



COUNCIL MEETING

Tuesday 23 February 2021

6:00pm

Community Hub

AGENDA

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9.	Use of Common Seal Nil	
10.	Notices of Motion Nil	
11.	Urgent Business	
12.	Other Business	
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14.	Meeting Close	

5 CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETING

Author: Governance Officer

Responsible Officer: Chief Executive Officer

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

SUMMARY/PURPOSE

To present for confirmation the minutes of the Council Meeting held on 27 January 2021.

LEGISLATION AND POLICY CONTEXT

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

Outcome: Central Goldfields Shire is proactive, well governed, professional and financially sustainable organisation.

4.3 Objective: Provide leadership in governance and Council decision making

BACKGROUND INFORMATION

The minutes of meetings remain unconfirmed until the next meeting of Council.

REPORT

Council keeps minutes of each meeting of the Council and those minutes are submitted to the next appropriate meeting for confirmation.

CONSULTATION/COMMUNICATION

Once confirmed minutes become available, they will replace the unconfirmed minutes currently on the Council's website.

FINANCIAL & RESOURCE IMPLICATIONS

Costs included in the Governance and Community Engagement budgets.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices. This process conforms to the requirements of the Governance Rules. Publication of the minutes increases transparency and reduces the risk of maladministration.

CONCLUSION

The unconfirmed minutes of the Council Meeting held on 27 January 2021 are presented for confirmation.

ATTACHMENTS

1. Unconfirmed Minutes of Council Meeting held 27 January 2021

RECOMMENDATION

That Council confirms the Minutes of the Council Meeting held on 27 January 2021.



MEETING OF COUNCIL MINUTES

Wednesday 27 January 2021

6:00pm

Community Hub

MEMBERSHIP

Councillors

Liesbeth Long

Gerard Murphy

Wayne Sproull

Geoff Lovett

Grace La Vella

Chris Meddows-Taylor (Mayor)

Anna de Villiers

To be confirmed at the Council Meeting
scheduled for 23 February 2021

UNCONFIRMED MINUTES

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.03pm
The Mayor, Cr Meddows-Taylor welcomed everybody.

IN ATTENDANCE

Councillors

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

Officers

General Manager Corporate Performance, Mick Smith
General Manager Community Wellbeing, Martin Collins
General Manager Infrastructure Assets and Planning, Rebecca Stockfeld
Manager Business Transformation, David Oliver

2. APOLOGIES

Chief Executive Officer, Lucy Roffey

3. LEAVE OF ABSENCE

Nil

4. DISCLOSURES OF CONFLICTS OF INTEREST

Cr Long noted a conflict of interest related to item 8.1 being a member of Dunolly & District Inc.

5. CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS

To present for confirmation the minutes of the Council Meeting held on 15 December 2020.

Council Resolution

That Council confirms the Minutes of the Council Meeting held on 15 December 2020.

Moved Cr La Vella
Seconded Cr Murphy

CARRIED

6. REPORTS FROM COMMITTEES

Nil

7. PETITIONS

Nil

UNCONFIRMED MINUTES

8. OFFICER REPORTS

Cr Long left the meeting room at 6:07pm due to a conflict of interest in Item 8.1.

8.1 2020 COMMUNITY GRANTS PROGRAM

The purpose of this report is to present to Council the community grants applications received in the 2020-2021 Community Grants Program and recommend the awarding of the grants.

Council Resolution

That Council allocate the following funds from the 2020-2021 Community Grants Program:

<i>Dunolly Community Garden Inc</i>	<i>\$2,083.00</i>
<i>Little Athletics Maryborough Branch</i>	<i>\$4,000.00</i>
<i>Dunolly & District Inc</i>	<i>\$3,000.00</i>
<i>Goldfields Community Radio Inc</i>	<i>\$2,000.00</i>
<i>Tiny Towns Arts Trail</i>	<i>\$4,000.00</i>
<i>Country Women's Assoc Victoria Inc</i>	<i>\$1,337.00</i>
<i>Bealiba Pony Club</i>	<i>\$4,749.00</i>
<i>Maryborough Lawn Tennis Club</i>	<i>\$4,000.00</i>
<i>Maryborough Theatre Company</i>	<i>\$3,266.00</i>
<i>Zonta Club of Central Goldfields</i>	<i>\$700.00</i>
<i>Maryborough Community Garden Inc.</i>	<i>\$1,000.00</i>
<i>Maryborough Aero Club Inc</i>	<i>\$807.00</i>
<i>Central Goldfields District Girls Guides</i>	<i>\$188.46</i>
<i>Maryborough Field Naturalist Club</i>	<i>\$698.00</i>
<i>Maryborough City Brass Band (Sheet Music Only)</i>	<i>\$800.00</i>
TOTAL	\$32,628.46

Moved Cr La Vella
Seconded Cr Sproull

CARRIED

Cr Long returned to the meeting room at 6:12pm.

UNCONFIRMED MINUTES

8.2 CONTRACT NO. G1457-20 GILLIES STREET AND ROGERS STREET ROAD RECONSTRUCTION

The purpose of this report is for Council to give consideration to the awarding of Contract No. G1457-20 Gillies Street & Rogers Street, Maryborough - Road Reconstruction, following a public tender process.

Council Resolution

That Council award Contract No. G1457-20 Gillies Street & Rogers Street, Maryborough – Road Reconstruction – for the lump sum amount of \$635,730.70 (GST Inclusive) to Doran Earthmoving Pty Ltd.

Moved Cr Sproull
Seconded Cr Lovett

CARRIED

8.3 CONTRACT NO. G1459-20 BITUMINOUS SPRAY SEALING PANEL

The purpose of this report is for Council to give consideration to the awarding of Contract No. G1459-20 Bituminous Spray Sealing Panel, after a public tender process.

Council Resolution

That Council:

- 1. Appoint Boral Resources Pty Ltd, Downer EDI Works Pty Ltd, Fulton Hogan Industries Pty Ltd and VSA Roads Pty Ltd to a Spray Sealing Panel for the next 3 years, with an option to extend for a further 2 years; and*
- 2. Award Boral Resources Pty Ltd the 2020-2021 sealing program (Schedule 1 Works) for the lump sum of \$572,323.92 (incl. GST).*

Moved Cr Long
Seconded Cr Murphy

CARRIED

8.4 CAPITAL WORKS PROGRAM (ROADS) - FUNDING

The purpose of this report is to for Council to consider the allocation of the Local Roads and Community Infrastructure Program federal grant funding toward Council's 2020-21 roads capital works program.

Council Resolution.

That Council

- 1. maintain the road renewal capital budget of \$2.131 million by retaining the original program and allocate \$452,594 from the Local Roads and Community Infrastructure Program Round 2 funding; and*
- 2. receive a report at a future Council Meeting recommending the allocation of the balance of the Local Roads and Community Infrastructure Program Round 2 funding of \$452,288.*

UNCONFIRMED MINUTES

Moved Cr Murphy
Seconded Cr La Vella

CARRIED

8.5 ROAD NAMES – DAIRY CRESCENT AND LOVETT COURT

The purpose of this report is to advise Council of the naming of Dairy Crescent and Lovett Court in the Whirrakee Rise development.

Council Resolution.

That Council note the naming of Dairy Crescent and Lovett Court in the Whirrakee Rise development.

Moved Cr de Villiers
Seconded Cr La Vella

CARRIED

8.6 CEO EMPLOYMENT MATTERS ADVISORY COMMITTEE

The purpose of this report is to recommend that Council appoint members to the Chief Executive Officer Employment Matters Advisory Committee.

Council Resolution.

That Council:

- 1. Appoint the Mayor, Cr La Vella and Cr Lovett to the Chief Executive Officer Employment Matters Advisory Committee.*
- 2. Note that the Chief Executive Officer Employment Matters Advisory Committee replaces the previously named Chief Executive Officer Recruitment, Performance and Recruitment Review Advisory Committee.*

Moved Cr Murphy
Seconded Cr Long

CARRIED

9 DOCUMENTS FOR SEALING CONFIRMATION REPORT

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS

Nil

12 CONFIDENTIAL BUSINESS

Nil

UNCONFIRMED MINUTES

13 OTHER BUSINESS

Cr Lovett thanked the Council on behalf of himself and his family for the honour of having a road named after their ancestors.

14 MEETING CLOSURE

The Chair, Cr Meddows-Taylor declared the meeting closed at 6.28 pm.

To be confirmed at the Council Meeting
to be held on 23 February 2021.

8. OFFICER REPORTS

8.1 COMMUNITY ENGAGEMENT POLICY

Author: Manager Community Engagement

Responsible Officer: Chief Executive Officer

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

SUMMARY/PURPOSE

At the December Council Meeting, Council endorsed that the *Draft Community Participation and Engagement Policy* and *Draft Communications and Engagement Strategy* be advertised for community feedback for a period of four weeks.

More than 100 residents provided feedback as part of the community consultation process.

The feedback has been reviewed and considered and changes have been made to the Policy to reflect the needs and wants of the Central Goldfields community.

The updated version of the Communications and Engagement Strategy will go to the March Council Meeting for adoption.

LEGISLATION AND POLICY CONTEXT

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

Outcome: Central Goldfields Shire is proactive, well governed, professional and financially sustainable organisation.

4.2 Objective: Provide effective and accessible community information and opportunities for community contributions to policy and program development

Initiative Develop the Community Engagement Policy by 1 March 2021 in accordance with section 55 of the Local Government Act 2020.

BACKGROUND INFORMATION

In accordance with Section 55 and Section 56 of the Victorian Local Government Act 2020, Council is required to adopt a Community Engagement Policy by 1 March 2021.

The updated Community Engagement Policy establishes a clear standard of engagement, having regard to the significance, complexity and anticipated level of impact associated with major projects, policies, strategies, service planning, local laws and capital works.

It aims to further strengthen the community engagement activities that have been undertaken in previous years and provides guidance and support to Councillors and Council staff in the performance of their duties in accordance with the Victorian Local Government Act 2020.

This Policy is Council's commitment that:

- community engagement activities will have a clearly defined objective and scope
- participants will be representative of the persons and groups affected
- participants will have access to relevant and timely information to inform their participation
- participants will be provided with reasonable support to enable genuine and meaningful engagement
- participants will be informed of the ways in which the community engagement process will influence Council decision making

The objectives of the Policy are to outline:

- the principles and commitments that underpin Council's approach to community engagement
- improve understanding of community and stakeholder engagement
- how community engagement is integrated into Council activities (major projects, policies, strategies, service planning, local laws and capital works) to support decision making and strengthen relationships and partnerships

REPORT

1a. Community engagement outcomes

Who did we engage with?

Through the community engagement process Council sought to facilitate a broad representation of views and ideas through the engagement process. The numbers below show how Council was successful in reaching 100 people through:

- Surveys (13 people)
- Written submissions (4 people)
- Listening posts (79 people)
- Polls (1 person)
- Meeting (3 people)

What did participants tell us?

The community feedback received has provided us with the following key insights:

Key Insight One

The biggest barrier to participation is a lack of trust in engagement processes.

Our community values relationships and relational engagement activities. They want to see Council walk the talk and lead and live by what is in the Policy.

The updated Policy addresses this through the commitment that *participants will be provided with reasonable support to enable genuine and meaningful engagement*

Key Insight Two

Our community is diverse so communication needs to be targeted

More market research is needed to better understand our target audiences and their preferred communications. What was clear is that our community wants two-way communication, storytelling and plain language in all communications and interactions.

The updated Policy addresses this through the commitment that *participants will be representative of the persons and groups affected*

Key Insight Three

Our community is diverse so there is no one size fits all approach to engagement

A balance of face-to-face place-based engagement and online activities is the best approach and they want feedback throughout the process. It's important to some community members that they feel empowered to participate through training, peer support, mentoring and financial remuneration.

The updated Policy addresses this through the commitment that *participants will be representative of the persons and groups affected*

Key Insight Four

Our community want transparency from Council

Our community wants communication from Council that is timely, transparent and in plain English. They would like to see promotion of what Council does and where Council's responsibilities begin and end. Hearing about Council's role in advocating with industry, service providers and potential partners is also important to them. They are interested in understanding the processes of the Council, rather than just the outcomes.

The updated Policy addresses this through the commitment that *participants will be informed of the ways in which the community engagement process will influence Council decision making*

1b. Changes to the Policy

Policy updates

- Simplify the document for internal use only
- Clarify the legislative requirements and make them easier to understand
- Include specific engagement requirements for Council departments to ensure officers know what type of engagement is required to meet government and community expectations
- Include better recognition of needs of local Aboriginal and Torres Strait Islander people and communities as well as expectations of engagement
- Identify targeted engagement methods to reach vulnerable members of the community in line with social justice principles
- Any engagement plan, beyond complying with the principles of Section 55 of the Local Government Act 2020, must consider who is to be engaged and the best activities to undertake to meet their needs of participation
- Any engagement plan, beyond complying with the principles of Section 55 of the Local Government Act 2020, must outline processes for providing ongoing feedback and evaluation

CONSULTATION/COMMUNICATION

The *Draft Communications and Engagement Strategy* and *Draft Community Participation and Engagement Policy* were made available for community feedback from Wednesday 16 December, 2020 to Friday 15 January, 2021.

Council received feedback from more than 100 residents – the feedback received is detailed in the Report section above.

FINANCIAL & RESOURCE IMPLICATIONS

The updates to the Policy were carried out internally by the Community Engagement team.

RISK MANAGEMENT

This report addresses Council's strategic risk Legislative compliance - Failure to manage our compliance with relevant legislative requirements.

CONCLUSION

Council has undertaken significant engagement with the community around the *Draft Community Engagement Policy* and *Draft Communications and Engagement Strategy*.

In response to the feedback received changes have been made to the Policy to reflect the wants and needs of the Central Goldfields community.

The updated *Communications and Engagement Strategy* will be considered at the March Council Meeting.

ATTACHMENTS

1. Draft Community Engagement Policy

RECOMMENDATION

That Council adopts the updated Central Goldfields Shire Community Engagement Policy.



Category: Community Engagement Policy
Responsible Manager: Manager Community Engagement
Review Due: March 2022
Adoption:
Date Adopted:

Acknowledgement

Central Goldfields Shire Council acknowledges the ancestors and descendants of the Dja Dja Wurrung. We acknowledge that their forebears are the Traditional Owners of the area we are on and have been for many thousands of years. The Djaara have performed age old ceremonies of celebration, initiation and renewal. We acknowledge their living culture and their unique role in the life of this region.

1. Purpose

The Central Goldfields community is diverse and engaged, rich with experience and expertise, whose participation is valued. By involving the community in planning and decision-making we can promote greater trust, build stronger relationships and deliver better outcomes.

This purpose of this Policy is to guide the organisation in meeting the engagement obligations as outlined in section 55 and section 56 of the Victorian Local Government Act 2020.

It establishes a clear standard of engagement, having regard to the significance, complexity and anticipated level of impact associated with major projects, policies, strategies, service planning, local laws and capital works.

This Policy is Council's commitment that:

- community engagement activities will have a clearly defined objective and scope
- participants will be representative of the persons and groups affected
- participants will have access to relevant and timely information to inform their participation
- participants will be provided with reasonable support to enable genuine and meaningful engagement
- participants will be informed of the ways in which the community engagement process will influence Council decision making

2. Objectives

The objectives of the policy are to outline:

- the principles and commitments that underpin Council’s approach to community engagement
- improve understanding of community and stakeholder engagement
- how community engagement is integrated into Council activities (major projects, policies, strategies, service planning, local laws and capital works) to support decision making and strengthen relationships and partnerships

3. Scope

This Policy applies to the planning, design, implementation and evaluation of community engagement activities as directed by Council, recommended by staff, or legislated by the Victorian Local Government Act 2020. Community engagement is the responsibility of all Council service areas, teams and employees. It also applies to Councillors, contractors, consultants, external providers and volunteers undertaking work on behalf of Council.

The following engagements are outside the scope of this Policy:

- those relating to planning permit applications and planning scheme amendments governed by the *Planning and Environment Act 1987*
- legislated engagements governed under other Acts
- other Council processes such as service requests or complaints

4. Council’s commitment to the community

Council adopts the following principles and commitments which will inform all community engagement processes. These principles are set out in Section 56 of the Local Government Act 2020. Council has built on these principles to describe our commitment which reflects the values and expectations of the Central Goldfields community.

Principle	Our commitment
The community engagement process has a clearly defined objective and scope	<ul style="list-style-type: none"> • We will develop community engagement plans in accordance with this Policy • We will identify and communicate the purpose of the engagement and the benefits sought • We will allocate appropriate time and funding to engagement planning and implementation
Participants in community engagement will have access to objective, relevant and timely information to inform their participation	<ul style="list-style-type: none"> • We will ensure the community has the information necessary to participate meaningfully in the engagement activities • We will endeavour to provide information that is objective, relevant, timely and easy to understand

<p>Participants in community engagement will be representative of the persons and groups affected by the matter</p>	<ul style="list-style-type: none"> • We will endeavour to identify stakeholders at the commencement of all relevant projects and determine the level to which different groups may be affected by decisions • We will encourage and support the inclusion of a diverse range of perspectives and ensure the consideration of all relevant interests including minority groups such as people with diverse gender identities and those belonging to socially, culturally and linguistically diverse communities • We will encourage and support the inclusion of First Nations stakeholders and organisations within Central Goldfields Shire and our sphere of influence • We will select communication methods which ensure relevant parties are informed about engagement activities and opportunities to influence Council decisions
<p>Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement</p>	<ul style="list-style-type: none"> • We will reduce physical, social and cultural barriers to participation • We will practice cultural safety with First Nations stakeholders and organisations • We will consider the needs and perspectives of all groups that may want to be involved in the process • We will seek to obtain the views of a broad cross section of the community, especially when there is a quiet majority • We will allow sufficient time for review of information and participation in varied engagement activities
<p>Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making</p>	<ul style="list-style-type: none"> • We recognise the International Association for Public Participation (IAP2) as the international standard for effective community engagement • We will identify the appropriate level of engagement according to the IAP2 framework • We will inform participants of the level of influence they will have, and identify the negotiable and non negotiable elements of any community engagement process • We will articulate how community perspectives will be incorporated into decision making and the nature of decisions to be made • Share what has been learnt and what actions or decisions have resulted from an engagement process

5. Level of community involvement and influence

Council will call for different levels of engagement, having regard to the significance, complexity and anticipated level of impact of what is being proposed, and the stakeholders who need to be targeted.

This Policy adopts the International Association for Public Participation's (IAP2) Public Participation Spectrum to guide the range and extent of participation at each of the five levels. The five levels of engagement on the IAP2 spectrum will be utilised in every instance to meet our commitment to the community:

Inform: To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions

Consult: To obtain public feedback on analysis, alternatives and / or decisions

Involve: To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered

Collaborate: To partner with the public in each aspect of the decision including the development of alternatives and identification of the preferred solution

Empower: To place final decision making in the hands of the public

However, the level of community engagement will be identified at the planning stage of engagement and will have regard to the legislative requirements, the project type, the anticipated level of impact and the needs of the affected communities (see Appendix A).

6. Requirements of engagement

Some elements of community engagement are directed by statutory requirements. Under the Victorian Local Government Act 2020 Council has a statutory obligation to develop a long-term Community Vision, Financial Plan and Asset Plan, and a four-year Council Plan using deliberative engagement approaches (see Appendix 2).

Under the Public Health and Wellbeing Act 2008, Council also has a statutory requirement to develop a four-year Municipal Public Health and Wellbeing Plan.

This Policy also provides clear direction on the level of community engagement that is required for major projects, policies, strategies, service planning, local laws and capital works projects which sit outside of the scope of statutory obligations. The table below sets our statutory and non statutory obligations regarding the minimum levels of engagement:

Matter	Engagement approach	Level of engagement
Community vision	Deliberative engagement	Involve, Collaborate, Empower
Council Plan	Deliberative engagement	Involve, Collaborate, Empower
Financial Plan	Deliberative engagement	Involve, Collaborate, Empower
Asset Plan	Deliberative engagement	Involve, Collaborate, Empower
Budget	Participatory engagement	Consult, Involve
Making of a local law	Participatory engagement	Consult, Involve
Acquiring or selling land	Participatory engagement	Consult, Involve
Capital works and infrastructure projects	Community engagement	The level depends on: The extent of impact and the level of community interest

		The complexity and associated risks of the issue/project/topic The available resources
Other non-statutory plans, strategies or policies and service planning	Community engagement	The level depends on: The extent of impact and the level of community interest The complexity and associated risks of the issue/project/topic The available resources

○ **Submissions process**

On matters where the only form of community participation is an invitation to make submissions, and engagement on the matter was formerly governed by section 223 of the Local Government Act 1989, Council will continue to proceed in a manner modelled on section 223 of the Local Government Act 1989.

7. Community engagement planning, implementation & evaluation

To ensure effective community engagement, Council implements the following eight steps to design, deliver and evaluate community engagement.

1. Clearly define the purpose and scope of the community engagement:

- 1.1. Document the project purpose, scope, engagement objectives, timelines, budget and the decision to be made. Identify any risks
- 1.2. Take into account relevant legislation in framing the community engagement
- 1.3. Determine initial expectation of the level of engagement on the IAP2 spectrum (Appendix A)

2. Understand stakeholder and community interests:

- 2.1. Identify the stakeholders who are affected by, interested in, or who can influence or inform the decision
- 2.2. Understand how stakeholders are affected, the nature and intensity of their interest, and capacity and willingness to participate
- 2.3. Consider if there are barriers to participation that need to be removed to ensure an appropriate balance of views
- 2.4. Identify the preferred methods for engagement
- 2.5. Ensure that participants understand their role and level of influence on the decision-making process

3. Design an appropriate community engagement process:

- 3.1. Identify the stages of the engagement process and any negotiable or non-negotiable aspects
- 3.2. Plan inclusive and accessible communications and methods to support the engagement
- 3.3. Identify data requirements that are relevant and measurable, and how it will be analysed
- 3.4. Plan how the data collected will be managed and ensure compliance with Council's Public Transparency Policy
- 3.5. Identify the skills and resources needed to ensure an effective community engagement
- 3.6. Document the approach and obtain authorisation

4. Deliver genuine and respectful engagement:

- 4.1. Ensure all activities are inclusive and accessible
- 4.2. Ensure all activities are informed by principles of cultural safety
- 4.3. Be clear about the purpose and level of engagement

5. Review and interpret the engagement data:

- 5.1. Collate and review the data from each engagement activity

- 5.2. Identify any limitations to the appropriate balance of information
- 5.3. Analyse the data to identify themes, priorities and preferences

6. Apply the outcomes of the engagement to inform the decision-making process:

- 6.1. Prepare a report for Council applying the outcomes of the community engagement to inform the decision
- 6.2. Where appropriate, provide further opportunity for community input, for example to comment on a draft document

7. Evaluate the community engagement process for improvement:

- 7.1. Assess whether community engagement objectives were achieved
- 7.2. Document and apply the lessons

8. Close the loop on the community engagement:

- 8.1. Where possible, report feedback back to participants to ensure correct understanding
- 8.2. Acknowledge participants' contributions to the engagement process
- 8.3. Share the outcomes of the engagement with the community including how it contributed to the decision
- 8.4. Communicate the next steps of the project
- 8.5. Publish updates on the project on Council's website, engagement portal and other channels

Informing the community of outcomes

We are responsible for, and committed to reporting back the following information to the community:

- what was learnt (the data, information and insights collected during the engagement process)
- how this has influenced the decisions, plans and activities of Council

In determining the best ways to report this information back, we consider the people and groups involved and the level of interest to the wider community.

Methods for reporting back could include, but are not limited to:

- updates on the Council website
- updates on the engagement portal
- post on social media
- 'kitchen table' style meetups in the townships
- drop in sessions
- public notices and newspaper advertisements
- direct communications with the people involved

8. Community engagement definitions

For the purposes of this Policy, Council adopts the following definitions:

Term	Definition
Community	Refers to the people who have a stake and interest in the Central Goldfields Shire and includes people who: <ul style="list-style-type: none"> • Live, work, study or conduct business or are involved in local community groups or organisations in the municipality • Visit, use or enjoy the services, facilities and public places located within the municipality

Community engagement	Community engagement is a planned process with the specific purpose of working with individuals and groups to encourage active involvement in decisions that affect them or are of interest to them
Committees	A delegated committee, jointly delegated committee or community asset committee under section 63, 64 and 65 of the Act, respectively
Consultation	The activity of seeking input on a matter
Council	The Central Goldfields Shire Council including Councillors and it's Delegated Committees
Deliberation	Deliberation is an approach to decision-making in which citizens consider relevant facts from multiple points of view, converse with one another to think critically about options before them and enlarge their perspectives, opinions, and understandings
Deliberative engagement	Deliberative engagement is a process of engagement that brings participants closer to the decision makers than other forms of engagement; where participants are provided with a clear task or question, have access to appropriate resources and information, and are given the time and space required to deliberate and reach their consensus
Participatory engagement	Participatory engagement involves information exchange either from Council to community or community to Council. Participatory engagement typically occurs when feedback is invited on ideas, alternatives or draft documents
Process	A relationship between key steps, activities, tasks, policies and / or resources
Public participation	A term used by IAP2 meaning the involvement of those affected (interested or impacted) by a decision in the decision-making process. We use the term interchangeably with Community Engagement, Stakeholder Engagement or Consultation
Stakeholder	An individual or group with a strong interest in the decisions of Council and are directly impacted by their outcomes

9. Human Rights Charter

This Policy has been assessed against the Charter of Human Rights and Responsibilities Act 2006 as being consistent with that Act and, in particular, as promoting the rights of members of the Community:

- not to have their privacy interfered with (section 13);
- and take part in public life (section 18), by having the opportunity to:
 - participate in the conduct of Council's affairs; and
 - have access to Council and Council Information.

10. Responsibilities

Responsibilities for implementing this policy are shared as follows:

Party/parties	Roles and responsibilities
Councillors	<ul style="list-style-type: none"> • Adopt the Community Engagement Policy and oversee its implementation

	<ul style="list-style-type: none"> Champion the commitment and principles for community engagement through leadership and decision making
Leadership Team	<ul style="list-style-type: none"> Champion behaviours that foster good engagement practice and drive the principles through policy, process and leadership Implement and ensure compliance with this Policy
Community Engagement Team	<ul style="list-style-type: none"> Manage areas of responsibility to ensure community engagement is consistent with this Policy Provide community engagement tools to support planning, implementation and evaluation Oversee all deliberative engagement activities Build capacity in deliberative engagement Conduct periodic review and drive continuous improvement
Staff	<ul style="list-style-type: none"> Undertake to make community engagement activities consistent with this Policy in consultation with the Community Engagement Team

11. Monitoring and reporting

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy's implementation. Key evaluation measures of success over each 12 month period will include:

- community satisfaction with community consultation and engagement (annual survey)
- number of engagements
- number of participants
- percentage of deliberative and participatory engagements

It may also include measures such as:

- diversity of engagement methods
- information delivery modes
- representation - adequate and diverse representation across target groups
- timeliness of reporting back to the community (closing the loop)

Policy Adoption date	23 February 2021
Next review date	February 2022
Responsible officer	Manager Community Engagement
Related Policies/Legislation	CGSC Public Transparency Policy CGSC Customer Service Charter Charter of Human Rights and Responsibilities Act 2006 Planning and Environment Act 2007 Health and Wellbeing Act 2008 Equal Opportunity Act 2010 Local Government Act 2020 Privacy and Data Protection Act 2014
Related Documents	Internal Association of Public Participation (IAP2) Spectrum of Public Participation

	Mosaic Lab's principles of Deliberative Engagement CGSC Draft Communications and engagement strategy 2020 Community Engagement: A guide to community engagement in rural and regional Victoria 2020
Superseded Policy	Community Engagement Framework 2018

12. Advice and assistance

The responsible officer for this policy is responsible for advising the organisation about this policy and overseeing and monitoring its implementation.

13. Appendix one

○ IAP2 Spectrum of Public Participation

IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation which affects a community's ability to affect public decisions. The spectrum is used internationally and is found in public participation plans around the world.

	Inform	Consult	Involve	Collaborate	Empower
Public participation goal	Provide news and information to the community to help them understand	Ask for feedback on a matter	Invite participation towards an outcome predetermined by Council	Work together with the community toward a jointly agreed outcome	Place final decision making in the hands of the public and build their capacity to deliver change
Promise to the community	Council will keep you informed	Council will listen to and acknowledge your contribution	Council will work with you to ensure your concerns and aspirations are considered in the decision making	Council will look to the community for advice and innovation, incorporating into decisions where possible	Council will help you implement our mutual goals
Role of the community	Receive information	Contribute ideas and opinions	Participate in making plans and decisions	Actively partner for an agreed outcome	Carry out a community-led initiative
Examples of activities	Information sessions Provide information via media Social media posts On site signage Direct mail	Surveys Focus groups Drop in sessions Opinion polls Submission processes Public meetings	Working groups Reference groups Advisory groups Workshops Deliberate polling Advocacy groups	Participatory decision making Design teams Co-design Deliberative processes Citizen advisory committees Community ownership	Citizen juries Self determination of First Nations people Deliberative processes Ballots Community asset committees

	Project updates Public meetings			project governance	Community led planning
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14. Appendix two

○ About deliberative engagement

Deliberative engagement refers to engagement processes that enable community representatives to reach conclusions based on in-depth consideration of relevant facts from multiple points of view, conversations with others and critical thinking about alternative perspectives, opinions, understandings and trade-offs (adapted from Mosaic Lab).

Council will undertake deliberative engagement in the following circumstances:

1. where it has a legislated obligation (including Community Vision, Council Plan, Financial Plan and Asset Plan); or
2. where it resolves that it wants its decision-making on a matter or initiative to be informed by this model of community engagement

There is no single design for deliberative public engagement; therefore, Council's deliberative engagement practices will be tailored in accordance with this Policy. Once designed, the deliberative engagement elements will be documented in a community engagement plan, in accordance with this Policy. Where Council is undertaking deliberative engagement, the community engagement plan will be available on Council's website and engagement portal.

As part of Council's commitment to effective deliberative engagement practices, Council will:

- provide a clear remit to the deliberative group/s
- ensure participants have access to neutral, balanced information from a range of different sources,
- to allow in-depth conversation and understanding of this issues involved
- ensure the process is representative
- allow the time needed to deliberate on complex information
- allow the time needed to weigh up options and ideas
- give the deliberative group a high level of influence over outcomes or decisions



8.2 GRANT ALLOCATIONS AND OPPORTUNITIES

Author: Chief Executive Officer

Responsible Officer: Chief Executive Officer

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

SUMMARY/PURPOSE

The purpose of this report is for Council to consider the proposal to allocate the balance of the Local Roads and Community Infrastructure Program of \$420,388 to footpath works in Maryborough (\$300,000) and \$120,388 to other priority projects identified in the Community Plans.

The Federal Government have also recently invited applications for Round 5 of the Building Better Regions Fund (BBRF). This report provides information on the Central Goldfields Art Gallery Project which best meets the funding guidelines.

LEGISLATION AND POLICY CONTEXT

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

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

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

Relevant policies:

BACKGROUND INFORMATION

In May 2020 Council was allocated \$789,546 from the Federal Government Local Roads and Community Infrastructure Program (LRCI Program).

The purpose of this funding is to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Council allocated this funding across a range of local community infrastructure projects based on priorities identified in the eight Community Plans. The projects include town hall upgrades, playground upgrades, tree plantings, township entrance signage, and provision of shade sails.

In the 2020-21 Federal Budget, the Australian Government announced a further round of this funding and Council was allocated a further \$872,982. This funding is available from 1 January 2021 with projects to be nominated by Council.

At the Council Meeting held on 27 January 2021 Council resolved to receive a report at a future Council Meeting recommending the allocation of the balance of the Local Roads and Community Infrastructure Program Round 2 funding.

This report addresses part two of the Council resolution to recommend the allocation of the balance of the Local Roads and Community Infrastructure Program Round 2 funding.

REPORT

Local Roads and Community Infrastructure Program

The guidelines for this program state that projects that are eligible for funding involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public.

Projects that involve the construction, maintenance and/or improvements to state/territory and crown owned land/assets and Commonwealth owned land/assets, can also be eligible projects where the Council can confirm that they have the authority of the land or asset owner to undertake the project at the nominated site(s) and the sites are accessible to the public (including natural assets).

Projects also need to be additional to Council's existing work plan for 2020-21.

The projects recommended for this funding are as follows:

1. Developing a pathway network (\$300,000)

Central Goldfields Shire aims to be an active, connected and healthy community where people of all ages and abilities regularly walk and cycle.

Every year Council commits funding for footpaths, bike paths and shared pathways but additional funding is needed to deliver a dedicated program of new pathways across our townships to ensure our community is healthy and connected.

Based on the Active Living Census undertaken in 2019 through the Healthy Heart of Victoria Initiative, walking was identified as the most common form of exercise in our Shire. The results also found that 69% of adults living in Central Goldfields Shire were overweight and only 51% of adults meet the guidelines for physical activity.

It is therefore more important than ever for us to provide walking and cycling opportunities that meet the needs of the growing number of older adults and the high percentage of people with disabilities.

Improving the footpath network in the Shire is one of the projects identified in Council's Priority Projects Plan.

It is recommended that \$300,000 of the LRCIP grant be allocated to improving the pathway network in Maryborough.

2. Implementing priorities in community plans

It is recommended that the balance of the Round 2 funds (\$120,388) from the LRCIP be used to implement priority projects identified in the Our Community 2030 Community Plans, with \$40,000 allocated to the three wards Flynn, Tullaroop and Paddys Ranges.

The community plans include a section on Our Environment – Natural and Built, which identify a number of projects that meet the criteria of this grant funding, some of which were funded through Round 1 of the LRCIP.

Building Better Regions Fund

Round 5 of the Federal Government's Building Better Regions Fund is open for applications closing on 5 March 2021. For Round Five, there is a total of \$200 million available, with \$100 million dedicated to tourism-related infrastructure projects.

The intended outcomes of the program are to:

- create jobs
- have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes
- enhance community facilities

Grants from \$20,000 to \$10 million with grant recipients required to contribute 50% toward the project, this contribution can come from confirmed State Government grant programs.

The Infrastructure Projects Stream supports investment ready projects. A project is considered to be investment ready where you construction can commence within 12 weeks of executing your grant agreement.

From Council's priority projects list, the project that best meets the above criteria is the Central Goldfields Art Gallery which has approved State Government funding of \$500,000 and Council contribution of \$273,000 to complete Stage 1

Stage 1 of the project will be funded via the Regional Infrastructure Fund and includes the activation of the iconic and original fire station doors to create a welcoming entrance, increasing gallery exhibition spaces and installation of improved environmental and climate controls.

Stage 2 would further extend the use of the gallery by the community and visitors by adding a pop-up exhibition space as well as enhanced education, community and artist workshop space.

An application of \$773,000 to the BBRF to progress Stage 2 of the project is recommended.

CONSULTATION/COMMUNICATION

Consultation on the projects recommended in this report has been undertaken through the process of developing the supporting strategic plans including consultation on the Integrated Transport Strategy which identified the need for more footpaths to encourage active transport, the Central Goldfields Shire Tourism and Events Strategy which identified upgrades to the Art Gallery as a priority project and consultation with local communities through the development of the Community 2030 Community Plans.

FINANCIAL & RESOURCE IMPLICATIONS

The federal grant funding from the LCRIP does not require a Council contribution, however Council staff resources will be required to undertake the consultation, planning and implementation of the projects.

The BBRF program requires a matching 50% contribution toward the project, however this contribution can come from confirmed State Government grant programs and Councils allocation of funds to Stage 1 of the Art Gallery project.

RISK MANAGEMENT

This report addresses Council's strategic risk Property and Assets - Failure to maintain, renew and expand our assets in a timely and robust way, that considers service and delivery needs by funding upgrades and maintenance to a number of community assets.

It also addresses the strategic risk Community Well-being - Failure to recognise and manage the impact of changing social and economic conditions on the community by investing in local projects that will have a positive income on economic recovery for the Shire.

CONCLUSION

This report provides information on the recommended allocation of the balance of the Local Roads and Community Infrastructure Program and provides a recommendation that Council submit an application to the Building Better Region Fund for the Central Goldfields Art Gallery project matched by funding approved from the State Government for Stage 1 of the project.

ATTACHMENTS

Nil

RECOMMENDATION

That Council:

- 1. allocate the \$452,288 balance of the Local Roads and Community Infrastructure Program Round 2 funding to improving the pathway network in Maryborough (\$300,000) and \$40,000 to each of the three wards Flynn, Tullaroop and Paddys Ranges to implement priority projects in the Our Community 2030 Community Plans ; and*
- 2. make an application to the Building Better Regions Fund for \$773,000 to progress Stage 2 of the Central Goldfields Art Gallery Project.*

8.3 ADVOCACY FOR WEEKEND RAIL SERVICES

Author: General Manager Infrastructure Assets and Planning

Responsible Officer: General Manager Infrastructure Assets and Planning

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

SUMMARY/PURPOSE

The purpose of this report is for Council to resolve to advocate for increased passenger rail between Melbourne and Ballarat and Maryborough.

The advancement of the Murray Basin Rail Freight Project (MBRFP) and the complementary Freight-Passenger Rail Separation Project (FPRSP) with the Ballarat Line Upgrade project have improved signalling at Ballarat allowing for increase passenger rail services.

Council can advocate for increased rail services to support particularly weekend tourism and employment and education travel to Ballarat.

LEGISLATION AND POLICY CONTEXT

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

Outcome: A vibrant local economy which contributes to the municipality's economic prosperity.

2.3 Objective: Promote Central Goldfields as a place of choice to live, work and play

2.4 Objective Participate in Regional Economic Development Strategies

REPORT

Several rail projects have occurred that have a positive impact on the performance of passenger rail between Maryborough and Ballarat and further through to Melbourne. These include the Murray Basin Rail Freight Project (MBRFP) and the complementary Freight-Passenger Rail Separation Project (FPRSP).

In summary the MBRFP standardises rail for the Yelta to Maryborough, Sea Lake to Maryborough, and Manangatang to Maryborough lines; covert the broad gauge line between Maryborough and Gheringhap to dual gauge, and provide planning options for the separation of freight and passenger rail on the Ballarat rail corridor.

The FPRSP project delivered rail track and signalling improvements in the Ballarat precinct. This would separate freight and passenger rail paths and reduce freight interfaces with passenger trains and passenger platforms. Essentially the project would benefit both passenger and rail freight activities. The project would untangle the congested rail network through the Ballarat Station precinct, creating separate paths for passenger and freight lines, including Maryborough services.

These projects are still being completed and an audit into the projects by the Victorian Auditor General undertaken in 2020 found the projects had not finished and work undertaken on the rail lines in not completed and therefore the projects have not yet realised their expected freight-related benefits.

The Ballarat Line Upgrade project has been completed and allows 135 additional services along the Ballarat Line. The improvements made to the Ballarat Line open the opportunity for increased passenger rail between Maryborough and Ballarat and through to Melbourne, as the signalling work needed to be undertaken has been completed.

Both Council's strategic documents – the Integrated Transport Strategy 2020-2030, and the Tourism & Events Strategy 2020 – 2025 – recognise the importance of increased passenger rail. Increased rail service would:

- revitalise our assets and infrastructure to support the visitor experience and increase accessibility to the area (theme 5 of the Tourism & Events Strategy 2020 – 2025); and,
- build a diverse tourism market with minimal impacts on traffic congestion and our environment (outcome 12 Improved regional public transport, Integrated Transport Strategy) – specifically for the 'day trip' tourism market and for employees travelling between Maryborough Talbot and Ballarat.

The impact of COVID-19 on our state and our local economy cannot be understated, particularly for tourism providers who suffered trade loss during the lockdown of Melbourne and continue to feel the impact that the uncertainty that living with COVID-19 brings. It is vital that Council continue to advocate for improved rail services through our Shire to support weekend tourism, whether this be day trips or weekend travel between Melbourne and Maryborough, and looking forward, through to Dunolly. The advocacy should seek weekend train travel to support tourism between Melbourne and Maryborough, trains to run at reasonable times (for example, at present there is a morning coach to Maryborough on Saturday that arrives just after noon, and a Saturday train that arrives at 8.44pm).

A new weekend train services must provide service at times that support tourism along the line, including the Talbot Farmers Market, as well as Maryborough, and the small towns in adjoining Hepburn Shire.

Council's advocacy should also seek a presentation from relevant staff with the Department of Transport about plans for increased services on the Ballarat Maryborough Rail Line.

CONSULTATION/COMMUNICATION

The Integrated Transport Strategy 2020-2030, and the Tourism & Events Strategy 2020 – 2025 were both developed with our community and adopted by Council after an engagement process.

The advocacy being addressed in this report follows from these adopted documents and does not require further community consultation at this time.

FINANCIAL & RESOURCE IMPLICATIONS

Council advocacy is part of our organisational costs. No additional funding is required.

RISK MANAGEMENT

This report addresses Council's strategic risk Community Well-being - Failure to recognise and manage the impact of changing social and economic conditions on the community by advocating for increased public transport to support our local tourism economy.

CONCLUSION

Council's strategic policies around transport and tourism show that increased passenger rail between Melbourne, Ballarat and Maryborough supports opportunities for residents and the local tourism sector. Recent State and Federal Government investment in rail have provided the opportunity for increase rail services. Council has an opportunity to advocate for increase passenger rail as part of its regular advocacy to State and Federal government.

ATTACHMENTS

Nil

RECOMMENDATION

That Council advocate for increased passenger rail between Melbourne and Ballarat and Maryborough; particularly for services that increase opportunities for travel for employment and education and increased weekend services to support regional tourism.

8.4 ADVOCACY ON STATE REDIVISION

Author: Chief Executive Officer

Responsible Officer: Chief Executive Officer

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

SUMMARY/PURPOSE

The purpose of this report is for Council to consider a submission to the Electoral Boundaries Commission on the current State redivision process.

The Electoral Commission is currently calling for submissions on the State redivision with submissions closing on 1 March 2021. At this first stage there are no proposed boundary changes to comment on, however there is an opportunity to make a submission on Central Goldfields Shire communities of interest that would be taken into account in the initial redivision proposals.

LEGISLATION AND POLICY CONTEXT

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

Outcome: Central Goldfields Shire is a proactive, well governed, professional and financially sustainable organisation.

To ensure the number of electors within each district and region remains approximately the same over time, the [Electoral Boundaries Commission Act 1982](#) requires that State electoral boundaries are adjusted. This is called a 'redivision', and takes place after every second Victorian State general election.

The Electoral Boundaries Commission (EBC) decides the boundaries and the names for the electorates. The EBC is independent of the Government, and is made up of the Chief Judge of the County Court, the Electoral Commissioner and the Surveyor-General.

BACKGROUND INFORMATION

The last State redivision was in 2013, with the boundaries in place for the 2014 and 2018 State elections. The current redivision is required for the 2022 State election.

Victoria has 88 districts and eight regions. Central Goldfields Shire is currently in the Western Region for the Upper House and in Ripon for the Lower House District.

The factors that the Commission take into account in the redivision are set out in Section 9 of the Electoral Boundaries Commission Act 1982 and include:

Approximate equality of enrolment

This is the key requirement for the redivision. The number of electors for each electorate must not vary by more than 10% from the State average as at 30 November 2020.

Area and physical features of terrain

Major physical features such as rivers and mountain ranges are clear boundaries, and often separate communities of interest. Means of travel, and lines of communication, such as roads and railways, help define a community, and enable a member to travel around the electorate and provide effective representation.

Community or diversity of interests

Types of communities of interest may include:

- urban or rural areas
- communities based on the dominant land-use, such as grain-growing areas
- large geographic areas, such as the Mallee
- local government areas

REPORT

Victoria's State electoral boundaries are regularly redrawn to make sure that they're approximately equal in numbers of voters. Currently enrolments for 28 districts are now more than 10% outside the State average, and seven districts are more than 20% outside the average. The Map of Enrolment by Legislative Assembly District in Attachment 1 shows the deviation from the average as at 30 November 2020.

Whilst Ripon is shown as being within the deviation range, the mapping in Attachment 1 shows that Lowan (-10.32%) to the west of Ripon is outside the deviation range. To the south east of Ripon there are a number of growth areas that are well outside the range, including South Barwon (+23.26%) and Melton (+18.53%). These deviations are likely to impact on Ripon's boundaries in the redivision process.

Despite some submissions in 2013 recommending replacing Ripon most submissions supported the retention of Ripon with the EBC stating in their final report that "the essential character of Ripon was that it covered the old gold country of central western Victoria, and any changes to boundaries should not destroy this character". This position is still relevant to the communities of interest for Ripon and the Central Goldfields Shire.

All of the Central Goldfields Shire is currently in Ripon and it is recommended that a submission to the EBC includes both retaining Ripon and keeping the whole of the Central Goldfields Shire in Ripon. This would retain Central Goldfields Shire community of interest geographically, agriculturally and historically.

CONSULTATION/COMMUNICATION

The Electoral Commission is currently calling for submissions on the State redivision with submissions closing on 1 March 2021. The timetable for the review is outlined below. It is recommended that when the proposed electoral boundaries are released by 30 June 2021, Council also makes a submission to Stage 2.

5 pm 1 March 2021	Stage one submissions close
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29 March to 2 April 2021	Stage one public hearings
30 June 2021	Proposed electoral boundaries released Stage two submissions open
5 pm 30 July 2021	Stage two submissions close
9 to 13 August 2021	Stage two public hearings
14 October 2021	Final boundaries released

A local resident Jenni Newton-Farrelly with experience and interest in electoral redivisions offered to assist Council with its submission, and we thank Jenni for her input.

When the Stage 2 electoral boundaries are released, we encourage the community to provide feedback via Council or via the Electoral Boundaries Commission submission process.

FINANCIAL & RESOURCE IMPLICATIONS

There are no financial and resource implications from this report.

RISK MANAGEMENT

This report addresses Council's strategic risk Government policy changes - change in government policy and/or funding resulting in significant impact on the delivery of critical services. By participating in the redivision feedback process, Council is ensuring that the community of interest is considered in the redivision in the best interests of the Central Goldfields community.

CONCLUSION

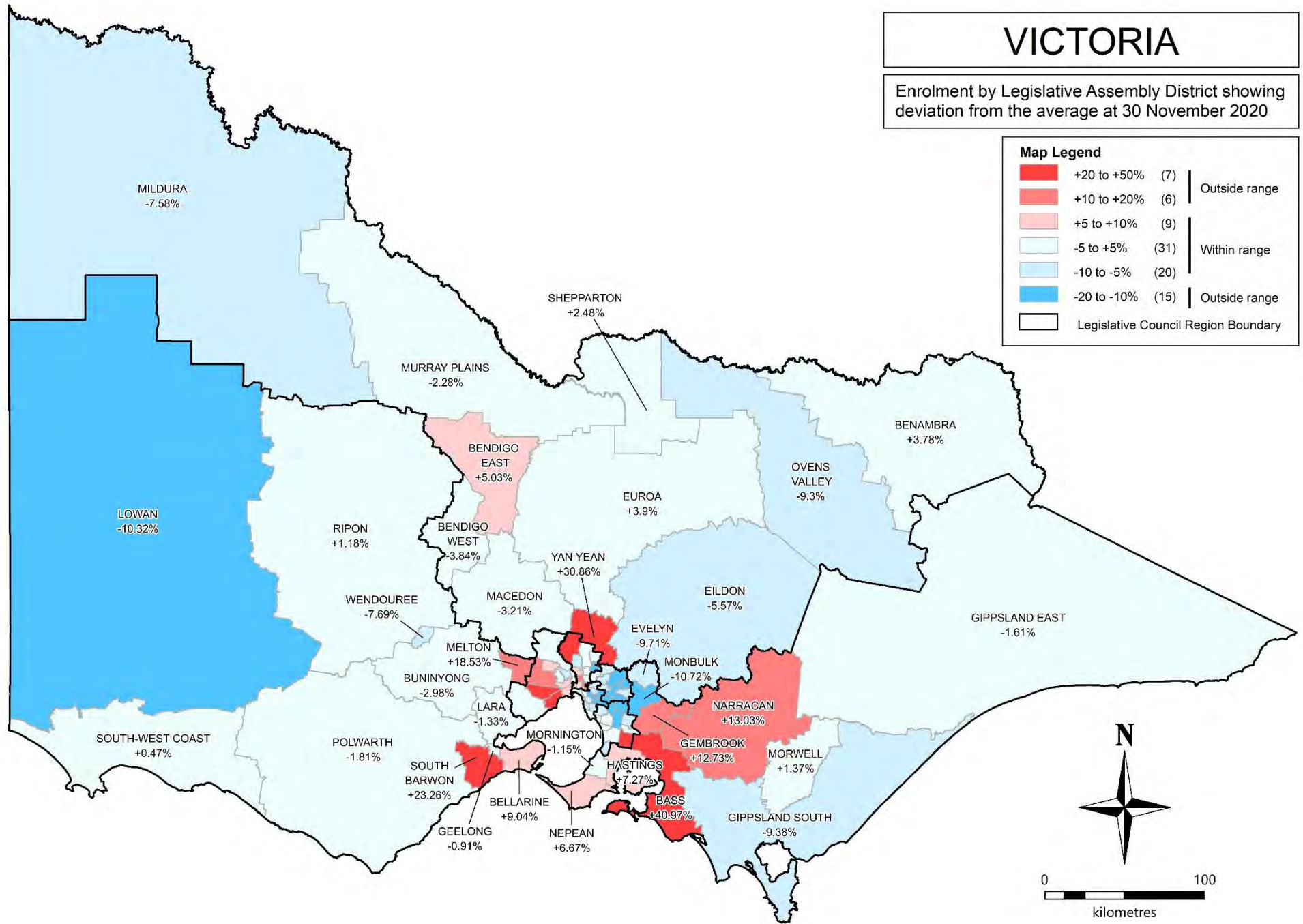
The Electoral Commission is currently inviting submissions to the State redivision process and it is recommended that Council make a submission in support of Ripon being retained and Central Goldfields Shire staying intact within Ripon.

ATTACHMENTS

1. Map of Enrolment by Legislative Assembly District showing deviation from the average as at 30 November 2020

RECOMMENDATION

That Council make a submission to the Electoral Boundaries Commission on the State redivision in support of Ripon being retained and Central Goldfields Shire staying intact within Ripon to maintain its communities of interest.



8.5 DRAFT COUNCILLOR CODE OF CONDUCT

Author: Manager Governance Property and Risk

Responsible Officer: General Manager Corporate Performance

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

SUMMARY/PURPOSE

The purpose of this report is for Council to consider the draft Councillor Code of Conduct for adoption and to nominate a Councillor to facilitate discussions between parties in disputes between Councillors which involve the Mayor.

LEGISLATION AND POLICY CONTEXT

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

Outcome: Central Goldfields Shire is a proactive, well governed, professional and financially sustainable organisation.

4.3 Objective: Provide leadership in governance and Council decision making

BACKGROUND INFORMATION

Under the *Local Government Act 2020*, councillors must review and adopt a Councillor Code of Conduct by 24 February 2021.

REPORT

On 19 January 2021 the Victorian Local Government Association and Justitia Lawyers facilitated a workshop for councillors. The workshop developed key themes and values that Councillors agree should be included in the Councillor Code of Conduct.

The results of this workshop, legislated requirements and model codes have been incorporated in the development of the draft Councillor Code of Conduct.

Once a Councillor Code of Conduct has been approved by the legislated deadline (24 February 2021), Council may decide to review and amend the Code at any time.

CONSULTATION/COMMUNICATION

This draft has drawn upon the outcomes of the facilitated workshop.

FINANCIAL & RESOURCE IMPLICATIONS

There are no resource or financial implications for the code of conduct.

RISK MANAGEMENT

This report addresses Council's strategic risk Legislative compliance - Failure to manage our compliance with relevant legislative requirements by meeting a legislated requirement.

CONCLUSION

Due to legislated timeframes, a Councillor Code of Conduct needs to be adopted by a formal resolution of Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council by 24 February 2021.

ATTACHMENTS

1. Draft Councillor Code of Conduct

RECOMMENDATION

That Council:

1. *adopts the Councillor Code of Conduct; and*
2. *nominates [a councillor] to facilitate discussions between parties in disputes between councillors which involve the Mayor.*



Councillor Code of Conduct

Adopted by Council

Date:.....

1. Purpose

The purpose of local government is to provide a system under which Councils perform the functions and exercise the powers conferred by or under the *Local Government Act 2020* (LGA 2020) and any other Act for the peace, order and good government of their municipal districts. Good governance is fundamental to a Council being able to perform its purpose. Good governance relies on good working relations between councillors.

The purpose of the Councillor Code of Conduct is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors, including prohibiting discrimination, harassment (including sexual harassment) and vilification.¹

2. Performance of Council role

Under the *LGA 2020*, each Council must in the performance of its role give effect to the overarching governance principles.² These are:

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

In giving effect to the overarching governance principles, a Council must take into account the following supporting principles:³

¹ LGA 2020 s 139 (2).

² LGA 2020 s 9.

³ LGA 2020 s 9 (3).

- (a) the community engagement principles;
- (b) the public transparency principles;
- (c) the strategic planning principles;
- (d) the financial management principles;
- (e) the service performance principles.

3. Values

The organisation's values are:

1. Community and customer focussed
 - a. We ensure the community and our customers are at the centre of everything we do.
 - b. We communicate openly and honestly and take responsibility for our actions
2. Collaborative and inclusive
 - a. We work together to deliver the best outcomes for our community
 - b. We appreciate and learn from each other's expertise and respect different views and perspectives
3. Challenge the status quo
 - a. We explore new and innovative ways to work and deliver services and programs
 - b. We try new things and learn from our mistakes

4. What else is important to all councillors

- We recognise that we are all working towards a common goal – we have the same 'what', but the 'how' may be different.
- We focus on what connects us.
- We want officers to feel pride in the organisation they work for.
- We recognise that goals need to be achievable.
- We value good communication with the CEO.
- We recognise that the Mayor has a critical leadership role for our shire and our organisation, including a key role in helping to minimise conflict and finding solutions.
- We acknowledge that, to help us to achieve our responsibilities, we may need upskilling and refresher training, and this is particularly important for councillors who are elected as mayor.
- We recognise the importance of structured communications within the Council group.
- We realise we are elected representatives 24/7 and live within a small community therefore have greater visibility than some other local government areas
- We work towards addressing power imbalances about what community believes we are able to do and what we can actually do.

In our interactions with each other and others, as Councillors, we value:

- Accountability
- Respect
 - Treating others how you would like to be treated
 - Not taking things personally
 - Respecting our differences
- Honesty and integrity
 - Do what you promise to do

- Act in good faith
- Self-awareness
 - Acknowledge our mistakes
 - Put our egos aside
- Transparency
 - No surprises
 - Keeping each other and others informed
- Flexibility
 - Ability to change
- Community first
 - Listen to the community
 - Use new tools for dealing to the Community
- Building relationships and our councillor team
 - Enable us to understand where the other is coming from
 - Active listening
- Not taking things personally
- Developing a greater understanding amongst community about our role.
- Respect for democracy
 - Accept and support the majority vote

Councillors will aim to achieve continuous improvement in performance and the highest standards and outcomes for the Central Goldfields Shire. In doing so Councillors will:

- (a) be open to innovation and new ideas
- (b) always look for better ways to work together and to achieve outcomes on behalf of the community;
- (c) be result and outcome focused at all times;
- (d) encourage a positive culture focused on results and high-quality customer service;
- (e) strive to exceed community expectations;
- (f) adopt straightforward and realistic approaches and minimize “red tape”.
- (g) acknowledge good results to staff when noticed

5. Roles in Council

5.1. Role of a Councillor

The role of every Councillor is included within the LGA 2020 and is:

- (a) to participate in the decision making of the Council; and
- (b) to represent the interests of the municipal community in that decision making; and
- (c) to contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.⁴

In performing the role of a Councillor, a Councillor must—

- (a) consider the diversity of interests and needs of the municipal community; and
- (b) support the role of the Council; and
- (c) acknowledge and support the role of the Mayor; and
- (d) act lawfully and in accordance with the oath or affirmation of office; and

⁴ LGA 2020 s 28 (1.).

- (e) act in accordance with the standards of conduct; and
- (f) comply with Council procedures required for good governance.⁵

The LGA 2020 is clear that the role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer.⁶

Councillor Commitment

As Councillors in good faith we undertake to comply with the various provisions of the Act and with this Code of Conduct.

We respect and recognise the role of the Mayor and will work co-operatively with the Mayor in the performance of the role.

5.2. Role of the Mayor

The Mayor is the elected leader of the Council. A key role of the Mayor is to facilitate good relationships between Councillors, Councilors and the Chief Executive Officer and Executive Management Team. The Mayor sets the tone and style of behaviour, practice and projection of the Council working with, supporting and coordinating the team of Councillors.

The primary roles and responsibilities of the Mayor include:

- (a) chair Council meetings; and
- (b) be the principal spokesperson for the Council; and
- (c) lead engagement with the municipal community on the development of the Council Plan; and
- (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- (e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- (f) assist Councillors to understand their role; and
- (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- (i) perform civic and ceremonial duties on behalf of the Council.

5.3. Functions of the Chief Executive Officer

The Chief Executive Officer is responsible for:

- (a) supporting the Mayor and the Councillors in the performance of their roles; and
- (b) ensuring the effective and efficient management of the day to day operations of the Council.⁷

Further detail about these responsibilities is contained in *LGA 2020* s 46.

⁵ *LGA 2020* s 28 (2)

⁶ *LGA 2020* s 28 (3).

⁷ *LGA 2020* s 46.

The Central Goldfields Shire Council consists of democratically elected Councillors (the electoral arm) and the organisation/staff (the operational arm).

Good governance is dependent on how well the relationship between the elected members and the organisation works, as well as mutual respect and understanding between Councillors and Officers in relation to their respective roles, functions and responsibilities.

Councillors need to be aware of the requirements of section 124 of *LGA 2020* and must not intentionally direct, or seek to direct, a member of Council staff in the exercise of their duties.⁸

This provision also applies in respect of Officer reports presented to Council and on directing staff under delegation or as an Authorised Officer. It is important to note that section 124 applies to Councillors even when acting in a group outside formal Council or delegated committee meetings such as at Councillor Briefings.

To achieve good governance, clear and effective communication protocols for Councillors and Council staff are essential. In accordance with the Central Goldfields Councillor and Staff Interaction Policy, the following applies to Councillor/Staff relationships:

- Acknowledgement that the CEO is responsible for all administrative and staff matters and that all staff are answerable to the CEO, therefore Councillors' primary point of communication should be with the CEO.
- Councillors will refrain from using their position to improperly influence members of staff in their duties or functions, or to gain an advantage for themselves or others.
- Councillors will treat staff in a professional and respectful manner at all times.
- Provide and maintain a working environment that is safe and without risks to health and take appropriate measures to eliminate discrimination, sexual harassment or victimisation so far as is reasonably practicable.
- Councillors seeking information on a specific matter should do so via the CEO or the relevant General Manager in accordance with the Councillor and Staff Interactions Policy.
- Councillors are to lodge resident or Councillor requests with Councillor Requests should be sent to CouncillorRequests@cgoldshire.vic.gov.au for logging into the Customer Request Management (CRM) system.

Councillor Commitment

We undertake to respect the functions of the Chief Executive Officer and to comply with the policies, practices and protocols defining appropriate arrangements for interaction between Council staff and Councillors that are put in place by the Chief Executive Officer.

5.4. *LGA 2020* requirements for a Councillor Code of Conduct

Under the *LGA 2020*, a Councillor Code of Conduct:

- (a) must include the standards of conduct prescribed by the regulations expected to be observed by Councillors; and
- (b) must include any provisions prescribed by the regulations for the purpose of this section; and

⁸ Penalty: 120 penalty units. See the Victorian Government website for the current value of a penalty unit. <https://www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values>.

- (a) must include provisions addressing any matters prescribed by the regulations for the purpose of this section; and
- (b) may include any other matters which the Council considers appropriate, other than any other standards of conduct.⁹

The prescribed standards of conduct are contained in Schedule 1 of the *Local Government (Governance and Integrity) Regulations 2020*, and are included in the next section.

6. Prescribed standards of conduct

The standards of conduct prescribed by the *Local Government (Governance and Integrity) Regulations 2020* are required to be included in the Councillor Code of Conduct, accordingly, they are set out below.

6.1. Treatment of others

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010; and
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

6.2. Performing the role of Councillor

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

6.3. Compliance with good governance measures

A Councillor, in performing the role of a Councillor, to ensure the good governance of the

⁹ LGA 2020 s 139 (3).

Council, must diligently and properly comply with the following—

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- (d) any directions of the Minister issued under section 175 of the Act.

6.4. Councillor must not discredit or mislead Council or public

In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.

In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

6.5. Standards do not limit robust political debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

7. Specific councillor conduct obligations

7.1. Communication and Decision Making

As representatives of the community, Councillors have a primary responsibility to be responsive to community views and to adequately communicate the attitudes and decisions of Council.

There may be times when individual Councillors disagree with a majority decision of Council. Individual Councillors are entitled to express their own independent views, however, this should not be done in a way that reflects negatively on other individual Councillors or the Council as a whole.

Council will be open and transparent in its decision making and encourage community participation in Council Meetings.

To ensure constructive decision-making and communication of Council decisions, Councillors will:

- Commit to making all decisions impartially and in the best interests of the community
- Make fair and unbiased decisions by adhering to the principles of natural justice.
- Consider a person's interests which may be affected by a Council decision.
- Regularly attend meetings of Council, actively and openly participating in the decision-making process, striving to achieve the best outcome for the community.
- Seek approval of Council for leave of absence from council Meetings.
- Observe Council's Media Comment and Press release Guidelines.
- Respect the views of the individual in debate, however, also accept that decisions are to be based on a majority vote.
- Not make allegations which are personally offensive, derogatory or defamatory.
- Treat all matters on individual merit and base decision making on facts.

7.2. Social media usage

Councillors need to ensure that the use of social media minimises exposure of Council and Councillors to legal and reputational risk.

When using social media councillors need to have at the forefront of their minds their obligations under the Code of Conduct. The Code of Conduct applies to online activity in the same way it does to other written or verbal communications. This means three key things:

- (a) Be respectful
- (b) Be fair and open minded
- (c) Be accurate

Appendix 1 provides guidelines for Councillors on the use of social media.

7.3. Gifts, Benefits or Hospitality

Councillors should avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment. Councillors must be aware of their responsibilities relating to Gifts, Hospitality & Donations.

7.4. Conflict of Interest

Each Councillor is required to identify, manage and disclose any conflicts of interest they may have. Councillors therefore recognise the importance of fully observing the requirements of *the Act* in regard to the disclosure of conflicts of interest and will comply with requirements **of The Act** in regard to conflicts of interest. Upon identifying a conflict of interest, Councillors will follow the procedures as set out in *The Act*.

In addition to the requirements of *The Act*, Councillors will:

- (d) give early consideration and notify the Mayor as well as the Chief Executive Officer on whether a conflict of interest exists on any matter to be considered at a Council meeting/briefing, Delegated Committee or advisory committee of which the Councillor is a member.
- (e) give consideration on whether a conflict of interest exists
- (f) recognise that the legal onus to determine whether a conflict of interest exists rests entirely with each individual Councillor and the Council Officers cannot offer any advice in relation to potential conflicts. If a Councillor cannot confidently say that he or she does not have a conflict of interest, the Councillor will declare a conflict of interest and comply with the relevant requirements as if they had a conflict of interest;
- (g) notify, as soon as possible, the Mayor or the Committee Chair if they consider that they are unable to vote on a matter because of a conflict of interest depending on whether the matter is to be considered by the Council or a delegated committee,

7.5. Use of Council Resources

Councillors recognise the need to exercise appropriate prudence in the use of Council resources and that they are used solely in the public interest. This includes:

- (a) maintaining appropriate security over Council property, facilities and resources provided to assist them in performing their role; and adhering to any guidelines or policies that have been established for the use of Councillor resources and facilities
- (b) not using public funds or resources in a manner that is improper or unauthorised;

- (c) not using Council resources, including staff, equipment and/or intellectual property for electoral or other purposes;
- (d) ensuring that all expense claims are accurate, are supported by the relevant documentation and strictly relate to Council business.

7.6. Council's Planning Process

Councillors must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion or situation where there may be a suspicion or perception of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

In exercising land use planning, development assessment and other regulatory functions, Councillors must ensure that no action, statement or communication between themselves and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

When proposing to meet with a planning permit applicant, either for the purpose of discussing the application or where the application is likely to become a topic of discussion, Councillors should seek a meeting via the Councillor Requests email address ensure a Council planning officer is present.

7.7. Interacting with Children and Young People

Council prides itself on being a child safe organisation and has zero tolerance for child abuse. Council adheres to the Victorian Child Safe Standards and related legislation. Councillors must be aware of their responsibilities outlined in Council's Child Safe Policy and be clear about processes for reporting and acting on concerns or reports of abuse or neglect of a child.

Councillors will respect, listen to and promote the rights of children and ensure behaviour and interactions with children are age appropriate, respectful and adhere to the behavioural expectations outlined in the Child Safe standards.

7.8. Elections

Councillors are committed to fair and democratic Council elections and therefore adopts and endorses the practices and legislative requirements set out in Council's Election Period Policy incorporated in the Governance Rules and the *LGA 2020* respectively.

State and Federal Elections

Councillors are required to follow any guidelines issued in relation to Candidature of Councillors in State or Federal Elections. These include the Municipal Association of Victoria's Policy position regarding Candidature of Councillors in State or Federal Elections or Local Government Victoria guidelines.

7.9. Reporting Unethical Behaviour

Councillors commit to upholding and promoting the highest standards in their day-to-day interactions. Councillors should report (to the relevant authority or person) behaviour that violates any law, rule or regulation or represents corrupt conduct, mismanagement of Council resources, misuse of position or is a danger to health, safety or to the environment.

8. Improper conduct

8.1. Misuse of position

Councillors acknowledge and agree to adhere to their responsibilities under **section 123** of *The Act*:

- (1) A person who is, or has been, a councillor or member of a delegated committee must not misuse their position –
- a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
 - b) to cause, or attempt to cause, detriment to the Council or another person.

An offence against section 123(1) is an indictable offence.

(2) For the purposes of this section circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a delegated committee include -

- a) making improper use of information acquired as a result of the position the person held or holds; or
- b) disclosing information that is confidential information; or
- c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
- d) exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
- e) using public funds or resources in a manner that is improper or unauthorised; or
- f) participating in a decision on a matter in which the person has a conflict of interest.

This section:

- a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of delegated committees; and
- b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

8.2. Directing a member of Council staff

Councillors must not use their position to influence Council staff in the performance of their public or professional duties to obtain a private benefit for themselves or for somebody else. Councillors must not take advantage (or seek to take advantage) of their status or position with or of functions they perform for Council in order to obtain a private benefit for themselves or for any other person or body.

Councillors acknowledge and agree to comply with their obligations in regard to improper direction and improper influence section 124 of *The Act*.

8.3. Confidential information

Councillors have access to council information necessary for them to carry out their roles properly. However, a Councillor must remain impartial and must not use council information to gain advantage for themselves or any other person. Information is 'confidential' for the purposes of *the LGA 2020* if it is:

- provided for a closed council or delegated committee meeting;
- designated confidential by resolution of a council or delegated committee; and
- designated confidential by the CEO

Information discussed at a closed meeting is confidential. Unless the information is already publicly available, Councillors must not talk about anything discussed at the meeting with people who were not present. (section 125 of the *LGA 2020*).

9. Dispute resolution procedure

All councillors are, individually and collectively, very committed to addressing issues at an early stage, supporting each other, and effectively and proactively using processes and resources to resolve issues and avoid escalation of issues.

This part describes the processes for Councillors who wish to report and resolve an interpersonal dispute where the situation is unduly affecting the operation of the Council.. An interpersonal dispute occurs between Councillors involve conflict where there may be a breakdown in communication, a misunderstanding, a disagreement between Councillors, or strained working relationships.

Councillors recognise that the democratic process of local government involves holding, and expressing, different and sometimes opposing viewpoints. It is a normal, and vital, function of this process that these different views are shared in a considered and informed way. Although all Councillors strive to engage in positive, constructive and respectful interactions, conflict and/or disputes may arise.

The primary purpose of an internal resolution procedure is to provide Councillors with support and mechanisms to resolve conflicts and disputes in a manner that enables them to move forward and establish and maintain effective working relationships.

This procedure is not intended to resolve differences in policy or decision-making, which are appropriately resolved through discussion and voting in Council and Committee Meetings. It is also not for complaints made against a Councillor or Councillors by a member or members of Council staff, or by any other person, or a “disclosure” under the *Public Interest Disclosures Act 2012*.

Through the dispute resolution process, Councillors (complainants and respondents) will be offered support which is appropriate, considering conflicts of interest, resourcing, capacity and issues of confidentiality.

The dispute resolution process comprises four stages, as described below. Although stages are voluntary, these are supported by all councillors and encouraged.

9.1. Stage One

Councillors will take personal responsibility and endeavour to resolve their differences in an informal, but at all times, courteous and respectful manner, recognising that they have been elected to represent the best interests of the community.

All Councillors have a strong commitment to focus on resolving issues at this early stage.

9.2. Stage Two

If the informal resolution process between the Councillors is unsuccessful, the Mayor should be involved as soon as practically possible to convene a meeting of the parties.

The party requesting the Mayoral negotiation meeting is to provide the Mayor with the name of the other Councillor and the details of the dispute in writing. The written request is to

indicate that it is for a “Mayoral negotiation” dispute resolution process. Where the request relates to an alleged contravention of the Councillor Code of Conduct, the request must:

- specify the name of the Councillor alleged to have contravened the Code;
- specify the provision(s) of the Code that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the request is made by a group of Councillors; and
- be signed and dated by the requestor or the requestor’s representative.

Within 5 working days of receipt of the complaint, the Mayor will:

- provide written acknowledgment of receipt of the complaint to the Complainant;
- provide a copy of the complaint to the Councillor concerned; and
- attempt to facilitate a resolution and convene a meeting

The Mayor may call upon the CEO for advice and guidance at this point in the process.

The role of the Mayor at the meeting is to provide guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 28 of the Act, and the observation of the Councillor Standards of Conduct and the Councillor Code of Conduct.

The Mayor is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to external mediation.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, the parties should progress to external mediation.

Dispute between Councillors and the Mayor

In the event that the dispute involves the Mayor, another Councillor nominated by Council resolution will perform the role of the Mayor in facilitating discussions between the parties in dispute.

9.3. Stage Three

If reconciliation of the dispute is not possible after Mayoral negotiation, it is the responsibility of the Mayor to seek assistance from an external mediator to resolve the dispute, preferably with the active support of the parties to the dispute, who must be informed of such a decision in any circumstance.

A Councillor or a group of Councillors may make an application for a dispute to be referred for external mediation whether or not the dispute has been the subject of an application for “self-resolution”.

The applicant is to submit a written application to the Councillor Conduct Officer (CCO)¹⁰ setting out the name of the Councillor and the details of the dispute. The application is to indicate that the application is for an “external mediation”. Where the application relates to an alleged contravention of the Councillor Code of Conduct, the application must:

- specify the name of the Councillor alleged to have contravened the Code;
- specify the provision(s) of the Code that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the application is made by a group of Councillors; and
- be signed and dated by the applicant or the applicant’s representative.

The applicant is to notify the other party of the request and provide him or her with a copy of the application either at the same time that it is submitted to the CCO or as soon as practical thereafter.

The CCO is to ascertain (in writing) whether or not the other party is prepared to attend an “external mediation”. If the other party declines to participate in an external mediation, he or she is to provide their reasons for doing so in writing to the Councillor Conduct Officer. These reasons may be taken into account if the matter is, subsequently, the subject of an application for a Councillor Conduct Panel.

When the other party declines to participate in an external mediation, this does not constitute a contravention of this Councillor Code of Conduct.

If the other party agrees to participate in an external mediation, the CCO is to advise the applicant, the Mayor and Chief Executive Officer immediately.

The CCO is to engage the services of an external mediator to conduct the mediation at the earliest practicable opportunity.

The mediator is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to the internal resolution procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, the applicant has recourse to the internal resolution procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

9.4. Stage Four

This stage is the internal arbitration process provided for in the *LGA 2020*. This process is further described in Part 10 of this Code of Conduct.

10. Internal Arbitration process

The *LGA 2020* provides for an internal arbitration process:

- 1) The internal arbitration process applies to any breach of the prescribed standards of conduct.

¹⁰ The Manager Governance Property and Risk is the CCO.

- 2) The following applies to an internal arbitration process—
 - a) any processes prescribed by the regulations, including any application process;
 - b) the arbiter must ensure that parties involved in internal arbitration process are given an opportunity to be heard by the arbiter;
 - c) the arbiter must ensure that a Councillor who is a party to an internal arbitration process does not have a right to representation unless the arbiter considers that representation is necessary to ensure that the process is conducted fairly;
 - d) any requirements prescribed by the regulation.¹¹

10.1. Making an Application

An application for an internal arbitration process to make a finding of misconduct against a Councillor may be made within 3 months of the alleged misconduct occurring¹² by—

- the Council following a resolution of the Council; or
- a Councillor or a group of Councillors.¹³

An application under section 143 must be given to the Principal Councillor Conduct Registrar in the manner specified by the Principal Councillor Conduct Registrar in any guidelines published under section 149(1)(c).¹⁴

The prescribed process for an application for internal arbitration must include:

- the name of the Councillor alleged to have breached the standards of conduct; and
- the clause of the standards of conduct that the Councillor is alleged to have breached; and
- the misconduct that the Councillor is alleged to have engaged in that resulted in the breach; and
- after receiving an application under section 143 of the Act, the Councillor Conduct Officer provides the application to the Councillor who is the subject of the application.

An arbiter appointed to hear a matter subject to an application must:

- a) conduct the hearing with as little formality and technicality as the proper consideration of the matter permits; and
- b) ensure that the hearing is not open to the public.

An arbiter—

- a) may hear each party to the matter in person or solely by written or electronic means of communication; and
- b) is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit; and
- c) may at any time discontinue the hearing if the arbiter considers that
 - i) the application is vexatious, misconceived, frivolous or lacking in substance; or
 - ii) the applicant has not responded, or has responded inadequately, to a request for further information.

¹¹ LGA 2020 s 141.

¹² LGA 2020 s 143 (3).

¹³ LGA 2020 s 143 (2).

¹⁴ LGA 2020 s 143.

10.2. Principal Councillor Conduct Registrar must examine application

The Principal Councillor Conduct Registrar, after examining an application under section 143, must appoint an arbiter¹⁵ to the Council to hear the matter if the Principal Councillor Conduct Registrar is satisfied that—

- a) the application is not frivolous, vexatious, misconceived or lacking in substance; and
- b) there is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct as specified in the application.¹⁶

The Principal Councillor Conduct Registrar must reject an application if the Principal Councillor Conduct Registrar is not satisfied under subsection (1)(a) or (b).¹⁷

The rejection of an application by the Principal Councillor Conduct Registrar under this section does not prevent a further application being made under section 143 in respect of the same conduct by a Councillor that was the subject of the rejected application.¹⁸

Information provided to an arbiter or produced by an arbiter for the purpose of an internal arbitration process, other than the findings and the reasons, is confidential information.¹⁹

10.3. Arbiter must refer certain applications

If, at any time before, during or after the hearing of an application for an internal arbitration process, the arbiter believes that the conduct that is the subject of the application for an internal arbitration process appears to involve serious misconduct and would more appropriately be dealt with as an application under section 154, the arbiter must refer the matter in writing to the Principal Councillor Conduct Registrar.²⁰

If the Principal Councillor Conduct Registrar receives a referral under subsection (1), the Principal Councillor Conduct Registrar must notify the parties to the application for an internal arbitration process that the matter has been referred by the arbiter.²¹

10.4. Sanctions that may be imposed by an arbiter on finding of misconduct

If after completing the internal arbitration process, the arbiter determines that a Councillor has failed to comply with the prescribed standards of conduct, the arbiter may make a finding of misconduct against the Councillor.²²

If an arbiter has made a finding of misconduct against a Councillor, the arbiter may do any one or more of the following—

- (a) direct the Councillor to make an apology in a form or manner specified by the arbiter;
- (b) suspend the Councillor from the office of Councillor for a period specified by the arbiter not exceeding one month;

¹⁵ The arbiter will be chosen from a panel of eligible persons established by under *LGA* s 142.

¹⁶ *LGA 2020* s 144 (1).

¹⁷ *LGA 2020* s 144.

¹⁸ *LGA 2020* s 144.

¹⁹ *LGA 2020* s 145.

²⁰ *LGA 2020* s 146.

²¹ *LGA 2020* s 147.

²² *LGA 2020* s 147 (1).

(c) direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the arbiter;

(d) direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter;

(e) direct a Councillor to attend or undergo training or counselling specified by the arbiter.²³

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²³ LGA 2020 147 (2).

The arbiter must provide a written copy of the arbiter's decision and statement of reasons to—

- a) the Council; and
- b) the applicant or applicants; and
- c) the respondent; and
- d) the Principal Councillor Conduct Registrar.

Subject to the next paragraph, a copy of the arbiter's decision and statement of reasons must be tabled at the next Council meeting after the Council received the copy of the arbiter's decision and statement of reasons and recorded in the minutes of the meeting.²⁴

If the arbiter's decision and statement of reasons contains any confidential information, the confidential information must be redacted from the copy tabled under the above paragraph.²⁵

10.5. No Applications during Election Period

An application cannot be made for an internal resolution procedure during the election period for a general election. Any internal resolution procedure that is in progress is to be suspended during the election period for a general election.

If the respondent to an application for an internal resolution procedure is not returned to office as a Councillor in the election, the application lapses. If the respondent is returned to office in the election, the application may resume if:

- the application was made by the Council and the Council so resolves; or
- the application were made by a group of Councillors and any one (or more) of those Councillors who has been returned to office wishes to proceed with the application; or
- the applicant (individual Councillor) is returned to office and wishes to proceed with the application.

11. Request for Councillor Conduct Panel

LGA 2020 Part 6 Division 7 provides for a Council Conduct Panel process to hear an application that alleges serious misconduct by a Councillor. The Principal Councillor Conduct Registrar manages the establishment of Councillor Conduct Panels.

The independent Councillor Conduct Panel process is designed to deliver a comprehensive and thorough assessment of allegations of serious misconduct.

Under the framework, complaints of serious misconduct by councillors are heard and determined by councillor conduct panels. The kinds of behaviour that constitute and serious misconduct are set out in the definitions provided in section 3 of the Act.

Serious misconduct includes the failure to comply with the council's internal arbitration process or with a direction given to the councillor by an arbiter, and failure to attend a councillor conduct panel hearing or to comply with a direction of a panel. It also includes continued or repeated misconduct after a finding against a councillor by an arbiter or a

²⁴ *LGA 2020* s 147 (4).

²⁵ *LGA 2020* s 147 (5).

panel. These provisions reinforce the authority of the council internal resolution and councillor conduct panel processes and determinations.

Bullying another councillor or a member of council staff is serious misconduct. Bullying is defined as repeated unreasonable behaviour by a councillor towards another councillor or member of council staff that creates a risk to the health and safety of the councillor or member of staff.

Sexual harassment of a councillor or member of council staff is also serious misconduct.

The remaining grounds of serious misconduct are attempting to direct council staff, releasing confidential council information, or failing to disclose a conflict of interest (and exclude themselves from the decision making) where required to do so.

Where a councillor conduct panel makes a finding of serious misconduct against a councillor, the councillor becomes ineligible to hold the office of mayor (unless the panel directs otherwise), and the panel may:

- reprimand the councillor
- direct the councillor to make an apology
- suspend the councillor from office for a period of up to 12 months
- direct that the councillor is ineligible to chair a special committee of the council for a period up to and including the remainder of the council's term.

A councillor conduct panel also has power to make a finding of misconduct if the panel is satisfied that the councillor has breached one or more of the prescribed standards of conduct and may impose the same penalties as an arbiter.

Regardless of whether or not a finding of misconduct or serious misconduct has been made, a councillor conduct panel may also make a finding that remedial action is required and direct the councillor to attend mediation, training or counselling.

11.1. Councillor conduct panel process

If a council, a councillor, or a group of councillors consider that another councillor's actions or activities amount to misconduct or serious misconduct, they can apply to the principal councillor conduct registrar for a councillor conduct panel to be formed to make a finding in relation to these actions or activities.

An application for a finding of serious misconduct must be made within 12 months of the alleged serious misconduct occurring.

An application for a finding of serious misconduct that alleges that a councillor has failed to disclose a conflict of interest may only be made by the Chief Municipal Inspector.

Detail about the Council Conduct Panel process is available in the *LGA 2020* and the Victorian Government website.

Council adoption

This Code of Conduct was adopted at the Council Meeting of the Central Goldfields Shire Council held on **xxxx**

Councillor each declare that they have read the Councillor Code of Conduct and declare to abide by the Code at all times.

Cr Dated:

Witness: Dated:

Cr Dated:

Witness: Dated:

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Witness: Dated:

Appendix 1 Media & social media

Clear standards and guidelines are in place that outline the appropriate use of media and social media channels by councillors, staff and contractors. This supports compliance with legislation and staff and councillor Codes of Conduct and protects the reputation of councillors and Council.

The Code of Conduct applies to online activity to ensure such activity does not reflect adversely on the role of a Councillor and as a leader in your community. Online conduct that breaches the Code of Conduct is considered inappropriate conduct.

This includes behaving in a way which contradicts the Governance Overarching principles, Standards of Conduct and values outlined in the Code of Conduct. This could include replying to comments in a way which doesn't show respect or misrepresents Council or a Councillor's actions or activity.

Media Comment & Press Release

The Communications Unit are responsible for maintaining Council's Corporate Facebook page, and Twitter and Instagram profiles.

Use of Social Networking Sites

The Communications Unit are responsible for maintaining Council's Corporate Facebook page and Twitter pages and manages the social media on behalf of the Mayor.

The use of social and professional networking media (such as LinkedIn, Facebook, Twitter and YouTube) offers opportunities for people to collaborate in online forums and communities that share common interests and share or consume content. Councillors, as social media users, need to understand that information provided by them or their representatives can be seen by the public.

When engaging in social media networking, Councillors need to be clear about who they are representing, taking responsibility for ensuring that any references to Council are authorised, factually correct and accurate, do not breach confidentiality requirements, and show respect for the individuals and communities with which they interact. Comments and information should not breach the Councillor Code of Conduct or this policy.

The use of Council branding or information on Councillors personal websites or social media is not permitted.

Councillors should not endorse any political affinity or allegiance using a Council email address or Council social media applications e.g. Facebook, LinkedIn or Twitter etc.

Sharing of content posted on corporate communications channels is appropriate, however Councillors must ensure that any additional commentary added as part of sharing complies with the requirements and principles of this policy.

Conduct Provisions for use of social media

Conduct

- That you do not attempt to unduly influence other councillors, council staff or contractors or undermine public confidence in the processes of council.

- That you are alert to the possibility that personal comments about public issues may compromise your capacity to perform your duties in an independent and unbiased manner.
- That you ensure your comments do not indicate that you have come to a conclusive view on a matter coming before council, prior to fully considering the proposal and related issues

DRAFT

8.6 COUNCIL PLAN ACTION PLAN PROGRESS REPORT

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

Responsible Officer: **General Manager Corporate Performance**

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

SUMMARY/PURPOSE

The purpose of this report is to provide Council with an update on the status of the projects identified in the 2020-21 Action Plan.

LEGISLATION AND POLICY CONTEXT

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

Outcome: Central Goldfields Shire is a proactive, well governed, professional and financially sustainable organisation.

4.3 Objective: Provide leadership in governance and Council decision making

Under Section 90 of the Victorian Local Government Act 2020 Council must prepare a Council Plan which includes; the strategic direction and objectives for achieving the strategic direction, strategies for achieving the objectives for at least the next four financial years, strategic indicators for monitoring the achievement of the objectives, a description of the Council's initiatives and priorities for services, infrastructure and amenity.

BACKGROUND INFORMATION

The 2017-2021 Refreshed Council Plan was adopted by Council at the Ordinary Meeting of Council in August 2018. The 2020-21 Action Plan was developed to support the achievement of the strategic objectives identified in the Refreshed Council Plan and to provide a reporting framework to measure progress against the Council Plan. The 2020-21 Action Plan was adopted by Council at the Ordinary Meeting of Council 11 August 2020.

This is the second progress report against the Action Plan 2020-21.

REPORT

There has been progress against the initiatives and projects outlined in the 2020-21 Action Plan. There are 82 actions identified in the plan. Of these 14 are complete/ongoing, four are not due to start yet, 61 are underway and three are not progressing due to, for example, lack of funding opportunities or COVID 19 restrictions.

CONSULTATION/COMMUNICATION

Council has developed the Action Plan through consultation with the community during the development of the 2017-2021 Refreshed Council Plan, through listening posts held quarterly across the Shire, and the development of the 2020-21 Budget.

FINANCIAL & RESOURCE IMPLICATIONS

The 2020-21 Budget and the four year Strategic Resource Plan were prepared in line with the initiatives identified in the Annual Plan subject to grants from State and Federal Government being received in some cases.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices.

CONCLUSION

The 2020-21 Action Plan outlines the projects and programs being undertaken during the year to meet the objectives of the Council Plan. This report shows progress for the second quarter.

ATTACHMENTS

1. 2020-21 Action Plan Progress Report Quarter 2

RECOMMENDATION








That Council note the update on the status of the projects identified in the 2020-21 Action Plan.

Quarterly Progress Report 2020/2021, Q2

Our Community

A supported, cohesive community, living a full and healthy life.

Build an aspiring community, achieving and living a full life where: Family Violence is unacceptable in our community Children are loved and safe Everyone has the language and literacy skills needed Young people are celebrated as they strive to reach their full potential Everyone can learn, earn, achieve and dream

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.1.2	Advancement of projects in areas of Early Years Literacy Engagement of Young People Addressing Family Violence Work Readiness	1.1.2.1	Conduct a building review of existing Kindergarten buildings to inform Council's early years improvement planning	Manager Community Services	Completed	100%	Contractor has completed review. The information from this review will contribute to a report for the Kindergarten Infrastructure and Service Plan	18/12/2020	
1.1.2	Advancement of projects in areas of Early Years Literacy Engagement of Young People Addressing Family Violence Work Readiness	1.1.2.2	Develop and implement School Readiness Funding plan for Goldfields Family Centre based on local data of needs for Central Goldfields Shire.	Manager Community Services	Completed	100%	School readiness plan has been submitted for approval by DET. Funding allocation of \$6351.32 announced for Goldfields Family Centre for 2021.	30/06/2021	
1.1.2	Advancement of projects in areas of Early Years Literacy Engagement of Young People Addressing Family Violence Work Readiness	1.1.2.3	Establish and coordinate a single registration system for all state funded 3-yo and 4-yo kindergarten places in 2021.	Manager Community Services	Completed	100%	Central registration system has allocated 229 children places across the 7 kindergartens in Central Goldfields Shire. This is an ongoing project and registrations remain open.	31/12/2020	
1.1.2	Advancement of projects in areas of Early Years Literacy Engagement of Young People Addressing Family Violence Work Readiness	1.1.2.4	Implement State government funded 15 hour per week - 3 year old Kindergarten program in Goldfields Family Centre Kindergarten service.	Manager Community Services	Completed	100%	15 hours of funded 3 year old kindergarten will commence at Goldfields Family Centre in Term 1, 2021, with 32 three year old children enrolled to attend the integrated 3/4 year old kindergarten.	30/06/2021	
1.1.2	Advancement of projects in areas of Early Years Literacy Engagement of Young People Addressing Family Violence Work Readiness	1.1.2.5	Complete implementation of future of Library Services Report and seek funding to support the expansion and refurbishment of the Maryborough Library as a social hub. This will include the completion of the Dunolly Library and the investigations for expanding the outreach services to Bealiba and other small towns.	General Manager Community Wellbeing	In Progress	70%	Dunolly Library works completed end January 2021 and opening February. Library outreach services development work to commence Q3	30/06/2021	
1.1.2	Advancement of projects in areas of Early Years Literacy Engagement of Young People Addressing Family Violence Work Readiness	1.1.2.6	Evaluate the pop-up Youth Hub and develop an advocacy Business Case.	Manager Community Partnerships	Completed	100%	This was completed in September 2020.	31/12/2020	
1.1.2	Advancement of projects in areas of Early Years Literacy Engagement of Young People Addressing Family Violence Work Readiness	1.1.2.7	Align Family Violence Action Plan with the Municipal Health and Wellbeing Plan	General Manager Community Wellbeing	In Progress	10%	Grant secured in Q2 from Vic Health over three years to provide additional resources to council in prioritising the well-being of children as a centrepiece of the Municipal Health and Well	30/06/2021	




Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
							Being Plan. Project specification and timeline for MHWP in final draft, to be put to market in Feb 21		
1.1.2	Advancement of projects in areas of Early Years Literacy Engagement of Young People Addressing Family Violence Work Readiness	1.1.2.8	Develop a Youth Strategy for the Shire	Manager Community Partnerships	In Progress	5%	Draft specifications have been developed.	30/06/2021	●
1.1.3	Develop a 10 year Community Plan	1.1.3.1	Plan, design and construct shade sail structures as identified in the community plans in Bealiba, Bet Bet, Dunolly, Majorca, Talbot and Timor.	Manager Infrastructure	In Progress	30%	Consultation well advanced to determine the exact location of each structure at the various locations.	30/06/2021	●
1.1.3	Develop a 10 year Community Plan	1.1.3.2	Develop a Community Vision which describes the municipal community's aspirations for the future of the municipality.	Manager Community Engagement	In Progress	5%	Council will adopt the Community Engagement Policy at the February Council Meeting which will set the principles for community engagement. A community vision must be developed by 31 October in accordance with the new Local Government Act.	30/06/2021	●
1.1.4	Develop a Gender Equity Policy for the organisation	1.1.4.1	Develop a Gender Equity Strategy for completion October 28 as per funding agreement.	General Manager Community Wellbeing	In Progress	90%	Final draft completed, to be endorsed Q3	31/12/2020	●

Support and encourage volunteerism in the community




Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.2.1	Provide a safe, fun, encouraging and welcoming environment for volunteers and promote the benefits of a volunteer organisation	1.2.1.1	Develop a Volunteering Strategy	Manager Tourism Events and Culture	In Progress	40%	The volunteer working group (comprised of internal and external stakeholders) was successful in receiving a grant from the Bendigo Bank. The grant will be used to develop an online portal to assist with building social connections for people in our Shire across all ages, gender, income, cultural backgrounds, and abilities. The portal will provide ongoing support in finding volunteer positions and maintain positive and productive relationships with clubs and organisations. Council's Volunteer Development Officer has also been working with internal volunteer coordinators to streamline recruitment and	30/09/2020	●

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
							induction processes for volunteers. An expression of interest form has been developed and an induction manual and volunteer strategy have been drafted.		

Ensure that all of our community, regardless of diversity, can live a full and healthy life

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.3.1	Implement Central Goldfields Public Health and Wellbeing Plan	1.3.1.1	Develop Council's Municipal Health & Wellbeing Plan 2021-2025	Manager Community Partnerships	In Progress	10%	A successful application for a VicHealth Partnership Grant to incorporate the health and wellbeing of children and young people into our health and wellbeing planning will commence shortly. The focus will be on improving health eating and physical activity and mental health outcomes for children and young people in Central Goldfields Shire.	31/12/2021	
1.3.1	Implement Central Goldfields Public Health and Wellbeing Plan	1.3.1.2	Immunisation Service review of immunisations that are provided separately by Maternal and Child Health and Compliance Services.	Manager Community Services	In Progress	80%	Immunisation review has been completed, recommendations are being assessed..	31/12/2020	
1.3.2	Actively participate in The Healthy Hearts Project	1.3.2.1	Implement projects identified in the Healthy Hearts Project for our Shire, including infrastructure upgrades and activity planning.	Manager Community Partnerships	Completed	100%		30/06/2021	







Provide leadership in municipal emergency and fire prevention planning and strengthen public safety





Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.4.1	Coordinate Municipal Emergency Management Plans and Committee	1.4.1.1	Adopt the Municipal Fire Management Plan 2018 - 2021	Manager Community Partnerships	In Progress	50%	No further update	30/06/2021	
1.4.2	Implement recommendations from flood management plans including flood mitigation works	1.4.2.1	Implement the Carisbrook Flood and Drainage Management Plan, specifically the completion of the western levy and additional creek clearing	Manager Infrastructure	In Progress	70%	Construction of western levee has been completed. Community consultation in progress to develop the Creek Management Plan, which will then help determine the nature and extent of further creek clearance works.	30/06/2021	
1.4.3	Extend and upgrade township CCTV systems	1.4.3.1	Seeking funding to develop a CCTV plan.	Manager Infrastructure	Not Progressing	10%	No funding available at this stage.	30/06/2021	

Facilitate an active and inclusive arts community



Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.5.1	Develop a Community Arts Strategy	1.5.1.1	Develop a Community Arts Strategy	Manager Tourism Events and Culture	In Progress	10%	Workshop facilitated by Regional Arts Victoria in early November. Work currently focused on the Central Goldfields Art Gallery redevelopment.	31/12/2020	

Promote and enhance passive and active recreation



Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.6.1	Develop a Central Goldfields Shire Recreation Plan	1.6.1.1	Implement recommendations and actions from the Active Central Goldfields: Recreation and Open Space Strategy 2020-2029	Manager Community Partnerships	In Progress	30%	Work continues with the Deledio Recreation Reserve users to finalise the pavilion concept plans. Specifications have been prepared to develop concept plans for a Splash Park. Draft specifications have been prepared for the development of a Maryborough/Princes Park Master Plan. Support of the Gymnastics Club to operate from the Talbot Indoor Netball Stadium continues, with discussions now focusing on a more formal arrangement after the success of a short term arrangement.	30/06/2021	
1.6.1	Develop a Central Goldfields Shire Recreation Plan	1.6.1.2	Finalise the Active Central Goldfields: Recreation and Open Space Strategy 2020-2029.	Manager Community Partnerships	Completed	100%		31/08/2020	
1.6.1	Develop a Central Goldfields Shire Recreation Plan	1.6.1.3	Undertake playground improvement identified in the Community Plans for Bet Bet, Dunolly, Majorca, and Timor.	Manager Operations	Not Progressing	10%	Confirming locations/specifics for procurement/installation.	19/03/2021	
1.6.1	Develop a Central Goldfields Shire Recreation Plan	1.6.1.4	Undertake tree planting identified in the community plans in Bet Bet, Dunolly, Majorca, Timor.	Manager Operations	In Progress	10%	Confirming locations/specifics for procurement/planting	30/06/2021	
1.6.2	Continue to implement priorities from Major Recreation Reserves Master Plans	1.6.2.1	Construct the all-access changing places change room at the Maryborough Sports and Leisure Centre	Manager Community Partnerships	Completed	100%		30/06/2021	
1.6.2	Continue to implement priorities from Major Recreation Reserves Master Plans	1.6.2.2	Construct the new Carisbrook Recreation Reserve pavilion.	Manager Community Partnerships	In Progress	15%	Two tenders have recently closed and are currently being assessed to resurface and repaint line markings on the netball and tennis court, plus the removal of the ground's keeper's shed.	30/06/2022	


Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.6.2	Continue to implement priorities from Major Recreation Reserves Master Plans	1.6.2.3	Finalise concept designs for the Deledio Reserve upgrade in Dunolly and seek funding to support the upgrade.	Manager Community Partnerships	In Progress	85%	Draft designs and costings have been provided to the user groups with a decision about the location of the pavilion due to be made shortly.	30/06/2021	
1.6.2	Continue to implement priorities from Major Recreation Reserves Master Plans	1.6.2.4	Construct the Maryborough Skate and Scooter Park.	Manager Community Partnerships	In Progress	20%	The tender closed on 29 January and are due to be assessed mid-February.	31/12/2021	
1.6.2	Continue to implement priorities from Major Recreation Reserves Master Plans	1.6.2.5	Develop a masterplan/landscape plan for Phillips Gardens, Maryborough	Manager Operations	In Progress	10%	In progress. Consultant RFQ will be advertised week starting 8 February with view to award in the first week of March.	31/03/2021	
1.6.2	Continue to implement priorities from Major Recreation Reserves Master Plans	1.6.2.6	Work with the community to identify the most suitable site for a splash park and to develop concept plans.	Manager Community Partnerships	In Progress	10%	The contractor specification has been developed and is due to go to tender in mid-February.	30/06/2021	

Support positive development for residents of all ages and abilities.

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.7.1	Develop a Municipal Early Years Plan	1.7.1.1	Include recommendations from the Regional Early Years and Literature Strategy into the Municipal Early Years Plan.	Manager Community Services	In Progress	5%	Community engagement with families planned to commence Q3	30/06/2021	
1.7.3	Implement priorities from the Positive Ageing Strategy	1.7.3.1	Develop a Positive Ageing Strategy for the community and council to adequately prepare and respond to the needs and ambitions of our older residents.	Manager Community Services	In Progress	50%	Consultant has been engaged to develop the Positive Ageing Strategy and has commenced collecting data and undertaking community consultations. Draft report due late March 2021.	30/06/2021	

Maximise all forms of connectivity for the community


Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
1.8.1	Advocate for enhanced passenger rail services	1.8.1.1	Continue to advocate for enhanced passenger rail services.	General Manager Community Wellbeing	In Progress	80%	The Community Transport Strategy - the primary advocacy document for enhanced rail services for CGS endorsed by Council in August 2020	30/06/2021	
1.8.3	Deliver local Community Transport Plan	1.8.3.1	Develop and implement a Transport Strategy including	General Manager	Completed	100%	Council adopted the Integrated Transport Strategy at the September 2020 meeting	30/06/2021	

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
			public and community transport options.	Infrastructure Assets and Planning					
1.8.4	Implement priorities from the Walking and Cycling Strategy	1.8.4.1	Build footpaths identified in Walking and Cycling Strategy in Carisbrook, Dunolly, Bealiba.	Manager Infrastructure	In Progress	30%	Construction of new footpaths are included in each year's capital works program. A priority list of the projects nominated in the Walking and Cycling Strategy is being prepared.	30/06/2021	



Our Economy

A vibrant local economy which contributes to the municipality's economic prosperity

Facilitate an environment which is conducive to industry/business growth and employment growth and retention

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.1.1	Develop an Economic Development and Tourism Strategy	2.1.1.1	Maryborough Railway Station Activation Project - master plan and Stage 1 implementation including upgrades funded through the Regional Jobs & Infrastructure Fund	Manager Strategy and Economic Development	In Progress	40%	Stage 1 implementation on track and approaching completion (expected early March). Master planning project yet to commence.	31/03/2021	


Promote Central Goldfields as a place of choice to live, work and play

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.3.4	Advocate for a wastewater scheme for Talbot township	2.3.4.1	Advocate for a wastewater scheme for the Talbot Township.	Strategic Planner	In Progress	10%	Tender specification being developed	30/06/2021	
2.3.4	Advocate for a wastewater scheme for Talbot township	2.3.4.2	Implementation of a Domestic Wastewater Management Plan to address existing and future domestic wastewater issues within unsewered townships.	Strategic Planner	In Progress	10%	Tender specification being developed	30/11/2020	

Provide a supportive environment for existing business to prosper

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.4.2	Support Committee for Maryborough and other business groups in the Central Goldfields Shire	2.4.2.1	Support retail recovery from the economic impacts of the COVID-19 pandemic	Manager Strategy and Economic Development	In Progress	90%	Key projects completed or almost complete: Jumpstart High Street Maryborough; Dine Out Central Goldfields; Christmas Windows. Dine Out project is being extended to smaller town centres through to April 2021.	31/12/2020	



Strengthen and facilitate diversification for the Agri-business and food processing sectors


Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.5.1	Update and renew the Food Cluster Strategy	2.5.1.1	Develop an investment attraction strategy with a cluster approach to food production and manufacturing	Manager Strategy and Economic Development	In Progress	40%	Economic Development Officer has been appointed and is actively engaging prospective businesses and supporting applications for existing businesses to access government funding for expansion. Development of a strategy document is in early stages.	31/03/2021	

Grow the digital capability of the Shire

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.6.2	Continue to advocate to minimise mobile phone black spots	2.6.2.1	Continue to advocate for mobile towers in blacks spots identified in the Regional Development Australia - Loddon Mallee Mobile Coverage Report	General Manager Infrastructure Assets and Planning	In Progress	60%	Discussions have been held with NBN regarding possible upgrades to the southern part of the Shire. Meeting held with Telstra to understand current funding opportunities including the Mobile Black Spots program.	30/06/2021	

Capitalise on tourism and the visitor economy through growth of events and promotion of unique local experiences




Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
2.7.1	Advance the Goldfields Heritage Development and Opportunity Project towards World Heritage Listing	2.7.1.1	Implement Regional Tourism projects through partnerships including Accessible Tourism, Goldfields Villages Destination Management Plan and Regional Itineraries projects.	Manager Tourism Events and Culture	In Progress	20%	The World Heritage Bid (WHB) website launched early December: www.goldfieldsworldheritage.com.au and a number of workshops have been held by the WHB team as it builds the branding, public relations strategy and stories to support the Bid, which both the Mayor and Manager Tourism, Events & Culture have attended. Closer to home, funding will be required to support the development of a digital tourism experience, which provides the next logical step in providing a contemporary approach to marketing and visitor services. Enhancing and reinterpreting the Gold story would provide a central theme to this.	30/06/2021	
2.7.2	Review and update the business and marketing plan for Energy Breakthrough	2.7.2.1	Develop and implement an Energy Breakthrough infrastructure improvement and marketing plan in consultation with local businesses and the community	Manager Tourism Events and Culture	In Progress	60%	Consultation has continued with key stakeholders as we develop plans for the infrastructure improvements to the Energy Breakthrough site. This includes but is not limited to school's, sponsors, volunteers, community groups, emergency management and insurers. Past	30/06/2021	

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
							feedback in addition to the more recent stakeholder engagement will inform Latrobe's Masters of Planning student report, which is due in the coming weeks. The ability to fund a Partnerships Coordinator for the event will also see consultation ramp up with the business community, following the 25 January start date for this position.		
2.7.2	Review and update the business and marketing plan for Energy Breakthrough	2.7.2.2	Upgrade Princes Park Precinct to improve the Energy Breakthrough visitor experience	Manager Tourism Events and Culture	In Progress	40%	Milestone 1 for the Crisis Committee of Cabinet - Infrastructure Stimulus Fund was delivered 31 October 2020. Detailed designs for a communications infrastructure upgrade, inclusive of site wide CCTV cameras, public address system and WIFI coverage has been developed by Council's Telstra Business Partner and will go to public tender for construction in February. A Masters of Planning student from Latrobe University is concurrently developing a site master plan to assist with the rationalization of above ground infrastructure works. A Partnerships Coordinator has also been appointed on a part time basis for a 3 year period with grant funds to develop the focus on growing the event presence through partnerships.	30/06/2021	




Our Built & Natural Environment

Central Goldfields Shire celebrates the rich built and natural heritage and a sustainable environment

Ensure investment in roads, footpaths and buildings meet community needs now and in the future








Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.1.1	Undertake service planning to establish asset requirements to deliver services	3.1.1.1	Design and cost new public toilets for the Rene Fox Gardens Dunolly	Manager Infrastructure	In Progress	0%	Allocation in 2020-21 budget for the design and costing.	31/05/2021	
3.1.2	Review and update Asset Management Plans and prepare a 10 year capital works program	3.1.2.1	Develop and implement a program for the review and adoption of individual asset management plans by Council	Manager Infrastructure	Not Due To Start	0%	Asset Management Steering Group meeting scheduled for March 2021.	30/06/2021	
3.1.2	Review and update Asset Management Plans and prepare a 10 year capital works program	3.1.2.2	Review and update Council's Assets Management Framework and Asset Plants	Coordinator Design and Projects	Not Due To Start	0%	Asset Management Steering Group meeting scheduled for March 2021.	30/06/2021	

Improve the appearance of township entrances and streetscapes


Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.2.1	Renew and update urban design frameworks in the Shire	3.2.1.1	Build entrance signs for Bet Bet.	Manager Infrastructure	In Progress	5%	Discussions are still underway with the community.	30/06/2021	
3.2.2	Collaborate with township tree committees on tree plantings and maintenance	3.2.2.1	Implement Cool It project	Manager Operations	Completed	100%		30/06/2021	
3.2.2	Collaborate with township tree committees on tree plantings and maintenance	3.2.2.2	Adopt and implement a Tree Management Strategy.	Manager Operations	In Progress	50%	Tree Management Plan has been adopted.	31/12/2020	

Protect and enhance the environment while planning for growth






Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.3.1	Review and update the Central Goldfields Planning Scheme and Municipal Strategic Statement	3.3.1.1	Draft and prepare a Planning Scheme Amendment to implement key strategic directions developed in the planning scheme review, population and housing strategy and the economic development and tourism strategy	Manager Strategy and Economic Development	In Progress	40%	Final documentation is being reviewed by DELWP. Exhibition due to occur in Feb/Mar, with submissions to be considered by Council after that.	31/03/2021	

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.3.1	Review and update the Central Goldfields Planning Scheme and Municipal Strategic Statement	3.3.1.2	Complete Amendment C031cgol implementing flood studies for Carisbrook and Dunolly	Manager Strategy and Economic Development	In Progress	90%	Panel Report has been received and released to the public. Panel Report to be formally considered at Council Meeting 23 February.	31/12/2020	
3.3.1	Review and update the Central Goldfields Planning Scheme and Municipal Strategic Statement	3.3.1.3	Expansion of Councils Better Approvals Program to support not only small businesses in navigating permit approval requirements but also the broader community.	Strategic Planner	In Progress	10%		31/12/2020	
3.3.2	Develop a Strategic Planning program	3.3.2.1	Review local heritage controls in the Planning Scheme	Manager Strategy and Economic Development	In Progress	20%	Internal review of documents and consultation with DELWP/Heritage Vic has commenced.	30/06/2021	
3.3.2	Develop a Strategic Planning program	3.3.2.2	Prepare the Maryborough Flood Study	Manager Infrastructure	In Progress	95%	Draft study received from consultants, and final community consultation has been completed.	31/01/2021	
3.3.3	Participate in regional environmental projects through the Central Victorian Greenhouse Alliance	3.3.4.1	Participate in the MASH program, facilitating home solar energy installation	Manager Strategy and Economic Development	Completed	100%	The MASH program was launched on 13 November 2020, and is being managed by the Central Victorian Greenhouse Alliance.	30/06/2021	
3.3.4	Implement the actions from Council's Sustainability Plan	3.3.4.2	Undertake Station Domain Stormwater Harvesting and Irrigation Design Project	Manager Infrastructure	In Progress	80%	Consultants have presented a draft report for consideration.	30/06/2021	
3.3.4	Implement the actions from Council's Sustainability Plan	3.3.4.3	Commence development of a Climate Adaptation Plan.	Manager Strategy and Economic Development	In Progress	5%	Sustainability Officer commenced 27/1/21 and has started reviewing previous strategy and comparable strategies in other municipalities.	30/06/2021	

Ensure waste management meets current and future demand and standards

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.4.2	Participate in regional waste projects through the Grampians Central West Waste and Resource Recovery Group	3.4.2.1	Develop a plan to transition to a circular economy.	Manager Infrastructure	In Progress	80%	Public consultation yet to be completed.	30/06/2021	



Protect and preserve our heritage assets

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
3.5.1	Implement recommendations from Cultural Heritage Plans for heritage listed buildings	3.5.1.1	Commence the Maryborough Outdoor Pool Complex Renewal Project	Manager Infrastructure	In Progress	30%	Design and construct contract documentation has been completed. Tender has been advertised.	30/06/2021	
3.5.2	Seek funding assistance to maintain and preserve heritage assets	3.5.2.1	Repair Worsley Cottage - internal and external wall repairs	Manager Operations	In Progress	10%	Design details around repairs being confirmed currently.	31/03/2021	
3.5.2	Seek funding assistance to maintain and preserve heritage assets	3.5.2.2	Design and install new toilets at the Talbot Town Hall.	Manager Infrastructure	In Progress	25%	Waiting for presentation of draft design.	30/06/2021	
3.5.2	Seek funding assistance to maintain and preserve heritage assets	3.5.2.3	Develop a Cultural Heritage Management Plan for Princes' Park Grandstand Maryborough.	Strategic Planner	In Progress	50%	Commenced contract, surveying about to be undertaken, community engagement February,	30/06/2021	
3.5.2	Seek funding assistance to maintain and preserve heritage assets	3.5.2.4	Implement Stage 1 of the Central Goldfields Art Gallery redevelopment	Manager Tourism Events and Culture	In Progress	40%	A request for tender (RFT) for the development of detailed designs closed mid-January, with award of this contract due in the next couple of weeks.	31/12/2020	





Our Organisation

Central Goldfields Shire is a proactive, well governed, professional and financially sustainable organisation

Ensure the financial sustainability of Council through efficient and effective delivery of services








Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
4.1.1	Undertake service planning across the organisation to set sustainable service levels that meet community needs	4.1.1.1	Adopt 10 year financial plan based on information from the service plans.	General Manager Corporate Performance	In Progress	10%	Previous plan being updated with 2019/20 financial statements and 2020/21 forecast.	30/09/2020	
4.1.4	Develop a fees and charges policy	4.1.4.1	Develop a Revenue and Rating Plan by 30 June 2021 in accordance with section 93 of the Local Government Act 2020.	General Manager Corporate Performance	In Progress	0%	A resource has been allocated to the development of the Revenue and Rating Plan with work to begin February 2021	30/06/2021	




Provide effective and accessible community information and opportunities community contributions to policy and program development

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
4.2.1	Implement the Community Engagement Framework	4.2.1.1	Develop the Community Engagement Policy by 1 March 2021 in accordance with section 55 of the Local Government Act 2020.	Manager Community Engagement	In Progress	80%	Consultation complete. This will be proposed for adoption at Council meeting 23 February.	30/06/2021	
4.2.1	Implement the Community Engagement Framework	4.2.1.2	Investigate Customer Relationship Management (CRM) tools to assist in the management and monitoring of customer interactions and complaint handling	Manager Business Transformation	In Progress	20%	RFQ being prepared for tender process.	30/06/2021	
4.2.1	Implement the Community Engagement Framework	4.2.1.3	Develop a Strategic Communications Plan	Manager Community Engagement	In Progress	20%	A Communications and Engagement Strategy will establish shared expectations for communications and engagement with the community. A draft strategy is currently being refined in accordance with community feedback and the strategy will be recommended for adoption at the March Council Meeting.	30/10/2020	
4.2.1	Implement the Community Engagement Framework	4.2.1.4	Roll out and embed Customer Service Charter across Council	Manager Business Transformation	In Progress	20%	Customer charter being revised. New reporting KPI and other measurements being finalised.	30/06/2021	



Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
4.2.2	Develop a website that is accessible, easy to use and allows all transactions to be conducted online	4.2.2.1	Redesign Council's public website including enhancing the content and accessibility of the platform	Manager Business Transformation	In Progress	20%	Range of online forms currently under construction to provide capability for all forms to be completed electronically via the website.	30/06/2021	

Provide leadership in governance and Council decision making

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
4.3.1	Develop and implement a cultural change program to develop a high performing, customer focused organisation	4.3.1.1	Develop Reconciliation Action Plan.	Manager Community Partnerships	In Progress	30%	A Draft Reconciliation Action Plan has been prepared and is being reviewed internally.	31/12/2021	
4.3.1	Develop and implement a cultural change program to develop a high performing, customer focused organisation	4.3.1.2	Implement the key recommendations from the 2020 Staff Survey	General Manager Corporate Performance	In Progress	40%	Workshops held with staff to develop actions. A number of actions undertaken including development of staff awards and expansion of Workplace by Facebook for internal communications.	30/06/2021	
4.3.1	Develop and implement a cultural change program to develop a high performing, customer focused organisation	4.3.1.3	Implement the new HRIS / Payroll system for Council to ensure efficiency and compliance with legislative requirements.	Manager People and Culture	In Progress	10%	Determined not to proceed with this contract as the cost of the preferred vendor exceeded budget available. More affordable options are currently being explored by a working group. Revised implementation date of 30 June 2021.	31/12/2020	
4.3.3	Implement recommendations from Internal Audits completed as part of the four year Internal Audit Program	4.3.3.1	Develop a Corporate Governance Framework	Manager Governance Property and Risk	In Progress	70%	Elements of this were approved in August 2020 - Governance Rules, Public Transparency Policy - an overall Framework document has not yet been drafted.	31/03/2021	
4.3.3	Implement recommendations from Internal Audits completed as part of the four year Internal Audit Program	4.3.3.2	Develop a Risk Management framework including improved practices and reporting systems	Manager Governance Property and Risk	In Progress	20%	A Risk Appetite Statement and Strategic Risk Register have been adopted. The Operational Risk Register requires updating and change management work is still required to improve practices and reporting systems.	31/12/2020	
4.3.3	Implement recommendations from Internal Audits completed as part of the four year Internal Audit Program	4.3.3.3	Update Council's Business Continuity Plan to include learnings from the COVID-19 Pandemic	Manager Governance Property and Risk	In Progress	20%	Significant work is still required to update the BCP.	31/12/2020	
4.3.4	Prepare for 2020 General Election and implement the Local Government Act 2020	4.3.4.1	Develop the Council Plan by 31 October 2021 in accordance with section 55 of the Local Government Act 2020.	Manager Community Engagement	Not Due To Start	0%	As per the comments under community vision, a number of steps must be followed for this project to commence (and meet legislative requirements of deliberative engagement).	31/10/2021	

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
4.3.4	Prepare for 2020 General Election and implement the Local Government Act 2020	4.3.4.2	Assist the Victorian Electoral Commission with the delivery of the 2020 local government elections, including coordinating Candidate Information Sessions	Manager Governance Property and Risk	Completed	100%		31/12/2020	
4.3.4	Prepare for 2020 General Election and implement the Local Government Act 2020	4.3.4.3	Coordinate and deliver a comprehensive Councillor Induction training program.	Manager Governance Property and Risk	In Progress	60%	Councillors have undertaken a comprehensive induction program. Other compulsory induction topics are still required to be compliant with LGA 2020 requirements.	30/06/2021	
4.3.4	Prepare for 2020 General Election and implement the Local Government Act 2020	4.3.4.4	Develop the Governance Rules, Public Transparency Policy and Council Expenses Policy by 1 September 2020 in accordance with sections 60, 57 and 41 of the Local Government Act 2020.	Manager Governance Property and Risk	Completed	100%		30/09/2020	

Ensure the health and wellbeing of our staff

Initiative Code	Initiative	Action Code	Action Name	Responsible Officer Position	Status	Progress	Comments	Due Date	Traffic Lights
4.4.1	Review and update Occupational Health and Safety policies and practices	4.4.1.1	Implement recommendations from the OH&S Internal Audit	Manager Governance Property and Risk	In Progress	20%	Significant work is required to implement the recommendations from the OH&S Internal Audit. OHS Officer to be recruited.	31/12/2020	
4.4.2	Re-establish and support a Health and Wellbeing Committee	4.4.2.2	Reactivate implementing the Workplace Achievement Program	Manager People and Culture	Completed	100%	Awards presented in November 2020 and will now be annual.	27/11/2020	



**CENTRAL
GOLDFIELDS**
SHIRE COUNCIL

8.7 USE AND DEVELOPMENT FOR A SOLAR ENERGY FACILITY AND UTILITY INSTALLATION AT 2748 PYRENEES HIGHWAY, MOOLORT

Author: Manager Statutory Services

Responsible Officer: General Manager Infrastructure Assets and Planning

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

SUMMARY/PURPOSE

Planning application PA 2000996, for use and development of a Solar Energy Facility and Utility Installation at 2748 Pyrenees Highway, Moorlort, has been lodged with the Minister for Planning as the Responsible Authority.

Council has made a submission to the proposal, stating consent subject to conditions and support of the reference document *Solar Energy Facilities Design and Development Guideline: Example planning permit conditions*.

LEGISLATION AND POLICY CONTEXT

The Minister for Planning will consider the Central Goldfields Planning Scheme and the Solar Energy Facilities Design and Development Guideline (Department of Environment, Land, Water and Planning, August 2019).

The Minister for Planning delegates the administration and enforcement of the Planning Scheme to local Councils. There are several exceptions to this, which are defined in Clause 72.01 (*Responsible authority for this planning scheme*) to specify the Minister for Planning as the responsible authority in relation to the use and development of land for a:

- *renewable energy facility with an installed capacity of 1 megawatt or greater.*
- *utility installation used to store, transmit or distribute electricity generated by a renewable energy facility with an installed capacity of 1 megawatt or greater.*

In this instance, this solar farm has capacity of 5 megawatts, therefore the Minister for Planning is the responsible authority and makes the decision about the proposal.

The permit was given to Council under Section 52 (1) of the Planning Environment Act 1987 during the public notice period.

BACKGROUND INFORMATION

Planning application PA 2000996 was lodged with the Minister for Planning on the 30 October 2020. The application proposes a solar farm which will be 5MW in size located at 2748 Pyrenees Highway, Moorlort.

The application has been prepared by Chris Smith & Associates on behalf of Greentech 4 Pty. Ltd.; Greentech is a subsidiary of ACEnergy.

REPORT

Council has made a submission to the proposal, stating consent subject to conditions and support of the reference document *Solar Energy Facilities Design and Development Guideline: Example planning permit conditions*.

A comprehensive planning assessment is contained in the attachment to this report.

Further details sought from DELWP prior to 22 January regarding weeds, noise and traffic were responded to by the planning applicant *Chris Smith and Associates*. In relation to weeds, the applicants confirmed that the ecological assessment undertaken by Cumbre Consulting did not identify any outbreaks of weeds on the site – the only evident weeds were within the adjacent road reserves. The applicant considers that prior to any development occurring, if DELWP deem it necessary, a condition could be placed on the permit to require a Weed Management Plan.

In relation to noise and traffic, the applicant responded that the anticipated ongoing noise levels during operation have been modelled in the appended acoustic assessment by WatsonMossGrowcott.

With regard to noise from construction traffic, at the absolute peak there would be no more than two (2) trucks that would access the site in a single day (between weeks 4 and 11 of construction). The *Traffic Impact Assessment Report by Traffic Works* explains these projected access routes in further detail. The applicant considered that the traffic movement would be comparable with many farms during peak harvest season and agricultural machinery.

Council has considered the proposal and has made a submission of consent, subject to the following conditions:

Engineering Conditions

Road

1. The applicant shall carry out a dilapidation report on the condition of Moolort-Baringhup Road between Pyrenees Highway and the proposed site access point. A similar report shall be carried out at the end of the construction phase of the development.
2. The applicant shall be responsible for the rehabilitation of any damage caused to the road and road shoulders during the term of the construction works to the satisfaction of the Responsible Authority.

Access

3. A vehicular crossover must be constructed between the proposed development and Moolort-Baringhup Road. The crossover must be of crushed rock pavement construction with a pipe culvert and endwalls to the satisfaction of the Responsible Authority.
4. Prior to the commencement of any crossover/driveway, the applicant/owner must submit detailed construction plans and make further application for, and have approved, a driveway crossing permit/s. All works constructed or carried out must be in accordance with the approved plans/permit(s) and to the satisfaction of the Responsible Authority.
5. Once constructed the crossover/s must be thereafter maintained by the landowner to the satisfaction of the Responsible Authority.

Loading/Unloading

6. The loading and unloading of vehicles and the delivery of goods to and from the site must at all times be undertaken entirely within the boundaries of the site and be so conducted as to cause minimum interference with other traffic to the satisfaction of the Responsible Authority.
7. The surface of parking and loading areas and access roads and lanes must be constructed to the specification and maintained to the satisfaction of the Responsible Authority to prevent dust and drainage run-off causing a loss of amenity to the site or broader area. All such surfaces and roads to be constructed to ensure all-weather use and access.

Drainage

8. All storm water must be accommodated and treated within the subject land.
9. All storm water and surface water drainage from the proposed buildings, hard standing areas, driveways and yards must be designed to be contained within the site and designed for storm water quality and quantity to comply with the Best Practice Environmental Management Guidelines for Urban Storm water (CSIRO) 1999 to the satisfaction of the Responsible Authority.
10. The legal point of discharge of stormwater is to be the proposed retardation basin on the development and thence the adjacent existing waterway.

Noise and Amenity Conditions

Amenity

1. The amenity of the area must not be detrimentally affected by the use or development through the:
 - Appearance of any buildings, works or materials
 - Emission of noise, smell, waste water and waste products.
 - Presence of vermin
 - Discharge of polluted water or run off onto the site and or watercourses within
 - or outside of the boundaries of land
 - Reflection, Glint or Glare from the solar panels

Noise

2. The use and development must comply with relevant Environment Protection Authority noise guidelines including the EPA Publication 1411 Noise from Industry in Regional Victoria, 2011 for the operational phase and EPA Publication 1254, Noise Control Guidelines, 2011 for the construction phase.

CONSULTATION/COMMUNICATION

The application and advertising process is managed entirely by the applicant and the Minister for Planning as responsible authority.

It is the understanding of the Coordinator Statutory Planning Coordinator that the application will be advertised to adjoining and surrounding properties via mail as well as a notice placed within a local newspaper.

Anyone wishing to object to the application must provide objections to the Minister for Planning.

FINANCIAL & RESOURCE IMPLICATIONS

There are no financial implications associated with this report.

RISK MANAGEMENT

This report addresses Council's strategic risk Community engagement - Inadequate stakeholder management or engagement impacting brand reputation and community satisfaction in Council decision making by informing and educating the Councillors about the application and the application process. This will help to guide the community who may direct questions to the Councillors.

CONCLUSION

The submission of consent to the proposal subject to conditions is noted by Council.

ATTACHMENTS

- Attachment 1: Solar Energy Facility – Planning Assessment
- Attachment 2: Consent Letter to DELWP
- Attachment 3: Solar Energy Facilities Design and development Guideline

RECOMMENDATION

That Council note that a submission has been made to the Minister for Planning in relation to the solar energy facility and utility installation at 2748 Pyrenees highway, Moolort.



USE AND DEVELOPMENT FOR A SOLAR ENERGY FACILITY AND UTILITY INSTALLATION

Solar Energy Facility – Planning Assessment

Planning Permit Trigger

A planning permit is required for the use and development of the land for a solar energy facility and utility installation within the Farming Zone.

Buildings and works within 100 metres of a road zone category 1.

Alterations and works to a road zone category 1.

Zones

35.07 Farming Zone

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for the use of land for agriculture.

To encourage the retention of productive agricultural land.

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Overlays

The site is partly within the Salinity Management Overlay, however the development plans provided by the applicant show that all buildings and works are outside of this section of the site; therefore the Salinity Management Overlay is not required to be considered.

Particular Provisions

53.13 Renewable Energy Facility (Other than wind energy facility)

Purpose

To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

ASSESSMENT OF APPLICATION

The application will be assessed by the Minister for Planning (Care of the Department of Environment, Land, Water and Planning). However a high level assessment has been done by Council's Planning Department to allow for the 'key' issues to be considered by Council.

Glint and Glare

A desk top assessment to assess the potential glint and glare impacts of the proposed solar energy facility was provided within the application by Environmental Ethos. The desktop assessment considers the glare impacts as a result of the position of the proposed panels and the sun's position. The assessment considers the potential impact on 'nearby' sensitive

receptors which include rural dwellings, the Pyrenees Highway, Moolort Barringup Road, Moolort Railine, Locks Lane and Buffons Lane.

The result of the assessment determined that there would be no glare impact on these sensitive receptors.

Traffic generation

A report has been prepared by Traffic Works in order to assess the traffic impacts and recommendations for works to accommodate the traffic increase as a result of the proposal. The development is proposed to be accessed via an entrance located off the Moolort Barringup Road which is located along the western boundary of the site.

The peak time for generation of traffic will be during the construction phase. This is estimated to last 17 weeks; traffic generation during this time is likely to result in ten light vehicles (generating 20 trips per day) and two heavy vehicles (generating four trips per day). Peak construction days generally occur during week 4-11 of the 17 week construction period.

The report determines that Safe Intersection Sight Distance requirements are satisfied for the proposed subject site access along Moolort-Barringup Road and for the intersection of Moolort-Barringup Road along the Pyrenees Highway.

Due to the short lived nature of the peak traffic generation the report provided concludes that no turn lane treatments are required at the Pyrenees Highway / Moolort-Barringup Road and Moolort-Barringup / site access intersections for the construction phase of the development.

Access to the site is proposed to be constructed in accordance with Council's IDM standard drawing for a Rural Entrance Drawing No. SD255.

Once the site is operational there will not be traffic generated which could not be accommodated by the existing road network.

Agricultural assessment

An agricultural assessment has been prepared for the purpose of the application by Meridian Agriculture.

The report states that the subject sites consists of red basaltic soils which traditionally have been used for broad acre cropping and grazing. These soils would be considered soils of above average quality for the area. The report argues that due to the small scale of the area within the site (approximately 17-18 ha) and the opportunity for the site to be decommissioned at the end of its lifespan, there will be no residual detrimental impact on the productivity of the site. It is also considered by the report that the installation of the development will not have an impact on surrounding agricultural activities.

Landscaping and fencing

A single row landscape buffer which includes 4 species of fast-growing indigenous species that will grow to a height of approximately 2 metres is proposed. Fencing includes a 1.8m high steel wire fence which will enclose the entire compound.

Planning Officers recommendations

A high level assessment of the application has been undertaken by the Coordinator of Statutory Planning. This generally included a review of what are considered to be the 'major' issues which are generally points of contention with solar energy facilities (the points considered above).

The application is generally considered to be acceptable considering the zoning and location of the subject site.

Whilst the land is considered to have higher than normal agricultural values, due to the smaller scale of the proposal, the loss of agricultural land is considered to be minimal; as suggested in the agricultural report provided within application, which states:

The site proposed for the solar farm at Moolort is located on red basaltic soils which traditionally have been used for broad acre cropping and grazing. These soils would be considered soils of above average quality for the area and certainly better than nearby sedimentary based soils. The installation of a solar farm on this site would have no long term detrimental effect on the productive capacity of the soil, nor would the small footprint of the

installation have a significant impact on the overall productivity of the region or impact on the ability of neighbouring business to operate. The expected agricultural income from the parcel land, before overhead costs, is unlikely to exceed \$10,000.

The Planning Coordinator is also generally satisfied that the matters of glint and glare and traffic impacts have been considered appropriately within the application.

The application is supported by the Planning Policy Framework which encourages the growth of appropriately located renewable energy developments.

If the application was being considered by Council it is likely a more detailed landscaping plan would be required via permit condition. The plan provided does not clearly indicate the width of the proposed buffer, proposed planting layout or give an indication of the mixture of the proposed species to be used.

The site plan provided also lacks details of the proposed setback from the panels or landscaping buffer to the Pyrenees Highway, this may also impact on the landscaping requirements that could be implemented. However these are considered to be minor matters and ought to be dealt with by the responsible authority through conditions of permit.

It is likely that any permit issued by the Minister would require a detailed landscaping and possibly site plan to be provided prior to development occurring.



Please Quote Reference: PA2000996
Enquiries: Statutory Planning

5 February 2021

Minister for Planning
8 Nicholson Street
East Melbourne
VIC 3002
Email: Development.Approvals@delwp.vic.gov.au

Dear Minister for Planning

RE: USE AND DEVELOPMENT OF A SOLAR ENERGY FACILITY AND UTILITY INSTALLATION AT 2748 PYRENEES HWY, MOOLORT CA 5 SEC. 2 PARISH OF MOOLORT AND ROAD RESERVE PYRENEES HWY MOOLORT

Thank you for your letter and information received 4th January 2021, giving Central Goldfields the opportunity to consider this planning application.

Council has considered the proposed renewable energy facility and consents to the use and development, as generally described in *Solar Energy Facilities Design and Development Guideline: Example planning permit conditions* and subject to the following conditions:

Engineering Conditions

Road

1. The applicant shall carry out a dilapidation report on the condition of Moolort-Baringhup Road between Pyrenees Highway and the proposed site access point. A similar report shall be carried out at the end of the construction phase of the development.
2. The applicant shall be responsible for the rehabilitation of any damage caused to the road and road shoulders during the term of the construction works to the satisfaction of the Responsible Authority.

Access

3. A vehicular crossover must be constructed between the proposed development and Moolort-Baringhup Road. The crossover must be of crushed rock pavement construction with a pipe culvert and endwalls to the satisfaction of the Responsible Authority.

4. Prior to the commencement of any crossover/driveway, the applicant/owner must submit detailed construction plans and make further application for, and have approved, a driveway crossing permit/s. All works constructed or carried out must be in accordance with the approved plans/permit(s) and to the satisfaction of the Responsible Authority.
5. Once constructed the crossover/s must be thereafter maintained by the landowner to the satisfaction of the Responsible Authority.

Loading/Unloading

6. The loading and unloading of vehicles and the delivery of goods to and from the site must at all times be undertaken entirely within the boundaries of the site and be so conducted as to cause minimum interference with other traffic to the satisfaction of the Responsible Authority.
7. The surface of parking and loading areas and access roads and lanes must be constructed to the specification and maintained to the satisfaction of the Responsible Authority to prevent dust and drainage run-off causing a loss of amenity to the site or broader area. All such surfaces and roads to be constructed to ensure all-weather use and access.

Drainage

8. All storm water must be accommodated and treated within the subject land.
9. All storm water and surface water drainage from the proposed buildings, hard standing areas, driveways and yards must be designed to be contained within the site and designed for storm water quality and quantity to comply with the Best Practice Environmental Management Guidelines for Urban Storm water (CSIRO) 1999 to the satisfaction of the Responsible Authority.
10. The legal point of discharge of stormwater is to be the proposed retardation basin on the development and thence the adjacent existing waterway.

Noise and Amenity Conditions

Amenity

1. The amenity of the area must not be detrimentally affected by the use or development through the:
 - Appearance of any buildings, works or materials
 - Emission of noise, smell, waste water and waste products.
 - Presence of vermin
 - Discharge of polluted water or run off onto the site and or watercourses within or outside of the boundaries of land
 - Reflection, Glint or Glare from the solar panels

Noise

2. The use and development must comply with relevant Environment Protection Authority noise guidelines including the EPA Publication 1411 Noise from Industry in Regional Victoria, 2011 for the operational phase and EPA Publication 1254, Noise Control Guidelines, 2011 for the construction phase.

Please contact Council's Coordinator Statutory Planning, Andrew Page on 03 5461 0625 for further information.

Yours sincerely



Lucy Roffey
CHIEF EXECUTIVE OFFICER



The following are example planning permit conditions for Solar Energy Facilities assessed under Clause 53.13 'Renewable energy facilities (excluding wind energy facilities)'. The examples outlined in this document are general, and should be used as a guide. Conditions can be customised by the responsible authority to reflect local planning and project specific circumstances.

For more information about the Solar Energy Facilities Design and Development Guideline please visit:

www.planning.vic.gov.au/policy-and-strategy/solar-energy-facilities-design-and-development-guidelines

DEVELOPMENT PLANS

1. Before development starts, amended development plans must be submitted to, approved and endorsed by the responsible authority. When endorsed, the plans will form part of this permit.

The plans must be fully dimensioned and drawn to a scale. The plans must be generally in accordance with the application plans titled [*insert title*], numbered [*insert number*], dated [*insert date*], prepared by [*insert name*], but modified to show:
 - a. the location, model, specifications, materials and finishes of the solar panels
 - b. the location, elevation, materials and finishes of any ancillary buildings or works, which must be sighted and designed to minimise visual impact
 - c. the colours and finishes of all buildings and works (including solar panels and supporting infrastructure), which must be non-reflective to minimise visual impact
 - d. electricity cabling being located underground
 - e. the location and design of any proposed business identification signage
 - f. the location and nature of any native vegetation that is permitted for removal and all native vegetation to be retained within 100m of works
 - g. Any staging of the permitted development
2. The use and development must be generally in accordance with the endorsed development plans. Any plan or document endorsed in accordance with a condition of this permit must not be altered or modified without the written consent of the responsible authority.

STAGING

3. The use and development may be completed in stages in accordance with the endorsed development plans. The corresponding obligations arising under this permit may be completed in stages.

LANDSCAPING PLAN

4. Before development starts, a Landscaping Plan must be submitted to, approved and endorsed by the responsible authority. The plan must be fully dimensioned and drawn to a scale. When endorsed, the plan will form part of this permit.

The Landscaping Plan must include:

- a. details (type, location and species) of vegetation buffers to provide screening of the solar panels from surrounding roads and from longer range views from elevated locations. The buffers must be a minimum width of seven metres and a minimum height of three metres
 - b. details (type, location and species) of landscaping to screen buildings and structures (other than the solar panels) from surrounding roads
 - c. details of how the land under the solar panels maintains ground cover at a reasonable level and the management of ground cover in the fire season
 - d. timing of planting, which must be before development starts
 - e. height of plants at maturity
 - f. maintenance program, including weed management and the replacement of dead or diseased plants
5. The endorsed Landscaping Plan must be implemented to the satisfaction of the responsible authority.

NOISE

6. Noise from the renewable energy facility must comply with the relevant recommended noise levels for noise sensitive areas in accordance with the *EPA Publication 1411: Noise from Industry in Regional Victoria*.

TRAFFIC MANAGEMENT PLAN

Vehicle access points

7. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority (or authorities):
 - a. truck movements to and from the land must be able to be accommodated on sealed roadways where available
 - b. to the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road
 - c. safe sight distances must be provided
 - d. potential through traffic conflicts must be avoided

Traffic Management Plan

8. Before development starts, a Traffic Management Plan must be submitted to, approved and endorsed by [specify]. When endorsed, the plan will form part of this permit.

The Traffic Management Plan must:

- a. be prepared by a suitably qualified and experienced independent civil or traffic engineer

- b. specify measures to be taken to manage traffic impacts associated with the construction of the renewable energy facility
 - c. designate appropriate construction and transport vehicle routes to the site.
 - d. include a program to inspect, maintain and (where required) repair public roads used by construction traffic
 - e. be approved by the relevant road management authority (or authorities) prior to submission to [specify]
 - f. address potential environmental and social impacts of associated with traffic generated by construction of the renewable energy facility. This must include coordination between construction traffic and school bus travel, demonstrating consultation with Public Transport Victoria on this matter, including hours that construction traffic will use public roads
 - g. *[insert other requirements as relevant]*
9. The endorsed Traffic Management Plan must be implemented to the satisfaction of [specify].
10. The endorsed Traffic Management Plan must not be altered or modified without the written consent of *[specify]*. Any proposed alteration or modification to the endorsed Traffic Management Plan must be prepared in consultation with the relevant road management authority (or authorities) prior to submission to the [specify] for endorsement.

ENVIRONMENTAL MANAGEMENT

Construction Management Plan

11. Before development starts, an Environment Management Plan must be submitted to, approved and endorsed by the responsible authority. The plan must be prepared in consultation with DELWP. When endorsed, the plan will form part of this permit.

The Environmental Management Plan must:

- a. describe measures to minimise any amenity and environmental impacts of the construction, operation and decommissioning of the facility.
 - b. be generally in accordance with *[insert details of plan submitted with application]*
 - c. Include organisational responsibilities, and procedures for staff training and communication
 - d. *[insert other requirements as relevant]*
12. The endorsed Environmental Management Plan must be implemented to the satisfaction of the responsible authority.

Construction Management Plan

13. The Environment Management Plan must include a Construction Environment Management Plan, which must include:
- a. procedures to manage noise emissions generally in accordance with the requirements of the *Noise Control Guidelines* (EPA Publication 1254) and the *Environmental Guidelines for major construction sites* (EPA Publication 480)

- b. erosion and sediment control measures to ensure that no polluted and/or sediment laden run-off is discharged directly or indirectly into drains or watercourses. Straw or hay must not be used for these measures
- c. procedures to manage dust emissions, including ensuring that any on-site blasting or crushing of rocks is appropriately located within the site to manage amenity impacts on surrounding properties
- d. procedures and measures to identify and protect native vegetation and fauna habitat to be retained during works
- e. vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to and from the site
- f. procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, and to rehabilitate construction zones with appropriate species (i.e. pasture), when construction is complete
- g. the persons responsible for implementing the above measures

Wildlife Management Plan

14. The Environment Management Plan must include a Wildlife Management Plan, which must outline how the possible impact [specify animal/species] on the solar panels or any other infrastructure would be mitigated by use of non-lethal control methods.

Drainage and Stormwater Plan

15. The Environment Management Plan must include a Drainage and Stormwater Plan, which must include:
 - a. details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge
 - b. details of how the drainage design allows for the continuation of existing overland flow paths across the land
 - c. assessment of impacts of the development on onsite infiltration and surface flow patterns and downstream environments, wetlands, and adjacent landholders

Glare, Glint Light Spill Management Plan

16. The Environment Management Plan must include a Glare, Glint and Light Spill Management Plan, which must:
 - a. demonstrate how glare, glint and light spill from the facility, in particular the solar panels, will be managed to minimise impacts on the surrounding area
 - b. include details of how any lighting within the site is designed and located to effectively illuminate all pertinent public areas without spilling onto road reserves or adjoining land
 - c. require lighting to be connected to a time switch or other approved system to the satisfaction of the responsible authority

NATIVE VEGETATION

17. Before any native vegetation is removed, all persons undertaking vegetation removal or works on site must be advised of all relevant permit conditions and associated statutory requirements or approvals.
18. Native vegetation removal must be generally in accordance the development plans endorsed under condition 1 of this permit.
19. The following activities are prohibited within the area of native vegetation to be retained [*reference to relevant document*], except with the written consent of the responsible authority:
 - a. vehicular or pedestrian access
 - b. trenching or soil excavations
 - c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - d. entry and exit pits for the provision of underground services
 - e. any other actions or activities that may result in adverse impacts to retained native vegetation

EMERGENCY MANAGEMENT

Fire and Emergency Management Plan

20. Before development starts, a Fire and Emergency Management Plan must be submitted to, approved and endorsed by the responsible authority. The plan must be prepared in consultation with the Country Fire Authority, and must include:
 - a. a Fire Management Plan that incorporates measures to minimise the risk of fire breaking out on the site
 - b. a Bushfire Risk Assessment, incorporating water supply requirements
 - c. a Fuel Reduction and Maintenance Plan
 - d. an Emergency Management Plan which ensures adequate fire-fighting and emergency vehicle access around and within the site
 - e. any other risk management measures for the site

COMPLAINTS

Complaint Investigation and Response Plan

21. Before development starts, a Complaint Investigation and Response Plan must be submitted and approved and endorsed by the responsible authority. When endorsed, the plan will form part of this permit.

The Complaint Investigation and Response Plan must:

- a. respond to all aspects of the construction and operation of the solar energy facility
- b. be prepared in accordance with *Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for complaint management in organisations*

- c. include a process to investigate and resolve complaints (different processes may be required for different types of complaints)
22. The endorsed Complaint Investigation and Response Plan must be implemented to the satisfaction of the responsible authority.

Publishing information about complaints handling

23. Before development starts, the following information must be made publicly available and readily accessible from the solar energy facility project website, or another publicly available resource to the satisfaction of the responsible authority:
- a. a copy of the endorsed Complaints Investigation and Response Plan
 - b. a toll-free telephone number and email contact for complaints and queries to the facility operator

Complaints Register

24. Before development starts, a Complaints Register must be established which records:
- a. the complainant's name and address (if provided)
 - b. a receipt number for each complaint, which must be communicated to the complainant
 - c. the time and date of the incident, and the prevailing weather and operational conditions at the time of the incident
 - d. a description of the complainant's concerns
 - e. the process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint
25. All complaints received must be recorded in the Complaints Register.
26. A complete copy of the Complaints Register along with a reference map of complaint locations must be provided to the responsible authority on each anniversary of the date of this permit, and at other times on request.

REFERRAL AUTHORITY CONDITIONS

27. [Include any additional conditions required by referral authorities. Ensure that other conditions do not repeat, and are consistent with, conditions required by a referral authority.]

DECOMMISSIONING

28. Subject to condition 29, once the renewable energy facility permanently ceases operation, all infrastructure and structures must be removed, and the site must be rehabilitated to the condition it was in prior to the start of development, to allow it to be used for agricultural purposes (or any proposed alternative use).
29. Infrastructure to be removed includes, but is not limited to, all solar panels, supporting infrastructure including foundations, substation, buildings, access tracks and above and below ground electrical infrastructure.

30. If the landowner requests, items of infrastructure that are suitable for the ongoing agricultural use of the land (or any proposed alternative use) may be retained, subject to the approval of the responsible authority.
31. Within two months of the renewable energy facility permanently ceasing operation, a Decommissioning Management Plan prepared by a suitably qualified person must be submitted to, approved and endorsed by the responsible authority. When endorsed, the plan will form part of this permit.

The Decommissioning Management Plan must include, as a minimum:

 - a. identification of structures to be removed, and details of how infrastructure and structures will be removed
 - b. details of how the site will be rehabilitated to meet the requirements of condition 28
 - c. a requirement that all decommissioning works identified in the Decommissioning Management Plan be completed to satisfaction of the responsible authority as soon as practicable, but no later than 12 months after the Plan is endorsed, or such other period approved by the responsible authority.
 - d. *[insert other requirements as relevant]*
32. The endorsed Decommissioning Management Plan must be implemented to the satisfaction of the responsible authority.

EXPIRY

33. This permit will expire if one of the following applies:
 - a. the development is not started within [three (3) years] of the date of this permit
 - b. the development is not completed within [six (6) years] of the date of this permit

8.8 PLANNING SCHEME AMENDMENT – IMPLEMENTATION OF DUNOLLY AND CARISBROOK FLOOD STUDIES

Author: Strategic Planner

Responsible Officer: General Manager Infrastructure Assets and Planning

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

SUMMARY/PURPOSE

The purpose of this report is to enable Council to consider the Planning Panel Victoria report and adoption of planning scheme Amendment C031cgo1 as required by Sections 29(1) and 31(1) of the Planning and Environment Act 1987.

The Planning Panel report recommends that Council make some changes to the exhibited amendment, adopt the amendment and request the Minister for Planning approve the amendment.

Amendment C031cgo1 is a Council led amendment to implement the Carisbrook and Dunolly flood studies. These studies recommended alterations to the Planning Scheme mapping, and to update and introduce flood overlays to Carisbrook and Dunolly.

LEGISLATION AND POLICY CONTEXT

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

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

Objective: Provide leadership in municipal emergency and fire prevention planning and strengthen public safety.

Initiative: Implement recommendations from flood management plans including flood mitigation works.

Other relevant legislation

Local Government Act 1989

Planning and Environment Act 1987

Catchment and Land Protection Act 1994

North Central Regional Floodplain Management Strategy 2018-2028

Victorian Floodplain Management Strategy 2016

BACKGROUND INFORMATION

In 2019, the North Central Catchment Management Authority (CMA) received funding to assist Central Goldfields Shire Council to engage an appropriate resource to work on flood-related planning scheme amendments. Implementing amendments associated with flood risk for the townships of Carisbrook and Dunolly is recognised as a high priority in the North Central Regional Floodplain Management Strategy 2018-2028.

At the Ordinary Meeting of Council on 26th November 2019, Central Goldfields Shire Council authorised officers to progress with a 'C' amendment with the Council as the planning authority.

Section 8A (2) of the Act stipulates that a municipal Council may only prepare an amendment to a Planning Scheme if it is authorised to do so by the Minister for Planning. The amendment was authorised on 25 February 2020 and exhibition progressed from 22 May to 23 July 2020. Sections 17-19 of the Act stipulate the exhibition and notice requirements for a planning scheme amendment. Council has exhibited the amendment in accordance with these requirements. Twelve submissions to the amendment received.

The submissions were considered by Council at its Ordinary Meeting on 25 August 2020 at which Council, in accordance with Section 23 of *the Planning and Environment Act 1987*, resolved to refer the submissions to an independent planning panel appointed under Part 8.

REPORT

The following report explains the nature and evidence basis of flooding in our Shire, the mapping extent for the amendment, the number of affected properties, the types of flood overlays that are being changed/introduced, the amendment process, and submissions received during amendment exhibition and the Planning Panels Victoria hearing. The latter stage is the most recent stage in the C031cgol amendment process.

Flooding is a natural process intrinsic to all waterways. Flooding occurs periodically as a result of heavy rainfall within a catchment and is generally defined by the runoff from the storm event exceeding the capacity of the bed and banks of a waterway or local drainage system.

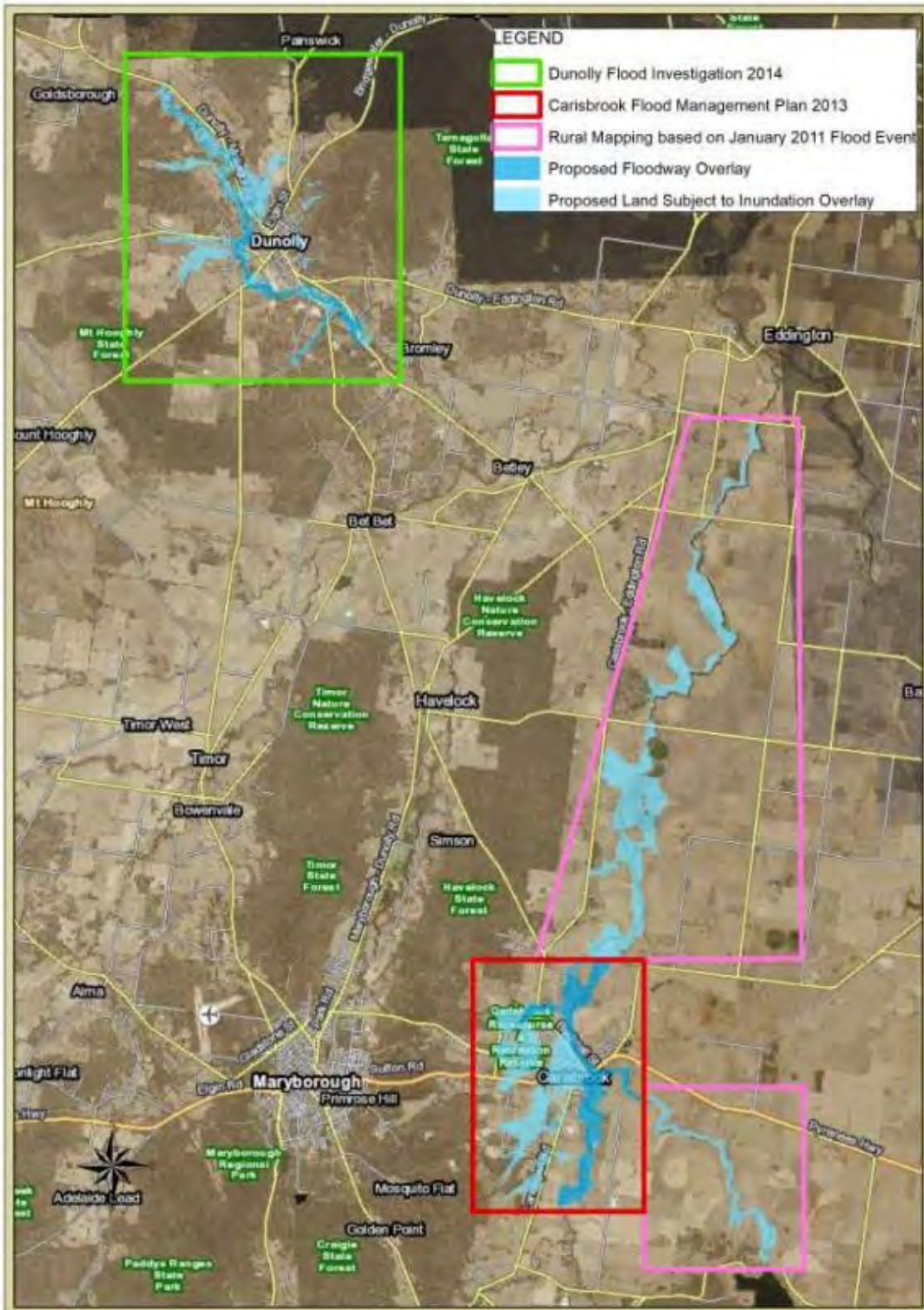
The effects of flooding in Central Goldfields (CG) are magnified by the proximity of urban development to natural or modified creeks and channels resulting in damage to roads, residential, commercial and industrial properties. The impact of overland flow is also significant and causes frequent flooding to a number of properties in Carisbrook.

The current flood controls in the Central Goldfields Planning Scheme (CGPS) are considered to be out of date. Extensive research work has been completed since the flood controls were first implemented in the year 2000. The North Catchment Management Authority (NCCMA) has undertaken the North Central Regional Floodplain Management Strategy 2018-2028. After the floods of 2011-2012, flood studies were conducted in Carisbrook and Dunolly in 2013-2014 (known as the Carisbrook Flood and Drainage Management Plan 2013 and Dunolly Flood Investigation 2014). These studies model the impact of flooding in both townships. In the summary recommendations, the regional Strategy and local flood studies recommend that the planning scheme be updated to reflect the extent of flooding in the updated mapping.

Amendment C031cgol (the Amendment) is the culmination of an extensive body of background work and a consultation process which involved Government agencies, other stakeholders and the wider community. Amendment C031cgol proposes to amend the CGPS to give effect to the Carisbrook and Dunolly flood studies. The studies were prepared by Water Technology in consultation with the NCCMA and Central Goldfields Shire Council (CGSC).

The area affected by the amendment falls within the McCallums Creek, Tullaroop Creek (known locally as Deep Creek) and the Burnt Creek catchments, and local tributaries and the associated floodplains for these watercourses. It therefore affects flood prone land in Carisbrook and Dunolly which were included in the study area as shown below in Map 1.

Map 1 Flood Study Investigation Areas in Carisbrook and Dunolly



The amendment retains the existing Land Subject to Inundation Overlay (LSIO) and renames it Schedule 1 (LSIO1). It applies to land outside of this study area including Maryborough, Talbot, Moliagul, Bealiba and surrounding districts. The study area subject to this amendment is proposed to be covered by the new Schedule 2 (LSIO2). The Amendment also introduces the Flood Overlay (FO) into the planning scheme.

Land affected by the Amendment

The Amendment affects approximately 911 properties which are located in Carisbrook and Dunolly. Of these properties to be affected, approximately:

- 146 properties are proposed to have the current LSIO removed.
- 10 properties are proposed to have the FO applied.
- 481 properties are proposed to have the LSIO applied.
- 274 properties are proposed to have both the FO and the LSIO applied.

The Land Subject to Inundation Overlay (LSIO)

The LSIO is applied to land affected by flooding associated with waterways and open drainage systems.

- Schedule 2 (LSIO2) is flooding from creeks up to 500mm depth.
- Schedule 1 (LSIO1) applies to the existing LSIO outside the flood study boundary.

Schedule 1 is an administrative change only as it simply allocates a number to the existing schedule. The LSIO already exists on some land in the Shire. This amendment may change the area that the LSIO covers and will change it to either an LSIO1 or an LSIO2.

The Floodway Overlay (FO)

The FO is being applied to land that is subject to the highest flood risk and where floods occur most frequently.

- Schedule 1 (FO1) is mainstream flooding in both rural and urban areas.

Council officers have worked with the CMA to further refine the proposed overlay maps from the flood studies based on best practice evidence flood mapping. The overlay schedules will exempt minor developments from requiring a permit (e.g. minor dwelling extensions, small outbuildings, carports, hay sheds and similar).

Purpose of Flood Study Amendment Implementation

It is recognised that the current LSIO mapping for the townships of Carisbrook and Dunolly in the CGPS is out of date and inaccurate. This has caused a range of issues for property owners and for Council when providing customer advice, including greater costs and time upon landowners. This amendment is an opportunity to update the existing flood mapping to reflect the most recent and accurate maps.

In the short term it is expected that this amendment will result in changes to new building proposals that will be designed to respond to the constraints of the land and its capacity to flood. This may result in some increased building costs. In the long term it is expected that this amendment will deliver positive environmental, social and financial impacts, as this amendment seeks to reduce the impact that flooding has on developments and the environment.

It is well recognised that floods can negatively impact on individuals and the community in a number of ways. These impacts can have significant financial, psychological and health related consequences for individuals and wider social consequences for the community. Further, inappropriate development can reduce a floodplain's capacity to store and transport floodwater effectively which often diverts floodwater to other land not normally flooded.

Amendment Process

The planning scheme amendment process is prescribed in legislation. During the 8 week long exhibition the amendment received twelve submissions to the amendment. Five were from government referral authorities who supported the amendment, two were subsequently withdrawn and five remained unresolved.

Summary of Submissions

Table 2 Submissions

<i>Submission</i>	<i>Address of land</i>	<i>Current Overlay status</i>	<i>Proposed Overlay status</i>
<i>Submission 1</i>	5,7,9,11,13,15,19 (Town Hall), 21, 23, 29 and 31 Bucknall Street Carisbrook	Part LSIO	LSIO*
<i>Submission 2</i>	70 Landrigan Rd Carisbrook	LSIO	Part LSIO
<i>Submission 3</i>	52 Victoria St Carisbrook	LSIO	Part LSIO
<i>Submission 4</i>	33 MacCallum St Carisbrook	Part LSIO	Part FO and Part LSIO
<i>Submission 5</i>	42 Pierce Hill Rd Dunolly	No LSIO	No LSIO*
<i>Submission 6</i>	9 Bucknall St Carisbrook	Part LSIO	LSIO
<i>Submission 7</i>	N/A		
<i>Submission 8</i>	N/A		
<i>Submission 9</i>	N/A		
<i>Submission 10</i>	N/A		
<i>Submission 11</i>	Whole of Carisbrook Investigation Area	Part LSIO	Part LSIO and FO
<i>Submission 12</i>	N/A		

*These submission have been subsequently withdrawn. Pierce Hill Rd Dunolly has been withdrawn due to the mapping for this area being changed after a review.

The submissions were considered by Council at its Ordinary meeting on 25 August 2020. In accordance with Section 23 of *the Planning and Environment Act 1987* Council resolved to refer unresolved submissions to an independent planning panel appointed under Part 8.

Planning Panel Victoria Hearing

On 23 November, 2020 Planning Panels Victoria held an online panel hearing with Council, CMA, Water Technology and two community members (representing Submissions 6 and 11). The panel hearing and amendment exhibition was able to be conducted online due to an amendment to the Planning and Environment Act 1987 via the Covid-19 Omnibus

(Emergency Measures) Bill 202 which allowed for an exhibition and panel hearing to occur online. The panel chair conducted un-assisted private inspections in Carisbrook and Dunolly during the week prior to the hearing.

The Panel Report: *Central Goldfields Planning Scheme Amendment C31cgo1 - Dunolly and Carisbrook Flood Studies*, December 2020 (Appendix 1) discusses in detail the issues raised in the unresolved submissions. None of the submissions commented on or sought changes to the proposed Overlays' scheduled provisions. The report notes some issues raised in submissions that relate to infrastructure and maintenance needs that are not pertinent to planning provisions or the Amendment itself. The most substantive issues raised in the submissions concerned the extent of the proposed overlays and whether the studies' recommendations, the mapping and the relevant standards accurately represent the flood risk on specific sites, particularly in Carisbrook.

The Panel Report endorses changes already proposed by Council in its response to submissions at its Ordinary meeting on 25 August 2020. In addition to these, it makes the following recommendations for Council to consider as part of the amendment:

- Amend the Schedule to Clause 74.01 Application of Zone, Overlays and Provisions, to include reference to the Floodway Overlay and the Land Subject to Inundation Overlay as follows:
 - The Floodway Overlay to cover areas identified from detailed flood studies as having a higher risk of flooding or the entire 10 per cent Annual Exceedance Probability flood extent where a detailed flood study has not been undertaken.
 - The Land Subject to Inundation Overlay to cover areas identified as having a lower risk of flooding or the entire 1 per cent Annual Exceedance Probability flood extent where a detailed flood study has not been undertaken.
- Adopt the following new Maps 4LSIO-FO, 5LSIO-FO, 7LSIO-FO, 14LSIO-FO, 16LSIO-FO, 19LSIO-FO and 20LSIO-FO.
- Amend Map 13LSIO-FO as identified in Figure 17 of Council's Part B submission (see Figure 3 in this report).

These recommendations reflect further input from Council officers and the CMA in submissions to the Panel. Officers support the Panel recommendations in full and recommend that Council adopt the amendment with the proposed changes and request approval by the Minister for Planning.

Alternative Options

Council could decide to abandon the Amendment. This would preclude the Amendment from progressing any further. There is no planning justification for this approach and it would be contrary to the recommendations of both township flood studies. It would leave in place the provisions currently in the Central Goldfields Planning Scheme that have been demonstrated to be inadequate in addressing flood risk in Carisbrook and Dunolly.

This amendment also implements Council's Municipal Planning Strategy included at Clause 02.03 Environmental Risks and Amenity. Abandoning the amendment would mean Council is not implementing its adopted Municipal Planning Strategy.

Council could also decide to adopt the Amendment without the recommended changes, or with changes other than those recommended in the Panel Report. This course of action would carry the significant risk of not being approved by the Minister for Planning, as it would lack

the strategic justification and independent scrutiny demonstrated by the exhibited Amendment and Panel Report.

CONSULTATION/COMMUNICATION

The amendment has been widely publicised during the authorisation, exhibition and panel processes.

The amendment was made publicly available from 22 May to 23 July 2020. As part of the statutory exhibition period, affected landowners and relevant referral authorities were notified on 22 May 2020, as well as a notice placed in the Maryborough Advertiser and the Government Gazette. Recent changes to the Planning and Environment Act allowed Council to exhibit documents electronically, therefore the documents were available online, via email and frequently mentioned in social media.

The exhibition process included direct letter box drops, printed media, social media and video conferences to consult with the public. Two information brochures were created to explain the amendment; these are still available online.

Further engagement with submitters has been undertaken in order to understand and respond to their concerns in the lead-up to the planning panel hearing.

This process has provided multiple opportunities for any affected member of the public to have input into the amendment process, both informally and through formal submissions and presentations to Council and the Planning Panel.

Officers propose to make another FAQ brochure available for the community once the Amendment has been adopted by Council. This information will be presented in print and social media to explain what the changes are, where they occur and what this will mean for landowners.

FINANCIAL & RESOURCE IMPLICATIONS

Amendment costs to Council can generally be categorised into staff time and fees.

Staff time – in this instance, Council is being assisted by the CMA who have received funding for a planning resource for two years to assist local Councils to deal with a backlog of flood study implementation amendments, including those for Carisbrook and Dunolly. Council and the CMA have entered an MOU for the provision of planning services to carry out the majority of tasks required for this amendment.

Council staff time to assist with exhibition activities and, report writing and representation at the planning panel has been managed within the regular strategic planning program.

Fees – Fees for Planning Panel Victoria have been paid by the CMA.

RISK MANAGEMENT

This report addresses Council's strategic risk Government policy changes - change in government policy and/or funding resulting in significant impact on the delivery of critical services by implementing recommendations in the Council Plan and Municipal Planning Strategy included at Clause 02.03 Environmental Risks and Amenity.

Managing flood risk through Planning Schemes is a local government responsibility. The CGPS should be a robust document that correctly identifies known flood risk and provides

clear guidance and transparency on potential uses and development of land. Where mapping doesn't exist or is outdated the CGPS should be amended. The *Victorian Floodplain Management Strategy 2016* states that "LGAs (Councils) are accountable for ensuring that their Planning Schemes correctly identify the areas at risk of a 1% Annual Exceedance Probability (1 in 100 year) flood, and that they contain the appropriate objectives and strategies to guide decisions in exercising land use controls in regard to flooding."

The amendment is required to update the overlay maps and amend the associated ordinance that controls buildings and works to ensure development within the floodplain is appropriately managed.

Managing development through accurate and effective planning schemes is considered the most cost-effective method of managing flood risk and avoiding future flood damages and can promote faster recovery from major floods (e.g. because house floor levels were set above the flood levels). The amendment updates mapping in the Carisbrook and Dunolly townships using information developed in the flood studies. It also removes significant expanses of flood controls in rural areas along Tullaroop Creek where additional new mapping produced by the CMA shows these maps to be clearly wrong (therefore not requiring individuals to obtain permits where flooding is not a risk).

The amendment will also include the introduction of permit exemptions for minor buildings and works, meaning the need for obtaining permits and applying flood-management conditions is only required for developments with a higher likelihood of detrimental flood impacts.

From a consultation perspective, the amendment process is heavily prescribed in legislation and provides transparency and meaningful opportunities for community input. This explicitly defines the scope of community engagement activities and therefore manages any risks associated with community concerns of bias or unfairness.

CONCLUSION

During the development of township flood studies for Carisbrook and Dunolly extensive community engagement was undertaken where it was resolved that the planning scheme should be amended with updated mapping and ordinance for identifying flood risk.

Planning Scheme Amendment C031cgol implements the Carisbrook and Dunolly flood studies by altering the Planning Scheme mapping and updating flood overlays and schedules affecting Carisbrook and Dunolly.

A statutory public exhibition was undertaken as part of the amendment process. Twelve submissions were received during this exhibition, with seven resolved by Council and five outstanding. An independent Planning Panel has considered these unresolved submissions and made recommendations to Council about how to progress the amendment.

Council now must consider the recommendations from the Planning Panel and resolve whether to adopt the amendment and request the Minister for Planning approve the amendment and publish it in the Government Gazette. This will conclude the process of updating the Central Goldfields Planning Scheme controls related to flood risk affecting Carisbrook and Dunolly.

ATTACHMENTS

1. Panel Report: Central Goldfields Planning Scheme Amendment C31cgol - Dunolly and Carisbrook Flood Studies, December 2020
2. Draft Schedule to Clause 74.01 Application of Zone, Overlays and Provisions
3. Draft Map 04LSIO-FO (altered from exhibited)
4. Draft Map 05LSIO-FO (altered from exhibited)
5. Draft Map 07LSIO-FO (altered from exhibited)
6. FAQ document
7. Carisbrook Flood and Drainage Management Plan 2013
8. Dunolly Flood Investigation Study Report 2014

RECOMMENDATION

That Council:

- 1. Adopt the revised Central Goldfields Planning Scheme Amendment C031cgol, in accordance with the recommendations in the Panel Report: Central Goldfields Planning Scheme Amendment C31cgol - Dunolly and Carisbrook Flood Studies and captured in Attachments 2 to 5 to this report, in accordance with Section 29 (1) of the Planning and Environment Act 1987;*
- 2. Formally adopt the Carisbrook Flood and Drainage Management Plan 2013 and Dunolly Flood Investigation Study Report 2014; and*
- 3. Request approval of adopted Amendment C031cgol by the Minister for Planning in accordance with Section 31(1) of the Planning and Environment Act 1987.*

Planning and Environment Act 1987

Panel Report

**Central Goldfields Planning Scheme Amendment C31cgol
Dunolly and Carisbrook Flood Studies**

23 December 2020

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment. [section 27(1) of the *Planning and Environment Act 1987* (the Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Central Goldfields Planning Scheme Amendment C31cgol

Dunolly and Carisbrook Flood Studies

23 December 2020



Geoff Underwood, Chair

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Glossary and abbreviations

Act	Planning & Environment Act 1987
Council	Central Goldfields Shire Council
DELWP	Department of Environment, Land, Water and Planning
FO	Floodway Overlay
LSIO	Land subject to inundation overlay
LSIO2	Schedule 2 to the LSIO
Minister	Minister for Planning
MPS	Municipal Planning Strategy
NCCMA	North Central Catchment Management Authority
Planning scheme	Central Goldfields Planning Scheme
PPF	Planning Policy Framework

Overview

Amendment summary

The Amendment	Central Goldfields Planning Scheme Amendment C31cgol
Common name	Dunolly and Carisbrook Flood Studies
Brief description	The Amendment revises the flood control provisions of the Central Goldfields Planning Scheme
Subject land	Numerous properties are affected in Dunolly, Carisbrook and surrounding rural areas
The Proponent	The North Central Catchment Management Authority requested the Amendment
Planning Authority	Central Goldfields Shire Council
Authorisation	25 February 2020
Exhibition	An extended exhibition period took place from 22 May 2020 to 23 July 2020
Submissions	<p>Number of Submissions: 12. Opposed: 5</p> <ul style="list-style-type: none"> • Dr Jenni Newton-Farrelly • Daniel McIver • Peter Blazko • Barry Rinaldi • Martin Olyve • Terry Hodgkins • Trish Coutts, Helen Broad and Keith McLeish • Coliban Water • Environment Protection Authority • Central Highlands Water • Goulburn-Murray Water • Country Fire Authority

Panel process

The Panel	Geoff Underwood
Directions Hearing	<p>A Directions Hearing was held by video conference on 10 September 2020</p> <p>Further written directions about the conduct of the Hearing were issued on 13 November 2020</p>
Panel Hearing	The Hearing was held by video conference on 23 November 2020
Site inspections	An unaccompanied inspection took place on 18 November 2020

Parties to the Hearing	<p>The presenting parties were:</p> <ul style="list-style-type: none">• Amy Bell, Strategic Planner, Central Goldfields Shire• Camille White, Manager Floodplain, North Central Catchment Management Authority <p>Philip Schier, Manager Strategy and Economic Development, Central Goldfields Shire was present throughout the Hearing</p> <p>Trish Coutts and Keith McLeish</p> <p>Barry Rinaldi</p> <p>Terry Hodgkins</p>
Citation	Central Goldfields PSA C31cgol [2020] PPV
Date of this Report	23 December 2020

Executive summary

Through Amendment C31cgol to the Central Goldfields Planning Scheme, the Central Goldfields Shire Council is taking action in response to flood events in 2010 and 2011 that affected the townships of Carisbrook and Dunolly and surrounding areas, including along the Tullaroop Creek. Both towns have a history of flooding. New overlays and mapping will replace the current controls plus there will be new policy and control provisions to assist with the determination of permit applications triggered by the new controls.

The Amendment has been prepared by the Council at the request of and in conjunction with the North Central Catchment Management Authority (NCCMA) which is the relevant floodplain management authority for the Central Goldfields Planning Scheme.

The Amendment is based on flood studies conducted by NCCMA with Council as well as on-the-ground situations from flood events in 2010 and 2011. The Carisbrook Flood and Drainage Management Plan 2013 and the Dunolly Flood Management Plan 2014 are proposed to be included as background documents in the planning scheme.

The Explanatory Report gives a sense of the scale of the area affected by the flood events. It states:

The Amendment applies to 754 properties in both Carisbrook and Dunolly and surrounding rural areas, that have been identified as being liable to flooding from McCallums Creek, Tullaroop Creek, Burnt Creek and their tributaries by the Carisbrook Flood and Drainage Management Plan 2013, the Dunolly Flood Investigation 2014, rural mapping along Tullaroop Creek based on information captured during the January 2011 flood event. The amended flood overlays have taken into account completed flood mitigation works.

Council's Part A submission advised that approximately 911 properties are affected. The difference in numbers results from the fact the Amendment improves the situation for 146 properties by removing them from the Land Subject to Inundation Overlay.

At the Hearing, submitter 6 referred to a specific number of properties with Carisbrook affected by the controls. The number was later confirmed by the NCCMA (document 6) as:

- Current Amendment: 423 properties will have flood controls applied. Of these:
 - 194 properties currently have flood controls
 - 229 properties having flood controls added for the first time.
- Future Amendment (once Western Levee works are completed):
 - 342 properties will have flood controls remaining.
- Therefore, 81 properties will have flood controls removed.

Because of the passage of time since 2011 and the completion of the flood studies in 2013 and 2014, and to verify outcomes and the scope of mitigation works, Council and the NCCMA engaged peer reviews of the work. Consultants were engaged to confirm the extent of flood areas, the modelling of water flows under differing recurrence events, the works necessary to mitigate future flood events and other maintenance type works. That material, all of which was presented as attachments to Council's Part A submission, has helped formulate the suite of controls in the Amendment.

Twelve submissions were received during exhibition of the Amendment. Seven came from landowners; two were withdrawn after consultation with Council and the NCCMA. Of the five submissions referred to the Panel, one submission related to Dunolly. For Carisbrook, three of six submitters sought to present at the Hearing but, on the day, one submitter was unable to do so. The remaining two submitters elaborated on their submissions that the

mapping in the Amendment overstated the extent of flooding or did not accurately depict where flood waters had flowed in 2011. They also questioned the nature of the levee works currently under construction as part of the mitigation works.

The Council and the NCCMA together presented at the Hearing. The Part B submission from Council reports:

The impacts from the significant floods of 2010 and 2011 are still being felt today in the townships of Carisbrook and Dunolly

and that:

The recommendations from the Carisbrook Flood and Drainage Management Plan 2013 and Dunolly Flood Investigation 2014 are still being implemented now. These include this planning scheme amendment and the future construction of the western levee in Carisbrook.

The joint submission was that the Amendment is based on best advice and that, with the works undertaken at Dunolly, underway at Carisbrook and as further proposed, both townships will be better protected for future events through the new controls.

Key issues raised in submissions included:

- The accuracy of the mapping used to determine the extent of the Floodway Overlay (FO) and the Land Subject to Inundation Overlay (LSIO).
- The inclusion of properties said to be unaffected by flood waters.
- Requests for variation to the overlays to reduce the impact on property.

Each of these issues was covered in submissions and in presentations to the Hearing.

The Explanatory Report explained the purpose of the Amendment and the land areas affected by the new flood controls. It set out the necessary strategic justification for the Amendment.

In its Part B submission (paragraph 33 and following) the Council expanded on how it saw that the Amendment supports and implements the state and local legislative frameworks, Ministerial Directions and Planning Practice Notes. Each of those three aspects are central to the Panel's consideration of how the Amendment responds to strategic planning policy, the selection and use of appropriate overlays, and the technical aspects of the problem being addressed.

Council's Part B submission:

- examined relevant elements of State and Local Policies to conclude the Amendment met the necessary aspects of policy;
- dealt with technical considerations that sit behind the new controls that make up the Amendment relying on the review of the flood events and the expert advice in the flood studies as well as the recommendations for mitigation works;
- reviewed and concluded the Amendment complied with all the relevant Ministerial Direction and Planning Practice notes about the selection of the overlays to be used in an Amendment for this purpose.

The Panel considered all the material presented by the Council and the NCCMA in advance of the Hearing including all the material in the attachments to Council's Part A submission. Among this information are the full reports by Mr Ben Tate of Water Technology Pty Ltd and the follow up reviews of the flood studies.

There were submissions for and against the Amendment. The 'fors' as noted by the Panel include significant support from expert agencies who endorse the Amendment. The 'against' include the opposing submissions not expanded upon at the Hearing as well as those that were; all of them are dealt with here.

It is clear to the Panel that the Amendment is based on the expert advice of consultants, including peer reviewers. It is also very clear there is a need for action to better protect the townships of Carisbrook and Dunolly from flooding.

From both a strategic justification and practical application, the Panel is satisfied the Amendment has the necessary strategic planning support. There is no question that State and Local planning policy support action to avoid and minimise flooding. The Council submissions established the necessary strategic justification.

Beyond that, this is an instance where the Panel sees planning policy support as less important than the practical steps to take action to better protect the townships of Dunolly and Carisbrook, as well as numerous rural properties, from the effects of future flooding that will inevitably occur. The evidence of Mr Tate, the principal author of the flood studies, substantiated his work and the directions applied by the Amendment. Measured against the submissions as lodged and expanded upon in the presentations at the Hearing, the Panel has no doubt about the need for action and the merit of the proposed controls. The Amendment is supported.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Central Goldfields Planning Scheme Amendment C31cgol be adopted as exhibited subject to the following:

- 1. Amend Clause 21.09 of Municipal Strategic Statement to highlight the importance of managing development within land in the Land Subject to Inundation Overlay and discouraging development on land in the Floodway Overlay in the townships of Carisbrook and Dunolly.**
- 2. Insert Clause 44.03 (Floodway Overlay).**
- 3. Insert Schedule 1 to Clause 44.03 (Floodway Overlay) to identify properties that experience flooding greater than 500 millimetres flood depth and provide permit exemptions.**
- 4. Amend the Schedule to Clause 44.04 (Land Subject to Inundation Overlay) to identify it as Schedule 1 to the Land Subject to Inundation Overlay.**
- 5. Insert Schedule 2 to Clause 44.04 (Land Subject to Inundation Overlay) to identify properties that experience flooding less than 500 millimetres flood depth and provide permit exemptions.**
- 6. Amend Clause 72.08 to include the Carisbrook Flood and Drainage Management Plan 2013 and the Dunolly Flood Management Plan 2014 as Background documents in the planning scheme.**
- 7. Amend the Schedule to Clause 74.01 Application of Zone, Overlays and Provisions, to include reference to the Floodway Overlay and the Land Subject to Inundation Overlay as follows:**
 - a) The Floodway Overlay to cover areas identified from detailed flood studies as having a higher risk of flooding or the entire 10 per cent Annual**

Exceedance Probability flood extent where a detailed flood study has not been undertaken.

- b) The Land Subject to Inundation Overlay to cover areas identified as having a lower risk of flooding or the entire 1 per cent Annual Exceedance Probability flood extent where a detailed flood study has not been undertaken.**
- 8. Adopt the following new Maps 4LSIO-FO, 5LSIO-FO, 7LSIO-FO, 14LSIO-FO, 16LSIO-FO, 19LSIO-FO and 20LSIO-FO.**
 - 9. Amend Map 13LSIO-FO as identified in Figure 17 of Council's Part B submission (see Figure 3 in this report).**

1 Introduction

Through Amendment C31cgol to the Central Goldfields Planning Scheme, the Central Goldfields Shire Council is taking action in response to flood events in 2010 and 2011 that affected the townships of Carisbrook and Dunolly and surrounding areas, including along the Tullaroop Creek. Both towns have a history of flooding. The current planning controls dealing with flooding are to be varied under the Amendment. New overlays and mapping will apply plus there will be new policy and control provisions to assist with the determination of permit applications triggered by the new controls.

1.1 The Amendment

(i) Amendment description

The Amendment has been prepared by the Council at the request of and in conjunction with the NCCMA which is the relevant floodplain management authority for the Central Goldfields Planning Scheme.

The purpose of the Amendment is to correct and update the current flood controls in the Planning Scheme.

(ii) The subject land

The Amendment applies to land in Dunolly and Carisbrook as well as rural properties in and around both townships.

Council's Part A submission stated:

The proposed changes to the planning scheme will affect approximately 911 properties, including:

- 146 properties are proposed to have the current LSIO removed.
- 10 properties are proposed to have the FO applied.
- 481 properties are proposed to have the LSIO applied.
- 274 properties are proposed to have both the FO and the LSIO applied.

Of the 765 properties that are proposed to have flood controls, 306 properties are proposed to have flood controls applied for the first time.

At the Hearing, submitter 6 referred to a specific number of properties within Carisbrook affected by the controls. The number was later confirmed by the NCCMA (Document 6) as:

Current Amendment

- 423 properties will have flood controls applied

Of these

- o 194 properties currently have flood controls
- o 229 properties having flood controls added for the first time

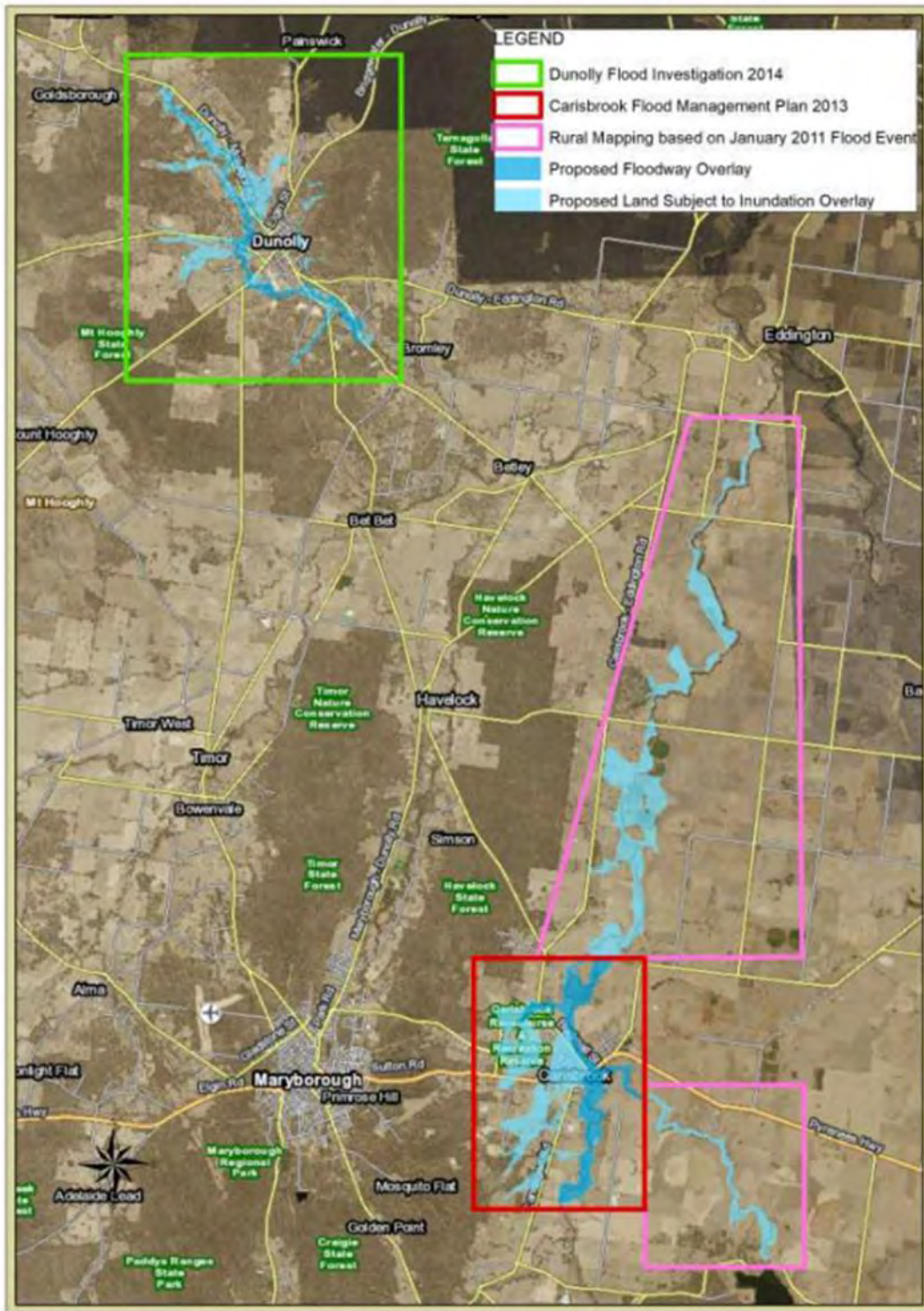
Future Amendment (once Western Levee works are completed)

- 342 properties will have flood controls remaining

Therefore, 81 properties will have flood controls removed.

The extent of the land affected is shown on the map titled Flood Study Investigation Areas in Carisbrook and Dunolly, reproduced as Figure 1.

Figure 1 Flood study investigation areas



The map in Figure 1 covers a large geographic area. Table 1 lists the planning scheme maps that apply to the affected locations (taken from Council’s Part A submission).

Table 1 Mapping details

Reference	Information
Map 04	Dunolly retract LSIO and introduce LSIO2 and FO1 (large area)
Map 05	Dunolly retract LSIO and introduce LSIO2 and FO1 Thomas Street – Clark Street area
Map 07	Carisbrook and Dunolly retract LSIO and introduce LSIO2 and FO1 (large area)
Map 13	Carisbrook retract LSIO and introduce LSIO2 and FO1 – Heales Road to Victoria Street
Map 14	Carisbrook retract LSIO and introduce LSIO2 and FO1 – Veales Road to Pyrenees Highway
Map 16	Carisbrook South retract LSIO and introduce LSIO2 and FO1 (large area)
Map 19	Tullaroop Creek (Carisbrook South) retract LSIO introduce LSIO2 (large area)

1.2 Background

The Amendment is based on flood studies conducted by NCCMA with Council as well as on-the-ground situations from the events of 2010 and 2011. The Carisbrook Flood and Drainage Management Plan 2013 and the Dunolly Flood Management Plan 2014 are proposed to be included as background documents in the planning scheme.

The Council and the NCCMA jointly presented at the Hearing.

Mr Ben Tate, Principal Engineer of Water Technology Pty Ltd, the company engaged to undertake the studies and who was the principal author of the reports, submitted a written expert witness statement and presented at the Hearing.

1.3 Procedural issues

There were two sets of Directions for this matter. The first came from the Directions Hearing on 10 September 2020. This Hearing dealt with arrangements about the submissions and the manner of dealing with them as well as arrangements for the supply and distribution of information to assist all parties understand the issues. In addition, the Panel directed the Council to confer with submitter 11 to attempt to narrow the grounds of concern.

The second set of Directions was issued on 13 November 2020 to reorganise the Hearing to be held on-line after it was clear a face-to-face hearing was not possible under the Covid 19 restrictions. The Panel also cancelled the scheduled accompanied inspection that would have been part of the Hearing. An unaccompanied inspection took place on 18 November 2020.

The Panel notes that all Directions were satisfied.

1.4 Summary of issues raised in submissions

(i) Planning Authority and the Proponent

With the Council and the NCCMA working together, the Amendment is presented as a critical step in improving the planning controls on land that is prone to flooding. The Council and the NCCMA aim to create a system whereby landowners are better protected from flood

waters. They aim to do this by using the 2013 and 2014 flood studies to identify land subject to flooding and to apply either the FO or the LSIO as the appropriate overlay to the land. The Council also proposes a range of works to mitigate the impacts of flooding including the construction of levees.

Sitting behind the response lies the Carisbrook Flood and Drainage Management Plan 2013 and the Dunolly Flood Management Plan 2014 that are proposed to be included as Background documents in the planning scheme. These studies were commissioned by the Council and the NCCMA. Progressively, the work by Water Technology Pty Ltd was subject to peer review on the methodology, the findings, the extent of the overlay controls and the recommended mitigation works. The Panel was provided with copies of detailed background documents as listed in this report at Appendix 1 as tabled documents, to confirm the past work and to substantiate the suite of controls in the Amendment. The flood studies underpin the Council's approach.

(ii) Relevant agencies

Parts of the territory covered by the Amendment are near to the boundaries of areas of responsibility of other water authorities. They include:

- Coliban Water;
- Central Highlands Water;
- Goulburn Murray Water.

The Panel notes supporting submissions were lodged from these key agencies as well as the Environment Protection Authority.

The support of other water authorities is relevant.

(iii) Individual submitters or groups of submitters

Seven submissions were made by landowners split as one for Dunolly and six for Carisbrook.

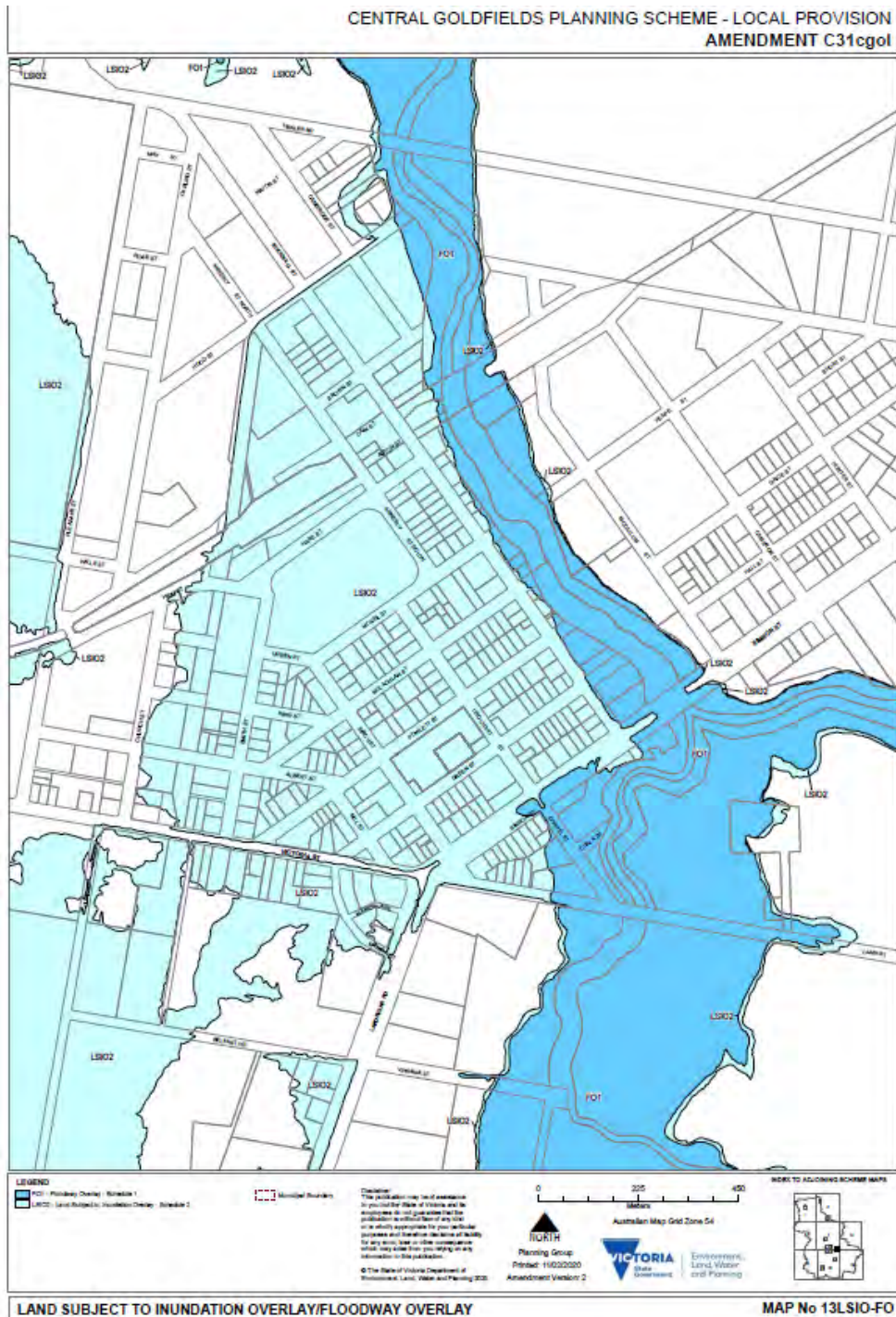
At Dunolly, the submitter was concerned with the accuracy of mapping. After consideration of the submission, and upon agreement between the Council and the NCCMA to exclude the property at 40 Pierce Hill Road from the Amendment, the submission was withdrawn. This was because recently completed flood mitigation works will improve drainage such that there is no longer a need to include a flood related overlay over the site and surrounding location. The Panel was asked to accept that an updated map would be prepared prior to adoption of the Amendment.

At Carisbrook, the issues ranged from:

- concerns at the methodology behind the flood studies were expressed in submissions that argued the work was technical and did not include field studies of the flooded areas in 2010 and 2011;
- concern at the accuracy and extent of the mapping;
- opposition to the inclusion of property on the basis that the particular land does not flood;
- doubt about the effect and form of the proposed flood mitigation works.

Figure 2 shows the extent of the LSIO and FO as proposed for most of the township area of Carisbrook. While not showing all of the township, the map does cover the properties of submitters 4 and 6 and illustrates the breadth of overlay boundaries of interest to submitter 11.

Figure 2 Map 13 as exhibited showing the LSIO and FO for (most of) Carisbrook



One submission (submission 1) was withdrawn by the landowner after the Council and the NCCMA explained why the property at 21 Bucknall Street, Carisbrook was included in the LSIO.

Two submitters (submissions 2 and 3) did not seek to present at the Hearing but relied on their submissions to critique the way the Carisbrook flood study was done and to say poor flood plain maintenance was a cause of flooding.

Submitter 4 lodged an alternative plan for the FO proposed for the land at 33 McCallum Street to reduce the extent of the overlay on his assessment of the spread of flood waters.

Submitter 6 opposed the Amendment. While opposing the LSIO on the property at 9 Bucknall Street, the core submission was to *“get the mitigation work done first and then amend the planning maps”*.

Submitter 11 was a combined submission from long time residents of Carisbrook with the interests of the town at the fore. As long time residents with experience in the flood events and with knowledge of how Carisbrook fared in the 2010 and 2011 events, they argued against the Amendment on the basis it would not mitigate flood impacts.

The Council referred all the landowner submissions to the NCCMA for review and comment, and to establish the strength of submission statements. The advice from the NCCMA shaped Council’s response to the submissions. The Council submitted:

- other than for Pierce Hill Road Dunolly, no changes be made as the mapping is accurate and evidence based;
- any changes to flood risk as a result of current and future mitigation works can be reviewed by a subsequent assessment and a future amendment can make changes to the planning controls if warranted.

1.5 The Panel’s approach

In the Directions first issued, the Panel sought to narrow the areas of disagreement with the group submitters, submission 11. The goal was to better understand why the submitter did *“not agree with the flood mapping drawn up for Carisbrook”*, why other nominated properties should be in the overlays and the reason why the submitter wanted to postpone the Amendment until after completion of the western levee now under construction.

The Panel was informed by the Council, and the submitters who met on 6 November 2020 and presented additional notes to add these points:

- 1990’s Carisbrook Reservoir works have increased overland flooding;
- poultry farms and other development in Flagstaff have increased overland flooding;
- the Cemetery, School, Mill and Leisure Centre should be included in LSIO2.

The Panel has been assisted by the depth of material provided to it. While a one-day inspection of Carisbrook armed with submissions and reports does not substitute for many years of living in Carisbrook or observations of past flood events, the Panel was able to assess all the points made by all the Carisbrook submitters, whether they presented or not.

From the inspection, the Panel formed a view of the relative merits of the pros and cons of the mitigation works, the maintenance of public spaces that could improve overland flows and the overlays as proposed.

The same circumstance applied for the inspection at Dunolly albeit the main purpose there was to confirm the proposed change to the Amendment.

The Panel was also assisted by Council’s Part A and Part B submissions and the manner of the presentations at the Hearing. The evidence statement of Mr Tate for the Council and the NCCMA complemented and expanded on the flood studies. His participation throughout the Hearing helped the Panel and the submitters.

The sincerity of the submitters and their earnestness for the best outcome for Carisbrook is obvious. As this report discusses in section 3.4 iii, the facts of the consultation programme behind the flood studies and their translation to planning controls, go against the negative submissions on that point. So too does the depth and manner of analysis in the flood studies,

the speedy and positive responses to suggested improvements to subsequent versions of the studies, as well as the endorsement of the recommendations for actions by third party reviewers.

This Report deals with the issues under the following two additional headings:

- Planning context
- Submitter issues.

2 Planning context

2.1 Planning policy framework

The Explanatory Report explained the purpose of the Amendment and the land areas affected by the new flood controls. It set out the necessary strategic justification for the Amendment.

In its Part B submission to the Hearing, Council expanded on how it saw the Amendment supporting and implementing the State and local legislative frameworks, Ministerial Directions and Planning Practice Notes. Each of those three aspects is central to the Panel's consideration of how the Amendment responds to strategic planning policy, the selection and use of appropriate overlays, and the technical aspects of the problem being addressed.

The Part B submission:

- examined relevant elements of State and Local Policies to conclude the Amendment met the necessary aspects of policy;
- dealt with technical considerations that sit behind the new controls that make up the Amendment relying on the review of the flood events and the expert advice in the flood studies, as well as the recommendations for mitigation works;
- reviewed and concluded the Amendment complied with all the relevant Ministerial Direction and Planning Practice notes about the selection of the overlays to be used in an Amendment of this nature.

The information submitted confirmed that the Council has:

- addressed State Policy in the preparation of the Amendment;
- responded to its own Local Policy;
- considered relevant other policies including the Loddon Mallee South regional Growth Plan (March 2014);
- complied with Ministerial Directions on matters including the form and content of the planning scheme;
- complied with relevant Planning Practice Notes including, and importantly, on the selection and use of overlays;
- processed the Amendment and dealt with submissions as required by the Planning & Environment Act (the Act).

The Panel is satisfied the Amendment has the necessary strategic planning support and justification. There is no question that State and Local Planning policy support action to avoid and minimise flooding. In this instance, however, the Panel sees planning policy support as secondary to taking action to better protect the townships of Dunolly and Carisbrook, as well as many rural properties, from the effects of future flooding that will inevitably occur.

2.2 Planning scheme provisions

Council's Part A submission spelt out the specific changes to the planning scheme.

The exhibited ordinance changes include:

- amending Clause 21.09 of Municipal Strategic Statement to highlight the importance of managing development within land in the Land Subject to Inundations Overlay and discouraging development on land in the FO in the townships of Carisbrook and Dunolly;

- inserting Clause 44.03 (Floodway Overlay) into the planning scheme;
- inserting Schedule 1 to Clause 44.03 (Floodway Overlay) to identify properties that experience flooding greater than 500 millimetres flood depth and provide permit exemptions;
- amending the Schedule to Clause 44.04 (Land Subject to Inundation Overlay) to identify it as Schedule 1 to the LSIO;
- inserting Schedule 2 to Clause 44.04 (Land Subject to Inundation Overlay) to identify properties that experience flooding less than 500 millimetres flood depth and provide permit exemptions;
- amending Clause 72.08 to include the Carisbrook Flood and Drainage Management Plan 2013 and the Dunolly Flood Management Plan 2014 as Background documents in the planning scheme.

The exhibited mapping changes:

- amend the following new overlay maps 4LSIO-FO, 5LSIO-FO, 7LSIO-FO, 13LSIO-FO, 14LSIO-FO, 16LSIO-FO, 19LSIO-FO and 20LSIO-FO.

In its Part A and Part B submissions, Council explained changes to the exhibited form of the Amendment. In addition, Council advised that it wished to correct an omission from the planning scheme and a wording error as explained below in section 2.3.

2.3 Changes to the exhibited Amendment

At paragraph 164 and onwards in its Part B submission, Council sought the following changes to the Amendment:

- revised mapping for land in Dunolly where flood mitigation works have reduced flood risk (this was discussed at paragraph 166);
- changes to the exhibited amendment local planning policies and provisions (this was discussed at paragraph 168);
- changes to the exhibited amendment MPS (this was discussed at paragraph 170);
- inclusion of formally adopting the Carisbrook and Dunolly flood studies (the Plans) at the future Council meeting where the Planning Panel Report is presented (this was discussed at paragraphs 172 to 176).

Each of those issues is discussed in section 2.4 and the particulars of the changes are set out at paragraph 70 of Council's Part B submission at paragraphs 164 and 168.

At paragraph 70, Council submitted that there was an inadvertent omission of reference to the LSIO in Clause 74.01 that occurred with the processing of Amendment C32cgol. Council identified that an " *error identified in Amendment C32cgol is that the Land Subject to Inundation (LSIO) was not added to the Schedule to Clause 74.01 Application of Zone Overlays and Provisions*". That omission is sought to be corrected under this Amendment.

The need to correct the wording error in Schedule 74.01 comes because of ordinance changes to the planning scheme and arises upon the recent approval of Amendment C32cgol on 10 September 2020, which, as required by DELWP, reformatted the planning scheme.

At paragraph 168, Council submitted:

The PPF Translation has effectively implemented the identification of flood risk in the local planning policies and provisions. Council seeks to change to the exhibited Amendment C31cgol as follows:

- Local Policy

- No change
- Schedule to Clause 74.02 Further Strategic Work
 - No change
- Schedule to Clause 74.01 Application of Zone, Overlays and Provisions
 - Insert “The Floodway Overlay to cover areas identified from detailed flood studies as having a higher risk of flooding or the entire 10% Annual Exceedance Probability flood extent where a detailed flood study has not been undertaken.
 - The Land Subject to Inundation Overlay to cover areas identified as having a lower risk of flooding or the entire 1% Annual Exceedance Probability flood extent where a detailed flood study has not been undertaken.”

2.4 Discussion

No submissions were made to the direction or content of any of Council’s proposed changes. Though there was criticism of the extent of the application of the overlays, and impliedly the depth of flow that leads to the choosing of the FO and the LSIO, there was no contest about the use of the FO or the LSIO.

There was no challenge to the breadth of exemptions from the need for a permit under the proposed Schedule 2 to the LSIO.

There were no submissions about the changes to the policy provisions which are machinery, or the correction of the inadvertent omission.

The lack of submissions is understandable. All parties accept the need for better planning controls. All submitters accepted the extent of the controls. All submitters accepted the form of the controls with the overlays despite their reservations about the extent of overland flows.

(i) Dunolly mapping

Change number one sought by Council sought to replace the exhibited LSIO/FO at map 5 with a map revised to accommodate the recent flood mitigation works have that reduced flood risk. No revised map was provided to demonstrate this agreed change to the area of Pierce Hill Road, Dunolly.

Council has requested that the Panel recommend the adoption of the variation. This approach was flagged and accepted by Council at its meeting on 25 August 2020 where it considered and adopted the response to submissions. At that meeting, an attachment to the report showed a map to demonstrate the change. That map is reproduced (Figure 3). The Panel notes the map is the same as presented at the Hearing as Figure 17 in Council’s Part B submission.

Figure 3 Proposed replacement map for Dunolly



The Panel accepts this approach. It will allow Council time to have the relevant map prepared and included in the Amendment for adoption. The Panel recommends adoption of an LSIO2 map in the form proposed by Council.

(ii) Changes to local policy in the planning scheme

Change number two sought by Council means not pursuing the exhibited proposal. Whereas the exhibited Amendment proposed “amending Clause 21.09 of Municipal Strategic Statement to highlight the importance of managing development within land in the Land Subject to Inundations Overlay and discouraging development on land in the Floodway Overlay in the townships of Carisbrook and Dunolly”, no change is now proposed. This is because, upon approval of Amendment C32cgo, the Schedule to Clause 74.02 Further Strategic Work now has a suitable strategy - “Identify flood prone areas and implement adopted flood mitigation studies”.

There are two elements to change number three sought.

The first part involves a change to the Schedule to Clause 74.01 Application of Zone, Overlays and Provisions to include explanatory words about the application of the FO and the LSIO as identified in section 2.3. The Panel accepts that this proposal is proposed to satisfy the requirement of Clause 74 where a schedule to the Clause must include a general explanation of the relationship between the elements of the planning scheme and the controls on the use and development of land in the scheme. The Panel also accepts that the change is policy neutral.

The second element of the proposed change is to not pursue the intended amendment to the Municipal Planning Statement (MPS). This is because dot point 3 in Clause 02.03-3, Environmental risks and amenity, now has an action for Council of “*Minimising the risk of flooding*”.

(iii) Adopting the flood studies

The Amendment includes the flood studies, the Carisbrook Flood and Drainage Management Plan 2013 and the Dunolly Flood Management Plan 2014 (together referred to in this report as the Plans), as Background documents in the planning scheme. The effect of the Amendment is to replace the existing schedule with one that refers to those Plans.

With the status as Background documents in the planning scheme, the Plans can be considered in the assessment of planning permit applications for land use activities and for buildings and works proposals triggered by the overlays. Taking the positive line, when the Amendment is approved, the Plans will become part of the planning scheme. The Council sought a recommendation that it should take the administrative step of adopting the Plans before it moves to adopt the Amendment. The Panel’s role is to recommend inclusion or otherwise of the Plans in Clause 72.08. The Panel recommends that. However, the Panel does not see it necessary for it to make a recommendation for the formal adoption of the Plans; the Panel sees that as a decision for Council.

During the presentation of his written evidence, Mr Tate sought a correction to table 6.2 in his statement. The table was used to produce an assessment of design flood extents on the Tullaroop Creek. It brought together the discussion in the written evidence statement about how the flood modelling took various factors into account to produce a design approach. Mr Tate drew attention to an incorrect assessment of rainfall that affected peak flow figures in the table. After explaining that the error had no real consequence to his conclusions, he offered to provide a corrected table.

At the time of reporting, the table has not been received by the Panel. The Panel regards this as an oversight but not one that condemns the Amendment. The Panel accepted the explanation for the revision of the table during the presentation of the evidence. Receipt of a revised table is no more than confirmation the correction is made.

As the Carisbrook Flood and Drainage Management Plan 2013 is to be included in the planning scheme, it is therefore important that it be a complete report. For that reason, the revised table is relevant. The Panel suggests the Council should include a true copy in the report before adopting the Amendment.

To ensure the report is otherwise as presented to the Panel, and therefore the same as viewed by ratepayers, the Panel suggests the Council requires that Mr Tate include a note in the front of the report along the lines that table 6.2 has been substituted but that in all other respects, the report is as considered during the processing of the Amendment.

2.5 Conclusions

Strategic planning support

The Panel is satisfied the Amendment has the necessary strategic planning support. There is no question that State and Local Planning policy support action to avoid and minimise flooding or any doubt that the Amendment meets any process test.

Changing the Dunolly mapping

The Panel accepts the approach to respond to the late agreement to vary the Dunolly mapping by preparing a map, in the form included here as Figure 2, before the Amendment is adopted.

Post exhibition changes to the Amendment

The Panel accepts the post exhibition changes to the Amendment; including making no change to the MPS or to the Schedule to Clause 74.01.

The adoption of the proposed change to Clause 72.08 is accepted. Including the Plans in the planning scheme is an appropriate way to record the understanding of the 2010 and 2011 flood events and for the translation to planning controls.

Administrative actions

The Panel leaves the course of action about adoption of the Plans to the Council on the basis that is an administrative action. While it makes sense to take that course, it is not essential for planning purposes.

Similarly, the Panel points to the intended replacement of table 2 in the evidence statement of Mr Tate as an administrative action. For transparency, the Panel suggests a note to record the report has been revised be included in the front of the document.

Overall conclusions

For the reasons set out, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State policy in the Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues as discussed.

While noting that support, the bottom line in this instance is the Panel considers satisfying planning policy as less important than the practical steps to take action to better protect the townships of Dunolly, Carisbrook and numerous rural properties, from the effects of future flooding that will inevitably occur.

The Amendment and the post exhibition changes require recommendations from the Panel to allow the planning authority to adopt them as part of the Amendment. Each of the changes was well advertised and covered in submissions; the changes follow as a step in the amendment process. The Panel has no issue with any of the changes now proposed.

2.6 Recommendations

The Panel recommends that the Amendment be adopted with changes as discussed at the Hearing. The Panel recommends the Amendment proceed subject to the following:

1. **Amend Clause 21.09 of Municipal Strategic Statement to highlight the importance of managing development within land in the Land Subject to Inundation Overlay and discouraging development on land in the Floodway Overlay in the townships of Carisbrook and Dunolly.**
2. **Insert Clause 44.03 (Floodway Overlay) into the planning scheme.**
3. **Insert Schedule 1 to Clause 44.03 (Floodway Overlay) to identify properties that experience flooding greater than 500 millimetres flood depth and provide permit exemptions.**
4. **Amend the Schedule to Clause 44.04 (Land Subject to Inundation Overlay) to identify it as Schedule 1 to the Land Subject to Inundation Overlay.**
5. **Insert Schedule 2 to Clause 44.04 (Land Subject to Inundation Overlay) to identify properties that experience flooding less than 500 millimetres flood depth and provide permit exemptions.**
6. **Amend Clause 72.08 to include the Carisbrook Flood and Drainage Management Plan 2013 and the Dunolly Flood Management Plan 2014 as Background documents.**
7. **Amend Schedule to Clause 74.01 Application of Zone, Overlays and Provisions, to include reference to the Floodway Overlay and the Land Subject to Inundation Overlay as follows:**
 - a) **The Floodway Overlay to cover areas identified from detailed flood studies as having a higher risk of flooding or the entire 10 per cent Annual Exceedance Probability flood extent where a detailed flood study has not been undertaken.**
 - b) **The Land Subject to Inundation Overlay to cover areas identified as having a lower risk of flooding or the entire 1 per cent Annual Exceedance Probability flood extent where a detailed flood study has not been undertaken.**
8. **Adopt the following new overlay maps 4LSIO-FO, 5LSIO-FO, 7LSIO-FO, 14LSIO-FO, 16LSIO-FO, 19LSIO-FO and 20LSIO-FO.**
9. **Amend Map 13LSIO-FO as identified in Figure 17 of Council's Part B submission (see Figure 3 in this report).**

3 Submitter issues

3.1 The issues

Only seven submissions from landowners were made on the Amendment. Two of them were withdrawn after consultation with Council and the NCCMA.

The Council made the point that this was a low number given the number of properties within the areas affected by it. That is a logical and easy conclusion to draw with 911 properties affected. The Panel agrees. However, the number does not represent the true number of people who engaged in the public consultation that occurred over time nor does it detract from the extent of feeling expressed in the submissions.

As there were no issues to be heard for Dunolly, the Hearing concentrated on three submissions about Carisbrook:

- from Mr Barry Rinaldi who sought a reduction of the extent of the FO on his property at 33 McCallum Street;
- from Mr Terry Hodgkins of 9 Bucknall Street who sought relief from the LSIO and submitted that the Amendment should be put on hold until the mitigation works associated with the western levee are completed;
- from Ms Trish Coutts, Mr Keith McLeish and Ms Helen Broad, as joint submitters of a statement of general concern with the Carisbrook Plan. The submission followed their participation during the consultation phase of the studies. Ms Coutts and Mr McLeish expressed their concern through a presentation at the Hearing about what they saw as the deficiencies of the Carisbrook Plan.

Council referred all landowner submissions to the NCCMA for review and advice, particularly about the accuracy of mapping. In addition, the unresolved submissions were referred to Mr Tate for his assessment and comment to the Panel.

Council's Part B submission and the expert witness statement commented on the submissions. The comments are used in this section of the report to discuss the submissions from the three presenters.

3.2 Particular submissions

(i) Submitter 4: land at 33 McCallum Street Carisbrook

Mr Rinaldi was unable to participate in the Hearing. Nevertheless, his submission was thoroughly considered.

As exhibited, the Amendment varies the current LSIO that applies and replaces it with a FO. In answer to a request from the Panel, the NCCMA advised that 0.3 hectares of the 2.4 hectare property is covered by the LSIO. The area to be covered by overlays through the Amendment is 1.32 hectares.

The subject property abuts the floodway along the Tullaroop Creek where there is a broad, open expanse that accommodates excess flow from the Creek. Mr Rinaldi submitted that if the water level reached the extent of the FO as proposed on his land, the township would be 7 metres under water.

Mr Rinaldi's submission included a map, reproduced (Figure 4) to show how he believed the overlays should be applied. The black line in the map is his alternative border.

Figure 4 Mr Rinaldi’s alternative overlay map for 33 McCallum Street, Carisbrook



In response, Council noted¹ the subject site is partly constrained by the LSIO and advised the Panel it “relied on the recommendations of the Flood Management Plan and post submission comments from the NCCMA, and is of the view that the proposed overlays be adopted as exhibited for this land”

This response was repeated with more detail in the presentation at the Hearing. Council presented photos to demonstrate the extent of the flood level in 2011, which, it said, disproved Mr Rinaldi’s point. Those photos are reproduced in Figures 5, 6 and 7.

¹ Part A submission page 24.

Figure 5 Proposed mapping 33 McCallum Street, Carisbrook



Figure 6 Aerial photo 1 of Carisbrook taken on 14 January 2011



Figure 7 Aerial photo 2 of Carisbrook taken on 14 January 2011



Mr Tate advised the Panel that his interpretation of aerial flood imagery from January 2011 indicated that flooding on the subject property covered a wider area than that suggested by Mr Rinaldi. Mr Tate advised that given that the flood extents are based on LiDAR data which accurately represents the land surface, and that the calibration of the flood model was accepted by the community as a good match, it is expected that the flood extents in this area will be reasonably accurate. He supported the Council and the NCCMA who recommended the proposed overlays be adopted as exhibited for the subject land.

(ii) Submitter 6: land at 9 Bucknall Street Carisbrook

Mr Hodgkins owns the land at 9 Bucknall Street. In his submission he describes the shop front of the building on the land, the former Crook's Butcher Shop, as well over 150 years old. He relied on the condition of the rear mud brick section of the building, which he says, while conceding flood flows in 2011, would have shown adverse effects if the site had frequently flooded. Mr Hodgkins relied on this situation to rebut a history of flooding. He said the subject site should be free of an overlay.

Mr Hodgkins also submitted that the Amendment should be put on hold until the mitigation works associated with the western levee are completed.

In his presentation at the Hearing, Mr Hodgkins tabled data from Goulburn Murray Water about rainfall at the time of the 2010 and 2011 events to support his argument that the 2010 event had a causal effect on the severity of the 2011 event. His submission was that the impact of the floods would be reduced by more and better maintenance of public facilities including culverts, drains and gutters.

At paragraph 16 of the Part B submission, Council gave credence to Mr Hodgkins' data. Council advised:

The January 2011 flood event had devastating impacts to the town with 298 of the town's 330 residential properties impacted. The flooding was the worst in living memory and occurred after heavy rains of 230mm fell in the days preceding 14 January 2011. It is estimated that the January 2011 flood event was larger than a 1% Annual Exceedance Probability (AEP) flood event, being in the order of a 135 year ARI flood event.

In response to the submission, Council provided images of the subject property which are reproduced in this report at Figures 8 and 9.

Figure 8 shows the extent of the current LSIO that applies to the subject site as well as the increased overlay boundary.

Figure 8 Current overlay extent at 9 Bucknall Street, Carisbrook

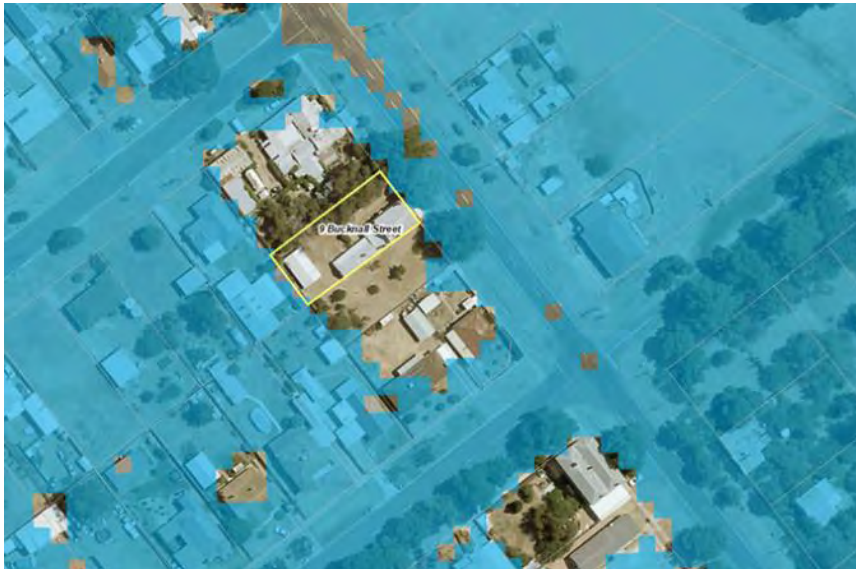


The Part B submission at paragraph 92 onwards explained the approach taken to deal with land that is outside the boundary of a 1 per cent AEP flood but which would be denied access in the event surrounding areas were flooded. The submission stated:

92. The amendment proposes to change the CGPS mapping whereby the LSIO applies to all land that may be affected by the 1% AEP flood – either directly through flood inundation upon the land or indirectly by access to the site impeded by flooding. This means that areas, or islands, of elevated land bound by the LSIO have been added to the LSIO despite not being within the 1% AEP flood area. This is to reflect that the land bound by the LSIO is at risk from flooding, due to access being impeded by flooding.
93. The Planning Practice Note 12: Applying the Flood Provisions in Planning Schemes, a Guide for Councils – June 2012 provides guidance about applying the flood provisions in planning schemes. The practice note explains that flood risk is identified by factors considering land use, duration of flooding, available flood warning time, size and frequency of flood, rate of rise of floodwater, access and evacuation, depth and velocity of floodwater, available flood storage capacity and environmental values. Each of the flood risk factors determine whether the site should be included in a floodway (and constrained by an overlay) (pg. 3).
94. In Bucknall Street there are six “islands”, i.e. land above the 1% AEP flood area that have been included within the proposed LSIO. Figure 2² below shows the location of these islands. Whilst the land within these islands is technically not subject to flooding in a 1% AEP flood, the land is entirely isolated during a flood event. In addition, the land levels are less than 300mm above the 1% AEP flood level. Therefore, to ensure that new development adequately considers flood risk, these areas are proposed to be included within the LSIO.

Mr Hodgkins’ property is captured by that approach. This is demonstrated in Figure 9 which is a Council and NCCMA image of the 1 per cent AEP flood extent on the subject site.

Figure 9 9 Bucknall Street in a 1:100 flood event



At paragraph 127 of its Part B submission, Council advised:

It is important to note that this property does not benefit from the proposed mitigation works from the completion of Stage 4 of the Western Levee. The mitigation works address overland flooding from the local catchment, not riverine flooding from McCallums and Tullaroop Creek. The area surrounding the property will still be subject to inundation in the 1% AEP flood event and still be covered by an overlay.

The expert evidence of Mr Tate was that the January 2011 event is one of, if not the largest flood event experienced since the Hodgkins building was constructed. Mr Tate argued that because the building is mud brick and is still standing does not provide any credible evidence

² Figure 2 in the Part B submission is not included in this report.

that the flood study has understated the likelihood of the January 2011 event or the design 1 per cent AEP event.

Mr Tate also pointed out that properties in Bucknall Street do not benefit totally from the western levee now under construction. It will have a beneficial effect but will not solve all flood problems. This is supported by a statement in the 2013 Review of Carisbrook Flood and Drainage Management Plan - Final Study Report by peer review consultants AECOM, at section 5.3 Revised Mitigation Packages, where the consultant warned:

- l) The focus of the preferred mitigation option is 'protection' from flooding of the local catchments. The proposed Western Levee will not reduce flood levels in Tullaroop Creek or prevent flooding of Carisbrook caused by the break out of flow from Tullaroop Creek.

The Council relied on the NCCMA review of the mapping to submit that the proposed overlays be adopted as exhibited for the subject land.

(iii) Submitter 11: general submission from residents

As summarised in section 1.4, submitter 11 was a combined submission from long time residents of Carisbrook with the interests of the town to the fore. Ms Coutts, Mr McLeish and Ms Broad are residents with experience in flood events and with knowledge of how Carisbrook fared in the 2010 and 2011 events. In a submission lodged during exhibition, they wrote *"We do not agree with the flood mapping drawn up for Carisbrook"*. In reply to the Council request for further information to better understand the submission, the group:

- submitted that if the Carisbrook township is included in the proposed mapping, other land should be included in the overlays – the submission nominated the Carisbrook Primary School, Tullaroop Leisure Centre and the Chaff Mill;
- questioned the basis of the mapping – saying the process needed to be explained because of doubts about the reason for past flooding and the way it was represented on maps;
- submitted that the planning scheme amendment should not be finalised until the western levee is built – the basis was the levee would change the flow of water such that the exact nature of the flows warranted delay until the benefit of the levee was known;
- blamed the Council breach of the Carisbrook Reservoir as a cause of flooding;
- called for a public meeting to explain the Amendment.

After the Panel directed discussions between the Council and the submitter, the parties met on 6 November, 2020. The Part A submission reported the meeting which:

- affirmed the request for additional property to be included in the mapping;
- sought a commitment that Council immediately progress with a section 20(4) amendment when the western levee is complete to remove from the overlays the land no longer subject to planning controls to identify 1 in 100 year flood risk.

In the presentation to the Hearing, Mr McLeish provided an insight into why flooding spreads over a wide area occurs and how it flows in faster than it flows out. He said the flat topography failed to divert overland flows and blamed inefficient and blocked culverts and channels as well as poorly maintained bridges and railway crossings.

Ms Coutts offered specifics as to why some parts of Carisbrook flooded and other parts did not. She spoke with authority about areas that flooded in 2011 to question why they were omitted from the overlays. She also questioned survey levels on which modelling was based,

doubted the sufficiency of irregular maintenance works and criticised the communication programme for leaving Carisbrook residents uninformed about progress with the studies and the recommended outcomes.

3.3 Evidence on the submissions

In section 8.4 of his evidence statement, Mr Tate gave his response to the submission. In summary, Mr Tate pointed out:

- the mapping is based on the latest 1 per cent AEP flood mapping incorporating the currently completed mitigation works. It does not include the western levee works that have just started construction. Further, the 1 per cent AEP event is much smaller than the January 2011 event, thus the area surrounding the School, Leisure Centre and Chaff Mill are not shown as inundated;
- the reason the School and Chaff Mill are not being included is because they are outside of the 1 per cent AEP flood extent. He said while Ms Coutts is correct that this area was inundated in the January 2011 event, the approach is to limit the overlay boundaries to the 1:100 line;
- since the reservoir was breached as an emergency measure during a past event, the township has experienced two of the largest floods on record in the area. The reason for the inundation of Carisbrook during September 2010 and January 2011 is the magnitude of the storm event, not because of the reservoir breach.

3.4 Discussion

(i) Submitter 4: land at 33 McCallum Street, Carisbrook

It was a dry and sunny day when the Panel inspected the subject site from outside the boundary on the south and west sides. There was running water in the Creek but no obvious way of assessing the accuracy of Mr Rinaldi's submission about past flood levels.

The overlays are to apply to an open expanse at the rear of (Figure 10) and on (Figure 4) Mr Rinaldi's property.

Figure 10 Land behind 33 McCallum Street, Carisbrook



The part of the property affected by the overlay is the rear section of a well-maintained garden area with no obvious building improvements (Figures 11 and 12).

Figure 11 Looking toward 33 McCallum Street, Carisbrook from the south-west



Figure 12 The rear of the property at 33 McCallum Street, Carisbrook



In these circumstances, if Mr Rinaldi is right in his submission and the flood line is not correct, no great imposition will result. At worst, Mr Rinaldi, or any subsequent owner, would have to apply for a planning permit should any buildings or works be proposed in the area of the overlay.

On the basis of the material available to it, the Panel accepts the Council submission and recommends no change to the overlay mapping for 33 McCallum Street.

(ii) Submitter 6: land at 9 Bucknall Street Carisbrook

The Panel notes the subject land is one of six sites in Bucknall Street with the same site conditions (some are shown in Figure 8) and the common approach taken with them. Indeed, submitter 1 withdrew their submission after having the approach explained and understanding that safe access and egress is important. In withdrawing, that submitter wrote *“I do now understand that planning practice requires council to consider factors such as access as well as the probability of actual flooding, when drawing up the overlay.”*

The Panel accepts the approach to the island sites. The conclusion is that no change needs to be made to the mapping for the subject site at 9 Bucknall Street.

(iii) Submitter 11: general submission from residents

The response to the written submissions from the group are outlined in Council's Part A submission with more details in paragraphs 138 to 149 of the Part B submission.

Council advised that it relied on the recommendations of the Flood Management Plan and post submission comments from NCCMA, and is of the view that the proposed overlays be adopted as exhibited.

The Part B submission provided some elaboration. Council submitted (from paragraph 144):

The information behind the Amendment comes from a collection of data sources obtained during the last decade, with continual updating and refining by the NCCMA.

The information includes the Carisbrook Flood and Drainage Management Plan 2013 itself which is a comprehensive technical investigation of flood behaviour for that catchment.

These flood studies show the distribution, extent, levels and velocity of floodwaters across sections of the floodplain for a range of different flood events. This study includes topographic and physical surveys, field surveys, hydrological and hydraulic analysis and involved extension community consultation.

Public consultation

Council disagrees there was a lack of public consultation across the years of the study and the preparation of the Amendment.

The Panel agrees the record shows a history of consultation. The Panel notes for example:

- references in the Council submissions to the consultation programme;
- statements by Mr Tate about the extent of consultation;
- two question and answer brochures prepared and distributed by the Council about progress with the studies (these are listed as tabled documents to this report);
- references in expert reports to consultation. For example, in the 2018 Carisbrook Flood Study Review by the peer review consultant Jacobs Group (Australia) Pty Limited, at section 5.13 under the heading 'Community consultation', the report stated:

The Carisbrook community was heavily involved in the development of the Flood Plan and there is value in reengaging with the community to disseminate information regarding the process of the Plan and future actions. This action should occur as a result of this review once the way forward has been agreed.

Correcting this Amendment

Council affirmed its position that once the Stage 4 of the western levee is completed, they will progress the steps required with Department of Environment, Land, Water and Planning (DELWP) to complete an amendment under section 20(4) of the Act. The caveat with this 'commitment' is that the timing is dependent upon the completion of the western levee. However, the last stages of the project are yet to be funded and funding is some time away (the Council estimates that to be two years).

In answer to a question from the Panel, Council advised that positive discussions had been held with officers at DELWP about the scope of a correcting amendment satisfying the principles of a section 20(4) amendment.

The key message from the submitters, which the Council accepts, is that the outcomes need to be assessed and speedy action needs to be taken where warranted.

Maintenance of public assets

Both submitter 6 and submitter 11, along with submitter 2 who did not present at the Hearing, questioned the maintenance of public assets as a way of clearing flow paths.

In answer to a question from the Panel, Council advised that it undertakes maintenance works in and around public assets but does not have a programme of routine works. Past works were listed in Mr Tate's evidence at section 6.2.3, under a heading Changes in Floodplain Since Study. There he listed a series of works that he says "*have been completed which has slightly altered flood behaviour*". The works include:

- a clean out of bluestone drains;
- vegetation removal works along McCallum and Tullaroop Creek between Camp Street and the Railway line;
- construction of Pleasant Street levee north of the railway line and other works in the street;
- several drainage upgrades around town that will impact local flows in storm events, **but which, he states, are unlikely to have major impacts on larger magnitude events.**

(Panel emphasis)

The Panel notes Mr Tate's further advice in his evidence (at section 8.5) that vegetation removal works along the (Tullaroop) creek have been constructed and demonstrated to have reduced flood levels.

The Panel sees these statements from Mr Lane as support for the submissions that the Council should programme works on public assets. It is a matter for Council and not this Panel but works on a more frequent basis, and perhaps seasonally, are likely to assist overland flows.

The Panel accepts Mr Tate's advice emphasised above about the narrow benefit of such works. Mr Tate is supported in that opinion in a peer review report by the consultant AECOM, in a 2013 Review of Carisbrook Flood and Drainage Management Plan - Final Study Report. The consultant warned, at section 5.3:

m) The reliance on 'maintenance of the waterways' to reduce flood levels through the township is not recommended. Based on the information provided in the Final Study Report, it is not possible to determine what these works will include and how they will be implemented and maintained. We do not believe that this is a sustainable mitigation option, and should not be included in any mapping outputs of this investigation that are used for planning or emergency services purposes. The long term viability of this option is questioned.

AECOM further advised:

Maintenance of the waterways is not considered to be a sustainable mitigation option that will protect the town from flooding. The 0.25m reduction in flood levels achieved by changing modelling factors cannot be translated into a technical specification that can be implemented and maintained.

The Panel sees a distinction between the clearing of public assets and the greater task of clearing waterways. While the Panel agrees with the submitters about clearing obstructions from public assets to assist flow paths, the issue has no effect on the passage of the Amendment.

3.5 Conclusion

Whereas submitters 4 and 6 focused on their property, submitter 11 looked at the Amendment for what it meant for Carisbrook. Both approaches are reasonable. The different perspectives caused the Panel to look differently at the thrust of the submissions and to measure them against differing criteria. For example, with the individual property submissions, the Panel has considered the appropriateness of the way the subject sites are being treated apropos sites with similar circumstances. With the general submission by the group of concerned citizens, the Panel has considered the bigger picture and consider the problem the Amendment sets out to solve, and how it achieves the goal.

The Panel has sought to do that for the benefit of the community.

The Panel makes no recommendations for change to the Amendment on the basis of submissions.

While there are matters that can be improved, including communication; actions that can be speeded up, including levee construction and funding future works; and actions that can be taken to better maintain public assets, overall, the Panel concludes that:

- no changes are warranted to the mapping for Carisbrook;
- the submissions are not substantive enough to stop the Amendment from proceeding.

Appendix A Document list

No.	Date	Description	Presented by
1	16 Nov 2020	Part A submission with appendices: <ol style="list-style-type: none"> 1. Officer Report to Council Seeking Authorisation 2. DELWP Letter providing authorisation 3. Officer Report to Council Seeking Minister for Planning to Appoint Planning Panels Victoria including Submission Table as Appendix 4. PPV Letter of Instrument 5. Exhibited Explanatory Report C31cgol 6. Exhibited Instruction Sheet C31cgol 7. Supporting Document - Carisbrook Bushfire Report Response to Clause 13.02 8. Supporting Document - Dunolly Bushfire Report Response to Clause 13.02 9. Exhibited Planning Scheme Maps 10. Carisbrook Flood and Drainage Plan 2013 11. Dunolly Flood Study 2014 12. AECOM report to Carisbrook Flood Study, 2013 13. Water Tech response to AECOM report, 2014 14. Investigation and Design of Carisbrook Flood and Drainage Mitigation Treatments, Preliminary Design Entura 15. Investigation and Design of Carisbrook Flood and Drainage Mitigation Treatments, Preliminary Design Entura 2016 16. Jacobs Review 2017 17. Updated Hydrology and Hydraulic Report, AR&R 2016 and Water Technology 2019 18. Tullaroop Creek Rural Mapping NCCMA 2019 	Council
2	16 Nov 2020	Council information sheets: <ol style="list-style-type: none"> 1. Frequently Asked Questions 2. Info brochure for Carisbrook 3. Info brochure for Dunolly 	Council
3	16 Nov 2020	Site visit itinerary	Council
4	20 Nov 2020	Part B submission	Council
5	20 Nov 2020	Expert witness statement of Mr Ben Tate	Council
6	1 Dec 2020	List of Carisbrook properties affected by overlays	Council and NCCMA

--/20--
C--

SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONE AND OVERLAYS

2.0 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS

--/20--
Proposed
C61

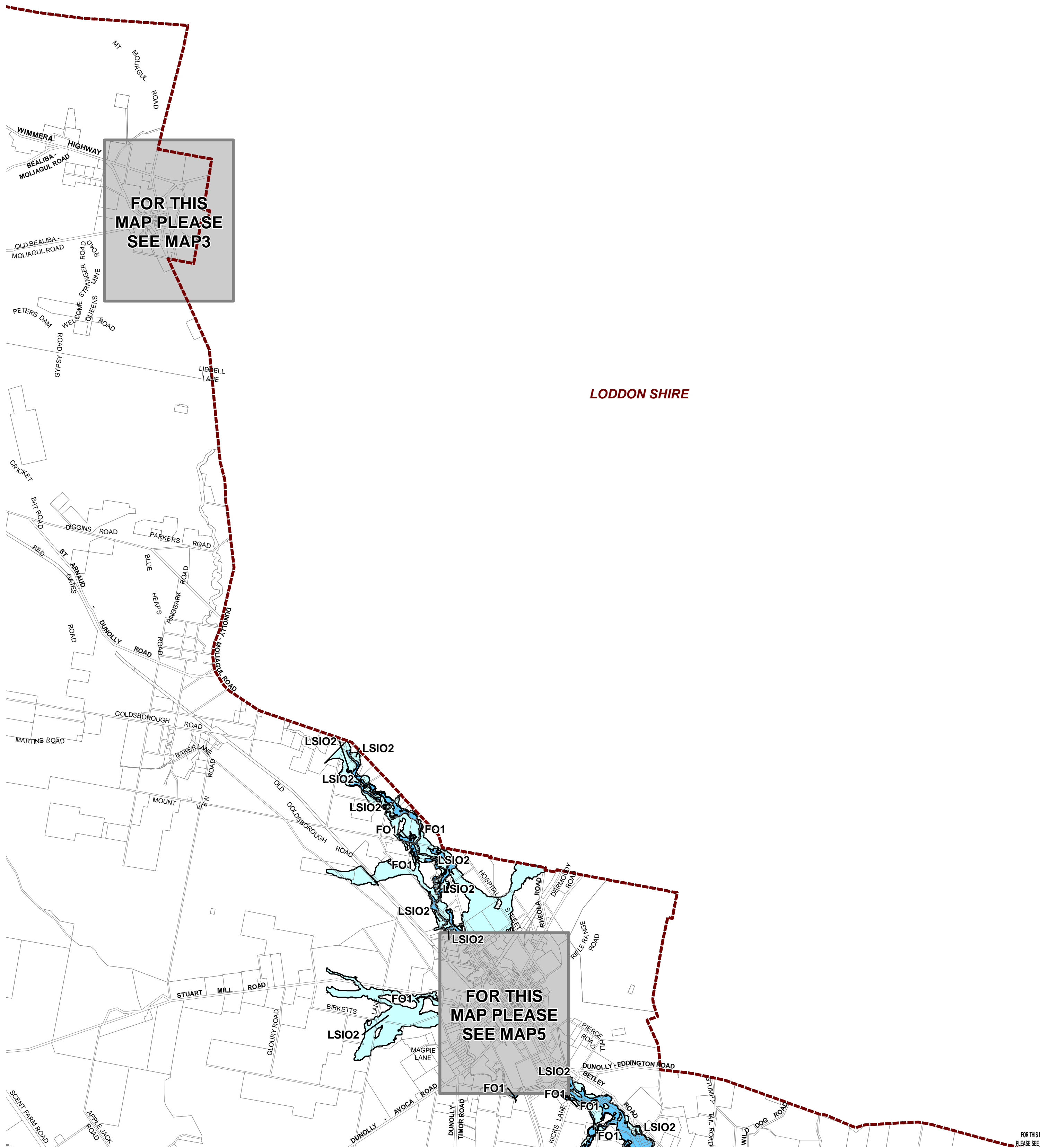
This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

- Residential, commercial and industrial zones for Dunolly and Carisbrook.
- Township Zone to township areas (other than in Dunolly and Carisbrook) to clearly define township boundaries and provide opportunities for industrial and business development.
- Commercial 1 Zone covering the Maryborough Central Business Area.
- Rural Living Zone:
 - At the fringe to the Maryborough urban area.
 - Limited to areas adjacent to urban areas and where the predominant land use is residential and where agriculture is subordinate to the residential land use.
- Rural Conservation Zone covering watercourses and environs and water catchment areas.
- Farming Zone covering the Shires' agricultural areas with a 40 hectare minimum subdivision size for dryland areas.
- Public Conservation and Resource Zone for council owned or managed flora and fauna reserves.

Environmental Significance Overlays to ensure that low density residential and rural living development occurs on land to not adversely impact the.

 - Streamside and watercourses of the Bet Bet Creek, McCallums Creek, Avoca River, Joyces Creek, Deep Creek, Middle Creek and Tullaroop Creek; and water catchments at Lake Cairn Curran and Tullaroop Reservoir (ESO1)
 - Ensure that the odours and operations from facilities are adequately separated from sensitive uses with Air Emissions Buffers, such as the Maryborough Waste Water Plan (ESO2)
- Erosion Management Overlay to areas identified in previous rural land mapping and land capability studies.
- Heritage Overlay to protect heritage precincts and buildings in heritage townships.
- Significant Landscape Overlays for:
 - Landscapes associated with Cairn Curran Reservoir (SLO1)
 - Talbot Volcanic Rises (SLO2)
- Salinity Management Overlay to cover areas identified as being of salinity risk.
- **Floodway Overlay to cover areas identified from detailed flood studies as having a higher risk of flooding or the entire 10 per cent Annual Exceedance Probability flood extent where a detailed flood study has not been undertaken.**
- **Land Subject to Inundation Overlay to cover areas identified as having a lower risk of flooding or the entire 1 per cent Annual Exceedance Probability flood extent where a detailed flood study has not been undertaken.**

CENTRAL GOLDFIELDS PLANNING SCHEME - LOCAL PROVISION AMENDMENT C31cgo1

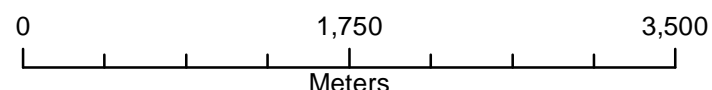


- LEGEND**
- FO1 - Floodway Overlay - Schedule 1
 - LSIO2 - Land Subject to Inundation Overlay - Schedule 2

Municipal Boundary

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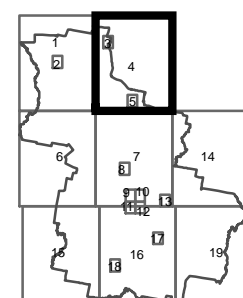
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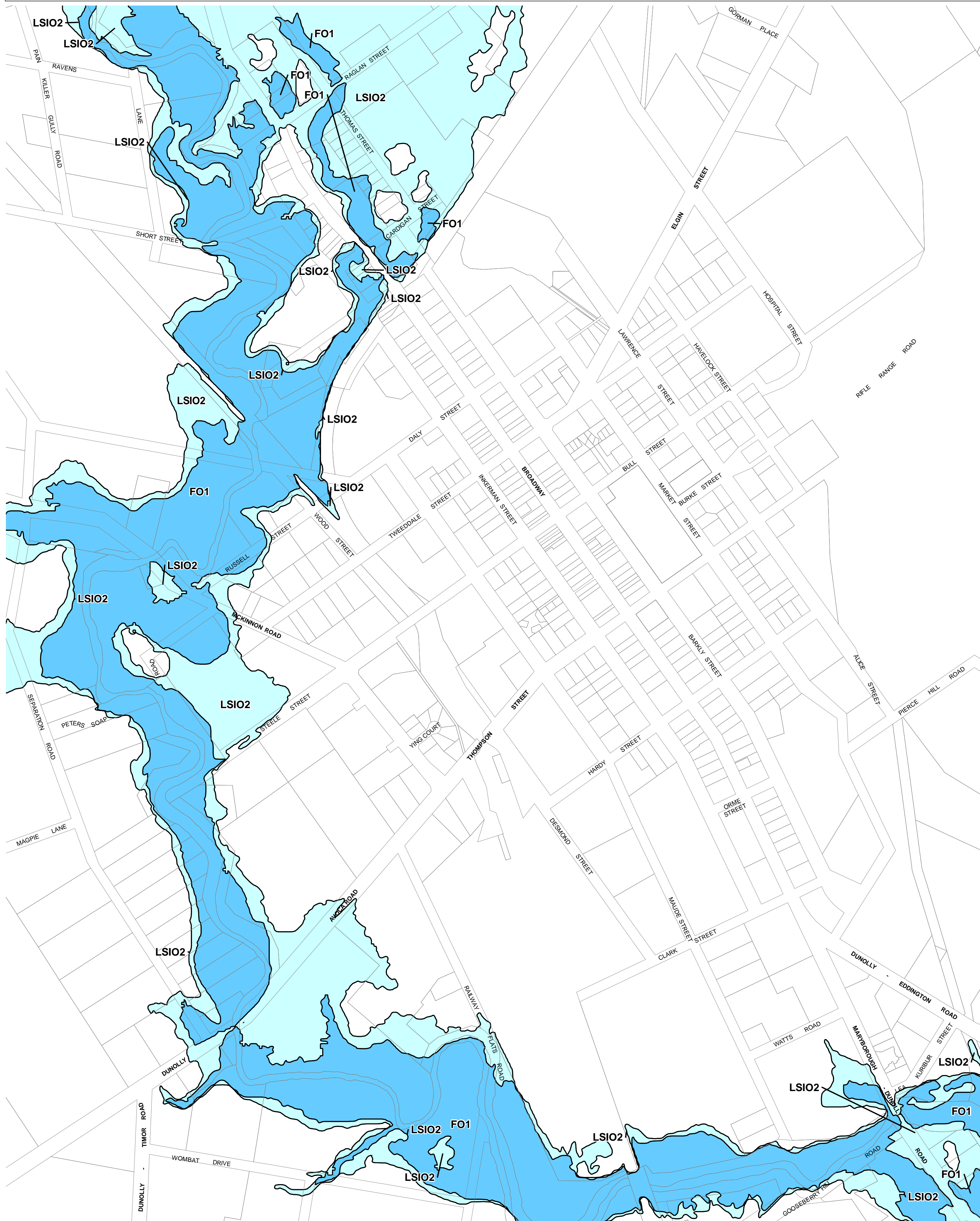
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CENTRAL GOLDFIELDS PLANNING SCHEME - LOCAL PROVISION AMENDMENT C31cgo1

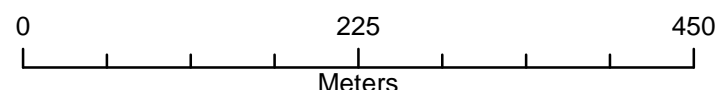


- LEGEND**
- FO1 - Floodway Overlay - Schedule 1
 - LSIO2 - Land Subject to Inundation Overlay - Schedule 2

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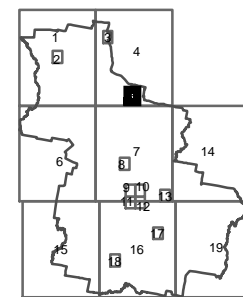
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CENTRAL GOLDFIELDS PLANNING SCHEME - LOCAL PROVISION AMENDMENT C31cgo1

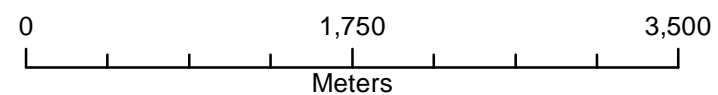


- LEGEND**
- FO1 - Floodway Overlay - Schedule 1
 - LSI01 - Land Subject to Inundation Overlay - Schedule 1
 - LSI02 - Land Subject to Inundation Overlay - Schedule 2



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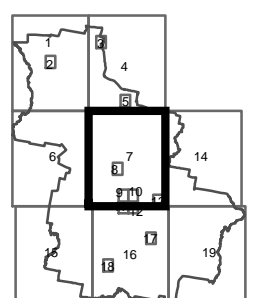


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C031gol Flood Study Amendment in Carisbrook and Dunolly



Frequently Asked Questions

What is the c031gol Flood Study Amendment?

Flooding is a natural process intrinsic to all waterways. Flooding occurs periodically as a result of heavy rainfall within a catchment and is generally defined by the runoff from the storm event exceeding the capacity of the bed and banks of a waterway or local drainage system.

The effects of flooding in Central Goldfields (CG) are magnified by the proximity of urban development to natural or modified creeks and channels resulting in damage to roads, residential, commercial and industrial properties. The impact of overland flow is also significant and causes frequent flooding to a number of properties in Carisbrook.

The current flood controls in the Central Goldfields Planning Scheme (CGPS) are considered to be out of date. Extensive research work has been completed since the flood controls were first implemented. The North Catchment Management Authority (NCCMA) has undertaken the North Central Regional Floodplain Management Strategy 2018-2028. After the floods of 2011-2012, flood studies were conducted in Carisbrook and Dunolly in 2013-2014 (known as the Carisbrook Flood and Drainage Management Plan 2013 and Dunolly Flood Investigation 2014). These studies model the impact of flooding in both townships. In the summary recommendations, both regional Strategy and local flood studies recommend that the planning scheme be updated to reflect the extent of flooding in the updated mapping.

Amendment C031cgol (the Amendment) is the culmination of an extensive body of background work and a consultation process which involved Government agencies, other stakeholders and the wider community. Amendment C031cgol proposes to amend the CGPS to give effect to the Carisbrook and Dunolly Flood Management Plans (the Plans). The Plans were prepared by Water Technology in consultation with the NCCMA and Central Goldfields Shire Council (CGSC).

The area affected by the amendment falls within the McCallums Creek, Tullaroop Creek (known locally as Deep Creek) and the Burnt Creek catchments, and local tributaries and the associated floodplains for these watercourses. It therefore affects flood prone land in Carisbrook and Dunolly which were included in the study area.

The proposed changes to the planning scheme will affect approximately 911 properties, as follows:

- 146 properties are proposed to have the current LSIO removed.
- 10 properties are proposed to have the FO applied.
- 481 properties are proposed to have the LSIO applied.
- 274 properties are proposed to have both the FO and the LSIO applied.

Of the 765 properties that are proposed to have flood controls, 306 properties are proposed to have flood controls applied for the first time.

The amendment has been adopted by Central Goldfields Shire and forward to the Minister for Planning for approval. This amendment will be integrated in the CGPS in mid-2021.

What does an overlay mean?

An overlay is a planning control that indicates where special consideration by Council may be required when building or development is proposed. In this case, the overlay is aimed at addressing the impact of flooding. An overlay controls buildings and works and subdivision. The new overlay may result in a planning permit being required to develop or subdivide land. The process of changing the overlay boundaries and controls has been labelled Central Goldfields Planning Scheme Amendment C031gol.

What is the difference between the LSIO and the FO?

The LSIO is applied to land affected by flooding associated with waterways and open drainage systems. The FO is applied to land at a higher risk of flooding than LSIO land. It is normally where mainstream flooding occurs, where flooding is likely to be deep and flooding occurs most frequently.

What are the flooding overlays based on?

The probability of flood occurring within a year, called the Annual Exceedance Probability (AEP) is an industry standard. The LSIO has a 1% AEP, which means each year the flood level has a 1% chance of occurring (previously referred to as a 1-in-100 year flood). The FO is where the depth of flooding in a 1% AEP exceeds 0.5 meters. The FO generally has a 10% AEP, i.e. each year the flood level has a 10% chance of occurring.

What does it mean for me?

The amendment will only affect you if you have land in one of the proposed overlays. The amendment then only affects you if you want to undertake buildings and works that are not exempt from a planning permit, or subdivide your property. The intent of the amendment is to reduce flood risk, flood impact and property damage by managing future development.

Do all buildings and works need a planning permit?

No. There are a number of exemptions for minor works and where certain conditions are met.

How will this impact building or development within the overlay?

The LSIO and FO do not prevent building or development from occurring. The controls form part of the planning scheme and aim to ensure that flooding issues are addressed early in any building or development process. This is most commonly achieved through requiring raised floor levels within a new building or extension and ensuring development does not divert or obstruct flood waters.

My place hasn't flooded in years, why will it flood in the future?

It cannot be assumed that flooding will not occur simply because there are no recollections of previous flooding at that property. The overlays are based upon scientific modelling and checked for accuracy against flood events that occurred in September 2010 and January 2011.

I am already affected by an LSIO on my property, what will the difference be with this amendment?

The current LSIO already requires a planning permit for buildings, works and subdivision, as only outbuildings under 120m² are exempt. The proposed LSIO Schedule 2 introduces new exemptions from some types of development. If an FO is being applied to your land the regulations around subdivision will change. For example, new (additional) lots are not allowed on land wholly within the FO.

If my property is only partially affected, would I need a permit for buildings or works outside the area covered by the overlay?

The overlay only applies to buildings and works proposed within its boundaries. However, as the boundary follows flood paths across properties, it may not be clear to the property owner whether a permit is required.

It is therefore strongly recommended that landowners seek advice from Council and North Central Catchment Management Authority for any proposed buildings and works on land partially covered by the overlay.

Are options being developed to address the cause of flooding?

The Carisbrook Flood and Drainage Management Plan 2013 recommended a levee to be constructed in Carisbrook to divert the overland flows from the local catchment that frequently inundate parts of Carisbrook. Council is currently undertaking the planning and budget requirements to complete these works.

The structural mitigation works that were identified for Dunolly in the Dunolly Flood Investigation 2014 (levees and contour channel upgrades) have been completed by Council. The proposed overlays for Dunolly reflect these mitigation works.

If I am in a Flood Overlay or Land Subject to Inundation Overlay will my insurance premiums increase?

Insurance premiums are based on the most up-to-date available flood studies rather than planning scheme controls. The insurance industry has its own National Flood database where this information is kept. In many cases insurance premiums will go down due to the availability of more reliable and accurate information. However, in some cases where deep flooding is identified, premiums may go up. For further information go to the Insurance Council of Australia at www.ica.com.au

If I am in a Flood Overlay or Land Subject to Inundation Overlay will my construction costs increase?

It is likely there may be an increase in construction costs to meet any planning permit conditions where a permit is required under the overlay. However, it is likely that these costs would be offset over time as buildings or works would have been constructed in a way that reduces or avoid impacts by flooding.

If I am in a Flood Overlay or Land Subject to Inundation Overlay will this impact the value of my property?

The impact upon individual property prices is unclear. The Flood Overlay does not cause or change the likelihood of flooding on your land. It recognises the existing risk, and improves information transparency. It will appear in planning certificates attached to Section 32 vendor statements when selling a property.

How can I find out if my property is included in the overlay?

The proposed maps associated with the amendment are available on Council's website at <https://www.centralgoldfields.vic.gov.au/Planning-and-Building/Strategic-Planning/Planning-Scheme-Amendments>

For more technical information, the North Central CMA has developed an online mapping tool – Flood Eye – that enables you to obtain a free report that contains flood information specific to your property. <http://www.nccma.vic.gov.au/flood-eye>

What if I want to sell my property?

When you sell your property you are required under the Sale of Land Act 1962 to prepare a Section 32 statement (or known as a Vendor's statement) that includes any information affecting the property. This includes council planning scheme information that will inform the purchaser if there are any zone and overlay controls applying to the property which may restrict the land-use and development of the land.

A Planning Certificate should be obtained online from LANDATA® which provides property titles and certificates. This provides any amendments that have been placed on exhibition and well as current information within the council planning scheme.

What is North Central Catchment Management Authority's role in planning schemes?

North Central CMA is a recommending referral authority in the planning system under Section 55 of the *Planning and Environment Act 1989* and receives applications for subdivisions and other developments within the floodplain. This allows North Central CMA to comment on applications and if necessary, recommend conditions on town planning permits. These ensure that new developments are adequately designed to protect occupants against the risk of future flood events.

Flooding

Who is responsible for Floodplain Management and Stormwater Drainage in Central Goldfields Shire?

North Central CMA is the Floodplain Management Authority by delegation from the Minister responsible for the Water Act 1989. Consequently, North Central CMA is responsible for determining the potential inundation of land from rivers and creeks within the North Central region. Central Goldfields Shire Council is responsible for the provision and maintenance of drainage, levees and the management of any stormwater from its drainage system.

Why does flooding occur in Central Goldfields Shire?

Flooding is a natural process intrinsic to all waterways. Flooding occurs periodically as a result of heavy rainfall within a catchment and is generally defined by the runoff from the storm event exceeding the capacity of the bed and banks of a waterway or local drainage system. The effects of flooding in Central Goldfields are magnified by the proximity of urban development to natural or modified creeks and channels resulting in damage to roads, residential, commercial and industrial properties. Whilst the flow from the local catchment contributed less than 5% of the total flow that impacted upon the township of Carisbrook, the overland flow is significant and causes frequent flooding to a number of properties in Carisbrook.

Where did the funding come from for the Flood Management Plan?

The Flood Management Plans have been jointly funded by the Victorian and Australian Governments under the Natural Disaster Resilience Grants Scheme (NDRGS), and via additional funding provided by Central Goldfields Shire. The North Central Catchment Management Authority (NCCMA) is leading the development of this Plan in partnership with the Central Goldfields Shire. Central Goldfields have taken the lead in implementing the recommendations of the Plan.

What is a Flood Management Plan?

The first stage in managing floodplain risk for a particular catchment involves a flood study, which is a comprehensive technical investigation of flood behaviour for that catchment. These flood studies show the distribution, extent, levels and velocity of floodwaters across sections of the floodplain for a range of different flood events.

Additional investigations undertaken in Dunolly and Carisbrook known as the *Carisbrook Flood and Drainage Management Plan 2013* and the *Dunolly Flood Investigation 2014*. This Planning Scheme Amendment was a recommendation from those flood studies that plan to manage future risk within those areas.

What are the benefits of the Plans?

The mapping produced by the plans will improve future land use planning and development decisions to minimise the risks to the community from flooding. The plans also assist North Central CMA, Council and other emergency response organisations in preparing for and responding to a flood in Central Goldfields Shire. The plans will also assist Council in understanding existing drainage problems and in designing new infrastructure.

What works are proposed as a result of the Plans?

The study is not a mitigation plan, but will assist in further understanding local flood issues, provide information for future investigations into flood mitigation. There is work proposed for an additional levee in Carisbrook. These works will also take into account the completed levee in Carisbrook and Dunolly and additional flood warning devices which are recommendations from the Carisbrook and Dunolly Flood Management Plans.

What is flash flooding?

Flash flooding occurs following intense rainfall with resulting flood levels rising to their peak within a very short time period, typically between 30 minutes and 6 hours. This tends to occur in steep urbanised catchments such as Carisbrook and gives residents very little warning time to prepare.

What is a 1 in 100 year flood?

A 1 in 100 year ARI* flood is a level of flooding that has a 1% chance of occurring in a given year. It is considered to be a very large flood and is used as the minimum design standard for new development in Victoria. If an area experiences a 1 in 100 year flood in a certain year, it does not mean that another 1 in 100 year flood will not occur for another 99 years, it is an average only. The 1 in 100 year flood is technically referred to as the 1% AEP* flood.

* Average Recurrence Interval – is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood event will occur on average once every 100 years.

Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as a reciprocal of ARI (Average Recurrence Interval).

I have recently undertaken development on my land. If flood information has been updated is my development considered safe?

Floodplain management and development assessment is undertaken as part of the planning permit process under the *Planning and Environment Act 1987*. In the Central Goldfields Shire, Council currently utilises the Land Subject to Inundation Overlay to assess development against potential or actual flood risk. Applications are then referred to NCCMA for specialist advice on what development is considered appropriate and any conditions that may apply to the development. Most new development is required to be constructed between 300-600mm above the applicable flood level which is known as the 'freeboard requirement'. This ensures that new development is protected from wave action and also provides an allowance for changes to flood levels and rainfall information over time as a result of advancements in technology and accuracy.

Please contact North Central CMA or the Central Goldfields Shire Council if you have any concerns regarding your individual circumstances.

What can I do to be flood prepared?

The Victorian State Emergency Service's website provides an array of information on preparing for, responding to and recovering from a flood event. Please visit www.ses.vic.gov.au for more information.

How Can I Find Out More?

Contact Council

For further information on the Planning Scheme Amendment process, please contact the Strategic Planning team on (03) 5461 0610 or email mail@cgoldshire.vic.gov.au

More information is also available at <https://www.centralgoldfields.vic.gov.au/Planning-and-Building/Strategic-Planning/Planning-Scheme-Amendments>

This includes a searchable map showing the existing and proposed overlay boundaries

Contact NCCMA

Technical information or property specific queries including flood levels, flooding impacts and required floor levels for new buildings or extensions to existing buildings please contact North Central Catchment Management Authority on 5440 1896 or email floodplain@nccma.vic.gov.au

Or you can view their online mapping tool - Flood Eye – at www.nccma.vic.gov.au/flood-eye

Carisbrook Flood Study Planning Scheme Amendment



KEY MESSAGES

The Carisbrook Flood and Drainage Management Plan 2013 was a joint project between North Central Catchment Management Authority (NCCMA) and Central Goldfields Shire Council.

The effects of flooding in Central Goldfields are magnified by the proximity of urban development to natural or modified creeks and channels resulting in damage to roads, residential, commercial and industrial properties. Whilst the flow from the local catchment contributed less than 5% of the total flow that impacted upon the township of Carisbrook, the overland flow is significant and causes frequent flooding to a number of properties in Carisbrook.

Carisbrook has a long history of flooding. Until now Council has only had outdated and patchy information to support planning decisions.

A key recommendation of the Flood and Drainage Management Plan was to update new flood information in the Central Goldfields Planning Scheme to ensure future development is designed to manage flooding in a safe way.

Planning Scheme Amendment C031gol proposes applying two Overlays:

The Land Subject to Inundation Overlay (LSIO) The LSIO is applied to land affected by flooding associated with waterways and open drainage systems.

- Schedule 2 (LSIO2) is flooding from creeks up to 500mm depth.
- Schedule 1 (LSIO1) is being applied to the existing LSIO outside the flood study boundary. This is an administrative change only as it simply allocates a number to the existing schedule.

The LSIO already exists on some land in the Shire. This amendment may change the area that the LSIO covers and will change it to either an LSIO1 or an LSIO2.

The Floodway Overlay (FO) is being applied to land that is subject to the highest flood risk and where floods occur most frequently.

- Schedule 1 (FO1) is mainstream flooding in both rural and urban areas.

PROJECT STEPS



WHAT ARE THE PROPOSED PLANNING TOOLS?

Amendment c031gol

Overlay	Definition	Referral Authority	Planning Permit Requirements
LSIO	Land affected by creek flooding up to 500mm depth for 1% Average Exceedance Probability (AEP) flood extend (see FAQs below for more detail). The LSIO is suitable for areas where there is less need for control over land use, and the focus is more on conditions for development.	NCCMA	Permit required for buildings and works and subdivision. Exemption for minor works including upper storey extensions if there is no increase to the ground floor footprint, extensions less than 20m ² , replacement dwellings and fences, agricultural buildings with permanent openings, sheds and rainwater tanks.
FO	Land affected by mainstream flooding in both rural and urban areas. The FO is suitable for areas where there is less need for control over land use, and the focus is more on control of development.	NCCMA	Permit required for buildings and works and subdivision. Exemption for minor works including upper storey extensions if there is no increase to the ground floor footprint, extensions less than 20m ² , a replacement dwelling, non-habitable buildings with floor areas of less than 10m ² , agricultural buildings with permanent openings, sheds and rainwater tanks.

FREQUENTLY ASKED QUESTIONS

What does an overlay mean?

An overlay is a planning control that indicates where special consideration by Council may be required when building or development is proposed. In this case, the overlay is aimed at addressing the impact of flooding. In order to apply the new overlay boundaries, a planning scheme amendment is required – in this case, Central Goldfields Planning Amendment Scheme C031gol. An Overlay controls buildings and works and subdivision and may result in a planning permit being required.

What is a Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO)?

The LSIO is applied to land at risk from flooding associated with waterways and open drainage systems. The FO is applied to land at a higher risk of flooding than LSIO land and is normally where active flooding occurs and flooding occurs most frequently.

What are the flooding Overlays based on?

1% Average Exceedance Probability (AEP) flood extent, which means the flood level each year that has a 1% chance of occurring (this was previously referred to as a 1-in-100 year flood). This is a standard used across the industry for flood planning and management. The 1% AEP has been determined through the Carisbrook Flood and Drainage Management Plan 2013.

What does it mean for me?

The amendment will only affect you if you have land in one of the proposed Overlays. The amendment then only affects you if you want to undertake buildings and works or subdivision on your property. A planning permit and support from the Catchment Management Authority may be required. The intent of the amendment is to avoid putting new buildings and works on land that is the most affected by flooding therefore minimising property damage.

Do all buildings and works need a planning permit?

No, there are a number of exemptions for minor works and where certain conditions are met.

My place hadn't flooded in years, why will it flood in the future?

It cannot be assumed that flooding will not occur simply because there are no recollections of previous flooding at that property. The Overlays are based upon the 1% AEP.

I am already affected by an LSIO on my property, what will the difference be with this amendment?

The current LSIO already requires a planning permit for some buildings, works and subdivision. If an FO is being applied to your land the regulations around subdivision will change.

Are structural mitigation options being developed to address the cause of flooding?

The Carisbrook Flood and Drainage Management Plan 2013 recommended a levee to be constructed in Carisbrook to divert the overland flows from the local catchment that frequently inundate parts of Carisbrook. Council is currently undertaking the planning and budget requirements to complete these works.

If I am in a Flood Overlay will my insurance premiums increase?

Insurance premiums are based on the most up to date available flood studies rather than Planning Scheme controls. The insurance industry has its own National Flood database where this information is kept. In many cases insurances premiums will go down due to the availability of more reliable and accurate information, but of course in some cases where deep flooding is identified, premiums may go up. For further information go to the Insurance Council of Australia at www.ica.com.au

If I am in a Flood Overlay will my construction costs increase?

It is likely there may be an increase in construction costs to meet any planning permit conditions where a permit is required under the overlay. However, it is also likely the negative costs associated with flooding will be reduced as the impact of flooding will be reduced.

If I am in a Flood Overlay will this impact the value of my property?

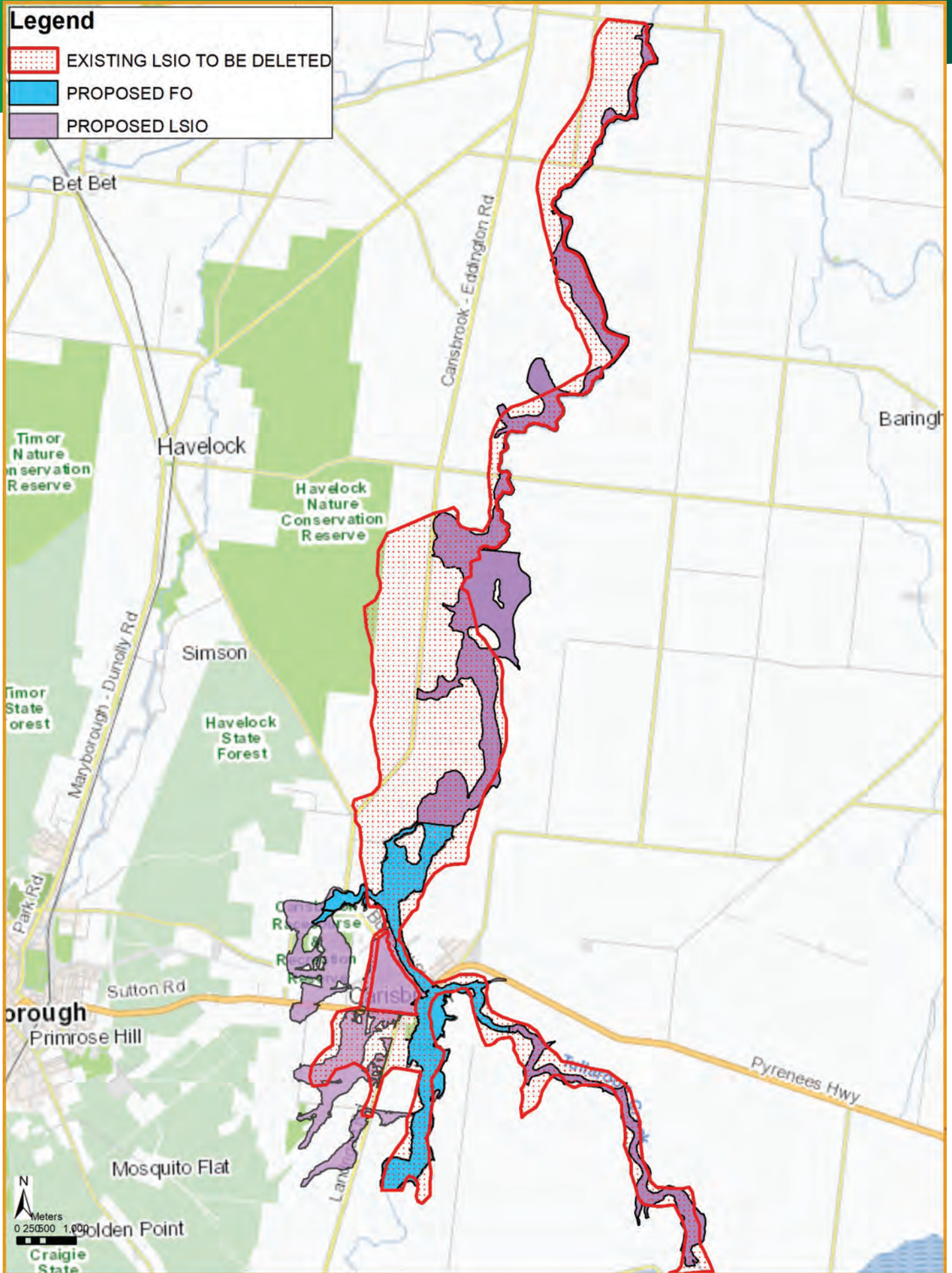
The Flood Overlay does not cause or change the likelihood of flooding, but recognises the existing condition of land. If your property has been identified as having a flood risk, the real flood risks on your property have not changed; it's only that flood information is now more transparent through planning scheme flood overlays and planning certificates contained in Section 32 (Vendor's) statements when selling a property.

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FLOOD RISK MAPPING

Carisbrook – Proposed Flood Related Overlays



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FIND OUT HOW YOUR PROPERTY IS AFFECTED

The Council has developed an online interactive map showing the proposed flood changes. You can type in your address and find out whether your property is affected.

Access the map via: <https://centralgoldfields.pozi.com>

(Once in POZI, click on the layers icon, then go into planning, and click on the 'Planning Scheme Amendment C031' box)

INFORMATION SESSIONS

Central Goldfields Shire Council and North Central Catchment Management Authority staff will be available to provide more details on the proposed changes and amendment process in general. You do not need to RSVP and can drop in anytime between the sessions below.

Dunolly online via Zoom on the 17th June 2020

Carisbrook online via Zoom on the 18th June 2020

For information on how to attend or if you cannot attend the information sessions and would like more information, please contact Central Goldfields Shire Council customer service via (03) 5461 0610 or email mail@cgoldshire.vic.gov.au.

SUBMISSION

Any person who may be affected by the amendment may make a submission. Submissions must be made in writing and should:

- Provide the submitter's name and contact address;
- Identify how the amendment affects you;
- Clearly state the grounds on which the amendment is supported or opposed; and
- Indicate what changes (if any) the submitter wishes to make.

Submissions are public documents and can be circulated to other parties. Your name and contact address cannot be kept private.

Submissions must be received by **Thursday 25th June 2020** and can be submitted by:

- **Post:** Amendment C031gol, Strategic Planning
Central Goldfields Shire Council
22 Nolan Street Maryborough 3465
- **Email:** mail@cgoldshire.vic.gov.au
Include Amendment C031gol in the subject field
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Customer Service Centre

22 Nolan Street, Maryborough, VIC 3465

PO BOX 194, Maryborough, VIC 3465

Phone: 03 5461 0610

Email: mail@cgoldshire.vic.gov.au

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Dunolly Flood Study Planning Scheme Amendment

KEY MESSAGES

The Dunolly Flood Investigation 2014 was a joint project between North Central Catchment Management Authority (NCCMA) and Central Goldfields Shire Council.

The effects of flooding in Central Goldfields are magnified by the proximity of urban development to natural or modified creeks and channels resulting in damage to roads, residential, commercial and industrial properties.

Dunolly has a long history of flooding. Until now Council has only had outdated and patchy information to support planning decisions.

A key recommendation of the Flood Investigation was to update new flood information in the Central Goldfields Planning Scheme to ensure future development is designed to manage flooding in a safe way.

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Amendment c031gol

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What does an overlay mean?

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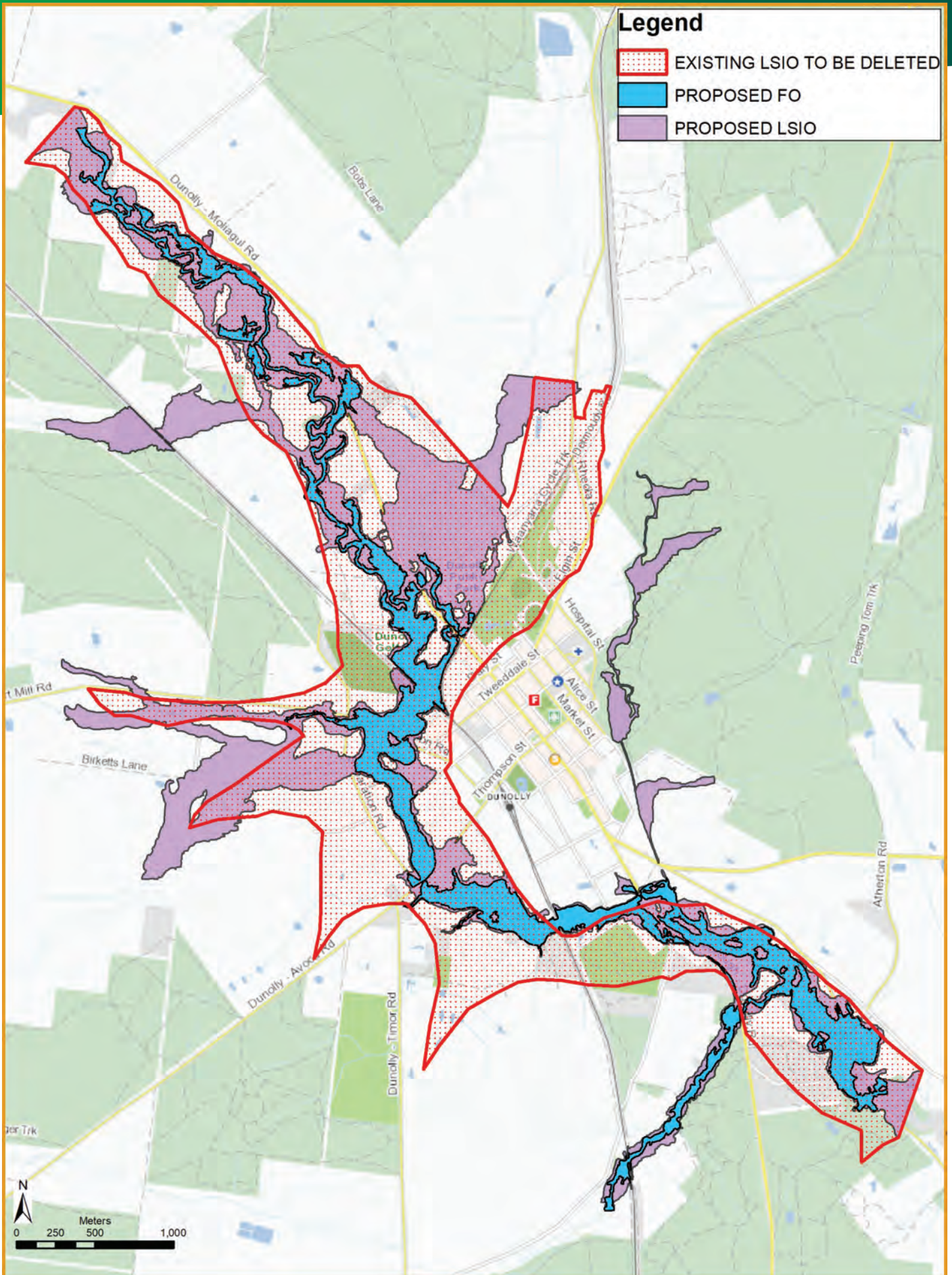
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8.9 DECEMBER FINANCIAL REPORT AND MID YEAR REVIEW

Author: **Manager Finance**

Responsible Officer: **General Manager Corporate Performance**

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

SUMMARY/PURPOSE

The purpose of this report is to update Council on its financial performance for the year to date, how it is tracking against the adopted budget and now includes a forecast result for the full financial year.

LEGISLATION AND POLICY CONTEXT

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

Outcome: Central Goldfields Shire is a proactive, well governed, professional and financially sustainable organisation.

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

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

BACKGROUND INFORMATION

This finance report is provided for the period to 31 December 2020 and does not include results for the Tullaroop Leisure Centre which is consolidated within the annual financial report at year end.

REPORT

The monthly financial report comprises the following:

- Current and forecasted Cash position;
- Income Statement;
- Balance Sheet;
- Statement of Capital Works

Cash Position

One of the key reasons for variances between Council forecasts and budgets is always timing of grants, be it capital or operational. This has been particularly evident during COVID-19.

As noted in the report, there are some significant timing differences which have impacted the operating result.

It is important to note, however, this has not impacted the strong cash position Council is currently in, nor the forecast to 30 June 2021.

The closing cash balance at 30 June 2020 was \$13.2m. The anticipated cash balance at 30 June 2021 is \$13.4m, \$200k increase on prior year. The cash position of the Council is paramount, and decisions have been made in order to maintain this strong position. The below variances are based on timing of cash in the bank, but do not impact the Income Statement

- (\$6.5m) Capital Grants not yet received
- \$4.4m Reduced Capital works spend
- \$1.8m Grants received in advance
- \$0.5m Reduced/deferred capital spend on Plant/Vehicles/ICT

Income Statement

The operating result for the period to 31 December 2020 is a surplus of \$7.4 million reflecting that rates and charges were levied in total in the first half (rates revenue raised in August shows a significant surplus early and is reduced as the years expenses come through).

Total income in the six months to date is less than budget however the timing of capital and operating grants received has influenced this position. While the budget estimates receipt of grants, the actual timing often will change throughout the year depending on finalisation of funding contracts and seasonality of works to be carried out.

Operating grants are currently \$723k more than budget and is mainly due to additional grants that were received, a number as a result of State Government COVID-19 initiatives including the following:

- \$120k COVID-19 Kindergarten Support Fund
- \$250k Outdoor Eating and Entertainment Grant
- \$100k Rural Council ICT Support
- \$ 58k CASI Social Isolation Grant
- \$140k Living Libraries Fund

Full year forecast for operating grants revenue is expected to be \$813k above budget.

This income will be offset over the course of the financial year as Council meets its funding obligations delivering relevant services.

Capital grants for the full year are forecast to be \$5.386m less than original budget. The reduction in these grants is largely as a result of timing of confirmation of grants, finalisation of funding contracts and in some cases seasonality of works. A summary is as below

- (\$1.22m) Carisbrook Levee Stage 4 –funding round not opened to date.
- (\$ 300k) Art Gallery Expansion – reduced as this project will be partially complete at financial year end, with the balance to be completed in 2021/22
- (\$ 500k) Energy Breakthrough Capital – reduced as the 2021 event was cancelled and works will be undertaken in 2021/22.
- (\$2.00m) Carisbrook Recreation Reserve - reduced as the project will be completed in 2021/22.
- (\$2.00m) Maryborough Outdoor Pool – reduced as the project will be completed in 2021/22.
- \$ 500k Carisbrook Drainage Mitigation – increased as final payment for completion of Stage 3 expected this financial year

While these grants have an impact on Council's cash position for grants received, this is offset by a reduced capital spend in this financial year. The capital works program is therefore forecast to be \$10.9m, a reduction of \$5.0m from budget for delivery in 2020/2021. It is reported in more detail later in this report.

User charges are \$192k less than budget, impacted by Council's decision to extend the financial hardship support to 31 March 2021 which included waivers of various fees. Council's income for the full year will be adversely affected by the effects of COVID-19. The forecasted decrease in user charges for the full year will be around \$351k.

Expenditure year to date is marginally ahead (\$190k) of budget however a thorough review of forecasted costs has identified several savings to offset this. Additional costs include

- \$700k Energy Breakthrough reduction in costs (offset by reduction in revenue)
- (\$ 88k) Additional costs carried forward from 2020/21 relating to resources allocated to prior year Audit Actions
- (\$220k) COVID response costs (offset by operating grants)
- \$ 85k Employee costs, most notably additional costs for 2020/21 Workcover premium and staff recruitment costs.

Capital Works Statement

The 2020/21 budget included a capital works program of \$15.9 million across property, plant and equipment and infrastructure asset classes.

At 31 December 2020, Council had expended \$2.6 million on capital works, which is \$1.6 million behind budget.

A review of the full year capital works budget was undertaken as part of the mid-year forecast process. This process reduced the full year capital works forecast spend from \$15.9m to \$10.9m. Several projects will be commenced or completed in the next financial year due to the timing of grants being available and finalisation of project plans notably:

- (\$1.83m) Carisbrook Stage 4 Levee – funding round not opened to date.
- (\$ 565k) Art Gallery Expansion – project will be partially complete at end of financial year (grant confirmed).
- (\$1.80m) Carisbrook Recreation Reserve Upgrade project will commence in 2020/21 but not completed (grant confirmed).
- (\$1.71m) Maryborough Outdoor Pool (\$1.71m) project will commence in 2020/21 but not completed (grant confirmed).

Offset by the following projects which were either carried forward from 2019/20 or relate to additional grants received that were not budgeted;

- \$ 98k Aerodrome Fence renewal (partially funded by grant)
- \$450k Avoca Rd Upgrade Works (carry forward from 2019/20)
- \$100k Rural ICT Technology Support (funded by grant)
- \$ 89k Building Structural Condition Assessment and Management Plan (Kindergarten and Worsley Cottage complete, with further assessments to be done).
- \$180k Maryborough Sports and Leisure Upgrade (carry forward from 2019/20)
- \$120k Gordon Gardens Pump track (grant funded)

Balance Sheet

Council's equity has increased from 30 June 2020, due to the levying of rates and charges during August. Rates receivables (issued \$18.7m) still sits at \$12.1m to collect (as at 31 December 2020).

Cash flow is monitored to enable completion of scheduled works and meet recurrent obligations, as well as ensuring surplus funds are invested to generate maximum interest revenue. As noted above, Council's cash flow will be favourable against budget as a result of the Capital Works program being less than anticipated to budget at this stage.

Council liabilities at the reporting date include the Fire Services Property Levy (FSPL) totalling \$1.27million. This balance (including arrears) is progressively paid to the State Revenue Office as it is collected.

Employee benefits provision is \$2.2m and of this \$1.4m is long service leave. Probability of employee entitlement provisions is reviewed on an annual basis.

Summary

The impact of the forecast on the Income Statement, as summarised above, is a reduction in the budgeted surplus to \$2.4m (variance of \$6.6m), mainly due to the timing of capital grant revenue.

The balance sheet remains in a strong financial position with a cash and cash equivalent balance of \$11.15m and is forecast to remain strong at end of financial year.

CONSULTATION/COMMUNICATION

Internal only required for this report.

FINANCIAL & RESOURCE IMPLICATIONS

The financial statements were prepared internally by Council officers.

RISK MANAGEMENT

This report addresses Council's strategic risk Financial sustainability - Failure to maintain our long term financial sustainability. Any risks in relation to this report have been discussed in the report above.

CONCLUSION

Council's financial position at the end of December 2020 is sound with cash and cash equivalents totalling \$11.15 million and no major issues of concern in either the operating or capital budgets.

While the operating surplus has decreased by \$6.6m, this remains a timing variance with capital grants to be expected in 2021/22.

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

ATTACHMENTS

1. 31 December 2020 Financial Report including forecast to 30 June 2021.

RECOMMENDATION

That Council:

1. *Receives and notes the attached Financial Report for the period to 31 December 2020.*
2. *Council notes the financial forecast including an operating result of \$2.4m and a Capital Works Program of \$10.9m to 30 June 2021.*

Income Statement Period to 31 December 2020

	2019/20 Actuals	2020/21 Total Budget	2020/21 YTD Budgets December	2020/21 YTD Actuals December	2020/21 YTD Variance +ve (-ve)	2020/21 Forecast	2020/21 Forecast Variance +ve (-ve)
Income							
Rates and service charges	(15,177,814)	(15,803,333)	(15,732,335)	(15,716,175)	(16,160)	(15,803,333)	0
Contributions - monetary	(113,327)	(154,000)	(23,502)	(61,004)	37,502	(160,675)	6,675
Grants - capital	(2,279,413)	(9,499,546)	(2,411,773)	(1,226,092)	(1,185,681)	(4,113,365)	(5,386,181)
Grants - Operating	(8,588,123)	(9,561,585)	(3,741,926)	(4,465,302)	723,376	(10,375,284)	813,699
Other Income	(961,190)	(992,481)	(410,048)	(48,063)	(361,985)	(110,050)	(882,431)
Statutory fees and fines	(455,507)	(523,900)	(208,414)	(176,473)	(31,941)	(408,477)	(115,423)
User Charges	(1,579,742)	(1,950,840)	(1,022,383)	(830,618)	(191,765)	(1,599,297)	(351,543)
Total Income	(29,155,115)	(38,485,685)	(23,550,381)	(22,523,727)	(1,026,654)	(32,570,481)	(5,915,204)
Expenses							
Bad and doubtful debts	17,802	20,000	9,996	3,313	6,683	20,000	0
Borrowing costs	79,120	52,920	27,049	19,761	7,288	52,920	0
Depreciation	6,323,069	6,156,919	3,078,450	3,078,700	(250)	6,156,919	0
Employee costs	12,061,846	14,163,296	7,193,377	7,279,362	(85,985)	14,335,175	(171,879)
Materials and services	9,694,567	8,590,495	4,382,734	4,698,471	(315,737)	9,266,479	(675,984)
Net loss on disposal of property, infrastructure, plant and equipment	14,017	135,000	45,002	(95,656)	140,658	(20,000)	155,000
Other Expenses	478,939	394,209	239,919	182,932	56,987	381,518	12,691
Total Expenses	28,669,360	29,512,839	14,976,527	15,166,883	(190,356)	30,193,011	(680,172)
(Surplus) Deficit	(485,755)	(8,972,846)	(8,573,854)	(7,356,844)	(1,217,010)	(2,377,470)	(6,595,376)

Balance Sheet as at 31 December 2020

	2019/20 Actuals	2020/21 YTD Actual
Assets	\$	\$
Current Assets		
Cash and cash equivalents	13,248,513	11,151,758
Inventories	16,487	28,863
Non-current assets classified as held for sale	245,223	245,223
Other financial assets	859,114	479,913
Trade and other receivables	2,670,202	12,727,313
Total Current Assets	17,039,538	24,633,068
Non-current assets		
Property, infrastructure, plant and equipment	308,537,929	308,071,917
Total Non-Current Assets	308,537,929	308,071,917
Total Assets	325,577,467	332,704,985
Liabilities		
Current Liabilities		
Interest-bearing loans and borrowings	(3,321,271)	(3,295,787)
Provisions	(2,238,021)	(2,238,021)
Trade & other payables	(4,642,095)	(3,478,489)
Trust funds & deposits	(564,776)	(1,524,541)
Total Current Liabilities	(10,766,163)	(10,536,838)
Non Current Liabilities		
Other NC Liabilities	(271,395)	(271,395)
Prepaid Revenue	(124,564)	(124,564)
Total Non-Current Liabilities	(395,958)	(395,958)
Total Liabilities	(11,162,121)	(10,932,796)
Net Assets	314,415,345	321,772,189
Equity		
Accumulated Surplus	(126,600,838)	(126,600,838)
Year to Date Surplus (Deficit)		(7,356,844)
Total Accumulated Surplus	(126,600,838)	(133,957,682)
Reserves		
Asset Revaluation Reserve	(187,342,157)	(187,342,157)
Open Space Reserve	(22,350)	(22,350)
Other Reserves	(450,000)	(450,000)
Total Reserves	(187,814,507)	(187,814,507)
Total Equity	(314,415,345)	(321,772,189)

Capital Works 6 months to 31 December 2020

Project	2020/21 Total Budget	2020/21 YTD Budget December	2020/21 YTD Actuals December	2020/21 YTD Variance +ve (-ve)	2020/21 Forecast
Infrastructure					
Bridges and major culverts					
63241.01. Minor Culverts Renewal	15,000	0	6,970	(6,970)	15,000
63330.622. Major Culvert Renewal Program	70,000	35,004	39	34,965	70,000
63340.01. Minor Culverts New	15,000	7,500	115	7,385	15,000
	100,000	42,504	7,124	35,380	100,000
Drainage					
63271.01. Kerb & Channel Renewal	50,000	0	11,099	(11,099)	50,000
63271.52. Kerb & Chanel Nightingale Street (Park to Clarendon)	8,000	4,002	0	4,002	8,000
63271.53. Kerb & Chanel Broadway (8 Orme Street to Orme Street)	12,000	6,000	566	5,434	12,000
64306.344. Carisbrook Drainage Mitigation - Stg 3 North Pyrenees Hwy	652,000	163,000	231,328	(68,328)	652,000
64306.346. Carisbrook Creek Additional Clearing	75,000	37,500	0	37,500	75,000
64306.341. Carisbrook Drainage Mitigation-Creek Clearing	0	0	17,241	(17,241)	20,000
64306.345. Carisbrook Drainage Mitigation - Stg 4 South Pyrenees Hwy	0	0	32,752	(32,752)	0
64306.21. Drainage Renewal	118,000	58,998	2,543	56,455	50,000
64306.252. Drainage New (Aerodrome Silt Control EPA)	0	0	10,693	(10,693)	11,000
64306.27. Main Drain Maryborough Renewal	0	0	11,212	(11,212)	12,000
64306.25. Tabledrain Renewals	56,000	28,002	35,858	(7,856)	56,000
64306.251. Drainage New	0	0	65	(65)	0
64306.342. Carisbrook Drainage Mitigation-Construction	1,830,000	915,000	0	915,000	0
	2,801,000	1,212,502	353,356	859,146	946,000
Other Infrastructure					
63251.01. Street Furniture Renewal	15,000	7,500	6,373	1,127	15,000
63261.01. Signs Renewal	15,000	7,500	15,546	(8,046)	15,000
63281.01. Traffic Control Facilities Renewal	10,000	4,998	13,412	(8,414)	15,000
63360.01. Signs New	10,000	4,998	8,815	(3,817)	10,000
63380.01. Traffic Control Facilities New	0	0	35,273	(35,273)	36,000
63510.02. Aerodrome Fence Renewal	0	0	97,779	(97,779)	98,000
	50,000	24,996	177,198	(152,202)	189,000

Capital Works 6 months to 31 December 2020

Project	2020/21 Total Budget	2020/21 YTD Budget December	2020/21 YTD Actuals December	2020/21 YTD Variance +ve (-ve)	2020/21 Forecast
Parks, Open Space & Streetscapes					
62450.1. Cool It Phase 2 - Street Tree Project	0	0	9,766	(9,766)	10,000
63352.01. Streetscape Renewal	15,000	7,500	909	6,591	15,000
	15,000	7,500	10,675	(3,175)	175,095
Pathways					
63291.01. Pathways Renewal	100,000	50,004	60,221	(10,217)	100,000
63390.01. Pathways New/Upgrade	81,000	0	16,671	(16,671)	81,000
63390.35. Pathways New/Upgrade Bealiba	0	0	572	(572)	1,000
63390.36. Pathways New/Upgrade Dunolly	0	0	337	(337)	1,000
63390.1. Pathways New/Upgrade Maryborough	0	0	7,986	(7,986)	8,000
	181,000	50,004	85,788	(35,784)	191,000
Roads					
63200.05. Design Nightingale Street (Park to Clarendon)	19,000	19,000	0	19,000	19,000
63200.02. Design Main Street Bealiba (Davies to Grant)	18,000	18,000	0	18,000	18,000
63200.04. Design Florence Lane (Nightingale to End of Lane)	18,000	18,000	0	18,000	18,000
63200.03. Design Pascoe Avenue (Park Road to End of Court)	18,000	18,000	0	18,000	18,000
63210.111. Gillies Street (Rogers Street to Majorca Road)	600,000	0	1,672	(1,672)	600,000
63210.113. Gillies Street (Fraser St to Sutton Lane)	185,000	0	0	0	185,000
63210.115. Rogers Street (Railway Street to Gillies Street)	180,000	0	5,241	(5,241)	180,000
63210.126. Road Widening Chisholm Street Whirrakee Rise	0	0	39,025	(39,025)	40,000
63210.4. Major Patches RG	90,000	45,000	139,856	(94,856)	140,000
63210.122. Bell Street, Talbot (Whittakers Lane to Scandinavian Crescent)	29,000	0	0	0	29,000
63210.124. Prince Alfred Street, Talbot (Chapman Street to Rowe Street)	114,000	0	0	0	114,000
63210.112. Goldsmith Street (Newton to Wills)	280,000	0	0	0	280,000
63210.114. Gillies Street (Sutton Lane to Sutton Road)	100,000	0	0	0	100,000
63210.117. Dunolly Avoca Road (Racecourse Track to Shaw Track)	355,000	0	0	0	355,000
63210.119. Rowe Street (Prince Alfred Street to Barkly Street)	26,000	0	0	0	26,000
63210.120. Middle Road (Freemantles Rd to Bendigo Maryborough Rd)	59,000	0	0	0	59,000
63210.121. King Street, Talbot (Ballarat Street North to Chapman Lane)	23,000	0	0	0	23,000
63210.123. Star Street, Talbot (Scandinavian Lane to Barkly Street)	35,000	0	0	0	35,000
63210.118. Middle road (Wild Dog Lane to Stiegmeiers Road)	21,000	0	2,437	(2,437)	21,000
63210.125. Picnic Point Road (Joyces Creek Baringhup to Picnic Point Reserve)	124,000	0	0	0	124,000

Capital Works 6 months to 31 December 2020

Project	2020/21 Total Budget	2020/21 YTD Budget December	2020/21 YTD Actuals December	2020/21 YTD Variance +ve (-ve)	2020/21 Forecast
63210.31. Baringhup Road Reconstruction (west of Hurses Road)	0	0	932	(932)	1,000
63210.822. Avoca Rd Upgrade Works - Design of Stage 2	0	0	443,757	(443,757)	450,000
63210.96. Rodborough Rd Stabilisation B197 to End of Seal	0	0	945	(945)	1,000
63212.01. Sealed Road Shoulders Renewal	60,000	30,000	0	30,000	60,000
63215.01. Unsealed Roads Renewal	356,000	178,000	33,832	144,168	356,000
63220.01. Seals Renewal Reseals	564,000	0	33,208	(33,208)	564,000
63220.011. Seals Renewal Asphalt	66,000	0	0	0	66,000
63221.01. Seals Renewal Final Seals	50,000	25,000	0	25,000	50,000
	3,390,000	351,000	700,906	(349,906)	3,932,000
Plant and equipment					
Fixtures, fittings and furniture					
64751.36. IT Strategy Initiatives	0	0	174,160	(174,160)	174,160
64751.03. General Office Equipment	0	0	962	(962)	1,000
64751.04. PC Network/Hardware	41,000	20,502	391	20,111	41,000
64751.29. Server Upgrades	19,500	9,750	4,621	5,129	19,500
64751.38. Backup Power Generator	55,000	0	0	0	55,000
64751.39. SharePoint Setup	30,000	30,000	0	30,000	0
64751.41. Council Website Redevelopment	35,000	35,000	0	35,000	0
64751.42. New Agenda Software	40,000	0	0	0	0
64751.43. Office 365/SharePoint Training	25,000	25,000	0	25,000	25,000
64751.37. Customer Service and Mobility Module	69,500	0	0	0	0
64751.4. Integrations Across Multiple Platforms	55,000	0	0	0	55,000
64751.44. Rural Council ICT Technology Support Package	0	0	19,344	(19,344)	100,000
64774.35. Coronavirus COVID-19 Business Continuity Plan Implementation	0	0	22,512	(22,512)	0
	370,000	120,252	221,990	(101,738)	470,660
Plant, machinery and equipment					
63820.91. Operating Plant WIP	420,000	210,000	0	210,000	523,000
63820.93. Vehicles Cars WIP	230,000	115,002	100,415	14,587	150,000
63820.94. Vehicles Utes WIP	120,000	60,000	44,829	15,171	100,000
	770,000	385,002	145,244	239,758	773,000

Capital Works 6 months to 31 December 2020

Project	2020/21 Total Budget	2020/21 YTD Budget December	2020/21 YTD Actuals December	2020/21 YTD Variance +ve (-ve)	2020/21 Forecast
Property					
Buildings					
60180.053. Healthy Hearts Infrastructure - Maryborough Community House	0	0	2,251	(2,251)	0
60217.25. Building Renewal - Unallocated	20,000	0	0	0	20,000
60217.23. Carisbrook Scout Hall & Lions Club - Roof	10,000	0	12,080	(12,080)	12,080
60217.24. Worsley Cottage - Internal and external wall repairs	150,000	0	0	0	150,000
60217.22. Maryborough Community House - Carpark Lighting and Disability Access	10,000	0	0	0	10,000
60800.03. Youth Hub Planning	40,000	40,000	0	40,000	40,000
61511.2. (LRCI) Hall Improvements - Talbot	250,000	0	0	0	250,000
61511.21. (LRCI) Hall Improvements - Bet Bet	15,000	0	0	0	15,000
61511.23. (LRCI) Hall Improvements - Majorca	20,000	0	14,531	(14,531)	20,000
61511.18. (LRCI) Hall Improvements - Timor/Wareek	20,000	0	3,634	(3,634)	20,000
61511.19. (LRCI) Hall Improvements - Bealiba	50,000	0	0	0	50,000
61511.22. (LRCI) Hall Improvements - Dunolly	10,000	0	0	0	10,000
61511.24. (LRCI) Hall Improvements - Carisbrook	115,000	0	83	(83)	115,000
61565.01. Essential Safety Measures Buildings Upgrade	5,000	2,502	7,940	(5,438)	10,000
61565.12. Building Insurance Risk Reduction Upgrades	21,000	10,500	16,819	(6,319)	21,000
61565.13. Building Structural Condition Assessments & Management Plan	0	0	17,510	(17,510)	89,000
61575.05. Dunolly Library Works	0	0	29,375	(29,375)	30,000
61575.02. Living Libraries - Capital Expenditure	0	0	5,089	(5,089)	6,000
61611.17. Art Gallery Expansion	675,000	0	23,654	(23,654)	110,000
62121.09. Maryborough Sports & Leisure Centre Upgrade Project	0	0	167,320	(167,320)	180,000
62121.11. Community Sports Infrastructure Grant	0	0	46,480	(46,480)	50,000
62470.29. Carisbrook Recreation Reserve Building Project Management	110,000	55,000	13,737	41,263	110,000
62470.28. Carisbrook Recreation Reserve Upgrades Stage 1 Project	2,000,000	0	17,552	(17,552)	200,000
64110.131. E Waste Shed Extension	26,000	0	0	0	0
64110.31. Carisbrook Transfer Station - Bin Roofs	0	0	8,427	(8,427)	8,500
64110.32. Carisbrook Transfer Station - Compost Roof	150,000	0	0	0	150,000
64225.02. Rene Fox Gardens Dunolly - Design Public Toilets	15,000	0	0	0	15,000
64751.014. Building Upgrades Civic Centre	500,000	250,000	110,819	139,181	150,000
	4,212,000	358,002	497,300	(139,298)	1,841,580

Capital Works 6 months to 31 December 2020

Project	2020/21 Total Budget	2020/21 YTD Budget December	2020/21 YTD Actuals December	2020/21 YTD Variance +ve (-ve)	2020/21 Forecast
Land Improvements					
60180.055. Healthy Hearts Infrastructure - Gordon Gardens Pump Track	0	0	116,191	(116,191)	120,000
60180.054. Healthy Hearts Infrastructure - Playground Maryborough Community House	0	0	15,791	(15,791)	16,000
60181.01. Energy Breakthrough (EBT) Land Improvements	500,000	500,000	0	500,000	500,000
60216.22. (LRCl) Town Entrance Signage	50,000	50,000	0	50,000	50,000
60216.21. Bike Racks New	15,000	15,000	48	14,952	10,000
60360.07. (LRCl) Shade Structures Towns by 6	150,000	150,000	411	149,589	150,000
62121.69. Recreation Open Space Strategy Implementation	50,000	0	0	0	50,000
62121.7. Recreation Planning - Splash Park	30,000	30,000	0	30,000	30,000
62121.71. Recreation Planning - Unallocated	20,000	10,000	0	10,000	20,000
62316.03. Maryborough Outdoor Pool - Living Heritage	2,000,000	500,000	18,901	481,099	75,000
62316.15. Swimming Pool Renewal	15,000	0	0	0	0
62316.14. Maryborough Outdoor Pool Works	0	0	207,977	(207,977)	215,000
62400.01. Renewal Ovals	30,000	15,000	0	15,000	30,000
62400.16. Parks Renewal	52,000	25,998	256	25,742	52,000
62400.17. (LRCl) Parks Tree Planting and Other Open Space	65,000	0	0	0	65,000
62410.08. Growing Victoria Botanic Gardens Phillips Gardens Round one	0	0	19,198	(19,198)	20,000
62410.01. Renewal Surrounds	40,000	19,998	5,842	14,156	30,000
62411.03. Gordon Gardens Master Plan Works	82,000	0	0	0	82,000
62421.01. Princes Park Improvements	0	0	1,025	(1,025)	1,000
62421.21. Rubbish Bins Renewal General	10,000	5,004	0	5,004	10,000
62430.01. Renewal Playgrounds	15,000	7,500	5,962	1,538	15,000
62430.05. Market Reserve Carisbrook Playground Equipment	10,000	4,998	0	4,998	0
62470.26. Maryborough Skate Park Design	0	0	3,150	(3,150)	4,000
62470.3. Maryborough Skate and Scooter Park	645,000	322,500	17,349	305,151	645,000
62495.25. Princes Park Grandstand - Cultural Heritage Plan	35,000	0	764	(764)	35,000
62671.08. (LRCl) Playground Improvements	45,000	45,000	0	45,000	45,000
64110.41. Dunolly Rehabilitate Landfill	100,000	0	0	0	20,000
64110.77. Dunolly Landfill Rehabilitation	15,000	0	0	0	0
64110.78. Work Safe Upgrades All Towns	12,000	0	0	0	12,000
64110.76. Bealiba Landfill Rehabilitation	15,000	0	0	0	0
64150.02. Recycled Watermain Replacement	15,000	7,500	0	7,500	30,000

Capital Works 6 months to 31 December 2020

Project	2020/21 Total Budget	2020/21 YTD Budget December	2020/21 YTD Actuals December	2020/21 YTD Variance +ve (-ve)	2020/21 Forecast
	4,016,000	1,708,498	412,866	1,295,632	2,332,000
Total	15,905,000	4,260,260	2,612,448	1,647,812	10,950,335

8.10 CONTRACT FOR MANAGEMENT SERVICES FOR THE MARYBOROUGH SPORTS AND LEISURE CENTRE, OUTDOOR POOLS (DUNOLLY, MARYBOROUGH AND TALBOT), TULLAROOP LEISURE CENTRE AND NOLAN ST GYM

Author: Manager Community Partnerships

Responsible Officer: General Manager Community Wellbeing

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

SUMMARY/PURPOSE

The purpose of this report is to advise Council about the procurement process and project team for the new management services for the Maryborough Sports and Leisure Centre (MSLC), outdoor pools (Dunolly, Maryborough and Talbot), Tullaroop Leisure Centre and Nolan St Gym.

LEGISLATION AND POLICY CONTEXT

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

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

1.6 Objective: Promote and enhance passive and active recreation

The Local Government Act 2020, Council's Procurement Policy, and the Active Central Goldfields: Recreation and Open Space Strategy 2020-2029.

BACKGROUND INFORMATION

In 2016 Council accepted a tender from Unified Community Sports and Leisure Pty Ltd (Unified Leisure) for the management of the Maryborough Sports and Leisure Centre, and the outdoor swimming pools in Dunolly, Maryborough and Talbot.

The contract commencement date was 1 July 2016 for five (5) years, with the option of a further five (5) years, plus five (5) years at Council's discretion.

The current contract for the 'Management of the Maryborough Sports and Leisure Centre and Swimming Pools', Contract No. G1083 -16, runs until 30 June 2021. The option for a further five (5) years was not offered to the current Contractor due to the identification of opportunities to align deliverables with those outlined in the Council's 'Active Central Goldfields: Recreation and Open Space Strategy 2020-2029' (ROSS).

The Directors were advised that this decision is not a reflection of their level of commitment or quality of service to the community, and rather it was made to enable a more contemporary contract to be developed that reflects industry standards. It is also an opportunity for Council to review its business practices and include other facilities in the new contract.

Since notifying Unified Leisure in August 2020, Gerard Murphy, a Director of Unified Leisure, was elected to Council in November 2020. This has created a conflict of interest for Unified Leisure and Council. Consequently, a project team has been established to oversee the

procurement process, the services of a probity advisor have been secured, and a probity plan has been developed.

REPORT

All procurement processes must adhere to the *Local Government Act 2020* and Council's Procurement Policy to ensure appropriate transparency, risk identification and mitigation, and conflict identification to all aspects of a tender process.

It is noted that, as a Director of Unified Leisure, Cr Gerard Murphy has an interest in this tender process. To protect all parties and ensure the new contract and tender process reflect industry standards and governance and transparency requirements, AFS Bendigo have been contracted to provide probity advice, Otium Planning have been contracted to develop the new specifications, and a Project Team has been established to oversee and guide the process. AFS Bendigo is providing probity advice and have developed a probity plan to identify and mitigate risks, including those associated with Cr. Gerard Murphy being a Director of Unified Leisure.

Otium Planning is providing the following services:

- development of Management Specifications and Returnable Schedules including evaluation criteria
- development of Market Sounding
- participation in the tender evaluation, and
- provision of recommendations to Council re: a preferred contractor.

The project team members include:

- Kym Murphy, Manager Community Partnerships, and Project Lead
- Jen Dyer, Coordinator Recreation
- Nikki Parker, Manager Governance, Property and Risk
- Graeme Gilmore, Senior Procurement Officer
- Amber Robinson, Manager Operations
- Mick Smith, General Manager Corporate Performance
- Bradley Ead, Partner, AFS Bendigo.
- Michael King, Director, Otium Planning Group
- Malcolm Kuhn, Senior Consultant, Otium Planning Group, and

The procurement process will be finalised on 30 June 2021 plus three (3) months for the current contractor to handover to the new contractor if the new contractor is not Unified Leisure.

CONSULTATION/COMMUNICATION

Unified Leisure have been advised verbally and in writing that Council will not be taking up a further five (5) year option on their contract.

Consultation has also occurred with the Tullaroop Leisure Centre former section 86 committee, and Highview College as a key user of Nolan St Gym Maryborough.

Consultation will occur with current group users of all facilities to identify their usage requirements.

A project team has been established to oversee this process.

There will be public information available through Council's regular communication channels when tenders are called for.

FINANCIAL & RESOURCE IMPLICATIONS

The AFS Probity Advisor/Specialist has been contracted at a cost of \$8,360 to attend project team meetings, develop a probity plan, attend the initial tender evaluation meeting, and participate in the tender evaluation process.

The Otium Planning Group have been contracted at a cost of \$16,720 (GST incl) to prepare the management specifications, develop the returnable schedules and attend the tender briefing sessions with Council officers.

Staff time will be spent in project management, reviewing drafts and finalising documents, providing background information for the Otium Planning Group and in orientation for the next contract company and in on-going contract management.

RISK MANAGEMENT

This report addresses Council's strategic risk Governance - Failure to transparently govern and embrace good governance practices.

This is being addressed through the establishment of a Project Team to oversee the procurement process, securing the services of AFS Bendigo to provide probity advice and develop a probity plan, and securing the services of Otium Planning to develop the tender specifications.

CONCLUSION

The contract with Unified Sports and Leisure Pty Ltd ends on 30 June 2021. The option for a further five (5) years was not offered due to the identification of opportunities to improve Council's business practices and increase usage of other facilities through the development of new specifications and contract.

A project team has been established to oversee the procurement process through to tender evaluation, this includes an external probity adviser.

ATTACHMENTS

1. Probity Plan
2. Procurement process

RECOMMENDATION

That Council note the report of Manager Community Partnerships regarding management services for the Maryborough Sports and Leisure Centre, outdoor pools (Dunolly, Maryborough and Talbot), Tullaroop Leisure Centre and Nolan St Gym.

Central Goldfields Shire Council

Draft Probity Plan

Aquatic and Leisure Contract

January 2021

Confidential

Prepared for: Central Goldfields Shire Council
Prepared by: Brad Ead, Partner - AFS & Associates Pty Ltd

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1. Description of the project

Procurement for Central Goldfields Shire's Aquatic and Leisure facilities Contract.

2. Purpose and Scope of the Probity Plan

The purpose of the Probity Plan is to ensure an equitable, justifiable and sound process through the open tender process. The Plan is to be utilised to assist with the management, delivery and evaluation processes of the open market via the open tender process to source a suitably qualified and experienced contractor. The tender process will be completed in accordance with the Central Goldfields Shire Council's (CGSC) procurement function and software including the following which comprises the 'Procurement Framework':

- Procurement Policy
- Tendering Procedures expected to be applied under the *Local Government Act 1989* and any applicable updates in the *Local Government Act 2020*
- Conflict of Interest Policy
- e-tendering portal.

This Probity Plan details probity issues and the actions to be taken throughout the process to ensure:

- there is integrity in the tender process and that the processes set out in the Procurement Framework are followed
- the process is conducted objectively and consistently
- all confidential information is secured and handled to the expectations of the parties
- all actual, potential or perceived conflicts of interest are addressed and effectively managed
- accountability is maintained
- confidence is preserved in the chosen processes; and decisions and processes are defensible.

This Probity Plan applies to the entire open tender process including the planning, scoping, tendering, assessment and award of the Contract.

3. Probity principles

In its commercial dealings, CGSC will observe the highest standards of probity. Government businesses must be fair, open and demonstrate the highest levels of integrity consistent with the public interest.

There are a number of key requirements to promote probity. CGSC should consider these key requirements throughout all stages of the process. The key requirements are:

Fairness and Impartiality

Potential suppliers are to be treated equally and must have the same opportunity to access information and advice.

Use of a Competitive Process

Consistent with the adopted Procurement Framework, a competitive process should be used at all times.

Consistency and Transparency of Process

The tender process is to be conducted in a manner consistent with the reasonable expectations of the parties and the community.

Security and Confidentiality

The processes adopted for managing supplier information are to ensure the security and confidentiality of intellectual property and proprietary information.

Identification and Resolution of Conflicts of Interest

It is a requirement that a Conflict of Interest declaration is made by any person who will be involved in the tender process prior to their involvement commencing and also following receipt of the Tender submissions. Any actual or perceived conflicts of interest identified will be referred to the Probity Adviser for resolution.

These key requirements are intended to achieve an equitable, justifiable and sound process. The process should be applied with common sense, with flexibility where appropriate, so that the tender process can be seen to be fair and equitable.

In the event that an error or omission in the process nevertheless occurs, CGSC should seek legal advice and not enter into any communications with other parties until strategy options have been considered to address the concern.

Options for legal and/or other solutions should then be adopted to address any potential problems at later stages of the process. Prospective tenderers should be informed of any changes to the process or new factors which may affect their offers.

Adherence to probity also means that all Contractors meet the requirements of the:

- Code of Conduct
- Gift and Hospitality Policy.

CGSC must meet the requirements of the:

- Employee Code of Conduct – of their respective employer and general Victorian Public Sector Employee Conduct requirements. In particular as they apply to Confidentiality, Conflict of Interest, and impartiality.

Probity of the process is the responsibility of all members of the project team and should have due regard to the relevant Purchasing Policies and Guidelines.

4. Probity tasks and steps

4.1 General

The Probity Adviser reports to the Chairperson of the Project Team. The immediate task of the Probity Adviser is to ensure that the procurement/project team runs an open and fair process.

Specifically the Probity Adviser needs to ensure that team:

- fulfils the requirements of the probity plan
- acts within the limitations of prescribed policies, rules and guidelines
- observes the Code of Conduct for the Victorian public sector as it applies to activities and behaviour relevant to proposing and contracting
- treats proponents fairly and consistently
- complies with the conditions of proposing, and in particular evaluates proposals in accordance with the stated evaluation criteria
- identifies and addresses any potential conflicts of interest
- has processes which are secure and maintain confidentiality
- documents its actions and decisions so as to provide a satisfactory audit trail and a sound basis for accountability
- makes decisions that are free from inappropriate influences
- during the course of the procurement, proposals are treated with equity
- no party is unfairly discriminated against or given advantage over another
- takes into account only relevant and material matters
- applies rules consistently but not inflexibly.

The Probity Adviser may:

- confirm the process is fair and nothing more needs to be done
- advise when any errors or omissions occur, or
- as a last resort, recommend that the procurement process be terminated and rerun.

Generally the services are as follows.

4.2 Specific tasks

In order to safeguard the integrity of the project and to ensure that the processes of selecting a proposal are carried out in an open and fair way, a probity auditor will be required to:

- prepare the probity plan
- review the proposed documentation applying to the proposal from a probity perspective
- respond to requests to examine any probity issues arising during the course of the project, including advising how to redress any errors or omissions
- report any act of omission in the proposing process that affects, or may affect, the process integrity
- monitor adherence to a probity plan
- attend meetings where necessary
- provide report(s) as required by the Chairperson of the Project Team
- review all proposing and contracting documents
- advise on conflict of interest issues
- identify omissions or errors in the procedures and processes and proposing remedies
- train staff on probity principles and guidelines (where appropriate)
- provide probity advice on an assignment arrangement or ad hoc basis (e.g. by telephone), all stages of the proposal and contracting cycle.

4.3 Accounting and reporting

Prepare sign-off reports and other reports as required to the Chairperson of the Project Team on the probity of key stages of the proposing process.

The auditor should prepare and submit a final report which sets out his/her professional view of whether the process which has been followed was open and fair and met the required standards of probity.

4.4 Retrospective audits

Some proposing and contracting processes may be underway when probity auditing services are required. In these cases, a review of the processes to date would need to be undertaken and to the maximum extent possible, the probity auditor would be required to carry out the tasks required for a full audit.

There may also be occasions where the process and the recommendation for supplier selection are completed. This would generally involve a review of the documentation and discussions with key players.

Probity auditor reports in these instances may need to be qualified.

4.5 Attendance

The auditor is required to attend meetings only to the extent necessary to ensure probity of the process. Meetings will include:

- a staff probity meeting, if appropriate
- meetings of the Project Team as required
- debriefing sessions with proponents.

The auditor will not be required to attend:

- Project Team meetings which are unlikely to consider probity-related issues
- working committee sessions
- negotiations with proponents

unless he or she deems it necessary in specific circumstances, in order to protect the integrity of the project.

The auditor will be given full access to necessary documentation, personnel, meetings and premises to assess the adherence to the principles of probity.

Intellectual property in the working papers of the auditor shall remain the property of the CGSC. Copies of the auditor's materials may be required during or after the audit for CGSC or the cohort's records.

4.6 Answerability

The probity auditor will be accountable to the Chairperson of the Project Team as an independent probity auditor to the project.

Day to day liaison with the auditor will be undertaken by the Project Team Chairperson.

4.7 Public scrutiny

All probity auditors' reports will be made available in full for scrutiny by Parliament, the Auditor-General and anyone else with an interest.

A satisfactory probity audit does not guarantee the best possible decision is made. However, since probity processes and guidelines are intended to facilitate good decision-making, ensuring compliance with those processes will help to meet that goal. Following due process is also likely to ensure that the proposing or contracting process is transparent, runs smoothly, and does not give rise to criticism or queries from proponents.

Probity auditing is auditing for compliance. It does not check the effectiveness of the resulting contract. Where probity problems arise, part of the probity auditor's job will be to find a way to put things right with a minimum of delay and cost to Government.

5. Probity Adviser

Mr. Bradley Ead of AFS & Associates Pty Ltd has been appointed by CGSC as the independent Probity Adviser for the project.

The Probity Adviser's objectives are to guide the process, independently monitor procedural aspects of the process and advise CGSC on probity issues. Broadly, the role of Probity Adviser is to:

- Oversee and advise on the conduct of the process
- Monitor and advise whether the rules and procedures set out in the Procurement Framework and related documentation are followed
- Provide probity reports in relation to the process and sign-off in relation to whether it has been conducted fairly.

Specifically, the Probity Adviser will:

- Act as an independent observer and provide advice and comment on the process
- Ensure that all relevant parties in the process are aware of their responsibilities to disclose any conflict of interest
- Monitor and assess all relevant procedures for the accountability, confidentiality and security of documentation related to the process
- Attend and monitor meetings of the Tender Evaluation as required
- Provide advice to the Contract Development and Procurement Team on probity issues, including how to resolve or manage issues as they arise
- Scrutinise the process to determine whether applicable CGSC guidelines and policies have been followed
- Submit reports to CGSC, as requested or when considered necessary, to provide a record of the process confirming that probity has been observed and to report any probity issues that have arisen
- Prepare a final probity report in relation to the conduct of the process.

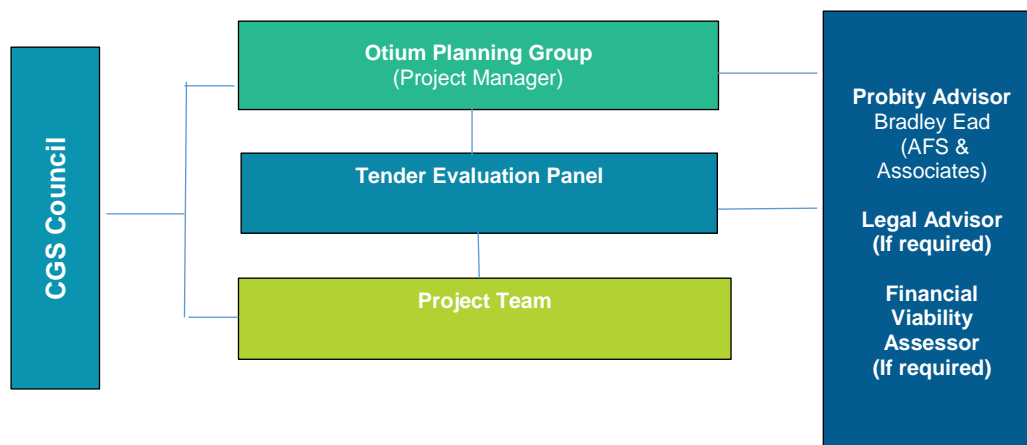
The Probity Adviser will report to CGSC on significant issues, in particular, those in which a conflict arises (e.g. a division of opinion among members of the Project Team).

The Project Team Chairperson and the Probity Adviser, will be the final arbiter in these matters. Where there may be a potential conflict, an alternative Project Team Chairperson may be appointed for certain parts of the process.

6. Decision making process

6.1 Governance Structure

The following chart sets out the governance structure for the project:



6.2 Procurement Processes

The processes adopted by CGSC should ensure that:

- the process complies with the CGSC’s adopted internal policies and procedures as well as applicable Victorian Government Purchasing Board (VGPB) policies and guidelines
- the tender are clear and unambiguous, and takes into account only relevant matters
- the tender are impartial and unbiased, including the conditions and constraints that apply
- sufficient time is provided to allow all parties to respond adequately to information requests.

6.3 Procurement Tasks

CGSC will undertake the following tasks to complete the procurement process:

- Establish Tender Assessment/Evaluation Panel and responsibilities
- Develop procurement program and timings
- tender scope development
- Close Tender
- Tender Assessment
- Approval and award
- Contract commencement.

7. Probity Protocols

7.1 Conflict of Interest

All those who are involved in the tender or approval processes are required to make a full declaration of their financial or personal interest in the tenderers (including current operational contractors where relevant) or any connected organisation or person which may present, or may be perceived to present, or has the potential to present a conflict of interest.

A form of disclosure is to be signed by all those involved in sensitive aspects of the project, particularly the tender. CGSC Standard Declaration of no-conflict of interest – Project Team form shall be used by all CGSC Councillors, staff and Participating Council partners involved in the procurement, contractors and consultants. A copy of the CGSC standard form is included in **Appendix B**.

If a conflict of interest is identified, the CGSC standard Conflict of Interest Declaration Form shall be completed (refer **Appendix B**). If the identified conflict of interest is classified as non-material (review by the Probity Advisor if required), this should be recorded by the Project Team Chairperson with detail of any management action required to prevent any later perception that the conflict was material and influenced any relevant decision.

For information, the following is a summary extract from the Code of Conduct for the Victorian Public Sector Employees which has some appropriate applicability to matters associated with tendering and contracting. The latest version of the [VPSE Code of Conduct](#) is dated June 2015.

7.2 How can I avoid a conflict of interest?

Conflict of interest with official duties may arise for various reasons and, as an individual, you may have private interests that from time to time conflict with your public duties. However, there is a reasonable public expectation that where such conflict occurs it will be resolved in favour of the public interest rather than your own.

You should neither buy nor sell shares in a client company at a time when you possess information that could, if publicly disclosed, affect the value of such shares. If you are involved in the privatisation of government functions, observe any constraints on share buying imposed by Government at the time. It is not possible to define all potential areas of conflict of interest and if you are in doubt as to whether a conflict exists, raise this with the appropriate level. In some circumstances, the appearance of a conflict of interest could itself jeopardise your public integrity.

You are required to declare to the management of your organisation, any conflict of interest that arises or is likely to arise. You should stand down in any decision-making process where you may be compromised.

7.3 Can I accept gifts and favours?

You should not seek or accept favours or gifts for services performed in connection with your official duties. Included in this category are gifts in kind, such as free accommodation or travel or entertainment vouchers whether for you or members of your family. The general principle to be followed is that you should not seek or accept favours or gifts from anyone who could benefit by influencing you.

Immediately report to your senior any circumstances where an offer of a benefit or gift is made, regardless of whether it is accepted or not, if you feel that such circumstances involve an attempt to induce favoured treatment.

Where a gift is given without your prior knowledge or consent or where a gift is given as a token of goodwill to CGSC, inform your Executive Officer as soon as possible. Gifts of more than token value should in all cases remain the property of the State.

Organisations vary in their policies on accepting gifts and benefits depending on the nature of their business. It is expected, however, that token gifts in the nature of souvenirs, mementoes or symbolic items of low material value may be accepted but only in circumstances approved by your Chief Executive Officer.

7.4 How can I prevent patronage or favouritism?

You must not use your position to obtain a private benefit for someone else. Your decisions must not be improperly influenced by family or other personal relationships.

7.5 Confidentiality

All advisers (external parties) with access to project-related information are to sign an appropriate confidentiality undertaking. A suitable template Confidentiality Agreement is attached as **Appendix C**. CGSC and Local Government Employees are already bound to general confidentiality under their Employment Agreements and Local Government Act. The tender evaluation panel shall complete the Standard Declaration of Probity and Non-Conflict form – Tender Evaluation Panel form after the tender closure and receipt of the submission list. Refer to **Appendix C**.

7.6 Security of Information

Notwithstanding any assurances that CGSC provides on the public disclosure of sensitive information, public sector organisations may be concerned to ensure that information they provide does not leak out. In particular, the Contract Development and Procurement Team is required to follow the rules below:

- Documents which contain commercially sensitive information are to be stored at all times in secure conditions, with access only for authorised persons
- Only authorised staff with a direct “need to know” are to be privy to commercially sensitive information
- Only limited numbers of copies of negotiation-related documents are to be produced, and each copy should be numbered. Documents should not be emailed
- No tender-related information is to be removed from CGSC’s offices without written approval from the Chief Executive Officer, unless the security of the documents can be guaranteed
- No person unless specifically authorised by the Project Team Chairperson will communicate any tender-related information in whatever form, to any other person
- Under no circumstances will any person answer any questions or provide any information to the media in regard to the tender process without the express permission in writing of the Project Team Chairperson.

All information both paper and electronic, is to be secure at all times.

Additionally – specific to this procurement, sensitive information includes commercial in confidence information supplied by proponents or any information that may be used to the advantage of Councillor Murphy, or disadvantage a proponent in their commercial dealings. Such information cannot form any part of Council agenda papers (publicly or in closed sessions) for which Councillor Murphy will be privy to.

Furthermore – to overcome the threat of an advantage or perception of advantage to the incumbent and Councillor Murphy, the Project Team will restrict the information made available to Councillors within regular agenda packs. Where necessary, separate covers will be provided to those Councillors with no conflict of interest or intention to participate as potential contractors within the procurement.

7.7 Paper information

Paper information is to be kept in a secure place, which can be locked and is only accessible by Tender Assessment Panel members. Extra copies are not to be produced unless absolutely necessary.

7.8 Electronic information

Electronic and e-mail information is to be kept secure at all times.

CD-ROM copies are to be kept locked and only accessible by a key kept by the team member.

Any copies maintained on a PC/laptop are to be stored on the hard drive (not a network drive) and secured by a password or within a designated limited access drive file location, only accessible by the Tender Assessment Panel members.

Any e-mail messages of significance, and particularly messages providing information on the distribution of information should be kept on the secured project file.

It is acknowledged Councillors have no such access to these files/folders.

7.9 Completion of the evaluation

After the evaluation and contract process is completed:

- all electronic files containing commercial-in-confidence information is to be sorted and stored on a secure network drive
- Files, including response documents, are to be stored in a secure part of the archive room.

It is acknowledged Councillors have no such access to these files/folders.

7.10 Communication with potential tenderers

Any information that is not general public knowledge must only be communicated in writing and forwarded through a person nominated by the Project Team Chairperson.

Any likely Tender participants should not receive, or be perceived to have received, additional information relevant to the tender process to that which is publicly available unless this information is expressly released by an appropriate authority as nominated by the Project Team Chairperson.

The likely tender participants should be advised to deal directly with the Project Team Chairperson or their nominee in all matters in relation to the process. You should refuse to enter discussions of this nature. Should any personnel be asked a specific question during the Tender process they should provide only a factual answer. They should not under any circumstances provide a personal opinion.

Procedures should be established for senior officers within the project team to review and authorise draft correspondence with proponents, recognising the need to send consistent and internally agreed messages to all proponents.

Where inappropriately persistent inquiries or comments are made, the discussion/meeting should be terminated. A file note should be prepared detailing the conversation.

A copy of this file note should be forwarded immediately to the Project Team Chairperson.

Should a likely tender participant request a copy of any document, approval must be obtained from the Project Team Chairperson prior to delivery.

Routine business meetings and social activities continue as usual, but the Tender Assessment Panel, advisers and CGSC and Participating Council employees must exercise caution, and must not discuss the tender process.

Where any party in an unrelated business meeting or social situation seeks to raise issues in respect of the tender process, the member of the Tender Assessment Panel, advisor or employee should indicate that it is not appropriate to discuss such matters. Such incidents should be reported to the Project Team Chairperson.

7.11 Proponents Briefing Session

If a Briefing Session is deemed required:

Proponents are to be provided with the opportunity to raise questions before the session to be answered during the briefing – anonymity will be respected.

The briefing session will provide an opportunity for proponents to learn more about the proposed arrangements, to decide whether to submit an offer and provide feedback on the proposed content and format of the proposal.

The briefing will also provide an opportunity for CGSC and the Project Team to explain the purpose of the project, technical features, evaluation criteria, likely timetable, major milestones, contractual or administrative issues and relevant policies.

Due to the facilities being run by the incumbent contractor, the incumbent contractor will be requested to have limited ability to interact/ask questions/make statements or deliberately mis-lead during site visits so as to protect the potential proponent's commercial interest in seeking to become the contractor.

Proponents (including the incumbent) will be limited to one representative attending each session.

Sign-in to a register of attendance will be required, nominating the entity each person is representing.

All questions (not of a trivial nature) will be recorded, and information/responses distributed via the online e-tendering portal to all potential proponents.

7.12 Interviews with shortlisted proponent

Interviews with proponents should be of the same duration and comprise core questions and discussion points. Questions of clarification specific to a proposal are expected. Timing of interviews should be scheduled to minimise the waiting game for proponents and to reduce the prospect of embarrassing unplanned meetings between competing proponents.

All proponents need to be given the same amount of notice in the interview time. Invitations should be confirmed, and names of all representatives attending recorded.

Records of interview in the form of a letter from the interviewees may be used if they clearly state the important matters discussed and raised.

7.13 Record keeping

Key activities during the implementation of the probity protocols of this project shall be recorded on the CGSC standard Probity Statement and the summary of Key Probity Activities in **Appendix A**.

A database of all probity related matters relevant to the tender process should be maintained by the Project Team Chairperson.

The database should be continually updated throughout the process and all issues identified by parties addressed by the appropriate CGSC officer on a timely basis.

A list of key documents which should be retained are:

- Proposal history
- Strategic planning documents
- RFT
- Notice of meetings
- Probity Plan
- Users contacted
- Proposal Briefing Meeting
- Lodgement of proposal list
- Conflict of interest declarations
- Evaluation summary
- Minutes of meetings
- Register of briefing/site visit attendees and the organisation they represent
- Non-shortlisted proponents
- Shortlisted proponents
- Unsuccessful proposal notifications
- Shortlisted proponent information
- Successful notification(s)
- Post proposal negotiation documents
- Recommendation
- Agreement/Contract
- Insurance details
- Guidelines.

7.14 Data Room

It is not envisaged that a Data Room is required to be established for this procurement. However, if it is the following applies:

The data room is to be a secure room which is to be separated from the general staff. It is to be either supervised or locked at all times. In particular:

- Access to the data room must be restricted to authorised persons
- A register of all proponents visiting the data room must be maintained. Details to be recorded include names of all team representatives of the proposal entering the data room as well as arrival and departure times
- All proponents will be given the same amount of time to use the data room. If additional time is granted to any proponent, the same opportunity must be presented to all proponents
- Visitors must advise the Project Team Chairperson if they are leaving the room unattended
- All visitors to the data room should be made aware of the data room procedures, preferably in writing
- Original documents must not be removed from the data room
- Commercial-in-confidence information must be clearly marked as such. Copies of this information is not permitted without written authorisation of the Project Team Chairperson.
- Non commercial-in-confidence information may be photocopied if so requested or may be provided to all proponents in electronic form (i.e. on an usb or placed on a website).
- Personal computers and dictaphones may be used in the data room
- No cameras including on mobile devices are allowed within the Data Room
- Any requests for further information should be documented along with the response provided. If appropriate, if additional information is provided to any proponent, the other proponents will need to be informed of the availability of this information.

8. Staff and Participating Council employee guidelines

Outside parties with whom CGSC has a business relationship may contact staff (who do not have a direct involvement in the process) as part of the normal day to day relationship.

It is important that staff follow the following guidelines throughout the entire process:

- No discussion should be held with likely Tender participants about the process without the prior approval or at the direction of the Project Team Chairperson and where necessary, their nominee
- A likely Tender participant should not receive or be perceived to have received additional information to that which is publicly available in or respect to the process
- A likely Tender participant should be advised to deal directly with the Project Team Chairperson in all matters in relation to the process. You should refuse to enter discussions of this nature
- Unusual or exceptional invitations from any party with a declared interest in the project should not be accepted
- Requests for meetings from Contractors or any party with a declared interest in the upcoming tender should not be accepted and directed to the Project Team Chairperson. The proposed tender evaluation team shall not meet with any Contractors or party expressing an interest in the tender.
- Once CGSC issues public notification of the tender process no CGSC or Participating Council staff shall meet with Contractors or any party with a declared interest in the tender.
- Routine business meetings and social activities continue as usual, but CGSC and Participating Council managers and employees must exercise caution, and must not discuss the tender process
- Where any party in an unrelated business meeting or social situation seeks to raise issues in respect of the tender process, the employee should indicate that it is not appropriate to discuss such matters.

9. Panel of suppliers

It is not envisaged this procurement will result in a panel of suppliers.

Where a panel of suppliers is to be appointed, the same probity process needs to be applied for the initial appointment.

Subsequent to their appointment (when jobs are being allocated) the spirit of probity needs to continue.

In that they must be and appear to be:

- allocated work fairly and impartially
- the work must be allocated pursuant to their original submissions
- the allocation of the work must be transparent
- their submissions must be kept secret and confidential
- conflicts of interest are dealt with according to this plan.

10. Proprietary information

A separate but related confidentiality issue is the handling of the bidding process of proprietary business information. In major proposal exercises, including those for Partnerships Victoria projects, the Government may wish to give private sector proponents the opportunity to compete against each other on the basis of quality and innovation as well as price. Proponents will want comfort that ideas they consider to be proprietary will not be communicated to competitors, negating the advantage they might gain and compromising their ability to compete effectively in future proposal competitions. The project team needs to establish ground-rules to ensure both that proponents have confidence in the process and that the Government is not unreasonably prevented from sharing non-proprietary information with other proponents.

One way of dealing with these problems is for project teams to define early in the bidding process the categories of information which the Government agrees should be treated as “proprietary.” Within this framework, if proponents are unclear about the treatment the Government will accord to specific proposals, they should be given the opportunity to seek a ruling from the State before they submit their bids.

In 2002 the Victorian Government announced a policy on the public disclosure of proposal and contract related information “Ensuring Openness and Probity in Victorian Government Contracts”. This policy and accompanying guidelines are available at the VGPB website. In brief, it requires that:

- Once a proposal process is complete and a contract has been awarded, the Government should voluntarily disclose details of that contract on the Victorian Government Purchasing Council’s website. Contracts over \$10 million in value should be published in full, others should be published in summary form.
- Only trade secrets or genuinely confidential business information should be withheld from the versions of the contracts which are disclosed, along with material which if disclosed would harm the public interest. The Freedom of Information Act defines confidential business information as material which, if disclosed, is “likely to expose [a private sector contractor] unreasonably to disadvantage”.
- Other proposal-related information which might contain sensitive information (such as information provided by proponents as part of their proposals and material related to bid evaluation) need not be disclosed by the Government.
- Such information may, however, become public by other means. It could, for instance, be subject to an application under the Freedom of Information Act and, ultimately, if the Government continues to oppose disclosure, to appeal through the Victorian Civil and Administrative Tribunal. The Auditor-General, the Ombudsman and Parliamentary Committees may access and publish any information they wish, pursuant to their statutory powers and functions. For these reasons, Government agencies should avoid giving proponents absolute assurances about the confidentiality that will be accorded to the information they provide.

Appendix A - Probity tasks and steps

The step-by-step tasks in the probity plan below need to be undertaken to ensure openness and fairness.

Records should be maintained throughout the process and provide sufficient information to enable audit and independent review functions to be carried out. Departure from established procedures should only be for sound and well-documented reasons. Production of documents listed may be necessary to establish that probity was achieved.

The following tasks are generally in chronological order:

	Task	Documents	Policy Ref.	Comments	Date Completed
1	Check users have been consulted	Notes of consultation, user requirements			
2	Check Council approval obtained Approval of the Council needs to be assured before commencing the project	Council minutes			
4	Check Project Team members' credentials They need to be properly authorised to represent stakeholders and be selected on the basis of their expertise. Where necessary, external expertise is to be engaged to ensure a full range of qualifications, skills and experience.	Letter of nomination or similar RFQ or similar for independent advisors			
5	Settle details of the Probity Plan Complete any matters with the Probity Plan.	Probity Plan document			
6	Check Project Team members are familiar with and have access to all relevant policies and guidelines	Copy of policies and guidelines			

Task	Documents	Policy Ref.	Comments	Date Completed
<p>7 Ask for conflict declarations Required at the outset of the proposal process, from all Project Team members, and conflict declarations and confidentiality undertakings from any advisers, including the probity auditor, and remind members of terms of VPS Code of Conduct and VGPB policies.</p> <p>Members must also disclose any conflicts of interest arising during the purchasing process.</p> <p>Potential service suppliers must be required to divulge all potential conflicts of interest at the time they offer to provide services. Failure to make adequate disclosure may be grounds for ending the contract.</p>	<p>Conflict declarations Confidentiality statements Minutes of meetings</p>			
<p>8 Set up confidentiality procedures To ensure all proponents have access to the same information and that commercial in confidence information is only available to those who need it, significant clarification or further detail is provided to all proponents equally, telephone queries are handled by a single person, file notes are made of all conversations, etc. Confidential information must be protected and no information should be provided for the benefit or detriment, of particular parties.</p>	<p>List of procedures File notes Copy letters or mail merge letter and address list Record of all inquiries, and responses</p>			
<p>9 Set up proprietary information procedures If proponents are required to bid on the basis of service quality and innovation, all ideas they consider proprietary must not be communicated to competitors, negating the advantage they might gain from them and compromising their ability to compete effectively in future proposals. The Project Team needs to establish ground rules to ensure that both proponents have confidence in the process and the Government is not barred from sharing information which is commonly known.</p> <p>Categories of proprietary information should be defined early in the process and stated in the proposal documentation.</p>	<p>File notes Specifications</p>			
<p>10 Brief all staff involved Confidentiality and security procedures explained and documented.</p>	<p>Briefing note to staff or minutes Instruction</p>			


Task	Documents	Policy Ref.	Comments	Date Completed
11 Review probity at PLANNING STAGE milestone	Record of milestone Check in minutes			
12 Settle Selection Criteria Proposal documents should incorporate selection criteria. Specifications should include: <ul style="list-style-type: none"> ▪ Approximate value of the project. ▪ Expected outcomes, including size and geographic distribution. ▪ Skills and expertise expected of the service provider. ▪ All information provided to proponents should allow proper assessment of the predetermined criteria. 	Specifications Notes of consultation Drafting notes Details of Selection Criteria			
13 Settle performance measures and targets Detail how the contractors' performance will be assessed which will lead to payment.	Details of measures & targets arising out of Strategic Plan for Procurement			
14 Settle invitation documents (RFT) Invitation documents should be designed to elicit the information necessary for proper assessment of each of the selection criteria. Check to ensure they are based on consultation with users and an understanding of the market, what is specified meets the identified need, all legal issues, accountability and intellectual property restrictions are clearly set out. Check evaluation criteria, weightings and selection processes, state how late and non-conforming bids will be dealt with and request declarations of any proponent's conflicts of interest. Maintaining the process should not hinder consideration of alternative or innovative bids. If changes in evaluation criteria through the process seem likely, redraft specifications to ensure predictable format of responses. Include transition in and transition out arrangements. Bids should be assessed by more than one person. The process should incorporate sound and accountable decision making.	Consultation notes, inc record of RFT Specification Conditions of proposal Conditions of contract Vendor response Timetable			
15 Review probity at PROPOSAL PREPARATION STAGE milestone	Record			

Task	Documents	Policy Ref.	Comments	Date Completed
16 Set up process for receipt, recording and acknowledging bids Ensure no bids are read prior to the close of the proposal period.	Proposals download list Proposal box register Copy letters or mail merge file and address list acknowledging receipt			
17 Check advertising arrangements This includes press advertisements, registration on website etc.	Contact details Website information Press cuttings Electronic proposal registration list			
18 Arrange proposal briefing meetings Record who attended. Prepare a summary report and post it on a website or make it available in hard copy.	Summary report Record of attendees Website report			
19 Check proposals are received according to Conditions of Proposal	Proposals register			
20 Secure documents Ensure they are kept secure at all times.	List of procedures			
21 Review probity at invitation stage milestone Milestone check.	Record of milestone check in minutes			
22 Confirm requirements of specification and details of selection criteria. Notify proponents of any significant alternations that may occur in the future due to change of circumstances Criteria should never be altered to give advantage to any particular party and all proponents should have access to the same information. If there are changes, allow all proponents the (same) time and opportunity to re-submit bids.	Minutes of meeting Copy letters or mail merge letter and address list			
23 Assess Proposals as quickly as possible Any extensions of time granted, must be granted to all proponents.	Timetable, as amended			
24 Ensure all Proposals are compared on the same basis Evaluation criteria have been followed, responses have been assessed against pre-determined criteria and specific requirements of the specifications, give reasons for the choice of the preferred applicant, and ensure these reasons are clear and defensible The determined evaluation criteria should be established and documented before prior to calling for bids.	Evaluation sheets Score sheets/comparative results Minutes of meetings			

Task	Documents	Policy Ref.	Comments	Date Completed
25 Notify short listed proponents of interview Ensure same information has been provided to all proponents except matters specific to an individual contractor. Ensure same time is allocated to each interview.	Letters Agenda			
26 Notify proponents not shortlisted	Copy letters or mail merge file and address list			
27 Document interviews and post proposal negotiations with short listed proponents	Interview questions Record of interviews Meeting agenda File notes Proponents' confirming letters			
28 Assess probity of short listed proponents This may include corporate information including ownership, litigation, director's profiles, financial security and past history. Referee checking procedures should be substantially the same and confidentiality assured.	Referee checks ASIC records Commercial Annual returns etc			
29 Plan and document site visits An agenda prepared by the Project Team before the visit. A Chairperson of the Project Team is to lead the visit and take a record of the meeting. Ensure fairness is maintained.	Meeting agenda Minutes			
30 Brief Reference Group (if appropriate)	Minutes File notes			
31 Review probity at EVALUATION STAGE milestone Milestone check.	Record in minutes			
32 Prepare proponent selection report stating reasons for selection or rejection of bids Prepare justification report consistent with reasons for selection.	File notes Minutes of meetings Justification statement Evaluation matrices Evaluation report			
33 Review probity at RECOMMENDATION REPORT STAGE Review process from a probity perspective and obtain probity report from probity auditor, if one has been engaged.	Minutes Probity auditor report			
34 Notify the successful proponent/s offer is accepted subject to contract and notify unsuccessful proponents their offers are not accepted	Letters			

Task	Documents	Policy Ref.	Comments	Date Completed
35 Debrief unsuccessful proponents This should be done by the Chairperson of the Project Team, with at least one other team member	File notes of feedback sessions			
36 Settle performance measures and benchmarks for determining the successful contractor's performance and finalise contract and insurance details.	Contract with successful proponent Certificate of currency			
37 Settle transition arrangements	Transition plan			
38 Store all documents Provide a complete and accurate record of how key functions and activities were carried out, in accordance with the <i>Public Records Act 1973</i> .	Proposal file(s)			
39 Regularly monitor and evaluate performance Determine whether project requirements are being satisfied. Complete an evaluation at the end of the process taking into account the complexity, quality, duration, cost and any other key issues relating the service provided. Outcomes should be measured against the stated objectives.	File notes Risk management plan Probity plan			

Appendix B - Standard Declaration of Non-Conflict of Interest – Project Team



Conflict of Interest Declaration

[Date]

Kym Murphy
Manager Community Partnerships
Central Goldfields Shire Council
22 Nolan Street
Maryborough Vic 3465

Dear Kym

Conflict of Interest Declaration

As a member of the Tender Panel & Evaluation Team for the Central Goldfields Aquatic and Leisure Facilities Management, I am writing about my obligations in relation to conflict of interest and confidentiality.

Conflict of interest

I am fully aware of my obligations under Council's Code of Conduct and Procurement Policy to avoid all conflicts of interest in carrying out my duties, and to disclose any potential conflicts of interest if they emerge in the course of my official duties. I currently have no such conflicts.

Confidentiality

I am fully aware of my obligations under Council's Code of Conduct and Procurement Policy in relation to confidential information. I will not disclose anything about the tenders or the process to anyone who is not part of the formal selection process in relation to this tender, unless

1. I am compelled to do so by law;
2. The information is already legally in the public domain; or
3. I have your prior permission.

All documents will either be returned to the Chairperson of the Project Team or destroyed in a secure manner.

Yours sincerely

[insert name]
[insert role]
[insert organisation]

Appendix C - Deed of Confidentiality

Interpretation

Definition

Information - means information, documents and data stored by any means and any information made available to the Confidant in the course of his or her dealings with CGSC and/or the Project Team (the Group).

This includes information relating to:

- a) any intellectual property rights of the Group members
- b) to the financial position or reputation of the Group members
- c) the internal management and structure of the Group members
- d) the personnel, policies and strategies of the Group members
- e) clients or suppliers of the Group members.

Information of the Group members that has any actual or potential commercial value to members of the Group or to the person or corporation which supplied that information.

Non disclosure

- a) The Confidant will treat as secret and confidential all information to which he or she has access or which is disclosed to him or without the prior written consent of the Group.
- b) If the Group grants its consent, it may impose conditions on that consent. In particular, the Group may require that the Confidant obtain the execution of a Deed in these terms by the person to whom the Confidant proposes to disclose the Confidential Information.
- c) The obligations of the Confidant under this Deed shall not be taken to have been breached where the Confidential Information is legally required to be disclosed.

Restriction on use

- a) The Confidant will use the Confidential Information only for the purpose of its dealings with the Group (whether directly or indirectly).
- b) The Confidant will not copy or reproduce the Information without the approval of the Group, will not allow any other person outside of the Group access to the Information and will take all necessary precautions to prevent unauthorised access to or copying of the Information in his or her control.

Survival

- a) This Deed will survive the termination or expiry of any contract between the Group and the Confidant providing for the performance of services or the provision of goods by the Confidant (whether directly or indirectly).

Powers of the Group

Production of documents

- a) Immediately upon request by the Group, the Confidant must deliver to the Group all documents in the possession or control of the Confidant containing Confidential Information.
- b) If at the time of such a request the Confidant is aware that documents containing Confidential Information are beyond his or her possession or control, then the Confidant must provide full details of where the documents containing the Confidential Information are, and the identity of the person who has control of them.

Applicable law

- a) This Deed shall be governed in accordance with the Law of Victoria.

Executed as a Deed

SIGNED SEALED AND DELIVERED)
)
by.....)
[insert name of the Group)
representative]) (signature of the Group representative)
)
in the capacity as)
[insert position])
)
in the presence of)
[insert name of witness]) (signature of witness)

SIGNED SEALED AND DELIVERED)
)
by)
[insert name of Confidant]) (signature of Confidant)
)
in the presence of)
[insert name of witness])
)
)
) (signature of witness)

Appendix E - Probity Auditor's Sign Off Report (template)

[Name]
Secretary
of [insert name]
[address]

Final probity audit report for [insert details]

The probity audit for *[insert name of project]* has been completed up to the proposal selection report stage and is now considered complete.

[The report covers the following issues:]

1. Description of the scope of the audit.
2. Statement identifying the source of management's representation about the proposal process.
3. Statement that the probity auditor has conducted the engagement in order to express an opinion on the proposal process.
4. Purpose for which the probity auditor's report has been prepared and of those entitled to rely on it.
5. Brief description of the probity framework against which the report has been prepared.
6. Statement that the audit has been conducted in accordance with this framework.
7. Explanatory details about the variables that affect the assurance provided.
8. "Inherent Limitations" in any probity audit process. [It is possible that irregularities may occur and not be detected, and that evidence is gathered at particular points in the process, rather than continuously throughout the process].
9. "Qualification" (if any) which is a requirement when an auditor's opinion is qualified.
10. Findings in the form of an expression of opinion about whether, in all material respects and based on the probity framework, the process has been undertaken in accordance with identified probity principles covered in the probity plan.

[Auditors Name]

Appendix F - Points to watch and areas of risk

There are certain critical times during a proposal process when the potential for probity problems to arise is at its greatest. There are also a number of common issues in any proposal exercise about which managers and probity advisers should be particularly vigilant. These are:

- **The need for consistency and continuity:** As discussed above, all proponents should be given the same access to commercial information and the same guidance and instructions on the conduct of the proposal process. Procedures, rules and bid evaluation criteria should be applied consistently so as to prevent any actual or perceived discrimination. Consistency of this kind can best be maintained where clear procedures are documented in advance, where staff are fully briefed, and where there is a strong measure of continuity in the personnel who make up the project team and its advisers.
- **Communications with proponents:** Clear protocols need to be established in advance of meetings with proponents to ensure that a consistent approach is adopted on the CGSC side. This can be achieved by agreeing detailed agendas in advance and by authorising specific project team staff to speak on specific subjects. Procedures need to be established to ensure that written communications with proponents are signed off at an appropriately senior level within the project team.
- **Storage and distribution of proposal information:** By adhering to the security protocols described, project teams can minimise the risks that confidential proposal-related information might transfer to others or inadvertently move in the public domain.
- **Adherence to proposal closing deadlines:** Adherence to proposal closing deadlines is of paramount importance in maintaining the integrity of the proposal process. Proponents can be seen to obtain an unfair advantage if they are permitted to have more time to prepare bids. Similarly, if bids are received, opened and distributed ahead of the closing date, it is theoretically possible that details of those bids could be passed to other proponents. Bids should not be sent to the bid evaluation committee until the nominated deadline for receipt of bids has elapsed.
- **Probity checks on proponents:** This document has focused on the steps project teams can take to ensure that the processes they run meet accepted probity standards. A quite separate probity issue relates to proponents and their past conduct. No matter how well run the proposal process, the CGSC could be embarrassed if it awarded a major contract to a firm which had a record of illegal or unethical activity. The project team should therefore take advice on whether it would be appropriate to run probity checks on proponents. Such checks would need to be mentioned and provided for specifically in the RFT.
- **Changing bid parameters:** As it moves through the proposal process, the CGSC may decide to adjust the procedures and parameters for bidding, including the evaluation criteria. This could occur, for instance, if in a staged proposal process, indicative bids prompted the CGSC to rethink the basis on which bids should be sought. It might also occur if external factors led to delays in preparing proposal documents or providing key information to the market. Changing fundamental proposal arrangements in the middle of a process is clearly undesirable, particularly if such a change has not been anticipated even as a possibility in the RFT. But RFTs should be drafted so as to allow the entity a degree of flexibility to adjust its requirements. The key point is to ensure that all proponents are given the same, clear information at the same time, and that the change in bid requirements is not perceived as a means of favouring or disadvantaging a particular proponent or group of proponents. That said, project teams are strongly advised to consult the Probity Advisor if appointed or the CEO/Council before contemplating any significant departure from the terms of the RFT.

- **Finalising the deal - legal risks:** During the final stages of the bid evaluation process, staff in project teams are likely to be in frequent contact with members of the front-running bidding team. It is essential that nothing is said, explicitly or implicitly, to the proponent to indicate that they have won until all relevant bid evaluation activities, sign offs and approvals have been obtained. There is a risk of “drifting into a contract” through unguarded informal discussion with a front-running proponent. It therefore makes sense to establish clear procedures for handling contact with proponents in the later stages of the proposal process, to establish early on the approvals that are required before the preferred or successful proponent can be selected, and to spell out in the RFT exactly how and when the contract will be concluded.
- **Public announcements:** Just as the RFT should map out procedures for the “end game” in which the contract is finalised, so it makes sense for CGSC to develop a clear communications strategy for announcing key milestones during the proposal process. The strategy will generally need to be discussed and agreed in advance with Ministerial and media unit staff, ensuring that commercially confidential information is not disclosed to unauthorised personnel. It is also helpful to explain to proponents, either in the RFT or in other written material, what CGSC expects to announce and when Proponents need to be briefed to avoid misunderstandings.
- **Debriefing:** Unsuccessful proponents should generally be notified immediately before the result of a proposal process is announced. They should be given the opportunity for a more detailed debrief. The project team should obviously avoid revealing information in the debrief which might compromise the commercial interests of the CGSC or of any other proponent. The Probity Advisor if appointed should be present, if only to hear any feedback or complaint from the proponent on process issues.
- **Establishing clear paper trails:** In the final stages of a proposal process, events may unfold rapidly, with decisions being taken in response to pressing deadlines. Despite these pressures, it is essential that key discussions, data and decisions are documented and filed in a form which allows those undertaking subsequent reviews of the proposal process to understand clearly how, why and when the key decisions were taken. It is important that records are kept throughout a process: it will be difficult for outsiders to reconstruct a paper trail from the documents left behind when project teams disband and personnel move on.

Consultation within Government/CGSC

It is important to recognise the interests of other public sector stakeholders in the proposal process and ensure that they are consulted at appropriate stages. External consultation by project teams helps to ensure that they act in line with wider Government policy and budgetary/process requirements. It should also help to improve the quality of decision-making processes by widening the range of expertise and experience that is brought to bear.

Key stages in the proposal process at which it may be important for project teams to consult within Government/CGSC are:

- **Initial decision to proceed with proposal** – ensuring that before any proposal exercise is brought to the market it has the necessary approvals, for instance from the Council.
- **Proposal objectives and bid evaluation criteria** – defining the objectives of a transaction is a key task which will guide the rest of the process and which is likely to require consultation with stakeholders.
- **Formulation of probity policies** – the VGPB, and CGSC are all likely to have an interest in ensuring that the specific probity policies prepared for a proposal process meet the general probity standards the Government has set.
- **RFT content** – project teams should obtain agreement from stakeholders and advisers on the RFT, the legally binding document which will set the framework for the whole proposal process.
- **Preferred proponent announcement** – once bids have been received and evaluated, and a preferred proponent has been selected, project teams for major transactions (especially those likely to attract public comment or criticism) should normally inform and consult internal Advisors, Ministerial Advisors (if required) and communications officers about the handling and timing of any public announcement.

Taxation

Business Services

Community Banking

Audit

Share Registry

Your partners
in success



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