



COUNCIL MEETING AGENDA

Tuesday

24 October

2023 6pm

Community Room 1, Community Hub, Maryborough
and livestreamed on the internet.

Contents

Page

1. Commencement of Meeting and preliminaries	1
2. Apologies	1
3. Leave of absence	1
4. Conflicts of interest	2
5. Confirmation of Minutes from previous Council Meetings	4
5.1 Draft Minutes of the Council meeting dated 26 September 2023	4
6. Minutes of Delegated and Advisory Committees	14
7. Petitions	14
8. Officer Reports	15
8.1 Quarterly Finance report	15
8.1.1 Quarterly Financial Statements (July - September 2023)	19
8.2 Adoption of Governance Rules 2023	27
8.2.1 Governance Rules 2023 For Adoption	32
8.2.2 Victorian Pride Lobby Submission	98
8.3 Adoption of Property Leasing and Licensing Policy 2023	100
8.3.2 Property Leasing and Licensing Policy - 2023 Review	94
8.4 Adoption of Sale or Disposal of Council Assets and Land Policy 2023	111
8.4.1 Disposal or Sale of Council Assets and Land Policy - 2023	113
8.5 Council Plan Annual Action Plan 2023-24	123
8.5.1 Proposed Council Plan 2021-25 - Annual Action Plan 2023-2024	126
8.6 G1825-23 Maryborough Town Hall Electrical & AV Upgrade - Works	140
8.6.1 Tender Evaluation G1825-23 Tender Evaluation Report (confidential attachment provided under separate cover)	N/A
8.7 Tender Evaluation - G1806-23 Internal Audit Services	145

8.7.1 Tender Evaluation Panel Report - 1806-23 Provision of Internal Audit (confidential attachment provided under separate cover)	N/A
8.8 Planning Application D052-23 for 65 High Street, Maryborough	150
8.8.1 Development plans	166
8.8.2 Site and Surrounding Area	174
9. Notice of Motion	177
10. Urgent Business	178
11. Confidential Business	178
12. Meeting Closure	178

1. Commencement of Meeting and Welcome

Councils must, in the performance of its role, give effect to the overarching governance principles in the *Local Government Act 2020*.¹

These are included below to guide Councillor consideration of issues and Council decision making.

- a. Council decisions are to be made and actions taken in accordance with the relevant law;
- b. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- d. the municipal community is to be engaged in strategic planning and strategic decision making;
- e. innovation and continuous improvement is to be pursued;
- f. collaboration with other Councils and Governments and statutory bodies is to be sought;
- g. the ongoing financial viability of the Council is to be ensured;
- h. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- i. the transparency of Council decisions, actions and information is to be ensured.

2. Apologies

Council's Governance Rules require that the minutes of Council meetings record the names of Councillors present and the names of any Councillors who apologised in advance for their non-attendance.²

The annual report will list councillor attendance at Council meetings. Councillor attendance at Councillor briefings is also recorded.

3. Leave of absence

One reason that a Councillor ceases to hold the office of Councillor (and that office becomes vacant) is if a Councillor is absent from Council meetings for a period of 4 consecutive months without leave obtained from the Council. (There are some exceptions to this - see section 35 for more information.)

A Councillor can request a leave of absence. Any reasonable request for leave must be granted.³ Leave of absence is approved by Council.

Any request will be dealt with in this item which is a standing item on the agenda. The approvals of leave of absence will be noted in the minutes of Council in which it is granted. It will also be noted in the minutes of any Council meeting held during the period of the leave of absence.

¹ Section 9.

² Chapter 2, rule 62.

³ See Local Government Act 2020 s 35 (4) and s 35 (1) (e).

4. Conflicts of interest

Conflicts of Interest must be disclosed at the commencement of a Council meeting or Councillor briefing, or as soon as a Councillor recognises that they have a conflict of interest.

The relevant provisions in the *Local Government Act 2020* include those in Part 6, Division 2 (from section 126). Failing to disclose a conflict of interest and excluding themselves from the decision making process is an offence.

Disclosures at Council meetings

Under the Governance Rules:¹

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she:

1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or

2 intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

2.1 advising of the conflict of interest;

2.2 explaining the nature of the conflict of interest; and

2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:

(a) name of the other person;

(b) nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

(c) nature of that other person's interest in the matter, and then immediately before the matter is considered at the meeting

announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub- Rule.

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

Disclosures at councillor briefings (and other meetings)

Also under the Governance Rules,² a Councillor who has a conflict of interest in a matter being considered by a meeting held under the auspices of Council at which he or she is present must:

1. disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the meeting immediately before the matter is considered;
2. absent himself or herself from any discussion of the matter; and
3. as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those present at the meeting.

¹ Chapter 5, Rule 3

² Chapter 5, Rule .

Councillor form to disclose conflicts of

interest Name: _____

Date: _____

Meeting type:

- Briefing
- Meeting
- Other _____

Nature of the conflict of interest (describe):

If the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person:

- name of the other person (gift giver): _____
- nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person: _____
- nature of that other person's interest in the matter: _____



5. Confirmation of Minutes from previous Council Meetings

Recommendation

That Council confirm Minutes from the previous Council Meeting Dated 26 September 2023

DRAFT COUNCIL MEETING MINUTES

Tuesday, 26 September 2023

6:00pm

Meeting held in person

Community Room 1, Community Hub,
Maryborough and livestreamed on the internet.

MEMBERSHIP

Councillors:

Grace La Vella (Mayor)

Liesbeth Long

Geoff Lovett

Chris Meddows-

Taylor Gerard

Murphy Wayne

Sproull

Anna de Villiers

To be confirmed at the Council Meeting
scheduled for 24 October 2023

1. COMMENCEMENT OF MEETING AND WELCOME

The Mayor commenced the meeting at 6pm, welcoming all present, with an Acknowledgement of Country and the Council Prayer.

PRESENT:

Councillors

Grace La Vella (Mayor)

Liesbeth Long

Geoff Lovett

Chris Meddows-

Taylor Gerard

Murphy Wayne

Sproull

Officers

Chief Executive Officer Lucy Roffey

General Manager Assets Infrastructure and Planning Matthew

Irving Acting General Manager Community Wellbeing David

Leathem General Manager Corporate Performance Mick Smith

MOTION:

That the item of business 11.1 Appointment of Independent Member to Audit and Risk Committee be moved to be considered at 8.10.

Moved: Cr Meddows-Taylor

Seconded: Cr Murphy

2. APOLOGIES

Cr Anna De Villiers

3. LEAVE OF ABSENCE

Nil

4. DISCLOSURES OF CONFLICTS OF INTEREST

- Item 8.2 - Cr Liesbeth Long for the reason of a general conflict of interest - Cr Long is an Ambassador for Dunolly Gold Rush Festival which is seeking funding under the Community Grants Program.
- Item 8.4 - Cr Gerard Murphy for the reason of a material conflict of interest - the matter concerns retiling at the Maryborough Sports and Leisure Centre (MSAC) and Cr Murphy is the contractor for managing MSAC.

5. CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS

To present for confirmation the following:

- Confidential Minutes of Council Meeting 27 June 2023
- Confidential Minutes of Council Meeting 22 August 2023
- Minutes of Council Meeting 22 August 2023

MOTION

That the following Minutes be confirmed:

- Confidential Minutes of Council Meeting 27 June 2023
- Confidential Minutes of Council Meeting 22 August 2023
- Minutes of Council Meeting 22 August 2023

Moved: Cr Sproull

Seconded: Cr Meddows-Taylor

6. REPORTS FROM COMMITTEES

Nil.

7. PETITIONS

Nil.

8. OFFICER REPORTS

8.1 ANNUAL FINANCIAL AND PERFORMANCE STATEMENTS 2022/2023

The purpose of this report is to present to Council the draft Financial and Performance Statements and Governance and Management Checklist for 2022-2023, to seek in-principal approval for the Statements.

RECOMMENDATION

That Council:

1. gives its approval in principle to the Annual Financial Report and Performance Statement for the 2022/2023 financial year; and
2. nominates and authorises Mayor Cr La Vella and Cr Murphy to certify the Financial and Performance Statements in their final form on behalf of, and with the full authority of the Council.

Moved: Cr Lovett

Seconded: Cr Murphy

Carried

Councillors who spoke on the motion: Crs Lovett, Murphy.

Cr Long left the Chamber at 6.12pm due to a conflict of interest as detailed at item 4.

8.2 2023-2024 COMMUNITY GRANTS PROGRAM

The purpose of this report is to provide Council with a summary of the 2023-2024 Community Grants Program and to present a recommendation for recipient awarding of grant funding.

RECOMMENDATION

That Council approve the recommendations for the awarding of funds for the 2023-2024 Community Grants Program as follows:

Name of the Organisation	Project title	Amount Sought (\$)	Recommended Funding amount (\$)
Committee for Maryborough	Goldfields Community Festival	\$8,000.00	\$5,000.00

Dunolly & District Neighbourhood Centre Inc.	Dunolly Neighbourhood Centre Solar Panel Project	\$2,000.00	\$1,500.00
Maryborough Community Garden	Growing and Sharing in a Changing Climate	\$1,480.00	\$1,480.00
The Welcome Record Inc.	Connect Dunolly	\$1,600.00	\$1,600.00
Maryborough Harness Racing Club Inc.	Redwood Carnival Event Plan	\$5,880.00	\$3,000.00
Maryborough FNC	Parquetry Floor Repairs and resurfacing	\$2,500.00	\$2,500.00
Dunolly & District Inc	The Dunolly Gold Rush Festival	\$3,000.00	\$3,000.00
Zonta Club of Central Goldfields	Zonta Says No - Toilet Door Signs	\$1,000.00	\$1,000.00
Maryborough Mens Shed Victoria Inc	First Aid Training for Maryborough Men's Shed members	\$860.00	\$860.00
Talbot Action inc.	Light Up Talbot Christmas Festival	\$3,500.00	\$3,500.00
Words in Winter Central Goldfields Inc	Words in Winter Festival - a Plan for the future	\$2,000.00	\$2,000.00
Maryborough District Girl Guides	Shade Sail for the Maryborough Guide Hall	\$5,000.00	\$5,000.00
Maryborough Swimming Club	Maryborough Swimming Club New Website	\$2,500.00	\$2,500.00
Carisbrook Football Netball Club	Activating New Facilities	\$2,781.00	\$2,781.00
Maryborough Family History Group	Equipment Upgrade	\$1,629.00	\$1,629.00
Castlemaine Maryborough Rail Trail	Walking the Past Glimpsing the Future	\$3,000.00	\$2,000.00
Maryborough Giants	Recycling & Fundraising & Medical Awareness	\$6,778.00	\$2,150.00

Pride Festival	Pride 24	\$5,000.00	\$3,000.00
Maryborough Senior Citizens Club	Solar Electrical installation	\$10,694.00	\$1,500.00

Moved: Cr Meddows-Taylor
Seconded: Cr Murphy

Carried

Councillors who spoke on the motion: Crs Meddows-Taylor, Murphy, Sproull

Cr Long returned to the Chamber at 6.24pm.

8.3 G1816-23 DELEDIO RECREATION RESERVE NETBALL COURTS REDEVELOPMENT - WORKS

The purpose of this report is to consider the award of contract G1816-23 Deledio Recreation Reserve Netball Courts Redevelopment - Works to Quantum Civil Pty Ltd, following a public tender process in accordance with Council's Procurement Policy.

RECOMMENDATION

That Council:

- award contract G1816-23 Deledio Recreation Reserve Netball Courts Redevelopment – Works to Quantum Civil Pty Ltd for the lump sum of \$990,000 including GST; and
- authorise the Chief Executive Officer to execute the contract and approve additional spend for contingency items of variations if required up to 20% (\$198,000 including GST) above the contract sum.

Moved: Cr Long

Seconded: Cr Murphy

Carried

Councillors who spoke on the motion: Crs Long, Murphy

Cr Murphy left the chamber at 6.29pm due to a conflict of interest as detailed at item 4.

8.4 **G1782-23 MARYBOROUGH SPORTS AND LEISURE CENTRE POOL RETILING AWARD**

The purpose of this report is to provide a recommendation to Council in relation to contract G1783-23 Maryborough Sports and Leisure Centre Pool Retiling Works as a result of undertaking a public tender process.

RECOMMENDATION

That Council:

1. award G1783-23 Maryborough Sports and Leisure Centre Pool Retiling Works to On Time Developments Pty Ltd ATF Wallace and Sons Family Trust for the lump sum of \$599,610.00 including GST, and
2. authorise the Chief Executive Officer to execute the contract and approve variations or contingency spend up to the value of 20% of the total contract sum (\$119,922.00 including GST) as required.

Moved: Cr Sproull

Seconded: Cr Lovett

Carried

Councillors who spoke on the motion: Crs Sproull, Lovett

Cr Murphy returned to the chamber at 6.33pm.

8.5 **Waste Kerbside Collection Acceptance and Processing - Contract No G1775-23**

The purpose of this report is to recommend that Council award Contract G1775-23 - *Waste Kerbside Collection Acceptance and Processing Contract*, following the completion of a public tender process. The Contract is a schedule of rates Contract and as the anticipated value of the recommended awarding of contract is above the Chief Executive Officer's financial delegation, the Contract is required to be awarded by Council.

RECOMMENDATION

That Council awards the Contract G1775-23 Waste Kerbside Collection Acceptance and Processing Contract for Central Goldfields Shire Council to Waste Recyclers of Victoria Pty Ltd as a Schedule of Rates Contract for a period of five years at the contract price of \$10,726,580.

Moved: Cr Sproull

Seconded: Cr Murphy

Carried

Councillors who spoke on the motion: Crs Sproull, Murphy

8.6 Central Goldfields Early Years Infrastructure Masterplan

The purpose of this report is for Council to consider and endorse the Central Goldfields Early Years Infrastructure Masterplan.

The purpose of the masterplan is to ensure our community has the services and infrastructure it needs to create a thriving early year's community - both now and in the future.

RECOMMENDATION

That Council:

1. endorse the Central Goldfields Early Years Infrastructure Masterplan; and
2. undertake further investigative work to determine the most appropriate location for the Early Years Integrated Hub.

Moved: Cr Meddows-Taylor

Seconded: Cr Long

Carried

Councillors who spoke on the motion: Crs Meddows-Taylor, Long

8.7 PROPOSAL TO NAME AN OPEN SPACE IN WHIRAKEE RISE AS "CYRIL AND MYRA MARTIN RESERVE".

The purpose of this report is to present the proposal to name an open space in Whirakee Rise as Cyril and Myra Martin Reserve.

RECOMMENDATION

That Council:

1. endorse the proposal to name the open space in Whirakee Rise, as identified below, as Cyril and Myra Martin Reserve, for public consultation;
2. that the feedback period close at 5pm 20 October 2023; and
3. that a final proposal, taking into consideration public feedback, be considered for adoption at the Council Meeting scheduled for 28 November 2023.

Moved: Cr Lovett

Seconded: Cr Sproull

Carried

Councillors who spoke on the motion: Crs Lovett, Sproull, Murphy, Meddows-Taylor

8.8 MARYBOROUGH AND DISTRICT HOSPITAL SITE REZONING

The Purpose of this report is to consider a request for Council to provide a letter of support for rezoning all land which forms part of the Planning Scheme Amendment Maryborough and District Hospital to Public Use Zone- Schedule 3 (Health and Community).

RECOMMENDATION

That Council write to the Victorian Health Building Authority expressing its support for the rezoning of the Maryborough and District Hospital site to Public Use Zone 6 – Health and Community, subject to:

1. due process being followed in accordance with Section 20(4) of the Planning and Environment Act 1987, as described in the attached letter from the Victorian Health Building Authority; and
2. full consultation with owners of directly affected and adjacent properties including 6 Neill Street and 5 & 7 Nightingale Street, Maryborough.

Moved: Cr Murphy

Seconded: Cr Sproull

Carried

Councillors who spoke on the motion: Cr Murphy

8.9 CEO Employment and Remuneration Policy Update and CEO Employment Matters Advisory Committee Independent Chairperson EOI

The purpose of this report is to seek adoption from Council of the updated CEO Employment Matters Policy and to also initiate an Expression of Interest process to fill the currently vacant chairperson role for the CEO Employment Matters Advisory Committee.

RECOMMENDATION

That Council:

1. adopt the updated CEO Employment and Remuneration Policy; and
2. support the proposed Expression of Interest process for the vacant Chairperson of the CEO Employment Matters Advisory Committee via a selective tender process.

Moved: Cr Meddows-Taylor

Seconded: Cr Lovett

Carried

Councillors who spoke on the motion: Crs Meddows-Taylor, Lovett

8.10 APPOINTMENT OF INDEPENDENT MEMBER TO THE AUDIT AND RISK COMMITTEE

RECOMMENDATION

That Council:

1. thank Ms Linda O'Neil for her contribution to Council as an independent member of the Audit and Risk Committee;
2. note the selection process undertaken as per the Audit and Risk Committee Charter; and
3. adopt the selection panel recommendation that Council appoint Mr Richard Ainio for a period of three years.

Moved: Cr Lovett

Seconded: Cr Murphy

Carried

Councillors who spoke on the motion: Crs Lovett, Murphy

9. NOTICES OF MOTION

9.1 NOTICE OF MOTION - Cr Geoff Lovett

MOTION

1. That Council Endorse the proposal to re-commence holding ordinary council meetings in the council chamber of the Maryborough Town Hall, subject to the completion of it being refurbished to satisfy contemporary meeting requirements whilst at the same time, retaining the chamber's historical significance.
2. That funding be sourced to enable the revitalisation of the Maryborough Town Hall to enable it to be re-opened for broad community use.

Moved: Cr Lovett

Seconded: Cr Meddows-Taylor

Carried

Councillors who spoke on the motion: Cr Lovett, Meddows-Taylor, Long, Murphy, Sproull, La Vella.

10. URGENT BUSINESS

Nil

11. CONFIDENTIAL BUSINESS

Nil

12. MEETING CLOSURE

The meeting closed at 7.21pm

6. Minutes of Delegated and Advisory Committees

NIL

7. Petitions

NIL

8. Officer Reports

8.1 QUARTERLY FINANCE REPORT - SEPTEMBER 2023

Author: Manager Finance

Responsible Officer: General Manager Corporate Performance

The Officer presenting this report, having made enquiries with relevant

members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

The purpose of this report is to brief Council on the financial performance for the year to date and how it is tracking against the adopted budget, noting any material differences.

RECOMMENDATION

That Council receives and notes the attached Finance Report for the period to 30 September 2023

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 - Our Growing Economy

Outcome: Central Goldfields Shire is a proactive, well governed, professional, and financially sustainable organisation.

4.1 Objective: Ensure the financial sustainability of Council through efficient and effective delivery of services.

Initiative: Review budget and financial reporting processes to improve monitoring of financial performance.

Section 97 of the Local Government Act 2020 requires Council to prepare financial reports including tracking against adopted budget on a quarterly basis.

BACKGROUND INFORMATION

The finance report is provided for the period to 30 September 2023.

The report compares the year-to-date results against the adopted budget

REPORT

The Quarterly Financial Report includes:

- Income Statement;
- Balance Sheet;
- Cashflow Statement;
- Statement of Capital Works
- Key Performance Measure

tracking Income Statement

The Income Statement for the period ending 30 September shows a deficit of \$0.9m. This is a \$2m variance on budget.

Grant income timing of recognition represents the bulk of this variance. Per accounting standards, revenue is to be recognised in line with expenditure.

Capital grant income is \$318k as compared to a budget of \$1.2m (\$877k variance) explained by the timing of spend of the below grants.

- \$266k LRCI (spend spread evenly across the year)
- \$80k Maryborough Tennis Courts (spend spread evenly across the year)
- \$450k Rural Council Transformation Project (anticipated to be spent in full in July 2023).

Operating grant income is \$2.1m as compared to a budget of \$3.6m (\$1.5m variance). This is explained materially by the below:

- \$750k Initial Recovery Works for Flood Works (spend spread evenly across the year)
- \$128k for Goldfields Reservoir Navigation Safety Grant not yet received or spent
- \$162k timing difference for Federal Assistance Grant

Offsetting this reduced income is a reduction in Employee Costs to date of \$189k, however additional expenditure is recognised in the below:

- Depreciation costs \$134k following revaluation and additional assets capitalised at 30 June 2023
- Borrowing costs in line with interest rates of \$48k
- Materials and services of \$16k expecting to be offset in coming months as

flood grant funding is acquitted.

Balance Sheet

Council's balance sheet remains strong with a strong cash position of \$9.7m and working capital of 112%.

Whilst the working capital is showing 39% below budget, it must be noted that the budget KPI of 151% is for the full year.

To date we have had one rate instalment due (30 September).

A large proportion of rate revenue is anticipated to be received in the coming quarters, including those who opt for full payment in February 2024 (approx. 33% of ratepayers). It must also be noted that a full year of Federal Assistance grant cash is budgeted in this working capital figure.

Unrestricted cash is currently \$3.5m and is expected to increase over the year.

Capital Works

Capital Works spend for the period of July - September 2023 is \$1.2m as compared to budget spend of \$4m.

This is reflected in the reduction in capital works revenue recognised in the income statement.

It must be noted that these figures include payments made to suppliers (and accrued where appropriate).

If initial scoping of works is underway but no invoices are received yet, this will not show as spend in the capital works statement.

Please refer to the Quarterly Capital works update for a true reflection of progress of projects.

Notable timing variances include

- NDFA Flood Works (works are underway but invoices not yet received)
- Roads to Recovery works on Frost Ave, Burns Street and Clunes Mt Cameron Road.
- IT Strategy and Rural Council Transformation Project
- Maryborough Town Hall and Building upgrade
- Pool Upgrades (LRCI funded)

Summary

The finalised operating result for Central Goldfields Shire Council as of September 30, 2023 was a deficit of \$0.9m.

Whilst this shows a variance to budget of \$2m, this is explained by timing of works and the associated revenue recognition.

The balance sheet shows a working capital of 112% and whilst this is down on full year budget, it must be noted the timing of cash anticipated to be received at differing times throughout the year.

Unrestricted cash is \$3.5m.

CONSULTATION/COMMUNICATION

Internal only required for this report.

FINANCIAL & RESOURCE IMPLICATIONS

The financial statements were prepared internally by Council officers.

RISK MANAGEMENT

This report addresses Council's strategic risk Financial Sustainability - Failure to maintain our long-term financial sustainability.

Any risks in relation to this report have been discussed in the report above.

CONCLUSION

Whilst Council's Income Statement for the period of July - September 2023 is showing a deficit of \$0.9m (budget of \$1.4m surplus), this is explained by the timing of both operating and capital grants.

Council's holds cash of \$9.7m of which \$6m is invested in term deposits.

Council's unrestricted cash balance is \$3.5m.

ATTACHMENTS

8.1.1 Quarterly Financial Statements (July - September 2023)

8.1.1 Quarterly Financial Statements (July - September 2023)

Income Statement Year ended 30 June 2023 and YTD to 30 September 2023

INCOME STATEMENT	2022/23 June YTD Actuals	2023/24 YTD Budgets September	2023/24 YTD Actuals September	2023/24 YTD Variance September
Income	41,675,028	9,808,831	7,550,726	
Rates and service charges	16,627,081	4,335,273	4,365,881	30,608
Contributions - monetary	271,046	19,998	46,930	26,932
Grants - capital	8,846,593	1,195,386	318,353	(877,033)
Grants - Operating	12,421,218	3,635,937	2,120,916	(1,515,021)
Other Income	1,006,801	24,972	53,683	28,711
Statutory fees and fines	565,330	127,901	111,320	(16,581)
User Charges	1,936,959	469,364	533,641	64,277
Expenses	(36,839,679)	(8,449,135)	(8,485,609)	
Bad and doubtful debts	(22,575)	0	0	0
Borrowing costs	(94,755)	(9,081)	(57,508)	(48,427)
Depreciation	(6,910,534)	(1,777,776)	(1,911,821)	(134,045)
Employee costs	(15,459,037)	(4,028,182)	(3,839,048)	189,134
Materials and services	(13,928,664)	(2,556,798)	(2,573,038)	(16,240)
Net loss on disposal of property, infrastructure, plant and equipment	(64,170)	0	0	0
Other Expenses	(359,945)	(77,298)	(104,194)	(26,896)
Grand Total	4,835,348	1,359,696	(934,883)	(2,294,579)

*Report Contains Filters

8.1.1 Balance Sheet as at 30 September 2023

BALANCE SHEET	As at 30 June 2023	As at 30 September 2023
Assets	426,800,393	432,981,247
Current Assets	20,876,323	27,756,233
Cash and cash equivalents	16,679,955	9,703,101
Inventories	12,828	124,653
Non-current assets classified as held for sale	245,223	245,223
Other financial assets	1,135,789	1,862,345
Trade and other receivables	2,802,528	15,820,911
Non-current assets	405,924,070	405,225,014
Property, infrastructure, plant and equipment	405,924,070	405,225,014
Liabilities	(19,655,794)	(26,771,531)
Current Liabilities	(17,220,018)	(24,352,163)
Provisions	(3,476,565)	(3,684,657)
Trade & other payables	(13,090,200)	(18,444,161)
Trust funds & deposits	(653,253)	(2,223,346)
Non Current Liabilities	(2,435,776)	(2,419,368)
Other NC Liabilities	(346,776)	(330,368)
Interest-bearing loans and borrowings	(2,089,000)	(2,089,000)
Prepaid Revenue	0	0
Provisions	0	0
Equity	(407,144,599)	(406,209,716)
Accumulated Surplus	(134,215,154)	(133,280,271)
Accumulated Surplus	(134,215,154)	(133,280,271)
Reserves	(272,929,444)	(272,929,444)
Other Reserves	(450,000)	(450,000)
Asset Revaluation Reserve	(272,286,594)	(272,286,594)
Open Space Reserve	(192,850)	(192,850)
Net Assets	407,144,599	406,209,716

8.1.1 Cash Flow Year ended 30 June 2023 and YTD to 30 September 2023

CASH FLOW	As at 30 June 2023	As at 30 September 2023
	\$'000'	\$'000'
Cash Flows from Operating Activities		
Rates and charges	16,547	4,366
User fees, statutory fees and fines	2,725	645
Grants - operating	8,846	2,121
Grants - capital	12,421	318
Contributions - monetary	271	47
Interest received	0	54
Trust funds and deposits taken	0	0
Other receipts	488	0
Net GST refund/(payment)	2,314	0
Employee costs	(14,842)	(3,839)
Materials and services	(17,923)	(2,573)
Other payments	(513)	(162)
Net cash provided by/(used in) operating activities	10,334	977
Cash flows from investing activities		
Payments for property, infrastructure, plant and equipment	(14,795)	(1,209)
Proceeds from sale of property, infrastructure, plant and equipment	0	0
Payments for other financial assets	5,500	0
Net cash provided by/(used in) investing activities	(9,295)	(1,209)
Cash flows from financing activities		
Finance costs	439	(70)
Repayment of borrowings	0	0
Repayment of lease liabilities	150	0
Net cash provided by/(used in) financing activities	589	(70)
Net increase (decrease) in cash and cash equivalents	1,628	(302)
Cash and cash equivalents at the beginning of the financial year	3,552	5,180
Cash and cash equivalents at the end of the period	5,180	4,878

8.1.1

Capital Works as at 30 September 2023

CAPITAL WORKS	2023/24 Total Budget	2023/24 YTD Budgets September	2023/24 YTD Actuals September
---------------	----------------------------	----------------------------------------	----------------------------------------

Infrastructure	10,875,189	2,644,042	565,606
Bridges and Culverts	95,500	23,877	0
63241.01. Minor Culverts Renewal	15,500	3,876	0
63330.622. Major Culvert Renewal Program	80,000	20,001	0
63340.01. Minor Culverts New	0	0	0
Drainage	270,001	47,324	22,634
63271.01. Kerb & Channel Renewal	50,000	5,721	0
64306.01. Drainage Schemes	0	0	0
64306.21. Drainage Renewal	100,000	15,381	3,303
64306.25. Tabledrain Renewals	70,000	13,722	7,208
64306.253. Drainage Renewal Main Drain Carisbrook and Maryborough	50,000	12,500	0
64306.347. Carisbrook Drainage Mitigation Levee (NFMIP)	0	0	12,123
Other Infrastructure	260,600	65,151	49,970
63251.01. Street Furniture Renewal	30,600	7,650	2,775
63261.01. Signs Renewal	0	0	7,075
63281.01. Traffic Control Facilities Renewal	10,000	2,502	0
63351.04. New Furniture Bus Shelters	0	0	227
63360.01. Signs New	0	0	2,819
63410.02. (LRCI 3) Extension	0	0	0
63510.02. Aerodrome Fence Renewal	0	0	23,000
63510.06. Aerodrome Regional Airport Program Round 3	220,000	54,999	14,073
Parks, Open Spaces and Streetscapes	15,000	3,750	0
63352.01. Streetscape Renewal	15,000	3,750	0
Pathways	220,000	52,098	679
63291.01. Pathways Renewal	100,000	24,999	0
63390.01. Pathways New	120,000	27,099	679
Roads	10,014,089	2,451,842	492,323
60363.01. NDFA Flood Works October 2022 Immediate Works	6,880,000	1,719,993	0
60363.02. NDFA Flood Works October 2022 Project Management	0	0	0
63200.01. Design Capital Works	150,000	75,000	16,825
63205.02. Shoulder Re Sheeting Carisbrook Havelock Rd	0	0	0

8.1.1

Capital Works as at 30 September 2023

63210.114. Gillies Street (Sutton Lane to Sutton Road)	0	0	3,483
63210.132. Road Renewal Porter Avenue FY22-23 (R2R \$289,546/CGS \$310,454K)	0	0	462,404
63210.134. Road Renewal Cotswold Road FY22-23 (R2R \$500K)	0	0	0
63210.135. Closed Road Renwal Primrose Street	0	0	(6,235)
63210.137. Road Renewal Frost Avenue FY23-24 (R2R \$400K)	400,000	100,000	0
63210.138. Road Renewal Burns St Tuaggra to Nolan Sts FY23-24 (R2R \$4629K)	629,000	157,250	0
63210.139. Road Renewal Clunes-Mt Cameron Road FY23-24 (R2R \$550,090K)	550,090	137,522	0
63210.4. Major Patches RG	135,000	26,880	15,796
63212.01. Sealed Road Shoulders Renewal	100,000	22,056	0
63215.01. Unsealed Roads Renewal	340,000	58,317	51
63220.01. Seals Renewal Reseals	640,000	113,049	0
63220.011. Seals Renewal Asphalt	190,000	41,775	0
Plant and Equipment	1,867,255	364,815	46,345
Fixtures, Fittings and Furniture	1,042,255	238,566	(3,300)
63820.014. Asset Clearing - Furniture and Fittings	0	0	(3,300)
64751.04. PC Network/Hardware	65,000	16,251	0
64751.33. IT Strategy	219,500	54,876	0
64751.36. IT Strategy Initiatives - Disaster Recovery	0	0	0
64751.362. IT Strategy Initiatives - Human Resources Information System	80,000	20,001	0
64751.363. IT Strategy Initiatives - Financial Management System and Payroll	20,000	5,001	0
64751.37. Field and Mobility Services Module	88,000	0	0
64751.44. Rural Council Transformation Program (RCT)	569,755	142,437	0
Plant and Equipment	825,000	126,249	49,645
63820.91. Operating Plant WIP	505,000	126,249	0
63820.93. Vehicles Cars WIP	200,000	0	49,645
63820.94. Vehicles Utes WIP	120,000	0	0
Property	5,806,776	1,031,066	597,515
Buildings	3,350,864	344,837	256,647
60217.12. Kindergarten Capital Expenses	0	0	6,660
60217.24. Worsley Cottage - Internal and external wall repairs	0	0	2,628
60217.25. Building Renewal - Unallocated	100,000	24,999	9,091
60217.26. Maryborough Railway Station Activation Project	0	0	86,082
60616.01. Child Care Centre	0	0	0
60616.07. Goldfields Family Centre (CCC) Kitchen Renewal	20,000	0	0
60800.03. Youth Hub Scoping and Feasibility	50,000	0	0
61511.16. Maryborough Town Hall Painting	0	0	21
61511.2. (LRCI) Hall Improvements - Talbot	0	0	0
61511.26. Maryborough Town Hall - Building Upgrade	1,009,546	252,384	3,519
61511.27. (LRCI 3) Hall Improvements - Talbot	0	0	0
61511.28. Carisbrook Town Hall (Design and Scoping)	100,000	0	6,027

8.1.1

Capital Works as at 30 September 2023

61511.29. Dunolly Town Hall (Design and Scoping)	100,000	0	5,137
61511.31. Talbot Town Hall (Design and Scoping)	100,000	0	6,027
61565.03. Talbot Museum Design (Repair Works)	40,000	0	0
61565.12. Building Insurance Risk Reduction Upgrades	0	0	0
61611.18. Art Gallery Development (Phases 2 and 3)	0	0	1,500
61611.22. Art Gallery - Indigenous Interpretive Garden - Stage 2 & 3	262,500	0	6,027
62121.09. Maryborough Sports & Leisure Centre (MSLC) Upgrade Project	0	0	0
62121.74. MSLC Roof Renewal (Design and Scoping)	200,000	0	5,137
62470.28. Carisbrook Recreation Reserve Upgrades Stage 1 Project	0	0	61,057
62470.291. Carisbrook Recreation Reserve Upgrades Stage 2	0	0	25,639
62470.55. Deledio Reserve Netball Courts Redevelopment	849,000	0	10,877
63713.36. Depot Renewal Works	50,000	0	0
64225.02. Rene Fox Gardens Toilet Refurbishment	200,000	0	5,137
64751.014. Building Upgrades Civic Centre	269,818	67,454	16,080
Land Improvements	2,455,912	686,229	340,868
60181.01. Energy Breakthrough (EB) Land Improvements	61,912	15,477	43,121
60216.21. Bike Racks New	0	0	2,707
62121.7. Recreation Planning - Splash Park	30,000	0	0
62121.73. Whirrakee Rise Public Space Enhancement	0	0	3,244
62316.03. Maryborough Outdoor Pool - Octagon Pool, Pavilion & Plant Room Heritage Works	900,000	0	161,874
62316.04. (LRICI 3) Pool Upgrades Dunolly, Talbot and MSLC Pool Maintenance Works	315,000	315,000	37,099
62316.15. Swimming Pool Renewal	0	0	5,195
62400.01. Renewal Ovals	0	0	93
62400.16. Parks Renewal	12,000	0	126
62400.18. Parks Renewal Derby Road Beautification Stage 3	40,000	0	30,145
62410.01. Renewal Surrounds	0	0	41
62410.09. Growing Victoria Botanic Gardens Phillips Garden Irrigation Round 2	0	0	0
62411.03. Gordon Gardens Master Plan Works	150,000	0	0
62421.21. Rubbish Bins Renewal General	10,000	2,502	0
62430.01. Renewal Playgrounds	15,000	3,750	0
62430.06. Playground Works Bowenvale	50,000	12,500	5,158
62470.12. Carisbrook Rec Reserve Bore Project	0	0	477
62470.31. Goldfields Reservoir Dam Stabilisation	337,000	337,000	41,746
62470.32. Maryborough Tennis Centre Multi Use Courts Development	320,000	0	2,150
62495.26. Princes Park Grandstand and Changerooms (Design and Scoping)	200,000	0	6,027
62671.08. (LRICI) Playground Improvements	0	0	0
63820. Asset Clearing Account	0	0	1,665
64110.79. Transfer Station Upgrades(Carisbrook,Dunolly,Talbot) Kerbside	0	0	0
64150.02. Recycled Watermain Replacement	15,000	0	0
Grand Total	18,549,220	4,039,923	1,209,466

8.1.1

Capital Works as at 30 September 2023

60217.24. Worsley Cottage - Internal and external wall repairs	0	0	2,628
60217.25. Building Renewal - Unallocated	100,000	24,999	9,091
60217.26. Maryborough Railway Station Activation Project	0	0	86,082
60616.01. Child Care Centre	0	0	0
60616.07. Goldfields Family Centre (CCC) Kitchen Renewal	20,000	0	0
60800.03. Youth Hub Scoping and Feasibility	50,000	0	0
61511.16. Maryborough Town Hall Painting	0	0	21
61511.2. (LRCI) Hall Improvements - Talbot	0	0	0
61511.26. Maryborough Town Hall - Building Upgrade	1,009,546	252,384	3,519
61511.27. (LRCI 3) Hall Improvements - Talbot	0	0	0
61511.28. Carisbrook Town Hall (Design and Scoping)	100,000	0	6,027
61511.29. Dunolly Town Hall (Design and Scoping)	100,000	0	5,137
61511.31. Talbot Town Hall (Design and Scoping)	100,000	0	6,027
61565.03. Talbot Museum Design (Repair Works)	40,000	0	0
61565.12. Building Insurance Risk Reduction Upgrades	0	0	0
61611.18. Art Gallery Development (Phases 2 and 3)	0	0	1,500
61611.22. Art Gallery - Indigenous Interpretive Garden - Stage 2 & 3	262,500	0	6,027
62121.09. Maryborough Sports & Leisure Centre (MSLC) Upgrade Project	0	0	0
62121.74. MSLC Roof Renewal (Design and Scoping)	200,000	0	5,137
62470.28. Carisbrook Recreation Reserve Upgrades Stage 1 Project	0	0	61,057
62470.291. Carisbrook Recreation Reserve Upgrades Stage 2	0	0	25,639
62470.55. Deledio Reserve Netball Courts Redevelopment	849,000	0	10,877
63713.36. Depot Renewal Works	50,000	0	0
64225.02. Rene Fox Gardens Toilet Refurbishment	200,000	0	5,137
64751.014. Building Upgrades Civic Centre	269,818	67,454	16,080
Land Improvements	2,455,912	686,229	340,868
60181.01. Energy Breakthrough (EB) Land Improvements	61,912	15,477	43,121
60216.21. Bike Racks New	0	0	2,707
62121.7. Recreation Planning - Splash Park	30,000	0	0
62121.73. Whirrakee Rise Public Space Enhancement	0	0	3,244
62316.03. Maryborough Outdoor Pool - Octagon Pool, Pavilion & Plant Room Heritage Works	900,000	0	161,874
62316.04. (LRCI 3) Pool Upgrades Dunolly, Talbot and MSLC Pool Maintenance Works	315,000	315,000	37,099
62316.15. Swimming Pool Renewal	0	0	5,195

8.1.1

Capital Works as at 30 September 2023

62400.01. Renewal Ovals	0	0	93
62400.16. Parks Renewal	12,000	0	126
62400.18. Parks Renewal Derby Road Beautification Stage 3	40,000	0	30,145
62410.01. Renewal Surrounds	0	0	41
62410.09. Growing Victoria Botanic Gardens Phillips Garden Irrigation Round 2	0	0	0
62411.03. Gordon Gardens Master Plan Works	150,000	0	0
62421.21. Rubbish Bins Renewal General	10,000	2,502	0
62430.01. Renewal Playgrounds	15,000	3,750	0
62430.06. Playground Works Bowenvale	50,000	12,500	5,158
62470.12. Carisbrook Rec Reserve Bore Project	0	0	477
62470.31. Goldfields Reservoir Dam Stabilisation	337,000	337,000	41,746
62470.32. Maryborough Tennis Centre Multi Use Courts Development	320,000	0	2,150
62495.26. Princes Park Grandstand and Changerooms (Design and Scoping)	200,000	0	6,027
62671.08. (LRCI) Playground Improvements	0	0	0
63820. Asset Clearing Account	0	0	1,665
64110.79. Transfer Station Upgrades(Carisbrook,Dunolly,Talbot) Kerbside	0	0	0
64150.02. Recycled Watermain Replacement	15,000	0	0
Grand Total	18,549,220	4,039,923	1,209,466

8.2 GOVERNANCE RULES REVIEW

Author: **Manager Governance Property and Risk**
Responsible Officer: **General Manager Corporate Performance**

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

The report presents the Governance Rules (2023 Review) for adoption.

RECOMMENDATION

That Council adopt the Governance Rules (2023 Review) as presented.

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 - Leading Change

The Community's vision 4. Transparent decision making;
 4. Good planning, governance, and service delivery

BACKGROUND INFORMATION

Council is required under section 60 of the Local Government Act 2020 to develop, adopt and keep in force Governance Rules for or with respect to the following—

- a. the conduct of Council meetings (including holding Council meetings by electronic means of communication);
- b. the conduct of meetings of delegated committees (including holding meetings of delegated committees by electronic means of communication);
 - (ba) requesting and approval of attendance at Council meetings and meetings of delegated committees by electronic means of communication;
- c. the form and availability of meeting records;
- d. the election of the Mayor and the Deputy Mayor; (da) the appointment of an Acting Mayor;
- e. an election period policy in accordance with section 69;
- f. the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
- g. the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- h. the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);

- i. any other matters prescribed by the regulations.

Section 60(2) of the Act requires that the Governance Rules provide for a Council to—

- a. consider and make decisions on any matter being considered by the Council fairly and on the merits; and
- b. institute decision making processes to ensure that any person whose rights will be directly affected by a decision of the Council is entitled to communicate their views and have their interests considered.

Council adopted its current Governance Rules in August 2020 as part of the implementation of the new Local Government Act.

Through the use of the Governance Rules since their adoption, opportunities for improvement have become apparent, as well as changes to the social landscape in which Councils operate (such as changed expectations around broadcasting and electronic attendance).

The review is taking place against a larger social context of increasing disruption at public meetings, the Council's responsibilities under various workplace and health and safety legislation, balanced with the need to ensure democratic processes and decisions are able to be carried out in a transparent, orderly and effective manner.

REPORT

Since their establishment in 2020, the operation of the Governance Rules and the changing landscape of local government more generally has highlighted some areas of improvement including:

- conflict of Interest procedure needing to be brought into line with Act and guidelines from Local Government Victoria.
- the provision in the Rules for a Mayor to be elected by drawing lots in the event of a tie is not allowed for under the Act
- points of order which as provided for are narrow and may limit ability of Chair to manage a meeting.
- the lack of a formal process to hear or otherwise consider public submissions which have been invited as part of a community engagement process
- the need for clarity around procedures for motions and amendments, including notices of motion
- aligning the rules with current practice - eg, removing the requirement to stand to address the Chair

The review

A number of changes were proposed to the Governance Rules including:

- Mayoral election - the removal of the ability to decide the Mayoral election by lot
- Order of business - formalising the order of business to be presented at each Council Meeting
- Public Submissions - providing a formal mechanism within the Governance Rules for public submissions to be presented at a Council Meeting, to address the gap left by the revocation of section 223 in the 1989 Local Government Act

- Conduct during Council Meetings - describing more clearly acceptable behaviour at Council Meetings, and strengthening the Council's ability to manage any disruption which may occur

CONSULTATION/COMMUNICATION

When a Council amends its Governance Rules, it is required to undertake community engagement in accordance with its Community Engagement Policy.

On 22 August 2023 Council Resolved to release the Draft Governance Rules (2023 Review) for community feedback, with a closing date of 15 September.

The Draft Rules were published on Council's website and in the Community News and were also provided to the Audit and Risk Committee for feedback.

One submission was received, from the Victorian Pride Lobby.

The issues addressed within it, and officer recommendations in response, are provided below.

Feedback	Officer Recommendation
<p>The words "where Council has called for Submissions" should be deleted from proposed clause 18.1, as persons who would be affected by a decision of Council should be entitled to make a submission on it regardless of whether Council has called for submissions or not.</p>	<p>No change recommended.</p> <p>Section 18 has been introduced to effectively reproduce section 223 of the Local Government Act 1989, now repealed, which outlined the way by which members of the public would provide submissions to certain matters under which consultation was prescribed.</p> <p>Under the new Act, which is a more principles-based Act, this prescriptive method was replaced by a requirement to implement a Community Engagement Policy.</p> <p>Council has a Community Engagement Policy which describes when this consultation will be undertaken, but the Governance Rules did not provide a formal procedure for this to happen.</p> <p>Section 223 did not allow for open submissions at Council Meetings outside of those invited by Council.</p> <p>Persons affected by a decision of Council have multiple avenues for having their position heard and considered, outside of a submission to a Council Meeting, and the principles for engaging with the public are articulated in the Community Engagement Policy and the Customer Service Charter.</p>

<p>The Governance Rules should allow for public questions to be asked at Council meetings. This ensures that members of the community are able to ask public questions of Council and receive a public response to those questions.</p>	<p>No change recommended.</p> <p>Opportunities exist for members of the public to make requests or ask questions of Council, and its Customer Service Charter provides the commitment of Council to respond to these.</p> <p>Members of the public are also free at any time to submit petitions, which are considered at public meetings, or approach Councillors to make representations on their behalf at Council Meetings.</p> <p>Council organises from time-to-time public forums where members of the community are able to ask and receive public responses to questions.</p>
<p>Clause 66.2.3 could empower the Mayor to remove a pride flag from the Council Chamber if they deemed it to be "objectionable"</p>	<p>No change recommended.</p> <p>Section 66.2.3 does not refer to material within the Chamber, as placards, banners, and posters in the chamber of any nature are prohibited from the Chamber in 66.2.1.</p> <p>66.2.3 relates to materials at the entrance to the Chamber, balances the right to display material with the right of the Chair to make a decision that in their judgement maintains an orderly and respectful environment in which the meeting can be held.</p> <p>This is consistent with the role of the Chair throughout the Rules.</p>
<p>66.2.1 prevents a poster about occupational health and safety being on the wall of the Council Chamber.</p>	<p>To be amended to "A member of the public must not display any placards or posters in the Council Chamber or in any building where a Council Meeting is being, or is about to be held, except outside the entrance to the building."</p>

FINANCIAL & RESOURCE IMPLICATIONS

There are no additional finance or resource implications involved in the review of the Governance Rules.

RISK MANAGEMENT

This report addresses Council's strategic risks as follows:

Governance - Failure to transparently govern and embrace good governance practices - reviews the Governance Rules to ensure adherence to best practice and community expectations in line with the Overarching Governance Principles of the Local Government Act 2020.

Legislative compliance - Failure to manage our compliance with relevant legislative requirements - the review will benchmark the Governance Rules against critical legislative matters such as Conflicts of Interest.

CONCLUSION

The report presents the Draft Governance Rules and the rationale for proposed changes. The Draft Governance Rules are compliant with the Local Government Act 2020 and provide for orderly, fair, effective, and transparent decision-making.

ATTACHMENTS

8.2.1 Governance Rules for Adoption

8.2.2 Submission from Victorian Pride Lobby

8.2.1



**CENTRAL
GOLDFIELDS**
SHIRE COUNCIL

GOVERNANCE RULES

Adopted xxxxxxxx

Table of Contents

Introduction	6
1. Nature of Rules.....	6
2. Date of Commencement	6
3. Contents	6
4. Definitions	6
1. Context	7
2. Decision Making	7
Part A – Introduction	8
1. Title	8
2. Purpose of this Chapter	8
3. Definitions and Notes	8
Part B – Election of Mayor	9
5. Method of Voting	9
6. Determining the election of the Mayor	9
7. Election of Deputy Mayor and Chairs of Delegated Committees.....	10
8. Appointment of Acting Mayor.....	10
Part C – Meetings Procedure	11
Division 1 – Notices of Meetings and Delivery of Agendas	11
9. Dates and Times of Meetings Fixed by <i>Council (Scheduled Meetings)</i>	11
11. Meetings Not Fixed by <i>Council (Unscheduled or Special Meetings)</i>	11
12. Notice Of Meeting.....	11
13. Inability To Obtain A Quorum	12
14. Inability To Maintain A Quorum	12
15. Adjourned Meetings	12
16. Time limits for Meetings	13
17. Cancellation or Postponement of a Meeting	13
18. Public Submissions	13
Division 3 – Business of Meetings	14
19. Agenda and the Order Of Business	14
19.1 Business to be considered at Scheduled Meetings	14
20. Change To Order Of Business	14
21. Urgent Business	15

22.	Councillor Reports	15
23.	Councillors May Propose Notices Of Motion.	15
24.	Notice Of Motion	15
25.	Chair's Duty	16
26.	Introducing a Report	16
27.	Introducing A Motion or an Amendment	17
28.	Right Of Reply	17
29.	Moving An Amendment.....	18
30.	Who May Propose An Amendment	18
31.	An Amendment Once Carried	18
32.	Withdrawal Of Motions	18
33.	Separation Of Motions	19
34.	Chair May Separate Motions.....	19
35.	Priority of address	19
36.	Motions In Writing	19
37.	Repeating Motion and/or Amendment.....	19
38.	Debate Must Be Relevant To The Motion	19
39.	Speaking Times.....	19
40.	Addressing the Meeting	20
41.	Right to Ask Questions.....	20
42.	Procedural Motions.....	20
	Division 6 - Rescission Motions	25
43.	Notice of Rescission	25
44.	If Lost	26
45.	If Not Moved	26
46.	May Be Moved By Any Councillor	26
47.	When Not Required.....	26
	Division 7 - Points of Order	27
48.	Chair To Decide.....	27
49.	Chair May Adjourn To Consider	27
50.	Procedure For Point Of Order	27
51.	Valid Points Of Order	27
52.	Suspension of Standing Orders	28
	Division 9 - Petitions and Joint Letters.....	28

53.	Petitions and Joint Letters	28
Division 10 - Voting		29
54.	How Motion Determined	29
55.	Silence	29
56.	Recount	29
57.	How Votes are Cast	29
58.	Procedure For A Division	30
59.	No Discussion Once Declared	30
Division 11 - Minutes		31
60.	Confirmation of Minutes	31
61.	No Debate on Confirmation Of Minutes	31
62.	Deferral Of Confirmation Of Minutes	31
63.	Form and Availability of Minutes	32
Division - 12 Conduct during meetings		33
64.	Disorderly Conduct	33
65.	Behaviour during Council Meetings	33
66.	Public behaviour at the Meeting	33
67.	Ejection of Disorderly Visitors - Chair May Remove	34
68.	Chair or Chief Executive Officer May Close Disorderly Meeting	35
69.	Chair May Adjourn Disorderly Meeting	35
70.	Electronic Devices	35
71.	Public addressing the Council	35
Division 13 - Additional Duties of <i>Chair</i>		36
72.	The <i>Chair's</i> Duties And Discretions	36
Division 14 - Physical and Remote Attendance		36
73.	Mode of Attendance	36
74.	Meetings Conducted Remotely	38
75.	Live Streaming and Recording of Proceedings	38
Division 15 - Miscellaneous		39
76.	Procedure not provided in this Chapter	39
77.	Criticism of members of Council staff	39
78.	Meeting Procedure Generally	40
79.	Meeting Procedure Can Be Varied	40
80.	Introduction	41

81.	Meeting Procedure	41
82.	Definition	42
83.	Disclosure of a Conflict of Interest at a Council Meeting	42
84.	Disclosure of Conflict of Interest at a Delegated Committee Meeting	43
85.	Disclosure of a Conflict of Interest at a Community Asset Committee Meeting	44
86.	Disclosure at a Meeting Conducted Under the Auspices of Council	45
87.	Disclosure by Members of Council Staff Preparing Reports for Meetings ..	45
88.	Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power ..	46
89.	Disclosure by a Member of Council Staff in the Exercise of a Statutory Function ..	46
Chapter 6 - Miscellaneous		47
90.	Confidential Information	47
Chapter 7 - Election Period Policy		48
Acknowledgement		48
1. Purpose		48
2. Application and Scope		48
3. Definitions		48
4.	General Provisions	49
4.1	Chief Executive Officer	49
4.2	Decisions By Council	49
4.3	Council Meetings	50
4.4	Briefing Sessions	50
4.5	Public Consultation and Events	50
4.6	Council Publications	50
4.8	Approval Procedures for Council Publications during the Election Period	51
4.9	Website	51
4.10	Annual Report	51
4.11	Social Media	51
4.12	Council Resources	51
4.13	Use of Council Resources by Councillors	52
4.14	Staff Discretion	52
4.15	Councillor Expenses Reimbursement	52
4.16	Media	53

4.17	Council staff	53
4.18	Access to Information.....	53
4.20	Current Councillors	54
4.21	Displaying Electoral Material.....	54
4.22	Use of Title	54
5	Human Rights Statement	54
6	Relevant Legislation and Council Policies.....	54

Introduction

1. Nature of Rules

These are the *Governance Rules of Central Goldfields Shire Council*, made in accordance with section 60 of the *Local Government Act 2020*.

2. Date of Commencement

These *Governance Rules* commence on 28 September 2022.

3. Contents

These *Governance Rules* are divided into the following Chapters:

Chapter	Name
Chapter 1	<i>Governance Framework</i>
Chapter 2	<i>Meeting Procedure for Council Meetings</i>
Chapter 3	<i>Meeting Procedure for Delegated Committees</i>
Chapter 4	<i>Meeting Procedure for Community Asset Committees</i>
Chapter 5	<i>Disclosure of Conflicts Of Interest</i>
Chapter 6	<i>Miscellaneous</i>
Chapter 7	<i>Election Period Policy</i>

4. Definitions

In these *Governance Rules*, unless the context suggests otherwise the following words and phrases mean:

Act means the *Local Government Act 2020*.

Advisory Committee means a *Committee* established by *Council* to advise the *Council* in its decision making.

Attend, attending and *in attendance* include attend, attending or in attendance by electronic means.

Chief Executive Officer includes an Acting Chief Executive Officer.
Community Asset Committee means a *Community Asset Committee* established under section 65 of the *Act*.

Council means Central Goldfields Shire Council.

Council meeting has the same meaning as in the *Act* and includes a scheduled meeting and unscheduled meeting (whether held as face- to-face (in person)

attendance in a set location or via electronic means (virtual) or in a 'hybrid' format that mixes in-person and electronic attendance.

Delegated Committee means a Delegated Committee established under section 63 of the Act.

Mayor means the Mayor of Council.

These Rules means these Governance Rules.

Chapter 1 – Governance Framework

1. Context

These Rules should be read in the context of and in conjunction with:

- 1.1 the overarching governance principles specified in section 9(2) of the Act; and
- 1.2 the following documents adopted or approved by Council: Councillor Code of Conduct.

2. Decision Making

- 2.1 In any matter in which a decision must be made by Council (including persons acting with the delegated authority of Council), Council must consider the matter and make a decision:
 - 2.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
 - 2.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations
- 2.2 Council must, when making any decision to which the principles of natural justice apply, adhere to the principles of natural justice (including, without limitation, ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered).
- 2.3 Without limiting anything in paragraph (b) of this sub-Rule:
 - 2.3.1 before making a decision that will directly affect the rights of a person, Council (including any person acting with the delegated

authority of Council) must identify the person or persons whose rights will be directly affected, give notice of the decision which Council must make and ensure that such person or persons have an opportunity to communicate their views and have their interests considered before the decision is made;

2.3.2 if a report to be considered at a Council meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered;

2.3.3 if a report to be considered at a Delegated Committee meeting concerns subject-matter which will directly affect the rights of a person or persons, the Report must record whether the person has, or persons have been provided with an opportunity to communicate their views and have their interests considered.

Chapter 2 - Meeting Procedure for Council Meetings

Part A - Introduction

1. Title

This Chapter will be known as the "Meeting Procedure Chapter".

2. Purpose of this Chapter

The purpose of this Chapter is to:

- 2.1 provide for the election of the Mayor and any Deputy Mayor;
- 2.2 provide for the appointment of any Acting Mayor; and
- 2.3 provide for the procedures governing the conduct of *Council meetings*.

3. Definitions and Notes

3.1 In this Chapter:

"*absolute majority*" means the number of Councillors which is greater than half the total number of the Councillors of a Council;

"*agenda*" means the notice of a meeting setting out the business to be transacted at the meeting;

"*Chair*" means the Chairperson of a meeting and includes a Councillor who is appointed by resolution to chair a meeting under section 61(3) of the Act;

Note: Section 18(1)(a) of the Act states that the role of the Mayor is to chair Council Meetings.

- 3.2 Introductions to Parts, headings and notes are explanatory notes and do not form part of this Chapter. They are provided to assist understanding.

Part B – Election of Mayor

Introduction: This Part is concerned with the annual election of the Mayor. It describes how the Mayor is to be elected.

4. Election of the Mayor

The *Chief Executive Officer* must facilitate the election of the Mayor in accordance with the provisions of the Act.

5. Method of Voting

The election of the Mayor must be carried out by a show of hands or such other visual or audible means as the *Chief Executive Officer* determines.

6. Determining the election of the Mayor

6.1 The *Chief Executive Officer* must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.

6.2 Any nominations for the office of Mayor must be:

6.2.1 seconded by another Councillor; and

6.2.2 accepted by the nominee.

6.3 Once nominations for the office of *Mayor* have been received, the following provisions will govern the election of the *Mayor*:

6.3.1 if there is only one nomination, the candidate nominated must be declared to be duly elected;

6.3.2 if there is more than one nomination, the Councillors in attendance at the meeting must vote for one of the candidates;

6.3.3 in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;

6.3.4 in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors in attendance at the meeting will then vote for one of the remaining candidates;

6.3.5 if one of the remaining candidates receives an absolute majority of the votes, that candidate is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;

6.3.6 in the event of two or more candidates having an equality of votes and one of them having to be declared:

- a defeated candidate; and
- duly elected

the Council may resolve to conduct a new election at a later specified time and date.

7. Election of Deputy Mayor and Chairs of Delegated Committees

7.1 At a meeting to elect the *Mayor*, Council may resolve to elect a Deputy *Mayor*.

7.2 Any election for:

7.2.1 any office of Deputy Mayor; or

7.2.2 Chair of a *Delegated Committee*

will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:

7.2.3 Chief Executive Officer is a reference to the Mayor; and

7.2.4 Mayor is a reference to the Deputy Mayor or the Chair of the *Delegated Committee* (as the case may be).

8. **Appointment of Acting Mayor**

If *Council* has not established an office of Deputy Mayor and it becomes required to appoint an Acting Mayor, it can do so by:

8.1 resolving that a specified Councillor be so appointed; or

8.2 following the procedure set out in Rules 5 and 6 (inclusive) of this Chapter, at its discretion.

Part C – Meetings Procedure

Introduction: This Part is divided into a number of Divisions. Each Division addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened, when and how business may be transacted at a meeting.

Division 1 – Notices of Meetings and Delivery of Agendas

9. **Dates and Times of Meetings Fixed by Council (Scheduled Meetings)**

Subject to Rule 10, *Council* must from time to time fix the date, time and place of all Council meetings.

10. **Council May Alter Meeting Dates**

Council may change the date, time and place of any *Council meeting* which has

been fixed by it and must provide reasonable notice of the change to the public.

11. Meetings Not Fixed by Council (Unscheduled or Special Meetings)

- 11.1 The *Mayor* or at least 3 Councillors may by a *written* notice call a *Council meeting*.
- 11.2 The notice must specify the date and time of the *Council meeting* and the business to be transacted.
- 11.3 The *Chief Executive Officer* must convene the *Council meeting* as specified in the notice.
- 11.4 Unless all Councillors are in attendance and unanimously agree to deal with any other matter, only the business specified in the *written* notice can be transacted at the *Council meeting*.

12. Notice Of Meeting

- 12.1 A notice of meeting, incorporating or accompanied by an *agenda* of the business to be dealt with, must be delivered or sent electronically to every Councillor for all *Council meetings* at least 48 hours before the meeting.
- 12.2 Notwithstanding sub-Rule 12.1, a notice of meeting need not be delivered or sent electronically to any Councillor who has been granted leave of absence unless the Councillor has requested the *Chief Executive Officer* in *writing* to continue to give notice of any meeting during the period of their absence. Reasonable notice of each *Council meeting* must be provided to the public.
Council may do this:
- 12.2.1 for *meetings* which it has fixed by preparing a schedule of meetings annually:
- by listing the *Council meeting dates* on its website and;
 - arranging publication of such schedule in a newspaper generally circulating in the *municipal district* (if such a newspaper exists). either at various times throughout the year, or prior to each such *Council meeting*; and

- for any meeting by giving notice on its website and where timing for publishing a notice permits in at least one newspaper generally circulating in the municipal district (if such a newspaper exists)

13. Inability To Obtain A Quorum

If after 30 minutes from the scheduled starting time of any *Council meeting*, a quorum cannot be obtained:

- 13.1 the meeting will be deemed to have lapsed;
- 13.2 the Mayor must convene another Council meeting, the agenda for which will be identical to the agenda for the lapsed meeting; and
- 13.3 the Chief Executive Officer must give all Councillors written notice of the meeting convened by the Mayor.

14. Inability To Maintain A Quorum

- 14.1 If during any Council meeting, a quorum cannot be maintained then Rule 13 will apply as if the reference to the meeting is a reference to so much of the meeting as remains.
- 14.2 Sub-Rule 14.1 does not apply if the inability to maintain a quorum is because of the number of Councillors who have a conflict of interest in the matter to be considered.

Section 67 of the Act details the process to be followed where a quorum is unable to be maintained because of the number of Councillors who have a conflict of interest in the matter to be considered.

15. Adjourned Meetings

- 15.1 *Council* may adjourn any meeting to another date or time.
- 15.2 *Council* may only adjourn a meeting in session to another location if there is disorder or a threat to the safety of any Councillor or member of Council staff.

- 15.3 The *Chief Executive Officer* must give written notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.
- 15.4 If it is impracticable for the notice given under sub-Rule 15.3 to be in writing, the *Chief Executive Officer* must give notice to each Councillor by telephone or in person.

16. Time limits for Meetings

- 16.1 A *Council meeting* must not continue after 3 hours unless a majority of Councillors who are *in attendance* vote in favour of it continuing.
- 16.2 A meeting cannot be continued for more than 30 minutes at a time.
- 16.3 In the absence of such continuance, the meeting must stand adjourned to a time, date and place announced by the *Chair* immediately prior to the meeting standing adjourned. In that event, the provisions of sub-Rules 15.3 and 15.4 apply.

17. Cancellation or Postponement of a Meeting

- 17.1 The *Chief Executive Officer* may, in the case of an emergency necessitating the cancellation or postponement of a *Council meeting*, cancel or postpone a *Council meeting*.
- 17.2 The *Chief Executive Officer* must present to the immediately following *Council meeting* a written report on any exercise of the power conferred by sub-Rule 17.1.

18. Public Submissions

- 18.1 Submissions may be provided to Council from a Submitter where Council has called for Submissions in relation to a proposed decision
- 18.2 The CEO will decide if Submissions will be: -
- 18.2.1 heard at a Council Meeting, following consultation with the Mayor;
- 18.2.2 heard at a Council briefing session, following consultation with the Mayor;
- 18.2.3 heard at a meeting or hearing called by the CEO, in which case Councillors will be notified and invited to attend;

- 18.2.4 provided in writing, in which case Councillors will be provided a copy of any such Submission.
- 18.3 Submissions can only be provided by a person who is or by persons who are affected by the relevant decision of Council.
- 18.4 (Where Submissions are being heard in accordance with sub-rule 18.2 other than 18.2.4 the CEO, must advise the Submitters of the date, time, venue and protocols that apply.
- 18.5 Council must consider all Submissions received prior to consideration of the proposed decision, the subject of the Submission.

Division 3 - Business of Meetings

19. Agenda and the Order Of Business

The *agenda* for and the order of business for a *Council meeting* is to be determined by the *Chief Executive Officer* so as to facilitate and maintain open, efficient and effective processes of government.

19.1 Business to be considered at Scheduled Meetings

Unless determined otherwise by the CEO in consultation with the Mayor, the agenda for a Scheduled Meeting will include:

- 19.1.1 Welcome
- 19.1.2 Apologies and leaves of absence
- 19.1.3 Declarations of Conflict of Interest
- 19.1.4 Confirmation of previous minutes
- 19.1.5 Minutes of Advisory Committees, Community Asset Committees and other Committees of Council
- 19.1.6 Petitions.
- 19.1.7 Officer Reports
- 19.1.8 Notices of motion

19.1.9 Urgent Business

19.1.10 Councillor Reports

19.1.11 Confidential business.

19.2 Welcome and preliminaries.

19.2.1 Meeting preliminaries may include cultural ceremonial activities (such as acknowledgement of traditional owners, etc.)

19.2.2 Meeting preliminaries may be amended by Council resolution at any Scheduled Council Meeting or the annual Statutory Meeting

20. Change To Order Of Business

Once an *agenda* has been sent to Councillors, the order of business for that *Council meeting* may be altered with the consent of *Council*.

21. Urgent Business

If the *agenda* for a *Council meeting* makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of *Council* and only then if it:

21.1 relates to or arises out of a matter which has arisen since distribution of the agenda; and

21.2 cannot safely or conveniently be deferred until the next Council meeting.

22. Councillor Reports

22.1 Council may require a Councillor to provide an individual periodic report on the Councillors' Council-related activities.

22.1.1 The format and content of any Councillor Reports required under this rule will be determined by Council from time to time.

22.1.2 A Councillor Report does not require a resolution and is considered to be a personal statement by a Councillor, not a formal Council report.

22.1.3 A Councillor may speak to their Councillor Report for up to 3 minutes but no debate on Councillor Reports will be permitted.

22.2 A report can only be made under this rule if:

22.2.1 all Councillors have been notified of the intention to make the report at least 24 hours prior to the Scheduled Council Meeting at which it is to be raised; and

22.2.2 prior approval of the Chairperson has been obtained.

23. Councillors May Propose Notices Of Motion

Councillors may ensure that an issue is listed on an *agenda* by lodging a *Notice of Motion*.

24. Notice Of Motion

24.1 A *notice of motion* must be in *writing* signed by a Councillor and be lodged with or sent to the *Chief Executive Officer* at least one week before the *Council meeting* to allow sufficient time for the *notice of motion* to be included in agenda papers for a *Council meeting* and to give each Councillor at least 48 hours' notice of such *notice of motion*.

24.2 The *Chief Executive Officer* may reject any notice of motion which:

24.2.1 is vague or unclear in intention

24.2.2 it is beyond Council's power to pass; or

24.2.3 if passed would result in Council otherwise acting invalidly but must:

24.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

24.2.5 notify in *writing* the Councillor who lodged it of the rejection and reasons for the rejection.

24.3 The full text of any notice of motion accepted by the *Chief Executive Officer* must be included in the agenda.

24.4 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

24.5 Except by leave of Council, each notice of motion before any meeting

must be considered in the order in which they were entered in the notice of motion register.

24.6 If a Councillor who has given a notice of motion is absent from the meeting or fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

24.7 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses.

25. Chair's Duty

Any motion which is determined by the *Chair* to be:

25.1 defamatory;

25.2 objectionable in language or nature;

25.3 vague or unclear in intention;

25.4 outside the powers of Council; or

25.5 irrelevant to the item of business on the agenda and has not been admitted as urgent, or purports to be an amendment but is not,

must not be accepted by the *Chair*.

26. Introducing a Report

26.1 Before a *written* report is considered by *Council* and any motion moved in relation to such report, a member of *Council* staff may introduce the report

by indicating in not more than 2 minutes, unless the *Chair* indicates otherwise:

26.1.1 its background; or

26.1.2 the reasons for any recommendation which appears.

27. Introducing A Motion or an Amendment

The procedure for moving any motion or amendment is:

27.1 the mover must state the motion without speaking to it;

- 27.2 the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
- 27.3 if a motion or an amendment is moved and seconded the Chair must ask:
- 27.4 "Is the motion or amendment opposed? Does the mover wish to speak to the motion or amendment?"
- 27.5 if no Councillor indicates opposition and the mover has no desire to speak to it, the Chair may declare the motion or amendment carried without discussion;
- 27.6 if a Councillor indicates opposition or a desire to speak to it, then the Chair must call on the mover to address the meeting;
- 27.7 after the mover has addressed the meeting, the seconder may address the meeting;
- 27.8 after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting,) the Chair must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion;
- 27.9 Apart from the mover's right of reply referred to below, a Councillor may only speak once on the motion and once any amendment of a motion;
- 27.10 if, after the mover has addressed the meeting, the Chair has invited debate and no Councillor speaks to the motion, then the Chair must put the motion to the vote.
- 27.11 A Councillor may, with the leave of the Chair, ask a question for the purposes of clarification. In asking such questions Councillors must not offer opinions on the issue to be considered. Asking a question for the purposes of clarification will not be deemed as speaking to the motion.

28. Right Of Reply

- 28.1 The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 28.2 After the right of reply has been taken but subject to any Councillor exercising their right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

29. Moving An Amendment

- 29.1 Subject to sub-Rule 27.4 a motion which has been moved and seconded may be amended by leaving out or adding words. Any added words must be relevant to the subject of the motion.
- 29.2 A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment;
- 29.3 The mover of an amendment has no right of reply;
- 29.4 A motion to confirm a previous resolution of Council cannot be amended.
- 29.5 An amendment must not be directly opposite to the motion.

30. Who May Propose An Amendment

- 30.1 An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- 30.2 Any one Councillor cannot move more than two amendments in succession. How Many Amendments May Be Proposed
- 30.3 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time.
- 30.4 No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

- 31.1 If the amendment is carried, the motion as amended then becomes the motion before the meeting, and the amended motion must then be put.

31.2 The mover of the original motion retains the right of reply to that motion.

32. Withdrawal Of Motions

32.1 Before any motion is put to the vote, it may be withdrawn by the mover and seconder with the leave of Council.

32.2 If the majority of Councillors object to the withdrawal of the motion, it may not be withdrawn.

33. Separation Of Motions

Where a motion contains more than one part, a Councillor may request the *Chair* to put the motion to the vote in separate parts.

34. Chair May Separate Motions

The *Chair* may decide to put any motion to the vote in several parts.

35. Priority of address

In the case of competition for the right of speak, the *Chair* must decide the order in which the Councillors concerned will be heard.

36. Motions In Writing

36.1 The *Chair* may require that a complex or detailed motion be in writing.

36.2 Council may adjourn the meeting while the motion is being written or Council may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

37. Repeating Motion and/or Amendment

The *Chair* may request the person taking the minutes of the *Council meeting* to read the motion or amendment to the meeting before the vote is taken.

38. Debate Must Be Relevant To The Motion

38.1 Debate must always be relevant to the motion before the *Chair*, and, if not, the *Chair* must request the speaker to confine debate to the motion.

38.2 If after being requested to confine debate to the motion before the

Chair, the speaker continues to debate irrelevant matters, the Chair may direct the speaker to be seated and not speak further in respect of the motion then before the Chair.

38.3 A speaker to whom a direction has been given under sub-Rule 38.2 must comply with that direction.

39. Speaking Times

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:

39.1 the mover of a motion or an amendment which has been opposed: 5 minutes;

39.2 any other Councillor: 3 minutes; and

39.3 the mover of a motion exercising a right of reply: 2 minutes.

40. Addressing the Meeting

40.1 Except for the Chair, any Councillor or person who addresses the meeting must direct all remarks through the Chair..

40.2 Any person addressing the Chair must refer to the Chair as:

40.2.1 Mayor; or

40.2.2 Chair

as the case may be;

.....

40.3 All Councillors, other than the Mayor, must be addressed as Cr (name).

40.4 All members of Council staff must be addressed by their official title.

41. Right to Ask Questions

41.1 A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.

41.2 The Chair has the right to limit questions and direct that debate be commenced or resumed. Division 5 - Procedural Motions

42. Procedural Motions

- 42.1 Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 42.2 Procedural motions require a seconder.
- 42.3 A Procedural Motion cannot be debated or amended.
- 42.4 Notwithstanding any other provision in this Chapter, procedural motions must be dealt with in accordance with the following table:

**PROCEDURAL MOTIONS
TABLE**

Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
1. Adjournment of debate to later hour and/or date	That this matter be adjourned to *am/pm and/or *date	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	a) During the election of the Mayor/Deputy Mayor other than provide for in sub-rule 6.3.6. b) During the election of a <i>Chair</i> ; c) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	a) During the election of the Mayor/Deputy Mayor other than provide for in sub-rule 6.3.6 b) During the election of a <i>Chair</i> ;	Motion and any amendment postponed but may be resumed at any later meeting if on the agenda	Debate continues unaffected	Yes

			<p>c) When another Councillor is speaking;</p> <p>d) When the motion would have the effect of causing Council to be in breach of a legislative requirement</p>			
Procedural Motion	Form	Mover & Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
3. The closure	That the motion be now put	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	During nominations for <i>Chair</i>	Motion or amendment in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

4. Alter the order of business	That the item listed at xx on the agenda be considered before/after the item listed as xy	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the meeting	Items are considered in the order as listed in the agenda	No
Procedural Motion	Form	Mover & Secunder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
5. Extend speaking time	That the speaking time for the speaker be extended for x minutes	Any Councillor who is not the speaker	When the matter being considered is a procedural motion.	The speaking time for the speaker is extended by the time resolved by Council	The speaking time for the speaker is not extended and the next speaker is permitted to speak	Yes
6. Speaker no longer be heard	That the Councillor or committee member no longer be heard	Any Councillor	When the speaker is the chair carrying out a duty under these Rules or the Act	That the Councillor or committee member immediately stops speaking	The Councillor or committee member continues speaking	No

<p>7. To suspend a Councillor from a portion / remainder of a meeting</p>	<p>That Cr X be suspended from the remainder/ specified portion of the meeting in accordance with Governance Rule 62.2.1</p>	<p>Any Councillor</p>	<p>a. When Chair has not previously warned the Councillor concerned. b. When the Chair has already made a determination to suspend the Councillor under 62.2.2</p>	<p>The suspended Councillor immediately cease to take active part in the meeting for the period of the suspension</p>	<p>The Councillor continues to take active part in the meeting</p>	<p>No</p>
<p>Procedural Motion</p>	<p>Form</p>	<p>Mover & Seconder</p>	<p>When Motion Prohibited</p>	<p>Effect if Carried</p>	<p>Effect if Lost</p>	<p>Debate Permitted on Motion</p>
<p>8. Suspension of Standing Orders</p>	<p>'That Standing Orders be suspended to ...' (reason must be provided) Eg. To enable a longer discussion about xx To enable a presentation from xx</p>	<p>Any Councillor</p>	<p>When the Chair is responding to a procedural motion</p>	<p>The rules of the meeting are temporarily suspended for the specific reason given in the motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted</p>	<p>The meeting continues unaffected</p>	<p>No</p>

9. Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the meetings removed	The meeting cannot continue	No
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Procedural Motion	Form	Mover & Seconder	When Motion Prohibited	Effect if Carried	Effect if Lost	Debate Permitted on Motion
10. Consideration of confidential matter(s) (Close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the Local Government Act 2020 the meeting be closed to members of the public for the consideration of item xx	Any Councillor	During the election of the Mayor/Deputy Mayor	The meeting is closed to members of the public	The meeting Continues to be open to the public	Yes
11. Reopen the meeting	That the meeting be reopened to members of the public	Any Councillor		The meeting is reopened to the public	The meeting remains closed to the public	No

Division 6 – Rescission Motions

43. Notice of Rescission

It should be remembered that a notice of rescission is a form of notice of motion.

Accordingly, all provisions in this Chapter regulating notices of motion equally apply to notices of rescission.

43.1 A Councillor may propose a *notice of rescission* provided:

43.1.1 it is in writing;

43.1.2 the resolution proposed to be rescinded has not been acted on; and

43.1.3 the notice of rescission is delivered to the Chief Executive Officer

43.1.4 within 24 hours of the resolution having been made setting out -

- the resolution to be rescinded; and
- the meeting and date when the resolution was carried.

43.2 Any Councillor proposing a *notice of rescission* is required to provide written justification that must include one or more of the following:

- ii. The vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reasons; or
- iii. New information has become available which may affect the decision of *Council*; or
- iv. Some vital information was overlooked in *Council* forming its decision.

43.3 A *notice of rescission* must include the written endorsement of one other Councillor.

43.4 A resolution will be deemed to have been acted on if:

43.4.1 its contents have or substance has been communicated in writing

to a person whose interests are materially affected by it; or

43.4.2 a statutory process has been commenced

43.5 so as to vest enforceable rights in or obligations on Council or any other person.

43.5.1 The *Chief Executive Officer* or an appropriate member of Council staff must defer implementing a resolution which: has not been acted on; and

43.5.2 is the subject of a notice of rescission which has been delivered to the *Chief Executive Officer* in accordance with sub-Rule 42.1.3,

unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Sub-Rule 41.3 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

44. If Lost

If a motion for rescission is lost, a similar motion may not be put before *Council* for at least three months from the date it was last lost, unless *Council* resolves that the *notice of motion* be re-listed at a future meeting.

If Not Moved

45. If a motion for rescission is not moved at the meeting at which it is listed, it lapses.

May Be Moved By Any Councillor

46. A motion for rescission listed on an *agenda* may be moved by any Councillor *in attendance* but may not be amended.

47. When Not Required

47.1 Unless sub-Rule 46.2 applies, a motion for rescission is not required where

Council wishes to change policy.

47.2 The following standards apply if Council wishes to change policy:

47.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and

47.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.

Division 7 - Points of Order

47. Chair To Decide

The *Chair* must decide all points of order by stating the provision, rule, practice or precedent which they consider applicable to the point raised without entering into any discussion or comment.

48. Chair May Adjourn To Consider

48.1 The *Chair* may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

48.2 All other questions before the meeting are suspended until the point of order is decided.

49. Procedure For Point Of Order

A Councillor raising a point of order must:

49.1 state the point of order; and

49.2 state any section, Rule, paragraph or provision relevant to the point of order before resuming their seat.

50. Valid Points Of Order

A point of order may be raised in relation to:

50.1 a motion, which, under Rule 23, or a question which, under Rule 51, should not be accepted by the *Chair*;

50.2 a question of procedure; or

- 50.3 A matter which is:
- 50.3.1 contrary to these Rules;
 - 50.3.2 defamatory or offensive;
 - 50.3.3 irrelevant to the matter under consideration
 - 50.3.4 outside Council's power;
 - 50.3.5 constitutes improper behaviour;
 - 50.3.6 constitutes a tedious repetition of something already said;
 - 50.3.7 is an act of disorder; or
 - 50.3.8 is a statement that is verifiably incorrect.

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

51. Suspension of Standing Orders

- 51.1 To expedite the business of a meeting, *Council* may suspend standing orders.

The suspension of standing orders should be used to enable full discussion of any issue without the constraints of formal meeting procedure. Its purpose is to enable the formalities of meeting procedure to be temporarily disposed of while an issue is discussed.

- 51.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:
- 51.3 "That standing order be suspended to enable discussion on....."
- 51.4 No motion can be accepted by the Chair or lawfully be dealt with during any suspension of standing orders, other than a motion to resume standing orders.
- 51.5 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate

motion would be:

51.6 "That standing orders be resumed."

Division 9 – Petitions and Joint Letters

52. Petitions and Joint Letters

- 52.1 Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be made on any petition, joint letter, memorial or other like application until the next Council meeting after that at which it has been presented.
- 52.2 It is incumbent on every Councillor presenting a petition or joint letter to acquaint themselves with the contents of that petition or joint letter, and to ascertain that it does not contain language disrespectful to Council.
- 52.3 Every Councillor presenting a petition or joint letter to Council must:
- 52.3.1 write or otherwise record their name at the beginning of the petition or joint letter; and
 - 52.3.2 confine themselves to a statement of the persons from whom it comes, the number of signatories to it, the material matters expressed in it and the text of the prayer or request.
- 52.4 Every petition or joint letter presented to Council must be in writing (other than pencil), contain the request of the petitioners or signatories and be signed by at least 12 people.
- 52.5 Every petition or joint letter must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- 52.6 Any signature appearing on a page which does not bear the text of the whole of the petition or request may not be considered by Council.
- 52.7 Every page of a hard copy petition or joint letter must be a single page of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition or joint letter.

- 52.8 Electronic or online petitions, joint letters, memorials or like applications must contain the name and email address of each petitioner or signatory, which details will, for the purposes for Rule 51, qualify as the address and signature of such petitioner or signatory.
- 52.9 If a petition, joint letter, memorial or other like application relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.
- 52.10 A compliant petition will be included on the Agenda for the next available Scheduled Council Meeting with the names and addresses of the petitioners redacted. A summary report will contain the nature of the petition and the number of petitioners. Councillors will be provided with an un-redacted copy of the petition via confidential Agenda attachment.

Division 10 - Voting

53. How Motion Determined

To determine a motion before a meeting, the *Chair* must first call for those in favour of the motion and then those opposed to the motion, and must then declare the result to the meeting.

54. Silence

Subject to Rule 56, voting must take place in silence.

55. Recount

The *Chair* may direct that a vote be recounted to satisfy themselves of the result.

Casting Vote In the event of a tied vote, the *Chair* must exercise a casting vote.

56. How Votes are Cast

Voting on any matter is by show of hands or such other visible or audible means as the *Chair* determines.

57. Procedure For A Division

57.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a *Councillor* may call for a division.

57.2 When a division is called for, the vote already taken must be treated as

set aside and the division shall decide the question, motion or amendment.

57.3 When a division is called for, the Chair must:

57.3.1 first ask each Councillor wishing to vote in the affirmative to raise a hand and, upon such request being made, each Councillor wishing to vote in the affirmative must raise one of their hands or otherwise signify their support in a manner recognised by the Chair. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the affirmative; and

57.3.2 then ask each Councillor wishing to vote in the negative to raise a hand and, upon such request being made, each Councillor wishing to vote in the negative must raise one of their hands or otherwise signify their opposition in a manner recognised by the Chair. The Chair must then state, and the Chief Executive Officer or any authorised officer must record, the names of those Councillors voting in the negative.

57.3.3 Any Councillor which abstains from voting on the question, motion or amendment will be recorded as having abstained from voting.

Although a Councillor who abstains from voting on a matter will be recorded as so in a division section 61(5)(e) of the Act states that for the purposes of determining the result of a vote, a Councillor in attendance at the meeting who does not vote is taken to have voted against the question.

58. No Discussion Once Declared

Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

58.1 a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, Rule 58 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 58 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference, in sub- Rule 58.2, to discussion about a positive motion were a resolution has just been rescinded.

Division 11 – Minutes

59. Confirmation of Minutes

- 59.1 At every *Council meeting* the minutes of the preceding meeting(s) must be dealt with as follows:
- 59.1.1 a copy of the minutes must be delivered to each Councillor no later than 48 hours before the meeting;
 - 59.1.2 A Councillor can express opposition in regard to the items in the minutes on the basis that the record is incomplete or inaccurate;
 - 59.1.3 The Councillor who indicates opposition must specify the particular item or items in the minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record;
 - 59.1.4 if no Councillor indicates opposition, the minutes must be declared to be confirmed;
 - 59.1.5 a resolution of Council must confirm the minutes and the minutes must, if practicable, be signed by the Chair of the meeting at which they have been confirmed;
 - 59.1.6 unless otherwise resolved or required by law, minutes of a Delegated Committee requiring confirmation by Council must not be available to the public until confirmed by Council.

60. No Debate on Confirmation Of Minutes

No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which

they relate is questioned.

61. Deferral Of Confirmation Of Minutes

Council may defer the confirmation of minutes until later in the *Council meeting* or until the next meeting if considered appropriate.

62. Form and Availability of Minutes

62.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:

62.1.1 the date, place, time and nature of the meeting;

62.1.2 the names of the Councillors in attendance and the names of any Councillors who apologised in advance for their non-attendance;

62.1.3 the names of the members of Council staff in attendance;

62.1.4 any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 5;

62.1.5 arrivals and departures (including temporary departures) of Councillors during the course of the meeting;

62.1.6 each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);

62.1.7 the vote cast by each Councillor upon a division;

62.1.8 the vote cast by any Councillor who has requested that their vote be recorded in the minutes;

62.1.9 questions upon notice;

62.1.10 the failure of a quorum;

62.1.11 any adjournment of the meeting and the reasons for that adjournment; and

62.1.12 the time at which standing orders were suspended and resumed.

- 62.2 The *Chief Executive Officer* must ensure that the minutes of any *Council meeting* are:
- 62.2.1 published on Council's website; and
 - 62.2.2 available for inspection at Council's office during normal business hours.
- 62.3 Nothing in sub-Rule 62.2 requires *Council* or the *Chief Executive Officer* to make public any minutes relating to a *Council meeting* or part of a *Council meeting* closed to members of the public in accordance with section 66 of the *Act*. Division 12 - Behaviour

Division - 12 Conduct during meetings

63. Disorderly Conduct

- 63.1 The conduct of *Councillors* and members of *Delegated Committees* is governed by the *Act* and the *Councillor Code of Conduct*.
- 63.2 The *Chair* may call a break in a *Council Meeting* for either a short time, or to resume another day if the behaviour by *Councillors* or people in attendance at the *Council Meeting* are significantly disruptive.
- 63.3 The break referred to in sub-rule (2) is an adjournment and must be conducted in accordance with role of the *Chair* rules and *Notice for Adjournment of Meeting* rules.

64. Behaviour during Council Meetings

- 64.1 Having regard to the role of *Councillors* under the *Act* and in the interests of good governance, it is the responsibility of individual *Councillors* to exhibit good conduct in *Council Meetings*. *Councillors* should listen while others are speaking, avoid interrupting, be aware of their body language and use reasonable and temperate language in debates (no matter how contentious the topic may be).
- 64.2 If a *Councillor* engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the *Council Meeting* and prevents the conduct of *Council* business:
- 64.2.1 *Council* may, by *Resolution*, suspend that *Councillor* from a portion of the *Council Meeting* or from the remainder of the *Council Meeting* if the *Chair* has already warned the *Councillor* to cease that behaviour; or

- 64.2.2 The Mayor, under section 19 of the Act, at a Council Meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the Council Meeting for a period or the remainder of the Council Meeting.
- 64.3 When Council suspends a Councillor under sub-rule 62.2.1, or the Mayor directs a Councillor to leave the Council Meeting under sub-rule 62.2.2, the Councillor will take no active part in the portion of the Council Meeting from which they have been suspended.
- 64.4 If a Councillor has been directed to leave in accordance with sub-rule 62.2.2, the Minutes of the Council Meeting will record the time the Councillor left and if so allowed, the time the Councillor returned to the Council Meeting.
- 64.5 If a Councillor has been suspended from a Council Meeting or directed to leave in accordance with sub-rule 62.2 the Chair may ask the CEO, an Authorised Officer or a member of Victoria Police to remove the Councillor.

65. Public behaviour at the Meeting

- 65.1 Gallery to be Silent.
- 65.1.1 Visitors must not interject or take part in the debate of any item of business before the Council.
- 65.1.2 Silence must be always maintained by members of the public in the gallery.
- 65.2 Display of Posters, Banners, and Placards
- 65.2.1 A member of the public must not display any placards or posters in the Council Chamber or in any building where a Council Meeting is being, or is about to be held, except outside the entrance to the building.
- 65.2.2 A poster, banner or placard must not:
- Display any offensive, indecent, insulting, or objectionable item or words; or
 - Obstruct the entrance to the Council Chamber or a building where a Council Meeting is being or is about to be held; or

- Obstruct the view or physically impede any person.

65.2.3 The Chair or CEO may order and cause the removal of any poster, banner, or placard that is deemed by the Chair or CEO to be objectionable, disrespectful, or otherwise inappropriate.

66. Ejection of Disorderly Visitors - Chair May Remove

66.1 If a person, other than a Councillor, interjects or is gesticulating offensively during the Council Meeting, the Chair must direct;

66.1.1 the person to stop interjecting or gesticulating offensively; and/or

66.1.2 the removal of the person if they continue to interject or gesticulate offensively.

66.2 The Chair may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction given under these rules.

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens their authority in chairing the meeting.

66.3 The Chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

66.4 In giving effect to a person's removal under sub-rule 65.1.1 or material under sub-rule 65.1.2 the Chair may ask the CEO, an Officer or a member of Victoria Police to remove the person, object or material.

67. Chair or Chief Executive Officer May Close Disorderly Meeting

67.1 In accordance with section 66(2)(b) and (c) the Chief Executive Officer or the Mayor, or a Chair of a Delegated Committee, prior to or during the meeting, may close the meeting to the public if disorderly or other conduct

67.1.1 leads to a safety or security risk, or

67.1.2 necessitates it to enable the meeting to proceed in an orderly manner.

- 67.2 If the circumstance specified in sub-rule 66.1.1 or 66.1.2 applies, the meeting can only be closed to the public if the Council or Delegated committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.

The authorisation of the CEO to close a meeting in certain circumstances is provided in recognition of the CEO's responsibility under various workplace legislation to ensure the health and safety of Council officers.

68. Chair May Adjourn Disorderly Meeting

- 68.1 If the Chair is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the Council Meeting, they may adjourn the Council Meeting to a later time on the same day, or to some later day prior to the next Council Meeting, at a time and date and venue to be fixed as they think proper.
- 68.2 Any adjournment is to be done in accordance with rule 15 of these Rules.

69. Electronic Devices

- 69.1 Any person in attendance at a Council Meeting must ensure that their electronic device is turned off or switched to silent.
- 69.2 Media representatives must seek prior permission from the CEO to use recording devices during the Council Meeting and/or within the Council Chamber for the purposes of taking photos or providing social media updates.
- 69.3 Subject to sub-rule 67.2 the use of recording devices during the Council Meeting and/or within the Council Chamber for the purposes of audio or visual recording is prohibited. Media representatives and members of the public may access the live broadcasting or recording after the Council Meeting via Council's website.

70. Public addressing the Council

- 70.1 Members of the public do not have a right to address Council and may only do so with the consent of the Chair or by prior arrangement.

- 70.2 Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chair whenever called on to do so.
- 70.3 A member of the public in attendance at a Council meeting must not disrupt the meeting.

Division 13 – Additional Duties of Chair

71. The Chair's Duties And Discretions

In addition to the duties and discretions provided in this Chapter, the *Chair*:

- 71.1 must not accept any motion, question or statement which is derogatory, or defamatory of any Councillor, member of Council staff, or member of the community; and
- 71.2 must call to order any person who is disruptive or unruly during any meeting.

Division 14 – Physical and Remote Attendance

72. Mode of Attendance

- 72.1 Each notice of meeting must indicate whether the relevant *Council meeting* is to be conducted:
 - 72.1.1 wholly in person;
 - 72.1.2 wholly by electronic means; or
 - 72.1.3 partially in person and partially by electronic means (hybrid).
- 72.2 The indication in the notice of meeting must be consistent with any Resolution of *Council* that has expressed a preference for, or otherwise specified, when *Council* meetings are to be conducted:
 - 72.2.1 wholly in person;
 - 72.2.2 wholly by electronic means; or
 - 72.2.3 partially in person and partially by electronic means (hybrid)
 - 72.2.4 If a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic

means.

- 72.3 Any request made under sub-Rule 73.2.4 must:
- 72.3.1 Be in writing;
 - 72.3.2 Be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council meeting;
and
 - 72.3.3 specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.
- 72.4 The Chief Executive Officer must ensure that any request received in accordance with sub-Rule 69.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.
- 72.5 The Chief Executive Officer may approve and must not unreasonably refuse any request.
- 72.6 The Chief Executive Officer may approve a request received less than 6 hours prior to the commencement of the relevant Council meeting where there is a personal, health, family emergency or extraordinary circumstance.
- 72.7 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are in such an environment that facilitates participation in the Council meeting.
- 72.8 Without detracting from anything said in sub-Rule 69.8, a Councillor who is attending by electronic means must be able to:
- 72.8.1 hear the proceedings;
 - 72.8.2 see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;
 - 72.8.3 be seen by all Councillors, member of Council staff and members of the public who are physically present at the Council meeting,
and

72.8.4 be heard when they speak.

72.9 If the conditions of sub-Rule 69.8 cannot be met by one or more Councillors *attending a Council meeting*, whether because of technical difficulties or otherwise:

72.9.1 The Council meeting will nonetheless proceed as long as a quorum is present; and

72.9.2 The relevant Councillors (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting. The absence will be announced by the Chair to enable recording in the minutes.

Unless the *Council meeting* has been adjourned in accordance with *these Rules*.

72.10 Nothing in this Rule 69 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with sub-Rule 69.8 even if the Council meeting has already commenced or has continued in their absence.

72.11 Should the Chair lose visual or audio connection with the meeting, the Host will notify attendees and the meeting will be adjourned for a maximum period of 30 minutes to allow for the Chair to re-join the meeting.

If the *Chair* re-connects within 30 minutes, the *Chair* will restart the meeting.

If the *Chair* is unable able to reconnect within the 30 minute adjournment period the *Council meeting* is to be chaired by a Councillor who is present at the meeting and is appointed by a resolution of the *Council* to chair the meeting.

72.12 Should the CEO or a presenting officer's visual or audio disconnect the Chair may decide whether to adjourn the meeting to allow that attendee to reconnect.

Should the meeting be adjourned the same process for "Loss of Councillor's presence" should be followed.

72.13 Should a loss of all Councillors or attendees occur, and a quorum is not able to be regained within 30 minutes, then the meeting will be automatically adjourned. The remaining items will be held over until the next ordinary meeting or another meeting called for that purpose

73. Meetings Conducted Remotely

If a Council meeting is conducted wholly or partially by electronic means, the *Chair* may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

74. Live Streaming and Recording of Proceedings

74.1 Council Meetings will be livestreamed to the public made available through Council's Facebook Page. A recording of proceedings will also be available through the Council website and Council's Facebook page.

74.2 The Host may need to cease the electronic meeting or the livestream should any security threat or technical interruption occur.

74.3 The Host will co-ordinate the livestream and alert the meeting Chair if the livestream is interrupted or disconnected due to technical issues during the meeting.

The meeting will then be officially adjourned by the meeting chair for a maximum period of 30 minutes to resolve the technical issues. This will be minuted. Should the livestream not be able to be re-connected within 30 minutes the meeting will end and the remaining items will be held over until the next ordinary meeting or an additional meeting called for that purpose.

During adjournment all attendees should remain muted while attempts are made to reconnect the livestream.

Should the livestream be re-connected then the Host will inform the meeting chair who will restart the meeting.

74.4 To comply with its obligations under legislation (including but not limited to the Privacy and Data Protection Act 2014), Council maintains the right to cease transmission of live-streaming at any time in order to prevent the broadcasting of material that it deems to be:

74.4.1 defamatory;

74.4.2 disclosing personal, health or sensitive information about individuals;

74.4.3 offensive on the basis of race colour, national or ethnic origin;

74.4.4 vilification or inciting hatred on religious or racial grounds;

74.4.5 related to sex, drugs, violence or revolting or abhorrent phenomena, which is likely to cause offence to a reasonable person; and/or an

74.4.6 infringement of copyright.

Division 15 - Miscellaneous

75. Procedure not provided in this Chapter

In all cases not specifically provided for by this Chapter, resort must be had to the Standing Orders and Rules of Practice of the Upper House of the Victorian Parliament (so far as the same are capable of being applied to *Council* proceedings).

76. Criticism of members of Council staff

76.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a Councillor made at the Council meeting criticising the Chief Executive Officer or any member of Council staff.

76.2 A statement under sub-Rule 71.1 must be made by the Chief Executive Officer, through the Chair, as soon as it practicable after the Councillor who made the statement has resumed their seat.

Chapter 3 - Meeting Procedure for Delegated Committees

77. Meeting Procedure Generally

If *Council* establishes a *Delegated Committee*:

77.1 all of the provisions of Chapter 2 apply to meetings of the *Delegated Committee*; and

77.2 any reference in Chapter 2 to:

77.2.1 a Council meeting is to be read as a reference to a *Delegated Committee* meeting;

77.2.2 a Councillor is to be read as a reference to a member of the Delegated Committee; and

77.2.3 the Mayor is to be read as a reference to the Chair of the Delegated Committee.

78. Meeting Procedure Can Be Varied

Notwithstanding Rule 1, if *Council* establishes a *Delegated Committee* that is not composed solely of Councillors:

78.1 Council may; or

78.2 the Delegated Committee may, with the approval of Council

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the *Delegated Committee*, in which case the provision or those provisions will not apply until *Council* resolves, or the *Delegated Committee* with the approval of *Council* resolves, otherwise

79. Introduction

In this Chapter, "Instrument of Delegation" means an instrument of delegation made by the *Chief Executive Officer* under section 47(1)(b) of the *Act*.

80. Meeting Procedure

Unless anything in the instrument of delegation provides otherwise, the conduct of a meeting of a *Community Asset Committee* is in the discretion of the *Community Asset Committee*.

Chapter 5 - Disclosure of Conflicts of Interest

81. Definition

In this Chapter:

81.1 "meeting conducted under the auspices of Council" means a meeting of the kind described in section 131(1) of the Act, and includes a meeting referred to in Rule 1 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing' or by some other name); and

81.2 a member of a Delegated Committee includes a Councillor.

82. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which they:

82.1 are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the Council meeting immediately before the matter is considered; or

82.2 intend to attend must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

82.2.1 advising of the conflict of interest;

82.2.2 explaining the nature of the conflict of interest; and

82.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:

- name of the other person;
- nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those in attendance that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Council meeting* immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

Should an attendee declare a conflict of interest whilst *attending the Council meeting* through electronic means, then the meeting chair will pause to allow time for that attendee to be placed in the waiting room - a separated holding space where that attendee cannot participate in the main meeting. The Host will place that attendee in the waiting room upon the declaration. The Host will then notify the meeting chair when the meeting can resume.

The attendee will re-join the meeting at the invitation of the meeting chair at the end of the matter being heard. The meeting Host will be able to reconnect that attendee.

The attendee should remain at their screen and muted ready to return to the meeting when the item has been completed.

83. Disclosure of Conflict of Interest at a Delegated Committee Meeting

A member of a *Delegated Committee* who has a conflict of interest in a matter being considered at a *Delegated Committee* meeting at which they:

83.1 Are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the *Delegated Committee* meeting immediately before the matter is considered; or

83.2 Intend to attend must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Delegated Committee* meeting commences a written notice:

83.2.1 advising of the conflict of interest;

83.2.2 explaining the nature of the conflict of interest; and

83.2.3 detailing, if the nature of the conflict of interest involves a member of a *Delegated Committee's* relationship with or a gift from another person the:

- name of the other person;
- nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those *in attendance* that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The member of a *Delegated Committee* must, in either event, leave the *Delegated Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

Should an attendee declare a conflict of interest whilst *attending* the *Delegated Committee* meeting through electronic means, then the meeting chair will pause to allow time for that attendee to be placed in the waiting room - a separated holding space where that attendee cannot participate in the main meeting. The Host will place that attendee in the waiting room upon the declaration. The Host will then notify the meeting chair when the meeting can resume.

The attendee will re-join the meeting at the invitation of the meeting chair at the end of the matter being heard. The meeting Host will be able to reconnect that attendee

The attendee should remain at their screen and muted ready to return to the meeting when the item has been completed.

84. Disclosure of a Conflict of Interest at a Community Asset Committee

Meeting A Councillor who has a conflict of interest in a matter being considered at a *Community Asset Committee* meeting at which they:

- 84.1 Are in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the

Community Asset Committee meeting immediately before the matter is considered; or

84.2 intend to attend must disclose that conflict of interest by providing to the *Chief Executive Officer* before the *Community Asset Committee* meeting commences a written notice:

84.2.1 advising of the conflict of interest;

84.2.2 explaining the nature of the conflict of interest; and

84.2.3 detailing, if the nature of the conflict of interest involves a member of a Councillor's relationship with or a gift from another person the:

- name of the other person;
- nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and
- nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those in attendance that they have a conflict of interest and that a written notice has been given to the *Chief Executive Officer* under this sub-Rule.

The Councillor must, in either event, leave the *Community Asset Committee* meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

84.3 Should an attendee declare a conflict of interest whilst attending the *Community Asset Committee* meeting through electronic means, then the meeting chair will pause to allow time for that attendee to be placed in the waiting room - a separated holding space where that attendee cannot participate in the main meeting. The Host will place that attendee in the waiting room upon the declaration. The Host will then notify the meeting chair when the meeting can resume.

The attendee will re-join the meeting at the invitation of the meeting chair at the end of the matter being heard. The meeting Host will be able to reconnect that attendee.

The attendee should remain at their screen and muted ready to return to the meeting when the item has been completed.

85. Disclosure at a Meeting Conducted Under the Auspices of Council

A Councillor who has a conflict of interest in a matter being considered by a meeting conducted under the auspices of Council at which they are in attendance must:

- 85.1 disclose that conflict of interest by explaining the nature of the conflict of interest to those in attendance at the meeting immediately before the matter is considered;
- 85.2 absent themselves from any discussion of the matter; and
- 85.3 as soon as practicable after the meeting concludes provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given to those in attendance at the meeting.

86. Disclosure by Members of Council Staff Preparing Reports for Meetings

86.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:

- 86.1.1 Council meeting;
- 86.1.2 Delegated Committee meeting;
- 86.1.3 Community Asset Committee meeting

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the *Chief Executive Officer* disclosing the conflict of interest and explaining the nature of the conflict of interest.

86.2 The *Chief Executive Officer* must ensure that the Report referred to in sub- Rule 7.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

86.3 If the member of Council staff referred to in sub-Rule 7.1 is the *Chief Executive Officer*:

- 86.3.1 the written notice referred to in sub-Rule 7.1 must be given

to the Mayor; and

86.3.2 the obligation imposed by sub-Rule 7.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

87. Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

87.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.

87.2 If the member of Council staff referred to in sub-Rule 8.1 is the Chief Executive Officer the written notice must be given to the Mayor.

87.3 The staff member with the conflict of interest must then exclude themselves from the decision making process in relation to that matter, including any discussion on the matter and any action in relation to the matter.

88. Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

88.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest.

88.2 If the member of Council staff referred to in sub-Rule 9.1 is the Chief Executive Officer the written notice must be given to the Mayor.

88.3 The staff member with the conflict of interest must then exclude themselves from the decision making process in relation to that matter, including any discussion and any action in relation to the matter.

Chapter 6 – Miscellaneous

89. Confidential Information

89.1 If the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they will advise Councillors and/or members of Council staff in writing accordingly.

- 89.2 Information which has been identified by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be treated as confidential information.

DRAFT

Chapter 7 – Election Period Policy

Directorate:	Chief Executive Office
Responsible Manager:	Manager Governance, Property and
Risk Adoption:	Council
Date Adopted:	25 August 2020

Acknowledgement

Central Goldfields Shire Council acknowledges that we are situated on the traditional lands of the Dja Dja Wurrung people, and we offer our respects to their elders past, present and emerging.

1. Purpose

The purpose of this Policy is to ensure that the election for the Central Goldfields Shire Council is conducted in a manner that is ethical, fair and equitable, and publicly perceived as such.

This Policy will also facilitate the continuation of the ordinary business of local government in Central Goldfields Shire throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established election period conventions.

This Policy also commits Council during the election period to:

- Avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- Ensure public resources, including staff resources are not used in election campaigning in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

2. Application and Scope

This policy applies to Council, all Councillors, Delegated Committees, Community Asset Committees and Council staff.

3. Definitions

Act means the Local Government Act 2020.

CEO means Chief Executive Officer.

Chief Executive Officer includes an Acting Chief Executive Officer.

Election Period means in relation to a general election means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day, a period of 32 days.

Electoral Material means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing holding a meeting.

Electoral Matter means matter which is intended to, or likely to, affect voting in an election other than that which is prepared by the Returning Officer for the purposes of conducting the election.

Handbill means a small printed advertisement or other notice distributed by hand.

Publication includes any means of publication including letters and information on the internet and social media.

Significant Decision means a decision that significantly affects the municipality.

Any reference to a Councillor in this Policy is to be read as referring to an Administrator of Council.

4. General Provisions

4.1 Chief Executive Officer

The Chief Executive Officer must ensure, as far as possible, that:

- All Councillors and Council staff are informed of the application of this policy prior to the commencement of the Election period; and
- Matters of Council business requiring major policy or significant decisions are scheduled for Council to enable resolution prior to the commencement of the election period, or deferred where appropriate for determination by the incoming Council.

4.2 Decisions By Council

Section 69(2) of the Act prohibits any Council decision during the election period for a general election that:

- a) Relates to the appointment or remuneration of the Chief Executive Officer but not the appointment or remuneration of an Acting Chief Executive Officer;
- b) Commits the Council to expenditure exceeding one percent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
- c) The Council considers could be reasonable deferred until the next Council is in place;
- d) The Councils considers should not be made during an election period.

Section 69 (4) of the Act states that a decision made in contravention of a) or b) above is deemed to be invalid under the Act.

Section 69(3) of the Act also prohibits any Council decision during the election period for a general election or a by election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Council will avoid making decisions that significantly affect the municipality and unreasonably bind the incoming Council.

Council acknowledges that it has an ongoing responsibility to act in the best interests of the community. Where a delay in making a significant decision would result in a significant detriment to the municipality, Council may make an exception where the issue is:

- Urgent
- Cannot be reasonably deferred without major negative repercussions.

It is the responsibility of the CEO to determine if a matter is significant and urgent.

4.3 Council Meetings

Council meeting papers will be carefully vetted to ensure that no agenda item is included that could potentially influence voters' intentions at the forthcoming election or could encourage councillors and candidates to use the item as part of their electioneering.

4.4 Briefing Sessions

Briefing session meeting papers will be carefully vetted to ensure that no agenda item is included that could be perceived as a disadvantage to candidates.

4.5 Public Consultation and Events

Public consultation will not take place during the election period except where there is a legal obligation or the CEO determines that special circumstances exist.

Scheduling of Council events will be permitted but limited during the election period. Council events will only be organised and run by Council administration if they are part of the normal services or operation of the Council and the scheduling of the event during the election period is deemed appropriate.

Where events occur and whether or not a Councillor is to make a speech, Councillors will be conscious of the fact that they are representing Council and are not to use the opportunity for electioneering.

Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication.

4.6 Council Publications

4.7 Prohibition on publishing material that contains electoral material

Section 304(2) of the Act prohibits Council from printing, publishing or distributing any electoral material during an election period unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation. This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.

4.8 Approval Procedures for Council Publications during the Election Period

All proposed publications during the election period must be approved by the CEO, or someone authorised by the CEO for the purpose, that they comply with section 304(2) of the Act.

The CEO will determine if there is any electoral material in the proposed publication (other than factual election process information).

Should the proposed publication contain such information, it will be returned to the author for correction.

Should the proposed publication not contain such information, it will be approved for publishing and forwarded to the Manager Community Engagement.

4.9 Website

Material published on Council's website in advance of the election period is not subject to certification, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.

Councillor contact information will remain available on the website during the election period, but Councillor profiles will be removed.

Any material published on Council's website during the election period must be certified by the CEO.

4.10 Annual Report

The Annual Report will be compiled during the election period and will not contain any material that could be regarded as electioneering or inappropriately promotes individual Councillors. Information about Councillors will be restricted to names, contact details, titles, membership of Committees and other bodies to which they have been appointed by the Council.

4.11 Social Media

Any publication (comments or new content) on Council-managed social media sites during the election period must be certified by the CEO.

At the commencement of the election period, Council may advise social media subscribers that comments containing electoral material will be deleted.

Councillor's individual (personal) social media pages are not managed by Council and are not subject to the same provisions.

4.12 Council Resources

Public resources must not be used by Councillors or a member of Council staff in a manner that would influence the way people vote in elections. Council will ensure Council resources are not used inappropriately during the Council election and comply with the requirements of section 304 of the Act.

Council resources, including offices, Council staff, equipment, electronic equipment and stationery will be used exclusively for normal Council business during the election period, and will not be used in connection with any electioneering activity.

4.13 Use of Council Resources by Councillors

Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use. Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns.

Photocopying for election campaigning by Councillors or staff on office photo copiers is not permitted.

Databases and mailing lists held by the organisation remain the property of the Council and are therefore not available to members of the public, candidates or Councillors.

The organisation will not prepare or produce any materials associated with Councillors' individual election campaigns.

No Council logos, letterheads or other Council branding should be used for, or linked in any way to, a candidate's election campaign.

Councillors will not use Council issued mobile phone and email addresses for election campaigning purposes.

The use of Council's internet and intranet sites for any activity to do with election campaigning is prohibited. This includes linking Council websites to private candidate websites.

Access to the voters' roll is subject to the requirements of the Act and the Privacy and Data Protection legislation. A copy of the voters' roll will be provided to candidates by the Returning Officer. The voters' roll will be available for inspection during the election period at advertised times.

Council facilities booked for electoral campaigning purposes by Councillors, candidates or supporters or other persons during the election period will be let at the same rates to all hirers.

4.14 Staff Discretion

Staff must avoid assisting Councillors in ways that are, or could, create perception that staff are assisting Councillors in their election campaign.

If any staff member considers that a particular use of Council resources may influence voting in the election, or be perceived as influencing voting, or be perceived as being part of an election campaign, they must advise the CEO immediately.

4.15 Councillor Expenses Reimbursement

Reimbursement of Councillor's out-of-pocket expenses during an election period will only apply to costs that have been incurred in the performance of official Council duties as defined and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

4.16 Media

Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to certification by the CEO.

All official media statements during the election period will only be made by the CEO.

Media Releases or other media statements will not refer to specific Councillors or feature any photograph, quote from or name of incumbent Councillors during the Election Period. Where it is necessary to make or clarify any public statement, comment on sensitive or political issues or identify a spokesperson in relation to an issue, the matter must be referred to and approved by the CEO.

Media services, including media releases, will not be provided for individual Councillors by any Council officers, including the CEO, during the election period.

Media statements dealing with their election campaign must be issued by Councillors privately. Statements must be clearly communicated as personal opinion and not undermine the standing of the Council in the community.

Councillors must not use their position as an elected representative or their access to Council staff and resources to gain media attention in support of an election campaign.

4.17 Council staff

Staff must not provide advice or assistance in the preparation of media releases or other media statements that contain electoral material.

Staff must not make any public statement that can be interpreted as a political comment or have influence on the electoral process, public statement includes social media platforms. Council staff must make it clear when making comments related to the election that they are expressing their own views and not making an official comment.

It is critical that Council staff be, and appear to be, apolitical throughout the election period to maintain the confidence of the Council, Councillors and the community at all times throughout the electoral process.

4.18 Access to Information

4.19 Candidates

All election related enquiries from candidates or prospective candidates must be directed to the Returning Officer.

Staff must not provide any information to any candidate or prospective candidate that

is not publically available. If staff receive requests from candidates, or prospective candidates, for any information that is not publically available these requests must be forwarded to the Manager Governance, Property and Risk.

If the information requested is appropriate to be released to the candidate, the Manager Governance, Property and Risk will ensure that it is made available to all candidates, not just the candidate who requested the information. This is to ensure that all candidates have fair and equitable access to information.

4.20 Current Councillors

As Councillors must continue to perform their elected role during the election period, they may receive all necessary information for them to fulfil that role. Information that can be provided to Councillors includes:

- Information that is publicly and freely available - Council Plans, Annual Reports, strategies, policies etc.;
- Information and advice provided by Council's management as part of Council meeting agendas; and
- Briefing papers in relation to matters to be decided upon at forthcoming Council meetings.

Any information provided to Councillors must be necessary to the carrying out of the Councillor's role and must not be used for election purposes.

Requests for information which require significant resources to be devoted to making a response or which might be perceived to support an election campaign must be referred to the CEO or the Manager Governance, Property and Risk for consideration.

4.21 Displaying Electoral Material

Electoral material, including pamphlets, posters and notices must not be visible or available at any council premises, including libraries, during the election period. The only exception to this is material issued by the Returning Officer for the purpose of conducting the election.

4.22 Use of Title

Councillors may use the title 'Councillor' in their election material as they continue to hold the positions in the period; however to avoid confusion, Councillors must ensure that any election publication using the title Councillor clearly indicates that it is their own material and has not been produced or endorsed by Council.

5 Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in

the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

6 Relevant Legislation and Council Policies

- Local Government Act 2020
- Councillor Code of Conduct

Appendix 3 – Flow Chart of Motions



Warning – uncontrolled when printed – the current version of the document is kept in Council's Records Management System



8.2.2

Locker 11
 Victorian Pride
 Centre 79-81
 Fitzroy Street St
 Kilda, Victoria 3182
vicpridelobby.org

24 September 2023

Via email: melissa.hill@cgoldshire.vic.gov.au

Dear Melissa,

Re: Central Goldfields Draft Governance Rules 2023

Thank you for the opportunity to respond to the community consultation on the Central Goldfields Draft Governance Rules 2023. We apologise for the lateness of this submission.

The Victorian Pride Lobby is a community based advocacy group that works towards equality, social justice and advancing human rights for lesbian, bisexual, queer, gay and same-gender attracted Victorians. In 2020, the Lobby launched the Rainbow Local Government campaign to recruit and support LGBTIQ+ candidates and allies to increase diversity and champion change on LGBTIQ+ issues in local government.

We welcome the addition of public submissions in the Central Goldfields Draft Governance Rules. This meets the requirements of the *Local Government Act 2020* to ensure that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered.

However, we believe the words "where Council has called for Submissions" should be deleted from proposed clause 18.1, as persons who would be affected by a decision of Council should be entitled to make a submission on it regardless of whether Council has called for submissions or not. We also question the consistency of clause 18 with clause

71.1 that stipulates that "members of the public do not have a right to address Council and may only do so with consent of the Chair or prior arrangement."

Furthermore, we also believe it is important that Central Goldfields Governance Rules allow for public questions to be asked at Council meetings. This ensures that members of the community are able to ask public questions of Council and receive a public response to those questions.

Finally, we are concerned about the implications of clause 66.2 concerning the display of posters, banners and placards. For example, clause 66.2.3 could empower the Mayor to remove a pride flag from the Council Chamber if they deemed it to be "objectionable" and clause 66.2.1 prevents a poster about occupational health and

safety being on the wall of the Council Chamber.

In our view, this clause fails to give proper consideration to the right to freedom of expression in section 15 of the *Charter of Human Rights and Responsibilities Act 2006*.

Thank you for your consideration. We welcome any opportunity to work together to ensure that the consultation responds to the needs of LGBTIQ+ people who live, work and recreate in Central Goldfields.

Yours sincerely,

Austin Fabry-Jenkins and Liam Elphick
Co-Convenors, Victorian Pride Lobby

8.3 PROPERTY LEASING AND LICENSING REVIEW 2023

Author: **Manager Governance Property and Risk**

Responsible Officer: **General Manager Corporate Performance**

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

The report presents for information the *Draft Property Leasing and Licensing Policy* (formerly *Property Occupancy Policy*) - 2023 Review.

The purpose of the *Property Leasing and Licensing Policy* is to comply with all legislation associated with property, leasing and licencing and ensure Council has transparent processes in relation to its leasing and licencing practices.

RECOMMENDATION

That Council adopt the *Property Leasing and Licensing Policy – 2023* review as presented.

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 - Our Community's Wellbeing

The Community's vision 4. Good planning, governance, and service delivery

4. Transparent decision making;

BACKGROUND INFORMATION

The *Property Occupancy Policy* was due for review in November 2022, but was unable to be reviewed until the recruitment of a *Property and Risk Officer*. The review was undertaken in the context of the commencement of an overall property management review.

REPORT

The new policy has been written as a principles-based document and is designed to give any person, prospective tenant, or *Community* member a comprehensive and overarching understanding of the principles under which Council will enter leasing and licensing arrangements for property it owns or manages.

Guidelines and procedures are being developed concurrently to ensure Council and

community have a clear and mutual understanding of the processes that will be undertaken when entering into a lease or license.

The new Policy is also designed to provide current lease and licence holders relevant information including legislative and procedural expectations at the renewal or end of their leases.

The changes are designed to maximise tenancies, income, and relationship in the community in relation to the Council's property portfolio.

The adoption of the Policy is a critical step in allowing Council to move forward with sorting, updating and renewing leases that are in overholding and allow a return on investment (ROI) on the properties currently being underused.

The new Policy has removed areas that have no direct bearing on the principles of leasing and licensing and substituted more concise and relevant information to understand what will be required and why. Detailed legislative requirements and processes will be included in the guidelines and procedures.

The removal of some aspects of the current Policy have been moved to the Guidelines as they present more specific information, relevant to a person/entity in negotiations or at the point of signing a lease.

None of the original information has been lost but rather put into a more relevant format and document.

To ensure the scope of the Policy remains clear and to ensure consistent application of the principles therein, it is proposed to name it the Property Leasing and Licensing Policy.

Proposed Changes

Material changes to the existing policy include:

- Changing the title to Property Leasing and Licensing Policy to ensure the focus of managing the properties remains on consistent and appropriate leasing and licensing arrangements which clearly articulate the roles and responsibilities of Council and lessees/licensees.
- Removed procedures to provide for a document that sets out the principles under which licences and leases will be entered into. Procedures and handbooks are under development to assist officers and lessees/licensees work together in line with the Policy.
- Principles for the classification of different users are to be included in the policy, but calculations for fees and rents will be included in the guidelines, to be approved annually, allowing for agility in Council responding to regulatory or market changes.
- Addressing legal obligations in managing residential tenancies.

CONSULTATION/COMMUNICATION

The draft Policy was approved for release for Community Consultation at the August Council Meeting and was promoted as follows:

- Council's Engage website
- Advertising in the weekly news update in the Maryborough Advertiser
- CEO presented at a community workshop in September.

No feedback was received from the community.

Consultation directly with user groups, license holders and lessees will continue as procedures and handbooks are developed.

FINANCIAL & RESOURCE IMPLICATIONS

The development of the Policy is met from existing budgets.

RISK MANAGEMENT

This report addresses Council's strategic risks:

- Financial sustainability - Failure to maintain our long term financial sustainability
- Governance - Failure to transparently govern and embrace good governance practices
- Property and Assets - Failure to maintain, renew and expand our assets in a timely and robust way, that considers service and delivery needs

The adoption of the revised Property Leasing and Licensing Policy mitigates the risk of inappropriate, inconsistent, and unfair use of Council owned and managed properties through providing a clear outline of the Council's Policy in relation to its property portfolio.

The implementation of the Policy will also provide opportunities to assess revenue and potential capitalisation.

Adding Guidelines and Procedures should also further strengthen Council's position and will provide a basis for all staff to have relevant conversations with the Community and ensure that there are no misunderstandings when negotiating leases and licences.

CONCLUSION

The Policy provides for consistent, principles-based approach to managing leases and licenses across Council-owned and managed facilities, and it will be presented to Council for consideration for adoption at its October meeting.

ATTACHMENTS

8.3.1 Property Leasing and Licensing Policy - 2023 Review

8.3.1 PROPERTY LEASING AND LICENCING POLICY

Directorate: Corporate Performance

Responsible Manager: Manager Governance, Property and Risk

Review Due: October 2026

Adoption: Choose an item.

Date Adopted:

Acknowledgement

Central Goldfields Shire Council acknowledges and extends appreciation for the Dja Dja Wurrung People, the Traditional Owners of the land that we are on.

We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung People.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

1. Purpose

The purpose of this policy is to provide the framework of the management of Council's leases and licences, over both its owned and managed assets, in a consistent, fair and transparent manner.

2. Application and Scope

This Policy applies to all Council owned and managed assets, including Crown Land where the Council is the designated Committee of Management and any other assets the Council has control over where an occupancy or usage arrangement is to be offered.

The Policy recognises that Council cannot exceed the powers conferred on it through Victorian government legislation and that Council is also guided by the advice and policies of various government agencies. Council must have Department of Energy, Environment and Climate Action (DEECA) approval for any lease or Licence of Crown Land, and this may be subject to an expression of interest (EOI), tender or advertising process to satisfy all statutory and legislative requirements.

Agreements covered by this policy include:

- Leases
- Licences - including Seasonal Agreements
- Community Asset Committee Instruments - (see the Community Asset Committee Policy and individual Instruments for further information)

3. Definitions

Agreement means the Agreement providing rights granted for occupancy of a property.

The Act means the *Local Government Act 2020*

DEECA Agreement means the Department of Energy, Environment and Climate Change or its successor.

Council Managed Land means Crown Land managed by Council as the designated Committee of Management but not owned by Council. It may also include buildings or other assets located on this land.

Council owned land means Land owned by Council in freehold. This may also include buildings or assets located on this land.

Council means the Central Goldfields Shire Council and any successor in law and also includes the Chief Executive Officer employed by the Council and all other staff employed by the Chief Executive Officer.

Lease means a contract by which one party (Landlord/Lessor) grants a right to another (Tenant/Lessee) to exclusive possession of lands, building, property or part thereof for a specified time, in return for rental payments.

Licence means a contract by which one party (Licensor) grants a contractual right to another (Licensee) to non-exclusive possession of lands, building, property or part thereof for a specified time, in return for payment of a licence fee.

Tenant means a person, occupant or entity with a lease, licence or other agreement to use Council owned or managed land and for the purposes of this policy, includes seasonal agreements.

Community Asset Committee means a Community Asset Committee established under s65 of the *Local Government Act 2020* for the purpose of managing a community asset in the municipal district.

4. POLICY

4.1. Governance

All Leases, Licences, Seasonal Agreements and Community Asset Committees will be managed by the Property and Risk unit and any issue of leases and licences will be in accordance with this Policy, any applicable legislation and the Council's Licences and Leasing procedures and regulations.

4.2. Management Principles

Council is the owner and manager of a significant number of property assets contained within its property portfolio. Well maintained and managed property assets present a significant benefit to the Community and to Council.

Council will manage this benefit by promoting:

- A consistent, equitable and transparent process
- Shared, flexible and multi-use assets as the preferred option to maximise community benefit and financial responsibility
- Social inclusion and active community participation
- Sound governance and effective administration
- Risk management.

To ensure maximum return to the Community on property owned or managed by Council:

- Council must strive to ensure its property portfolio is performing and providing the maximum return measured by varying outcomes.
- Outcomes derived from offering tenancy of the Council property portfolio must be considered in accordance with expectation of revenue and community benefit.
- Private use when a lease or license is due for renewal is not guaranteed beyond any conditions of overholding. Tenure arrangements will be structured to reflect the management principles of this policy particularly as they pertain to community benefit.

4.3. Tenant selection, Negotiations, Overholding

The assessment and selection of suitable Tenants must be in line with the Council Plan, associated Policies and Strategies, Stakeholder expectations and DEECA guidelines, for the provision of services and other benefits to the community.

The Council promotes inclusion and diverse representation within Council facilities and extends these expectations to Lease and Licence holders, and Community Asset Committees.

Selection of a tenant may be required if a Council building, or part of a building becomes vacant. There may also be a requirement to assess an existing tenant whose agreement has expired, before offering a new agreement.

Where the property is Crown land and only managed by Council, Council will be required to follow the guidelines as set down by DEECA. This may require Council to advertise the lease or undertake an Expression of Interest (EOI) process and tenant selection will then be in line with those guidelines.

The Council recognises some tenants have historical affiliations with assets they currently have agreements with however do not guarantee that current or historical tenants will be offered new agreements.

Council has several residential properties, managed by Community Asset Committees and under their Instruments of Delegations, they are required to adhere to the requirements of the Residential Tenancies Act 1997, Residential Tenancies Amendment act 2018 & the Residential Tenancies Amendment Regulation 2021. Selection of a tenant Must be in line with the requirement of the Instrument of Delegation. If Council is required to make the final determination, it will at Councils' sole discretion and the decision will be made in-line with Council plans, policies and procedures.

Negotiation of a new agreement shall be finalised within six months of the agreement expiring.

Under certain circumstances agreements may be allowed to go into overholding. The overholding period will be at the Council's sole discretion.

4.4. Available instruments for leasing/licencing

When considering the appropriate occupancy agreement for Council owned and managed assets, including Crown Land where the Council is the designated Committee of Management and any other assets the Council has control over where an occupancy or usage arrangement is to be offered, the best instrument to use for the circumstances will be at Council's sole discretion. Council has several instruments to choose from, including:

1. Lease
2. Licence (including
3. Seasonal Use agreement
4. Council appointed Community Asset Committee

4.5. Policy and Legislation

All agreements will have regard to, and consideration of, other Council adopted Policies and Statutory requirements, applicable acts and the Local Government Act 2020 Section 115. Any Agreement will be negotiated with the Tenant and all rights and responsibilities will be included in that agreement.

A comprehensive list of Council Policies and relevant Legislation has been included at the end of this Policy for reference.

4.6. **Community Asset Committees**

While Community Asset Committees (CACs) cannot in their own right enter into leasing or licensing agreements with third parties, Council will work closely with CACs to ensure lease and license arrangements for facilities managed by CACs align with the CAC's purpose and aims. Leases and licenses for facilities managed by CACs will be managed by Council in line with this Policy.

4.7. **Rental Categories, Rental rates and license fee**

Rent or licence fees charged for premises will be set at the discretion of the Council in line with one of the following rental categories, used in establishing the rental value applied to a property:

- **Community**

A not-for-profit organisation which provides services to the Central Goldfields Shire Community or a group that has been established for the benefit of the community of the Central Goldfields Shire Council.

- **Commercial/Private**

An organisation, including incorporated body, co-operative society, partnership, sole trader or individual conducting activities for the purpose of deriving a financial return to the proprietors or shareholders, or for the sole purpose of personal use and/or gains.

The level of subsidy and market rental will be a key consideration in the assessment of rental by the Council and must be approved by the relevant Manager and/or General Manager or CEO.

Rent or licence fees will always be reviewed in accordance with the specific terms of Agreements.

4.8. **Insurance, Maintenance, and**

Reporting Insurance

All tenants are required to hold current Public Liability Insurance to a value determined by Council as detailed in their agreement, except where the Tenancy is a Residential Tenancy. A copy of the Public Liability Insurance is

to be provided to Council on an annual basis as evidence of cover.

All tenants must hold current insurance for contents or equipment owned or controlled by them at the Council property, except where the tenancy is a Residential tenancy. Council will determine its requirements regarding insurance, maintenance and reporting requirements in leases and licences according to Council's Risk Framework.

Maintenance

Tenants of Council land and/or buildings are required to maintain the subject Property in accordance with the Maintenance Schedule attached to their agreement.

The agreement schedule will specify the responsibilities of Council and the tenant/s regarding maintenance of land and/or buildings. Council reserves the right to negotiate maintenance responsibilities and costs.

The Tenants will be responsible for keeping the land and/or buildings clean, in good condition and perform incidental maintenance not requiring a skilled tradesperson, except where the tenancy is a residential tenancy.

Reporting and Inspections

Tenants may be required to provide various reports as a condition of their Agreement, which may include but is not limited to;

- annual report (including office bearers, financial statements);
- a list of hirers that used the premises in the previous financial year;
- business plan or strategy.

All tenants will be required to complete an annual building assessment/condition report of the premises on the relevant form provided by Council.

Council will undertake Essential Safety Measures (ESM) checks on all premises in accordance with the Building Regulations 2018 and reserves the right to inspect a premises annually or more frequently as required, in consultation with the Tenants.

5. Policy is not a standalone Document

This policy should be read in conjunction with the Leasing and Licencing Guidelines documents.

6. Review

This Policy must be reviewed a minimum of once every 4 years.

7. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

8. Relevant Legislation and Council Policies

Legislation

- *Crown Land (Reserves) Act 1978*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Land Act 1958*
- *Residential Tenancies Act 1997, Residential Tenancies Amendment Act 2018 and Residential Tenancies Amendment Regulations 2021*
- *Retail Leases Act 2003*
- *Leasing Policy for Victorian Crown Land 2023*

Associated Documents

- Risk Management Policy
- Asset Management Policy and Plan
- Approved Master Plans
- Capital Works Program
- Council Plan 2023 - 2025
- Community Engagement Policy
- Standard Council Lease and Licence Templates
- Standard DEECA Lease and Licence Templates
- Child Safe Standards

8.4 DISPOSAL OR SALE OF COUNCIL ASSETS AND LAND POLICY UPDATE

Author: **Manager Governance Property and Risk**

Responsible Officer: **General Manager Corporate**

Performance

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

The report presents for information the *Draft Sale of Council Assets and Land Policy - 2023 Review*.

The purpose of the *Draft Sale of Council Assets and Land Policy 2023* is to comply with all legislation associated with the sale of Council assets and land.

RECOMMENDATION

That Council adopt the *Disposal or Sale of Council Assets and Land Policy – 2023 Review* as presented.

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 - Our Community's Wellbeing

The Community's vision

- 4. Good planning, governance, and service delivery
- 4. Transparent decision making

REPORT

Central Goldfields Shire Council (Council) own and/or manage assets, including Land and Buildings, Public Open Space and Plant and equipment within Central Goldfields Shire.

Within those asset holdings there are numerous identified Council freehold land parcels that have the potential to be divested in the future.

The current *Disposal or Sale of Council Assets and Land Policy* was written in accordance with the *Local Government Act 1989*. Due to the enactment of the *Local Government Act 2020*, the Policy requires update at least in part e.g., references to Section 223 of the *Local Government Act 1989* allowing for submissions, now superseded by the *Local Government Act 2020* requirement to undertake Community Engagement in line with the Council's Community Engagement Policy.

The Disposal or Sale of Council Assets and Land Policy was due for review in December 2019.

The policy fully explains Council's position on the approach to the disposal or sale of Council Assets and Land to the Community but has been updated to include provisions in the new Act.

The updated policy also reflects the updated Council policy template.

CONSULTATION/COMMUNICATION

The draft Policy was approved for release for Community Consultation at the August Council Meeting and was promoted as follows:

- Council's Engage website
- Advertising in the weekly news update in the Maryborough

Advertiser No feedback was received from the community.

FINANCIAL & RESOURCE IMPLICATIONS

The development of the Policy is met from existing budgets.

RISK MANAGEMENT

This report addresses Council's strategic risks:

- Financial sustainability - Failure to maintain our long term financial sustainability
- Governance - Failure to transparently govern and embrace good governance practices
- Property and Assets - Failure to maintain, renew and expand our assests in a timely and robust way, that considers service and delivery needs

The adoption of the Disposal or Sale of Council Assets and Land Policy will mitigate the risk of inappropriate, inconsistent, and unfair sale or disposition of Council owned and managed assets by providing a clear outline of the Council's Policy in relation to its asset disposal or sale requirements.

The development and implementation of the Policy will also provide opportunities to assess revenue and potential capitalisation.

CONCLUSION

The Draft Policy is compliant with the Local Government Act 2020 and provides a compliant framework for the disposal or sale of assets.

ATTACHMENTS

- 8.4.1 Disposal or Sale of Council Assets and Land Policy - 2023 Review

6.11.1 DISPOSAL OR SALE OF COUNCIL ASSETS AND LAND POLICY

Directorate:	Corporate Performance
Responsible Manager:	Manager Finance
Review Due:	Month Year
Adoption:	Choose an item.
Date Adopted:

Acknowledgement

Central Goldfields Shire Council acknowledges and extends appreciation for the Dja Dja Wurrung People, the Traditional Owners of the land that we are on.

We pay our respects to leaders and Elders past, present and emerging for they hold the memories, the traditions, the culture and the hopes of all Dja Dja Wurrung People.

We express our gratitude in the sharing of this land, our sorrow for the personal, spiritual and cultural costs of that sharing and our hope that we may walk forward together in harmony and in the spirit of healing.

1. Purpose

The purpose of this policy is to:

- define the process for identifying and proceeding with the disposal or sale of Council owned assets and land;
- endorse the approach that the proceeds from any sale of Council assets should be reinvested in assets by being used to fund and support the annual Capital Budget for Council.
- establish guidelines for the application of proceeds for the various classes of major assets; and
- provide a basis for Council consideration of setting aside funding for a particular project.

2. Background

It is recognised that a municipality's standards and developments change or evolve over time and some assets may become redundant or surplus to Council's needs. Council will, over time, carry out a strategic review of its asset and property holdings and may make a determination that some assets are excess to Council's needs. This policy is designed to provide a framework for the disposal and/or sale of Council assets. It is also designed to:

- endorse the approach that the proceeds from any sale of Council assets should be directly used in the acquisition of new assets or the enhancement of existing assets; and that asset sale proceeds may not be utilised for recurrent/operational purposes.
- establish guidelines for the application of proceeds for the various classes of major assets including the process required to be followed in determining whether assets are surplus to Council's requirements.

3. Scope

This policy applies to all fixed assets or property no longer required by Council for strategic or operational purposes and which have been identified for potential sale, transfer, exchange or disposal. The policy includes reference to the following fixed assets:

- a) Land and buildings;
- b) Public open space;
- c) Plant and equipment.

4. Definitions

Asset means a resource controlled by Council, from which it expects to derive economic benefits or use for service delivery to the community over a period extending beyond one financial year. The asset carrying value is the asset value (cost or valuation) less any accumulated depreciation and accumulated impairment loss.

Best Practice Guidelines means Local Government Best Practice Guideline for Sale/Exchange of Land June 2009, as amended, prepared jointly by Local Government Victoria and the Government Land Monitor and the Department of Planning and Community Development. The Guidelines provide guidance to Council on the sale, exchange or transfer of Council Land and should be followed.

Council means the Central Goldfields Shire Council.

Council owned Land means Council owned land including vacant land, discontinued roads and any building and development thereon.

LGA means the Local Government Act 2020 as amended from time to time.

Open space reserve (monetary/cash reserve) means a reserve set aside for any funds received from the sale of public open space which includes any land set aside in a plan or land in a plan zoned or reserved under a planning scheme:

- for public recreation or public resort; or
- as parklands; or
- for similar purposes as defined in the Subdivision Act 1988.

Plant and Equipment means major items of plant and equipment in excess of \$50,000 written down value.

Road means a road as defined in section 3 of the LGA. The term "road" includes, but is not limited to, a **Right of Way (ROW)**, a street, a laneway or a footpath.

Valuer means a person with suitable qualifications and experience as specified in the Valuation of Land Act 1960.

5. Council Assets (not including Land and Plant)

5.1. Sale Process

From time to time, Council will review its asset holdings and identify any surplus assets for consideration of sale.

In identifying any potential surplus Council owned assets, a report shall be presented to Council providing all relevant information regarding the asset identified for potential sale including environmental and planning issues and shall include a proposed process for undertaking both consultative and/or statutory processes under the Local Government Act 2020, including provisions for Council to undertake appropriate community consultation related to the proposed sale.

The decision to proceed to offer specific assets for sale (excluding Right of Ways and Road Discontinuances) rests exclusively with Council and will always require a Council Resolution.

5.2. Proceeds of Sale

The proceeds from any sale of surplus Council assets are subject to the following guidelines:

- a) trading the equipment to suppliers; or
- b) obtaining expressions of interest from interested buyers; or
- c) selective tender from an identified group of buyers; or
- d) public tender - openly seeking buyers using the tender process (including third party provider); or
- e) public auction - advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- a) the method likely to return the higher value net of disposal costs; and
- b) the current written down value (book value) of the asset; and
- c) compliance with relevant statutory obligations.

The sale of each item of plant and equipment is to be subject to a minimum reserve price to be approved by the Manager Finance.

5.3. Application of Sale Proceeds

Application of proceeds of sale: Council must apply the sale proceeds of a community asset to either the establishment of a new asset or major refurbishment of an existing asset via the annual Capital Budget as part of the Council Budget.

Allocation of asset sale proceeds: Allocation of asset sale proceeds to an appropriate capital project can only occur via either an Annual Budget process or Mid-Year Budget process where the highest and best use of funds can be determined in reference to all potential capital projects.

Proceeds from the sale of assets must be received by Council prior to the expenditure allocation being determined.

6. Council Owned Land

6.1 Sale Process

All sales, exchanges and transfers of land are required to comply with the provisions of the Local Government Act 2020 and the Council's Community Engagement Policy. Sales are to be conducted through a public process (i.e. public auction, public tender or by registration of expressions of interest (EOI)) unless circumstances exist that justify an alternative method of sale, (for example the sale or exchange of land by private treaty).

All sales and exchanges of land should occur at not less than the market value as assessed by a suitably qualified and experienced Valuer.

Land will not be sold for less than the market value, unless there are some significant and independently verified alternate community benefits derived by the sale of the land.

Any proposal to sell the land at a reduced sale price must be reported to Council for consideration, providing commentary, including an independent assessment, of the alternate benefits derived by a sale at a reduced sale price.

Such benefits may include the achievement of planning and development goals, educational or medical benefits to the community, or some other significant strategic goal of Council.

Section 114 (2) of the Act requires Council to do certain things prior to selling or exchanging land, which are:

- a. to give at least four weeks public notice of an intention to sell or exchange land
- b. undertake a community engagement process in accordance with Council's community engagement policy, and
- c. obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960, a valuation of the land which is made not more than 6 months prior to the sale or exchange.

Additionally, Council will institute the process to sell land no more than 6 months after the notice of intention to sell has been advertised.

6.1.1 Sale of Land and Planning / Permit Approvals

Where a prospective purchaser requests that a potential sale is subject to the approval (by Council) of an associated Planning Permit, Council will make absolutely clear that it will not contemplate entering in to such an arrangement.

6.1.2 Sale of Land - Discontinued Roads

The sale of land that forms part of a road that has been discontinued is subject to the provisions of the LGA except for the requirement for public consultation under Council's Community Engagement Policy.

Prior to considering the discontinuance and sale or transfer of roads or ROWs or the removal of reserve status and the subsequent sale, transfer or exchange of land, officers will consider if land is required for any of the following purposes:

- there is an ongoing need for the land to provide either vehicular or pedestrian access.
- the land has strategic value to Council or the community.
- the land provides recreational linkages or linked paths.
- the land increases public open space.
- the land is required for public works or flood mitigation.
- the land is generally required for a municipal purpose.

The benefits in discontinuing and selling or transferring a road or ROW or removing the status of a reserve and selling, transferring or exchanging land that is no longer required are:

- an additional source of income is received from the sale and transfer of land.
- there will be a reduction in Council's financial liability in terms of the ongoing maintenance costs of unused and surplus land.
- there is the potential for increased rate revenue.
- there is improved security for unused portions of land.
- Council can formalise any illegal occupation of public land.

The general principles that Council will apply in considering selling or transferring a road or ROW are:

- Council discourages the unauthorised occupation of roads, ROWs and reserves and will take steps to remove such illegal occupation.
- Council will encourage the sale or transfer of such land that is not being used for pedestrian or vehicular access or is no longer required for a strategic or public use.
- The value of the land to be sold will be determined by a current expert valuation.
- Council will only sell or transfer such land holdings to abutting property owners unless the land is able to be sold or transferred to a third party for a significant community benefit.
- All abutting owners will be given an equal opportunity to purchase any land that abuts their property. Accordingly, officers will attempt to divide land equally. However, Council will acknowledge and give preferential allocation rights to abutting property owners who can demonstrate continuous exclusive occupation of the land for more than 15 years (i.e. occupation that would otherwise give rise to an adverse possession claim).
- Council will recover all costs incurred in the application of this policy.
- Council reserves the right to retain any portion of land if Council has title to such land if it is considered to be appropriate. This land may be retained to:
 - meet a strategic need or
 - protect Council's rights of ownership or
 - sell in the future in accordance with this policy.
- Council has the right to place an easement, covenant, or create an easement on, or over, the land parcel in order to protect existing rights or future requirements. If there is a requirement by service authorities to relocate any assets located within the land (e.g., drains, power lines, etc), then all costs will be borne by the purchaser.

In relation to the sale of roads, ROWs or minor reserves, if a property owner can demonstrate continuous exclusive occupation of the land for 15 years or longer and they have a right to claim the land by adverse possession, consideration may be given to discounting the purchase price by up to 25% of the current market value.

Direct Costs

All direct costs associated with the discontinuance and sale, transfer or exchange of roads, ROW's or minor reserves are to be borne by the purchaser or shared by the purchasers. These costs include:

- legal fees (Council officers will use Council appointed legal contractors for any legal advice sought)
- surveyor's fees
- land registry fee - Transfer of Land
- Stamp duty
- advertising costs

- consolidation costs
- planning permit application fees.

Council officers will endeavour to keep all costs borne by the purchaser(s) to a minimum and will seek to reduce costs if the portion of land is to be sold or transferred to a number of purchasers.

Relocation Costs

The relocation or replacement costs of any assets within roads, ROWs or minor reserves will be borne by the purchaser. These may include:

- relocation of fences
- service authority assets such as those belonging to water, gas or telecommunications organisations
- re-useable materials as determined by Council which may remain the property of Council
- replacement drainage or new storm water drainage.

GST

In accordance with the provisions of the Goods and Services Tax Act 1999, the sale, transfer or exchange of Council property, including the sale, transfer or exchange of discontinued ROWs, roads, minor or major Reserves or other land parcels will attract GST.

Council will advise where GST is added to the sale price or the sale price will be advised as inclusive of GST.

Terms of Payment

The full purchase price will be paid to Council at the time of settlement, except timing of payments may be at the discretion of the Manager Finance in exceptional circumstances. If purchasers of roads, ROW's and minor reserves meet the requirements of Council's Financial Hardship Policy, terms may be extended to allow equal payments over a three- year period. In relation to term payments, an additional service charge will be applied to cover any administration costs. The transfer of land will not be passed to the purchaser until the purchase price plus any costs or additional amounts are paid in full.

Terms payments associated with the sale of major reserves or other significant land parcels will be considered on a case-by-case basis determined by accepted commercial practices.

6.1.3 Sale of Land - Public Open Space

In addition to the requirements under the LGA, Council is required to comply with section 20 of the Subdivision Act 1988 when selling public open space.

The Subdivision Act requires Council to apply the proceeds from the sale of any public open space to:

- a) buy land for use for public recreation or public resort, as parklands or for similar purposes; or
- b) 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; or
- c) with the approval of the Minister administering the LGA, improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

7. Plant and Equipment

The objective for Council is to obtain the best value for money outcome within a transparent and accountable process. The sale or disposal of major plant and equipment is subject to Council's Procurement Policy, where a third party is required to execute the sale, including the following guidelines:

- trading in the equipment to suppliers; or
- obtaining expressions of interest from interested buyers (excluding Council employees); or
- public tender - openly seeking buyers using the tender process; or
- public auction - advertisement for auction through the local paper and, where appropriate, a paper circulating in the State, or procuring the services of an auctioneer.

The selection process is to give consideration to:

- the method likely to return the higher value net of disposal costs; and
- the current written down value (book value) of the asset; and
- compliance with relevant statutory obligations.

The sale of each item of Plant and Equipment is to be subject to a minimum reserve price to be approved by the Manager Finance.

8. Proceeds of any Sale

The proceeds from any sale of surplus Council assets or land shall be allocated on the following basis:

- **Sale of Council owned Plant and Equipment**
All sale proceeds are to be applied to the purchase of new plant and equipment.
- **Sale of Council Owned Land**

The purpose of all sale proceeds will be determined by Council through a formal Council Resolution. The proceeds allocated will be net of all expenditure including advertising, agent's fees, legal costs and other sale costs.

- **Public Open Space (Monetary/Cash reserve)**
All proceeds from open space reserve sales are required to be used in accordance with the Subdivision and Planning Environment Act and must be allocated to the Council's Open Space Reserve.

9. Related Documents

This Policy will be implemented in conjunction with the following legislation:

- Under section 24A of the Subdivision Act 1988, Council has the authority to initiate procedures to remove and vest in itself all, or part, of a drainage reserve or sell it to a third party.
- Under section 114 of the Local Government Act 2020, Council has the authority to sell land to a third party. This may include discontinued roads and/or reserves and other Council properties.
- Under section 20 of the Subdivision Act 1988, Council may sell land set aside as public open space but must abide by the legislation in relation to the use of funds derived from the sale.

10. Review

This Policy must be reviewed a minimum of once every 4 years.

11. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

12. Relevant Legislation and Council Policies

12.1 Related policies and procedures

- Sale and Acquisition of Land Procedures as amended from time to time
- Local Government Best Practice Guidelines for the Sale, Exchange & Transfer of Land
- Asset Management Strategy 2015-25
- Asset Management Plan
- Property Portfolio Plan
- Roads and Reserve Discontinuance and Sale Policy
- Community Engagement Policy
- Procurement Policy

12.2 Related Legislation and Regulations

- Local Government Act 2020
- Planning and Environment Act 1987
- Subdivision Act 1988
- Transfer of Land Act 1958

8.5 Annual Action Plan 2023/2024

Author: **Manager Governance Property and Risk**

Responsible Officer: **General Manager Corporate Performance**

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

The purpose of this report is to present Council with the final Draft Council Plan Annual Action Plan 2023-24 for endorsement.

RECOMMENDATION

That council adopt the Council Plan Annual Action Plan 2023-24

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 - Leading Change

The Community's vision 4. Good planning, governance, and service delivery

BACKGROUND INFORMATION

Section 90 of the Local Government Act 2020 requires Council to prepare a Council Plan for a period of at least the next four financial years which includes:

- a. the strategic direction of the Council;
- b. strategic objectives for achieving the strategic direction
- c. (c) strategies for achieving the objectives for a period of at least the next 4 financial years
- d. strategic indicators for monitoring the achievement of the objectives;
- e. a description of the Council's initiatives and priorities for services, infrastructure and amenity;
- f. any other matters prescribed by the regulations.

A Council must develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election.

Council is also required to report annually on its progress against its Council Plan.

To facilitate this reporting requirement, Council develops an Annual Action Plan which

is reported each quarter at Council Meetings.

REPORT

The Executive has worked with the organisation to review the status of items from the 2022- 23 Council Plan Action Plan.

The 73 actions completed in the life of the Council Plan to date have been removed from the Annual Action Plan. Completed items include:

- Six months further funding confirmed by State Government for 2023/2024 for Go Goldfields.
- The World Heritage Bid received further funding through the State Government 2023/24 Budget.
- Council has also applied for the Circular Economy Councils Fund for upgrading the Compost Facility (Stage One - expansion of receival area, and Stage Two - addition of a second curing bay).
- Produced Every Child, Every Chance Strategic Outcomes Map that brings together the key areas of focus, change and activity for the initiative
- Celebrated the 30th anniversary of Energy Breakthrough
- Purchased equipment to provide an inclusive play space at Goldfields Family Centre
- Completed construction works for Carisbrook Levee (4th Stage)
- TILT program established and progressing
- New Art Gallery opened
- Business case for Maryborough Aerodrome completed
- Second round Healthy Loddon Campaspe funding of \$100,000 secured for 4 projects to be delivered across 2023/24.
- Annual volunteer thank you event held as part of National Volunteer Week
- Maryborough Skate and Scooter Park completed
- Completion of Carisbrook Recreation Reserve upgrade project
- Revised Community Support Policy was adopted, and 42 applications received for Community Grants.
- Community Township Plans - workshops held with community members from each of the townships

20 new actions have been added, and a number of repetitious items have been consolidated.

Capital Works projects relating to the Council Plan have also been added to the Action Plan, leaving 72 items to be addressed over the current financial year.

The format of the report has been updated to match the structure of the Council Plan, to facilitate easier annual reporting.

A metric for completion has also been introduced to support clarity in tracking progress. New items are identified by green shading.

New items include prior items which were substantially completed in the prior year and have been substantially restated.

CONSULTATION/COMMUNICATION

Extensive community consultation was undertaken in the development of the Council Plan, from which this annual plan is developed. Council reports quarterly on its progress against the annual action plan.

FINANCIAL & RESOURCE IMPLICATIONS

The development of the annual action plan is met from existing budgets.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices by providing a framework for tracking and reporting delivery of the Council Plan.

CONCLUSION

The Annual Action Plan presented for adoption provides an outline of actions Council will undertake to deliver the strategic goals of its Council Plan.

ATTACHMENTS

8.5.1 Proposed Council Plan 2021-25 - Annual Action Plan 2023-24

8.5.1
Council Plan Annual
Action Plan 2023-24

Action Code	Theme	Council Plan Reference	Action Name	Responsible Position	Q4 progress from 22/23	What does complete look like?	Due Date
1	1. Our Community's Wellbeing	1.1 Strengthen and build inclusion and community and intergenerational connections.	Undertake a feasibility study for alternative locations for the men's shed to allow it to expand and increase membership	Manager Community Partnerships	15%	New Men's Shed location identified	30/06/2024
2	1. Our Community's Wellbeing	1.1 Strengthen and build inclusion and community and intergenerational connections.	Implement a 12-month Community Support and Navigator role. This role will assist in the implementation of the Disability action plan and Positive ageing strategy and assist older individuals to navigate the aged care system.	Manager Community Services	New	Implementation of the DAP Positive ageing strategies items. The role has been involved in the exist of all in-home aged care service delivery by council from 1 March to also determine the community needs and council's future role.	30/06/2024
3	1. Our Community's Wellbeing	1.2 Nurture and celebrate creativity	Seek external funding to support activation of the Art Space and Courtyard at Maryborough Station	Manager Tourism Events and Culture	New	Funding confirmed	30/06/2024
4	1. Our Community's Wellbeing	1.2 Nurture and celebrate creativity	Adopt Central Goldfields Art Gallery Strategic Plan 2023 - 2026 and implement Year One actions	Manager Tourism Events and Culture	New	Strategic Plan adopted Year one actions completed	31/08/2024
5	1. Our Community's Wellbeing	1.3 Support positive life journey development for all residents.	Advocate for ongoing investment and support for Go Goldfields	Chief Executive Officer	75%	Funding confirmed	31/12/2023
6	1. Our Community's Wellbeing	1.3 Support positive life journey development for all residents.	Council has made the decision to exit all in home aged care services by 1 March 2024. Work with the Commonwealth and State funding bodies to carry out the transition plan to transition clients to the new provider/s by the exit date. Assist the 26 Community care staff to mitigate the impact of the decision by providing options such as outplacement, redeployment, redundancy, and introduction of new provider/s.	Manager Community Services	New	Aged care review complete. Council resolution made on 22 August 2023 to exit from all in home aged care services as of 1 March 2024.	1/03/2024
7	1. Our Community's Wellbeing	1.3 Support positive life journey development for all residents.	Undertake further investigative work to determine the most appropriate location for the Early Years Integrated Hub and develop a project plan to implement the actions identified in the Masterplan. (To be developed in collaboration with Go Goldfields.)	Manager Community Services	New	Site determined for the Early Years Integrated Hub Project Plan developed to implement the actions in the Early Years Infrastructure Master Plan.	30/06/2024

8	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Contribute to the implementation of key initiatives in the Loddon Mallee Housing Action Plan	CEO	New	Actions from the plan implemented	30/06/2024
9	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Implement the Healthy Loddon Campaspe Round 2 Projects	Manager Community Partnerships	New	Projects implemented and complete	30/06/2024

Action Code	Theme	Council Plan Reference	Action Name	Responsible Position	Q4 progress from 22/23	What does complete look like?	Due Date
10	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Deliver a local 'This Girl Can' campaign to encourage and support women and girls to be active.	Manager Community Partnerships	New	Program delivered, participation targets achieved	30/06/2024
11	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Work with key stakeholders to complete the Community Emergency Risk Assessment (CERA) for Central Goldfields and update the Municipal Flood Emergency Plan (MFEP)	Manager Community Partnerships	New	CERA and MFEP updated	31/12/2023
12	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Implement the Flood Recovery Action Plan	Manager Community Partnerships	New	Plan implemented	30/06/2024
13	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Develop a Central Goldfields Food Systems Strategy	Manager Community Partnerships	New	Central Goldfields Food Strategy adopted	30/06/2024
14	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Implement the Municipal Public Health and Wellbeing Plan 2021-2025:	Manager Community Partnerships	New	Report to State Government on progress against the plan	30/06/2024
15	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Implement training program for Teen and Youth Mental Health First Aid Instructors to deliver Mental Health First Aid Training to Year 8 and Year 10 students and community members.	Manager Community Partnerships	75%	Range of training programs delivered	30/06/2024
16	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Complete and implement the Maryborough Flood Study	Manager Infrastructure	95%	Flood Study is complete and endorsed by Council	28/02/2024
17	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Implement the Gender Equity Action Plan	Manager People and Culture	50%	Delivery of 2023-24 actions in General Equity Action Plan	30/06/2023
18	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Continue with Review of Local Law	Manager Statutory Services	20%	Draft version of Local Law has been developed and statutory process for endorsement is underway	30/06/2024
19	1. Our Community's Wellbeing	1.4 Encourage, support and facilitate healthy and safe communities.	Finalise the Domestic Waste Water Management Plan	Manager Statutory Services	80%	Domestic Wastewater Management Plan is finalised and endorsed by Council	30/11/2023
20	1. Our Community's Wellbeing	1.5 Maximise volunteer efforts.	Update the Volunteer Strategy in partnership with the Maryborough Volunteer Resource Centre	Manager Tourism Events and Culture	New	Updated Volunteer Strategy endorsed by Council	30/06/2024
21	1. Our Community's Wellbeing	1.6 Value, celebrate and actively engage First Nations culture and people.	Support and participate in the annual NAIDOC week and Reconciliation week events	Manager Community Engagement	0%		
22	1. Our Community's Wellbeing	1.6 Value, celebrate and actively engage First Nations culture and people.	Research best practice and principles that support partnerships with First Nations stakeholders and organisations	Manager Community Engagement	0%		

23	1. Our Community's Wellbeing	1.6 Value, celebrate and actively engage First Nations culture and people.	Work with Dja Dja Wurrung Corporation (in line with the Reconciliation Action Plan) to deliver Cultural Awareness Training across the organisation	Manager Community Engagement	0%		
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Action Code	Theme	Council Plan Reference	Action Name	Responsible Position	Q4 progress from 22/23	What does complete look like?	Due Date
24	1. Our Community's Wellbeing	1.6 Value, celebrate and actively engage First Nations culture and people.	Finalise the Reflect Reconciliation Action Plan	Manager Community Partnerships	75%	RAP adopted by Council	31/12/2023
25	1. Our Community's Wellbeing	1.6 Value, celebrate and actively engage First Nations culture and people.	Work collaboratively with Bendigo District Aboriginal Corporation to support Aboriginal parents and carers	Manager Go Goldfields	100%		COMPLETED Q1 23-24
26	2. Our Growing Economy	2.1 Retain, grow and attract our population.	Complete the Land Use Framework Plan for Maryborough North, Flagstaff and Carisbrook	Manager Strategy and Economic Development	25%	LUPF has been developed and presented to Council for endorsement.	30/06/2024
27	2. Our Growing Economy	2.1 Retain, grow and attract our population.	Complete the Talbot Futures project	Manager Strategy and Economic Development	80%	Final Report of Talbot Futures Project presented to Council for endorsement.	30/06/2024
28	2. Our Growing Economy	2.1 Retain, grow and attract our population.	Complete Review of Heritage Overlay in Central Maryborough	Manager Strategy and Economic Development	50%	Heritage Review Report is complete presented to Council for endorsement	30/06/2024
29	2. Our Growing Economy	2.1 Retain, grow and attract our population.	Commence work on Urban Land Opportunities Study	Manager Strategy and Economic Development	5%	Draft study has been completed and community engagement on the work is in progress	30/06/2024
30	2. Our Growing Economy	2.2 Capitalise on tourism opportunities.	Participate in the development of the Central Victorian Visitor Economy Partnership	General Manager Community Wellbeing		New VEP Established	31/03/2024
31	2. Our Growing Economy	2.2 Capitalise on tourism opportunities.	Develop an Events Strategy which clarifies Council's priorities for events across the Shire and outlines how Council will support community and other event providers	Manager Tourism Events and Culture	New	Strategy adopted by Council	30/03/2024
32	2. Our Growing Economy	2.2 Capitalise on tourism opportunities.	Complete the new Visitor Centre at the Maryborough Railway Station and position as a key attraction for visitors to the Victorian Goldfields	Manager Tourism Events and Culture	New	Visitor numbers in 2023/2024 increased by 20% on 2022/2023 numbers	31/10/2023
33	2. Our Growing Economy	2.4 Develop a skilled and diverse workforce.	Work with partners on innovative activities to attract and retain early childhood teachers and educators in the Shire	Manager Go Goldfields	50%	New officer is appointed.	30/06/2024

34	2. Our Growing Economy	2.4 Develop a skilled and diverse workforce.	Complete and activate the extended co-working space of the Maryborough Railway Station Activation Project	Manager Strategy and Economic Development	10%	Activation plan has been developed and being implemented	30/06/2024
35	2. Our Growing Economy	2.4 Develop a skilled and diverse workforce.	Continue to develop partnerships with Committee for Maryborough, key shire employers and external providers to support labour force attraction/retention, skills development and business modernisation.	Manager Strategy and Economic Development	50%	TILT program embedded in key institutions and employers.	30/06/2024

Action Code	Theme	Council Plan Reference	Action Name	Responsible Position	Q4 progress from 22/23	What does complete look like?	Due Date
36	2. Our Growing Economy	2.5 Strengthen digital infrastructure and capability.	Deliver a Digital Literacy Program through the library	Manager Tourism Events and Culture	New	Program delivered and participation targets met	1/12/2023
37	3. Our Spaces and Places	3.1 Provide engaging public spaces	Waterway Management Plan for Carisbrook Advisory Group	General Manager Infrastructure Assets and Planning	10%	Advisory Group established and being utilised	30/06/2024
38	3. Our Spaces and Places	3.1 Provide engaging public spaces	Deliver the design and planning works for the Bristol Hill Urban Bike Park Project	Manager Community Partnerships	New	Council adopted design plans	30/06/2024
39	3. Our Spaces and Places	3.1 Provide engaging public spaces	Develop a Play Spaces Strategy and Splash Park Feasibility Study	Manager Community Partnerships	New	Council adoption	31/12/2024
40	3. Our Spaces and Places	3.1 Provide engaging public spaces	Reduce obstructions on footpaths by developing a Footpath Trading Procedure and program of works	Manager Statutory Services	5%	Footpath trading procedure and guidelines developed and being used	30/06/2024
41	3. Our Spaces and Places	3.2 Provide infrastructure to meet community need 3.3 Value and care for our heritage and culture assets	Refresh the Priority Projects Plan highlighting successful projects to date, and new projects we are seeking funding for.	Chief Executive Officer	75%	Priority Projects Plan adopted by Council	31/10/2023
42	3. Our Spaces and Places	3.2 Provide infrastructure to meet community need.	Conduct a feasibility study and design plans for a Central Goldfields Youth Hub	Manager Community Partnerships	New	Feasibility study and design plans adopted by Council	30/06/2024
43	3. Our Spaces and Places	3.2 Provide infrastructure to meet community need.	Review and update the Road Management Plan	Manager Infrastructure	75%	Road Management Plan approved by Council	30/11/2023
44	3. Our Spaces and Places	3.2 Provide infrastructure to meet community need.	Review installation priorities from pedestrian crossings with a focus on busy neighbourhood centres and meeting places	Manager Infrastructure	5%	Preliminary design work complete on key pedestrian crossings throughout Maryborough and this work can be used to capitalise on future grant funding opportunities	30/06/2024

45	3. Our Spaces and Places	3.3 Value and care for our heritage and culture assets	Continue to contribute to the Victorian Goldfields World Heritage Bid preparation	Chief Executive Officer	New	Demonstrated promotion of advocacy profile through reporting to Council Meetings and Council and local media	30/06/2024
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Action Code	Theme	Council Plan Reference	Action Name	Responsible Position	Q4 progress from 22/23	What does complete look like?	Due Date
46	3. Our Spaces and Places	3.4 Manage and reduce and reuse waste.	Undertake a review of kerbside waste collection program	Manager Infrastructure	5%	Review of kerbside collection is complete and outcomes have been endorsed by Council	30/06/2024
47	4. Leading Change	4.1 Actively engage, inform and build the leadership capacity of community members and organisations.	Redesign Council's website including enhancing the content and accessibility of the platform	Manager Community Engagement	0%	Website updated	31/03/2024
48	4. Leading Change	4.1 Actively engage, inform and build the leadership capacity of community members and organisations.	Review Council's e-bulletins to ensure all people and groups are reached with current news and opportunities	Manager Community Engagement	0%	Agreed number and frequency of e-bulletins	31/12/2023
49	4. Leading Change	4.1 Actively engage, inform and build the leadership capacity of community members and organisations.	Complete a review of Community Asset Committees and create a consistent and equitable approach for the management of buildings	Manager Governance Property and Risk	10%	CACs in place for council facilities as required	30/06/2024
50	4. Leading Change	4.2 Provide financial sustainability and good governance	Develop and implement a Risk & Assurance system and culture change	Manager Governance Property and Risk	5%	Reviewed strategic and operational registers, operationalised and regular reporting of effectiveness of the framework to the Council.	31/03/2024
51	4. Leading Change	4.2 Provide financial sustainability and good governance.	Continue delivery of policy review program.	Manager Governance Property and Risk	50%	Training and engagement delivered on policy management. Quarterly reports provided to EMT and Audit and Risk Committee	31/03/2024
52	4. Leading Change	4.3 Provide a safe, inclusive and supportive workplace	Implement Corporate Action Plan which covers staff culture and engagement, attraction and retention, OHS, progression development, Customer Records Management, and an intranet	Manager People and Culture	50%	Corporate Plan delivered according to the Plan's timelines	30/06/2023
53	4. Leading Change	4.3 Provide a safe, inclusive and supportive workplace	Implement an Occupational Health and Safety review at the Depot	Manager People and Culture	0%	All actions from the audit implemented	30/06/2023
54	4. Leading Change	4.4 Advocate and partner on matters of community importance.	Support communities to develop capacity and capability in community planning	Manager Community Engagement	0%	Community plans updated and Daisy Hill plan finalised	31/03/2024

Action Code	Theme	Council Plan Reference	Action Name	Responsible Position	Q4 progress from 22/23	What does complete look like?	Due Date
55	4. Leading Change	4.4 Advocate and partner on matters of community importance.	Advocate for funding for the Early years' infrastructure	Manager community service	New	Masterplan endorsed by council and funding streams identified and commitment received to resource the hub	30/09/2023
56	4. Leading Change	4.4 Advocate and partner on matters of community importance.	Advocate for, support and implement system change recommendations in the Go Goldfields 'Every Child, Every Chance' Change Plan	Manager Go Goldfields			COMPLETED Q1 23-24

CAPITAL WORKS INITIATIVES

Action Code	Theme	Council Plan Reference	Action Name	Responsible Position	Q4 progress from 22/23	What does complete look like?	Due Date
57	3. Our Spaces and Places	3.2 Provide infrastructure to meet community need.	Implement priority risk item works as detailed in the endorsed Maryborough Aerodrome Business Case	Manager Infrastructure	35%	Initial safety works have commenced including resolution of holding dams and reduction in kangaroo numbers	30/06/2024
58	3. Spaces & places	3.3 Value and care for our heritage and culture assets.	Upgrade the electrical system in the Maryborough Town Hall	Manager Project Management Office	40%	Electrical system upgrade works have commenced onsite.	30/06/2024
59	3. Spaces & places	3.3 Value and care for our heritage and culture assets.	Update the Nolan Street Customer Service Centre and Offices to provide accessible and safe facilities	Manager Project Management Office	10%	Design work is complete an initial implementation of staged program of works is underway	30/06/2024
60	3. Spaces & places	3.3 Value and care for our heritage and culture assets.	Reconstruct Octagonal Pool at Maryborough Olympic Pool Complex	Manager Project Management Office	30%	Octagonal Pool is reconstructed as first stage of Maryborough Outdoor Pool Complex project	30/06/2024
61	3. Spaces and Places	3.1 Provide engaging public spaces	Develop and deliver Indigenous Interpretive Gardan adjacent to Central Goldfields Art Gallery in partnership with Dja Dja Wurrung artists and community	Manager Project Management Office	10%	Indigenous Interpretive Garden completed, including cultural interpretation and art elements by Dja Dja Wurrung	30/06/2024
62	3. Spaces and Places	3.2 Provide infrastructure to meet community need.	Complete pool renewal works at Dunolly / Talbot Outdoor Pools and Maryborough Sport and Leisure	Manager Project Management Office	70%	All key renewal works are complete at sites to prolong the life of these assets	30/06/2024
63	3. Spaces and Places	3.2 Provide infrastructure to meet community need.	Goldfields Reservoir / Dam Stabilisation Design works	Manager Project Management Office	30%	Construction works have commenced onsite for stabilisationworks	30/06/2024
64	3. Spaces and Places	3.2 Provide infrastructure to meet community need.	Deledio Netball Courts Upgrade	Manager Project Management Office	40%	Upgrade of tennis courts are complete	30/06/2024
65	3. Spaces and Places	3.1 Provide engaging public spaces	Whirrakee Rise Open Space Enhancement	Manager Project Management Office	40%	Key open space improvements have been delivered at the site and naming process is complete	30/06/2024

66	3. Spaces and Places	3.1 Provide engaging public spaces	Bowenvale Playground Works	Manager Project Managment Office	20%	Key open space improvements have been delivered at the site	30/06/2024
67	3. Spaces and Places	3.3 Value and care for our heritage and culture assets.	Rene Fox Gardens Toilet Refurbishment	Manager Project Managment Office	20%	Toilet upgrade works are complete	30/06/2024
68	3. Spaces and Places	3.3 Value and care for our heritage and culture assets.	Dunolly Town Hall Scoping and Design	Manager Project Managment Office	5%	Scope and design is complete for full renewal works of this heritage asset	30/06/2024

Action Code	Theme	Council Plan Reference	Action Name	Responsible Position	Q4 progress from 22/23	What does complete look like?	Due Date
69	3. Spaces and Places	3.3 Value and care for our heritage and culture assets.	Talbot Town Hall Scoping and Design	Manager Project Managment Office	5%	Scope and design is complete for full renewal works of this heritage asset	30/06/2024
70	3. Spaces and Places	3.3 Value and care for our heritage and culture assets.	Carisbrook Town Hall Scoping and Design	Manager Project Managment Office	5%	Scope and design is complete for full renewal works of this heritage asset	30/06/2024
71	3. Spaces and Places	3.3 Value and care for our heritage and culture assets.	Princess Park Historic Grandstand Scoping and Design	Manager Project Managment Office	5%	Scope and design is complete for full renewal works of this heritage asset	30/06/2024
72	3. Spaces and Places	3.1 Provide engaging public spaces	Gordon Gardens Open Space Enhancement works	Manager Operations	10%	Key open space improvements have been delivered at the site	30/06/2024

8.6 G1825-23 MARYBOROUGH TOWN HALL ELECTRICAL AND AV UPGRADE - WORKS

Author: Manager Project Management Office

Responsible Officer: General Manager Infrastructure Assets and Planning

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

This report presents a recommendation to award contract G1825-23 Maryborough Town Hall Electrical and AV Upgrade - Works following a selective tender process, as a result of a public Expression of Interest process.

The contract is a lump sum and the anticipated spend under the contract is above the CEO's financial delegation. The contract is required to be awarded by Council.

RECOMMENDATION

That Council:

1. *award contract G1825-23 Maryborough Town Hall Electrical and AV – Works to EPM&C Pty Ltd for a lump sum of \$539,639.20 (including GST); and*
2. *authorises the Chief Executive Officer to formally execute the contract and approve additional spend as required for contingencies and variations up to 20% (\$107,873.04 including GST) above the contract sum.*

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 - Our Spaces and Places

The Community's vision 3. Engaging places and spaces for people to live, work, play and connect, Protection and Preservation of Heritage.

Initiative: Priority Projects Plan

Local Government Act 2020

Procurement Policy 2023

BACKGROUND INFORMATION

The Maryborough Town Hall building has been closed since 2021 due to safety concerns with the existing site electrical infrastructure.

This is a critical community asset with architectural significance which has previously been well utilised and is celebrated by the community.

Ensuring the building can re-open and be used by the Central Goldfields community has been a high priority for Council, as detailed in the Priority Projects Plan.

Council has been successful in securing funding through the Federal Governments' Local Roads and Community Infrastructure (LRCI) program to fund this project.

REPORT

After several unsuccessful attempts to secure a contractor to carry out the electrical upgrade in 2022, officers revised their procurement strategy to a two-step tender process which included a public expression of interest (EOI) phase and then a selective tender phase.

A public expression of interest was advertised in June 2023 (G1783-23 Maryborough Town Hall Electrical and AV Upgrade - Expression of Interest), and as a result of that process, shortlisted contractors were selected to tender for contract G1825-23 Maryborough Town Hall Electrical and AV Upgrade - Works in August 2023.

Under contract G1825-23 Council recently sought submissions from two shortlisted contractors to undertake the electrical and audio visual (AV) upgrade at the Maryborough Town Hall.

This was conducted through a selective tender process, as a result of the public EOI process.

The tender was made available to two shortlisted contractors for submissions from 03/08/2023 until 12:00 noon 28/08/2023.

The scope of works includes:

- Fully commission the new infrastructure.
- Upgrade labelling.
- Balance loads best suit existing Site Infrastructure and Field Wiring.
- Replace the Main Switchboard (MSB).
- Replace / modify Distribution Boards and provide full Circuit Breaker & RCD protection.
- Replace any damaged cables or cables not to current standards or make suitable for reuse.
- Provide new Exit & Emergency Lighting.
- Replace switches and outlets assessed as not safe and or suitable for reuse by the Electrical Engineer.
- Supply and install audio/visual conferencing system to Council Chambers
- Upgrade lighting in Council Chambers

At 12:00noon 28 August 2023 Council received one (1) conforming tender response and

zero (0) non-conforming tender responses.

Evaluation Panel

The responses were evaluated by a Tender Evaluation Panel consisting of:

- Manager Project Management Office,
- Senior Project Manager,
- Procurement Officer, and
- Senior Associate - Ontoit (external project manager).

Evaluation Criteria

Tender responses were evaluated according to the following criteria in order of priority and weighting:

Mandatory requirements:

- Risk Management including OH & S requirements and relevant Insurances
- PASS/FAIL

Scored selection criteria:

- Capability - 30%
- Capacity - 30%
- Financial benefit to Council - 20%
- Financial benefit to community - 5%
- Environmental sustainability - 5%
- Social Sustainability - 5%
- Aboriginal Engagement - 5%

To achieve the best quality result for the community, officers believed that capability should be weighted high in the evaluation criteria.

Similarly, given the external funding milestones and timelines required to be met, and that the community has waited considerable time for this issue with the asset to be addressed, capacity to undertake the works in a timely manner was just as critical.

Budget was another significant factor as the funding source is not infinite, hence the financial benefit to Council being the second highest weighted criteria.

Given the second phase of the procurement phase was a selective tender process and the shortlisted tenderers were not local to Central Goldfields, weighting financial benefit to community any more than 5% would not yield a desired result (such as encouraging local contractors to tender).

Officers undertook post tender clarifications regarding the sub-contractor proposed for the AV installation and requesting confirmation on items in their response.

The responses were reviewed by the evaluation panel and an expert AV consultant prior to finalising the recommendation to award.

The evaluation panel identified EPM&C Pty Ltd has demonstrated the capability and capacity to complete the works as detailed in the contract.

EPM&C were able to demonstrate experience cognisant of projects like the Town Hall in Maryborough, including Heritage-listed assets.

CONSULTATION/COMMUNICATION

The expression of interest was advertised in line with Councils Procurement Policy 2021 (superseded by Procurement Policy 2023 in August 2023).

The request for expressions of interest was advertised on Council's eTender portal, eProcure.com.au as well as in The Maryborough and District Advertiser as part of Council's weekly advertisement.

The EOI was also advertised on Council's website and through Council's social media pages.

The subsequent selective tender was provided to the shortlisted tenderers in line with Councils Procurement Policy 2023.

In accordance with section 109(2) of the Local Government Act 2020 this report advises that there were no opportunities for collaboration with other Councils or public bodies in relation to the recommended contract, as this project was specific to the Central Goldfields Shire community.

FINANCIAL & RESOURCE IMPLICATIONS

This project is funded through the Federal Governments' Local Roads and Community Infrastructure (LRCI) program and Councils 2023/24 capital works program.

The contract amount is within the budget allocation for this financial year.

Council has a dedicated internal project manager from the Project Management Office to oversee this project.

RISK MANAGEMENT

This report addresses Council's strategic risk Property and Assets - Failure to maintain, renew and expand our assets in a timely and robust way, that considers service and delivery needs by seeking external funding to renew critical community assets.

CONCLUSION

Officers undertook a two-step tender process which included a public expression of interest (EOI) phase.

As a result of the evaluation of responses received via the EOI phase, officers then

invited shortlisted contractors to tender through a selective tender phase in line with Councils Procurement Policy 2023 under G1825-23 Maryborough Town Hall Electrical and AV Upgrade - Works.

The evaluation panel have undertaken post-tender clarifications and collaborated with specialist consultants to ensure the best outcome and value for money.

Officers are recommending that Council award contract G1825-23 Maryborough Town Hall Electrical and AV - Works to EPM&C Pty Ltd for a lump sum of \$539,639.20 (including GST) and authorises the Chief Executive Officer to formally execute the contract and approve additional spend as required for contingencies and variations up to 20% (\$107,873.04 including GST) above the contract sum.

ATTACHMENTS

8.6.1 G1825-23 Confidential Tender Evaluation Report provided under separate cover.

The evaluation report is confidential under sections 3(a) and (g) of the Local Government Act 2020 as it contains:

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

This section applies because the contract is not finalised and releasing the information prior to decision could prejudice the Council's commercial position in negotiations.

(g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

This section applies because it contains detailed submission information that could provide an unreasonable commercial advantage to competitors.

8.7 TENDER EVALUATION - G1806-23 INTERNAL AUDIT SERVICES

Author: **Manager Governance Property and Risk**

Responsible Officer: **General Manager Corporate Performance**

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

The purpose of this report is to provide council with information on the process and recommendation for appointing a contractor to conduct Council's internal audit function.

RECOMMENDATION

That Council:

1. awards Contract G1806-23 for the Provision of Internal Audit Services to RSD Audit Pty Ltd T/as RSD Audit for the Contract sum of \$136,350 (exclusive of GST) based on Schedule of Rates for the initial term of 3 years; and
2. notes that Contract has 3 years option to extend subject to Council's decision and the Contractor's performance.

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 - Leading Change

The Community's vision 4. Good planning, governance, and service delivery

BACKGROUND INFORMATION

The internal and external audit functions are one of the important functions that the Councils undertake in line with the relevant legislative and policy requirements.

The Audit and Risk Committee has an essential role in this process.

Section 53 of the *Local Government Act 2020* ('the Act') requires a council to establish an Audit and Risk Committee ('the Committee') and section 54 of the Act states that a council must prepare and approve an Audit and Risk Committee Charter ('the Charter') and specify the functions and responsibilities of the Committee in the Charter.

One of the Committee's responsibilities under its Charter is to oversee Council's internal audit function, and the Charter also requires that the Committee participate in the appointment of the internal auditor.

The internal audit function delivers a planned program of internal audits, ongoing monitoring, and feedback on the implementation of internal audit results, and advice on related matters.

A representative from the internal auditor attends Committee meetings, providing independent input and advice as required.

AFS and Associates Pty Ltd has been carrying out the internal audit function for Council since 2017.

The current contract between AFS and Associates Pty Ltd and Council expires in early October 2023.

Accordingly, Council undertook the procurement process for the provision of internal audit services in order to award a new contract commencing in October 2023.

REPORT

Procurement Process

The request for tender documents were published to the public on 22 June 2023.

Submissions closed on 19 July 2023 and Council received submissions from the following Tenderers:

1. RSD Audit Pty Ltd T/as RSD Audit
2. AFS & Associates Pty Ltd
3. Pitcher Partners Consulting Pty Ltd ATF the Pitcher Partners Consulting Trust
4. Moore Australia (VIC) Pty Ltd

The Tender Evaluation Panel for this project were:

1. Committee Chair John Watson (scoring member)
2. General Manager Corporate Performance Mick Smith (scoring member)
3. Manager Governance Property and Risk Jane Still (scoring member)
4. Procurement Officer Josie Bell (procurement adviser, non-scoring member)

All Panel members and advisers signed a Conflict of Interest and Confidentiality Declaration Form and no conflict of interest was noted.

Submissions were evaluated against the following evaluation criteria in **Table 1**:

Table 1 - Evaluation Criteria

Mandatory Criteria	PASS / FAIL
1. Relevant Insurance Covers	Pass /Fail
2. Risk Management including OH&S Requirements	
Weighted Evaluation Criteria	Weighting
Financial Benefit to Council	20%
Capability (skills, knowledge, experience, etc.)	25%
Capacity (resources, current commitments, etc.); and	25%

Financial Benefit to Community	15%
Environmental Sustainability	5%
Social Sustainability	5%
Aboriginal Engagement	5%
TOTAL	100%

The evaluation further considered the value shortlisted tenderers could offer in addition to the initial submissions.

As part of the due diligence process, the reference check was undertaken for the preferred Tenderer, RSD Audit Pty Ltd T/a RSD Audit, with a satisfactory outcome.

The evaluation outcome for the successful tenderer is described in **Table 2** below.

Table 2 - Final Scoring and Price

Tenderer	Score	Tendered Price (Exclusive of GST)
RSD Audit Pty Ltd T/a RSD Audit	71.62	\$136,350.00

OUTCOME OF EVALUATION PROCESS

The Tender Evaluation Panel undertook a comprehensive assessment of all submissions, conducted interviews with the short-listed Tenderers including undertaking a reference check for the preferred Tenderer as part of the due diligence process as described above to ensure the outcome of this procurement process will serve the interests of Council, will deliver value for money, and ensure an effective and efficient internal audit function for Council.

Based on the assessment of the submissions the Tender Evaluation Panel recommends that:

1. Contract G1806-23 for the Provision of Internal Audit Services be awarded to RDS Audit Pty Ltd T/as RSD Audit for the Contract sum of \$136.350 (exclusive of GST) based on Schedule of Rates for the initial term 3 years. The Contract has an option to extend it for 3 years.
2. While the cost of the Contract is under the Chief Executive Officer's financial delegation (up to \$500,000 inclusive of GST), the independence of the internal auditor is better preserved if the decision is made by Council.

Audit and Risk Committee

The Tender evaluation report was provided to the Audit and Risk Committee at its September meeting. The Committee supported the recommendation provided at the top of this report.

CONSULTATION/COMMUNICATION

The tender was conducted as a public tender process.

FINANCIAL & RESOURCE IMPLICATIONS

The recommendation is with the budgeted amount for provision of internal audit services.

24 OCTOBER COUNCIL
MEETING

ATTACHMENTS

8.7.1 Confidential Attachment 1 - Tender Evaluation Tender Evaluation Panel Report -1806-23 Provision of Internal Audit Services provided under separate cover.

The evaluation report is confidential under sections 3(a) and (g) of the Local Government Act 2020 as it contains:

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

This section applies because the contract is not finalised and releasing the information prior to decision could prejudice the Council's commercial position in negotiations.

(g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

This section applies because it contains detailed submission information that could provide an unreasonable commercial advantage to competitors.

8.8 PLANNING APPLICATION D 052-23 FOR 65 HIGH STREET MARYBOROUGH

Author: Statutory Planner

Responsible Officer: General Manager Infrastructure Assets and Planning

The Officer presenting this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

SUMMARY/PURPOSE

The purpose of this report is to seek a Council determination for planning permit application no. D052/23 for buildings and works for the development of the land for a drive-through coffee shop in the Commercial 1 Zone at 65 High Street, Maryborough.

Public notice of the application has been given and two objections were received.

This application has been assessed against the Central Goldfields Planning Scheme and it is considered that the proposed development is appropriate.

RECOMMENDATION

That Council:

Having caused notice of planning permit application no. D052/23 to be given under section 52 of the Planning and Environment Act 1987 and the Central Goldfields planning Scheme, and having considered all the matters generally required, resolves to issue a Notice of Decision to Grant a Permit in respect of planning permit application no. D052/23 for the land known and described as 65 High Street, Maryborough, for buildings and works for the development of a drive through coffee shop, in accordance with the endorsed plans and subject to the following conditions:

Endorsed plans

1. Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - a. be prepared to the satisfaction of the responsible authority
 - b. be drawn to scale with dimensions
 - c. submitted in electronic form
 - d. be generally in accordance with the plans forming part of the application and identified as [insert plan title, reference number, revision number, author and/or date], but amended to show the following details:
 - i. All dimensions of the proposed coffee shop.
 - ii. Elevations showing the proposed landscaping.
 - iii. A streetscape elevation including the proposed landscaping.
 - iv. An amended site plan including the additional two carparks required.

2. The development allowed by this permit must be generally in accordance with the plans and/or documents endorsed as part of this permit and must not be altered or modified without the written consent of the responsible authority.

Landscape Plan

3. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority.
4. The landscape plan must:
 - a. be prepared to the satisfaction of the responsible authority
 - b. be prepared by a suitably qualified person
 - c. have plans drawn to scale with dimensions
 - d. be submitted to the responsible authority in electronic form
 - e. include the following:
 - i. layout of landscaping and planting within all open areas of the subject land
 - ii. a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - iii. details of surface finishes of pathways and driveways
 - iv. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant

The responsible authority may consent in writing to vary any of these requirements.

Completion of landscaping

5. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.

The responsible authority may consent in writing to vary this requirement.

6. Once the landscaping is carried out, it must thereafter be maintained in good health, including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

General amenity

7. The development and the appearance of the subject land permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.

Construction activities

8. The development must be managed during construction to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected through the:
 - a) Transport of materials, goods, or commodities to or from the land.
 - b) Appearance of any building works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke,

vapour, steam, soot, ash, litter, dust, wastewater, waste products, grit, or oil.

- d) Presence of vermin or animals.
9. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, batters are to be topsoiled and revegetated and all drainage is to be diverted around the disturbed areas/batters.

Drainage from benched areas, batters and access tracks is to be diverted on non-scouring grades to stable vegetated areas.

Several drainage points are to be used to avoid concentration of drainage water.

Asset protection

10. At all times, the permit holder/landowner must ensure that the operation and condition of Council assets (including street trees, drains and roads) are not damaged by the site construction works.

If the responsible authority deems Council assets have been detrimentally affected or damaged by development.

Use of parking areas

11. Areas set aside for the parking and movement of vehicles, as shown on the endorsed plans, must be maintained in a usable and safe condition to the satisfaction of the responsible authority.

The areas must be made available for the parking and movement of vehicles and must not be used for any other purpose.

Provision for waste collection

12. Provision must be made for an acceptable pick-up point for waste collection services to the satisfaction of the responsible authority.

Occupation of development

13. The development permitted by this permit must not be occupied until:
- a) The access and parking area(s) shown on the endorsed plan(s) have been constructed to the requirements and satisfaction of the responsible authority.

Engineering

Access

14. Vehicular access to the proposed development must be provided only from Clarendon Street.
15. Signage must be installed at the entrance advising of the maximum vehicle size that would fit through the access.
16. Any new vehicular crossovers/driveways must be constructed in Clarendon Street and be of concrete construction from kerb to property boundary.

(Refer to Infrastructure Design Manual Standard Drawing 240).

17. The applicant/owner must make application for and have approved permits for crossover/driveway works. All works constructed or carried out must be in accordance with the approved plans/permit(s).
18. Once constructed the crossovers must be thereafter maintained by the landowner to the satisfaction of the Responsible Authority.
19. Any existing unused crossovers or driveways are to be removed and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority.
20. Vehicle access must be left-in and left-out only. Suitable associated advisory signage must be installed to the satisfaction of the Responsible Authority.

Drainage

21. All stormwaters must be accommodated and treated within the subject land.
22. The owner/applicant must design a drainage system to drain the development to the legal point of discharge.
23. The legal point of stormwater discharge must be provided to High Street to the satisfaction of the Responsible Authority.

Nature Strips

24. Upon completion of all off site works, all nature strips and footpaths must be reinstated to the satisfaction of the Responsible Authority.

Alternate nature methods may be undertaken, but must be approved, in writing, by the Responsible Authority prior to any works being undertaken.

Asset Protection

25. At all times, the permit holder must ensure that the operation and condition of Council assets are not damaged during the development works.

If the Responsible Authority deems Council assets have been detrimentally affected or damaged by development construction access, then the assets will be required to be repaired and reinstated by the permit holder to the satisfaction of the Responsible Authority.

Sediment Control

26. The applicant/owner shall restrict sediment discharges from the construction site in accordance with Construction Techniques for Sediment Pollution Control (EPA, 1991) and Environmental Guidelines for Major Construction Sites (EPA, 1995).

Permit Expiry

27. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- a. The development is not started within 2 years of the issued date of this permit.
- b. The development is not completed within 4 years of the issued date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Permit notes

This permit is issued pursuant to the provisions of the Central Goldfields Planning Scheme and does not relieve the permit holder of the necessity to obtain a building permit pursuant to the Building Act 1993 prior to commencement of any construction or works on any part of the site.

This permit does not authorise the construction or display of signage.

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2021-2025 - Leading Change

The Community's vision 4. Transparent decision making;

This report has been developed in accordance with the *Planning and Environment Act 1987* (the Act), and the *Central Goldfields Planning Scheme* (planning scheme).

BACKGROUND INFORMATION

Planning permit application no. D052/23 was lodged on 19 May 2023. The application proposed the development of a drive through coffee shop and associated buildings and works at 65 High Street, Maryborough.

There are no previous applications or approvals issued for the subject site of any relevance.

REPORT**Proposal**

Planning application 052/23 proposes the development of the subject land for a drive through coffee shop and associated works.

The development proposes accessing the site from two separate entrances as the subject site fronts both High Street, from where pedestrian access is proposed, and Clarendon Street where all vehicle and drive through access is proposed.

The proposed driveway will accommodate up to six (6) vehicles queuing up to the ordering station.

The access will be in Clarendon Street and will be left in and left out.

There is a condition proposed to ensure compliance with the left in and left out requirements. We will also require a sign at the entrance advising the maximum vehicle size that would fit through the driveway.

The coffee shop is to be operated out of a modified shipping container located centrally on the subject land.

The container is 14.8m² in size and includes two service counters (one being the payment window and one being the collection window) and two coffee machines, a gas cooktop, double sink, bench, and bin area.

It has dimensions of 3m (height) by approximately 4.93m (length).

The external materials are weatherboard copper standing seam cladding and vertical timber slats.

With regard to parking and access, the proposed development includes a drive through that circles the boundary, around the shipping container in a forward motion.

The access arrangement is consistent with other drive through food premises and the design was assessed by council engineering department and found to be satisfactory with access conditions being applied.

The vehicle crossovers on Clarendon Street provide for separate entry and exit driveways.

There are two parking spaces provided on-site and a number of street spaces are identified as being available along High Street, adjacent and nearby the site.

There will be one car parking space lost in the street due to the proposed access.

The remainder of the lot is proposed to be occupied by seating areas (by way of seven timber tables), a toilet block, landscaped areas, and a defined pedestrian access and an associated pathway for walk-up service.

There are proposed conditions to ensure that any landscaping will be in line with the general expectations of landscaping and the streetscape view from a heritage and neighbourhood character perspective.

Refer to Attachment 1: Development Plans

Site and Surrounds

The land is formally described as Lots 1 and 2 on TP847468 (1\TP847468 and 2\TP847468) and has a rectangular shape, with an area of approximately 702.42m².

The land is on the southern side of Clarendon Street and northern side of High Street, respectively.

It currently contains a small single storey weatherboard dwelling (to be removed) and a brick toilet block (to be retained).

To Clarendon Street, there is a concrete driveway and a 1.75m picket fence.

To the rear (High Street), there is an overhead sign, two light poles, and a graded pit. It is understood that the site can be connected to all relevant reticulated services.

The land is located within the Commercial 1 Zone (CZ1) and is within the Maryborough Heritage Overlay (HO206). The site is also located within the Loddon River (Laanecoorie) special water supply catchment area.

In all directions (N, S, E and W), land is predominantly located within the C1Z and contains typical established commercial buildings.

However, to the north the land is zoned public use, and includes the Maryborough Police Station, and the Maryborough Magistrates Court.

The site is within the area referred to as the 'Maryborough town centre'. Refer to Attachment 2: site and surrounding area.

Planning Permit Triggers

Under the planning scheme, a planning permit is required for the following:

- Pursuant to Clause 34.01-1 (Commercial 1 Zone), a permit **is not** required to use the land for the purpose of a retail premises.
- Pursuant to Clause 34.01-4 (Commercial 1 Zone), a permit **is** required to construct a building or construct or carry out works.
- Pursuant to Clause 43.01-1 (Heritage Overlay), a permit **is** required to construct a building or construct or carry out works.

Planning Scheme Provisions

Planning Policy Framework

The following clauses of the Planning Policy Framework (PPF) are relevant in the consideration of this application:

15.01-S - Urban Design

- Objective: to create urban environments that are safe, healthy, functional, and enjoyable and that contribute to a sense of place and cultural identity.

15.01-2S - Building Design

- Objective: To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

15.01-5S - Neighbourhood Character

- Objective: To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

17.01-1S - Diversified Economy

- Objective: To strengthen and diversify the economy

17.02-1S - Business

- Objective: To encourage development that meets the community's needs for retail, entertainment, office, and other commercial services.

Zones

34.01 Commercial Zone (C1Z)

The purpose of the Commercial 1 Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment, and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

Overlays

43.01 Heritage Overlay (HO206)

The purpose of the Heritage Overlay is:

- To implement the Municipal Planning Strategy and Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of

heritage places.

- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage places.

Particular Provisions

52.06 Car Parking

The purpose of this clause is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

General Provisions

65.01 Approval of an Application or Plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health, and amenity of the area.
- The proximity of the land to any public land.

- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction. Whether native vegetation is to be or can be protected, planted, or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development, or management of the land so as to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

Operational Provisions

71.01 Operation of the Municipal Planning Strategy

The Municipal Planning Strategy (MPS) provides an overview of important local planning issues in an introductory context, sets out the vision for future use and development in the municipality and establishes strategic directions about how the municipality is expected to change through the implementation of planning policy and the planning scheme.

A responsible authority must consider and give effect to the MPS when it makes a decision under this planning scheme.

Clause 71.02 Operation of the Planning Policy Framework

The PPF seeks to ensure that the objectives of planning in Victoria, as set out in section 4 of the Act are fostered through appropriate land use and development planning policies and practices that integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development.

Society has various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure.

Planning aims to meet these needs and expectations by addressing aspects of economic, environmental, and social wellbeing affected by land use and development.

Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Referrals

The following table outlines referrals undertaken under section 55 of the Act and clause 66 of the planning scheme.

Organisation	Response
Goulburn-Murray Water (GMW) cl. 66.02-5 - Special water supply catchment area (Determining)	Unconditional consent

The application was also referred within the Council for comments and/or conditions.

Department	Response
Council Engineering	Conditional consent

ASSESSMENT OF APPLICATION

The following assessment addresses the planning scheme, the objectives of planning in Victoria, objections and other submissions that have been received, any decision and comments of a referral authority, any significant effects of the proposal may have on the environment, or that the environment may have on the proposal, and any significant social and economic effects.

In this regard, the assessment of the application is consistent with Section 60 of the Act.

While Maryborough does not currently have a specific approved urban design framework, the proposal has been reviewed in the context of urban design in the context of the zone and overlays that apply.

The proposed building is not considered consistent with the existing buildings in the area however it is not meant to replicate existing design but respect it.

Considering the building is not a permanent structure and that the site is currently a lot covered by asphalt.

The proposed small structure with some additional landscaping to soften the design would not be out of keeping with the commercial context of the area.

Commercial 1 Zone

The proposal is considered to be consistent with the purpose of the Commercial 1 Zone, in encouraging vibrant mixed use commercial centres for business and community uses.

The location of this development is within an appropriate area (being the Maryborough town centre) and is well connected to services, and road access.

The proposal creates an opportunity to provide an additional business in an appropriate location, on a street that is commercially dominated.

The design of the buildings ensures that, generally, there will be no adverse traffic or access issues, and is aligned with that which is expected of the area.

Heritage Overlay 206 (Maryborough)

Whilst it is acknowledged that the proposed development is within an area that has a heritage overlay, when assessing that proposal against the purpose of the planning scheme, it is appropriate.

The primary purpose of the scheme is to conserve and enhance heritage places that have or contribute to natural or cultural significance, and do not adversely affect the significance of heritage places.

When considered in this context, the proposal does not contain any identified cultural or heritage significance, nor does it detract from any (potential) surrounding significance.

Whilst it is acknowledged that the design itself does not align with surrounding buildings and could be altered to be similar to the surround buildings, the design guidelines generally refer to how the proposal will "...adversely affect the significance of the heritage place". Again, the subject site is not an identified heritage place or significant site.

Stated within Clause 43.01-6, the heritage design guidelines **must not** contain any mandatory requirements, therefore, it cannot be enforced to an extent that would result in significant changes. It is further noted that within Clause 43.01-8, the decision guideline states, "*Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.*" It is acknowledged that the proposal is not generally in keeping with the bulk, form, or appearance of adjacent buildings.

Notwithstanding, this is the only heritage-related clause within the relevant planning scheme that the proposal does not meet.

Therefore, whilst it could be requested the applicant include an element, e.g., an awning, that aligns further with the surrounding buildings, it cannot technically be enforced and is not considered a cause for concern nor is this guideline a genuine reason to request amendments or refuse the application.

Car parking

Under Clause 52.06 of the planning scheme, the required car parking rate is 4 spaces per 100sqm of leasable floor area.

There is no requirement for the car parking to be provided in garages or undercover, although it must be appropriately safe and secure.

The proposal includes two internal car parking spaces in tandem centrally of the site, via the entry off Clarendon Street.

This entry is required to be of concrete construction from kerb to property boundary, as per the engineering conditions.

The requirement is for four car spaces therefore condition 1 requires the plans be amended to include the two missing car spaces.

Access and Traffic Movements

The application has been referred to Council's infrastructure department engineers, who have advised that the proposal and the surrounding road network can accommodate the expected traffic movements generated by this application.

Access has been limited to Clarendon Street only and left in and left out restrictions at access points have been required as conditions on the permit.

This significantly mitigate any risks associated with entry and exit into and from the site.

Special water supply catchment area

It is observed that GMW's referral response results in no objection to the grant of a permit, with unconditional consent provided.

It is therefore considered that the proposal meets the objective of clause 14.02-1S in assisting the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment as well as other relevant policy direction to require development to be connected to reticulated sewerage and drainage services.

CONSULTATION/COMMUNICATION

The application was advertised to then of the adjoining and surrounding owners and occupiers of the land via letters in the mail, two advertising signs were placed on the site (at the frontages of High Street and Clarendon Street) and the permit application documents were placed on the Council website and available for inspection at the Nolan Street office.

The application received two objections. The issues raised in the objections are summarised below:

Objection 1

- The objector is concerned regarding the sustainability of an additional food premises and how it impacts what currently exists.
- The potential financial impact and loss of sale on current local food businesses around the site.

- The objector notes that they believe the site is not a good fit for the proposed purpose/application.
- The potential loss of jobs due to downturn of trade to the current local food businesses.
- Potential traffic congestion issues at the entry/exit point.
- They express that the proposal is not with in keeping of the streetscape.

Objection 2

- The permit should not be approved on the grounds of public safety and amenity.
- Clarendon Street is a busy street, providing a range of essential services and has problems with safety and traffic flow.
- The intersection of Clarendon Street and Inkerman Street is a high accident area that has complex traffic flows.
- The on-street parking utilised by the police station, dental surgery and surrounding businesses will be impacted by a new business.
- Concern for the safety of older residents and families, as a result of an increased traffic flow.
- The visual impact on a heritage block by residents and surrounding visitors, as the heritage area is admired.

Planning officer response

- The role of the Responsible Authority is to assess the suitability of the proposal against the planning scheme.

The subject site is within a zone (C1Z), that is appropriate for the proposed use. It is noted that planning permission is not required for the proposed land use.

Accordingly, any potential financial or economic impact on individual owners is not considered a valid planning consideration.

Further, it is noted that the Planning and Environment Act 1987 (as amended) states that the responsible authority *may reject an objection which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector.*

- The application has been referred to Council's infrastructure department engineers, who have advised that the proposal and the surrounding road network can accommodate the expected traffic movements generated by this application.
- It is acknowledged that the design of the proposal is not generally in keeping with the surrounding street.

The proposal is essentially an interim building to be located on the property to

enable the operation of the proposed business.

The design measures that contemplate that a proposal should be 'in keeping' with surrounding buildings requires a level of permanency, that is not yet sought by the applicant.

- The development will provide the car parking spaces required by the planning scheme. Additionally, its primary function is to service as a drive through coffee shop.

As such, it is not considered that surrounding on-street parking will be detrimentally impacted by the proposal.

FINANCIAL & RESOURCE IMPLICATIONS

The assessment of planning permit applications is within the normal operational budget of Council.

Should any party appeal any decision that Council makes there would be a VCAT hearing. Additional costs will be incurred if a VCAT hearing occurs.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices by ensuring our assessment of the application meets all relevant legislation and regulations.

The risk management issues in relation to this planning permit application have been discussed above.

There is a risk to Council should it not decide within the statutory timeframes of a 'failure to determine' appeal at VCAT.

Should the proposal be approved by Council and VCAT (upon appeal) there is a risk to non-compliance with the permit conditions. Council has a planning compliance function to mitigate this risk.

CONCLUSION

Planning permit application D052/23 seeks approval for the development of a drive through coffee shop and associated buildings and works at 65 High Street, Maryborough.

A council determination is sought on the application as two objections have been received.

This report recommends that a planning permit should be granted, and a Notice of Decision to Grant a Permit be issued.

Council must determine a position on the planning permit application and take one of the following options:

1. Grant a planning permit subject to conditions and issue a Notice of Decision to

Grant a Permit; or

2. Refuse to grant a permit on any ground it thinks fit and issue a Notice of Decision to Refuse to Grant a Permit.

ATTACHMENTS

8.8.1 Development plans

8.8.2 Site and surrounding area

SHEET NUMBER	SHEET NAME	REV	CURRENT REV DESCRIPTION
TP00	COVER PAGE		
TP01	EXISTING CONDITIONS/SITE CONTEXT PLAN		
TP02	PROPOSED SITE PLAN		
TP03	PARTIAL SITE PLAN/DESIGN RESPONSE		
TP04	PROPOSED FLOOR PLAN		
TP05	ELEVATIONS		
TP06	ELEVATIONS		
TP07	3D ELEVATIONS		

MUNICIPALITY PLANNING

PROPERTY ADDRESS: 65 HIGH STREET, MARYBOROUGH 3465
 LOT & PLAN NO: MORE THAN ONE PARCEL
 STANDARD PARCEL IDENTIFIER: MORE THAN ONE PARCEL
 COUNCIL PROPERTY NUMBER: 43210.065
 DIRECTORY REFERENCE: VICROADS 558 D7
 PLANNING SCHEME: CENTRAL GOLDFIELDS PLANNING SCHEME
 LOCAL GOVERNMENT AREA (COUNCIL): CENTRAL GOLDFIELDS
 RELEVANT PLANNER: ANDREW PAGE
 PLANNING PERMIT NO: N/A
 ZONING: COMMERCIAL ZONE (C1Z)
 SCHEDULE TO THE COMMERCIAL ZONE (C1Z)
 RELEVANT OVERLAYS: HERITAGE OVERLAY (H0)
 HERITAGE OVERLAY - SCHEDULE (H0206)

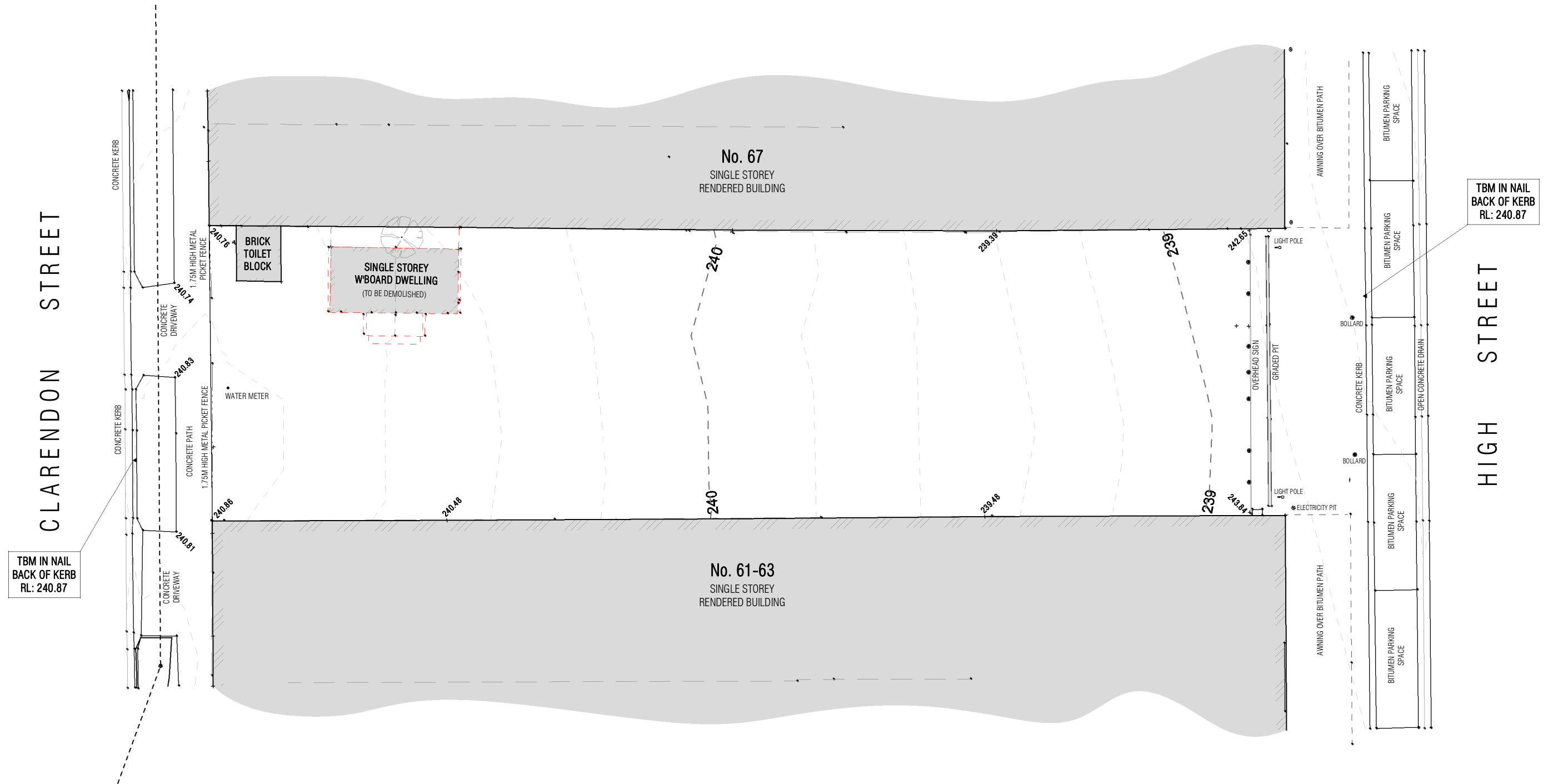


Proposed Drive Thru Coffee Shop

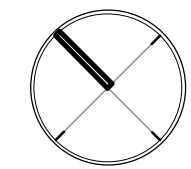
Project Address:
 65 High Street, Maryborough

Client:
 Ecotech Electrical & Solar

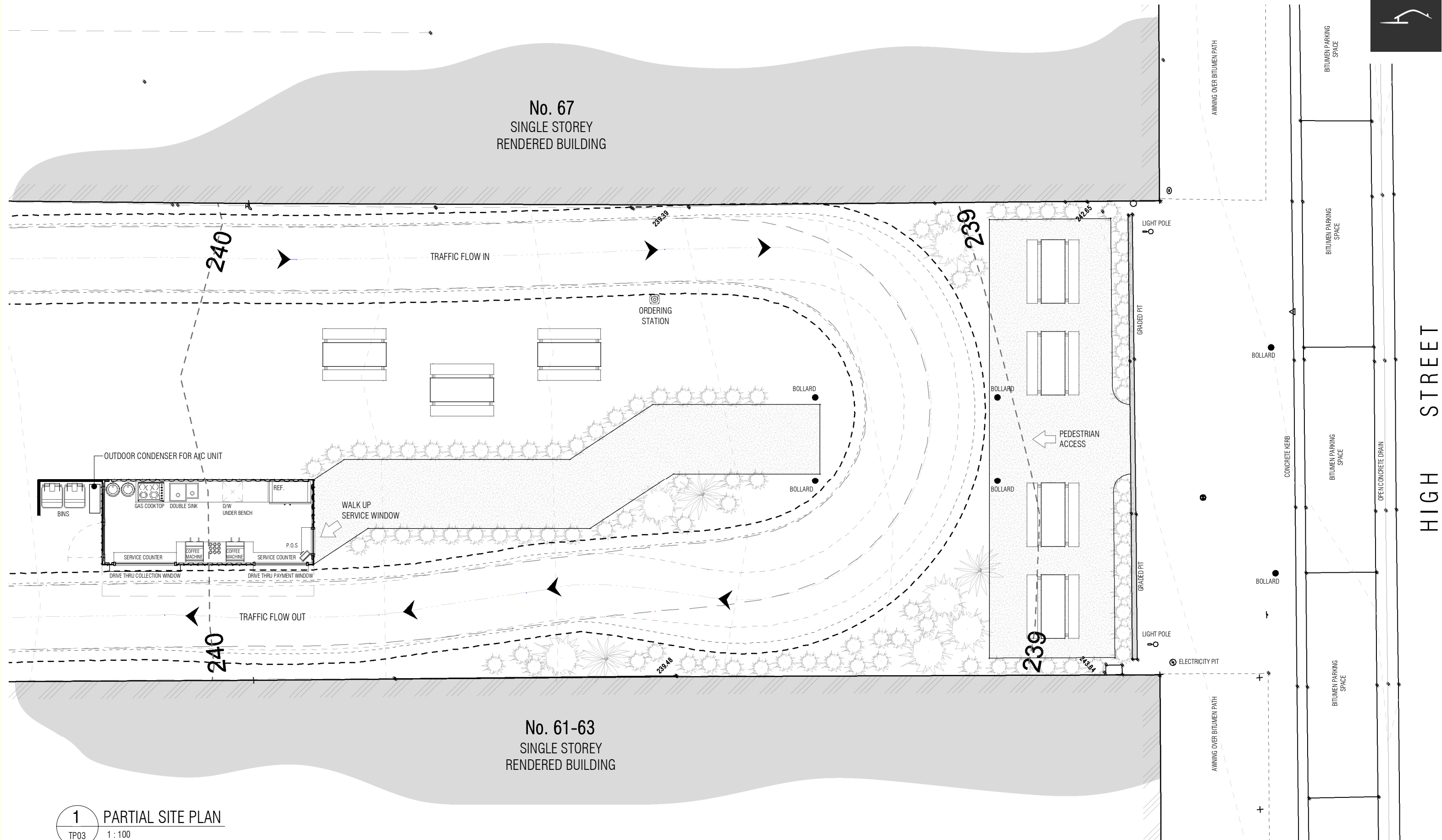




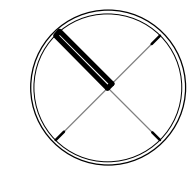
1 EXISTING CONDITIONS PLAN
TP01 1:200



EXISTING CONDITIONS/SITE CONTEXT PLAN				
Date	10.05.23		TP01	
Drawn by	CAH			
MeI Ref	//-//	Rev No.	Scale	1:200

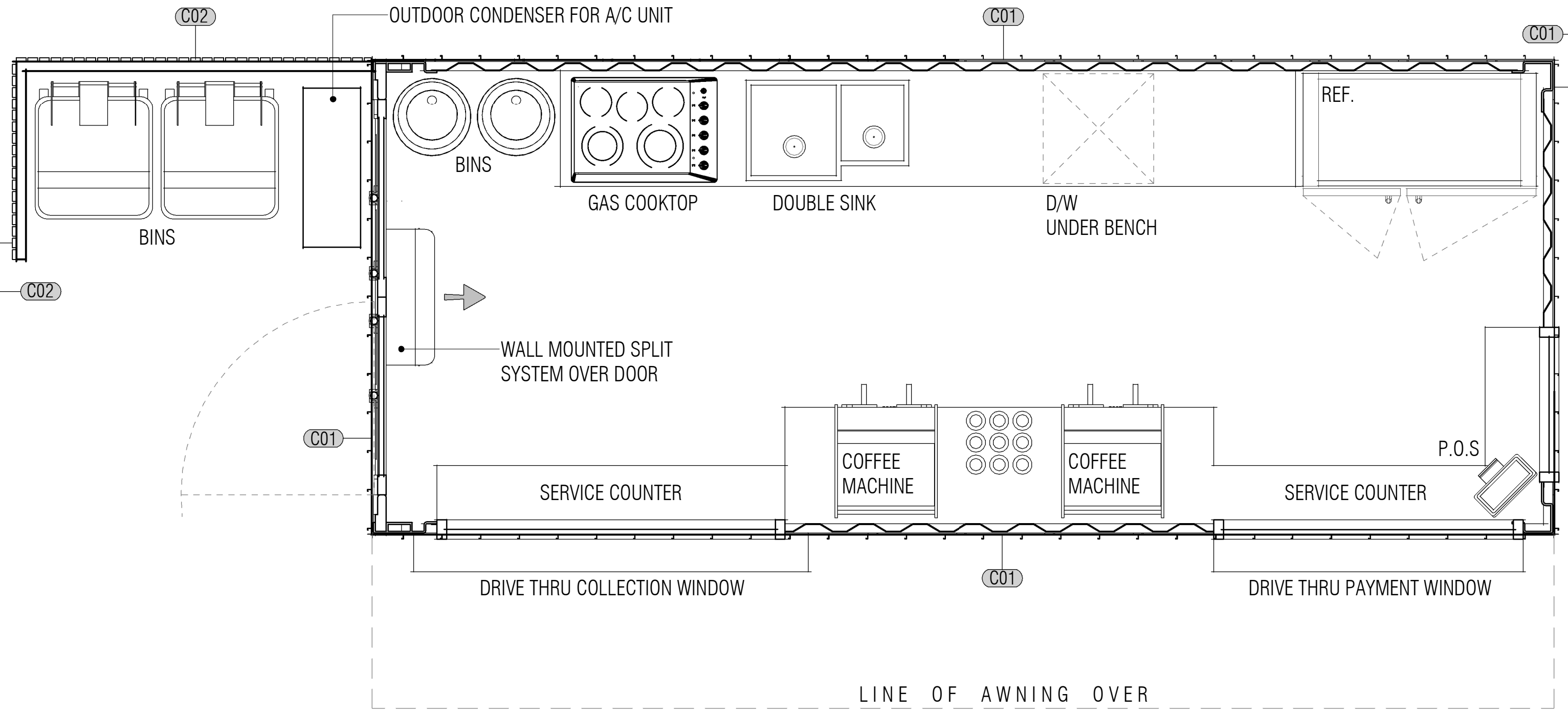


1 PARTIAL SITE PLAN
TP03 1:100

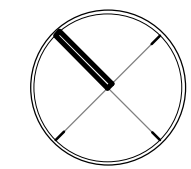


MATERIALS & FINISHES

- C01 1. WEATHERED COPPER STANDING SEAM CLADDING
- C02 2. VERTICAL TIMBER SLATS



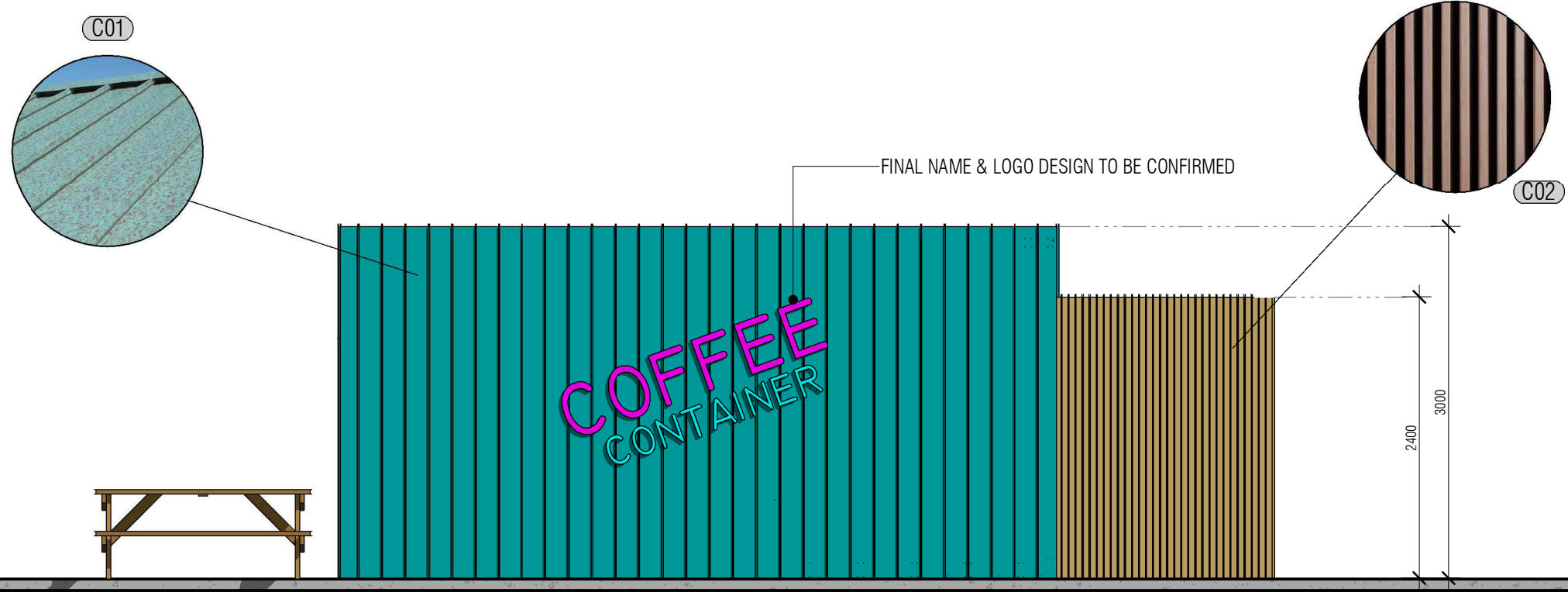
1 PROPOSED FLOOR PLAN
 TP04 1:20



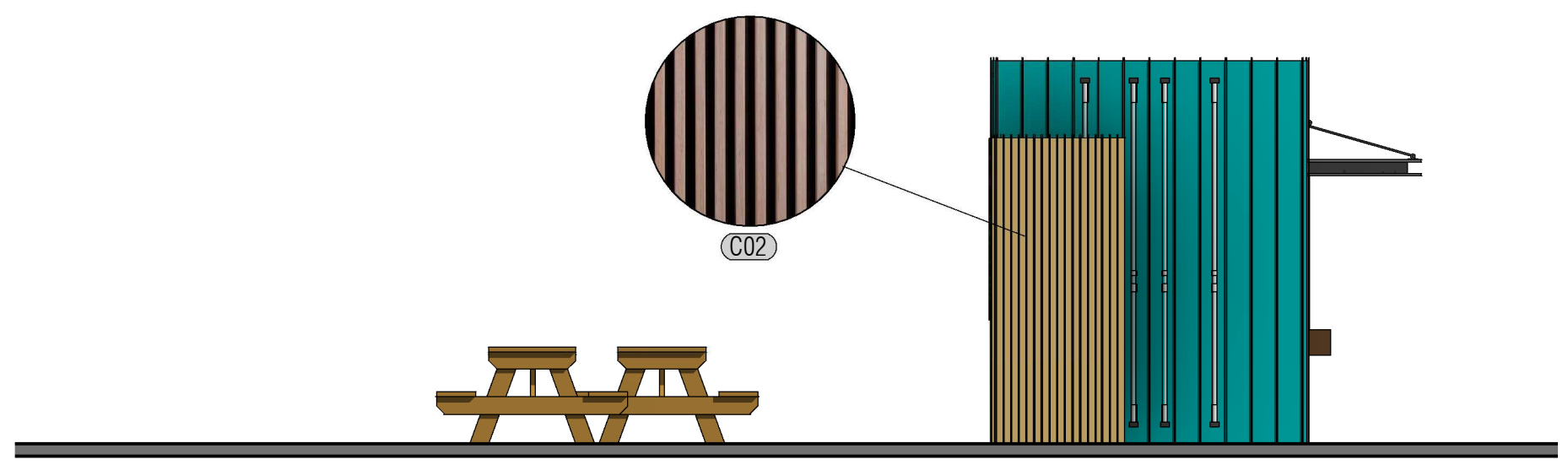
PROPOSED FLOOR PLAN		Date	10.05.23	TP04
Drawn by	CAH	MeI Ref	//-//	
Rev No.		Scale	As indicated	

MATERIALS & FINISHES

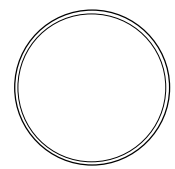
- C01 1. WEATHERED COPPER STANDING SEAM CLADDING
- C02 2. VERTICAL TIMBER SLATS



1 NORTH EAST ELEVATION
TP05 1:50



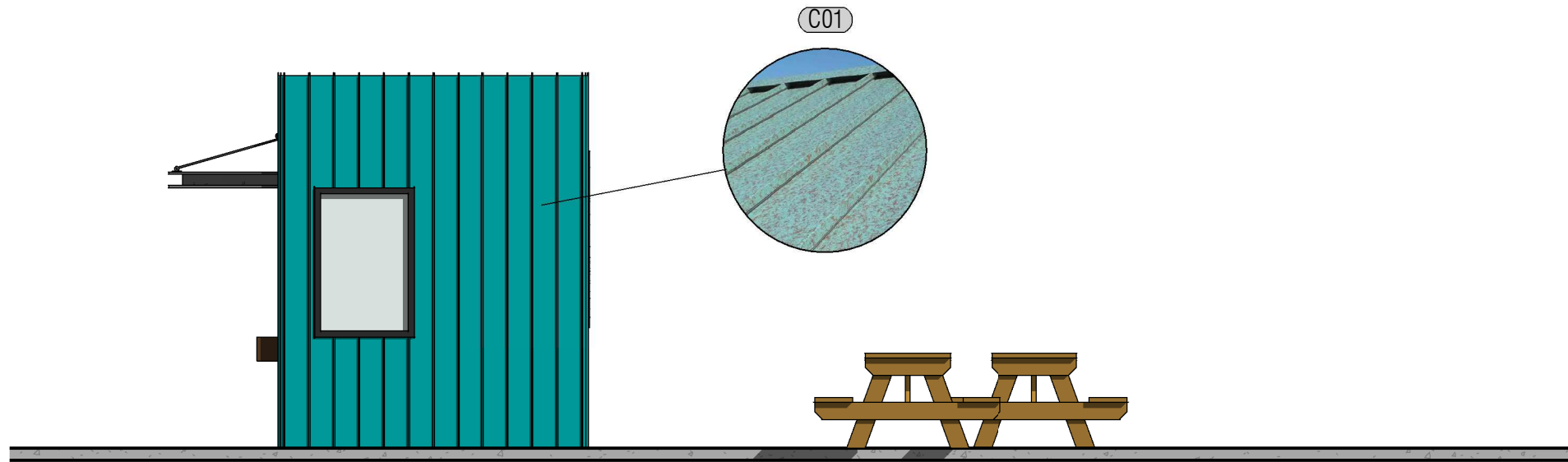
2 NORTH WEST ELEVATION
TP05 1:50



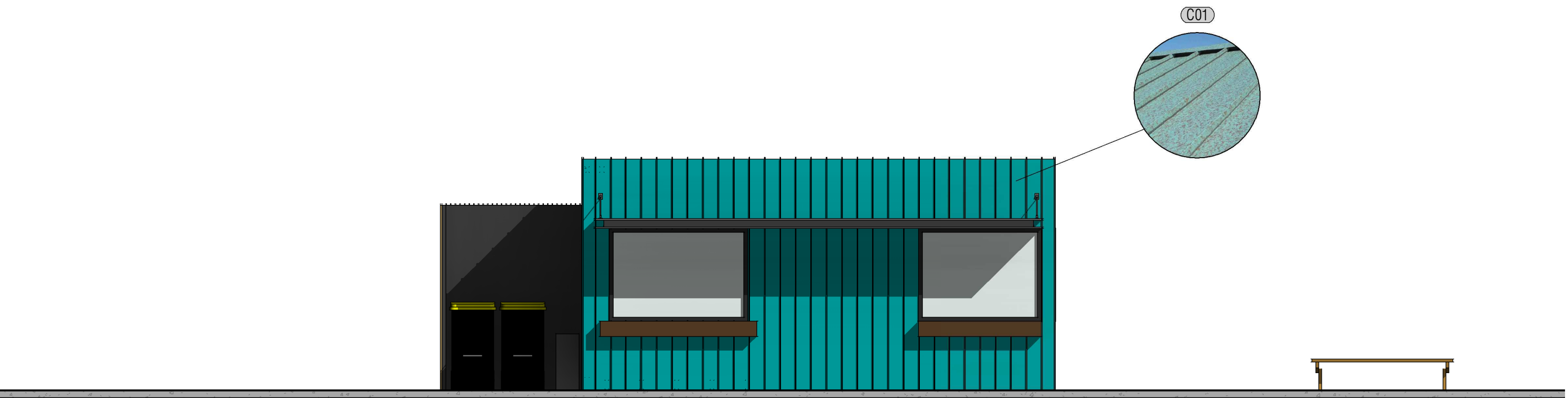
ELEVATIONS		Date		TP05
Date	10.05.23			
Drawn by	CAH			
Met Ref	//-//	Rev No.	Scale	As indicated

MATERIALS & FINISHES

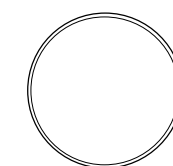
- C01 1. WEATHERED COPPER STANDING SEAM CLADDING
- C02 2. VERTICAL TIMBER SLATS



1 SOUTH EAST ELEVATION
TP06 1:50

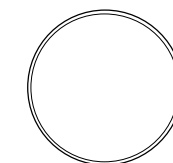


2 SOUTH WEST ELEVATION
TP06 1:50



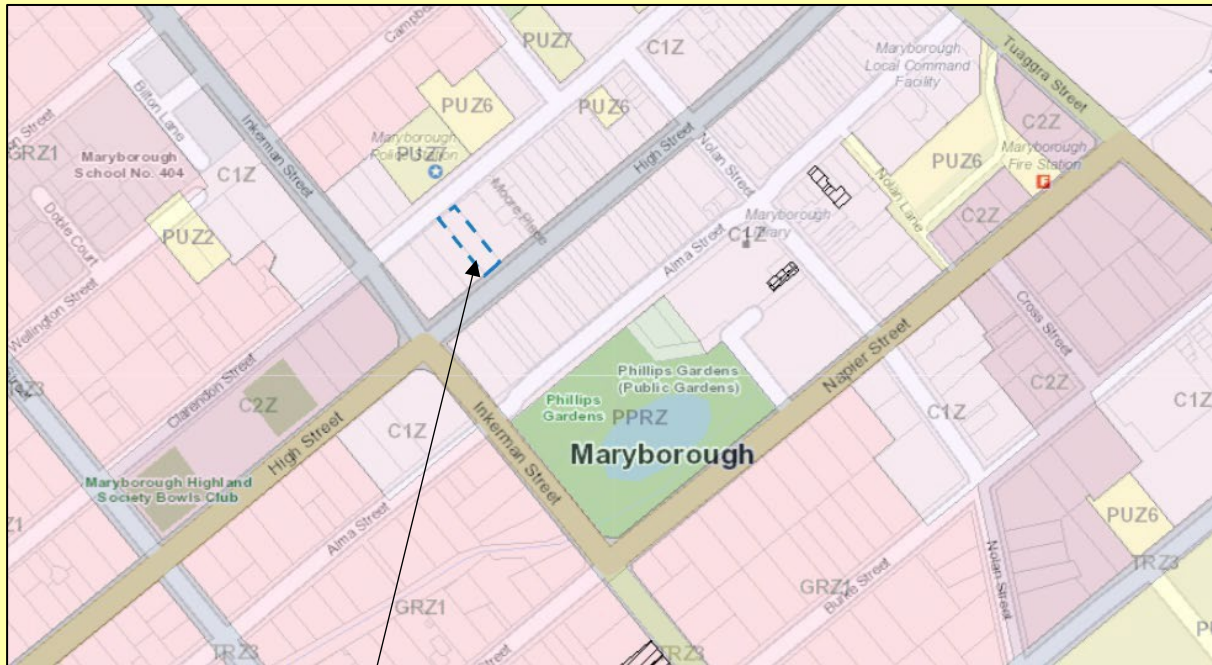
ELEVATIONS

Date	10.05.23	TP06
Drawn by	CAH	
MeI Ref	//-//	Rev No.
Scale		As indicated



8.8.2

Site and Surrounding Area



Subject Site

9. Notices of Motion

The Governance Rules provides that Councillors May Propose Notices Of Motion, Chapter 2, Division 4:

Councillors may ensure that an issue is listed on an agenda by lodging a Notice of Motion.

22. Notice Of Motion

22.1 A notice of motion must be in writing signed by a Councillor, and be lodged with or sent to the Chief Executive Officer at least one week before the Council meeting to allow sufficient time for him or her to include the notice of motion in agenda papers for a Council meeting and to give each Councillor at least 48 hours notice of such notice of motion.

22.2 The Chief Executive Officer may reject any notice of motion which:

22.2.1 is vague or unclear in intention 22.2.2 it is beyond

Council's power to pass;

or

22.2.3 if passed would result in Council otherwise acting invalidly but must:

22.2.4 give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so; and

22.2.5 notify in writing the Councillor who lodged it of the rejection and reasons for the rejection.

22.3 The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.

22.4 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.

22.5 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.

22.6 If a Councillor who has given a notice of motion is absent from the meeting or

fails to move the motion when called upon by the Chair, any other Councillor may move the motion.

22.7 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses

Nil Notices of Motion have been received for this meeting.

10. Urgent Business

The Governance Rules provide for urgent business as follows:¹

If the agenda for a Council meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:

1. 1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
2. 2 cannot safely or conveniently be deferred until the next Council meeting.

11. Confidential Business

NIL

12. Meeting Closure