



## ORDINARY COUNCIL MEETING

Tuesday 26 March 2019  
6:00pm

Community Hub  
Room 1  
48 Burns Street, Maryborough

### AGENDA

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| 12.         | Confidential Business Nil                           |    |
| 13.         | Meeting Close                                       |    |

## 5 CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS

**Author:** **Manager Governance Property and Risk**

**Responsible General Manager:** **Chief Executive Officer**

*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.*

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### **SUMMARY/PURPOSE:**

To present for confirmation, the minutes of the Ordinary Council Meeting held on 26 February 2019.

### **POLICY CONTEXT:**

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Organisation

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

4.3 Objective: Provide leadership in governance and Council decision making

### **BACKGROUND INFORMATION:**

The minutes of meetings remain unconfirmed until the next meeting of Council.

### **REPORT:**

Section 93 of the *Local Government Act 1989* requires Council to keep minutes of each meeting of the Council and Special Committees, and for minutes to be submitted to the next appropriate meeting for confirmation.

### **CONCLUSION:**

The unconfirmed minutes of the Ordinary Council Meeting held on 26 February 2019 are presented for confirmation.

### **ATTACHMENTS:**

1. Minutes of Ordinary Council Meeting held 26 February 2019.

### **RECOMMENDATION:**

*That Council confirms the Minutes of the Ordinary Council Meeting held on 26 February 2019.*



## **ORDINARY MEETING OF COUNCIL MINUTES**

Tuesday 26 February 2019  
6:00pm

Council Chamber  
Room 1 Community Hub  
48 Burns Street  
Maryborough

### **MEMBERSHIP**

Administrator Noel Harvey  
Administrator Karen Douglas  
Administrator Hugh Delahunty

To be confirmed at the Ordinary Council Meeting  
scheduled for 26 March 2019

# UNCONFIRMED MINUTES

## 1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.00pm

The Chair, Administrator Noel Harvey read the Council Prayer and acknowledgement statement:

### **Council Prayer**

Almighty God, we ask you to be present in this Council.

Direct and guide our deliberations.

We ask you to grant us wisdom and sensitivity as we deal with the business of our Shire.

May each decision that we make advance the wellbeing of all our residents.

This we pray. Amen.

### **Acknowledgement of Country**

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Elders from other communities who may be here today.

## **PRESENT**

Administrator Noel Harvey  
Administrator Karen Douglas  
Administrator Hugh Delahunty

## **IN ATTENDANCE**

Chief Executive Officer, Lucy Roffey  
General Manager Corporate Performance, Paul Brumby  
General Manager Infrastructure, Assets and Planning, Rebecca Stockfeld  
General Manager Community Wellbeing, Brenton West

## 2. APOLOGIES

Nil

## 3. LEAVE OF ABSENCE

Nil

## 4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

## 5. CONFIRMATION OF THE MINUTES OF THE PREVIOUS COUNCIL MEETING

The purpose of this report was to present for confirmation, the minutes of the Ordinary Council Meeting held on 18 December 2018 and the Special Council Meeting held on 4 February 2019.

### **Council Resolution**

*That Council confirms the Minutes of the Ordinary Council Meeting held on 18 December 2018 and the Minutes of the Special Council Meeting held on 4 February 2019.*

**Moved** Administrator Delahunty  
**Seconded** Administrator Douglas

**CARRIED**

# UNCONFIRMED MINUTES

## 6. REPORTS FROM COMMITTEES

### 6.1 NOTING OF THE APPROVED MINUTES OF SPECIAL COMMITTEE MEETINGS

The purpose of this report was to present for noting the confirmed minutes of Council's Special Committees established under section 86 of the Local Government Act 1989.

#### Council Resolution

*That Council notes the confirmed minutes of the:*

1. *Daisy Hill Community Centre Annual General Meeting Minutes 17 August 2017 (confirmed 16 August 2018).*
2. *Daisy Hill Community Centre Meeting Minutes 16 August 2018 (confirmed 20 September 2018).*
3. *Daisy Hill Community Centre Meeting Minutes 20 September 2018 (confirmed 15 November 2018)*
4. *Talbot Town Hall Committee Meeting 19 November 2018 (confirmed 21 January 2019).*
5. *Go Goldfields Collaborative Table 12 December 2018 (confirmed 13 February 2019).*

**Moved** Administrator Douglas  
**Seconded** Administrator Delahunty

**CARRIED**

## 7. PETITIONS

Nil

## 8. OFFICER REPORTS

### 8.1 ASSEMBLIES OF COUNCILLORS

The purpose of this report was to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that they are recorded in the minutes of the formal Council Meeting.

#### Council Resolution

*That Council note the record of Assemblies of Councillors as outlined in the report.*

**Moved** Administrator Delahunty  
**Seconded** Administrator Douglas

**CARRIED**

## UNCONFIRMED MINUTES

### 8.2 GO GOLDFIELDS YEAR IN REVIEW

The purpose of this report is for Council to receive the Go Goldfields 2018 Year in Review Report.

#### Council Resolution

1. *That Council receive the 2018 Go Goldfields Year in Review*
2. *That Council acknowledge the work of staff and partners in delivering the critical work of the Go Goldfields initiative.*

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**

### 8.3 NORTHERN VICTORIAN CLUSTER – MUNICIPAL HEATWAVE PLAN

The purpose of this report is to seek Council's endorsement of the Northern Victorian Cluster – Municipal Heatwave Plan.

#### Council Resolution

*That Council endorse the updated Northern Victorian Emergency Management Cluster Heatwave Plan.*

**Moved Administrator Delahunty**  
**Seconded Administrator Douglas**

**CARRIED**

### 8.4 12 MONTH EVALUATION OF MARYBOROUGH TOURIST MARKET

The purpose of this report is to provide an evaluation of the 12 month trial of the Maryborough Tourist Market hosted by the Maryborough Lions Club along Alma and Nolan Streets, Maryborough. This is a follow up action from the agreed resolution from Council's February 2018 meeting.

#### Council Resolution.

*That Council support the ongoing hosting on the Maryborough Tourist Market held once a month on a Sunday morning along the agreed sections of Alma and Nolan Streets, Maryborough, subject to the Maryborough Lions Club obtaining relevant Local Laws and Planning permissions, and continuing to implement the business and marketing plan for the Market.*

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**

## UNCONFIRMED MINUTES

### 8.5 REPORT DETAILING THE EVALUATION OF CONTRACT G1263-18 PORTEOUS ROAD WAREEK BRIDGE REPLACEMENT

This report recommends that Contract G1263-18 for Porteous Road Bridge Replacement be awarded to Murray Constructions Pty Ltd, following a public tender process.

#### Council Resolution

*That Council:*

- 1. Award the Porteous Road Wareek Bridge Replacement Contract G1263-18 to Murray Constructions Pty Ltd for \$1,080,035.00 (GST Inclusive).*
- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract G1263-18 for Porteous Road Bridge Replacement.*

**Moved Administrator Delahunty**  
**Seconded Administrator Douglas**

**CARRIED**

### 8.6 DRAFT MARYBOROUGH INTEGRATED WATER MANAGEMENT PLAN FOR PUBLIC EXHIBITION TO ASSIST CENTRAL HIGHLANDS WATER

The purpose of this report is for Council to endorse the Draft Maryborough Integrated Water Management Plan ('Draft Plan') for the purpose of displaying this Draft Plan on Council's website and promoting the Draft Plan through social media to assist Central Highlands Water to seek community feedback.

On 27 November 2018 Council endorsed the Central Highlands Integrated Water Management Strategic Directions Statement. The Strategic Directions Statement identified opportunities that will substantially transform and enhance the role that water plays as an essential part of our region's way of life.

One of the opportunities identified in the Central Highlands Integrated Water Management Strategic Directions Statement was the development of a Maryborough Integrated Water Management Plan. Council has participated the development of the Draft Plan and the Strategic Directions Statement.

#### Council Resolution

*That Council:*

- 1. Endorse the Draft Maryborough Integrated Water Management Plan for the purpose of displaying this plan on Council's website and promoting the plan through social media to assist Central Highlands Water to gather community feedback*
- 2. Acknowledge it may wish to make a submission to the Draft Maryborough Integrated Water Management Plan through the feedback period.*

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**



## UNCONFIRMED MINUTES

### 8.7 PLANNING APPLICATION 133/18 – USE AND DEVELOPMENT OF A PROMOTION SIGN AT 4189 PYRENEES HIGHWAY, FLAGSTAFF

The purpose of this report is for Council to consider a planning permit application for the use and development of a promotion sign at 4189 Pyrenees Highway, Flagstaff which has been received. The definition of a 'Promotion Sign' in the Central Goldfields Planning Scheme is:

*A sign of less than 18sqm that promotes goods, services, an event or any other matter, whether or not provided, undertaken or sold or for hire on the land or in the building on which the sign is sited*

Public notice of the application has resulted in five written objections.

The application has been assessed against the policy and specific controls of the planning scheme and it is considered that the proposed sign is excessive in size and is incompatible with the rural landscape character of the area.

#### **Council Resolution**

*That council advise VCAT that it would have refused the application for Planning Permit Application 133/18 for development of a promotion sign at 4189 Pyrenees Highway, Flagstaff on the following grounds:*

- 1. The sign would adversely impact the rural landscape character of the location as an entrance to a local settlement or urban village, which is outlined in local policy.*
- 2. The sign is excessive in scale to its surroundings and is not sympathetic to the rural setting or urban village character that provides a welcoming entrance to the local settlement of Flagstaff.*
- 3. The sign would be a dominant element in the existing rural area and in the streetscape which is an entrance to the local settlement of Flagstaff and a significant approach to the larger towns of Maryborough and Carisbrook.*
- 4. The sign would have an impact on driver attention and traffic safety given the location adjacent the intersection of Madmans Lane with the Pyrenees Highway.*

**Moved Administrator Delahunty**  
**Seconded Administrator Douglas**

**CARRIED**

# UNCONFIRMED MINUTES

## 8.8 ACTION PLAN PROGRESS REPORT – SIX MONTHS TO 31 DECEMBER 2018

The purpose of this report is to provide Council with an update on the status of the projects identified in the 2018/19 Action Plan.

### Council Resolution

*That Council notes the Action Plan Progress Report December 2018.*

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**

## 8.9 DRAFT RATING STRATEGY 2019-2021

The purpose of this report is to provide information on the development of Council's Draft Rating Strategy 2019-2021 and to recommend consultation take place with the community on the Draft Rating Strategy 2019-2021.

### Council Resolution

*That Council:*

- 1. Endorse the Draft Rating Strategy 2019-2021*
- 2. Endorse Option 3 - Reduce the municipal charge to 10% and remove the three "Other" splits as Council's preferred option*
- 3. Propose that the change to the municipal charge be phased in equally over three years*
- 4. Propose that the removal of the three "Other" differential rating categories be phased in equally over five years*
- 5. Consult with the community on the Draft Rating Strategy 2019-2021 including the phase in timelines.*

**Moved Administrator Delahunty**  
**Seconded Administrator Douglas**

**CARRIED**

## 8.10 DECEMBER 2018 FINANCIAL REPORT

Monthly financial reports are presented to Council to show Council's financial performance and how it is tracking against the adopted (original) budget.

### Council Resolution

*That Council receives and notes the attached December 2018 Financial Report showing progress against the budget, as presented.*

**Moved Administrator Douglas**  
**Seconded Administrator Delahunty**

**CARRIED**

# UNCONFIRMED MINUTES

## 8.11 COMMUNITY ENGAGEMENT – COMMUNITY VOICE PANEL

The purpose of this report is to endorse the membership of the Community Voice Panel.

### Council Resolution

1. *That Council endorse the Community Voice Panel membership as proposed.*
2. *That Council keep open nominations for the Community Voice Panel for young people in the 16 – 24 age bracket and for people with an Aboriginal or Torres Strait Island background.*
3. *That Council review the operations of the Community Voice Panel and the membership in 12 months.*

**Moved** Administrator Delahunty  
**Seconded** Administrator Douglas

**CARRIED**

## 9 DOCUMENTS FOR SEALING CONFIRMATION

Nil

## 10 NOTICES OF MOTION

Nil

## 11 URGENT BUSINESS

Nil

## 12 CONFIDENTIAL BUSINESS

Nil

## 13 MEETING CLOSURE

The Chair, Administrator Noel Harvey declared the meeting closed at 6.34 pm

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To be confirmed at the Ordinary Council Meeting  
held on 26 March 2019.

Chair, Administrator Noel Harvey

## **6.1 NOTING OF THE APPROVED MINUTES OF SPECIAL COMMITTEE MEETINGS AND ADVISORY COMMITTEE MEETINGS**

**Author:** **Manager Governance Property and Risk**

**Responsible General Manager:** **Chief Executive Officer**

*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.*

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### **SUMMARY/PURPOSE:**

To present for noting the confirmed minutes of Council's Special Committees established under section 86 of the *Local Government Act 1989*.

### **POLICY CONTEXT:**

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Organisation

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

4.3 Objective: Provide leadership in governance and Council decision making

### **BACKGROUND INFORMATION:**

In accordance with section 86 of the *Local Government Act 1989*, Council has established Special Committees.

The Terms of Reference for the Special Committees require the minutes to be presented to Council for noting.

Minutes of Special Committees are confirmed/approved at the next scheduled meeting of that Special Committee.

### **REPORT:**

The following special and advisory committees of Council have provided confirmed minutes from their meeting as follows:

- Audit and Risk Committee Meeting 4 December 2018

### **CONSULTATION/COMMUNICATION:**

Not applicable.

### **RESOURCE IMPLICATIONS:**

No resource implications.

**CONCLUSION:**

Recently received, confirmed minutes of Council's special and advisory committees are presented to Council for noting.

**ATTACHMENTS:**

1. Audit and Risk Committee Meeting Minutes 4 December 2018

**RECOMMENDATION**

*That Council notes the confirmed Minutes of the Audit and Risk Committee Meeting Minutes 4 December 2018.*



# AUDIT AND RISK COMMITTEE MEETING

Tuesday 4<sup>th</sup> December, 2018 10.00am

Community Hub, Room 5  
48 Burns Street, Maryborough

## MINUTES

### Members:

- John Watson – Independent Chair
- Cheryl Fitzgerald – Independent Member
- Robert Tommasini – Independent Member
- Hon Hugh Delahunty – Administrator
- Karen Douglas - Administrator

### Officers Attending:

- Lucy Roffey – Chief Executive Officer
- Paul Brumby – General Manager Corporate Performance
- Brenton West – General Manager Community Wellbeing
- Rebecca Stockfeld – General Manager Infrastructure Assets and Planning
- Anna Bartlett – Manager Finance

### Visitors Attending:

- Noel Harvey – Chair of the Panel of Administrators
- Brad Ead – AFS & Associates Pty Ltd (Internal Auditor)

### Item

**1 Welcome and introduction** (10:00-10:02am)

**2 Apologies** (10.02-10.03am)

Nil

**3 Declarations of conflicts of interest** (10:03-10:04am)

John Watson declared an interest in item 13.2 due to his role as chair of the Municipal Association of Victoria Audit Committee.

**4 Consideration of the Agenda** (10:04-10:04am)

No issues raised.

**5 Declarations** (10:05-10:05am)

**5.1 CEO** – In response to the question, 'Has there been any impending legal action, legislation breach or instance of fraud since the last meeting?' the CEO responded that there had been none, other than an ongoing legal matter that will be discussed in the in camera session.

**5.2 Internal Auditors** - In response to the question 'Has there been any obstruction to the work of Internal Audit?' the Internal Auditors responded that there had been none.

**6 In Camera matters** (12:27pm-12:35pm) (Note: Item deferred until the end of meeting)

All Council Officers and visitors with the exception of the CEO left the meeting for the 'In Camera' Session.

**Decision:**

The 'In Camera' report by the CEO was noted by the Committee.

**7 Adoption of minutes of previous meeting** (10:05-10:06am)

**Decision**

The Minutes of the Audit and Risk Committee meeting held 10 September 2018 were confirmed by the Committee.

**8 Matters Arising/Actions list** (10:06am-10:17am)

The Committee noted the positive addition of a "Responsibility" column to the report and the high number of actions that were completed. It was requested that the "Meeting Date" and "Minutes Reference" columns be combined, and that an "Item number" column be added. **Action**

**Decision**

The Audit and Risk Committee noted the Outstanding Action Item Report.

**9 CEO's report** (10:17am-10:41am)

Ways to embed the governance changes into the organisation were discussed, and agreed that the Manager Governance Property and Risk will provide more detail on this during 2019. **Action**

The need for a risk strategy for the Energy Breakthrough event was highlighted. **Action**

**Decision:**

The Audit and Risk Committee noted the Chief Executive Officer's Report.

**10 Internal Audit Update** (10:41am-10:59am)

**10.1 Internal Audit Program Status Update**

**Decision:**

The Audit and Risk Committee noted the Internal Audit Program Status Update report provided by the internal audit service provider AFS Chartered Accountants.

**10.2 Internal Audit Planning Document – Contract Management**

**Decision:**

The Audit and Risk Committee endorsed the Internal Audit Planning Document – Contract Management from AFS Chartered Accountants.

### **10.3 Internal Audit Planning Document – Past Issues Review**

**Decision:**

The Audit and Risk Committee endorsed the Internal Audit Planning Document – Past Issues Review from AFS Chartered Accountants.

### **10.4 Internal Audit Report – Key Internal Controls**

Anna Bartlett circulated a recalculation of the asset renewal gap showing that the actual 2017-2018 asset renewal was 69% excluding flood damage repairs (151% including flood damage repairs), and the 2018-2019 budgeted asset renewal is 69%.

The committee requested that there be milestones put in the outstanding audit recommendations register so that progress on the Asset Management recommendations can be monitored.

**Action**

**Decision:**

The Audit and Risk Committee endorsed the Internal Audit Report on Key Internal Controls and management's responses to the audit recommendations, noting that the recalculated 2018-2019 budgeted asset renewal is 69%.

## **11 Organisation and Governance Reform Program Update (10:59am-11:03am)**

### **11.1 Final Report of Organisation and Governance Reform Program**

The Committee recorded its acknowledgement of the work of the Business Transformation Team.

**Decision:**

The Audit and Risk Committee noted the final report of the Organisational and Governance Reform Program.

## **12 Risk Management Update (11:03am-11:05am)**

**Decision:**

The Audit and Risk Committee noted the Risk Management update.

## **13 VAGO update**

### **13.1 VAGO Final Management Letter (11:05am-11:14am)**

**Decision:**

The Audit and Risk Committee noted the VAGO Final Management Letter for 2017-2018.

### **13.2 VAGO Report – Local Government Insurance Risks (11:14am-11.24am)**

John Watson declared an interest in this item and left the room at 11.04am.

Robert Tommasini took the chair.

**Decision:**

The Audit and Risk Committee:

1. Noted the report on the Victorian Auditor-General's Office (VAGO) report on Local Government Insurance Risks



2. Noted that Council staff have engaged an independent third party to conduct a tender for Council's insurance broker for the 2019-2022 financial years.
3. Recommends that Council considers writing to the CEO of the MAV and request an update on the MAV's response to the eight recommendations made by VAGO to the MAV arising from the VAGO report on Local Government Insurance Risks. **Action**
4. Recommends that Council obtain advice as to whether it has a contingent liability that should be disclosed in its annual financial statements in regard to a potential LMI funding call. **Action**

John Watson returned to the room at 11.24am and resumed the chair.

**14 Finance Report October 2018** (11:24am-11:32am)

Anna Bartlett presented a revised balance sheet and cash flow statement.

**Decision:**

The Audit and Risk Committee noted the revised Finance Report as at 31 October 2018.

**15 Progress Report on Prior Audit Recommendations** (11:32am-11:55am)

The audit recommendation register was reviewed and a number of changes and requests for further information were identified.

**Decision:**

The Audit and Risk Committee noted the status update report on outstanding actions from prior audit recommendations and confirmed that any completed items can be removed from future reporting.

**16 Organisational update**

**16.1 Defined Benefits of VBI update** (11:55am-11:55am)

**Decision:**

The Audit and Risk Committee noted the Superannuation Defined Benefits update report.

**17 Policies for review**

Nil.

**18 Reports by sector and related agencies** (11:55am-12:01pm)

**18.1 Recent Reports and Publications of Interest to Councils**

Brad Ead provided a verbal update of recent events including the re-election of the Andrews Labor government and the potential for the Local Government Bill 2018 being enacted as legislation.

**Decision:**

The Audit and Risk Committee noted the report from AFS Chartered Accountants on recent reports and publications of specific interest to Councils.

**19 Other business (12:01pm-12:27pm)**

**19.1 Dates and Times for 2019 Audit and Risk Committee Meetings**

**Decision:**

The Audit and Risk Committee adopted the following meeting times and dates for the Audit and Risk Committee for the 2019 year:

- Monday 4 March 2019 – 10.00am to 1.00pm
- Monday 3 June 2019 – 10.00am to 1.00pm
- Monday 9 September 2019 – 10.00am to 1.00pm
- Tuesday 3 December 2019 – 10.00am to 1.00pm

**19.2 Annual Review of Audit and Risk Committee Charter**

**Decision:**

That Audit and Risk Committee members are to forward any potential changes to the Charter to the CEO by the 1 February 2019, for consideration at the March 2019 Audit and Risk Committee meeting.

**Action**

**19.3 Draft 2019 Annual Work Plan Report**

**Decision:**

The Audit and Risk Committee adopted the draft 2019 annual work plan for the Audit and Risk Committee subject to any changes to the Charter.

**19.4 Councils use of products containing Glyphosate**

**Decision:**

The Audit and Risk Committee noted the report on Council's use of products containing Glyphosate.

**20 Next meeting (12:27-12:27pm)**

**Decision:**

The next meeting of the committee will be at 10.00am on Monday 4 March 2019.

**21 Meeting closed at 12:35pm**

## 8.1 ASSEMBLIES OF COUNCILLORS

**Author:** **Manager Governance Property and Risk**

**Responsible General Manager:** **Chief Executive Officer**

*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.*

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### **SUMMARY/PURPOSE:**

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the Minutes of the formal Council Meeting.

### **POLICY CONTEXT:**

Section 80A of the Local Government Act 1989 requires the record of any assembly of Councillors to be reported to the next practicable Council Meeting and recorded in the Minutes and to include the names of all Administrators and Council Staff attending, the matters considered and any conflicts of interest recorded.

### **BACKGROUND INFORMATION:**

The Local Government Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or, the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors and a member of Council staff; or
2. An advisory committee of the Council where one or more Councillors are present.

The requirement for reporting provides increased transparency and the opportunity for Councillors to check the record, particularly the declarations of conflict of interest.

### **REPORT:**

Outlined below are the details of Assemblies of Councillors since the last meeting:

|  |  |                 |                  |
|--|--|-----------------|------------------|
| <b>Date</b>                              | 26 February 2019   | <b>Meeting:</b> | Briefing Meeting |
| <b>Councillor Attendees</b>              | Noel Harvey (Chief Administrator), Hugh Delahunty (Administrator), Karen Douglas (Administrator)   |                 |                  |
| <b>Council Staff Attendees</b>           | Lucy Roffey (CEO)  |                 |                  |
| <b>Guests</b>                            |  |                 |                  |
| <b>Conflict of interest disclosures:</b> | NIL  |                 |                  |
| <b>Matters Considered</b>                | Pre meeting to discuss February Ordinary Council Meeting.  |                 |                  |
| <b>Date</b>                              | 5 March 2019   | <b>Meeting:</b> | Briefing Meeting |
| <b>Councillor Attendees</b>              | Noel Harvey (Chief Administrator), Hugh Delahunty (Administrator), Karen Douglas (Administrator)   |                 |                  |
| <b>Council Staff Attendees</b>           | Lucy Roffey (CEO), Rebecca Stockfeld (GMIAP), Paul Brumby (GMCP)   |                 |                  |
| <b>Guests</b>                            |  |                 |                  |
| <b>Conflict of interest disclosures:</b> | NIL  |                 |                  |
| <b>Matters Considered</b>                | Meeting to discuss Aerodrome   |                 |                  |
| <b>Date</b>                              | 12 March 2019  | <b>Meeting:</b> | Briefing Meeting |
| <b>Councillor Attendees</b>              | Noel Harvey (Chief Administrator), Hugh Delahunty (Administrator), Karen Douglas (Administrator)   |                 |                  |
| <b>Council Staff Attendees</b>           | Lucy Roffey (CEO), Rebecca Stockfeld (GMIAP), Paul Brumby (GMCP), Brenton, James Maw, Manager Statutory Services (Items 7.1 and 7.2), Tim Blackie, Coordinator Statutory Planning (Items 7.1 and 7.2), Jacquelyn Laurent Goeman (Items 6.1 and 6.2)  |                 |                  |
| <b>Guests</b>                            | Fiona Lindsay & Marion de Costa  |                 |                  |
| <b>Conflict of interest disclosures:</b> | NIL  |                 |                  |
| <b>Matters Considered</b>                | Dunolly Independent Living Units<br>Aged Care Services Update<br>Planning Permit 108-18 Dog Track Amendment<br>Planning Permit Major Promotion Sign – High Street<br>Road Name Report – Worrall Court<br>Surrender of Title – Dunolly Recreation Reserve (Deledio Reserve)<br>Mid-Year Budget Review<br>January Finance Report<br>Regional Business Case Transformation Program – CHCV Business Case |                 |                  |
| <b>Date</b>                              | 18 March 2019  | <b>Meeting:</b> | Meeting          |
| <b>Councillor Attendees</b>              | Noel Harvey (Chief Administrator), Hugh Delahunty (Administrator), Karen Douglas (Administrator)   |                 |                  |
| <b>Council Staff Attendees</b>           | Lucy Roffey (CEO)  |                 |                  |
| <b>Guests</b>                            | Lydia Wilson   |                 |                  |
| <b>Conflict of interest disclosures:</b> | NIL  |                 |                  |
| <b>Matters Considered</b>                | CEO Annual Performance Review  |                 |                  |

**RECOMMENDATION:**

*That Council note the record of Assemblies of Councillors as outlined in this report.*

## 8.2 PROPOSED ROAD NAME – WORRALL COURT

**Author:** Information Systems Administrator

**Responsible General Manager:** 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.*

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### SUMMARY/PURPOSE:

The purpose of the report is to recommend that Council names two sections of road (R1) and (R2) created as part of the proposed plan of subdivision PS **807060** by planning permit D081/13 as shown in Attachment 1.

### POLICY CONTEXT:

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Built and Natural Environment

Outcome: To support the rich built and natural heritage and focus on a sustainable environment.

1.1 Objective: Maintain the Council's major asset categories

Geographic Place Names Act 1998 - Council is the naming authority for roads within the Municipality and as such must comply with the Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016, which also references AS/NZS 4819-2011 Rural and Urban addressing.

From the above rules Appendix C Section 2 – Roads located in residential or commercial subdivisions require a report on the naming proposal be signed off by the Council prior to the lodgement of plans for certification.

### BACKGROUND INFORMATION:

Council previously issued a planning permit D51/07 for a multi lot subdivision in 2007 which created Whirrakee Rise Estate. Council has also issued a planning permit D081/13 for a multi lot subdivision in 2014 which created an extension to this estate.

In order to work towards finalisation of the development of Whirrakee Rise Estate (Stage 9), a Plan of Subdivision (PS807060) has been lodged with Council for approval. This plan includes this two sections of road as R1 and R2 and they require approved road names.

### REPORT:

The subdivision developer has proposed that R2 of PS807060 be named Worrall Court, which is named in recognition of Jack Worrall who was a footballer, cricketer, coach and journalist, born near Timor in Central Goldfields Shire. The following background on Jack has been extracted from the Australian Dictionary of Biography and the Carlton Football Club website.

*JOHN “Jack” WORRALL - footballer, cricketer, coach, journalist*

*June 21, 1861 - November 17, 1937*

*Over 150 years ago Worrall was born in the Victorian goldfields town of Chinaman’s Flat; and after 80 years since his passing in Fairfield, he has been inducted into the Australian Football Hall of Fame, and has had a medal bearing his name annually presented to a local sports person by the Goldfields Region Sports Association.*

*Former VFA (Victorian Football Association) player for the Fitzroy Football Club and former Australian Test Cricketer. Worrall was a prominent coach for both these sports and also became a sports journalist.*

*John ‘Jack’ Worrall coached the Carlton Football Club to their first three premierships in 1906, 1907 and 1908.*

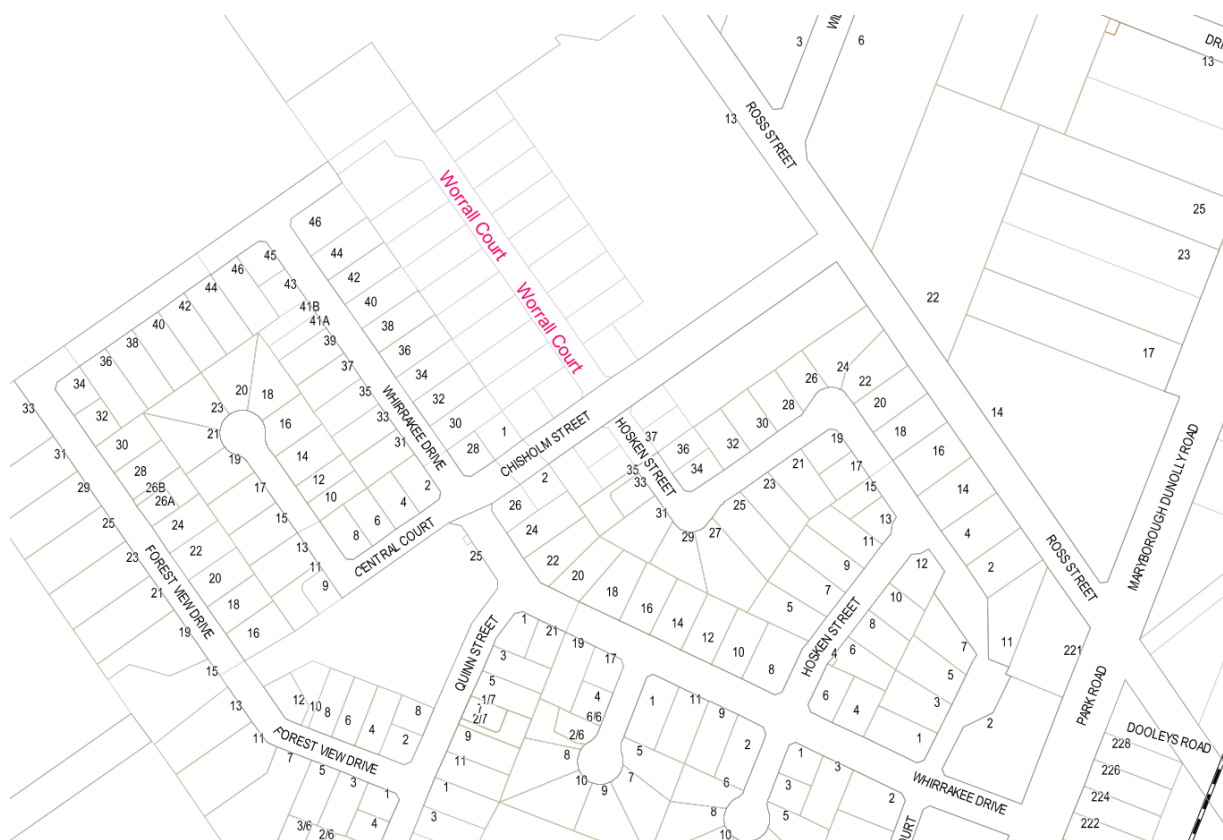
*A full biography on Jack Worrall can be found at:*

<http://adb.anu.edu.au/biography/worrall-john-9192>

*Further information and a portrait of Worrall can be found at:*

<http://www.carltonfc.com.au/news/2017-11-10/carlton-to-honour-worrall-at-local-landmark>

It is proposed that R1 of PS807060 be named Hosken Street as it is the extension of the existing section of road named Hosken Street.



**CONSULTATION/COMMUNICATION:**

Public consultation has not occurred in this instance as the road reserves to be named are either on private land or are an extension of the roadway on private land so should have the same name approved. The name “Worrall” has previously been put forward as a suggested road name for use in the municipality by members of the public.

Any proposed name must comply with the Naming Rules prepared by the office of Geographic Names. Preliminary checks with appropriate Emergency Services has been undertaken to check suitability and no duplicates have been determined.

The following principles from the Naming Guidelines have been met.

Principle A – Ensuring public safety

Principle D – Ensuring names are not duplicated

Principle H – Using commemorative names

**FINANCIAL & RESOURCE IMPLICATIONS:**

The process of lodgement of road names, formalised by State Government agency, is a normal part of Council’s day to day operations.

Street blades will need to be installed by the developer (at the cost of the developer) upon completion of the road naming process.

**CONCLUSION:**

Council has received a request to approve road names for R2 on PS807060 as Worrall Court and R1 on PS807060 as Hosken Street, Maryborough. Worrall Court has been suggested in recognition of John “Jack” Worrall. Hosken Street is the continuation of a current street of that name.

**ATTACHMENTS:**

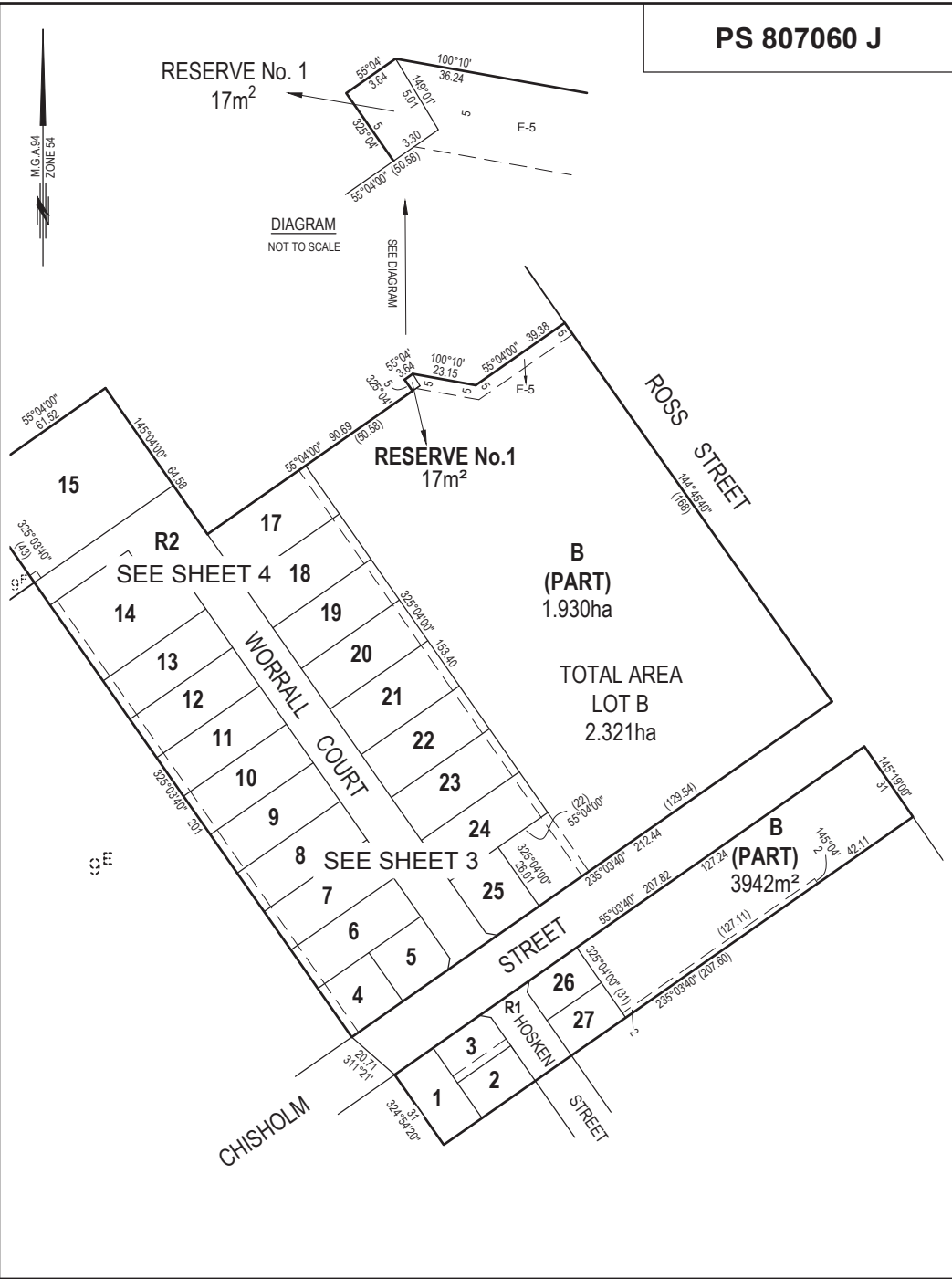
1. Sheet from PS 807060

**RECOMMENDATION:**

*That Council:*

1. Approves Hosken Street as the road name for R1 on PS807060
2. Approves Worrall Court as the road name for R2 on PS807060
3. Submits the names Hosken Street and Worrall Court to Geographic Names
4. Advises the developer of subdivision PS 807060 of this decision.



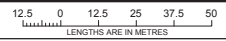


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SCALE 1:1250



Digitally signed by: Andrew Harman, Licensed Surveyor,  
 Surveyor's Plan Version (10),  
 15/01/2019, SPEAR Ref: S110933C

ORIGINAL SHEET SIZE: A3

SHEET 2

### 8.3 LEASE PART OF MARYBOROUGH AERODROME TO AMBULANCE VICTORIA

**Author:** Property and Risk Officer

**Responsible General Manager:** 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 advise on the outcome of the statutory process and recommend that Council enters into a site lease agreement with Ambulance Victoria for site 1/136 located at 152 Leviathan Road, Maryborough Aerodrome.

#### **POLICY CONTEXT:**

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Community

Outcome: A supported, cohesive community, living a full and healthy life.

1.4 Objective: Provide leadership in municipal emergency and fire prevention planning and strengthen public safety

#### **BACKGROUND INFORMATION:**

The Maryborough Aerodrome is **Crown Land** owned by the Department of Environment, Land, Water and Planning (DELWP), temporarily reserved for aerodrome purposes, and for which Council is the appointed DELWP Committee of Management.

Council commenced initial discussions with Ambulance Victoria in early 2018 in regard to a proposed patient transfer building at the aerodrome and on 25 July 2018, Ambulance Victoria officially registered their interest to progress with lease negotiations. Council officers consulted with DELWP and obtained their approval in-principle to commence direct negotiations with Ambulance Victoria.

Council at its meeting of 23 October 2018, resolved to commence negotiations with Ambulance Victoria for a potential site lease of site 1/136 located at 152 Leviathan Road, Maryborough Aerodrome, in order to enter into an appropriate lease agreement in accordance legislative requirements. Council officers then commenced direct negotiation with Ambulance Victoria, which provided written in-principle agreement to enter into a lease on the standard DELWP lease documentation.

#### **REPORT:**

##### **Lease Site**

The subject site intended to be formalised under a new lease agreement is site 1/136 located at 152 Leviathan Road, Maryborough Aerodrome, comprising an area of 408m<sup>2</sup>. **Attachment 1** provides an aerial image of the proposed lease site.

## **Statutory Process**

In order for Council to lease part of the Crown Land, it is a requirement as directed by DELWP, that Council advertise its intention to offer lease agreements. The statutory process is undertaken in accordance with section 190 of the *Local Government Act 1989* and provides for a Public Notice advertising Council's intention to lease land and invites submissions on the proposed lease for a minimum of 28 days after the publication of the Public Notice, in accordance with Section 223 of the *Local Government Act 1989*.

Section 190 of the *Local Government Act 1989* reads as follows:

### *“Restriction on power to lease land*

- (1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.*
- (2) Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.*
- (3) If the lease is to be—*
  - (a) for 1 year or more and—*
    - (i) the rent for any period of the lease is \$50 000 or more a year; or*
    - (ii) the current market rental value of the land is \$50 000 or more a year; or*
  - (b) for 10 years or more; or*
  - (c) a building or improving lease—*

*the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.*
- (4) A person has a right to make a submission under section 223 on the proposed lease.”*

Council at its meeting 18 December 2018 resolved:

### *That Council*

- Formally advertise its intention to enter into a 21 year lease agreement with Ambulance Victoria for site 1/136 located at 152 Leviathan Road, Maryborough Aerodrome (comprising an area of 408m<sup>2</sup>), with an initial term of seven years plus two options for a further seven years each, at a rental of \$104 plus GST per annum.*
- Invites public submissions on this proposal under Section 223 of the Local Government Act 1989.*
- Receives public submissions during the notice period ending 5.00pm on Tuesday 5 February 2019 and schedules a Hearing Meeting at 5.30pm on Tuesday 12 February 2019 to consider submissions.*

In accordance with Section 223, *Local Government Act 1989*, Council notified the community of its intention to enter into the lease agreement by placing a Public Notice on Council's

website, social media and in the Maryborough Advertiser on 4 and 18 January 2019 (**Attachment 2**).

At the close of submissions at 5.00pm on Tuesday, 5 February 2019 Council had not received any submissions on this proposal, and the Hearing Meeting scheduled for 5.30pm on Tuesday, 12 February 2019 to consider submissions was cancelled.

#### **CONSULTATION/COMMUNICATION:**

Consultation and communication has occurred with the following stakeholders:

- Ambulance Auxiliary – Maryborough Aeromedical Transfer Station (MATS) Project Committee
- Department of Environment, Land, Water and Planning
- Ambulance Victoria
- Internal Council departments

#### **FINANCIAL & RESOURCE IMPLICATIONS:**

Council will generate income of \$104 per annum from this lease.

#### **CONCLUSION:**

There has been ongoing positive consultation and negotiation with Ambulance Victoria and having a patient transfer building at the Aerodrome is an appropriate use of this site. The lease will provide Ambulance Victoria with security of tenure and will be of significant benefit to the community.

#### **ATTACHMENTS:**

1. Map of lease site
2. Copy of Public Notices dated 4 and 18 January 2019

#### **RECOMMENDATION:**

*That Council*

1. *Enters into a 21 year lease agreement with Ambulance Victoria for site 1/136 located at 152 Leviathan Road, Maryborough Aerodrome (comprising an area of 408m<sup>2</sup>), with an initial term of seven years plus two options for a further seven years each, at a rental of \$104 plus GST per annum.*
2. *Authorises the CEO to sign and seal all documentation required to effect the lease agreement with Ambulance Victoria for site 1/136 located at 152 Leviathan Road, Maryborough Aerodrome.*

Attachment A- Map of Lease site





# CENTRAL GOLDFIELDS SHIRE COUNCIL WEEKLY UPDATE

## Christmas/New Year closures

Council's Customer Service Centre, 22 Nolan Street, Maryborough is now open following the Christmas/New Year period.

Opening hours for our other Council locations are as follows:

- **Central Goldfields Art Gallery** re-opens on Thursday 17 January, 2019.
- **Central Goldfields Visitor Information Centre** is operating at regular business hours.
- **Maryborough Regional Library and Dunolly Library** are operating as usual.
- **Goldfields Family Centre** - our Maternal and Child Health Service is open by appointment. The Goldfields Children's Centre re-opens at 6.45am, Wednesday 9 January, 2019.
- **Depot/Pound** - is operating as usual.
- **Community Hub** - re-opens on Monday 14 January, 2019.

The Central Goldfields Shire after hours service will operate as normal. Urgent after hours issues that relate to Council infrastructure can be reported on 0419 005 577.

After hours issues in regards to urgent animal control can be reported on 0400 690 794.

## Changes to rubbish and waste collection

Our regular waste service collection did not run on New Year's Day. If your waste is due to be collected on New Year's Day, it will now be collected today, Friday 4 January, 2019.

Also during January, our Green Waste Collection Service will move from the first and third Friday of the month to the second and fourth Friday of the month - Friday 11 and Friday 25 January, 2019.

For more information please contact Council's Waste team on 03 5461 0607.

For more information about rubbish/waste collection, visit [www.centralgoldfields.vic.gov.au/rubbishwastecollection](http://www.centralgoldfields.vic.gov.au/rubbishwastecollection)

## Error in rate notice barcodes

Due to a barcode printing error on the original 2018-2019 rate notices distributed in September, payments cannot be easily made at Australia Post.

For ratepayers NOT paying by instalments, a replacement rate notice with the correct bar code will be mailed in early January.

## Summer in the Domain

There is no better time to get out and about, come together as a community and enjoy the fun and festivities of the holiday season as part of the 'Summer in the Domain' event program:

- **Australia Day** - Presented by Central Goldfields Shire Council Saturday 26 January, 8.30am

## School Holiday Program

Central Goldfields Shire's Youth Engage! Program and Maryborough Regional Library have put together a jam-packed program of events and activities for the January school holidays

### YOUTH ENGAGE!

#### Junior program - 11 to 15 year olds

- **Tuesday 15 January, 11am to 4pm**  
Pop art workshop (BYO lunch)
- **Wednesday 16 January, 11am to 4pm**  
Face painting and basic henna workshop (BYO lunch)
- **Thursday 17 January, 11am to 4pm**  
Outing at the movies and fun summer projects

#### Senior program - 15 to 18 year olds

- **Tuesday 22 January, 11am to 4pm**  
Special effects - body and face painting workshop
- **Wednesday 23 January, 11am to 4pm**  
Outing at the movies, 11am to 4pm  
(please bring money for movie snacks)
- **Thursday 24 January, 11am to 4pm**  
Photography for Victorian Youth Week

For more information and for bookings, contact Central Goldfields Shire Youth Worker Penny Wilson on 5461 0610 or 0408 342 580 or visit [www.centralgoldfields.vic.gov.au/schoolholidayprogram](http://www.centralgoldfields.vic.gov.au/schoolholidayprogram)

### MARYBOROUGH REGIONAL LIBRARY

Maryborough Regional Library is hosting free STEAM (Science, Technology Engineering, Arts and Mathematics) sessions from next week.

The sessions will be held on Monday 7, 14 and 21 January from 10.30 to 11.15am and Wednesday 9, 16 and 23 January from 2.30 to 3.15pm.

The sessions are recommended for eight to 14 year olds.

To book, contact the Library on 5461 1950.

For more information, visit

[www.centralgoldfields.vic.gov.au/maryboroughlibrary/whatson](http://www.centralgoldfields.vic.gov.au/maryboroughlibrary/whatson)

## Public Notice of Intention to Lease Part of Maryborough Aerodrome

Central Goldfields Shire Council (Council) gives notice under Section 190 of the Local Government Act 1989 (Act) of its intention to enter into a lease agreement for part of the land described as 152 Leviathan Road, Maryborough. The proposed Lease is to be granted over part of Crown Land managed by Council described as Crown Allotment 12, Section 17, known as the Maryborough Aerodrome.

The proposal is that Council grants Crown Lease Agreement in accordance with Section 17D of the Crown Land (Reserves) Act 1978 to;

1- Ambulance Victoria

- Site: Site 1/136 located at 152 Leviathan Road, Maryborough
- Term: 7 years (Two further terms of 7 years)
- Rent: \$104.00 per annum plus GST
- Permitted Use: For the purpose of stabilising and transferring medical patients

Any person may make a submission under section 223 of the Act must do so in writing by **5pm on Tuesday 5 February 2019**. If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person, or by a person on their behalf, at a Hearing Meeting to be held on **Tuesday 12 February 2019 at 5.30pm**.

Submissions must be clearly marked "**Submission - Maryborough Aerodrome Leases**" and should preferably be emailed to [submissions@cgoldshire.vic.gov.au](mailto:submissions@cgoldshire.vic.gov.au) or alternatively delivered to Council's Municipal Office at 22 Nolan Street, Maryborough or posted to the following address:

### Submissions

Central Goldfields Shire Council  
'Maryborough Aerodrome Leases'  
PO BOX 194,  
MARYBOROUGH VIC 3465

Submissions form part of the public record of the meeting (including any personal information you provide) and will be appended to the Council report which is published on Council's website. A hard copy will also be made available for inspection by members of the public at Council offices, in accordance with the requirements of the Act.

Further queries should be directed to Kristie Berry, Property & Risk Officer on telephone 5461 0636.



# CENTRAL GOLDFIELDS SHIRE COUNCIL WEEKLY UPDATE

## Australia Day

Come and celebrate Australia Day at Station Domain in Maryborough.

Residents are invited to join us on Saturday 26 January at our Australia Day free, family event.

A free breakfast and children's activities will commence at 8.30am and official proceedings will start at 9.15am.

The celebrations will feature entertainment from the Maryborough City Brass Band and singer Jaclyn Holland.

Various community groups and organisations will also host Australia Day events at the following locations:

### Talbot

8am Free breakfast at the Talbot RSL Park (across from the Town Hall). BYO plate, knife, fork, mug and chair. For further information contact Greg or Heather on 5463 2203.

### Maryborough

8.30am Held at Station Domain. Free breakfast provided, including a sausage sizzle, pancakes and cereal. All served by local community groups. Official citizenship and Australia Day awards ceremonies will be held. Baby medallions will be presented to all babies born during the previous year. Books will also be presented to all four-year-old children starting kindergarten.

### Carisbrook

10.30am Market Reserve – Sausage sizzle and commemorative presentations. Australia Day Ambassador David Mann AM will address the crowd. For further information contact George on 0437 977 237.

### Dunolly

10am Rene Fox Gardens on Broadway - Live music and free sausage sizzle.

11am Official address by Australia Day Ambassador Doug Christie. BYO chairs.

For further information contact Marion on 0438 168 634.

### Bealiba

11am Bealiba Town Hall – Flag raising followed by an address by a guest speaker. Local entertainment and a free barbecue lunch. For further information contact Pam on 5469 1310.

### Daisy Hill

## January School Holiday Program

Central Goldfields Shire's Engage! Youth Program and Maryborough Regional Library have put together a jam-packed program of events and activities for the January school holidays.

### MARYBOROUGH REGIONAL LIBRARY

Maryborough Regional Library is hosting free STEAM (Science, Technology Engineering, Arts and Mathematics) sessions from next week.

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### ENGAGE! YOUTH

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Photography for Victorian Youth Week

For more information and for bookings, contact Central Goldfields Shire Youth Worker Penny Wilson on 5461 0610 or 0408 342 580 or visit [www.centralgoldfields.vic.gov.au/schoolholidayprogram](http://www.centralgoldfields.vic.gov.au/schoolholidayprogram)

## Community Voice Panel endorsed

Central Goldfields Shire Council endorsed the establishment of the Community Voice Panel at the December (18/12) Ordinary Meeting of Council.

The Panel will consist of a group of community members with an interest in Council activities, projects and issues.

The Community Voice Panel will improve the way Council consults

## Public notice of intention to lease part of Maryborough Aerodrome

Central Goldfields Shire Council (Council) gives notice under Section 190 of the Local Government Act 1989 (Act) of its intention to enter into a lease agreement for part of the land described as 152 Leviathan Road, Maryborough. The proposed Lease is to be granted over part of Crown Land managed by Council described as Crown Allotment 12, Section 17, known as the Maryborough Aerodrome. The proposal is that Council grants Crown Lease Agreement in accordance with Section 17D of the Crown Land (Reserves) Act 1978 to:

1- Ambulance Victoria

- Site: Site 1/136 located at 152 Leviathan Road, Maryborough
- Term: 7 years (Two further terms of 7 years)
- Rent: \$104.00 per annum plus GST
- Permitted Use: For the purpose of stabilising and transferring medical patients

Any person may make a submission under section 223 of the Act must do so in writing **by 5pm on Tuesday 5 February 2019**. If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person, or by a person on their behalf, at a Hearing Meeting to be held on **Tuesday 12 February 2019 at 5.30pm**. Submissions must be clearly marked "**Submission – Maryborough Aerodrome Leases**" and should preferably be emailed to [submissions@cgoldshire.vic.gov.au](mailto:submissions@cgoldshire.vic.gov.au) or alternatively delivered to Council's Municipal Office at 22 Nolan Street, Maryborough or posted to the following address:

### Submissions

Central Goldfields Shire Council  
"Maryborough Aerodrome Leases"  
PO BOX 194,  
MARYBOROUGH VIC 3465

Submissions form part of the public record of the meeting (including any personal information you provide) and will be appended to the Council report which is published on Council's website. A hard copy will also be made available for inspection by members of the public at Council offices, in accordance with the requirements of the Act. Further queries should be directed to Kristie Berry, Property & Risk Officer on telephone 5461 0636.

#### **8.4 PLANNING PERMIT AMENDMENT APPLICATION D108/18 – APPLICATION TO AMEND PLANNING PERMIT D107/04 FOR USE AND DEVELOPMENT OF A DOG KEEPING AND TRAINING ESTABLISHMENT FOR UP TO 6 RACING GREYHOUND DOGS AT 89 SHAW ROAD, DAISY HILL**

**Author:** Planning Officer

**Responsible General Manager:** General Manager, Community 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.*

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#### **SUMMARY:**

Council has received a planning permit application to amend a planning permit at 89 Shaw Road, Daisy Hill Victoria. Planning permit D107/04 issued 4 October 2014; that permit allows:

*Dog keeping and training establishment for up to six racing greyhound dogs.*

This application seeks to amend the plans endorsed under that permit to show a linear training track parallel to the north-eastern boundary of the property along Dehnerts Road and a circuit training track, immediately adjacent to the existing kennels and attached pens or runs.

Public notice of the application has resulted in two written submissions; one supporting the proposal and one objecting to the proposal.

The application has been assessed against the policy and specific controls of the planning scheme and it is considered that the proposed amended development is acceptable and compatible with the rural landscape character of the area.

Officers recommend council issue a Notice of Decision to Grant a Planning Permit subject to conditions requiring detailing and treatment of stormwater runoff.

#### **POLICY CONTEXT:**

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Economy

**Outcome:** A vibrant local economy which contributes to the municipality's economic prosperity.

**2.3 Objective:** Promote central Goldfields as a place of choice to live, work and play.

#### **BACKGROUND:**

A planning permit (D107/04) was issued on 4 October 2004. The permit allows 'Dog keeping and training establishment for up to six racing greyhound dogs.' The use and development under this permit is regulated by a range of permit conditions. The use has operated on the site over the intervening years despite a change of ownership of the property. A copy of the current permit D107/04 is attached to this report (See Attachment 1).



Current local laws allow the landowner to keep up to six dogs on site in the Rural Living Zone without requiring a permit, and the existing permit conditions only allow for up to six racing dogs on site at any time, as such the permitted activity is of a relatively small scale.

It is important to note that the original and still current planning permission provides consent for the use as well as the development of the existing facilities, being kennels contained in a shed, covered area, and attached fenced exercise and spelling yards in a central location on the property.

Other improvements to the land include a dwelling, sheds, and dam; and the dog keeping facilities are centrally located. Further, there is a training track on the eastern side of the allotment.

## **REPORT:**

### **Proposal**

This application seeks to amend the plans endorsed under the previous planning permit (D107/04) to show a linear training track parallel to the north-eastern boundary of the property along Dehnerts Road and a circuit training track, immediately adjacent to the existing kennels and attached pens or runs. An outline of the proposed development is superimposed over an aerial photograph of the subject land in Attachment 2.

As detailed in attachment 2, the proposed training track is straight, and the dimensions are about 230 metres in length, four metres wide and surfaced with approximately 100mm depth of sand. The track will be fenced with a post and wire fence, using hinged joint fencing, including a single strand at the top on 50mm x 100mm timber posts. The height will vary between 1460mm and 1500mm above natural ground level. No vegetation will be removed as part of this proposal.

The lure mechanism will be a battery driven starter motor on a trolley and the drag lure will be made from faux fur and a party wig. Stormwater from the facility will be diverted to the existing table drain in Shaw Road, at the south east of the property. The applicant suggests that the track will be used for no more than an hour a week of a morning.

The proposed circular training facility will be wholly contained within a similarly fenced enclosure approximately 10m<sup>2</sup> located immediately adjacent to the existing pens attached to the kennels. The metal running rail will be constructed eight metres in diameter.

### **Site and Surrounds**

The subject land is described as Lot 37, on Plan of Subdivision 128648. The land is a corner lot, triangular in shape with approximately 236.28 metre frontage to Dehnerts Road and about 219.81 metre frontage to Shaw Road. The corner lot covers an area of about 2.024 hectares, is sparsely vegetated and gently sloping north west to south east over the lot.

The subject land is developed as outlined above and is located in the Rural Living Zone (RLZ). The surrounding land on all sides is also zoned RLZ, and forms an extensive area of similarly zoned land in Daisy Hill. Most of the surrounding allotments are developed with dwellings and ancillary facilities such as sheds and dams. Vegetation cover varies in the district, but has primarily been cleared for grazing in the past. The subject lot is also affected by the Bushfire

Management Overlay (BMO), Erosion Management Overlay (EMO), and the Salinity Management Overlay (SMO).

### **Planning Scheme Provisions**

Council must take into consideration the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) including the Municipal Strategic Statement (MSS).

#### **State Planning Policy Framework:**

Clause 13.04-2S Erosion and landslip

The objective of this policy is to protect areas prone to erosion, landslip or other land degradation processes by preventing inappropriate development in unstable areas prone to erosion.

Clause 13.04-3S Salinity

The objective of this policy is to minimise the impact of salinity and rising water tables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt load in rivers.

Clause 13.07-1S Land use compatibility

The objective of this policy is to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 15.01-6S Design for rural areas

The objective of this policy is to ensure development respects valued areas of rural character.

Clause 16.01-5S Rural residential development

The objective of this policy is to identify land suitable for rural residential development and is supported by strategies that (among other things):

- Ensures that planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts; and
- Protects existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.

#### **Local Planning Policy Framework:**

Clause 21.06 Residential Development

One of the main issues identified in this policy (among others) is:

- *Low density residential and rural living development needs to address locational criteria such as proximity to urban areas, capability of land to support development.*

Thus one of the implementation strategies to support that is the:

- *Application of the Rural Living Zone at the fringe of Maryborough urban area to support the low level of population forecasts and thereby avoid an oversupply of residential zoned land.*

#### Clause 21.13 Enhancing Lifestyle Qualities of Townships

This policy recognises the important attributes of strong local community networks and quality of lifestyle offered by the rural living and rural residential development at peripheral locations around...Daisy Hill... and other townships and settlements.

### **Zones and Overlays**

#### Zone:

##### *Rural Living Zone*

One of the main purposes of the RLZ is to provide for residential use in a rural environment and to protect and enhance the natural resources, biodiversity and landscape and heritage values of the area. Both State and local planning policy support developments which are capable of being sustained on the land and that do not cause detriment.

At Clause 35.03-4 (Buildings and works) a permit is required to construct or carry out (among other things),

*A building or works associated with a use in Section 2 of Clause 35.03-1.*

The keeping of racing dogs is a Section 2 use (Permit required).

#### Overlays:

##### *Erosion Management Overlay*

This overlay (Clause 44.01) aims to protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development. It requires planning approval for all buildings and works as well as the removal of all vegetation, including dead vegetation. Key considerations for applications under the overlay include measures to manage drainage, soil disturbance and runoff and whether the works are likely to cause landslip.

##### *Salinity Management Overlay*

This overlay (Clause 44.02) aims to identify areas subject to saline ground water discharge or high ground water recharge and contribute to their restoration, including protection of new buildings. The overlay requires planning approval for all buildings and works as well as for the removal of all vegetation, including dead vegetation. Key considerations for applications under the overlay relate to state and regional land protection policies, the need to remove vegetation for defensible space, the need to re-plant and protect vegetation.

##### *Bushfire Management Overlay*

A permit is not required for this proposal under the provisions of this overlay.

## Particular Provisions

### Clause 53.12 Racing Dog Keeping and Training

At Clause 53.12-1 (Requirement) An application to use land, or construct a building or construct or carry out works, for racing dog keeping or racing dog training under a provision of a rural zone must comply with *Planning requirements for racing dog keeping and training* (Department of Environment, Land, Water, and Planning (August 2017)). This document is an incorporated document in all planning schemes in Victoria. It sets out requirements for applications to use and develop land for a racing dog facility in a rural zone. Clause 65 Decision Guidelines

Simply because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

### Referrals

The application was referred to Council's engineering department. That department has advised that it has no objection subject to conditions relating to drainage, asset protection and sediment control.

While the amendment application was not formally referred to Greyhound Racing Victoria (GRV), an informal discussion with GRV found that they have had no prior issues with this operator during the ongoing operation of the site since commencement over a decade ago.

### CONSULTATION/COMMUNICATION:

Notice of the application was given to adjoining landowners and occupiers. This notice resulted in two submissions being received; one submission supported the proposal and one objected to the proposal.

The submission supporting the proposal stated in part:

*'...wish to inform you that we have no objection to this application. We would like to say that we appreciate the manner in which the owner of this property has maintained his land and the care and control of his dogs, as they don't disturb the other property owners.'*

The objector raises a number of issues that he states formed part of an agreement between the previous owner of the property and an unstated number of neighbouring property owners. In the submission this objector further states that:

*'...We all discussed these wishes of his among ourselves and put forward the conditions under which we would agree to not oppose his application... Any alterations or additions had to be acceptable to all neighbours.'*

A copy of that agreement has not been provided with the submission and a search of Council records has not located such a document.

The objection centres on the belief that the current owner has not abided by the conditions of that agreement to the extent that the track was not supported in the first instance by neighbours. The objection further states:

*At no time did we ever agree to have a greyhound race track and often has other people and dogs at his track for training. This is not acceptable and was the main thing that was never wanted by us neighbours.*

It is important to note that even if such an agreement as referred to existed, in most instances the applicant is entitled to apply to amend the permit and is entitled to expect that the application would be assessed on its merits by the responsible authority.

### **Assessment of Application**

The current permit allows a dog keeping and training establishment for up to six racing greyhound dogs. The application is to amend a planning permit in accordance with the *Planning and Environment Act 1987* and Condition 2 of the permit:

*The use and/ or development shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*

The applicant seeks to amend the plans endorsed under the permit to show a training track (straight) and a circuit training track, immediately adjacent to the existing kennels and attached runs. While the application is to alter endorsed plans to show the construction of the additional facilities, i.e. new buildings and works or development, it is assumed that should the amended permit be issued, permission to use the new facilities is authorised by the current permit.

One of the main purposes of the RLZ is to provide for residential use in a rural environment and to protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

The applicant has nominated that the track will be used for no more than one hour of a morning per week. Given that the maximum number of dogs on site at any one time is six, and the hours the dogs are to be restrained in kennels (except if on a leash), it is difficult to imagine that the use of the actual new facility i.e. the dog training track, needs the hours of use for this facility to be regulated separately by additional conditions.

Part 4.0 (Objectives and approved measures) of *Planning requirements for racing dog keeping and training*, sets out the following:

**Objectives:** *An objective describes the outcome to be achieved by the proposed racing dog facility.*

**Approved measures:** *An approved measure is an approach, action, practice or method that meets the objective.*

*An application:*

- **must meet** all of the **objectives** of this clause; and
- **should meet** all of the **approved measures** of this clause.

Part 5.0 (Meaning of terms used in this document) identifies the following terms:

**Circular training facility** (sometimes known as a bullring) means an enclosed facility deigned to train the racing dog to run. The specifications of a circular training facility vary in diameter but it is usually surrounded by a fence and uses the natural surface of the ground. The facility may have a pole in the centre to which a rotating arm is attached which in turn may be used to trail a lure. The rotating arm may be mechanically powered.

**Straight track** means a long, narrow fenced running surface with a steel lure support rail on one side used to encourage a racing dog to jump out of a starting box and chase a lure. Generally 300 to 400 metres long and four to five metres wide. The facility may include a raised viewing tower. The lure may be mechanically powered.

Part 4.2 (Setback objective) states:

*To ensure the racing dog facility is appropriately set back from boundaries and neighbouring dwellings to minimise its impact on the character and amenity of the surrounding area.*

*Approved measure*

*4.2.1 The setback distances specified in Table 1 must be met.*

**Table 1: Setback distances** (extract only)

| <i>Type of racing dog facility</i>   | <i>Minimum distance from the property boundary</i> | <i>Minimum distance from a dwelling in separate ownership</i> |
|--|--|---|
| <i>Straight track with:</i> <ul style="list-style-type: none"> <li>• <i>a non-mechanised lure</i></li> <li>• <i>a mechanical lure</i></li> </ul> | <i>5 metres</i>                                    | <i>100 metres</i>   |
|  | <i>25 metres</i>                                   | <i>100 metres</i>   |
| <i>Circular training facility</i>  | <i>25 metres</i>                                   | <i>100 metres</i>   |

The circular training facility meets these requirements.

The straight track, (with mechanical lure) is setback around 5 metres from the property boundary and setbacks vary between approximately 35 to 50 metres for the dwellings on the opposite side of Dehnerts Road to the North-East.

However, the following can be noted:

- Given that the current permit conditions limit the number of dogs to be on the property at any one time is six, it is reasonable to assume that the track could be in use for limited duration at each use. The applicant asserts that the track is only used for up to one hour of a morning.

- The proposal has been publicly advertised, and the track has already been existing on site for at least several years, but no objections have been received from any of the owners or occupiers of the adjacent properties in Dehnerts Road.
- The adjacent property boundary is with a public road rather than directly with a neighbour, which provides some separation and its own level of background noise.

Therefore, the location of the straight track is deemed to meet the objective of this clause.

Both State and local planning policy support developments that are capable of being sustained on the land and that do not cause detriment. The proposed development will not increase the level of waste to be contained on the land, will not result in a loss of vegetation and with the imposition of relevant conditions by Council's Engineering Department, will not cause detriment to the adjoining areas. The current permit includes a number of minor grammatical errors, such as using the words 'director and consequential' instead of 'directly or consequentially' in condition 6, the word 'suitable' instead of 'suitably' in condition 7, and the word 'to' instead of 'of' in condition 13, and it is considered appropriate to correct these minor errors as part of any amended permit.

Similarly, the existing permit refers to 'Council's Health surveyor' in conditions 10 and 13 which will be updated to refer to the correct title of "Environmental Health Officer".

The current permit description also does not mention the actual permit triggers, and should be amended to highlight that this is a permit which approves the *'Use and development of'* a dog keeping and training establishment for up to six racing greyhound dogs.

Finally, the permit expiry condition 9 also needs to be updated, with new development expiry conditions relating to the new works, and the use will expire under the *Planning and Environment Act 1987* if discontinued for two or more years whether or not this is written into the condition or not, so it is considered appropriate to specifically include this expiry detail which has always been applicable but was not mentioned in the existing written condition.

The time allowed to extend a permit has been changed under the *Planning and Environment Act* to allow it to be extended up to six months after the expiry date rather than three, so it is appropriate to suitably amend this detail of the expiry condition to reflect this change in legislation.

### **Alternative Options**

Council could choose to issue a Notice of Decision to refuse the grant of a permit. For the reasons outlined in this report, this is not recommended by Council officers. The grounds of refusal would need to relate to increased impact on the amenity of the area and to neighbouring properties.

### **Financial and Resource Implications**

The assessment of planning permit applications is within the normal operational budget of Council. Should any party (applicant or objector) appeal the determination of the application (permit condition or issue of permit) additional VCAT appeal costs will be incurred.

## Conclusion

Planning permit amendment application No.108/18 proposes to amend the endorsed plans of Planning Permit No. D107/04 to include buildings and works to construct a short run training track and a circuit track. One objection has been received following notice of the application.

An assessment of the proposal has been undertaken and it is considered that the application accords with relevant policy, is consistent with the current permit and decision guidelines at Clause 65.

The proposed additional track is consistent with the zoning of the site and does not increase the number of dogs on the site. The new track would not have an unreasonable impact to the adjoining properties. Environmental impacts of the new track can be managed through proper stormwater management, as required in the recommended new conditions of the amended permit.

Council must determine a position on the application for a planning permit and take one of the following options:

- I. Approve a planning permit and issue a Notice of Decision to Grant a Planning Permit for the proposal (with or without conditions); or
- II. Issue a Refusal to Grant a Planning Permit for the proposal; appeal rights apply to the applicant.

It is recommended that a Notice of Decision to Grant an Amended Planning Permit be issued, subject to the conditions.

## ATTACHMENTS:

1. Copy of current permit D107/04.
2. An aerial photograph of the subject land showing the proposed buildings and works.

### **RECOMMENDATION:**

*That Council consider planning permit amendment application D108/18 and determine to issue a Notice of Decision to Grant an amended Planning Permit D107/04 for the Use and Development of a dog keeping and training establishment for up to 6 racing greyhound dogs, with amended endorsed plans which include buildings and works to construct a short run training track and a circuit track, at 89 Shaw Road, Daisy Hill Victoria, subject to the following conditions:*

- 1. The use and development must be in accordance with the endorsed plan and information submitted with and forming the planning permit.*
- 2. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.*



4. *The amenity of the area must not be detrimentally affected by the use or development through the:*
  - a) *Transport of materials, goods or commodities to or from the land.*
  - b) *Appearance of any buildings, works or materials.*
  - c) *Emission of noise, artificial light, vibration, smell, wastewater and waste products.*
  - d) *Presence of vermin.*
  - e) *Discharge of polluted water or run off onto the site and or watercourses within or outside of the boundaries of the land.*
5. *The number of racing dogs present on the site at any one time shall not exceed 6 dogs without the further consent of the Responsible Authority.*
6. *In the event of the dog keeping and training use causing or generating any nuisance or detriment whether directly or consequentially to the locality in the opinion of the Responsible Authority, in consultation with appropriate Council or other officers, the Responsible Authority may serve written notice on the operator under this permit requiring such works, kennel practices or operating procedures to be undertaken as are deemed fit to endeavour to remedy any nuisance or detriment situation. Such measures may include soundproofing action, limits on the numbers of dogs, waste treatment systems, screening, planting and the like and the operator shall comply with any written directions of the Responsible Authority received in such matters in the manner and time directed.*
7. *All dogs shall be suitably housed and secured to prevent escape onto adjoining land or roads to the satisfaction of the Responsible Authority.*
8. *All goods, materials and waste products stored onsite must be stored out of view or not appear in an unsightly manner if viewed from a street or adjoining property.*
9. *This permit will expire if one of the following circumstances applies:*
  - a) *The development of training tracks is not started within 1 year of the date of issue of this amended permit.*
  - b) *The development of training tracks is not completed within 2 years of the date of issue of this amended permit.*
  - c) *The use is not started within two years of the date of this permit.*
  - d) *The use is discontinued for a period of two or more years.*

*The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.*
10. *All dog food shall be stored to the satisfaction of the Council's Environmental Health Officer.*
11. *Between the hours of 6:00pm and 8:00am Eastern Standard Time (March to September) and 9:00pm and 8:00am Eastern Standard Time (October to February) all dogs, unless being exercised on a leash, shall be locked in kennels. Such a kennel building shall:*
  - a) *Be constructed in such a manner and with walls, roof and doors of such material that darkness inside the kennel is ensured between the hours stated in this condition, in order to prevent dogs barking.*

*b) The materials of construction of the building shall be waterproof and durable and shall be capable of being cleaned without deterioration.*

*12. A permanent screen of trees and shrubs must be planted around the kennel shed and perimeters of the runs to provide an effective visual screen and must be designed and completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.*

*13. All wastes and kennel runoff water generated by the use shall be disposed of and treated to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority, to EPA standards to the requirements of the Environmental Health Officer.*

*14. New Amended Plans – Drainage for New Training Tracks*

*Before the use and development of the new short run and circular training tracks permitted by this permit commences, amended plans, based on those submitted with the application, must be submitted to and approved by Council. The plans when approved will be endorsed and will then form part of the permit. The plans must be amended to show:*

- a) The location of the legal point of discharge of stormwater from the short run and circular training tracks.*
- b) A drainage plan to drain the development site to the legal point of discharge at (a) above.*

*15. Engineering Department Requirements – Drainage for New Training Tracks*

*Prior to the building and works associated with the construction of a short run and circular training track the following must be undertaken by the applicant/ owner to the requirements and satisfaction of the Responsible Authority:*

- a) All stormwater must be accommodated and treated within the subject land.*
- b) The owner/ applicant must design a basic drainage system to drain the development site to the legal point of discharge.*
- c) A legal point of stormwater discharge (LPD) must be provided for the development to the existing table drain at the south east of the property to the satisfaction of the Responsible Authority.*
- d) At any time the permit holder must ensure that the operation and condition of Council assets are not damaged by the construction 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.*
- e) The applicant/ owner shall restrict sediment discharges from the training track site in accordance with Construction Techniques for sediment Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995). The owner/ applicant will submit a sediment management plan to the responsible Authority for approval. This approved plan will then form part of this permit.*

# PLANNING PERMIT

Permit No: D107/04

Planning Scheme: CENTRAL GOLDFIELDS PLANNING SCHEME

Responsible Authority: CENTRAL GOLDFIELDS SHIRE

## ADDRESS OF THE LAND:

89 SHAW ROAD DAISY HILL (SW CORNER DEHNERTS ROAD)

## THE PERMIT ALLOWS:


DOG KEEPING AND TRAINING ESTABLISHMENT FOR UP TO 6 RACING GREYHOUND DOGS

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The use and/or development must be in accordance with the endorsed plan and information submitted with and forming part of this permit.
2. The use and/or development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. The amenity of the area must not be detrimentally affected by the use or development through the:
  - (a) Transport of materials, goods or commodities to or from the land.
  - (b) Appearance of any buildings, works or materials.
  - (c) Emission of noise, artificial light, vibration, smell, waste water and waste products.
  - (d) Presence of vermin.
  - (e) Discharge of polluted water or run off onto the site and or watercourses within or outside of the boundaries of the land.
5. The number of racing dogs present on the site at any one time shall not exceed 6 dogs without the further consent of the Responsible Authority.
6. In the event of the dog keeping and training use causing or generating any nuisance or detriment whether direct or consequential to the locality in the opinion of the Responsible Authority, in consultation with appropriate Council or other officers, the Responsible Authority may serve written notice on the operator under this permit requiring such works, kennel practices or operating procedures to be undertaken as are deemed fit to endeavour to remedy any nuisance or detriment situation. Such measures may include soundproofing action, limits on the numbers of dogs, waste treatment systems, screening, planting and the like and the operator shall comply

Date Issued: 1st October, 2004

Signature for the  
Responsible Authority:



**PLANNING PERMIT NO. D107/04**

Page 2/2.....Conditions continued

with any written directions of the Responsible Authority received in such matters in the manner and time directed.

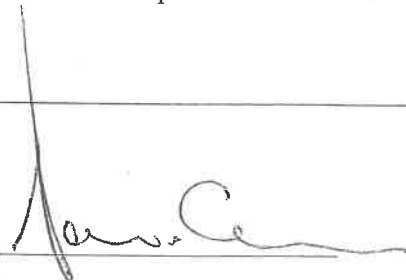
7. All dogs shall be suitable housed and secured to prevent escape onto adjoining land or roads to the satisfaction of the Responsible Authority.
8. All goods, materials and waste products stored on site must be stored out of view or not appear in an unsightly manner if viewed from a street or adjoining property.
9. This permit will expire if one of the following circumstances applies:
  - The development and use is/are not started within two years of the date of this permit.
  - The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

10. All dog food shall be stored to the satisfaction of the Council's Health Surveyor.
11. Between the hours of 6:00p.m and 8:00a.m Eastern Standard Time (March to September) and 9:00p.m and 8:a.m Eastern Summer Time (October to February) all dogs, unless being exercised on a leash, shall be locked in kennels. Such kennel building shall:
  - (a) Be constructed in such a manner and with walls, roof and doors of such material that darkness inside the kennel is ensured between the hours stated in this condition, in order to prevent the barking dogs.
  - (b) The materials of construction of the building shall be waterproof and durable and shall be capable of being cleaned without deterioration.
12. A permanent screen of trees and shrubs must be planted around the kennel shed and perimeters of the runs to provide an effective visual screen and must be designed and completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
13. All wastes and kennel runoff water generated by the use shall be disposed of and treated to the satisfaction of the Responsible Authority, to EPA standards to the requirements to the Chief Health Surveyor.

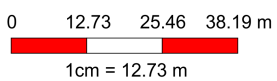
Date Issued: 1st October, 2004

Signature for the  
Responsible Authority:





Scale 1 : 1,273



## **8.5 GRANT APPLICATIONS FOR REGIONAL ROADS VICTORIA FIXING COUNTRY ROADS PROGRAM FUNDING ROUND 2**

**Author:** General Manager Infrastructure Assets & Planning  
**Responsible General Manager:** General Manager Infrastructure Assets & 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.*

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### **SUMMARY/PURPOSE:**

This report details Council applications for Regional Roads Victoria Round Fixing Country Roads Fund Round 2. Applications require matched funding.

The proposed projects require allocation of part of Council's 2019/2020 capital works budget, and the timing of the grant requires Council to pre-allocate a portion of the 2019/2020 capital works budget. This report recommends that given the significant funding opportunity Council pre-allocate \$270,000 (Council own source funds) of the 2019/2020 capital works budget and the allocation of the Roads to Recovery funds to the projects.

### **POLICY CONTEXT:**

Council Plan Reference: Our Built and Natural Environment

Outcome: Central Goldfields Shire celebrates the rich built and natural heritage and a sustainable environment.

Objective 3.1 Ensure investment in roads, footpaths and buildings meet community needs now and in the future

### **BACKGROUND INFORMATION:**

Regional Roads Victoria Fixing Country Roads Program Round 2 offered councils a matched funding opportunity to support important road rehabilitation and resealing works, road safety improvements, bridge strengthening and other upgrades.

Applications for Round 2 closed 18 March 2019. Successful projects will be announced in April. Council must deliver any funded projects by June 2020.

Council was successful in Round 1 of the Regional Roads Victoria Fixing Country Roads Program, receiving grants of \$770,000 for the following projects:

|           |   |                      |           |
|-----------|---|----------------------|-----------|
| Project 1 | <b>Talbot/Avoca Road, Amherst. - Renewal &amp; Upgrade Stage 1</b><br><br>Renewal and upgrade of a section of Avoca Road, Amherst. Existing 4m sealed road will be widened to 6.2m seal. Works to include stabilised pavement to 6.6metre width, reshaping the curved road to improve geometric alignment, with an overlay with 200mm class 2 FCR to 9.2 metre wide. Completed road pavement to receive 2 coat 10/14mm seal to 6.2m and line marking. | State Contribution   | \$485,000 |
|           |   | Council Contribution | \$ 0      |
|           |   | Other Contribution   | \$ 0      |
|           |   | Total Project Cost   | \$485,000 |
| Project 2 | <b>Shoulder widening - Avoca Road, Talbot.</b><br><br>Design of shoulder widening of various sections of Avoca Road, Talbot in preparation for future road widening and safety upgrade.   | State Contribution   | \$15,000  |
|           |   | Council Contribution | \$ 0      |
|           |   | Other Contribution   | \$ 0      |
|           |   | Total Project Cost   | \$15,000  |
| Project 3 | <b>Road Reconstruction - Porteous Road, Wareek.</b><br><br>Reconstruction of two sections of Porteous Road Wareek; either side of Porteous Road bridge (B129), Bet Bet Creek.   | State Contribution   | \$270,000 |
|           |   | Council Contribution | \$135,000 |
|           |   | Other Contribution   | \$ 0      |
|           |   | Total Project Cost   | \$405,000 |

The above projects are currently on program to be delivered in the 2018-19 year.

#### REPORT:

Council has applied for five projects for Regional Roads Victoria Fixing Country Roads Program Round 2 grant. All projects are ones that have been included in the Strategic Resource Plan projected projects for the 2019/2020 financial year.

Much of the matched funding for the five projects has been provided through use of Roads to Recovery funding (i.e. federal government grant funding to match state government grant funding to the value of \$630,000 per annum).

The \$270,000 of Council contribution requires council to pre-allocate part of the 2019/2020 capital works budget. The amount required to pre-allocate is relatively small in the context of a \$6,000,000 (approx.) capital works budget. Further, the works proposed to be funded, as

listed below, will form a significant part of the capital works road budget in 2019/20; allowing funds to be used for other projects Council seeks to carry out.

|           |  |                           |                  |
|-----------|--|---------------------------|------------------|
| Project 1 | <p><b>Avoca Road Talbot Renewal and Upgrade Stage 2 Part 1</b></p> <p>Renewal and widening of Avoca Road on approaches to and adjacent to the Mcltyres Road Intersection and adjacent to the Amherst Cemetary. Includes the removal of hazardous trees along both sides of Avoca Road from Lexton Road to Pyrenees Hwy.</p>  | State Contribution        | \$462,000        |
|           |  | RTR                       | \$170,000        |
|           |  | Council Contribution      | \$61,000         |
|           |  | Other Contribution        | \$0              |
|           |  | <b>Total Project Cost</b> | <b>\$693,000</b> |
| Project 2 | <p><b>Gillies Street Maryborough Renewal and Upgrade - Rogers St to Majorca Rd</b></p> <p>Renewal and widening of Gillies Street road pavement and asphalt surface of road and shoulders to provide separation for carraigeway, parking and on road bicycle lanes. Includes Renewal of culverts over Blackmans lead and provision of kerb and channel for road drainage.</p> | State Contribution        | \$404,000        |
|           |  | RTR                       | \$202,000        |
|           |  | Council Contribution      | \$ 0             |
|           |  | Other Contribution        | \$0              |
|           |  | <b>Total Project Cost</b> | <b>\$606,000</b> |
| Project 3 | <p><b>Burke Street Maryborough - Kars St to Inkerman St Renewal and Upgrade.</b></p> <p>Renewal of Burke Street road pavement and provision of asphalt seal, renewal of kerb and channel and footpaths, and school crossing to current disability access standards.</p>  | State Contribution        | \$284,000        |
|           |  | RTR                       | \$142,000        |
|           |  | Council Contribution      | \$ 0             |
|           |  | Other Contribution        | \$ 0             |
|           |  | <b>Total Project Cost</b> | <b>\$426,000</b> |
| Project 4 | <p><b>Majorca Road Maryborough Renewal and Upgrade Stage 3 (900metres)</b></p> <p>Renewal and widening of Majorca Road pavement and seal, widening of road verges and table drains and the</p>   | State Contribution        | \$350,000        |
|           |  | RTR                       | \$116,000        |
|           |  | Council Contribution      | \$59,000         |
|           |  | Other Contribution        | \$ 0             |



|           |   |   |                                       |
|-----------|---|---|---------------------------------------|
|           | provision of guard rail through section with steep batters.   |   |                                       |
|           |   | Total Project Cost  | \$525,000                             |
| Project 5 | <b>Rodborough Rd Stabilisation of Sections B197 to End of Seal, Moolort</b><br><br>Renewal of the Rodborough Road pavement (via pavement stabilisation) and seal (2km). | State Contribution<br>RTR<br>Council Contribution<br>Other Contribution | \$300,000<br>\$0<br>\$150,000<br>\$ 0 |
|           |   | Total Project Cost  | \$450,000                             |
|           |   | Total Projects  | \$2,700,000                           |

In summary the 2019-20 funding commitment from Council is:

Roads to Recovery - \$630,000  
 Council own source Funds - \$270,000  
**Total - \$900,000.**

#### **CONSULTATION/COMMUNICATION:**

Council staff have consulted with Regional Roads Victoria representatives throughout the application process during Rounds 1 and 2. This consultation was a requirement of the funding application process.

A Roads to Recovery representative was contacted to check the ability to utilise RTR funds for seed funding for the Fixing Country Roads Fund.

During the development of each of the projects various key stakeholders for each project have been consulted including state government authorities, industry representatives, school representatives, project investigation and design consultants, and council staff.

Further consultation with the community, emergency services and industry will be required during the construction process.

#### **FINANCIAL & RESOURCE IMPLICATIONS:**

The Regional Roads Program has provided an opportunity for Council to improve a number of roads that required intervention with external funding. This allows council's resources to be allocated to other projects.

The proposed projects do require some allocation of council capital works budget, and the timing of the grant requires council to pre-allocate a portion of the 2019/2020 capital works budget.

**CONCLUSION:**

The Regional Roads Victoria Fixing Country Roads Fund Round 2 offers a significant opportunity to undertake a good portion of the roads projects in the 2019/2020 financial year using external funding.

It is recommended that Council support pre-allocating \$270,000 of the 2019/2020 capital works budget for the projects. The projects form a significant part of the road works proposed to be undertaken in the 2019/2020 financial year and will allow council to achieve road safety, renewal and upgrade with limited council funds.

Officers can withdraw any of the applications should Council not support the proposed works and budget allocation.

**ATTACHMENTS:**

Nil.

**RECOMMENDATION:**

*That Council approve the pre-allocation of \$270,000 of Council funds and \$630,000 of Roads to Recovery grant funds from the 2019/20 budget to support the grant submissions to the Regional Roads Victoria Fixing Country Roads Fund Round 2 for projects totalling \$2.7 million.*

## 8.6 SURRENDER OF TITLE- DUNOLLY RECREATION RESERVE (DELEDIO RESERVE)

**Author:** Property and Risk Officer

**Responsible General Manager:** 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.*

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### SUMMARY/PURPOSE:

The purpose of this report is to provide Council with the history of ownership and management of the Dunolly Recreation Reserve (Deledio Reserve) and recommend that Council surrender title for the land back to the Crown at the request of the Department of Environment, Land, Water and Planning (DELWP).

### POLICY CONTEXT:

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Built and Natural Environment:

Outcome: Central Goldfields Shire celebrates the rich built and natural heritage and a sustainable environment.

3.2 Objective: Ensure investment in roads, footpaths and buildings meet community needs now and in the future

### BACKGROUND INFORMATION:

The Dunolly Recreation Reserve also known as Deledio Reserve is located at 20 Elgin Street, Dunolly (**Attachment 1**). The reserve consists of two parcels of land identified as Crown Allotment (CA) 22A & 22B, with CA 22A being Crown land owned by the Department of Environment, Land, Water and Planning (DELWP) and CA 22B contained in Certificate of Title, Volume 00635 Folio 824 (**Attachment 2**) in the name of Central Goldfields Shire Council.

The ownership of CA 22B was transferred to the Mayor, Councillors and Burgesses of the Borough of Dunolly (Council) by a Restrictive Crown Grant in 1913, published in the Victorian Government Gazette on 29 January 1913 (**Attachment 3**).

A Crown Grant was the original means of transfer of ownership under general law of Crown land into freehold land. A Restrictive Crown Grant placed specific limitations and restrictions on the title holder whereby the Crown retained rights. The land known as CA 22B was permanently reserved from any sale to ensure its gazetted purpose of 'public recreation' would continue for future generations.

Whilst Council have retained ownership of title to part of the Deledio Reserve, the reserve is under the care and management of the Dunolly Recreation Reserves Committee of Management Incorporated as appointed by DELWP. According to DELWP's records, Council have not been appointed to manage the reserve with local committees being appointed for the management of Deledio Reserve dating back to 1973.

**REPORT:**

On 22 November 2018, DELWP wrote to Council requesting that Council surrender Crown Allotment 22B by relinquishing the Restricted Crown Grant issued to Council back to the Crown (**Attachment 4**). The purpose of the request is to ensure the effective control and clear ownership of Deledio Reserve by one governing authority.

Initial investigations identified that Council provides some support services to Deledio Reserve which has included mowing/ slashing of the oval, waste collection and playground inspections/ maintenance.

All relevant internal Council departments have been consulted about the proposal and there have been no concerns have been raised in regard to Council handing the land back to DELWP. The buildings and relevant external assets (i.e. Netball Courts, park furniture) are not captured on any of Council's asset registers with the maintenance and upkeep of all of the facilities/ buildings undertaken directly by appointed Committee of Management.

**Statutory process**

Section 191 of the *Local Government Act 1989* reads as follows:

*Transfer, exchange or lease of land without consideration*

- (1) *A Council's powers to transfer, exchange or lease any land include the power to do so with or without consideration to—*
  - (a) *the Crown; or*
  - (b) *a Minister; or*
  - (c) *any public body; or*
  - (d) *the trustees appointed under any Act to be held on trust for public or municipal purposes; or*
  - (e) *a public hospital within the meaning of the Health Services Act 1988 or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.*
- (2) *Any transfer, exchange or lease under this section is valid in law and equity.*
- (3) *Sections 189 and 190 do not apply to any transfer, exchange or lease under this section.*

Section 191 of the *Local Government Act 1989* (as above), provides specific power that enables Council to transfer, exchange or lease land for no consideration without having to comply with section 189 and this removes the requirement for Public Notice.

**CONSULTATION/COMMUNICATION:**

As outlined above, DELWP and all relevant Council departments have been consulted with and have no concerns raised in regard to the recommendation. DELWP staff have also consulted with the Dunolly Recreation Reserves Committee about this proposal.

**FINANCIAL & RESOURCE IMPLICATIONS:**

The land was originally reserved by the Crown (DELWP) for a public purpose, permanently reserved from any sale and is considered to be alienated Crown land. The title for the land was issued to Council by a Restrictive Crown Grant likely for nil consideration.

A similar process would be required to surrender the title back to the Crown and should be for nil consideration, noting that any costs associated with the transfer of Title back to the Crown will be borne by DELWP.

Council's costs associated with mowing/ slashing of the oval, waste collection and playground inspections/ maintenance will continue however will be subject to further review.

**CONCLUSION:**

The subject land known as CA 22B forms part of the Deledio Reserve and has been under the management of the Dunolly Recreation Reserves Committee of Management Incorporated, as appointed by DELWP for many years.

It is beneficial to Council and the community that one responsible authority governs the reserve to ensure effective control and avoid future confusion.

As Council is restricted from selling the land, the land is gazetted for a specific public purpose, there are no recorded assets and Council has not acted as the responsible managing authority for Deledio Reserve, it is recommended that Council relinquish title back to the Crown.

**ATTACHMENTS:**

Attachment 1 - Map of Deledio Reserve

Attachment 2 - Copy of Certificate of title

Attachment 3 - Gazette notice - 29 January 1913

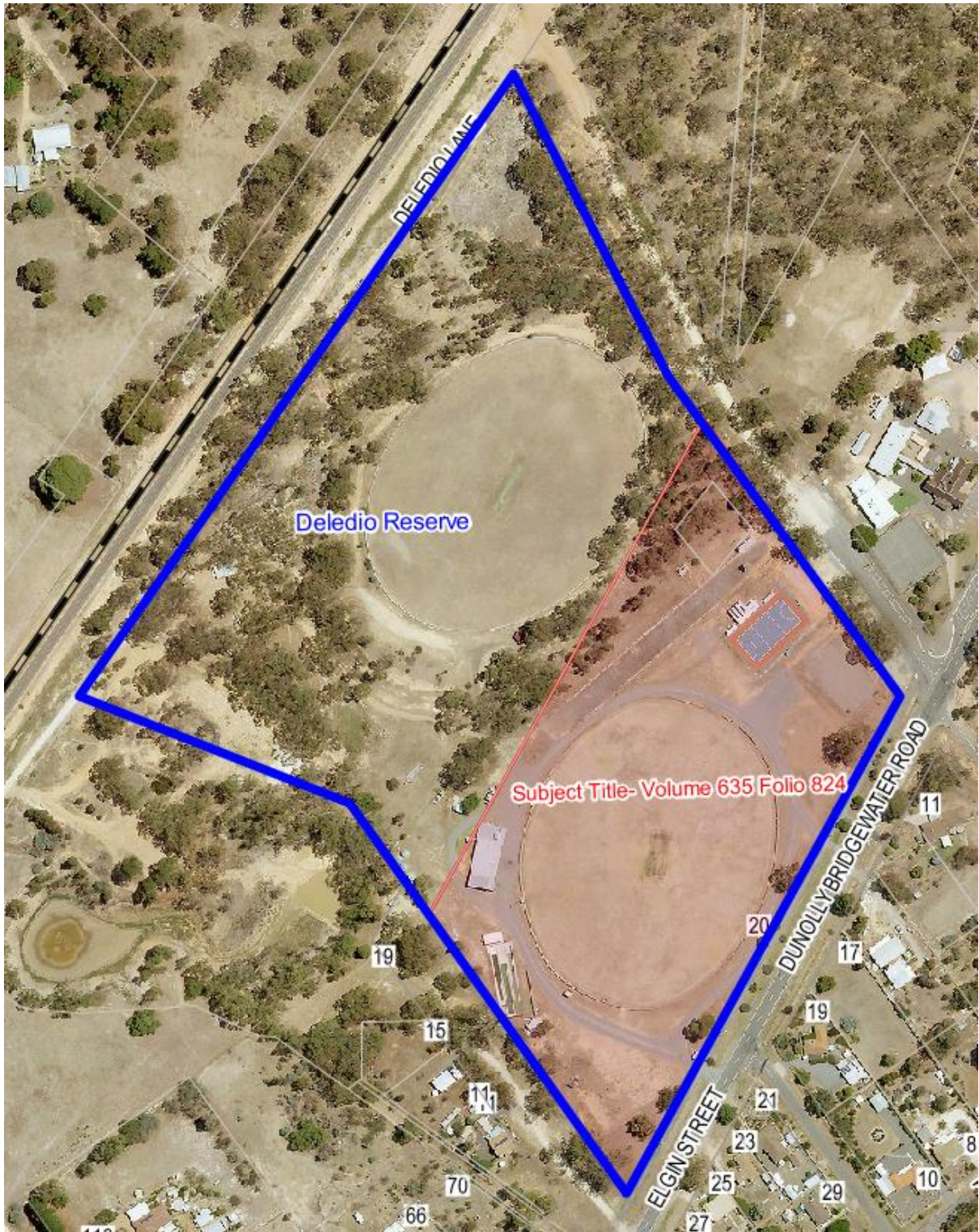
Attachment 4 - Email request from DELWP

**RECOMMENDATION:**

*That Council:*

- 1. Acknowledges the Committee of Management for Delidio Reserve is the Dunolly Recreation Reserves Committee of Management Incorporated, as appointed by DELWP.*
- 2. Authorises Council officers to commence the relevant processes to surrender Certificate of Title Volume 00635 Folio 824 to the Crown.*
- 3. Authorises the Chief Executive Officer to sign and seal any documentation relating to the transfer of Certificate of Title Volume 00635 Folio 824 to the Crown.*

Attachment 1- Map of Deledio Reserve



Attachment 2- Copy of Certificate of title

Land Registry Document



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958  
VOLUME 00635 FOLIO 824 Security no : 124072302844F

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 22B Section F Township of Dunolly Parish of Dunolly.

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

CENTRAL GOLDFIELDS SHIRE COUNCIL of 12-22 NOLAN STREET MARYBOROUGH VIC 3465  
[AK031139K](#) 19/11/2012

ENCUMBRANCES, CAVEATS AND NOTICES

QUEENS CAVEAT [AD746249B](#) 13/07/2005  
CAVEATOR HER MAJESTY THE QUEEN  
LODGED BY REGISTRAR OF TITLES  
NOTICES TO REGISTRAR OF TITLES

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below.  
For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE [TP486088F](#) FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

OTHER TITLES WITH INTERESTS AFFECTING THIS LAND  
11795/481

Street Address: 20 ELGIN STREET DUNOLLY VIC 3472

ADMINISTRATIVE NOTICES

NIL

eCT Control 09903E CENTRAL GOLDFIELDS SHIRE COUNCIL  
Effective from 20/11/2012

DOCUMENT END

| TITLE PLAN   |   | EDITION 1  | TP 486088F |
|--|---|--|------------|
| <b>LOCATION OF LAND</b><br>Parish : DUNOLLY<br>Township: DUNOLLY<br>Section: F<br>Crown Allotment: 22B<br>Crown Portion: -<br><br>Last Plan Reference : -<br>Derived From: VOL. 635 FOL. 824<br><br>Depth Limitation : NIL |   | <b>Notations</b><br>SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 635 FOL. 824 AND NOTED ON SHEET 2 OF THIS PLAN<br><br>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN |            |
| <b>Description of Land/ Easement Information</b>   |   | THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES<br>COMPILED: Date: 13/02/08<br>VERIFIED: A. DALLAS<br><i>Assistant Registrar of Titles</i>  |            |
|  |   | <b>COLOUR CODE</b><br>Y = YELLOW   |            |
|  |   | <b>TOTAL AREA = 10<sup>A</sup> 3<sup>R</sup> 14<sup>P</sup></b>  |            |
| LENGTHS ARE IN LINKS   | Metres = 0.3048 x Feet<br>Metres = 0.201168 x Links | Sheet 1 of 2 Sheets  |            |





**REGULATIONS FOR THE CARE, PROTECTION, AND MANAGEMENT OF THE RESERVE FOR PUBLIC RECREATION AT DUNOLLY, KNOWN AS THE "DUNOLLY RECREATION RESERVE."**

WHEREAS by section 200 of the *Land Act 1901*, it is enacted that where, under the provisions of any Act relating to Crown lands, the Governor in Council has reserved from sale permanently any Crown lands for any public purpose whatsoever or for any of the purposes specified in section 20 of such Act, and has vested such land in trustees or jointly in the Board of Land and Works and trustees, it shall be lawful for the trustees of any such land, with the approval of the Governor in Council, to make rules and regulations for all or any of the purposes mentioned in sub-section (1) of section 200, *Land Act 1901*: And whereas a Crown grant has issued in favour of the Board of Land and Works and the Mayor, Councillors, and Burgesses of the Borough of Dunolly in respect of the reserve for Public Recreation at Dunolly, known as, and hereinafter designated the "Dunolly Recreation Reserve": Now therefore the Board of Land and Works and the Mayor, Councillors, and Burgesses of the Borough of Dunolly do hereby make the following Regulations in respect of the "Dunolly Recreation Reserve":—

**REGULATIONS.**

1. The Dunolly Recreation Reserve shall be open to the public free of charge from sunrise to sunset, except on such occasions (not exceeding twelve (12) days in any one year), as the Dunolly Recreation Reserve may be set apart for cricket or football matches, sports, fêtes, or holiday amusements, on any of which occasions a sum not exceeding One shilling may be charged and taken for the admission of every adult to the Dunolly Recreation Reserve.
2. All persons renting or hiring any building for the time being on the Dunolly Recreation Reserve for any cricket or football matches, sports, fêtes, or holiday amusements shall abide by any order given by the trustees in reference thereto, or to the buildings or other erections for the time being thereon.
3. No person shall damage in any way the trees, treeguards, shrubs, or flowers in the Dunolly Recreation Reserve, nor shall fires be lighted therein.
4. No person shall enter or remain in the Dunolly Recreation Reserve who may offend against decency as regards dress, language, or conduct.
5. No person shall climb upon or jump over the fences or gates, or stick bills, or cut names thereon, or in any way damage the buildings or other improvements in the Dunolly Recreation Reserve, or roll or throw stones, or leave therein any bottles or broken glass.
6. No person shall put in the Dunolly Recreation Reserve any horses, cattle, sheep, goats, or pigs, without the permission, in writing, of the trustees. Provided always that the moneys received for agistment shall be expended in the maintenance and improvement of the Dunolly Recreation Reserve, and that an account thereof shall be furnished annually to the Board of Land and Works.
7. No person except labourers and workmen employed in the Dunolly Recreation Reserve shall enter any plots therein which may be enclosed for plantations of young trees or shrubs.
8. No person shall discharge any firearms in the Dunolly Recreation Reserve.
9. No person shall erect any dwelling in the Dunolly Recreation Reserve nor any booth or other structure for the purpose of offering for sale or exhibition of any article or animal without the consent, in writing, of the trustees first obtained.
10. Any person committing in the Dunolly Recreation Reserve, or in any of the buildings or other structures for the time thereon, any of the following offences, shall be liable to be removed from the Dunolly Recreation Reserve, notwithstanding such person may have purchased, and shall or may be in possession of a ticket of admission thereto:—

- (a) Assaulting any person.
- (b) Being drunk.
- (c) Using profane or obscene language.
- (d) Using abusive or insulting words.
- (e) Behaving improperly or riotously.
- (f) Obtaining admission to the Dunolly Recreation Reserve or any of the buildings thereon when not entitled to such admission, or refusing to produce or surrender if so required to any gatekeeper or other person duly authorized to demand production or surrender of tickets, a ticket duly authorizing the admission of such person to the Dunolly Recreation Reserve.

Every person offending against these Regulations shall, in accordance with section 200 of the *Land Act 1901*, on conviction before any Justice, be liable to a penalty not exceeding Five pounds for each offence, and every person who so offends and who after he has been warned by any bailiff of Crown lands, or officer or servant of the trustees, or by any constable, does not desist from offending, may

be forthwith apprehended by such bailiff, officer, or servant, or constable, and taken before some Justice, and shall on conviction, be liable to a penalty not exceeding Ten pounds.

Dated at Dunolly this sixth day of September, One thousand nine hundred and eleven.

(SEAL) W. BELCHER, Mayor.  
S. H. BUTLER, Town Clerk.

The Board of Land and Works, in pursuance of the powers conferred by the *Land Act 1901*, section 200, doth hereby make the foregoing Regulations in respect of the Reserve for Public Recreation at Dunolly, known as the Dunolly Recreation Reserve.

The common seal of the Board of Land and Works was hereunto affixed this twenty-ninth day of October, 1912, in the presence of—

(SEAL) H. MCKENZIE, President.  
JNO. MACGIBBON, Member.

Approved by the Governor in Council,  
13th January, 1913.

F. W. MABBOTT,  
Clerk of the Executive Council.  
(Corres. C. 53094).

**RESERVES IN THE MUNICIPAL DISTRICT AND CITY OF ST. KILDA FOR PUBLIC RECREATION AND FOR THE RECREATION, CONVENIENCE, AND AMUSEMENT OF THE PEOPLE.**

**RESCISSION OF REGULATIONS.**

WHEREAS by section 199 of the *Land Act 1901* power is given to the Board of Land and Works to make rules and regulations or to rescind any rules and regulations for the care, protection, and management of all public parks and reserves not conveyed to and vested in trustees, and for the preservation of good order and decency therein: Now therefore the Board of Land and Works, in pursuance of the power conferred as aforesaid, doth hereby rescind the regulations made by the said Board on 5th February, 1907, in respect of the undermentioned reserves in the municipal district and city of St. Kilda for Public Recreation, and for the Recreation, Convenience, and Amusement of the People:—

Four acres three roods two perches, in the municipal district of St. Kilda, permanently reserved by Order in Council of the 20th February, 1884, as a site for public recreation.

Two acres and thirty-three perches, in the city of St. Kilda, permanently reserved by Order in Council of the 31st March, 1905, as a site for the recreation, convenience, and amusement of the people.

Nineteen acres two roods twenty perches, in three separate portions, in the city of St. Kilda, temporarily reserved by Order in Council of the 5th June, 1906, for the recreation, convenience, and amusement of the people.

Four acres three roods thirty-eight perches, in the city of St. Kilda, temporarily reserved by Order in Council of the 11th September, 1906, as a site for the recreation, convenience, and amusement of the people.

The common seal of the Board of Land and Works was hereunto affixed this twenty-second day of November, 1912, in the presence of—

(SEAL) H. MCKENZIE, President.  
(Corres. C. 57280.) JNO. MACGIBBON, Member.

**COMMITTEE OF MANAGEMENT OF RESERVES FOR PUBLIC RECREATION IN THE TOWNSHIP OF LAANECOORIE.**

WHEREAS by section 202 of the *Land Act 1901* it is provided that it shall be lawful for the Governor in Council or the Board of Land and Works to appoint and remove any number of persons, not less than three, or any municipal council or the governing body of any corporation, to be a Committee of Management of any specified Crown land reserved, either temporarily or permanently, for any of the purposes set out in section 20 of the *Land Act 1901*, and not conveyed to or vested in trustees: Now therefore the Board of Land and Works doth hereby appoint Alexander Ross Michael, William Dickens, George Weymes, George Henry Allen Douglas, and David Barber to be a Committee of Management of the lands temporarily reserved by Orders in Council of 9th April, 1895, and 7th June, 1905, respectively, as sites for Public Recreation in the township of Laanecoerie.

In witness whereof the common seal of the Board of Land and Works was hereunto affixed this twenty-fourth day of January, One thousand nine hundred and thirteen, in the presence of—

(SEAL) H. MCKENZIE, President.  
(Corres. C. 52661.) JNO. MACGIBBON, Member.

## Attachment 4- Email request from DELWP

**From:** [Cathie.Boschert@delwp.vic.gov.au](mailto:Cathie.Boschert@delwp.vic.gov.au) [mailto:Cathie.Boschert@delwp.vic.gov.au]

**Sent:** Thursday, 22 November 2018 11:54 AM

**To:** Kristie Berry <[KristieB@cgoldshire.vic.gov.au](mailto:KristieB@cgoldshire.vic.gov.au)>

**Subject:** Crown Allotment 22B, Section F, Township of Dunolly, Parish of Dunolly

Hi Kristy,

Can you please advise who is the Council person that I need to deal with in relation to having the Council surrender the above described allotment to the Crown by relinquishing the Restricted Crown Grant which has been issues to Council.

As this allotment is contained within the area over which the Deledio Committee of Management has been appointed, the ongoing management will benefit from having all of the land within the reserve under the control of one authority.

Thanks

**Cathie Boschert | Program Officer, Land and Built Environment | Loddon Mallee Region  
Forest, Fire and Regions | Department of Environment, Land, Water and Planning**

PO Box 3100, Bendigo Delivery Centre, Victoria 3554

T: 0436 630 563 | E:

[Cathie.Boschert@delwp.vic.gov.au](mailto:Cathie.Boschert@delwp.vic.gov.au)



## **8.7 PLANNING APPLICATION 119/18 – DISPLAY OF A PROPOSED FLOODLIT PROMOTION SIGN AT LOT 1 ON TP080977K, 216 HIGH STREET, MARYBOROUGH**

**Author:** Coordinator Statutory Planning

**Responsible General Manager:** General Manager, Community 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:**

Council has received a planning permit application (PA119/18) proposing the display of a floodlit promotion sign at 216 High Street, Maryborough.

Public notice of the application has resulted in seven (7) written objections, including objections from the tenant of the land and from neighbouring residents.

The application has been assessed against the policy and specific controls of the planning scheme and it is considered that the proposed sign is excessive in size and is incompatible with the local streetscape and the heritage character of the area.

Officers recommend that Council refuse the sign.

### **POLICY CONTEXT:**

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Built and Natural Environment

**Outcome:** A vibrant local economy which contributes to the municipality's economic prosperity.

**3.3 Objective:** Protect and enhance the environment while planning for growth

### **REPORT:**

#### **Proposal**

Planning application 119/18 proposes the display of a floodlit promotion sign at 216 High Street, Maryborough. See Attachment 1 for site and elevation plans of the proposal.

The proposed sign would be 5.5 metres long and 2 metres high having an advertising area of 11m<sup>2</sup>, and would be illuminated by three bottom mounted florescent light fittings. The proposed sign would be single sided and attached to the wall of an existing building.

This existing building is a two storey brick structure with architectural elements of an 'Art Deco' style, which is currently leased to the Chicken Maryland takeaway food business, with accompanying business signage.

The sign would face traffic on High Street as it enters the Maryborough town centre. The sign would have no setback from the High Street property boundary and would be in an elevated position on the wall, approximately 2 metres above ground level.

The advertising panels are proposed to be changed between different advertisements whenever desired at the discretion of the signage company, acting as a commercial billboard for paying customers.

### **Site and Surrounds**

The subject land is described as Lot 1, TP080977K which is part of the property known as 216 High Street, Maryborough. The land is a square lot of around 520m<sup>2</sup> in size with a 21.73 metre northern property frontage to High Street.

The land subject to this planning application is in the Commercial 1 Zone and is within a Heritage Overlay (HO206).

The surrounding land to the north is located in the General Residential Zone and includes many historic residential buildings, while the land to the south is located in the Commercial 1 Zone and consists mostly of commercial buildings which are a mixture of historic and modern development on the approach to the centre of Maryborough. The site is around 40 metres north of the signalised intersection with Tuaggra Street.

The building itself has significant 'Art Deco' style elements including a styled balcony and parapet in the centre of the building, and appears to date from the 1930s. The City of Maryborough Heritage Study (1992) does not provide any known history for this building.

Directly to the north are a series of heritage listed dwellings adjacent the proposed sign, most with front yards and verandah areas with view-lines potentially impacted by the proposed sign. These include 232 High Street and 234 High Street, both in the 'Californian Bungalow' style and dating from 1928. These are followed by a 'Spanish Mission' style dwelling dating from 1925 at 236 High Street, and a large unique and ornate two storey dwelling thought to date from the 1880s at 238 High Street.

Across the street heading north there are also many heritage listed residential properties facing towards this side of the street including a weatherboard dwelling at 179 High Street dating from 1885, and brick dwellings at 183 High Street and 185 High Street which both date from the 1880s. The majority of the heritage listed dwellings along this section of road are very intact and well maintained which creates a positive streetscape and approach towards the town centre.

Directly to the south on this side of the street is a carpark and the Kentucky Fried Chicken conversion of the former Colman's auto parts building which dates from the 1880s, and retains some of the leadlight window elements of the original building. These buildings have various business identification signage including a small pole sign for the Kentucky Fried Chicken business.

Across the street and south towards the town centre there are commercial buildings including brick commercial buildings at 167 High Street, 169 High Street and 177A High Street dating from the 1890s and some more modern commercial buildings.

Further to the north is the town centre of Maryborough with a variety of heritage architecture including the former Maryborough City Library building dating from the 1880s across the other side of the Tuaggra Street intersection.

See Attachment 2 for an aerial photograph of the subject land and surrounds.

### **Site History**

Planning permit application D033/2012, an application for a large illuminated McDonald's advertising sign measuring 6 metres in length and 3 metres in height for a total signage area of 18m<sup>2</sup> was made on the subject site.

This previous file was lodged under the address of 212 High Street, which has since changed legal description to 216 High Street, but this remains the same physical property.

This previous application for a very similar promotional sign on the same wall of the same site was refused at a Council Meeting on 25<sup>th</sup> July 2012.

### **Planning Scheme Provisions**

Council must take into consideration the State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF) including the Municipal Strategic Statement (MSS).

#### **State Planning Policy:**

##### **Clause 11 Settlement**

This clause outlines that planning is to recognise the need for, and as far as practicable contribute towards achieving a number of key principles, including achieving a high standard of urban design and amenity.

##### **Clause 15 Built Environment and Heritage**

Clause 15 states:

Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning should achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place.
- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.
- Minimises detrimental impact on neighbouring properties.

#### **Local Planning Policy:**

##### **Clause 21.03 Protecting and Enhancing Heritage**

This policy identifies that *'the heritage and landscape setting of the shire's towns are important elements of their lifestyle and "urban village" character'*.

### Clause 21.12 Strengthening the Regional Role of Maryborough

This policy highlights that:

*'In recent years the Central Business Area (CBA) has enjoyed relatively low floor space vacancy rates and stable trading patterns. Maryborough's central shopping centre has progressively been transformed into an attractive, pedestrian oriented, more vibrant shopping experience. Previous strategies for the centre have provided the planning and urban design basis for these and more recent improvements.'*

It identifies the following relevant issues:

- Renewed public pride in the commercial area as a result of urban design and retailing improvements undertaken during the 1990's.
- Compact form, pedestrian scale and heritage character are features of the Maryborough CBA.

Objective 1 of this policy is to:

*'Encourage well-planned and integrated urban development of Maryborough to enhance its qualities as a place to live, work, invest and visit.'*

Which has the relevant supporting strategy of:

- Protect and enhance the highway and major road approaches to Maryborough.

Objective 3 of this policy is to:

*'Maintain and enhance the character and qualities of the Maryborough CBA by retaining its compact urban form, pedestrian scale and heritage character.'*

This objective contains strategies around potential further strategic planning work to create supporting urban design plans and policy, to enhance the visual character, amenity and tourism image of urban areas, particularly major tourism precincts such as town centers and town entrances.

### Local Planning Policy 22.01 Urban Design

This local policy has a basis which details *'Residents value the quality of lifestyle offered by the Shire's urban centres. Urban heritage and landscape character of these centres provides the appeal for residents and tourists'*. The policy identifies various objectives including:

- To preserve and enhance the visual amenity and character of the Shire's city and towns.
- To ensure the siting and design of new development has regard to built form, landscape character and visual qualities of urban centres.
- To enhance the visual qualities and character of the major road entrances to Maryborough and townships in the Shire.
- To encourage and promote high quality tourist development that preserves heritage and landscape character.

- To provide opportunities to promote the Shire's tourism image at key locations such as city/town centres and entrances and major attractions.

In order to achieve these objectives, Local Policy 22.01 identifies various policies; the following highlights those most relevant to this assessment:

- Encourage development where the design and siting of new development has demonstrated the following:
  - How building scale, height, mass and external finishes reflect dominant building forms, particularly heritage buildings and structures.
  - How the proposal contributes to the overall appearance and character of the town.
  - How the proposal responds to identified streetscape character.
- Encourage development proposals along or near to city and town where:
  - A city's or town's image is reflected along the entrance.
  - The character of the entrance is enhanced.
- Encourage protection and enhancement of landmarks, heritage and natural features, and the location of clearly visible signage to improve legibility of the urban area for tourists.

#### Local Planning Policy 21.10 Heritage

This policy states that:

*'Heritage buildings, streetscapes and places provide the Shire and its towns with their distinctive identity and image. Heritage is also the foundation of the Shire's tourism industry.'*

Objective 1 of this policy is to:

*'Conserve and enhance those buildings, works, streetscapes, areas, precincts, objects, trees and sites in the Shire which are of scientific, aesthetic, architectural or historical interest or otherwise of special cultural or social value.'*

Which has the relevant strategy of:

- Continue to identify and protect places of heritage, natural or cultural value.

Objective 2 of this policy is to:

*'Protect the shire's heritage from intrusive and unsympathetic development.'*

#### Clause 21.11 Tourism

This policy states that:

*'The Shire's tourism potential is related to its genuine and intact goldfields heritage and box ironbark forests.'*

Objective 1 of this policy is to *'Continue to develop the shire's cultural tourism niche related to small gold towns, goldfields and mining heritage and genealogy'* which is supported by the strategy of:

- Protect the heritage character of buildings, streetscapes, places and areas in the shire.



## Zones and overlays

### Clause 34.01 Commercial 1 Zone

The land is located partly within the Commercial 1 Zone which includes in its objectives:

- 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 center.

This zone is a Category 1 – (Minimum Limitation) area for advertising signs.

### Overlays

#### *Heritage Overlay:*

The purpose of this overlay (Clause 43.01) includes:

- *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 place.*

Heritage Overlay schedule listing *HO206 'Maryborough'*, is an area listing which covers a large number of historic buildings in this area, including the subject site.

## Particular Provisions

### Clause 52.05 Advertising Signs

The purpose of this clause includes:

- To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

This clause includes extensive decision guidelines specific to the assessment of advertising signage applications. These include:

- The character of the area.
- Impacts on views and vistas.
- The relationship to the streetscape, setting or landscape.
- The relationship to the site and building.
- The impact of any illumination.
- The need for identification and the opportunities for adequate identification on the site or locality.

- The impact on road safety

### Clause 65 Decision Guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

### Assessment of Application

Council has a number of policies that aim to enhance town entrances and encourage design, signage and landscape treatments that enhance the approach to the town centre and protect the appearance of heritage buildings and streetscape which have a very important role in providing the character of the town and in supporting local tourism.

The policy setting acknowledges the need to provide some opportunities for commercial and tourism uses at highway entrances, but this must be done in a manner that respects the township character, heritage values and the scale of the streetscapes.

The subject land forms part of the northern entranceway to the Maryborough town centre, an area which as outlined in local policy has benefited from significant urban design work which has made it a more attractive, pedestrian oriented, more vibrant area over time.

There is no similar existing general-purpose off-site promotion signage along the arterial road, which has significant traffic flows including tourists to the town and to the surrounding central goldfields region.

While the zone identifies that there should be a 'low limitation' on advertising signs this should not be at the expense of existing landscape character or town entrance character, which features a mixture of historic residential and commercial buildings.

The heritage overlay and heritage policy highlight the need to protect our heritage buildings and streetscape from inappropriate intrusion. The proposed sign would negatively impact on the host heritage building. The size and light of the sign are inappropriate to be located on a heritage building.

The proposed sign would not enhance the entry to Maryborough. It would dominate the location, and significantly impact the existing streetscape character that currently provides a welcoming entrance to the town.

### Assessment against Clause 52.05 Advertising Signs

Decision guidelines under this clause relevant to this proposal include:

The character of the area including:

- The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.
- The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.
- The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.

The proposed commercial sign is incompatible with the heritage streetscape character of the area as an entrance to the town centre, and would impose a significant visual intrusion upon the area directly to the north which it faces which is entirely residential in nature and has significant character provided by the mix of intact heritage architecture.

While there is a significant amount of functional business identification signage within the Maryborough town centre as a busy commercial centre, this sign would be the first general purpose off-site promotion sign on this entrance, and would have a cumulative impact of significantly raising the amount of signage in the area.

Impacts on views and vistas:

- The potential to obscure or compromise important views from the public realm.
- The potential to dominate the skyline.
- The potential to impact on the quality of significant public views.

High Street does not contain any similar general-purpose off-site promotion sign billboards. The immediate surrounding environment contains a large number of heritage buildings and has an important visual function as an entry point into the centre of Maryborough.

The development of a large floodlit promotion sign would detrimentally compromise the entrance streetscape. The proposed advertising billboard would have an elevated position on the wall which would dominate the skyline and significantly impact the views of passing vehicular and pedestrian traffic, and some to and from adjacent heritage listed dwellings.

The relationship to the streetscape, setting or landscape:

- The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape.
- The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements.
- The ability to reduce the number of signs by rationalising or simplifying signs.

At 11m<sup>2</sup> in size the sign would dominate this approach to the centre of Maryborough.

The relationship to the site and building:

- The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building.
- The extent to which the sign displays innovation relative to the host site and host building.
- The extent to which the sign requires the removal of vegetation or includes new landscaping.

The proposed signage does not bear any relationship to the significant characteristics of the site, namely the heritage architecture of the site and adjacent heritage buildings.

The impact of any illumination:

- The impact of glare and illumination on the safety of pedestrians and vehicles.
- The impact of illumination on the amenity of nearby residents and the amenity of the area.
- The potential to control illumination temporally or in terms of intensity.

The proposal would introduce an illuminated sign facing the adjacent residents to the north throughout the night, which may have a significant amenity impact.

For all the reasons that have been outlined, it is determined that the proposal does not achieve compliance with the purpose and decision guidelines of Clause 52.05 Advertising Signs.

### **Referrals**

In accordance with the requirements of the planning scheme, the application was referred to VicRoads. VicRoads advise that they, in principle, have no objection subject to two permit conditions requiring that the proposed sign meet the VicRoads ten point road safety checklist and limiting the luminance of the signage lighting.

### **Alternative Options**

Council could choose to issue a Notice of Decision to grant a permit. Should Council issue a Notice of Decision to Grant a Permit, this should include specific conditions that must be included on sign permits, as well as other conditions relating to the lights.

For the reasons outlined in this report, this is not recommended by Council officers.

### **CONSULTATION/COMMUNICATION:**

Public Notice of the application was given by way of letters to adjoining landowners and tenant and a sign on site.

This notice resulted in seven (7) written objections being received.

The following is a summary of the various concerns raised by the objections, followed by applicant and officer comments.

#### *Traffic Safety Issues*

High Street is a busy road and the proposed sign is located around 40 metres from the intersection with Tuaggra Street. The proposal was referred (as required by the planning scheme) to VicRoads, who had no concerns in principle, but requested conditions requiring the proposed sign to meet the VicRoads ten point road safety checklist and limiting the luminance of the signage lighting.

#### *Impact on Streetscape and Heritage Character or Views / Visual Pollution*

The Applicant contends that the proposed Floodlit Promotion Sign fits within the site context and has a relationship with the highway corridor.

Officer's assessment of the sign is that it would have a detrimental effect on the streetscape and the heritage character of the area.

#### *Visual Amenity Impacts upon Neighbouring Dwellings*

Given the sign would be illuminated, in an elevated position, and facing north towards the front yards and porch areas of an almost entirely residential area, the potential for a significant visual amenity impact upon these residents is clear and significant.

### *Objector Frustrations and concerns with similarities to a previously refused permit application*

While it is understood that there is significant similarity to the permit application for a sign on this site which was refused in 2012, Council is still obliged to conduct a current and rigorous assessment and to consider each application on its merits.

### *Impact on Local Businesses and Lack of Economic Benefit*

An objection has been received from the current tenant of the building with concerns that the proposed signage will compete with their own existing business identification signage and therefore reduce the economic benefit they derive from their own signage through the over-proliferation of signage on the building and in the area.

The proposed sign would add to the number of signs on the building, and is therefore not consistent with council's policies. However competition amongst businesses itself is not a matter relevant to a planning permit assessment.

### *Concerns Regarding the Potential for the Sign to Become a Precedent*

Any planning permit application is considered on the merits of the proposal, however, the location of a floodlit promotion sign may create a more compromised visual environment where further large commercial signage may potentially become more common-place in future, particularly as a precedent for signage facing or within the residential area to the north.

### *Property Values*

When assessing the applicability of any proposal under the provisions of the planning scheme, the effect of a proposal upon property values cannot be taken into account.

## **FINANCIAL & RESOURCE IMPLICATIONS:**

The assessment of planning permit applications is within the normal operational budget of Council.

Should any party (applicant or objector) appeal the determination of the application (permit condition or issue of permit) additional Victorian Civil and Administrative Tribunal (VCAT) appeal costs will be incurred.

## **CONCLUSION:**

Planning application 119/18 proposes the display of a floodlit promotion sign at 216 High Street, Maryborough. Seven (7) objections have been received following notice of the application.

An assessment of the proposal has been undertaken and it is considered that the application does not accord with relevant policy, nor achieve compliance with the purpose and decision guidelines of Clause 52.05 *Advertising Signs*.

A Council determination is sought for the application as the Council's Planning Officer recommends that a Notice of Refusal to grant a planning permit be issued.

Council must determine a position on the application for a planning permit and take one of the following options:

- III. Approve a planning permit and issue a Notice of Decision to Grant a Planning Permit for the proposal (with or without conditions); or
- IV. Issue a Refusal to Grant a Planning Permit for the proposal – appeal rights apply to the applicant.

It is recommended that a notice of decision to refuse to grant a planning permit be issued.

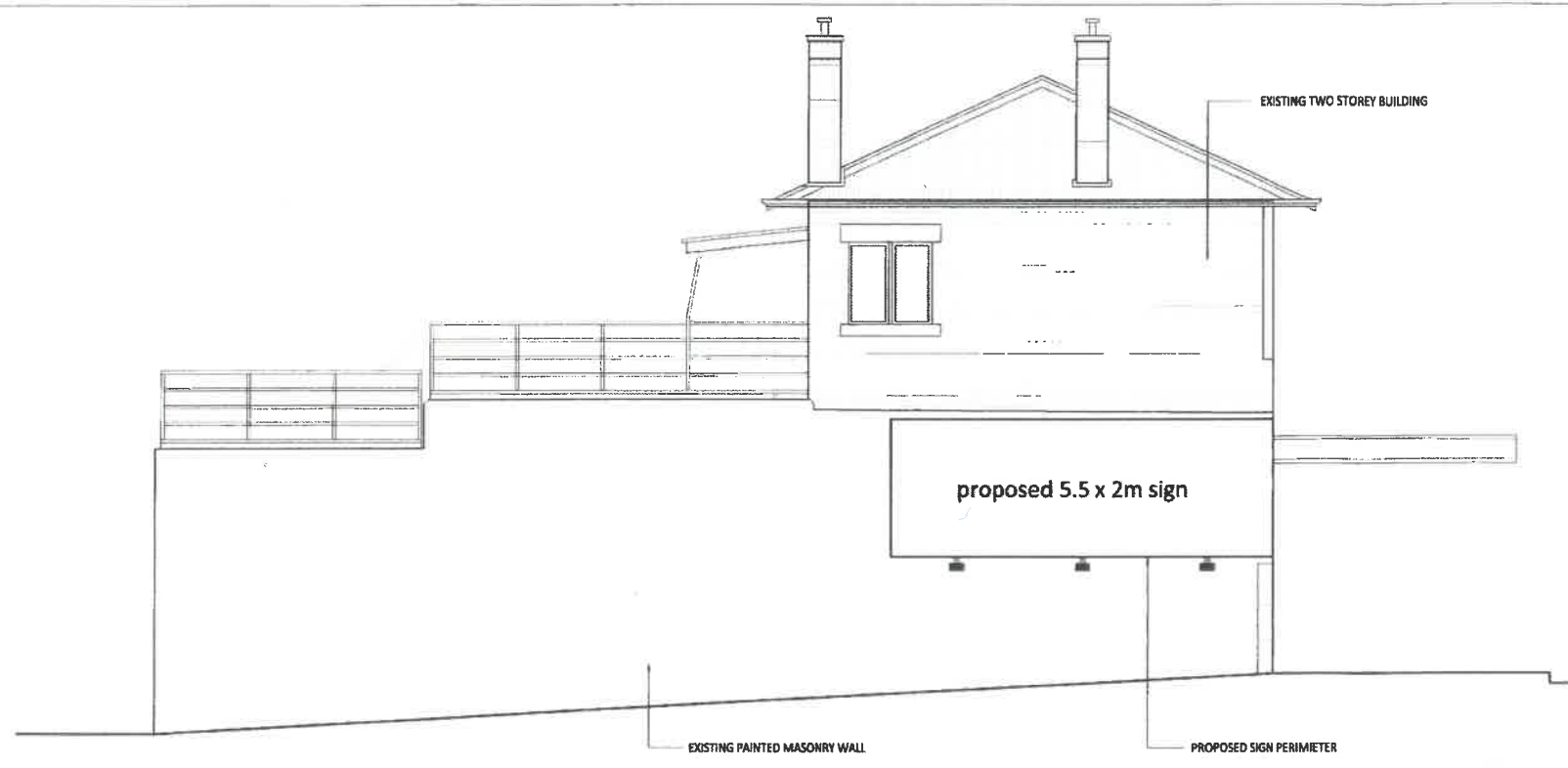
**ATTACHMENTS:**

1. Proposed Floodlit Promotion Sign Site Plan and Typical Elevation
2. An aerial photograph of the subject land and environs

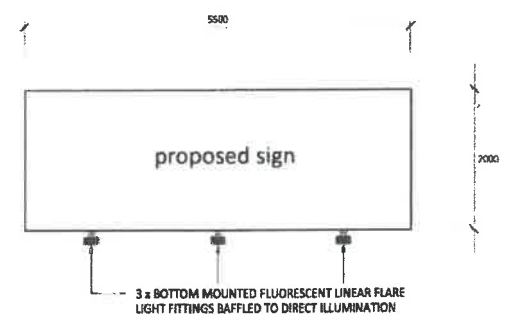
**RECOMMENDATION:**

*That Council consider the planning permit application PA119/18 and determine to issue a Notice of Decision to Refuse a Planning Permit for the display of a floodlit promotion sign at Lot 1 on TP080977K, 216 High Street, Maryborough on the following grounds:*

- 1. The sign would negatively impact on the local streetscape, the heritage character of this heritage listed building, and adjacent heritage listed historic residential buildings, which are required to be protected by planning policy.*
- 2. The sign would be an overly dominant element in the streetscape, and would not enhance this entrance to the Maryborough town centre.*
- 3. The sign would have a significant visual amenity impact upon the residents of the almost entirely residential area to the north which the sign would face*



proposed north elevation 1:50



proposed sign elevation 1:50



existing aerial plan N.T.S.



existing site plan 1:500

no. date revisions

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ACN. 005 786 621

TONY LYONS DP-A01059  
PHIL ROGERS DP-A038659

project  
Proposed Signage

216 High Street  
Maryborough

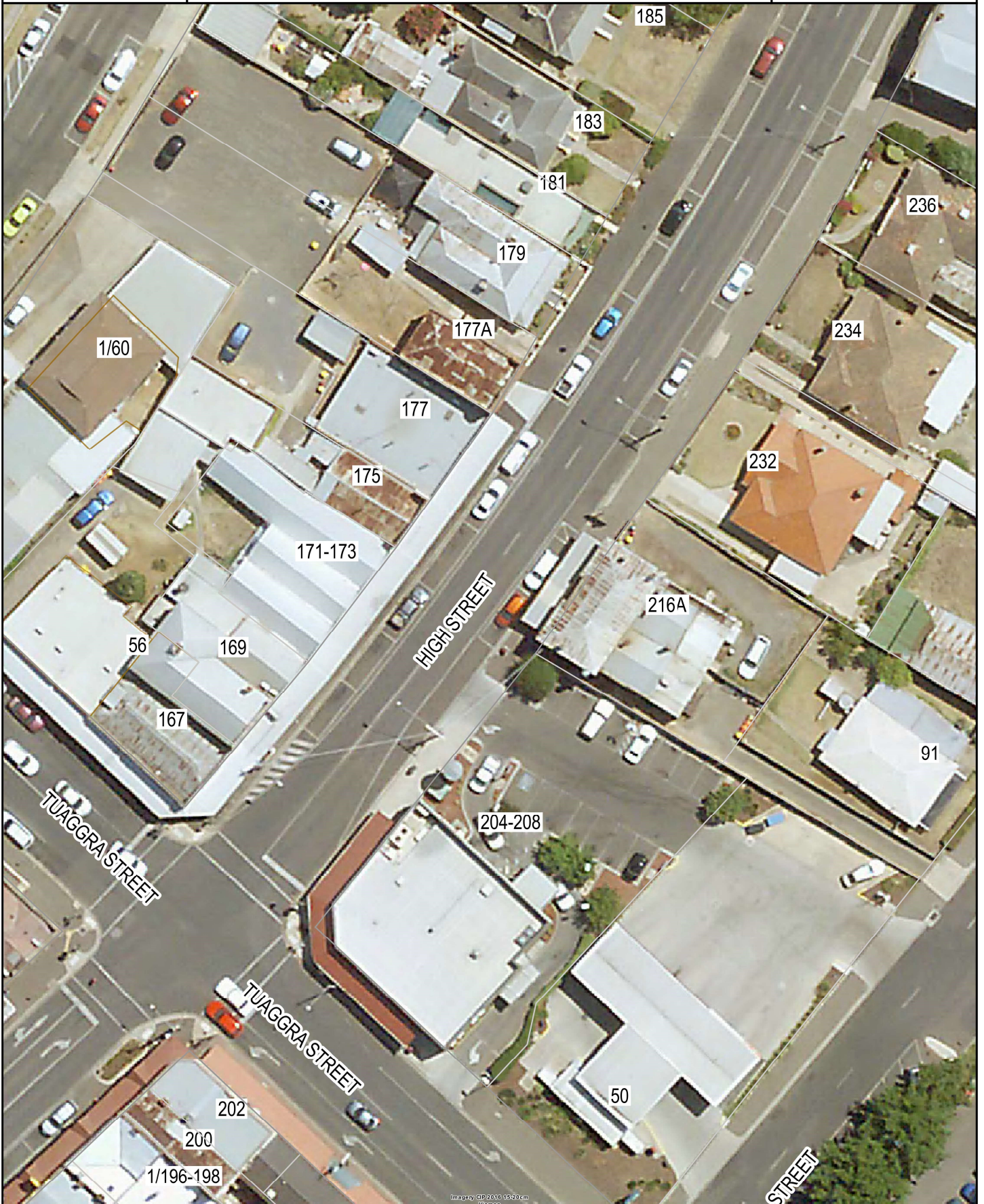
client  
Jewell Partnership P/L

drawing  
Proposed North Elevation  
Sign Details  
Existing Aerial Plan  
Existing Site Plan

date sept. 2018  
drawn e.o.  
checked - NOT CHECKED -  
job no. 18095-tp  
drg no. 18095-tp1 OF 1  
revision A  
scale AS INDICATED AT A1

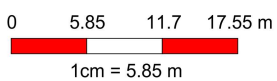
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## 8.8 MID-YEAR FINANCIAL REVIEW

**Author:** **Manager Finance**

**Responsible General Manager:** **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.*

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### **SUMMARY/PURPOSE:**

The mid-year financial review is presented to Council to show a forecast of Council's financial performance projected to 30 June 2019 against the current budget (the adopted budget adjusted for carry forward items as reported to Council in October 2018).

### **POLICY CONTEXT:**

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Organisation:

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

### **BACKGROUND INFORMATION:**

This mid-year financial review includes actual figures for the year to 31 January 2019 plus forecasts to 30 June 2019. It does not include results for Council's Section 86 Committees such as the Tullaroop Leisure Centre which are consolidated within the annual financial report at year end.

### **FINANCIAL REPORT**

The mid-year financial review comprises the following:

- Operating Statement;
- Balance Sheet;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Statement of Capital Works.

### **Operating Statement**

**Income** is forecast to be greater than budget by \$2.47 million with the major variations being:

- \$818,000 Natural Disaster funding received but not budgeted for
- \$770,000 Road funding received but not budgeted for
- \$455,000 additional grant funding across seven programs received but not budgeted for
- \$320,000 Energy Breakthrough<sup>#</sup> funding received but not budgeted for

- \$300,000 Fixing Country Bridges funding received but not budgeted for
- \$230,000 Plant operating recoup less than budgeted for
- \$145,000 Building and Planning permit income above budget

**Expenditure** is forecast to be greater than budget by \$1.14 million with the major variations being:

- \$484,000 Energy Breakthrough<sup>#</sup> expenditure spent but not budgeted for
- \$203,000 Aged care expenditure above budget
- \$187,000 Natural Disaster expenditure spent but not budgeted for
- \$95,000 Economic Development Strategy additional expenditure funded by higher grant than budgeted

All four of these variations are fully or partly funded by the income variations listed above.

<sup>#</sup> The Energy Breakthrough revenue and expenditure was previously controlled by a separate committee, but for the first time in 2018-2019 the finances for this event are running directly through Council's finance system. The 2018-2019 Council budget did not reflect this change because the change was made in response to an internal audit report that was received after the budget was adopted.

**Net operating position** (deficit on operations) is forecast to be better than budget by \$1.33 million as a result of the income and expenditure variations listed above. This is best summarised as follows:

|  |                    |
|--|--------------------|
| Grants to fund additional capital expenditure  | \$1,070,000        |
| Reduction in plant capital expenditure due to plant<br>operating recoup less than budgeted for | (\$230,000)        |
| Net Natural Disaster funding received relating to 2017-18                                      | \$631,000          |
| Other  | (\$141,000)        |
| <b>Total change in net operating position</b>  | <b>\$1,330,000</b> |

Other includes the following two items of unanticipated expenditure:

- Superannuation payments missed in prior years - \$51,000
- Legal fees relating to legacy issues – greater than budget - \$40,000

### **Statement of Changes in Equity**

Council's equity position is forecast to decline by the operating deficit of \$1.40 million which is \$1.33 million better than budgeted, as discussed above.

It should be noted that the adopted budget was for a deficit of \$581,000, this was revised to a \$2.7 million deficit in September 2018 due to the early payment of 50% of the 2018-2019 Financial Assistance Grant (FAG) being \$1.98 million received in June 2018. This early payment resulted in greater than budgeted surplus in the 2017-2018 financial year. If the Federal Government continue its policy of early payment of the FAG, an operating surplus would result in 2018-2019. Due to the uncertainty of early payment, this has not been factored into the mid-year forecast.

**Cash Flow Statement**

Council's original budget for 2018-2019 budgeted for a net decrease in cash and cash equivalents of \$6,000 (i.e. a balanced cash budget). The carried forwards adopted by Council included recognition of \$2.02 million of revenue received in advance, \$0.13 million of operating expenditure carried forwards and \$0.46 million of capital works carried forwards. Therefore, the updated budgeted net decrease in cash and cash equivalents after taking into account grants received in the prior year and carried forward works was \$2.61 million.

The decrease in cash and cash equivalents is forecast at \$1.69 million, or a \$0.92 million improvement on the updated budget as outlined in the Statement of Financial Position above.

**Balance Sheet**

Council's forecast cash position of \$7.03 million at 30 June 2019 is \$1.69 million lower than the \$8.72 million of cash and cash equivalents that Council had at 30 June 2018. This is due to the issues of revenue received in advance and expenditure carried forwards, as per outlined in the "cash flow statement" section above.

**Capital Works Statement**

Capital works is forecast to be more than budget by \$422,000 due to a number of successful grant applications with additional funding for roads of \$770,000 and bridges \$300,000. This is offset by a reduction in plant expenditure (\$230,000) and the delay in capital works on the Carisbrook levee (\$400,000).

All other capital works budgets have been forecast to be spent by 30 June 2019.

**CONSULTATION/COMMUNICATION:**

Nil required to this report.

**FINANCIAL & RESOURCE IMPLICATIONS:**

Nil.

**CONCLUSION:**

The mid-year financial review shows a forecast of Council's financial performance projected to 30 June 2019 against the current budget. The forecast includes a number of significant variations as discussed above. However, the net position is that Council's financial performance is tracking very close to budget and does not require any major changes at this time. The management team will continue to monitor and manage the current budget in order to ensure that tight fiscal oversight is maintained.

**ATTACHMENTS:**

1. Mid-year financial review financial statements

**RECOMMENDATION:**

*That Council note the mid-year financial review which shows a forecast of Council's financial performance projected to 30 June 2019 against the current budget. The forecast includes a number of variations mainly due to the timing of receipt and expenditure of grants.*

**CENTRAL GOLDFIELDS SHIRE**  
**Operating Statement**  
**Forecast for the year ending 30 June 2019**

|                                       | Actual at<br>31/1/2019<br>\$ | * Annual Budget<br>\$ | Forecast<br>\$    | Variance<br>\$   | %<br>Variation |
|---------------------------------------|------------------------------|-----------------------|-------------------|------------------|----------------|
| <b>Revenues</b>                       | \$                           | \$                    | \$                | \$               |                |
| Community                             | 1,271,980                    | 1,242,223             | 2,072,949         | 830,726          | 66.9%          |
| Health & Human Services               | 2,574,163                    | 4,062,892             | 4,231,069         | 168,177          | 4.1%           |
| Economic Development                  | 666,220                      | 804,247               | 1,434,155         | 629,908          | 78.3%          |
| Culture & Heritage                    | 163,715                      | 153,062               | 168,707           | 15,645           | 10.2%          |
| Recreation & Leisure                  | 181,128                      | 221,057               | 243,557           | 22,500           | 10.2%          |
| Transport                             | 1,641,827                    | 2,652,930             | 3,468,413         | 815,483          | 30.7%          |
| Waste & Environment                   | 3,161,367                    | 3,294,203             | 3,264,205         | (29,998)         | (0.9%)         |
| Administration                        | 266,573                      | 298,017               | 341,786           | 43,769           | 14.7%          |
| Rates                                 | 11,619,309                   | 11,632,488            | 11,604,309        | (28,179)         | (0.2%)         |
| Financial Assistance Grants           | 976,849                      | 1,916,807             | 1,988,694         | 71,887           | 3.8%           |
| Profit/(Loss) on sale of Fixed Assets | 43,017                       | 100,829               | 30,920            | (69,909)         | (69.3%)        |
|                                       | <b>22,566,148</b>            | <b>26,378,757</b>     | <b>28,848,764</b> | <b>2,470,009</b> | <b>9.4%</b>    |
| <b>Expenditures</b>                   |                              |                       |                   |                  |                |
| Community                             | 994,174                      | 1,626,167             | 1,819,544         | 193,377          | 11.9%          |
| Health & Human Services               | 2,441,129                    | 4,080,918             | 4,240,601         | 159,683          | 3.9%           |
| Economic Development                  | 1,625,281                    | 1,975,129             | 2,644,104         | 668,975          | 33.9%          |
| Culture & Heritage                    | 502,454                      | 829,468               | 885,447           | 55,979           | 6.7%           |
| Recreation & Leisure                  | 1,685,963                    | 3,235,644             | 3,225,644         | (10,000)         | (0.3%)         |
| Transport                             | 5,219,802                    | 9,190,373             | 9,190,373         | 0                | 0.0%           |
| Waste & Environment                   | 1,444,046                    | 3,283,541             | 3,263,541         | (20,000)         | (0.6%)         |
| Administration                        | 3,061,788                    | 4,888,368             | 4,981,759         | 93,391           | 1.9%           |
|                                       | <b>16,974,637</b>            | <b>29,109,608</b>     | <b>30,251,013</b> | <b>1,141,405</b> | <b>3.9%</b>    |
| Surplus/(Deficit) on operations       | 5,591,511                    | (2,730,851)           | (1,402,249)       | 1,328,604        |                |

\* Including carry forwards adopted at October 2018 Council meeting

# CENTRAL GOLDFIELDS SHIRE

## Balance Sheet

|                                      | <b>Actual<br/>30.06.2018</b> | <b>Forecast<br/>30.06.2019</b> |
|--------------------------------------|------------------------------|--------------------------------|
|                                      | \$                           | \$                             |
| <b>Current Assets</b>                |                              |                                |
| Cash                                 | 8,718,243                    | 7,032,423                      |
| Receivables                          | 2,212,535                    | 2,212,535                      |
| Other                                | 381,081                      | 381,081                        |
| Non-current assets held for resale   | 573,394                      | 245,223                        |
| <b>Total Current Assets</b>          | <b>11,885,253</b>            | <b>9,871,262</b>               |
| <b>Current Liabilities</b>           |                              |                                |
| Creditors                            | 3,245,044                    | 3,245,044                      |
| Borrowings                           | 574,803                      | 574,803                        |
| Provisions                           | 2,432,694                    | 2,432,694                      |
| <b>Total Current Liabilities</b>     | <b>6,252,541</b>             | <b>6,252,541</b>               |
| <b>NET CURRENT ASSETS</b>            | <b>5,632,713</b>             | <b>3,618,721</b>               |
| <b>Non-Current Assets</b>            |                              |                                |
| Land Under Roads                     | 381,486                      | 944,151                        |
| Land & Buildings                     | 46,010,465                   | 44,749,571                     |
| Plant & Machinery                    | 3,919,461                    | 3,703,202                      |
| Furniture & Equipment                | 207,917                      | 369,686                        |
| Infrastructure                       | 266,524,875                  | 267,314,532                    |
| Artwork Collection                   | 210,990                      | 210,990                        |
| Library Bookstock                    | 349,277                      | 349,277                        |
| Works in Progress                    | 390,181                      | 390,181                        |
| <b>Total Non-Current Assets</b>      | <b>317,994,653</b>           | <b>318,031,591</b>             |
| <b>Non-Current Liabilities</b>       |                              |                                |
| Other Liabilities                    | 69,115                       | 69,115                         |
| Borrowings                           | 3,885,313                    | 3,310,510                      |
| Provisions                           | 599,357                      | 599,357                        |
| <b>Total Non-Current Liabilities</b> | <b>4,553,785</b>             | <b>3,978,982</b>               |
| <b>NET ASSETS</b>                    | <b>319,073,580</b>           | <b>317,671,331</b>             |
| <b>Equity</b>                        |                              |                                |
| Accumulated Surplus                  | 122,225,443                  | 120,823,194                    |
| Reserves                             | 196,848,137                  | 196,848,137                    |
| <b>TOTAL EQUITY</b>                  | <b>319,073,580</b>           | <b>317,671,331</b>             |

# CENTRAL GOLDFIELDS SHIRE

## Statement of Changes in Equity

Forecast for the year ending 30 June 2019

|  | Accumulated<br>Surplus | Reserves           | Total              |
|--|------------------------|--------------------|--------------------|
| <b>Balance at beginning of period</b>                          | <b>122,225,443</b>     | <b>196,848,137</b> | <b>319,073,580</b> |
| Adjustments due to changes in<br>accounting policies           | 0                      | 0                  | 0                  |
|  | <hr/>                  | <hr/>              | <hr/>              |
|  | 122,225,443            | 196,848,137        | 319,073,580        |
| Increase/(Decrease) in net assets<br>resulting from operations | (1,402,249)            | 0                  | (1,402,249)        |
| Transfers to reserves  | 0                      | 0                  | 0                  |
| Transfers from Reserves  | 0                      | 0                  | 0                  |
| <b>Balance at end of period</b>                                | <b>120,823,194</b>     | <b>196,848,137</b> | <b>317,671,331</b> |

# CENTRAL GOLDFIELDS SHIRE

## Cash Flow Statement

Forecast for the year ending 30 June 2019

|  | * Budget 2018-2019<br>Inflows/<br>(Outflows) | Forecast 2018-2019<br>Inflows/<br>(Outflows) |
|--|--|--|
| <b>Cash flows from operating activities</b>                |  |  |
| <b>Receipts</b>  |  |  |
| <i>Community</i>   | 1,242,223                                    | 2,072,949                                    |
| <i>Health &amp; Human Services</i>                         | 4,062,892                                    | 4,231,069                                    |
| <i>Economic Development</i>                                | 804,247                                      | 1,434,155                                    |
| <i>Culture &amp; Heritage</i>                              | 153,062                                      | 168,707                                      |
| <i>Recreation</i>  | 221,057                                      | 243,557                                      |
| <i>Transport</i>   | 2,652,930                                    | 3,468,413                                    |
| <i>Waste &amp; Environ</i>                                 | 3,294,203                                    | 3,264,205                                    |
| <i>Administration</i>                                      | 298,017                                      | 341,786                                      |
| <i>Debtors/Rates</i>                                       | 11,632,488                                   | 11,604,309                                   |
| <i>Grants Commission</i>                                   | 1,916,807                                    | 1,988,694                                    |
|  | 26,277,926                                   | 28,817,844                                   |
| <b>Payments</b>  |  |  |
| <i>Community</i>   | (1,587,707)                                  | (1,781,084)                                  |
| <i>Health &amp; Human Services</i>                         | (4,050,354)                                  | (4,210,037)                                  |
| <i>Economic Development</i>                                | (1,881,739)                                  | (2,550,714)                                  |
| <i>Culture &amp; Heritage</i>                              | (711,052)                                    | (767,031)                                    |
| <i>Recreation</i>  | (2,537,514)                                  | (2,527,514)                                  |
| <i>Transport</i>   | (3,791,363)                                  | (3,809,363)                                  |
| <i>Waste &amp; Environ</i>                                 | (3,149,303)                                  | (3,129,303)                                  |
| <i>Administration</i>                                      | (4,431,961)                                  | (4,525,353)                                  |
|  | (22,140,993)                                 | (23,300,399)                                 |
| <b>Net cash inflow/(outflow) from operating activities</b> | 4,136,934                                    | 5,517,445                                    |
| <b>Cash flows from investing activities</b>                |  |  |
| <i>Proceeds from Sale Fixed Assets</i>                     | 692,550                                      | 640,641                                      |
| <i>Payments for Capital Works</i>                          | (6,676,375)                                  | (7,098,734)                                  |
| <b>Net cash inflow/(outflow) from investing activities</b> | (5,983,825)                                  | (6,458,093)                                  |
| <b>Cash flows from financing activities</b>                |  |  |
| <i>Financing costs</i>                                     | (170,369)                                    | (170,369)                                    |
| <i>Repayment of loan borrowings</i>                        | (574,803)                                    | (574,803)                                    |
| <b>Net cash inflow/(outflow) from financing activities</b> | (745,172)                                    | (745,172)                                    |
| <b>Net increase (decrease) in cash</b>                     | (2,592,062)                                  | (1,685,820)                                  |
| <i>Cash at beginning of the financial period</i>           | 4,678,219                                    | 8,718,243                                    |
| <b>Cash at the end of the financial period</b>             | 2,086,156                                    | 7,032,423                                    |

\* Including carry forwards adopted at October 2018 Council meeting



# CENTRAL GOLDFIELDS SHIRE COUNCIL

## Statement of Capital Works

### Forecast for the year ending 30 June 2019

|  | Actual at<br>31/1/2019 | Budget<br>2018-2019 | Forecast<br>2018-2019 | Variance         |
|--|------------------------|---------------------|-----------------------|------------------|
| <b>Property</b>                        |                        |                     |                       |                  |
| Land                                   | 16,744                 | 104,665             | 104,665               | -                |
| Land Improvements                      | 3,145                  | 15,500              | 15,500                | -                |
| Buildings                              | 69,347                 | 492,000             | 442,500               | (49,500)         |
| <b>Total property</b>                  | <b>89,236</b>          | <b>612,165</b>      | <b>562,665</b>        | <b>(49,500)</b>  |
| <b>Plant and equipment</b>             |                        |                     |                       |                  |
| Plant, machinery and equipment         | 162,169                | 619,000             | 385,783               | (233,217)        |
| Fixtures, fittings and furniture       | 140,621                | 329,945             | 372,945               | 43,000           |
| <b>Total plant and equipment</b>       | <b>302,790</b>         | <b>948,945</b>      | <b>758,728</b>        | <b>(190,217)</b> |
| <b>Infrastructure</b>                  |                        |                     |                       |                  |
| Roads                                  | 827,209                | 2,620,288           | 3,380,288             | 760,000          |
| Bridges and major culverts             | 149,621                | 954,837             | 1,254,837             | 300,000          |
| Pathways                               | 60,164                 | 156,000             | 156,000               | -                |
| Drainage                               | 104,814                | 678,160             | 280,236               | (397,924)        |
| Parks, Open Space & Streetscapes       | 8,462                  | 203,000             | 203,000               | -                |
| Car Parks                              | -                      | 35,000              | 35,000                | -                |
| Other Infrastructure                   | 200,751                | 467,980             | 467,980               | -                |
| <b>Total infrastructure</b>            | <b>1,351,021</b>       | <b>5,115,265</b>    | <b>5,777,341</b>      | <b>662,076</b>   |
| <b>Total capital works expenditure</b> | <b>1,743,047</b>       | <b>6,676,375</b>    | <b>7,098,734</b>      | <b>422,359</b>   |
| <b>Represented by:</b>                 |                        |                     |                       |                  |
| New asset expenditure                  | 372,356                | 1,098,485           | 738,268               | (360,217)        |
| Asset renewal expenditure              | 900,255                | 3,324,053           | 4,106,629             | 782,576          |
| Asset upgrade expenditure              | 470,436                | 2,253,837           | 2,253,837             | -                |
| <b>Total capital works expenditure</b> | <b>1,743,047</b>       | <b>6,676,375</b>    | <b>7,098,734</b>      | <b>422,359</b>   |

## 8.9 JANUARY FINANCIAL REPORT

**Author:** **Manager Finance**

**Responsible General Manager:** **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.*

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### **SUMMARY/PURPOSE:**

Monthly financial reports are presented to Council to show Council's financial performance and how it is tracking against the adopted (original) budget.

### **POLICY CONTEXT:**

Central Goldfields Shire Council's Council Plan 2017-2021(2018 Refresh) – Our Organisation:

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

### **BACKGROUND INFORMATION:**

This finance report is provided for the year to 31 January 2019 and does not include results for Council's Section 86 Committees such as the Tullaroop Leisure Centre which are consolidated within the annual financial report at year end.

### **FINANCIAL REPORT**

The monthly financial report comprises the following:

- Operating Statement;
- Balance Sheet;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Statement of Capital Works
- Rate and General Debtor Information;
- Investment Schedule.

### **Operating Statement**

The operating result, incorporating approved carry forwards, for the year to date as at 31 January was a surplus of \$5.59 million. Income is at \$22.56 million compared to a budgeted income of \$21.87 million, a variance of (3.2%).

Expenditure is at \$16.97 million compared to budgeted expenditure of \$17.44 million, a variance of 2.7% for the year to date. The variation is primarily attributable to the timing of waste related expenditure.

### **Statement of Financial Position**

Council's equity position has increased from 30 June 2018, due to the levying of rates and charges during August. Refer to the receivables summary for an explanation for the movement in current receivables.

The creditors balance includes the Fire Services Property Levy (FSPL) which totalled \$0.96 million as at 31 January 2019. This balance includes arrears, however, excludes the FSPL Concession (which effectively reduces the payable amount). Council's next instalment for 2018-2019 is to be paid by 28 March 2019.

### **Statement of Changes in Equity**

Council has not budgeted to make any transfers to reserves during the 2018-2019 year, with the movement within the statement of changes in equity equating to the operating result.

### **Cash Flow Statement**

The balance of cash and investments as at 31 January 2019 is \$6.81 million, which includes \$5.0 million in short-term deposits.

Council's cash position is higher than budget, due to the cash at the beginning of the period being \$4.04 million more than budget. This was primarily due to the early payment of 50% of Council's 2018/2019 Financial Assistance Grant funding in June 2018 (\$1.98 million), and deferred capital works.

Future cash flows are being monitored closely to enable completion of scheduled works and meeting recurrent obligations, as well as ensuring surplus funds are invested to generate maximum interest revenue.

### **Capital Works Statement**

The 2018-2019 budget included a capital works budget of \$6.21 million, and with the addition of \$0.46 million in approved carried forward projects, the budget now totals \$6.67 million across property, plant and equipment and infrastructure asset classes.

As at 31 January, Council had expended \$1.74 million on capital works. The contract for reseat works has now been awarded, with various infrastructure works scheduled for completion by the end of March.

### **Receivables Summary**

The Rate Debtor balance at 31 January is \$9.04 million (excluding FSPL), which is \$317,698 or 4% higher than this time last year, primarily due to the 2.25% increase in rates and increase in garbage service charges.

This level of arrears is consistent with the same time last year at 6.3% (6.0% as at 31 January 2018). Those ratepayers with arrears are currently being progressed for additional debt collection action in accordance with Council's Debt Collection Policy.

The Other Debtors balance totals \$681,557 which is \$79,457 or 13% higher than this time last year. This is primarily due to an invoice of \$144,000 being raised at the end of January for Carisbrook Bowls Club Synthetic Green Upgrade works paid on 28 February 2019 and \$82,611 invoiced to VicRoads for Agency costs and Energy Breakthrough sponsorship (paid during February), \$55,000 invoiced to the ten20 Foundation for Go Goldfields work (paid during February) and \$30,589 invoiced to Department of Treasury and Finance for Centralised Annual Valuations funding (also paid during February).

### **Operating and Cash Flow Budget Amounts**

Council's budget forecast for 2018-2019 has been divided into monthly amounts. While every attempt is made to accurately predict when income and expenditure will occur and phase budgets appropriately, Council should make allowances for variations in these monthly budget allocations throughout the year. This is especially true for receipt of non-recurrent Government grants and completion of capital and large maintenance works which can be planned but not proceed due to a variety of issues including variable weather.

The monthly year-to-date (YTD) operating budget forecast amounts should be used to indicate budget position rather than an absolute result for each month.

### **CONSULTATION/COMMUNICATION:**

Nil required to this report.

### **FINANCIAL & RESOURCE IMPLICATIONS:**

Nil.

### **CONCLUSION:**

The financial position to the end of January 2019 does not highlight any issues for concern, however is impacted by the following:

- The timing of waste related expenditure.

Rate Debtor balances will continue to be monitored with debt collection action to be undertaken in accordance with Council's Debt Collection Policy.

Surplus funds have been invested to ensure interest earnings are maximised, and cash flows are to be monitored closely.

### **ATTACHMENTS:**

1. 31 January 2019 Financial Report

### **RECOMMENDATION:**

*That Council receives and notes the attached January 2019 Financial Report showing progress against the budget, as presented.*

# CENTRAL GOLDFIELDS SHIRE

## Operating Statement

For Period 1 July 2018 to 31 January 2019

|                                       | Actual Year to Date \$ | * Budget Year to Date \$ | Variation on Budget | % Variation   | * Annual Budget \$ |
|---------------------------------------|------------------------|--------------------------|---------------------|---------------|--------------------|
| <b>Revenues</b>                       |                        |                          |                     |               |                    |
| Community                             | 1,271,980              | 1,140,314                | 131,666             | 11.5%         | 1,330,223          |
| Health & Human Services               | 2,574,163              | 2,539,062                | 35,101              | 1.4%          | 4,024,892          |
| Economic Development                  | 666,220                | 513,330                  | 152,890             | 29.8%         | 754,247            |
| Culture & Heritage                    | 163,715                | 146,430                  | 17,285              | 11.8%         | 153,062            |
| Recreation & Leisure                  | 181,128                | 188,171                  | (7,043)             | (3.7%)        | 221,057            |
| Transport                             | 1,641,827              | 1,344,681                | 297,146             | 22.1%         | 2,652,930          |
| Waste & Environment                   | 3,161,367              | 3,159,566                | 1,801               | 0.1%          | 3,294,203          |
| Administration                        | 266,573                | 148,343                  | 118,230             | 79.7%         | 298,017            |
| Rates                                 | 11,619,309             | 11,636,655               | (17,346)            | (0.1%)        | 11,632,488         |
| Financial Assistance Grants           | 976,849                | 958,402                  | 18,447              | 1.9%          | 1,916,807          |
| Profit/(Loss) on sale of Fixed Assets | 43,017                 | 100,829                  | (57,812)            | (57.3%)       | 100,829            |
|                                       | <b>22,566,148</b>      | <b>21,875,783</b>        | <b>690,365</b>      | <b>3.2%</b>   | <b>26,378,757</b>  |
| <b>Expenditures</b>                   |                        |                          |                     |               |                    |
| Community                             | 994,174                | 1,006,397                | (12,223)            | (1.2%)        | 1,659,167          |
| Health & Human Services               | 2,441,129              | 2,358,640                | 82,489              | 3.5%          | 4,047,918          |
| Economic Development                  | 1,625,281              | 1,278,230                | 347,051             | 27.2%         | 1,975,129          |
| Culture & Heritage                    | 502,454                | 491,960                  | 10,494              | 2.1%          | 832,825            |
| Recreation & Leisure                  | 1,685,963              | 2,002,753                | (316,790)           | (15.8%)       | 3,232,287          |
| Transport                             | 5,219,802              | 5,464,618                | (244,816)           | (4.5%)        | 9,190,373          |
| Waste & Environment                   | 1,444,046              | 1,935,491                | (491,445)           | (25.4%)       | 3,283,541          |
| Administration                        | 3,061,788              | 2,906,685                | 155,103             | 5.3%          | 4,888,368          |
|                                       | <b>16,974,637</b>      | <b>17,444,774</b>        | <b>(470,137)</b>    | <b>(2.7%)</b> | <b>29,109,608</b>  |
| Surplus/(Deficit) on operations       | 5,591,511              | 4,431,009                | 1,160,502           | 26.2%         | (2,730,851)        |

\* Including carry forwards adopted at October 2018 Council meeting

# CENTRAL GOLDFIELDS SHIRE

## Balance Sheet

|                                      | 30-Jun-18          | 31-Jan-19          |
|--------------------------------------|--------------------|--------------------|
|                                      | \$                 | \$                 |
| <b>Current Assets</b>                |                    |                    |
| Cash                                 | 8,718,243          | 6,810,138          |
| Receivables                          | 2,212,535          | 10,979,707         |
| Other                                | 381,081            | 137,996            |
| Non-current assets held for resale   | 573,394            | 245,223            |
| <b>Total Current Assets</b>          | <b>11,885,253</b>  | <b>18,173,063</b>  |
| <b>Current Liabilities</b>           |                    |                    |
| Creditors                            | 3,245,044          | 1,735,366          |
| Borrowings                           | 574,803            | 525,843            |
| Provisions                           | 2,432,694          | 2,432,694          |
| <b>Total Current Liabilities</b>     | <b>6,252,541</b>   | <b>4,693,903</b>   |
| <b>NET CURRENT ASSETS</b>            | <b>5,632,713</b>   | <b>13,479,161</b>  |
| <b>Non-Current Assets</b>            |                    |                    |
| Land Under Roads                     | 381,486            | 381,486            |
| Land & Buildings                     | 46,010,465         | 45,274,944         |
| Plant & Machinery                    | 3,919,461          | 3,617,602          |
| Furniture & Equipment                | 207,917            | 84,732             |
| Infrastructure                       | 266,524,875        | 263,615,392        |
| Artwork Collection                   | 210,990            | 210,990            |
| Library Bookstock                    | 349,277            | 349,277            |
| Works in Progress                    | 390,181            | 2,133,228          |
| <b>Total Non-Current Assets</b>      | <b>317,994,653</b> | <b>315,667,651</b> |
| <b>Non-Current Liabilities</b>       |                    |                    |
| Other Liabilities                    | 69,115             | 69,115             |
| Borrowings                           | 3,885,313          | 3,885,313          |
| Provisions                           | 599,357            | 527,293            |
| <b>Total Non-Current Liabilities</b> | <b>4,553,785</b>   | <b>4,481,720</b>   |
| <b>NET ASSETS</b>                    | <b>319,073,580</b> | <b>324,665,091</b> |
| <b>Equity</b>                        |                    |                    |
| Accumulated Surplus                  | 122,225,443        | 127,816,954        |
| Reserves                             | 196,848,137        | 196,848,137        |
| <b>TOTAL EQUITY</b>                  | <b>319,073,580</b> | <b>324,665,091</b> |

# CENTRAL GOLDFIELDS SHIRE

## Statement of Changes in Equity

For the period ended 31/01/19

|  | Accumulated<br>Surplus | Reserves           | Total              |
|--|------------------------|--------------------|--------------------|
| <b>Balance at beginning of period</b>                                  | <b>122,225,443</b>     | <b>196,848,137</b> | <b>319,073,580</b> |
| Adjustments due to changes in<br>accounting policies                   | 0                      | 0                  | 0                  |
|  | <hr/>                  | <hr/>              | <hr/>              |
|  | 122,225,443            | 196,848,137        | 319,073,580        |
| <b>Increase/(Decrease) in net assets<br/>resulting from operations</b> | <b>5,591,511</b>       | <b>0</b>           | <b>5,591,511</b>   |
| Transfers to reserves  | 0                      | 0                  | 0                  |
| Transfers from Reserves  | 0                      | 0                  | 0                  |
| <b>Balance at end of period</b>  | <b>127,816,954</b>     | <b>196,848,137</b> | <b>324,665,091</b> |

# CENTRAL GOLDFIELDS SHIRE

## Cash Flow Statement

For the period ended 31/01/19

|  | Actual<br>Year to Date<br>Inflows/<br>(Outflows) | Budget Year to Date<br>Inflows/<br>(Outflows) |
|--|--|---|
| <b>Cash flows from operating activities</b>                |  |   |
| <b>Payments</b>  |  |   |
| <i>Community</i>   | (974,943)  | (987,167)                                     |
| <i>Health &amp; Human Services</i>                         | (2,425,847)                                      | (2,343,358)                                   |
| <i>Economic Development</i>                                | (1,578,586)                                      | (1,231,535)                                   |
| <i>Culture &amp; Heritage</i>                              | (443,246)  | (432,752)                                     |
| <i>Recreation</i>  | (1,336,898)                                      | (1,653,688)                                   |
| <i>Transport</i>   | (4,649,972)                                      | (2,774,113)                                   |
| <i>Waste &amp; Environ</i>                                 | (1,376,927)                                      | (1,868,372)                                   |
| <i>Administration</i>                                      | (2,947,518)                                      | (2,763,666)                                   |
|  | <u>(15,733,937)</u>                              | <u>(14,054,651)</u>                           |
| <b>Receipts</b>  |  |   |
| <i>Community</i>   | 1,290,095  | 1,140,314                                     |
| <i>Health &amp; Human Services</i>                         | 2,574,163  | 2,539,062                                     |
| <i>Economic Development</i>                                | 666,220  | 513,330                                       |
| <i>Culture &amp; Heritage</i>                              | 163,715  | 146,430                                       |
| <i>Recreation</i>  | 181,128  | 188,171                                       |
| <i>Transport</i>   | 1,641,828  | 1,344,681                                     |
| <i>Waste &amp; Environ</i>                                 | 1,673,488  | 1,254,625                                     |
| <i>Administration</i>                                      | 532,360  | 148,343                                       |
| <i>Debtors/Rates</i>                                       | 4,830,576  | 4,773,467                                     |
| <i>FSPL collected/paid</i>                                 | 102,349  | 0   |
| <i>Grants Commission</i>                                   | 976,849  | 958,402                                       |
|  | <u>14,632,771</u>                                | <u>13,006,825</u>                             |
| <b>Net cash inflow/(outflow) from operating activities</b> | <u>(1,101,165)</u>                               | <u>(1,047,826)</u>                            |
| <b>Cash flows from investing activities</b>                |  |   |
| <i>Proceeds from Sale Fixed Assets</i>                     | 486,092  | 553,750                                       |
| <i>Payments for Capital Works</i>                          | (1,178,027)                                      | (2,772,244)                                   |
|  | <u>(691,935)</u>                                 | <u>(2,218,494)</u>                            |
| <b>Net cash inflow/(outflow) from investing activities</b> | <u>(691,935)</u>                                 | <u>(2,218,494)</u>                            |
| <b>Cash flows from financing activities</b>                |  |   |
| <i>Financing costs</i>                                     | (66,046)   | (87,780)                                      |
| <i>Repayment of loan borrowings</i>                        | (48,960)   | (48,959)                                      |
|  | <u>(115,006)</u>                                 | <u>(136,739)</u>                              |
| <b>Net cash inflow/(outflow) from financing activities</b> | <u>(115,006)</u>                                 | <u>(136,739)</u>                              |
| <b>Net increase (decrease) in cash</b>                     | <u>(1,908,105)</u>                               | <u>(3,403,059)</u>                            |
| <i>Cash at beginning of the financial period</i>           | 8,718,243  | 4,678,219                                     |
| <b>Cash at the end of January</b>                          | <u><u>6,810,137</u></u>                          | <u><u>1,275,160</u></u>                       |



# CENTRAL GOLDFIELDS SHIRE COUNCIL

## Statement of Capital Works

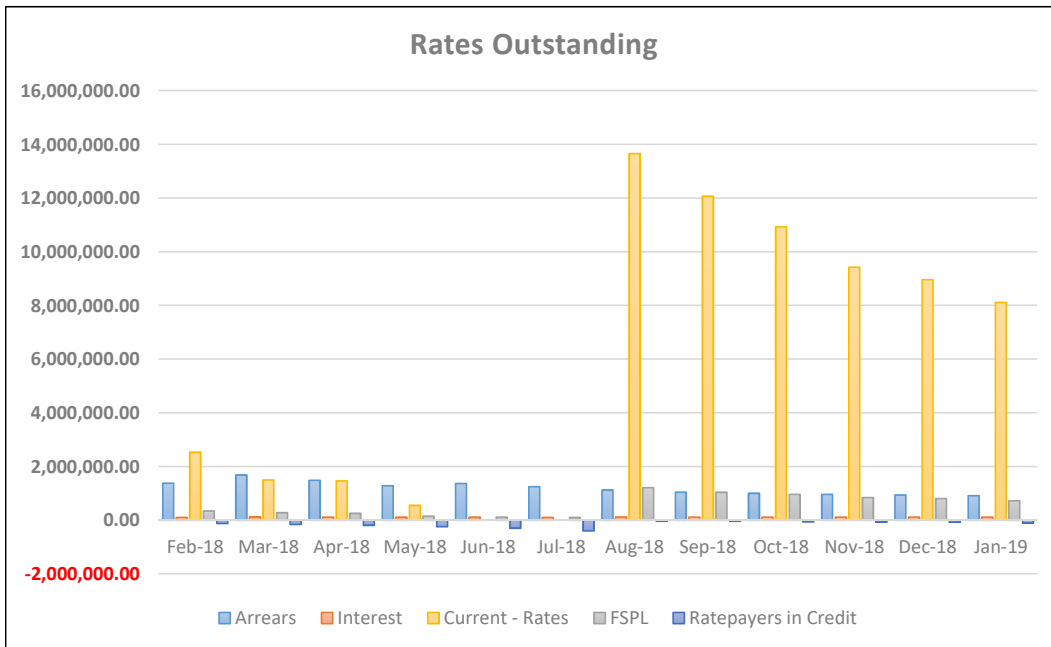
For the period ended 31/01/19

|  | Budget<br>2018-2019 | Budget Year to<br>Date | Actual<br>Year to Date |
|--|---------------------|------------------------|------------------------|
| <b>Property</b>                        |                     |                        |                        |
| Land                                   | 104,665             | 6,665                  | 16,744                 |
| Land Improvements                      | 15,500              | 3,000                  | 3,145                  |
| Buildings                              | 492,000             | 41,750                 | 69,347                 |
| <b>Total property</b>                  | <b>612,165</b>      | <b>51,415</b>          | <b>89,236</b>          |
| <b>Plant and equipment</b>             |                     |                        |                        |
| Plant, machinery and equipment         | 619,000             | 619,000                | 162,169                |
| Fixtures, fittings and furniture       | 329,945             | 180,385                | 140,621                |
| <b>Total plant and equipment</b>       | <b>948,945</b>      | <b>799,385</b>         | <b>302,790</b>         |
| <b>Infrastructure</b>                  |                     |                        |                        |
| Roads                                  | 2,620,288           | 1,356,253              | 827,209                |
| Bridges and major culverts             | 954,837             | 101,988                | 149,621                |
| Pathways                               | 156,000             | 50,000                 | 60,164                 |
| Drainage                               | 678,160             | 84,845                 | 104,814                |
| Parks, Open Space & Streetscapes       | 203,000             | 78,000                 | 8,462                  |
| Car Parks                              | 35,000              | 20,000                 | -                      |
| Other Infrastructure                   | 467,980             | 230,358                | 200,751                |
| <b>Total infrastructure</b>            | <b>5,115,265</b>    | <b>1,921,444</b>       | <b>1,351,021</b>       |
| <b>Total capital works expenditure</b> | <b>6,676,375</b>    | <b>2,772,244</b>       | <b>1,743,047</b>       |
| <b>Represented by:</b>                 |                     |                        |                        |
| New asset expenditure                  | 1,098,485           | 866,030                | 372,356                |
| Asset renewal expenditure              | 3,324,053           | 1,506,226              | 900,255                |
| Asset upgrade expenditure              | 2,253,837           | 399,988                | 470,436                |
| <b>Total capital works expenditure</b> | <b>6,676,375</b>    | <b>2,772,244</b>       | <b>1,743,047</b>       |

# CENTRAL GOLDFIELDS SHIRE

## Receivables - Rates

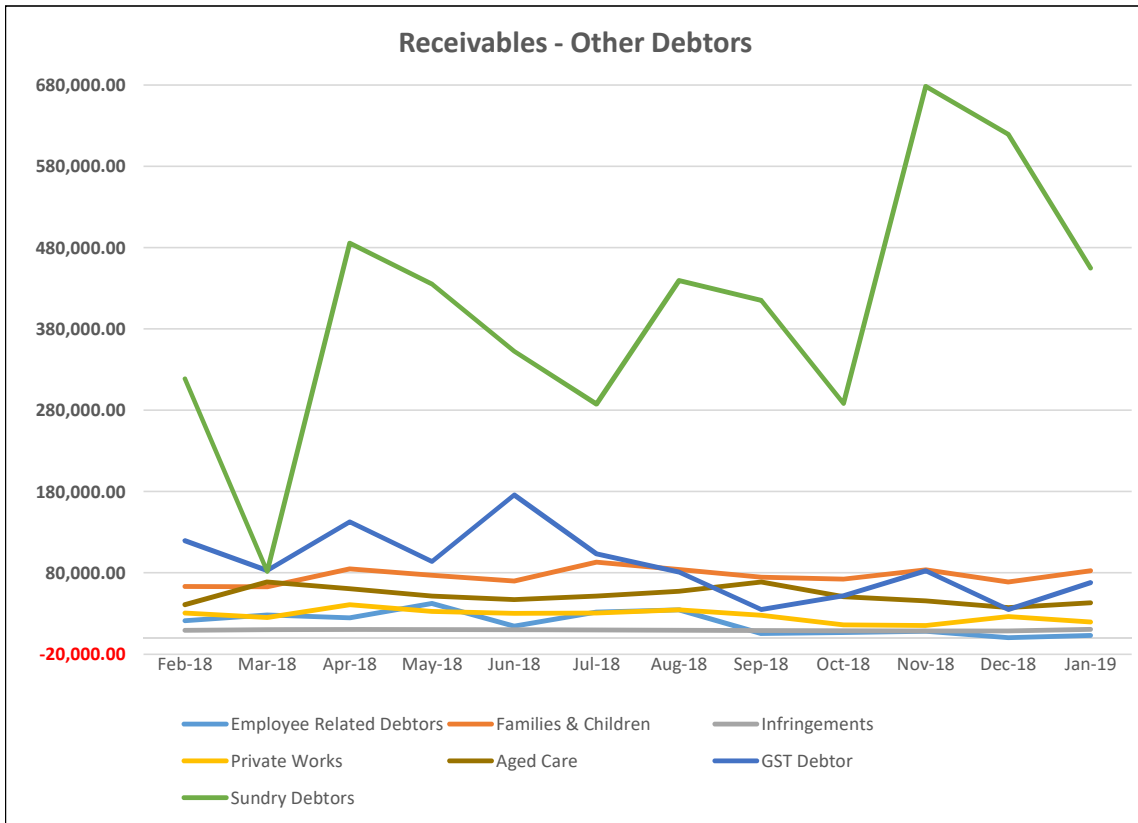
|                                       | 31 January 2018     |                       | 31 January 2019     |                       |
|---------------------------------------|---------------------|-----------------------|---------------------|-----------------------|
|                                       | Amount<br>\$        | %<br>(Rate<br>Income) | Amount<br>\$        | %<br>(Rate<br>Income) |
| Arrears                               | 834,445.94          | 6.0%                  | 914,464.74          | 6.3%                  |
| Interest                              | 101,298.51          | 0.7%                  | 114,244.59          | 0.8%                  |
| Current - Rates                       | 7,788,908.61        | 55.6%                 | 8,013,642.33        | 54.8%                 |
| Total (excluding FSPL)                | <u>8,724,653.06</u> | <u>62.3%</u>          | <u>9,042,351.66</u> | <u>61.9%</u>          |
| Annual Rate Movement                  |                     |                       | 317,698.60          | 4%                    |
| Fire Services Property<br>Levy (FSPL) | 806,416.17          |                       | 725,493.13          |                       |
| Total Rates (including<br>FSPL)       | <u>9,531,069.23</u> |                       | <u>9,767,844.79</u> |                       |



# CENTRAL GOLDFIELDS SHIRE

## Receivables - Other Debtors

|                          | 31 January 2018   |                         | 31 January 2019   |                         |
|--------------------------|-------------------|-------------------------|-------------------|-------------------------|
|                          | Amount<br>\$      | %<br>(Budget<br>Income) | Amount<br>\$      | %<br>(Budget<br>Income) |
| Employee Related Debtors | 24,588.19         | 0.2%                    | 3,042.04          | 0.0%                    |
| Families & Children      | 53,103.04         | 0.3%                    | 82,433.32         | 0.8%                    |
| Infringements            | 8,612.21          | 0.1%                    | 10,372.80         | 0.1%                    |
| Private Works            | 55,011.78         | 0.4%                    | 19,628.84         | 0.2%                    |
| Aged Care                | 57,049.91         | 0.4%                    | 43,088.08         | 0.4%                    |
| GST Debtor               | 263,156.55        | 1.7%                    | 68,156.58         | 0.7%                    |
| Sundry Debtors           | 140,577.80        | 0.9%                    | 454,835.37        | 4.6%                    |
|                          | <u>602,099.48</u> | <u>1.4%</u>             | <u>681,557.03</u> | <u>1.5%</u>             |
| Annual Movement          |                   |                         | 79,457.55         | 13%                     |

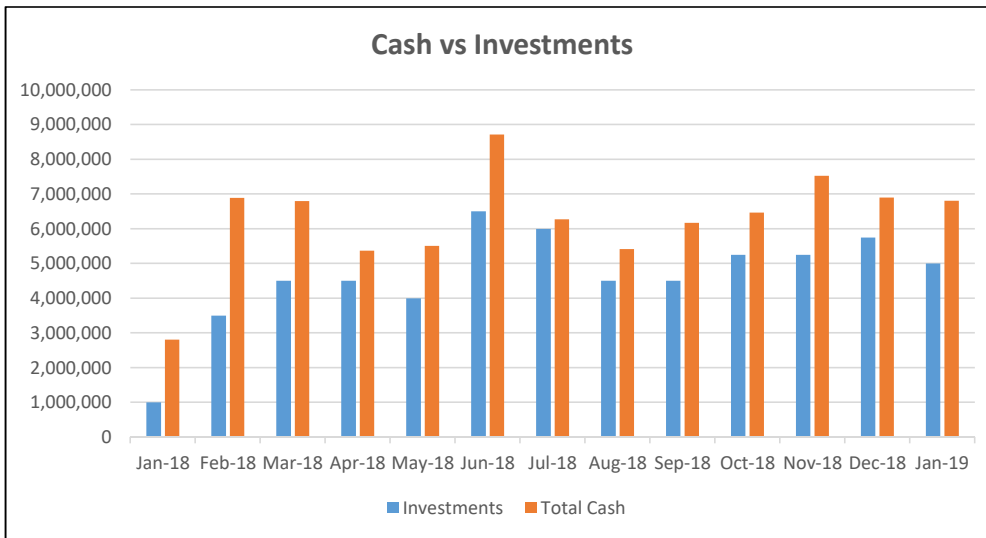


# CENTRAL GOLDFIELDS SHIRE

## Investment Register as at 31 January 2019

| Financial Institution | Term  | Maturity Date | Rating | Amount \$           | Interest Rate |
|-----------------------|-------|---------------|--------|---------------------|---------------|
| Bankwest              | 120 d | 19-Feb-19     | A1+    | 500,000.00          | 2.65%         |
| Bankwest              | 90 d  | 25-Feb-19     | A1+    | 500,000.00          | 2.60%         |
| ME Bank               | 90 d  | 25-Feb-19     | A2     | 500,000.00          | 2.65%         |
| MyState               | 90 d  | 05-Mar-19     | P2     | 500,000.00          | 2.72%         |
| NAB                   | 91 d  | 14-Mar-19     | A1+    | 500,000.00          | 2.66%         |
| ME Bank               | 120 d | 04-Apr-19     | A2     | 500,000.00          | 2.75%         |
| NAB                   | 97 d  | 16-Apr-19     | A1+    | 500,000.00          | 2.68%         |
| ME Bank               | 120 d | 16-Apr-19     | A2     | 500,000.00          | 2.75%         |
| AMP                   | 183 d | 23-Apr-19     | A1     | 500,000.00          | 2.75%         |
| ME Bank               | 90 d  | 01-May-19     | A2     | 500,000.00          | 2.75%         |
| <b>Total</b>          |       |               |        | <b>\$ 5,000,000</b> |               |

NB: The balance of cash is held within Cheque Accounts and At Call Accounts.



## 8.10 CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

**Author:** Chief Administrator

**Responsible General Manager:** 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.*

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### **SUMMARY/PURPOSE:**

The purpose of this report is to consider the Chief Executive Officer's annual performance review.

### **POLICY CONTEXT:**

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh)

Outcome: Our Organisation

4.3 Objective: Provide leadership in governance and Council decision making

Initiative: Develop and implement a cultural change program to develop a high performing customer focussed organisation

### **BACKGROUND INFORMATION:**

Section 94 (1) of the Local Government Act 1989 states as follows:

*"A Council must appoint a natural person to be its Chief Executive Officer."*

Council appointed Lucy Roffey as its Chief Executive Officer (CEO) at a Special Meeting of Council on 23 January 2018.

Lucy Roffey commenced as Council CEO on 5 March 2018.

### **Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee.**

Council has a Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee. The Committee comprises three Councillors (currently Administrators) and an independent person, as set out in the Committee's Terms of Reference.

The Committee's role is to undertake important statutory and contractual obligations in regard to the employment, performance and recruitment related functions of the Chief Executive Officer. These functions include the annual performance review, annual salary review and performance goal setting in regard to the Chief Executive Officer in accordance with the Chief Executive Officer's contract of employment and the Act.

All functions performed by this Advisory Committee will be done for the purpose of advising and assisting the Council in the performance of their obligations both under the Employment Contract of the Chief Executive Officer and in accordance with Sections 94 and 97A(1) of the Act. All functions of this committee will be done under the guidance of an independent person to ensure a level of independent oversight.

The Terms of Reference of the Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee states as follows:

*2.7. The Committee will carry out the following in order to achieve the objectives set:*

**2.7.1. Performance Assessment**

*2.7.1.1. In conjunction with the Independent Person, undertake an annual assessment of the Chief Executive Officer's performance in accordance with the provisions of the Chief Executive Officer's contract of employment taking into account the Key Performance Criteria for the relevant year;*

*2.7.1.2. Provide a recommendation to Council on the Chief Executive Officer's Performance Assessment.*

**2.7.2. Remuneration Review**

*2.7.2.1. In conjunction with the Independent Person, review the Chief Executive Officer's remuneration package annually in accordance with the contract of employment, and within one month of the performance review being conducted.*

*2.7.2.2. The remuneration review must have regard to the following:*

- The previous year's performance assessment*
- The extent of any increase over the preceding 12 month period of the consumer price index (All groups Melbourne)*
- Comparative salary assessment data, such as market rates for comparative roles*
- The acquisition and satisfactory utilisation of new or enhanced skills if beneficial or required by the Council*

*2.7.2.3. Provide a recommendation to Council on the Chief Executive Officer remuneration review including recommended changes to salary and/or any changes to the conditions of employment for the Chief Executive Officer.*

**2.7.3. Development of Annual Performance Criteria**

*2.7.3.1. In conjunction with the Chief Executive Officer and with the guidance of the independent person, annually develop key result areas (known as Key Performance Criteria) to deliver the key priorities of the Council Plan, and other methods that will be used to assess the Chief Executive Officer's future performance and to meet the expectation of Council;*

*2.7.3.2. Provide a recommendation to Council on the establishment of the annual Key Performance Criteria of the Chief Executive Officer.*

**REPORT:**

Council invited expressions of interest from experienced external practitioners to conduct the CEO's performance review and appointed Lydia Wilson from Lydia Wilson Consulting as the independent person to guide the Administrators with undertaking the performance review.

The performance review has been completed and Council has received from the independent person the following documents:

1. Minutes of the Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee – CONFIDENTIAL
2. CEO Performance Review – CONFIDENTIAL
3. CEO Remuneration Review - CONFIDENTIAL

#### **CONSULTATION/COMMUNICATION:**

The independent person conducted a series of meetings with the Administrators as part of the performance review.

#### **FINANCIAL & RESOURCE IMPLICATIONS:**

The cost of the review was covered by the existing budget.

#### **CONCLUSION:**

The annual review of the Chief Executive Officer's performance has been undertaken in accordance with the process outlined in the terms of reference of the Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee. Council congratulates the Chief Executive Officer on a successful twelve months in a challenging environment.

#### **ATTACHMENTS:**

1. Minutes of the Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee – CONFIDENTIAL
2. CEO Performance Review – CONFIDENTIAL
3. CEO Remuneration Review - CONFIDENTIAL

#### **RECOMMENDATION:**

*That Council:*

1. *Receives the following documents:*
  - *Minutes of the Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee.*
  - *CEO Performance Review*
  - *CEO Remuneration Review*
2. *Resolves that the Minutes of the Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee, the CEO Performance Review and the CEO Remuneration Review are Confidential documents as defined under Section 77(2)(b) of the Local Government Act 1989, on the grounds that they relate to personnel matters.*
3. *Adopt the recommendations contained in the CEO Remuneration Review.*

## 9.1 DOCUMENTS FOR SEALING CONFIRMATION REPORT

**Author:** **Manager Governance Property and Risk**

**Responsible General Manager:** **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.*

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### **SUMMARY/PURPOSE:**

The purpose of this report is to present to Council for noting, documents that have been signed under Council's common seal, via delegation, since the last Ordinary Council meeting.

### **POLICY CONTEXT:**

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Our Organisation

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

4.3 Objective: Provide leadership in governance and Council decision making.

### **BACKGROUND INFORMATION:**

Section 5 of the Local Government Act 1989 reads as follows:

*The Council*

*S. 5(1) repealed by No. 109/2003 s. 7(2).*

*(2) A Council—*

*(a) is a body corporate with perpetual succession; and*

*(b) must have a common seal; and*

*(c) may sue or be sued in its corporate name; and*

*(d) is capable of acquiring, holding, dealing with or disposing of property for the purpose of performing its functions and exercising its powers; and*

*(e) is capable of doing and suffering all acts and things which bodies corporate may by law do and suffer and which are necessary or expedient for performing its functions and exercising its powers.*

*(3) The common seal of a Council must—*

*S. 5(3)(a) amended by No. 78/1991 s. 13(a).*



*(a) bear the name of the Council (which name may refer to the inhabitants of the municipal district) and any other word, letter, sign or device the Council determines should be included; and*

*(b) be kept at the Council office; and*

*(c) be used in accordance with the local laws of the Council.*

*(4) All courts, judges and persons acting judicially must take judicial notice of the imprint of the seal of a Council on any document and must presume that the document was properly sealed until the contrary is proved.”*

In the case of Central Goldfields Shire Council, regulation of the common seal is dealt with under section 9 of Council’s Governance Local Law 2015, which states:

**“9. Common Seal**

*9.1 The Council’s common seal and words to be used accompanying it on any document to which it is affixed are as follows –*

*The COMMON SEAL of CENTRAL  
GOLDFIELDS SHIRE COUNCIL*

*was affixed in the presence of:*

.....

*Chief Executive Officer*

*9.2 The Chief Executive Officer must keep the Common Seal in safe custody and must ensure that access to it is restricted.*

*9.3 Every document to which the Common Seal is affixed must be signed by the Chief Executive Officer or his or her delegate.”*

**REPORT:**

At an ordinary meeting of Council held on 26 February 2019 Council resolved to:

1. *“Award the Porteous Road Wareek Bridge Replacement Contract G1263-18 to Murray Constructions Pty Ltd for \$1,080,035.00 (GST Inclusive).*
2. *Authorise the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract G1263-18 for Porteous Road Bridge Replacement.”*

Since the last Council meeting the following document has been signed under seal:

Contract G1263-18 Design & Construct Porteous Road Bridge.

**CONSULTATION/COMMUNICATION:**

Nil.

**FINANCIAL & RESOURCE IMPLICATIONS:**

Nil.

**CONCLUSION:**

The Design & Construct Porteous Road Bridge contract document was signed under seal in accordance with a resolution of Council passed on 26 February 2019.

**ATTACHMENTS:**

Nil

**RECOMMENDATION:**

*That Council note that the contract documentation relating to Contract G1263-18 Design & Construct Porteous Road Bridge with Murray Constructions Pty Ltd was signed and sealed by the Chief Executive Officer under delegation on behalf of Council, in accordance with the following resolution of Council made on 26 February 2019:*

- 1. Award the Porteous Road Wareek Bridge Replacement Contract G1263-18 to Murray Constructions Pty Ltd for \$1,080,035.00 (GST Inclusive).*
- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract G1263-18 for Porteous Road Bridge Replacement.*