



COUNCIL MEETING

Tuesday 23 March 2021

6:00pm

Community Hub

AGENDA

Item	Title	Page
1.	Commencement of Meeting, Welcome	
2.	Apologies	
3.	Leave of Absence	
4.	Disclosures of Conflicts of Interest	
5.	Confirmation of the Minutes of Previous Council Meetings	2
6.	Reports from Committees Nil	
7.	Petitions Nil	
8.	Officers reports	
8.1	LOCAL SPORTS INFRASTRUCTURE FUND	4
8.2	MSLC, OUTDOOR POOLS AND FACILITIES MANGEMENT CONTRACT	9
8.3	MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE – CENTRAL GOLDFIELDS SHIRE	14
8.4	SKATE AND SCOOTER PARK DESIGN AND CONSTRUCT CONTRACT	17
8.5	PUBLIC ACCESS TO DUNOLLY DUMP POINT	22
8.6	UPDATE TO COMMUNITY SUPPORT POLICY – FEE WAIVER	25
8.7	POWER PURCHASING AGREEMENT	27
8.8	S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION PLANNING AND ENVIRONMENT ACT	31
8.9	COUNCIL COVID-19 HARDSHIP SUPPORT MEASURES	33
9.	Use of Common Seal Nil	
10.	Notices of Motion Nil	
11.	Urgent Business	
12.	Other Business	
13.	Confidential Business Nil	
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 23 February 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 23 February 2021 are presented for confirmation.

ATTACHMENTS

1. Unconfirmed Minutes of Council Meeting held 23 February 2021

RECOMMENDATION

That Council confirms the Minutes of the Council Meeting held on 23 February 2021.



MEETING OF COUNCIL MINUTES

Tuesday 23 February 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 March 2021

unconfirmed

UNCONFIRMED MINUTES

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.00pm
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

Chief Executive Officer, Lucy Roffey
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
Nikki Parker, Manager Governance, Property and Risk

2. APOLOGIES

Nil

3. LEAVE OF ABSENCE

Nil

4. DISCLOSURES OF CONFLICTS OF INTEREST

Cr Murphy stated "Mr Mayor, I have a conflict in item 8.10 it's about the contract management of recreation facilities."

Councillor Murphy's disclosure of a conflict of interest in regard to Item 8.10 was noted.

5. CONFIRMATION OF THE MINUTES OF PREVIOUS COUNCIL MEETINGS

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

Council Resolution

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

Moved Cr Murphy
Seconded Cr La Vella

CARRIED

6. REPORTS FROM COMMITTEES

Nil

7. PETITIONS

UNCONFIRMED MINUTES

Nil

8. OFFICER REPORTS

8.1 COMMUNITY ENGAGEMENT POLICY

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.

Mayor thanked and congratulated community, staff and ward councillors involved in the development of the documents.

Council Resolution

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

Moved Cr La Vella
Seconded Cr De Villiers

Cr La Vella spoke to the motion.

CARRIED

8.2 GRANT ALLOCATIONS AND OPPORTUNITIES

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.

Council Resolution

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.*

Moved Cr Sproull
Seconded Cr La Vella

Cr Sproull spoke to the motion.

CARRIED

8.3 ADVOCACY FOR WEEKEND RAIL SERVICES

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

UNCONFIRMED MINUTES

Council Resolution

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.

Moved Cr Long
Seconded Cr Lovett

Cr Long spoke to the motion.
Cr Lovett spoke to the motion.

CARRIED

8.4 ADVOCACY ON STATE REDIVISION

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

Council Resolution.

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

Moved Cr Murphy
Seconded Cr Long

Cr Murphy spoke to the motion.

CARRIED

8.5 DRAFT COUNCILLOR CODE OF CONDUCT

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.

Council Resolution.

That Council:

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

Moved amended motion:Cr de Villiers
Seconded Cr La Vella

Cr de Villiers spoke to the motion.

CARRIED

8.6 COUNCIL PLAN ACTION PLAN PROGRESS REPORT

UNCONFIRMED MINUTES

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.

Council Resolution.

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

Moved **Cr Murphy**
Seconded **Cr La Vella**

Cr Murphy spoke to the motion.

CARRIED

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

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

Council Resolution.

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.

Moved **Cr Sproull**
Seconded **Cr Long**

Cr Sproull spoke to the motion.

CARRIED

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

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.

Council Resolution.

That Council:

- 1. Adopt the revised Central Goldfields Planning Scheme Amendment C031cgo1, in accordance with the recommendations in the Panel Report: Central Goldfields Planning Scheme Amendment C31cgo1 - 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;*

UNCONFIRMED MINUTES

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 C031cgo1 by the Minister for Planning in accordance with Section 31(1) of the Planning and Environment Act 1987.*

Moved Cr de Villiers
Seconded Cr Long

Cr de Villiers spoke to the motion.

CARRIED

8.9 DECEMBER FINANCIAL REPORT AND MID YEAR REVIEW

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.

Council Resolution.

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.*

Moved Cr Murphy
Seconded Cr Lovett

CARRIED

6:52pm Councillor Murphy left the room

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

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.

Council Resolution.

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.

Cr Lovett moved motion:

"I move that this item be deferred until Council are fully informed of the proposed changes to the contract for management services of the Maryborough Sports and Leisure Centre

UNCONFIRMED MINUTES

and swimming pools and that Council has input into drafting the new contract ensuring that user groups are not disadvantaged.”

Seconded: Cr de Villiers Carried

CARRIED

Cr Murphy returned to the meeting: 7:05pm

9 DOCUMENTS FOR SEALING CONFIRMATION REPORT

Nil

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS

Cr La Vella notified that she wished to raise an urgent motion regarding the cost of engaging a consultant to report on options for the Maryborough aerodrome.

The Mayor explained the Governance Rules in relation to urgent motions, raised concerns that a motion such as suggested by Cr La Vella does not fulfil the criteria for urgent business.

Cr La Vella withdrew her request to raise an urgent motion.

12 CONFIDENTIAL BUSINESS

Nil

13 OTHER BUSINESS

Nil

14 MEETING CLOSURE

The Chair, Cr Meddows-Taylor declared the meeting closed at 7:14pm.

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

8. OFFICER REPORTS

8.1 LOCAL SPORTS INFRASTRUCTURE FUND

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 request that Council notes that two applications have been submitted to the Local Sports Infrastructure Fund (LSIF).

Sport and Recreation Victoria's (SRV) LSIF provides funding to local government to develop facilities that ensure more Victorians can access the benefits of participating in sport and active recreation.

LEGISLATION AND POLICY CONTEXT

Central Goldfields Shire Council's Council Plan 2017-2021 (2018 Refresh) – Choose an item.

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

Objective 1.3: Ensure that all of our community, regardless of diversity, can live a full and healthy life.

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.

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

Central Goldfields Shire Council's Council Recreation and Open Space Strategy 2020-2029

Strategy 3.5.3 To have Skilled and Well Supported Volunteers, Well Governed Clubs and Organisations plus Well Managed Facilities

Objective 3: Maximise the use of existing facilities

Central Goldfields Shire Council's Council Recreation and Open Space Strategy 2020-2029

Strategy 3.5.2.1 Ensure that facilities and spaces are Fit for Purpose

Objective a: Utilise Capital Works Assessment Matrix and Access Audits to determine need for improvements at Council owned and managed facilities and to prioritise projects in Council's Capital Works Budget.

Central Goldfields Shire Council's Council Recreation and Open Space Strategy 2020-2029

Strategy 3.5.2.1 Response to specific issues raised about compliance with State Sporting Association Standards and /or Guidelines

Objective a: Work with clubs and associations to develop a plan to address the noncompliant netball courts across the Shire; prioritise Council owned and managed facilities; seek funding.

Central Goldfields Shire Council's Council Recreation and Open Space Strategy 2020-2029

Strategy 3.5.2.3 Identify and implement Energy Saving Measures to reduce energy use and greenhouse emissions

Objective a: Identify improvements to Council owned/managed facilities including solar energy options, energy saving lighting, provision of sensors

BACKGROUND INFORMATION

The 2021 Local Sports Infrastructure Fund (LSIF) is a state-wide competitive Victorian Government investment program that funds the development of high-quality, accessible community sport and active recreation infrastructure.

Applications opened late February 2021 for five (5) funding streams with limits on the number of applications allowed per Local Government Area (LGA) for four (4) of the streams:

- Better Indoor Stadiums: Up to \$2 Million - Only 1 application (site bundling allowed)
- Female Friendly Facilities: Up to \$500,000 - unlimited applications
- Community Sports Lighting: Up to \$250,000 - Only 1 application (site bundling allowed)
- Facilities for Active Seniors: Up to \$200,000 - Only 1 application (site bundling allowed)
- Scoreboards and Fixed Equipment: Up to \$25,000 - Only 1 application (site bundling allowed)

Funding ratios of SRV \$2: \$1Local apply to these streams and applications are required to confirm matched funding.

The application process is as follows:

1. Clubs and Associations submit Eols to their LGA
2. Council officers assess the Eols against SRV's funding criteria and guidelines
3. Council officers present recommendations to Executive and Councillors for discussion
4. Council officers prepare the applications and submit to SRV by 5pm 22 March 2021
5. Successful projects will be announced, and funding agreements executed in June 2021 with projects needing to commence construction within six (6) months of the funding agreement being executed.

Projects must be able to commence within 6 months and responsibility for project management sits with Council.

Clubs and Associations were invited to submit an Eol with supporting documents to the Recreation team by 5pm Wednesday, 3 March 2021.

Council officers assessed the Eols against SRV's funding criteria on 4 March 2021 and discussed the applications with SRV. Applications were presented to Councillors for discussion on 16 March 2021.

The program closed on Monday 22 March, meaning that applications had to be submitted before they were formally endorsed by Council resolution.

REPORT

Council received three (3) expressions of interest and is supporting two (2) for application to the LSIF. The two projects applied for are:

1. Maryborough Highland Society Bowls Club Synthetic Green Lighting Enhancement.

Description

Replace lighting which is inadequate for purpose with LED lighting more suitable.

Costings

Grant Request	\$9,960.00
MHSBC Contribution	\$5,000.00
Requested Council Contribution	\$Nil
Total Cost	\$14,960.00

2. Laanecoorie Dunolly Cricket Club - Deledio Park Community Messaging and Scoreboard Project

Description

Upgrade the existing scoreboard with a new multipurpose messaging/scoreboard system.

Costings

Grant Request \$25,000.00

LDCC Contribution \$90,460.00

In-kind Contribution \$640.00

Requested Council Contribution \$Nil

Total Cost \$116,100.00

Applications for the above projects were submitted by 5pm Monday 22 March 2021. They will be assessed by SRV in the competitive environment against applications from across Victoria. It is anticipated that applicants, via Council, will be notified of the outcome of the applications by the end of May 2021.

CONSULTATION/COMMUNICATION

Council officers distributed funding information to clubs and organisations listed in the Central Goldfields Shire Leisure Services Guide in February 2021.

This information was also promoted on Council's social media platforms throughout February.

Council officers hosted an information session for clubs and organisations wishing to gain further information or discuss their potential projects. This session was held Monday 22 February 5:30pm – 7pm in the Community Hub.

Five (5) clubs and organisations attended the information session.

Council officers received phone calls from two (2) clubs wishing to gain further information and discuss their potential projects.

Council officers have notified the three (3) clubs who submitted Eols as to the outcome.

FINANCIAL & RESOURCE IMPLICATIONS

For Maryborough Highland Society Bowls Club and Laanecoorie-Dunolly Cricket Club projects matching dollars are being provided by the clubs with no request for funding assistance from council.

Should applications be successful, Council will provide in-kind project management via officer time as an in-kind contribution.

RISK MANAGEMENT

This report addresses Council's strategic risk Financial sustainability - Failure to maintain our long term financial sustainability by supporting Eols from clubs who are providing a financial contribution to their project, in one case, a significant contribution.

CONCLUSION

Applications for the Local Sports Infrastructure Fund opened in February 2021 with expressions of interest submitted to Council officers by 3 March 2021 and assessed on 4 March 2021.

Three (3) expressions of interest were received, and two (2) applications were prepared by Council officers and submitted on 22 March 2021.

ATTACHMENTS

Nil

RECOMMENDATION

That Council notes:

- 1. the submission of two (2) applications to the Local Sport Infrastructure Fund; and*
- 2. successful applications will be supported by in-kind project management.*

8.2 MSLC, OUTDOOR POOLS AND FACILITIES MANGEMENT CONTRACT

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 request that Council notes the procurement process, project team membership, Probity Plan and draft community engagement plan for the proposed new contract management services for the Maryborough Sports and Leisure Centre (MSLC), outdoor pools (Dunolly, Maryborough and Talbot), Nolan Street Gymnasium (NSG) and Tullaroop Leisure Centre (TLC).

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

Active Central Goldfields: Recreation and Open Space Strategy 2020-2029

Framework 3.5.1: Active community

Priority 3.5.1.1: Lifelong physical activity participation – more people, more active, more often

Strategy 6: Create healthy activity environments

Action b: Adopt the healthy choices policy guidelines for sport and recreation centres at MSLC, outdoor pools and in any facility management tenders.

Strategy 9: Increase female participation opportunities

Action a: Investigate the interest for and feasibility of female only sessions at the MSLC

Strategy 10: Increase participation by young people

- Action c: Ensure that inclusive programs and services and supportive environments are provided for young people at the MSLC.
- Strategy 11: Increase participation by older adults
- Action a: Ensure that older adults programs are provided at the MSLC and outdoor pools.
- Framework 3.5.2: Active places and spaces
- Priority 3.5.2.1: Maximising usage of facilities and spaces
- Strategy 4: Identify and monitor underutilised facilities
- Action f: Review management and operation models of seasonal outdoor pools.

The *Local Government Act 2020* and Council's *Procurement Policy*.

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 an opportunity for Council to review its business practices which may include adding other facilities to the new contract.

Since notifying Unified Leisure in August 2020, Gerard Murphy, a Director of Unified Leisure, was elected to Council in November 2020, creating a conflict of interest. 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.

On 9 February 2021, Councillors were briefed on the tender process with a briefing paper having been circulated to Councillors on 5 February separately and confidentially in accordance with the Probity Plan. At the 23 February 2021 Council Meeting, Council resolved that *"this item be deferred until Council are fully informed of the proposed changes to the contract for management services of the Maryborough Sports and Leisure Centre and*

swimming pools and that Council has input into drafting the new contract ensuring that user groups are not disadvantaged.”

REPORT

Procurement process

All procurement processes must adhere to the *Local Government Act 1989* and Council's Procurement Policy to ensure appropriate transparency, risk identification and mitigation, and conflict identification to all aspects of a tender process.

The procurement process aims to be finalised by 30 June 2021 (attachment 1: Pools Management Specifications and Procurement Timeline) plus three (3) months for the current contractor to handover to the new contractor, in the event that there is a new contractor.

When the tender process is implemented, as per Council's Procurement Policy and the Local Government Act, it will be public and accordingly advertised under normal procurement processes with a date yet to be determined.

Probity

As a Director of Unified Leisure, Cr Gerard Murphy has identified as having a conflict in this tender process. To appropriately manage this conflict, and protect Council and Unified Leisure, and to ensure the transparency of the tender process, AFS Bendigo have been appointed to provide probity advice, 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 associated with Cr. Gerard Murphy being a Director of Unified Leisure and the potential impact on the procurement process.

The project team members include:

- Kym Murphy, Manager Community Partnerships, and Project Lead
- Jen Dyer, Coordinator Recreation
- Nikki Parker, Manager Governance, Property and Risk
- Amber Robinson, Manager Operations
- Mick Smith, General Manager Corporate Performance
- Bradley Ead, Partner, AFS Bendigo.
- Michael King, Director, Otium Planning Group, and
- Malcolm Kuhn, Senior Consultant, Otium Planning Group.

Specifications

Otium Planning have been appointed to develop the new specifications to ensure the new contract reflects industry standards. 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.

Proposed Inclusion of Nolan Street Gymnasium and Tullaroop Leisure Centre

It is proposed that the new contract include the NSG and TLC, with the final confirmation of TLC as part of the contract to be agreed subject to further discussions with members of the former S86 Committee.

Both facilities no longer have formal management arrangements in place, and inclusion in the new contract will enable an appropriate facility management model to be implemented. This will include increasing access for a broader range of groups and their activities, and thereby increasing community participation in physical and social activities.

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.

The attached draft engagement plan outlines some of the planned consultation, however it does not contain specific details because information is currently being gathered from Unified Leisure.

Nolan Street Gymnasium and Tullaroop Leisure Centre engagement

The Manager Community Partnerships was in regular contact with the President of the TLC's previous Section 86 Committee from October 2020 to arrange a meeting with members of the previous Section 86 Committee. Five committee members met with Council representatives (Manager Community Partnerships, and Manager Governance, Property and Risk) on 11 February 2021.

The Manager Community Partnerships will arrange another meeting with the previous Section 86 Committee to explore additional options.

The Manager Community Partnerships met with stakeholders involved with the Nolan Street Gymnasium on 15 December 2020 and 9 February 2021.

MSLC User Group engagement

To date, the Manager Community Partnerships has received information from two user groups of the MSLC and is working with them to ensure their current arrangements are captured accurately for inclusion in the new specifications. Other user groups will be contacted by the Manager Community Partnerships when Unified Leisure provides this information.

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 \$15,200 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 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.

To appropriately manage Cr Gerard Murphy's conflict, and to protect Council and Unified Leisure a project team has been established to oversee the procurement process through to tender evaluation, which includes the provision of probity advice.

ATTACHMENTS

1. Contract Management Specifications and Procurement Timeline
2. Probity Plan
3. Draft Community Engagement Plan

RECOMMENDATION

That Council notes in respect of the MSLC, outdoor pools and facilities management contract, the:

1. *Project team's membership;*
2. *Procurement process;*
3. *Probity Plan; and*
4. *Draft Community Engagement Plan*

Central Goldfields Shire Council – Aquatic and Leisure Facilities Contract Management and Procurement Project Plan

Task	Week Commencing													Month					
	4/01/21	11/01/21	18/01/21	25/01/21	01/02/21	08/02/21	15/02/21	22/02/21	1/03/21	8/03/21	15/03/21	22/03/21	29/03/21	April	May	June	July	August	September
Project Inception / Workshop	█																		
Facility & Site Inspections	█																		
Probity Plan developed	█																		
Procurement & Engagement Strategies	█																		
Procurement process and project team membership endorsed by Council		█																	
Current Facilities Operations		█	█	█															
Development of First Draft Management Specifications		█	█	█	█	█													
Development of Returnable Schedules including evaluation criteria				█	█	█	█												
Second Document Edit								█											
Third Document Edit									█										
Final Documents Completed									█	█	█	█	█						
Tender on portal													█	█					
Tender open														█	█				
Tenders assessed															█	█			
Tender awarded																█	█	█	
Contractor handover																	█	█	█

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

Table of contents

1.	Description of the project	2
2.	Purpose and Scope of the Probity Plan	2
3.	Probity principles.....	2
4.	Probity tasks and steps	3
4.1	General.....	3
4.2	Specific tasks	4
4.3	Accounting and reporting	4
4.4	Retrospective audits	4
4.5	Attendance.....	4
4.6	Answerability	5
4.7	Public scrutiny	5
5.	Probity Adviser	5
6.	Decision making process	7
6.1	Governance Structure.....	7
6.2	Procurement Processes	7
6.3	Procurement Tasks	7
7.	Probity Protocols	7
7.1	Conflict of Interest	7
7.2	How can I avoid a conflict of interest?.....	8
7.3	Can I accept gifts and favours?	8
7.4	How can I prevent patronage or favouritism?.....	8
7.5	Confidentiality.....	8
7.6	Security of Information	9
7.7	Paper information	9
7.8	Electronic information	9
7.9	Completion of the evaluation	9
7.10	Communication with potential tenderers	10
7.11	Proponents Briefing Session	10
7.12	Interviews with shortlisted proponent.....	11
7.13	Record keeping	11
7.14	Data Room	12
8.	Staff and Participating Council employee guidelines	12
9.	Panel of suppliers	13
10.	Proprietary information.....	13
	Appendix A - Probity tasks and steps	14
	Appendix B - Standard Declaration of Non-Conflict of Interest – Project Team	20
	Appendix C - Deed of Confidentiality	21
	Appendix D - Proposal documents - Movement Control Register	23
	Appendix E - Probity Auditor’s Sign Off Report (template).....	24
	Appendix F - Points to watch and areas of risk	25

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.

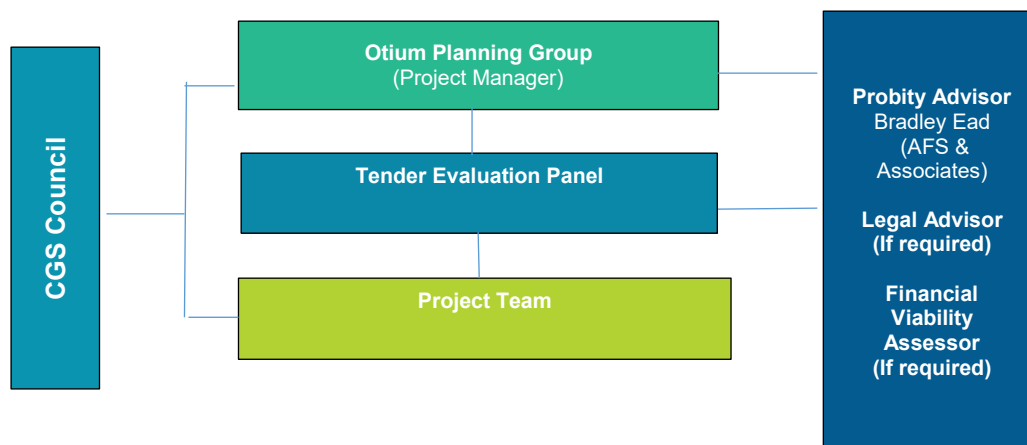
The Probity Adviser will report to CGSC on significant issues, in particular, those in which a conflict arises (e.g. a division of opinion among members of the Project Team).

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>	Conflict declarations Confidentiality statements Minutes of meetings			
<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>	List of procedures File notes Copy letters or mail merge letter and address list Record of all inquiries, and responses			
<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>	File notes Specifications			
<p>10 Brief all staff involved Confidentiality and security procedures explained and documented.</p>	Briefing note to staff or minutes Instruction			


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.

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DRAFT ENGAGEMENT PLAN: MSLC, OUTDOOR POOLS and RECREATION FACILITIES MANAGEMENT CONTRACT

Project Title: MSLC, Outdoor Pools and Recreation Facilities Management Contract

Project Coordinator: Kym Murphy

Department: Community Partnerships

Background

Council is preparing to go to tender for a new contract that will override the current Maryborough Sport & Leisure Centre (MSLC) and Outdoor Pools contract. The new contract will include the MSLC, the three (3) outdoor pools, Nolan Street Gymnasium, and Tullaroop Leisure Centre (TLC). There current arrangements in place for user groups of the MSLC, Nolan Street Gymnasium and TLC need to be identified and clarified to ensure accurate information is contained in the tender specifications and new contract schedule. Also, opportunities and challenges need to be explored with Council officers and Unified Leisure staff, including the Directors of Unified Leisure.

Objectives of engagement	Outcomes of engagement
To identify current usage arrangements for the MSLC, outdoor pools, Nolan Street Gymnasium and TLC.	<ul style="list-style-type: none"> • Current user groups feel involved and valued in the process. • Committees e.g. previous S86, feel involved and valued in the process. • Current user groups have confidence in Council's assurance that their current arrangements will be honoured in the new contract. • Accurate information is gathered and included in the new contract's schedule.
To raise current user groups awareness of the new contract.	<ul style="list-style-type: none"> • Current user groups know about the contract review.
To identify opportunities and challenges with the existing MSLC and Outdoor Pools contract.	<ul style="list-style-type: none"> • The Directors of Unified Leisure, Council officers and Unified Leisure staff feel involved and valued in the process. • Quality information is gathered to inform the development of the new contract. • The new contract accurately reflects the opportunities and challenges raised.

Stakeholders

Name of stakeholder	Level of IAP2 Engagement	What we need from them?	Specific needs? (access, language, etc)	How will we engage with them?
Facilities user groups	Inform Consult	Current schedules of use (days, times, fees)		Face-to-face meetings.
Directors of Unified Leisure	Inform Consult	<ul style="list-style-type: none"> • Visitations for all four aquatic facilities. • Total Revenue for the last 3 years. • Fixed cost item - Utilities breakdown – water, power and gas costs for the last three years. • Fixed cost item - Pool chemical costs for the last three years • Fixed cost item – Repairs and maintenance costs for the last three years. • Details of existing licence, sub lease or long-term user agreements that need to be captured in the new specification of service. • List of programs, memberships and other services offered at the facility, and • Current list of fees and charges for each facility. 		Face-to-face meetings.
TLC (previously a S86 Committee)	Inform Consult	Understanding about the decision to include the TLC in	Need to meet face-to-face or use the	Face-to-face meetings.

Name of stakeholder	Level of IAP2 Engagement	What we need from them?	Specific needs? (access, language, etc)	How will we engage with them?
		the new contract.	telephone because they do not respond to emails or letters	
Highview College	Inform Consult	Schedule of current use (days, times and fees).		Face-to-face meetings.
Council officers	Inform Consult	Their experience of the current contract's implementation.		Face-to-face meetings.
Unified Leisure staff	Inform Consult	Their experience of the current contract's implementation.		Face-to-face meetings.
EMT	Inform Consult	<ul style="list-style-type: none"> Support for the procurement process, probity plan, engagement plan and membership of the project team. Input into the new contract. 		EMT presentations/workshops.
Councillors	Inform Consult	<ul style="list-style-type: none"> Endorsement of the procurement process, probity plan, engagement plan and membership of the project team. Input into the new contract. 		Strategy Briefing presentations/workshops.

Engagement Methods

Outcomes of engagement	Resources required	Engagement method (activity)	Budget	Timeframe	Partnerships
Current user groups feel involved and valued in the process.	CGSC officer time (Mgr Community Partnerships and Mgr Governance, Property and Risk)	1:1 meetings Phone discussions Emails			MSLC, pools and facilities user groups TLC Committee Highview College

Outcomes of engagement	Resources required	Engagement method (activity)	Budget	Timeframe	Partnerships
Committees e.g. previous S86, feel involved and valued in the process.	CGSC officer time (Mgr Community Partnerships and Mgr Governance, Property and Risk)	1:1 meetings Phone discussions			TLC Committee
Current user groups have confidence in Council's assurance that their current arrangements will be honoured in the new contract.	CGSC officer time (Mgr Community Partnerships, Coordinator Recreation)	1:1 meetings Phone discussions Emails			MSLC, pools and facilities user groups TLC Committee Highview College
Accurate information is gathered and included in the new contract.	CGSC officer time (Mgr Community Partnerships, Coordinator Recreation)	1:1 meetings Emails			MSLC, pools and facilities user groups TLC Committee Highview College
Current user groups know about the contract review.	CGSC officer time (Mgr Community Partnerships)	1:1 meetings Phone discussions Emails			MSLC, pools and facilities user groups TLC Committee Highview College
The Directors of Unified Leisure, Council officers and Unified Leisure staff feel involved and valued in the process.	CGSC officers Otium Planning Unified Leisure (Directors and staff)	Workshop(s)			Unified Leisure Council Officers
Quality information is gathered to inform the development of the new contract.	CGSC officer time (Mgr Community Partnerships) Otium Planning Project Team	Workshops 1:1 meetings Emails Phone discussions			Unified Leisure Council Officers MSLC, pools and facilities user groups TLC Committee

Outcomes of engagement	Resources required	Engagement method (activity)	Budget	Timeframe	Partnerships
					Highview College
The new contract accurately reflects the opportunities and challenges raised.	Otium Planning Project Team	Workshops 1:1 meetings			Unified Leisure Council Officers MSLC, pools and facilities user groups TLC Committee Highview College

Engagement Implementation Plan

Name of stakeholder	Engagement Activity	Date	Progress

Evaluation

Outcomes	Performance Indicator	Type of data required to assess the performance indicator.
Current user groups feel involved and valued in the process.	100% of participants feel involved and valued.	Survey/Interviews
Committees e.g. previous S86, feel involved and valued in the process.	100% of Committee members feel involved and valued.	Survey/Interviews
Current user groups have confidence in Council's assurance that their current arrangements will be honoured in the new contract.	100% of current user groups are confident that their current arrangements will be honoured in the new contract.	Surveys/Interviews
Accurate information is gathered and included in the new contract.	100% of current user groups participate. Unified Leisure provides accurate	Quality and accuracy of information provided

Outcomes	Performance Indicator	Type of data required to assess the performance indicator.
	<p>information. The new contract contains accurate and relevant information that can be easily reported on by the new contractor and monitored by Council.</p>	
Current user groups know about the contract review.	100% of user groups with existing arrangements know about the contract review.	Survey/Interviews
The Directors of Unified Leisure, Council officers and Unified Leisure staff feel involved and valued in the process.	Unified Leisure Directors participate. 90% of Unified Leisure's staff participate. Relevant Council officers participate (to be identified).	Survey/Interviews
Quality information is gathered to inform the development of the new contract.	Unified Leisure Directors participate. 90% of Unified Leisure's staff participate. Relevant Council officers participate (to be identified). 100% of current user groups participate. 100% of the TLC Committee members participate.	Quality and accuracy of information provided
The new contract accurately reflects the opportunities and challenges raised.	Unified Leisure Directors participate. 90% of Unified Leisure's staff participate. Relevant Council officers participate (to be identified). 100% of current user groups participate. 100% of the TLC Committee members participate.	New contract fulfills industry standards and is best practice

Feedback

Stakeholder	Method to keep stakeholder informed	Timeframe
Facility user groups	Emails Letters	Throughout the specifications development process
TLC Committee	Phone 1:1 meetings Letters	Throughout the specifications development process
Highview College	1:1 meetings Emails	Throughout the specifications development process
Council Officers	Emails	Throughout the specifications development process
Unified Leisure Directors	Emails Letters	Throughout the specifications development process
Unified Leisure Staff	1:1 meetings	Throughout the specifications development process
EMT	Reports Presentations	Throughout the specifications development and procurement process
Councillors	Reports Presentations	Throughout the specifications development and procurement process

How will the final outcome be documented and circulated?

Strategy Briefing Report	<input checked="" type="checkbox"/>
EMT Report	<input checked="" type="checkbox"/>
Media	<input type="checkbox"/>
Internal Circulation Only	<input type="checkbox"/>
Public Meeting	<input type="checkbox"/>
Other	<input type="checkbox"/>

Letter	<input checked="" type="checkbox"/>
Publication	<input type="checkbox"/>
Website	<input type="checkbox"/>
Display	<input type="checkbox"/>
Email	<input checked="" type="checkbox"/>

DRAFT

8.3 MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE – CENTRAL GOLDFIELDS SHIRE

Author: Emergency Management Coordinator

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

This report recommends that Council authorises the:

- disestablishment of the current Municipal Emergency Management Planning Committee (MEMPC) under the repealed s21(3)-(5) of the *Emergency Management Act 1986*, and
- establishment of the new MEMPC to comply with the Emergency Management Legislation Amendment Act 2018 (EMLA Act).

LEGISLATION AND POLICY CONTEXT

The Emergency Management Legislation Amendment Act 2018 (EMLA Act) was passed by State Parliament in August 2018. The EMLA Act provides for a new framework for emergency management planning in the Emergency Management Act 2013 (EM Act). This new framework seeks to address known and documented risks in emergency management planning by establishing an integrated, comprehensive and coordinated framework for emergency management planning.

BACKGROUND INFORMATION

The Emergency Management Act 2013 (as amended by the Emergency Management Legislation Amendment Act 2018 (EMLA Act)) transfers responsibility for municipal level emergency management planning from local government to the new MEMPCs. This reflects significant feedback from local governments that they should not own the plans, rather they should be multi-agency plans.

REPORT

It is the responsibility of the MEMPC as a whole to deliver the emergency management plan and not that of the chair. Councils will convene and chair the committees which recognise their expertise, networks, and ability to coordinate across agencies at this level. However, planning is a shared responsibility of the MEMPC. General Manager Community Wellbeing Martin Collins will be the Chair of the MEMPC for the Central Goldfields Shire.

Core membership for MEMPCs includes the council or alpine resort management board, Victoria Police, Country Fire Authority and/or Fire Rescue Victoria, Ambulance Victoria, Victoria State Emergency Service, Australian Red Cross and the Department of Health and Human Services. The MEMPCs also require at least one additional recovery representative, one community representative, and one other representative (for example, industry).

Central Goldfields Shire is part of an Integrated MEMPC. An IMEMPC is a cluster of MEMPCs that recognises the high proportion of shared issues, risks and membership across their

MEMPCs. The IMEMPC is a combined meeting to increase planning efficiencies and ease the burden for those who are represented on more than one committee.

The EM Act 2013, as amended by the EMLA Act 2018, requires a MEMPC to collaborate with other MEMPCs in preparing its Municipal Emergency Management Plan (MEMPC). The IMEMPC provides a forum for this collaboration. Involvement in an IMEMPC is optional and MEMPCs may choose other ways to collaborate. The IMEMPC may collaboratively develop ideas and solutions that must then be agreed by individual MEMPCs before being adopted by that MEMPC. The IMEMPC is not a decision-making body on behalf of MEMPCs, nor is it a substitute for a MEMPC. Central Goldfields Shire is part of the Northern Victorian Cluster IMEMPC which also includes the Campaspe, Loddon, and Mount Alexander Shire Councils, and the City of Greater Bendigo.

CONSULTATION/COMMUNICATION

No community consultation to take place as this is a legislation change.

FINANCIAL & RESOURCE IMPLICATIONS

There are no changes to any financials.

RISK MANAGEMENT

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

CONCLUSION

Changes in Emergency Management legislation have brought about the need for changes in the structure of Emergency Management at a municipal level. Mainly being that council are no longer wholly responsible for the delivery of an emergency management plan it is now a multi-agency committee and plan.

ATTACHMENTS

1. MEMPC Terms of Reference

RECOMMENDATION

That Council:

1. *Authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the Emergency Management Act 1986, in recognition that on 1 December 2020 these provisions are repealed by s82(2) of the Emergency Management Legislation Amendment Act 2018 and replaced by the provisions of s68 of the Emergency Management Legislation Amendment Act 2018.*
2. *Authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the Emergency Management Legislation Amendment Act 2018 (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the Emergency Management Act 2013 on 1 December 2020); and*
3. *Notes that, under the MEMPC Terms of Reference provided and the Emergency Management Legislation Amendment Act 2018 (which inserts s59 and 59F into the Emergency Management Act 2013 on 1 December 2020), Council's role is to establish the committee. Once established, the committee exists separately to Council and is not a committee of Council.*

Northern Victorian Emergency Management Cluster



Integrated Municipal Emergency Management Planning Committee's (IMEMPC)

Terms of Reference

Partner MEMPCs

- Campaspe Shire
- Central Goldfields Shire
- City of Greater Bendigo
- Loddon Shire
- Mount Alexander Shire

Table of Contents

1. Introduction	2
2. Scope	2
3. Governance	2
4. MEMPC Functions	3
4.1 Context	3
5. Membership	4
5.1 Change of Representative	5
6. Roles and responsibilities	6
6.1 Chair	6
6.2 Chair responsibilities	6
6.3 Election of a deputy chair	6
6.4 Deputy chair responsibilities	7
6.5 Member responsibilities	7
7. Administrative Arrangements	7
7.1 Meeting frequency	7
7.2 Meeting venue	8
7.3 Meeting papers and documentation	8
7.3.1 Agendas	8
7.3.2 Agency Reports	8
7.3.3 Issue Sheets	8
7.3.4 Minutes	9
7.4 Secretariat	9
7.5 Quorum	9
7.6 Decision making	9
7.7 Conflict of interest	10
7.8 Proxies	10
7.9 Observers	10
7.10 Issue Escalation	11
8. Sub Committees / Working Groups	11
9. Financial Management	12
10. Acronyms	12
11. Document information	13
Appendix A – MEMPC Membership (TO BE INSERTED)	14
Appendix B – Agency Report / Issue Sheet Templates	16

1. Introduction

The *Emergency Management Legislation Amendment Act 2018* (EMLA Act) amended the *Emergency Management Act 2013* (EM Act 2013) and various other acts to establish a new integrated and coordinated framework for emergency management planning at state, region and municipal levels.

At the municipal level, the EM Act 2013 as amended creates an obligation for a reformed Municipal Emergency Management Planning Committee (MEMPC) to be established in each of Victoria's municipal districts, including Alpine Resort Management Boards which, for the purposes of the Act, are considered as municipal districts.

Each MEMPC is a multi-agency collaboration group whose members bring organisation, industry or personal expertise to the task of developing a comprehensive emergency management plan for the municipality.

The Municipal Emergency Management Plan (MEMPC) covers arrangements for mitigation, response and recovery, and identify the roles and responsibilities of agencies in relation to emergency management.

2. Scope

The Integrated MEMPC (IMEMPC) operates strategically to ensure comprehensive, collaborative and integrated planning occurs at all levels.

With a focus on preparedness and resilience, municipal planning applies risk-based analysis to mitigate or reduce the consequences of emergencies on the built, economic, social and natural environments and improve community outcomes.

Planning considerations include the full spectrum of prevention, preparedness, response and recovery and apply to all hazards and all communities.

Each MEMPC maintains an awareness of existing municipal capability and capacity to support the effective conduct of mitigation, response and recovery activities. Where appropriate the IMEMPC may facilitate or assist with activities that support capability and capacity uplift. This may include, but is not limited to, community engagement activities or multi-agency exercises and training that provide for continuous learning and improvement.

3. Governance

The IMEMPC will continue to function as five MEMPCs meeting as one integrated multi-agency committee, including core members from each local council and agency representatives as outlined in the EM Act 2013, plus several additional agency representatives.

Under section 59F of the EM Act, the municipal council establishes a MEMPC which transfers responsibility for municipal emergency management planning from the council to the multi-agency MEMPC. This shift of responsibility highlights the intent of the reform which supports emergency management planning as an integrated, multi-agency and collaborative effort.

This means that all participating agencies are required to contribute their expertise and resource to municipal emergency management planning.

As per section 59E of the EM Act 2013, the MEMPC can regulate its own procedure.

4. MEMPC Functions

The IMEMPC is the peak planning body for emergency management within the five municipal districts. It is the forum for government and non-government agencies to develop policies, procedures, plans (including sub-plans), strategies and frameworks to support coordinated emergency management planning for the municipality.

In line with section 59D of the EM Act 2013 the functions of the MEMPC are to:

- a) Be responsible for the preparation and review of its MEMP;
- b) Ensure that its MEMP is consistent with the state emergency management plan and the relevant REMPC;
- c) Provide reports of recommendation to its REMPC in relation to any matter that affects, or may affect, emergency management planning in the municipality;
- d) Share information with the REMPC and other MEMPCs to assist effective emergency management planning;
- e) Collaborate (having regard to the Guidelines) with any other MEMPC that the MEMPC considers appropriate in relation to emergency management planning, including preparing MEMPs;
- f) Perform any other function conferred on the MEMPC by the EM Act 2013, or any other act.

All members of the IMEMPC have contributed to the development of a core protocols that forms the basis of the Municipal Emergency Management Plan (MEMP) for each municipality, with each Council attaching its own appendices to incorporate information specific to the municipality.

The IMEMPC has the authority to do all things necessary or convenient in connection with the performance of its functions, however it cannot direct any member agency or other group.

The IMEMPC may establish ongoing sub-committees or time-limited working groups to investigate or address specific issues or undertake key tasks.

4.1 Context

The MEMPC reports to the REMPC, and the REMPC is the key link between municipal and state level emergency planning and response activities. All legislated member agencies of the MEMPC are also represented on the REMPC.



Figure 1 – Relationship of the MEMPC to the REMPC and the EMC

5. Membership

Section 59A of the EM Act 2013 specifies the minimum membership requirements of the MEMPC. The committee may invite additional people with key skills or knowledge to join the MEMPC, as necessary.

When deciding whether to invite new members to the MEMPC, consideration should be given to the reason for the invitation; for example, a potential member may be needed to provide subject matter expertise to a specific project or body of work and therefore an invitation to participate in a sub-committee or working group may be a more appropriate strategy.

Membership of the IMEMPC will be divided into **Tiers**.

Many of the legislated Core Members and Associate Members will be the appointed representative across all five MEMPCs.

Composition of **Tier 1 – Core Members, Recovery representative, Community representatives and Municipality representatives (Voting)**. There will be **one vote** per organisation.

AGENCY	MEMBER
CORE MEMBERS	
MEMPC Chairs	General Manager - Campaspe Shire Council General Manager - Central Goldfields Shire Council Director - City of Greater Bendigo Director - Loddon Shire Council Director - Mount Alexander Shire Council
VicPol	Bendigo Municipal Emergency Response Coordinator Mount Alexander Municipal Emergency Response Coordinator Loddon Municipal Emergency Response Coordinator Central Goldfields Municipal Emergency Response Coordinator Campaspe Municipal Emergency Response Coordinator Regional Emergency Response Coordinator (<i>advisory member non-voting</i>)
CFA	Assistant Chief Fire Officer / Delegate
FRV	Operations Commander / Delegate
Ambulance Victoria	Emergency Management Planning Coordinator / Delegate
VicSES	Operations Officer / Delegate
Australian Red Cross	Divisional Operations Officer / Delegate
DHHS	Manager North Division / Emergency Management Coordinator
RECOVERY REPRESENTATIVE	
VCC EM	Delegate
COMMUNITY REPRESENTATIVES	
RANCH	(TBC)
Loddon Campaspe Multicultural Services	(TBC)
OTHER NOMINATED REPRESENTATIVES	
Forest Fire Management Victoria	(TBC)
Emergency Management Coordinators & Officers	Campaspe Shire Council Central Goldfields Shire Council City of Greater Bendigo Loddon Shire Council Mount Alexander Shire Council

Councillor	Campaspe Shire Council Central Goldfields Shire Council City of Greater Bendigo Loddon Shire Council Mount Alexander Shire Council
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Composition of **Tier 2 – Associate Members: Industry, organisations and other departments (Non-Voting)**.

AGENCY	MEMBER
ASSOCIATE MEMBERS - Industry, organisations and other departments.	
Coliban Water	Operations Delegate
Regional Roads Victoria	Regional Delegate
Dept Education & Training	Regional Delegate
Salvation Army	Corps Officer / Strategic Emergency & Disaster Management Assistant Coordinator
Bendigo Health	Emergency Management Coordinator / Delegate
ABC Central Victoria	Chief of Staff / Delegate
Agriculture Victoria	Animal Welfare / Delegate
Goulburn-Murray Water	Operations Delegate
Centrelink	Delegate

If deemed necessary for transparency and equity, the committee can invite additional non-voting associate members.

Associate members will be:

- Invited to attend IMEMPC meetings as required;
- Invited to provide comment on plans and documentation as appropriate;
- Invited to contribute to sub-committees or working groups;
- Provided with the minutes from each meeting.

The committee will review its membership on an annual basis, or more frequently if needed.

Refer to **Appendix A** for a current list of members of the five MEMPCs.

5.1 Change of Representative

The relevant agency will advise each MEMPC chair in writing of any formal changes to their nominated representative. This relates to a permanent change of membership and does not relate to attendance as a proxy (refer to section 7.8). As required by Section 59A of the EM Act 2013, a representative requires confirmation from within the relevant agency, as outlined in the table below.

Agency	Agency nominations confirmed by
Municipal Council	Chief Executive Officer
Victoria Police	Chief Commissioner of Police
Fire Rescue Victoria	Agency
Country Fire Authority	Agency
Ambulance Victoria	Secretary, Department of Health and Human Services
Victoria State Emergency Service	Agency
Australian Red Cross	Agency
Department of Health and Human Services	Secretary, Department of Health and Human Services

6. Roles and responsibilities

6.1 Chair

Section 59B(1) of the EM Act 2013 specifies that the municipal council must nominate either its Chief Executive Officer or a member of the municipal council staff by the Chief Executive Officer as the chairperson.

MEMPC	Nominated Chair
Campaspe Shire Council	Keith Oberin
Central Goldfields Shire Council	Martin Collins
City of Greater Bendigo	Vicky Mason
Loddon Shire Council	Wendy Gladman
Mount Alexander Shire Council	Lisa Knight

The Chair of the IMEMPC will be the Chair of a MEMPC Committee and rotated annually.

6.2 Chair responsibilities

The chair has the following functions (s59B(2) of the EM Act 2013):

- Chairing MEMPC meetings
- Facilitating the MEMPC to perform its functions
- On behalf of MEMPC provide information and recommendations to the REMPC

Additionally, the chair will:

- Ensure the MEMPC operates in accordance with the requirements of this Terms of Reference
- Preside at and manage all meetings
- Confirm the agenda for each meeting
- Manage acceptance/advice of last-minute papers or agenda items prior to MEMPC meetings.
- Ensure that the MEMPC meets according to its schedule
- Ensure that MEMPC meetings are efficient and effective
- Provide leadership to the committee in its deliberations
- Facilitate frank and open discussion
- Ensure that all members can participate equally
- Refer issues or matters of concern identified by the MEMPC, or members of the MEMPC, to the REMPC
- Sign correspondence on behalf of the MEMPC
- Represent the MEMPC in other forums where appropriate
- Coordinate out of session matters

6.3 Election of a deputy chair

To ensure consistency and redundancy each MEMPC will elect a deputy chair. This appointment may be a certain period of time, as agreed by the MEMPC.

The Deputy Chair of the IMEMPC will be one of the five MEMPC Chairs who will be in attendance.

6.4 Deputy chair responsibilities

- Undertake the role of the chair if the elected chair is absent
- Receive delegated responsibilities of the chair as agreed with the chair

6.5 Member responsibilities

The agencies prescribed in the EM Act 2013 and additional invited committee members will provide representation at the appropriate level and with the authority to commit resources and make decisions on behalf of their organisation or community.

Members are asked to participate in the IMEMPC as a partnership and provide advice or make decisions in the best interest of the citizens of Victoria. The IMEMPC acknowledges and respects members existing responsibilities, accountabilities and associated levels of resourcing.

All MEMPC members will:

- Prepare for, prioritise and attend scheduled meetings;
- If members are unable to attend, they are expected to advise prior to the meeting of their apology/ absence;
- Proactively contribute to the work of the MEMPC;
- Provide meeting papers to the chair at least 10 days prior to a meeting;
- Respect confidential and privileged information;
- Represent all areas of their agencies and associated entities;
- Report on recent relevant agency activity relating to emergency management mitigation, response or recovery activities, with a focus on emerging risks or opportunities;
- Where a decision or action is outside the authority of the member, engage with relevant personnel within their agency to obtain approval to commit resources and undertake tasks;
- Identify and liaise with subject matter experts or key representatives from within their agencies to participate in the MEMPC, its sub-committees or working groups;
- Advocate for and report back to their agencies on MEMPC outcomes and decisions.

7. Administrative Arrangements

Local Government will provide the necessary administrative support to assist the IMEMPC to function effectively.

7.1 Meeting frequency

To align with seasonal requirements and operational tempo, the **Tier 1 IMEMPC members** will meet at least three times within every calendar year. Combined meetings with **Tier 2 members** will be held twice a year, including professional development.

MEMPC chairs may schedule additional meetings as required:-

- Special meetings, as required for special projects and initiatives.
- Special meetings, after a significant emergency or incident that required the use or review of the plan.

- Special meetings to consider any urgent amendments to the plan or upon identification of a significant new risk / hazard or changes to legislation.
- Any special meetings may be conducted either face to face, virtually or by phone conference.

7.2 Meeting venue

IMEMPC meeting will alternate between virtual and in person meetings. Virtual meetings will be scheduled via an online platform (e.g. Microsoft Teams). In person meetings will be rotated across the five municipalities at a suitable venue.

7.3 Meeting papers and documentation

Any member can submit items to be included on the agenda. The IMEMPC Chair and Executive Officer will confirm the agenda prior to each meeting.

Meetings will be conducted on a formal basis, with proceedings recorded and action items documented in the IMEMPC Actions Register.

All proceedings and documentation of the IMEMPC are confidential until the IMEMPC agrees otherwise, or where the provider of the information advises that it is publicly available, and no restrictions apply to its release. Noting this, MEMPC records remain discoverable under the Freedom of Information Act 1982.

7.3.1 Agendas

The deadline for submission of agenda items is at least two weeks prior to the agenda being distributed to Committee members. The agenda for the meeting will be distributed at least one week before the meeting. Agency staff may use the Agency Report and Issue Sheet templates shown in **Appendix B**, to table information or agenda items.

7.3.2 Agency Reports

Agencies will provide reports to the IMEMPC on strategic and planning issues of interest to the Committee. The report forms must be submitted electronically to the Secretariat no later than 10 (ten) working days before the meeting to allow for distribution with the agenda.

7.3.3 Issue Sheets

All agencies and organisations will have the opportunity to submit issues for consideration by the IMEMPC using the Issue Sheet. The forms must be submitted electronically to the Secretariat no later than 10 (ten) working days before the meeting to allow for distribution with the agenda.

Prior to forwarding issues to the Secretariat, attempts should be made to resolve the issue at the originating agency or committee. These attempts should be recorded in the Comment section of the Issue Sheet. Where the MEMPC decides an issue should be dealt with by another committee (State or Regional), the Issue Sheet will be forwarded to that committee for action and the originating agency / committee will be informed of this action.

7.3.4 Minutes

Meeting minutes are to be distributed to all Committee members, Sub-Committees and other organisations as listed in the plan.

Any Sub-Committee will provide minutes of their meeting with advice to the Committee.

7.4 Secretariat

The IMEMPC will determine how the secretariat function will be managed.

Secretariat duties may include:

- Scheduling meetings
- Providing committee members with the meeting agenda
- Record agreed actions in the MEMPC Actions Register
- Induction of new committee members
- Develop/send correspondence for the IMEMPC
- Maintain the contact list all MEMPC members.
- Maintaining an Issue Log of all Issue Sheets, which will include details of the issues raised and their status.
- Managing all other administrative processes associated with the IMEMPC.

7.5 Quorum

Committee activities may be conducted without a quorum present; however, a quorum must be present for the purpose of decision making.

Where an agency will have responsibility or accountabilities as a result of a motion/resolution, that agency must be part of the quorum for that item.

The quorum for any MEMPC meeting shall be a minimum of five organisations and includes the Chair or Deputy Chair. An example of an organisation is Victoria Police, Local Government, CFA, VICSES etc.

The quorum for any Sub-Committee meeting shall be half the voting members on the Committee, plus one.

Where a member is unable to attend a scheduled meeting, they are to formally provide an apology to the Secretariat.

7.6 Decision making

In general, the Committee will adopt a consensus approach to decision-making, where a majority of members agree, with the remainder content to give way. The Chair will seek further advice from the members and attendees or through external subject matter experts to support decision making.

Where consensus cannot be achieved, decisions will be made by majority vote. In the event of a tie the MEMPC, through the Chair, will escalate issues to the REMPC for decision.

The Chair will ensure that all members are provided with the opportunity to participate in discussions and decision making.

Each agency/ organisation within the MEMPC has **one (1)** vote on any matter decided by the committee, unless that member is identified as a non-voting member.

To vote, a MEMPC member must be present at the meeting or represented by a proxy.

Where the MEMPC must reach a decision between committee meetings, this can be undertaken via circular resolution. All members will be notified of the proposed resolution, with a collective decision reached where the majority of respondents vote in the affirmative. Members will be given a minimum of three (3) working days notice to respond. Decisions made by circular resolution will be confirmed by committee at the next MEMPC meeting.

All decisions made will be regarded as collective decisions of the MEMPC.

7.7 Conflict of interest

If a MEMPC member or their proxy has a direct or indirect interest in a matter to be decided by the committee, they must declare their conflict or perceived conflict and must not vote on the issue. The MEMPC will determine if the member should be excluded from all or part of the proceedings related to the matter.

7.8 Proxies

In accordance with the intent of the legislation, members should prioritise MEMPC meetings wherever possible. In the event a member is unable to personally attend a specific meeting, they are encouraged to identify a suitably skilled and authorised proxy. The proxy is considered to have the same voting rights as the substantive MEMPC member, unless the chair is advised otherwise.

Members may choose to identify a standing proxy who is empowered to represent the member at any time. The member will notify the chair of the details of this person and the duration of the appointment as a standing proxy.

Where a standing proxy is not recorded, or is unavailable, a member will advise the chair of the name, role and contact details of their nominated proxy, as early as possible before a meeting. This advice should be in writing for the purpose of record keeping and will include any limitations to the voting rights of the proxy for that meeting.

If the committee member is unable to provide advice to the chair of the details of a proxy and their voting rights before the meeting, the attendee will be considered an observer for the meeting.

7.9 Observers

An observer may attend a meeting for any number of reasons. MEMPC members will advise the chair of the attendance of an observer before a meeting, where possible.

Observers must respect all confidentiality and operating protocols of the MEMPC, and must not:

- Propose or vote on motions;
- Intrude on the procedures of the MEMPC;
- Take part in the meeting proceedings without the invitation of the chair.

The following table lists the observers of the IMEMPC.

AGENCY	MEMBER
NON-VOTING OBSERVERS	
Fosterville Gold Mine (Kirkland Lake Gold Ltd)	Emergency Services and Security Supervisor
Costerfield Operations	Senior Safety Coordinator
Loddon Prison and Middleton Tarrengower Womens Prison	General Manager/ Delegate
Community or business representatives	At the discretion of the Committee

7.10 Issue Escalation

The Chair may escalate any matters of significance to the REMPC for advice or decision.

Members of the committee may also seek to escalate items to the REMPC, through the Chair, where efforts to resolve a matter at the local level have not been successful, or where the consequences of a decision will unduly impact the member agency.

Issues requiring escalation should be well documented and include:

- A description of the issue or advice sought and the consequences if it remains unresolved.
- Actions taken to resolve the issue.
- Recommended actions or options that may assist resolution.

8. Sub Committees / Working Groups

A sub-committee of the IMEMPC, or a working group, may be formed to address particular issues as the committee determines appropriate. These sub-committees and working groups will be formed to provide advice to the IMEMPC or develop a sub plan for the committee. They may co-opt representatives from other organisations to provide additional advice on specific matters as appropriate.

The Municipal Fire Management Planning Committee and the Municipal Flood Management Planning Committee of each MEMPC will become a sub-committee of the IMEMPC.

Terms of Reference for sub-committees and working groups will be determined by the MEMPC, in consultation with the sub-committee or working group.

Members of sub-committees or working groups do not have voting rights unless they are also members of the MEMPC.

9. Financial Management

The MEMPC does not have a financial delegation and does not hold a budget. The MEMPC cannot expend or receive monies.

Member agencies may agree to commit funds to a MEMPC activity or event, in which instance the expenditure is considered expenditure of the agency and not the MEMPC. The member agency is responsible for all aspects of financial management within their existing governance arrangements. The MEMPC does not accept liability for any agency-led initiatives.

10. Acronyms

Acronym	Description
EM Act 2013	Emergency Management Act 2013
EMC	Emergency Management Commissioner
EMCOP	Emergency Management Common Operating Picture (EMV system)
EMLA Act	Emergency Management Legislation Amendment Act 2018
EMV	Emergency Management Victoria
MEMP	Municipal Emergency Management Plan
MEMPC	Municipal Emergency Management Planning Committee
IMEMPC	Integrated Emergency Management Planning Committee

11. Document information

Document details

Criteria	Details
Document ID	
Document title:	Terms of Reference
Document owner:	IMEMPC

Version control

Version	Date	Description	Author
0.1	1 December 2020	Draft IMEMPC ToR	Cluster Executive Working Group.
0.2	28 January 2020	Draft IMEMPC ToR	IMEMPC Secretariat

Document approval

This document requires the approval of the IMEMPC:

Name	Title	Organisation
Lisa Knight	Chair	On behalf of the IMEMPC

Audience

The audience for this document is the MEMPC

Terms	Description
12 months	This document will be reviewed every 12 months or more frequently as required.
Review Date	

Appendix A – MEMPC Membership

TIER 1

Municipal Council (MEMPC chair)		Representing
Keith Oberin	General Manager	Campaspe Shire
Martin Collins	General Manager	Central Goldfields Shire
Vicky Mason	Director	City of Greater Bendigo
Wendy Gladman	Director	Loddon Shire
Lisa Knight	Director	Mount Alexander Shire
Department of Health and Human Services		
Robert Bakes	Manager North Division	All MEMPCs
Victoria Police		
Michael Carroll	MERC	Campaspe Shire
Wendy Lambert	MERC	Central Goldfields Shire
Brad Hiatt	MERC	City of Greater Bendigo
Zac Bull	MERC	Loddon Shire
Peter Carey	MERC	Mount Alexander Shire
Travis McCarthy	RERC	All MEMPCs <i>(*advisory member non-voting)</i>
Country Fire Authority		
Bill Johnstone	Regional Commander	All MEMPCs
Fire Rescue Victoria		
Steve Pitcher	Ops Commander	City of Greater Bendigo
Ambulance Victoria		
Justyne Kristic	Emergency Management Planning Coordinator	All MEMPCs
Australian Red Cross		
Greg Ralton	Divisional Operations Officer – Central Loddon Mallee Division	Campaspe Shire/ City of Greater Bendigo/ Loddon Shire
Phillip Walker	Divisional Operations Officer – Inner Loddon Mallee Division	Central Goldfields Shire / Mount Alexander Shire
Victoria State Emergency Service		
Mal Ross	Regional Officer	All MEMPCs
Recovery representative/s		
Rosie Baker	Loddon Regional Coordinator	All MEMPCs
Community representative/s		
RANCH	TBC	All MEMPCs
Loddon Campaspe Multicultural Services	TBC	All MEMPCs
Other nominated representative/s		
Forest Fire Management	TBC	All MEMPCs
tba	Councillor	Campaspe Shire Council
John Boal	Emergency Management Coordinator	
Anna De Villiers	Councillor	Central Goldfields Shire Council
Belinda McKnight	Emergency Management Coordinator	
Andrea Metcalf	Councillor	City of Greater Bendigo
Frances Ford	Coordinator Resilient Communities / IMEMPC Executive Officer	
Ann-Marie Roberts	Resilient Communities Officer	
Sharyn Brasher	Resilient Communities Officer/ IMEMPC Secretariat	
Linda Jungwirth	Councillor	Loddon Shire Council
Belinda McKnight	Emergency Management Coordinator	
Bill Maltby	Councillor	Mount Alexander Shire Council
Luke Ryan	Emergency Management Coordinator	

IMEMPC-only members	
ABC Central Victoria	Sian Gard
Agriculture Victoria	Georgia Spangaro
Bendigo Health	Bob Stayner
Centrelink	Neale Torpey
Coliban Water	Darren Masters
Dept Education & Training	John Brownstein
Forest Fire Management Vic	Jon Cuddy
Goulburn-Murray Water	Paul Wakenshaw
Regional Roads Vic	Barry Green
Salvation Army	Major. Andrew Walker
Guests/Observers	
Costerfield Operations	Scott Symons
Fosterville Gold Mine (Kirkland Lake Gold Ltd)	Pat Willcocks / Karl Shay
Loddon Prison and Middleton	Delegate – DJCS
Tarrengower Womens Prison	Delegate – DJCS

Appendix B – Agency Report / Issue Sheet Templates

NORTHERN VICTORIAN INTEGRATED MUNICIPAL EMERGENCY
MANAGEMENT PLANNING COMMITTEE
Agency Report

AGENCY: _____

Strategic Matters



Staffing Changes



Planning updates



Policy/Procedure updates



Training / Exercises



Community Resilience



Report submitted by:

Date:

Governance Guide:

1. Only report on matters that are significant at the *Municipal* level - matters which may have an impact on other agencies or will affect an agency's capacity to carry it its functions under the MEMPC plans.
2. Wherever possible keep the agency report to a single page.
3. Report should be submitted electronically to the Secretariat a minimum of 10 working days prior to the next meeting date to allow for pre-distribution with the agenda.

NORTHERN VICTORIAN INTEGRATED MUNICIPAL EMERGENCY
MANAGEMENT PLANNING COMMITTEE (MEMPC)
Issue Sheet

Issue:
Date:
Background:
Comment:
Recommendations:
Submitted by:

GOVERNANCE GUIDE.

1. The issue sheet is to be submitted electronically to the Secretariat no later than 10 working days before the meeting to allow for distribution with the agenda.
2. Prior to forwarding issues to the MEMPC, attempts should be made to resolve the issue at the originating agency or committee. These attempts should be recorded in the Comment section of the Issue Sheet.
3. Where necessary, supporting documents may be attached to the Issue Sheet.
4. Where the MEMPC decides an issue should be dealt with by another committee (State or Regional), the Issue Sheet will be forwarded to that committee for action and the originating agency / committee will be informed of this action.

8.4 SKATE AND SCOOTER PARK DESIGN AND CONSTRUCT CONTRACT

Author: Senior Project Manager

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 recommend awarding a Contract (G1464-2020) by Council resolution for the Maryborough Skate and Scooter Park, Design and Construction to Grind Projects for \$605,000 (GST inclusive).

Council has recently undertaken a public tender process for Contract No. G1464-2020 Maryborough Skate and Scooter Park, Design and Construction.

Two tender submissions were received, one of which was late and therefore could not be considered.

It is recommended that the contract be awarded to Grind Projects who have considerable experience and industry profile in the design and construction of skate parks.

As the contract amount is above the CEO's \$500,000 financial delegation, the contract is required to be awarded by Council. The contract amount is a lump sum of \$605,000 (GST inclusive).

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

Initiative: Continue to implement priorities from Major Recreation Reserves Master Plans

As per Council Policy, the award of Contracts above \$500,000 including GST shall be via Council Resolution.

The *Local Government Act 1989* Section 186 (still relevant section until July 2021) requires councils to undertake competitive market testing processes before entering into contracts for purchase for the carrying out of works to the value of \$200,000 or above.

BACKGROUND INFORMATION

The proposed Maryborough Skate and Scooter Park is located at Lake Road, Maryborough. See Figure 1 below.



Council obtained funding from Sport and Recreation Victoria (SRV) for development of concepts and then construction. Convic was subsequently retained to do this work after a Request for Tender (RFT) process. A concept was developed, costed and tested with the community. Council's heritage advisor developed a draft heritage impact statement as part of this scope of work. Once the final design is adopted, final approval will be sought from Heritage Victoria (HV). This should be forthcoming as HV has been consulted and kept informed of any developments.

After another round of funding from SRV, Council was able to proceed with an RFT for design and construction of the proposed Maryborough Skate and Scooter Park.

The tender was advertised in December 2020 and closed in January 2021. One complying submission was received. A late submission was also received via email, however, late submissions cannot be accepted as per the conditions of tender. This submission was not considered.

The single complying submission was subsequently assessed via a tender assessment panel of Council staff. The Council tender evaluation process was fully executed via panel members, including a tender evaluation report and sign-off.

REPORT

The works tendered for include an RFT to procure professional and construction services to:

- Review and finalise the existing concept
- Develop and finalise detail design package
- Develop construction package
- Construction of works

The public tender process closed on 27 January, and Council received two tender submissions. One tender submission was late and was not considered. The evaluation of the sole complying tender was undertaken by a panel consisting of:

Ross Cowie	Acting Manager, Infrastructure
Jen Dyer	Project Officer Project Owner
Kym Murphy	Project Sponsor
Graeme Gilmore	Senior Procurement Officer
Cathy Brady-Overington	Senior Project manager
Michael Monahan	Project Manager

The tender responses were assessed against the following criteria:

- Risk Management. (Pass/Fail)
- Financial Benefit to Council (35%)
- Capability (30%)
- Capacity (25%)
- Financial Benefit to Community (10%)

The tender was assessed against the evaluation criteria, specifications and budget and received a high score against all criteria.

The tender evaluation panel recommends that Grind Projects be awarded contract No. G1464-20 Maryborough Skate and Scooter Park Design & Construction for the lump sum amount of \$605,000 (GST inclusive).

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

CONSULTATION/COMMUNICATION

The proposed Maryborough Skate and Scooter Park has been through numerous stages from site selection through to concept development, with all stages including stakeholder engagement. It has also been subject to media releases. As part of the grant conditions there will be a Ministerial opening. Some of the key consultation to date includes:

- Initially a successful site selection and community consultation process was undertaken, resulting in a well-developed and Council-approved concept plan.
- The pre-design consultation was summarised to inform a community-driven design brief for the Maryborough Skate and Scooter Park. The information collected from the design workshops has informed the concept.
- The concept design for the works is set out in the Final Concept Design of the Maryborough Skate and Scooter Park 2020, by Convic Pty Ltd. which was in consultation with community groups and stakeholders.
- Council proposes to establish a Skate and Scooter Park Activation Group so that users are involved in managing and organizing events at this facility.
- Concept Plans and Universal Design Principles have also been endorsed by Sport and Recreation Victoria as part of the successful funding application process.

FINANCIAL & RESOURCE IMPLICATIONS

Budget

Source	Amount (\$) Exc GST	Confirmed/ Unconfirmed
Council Contribution & Source #1	\$395,000	YES Council budget 20/21
External Contribution Source #1	\$250,000 State Government Local Sports Infrastructure Fund 2020-2021	YES Signed funding agreement 2020
Total Project Budget	\$645,000	YES
Construction Budget	\$550,000	TBC

The budget includes revenue streams from Council via the 2020/21 FY budget (\$395,000) and SRV (\$250,000). The anticipated construction budget and Contract amount is \$550,000. Additional money has been set aside for project management and other specialist advice.

Resource Implications

Design and construction of the works will require internal and external resources. External resources will be procured via the Contract to be awarded via resolution. Internal resources include two project managers who are paid for via designated project management costs for this and other projects.

Risks

This is a lump sum design and construction contract. Risks are predominantly vested with the organisation that designs and constructs the works. Risks to Council include the potential for variations. As there is already a costed concept that has been through public consultation then variations are expected to be limited.

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.

The skate and scooter park expands our assets and provides a benefit to the community – the benefits to the community are that the project is aligned with the Council Plan and is a key community driven initiative.

Design and construction - The key risk is the project was let as a single design and construction package, rather than separate design and then construction packages. This approach was chosen, albeit with risks, due to being a limited or specialist market.

CONCLUSION

The Maryborough Skate and Scooter Park Contract for the design and construction of the works is the cumulating stage of works in a multi-year and multi-stage project. It has gone through due process to advertise, assess and recommend award of the Contract to Grind Projects.

ATTACHMENTS

Nil

RECOMMENDATION

It is recommended that Council:

- 1. Award the Maryborough Skate and Scooter Park, Design and Construction contract G1464-2020 to Grind Projects for \$605,000 (GST Inclusive).*
- 2. Authorise the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract G1464-2020 for the Maryborough Skate and Scooter Park, Design and Construction.*

8.5 PUBLIC ACCESS TO DUNOLLY DUMP POINT

Author: Manager Tourism, Events and Culture

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 for Council to consider the proposal to open the Dunolly Caravan Park dump point for public access.

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.

2.7 Objective: Capitalise on tourism and the visitor economy through growth of events and promotion of unique local experiences.

BACKGROUND INFORMATION

The need to improve public RV facilities across Central Goldfields townships has been raised consistently by locals at community forums and consultations over the last few years. For example, during the development of the 2015 Bendigo Region Destination Management Plan and the 2020 Central Goldfields Tourism Strategy improved RV facilities was identified as a top priority. Most recently the Dunolly Community Plan 2020, developed by Dunolly residents with support provided through Council and Commonwealth Government resources, lists, *'Install a caravan dump point and work together to make Dunolly an RV friendly town'* as the top priority under the section titled 'OUR ECONOMY'.

Council has been working with the Dunolly community since 2019 to identify an appropriate location for a public dump point. Recent discussions have led to negotiations with the Dunolly Caravan Park to open the park's existing dump point for public use.

REPORT

The desire for a public dump point in the township of Dunolly has become increasingly evident over the past three years. The Central Goldfields Visitor Information Centre has noted an increase in the number of enquiries for dump points across the Shire. Anecdotal feedback from local businesses in Dunolly and the local tourism association Dunolly and District Inc. demonstrates demand for a dump point in the town. This feedback includes:

- Frustration amongst RV/Caravan visitors that are expecting the town to have a public dump point.

- Visitors with recreational vehicles moving onto the next town with a public dump point facility and re-organising their travel plans to the region.
- Waste is more likely to be inappropriately disposed of illegally – causing environmental issues.
- A general perception that the Central Goldfields is not an RV friendly region.

At a time when caravan and camping is increasing due to COVID-19 restrictions impacting travel further afield, visitors may be deterred from visiting Dunolly due to the lack of appropriate infrastructure and facilities to accommodate the caravanning and motorhome market.

Through consultation with Dunolly and District Inc. several locations, including Bull Street, behind the Dunolly Rural Transaction Centre, Pines Park and on the corner of Market and Bull Street, were considered for the dump point location. However, local feedback and considerations of other potential developments in each location made these less attractive options.

Mid 2020 negotiations began with the Dunolly Caravan Park Manager to open its own dump point for public use. With existing infrastructure in place, this location has been identified by Council and Dunolly District Inc as a suitable location for a public dump point. By simply altering the access to allow public use, this provides a cost-effective solution to this extended project.

CONSULTATION/COMMUNICATION

The need for the public dump point was identified as part of conversations with Dunolly and District Inc and at the community consultation sessions for the Dunolly Community Plan 2020.

Further consultation and discussions have taken place with the Manager of the Dunolly Caravan Park, who has formally supported the proposed development to open the park's dump point to the public.

Letters were hand delivered to residents in Maude Street, allowing those directly affected to provide feedback to the officer. One resident facing Hardy Street has expressed concern around increased traffic in the area and the fact that RVs parking on Maude Street to empty their black water tanks could reduce the liveability of the area and the sale value of real estate on Maude Street.

A media release was prepared and distributed, appearing in the Maryborough Advertiser in December 2020. An advertisement in the Welcome Record in February 2021 directed people wanting further information to contact Council's communication officer. The same information was emailed directly to tourism operators in Dunolly, with posters also displaying the same information posted in Dunolly businesses.

The response to the advertisement was overwhelmingly positive. One resident made comment that it is an 'absolutely wonderful idea' another suggesting it 'would be an asset to the town'. Other visitors to the area are very pleased to learn of the proposal and said it 'would discourage people from dumping their waste in the bush' and 'definitely a great asset having a dump point in Dunolly'.

FINANCIAL & RESOURCE IMPLICATIONS

Council's Engineering department has estimated the cost of the proposed works at \$17,550. This includes construction of a pavement and path from Maude Street to the dump point,

removing existing fence and installation of a new section of fence with a personal access gate for caravan park visitors/residents, and installation of lighting.

As part of the negotiations with the Dunolly Caravan Park, Council will reimburse the Manager for the costs associated with regularly cleaning the dump point, this will be capped at a maximum of \$2,200.

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 addressing a priority identified in a number of strategies.

CONCLUSION

The demand to support the caravanning and motorhome market within the shire is increasingly evident, with Dunolly's business and tourism association also consistently receiving feedback on this issue.

To support growth in tourism and economic activity, further development in infrastructure and facilities, such as a dump point, are required and has been identified in the Central Goldfields Bendigo Region Destination Management Plan, Central Goldfields Tourism Strategy and the Dunolly Community Plan 2020.

ATTACHMENTS

1. Plans for the Dunolly dump point alterations.
2. Community Consultation Report

RECOMMENDATION

That Council endorses the proposed public access to the Dunolly Caravan Park dump point.



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C			
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REVISION	AMENDMENTS	APPROVED	DATE

GENERAL NOTES



**CENTRAL GOLDFIELDS
SHIRE COUNCIL**
PO BOX 194 MARYBOROUGH
PH (03) 54 610610 FAX (03) 54 610666

**DUNOLLY PUBLIC DUMP POINT OPTION
DUNOLLY CARAVAN PARK
CONCEPT LAYOUT**

DATE	22 MAY 2020	DRAWING NUMBER		REV
DESIGNED	LH			A
CHECKED				
APPROVED				
SCALE	1:250	SHEET 1 OF 1		

Dunolly Dump Point Community Engagement Process

Background

For many years Dunolly has recognised the benefit of having a public access dump point, including the economic contribution to the community.

Over two years ago, the Manager Tourism Events and Culture began working with the community to identify an appropriate location for the public dump point.

The process has been involved as there has been many – often competing – needs and interests to consider such as:

- Finding a site with a strong connection to local businesses and services
- Protecting the amenity of existing residents, and
- Aligning with complementary infrastructure such as the caravan park

Through this process the opportunity of providing public access to the existing dump point at the Dunolly Caravan Park was identified in June 2020.

Engagement approach

We determined to consult with the community to consider their views on the proposal, we targeted the residents abutting the site and invited broader feedback through the website and Welcome Record, the community was provided with the proposed plans. The consultation included the following:

- a letter-box drop to the immediate neighbouring properties (December 2020),
- news article in the Maryborough Advertiser (December 2020),
- a full page advertisement in the Welcome Record (February 2021),
- poster distribution in key locations around Dunolly (February 2021),
- information included in councils full page, full colour advertisement in the Maryborough Advertiser (early February 2021); and
- featured on councils social media (16th February 2021).

Engagement outcomes

As a result of the above engagement process, we heard from 7 people in total, 4 through email and 3 phone calls.

We received positive responses and people could see how it would benefit the town as a whole and stimulate economic benefit for the town. One email response said 'Dunolly has a lot to offer people and it's a very busy place for gold detecting and visitors. This would be an asset to the Town'.

One person was concerned that their visual amenity may be diminished by the proposal and, that this would reduce the value of their property. Whilst council acknowledges the concern, a site visit has confirmed that the proposed changes will not affect the current view from the person's property and, that in fact the view and overall amenity would be improved with the construction of gravel parking and access paths.

Reporting and next steps

Council officers will contact those who provided feedback and let them know the outcome. The general community will be informed through the Welcome Record and social media channels.

8.6 UPDATE TO COMMUNITY SUPPORT POLICY – FEE WAIVER

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

This report recommends that Council amend the Community Support Policy 2019, where it related to fee waivers. It is proposed to add a clause to support the application of a fee waiver for planning and building permit applications fees where waiving the fee would be reasonable in resolving a historic planning or building compliance matter.

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.

Local Government Act 2020

Planning and Environment (Fees) Regulation 2000

Building Regulations 2018

BACKGROUND INFORMATION

Council's Community Support Policy 2019 was developed to enable community-based organisations to apply for fee waivers for Council costs and permits. An associated form, Fee Waiver Application Form, was also developed.

REPORT

The *Community Support Policy 2019* only addressed community based organisations for applications for fee waivers. There was no scope to consider eligible individuals, organisations and businesses where a waiver of the fee may assist in resolving a difficult planning matter.

A recent example of this is the fee waiver requested for a planning permit application for animal husbandry, where 5-6 years ago Council's Local Laws staff registered the animal business without ensuring that a planning permit had been obtained and the owner of the business operated on the site without the necessary planning permit. The business owner seems willing to seek a planning permit subject to the fee being waived as they believe Council did not provide the correct advice and procedure back in 2014-2015. The change to the policy would provide an avenue for Council to consider a fee waiver request in this circumstance.

CONSULTATION/COMMUNICATION

This is an internal Council policy and the publication of this change in the Council minutes is considered adequate notification of the change.

The respondents associated with the original issue will be contacted to advise them the Council policy has been updated.

FINANCIAL & RESOURCE IMPLICATIONS

The financial impact of waiving fees is measured in the budget. This can be reviewed annually to ensure the policy change is not resulting in unreasonable loss of revenue to Council.

RISK MANAGEMENT

This report addresses Council's strategic risk Legislative compliance - Failure to manage our compliance with relevant legislative requirements by changing a Council policy to allow financial justice for community members when Council can be demonstrated to be at fault.

CONCLUSION

The policy should be updated to include a fee waiver to overcome a historic planning or building matter for any legal entity. This is of benefit to Council to resolve some planning or building matters and reduces risk to Council.

ATTACHMENTS

1. Fee Waiver form
2. Community Support Policy 2021

RECOMMENDATION

That Council resolve to support the amendment to the Community Support Policy 2019 to allow a fee waiver where the waiver of the fee may assist in resolving a difficult planning or building matter.

Fee Waiver Application Form



The waiving, reducing or refunding of fees and charges associated with applications for planning and building permits is possible in some circumstances. Please refer to the Community Support Policy for more information before completing this Application Form.

1. About You / Your Organisation

Organisation Name

Organisation ABN

Incorporation Number

Contact person

Contact telephone

Contact email

Contact Postal address

2. Fee Waiver Details

What type of Fee Waiver are you applying for?

Fee Waiver

Planning Permit Fee

Building Permit Fee

Other _____

PLEASE NOTE – Council is unable to waive fees, charges and levies collected on behalf of the State Government or other government entities such as the State Building Levy.

Please provide the reasons why you are applying for a Fee Waiver:

Fee Waiver Application Form



3. Lodging your application

Fee Waiver Applications are to be lodged in conjunction with your planning or building permit application.

Please lodge this form using one of the methods below and attention it to James Maw, Manager Statutory Services.

In person	Email	Post
Central Goldfields Shire Council 22 Nolan Street Maryborough VIC 3465	mail@cgoldshire.vic.gov.au	PO Box 194 Maryborough VIC 3465

Privacy Collection Statement

The personal information requested on this form is being collected by the Central Goldfields Shire Council for the purpose of processing your Fee Waiver Application. The personal information provided is for the use of the Council and the applicant may apply to Council for access and/or amendment of the information. Your personal information will not be disclosed to any external party without your consent, unless required or authorised by law.

Doc ID 313643



Community Support Policy

Category: Community Wellbeing
Adoption: Council Date:.....
Review Period: Annually
Responsible Manager: General Manager Community Wellbeing

Signed by CEO:

Date:

1. Purpose

Central Goldfields Shire Council is committed to working in partnership with the community to encourage, develop and support community based organisations and the wide range of local quality recreational, cultural, social and community support and business group initiatives which they undertake that make a positive contribution to the Central Goldfields Shire community and strengthen the development of a supported, cohesive community, living a full and healthy life.

Each financial year, Council provides financial assistance to community based organisations to support the provision of programs and services which benefit the Central Goldfields Shire community and are in accordance with Council's plans and strategies.

The Community Support Policy provides a consistent, accountable and transparent process to determine the nature and level of support provided to the community through:

- Community Grants;
- In kind support; and
- Planning and Building fee waivers.

2. Scope

This Policy applies to all eligible community based organisations seeking support from Council.

This Policy does not apply to Section 86 Committees. Any support provided to Section 86 Committees is allocated through their Instruments of Delegation.

This Policy also applies to all statutory planning fees and charges and Council building application fees (but not the State Building levy) and can apply in these circumstances to all legal entities. This Policy is to be read in conjunction with the relevant legislation. State government regulations

within the Planning and Environment (Fees) Regulations 2016; the Subdivision (Fees) Regulations 2016 and the Building Regulations 2018 provide the power for a Responsible Authority (usually Council) to waive or rebate the payment of fees.

3. Community Based Organisation

Typically a community based organisation is an organisation that is a recognised not-for-profit group or organisation that carries out one or more of the following activities:

- Providing services to the community such as positive ageing, child care, health services, charity services or services of a similar type;
- Reinvests or applies the revenue it receives predominately for public interest services or activities;
- Principally provides social or junior sporting or recreational activities;
- Supports public events or information of an historical, cultural or community arts focus.

Typically a community based organisation would not include:

- A political organisation;
- A profit making organisation;
- Schools or tertiary institutions (excluding parents and friends groups);
- State or Federal government agencies and departments;
- Any organisation where more than 50% of its income is derived from any State or Federal government program.

4. Policy

All applications must be for projects that are:

- Based in the Central Goldfields Shire; and
- Benefit the Central Goldfields Shire community.

Community Grants

Community Grants provide financial support to projects and events that provide community benefit to the Shire. Grants from \$500 are available to a wide range of community based organisations to run projects and events. Individuals are not eligible to apply for Community Grants.

In Kind Support

In kind support is available to a wide range of community based organisations to run projects and events that provide benefit to the Shire. In kind support is when Council provides services to a group or organisation, rather than providing them with purely financial support. In kind support can include things like traffic management, waste management and event set up.

Fee Waivers

Circumstances can arise where it is appropriate and in the public interest for consideration to be given to waiving, reducing or refunding fees and charges associated with applications for planning

and building permits. Council can, upon application, consider a request to waive or reduce the statutory planning and/or building fee for the delivery of projects, activities or service that provides a community benefit and which align with Council's policies, strategies or activities.

Council can consider and agree to waiver, reduction or rebate of a statutory planning fee for an application to use or develop land which will result in resolving difficult planning application issues that may have a potential risk or liability for the Council.

Personal, commercial or family circumstances including financial hardship will not ordinarily be considered appropriate for application of this policy.

If an applicant withdraws an application for a permit before it is approved or refused, Council may refund the fees or charges it has received in accordance with this Policy if they have not already been expended for the relevant purpose.

Refunds may be applied to planning fees and charges as follows:

<ul style="list-style-type: none"> It is determined that no planning permit is required 	100% fee refunded
<ul style="list-style-type: none"> Application received, lodged, entered into the information management system and allocated to a Planner 	75% fee refunded
<ul style="list-style-type: none"> Application received, lodged, entered into the information management system and allocated to a Planner; and Application initially assessed and referrals to authorities or internal departments commenced, additional information received 	50% fee refunded
<ul style="list-style-type: none"> Application received, lodged, entered into the information management system and allocated to a Planner; and Application initially assessed and referrals to authorities or internal departments commenced, additional information received; and Further assessment undertaken 	25% fee refunded

Where an application has progressed to the final stages of a decision no refund will be given.

No refunds will be provided if an application is lapsed and fees will not be waived for subsequent applications.

Excluded fees, charges and levies means any other prescribed fees, charges or levies that Council is required to collect by legislation on behalf of the State Government or another government entity, e.g. building permits.

5. Application Process

Eligibility

To be eligible to apply for Community Support you must be a community based organisation and submit a completed Application Form to Council in accordance with the relevant timeframes.

The following are not eligible:

- Applications from individuals;

- Applications where funding for projects is being requested retrospectively;
- Applicants with an overdue acquittal for Central Goldfields Shire Council funding;
- Applicants receiving funding from Central Goldfields Shire Council for the same project.

What will not be funded

- Applications seeking funding to cover ongoing operational costs (e.g. insurance, utilities, rent, salaries);
- Project or activities that:
 - Support a religious or political cause;
 - Are the responsibility of the State or Federal Government; or
 - Are already underway or have been completed.

Applications for Community Grants

Application dates will be released annually and are detailed on the Community Support Application Form. Late Applications will not be accepted.

Applications must be made using the Community Support Application Form.

Applications for In Kind Support

Applications for in kind support must be received at least 1 month prior to the date of your project or event. Council may refuse late applications.

Applications must be made using the Community Support Application Form.

Applications for Fee Waivers

Fee Waiver Applications are to be lodged in conjunction with your planning or building permit application using the Fee Waiver Application Form.

6. Assessment of Applications

Assessment Criteria

Eligible applications will be assessed against the following criteria:

- | | |
|-----|---|
| 50% | How the project benefits the Central Goldfields Shire community |
| 25% | How well the project aligns with Council plans and strategies |
| 25% | Demonstrated capacity of the project to succeed |

Recommendations for funding will be presented to Council for consideration and final approval.

Preference will be given to groups not funded in the previous round.

Assessment of Community Grant Applications

Assessment of Community Grant Applications will occur via the following process:

- A panel of Council officers will carry out an initial assessment of all applications and then make recommendations to Council based on the ranking of those applications against the assessment criteria.

- Council will give final approval to all successful applications at a Council meeting.

Assessment of In Kind Support Applications

Assessment of in kind support will be assessed by a panel of Council officers against the assessment criteria.

Assessment of Fee Waiver Applications

Assessment of Applications for fee waivers or reductions will be made by the delegated staff members – the Manager Statutory Services and the General Manager Infrastructure, Assets and Planning.

Outcome Notification

Successful applicants will be notified in writing.

Applicants for grants will be sent a funding agreement outlining the terms and conditions of the funding being provided by Council.

Funding agreements must be signed and returned by the due date. An invoice for the grant amount must also be provided with the funding agreement to receive funding.

Unsuccessful applicants will be notified in writing of their unsuccessful application and provided with feedback as to the reason/s behind the decision. Applicants may also request to speak with a Council officer about their unsuccessful application if they would like further feedback.

7. Community Grant Financials and Acquittals

- Projects must be completed and the acquittal process finalised within 12 months of receiving a grant.
- Successful applicants will be accountable to Council for the disbursement of grant monies.
- Grant recipients are required to submit a financial statement at the conclusion of the funding period relating to the project or event.
- Funds not expended for the intended purpose must be returned to Council.
- Any variations to the original Grant Application must be lodged in writing and approved by Council. This includes an extension of acquittal process deadlines of no more than 12 months for extenuating circumstances.
- An assessment of the key outcomes of the project must be provided detailing the key achievements.
- 10% of the grant amount will be retained by Council and will be paid upon acquittal of the grant. This is to improve the compliance with the acquittal process for the grants program.

8. Acknowledgment

Central Goldfields Shire Council must be acknowledged in any promotional material relating to the project.

9. Roles and Responsibilities

Person/s responsible	Accountability
Officer/Manager/General Manager/CEO	Ensure all approaches and applications comply with this policy and give reason to those that are non-compliant.
Manager/General Manager	Ensure where necessary acquittals and/or reviews/evaluations are received and recorded.

10. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

11. Related Policies and Procedures

- Central Goldfields Shire Council Plan 2017-2021 (2018 Refresh)
- Central Goldfields Shire Council Action Plan 2019-2020

12. Relevant Legislation and Guidelines

- Building Act 1993
- Building Regulations 2018
- Charter of Human Rights and Responsibilities Act 2006
- Local Government Act 1989
- Planning and Environment Act 1987
- Planning and Environment (Fees) Regulations 2016
- Subdivision Act 1988
- Subdivision (Fees) Regulations 2016
- Australian Tax Legislation

8.7 POWER PURCHASING AGREEMENT

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 to recommend Council approve the CEO to sign the contract for a Power Purchase Agreement with other Victorian Councils that will purchase 100% of its electricity as renewable energy.

Council's current electricity supply contracts is through two different retailers on a month by month arrangement.

Council's annual spend on electricity is approximately \$260,000. The proposed long term contract will be above the CEO's financial delegation.

LEGISLATION AND POLICY CONTEXT

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

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

3.3 Objective: Protect and enhance the environment while planning for growth

Initiatives: Participate in regional environmental projects through the Central Victorian Greenhouse Alliance

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.

BACKGROUND INFORMATION

In October 2018 Central Goldfields Shire Council signed a letter of intent to support Darebin City Council in the development of a Renewable Energy Power Purchasing Agreement (PPA) for Victorian Councils. Council agreed to participate in the development of a business case for a local government PPA which was presented to Council at a Briefing held on 11 June 2019.

Council also agreed to be part of the tender, after a long probity audit was undertaken on the project.

Maddocks Lawyers oversaw the probity of the project, and the project received ACCC approval.

At its meeting of 23 July 2019 Council resolved to:

- 1. Agree to purchase 100% of its electricity as 100% renewable energy through a Power Purchase Agreement with other Victorian local councils;*
- 2. Approve the CEO to sign documents to participate in the tender process for the Power Purchase Agreement.*

REPORT

A PPA is an agreement for the sale and supply of energy to a customer. While this can take on many forms, the approach chosen here is to purchase energy and the renewable energy certificates from a specific facility (e.g. solar or wind farm) via an electricity retailer.

Buying electricity through a PPA assures organisations that the money they pay for their power consumption is going directly to a specific, nominated renewable energy generator. This differs from a typical retail electricity product whereby the retailer invests in the electricity wholesale market to pay for the power consumed; funding whichever is the cheapest energy generator supplying the grid at that moment.

A net present value business case analysing participating in the group PPA was developed before the tender was prepared. The business case showed that renewable energy purchase price (as a group) will be lower than operating as business as usual.

Darebin City Council has been leading this project over the last 2 years. Importantly Darebin Council has recently advised:

Late last year we told you that the procurement process had identified a preferred supplier. We are pleased to say that since then we have been working with the retailer on finalising the Renewable Energy Sales Agreement (RESA) and drafting is in its final stages.

Final offer timing and validity

One of the aspects of the final offer that we want everyone to be aware of early is that the turnaround time to confirm your Council's acceptance of the offer will be 7 days. Whilst we understand this may be a short window for some, this is due to the ever increasing volatility of power prices, and how long a retailer can hold offers for. This is why we are going to be providing periodic information updates on the final offer leading up to its release.

With this in mind we are planning to present the final offer to the Buyers Group in mid-April (week commencing 12th – exact day TBC). Please start planning your own processes so that your Council can make a decision within these parameters.

It is important to note that Council has 7 days in which to accept the offer, which is expected to be made in mid-April (as above). The contract will be for an amount that is above the delegation of the CEO at \$500,000. This is due to the longevity of the contract. It is recommended that Council approve the CEO to enter into the contract so that, should the contract be of benefit to Council, Council can enter into the contract within the tight time frame.

CONSULTATION/COMMUNICATION

Council has participated with 46 other councils in the power purchase process to date, with Darebin City Council leading the project. Council has been represented by our Senior Procurement Officer.

Rob Law from the Central Victorian Greenhouse Alliance (CVGA) has been a key driver behind the development of a PPA model and has been working closely with Council on this project over the past 2 years.

Energetics are the leading energy market analysts in Australia and have been engaged by the buyers group to provide strategic, technical and analytical support for the buyers group, and facilitated two workshops with representatives from the buyers group.

FINANCIAL & RESOURCE IMPLICATIONS

Council has paid \$4,000 to participate in the development of the business case to progress the power purchase agreement.

Council paid \$3,000 to participate in the tender (metropolitan Councils are paying \$25,000).

The PPA will contract Council to a supplier of electricity for somewhere between 7 and 10 years. This has a long-term financial commitment for Council. The current electricity supply is out of contract, due to the likelihood of entering the PPA.

RISK MANAGEMENT

This report addresses Council's strategic risk Financial sustainability - Failure to maintain our long term financial sustainability by entering an agreement for stable electricity supply.

This report addresses Council's strategic risk Climate change - adaptation - Failure to appropriately respond to or prepare for the impacts of climate change by purchasing renewable electricity.

CONCLUSION

The progress of the Power Purchase Agreement (PPA) with other Victorian Councils that will purchase renewable energy is close to an end. Council has agreed to purchase 100% of its electricity as 100% renewable energy through a Power Purchase Agreement with other Victorian Councils.

Because of the advice of a tight time frame in which to accept the offer (7 days), which is expected to be made in mid-April (as above), it is recommended that Council delegate the authority to the CEO to enter into the contract. This is due to the longevity of the contract. It is recommended that Council approve the CEO to sign and seal the PPA retail contracts for the supply of electricity, provided that the contract is of financial benefit to council.

ATTACHMENTS

Nil

RECOMMENDATION

That Council delegates authority to the Chief Executive Officer to sign and seal the Victorian Local Government Power Purchase Agreement retail contracts for the supply of electricity to small market, large market and unmetered accounts from 1 July 2021, as detailed in the report of General Manager Infrastructure, Assets and Planning, subject to the final offer being of financial benefit to Council.

8.8 S11A INSTRUMENT OF APPOINTMENT AND AUTHORISATION PLANNING AND ENVIRONMENT ACT

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 recommend Council adopt a S11A Instrument of Appointment and Authorisation for the Manager Statutory Services and Coordinator Statutory Planning.

The S11A Instrument of Appointment and Authorisation appoints Council staff under the Planning and Environment Act 1987, which allows them to fully discharge their duties and responsibilities under that Act.

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

The S11A Instrument of Appointment and Authorisation is made in accordance with section 147 of the Planning and Environment Act 1987 and section 313 of the Local Government Act 2020.

BACKGROUND INFORMATION

The S11A Instrument of Appointment and Authorisation is specifically for authorised officers appointed under the Planning and Environment Act 1987.

Amy Bell has been appointed as Manager Statutory Services, and Fiona Houlihan has been appointed as Coordinator Statutory Planning.

REPORT

S11A Instrument of Appointment and Authorisation:

- Appoints the officers to be authorised officers for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
- Authorises the officers generally to institute proceedings for offences against the Planning and Environment Act 1987 and the regulations made under that Act.

Authorisations need to be made for Manager Statutory Services Amy Bell and Coordinator Statutory Planning Fiona Houlihan to be authorised officers under the Planning and Environment Act 1987. In particular, this authorisation gives officers the power to access property when required.

As with the delegations under the Planning and Environment Act 1987 these appointments and authorisations must be made by Council, and are not delegated to the CEO.

CONSULTATION/COMMUNICATION

There is no requirement for community consultation in relation to the review of the Instruments. Affected staff will be provided with confirmation of the adoption of any Instruments.

FINANCIAL & RESOURCE IMPLICATIONS

Council subscribes to the Delegations and Authorisations service provided by Maddocks, the cost of which is provided for in Council's budget. There are no other financial implications in reviewing the Instruments of Delegation.

RISK MANAGEMENT

The use of the Maddocks service alleviates the potential risk of staff not being appropriately authorised in the exercise of various powers and functions. The updates are done regularly and capture any legislative changes. The service is available to all Victorian Councils which enables consistency.

CONCLUSION

The S11A Instrument of Appointment and Authorisation is required due to staffing changes at Council. The Instrument must be adopted by Council.

ATTACHMENTS

1. S11A Instrument of Appointment and Authorisation.

RECOMMENDATION:

1. *That Council adopt the attached S11A Instrument of Appointment and Authorisation for the members of Council staff set out in the Instrument.*
2. *The attached S11A Instrument of Appointment and Authorisation comes into force immediately and remains in force until Council determines to vary or revoke it.*
3. *That the attached S11A Instrument of Appointment and Authorisation be signed.*

Maddocks Delegations and Authorisations

S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Central Goldfields Shire Council

Instrument of Appointment and Authorisation
(Planning and Environment Act 1987 only)

Amy Bell

Fiona Houlihan

8.9 COUNCIL COVID-19 HARDSHIP SUPPORT MEASURES

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 existing COVID-19 hardship measures implemented, extending these measures until 30 June 2021.

There remain financial challenges for the community in particular as levels of government support reduces at 31 March 2021.

The updated COVID-19 Financial Hardship Policy is attached extending arrangements to 30 June 2021.

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.

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

BACKGROUND INFORMATION

Council in April 2020 and again in October 2020, introduced a range of support measures for the period to 31 March 2021 with the intent that they be reviewed before that date. In view of the ongoing impacts of the COVID-19 pandemic these measures are to be extended for an additional period and that the measures be reviewed before 30 June 2021.

The purpose of the COVID-19 Financial Hardship Policy is to ensure the medium- to longer-term sustainability of businesses by providing a framework for financial relief to individuals and business who need assistance from the impacts of the Coronavirus (COVID-19) Pandemic.

REPORT

Following is a summary of the proposed changes to continue support to the community:

Ratepayers experiencing financial hardship

- Continue the suspension of all current debt recovery action to 30 June 2021.
- Extension of rate payments to 30 June 2021 with no interest.
- Waived interest on overdue rates and waste charges extended to 30 June 2021.

Business support

- Updated COVID-19 Financial Hardship Policy will also apply to businesses.
- Payment of local suppliers weekly to improve business cash flow continues.
- Waived rent for businesses occupying Council buildings and facilities extended to 30 June 2021.
- Dedicated business contact officer within Council (Ongoing).
- Dedicated COVID-19 business support page on Council's website with link to local employment opportunities – www.centralgoldfields.vic.gov.au/covid-19 (Ongoing).
- Access to Victorian Chamber of Commerce and Industry support in partnership with Committee for Maryborough (Ongoing).
- Waive 2021 registration fees for food, accommodation, beauty, hair dressing salons and various permits.

Community support

- Waived rent for all occupiers of Council buildings and facilities extended from 30 September 2020 to 30 June 2021.
- Waived building or planning permits fees under Council's Community Support Policy extended to 30 June 2021.
- Additional parking enforcement around MDHS to support health workers/patients (Ongoing).
- Dedicated COVID-19 information page on Council's website – www.centralgoldfields.vic.gov.au/covid-19 (Ongoing).
- Waive 2021 registration fees community organisations who require permits for various services.

Capital works

- Council will continue works as scheduled to maximise local business and employment opportunities.

(Council will proactively promote local procurement for capital and other expenditure and work with the Business and Economic Development Units to achieve that end)

FINANCIAL & RESOURCE IMPLICATIONS

Council has already incurred costs in both 2019/20 and this financial year as a result of COVID-19. The total was \$683k, some of this related to IT costs and Council received a grant of \$100k to offset some of these. There have been some savings from reduction in office costs and travel. The impact on Council finances was \$583k.

The actual costs of a number of initiatives continuing is difficult to assess as they will result in potential income foregone (such as interest on unpaid rates and investment income) and so the table below includes readily measurable costs only.

Initiative	Cost \$
Waived rent for businesses occupying Council buildings and facilities – 9 months	93,000
Waived rent for all occupiers of Council buildings and facilities – to 30 June 2021	11,300
Waived 2021 registration fees for food, accommodation, beauty, hair dressing salons and various permits – to 31 December 2021	44,000
Total	148,300

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 continuing to assess and respond to the impacts of the COVID-19 pandemic this supports the community through the financial impacts.

CONCLUSION

The report provides a response to the continuing challenges for the Community from the COVID-19 pandemic.

The responses recommended in the updated policy are a continuation of some of the measures that have been in place up to 31 March 2021.

ATTACHMENTS

1. Updated COVID-19 Financial Hardship Policy

RECOMMENDATION

That Council:

1. Approves the updated COVID-19 Hardship Policy
2. Notes a further review of the policy and report to be done prior to 30 June 2021



COVID-19 Financial Hardship Policy

Category:	Finance		
Adoption:	Council	Date:	2021
Review Period:	This Policy will be reviewed by 30 June 2021		
Responsible Manager:	General Manager Corporate Performance		
Signed by CEO			

2021

1. Purpose

The purpose of the COVID-19 Financial Hardship Policy is to ensure the medium- to longer-term sustainability of businesses by providing a framework for financial relief to individuals and business who need assistance from the impacts of the Coronavirus (COVID-19) Pandemic.

COVID-19 was declared a global pandemic on the 30 January 2020 and a State of Emergency was declared in Victoria on the 16 March 2020. As at 4 March 2021, the State of Emergency still remains in place.

The policy provides individuals and businesses with a clear and transparent understanding of options and assistance available if they are experiencing financial hardship due to the pandemic.

This Policy will provide direction to Council's officers when collecting and providing for debts owed to Council and to ensure consideration is given to the financial hardship caused by COVID19.

Council will provide assistance to those in financial hardship in accordance with the Local Government Act 2020, while ensuring it does not jeopardise the funding of its operations.

Rates and other charges are a secure and reliable source of revenue that Council uses to deliver services to the community. In times of crises it is important to remember that Council still requires cash flow to deliver critical services to the community, however, it is also recognised that the COVID-19 Pandemic will cause significant financial hardship for members of the community and businesses and Council has a responsibility to provide assistance

This Policy will be guided by the principles of transparency, efficiency, capacity/ability to pay and

equity by treating all debtors consistently and in a fair manner.

2. Scope

This Policy applies to all monies owed to the Central Goldfields Shire Council including rates, waste charges, animal registrations, and permits, fees and user charges.

3. Policy

3.1 Financial Hardship

Financial hardship is a circumstance of experiencing a lack of financial means, which may be either ongoing or temporary. This policy is to address temporary financial hardship due to impacts of COVID-19.

Identification of Financial Hardship caused by the impacts of COVID-19

For businesses – if your business has been assessed by the Australian Taxation Office (ATO) as being eligible for the Commonwealth JobKeeper Payment you are automatically deemed to be in Financial Hardship for the purposes of this policy.

For non-businesses – if you or a member of your household has lost their job as a direct result of the COVID-19 Pandemic you are automatically deemed to be in Financial Hardship for the purposes of this policy.

For businesses or non-businesses that are not automatically deemed to be in Financial Hardship for the purposes of this policy (as per the tests above), the identification of Financial Hardship can be determined by:

- Assessment by Central Goldfields Shire Council staff.
- External assessment by, for example, an independent accredited financial counsellor.

The Financial & Consumer Rights Council of Victoria (FCRC) is the peak body for Financial Counsellors in Victoria. The FCRC can help affected persons find a financial counsellor – please visit www.fcrc.org.au or call 1800 007 007 for more information.

Application for Financial Hardship caused by the impacts of COVID-19

Access to the Financial Hardship provisions of this policy is via the Application for COVID-19 Financial Hardship Assistance form.

Assessment of applications for Financial Hardship caused by the impacts of COVID-19

Assessment of applications for Financial Hardship caused by the impacts of COVID-19 will be an objective assessment based on the information provided by the individual or business in the application.

Determination on applications to defer rates and charges and hold interest will be made by the Revenue Officer.

3.2 Payment plan and interest hold

The total deferral of all financial responsibilities due to an event can cause a secondary bout of financial stress when the event has concluded, and bills are owed. Council's aim is to provide assistance through the COVID-19 event without creating additional financial stress after the pandemic is over.

Council will encourage individuals and businesses to set up a payment plan tailored specifically to their needs to reduce the amount of debt owing after the pandemic. Council will hold interest on debt accumulated during the COVID-19 pandemic. The interest hold will begin from the declaration of the State of Emergency, 16 March 2020, until 30 June 2021 to allow ample time for the debt to be paid without interest. If any debt is still outstanding at 30 June 2021, Council's Debt Collection Policy (including Financial Hardship) will apply.

3.3 Rates deferral and interest hold

If the individual or business is unable to enter into a payment plan, Council will defer the debt accumulated during the COVID-19 pandemic and will hold interest on this debt from the declaration of the State of Emergency, 16 March 2020, until the 30 June 2021 to allow ample time for the debt to be paid without interest. If any debt is still outstanding at 30 June 2021, Council's Debt Collection Policy (including Financial Hardship) will apply.

3.4 Debt recovery

Council will make a reasonable attempt to contact a customer about their overdue account. This may include a reminder letter, account statement, email or phone call.

During the COVID-19 pandemic, Council will hold off on all legal action for the collection of rates and charges.

Following the cessation of this policy, the debtor will be liable for all legal costs incurred by Council in the debt collection process.

4. Definitions

Council means Central Goldfields Shire Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989.

COVID-19 means the novel coronavirus disease.

Debt means the amount (of money) owed by a debtor as a result of a transaction with Council.

Debtor means the individual, organisation or other party that owes a debt as a result of a transaction with Council.

Ratepayer means the occupier of any rateable property who is liable to pay rates. This maybe the property owner or a tenant who under the lease agreement is liable to pay rates.

5. Human Rights Statement

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006). Central Goldfields Shire Council is committed to consultation and cooperation between management and employees.

6. Related Policies and Procedures

- Central Goldfields Shire Debt Collection Policy

7. Relevant Legislation and Guidelines

- *Local Government Act 2020*

DRAFT