



ORDINARY COUNCIL MEETING

Tuesday 17 October, 2017
6:00pm

Community Hub
Room 1
48 Burns Street, Maryborough

AGENDA

Public Question Time 5:30pm

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12.1 Consideration of Tender - G1196-2017 Spray Sealing Annual Contract

12.2 Consideration of Carisbrook Flood Mitigation Project Update

5 CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS

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

SUMMARY/PURPOSE:

To present for confirmation, the minutes of the Ordinary Council Meeting held on 26 September, 2017.

POLICY CONTEXT:

Council Plan Reference: Our Organisation
Strategy Reference: Ensure Council's regulatory environment
operates efficiently and effectively.

BACKGROUND INFORMATION:

The minutes of meetings remain unconfirmed until the next appropriate 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 August, 2017 and the Special Council Meetings held 29 August, 2017 and 5 September, 2017 are presented for confirmation.

ATTACHMENTS:

1. Minutes of Ordinary Council Meeting held 26 September, 2017

RECOMMENDATION:

That Council confirms the Minutes of the Ordinary Council Meeting held on 26 September, 2017.

6.1 NOTING OF THE APPROVED MINUTES OF SECTION 86 COMMITTEE MEETINGS

Author: Manager Governance
Responsible Manager: Chief Executive Officer

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:

Council Plan Reference: Our Organisation
Strategy Reference: Deliver the core business of Council in an efficient and effective way.

BACKGROUND INFORMATION:

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

REPORT:

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.

The confirmed minutes are hereby presented to Council for noting.

CONSULTATION/COMMUNICATION:

Not applicable.

RESOURCE IMPLICATIONS:

No resource implications.

CONCLUSION:

Recently received, confirmed minutes of Council's Special Committees established under section 86 of the *Local Government Act 1989*, are presented to Council for noting.

ATTACHMENTS:

1. Go Goldfields Collaborative Table 13 September 2017 (confirmed 11 October 2017).

OFFICER'S CONCLUSION:

That Council notes;

1. *The confirmed Minutes of the Go Goldfields Collaborative Table meeting held on 13 September 2017.*

8.1 ASSEMBLIES OF COUNCILLORS

Author: Chief Executive Officer

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:

An amendment to the Local Government Act 1989, which came into effect on September 24, 2010, requires the record of any assembly of Councillors to be reported to the next practicable Council Meeting and recorded in the Minutes.

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 (4) 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:

September 2017

Meeting and Date	Councillor Attendees	Council Staff Attendees	Matters Considered	Conflict of Interest Disclosures
<p>CEO Recruitment, Performance and Recruitment Review Advisory Committee</p> <p>25 September, 2017</p>	<p>Mark Davies (Administrator)</p>	<p>Vince Haining (Interim Chief Executive Officer)</p>	<ul style="list-style-type: none"> CEO recruitment process – appointment of a suitable consultant 	
<p>Public Question</p> <p>26 September, 2017</p>	<p>Mark Davies (Administrator)</p>	<p>Vince Haining (Interim Chief Executive Officer)</p> <p>Venkat Peteti (General Manager Corporate and Community Services)</p> <p>David Sutcliffe (General Manager Technical Services)</p> <p>Marita Turner (Manager Governance)</p>	<p>Questions from the Gallery included;</p> <p>1) The following questions were asked by Paula Nixon of Maryborough;</p> <p>Question;</p> <p>Was the former CEO given any kind of settlement or payout on his resignation, and was the minuted ‘Thank you’ part of that settlement?</p> <p>Answer;</p> <p>The Chief Executive Officer, Mr Vince Haining, advised that the answer to both parts of the question is no.</p> <p>Question;</p> <p>I would like an acquittal of all monies spent with Beck Legal in regard to the former CEO’s investigation from the first meeting with the Mayor until the last in October-November 2016 when the Mayor ceased meeting with Beck Legal. Acquittal in writing please.</p>	

			<p>Answer;</p> <p>The Chief Executive Officer, Mr Vince Haining, advised that the question is taken on notice and that an appropriate reply will be provided in writing.</p> <p>Question;</p> <p>Could we please have an acquittal of all flood monies granted to Carisbrook, and where, when and how it was spent? Both Federal and State grants and Council contribution.</p> <p>Answer;</p> <p>The Chief Executive Officer, Mr Vince Haining, advised that the question is taken on notice and that a written reply will be provided.</p> <p>Question;</p> <p>What expenses/costs have been incurred by the community to re-furbish the Hub? (Which was designated by Council as a community resource – not offices), and where has the money come from as it was not in budget?</p> <p>Answer;</p> <p>The Chief Executive Officer, Mr Vince Haining, advised that the works were essential to house the Organisation Reform Program Project Team. A report will be prepared for the next Ordinary Council Meeting outlining the costs associated with the implementation of the Program.</p>	
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			<p>2) The following question was asked by Sonia Wright of Maryborough;</p> <p>Question;</p> <p>Re: Council Meeting 26 September 2017 minutes – Financial Report Page 19 – did the capital works mentioned on Smeaton Road and Rodborough Road, relate to heavy usage of roads by the broiler farm and will the community have to continue to cover the costs of same? These roads have received numerous upgrades over the past few years.</p> <p>Answer;</p> <p>The Chief Executive Officer, Mr Vince Haining, advised that roads are maintained in accordance with Council’s Road Management Plan. Details of these particular works are not immediately available, therefore a reply will be provided in writing.</p> <p>3) The following question was asked by Jay Fuller of Maryborough;</p> <p>Question;</p> <p>When will Trafalgar Street be graded? I was told 2 months ago it would be done when grader was in area – road is getting worse.</p> <p>Answer;</p> <p>The Chief Executive Officer, Mr Vince Haining, advised that he will ensure that the road is inspected within 48 hours and that it will be graded in line with the Road Management Plan.</p>	
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			<p>4) The following question was asked by John Wright of Maryborough;</p> <p>Question;</p> <p>Do any past Councillors have any role in any Council business, consulting etc?</p> <p>Answer;</p> <p>The Chief Executive Officer, Mr Vince Haining, replied, no.</p> <p>5) The following question was asked by Janine Perry of Carisbrook;</p> <p>Question;</p> <p>After Carisbrook floods of 2011 major works were done on the satisfactory drains in Brown Street. The result of these works has been the creation of 4 mini dams. Is this going to be rectified and at what cost?</p> <p>Answer;</p> <p>The Chief Executive Officer, Mr Vince Haining, replied that he will ensure the issue is inspected and any required works carried out.</p> <p>6) The following question was asked by Stan Hendrickson of Maryborough;</p> <p>Question;</p> <p>Can people make an appointment one on one with the Administrator?</p> <p>Answer;</p> <p>The Chief Executive Officer, Mr Vince Haining, replied yes, contact Marita Turner at the Council office to arrange a date and time to meet with the Administrator.</p>	
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October 2017

Meeting and Date	Councillor Attendees	Council Staff Attendees	Matters Considered	Conflict of Interest Disclosures
Strategic Briefing 3 October 2017	Mark Davies (Administrator)	Vince Haining (Interim Chief Executive Officer) Venkat Peteti (General Manager Corporate and Community Services) David Sutcliffe (General Manger Technical Sevices) Marita Turner (Manager Governance)	<ul style="list-style-type: none"> • Appointment of the Northern Victorian Integrated Municipal Emergency Planning Committee and Rescinding of the Central Goldfields Municipal Emergency Management Planning Committee • Municipal Neighbourhood Safer Places (Places Of Last Resort) • Council Adoption of the Northern Victorian Integrated Municipal Emergency Plan - Central Goldfields • Railway and Chaplins Road Renaming • Renaming of the section of Argyle Road east of Gillies Street • Carisbrook Flood Mitigation Project Budget • Finance Plan to Implement the Organisation and Governance Reform Program 	

RECOMMENDATION:

That Council endorse the record of assemblies of Councillors as outlined in this report.

8.2 NORTHERN VICTORIAN INTEGRATED MUNICIPAL EMERGENCY PLANNING COMMITTEE AND NORTHERN VICTORIAN INTEGRATED MUNICIPAL EMERGENCY PLAN

Author: Emergency Management Coordinator

Responsible General Manager: General Manager Technical Services

SUMMARY/PURPOSE:

This report addresses transition from the current Central Goldfields Municipal Emergency Management Planning Committee to the Northern Victorian Integrated Municipal Emergency Management Planning Committee and further requiring the adoption of a new Northern Victorian Integrated Municipal Emergency Management Plan.

POLICY CONTEXT:

Community and Culture

“Community Safety” - Foster a ‘Whole of community approach to community safety

BACKGROUND INFORMATION:

The Victorian Government proposed reform of the state’s emergency management arrangements, and in September 2011 the Green Paper “Towards a More Resilient and Safer Victoria” was released. Option 24 of the Green Paper proposed “where municipal councils do not have the capacity to maintain appropriate emergency planning, planning could be undertaken at the sub-regional, rather than municipal level. This could be delivered through the creation of a sub-regional entity made up of a number of councils. A Board comprising the Chief Executive Officers of the participating councils could oversee the entity. This would free up resources and ensure emergency plans are in place.”

In response, the Municipal Association of Victoria (MAV) developed a proposal for this Emergency Management Cluster Pilot Project for Councils. The participating councils were the City of Greater Bendigo, Mount Alexander Shire Council, Loddon Shire Council and Campaspe Shire Council. The project was subsequently referenced in the Victorian Emergency Management Reform White Paper (December 2012).

The White Paper proposed that “opportunities for smaller municipalities to come together to form ‘clusters’ for emergency management planning purposes will be identified at the regional level. The pilot project commenced in March 2013 to develop and test a model for sharing municipal emergency management resources.

In line with a Memorandum of Understanding signed by all partner Councils to the Cluster, the Cluster seeks to:

- Build community resilience through standardised emergency management planning processes relating to prevention, preparedness, response, relief and recovery;

- Establish a consistent emergency management risk assessment process and toolkit to assist the defining and delivery of activities to meet minimum legislative compliance and best practice obligations;
- Establish an agreed framework and associated terms for the sharing of human and capital resources between participating Councils;
- Identify and capitalise on opportunities to avoid duplication, reduce costs and improve the efficiency and effectiveness of emergency management protocols, procedures, policies and plans.
- Expand the availability of specialist skills and knowledge maintained by individual signatories to all participating Cluster Councils.

Over the ensuing two years the four councils worked together to develop a framework for collaboration which is robust, cost effective, and an efficient use of council, agency and community resources. The framework has undergone extensive consultation and a rigorous cost/benefit analysis by external consultants.

In June 2015 Central Goldfields Shire Council joined (fifth member) the Northern Victorian Integrated Municipal Emergency Management Planning Committee and has since participated in the development of an Integrated MEMP and other sub-plans.

Statutory Requirements:

Under Section 20(1) of the Emergency Management Act 1986 requires each council to prepare a Municipal Emergency Management Plan (MEMP).

Also clause 21(3) requires a council to appoint a Municipal Emergency Planning Committee. The Municipal Emergency Management Planning Committee (MEMPC) is charged with preparing and reviewing the plan annually; with Council personnel responsible for ensuring the maintenance and keeping of the Plan under Section 20(1).

Integrated Municipal Emergency Management Plan:

Councils and authorities and agencies can co-operate together plan for emergency management planning, but must still have their own Emergency Management Plan under current legislation.

The Cluster can be achieved by having a common Plan (with individual local sections) which is a template of the cluster. Huge resources are expended in maintaining the written plans. Working cooperatively across regions will bring a range of expert opinion in improving plans. Councils will still need to individually endorse the MEMP.

Both the Integrated MEMPC and Central Goldfields MEMPC have adopted an Integrated Municipal Emergency Management Plan (Integrated MEMP). During this establishment phase, the individual partner Council MEMPC's have continued to meet and fulfil their roles, and the current MEMPs have been reviewed and updated.

Emergency Management Victoria and the Victoria State Emergency Service, in conjunction with Victoria Police, the Municipal Association of Victoria and the partner Councils, agreed to "test" the integrity of the Integrated MEMP by means of an audit, before all partner Councils and MEMPC's transitioned to the Cluster model.

The Integrated MEMP was used as the basis for the audit of the Loddon Emergency Management Plan on 14 June 2017. The appendices to the Integrated MEMP provide the local content. The VICSES Chief Officer has advised Loddon Shire that the Integrated MEMP

passed all areas of the audit. The success of the audit outcome has allowed for the remaining partner Council's individual MEMPC's to transition to the Integrated MEMPC and Integrated MEMP.

The Sub-Plans of the MEMP will largely remain in place at the local level, although the Cluster Councils are considering opportunities to develop and / or integrate plans such as: Influenza Pandemic, Heatwave, Stock Management and Blue Green Algae, as these risks are similar across the partner Councils. Consideration of Sub-Plans do not form part of this report as the focus has been on finalising the Integrated MEMP and MEMPC change over. Sub-Plans will be reviewed and brought to Council in late 2018.

Previous Council Decision(s) Date(s):

On 25 May 2011 Municipal Emergency Management Plan was adopted by Council.

On 23 June 2015 an updated Municipal Emergency Management Plan was adopted by Council and the Plan was audited on 17 November 2015.

On 23 June 2015 Council endorsed the entry of Central Goldfields Shire Council in participating in the North West Emergency Management Cluster Pilot Project.

The North West Emergency Management Cluster Pilot Project has since become known as the Northern Victorian Integrated Municipal Emergency Management Planning Committee.

REPORT:

The North West Emergency Management Cluster Project (NWEMCP) ceased being a project and commenced full operation as the NVIMEMPC of councils in 2016. The Municipal Emergency Management Planning Committee, was renamed the North Victorian Integrated Municipal Emergency Management Planning Committee (NVIMEMPC) (Refer **Attachment 1**).

As stated 5 councils are involved in the cluster being:

- Central Goldfields Shire Council,
- City of Greater Bendigo,
- Mount Alexander Shire Council,
- Loddon Shire Council and
- Campaspe Shire Council.

The advantages of clustering are:

- Small councils can in pool resources and expertise
- It allows 'landscape' (sub-regional) planning that relates to a risk footprint extending beyond the boundaries of a single municipality."
- It reduces the number of meeting that agencies (salvation army, SES etc.) has to service and allows for higher level of qualification of attendees.
- Facilitates a higher standard of strategic planning with greater depth of experience and knowledge when multiple councils and senior agency staff are represented.

All councils have a general Memorandum of Understanding (MOU) with each other through the Municipal Association of Victoria. However a cluster of councils will allow for a more comprehensive sharing of resources and development of a single Municipal Emergency Management Plan (MEMP) and sub-plans. In the event of an emergency in one council, other

council resources can be assigned and as each councils plans and procedures are the same it would allow easy transition from one council to another.

It is generally acknowledged that a cluster of five or six councils with similar typography is ideal, which would allow councils to reduce costs, resource commitment and defray taking staff from their core business. Currently in an emergency council staff and equipment are assigned a number of roles which then depletes resources and equipment. Other councils will usually assist after council staff have become fatigued and been operational for several days.

The cost on council in overtime, equipment operating costs and loss of core business cannot always be claimed from the National Disaster Resilience Grants Scheme. The sharing of resources may also reduce time in responding to request for assistance by the combating agency i.e. CFA, as a resource from another council may be closer and readily available to respond. The NVIMEMPC will ensure that the various phases of planning, prevention, responding and recovering from an emergency would be undertaken by all members of the NVIMEMPC regardless of the emergency location. This joint sharing of resources would ensure a more cost effective and efficient handling of emergency management processes.

In June 2017 Loddon Shire Council was the first Council of the NVIMEMPC to be audited under Section 21(4) of the Emergency Management Act 1986 (utilising the NVI Municipal Emergency Management Plan) by the State Emergency Service, Victoria Police and Department of Health & Human Services. The plan passed all criteria as set by the Minister and was deemed by the auditors as being of a high standard.

As a result of the audit outcomes, Loddon Shire Council, Campaspe Shire Council and Mount Alexander Shire Council have commenced transitioning from their current MEMPC to the NVIMEMPC. It is proposed that Central Goldfields Shire Council and City of Bendigo also commence transitioning to the NVIMEMPC and adopt the Integrated MEMP.

Central Goldfields Shire Municipal Emergency Management Plan has now been prepared (**Attachment 2**) and is to be audited on 3 November 2017, in compliance with the Section 21A (1) of the Emergency Management Act 1986. The audit dates are set by the State Emergency Service and ensure each councils MEMP is audited within the legislative time frame of 3 years.

Legislative basis

The legislative basis for the NVIMEMPC comes from Sections 18 and 19 of the Emergency Management Act 1986 which allow two or more municipal councils to co-operate in relation to emergency management while retaining individual accountability.

Timelines:

It is proposed that the Central Goldfields Shire Council transition to the Northern Victorian Integrated Municipal Emergency Management Planning Committee by October 2017 and Council adopt the Northern Victorian Integrated Municipal Emergency Management Plan by October 2017, to enable Council to meet the legislative compliance.

Priority/Importance:

The priority of the transition to the Northern Victorian Integrated Municipal Emergency Management Planning Committee and adopt the Northern Victorian Integrated Municipal Emergency Management Plan is very high given the requirement for the Central Goldfields Shire Council NVIMEMPlan to be audited in early November 2017.

Risk Analysis:

Section 18(2) still requires each council to be separately responsible for discharging the responsibilities imposed on a municipal council (with regard to emergency management). This will require each municipality to continue to have a MEMP which is audited. However the MEMP will be based on the regional template and updating will be via regional discussions about the MEMP.

It will be important that the local content is maintained in the MEMP. By the Municipal Emergency Management Planning meetings being regional, there will be a need to ensure local content, input and ownership. This will be addressed as the Fire Management Planning Committee, the Flood Emergency Management Committee and the Recovery Committee are sub-committees of the MEMP and will meet locally with local representation from emergency management agencies.

The NVIMEMP is based on a Community Emergency Risk Assessment (CERA) undertaken for the combined councils. The NVIMEMPCCERA is being undertaken in parallel with a municipal CERA for Campaspe Shire to identify any possible conflicts or contradictions. The CERA process includes community, municipal and agency representation from all LGAs as well as regional representation.

Sub-plans will be prepared for the high priority risks identified in the CERA process. Where appropriate and agreed, the Sub-plans will be written for the Cluster, otherwise they will continue to be specific to each municipality. Examples would be a flood plan for Central Goldfields Shire including Carisbrook, Dunolly and other town centres.

The MEMP must be adopted by Council prior to the 3rd November 2017 and failure to have the plan adopted by this date will mean an automatic non-compliance.

CONSULTATION/COMMUNICATION:

All emergency service organisations have been appraised now of the proposed changes. The current Central Goldfields MEMPC has also been kept appraised of the Cluster's progress and the proposal of Council moving to the Northern Victorian Integrated Municipal Emergency Management Planning Committee.

The establishment of the Integrated MEMPC and Integrated MEMP, has been in motion since 2013, with the support and encouragement of the Municipal Association of Victoria. Emergency Service agencies, service organisations and those involved with relief and recovery support have all been involved with the Plans development.

Emergency Management Victoria and the Emergency Management Commissioner have been kept informed of progress of the Cluster as this model has the potential to be used in other areas of Victoria.

RESOURCE IMPLICATIONS:

The Emergency Management Coordinator will continue to be part of the NVIMEMPC and, along with the other council EMC's, will continue to develop and maintain planning and response functions. The NVIMEMPC will also comprise a Director and a Councilor from each participating council.

The budget for the Emergency Management Coordinator is \$120,000 per annum which is funded by Emergency Management Victoria under the Municipal Emergency Resourcing Project (MERP).

Council's emergency budget for planning and response is set at \$3,000 per annum, however when an emergency event occurs costs are recorded and appropriately claimed, if eligible, generally under Natural Disaster Financial Assistance scheme.

CONCLUSION:

Council is now required to rescind the current Central Goldfields Emergency Management Planning Committee and appoint the Northern Victorian Integrated Municipal Emergency Management Planning Committee as Central Goldfields MEMPC in accordance with Section 21(3) of the Emergency Management Act 1986.

The NVIMEM Plan (**Attachment 2**) needs to be adopted by Council prior to the audit date of 3 November 2017. The new Plan reflects the current planning, preparation, response, relief and recovery arrangements for emergencies in accordance with the requirements of the participating Cluster Councils and at the Central Goldfields Shire Council level.

This is a good news story for Central Goldfields Shire in that it represents an opportunity to truly work with councils in the region co-operatively for emergency planning and assisting one another in emergencies. Additionally the cooperative approach will continue to develop more comprehensive approaches to emergency planning and resourcing. This model has been led by this region and is being closely watched by councils across the state and the Chief Fire Commissioner. Emergency management has become a growing responsibility for Local Government and this approach will enable economies of scale for the five municipalities and also provide more comprehensive emergency management planning.

ATTACHMENTS:

1. Integrated Municipal Emergency Management Planning Committee Process.
2. Northern Victorian Integrated Municipal Emergency Management Plan (Central Goldfields).

RECOMMENDATION:

That Council

1. *Rescind the Central Goldfields Municipal Emergency Management Planning Committee;*
2. *Appoint the Northern Victorian Integrated Municipal Emergency Management Planning Committee as Central Goldfields MEMPC in accordance with Section 21(3) of the Emergency Management Act 1986.*
3. *Adopt the Northern Victorian Integrated Municipal Emergency Management Plan (Central Goldfields) as Central Goldfields Municipal Emergency Management Plan.*

8.3 MUNICIPAL NEIGHBOURHOOD SAFER PLACES (PLACES OF LAST RESORT)

Author: Emergency Management Coordinator

**Responsible
General Manager:** Technical Services

SUMMARY/PURPOSE:

This report recommends Council adopt the updated Neighbourhood Safer Places Plan September 2017 following the annual review by CFA and Council and confirms that Neighbourhood Safer Places (Places of Last Resort) (NSP's) within the townships of Maryborough (Princes Park & Pascoe Reserve), Talbot (Pioneer Reserve), Dunolly (Gordon Garden Reserve) and Carisbrook (Market Reserve) have been designated.

POLICY CONTEXT:

Our Community

To support community cohesion, and, health and wellbeing.

Council currently has adopted a Neighbourhood Safer Places Plan (Places of Last Resort) (NSPP) which identifies that there are five designated Neighbourhood Safer Places (Places of Last Resort) NSP's in Central Goldfields Shire Council municipality as follows:

- **Talbot**, - Pioneer Reserve (Grounds Only) - (Corner of Fyffe and Scandinavian Crescent,), Crown Land – Council Committee of Management;
- **Maryborough**, - Princes Park (Oval Only) Precinct/Jubilee Oval Complex - (as defined by Park Road, Burns Street, Holyrood Street and Earl Street), Crown Land – Council Committee of Management; and
- **Maryborough** - Pascoe Reserve ((Oval Only) - (Gillies Street), which is **Council**, owned land.
- **Dunolly** – Gordon Garden Reserve (Grounds Only) Crown Land – Council Committee of Management
- **Carisbrook** – Market Reserve (Grounds Only) – Adjacent to Green, Birch, Powlett, & Urquart Streets, which is Crown Land – Council Committee of Management

BACKGROUND INFORMATION:

The designation of Neighbourhood Safer Places (Places of Last Resort) (NSP's) and the development of the Municipal Neighbourhood Safer Places Plan (MNSPP) are direct consequences of the Black Saturday fires and the interim Recommendations' from the Bushfires Royal Commission. NSP's are legislated under the *Emergency Services Legislation Amendment Act 2009 (Vic)* ('**ESLA Act**') which amends the *Emergency Management Act 1986 (Vic)* ('**EM Act**') and the *Country Fire Authority Act 1958 (Vic)* ('**CFA Act**')

Councils in Victoria, under the '*ESLA Act 2009*' are required to identify, certify, designate, establish and maintain Neighbourhood Safer Places (Places of Last resort) within their Municipal district. Section one of the MNSPP, the flow chart, sets out the process to follow in establishing a NSP.

In short this process includes:

1. Identification of potential sites by Council
2. Assessment by Council against Council's criteria
3. Assessment by CFA against CFA criteria
4. Designation by Council of the approved sites
5. Establishment and signage of site by Council
6. Annual review of existing and potential new sites by Council and CFA

Within the Council assessment criteria there is a need to ascertain ownership of the land being considered as a Potential NSP. If the land is owned by Council no further action in this regard is required, however If the potential NSP is on private land, or public land under the control of a Crown Land Manager (other than Council), Council can enter into arrangements which allow it to use the land as a potential NSP.

Council is currently operating under two Emergency Management Acts being 1986 and 2013, in addition to the CFA Act 1958, and further awaiting the release of Ministerial Guidelines under the Emergency Management Act 2013. The impact on Council has created a grey area in relation to designation of NSP's each year. In order to ensure full compliance of legislation council officers have decided to present to Council for adoption the NSP's for 2017-2018 fire season.

Previous Council Decision(s) Date(s):

At the Council meeting in September 2016 Council confirmed the designation of NSP's in Maryborough (2), Dunolly, Talbot and Carisbrook (Market Square) and adopted the updated NSP Plan.

In 2015 the designation of NSP's was able to be confirmed with CFA, utilising the September 2014 Council decision, negating the need for a 2015 Council adoption.

At the Council meeting in September 2014 Council confirmed the designation of NSP's in Maryborough (2), Dunolly, Talbot and Carisbrook (Market Square) and adopted the updated NSP Plan.

At the Council meeting on the 24 September 2013 Council confirmed the designation of NSP's in Maryborough (2), Dunolly & Talbot and rescinded Green Street in Carisbrook and designated of a new site Carisbrook (Market Square) and adopted the updated NSP Plan. At the Council meeting on the 28 August 2012 Council confirmed the designation of NSP's in Maryborough (2), & Talbot, designated two new sites in Dunolly & Carisbrook and adopted the updated NSP Plan.

At the Council meetings of 22 September 2010 and the 28 September 2011 Council confirmed the designation of NSP's in Maryborough (2) and Talbot and adopted the updated NSP Plan.

At the Special Council meeting on the 23 December 2009 Council designated the establishment of NSP's in Maryborough (Princes Park & Pascoe Reserve) and Pioneer Reserve Talbot and adopted the NSP Plan which included the three designated NSP's.

REPORT:

As part of the obligation in the CFA Act 1958 the CFA and Council staff have accordingly reassessed (as per NSP process above) each of the shire's existing NSP's in accordance with the CFA and Council Assessment Guidelines as requested by 31 August each year to produce the Municipal Neighbourhood Safer Places Plan, Refer **Attachment 1**.

Once a NSP is designated and/or reassessed each year as compliant to the CFA & Council assessment guidelines, Council Staff are required to;

1. Maintain the Neighbourhood Safer Place(s) in accordance with the requirements of the Municipal Neighbourhood Safer Places Plan;
2. Record the designated Neighbourhood Safer Place(s) in the Municipal Fire Management Plan in accordance with section 55A(2)(ca) of the Country Fire Authority Act 1958 and in the Municipal Emergency Management Plan in accordance with section 20(2)(ba)(i) of the Emergency Management Act 1986;
3. The Municipal Emergency Management Coordinator (MEMC) is required to provide to the CFA, by 30 September each year, an up-to-date list of all designated NSP's in the municipality; and
4. Communicate to the public: the designation of the Neighbourhood Safer Place(s) - Place(s) of Last Resort as follows;
 - a. that the purpose of the Neighbourhood Safer Place(s) - Place(s) of Last Resort is to provide some protection from the effects of radiant heat during the passage of a bushfire;
 - b. that there is no guarantee of safety or survival at the Neighbourhood Safer Place(s) - Place(s) of Last Resort or travelling to the Neighbourhood Safer Place(s) - Place(s) of Last Resort;
 - c. that Neighbourhood Safer Places - Place(s) of Last Resort may not have the capacity to cater for special needs; and there will be no support services (food or drink, material aid) or provision for pets; and
 - d. That the use of a Neighbourhood Safer Place(s) - Place(s) of Last Resort should only be contemplated when all other bushfire plans have failed.

Priority/Importance:

The priority importance of the designation of NSP's within the municipality will improve the community's perception of safety and local fire management process. The establishment and requirements to have NSP's, and a Municipal Neighbourhood Safer Places Plan are direct consequences of the Black Saturday fires.

Options/Alternatives:

Under CFA Act 1958 Section 50F-50O Councils are required to identify, establish and maintain NSP's within their municipality and also have established MNSPP in place available to the public on the Councils website.

Timelines:

Under Section 50J of the CFA Act 1958 Council must by 31 August each year conduct a review of each designated neighbourhood safer place in its municipal district to determine if it is still suitable to be designated as a Neighbourhood safer place and ask the CFA to assess each Neighbourhood Safer Place (Place of Last Resort) in its municipal district in accordance with the Country Fire Authority Assessment Guidelines.

Once the Council assessment and CFA Assessment has been completed and the established NSP's have been assessed by each organisation as compliant the Municipal Fire Prevention Officer (MFPO) under section 50K of the CFA Act 1958 must provide to the Authority by 30 September in each year an up to date list of all designated neighbourhood safer places and community fire refuges in the municipal district.

Progress:

In compliance to the Section 50J of the CFA Act 1958 in July 2017 Council staff requested that the CFA conduct the annual inspection of the current designated NSP's (5 Sites). The Compliant NSP Reassessment Results were received from the CFA on 25 August 2017. The inspections of the NSP's were conducted on 15 September 2017 by the EMC to complete the Municipal Neighbourhood Safer Places Plan 2017, Refer **Attachment 1**.

CONSULTATION/COMMUNICATION:

A consolidated Community Consultation Process was originally undertaken within the development of the Municipal Fire Management Plan (MFMP) process in 2012 which also included an overview of the NSPs located within the municipality and an overall summary of this process is outlined within the final MFMP.

Council staff have continued to communicate to the public via local media outlets and Council web-site the designation of the Neighbourhood Safer Place(s) - Place(s) of Last Resort as follows;

- a. that the purpose of the Neighbourhood Safer Place(s) - Place(s) of Last Resort is to provide some protection from the effects of radiant heat during the passage of a bushfire;
- b. that there is no guarantee of safety or survival at the Neighbourhood Safer Place(s) - Place(s) of Last Resort or travelling to the Neighbourhood Safer Place(s) - Place(s) of Last Resort;
- c. that Neighbourhood Safer Places - Place(s) of Last Resort may not have the capacity to cater for special needs; and there will be no support services (food or drink, material aid) or provision for pets; and
- d. that the use of a Neighbourhood Safer Place(s) - Place(s) of Last Resort should only be contemplated when all other bushfire plans have failed

RESOURCE IMPLICATIONS:

Budget Allocation in the Current Financial Year:

An allocation for Fire Management planning and the provisions for the establishment and maintenance of NSP's is provided under the Community Emergency Management section of the budget.

Previous Council Support and External Funding Sources:

An allocation for Fire Management planning and the provisions for the establishment and maintenance of NSP's was provided under the Community Emergency Management section of previous council budgets.

Projected costs for future financial years: and any ongoing recurrent expenditure required

Treatment actions from the MFMP provisions for the establishment and maintenance of NSP's will require an integrated approach from a number of emergency agencies including Council such as continuing normal fire prevention and emergency management activities within Councils current and future budgets.

CONCLUSION:

Council is required to adopt the amended Municipal Neighbourhood Safer Places Plan September 2017 (**Attachment 1**) which identifies and confirms that the following sites have been designated as NSP's within the Central Goldfields Shire Council boundaries;

- **Talbot**, - Pioneer Reserve (Grounds Only) - (Corner of Fyffe and Scandinavian Crescent,), Crown Land – Council Committee of Management;
- **Maryborough**, - Princes Park (Oval Only) Precinct/Jubilee Oval Complex - (as defined by Park Road, Burns Street, Holyrood Street and Earl Street), Crown Land – Council Committee of Management; and
- **Maryborough** - Pascoe Reserve - (Oval Only) - (Gillies Street), which is Council, owned land.
- **Dunolly** – Gordon Garden Reserve (Grounds Only) Crown Land – Council Committee of Management
- **Carisbrook** – Market Reserve (Grounds Only) – Adjacent to Green, Birch, Powlett, & Urquart Streets, which is Crown Land – Council Committee of Management

Council staff also confirm that the current designated NSP's above were re-assessed under Section 50J of the CFA Act 1958 as compliant to CFA and Councils Guidelines and therefore the designation of these sites will remain in place and that the MFPO will provide to the Authority by 30 September (as per Section 50J of the CFA Act 1958) an up to date list of all designated NSP's and community fire refuges (Nil) in the municipal district.

ATTACHMENTS:

- 1 Municipal Neighbourhood Safer Places Plan – September 2017

RECOMMENDATION:

That Council;

Adopt the amended Municipal Neighbourhood Safer Places Plan – September 2017 which identifies and confirms that the following sites have been designated as NSP's within the Central Goldfields Shire Council boundaries;

- **Talbot**, - Pioneer Reserve (Corner of Fyffe and Scandinavian Crescent), Crown Land – Council Committee of Management;
- **Maryborough**, - Princes Park (Oval Only) - Precinct/Jubilee Oval Complex (as defined by Park Road, Burns Street, Holyrood Street and Earl Street), Crown Land – Council Committee of Management; and

- **Maryborough** - Pascoe Reserve (Oval Only) - (Gillies Street), which is Council, owned land.
- **Dunolly** – Gordon Garden Reserve (Grounds Only) Crown Land – Council Committee of Management
- **Carisbrook** – Market Reserve (Grounds Only) – Adjacent to Green, Birch, Powlett, & Urquart Streets, which is Crown Land – Council Committee of Management

8.4 UPDATED BUSHFIRE MANAGEMENT OVERLAY MAPPING

Author: Manager Planning

Responsible General Manager: General Manager Technical Services

SUMMARY/PURPOSE:

The purpose of this report is to advise that the Central Goldfields Planning Scheme has been amended by the Department of Environment, Land, Water and Planning (DELWP) by the updating of mapping of the Bushfire Management Overlay (BMO).

As this change will affect landowners who undertake significant building works or subdivision of land. A communications strategy has been developed to notify landowners.

POLICY CONTEXT:

Council Plan 2017-21 – Council decisions will reflect the Council vision to be a vibrant, thriving and inclusive community by considering relevant objectives, priorities and projects when determining policy positions and planning permit applications.

Relevant Council Plan Platforms and Objectives
Our Built and Natural Environment
<i>To support the rich built and natural heritage and focus on a sustainable environment</i>

The Council Plan 2017-21 sets objectives relating to sustainable environment and development which accords with the proposed introduction of mapping designed to ensure the consideration of bushfire hazards when developing land.

BACKGROUND INFORMATION:

Bushfire Management Overlay (BMO) mapping has been updated in planning schemes across Victoria. The updated mapping came into effect on 3 October 2017, via planning scheme amendment GC13.

The Bushfire Management Overlay is a planning control applied to land with the potential to be affected by extreme bushfires. New development and uses in the BMO may require a planning permit. This ensures that bushfire hazards, such as vegetation, slope and site access are assessed, and that bushfire protection measures are in place to manage risk.

The mapping criteria were developed in partnership with the CFA and CSIRO as part of the Victorian Government's commitment to implement all recommendations of the 2009 Victorian Bushfires Royal Commission. The updated criteria have been applied in consultation with Council.

These important changes are about making new homes, our communities and the environment safer and more resilient to bushfire.

Previous Council Decision(s) Date(s):

At the Ordinary Council Meeting on 27th September, 2016, Council were informed of the proposed updated mapping of the BMO and resolved to request that DELWP undertake appropriate notification to landowners that have not previously been affected by the BMO.

At the workshop meeting on 11th April, 2017, Council was advised that DELWP proposed a communications strategy which was ultimately a notification of the amendment and was not landowner specific. DELWP offered funding upon application for Council to undertake further consultation with landowners. All funded consultation was required to be undertaken only following the introduction of proposed BMO.

REPORT:

The Bushfire Management Overlay mapping within the Central Goldfields Planning Scheme has been amended by planning scheme amendment GC13 which became effective on 3 October 2017. This amendment was managed and implemented by DELWP in response to the recommendations of the 2009 Victorian Bushfires Royal Commission.

Attachments 1 and 2 detail the extent of the changes to the mapping and identify that 1272 properties have had the BMO applied and 420 properties have had the BMO removed. The extent of the BMO across the shire has been refined with the removal of the overlay from linear streamside vegetation, while the extent of the BMO has been increased adjacent to major vegetation patches. As shown in attachment 2 many properties surrounding Maryborough and Dunolly have now been included in the BMO while many properties along Creek lines have been removed from the BMO.

The introduction of the BMO will require the consideration of bushfire hazard when development, including subdivision, is proposed. A planning permit and referral to the CFA will also be required.

Council has been aware that the amendment to the bushfire management overlay was proposed by the state government for sometime and has prepared the justification for three schedules to the BMO. These schedules have been included in the introduction of the updated BMO mapping and will allow many properties on the edge of Maryborough and Dunolly townships to be developed without the need to undertake further investigation into bushfire impacts by accepting default conditions on a planning permit.

As part of the implementation of the new mapping of the BMO, DELWP proposed a general advertising/social media consultation process, but did not propose to directly notify affected landowners. All notifications to landowners was to occur following the implementation of the amendment. Council sought to address this issue by seeking funding to undertake the following communication strategy:

- DELWP & CFA manned drop in sessions at Talbot, Maryborough and Dunolly
- A mail out with a generic letter and brochure to all landowners/occupiers that are affected by the new BMO mapping
- Public notices in local papers (*Maryborough Advertiser, Carisbrook Mercury, Talbot Today and Tomorrow*)

Note: Manned drop in sessions are yet to be confirmed with DELWP or CFA staff.

Funding has been offered by DELWP to undertake community consultation in the form of notification letters to landowners and/or public notices in the local newspapers.

It is proposed that a drop in session will be held to allow community members to discuss their issues. It is hoped DELWP, CFA will be able to attend these sessions with Council Staff. Timing of these sessions are yet to be confirmed.

CONSULTATION/COMMUNICATION:

Consultation strategy proposed as part of this report.

Information will be provided to residents via the direct mail, Maryborough Advertiser, Council's website, social media and community information sessions.

RESOURCE IMPLICATIONS:

A funding application to implement community notifications has been approved by the DELWP. This funding totals \$2,000 to cover notices in the local papers and information mail outs to affected landowners.

CONCLUSION:

The State Government has introduced changes to the mapping of the Bushfire Management Overlay.

A consultation strategy being developed will inform landowners who are affected by the amended planning scheme controls will involve:

1. A letter advising if their property has been included in an extended Bushfire Management Overlay area;
2. Scheduled information sessions in Maryborough and Dunolly,

ATTACHMENTS:

1. Mapping Update – FAQs for GC13 Amendment, Central Goldfields Shire
2. Updated Mapping for the BMO showing the extent of properties to be affected

RECOMMENDATION:

That Council:

Note the amendment to the Central Goldfields Planning Scheme (G13) initiated and completed by the Minister for Planning which updated the Bushfire Management Overlay mapping.

Endorse the Communications strategy to be undertaken as detailed in this report which has been partially funded by the Department of Environment, Land, Water and Planning (DELWP).

8.5 SEPTEMBER FINANCIAL REPORT

Author: Finance Manager
Responsible General Manager: Corporate and Community Services

SUMMARY/PURPOSE:

Monthly financial reports are presented to Council to show Council's financial performance and how it is tracking against the adopted (original) budget or mid year (budget review/forecast) budget result.

POLICY CONTEXT:

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.

BACKGROUND INFORMATION:

This finance report is provided for the year to 30 September 2017 and does not include results for Council's Section 86 Committees such as the Tullaroop Leisure Centre and Energy Breakthrough which are consolidated within the annual financial report.

FINANCIAL REPORT

Operating Statement

The operating result for the year as at 30 September was a deficit of \$52,975 against budget forecast. Income is under budget by \$153,567 or 0.9%, whilst expenditure is slightly under budget by \$100,592 or 1.2% for the year to date.

Statement of Financial Position

Council's equity position has increased from 30 June 2017 due to the levying of rates and charges during August totaling \$13,521,131, which excludes the Fire Service Property Levy (FSPL).

Council had a significant creditors balance at 30 June 2017, predominantly consisting of capital works expenditure (over \$0.945 million, including invoices relating to the Smeaton Road Stabilising works, Rodborough Rd Road Stabilisation Works, Tweeddale Street Dunolly works, Crameri Rd Construction works, and major culvert works on Talbot Rd Majorca). These have been paid as part of Council's weekly payment run processes during July/August.

The creditors balance at 30 September 2017 includes the FSPL which now totals \$1,513,352 after the levying of rates and charges during August. This balance includes arrears, however excludes the FSPL Concession (which effectively reduces the payable amount). Council's next installment is payable to the CFA by 28 October 2017.

Refer to the receivables summary for an explanation for the movement in current receivables. The rest of the movement in current assets is primarily a cash movement.

Statement of Changes in Equity

Council has budgeted to transfer \$100,000 into the Unfunded Superannuation Liability reserve, this transfer has not yet occurred.

Cash Flow Statement

The balance of cash and investments as at 30 September 2017 is \$5.42 million, which includes \$3.5 million in short term deposits.

Council's cash position is significantly ahead of budget, due to the cash at the beginning of the financial year being \$2,282,289 better than budget primarily due to the early payment of 50% of Council's 2017-2018 Grants Commission funding (\$1,872,878) during June 2017.

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

Capital Works Statement

The 2017-2018 budget included a capital works budget of \$9,167,538, across property, plant and equipment and infrastructure asset classes. As at 30 September, Council had expended \$1,321,685 of this budget.

Receivables Summary

The Rate Debtor balance at 31 September is \$12.763 million (excluding FSPL), which is \$0.894 million or 8% higher this time last year. This increase is partly due to the first instalment due date being moved to 2 October 2017 (due to the Grand Final public holiday), with \$541,547 in rates processed on 2 October 2017. The balance will be more comparable at the end of October.

The percentage of rates arrears to rates income is at 7.0% which is consistent with, however slightly higher the prior year (6.8% at 30 September 2016). 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 \$769,651 which is \$100,059 higher than this time last year. The balance at 30 September includes \$388,850 in Government related debtors includes \$239,250 from Emergency Management Victoria towards flood mitigation works in Dunolly and Carisbrook.

Operating and Cash Flow Budget Amounts

Council's budget forecast for 2017/2018 has been divided into monthly amounts. Whilst every attempt is made to accurately predict when income and expenditure will occur and phase budgets appropriately, Council should make allowances for 'ups and downs' in these monthly 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 weather.

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

CONCLUSION:

The result to the end of September does not highlight any issues for concern or unforeseen variances.

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

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

ATTACHMENTS:

1. September 2017 Financial Report

RECOMMENDATION:

That Council note the attached September 2017 Financial Report showing progress against the budget as presented.

8.6 FINANCE PLAN TO IMPLEMENT THE ORGANISATION AND GOVERNANCE REFORM PROGRAM

Author: General Manager Corporate & Community Services

SUMMARY/PURPOSE:

This report provides a financial plan to implement the Organisational and Governance Reform Program (the reform program) to address the governance and organisational issues at Central Goldfields Shire Council for the financial year 2017-18.

POLICY CONTEXT:

Organisational and Governance Reform Program (the reform program)

BACKGROUND INFORMATION:

Central Goldfields Shire Council (Council) received reports from Local Government Investigations and Compliance Inspectorate (LGICI) and the Municipal Monitor highlighting gaps in the areas of governance, statutory compliance and organisational capacity. To address these issues identified in both these reports a comprehensive reform program has been adopted by Council at its meeting on 5th September 2017. This report provides a financial plan to support the implementation of the reform program.

REPORT

Council officers in identifying the financial sources to fund the implementation of the reform program considered the following principles.

1. No additional rates to be imposed for the financial year 2017-18;
2. All services and service levels are maintained at the current levels for 2017-18;
3. No new borrowings in 2017-18;
4. Consider all possible grant opportunities;
5. Consider efficiencies in the organisation;
6. Engage with the staff to ensure staff proactively identify opportunities for financial efficiencies.

FINANCIAL PLAN -ESTIMATED EXPENDITURE

The adopted Council Plan to address the matters identified through the various reports will require an estimated investment cost of \$450,000. The principal components of these costs are;

Expenditure item	Details	Amount
Staff costs	One full-time Project Manager and backfill of two existing positions who will second to the reform program include on costs.	\$310,000
Project Team accommodation costs	Costs to refurbish the HUB, Photocopier, Printer, computers, furniture	\$40,000
Consultancy expenses (estimated)	Various consultancies will be required to assist the project team such as: - Property procedures/policies - Review of project acquittals etc. etc.	\$85,000
Organisational training	Training on governance, compliance, fraud prevention and culture change	\$15,000
	Total additional expenditure	\$450,000

Officers have carefully reviewed all revenue sources and opportunities for efficiencies. The following revenue sources were identified to meet the expenditure of \$450,000 listed above.

Revenue Source	Details	Amount
Differ Plant purchases to next year	Careful review of the plant replacement program and differing several items to the next financial year	\$340,000
Differ Fleet cars	Postponement of one vehicle to 2018-19, Net cost estimated	\$25,000
Grant (estimated)	Estimated grant funding from LGV	\$75,000
Administrative expenses	Efficiency measures to minimise spending (estimate) in Postage, telephone and Stationary.	\$10,000
	Total additional funding sourced	\$450,000

The General Manager Technical Services has reviewed all proposed plant purchases and is satisfied that deferral of some plant acquisition can be accommodated without impacting the timing or quality of existing programs.

FUTURE CONSIDERATIONS:

The implementation of the reform program is expected to take between 12-18 months. Much of the work to be undertaken is needed to bring our systems, policies and processes up to an acceptable level. While some additional ongoing costs can be expected (and will be incorporated into normal future budget considerations) the bulk of the funds needed for this work are "one-off" allocations.

RECOMMENDATION:

That Council endorses the financial plan as detailed in this report, to implement the Organisational and Governance Reform Program to improve the governance practices and the organisational culture.

8.7 POSSUM GULLY ROAD MOONLIGHT SECTION 223 COMMITTEE

Author: Manager Engineering Services

Responsible General Manager: General Manager Technical Services

SUMMARY/PURPOSE:

This report seeks to appoint a Special Committee (Section 223 Committee) in accordance with the provisions of the Local Government Act 1989 to address the request from V/Line to close Possum Gully Road, Moonlight rail crossing.

POLICY CONTEXT:

The Council Plan 2017-2021 reference:

Platform: Our Built and Natural Environment:

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

2017 – 2021 Priorities: Maintain the Council's major asset categories.

Key Projects: Review rolling programs of works and implement as per budget.

BACKGROUND INFORMATION:

Request for Road Closure:

A formal request was received from V/Line on 20 July 2017 to close Possum Gully Road Moonlight at the Maryborough Ararat railway crossing between the Pyrenees Highway and Moonlight Road.

The road closure request was made as part of the planning for the upgrade and reopening of the Maryborough Ararat rail line under the State Government's Murray Basin Rail upgrade.

Initial Community Consultation:

V/Line conducted several information sessions for communities along the Maryborough Ararat rail line in early 2017 and conducted community drop-in sessions in more detail in late July 2017 to explain the construction works and operational impacts of the Maryborough Ararat rail line opening.

Council issued a press release on the Murray Basin Project on 13 July which was published in the Maryborough Advertiser on the 14 July. The press release included specific advice that V/Line was to request closure of the Possum Gully Road rail crossing.

A preliminary meeting was arranged by council with residents', local to the Possum Gully Road rail crossing area on the 12 July. This was to ensure residents did not first read the information in the paper about a possible rail closure. Attending the meeting were council staff, V/Line and Public Transport Victoria (PTV) staff.

Road Closure Process:

Council has the power to discontinue a road under *Section 206 (1) and Schedule 10, Clause 3(a) of the Local Government Act 1989*.

The statutory requirement to exercise the power to discontinue a road is subject to complying with Section 223 of the Local Government Act 1989 requiring a public notice and seeking comment from the community. There is a minimum of 28 days' notice period for the public to respond. Section 223 also affords submitters the "right to be heard" by Council if they request so.

Previous Council Decision(s) Date(s):

The Council was briefed on the Murray Basin Rail Project by representatives from V/Line at the 18 July 2017 Council Workshop.

At the 25 July Council Meeting, the Council considered the request from V/Line to close Possum Gully Road, Moonlight rail crossing and resolved to seek public submissions in accordance with Section 223 of the Local Government Act 1989.

REPORT:

In accordance with Section 223 of the Local government Act 1989 a Public Notice was placed in the Maryborough Advertiser on Friday 11 August 2017. Seven submissions were received from local residents, farmers and community by the end of the submission period which closed on the 8 September 2017.

All submitters objected to the proposed closure. One submission requested to be heard in person by Council and five other submissions expressed a willingness to discuss the proposed closure further.

V/Line was requested to address the issues raised in the submissions. V/Line responded to the resident's concerns in a letter received 21 September 2017. V/Line also requested the opportunity to address Council.

Priority/Importance:

V/Line's contractors commenced physical works to upgrade of the Maryborough Ararat rail line in July 2017. Vline is looking for an early decision so it can finalise the rail line upgrade.

Options/Alternatives:

Section 223 of the local Government Act 1989 requires either full Council or a Special Committee appointed by Council to consider the submissions and hear the submitters requesting to be heard.

Timelines:

The timeline for delivery and completion of the Maryborough to Ararat rail line upgrade is from July 2017 to January 2018. V/Line will be seeking resolution of the Possum Gully Road closure request as soon as possible to allow design elements to be finalised for construction.

The proposed timeline to address the road closure process and formation of the Section 223 Committee is as follows:

- Council form Section 223 Committee – Council Meeting 17 October 2017;
- Section 223 Committee to hear submissions on the 14 November 2017;
- Council to resolve the matter at the Council Meeting on the 21 November 2017.

Risk Analysis:

The provision of a safe road traffic environment in accordance with the requirements of Council's Road Management Plan will need to be considered in addition to contemplating the views of the local residents and community through the public consultation process and the views of V/Line.

CONSULTATION/COMMUNICATION:

V/Line has conducted information sessions for communities along the Maryborough Ararat rail line and conducted community drop-in sessions.

Council has issued a press release on the Murray Basin Project to advise of impending V/Line request to close the Possum Gully Road rail crossing.

Council staff, along with V/Line and PTV staff, conducted a preliminary advisory meeting with residents in the area local to the Possum Gully Road rail crossing.

Submissions have been invited and received in accordance with Section 223 submission process.

V/line has been invited and has responded to concerns raised by public submissions.

A Section 223 Committee will hear submitters, consider the matters raised and resolve a decision at the following Council Meeting.

Council will advise residents of the outcome of the Council decision by letter to those who have made submissions and in the local paper through the weekly page.

RESOURCE IMPLICATIONS:

There are no costs associated with this decision.

CONCLUSION:

Council has the power to discontinue a road in accordance with the Local Government Act 1989. The road closure process is specified in the Local Government Act and ensures the views of the public are formally sought. Council provides the opportunity for those wishing to be heard by council to appear before Council.

To consider this matter further, Council needs to appoint a Section 223 Committee to hear submissions.

ATTACHMENTS:

Nil

RECOMMENDATION:

That Council, in accordance with Section 223 of the Local Government Act 1989;

- 1. establish a committee to hear submissions in regard to the requested closure of the Possum Gully Rail crossing by V/line, and*
- 2. such committee convene to hear submissions at the Community Hub, 48 Burns Street Maryborough on 14th November, 2017 at 5:30pm.*

9. DOCUMENTS FOR SEALING CONFIRMATION**Author: Manager Governance****Responsible Manager: Chief Executive Officer****SUMMARY/PURPOSE:**

To present documents that have been signed under Council's common seal, via delegation since the last Ordinary Council Meeting, to Council for endorsement.

POLICY CONTEXT:

Council Plan Reference: Our Organisation
 Strategy Reference: Deliver the core business of Council in an efficient and effective way.

BACKGROUND INFORMATION:

The *Local Government Act 1989 (the Act)* states that Council is a body corporate with perpetual succession and must have a common seal.

The *Act* also allows for the delegation to a member of the Council staff the power to sign, seal, issue, revoke or cancel any notice, order or agreement on behalf of the Council, via a Local Law.

In the case of Central Goldfields Shire Council, regulation of the common seal is dealt with under the Governance Local Law.

REPORT:

The following contract has been signed under seal;

Date	Contract number	Contract	Contractor
27 September	G1200-17	Majorca Road Reconstruction Stage 2	Doran Earthmoving Pty Ltd

CONSULTATION/COMMUNICATION:

Council employs a public process when tendering contracts for goods or services.

RESOURCE IMPLICATIONS:

No resource implications.

CONCLUSION:

Contracts for the provision of goods and services to Council are signed and sealed under delegation, so that the business of Council can run efficiently and effectively in between Council meetings.

RECOMMENDATION:

That Council endorse the above documents that have been signed and sealed under delegation on behalf of Council.

Agenda Item 12

CONFIDENTIAL BUSINESS

Closure of meeting to public

Recommendation

That Council resolve to close the meeting to the public pursuant to Section 89(2)(d) and Section 89(2)(e) of the Local Government Act 1989 to discuss the following matter(s) as they contain information relating to contractual matters and proposed development matters.

- **Confidential Agenda Item 12.1, Consideration of Tender - G1196-2017 Spray Sealing Annual Contract**
- **Confidential Agenda Item 12.2 Consideration of Carisbrook Flood Mitigation Project Update**