relate to the operation of the Planning, Building and Local laws functions.

Further to operational costs, significant costs can be incurred in the course of prosecuting individuals for failing to comply with either the Building Act or Planning and Environment Act. In some circumstances such costs can be recouped through the Courts.

Taking appropriate action in respect to either early intervention, during an event or post event prosecutions seeks to protect the local community and deter potential illegal events from being held which place both the community and attendees at risk.

RISK ANALYSIS

The occurrence of illegal rave parties and music festivals poses a significant risk to the local community as well as those individuals attending such events. Often such events are poorly regulated and planned with limited provision for emergency service assistance or public welfare protections.

Such events also pose a significant risk to local infrastructure, amenity and environment. Noise complaints, traffic management issues, waste and wastewater management failures and vegetation damage are all regular consequences of poorly planned or controlled events.

In responding to such events, risks associated with staff safety and welfare also exist for Council and Victoria Police, as often attending officers are grossly outnumbered and can encounter drug and alcohol affected persons.

Failure to respond to community concerns in relation to the approval for, or enforcement against, such events also poses a reputational risk for Council.

CONSULTATION AND ENGAGEMENT

In the course of preparing this report consultation with Council's Planning and Building Departments has occurred, so as to ascertain the extent of available powers and identify relevant provisions with legislation.

5. INFORMATION REPORTS

5.1 PROGRESS OF 2016 REVALUATION

SUMMARY

This report informs Council about the 2016 revaluation of land and buildings in the Shire.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Core business 8: Compliance
File no:	09/01/001
Attachment:	Nil

RECOMMENDATION

That Council receives and notes the "Progress of 2016 revaluation" report.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Nil

BACKGROUND

In accordance with Valuation Best Practice, Council undertakes a revaluation of all properties in the Shire every two years. The prescribed date for the next revaluation is 1 January 2016, and that valuation data will be used for the 2016/2017 budget.

Council undertakes its revaluation process via external contractor, LG Valuations Pty. Ltd., and they are currently in the process of revaluing properties in the Shire.

ISSUES/DISCUSSION

Valuation Best Practice outlines milestone dates for the return of information during the revaluation process. This is to ensure that Council has a Valuation Return by the final due date of 29 April, 2016.

The following table outlines the milestone dates for the 2014 revaluation, and progress to date on each of the stages:

Stage	Details	Due Date	Date Lodged with VGV	Date Certified by VGV
Stage 1	Statistical Analysis	27 February 2015	20 April 2015	27 April 2015
Stage 2	Residential & Rural: Preliminary Valuations			

	- Rural	30 October 2015	22 October 2015	Not returned
	- Residential	30 October 2015	22 October 2015	Not returned
Stage 3A	Specialist Properties	31 August 2015	13 October 2015	5 November 2015
Stage 3B	Commercial & Industrial	29 January 2016	Not yet due	
Stage 4	Residential & Rural: Final Valuations			
	- Rural	31 March 2016	Not yet due	
	- Residential	31 March 2016	Not yet due	
Stage 5	Valuation Return	29 April 2016	Not yet due	

Stage 1:

Stage 1 includes preparation, planning and statistical analysis of the previous valuation against recent sales. Stage 1 was lodged with the Valuer-General Victoria (VGV) on 20 April 2015, and a 7A Certificate was received on 27 April 2015.

A 7A Certificate is authorisation of the revaluation stage by VGV and states that:

- The required documentation and evidence has been provided
- The work is in accordance with the standards required by VGV for the 2012 General Valuation
- The work is considered satisfactory by VGV

Stage 2:

Stage 2 includes the largest body of work – Rural and Residential properties. This stage is the preliminary work required for those properties, where the majority of inspections and field data verification is completed. A final review of values for these properties occurs in Stage 4.

Due to the size of the data, Stage 2 is normally lodged in two parts – Rural and Residential.

Stage 2 was due on 30 October 2015. Stage 2 was lodged with the VGV on 22 October 2015, but there has been no return of data as yet.

Stage 3A:

Stage 3A includes specialist properties that Council has nominated in the contract as being unusual, due to size or nature. It includes chicken farms, olive groves, piggeries, and other commercial properties.

Stage 3A was due on 31 August 2015, and was lodged with VGV on 13 October 2015. Certification of Stage 3A was returned on 5 November 2015.

Stage 3B:

Stage 3B is Commercial and Industrial properties. This stage is not due for lodgement until 29 January 2016.

Stage 4:

Stage 4 is a review of Stage 2 data based on an analysis of subsequent sales. This stage is due on 31 March 2016.

Stage 5:

Stage 5 is the return of the valuation to Council, and includes the valuer's final report. This stage is due on 29 April 2016.

Certification of this stage is critical for Council's budget process, as the new valuation will be used as a basis for raising rates in the first year after return. Council does not usually resolve to advertise the budget until certification has been received, to ensure that the valuation base does not change; however, this is the first year of a new revaluation where the final legislated adoption date of the budget is 30 June. Therefore, consideration may need to be given to resolving to advertise even though Stage 5 is not returned.

As well as gauging progress against the milestone dates, Council is able to monitor the process by the following mechanisms:

1. Council is provided with a report from Valuer-General Victoria (VGV) when each stage is approved
2. Formal and informal periodic meetings with LG Valuations Pty. Ltd. are undertaken. Under Council's contract, Council can ask for meetings with LG to discuss progress, queries, and any potential issues with return of data.

There was a late start to the revaluation due to delays in advertising the tender, which resulted in Stage 1 being certified after the best practice due date.

Stage 3A was also submitted after the due date, but this is only a small sample of properties, and should not affect the overall milestone achievements. Council will be advised of any issues that may cause delays to the contractor achieving milestone dates.

Further reports on progress of the whole revaluation will be provided to Council following milestone dates.

COSTS/BENEFITS

The revaluation process has a budgetary allocation each year as the process takes a full two-year period to complete.

Council receives a contribution from the State Revenue Office for the data every second year, which assists in defraying costs associated with the revaluation process.

Council has a reserve specifically for revaluations which assists in evening out the costs over the full two-year period of the revaluation process, as one year has high costs and low income, while the other year has low costs and high income.

RISK ANALYSIS

By undertaking the revaluation process Council is ensuring:

- that it complies with the Valuation of Land Act 1960 requirements
- that valuation data is up to date and relevant so that valuations used for rating purposes are current and accurate.

This reduces the financial and reputational risk that could be experienced by Council if valuations did not reflect current levels, and a large number of ratepayers were successful in objecting to valuations.

CONSULTATION AND ENGAGEMENT

Council advises property owners of the revaluation process in the Mayoral Column.

Information about valuations for rating purposes and how property owners can object to their valuation are included on Council's rates notices.

6. COMPLIANCE REPORTS

6.1 DOCUMENTS FOR SIGNING AND SEALING

SUMMARY	
This report provides Council with a list of documents signed and sealed during the month.	
Author:	John McLinden - Chief Executive Officer
Council Plan ref:	Core business 8: Compliance
File No:	02/01/001
Attachment:	Nil

RECOMMENDATION

That Council:

1. receive and note the 'Document for Signing and Sealing' report
2. endorse the use of the seal on the documents listed

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Nil

BACKGROUND

N/A

ISSUES/DISCUSSION

Instrument of Delegation – Members of Staff

Instrument of Delegation Boort Business and Tourism council Committee of Management

6.2 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-BOORT BUSINESS AND TOURISM COUNCIL

SUMMARY	
This report seeks Council's approval of the membership of Boort Business and Tourism Council Section 86 Committee of Management.	
Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic Platform 1: Build a network of strong communities
File no:	02/01/012
Attachment:	Nil

RECOMMENDATION

That Council appoints the names provided in this report as members of the Boort Business and Tourism Council Section 86 committee of management, effective immediately.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council approved the current list of committee members for Boort Business and Tourism Council Committee of Management on 23 September 2014.

BACKGROUND

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

Members and Office Bearers of the Committee

At the Annual General Meeting each year nominations shall be called for proposed members of the committee. The committee must then elect from its proposed members the following office bearers:

- President, who shall be Chairperson of the Committee
- Secretary
- Treasurer.

The full list of proposed members must be forwarded to Council for formal appointment at an Ordinary Meeting of Council, in accordance with section 86(2). Until this formal appointment by Council occurs, the previous committee members will continue to hold office.

Clause 3.3 Membership of the committee outlines Council's preferred composition of the committee specific to each delegation, and states that Council seeks to provide broad representation to the committees.

For community based committees, that is at least 6 community representatives.

For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

ISSUES/DISCUSSION

Boort Business and Tourism Council is a community based committee with representation of at least 6 community representatives. The following is a list of nominated representatives for the committee which meets the minimum requirement:

Name	Position
Kathryn Lanyon	President
Sharlene Stringer	Vice President
Brooke Arnold	Secretary
Kelly Hird	Treasurer
Cleo Lanyon	Administration Officer
Angela Doyle	Committee Member
Rod Poxon	Committee Member
Suzi Kirkham	Committee Member
Craig Scott	Committee Member
Marilyn Lanyon	Committee Member
Honnie Twedde	Committee Member
Barry Barnes	Committee Member
Sue Pilcher	Committee Member
Marlies Eicher	Committee Member
Paul Haw	Committee Member

The Council representative for this committee is Cr Neil Beattie.

COSTS/BENEFITS

The benefit of this report is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Under Section 86(2) of the Act, "Council may appoint members to a special committee and may at any time remove a member from a special committee".

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

CONSULTATION AND ENGAGEMENT

Nil

6.3 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-INGLEWOOD COMMUNITY SPORTS CENTRE

SUMMARY	
This report seeks Council's approval of the membership of Inglewood Community Sports Centre Section 86 Committee of Management.	
Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic Platform 1: Build a network of strong communities
File no:	02/01/021
Attachment:	Nil

RECOMMENDATION

That Council appoints the names provided in this report as members of the Inglewood Community Sports Centre Section 86 committee of management, effective immediately.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council approved the current list of committee members for Inglewood Community Sports Centre Committee of Management on 25 November 2014.

BACKGROUND

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

Members and Office Bearers of the Committee

At the Annual General Meeting each year nominations shall be called for proposed members of the committee. The committee must then elect from its proposed members the following office bearers:

- President, who shall be Chairperson of the Committee
- Secretary
- Treasurer.

The full list of proposed members must be forwarded to Council for formal appointment at an Ordinary Meeting of Council, in accordance with section 86(2). Until this formal appointment by Council occurs, the previous committee members will continue to hold office.

Clause 3.3 Membership of the committee outlines Council's preferred composition of the committee specific to each delegation, and states that Council seeks to provide broad representation to the committees.

For community based committees, that is at least 6 community representatives.

For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

ISSUES/DISCUSSION

Inglewood Community Sports Centre is an organisation based committee with representatives from each of the stakeholder groups. The following is a list of nominated representatives for the committee. It should be noted that there is one vacancy for the representative group Inglewood Cricket Club.

Name	Community group
Alan Last (President)	Inglewood Lawn Tennis Club
Helen Canfield	Inglewood Lawn Tennis Club
Andrew Nevins (Vice President)	Inglewood Football Club
Chris Leach	Inglewood Football Club
Vicky Tierney (Secretary/Treasurer)	Inglewood Cricket Club
Vacancy	Inglewood Cricket Club
Marie Ralph	Inglewood Netball Club
Gaylia Hywood	Inglewood Netball Club
Gordon McNaughton	Community Representative
Les Miller	Community Representative
Shane Maxwell	Community Representative

The Council representative for this committee is Cr Colleen Condliffe.

COSTS/BENEFITS

The benefit of this report is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Under Section 86(2) of the Act, "Council may appoint members to a special committee and may at any time remove a member from a special committee".

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

CONSULTATION AND ENGAGEMENT

Nil

**6.4 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-DINGEE
PROGRESS ASSOCIATION**

SUMMARY	
This report seeks Council's approval of the membership of Dingee Progress Association Section 86 Committee of Management.	
Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic Platform 1: Build a network of strong communities
File no:	02/01/017
Attachment:	Nil

RECOMMENDATION

That Council appoints the names provided in this report as members of the Dingee Progress Association Section 86 committee of management, effective immediately.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

Choose an item.

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council approved the current list of committee members for Dingee Progress Association Committee of Management on 16 December 2014.

BACKGROUND

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

Members and Office Bearers of the Committee

At the Annual General Meeting each year nominations shall be called for proposed members of the committee. The committee must then elect from its proposed members the following office bearers:

- President, who shall be Chairperson of the Committee
- Secretary
- Treasurer.

The full list of proposed members must be forwarded to Council for formal appointment at an Ordinary Meeting of Council, in accordance with section 86(2). Until this formal appointment by Council occurs, the previous committee members will continue to hold office.

Clause 3.3 Membership of the committee outlines Council's preferred composition of the committee specific to each delegation, and states that Council seeks to provide broad representation to the committees.

For community based committees, that is at least 6 community representatives.

For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

ISSUES/DISCUSSION

Dingee Progress Association is a community based committee with representation of at least 6 community representatives. The following is a list of nominated representatives for the committee which meets the minimum requirement:

Name	Position
Robert Plant	President
Paul Condliffe	Vice President
Wendy McCormick	Secretary
Pam Plant	Treasurer
Charlie Matarazzo	Committee Member
Dan Rutherford	Committee Member
David Lakeman	Committee Member
Frank Winzar	Committee Member
John Gledhill	Committee Member
John Martin	Committee Member
Julie Beck	Committee Member
Keith Pratt	Committee Member
Kevin Jackman	Committee Member
Margaret Gledhill	Committee Member
Neil Stepian	Committee Member
Sharlene Crage	Committee Member
Tony Cliff	Committee Member

The Council representative for this committee is Cr Cheryl McKinnon.

COSTS/BENEFITS

The benefit of this report is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Under Section 86(2) of the Act, "Council may appoint members to a special committee and may at any time remove a member from a special committee".

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

CONSULTATION AND ENGAGEMENT

Nil

6.5 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-LODDON SOUTHERN TOURISM AND DEVELOPMENT

SUMMARY

This report seeks Council's approval of the membership of Loddon Southern Tourism and Development Section 86 Committee of Management.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic Platform 1: Build a network of strong communities
File no:	02/01/029
Attachment:	Nil

RECOMMENDATION

That Council appoints the names provided in this report as members of the Loddon Southern Tourism and Development Section 86 committee of management, effective immediately.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council approved the current list of committee members for Loddon Southern Tourism and Development Committee of Management on 28 October 2014.

BACKGROUND

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

Members and Office Bearers of the Committee

At the Annual General Meeting each year nominations shall be called for proposed members of the committee. The committee must then elect from its proposed members the following office bearers:

- President, who shall be Chairperson of the Committee
- Secretary
- Treasurer.

The full list of proposed members must be forwarded to Council for formal appointment at an Ordinary Meeting of Council, in accordance with section 86(2). Until this formal appointment by Council occurs, the previous committee members will continue to hold office.

Clause 3.3 Membership of the committee outlines Council's preferred composition of the committee specific to each delegation, and states that Council seeks to provide broad representation to the committees.

For community based committees, that is at least 6 community representatives.

For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

ISSUES/DISCUSSION

Loddon Southern Tourism and Development is a community based committee with representation of at least 6 community representatives. The following is a list of nominated representatives for the committee which meets the minimum requirement:

Name	Position
Dot Silke	President
Jill Temby	Vice President
Robyn Vella	Secretary
Norma Sokolowski	Treasurer
Beryl Peters	Committee Member
Colin Silke	Committee Member
Darryl Peters	Committee Member
David Gordon	Committee Member
George Filev	Committee Member
George Swinburne	Committee Member
Jan King	Committee Member
Ken Arnold	Committee Member

The Council representative for this committee is Robyn Vella Manager Tourism.

COSTS/BENEFITS

The benefit of this report is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Under Section 86(2) of the Act, "Council may appoint members to a special committee and may at any time remove a member from a special committee".

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

CONSULTATION AND ENGAGEMENT

Nil

6.6 AMENDMENT TO WEDDERBURN TOURISM SECTION 86 COMMITTEE OF MANAGEMENT INSTRUMENT OF DELEGATION

SUMMARY

This report seeks approval of an amendment to the Section 86 Instrument of Delegation for Wedderburn Tourism Committee of Management.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic Platform 1: Build a network of strong communities
File no:	02/01/040
Attachment:	Wedderburn Tourism Committee of Management Instrument of Delegation

RECOMMENDATION

That Council approves the Section 86 Instrument of Delegation for Wedderburn Tourism Committee of Management.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

The current Instrument of Delegation for Wedderburn Tourism Committee of Management was approved on 16 December 2014.

BACKGROUND

Council has been contacted by a representative of Wedderburn Tourism Committee of Management, a Section 86 committee of management of Council.

The committee is requesting a minor adjustment to section 8 of Appendix 1 in the instrument of delegation which currently states under the fifth dot point "Supervise volunteers and host work experience participants via Wedderburn Community House").

ISSUES/DISCUSSION

The representative has advised that rules around the work experience program has changed and Wedderburn Community House can now only oversee participants operating at the Wedderburn Community Centre site. Therefore, in order for the instrument of delegation to accurately reflect the activities of the committee, the instrument of delegation should be changed to the following wording:

"Supervise volunteers and host work experience participants to assist with the daily maintenance and operations of the committee."

The instrument of delegation has been highlighted to show the amendment.

COSTS/BENEFITS

There are no direct costs associated with this report.

RISK ANALYSIS

Having an update to date and complete Instrument of Delegation provides Council with full disclosure of the committee's intended activities, so that Council can decide whether or not it will take on the risk of the committee's activities.

CONSULTATION AND ENGAGEMENT

Consultation between the committee and Council staff has been undertaken to ensure that the draft Instrument of Delegation includes all necessary changes.

6.7 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-LITTLE LAKE BOORT

SUMMARY

This report seeks Council's approval of the membership of Little Lake Boort Section 86 Committee of Management.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic Platform 1: Build a network of strong communities
File no:	02/01/028
Attachment:	Nil

RECOMMENDATION

That Council appoints the names provided in this report as members of the Little Lake Boort Section 86 committee of management, effective immediately.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council approved the current list of committee members for Little Lake Boort Committee of Management on 25 November 2014.

BACKGROUND

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

Members and Office Bearers of the Committee

At the Annual General Meeting each year nominations shall be called for proposed members of the committee. The committee must then elect from its proposed members the following office bearers:

- President, who shall be Chairperson of the Committee
- Secretary
- Treasurer.

The full list of proposed members must be forwarded to Council for formal appointment at an Ordinary Meeting of Council, in accordance with section 86(2). Until this formal appointment by Council occurs, the previous committee members will continue to hold office.

Clause 3.3 Membership of the committee outlines Council's preferred composition of the committee specific to each delegation, and states that Council seeks to provide broad representation to the committees.

For community based committees, that is at least 6 community representatives.

For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

ISSUES/DISCUSSION

Little Lake Boort is a community based committee with representation of at least 6 community representatives. The following is a list of nominated representatives for the committee which meets the minimum requirement:

Name	Position
Neil Beattie	President
Doug Aldrich	Vice President
Barry Kennedy	Secretary
Ray Stomann	Treasurer
Barry Barnes	Committee Member
Doug Haw	Committee Member
Gordon McCracken	Committee Member
Ian Lanyon	Committee Member
Jim Nolan	Committee Member
John Nelson	Committee Member
Kevin Sutton	Committee Member
Lance Slatter	Committee Member
Luke Stomann	Committee Member
Murray Chambers	Committee Member
Paul Haw	Committee Member
Peter Cameron	Committee Member

The Council representative for this committee is Cr Neil Beattie.

COSTS/BENEFITS

The benefit of this report is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Under Section 86(2) of the Act, "Council may appoint members to a special committee and may at any time remove a member from a special committee".

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

CONSULTATION AND ENGAGEMENT

Nil

6.8 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-BOORT DEVELOPMENT

SUMMARY	
This report seeks Council's approval of the membership of Boort Development Section 86 Committee of Management.	
Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic Platform 1: Build a network of strong communities
File no:	02/01/008
Attachment:	Nil

RECOMMENDATION

That Council appoints the names provided in this report as members of the Boort Development Section 86 committee of management, effective immediately.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council approved the current list of committee members for Boort Development Committee of Management on 24 February 2015.

BACKGROUND

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

Members and Office Bearers of the Committee

At the Annual General Meeting each year nominations shall be called for proposed members of the committee. The committee must then elect from its proposed members the following office bearers:

- President, who shall be Chairperson of the Committee
- Secretary
- Treasurer.

The full list of proposed members must be forwarded to Council for formal appointment at an Ordinary Meeting of Council, in accordance with section 86(2). Until this formal appointment by Council occurs, the previous committee members will continue to hold office.

Clause 3.3 Membership of the committee outlines Council's preferred composition of the committee specific to each delegation, and states that Council seeks to provide broad representation to the committees.

For community based committees, that is at least 6 community representatives.

For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

ISSUES/DISCUSSION

Boort Development is a community based committee with representation of at least 6 community representatives. The following is a list of nominated representatives for the committee which meets the minimum requirement:

Name	Position
Barry Barnes	President
Rod Poxon	Secretary
Alister McDougal	Treasurer
Barry Kennedy	Committee Member
Honnie Tweddle	Committee Member
Jim Nolan	Committee Member
John Nelson	Committee Member
Kathryn Lanyon	Committee Member
Ken Loader	Committee Member
Kevin Sutton	Committee Member
Leah Toose	Committee Member
Margaret Nelson	Committee Member
Paul Haw	Committee Member
Sue Forster	Committee Member

The Council representative for this committee is Cr Neil Beattie.

COSTS/BENEFITS

The benefit of this report is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Under Section 86(2) of the Act, "Council may appoint members to a special committee and may at any time remove a member from a special committee".

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

CONSULTATION AND ENGAGEMENT

Nil

6.9 SECTION 86 COMMITTEE OF MANAGEMENT MEMBERSHIP DETAILS-KORONG VALE SPORTS CENTRE

SUMMARY

This report seeks Council's approval of the membership of Korong Vale Sports Centre Section 86 Committee of Management.

Author	Jude Holt, Director Corporate Services
Council Plan ref:	Strategic Platform 1: Build a network of strong communities
File no:	02/01/027
Attachment:	Nil

RECOMMENDATION

That Council appoints the names provided in this report as members of the Korong Vale Sports Centre Section 86 committee of management, effective immediately.

CONFLICT OF INTEREST

Are there any conflicts of interest for any council staff involved in writing this report, or involved in the subject matter of the report?

No

If yes, the following details identify the conflict of interest.

Officer name	Nature of interest	Reason for conflict
Click here to enter text.	Choose an item. If indirect, the type of indirect interest is: Choose an item.	[Explain the specific circumstances of this person's conflict of interest.]

PREVIOUS COUNCIL DISCUSSION

Council approved the current list of committee members for Korong Vale Sports Centre Committee of Management on 24 March 2015.

BACKGROUND

Current Section 86 committee instruments of delegations include Clause 3.6 which outlines the requirement for nomination and appointment of committee members, which is as follows:

Members and Office Bearers of the Committee

At the Annual General Meeting each year nominations shall be called for proposed members of the committee. The committee must then elect from its proposed members the following office bearers:

- President, who shall be Chairperson of the Committee
- Secretary
- Treasurer.

The full list of proposed members must be forwarded to Council for formal appointment at an Ordinary Meeting of Council, in accordance with section 86(2). Until this formal appointment by Council occurs, the previous committee members will continue to hold office.

Clause 3.3 Membership of the committee outlines Council's preferred composition of the committee specific to each delegation, and states that Council seeks to provide broad representation to the committees.

For community based committees, that is at least 6 community representatives.

For organisation based committees, each delegation has a list of organisations that are required to provide representatives for the committee.

ISSUES/DISCUSSION

Korong Vale Sports Centre is an organisation based committee with representatives from each of the stakeholder groups. The following is a list of nominated representatives for the committee which meets the minimum requirement:

Name	Community group
Joan Earl (President)	Korong Vale Lawn Tennis Club
Peter Gibson	Korong Vale Lawn Tennis Club
Robert Day (Vice President)	Korong Vale Cricket Club
Faye Day (Secretary/Treasurer)	Korong Vale Cricket Club
Andrew Day	Korong Vale Bowls Club
Judy Matthews	Korong Vale Bowls Club
John Murnane	Community Representative

The Council representative for this committee is Cr Neil Beattie.

COSTS/BENEFITS

The benefit of this report is that Council has an up to date and accurate record of current committee members to ensure that contact can be made, particularly where Council is requesting committees to comply with reporting requirements under the legislation.

RISK ANALYSIS

Section 86 Committees act for and on behalf of Council which creates a risk for Council should they ever act outside their delegated authority.

Under Section 86(2) of the Act, "Council may appoint members to a special committee and may at any time remove a member from a special committee".

Council's appointment of committee members, not only satisfies the legislation, but also provides Council with the opportunity to sight the list of committee members before formally appointing them as they are the people that will be operating the committees, and in effect, acting for and on behalf of Council over the course of the year.

CONSULTATION AND ENGAGEMENT

Nil

7. GENERAL BUSINESS

8. CONFIDENTIAL ITEMS

Closing of Meeting to the Public

RECOMMENDATION

That the meeting be closed to the public.

NEXT MEETING

The next Ordinary Meeting of Council will be held on 27 January at Serpentine commencing at 3pm.