

MINUTES

ORDINARY MEETING OF COUNCIL

Tuesday, 24 September 2013

Held at the
Council Conference and Reception Centre
City Hall, Little Malop Street, Geelong
commencing at 7.06p.m.

COUNCIL:

(G21 Geelong Regional Alliance, Governance Regional Cities,
Women in Community Life)

Cr. T. Ansett (*Windermere*)

Cr. L. Ellis (*Coryule*)

Cr. J. Farrell (*Beangala*)

Cr. K. Fisher (*Corio*)

Cr. B. Harwood (*Kardinia*)

Cr. M. Heagney (*Brownbill*)

Cr. J. Irvine (*Austin*)

Cr. E. Kontelj (*Cowie*)

Cr. Dr. S. Kontelj (*Kildare*)

Cr. R. Macdonald (*Cheetham*)

Cr. R. Nelson (*Deakin*)

Cr. A. Richards (*Buckley*)

(Heritage, Rural Communities)

(Coastal Communities, Infrastructure, Parks and Gardens)

(Community Safety, Education and Youth)

(Community Development)

(Enterprise Geelong)

(Arts and Culture, Central Geelong)

(Sport and Recreation)

(Aboriginal Affairs, Multicultural Affairs)

(Finance)

(Major Projects, Planning, Knowledge Economy)

(Major Events, Tourism)

(Environment & Sustainability, Transport, Primary Industries)

SECTION A - PROCEDURAL MATTERS

Acknowledgements	1
Apologies	1
Confirmation of Minutes	1
Declarations of Conflicts of Interest.....	1
Question Time.....	2-3
Petitions	3

SECTION B – REPORTS

1. C265 Flood Overlays in Portarlington East, Corio, Newcomb and Whittington – Consideration of Panel Report and Adoption	4
2. Victorian Waste and Resource Recovery Policy – Minister’s Advisory Committee Review	5-11
3. Council Meeting Procedures Local Law 2013	12-13
4. Flying the Aboriginal Flag at Geelong City Hall	14-17
5. Variation to Council Meeting Times	18-19
6. Audit Advisory Committee Terms of Reference	20-21
7. Delegation to the Chief Executive Officer – Children’s Services Tenders.....	22-24
8. Bailey Street, Grovedale – Footpath, Road and Kerb and Channel Construction – SRC 318 & 313 – Finalisation of Schemes	25-31
9. Audit Advisory Committee Summary Report (<i>Confidential</i>).....	32

SECTION C - NOTICES OF MOTION

SECTION D - ASSEMBLY OF COUNCILLORS

SECTION E - CONFIDENTIAL

**MINUTES OF THE ORDINARY MEETING
OF THE GREATER GEELONG CITY COUNCIL
HELD AT THE COUNCIL CONFERENCE AND RECEPTION CENTRE
CITY HALL, LITTLE MALOP STREET, GEELONG
TUESDAY, 24 SEPTEMBER 2013
COMMENCING AT 7.06 P.M.**

PRESENT: Cr B Harwood (Acting Mayor), Crs T Ansett, J Farrell, J Irvine,
E Kontelj, S Kontelj*(7.10pm), R Nelson, A Richards

Also present: S Griffin (Chief Executive Officer), J Wall (General Manager Corporate Services), P Bettess (General Manager Economic Development, Planning and Tourism), G Van Driel (General Manager City Services), J McMahon (General Manager Community Services), D Frost (General Manager Projects, Recreation and Central Geelong), J Brown (Manager Administration and Governance), R Bourke (Governance Co ordinator), J Merlo (Senior Media Officer)

OPENING: The Acting Mayor declared the meeting open at 7.06pm

ACKNOWLEDGEMENTS:

The Acting Mayor acknowledged that we are here today on the land of the Wathaurong People and we pay our respects to Aboriginal elders past and present.

APOLOGIES: Crs Fisher and Macdonald (Leave of Absence), Crs Heagney, Ellis

CONFIRMATION OF MINUTES:

Cr Richards moved, Cr Farrell seconded –

That the Minutes of the Ordinary Meeting held on 10 September 2013 be confirmed and signed.

Carried.

DECLARATIONS OF CONFLICTS OF INTEREST:

Cr Ansett declared an Indirect Interest in relation to C265 Flood Overlays in Portarlington East, Corio, Newcomb and Whittington – Consideration of Panel Report and Adoption in that his parents live within the flood overlay area in Corio.

QUESTION TIME:

Question Time is an opportunity for questions to be addressed to Council and while the minutes record the general content, they do not purport to be a transcript of what was said by individuals. Likewise Councillor or Officer verbal responses are in summary form only. Views expressed may not be the views of Council.

Council's practice is to provide a separate document on its website setting out questions and responses including any more detailed written responses which may be provided subsequent to the meeting.

** Cr S Kontelj entered the meeting room at 7.10pm*

Peter Poehland asked questions in relation to Agenda Item 1 – C265 Flood Overlays:

According to Council's map, our home was built on a raised slab in the area of our block which was free of 1 in 100 year flood event. We ask why did the panel report of 25 May 2013 not at least acknowledge this?

Peter Bettess, General Manager Economic Development, Planning and Tourism, responded that the flood mapping is showing the land potentially subject to flooding.

The overlays are applied to areas where modelling of the 1 in 100 year rainfall event shows that there could be overland flows once the underground drainage system reaches its full capacity. Council is therefore obliged to apply the overlay according to the flood modelling.

The Acting Mayor responded the question would be responded to in writing within 14 days.

Peter Linaker addressed Council as follows in relation to the Ocean Grove Covenant:

Is this Council aware, and have Councillors been informed of the handling of covenants elsewhere in Victoria, and progress in reviewing the 1920 covenant against liquor in Camberwell, Boroondara?

Cr Farrell responded that Council was not advised of the restriction in the Camberwell/Box Hill areas as seen from Mr Bettess' written response today. Council was not advised as there is no parallel with Ocean Grove. The covenant has not been lifted. Council has acted in good faith and we will defend that position at VCAT.

Barton van Laar, President of Bike Safe, asked the following questions:

1. Adopt the Principle Bicycle Network as an overlay for guidance, as early as possible?
2. Implement the applicable recommendations of the Geelong Road Safety Strategy as early as possible?
3. Combine budgets from Road Safety, Health and Well Being, Sports and Recreation and Environment Departments. Plan for increases to match required infrastructure outcomes?
4. Streamline responsibility and accountability?

The Acting Mayor took the questions on notice.

QUESTION TIME (CONT'D)

Cr Richards added a response will be forwarded in writing, and further advised Council has been working with Bike Safe for some time and a report will be coming back to Council shortly.

Colin Wallace submitted various comments which Council did not deem questions and therefore a response was not required.

Mary Wallace's first comment was not deemed a question and therefore a response was not required.

2. Since I did not get an answer to my question, I am asking, should Council have a quote from Surbo Holdings for an amount I assume is tens of thousands of dollars for works on the east side of First Street, Geelong West in 2010, that is for removing trees and making a new footpath with fence in First Street?

The Acting Mayor responded the question would be taken on notice.

John Burke, President Geelong One Fire Reconciliation Group, asked what further actions will Council take to support the recognition of Aboriginal and Torres Strait Islander Peoples in the City of Greater Geelong?

Cr Eddy Kontelj responded that Council recognizes this extremely momentous occasion in relation to Agenda Item 4, which discusses the flying of the Aboriginal Flag on a permanent basis at City Hall, along with the existing Australian National Flag

Council acknowledges there is much to do as far as Aboriginal Affairs and Reconciliation are concerned, and are working on the adoption of the draft Karreenga Aboriginal Action Plan, which is currently in draft form. The Plan has been strongly supported by the local community and is aligned to City Plan as part of the Annual City Plan Actions 2013-2014.

Council is also hopeful of Aboriginal employment opportunities through the Home and Community Care Department, however, there is still much to do in the compiling of the Plan.

PETITIONS: Nil.

Cr Ansett declared an Indirect Interest in relation to C265 Flood Overlays in Portarlington East, Corio, Newcomb and Whittington – Consideration of Panel Report and Adoption in that his parents live within the flood overlay area in Corio, and left the meeting room prior to discussion at 7.37pm.

1. C265 FLOOD OVERLAYS IN PORTARLINGTON EAST, CORIO, NEWCOMB & WHITTINGTON - CONSIDERATION OF PANEL REPORT AND ADOPTION

Portfolio:	Planning - Cr Macdonald
Source	Economic Development, Planning & Tourism
General Manager:	Peter Bettess
Index Reference	Council Reports 2013 / C265 - Reports Council & Other

Purpose

To adopt a planning scheme Amendment to apply the Special Building Overlay to land potentially subject to inundation.

Summary

- Amendment C265 proposes to extend coverage of the Special Building Overlay (SBO) to reflect the findings of flood studies recently undertaken and adopted by Council.
- These studies identify the nature and extent of flooding in the Portarlington, Newcomb-Whittington and Corio areas.
- The exhibition of Amendment C265 resulted in the receipt of twenty five (25) submissions; including 2 concerning properties outside of the areas affected by the amendment, and 3 from government departments / statutory authorities, not objecting.
- The exhibited Amendment, together with all submissions was referred to an Independent Panel appointed by the Minister for Planning for consideration, as required by the Planning and Environment Act 1987.
- The Independent Panel has recommended that the Amendment be adopted as exhibited.
- It is recommended that the Amendment be adopted as described in this report.

Cr Nelson moved, Cr Irvine seconded -

That Council -

- 1) adopt Amendment C265 in the form as outlined in Appendices 1 and 2 to this report; and**
- 2) submit the adopted Amendment together with the prescribed information to the Minister for Planning requesting approval.**

Procedural Motion:

Cr Farrell moved, Cr E Kontelj seconded –

That the report be deferred.

Carried.

Cr Ansett re-entered the meeting room at 7.41 pm.

2. VICTORIAN WASTE AND RESOURCE RECOVERY POLICY - MINISTER'S ADVISORY COMMITTEE REVIEW

Portfolio:	Environment and Sustainability - Cr Richards
Source	City Services - Waste Services
General Manager:	Gary van Driel
Index Reference	Subject: Waste Management

Purpose

To inform Council of the outcomes of the Getting Full Value – Victorian Waste and Resource Recovery Policy Minister's Advisory Committee review and the process from here.

Summary

- In April this year the state government released the Getting Full Value – Victorian Waste and Resource Recovery Policy (VWRRP) that included a commitment to a Minister's Advisory Committee (MAC) review of the institutional and governance arrangements for waste management in the State.
- This review was specifically directed at the roles and responsibilities of the State Government institutions, namely the Department of Environment and Primary Industry (DEPI - previously Department of Sustainability and Environment), Sustainability Victoria (SV) and the regional waste management groups (RWMGs).
- The State Government has now released the outcomes of the MAC review and its response to that review (ie: the strategic position going forward).
- The review outcomes add significantly to the detail for the implementation of the Victorian Waste and Resource Recovery Policy and its key direction to establish a statewide waste planning framework.
 - Key outcomes of the review are:
 - Emphasis on the preparation of a State Waste and Resource Recovery Infrastructure Plan (SWRRIP) (including all waste types – municipal, commercial and industrial, construction and demolition).
 - Support for the preparation of Regional Waste and Resource Recovery Implementation Plans (RWRRIPs) by RWMGs to roll down the SWRRIP direction for delivery of waste services by councils, as determined by local community needs and capacity.
 - RWRRIPs to be legislated and noted by local councils. Local waste plans to align with the direction in the RWRRIP.
 - Continued recognition of the role of local government in the delivery of waste services.
 - Strong encouragement for joint procurement arrangements facilitated by RWMGs with ultimate contract responsibility and liability remaining with the council.
 - Further commitment by the state government to address planning and regulatory issues and to link waste planning to land use and transport planning.

2. VICTORIAN WASTE AND RESOURCE RECOVERY POLICY - MINISTER'S ADVISORY COMMITTEE REVIEW (CONT'D)

- A reduction in the number of RWMGs from twelve to six with each group including a major regional centre in line with the 'hub and spoke' concept (as outlined in the VWRRIP) and to provide economies of scale.
 - The City will be part of the Barwon South West Waste Group which will consist of 9 Councils including the Queenscliff Borough, Surf Coast Shire, Colac Otway Shire, Corangamite Shire, Glenelg Shire, Moyne Shire, Southern Grampians Shire and Warrnambool City. Legislations will be introduced into the autumn session of Parliament in 2014 to enact these changes with the new boards to operate from 1st July 2014.
 - The board for each group will comprise of four local government members, elected from a forum of all local councils within the group, and four skills based board members appointed by the state government. The Chair of the board will be elected from the local government board members.
 - The RWMG's role will be to develop RWRIPs, facilitate joint procurement, provide education in accordance with the state's education approach and to deliver projects as funded by SV, councils and other organisations.
 - The Minister, through a 'statement of expectation', direct SV to focus on the effective implementation of the Policy, including development of a statewide market development strategy in consultation with local government.
 - Landfill levy reporting be consolidated into the DEPI annual report.
 - SV to prepare a statewide education strategy that can be tailored to local needs.
 - Full time community education at each regional level should not be prescriptive but should align to state plans and strategies.
-
- The MAC report outcomes further support this Council's position around the need to prepare a statewide integrated waste management strategic framework that links to land use and transport planning and addresses regulatory issues.
 - The key to the development of this strategic framework is the preparation of the State Waste and Resource Recovery Implementation Plan and Regional Waste Resource Recovery Implementation Plan's through a fully inclusive process to ensure that long term aspects are considered alongside immediate local issues and to ensure 'buy in' by a parties.
 - A transition committee with local government representation will be established to prepare and oversee a transition plan.
 - Given the acknowledged significance of the major regional centre within each RWMG it is considered that the major regional centre must have representation on the regional board.

2. VICTORIAN WASTE AND RESOURCE RECOVERY POLICY - MINISTER'S ADVISORY COMMITTEE REVIEW (CONT'D)

Cr Richards moved, Cr E Kontelj seconded –

That Council advise the Minister for Environment and Climate Change that Council:

- 1) generally supports the outcomes of the Minister's Advisory Committee review;**
- 2) supports the commitment to statewide waste management planning and to continued consultation with local Council;**
- 3) proposes that one of the local government members on the board of each RWMG be from the major regional centre within that RWMG.**

Carried.

Background

In April this year the State Government released the Getting Full Value – Victorian Waste and Resource Recovery Policy (VWRRP) that included a commitment to a Minister's Advisory Committee (MAC) review of the institutional and governance arrangements for waste management in the State.

This review was specifically directed at the roles and responsibilities of the state government institutions, namely the Department of Environment and Primary Industry (DEPI – previously Department of Sustainability and Environment), Sustainability Victoria (SV) and the regional waste management groups (RWMGs).

The State Government has now released the outcomes of the MAC review and its response to that review (ie: the strategic position going forward).

The review outcomes add significantly to the detail for the implementation of the VWRRP and its key direction to establish a statewide waste planning framework. A copy of the government response is attached, Appendix 1.

Key outcomes of the report are:

- Emphasis on the preparation of a State Waste and Resource Recovery Infrastructure Plan (SWRRIP) (including all waste types – municipal, commercial and industrial, construction and demolition). This plan to be legislated and minister's guidelines developed to assist with implementation.
- Support for the preparation of Regional Waste and Resource Recovery Implementation Plans (RWRRIPs) by regional waste management groups to roll down the SWRRIP direction for delivery of waste services by councils, as determined by local community needs and capacity.
- RWRRIPs to be legislated and noted by local councils. Local waste plans to align with the direction in the RWRRIP.
- Continued recognition of the role of local government in the delivery of waste services.
- Strong encouragement for joint procurement arrangements facilitated by RWMGs with ultimate contract responsibility and liability remaining with the council.
- Further commitment by the state government to address planning and regulatory issues and to link waste planning to land use and transport planning.

2. VICTORIAN WASTE AND RESOURCE RECOVERY POLICY - MINISTER'S ADVISORY COMMITTEE REVIEW (CONT'D)

- A reduction in the number of RWMGs from twelve to six with each group including a major regional centre in line with the 'hub and spoke' concept (as outlined in the VWRP) and to provide economies of scale.
- The City would be part of the Barwon South West Waste Group which will also include the Queenscliffe Borough, Surf Coast Shire, Colac Otway Shire, Corangamite Shire, Glenelg Shire, Moyne Shire, Southern Grampians Shire and Warrnambool City.
- The board for each group will comprise of four local government members, elected from a forum of all local councils within the group, and four skills based board members appointed by the state government. The Chair of the board will be elected from the local government board members.
- The RWMGs role will be to develop RWRIPs, facilitate joint procurement, provide education in accordance with the state's education approach and to deliver projects as funded by SV, councils and other organisations.
- The Minister through a 'statement of expectation' direct SV to focus on the effective implementation of the Policy, including development of a statewide market development strategy in consultation with local government.
- Landfill levy reporting be consolidated into the DEPI annual report.
- SV to prepare a statewide education strategy that can be tailored to local needs.
- Full time community education at each regional level should not be prescriptive but should align to state plans and strategies.

It is proposed that the new regions will be in place by 1st July next year. A transition plan will be prepared by a transition committee established by DEPI and including representation from local government and RWMGs.

The required legislative changes are expected to be considered by the Victorian Parliament in the autumn sitting of 2014.

A summary of the review outcomes is provided as Attachment A. The full MAC report and State Government response may be accessed at:

www.depi.vic.gov.au/environment-and-wildlife/sustainability/waste-management-and-resource-recovery.

Discussion

Upon the release of the Getting Full Value – Victorian Waste and Resource Recovery Policy and the consequent MAC review consultation process this Council formally advised the Minister that it generally supported the direction outlined in the Policy. However, Council believed that the MAC review should be delayed until the SWRRIP was prepared in order that the SWRRIP could inform the MAC review on the alignment of the RWMGs to best deliver on the SWRRIP. Clearly this did not eventuate.

However, the MAC review has instead strongly reinforced the concept of waste management strategic direction across the State following the 'hub and spoke' concept with the alignment of communities of common interest and potentially transport infrastructure and also including a major regional centre within each region. While establishing the RWMG boundaries on this basis the review has also encouraged cross regional communication and planning.

2. VICTORIAN WASTE AND RESOURCE RECOVERY POLICY - MINISTER'S ADVISORY COMMITTEE REVIEW (CONT'D)

The review has also highlighted the benefits of aligning the RWMG boundaries to existing state institution boundaries (eg: DEPI, SV, EPA) to achieve further economies of scale in terms of potential shared offices and corporate overheads.

The MAC review outcomes further support this Council's position that a statewide waste management strategic framework must be established that links to land use and transport planning and addresses regulatory issues.

With the reduction in the number of RWMGs the MAC review expects that there will be a rationalisation of resources to enable regional planning for all waste types (ie: now to include commercial and industrial waste and construction and demolition waste). It is also proposed that community education by each region will not be a given, but will be prioritised by statewide plans as impacted by local needs.

The key to effective resourcing and operation of the new RWMGs and to meet future waste reduction objectives will be the preparation of a well researched and developed SWRRIP and RWRIPs through a comprehensive consultation process. If these plans are developed in consideration of immediate local issues with a long term vision and provide sufficient information to support business cases for waste infrastructure that communities can afford within reasonable timeframes, ensuring 'buy in' by all councils, then the RWMG resources will be most effectively engaged.

As has been stated in previous reports to Council on this matter, previous State waste strategies set targets with no direction on how to meet these targets. The Policy and now the outcomes of the MAC review have as their core the identification of the issues and how best to deal with these, with what appears to be a strong commitment by the state government to directly address and assist councils in dealing with these issues.

The one issue that does require further attention is the appointment of Local Government representatives to be members of the RWMG boards. There are to be four from local government, nominated from a forum of all councils within the region, plus four skills based board members nominated by the minister. The MAC review does highlight the significance of having a major regional centre within each region and therefore this significance should be acknowledged by the inclusion of the major regional centre's nominee to the board with the remaining three members being nominated through the council forum. It would appear inconceivable that a region that will rely so heavily on the major regional centre would not have a board member from that major regional centre.

It is therefore considered that Council should propose to the minister that one of the local government members of the RWMGs board be that member nominated by the major regional centre within the region.

This issue aside it is recommended that Council advise the Minister of its general acceptance of the MAC review outcomes and emphasises the importance of comprehensive consultation in the process of developing the SWRRIP and RWRIPs as the key element to the effective implementation of the Policy and to ensure 'buy in' by all councils.

Environmental Implications

Within the context of best practice waste management contributing to a better environment the MAC review outcomes further clarify and support the direction that this Council believes will most benefit the local and statewide environment by the effective management of waste materials and resources.

2. VICTORIAN WASTE AND RESOURCE RECOVERY POLICY - MINISTER'S ADVISORY COMMITTEE REVIEW (CONT'D)

Financial Implications

There are no immediate financial implications.

The Getting Full Value – Victorian Waste and Resource Recovery Policy and MAC review are intended to provide strategic direction for the development of waste services and infrastructure within a thirty year vision and a ten year plan. Both acknowledge that the development of these services and infrastructure must meet the needs of the local community and be within the capacity of that community.

Therefore, Council will be in a position to consider each potential development within the context of its needs and capabilities at any particular time in the future.

Policy/Legal/Statutory Implications

The Policy and the outcome of the MAC review establish the future direction of waste management at state and regional levels and include the decree that the SWRRIP and the RWRIPs will become legislated documents and therefore establish the parameters for how councils across the State will manage their waste. These plans will be supplemented with ministerial guideline documents to assist in the implementation of the plans.

Alignment to City Plan

Council has formally adopted the following position with regards to the next five year period in waste management:

'the City will focus upon the consolidation of its existing waste services while observing and positioning itself to take advantage of opportunities to process additional waste materials should proven means of processing be identified.'

The State Policy and MAC review outcomes provide the framework within which it may consolidate and improve its existing services and more specifically will identify the opportunities for further waste processing within a supported policy and strategic framework.

With this strategic direction Council may now progress the development of its own waste management strategy for inclusion in its Environment Management Strategy direction and to influence the preparation of the next regional waste management plan under the new statewide regional arrangements.

The Policy and review outcomes provide statewide waste management strategic direction that will inform Council on how to progress its essential waste management services to minimise any impact on the environment and potentially add to economic development.

Officer Direct or Indirect Interest

No Council officers have any direct or indirect interest in this matter, in accordance with Section 80C of the Local Government Act.

Risk Assessment

There are no notable risks associated with the implementation of the recommendation included in this report.

2. VICTORIAN WASTE AND RESOURCE RECOVERY POLICY - MINISTER'S ADVISORY COMMITTEE REVIEW (CONT'D)

Social Considerations

There are no impacts on the community well being as a result of the recommendations in this report.

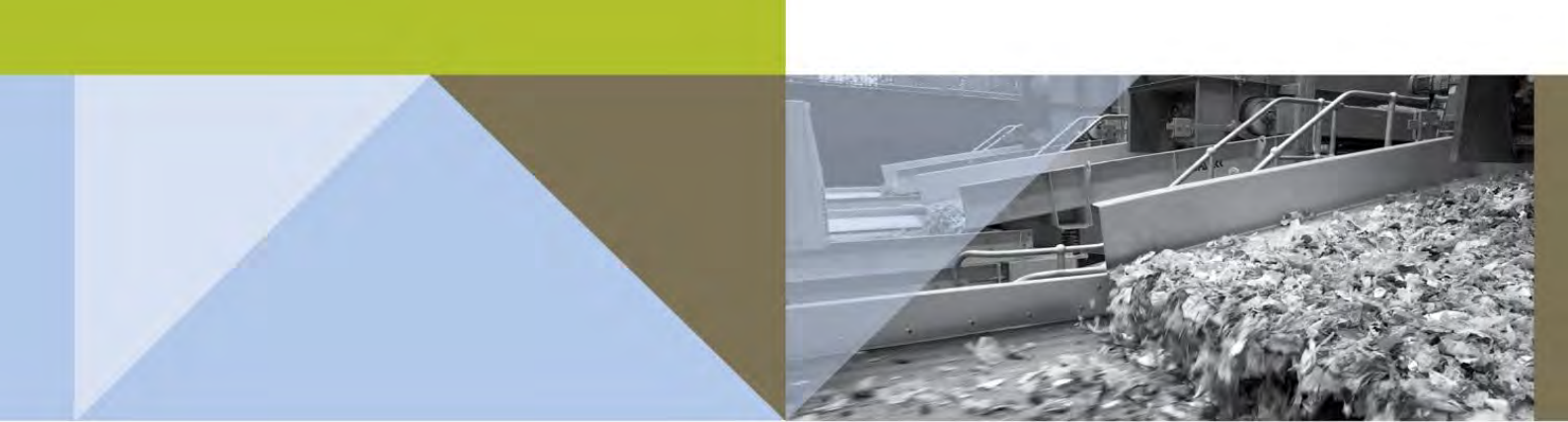
Human Rights Charter

There are no human rights issues as a result of the recommendations in this report.

Consultation and Communication

The recommendations of this report propose that the Minister for Environment be advised:

- of Council's general support for the outcomes of the MAC review, and that it
- welcomes the state government's commitment to statewide waste management planning and to continued consultation with local councils, and
- emphasises the importance of comprehensive consultation in the process of developing the SWRRIP and RWRIPs as the key element to the effective implementation of the Policy and to ensure 'buy in' by councils and proposes that one of the local government representatives on the board of each RWMG be from the major regional centre within that RWMG.



INFORMATION BULLETIN – AUGUST 2013

WASTE AND RESOURCE RECOVERY GOVERNANCE REFORM

The government has accepted the majority of the recommendations of the **Ministerial Advisory Committee on Waste and Resource Recovery Governance Reform**. The following information outlines the key changes proposed and the rationale and approach to these new arrangements.

Implementing *Getting Full Value*

Getting Full Value: The Victorian Waste and Resource Recovery Policy is a statewide policy for market-driven resource recovery. The policy is a 30-year strategy for the management of an integrated, statewide waste and resource recovery system.

Effective implementation of *Getting Full Value* will need to link waste to markets and create the market 'pull' necessary to make resource recovery economically viable into the future. Greater effort is needed to align waste infrastructure planning with the state's planning and regulatory systems.

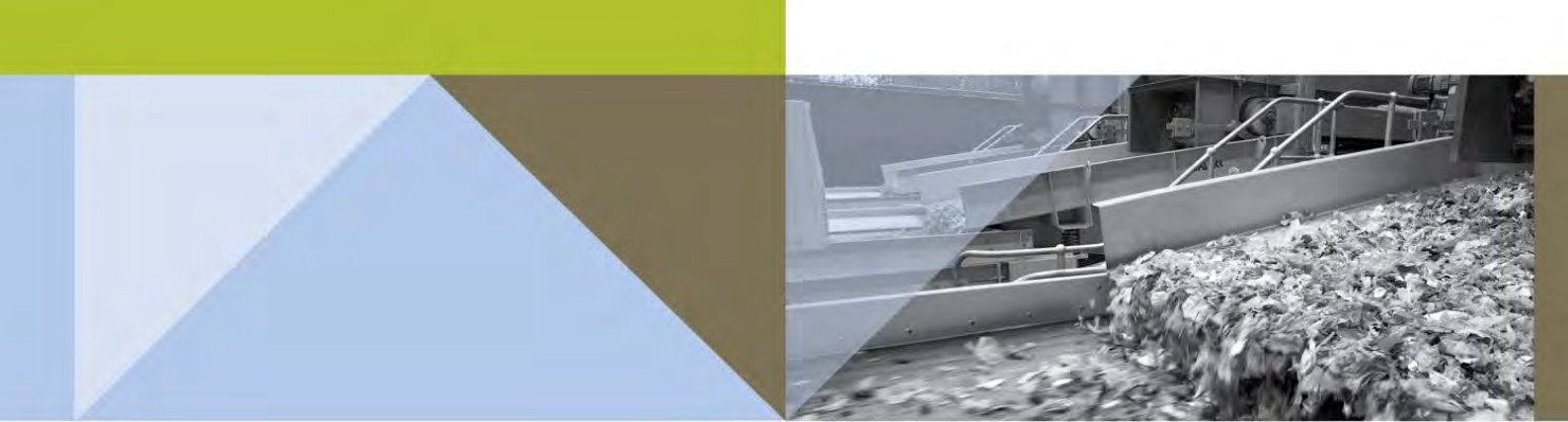
New institutional and governance arrangements are required if the policy is to be successfully implemented.

The current institutional and governance arrangements relating to the waste management sector are complex and have resulted from multiple changes over many decades. They do not optimally facilitate the movement of waste materials from waste generators to end products and the system does not make the best possible use of infrastructure, transport, land-use and national markets in this waste process.

Ministerial Advisory Committee

The Minister for Environment and Climate Change the Hon Ryan Smith established the Ministerial Advisory Committee in early 2013 to provide advice on the governance and institutional arrangements for public sector agencies responsible for waste management that would be needed to deliver *Getting Full Value*. The Committee presented their report to the minister on 31 May 2013.

The government has accepted the majority of the recommendations proposed by the committee. The reforms will enable the consolidation of resources and the economies of scale required for regional communities and local governments to receive the benefits of a joint approach to waste and resource recovery planning, procurement and market development.



Strengthened Regions

Changes to Regional Waste Management Groups (RWMGs) will be implemented to strengthen and build their capacity. The amalgamation and restructuring of the RWMGs will improve delivery of the *Getting Full Value*. The proposed changes include:

- assigning the RWMGs a clear statutory role to plan for all waste streams (currently RWMGs only focus on municipal solid waste) and undertake regional waste planning aligned with statewide waste and resource planning;
- enabling RWMGs to facilitate joint procurement by local governments to enable realisation of economies of scale and potential cost savings;
- focussing the statutory functions to align with *Getting Full Value* and to reduce duplication in the delivery of market development, waste education and data management functions;
- establishing a new board structure for the RWMGs that recognises the joint interest of state and local governments. The board will be a mix of nominees from the local governments in a region and expertise based nominees of the Minister, modelled on the successful Metropolitan Waste Management Group (MWMG) approach; and
- amalgamating the existing twelve RWMGs into six larger organisations and ensuring capacity to delivery core functions.

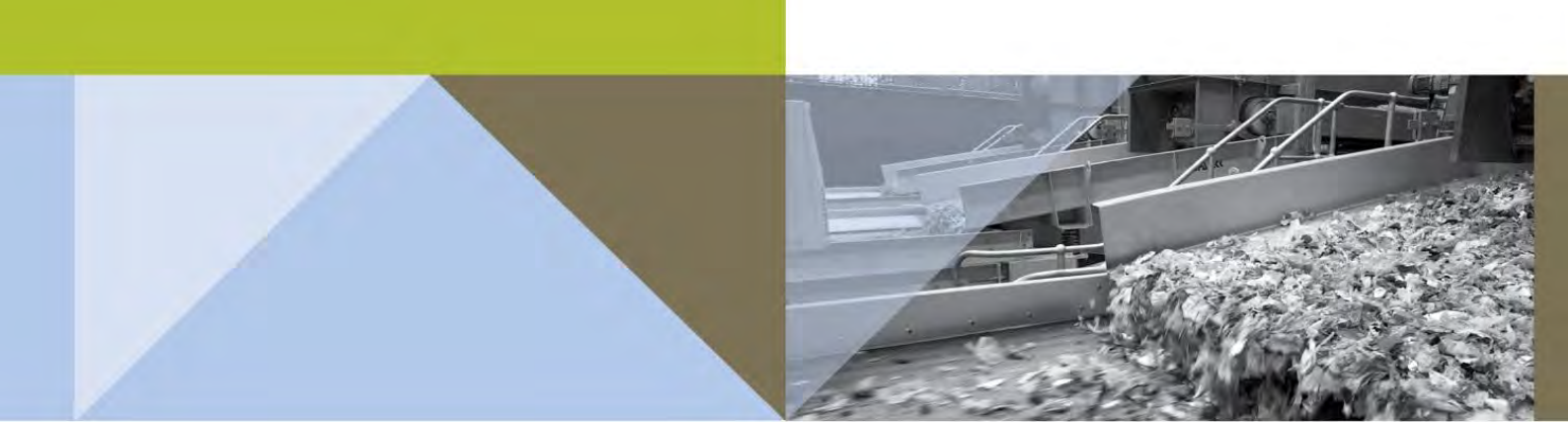
Detailed structural changes to RWMGs are as follows:

- the Calder, Mildura and Central Murray RWMGs will be replaced by a new Loddon Mallee Waste Group;
- the Barwon and South West RWMGs will be replaced by a new Barwon South West Waste Group;
- the Highlands, Grampians and Desert Fringe RWMGs will be replaced by a new Grampians Central West Waste Group;
- the Metropolitan Waste Management Group (MWMG) will be expanded to include the Mornington Peninsula Shire Council; and
- the northern, Gippsland and Melbourne Regional Waste Corporation boundaries will not be changed.

Integrated Waste Infrastructure Planning

A statewide approach to waste infrastructure planning will be developed that can link more effectively to land-use planning frameworks and that is integrated with regional planning. The new framework includes:

- the development of a long term Statewide Waste and Resource Recovery Infrastructure Plan with a 30 year planning horizon, to establish direction and priorities;
- the development of complementary regional Waste and Resource Recovery Implementation Plans that drive the delivery of waste infrastructure on the ground;
- improved linkages between the new waste planning framework and the Victorian Planning Provision to protect existing and new waste infrastructure from encroachment.



The new waste planning framework will more effectively link to and coordinate with the State Planning Policy Framework, *Metropolitan Strategic Planning* and Growth Planning across the state, to ensure the location of existing and planned waste facilities are known and planned for in all aspects of state land-use planning.

The proposed structure and content of the statewide plan, with incorporated regional plans and infrastructure schedules presents a coordinated and tiered planning approach.

Improved State Agency coordination

The 2011 Victorian Auditor General Office (VAGO) report on Municipal Solid Waste Management was critical of how the former Department of Sustainability and Environment (DSE) and Sustainability Victoria (SV) undertook coordination and leadership of waste management policy and programs.

The government has addressed these concerns through implementing a review of SV in 2011. The review outcomes have seen a significant consolidation of SV's role on facilities and coordination in waste and resource efficiency programs.

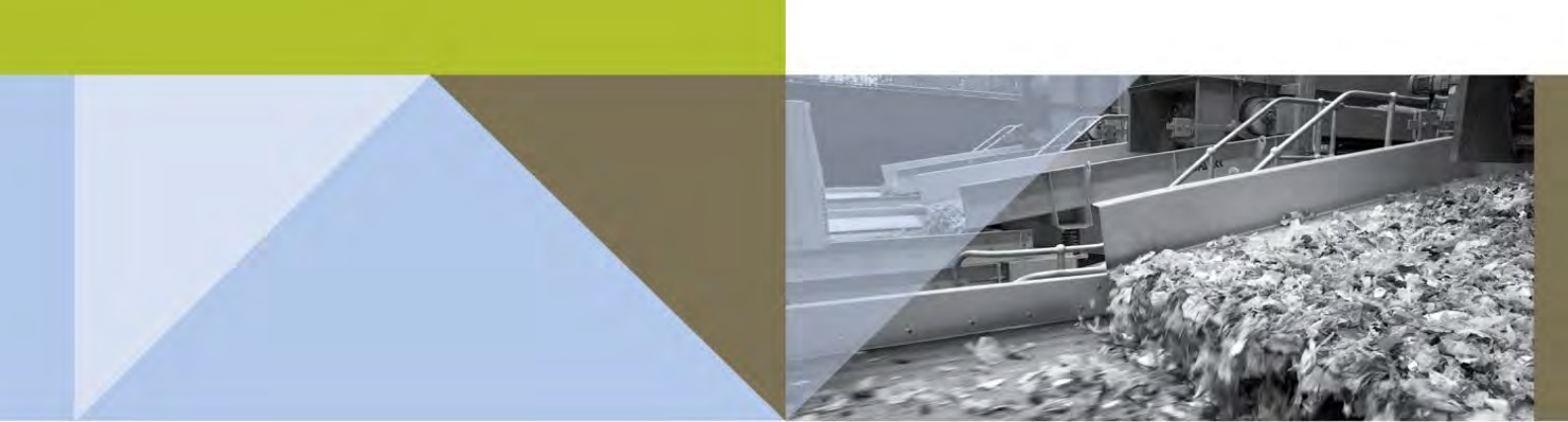
The government will implement further changes to ensure ongoing portfolio coordination and delivery. The government will:

- outline its directions for Sustainability Victoria through a Statement of Expectations to focus Sustainability Victoria's role on facilities and coordination in waste and resource efficiency programs to support *Getting Full Value*; and
- make changes to the board of Sustainability Victoria to include, within the current maximum of nine board members, two board members with local government expertise and two board members with waste industry expertise as well as increasing the number board members with procurement and finance expertise.

Improved administration of the Sustainability Fund and landfill levy

The government will introduce changes to improve the administration and governance arrangements of the Sustainability Fund and landfill levy. The new arrangements will streamline the current complex arrangements for the administration of the Sustainability Fund and reduce any perceptions of conflicts of interest. The changes will also address the need for improved transparency of the landfill levy through consolidated reporting. Improved arrangements will include:

- transferring the administration of the Sustainability Fund to Department of Environment and Primary Industries (DEPI) Corporate Finance branch;
- repealing the provisions for the Sustainability Fund Advisory Panel;
- consolidating reporting on the landfill levy and Sustainability Fund through the DEPI annual report; and
- publication of funding priorities for the distribution of the Sustainability Fund.



Transition Arrangements

The government will seek to amend the *Environment Protection Act 1970* and the *Sustainability Victoria Act 2005* to reflect these changes as soon as is practicable.

A comprehensive Transition Plan will be developed to ensure certainty for stakeholders and waste service providers. The government has tasked DEPI to work closely with local governments, RWMGs, their staff and stakeholders to facilitate effective transition planning and processes.

It is proposed to establish a state transition committee, supported by regional level committees and working groups. These entities will include representation from local governments and RWMGs.

In particular, the government is committed to ensure human resource issues in the change process are managed effectively. As well as ensuring consistency with all obligations under enterprise bargaining agreements, DEPI will be required to engage with regional organisations to ensure that fair, equitable and transparent change is central to the transition process.

Transition processes will also involve carefully assessing existing cost and resourcing arrangements and ensuring the cost structures for the new waste groups can be implemented on a sustainable basis.

The boards of the twelve existing RWMGs will remain in place and continue to provide governance and directions to those organisations until the new waste groups are established. It is intended that the business plans for the existing RWMGs will continue in the 2013-14 financial year, until regions are directed by the minister to make transition and wind-up arrangements. Due to the announcement of these changes RWMGs should not enter into major contract arrangements or staff appointments.

Further information

The government is confident that the institutional, governance and procedural changes proposed will provide an effective platform for delivery of the government's policy aim and represent a significant step forward in improving waste and resource recovery outcomes for Victorians.

Additional detailed information, including proposed implementation planning and governance arrangements will be developed shortly. This will include structured input from local governments and RWMGs.

Further information and copies of the reports can be found at www.depi.vic.gov.au/waste.

www.depi.com.au/waste

3. COUNCIL MEETING PROCEDURES LOCAL LAW 2013

Portfolio:	Governance – Cr Harwood (Acting Mayor)
Source:	Corporate Services – Administration & Governance
General Manager:	Jeff Wall
Index Reference:	Subject/Local Laws

Purpose

The purpose of this report is to adopt Council Meeting Procedures Local Law 2013 following a review of submissions by the Submissions Review Panel on 2 September 2013.

Summary

- A new Meeting Procedures Local Law 2013 was adopted by Council at its meeting on 9 July 2013, and subsequently publicised in both local media and the Government Gazette, inviting submissions.
- A Submissions Review Panel was convened to hear submissions on 2 September 2013.

Cr Nelson moved, Cr Irvine seconded -

That having considered all submissions lodged, together with the Minutes of the Submissions Review Panel (Appendix 1), Council Meeting Procedures Local Law 2013 (Appendix 2) be adopted and sealed, subject to the inclusion of the word disrespectful in 3.12 5(b).

Carried.

Background

The Local Government Act 1989 specifies the roles and functions of Councils. The Act requires that Councils conduct meetings which are open to the public and also requires that Minutes be taken to record the decisions of Council. Rather than prescribe the rules for conducting meetings, the Act requires that Councils adopt a Local Law to govern the process.

Council has recently reviewed its current Local Law, which has been in place since 2009. The current Local Law has adequately catered for the conduct of Council Meetings in a manner which has enabled issues to be freely debated.

This review has involved an amendment to the meeting procedures as a consequence of changes to the City of Greater Geelong Act 1993, and also following feedback received from Councillors, members of staff and members of the public.

Discussion

In accordance with the Local Government Act 1989, the Submissions Review Panel appointed by Council must consider every submission received. Further, the person lodging the submission may have the opportunity to speak in support of their submission.

A Submissions Review Panel consisting of Crs Harwood, Ellis and Fisher was convened on 2 September 2013 and heard submissions received from Mr and Mrs Colin and Mary Wallace.

3. COUNCIL MEETING PROCEDURES LOCAL LAW 2013

The Minutes of the Submissions Review Panel are included in Appendix 1 and includes the Panel's recommendation to adopt Council Meeting Procedures Local Law 2013 without change.

Environmental Implications

There are no environmental implications associated with this report.

Financial Implications

There are no financial implications associated with this report.

Policy/Legal/Statutory Implications

This report is submitted in accordance with the requirements of the Local Government Act 1989.

Alignment to City Plan

In accordance with our strategic objective 'How We Do Business', we have provided a transparent process for the review of the Council Meeting Procedures Local Law 2013, which has included engagement of the community via the Submissions Review Process.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has an interest in relation to the information provided.

Risk Assessment

There are no risks associated with this report.

Social Considerations

There are no social considerations likely to arise from this report.

Human Rights Charter

A Human Rights Matrix was created during the initial review and amendment of the previous Meeting Procedures Local Law, and is attached to the associated Council Report.

Further consideration of the Human Rights principles was undertaken as part of the Submissions Review Process, with particular reference to the specific right to take part in public life.

Consultation and Communication

Once Council Procedures Local Law 2013 has been adopted by Council, notice of the adoption will be published in the Government Gazette.

Appendix 1

Minutes

COUNCIL MEETING PROCEDURES LOCAL LAW 2013 SUBMISSIONS REVIEW PANEL

HELD IN COUNCIL CHAMBER **COUNCIL CONFERENCE AND RECEPTION CENTRE** **CITY HALL, LITTLE MALOP STREET, GEELONG** **ON 2 SEPTEMBER 2013 AT 5PM**

Present: Cr Harwood (Chair), Cr Fisher and Cr Ellis

Also Present: J Brown (Manager Administration & Governance), R Bourke (Co ordinator Governance & Legal Services)

Apologies: J Wall (General Manager Corporate Services), Crs Ansett, Farrell, Heagney, Irvine, E Kontelj, S Kontelj, Macdonald, Nelson and Richards

Election of Chairperson: Cr Fisher moved and Cr Ellis seconded that
Cr Harwood be elected as Chair

Carried

Declarations of Interest or Conflicts of Interest: Nil

Items for consideration:

On 9 July 2013, Council gave notice of its intention to adopt Council Meeting Procedures Local Law 2013 via a publication in the Government Gazette, and also via local media. Submissions were invited, and the following written submissions were received:

Mr and Mrs Colin and Mary Wallace (Geelong West)

"Comments on proposed Local Law 2013, 3.12 PUBLIC QUESTION TIME:

Clause 1:

This is open to misuse by Council since the questioner is not the only one speaking during the three minutes and has no control over how much time is taken up by Council during the allocation.

Officer Response:

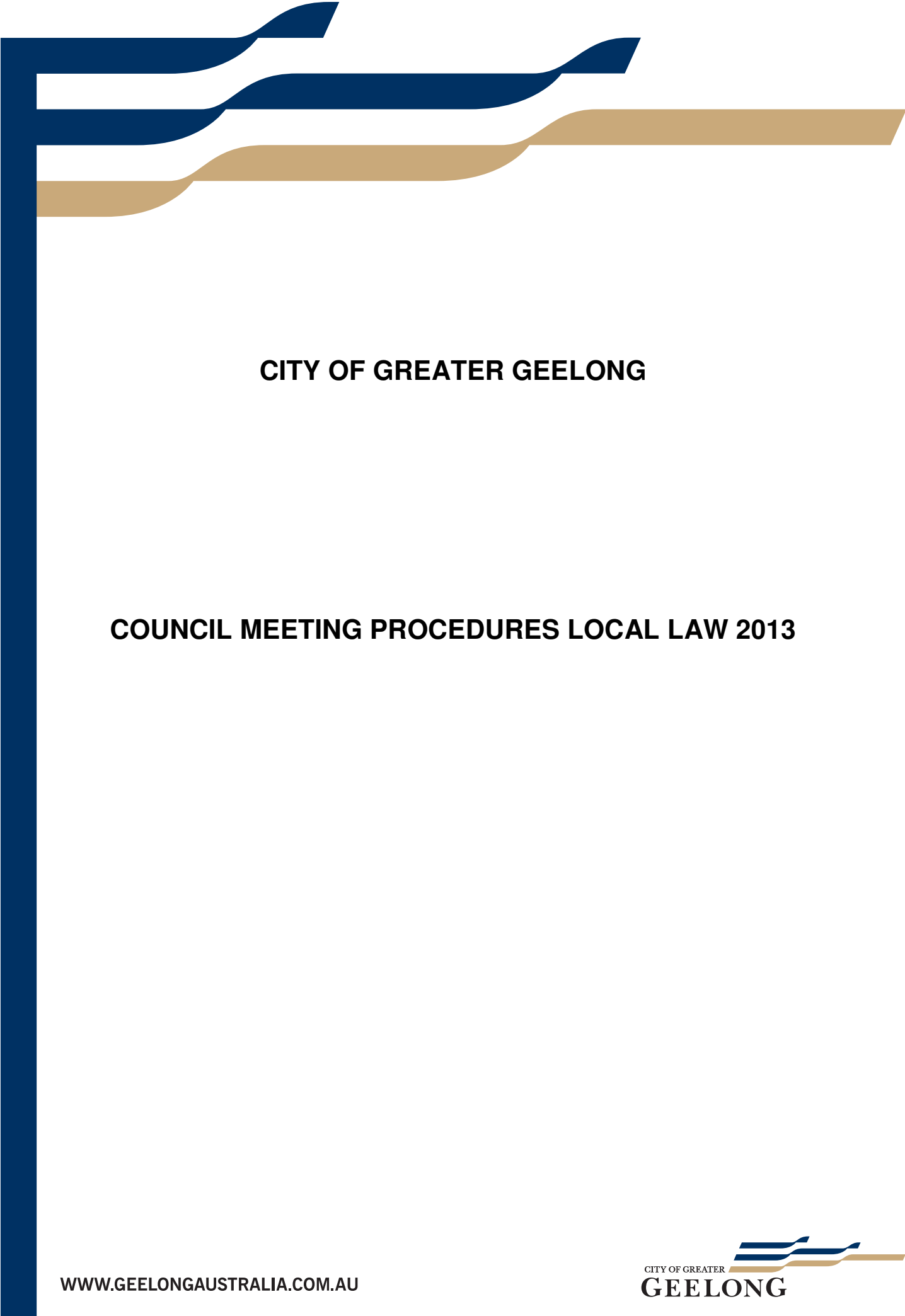
The Chair has always exercised discretion in regards to the 3 minute time restriction. Clause 4.12(2) of Council's 2009 Local Law has the same requirement.

Clause 2:

Clauses 3 and 4 of the 2009 Local Law were fair and reasonable. Most importantly, they provided citizens a right to ask questions at Ordinary Council Meetings which the new clause has effectively removed. This clause is clearly open to misuse by Council.

Officer Response:

Clause 3.12 of the proposed Local Law states "Members of the public may ask questions during Ordinary Meetings of Council".



CITY OF GREATER GEELONG

COUNCIL MEETING PROCEDURES LOCAL LAW 2013

COUNCIL MEETING PROCEDURES LOCAL LAW

TABLE OF CONTENTS

PART 1 - PRELIMINARY	3
Title.....	3
Objectives of this Local Law.....	3
Power to make this Local Law	3
Operational date of this Local Law	3
Date this Local Law ceases operation	3
Scope of this Local Law	3
Definition of words used in this Local Law	4
PART 2 – ELECTION OF DEPUTY MAYOR	5
Purpose	5
Election of the Deputy Mayor	5
Procedure.....	5
PART 3 - PROCEDURE AT COUNCIL MEETINGS	6
Purpose	6
Scope	6
Notice	6
Quorum	6
Agenda	6
Chairperson duties and responsibilities	6
Order and content of business	7
Leave of Absence.....	7
Record of proceedings	7
Confirmation of minutes	8
Declaration of direct and indirect interests.....	8
Public Question Time	8
Petitions.....	9
Moving of motions or amendments	9
Procedure for dealing with motions and amendments.....	10
Debate	10
Time limits	11
Voting	11
Divisions	11
Points of order	11
Formal motions.....	12
Repetitious motions.....	12
Rescission or alteration of previous resolutions.....	12
Adjournment.....	12
Notices of motion.....	13
Urgent business	13
General business	13
Disagreement with Chairperson's ruling	13
Discipline and suspensions	14
Removal from the Meeting Room	14
PART 4 – USE OF THE COMMON SEAL	15
Purpose	15
Use of the Common Seal	15
Signature to accompany Seal	15
Unauthorised use of the Common Seal	15
Security of the Common Seal	15
PART 5 - OFFENCES.....	16
Offences	16
PART 6 – SPECIAL COMMITTEES.....	17
Application to Special Committees.....	17

CITY OF GREATER GEELONG
COUNCIL MEETING PROCEDURE LOCAL LAW 2013

PART 1

PRELIMINARY

1.1 TITLE

This Local Law is the City of Greater Geelong Council Meeting Procedure Local Law 2013 and is referred to below as “this Local Law”.

1.2 OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to:

- (a) Facilitate the orderly conduct of meetings of Council.
- (b) Regulate and control the use of the Common Seal of the Council.
- (c) Regulate proceedings for the election of the Deputy Mayor.
- (d) Regulate proceedings at meetings of Greater Geelong City Council.
- (e) Facilitate the good government of the City of Greater Geelong and ensure that the Council’s decisions are made in the best interests of the people.
- (f) Promote and encourage community participation in the government of the City.
- (g) Repeal Council Meeting Procedure Local Law 2009.

1.3 POWER TO MAKE THIS LOCAL LAW

This Local Law is made in accordance with sections 91 and 111 of the Local Government Act 1989 (the Act) and the drafting process involved due consideration of the Charter of Human Rights and Responsibilities Act 2006.

1.4 OPERATIONAL DATE OF THIS LOCAL LAW

This Local Law operates from the day following publication in the Victoria Government Gazette, at which time Council Meeting Procedure Local Law 2009 will be revoked and will cease to operate.

1.5 DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its commencement.

1.6 SCOPE OF THIS LOCAL LAW

This Local Law shall apply to, and have operation throughout, the whole of the Municipal District of the City of Greater Geelong.

1.7 DEFINITION OF THE WORDS USED IN THIS LOCAL LAW

Absolute Majority	Means a number of votes greater than one-half of the total number of votes cast, and if necessary, includes the vote by lot.
The Act:	Means the Local Government Act 1989.
Amendment	Means a proposed alteration to improve the terms of a motion, without being contradictory.
Agenda:	Means the notice of a meeting setting out the business to be transacted at the meeting.
Chairperson:	Means the Chairperson of a meeting and includes acting, temporary, or substitute Chairperson.
Chief Executive Officer:	Means the Chief Executive Officer appointed by the Council from time to time, or any person acting as Chief Executive Officer under delegated authority.
City:	Means the City of Greater Geelong.
Clause:	Means a clause of this Local Law.
Common Seal:	Means the Common Seal of the City.
Council:	Means the Greater Geelong City Council.
Councillor:	Means a person who holds the office of member of Council.
Council Meeting:	Means an Ordinary Meeting or a Special Meeting of the Council.
Deliver:	Means to hand over or mail to a recipient and includes transmission by Facsimile, Electronic Mail or publication on the Council Internet Site.
Formal Motion:	Means a motion related to a formal procedure and includes the following: (a) that the motion be put; (b) that the motion be deferred; (c) that the matter proceed to the next meeting; and (d) that the motion or amendment before the Chair be adjourned to a later time in the same meeting.
Mayor:	Means the Directly Elected Mayor of the City as defined in the City of Greater Geelong Act 1993 and includes any person appointed to act as Mayor.
Meeting:	Means an Ordinary and a Special Meeting of the Council, and a meeting of a Special Committee.
Member:	Means a Councillor or member of a Special Committee.
Motion:	Means a proposed resolution before it has been adopted (passed or carried) by the meeting.
Municipal District:	Means the area from time to time comprising the Municipal District of the City.
Offence:	Means an offence against this Local Law.
Ordinary Meeting:	Means an Ordinary Meeting of the Council.
Part:	Means a Part of this Local Law.
Penalty Units:	Means penalty units as prescribed in section 110 of the Sentencing Act 1991.
Procedural Motion	Means a motion dealing with the conduct of the meeting.
Resolution:	Means a formal determination by a meeting of Council or Special Committee.
Special Committee:	Means a Committee established by the Council pursuant to section 86 of the Local Government Act 1989.
Special Meeting:	Means a Special Meeting of the Council.
Vote:	Means expression of opinion by show of hands or other means.

PART 2

ELECTION OF DEPUTY MAYOR

2.1 PURPOSE

To regulate the procedure for the election of the Deputy Mayor in accordance with section 11C *City of Greater Geelong Act 1993*.

Deputy Mayor

The Deputy Mayor will be appointed by Council from one of the Ward Councillors. The Deputy Mayor is to represent the Mayor in all capacities in the event of the Mayor's absence.

If the Deputy Mayor is required to be acting Mayor for a period exceeding one month, the Council must elect another Councillor to be acting Deputy Mayor for the relevant period.

2.2 ELECTION OF THE DEPUTY MAYOR

The Mayor shall preside over the election of the Deputy Mayor.

2.3 PROCEDURE

- (1) The election of the Deputy Mayor shall be by a show of hands.
- (2) The Councillor who receives the majority of votes cast must be declared elected.
- (3) For the purpose of sub-clause (2), the following will apply:
 - (a) nominations must be moved and seconded;
 - (b) a Councillor may decline his or her nomination as a candidate;
 - (c) where only one nomination is received, that Councillor must be declared elected; or
 - (d) where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected. Where there is an equal number of votes, the successful candidate shall be determined by lot conducted by the Mayor in the presence of the meeting. In drawing the lot, the candidate whose name is first drawn is deemed to be the elected candidate.
 - (e) where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected. If no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate shall be declared elected;
 - (f) If for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated shall be determined by simple majority vote. If there is an equality of votes with respect to the candidate to be eliminated, the candidate to be eliminated shall then be determined by lot conducted by the Mayor in the presence of the meeting.

PART 3

PROCEDURE AT COUNCIL MEETINGS

3.1 PURPOSE

To regulate the conduct of all meetings of Council and its Committees, as required by section 91(1) of the Act.

3.2 SCOPE

This Local Law applies to all meetings of Council and also to the meetings of Committees established by Council.

3.3 NOTICE

In accordance with section 89(4) of the Act, Council must, at least 7 days before the holding of:

- (a) an Ordinary Council Meeting; or
 - (b) a Special Council Meeting (other than a Special Meeting called in accordance with section 84(1)); or
 - (c) a meeting of a Special Committee comprised solely of Councillors
- give public notice of the meeting, including the time date and location of the meeting.

3.4 QUORUM

A Quorum is established when a majority of the Councillors/Members are present at an Ordinary, Special Council or Special Committee Meeting.

3.5 AGENDA

The Chief Executive Officer must deliver to each Councillor a copy of the Agenda for an Ordinary or Special Meeting of Council, not less than 48 hours before the meeting is to be held.

3.6 CHAIRPERSON DUTIES AND RESPONSIBILITIES

- (1) To formally declare the meeting open, after ascertaining that a quorum is present, and to welcome guest speakers and other visitors.
- (2) To preside over and control the meeting, and to conduct it impartially and according to the rules to ensure the smooth passage of business.
- (3) To sign minutes of meetings as correct when they have been confirmed.
- (4) To present any reports for which he or she is responsible.
- (5) To ensure that debates are conducted in the correct manner.
- (6) To declare the results of all votes.
- (7) To give rulings on Points of Order and other questions of procedure.
- (8) To preserve order, and if necessary, "name" offending members.
- (9) To adjourn (when so resolved) or formally declare the meeting closed when all business has been concluded.

3.7 ORDER AND CONTENT OF BUSINESS

The order and content of business will be determined by the Mayor or Special Committee Chairperson, in consultation with the Chief Executive Officer, in order to facilitate and maintain open, efficient and effective processes of government.

The Order of Business may include –

- * Acknowledgement of Traditional Owners
- * Apologies
- * Requests for leave of absence
- * Confirmation of Minutes
- * Declaration of Direct or Indirect Interests
- * Public Question Time
- * Petitions
- * Reports
- * Special Committee Reports (if any)
- * Notices of Motion
- * Urgent Business
- * Common Seal Register
- * Schedule of matters determined under Delegation
- * Assembly of Councillors
- * General Business
- * Confidential Business

3.8 LEAVE OF ABSENCE

Any Councillor seeking leave of absence from Council duties must do so in writing addressed to the Chief Executive Officer. Applications for leave shall be listed for consideration at the next ordinary meeting of Council.

3.9 RECORD OF PROCEEDINGS

The Chief Executive Officer or an Officer authorised by the Chief Executive Officer shall record in the minutes of each Council meeting:

- (1) the place, date and time of each meeting;
- (2) the names of all Councillors present at each meeting;
- (3) the names of all Councillors for whom apologies were received, or for whom leave of absence was granted;
- (4) arrivals and departures, including temporary departures, of Councillors during the course of the meeting;
- (5) all declarations of direct and indirect interests by Councillors, Members of Special Committees or Officers in Agenda items;
- (6) each motion and amendment moved, including motions and amendments withdrawn by consent of the Council, or which lapse for want of a seconder;
- (7) each motion put to the vote;
- (8) the vote cast by each Councillor on each Division called; and
- (9) the failure of a quorum.

No video or audio recording of Council meetings shall be permitted without specific approval by resolution of the meeting.

3.10 CONFIRMATION OF MINUTES

- (1) The Council will resolve to confirm the minutes of an Ordinary or Special Meeting at the next appropriate meeting.
- (2) The Council must not discuss the contents of the minutes, except as to their accuracy as a record of proceedings.
- (3) The Chairperson must sign the minutes when they have been confirmed.
- (4) Council will endeavour to provide the minutes of its Council Meetings on the Geelong Australia website by 5pm on the Friday following each Meeting.

3.11 DECLARATION OF DIRECT AND INDIRECT INTERESTS

If a Councillor has a direct or indirect interest in relation to an Agenda item, the interest must be declared, preferably at the commencement of the meeting, but certainly before the item is considered. The Councillor must leave the room until the matter is concluded.

3.12 PUBLIC QUESTION TIME

Members of the public may ask questions during Ordinary Meetings of the Council in accordance with the following procedure:

- (1) There will be a limit of 3 minutes applying to each person addressing questions to the meeting.
- (2) The time allocated for Question Time will be determined by the Chair.
- (3) In order to be included within the Minutes of the Ordinary Meeting of Council, a question must be submitted in writing.
- (4) Where a question cannot be answered at the meeting, a written copy may be tabled, together with the name and address of the questioner, so that a written response may be provided.
- (5) A question may be disallowed if the Chair determines that it:
 - (a) relates to a matter outside the duties, functions and powers of Council;
 - (b) is defamatory, disrespectful, indecent, abusive, offensive, vexatious, frivolous, irrelevant, trivial or objectionable in language;
 - (c) is aimed to embarrass a Councillor or a member of Council staff;
 - (d) relates to personnel matters;
 - (e) relates to industrial matters; or
 - (f) relates to any other matter which Council considers would prejudice Council or any person.
- (6) The Chairperson may decide to:
 - (a) personally answer the question;
 - (b) refer the question to the appropriate Councillor;
 - (c) refer the question to the appropriate Council Officer; or
 - (d) reserve the right to take the question on notice and provide a response within 14 days.

3.13 PETITIONS

- (1) A petition or a joint letter:
 - (a) shall not be in pencil;
 - (b) may be in any other legible and permanent written form;
 - (c) shall not be defamatory, indecent, abusive or objectionable in language or substance; and

- (d) shall, for the purpose of a response, contain the name and address of the person or organisation co-ordinating the petition, and shall not relate to a matter outside Council's powers and functions.
- (2) (a) Every page of a petition or joint letter shall contain the whole of the petition or request.
- (b) Any signature appearing on a page which does not contain the whole of the petition or request shall not be considered by the Council.
- (c) Every page of a petition or joint letter shall be a single piece of paper and shall not be pasted, stapled, pinned or otherwise affixed to any other piece of paper.
- (3) The purpose of any petition shall be recorded in the minutes and shall be the subject of a written response.
- (4) The Council may resolve:
 - (a) that a written report be prepared on the contents of the petition or joint letter for presentation to a meeting of Council or appropriate Special Committee, or that the petition be referred to the Chief Executive Officer for action and response; and
 - (b) that the petition be referred for consideration in conjunction with an item on the Agenda.

3.14 MOVING OF MOTIONS OR AMENDMENTS

- (1) Motions and amendments must be:
 - (a) within the powers and functions of the Council;
 - (b) related to an item of business on the Agenda or before the meeting; and
 - (c) clear and unambiguous and not defamatory or objectionable in content or nature.
- (2) The Chairperson must refuse to accept a motion or amendment which conflicts with Clause 3.14 (1).
- (3) An amendment must not amount to a direct contradiction of the motion.
- (4) The Chairperson may require motions and amendments to be in writing.
- (5) Council may consider similar agenda items en bloc, so long as the motion to hear the items en bloc is firstly moved, seconded and approved by a majority vote.

3.15 PROCEDURE FOR DEALING WITH MOTIONS OR AMENDMENTS

- (1) The mover must state the subject and nature of the motion or amendment.
- (2) The Chairperson must call for a seconder.
- (3) If there is no seconder for a motion or amendment, the Chairperson must declare the motion or amendment to have lapsed.
- (4) The Chairperson must call upon the mover of a motion to speak to the motion after it has been seconded.
- (5) The Chairperson must call upon the seconder of a motion to speak to the motion after the mover has spoken. The seconder of a motion may reserve their right.
- (6) The Chairperson must call upon any other Councillor who may wish to speak to the motion, after the mover and seconder of the motion have spoken to the motion.
- (7) The Chairperson may put the motion to the vote, or may call upon any other Councillor to speak if no Councillor has indicated an intention to speak to the motion.
- (8) Any Councillor, except the mover or seconder of the motion, may move or second an amendment to the motion.
- (9) A Councillor may speak once on a motion and once on an amendment to a motion, except for the mover of a motion who has the right to speak in reply.
- (10) The mover of an amendment has no right to speak in reply.
- (11) The Chairperson may permit a Councillor to make a personal explanation or to claim that he or she has been misrepresented or misunderstood.
- (12) Any Councillor may call for a Point of Order (3.20) during a debate, whether or not he or she has spoken to the motion. A Councillor who calls a Point of Order retains the right to speak to the motion.
- (13) The consent of Council must be obtained to withdraw a motion or amendment.
- (14) The Council must not consider a second or subsequent amendment until it has dealt with any previous amendment.
- (15) The Chairperson must put the motion to the vote immediately after the mover of the motion has spoken in reply.
- (16) A Councillor must not move a motion to initiate a subject for discussion, except via Notice of Motion, or unless the Council consents to the introduction and consideration of the subject matter as Urgent Business.

3.16 DEBATE

- (1) Councillors may remain seated to address the Chairperson, to move or second a motion or amendment, or to take part in a debate.
- (2) The Councillor acknowledged by the Chairperson is to speak and must not be interrupted unless:
 - (a) he or she is called to order; or
 - (b) his or her speaking time has expired; or
 - (c) a Point of Order is raised; or
 - (d) a formal motion is moved.
- (3) Councillors must address each other by their official titles during debate and throughout the meeting.

3.17 TIME LIMITS

A Councillor may speak for no longer than the time specified below, unless the Council grants an extension:

The mover of a motion	5 minutes
Any other speaker	3 minutes
The mover of a motion exercising the right of reply	2 minutes

3.18 VOTING

- (1) Councillors must vote by show of hands when the Chairperson puts a motion to the vote. The Chairperson must declare the result of the vote.
- (2) All Councillors present in the meeting room when a vote is taken must vote once only.
- (3) Subject to the Act, the Chairperson must use a casting (second) vote if there is an equality of votes recorded on any motion, except when electing a Deputy Mayor (refer 2.3)
- (4) The Chief Executive Officer must record in the Minutes of the meeting the name of any Councillor who requests that his or her vote be recorded against the motion or amendment.

3.19 DIVISIONS

- (1) A Councillor may call for a Division on any motion after the Chairperson has declared the result.
- (2) The Chairperson must first call upon Councillors to vote in favour of the motion and then call upon Councillors to vote against the motion when a Councillor has requested a Division.
- (3) Councillors must vote by show of hands and the Chairperson must declare the result of the Division.
- (4) The Chief Executive Officer must record in the minutes of the meeting the names of the Councillors who voted in favour of the motion and the names of the Councillors who voted against the motion, and the result of the Division.

3.20 POINTS OF ORDER

- (1) A Point of Order is taken when a Councillor officially draws the attention of the Chairperson to an alleged irregularity in the meeting proceedings.
- (2) The Chairperson must decide on all Points of Order.
- (3) A Councillor may make a Point of Order on the grounds that a matter is:
 - (a) contrary to this Local Law;
 - (b) defamatory;
 - (c) irrelevant;
 - (d) outside the Council's functions or power; or
 - (e) improper.

3.21 FORMAL MOTIONS

- (1) Unless otherwise prohibited, a formal motion may be moved at any time, and upon being seconded, must be dealt with immediately by the Chairperson, ie. put to the vote.
- (2) The mover of a formal motion must not have moved or seconded the question before the Chair, or any amendment of it.
- (3) A formal motion cannot be moved by the Chairperson.
- (4) Debate on a formal motion is not permitted and the mover does not have a right of reply.
- (5) Other than in relation to the time, date and place of a proposed adjournment, a formal motion cannot be amended.

3.22 REPETITIOUS MOTIONS

Once a meeting has rejected a motion, with or without amendment, further motions to the same effect, even if in a different form, would be out of order at the same meeting. Similarly, a motion substantially covering the ground of an amendment already dealt with by the meeting is not permissible. However, the matter could be legitimately raised again at a subsequent meeting.

3.23 RECISSION OR ALTERATION OF PREVIOUS RESOLUTIONS

- (1) Any Councillor who wishes to rescind a previous resolution of Council must do so by Notice of Motion, and must provide a copy to the Chief Executive Officer in sufficient time to allow him or her to provide the Notice to the Councillors within 48 hours of the next meeting of Council.
- (2) A resolution of the Council can only be rescinded if it has not been acted upon.
- (3) A resolution will be deemed to have been acted upon if:
 - (a) its contents have, or substance has been, formally communicated to a person whose interests are materially affected by it; or
 - (b) a statutory process has been commenced so as to vest enforceable rights in, or obligations on, Council or any other person.

3.24 ADJOURNMENT

- (1) A majority of the Councillors present, or the Chief Executive Officer if no Councillors are present, must adjourn a Meeting if there is an insufficient number of Councillors present to form a quorum within thirty (30) minutes after the time for which the meeting was called.
- (2) If during a Meeting a number of Councillors leave the meeting room and a quorum cannot be maintained for the remainder of the meeting, or if any Councillor or other person impedes the conduct of the meeting, the Chairperson may adjourn the meeting.
- (3) The Council may, by resolution, adjourn a Meeting to a later time the same day, or for a period not exceeding seven (7) days.
- (4) When a motion to adjourn a Meeting is before the Council, the Chairperson must not allow discussion on the motion to adjourn. If Council fails to pass the motion to adjourn, the Chairperson must resume the meeting at the item of business under consideration.
- (5) The Chief Executive Officer must deliver written notice of an adjourned meeting to all Councillors, except when the meeting is adjourned to a later time on the same day, in which case any form of notice will be given to all Councillors.

3.25 NOTICES OF MOTION

Councillors must give notice of their intention to move a motion at the next meeting, in writing to the Chief Executive Officer, by 10.00am on the Friday prior to the Ordinary Meeting of Council. This will allow the Chief Executive Officer time to deliver the Notices to all Councillors at least 48 hours prior to the meeting for which the Notice was given.

3.26 URGENT BUSINESS

The Council may consent to the introduction and consideration of a matter as Urgent Business on a motion carried by two-thirds of members present, rounded up.

Members Present	Votes Required
13	9
12	8
11	8
10	7
9	6
8	6
7 Quorum	5

3.27 GENERAL BUSINESS

- (1) Councillors may raise items of General Business without notice to other Councillors relating to an issue. Other than to receive information, or to seek further information, or a report, no resolution to act on an item of General Business may be accepted.
- (2) Committees may present information reports without notice to other members. Such reports shall be dealt with in accordance with (1) above.

3.28 DISAGREEMENT WITH CHAIRPERSON'S RULING

- (1) A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a Point of Order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the Agenda and proceed with it in due course.
- (3) Only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. No seconder is required. The mover of the motion does not have a right of reply.
- (4) The Chairperson is not required to vacate the chair.

3.29 DISCIPLINE AND SUSPENSIONS

- (1) The Chairperson must ensure that a quorum of the Councillors remain present throughout the meeting, and must maintain order and ensure that the business of the meeting is transacted in a proper manner.

- (2) If any Councillor behaves offensively towards any other Councillor or Officer, the offending Councillor will be required by the Chairman to withdraw the expression and make a satisfactory apology to the meeting.
- (3) No Councillor may use defamatory, indecent, abusive or offensive words in reference to any other Councillor or Officer.
- (4) The Chairperson may require a Councillor to withdraw any remark which is defamatory, indecent, abusive or offensive in language or substance.
- (5) A Councillor who is required to withdraw a remark must do so immediately, without qualification or explanation.
- (6) Any Councillor using defamatory, indecent, abusive or offensive language, and having been twice called to order, or to apologise for such conduct and refusing so to do, will be guilty of an offence.
- (7) No Councillor may make any noise or disturbance while any Councillor or Officer is speaking, and if they do so, the Chairperson must call upon the Councillor by name and the Councillor shall immediately cease such disturbance.
- (8) If such noise or disturbance is continued and the Chairperson calls upon the Councillor by name a second time, such Councillor will be guilty of an offence.
- (9) The Chairperson may suspend from a meeting, for the balance of the meeting, any Councillor whose actions have disrupted the business of the Council and impeded its orderly conduct.

3.30 REMOVAL FROM THE MEETING ROOM

The Chairperson, an Authorised Officer, or the Council in the case of a suspension, may have any person removed from the meeting room for reasons of disorderly conduct.

PART 4

USE OF THE COMMON SEAL

4.1 PURPOSE

The purpose of this Part is to regulate the use of the Common Seal and to prohibit the use of the Common Seal or any device resembling the Common Seal, as required by Section 5 of the Act.

4.2 USE OF THE COMMON SEAL

The Council's common seal may only be used on the authority of the Council given either generally or specifically.

4.3 SIGNATURE TO ACCOMPANY SEAL

Every document to which the seal is affixed must be signed by the Chief Executive Officer or a delegated officer.

4.4 UNAUTHORISED USE OF THE COMMON SEAL

Any person who uses the Council's common seal without authority or who uses a replica of the Council's common seal is guilty of an offence.

Penalty: Five (5) penalty units.

4.5 SECURITY OF THE COMMON SEAL

The Chief Executive Officer must ensure the security of the Common Seal at all times.

PART 5

OFFENCES

5.1 OFFENCES

(1) It is an offence in relation to the conduct of meetings for:

- (a) a Councillor to refuse to withdraw an expression, considered by the Chairperson to be offensive and to refuse to apologise after having been requested by the Chairperson to do so.

Penalty: Five (5) penalty units.

- (b) any person not being a Councillor, who is behaving in a disorderly or improper manner, to refuse to leave the meeting room when requested to do so.

Penalty: Five (5) penalty units

- (c) any person to fail to obey a direction of the Chairperson in relation to the conduct of the meeting and the maintenance of order.

Penalty: Five (5) penalty units

- (d) a Councillor to refuse to leave the chamber upon suspension.

Penalty: Five (5) penalty units.

- (e) a Councillor knowingly disregards or refuses to comply with a Council resolution.

Penalty: Five (5) penalty units

PART 6

SPECIAL COMMITTEES

6.1 APPLICATION TO SPECIAL COMMITTEES

- (1) All Special Committee meetings must comply with this Local Law, subject to modifications and adaptations which the Special Committee deems to be necessary for the orderly conduct of meetings.
- (2) Notwithstanding clause (1) above, Parts 2 and 4 of this Local Law shall not apply to Special Committees.

This Local Law was made by resolution of the Greater Geelong City Council on 24 September 2013.

THE COMMON SEAL of **GREATER GEELONG**)
CITY COUNCIL was affixed hereto in)
the presence of:)

Mayor

Chief Executive

Council resolved to give notice of its intention to make this Local Law at its meeting held on 9 July 2013 and this was duly advertised in the Victoria Government Gazette on 18 July 2013 and the Geelong Advertiser on 20 July 2013.

Council resolved to adopt this Local Law at its meeting held on 24 September 2013 and this was duly advertised in the Victoria Government Gazette on 26 September 2013 and the Geelong Advertiser on 28 September 2013.

Clause 3:

It is preferable that questions be submitted in writing but provision should be made for those who, for whatever reason, find it difficult or even impossible to put their questions in writing. As it stands this clause disadvantages people in our community who may already be severely disadvantaged.

Officer Response:

Council Officers will continue to assist people in completing this process if required.

Clause 4:

As long as it can be inferred that a written response will be an answer if at all possible (a reasonable inference, we believe) this clause is fair to all concerned and contributes to good government in that it is efficient and democratic – as long as it is faithfully implemented.

Officer Response:

Noted

Clause 5:

There is considerable potential for misuse by Council with this clause – gagging citizens asking legitimate questions. It is unnecessary anyway and should be omitted.

Officer Response:

It is considered that the Chair should have the power to disallow questions or discussion which fall within the category referred to in this clause.

Clause 6:

This clause is open to misuse by Council. It also has some incompatibility with Clause 4 and it is this clause, not Clause 4, that should go. Clause 4 is completely adequate without this clause.

Written responses should be forwarded within a reasonable time. Stipulating 14 days is unnecessary and open to misuse by Council.

Officer Response:

The Chair is in control of the meeting, and there will be times where staff and Councillor(s) with the approval of the Chair will exercise one of these options.

Further general comments:

We believe no case has been made (at least to which the public has had access) for substantive change to the Public Question Time section of the Local Law.

The appropriate comparison to be made as far as Public Question Time is concerned is not CoGG with other Councils but CoGG 2009 with CoGG 2013.

There is a lack of respect towards citizens in the Public Question Time section as proposed.

There is a considerable imbalance in the requirements of citizens compared with Council.

In our experience, the impartiality of the Chair cannot be assumed.

We are entitled to be suspicious about the proposed changes to Public Question Time, given our experience at Council Meetings during the periods of office of the last three Mayors.

Based on our experience, we do not believe the source of the changes to the Local Law in so far as Public Question Time is concerned is a disinterested party.

Officer Response:

It is considered that the proposed changes are fair and reasonable for the conduct or orderly Council Meetings.

We can have no confidence in officer advice in relation to our submission or the Public Question Time section of the Local Law more generally so long as at least the following remain without proper address and resolution, by in the first place the Chief Executive Officer and ultimately the Council (the body of Councillors) who are responsible for his conduct:

- *The improper conduct of Council officers, originating with the Department of City Development but then extending to other departments, in relation to the Ropeworks planning process in so far as First Street, Geelong West is concerned;*
- *The intimidation of us by the Chief Executive Officer in his letter to us dated 8th January 2010.*

We believe the changes overall to Public Question Time are a step backward for democracy in Greater Geelong."

Recommendation

That the recommendation on the Agenda for the Meeting of Council on Tuesday 24 September 2013 be as follows:

- 1) The submissions be received and Mr and Mrs Wallace be advised that the Panel intends to recommend that Council resolve to adopt Council Meeting Procedures Local Law 2013 without change.**
- 2) Having considered all submissions lodged, together with the Minutes of the Submissions Review Panel (Appendix 1), Council Meeting Procedures Local Law 2013 (Appendix 2) be adopted and sealed.**

Carried

Meeting Closed at 5:15pm

4. FLYING THE ABORIGINAL FLAG AT GEELONG CITY HALL

Portfolio:	Aboriginal Affairs – Cr E Kontelj
Source	Community Services – Community Development
General Manager:	Jenny McMahon
Index Reference	Aboriginal

Purpose

The purpose of this report is to seek approval from Council to fly the Aboriginal flag on a permanent basis from the rooftop of Geelong City Hall. The flag will be flown together with the existing Australian National Flag.

Summary

- The Aboriginal flag, flown from Geelong City Hall alongside the Australian National flag, will be a permanent reminder of the City's commitment to the Aboriginal community.
- Flying the flag permanently from City Hall will serve as a symbol of the significant contribution Aboriginal people continue to make to this region, and make a visible statement acknowledging the traditional owners in and around Geelong. Furthermore, this measure will be a strong sign to the Aboriginal community that Council and the community recognise the Aboriginal people as an important part of the municipality, state and nation.
- The flying of flags is strictly governed by the Australian Government protocol and the Flags Act 1953. The protocol explains the flying and displaying of flags within Australia. The proposal to fly the Aboriginal flag at City Hall as described in this report accords with the protocol.
- By flying the Aboriginal flag, Council shows leadership to the local community and progresses Council's role in the reconciliation journey.
- The proposal will see three flagpoles on the rooftop (the existing one, and two additional poles), thereby providing the opportunity to fly both the Australian National and Aboriginal flags, and one other flag of Council's choosing.
- Structural support and ancillary works are required to be undertaken to enable the additional flag poles to be mounted.
- A key action identified by the draft Karreenga Aboriginal Action Plan under the heading of Cultural Recognition and Respect was '*Develop a policy for flying the Aboriginal flag. Support the flying of Aboriginal flags on Council buildings*'.

Cr E Kontelj moved, Cr Richards seconded -

That Council:

- 1) agrees to fly the Aboriginal flag from the rooftop of Geelong City Hall on a permanent basis according to national flag flying protocols**
- 2) undertake the structural changes and ancillary works to enable two flags (Australian and Aboriginal), and up to one other flag (three in total) to fly from the rooftop of City Hall**
- 3) continue to fly the Aboriginal flag at other local sites for significant events, such as Naidoc Week and Reconciliation Week.**

Carried Unanimously.

4. FLYING THE ABORIGINAL FLAG AT GEELONG CITY HALL (CONT'D)

Background

The Aboriginal flag, flown from Geelong City Hall alongside the Australian National flag, will be a permanent reminder of the City's commitment to the Aboriginal community. It will also serve as a symbol of the significant contribution Aboriginal people continue to make to this region, and make a visible statement acknowledging the traditional owners in and around Geelong. Additionally, it will send a clear message to the Aboriginal community that Council and the community recognise the Aboriginal people as an important part of the municipality, state and nation.

The Aboriginal flag was formally proclaimed as an official Australian flag by the Governor-General in 1995.

Currently, the Australian National flag is flown from the roof top of City Hall fronting Gheringhap Street on a permanent basis. This practice has occurred since at least the 1920s.

The Australian National flag and Aboriginal flag have been flown on a permanent basis on the Geelong waterfront since 30 November 2001.

Discussion

This report seeks Council's approval to fly the Aboriginal flag, from the rooftop of Geelong City Hall on a permanent basis.

Flying the Aboriginal flag will be a permanent reminder of the City's commitment to the Aboriginal community and a symbol of the significant contribution Aboriginal people continue to make to this region. It also makes a visible statement acknowledging the traditional owners in and around Geelong.

As part of Council's commitment to recognising the Aboriginal community, flying the Aboriginal flag means recognition and respect for all Aboriginal people, and shows leadership to our local community.

During Reconciliation Week (May/June) and NAIDOC Week (July) the Aboriginal flag is flown in the Johnstone Park forecourt at City Hall, and also from the Geelong West Town Hall in Pakington Street.

The flags are flown strictly in accordance with the Australian Government Protocols and the Flags Act 1953. In July 1995 the Aboriginal flag was proclaimed a 'Flag of Australia' under the Flags Act 1953. National Flags flown on a permanent basis must be illuminated.

Council values its relationships with a broad range of individuals and organisations from the Aboriginal Community. As such, the opinion of Wathaurong Co-operative regarding the proposal contained in this report was sought and the proposal is supported.

4. FLYING THE ABORIGINAL FLAG AT GEELONG CITY HALL (CONT'D)

Guidelines/protocols for flying flags other than the Australian National Flag

It is recommended that Council establish guidelines/protocol for flying flags other than the Australian National flag. Council currently has civic flag raising events including Reconciliation and NAIDOC Weeks, East Timor Independence Day and International Day Against Homophobia (IDAHO).

It is recommended that three flag poles be erected, which would be used to fly the Australian National flag, the Aboriginal flag and provide an opportunity to fly one other flag of ceremonial or civic importance. This could also include the State or Council flag. From an aesthetic viewpoint, having three poles rather than two will provide better symmetry.

Over time, as flags become worn and need to be replaced, the worn Aboriginal flag would be passed on to the Aboriginal community for ceremonial use.

The proposed addition of two flag poles to the roof of City Hall required an engineering assessment to be conducted. The assessment was recently undertaken and has confirmed that the additional flags can be flown safely, subject to specified works been undertaken. Flag poles are unable to be added to the rooftop without additional structural upgrades.

Environmental Implications

Not applicable.

Financial Implications

The costs associated with this project will be borne through the draft Karreenga Aboriginal Action Plan.

Costs will include purchasing new flags and flagpoles; making structural changes to support the parapet; additional upgrades to support the proposed flag poles and additional lighting.

The total projected cost associated with the rooftop option is approximately \$40,000.

There would be some ongoing costs relating to the replacement of worn flags.

There is currently \$59,000 allocated to actions of the Karreenga Action Plan for 2013/2014. The completion of this project will leave approximately \$19,000 for implementation of remaining actions.

Policy/Legal/Statutory Implications

The flags must be flown strictly in accordance with the Australian Government Protocols and the Flags Act 1953.

The Aboriginal flag was proclaimed an official flag under Section (5) of the Flags Act (1953) by the Governor-General on 14 July 1995. This recognises the flag of the Aboriginal peoples of Australia as a flag of significance to the Australian nation generally, and to be known as the Australian Aboriginal Flag.

4. FLYING THE ABORIGINAL FLAG AT GEELONG CITY HALL (CONT'D)

Alignment to City Plan

The draft Karreenga Aboriginal Action Plan is aligned to City Plan as part of Annual City Plan Actions 2013-2014. Under the strategic direction of Community Wellbeing Council has a key partnership with Wathaurong Aboriginal Co-operative.

Officer Direct or Indirect Interest

No officer has a direct or indirect interest in this report.

Risk Assessment

An engineering assessment has been undertaken, and it has been confirmed that the additional flag can be flown safely, subject to specified works been undertaken. Flag poles are unable to be added to the rooftop without additional structural upgrades.

Social Considerations

Flying the Aboriginal flag symbolises Council and its community's recognition of shared history. It sends a positive message to the Aboriginal people that this Council and its community recognise them as an important part of this municipality, state and nation. Furthermore, it aims to highlight to the Aboriginal and wider community that the City of Greater Geelong provides opportunities, equal access to services, facilities and spaces for all community members as outlined in the draft Aboriginal Action Plan.

Human Rights Charter

The guiding principles of flying the flag articulate the core values and philosophy that guide the work of Council in all areas. It captures the need to explicitly consider issues relating to diversity, equity and community participation and empowerment. The UN declaration on the rights of indigenous people recognises that indigenous peoples are equal to all other peoples, while also recognising the right of all peoples to be different, to consider themselves different, and to be respected as such. Reaffirming also that, indigenous peoples in the exercise of their rights should be free from discrimination of any kind, the Aboriginal flag was proclaimed as an official flag.

Consultation and Communication

The flying of flags is administered by the Governance and Marketing Unit, which was consulted in the preparation of this report. Council has also consulted Wathaurong Aboriginal Co-operative, which is supportive of the proposal to fly the Aboriginal flag as described in this report.

The Community Development Department is responsible for all communications relating to this report.

5. VARIATION TO COUNCIL MEETING TIMES

Portfolio:	Governance – Cr Harwood (Acting Mayor)
Source:	Corporate Services – Administration & Governance
General Manager:	Jeff Wall
Index Reference:	Council Governance

Purpose

The purpose of this report is to address a varied Council Meeting timetable over the Christmas & New Year period.

Summary

- Council has previously determined that its meetings are to be held on the second and fourth Tuesday of each month.
- This report addresses variances due to public holidays over the Christmas holiday period.

Cr Nelson moved, Cr Richards seconded -

That:

- 1) for the months of December 2013 and January 2014 the Council Meeting timetable be varied as follows:**
 - a) The final Ordinary Council Meeting in 2013 be held on Tuesday 10 December;**
 - b) Ordinary Council Meetings scheduled for Tuesday 24 December 2013 and 14 January 2014 not proceed;**
 - c) The first Councillor Briefing in 2014 be held on 21 January followed by an Ordinary Council Meeting on Tuesday 28 January;**
- 2) if deemed necessary, the Chief Executive Officer, in consultation with the Mayor, be authorised to call a Special Meeting of Council during this period.**

Carried.

Background

Under the current meeting cycle, Council Meetings are scheduled to be held on 10 and 24 December 2013, and on 14 and 28 January 2014, with Councillor Briefings scheduled on the alternate Tuesdays.

Discussion

During and prior to the current term of Council, the Meeting schedule has been varied during December and January to recognise the Christmas/New Year holiday period.

The second Meeting in December 2013 falls on Christmas Eve. Due to the demands placed on Council business at this time of year, it is proposed that the final Council Meeting be held on 10 December 2013 to enable the Minutes and relevant decisions to be implemented prior to Christmas.

5. VARIATION TO COUNCIL MEETING TIMES (CONT'D)

In accordance with the current Meeting schedule, the first Meetings in 2014 fall on 14 and 28 January. Past experience indicates that January is the quietest month in terms of general Council activities. It is therefore proposed that the first Meeting in the New Year be held on Tuesday 28 January 2014.

Over the past eight years, a similar schedule has been approved and the need to call a Special Meeting has not arisen.

Environmental Implications

There are no environmental implications associated with this report.

Financial Implications

There are no financial implications associated with this report.

Policy/Legal/Statutory Implications

The Local Government Act 1989 allows Council to determine Council Meeting dates, as appropriate. Council has authorised the Chief Executive Officer (in consultation with the Mayor) to vary meetings around public holidays.

Alignment to City Plan

In accordance with our strategic objective 'How We Do Business', we have provided a transparent process for the review and variation of Council's Meeting schedule during the Christmas and New Year period.

Officer Direct or Indirect Interest

No officer involved in the preparation of this report has an interest in relation to the information provided.

Risk Assessment

Variations to suit needs can be implemented by the Chief Executive Officer in consultation with the Mayor of the day.

Social Considerations

There are no social considerations likely to arise from this report.

Human Rights Charter

We have taken into consideration all Human Rights as part of the drafting process of this report, none of which apply.

Consultation and Communication

The variation in the Meeting schedule will be advertised through *City News* and on Council's website. The media will also be informed of the variation.

6. AUDIT ADVISORY COMMITTEE TERMS OF REFERENCE

Portfolio:	Governance- Cr Harwood (Acting Mayor)
Source	Corporate Internal Auditor and Ombudsman
General Manager:	Stephen Griffin
Index Reference	Audit-CG-Internal

Purpose

To approve amendments to the Audit Advisory Committee Terms of Reference and Internal Audit Charter documents.

Summary

- The Audit Advisory Committee (AAC) Terms of Reference and Internal Audit Charter documents have expired on 24 March 2013. A review therefore is required of these documents to ensure that it meets and addresses the requirements of the AAC.
- There have been some minor updates and spelling amendments to the documents, however the main change has been to include reference to the requirement for AAC members to lodge primary and ordinary returns. These details are reflected at clause 4.8 within the document, and require members of the Audit Advisory Committee to complete a primary return within 30 days of becoming a member. This inclusion has been due to recent amendments to the Local Government Act 1989 effective 1 July 2013.
- The amended documents have been endorsed by the Executive Management Team, and noted by the Audit Advisory Committee.
- Amendments to the AAC Terms of Reference document together with the Internal Audit Charter require Council approval.

Cr Farrell moved, Cr S Kontelj seconded -

That Council approve the amendments made to the Audit Advisory Committee Terms of Reference and Internal Audit Charter documents.

Carried.

Background

The Audit Advisory Committee is an independent Advisory Committee of Council. The primary objective of the Audit Advisory Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

Discussion

An Audit Advisory Committee is a sub-committee of Council and as such it assists members of Council to discharge Council's responsibilities in the areas of finance, governance, risk management, internal controls and compliance.

1. AUDIT ADVISORY COMMITTEE TERMS OF REFERENCE (CONT'D)

The Audit Advisory Committee (AAC) Terms of Reference and Internal Audit Charter documents have expired. A review therefore is required of these documents to ensure that it meets and addresses the requirements of the AAC.

Recent amendments to the Local Government Act 1989 require members of the Audit Advisory Committee to complete primary and ordinary returns. A new member is required to complete a primary return within 30 (thirty) days of being elected to the committee. Amendments to the terms of reference document to reflect this change have been made at clause 4.8.

Environmental Implications

There are no environmental implications in this report.

Financial Implications

There are no additional financial implications in this report.

Policy/Legal/Statutory Implications

Amendments made to the AAC Terms of Reference document comply with the requirements of the Local Government Act 1989.

Alignment to City Plan

The document addresses aspects of how we do business and the requirement to comply with the Local Government Act 1989.

Officer Direct or Indirect Interest

No officer has a direct or indirect interest in this report.

Risk Assessment

Audit Advisory members are to be cognisant of the requirement to complete primary and secondary returns upon being elected to the committee. This will ensure a breach of the Local Government Act 1989 is avoided.

A review of the AAC Terms of Reference and Internal Audit Charter documents will be undertaken every three years or when the need arises.

Social Considerations

N/A

Human Rights Charter

N/A

Consultation and Communication

The updated documents will be made available on the Cityweb.

COMMITTEE TERMS OF REFERENCE

Audit Advisory Committee	Document No:	CTR550.1
	Approval Date:	
	Approved By:	CEO
	Review Date:	
Responsible Officer: Manager, Corporate Internal Auditor and Ombudsman	Version No:	06
Authorising Officer:	Chief Executive Officer	

1. SUMMARY

An Audit Advisory Committee is a sub-committee of Council and as such it assists members of Council to discharge Council's responsibilities in the areas of finance, governance, risk management, internal controls and compliance.

Members of Council and auditors, both external and internal, therefore, have a vested interest in the effectiveness of its Audit Advisory Committee, as it can help them to meet their legal and professional responsibilities.

The role of a properly constituted Audit Advisory Committee is strengthened if all relevant participants have a clear understanding of the committee's objectives. Disclosure of the existence and role of the committee in Council's financial reports will also enhance the credibility of those reports.

2. OBJECTIVES

2.1. Audit Advisory Committee Charter

The Audit Advisory Committee is an independent Advisory Committee of Council. The primary objective of the Audit Advisory Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

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

As part of Council's governance obligations to its community, Council has constituted the Audit Advisory Committee to:

- Enhance the credibility and objectivity of internal and external financial reporting;
- Assist the Council in its management of financial and other risks and the protection of Council assets;
- Ensure compliance with laws and regulations as well as use of best practice guidelines;
- Provide an effective internal audit function;

- Provide an effective means of communication between the external auditor, internal audit, management and the Council.

3. DEFINITIONS

4. TERMS OF REFERENCE

4.1. Establishment of the Audit Advisory Committee

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

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

4.2. Membership

- 4.2.1. The Audit Advisory Committee will comprise up to six members, being, three Councillors and three external independent persons. All members shall have full voting rights.
- 4.2.2. External independent persons will have senior business or financial management/reporting knowledge and experience, and be conversant with financial and other reporting requirements. The Mayor and Chief Executive Officer will source potential members, by public advertisement and will take into account the experience of the candidate and their likely ability to apply appropriate analytical and strategic management skills. Recommendation(s) for appointment and termination will be put to Council for approval.
- 4.2.3. The terms of the appointment will be for a minimum of three years and should be arranged to ensure an orderly rotation and continuity of membership despite changes to Council's elected representatives.
- 4.2.4. If the Council proposes to remove a member of the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard at a Council meeting that is open to the public, if that member so requests.
- 4.2.5. Remuneration will be paid to each independent member on an annual fee basis. The CEO and Mayor will determine variation to external member fees.
- 4.2.6. Only one of the external independent members can be appointed as Chairperson of the Committee. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.
- 4.2.7. A quorum shall be three members.

- 4.2.8. The Chief Executive Officer and internal auditor should attend all meetings, except when the Committee chooses to meet in camera. Other members of Council may attend meetings as an observer only. Council staff may be invited to attend at the discretion of the CEO or Committee to advise and provide information when required.
- 4.2.9. Representatives of the external auditor should be invited to attend at the discretion of the Committee but **must** attend meetings considering the draft annual financial report and results of the external audit.
- 4.2.10. The CEO will provide secretarial and administrative support to the Committee.

4.3. Meetings

- 4.3.1. The Committee shall meet at least quarterly.
- 4.3.2. A schedule of meetings will be developed and agreed to by the members. As an indicative guide, meetings would be arranged to coincide with relevant Council reporting deadlines, for example in June to coincide with the approval of corporate plans, annual plans and budgets and in August to coincide with the finalisation of the financial statements and the draft annual report to the Minister. Additional meetings shall be convened at the discretion of the Chairperson or at the written request of any member of the Committee, internal or external auditor.

4.4. Reporting

- 4.4.1. The Audit Advisory Committee shall after every meeting forward an Audit Summary Report explaining any specific recommendations and key outcomes to the next ordinary meeting of the Council.

4.5. Duties and Responsibilities

The following are the duties and responsibilities of the Audit Advisory Committee in pursuing its Charter:

- 4.5.1. To review the scope of the internal audit plan and the effectiveness of the function. This review should consider whether, over a period of years, the internal audit plan systematically addresses:
- Internal controls over significant areas of risk, including non-financial management control systems;
 - Internal controls over revenue, expenditure, assets and liability processes;
 - The efficiency, effectiveness and economy of significant Council programs; and
 - Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements.

- 4.5.2. Review the appropriateness of special internal audit assignments undertaken by internal audit at the request of Council or Chief Executive Officer.
- 4.5.3. Review the level of resources allocated to internal audit process and the scope of its authority.
- 4.5.4. Facilitate liaison between the internal and external auditor to promote compatibility, to the extent appropriate, between their audit programs.
- 4.5.5. Review, critically analyse and follow up any internal or external audit report that raises significant issues relating to risk management, internal control, financial reporting and other accountability or governance issues, and any other matters relevant under the Committee's terms of reference. Review management's response to, and actions taken as a result of, the issues raised.
- 4.5.6. Monitor the risk exposure of Council by determining if management has appropriate risk management processes and adequate management information systems in place.
- 4.5.7. Determining whether ethical standards, related party transactions and the systems of control are adequate.
- 4.5.8. Review Council's draft annual financial report, focusing on:
 - Accounting policies and practices;
 - Changes to accounting policies and practices;
 - The process used in making significant accounting estimates;
 - Significant adjustments to the financial report (if any) arising from the audit process;
 - Compliance with accounting standards and other reporting requirements;
 - Significant variances from prior years.
- 4.5.9. Recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation prior to the signing of the financial report.
- 4.5.10. Discuss with the external auditor the scope of the audit and the planning of the audit.
- 4.5.11. Discuss with the external auditor issues arising from the audit, including any management letter issued by the auditor and the resolution of such matters.
- 4.5.12. Review the annual performance statement and recommend its adoption by Council.
- 4.5.13. Review issues in relation to financial reporting by Council business units and comparative performance indicators.

- 4.5.14. Identify and refer specific projects or investigations deemed necessary to the Chief Executive Officer, the internal auditor and the Council if appropriate. Oversee any subsequent investigation, including investigations of any suspected cases of fraud within the organisation.
- 4.5.15. Monitor the progress of any major lawsuits facing the Council.
- 4.5.16. Address issues brought to the attention of the Committee, including responding to requests from Council for advice that is within the parameters of the Committee's terms of reference.
- 4.5.17. Report to Council after each meeting, in the form of minutes and Audit Advisory Summary Report.
- 4.5.18. Seek information or obtain expert advice on matters of concern within the scope of its responsibilities, on approval from the Chief Executive Officer and authorisation from the Council.

4.6 Conflict of Interest

- 4.6.1 Committee Members shall abide by Council's Code of Conduct – Councillors and Special Committee members Policy. Committee members are responsible for determining if they have a direct or indirect interest in accordance with the Local Government Act. If a Committee member determines that they have a Conflict of Interest in any matter which is to be considered at a meeting of the Audit Advisory Committee then that person must:
 - 4.6.1.1 If he or she intends to be present at the meeting, disclose the nature of the interest immediately before the consideration or discussion ; or
 - 4.6.1.2 If he or she does not intend to be present at the meeting, disclose the nature of the interest to the Chief Executive Officer or Chairperson of the Audit Advisory Committee at any time before the meeting is held.
 - 4.6.1.3 While any vote or discussion is taken on the subject matter the Member must:
 - 4.6.1.3.1 Leave the room and notify the Chairperson that he or she is doing so; and
 - 4.6.1.3.2 Remain outside the room and any gallery or other area in view or hearing of the room.
 - 4.6.1.4 The Chairperson of the Audit Advisory Committee must record the declaration and the nature of the interest in the minutes of the meeting.

4.7 Confidentiality of Information

- 4.7.1 In accordance with section 77 of the Local Government Act 1989 “ a person who is or has been a Councillor or a member of a special committee must not release information that the person knows, or shall reasonably know is confidential.

4.8 Audit Committee members to lodge primary and ordinary returns

- 4.8.1 Members of audit committees will now be required to submit a primary return within 30 days of becoming a member. Members are then required to lodge an ordinary return twice each year. This is in accordance with amendments made to the Local Government Act 1989 as at 01 July 2013.
- 4.8.2 A Council may exempt a member of an audit committee who is not a Councillor from being required to submit a primary or ordinary return (section 81 (2A) of the Act).

5. QUALITY RECORDS

Quality Records shall be retained for at least the period shown below.

Record	Retention/Disposal Responsibility	Retention Period	Location

6. ATTACHMENTS

- [Internal Audit Charter – FRM550.1](#)_T

CHARTER

Internal Audit Charter	Document No:	FRM550.1
	Approval Date:	
	Approved By:	CEO
	Review Date:	
Responsible Officer: Manager, Corporate Internal Auditor and Ombudsman	Version No:	06
Authorising Officer: Chief Executive Officer		

1. FUNCTION

1.1. Role

The internal audit function is established to assist the Chief Executive Officer, the Councillors and other Managers to ensure all activities within the Council of Greater Geelong are carried out effectively and efficiently.

Accordingly, the internal audit programs must be sufficiently comprehensive to regularly review all facets of the Council's operations having regard to the functions and responsibility of the municipality.

The Internal Auditor is to provide the Chief Executive Officer with effective control mechanisms at reasonable cost by supplying:

- 1.1.1. Assurances as to the reliability of accounting and financial management information, protection of assets and resources.
- 1.1.2. Assurances as to compliance with relevant legislation, policies and procedures.
- 1.1.3. Independent and confidential advice on remedial action to improve the organisation's effectiveness, efficiency and economy.
- 1.1.4. Progress reports to Chief Executive Officer on remedial action taken by staff members and managers.

1.2. Independence

The internal audit function shall have independence status within the Council, and for that purpose the Internal Auditor shall:

- 1.2.1. Have direct and unrestricted access to the Audit Advisory Committee to discuss matters arising from time to time.
- 1.2.2. Have no executive or managerial powers, authority, function or duties except those relating to the internal audit function.
- 1.2.3. Not be involved in the day to day operations of the financial systems and associated control mechanisms.
- 1.2.4. Not be responsible for the detailed development of new systems, but shall be consulted on these matters and provide assurances to management that the completed systems will contribute to the

achievement of the corporate objectives and that they include meaningful performance measures.

1.3. Authority

Internal audit staff shall at all reasonable times be subject to security arrangements and observance of all expected courtesies, have unrestricted access to property, accounts, information, documents and records of the organisation.

In support of this:

- 1.3.1. Every officer and employee of Council shall provide the Internal Auditor with such information advice or explanation and assistance necessary for audit purposes.
- 1.3.2. The Internal Auditor shall have no direct responsibility or direct authority over any activities that are reviewed.
- 1.3.3. An internal audit review or appraisal shall in no way relieve other officers and employees in the Council of the responsibilities assigned to them.

1.4. Planning & Implementation

The Internal Audit Manager will develop and implement a comprehensive risk based three year strategic and annual audit plan which is to be approved by the Chief Executive Officer and which is to be reviewed and endorsed by the Audit Advisory Committee and which may incorporate the following key functions:

- 1.4.1. Reviewing, analysing and reporting on the efficiency and effectiveness of internal control systems and procedures and recommending changes.
- 1.4.2. Reviewing Council's activities and making assessments and recommendations in relation to risk management.
- 1.4.3. Monitoring, evaluating and reporting on compliance and probity issues surrounding the management of tendering arrangements, including contract compliance, the annual performance statement, comparative performance indicators, the national competition policy compliance statement, financial reporting by business units of Council and competitively neutral pricing guidelines.
- 1.4.4. Reviewing, assessing and reporting recommended changes to the Council's policies, practices and systems in respect to requirements for the highest standards of ethical behaviour and the impact on Council's financial statements and performance.
- 1.4.5. Providing strategic advice, conducting and completing corporate governance and compliance audits to assess performance against the Council's corporate, financial and strategic plans.
- 1.4.6. Conducting investigations of any special cases of fraud within the organisation and monitoring the progress of any major law suits facing the Council.

- 1.4.7. Reviewing policies, procedures and controls having appropriate regard of information technology systems employed.
- 1.4.8. Develop and implement a detailed annual Internal Audit Plan, which is to be approved by the Chief Executive Officer and endorsed by the Audit Advisory Committee.
- 1.4.9. Provide advice to the Chief Executive Officer and management as requested, including the development of policies and procedures.
- 1.4.10. Undertake special assignments as requested by the Chief Executive Officer.
- 1.4.11. Liaise with the external auditor and co-ordinate audit coverage.
- 1.4.12. Report to the Chief Executive Officer and Audit Advisory Committee.

2. REPORTING STANDARDS

2.1. Preparation

All internal audit reports shall:

- 2.1.1. Be clear, concise and complete
- 2.1.2. Clearly explain the scope and objectives of the audit.
- 2.1.3. Present findings and conclusions in an objective manner relevant to the specific users needs.
- 2.1.4. Use only factual information, findings and conclusions that are adequately supported by properly documented evidence.
- 2.1.5. Include, as applicable, the Internal Auditor's suggestions for the type of action to be taken and information on the underlying causes of the problems.
- 2.1.6. Place emphasis on improvement rather than criticism of the past recognising any difficulties faced by the Council staff.
- 2.1.7. Identify and explain issues or questions needing further study and consideration by the Internal Auditor or others.
- 2.1.8. Include recognition of management initiated improvements.
- 2.1.9. Include recognition of the views of responsible Managers, whether they are in agreement or in a contrary position, and state any significant information that has been omitted because it is privileged or confidential. The grounds for omission should be also given.

2.2. Distribution

- 2.2.1. Audit reports are issued to the relevant Manager concerned with a request for a written response to the issues raised. Management responses will be monitored through Council's performance management system, CorVu.

2.2.2. An Internal Audit Summary Report of issues raised and responses will be tabled at each Audit Advisory Committee meeting and Council meeting for information and further actions as deemed necessary.

2.2.3. Outstanding issues will be carried forward to the next report until cleared.

3. GENERAL AUDIT STANDARDS

Standards of internal auditing shall be consistent with the statement of auditing standards (AUS1) issued by CPA Australia. .

4. RELATIONSHIPS

The Internal Auditor will liaise with professional organisations, other municipalities and bodies regarding development in internal audit practices for both manual and automated major systems.

5. QUALITY ASSURANCE

In order to ensure that the quality of internal audit work is consistently of a high standard the Internal Auditor shall:

5.1.1. Develop a comprehensive reporting arrangement

5.1.2. Maintain a regular review of audit plans, reports and working papers.

5.1.3. Maintain effective communication links with the External Auditor as appropriate.

6. MEETINGS

6.1. Audit Advisory Committee

Meetings between the Audit Advisory Committee and Internal Auditor shall be no less than four times per year to discuss the Audit reports.

6.2. Minutes

Minutes shall be kept by the Internal Auditor, distributed to Committee members and made available for review by the External Auditors.

7. DELEGATION TO THE CHIEF EXECUTIVE OFFICER – CHILDREN'S SERVICES TENDERS

Portfolio:	Community Development - Cr Fisher
Source	Recreation, Projects and Central Geelong / Capital Projects
General Manager:	Dean Frost
Index Reference	Project: C12827 Barwon Heads Early Learning Centre / Consultation Project: C12828 Grovedale Children's & Community Centre / Consultation Project: C13803 Leopold Community Hub / Consultation Project: C13802 Windsor Park Children & Family Centre / Consultation

Purpose

The purpose of this report is to seek Council consent to delegate to the Chief Executive Officer the power to accept or reject tenders for each of the Barwon Heads Early Learning Centre, Grovedale Children's & Community Centre, Leopold Community Hub and Windsor Park Children & Family Centre projects; provided tenders fall within adopted budgets.

Summary

- The design process for the Barwon Heads Early Learning Centre, Grovedale Children's & Community Centre, Leopold Community Hub, and Windsor Park Children & Family Centre are nearing completion and Council will soon be inviting tenders for the construction of these facilities.
- The Capital Projects and Procurement Services departments are exploring prudent and expeditious mechanisms to complete the tender processes for each of these projects.
- Each of these projects are running to very tight and ambitious deadlines and the necessity to award tenders close to the Christmas and New Year period poses a potential risk to project timelines due to the reduced Council meeting cycle during that period.

Cr Richards moved, Cr Irvine seconded -

That Council delegate to the Chief Executive Officer its powers and functions to accept or reject a tender and sign the contract documents for the construction and associated works for each of the following projects provided they are within budget:

- 1) C12827 Barwon Heads Early Learning Centre;**
- 2) C12828 Grovedale Children's & Community Centre;**
- 3) C13803 Leopold Community Hub;**
- 4) C13802 Windsor Park Children & Family Centre.**

Carried.

7. DELEGATION TO THE CHIEF EXECUTIVE OFFICER – CHILDREN'S SERVICES TENDERS (CONT'D)

Background

Since receiving funding for each of the major Children's Centre development projects Council has moved through the project development phases and is now finalising the design of each facility.

As the design for each facility is being finalised Council will enter the procurement phase for these projects.

Each of these projects are being tendered through the State Government Construction Suppliers Register (CSR). The CSR allows local government to enter into contracts for the purchase of building and construction services.

The rules for utilising the panel state that we must seek tenders from a minimum of five (5) pre-qualified contractors registered with on CSR panel. Two of which are to be locally based companies and one of which hasn't been invited to tender in the last six (6) months.

This process provides council with the shortest possible tendering timeframe, and if they can be awarded under delegation will allow Council the best opportunity to deliver these projects on time.

Discussion

The Capital Projects and Contracts and Purchasing departments are exploring prudent and expeditious mechanisms to achieve opening deadlines for each of these facilities, noting that the construction contract for each project will be beyond officer delegations.

The current project timelines will see the full documentation and contract specifications for each of these projects finalised between September and November 2013, and ready for awarding between November 2013 and January 2014.

The timing for the appointment of a contractor means that it would be beneficial if the Chief Executive Officer can enter into the contracts under delegation. This is because the Council reporting process generally takes between 4 and 6 weeks to complete.

Further, for those projects which are not ready for a tender award until late December or early January there is limited opportunity to report back to Council on the outcome of the tender process due to the Christmas/New Year holiday period.

If awarding of these contracts are delayed it could have a major impact on project delivery, as it could limit the ability for some of these projects to commence once the tender evaluation process is complete.

Environmental Implications

Each of these buildings is being designed to Council's 5 Star equivalency requirements.

As the Grovedale Children's and Community Centre Project involves an expansion of an existing centre, the new components are being developed to a 5 Star equivalency and the existing components are being improved to a Section J compliance or better.

7. DELEGATION TO THE CHIEF EXECUTIVE OFFICER – CHILDREN'S SERVICES TENDERS (CONT'D)

Financial Implications

These projects are funded through a variety of State Government Grants and Council budgetary allocations in both the current and future financial years.

Each of the grant commitments are dependent on Council meeting progress milestones and opening dates. Therefore our ability to move through the tender stage under delegation will help us meet funding conditions.

Policy/Legal/Statutory Implications

Against the above timeframes and expected milestones there may be inadequate time for Council to formally determine the outcome of the tenders in its normal capacity. This report provides the policy and legal mechanisms necessary for the CEO to award or reject tenders.

Alignment to City Plan

Each of these projects is contained within Council's budget and they support the strategic directions in our Community Wellbeing, Growing Our Economy, and Sustainable Built & Natural Environment areas.

Officer Direct or Indirect Interest

No council officers involved in this project or report have declared a direct or indirect interest in this matter.

Risk Assessment

There will be a risk to Council's reputation and grant funding commitments if these projects cannot be completed in time for the 2015 pre-school year.

Social Considerations

Council's commitment to the construction of the four integrated centres is in response to analysis of population statistics and growth within our municipality.

If Council is unable to complete these projects in a timely manner there is likely to be disruption to early childhood services.

Human Rights Charter

It is not evident or likely that this report would negatively impact any of the rights contained in the Charter of Human Rights.

Consultation and Communication

There are no communication issues or requirements with acceptance of the proposed recommendation.

8. BAILEY STREET, GROVEDALE - FOOTPATH, ROAD AND KERB & CHANNEL CONSTRUCTION - SRC 318 & 313 - FINALISATION OF SCHEMES

Portfolio:	Infrastructure - Cr Ellis
Source	City Services - Engineering Services
General Manager:	Gary Van Driel
Index Reference	Bailey Street, Grovedale, Special Rates and Charges,

Purpose

The purpose of this report is to finalise the Bailey Street footpath and kerb and channel Special Charge Schemes, Grovedale at Properties 207-211 and 212 Bailey Street in Scheme A and properties 134 Bailey Street and 182-188 Torquay Road in Scheme B as shown at Appendix 8-1 – Plan.

Summary

- The two Special Charge Schemes were declared by Council at its meetings of 31 January (Scheme B) and 22 May 2012 (Scheme A).
- The schemes affect 4 properties as described above and the cost estimate was \$56,840 for Scheme A and \$42,038 for Scheme B. The works have now been completed and the schemes can be finalised by Council.
- The reconstruction of the school crossing abutting the property at 182-188 Torquay Road included considerable construction and traffic management expenses. This was funded separately by Council.
- The schemes have been administered in accordance with the Special Rates and Charges provisions of the Local Government Act 1989, along with Council's Special Rates and Charges Policy.
- This report seeks a resolution by Council to confirm the Special Charge Scheme for the footpath and kerb and channel construction in Bailey Street, Grovedale in accordance with the Special Charge Scheme process.

Cr Nelson moved, Cr Richards seconded -

That Council having declared a special charge on 31 January and 22 May 2012 for the purposes of defraying the expenses in relation to the construction of footpaths and kerb and channel in Bailey Street, Grovedale, at the two locations as shown at Appendix 8-1 in accordance with Section 163 of the Local Government Act 1989 (the Act) resolves that:

the special charges as declared be confirmed on the project as required by Section 166 of the Act as shown in Schedule A – Appendix 8-2;

- 1) the General Manager of Corporate Services is authorised to levy and recover the special charges by sending notices to the persons who are liable to pay in accordance with Section 166 of the Act and the Regulations;**

8. BAILEY STREET, GROVEDALE - FOOTPATH, ROAD AND KERB & CHANNEL CONSTRUCTION - SRC 318 & 313 - FINALISATION OF SCHEMES (CONT'D)

- 2) in accordance with Section 172, the rate of interest which is payable on the special charges which have not been paid by the specified date is set at Council's overdraft rate, reviewed every three months (provided that it shall not exceed the rate fixed by the Governor in Council by Order for the purposes of Section 172 2A in which case the rate of interest shall be the maximum rate fixed by the Governor in Council by Order for the purposes of the Section). The interest is to be calculated from the date the special charge is due, with a six months interest free period, providing those persons who choose to pay by instalments adhere to their repayment plan.

Carried.

Background

A considerable amount of development has taken place in Bailey Street, Grovedale in recent years and progressively, developers have provided the necessary road pavement, kerb & channel and footpaths to service the subdivisions.

This scheme provides for infill infrastructure in Bailey Street. The footpath provides an important pedestrian link for the nearby school which generates a considerable amount of pedestrian activity. As indicated, these projects were administered as two schemes:

- Scheme A – 207-211 & 212 Bailey Street
- Scheme B – 134 Bailey Street and 182 – 188 Torquay Road.

Scheme A was objected to from both property owners and an adjustment was made to the apportionment of charges in order for the scheme to proceed under the Act. In summary, the contribution by the property owners was reduced to two thirds of the total scheme cost.

The footpath and kerb and channel works for the two schemes have been completed and costs have been accounted for. The schemes can now be finalised by Council.

Additional work has resulted in additional Council funding towards the projects.

Discussion

Scheme A incurred additional scheme costs due to actual cost of footpath works and the setup, traffic management and nature strip reinstatement works associated with this. Council costs included the replacement of existing road pavement works and additional footpath works identified as necessary during the construction phase. The kerb and channel work for scheme A came in under budget.

Scheme B incurred additional scheme costs due to actual costs for road pavement works associated with the kerb and channel works. Additional scheme costs were also incurred for the footpath works. Scheme B incurred Council costs due to additional works for footpath and road pavement that was identified at the construction phase. An additional expense to Council was in the reconstruction of the school crossing, which including significant additional traffic management costs. This was also directly funded by Council and was not included in the original cost estimate.

An underestimation of the scope of work required to complete the projects is a reason for the scheme cost increases. A summary of scheme and project costs is shown below.

8. BAILEY STREET, GROVEDALE - FOOTPATH, ROAD AND KERB & CHANNEL CONSTRUCTION - SRC 318 & 313 - FINALISATION OF SCHEMES (CONT'D)

Scheme A

Scheme Items	Estimated Cost	Final Cost
Footpath	\$16,768	\$22,700
Kerb and Channel and Road Pavement	\$23,251	\$18,233.70
Additional works by Council		
Replacement of Existing Pavement	\$16,821	\$25,118.20
Additional footpath works	N/A	\$5,436.34
TOTAL	\$56,840	\$71,488.24

Scheme B

Scheme Items	Estimated Cost	Final Cost
Footpath	\$8,912	\$11,200
Kerb and Channel and Road Pavement	\$33,126	\$36,800
Additional works by Council		
Reconstruction of School Crossing	N/A	\$35,947.50
Additional footpath and road pavement works	N/A	\$21,015.50
TOTAL	\$42,038	\$104,963

Based on the actual increase in scheme costs associated with these two schemes, Council may by legislation increase the contribution to property owners by up to (but no more than) 10%. This will result in a small recovery of funds of up to \$2,109 for Scheme A and \$3,758 for Scheme B. It is therefore considered reasonable for Council to absorb these additional scheme costs rather than impose them on the small number of property owners.

The preceding property owner at 212 Bailey Street has previously lodged a Bank Guarantee with Council to the value of \$6,943 as part of a subdivision process as described in the declaration report of 22 May 2012. The Bank Guarantee may be used to offset the charge applicable to this property which is \$11,912.71 - \$6,943 = \$4,969.71

8. BAILEY STREET, GROVEDALE - FOOTPATH, ROAD AND KERB & CHANNEL CONSTRUCTION - SRC 318 & 313 - FINALISATION OF SCHEMES (CONT'D)

Environmental Implications

There are no environmental implications in regards to energy consumption, emissions, water use, storm water quality, waste generation or natural habitats in Councils decision to finalise the scheme.

Financial Implications

The financial details of the project are detailed as follows:

Scheme A

Scheme Items	Estimated Cost	Final Cost
Council half share of footpath	\$ 8,384.00	\$11,350
Owners share of footpath	\$ 5,589.33	\$5,589.33
Owners share of kerb and channel and road pavement	\$15,500.67	\$15,500.67
Additional works by Council		
Replacement of existing pavement	\$16,821.00	\$25,118.20
Additional funding by Council (see declaration report 22 May 2012)	\$10,545.00	\$10,545.00
Additional footpath and road pavement works		\$3,385.04
	\$56,840.00	\$71,488.24

Scheme B

Scheme Items	Estimated Cost	Final Cost
Council half share of footpath	\$4,456	\$5,600.00
Owners half share of footpath	\$4,456	\$4,456.00
Cost to owners for kerb & channel and road pavement	\$33,126	\$33,126.00
Additional works by Council		
School Crossing reconstruction	N/A	\$35,947.50
Additional footpath and road pavement works	N/A	\$25,833.5
Total	\$42,038	\$104,963.00

8. BAILEY STREET, GROVEDALE - FOOTPATH, ROAD AND KERB & CHANNEL CONSTRUCTION - SRC 318 & 313 - FINALISATION OF SCHEMES (CONT'D)

Policy/Legal/Statutory Implications

The Special Charge Scheme has been administered in accordance with the Special Charge Scheme provisions of the Local Government Act 1989 as well as Council's Special Rates and Charges policy.

Alignment to City Plan

This report aligns with the City Plan as follows:

Community Wellbeing:

- Healthy Lifestyles – Facilitating and promoting physical activity
- Healthy Environments – Cycling and walking paths

Sustainably Built and Natural Environment

- Support our Community to live – Encourage increased use of alternatives to car transport

Officer Direct or Indirect Interest

No Council Officer involved with this process has any direct or indirect interest in the properties.

Risk Assessment

Provision of a footpath has provided safer walking conditions for pedestrians by minimising the risk of personal injuries through trip hazards and conflict with vehicles. The additional kerb and channel has provided a safer and standard road profile for vehicular traffic. There are no identified risks for Council in finalising the scheme.

Social Considerations

The provision of footpaths is aligned to Council's City Plan as described above and provides improved connectivity and safety for pedestrians.

Human Rights Charter

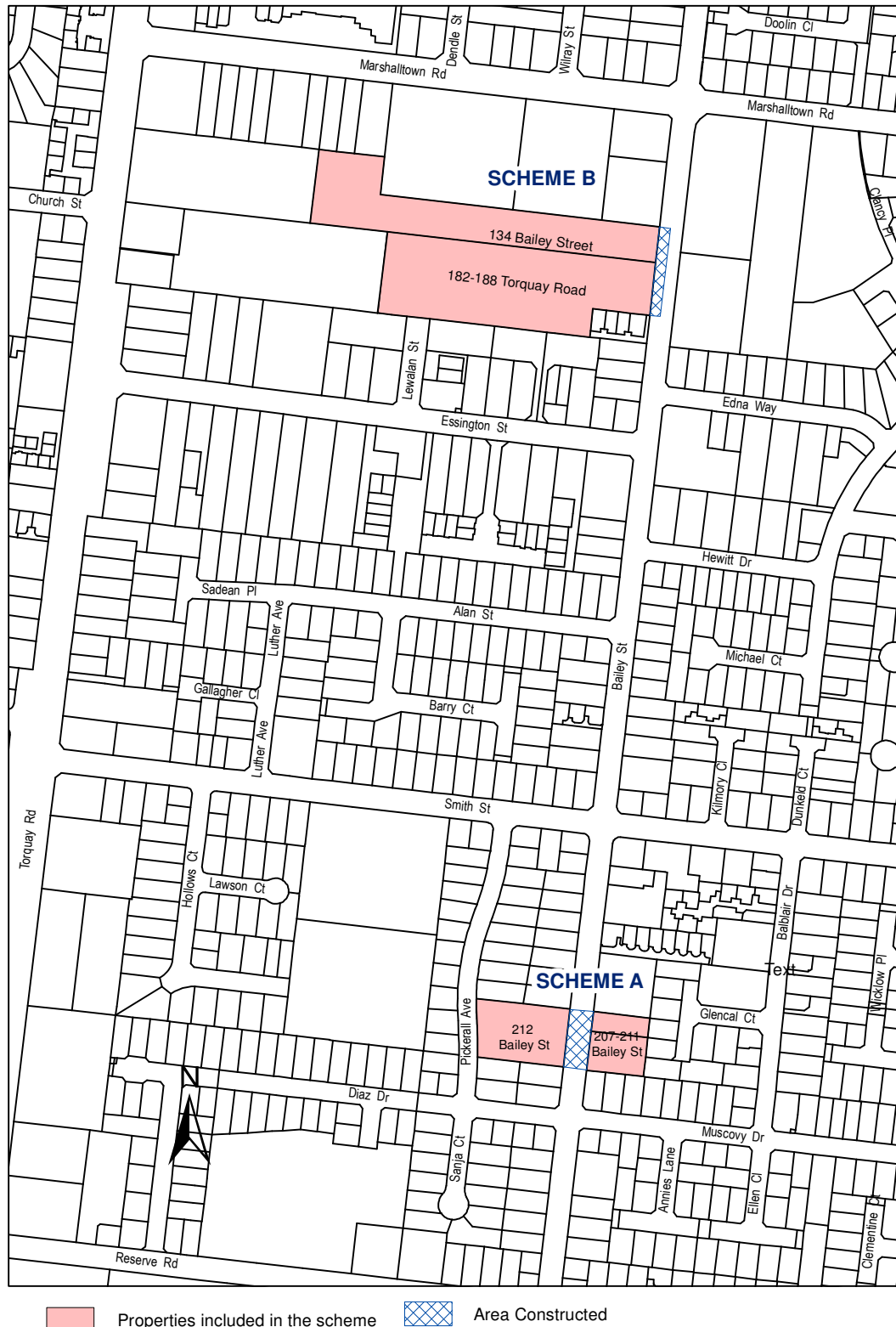
In developing this report to Council, the subject matter has been considered to determine if it raises any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in this report. It is considered that the subject matter does not raise any human rights issues.

Consultation and Communication

Communication with property owners has taken place during the course of the project and formal Special Charge Scheme process. Owners will be further advised of Council's decision and the final costs.

Appendix 8-1

PLAN



Appendix 8-2

SCHEDULE 'A' – SCHEME A

PROPOSED SPECIAL CHARGE SCHEME FOR FOOTPATH, KERB & CHANNEL AND PAVEMENT - BAILEY ST, GROVEDALE

PROPERTY DESCRIPTION	COST TO OWNER	PROPERTY REFERENCE	ADDRESS
Pt CA 27 Sec 2 Ppsd Lots 1-3 & Stage 2 PS623391	\$ 9,177.29	220308	207-211 Bailey Street, Grovedale, VIC 3216
Lot 1 PS 426404	\$11,912.71	310327	212 Bailey Street, Grovedale, VIC 3216

SCHEDULE 'A' – SCHEME B

PROPOSED SPECIAL CHARGE SCHEME FOR FOOTPATH, KERB & CHANNEL AND PAVEMENT - BAILEY ST, GROVEDALE

PROPERTY DESCRIPTION	COST TO OWNER	PROPERTY REFERENCE	ADDRESS
Lot 2 PS 417819	\$17,198	220390	134 Bailey Street, Grovedale VIC 3216
Lot 1 TP 885482B	\$20,384	299624	182-188 Torquay Road, Grovedale VIC 3216

9. AUDIT ADVISORY COMMITTEE SUMMARY REPORT

Portfolio:	Governance – Cr Harwood (Acting Mayor)
Source:	Corporate Internal Auditor and Ombudsman
General Manager:	Stephen Griffin
Index Reference:	Audit CG - Internal

Cr Farrell moved, Cr E Kontelj seconded -

That in accordance with Section 89 (2) (h) of the Local Government Act 1989, this report be considered at the conclusion of all other business at which time the meeting be closed to members of the public.

Carried.

NOTICE OF MOTION – Cr J Irvine

BOUNDARY ROAD / FELLMONGERS ROAD / TOWNSEND ROAD / ST ALBANS ROAD, INTERSECTION MODIFICATIONS

The recent upgrade of Breakwater Road with the construction of the bridge over the railway line and river has opened up opportunities for commercial vehicles to access east Geelong and the Bellarine Peninsula via Fellmongers Road and Boundary Road. The recently completed Geelong Central Links Study also identifies this route as a priority route for freight to the east.

Recent observations show that there is significant congestion occurring during both AM and PM peaks and at school times at the roundabout located at the intersection of Boundary and Fellmongers Roads. Most of the vehicle queues are forming in Fellmongers Road and Townsend Road approaches.

Boundary Road (northern leg) and Fellmongers Road are managed by VicRoads. The other three legs; Boundary Road (southern leg), St Albans Road and Townsend Road are managed by the City of Greater Geelong. Each road has a category which defines its function.

Road Categories

Fellmongers Rd	(Secondary Arterial –VicRoads)
Boundary Rd	(Northern Leg) (Secondary Arterial –VicRoads)
St. Albans Rd	(Cat 4 – Main Distributor – Urban) - City of Greater Geelong.
Townsend Rd	(Cat 4 – Main Distributor – Urban) - City of Greater Geelong.
Boundary Rd Greater	(Southern Leg) (Cat 3 – Main Distributor – Urban) - City of Geelong.

The City of Greater Geelong has conducted a preliminary study to identify the issues and possible solutions to traffic management at this intersection. A preliminary Sidra analysis of the intersection determined that a detailed assessment is required to identify the true causes of congestion and to identify possible solutions.

Sidra is a software package that applies the inputs of traffic volumes, capacity of the road and the road cross sections to determine the optimum capacity of a roundabout or intersection.

VicRoads have carried out a high level analysis and have stated that a detailed analysis is required confirming councils position, including survey and detail design. Traffic modelling would also need to be undertaken to prove benefits in reducing the congestion.

VicRoads have advised that there are no low cost options to reduce the congestion at this intersection. It is anticipated that this intersection would need to be upgraded with a two-lane roundabout or duplicated intersection with traffic signals within the next 5 years at an estimated cost of between \$5 and \$10 million.

Cr Irvine moved, Cr Richards seconded -

That Council write to the Minister for Transport and the local members of Parliament seeking funds for upgrade of this intersection as a matter of priority.

Carried.

NOTICE OF MOTION – Cr Irvine

REALLOCATION OF CAPITAL FUNDS – AUSTIN WARD

As part of the 13/14 budget, Council allocated \$30,000 to the Aquatic play activities for Splashdown (C14862).

The funds were to install a stand alone aquatic play activity in the current Splashdown toddler's pool area. It was planned to develop this area over the next 5 years by adding to the activities each year.

An opportunity has presented itself to design a full aquatic adventure activity similar to the Leisurelink and Bellarine centres. This option was not thought possible due to space restrictions of the area but new developments with aquatic activity design have now made this possible. A plan for a large multi function aquatic activity to fit into the Splashdown toddler's pool area is now being developed. It is planned to take a more holistic approach and seek future funding for a complete aquatic play installation.

There is a need at Splashdown to develop long term planning for the gymnasium and office areas. This planning could be conducted from the funds made available from the allocated aquatic play activities project

To still achieve benefits at the Splashdown centre it is appropriate that Council consider reallocating \$30,000 project funds for the Aquatic play activities for Splashdown to the Master planning project of the gymnasium and office areas.

It is proposed that the excess funds are re-allocated to the following project:

- **Splashdown Centre – Masterplan for Gymnasium and Office Areas**
This project involves the redesign of the current gymnasium and dry program areas to cater for current and future demand, and the redesign of the reception and administration areas to provide better service and staff working environment.

Cr Irvine moved, Cr Richards seconded –

That Council support the following reallocations:

WARD	PROJECT DESCRIPTION	BUDGET	BUDGET ID
AUSTIN	Aquatic play activities for Splashdown	-\$30,000	C14862
AUSTIN	Splashdown Centre – Masterplan for Gymnasium and Office Areas	\$30,000	D64115

Carried.

NOTICE OF MOTION – Cr S Kontelj

REALLOCATION OF CAPITAL FUNDS – KILDARE WARD

Council allocated \$150,000 in the 2013/14 budget for St Peters Cricket Club – Social Rooms Refurbishment (C14853).

Due to the reconfiguration of netball courts at Herne Hill Reserve (budgeted in 2013/14), the relocation of turf cricket nets has become a necessity as they share a common area with the proposed extension of the netball courts. The relocation of the turf cricket nets will be funded through the budget allocated to the netball courts construction.

The synthetic cricket nets at the reserve are also due for redevelopment given the condition of the existing facilities. The St Peters Cricket Club has now prioritised the redevelopment of the synthetic cricket nets ahead of refurbishment of the social rooms.

Therefore, it is proposed that the funds are re-allocated to the following project:

- **St Peters Cricket Club – Cricket Nets and Social Rooms Refurbishment**

This project will involve the construction of synthetic cricket nets (run in conjunction with the relocation of turf cricket nets). Remaining funds (if available) will be allocated to a minor refurbishment of the cricket club social rooms.

Cr S Kontelj moved, Cr E Kontelj seconded -

That Council support the following reallocations:

Ward	Project description	Budget	Budget ID
Kildare	St Peters Cricket Club – Social Rooms Refurbishment	-\$150,000	C14853
Kildare	St Peters Cricket Club – Cricket Nets and Social Rooms Refurbishment	\$150,000	C14853

Carried.

ASSEMBLY OF COUNCILLORS RECORD

Portfolio: Governance – Cr Harwood (Acting Mayor)
Source: Corporate Services
General Manager: Jeff Wall

Summary

- Section 80A (2) of the Local Government Act 1989 requires the record of an Assembly of Councillors be reported to the next practicable Ordinary Meeting of Council.
- A record of Assembly of Councillors meeting(s) is attached as an Appendix to this report.

Cr Richards moved, Cr Ansett seconded -

That the information be received.

Carried.

RECORD OF ASSEMBLIES OF COUNCILLORS
(Council Meeting 24 September 2013)

Assembly Details	Councillor Attendees	Officer Attendees	Matters Discussed	Conflict of Interest Disclosures
Councillor Briefing 17 September 2013	Crs Ansett, Ellis, Farrell, Harwood, Heagney, Irvine, E Kontelj, S Kontelj, Nelson, Richards	S Griffin (CEO) J Wall (GM) D Frost (GM) J McMahon (GM) P Bettess (GM) G Van Driel (GM) R Bourke (CO ORD)	• Presentation – Tract Consulting • Presentation – Maddocks (Confidential) • C265 Flood Overlays in Portarlinton East, Corio, Newcomb and Whittington – Consideration of Panel Report and Adoption • Flying the Aboriginal Flag at City Hall • Delegation to the Chief Executive Officer – Children's Services Tenders • Victorian Waste and Resource Recovery Policy – Minister's Advisory Committee Review • Council Meeting Procedures Local law 2013 • Council Policy Review • Audit Advisory Committee – Terms of Reference • Bailey Street, Grovedale – Footpath, Road and Kerb and Channel Construction SRC318 & 313 – Finalisation of Scheme • Variation to Council Meeting Timetable	Crs Heagney and Ansett declared an Indirect Interest in relation to C265 Flood Overlays in Portarlinton East, Corio, Newcomb and Whittington – Consideration of Panel Report and Adoption, and left the meeting room prior to discussion of the item.

Cr Ansett moved, Cr Irvine seconded –

That the meeting be closed to the public.

Carried.

The Meeting was closed to the public at 8.23pm

A record of the proceedings of this section of the meeting is contained in a Confidential Minute Book.

The Meeting was opened to the public at 8.29pm

CLOSE OF MEETING

As there was no further business the meeting closed at 8.29pm. Tuesday, 24 September 2013.

Signed: _____
Chairperson

Date of Confirmation: _____