

WANGARATTA RURAL CITY COUNCIL



BUSINESS PAPER FOR THE ORDINARY MEETING
OF THE WANGARATTA RURAL CITY COUNCIL, TO BE HELD
IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES,
62-68 OVENS STREET, WANGARATTA
ON **TUESDAY, 21 JANUARY 2014** COMMENCING AT 6.00PM

Kelvin Spiller
ACTING CHIEF EXECUTIVE OFFICER

As at 16/01/14 12:36 PM

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.

2. **OPENING PRAYER**

Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen

3. **PRESENT**

4. **ABSENT**

5. **ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE**

ORDER OF BUSINESS

6. **CITIZENSHIP CEREMONY**

Nil.

7. **CONFIRMATION OF MINUTES**

Recommendation:

That the Minutes of the Ordinary Meeting of 10 December 2013 and the Minutes of the Special Meeting of 17 December 2013 be taken as read and confirmed as a true and accurate record of the proceedings of the meeting.

8. **CONFLICT OF INTEREST DISCLOSURE**

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a 'conflict of interest' in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

9. RECEPTION OF PETITIONS

10. HEARING OF DEPUTATIONS

11. PRESENTATION OF REPORTS

11.1 ADMINISTRATOR'S REPORTS

Nil.

11.2 OFFICER'S REPORTS

11.2.1 EXECUTIVE SERVICES

11.2.1.1 AGRICULTURE AND AGRIBUSINESS ADVISORY COMMITTEE NOMINATIONS

Agriculture & Agribusiness Advisory Committee

25.070.006

Introduction

This report deals with nominations for the appointment of members to Council's Agriculture & Agribusiness Advisory Committee.

Background

The Agriculture & Agribusiness Advisory Committee is an Advisory Committee of Council (the Committee), providing strategic advice and guidance on matters pertaining to agriculture and/or agribusiness within the Rural City of Wangaratta.

In accordance with the committee's charter, terms of appointment are for three years and are made on a staged basis, with three member's terms expiring each year. A public Expression of Interest was undertaken in July 2013 to fill three vacant positions on the Committee. One nomination was received and the nominee was appointed for a further three year term at the August 2013 Council Meeting. No other nominations were received at that time.

The two unfilled vacancies have been re- advertised through an Expression of Interest process and four nominations were received.

Issues

Candidates for the vacant positions were assessed against the skills matrix. In doing so, the existing skill set of the incumbent board members were also taken into consideration (*refer confidential attachment*).

Particular attention is given to the existing skills gaps within the current committee. Applying the skills of the nominees to the matrix allows an assessment which will deliver the spectrum of knowledge required to ensure comprehensive advice to Council in regards to the agricultural sector.

Implications

Council Plan Outcomes

Council has an objective to provide community leadership through the provision of an accessible, open and consultative government.

Policies

Advisory Committee Charters set out the terms and key dates for appointment on an annual basis.

Sustainability

Advisory Committees provide a positive outcome for the sustainability of the local community.

Community Engagement

Advisory committees provide the opportunity for 2-way engagement between Council and Community members.

Conclusion

The following recommendation for appointments will ensure the Advisory Committee has the skills required to provide timely and appropriate advice to Council for the effective development of the Agriculture sector.

Recommendation:

That Council appoint Lachlan Campbell and Stuart Green to the Agriculture & Agribusiness Advisory Committee for a three year term.

Communication

All nominees will be advised of Council's decision in writing.

11.2.1.2 WANGARATTA UNLIMITED ADVISORY BOARD (COMMITTEE) NOMINATIONS

Wangaratta Unlimited Board

25.007.002

Introduction

This report deals with nominations for the appointment of members to Council's Economic Development Advisory Committee, Wangaratta Unlimited.

Background

The Wangaratta Unlimited Advisory Committee (the Board) is an Advisory Committee of Council, advising on the promotion, enhancement and generation of sustainable economic development and tourism within the Rural City of Wangaratta.

In accordance with the Committee's charter, terms of appointment are for three years and are made on a staged basis, with three member's terms expiring each year. A public Expression of Interest was undertaken in July 2013 to fill four vacant positions on the Board. One nomination was received and at the August 2013 Council Meeting the nominee was appointed to the board.

There are now three vacancies to be filled; one being for a six month term, and the other two positions being for two and a half year terms.

The three unfilled vacancies have been again publicly re-advertised through an Expression of Interest process.

Issues

Candidates for the vacant positions were assessed against the skills matrix. In doing so, the existing skill set of the incumbent board members were also taken into consideration.

Nominations for the Committee have been collated and their skills plotted in context with the existing skills matrix (***refer confidential attachment***).

Particular attention is given to the existing skills gaps within the current committee. Applying the skills of the nominees to the matrix allows an assessment which will deliver the spectrum of knowledge required to ensure excellent advice to Council in regards to local economic initiatives and support for business.

Implications

Council Plan Outcomes

Council has an objective to provide community leadership through the provision of an accessible, open and consultative government.

Policies

Advisory Committee Charters set out the terms and key dates for appointment on an annual basis.

Sustainability

Advisory Committees provide a positive outcome for the sustainability of the local community.

Community Engagement

Advisory committees provide the opportunity for 2-way engagement between Council and Community members.

Conclusion

The following recommendation for appointments will ensure the Advisory Committee has the skills required to provide timely and appropriate advice to Council for the effective economic development of the Rural City of Wangaratta. It has been determined not to fill the six month vacancy at this time.

Recommendation:

That Council appoint Robert Floyd and Graham Church to the Wangaratta Unlimited Advisory Board for a two and a half year term.

Communication

All nominees will be advised of Council's decision in writing.

11.2.2 SUSTAINABILITY

11.2.2.1 AUDITOR GENERAL FINANCIAL SUSTAINABILITY INDICATORS

Annual Audit

51.020.001

Introduction

This report provides details of the preliminary Financial Sustainability data produced by the Victorian Auditor General for Victorian local governments. This information was reported to the State Parliament in December 2013.

Background

The Victorian Auditor General prepares an annual report to Parliament on the outcome of the 2012-2013 audits of all Local Government entities. The proposed report content is as follows:

- the results of financial audits, highlighting significant financial reporting issues;
- commentary on the quality and timeliness of financial reporting;
- commentary on performance reporting;
- commentary on internal controls with focus on audit committees and rate revenue; and
- analysis and commentary on the financial positions of the local government entities based on sustainability indicators.

Issues

As part of the report, the Auditor General provides sustainability indicators for each Council. Wangaratta Rural City Council indicators are attached (**refer attachment**).

The Sustainability assessment considers six factors and scores each of those factors as High, Medium or Low risk.

Also attached are:

- (a) the risk assessment criteria; and
- (b) the definitions of the six indicators;

used by the Auditor General (**refer attachment**).

Financial Sustainability

The overall Financial Sustainability assessment for this Council is green, or 'Low Risk'.

This assessment is arrived at after considering the Council's performance across the six indicators.

1. **Underlying Result:** Is Council's operating surplus adjusted for non-cash and non-recurring items divided by total underlying revenue. Council's Score of 5.96% is Low Risk.
2. **Liquidity:** Compares cash and liquid assets to short-term liabilities. Council's score of 1.49 is Medium Risk and is just under the threshold for Low Risk of 1.50. However, Council's trend is for a lower liquidity measure for 2014 to 2016 as a result of using Long Service Leave and borrowing from reserves to fund Council's Defined Benefits Superannuation liability.
3. **Indebtedness:** Compares non-current liabilities with own-source revenue. Council's Score of 49.56% is Medium Risk. This score includes all long-term liabilities such as Landfill Rehabilitation. Since June 2011 loan borrowings have been reduced from \$9.1M to \$7.8M however landfill rehabilitation provisions have increased from \$3.6M to \$9.6M largely as a result of increased rehabilitation standards being required.

Council's Long Term Financial Plan predicts that this indicator will reach a maximum of 54.85% in the 2019 financial year, whilst remaining within the Medium Risk range of 40% to 60%. The indebtedness ratio will reach a low risk level in 2022.

4. **Self-Financing:** Measures Council's ability to finance asset replacement from own revenue. The score of 23.08% is Low Risk.
5. **Capital Replacement:** Compares spending on infrastructure (including new assets) with depreciation. Ratios higher than 1:1 indicate that spending is faster than the depreciation rate. Council's score of 1.31:1 is Medium Risk. A comparison of spending to depreciation is a crude measure. Council's approach to asset renewal is based on reliable data and regular condition assessment to determine an optimum replacement plan. Current replacement requirements are fully funded.
6. **Renewal Gap:** Compares spending on existing assets through renewing, restoring and replacing existing assets, with depreciation. Council's score of 0.82 falls within the medium risk range. Similar comments apply to those made in regard to Capital replacement. The Local Government Performance Reporting Framework to be implemented from 1 July 2014, will include an indicator that compares Renewal Expenditure to Required Renewal Expenditure.

Conclusion

Council's financial sustainability has been assessed as, overall, Low Risk.

This is a result of past Budgets and major investment decisions being evaluated against the Long Term Financial Plan which includes forecasts of the impact on these financial sustainability indicators.

Recommendation:

That Council resolves to receive and note the report.

11.2.2.2 SALE OF LAND NO. 9 – 11 ESMOND STREET, WANGARATTA

9-11 Esmond Street, Wangaratta

112370.0400

Introduction

This report details the proposal to proceed with the sale of Council land formally set aside for development as a playground situated at 9 -11 Esmond Street, Wangaratta.

Background

Council's Public Playground Facilities Consolidation Strategy identified lots 28 and 29 LP 22315, situated at 9-11 Esmond Street as being surplus to the needs of the community in terms of open space. This is due to the location of another reserve within 300 metres at 40 Esmond Street.



This land was previously zoned as Public Park and Recreation Zone (PPRZ) and an amendment to the Planning Scheme to rezone the land to Residential 1 Zone (R1Z) was required to enable Council to sell the land.

Council at its ordinary meeting of 18 March 2008, resolved as follows:

1. *Seek authorisation from the Minister for Planning to prepare an amendment to the Wangaratta Planning Scheme to rezone Lots 28 and 29 LP 22315, Esmond Street, Wangaratta to the Residential 1 Zone.*
2. *Following receipt of the authorisation, prepare and exhibit the Planning Scheme Amendment for one month in accordance with the Planning and Environment Act 1987.*
3. *That notice of Council's intention to sell land contained in Certificates of Title Volume 9089, Folio 814 and Volume 9089, Folio 815 being Lots 28 and 29 on Plan of Subdivision No 22315 situated at 9 – 11 Esmond Street, Wangaratta containing approximately 840.10 m² and 774.56 m² be advertised and public comment be sought on the proposal, in accordance with the requirements of Section 223 of the Local Government Act 1989.*
4. *That Council (or a committee of Council) receive and consider any submissions made on the proposed sale of the property.*
5. *Subject to and contingent upon no submissions being received on the proposed sale. Council determine to sell Lots 28 and 29 Plan of Subdivision No 22315 Parish of Wangaratta South situated at 9 - 11 Esmond Street, Wangaratta and that the Transfer of Land instrument be signed and sealed by the Council when available.*
6. *That the Director - Business Services be authorised to undertake the necessary arrangements for the sale of these properties.*

At its 17 February 2009 meeting Council considered a further report detailing that the amendment to the Planning Scheme had been prepared and forwarded to the Minister for authorisation. Approval had been given by the Minister on 7 May 2008 and the amendment advertised between 2 July and 8 August 2008.

Following closure of the public notice period no submissions were received.

Certification of the amendment was received from the Minister of Planning and approved by Council on 31 March 2009 and notice of approval of the amendment was given in the Government Gazette of 9 April 2009.

Issues

Section 189 of the *Local Government Act 1989* provides that before a Council sells land, it must:

- give public notice at least four (4) weeks prior to selling the land; and
- obtain from a registered Valuer, a valuation of the land which is not made more than six (6) months prior to the sale.

The public has the right to make a submission on the proposed sale in accordance with Section 223 of the *Local Government Act 1989*.

A search of Council's records provides no evidence that the above proposal was advertised and in accordance with Council's resolution it is now proposed that this be completed.

Implications

Each lot is vacant with Lot 28 comprising approximately 840.10 m² and lot 29 774.56 m². Given their individual size and location in a long established part of Wangaratta's West End the sale of these allotments should attract strong interest from prospective purchasers.

It is proposed that the sale of these properties will be undertaken via a public process having regard to advice provided by Council's agent.

A reserve price will be considered in accordance with the market valuation as provided by Council's Contract Valuers. Each party will bear their own costs. Any further subdivision or consolidation proposed as part of this transaction will be the responsibility of the purchaser(s).

In accordance with Section 20 of the *Subdivision Act 1988* the Council must use the proceeds of the sale of public open space to buy or improve land already set aside, zoned or reserved (by the Council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes.

Council Plan Outcomes

Councils Plan 2013 – 2017 contains a Key Strategic Activity to “*undertake a planned approach to maintaining and improving quality and accessible recreation and sporting facilities and programs.*”

Policies

Arrangements for the disposal of this land will be undertaken in accordance with Council's Sale of Council Land Policy.

Sustainability

Proceeds from the sale of these two properties will be set aside in a reserve for the provision of recreation and sporting facilities and programs.

Community Engagement

The amendment to rezone this land included advertising the proposal for a period of 1 month, as well as direct mail to nearby land owners and occupiers. Notification of the proposed amendment was given in the Government Gazette, Wangaratta Chronicle and forwarded to 121 households in the Esmond Street area.

Conclusion

Lots 28 and 29 at 9-11 Esmond Street, Wangaratta are no longer required for municipal purposes and all statutory procedures pursuant to the sale were undertaken some time ago. Accordingly it is considered appropriate to proceed with Council's determination of 18 March 2008 and to offer this land for sale by public process.

Recommendation:

That Council proceed with its previous determination to set in train arrangements to sell Lots 28 and 29 situated at 9–11 Esmond Street, Wangaratta.

Communication

Consultation and communication with relevant Council officers, Council's Agents and Solicitors will be undertaken.

11.2.3 COMMUNITY WELLBEING

Nil.

11.2.4 INFRASTRUCTURE SERVICES

11.2.4.1 SEALING OF URBAN GRAVEL ROADS

Road Maintenance

82.040.010

Introduction

In May 2010, Council adopted a program for the sealing of gravel roads within the urban and township areas of the municipality. Since the adoption of the program, Council has provided approximately \$150,000 per year towards this program and six roads have been sealed.

It has recently become apparent that some roads were not included in the priority list that was adopted by Council.

This report provides a revised program for Council's consideration. The report also requests that the Director Infrastructure Services be given authority to make minor variations to the program due to unforeseen circumstances or budget constraints.

Background

At the May 2010 Special Meeting of Council the following resolution was adopted:

"That Council:

- 1. endorse the program and priorities as developed for the initial sealing of urban streets across the municipality (as highlighted in a table);*
- 2. Identify an allocation of \$150,000 in the Draft 2010/2011 Budget to allow completion of the first three (3) priorities in the Urban Roads Sealing Program being:*

<i>Kett Street, Wangaratta</i>	<i>Court Bowl</i>
<i>Shadforth Street (South),</i>	<i>Oxley Green Street to McCartney Street</i>
<i>Jones Street (North), Oxley</i>	<i>Green Street to Faithfull Street"</i>

Recently Council received correspondence from Orchard Drive residents asking when Orchard Drive would be sealed as the residents had been informed in 2008 that Orchard Drive was fourth on a priority list at the time for sealing.

Since 2008, Council adopted the above priority list that omitted Orchard Drive. This led to an investigation as to whether any other roads were omitted that should have been included on the priority list.

Issues

There remain a significant number of unsealed urban streets across the municipality. For Council to consider a program which in time would see all these streets sealed there needed to be recognition of the reasonable costs of the work, a system for relatively ranking the various projects for implementation, and inevitably consideration of a timeframe for completion of the work.

In preparing the initial report, Council staff:

- Identified and quantified the street lengths and the works required to seal them including associated drainage and other needs;
- Developed order of cost estimates for the construction works required along each length of street; and
- Developed a ranking system that provides a means for establishing priorities in the implementation of a works program.

A total of 36 projects were identified, with estimated costs ranging from \$12,810 up to \$183,610. The total of the order of cost estimates developed was \$2.19M. These costs include pavement works and surfacing, and where applicable to each specific project, stormwater works including longitudinal drainage, provision of kerb and gutter, provision of culverts, streetlight additions and tree removal. As detailed designs are completed the figures are further refined for each project.

Projects were scoped in general to comply with Council's Infrastructure Design Manual – there were some exceptions, for example with regard to pavement widths on service roads.

In order to establish a relative ranking system for the various projects, evaluation criteria were developed. They included measures to compare:

- Traffic volumes;
- Safety considerations;
- Number of adjacent dwellings;
- Opportunity for potential (infill) development; and
- Amenity complaints registered.

A review of the criteria was also undertaken and it was thought that the following additional criteria should also be considered:

- length of road;
- whether there are community facilities located on the road;
- whether the road lead to a community facility; and
- the connectivity of the road.

Given the significant number of projects that were proposed to be delivered under the Program and the total estimated cost of \$2.19M, it was considered that Council needed to stage the works over approximately 10 years in order not to

compromise other asset investments it needed to make, particularly with respect to asset renewal.

In keeping with the approximate 10 year horizon, Council has provided \$425,000 over the last 3 financial years with approximately \$375,000 having been expended and six projects completed.

The additional projects that have been identified are listed below:

- Boundary Road, Glenrowan;
- Cheyne Street, Greta West;
- Chisholm Street, Greta West;
- Church Road, Springhurst;
- Colin Angus Drive, Eldorado;
- Glengarry Lane, Glenrowan;
- Hill Street, Glenrowan;
- Kelly Street, Glenrowan;
- Market Street, Moyhu;
- McCoy Street, Eldorado;
- Orchard Drive, Glenrowan (3 Sections);
- Richards Street, Eldorado;
- Road to the north of Silo Street, Springhurst;
- Slaughterhouse Lane, Eldorado;
- Thrums Road, Great West; and
- Yarra Hill Court, Wangaratta South.

These roads along with the original list of projects, have been costed and ranked according to the modified criteria and have been placed in priority.

The revised Urban Roads Sealing Program and Guidelines to the Evaluation Criteria are as attached (***refer attachment***).

It has also become apparent that due the varying cost of the individual projects, updated construction estimates and the need to remain within the budget allocation in any given year, delegation is required to the Director Infrastructure Services to allow minor variations in the program priorities to comply with the funds available.

Implications

Council Plan Outcomes

Council's program to seal unsealed urban streets across the municipality is in keeping with the Infrastructure and Planning objective in the Council Plan to "plan and provide for infrastructure appropriate to the community's needs."

Financial Impact

No change is proposed to the current program of allocating approximately \$150,000 per annum to the program. However the inclusion of additional projects will delay the completion of the program if current funding levels remain unchanged.

Residents keen to have their urban gravel roads sealed, may be willing to consider achieving an expedited outcome by entering to a Private Street Scheme for the sealing works. A Private Street Scheme will allow a cost-share arrangement between council and the benefiting residents.

A high percentage of local resident support for a Private Street Scheme could be considered favourably to elevate a particular road in the priority list.

Conclusion

This report essentially is not introducing a new program, but instead enhancing the existing Sealing of Urban Gravel Roads Program to ensure all appropriate roads within the municipality are considered appropriately and for Council to provide the community with an equitable process.

Recommendation:

That Council:

- 1. Endorse the revised program and priorities as developed for the sealing of urban gravel streets across the municipality;***
- 2. Authorise the Director Infrastructure Services to make minor variations to the endorsed program to reflect updated cost estimates and budget allocations; and***
- 3. Consider any interest from the local residents to elevate the priority for sealing of their urban gravel road through a 'Private Street Scheme'.***

11.3 SPECIAL COMMITTEE REPORTS

11.3.1.1 FRIENDS OF LACLUTA SPECIAL COMMITTEE

Lacluta East Timor Friendship

42.070.020

Meeting Summary

The Friends of Lacluta Special Committee's (FOLC) aim is to develop opportunities to support the community of Lacluta, East Timor. The Friends of Lacluta Special Committee provides this report from the meeting held on 25 November 2013.

Attendees: J Ramsey, B Broz, B Walpole, E Walpole, L Brien, H Redmond, K Taylor, D Taylor, J Ambrosio, L Painter, K Jones.

There were no declarations of conflict of interest.

The following items were discussed at the meeting:

- Strategic Plan and Budget;
- website updates;
- investment prospectus;
- potential partnerships
- 2013 fundraising review;
- 2014 East Timor friendship group conference;
- report of visit to East Timor by B Broz and H Redmond; and
- financial report.

Recommendation:

That Council resolves to receive and note the report.

11.4 ADVISORY COMMITTEE REPORTS

11.4.1.1 SPORT & RECREATION ADVISORY COMMITTEE REPORT

Sport & Recreation Advisory Committee

61.010.003

Meeting Summary

The Sport & Recreation Advisory Committee held a meeting on 2 December 2013.

Attendees: Laurie Johnston, Leon Newton, Cassy Campbell, Anne Bittner, Wayne Tennant, Leonie Painter (Manager Community and Recreation), Marcus Forster (Recreation Planner).

There were no declarations of conflict of interest.

The following items from the meeting are reported to Councillors for information:

1. Advice on Council's Administrator Panel representative, Irene Grant;
2. Sporting Ground Usage Audit Report was presented;
3. Updates on Public Safety Infrastructure Fund Projects;
4. Update on Aquatic Strategy;
5. Report on Walk to School November project; and
6. Draft Wareena Park Masterplan was presented.

Recommendation:

That Council resolves to receive and note the report.

12. RECORDS OF ASSEMBLIES OF ADMINISTRATORS

An “Assembly of Councillors” is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision and is either of the following:

- a meeting of an advisory committee where at least one Councillor is present; or
- a planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

At an assembly of Councillors, a written record is kept of:

- a) the names of all Councillors and members of the Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending; and
- d) whether a Councillor who has disclosed a conflict of interest leaves the assembly.

The written record of an assembly of Councillors is, as soon as practicable:

- a) reported at an ordinary meeting of the Council; and
- b) incorporated in the Minutes of that Council meeting.

Date	Meeting details	Refer
12-12-2013	Administrator’s Tour - Regional	Attachment
10-12-2013	Pre Agenda Planning Reports Review	Attachment
10-12-2013	Saleyards Briefing	Attachment

Recommendation:

That:

1. **Council receive the reports of Assemblies of Councillors, and**
2. **the items listed below remain confidential in accordance with S.77 of the Local Government Act on the grounds that they relate to one or more of the following matters:**
 - a. **Industrial matters;**
 - b. **Contractual matters;**
 - c. **Proposed developments; and**
 - d. **a matter that would prejudice the Council**

Councillor’s Briefing Forum dated 17 December 2013:

4.2.4.1 - Glenrowan Public Recreation Reserve Request for Loan Waiver

4.2.5.1 - Glenrowan Recreation Reserve – Major Community Grant Status and Next Steps

4.2.6.2 - Drainage Strategy Review: Paper and Presentation

4.2.6.3 - Organics Collection – Waste Management Strategy

13. NOTICE OF MOTION

14. URGENT BUSINESS

15. PUBLIC QUESTION TIME

Public Question Time

10.020.004

16. CONFIDENTIAL BUSINESS

17. CLOSURE OF MEETING