



COUNCIL MEETING AGENDA

Tuesday

23 January 2024

6pm

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

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1. Commencement of Meeting and Welcome

Councils must, in the performance of its role, give effect to the overarching governance

principles in the *Local Government Act 2020*.¹

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

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

2. Apologies

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

The annual report will list councillor attendance at Council meetings.

Councillor attendance at Councillor briefings is also recorded.

3. Leave of absence

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

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

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

¹ Section 9.

² Chapter 2, rule 62.

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

4. Conflicts of interest

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

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

Disclosures at Council meetings

Under the Governance Rules:¹

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

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

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

2.1 advising of the conflict of interest;

2.2 explaining the nature of the conflict of interest; and

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

(a) name of the other person;

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

(c) nature of that other person's interest in the matter, and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub- Rule.

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

Disclosures at councillor briefings (and other meetings)

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

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

¹ Chapter 5, Rule 3

² Chapter 5, Rule .

Councillor form to disclose conflicts of interest
Name:

Date:

Meeting type:

Briefing

Meeting

Other _____

Nature of the conflict of interest

(describe):

name of the other person (gift giver): _____

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

person: _____

nature of that other person's interest in the matter: _____

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

5. Confirmation of Minutes from previous Council Meetings

RECOMMENDATION

That Council confirm the following Minutes as a true and accurate record of the meeting:

- 5.1 Minutes from previous Council Meeting dated 19 December 2023



5.1 Minutes from previous Council Meeting dated 19 December 2023

DRAFT COUNCIL MEETING MINUTES

Tuesday, 19 December 2023

6:00pm

Meeting held in person

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

MEMBERSHIP

Councillors:

Liesbeth Long (Mayor)

Grace La Vella

Geoff Lovett

Chris Meddows-Taylor

Gerard Murphy

Wayne Sproull

Anna de Villiers

To be confirmed at the Council
Meeting scheduled for 23 January
2024

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

Liesbeth Long (Mayor)
Grace La Vella
Chris Meddows-Taylor
Gerard Murphy
Wayne Sproull
Anna de Villiers

Officers

Chief Executive Officer Lucy Roffey
General Manager Assets Infrastructure and Planning Matthew Irving
General Manager Corporate Performance Mick Smith

2. APOLOGIES

Cr Geoff Lovett

3. LEAVE OF ABSENCE

Nil

4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

5. CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS

To present for confirmation the following:

MOTION

That Council confirm the following Minutes as a true and accurate record of the meeting:

- Minutes from previous Special Council Meeting dated 31 October 2023
- Minutes from previous Statutory Council Meeting dated 21 November 2023
- Minutes from previous Council Meeting Dated 28 November 2023

Moved: Cr La Vella **Seconded:**

Cr Meddows Taylor

Carried

6. REPORTS FROM

COMMITTEES Nil.

7. PETITIONS

Nil.

8. OFFICER REPORTS

8.1 CONTRACT G1854-2023Q - RESEALING WORKS

The purpose of this report is to recommend that Council award Contract G1854-2023Q Central Goldfields Shire - 2023-24 Resealing Works to Primal Surfacing Pty Ltd for the contract sum of \$682,968.54 (exclusive of GST).

As the value of the recommended awarding of contract is anticipated to be above the CEO's financial delegation, the contract is required to be awarded by Council.

MOTION

That

Council approve the award of Contract G1854-2023Q to Primal Surfacing Pty Ltd (as part of the VSA Group Pty Ltd) for the 2023-24 Resealing Works in Central Goldfields Shire, at a contract sum of \$682,968.54 (exclusive of GST);

2. note that the provisional roads listed in the contract will only proceed up until the \$640,000 budget allocation is exhausted;

3. Authorise the Chief Executive Officer to take all necessary actions to execute Contract G1854-2023Q, including informing the respondents of Council's decision in this matter.

Moved: Cr Sproull

Seconded: Cr La Vella

Carried

Councillors who spoke on the matter: Crs Sproull, La Vella

8.2 CONTRACT G1459-2020 BITUMINOUS SPRAY SEALING PANEL REPORT

The purpose of this report is to recommend Council extend the Contract G1459-2020 Panel of Suppliers for Bituminous Spray Sealing for or an additional two-year term starting February 2024 subject to the Panel of Suppliers acceptance.

MOTION

That

Council extend Contract G1459-2020 (Panel of Suppliers for Bituminous Spray Sealing) for an additional 2-year term, commencing February 2024;

2. authorise the Chief Executive Officer to undertake all necessary negotiations for the extended terms and conditions of Contract G1459-2020 and to sign the extension of Contract G1459-2020;
3. Grant financial delegation to the Chief Executive Officer to expend up to maximum amount that aligns with the annual Capital Works Resealing Budget, enabling acceptance of quotations and approval of any expenditure under the extended term of Contract G1459-2020.

Moved: Cr Sproull

Seconded: Cr de Villiers

Carried

Councillors who spoke on the matter: Cr Sproull.

8.3 G1826-23 PROVISION OF TRADE SERVICES - PANEL OF SUPPLIERS

The purpose of this report is to recommend Council award contract G1826-23 Provision of Trade Services - Panel of Suppliers following a public tender process. The contract is a two-year with two options to extend one year each, schedule of rates contract and the anticipated spend over the contract is above the CEO's financial delegation and is required to be awarded by Council.

MOTION

That Council award G1826-23 Provision of Trade Services - Panel of Suppliers to the following companies under a Schedule of Rates Contract, for an initial term of 2 years with two options to extend of one year each.

No	Company Name	Services to be Provided.
1	Troy Walker Electrical Pty Ltd	Fencing and Welding Services
2	Shade 'n' Sails	Shade Sail Repairs and Membrane Replacement
3	The Trustee for Astbury Business Trust t/as Astbury Welding and Contracting	Fencing and Welding Services
4	Encore Contracting Pty Ltd	Test and Tagging
5	Joshua Laurence Mockridge	Plastering
6	B. & W.A. Home Furnishiners Pty Ltd t/as O'Hallorans Maryborough	Curtains, Blinds and Window Decorations and Flooring (Carpets, Vinyl, Surfaces, Bonds)
7	Verminate Pty Ltd t/as Verminate Pest Control	Pest Control
8	Anthony Jonathan Coyle T/as Tony's Pest Control Victoria	Pest Control
9	The Trustee for the Beaton Family Trust T/as AB Paint Pty Ltd	Painting and Decorating
10	The Lark Family Trust t/as Attention to Detail Painting Services PTY LTD	Painting and Decorating
11	HQ Building Pty Ltd t/as Heenan Homes & Construction	Carpentry and Handyman
12	Kepal Building Services Pty Ltd	Carpentry and Handyman
13	Luff Metal Fab Pty Ltd	Welding Services
14	CIS Industrial Services Pty Ltd	Welding Services

Moved: Cr Sproull

Seconded: Cr de Villiers

For: Crs Sproull, Meddows-Taylor, Long, La Vella and De

Villiers Against: Cr Murphy

Carried

Councillors who spoke on the matter: Crs Sproull, DeVillers, Murphy.

8.4 COMMUNITY ASSET COMMITTEE REPORT AND REVIEW

The report presents information about the performance of Council's Community Asset Committees in accordance with section 47(6) of the Local Government Act 2020, and the results of a review of the Committees.

MOTION

That

Council endorses the use of the attached template of the Instrument of Delegation for all Community Asset Committees, to be amended as required by the Chief Executive Officer in accordance with section 47(1)(b) of the Local Government Act 2020;

2. acknowledging the convention that Council appoints individual members of the community to Community Asset Committees:
 - a. delegate to the Chief Executive Officer the ability to appoint members to Council's Community Asset Committees when:
 - i. casual vacancies occur; or
 - ii. it is otherwise necessary for the operation of the Committee for further members to be appointed; and
3. requires the CEO to include in the annual report to Council on the operation of Community Asset Committees, any such appointments made by the CEO under delegation.

Moved: Cr Meddows-Taylor

Seconded: Cr de Villiers

A division was called:

For: Crs Sproull, Meddows-Taylor, Long, La

Vella Against: Cr Murphy

Abstain: Cr de Villiers

Carried

Councillors who spoke on the matter: Crs Meddows-Taylor, De Villiers, Murphy.

8.5 ESTABLISHMENT OF TULLAROOP LEISURE CENTRE COMMUNITY ASSET COMMITTEE

The report presents actions to be undertaken to establish the Tullaroop Leisure Centre Community Asset Committee.

MOTION

In exercise of the power conferred by s 65 of the *Local Government Act 2020* (the Act), Council resolves that:

1. from the date of this resolution, there be established as a Community Asset Committee the Tullaroop Leisure Centre Community Asset Committee (Committee);
2. the purpose of the Committee is set out in the Schedule to this resolution;
3. the members of the Committee are:
 - a. Ian Fetting - Maryborough Squash Club representative
 - b. Greg Butler - community member
 - c. Rowena Butler - community member
 - d. Lewis Cain - community member
 - e. Carisbrook Primary School representative (to be determined);
4. the Chairperson of the Committee is Ian Fetting;
5. a quorum of the Committee is a whole number that is an absolute majority, which is greater than half the total number of members of the Committee including no fewer than two office bearers;
6. all members of the Committee have voting rights on the Committee; and
7. the Councillor representative for the Committee is Cr Anna de Villiers.

Moved: Cr de Villiers **Seconded:** Cr Meddows-Taylor

Carried

Councillors who spoke on the matter: Crs de Villiers, Meddows-Taylor, Murphy

8.6 COMMUNITY AUDIT AND RISK COMMITTEE'S BIENNIAL REPORT TO COUNCIL DECEMBER 2023

As required under Section 54(5) of the *Local Government Act 2020*, an Audit and Risk Committee (the Committee) report must be prepared and presented to Council on the outcomes of the Committee meetings on a biennial basis.

This report which covers the six months to 30 November 2023, was considered at the Audit and Risk Committee Meeting held on 5 December 2023, and was endorsed by the Committee for presentation to the Council.

MOTION

That

Council receive and note the report; and

2. thank Cr Geoff Lovett for his contribution and commitment during his time as Councillor Representative on the Audit and Risk Committee.

Moved: Cr Murphy

Seconded: Cr de

Villiers

Carried

Councillors who spoke on the matter: Crs Murphy, La Vella, Meddows-Taylor, Long

8.7 AUDIT AND RISK COMMITTEE CHARTER - 2023 REVIEW

The report presents the updated Audit and Risk Committee Charter to Council, for consideration for adoption at the December 2023 Council Meeting. The Audit and Risk Committee Charter fulfils Council's obligation under section 54 of the *Local Government Act 2020*.

MOTION

That Council adopt the amended Audit and Risk Committee Charter as attached. **Moved:** Cr de Villiers

Seconded: Cr Murphy

Carried

Crs who spoke on the matter: Crs de Villiers, Murphy

8.8 SETTING COUNCIL MEETING DATES FOR 2024

The purpose of this report is to set the proposed dates and times for meetings of Council for the 2024 calendar year.

MOTION

That Council adopt the proposed Council Meeting dates for

- 2024:
- Tuesday 23 January
 - Tuesday 27

February

- Tuesday 26 March
- Tuesday 23 April
- Tuesday 28 May
- Tuesday 25 June
- Tuesday 23 July
- Tuesday 20 August
- Tuesday 17 September
- **No Council Meeting Scheduled for October**
- Wednesday 6 November
- Tuesday 26 November
- Tuesday 17 December

Moved: Cr La Vella

Seconded: Cr

Sproull

Carried

No Councillors spoke on the matter.

8.9 UPDATE OF S5 INSTRUMENT OF DELEGATION FROM COUNCIL TO CEO

The purpose of this report is to recommend Councillors adopt the updated S5 Instrument of Delegation under which Council delegates its powers under various Acts to the CEO.

MOTION

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Central Goldfields Shire Council (Council) resolves that:

1. references in the attached instrument to "ex GST" be changed to "GST inclusive";
2. there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument as modified at point 1 above;
3. the instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor;
4. on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and

5. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

Moved: Cr Meddows-

Taylor **Seconded:** Cr La

Vella

Carried

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

8.10 COMMUNICATIONS AND ENGAGEMENT STRATEGY - ANNUAL REVIEW

The purpose of this report is for Council to consider and adopt a review of the Communications and Engagement Strategy to continue to benchmark excellent communications and engagement with the Central Goldfields community.

MOTION

That Council note the review of CGSC Communications and Engagement Strategy.

Moved: Cr La Vella

Seconded: Cr Meddows-Taylor

Carried

Councillors who spoke on the matter: Crs La Vella, de Villiers.

9. NOTICES OF MOTION

9.1 NOTICE OF MOTION, NO. 11 FROM CR CHRIS MEDDOWS-TAYLOR

MOTION That Council;

1. Note the published objectives by the producers and distributors of the recent three-part documentary "Meet the Neighbours" focused on Maryborough in Central Goldfields Shire included to "shine a light on what is a divided, two speed and unequal Australia, and what some of the solutions to this disparity might be" and that in turn may "kickstart an important national conversation about the challenges facing parts of regional Australia;"
2. Resolve to write to the Prime Minister in terms of the draft letter attached, seeking his support and leadership for this important national conversation to commence within National Cabinet, with a view to developing a strategy to redress key challenges facing regional Australian towns, and through more focussed and

strategic investment and better infrastructure and services provision, create a fairer and more equal Australia;

3. Agree to copy of this letter being sent to the Premier of Victoria with a covering letter seeking her own support for this action within National Cabinet as well as copies being sent to Members of Parliament representing our Shire at Commonwealth and State levels; and
4. Request the CEO to incorporate this real opportunity for Maryborough and Central Goldfields Shire into Council's advocacy program, targeted and focused to specific Ministers, government bodies and funding agencies and actual grant streams.

Moved: Cr Meddows-Taylor **Seconded:** Cr Sproull

Carried

Councillors who spoke on the matter: Crs Meddows-Taylor, Sproull, La Vella, de Villiers , Murphy

10. COUNCILLOR REPORTS AND GENERAL BUSINESS

Nil

11. URGENT BUSINESS

Nil

12. CONFIDENTIAL BUSINESS

Nil

13. MEETING CLOSURE

The meeting closed at 7:42pm.

6. Minutes of Delegated and Advisory Committees



AUDIT AND RISK COMMITTEE MEETING

CONFIRMED MINUTES

Monday 25 September 2023

10am

Room 1, Community Hub, Burns Street

- MEMBERS:**
- Maryborough
Independent Members:
- John Watson (Chair)
 - Robert Tommasini
- Councillor VACANCY
- Cr Geoff Lovett
 - Cr Gerard Murphy
- OFFICERS ATTENDING**
- Lucy Roffey - Chief Executive Officer
 - Matt Irving - General Manager Infrastructure Assets and Planning
 - Mick Smith - General Manager Corporate Performance
 - David Leathem - Acting General Manager Community Wellbeing
 - Jane Still - Manager Governance Property and Risk
 - Philippa Spurling - Manager Finance
- VISITORS ATTENDING:**
- Bradley Ead - AFS & Associates Pty Ltd - Internal Auditor
 - Felmer Ealdama - Crowe - External Auditor
 - Cassandra Gravenall - Crowe - External Auditor

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES

External Auditor does not require to speak with the Committee in camera will confirm when Cassandra Gravenall joins. Opportunity given on arrival of Cassandra, no matters required to be raised in camera.

The Committee did not request an in camera session prior to meeting.

1.1 Welcome and introductions

Meeting opened at 10.05.

1.2 Apologies

General Manager Community Wellbeing Emma Little an apology, represented by Acting GMCW David Leathem.

1.3 Declarations of Conflict of Interest

Nil

1.4 Consideration of the Agenda

The Committee determined that:

- item 3.2 as listed in the Agenda to be considered prior to 3.1
- items 2.3 *Tender Evaluation - Independent Audit Services* and and 3.4 *Appointment of Independent Member to the Audit and Risk Committee* to be considered at the end of the agenda

1.5 MINUTES FROM PREVIOUS MEETINGS

The report presents the Draft Minutes from the Audit and Risk Committee Meeting held 19 June 2023.

RECOMMENDATION

That the Audit and Risk Committee confirm the Minutes as a true and accurate reflection of its Meeting held 19 June 2023.

The Committee indicated confirmation.

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES**1.6 MATTERS ARISING FROM THE MINUTES**

The report presents the Matters Arising From the Minutes Register for the Audit and Risk Committee's consideration.

RECOMMENDATION

That the Audit and Risk Committee note the report. **The Committee noted the status of actions arising.**

2. INTERNAL / EXTERNAL AUDIT**2.1 INDEPENDENCE OF THE INTERNAL AUDITOR**

An opportunity was provided for the Internal Auditor to discuss any matters affecting its independence.

It was noted that AFS is filling temporarily a payroll position, and will hand over to an officer who is currently in training, but this does not present a conflict of interest on any items on the Agenda

2.2 INTERNAL AUDIT PROGRAM STATUS UPDATE

This report presents the Internal Audit Program status.

RECOMMENDATION

That the Audit and Risk Committee
 Committee notes the progress of the internal audit program; and
 2. notes and endorses the final audit reports for 2023-03 Environmental Health Operational Review and 2023-05 Emergency Management.

Noted, and endorsed, subject to the actions requested below.

Discussion

Bradley Ead (AFS) addressed the scope and outcomes of the

audits:

- Emergency Management - Terms of Reference and Business Continuity Planning are outstanding actions. Relationships with other Councils in the cluster noted as a strength. System limitations are acknowledged.
- Environmental Health - better documentation around framework and infringements.

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES

Actions

<ol style="list-style-type: none"> 1. Environmental Health Audit: <ol style="list-style-type: none"> a. recommendation 1.1 - policies and procedures needs to specify which policies and procedures are referred to. b. Recommendation 2.1 requires a due date c. Recommendation 4.1 refers to payment options which need to be specified d. Tobacco inspections data - words "where available" to be removed. Action date June 2024. e. Recommendation 6.1 needs to specify the position referenced is EHO. 	<p>MGPR to draft for AFS sign-off and inclusion Audit Action Items register.</p>
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2.3 TENDER EVALUATION - G1806-23 INTERNAL AUDIT SERVICES

Considered at the end of the Agenda.

3.1 ANNUAL FINANCIAL AND PERFORMANCE STATEMENTS 2022/2023

Considered after item 3.2

The purpose of this report is to brief the Audit and Risk Committee on the draft Financial and Performance Statements and Governance and Management Checklist for 2022-2023, to seek in-principle endorsement of the Statements, subject to audit finalisation. The report to Council will also request for two Councillors on behalf of Council to certify the Statements in their final form.

RECOMMENDATION

That subject to completion of all audit procedures and any adjustments arising from matters identified by members of the Audit and Risk Committee (the Committee) prior to or during the meeting:

1. the Committee note the report by the Chief Financial Officer and the Annual Financial Report 2022/23 and the Performance Statement 22/23; and
 - 1.1. the Committee note the VAGO Closing Report, VAGO Management Letter, and Management Representation Letter and the verbal assurance from the External Auditor.
2. the Committee recommends that Council record its approval 'in principle' to the Annual Financial Report and Performance Statement for the year ended 30 June 2023 and that Council:
 - 2.1. authorises the Chief Executive Officer, the Mayor and another Councillor to certify the final version of the Annual Financial Report and Performance Statement 2022/23;

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES

- 2.2. authorises the Chief Executive Officer to send the Annual Financial Report and Performance Statement 2022/23 to the Victorian Auditor-General.
 - 2.3. authorises the Chief Financial Officer to make any non-material changes to the Annual Financial Report 2022/23 arising from completion of the audit;
 - 2.4. authorises the Chief Financial Officer to make any material changes to the Annual Financial Report 2022/23 arising from the completion of audit procedures after discussion with the Chair of the Committee and reporting the changes to Council; and
3. that the Committee record its acknowledgment of the work by all officers involved and the Auditors in bringing the year end Statement to this satisfactory completion. **Moved:** Cr Murphy
Seconded: Cr Lovett

Discussion

The Committee noted the quality of the reports. Comments were noted in relation to wording in the Performance Statements.

Cr Murphy left the meeting at 11.13am during discussion of aquatic facilities due to a general conflict which arises from the fact he is a contractor for outdoor pools. Cr Murphy returned to the meeting at 11.14am.

- Aquatic facilities - reduced entry should be "free" and "reduced entry fees" together with recovery after Covid.

Actions

<p>1. Performance statements to be updated:</p> <ul style="list-style-type: none"> • C1 Remove duplicated wording • From page 4, add coding (eg C4 etc) back in. • Aquatic facilities - reduced entry should be "free" and "reduced entry fees" together with recovery after Covid. • Libraries - The reported result is further impacted by the requirement for it to be the sum of the population over the previous three years. • Maternal child health - p136 - need to state figures more clearly - result shows an upward trend. • Aboriginal children - Raw figure to be included in the commentary for context. • Roads satisfaction - comment to indicate results impact by Council's ability to repair flood damage. 	<p>Manager Finance</p>
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AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES

<ul style="list-style-type: none"> Renegotiated outstanding loan to an interest only loan, therefore repayments of principal have been removed from the calculation. Rates effort - no need to mention Municipal Charge. 	
2. Changes to go back via External Auditor.	Manager Finance

3.2 VAGO DRAFT FINAL MANAGEMENT LETTER**RECOMMENDATION**

That the Audit and Risk Committee receive the VAGO Final Management Letter. **The Committee received the Letter.**

External Auditor Crowe representative Cassandra Gravenall presented to Draft Final Management letter and closing report. The Attorney General had not finalised its response at the time of the agenda distribution but was provided at the meeting and is an unmodified response.

Discussion

- Guidance has been provided in relation to reporting unrestricted cash.
- Final closing report to be distributed to Committee.
- ICT items might need to be reassessed and reworded as they are quite old

3.3 AUDIT AND RISK COMMITTEE CHARTER REVIEW

The report presents the Audit and Risk Committee Charter to the Committee for annual review.

RECOMMENDATION

That the Audit and Risk Committee consider the recommended changes, discuss other proposed changes and recommend them to Council for consideration at the next practicable Council Meeting.

Discussion

- The issue of a skills matrix and the responsibility for it was discussed - to be developed
- Remuneration should be reviewed annually
- Committee to recommend to Council the appointment of the Chair and the term of the appointment

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES

Actions

1. The Charter to be updated in line with the discussion before being presented to Council for adoption.	MGPR
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3.4 APPOINTMENT OF INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER

The report presents the process for recruitment and evaluation of candidates for an independent audit committee and risk committee member following the resignation of Linda McNeill.

RECOMMENDATION

That the Audit and Risk Committee recommend a report be presented to the October Council Meeting recommending the appointment of Richard Ainio as an Independent Member for a term of three years with the possibility of extension in accordance with the Audit and Risk Committee Charter.

The Committee supported the recommendation of the appointment of Richard Ainio.

Actions

1. The recommendation to be presented to next practicable Council Meeting and unsuccessful applicants notified.	MGPR
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3.5 GOVERNANCE RULES REVIEW

The report presents the Governance Rules (2023 Review) to the Audit and Risk Committee for its consideration and feedback.

RECOMMENDATION

That the Audit and Risk

Committee provide feedback to the Governance Rules (2023 Review); and

2. endorse the Governance Rules (2023 Review) for adoption following consideration of that feedback.

The Committee noted the revised Governance Rules and advised it has no feedback for Council.

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTESActions

1. The noting of the Governance Rules to be reported when the Rules are presented to Council for adoption.	MGPR
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3.6 PROPERTY LEASING AND LICENSING REVIEW 2023

The report presents the Draft Property Leasing and Licensing Policy 2023 Review (formerly Property Occupancy Policy) for feedback from the Audit and Risk Committee

RECOMMENDATION

That the Audit and Risk

1. provide feedback on the Draft Property Leasing and Licensing Policy 2023 attached; and

2. endorse the reviewed policy for adoption by Council, taking into account the Committee's feedback.

The Committee recommended the draft policy be presented to Council for consideration as part of its risk management process.

Cassandra Gravenall from External Auditor Crowe left the meeting at 11.43.

3.7 DISPOSAL OR SALE OF COUNCIL ASSETS AND LAND POLICY UPDATE

The report presents to the Audit and Risk Committee an update on the Disposal or Sale of Council Assets and Land Policy being updated to reflect changes to the Local Government Act 2020

RECOMMENDATION

That the Audit and Risk

1. provide feedback on the Draft Sale of Council Assts and Land Policy 2023;

2. endorse the policy for adoption by Council, taking into account the Committee's feedback.

The Committee recommended the report be presented to Council for consideration as part of its risk management process.

Discussion

It was noted for the minutes that reference to Brick Kiln road was not required for consideration of the report.

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES

3.8 RISK MANAGEMENT UPDATE

The report presents an update on Risk Management and the Strategic Risk

Register
RECOMMENDATION
 That the Audit and Risk Committee note the report. **The Committee noted the report**

Discussion

The Committee noted the positive progress on this joint project with Hepburn

Shire. Actions

1. Chair to provide an example of a good risk appetite statement	Chair John Watson
--	-------------------

4.1 CHIEF EXECUTIVE OFFICER'S REPORT

The purpose of this report is to update the Audit and Risk Committee on any fraud, legal, risk and insurance matters that impact on the financial sustainability, governance, reputation or operations of Council.

RECOMMENDATION
 That the Audit and Risk Committee receives and notes the Chief Executive Officer's Report. **The Committee received and noted the report**

Discussion

- CEO noted challenges for exiting Community Care services, re confidentiality, need to support people, repayments and entitlements impacts. Recall of funds is provided for in the financial statements.
- It was noted that it has been handled well from a community perception point of view. • AFS review on HACC backpays to be presented to December meeting.

4.2 RECENT REPORTS AND PUBLICATIONS OF INTEREST TO

COUNCILS The report presents recent reports and publications of specific interest to Councils.

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES**RECOMMENDATION**

That the Audit and Risk Committee notes the report. **The Committee noted the report.**

4.3 GOVERNANCE AND RISK QUARTERLY UPDATE

The report presents an overview of significant items managed by the Governance and Risk function of Council in the quarter ended 30 September 2023.

RECOMMENDATION

That the Audit and Risk Committee note the report. **The Committee noted the report.**

4.4 DEFINED BENEFITS SUPERANNUATION UPDATE

The objective of this report is to inform the Committee of the status of the Local Authorities Superannuation Fund Defined Benefit Plan (LASF DB) - Vested Benefit Index as of 30 June 2023.

RECOMMENDATION

That the Audit and Risk Committee notes: the Defined Benefits Superannuation Update Report for June 2023; and
 2. that no action is required.
The Committee noted the report.

4.5 CEO, MAYORAL CREDIT CARD TRANSACTIONS AND COUNCILLOR EXPENSES

The purpose of this report is to table the credit card transactions of both the CEO and Mayor of Central Goldfields Shire Council.

The report also notes spend on Councillor Expenses (not including Councillor Allowance).

RECOMMENDATION

That the Audit and Risk Committee notes the report. **The Committee noted the report.**

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES**4.6 PROCUREMENT REPORT**

The purpose of this report is to brief the Audit and Risk Committee on the procurement function against the assessment items included in the Procurement Policy for the period 01 April 2023 – 30 June 2023.

RECOMMENDATION

That the Audit and Risk Committee notes the report. **The Committee noted the report.**

Discussion

Retrospective purchase orders – proposals on ongoing challenge of retrospective purchase orders to be scheduled for a future Committee meeting.

Actions

1. Schedule report for retrospective purchase orders	MGPR
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4.7 CYBER SECURITY SITUATION REPORT SEPTEMBER 2023

The report provides an update to the Audit and Risk Committee on the current situation for Council's cyber security.

RECOMMENDATION

That the Audit and Risk Committee note the report. **The Committee noted the report.**

4.8 PROGRESS AGAINST ANNUAL WORK PLAN 2023

The report presents an update on the Work Plan for the current year.

RECOMMENDATION

That the Audit and Risk Committee note the progress of the Committee against the 2023 Work Plan.

The Committee noted the report.

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTES**4.9 GENERAL BUSINESS**

Forward meeting dates to be scheduled and diarised ASAP (first Monday of the month in the quarterly cycle), dates to be ratified at the December meeting.

Gerard - Meeting dates - first Monday of the month? After the Council Meeting. This one was moved. Get them in the diary now and notify Committee, ratify in December.

Cr Murphy queried whether Council has a confidentiality policy - it does not.

1. Council officers to program the development of a Confidentiality Policy.	MGPR
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As determined at the beginning of the meeting, these items were considered out of sequence.

2.3 TENDER EVALUATION – INTERNAL AUDIT SERVICES

This item has been minuted under separate cover as it contains information that is confidential under section 3 of the Local Government Act, being:

- a. *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released*

This section applies because the matter concerns contracts around which negotiations have not been finalised, and it would prejudice the Council's position in the negotiations.

3.4.1 APPOINTMENT OF INDEPENDENT AUDIT AND RISK COMMITTEE MEMBER

This report presents the process for recruitment and evaluation of candidates for an independent audit and risk committee member following the resignation of Linda O'Neill.

MOTION

That the Audit and Risk Committee recommend a report be presented to the October Council Meeting recommending the appointment of Richard Ainio as Independent Member for a term of three years with the possibility of extension in accordance with the Audit and Risk Committee Charter.

Moved: Cr Murphy

Seconded: Cr Lovett

Carried.

AUDIT AND RISK COMMITTEE 25 September 2023 – CONFIRMED MINUTESDiscussion

Independent Members noted that they have professional associations with the recommended candidate but not to the extent that a conflict of interest arises.

Actions

1. The recommendation to be presented to the October Council Meeting	MGPR
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The meeting closed at 12.40pm.

The next meeting will be held on Monday 4 December 2023 at 10am.

7. Petitions

NIL

8. Officer Reports

8.1 CONTRACT NO G1865-23 CLUNES - MT CAMERON ROAD REONSTRUCTION WORKS

Author: Manager Infrastructure

Responsible Officer: General Manager Infrastructure Assets and

The Officer presenting this ^{Planning} 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 recommend Council award contract G1865-23 for the reconstruction of Clunes - Mt Cameron Road, Mt Cameron, following a public tender process.

As the value of the recommended awarding of contract is above the CEO's \$500,000 financial delegation, the contract is required to be awarded by Council.

RECOMMENDATIO

N That Council;

1. award contract G1865-23 Clunes - Mt Cameron Road, Mt Cameron - Road Reconstruction for the lump sum amount of \$612,700.08 (ex. GST); and
2. Authorises the Chief Executive Officer to formally execute the contract and approve additional spend if required for contingencies and variations up to 20% (\$122,540.02 ex. GST) above the contract sum.

LEGISLATION AND POLICY CONTEXT

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

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

Initiative: Provide infrastructure to meet community need

BACKGROUND INFORMATION

Council provides road pavement renewal services to the community to maintain the existing sealed road network within the Shire.

As part of the 2023-2024 capital works program, Clunes - Mt Cameron Road, has been approved for reconstruction.

In accordance with Council's tendering procedures and section 108 of the Local Government Act 2020, public tenders were requested on 29 November 2023 for the construction works.

REPORT

The works tendered for Clunes - Mt Cameron Road include renewal of the road pavement, drainage, road surfacing and associated works.

The public tender process closed on 20 December 2023, and Council received 11 tender submissions.

The evaluation of the tenders was undertaken by a panel consisting of the Senior Procurement Officer, Manager Infrastructure, the Design and Projects Officer and the Coordinator Strategic Asset Management.

The tender responses were assessed against the following criteria:

- Risk Management. (Pass/Fail)
- Financial Benefit to Council (45%)
- Capability (15%)
- Capacity (15%)
- Financial Benefit to Community (10%)
- Environmental Sustainability (5%)
- Social Sustainability (5%)
- Aboriginal and Torres Strait Islander People (5%)

As a result of the tender evaluation, Davies Brothers Investments Pty Ltd Trading as - Shay Excavations scored the highest against the evaluation criteria and submitted the lowest tender price.

Davies Brothers Investments Pty Ltd is a local business which has previously successfully undertaken various construction projects for Council.

The tender evaluation panel recommends that Davies Brothers Investments Pty Ltd be awarded contract No. G1865-23 Clunes - Mt Cameron Road, Mt Cameron- Road Reconstruction for the lump sum amount of \$612,700.08 (ex. GST)

As the value of the recommended awarding of contract is above the CEO's \$500,000 financial delegation, the contract is required to be awarded by Council.

CONSULTATION/COMMUNICATION

The tender was advertised using a standard process.

The request for tenders was advertised on the Council Tender Board and Council's web page in compliance with section 108 of the Local Government Act 2020.

The public and residents will receive notification prior to the commencement of construction works.

FINANCIAL & RESOURCE IMPLICATIONS

The proposed works are funded through the Federal Government Roads to Recovery Program \$550,090 (ex. GST).

This tender has come in above the allocated budget for this project, due to significant price rises in the construction sector due to overall economic inflationary pressures.

The extra funding required to accommodate delivery of this project will be sourced from savings incurred on the Burns Street, Maryborough reconstruction project (currently allocated in the 2023/24 budget and funded using the same Federal Government Roads to Recovery Program funding allocation).

Burns Street, Maryborough, had an estimated budget of \$462,900.00, with the works estimated to cost approximately \$320,000.00.

RISK MANAGEMENT

This report addresses Council's strategic risk Property and Assets - Failure to maintain, renew and expand our assets in a timely and robust way, that considers service and delivery needs by implementing construction works for the renewal of Primrose Street and Porter Avenue.

The contractor is required to have appropriate insurances.

CONCLUSION

Tenders have been submitted and evaluated for the reconstruction of Clunes - Mt Cameron Road, Mt Cameron. Davies Brothers Investments Pty Ltd have been assessed as the best value to Council.

Officers are recommending that Council award contract G1865-23 for the reconstruction of Clunes - Mt Cameron Road, Mt Cameron to Davies Brothers Investments Pty Ltd for a lump sum of \$612,700.08 (ex. GST) and authorises the Chief Executive Officer to formally execute the contract and approve additional spending if required for contingencies and variations, up to 20% (\$122,540.02 ex. GST) above the contract sum.

ATTACHMENTS

8.1.1 Tender Evaluation Report G1865-23 confidential evaluation report provided under separate cover.

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

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

This section applies because the contract is not finalised and releasing the information prior to decision could prejudice the Council's commercial position in negotiations.

(g) private commercial information, being information provided by a business,

(i) relates to trade secrets; or
commercial or financial undertaking that—

(ii) if released, would unreasonably expose the business, commercial or

financial undertaking to disadvantage

This section applies because it contains detailed submission information that could provide an unreasonable commercial advantage to competitors.

8.2 G1832-23 PANEL OF APPROVED SUPPLIERS - STATUTORY PLANNING SERVICES**Author:** Manager Statutory Services**Responsible Officer:** General Manager Infrastructure Assets and Planning

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.

SUMMARY/PURPOSE

The purpose of this report is to recommend Council award contract G1832-23 Statutory Planning Services - Panel Contract following a public tender process.

The contract is a three-year, schedule of rates contract.

As the value of the recommended awarding of contract is above the CEO's \$500,000 financial delegation, the contract is required to be awarded by Council.

RECOMMENDATIO

N That Council;

- 1) awards Contract G1832-23 Statutory Planning Services - Panel Contract for a period of three years to:
 - RMG (Aus) Pty Ltd t/as RMG
 - UDM Planning Pty Ltd aft The UDM Planning Fixed Unit Trust
 - Hatch Planning Pty Ltd
 - PT Tomkinson & Associates Pty Ltd t/as Tomkinson
- 2) Authorise the Chief Executive Officer to take all necessary actions to execute Contract G1832-23, including informing the respondents of Council's decision in this matter.

LEGISLATION AND POLICY CONTEXT

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

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

This report has been developed in accordance with the Planning and Environment Act 1986, the Central Goldfields Planning Scheme.

BACKGROUND INFORMATION

In 2023 Council experienced resource loss within its statutory planning function, resulting in a backlog of planning applications and long delays in the determination of planning outcomes.

As part of rebuilding the capacity of Council to undertake this function, officers identified an opportunity to establish a panel of approved consultants offering professional planning services to manage peak workloads or planning matter outside of the expertise of Council staff.

This panel does not seek to replace the internal planning function of Council, with it aimed to support the function and build in resilience during peak work demand periods and ensure an ongoing high level of customer service is provided within Central Goldfields.

As a result, Council sought the services of planning professionals to support the functions of a statutory planning unit and advertised contract G1832-23 Statutory Planning Services- Panel Contract through a public tender process.

REPORT

Through the public tender process Council received twenty tender submissions.

An evaluation team was established with a focus on the sixteen conforming tenders.

The evaluation team consisted of staff from across Council.

The tender responses were assessed against the following criteria:

- Risk Management. (Pass/Fail)
- Financial Benefit to Council (20%)
- Capability (30%)
- Capacity (30%)
- Financial Benefit to Community (5%)
- Environmental Sustainability (5%)
- Social Sustainability (5%)
- Aboriginal and Torres Strait Islander People (5%)

Four companies have been recommended to form the panel due to the predicted volume of work and the need to provide both meaningful opportunities to partner with Council and a volume of work that sustains the relationship between the panel members.

As a result, the top four companies have been recommended and the remaining twelve have not.

The tender evaluation panel recommends that the following consultant firms be awarded contract G1832-23 Statutory Planning Services Panel Contract:

RMG (Aus) Pty Ltd t/as RMG
UDM Planning Pty Ltd atf The UDM Planning Fixed Unit Trust
Hatch Planning Pty Ltd

PT Tomkinson & Associates Pty Ltd t/as Tomkinson
--

As the value of the recommended awarding of the contract is above the CEO's \$500,000 (Exc. GST) financial delegation, the contract is required to be awarded by Council.

CONSULTATION/COMMUNICATION

The tender was advertised in line with Council's Procurement Policy 2021.

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

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

The tender was available for public download from 10th August 2023 until closing 13th September 2023.

Two conflicts of interest were declared by the Panel members as follows:

1. The Manager Project Management declared a perceived conflict of interest regarding RMG (Aus) Pty Ltd t/as RMG.
Due to the declared perceived conflict of interest and to ensure compliance with the probity requirements under the Procurement Policy the Manager Project Management did not take any part in the assessment, discussion and decision making in relation to the RMG (Aus) Pty Ltd t/as RMG submission.
RMG (Aus) Pty Ltd t/as RMG submission was evaluated by 3 other scoring members of the Evaluation Panel. Prorata scoring was implemented in the evaluation to ensure all tenderers were provided with equal opportunity in the process.
2. Coordinator of Statutory Planning declared a perceived conflict of interest regarding PT Tomkinson & Associates Pty Ltd t/as Tomkinson. This conflict of interest was not material and did not preclude the panel member from participating in the evaluation. All conflicts of interest were managed in compliance with the relevant provisions of the Procurement Policy and handled in accordance with CGSC policies and procedures.

FINANCIAL & RESOURCE IMPLICATIONS

The Contract will provide Council a panel of consultants that Statutory and Strategic planning staff will be able to access to deliver planning outcomes.

Establishing this panel should allow officers to save time in the procurement process while remaining compliant with the Act and Council's Procurement Policy.

Any engagement with a panel member will be funded from within existing operational budgets.

Each planning application executed with the recommended consultants will be a schedule of rates contract based on the submission provided at tender.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices by the establishment of an approved panel of suppliers for Statutory Planning Services will ensure a streamlined approach to accessing Statutory Planning Services in the delivery of Councils statutory functions while maintaining transparency and rigour around procurement activities associated with the same.

The panel will assist Officers in accessing a diverse range of technical services required in the provision of statutory planning services.

CONCLUSION

The Statutory Service team have been working to improve the provision of statutory planning services within the Council.

The establishment of an approved panel of suppliers for Statutory Planning Services will provide officers with access to a diverse range of planning skills and experience which are not available internally, assisting them in the effective delivery of a timely assessment service to applicants.

ATTACHMENTS

8.2.1. Tender Evaluation Report G1832-23 confidential evaluation report provided under separate cover.

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

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

This section applies because the contract is not finalised and releasing the information prior to decision could prejudice the Council's commercial position in negotiations.

(g) private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

This section applies because it contains detailed submission information that could provide an unreasonable commercial advantage to competitors.

9. Councillor Reports and General Business

10. Notices of Motion

The Governance Rules provides that Councillors May Propose Notices Of Motion, Chapter 2, Division 4:

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

22. Notice Of Motion

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

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

22.2.1 is vague or unclear in intention 22.2.2 it is beyond Council's

power to pass;

or

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

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

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

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

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

22.5 Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register.

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

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

11.Urgent Business

The Governance Rules provide for urgent business as follows:¹

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

1. 1 relates to or arises out of a matter which has arisen since distribution of the agenda; and
2. 2 cannot safely or conveniently be deferred until the next Council meeting.

12.Confidential Business

NIL

13.Meeting Closure