



## ORDINARY COUNCIL MEETING

Tuesday 26 November 2019

6:00pm

Community Hub

Room 1

48 Burns Street, Maryborough

### AGENDA

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Item	Title	Page
1.	Commencement of Meeting, Welcome and Opening Prayer	
2.	Apologies	
3.	Leave of Absence	
4.	Disclosures of Conflicts of Interest	
	4.1 Lucy Roffey has declared an indirect conflict of interest with regard to Item 8.5 Proposed Public Closure of Depot Standpipe	
5.	Confirmation of the Minutes of the Previous Council Meeting	3
6.	Reports from Committees	
	6.1 Noting of the Approved Minutes of Special Committee meetings and Advisory Committee meetings.	4
7.	Petitions NIL	
8.	Officer Reports	
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	8.2 MARYBOROUGH TOY LIBRARY 2018 COMMUNITY GRANT VARIATION REQUEST	9
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	8.5 PROPOSED PUBLIC CLOSURE DEPOT STANDPIPE	17
	8.6 COUNCIL MEETING DATES FOR 2020	21
	8.7 OCTOBER FINANCIAL REPORT	24
9.	Notices of Motion Nil	
10.	Urgent Business	
11.	Confidential Business Nil	

## 12. Meeting Close

## 5 CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS

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

**Responsible Officer:** **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 22 October 2019.

### LEGISLATION AND 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 22 October 2019 are presented for confirmation.

### ATTACHMENTS

1. Unconfirmed Minutes of Ordinary Council Meeting held 22 October 2019.

### RECOMMENDATION

*That Council confirms the Minutes of the Ordinary Council Meeting held on 22 October 2019.*



## **ORDINARY MEETING OF COUNCIL MINUTES**

Tuesday 22 October 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 November 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 of country.

### PRESENT

Administrator Noel Harvey  
Administrator Hugh Delahunty  
Administrator Karen Douglas

### IN ATTENDANCE

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

## 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 24 September 2019.

### Council Resolution

*That Council confirms the Minutes of the Ordinary Council Meeting held on 24 September 2019.*

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

**CARRIED**

## 6. REPORTS FROM COMMITTEES

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

To present for noting the confirmed minutes of Council's special committees established under section 86 of the *Local Government Act 1989* and the Audit and Risk Committee established under section 139 of the *Local Government Act 1989* which is an advisory committee.

# UNCONFIRMED MINUTES

## Council Resolution

*That Council notes the confirmed Minutes of the:*

- *Audit and Risk Advisory Committee Meeting 3 June 2019*
- *Dunolly Historic Precinct Management Special Committee Meeting 26 August 2019*
- *Dunolly Historic Precinct Management Special Committee Annual General Meeting 2018*
- *Talbot Town Hall Special Committee Annual General Meeting 2018*
- *Talbot Town Hall Special Committee Meeting 22 July 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 for the period 18 September to 15 October 2019.*

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

**CARRIED**

### 8.2 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN 2017 – 2021

The purpose of this report is to present to Council the Municipal Public Health and Wellbeing Plan 2017 – 2021 (2019 refresh) and the progress of actions.

The purpose of the Municipal Public Health and Wellbeing Plan (MPHWP) is to set the Council's agenda for improving health and wellbeing across the Shire over a four year period.

## Council Resolution

*That Council adopts the Municipal Public Health and Wellbeing Plan 2017 – 2021 (2019 Refresh).*

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

**CARRIED**

## UNCONFIRMED MINUTES

### 8.3 NORTHERN VICTORIAN EMERGENCY MANAGEMENT CLUSTER – EMERGENCY ANIMAL WELFARE PLAN

The purpose of this report is to recommend Council adopt the Emergency Animal Welfare Plan which complements the Integrated Municipal Emergency Management Plan (IMEMP).

The focus of the Emergency Animal Welfare Plan is to prescribe the municipal coordination arrangements that exist to support agencies which have a responsibility for emergency animal welfare support.

#### **Council Resolution**

*That Council endorse the Northern Victorian Emergency Management Cluster – Emergency Animal Welfare Plan.*

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

**CARRIED**

### 8.4 MUNICIPAL NEIGHBOURHOOD SAFER PLACES PLAN 2019

The purpose of this report is to recommend Council adopt the Municipal Neighbourhood Safer Places Plan 2019 (MNSPP).

The 2018 Plan recently underwent annual review by the Country Fire Authority (CFA) and Council in accordance with the requirements of the Emergency Services Legislation Amendment Act 2009 (which amends the Emergency Management Act 1986) and the Country Fire Authority Act 1958.

Adoption of the 2019 plan will see Neighbourhood Safer Places re-nominated in the townships of Maryborough (Princes Park and Pascoe Reserve), Talbot (Pioneer Reserve), Dunolly (Gordon Garden Reserve) and Carisbrook (Market Reserve).

#### **Council Resolution.**

*That Council adopt the Municipal Neighbourhood Safer Places Plan 2019.*

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

**CARRIED**

### 8.5 FIRE PREVENTION ACTIVITIES

The purpose of this report is to update Council on the fire prevention activities undertaken prior to the annual fire danger period commencing.

Councils fire prevention activities are broad and include activities such as the issuing of Permits to Burn, monitoring of potential fire hazards and serving of Fire Prevention Notices, fire prevention planning including establishment of Councils Municipal Fire Prevention Plan and Municipal Neighbourhood Safer Places Plan, investigation of complaints, administration of the CFAs Fire Access Road Subsidy Scheme and broader community education activities.

# UNCONFIRMED MINUTES

## Council Resolution

*That Council note that the fire prevention activities undertaken prior to the annual fire danger period commencing.*

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

**CARRIED**

## 8.6 SALE OF COUNCIL LAND 91 INKERMAN STREET MARYBOROUGH

The purpose of this report is to advise Council on the outcome of the public notice process on the proposed sale land located at the rear of 91 Inkerman Street, Maryborough and recommend the sale of the land by private treaty.

This report provides information on the next steps required to finalise the sale of land at the rear of 91 Inkerman Street, Maryborough.

## Council Resolution

*That Council having given public notice under section 189 of the Local Government Act 1989 ('the Act') to Sell the Land by Private Treaty to the adjoining owner of 91 Inkerman Street, Maryborough, contained within Certificate of Title Volume 2479 Folio 671 and shown as Lot 1 on Title Plan 559585L:*

- 1. Proceeds with the sale of land by private treaty for \$2,000 plus costs to the owners of 91 Inkerman Street, Maryborough; and*
- 2. Authorises the Chief Executive Officer to sign all documents relating to the sale and transfer of the land*

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

**CARRIED**

## 8.7 COUNCIL ACTION PLAN PROGRESS REPORT – AS AT 30 SEPTEMBER 2019

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 to 30 September 2019.

## Council Resolution

*That Council notes the 2019-20 Action Plan Progress Report to 30 September 2019.*

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

**CARRIED**

## 8.8 CENTRAL GOLDFIELDS SHIRE COUNCIL 2018-2019 ANNUAL REPORT

The purpose of this report is to present Council with the 2018-2019 Annual Report for consideration.



# UNCONFIRMED MINUTES

## Council Resolution

*That Council considers the 2018-2019 Central Goldfields Shire Council Annual Report.*

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

**CARRIED**

## 8.9 2018-2019 BUDGET CARRY FORWARDS

The purpose of this report is to advise Council on the budgetary impacts of capital works projects, operating expenditure activities and grants carried forwards from the 2018-2019 financial year.

The carry forwards budgetary process is a method of Council exercising sound financial management, by allowing Council to complete projects and activities that were scheduled for the prior financial year, but were not completed due to a variety of reasons. It also allows Council to carry forward unbudgeted grants received during the 2018-2019 financial year that were actually budgeted for in the 2019-2020 year.

## Council Resolution

*That Council:*

- 1. Adopts the financial carry forwards of \$3,382,113 as detailed in this report.*
- 2. Allocates \$250,000 from the remaining cash surplus from the 2018-2019 financial year to resource the completion of 165 outstanding audit actions.*

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

**CARRIED**

## 8.10 SEPTEMBER FINANCIAL REPORT

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

## Council Resolution

*That Council receives and notes the attached 30 September 2019 Financial Report showing progress against the budget.*

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

**CARRIED**

# UNCONFIRMED MINUTES

## 9.1 DOCUMENTS FOR SEALING CONFIRMATION REPORT

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.

### Council Resolution

*That Council note that the Instrument of Delegation 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 24 September 2019:*

- 1. That Council, adopt the attached s11A Instrument of Appointment and Authorisation for the member of Council staff set out in the instrument."*
- 2. The attached s11A Instrument of Appointment and Authorisation comes into force immediately the common seal of Council is affixed to the Instrument, and remains in force until Council determines to vary or revoke it.*
- 3. That the attached s11A Instrument of Appointment and Authorisation be signed and sealed.*

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

**CARRIED**

## 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 6.31pm

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To be confirmed at the Ordinary Council Meeting  
to be held on 26 November 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:

- Talbot Town Hall Special Committee Meeting 16 September 2019

### **RESOURCE IMPLICATIONS**

There are no resource implications involved in the preparation of this report.

### **CONCLUSION**

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

### **ATTACHMENTS**

1. Talbot Town Hall Special Committee Meeting 16 September 2019

**RECOMMENDATION**

*That Council notes the confirmed Minutes of the Talbot Town Hall Special Committee Meeting 16 September 2019.*

**Talbot Town Hall General meeting**  
**Held on the 16<sup>th</sup> September 2019**  
**Meeting held at: Talbot Town Hall**  
**Meeting Started at 7.25pm**

**Present:** / Chris Meadows -Taylor, Daryl Greenwood, Roger Mann, Lynda Kent, John Russell, Bev Wells, Aileen Marshall, Klaus Rosemeier, Steven Perry, Kevin Marshall, Tina Fowler, Mr Woolfe.

**Apologies:** Ethan Fowler, Shirley Paterson, Leanne Boyle, Gerry Seymour, Maria Wolfe, Alan Knight, Stephany Bohnke, Julie Attard. (*Secretary apologizes for any misspelt names*).

**Minutes of the Previous Meeting:** Read out

**Moved by:** Tina Fowler                      **Seconded by:** Roger Mann                      **Carried**

**Business arising from Previous Meetings (General and AGM)**

- President Daryl Greenwood to notify Shirley Patterson of vote to Treasurer's position. Also due to banking updates, (initiated by the return of Previous Treasurer Leanne Boyle's bank card) the accounts are frozen till resolved. Shirley Patterson is to contact Secretary Klaus Rosemeier to resolve this matter.
- Still no reply from council administrators in regards to toilet plans. Discussion by committee resulted in Chris Meadows -Taylor to contact Heritage Victoria and Central Goldfield Shire Council in regards to this matter.
- Kitchen registration still not resolved. Committee was informed by Chris Meadows -Taylor that Mrs Tatterstall is no longer working for Central Goldfield Shire Council. Committee made no decision on this matter.
- Heater's replacement in hall organised by Steven Perry and have been replaced.

**Treasurer Report**                      Tabled.

**Moved by:** nco.                      **Seconded by:** nco.

**Correspondence be dealt with as read**

**Correspondence in**

- Central Goldfield Shire Council regarding Talbot Town Hall (aka TTH) Special Committee.
- Central Goldfield Shire Council regarding Talbot Town Hall (TTH) Improvement Committee Audit.
- Rhonda Dam (TTH downstairs Office) thanking Leanne and Tina for all their hard work and support.

**Correspondence out**

- None

**Moved by:** Klaus Rosemeier                      **Seconded by:** Tina Fowler                      **Carried**

**Market Report**                      Read.

- Emergency Evacuation and Risk Assessment Plan.
- Meetings to be organized with Senior Citizens, Engine club and RSL.
- BBQ allocations and fire permits.
- Gazebo weights.

Topics will be discussed in General Business.

**Moved by:** Bev Wells

**Seconded by:** Klaus Rosemeier

**Carried**

### **General Business**

- **Council contribution to Talbot Town Hall** up keep was discussed.
- **Emergency Evacuation and Risk Assessment Plan.** Steven Perry and Tina Fowler attempted a meeting with Farmers Market committee regarding this topic as Central Goldfield Shire Council requested. But Farmers Market did not comply and submitted their own version without consultation. Market Manager Tina Fowler to finalise Talbot Town Hall version and submit to committee before submitting to Central Goldfield Shire Council.
- **Meetings to be organized with Senior Citizens, Engine club and RSL** in regards to above topic and approved by TTH committee.
- **BBQ allocations** has been sent out by the previous Market committee.
- **BBQ fees revision** suggestion was presented to the President Daryl Greenwood by Market Manager Tina Fowler in which fees would be reduced from \$50 to \$25. This suggestion was address due to the time between meetings (2mths) and the need to notify community groups to allow them to process their own committee response within the appropriate time frame. This was authorised by the President on these grounds and followed through by the Market Manger in which notice of change was sent to community Groups. Discussion by committee at meeting was robust. Previous reason for original fee was explained. No further action at this time.
- Committee was informed of Central Goldfield Shire Council **changes to Street Traders Permit** and the resulting charge of \$93? for community group BBQs. Further robust discussion was held and resulted in Market Manager to contact Ellen Brown CGSC for more clarification.
- **Fire permits email / forms** to be filled out and presented to Executive committee and returned to Region Two Bendigo CFA by the end of this month.
- **Gazebo weights** are now available for hire to stallholders. Market Manager to communicate with stallholders to return weights to Townhall in which Steven Perry will supervise the storage.
- 
- **Smoke Detectors** are not fitted to Townhall. TTH Committee was informed by Chris Meadows - Taylor that as the Hall is a Heritage building. No alteration was allowed on the outside and no renovation or large works was permitted inside. As the Smoke detectors were neither of these the committee can proceed with the approved Electrician and have the hardwired smoke detector installed at Talbot Town Hall committee expense. Suggestion by Secretary Klaus Rosemeier to obtain quotes was rejected as committee was informed that Troy Walker was the only approved electrician and that the committee was to proceed with installation.

**Moved:** Chris Meadows -Taylor

**Seconded:** Roger Mann

**Carried:**

- **Dissolve Market Subcommittee:** Steven Perry made a motion that the Market Sub committee to be dissolved. Robust discussion ensued.

**Moved:** Steven Perry

**Seconded:** Roger Mann

**Carried:**

- Committee is to create a **List of duties for Market Manager**. Also, committee requested to be consulted in regards to new, current, removed stallholder also the site plans. Market manager stated that having a meeting after the market is inappropriate and has requested that a meeting be held on the Monday prior to each market to comply with this request. No firm decision reached on change to meeting date.
- Bank cards and accounts were discussed. Previous Treasurer Leanne Boyle has returned her card and removed her name from the account. Market Manager Tina Fowler requested committee to state her requirements to her petty cash card and was informed that it will remain as is. Main investment accounts to be update as soon as possible to prevent bills not being paid due to frozen accounts.

**Banking detail changes required**

Due to Annual General Meeting and Changes to personnel on Executive Committee. The signatures required are to be altered as followed:

**Signatures Remaining:**

- President: Daryl Greenwood
- Market Manager: Katrina (Tina) Fowler

**Signatures to be removed:**

- Leanne Boyle
- Steven Perry

**Signatures to be added**

- Treasure Shirley Paterson
- Secretary Klaus Rosemeier

**Meeting Closed at: 8.35pm**

Presented to President Daryl Greenwood for approval before distribution by Secretary.

Signed \_\_\_\_\_

Dated \_\_\_\_\_

Signed \_\_\_\_\_

Dated \_\_\_\_\_

## 8. OFFICER REPORTS

### 8.1 ASSEMBLIES OF COUNCILLORS

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

**Responsible Officer:** **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.*

#### 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>	22 October 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); Paul Brumby (GMCP); Rebecca Stockfeld (GMIAP); Martin Collins (GMCW); Philip Schier, Manager Strategy and Economic Development; Ron Potter, Manager Infrastructure; Tamara Marwood, Manager Community Engagement		
<b>Guests</b>	Dale Stokes and John Collins, Directors, Spatial Economics; Morag Anderson and Melissa Ludeman Consultants RMCG		



<b>Conflict of interest disclosures:</b>	NIL
<b>Matters Considered</b>	<ul style="list-style-type: none"> <li>Population, Housing and Residential Settlement Strategy</li> <li>Waste Management Strategy Workshop</li> </ul>

<b>Date</b>	22 October	<b>Meeting:</b>	Briefing Meeting
<b>Councillor Attendees</b>	Noel Harvey (Chief Administrator), Karen Douglas (Administrator), Hugh Delahunty (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 October Ordinary Council Meeting.		

<b>Date</b>	12 November	<b>Meeting:</b>	Briefing Meeting
<b>Councillor Attendees</b>	Noel Harvey (Chief Administrator), Karen Douglas (Administrator), Hugh Delahunty (Administrator)		
<b>Council Staff Attendees</b>	Rebecca Stockfeld (GMIAP); Martin Collins (GMCW); Philip Schier, Manager Strategy and Economic Development; Jen Dyer, Coordinator Recreation and Sport		
<b>Guests</b>	Robyn Bowen, Consultant Otium Planning		
<b>Conflict of interest disclosures:</b>	NIL		
<b>Matters Considered</b>	<ul style="list-style-type: none"> <li>Recreation and Open Space Strategy</li> </ul>		

<b>Date</b>	12 November	<b>Meeting:</b>	Briefing Meeting
<b>Councillor Attendees</b>	Noel Harvey (Chief Administrator), Karen Douglas (Administrator), Hugh Delahunty (Administrator)		
<b>Council Staff Attendees</b>	Lucy Roffey (CEO); Paul Brumby (GMCP); Rebecca Stockfeld (GMIAP); Martin Collins (GMCW); Megan Kruger, Manager Governance Property and Risk; Philip Schier, Manager Strategy and Economic Development; Joel Chadwick, Manager Tourism Events Culture; Glenn Deaker, Manager Operations; Megan Kruger, Manager Governance Property and Risk; Lynne Stephenson, Manager Finance		
<b>Guests</b>	Mike Ruzzene, Director urban enterprise		
<b>Conflict of interest disclosures:</b>	Lucy Roffey declared an indirect conflict of interest as Chair of Coliban Water and left the room for the discussion on the Proposed Public Closure of the Depot Standpipe.		
<b>Matters Considered</b>	<ul style="list-style-type: none"> <li>Economic Development &amp; Tourism Strategy - Issues &amp; Options Paper</li> <li>Art Collection Policy Update</li> <li>Proposed Public Closure of Depot Standpipe</li> <li>Maryborough Toy Library Community Grant Variation Request</li> <li>Property Occupancy Policy</li> <li>Fencing Policy</li> <li>Ordinary Council Meeting Dates for 2020</li> <li>October Financial Report</li> </ul>		

**RECOMMENDATION**

*That Council note the record of assemblies of councillors for the period 16 October to 18 November 2019.*

## 8.2 MARYBOROUGH TOY LIBRARY 2018 COMMUNITY GRANT VARIATION REQUEST

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

**Responsible Officer:** **General Manager Corporate Performance**

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

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### SUMMARY/PURPOSE

The purpose of this report is to recommend that Council approve a request from the Maryborough Toy Library to vary their 2018 Community Grant.

The Maryborough Toy Library was awarded a Community Grant of \$969 but did not use all of the grant money they received from Council for the original purpose and has now asked if they can use the remaining funds for a different purpose, rather than returning them to Council.

### LEGISLATION AND POLICY CONTEXT

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

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

1.2 Objective: Support and encourage volunteerism in the community.

### BACKGROUND INFORMATION

The Maryborough Toy Library (Toy Library) applied for a Community Grant in 2018 for increasing toy library accessibility:

*“The toy library requires an online system that will increase the accessibility of the toy library to members and volunteers beyond the physical opening hours of the centre. SETLS is an Online Toy Library Database Management System that the toy library would like to implement.*

*Members can use the system to renew loans, view a calendar of volunteering sessions and access their member data such as current loans and due dates - remotely on any device at any time. SETLS will also provide administration tools such as lists of members, a well catalogued inventory of toys, toy loan availability and reservations.”*

The Toy Library was successful in its application and was awarded a Community Grant of \$969 by Council at its meeting on 28 June 2018.

### REPORT

Whilst setting up the SETLS system the Toy Library were informed by Toys Libraries Australia, of which they are a member, that they were eligible for a grant from the Department of Health and Human Services to help 15 Victorian toy libraries move to an online cloud based system.

The Toy Library therefore only spent \$189 of the Community Grant amount allocated to them from Council on this project.

The Community Grant Scheme Guidelines 2018 state that any funds not expended for the intended purpose must be returned to Council. However, the Guidelines also provide for variations to the original project submission, which must be lodged in writing and approved by Council.

The Toy Library has sent in a request to use some of the remaining grant money for the same purpose which they originally sought the funds – improving accessibility. They have sought to use \$540 of the remaining funds to fund continued access to the internet and the membership fee to SETLS for the next two years. This would help secure the longevity of the system and give the Toy Library the ability to keep the low membership fee they currently charge to allow access to the demographic that could most make use of the service.

### **FINANCIAL & RESOURCE IMPLICATIONS**

The Maryborough Toy Library has been provided with the full grant amount of \$969. They have currently expended \$189 of the grant amount. They have requested to use \$540 of the remaining funds. If Council resolves to vary their grant and allow them to utilise the \$540 the remaining \$240 will be returned to Council. If not, the total unspent amount of \$780 will be returned to Council.

### **RISK MANAGEMENT**

The risk management issues in relation to this matter and this report have been discussed in the report section above.

### **CONCLUSION**

The Maryborough Toy Library did not spend the full amount it received from Council in the 2018 Community Grant program. The Toy Library has sought to utilise some of the remaining funds for additional items related to the original grant application request.

### **ATTACHMENTS**

NIL

### **RECOMMENDATION**

*That Council approve a request from the Maryborough Toy Library to vary their 2018 Community Grant and retain \$540 to fund continued access to the internet and the membership fee to SETLS for the next two years.*

### **8.3 ART COLLECTION POLICY UPDATE**

**Author:** **Manager Tourism, Events and Culture**

**Responsible Officer:** **General Manager Community Wellbeing**

*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 the updated and revised Art Collection Policy for adoption.

The purpose of the Art Collection Policy is to set the objectives by which Council will purchase new art, maintain its currently collection, display the collection and manage deaccessioned artworks. Council maintains and develops a permanent collection of visual arts and crafts for the enrichment of our residents, staff and visitors to our region. The art collection is a resource for display, teaching, learning, research, enjoyment and celebration.

#### **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

Objective 1.5: Facilitate an active and inclusive arts community

#### **BACKGROUND INFORMATION:**

The Art Collection Policy was identified as part of the Governance Reform Program as a policy which required updating. The previous policy was last adopted in 2015 and was due for updating in 2018. The Policy has since had a full revision and is now in draft format for presentation to Council.

#### **REPORT:**

The purpose of the Art Collection Policy is to establish and communicate Council's aims, objectives and underpinning principles for the maintenance and updating of a high quality and accessible art collection on behalf of the residents of the Shire.

The policy details what types of artwork are collected by Council, how Council will encourage growth of its collection, and the standards to which artwork will be stored and presented.

The policy outlines the following:

1. Principles
2. Collection objectives
  - a. Australian Art, both Indigenous and non-Indigenous
  - b. Indigenous Art
  - c. Cultural and creative innovation and diversity

3. Acquisition
4. Legal and ethical obligations
5. Accessioning
6. Display, conservation and storage
7. Security
8. Access
9. Public place artwork
10. Loans
11. Cultural gift program
12. De-accessioning
13. Disposal
14. Loss/theft
15. Government, private sector, community organisation and club support
16. Responsibility

As part of the revision the language and layout of the draft Art Collection Policy has been changed to conform to the new Council policy templates and amalgamates the 2014 policy and procedures into one document.

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

The local community arts group, Central Arts Collective Inc (CAC) is the ongoing consultative community forum for all policy development regarding the arts and culture in the Shire.

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

Implementing the policy will have no additional financial implications for Council.

#### **CONCLUSION:**

The Art Collections Policy has been updated following this need being identified as part of the Governance Reform Program. This policy has now been updated to ensure that it is relevant and fit for purpose.

#### **ATTACHMENTS:**

1. Art Collection Policy

#### **RECOMMENDATION**

*That Council adopts the revised and updated Art Collection Policy.*



# Art Collection Policy

Category:	Arts and Culture
Adoption:	Council
Review Period:	Three years
Responsible Manager:	General Manager Community Wellbeing
Signed by CEO:	.....
Date:	.....

## Acknowledgement

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

## 1. Purpose

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Central Goldfields Shire Council maintains and develops a permanent collection of visual arts and crafts for the enrichment of our residents, staff and visitors to our region. The art collection is a resource for display, teaching, learning, research, enjoyment and celebration.

This policy sets the objectives by which Council will:

- purchase new art works;
- manage and maintain the collection;
- accept bequests of works;
- display the collection; and
- manage deaccessioned artwork.

## 2. Scope

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This policy applies to artwork owned or under consideration for ownership by Central Goldfields Shire Council.

All artwork housed within the collection must meet the selection criteria, acquisition, display and deaccessioned processes as set out in this policy and associated procedure.

## 3. Definitions

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**Accession:** the formal inclusion of a work of art into the Art Collection including its transfer of legal ownership, its documentation and provenance and the attribution of a unique accession collection identification number and entry on to the Collection database;

**Art works and craft works:** a work that is accessioned into the Central Goldfields Shire Council's Art Collection or that is on loan to Central Goldfields Shire Council.

**Conservation treatment:** any activity, including cleaning, repair of hanging systems and/or restoration that serves to maintain the optimum condition of a work of art and that ensures its long-term preservation and care;

**Curator:** Curator of the Central Goldfields Art Collection and Art Gallery;

**Deaccession:** the formal removal of a work of art from the Art Collection that includes an identified procedure for its disposal;

**Disposal:** the physical removal and in some cases, the destruction, of an art work, which has been recorded as de-accessioned from Central Goldfields Shire's Art Collection's collection;

**Loan:** any work of art or object borrowed or loaned by Central Goldfields Shire Council for a specific period of time, as specified through an Agreement between the relevant parties;

## 4. Policy

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### 4.1 Principles:

Central Goldfields has and will continue to develop and maintain a well-regarded Art Collection in which each new and existing piece in the collection:

- Is the work of an Australian artist, or is by an artist who has lived and worked in Australia, and has an affiliation with Central Victoria;
- Is of an excellent standard;
- Is original work by the artist which depicts their own experience and expression of the world;
- Corresponds with and complements the existing collection, depicting either a similar genesis to



existing works or an artistic progression or counterpoint from existing works;

- Offers opportunities for learning, teaching, joy, debate and community interest;
- Ensures the preservation and documentation of art, from and relating to Central Victoria, for the well-being of future generations

## **4.2 Collection Objectives**

Central Goldfields Shire Council will be guided by the following objectives when collecting and maintaining works of art for the Art Collection:

### **4.2.1 Australian Art, both Indigenous and Non-Indigenous:**

Central Goldfields Shire Council seeks to acquire and maintain works by Australian artists, as well as by artists of other nationalities who have lived and worked in Central Victoria;

### **4.2.2 Indigenous Art**

Central Goldfields Shire Council seeks to acquire works by artists from the Dja Dja Warrung and other Aboriginal and Torres Strait Islander peoples who have lived and worked in Central Victoria;

### **4.2.3 Cultural and creative innovation and diversity**

Central Goldfields Shire Council seeks to acquire art that reflects particular periods of cultural innovation or political, social and historical importance to Central Victoria. While this includes the Gold Rush period, it is acknowledged that many of the Shire buildings already depict the Gold Rush history, and art work should complement and express the Shire's wider social and political history and future.

Central Goldfields Shire Council seeks to acquire art that reflects the importance of textiles to the industrial and artistic heritage of the region.

Central Goldfields Shire Council seeks to acquire art work that reflects contemporary life and imagined futures in the Shire underpinned by the cultural diversity that comprises our communities and the broader population of Central Victoria.

## **4.3 Acquisition**

Central Goldfields Shire Council will acquire works of art and objects for the Art Collection by purchase, donation, gift, transfer and bequest, in accordance with the Collection Objectives.

Central Goldfields Shire Council reserves the right to not accept works of art offered as gifts, donations or bequests.

Art works to be considered for acquisition will be physically sighted / experienced and assessed by the Curator prior to acquisition and will correspond with the principles and objectives described in this policy.

#### **4.4 Legal and Ethical Obligations**

Central Goldfields Shire Council will only acquire works of art for the Art Collection provided that provenance and clear legal title can be confirmed.

Gifts, donations, bequests and transfers will only be accepted where the donor has provenance and full legal title to the work and the gift is made on the basis of a total unencumbered transfer of ownership from the donor to the Shire Council.

#### **4.5 Accessioning**

Central Goldfields Shire Council will assign a unique accession number to all works of art it acquires and record the works in the Collection Management System database.

#### **4.6 Display, Conservation, Storage**

The Art Collection will be displayed in a manner that maintains the integrity and value to the Art Collection.

The location of Art pieces will be at the approval of the Curator.

The Art Collection will be conserved in accordance with accepted contemporary national practice and standards applicable to the safe and appropriate storage, management and handling of artworks.

Conservation treatments will only be performed by an experienced and qualified Conservator.

Unless on display, all works of art will be stored in an environmentally controlled and secure Art Store.

#### **4.7 Security**

Central Goldfields Shire Council will at all times provide as secure an environment as possible for the storage, transportation and display of the Art Collection.

#### **4.8 Access**

The Art Collection will be made available to our community wherever possible through:

- Exhibitions in the Art Gallery;
- Display of selected artworks in Council buildings (including council offices, The Hub, regional halls);

- Display in public places (sculptures and external artworks)
- Loans to partner organisations with related/complementary art collections for special or travelling exhibitions;
- The Art Gallery webpage and other print and digital media where appropriate.

#### **4.9 Public Place Art Work**

Central Goldfields Shire Council's Art Collection comprises a growing number of pieces that are displayed in public places (sculptures and external artworks). These are included as an integral part of the Central Goldfields Art Collection.

The use of art in public places has the capacity to enhance the environment and engender a great sense of community pride, excitement and participation in public spaces.

Any site where the Art Collection is displayed must be in public ownership and must be:

- A significant or strategically important public place with high visibility and/or accessibility;
- Highly visible to the community;
- In a position where the art work can be properly maintained;

#### **4.10 Loans**

Central Goldfields Shire Council may permit temporary incoming and outgoing loans of artworks into and from the Art Collection, where:

- The Art Collection has a distinctive contribution to make,
- The benefits for Central Goldfields Shire Council are compelling; and
- Council staff and the Shire's students can also be involved.

#### **4.11 Cultural Gifts Programme**

Central Goldfields Art Gallery is a participating institution in the Commonwealth Government's Cultural Gifts Program. Council supports this programme by funding valuations of all artwork offered; which is mandatory under the programme's guidelines.

Anonymity of donors is assured when requested. However, the identity of such donors shall be recorded within the records of the Gallery, which are not generally available to public view.

Recognition of donors will be made in the Central Goldfields Shire Council's annual report for the year in which an article is donated. It will also be shown on the description of the article where attached for display purposes, whenever possible.

#### **4.12 De-accessioning**

De-accessioning is recognised as a necessary tool to enable the maintenance, enhancement and focus of an art collection; therefore deaccession proposals will be prepared on an as needs basis.

A work of art deemed to be outside the scope of the Art Collection and this policy, will be de-accessioned formally in accordance with the Art Collection Procedures.

#### **4.13 Disposal**

Central Goldfields Shire Council will dispose of artworks formally approved for de-accessioning in accordance with the Art Collection Procedures. Where a de-accessioned work of art has been gifted or bequeathed, donor/s will be advised of this decision in writing by the relevant General Manager.

Works of art to be disposed of may not be sold, gifted to, or exchanged with, any person connected to Central Goldfields Shire Council and/or their families, unless that person is the donor of the artwork being disposed or unless the art work is sold through an external public process (such as public auction).

#### **4.14 Loss/Theft**

Central Goldfields Shire Council will record lost/stolen artworks on the Collection Management System database and ensure insurance coverage.

#### **4.15 Government, Private Sector, Community Organisation, and Club support**

Support of the collection from government, private and community sectors (including sporting clubs) will be encouraged via sponsorship of either the acquisition of specific works or of periodic displays held in the Gallery.

Support for the collection will be acknowledged in a manner appropriate to the circumstances and which is agreed in advance between Central Goldfields Shire Council and the relevant sponsor

#### **4.16 Responsibility**

The Art Collection will be managed by the Gallery Coordinator or Curator who will acquire, conserve, research, communicate and exhibit art with guidance from the Executive Management Team.

## **5. Strategic alignment and corporate framework**

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The Central Goldfields Art Gallery Collections Policy is informed by the Council Plan 2017 – 2021 (2018 refresh).

## 6. Roles and Responsibilities

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Person/s responsible	Accountability
Central Arts Collective Inc	<ul style="list-style-type: none"> <li>Advise Council in regard to proposed acquisitions and de-acquisitions for the Gallery</li> </ul>
Art Gallery Coordinator and Art Gallery Curator	<ul style="list-style-type: none"> <li>Manage the process of acquiring art works for the Gallery</li> </ul>
Manager Tourism Events Culture and General Manager Community Wellbeing	<ul style="list-style-type: none"> <li>Oversight and monitoring of policy and procedure implementation</li> </ul>
Council	<ul style="list-style-type: none"> <li>Policy approval</li> <li>Stewardship of community assets</li> <li>Providing resources for policy implementation</li> </ul>

## 7. Human Rights Statement

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It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

## 8. Related Policies and Procedures

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- Art Gallery Collections Procedure
- Arts and Culture Policy and Procedure
- Municipal Public Health & Wellbeing Plan 2017-2021
- CGSC 5-Year Events Strategy

## 9. Relevant Legislation and Guidelines

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Nil

**DOCUMENT HISTORY (TO BE REMOVED BEFORE SIGNING)**

	Date	Author
Initial Draft	20 June 2018	
Final Draft	31 January 2019	Kay Parkin/Helen Kaptein
Approved	12 November 2019	
Review Draft	17 November 2019	
Review Final	17 November 2019	
Approved		

DRAFT

## 8.4 PROPERTY OCCUPANCY POLICY

**Author:** Property and Risk Officer

**Responsible Officer:** General Manager Corporate Performance

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

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### SUMMARY/PURPOSE

The purpose of this report is to update Council on the outcome of the second round of community consultation on the property occupancy policy and to present a final version of the policy for adoption.

The purpose of the property occupancy policy is to provide a framework for determining the occupancy agreements for public land within the Shire in a fair, transparent and equitable way. The policy will provide clarity of roles and responsibilities, security of tenure and a consistent method of assessing applicable rent and charges.

### LEGISLATION AND 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.

1.8 Objective: Maximise all forms of connectivity for the community.

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

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

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

### BACKGROUND INFORMATION

Council historically has dealt with the occupancy of Council owned and managed land and buildings (property) on an as needs basis. There are many properties within the Shire where community/user groups have occupied, managed and maintained buildings for prolonged periods without any formal written agreement with Council.

This has resulted in present day issues relating to asset ownership, confusion and a lack of understanding of roles and responsibilities with regard to property matters such as maintenance, annual inspections, insurance, public liability and so on.

Council is responsible for public land which includes land and built structures located on Council freehold land or Crown land where Council is the appointed Department of Environment, Land Water and Planning (DELWP) Committee of Management.

## REPORT

At its ordinary meeting held on 28 May 2019, Council endorsed the draft property occupancy policy and resolved to undertake a community consultation process. Council commenced the consultation period by placing a notice in the Maryborough Advertiser, commencing from 28 June 2019, which was referenced in subsequent advertisements. A copy of the draft policy was made available on the have your say section of Council's website and was available for public viewing at Council's Customer Service counter.

In addition to the above, Council wrote directly to groups and organisations who were in occupation of Council buildings about the draft policy. Each group/organisation was asked to provide feedback on the draft policy and were invited to attend an informal information session on the draft policy.

The policy information session was held on Wednesday 17 July 2019 at 6pm in the Community Hub. The session was very successful with a total of 64 people in attendance representing 30 groups/organisations and eight Council staff members present.

Council received a total of 18 written submissions from various individual, groups and organisations, and these were circulated to Administrators on 13 August 2019. The general themes of the submissions were largely related to site specific matters rather than feedback on the draft policy. The information provided assisted Council officers in understanding the history of the individual site to determine the appropriate agreements.

Of the 18 submissions received, four submitters elected to be heard in support of their submissions. Council held a hearing meeting on Tuesday, 13 August 2019 with three submitters in attendance who spoke to their submission.

In response to the feedback received, amendments were made to the draft property occupancy policy in order to create version two - draft property occupancy policy.

### Further Consultation Period

The community engagement undertaken previously was extremely successful and highlighted areas for improvement within the policy. Given the strong feedback received and the scope of changes to the policy, it was considered reasonable and valuable to undertake a further consultation process with the community.

At its meeting on 24 September 2019, Council considered version two - draft property occupancy policy and resolved:

That Council:

1. Acknowledges the valuable input of the 18 formal submissions made on version one of the draft property occupancy policy and the contribution of all those people who attended the information session on the draft property occupancy policy held on 17 July 2019.
2. Endorses version two of the draft property occupancy policy.
3. Undertakes a community consultation process on the version two of the draft property occupancy policy, including but not limited to; public exhibition, advertisement in the local newspaper, providing a draft for comment to all occupants of Council properties and posting on Council's website (Have your Say).



4. Invites public submissions and feedback on version two of the draft property occupancy policy.
5. Receives public submissions on the version two of the draft property occupancy policy during the exhibition period ending 5.00 pm on 31 October 2019 and schedules a Special Hearing Meeting (if required) at 5.30 pm on 13 November 2019 to hear from any person who wishes to speak to their submission.

Council commenced the second consultation period and placed a notice in the Maryborough Advertiser on 4 October 2019. A copy of the draft property occupancy policy was made available on the have your say section of Council's website and was available for public viewing at Customer Service counter.

### Submissions received

Council received a total of six submissions from various groups and organisations.

The submissions provided further improvement which in most cases have been applied to the final version of the property occupancy policy. However, many of the general themes of these submissions were related to site specific matters rather than feedback on the policy. In addition, the Program Manager, Land and built Environment, DELWP provided constructive feedback to shape the final version.

### Amendments to Policy

In response to the feedback received, amendments have been made to the final version of the property occupancy policy (Attachment 1);

#### 3.5 Duration of Tenure

- Crown Managed Land minimum licence terms amended to ten years in accordance with the Crown Land (Reserves) Act 1978.

#### 3.8 Insurance

- Reworded to clarify that Council will insure buildings located on Crown Land, where Council is appointed as the committee of management.

#### 3.11 Capital Works - Improvement, Alterations and/or Additions

- Reworded to incorporate the Crown Land consent requirements being the Minister's (DELWP) approval.

#### 3.14 Third Party Hire

- Reworded to incorporate the Crown Land consent requirements being the Minister's (DELWP) approval.

## **CONSULTATION/COMMUNICATION**

The draft property occupancy policy has been on public exhibition twice for consultation for a total period of three months, with a total of 24 submissions received across the consultation period. Feedback from this consultation has resulted in a number of improvements being made to the policy.

It is proposed that the property occupancy policy once adopted by Council will be sent to all occupants of Council buildings together with estimated timeframes to negotiate and finalise agreements. In addition, the Policy will be made available on Council's website for the wider community and general public to access.

## **FINANCIAL & RESOURCE IMPLICATIONS**

The development of, and consultation on the property occupancy policy has been undertaken within existing budgets.

## **RISK MANAGEMENT**

Introducing a property occupancy policy will assist to mitigate risk exposure to Council by clearly defining terms and conditions of use and occupation of Council owned or managed properties. In addition, the benefits of implementing a property occupancy policy will ensure that Council properties occupied by community groups, organisations, individuals and businesses are used in an appropriate and responsible manner, ensuring the health, wellbeing and safety of the community.

A property occupancy policy will also reduce the risk to groups and organisations which occupy Council properties, by ensuring that they have certainty of tenure, rental fees and maintenance requirements.

## **CONCLUSION**

The community consultation undertaken has been extremely successful and several improvements have been incorporated which has assisted to shape the final policy.

The introduction of the property occupancy policy will ensure the health, wellbeing and safety of the community occupying Council owned or managed properties and provide occupiers with security of tenure, clarity of roles and responsibilities and an equitable method of assessing applicable rent and charges.

## **ATTACHMENTS**

1. Final version - Úroperty Uccupancy Úolicy

## **RECOMMENDATION**

*That Council:*

1. *Acknowledge receipt of the six submissions, which have been circulated and considered at Council's Strategy Briefing on 12 November 2019.*
2. *Adopt the attached Property Occupancy Policy.*
3. *Notify in writing those people who provided a submission to Council on the Property Occupancy Policy and advise them of the outcome of Council's decision.*



# Property Occupancy Policy

Category: Council Policy  
Adoption: Council Date:.....  
Review Period: Three years  
Responsible Manager: General Manager Corporate Performance  
  
Signed by CEO: .....  
Date: .....

## 1. Purpose

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Central Goldfields Shire Council is committed to working in partnership with the community to encourage, develop and support community based organisations and the wide range of local quality recreational, cultural, social and community support and business group initiatives which they undertake that make a positive contribution to the Central Goldfields Shire community and strengthen the development of a supported, cohesive community, living a full and healthy life.

Council recognises that there is an overall social benefit for the community to enable the use of Council owned and managed land and facilities by organisations that provide recreation and sporting opportunities, and other community services. These services enhance the quality of life and wellbeing of our municipality and support the objectives set out in the Council Plan.

This policy aims to provide a framework for determining the occupancy agreements for public land within the Shire in a fair, transparent and equitable way. Through implementation of this policy Council will ensure that:

- Occupancy agreements maximise community benefit of public land;
- Occupiers have security of tenure to develop and grow whilst ensuring longevity and sustainability;
- Occupiers of public land are treated in a fair and equitable manner;
- Occupancy agreements are issued in accordance with legislation and Council's delegations and powers;
- Occupancy agreements are simple and transparent;
- The rights of both occupiers of public land and Council are protected;
- Risks associated with public land occupancy are appropriately managed.



## 2. Scope

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This policy applies to public land which includes land and built structures located on Council freehold land or Crown land where Council is the appointed committee of management, which is occupied by third parties.

The principles of this Policy apply to both new occupancy agreements entered into after the policy approval date, and those agreements which expire after the policy approval date and are considered for renewal. Council commitments under agreements existing at the time of this policy being approved, including 'options' clauses, will be honoured in their original form.

Council is committed to ensuring the health, safety and ongoing sustainability of community groups and organisations within the Shire.

## 3. Policy

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### 3.1 Definitions and Abbreviations

<i>Term</i>	<i>Meaning</i>
<b>The Act</b>	Means the <i>Local Government Act 1989 (Vic)</i>
<b>Approval in Principle</b>	Approval that is subject to other conditions being satisfied, such as legislative advertising process, prior to the agreement going ahead.
<b>Capital Works</b>	Any improvements, upgrades, alterations and/or additions (internal or external) to change the use, function, or layout of an existing Council owned or managed Property.
<b>Commercial</b>	An occupation which, by its nature, could reasonably be expected to generate a profit. Includes businesses, instructors, corporations, political groups and training organisations. May also include government departments and not-for-profit organisations operating on a commercial basis.
<b>Community benefit</b>	Economic, social and environmental benefits that accrue to the wider community.
<b>Council</b>	Central Goldfields Shire Council
<b>Council managed land</b>	Crown Land managed by Council as the designated Committee of Management but not owned by Council. May also include buildings or other assets located on this land.
<b>Council owned land</b>	Land owned by Council in freehold. May include buildings or other assets located on this land.
<b>CPI</b>	The Consumer Price Index, a statistical measure that examines with weighted average of prices of groups of consumer goods and services.
<b>DELWP</b>	Department of Environment, Land, Water and Planning or its successor.
<b>EOI</b>	Expression of Interest, competitive public process in which submitters are invited to bid for the right to hold a lease or licence over Council-owned or Council-managed land.
<b>General Manager</b>	The Council appointed General Manager Corporate Performance with responsibility for property leases and licences.
<b>Lease</b>	An agreement for the occupation of land and/or buildings which grants exclusive rights of occupation to the tenant.
<b>Licence</b>	An agreement for the occupation of land and/or buildings which does not grant exclusive rights of occupation to the tenant.
<b>Not-for-Profit organisation</b>	An organisation that provides a demonstrated community benefit, and does not operate for the profit, personal gain or other benefit of particular people. Some examples include charities, sporting and recreational clubs, community service organisations, professional and business associations, and cultural and social societies.
<b>Private use</b>	An occupation of a private nature which provides no, or minimal, wider community benefit.
<b>Tenant</b>	An individual, company or incorporated body that occupies Council owned or Council managed land under an occupancy agreement.
<b>Valuation</b>	A valuation undertaken by a person registered to do so under the <i>Valuation of Land Act 1960 (Vic)</i> .



## 3.2 Statutory Requirements

### Council Owned Land

The granting of a Lease for Council owned land may be subject to Council complying with its statutory obligations in accordance with Section 190 of the Act which requires Council to advertise its intention to lease land to another party and to consider submissions under Section 223 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

### Council Managed Land

Council is also responsible for managing Crown land on behalf of the Victorian Government (DELWP) as the appointed Committee of Management in accordance with the *Crown Land (Reserves) Act 1978 (Vic)*. Council must adhere to the:

- Leasing Policy for Victorian Crown Land May 2018; and
- Crown Land Leasing Guidelines 2012.

These two documents provide the framework and guidelines for the leasing of Crown land in Victoria. Council must seek Ministerial approval in-principle and final approval to lease or licence any Crown Land and all agreements must be prepared on DELWP's standard documentation.

### Other Requirements

Council is required to maintain a publicly available register of all leases involving land where Council is the lessor, including details of the lessee, terms and value, in accordance with the *Local Government (General) Regulations 2015 (Vic)*.

## 3.3 Types of Agreements

When considering the appropriate occupancy agreement for a piece of public land Council has several options to choose from including:

- Lease
- Licence
- Seasonal use agreement
- DELWP appointed Committee of Management
- Section 86 committee under the Act



Further detail on each of these options follows:

### 3.3.1 Lease

**When** – There is public land which has a single use and users have exclusive use of the land and/or buildings. Some examples include land on which bowling, golf, tennis or gun clubs are situated, or buildings and/or land occupied for the sole benefit of the tenant, for example Aerodrome sites and buildings. Access to such public land is typically either:

- Physically restricted and members of the general public can only participate in the dedicated land use after paying a membership or casual hire fee.
- Not available – the tenant has sole exclusive use of the site.

**Where** – There is an incorporated legal entity that wishes to occupy public land for a single purpose.

### 3.3.2 Licence

**When** – There is public land which has a single or multiple uses and users that have non-exclusive use of the site. One example is a public building that is used by different community groups on different days of the week but at regular times each week.

**Where** – Licences enable Council to allow multiple users of public land to occupy the land and/or buildings in a shared (non-exclusive) manner, which improves the utilisation of the facility and reduces the need for stand alone, single use infrastructure.

### 3.3.3 Seasonal use agreement

**When** – The public land has multiple uses and users have non-exclusive use of the site. An example of this is a recreation reserve with football, cricket and netball facilities that is also available for members of the public to access at no cost when not in use for sporting activities.

**Where** – The public land is managed by Council and individual clubs only wish to occupy public land only for the duration of their sporting season. At season's end they relinquish their occupancy in order to allow another club to use the public land for their sporting season.

### 3.3.4 DELWP appointed committee of management

**When** – There are two main types of public land occupancies suited by this management structure:

- Crown land which has multiple uses and users have non-exclusive use of the site. An example of this is a recreation reserve with football, cricket and netball facilities that is also available for members of the public to access at no cost when not in use for sporting activities. Because the public land is not locked, members of the public can enter the land and undertake unsupervised activity (such as jogging on the turf, flying a kite, walking the dog, having a hit of cricket in the nets) without paying a fee to do so.



- Crown land which has a single use and users have exclusive use of the site. Some examples include land on which bowling, golf, tennis or gun clubs are situated. Access to such public land is usually physically restricted and members of the general public can only participate in the dedicated land use after paying a membership or casual hire fee.

**Where** – There is an existing (or potential) incorporated legal entity that is able to demonstrate that it has the capacity to manage the Crown land with due regard to the interest of all stakeholders in that public land. Such entities are often constituted with broad representation and display maturity in their governance and financial management.

**Why** – Rather than having a tripartite land management structure (DELWP, Council and the land manager), the land management structure is simplified to just DELWP and the land manager. This structure provides improved communication, greater autonomy for the land manager, and eliminates any conflict where Council and DELWP may have conflicting views on a particular issue.

### **3.3.5 Section 86 committee under the Act**

**Where** - Council wishes to delegate the management of the public land to a committee.

**Why** – In order to ensure that the interests of all stakeholders are recognised and managed in a fair and equitable matter, Council can appoint a Section 86 committee and delegate the responsibility of managing the public land to that committee.

## **3.4 Expression of Interest (EOI)**

Council may decide to conduct an EOI for the issue or renewal of a lease or licence that is wholly or partly commercial in nature. The decision to conduct an EOI process for a property will be based on factors including the following:

- The likelihood of multiple interested applicants and users
- The size and location of the property
- The value of the property
- The expected rental return
- To ensure the tenant delivers specific services
- To allow for innovative or flexible solutions for the property



### 3.5 Duration of Tenure

#### Council Owned Land

The duration of agreements on Council owned land will generally be determined in accordance with the table below and will take into account the intended and future use of the land and/or buildings, capital investment and economic benefit including employment.

Type	General terms
Lease	Three years with consideration of two further options of three years
Licence/Seasonal Use	Two years with consideration two further options of two years

Notwithstanding, this table is a guide only and other tenures may be more appropriate in certain circumstances, whereby Council may consider extended terms for groups where investment and development is proposed.

#### Council Managed Land

Where Council manages Crown Land, all tenures will be determined on a case by case scenario and must be approved in-principle by DELWP before Council can offer a lease or licence. The duration of a lease is restricted to a full tenure of 21 years and a licence will not exceed nine years.

Type	General terms
Lease	Up to 21 years
Licence/ Seasonal Use	Up to nine years

Any further extensions to the above tenures will be considered on a case by case scenario and will be at the discretion of Council and DELWP.





### 3.6 Occupant Categories and Assessment of Rent

All occupants entering into an Agreement for Council owned or managed land and/or buildings under this policy are categorised and the rent will be determined in accordance with the table below.

<i>Category of tenant</i>	<i>Definition</i>	<i>Rent and costs</i>	<i>Eligibility</i>
<b>A - Not-for-Profit/Community Groups</b>	Not-for-profit and Community groups that are generally accessible to all residents and engage the wider community for the benefit of the inclusion/ wellbeing and engagement of the community	<ul style="list-style-type: none"> <li>- The occupier is responsible for fire services property levy and water charges. Payment of utility services will be determined on a case by case scenario.</li> <li>- A community rental of \$104.00 (plus GST) per annum will apply.</li> </ul>	<ol style="list-style-type: none"> <li>1- Use approved by Council and;</li> <li>2- Not-for-profit or voluntary groups that receive minimal or no external funding to operate with limited revenue raising ability and;</li> <li>3- Provides significant community benefit.</li> </ol>
<b>B - Other/Community Groups</b>	Community groups that provide a core service to the local community and have an element of commercial/ business operations.	<ul style="list-style-type: none"> <li>- The occupier is usually responsible for all utilities services, the fire services property levy and any waste removal charges.</li> <li>- A rental of \$520.00 (plus GST) and will apply.</li> </ul>	<ol style="list-style-type: none"> <li>1- Use approved by Council and;</li> <li>2- Has some revenue raising ability and may receive external funding support and;</li> <li>3- Groups that charge fees and has the ability to raise revenue and;</li> <li>4- Provides significant community benefit.</li> </ol>
<b>C - Other</b>	Organisations or Groups that have an element of commercial/ private operations that may provide a level of community service	<ul style="list-style-type: none"> <li>- The occupier is responsible for all utilities services, fire services property levy and any waste removal charges.</li> <li>- The rent will be determined on a case by case scenario whereby further discounts may be applicable i.e. capital contribution to the improvement of assets.</li> </ul>	<ol style="list-style-type: none"> <li>1- Use approved by Council and;</li> <li>2- Groups that charge fees and have the ability to raise revenue.</li> </ol>
<b>D - Sporting Groups-Seasonal Tenants</b>	Sporting groups that may or may not have an element of commercial/ private operations	<ul style="list-style-type: none"> <li>- The occupier is usually responsible for all utilities services, fire services property levy and any waste removal charges.</li> <li>- The rent will be determined on a case by case Scenario and may be negotiated/ discounts applied i.e. capital contribution to the improvement of assets.</li> </ul>	<ol style="list-style-type: none"> <li>1- Sporting group;</li> <li>2- Use approved by Council and;</li> <li>3- Groups that charge fees and have the ability to raise revenue.</li> </ol>
<b>E - Commercial/Private use</b>	This category includes operation of a business or commercial activity where income is obtained and/or private gains from the use of the premises.	<ul style="list-style-type: none"> <li>- A market rent valuation determined by an independent qualified valuer or competitive public EOI process.</li> </ul>	<ol style="list-style-type: none"> <li>1- Use approved by Council.</li> </ol>

From time to time the occupant categories under this section may not be considered suitable and the Chief Executive Officer has the power to deviate from this policy if deemed appropriate.



### 3.7 Rent reviews

Rental Reviews will occur in accordance with the Agreement. This will generally occur when a new term is entered into.

All Community based rent will be increased annually by CPI during the term of a Lease or Licence.

All Commercial rent will be increased annually by 3% during the term of a Lease or Licence. On the exercise of any option for renewal/ further term the rent will be determined by a certified practicing valuer at the current market rental.

### 3.8 Insurance

All occupants are required to hold current Public Liability Insurance to a value determined by Council as detailed in their agreement. A copy of the Public Liability Insurance is to be provided to Council on an annual basis as evidence of cover.

All occupants must hold current insurance for contents or equipment owned or controlled by them at the Council property. Consideration will be given to specific circumstances and historical arrangements on a case by case scenario. Where multiple users are in occupation of a Council asset direct consultation with groups will be undertaken to determine the appropriate mechanisms for contents insurance.

Building Insurance for all Council assets will be paid for by Council, this includes buildings located on Crown land where Council is the appointed committee of management.

### 3.9 Maintenance Requirements

Occupiers of Council land and/or buildings are required to maintain the subject facility in accordance with the Maintenance Schedule attached to their agreement. The agreement schedule will specify the responsibilities of Council and the occupant/s in regard to maintenance of land and/or buildings. Council reserves the right to negotiate maintenance responsibilities and costs.

The Occupants will be responsible for keeping the land and/or buildings clean, in good condition and perform incidental maintenance not requiring a skilled tradesperson.

### 3.10 Reporting and Inspections

Occupants may be required to provide various reports as a condition of their Agreement where committees or groups are not incorporated, which may include but is not limited to:

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

All occupants will be required to complete an annual building assessment/ condition report of the premises on the relevant form provided by Council. Council will undertake Essential Safety Measures (ESM) checks on all premises in accordance with the Building Regulations 2018.

Council reserves the right to inspect a premises annually or more frequently as required, in consultation with the Occupants.



### **3.11 Capital Works- Improvements, Alterations and/or Additions**

Occupants must not undertake construction, alteration, addition, renovation, refurbishment or demolition to any Council owned property without obtaining written consent of Council. Any significant alterations or additions required shall be undertaken by Council's contractors unless otherwise agreed between the parties in writing.

A Crown land occupant must not undertake construction, alteration, addition, renovation, refurbishment or demolition without obtaining Council and the Minister's (DELWP) prior written consent.

If agreed, any contractors engaged by an occupant must be accredited, qualified tradespersons with appropriate insurances and copies of trade's qualifications and insurances must be provided to Council for information.

All improvements unless agreed otherwise between the parties will revert to Council at the end of the occupancy agreement.

### **3.12 Permits**

Any required permits, including building and planning permits and permits relating to events, will be the responsibility of the occupant to obtain.

### **3.13 Keys and Locks**

Council will retain a set of keys for all Council assets, access to buildings would be in consultation with the occupants. If occupants wish to change locks to a premises they are required to obtain Council consent and must provide Council with any new keys for the premises.

Occupants may install a security system at their own cost, however prior written consent from Council is required. Security codes and subsequent changes to codes must be given to Council immediately after installation.

### **3.14 Third Party Hire**

Occupants may be permitted to hire to third parties for events or casual hire, subject to the conditions of their Agreement, approval being obtained from the Minister (DELWP) and in accordance with the requirements of Council's Casual User and Facilities Hire Policy.

### **3.15 Liquor Licence**

All occupants must obtain written consent from Council prior to applying for a new liquor licence or applying for an amendment to a liquor licence. Council reserves its rights to object to any expansion or intensification and withhold any permission at its sole discretion.



## 4. Roles and Responsibilities

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Person/s responsible	Accountability
General Manager Corporate Performance	Overall responsibility for Policy implementation and compliance.
Manager Governance, Property and Risk	Provide strategic oversight of Council's property leasing and licencing portfolio.
Property and Risk Officer	Oversee the issuance of leases and licences in accordance with this Policy.

## 5. Human Rights Statement

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

## 6. Related Council Policies and Procedures

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Council Plan 2017- 2021

Asset Management Policy 2019

Casual Hire Policy 2019

## 7. Relevant Legislation and Guidelines

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### Legislation

- *Building Act 1993 (Vic)*
- *Competition and Consumer Act 2010*
- *Crown Land (Reserves) Act 1978 (Vic)*
- *Equal Opportunity Act 2010*
- *Information Privacy Act 2000 (Vic)*
- *Local Government Act 1989 (Vic)*
- *Planning and Environment Act 1987 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Privacy Act 1988 (Cth)*
- *Retail Leases Act 2003 (Vic)*

**Regulations and Guidelines**

- Building Regulations 2018
- DELWP Crown Land Leasing Guidelines 2012
- Leasing Policy for Victorian Crown Land May 2018
- Local Government (General) Regulations 2015
- Retail Leases Regulations 2013

**DOCUMENT HISTORY (TO BE REMOVED BEFORE SIGNING)**

	<b>Date</b>	<b>Author</b>
Initial Draft	June 2018/ March 2019	Kristie Berry
Approved by GM for EMT		
Endorsed	28 May 2019	Council
Final Draft	31 October 2019	Kristie Berry
*Final Draft To Strategy Briefing	12 November 2019	
*Final draft to Council meeting		
Signed by CEO		

## 8.5 PROPOSED PUBLIC CLOSURE DEPOT STANDPIPE

<b>Author:</b>	<b>Manager Operation</b>
<b>Responsible Officer:</b>	<b>General Manager Infrastructure Assets and Planning</b>

*The Officer presenting this report, having made enquiries with relevant members of staff, reports that there are disclosable interests that need to be raised in relation to this report.*

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### SUMMARY/PURPOSE:

The purpose of this report is to recommend that Council close public and commercial access to the water standpipe located within the Maryborough Council depot, and that Council correspond with all known users of the standpipe advising of the decision and outlining alternative options.

Use of the Maryborough depot standpipe by external parties carries considerable occupational health and safety concerns for operation of the depot; allows external parties unfettered access to the Maryborough depot; and, places an onus on Council to ensure loads are secure and within required weight tolerances, which council staff are not set up to do.

This report highlights the need to discontinue this service based on the various risks posed.

### LEGISLATION AND 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.

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

### BACKGROUND INFORMATION

Victoria's water corporations deliver a range of services to customers and communities across their service areas. Their responsibilities include:

- the supply of drinking and recycled water, and the removal and treatment of sewage and trade waste – known as 'urban' water services
- water delivery for irrigation, domestic and stock purposes, drainage and salinity mitigation – known as 'rural' water services.

Coliban Water is the relevant water authority for the northern part of the Shire and the remainder is under Central Highlands Water.

There are two publically accessible standpipes within the Shire –one in Dunolly and one in Bealiba (Coliban Water area). Access to these standpipes is via an Avdata key which allows for water use billing.

Licensed commercial operators (licensed with Central Highlands Water) can also access a fireplug within Maryborough.

The standpipe located in the Maryborough depot is used by Council depot staff for maintenance activities for maintenance.

## **REPORT**

### Usage statistics from 2018/2019

The depot standpipe is used by:

- Council staff for projects
- Private citizens
- Commercial customers for civil construction and land development

The standpipe use rises over the hotter months of the year.

In 2018/2019 there were 16 private users of the depot standpipe; a total of 84,200 litres of water was collected by private users, with 1,000 to 2,000 litres being collected at any one time. It is estimated that this would be approximately 50 occasions of private users collecting from the standpipe.

There is a much higher use by commercial customers however only 5 customers. A total of 565,000 litres was collected by commercial customers. Understanding that the water collected is being used for civil works such as road construction, but this cannot be assured as the destination of the water cannot be guaranteed as purely other than consumable water. The average truck holds 10,000 litres. It is estimated that this would be approximately 56 occasions of commercial users collecting from the standpipe.

The Depot standpipe is problematic for a number of reasons:

- OHS issues with non-staff on site mixing in an area where large equipment and vehicles operate, this poses a risk to the public, and despite having controls in place such as users being required to wear high-vis clothing it is a constant challenge to ensure people comply.
- With private operators accessing the depot, the site is not secure. This creates vulnerability in Council assets or materials being taken unlawfully and jeopardises the control Council has over these.
- Council staff often having to wait a considerable amount of time to fill with water for Council operations. This is mainly due to private users not being able to use the quick fill option and taking up to 15 minutes to fill their vessels.
- Load restraint and Chain of Responsibility regulations placing the onus on Council to ensure loads are secure, within the required weight tolerances for the vehicles being used. The Heavy Vehicle National Law was amended on 1 October 2018, to provide that every party in the heavy vehicle transport supply chain has a duty to ensure the safety of transport activities.

### Accessibility to alternate supply

Private customers have accessibility to registered commercial water carriers that will deliver bulk consumable water. Alternatives include collection from the Coliban Water standpipes in Bealiba of Dunolly. People also have the option of collecting water from family or friends residential or commercial properties by their own arrangement.

CHW do not provide standpipes for private use, they do provide fireplugs and standpipes for commercial carriers.

The standpipes at Bealiba and Dunolly provide 24 hour accessibility through an Avdata key. These supplies can be used by both private and commercial users and is the recommended option for people wanting water via their own collection. The advantages to Council are that it puts the onus back on the user in regards to load weight and contamination from unsuitable containment vessels.

### **CONSULTATION/COMMUNICATION**

Discussions with CHW in regards to the depot standpipe, support the idea of ceasing water sales. This is due to a lack of control over contamination from unregistered vessels that may be carrying water for the purpose of consumption. Whereas registered commercial water carriers are required to comply with food grade containment of water which is tested and complied with as part of their registration.

Council has details of the external users of the depot standpipe. It is proposed to consult with the known external users and give prior notice advising of the change and alternative availability. Officers will report the feedback along with a recommended decision.

### **FINANCIAL & RESOURCE IMPLICATIONS**

There are financial advantages for ceasing the service due to freeing up unhindered accessibility to the standpipe for its intended purpose of Council operations and Council related road construction activities.

There are also resource advantages in discontinuing this service, such as cashier handling, account reconciliation, debt recovery from commercial operators, attendance and recording of water used upon collection.

To continue the service will have negative financial implications, as the risk to Council in regards to overloading is substantial. If Council were to retain the service it would be necessary to facilitate a weighbridge to ensure illegal load limits do not depart the depot.

To relocate the service and build infrastructure such as an automated system similar to those in Dunolly and Bealiba, would require significant funds, e.g. \$50,000 for the standpipe alone. It would be significant spend on infrastructure for a non-Council service to provide for very few users, and possibly users from outside of the shire.

### **RISK MANAGEMENT**

Lucy Roffey, Chief Executive Officer, has declared an indirect conflict of interest in relation to this matter. She has not been involved in any discussions, decisions or the development of the report in relation to this matter.

The risk of serious injury or death to the current private users would be mitigated forthwith as they would no longer have access to areas where large plant frequent.

The risk of loss of Council property would be substantially lessened due to private and commercial users not being permitted in Council areas where this would be possible.

The risk of Council being involved in a 'supply chain' incident where a user has an overloaded or unrestrained load would be mitigated forthwith.



## CONCLUSION

The report outlines a preference to discontinue the supply of water from the Maryborough depot standpipe as soon as practicable, specifically for the reasons outlined in this report. A summary of the reasons include:

- Public Safety
- Security
- Accessibility for Council operations
- Risk to reputation

## ATTACHMENTS

NIL

### RECOMMENDATION

*It is recommended that Council:*

- 1. Approve the public closure to water access at the Maryborough depot with the following actions;*
- 2. correspond with all known current users of the Maryborough depot standpipe notifying them of the closure, with a 4 weeks' notice provision, and advice on alternate water supplies;*
- 3. advise Central Highlands Water of the change to the Maryborough depot standpipe and request that Central Highlands Water provide a public water standpipe.*

## 8.6 COUNCIL MEETING DATES FOR 2020

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

**Responsible Officer:** **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 recommend Council adopt the proposed dates and times for meetings of Council for the 2020 calendar year.

### LEGISLATION AND 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 89(1) of the Local Government Act 1989 requires Council to hold meetings open to the public. Central Goldfields Shire Council has by recent convention done this eleven times per year, generally on the fourth Tuesday of each month commencing at 6:00 pm and held in the Community Hub. It is accepted best practice for Councils to set meetings for the full calendar year in advance.

Council is also required to give at least seven days public notice of a meeting prior to an ordinary meeting of Council (Section 89(4) of the Local Government Act 1989). Central Goldfields Shire Council does this in two ways; firstly by publishing an annual calendar of ordinary meetings on its web-site and in a local paper prior to the end of the previous year and secondly by publishing upcoming meetings in the regular Council advertisement in the Maryborough Advertiser throughout the year.

### REPORT

The proposed dates for 2020 are:

- Tuesday 25 February 2020
- Tuesday 24 March 2020
- Tuesday 28 April 2020
- Tuesday 26 May 2020
- Tuesday 23 June 2020
- Tuesday 28 July 2020
- Tuesday 25 August 2020
- Tuesday 15 September 2020

- Tuesday 22 September 2020 – Special Meeting to approve the annual Financial and Performance Statements
- Tuesday 20 October 2020
- Tuesday 10 November 2020 – Statutory Meeting
- Tuesday 24 November 2020
- Tuesday 15 December 2020

This schedule has allowed for public holidays. The election period (or caretaker period) for the 2020 elections begins 32 days before the Election Day which is 24 October 2020. The election period will run from 22 September 2020 – 24 October 2020. The September meeting has been brought forward one week to avoid the election period. The October meeting has been brought forward one week so that it is before Election Day. The December meeting has been brought forward one week to avoid Christmas.

Strategy and Briefings sessions will be scheduled to be a fortnight before each ordinary Council meeting, consistent with 2019 practice.

A Statutory Meeting date has been set for 10 November 2020 following the 2020 Council elections. The purpose of this meeting is for the newly elected Councillors to take the Oath of Office, and to elect a Mayor and Deputy Mayor if desired. The Victorian Electoral Commission has stated in its Draft Service Plan for the 2020 Local Government Elections that all elections are to be declared by 6 November 2020.

### **CONSULTATION/COMMUNICATION**

An annual calendar of Council meetings will be published on Council's website and in the Maryborough Advertiser following the dates being adopted by Council.

### **FINANCIAL & RESOURCE IMPLICATIONS**

Advertising of the adopted schedules will be accommodated within the existing Governance budget.

### **RISK MANAGEMENT**

A Council must, at least seven days before the holding of a Council Meeting, give public notice of the meeting. By setting the meeting dates for the upcoming calendar year, publishing those dates on Council's website and publishing upcoming meetings in the regular Council advertisement in the Maryborough Advertiser throughout the year Council complies with this legislative requirement.

### **CONCLUSION**

Council must resolve to set the schedule of Council meetings for 2020. It is proposed that the 2019 processes for advertising and managing Council meetings and briefing sessions is continued for the 2020 calendar year.

### **ATTACHMENTS**

NIL

**RECOMMENDATION**

*That Council adopts the following dates for council meetings in 2020:*

- *Tuesday 25 February 2020*
- *Tuesday 24 March 2020*
- *Tuesday 28 April 2020*
- *Tuesday 26 May 2020*
- *Tuesday 23 June 2020*
- *Tuesday 28 July 2020*
- *Tuesday 25 August 2020*
- *Tuesday 15 September 2020*
- *Tuesday 22 September 2020 – Special Meeting to approve the annual Financial and Performance Statements*
- *Tuesday 20 October 2020*
- *Tuesday 10 November 2020 – Statutory Meeting*
- *Tuesday 24 November 2020*
- *Tuesday 15 December 2020*

## 8.7 OCTOBER FINANCIAL REPORT

**Author:** Acting Manager Finance

**Responsible Officer:** General Manager Corporate Performance

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

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### SUMMARY/PURPOSE

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

### LEGISLATION AND 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.

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

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

Section 138(1) of the Local Government Act 1989 requires a statement, comparing the budgeted revenue and expenditure with the actual revenue and expenditure to date, to be presented to the Council at least every 3 months.

### BACKGROUND INFORMATION

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

### 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, for the year to date as at 31 October is a surplus of \$9.09 million. Income is at \$18.81 million compared to a budgeted income of \$19.52 million, an unfavourable variance to budget of 3.7%. This variation is mainly due to the timing of:

- budgeted bridge renewal program grant revenue of \$500,000 anticipated for Porteous Road Wareek Bridge replacement, and
  - Energy Breakthrough event sponsorship of \$155,000 not yet received.
- Expenditure is at \$9.72 million compared to budgeted expenditure of \$10.28 million, a favourable variance of 5.4% for the year to date. The variation is primarily attributable to the timing of:

- budgeted contract event support of \$122,000 for Energy Breakthrough anticipated in November, and
- waste related expenditure.

### Statement of Financial Position

Council's equity position has increased from 30 June 2019 by \$9.09 million to \$329.33 million, mainly due to the levying of rates and charges during August. Refer to the receivables summary for an explanation of the movement in current receivables.

Other Financial Assets has decreased by \$3.45 million due to matured short term deposits transferred to cash to meet budgeted operational requirements and the unbudgeted redemption of a \$1.50 million loan scheduled to mature on 4 November 2019. This loan was budgeted to be refinanced, however refinancing is not currently required due to Council's strong cash flow position.

The creditors balance includes the Fire Services Property Levy (FSPL) which totalled \$1.25 million as at 31 October 2019. This balance includes arrears, however, excludes the FSPL Concession (which effectively reduces the payable amount). Council's first instalment for 2019-2020 of \$252,000 was paid in October 2019.

### Statement of Changes in Equity

Council has not budgeted to make any transfers to reserve during the 2019-2020 year.

### Cash Flow Statement

The balance of cash and investments as at 31 October 2019 is \$9.78 million, which includes \$6.80 million in short-term deposits.

Council's cash position is \$2.17 million favourable to budget as at 31 October 2019, due to a higher cash balance at the beginning of the financial year.

Future cash flows are being monitored closely to enable completion of scheduled works and meeting recurrent obligations. Surplus funds available following the redemption of loan borrowings in early November will be invested to generate maximum interest revenue.

### Capital Works Statement

The 2019-2020 budget included a capital works budget of \$9.88 million across property, plant and equipment and infrastructure asset classes.

As at 31 October, Council had expended \$1.20 million in capital works, a favourable year to date variance of \$286,000. The variance is due to the majority of capital works completed in the first quarter of the year being carry forward projects from the previous financial year and timing issues relating to completion of budgeted works.

### Receivables Summary

The Rate Debtor balance at 31 October is \$13.35 million (excluding FSPL), which is \$0.36 million or 1% higher than this time last year, primarily due to the 2.5% increase in rates and increase in garbage service charges.

This level of arrears is higher than the same time last year at 8.2% (7.2% as at September 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 \$463,000, which is \$32,000 or 6% lower than this time last year.

### Operating and Cash Flow Budget Amounts

Council's budget forecast for 2019-2020 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**

The financial statements were prepared internally by Council officers.

## **RISK MANAGEMENT**

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

## **CONCLUSION**

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

- Energy Breakthrough event contract support expenditure and sponsorship revenue,
- bridge renewal program grant revenue, and
- 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 partially used to redeem loan borrowings of \$1.5 million in early November. The balance of surplus funds are being reinvested to ensure interest earnings are maximised.

## **ATTACHMENTS**

1. 31 October 2019 Financial Report

### **RECOMMENDATION**

*That Council receives and notes the attached 31 October 2019 Financial Report showing progress against the budget.*



# CENTRAL GOLDFIELDS SHIRE

## Operating Statement

For Period 1 July 2019 to 31 October 2019

	Actual Year to Date \$	Budget Year to Date \$	Variation on Budget	% Variation	Annual Budget \$
<b>Revenues</b>					
Community	231,815	240,664	(8,849)	(3.7%)	1,195,982
Health & Human Services	1,672,552	1,704,002	(31,450)	(1.8%)	4,284,112
Economic Development	211,006	366,830	(155,824)	(42.5%)	1,050,484
Culture & Heritage	164,913	158,037	6,876	4.4%	168,165
Recreation & Leisure	5,066	35,520	(30,454)	(85.7%)	1,255,402
Transport	506,814	1,068,787	(561,973)	(52.6%)	5,171,860
Waste & Environment	3,314,145	3,283,593	30,552	0.9%	3,324,265
Administration	214,466	206,898	7,568	3.7%	583,106
Rates	11,998,235	11,965,474	32,761	0.3%	11,958,810
Financial Assistance Grants	492,699	507,116	(14,417)	(2.8%)	2,028,469
Profit/(Loss) on sale of Fixed Assets	(3,779)	(15,500)	11,721	(75.6%)	(46,500)
	<b>18,807,932</b>	<b>19,521,421</b>	<b>(713,489)</b>	<b>(3.7%)</b>	<b>30,974,157</b>
<b>Expenditures</b>					
Community	720,222	747,867	(27,645)	(3.7%)	2,023,683
Health & Human Services	1,355,886	1,433,218	(77,332)	(5.4%)	4,299,874
Economic Development	559,474	735,986	(176,512)	(24.0%)	2,189,214
Culture & Heritage	271,482	263,758	7,724	2.9%	815,554
Recreation & Leisure	913,783	1,022,884	(109,101)	(10.7%)	3,103,944
Transport	2,975,994	3,074,557	(98,563)	(3.2%)	9,247,695
Waste & Environment	847,135	1,137,314	(290,179)	(25.5%)	3,411,986
Administration	2,076,091	1,859,601	216,490	11.6%	5,205,278
	<b>9,720,067</b>	<b>10,275,185</b>	<b>(555,118)</b>	<b>(5.4%)</b>	<b>30,297,228</b>
Surplus/(Deficit) on operations	9,087,865	9,246,236	(158,371)	(1.7%)	676,929

# CENTRAL GOLDFIELDS SHIRE

## Balance Sheet as at

	30-Jun-19	31-Oct-19
	\$	\$
<b>Current Assets</b>		
Cash	1,824,473	2,980,902
Other Financial Assets	10,250,000	6,800,000
Receivables	3,349,430	14,633,185
Inventories	119,115	45,431
Non-current assets held for resale	245,223	245,223
Other assets	217,029	2,773
<b>Total Current Assets</b>	<b>16,005,270</b>	<b>24,707,514</b>
<b>Current Liabilities</b>		
Creditors	3,503,102	2,094,115
Borrowings	3,846,793	3,814,236
Provisions	2,660,766	2,664,031
<b>Total Current Liabilities</b>	<b>10,010,661</b>	<b>8,572,382</b>
<b>NET CURRENT ASSETS</b>	<b>5,994,610</b>	<b>16,135,132</b>
<b>Non-Current Assets</b>		
Land Under Roads	381,486	381,486
Land & Buildings	44,758,066	44,339,760
Plant & Machinery	3,900,686	3,768,855
Furniture & Equipment	370,528	326,867
Infrastructure	263,365,806	261,703,244
Artwork Collection	222,683	225,183
Library Bookstock	329,036	329,036
Works in Progress	1,287,316	2,488,517
<b>Total Non-Current Assets</b>	<b>314,615,607</b>	<b>313,562,948</b>
<b>Non-Current Liabilities</b>		
Other Liabilities	88,798	88,798
Borrowings	38,520	38,520
Provisions	241,650	241,650
<b>Total Non-Current Liabilities</b>	<b>368,969</b>	<b>368,969</b>
<b>NET ASSETS</b>	<b>320,241,247</b>	<b>329,329,112</b>
<b>Equity</b>		
Accumulated Surplus	126,070,443	135,158,308
Reserves	194,170,804	194,170,804
<b>TOTAL EQUITY</b>	<b>320,241,247</b>	<b>329,329,112</b>

# CENTRAL GOLDFIELDS SHIRE

## Statement of Changes in Equity

For the period ended 31/10/19

	Accumulated Surplus	Reserves	Total
<b>Balance at beginning of period</b>	<b>126,070,443</b>	<b>194,170,804</b>	<b>320,241,247</b>
Adjustments due to changes in accounting policies	0	0	0
	<hr/>	<hr/>	<hr/>
	126,070,443	194,170,804	320,241,247
<b>Increase/(Decrease) in net assets resulting from operations</b>	<b>9,087,865</b>	<b>0</b>	<b>9,087,865</b>
Transfers to reserves	0	0	0
Transfers from Reserves	0	0	0
<b>Balance at end of period</b>	<b>135,158,308</b>	<b>194,170,804</b>	<b>329,329,112</b>

# CENTRAL GOLDFIELDS SHIRE

## Cash Flow Statement

For the period ended 31/10/19

	Actual Year to Date Inflows/ (Outflows)	Budget Year to Date Inflows/ (Outflows)
<b>Cash flows from operating activities</b>		
<b>Payments</b>		
<i>Community</i>	(700,071)	(727,880)
<i>Health &amp; Human Services</i>	(1,345,045)	(1,423,030)
<i>Economic Development</i>	(547,160)	(723,835)
<i>Culture &amp; Heritage</i>	(245,117)	(237,556)
<i>Recreation</i>	(679,464)	(789,055)
<i>Transport</i>	(3,480,233)	(1,272,880)
<i>Waste &amp; Environ</i>	(802,226)	(1,092,568)
<i>Administration</i>	(1,969,988)	(1,765,877)
	<u>(9,769,304)</u>	<u>(8,032,681)</u>
<b>Receipts</b>		
<i>Community</i>	297,440	240,664
<i>Health &amp; Human Services</i>	1,672,552	1,704,002
<i>Economic Development</i>	211,006	366,830
<i>Culture &amp; Heritage</i>	164,913	158,037
<i>Recreation</i>	5,066	35,520
<i>Transport</i>	506,814	1,068,787
<i>Waste &amp; Environ</i>	1,124,814	707,238
<i>Administration</i>	1,136,966	206,898
<i>Debtors/Rates</i>	3,003,333	2,111,364
<i>FSPL collected/paid</i>	95,538	0
<i>Grants Commission</i>	492,699	507,116
	<u>8,711,141</u>	<u>7,106,456</u>
<b>Net cash inflow/(outflow) from operating activities</b>	<u>(1,058,162)</u>	<u>(926,225)</u>
<b>Cash flows from investing activities</b>		
<i>Proceeds from Sale Fixed Assets</i>	11,221	0
<i>Payments for Capital Works</i>	(1,201,200)	(1,487,250)
<b>Net cash inflow/(outflow) from investing activities</b>	<u>(1,189,979)</u>	<u>(1,487,250)</u>
<b>Cash flows from financing activities</b>		
<i>Financing costs</i>	(12,872)	(25,396)
<i>Repayment of loan borrowings</i>	(32,557)	(32,556)
<b>Net cash inflow/(outflow) from financing activities</b>	<u>(45,429)</u>	<u>(57,952)</u>
<b>Net increase (decrease) in cash</b>	<u>(2,293,569)</u>	<u>(2,471,427)</u>
<i>Cash at beginning of the financial period</i>	12,074,473	10,083,127
<b>Cash at the end of October</b>	<u>9,780,903</u>	<u>7,611,700</u>

# CENTRAL GOLDFIELDS SHIRE COUNCIL

## Statement of Capital Works

For the period ended 31/10/19

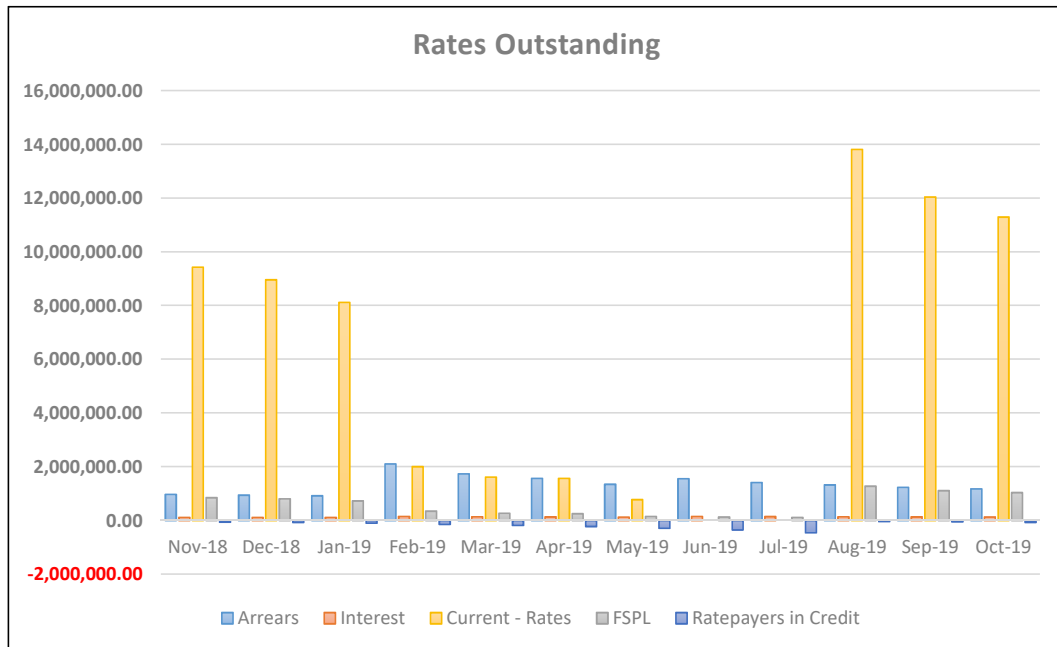
	Annual Budget 2019-2020	Budget Year to Date	Actual Year to Date	Variance Act v Budget YTD
<b>Property</b>				
Land	111,000	30,000	93,877	63,877
Land Improvements	13,000	10,000	81	(9,919)
Buildings	2,160,000	430,250	176,406	(253,844)
<b>Total property</b>	<b>2,284,000</b>	<b>470,250</b>	<b>270,364</b>	<b>(199,886)</b>
<b>Plant and equipment</b>				
Plant, machinery and equipment	792,000	-	54,682	54,682
Fixtures, fittings and furniture	215,000	71,663	43,656	(28,007)
<b>Total plant and equipment</b>	<b>1,007,000</b>	<b>71,663</b>	<b>98,338</b>	<b>26,675</b>
<b>Infrastructure</b>				
Roads	3,399,545	332,000	658,496	326,496
Bridges and major culverts	850,000	520,000	38,825	(481,175)
Pathways	176,000	3,000	800	(2,200)
Drainage	1,117,000	-	52,375	52,375
Parks, Open Space & Streetscapes	657,000	62,000	49,125	(12,875)
Car Parks	180,000	-	-	-
Other Infrastructure	212,000	28,337	32,877	4,540
<b>Total infrastructure</b>	<b>6,591,545</b>	<b>945,337</b>	<b>832,498</b>	<b>(112,839)</b>
<b>Total capital works expenditure</b>	<b>9,882,545</b>	<b>1,487,250</b>	<b>1,201,200</b>	<b>(286,050)</b>
<b>Represented by:</b>				
New asset expenditure	1,111,000	56,336	33,950	(22,386)
Asset renewal expenditure	6,824,545	858,414	1,018,524	160,110
Asset expansion expenditure	-	-	-	-
Asset upgrade expenditure	1,947,000	572,500	148,726	(423,774)
<b>Total capital works expenditure</b>	<b>9,882,545</b>	<b>1,487,250</b>	<b>1,201,200</b>	<b>(286,050)</b>

### Significant variance explanations

# CENTRAL GOLDFIELDS SHIRE

## Receivables - Rates

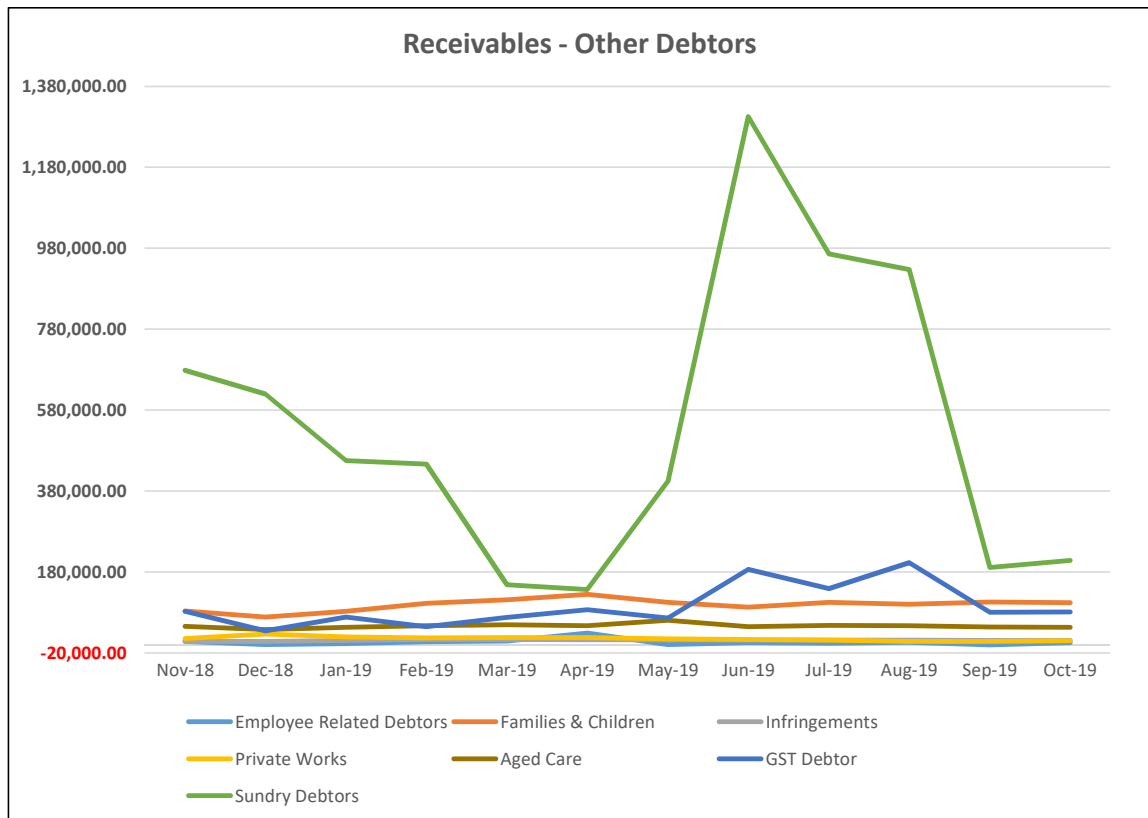
	31 October 2018		31 October 2019	
	Amount \$	% (Rate Income)	Amount \$	% (Rate Income)
Arrears	1,005,032.92	6.9%	1,176,075.06	7.8%
Interest	115,476.22	0.8%	127,370.44	0.8%
Current - Rates	10,874,601.01	74.3%	11,221,844.48	74.6%
<b>Total (excluding FSPL)</b>	<b>11,995,110.15</b>	<b>82.0%</b>	<b>12,525,289.98</b>	<b>83.2%</b>
Annual Rate Movement			530,179.83	4%
Fire Services Property Levy (FSPL)	965,779.18		1,035,635.37	
<b>Total Rates (including FSPL)</b>	<b>12,960,889.33</b>		<b>13,560,925.35</b>	



# CENTRAL GOLDFIELDS SHIRE

## Receivables - Other Debtors

	31 October 2018		31 October 2019	
	Amount \$	% (Budget Income)	Amount \$	% (Budget Income)
Employee Related Debtors	6,605.45	0.0%	5,148.01	0.0%
Families & Children	72,463.63	0.5%	104,021.88	0.7%
Infringements	9,134.05	0.1%	10,892.48	0.1%
Private Works	15,974.33	0.1%	10,310.89	0.1%
Aged Care	50,515.58	0.4%	43,417.11	0.3%
GST Debtor	51,958.36	0.4%	80,755.15	0.5%
Sundry Debtors	288,266.12	2.1%	208,348.90	1.3%
	<u>494,917.52</u>	<u>1.1%</u>	<u>462,894.42</u>	<u>1.2%</u>
Annual Movement			(32,023.10)	-6%



# CENTRAL GOLDFIELDS SHIRE

## Investment Register as at 31 October 2019

Financial Institution	Term	Maturity Date	Rating	Amount \$	Interest Rate
ME Bank	50	1/11/2019	A2	400,000.00	1.60%
AMP (RIM)	174	11/11/2019	A2	1,000,000.00	2.55%
Bank West	150	15/11/2019	A1+	500,000.00	2.00%
ME Bank	188	25/11/2019	A2	500,000.00	2.40%
Bendigo Bank	167	2/12/2019	A2	500,000.00	2.00%
Auswide	188	9/12/2019	P2	750,000.00	2.20%
Bank West	181	16/12/2019	A1+	500,000.00	2.00%
Macquarie	90	19/12/2019	A1+	500,000.00	1.75%
Auswide	188	23/12/2019	P2	750,000.00	2.20%
Macquarie	112	6/01/2019	A1+	400,000.00	1.75%
Macquarie	117	20/01/2019	A1+	500,000.00	1.70%
ME Bank	125	3/02/2020	A2	500,000.00	1.70%
<b>Total</b>				<b>\$ 6,800,000</b>	

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

