



### NOTICE OF MOTION

*This form lodges a notice of intention to move a Notice of Motion in accordance with rule 41 of the Governance Rules. The full text of rule 41 is included below.*

*'A notice of motion must:*

- a) Be **in writing**, or sent electronically, and generally be in a form approved by the Chief Executive Officer;*
- b) Be **signed, including by electronic means, by the Councillor submitting the notice of motion**;*
- c) Be **signed, including by electronic means, by another Councillor willing to second the motion for the purpose of debate at the meeting at which it will be considered**;*
- d) Be **lodged with the Chief Executive Officer by 5pm 6 days prior to the date of the meeting at which it is intended to be considered to ensure its inclusion in the agenda**; and*
- e) **Relate to the objectives, role and functions of Council as outlined in the [Local Government Act 2020]**.'*

I, Councillor ...Owen Sharkey... give notice of my intention to move at the Scheduled Meeting of Council to be held on ...25... / ...2 / 2025 that:

#### **Wording of proposed motion:**

That Council:

1. receive an Initial Report on any independent monitoring of the council-managed road and drainage network at the April Scheduled Council Meeting. The Initial Report shall include an assessment of the potential benefits and drawbacks of conducting a further review and costing for an Independent Roads Service Review and Report;
2. notes the scope of the potential Independent Roads Service Review and Report should consider key aspects such as the adopted Road Management Plan intervention levels, compliance to intervention levels, plant and equipment, staffing levels and maintenance schedules and practices; and
3. will consider the findings and costings for proceeding with the Independent Roads Service Review and Report as part of the budget deliberations for the Financial Year 2025-26.

#### **Reasoning for proposed motion:**

The Initial Report will provide an insight into the compliance to the Road Management Plan and any issues identified. An Independent Roads Service Review and Report may provide an objective analysis of the efficiency and effectiveness of the management of council-managed roads within the shire.

By first assessing this approach's feasibility and cost implications, the Council can make an informed decision on whether to proceed with an Independent Roads Service Review and Report in alignment with budget priorities and community needs.

As stated in the motion, the Independent Roads Service Review and Report will assess the current service levels in the adopted Road Management Plan, council's performance in meeting this service level, and ensure that resourcing and practices are adequate to meet the Plan.

It should also be noted that the Road Management Plan will be reviewed this year as part of the requirements in the first year of a Council term – the Independent Roads Service Review and Report may complement this review – noting the work would run concurrently and the Independent Roads Service Review and Report may not be complete until after the Road Management Plan needs to be presented for consideration to Council.



I commend this Notice of Motion to Council.

Owen Sharkey

COUNCILLOR SIGNATURE

NAME: CR OWEN SHARKEY

Des Phelan

SIGNATURE OF SECONDER

NAME: CR DES PHELAN

(This section is to be completed and signed by Chief Executive Officer.)

This notice was received by the Chief Executive Officer at 1:32pm on 19 February 2025.

CEO SIGNATURE

NOM NUMBER: .....

#### 41 NOTICE OF MOTION

- 41.1 A Councillor can submit to the *Chief Executive Officer* a *notice of motion* for inclusion in the *agenda* for a meeting.
- 41.2 A *notice of motion* must:
- Be in *writing*, or sent electronically, and generally be in a form approved by the *Chief Executive Officer*;
  - Be signed, including by electronic means, by the Councillor submitting the *notice of motion*;
  - Be signed, including by electronic means, by another Councillor willing to second the motion for the purpose of debate at the meeting at which it will be considered;
  - Be lodged with the *Chief Executive Officer* by 5pm 6 days prior to the date of the meeting at which it is intended to be considered to ensure its inclusion in the *agenda*; and
  - Relate to the objectives, role and functions of *Council* as outlined in the *Act*.
- 41.3 A *notice of motion* must call for an officer report if the *notice of motion* proposes any action that:
- impacts the levels of Council services;
  - commits Council to expenditure greater than \$10,000 that is not included in the adopted budget;
  - proposes to impact the rights of any person who has not had the opportunity to contribute their views;
  - commits Council to any contractual arrangement; and/or
  - concerns any litigation in respect of which Council is a party.
- 41.4 A Councillor may attach any supporting documentation to their notice of motion for inclusion in the agenda. The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda and outline the policy, financial and resourcing implications if the notice of motion is passed.
- 41.5 The *Chief Executive Officer* may designate a *notice of motion* to be confidential in accordance with relevant grounds as contained in the *Act*, in which case, the *notice of motion* will be considered in the part of the relevant *Council meeting* that is closed to members of the public.
- 41.6 The *Chief Executive Officer* must reject any *notice of motion* which in the opinion of the *Chief Executive Officer*.



- (a) Is too vague;
  - (b) Is defamatory;
  - (c) May be prejudicial to any person or Council;
  - (d) Is objectionable in language or nature;
  - (e) Does not meet the requirements of sub-rule 41.3;
  - (f) Is outside the powers of Council; or
  - (g) Is submitted during election period.
- 41.7 The *Chief Executive Officer* may reject a proposed *notice of motion* which in the opinion of the *Chief Executive Officer*:
- (a) Relates to a matter than can be addressed through an operational service request process; or
  - (b) Relates to a matter that has previously been resolved by *Council* or is acted upon.
- 41.8 Prior to rejecting a *notice of motion*, the *Chief Executive Officer* must, if practicable, give the Councillor who lodged it an opportunity to amend the *notice of motion* and may suggest revised wording to the *notice of motion* to facilitate compliance with the requirements under this Rule.
- 41.9 If rejecting a *notice of motion*, the *Chief Executive Officer* must notify in *writing* the Councillor who lodged it of that rejection and the reasons for the rejection.
- 41.10 The *Chief Executive Officer* will give all Councillors notice of a *notice of motion* received in accordance with sub-rule 41.2 and not rejected in accordance with sub-rules 41.6 and 41.7.
- 41.11 The *Chief Executive Officer* must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 41.12 Except by resolution of Council, notices of motion before any Council meeting must be considered in the order in which they were recorded in the notice of motion register.
- 41.13 If a Councillor who has given a notice of motion is absent from the Council meeting or fails to move the motion when called upon by the Chairperson to do so, any other Councillor may move the motion.
- 41.14 The Chairperson, having lodged a notice of motion in accordance with this rule, must vacate the chair of the Council meeting to move the notice of motion and the Deputy Mayor or, in the absence of any Deputy Mayor, temporary Chairperson appointed by the Council, will take the chair for the duration of consideration of the item.
- 41.15 If a notice of motion, whether amended or not, is lost or lapsed, a similar motion cannot again be put before the current Council for a period of three calendar months from the date it was lost.
- 41.16 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses.
- 41.17 Before the notice of motion is put to the vote, it may be withdrawn by the Councillor.

#### PRIVACY COLLECTION NOTICE

Personal information collected on this form will be used by Council's Governance and Executive Units to process your notice of motion. This form and the information contained on it will be disclosed to the public through publication on the Council meeting agenda.

If you do not provide us with all required information, your notice of motion may be non-compliant with the Governance Rules and may be rejected. You have the right to access your personal information and make any necessary corrections. If you have any queries or wish to gain access to amend your information, please contact Golden Plains Shire's Privacy Officer on (03) 5220 7111 or [enquiries@tplains.vic.gov.au](mailto:enquiries@tplains.vic.gov.au).

Council will comply with its Privacy Policy and Information Privacy Principles in schedule 1 of the Privacy and Data Protection Act 2014 and the Health Records Act 2001 in relation to the use, storage and disclosure of information.