AGENDA

FOR THE ORDINARY MEETING OF COUNCIL
TO BE HELD ON
TUESDAY 13 DECEMBER 2016
COMMENCING AT 7.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.
# TABLE OF CONTENTS

1. **PRESENT**  

2. **APOLOGIES**  

3. **DECLARATIONS OF INTEREST/CONFLICTS OF INTEREST**  

4. **MINUTES**  
   4.1. ORDINARY MEETING OF COUNCIL – 22 NOVEMBER 2016  

5. **PUBLIC QUESTION TIME**  

6. **PETITIONS AND JOINT LETTERS**  

7. **COMMITTEE REPORTS**  
   NO REPORTS  

8. **ASSEMBLIES OF COUNCILLORS**  
   8.1. ASSEMBLIES ON 15 AND 22 NOVEMBER 2016  

9. **OFFICER REPORTS**  
   9.1. A VIBRANT HEALTHY COMMUNITY (VIB)  
   VIB 16 ENDORSEMENT OF EMERGENCY MANAGEMENT SUB PLANS  
   9.2. BETTER COMMUNITY FACILITIES (BET)  
   BET 16 APPOINTMENTS TO SPECIAL COMMITTEES OF COUNCIL – MALDON COMMUNITY CENTRE, METCALFE HALL, TARADALE HALL AND WESLEY HILL FACILITIES  
   9.3. A THRIVING LOCAL ECONOMY (ECO)  
   ECO 68 PLANNING PERMIT APPLICATION 223/2016 – 2 LOT SUBDIVISION AT 19 CHAPMANS ROAD, CASTLEMAINE  
   ECO 69 PLANNING PERMIT APPLICATION PA248/2016 - USE AND DEVELOPMENT OF A DWELLING ON EACH OF TWO LOTS CREATED BY CONSOLIDATING FOUR EXISTING LOTS INTO TWO LOTS AT LOT 1, 2, 4 AND 5 PS504580U, HARMONY WAY, ELPHINSTONE  
   9.4. BUILDING SUSTAINABLE COMMUNITIES (COM)  
   COM 68 AWARDING OF CONTRACT M1284 - 2016 – 2016 FOR ROAD CONSTRUCTION - LANGSLOW STREET CASTLEMAINE  
   COM 69 QUARTERLY ANNUAL PLAN REPORT TO 30 SEPTEMBER 2016  
   COM 70 ADOPTION OF PROCUREMENT POLICY  
   COM 71 QUARTERLY FINANCIAL MANAGEMENT REPORT TO 30 SEPTEMBER 2016  

10. **DELEGATES REPORTS**  

11. **NOTICE OF MOTION**  
   11.1. NOTICE OF MOTION 2016/12 – NOMINATION OF COUNCILLOR HENDERSON AS CANDIDATE FOR RURAL COUNCILS VICTORIA
12. **URGENT SPECIAL BUSINESS**

13. **MEETING CLOSE**

**SEPARATE ATTACHMENTS:**


ACKNOWLEDGEMENT OF COUNTRY

To start the official proceedings
I would like to acknowledge that we are meeting on Jaara country
of which the members and elders of the Jaara Jaara community and their
forebears have been custodians for many centuries
and have performed age old ceremonies of celebration, initiation and renewal.
We acknowledge their living culture and their unique role in the life of this region.

1. PRESENT

2. APOLOGIES

3. DECLARATIONS OF INTEREST/CONFLICTS OF INTEREST

4. MINUTES

4.1. ORDINARY MEETING OF COUNCIL – 22 NOVEMBER 2016

The unconfirmed minutes of the Ordinary Meeting of the Mount Alexander Shire Council
held at 7.30 pm on 22 November 2016 at the Mount Alexander Shire Civic Centre have
been circulated to Councillors.

The unconfirmed minutes have also been posted on the Mount Alexander Shire Council
website, pending confirmation at this meeting.

RECOMMENDATION

That the Minutes of the Ordinary Meeting of the Mount Alexander Shire Council
held on 22 November 2016 be confirmed.
5. PUBLIC QUESTION TIME

6. PETITIONS AND JOINT LETTERS

Nil.

7. COMMITTEE REPORTS

NO REPORTS

8. ASSEMBLIES OF COUNCILLORS

8.1. ASSEMBLIES ON 15 AND 22 NOVEMBER 2016

RECOMMENDATION

That the Records for the Assemblies of Councillors on 15 and 22 November 2016 be entered into the record of this meeting (Attachments 8.1 and 8.2).
ASSEMBLY OF COUNCILLORS RECORD
15 NOVEMBER 2016
AT 2.00 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

TABLE OF CONTENTS
1. PRESENT 2
2. APOLOGIES 2
3. PURPOSE OF THE MEETING 2
4. RECORD OF CONFLICT OF INTEREST 3
5. MEETING CLOSE 3
1. **PRESENT**

   Councillors: Tony Bell, Tony Cordy, Christine Henderson, Bronwen Machin, John Niemen, Robin Taylor and Sharon Telford.

   Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate Support (Lucy Roffey), Director Sustainable Communities (Vicky Mason), Director Sustainable Development (Jason Taylor), Manager Development Services (Rebecca Stockfeld, Items 7.1 and 7.2), Acting Senior Town Planner (Tim Blackie, Items 7.1 and 7.2), Coordinator Strategic Planning (Dominique Trickey, Items 7.1 and 7.2), Manager Community Partnerships (Gaynor Atkin, Item 7.5), Emergency Management Coordinator (Jason Amos, Item 7.5), and Manager Governance and Customer Service (Suellen Pepperell, Item 7.7)

2. **APOLOGIES**

   Nil.

3. **PURPOSE OF THE MEETING**

   The purpose of the meeting was to brief Councillors on issues and matters of interest which impact the Shire and which may be considered by Council in the future.

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1. Appointments To Committees</td>
<td>No</td>
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<tr>
<td>6.2. Building Permits</td>
<td>No</td>
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<td>6.3. Land Management Rate</td>
<td>No</td>
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<td>6.4. Proposed Kennedy Street Railway Carpark</td>
<td>No</td>
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<td>6.5. Affordable Housing</td>
<td>No</td>
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<td>6.6. Harcourt Subdivision</td>
<td>No</td>
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<tr>
<td>6.7. Planning Matters discussed with the Minister’s Office</td>
<td>No</td>
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<td>6.8. Rating Strategy</td>
<td>No</td>
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<td>6.9. Fire Season</td>
<td>No</td>
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<tr>
<td>7.1. Consideration of Adoption of Planning Scheme Amendment C75</td>
<td>Yes</td>
<td>Bronwen Machin</td>
<td>Yes</td>
<td>3.30 pm</td>
<td>3.50 pm</td>
</tr>
<tr>
<td>7.2. Consideration of Adoption of Planning Scheme Amendment C081 – Rezoning Of Former Castlemaine Police Station and Frederick Street Carpark</td>
<td>Yes</td>
<td>Robin Taylor</td>
<td>Yes</td>
<td>3.50 pm</td>
<td>4.00 pm</td>
</tr>
<tr>
<td>7.3. Planning Permit Application 121/2016 – Use And Development of a Dwelling and a Shed and Associated Works at Allotment 2, Section 21 Parish Of Fryers, 253 Fryers – Taradale Road, Fryerstown</td>
<td>No</td>
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<tr>
<td>7.4. Planning Permit Application 139/2016 – Use and Development of a Restricted Recreation Facility (Miniature Railway), Display of Signage, Alteration of Access to a Category 1 Road At Lots 1 And 2 On TP0082625V, Lots 1,2,3,4,5,6 And 7 On TP817616R, Lot 1 on RP222072B and Lot 1 on TP010382P, 3643 Harmony Way, Harcourt</td>
<td>No</td>
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<tr>
<td>7.5. Mount Alexander Heatwave, Influenza and Pandemic and Relief and Recovery Sub Plans – 30 MINS</td>
<td>No</td>
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<tr>
<td>7.6. Annual Review of Council’s Procurement Policy</td>
<td>No</td>
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<td>7.7. Local Law Meeting Procedures Workshop</td>
<td>No</td>
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</tbody>
</table>

4. RECORD OF CONFLICT OF INTEREST

* Councillors are required to leave the meeting if they have declared an interest in an item that is being discussed. Councillors who have left the meeting must not be able to see or hear the proceedings.

5. MEETING CLOSE

Meeting closed at 6.15 pm.
ASSEMBLY OF COUNCILLORS RECORD
22 NOVEMBER 2016
AT 6.30 PM IN THE
COUNCIL CHAMBER,
MOUNT ALEXANDER SHIRE CIVIC CENTRE
CORNER LYTTLETON AND LLOYD STREETS, CASTLEMAINE.

TABLE OF CONTENTS
1. PRESENT 2
2. APOLOGIES 2
3. PURPOSE OF THE MEETING 2
4. RECORD OF CONFLICT OF INTEREST 3
5. MEETING CLOSE 3
1. **PRESENT**

   Councillors: Tony Bell (from 6.45 pm) Tony Cordy, Christine Henderson, Bronwen Machin, John Nieman, Robin Taylor and Sharon Telford

   Officers: Chief Executive Officer (Darren Fuzzard), Director Corporate Support (Lucy Roffey), Director Sustainable Development (Jason Taylor) and Director Sustainable Communities (Vicky Mason).

2. **APOLOGIES**

3. **PURPOSE OF THE MEETING**

   The purpose of the meeting was to brief Councillors on items that will be considered at the Ordinary Meeting of Council on 22 November 2016 and to discuss matters of interest which impact the Shire. The matters itemised below reflect those items that were on the Agenda that were discussed by Councillors during the briefing session.

<table>
<thead>
<tr>
<th>Matter Discussed</th>
<th>Councillor Conflict?</th>
<th>Councillor Name</th>
<th>Councillor left meeting?</th>
<th>Time left</th>
<th>Time Returned</th>
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</thead>
<tbody>
<tr>
<td>BET 14 Appointments to Special Committees of Council – Elphinston Community</td>
<td>No</td>
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<tr>
<td>Facilities, Taradale Recreation Reserve and Wattle Flat Reserve</td>
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<tr>
<td>ECO 66 Planning Permit Application 121/2016 – Use and Development of a Dwelling</td>
<td>No</td>
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<td>and a Shed and Associated Works at Allotment 2, Section 21 Parish Of Fryers,</td>
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<td>253 Fryers – Taradale Road, Fryerstown</td>
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<td>ECO 67 Planning Permit Application 139/2016 – Use And Development of a</td>
<td>No</td>
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<tr>
<td>Restricted Recreation Facility (Miniature Railway), Display of Signage,</td>
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<tr>
<td>Alteration of Access to a Category 1 Road at Lots 1 and 2 on TP085265V, Lots</td>
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<td>1,2,3,4,5,6 and 7 on TP0176165R, Lot 1 on PS2230723 AND Lot 1 ON</td>
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<td>TP013582P, 3643 Harmony Wey, Harcourt</td>
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<tr>
<td>COM 62 Consideration of Adoption of Planning Scheme Amendment C78</td>
<td>Yes</td>
<td>Bronwen Machin</td>
<td>7.08 pm</td>
<td>7.13 pm</td>
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<tr>
<td>COM 63 Consideration of Adoption of Planning Scheme Amendment C081 – Rezoning</td>
<td>Yes</td>
<td>Robin Taylor</td>
<td>Not discussed in the</td>
<td></td>
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<tr>
<td>of Former Castlemaine Police Station and Frederick Street Carpark</td>
<td></td>
<td></td>
<td>briefing</td>
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<tr>
<td>COM 64</td>
<td>Schedule of Ordinary Meetings of Council for 2017</td>
<td>No</td>
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<tr>
<td>COM 65</td>
<td>Appointment of Councillors as Delegates and Representatives to Committees</td>
<td>No</td>
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<tr>
<td>COM 66</td>
<td>Awarding of Contract M1268-2016 for Property Renewals — Community Halls</td>
<td>No</td>
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<tr>
<td>COM 67</td>
<td>Awarding of Contract M1277 — 2016 for Local Road Resealing Program 2016/2017</td>
<td>No</td>
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</tbody>
</table>

4. RECORD OF CONFLICT OF INTEREST

- Councillors are required to leave the meeting if they have declared an interest in an item that is being discussed. Councillors who have left the meeting must not be able to see or hear the proceedings.

5. MEETING CLOSE

Meeting closed at 7.23 pm.
9. OFFICER REPORTS

9.1. A VIBRANT HEALTHY COMMUNITY (VIB)

VIB 16 ENDORSEMENT OF EMERGENCY MANAGEMENT SUB PLANS

Responsible Director: Acting Director Sustainable Communities
Responsible Officer: Emergency Management Coordinator
Original Document: DOC/16/47114

1. Purpose

The purpose of this report is to present Council with the revised Mount Alexander Municipal Emergency Influenza and Pandemic Sub Plan, Mount Alexander Municipal Heatwave Sub Plan and the new Mount Alexander Municipal Relief and Recovery Sub Plan for endorsement.


2. Background

Council undertakes an important role in emergency management, participating in the prevention, response and leading the coordination of relief and recovery at a local level in emergencies within the Shire.

In partnership with Municipal Emergency Management Planning Committee (MEMPC), Council is responsible for the development and maintenance of the Mount Alexander Municipal Emergency Management Plan (MEMP) and subsequent Sub Plans under Section 20 of the Emergency Management Act 1986.

The MEMP addresses the prevention of response to and recovery from emergencies within the Mount Alexander Shire. Individual MEMP Sub Plans are developed to address a specific risk such as heatwave.

As part of an ongoing review process the Mount Alexander Municipal Emergency Influenza and Pandemic Sub Plan and the Mount Alexander Municipal Heatwave Sub Plan have been reviewed and a new Mount Alexander Municipal Relief and Recovery Sub Plan developed.

Mount Alexander Municipal Influenza and Pandemic Sub Plan

In 2013, the Mount Alexander Municipal Influenza Pandemic Sub Plan was updated. The Sub Plan identifies specific actions to be conducted by Council staff before during and after a pandemic influenza outbreak. It aims to assist in reducing the impacts of an influenza pandemic on the municipality, provide support and recovery assistance throughout the duration of the influenza pandemic and ensure...
response activities are consistent across whole of government. The Sub Plan is an all agencies approach to pandemic influenza outbreak management.

The recent review process consisted of a gap analysis of relevant background documents, legislation and policies and a stakeholder workshop with partner agencies to confirm their ability to meet their commitments in the Sub Plan and identify improvement opportunities.

Mount Alexander Municipal Heatwave Sub Plan

In 2010, the Mount Alexander Heatwave Response Plan was developed. The Plan guided Council’s response in the event of a heatwave affecting the local community.

The Plan was developed predominately for Council however, as it detailed actions similar to those undertaken by community health organisations throughout the municipality it has been redeveloped as a Mount Alexander Municipal Heatwave Sub Plan to incorporate an all agencies approach to heatwave management.

The Sub Plan utilised a Heatwave Plan template developed by the Central Victorian Green Alliance in partnership with a number of Central Victorian Councils including Mount Alexander Shire. It focuses on understanding the risk of heatwave and community engagement tasks to raise the resilience of vulnerable groups to heatwave.

The recent review process consisted of a gap analysis of relevant background documents, legislation and policies and a stakeholder workshop with partner agencies to outline a coordinated response to heatwave resilience building activities, response and recovery from heatwave. The stakeholder workshop also identified future improvement opportunities and assisted in building greater working relationships between those agencies in attendance.

It is a requirement of the Sub Plan to be endorsed by the MEMPC before it is endorsed by Council. This is scheduled to occur on 7 December 2016.

Mount Alexander Municipal Relief and Recovery Sub Plan

As a member of the MEMPC, Council leads the coordination of relief and recovery at a local level in emergencies within the Shire.

Subject to state approval there will be a transition in 2017 from this local approach to an Integrated Municipal Emergency Management Planning Committee (IMEMPC).

This Committee would cover five municipalities (Mount Alexander, Loddon, Central Goldfields, Bendigo and Campaspe) and will result in the current MEMPC disbanding. There are concerns that this sub regional approach could result in the loss of relationships with local agency representatives as they are likely to be replaced by regional representatives.

In response to a request by the MEMPC in 2015 a new Mount Alexander Municipal Emergency Relief and Recovery Sub Plan has been developed and a working group, consisting of municipal agency representatives, has been established. The development of the Sub Plan ensures local agency relationships are maintained and relief and recovery preparedness within the municipality is strengthened.
The development process of the new Sub Plan consisted of a gap analysis of relevant background documents, legislation and policies and various stakeholder workshops with partner agencies to confirm their ability to meet their commitments in the Sub Plan and identify improvement opportunities.

The process also involved a review of existing state, regional and municipal relief and recovery plans across Victoria with extensive and additional meetings held with Councils impacted by recent emergencies across Victoria. These reviews identified best practise which was incorporated within the Sub Plan.

3. **Policy and Statutory Implications**

The Council Plan 2013 – 2017 and Annual Plan for 2015/2016 under the goal of ‘A vibrant and healthy community’ prioritises supporting our community in preparing and responding to emergency events through partnerships with communities, agencies and neighbouring municipalities. The ongoing maintenance and update of the MEMP and Sub Plans are consistent with this goal.

The Mount Alexander Heatwave, Influenza and Pandemic and Relief and Recovery Sub Plans have been prepared in accordance with the relevant acts listed below:

- Local Government Act 1989;
- Public Health and Wellbeing Act 2008;
- Emergency Management Act 1986;
- Emergency Management Act 2013; and

4. **Issues**

The development of the Mount Alexander Relief and Recovery Sub Plan will supersede the Relief and Recovery sections currently located in the MEMP.

The MEMPC has been advised that the MEMP will need to be updated following the endorsement of the Mount Alexander Relief and Recovery Sub Plan. The MEMP is scheduled for review in early 2017.

5. **Financial and Resource Implications**

In 2016, the State Government provided a total of $120,000 p/a in funding through the Department of Environment, Land, Water and Planning to extend the Municipal Emergency Resourcing Program (MERP) until July 2020. These resources enable Council to support the ongoing development and maintenance of emergency management plans and to deliver programs that build both Council and community capacity during emergencies.

Council will continue to work with State Government to secure ongoing resources to support emergency management.

6. **Consultation**

The review of the two Sub Plans and the development of the new Sub Plan have involved substantial consultation and engagement with members of the Municipal Emergency Management Planning Committee, Council staff and other key stakeholders including:
Collaborative consultation took place through one to one meetings, workshops and written and verbal correspondence. Emerging concepts and approaches from the experience of the 2015/2016 fire season were also discussed and incorporated into each Sub Plan where appropriate.

7. **Conclusion**

The review of the Mount Alexander Municipal Emergency Influenza and Pandemic Sub Plan, Mount Alexander Municipal Heatwave Sub Plan and development of the Mount Alexander Municipal Relief and Recovery Sub Plan have been undertaken in accordance with legislative and auditing requirements.

Through the implementation of the MERP, Council is actively partnering with the community, neighbouring municipalities and emergency management agencies to ensure efficient planning, prevention, relief and recovery arrangement are in place.

The review and development these plans supplement the ongoing work around emergency management planning, community engagement and resilience building currently occurring in partnership with communities within Mount Alexander Shire.

**RECOMMENDATION**

That Council endorse the:

1. **Mount Alexander Municipal Influenza and Pandemic Sub Plan**;
2. **Mount Alexander Municipal Relief and Recovery Sub Plan**; and
3. **Mount Alexander Municipal Heatwave Sub Plan**
9.2. BETTER COMMUNITY FACILITIES (BET)

**BET 16 APPOINTMENTS TO SPECIAL COMMITTEES OF COUNCIL – MALDON COMMUNITY CENTRE, METCALFE HALL, TARADALE HALL AND WESLEY HILL FACILITIES**

**Responsible Director:** Director Corporate Support  
**Responsible Officer:** Manager Governance and Customer Service  
**Original Document:** DOC/16/49426

1. **Purpose**

   The purpose of this report is to request Council appoint the membership of the following special committees of Council:

   - Maldon Community Centre committee of management
   - Metcalfe Hall committee of management
   - Taradale Hall committee of management
   - Wesley Hill Facilities committee of management

2. **Background**

   These Committees are established by Council to exercise functions and powers and perform duties in relation to the management of Council facilities, being recreation reserves and halls.

3. **Policy and Statutory Implications**

   Special committees of council are formed under Section 86 of the Local Government Act 1989 (the Act), to control and manage Council facilities and to act as a planning, promotion and co-ordinating body for the facilities.

   Committee powers and administration are governed by an Instrument of Delegation from Council.

   Council is the only party able to appoint members to these committees. Appointment provides the basis of appropriate governance arrangements for the Committees in accordance with the Act.

   All Instruments of Delegation allow for the Chief Executive Officer and his/her nominee, and the Ward Councillor to attend any meeting as ex-officio members of the Committees.

4. **Issues**

   **Maldon Community Centre**

   The Maldon Community Centre committee of management held their Annual General Meeting on 5 September 2016 and informed Council of proposed changes to its membership. In line with its Instrument of Delegation, the committee’s membership is for a two year term. The Council representative for this committee is Councillor Sharon Telford and the key Council contact is Council's Manager Community Partnerships.
Metcalfe Hall committee of management

The Metcalfe Hall committee of management held their Annual General Meeting on 19 August 2016 and informed Council of proposed changes to its membership. In line with its Instrument of Delegation, the committee’s membership is for a two year term. The Council representative for this committee is Councillor Christine Henderson and the key Council contact is Council’s Manager Community Partnerships.

Taradale Hall committee of management

The Taradale Hall committee of management held their Annual General Meeting on 18 July 2016 and informed Council of proposed changes to its membership. In line with its Instrument of Delegation, the committee’s membership is for a one year term. The Council representative for this committee is Councillor Christine Henderson and the key Council contact is Council’s Manager Community Partnerships.

Wesley Hill Facilities

The Wesley Hill committee of management held their Annual General Meeting on 1 August 2016 and informed Council of proposed changes to its membership. In line with its Instrument of Delegation, the committee’s membership is for a one year term. The Council representative for this committee is Councillor Tony Bell and the key Council contact is Council’s Active Communities Team Leader.

5. Financial and Resource Implications

Special committees of Council provide a valuable service to the community. The duties they perform to managing Council facilities provide a cost benefit to Council operations, as otherwise Council would require more staff to carry out these duties.

6. Consultation

Nil.

7. Conclusion

As set out in the committee’s Instruments of Delegation, Council appointment of membership is required. The proposed appointments are consistent with the Committee’s Instruments of Delegation. Only Council can make these appointments.
RECOMMENDATION

That Council:

1. Appoint the following persons to the Maldon Community Centre, Metcalfe Hall, Taradale Hall and Wesley Hill Facilities committees of management for the terms outlined and revoke the appointment of the retiring Committee member as listed:

Maldon Community Centre committee of management

<table>
<thead>
<tr>
<th>Name</th>
<th>Expiry</th>
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<tbody>
<tr>
<td>Glenn Roy</td>
<td>4 September 2018</td>
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<tr>
<td>Katherine Hanson</td>
<td>4 September 2018</td>
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<tr>
<td>Graeme Hardiman</td>
<td>4 September 2018</td>
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<tr>
<td>Karen Smith</td>
<td>4 September 2018</td>
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<td>Margaret McKnight</td>
<td>4 September 2018</td>
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<tr>
<td>Leo Farrell</td>
<td>Retired</td>
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<td>Diane Long</td>
<td>Retired</td>
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<td>Colin Lewis</td>
<td>Retired</td>
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Metcalfe Hall committee of management

<table>
<thead>
<tr>
<th>Name</th>
<th>Expiry</th>
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<tbody>
<tr>
<td>Geoff Smith</td>
<td>18 August 2018</td>
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<tr>
<td>Leo Moloney</td>
<td>18 August 2018</td>
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<tr>
<td>Dale Rye</td>
<td>18 August 2018</td>
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<tr>
<td>Dot Smith</td>
<td>18 August 2018</td>
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<td>Fiona Clapham</td>
<td>18 August 2018</td>
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<td>M. Naish</td>
<td>18 August 2018</td>
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<td>H. Riedl</td>
<td>18 August 2018</td>
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<td>Phillipa Pleydell</td>
<td>18 August 2018</td>
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<tr>
<td>Max Pleydell</td>
<td>18 August 2018</td>
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<tr>
<td>Neil Girvan</td>
<td>18 August 2018</td>
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<tr>
<td>Sue Whittaker</td>
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Taradale Hall committee of management

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<td>Michael Pettigrew</td>
<td>17 July 2017</td>
</tr>
<tr>
<td>Peter Henderson</td>
<td>17 July 2017</td>
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<tr>
<td>Olive Penno</td>
<td>17 July 2017</td>
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<tr>
<td>Barbara Wales-West</td>
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<tr>
<td>Chris Burgess</td>
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<td>Debra Goldsmith</td>
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<td>Lyn Shill</td>
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<tr>
<td>Gavin Coffey</td>
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<td>Yvonne Pettigrew</td>
<td>17 July 2017</td>
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<td>Margaret Moody</td>
<td>17 July 2017</td>
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<tr>
<td>Arthur Huck</td>
<td>17 July 2017</td>
</tr>
<tr>
<td>S. Guest</td>
<td>17 July 2017</td>
</tr>
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**Wesley Hill Facilities committee of management**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Ken Maddern</td>
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</tr>
<tr>
<td>Ivor McGibbon</td>
<td>31 July 2017</td>
</tr>
<tr>
<td>Greg Cue</td>
<td>31 July 2017</td>
</tr>
<tr>
<td>Tim Bird</td>
<td>31 July 2017</td>
</tr>
<tr>
<td>Vicki Cole</td>
<td>31 July 2017</td>
</tr>
<tr>
<td>Leonie Clifford</td>
<td>31 July 2017</td>
</tr>
<tr>
<td>Tim Foster</td>
<td>Retired</td>
</tr>
</tbody>
</table>

2. Write to the committees confirming these appointments and thanking them for their contribution to their committees and their local community;

3. Write to the new Committee members welcoming them to the committees; and

4. Acknowledge the retiring committee members, and their contributions during their terms of office.
9.3. A THRIVING LOCAL ECONOMY (ECO)

ECO 68  PLANNING PERMIT APPLICATION 223/2016 – 2 LOT SUBDIVISION AT 19 CHAPMANS ROAD, CASTLEMAINE

Responsible Director:  Director Sustainable Development
Responsible Officer:  Manager Development Services
Original Document:  DOC/16/46534

1. Purpose

The purpose of this report is to enable Council to make a determination on an application for a 2 lot subdivision at Lot 6 PS704359D, 19 Chapmans Road Castlemaine. The application has been referred to Council as there are three outstanding objections and officers are recommending refusal.

Refer to:

Attachment ECO 68A:  Context and site aerial
Attachment ECO 68B:  Final plans submitted with application
Attachment ECO 68C:  Assessment against Clause 56

2. Background

The application was lodged on 22 September 2016 and proposes a two lot subdivision in the General Residential Zone.

The subject land has a total area of 816 square metres and is rectangular in shape. The site is located approximately 2 kilometres northeast of the centre of Castlemaine. The site falls gradually to the east. The subject site is a vacant lot within a predominantly residential area.

There is no existing vegetation on the site, and access to the site is via a residential crossover onto Chapmans Road. Chapmans Road is a Council maintained asphalt road. The site is located on the North side of the intersection of Chapmans Road and Alanna Avenue.

The proposed development is to subdivide the 816 square metre existing lot into two parcels of equal size. Lots 1 and 2 will each be approximately 408 square metres in size. Both lots would require access to Chapmans Road provided by a double crossover.

The subdivision would connect to the sewer, water and power mains in Chapmans Road and to the rear of the site.

3. Policy and Statutory Implications

State Planning Policy Framework (SPPF)

Clause 11.02-1 Supply of urban land

The objective of this clause is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
Clause 11.10-3 Planning for growth
The objective of this clause is to focus growth and development to maximise the strengths of existing settlements.

Clause 11.05 Regional Development
The objective of this clause is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.

Clause 15.01-1 Urban design
The objective of this clause is to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 Urban design principles
The objective of this clause is to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.

Clause 15.01-3 Neighbourhood and subdivision design
The objective of this clause is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable diverse and sustainable neighbourhoods.

Clause 16.01-5 – Housing affordability
The objective of this clause is to deliver more affordable housing closer to jobs, transport and services.

Clause 18.02-4 Management of the road system
The objective of this clause is to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

Clause 19.03-2 Water supply, sewerage and drainage
The objective of this clause is to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

Local Planning Policy Framework (LPPF)

Clause 21.03 Municipal Vision and Framework Plan
The land use planning and development vision for Mount Alexander Shire will be achieved by increasing housing choice and consolidation of urban growth to maximise infrastructure and reduce environmental impacts.

Clause 22.26 Residential Infrastructure
The objective of this clause is to ensure that all existing and future forms of residential development, is serviced with reticulated sewerage when available and practical, water, electricity and other services.

Zoning

Clause 32.08-2 General Residential Zone
Under this clause, a planning permit is required to subdivide land. An application to subdivide land between 3-15 lots requires that subdivisions comply with relevant objectives and standards of clause 56 of the planning scheme.

Overlays

The site is not subject to any overlays.

Particular provisions

Clause 56 Residential Subdivision

The purpose of this clause is:

To ensure residential subdivision design appropriately provides for policy implementation, liveable and sustainable communities, residential lot design, urban landscapes, access and mobility management, integrated water management, site management and utilities.

Clause 65 Decision Guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

4. Issues

Strategic justification for subdivision of the site

The site is located within the general residential zone, in an area which predominantly consists of existing residential development. The primary purpose of the general residential zone is to provide for residential development at a range of densities including good access to services, and limited range of non-residential uses. While the site is on the edge of the urban area, there are various State and local planning policies which aim to support urban consolidation within the existing urban area.

However, the location within the street is problematic. The site is directly adjacent to a T-Intersection of Chapmans Road and Alanna Avenue. The proposed development requires additional access to Chapmans Road close to the centre area of the T-intersection. This creates significant road safety issues.

Without subdivision, the site could currently be developed with a single dwelling using a single crossover directly to the East of the intersection, avoiding such road safety issues.

Infrastructure access concerns

Council’s Infrastructure Unit has objected to the proposed current layout and the concerns raised by Infrastructure are listed below:

The proposed subdivision is to create two lots with small frontages;

- It will create a greater need for resident and visitor car parking, while leaving less space opportunities for onsite parking at the property frontage.
- The property fronts the intersection; any parking at the property frontage will impact traffic safety at the intersection and is deemed unsafe for road users.
- Parking is not allowed within 10 m of either side of an intersection.
The proposed combined vehicle crossing location is not acceptable as the vehicle crossings must be clear of the intersection and be positioned to provide a minimum of 10 metres clearance.

**Land Use Development**

The proposed subdivision of land into two lots conforms to various requirements of the planning scheme and allows for further infill development to occur within proximity to the Castlemaine central business area. However, due to the nature of the road layout adjacent to this site, the proposed access to the site does not meet the minimum safety standards set out by the Austroads road design guides.

The proposed lot sizes are also not consistent with the land use pattern of the surrounding local residential area, which consists almost entirely of larger suburban-size residential lots. The average lot size within the estate is approximately 800m², and a development of this type could act as a precedent which leads to significant changes in the character of this residential area.

**Compliance with clause 56**

The application included an assessment against the relevant objectives and standards of clause 56 and was demonstrated to not be compliant with Standard C21 of clause 56 of the planning scheme. The standards relate to provisions for safe vehicle access between roads and lots and safe and easy movement through and between neighbourhoods.

**Public Open Space Contribution and Subdivision**

A requirement for public open space under section 18 of the subdivision Act 1988 is not required as the proposal subdivides the land into two lots and it is unlikely that each lot will be further subdivided.

**Outstanding objections to the application**

Three submissions were received. The objector's concerns can be summarised as follows:

*The proposed subdivision is located close to a very busy intersection, posing significant road safety risks.*

The proposal does not meet the minimum safety standards set out by the Austroads road design guides, and both Council infrastructure officers, and planning officers, are therefore recommending refusal of the proposal on this basis.

*The proposal is of too high a density for the area.*

While the proposed lot size of 408 square metres is sufficient to develop the land for a dwelling, the lot size is not consistent with that of the surrounding local area. A subdivision of this type if approved could significantly alter the neighbourhood character of the area.

*Property Values will decline as result of the subdivision*

While safety and amenity issues are valid planning concerns, long-standing VCAT case law does not allow for property values to be considered as part of a planning permit application assessment.
Referrals

*External Referrals*

- Coliban Region Water Corporation
  No objection subject to conditions.
- North Central Catchment Management Authority
  No Response

*Internal Referrals*

- Council’s Infrastructure Unit object to the proposal on the road safety grounds previously mentioned.

5. **Financial and Resource Implications**

Cost of potential appeal to the Victorian Civil and Administrative Tribunal.

6. **Consultation**

*Advertising*

Notice of the application was given in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987 to owners and occupiers of adjoining land and. A sign was also placed on-site.

Three objections were received.

*Applicant-objector correspondence*

It was not appropriate to convene an applicant-objector meeting; the core concern shared by both Council’s engineering and planning officers and the objectors in regards to road safety is not able to be ameliorated by any changes or compromises by the applicant, or any re-design work. It is a fundamental flaw in the proposal due to the proximity of the intersection, which cannot be avoided.

7. **Conclusion**

Council has received an application for a two lot subdivision, at 19 Chapmans Road, Castlemaine. The site is located within the General Residential Zone and is not subject to any overlays.

Three objections have been received in relation to concerns about the proposed access to the site and street traffic concerns.

The two lot subdivision does not meet all of the requirements of Clause 56 of the planning scheme in terms of site access and is not supported by Council engineering and planning officers. The proposed subdivision could provide addition residential lots within a general residential zone; however the proposal is not consistent with the surrounding pattern of development, and does not meet the minimum safety standards set out by the Austroads road design guides.

Therefore, the proposed two lot subdivision should be refused.
RECOMMENDATION

That Council issue a Notice of Refusal to subdivide the land into 2 lots, at Lot 6 PS704359D, 19 Chapmans Road, Castlemaine, on the following grounds:

1. Proposed access to the site poses road safety risks and does not comply with Clause 56.06-8 and 18.02-4 of the Mount Alexander Planning Scheme, and the minimum standards of the Austroads road design guides; and

2. The development is not consistent with the neighbourhood character of the area and Clause 56.03-5 of the Mount Alexander Planning Scheme.
### Attachment ECO 68C

#### 56 Residential Subdivision

**Clause 56 Assessment**

<table>
<thead>
<tr>
<th>Clause/standard</th>
<th>Response</th>
</tr>
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<tbody>
<tr>
<td>Clause 56.03-6 Neighbourhood character (C6)</td>
<td>Does Not Comply</td>
</tr>
<tr>
<td></td>
<td>The proposed subdivision is in contrast with</td>
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<td>the Standard respecting the existing</td>
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<td></td>
<td>neighbourhood character.</td>
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<td>Clause 56.04-2 Lot area and building envelopes (C8)</td>
<td>Complies</td>
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<td></td>
<td>The proposed subdivision design response</td>
</tr>
<tr>
<td></td>
<td>allows for private open space, adequate</td>
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<tr>
<td></td>
<td>solar access, vehicle access and parking on</td>
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<tr>
<td></td>
<td>proposed. Both lots contain a proposed</td>
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<td></td>
<td>building envelope.</td>
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<td>Clause 56.04-3 Solar orientation of lots (C9)</td>
<td>Complies</td>
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<tr>
<td></td>
<td>The lot orientation is 6 degrees east of north,</td>
</tr>
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<td>30 degrees east and 20 degrees west of north.</td>
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<td></td>
<td>The lots provide adequate solar access.</td>
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<td>Clause 56.04-5 Common area (C11)</td>
<td>Not Applicable</td>
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<td>Common property is not proposed as part of</td>
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<tr>
<td></td>
<td>the subdivision</td>
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<tr>
<td>Clause 56.06-8 (C21) – Lot access</td>
<td>Does Not Comply</td>
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<tr>
<td></td>
<td>The proposed subdivision does not comply with</td>
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<td>the Standard as the access to each lot</td>
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<td>provided via Chapmans Road does not meet</td>
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<td></td>
<td>minimum safety standards.</td>
</tr>
<tr>
<td>Clause 56.07-1(C22) drinking water supply</td>
<td>Complies</td>
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<td>All lots will be connected to reticulated</td>
</tr>
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<td></td>
<td>utilities in accordance with the requirements</td>
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<td>and conditions of the responsible authority</td>
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<td>and relevant service authorities.</td>
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<td>Clause 56.07-2 (C23) Reused and recycled water</td>
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<td>A recycled water supply is not currently</td>
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<td>available in the area.</td>
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<td>Clause 56.07-3 (C24) Waste Water Management</td>
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<td>sewerage system to the satisfaction of</td>
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<td>Coliban Water.</td>
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<td>Clause 56.07-4 (C25) Urban run –off management</td>
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<td>Stormwater from the lots can be</td>
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<td>appropriately managed by an on-site</td>
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<td>Clause</td>
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<tr>
<td>56.08-1</td>
<td>Site Management (C26)</td>
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<td>56.09-1</td>
<td>Shared Trenching (C27)</td>
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<tr>
<td>56.09-2</td>
<td>Electricity, telecommunications and gas (C28)</td>
</tr>
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1. **Purpose**

   The purpose of this report is to enable Council to make a determination on Planning Permit Application PA248/2016 for use and development of a dwelling on each of two lots created by consolidating four existing lots into two lots at Lot 1, 2, 4 and 5 PS504580U, Harmony Way, Elphinstone. The application has been referred to Council for a decision as officers are recommending refusal.

   Refer to:

   - Attachment ECO 69A: Context and site aerial
   - Attachment ECO 69B: Final plans submitted with application

2. **Background**

   The application was lodged on 28 October 2016 and seeks approval for consolidation of four existing lots into two lots and use and development of a dwelling on each lot in a farming zone.

   An identical application proposing exactly the same subdivision and development (PA266/2015) was previously lodged on 25 September 2015. This identical previous application was refused by Council at its Ordinary Meeting on 26 April 2016, on the basis of the same grounds of refusal included in the recommendation of this report.

   The subject site is bounded by Finnings Road to the north, Calder Freeway to the east and Harmony Way to the west. The site is approximately 2 kilometres north-west of Elphinstone.

   The irregular shaped site is comprised of four allotments being Lot 1 - 2.727 hectares, Lot 2 - 2.739 hectares, Lot 4 - 6.080 hectares and Lot 5 - 3.339 hectares, totalling an area of 14.88 hectares. The vacant subject site contains a dam and is currently used for sheep grazing.

   The subject site is located within the Farming Zone and is covered by the Environmental Significance Overlay (ESO1) and part Design and Development Overlay (DDO1). The surrounding land is zoned farming and the majority of the lots in the area are used for stock grazing.

   The proposed consolidation will create Lot 1 and 2 with an area of 6.15 hectares and 8.93 hectares respectively. A dwelling is proposed on each lot. The proposed dwellings are of the same design.

   It is proposed that Lot 1 will use the existing vehicle access point from Finnings Road while Lot 2 will gain vehicle access from Harmony Way.

   It is proposed that the consolidated lots could potentially be used for small scale chicken and egg production, wildflower production, bee keeping and stock...
agistment. These uses do not form part of a farm management plan, but are suggestions to indicate what uses may be possible should the sites be owned by people with these skills.

The proposal also includes the following sustainable land management practices: weed and pest management, soil and water conservation, vegetation enhancement and fire risk management.

No vegetation is proposed to be removed.

3. **Policy and Statutory Implications**

**State Planning Policy Framework (SPPF)**

*Clause 12.04-2 Landscapes*

Planning should assist in the protection of landscapes and significant open spaces that contribute to character, identity and sustainable environments.

*Clause 11.05-3 Rural Productivity*

The policy objective for Rural Productivity is to manage land use change and development in rural areas to promote agriculture and rural production. It includes strategies to prevent inappropriately dispersed urban activities in rural areas and limit new housing in rural areas including directing housing growth into existing settlements.

*Clause 14.01-1 Protection of Agricultural Land*

The objective of this clause is to protect productive farmland which is of strategic significance in the local or regional context. The subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

*Clause 14.02-1 Catchment Planning and Management*

The objective of this clause is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

*Clause 14.02 -2 Water Quality*

The objective of this clause is to protect water quality.

*Clause 16.02-1 Rural Residential Development*

Planning should manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.

*Clause 19.03-2 Water Supply, Sewerage and Drainage*

The protection of water supply from uses that may cause possible contamination must be considered in permit applications.

Appropriate on-site waste disposal methods in areas not connected to a reticulated sewerage system must be provided to all lots created through subdivision.
Local Planning Policy Framework (LPPF)

Clause 21.02 Vision and framework plan
The land use planning and development vision for the Shire is:

The Mount Alexander Shire’s townships and rural environs engender an identifiable character which reflects the areas unique heritage, its beautiful landscapes and the quality of life.

The Shire Council will seek to manage and sensitively develop the built and natural resources of the Shire in ways which are ecologically sustainable so as to secure an improved economic future, enhance the lifestyle quality of the community and maintain the unique heritage character.

The accompanying map seeks to support productive use of agricultural land and protect water catchment areas.

Clause 21.04-1 Biodiversity
This clause outlines the current state of the Shire’s biodiversity, much of this focusing on native vegetation. Some of the key threats to biodiversity in the Shire is identified as being related to clearing of vegetation for agriculture, urban and other uses.

Clause 21.04-3 Rural and landscape character
This policy recognises the importance and appeal to both residents and visitors of the rural appearance and character of the Shire. When deciding on an application for development of land in rural zones, Council should consider, where appropriate, issues such as the effect on views and the natural landscape, setbacks of nearby development and consideration of topographical features in the siting of the development.

Clause 21.06-1 Protection of agricultural land
Policy within this clause recognises the prominent role that agriculture plays in the Shire. This policy identifies the broad agricultural quality of land within the Shire, rated on a state wide basis.

Strategies to implement the objectives of this clause include:

- Promote agriculture and horticulture as the primary land uses in the Shire unless other land uses are strategically justified.
- Discourage fragmentation of agricultural land if they are likely to lead to a non-agricultural use.
- Discourage the development of dwellings in areas of moderate agricultural land quality unless they are directly linked to and will benefit an agricultural use.

This clause identifies agriculture as the predominant land use in the Shire. Productive capacities of various areas of the Shire are outlined based on land quality. The site is located within an area of low agricultural quality, while moderate is the highest rating available within the Shire.

Clause 21.06-3 Water
This clause aims to protect and improve water quality and quantity in the Shire. Policy recognises the poor condition of water catchments, including open potable
water catchment areas, which cover much of the Shire and outline strategies to address identified issues.

Clause 21.11 Infrastructure
This clause gives an overview of the Shire’s significant infrastructure assets and also issues arising due to lack of infrastructure in some areas. Key issues include preventing unplanned residential development in rural area which can increase costs of infrastructure maintenance and provision.

Clause 22.04 Use and development of land in the Farming Zone and Rural Living Zone
The policy basis for this clause builds on other Municipal Strategic Statement objectives of:

- Clause 21.03 to provide for rural living development in identified areas.
- Clause 21.03 to ensure that rural living development is economically sustainable.
- Clause 21.06 to protect the land resources relied upon by agriculture.

The policy basis acknowledges that the fragmentation of productive agricultural land is to be avoided to ensure the productive capacity of the land is maintained. Objectives include that use and development of land for a dwelling is required to support the rural use of land, ensuring that dwellings do not adversely impact on agricultural activities on adjacent site and that a proposed dwelling will not result in the loss or fragmentation of productive agricultural land.

Zoning

Clause 35.07 Farming Zone
As the land is less than 40 hectares, the use of land for a ‘dwelling’ is a Section 2 Use for which a permit is required under Clause 35.07-1 of the Farming Zone.

Building and works associated with a Section 2 Use also require a permit under Clause 35.07-4 of the Farming Zone.

A planning permit is not required to consolidate land.

Overlays

Clause 42.01 Environmental Significance Overlay
The environmental objective is to ensure the protection and maintenance of water quality and water yield within the Eppalock Water Supply Catchment Area as listed under Section 5 of the Catchment and Land Protection Act 1994.

Under Clause 42.01-2 (ESO) a permit is required to construct a building or construct or carry out works.

A planning permit is not required to consolidate land under this clause.

Clause 43.02 Design and Development Overlay
The design objective of this clause is to ensure that any new development of land near the future alignment of the Calder Freeway is undertaken with appropriate noise attenuation measures to minimise the impact of traffic noise on noise sensitive activities.
No permit is required under this clause as the proposed building and works are located outside the area covered by the overlay.

A planning permit is not required to consolidate land under this clause.

4. Issues

Farming Zone

The consolidation of four lots into two lots achieves an acceptable planning outcome in the context of a policy framework which specifically discourages fragmentation of rural land titles, and encourages consolidation of lots in order to protect productive agricultural land as an economic resource. That being said, the proposed use and development of a dwelling on each proposed lot is inconsistent with the guidelines of the farming zone.

The purpose of the Farming Zone is to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture. A dwelling on land zoned Farming is explicitly a non-agricultural activity.

The following reasons have been provided by the applicant to justify why a dwelling on each lot is required on the land:

- The dwelling would potentially support the establishment of small scale chicken and egg production, wildflower production, bee keeping and stock agistment.
- The dwelling would improve the stewardship of environmental/biodiversity values particularly weed and pest management, soil and water conservation, vegetation enhancement and fire risk management.

In this instance, the use and development of a dwelling on each lot would not enhance and support agricultural production on the subject site. The submitted reports provide insufficient justification to demonstrate how the proposed use and development will enhance agricultural productivity on the land. The proposed agricultural activities and sustainable land management practices can be undertaken in the absence of a dwelling on each lot.

The construction of a dwelling on each lot is not a prerequisite for the establishment of an agricultural use as suggested in the planning report. Further the prospect of possible agricultural activities occurring on the proposed lots is speculative in nature. The predominant land use will be primarily residential rather than agriculture, an outcome not supported by policy.

Council’s Rural Land Study, 2014, classifies the land quality of the subject site as class 4 low. Class 4 is identified as land capable of supporting grazing under moderate to low stocking rates where clearing has occurred. The subject site has currently been used for sheep grazing in the absence of a dwelling. The proposed use and development of a dwelling on each lot would result in the loss of existing productive agricultural land.

A dwelling on each proposed lot would only serve to increase the perception of a cluster of rural living properties. The proliferation of dwellings in a Farming Zone limits the availability of productive land and the opportunities for expansion of adjoining and nearby agricultural uses. Furthermore dwellings can potentially contribute to increased land values, give rise to land use conflicts and remove land from agricultural / farming activity, which can impact negatively on agricultural production.
State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF)

The SPPF and LPPF place a strong emphasis on the protection of productive agricultural land from unplanned loss of such land and from fragmentation through the subdivision of existing rural holdings.

There is a clear theme throughout State and local policies particularly Clause 11.05-3, 16.02-1, 21.06-1 and Clause 22.04, to focus rural living into areas zoned for that purpose and to discourage the use of existing old Crown allotments in the Farming Zone for rural living purposes.

Within the Shire, the only areas specifically designated for rural living are around Castlemaine. It is clear that the proposed use and development of a dwelling on each lot is contrary to relevant policy. The proposed use and development of a dwelling on each lot should not be supported as it would remove land from agricultural production and undermine the intent of the Zone.

Council’s Strategic Planning unit have advised that:

*The proposed development is contrary to current planning provisions for the land.*

Strategic Planning are currently undertaking a review of land along the Calder Corridor, including current and potential future land uses and whether the current planning provisions are appropriate. The subject site is within this study area. It is anticipated the draft review will be provided to Councillors in March 2017. It is recommended the applicant wait until this review is complete to consider their application.

*The development of dwellings on the subject land will significantly reduce the adaptability of the land, and the ability for the land to generate economic activity for the local economy.*

Environmental Significance Overlay

The subject site is within Lake Eppalock Catchment Area. The comments of the relevant Water Board must be considered when deciding upon an application to use and develop land in a water supply catchment area. Under the Memorandum of Understanding (MOU) between Council and Goulburn-Murray Water, classes of applications were defined as high, medium or low risk. The current proposal falls within the low risk category. Under the MOU, low risk proposals do not require referral and have standard conditions placed on planning permits.

A geo-technical report (Land Capability Assessment - LCA) relating to effluent disposal is a requirement of the overlay. The proposed disposal areas in the submitted LCA comply with the setback distances required by the current EPA Code of Practice.

Use and development of a dwelling on each lot will not impact the environmental objectives of the overlay.

5. **Financial and Resource Implications**

Cost of potential appeal to the Victorian Civil and Administrative Tribunal.
6. **Consultation**

*Advertising*

Notice of the application was given in accordance with Sections 52(1)(a) and 52(1)(d) of the Planning and Environment Act 1987 to owners and occupiers of adjoining land and a sign was also placed on-site.

No objections were received.

*External Referrals*

- VicRoads
  
  No objection subject to conditions

- Goulburn Murray Water
  
  MOU Conditions

*Internal Referrals*

- Infrastructure Unit
  
  No objection subject to conditions

- Environmental Health
  
  No objection subject to conditions

7. **Conclusion**

Council has received an application for use and development of a dwelling on each of two lots created by consolidating four existing lots into two lots at lot 1, 2, 4 and 5 PS504580U, Harmony Way, Elphinstone. The site is located within the Farming Zone and is covered by the Environmental Significance Overlay (ESO1) and Design and Development Overlay (DDO1).

The purpose of the Farming Zone is to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of the land for agriculture.

The application has not demonstrated that a dwelling on each lot is needed to support or enhance farming activity. Farming activity is already undertaken on the land without a dwelling.

The application has been assessed against the provisions of the planning scheme and does not meet the requirements. The state and local provisions of the planning scheme place a strong emphasis on protecting agricultural land zoned farming for on-going agricultural use, and avoiding dwellings adversely affecting agricultural uses.

It is recommended that this application be refused.
RECOMMENDATION

That Council issue a Notice of Refusal to Issue a Planning Permit for use and development of a dwelling on each of two lots created by consolidating four existing lots into two lots at lot 1, 2, 4 and 5 PS504580U, Harmony Way, Elphinstone on the following grounds:

1. The proposed use and development of a dwelling on each proposed lot is contrary to State Planning Policy Framework and Local Planning Policy Framework, more specifically Clause 11.05-3 – Rural Productivity, Clause 14.01-1 – Protection of Agricultural Land, Clause 16.02-1 – Rural Residential Development, 21.06-1 Protection of Agricultural Land & Clause 22.04 Use and development of land in the Farming Zone and Rural Living Zone;

2. Use and development of a dwelling on each proposed lot is contrary to the purpose and decision guidelines of the Farming Zone;

3. Use and development of two dwellings would not retain productive agricultural land; and

4. Use and development of a dwelling on each proposed lot would not support and enhance agricultural production.
9.4. BUILDING SUSTAINABLE COMMUNITIES (COM)

COM 68 AWARDING OF CONTRACT M1284 - 2016 – 2016 FOR ROAD CONSTRUCTION - LANGSLOW STREET CASTLEMAINE

Responsible Director: Directors Sustainable Development
Responsible Officer: Manager Infrastructure
Original Document: DOC/16/47229

1. Purpose

The purpose of this report is for Council to consider and award tender M1284 - 2016 – 2016 for Road Construction - Langslow Street Castlemaine.

Refer to:


2. Background

As part of Council’s commitment to renewal of road infrastructure assets this project seeks to reconstruct Langslow Street, Castlemaine. This road has reached the end of its useful life. Reconstruction will improve the overall condition rating and reduce the maintenance currently being undertaken.

A request for tender was publicly advertised on Saturday 24 September 2016. At the closing of tenders at 2.00 pm, Friday 21 October 2016, five tenders were received.

3. Policy and Statutory Implications

Including consideration of Economic, Social and Environmental impacts.

The Local Government Act 1989 (the Act) provides relevant direction to Local Government in regarding procurement and contracts. Section 186 of the Act requires Councils to undertake competitive market testing processes before entering into contracts for purchase of goods or services or for the carrying out of works for the value of $150,000 or above. The Act imposes specific restrictions on Council in regard to entering such contracts.

Important provisions within Section 186 include minimum standard processes for giving public notice of the purpose of contracts in excess of the value of $150,000. Nothing in Section 186 of the Act requires Council to accept the lowest tender or to accept any tender.

Clause 208 of the Act – ‘Best Value Principles’ requires Local Governments to comply with the Best Value principles, specifically in this instance the need for Council services to meet quality and cost standards, and further provides a number of factors that may be looked at in applying the principles of Best Value.

All goods and services purchased by Council must be compliant with the Occupational Health and Safety Act 2004, the Dangerous Goods Act, Equipment (Public Safety) Act 1987, and associated regulations and codes of practice whenever applicable.
The tender process has been conducted in accordance to the conditions included within the Mount Alexander Procurement Policy. The tender evaluation criteria within Council’s Procurement Policy help to ensure competition in the supply of goods and services and products to Council and supports administrative consistency and fairness through transparency in Council’s decision making.

4. **Issues**

At the commencement of the tender process and following the close of the tender period, the Tender Evaluation Panel completed conflict of interest and confidentiality declarations. No known conflicts were declared at either stage.

Four conforming and one non-conforming tenders were received as follows:

<table>
<thead>
<tr>
<th>Tenderer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downer EDI Works Pty Ltd</td>
</tr>
<tr>
<td>Bitu-mill (Civil) Pty Ltd</td>
</tr>
<tr>
<td>Maine Civil Pty Ltd</td>
</tr>
<tr>
<td>Enoch Civil Pty Ltd</td>
</tr>
<tr>
<td>Leech Earthmoving Contracting Pty Ltd (non-conforming)</td>
</tr>
</tbody>
</table>

The tenders were evaluated according to the following criteria in order of priority and weighting.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cost to Council – Direct &amp; Indirect</td>
<td>30%</td>
</tr>
<tr>
<td>2. Response to Specification</td>
<td>25%</td>
</tr>
<tr>
<td>3. Experience and Qualifications</td>
<td>20%</td>
</tr>
<tr>
<td>4. Risk and Quality Management</td>
<td>10%</td>
</tr>
<tr>
<td>5. Business and Financial Capacity</td>
<td>10%</td>
</tr>
<tr>
<td>6. Sustainability</td>
<td>5%</td>
</tr>
</tbody>
</table>

Both the shortlist contractors completed and submitted Economic Impact Statements as part of the tender process. Bitu-Mill and Downer have indicated that a large percentage of the total contract value will be made up from local or regional suppliers and personnel.

Bitu-mill has indicated that a higher percentage of their total contract value will be sourced from local suppliers. Bitu-Mill was also more detailed in the sources of their materials and plant hire.

Based on the additional information supplied by Bitu-mill, their tender response is evaluated as having the greater economic impact on the local community.

Following a comprehensive evaluation of tenders against the pre-determined evaluation criteria and weightings, Bitu-mill (Civil) Pty Ltd is being recommended as the preferred tenderer for a lump sum contract price of $467,372.00 (GST exclusive).
5. **Financial and Resource Implications**

In accordance with Council’s 2016/2017 Budget, the reconstruction of Langslow Street Castlemaine was allocated a budget of $508,975. This project will now be funded via Roads to Recovery funding. The below table demonstrates the allocated budget.

<table>
<thead>
<tr>
<th>Item</th>
<th>$</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2016/2017 Budget</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>Nil</td>
<td>No grant or external funding.</td>
</tr>
<tr>
<td>Expenditure</td>
<td>$508,975</td>
<td>Per adopted 2016/2017 Council Budget</td>
</tr>
<tr>
<td><strong>NET COST TO COUNCIL</strong></td>
<td>$508,975</td>
<td></td>
</tr>
<tr>
<td><strong>2016/2017 Actuals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>$508,975</td>
<td>Roads to Recovery</td>
</tr>
<tr>
<td>Expenditure</td>
<td>$467,372</td>
<td>Per Council Report</td>
</tr>
<tr>
<td>Tender M1284-2016</td>
<td></td>
<td>(including $76,077.00 of provisional items)</td>
</tr>
<tr>
<td>Other costs</td>
<td>$9,125</td>
<td>Amendments to original design</td>
</tr>
<tr>
<td></td>
<td>$476,497</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$32,478</td>
<td>Available for project management</td>
</tr>
</tbody>
</table>

6. **Consultation**

A comprehensive capital works development process was undertaken prior to the decision by Council to proceed with these works.

Consultation with the businesses on Langslow Street has taken place to determine their requirements, including identifying their needs during the construction process. Further consultation will be undertaken with businesses after award of this contract.

A tender evaluation panel was formed to plan the tender process, evaluate tender submissions and make a recommendation to Council on the awarding of Contract M1284 - 2016 for Road Construction - Langslow Street Castlemaine. This panel included members from the Infrastructure and Procurement Units.

7. **Conclusion**

Council invited tenders for the reconstruction of Langslow Street, Castlemaine from Elizabeth Street to Martin Street, four conforming and one non-conforming tenders were received.

Following a detailed evaluation of the five submissions against the pre-determined criteria and weightings, the tender evaluation panel recommend the awarding of Contract M1284 - 2016 for Road Construction - Langslow Street Castlemaine to Bitu-mill (Civil) Pty Ltd for a lump sum contract price of $467,372.00 (GST exclusive).

The total project budget including project management is $508,975.
RECOMMENDATION

That Council:

1. Award Contract M1284 - 2016 for Road Construction - Langslow Street Castlemaine to Bitu-mill (Civil) Pty Ltd for a lump sum contract price of $467,372.00 (GST exclusive); and

2. Authorise the Chief Executive Officer to sign and affix the Common Seal to the contract documentation for Contract M1284 - 2016 for Road Construction - Langslow Street Castlemaine.
1. **Purpose**

   This report provides an update on the status of projects in the Annual Plan 2016/2017 for the period ended 30 September 2016.

   Refer to:

   Separate Attachment COM 69A: Quarterly Annual Plan Report to 30 September 2016

2. **Background**

   Council prepares an Annual Plan each year to monitor progress toward actions in the Council Plan and receives a quarterly report on the achievements against the Annual Plan.

   The Annual Plan 2016/2017 contains priority projects outlined in the proposed Budget 2016/2017 and a number of other actions and projects identified in the various strategies adopted by Council, such as the Health and Wellbeing Plan, Economic Development Strategy, Investing in Sport, etc.

3. **Policy and Statutory Implications**

   Council has adopted a Council Plan for 2013 - 2017 and Budget 2016/2017 in accordance with the Local Government Act 1989 (the Act). The Council Plan sets out the aspirations of the Council and the strategies and objectives to achieve the Council's vision for the Shire. The Budget allocates resources to the activities and services that Councillors have identified as important to the achievement of Council's vision.

   The Annual Plan is prepared each year and progress in delivering projects is reported to Councillors and the community each quarter and in the Annual Report in accordance with the Act.

   The Plan is structured around the key priorities in the Council Plan, namely:

   - A Vibrant and Healthy Community
   - Better Community Facilities
   - A Thriving Local Economy
   - Building Sustainable Communities

4. **Issues**

   The majority of projects and programs in the Annual Plan 2016/2017 have commenced with a small number of projects scheduled to commence in quarter two and three.

   A partnership with Castlemaine Community House and Maldon Neighbourhood Centre has secured a grant of $100,000 to explore the issues of social exclusion, social isolation and general health and wellbeing, across sectors of the aged community.
Council involvement in the State Government Food Act pilot project is now complete, and a new approach to food inspections has been implemented.

The EOI funding submission to Sports and Recreation Victoria to support implementation of Stage 1 of the Master Plan for Wesley Hill was unsuccessful.

5. **Financial and Resource Implications**

Projects and initiatives contained in the Annual Plan are fully funded in the Budget 2016/2017. The majority of projects are contained within the Capital Works Program or funded as a one-off initiative. A number of programs are also funded from the Operating Budget.

6. **Consultation**

Individual projects within the Plan involve community consultation or consultation with relevant stakeholders.

7. **Conclusion**

At the time of preparing the Council Plan 2013 - 2017 and in considering the Budget for 2016/2017, Council consolidated key projects and initiatives into a comprehensive plan for the year. A report is presented each quarter setting out progress on the Annual Plan.

**RECOMMENDATION**

That Council note the Quarterly Annual Plan Report for the period ended 30 September 2016.
1. Purpose

The purpose of this report is for Council to adopt the proposed changes to the Procurement Policy.

Refer to:

Attachment COM 70A: Draft Procurement Policy 2016
Attachment COM 70B: Draft Instrument of Delegation - Council to the Chief Executive Officer

2. Background

The Procurement Policy was adopted by Council in June 2012 and has been annually updated. The policy is based on the Victorian Local Government Best Practice Procurement Guidelines 2013.

It is a requirement of the Local Government Act 1989 (the Act), that the Procurement Policy be reviewed each financial year. The current Procurement Policy was adopted by Council at its meeting on 8 September 2015.

The purpose of the Procurement Policy and associated procedure document is to ensure Council complies with legislative requirements. The organisation has strong internal controls in place to ensure that procurement activities are undertaken in a manner compliant with the Procurement Policy and ensures that the organisation:

- Achieves value for money and continuous improvement in the provision of services for the community.
- Achieves high standards of fairness, openness, probity, transparency, risk management and accountability.
- Ensures resources are used efficiently and effectively to improve the overall quality of life of people in our region.
- Minimises the cost of bidding for potential suppliers.
- Achieves compliance with relevant legislative requirements.

Procurement practices have been subject to a number of internal and external reviews to ensure compliance and best practice. The reviews have been positive of Council's processes and performance, while offering some recommendations to enhance processes.

3. Policy and Statutory Implications

Under the requirements of Section 186A of the Act, Council must prepare a Procurement Policy. At least once in each financial year, Council must review its Procurement Policy and may, in accordance with Section 186A of the Local Government Act 1989, amend the Policy.
4. Issues

Changes to the Procurement Thresholds

The updated Policy includes a number of changes to the procurement thresholds to streamline processes, in particular this involves:

- Increasing the threshold band for 3 written quotes from $15-40k to $15-$60k
- Increasing the threshold for 3 written quotes with a detailed specification from $40-$70k to $60-$150k.
- These changes result in 6 threshold bands being reduced to 5.

<table>
<thead>
<tr>
<th>Current Procurement Thresholds</th>
<th>Proposed Procurement Thresholds</th>
</tr>
</thead>
<tbody>
<tr>
<td>value up to $999 including GST – a verbal or written quote may be obtained</td>
<td>value up to $999 including GST – a verbal or written quote may be obtained</td>
</tr>
<tr>
<td>value $1,000 to $4,999 including GST – at least one (1) verbal quote must be obtained</td>
<td>value $1,000 to $4,999 including GST – at least one (1) quote must be obtained</td>
</tr>
<tr>
<td>value $5,000 to $14,999 including GST – at least one (1) written quote must be obtained</td>
<td>value $5,000 to $14,999 including GST – at least one (1) written quote must be obtained</td>
</tr>
<tr>
<td>value $15,000 to $39,999 including GST – a minimum of three (3) written quotes must be obtained;</td>
<td>value $15,000 to $59,999 including GST – a minimum of three (3) written quotes must be obtained.</td>
</tr>
<tr>
<td>value $40,000-$69,999 including GST – a written scope of work or specification must be prepared and a minimum of three (3) written quotes must be obtained.</td>
<td>value $60,000 to $149,999 ($199,999 for works) including GST – a minimum of three (3) written quotes must be obtained. A written scope of work or specification which includes Councils standard evaluation criteria must be prepared.</td>
</tr>
<tr>
<td>value $70,000-$149,999 ($199,999 for works) including GST – a written scope of work or specification must be prepared and a competitive process undertaken consisting of an EOI, selective tender or a minimum of three (3) written quotes.</td>
<td></td>
</tr>
</tbody>
</table>

Changes to the Delegations

An increase to delegations is proposed which will result in more quotations being approved by Managers and or Directors and more tenders awarded by the Chief Executive Officer (within financial delegation) reducing the number of tenders that require Council approval.

The Audit and Risk Advisory Committee reviewed the Procurement Policy at their meeting on 1 September 2016. The Committee recommended that the financial
delegation for awarding of contracts for the Chief Executive Officer be amended to $1M. Tenders above the $1M (including GST) threshold would be subject to a Council report at an Ordinary Meeting of Council.

Other changes to the Procurement Policy and Procurement Procedures include:

- General update to the Procurement Procedures to ensure they reflect any changes or updates to procedures over the past 12 months.
- Changes to the variation process and delegation to allow Managers and Directors to approve contract variations.
- Include that all public tenders (above Local Government Act thresholds) would be required to include the Economic Impact Statement, currently it is only for tenders above $250,000. This requires submissions to detail the level of local content.
- Remove definitions from the Procurement Policy which are duplicated in the Procurement Procedures.
- Administrative and grammatical changes to make the document clearer.
- Clarified the use of supply panel arrangements.

5. Financial and Resource Implications

Application of the Procurement Policy will ensure not only compliance with the Local Government Act but also should ensure Council receives values for money for its procurement and maintains effective and productive supplier relationships.

6. Consultation

Various Council officers and the Executive Team have reviewed both the policy looking for improvements to streamline processes while ensuring appropriate delegations and controls remain in place. A comprehensive review of Procurement Policies across the sector was undertaken to develop an improved policy.

The Audit and Risk Advisory Committee reviewed the Procurement Policy at their meeting on 1 September 2016.

7. Conclusion

Council is required under the Local Government Act to review its Procurement Policy at least once per financial year. The Policy has been updated with a number of enhancements.
RECOMMENDATION

That Council:

1. Adopt the Procurement Policy 2016;

2. Make copies of the Procurement Policy 2016 available to the public at the Civic Centre and on Council’s website in accordance with Section 186A(8) of the Local Government Act 1989;

3. Amend the Instrument of Delegation to the Chief Executive Officer to include awarding of a contract up to the value of $1,000,000 (GST exclusive);

4. Authorise the Chief Executive Officer to affix the Common Seal to the instrument of Delegation from Council to the Chief Executive Officer; and

5. Note that the Instrument comes into force immediately the Common Seal of Council is affixed and that all previous delegations to the Chief Executive Officer are revoked.
Procurement Policy

Attachment COM 70A

Category: Procurement

Adoption: Council

Date: November 2016

Review period: Annually

Responsible Manager: Manager Financial Services

Purpose / Objective:

The purpose of this policy is to ensure that Council complies with legislative requirements including:

- Section 186 of the Act (Power to enter into Contracts)
- Section 186A of the Act (Procurement Policy)
- Section 3C of the Act (Objectives of Council)
- Sections 208C of the Act (Applying Best Value Principles)
- Sections 77A, 77B, 78 to 78E, 79, 79B to D, 80, 80A to C and 95 of the Act (Conflict of Interest)
- Section 98 of the Act (Delegations) Section 140 of the Act (Accounts and Records)
- The relevant provisions of the Competition and Consumer Act 2010

Scope of this Policy

This policy will apply to Councillors, Council staff, all persons undertaking procurement on Council's behalf, and all persons appointed to procurement evaluation panels. Council staff includes full-time and part-time Council Staff, and temporary employees, contractors and consultants while engaged by Council.

This Policy and associated procedures relate to the acquisition of goods, services and works by Council. It contains both mandatory and good practice requirements.

This Policy is applicable from when the need to procure goods, services or works is identified and continues through to the delivery of goods or completion of the works or services.

What the policy does not apply to

Expenditure not applicable to this policy includes;

- Emergency response, relief or recovery (Section 186 (5)(a) of the Local Government Act 1989)
- Legal Services (Local Government (General) Regulations 2004 No. 130, Part 4)
- Loans (a quote/tender is recommended)
- Purchase of land (Local Government Act)
- Electoral or Valuation services
- Payroll expenses and deductions
- Refunds
Procurement Policy

- **Shop Supplies** - Business units that operate a retail outlet and are required to purchase stock for resale to the public. Goods purchased for the purpose of resale are exempt from obtaining quotes. This is due to the nature of the goods that are offered for resale, which may be of a unique nature.

- **Performers, Facilitators, Presenters & Artists**
  Units that engage performers as part of their performance program are exempt from the conditions of this policy. Performers are engaged based on potential earnings that can be raised from engaging a performer.

- **Artworks, Statues and Monuments**
  It is not practical to obtain quotes for artworks, statues and monuments as each piece of work is unique. Items of artworks, statues and monuments are purchased with annual budget restraints in mind.

- **Sole Supplier (Core Service)**
  Council deals with a number of core service sole suppliers. There is no market to test and obtain multiple quotes. Examples of core service sole suppliers are:
  - Library Service
  - Water Catchment Authority

- **Plant and Equipment Servicing and Spare Parts**
  Plant and equipment purchased by Council requires servicing at regular intervals. To maintain a valid warranty works need to be carried out by recognised suppliers and parts. To achieve this Council utilises the servicing by the manufacturers from whom the plant and equipment was originally purchased. Specific manufacturer spare parts can also be purchased to complete works on plant and equipment at the Depot.

- **Contractors/Consultants**
  Employment contracts for staff employed directly by Mount Alexander Shire Council are excluded from this policy. However, the policy does apply to the appointment of contractors and consultants through a company or agency.

**Background / reasons for Policy:**

This policy will ensure that Council:

- Achieves value for money and continuous improvement in the provision of services for the community
- Achieves high standards of fairness, openness, probity, transparency, risk management and accountability
- Ensures resources are used efficiently and effectively to improve the overall quality of life of people in our region
- Minimises the cost of bidding for potential suppliers
- Achieves compliance with relevant legislative requirements

**Policy content:**

1. Any person undertaking or involved in a procurement process must comply with the Victorian Local Government Best Practice Procurement Guidelines (HPRM DOC/13/22744).

The **Victorian Local Government Best Practice Procurement Guidelines** provide a comprehensive set of principles and practices that represent the most efficient and prudent course of action in procurement processes. The guidelines include information on the relevant legal framework and the full procurement cycle – planning, implementation, management and performance evaluation. If this policy is inconsistent with the guidelines, this policy supersedes the guidelines.
2. Council’s spend thresholds for the purchase of goods or services up to the value of $150,000 and works to the value of $200,000 or less will be undertaken using the procurement method listed below.

All monetary values stated in this policy include GST except, where specifically stated otherwise.

2.1. Request for Quote:

- value up to $999 including GST – a quote may be obtained.
- value $1,000 to $4,999 including GST – at least one (1) verbal quote must be obtained
- value $5,000 to $14,999 including GST – at least one (1) written quote must be obtained
- value $15,000 to $59,999 including GST – a minimum of three (3) written quotes must be obtained. A written scope of work or specification should be prepared that provides a clear description of the goods/services/works being purchased. This may include evaluation criteria (usually Cost to Council, Response to Specification, Experience & Qualifications & Risk & Quality Management).
- value $60,000 to $149,999 ($199,999 for works) including GST – a minimum of three (3) written quotes must be obtained. A written scope of work or specification which includes Councils standard evaluation criteria must be prepared.

A minimum of 5 working days should be allowed for from when quotations (above $15,000 including GST) are requested until the quotation closing date. The timeframe allocated to a request for quotation process must be reasonable and Director approval must be obtained should the proposed request for quotation period be less than 5 working days.

3. A tender must be undertaken for procurement of goods and services with a value greater than $150,000 (including GST) and works with a value greater than $200,000 (including GST)

- The timeframe given to tenderers must be reasonable with regard to the level of complexity of the tender, however a minimum of 15 working days should be allowed for from when tenders are advertised until the tender closing date. Director approval must be obtained if it proposed that a tender period be less than 15 working days.
- Advertising at times of major holidays such as Christmas and early January should be avoided if possible. If it is necessary to advertise at these times, the closing date should be extended to accommodate these periods.
- Tenders will be advertised on Council’s e-Procurement portal.
- Cumulative Expenditure
  For the purposes of Section 186 of the Act, any cumulative expenditure with a single supplier which, over two financial years exceeds or is expected to exceed –
  - $150,000 (including GST) on the purchase of goods and services; and/or
  - $200,000 (including GST) on the carrying out of works;
  shall be subject to a public tendering process.
4. A panel of contractors may be appointed after undertaking a public tender process

One of the valid outcomes of a public tender process is the appointment of a panel of tenderers to promote security of supply. This is most likely to be the case where a council requires a range of services to be performed. The subsequent use of quotes on a job-by-job basis further promotes competition and value for money.

Where possible, the panels should be structured with specialist sub-panels. The standard documentation will specify that these contractors will not be guaranteed any work but that they may be called on at any time to supply services, goods or works. In these cases, the contractors may be engaged by:

- using the schedule of rates submitted in their tender; or
- requesting quotes.

Once a panel is established, care should be taken in relation to the engagement of one or more of the contractors on the panel. Some aspects to consider are:

- which panel member can best provide the service;
- if all members of the panel are offering a similar service, the contractor offering the lowest price may be the best option;
- avoiding situations where, over the contract term, one or two members of the panel are allocated the majority of the work.

Following the appointment of a panel, it is recommended that quotes are obtained for amounts over $50,000 (including GST) from at least two panel members.

5. Exemptions from the Procurement Policy must be approved by a Director or the Chief Executive Officer

In the event of:
- an unforeseen urgency; or
- a strong preference for continuity of supply; or
- goods, services or works being of such a specialised nature that there are insufficient known Suppliers from which to seek the required number of quotes –
a Director or the Chief Executive Officer may, upon receiving a written explanation from the relevant contract manager approve an exemption to this policy.

Requirements for exemption for tender are limited by Section 186(1) of the Local Government Act and are outlined in Section 3.7 Exemptions to requirement for public tendering in the Victorian Local Government Best Practice Procurement Guidelines 2013.

6. Contract variations (financial or non-financial) must be approved

Throughout the life of a contract changes may arise to the original specification or scope of the service or project. In order to accept these variations approval must be sought from the relevant delegated officer.

The totals of contract variations should be assessed against the total of the contract. Contract variations of up to 30% of the original contract price and up to $150,000 can be approved by Chief Executive Officer. Directors and Managers can approve variations of up to 20% and within their delegation limits.
A purchase order is not considered sufficient proof of a contract variation and a formal variation must be prepared and executed.

7. Council will maintain a documented scheme of procurement delegations, identifying Council staff authorised to make procurement commitments on behalf of Council.

Delegations define the limitations within which Council staff are permitted to work. Delegation of procurement authority allows specified Council staff to approve certain purchases, quote, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Refer to the Procurement Procedure Appendix A – Accountability Framework for further information on procurement delegations.

8. Processes detailed in the Procurement Threshold Process Table and Procurement Procedures manual must be followed.

The Procurement Threshold Process Table outlines the minimum requirements for undertaking procurement activities in accordance with this Policy.

Council will provide standard templates and systems to enable employees to source requirements in an efficient manner.

9. All quotes and evaluation material must be recorded and clearly documented in Council’s record management system HPRM and EBMS Procurement and Contract Management system.

See Procurement Procedures for further information and templates.

10. Council will install and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end to end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented;
- systems are in place for appropriate monitoring and performance measurement; and
- purchase orders are raised and approved in accordance with procurement procedures.

11. All contractual relationships must be documented in writing based on standard terms and conditions.

To protect the best interests of Council, terms and conditions must be settled in advance of any commitment being made with a supplier.

All Council contracts are to include contract management requirements. The purpose of contract management is to ensure that Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract.

To ensure Council receives Best Value, contracts are to be proactively managed by the Council staff member responsible for the delivery of the contracted goods, services or works.
Procurement Policy

Staff will utilise the EBMS Procurement and Contract Management system to assist in the pre-planning and management of their contracts.

12. Council’s Risk Management Policy must be applied at all stages of procurement activities

All procurement activities must be properly planned and carried out in a manner to protect and enhance Council’s capability to prevent, withstand and recover from interruption to the supply of goods, services and works.

Council will minimise its potential exposure to risks from the provision of goods, services and works by:
• using standardised contracts that include current, relevant clauses;
• conduct and document a risk assessment;
• identify other health and safety/risk requirements relevant to the scope of works for the particular project;
• requiring security deposits where appropriate;
• referring specifications to relevant experts;
• requiring contractual agreements to be executed before allowing the commencement of work;
• use of or reference to relevant Australian Standards (or equivalent); and
• effectively managing the contract including by monitoring and enforcing performance.

13. Council will continue to utilise procurement agents and whole of government contracts.

The following principles will be applied when participating in procurement agents (e.g. MAV Procurement and Procurement Australia) and whole of government contracts:
• Council will use an agent where potential saving in cost exists
• The use of procurement agents must not eliminate the ability of suppliers within our region to submit a tender.

Where there are suppliers within our region and Council participate in a tender with an agent, Council will take every reasonable effort to communicate the tender to the relevant suppliers.

Council may also act as the lead agent on behalf of other Councils. The aggregated spend of all joint tender participants may increase the level of responses received and provide better value to Council.

14. Council is committed to buying from businesses in our region (within the Shire and neighbouring Municipalities) where such purchases may be justified on value for money grounds. Of primary importance is the need to encourage open and effective competition to ensure the best possible outcomes for Council.

To encourage a focus on local industry, including creating local employment and improving local businesses:
• Council must seek at least one quotation from a supplier within our region, if available.
• All public tenders require an Economic Impact Statement be submitted that will detail the level of local content including labour, materials, plant and supervision.
• Where tenders are within 10% of the weighted tender evaluation of the highest ranked tender, the tender evaluation will take into consideration the merit of Economic Impact Statements when evaluating tenders.
15. Council will encourage suppliers in our region to tender for the provision of works and services to Council by the promotion of available contracts through the TenderSearch e-Procurement portal.

This will be promoted through the use of the TenderSearch e-Procurement portal. Council will utilise the TenderSearch e-Procurement portal to request quotes and tenders from suppliers. Suppliers are encouraged to register with TenderSearch under their relevant classification to receive email notifications when quotes and tenders within their area of expertise become available.

Regular communication through the Council Column and Business Mount Alexander will ensure suppliers are aware of the registration process.

16. Council and Council staff shall act in accordance with Council’s Sustainable Procurement Guidelines (Appendix A).

The Sustainable Procurement Guidelines provides a purchasing framework that will advance the sustainable use of resources and reduce impacts on the environment and human health by aiming to:
- eliminate unnecessary purchasing;
- improve the environment;
- reduce its impact on the environment and human health;
- contribute to progress towards sustainability; and
- increase the purchase of environmentally preferred products.

17. Council will commit to Social Procurement to ensure procurement practices are sustainable and strategically aligned with the wider Council objectives.

Council will include in public tender a schedule requesting information of social procurement opportunities, and by committing to social procurement Council will:
- ensure greater value for money across the community through the use of effective procurement;
- ensure all businesses have the same opportunity to tender for Council contracts;
- enhance partnerships with other Councils, suppliers and community stakeholders;
- build and maintain a strong community by exploring ways to generate our regions employment (particularly among disadvantaged residents) and further strengthening the our regions economy; and
- promote the purchase of ethical and fair trade goods to support equitable, local, national and international trade.

18. Council will commit to diversity and equal opportunities wherever possible.

Promoting equality through procurement can improve competition, Best Value, the quality of public services, satisfaction among users, and community relations.

Review Process

Council will endeavour to continually improve its procurement performance such that all relevant policies, guidance and training are continually reviewed and updated. The effectiveness of this approach will be measured and reported annually.
Implementation and Training

The Procurement Coordinator will ensure that the Procurement Policy and Procedures are readily available to all Council staff, contractors and consultants via the intranet or in hard copy. The Organisational Development Unit and the Procurement Unit will coordinate to ensure that all new permanent and temporary staff members, contractors and consultants are made aware of the Policy and procedures as part of their induction process.

Training will be provided to new staff members to ensure they have an understanding of the policy, procedures and systems associated with Procurement i.e. tendering, contract management and raising purchase orders and receiving goods/services received.

Refresher training and workshops will also be held on a regular basis for existing staff members to ensure that they are familiar with the latest policy, procedures and systems associated with Council’s Procurement.

The Procurement Policy will also be available to the community via Council’s website www.mountalexander.vic.gov.au.

Policy Owner and Contact Details

Council’s Manager Financial Services is the designated owner of this policy.

For further information on the policy, please email the procurement team at procurement@moutalexander.vic.gov.au or contact Andrea O’Grady, Procurement Coordinator, on phone (03) 5471 1700.

Responsibilities:

Councillors/Council responsibilities are:
- To review and adopt the Procurement Policy each financial year in accordance with section 188A of the Local Government Act 1989.
- To ensure procurement undertaken by officers is conducted in accordance with this policy.
- To award contracts that have been subject to a public tender process that are above the Chief Executive Officers delegation;
  - Ensuring that the tender has been conducted in accordance with this policy.
  - Giving consideration to the recommendation of the tender evaluation panel to ensure that:
    - probity and equity processes have been followed;
    - the contract is within the budget allocated by Council or an alternative funding strategy is provided; and
    - no conflict of interests have compromised the procurement process.
  - If the recommendation of the tender panel is not supported, justification is required to be provided in the decision by Council.

Refer to the Procurement Procedures Appendix A – Accountability Framework for further information on procurement responsibilities of Council officers.
Procurement Policy

Related Policies:

- National Competition Policy
- Conflict of Interest – Council Officers Policy
- Council’s Common Seal Policy
- Councillor Code of Conduct
- Gifts and Hospitality Policy
- Health and Safety Policy
- Records Management Policy
- Risk Management Policy and Procedure
- Corporate Card Policy
- Staff Orientation and Induction Policy
- Workplace Code of Conduct
- Creditor Management Policy

Relevant Legislation:

- Local Government Act 1989 Sections, 186, 186A, and 3C, 77-80, 95, 98, 140, 141, 208,
- Local Government (Best Value Principles) Act 1999
- All applicable Health and Safety Legislation and Regulations
**Definitions and Abbreviations**

The Victorian Local Government Best Practice Procurement Guidelines contains a Glossary as an appendix. The following definitions and abbreviations are for Council specific terms and abbreviations.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Impact Statement</td>
<td>An economic impact statement measures changes in business revenue, business profits, or local jobs as a result of the procurement activity.</td>
</tr>
<tr>
<td>Our Region</td>
<td>Mount Alexander Shire or a neighbouring municipality.</td>
</tr>
<tr>
<td>Material change</td>
<td>In monetary terms more than 10% change to a contract amount. Monetary changes of between 5-10% may also be considered material depending on the circumstances of the contract. For non-financial changes a change that would be considered substantial or significant.</td>
</tr>
</tbody>
</table>
Appendix A

Sustainable Procurement Guidelines

By adopting Sustainable Procurement Guidelines, the Mount Alexander Shire Council aims to:

- eliminate unnecessary purchasing;
- improve the environment;
- reduce its impact on the environment;
- reduce its impact on human health;
- contribute to progress towards sustainability; and
- increase the purchase of environmentally preferred products.

Who is Affected?
The Sustainable Procurement Guidelines will demonstrate to the community, stakeholders and Council employees that its purchasing decisions will help to improve markets for environmentally sustainable products and services, enhance environmental quality, represent resource-responsible purchasing and contribute to a more sustainable environment.

Eco Buy Procurement Program
As a member of ECO-Buy, Mount Alexander Shire Council is committed to adopting and implementing Sustainable Procurement and incorporating sustainable purchasing into all its purchasing systems.

Scope
These guidelines apply to the purchase of all products and services supplied to the Mount Alexander Shire Council.

Guidelines
Wherever possible, employees and contractors will pursue the following goals and adhere to the specified principles when purchasing products, materials and services:

MINIMISE WASTE
Purchasing decisions shall be made in the context of the waste hierarchy to avoid, reduce, reuse, recycle and recover.

Avoid — Identify ways of carrying out a function or task without using materials that generate waste. For example, send out information electronically and avoid printing paper copies.

Reduce — Use less and avoid waste. For example, include purchasing in bulk to reduce packaging; a preference for printing equipment that prints double-sided.

Reuse — Use the same product more than once to extend the useful life of products and equipment. Aim to re-use or repair an existing product. Ensure that new purchases are durable, have a long service life and are easy to maintain and upgrade. For example, upgrade computer memory and any unwanted computers still functioning should be donated to needy organisations or charities or sold to extend the life of the product. (Refer to the Disposal of Minor Equipment Policy).

Recycle — Purchase products that contain recycled materials or those that have or can be recycled or re-manufactured. Discarded goods should be recycled wherever possible — recycling schemes are available for a wide range of items, from paper to plastic, metals to milk cartons, compact fluorescent lamps to corks or even electronic waste (e-waste).
Procurement Policy

**Recover** – Resource recovery involves turning residual waste into some kind of useful resource by chemically transforming those materials, typically into either energy or compost.

**MINIMISE GREENHOUSE GAS EMISSIONS**
Purchase energy-efficient products and materials by checking that the energy rating and efficiency features are the best available for the cost over the life time of the product.

Purchase renewable energy and reduce the purchase of fossil fuels.

Purchase goods that minimise lifecycle greenhouse gas emissions including manufacture, transport, operating and disposal.

**MINIMISE HABITAT DESTRUCTION**
Purchase materials and products that are free of toxic or polluting materials.

Purchase products and materials that will not release toxic substances that can affect human health and pollute water, land or air at any stage of their life-cycle.

**MINIMISE SOIL DEGRADATION**
Purchase products, materials and services that will not degrade or pollute the soil, or result in erosion through their use.

**MAXIMISE WATER EFFICIENCY**
Purchase products that conserve water or use water in an efficient way.

**MAXIMISE ENERGY EFFICIENCY**
Purchase products that conserve energy or use energy in an efficient way.
Mount Alexander Shire Council

Instrument of Delegation

to

The Chief Executive Officer
Instrument of Delegation

In exercise of the power conferred by section 98(1) of the Local Government Act 1989 (the Act) and all other powers enabling it, the Mount Alexander Shire Council (Council) delegates to the council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 13 December 2016;

2. the delegation
   2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
   2.2 is subject to any conditions and limitations set out in the Schedule;
   2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
   2.4 remains in force until Council resolves to vary or revoke it.

3. The member of Council staff occupying the position or title of or acting in the position of Chief Executive Officer may delegate to a member of Council staff any of the powers (other than the power of delegation conferred by section 98(3) of the Act or any other powers not capable of sub-delegation) which this Instrument of Delegation delegates to him or her.

THE COMMON SEAL of the MOUNT ALEXANDER SHIRE COUNCIL was hereunto affixed in the presence of

DARREN FUZZARD
Chief Executive Officer

Date: ............................................
SCHEDULE

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves
   4.1 awarding a contract exceeding the value of $1,000,000.00;
   4.2 making a local law under Part 5 of the Act;
   4.3 approval of the Council Plan under s.125 of the Act;
   4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
   4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
   4.6 adoption of the Auditor’s report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
   4.7 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
   4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
   4.9 appointment of councillor or community delegates or representatives to external organisations; or
   4.10 the return of the general valuation and any supplementary valuations;

5. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;

6. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

7. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
   7.1 policy; or
7.2 strategy

adopted by Council; or

8. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or

9. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.
Purpose

The purpose of this report is to present the Financial Management Report for the period 1 July 2016 to 30 September 2016.

Refer to:


Background

Regular review of financial performance and reporting of Council activities provides an overview as to how different programs and projects are being delivered. This reporting assists in monitoring Council’s achievement of objectives in the Strategic Resource Plan and Annual Budget, whilst ensuring that Council is financially sustainable in the long term.

The Financial Management Report is presented to Council at Briefings and at an Ordinary Meeting of Council on a quarterly basis.

The Financial Management Report presented includes the following information:

1. Income Statements
2. Balance Sheet
4. Statement of Capital Works in Progress and
5. Investment Register
6. Policy and Statutory Implications

Section 138 of the Local Government Act 1989 requires the Chief Executive Officer to present to the Council at least every three months a statement comparing the budgeted income and expenditure with the actual income and expenditure.

The Corporate Plan under the theme ‘A Sustainable Organisation’ includes the objective to: maintain financial sustainability to deliver the Council Plan and Council Services.

Council will promote and ensure responsible financial management by receiving and reviewing quarterly financial management reports, using agreed project management processes for large projects and conducting regular internal audits of Council activities.

Issues

The current budget includes the adopted carry forwards budget for capital projects, special projects and operating items.
4. Financial and Resource Implications


5. Consultation

Explanations of major variances are provided by officers responsible for the services and are summarised in the Financial Management Report.

6. Conclusion

The Financial Management Report is presented to Council outlining Council’s financial position and its achievement to date against the adopted budget.

RECOMMENDATION

10. DELEGATES REPORTS

11. NOTICE OF MOTION

11.1. NOTICE OF MOTION 2016/12 – NOMINATION OF COUNCILLOR HENDERSON AS CANDIDATE FOR RURAL COUNCILS VICTORIA

Moved Councillor Machin

That Council nominate Councillor Henderson as a candidate for the North-Central region of Rural Councils Victoria.

Rationale

Rural Councils Victoria (RCV) is an alliance representing 38 rural Victorian councils, supporting and promoting sustainable, liveable, prosperous rural communities. Mount Alexander Shire Council is one of the 38 rural councils that make up the alliance.

RCV call for nominations from councils in each of the regions, councils then participate in an election process to elect candidates to the secretariat.

Councillor Henderson is an excellent choice as candidate, as she brings many years of experience as a councillor and mayor and has extensive contacts within the North-Central region. Councillor Henderson has also been involved in a RCV working party relating to sustainable living. This experience stands her in good stead and makes her an excellent choice as candidate for the RCV secretariat.

Officer Comment

Council is required to nominate a candidate for election to the Rural Councils Victoria secretariat. Therefore a Council resolution to put forward Councillor Henderson as a candidate is required.

12. URGENT SPECIAL BUSINESS

13. MEETING CLOSE