



**Macedon
Ranges**
Shire Council

Special Council Meeting Agenda

**Wednesday 1 May at 7.00pm
Gisborne Administration Centre**

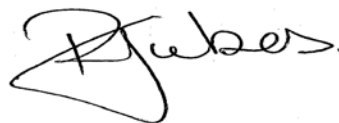
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The recording of Council Meetings, either visually or by sound, or the taking of photographs in Council Meetings is not permitted without first obtaining the consent of Council or the Chairperson.



SPECIAL MEETING COUNCIL SUMMONS

I, Councillor Roger Jukes, Mayor of the Macedon Ranges Shire Council hereby summons all Councillors pursuant to Section 84 of the Local Government Act 1989 to a Special Council Meeting at 7.00pm on Wednesday, 1 May 2013 at the Gisborne Administration Centre for the purpose of dealing with the following items:

1. Prayer
2. Apologies
3. Declaration of Conflicts of Interest
4. Approval of Draft Council Plan for Public Display
5. Approval of Draft Budget Report for Public Display
6. Notice of Intention to Sell Land
7. Approval of Mayoral and Councillor Allowance for Public Display
8. Approval of Draft Strategic Resource Plan 2013 for Public Display



Councillor Roger Jukes

Mayor
Macedon Ranges Shire Council

Dated: Friday 26 April 2013

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of the land on which we are meeting as being part of the Kulin Nation.

1. PRAYER

Almighty God, we humbly beseech thee to vouchsafe thy blessing upon this Council. Direct and prosper its deliberations to the advancement of thy glory, and the true welfare of the people of the Shire of Macedon Ranges.

2. APOLOGIES

3. DECLARATION OF CONFLICTS OF INTEREST

Councillors' attention is drawn to Division 1A Sections 76-81 of the Local Government Act 1989 regarding interests. The relevant sections are reproduced and attached to the back of this Notice Paper.

Councillors are reminded that;

1. Disclosures of Conflicts of Interest must be declared immediately before the consideration of the item (Section 79 (2) (a) (i), and
2. They should classify the type of interest that has given rise to the conflict of interest, and describe the nature of the interest. (Section 79 (2) (b) (c).

4. APPROVAL OF DRAFT COUNCIL PLAN FOR PUBLIC DISPLAY

Officer: Peter Johnston, Chief Executive Officer

File Ref: 03/17/02

Attachment:
Draft Council Plan 2013 - 2017

Synopsis:

The Council Plan 2013 – 2017 is the predominant planning and vision setting tool for this Council during its current term.

This report is presented to seek in principle approval of the draft Council Plan 2013 – 2017.

The report provides a summary of the processes undertaken since the October 2012 elections and explains the stages of planning that have been undertaken to bring the draft Council Plan to this point.

Recommendation:

That Council:

1. That for the purposes of Section 125 of the Local Government Act, Council approves, for the purposes of public display, the draft Council Plan 2013 – 2017 as represented by:
 - 1.1 The three goal areas namely ‘An Inspired Place, An Empowered Community and A high performing organisation’ and the defined goals and objectives that we aspire to achieve in these areas; and
 - 1.2 The supporting Key Actions and indicators for achieving these goals and objectives, as detailed in the Action Plan 2013 – 2014.
2. That Council gives public notice of its intention to adopt the draft Council Plan 2013 – 2017.
3. Furthermore, that the public notice state that written submissions are invited (and will be considered in accordance with Section 223 of the Local Government Act).
4. That the Draft be placed on public display on Council's website and at the Council Offices in Gisborne, Kyneton, Romsey and Woodend on Friday 3 May 2013 and remain on public display until Friday 31 May 2013.
5. That the period for interested persons within the community to provide Council with their feedback (that is making a written submission) closes at 12 noon on Friday 31 May 2013.
6. That the submissions be provided to Councillors on Friday 31 May 2013 and that Council consider the submissions at a Special Council Meeting to be held at 4.00pm on Wednesday 5 June 2013 in the Council Chamber of the Kyneton Town Hall.

4. APPROVAL OF DRAFT COUNCIL PLAN FOR PUBLIC DISPLAY (Continued)

Background and Context

Historically local government based its organisational planning on a budget driven model, 'what can we do with the rates we collect or the grants and loans we secure?' Budget driven models allow for services to be delivered and the meeting of short term, year to year objectives.

Over the last 15 years local government has moved to an environment of corporate planning that provides a solid base for Council's policy development and decision making. This shift has occurred as a result of legislative reform and the sector embracing the concepts and benefits of longer term planning, which has made local government more accountable.

In this context local government is much better placed to respond to the challenges of:

- Funding major infrastructure
- Setting rates
- Functional planning such as for land use, transport, recreation and community facilities
- Growth management and comprehensive/integrated planning

Legislative change introduced four year Council Plans that must be developed in consultation with the community and adopted by Councils after each general election. This change ensures that longer term planning can be achieved. The legislation requires that the Council Plan must include:

- (a) the strategic objectives of the Council
- (b) strategies for achieving the objectives for at least the next four years
- (c) strategic indicators for monitoring the achievement of the objectives

Despite these legislative changes the Victorian Auditor General's Office report 'Performance Reporting by Local Government' released in April 2012 commented, "Council performance reporting remains inadequate, focused on inputs and operating activities, thereby offering little insight into the impact of services and the achievement of objectives"¹.

We have approached the development the Council Plan 2013- 2017 cognisant of this and have responded by ensuring that the plan has 'Indicators of success' that will help Council assess the impact achieving the actions in the action plan will have on the objectives and goals.

The Council Plan 2013- 2017 also represents the first time that we have incorporated the Municipal Public Health & Wellbeing Plan with the Council Plan. This is a significant step and one that we believe will strengthen our overall planning and response to the health and wellbeing of our community.

¹ http://www.audit.vic.gov.au/reports_and_publications/latest_reports/2011-12/20120418-lq-reporting.aspx

4. APPROVAL OF DRAFT COUNCIL PLAN FOR PUBLIC DISPLAY (Continued)

Council Plan Development Process

The process to develop this Council Plan includes five clear steps:

1. Initial Councillor direction setting and endorsement of the process

- In December 2012 all Councillors participated in a preliminary session to enable them to express their individual vision, aspirations and views on what is important for the Macedon Ranges.
- This session also saw Councillors endorse the community and stakeholder consultation and engagement plan that commenced in February 2013.
- Following this session a draft plan structure that included a draft vision, mission, values and goals was developed and circulated to Councillors.

2. Community engagement and stakeholder consultation

- The comprehensive community engagement and consultation program was implemented in February and March 2013.
- This program centred on the slogan 'Join the Journey' and included four community forums, an online survey, written submissions, a state government roundtable, a health and wellbeing roundtable and an online survey of local General Practices.
- The response to this consultation and engagement program included:
 - 92 community forum participants
 - 338 online survey responses
 - 21 written submissions
 - 5 departments participated in state government roundtable
 - 9 community health organisations participated in the health and wellbeing roundtable
 - 21 responses to online survey of local General Practices

3. Development of the draft plan

- The results of the community and stakeholder consultation have been distilled and are properly reflected in the draft Council Plan.
- The draft plan has three goal areas of 'An Inspiring Place, An Empowered Community and A High Performing Organisation'; nine goals; and twenty-eight objectives. The draft 2013-14 Action Plan has forty-five actions as a sample of actions/initiatives/projects that contribute to the achievement of the goals and objectives.
- The draft plan has been refined through a workshop with Councillors on 22 April 2013.

4. APPROVAL OF DRAFT COUNCIL PLAN FOR PUBLIC DISPLAY (Continued)

4. Statutory process

- Council adopts the draft Council Plan 2013-2017 'in principle' so that it can go on public exhibition.
- Council advertises pursuant to Section 223 of the Local Government Act, inviting submissions on the draft Council Plan (see Note 1).
- Submissions received and heard.

Note 1: Everyone who attended a community forum, made an initial submission or attended a roundtable will be sent a copy of the draft Council Plan and invited to comment.

5. Adoption of Council Plan

- Issues raised during submission period analysed and any proposed changes to the draft discussed by Council.
- Council adopts the Council Plan 2013-2017
- The Council Plan is sent to the Minister for Local Government.

Council is at step 4 in this process and this report recommends that the draft Council Plan be placed on public exhibition with submissions invited pursuant to Section 223 of the Act.

This process will be undertaken in conjunction with the public exhibition of the draft Budget and any submissions received will be considered at a Special Council Meeting on the 5 June 2013.

Summary

The development of the draft Council Plan 2013-2017 to date has involved broad community input and the next phase involves placing the plan on exhibition for a period of four weeks.

5. APPROVAL OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY

Officer: Glenn Owens, Director Corporate Services

File Ref: 02/05/01 and 03/17/02

Attachment: Draft
Budget Report 2013/14

Synopsis:

1. Purpose of the Budget Report

The purpose of the Budget Report is to provide a comprehensive estimate of the revenue, expenditure and resources required to deliver the full range of Council's projects, services, and facilities to its communities. It describes the works, activities and initiatives that are supportive of and contribute to the achievement the desired Goals and Objectives described in the Council Plan.

It includes the Rates and Municipal Charge that Council will levy upon rateable property and it includes the range of annual service charges (being the Garbage and Recycling Collection and Disposal charge, the Landfill Recovery Charge and the Garden Bin Collection Charge) that Council will levy on the applicable properties. It also includes the customer fees and charges for the use of Council facilities and services.

2. Legislative Requirements

The writing of the Budget Report has been undertaken to ensure that Council meets its legal obligations. The Local Government Act 1989 and the local Government (Finance and Reporting) Regulations 2004, govern the Budget Report and the declaration of rates and charges. The legislative requirements are summarised in section 2.5 of the draft Budget Report.

3. Seeking community comment

The preparation of the Budget Report has been based upon four Councillor Workshops between February and April. The next stage involves seeking community comments. This process is undertaken in accordance with section 129 and section 223 of the Local Government Act. The same process is required for other items in this Notice Paper and it makes sense that the processes be undertaken simultaneously.

4. Officer Recommendations:

The Recommendations are shown on the following pages in three parts. Part A deals with the approval of the Draft Budget for public display. Part B deals with the Declaration of Rates and Charges and Part C deals with the Application of Differential Rates.

5. APPROVAL OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY (Continued)

Recommendation:

PART A - APPROVAL OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY

- A1. That, for the purposes of Section 127 of the Local Government Act 1989, Council approves, for the purposes of public display, the Draft Budget Report 2013/14.**
- A2. That the Draft be placed on public display on Council's website and at the Council Offices in Gisborne, Kyneton, Romsey and Woodend on Friday 3 May 2013 and remain on public display until Friday 31 May 2013.**
- A3. That it be noted that the information required by the Local Government Act 1989 and the Local Government (Finance and Reporting) Regulations 2004 to be made available for public inspection is included in the Draft.**
- A4. That Council place an advertisement in the local papers advising that the Draft is on public display and written submissions are invited (and will be considered in accordance with Section 223 of the Local Government Act).**
- A5. That Councillors and Officers be available for discussion, by mutual agreement and prior arrangement, with Ratepayers, Residents, community groups and local businesses, both within and outside normal business hours whilst the draft budget is on public display.**
- A6. That the period for interested persons within the community to provide Council with their feedback (that is making a written submission) closes at 12 noon on Friday 31 May 2013.**
- A7. That the submissions be provided to Councillors on Friday 31 May 2013 and that Council consider the submissions at a Special Council Meeting to be held at 4.00pm on Wednesday 5 June 2013 in the Council Chamber of the Kyneton Town Hall.**
- A9. That subject to any Submissions received, Council adopt the Budget, with or without amendment at a Special Council meeting to be held at 7.00pm on Wednesday 12 June 2013 in the Council Chamber of the Gisborne Administration Centre.**
- A10. That Leon den Dryver, Manager Finance and Glenn Owens Director Corporate Services be authorised to carry out the administrative procedures necessary to enable Council to carry out its functions under the Local Government Act 1989.**

5. APPROVAL OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY (Continued)

PART B - DECLARATION OF RATES AND CHARGES (Appendix B2 of the Draft Budget Report)

That for the period 1 July 2013 to 30 June 2014 and pursuant to the provisions of Sections 158, 159, 162 and 169 of the Local Government Act 1989, Council hereby resolves to declare:

- B1. That the amount it intends to raise by rates, municipal charges and service charges is \$37,506,702.**

- B2. That the rates will be raised by the application of the following differential rates on the Capital Improved Value of rateable property:**
 - (a) General Rate of 0.2892 cents in the dollar;**
 - (b) Agricultural Land Rate of 0.2314 cents in the dollar;**
 - (c) Commercial/Industrial Rate of 0.3470 cents in the dollar;**
 - (d) Recreational Land Rate of 0.1446 cents in the dollar;**
 - (e) Not for Profit Housing Rate of 0.1446 cents in the dollar.**

- B3. That the rate will be separately levied in respect of each portion of rateable land for which the Council has a separate valuation;**

- B4. That the valuation system used for rating purposes is the Capital Improved Value;**

- B5. That there will be no minimum rates;**

- B6. That a municipal charge of \$190 will be levied on applicable rateable properties;**

- B7(a) That an annual service charge of \$241 will be levied for the collection and disposal of garbage and for the collection and sorting of recyclable materials in respect of premises to which the service is available - whether or not the owner or occupier of any such premises avails himself or herself of the service;**

- B7(b) That additional services will be charged as follows: -**
 - Additional Garbage Bin \$160 per bin (plus G.S.T.)**
 - Additional Recycle Bin \$81 per bin (plus G.S.T.)**

- B8. That an annual service charge will be levied for the development of Transfer Stations and the rehabilitation of Landfills to ensure that Council is able to continue to provide a garbage disposal service. The charge will be \$10 for all properties, which attract a municipal charge except that for a property, for which the Ratepayer is entitled to and has been granted a pension concession, the charge will be \$5.**

5. APPROVAL OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY (Continued)

- B9.** That an annual service charge will be levied for the collection and disposal of garden waste. The charge will be declared at \$52 for all properties within the designated collection district except for a property, for which the Ratepayer is entitled to and has been granted a pension concession, the charge will be \$26.
- B10.** That a rebate will be provided to areas of high environmental significance that are registered by the Trust for Nature. The rebate will be calculated on the proportion of the property, which is subject to the covenant, applied to the Site Value of the property.
- B11.** That it be noted the Victorian Environment Protection Amendment (Landfill Levies) Act 2011 (which came into operation on 1 July 2011) requires Council to collect the Environment Protection Authority Landfill Levy (EPA Levy). The EPA Levy will equate to \$27 per garbage bin in 2013/14. This is the amount that will be shown separately on each Rate Notice – in those instances where the Ratepayer has a garbage bin. If the Ratepayer has two garbage bins they will be charged \$54 and so on. Local councils throughout Victoria are required to collect the EPA Levy on behalf of the Victorian State Government and because it does not form part of Council's revenue, it is shown separately on Council's Rate Notice.
- B11.** That public notice of the Council's declaration of rates and charges and the differential basis of rating be published in the local newspapers and that the rates and charges as declared be levied by sending rate notices to the persons who are liable to pay, in accordance with Section 158 of the Act.
- B12.** That in accordance with Section 167 of the Act, rates and charges are payable by four equal instalments on the date fixed by the Minister for Local Government, that is:
- 30 September, 2013**
30 November, 2013
28 February, 2014
31 May, 2014
- B13.** That, pursuant to the provisions of Section 172 of the Local Government Act 1989, interest will be payable on rates and charges that have not been paid by the due date and is to be calculated at the rate fixed under Section 2 of the Penalty Interest Act 1983.

PART C - DIFFERENTIAL RATES (Appendix B3 of the Draft Budget Report)

- A.** Rates are raised by the application of five differential rates on the Capital Improved Value of rateable property, they are, agricultural land, recreational land, commercial/industrial land, land used by Not for Profit Organisations to provide low-income residential housing and all other land (referred to as general and being predominantly residential and vacant).

5. APPROVAL OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY (Continued)

B. Pursuant to the provisions of Section 161 of the Local Government Act 1989, Macedon Ranges Shire Council has specified the following objectives in relation to the General Rate:

- 1. The types and classes of land to which the rate applies are all rateable land other than agricultural land, recreational land, commercial/industrial land and land used by Not for Profit Organisations to provide low-income residential housing;**
- 2. The level of the General Rate shall be 0.2892 cents in the dollar on the Capital Improved Value of all land to which the rate applies;**
- 3. The level of rate is considered fair and equitable having regarded:
 - (a) The amount of revenue required to be raised is in accordance with the Council Plan, Strategic Resource Plan and Budget;**
 - (b) The range and quality of infrastructure, physical services, health services and community services available to the owners and occupiers of land other than agricultural land, recreational land and commercial/industrial land and land used for low-income residential housing;**
 - (c) The use and development that has occurred on land other than agricultural land, recreational land, commercial/industrial land and land used for low-income residential housing;**
 - (d) The use and development that may occur on land other than agricultural land, recreational land, commercial / industrial land and land used for low-income residential housing because of the provisions of the Planning Scheme;**
 - (e) The types and classes of land to which the rate will apply being identified as all rateable and other than agricultural land, recreational land and commercial/industrial land and land used for low-income residential housing;**which objectives, in the opinion of Council, are consistent with the equitable and efficient carrying out of its functions.**

C. Pursuant to the provisions of Section 161 of the Local Government Act 1989 Macedon Ranges Shire Council has specified that the characteristics of the land which are the criteria for declaring the general rate are as set out in paragraph B.

D. Pursuant to the provisions of Section 161 of the Local Government Act 1989 Macedon Ranges Shire Council has specified the following objectives in relation to the Agricultural Land Rate:

5. APPROVAL OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY (Continued)

1. The types and classes of land to which the rate will apply are agricultural land which means any rateable land within the Council's municipal district defined as farm land under Section 2 of the Valuation of Land Act 1960, and on the further condition that the owner or occupier of the land, being the person carrying on the activities defined by the Valuation of Land Act 1960, is regarded as a Primary Producer by the Australian Taxation Office.
 2. The level of agricultural land rate shall be 0.2314 cents in the dollar on the Capital Improved Value of all land to which the rate applies
 3. That the level of rate is considered as fair and equitable having regarded:
 - (a) The amount of revenue required to be raised is in accordance with the Council Plan, Strategic Resource Plan and Budget;
 - (b) The range and quality of infrastructure, physical services, health services and community services available to the owners and occupiers of agricultural land;
 - (c) The intervening distance between agricultural land and the town centres;
 - (d) The restrictions upon the use and development of agricultural land in the Planning Scheme;
 - (e) The need to encourage the retention of viable agricultural land for agricultural purposes;which objectives, in the opinion of Council, are consistent with the equitable and efficient carrying out of its functions.
- E. Pursuant to the provisions of Section 161 of the Local Government Act 1989, Council has specified that the characteristics of the land which are the criteria for declaring the agricultural land rate are as set out in paragraph D.
- F. Pursuant to the provisions of Section 161 of the Local Government Act 1989, Macedon Ranges Shire Council has specified the following objectives in relation to the Commercial/Industrial Rate (also known as the Business Rate):
1. The types and classes of land to which the rate will apply are all rateable land used predominantly for the purposes of income generation through carrying on a business activity, commercial activity, retail activity, industrial activity, professional activity or administrative activity and which is not agricultural land;
 2. The level of Commercial/Industrial Rate (also known as the Business Rate) shall be 0.3470 cents in the dollar on the Capital Improved Value of all land to which the rate applies;
 3. That the level of rate is considered as fair and equitable having regarded:

5. APPROVAL OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY (Continued)

- (a) The amount of revenue required to be raised in accordance with the Council Plan, Strategic Resource Plan and Budget;**
- (b) The range and quality of infrastructure, physical services (including cleaning & lighting) and facilities available to the owners and occupiers of land described in paragraph F1;**
- (c) The use and development that has occurred on land other than agricultural, recreational, general land and land used for low-income residential housing;**
- (d) The use and development that may occur on land other than agricultural, recreational, general land and land used for low-income residential housing because of the provisions of the Planning Scheme;**
- (e) The types and classes of land to which the rate will apply being identified as all rateable land other than agricultural, recreational, general land and land used for low-income residential housing;**

which objectives, in the opinion of Council, are consistent with the equitable and efficient carrying out of its functions.

G. Pursuant to the provisions of Section 161 of the Local Government Act 1989, Council has specified that the characteristics of the land which are the criteria for declaring the Commercial/Industrial Rate (also known as the Business Rate) are as set out in paragraph F.

H. Pursuant to the provisions of Section 161 of the Local Government Act 1989 Macedon Ranges Shire Council has specified the following objectives in relation to the Not for Profit Housing Rate:

- 1. The types and classes of land to which the rate will apply are properties containing low-income residential housing owned and/or managed by a volunteer, charitable or not-for-profit organisation for which the organisation is responsible for the payment of rates and for which a State Government pension concession is not claimed.**
- 2. The level of Not for Profit Housing rate shall be 0.1446 cents in the dollar on the Capital Improved Value of all land to which the rate applies.**
- 3. That the level of rate is considered as fair and equitable having regarded:**
 - (a) The amount of revenue required to be raised is in accordance with the Council Plan and Budget;**
 - (b) The valuable service that volunteer, charitable or not-for-profit organisations providing low-income residential housing, are delivering to the community;**
which objectives, in the opinion of Council, are consistent with the equitable and efficient carrying out of its functions.

5. APPROVAL OF DRAFT BUDGET REPORT FOR PUBLIC DISPLAY (Continued)

- I. Pursuant to the provisions of Section 161 of the Local Government Act 1989, Council specified that the characteristics of the land which are the criteria for declaring the not for profit housing rate are as set out in paragraph H.**
- J. Pursuant to the provisions of Section 2 of the Cultural and Recreational Lands Act 1963, Council has declared all rateable Cultural and Recreational Land at 50% of the General Rate.**

6. NOTICE OF INTENTION TO SELL LAND

Officer: Glenn Owens, Director Corporate Services

File Ref: 03/10/06

Synopsis:

The draft Budget Report 2013/14 (which is included as item 5 of this Notice Paper) includes a proposal to construct a Netball Complex in the Gisborne area at an estimated cost of \$1,020,000. It is expected to be funded by a combination of Council funds, a Victorian Government grant and a contribution from the Netball Association.

It is proposed that Council's contribution shall be generated by the proceeds from the sale of surplus land in the Gisborne area and that the Netball Complex will proceed if Council successfully completes the statutory process, that is required before Council offers the land for sale by public auction, and sells the land.

Council proposes to raise its contribution by the sale of 6 Namnan Way, 4 Gardiner Street and 12 and 14 Wyralla Crescent.

Recommendation:

- 1. That Council declares that the vacant land at 6 Namnan Way South Gisborne South, 4 Gardiner Street, Gisborne and 12 and 14 Wyralla Crescent Gisborne as being surplus to its requirements.**
- 2. That Council pursuant to Section 189 of the Local Government Act 1989 gives public notice of its intention to sell the four pieces of vacant land and its intention to allocate the proceeds from the sales to the construction of a Netball Complex in the Gisborne area.**
- 3. Furthermore, that the public notice state that written submissions are invited (and will be considered in accordance with Section 223 of the Local Government Act).**
- 4. That the period for interested persons within the community to provide Council with their feedback (that is making a written submission) closes at 12 noon on Friday 31 May 2013.**
- 5. That the submissions be provided to Councillors on Friday 31 May 2013 and that Council consider the submissions at a Special Council Meeting to be held at 4.00pm on Wednesday 5 June 2013 in the Council Chamber of the Kyneton Town Hall.**

6. NOTICE OF INTENTION TO SELL LAND (Continued)

1. Objective

The draft Budget Report 2013/14 includes a proposal to construct a Netball Complex in the Gisborne area at an estimated cost of \$1,020,000. It is expected to be funded by a combination of Council funds, a Victorian Government grant and a contribution from the Netball Association as follows –

- \$800,000 Council
- \$120,000 Netball Association
- \$100,000 Victorian Government

It is proposed that Council's contribution shall be generated by the proceeds from the sale of surplus land in the Gisborne area.

It is proposed that the Netball Complex will proceed if Council successfully completes the statutory process that is required before Council offers the land for sale by public auction and sells the land.

2. Property Descriptions

Council proposes to raise its contribution by the sale of –

- 6 Namnan Way Gisborne – Reserve 1 Plan of subdivision 320482T Parish of Buttlejork, Volume 10222 Folio 177
- 4 Gardiner Street Gisborne – Reserve Lodged Plan 110084 Parish of Gisborne Volume 9998 Folio 177
- 12 and 14 Wyralla Crescent Gisborne – Reserves 1 and Plan of Subdivision 301516L Parish of Gisborne Volume 10084 Folio O46 and Folio O47

The four properties are vacant pieces of land and have no current Council use.

3. Zoning and Reservation

They are currently zoned Residential and Rural Living. They have a Council Reserve status which will need to be removed and a planning permit will be required to remove the Reserve status. The removal of reserve status will be subject to the completion of a statutory process pursuant to section 24A of the Subdivision Act 1988. This process will be commenced subject to the successful completion of the "Notice of Intention to Sell"

4. 1999 Open Space Strategy

Amongst other things, the 1999 Open Space Strategy identified land with strategic open space value or potential. Conversely, it identified land with limited value or potential as open space.

The assessment included consideration of:

- Location: Is there sufficient demand to justify [the land] as open space?
- Development: If undeveloped, is development justified?
- Area: Is the site large enough for successful use as open space?
- Links: Can the area be linked to other open space and community facilities?
- Values: Does the area have moderate or high natural, cultural or landscape values?
- Suitability: Is the area safe, accessible and appropriate for open space use?
- Is there similar open space in the area?

6. NOTICE OF INTENTION TO SELL LAND (Continued)

Amongst other things, the Open Space Strategy 1999 made the following comments

“Kurung Court Reserve (Wyralla Cres/ Kurung Court) was assessed as having little or no strategic value as open space and is recommended for review and potential sale.”

“Gardiner Street Reserve (Cnr Gardiner Street and Sheedy Road) was assessed as having little or no strategic value as open space and is recommended for review and potential sale.”

“Birchwood Rise, South Gisborne (Cnr Birchwood Rd/ Namnan Way) was assessed as having little or no strategic value as open space and is recommended for review and potential sale.”

5. Legislative Requirements

The Local Government Act 1989 governs the sale of Council land and it is necessary for Council to advertise its intention to sell the land; to call for submissions; and to consider any submissions that are received.

6. Seeking community comment

This report recommends that Council commences the statutory process by seeking community comment. This process is undertaken in accordance with section 189 and section 223 of the Local Government Act. The same process is required for other items in this Notice Paper and it makes sense that the processes be undertaken simultaneously.

7. APPROVAL OF MAYORAL AND COUNCILLOR ALLOWANCES FOR PUBLIC DISPLAY

Officer: Stephen Mahon, Manager Council and Customer Service

File Ref: 02/05/01 and 03/17/02

Synopsis:

In accordance with section 74 of the Local Government Act 1989, Council must review and determine the level of Mayoral and Councillor Allowances at the first budget immediately after the holding of a general election.

The legislation governing Councillor Allowances and Expenses can be found under Part 4 of the Local Government Act 1989. There are lower and upper range limits and levels of allowance for Councils in three categories based on population and total revenue. Macedon Ranges attracts a Category 2 classification.

It is recommended that Council do as it has done in the past and set the mayoral and councillor Allowances at the Category 2 maximum and that submissions be invited pursuant to Section 223 of the Local Government Act 1989. This process will be undertaken in conjunction with the exhibition of the Draft Budget and any submissions will be considered at the Special Council Meeting on the 5th June 2013.

Recommendation:

1. **That Council give public notice of its intention to set Allowances at the following level for the 2013/14, 2014/15, 2015/16 and 2016/17 financial years:**
 - **Mayoral Allowance - \$69,325 per annum.**
 - **Councillor Allowances - \$22,405 per annum.**
2. **Furthermore, that the public notice state that written submissions are invited (and will be considered in accordance with Section 223 of the Local Government Act).**
3. **That the period for interested persons within the community to provide Council with their feedback (that is making a written submission) closes at 12 noon on Friday 31 May 2013.**
4. **That the submissions be provided to Councillors on Friday 31 May 2013 and that Council consider the submissions at a Special Council Meeting to be held at 4.00pm on Wednesday 5 June 2013 in the Council Chamber of the Kyneton Town Hall.**

7. APPROVAL OF MAYORAL AND COUNCILLOR ALLOWANCES FOR PUBLIC DISPLAY (Continued)

The general provisions governing Councillor Allowances and Expenses can be found under Part 4 of the Local Government Act 1989. By way of background, the following information is provided.

The most recent State Government review of Mayoral and Councillor Allowances was the Local Government (Councillor Remuneration Review) Panel which reported to the Minister for Local Government in January 2008.

The Terms of Reference included Allowances; Expenses and Resources for Councillors; Impact of changes to legislation; Taxation; Frequency of Reviews; Workcover; and the changing role of Councillors and professional development.

The Government considered the report and determined its policy position and the Minister made an announcement in April 2008. The Policy became legislation in late 2008.

The key elements are:

1. Allowances comprised of two parts

Part A – Lower and upper range limits and levels of allowance for Councils in three categories based on population and total revenue:

Category 1: Councillors \$7,542 to \$17,969 and Mayors up to \$53,684.

Category 2: Councillors \$9,317 to \$22,405 and Mayors up to \$69,325.

Category 3: Councillors \$11,201 to \$26,843 and Mayors up to \$85,741.

(Allowances as at 27th October 2012)

Macedon Ranges is a Category 2 Council.

Part B – the equivalent of the superannuation guarantee contribution (currently 9%).

Recent advice from Local Government Victoria regarding this superannuation guarantee contribution is that it will increase as follows:

Year Commencing	Percentage
1 st July 2012	9.25
1 st July 2014	9.5
1 st July 2015	10
1 st July 2016	10.5
1 st July 2017	11
1 st July 2018	11.5
1 st July 2019	12

2. Annual adjustments to Allowance Component.

The Minister for Local Government will annually undertake a review of the allowance.

7. APPROVAL OF MAYORAL AND COUNCILLOR ALLOWANCES FOR PUBLIC DISPLAY (Continued)

3. Superannuation

Each Councillor may decide to have part of their total allowance paid into a superannuation fund of their choice.

4. Setting Allowances

As stated, Council's are required to formally review and set the Councillor/Mayoral allowances at the first budget immediately after a general election. For the Macedon Ranges Shire Council this process was last undertaken after the general elections in November 2008 and in conjunction with the adoption of its 2009/10 budget Council set the Councillor / Mayoral allowances for the 2009/10, 2010/11, 2011/12 and 2012/13 financial years:

The current status of Councillor / Mayoral Allowances

The gazetted increases to the allowances since July 2009 have been :

1. 2.5% effective from 1st December 2009
2. 3% effective from 1st December 2010
3. 2.5% effective from 1st December 2011
4. 2.5% effective from the 27th October 2012

The cumulative effect of these changes is that the allowances for the Macedon Ranges Shire Council effective from the 27th October 2012 are;

Councillor Allowance \$ 22,405 + 9% (equivalent of superannuation guarantee per annum) of \$2016 = **\$24421 per annum**

Mayoral Allowance \$ 69,325 + 9% (equivalent of superannuation guarantee per annum) of \$6239 = **\$75564 per annum**

Other Related Matters

Until this review is complete and any subsequent decision being made to vary the existing amounts, a Council must continue to pay the current allowances as adjusted to their Mayors and Councillors.

The Mayoral and councillor allowances are paid monthly in advance.

Councillors may decline to receive their allowance.

Councillors can be paid an extra \$40 remote travel allowance for each day they attend authorised meetings or functions that are held more than 50kms away from where they live (up to a maximum of \$5,000 per year). Based on current meeting venues and Councillor residencies it is not expected that the remote travel allowance will be applicable, however Councillors are requested to seek guidance from the Manager Council & Customer Services on this matter if required.

7. APPROVAL OF MAYORAL AND COUNCILLOR ALLOWANCES FOR PUBLIC DISPLAY (Continued)

Officer Recommendation

This report recommends that the Mayoral and Councillor Allowances be set at the Category 2 upper level and that submissions be invited pursuant to Section 223 of the Local Government Act 1989. This process will be undertaken in conjunction with other items in this Notice Paper and any submissions will be considered at the Special Council Meeting on the 5th June 2013.

8. APPROVAL OF DRAFT STRATEGIC RESOURCE PLAN FOR PUBLIC DISPLAY

Officer: Glenn Owens, Director Corporate Services

File Ref: 02/12/10

Attachment: Draft Strategic Resource Plan 2013

Synopsis:

1. Purpose of the Strategic Resource Plan

The purpose of the Strategic Resource Plan is to ensure the financial viability of the Council, over the long term, to fund and deliver the Goals and Objectives in the Council Plan. The Strategic Resource Plan forms part of Council's overall planning and reporting framework and is complemented by the Council Plan and Budget Report.

2. Reviewing the Strategic Resource Plan

Macedon Ranges Shire Council developed its first Strategic Resource Plan in 2001 and in accordance with section 126 of the Local Government Act it has been reviewed annually by Officers to ensure that it remains aligned with the Council Plan and provides at least a four-year financial forecast.

3. Seeking community comment

The 2013 review of the Plan has been undertaken by Officers and the next stage involves seeking community comments. This process is undertaken in accordance with section 126 and section 223 of the Local Government Act. The same process is required for other items in this Notice Paper and it makes sense that the processes be undertaken simultaneously.

Recommendation:

- 1. That, for the purposes of Section 126 of the Local Government Act 1989, Council approves, for the purposes of public display, the Draft Strategic Resource Plan 2013.**
- 2. That the draft be placed on public display on Council's website and at the Council Offices in Gisborne, Kyneton, Romsey and Woodend on Friday 3 May 2013 and remain on public display until Friday 31 May 2013.**
- 3. That Council place an advertisement in the local papers advising that the draft is on public display and written submissions are invited (and will be considered in accordance with Section 223 of the Local Government Act).**
- 4. That the period for interested persons within the community to provide Council with their feedback (that is making a written submission) closes at 12 noon on Friday 31 May 2013.**
- 5. That the submissions be provided to Councillors on Friday 31 May 2013 and that Council consider the submissions received (if any) at a Special Council Meeting to be held at 4.00pm on Wednesday 5 June 2013 in the Council Chamber of the Kyneton Town Hall.**

18. DIVISION 1A – CONDUCT AND INTERESTS

76B Primary principle of Councillor conduct

It is a primary principle of Councillor conduct that, in performing the role of a Councillor, a Councillor must—

- (a) act with integrity; and
- (b) impartially exercise his or her responsibilities in the interests of the local community; and
- (c) not improperly seek to confer an advantage or disadvantage on any person.

76BA General Councillor conduct principles

In addition to acting in accordance with the primary principle of Councillor conduct specified in section 76B, in performing the role of a Councillor, a Councillor must—

- (a) avoid conflicts between his or her public duties as a Councillor and his or her personal interests and obligations;
- (b) act honestly and avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person;
- (c) treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of other Councillors, Council staff and other persons;
- (d) exercise reasonable care and diligence and submit himself or herself to the lawful scrutiny that is appropriate to his or her office;
- (e) endeavour to ensure that public resources are used prudently and solely in the public interest;
- (f) act lawfully and in accordance with the trust placed in him or her as an elected representative;
- (g) support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in the office of Councillor.

76C. Councillor Code of Conduct

- (1) A Council must develop and approve a Councillor Code of Conduct for the Council within 12 months after the commencement of section 15 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**.
- (2) A Council must review the Councillor Code of Conduct within the period of 12 months after a general election.
- (3) A Councillor Code of Conduct—
 - (a) must include the Councillor conduct principles;
 - (b) may set out processes for the purpose of resolving an internal dispute between Councillors;
 - (d) must include provisions in respect of any matter prescribed for the purpose of this section;
 - (e) may include any other matters relating to the conduct of Councillors which the Council considers appropriate.
- (5) A Councillor Code of Conduct must not be inconsistent with any Act or regulation.
- (5A) A Councillor Code of Conduct is inoperative to the extent that it is inconsistent with any Act or regulation.
- (6) A copy of the current Councillor Code of Conduct must be—
 - (a) given to each Councillor;
 - (b) available for inspection by the public at the Council office and any district offices.
- (7) On and from the commencement of section 15 of the **Local Government Amendment (Councillor Conduct and Other Matters) Act 2008**, a Councillor Code of Conduct is taken to include the Councillor conduct principles.

76D. Misuse of position

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

Penalty: 600 penalty units or imprisonment for 5 years or both.

- (2) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a special committee include—
 - (a) making improper use of information acquired as a result of the position he or she held or holds; or

- (b) disclosing information that is confidential information within the meaning of section 77(2); or
 - (c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 76E; or
 - (d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
 - (e) using public funds or resources in a manner that is improper or unauthorised; or
 - (f) failing to disclose a conflict of interest as required under this Division.
- (3) This section—
- (a) has effect in addition to, and not in derogation from, any Act or law relating to the criminal or civil liability of Councillors or members of special committees; and
 - (b) does not prevent the institution of any criminal or civil proceedings in respect of that liability.

76E Improper direction and improper influence

- (1) A Councillor must not improperly direct or improperly influence, or seek to improperly direct or improperly influence, a member of Council staff in the exercise of any power or in the performance of any duty or function by the member.
- (2) A Councillor must not direct, or seek to direct, a member of Council staff—
 - (a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
 - (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
 - (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under another Act; or
 - (d) in relation to advice provided to the Council or a special committee, including advice in a report to the Council or special committee.
- (3) This section does not apply to a decision of the Council or a special committee that is made within the powers, duties or functions conferred under this or any other Act.

77. Confidential information

- (1) 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 should reasonably know, is confidential information.
- (2) For the purposes of this section, information is “confidential information” if—
 - (a) the information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (b) the information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
 - (c) subject to sub-section (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.
- (3) Confidential information referred to in sub-section (2)(c) ceases to be confidential at the expiry of the period of 50 days after the designation is made unless sub-section (2)(a) or (2)(b) applies to the information.

77A Direct and indirect interests

- (1) A relevant person has a conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter.
- (2) A relevant person has a direct interest in a matter if the relevant person has an interest of a kind described in section 77B.
- (3) A relevant person has an indirect interest in a matter if the relevant person has—
 - (a) a close association as specified in section 78; or
 - (b) an indirect financial interest as specified in section 78A; or
 - (c) a conflicting duty as specified in section 78B; or
 - (d) received an applicable gift as specified in section 78C; or
 - (e) become an interested party as specified in section 78D; or
 - (f) a residential amenity that may be altered as specified in section 78E.

- (4) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest of the relevant person is so remote or insignificant that the direct interest or indirect interest could not reasonably be regarded as capable of influencing any actions or decisions of the relevant person in relation to the matter.
- (5) A relevant person does not have a conflict of interest in a matter if the direct interest or indirect interest the relevant person holds—
 - (a) is held as a resident, ratepayer or voter and does not exceed the interests generally held by other residents, ratepayers or voters; or
 - (b) is held in common with a large class of persons and does not exceed the interests generally held by the class of persons.
- (6) A relevant person does not have a conflict of interest in a matter if the relevant person—
 - (a) does not know the circumstances that give rise to the conflict of interest; and
 - (b) would not reasonably be expected to know the circumstances that give rise to the conflict of interest.

77B Direct interest

- (1) A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.
- (2) Without limiting subsection (1), a person has a direct interest in a matter if—
 - (a) there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way;
 - (b) the person has, or the person together with a member or members of the person's family have, a controlling interest in a company or other body that has a direct interest in the matter.
- (3) A person who has a membership in a club or organisation that has a direct interest in a matter—
 - (a) does not, by reason of that membership, have a direct interest in the matter under subsection (1); and
 - (b) does not have an indirect interest in the matter, by reason of that membership, unless the person has an indirect interest in the matter under section 78A, 78B or 78C.
- (4) In subsection (2), ***controlling interest*** has the same meaning as it has in section 72(2) of the **Payroll Tax Act 2007**.

78 Indirect interest by close association

- (1) In this section—

daughter means a biological daughter, step-daughter, adopted daughter, or female child for whom the person has custodial responsibilities;

direct relative means the spouse, domestic partner, son, daughter, mother, father, brother or sister of the person;

domestic partner of a person means—

- (a) a person who is in a registered relationship with the person; or
- (b) an adult person to whom the person is not married but with whom the person is in a relationship as a couple where one or each of them provides personal or financial commitment and support of a domestic nature for the material benefit of the other, irrespective of their genders and whether or not they are living under the same roof, but does not include a person who provides domestic support and personal care to the person—
 - (i) for fee or reward; or
 - (ii) on behalf of another person or an organisation (including a government or government agency, a body corporate or a charitable or benevolent organisation);

family member means—

- (a) a spouse or domestic partner of the person; or
- (b) a son, daughter, mother, father, brother or sister that regularly resides with the person;

relative means—

- (a) a direct relative of the person;
- (b) a direct relative of a person who is the direct relative of the person;

son means a biological son, step son, adopted son or male child for which the person has custodial responsibilities.

- (2) A person has an indirect interest by close association in a matter if—

- (a) a family member of the person has a direct interest or an indirect interest in a matter; or
 - (b) a relative of the person has a direct interest in a matter; or
 - (c) a member of the person's household has a direct interest in a matter.
- (3) For the purposes of the definition of *domestic partner* in subsection (1)—
- (a) *registered relationship* has the same meaning as in the **Relationships Act 2008**; and
 - (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case; and
 - (c) a person is not a domestic partner of another person only because they are co-tenants.

78A Indirect interest that is an indirect financial interest

- (1) A person has an indirect financial interest in a matter if the person is likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
- (2) Without limiting subsection (1), a person has an indirect financial interest that is a conflict of interest if—
 - (a) the person has a beneficial interest in shares of a company or other body that has a direct interest in the matter, except in the circumstances specified in subsection (3);
 - (b) the person is owed money from another person and that other person has a direct interest in the matter.
- (3) If a person, and family members of the person, hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10 000 and the total value of issued shares of the company or body exceeds \$10 million, the person's indirect financial interest is not a conflict of interest.
- (4) Subsection (2)(b) does not apply if the other person is an authorised deposit-taking institution.
- (5) For the purposes of determining the value of shares under this section, the share value is to be taken from—
 - (a) the close of business on the most recent of 30 June or 31 December; or
 - (b) if the person has lodged an ordinary return since the most recent of 30 June or 31 December, the close of business on the date the return was submitted.

78B Indirect interest because of conflicting duties

- (1) A person has an indirect interest in a matter because of a conflicting duty if the person—
 - (a) is a manager or a member of a governing body of a company or body that has a direct interest in a matter;
 - (b) is a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;
 - (c) is a trustee for a person who has a direct interest in a matter.
- (2) A person has an indirect interest in a matter because of a conflicting duty if the person held a position or role specified in subsection (1) and, in that position or role, dealt with the matter.
- (3) A person does not have an indirect interest because of a conflicting duty if—
 - (a) the person is, or has been, only an employee in the service of the Crown or of a body established by or under any Act for a public purpose and the person has no current or expected responsibilities as that employee in relation to a matter;
 - (b) the person only holds a position in a not-for-profit organisation for which the person receives no remuneration and the person was appointed to the relevant special committee of the Council to be a representative of the non-for-profit organisation;
 - (ba) the person only holds a position, with the Council's approval as a representative of the Council, in an organisation for which the person receives no remuneration;
 - (c) the person is only a Councillor who holds a position in the Municipal Association of Victoria or in another body that has the purpose of representing the interests of Councils;
 - (ca) the person is only a member of a development assessment committee established under Part 4AA of the **Planning and Environment Act 1987**;
 - (d) the person only holds a position that has been prescribed for the purposes of this section.

78C Indirect interest because of receipt of an applicable gift

- (1) In this section, *applicable gift* means one or more gifts with a total value of, or more than, the gift disclosure threshold, received from a person or persons specified in subsection (2) in the 5

years preceding the decision or the exercise of the power, duty or function but does not include—

- (a) reasonable hospitality received by the person at an event or function the person attended in an official capacity as the Mayor, a Councillor, a member of Council staff or a member of a special committee; or
 - (b) a gift, other than an election campaign donation, that was received by the person more than 12 months before the person became a Councillor, a member of Council staff or a member of a special committee.
- (2) A person has an indirect interest in a matter if the person has received an applicable gift, directly or indirectly, from—
- (a) a person who has a direct interest in the matter; or
 - (b) a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or
 - (c) a person who gives the applicable gift to the person on behalf of a person, company or body that has a direct interest in the matter.
- (3) For the purposes of determining when a person became a Councillor or member of a special committee under subsection (1)(b), if the person is re-elected or reappointed as a Councillor or a member of a special committee, on completion of his or her term of office, the previous term of office served by that person as a Councillor or member of a special committee must be counted as continuous service with any service completed by the person after the person's re-election or reappointment.

78D Indirect interest as a consequence of becoming an interested party

A person has an indirect interest in a matter if the person has become an interested party in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.

78E Indirect interest because of impact on residential amenity

A person has an indirect interest in a matter if there is a reasonable likelihood that the residential amenity of the person will be altered if the matter is decided in a particular way.

79 Disclosure of conflict of interest

- (1) If a Councillor or member of a special committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the special committee, the Councillor or member must, if he or she is attending the meeting, disclose the conflict of interest in accordance with subsection (2).
- (2) A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest—
 - (a) by either—
 - (i) advising the Council or special committee at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
 - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
 - (b) classifying the type of interest that has given rise to the conflict as either—
 - (i) a direct interest; or
 - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
 - (c) describing the nature of the interest; and
 - (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.
- (5) The Chief Executive Officer must—
 - (a) keep written disclosures given to him or her under this section in a secure place for 3 years after the date the Councillor or member of a special committee who made the disclosure ceases to be Councillor or member of a committee; and
 - (b) destroy the written disclosure when the 3 year period referred to in paragraph (a) has expired.
- (6) While the matter is being considered or any vote is taken in relation to the matter, the Councillor or member of a special committee must—

- (a) leave the room and notify the Mayor or the Chairperson of the special committee that he or she is doing so; and
- (b) remain outside the room and any gallery or other area in view or hearing of the room.
- (7) The Mayor or the Chairperson of the special committee must cause the Councillor or member of a special committee to be notified that he or she may return to the room after—
 - (a) consideration of the matter; and
 - (b) all votes on the matter.
- (8) If a Councillor or member of a special committee discloses a conflict of interest, the Chief Executive Officer or the Chairperson must record in the minutes of the meeting—
 - (a) the declaration of the conflict of interest; and
 - (b) the classification of the interest that has given rise to the conflict, and if the Councillor or member has disclosed the nature of the interest to the meeting, the nature of the interest.
- (9) Unless section 80 applies, a Councillor or member of a special committee who fails to comply with this section is guilty of an offence and liable to a fine not exceeding 120 penalty units.

79B Conflicting personal interest

- (1) This section does not apply to a Councillor or member of a special committee who has a conflict of interest in the matter.
- (2) If a Councillor or a member of a special committee considers that he or she has a personal interest in relation to a matter that is in conflict with his or her public duty in relation to the matter, the Councillor or member may, immediately before the matter is considered at the relevant meeting, apply to the Council or special committee to be exempted from voting on the matter.
- (3) If a Councillor or member of a special committee makes an application under subsection (2), he or she must give reasons in support of the application.
- (4) A Council or special committee may consent to an application made under subsection (2) and must not unreasonably withhold consent.
- (5) If a Council or special committee consents to an application under subsection (4), sections 79(6), 79(7), 79(8) and 79(9) apply as if the personal interest that is the subject of an application under subsection (2) were a conflict of interest specified under this Act.

79C Certain situations where Councillor taken to not have a conflict of interest

- (1) A Councillor is taken to not have a conflict of interest for the purposes of this Division if the matter only relates to—
 - (a) the nomination or appointment by the Council of the Councillor to a position for which the Councillor will not be remunerated;
 - (b) the election of the Mayor under section 71 or the appointment of an acting Mayor under section 73(3);
 - (c) a decision in relation to the payment of allowances to the Mayor or Councillors under section 74 or 74C(2);
 - (d) the adoption of a policy in relation to the reimbursement of expenses under section 75A;
 - (e) the adoption of a Councillor Code of Conduct under section 76C;
 - (f) an application to a Councillor Conduct Panel or VCAT under Division 1B;
 - (g) an application for an exemption under section 80;
 - (h) the appointment of members and Chairpersons of special committees;
 - (i) a resolution that has the effect of making the Councillors eligible or ineligible for the superannuation guarantee under taxation legislation;
 - (j) the conduct of a Councillor with respect to—
 - (i) an internal dispute that involves the Councillor;
 - (ii) an allegation of misconduct or serious misconduct (as defined in section 81A) by the Councillor;
 - (k) a submission provided to an electoral representation review under section 219F;
 - (l) a submission provided for the purposes of a subdivision review conducted under section 219N.
- (2) If a budget or revised budget to be approved by a Council includes funding for a matter in respect of which a Councillor has a conflict of interest the Councillor is taken to not have a conflict of interest for the purposes of approving the budget or revised budget if—
 - (a) the Council approved the matter and the proposed funding previously; and
 - (b) the Councillor disclosed the nature of the conflict of interest under this Division when the decision in respect of the funding was originally considered and made.