



CONFIRMED COUNCIL MEETING MINUTES

Tuesday, 24 October 2023

6:00pm

Meeting held in person

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

MEMBERSHIP

Councillors:

Grace La Vella (Mayor)

Liesbeth Long

Geoff Lovett

Chris Meddows-Taylor

Gerard Murphy

Wayne Sproull

Anna de Villiers

Confirmed at the Council Meeting
on 19 December 2023

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1. COMMENCEMENT OF MEETING AND WELCOME

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

PRESENT:

Councillors

Grace La Vella (Mayor)

Anna De Villiers

Liesbeth Long

Geoff Lovett

Gerardy Murphy

Wayne Sproull

Officers

Chief Executive Officer Lucy Roffey

General Manager Assets Infrastructure and Planning Matthew Irving

General Manager Community Wellbeing Emma Little

General Manager Corporate Performance Mick Smith

2. APOLOGIES

Cr Chris Meddows-Taylor

3. LEAVE OF ABSENCE

Nil

4. DISCLOSURES OF CONFLICTS OF INTEREST

Cr Gerard Murphy declared a material Conflict of Interest for the item 8.8 as he has a business interest in High Street.

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5. CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS

MOTION

That Council confirm the Minutes from the Council Meeting held on 26 September 2023.

Moved: Cr Long

Seconded: Cr Sproull

6. REPORTS FROM COMMITTEES

Nil.

7. PETITIONS

Nil.

8. OFFICER REPORTS

8.1 QUARTERLY FINANCE REPORT – SEPTEMBER 2023

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

MOTION

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

Moved: Cr Lovett

Seconded: Cr Murphy

Carried

Crs who spoke on the matter: Cr Lovett

8.2 GOVERNANCE RULES REVIEW

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

MOTION

That Council adopt the Governance Rules (2023 Review) as presented with the following amendment:

1. Div 3 19.1.10 Clause to read, Councillors Reports and General Business
2. Div 3 22 heading to read, Councillor Reports and General Business
3. Div 3 22.2 Clause to read, A report **or an item of General Business** can only be made under this rule if....

Moved: Cr Murphy

Seconded: Cr de Villiers

Carried

Crs who spoke on the motion: Crs Murphy and Sproull

8.3 PROPERTY LEASING AND LICENSING REVIEW 2023

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

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

MOTION

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

Moved: Cr de Villiers

Seconded: Cr Sproull

Carried

Crs who spoke to the motion: Cr de Villiers

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8.4 DISPOSAL OR SALE OF COUNCIL ASSETS AND LAND POLICY

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

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

MOTION

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

Moved: Cr Sproull

Seconded: Cr Murphy

Carried

Crs who spoke to the motion: Crs Sproull and Murphy

8.5 ANNUAL ACTION PLAN 2023/2024

The report presents Council with the final Council Plan Annual Action Plan 2023-24 for adoption.

MOTION

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

Moved: Cr Long

Seconded: Cr de Villiers

Carried

Crs who spoke to the motion: Crs Long, Murphy

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

This report presents a recommendation to award contract G1825-23 Maryborough Town Hall Electrical and AV Upgrade - Works following a selective tender process, as a result of a public Expression of Interest process. The contract is a lump sum and the anticipated spend under the contract is above the CEO's financial delegation.

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The contract is required to be awarded by Council.

MOTION

That Council:

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

Moved: Cr Lovett

Seconded: Cr Murphy

Carried.

Crs who spoke to the motion: Crs Lovett, Murphy.

8.7 G1806-23 INTERNAL AUDIT SERVICES

The purpose of this report is to provide council with information on the process and recommendation for appointing a contractor to conduct Council's internal audit function.

MOTION

That Council:

1. awards Contract G1806-23 for the Provision of Internal Audit Services to RSD Audit Pty Ltd T/as RSD Audit for the Contract sum of \$136,350 (exclusive of GST) based on Schedule of Rates for the initial term of 3 years; and
2. notes that the Contract has 3 years option to extend subject to Council's decision and the Contractor's performance.

Moved: Cr Lovett

Seconded: Cr Murphy

Carried

Crs who spoke on the motion: Crs Lovett, Murphy

8.8 PLANNING APPLICATION D 052-23 FOR 65 HIGH STREET MARYBOROUGH

6.27pm – Cr Murphy left the meeting due to a conflict of interest as detailed at item 4.

MOTION

That Council:

Having caused notice of planning permit application no. DO52/23 to be given under section 52 of the Planning and Environment Act 1987 and the Central Goldfields planning Scheme, and having considered all the matters generally required, resolves to issue a Notice of Decision to Grant a Permit in respect of planning permit application no. DO52/23 for the land known and described as 65 High Street, Maryborough, for buildings and works for the development of a drive through coffee shop, in accordance with the endorsed plans and subject to the following conditions:

Endorsed plans

1. Before the development starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - a. be prepared to the satisfaction of the responsible authority
 - b. be drawn to scale with dimensions
 - c. submitted in electronic form
 - d. be generally in accordance with the plans forming part of the application and identified as [insert plan title, reference number, revision number, author and/or date], but amended to show the following details:
 - i. All dimensions of the proposed coffee shop.
 - ii. Elevations showing the proposed landscaping.
 - iii. A streetscape elevation including the proposed landscaping.
 - iv. An amended site plan including the additional two carparks required.
2. The development allowed by this permit must be generally in accordance with the plans and/or documents endorsed as part of this permit and must not be altered or modified without the written consent of the responsible authority.

Landscape Plan

3. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The

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landscape plan must:

- a. be prepared to the satisfaction of the responsible authority
- b. be prepared by a suitably qualified person
- c. have plans drawn to scale with dimensions
- d. be submitted to the responsible authority in electronic form
- e. include the following:
 - i. layout of landscaping and planting within all open areas of the subject land
 - ii. a survey (including botanical names) of all existing vegetation to be retained and/or removed
 - iii. details of surface finishes of pathways and driveways
 - iv. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant

The responsible authority may consent in writing to vary any of these requirements.

Completion of landscaping

4. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority. The responsible authority may consent in writing to vary this requirement.
5. Once the landscaping is carried out, it must thereafter be maintained in good health, including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

General amenity

6. The development and the appearance of the subject land permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality.

Construction activities

7. The development must be managed during construction to the satisfaction of the responsible authority so that the amenity of the area is not detrimentally affected through the:
 - a) Transport of materials, goods, or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, litter, dust,

wastewater, waste products, grit, or oil.

d) Presence of vermin or animals.

8. All earthworks are to be designed and constructed to avoid soil erosion. All fill is to be compacted, batters are to be topsoiled and revegetated and all drainage is to be diverted around the disturbed areas/batters. Drainage from benched areas, batters and access tracks is to be diverted on non- scouring grades to stable vegetated areas. Several drainage points are to be used to avoid concentration of drainage water.

Asset protection

9. At all times, the permit holder/landowner must ensure that the operation and condition of Council assets (including street trees, drains and roads) are not damaged by the site construction works. If the responsible authority deems Council assets have been detrimentally affected or damaged by development.

Use of parking areas

10. Areas set aside for the parking and movement of vehicles, as shown on the endorsed plans, must be maintained in a usable and safe condition to the satisfaction of the responsible authority. The areas must be made available for the parking and movement of vehicles and must not be used for any other purpose.

Provision for waste collection

11. Provision must be made for an acceptable pick-up point for waste collection services to the satisfaction of the responsible authority.

Occupation of development

12. The development permitted by this permit must not be occupied until:
- a) The access and parking area(s) shown on the endorsed plan(s) have been constructed to the requirements and satisfaction of the responsible authority.

Engineering

Access

13. Vehicular access to the proposed development must be provided only from Clarendon Street.
14. Signage must be installed at the entrance advising of the maximum vehicle size that would fit through the access.
15. Any new vehicular crossovers/driveways must be constructed in Clarendon Street and be of concrete construction from kerb to property boundary. (Refer to Infrastructure Design Manual Standard Drawing 240).
16. The applicant/owner must make application for and have

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approved permits for crossover/driveway works. All works constructed or carried out must be in accordance with the approved plans/permit(s).

17. Once constructed the crossovers must be thereafter maintained by the landowner to the satisfaction of the Responsible Authority.
18. Any existing unused crossovers or driveways are to be removed and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority.
19. Vehicle access must be left-in and left-out only. Suitable associated advisory signage must be installed to the satisfaction of the Responsible Authority.

Drainage

20. All stormwater must be accommodated and treated within the subject land.
21. The owner/applicant must design a drainage system to drain the development to the legal point of discharge.
22. The legal point of stormwater discharge must be provided to High Street to the satisfaction of the Responsible Authority.

Nature Strips

23. Upon completion of all off site works, all nature strips and footpaths must be reinstated to the satisfaction of the Responsible Authority. Alternate nature methods may be undertaken, but must be approved, in writing, by the Responsible Authority prior to any works being undertaken.

Asset Protection

24. At all times, the permit holder must ensure that the operation and condition of Council assets are not damaged during the development works. If the Responsible Authority deems Council assets have been detrimentally affected or damaged by development construction access, then the assets will be required to be repaired and reinstated by the permit holder to the satisfaction of the Responsible Authority.

Sediment Control

25. The applicant/owner shall restrict sediment discharges from the construction site in accordance with Construction Techniques for Sediment Pollution Control (EPA, 1991) and Environmental Guidelines for Major Construction Sites (EPA, 1995).

Permit Expiry

26. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
 - a. The development is not started within 2 years of the issued

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date of this permit.

- b. The development is not completed within 4 years of the issued date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Permit notes

This permit is issued pursuant to the provisions of the Central Goldfields Planning Scheme and does not relieve the permit holder of the necessity to obtain a building permit pursuant to the Building Act 1993 prior to commencement of any construction or works on any part of the site.

This permit does not authorise the construction or display of signage.

Moved: Cr Sproull

Seconded: Cr Lovett

Carried

Crs who spoke on the motion: Crs Sproull, Lovett, Long

Cr Murphy returned to the chamber at 6.34pm.

9. NOTICES OF MOTION

Nil

10. URGENT BUSINESS

MOTION

That the item G1760-2023 Flood Emergency Works (Civil) be admitted as urgent business.

Moved: Cr Lovett

Seconded: Cr Sproull

Carried

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G1760-2023 Flood Emergency Works (Civil)

Author: Manager Infrastructure Services

Responsible Officer: General Manager Infrastructure Assets and Operations

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

SUMMARY/PURPOSE

This report seeks Council endorsement to delegate the Chief Executive Officer (CEO) financial delegation to spend up to \$10,780,000 Including GST under the previously approved contract G1760-2023 Flood Emergency Works (Civil) to deliver critical road and related infrastructure repairs across the municipality.

MOTION

That Council delegate the Chief Executive Officer (CEO) financial delegation to spend up to \$10,780,000 Including GST under the previously approved contract G1760-2023 Flood Emergency Works (Civil) to deliver critical road and related infrastructure repairs across the municipality.

Moved: Cr Murphy

Seconded: Cr Long

Carried

Crs who spoke on the motion: Crs Murphy, Long,

Cr de Villiers asked a question in relation to the expenditure to date under this contract. GMIAP responded that expenditure to date has been in accordance with CEO's financial delegation. Current quotes from the panel would exceed the CEO's delegation, and approval now sought to delegate authority for expenditure under this contract to the estimated value of the flood works.

LEGISLATION AND POLICY CONTEXT

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

The Community's vision

The Community's vision 3. Protection and preservation of heritage

Provide infrastructure to meet community need

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Local Government Act, s108 and s109

Central Goldfields Shire Council Procurement Policy 2021

BACKGROUND INFORMATION

At the 28 March 2023 meeting, Council approved for schedule of rates contracts to be awarded to a number of suppliers to deliver flood recovery works. These contracts were awarded following a compliant tender process to allow for efficient delivery of road repair works across the municipality following the October 2022 floods.

REPORT

Since awarding of these contracts cumulative spend to date has been \$285,368.28 exc GST through multiple works packages in line with the financial delegation of the CEO. Major road repair works that have been delivered under these work packages include:

- Baker Road, Talbot
- Scent Farm Road, Dunolly
- Majorca Road, Talbot
- Lilicur Riad, Talbot
- McIntyres Riad, Talbot
- Longs Road, Bealiba
- Norwood Road, Timor
- Rodborough Road, Majorca

Further works packages are scheduled to commence within the next couple of weeks at an approximate value of \$2.0 Million. Some of the key projects to be delivered under these works packages include:

- Scotts Road, Talbot
- Talbot Avoca Road, Talbot
- Woodward Road, Bealiba

In line with the recently revised procurement policy and associated financial delegations further expenditure under these contracts would require Council approval. In line with the original estimate for the flood recovery program there is a potential for up to \$9.8 Million in total to be spent under the appropriate procured contracts.

To facilitate efficient delivery of the flood recovery works program and execute the contracts in line with the original intent, it is recommended that approval is sought

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from Council to allow for the financial spend up to 10,780,000 including GST be delegated to the CEO.

CONSULTATION/COMMUNICATION

The process for obtaining funding under the Victorian Disaster Recovery Funding Arrangements (DRFA) is extensive and onerous with considerable information/ external approval required for projects to be determined eligible to proceed. Officers have spent significant time and resources over the past nine months communicating with key approval agencies to gain approval and facilitate the delivery of the program.

During this period communication with the community has continued through regular updates on Council's website, social media posts, and articles/advertisements in the Maryborough Advertiser. This has provided updates on progress of works/ key projects and will continue until all permitted work packages under the program are delivered.

Officers have consulted Councils Governance, Procurement and Finance departments, and the Executive Management Team in the preparation of this report.

FINANCIAL & RESOURCE IMPLICATIONS

The flood recovery program is being funded under Goldfields Shire Councils approved Victorian Disaster Recovery Funding Arrangements (DRFA).

RISK MANAGEMENT

This report addresses Council's strategic risks as follows:

Governance - Failure to transparently govern and embrace good governance practices – reviews the Governance Rules to ensure adherence to best practice and community expectations in line with the Overarching Governance Principles of the *Local Government Act 2020*. Property and Assets - Failure to maintain, renew and expand our assets in a timely and robust way, that considers 150 of 163 service and delivery needs by ensuring suitably qualified contractors are available to deliver councils flood recovery works.

CONCLUSION

To deliver critical road and related infrastructure repairs across the municipality resulting from the October 2022 floods, approval to delegate the Chief Executive Officer (CEO) financial delegation to spend up to \$10,780,000 Including GST under the previously approved contract G1760-2023 Flood Emergency Works (Civil) is recommended.

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ATTACHMENTS

Nil

11. CONFIDENTIAL BUSINESS

Nil

12. MEETING CLOSURE

The meeting closed at 6.45pm.