



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Council Meeting Agenda

Meeting to be held via Skype

Tuesday 1 September 2020, commencing at 3pm

**or join Wellington on the Web:
www.wellington.vic.gov.au**

ORDINARY MEETING OF COUNCIL – 1 SEPTEMBER 2020
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Council Meeting Information

As the COVID-19 social distancing requirements continue to remain in place, the Minister for Local Government, has issued the “Minister’s Good Practice Guideline MGPG-1: Virtual Meetings”. Pursuant to section 87 of the Local Government Act 2020, these guidelines ensure that local Government decision making can continue in line with COVID-19 requirements and further details can be found on the Local Government Victoria website.

These guidelines took effect on the 1st May 2020 and will remain in place through to the 1st November 2020.

While members of the public can no longer attend meetings in person, we have provided options for you to interact with us virtually via our Council Meetings page on the Wellington Shire Council Website. You are able to interact with Council in two ways:

- Email through a specific question or comment relating to a particular Council Agenda item no later than 1:00pm on the day of the Council Meeting; or*
- For general communication with Council, via the webcasting chat room early in the meeting to ensure that your submissions can be dealt with at the end of the meeting.*

While we face a new way of gathering, we thank you for your continued support and look forward to a new way of keeping in touch with all of Wellington Shire.



A - PROCEDURAL



ACKNOWLEDGEMENT OF COUNTRY

***“We acknowledge the traditional custodians
of this land the Gunaikurnai people,
and pay respects to their elders past and present.”***



PRAYER

***“Almighty God, we ask your blessing upon the Wellington
Shire Council, its Councillors, officers, staff and their families.***

***We pray for your guidance in our decisions so that the
true good of the Wellington Shire Council may result to
the benefit of all residents and community groups.”***

Amen



A - PROCEDURAL

A4 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING/S

ITEM A4

ADOPTION OF MINUTES OF PREVIOUS MEETING/S

ACTION OFFICER:

GENERAL MANAGER CORPORATE SERVICES

DATE:

1 SEPTEMBER 2020

OBJECTIVE

To adopt the minutes of the Ordinary Council Meeting of 18 August 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY

RECOMMENDATION

That Council adopt the minutes and resolutions of the Ordinary Council Meeting of 18 August 2020.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.



A - PROCEDURAL

A5 BUSINESS ARISING FROM PREVIOUS MEETING/S



A - PROCEDURAL

A6 ACCEPTANCE OF LATE ITEMS



A - PROCEDURAL

A7 NOTICE/S OF MOTION



A - PROCEDURAL

A8 RECEIVING OF PETITIONS OR JOINT LETTERS

ITEM A8(1)

OUTSTANDING PETITIONS

ACTION OFFICER

GOVERNANCE

DATE:

1 SEPTEMBER 2020

ITEM	FROM MEETING	COMMENTS	ACTION BY
NIL			

ITEM A8(2)**RESPONSE TO PETITION: REQUEST TO SEAL COMMERCIAL STREET IN YARRAM**

ACTION OFFICER: MANAGER BUILT ENVIRONMENT

DATE: 1 SEPTEMBER 2020

Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓		✓		✓				✓	

OBJECTIVE

The purpose of this report is for Council to consider a petition received at the Ordinary Council meeting of 4 August 2020 requesting sealing of Commercial Street, Yarram.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council authorise the Chief Executive Officer to write to the head petitioner advising that Council will commence engagement with property owners on Commercial Street, Yarram, to progress a street upgrade project through a special charge scheme in line with Council's Residential Road and Street Construction Plan.

BACKGROUND

At the 4 August 2020 Council meeting, Council received a petition requesting the Commercial Street, Yarram, be upgraded and sealed.

The unsealed section of Commercial Street extends for approximately 230 metres and is located between Duke Street and James Street. Commercial Street is listed in Council's Register of Public Roads and is identified as a Local Access A. This unsealed pavement, as well as the sealed sections of Commercial Street, are all currently maintained by Council in line with its Road Management Plan.

The identified section of Commercial Street predominantly services abutting residential properties. There are around 18 properties which access directly off Commercial Street, which could be considered for inclusion as part of a proposed special charge scheme. There is presently no specific traffic data available for Commercial Street. It has been identified through the petition that the road is utilised by residents accessing their properties, local school traffic, delivery trucks accessing the supermarket located to the North, and the general public.

Commercial Street, Yarram is listed in Council's Residential Road and Street Construction Plan (The Plan) for future road construction via a special charge scheme.

Under the Plan, a street upgrade on Commercial Street would be delivered via a special charge scheme where both Council and property owners contribute towards the works. Each resident would be charged a fixed fee of \$6,000 towards the street upgrade which, subject to further investigation, could include; improvements to drainage; installation of footpaths; installation of kerb and channel; a sealed road surface; and tree plantings within the nature strip.

This street upgrade project on Commercial Street is estimated to cost approximately \$350,000, with residents contributing an estimated total of \$108,000 towards this project.

OPTIONS

Council has the follow options:

1. That Council authorise the Chief Executive Officer to write to the head petitioner advising that Council will commence engagement with property owners on Commercial Street, Yarram to progress a street upgrade project through a special charge scheme in line with Council's Residential Road and Street Construction Plan.
2. That Council do not progress a street upgrade project through a special charge scheme in line with its Residential Road and Street Construction Plan and continue to maintain Commercial Street in its current condition in line with its Road Management Plan.

PROPOSAL

That Council authorise the Chief Executive Officer to write to the head petitioner advising that Council will commence engagement with property owners on Commercial Street, Yarram to progress a street upgrade project through a special charge scheme in line with Council's Residential Road and Street Construction Plan.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

A street upgrade project for the identified section of Commercial Street, between Duke Street and James Street, is estimated to cost a total of \$350,000. This figure has been determined utilising a nominal cost of \$1,500,000 per kilometre for this standard of street construction as identified in the Infrastructure Design Manual.

Under the Residential Road and Street Construction Plan, property owners would be required to contribute a fixed fee a \$6,000 per property towards the street upgrade works. As such, it is likely that property owners would contribute approximately \$108,000 towards the works.

There is currently provision in the 10-year capital works program for works associated with Council's Residential Road and Street Construction Plan. A street upgrade project on Commercial Street, Yarram, could be included within the program. Timing of works would need to be prioritised against other commitments already made towards special charge schemes.

LEGISLATIVE IMPACT

Wellington Shire Council is the responsible road authority for Commercial Street, Yarram, within the meaning of the *Road Management Act 2004*.

Wellington Shire Council undertakes all special charge scheme in line with Council's Residential Road and Street Construction Plan and the *Local Government Act 1989*.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Infrastructure and Services states the following strategic objective and related strategy:

Strategic Objective 2.4: " Continued improvement to Wellington Shire's connectivity with further developed, accessible transport networks. "

Strategy 2.4.2: " Continue to maintain and enhance Council's road assets Rural Access, Road Safety infrastructure. "

This report supports the above Council Plan strategic objective and strategy.

ENGAGEMENT IMPACT

Engagement will be undertaken in line with Council's standard engagement processes for special charge schemes.

ITEM A8(3)**RESPONSE TO PETITION: REQUEST FOR A BIKE TRACK/PUMP TRACK, GORMANDALE**

ACTION OFFICER: MANAGER NATURAL ENVIRONMENT AND PARKS

DATE: 1 SEPTEMBER 2020

Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓				✓		✓			

OBJECTIVE

The purpose of this report is for Council to consider a petition received at the Ordinary Council meeting of 4 August 2020 requesting the construction of a bike track/pump track in Gormandale.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION*****That Council;***

- 1. Decline the request for a bike track/pump track to be constructed in Gormandale on the basis that it does not fit Councils provision guidelines for bike tracks/pump tracks; and***
- 2. Authorise the Chief Executive Officer to write to the head petitioner to advise them of Council's decision.***

BACKGROUND

At the 4 August 2020 Council meeting, Council received a petition requesting the construction of a bike track/pump track in the township of Gormandale.

The provision of play is important to the health and wellbeing of our communities. Council directly manages over 53 play spaces, seven skate parks, three BMX tracks, four Exercise Station facilities, and 15 ¼ basketball courts. Council has a proactive ongoing asset management program to maintain and improve play assets across the Shire. There are an additional 26 play spaces that are managed and maintained (with the support of Council) by Committee of Managements, Kindergarten/Early Learning Centres and Caravan Parks.

Play space provision is guided by Council's Open Space Plan 2014-2024 and as a subset of this, a Youth Play Plan was developed in 2018. This Plan provides guidance for the provision of youth play opportunities such as skate parks, bike tracks and ¼ basketball courts. The Plan does not identify a need for a bike/pump track in Gormandale however has identified a need for such a facility in Yarram and Rosedale which Officers are currently planning for.

Council, as part of Black Saturday bushfire recovery funding, constructed a play space and picnic area, including a public toilet, at the Gormandale Recreation Reserve. This community asset is managed by the Department of Environment, Land, Water and Planning (DELWP) appointed Recreation Reserve Committee. Council does not own any land in Gormandale suitable for active recreational purposes and a such site assessments have not been performed at this point.

Council's Public Open Space Plan 2014-2024 carried out an audit of existing facilities in Gormandale in 2014 and identified that service standards and provisions were appropriate for a small township. In comparison, service standards in Gormandale exceeded those in other small communities such as Newry, Tinamba, Alberton and Woodside.

OPTIONS

Council has the following options available:

1. Note the petition and do nothing further at this point; or
2. Perform further needs analysis regarding the requirement for the provision of an asphalt pump bike track in Gormandale; or
3. Not proceed with the request for the construction of an asphalt pump track and advise the head petitioner of this decision.

PROPOSAL

That Council;

1. Decline the request for a bike track/pump track to be constructed in Gormandale on the basis that it does not fit Council's provision guidelines for bike tracks/pump tracks; and
2. Authorise the Chief Executive Officer to write to the head petitioner to advise them of Council's decision.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

A further needs analysis will require expenditure in the order of \$3,000 - \$5,000 to undertake the analysis. A pump track, subject to determining an appropriate site, would cost in the order of \$120,000 to \$140,000 depending on final design.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *"Council assets are responsibly, socially, economically and sustainably managed."*

Strategy 2.2.1: *"Develop asset management plans in conjunction with service level plans for all council facilities and infrastructure."*

Strategy 2.2.3: *"Continue to maintain and enhance Council's built environment for public amenity and long-term sustainability."*

The Council Plan 2017-21 Theme 3 Natural Environment states the following strategic objective and related strategy:

Strategic Objective 3.1: *"Conserve and protect our natural environment through responsible and sustainable management practices."*

Strategy 3.1.3: *"Manage Council's high quality, attractive open spaces and streetscapes in accordance with agreed service levels."*

This report supports the above Council Plan strategic objective and strategy.

COMMUNITY IMPACT

This impact has been assessed and consider the impact to the community to be minimal with access to similar facilities within nearby towns being developed.



A - PROCEDURAL

A9 INVITED ADDRESSES, PRESENTATIONS OR ACKNOWLEDGEMENTS



A - PROCEDURAL

A10 QUESTIONS ON NOTICE



B –REPORT

DELEGATES



C1 - REPORT

CHIEF EXECUTIVE OFFICER

ITEM C1.1**COUNCIL'S RESPONSE TO COVID-19 AND MUNICIPAL RECOVERY UPDATE**

DIVISION: CHIEF EXECUTIVE OFFICER
 ACTION OFFICER: CHIEF EXECUTIVE OFFICER
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓	✓				✓			✓	

OBJECTIVE

To provide Council with an update on Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken, be noted.

UPDATE

Council staff and partner agencies involved in response, relief, recovery and resilience during the COVID-19 pandemic have recently completed two key exercises to assist with our preparation if there is a COVID-19 outbreak in the Wellington Shire.

We based scenarios for the exercises on experience of other councils responding to actual outbreaks and requests for support from the Department of Health and Human Services (DHHS). Much of these learnings have been informed by online forums hosted by the Municipal Association of Victoria.

The first exercise was completed during the August 2020 meeting of our Wellington Health and Medical Emergency Planning Sub-Committee (a sub-committee of the Wellington Municipal Emergency Planning Committee).

During the meeting, a hypothetical scenario was worked through which involved supporting DHHS to respond to a significant increase in COVID-19 positive cases in the municipality.

The outcomes from this exercise include a clearer understanding of;

Process to activate Council and other partners to support DHHS in responding to a COVID-19 outbreak. As a Class 2 Emergency, the activation process is not the same as those previously followed for a bushfire, flood or other natural disaster.

Role of the health Incident Management Team (IMT) appointed to manage the outbreak.

Limits in capacity of organisations appointed in Gippsland to manage contact tracing and monitoring of people in mandatory isolation and how Council and other agencies will assist if larger capacity is required.

Roles and responsibilities of the IMT, Council and partner agencies where increased drive through testing sites are required and in public information provision, infection control and community liaison.

How vulnerable groups and organisations locally will be given additional support where an outbreak occurs.

The second exercise was completed during a meeting of Victoria Police and Council emergency management officers to discuss alternative emergency relief supports that would be available during a future flood, bushfire or other emergency while COVID-19 restrictions are in place.

It is recognised that during COVID-19 stage 3 restrictions and during other periods of restrictions, it will be difficult to provide a COVID-safe physical emergency relief centre for accommodation for multiple households.

A key outcome of this exercise is that Council will be providing information to encourage all Wellington residents to have a household emergency plan in place, that includes alternative accommodation options to that of a traditional emergency relief centre in the event that people, pets and livestock are required to evacuate their normal place of residence.

While COVID-19 restrictions are in place, Council will operate a virtual Emergency Relief Centre utilising the Wellington COVID-19 Relief Information Line (1300 137 218) to make sure that people can access the relief supports that they need in their alternative accommodation.

These two exercises have improved the readiness of Council and other emergency management and health and medical agencies for an outbreak of COVID-19 in our shire.

BACKGROUND

Since COVID-19 restrictions started in March, Wellington Shire Council has put in place various measures to support our community during this time of increased anxiety, business and trade slow down and reduced social interaction.

Measures to date include outreach 'check in' calls we have made to older Wellington Shire residents, the 'Wellington Still Delivering' online platform which promotes local businesses operating during restrictions, "Be Kind Wellington" which is a social media group connecting people to each other and the Wellington COVID-19 Relief Line for any one in our community to call for assistance accessing services during isolation.

Under the State Emergency Management Plan and relevant legislation, Wellington Shire Council also coordinates local relief and recovery activities for pandemics, as we do for other types of emergencies such as bushfires and floods. In a pandemic, this means council staff work with local providers of medical, health and wellbeing services to ensure that people can access what they need during the pandemic and to recover over time from the impacts of the pandemic.

A pandemic differs from many other emergencies in that the situation continues over a long period of time and therefore, Council and our partners are planning and coordinating relief and recovery activities at the same time as medical and health agencies are undertaking response activities.

Increasingly, in the pandemic situation, we are thinking of recovery more as resilience and living well *during* the pandemic rather than the more usual approach of recovering after the emergency.

OPTIONS

Council has the following options available:

1. That Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken, be noted; or
2. That Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken, be noted and to seek further details for provision at a future Council meeting.

PROPOSAL

That Council's response to COVID-19, specifically the outcomes of multi-agency pandemic emergency response exercises that have been recently undertaken, be noted.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

Additional Manager and Officer level staff have been allocated to Council's COVID-19 response and recovery effort. This impact has been assessed and costed in terms of financial implications and external funds will be sought to cover additional costs via emergency management and recovery funding channels, as they arise.

The usual Natural Disaster Relief and Recovery Arrangements (NDRRA) between state and federal governments, which provide for local government reimbursement of some relief and recovery costs, do not apply to pandemics as they are not considered to be natural disasters as defined under the formal arrangements.

COMMUNICATION IMPACT

Council will be utilising multiple media channels to ensure residents are aware of the different types of emergency relief supports that will be available should another emergency occur (flood, bushfire, etc) while restrictions for the COVID-19 pandemic are in place.

RESOURCES AND STAFF IMPACT

Additional manager and officer level staff have been allocated to Council's COVID-19 response and recovery effort. This impact has been assessed in terms of impacts and there is no negative effect on managers and staff to consider at this time.

ENGAGEMENT IMPACT

Community engagement is an important part of emergency management before, during and after emergency events. Currently, our community is involved in Council's response to COVID-19 and recovery planning via:

- membership of community representatives, businesses, trader associations and service sector organisations in Council's recently established Wellington COVID-19 Municipal Recovery Committee and Social and Economic Recovery Subgroups
- membership of medical, health and wellbeing service sector organisations in the Municipal Health and Medical Emergency Planning Sub-Committee of the Municipal Emergency Management Planning Committee, currently operating as a local response and relief committee
- Completion of a public survey regarding Wellington community's recovery needs and priorities. The survey was open from mid-June to end of July 2020 and just over 300 people participated. As part of the survey process, respondents were able to indicate if they would like to participate in future conversations to discuss survey results and assist in the identification of recovery priorities.



C2 - REPORT

GENERAL MANAGER CORPORATE SERVICES

ITEM C2.1**ASSEMBLY OF COUNCILLORS**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓		✓					

OBJECTIVE

To report on all assembly of Councillor records received for the period 10 August 2020 to 23 August 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council note and receive the attached Assembly of Councillor records for the period 10 August 2020 to 23 August 2020.

BACKGROUND

Section 80A of the *Local Government Act 1989* requires a written record be kept of all assemblies of Councillors, stating the names of all Councillors and Council staff attending, the matters considered, and any conflict of interest disclosures made by a Councillor. These records must be reported, as soon as practicable, at an ordinary meeting of the Council and recorded in the minutes.

Below is a summary of all assembly of Councillor records received for the period 10 August 2020 to 23 August 2020.

OPTIONS

Council has the following options:

1. Note and receive the attached assembly of Councillors records; or
2. Not receive the attached assembly of Councillors records.

PROPOSAL

That Council note and receive the attached assembly of Councillors records during the period 10 August 2020 to 23 August 2020.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

The reporting of written records of assemblies of Councillors to the Council in the prescribed format complies with Section 80A of the *Local Government Act 1989*.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3

"Maintain a well governed, transparent, high performing, ethical and accountable organisation."

Strategy 6.3.3

"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."

This report supports the above Council Plan strategic objective and strategy.

ASSEMBLY OF COUNCILLORS – 11 AUGUST 2020

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
STRATEGIC LAND USE PLANNING PROJECT REVIEW GROUP	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	Yes	NO	D Morcom, CEO	No	
	Cr Carolyn Crossley	No		A Skipitaris, GMCS	No	
	Cr Alan Hall	No		S Houlihan, GMC&C	No	
	Cr Malcolm Hole	No		C Hastie, GMB&NE	No	
	Cr Darren McCubbin	Yes	NO	B McAlister, GMD	Yes	ALL
	Cr Gayle Maher	Yes	NO			
	Cr Carmel Ripper	No				
	Cr Scott Rossetti	No				
	Cr Garry Stephens	No				
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Josh Clydesdale (Manager Land Use Planning)			Minutes of Meeting – 9 June 2020			
Dean Morahan (Manager Assets and Projects)			Strategic Planning Priorities			
Barry Hearsey (Coordinator Strategic Planning)			Incoming Correspondence			
Paul Johnson (Manager Business Development)			Rezoning Requests			
John Traa (Principal Planner)			Other Business			
Sam Pye (Coordinator Infrastructure Development)			Next Meeting			

ASSEMBLY OF COUNCILLORS – 18 AUGUST 2020

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE (NAME AND POSITION)				CONFLICT/S OF INTEREST OR ACTION ITEMS
IT / Diary Meeting	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Ripper	Yes	N/A
	Cr Crossley	Yes	Cr Rossetti	Yes	N/A
	Cr Hall	Yes	Cr Stephens	Yes	N/A
	Cr Hole	Yes	David Morcom, CEO	Yes	N/A
	Cr McCubbin	Yes	Viktorija Pope, EA CEO	Yes	N/A
	Cr Maher	Yes	Damian Norkus, ICT Operations Officer	Yes	N/A

MEETING	COUNCILLORS AND OFFICERS IN ATTENDANCE VIA SKYPE (ONLINE MEETING ONLY)				CONFLICT/S OF INTEREST OR ACTION ITEMS
Workshops	Name	Attendance	Name	Attendance	
	Cr Bye	Yes	Cr Rossetti	Yes	N/A
	Cr Crossley	Yes	Cr Stephens	Yes	N/A
	Cr Hall	Yes	David Morcom, CEO	Yes	N/A
	Cr Hole	Yes	Arthur Skipitaris, GM Corporate Services	Yes	N/A
	Cr McCubbin	Yes	Sharon Houlihan, GM Community & Culture	Yes	N/A
	Cr Maher	Yes	Chris Hastie, GM Built & Natural Environment	Yes	N/A
	Cr Ripper	Yes	Brent McAlister, GM Development	Yes	N/A

	MATTERS/ITEMS CONSIDERED AT THE MEETING	OTHERS IN ATTENDANCE VIA SKYPE (ONLINE MEETING ONLY)	SUMMARY & ACTION ITEMS
Workshops (cont.)	1. DRAFT SPORTING INFRASTRUCTURE PLAN	<ul style="list-style-type: none"> • Bodye Darvill, Manager Community Wellbeing • Mark Benfield, Coordinator Community Facilities Planning <p><i>Conflict of Interest: Nil</i></p>	Councillors noted updates Action: N/A
	2. DEVELOPMENT DIVISION UPDATE: PLANNING, BUILDING & BUSINESS DEVELOPMENT	<ul style="list-style-type: none"> • Joshua Clydesdale, Manager Land Use Planning • Paul Johnson, Manager Business Development • Vanessa Ebsworth, Manager Municipal Services • Barry Nicholl, Municipal Building Surveyor Coordinator • John Traa, Coordinator Statutory Planning • Daniel Gall, Coordinator Commercial Property <p><i>Conflict of Interest: Nil</i></p>	Councillors noted updates Action: N/A
	3. SEABANK CARAVAN PARK UPDATE	<ul style="list-style-type: none"> • Vanessa Ebsworth, Manager Municipal Services • Brent McAlister, GM Development <p><i>Conflict of Interest: Nil</i></p>	Councillors noted updates Action: N/A
	4. BUSINESS BOOST CREATE AGENCY PROJECT UPDATE AND CENTRAL GIPPSLAND APP AND PUSH NOTIFICATION INITIATIVE	<ul style="list-style-type: none"> • Paul Johnson, Manager Business Development • Ashley Smirl, Marketing Campaign Coordinator • Nick Heath, Director Pace Advertising (external presenter) • Sophia Blakebrough, Senior Account Manager Pace Advertising (external presenter) • Ed Jones, Account Director Pace Advertising (external presenter) <p><i>Conflict of Interest: Nil</i></p>	Councillors noted updates Action: N/A
	5. 2019/2020 CAPITAL REVIEW	<ol style="list-style-type: none"> 1. Chris Hastie, General Manager Built and Natural Environment 2. Dean Morahan, Manager Assets and Projects <p><i>Conflict of Interest: Nil</i></p>	Councillors noted updates Action: N/A
	6. CAMERON STADIUM REDEVELOPMENT UPDATE	<ol style="list-style-type: none"> 3. Sam Matthews, Senior Community Facilities Projects Officer <p><i>Conflict of Interest: Nil</i></p>	Councillors noted updates Action: N/A

	7. LOCAL GOVERNMENT ACT 2020 AND ELECTION CARETAKER PERIOD	<ul style="list-style-type: none"> • Arthur Skipitaris, General Manager Corporate Services • Denise Teo, Governance Officer <i>Conflict of Interest: Nil</i>	Councillors noted updates Action: N/A
	8. JUNE 2020 QUARTERLY PERFORMANCE UPDATE	<ul style="list-style-type: none"> 4. Ian Carroll, Manager Corporate Finance <i>Conflict of Interest: Nil</i>	Councillors noted & agreed with updates Action: N/A
	9. GIPPSLAND REGIONAL LIVESTOCK EXCHANGE 6 MONTHLY UPDATE - JANUARY TO JUNE 2020	<ul style="list-style-type: none"> 5. Paul Johnson, Manager Business Development 6. Daniel Gall, Coordinator Commercial Property 7. Rebecca Shaw, GRLE Team Leader <i>Conflict of Interest: Nil</i>	Councillors updates Action: N/A

ASSEMBLY OF COUNCILLORS – 19 AUGUST 2020

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
Coopers Crescent Objection	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	No		Dean Morahan	YES	
	Cr Carolyn Crossley	Yes		Samantha Maxfield	YES	
	Cr Alan Hall	No				
	Cr Malcolm Hole	Yes				
	Cr Darren McCubbin	No				
	Cr Gayle Maher	No				
	Cr Carmel Ripper	Yes				
	Cr Scott Rossetti	No				
	Cr Garry Stephens	No				
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Mrs Wait/ Mrs Tilley			Objections Coopers Crescent Special Charge Scheme			

ASSEMBLY OF COUNCILLORS – 19 AUGUST 2020

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
Port Albert Objection Special Charge Scheme	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	NO		C Hastie, GMB&NE	YES	
	Cr Carolyn Crossley	NO		Dean Morahan	YES	
	Cr Alan Hall	YES		Tilo Junge	YES	
	Cr Malcolm Hole	NO		Samantha Maxfield	YES	
	Cr Darren McCubbin	NO				
	Cr Gayle Maher	YES				
	Cr Carmel Ripper	YES				
	Cr Scott Rossetti	NO				
	Cr Garry Stephens	YES				
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Mrs Thomson			Objections Port Albert Special Charge Scheme			
Mr Balhorn			Objections Port Albert Special Charge Scheme			
Mr Derham			Objections Port Albert Special Charge Scheme			
Mr Hill			Objections Port Albert Special Charge Scheme			
Mr Southwell			Objections Port Albert Special Charge Scheme			

ASSEMBLY OF COUNCILLORS – 20 AUGUST 2020

MEETING	COUNCILLORS, OFFICERS AND OTHERS IN ATTENDANCE (NAME AND POSITION)					
NEW GOVERNANCE RULES REVIEW	Councillor Name	Attendance	Conflict of Interest	Officer Name	Attendance	Item No.
	Cr Ian Bye	No		D Morcom, CEO	No	
	Cr Carolyn Crossley	Yes	NO	A Skipitaris, GMCS	Yes	ALL
	Cr Alan Hall	Yes	NO	S Houlihan, GMC&C	No	
	Cr Malcolm Hole	Yes	NO	C Hastie, GMB&NE	No	
	Cr Darren McCubbin	Yes	NO	B McAlister, GMD	No	
	Cr Gayle Maher	No				
	Cr Carmel Ripper	No				
	Cr Scott Rossetti	Yes	NO			
	Cr Garry Stephens	Yes	NO			
OTHERS IN ATTENDANCE (NAME AND POSITION)			MATTERS/ITEMS CONSIDERED AT THE MEETING			
Denise Teo (Governance Officer)			Revision of new Governance Rules			

ITEM C2.2**REMUNERATION COMMITTEE MINUTES**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
			✓	✓					

OBJECTIVE

For Council to note and receive the minutes and endorse the actions of the Remuneration Committee meeting held on 4 August 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION*****That:***

- 1. Council note and receive the minutes from the Remuneration Committee meeting held on 4 August 2020 as attached; and***
- 2. Council endorse the actions from the Remuneration Committee meeting held on 4 August 2020 as detailed in the attached minutes.***

OPTIONS

Council has the following options available:

1. Note and receive the minutes from the Remuneration Committee meeting held on 4 August 2020 and endorse the actions from the meeting; or
2. Not note and receive the minutes from the Remuneration Committee meeting held on 4 August 2020 or endorse the actions from the meeting and seek further information for consideration at a future Council meeting.

PROPOSAL

It is proposed that Council:

1. Note and receive the minutes from the Remuneration Committee meeting held on 4 August 2020 as attached; and
2. Endorse the actions from the Remuneration Committee meeting held on 4 August 2020 as detailed in the attached minutes.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

COUNCIL POLICY IMPACT

The Remuneration Committee reviews Councillor entitlements, expenses, reimbursements and gifts and ensures alignment with Council policy direction and governance in relation to Councillor benefits.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *“Maintain a well governed, transparent, high performing, ethical and accountable organisation.”*

Strategy 6.3.3: *“Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making.”*

This report supports the above Council Plan strategic objective and strategy.



REMUNERATION COMMITTEE MINUTES

Tuesday 4 August 2020 – 8.30am via Skype

MINUTES

PRESENT: Councillor Malcolm Hole (Chair)
Councillor Garry Stephens
Councillor Carolyn Crossley
David Morcom (Chief Executive Officer)
Arthur Skipitaris (General Manager Corporate Services)

APOLOGIES: Nil

1. Declaration of Conflicts of Interest:
No Conflicts of Interest were declared.

2. Minutes of Previous Meeting:

The minutes of the previous meeting on 5 May 2020 were accepted.

3. Actions from previous minutes

Nil

4. Councillor Costs and Reimbursements

Councillor Costs and Reimbursements spreadsheets were reviewed, discussed and accepted.

- Councillor Expense Summary Report YTD – 30 June 2020 (Attachment 1)

5. General Business

A question was asked regarding the timing for existing Councillor allowances heading into the election. Arthur undertook to provide a response either prior to or at the next meeting.

It was agreed that the Councillor Budget for 2020/21 would be reviewed at the next meeting.

It was noted that phone charges were slightly higher for this period as a result of Councillors needing to hot spot via their phones in the early stages of the COVID-19 restrictions.

The meeting closed at 8.55am

Attachment 1 - Councillor Expense Summary Report YTD – 30 June 2020

Councillor Expenses and Reimbursements - Period 1 July 2019 to 30 June 2020					
	YTD Actuals (incl oncosts)	Commitments	Left to spend/ receive after commitments	2019/20 Adopted Budget	2019/20 Adjusted Budget
Councillor and Mayoral Allowances	228,414.39	-	1,095.61	229,510.00	229,510.00
Other Councillor expenses	151,836.59	2,309.00	47,657.41	201,803.00	201,803.00
Grand Total	380,250.98	2,309.00	48,753.02	431,313.00	431,313.00

ITEM C2.3**MAV MICROSOFT ENTERPRISE AGREEMENT - 3 YEAR RENEWAL**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: MANAGER INFORMATION SERVICES
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓			✓	✓					

OBJECTIVE

The purpose of this report is for Council to consider the renewal of our Microsoft Enterprise Agreement for a period of (3) three years, as per the Municipal Association of Victoria's (MAV) Microsoft Arrangement Tender and Procurement contract NPN 2.17-3.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION*****That Council:***

- 1. Adopt recommendations contained in confidential attachment Item F1.1 Municipal Association of Victoria's (MAV) Microsoft Arrangement Tender Evaluation Recommendation Report - Contract NPN 2.17-3;***
- 2. Approve the renewal of our Microsoft Enterprise Agreement for a period of (3) three years; and***
- 3. Note the information contained in confidential attachment Item F1.1 MAV Microsoft Arrangement Tender Evaluation Recommendation Report - Contract NPN 2.17-3 and particularly the reports designated under Section 66 Clause (2)(a) of the Local Government Act 2020 which is deemed confidential by the General Manager Corporate Services, on the following grounds under Section 3(1) g) ii) of the Local Government Act 2020, as it contains private commercial information which, if released, would unreasonably expose the business to disadvantage by disclosing financial information to competitors, except that once this recommendation has been adopted the name of the successful tenderer can be made public.***

BACKGROUND

Organisations with Microsoft software products are required by law to adhere to and maintain up to date licensing for all their products. For organisations with more than 250 users, Microsoft provides enterprise agreements that are designed to provide opportunity to stay up to date with locked in pricing over a three-year period. This arrangement provides best value when compared to the alternate method of retail purchase.

Wellington Shire Council's business administration and operations environment is underpinned by Microsoft technologies and software products. Council's core finance, property and rating, and office

software requires Microsoft server technologies and products to facilitate its business requirements. Without an enterprise agreement, the cost of software, application licenses, server management and service fees and upgrades will be significantly higher for Council.

Council's current Microsoft Enterprise Agreement is set to expire 30 September 2020.

In April 2020 MAV Procurement, on behalf of councils in Victoria, issued a Request for Tender (RFT) for NPN 2.17-3, the refresh of NPN 2.17-2.

After a thorough process, involving a qualitative assessment of tender submissions, pricing analysis and comparison and ongoing risk assessment, the panel recommended a list of preferred Microsoft Licensing Solution providers for this contract.

OPTIONS

Council has the following options available:

1. Accept the Microsoft Enterprise Agreement as proposed.

Key considerations for this option;

- Commits Council to (3) three-year agreement.
- Provides flexibility to change license and product requirements as technology landscape changes.
- Provides all necessary license and compliance requirements for Council operations.
- The costs associated with this option are allocated in accordance with Council's current adopted budget.

This option is recommended.

2. Not accept the Microsoft Enterprise Agreement.

Without an Enterprise Agreement, Council will be required to apply the retail price of Microsoft software per user which is substantially higher in cost and does not offer any flexibility to modify or add services as our technology landscape changes over the three-year period.

Key considerations for this option;

- No flexibility or ability to manage license and product requirements as technology landscape changes.
- No agreement for price fluctuation management - this will result in additional license costs, service fees and product upgrades to maintain existing business requirements.

PROPOSAL

To seek Council approval to award Contract No. NPN 2.17-3 through the MAV Procurement arrangement in order to renew the Microsoft Enterprise Licensing Agreement for another three (3) year period.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

The costs associated with renewing the Microsoft Enterprise Agreement are allowed for within existing operating budgets.

COUNCIL POLICY IMPACT

The procurement was undertaken through the Municipal Association of Victoria (MAV) Panel Contract NPN 2.17-3 for Microsoft Licensing Solution Providers, satisfying the requirements of section 108 of the *Local Government Act 2020*.

It also complies with the requirements contained within Council's adopted Procurement Policy.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.1: *"Maintain processes and systems to ensure sound financial management."*

This report supports the above Council Plan strategic objective and strategy.

ITEM C2.4**ADOPTION OF GOVERNANCE RULES AND LOCAL LAW NO 1**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓	✓	✓		✓		✓	

OBJECTIVE

That Council approve the amended Local Law No 1 and new Governance Rules which include Council's Election Period Policy, as attached.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council approve the amended Local Law No 1 and new Governance Rules, which include Council's Election Period Policy as attached.

BACKGROUND

At the 21 July 2020 Ordinary Council meeting, Council resolved to advertise the Draft Amended Local Law No 1 and Draft Governance Rules which include Council's Election Period Policy and seek comment and feedback, due to transitional requirements resulting from the introduction of the *Local Government Act 2020*.

Under section 60(4) of the *Local Government Act 2020* and section 233(1)(a)(iii) of the *Local Government Act 1989*, part of the process for making the Governance Rules and amending Local Law No 1, is to conduct a 28-day public consultation period for the community to provide feedback. Council undertook a 28-day public feedback period from 22 July 2020 to 19 August 2020, including publishing notices in the Victorian Government Gazette and the Gippsland Times and received nil community submissions and three Councillor submissions. As a result, the amended Local Law No 1 and Governance Rules which include Council's Election Period Policy as attached, are the final version for approval.

OPTIONS

Council has the following options available:

1. Approve amended Local Law No 1 and the new Governance Rules, which include Council's Election Period Policy as attached; or
2. Not approve amended Local Law No 1 and the new Governance Rules, which include Council's Election Period Policy as attached and seek further information.

PROPOSAL

Approve the amended Local Law No 1 and the new Governance Rules, which include Council's Election Period Policy as attached.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

The process for making Governance Rules and amending Local Law No 1 both require community feedback and engagement. Under the *Local Government Act 2020*, s60(4) states that "Subject to subsection (5), a Council must ensure that a process of community engagement is followed in developing or amending its Governance Rules". S233(1)(a)(iii) of the *Local Government Act 1989* applies to the amendment of Local Law No 1 in conjunction with s27 of the *Interpretation of Legislation Act 1984*, "The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act) – the Council must publish a public notice – specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published".

COUNCIL POLICY IMPACT

Council's Election Period Policy and Conflict of Interest Policy are both directly referenced within the Governance Rules. These policies are subject to annual review and any changes to these policies may require an amendment of the Governance Rules and therefore a community engagement period.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.

COMMUNITY IMPACT

Both the making of the Governance Rules and amendments to Local Law No 1 require a period of 28 days for community engagement and feedback. This provides the community with the opportunity to provide their views and suggestions in relation to these two pieces of work with a focus on public transparency.

ENGAGEMENT IMPACT

A key part of the new Governance Rules is a focus on Council's engagement with the community and to ensure processes of public consultation to foster an environment of transparency.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Governance Rules

Adopted 1 September 2020

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1. PRELIMINARY

1.1 Title

These Governance Rules are the Wellington Shire Council's processes of municipal government and provide for the Council to consider and make decisions on any matter fairly and on merit. It also provides for a person whose rights are directly affected by a decision to have their views heard and interests considered in the process.

1.2 Objectives of Governance Rules

A Council must develop, adopt and keep in force Governance Rules for or with respect to the following under the *Local Government Act 2020*:

- (a) the conduct of Council meetings;
- (b) the conduct of meetings of Delegated Committees;
- (c) the form and availability of meeting records;
- (d) the election of the Mayor and the Deputy Mayor, including the appointment of an Acting Mayor;
- (e) an election period policy in accordance with section 69;
- (f) the procedures for the disclosure of a conflict of interest by a Councillor or a Member of a Delegated Committee under section 130;
- (g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- (h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1);
- (i) any other matters prescribed by the regulations.

1.3 Scope of Governance Rules

These Governance Rules apply to Council meetings and meetings of Delegated Committees and Community Asset Committees. They also apply to other Council meetings, such as Audit and Risk Committee meetings, as outlined in the relevant charters and/or terms of reference relevant to the committee.

1.4 Power to make Governance Rules

These Governance Rules replace Local Law No 1 Processes of Municipal Government except for the handling of Council's Common Seal and Infringements and Penalties which will continue in an amended Local Law No 1, operating alongside the Governance Rules. Council may amend its Governance Rules following a process of community engagement however, under section 60(5) of the *Local Government Act 2020*, a community engagement process is not required if Council is adopting a good practice guideline issued by the Minister for Local Government.

1.5 Operational Date of these Governance Rules

These Governance Rules commence on the day following the day on which notice of the making of these rules, including the amended Local Law No 1, are published in the Victoria Government Gazette, and operate throughout the municipal district.

1.6 Date the Governance Rules Cease Operation

These Governance Rules have no cessation date however, in line with Council's good governance framework, will be reviewed once every four year Council period or as required.

1.7 Definitions

1.7.1 In these Governance Rules:

Act means the *Local Government Act 2020*

Advisory committee means a committee established by the *Council*, that provides advice to —

- (a) the *Council*; or
- (b) a member of *Council* staff who has been delegated a power, duty or function of the *Council*;

that is not a Delegated Committee

Agenda means a document containing the date, time and place of a Meeting and a list of business to be transacted at the Meeting

Agreement of Council means indicative agreement of all of the Councillors present, without a vote being conducted. In the event there is any uncertainty about majority of Councillors agreeing, the matter may be put to a vote

Audit and Risk Committee means the Audit and Risk Committee established by a Council under s53

Authorised Officer has the same meaning as in the *Local Government Act 1989* or any other Act

Chairperson means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson

Chamber means any room where the Council holds a Council Meeting

Chief Executive Officer means the person occupying the office of Chief Executive Officer of Council, and includes a person acting in that office

Council means Wellington Shire Council

Councillor means a Councillor of Council

Code of Conduct has the same meaning as in s139 of the Act

Council Meeting means a meeting of the Council convened in accordance with s61 of the Act and these Governance Rules and includes scheduled and unscheduled meetings

Delegate means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation

Delegated Committee has the same meaning as in s63 of the Act

Delegated Committee Meeting means a Meeting of a Delegated Committee

Deputy Mayor means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor

General Manager means a senior member of Council staff holding the position of General Manager or another position (however designated) which reports directly to the Chief Executive Officer

Disorder means any disorderly conduct of a member of the gallery or a Councillor and includes:

- interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;
- making comments that are defamatory, malicious, abusive or offensive;
- refusing to leave the Meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and
- engaging in any other conduct which prevents the orderly conduct of the Meeting

Foreshadowed Item means a matter raised in the relevant section of the Council Meeting that a Councillor intends to submit a Notice of Motion for the next Council Meeting

Late Item means a matter that relates to or arises out of a matter which has arisen since distribution of the Agenda and cannot safely or conveniently be deferred until the next Meeting

Majority of the Votes means a majority of Councillors present at the time of a vote voting in favour of a matter

Mayor means the Mayor of Council and any person appointed by Council to be acting as Mayor

Meeting means a Council Meeting or a Delegated Committee Meeting

Member means a member of any committee to which these Governance Rules apply

Minutes means the official record of the proceedings and decisions of a Meeting

Motion means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted

Notice of Motion means a notice setting out the text of a Motion which a Councillor proposes to move at a Council Meeting

Notice of Rescission means a Notice of Motion to rescind a resolution made by Council

On Notice means held or deferred to enable preparation of a response

Point of Order means a procedural point (about how the Meeting is being conducted), not involving the substance of a matter before a Meeting

Procedural Motion means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure

Resolution means a decision of Council as defined in s59 of the Act

Rule or Sub-rule means a rule or sub-rule included in these Governance Rules

Unscheduled Meeting means a meeting of the Council convened for a particular purpose that cannot be effectively dealt with in the annual schedule of Council meetings set by Council

1.8 Virtual Council Meetings

There may be times, as a result of pandemic, natural disaster or emergency or geographical requirements, where it may be considered appropriate for Council meetings to be held virtually. The Mayor or CEO reserves the right to identify such circumstances and nominate the Council Meeting process to be adopted for a nominated period of time. In these circumstances, the Governance Rules will continue to apply.

2. MEETING PROCEDURE

2.1 Recording and Livestreaming of Council Meetings

Council records and broadcasts all Council meetings via livestream to the public, including community questions and submissions. Recordings are also made available via Council's YouTube channel which can also be found on Council's website.

2.2 Purpose of Council Meetings

- (1) Council holds scheduled Meetings and, when required, Unscheduled Meetings to conduct the business of Council.
- (2) Council is committed to transparency in decision making and, in accordance with the Act, Council and Delegated Committee Meetings are open to the public and the community are able to attend.
- (3) Meetings will only be closed to members of the public, in accordance with section 6 of the Act, if:
 - (a) there are clear reasons for particular matters to remain confidential; or
 - (b) a meeting is required to be closed for security reasons; or

- (c) it is necessary to enable the meeting to proceed in an orderly manner.
- (4) If a meeting is closed to the public for the reasons outlined in sub-rule 3(b) or 3(c), the meeting will continue to be livestreamed. In the event a livestream is not available the meeting may be adjourned, or a recording of the proceedings may be available on Council's website.

2.3 Meeting Roles

Overview: In accordance with sections 61 and 63 of the Act, the Mayor must take the Chair at all Council Meetings at which the Mayor is present. If the Mayor is absent, the Deputy Mayor (if any) must take the Chair and if both are absent, Council must elect one of the Councillors as Chairperson of the meeting. The Act provides for the Mayor to appoint a Councillor as the Chair of a Delegated Committee and any such appointment prevails over any appointment made by Council. While there are no limitations on exercising that power, the Mayor must always act in a way that is consistent with the adopted Councillor Code of Conduct and transparency commitments of the Council. Additionally, each Member of the Meeting has an obligation to participate in good decision-making.

The way in which Council and Delegated Committee Meetings are conducted makes a significant contribution to good governance. The Chairperson plays a crucial role in facilitating an orderly, respectful, transparent and constructive meeting by ensuring all Councillors and members of Delegated Committees have the opportunity to be heard, matters are adequately discussed, meeting procedures are followed appropriately, and statutory requirements are adhered to.

The Chairperson is an independent leader of meetings and generally does not participate in debate or move or second motions. Specific duties and discretions of the Chairperson are outlined throughout these Governance Rules.

2.3.1 Chairperson and Members

- (1) The Chairperson, Councillors and Members of Delegated Committees will ensure good council decision-making by endeavouring to ensure:
 - (a) decision making is transparent to members and observers;
 - (b) meeting members have sufficient information to make good decisions;
 - (c) every member is supported to contribute to decisions;
 - (d) any person whose rights are affected has their interests considered;
 - (e) debate and discussion are focussed on the issues at hand;
 - (f) meetings are conducted in an orderly manner;
 - (g) decisions should be made on the merits of the matter.

2.3.2 Mayor to Take the Chair

- (1) The Mayor must take the Chair at all Council Meetings at which the Mayor is present under section 61(3)(a) of the Act.

- (2) If the Mayor is not in attendance at a Council Meeting, the Deputy Mayor (if one has been elected) must take the Chair under section 61(3)(b) of the Act.
- (3) If the Mayor and any Deputy Mayor are not in attendance at a Council Meeting, Council must appoint one of the Councillors as Chair of the meeting by resolution under section 61(3)(d) of the Act.

2.3.3 Delegated Committee Chairperson

- (1) At the Meeting at which Council establishes a Delegated Committee it must also appoint a Chairperson under section 63(2) of the Act;
- (2) The Chair of a Delegated Committee must be a Councillor under section 63(2)(a) of the Act;
- (3) For the avoidance of doubt, Sub-Rule (1) does not intend to limit the powers of the Mayor provided in the Act.

2.3.4 The Chairperson's Duties and Discretions

In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

- (1) must not accept any Motion, question or statement which is:
 - (a) vague or ambiguous;
 - (b) defamatory, malicious, abusive or objectionable in language or substance;
 - (c) is not relevant to the current agenda item and has not been admitted as a Late Item;
 - (d) intended to be an amendment but is not; or
 - (e) outside the powers of Council;
- (2) must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the Meeting;
- (3) must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council under section 19(1)(b) and section 318 of the Act;
- (4) may direct that a vote be recounted to be satisfied of the result; and
- (5) must decide on all points of order.

2.3.5 Chief Executive Officer

- (1) The Chief Executive Officer, or Delegate, may participate in the meeting to provide support to the Chairperson.
- (2) The Chief Executive Officer should:
 - (a) immediately advise, to the best of their knowledge, if a proposed resolution or action is contrary to the law;

- (b) advise if there are operational, financial, legal or risk implications arising from a proposed resolution;
- (c) help clarify the intent of any unclear resolution to facilitate implementation;
- (d) on request, assist with procedural issues that may arise.

2.3.6 Councillors and Members of Delegated Committees

- (1) Councillors and Members of Delegated Committees contribute to good governance and decision making by:
 - (a) seeking views of community members and reading the agenda prior to the meeting;
 - (b) demonstrating due respect and consideration to community views and the professional/expert advice provided in the agenda papers;
 - (c) attending meetings and participating in debate and discussion;
 - (d) demonstrating respect for the role of the Chairperson and the rights of other Councillors or members of Delegated Committees to contribute to the decision-making; and
 - (e) being courteous and orderly.

2.3.7 Community

- (1) Council Meetings are decision making forums and it is important that they are open to the community to attend and/or view proceedings.
- (2) Community members may only participate in Council meetings in accordance with Rule 7.
- (3) Community members are encouraged to participate in Council's engagement processes.
- (4) Community members may seek to inform individual Councillors of their views by contacting them directly in advance of Meetings.

2.3.8 Apologies and Absences

- (1) Councillors and Members of Delegated Committees who are unable to attend a Meeting are required to notify the Chairperson or CEO as to the reason for the absence so that the reason can be noted .
- (2) An apology submitted to a meeting will be recorded in the Minutes.
- (3) Council will not unreasonably withhold its approval of a leave of absence request.
- (4) A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council or Delegated Committee Meeting will be recorded as absent.

2.4 Matters Not Provided For

- (1) Where a procedure or any situation has not been provided for or cannot be dealt with under the Governance Rules, the Council may have regard to the rules, forms and usages of the Victorian Parliament insofar as they are applicable to the proceedings of the Council.

3. NOTICE OF MEETINGS AND AVAILABILITY OF AGENDA

Overview: Council Meetings are held regularly to conduct the ongoing business of the Council and Unscheduled Meetings may be held from time to time. It is important that the community is made aware of the times, dates, and locations of Council and Delegated Committee Meetings and the matters Council will consider. The timing of this notice should give the community adequate time to make arrangements to attend the Meeting or watch via the livestream.

An agenda for each Council Meeting must be provided to Councillors in advance so that they can prepare adequately for the Council Meeting. The agenda contains the order of business and the professional advice of the organisation, with a recommendation for Council to consider. The agenda is made available to the public via Council's website and at Customer Service Centres upon request.

3.1 Date, Time and Place of Council Meetings

- (1) At or before the last Meeting each calendar year, Council must fix the date, time and place of all Council Meetings and any Delegated Committee Meetings for the following calendar year.
- (2) The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes to the public.

3.2 Postponement

- (1) In the case of an emergency, the Chief Executive Officer or Delegate or, in the absence of both, a Senior Officer, may postpone a Council Meeting, provided every reasonable attempt is made to notify every Councillor of the postponement.
- (2) The Chief Executive Officer, Delegate or Senior Officer must submit a full written report of the circumstances requiring his or her action in respect of the emergency postponement at the next Council Meeting that is not an Unscheduled Meeting.

3.3 Unscheduled Meetings

- (1) Council may, by resolution, call an Unscheduled Meeting of Council.
- (2) The Mayor, or three Councillors, may by written notice call an Unscheduled Meeting of Council.
- (3) The Chief Executive Officer, following consultation with the Mayor, may call an Unscheduled Meeting.
- (4) A written notice to call an Unscheduled Meeting must:

- (a) specify the business to be transacted;
 - (b) the date and time of the Unscheduled Meeting;
 - (c) be delivered to the Chief Executive Officer or Delegate in sufficient time to enable notice to be given in accordance with Rule 3.4.
 - (d) provide three days' notice of each Unscheduled Meeting to the public or such public notice as practicable given the circumstances.
- (5) The Chief Executive Officer must determine the time and date for the meeting, giving consideration to:
- (a) the urgency of the business to be transacted;
 - (b) the availability of Councillors;
 - (c) a reasonable notice period for persons whose rights or interests may be impacted by the business to be transacted.
- (6) The Chief Executive Officer must arrange for notice of the Unscheduled Meeting on Council's website.
- (7) Any resolution of Council to call an Unscheduled Meeting must specify the date and time of the Unscheduled Meeting and the business to be transacted.
- (8) The date and time of the Unscheduled Meeting must not be prior to 6:00pm on the day following the Council Meeting at which the resolution was made.
- (9) Only the business specified in the Council resolution, or written notice, may be considered at an Unscheduled Meeting, unless all Council, by unanimous resolution determine to admit another matter.

3.4 Notice of Meetings

3.4.1 Council Meetings

- (1) A notice of a Meeting, that is not an Unscheduled Meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be sent electronically to every Councillor for all Council Meetings, at least seven days before the Meeting. A period of less than seven days may be justified if exceptional circumstances exist.
- (2) An agenda for each Council Meeting, that is not an Unscheduled Meeting, will be made available on Council's website at least seven days before the Council Meeting.
- (3) A schedule of Council Meetings must be prepared and published that ensures it is available to a broad section of the community, including on Council's website at least once each year and with such greater frequency as the Chief Executive Officer determines.

3.4.2 Unscheduled Meetings

- (1) Notice of an Unscheduled Meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.

- (2) An agenda for an Unscheduled Meeting must be made available electronically to every Councillor at least three days before the meeting. A period of less than three days may be justified if exceptional circumstances exist.
- (3) An agenda for an Unscheduled Meeting will be made available on Council's website no less than three days before the Council Meeting.

4. QUORUM

Overview: *No business can be transacted at a Council Meeting or a Delegated Committee Meeting unless a majority of the Councillors or Members of the Delegated Committee (as the case may be) is present thus forming a quorum. If there is no quorum at the commencement of a Meeting or if a quorum cannot be maintained during a Meeting, the Meeting is to be adjourned to another date and/or time. Under section 61(7) of the Act, a quorum is an absolute majority meaning the number of Councillors which is greater than half the total number of the Councillors of Council.*

Number of Councillors/Committee Members	Number required for Quorum
11	6
10	6
9	5
8	5
7	4

- (1) Meetings must commence within 30 minutes of the scheduled starting time.
- (2) If, after 30 minutes from the scheduled starting time of any Meeting or adjournment, a quorum cannot be obtained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.
- (3) If, during any Meeting or any adjournment of the Meeting, a quorum cannot be maintained, the Chairperson, or if the Chairperson is not present, those Councillors present or, if there are no Councillors present, the Chief Executive Officer or, in the absence of the Chief Executive Officer, a Senior Officer, may adjourn the Meeting for a period not exceeding seven days from the date of the adjournment.
- (4) The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council Meeting.
- (5) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:

- (a) determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - (b) determine to make decisions on separate parts of the matter at a meeting where a quorum can be maintained, before making a decision on the whole matter at a meeting for which a quorum can be maintained.
- (6) If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
- (a) by the Chief Executive Officer; or
 - (b) by a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- (7) A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council Meeting.
- (8) The Chief Executive Officer must provide written notice, including by electronic means, to each Councillor of any Council Meeting adjourned to another date or time due to an inability to achieve or maintain a quorum.
- (9) Where it is not practicable because time does not permit notice in accordance with Rule 4(8) to occur, then, provided every reasonable attempt is made to contact each Councillor either verbally, or by some other means, it will be sufficient.
- (10) Notice of an adjournment to another date or time must be published on Council's website as soon as practical.

5. ELECTION OF MAYOR

Overview: The role and functions of the Mayor are provided for under sections 25 and 26 of the Act. The holder of this significant office is the Chairperson at Council Meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties. This section describes how the Mayor, a Deputy Mayor and Acting Mayor are to be elected.

5.1 Chief Executive Officer to set time and date for election of Mayor

- (1) The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor.
- (2) The election of Mayor must be held no later than one month after the date of the general election (section 26(1)), except that the election of the Mayor must be held in accordance with any provisions contained in the Act.
- (3) The election of the Mayor must be held in accordance with section 25 of the Act and these Governance Rules.
- (4) Where the position of Mayor has become vacant, the Chief Executive Officer will set a date and time within one month of the vacancy.

- (5) Depending on the term of office decided in Rule 5.5, the next election of the Mayor will be held as close as possible to the end of the term.

5.2 Role of the Mayor

- (1) The Mayor will chair the Council meetings.
- (2) The Mayor will promote behaviour among Councillors that meets the standards established in the Councillor Code of Conduct.
- (3) The Mayor will lead engagement with the community.
- (4) The Mayor may direct a Councillor to leave a Council Meeting if the behaviour of the Councillor is preventing the Council from conducting its business.

5.3 Role of the Deputy Mayor

- (1) At the Council Meeting at which the Mayor is to be elected, the Council may resolve to establish the position of Deputy Mayor and elect a Councillor to the position of Deputy Mayor.
- (2) If the Mayor is not in attendance at a Council Meeting the Deputy Mayor must take the Chair.
- (3) The term of a Deputy Mayor is identical to the term of the Mayor as resolved by Council.
- (4) If the Council has not resolved to establish the position of Deputy Mayor, any provisions in these Governance Rules relating to the Deputy Mayor have no effect.

5.4 Method of Voting

The election of the Mayor must be carried out by a show of hands or following a resolution made in accordance with Rule 8.2(1), an electronic method that enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

5.5 Determining the Election of Mayor / Deputy Mayor

- (1) The Chief Executive Officer will preside during the election of the Mayor.
- (2) Prior to the election of the Mayor and Deputy Mayor Council must determine by resolution the term of office as one year or two years.
- (3) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- (4) Where in an election for the Mayor:
 - (a) only one candidate has been nominated, that candidate must be declared elected;
 - (b) two candidates have been nominated, a vote must be taken and the candidate who receives the number of votes equal to or greater than half the Councillors of the Council must be declared elected;

- (c) two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council, a second vote will be conducted.
- (d) where, after a second vote, where two candidates have been nominated and no candidate receives the number of votes equal to half the Councillors of the Council the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held at 6 pm the following day;
- (e) more than two candidates have been nominated and no candidate receives the number of votes equal to or greater than half the Councillors of the Council:
 - (i) the candidate with the fewest number of votes cast must be eliminated;
 - (ii) the names of the remaining candidates must be put to the vote again; and
 - (iii) the procedure in (i) and (ii) above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedure outlined in Sub-Rule (4)(b).
 - (iv) in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate (where there are three or more candidates with equal votes), the Chief Executive Officer will conduct a vote for one candidate to be defeated.
- (f) where there is an equal division of votes between two candidates, the election will be determined by lot for exclusion and the candidate remaining undrawn will be declared successful.
- (g) If Council resolves to have the office of Deputy Mayor, the provisions of Sub-Rules (3) and (4) apply to the election of the Deputy Mayor with all necessary modifications and adaptations.

5.6 Ceremonial Mayoral Speech

- (1) Upon being elected, the Mayor may make a ceremonial speech.
- (2) The purpose of the ceremonial Mayoral speech is to outline priorities for the year ahead based on the adopted Council Plan.

5.7 Election of Acting Mayor

- (1) If Council resolves at any time to appoint an Acting Mayor in accordance with section 20B of the Act, the provisions of Rules 5.5(3) and (4) apply to the appointment of the Acting Mayor with all necessary modifications and adaptations.

5. BUSINESS OF MEETINGS

Overview: The business to be transacted at a Council Meeting is contained in the Agenda provided to Councillors and available to the public on Council's website. The Chief Executive Officer oversees preparation of the Agenda and determines the content and order of business to facilitate open, efficient and effective processes of government. The role of the Mayor includes providing advice to the Chief Executive Officer when the Chief Executive Officer is setting the Agenda for Council meetings. Council can admit an item of urgent business if it has arisen after distribution of the Agenda and cannot be reasonably deferred to the next Meeting.

This section also provides time limits for Meetings. A Council Meeting must not continue after three hours unless a majority of Councillors agree, when up to two extensions of 30 minutes can be made.

6.1 Business at Meetings

- (1) The Chief Executive Officer may include any matter on the Agenda for a Council Meeting which he or she thinks should be considered at the Meeting to which the Agenda relates.
- (2) No business can be dealt with at a Meeting unless it is:
 - (a) Contained on the Agenda; or
 - (b) Accepted as a Late Item in accordance with Rule 6.4.

6.2 Order of Business for Council Meetings

- (1) The order of business will be determined by the Chief Executive Officer to facilitate and maintain open, efficient and effective processes of government.
- (2) The order of business for Council meetings may proceed in the following manner:
 - (a) Acknowledgement of Country and Prayer
 - (b) Apologies
 - (c) Declaration of Conflicts of Interest
 - (d) Confirmation of Minutes of previous Council Meeting/s
 - (e) Business arising from previous Council Meeting/s
 - (f) Acceptance of Late or Urgent Items
 - (g) Notices of Motion
 - (h) Receiving of Petitions or Joint Letters
 - (i) Invited Addresses, Presentations or Acknowledgements
 - (j) Questions on Notice
 - (k) Mayor and Councillors Report

- (l) Reports of Delegates
- (m) Officers' Reports
- (n) Further Gallery and Online Comments
- (o) In Closed Session

6.3 Change to order of business

- (1) Once an Agenda has been sent to Councillors, the order of business for that Meeting may be altered by a resolution of Council.

6.4 Late or Urgent Items

- (1) If the agenda for a Meeting makes provision for Late or Urgent Items, business cannot be admitted as a Late or Urgent Item other than by resolution of Council and only then if:
 - (a) it relates to or arises out of a matter which has arisen since distribution of the agenda; and
 - (b) deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
 - (c) the item involves a matter of urgency as determined by the Chief Executive Officer; and
 - (d) it cannot be addressed through an operational service request process; and
 - (e) provided the matter does not:
 - (i) substantially affect the levels of Council service;
 - (ii) commit Council to significant expenditure not included in the adopted budget;
 - (iii) establish or amend Council Policy; or
 - (iv) commit Council to any contractual arrangement.
- (2) A Councillor proposing a matter be admitted as a Late or Urgent Item must lodge it in writing to the Chief Executive Officer no later than 12:00pm on the day of the Meeting.
- (3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as a Late or Urgent Item.

6.5 Time Limits for Meetings

- (1) A Meeting must not continue after three hours from the time it commences unless a majority of Councillors/Members present vote in favour of its extension in accordance with this Rule.

- (2) Extensions of a Meeting will be in block periods of 30 minutes.
- (3) After the initial 30 minute extension the Meeting must not continue unless a majority of Councillors present vote in favour of a further extension.
- (4) A Meeting may only be continued for a maximum of two 30 minute extensions.
- (5) In the absence of such extensions as provided for in Sub-Rules (1), (2) and (3), or in the event there is further business to be transacted at the completion of two extensions, the Meeting must stand adjourned to 6:00pm on the following day.
- (6) Notwithstanding Sub-Rule (5), the Chairperson may seek the agreement of Council not to adjourn the Meeting to the following day, if the Chairperson reasonably believes the remaining business will take less than 10 minutes to transact.

6.6 Chairperson may temporarily adjourn a Meeting exceeding two hours

- (1) The Chairperson may adjourn a Meeting for a 10 minute break at an appropriate point in proceedings after two hours has elapsed.
- (2) Notwithstanding Sub-Rule (1), the Chairperson may seek the agreement of Council not to adjourn the Meeting if the Chairperson reasonably believes the remaining business of the Meeting will take less than 30 minutes to transact.

7. PUBLIC QUESTIONS, COMMENTS AND SUBMISSIONS

Overview: As outlined in the purpose of these Governance Rules, Council Meetings are held for Council to make its decisions. Gallery comments are an opportunity for members of the public to raise any matter. This allows those in the gallery to speak directly to Councillors but is not a forum designed for open discussion or debate. Council will listen respectfully to what is said and makes the commitment that if required a written response will be provided to the individual that raised the matter and a copy of that response will be circulated to all Councillors.

Where the community do not have the opportunity to attend the Council Meeting but still wish to be heard, this can be done via Council's online chat room during the course of the Council Meeting or via the online Questions and Comments form prior to 1:00pm on the day of the Council Meeting. Assistance will be available for any community member seeking or requiring support to write their question(s) where required.

Petitioning is a long-established process for members of the community to demonstrate community support for a request or views on a matter, and for that request or view to be presented directly to Council. Rule 7 sets out the procedures to be followed to submit a question, comment or petition, the circumstances under which a question, comment or petition may be disallowed and the process for addressing and responding to the question, comment or petition at or after the Meeting.

Council Meetings are recorded and broadcasted to the public via livestream and also made available for future viewing on Council's YouTube channel which can also be found on Council's website. This includes questions and submissions from members of the public.

7.1 Public Questions and Comments for Agenda Items

- (1) The announcement of each agenda item as it occurs in the order of business is an opportunity for the general public to present to Council on a matter listed on the Agenda. This applies to Petitions, Notices of Motion and Officer Reports.

7.2 Further Gallery and Online Comments to be Held

- (1) The Council will provide an opportunity during the Further Gallery and Online Comments section of the Council Meeting to allow public submissions, questions of and comments to Council for a time period of three minutes per person however this may be extended at the determination of the Chairperson. Where appropriate, the Chairperson or Chief Executive Officer may elect to respond to the submission, question or comment in writing.
- (2) The announcement of each agenda item as it occurs in the order of business is another opportunity for the general public to present to Council on a matter listed on the Agenda.
- (3) The Council may decide to defer the discussion to a later date
- (4) Council Meetings are recorded and broadcasted to the public via livestream and also made available for future viewing on Council's YouTube channel which can also be found on Council's website. This includes questions and submissions from members of the public.

7.3 Further Gallery and Online Comments Guidelines

- (1) Rules 7.2(2) will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66(1) of the Act.
- (2) Further Gallery and Online Comments is not a forum for members of the public to lodge complaints against individuals, including councillors and staff, particularly as that individual gets no public right of reply to any matter raised. Any specific complaint against an individual must be put in writing and will be properly dealt with while ensuring fairness to all parties concerned.
- (3) Council Minutes will record all members of the public that have spoken to Council and the subject spoken to Council about but will not be a hansard recording.
- (4) Submissions as part of Further Gallery and Online Comments may be on any matter except if it:
 - (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - (b) relates to confidential information as defined under the Act;
 - (c) relates to the personal hardship of any resident or ratepayer; or
 - (d) relates to any other matter which the Council considers would prejudice the Council or any person.

- (5) No more than two questions will be accepted from any person at any one Meeting.
- (6) Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- (7) The Chairperson reserves the right to cease a submission as part of Further Gallery and Online Comments if he or she deems the submission inappropriate.
- (8) Copies of all submissions, questions or comments submitted in writing by a member of the public allowed by the Chief Executive Officer will be provided to all Councillors.
- (9) A submission, question or comment submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer, will be provided to any Councillor but will not be read out by the Chief Executive Officer during the Further Gallery and Online Comments section.

7.4 Further Gallery and Online Procedure

- (1) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
- (2) The Chairperson will allocate a maximum of three minutes to each person who wishes to address Council, however this may be extended at the determination of the Chairperson.
- (3) The Chairperson or Chief Executive Officer will first invite any person who has given prior notice to present to Council.
- (4) The Chairperson or Chief Executive Officer will then invite members of the public gallery who would like to present to Council.
- (5) The Chairperson or Chief Executive Officer have the discretion to alter the order of persons to be heard.
- (6) The person, in addressing the Council:
 - (a) must confine their address to the three minute allocation of time;
 - (b) shall extend due courtesy and respect to the Council and the processes under which it operates;
 - (c) shall take direction from the Chairperson whenever called upon to do.
 - (d) there will be no discussion or debate with the attendees in the public gallery however Councillors may ask questions of clarification of the attendee; and
 - (e) Standing Orders do not need to be suspended to allow discussion for the purposes of clarification.
- (7) A response to a submission, question or comment raised during the Further Gallery and Online Comments section of the Council Meeting may be provided immediately at the discretion of the Chairperson or Chief Executive Officer.

- (8) If the matter requires further investigation or comment, the submission, question or comment will be referred to the relevant Council Officer for investigation and response if required.
- (9) Council Officers will respond acknowledging the question and providing procedural advice and/or the response within 10 working days of the Council Meeting.

7.5 Petitions and Joint Letters

- (1) A petition or joint letter presented to Council must be received within the appropriate timeframe for the publishing of the Council agenda. Failure to meet the deadline will result in the petition or joint letter being included in the next Council agenda.
 - (a) Where the petition or joint letter relates to a complex or serious matter, it may be presented at the Council meeting as a Late or Urgent Item for receipt.
- (2) A petition or joint letter presented to the Council must lay on the table for a period determined by the Council but not exceeding the next two Council Meetings. No motion, other than to receive the petition or joint letter may be accepted by the Chairperson, unless the Council unanimously agrees to deal with it earlier.
- (3) Every petition submitted to Council must:
 - (a) be in legible and in permanent writing;
 - (b) be clear and on each page the matter and action sought from council is stated;
 - (c) not be derogatory, defamatory or objectionable in language or nature;
 - (d) not relate to matters outside the powers of Council; and
 - (e) include the names, addresses and original signatures of 10 or more people and identify a head petitioner with whom Council will communicate any directions or acknowledgements.
- (4) Where a petition has been signed by less than 10 people, it will be treated as a joint letter and forwarded directly to the appropriate member of Council staff for action as an operational item.
- (5) Any Councillor presenting a petition is responsible for ensuring that:
 - (a) he or she is familiar with the contents and purpose of the petition; and
 - (b) the petition is not derogatory, defamatory or objectionable in language or nature.
- (6) Unless Sub-Rules (6) or (7) apply, the only Motions that may be considered by Council on any petition are:
 - (a) that the petition be received; and

- (b) that the petition be referred to the Chief Executive Officer or relevant General Manager for consideration and response; or
 - (c) that the petition be referred to the Chief Executive Officer or relevant General Manager for a report to a future Council Meeting.
- (7) If a petition relates to an item listed on the Agenda for the Meeting at which it is submitted, the petition may be dealt with in conjunction with the item.
 - (8) If a petition relates to a 'planning matter' or 'statutory matter' which is the subject of a public submissions process in accordance with the relevant legislation, the petition will be treated as a joint submission in relation to the 'planning matter' or the 'statutory matter' (as the case may be).
 - (9) The Chief Executive Officer may determine that an electronic or online petition will be submitted to a Council Meeting.
 - (10) The number of signatories to an online or electronic petition will be taken to be the number of signatories at the time the petition is provided to Council for submission to a Council meeting.
 - (11) An online or electronic petition will not be presented to a Council meeting if it contains signatures that are false or misleading or fails to meet the minimum 10 signatures to constitute a petition.

7.6 Display of Placards and Posters

- (1) Subject to Sub-Rules (2) and (3), a person can display any placards or posters in the Council Chamber or in any building where a Meeting is being, or is about to be, held, including outside the entrance to the building.
- (2) A placard or poster must not:
 - (a) display any offensive, indecent, insulting or objectionable item or words;
 - (b) obstruct the entrance to the Council Chamber or a building where a Meeting is being, or is about to be, held; or
 - (c) obstruct the view of or physically impede any person.
- (3) The Chairperson may order and cause the removal of any placard or poster that is deemed by the Chairperson to be objectionable, disrespectful or otherwise inappropriate.

7.7 Chairperson May Remove

- (1) Members of the public present at a Council Meeting must not interject during the Council Meeting.
- (2) If a person, other than a Councillor, interjects or gesticulates offensively during the Council Meeting, the Mayor may direct:
 - (a) the person to stop interjecting or gesticulating offensively; and
 - (b) if the person continues to interject or gesticulate offensively, the removal of the person.

- (3) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- (4) In causing a person's removal under Sub-Rule (2)(b), or the removal of an object or material under Sub-Rule (3), the Chairperson may ask the Chief Executive Officer, an Authorised Officer of Council or a member of Victoria Police to remove the person, object and/or material.
- (5) Any person who has been called to order, including any Councillor, who fails to comply with the Chairperson's direction will be liable to be removed from the meeting.
- (6) The Chairperson has a discretion to cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

ii. VOTING

Overview: At the conclusion of debate on a matter before the Meeting, the Chairperson must put the question, Motion or amendment to the vote. Each Councillor is entitled to one vote and voting must be able to be seen by those participating in the Meeting and those observing the Meeting. The vote is determined by a majority of the Councillors present at the Meeting at the time the vote is taken voting in favour of the Motion. If a vote is tied, the Chairperson generally has a casting vote.

Sometimes a Councillor may want his or her vote recorded – this is provided for in this section, along with the procedure when a Councillor calls for a division on a vote which is when how each Councillor voted is recorded.

Provision is made for the introduction of an electronic voting system as long as Council has resolved to implement the system and all participants in the Meeting and those observing a Meeting are able to see which way a Councillor has voted on a matter at the time the vote is taken.

8.1 How a matter is Determined

- (1) To determine a Motion at a Meeting, the Chairperson must first call for those in favour of the Motion and then those opposed to the Motion, and must then declare the result to the Meeting.
- (2) In the event of a tied vote, the Chairperson must, unless the Act provides otherwise, exercise the casting vote.

8.2 Voting must be Seen

- (1) Voting may be by any method resolved by Council that enables those in attendance and those watching a livestream broadcast to clearly see which way a Councillor has voted at the time a vote is taken.
- (2) In the absence of a Council resolving an alternative method, voting on any matter is by show of hands.

8.3 When a Division is Permitted

- (1) A division may be requested by any Councillor on any vote.

- (2) The request must be made to the Chairperson either immediately prior to, or immediately after, the vote has been taken, and may not be made after the Meeting has moved to the next item of business.
- (3) When a division is called, the Chairperson must:
 - (a) ask each Councillor wishing to vote in favour of the motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - (b) ask each Councillor wishing to vote against the motion to indicate their vote and the Chairperson must then state the names of those Councillors to be recorded in the Minutes;
 - (c) ask each Councillor abstaining from voting to indicate that they are abstaining and the Chairperson must then state the names of those Councillors to be recorded in the Minutes; and
 - (d) declare the result of the division.
- (4) Where a division is requested after the original vote has been taken, the Motion is decided on the division and the fact that there may be a difference between the result obtained when the original vote was taken and the result obtained on the division must be disregarded.

8.4 No Discussion once a Vote has been Declared

- (1) Once a vote on a Motion has been declared carried or lost by the Chairperson, no further discussion relating to the Motion is allowed, unless the discussion:
 - (a) involves a Councillor requesting that his or her opposition to a resolution be recorded in the Minutes or calling for a division in accordance with Rule 8.3; or
 - (b) is a Councillor foreshadowing a notice of rescission where a resolution has just been made, or a positive Motion where a resolution has just been rescinded.

9. ADDRESSING THE MEETING

Overview: This section provides for how the Meeting is to be addressed by Councillors and Members of Council Staff. Members of the Community may only address a Meeting in accordance with Rule 7 of these Governance Rules.

9.1 Councillor allowed to Speak Uninterrupted

- (1) A Councillor who has the floor must not be interrupted unless:
 - (a) called to order by the Chairperson, when he or she must sit down and remain silent until the Councillor raising the Point of Order has been heard and the Point of Order dealt with; or
 - (b) given notice by the Chairperson his or her speaking time has elapsed or is about to elapse.

9.2 Addressing the Meeting

- (1) If the Chairperson so determines:
 - (a) any person addressing the Chairperson must refer to the Chairperson as:
 - (i) Mayor; or
 - (ii) Chairperson,as the case may be;
 - (b) all Councillors, other than the Mayor, must be addressed as Councillor (surname); and
 - (c) all Council staff must be addressed by their official title.
- (2) Except for the Chairperson, any Councillor or person who addresses the Council meeting must stand and direct all remarks through the Chairperson.
- (3) At all other meetings persons may remain seated but must direct remarks through the Chairperson.
- (4) The Chairperson may permit any Councillor or person to remain seated whilst addressing the Chair, for reasons of sickness, infirmity or disability or for any other reason as determined by the Chairperson.

10. MOTIONS AND DEBATE

Overview: This section describes the procedure for introducing a Motion or amendment, the rules of debate, foreshadowing a Motion or amendment and the duty of the Chairperson in relation to accepting Motions and amendments. It also describes the process for a Councillor lodging a Notice of Motion for consideration and/or indicating they will raise a matter at the next Council Meeting (foreshadowing items).

A Councillor may move any Motion related to an item included in the Agenda. In the interest of transparency and informed decision making, Motions or amendments should not introduce new matters to a debate that have not been the subject of the report or background of the Motion being considered by Council. Motions are required to be submitted in writing so they can be displayed to the Meeting.

As a resolution must be able to be acted upon, a Motion must clearly state what is intended and what its effect will be if it becomes the decision. This provides clarity for the implementation of Council decisions.

This section also describes the circumstances and procedures under which a Council decision can be rescinded or altered. It also prescribes a procedure under which a Council policy can be altered or varied.

10.1 Moving a Motion

The procedure for any motion is-

- (a) The mover must state the motion without speaking to it;
- (b) It must be seconded by a Councillor other than the mover;

- (c) If a motion is not seconded, the motion will lapse for want of a seconder;
- (d) If the motion is seconded, the Chairperson must ask: "Is the motion opposed?";
- (e) If the motion is not opposed the mover of the motion may address the Council on the motion.
- (f) If no Councillor indicates opposition, the motion must be declared to be carried without being voted on and will be treated as being passed unanimously;
- (g) If a Councillor indicates opposition, then the Chairperson must request-
 - (i) the mover to address the Council on the motion;
 - (ii) the seconder to address the Council on the motion;
 - (iii) any Councillor opposed to debate the motion;
 - (iv) any other Councillors for and against the motion to debate in turn; and
 - (v) that the debate continues until one side has been exhausted at which time the Chairperson may conclude the debate and will ask the mover for the right of reply.

10.2 Chairperson's Duty

The Chairperson must not accept any Motion which:

- (1) is defamatory; or
- (2) is objectionable in language or nature; or
- (3) is vague or unclear in its intention; or
- (4) is outside the powers of Council; or
- (5) is not relevant to an item of business on the agenda and has not been admitted as a Late Item; or
- (6) intends to be an amendment but is not.

10.3 Right of Reply

- (1) The mover of a Motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate.
- (2) After the right of reply has been exercised, the Motion must immediately be put to the vote without any further discussion or debate.
- (3) No new matters may be raised in the right of reply.
- (4) If no Councillor has spoken against a Motion, there will be no right of reply.

10.4 Moving an Amendment

- (1) A motion having been moved and seconded (but before being opposed or carried) may be amended by leaving out, inserting or adding words which must be relevant to the original motion and do not substantively alter the original intent of the motion.
- (2) An amendment may be proposed or seconded by any Councillor, except the mover and seconder of the original Motion.
- (3) If a Councillor proposes an amendment and the original mover and seconder of the Motion both indicate their agreement with the amendment, the amended Motion becomes the substantive Motion without debate or vote.
- (4) If a Councillor proposes an amendment to which either the mover or seconder does not agree, the following will apply:
 - (a) the amendment must be moved and seconded;
 - (b) a Councillor may speak on any amendment once, whether or not he or she has spoken to the Motion, but debate must be confined to the terms of the amendment;
 - (c) any number of amendments may be proposed to a Motion, but only one amendment may be accepted by the Chairperson at any one time. No second or subsequent amendment, whether to the Motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with and voted on;
 - (d) if the amendment is carried, the Motion as amended then becomes the Motion before the Meeting (known as the 'substantive Motion'); and
 - (e) the mover of an amendment does not have right of reply.

10.5 Foreshadowing Motions

- (1) At any time during debate a Councillor may foreshadow a Motion so as to inform Council of his or her intention to move a Motion at a later stage in the Meeting, but this does not extend any special right to the foreshadowed Motion.
- (2) A Motion foreshadowed may be prefaced with a statement that, in the event of a particular Motion before the Meeting being resolved in a certain way, a Councillor intends to move an alternative or additional Motion.
- (3) A Motion foreshadowed has no procedural standing and is merely a means to assist the flow of the Meeting.
- (4) The Minutes of the Meeting will not include foreshadowed Motions unless the foreshadowed Motion is subsequently formally moved as a Motion.

10.6 Withdrawal of Motions

- (1) Before any Motion is put to the vote, it may be withdrawn with the Agreement of Council.

10.7 Separation of Motions

- (1) Where a Motion contains more than one part, a Councillor may request the Chairperson to put the Motion to the vote in separate parts.
- (2) The Chairperson may decide to put any Motion to the vote in separate parts.

10.8 Motions in Writing

- (1) All Motions, except Procedural Motions, must be submitted in writing.
- (2) The Chairperson may adjourn a Meeting while a Motion is being written or may request Council to defer the matter until the Motion has been written, allowing the Meeting to proceed uninterrupted.

10.9 Debate must be Relevant to the Motion

- (1) Debate must always be relevant to the Motion before the Meeting, and, if not, the Chairperson must request the speaker to confine debate to the Motion.
- (2) If, after being requested by the Chairperson to confine debate to the Motion before the Meeting, the speaker continues to debate irrelevant matters, the Chairperson may direct the speaker to be seated and not speak further in respect of the Motion before the Chairperson. The speaker must immediately comply with any such direction.

10.10 Adequate and Sufficient Debate

- (1) Adequate debate is required where a matter is contentious in nature. In such a case, every Councillor should be given an opportunity to participate in the debate.
- (2) A Motion has been sufficiently debated if opposing views (where they exist) have been sufficiently put, not so much the number of those who have spoken but whether all minority opposing views have been put.
- (3) Once the views put are representative of the views of all Councillors the debate would be regarded as sufficient.

10.11 Speaking times

- (1) The Chairperson has the right to extend the speaking time where they determine that the current issue being spoken to is considered complex or serious and where the extension will add substantial value to understanding.
- (2) Unless an extension of speaking time has been approved, the maximum speaking times are:
 - (a) the mover of a Motion or amendment - three minutes;
 - (b) the mover of a Motion when exercising his or her right of reply - three minutes; and
 - (c) any other speaker - three minutes.

10.12 Procedural Motions

- (1) Unless otherwise prohibited, and subject to Sub-Rule (3), a procedural Motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural Motions require a seconder.
- (3) The Chairperson may reject a procedural Motion if he or she believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- (4) Regardless of any other provision in the Governance Rules, a procedural Motion must be dealt with in accordance with the table at Sub-Rule (8).
- (5) A Procedural Motion may not be moved or seconded by the Chairperson.
- (6) Unless otherwise provided, debate on a procedural Motion is not permitted and the mover does not have a right of reply.
- (7) Unless otherwise provided, a procedural Motion must not be amended.
- (8) Procedural Motions table:

Motion	Recommended Form	Mover/Seconder	When Prohibited	Effect If Carried	Effect If Lost	Debate Permitted
Deferral of a matter (to a future meeting)	'That the debate on this matter be deferred until (insert meeting/date) to allow (purpose of deferral)'...	Any Councillor who has not moved or seconded the original motion or otherwise spoken to the original motion	(a) During the election of the Mayor/Deputy Mayor; (b) During the election of a Chairperson; or (c) When another Councillor is speaking	Consideration/debate on the Motion and/or amendment is postponed to the stated date and the item is re-listed for consideration at the resolved future Meeting, where a fresh Motion may be put and debated	Debate continues unaffected	Yes
Closure (of debate)	'That the motion now be put'	Any Councillor who has not moved or seconded the original Motion or spoken for/against the original Motion	During nominations for a Chairperson	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the Motion	Debate continues unaffected	No
Laying a motion on the table (pausing debate)	'That the motion be laid on the table'	A Councillor who has not spoken for/against the Motion	During the election of the Mayor/Deputy Mayor	Motion not further discussed or voted on until Council resolves to take the question from the table at the same Meeting	Debate continues unaffected	No
Take a motion from the table (resume debate on a matter)	'That the motion in relation to XX be taken from the table'	Any Councillor	When no Motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	'That the item listed at XX on the agenda be considered before/after the item listed as XY'	Any Councillor	(a) At a Meeting to elect the Mayor; or (b) During any debate	Alters the order of business for the Meeting	Items are considered in the order as listed in the Agenda	No

Suspension of Standing Orders	'That Standing Orders be suspended to ...' (reason must be provided)	Any Councillor		The rules of the Meeting are temporarily suspended for the specific reason given in the Motion No debate or decision on any matter, other than a decision to resume Standing Orders, is permitted	The Meeting continues unaffected	No
Resumption of Standing Orders	'That Standing Orders be resumed'	Any Councillor	When Standing Orders have not been suspended	The temporary suspension of the rules of the Meeting is removed	The Meeting cannot continue	No
Consideration of confidential matter(s) (close the meeting to members of the public)	That, in accordance with section 66(2)(a) of the <i>Local Government Act 2020</i> the Meeting be closed to members of the public for the consideration of item XX is confidential as it relates to [insert reason]	Any Councillor	During the election of the Mayor/Deputy Mayor	The Meeting is closed to members of the public	The Meeting continues to be open to the public	Yes
Reopen the meeting	'That the meeting be reopened to members of the public'	Any Councillor		The Meeting is reopened to the public	The Meeting remains closed to the public	No

10.13 Notices of Motion

- (1) A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
- (2) A Notice of Motion must be in writing, signed by the Councillor (including by electronic means), and be lodged with the Chief Executive Officer no later than close of business 10 days before the Meeting at which it is intended to be considered to ensure its inclusion in the Agenda.
- (3) The Chief Executive Officer must inform Councillors about the operational, legal, financial and other risks, including non-compliance with statutory obligations of any proposed notice of motion. The Chief Executive Officer may suggest revised wording to the draft notice of motion to facilitate compliance with the requirements for notices of motion under the Governance Rules.
- (4) A Notice of Motion must relate to the objectives, role and functions of Council as outlined in the Act.
- (5) A Notice of Motion must call for a Council report if the Notice of Motion proposes any action that:
 - (a) proposes to establish, amend or extend Council policy;
 - (b) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - (c) commits Council to any contractual arrangement; or
 - (d) concerns any litigation in respect of which Council is a party.
- (6) The Chief Executive Officer must reject any Notice of Motion which:
 - (a) is too vague;
 - (b) is defamatory;
 - (c) may be prejudicial to any person or Council;
 - (d) is objectionable in language or nature;
 - (e) is outside the powers of Council
 - (f) is submitted during Election Period.
- (7) The Chief Executive Officer may reject a proposed Notice of Motion that:
 - (a) relates to a matter that can be addressed through the operational service request process; or
 - (b) relates to a matter that has been previously resolved by Council or is acted upon.
- (8) If rejecting a Notice of Motion, the Chief Executive Officer must inform the Councillor who lodged it of that rejection and the reasons for the rejection no

later than nine days before the Meeting at which it is intended to be considered. The Councillor may submit a revised Motion within 24 hours.

- (9) The Chief Executive Officer may advise the Chairperson to consider a notice of motion in a closed meeting of Council if the content/matter of the Notice of Motion is considered to be confidential as defined in section 3(1) of the Act.
- (10) The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the agenda and outline the policy, financial and resourcing implications if the Notice of Motion is passed.
- (11) The Chief Executive Officer may arrange for comments of members of Council staff to be provided to Councillors prior to the Notice of Motion being published in the agenda for the relevant Council Meeting.
- (12) The Chief Executive Officer must cause all Notices of Motion to be sequentially numbered, dated and entered in a register.
- (13) Unless the notice specifies a particular meeting date or Council resolves otherwise, the Chief Executive Officer will list the notice of motion and if more than one, in the order they were received, on the next appropriate meeting agenda.
- (14) The Motion moved must not be substantially different to the motion published in the Agenda, however, may be amended by resolution of the Council.
- (15) If a Councillor who has lodged a Notice of Motion is absent from the Meeting or fails to move the Motion when called upon by the Chairperson to do so, any other Councillor may move the Motion.
- (16) If a Notice of Motion to confirm a previous resolution of the Council cannot be carried in its original form, it will be lost.
- (17) If a Notice of Motion is lost, a similar Motion cannot again be put before the Council for at least three months from the date it was last lost, unless the Council resolves for the Motion to be re-listed at a future meeting.
- (18) If a Notice of Motion is not moved at the Council Meeting at which it is listed, it lapses.

10.14 Notices of Rescission

- (1) A Councillor may propose a Motion to rescind or alter a previous resolution of Council provided:
 - (a) the previous resolution has not been acted on; and
 - (b) a notice is delivered to the Chief Executive Officer or Delegate setting out:
 - (i) the relevant previous resolution to be rescinded or altered; and
 - (ii) the Meeting and date when the relevant previous resolution was carried.

- (2) A Notice of Rescission must be in writing, signed (including by electronic means) by a Councillor and be delivered to the Chief Executive Officer by close of business at least 10 days prior to the next Meeting.
- (3) The Chief Executive Officer, or a member of Council staff with responsibility for the subject matter of a resolution, may implement a resolution of Council at any time after the close of the Meeting at which it was made. A resolution of Council will be deemed to have been acted on if:
 - (a) its contents or substance has been formally communicated to a person whose interests are materially affected by it, including by publishing the proposed Minutes of a Council Meeting on Council's website; or
 - (b) a statutory process has been commenced so as to vest enforceable rights or obligations on Council or any other person.
- (4) Notwithstanding Sub-Rule (3), the Chief Executive Officer or member of Council staff must defer implementing a resolution which:
 - (a) has not been acted on; and
 - (b) is the subject of a Notice of Rescission which has been delivered to the Chief Executive Officer in accordance with Sub-Rule (4), unless deferring implementation of the resolution would have the effect of depriving the resolution of usefulness, giving rise to non-compliance with a legal obligation or placing the Council at operational, legal, financial or other risk.
- (5) If a Motion for rescission is lost, a similar Motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the Notice of Rescission be re-listed at a future Meeting.
- (6) If a Motion for rescission is not moved at the Meeting for which it is listed, it lapses.
- (7) A Notice of Rescission listed on an Agenda may be moved by any Councillor present but be moved in the form it was listed and must not be amended.
- (8) The Chief Executive Officer must cause all rescissions to be sequentially numbered, dated and entered in a register.

10.15 Change of Council Policy

- (1) Council reviews its policies to ensure they are current and continue to reflect community expectations and the position held by Council.
- (2) It is good practice for Council to review significant policies at least once in each Council term (every four years) and such reviews may lead to change in policy position.
- (3) Subject to Sub-Rule (4), if Council wishes to change a Council policy, a formal notice of rescission is not required.
- (4) If a policy has been in force in its original or amended form for less than 12 months, any intention to change the policy which may result in a substantial

change to the policy's application or operation for members of the public should be communicated to those affected, and their comment sought, prior to the policy being changed.

10.16 Foreshadowed Items

- (1) At the time designated in the Meeting Agenda, a Councillor may foreshadow a Notice of Motion to be submitted for consideration at the next Meeting by indicating, when called on to do so by the Chairperson, the subject matter of the foreshadowed Notice of Motion.
- (2) The subject matter, as indicated by the Councillor, of a Foreshadowed Item will be recorded in the Minutes.
- (3) No discussion or debate is allowed on a Foreshadowed Item.
- (4) A Foreshadowed Item will have no further formal status at that Council Meeting.
- (5) Foreshadowed Items are intended to be used to indicate to Council and the community matters of importance that will be raised at the next Council Meeting.
- (6) If a Councillor does not submit a Notice of Motion for the next Council Meeting, no further action on a Foreshadowed Item will occur.

11. POINTS OF ORDER

Overview: A Point of Order is taken when a Councillor draws the attention of the Chairperson to an alleged irregularity in the proceedings. Valid Points of Order, the process for raising and ruling on a Point of Order, and the procedure if there is dissent on the Chairperson's ruling are described in this section.

11.1 Raising Points of Order

- (1) A Councillor raising a Point of Order must state:
 - (a) the Point of Order; and
 - (b) any section, Rule, paragraph or provision relevant to the Point of Order.
- (2) The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the Point of Order raised, without entering into any discussion or comment.
- (3) The Chairperson may adjourn the Meeting to consider a Point of Order; otherwise he or she must rule on it as soon as it is raised.
- (4) All other matters before Council are suspended until the Point of Order is decided.

11.2 Dissent in Chairperson's Ruling

- (1) A Motion of dissent in the Chairperson's ruling must, if seconded, be given priority to all other items of business and a substitute Chairperson must be elected to preside while the Motion is being considered.

- (2) The substitute Chairperson must put questions relative to the ruling to the Chairperson first, and then to the mover of the Motion.
- (3) The substitute Chairperson must conduct a debate on the Chairperson's ruling, and the matter must be decided by a majority vote.
- (4) The Chairperson must then resume the Chair for the remainder of the Meeting.

11.3 Valid Points of Order

- (1) A Point of Order may be raised in relation to:
 - (a) a Motion which has not been accepted by the Chairperson;
 - (b) a procedural matter;
 - (c) a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
 - (d) debate that is irrelevant to the matter under consideration;
 - (e) a matter that is outside the powers of Council; or
 - (f) any act of disorder.

11.4 Contradiction or Opinion

- (1) Rising to express a mere difference of opinion or to contradict a speaker is not a Point of Order.

11.5 Disorderly Conduct

- (1) The conduct of Councillors at meetings is governed by the Act, these Rules and the Councillor Code of Conduct.

11.6 Chairperson May Adjourn Disorderly Meeting

- (1) The Chairperson may call a break in a Meeting for either a short time, or to resume another day if:
 - (a) the behaviour at the Council table or in the gallery is significantly disrupting the Meeting; or
 - (b) when a Meeting has been in progress for longer than two hours.
- (2) The break referred to in Sub-Rule (1) is an adjournment.
- (3) Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the Meeting, and prevents the conduct of Council business:
 - (a) Council may, by resolution, suspend that Councillor from a portion of the Meeting or from the balance of the Meeting where the Chairperson has warned the Councillor to cease that behaviour; or

- (b) The Mayor, under section 19 of the Act, at a Council meeting, having previously warned the Councillor to cease that behaviour, may direct a Councillor to leave the meeting for a period of time or the balance of the Meeting.
- (4) Where Council suspends a Councillor under Sub-rule (3)(a), or the Mayor directs a Councillor to leave the meeting under Sub-rule (3)(b) the Councillor will take no active part in the portion of the Meeting from which he or she has been suspended.
- (5) If a Councillor has been suspended from a meeting or directed to leave in accordance with Sub-rule (3) the Chairperson may ask the Chief Executive Officer, an Authorised Officer of Council or a member of Victoria Police to remove the Councillor.

11.7 Final Ruling on a Point of Order

- (1) The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive.

12. MINUTES

Overview: The Minutes of a Meeting must contain details of the proceedings and resolutions made, be clearly expressed, be self-explanatory and incorporate relevant reports or a summary of the relevant reports considered in the decision-making process. The Minutes of a Council Meeting must be submitted to the next appropriate Council Meeting for confirmation.

12.1 Keeping of Minutes

- (1) The Chief Executive Officer or Delegate is responsible for the keeping of Minutes on behalf of Council. Those Minutes must record:
 - (a) the date, place, time and nature of the Council Meeting;
 - (b) the names of Councillors and whether they are present, an apology, on leave of absence, etc.;
 - (c) the titles of the members of Council staff present who are not part of the gallery;
 - (d) the disclosure of a conflict of interest made by a Councillor in accordance with the Act;
 - (e) the arrivals and departures of Councillors, during the course of the Meeting (including any temporary departures or arrivals);
 - (f) every Motion and amendment moved (including procedural Motions);
 - (g) the outcome of every Motion moved;
 - (h) where a division is called, the names of every Councillor and the way their vote was cast (and if they abstained);
 - (i) when requested by a Councillor, a record of their support of, opposition to, or abstention from voting on any Motion, noting that under section 61(5) of

the Act that a Councillor present at the meeting who does not vote is taken to have voted against the question;

- (j) details of any failure to achieve or maintain a quorum;
- (k) a summary of any question asked and the response provided as part of public question time;
- (l) details of any petitions made to Council;
- (m) the time and reason for any adjournment of the Meeting or suspension of standing orders;
- (n) any other matter, which the Chief Executive Officer thinks should be recorded to clarify the intention of the Meeting or assist in the reading of the Minutes; and
- (o) the time the Council Meeting was opened and closed, including any part of the Council Meeting that was closed to members of the public.

12.2 Confirmation of Minutes

- (1) The Minutes as recorded by the Chief Executive Officer, or Delegate, will be made available as the proposed Minutes to:
 - (a) Councillors, within seven days;
 - (b) members of the public, by publishing them on Council's website within seven days;of the Council Meeting they relate to.
- (2) At every Council Meeting the Minutes of the preceding Council Meeting(s) must be dealt with as follows:
 - (a) a Motion will be moved to confirm the Minutes in the following terms: 'That Council adopt the Minutes and resolutions of the Ordinary Council Meeting of(day).....(month).....';
 - (b) if a Councillor indicates opposition to the Minutes, the Councillor must specify the particular item or items in the Minutes and, after asking any questions to clarify the matter, can only move a Motion to rectify the alleged error(s) in the Minutes by adding the following words to the Motion in Sub-Rule (2)(a) '...subject to the following alteration(s).....';
 - (c) no debate or discussion is permitted on the confirmation of Minutes except as to their accuracy as a record of the proceedings of the Council Meeting to which they relate;
 - (d) once the Minutes are confirmed in their original or amended form, the Minutes must, if practicable, be signed by the Chairperson of the Meeting at which they have been confirmed; and
 - (e) the Minutes must be entered in the minute book and each item in the minute book must be entered consecutively.

12.3 Recording of Proceedings

- (1) A person in the gallery must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images at any Meeting without first obtaining the consent of the Chairperson.
- (2) The consent of the Chairperson may be revoked at any time during the course of a Meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease.

13. SUSPENSION OF STANDING ORDERS

Overview: *Standing Orders are the rules made to govern the procedure at Council Meetings contained in these Governance Rules. Standing Orders cover a range of matters including the order of business, rules of debate, procedural motions and election procedures. Standing Orders can be suspended to facilitate the business of a meeting.*

- (1) To temporarily remove the constraints of formal meeting procedure and allow full discussion or clarification of an issue, Council may, by resolution, suspend standing orders in accordance with the procedural motion table at Rule 10.12.
- (2) No Motion can be accepted by the Chairperson or lawfully be dealt with during any suspension of standing orders, except a Motion to resume standing orders.
- (3) No Motion to suspend standing orders can be accepted by the Chairperson during a second extension of time for a Meeting.

14. DELEGATED COMMITTEES

Overview: *Council may establish Delegated Committees as part of its good governance framework. Delegated Committees can comprise Councillors, members of Council staff and others and must be chaired by a Councillor. As Council may delegate specific powers, duties and functions to Committees, their meeting procedures need to be formal.*

- (1) If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- (2) For the purpose of Sub-Rule(1):
 - (a) a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
 - (b) a Councillor is to be read as a reference to a Member of the Delegated Committee; and
 - (c) a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.
- (3) If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

15. COMMUNITY ASSET COMMITTEES

Overview: *Section 65 of the Act provides for Council to establish a Community Asset Committee for the management of a community asset such as a hall or recreation reserve. Council may appoint members of the community to the committee and delegate to it powers, duties or functions. The powers delegated to a Community Asset Committee must be limited in the amount and purpose of any financial delegation.*

- (1) The Governance Rules may apply to any Community Asset Committee established by Council.
- (2) Council may resolve, in establishing a Community Asset Committee which sections of the Governance Rules apply.
- (3) A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

16. AUDIT AND RISK COMMITTEE

Overview: *The Act provides for Council to establish an Audit and Risk Committee to provide oversight.*

- (1) The Governance Rules will apply to the Audit and Risk Committee established by Council unless otherwise provided in the Audit and Risk Charter and Terms of Reference.
- (2) Council may resolve, in establishing an Audit and Risk Committee, that the meeting procedure Rules of these Governance Rules do not apply.
- (3) An Audit and Risk Committee must report the Minutes of all Committee meetings to the next practicable Council meeting.
- (4) An Audit and Risk Committee must act in accordance with its adopted Charter and Terms of Reference adopted by Council.

17. ELECTION PERIOD POLICY

- (1) Council will have in place an Election Period Policy that:
 - (a) governs decision making during a local government election period, including what may be considered at a Council meeting;
 - (b) prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
 - (c) sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and civic events;
 - (d) sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
 - (e) defines roles and responsibilities in relation to who is the spokesperson for Council during an election period; and

- (f) sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- (2) At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its Election Period Policy.
- (3) The Election Period Policy forms part of these Governance Rules at Appendix 1.
- (4) Any outstanding Delegate's Reports may still be reported to a Meeting of Council during this period.
- (5) Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.

18. CONFLICT OF INTEREST

Overview: Part 6 Division 2 of the Act provides that Council must include in its Governance Rules procedures for disclosures of Conflicts of Interest, including at meetings conducted under the auspices of Council that are not Council meetings. Meetings conducted under the auspices of Council include those meetings arranged or hosted by Council.

These Rules provide the procedures for disclosures of conflicts of interest.

18.1 Definitions

Sections 127, 128 and 129 of the Act defines general and material conflicts of interest and provides exemptions for remoteness and interests in common with a substantial proportion of ratepayers along with other specific circumstances as set out in the following table:

Conflict Type	Definitions
<p align="center">GENERAL CONFLICT OF INTEREST <i>(Section 127)</i></p> <p>(1) Subject to section 129, a relevant person has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's <u>private interests</u> could result in that person acting in a manner that is contrary to their <u>public duty</u>.</p>	<p>Private Interests (section 127(2)) Any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.</p> <p>Public Duty (section 127(2)) The responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person</p>
<p align="center">MATERIAL CONFLICT OF INTEREST <i>(Section 128)</i></p> <p>(1) Subject to section 129, a relevant person has a material conflict of interest in respect of a matter if an <u>affected person</u> would gain a benefit or suffer a loss depending on the outcome of the matter.</p> <p>(2) The benefit may arise or the loss incurred -</p> <p>(a) directly or indirectly; or</p> <p>(b) in a pecuniary or non-pecuniary form.</p>	<p>Affected Person (section 128(3)) For the purposes of section 128(3), any of the following is an <i>affected person</i>—</p> <p>(a) the relevant person;</p> <p>(b) a family member of the relevant person;</p> <p>(c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;</p> <p>(d) an employer of the relevant person, unless the employer is a public body;</p> <p>(e) a business partner of the relevant person;</p> <p>(f) a person for whom the relevant person is a consultant, contractor or agent;</p> <p>(g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;</p> <p>(h) a person from whom the relevant person has received a <u>disclosable gift</u>.</p> <p>Disclosable Gift (section 128(4)) means one or more gifts with a total value of, or more than, \$500 or if an amount is prescribed for the purposes of section 128(4), the prescribed amount, received from a person in the 5 years preceding the decision on the matter -</p>

	<p>(a) if the relevant person held the office of Councillor, was a member of Council staff or was a member of a delegated committee at the time the gift was received; or</p> <p>(b) if the gift was, or gifts were, or will be, required to be disclosed as an election campaign donation -</p> <p>but does not include the value of any reasonable hospitality received by the relevant person at an event or function that the relevant person attended in an official capacity as a Councillor, member of Council staff or member of a delegated committee.</p>
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Exemptions (section 129)

A conflict of interest does not arise if any of the following applies—

- (a) the conflict of interest is so remote or insignificant that it could not be reasonably regarded as capable of influencing the actions or decisions of the relevant person in relation to the matter;
- (b) the interest that would give rise to a conflict of interest is held in common with a substantial proportion of the residents, ratepayers or electors of the municipal district and does not exceed the interest held by the other residents, ratepayers or electors;
- (c) the relevant person does not know the circumstances that give rise to the conflict of interest, and could not be reasonably expected to know those circumstances;
- (d) the interest only arises because the relevant person is the representative of the Council on a not-for-profit organisation that has an interest in the matter and the relevant person receives no personal advantage from the not-for-profit organisation;
- (e) the interest only arises because a family member of the relevant person is a member but not an office-holder of a not-for-profit organisation;
- (f) the interest only arises because the relevant person is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome in regard to the matter;
- (g) the interest arises in relation to a decision by a Councillor on a matter or in a circumstance that is prescribed to be exempt by the regulations.

18.2 Obligations with regard to Conflict of Interest:

- (1) Councillors, Members of Delegated Committees and Council staff are required to:
 - (a) avoid all situations which may give rise to conflicts of interest;
 - (b) identify any conflicts of interest; and
 - (c) disclose or declare all conflicts of interest.

18.3 Councillors and Members of Delegated Committees

- (1) May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- (2) When disclosing a conflict of interest, Councillors must clearly state their connection to the matter.
- (3) All disclosures of conflicts of interest will be recorded in the Minutes of a Council or Delegated Committee Meeting.
- (4) Council will maintain a Conflict of Interest Register which will be made available upon request.

18.4 Procedure at a Council or Delegated Committee Meeting

- (1) At the commencement of the Council meeting, the Chairperson will call for a declaration of all conflicts of interest to be declared throughout the course of the Council meeting, clearly stating:
 - (a) the item for which they have a conflict of interest;
 - (b) whether their conflict of interest is general or material; and
 - (c) the circumstances that give rise to the conflict of interest.
- (2) At the time indicated in the Agenda, a Councillor with a conflict of interest in an item on the Agenda must indicate they have a conflict of interest by clearly stating:
 - (a) the item for which they have a conflict of interest;
 - (b) whether their conflict of interest is general or material; and
 - (c) the circumstances that give rise to the conflict of interest.
- (3) Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.
- (4) A Councillor who is not present at the designated time in the Agenda for disclosures of conflicts of interest, must disclose their conflict of interest in the manner required for the declarations of conflicts of interest at Sub-rule (2) prior to leaving the Meeting.

- (5) A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a Meeting must not communicate with any participants in the Meeting while the decision is being made.

18.5 Procedure at other meetings organised, hosted or supported by Council

- (1) A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- (2) At the time indicated on the Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- (3) If there is no Agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- (4) At the time for discussion of that item, the Councillor will leave the Meeting and not communicate with any members of the meeting for the duration of the discussion.
- (5) The existence of a conflict of interest will be recorded in the Minutes of the meeting.
- (6) If there are no Minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to Council's Governance team for recording in the register of Conflicts of Interest.
- (7) The meeting Minutes or record will also record the times when the Councillor left the Meeting and returned to the meeting.
- (8) Meeting records and reports will be presented to Council for noting and inclusion on the public record.

18.6 Council Staff

- (1) Must act in accordance with the Employee Code of Conduct.
- (2) Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- (3) May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 18.7 and the Employee Code of Conduct.

18.7 Procedure for Disclosures of Conflicts of Interest by Council Staff

- (1) Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- (2) All conflicts of interest disclosed by Council staff will be provided to the Governance team for recording in the register of Conflicts of Interest.
- (3) A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:

- (a) The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
- (b) The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
- (c) The staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
- (d) The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

19. JOINT COUNCIL MEETINGS

Overview: Regional collaboration provides benefits through collective procurement, increased advocacy and alignment for major projects. While on some matters that are worked on in partnership it is possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council Meetings as are provided for at section 62 of the Act.

- (1) Council may resolve to participate in a Joint Council meeting to consider:
 - (a) collaborative projects;
 - (b) collaborative procurement; or
 - (c) emergency response.
- (2) If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or Delegate) will agree on governance rules with the participating Council(s).
- (3) Where Wellington Shire Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting.
- (4) A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- (5) Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- (6) A joint briefing arranged in accordance with Sub-rule (5) may be held electronically.

REVISION HISTORY AND REVIEW

VERSION	TYPE OF CHANGE	EFFECTIVE DATE	APPROVED BY	SUMMARY OF CHANGES
1	New policy	1 September 2020	Council	Creation of new policy as required by introduction of <i>Local Government Act 2020</i> . Encapsulates majority of Local Law 1.



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Election Period Policy

Adopted 1 September 2020

ELECTION PERIOD POLICY

OVERVIEW

The purpose of this policy is to outline the conduct of Council during the Election Period for municipal General Elections. The policy aims to ensure that general elections are conducted in a manner that is ethical, fair and equitable, are publicly perceived as such and support the conduct of good governance for Council and the organisation during the Election Period for municipal General Elections. The policy will also facilitate the continuation of the ordinary business of local government throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established "Election Period" conventions.

This policy also commits Council during the Election Period to:

- avoid making significant new policies or decisions that could unreasonably bind a future Council; and
- ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

THE POLICY

1. Background

- 1.1 In the lead up to an election the local government sector adopts an Election Period Policy to avoid actions and decisions that may be interpreted as influencing voters or binding an incoming Council. Specific provisions have been incorporated in the *Local Government Act 2020* (the Act), that prohibit Council from making major policy decisions or publishing or distributing electoral matter in an Election Period.
- 1.2 Section 69 of the Act prescribes the conduct of a Council during the Election Period. This policy is seen as a way to ensure that Council complies with the Act and the municipal elections for Wellington Shire Council are conducted in a manner that is fair, equitable, upholds the highest standards of democratic governance and is publicly perceived as such.

2. Definitions

- 2.1 It should be noted that where terms used in this policy are defined in the Act, their use in this policy is consistent with the definitions in the Act. Definitions used in this policy are detailed in Appendix 2.

3. Election Period

- 3.1 Starts at midnight on the last day on which nominations for the election can be received; and
- 3.2 Ends at 6:00pm on election day.

This translates to a commencement date of 32 days prior to the General Election and it starts at midnight on the last day on which nominations for that election can be received.

The Chief Executive Officer will ensure that all employees are informed of the requirements of this policy in advance of the Election Period commencing.

4. Decision Making

- 4.1 Careful consideration will be given to what decisions at council or special committee meetings should be made in the 32 days leading up to the general election, so that the incoming Councillors are not unreasonably compromised.
- 4.2 It is an established democratic principle that elected bodies should not unnecessarily bind government during an election period. The Council therefore commits to the principle that it will make every endeavour to avoid making decisions that bind the incoming Council.
- 4.3 This includes a commitment to not only comply with the requirements of Section 93A of the Act, pertaining to major policy decisions, but as well relating to significant decisions as specified within this policy.
- 4.4 Examples of the types of actions that should be avoided are:
 - allocation of community grants or other direct funding to community organisations;
 - major planning scheme amendments;
 - awarding of contracts both civil and service;
 - changes to strategic objective;
 - changes to strategies in the Council Plan;
 - asking Questions on Notice;
 - submitting Notices of Motion;
 - introduction of Late Items;
 - decisions relating to the employment or remuneration of a Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer (section 69(2)(a) of the Act); or
 - to terminate the appointment of a Chief Executive Officer.
- 4.5 Ordinary Council and Delegated Committee Meeting agendas and Unscheduled Council Meeting agendas and/or minutes are to be carefully vetted by the Chief Executive Officer and/or Corporate Management Team to ensure that no agenda item is included in any council agenda during the election period that could potentially influence voters' intentions or encourage candidates to use as part of electioneering under section 69(2) of the Act.
- 4.6 During the Election Period, the Chief Executive Officer will ensure that a "Election Period Statement" is included in every report submitted to an Ordinary Council Meeting and/or Unscheduled Meeting for a decision.
- 4.7 The "Election Period Statement" will specify one of the following:
 - a) The recommended decision is not a Major Policy Decision or a Significant Decision as defined by Council's Election Period Policy.

- b) The recommended decision is not a Major Policy Decision but is a Significant Decision as defined by Council's Election Period Policy however an exception should be made for the following reason/s: *[insert reasons for making an exemption]*.
- c) The recommended decision is to seek an exemption from the Minister because the matter requires a Major Policy Decision as defined by Council's Election Period Policy .
- d) The recommended decision is a Major Policy Decision, as defined by Council's Election Period Policy, however an extraordinary circumstances exemption was granted by the Minister for Local Government on *[insert date]*.

5. Major Policy Decisions

- 5.1 Section 69 of the Act prohibits a Council, Committee or a person acting under a delegation given by the Council from making a major policy decision during the Election Period for a General Election. If Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption. Rates and charges levied continue to apply under the relevant sections of the *Local Government Act 1989*.

6. Significant Decisions

- 6.1 Council will avoid making other decisions during the Election period that are of a significant nature and would unreasonably bind the incoming Council. Significant decisions include:
 - a) irrevocable decisions that commit the Council to substantial expenditure or major actions; and
 - b) irrevocable decisions that will have a major impact on the municipality or the community.

7. Public Consultation

7.1 Definition

Public consultation means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action, proposed policy, and includes discussion of that matter with the public.

7.2 Right to Postpone

Public consultation may be undertaken during the Election Period to facilitate the day to day business of Council, to ensure matters continue to be proactively managed. Consultation will avoid express or implicit links to the election. In view of the potential for a matter or issue to become contentious or politically sensitive in the course of an Election period, Council reserves the right to postpone a matter if the issue is likely to affect voting.

7.3 Statutory Requirements

The requirements of 7.2 do not apply to public consultation required under the *Planning and Environment Act 1987* .

8. Council Resources

- 8.1 It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council therefore commits to this principle in that it will ensure Council resources are not used inappropriately during a Council election. This includes a commitment to comply with the following procedures.
- 8.2 Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard. In any circumstances where the use of Council resources might be construed as being related to a candidate's election campaign, the matter must be referred to the Chief Executive Officer or his or her delegate.
- 8.3 Council resources, including offices, support staff, hospitality services, equipment such as mobile phones, laptops, tablets and printers, and stationery will be used exclusively for normal Council business during the Election Period, and shall not be used in connection with any electioneering activity.
- 8.4 Reimbursements of Councillor's out-of-pocket expenses during the Election Period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
- 8.5 No Council logos, letterheads or other corporate branding will be used for, or linked in any way to, a candidate's election campaign.
- 8.6 Photos or images taken or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council's website that may be copied.
- 8.7 No election material or active campaigning is to be conducted at Council sponsored events or be displayed in any Council building.
- 8.8 In applying these principles, the Council understands that the following will be normal practice during the Election Period:
 - 8.8.1 Public events will only be organised and run if it is totally unavoidable to conduct such events during the Election period and then only with the express permission of the Chief Executive Officer;
 - 8.8.2 Speeches for Councillors will only be prepared by Media & Communications business unit in relation to events that are part of normal services or operation of the Council and such speeches will not be circulated or available for publication;
 - 8.8.3 Media services, including media releases, will not be provided to Councillors during the Election Period;
 - 8.8.4 Media releases will not mention or quote any Councillor(s) during the Election Period;
 - 8.8.5 All Council newsletters will not be printed during the Election Period; and
 - 8.8.6 Neither the Council logo nor Council stationery will be used by Councillors in any way that relates to the election.

9. Equipment and facilities provided to Councillors for the purpose of conducting normal Council business will not be used for campaigning purposes

9.1 Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the Election Period, Councillors will reimburse the Council for usage of those services during the Election Period that exceeds normal usage levels. Councillors may wish to consider the specific ways to administer this procedure. For instance, Councillors may decide to use a private phone for all election enquiries and publicise such number on election material.

9.2 Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns. This includes photos or images provided by Council for past Council specific activities

10. Information

10.1 Candidates' Access to Information

All election candidates have equal rights to information relevant to their election campaigns from the Council administration. Whilst it is important that sitting Councillors continue to receive information that is necessary to fulfill their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections.

There will be complete transparency in the provision of all information and advice during the Election Period.

10.2 Information Request Register

An Information Request Register will be maintained by the Corporate Services business unit during the Election Period. This register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

Responses to Councillors and candidate requests, as per clause 9.1, will be provided by the Chief Executive Officer or General Managers. Managers will be required to discuss the request and the proposed response with their General Manager prior to the response being provided.

Only Information that can reasonably be accessed will be released.

11. Misuse and Improper Direction of Position

11.1 Section 123 of the Act prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in the role of a Councillor, to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person or to cause, or attempt to cause, detriment to the Council or another person.

12. Assistance to Candidates

12.1 The Council affirms that all candidates for the Council election will be treated equally.

12.2 All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Election Manager or, where the matter is outside the responsibility of the Election Manager (such as the CEO list), to the Chief Executive Officer or a designated

member of Council staff.

- 12.3 Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Election Manager and electronically via the Victorian Electoral Commission's website, accompanied by the nomination fee.
- 12.4 Candidates will also be informed of the requirements to complete and submit an "Election Campaign Donation Return Form" to the Chief Executive Officer within 40 days after the Election Day.

An election campaign donation form must:

- (a) Be in the prescribed form; and
- (b) Contain the prescribed detail in respect of any gifts received during the donation period, by the candidate or on behalf of the candidate, to be used for or in connection with the election campaign.

Donation period means the period—

- (a) commencing on whichever is the later of—
 - (i) 30 days after the last general election for the Council; or
 - (ii) 30 days after the last election for the Council at which the person required to give the election campaign donation return was a candidate; and
- (b) ending 30 days after election day in the current election for the Council;

13. Communication

- 13.1 Council communication will not be used in any way that might influence the outcome of a Council election.
- 13.2 During the Election Period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.
- 13.3 Any requests from Councillors for media advice or assistance during the Election Period will be channelled through the Chief Executive Officer.
- 13.4 In response to media enquiries, the Chief Executive Officer, General Managers or the Media and Public Relations team will only provide a response and such information should relate to current services and operations.
- 13.5 In the Election Period, no media releases will be issued quoting or featuring any Councillor.
- 13.6 During the Election Period, Council initiated communications shall be restricted to communication of normal Council activities.
- 13.7 No media advice or assistance will be provided to Councillors in relation to election campaign matters.
- 13.8 No publicity will be provided that involves specific Councillors.

- 13.9 Councillors should not use their position as an elected representative or their access to Council staff and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.
- 13.10 Contact with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.
- 13.11 Publicity of Council events (if any during the Election Period) will be restricted to the communication of factual material and will not mention or quote any Councillor.
- 13.12 Councillor participation at Council sponsored events (if any during the Election Period) should not be used to gain attention in support of an election campaign. Council sponsored events includes launches, events, and any other public forum outside of the normal Council meeting cycle – the easiest way to deal with these is to simply not have them during the Election Period.

14. Council Publications

- 14.1 Council must refrain from printing, publishing or distributing or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.

This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.

- 14.2 The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process. – it is an offence for the Chief Executive Officer to contravene this requirement.
- 14.3 Electoral matter is any matter that is intended or likely to affect voting in an election.
- 14.4 Certification by the Chief Executive Officer must be in writing and cannot be delegated. Certification wording – over the Chief Executive Officers signature – should be as follows:

“Certified by the Chief Executive Officer that this document does not contain electioneering material in accordance with the Local Government Act 2020.”

- 14.5 A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.
- 14.6 Electoral material has been interpreted to refer to documents produced for the purpose of communicating with the community, including:
- Council newsletters;
 - Advertisements and notices, for example job advertisements and public notices of contracts;

- Media releases;
- Leaflets and brochures;
- Mailouts to multiple addresses.

All the above publications will require certification by the Chief Executive Officer.

Material is definitely electoral matter if it consists of any of the following:

- publicises the strength or weakness of a candidate;
- advocates the policies of the Council or of a candidate;
- responds to claims made by a candidate;
- publicises the achievements of the elected Council;
- publicises matters that have already been the subject of public debate;
- about matters that are known to be contentious in the community and likely to be the subject of election debate;
- dealing with Election Candidates' statements;
- referring to Councillors or candidates by name or by implicit reference.

14.7 The publication of material specified above applies to all of Council's websites under the auspice of Council. ***Any new pages on the website or new material will require certification by the Chief Executive Officer during the Election Period.***

14.8 The recommended practice, in line with State and Federal Governments, is where possible; avoid all publication activity during the Election Period except where it is essential for the conduct of Council operations.

14.9 A number of Council publications with reference to either current Councillors or candidates, both on the website and public display will be withdrawn from display during the Election Period.

14.10 During the Election Period, Council's website will not contain material which is precluded by this policy or the statutory requirements relating to publications. Any references to the election will only relate to the election process.

14.11 Profiles of the current Mayor and Councillors will be removed from Council's website during the Election Period but retain their contact details for their day-to-day role as a Councillor i.e. names, photos and mobile phone numbers.

14.12 Any new material published on Council's website during the Election Period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the certification process via the Chief Executive Officer.

14.13 Council is required by the Act to produce an annual report, and the annual report may be published during the Election Period. The annual report will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfill its statutory obligations on reporting matters. In accordance with the requirements of section 100 of the Act, Council may

be required to consider the annual report at a meeting of Council held during the Election Period.

- 14.14 Social media – any publication on social media sites such as Facebook, Twitter or Council blogs that are under the auspice of Council will also require certification by the Chief Executive Officer.

APPENDIX 1 RELEVANT ACT REFERENCE

Local Government Act 2020

69 Governance Rules to include election period policy

- (1) *A Council must include an election period policy in its Governance Rules.*
- (2) *An election period policy must prohibit any Council decision during the election period for a general election that—*
 - (a) *relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or*
 - (b) *commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or*
 - (c) *the Council considers could be reasonably deferred until the next Council is in place; or*
 - (d) *the Council considers should not be made during an election period.*
- (3) *An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.*
- (4) *A Council decision made in contravention of subsection (2)(a) or (b) is invalid.*
- (5) *Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.*

APPENDIX 2 DEFINITIONS

It should be noted that some of the terms used in this policy are defined in the *Local Government Act 2020* (the Act) and their use in this policy is consistent with the Act.

Community engagement principles means the principles specified in section 56 of the Act as follows:

56 The community engagement principles

The following are the community engagement principles—

- (a) *a community engagement process must have a clearly defined objective and scope;*
- (b) *participants in community engagement must have access to objective, relevant and timely information to inform their participation;*
- (c) *participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;*
- (d) *participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;*
- (e) *participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.*

Donation period means the period—

- (a) commencing on whichever is the later of—
 - (i) 30 days after the last general election for the Council; or
 - (ii) 30 days after the last election for the Council at which the person required to give the election campaign donation return was a candidate; and
- (b) ending 30 days after election day in the current election for the Council;

Election period means the period that—

- (a) starts at the time that nominations close on nomination day; and
- (b) ends at 6 p.m. on election day;

Electoral material means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting.

Electoral matter is not defined in the Act but has the same meaning as matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the Election Manager for the purposes of conducting an election.

Major Policy Decision is not defined under the Act but has the same meaning as any decision:

- (a) the remuneration, appointment or dismissal of a Chief Executive Officer;

- (b) entering into any contracts worth more than 1% of the Council's revenue from rates and charges levied under section 158 of the *Local Government Act 1989* (the 1989 Act) in the previous financial year; and
- (c) the exercise of any entrepreneurial power under section 193 of the 1989 Act if the amount assessed under section 193(5A) of the 1989 Act in respect of the proposal exceeds whichever is greater of \$100,000 or 1% of the Council's revenue from rates and charges levied under section 158 of the 1989 Act in the previous financial year.

Public Consultation is not defined in the Act, but means a process which involves an invitation or invitations to individuals, groups, organisations or the community generally to comment on an issue or proposed action, proposed policy, and includes discussion of that matter with the public.

Publish means publish by any means including by publication on the Internet;

Significant Decision is not defined in the Act, but in this context means an irrevocable decision that significantly affects the municipality.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

RELATED DOCUMENTS

Type:	Details:
General	Gifts and Donations Register Employee Code of Conduct Councillor Code of Conduct Human Rights Charter

REVISION HISTORY AND REVIEW

VERSION	TYPE OF CHANGE	EFFECTIVE DATE	APPROVED BY	SUMMARY OF CHANGES
1	New policy	15 March 2016	Council	Creation of new policy as required by updated legislation
2	Minor Review	17 December 2019	Council	Minor formatting
3	Major Review	1 September 2020	Council	Changes to section references and definitions in line with introduction of <i>Local Government Act 2020</i>

**Processes of Municipal Government
(Common Seal and Enforcement and Penalties) Local Law**

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EXPLANATORY NOTES

Local Law No 1 was adopted by Council in July 2014 and will expire in July 2024.

The introduction of the *Local Government Act 2020* (the Act) requires Governance Rules to replace Local Law No 1 which was made under the *Local Government Act 1989*. The aim of the Act is to provide good governance in the modern day which will allow Council to administer local government in a way that is less prescriptive and more inclusive in its strategies and practices.

Under the Act, it is necessary to remake Local Law 1 whereby the majority of the provisions are transitioned to the Governance Rules and the remaining provisions are those that are not provided for under the Act and thus the Governance Rules. Under the *Local Government Act 1989*, the process to remake a local law is the same as making a new local law (s119), requiring engagement under section 223 for 28 days. This process will commence on the date the notice appears in the Victorian Government Gazette.

PART 1

COMMON SEAL, LOGO & LETTERHEAD

L1.1 THE COUNCIL'S COMMON SEAL

- (1) The Chief Executive Officer must ensure the security of the Council's Common Seal at all times.
- (2) The Council's Common Seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Chief Executive Officer or some other senior officer authorised by him or her.
- (3) Any person who uses the Council's Common Seal without authority is guilty of an offence.
- (4) Any person who uses any replica of the Council's Seal without authority is guilty of an offence.
- (5) For Ceremonial documents, the sealing clause may provide for the signature of the Mayor, Councillor and Chief Executive Officer.

Wellington Shire Council Common Seal reads as:

The Common Seal of WELLINGTON)
SHIRE COUNCIL was hereunto affixed)
this day of 2....)
in accordance with Local Law No. 1)
in the presence of:)

.....
Chief Executive Officer

PART 2

ENFORCEMENT AND PENALTIES

L2.1 OFFENCES

- (1) Where any provision in this Local Law requires that something must not be done under any circumstances, any person who does that act is guilty of an offence.
- (2) Where any provision in this Local Law requires that something must be done, any person who fails to do that act is guilty of an offence.

L2.2 PENALTIES

- (1) A person found guilty of an offence under this Local Law is subject to a penalty of 20 penalty units.
- (2) Schedule 1 of this Local Law sets out penalties for infringement notices which may be issued as an alternative to prosecution in respect of offences against this Local Law where Council or its Authorised Officers determine to proceed by infringement notice.

L2.3 INFRINGEMENT NOTICE

- (1) An Authorised Officer may serve an infringement notice under this Local Law in the form of Schedule 2 on any person whom the officer believes has committed an infringement referred to in Schedule 1 requiring the person to pay the penalty for the infringement within 28 days of the issue of the infringement notice.
- (2) If the infringement notice is not withdrawn and the person pays to the Council the amount required by the infringement notice within the period of 28 days or such further period as the Council or an Authorised Officer may allow, no further action will be taken.
- (3) Any person issued with an infringement notice may make a written representation to the Council, marked to the attention of the Chief Executive Officer, officer in charge of Local Laws administration or any other person authorised by the Council to receive such representations within 28 days of the issue of the infringement notice.
- (4) A written representation received by the Council in accordance with sub-clause (3) within 28 days of the issue of the infringement notice must be considered, together with any other relevant information received within that period, by the relevant authorised person under sub-clause (3).
- (5) Subject to sub-clause (11) the decision of the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises on any representations received will be final.
- (6) The Council or the Chief Executive Officer or officer in charge of Local Laws administration or such other person as the Council authorises may at any time withdraw an infringement notice either as a result of consideration of any representation made or with a view to prosecuting for an offence.

- (7) Where an infringement notice is withdrawn, the person upon whom it was served must be refunded any payment which that person has made on the infringement notice.
- (8) If the penalty referred to in an infringement notice has been paid within 28 days of its issue and no representation has been received by the Council or its officers, no decision may be made to withdraw the infringement notice and prosecute the offence after the expiry of 28 days from the issue of the infringement notice.
- (9) A withdrawal of an infringement notice must be served in accordance with section 234 of the Act.
- (10) In the event of the failure of a person served with an infringement notice to pay the amount specified within 28 days of the issue of the notice or such further time as the Council or the Authorised Officer may permit, the Council or the Authorised Officer may pursue the matter by prosecuting for an offence or by taking any steps which may be available for enforcing penalties by registration of infringement notices.
- (11) Any person served with an infringement notice under this Local Law is entitled to disregard the notice and defend the prosecution in Court.

SCHEDULE 1

**PROCESSES OF MUNICIPAL GOVERNMENT
(COMMON SEAL AND ENFORCEMENT AND PENALTIES) LOCAL LAW**

WELLINGTON SHIRE COUNCIL

**PENALTIES FOR INFRINGEMENT NOTICE PURPOSES IN
RESPECT OF OFFENCES AGAINST THIS LOCAL LAW**

OFFENCES AGAINST LOCAL LAW NO. 1-2020	PENALTY UNITS
Failure to comply with Chairpersons direction	20
Using Council's Common Seal without authority.....	20

SCHEDULE 2
PROCESS OF MUNICIPAL GOVERNMENT
(COMMON SEAL AND ENFORCEMENT AND PENALTIES) LOCAL LAW
WELLINGTON SHIRE COUNCIL
INFRINGEMENT NOTICE

Will be in the form provided by Council and in compliance with the requirements of Section 117 of the *Local Government Act 1989* (also reflected in Section 81 of the *Local Government Act 2020*).

ITEM C2.5**ADOPTION OF COUNCIL EXPENSE AND ADMINISTRATION POLICY**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓		✓	✓	✓				✓	

OBJECTIVE

To approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new *Local Government Act 2020* (the Act).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new Local Government Act 2020 (the Act).

BACKGROUND

Section 41 of the Act states a Council must adopt and maintain a Council Expense Policy, in relation to the reimbursement of out-of-pocket expenses for Councillors and members of Delegated Committees. This provision came into operation on 1 May 2020 and Council must adopt the policy by 1 September 2020.

Council already have an existing policy in the form of the Councillor Entitlements and Administration Policy. In order to update the existing policy to meet compliance requirements under the Act, the following amendments have been made:

- Policy title change: the policy applies to Councillors and Delegated Committee members, no longer just to Councillors;
- Section references updated to the new Act; and
- Revision of specific legislation such as the *Carers Recognition Act 2012* and Governance Rules.

The Council Expense and Administration Policy sets out the level of resources and professional support that Council will provide to Councillors and members of delegated committees and supports Council to meet its legislative obligations under the *Local Government Act 2020*.

OPTIONS

Council has the following options available:

1. To approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new *Local Government Act 2020* (the Act); or
2. Not approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new *Local Government Act 2020* (the Act) and seek further information.

PROPOSAL

That Council approve the updated Council Expense and Administration Policy, as attached, having been revised as required under section 57 of the new *Local Government Act 2020* (the Act).

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

The costs for the implementation of the Council Expense and Administration Policy will be absorbed within the 2020/21 budget and operational budget for future financial years. Council does not currently have any delegated committees under Section 63 of the *Local Government Act 2020* and therefore no budget has been allocated for member entitlements. In the event that a delegated committee is formed, the financial implications will be reviewed.

LEGISLATIVE IMPACT

The *Local Government Act 2020* requires the adoption of a Councillor Expense Policy, pursuant to the Act, by 1 September 2020.

COUNCIL POLICY IMPACT

The Council Expenses Policy must be adopted in accordance with the *Local Government Act 2020* and will be included in the Council Policy manual once resolved.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.

ENGAGEMENT IMPACT

Under the Act, community consultation was not required on this policy, however it must be adopted by resolution of Council. This means the public do have the opportunity to comment on the policy at the Council meeting at which the final policy is proposed to be adopted.

1. CEO UNIT

COUNCIL EXPENSE AND ADMINISTRATION

Policy Number:	1.1
Approved by	Council
Original Approved Date:	17 December 2019
Date Effective:	1 September 2020
Date of Next Review:	1 September 2021
Applicable to Unit(s):	Councillors (CEO Unit)
Responsible Officer:	General Manager Corporate Services
Statutory Reference:	<i>Carers Recognition Act 2012</i> <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 2020</i>

OVERVIEW

The objective of this policy is to define and establish the administrative support, resources and facilities to be provided to Councillors and the entitlements for Councillors and members of Delegated Committees to have necessary out-of-pocket expenses incurred while performing their civic, statutory and policy-making duties as a Councillor or member of a Delegated Committee either reimbursed or paid direct by Council.

Section 41 of the *Local Government Act 2020* ('the Act') provides that a Council must adopt and maintain a policy in relation to reimbursement of expenses of Councillors and members of a Delegated Committee. This policy has been adopted to provide an overview of how assistance and support is provided, as well as appropriate resourcing and facilities to ensure that they can effectively carry out their roles, responsibilities, duties and powers.

Councillors are elected as the representatives of residents and ratepayers, to govern the Shire of Wellington in accordance with the *Local Government Act 2020*. To assist them to perform their role and responsibilities as Councillors they will be provided with administrative support, resources and facilities and be reimbursed for the expenses specified in this policy incurred in carrying out their official Council duties.

This policy provides direction on the provision of specific equipment, services, consumables, financial assistance and reimbursement which the Council will provide to the Mayor and Councillors in carrying out their duties. It cannot prescribe for every possible situation that may arise and makes no attempt to do so. Where a situation is not adequately covered by this policy, the test of a "necessary expense" will be whether it was incurred as a consequence of undertaking duties associated with an individual's elected role. Where this test is satisfied and a Councillor has incurred an expense, this will be reimbursed by the Council.

The Council recognises that any expenses reimbursed should not be excessive and must be related to the actual performance of an individual's civic, statutory and policy making duties.

Legislative Framework

Section 39 of the *Local Government Act 2020* (the Act) provides for payment of annual allowances to Mayors and Councillors. The allowance framework is determined in accordance by the Victorian Independent Remuneration Tribunal under the *Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019*. Allowances are taxable income and are paid monthly in advance. Personal taxation implications are the responsibility of individual Councillors.

Council is required to increase allowances in accordance with any adjustment factor as prescribed by determinations of the Victorian Independent Remuneration Tribunal.

If a Councillor is appointed to act as Mayor under section 20B for a continuous period exceeding 50 days, the acting Mayor may be paid a Mayoral allowance instead of a Councillor allowance for the period that he or she is acting as Mayor.

A Council must pay a Councillor allowance or Mayoral allowance as specified in the most recent determination of the Victorian Independent Remuneration Tribunal.

A Council does not have to pay an allowance to a Councillor or Mayor who does not want to receive an allowance.

A person is only entitled to receive an allowance while he or she holds the office in respect of which the allowance is payable.

A person elected to be a Councillor is entitled to receive a Councillor allowance from the date the person takes the oath of office under section 30 of the Act.

A Councillor elected to be Mayor is entitled to receive a Mayoral allowance from the date he or she is elected under section 25 of the Act.

There is no provision for a separate allowance in the *Local Government Act 2020* of the position of Deputy Mayor.

The Victorian Government views Councillor allowances 'not as a form of salary, but as some recognition of the contributions made by those elected to voluntary, part time roles in the community'. They are in addition to reimbursements for approved expenses and other support.

Section 40 of the Act provides for the reimbursement of "necessary out-of-pocket expenses incurred" by Councillors while performing their duties as a Councillor.

Definition of "Council Duties"

For the purpose of this Policy, "Council Duties" is the business of the Council, not of a Councillor.

Section 28 refers to the role of a Councillor which means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.

Claims may be submitted by Councillors for expenses under this Policy when performing Council Duties. To this extent, Council duties are defined as the following:

- Meetings of the Council or its Committees;
- Meetings, briefing sessions and civic or ceremonial functions convened by the Mayor or the Council;
- Meetings of community groups, organisations and statutory authorities to which a Councillor has been appointed as Council representative or is authorised by Council;
- A meeting, function or other official role as a representative of the Mayor or the Council;
- Other meetings, inspections or events attended by a Councillor in an official capacity;
- Conferences, seminars, events and professional development being undertaken by a Councillor.

As a general rule, it is expected that the Mayor or his/her representative will attend functions or

events to represent the Council. On occasions where more than one representative is invited to attend a function or event; reimbursement will be payable provided such attendance by multiple representatives has been endorsed at a preceding Councillor Diary Meeting. In the event that it is not practicable to wait until the next diary meeting endorsement may be sought via email request to which the majority of Councillors have responded in the positive.

The basic test to be applied to determine whether or not an expense is lawfully incurred is whether the expense is related to a clear business need because it is either supplemental to, incidental to, or consequent on the exercise of Council duties.

Where these criteria are satisfied and a Councillor has incurred an out-of-pocket expense, the expense will be paid or reimbursed by the Council.

Note: For all Council business that falls outside the above criteria; a request will need to be submitted on a Councillor Expense Claim Form at the earliest available Councillor Diary Meeting, for consideration and approval by Council. If approved, this then becomes a *Council* duty as opposed to a *Councillor* duty.

Note: Where attendance is agreed to, the Councillor is expected to attend or to nominate a substitute if he/she becomes unable to attend.

ALLOWANCES

Claims are to be submitted where possible but not less than quarterly (by end June, September, December and March). All outstanding claims for the June quarter must be received by no later than ten business days after the end of the financial year. Any claims submitted later than three months after the expense was incurred will not be considered for payment.

Where out of pocket expenses arise as a result of a Councillor being appointed by the Council to an external body, Councillors are requested to seek reimbursement of necessary out of pocket expenses from the governing body rather than Council.

Councillor Allowance

Councillor allowance paid as per section 39 of the Act is not a "salary" or payment for time spent performing Council duties. It is an entitlement due to a Mayor or Councillor (payable monthly in advance) on the basis that they hold the office in respect of which the allowance is payable.

Councillor allowances will be paid at the highest point within the range prescribed for Council, currently Category 2, plus the amount equivalent to the Superannuation Guarantee (currently 9.5%) where applicable.

Allowance reviews are required to take place within the period of six months of a General Election or by the next 30 June, whichever is later. The allowance level determined remains in effect until the time of the next election.

Statement of Allowances

In July annually, Councillors will be provided with a summary statement of allowances paid to them in the previous financial year.

Remote Area Allowance

Where a Councillor (including a Mayor) normally resides more than 50 kilometers by the shortest possible practicable road distance from the location or locations specified for the conduct of ordinary or committee meetings of the Council or any municipal or community functions, he or she

shall be entitled to:

- Be paid an additional allowance of \$40.00 per day, up to a maximum of \$5,000 per annum.

The Remote Area Travel Allowance is classified as Travel Allowance in the Annual Report.

In addition to the conditions set down in the Guidelines, Councillors attending ANZAC Day and Australia Day events on behalf of Council shall be entitled to claim Remote Area Allowance.

*For further information, refer to: **Remote Area Allowance Guidelines***

*To complete a claim, refer to: **Remote Area Allowance Claim Form***

REIMBURSEMENTS

Councillor and Delegated Committee member out-of-pocket expenses are reimbursable as per section 40 of the Act. Out-of-pocket expenses are lawfully incurred only when performing Council Duties (as defined under "Definition of Council Duties" in this Policy).

Expenses Reimbursed

Reimbursement for out-of-pocket expenses may include payment for:

- Attendance at functions;
- Travel;
- Professional Development;
- Use of Communication Technology and Equipment;
- Dependent Care;
- Meals.

Submission of a claim for reimbursement

All claims are to be submitted on the prescribed form, authorised by CEO Executive Assistant and forwarded to the Finance Unit for processing and payment.

Councillors and members of Delegated Committees must ensure that any expense details the following information:

- Number of attendees;
- A clear business reason for claim;
- Parties benefitting from the expense.

All claims should be accompanied by fully accredited receipts / tax invoices for any expenses claimed. If receipts cannot be produced, there may be a requirement for the provision of a statutory declaration.

All claims must include sufficient detail to demonstrate, in accordance with the Act, that the expense for which reimbursement is claimed is a reasonable bona fide out-of-pocket expense while serving a clear business need and incurred while performing the duties of a Councillor or member of a Delegated Committee.

NOTE: Supporting evidentiary documentation will be required for all expense reimbursements and payments.

Excluded Reimbursements

The following expenses cannot be funded or reimbursed by Council:

- Any expense arising from a breach of road, traffic, parking or other regulations or laws;
- Stationery, furniture or equipment additional to that provided for in this policy;
- Damage to or loss of personal possessions;
- Expenses for a partner which are not expressly provided for within this policy;
- Donations, tips or gratuities, gifts, the purchase of raffle tickets, or tickets or entry fees to events, unless attending on behalf of Council;
- Hotel mini bar, inhouse entertainment, room services or similar;
- Alcohol;
- Reading material and personal consumption items such as confectionery, snacks and drinks;
- Expenses incurred by third parties;
- Expenses claimed as a tax deduction; and
- Expenses which are fully or partly recoverable from a third party.

NOTE: Where out-of-pocket expenses arise as a result of a Councillor being appointed by the Council to an external body, Councillors are requested to seek reimbursement of necessary out-of-pocket expenses from the governing body rather than Council.

Payment of allowances and expenses will be paid by Council's Accounts Payable into a nominated bank account.

To ensure transparency and accountability in the payment and reimbursement of expenses to the Mayor and Councillors, a report will be submitted to the Remuneration Committee and Council's Audit and Risk Committee. These reports will then be presented to Council for consideration and adoption.

*To complete a claim, refer to: **Councillor-Delegated Committee Member Travel Expense Claim Form***

Attendance at Functions

From time to time, all Councillors (and often their partners) are invited to social functions which require the payment of an attendance charge. It is usual for the Mayor to represent the Council at these functions with the cost of the Mayor's attendance (including the Mayor's partner, when invited) being met by the Council. Individual Councillors have the option of attending at their own cost. If another Councillor is requested to attend on behalf of the Mayor, attendance costs will also be met by the Council.

TRAVEL

Mayoral Vehicle

The Mayor will be provided with a motor vehicle which is fully maintained by Council for official and personal use during the Mayoral term. The motor vehicle is fully maintained to the standard specified in Council's Motor Vehicle Policy which outlines safety and environmental requirements. A fuel card is provided as part of the Mayoral vehicle package.

If the Mayor of the day elects to use his/her own car, the following will apply:

- The Mayor is responsible for all maintenance of their vehicle;
- A fuel card will be assigned to and provided for their vehicle only;
- The Mayor is responsible for insuring their own vehicle, and it is encouraged that their insurer is advised that their vehicle is being used for business purposes;
- Council will not be responsible for any damage, loss or breakdown that occurs whilst private vehicles are being used for Council purposes;
- Council will not cover or contribute to any insurance excess that may be payable; and
- Council will not be responsible for any infringement notices incurred for road, traffic or parking violations whilst private vehicles are being used for Council purposes or otherwise.

Use of Private Vehicles by Councillors

Councillors are encouraged to consider whether it is appropriate to use their private vehicle and to consider carpooling and public transport before deciding to use their private vehicles to carry out official duties such as attending meetings, conferences, seminars or inspections outside of the municipality to which the Councillor has been appointed as a representative of the Council.

Access to a Council Pool Vehicle

Where requested a Council fleet vehicle may be provided, subject to availability, for Councillors to perform their duties.

Use of a Council vehicle must be in accordance with relevant Council policies including the Driver's Logbook.

Fleet vehicle bookings can be made via the CEO Executive Assistant.

Tolls

While travelling on Council business in metropolitan Melbourne, Councillors may incur tolls including those associated with the use of CityLink or EastLink. Councillors may seek reimbursements of costs associated with tolls including the use of CityLink or EastLink passes or those transaction incurred as part of existing personal e-tags accounts.

Claims must be accompanied by copies of receipts or accounts detailing the individual transactions.

Car Parking

Car parking fees incurred while conducting Council business will be reimbursed on the basis of original receipts and relevant details regarding the purpose, date and time of the meeting or function. Carpooling is encouraged when a number of Councillors are attending the same meeting. It is recommended that Councillors seek lowest cost options when choosing paid parking facilities.

Infringement Notices

A Councillor will not be reimbursed the cost of any infringement incurred for road, traffic or parking violations.

Myki Card

Council will make available to councillors a Myki card for travel via public transport to and from their Councillor related duties.

When Councillors use their personal Myki card, Council will reimburse the associated cost of travel in line with appropriate receipt documentation.

In addition to the duties specified under "Definition of Council Duties" in this Policy, the Council will reimburse Councillors upon request for travel expenses incurred to attend:

- A meeting, function or any other official role, as either a representative of the Council or the Mayor in the Mayor's absence; and
- A meeting of any organisation or deputation to which the Councillor has been appointed as the Council's representative, or where a Councillor is deputising for the Mayor.

Reimbursement will be:

- For travel by car, reimbursement at the Motor Car Allowance rate determined by the current RACV Vehicle Expense rate for tax deduction purposes;
- For travel by public transport, the fare will be reimbursed upon production of receipt/ticket.

Note: Where practical, travel must be undertaken by the shortest route possible.

For accuracy, all reimbursements regarding mileage will be referenced back to Councillor's Diary and the distance claimed against appropriate mapping software / tool.

*For further information and to claim, refer to: **Councillor-Delegated Committee Member Travel Expense Claim Form***

Interstate and International Travelling

Requests for attendance at interstate and overseas events must be accompanied by a business case, describing the benefits to be gained from attendance and detailing the total costs and Council funds requested at the closest diary meeting to the expected date of travel; within three months of their attendance at an interstate or overseas event, a Councillor must table a report at a Council meeting, detailing the following:

- Details of the event topic, content, location, date and duration;
- Relevance of the event to Council's business and the Councillor's personal development needs;
- Benefits accruing to the Council from attendance; and
- Where two or more Councillors attend an event for which the tabling of a report is required, the Councillors may table a joint report.

Where a Councillor elects to have their partner accompany them to an event, all expenses relating to the partner's attendance will be met by the Councillor.

Professional Development

Councillors will invariably opt to undertake professional development to improve their knowledge and ensure they are properly informed on issues of importance to the community. To assist in this education process, the policy encourages Councillors to undertake appropriate professional development (conferences, seminars, workshops and training sessions) that may be of benefit to

the individual Councillor and Council as a whole.

In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which includes:

- *Local Government Act 2020*;
- Conflict of Interest;
- Dispute Resolution;
- Fraud and Corruption Awareness training;
- Responsibilities of Councillors; and
- Councillor Code of Conduct.

Councillors undertaking professional development shall have expenses for transport, accommodation, registration fees, meals and refreshments (excluding purchases of alcohol) relating to their attendance paid by Council, as follows:

- The Council may approve expenses of up to \$2000 per financial year per Councillor, for conferences / events within Australia;
- Councillors attending conferences, seminars and other special functions are generally expected to provide a brief written or oral summary to the next formal Council meeting. The summary should outline the benefits of the conference to themselves personally, to Council operations and the Council Plan as applicable;
- The Council must approve all requests for events outside Australia, or for which a Councillor's individual \$2000 limit will be exceeded, either at a Council meeting or through inclusion in an adopted budget.

Dependent Care Expenses

Councillors incurring bona fide dependent care expenses paid to a recognised provider will be reimbursed expenses when the dependent care is necessary in order to allow the Councillor to perform Council duties (as defined under "Definition of Council Duties" in this Policy).

Dependent care includes childcare, specific home care and any other support provided in the case of a dependent as defined under the meaning of a care relationship under section 4 of the *Carers Recognition Act 2012*.

Where the care relates to dependent adults, the Chief Executive Officer must be satisfied that the expense is warranted.

Meals

Meals (generally lunch and dinner) shall generally be provided to Councillors where meetings are scheduled during mealtimes. Alcohol will not be provided by the Council however Councillors are able to purchase/bring their own alcohol at their own cost.

Councillors with Disabilities

The Council may resolve to meet reasonable additional expenses to assist a Councillor with a disability to perform his/her official Council duties.

Other Expenses

Expenses not specifically addressed in this Policy as expenditure for which a Councillor is entitled

to be reimbursed or paid, may be referred to the Remuneration Committee for consideration as a "necessary expense". Where the Committee considers the expense to be legitimately incurred in the performance of Council duties, a proposal will be minuted and report provided at the next Council meeting recommending reimbursement.

Insurance

Councillors are covered under the following Council insurance policies on a 24 hour basis while discharging the duties of office of Councillor including attendance at meetings of external bodies as Council's representative:

- Public Liability and Professional Indemnity;
- Councillors and Officers Liability;
- Personal Accident;
- Motor Vehicle (Council vehicles only);
- Workers Compensation.

RESOURCES, FACILITIES AND SUPPORT

Protective Clothing

Where requested, Council will lend the Councillors protective clothing required to assist in carrying out duties of office. This clothing must be returned promptly upon the completion of the duty.

- Hard hats;
- Reflective vests.

Equipment

The demands made upon a Councillor's time can be significant and Council business can be conducted more efficiently if Councillors are provided home access to appropriate facilities and equipment. This access is provided subject to:

- The facilities and equipment being used predominantly for the transaction of Council business (minimal non-Council use of equipment such as computers, that has no direct cost for Council, is allowable);
- The facilities and equipment are not to be used for electioneering purposes;
- Councillors must ensure the integrity and configuration of equipment provided is maintained at all times;
- Personal use which can be separately costed (e.g. personal calls from a mobile phone) will be met from the Councillor Allowance;
- Councillors must ensure the protection and safe keeping of all equipment issued;
- All equipment and stationery issued shall remain the property of Council.

Telecommunications

Councillors will be provided with a personal computer, printer (incorporating the capability to scan, copy and fax (if required)), and a "smart phone" or equivalent with email access. All connection fees, rental fees and call charges relating to Council business will be met by the Council. Consumables associated with the equipment (e.g. printer toner (if required)) will be provided by the Council.

Councillors must meet the cost of electricity and reimburse the Council for all personal calls on mobile telephones.

Phone calls relating to Council business made from private home phones shall be reimbursed upon presentation of records to support this.

All equipment remains the property of the Council and must be returned at the end of a Councillor's term of office or upon retirement / resignation of the Councillor.

Stationery

Councillors will be provided with name tags, business cards and basic stationery needs as required.

Security Access

Each Councillor will be provided with a security access swipe card authorising 24 hour access and a parking sticker authorising use within the appropriate permit area.

All security access swipe cards remain the property of the Council and must be returned at the end of a Councillor's term of office or upon retirement / resignation of the Councillor.

Other Expenses

Expenses not specifically addressed in this Policy as expenditure for which a Councillor is entitled to be reimbursed or paid, may be referred to the Remuneration Committee for consideration as a "necessary expense". Where the Committee considers the expense to be legitimately incurred in the performance of Council duties, a proposal will be minuted and report provided at the next Council meeting recommending reimbursement.

Any expenditure not specified above as expenditure for which a Councillor is entitled to be paid or reimbursed by Council shall be the responsibility of the Councillor.

Other Resources

- A Council officer nominated by the Chief Executive Officer will be made available to assist the Mayor and Councillors
- Protective clothing on loan, where required to assist in carrying out a Councillors duties, such as reflective vests are to be promptly returned on completion of the duty;
- A library of reference materials (including electronic) relating to Council policies and practices, policy matters of Local Government significance in Victoria and nationally, and any other materials that may be expedient in supporting Councillors in their work.

Councillor's Welfare

Councillors may approach the Chief Executive Officer with regard to any specific guidance, counselling or coaching that may be required to enhance their performance as a Councillor.

Councillors encountering difficulties with the role or personal difficulties that may impact on their role as a Councillor, are able to seek counselling on a confidential basis through Converge International. This service can be contacted on 1800 337 068. Normally, up to three sessions are provided, however, further sessions can be arranged on an as needed basis.

REVIEW AND REPORTING

Reimbursement of Councillor and Delegated Committee member expenses will be reviewed on a regular basis by the Remuneration Committee and reported to the Council.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

Related Documents

Type:	Details:
Policy	Governance Rules Provision of Motor Vehicles for Councillors Remote Area Allowance Guideline
Form	Councillor-Delegated Committee Member Expense Claim Form Councillor-Delegated Committee Member Travel Expense Claim Form

ITEM C2.6**ADOPTION OF PUBLIC TRANSPARENCY POLICY**

DIVISION: CORPORATE SERVICES

ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES

DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓	✓	✓		✓			

OBJECTIVE

To approve the new Public Transparency Policy, as attached, and as required under section 57 of the new *Local Government Act 2020* (the Act).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council approve the new Public Transparency Policy, as attached, and as required under section 57 of the new Local Government Act 2020.

BACKGROUND

Under section 57 of the Act, Council is required to adopt and maintain a Public Transparency Policy that gives effect to the Public Transparency Principles outlined in section 58 of the Act.

The objective of the Public Transparency Policy is to clearly outline what Council information is and is not available for the public to either freely access or request to inspect and how this information will be made available to the public. This policy will also be an integral part of Council's Good Governance Framework.

OPTIONS

Council has the following options available:

1. Approve the new Public Transparency Policy, as attached, and as required under section 57 of the *Local Government Act 2020*; or
2. Not approve the new Public Transparency Policy, as attached, and as required under section 57 of the *Local Government Act 2020* and seek further information.

PROPOSAL

For Council to approve the new Public Transparency Policy, as attached, and as required under section 57 of the *Local Government Act 2020*.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

Section 57 of the *Local Government Act 2020* requires a Council to adopt and maintain a public transparency policy that gives effect to the public transparency principles outlined in section 58 of the Act, describes the ways in which Council information is to be made publicly available and specifies what Council information must be publicly available, including all policies, plans and reports.

COUNCIL POLICY IMPACT

As a new Council policy, following a resolution by Council to approve its inception will see the Public Transparency Policy be included in the Council Policy manual to be reviewed annually.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *“Maintain a well governed, transparent, high performing, ethical and accountable organisation.”*

Strategy 6.3.3: *“Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making.”*

This report supports the above Council Plan strategic objective and strategy.

COMMUNITY IMPACT

The introduction of the Public Transparency Policy will clearly and deliberately inform the public about the Council information is and is not available for the public to either freely access or request to inspect and how this information will be made available.

PUBLIC TRANSPARENCY

Policy Number:	2.4.9
Approved by:	Council
Date Approved:	1 September 2020
Date Effective:	1 September 2020
Date of Next Review:	1 September 2021
Related Policies:	Privacy and Data Protection Policy Freedom of Information Policy Records Management Policy Community Engagement Policy
Applicable to Unit(s):	Organisation
Responsible Officer:	General Manager Corporate Services
Statutory Reference:	<i>Freedom of Information Act 1982</i> <i>Local Government Act 1989</i> <i>Local Government Act 2020</i> <i>Privacy and Data Protection Act 2014</i>

OVERVIEW

The Public Transparency Policy is a requirement of section 57 of the *Local Government Act 2020* (the Act) and has been developed to ensure Wellington Shire Council gives effect to the public transparency principles in the Act. This policy describes what, and how, Council information is publicly and freely available to the community.

THE POLICY

1. POLICY STATEMENT

- 1.1. Council is committed to the principles of public transparency and commits to making all Council information publicly available, except where the information is:
- 'Confidential Information' as defined under section 3(1) of the Act, unless Council has determined by resolution that the information should be made publicly available;
 - Confidential by virtue of any other Act; or
 - Such that making it publicly available, would be contrary to the public interest.

A definition of 'Confidential Information' under the Act and examples of where the public availability of information would be contrary to the public interest are provided in Appendix 1.

2. POLICY INITIATIVES

- 2.1. Council will make available all Council information that is publicly available on its website and ensure all such information is regularly reviewed, updated, understandable and accessible.
- 2.2. Council will use social and/or digital media to publish or stream appropriate Council content, such as Council Meetings, and other online tools to publish Council information and encourage community engagement and consultation on project and community related matters.

- 2.3. Council will ensure all information and statements as required under Section 7 of the *Freedom of Information Act 1982* are included in its Part 11 Statement and published on its website.
- 2.4. Council will facilitate the awareness of access to Council information through its website and through community engagement opportunities.
- 2.5. Council will apply a presumption of openness to information and adopt a proactive publication position within the parameters outlined in this policy.
- 2.6. Council will strive, where possible, to provide the community with access to Council's publicly available information free of charge.
- 2.7. Council will assist the community in accessing its publicly available information and will inform the community of their right to make an application under the *Freedom of Information Act 1982* for information which is not considered publicly available information.

3. PUBLICLY AVAILABLE INFORMATION

- 3.1. Under the Act (and, in some cases, the *Local Government Act 1989*), there are specific provisions for certain information to be made publicly available, namely:
 - 3.1.1. Council and Delegated Committee Meeting Agendas and Minutes
 - 3.1.2. Local Laws and any documents incorporated
 - 3.1.3. Council Plan
 - 3.1.4. Strategic Resource Plan
 - 3.1.5. Budget
 - 3.1.6. Annual Report
 - 3.1.7. Councillor Code of Conduct
 - 3.1.8. Procurement Policy
 - 3.1.9. Register of Interests
 - 3.1.10. Council Policy Manual
 - 3.1.11. Summary of Election Campaign Donation Returns
- 3.2. Council will also make the following Council information available on request to ensure the community are informed and can benefit from access to information regarding Council's functions and operations:
 - 3.2.1. Authorised Officers
 - 3.2.2. Council Meeting Agendas and Minutes
 - 3.2.3. Councillor Code of Conduct
 - 3.2.4. Councillor Reimbursement Policy
 - 3.2.5. Delegations
 - 3.2.6. Election Campaign Donation Returns Register

- 3.2.7. List of all Leases
 - 3.2.8. List of Donations and Grants
 - 3.2.9. Procurement Policy
 - 3.2.10. Record of Assembly of Councillors
 - 3.2.11. Travel Register
 - 3.2.12. Details of Chief Executive Officer reappointment and total remuneration.
- 3.3. Under various other Acts administered by Council, the following information will be made publicly available:
- 3.3.1. Subject to the specified requirements of the *Planning and Environment Act 1987*, the following may be inspected (note that charges may apply):
 - Approved Planning Scheme Amendments
 - Panel Reports
 - Planning Permits/Applications
 - Submissions/objections
 - Planning Register
 - Planning Scheme
 - 3.3.2. Register of Building Permits and Occupancy Permits
 - 3.3.3. Copies of Building Permits, plans and documentation (by application from the property owner or persons authorised by the property owner only, charges will apply)
 - 3.3.4. Register of Animal Registrations
 - 3.3.5. Register of Public Roads
 - 3.3.6. FOI Part II Statement

4. PROCEDURAL GUIDELINES

- 4.1. Community requests for Council information not available on Council's website are to be directed to the relevant business unit or Council's Freedom of Information Officer.
- 4.2. The Freedom of Information Officer will process all applications for documents as per the requirements of the *Freedom of Information Act* and will provide all documents which are publicly available or available for a fee, outside of the Act.
- 4.3. Community requests for information that include exempt information under the *Freedom of Information Act 1982* will be processed by application under that Act.

5. REVIEW

- 5.1. The policy will be reviewed annually unless Council determines that an earlier review is required or where legislative changes occur.
- 5.2. The policy will be reviewed in accordance with Council's Community Engagement Policy.

6. APPENDIX 1 - DEFINITIONS

Confidential Information	<p>Confidential information is defined in the Act as meaning the following:</p> <ol style="list-style-type: none">(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;(b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;(d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;(g) private commercial information, being information provided by a business, commercial or financial undertaking that—<ol style="list-style-type: none">(i) relates to trade secrets; or(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) of the Act;(i) internal arbitration information, being information specified in section 145 of the Act;(j) Councillor Conduct Panel confidential information, being information specified in section 169 of the Act;
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	<p>(k) information prescribed by the regulations to be confidential information for the purposes of this definition;</p> <p>(l) information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>.</p>
<p>Contrary to the Public Interest</p>	<p>There is no definition in the Act as to when the public availability of information would be contrary to the public interest. Council will determine this on a case by case basis. Some examples of where the public availability of information would be contrary to the public interest are as follows:</p> <p>(a) where disclosure of the information would divulge any information or matter communicated in confidence by or on behalf of a person or a government and be reasonably likely to impair the ability of Council to obtain similar information in the future; or</p> <p>(b) where its disclosure would be reasonably likely to have a substantial adverse effect on the economy of the municipal district, including but not limited to, revealing consideration of a contemplated movement in rates, fees, charges, interest charges or other levies, the sale or acquisition of land or property by the council, urban re-zoning, the formulation of land use and planning controls and the formation of imposts; or</p> <p>(c) where it would disclose instructions issued to, or provided for the use of guidance of, Council officers on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property or personnel management and assessment interests of Council; or</p> <p>(d) where the information is subject to a secrecy provision in another Act; or</p> <p>(e) where its disclosure would impede the administration of justice generally, including procedural fairness; or</p> <p>(f) where its disclosure would prejudice intergovernmental relations or otherwise affect relations with other governments or agencies; or</p> <p>(g) where its disclosure would prejudice or otherwise affect the conduct of investigations, audits or reviews by Council or integrity bodies; or</p> <p>(h) where its disclosure would prejudice the deliberative process of government; or</p> <p>(i) where its disclosure would prejudice the effectiveness of testing or auditing procedures.</p>

	These are examples only and not exhaustive of the circumstances in which the public availability of information would be contrary to the public interest.
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HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

RELATED DOCUMENTS

Type:	Details:
Process	Governance Rules
Guideline	Part II Statement – <i>Freedom of Information Act 1982</i>

ITEM C2.7**ADOPTION OF AUDIT AND RISK COMMITTEE AND CHARTER**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓		✓					

OBJECTIVE

As per the new *Local Government Act 2020* (the Act), Council:

1. endorse the continuation of its existing Audit and Risk Committee which meets the requirements of section 53 of the Act; and
2. approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act and has been updated to include the correct references to the Act.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council, as per the new Local Government Act 2020 (the Act):

- 1. endorse the continuation of its existing Audit and Risk Committee which meets the requirements of section 53 of the Act and;***
- 2. approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act and has been updated to include the correct references to the Act.***

BACKGROUND

Wellington Shire Council has maintained an Audit and Risk Committee since February 2016, comprising of three independent members and two Councillors and operates per its Charter and Terms of Reference.

Under section 53 of the *Local Government Act 2020*, Council is required to appoint an Audit and Risk Committee and under section 54, adopt an Audit and Risk Charter. As Council has an existing Committee and Charter, our requirements under the Act are to update the relevant section references from the Act throughout the Charter and Terms of Reference for adoption and recommend endorsement of the already appointed and current Committee.

OPTIONS

Council has the following options available:

1. Endorse the continuation of Council's existing Audit and Risk Committee which meets the requirements of section 53 of the Act and approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act and has been updated to include the correct references to the Act; or
2. Not endorse the continuation of Council's existing Audit and Risk Committee which meets the requirements of section 53 of the Act and approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act and has been updated to include the correct references to the Act and seek further information.

PROPOSAL

That Council endorse the continuation of its existing Audit and Risk Committee which meets the requirements of section 53 of the Act and approve the adoption of an updated Audit and Risk Committee Charter, as attached, which meets the requirements of section 54 of the Act but has been updated to include the correct references to the Act.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

Under sections 53 and 54 of the *Local Government Act 2020*, Council is required to appoint an Audit and Risk Committee and adopt an Audit and Risk Charter. As Council already have an Audit and Risk Committee and adopted Charter and Terms of Reference, Council has updated the Charter and Terms of Reference with relevant sections from the Act for adoption and recommend reappointment of the current Committee, including current terms of service.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *"Maintain a well governed, transparent, high performing, ethical and accountable organisation."*

Strategy 6.3.3: *"Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making."*

This report supports the above Council Plan strategic objective and strategy.



AUDIT & RISK COMMITTEE

CHARTER

Reviewed September 2020

The Wellington Shire Council maintains an Audit & Risk Committee in accordance with Section 53 of the *Local Government Act 2020*.

The Audit & Risk Committee is an independent advisory Committee to Council. The primary objective of the Audit & Risk Committee is to assist Council in the effective conduct of its responsibilities for financial and non-financial reporting and performance, management of risk, information services governance, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

The Audit & Risk Committee is established to assist the co-ordination of relevant activities of management, the internal audit function and the external auditor to facilitate achieving overall organisational objectives in an efficient and effective manner.

As part of Council's governance obligations to its community, Council has constituted an Audit & Risk Committee to facilitate:

- the enhancement of the credibility and objectivity of internal and external financial and non-financial reporting and performance;
- effective management of financial and other risks and the protection of Council assets;
- compliance with laws and regulations as well as use of best practice guidelines;
- the effectiveness of the internal audit function;
- the provision of an effective means of communication between the external auditor, internal audit, management and the Council;
- a review of the effectiveness of Council processes and the outcomes of the external audit.

AUDIT & RISK COMMITTEE

TERMS OF REFERENCE

1 General

- (a) The Audit & Risk Committee is a formally appointed committee of the Council and is responsible to that body. The Audit & Risk Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Audit & Risk Committee does not have any management functions and is therefore independent of management.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to its Charter in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.

2 Membership

- (a) The Audit & Risk Committee will comprise of two Councillors, and three external independent persons with suitable knowledge and experience, all appointed by Council for periods varying to a maximum term of 3 years. External members may be re-appointed for subsequent terms, following a public advertising process in accordance with 2 (b). A quorum shall be 3 (with a minimum of 2 independent members). The Chairperson shall be an external independent person and the Chairman's term will overlap the term of appointed Councillors to ensure continuity. The Chief Executive Officer should be required and entitled to attend all Audit & Risk Committee meetings.

External independent persons will have senior business and/or financial management/reporting knowledge and experience and be conversant with the financial and other reporting requirements. The evaluation of potential members will be undertaken by the Mayor and Chief Executive Officer taking account of the experience of candidates (as per the Committee's expertise matrix) and their likely ability to apply appropriate analytical and strategic management skills, and a recommendation for appointment put to Council.

- (b) Appointments of external persons shall be made by Council by way of a public advertisement and be for a maximum term of three years. The terms of the appointment should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.
- (c) If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting which is open to the public, if that member so requests.
- (d) Remuneration will be paid to each independent member of the Committee (the basis may be an annual fee, with an additional amount paid to the Chairperson or a set fee per meeting, or another basis as appropriate).

- (e) The Chairperson shall be appointed from the external members of the Committee by the Audit & Risk Committee subject to Council's approval. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.
- (f) Other members of Council or Council staff and the internal auditor (whether a member of staff or contractor) may be invited to attend at the discretion of the Committee to advise and provide information when required.
- (g) Representatives of the external auditor should be invited to attend at the discretion of the Committee but **must** attend meetings considering the draft annual financial report and results of the external audit.
- (h) Council shall provide secretarial and administrative support to the Committee.

3 Meetings

- (a) Process
The Committee shall meet at least quarterly (e.g. in August to review the draft annual financial accounts and consider the initial report of the external auditor, in November to review the final results of the annual audit, in February to review the progress of the internal audit program and any interim reports from the external auditor, and in May to review the current year and determine the next financial year annual internal audit program). Additional meetings may be convened at the discretion of the Chairperson, at the written request of an independent member, or any of the member Councillors.
- (b) Declaration of Conflicts of Interest
Declaration of Conflicts of Interest will be in accordance with the requirements of the *Local Government Act 2020*.
- (c) Closure of Meetings to the Public
In accordance with Section 66(2) of the *Local Government Act 2020*.

4 Planning

- (a) The Committee will develop an annual work plan.
- (b) The Committee will review the Charter and Terms of Reference annually.

5 Reporting

- (a) The Audit & Risk Committee shall after every meeting forward the minutes of that meeting to the next practical ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes.
- (b) The Committee shall report annually to the Council summarising the activities of the Committee during the previous financial year.
- (c) The Chairperson may require any report prepared by the Audit & Risk Committee to be listed on the agenda for the next practical ordinary meeting of the Council.

AUDIT & RISK COMMITTEE

LIST OF DUTIES AND RESPONSIBILITIES

- (a) The following are the duties and responsibilities of the Audit & Risk Committee in pursuing its Charter:
- (1) To review the scope of the internal audit plan and programme and the effectiveness of the function. This review should consider whether, over a period of years the internal audit plan systematically addresses:
 - internal controls over significant areas of risk, including non-financial management control systems;
 - internal controls over revenue, expenditure, assets and liability processes;
 - the efficiency, effectiveness and economy of significant Council programmes; and
 - compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.
 - (2) Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
 - (3) Review the level of resources allocated to internal audit and the scope of its authority.
 - (4) Review reports of internal audit and the extent to which Council and management react to matters raised by internal audit, by monitoring the implementation of recommendations made by internal audit.
 - (5) Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programmes.
 - (6) Critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of the issues raised.
 - (7) Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems.
 - (8) Review the process for the identification, nature, extent and reasonableness of related party transactions .
 - (9) Review Council's draft annual financial report, focusing on:
 - accounting policies and practices;

- changes to accounting policies and practices;
 - the process used in making significant accounting estimates;
 - significant adjustments to the financial report (if any) arising from the audit process;
 - compliance with accounting standards and other reporting requirements;
 - significant variances from prior years.
- (10) Annually, make a recommendation to Council on the fairness of the annual financial statements. Review any significant changes that may arise subsequent to any such recommendation but before the financial statements are signed.
- (11) Discuss with the external auditor the scope of the audit and the planning of the audit.
- (12) Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- (13) Review the annual performance statement and make a relevant recommendation to Council.
- (14) Review issues relating to national competition policy, financial reporting by Council business units and comparative performance indicators.
- (15) Identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the internal auditor and the Council if appropriate with reports on any such matters to be reviewed by the Audit & Risk Committee including any incidents of fraud or suspected fraud.
- (16) Monitor the progress of any major legal issues facing the Council.
- (17) Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference.
- (18) Monitor compliance with other "non-financial" legislated policies (e.g. EEO, OH&S etc).
- (19) The Audit & Risk Committee in conjunction with Council and the Chief Executive Officer should develop the Committee's performance indicators.
- (20) The Audit & Risk Committee will complete an annual evaluation of the Committee's performance at the May meeting.
- (21) Should there be a conflict of interest for outsourced internal audit providers who perform other consultancy work for the Council, the issue will be brought before the Audit & Risk Committee for deliberation.
- (b) The Audit & Risk Committee, through the Chief Executive Officer and following authorisation from the Council, and within the scope of its responsibilities, may seek information or obtain expert advice on matters of concern.

ITEM C2.8**APPROVAL OF C6 INSTRUMENTS OF DELEGATION - COMMUNITY ASSET COMMITTEES**

DIVISION: CORPORATE SERVICES
 ACTION OFFICER: GENERAL MANAGER CORPORATE SERVICES
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓		✓		✓			

OBJECTIVE

To transition the current Council Section 86 Committees of Management that were established under the *Local Government Act 1989* to “Community Asset Committees” to meet compliance with the requirements of section 65 of the new *Local Government Act 2020* (the Act).

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council;

- 1. Revoke the Instruments of Delegation and Section 86 Committees of Management as previously established under section 86 of the Local Government Act 1989;***
- 2. Approve the Instruments of Delegation, as attached, to establish and appoint the Community Asset Committees under Section 65 of the Local Government Act 2020; and***
- 3. Delegate the power to approve future committee member appointments to these Community Asset Committees to the Chief Executive Officer.***

BACKGROUND

Under section 65 of the Act, Council is required to transition all Section 86 Committees of Management, established under the *Local Government Act 1989*, to “Community Asset Committees” via the approval of five instruments of appointment.

The *C6 Council Resolution – Establishment of Community Asset Committee* instruments will formally establish and appoint Council’s Section 86 Committees of Management as Community Asset Committees under the Act. The following committees are being transitioned:

1. Briagolong Recreation Reserve Committee;
2. Cameron Sporting Complex Committee;
3. Gordon Street Reserve Committee;
4. Maffra Recreation Reserve Committee; and

5. Newry Recreation Reserve Committee.

A key change to note for Community Asset Committees is that committees will no longer operate under a delegation from Council. Committees and their members will be established and appointed by Council, however, the delegated processes that they operate under will now be delegated by the CEO.

Once the above Committees have been formally established by Council resolution, the CEO is required to sign the C7 Instruments of Delegation by CEO to Community Asset Committee to delegate their roles and responsibilities under the Act.

OPTIONS

Council has the following options available:

1. Approve the:
 - a. Revoke the Instruments of Delegation and Section 86 Committees of Management as previously established under section 86 of the *Local Government Act 1989*;
 - b. Approve the Instruments of Delegation, as attached, to establish and appoint the Community Asset Committees under Section 65 of the *Local Government Act 2020*; and
 - c. Delegate the power to approve future committee member appointments to these Community Asset Committees to the Chief Executive Officer; or

2. Not approve the:
 - a. Revoke the Instruments of Delegation and Section 86 Committees of Management as previously established under section 86 of the *Local Government Act 1989*;
 - b. Approve the Instruments of Delegation, as attached, to establish and appoint the Community Asset Committees under Section 65 of the *Local Government Act 2020*; and
 - c. Delegate the power to approve future committee member appointments to these Community Asset Committees to the Chief Executive Officer,and seek further information.

PROPOSAL

To transition the current Council Section 86 Committees of Management that were established under the *Local Government Act 1989* to "Community Asset Committees" to meet compliance with the requirements of section 65 of the new *Local Government Act 2020* (the Act).

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

The Act sets out that Section 86 Special Committees of Management, established under the *Local Government Act 1989*, must be transitioned to a Community Asset Committee if they continue to operate past 1 September 2020. Section 65 of the Act requires that Council establish and

appointed member of the Committee, with powers delegated by the Chief Executive Officer (CEO), subject to the terms and conditions specified by the CEO, for the purpose of managing a community asset in the municipal district under section 65(2) of the Act. The governance arrangements for these committees are specified by the CEO under section 47(4) through the signing of the C7 Instruments of Delegation. These terms and conditions include the limits and purpose of any financial delegation that can be exercised by the Committee, governance arrangements and monitoring and reporting requirements.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 6 Organisational states the following strategic objective and related strategy:

Strategic Objective 6.3: *“Maintain a well governed, transparent, high performing, ethical and accountable organisation.”*

Strategy 6.3.3: *“Ensure sound governance processes that result in responsive, ethical, transparent and accountable decision making.”*

This report supports the above Council Plan strategic objective and strategy.

COMMUNITY IMPACT

This impact has been assessed and there is no effect to consider at this time as the transition is an administrative change for Council in order to meet the requirements of the new Act. It is not anticipated to impact or add additional strain on Committee volunteers and will not change the way committees operate on the ground or their purpose.



Maddocks

Maddocks Delegations and Authorisations

**C6 Council Resolution –
Establishment of Community Asset Committee**

**Council Resolution – Appointment and Delegation
(Community Asset Committee)**

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 Briagolong Recreation Reserve 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:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - Two representatives from the Briagolong Junior Football Netball Club
 - Two representatives from the Briagolong Tennis Club
 - Two representatives from the Boisdale-Briagolong Cricket Club
 - Two representatives from the Briagolong & District Pony Club
 - Five representatives of the community of Briagolong
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.



SCHEDULE

Briagolong Recreation Reserve Community Asset Committee

Purpose

- To manage, operate and maintain the Briagolong Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Briagolong Recreation Reserve for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Briagolong Recreation Reserve by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Briagolong Recreation Reserve's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Briagolong Recreation Reserve.



Maddocks

Maddocks Delegations and Authorisations

**C6 Council Resolution –
Establishment of Community Asset Committee**

**Council Resolution – Appointment and Delegation
(Community Asset Committee)**

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 Cameron Sporting Complex 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:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - One representative from Maffra Gymnastics Inc
 - One representative from Maffra & District Basketball Association
 - One representative from Maffra Cricket Club
 - One representative from Maffra Junior Football Club
 - One representative from Maffra Volleyball Association
 - Five representatives of the community of Maffra
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.



SCHEDULE

Cameron Sporting Complex Community Asset Committee

Purpose

- To manage, operate and maintain the Cameron Sporting Complex for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Cameron Sporting Complex for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Cameron Sporting Complex by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Cameron Sporting Complex's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Cameron Sporting Complex.



Maddocks

Maddocks Delegations and Authorisations

**C6 Council Resolution –
Establishment of Community Asset Committee**

**Council Resolution – Appointment and Delegation
(Community Asset Committee)**

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 Gordon Street Recreation Reserve 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:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - One representative from the Heyfield Cricket Club
 - One representative from the Heyfield Football Netball Club
 - One representative from the Heyfield Junior Football Club
 - One representative from the Heyfield Junior Netball Club
 - One representative from the Heyfield Basketball Club
 - One representative from the Heyfield Vintage Machinery Group
 - One representative from the Heyfield Pigeon Club
 - One representative from the Heyfield Tennis Club
 - One representative from the Heyfield Traders & Tourism Association
 - Five representatives of the Community of Heyfield
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.

C6 Council Resolution (Community Asset Committee)

April 2020 Update



SCHEDULE

Gordon Street Recreation Reserve Community Asset Committee

Purpose

- To manage, operate and maintain the Gordon Street Recreation Reserve and Middle Oval for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Gordon Street Recreation Reserve and Middle Oval for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Gordon Street Recreation Reserve and Middle Oval by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Gordon Street Recreation Reserve and Middle Oval's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Gordon Street Recreation Reserve and Middle Oval.



Maddocks

Maddocks Delegations and Authorisations

C6 Council Resolution – Establishment of Community Asset Committee

Council Resolution – Appointment and Delegation (Community Asset Committee)

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 Maffra Recreation Reserve 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:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - Two representatives from the Maffra Football Club
 - Two representatives from the Maffra Agricultural Society
 - One representative from the District Kennel Club
 - One representative from the Poultry Club
 - One representative from the Maffra Municipal Band
 - One representative from the Maffra Rockhounds
 - One representative from the Eastern Victorian Pleasure Harness Club Inc
 - One representative from the American Truck Historical Society (Australian Charter)
 - Four representatives of the Community of Maffra
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.



SCHEDULE

Maffra Recreation Reserve Community Asset Committee

Purpose

- To manage, operate and maintain the Maffra Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Maffra Recreation Reserve for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Maffra Recreation Reserve by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Maffra Recreation Reserve's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Maffra Recreation Reserve.



Maddocks

Maddocks Delegations and Authorisations

**C6 Council Resolution –
Establishment of Community Asset Committee**

**Council Resolution – Appointment and Delegation
(Community Asset Committee)**

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 Newry Recreation Reserve 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:
 - 3.1 A minimum of five ordinary members from representative categories as follows:
 - One Councillor
 - One representative from the Newry-Nambrok Junior Football Club
 - One representative from the Newry Golf Club
 - One representative from the Maffra-Sale Motorcycle Club
 - One representative from the Upper Maffra Mechanics Institute
 - Five representatives of the community of Newry
4. The Chairperson of the Committee is to be appointed annually at the Annual General Meeting.
5. A quorum of the Committee is eight where all representative positions have been filled.
 - 5.1 Where some committee representative positions remain vacant, the quorum of the committee is constituted by the number of representatives that is equal to at least the majority of the representatives.
6. All members of the Committee have voting rights on the Committee.

C6 Council Resolution (Community Asset Committee)

April 2020 Update



SCHEDULE

Newry Recreation Reserve Community Asset Committee

Purpose

- To manage, operate and maintain the Newry Recreation Reserve for the community in an efficient, effective and practical manner.
- To undertake activities designed to protect, promote, utilise and develop the Newry Recreation Reserve for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
- To keep the Council informed on the operations, improvements and advancements of the Newry Recreation Reserve by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
- To set, maintain and collect appropriate user charges.
- To ensure that the Newry Recreation Reserve's capital assets are adequately maintained.
- To provide advice to Council on matters relating to the Newry Recreation Reserve.



C3 - REPORT

GENERAL MANAGER DEVELOPMENT

ITEM C3.1**JUNE 2020 PLANNING DECISIONS**

DIVISION: DEVELOPMENT

ACTION OFFICER: MANAGER LAND USE PLANNING

DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
	✓	✓	✓	✓			✓		

OBJECTIVE

To provide a report to Council on recent planning permit trends and planning decisions made under delegation by Statutory Planners during the month of June 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council note the report on recent Planning Permit trends and Planning Application determinations between 1 June and 30 June 2020.

BACKGROUND

Statutory Planners have delegated authority under the *Planning and Environment Act 1987* to make planning decisions in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme, including the issue of planning permits, amended permits, extensions of time, refusal of planning permits and notices of decision to grant a planning permit.

A copy of planning permit decisions made between 1 June and 30 June 2020 is included in Attachment 1.

Attachment 2 provides an overview of recent planning permit trends including decisions made, efficiency of decision making and the estimated value of approved development (derived from monthly planning permit activity reporting data).

OPTIONS

Council has the following options available:

1. Receive the June 2020 planning decisions report; or
2. Not receive the June 2020 planning decisions report and seek further information for consideration at a future Council meeting.

PROPOSAL

That Council note the report of recent planning permit trends and planning application determinations between 1 June and 30 June 2020.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

COMMUNICATION IMPACT

The monthly report communicates information about planning trends and determinations including the issue of planning permits, amended permits, refusal of planning permits, and notices of decision to grant a planning permit.

LEGISLATIVE IMPACT

All planning decisions have been processed and issued in accordance with the *Planning and Environment Act 1987* and the Wellington Planning Scheme.

COUNCIL POLICY IMPACT

All planning decisions have been issued after due consideration of relevant Council policy, including Council's Heritage Policy, and the requirements of the Planning Policy Framework in the Wellington Planning Scheme.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.3: *"Wellington Shire is well planned, considering long term growth and sustainability."*

Strategy 2.3.2: *"Ensure sufficient land supply to provide for a range of lifestyle."*

Strategy 2.3.3: *"Recognise and advocate for best practice land development which considers energy efficiency and sustainability for housing."*

This report supports the above Council Plan strategic objective and strategy.

ENVIRONMENTAL IMPACT

Planning decisions are made in accordance with the relevant environmental standards to ensure that environmental impacts are minimised.

PLANNING APPLICATION DETERMINATIONS
BETWEEN 1/06/2020 AND 30/06/2020

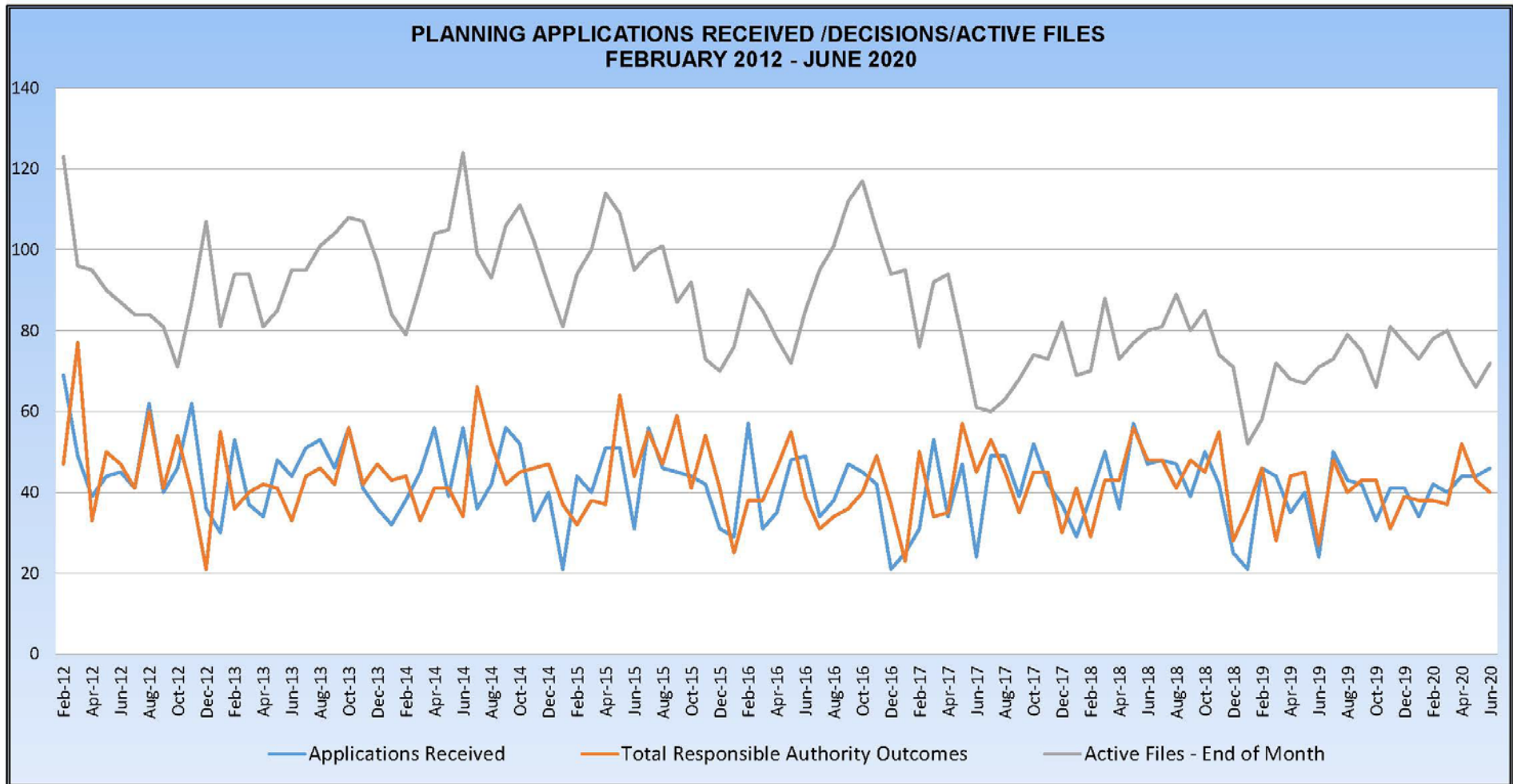
Application No/Year	Date Received	Property Title & Address	Proposal	Status
298-4/2016	25/05/2020	Assessment No. 205856 LOT: 1 LP: 207332M ROSEDALE-LONGFORD RD ROSEDALE	Use and development of the land for a class B broiler farm.	No Permit Required 17/06/2020
286-2/2018	19/06/2020	Assessment No. 263426 LOT: 1 PS: 641979T TURPINS RD MADALYA	Use & development of the land for dwelling associated with an orchard.	Permit Issued by Delegate of Resp/Auth 19/06/2020
41-2/2019	11/05/2020	Assessment No. 413179 LOT: 11 PS: 613421H 27 MOORE ST ROSEDALE	Buildings and works associated with construction of a dwelling & shed.	Permit Issued by Delegate of Resp/Auth 17/06/2020
267-1/2019	27/08/2019	Assessment No. 10959 LOT: 1 PS: 323478S 25-41 PRINCES HWY SALE	Use and development of the land for vehicle sales and subdivision.	NOD issued by Delegate of Respon/Auth 19/06/2020
353-1/2019	8/11/2019	Assessment No. 58958 CA: 5A BACK MAFFRA RD SALE	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth 16/06/2020
369-1/2019	20/11/2019	Assessment No. 327056 CA: 4 SEC: B 51 GELLS RD GLENMAGGIE	Buildings and works/construction of an ablutions block.	Permit Issued by Delegate of Resp/Auth 10/06/2020
21-1/2020	20/01/2020	Assessment No. 201996 LOT: 1 PS: 545553R 1 LORD CT LONGFORD	Two lot subdivision.	Permit Issued by Delegate of Resp/Auth 17/06/2020
29-1/2020	30/01/2020	Assessment No. 428508 LOT: 1 TP: 578729 951 CAIRNBROOK RD GLENGARRY	Use/development of the land for third dwelling (retrospective permit).	Permit Issued by Delegate of Resp/Auth 19/06/2020
53-1/2020	18/02/2020	Assessment No. 260224 LOT: 1314 LP: 40160 28 THE BOULEVARD PARADISE BEACH	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 3/06/2020
56-1/2020	20/02/2020	Assessment No. 283457 TP: 5298G 8,543 SOUTH GIPPSLAND ALBERTON	Extension to existing dwelling & construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 4/06/2020
68-1/2020	27/02/2020	Assessment No. 413823 LOT: A PS: 749431U 1 DUKE ST PORT ALBERT	Subdivision of the land into 2 lots.	Permit Issued by Delegate of Resp/Auth 10/06/2020

Application No/Year	Date Received	Property Title & Address	Proposal	Status
70-1/2020	27/02/2020	Assessment No. 186262 CA: 5C 8 LONGFORD-LOCH SPORT LONGFORD	Construction of additional tennis courts/removal of native vegetation	Permit Issued by Delegate of Resp/Auth 10/06/2020
73-1/2020	2/03/2020	Assessment No. 358937 LOT: 1 PS: 804069F 226 CORNWELLS RD RIVERSLEA	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 1/06/2020
87-1/2020	16/03/2020	Assessment No. 90050 LOT: 2 PS: 605338P LINDENOW-MEERLIEU RD MEERLIEU	Use and development of the land for a dwelling.	Permit Issued by Delegate of Resp/Auth 5/06/2020
116-1/2020	3/04/2020	Assessment No. 278788 LOT: 2 PS: 728222X 7 VICTORIA ST PORT ALBERT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 12/06/2020
117-1/2020	3/04/2020	Assessment No. 368639 LOT: 3 LP: 221580L 140 RONALDS RD ROSEDALE	Use of the land for domestic animal keeping.	Permit Issued by Delegate of Resp/Auth 4/06/2020
134-1/2020	17/04/2020	Assessment No. 225292 LOT: 168 LP: 44537 12 CAMPBELL ST LOCH SPORT	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 12/06/2020
142-1/2020	27/04/2020	Assessment No. 1073 LOT: 220 LP: 53749 19 CAMPBELL CT SALE	Development of three dwellings on the lot.	Permit Issued by Delegate of Resp/Auth 30/06/2020
154-1/2020	8/05/2020	Assessment No. 352377 LOT: 159 LP: 54201 98 TAMBORITHA TCE COONGULLA	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 1/06/2020
164-1/2020	21/05/2020	Assessment No. 444117 LOT: 3 PS: 804081R 2 WOOD ST ROSEDALE	Buildings and works associated with construction of a dwelling.	Permit Issued by Delegate of Resp/Auth 29/06/2020
171-1/2020	26/05/2020	Assessment No. 238816 LOT: 1818 LP: 58872 71 PELICAN ST LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 2/06/2020
172-1/2020	27/05/2020	Assessment No. 321299 PTP: 1 TP: 231092 1A PORTAS MILL LANE HEYFIELD	Buildings & works/construction of an industrial buildng.	Permit Issued by Delegate of Resp/Auth 3/06/2020
175-1/2020	29/05/2020	Assessment No. 401745 LOT: 1 PS: 547884F 155 BREWERS HILL RD MAFFRA	Buildings and works associated with extension of a farm shed.	Permit Issued by Delegate of Resp/Auth 10/06/2020

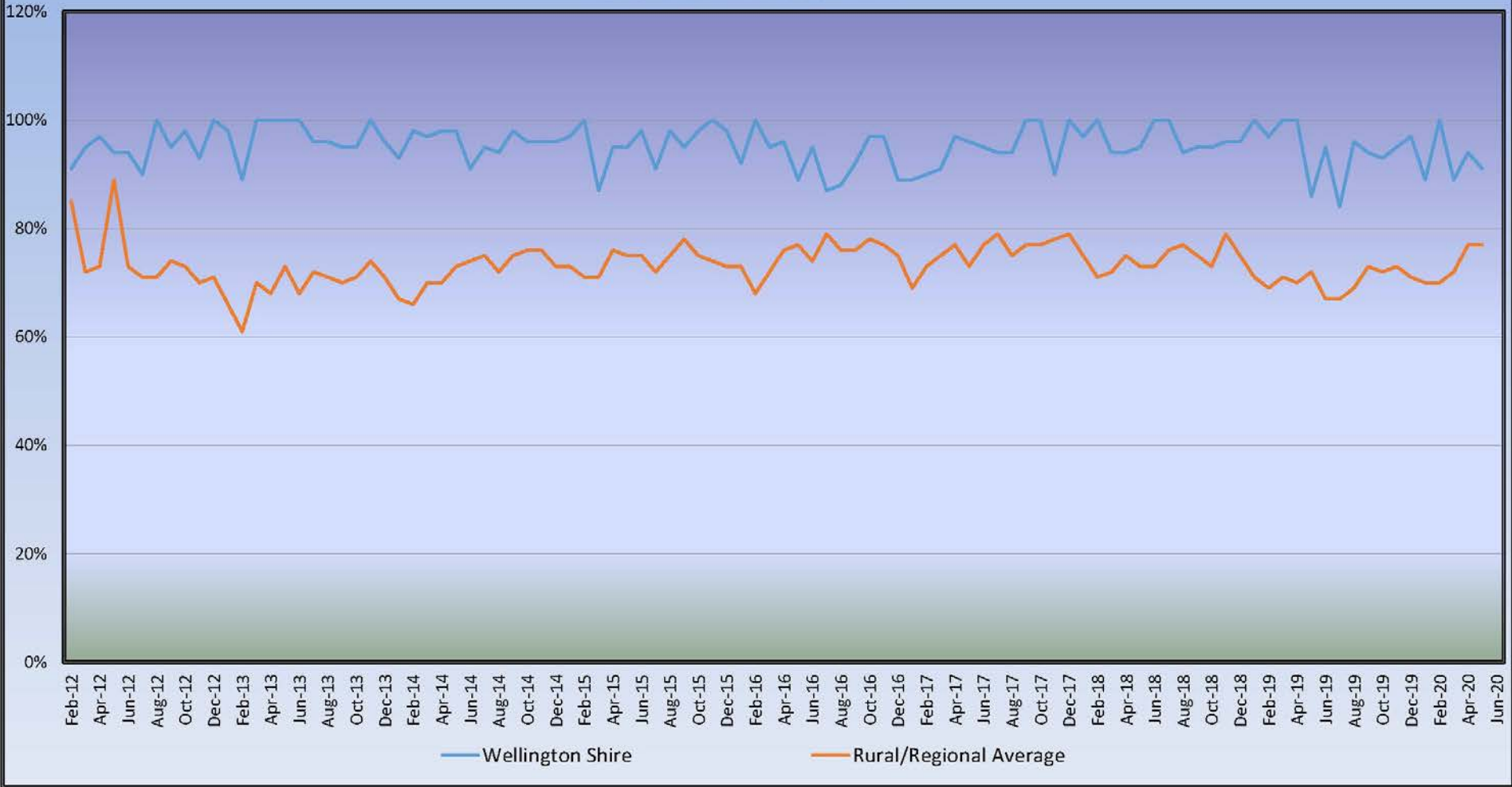
Application No/Year	Date Received	Property Title & Address	Proposal	Status
177-1/2020	29/05/2020	Assessment No. 325910 CA: 40B 169 GOLF COURSE RD HEYFIELD	Buildings & works/construction of two industrial sheds.	Permit Issued by Delegate of Resp/Auth 10/06/2020
178-1/2020	1/06/2020	Assessment No. 216549 LOT: 1 TP: 92636V 24 MERIDAN RD GOLDEN BEACH	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 4/06/2020
182-1/2020	4/06/2020	Assessment No. 205138 CA: 6 SEC: 2A 2,056 PRINCES HWY ROSEDALE	Buildings and works associated with extension to existing dwelling.	Permit Issued by Delegate of Resp/Auth 10/06/2020
183-1/2020	5/06/2020	Assessment No. 406934 CA: 5 SEC: C GIFFARD WEST RD GIFFARD	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth 18/06/2020
184-1/2020	9/06/2020	Assessment No. 233411 LOT: 1483 LP: 58872 33 KOOKABURRA ST LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 12/06/2020
185-1/2020	9/06/2020	Assessment No. 186981 LOT: 5 BLK: B LP: 8478 41 MCLACHLAN ST THE HONEYSUCKLES	Buildings and works associated with construction of an outbuilding.	Withdrawn 18/06/2020
189-1/2020	10/06/2020	Assessment No. 284901 LOT: 1 LP: 213328S 1,668 SOUTH GIPPSLAND WOODSIDE	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 17/06/2020
192-1/2020	15/06/2020	Assessment No. 225037 LOT: 1 PS: 727466X 28 CAMERONS RD LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 18/06/2020
193-1/2020	15/06/2020	Assessment No. 229591 LOT: 2489 LP: 70939 2 ELIZABETH CT LOCH SPORT	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 25/06/2020
194-1/2020	15/06/2020	Assessment No. 12500 LOT: 1 TP: 122093 453-455 RAYMOND ST SALE	Dispensation/car parking spaces - use of the land for medical centre.	Permit Issued by Delegate of Resp/Auth 26/06/2020
197-1/2020	17/06/2020	Assessment No. 389718 LOT: 1 PS: 649537K 551 BOISDALE-NEWRY RD NEWRY	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth 23/06/2020
198-1/2020	17/06/2020	Assessment No. 222323 LOT: 1215 LP: 52648 14 SUNBURST AVE GOLDEN BEACH	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 25/06/2020

Application No/Year	Date Received	Property Title & Address	Proposal	Status
199-1/2020	17/06/2020	Assessment No. 263178 LOT: 15 PS: 144854 29 BYRNES RD WOODSIDE BEACH	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 24/06/2020
201-1/2020	17/06/2020	Assessment No. 440768 LOT: 1 PS: 717780X 388 TOONGABBIE-COWWARR TOONGABBIE	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth 26/06/2020
204-1/2020	19/06/2020	Assessment No. 272450 LOT: 3 PS: 337156N 2,153B WOODSIDE	Buildings and works associated with construction of a farm shed.	Permit Issued by Delegate of Resp/Auth 25/06/2020
205-1/2020	22/06/2020	Assessment No. 382903 LOT: 2 PS: 646214C 2-4 CHURCH RD YARRAM	Buildings & Works/painting a mural on a heritage building.	Permit Issued by Delegate of Resp/Auth 26/06/2020
208-1/2020	23/06/2020	Assessment No. 26088 LOT: 1 LP: 39462 86-88 LANSDOWNE ST SALE	Buildings and works associated with construction of an outbuilding.	Permit Issued by Delegate of Resp/Auth 26/06/2020

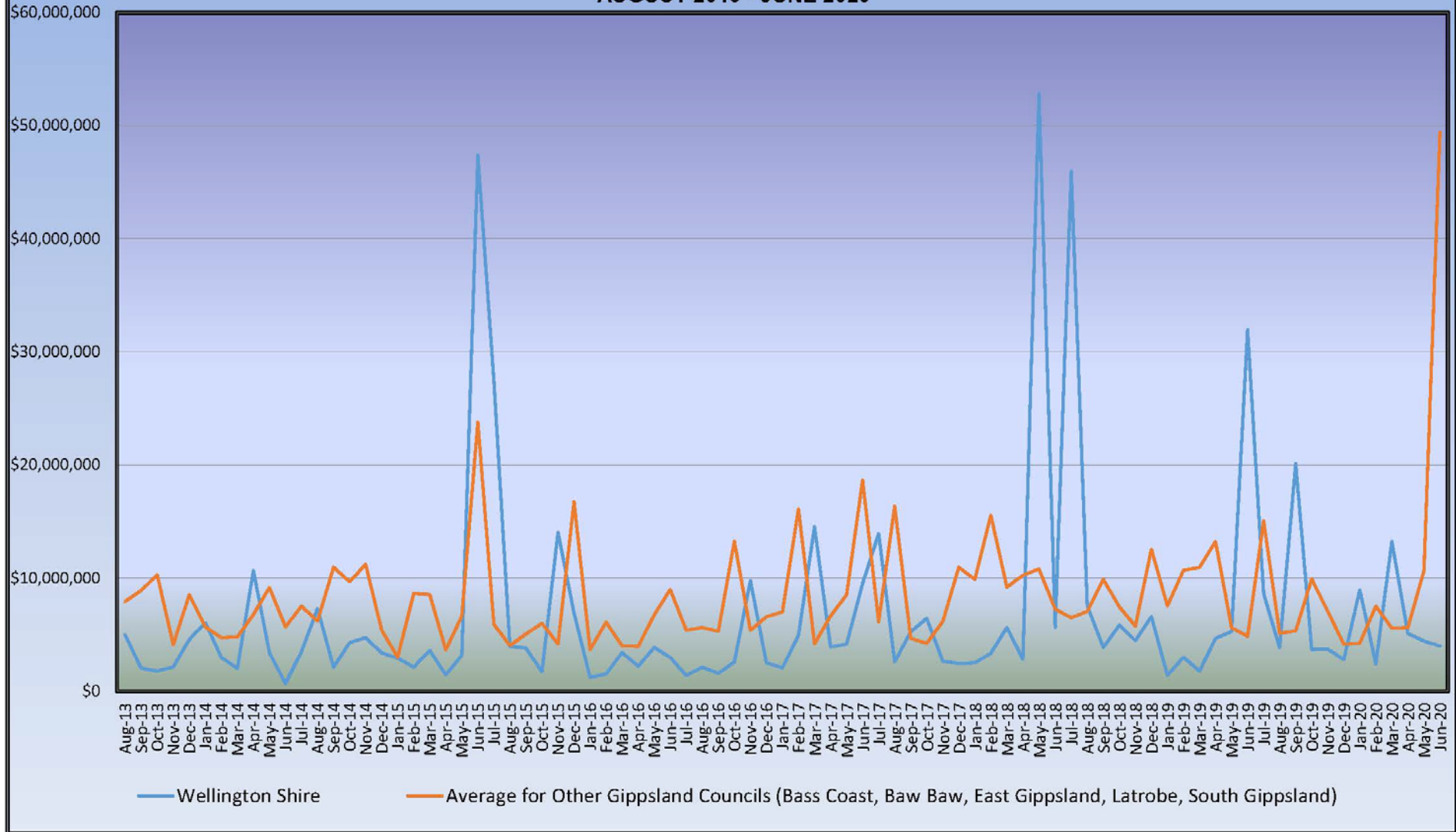
Total No of Decisions Made: 40



**DECISIONS ISSUED WITHIN 60 DAYS
FEBRUARY 2012 - JUNE 2020**



**ESTIMATED VALUE OF WORKS
AUGUST 2013 - JUNE 2020**





C4 - REPORT

GENERAL MANAGER BUILT AND NATURAL ENVIRONMENT

ITEM C4.1**REVITALISING OUR REGION PROJECT**

DIVISION: BUILT AND NATURAL ENVIRONMENT
 ACTION OFFICER: ACTING MANAGER BUILT ENVIRONMENT
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓				✓	✓				

OBJECTIVE

To seek approval from Council to apply for funding through the Department of Infrastructure, Transport, Regional Development and Communications to support the Revitalising our Region package of works as defined in this report.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That, in response to an announcement by Darren Chester MP, Federal Member for Gippsland, allocating \$8 million towards the multiyear \$14 million Wellington Shire Council Revitalising our Region package of works as described in this report, Council;

- 1. Authorise the Chief Executive Officer to finalise application(s) and agreement(s) for Federal Government funding of at least \$8M to contribute towards the Revitalising our Region package of works;***
- 2. Note that initial funding of \$4.25M to support the Revitalising our Region package of works has been allocated in the adopted 2020/21 budget; and***
- 3. Approve the additional funding of \$1.75M already allocated across the 2021/22 and 2022/23 forward capital works budgets to support the Revitalising our Region package of works.***

BACKGROUND

The Princes Highway, Sale, Streetscape Project, is identified as a key element of Wellington Shire Council's Revitalising our Region package of works. The project was instigated following several strategic planning documents that were completed to plan and deliver road and CBD improvements in Sale and other townships across the Shire. These include:

- Sale CBD Precinct Plan (2010)
- Sale, Wurruk and Longford Structure Plan (2010)
- Sale CBD Traffic Management and Car Parking Study (2008)

The Sale Wurruk Longford Structure Plan 2010 identified the need in York Street "to provide streetscape improvements along key streets to enhance character and amenity".

This specific Princes Highway Streetscape project includes the removal of sections of overhead power lines, provision of centre median lighting, removal of power poles for key corners, traffic and parking improvements, kerb and path renewals, major tree planting and landscaping.

In June 2020, Darren Chester MP, Federal Member for Gippsland, announced an \$8 million contribution from the Federal Government towards the Revitalising our Region package of works. The total cost of this package of works is approximately \$14 million. A funding source through the Department of Infrastructure, Transport, Regional Development and Communications was identified which allows road authorities to submit applications for road related projects.

The Revitalising our Region package of works involves the combination of three smaller projects being; Princes Highway Streetscape Works, Sale; Port of Sale Improvement Project; and The Sale Wetlands Project.

The Federal Government contribution to this package would be directed towards the Princes Highway Streetscape Project, as the funding source primarily targets road and asset renewal projects. The Princes Highway Streetscape Works, Sale will include:

- Undergrounding of existing overhead powerlines on York Street between Macalister Street and Stawell Street;
- Streetscape works on York Street between Raglan Street and Foster Street, including the installation of centre median lighting;
- Installation of centre median lighting on Foster Street between York Street and Reeve Street;
- Installation of traffic lights at the intersection of York Street and Cunninghame Street; and;
- Amenity enhancement through green infrastructure projects.

To support the funding announced by Darren Chester MP, Federal Member for Gippsland, Council will need to separately fund elements of the Port of Sale Improvement Project and Sale Wetlands Project components of the Revitalising our Region package of works in addition to its proportion of the Princes Highway Streetscape Works, Sale.

The Port of Sale Improvement Project element is proposed to include parts of the following:

- Upgrade to the existing boat ramp;
- Improvements to existing moorings and installation of a seawall;
- Construction and sealing of existing carpark to appropriate standards including associated amenity works; and
- Construction of access and boardwalk and pedestrian bridge.

The Sale Wetlands Project element is proposed to include parts of the following:

- Improved pedestrian connectivity from the Port of Sale through Lake Guthridge Parklands to the Sale Common
- Pedestrian Crossing – South Gippsland Highway (near MacMillan Street)
- Lake Guyatt Environmental Education Centre
- Lake Guyatt Boardwalk Renewal
- Subject to receiving the federal grant, in partnership with the Rotary Club of Sale, construct the next stage of the River Heritage Trail through the Sale Common.

Subject to funding approval, outcomes associated with the Revitalising our Region package of works have been programmed to be delivered as part of Council capital works program between the 2020/21 and 2022/23 financial years.

OPTIONS

Council has the following options available:

1. That, in response to an announcement by Darren Chester MP, Federal Member for Gippsland, allocating \$8 million towards the multiyear \$14 million Wellington Shire Council Revitalising our Region package of works as described in this report, Council; authorise the Chief Executive Officer to finalise application(s) and agreement(s) for Federal Government funding of at least \$8M to contribute towards the Revitalising our Region package of works; note that initial funding of \$4.25M to support the Revitalising our Region package of works has been allocated in the adopted 2020/21 budget; and approve the additional funding of \$1.75M already allocated across the 2021/22 and 2022/23 forward capital works budgets to support the Revitalising our Region package of works.
2. That Council does not finalise an application/agreement for Federal Government funding towards the Revitalising our Region package of works.

PROPOSAL

That, in response to an announcement by Darren Chester MP, Federal Member for Gippsland, allocating \$8 million towards the multiyear \$14 million Wellington Shire Council Revitalising our Region package of works as described in this report, Council; authorise the Chief Executive Officer to finalise application(s) and agreement(s) for Federal Government funding of at least \$8 million to contribute towards the Revitalising our Region package of works; note that initial funding of \$4.25M to support the Revitalising our Region package of works has been allocated in the adopted 2020/21 budget; and approve the additional funding of \$1.75M already allocated across the 2021/22 and 2022/23 forward capital works budgets to support the Revitalising our Region package of works.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

To support the funding announced by Darren Chester MP, Federal Member for Gippsland, Council will need to separately fund the Port of Sale Improvement Project and Sale Wetlands Project components of the Revitalising our Region package of works in addition to its proportion of the Princes Highway Streetscape Works, Sale.

Provision for the remaining portion of the Revitalising our Region package of works has been made in Council's forward capital works program budget.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Infrastructure and Services states the following strategic objective and related strategy:

Strategic Objective 2.2: " Council assets are responsibly, socially, economically and sustainably managed. "

Strategy 2.2.3: " Continue to maintain and enhance Council's built environment for public amenity and long-term sustainability. "

The Council Plan 2017-21 Theme 5 Economy states the following strategic objective and related strategy:

Strategic Objective 5.2: *"2 Use a targeted approach to attract new business investment to Wellington Shire, to support population growth. "*

Strategy 5.2.1: "A Create a supportive investment environment that encourages new development and job growth."

This report supports the above Council Plan strategic objectives and strategies.

RESOURCES AND STAFF IMPACT

Finalisation of application(s) / agreement(s) associated with the Revitalising our Region package of works will be undertaken within available resources and budgets.

INFRASTRUCTURE PACKAGE TO ATTRACT MORE VISITORS TO GIPPSLAND

DC darrenchester.com.au/infrastructure-package-to-attract-more-visitors-to-gippsland/

April 17, 2020



The Federal Liberal and Nationals Government will provide more than \$32 million for Princes Highway safety and infrastructure upgrades as part of a package of works stretching from Sale to Genoa.

Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development Michael McCormack and local MP Darren Chester made the announcement after consultation with local community leaders.

Key projects include \$9.7 million to upgrade a major intersection at McEachern Street in Bairnsdale and \$6.2 million for bridge strengthening as part of the East Sale Alternative Truck Route work.

Mr McCormack said these important projects would increase safety and boost the local economy.

"The Gippsland economy has taken a real hit this year with the crippling drought, devastating bushfires and now the coronavirus," Mr McCormack said.

"As a Government, we want to support local jobs and stimulate the economy with an infrastructure investment program stretching right across Australia.

"These projects in Gippsland will build on the work we have already funded on the Princes Highway East which are delivering both safer roads and better access for all motorists in the region."

Mr Chester has welcomed the funding which he says will help deliver his plan to boost tourism numbers in the future.

"We need to activate the Princes Highway as more than just a transport corridor," Mr Chester said.

1/2

"Our Government has already contributed to the construction of six new overtaking lanes between Lakes Entrance and the New South Wales border and record \$260 million funding for the duplication between Traralgon and Sale, which makes it easier to reach East Gippsland.

"Now we have to give visitors a reason to stop, stay and appreciate everything our region has to offer.

"With this funding, we will be able to improve safety and deliver infrastructure in Sale, Bairnsdale and Lakes Entrance which makes our region more attractive for locals and visitors alike."

The Federal Government has committed \$17 million in funding to the following projects and will seek to secure contributions from Wellington and East Gippsland Shire Councils and other sources to ensure the project benefits are realised on the ground:

- \$8 million for Wellington Shire's 'Revitalising Our Region' package of works;
- \$5 million for Bullock Island bridge replacement and associated works; and
- \$4 million for Princes Highway rest area redevelopment at Lakes Entrance slipway, Newmerella, Cann River and Genoa.

Wellington Shire Mayor Alan Hall said Council was well advanced with its plans to redevelop the highway in Sale and construct new facilities to attract visitors.

"We welcome the Federal Government funding because it will allow Council to bring forward major works which will improve the safety and amenity of the highway and give visitors more reasons to stop and explore the Port of Sale and adjoining wetlands," Cr Hall said.

"Sale is the highway gateway to the Gippsland Lakes, Ninety Mile Beach and our high country towns and Council has committed \$6 million to present our largest town in the best possible way to the travelling public. The Federal Government contribution will obviously expand the projects and deliver more benefits to our region."

East Gippsland Shire Mayor John White has also welcomed the funding and said Council was looking forward to working with the Federal Government to finalise the scope of works across the municipality.

"This is a huge boost to our Council's plans to improve Princes Highway related infrastructure across our Shire," Cr White said.

"We have plans well advanced for Bullock Island along with the rest areas which will encourage recreational vehicles and highway travellers to take a break in East Gippsland.

"We will be aiming to start work as soon as possible to deliver improved facilities for locals and visitors."



C5 - REPORT

GENERAL MANAGER COMMUNITY AND CULTURE

ITEM C5.1**AQUA ENERGY REDEVELOPMENT CONCEPT AND COST PLAN APPROVAL**

DIVISION: COMMUNITY AND CULTURE
 ACTION OFFICER: GENERAL MANAGER COMMUNITY AND CULTURE
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
✓	✓			✓		✓	✓	✓	✓

OBJECTIVE

The purpose of this report is to recommend, for formal adoption by Council, the concept design presented at the Council Workshop on 21 July 2020 for the redevelopment of Aqua Energy (Attachment 1) in accordance with the funding strategy presented in this Council report enabling community engagement to proceed to finalise the schematic design and to enable application for external funding contributions.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council adopts the concept design presented at the Council Workshop on 21 July 2020 for redevelopment of Aqua Energy (Attachment 15.1.1) in accordance with the funding strategy presented in this Council report enabling community engagement to proceed to finalise the schematic design and to enable application for external funding contributions.

BACKGROUND***Aqua Energy Redevelopment Planning Chronology:******2016 Development of 2015-2020 Aquatic Strategy:***

In 2015 Council contracted InSynch Consultancy Group to develop an aquatic strategy for Council which included the need to replace the 25 metre pool which, at 48 years old had exceeded its design life. This was presented to and adopted by Council on 5 July 2016.

2019 Development of Business Case for Aqua Energy Redevelopment:

In 2018 Council contracted Jim Corbett of Sport and Leisure Solutions to develop a business case for redevelopment of Aqua Energy, principally to determine how best to redevelop the facility given the necessity of replacing the 25 metre pool.

Four scenarios for the 25 metre pool replacement were workshopped with Council on 17 September 2019:

Option 1 - replace the 25m pool shell and refurbish the existing 25m pool hall in its current configuration

Option 2 - replace the 25 metre pool shell and refurbish the 25m pool hall in a new configuration to enhance accessibility and programming

Option 3 - replace both the 25 metre pool and 25m pool hall - 6 lane pool

Option 4 - replace both the 25 metre pool and 25m pool hall - 8 lane pool

All options also included new disability, family and group change facilities, 24 hour gym access and water play area as well as replacement sauna, aquatic and accessible change facilities and shared aquatic administration facilities.

Council preferred option 2 to refurbish the existing 25 metre pool hall in a new configuration, noting refurbishment of the ageing building was dependent on outcomes of further structural suitability investigation.

2020 Development of Concept and Schematic Design for Aqua Energy Redevelopment:

In 2020, Council contracted Haskell Architects to undertake development of concept and schematic designs for the redevelopment of Aqua Energy.

At a Council workshop on 7 July 2020, Council was advised that investigations for the concept design development and recent maintenance and repair works, that refurbishing the 25m pool hall would not be structurally viable and there was a need for the pool hall to be replaced rather than refurbished.

On 21 July 2020, Haskell Architects presented, at a Council workshop, proposed concept plan (Attachment A) based on the redevelopment of 25m pool hall that responded to all key recommendations identified in the business case (urgent replacement works, improved accessibility and customer improvements).

At a follow-up Council workshop on 4 August 2020, the proposed funding strategy was presented to Council outlined below.

Funding contributor	Funding amount
John Leslie Foundation	\$ 950,000 (confirmed)
Victorian Government – Sport and Recreation Victoria	\$ 3,000,000 (to be applied for*)
Other state or federal recovery / stimulus funding	?? (to be applied for#)
Total (cost estimate at end concept design)	\$12,905,288
Therefore, Wellington Shire Council (assumes successfully obtaining \$3m external funding)	\$ 8,955,288

* Current SRV maximum grant is \$2m, SRV's October 2020 budget bid is for this to increase at least to \$3m, as per previous maximum

SRV advises that Victorian Government further stimulus funding via sporting infrastructure programs likely, federal stimulus funding also likely.

Council plans to proceed to the next phase of the Aqua Energy redevelopment project which includes application for external funding contributions based on the finalised schematic design and funding strategy outlined in this report. Consideration of final budget approval will occur as part of normal annual Council budget approval process and will be dependent on the final funding model

including external funding outcomes achieved.

OPTIONS

Council has the following options available:

1. Adopt the concept design presented on 21 July 2020 for redevelopment of Aqua Energy (as attached) in accordance with the funding strategy presented in this Council report enabling community engagement to proceed to finalise the schematic design and to enable application for external funding contributions; or
2. Request development and presentation of an alternative concept design for the redevelopment of Aqua Energy.

PROPOSAL

That Council adopt the concept design presented at the Council Workshop on 21 July 2020 for redevelopment of Aqua Energy (Attachment 15.1.1) in accordance with the funding strategy presented in this Council report enabling community engagement to proceed to finalise the schematic design and to enable application for external funding contributions.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

FINANCIAL IMPACT

Cost estimates have identified a cost of \$12,905,288 for the delivery of the Aqua Energy Redevelopment. \$950,000 from the John Leslie Foundation has been confirmed. The funding strategy has identified \$3,000,000 through external grants and \$8,955,288 from Council, to be made up \$4,200,000 in borrowings and the remainder already identified within Council's forward capital works budget.

Council officers will pursue additional external funding contributions towards the Aqua Energy Redevelopment.

COMMUNICATION IMPACT

A community engagement plan has been developed for this project with key user groups and operational staff being consulted throughout the development of the concept plans.

Upon adoption of the concept plan and funding strategy an online public exhibition will be undertaken to enable the Schematic Designs to be finalised and external funding sourced.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *“Council assets are responsibly, socially, economically and sustainably managed.”*

Strategy 2.2.2: "Ensure that community facilities within the municipality continue to meet the expectations and service needs of all current and future residents."

Strategy 2.2.3: "Continue to maintain and enhance Council's built environment for public amenity and long-term sustainability."

This report supports the above Council Plan strategic objective and strategy.

COMMUNITY IMPACT

Community was heavily engaged throughout the development of the 2015-2020 Aquatic Strategy and key user groups consulted during the development of the Concept Designs. Broader Community Engagement will be undertaken following Council adoption of the concept designs prior to finalising the Schematic Designs.

ENVIRONMENTAL IMPACT

Environmentally sustainable design has been incorporated in the concept design and an Environmentally Sustainable Design Report will be developed during the Schematic Design Development.

ENGAGEMENT IMPACT

A Community Engagement Plan was completed for the development of the Concept and Schematic Designs.

AQUA ENERGY LEISURE CENTRE REDEVELOPMENT





EXISTING CONDITIONS

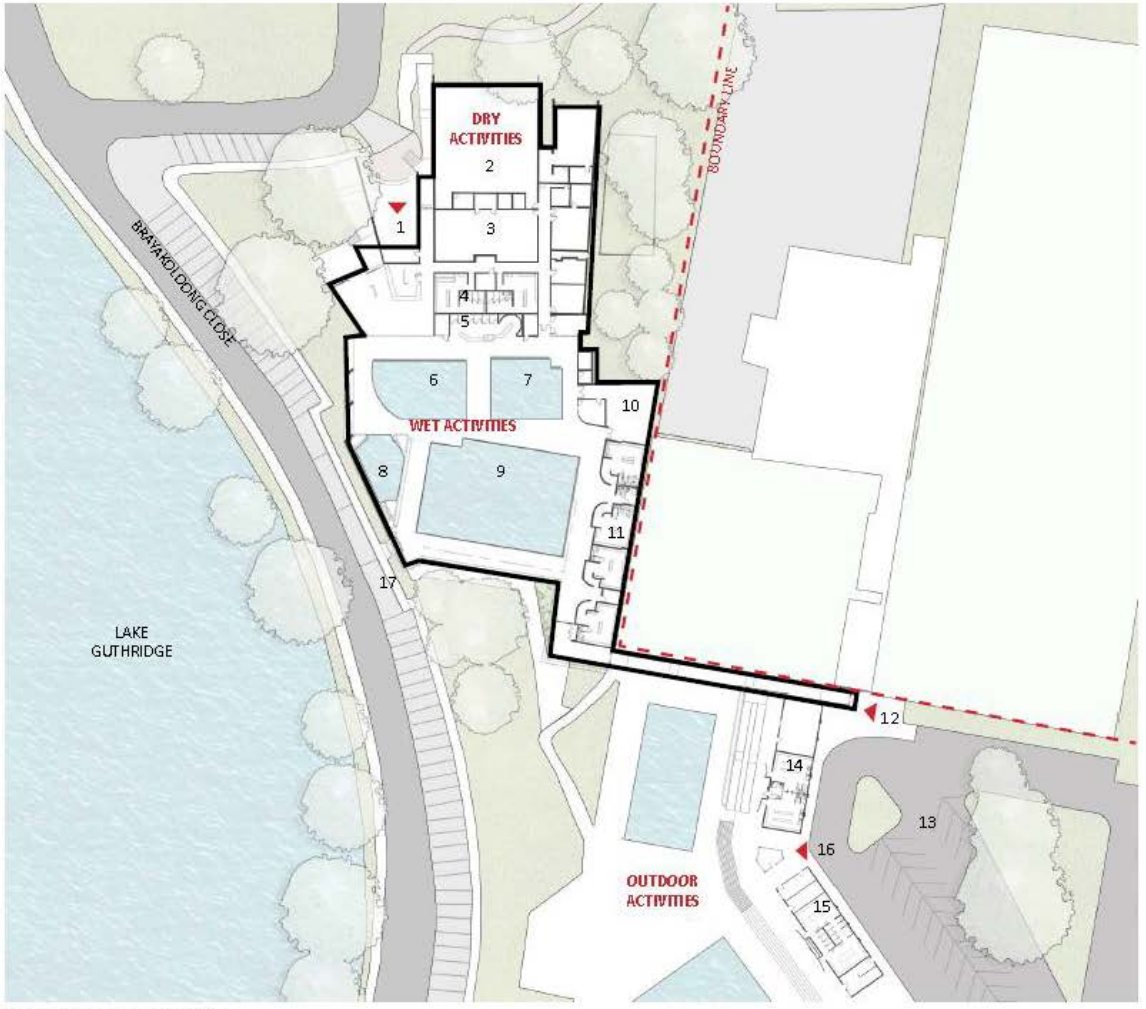


LEGEND

- 1. FRONT ENTRY
- 2. GYM
- 3. MULTI - PURPOSE
- 4. FAMILY CHANGE
- 5. ITS / TODDLER POOL
- 6. HYBRID POOL
- 7. 25M POOL
- 8. DELIVERY
- 9. OUTDOOR POOL ACCESS
- 10. OUTDOOR MALE CHANGE
- 11. OUTDOOR FEMALE CHANGE
- 12. SALE BOWLS CLUB
- 13. GUTHRIDGE PARADE CAR PARK
- 14. GUTHRIDGE PARADE ENTRY

Haskell
architects

Drawing Title: EXISTING CONDITIONS North



PROPOSED SITE PLAN

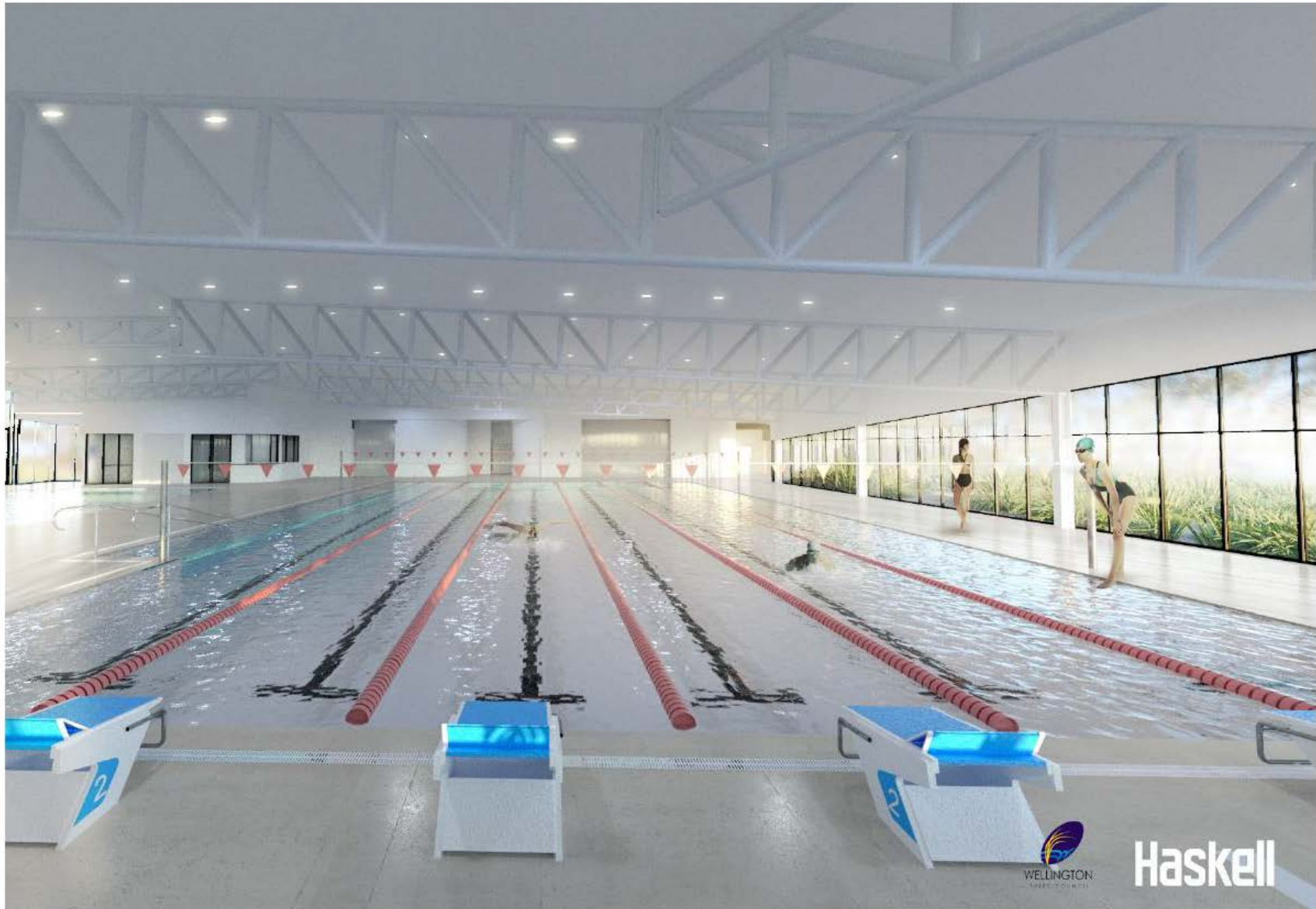


LEGEND

- | | |
|------------------------|-------------------------------|
| 1. FRONT ENTRY | 10. STORE |
| 2. GYM | 11. CHANGE ROOMS |
| 3. MULTI-PURPOSE | 12. GUTHRIDGE PARADE ENTRY |
| 4. CHANGE ROOMS | 13. GUTHRIDGE PARADE CAR PARK |
| 5. FAMILY CHANGE | 14. OUTDOOR FEMALE CHANGE |
| 6. LADIES/TODDLER POOL | 15. OUTDOOR MALE CHANGE |
| 7. HYDRO POOL | 16. OUTDOOR POOL ACCESS |
| 8. WATER PLAY | 17. DELIVERY |
| 9. 2.5m POOL | |



Drawing Title: PROPOSED SITE PLAN
 North: [North Arrow Icon]



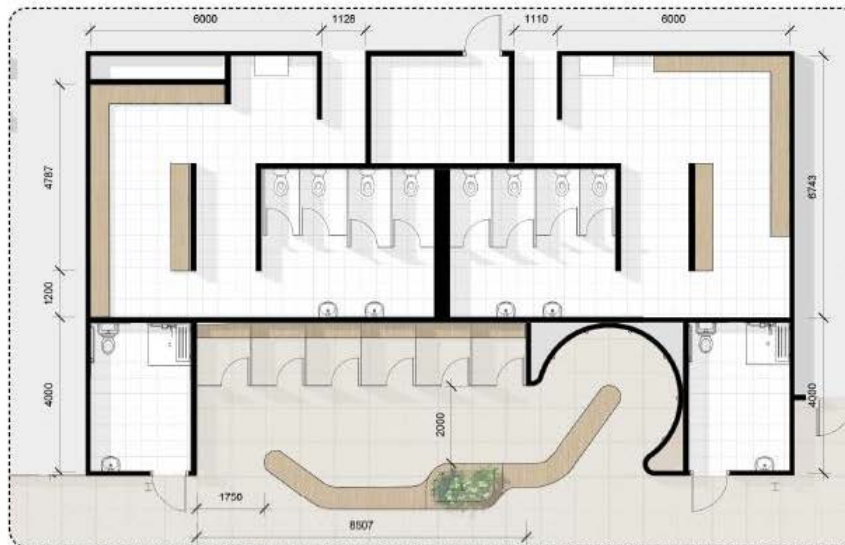


Haskell

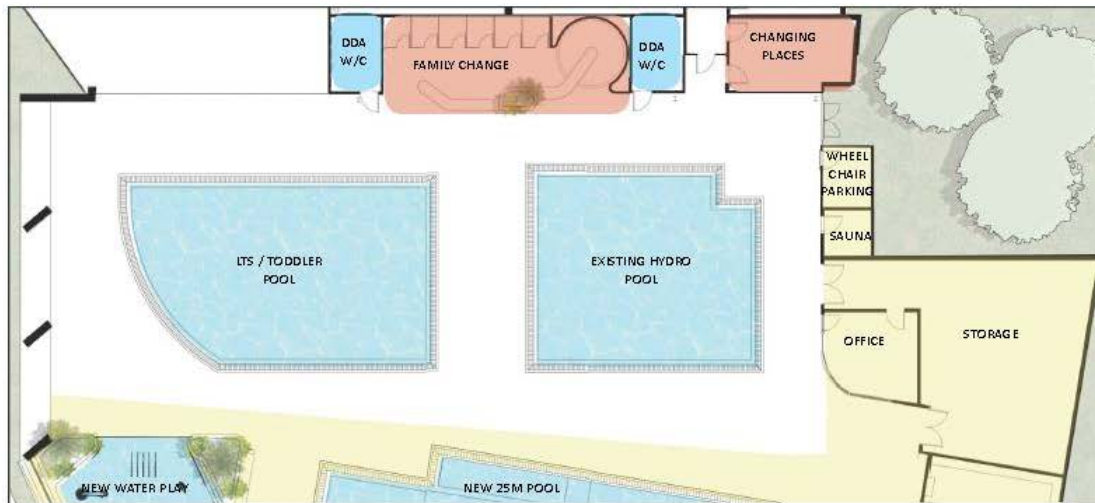


Haskell

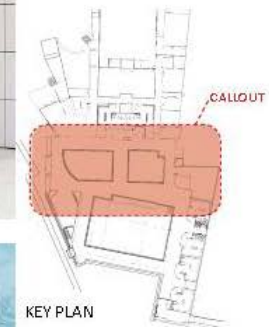




FAMILY CHANGE VILLAGE AND CHANGE ROOM DETAILED



FAMILY CHANGE VILLAGE, CHANGING PLACES, SAUNA, LTS OFFICE & STORE



KEY PLAN

LEGEND

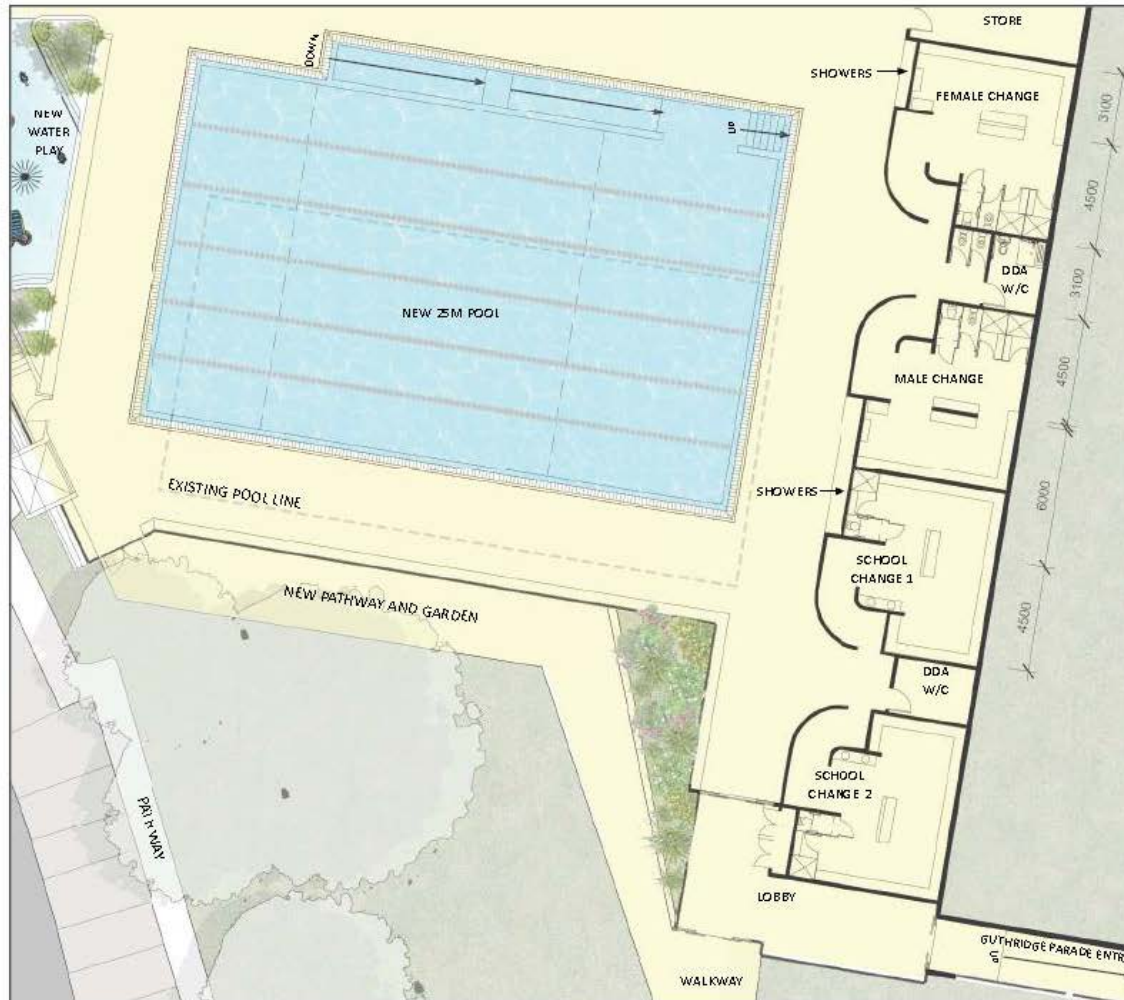
- NEW BUILD
- EXISTING - REFURBISHED
- EXISTING - REPURPOSED



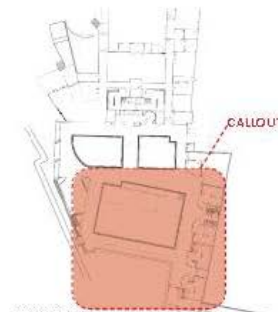
Haskell
architects

Drawing Title: FAMILY CHANGE VILLAGE, CHANGING PLACES, SAUNA, LTS OFFICE & STORE





25m POOL PLAN

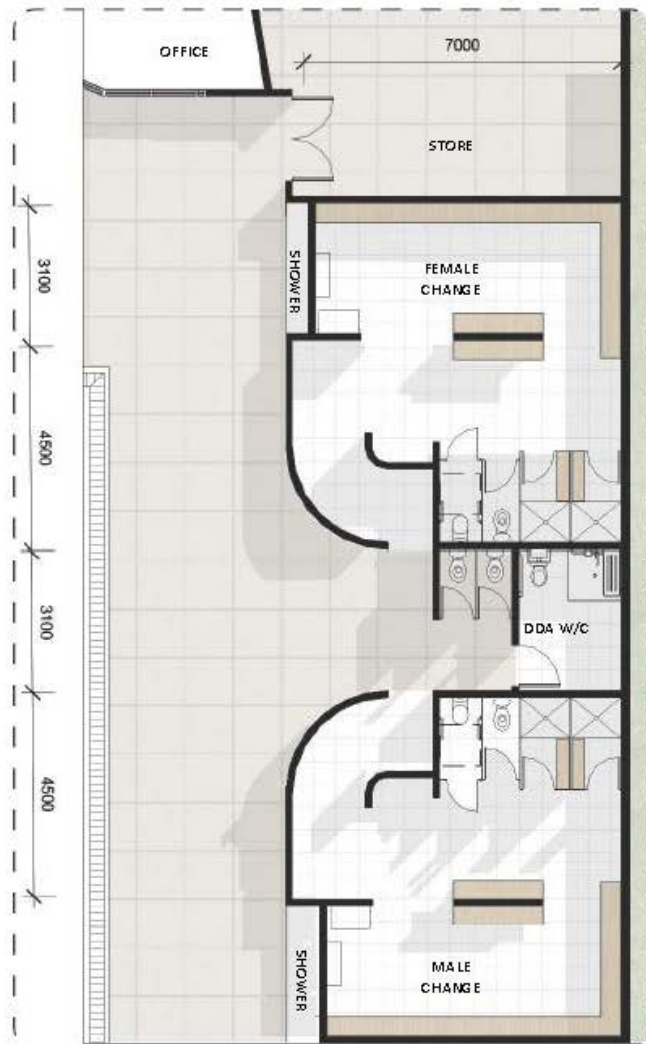


KEY PLAN

- LEGEND**
- NEW BUILD
 - EXISTING - REFURBISHED
 - EXISTING - REPURPOSED

Haskell
architects

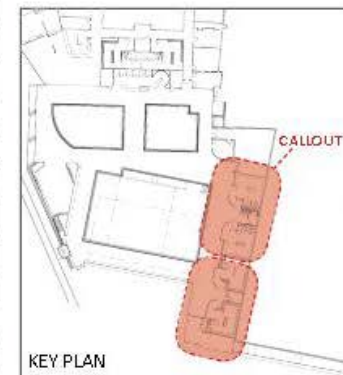
Drawing Title: 25m POOL PLAN
North



CASUAL & ADULT USER WET CHANGE

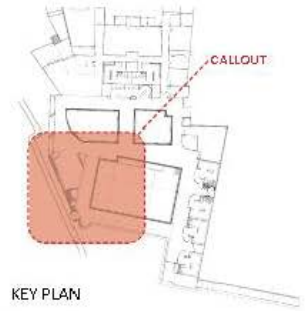


SCHOOL SWIM CLUB WET CHANGE





WATER PLAY



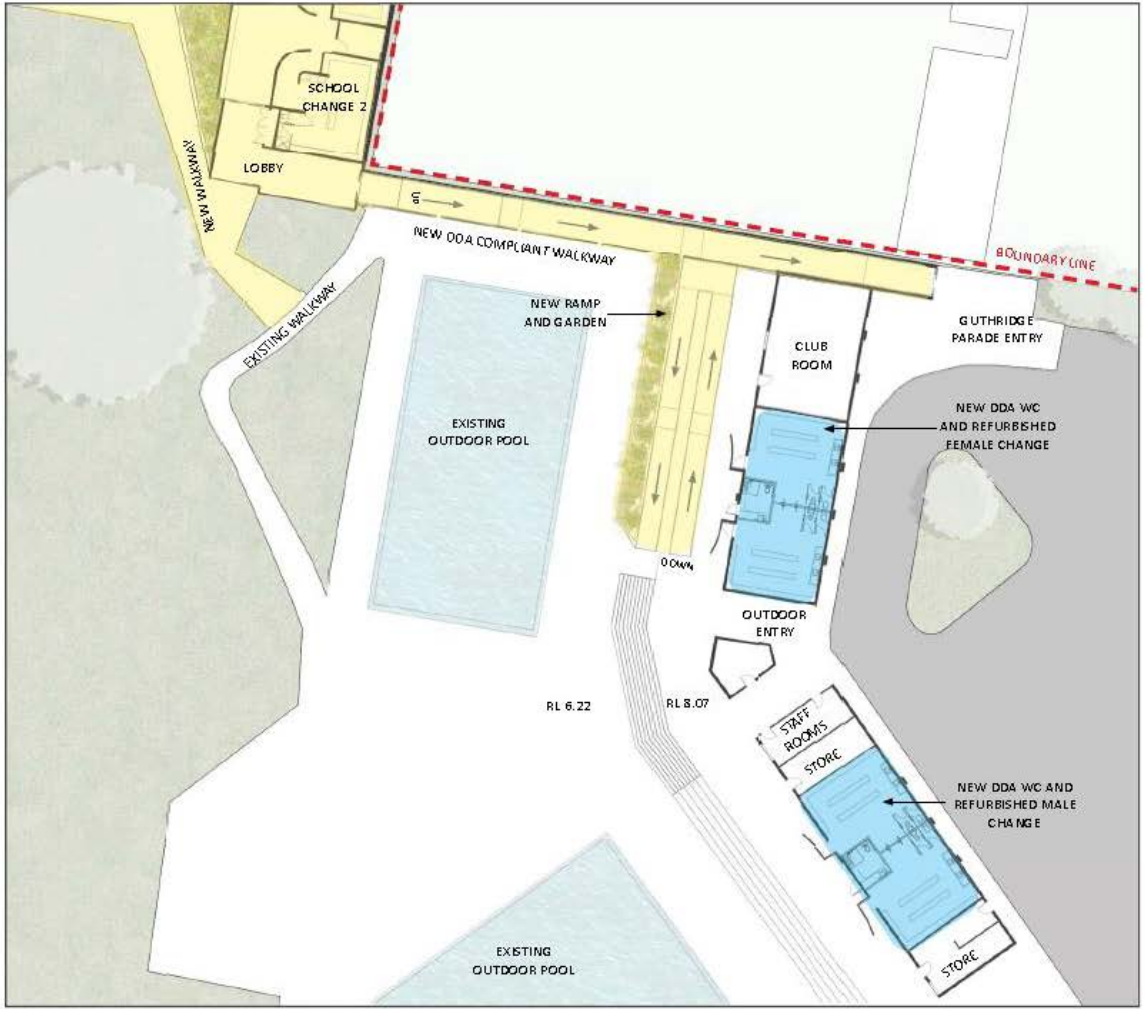
KEY PLAN

LEGEND
NEW BUILD

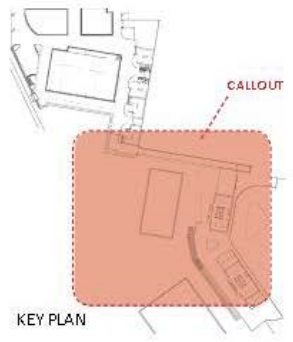


Haskell
architects

Drawing Title: WATER PLAY
No: 1




ACCESSIBLE MEMBER ENTRY & REFURBISHED CHANGE PAVILION



KEY PLAN



Haskell
architects

Drawing Title: ACCESSIBLE MEMBER ENTRY & REFURBISHED CHANGE PAVILION
 North 



DRY FACILITIES, 24 HOUR ENTRY, CHANGE ROOM & NEW OFFICE

KEY PLAN

LEGEND

- NEW BUILD (Yellow)
- EXISTING - REFURBISHED (Blue)
- EXISTING - REPURPOSED (Orange)

Drawing Title: DRY FACILITIES, 24 HOUR ENTRY, CHANGE ROOM & NEW OFFICE

Scale: 1:100

ITEM C5.2**MAFFRA RECREATION RESERVE COMMITTEE OF MANAGEMENT MINUTES**

DIVISION: COMMUNITY AND CULTURE
 ACTION OFFICER: MANAGER COMMUNITY WELLBEING
 DATE: 1 SEPTEMBER 2020

IMPACTS									
Financial	Communication	Legislative	Council Policy	Council Plan	Resources & Staff	Community	Environmental	Engagement	Risk Management
		✓	✓	✓					

OBJECTIVE

For Council to receive the minutes from the Maffra Recreation Reserve Committee of Management's General Meeting held on 6 July 2020.

PUBLIC QUESTIONS AND COMMENTS FROM THE GALLERY**RECOMMENDATION**

That Council receive the minutes of the Maffra Recreation Reserve Committee of Management's General Meeting held on 6 July 2020.

BACKGROUND

The Maffra Recreation Reserve Committee of Management is a Special Committee of Council under Section 86 of the *Local Government Act 1989* and operates within the provisions of a Council approved Instrument of Delegation.

The objectives of the Special Committee are:

1. To manage, operate and maintain the Maffra Recreation Reserve for the community in an efficient, effective and practical manner.
2. To undertake activities designed to protect, promote, utilise and develop the Maffra Recreation Reserve for the use and enjoyment of the local community in line with Council policy and relevant Council strategic documents.
3. To keep the Council informed on the operations, improvements and advancements of the Maffra Recreation Reserve by forwarding copies of all minutes of all ordinary and extraordinary meetings and the Annual Report.
4. To set, maintain and collect appropriate user charges.
5. To ensure that the Maffra Recreation Reserve's capital assets are adequately maintained.
6. To provide advice to Council on matters relating to the Maffra Recreation Reserve.

As provided under the Committee's Instrument of Delegation the minutes of all meetings are to be presented to Council and highlight the day to day activities being undertaken by the Committee.

Conflict of Interest: It was noted that conflicts of interest were called for at the commencement of the Ordinary Meeting, with no conflicts being declared. Meetings held by the Maffra Recreation Reserve Committee of Management are open to the public.

OPTIONS

Council has the following options available:

1. Receive the minutes of the Maffra Recreation Reserve Committee of Management's General Meeting held on 6 July 2020; or
2. Seek further information to be considered at a future Council meeting.

PROPOSAL

That Council receive the minutes of the Maffra Recreation Reserve Committee of Management's General Meeting held on 6 July 2020.

CONFLICT OF INTEREST

No staff and/or contractors involved in the compilation of this report have declared a conflict of interest.

LEGISLATIVE IMPACT

This report is in accordance with Section 91(4) of the *Local Government Act 1989*.

COUNCIL POLICY IMPACT

This report is in accordance with Council Policy 5.1.4 which establishes a framework for the guidance of Council in relation to the roles and responsibilities of Committees.

COUNCIL PLAN IMPACT

The Council Plan 2017-21 Theme 2 Services & Infrastructure states the following strategic objective and related strategy:

Strategic Objective 2.2: *"Council assets are responsibly, socially, economically and sustainably managed."*

Strategy 2.2.2: *"Ensure that community facilities within the municipality continue to meet the expectations and service needs of all current and future residents."*

This report supports the above Council Plan strategic objective and strategy.

**MAFFRA RECREATION RESERVE
Special Committee of Council
MINUTES (Zoom Meeting)**

06/07/2020

President Jenny Toma

Secretary Kath Coggan 0411 098 452

Present: Lisa Ogilvie, Jenny Toma , Cheryl Dowling, Paul Bourke, Michael Coggan, Kath Coggan, Carmel Ripper, Mat Coleman, Sonya Ford, Mark Hewlitt

Apologies: Irene Crockford, Kevin Christensen, Grant Smith, Robert Smart, John Burley

- 1. Declaration of Conflicts of Interest**
- 2. Confirmation of Minutes of Previous Meeting Moved Cheryl, Seconded Mat Coleman**
- 3. Business Arising from Previous Minutes**

Off the leash Dog Enclosure. Jenny, Cheryl, Michael Coggan, Carmel Ripper met at the cattle pavilion. It was decided the enclosure is adequate. Decided to wait until the Dome is completed. Will need some mobile fencing and some gates
Building audit. Secretary to action

Correspondence In

Email WSC re funding opportunities

Email Harness re cancelation of June event

Email WSC re Covid update forwarded to committee

Email WSC re Covid 19 signage forwarded to committee

Email WSC re cooking equipment for sale forwarded to committee

Email WSC re sporting grants

Email WSC community infrastructure plan consultation

Correspondence out

Email Treasurer with WSC remittance advice

Email Paul Bourke, Kevin Christensen, Cheryl Dowling re sporting grants

Email WSC with June minutes and May financials

That correspondence be accepted Moved Kath Coggan Seconded Mark Hewlitt

Treasurer's Report. Tabled. Noted that our water expenditure is up. Mark to investigate possible leakage.

That Treasurer's report be accepted. Moved Lisa Ogilvie Seconded Mark Hewlitt

User Group Reports

MFNC. As of late last week the Gippsland Football Netball League has abandoned both the senior and reserve football competitions as well as all senior netball grades. At this stage U-16 and U-18 football and U-13, U15 and U17 netball will still proceed with a season beginning on Saturday July 18th. AFL Victoria have provided the club with a return to play checklist and updated Protocols which must be observed. With everything that has occurred over the past week, we are cautiously moving forward but with no certainty. The club received their rent invoice from Lisa for the Jan-March and April-June quarters with the 40% rent reduction, but no allowance for the first 6 months which had already been paid (referred to General Business)

Macmillan Rock Hounds Still operating Monday night for Juniors (maximum 5) and Wednesday for other members. Have cheque to pay annual rental

Maffra Municipal Band Rehearsal resumed following Band League guidelines. Social distancing and cleaning being followed

American Historical Truck society No decision at this stage as to whether the show will proceed.

EVPHC/Harness. Mentioned in the 'Inward correspondence list', the June Club Rally day was cancelled due to the change of numbers permitted at a Sporting event due to COVID-19. **Storage Shed/Extra Storage:** Unfortunately, the area that was offered to the band is also too small for us to access for our equipment trailer. The club is very grateful to Jenny for her time to meet and check this out. The roof of our current storage shed has been measured up, along with the front door and repair/replacement work is hoped to commence shortly after purchasing the relevant materials required. Still hoping that some storage space can be utilised (as previously mentioned) along the front/side of the Sheep & Wool Pavilion. **Grants:** Thanks to Kath Coggan for her support and shared information regarding various Grants that have been/are available to Clubs. EVPHC are most grateful for your support. Working on a Community Assistance Grant to repair Blackies Paddock surface for our annual event

Maffra Ag Society. Since Show cancellation we have been quiet. We have, however, now been successful with 3 grants for the 20-21 year. Namely the RAS Grant (\$250k) the AP&H state grant of \$10k and a Wellington shire QR grant of \$5k (rolled over to next year for Food Court) We held a working bee to start completion of works to lining the woolshed. We did 27 hours of work to clean up the lean to and remove shelving and part of the office in the woolshed. We have paid our rec reserve rental and electricity costs of \$1419.41 (after the 40% discount).

Planning work has begun on our dome. We would like a letter of approval from the rec reserve to submit with our planning permit application.

Poultry. It was noted, advertised poultry sales on the Maffra Out and about Facebook page at the Rec Reserve. These are not sanctioned by the Gippsland Riviera Poultry group

Maintenance Report

Fixed water leak over near the old social rooms. Gear drive on the push mower needs repair. Seats have been repaired. Carpet pulled up and shower repaired in Visitors Chane rooms 60/40 funding. Central Heating in the Function Centre need repairing. Mark Listened to a Solar Webinar. The most likely example to suit us is the system at the Sale tennis club. Cost \$67,000. They got \$41,000 from LVA. With Solar rebates etc. they had to contribute \$15,000. Their annual saving is \$7,000. We may be able to get some DWELP Funding. Some of their grants cover the lot. Paul advised that MFNC have solar contacts. Security cameras. Mark spoke to Tim Mumkin re upgrading to digital. The system is wi fi, with provision for additional temporary cameras to be set up for events.

GENERAL BUSINESS

MFNC request for 40 % reduction on rent. The next 2 installments will be at the reduced rate. Maffra Ag Society also should have paid in full, as payment is in arrears. A revised account to be sent and their payment next year will be at the reduced rate

Financial hardship endured by the MRRC due to COVID. A general discussion followed with the outcome of the Secretary contacting WSC re any opportunities for reimbursement

4:52 PM
16/06/14
Cash Basis

**Maffra Recreation Reserve
Profit & Loss
June 2020**

	<u>Jun 20</u>	<u>Jul 19 - Jun 20</u>
Ordinary Income/Expense		
Income		
60/40 Funding - WSC	0	3,994
Electricity contributions		
East Vic Pleasure Harness Club	0	91
Maffra Football & Netball Club	1,783	4,335
Maffra Municipal Band	0	201
Poultry Club	0	384
Total Electricity contributions	1,783	5,011
Hire of Reserve	833	1,987
Interest Received (Bendigo)	1	23
Rentals		
Camping (Kennel Club)	0	1,782
CWA	0	141
East Vic Pleasure Harness Club	0	455
Kennel Club	0	622
Maffra Football & Netball Club	2,550	7,594
Maffra Lions Club	0	164
Maffra Municipal Band	0	706
McKay Lease	0	273
Poultry Club	0	457
Total Rentals	2,550	12,194
Wellington Shire		
Operating Grant	0	13,505
Total Wellington Shire	0	13,505
Total Income	5,167	36,714
Expense		
Audit	0	726
Bank Fees & Charges (Bendigo)	0	4
CFA Service	0	224
Cleaning of Reserve	0	158
Cleaning Supplies (Milestone)	0	184
Electricity & Gas (Cannon)	0	150
Electricity & Gas (Origin)	0	10,906
Fuel and Oil		
Tractor/ Ride-On (MG Trading)	179	1,104
Total Fuel and Oil	179	1,104
Grounds (Seed)	0	55
Postage & Stationary (Aus Post)	0	464
Repairs and Maintenance		
(General)	0	39
Buildings (Bennett Electrical)	0	422
Buildings (BrownWigg)	0	367

4:52 PM
16/06/14
Cash Basis

**Maffra Recreation Reserve
Profit & Loss
June 2020**

	<u>Jun 20</u>	<u>Jul 19 - Jun 20</u>
Buildings (General)	0	32
Buildings (M.Hewlitt)	0	288
Buildings (Painting)	287	287
Equipment (Air Conditioner)	0	500
Equipment (Toilets)	0	40
Grounds (Bennett Electrical)	0	663
Grounds (Brown Wigg)	0	356
Grounds (Elders)	0	40
Grounds (Grading & Gravel)	0	1,920
Grounds (Maffra Poly & Pumps)	0	197
Grounds (McCarthy Plumbers)	0	138
Grounds (Murray Goulburn)	0	12
Grounds (Seats)	405	405
Grounds (Seed)	67	1,022
Grounds (Trees)	0	3,091
Grounds (Weed Killer)	165	165
Tractor (Service)	0	427
Tractor / Ride On (Repairs)	0	1,134
Total Repairs and Maintenance	<u>924</u>	<u>11,545</u>
Signwriting	0	127
Waste Removal (Maffra Waste)	0	1,660
Water Rates (Gippsland Water)	0	1,421
Water Rates (SRW)	0	180
Total Expense	<u>1,103</u>	<u>28,908</u>
Net Ordinary Income	<u>4,064</u>	<u>7,806</u>
Net Income	<u><u>4,064</u></u>	<u><u>7,806</u></u>

4:55 PM
16/06/14

**Maffra Recreation Reserve
Reconciliation Summary
Bendigo Bank - General Account, Period Ending 30/06/2020**

	<u>Jun 30, 20</u>
Beginning Balance	19,905.40
Cleared Transactions	
Cheques and Payments - 4 items	-1,213.60
Deposits and Credits - 6 items	<u>5,847.54</u>
Total Cleared Transactions	<u>4,633.94</u>
 Cleared Balance	 <u>24,539.34</u>
 Register Balance as of 30/06/2020	 24,539.34
Ending Balance	24,539.34

4:57 PM
16/06/14

**Maffra Recreation Reserve
Reconciliation Summary
Bendigo Bank - Investment Acc., Period Ending 30/06/2020**

	<u>Jun 30, 20</u>
Beginning Balance	25,124.82
Cleared Transactions	
Deposits and Credits - 1 Item	1.07
Total Cleared Transactions	<u>1.07</u>
Cleared Balance	<u><u>25,125.89</u></u>
Register Balance as of 30/06/2020	25,125.89
New Transactions	
Deposits and Credits - 1 Item	1.03
Total New Transactions	<u>1.03</u>
Ending Balance	<u><u>25,126.92</u></u>



D. URGENT BUSINESS



E. FURTHER GALLERY AND CHAT ROOM COMMENTS

Gallery comments are an opportunity for members of the public to raise any particular matter they wish. This allows those in the gallery to speak directly to councillors but is not a forum designed for open discussion or debate. We will listen respectfully to what you have to say and make the commitment that if your query requires a written response, we will advise you that a response will be forthcoming and a copy of that response will be circulated to all Councillors.

This is not a forum for members of the public to lodge complaints against individuals, including councillors and staff, particularly as that individual gets no public right of reply to any matter raised. We take complaints seriously, and in line with the guidance from the Victorian Ombudsman and the local Government Inspectorate, we request that any specific complaint against an individual be put in writing. This way, your concern can be properly dealt with while ensuring fairness to all parties concerned.

If you wish to speak, we remind you that this part of the meeting is being recorded and broadcast on our website. Council's official Minutes will record that you have spoken to Council and the subject you spoke to Council about but will not record specific comments. We ask you to state your name in full, where you are from, and you have three minutes.

CHAT ROOM –

GALLERY COMMENTS –

Meeting declared closed at: pm

The live streaming of this Council meeting will now come to a close.



F. CONFIDENTIAL ATTACHMENT/S

**F. CONFIDENTIAL
ATTACHMENT/S**



WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

**ORDINARY COUNCIL MEETING
24 August 2020**

On this day, 24 August 2020, in accordance with Section 66 Clause (2)(a) of the *Local Government Act 2020*; I, Arthur Skipitaris, General Manager Corporate Services declare that the information contained in the attached document **MAV Microsoft Arrangement Tender Evaluation Recommendation Report - Contract NPN 2.17-3** is confidential because it relates to the following grounds under Section 3(1) of the *Local Government Act 2020*:

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

A handwritten signature in black ink, appearing to be 'AS', written over a dotted line.

.....
ARTHUR SKIPITARIS, GENERAL MANAGER CORPORATE SERVICES

G. IN CLOSED SESSION

COUNCILLOR

That the meeting be closed to the public pursuant to Section 66(2)(a) of the Local Government Act 2020 to consider:

- a) Council business information*
- b) Security information*
- c) Land use planning information*
- d) Law enforcement information*
- e) Legal privileged information*
- f) Personal information*
- g) Private commercial information*
- h) Confidential meeting information*
- i) Internal arbitration information*
- j) Councillor Conduct Panel confidential information*
- k) Information prescribed by the regulations to be confidential information*
- l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989*

IN CLOSED SESSION

COUNCILLOR

That Council move into open session and ratify the decision made in closed session.