



Minutes

Council Meeting

10 April 2019

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**Baw Baw Shire Council
Council Meeting
10 April 2019
Minutes**

Minutes of the Ordinary Meeting of the Baw Baw Shire Council held in the Trafalgar Council Chambers, commencing at 5:31pm on 10 April 2019.

Present

Cr M Power, Cr D Goss, Cr J Gauci, Cr K Cook, Cr P Kostos.

In Attendance

Ms A Leighton	Chief Executive Officer
Mr M Dupe	Director Corporate and Community Services
Mr C Van der Velde	Director Community Assets
Ms Y Woods	Director Planning and Development
Mr M Hopley	Chief Information Officer
Mr M Kestigian	Manager Communications and Economic Development
Mr P Harris	Manager Governance
Ms K Baum	Governance Coordinator
Ms D Foender	Executive Assistant to the Chief Executive Officer

1. OPENING AND RECOGNITION OF TRADITIONAL CUSTODIANS

Cr Power opened the meeting with recognition of the traditional custodians being;

I would like to begin by acknowledging the Traditional Owners of the land on which we are meeting, the Gunaikurnai People. I pay my respects to their Elders both past and present, and Elders of other communities who may be here today.

2. READING OF AFFIRMATION AND PRAYER

Cr Power read the Councillors affirmation, being, 'We now pause to reflect upon the solemn responsibilities conferred on us by the Parliament of Victoria through the Local Government Act (1989).

We acknowledge that it is the responsibility of local government to ensure the peace, order and good governance of our Shire.

We are to be responsible and accountable to our community here in Baw Baw Shire through good governance and leadership.

Almighty God,

Give wisdom and understanding to the members of this Baw Baw Shire Council.

In all our deliberations help each of us to listen carefully, perceive the best course of action have courage to pursue it and grace to accomplish it.

Amen

3. APOLOGIES

Cr T Jones
Cr D Wallace
Cr M Leaney
Cr J O'Donnell

4. CIVIC CEREMONIES

Nil

5. CONFIRMATION OF PREVIOUS MEETING MINUTES

RECOMMENDATION
That the minutes of the Ordinary Council Meeting held on 27 March 2019 be confirmed.
COUNCIL MOTION
Moved: Cr J Gauci Seconded: Cr K Cook
CARRIED

6. COUNCILLORS DECLARATIONS OF INTEREST/CONFLICT OF INTEREST

Nil

7. MEETING CLOSED TO THE PUBLIC: RELEASE OF INFORMATION TO THE PUBLIC

7.1 RELEASING OF COUNCIL MOTIONS IN CLOSED TO THE PUBLIC SESSION

Council did not hold a confidential meeting and therefore there is no information to be released to be public:

Nil Reports

8. COMMUNITY PARTICIPATION TIME

8.1 QUESTIONS ON NOTICE

Nil

8.2 SUBMISSIONS

The following persons spoke on an item on the agenda.

Item 10.1

Sharon Jordan

Item 10.2

Inge Mitchell

Chris Constandine

9. PETITIONS

Nil Reports

10. VIBRANT COMMUNITIES

10.1 LONGWARRY URBAN DESIGN FRAMEWORK

Strategic Planner

Directorate: Planning Development

Ward:

Appendix: 4 attachments

PURPOSE

The report seeks the adoption of the Urban Design Framework (UDF) prepared for Longwarry to provide strategic guidance to future town centre development. The report also seeks to authorise a Planning Scheme Amendment to the Baw Baw Planning Scheme to introduce the UDF as a reference document, introduce Design and Development Overlay and other associated changes.

RECOMMENDATION

That Council adopts the Urban Design Framework for Longwarry and to request the Minister for Planning authorise a planning scheme amendment process to introduce the Design and Development Overlay to Longwarry and associated changes to the Baw Baw Planning Scheme.

ALTERNATIVE RECOMMENDATION

1. That Council adopts the Urban Design Framework for Longwarry.
2. Request the Minister for Planning authorise a planning scheme amendment process to introduce the Design and Development Overlay to Longwarry and associated changes to the Baw Baw Planning Scheme.
3. All future detailed plans identified in the Urban Design Framework be subject to further community consultation.

COUNCIL MOTION

Moved: Cr K Cook

Seconded: Cr P Kostos

CARRIED

KEY ISSUES

- At the Council Meeting on 12 December 2018, Council made a resolution that officers undertake further consultation of the Longwarry UDF. This report provides an update on the further consultation, the submissions received and the recommended changes to the UDF.
- The Settlement Management Plan (prepared in 2013) predicts that most of Baw Baw's population growth is likely to be focused in the six major towns of Warragul, Drouin, Yarragon, Longwarry, Neerim South and Trafalgar.

- It is important that the role and function of these main towns meet the needs of a growing population, while recognising and protecting significant features, historic rural character and pedestrian scale.
- The Settlement Management Plan (2013) recommended further strategic work be undertaken in Longwarry, Neerim South and Trafalgar which currently have no (or outdated) strategic guidance for town centres.
- The aim of a UDF is to develop a long-term vision and implementation framework by:
 - Rejuvenating the town centres and enhancing the attractiveness of the towns, including recommendations for public realm improvements and main town entrances.
 - Making the towns more liveable, improving public spaces, enhancing pedestrian and vehicle access, safety, landscaping, carparking and building design.
 - Providing recommendations for change within the private realm and guiding built form outcomes.
 - Providing greater business opportunities to attract and retain business and customers with a clear vision for the role and function of the town centres.
 - Informing Council's capital works program and provide opportunities to seek potential sources of funding for many of the initiatives identified in the Frameworks.
- The Longwarry, Trafalgar and Neerim South UDFs had been through three phases of public consultation receiving 152 submissions (including phase 4) in total and changes were made to reflect the feedback contained in the submissions.
- Consultation (Phase 4) was undertaken for Longwarry and a total of 9 (nine) submissions were received from the community (Attachment One). A response to the submissions has been prepared (Attachment Two).
- Relevant key issues raised in the submissions include:
 - Pedestrian improvement;
 - Future commuter car parking at Bennett Street;
 - Water Sensitive Urban Design (WSUD);
 - Relocation of the CFA building;
 - The location of a future Skatepark;
 - Boulevard planting along Kennedy Street and Princes Avenue and the impact of narrowing the road;
 - Station precinct upgrade; and
 - Playground.

- Changes have been made to the draft UDF to reflect the submissions received from the community (Attachment Three).
- To implement the Longwarry UDF into the Baw Baw Planning Scheme a planning scheme amendment is required. The planning scheme amendment will be a combined amendment with Neerim South and Trafalgar UDF to minimise the cost and resources required to undertake separate amendments.
- The amendment proposes to introduce the UDFs as reference documents, Design and Development Overlays to the town centres and to modify the local planning policy located in *Clause 21.04 Main Towns* of Baw Baw Planning Scheme (Attachment Four).

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

- The project to develop the three UDFs has cost approximately \$80,000 plus officer time.
- The UDFs will identify actions which may require allocation of future capital works budgets (across various Council departments) and, where appropriate, provide a basis for Council applications for State and Federal government funding or grant opportunities.
- Through the amendment process, budget may be required for a planning panel depending on whether submissions are received.

Environmental Impact

The UDF has regard to environmental issues and will promote sustainable design outcomes within the town centre of Longwarry.

Community Impact

The UDF will provide the local community with more certainty about the future function and appearance of the town centre.

CONSULTATION

- Community consultation for the UDFs (also Neerim South and Trafalgar) were undertaken in three phases resulting in a total of 152 submissions to Council. In response to these submissions, amendments were made to the documents. The four phases were –
 - Phase 1: May 2016
An Exhibition Phase of at least 4 weeks was conducted which resulted in 10 feedback submissions from community members. This phase included a mailed 'community bulletin', drop-in sessions, and 'walking tours'.
 - Phase 2: July – Aug 2016
Letters and online responses received by Council, as a result of

bulletins, workshops, and community consultation (described above). This resulted in a total of 26 submissions.

- Phase 3: February 2017
Results from the online ‘*Have your say*’ & ‘*Survey Monkey*’ polls plus follow-up meetings and discussions with individuals, resulted in 107 submissions to Council.
 - Phase 4: February 2019
Consultation involved ‘*Have Your Say*’ and a presentation session (along with Q&A) to the Longwarry Progress Association on 11 February 2019, 29 adults attended and resulted in 9 submissions for this round.
- Project based consultation will be undertaken with the community once detailed designs are prepared for each project e.g. capital works projects.
 - Planning scheme amendments must follow a statutory exhibition process of at least 30 days. The community and business groups will be given further opportunity to comment on the UDFs and proposed planning controls during the exhibition process.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This Urban Design Framework assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 1. *Vibrant Communities*

1.2 *Managing Baw Baw’s growth and development.*

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Urban Design Framework has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

The *Planning and Environment Act 1987* sets out requirements for planning scheme amendments.

POLICY IMPACTS

The Settlement Management Plan (2013) recommends further strategic work be undertaken in Longwarry, Neerim South and Trafalgar. This initiative seeks to implement strategic guidance for town centres in accordance with this recommendation.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

**10.2 PLA0346/18 – 71 ROLLO STREET YARRAGON (MULTI LOT
SUBDIVISION IN STAGES – 76 LOTS)**

Coordinator Statutory Planning

Directorate: Planning Development

Ward:

Appendix: 1 attachment

PURPOSE

To determine Planning Application PLA0346/18 at 71 Rollo Street, Yarragon.

RECOMMENDATION

That Council issues a Notice of Decision to Grant a Planning Permit for a multi-lot subdivision and associated works at 71 Rollo Street, Yarragon.

COUNCIL MOTION

Moved: Cr P Kostos

Seconded: Cr J Gauci

CARRIED

KEY ISSUES

- It is proposed to undertake a multi-lot subdivision comprising of 76 lots on the site and developed in three stages. The main details of the proposal are as follows:
 - 76 residential lots ranging from 539m² to 930m² in size with an average lot size of 653m².
 - The subdivision would be accessed from Rodier Road in the north and Rollo Street to the east.
 - An 'L' shaped road would run through the site from Rodier Road to Rollo Street. A 'U' shaped road would be connected to the main access road on its eastern side.
 - A linear reserve is proposed along the southern boundary of the site and will be a continuation of the existing reserve to the west. The reserve would encompass the major gas pipeline easement.
 - All vegetation on the site is proposed to be removed.
- The proposed development is consistent with State and Local Planning Policy Frameworks as it provides an increase in the diversity and supply of land within the municipality which increases housing choice for residents, is consistent with the character of the area, and is in an area where residential land use is encouraged.
- The proposal is considered to generally respond appropriately to Clause 56 – ResCode. The layout has been designed to ensure that the majority of lots have appropriate solar orientation. All lots are proposed to front the

internal roads. In addition, the layout has incorporated a high level of passive surveillance for the reserve by placing a road between the reserve and the lots, providing an outlook to the reserve.

- The proposal currently seeks to remove all existing vegetation on the land. The applicant has agreed to the retention of some vegetation which will be included as a condition of any permit issued. In addition, the developer will be required to undertake street tree plantings and landscaping of the reserve. These will be included in the conditions should a permit be issued.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

The proposal is not considered to have any financial impact on Council unless any parties were to seek a review of Council's decision at VCAT.

Environmental Impact

- The proposal will provide for planting of trees and landscaping within the future streets within the subdivision.
- The proposal will provide for an opportunity to continue the existing linear reserve to the west of the site.

Community Impact

The proposal will support Yarragon's population growth as it will provide for housing growth while being respectful of the existing character of the area.

CONSULTATION

- The planning permit application was advertised in accordance with the *Planning and Environment Act 1987*.
- The application was referred under Section 55 of the *Planning & Environment Act* to APA, Gippsland Water and Transport for Victoria who have not objected to the proposal subject to permit conditions.
- Eleven submissions were received against the proposal for the following reasons:
 - Lot layout does not provide for energy efficient, passive solar design for future dwellings.
 - Application should be considered in conjunction with proposed residential development to the east of Rollo Street and Yarragon-Leongatha Road.
 - Lack of acknowledgement of Council's Public Health and Wellbeing Plan and Sustainability and Environment Policy. This is evident in the absence of any foot and bicycle path linkages, to the west and east, through this proposed development.
 - No provisions have been made for any green space.

- It does not take into consideration the overall improvement for biodiversity, neighbourhood character and the landscape and environmental quality of the area.
- Removal of mature trees on the western boundary of this proposed development will dramatically reduce liveability of the area for human residents and fauna.
- Subdivision should set an example as a place for happy and healthy people in all stages of life and retain its attraction as a tourist town.
- Wider roads, with provision for parking on both sides, and/or wider treed nature strips with footpaths wide enough for 2 people to walk side-by-side, would preserve the sense of spaciousness, which is a major attraction to people wishing to build in Yarragon.
- Subdivision will add to the stormwater runoff experienced by the town.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This planning permit application does not assist with achieving the key strategic objectives set out in the Council Plan 2017-2021:

Strategic Objective 1: *Vibrant Communities*

1.2 Managing Baw Baw's growth and development.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This planning permit application will be considered under the *Charter of Human Rights and Responsibilities*. Amendments will be recommended to ensure compatibility if required.

LEGAL

The planning permit application was assessed and processed in accordance with the *Planning and Environment Act 1987*.

POLICY IMPACTS

Nil

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

11. THRIVING ECONOMY

11.1 TENDER RECOMMENDATION REPORT 21933CT - OPERATION AND MAINTENANCE OF GAS COLLECTION SYSTEM AT CLOSED TRAFALGAR LANDFILL

Waste Management Officer

Directorate: Community Assets

Ward: East Ward

Appendix: 1 attachment

PURPOSE

To present a report for Council to award a contract for Tender 21933CT Operation and Maintenance of the Gas Collection System at the closed Trafalgar Landfill.

RECOMMENDATION

That Council:

1. Accept the tender submitted by Run Energy Pty Ltd (ABN 49 102 672 766) for Tender No. 21933CT Operation and Maintenance of the Gas Collection System at the closed Trafalgar Landfill for the sum of \$498,330 ex GST for the contract term 16 June 2019 to 30 June 2022 and a further two-year plus one-year extension option; and
2. Delegate authority to the CEO to sign the contract documents and execute the award of the contract.

COUNCIL MOTION

Moved: Cr J Gauci
Seconded: Cr P Kostos

CARRIED

KEY ISSUES

- This is a lump sum tender for the operation and maintenance of the gas collection system at the closed Trafalgar Landfill.
- Council is required to manage the closed Trafalgar Landfill to meet EPA requirements, including managing the gas and leachate produced at the landfill. The current EPA post-closure Pollution Abatement Notice (PAN) 90007302 was issued on 21 December 2016 for the aftercare of the landfill and Council is required to manage the site for 30 years.
- The scope of the work includes the hire of an appropriately sized elevated portable LFG (landfill gas) flare and to undertake the operation and maintenance of the landfill gas extraction system at the closed Trafalgar Landfill including:

- Routine operation, maintenance, monitoring, balancing and reporting; and
- Reactive non-routine scheduled and emergency operation and maintenance and major repairs.
- Tenders were advertised on Tenderlink and closed on 20 March 2019.
- The contract term in the tender is 16 June 2019 to 30 June 2022. There is also an option for a two-year extension and a further one-year extension.
- Tenders have been assessed in accordance with the evaluation criteria as set out in the tender. Refer to attachment “Tender Recommendation Report” for details. Run Energy Pty Ltd is the preferred tenderer for Tender No. 21933CT Operation and Maintenance of the Gas Collection System at the closed Trafalgar Landfill.

TRIPLEBOTTOMLINE IMPLICATIONS

Financial Impact

The table below summarises the Council approved funding allocation for the project.

DESCRIPTION	AMOUNT (Excl. GST)
Proposed 2019/20 Operating Budget (Trafalgar Landfill – property – routine/statutory maintenance works)	\$135,000
Preferred Tender submitted by Run Energy Pty Ltd	\$83,055
Total Project Cost Per Annum	\$83,055

The Trafalgar Landfill is currently operating with a 500 SCMh biogas flare. The rental cost in the preferred tender for a 500 SCMh biogas flare is \$3,040 per month.

It is predicted that a lower calorific flare will be required in the future based on recent gas flow and composition analysis undertaken by the current contractor, Run Energy Pty Ltd, therefore the tender price is based on the rental of a lower calorific flare at a cost of \$3,650 per month.

The total amount of the preferred tender over the contract term 16 June 2019 to 30 June 2022 and a further two-year plus one-year extension option is \$498,330 ex GST.

Council is currently paying \$83,730 ex GST per annum for similar services under contract 21557CT with Run Energy Pty Ltd. This contract expires on 16 June 2019.

Environmental Impact

Council manages the closed Trafalgar Landfill in accordance with the requirements of the EPA Post Closure PAN 90007302 and Aftercare Management Plan to minimise any environmental impact.

Community Impact

Council manages the closed Trafalgar Landfill in accordance with EPA requirements to ensure it does not impact on the community.

CONSULTATION

Not applicable.

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This Operation and Maintenance of the Gas Collection System at the closed Trafalgar landfill assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Safe and sustainable environments with the strategy to “work to reduce waste and increase diversion from landfill”.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This Operation and Maintenance of the Gas Collection System at the closed Trafalgar Landfill has been reviewed under the *Charter of Human Rights and Responsibilities* and is considered compatible.

LEGAL

Council is obligated to comply with Section 186A of the *Local Government Act 1989* by considering and approving tenders where the contract value is in excess of \$250,000 including GST.

Council is required to manage the closed Trafalgar Landfill in accordance with the EPA (2015a) “Closed Landfill Guidelines” and Post Closure PAN 90007302.

POLICY IMPACTS

Baw Baw Shire has a Procurement Policy made in accordance with the requirements of Section 186A of the *Local Government Act 1989*. The tender evaluation was carried out in accordance with this policy.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest.

12. SAFE AND SUSTAINABLE ENVIRONMENTS

Nil Reports

13. ORGANISATIONAL EXCELLENCE

13.1 AWARD OF INTERNAL AUDIT TENDER SERVICES

Insurance and Risk Advisor

*Directorate: Corporate and Community
Services*

Ward: N/A

Appendix: 1 attachment

PURPOSE

For Council to consider the outcome from the Internal Audit Services tender process.

RECOMMENDATION

That Council awards the Internal Audit Services contract from 01 July 2019 to 30 June 2022 to Crowe Horwath for a period of three years, with a three-year option.

COUNCIL MOTION

Moved: Cr D Goss

Seconded: Cr J Gauci

CARRIED

KEY ISSUES

Baw Baw Shire Council invited tenders for the provision of internal audit services pursuant to the Request for Tender 21930CT - Internal Audit Services. The tender is for a three-year period with a further three-year option to renew.

Advertising

Internal audit services were advertised in accordance with Procurement policy. The tender was advertised on the TenderLink portal, as well as in the Warragul Gazette. Invitation for tender submissions commenced on 07 January 2019 and concluded on 22 February 2019.

Tender Evaluation Report

Submissions

Four submissions were received.

Interview and Evaluation Panel

The interview and evaluation panel consisted of:

- Independent Audit Committee Chair
- Chief Financial Officer
- Manager Governance
- Risk Advisor

The Procurement Coordinator audited the interview and evaluation process. Confirming that the process was conducted in a fair and proper manner.

Evaluation of Mandatory Criteria

Tender submissions were assessed against the following mandatory criteria:

- Conformance of tender submission;
- Completion of all required schedules;
- Evaluation of risks to Council;
- Governance and reputation of the tenderer;
- Confirmation of insurance policies held and level of cover;
- Confirmation of satisfactory licenses and accreditation; and
- Occupational health and safety management systems.

Three conforming submissions were selected for interview.

Summary

Tender submissions were evaluated in accordance with the criteria set out in the Request for Tender.

Interview and evaluation of submissions was carried out in accordance with Procurement guidelines, undertaken in a fair and consistent manner.

The interview panel consisted of high level of seniority and skill to adequately evaluate each tender submission.

Evaluation of Crowe Horwath's submission demonstrated strong understanding of local government operations, allocation of senior staff dedicated to the project and innovation in auditing processes, with the price submitted within budget.

TRIPLE BOTTOMLINE IMPLICATIONS

Financial Impact

The annual budget to provide Internal Audit services is currently \$45,000. The tender prices were scored in accordance with the standard procurement formula. The submission from Crowe Horwath is within budget.

Environmental Impact

- Wherever applicable the Internal Auditor will assess the impacts of climate change when undertaking audits.
- The Internal Auditor will provide information to Council electronically rather than paper based.

Community Impact

The provision of internal audit services provides assurance to the community that Council is meeting its statutory obligations and providing efficient services to the community.

CONSULTATION

Tender scope was developed in consultation with:

- Director Corporate and Community Services
- Procurement Coordinator
- Audit Committee Chair
- Chief Financial Officer
- Manager Governance
- Risk Advisor

LEGAL/COUNCIL PLAN/POLICY IMPACT

COUNCIL PLAN

This project assists with the achievement of the key strategic objective as set out in the Council Plan 2017-2021:

Strategic Objective 4: *Organisational Excellence*

Providing community benefit by effectively managing council's resources and finances.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES

This report has been reviewed under the Charter of Human Rights and Responsibilities and is considered compatible.

LEGAL

The provision of internal audit services is a statutory requirement of Council.

POLICY IMPACTS

The award of this tender will help achieve compliance with the Audit Committee Charter and Workplan.

CONFLICT OF INTEREST DECLARATION

No officer involved in the preparation of this report has a disclosable interest

14. NOTICES OF MOTION

Nil

15. COMMITTEE AND DELEGATES REPORTS

15.1	Environmental Voice Advisory Committee
	Cr Kostos reported the Environmental Voice Advisory Committee met on Tuesday 9 April 2019.
15.2	Place Names Advisory Committee
	Cr Cook attended the Place Names Advisory Committee meeting held on Monday 1 April 2019.
15.3	Roads and Drainage Advisory Committee
	Cr Cook attended the Roads and Drainage Advisory Committee meeting held on Tuesday 9 April 2019.

16. ASSEMBLY OF COUNCILLORS

16.1 ASSEMBLY OF COUNCILLORS

Governance Officer

*Directorate: Corporate and Community
Services*

Ward:

Appendix: 5 attachments

PURPOSE

To present the written records of Assemblies of Councillors that have occurred.

RECOMMENDATION

That Council receives and notes the Assembly of Councillors records tabled for the period from Friday 15 March to Friday 29 March 2019.

KEY POINTS/ISSUES

The *Local Government Act 1989* requires that the written record of an Assembly of Councillors be, as soon as practicable, reported at an ordinary meeting of the Council and incorporated into the minutes of that meeting.

17. MAYORAL MINUTE

Nil

18. GENERAL BUSINESS

18.1 Condolence Motion for Mr Jim Smethurst

That Council extend its sincere condolences to the family of Mr. Jim Smethurst on his recent passing and write a letter of condolence from Council to the Family.

Mr Smethurst was a Shire of Buln Buln Councillor from 1976-1991 and also served as Shire President during this time. He was also a Life Member of the Hallora and District Fire Brigade, serving 73 years with the brigade.

We acknowledge the contribution and commitment he made to Baw Baw Shire and the local community.

COUNCIL MOTION	
Moved:	Cr K Cook
Seconded:	Cr P Kostos

Meeting closed at 6:19pm

Confirmed at this meeting 24 APRIL 2019

.....
Cr M Power
Mayor