



STRATHBOGRIE SHIRE COUNCIL

**MINUTES OF THE ORDINARY MEETING OF THE STRATHBOGRIE SHIRE COUNCIL
HELD ON TUESDAY 17 DECEMBER 2019 AT THE EUROA COMMUNITY
CONFERENCE CENTRE, COMMENCING AT 6.00 P.M.**

| | | |
|---------------------|-------------------------|--|
| Chair: | Amanda McClaren (Mayor) | (Lake Nagambie Ward) |
| Councillors: | Debra Bower | (Lake Nagambie Ward) |
| | Malcolm Little | (Hughes Creek Ward) |
| | John Mason | (Seven Creeks Ward) |
| | Alistair Thomson | (Mount Wombat Ward) |
| | Graeme (Mick) Williams | (Seven Creeks Ward) |
| Officers: | Phil Howard | Acting Chief Executive Officer (ACEO) |
| | David Roff | Group Manager, Corporate and Community (GMCC) |
| | Emma Kubeil | Acting Group Manager, Innovation and Performance (AGMIP) |

BUSINESS

1. Welcome

Resignation of Councillor Kate Stothers (Honeysuckle Creek Ward)
2. Acknowledgement of Traditional Land Owners

'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'
3. Apologies

Jeff Saker Group Manager, Community Assets (GMCA)
4. Confirmation of Minutes of the Ordinary Meeting of Council held on Tuesday 19 November 2019, Special (Statutory) Meeting of Council held on Tuesday 12 November 2019 and Special Meeting of Council held on Tuesday 10 December 2019

19/20 **CRS LITTLE/WILLIAMS** : *That the Minutes of the Ordinary Meeting of Council held on Tuesday 19 November 2019, Special (Statutory) Meeting of Council held on Tuesday 12 November 2019 and Special Meeting of Council held on Tuesday 10 December 2019 be confirmed*

CARRIED

A handwritten signature in black ink, appearing to be a stylized 'D' or similar character, located in the bottom right corner of the page.

5. Disclosure of Interests

Nil.

6. Petitions

Nil.

7. Reports of Mayor and Councillors and Delegates

The Mayor and Councillors provided verbal reports on meetings / events attended over the past month.

8. Public Question Time

Public Question Time will be conducted as per Strathbogie Shire Council's Meeting Procedure Local Law No. 1, Clause 32. A copy of the required form for completion and lodgment, and associated Procedural Guidelines, are attached for information.

As the questions are a permanent public record and to meet the requirements of the Privacy Act, only the initials of the person asking the question will be used together with a Council reference number.

Questions lodged prior to the meeting and responded to at the meeting –

Council Ref: RW: 41 / 2019

Question with notice for Councillors

Cr Deb Bower has served Council over eleven years and deserves every reasonable opportunity to retire gracefully.

TWO current Councillors have **lost** their LEGAL LIABILITY to represent the ratepayers who voted them into office at last 2016 election (Oct 2019) & (Nov 2019).

This occurred on the day changes were made by them to their personal status. The misuse of nominating a future date is a clear "abuse of process".

Two wards are involved Honeysuckle (Nov 2019) and Lake Nagambie (Oct 2019) and those immediately involved.

Question on LEGAL LIABILITY

- Can LEGAL LIABILITY limit votes?
- Can LEGAL LIABILITY limit attendances?
- Can LEGAL LIABILITY impact on legality of decisions made?
- Is Council's integrity at risk?

Response was provided at the meeting by Cr Bower, with further clarification, included below, provided subsequent to the meeting

On Tuesday 17th December when the sale of my house in Nagambie was finalised and settled, as a result I became ineligible to remain as a Councillor in Strathbogie Shire. Under the Local Government Act 1989, I understand I have the right to remain in the role until 50 days after the loss of my entitlement.

8. Public Question Time (cont.)

Council Ref: RW: 41 / 2019 (cont.)

Response was provided at the meeting by Cr Bower, with further clarification included below, provided subsequent to the meeting (cont.)

Today (Tuesday 17/12/2019) I have put in my resignation effective from the 31st of December 2019 and the process is now in the hands of the VEC.

It is my understanding a countback for my ward will be undertaken to redistribute the preferences given by my voters. There is no guarantee who will be asked to take on the role until that is done.

With the Mayor Amanda McClaren in the role serving the residents of the Nagambie Lakes ward also there is no doubt in my mind they are being served well.

I suggest [REDACTED] takes the time to understand the concerns and desires within that community rather than being disruptive to the legislated process being undertaken.

I also hope that the next person to take this role is respectful and willing to work for the Nagambie Lakes communities beyond their own self interest.

Questions raised at the Meeting and Taken on Notice –

Council Ref: TM: 42 / 2019

1. Has the Shire of Strathbogie made application for drought relief, has it been declared. The allocation of \$1million dollars has been applied for. To what areas is it to be used for. The Local Government Act 171A, which allows Council to waive Council's rates through financial hardship.
2. Fire hazards. Does the Shire meet their requirements of the land and properties they control. If not, why not. What fire plans does the Shire have 2019-2020 year

Council Ref: SS: 43 / 2019

1. Who is Council's current communications officer? Several good news stories have gone unreported. This seems a shame.
2. There seems to be no back-up – is this correct?

Questions lodged prior to the meeting and Taken on Notice –

Council Ref: MM: 44 / 2019

1. Rates dept.
Why is the rates department still not fixing mistakes that had been brought to the attention of the previous ceo and finance lady in a meeting.
2. Defamation of ratepayers.
Is the council aware of legal ramifications of defamation of personal details being disclosed incorrectly.
Especially executive staff signing documents that are not correct.

NB: The submitter has been requested to provide further details/clarification of the matters raised to enable a relevant response to be provided.

8. Public Question Time (cont.)

Response/s to Public Questions Taken on Notice at Ordinary Council meeting held on Tuesday 19 November 2019

Council Ref: SS: 39 / 2019

Responses provided by GMCA

1. What date has been set for preparation works – ie. to remove the dead trees and dig the holes for the new ones?
As per recent discussions and meetings, the planting will take place in Bury Street on Saturday 14 December 2019 with preparation being completed on Friday 13 December 2019.
2. Is this still earmarked as a collaborative community pilot project?
It is still our intention that these plantings and those planned for Sutherland and Kennedy Streets will be a community planting project.

Council Ref: DJ: 40 / 2019

- 1 (a) Does Council intend to use any of the recently released drought money directly for water storage, water conservation or improved usage project.
 - If yes, please provide details, including budget allocation
 - If no, please justify

Responses provided by Mayor at the meeting

There is specific criteria attributed to the recent \$1million drought funding program announced by Federal Government, primarily focussed around providing economic stimulus to communities, and projects being submitted by Council were discussed at a Special Council meeting on 6 November 2019. Council is yet to be advised of the outcome of the submissions.

Additional information provided following the meeting

*An excerpt from the Australian Government Business website indicates the following:-
The Drought Communities Programme – Extension provides councils with up to \$1 million for drought relief projects. Funding is available for eligible councils in areas impacted by drought.
The extension of the Drought Communities Programme provides funding of \$123 million to eligible councils for drought-affected regions of Australia.
The program supports local community infrastructure and other drought relief projects for communities impacted by drought.*

Funding targets projects that:

- *provide work for people whose employment has been impacted by drought*
- *stimulate local community spending*
- *use local resources, businesses and suppliers*
- *provide a long-lasting benefit to communities and the agricultural industries they depend on*

8. Public Question Time (cont.)

Council Ref: DJ: 40 / 2019 (cont.)

- (b) Is Council using portable water to irrigate ovals, parks, etc. If so, what is the estimated weekly usage in litres.

Responses provided by GMCA

After discussion with Goulburn Valley Water (GVW) and in accordance with their Stage 2 water restriction guidelines, Council is currently irrigating Telegraph Park in Euroa two nights per week, and will continue to monitor that arrangement.

Sporting Clubs are also irrigating surfaces in accordance with these regulations. These uses are continually monitored and discussed with GVW.

The estimated weekly usage is currently unknown.

- (c) Are any plans in place to make better use of recycled water from sewage treatment plants?

Responses provided by GMCA

Council is in discussion with Goulburn Valley Water (GVW) regarding the use of recycled water from its Euroa Treatment Plant for use on applicable sporting and open space areas, tree watering and road grading.

Other potential uses are also being investigated with GVW and the community.

Response/s to Public Questions raised and responded to at the Ordinary Council meeting held on Tuesday 19 November 2019 were documented in the Minutes of the meeting.



9. Reports of Council Officers
 - 9.1 Climate Change
 - 9.2 Infrastructure
 - 9.3 Private Enterprise
 - 9.4 Public Institutions
 - 9.5 Housing and Recreation
 - 9.6 Tourism
 - 9.7 Organisation
10. Notices of Motion
11. Urgent Business
12. Closure of Meeting to the Public to consider matters listed for consideration in accordance with Section 89(2)(d) and (h) of the Local Government Act 1989
13. Confirmation of 'Closed Portion' Decision/s

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (Group Manager, Corporate & Community) should they seek to obtain permission to do so.

NEXT MEETING

Please Note: There is no Ordinary Meeting of the Strathbogie Shire Council held in January 2020.

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 18 February 2020, at the Euroa Community Conference Centre, commencing at 6.00 p.m.



Council Ref. / 2019

Public Question Time Form Ordinary Council Meeting

Strathbogie Shire Council has allocated a time for the public to ask questions in the business of an Ordinary Meeting of the Council.

How to ask a question:

Questions submitted to Council must be:

- (a) in writing, state the name, address and telephone number of the person submitting the question and generally be on this form, approved by Council; and
- (b) submitted to Council in person or electronically.

The Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read. Please refer to the back of this form for procedural guidelines.

Question/s: (please print clearly with a maximum of 25 words)

1.....
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2.....
.....
.....
.....
.....

Name:

Address:

Telephone Number:

Signature: (signature not required if submitted by email)

Date of Ordinary Council Meeting:

Privacy Declaration: Personal information is collected on this form to allow Council to undertake follow-up / response and to confirm identity for future reference where necessary. The questioner's name only, together with a question reference number, will be included in Council's Minutes. Council Minutes are a public document which will be published on Council's Website and are available for public scrutiny at any time. Other personal details included on this form will not be included in the Minutes and will be kept for Council reference only, unless disclosure is required for law enforcement purposes or under any other statutory requirement.

A handwritten signature in black ink, located in the bottom right corner of the page.

Public Question Time - Procedural Guidelines

Question Time

- (1) There must be a public question time at every Ordinary meeting to enable members of the public to submit questions to Council.
- (2) Sub-clause (1) does not apply during any period when a meeting is closed to members of the public in accordance with section 89(2) of the Local Government Act 1989 (the Act).
- (3) Public question time will not exceed in duration any time limit imposed by the Chairperson, in the Chairperson's discretion in order to ensure that Council has sufficient time in which to transact Council business.
- (4) Questions submitted to Council must be:
 - a) in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and
 - b) submitted to Council in person or electronically.
- (5) No person may submit more than 2 questions at any 1 meeting.
- (6) If a person has submitted 2 questions to a meeting, the second question:
 - a) may, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or
 - b) may not be asked if the time allotted for public question has expired.
- (7) The Chair, a Councillor or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this clause.
- (8) Notwithstanding sub-clause (6), the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (9) A question may be disallowed by the Chair if the Chair determines that it:
 - a) relates to a matter outside the duties, functions and powers of Council;
 - b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - c) deals with a subject matter already answered;
 - d) is aimed at embarrassing a Councillor or a member of Council staff;
 - e) relates to personnel matters;
 - f) relates to the personal hardship of any resident or ratepayer;
 - g) relates to industrial matters;
 - h) relates to contractual matters that are commercial in confidence;
 - i) relates to proposed developments;
 - j) relates to legal advice;
 - k) relates to matters affecting the security of Council property; or
 - l) relates to any other matter which Council considers would prejudice Council or any person.
- (10) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- (11) All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- (12) Like questions may be grouped together and a single answer provided.
- (13) The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.
- (14) A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent within 14 days to the person who asked the question.
- (15) A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

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9. REPORTS

9.6 TOURISM

9.6.1 Tourism Arts and Culture Advisory Group - Draft Minutes of the Meeting held on Thursday 3 October, 2019

Author & Department

Manager Arts, Culture and Economy / Corporate and Community

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

Attached are the draft minutes of the Tourism, Arts and Culture Advisory Group for the meeting held on Thursday 3 October, 2019.

RECOMMENDATION

That Council endorse the minutes of the Tourism, Arts and Culture Advisory Group meeting held on Thursday 3 October, 2019.

20/20 CRS BOWER/LITTLE : That the Recommendation be adopted.

CARRIED

Background

The objectives of the Strathbogie Shire Council Tourism, Arts and Culture Advisory Group are:

- To provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice and enable community participation in the development and implementation of a Tourism, Arts and Culture Strategy Plan.
- Act as advocates and champions for Tourism, Arts and Culture programs and projects with the Shire that are of community benefit.
- Provide a forum for discussion of tourism, arts and culture industry trends and best practice in the Local Government sector.

The role of the Committee is to carry out the following functions:

- To assist with the development and implementation of a Tourism, Arts and Culture Strategy Plan.
- Respond to issues referred by Council to the committee.
- Assist Council to work strategically to encourage, foster, value and promote tourism, arts and culture.
- Provide a consultative mechanism for Council on tourism, arts and culture activities within the Shire.
- Assist in identifying and responding to key issues relating to tourism, arts and culture in the Shire.
- Provide advice on the review and implementation of the future Tourism, Arts and Culture Strategy Plan.

9.6.1 Tourism Arts and Culture Advisory Group
- Draft Minutes of the Meeting held on Thursday 3 October, 2019 (cont.)

The Tourism, Arts and Culture Advisory Group Charter was adopted by Council on 15th of August, 2017 and reviewed and further adopted on 17th of September, 2019.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

9.6.1 Tourism Arts and Culture Advisory Group
- Draft Minutes of the Meeting held on Thursday 3 October, 2019 (cont.)

Community Engagement

The author of this report considers that the matter under consideration did not warrant a community engagement process because there are no actions or decisions that have an impact on the community being made in the minutes.

Attachments

- Minutes of the Tourism, Arts and Culture Advisory Committee of Thursday 3rd October, 2019



TOURISM, ARTS AND CULTURE ADVISORY GROUP MEETING MINUTES



Thursday 3 October, 2019
Avenel, Private Meeting Room, Fowles Wines
11:00am – 12:00pm

Attendees

| | | | |
|--------------------|--------------------------|---------------------|--------------------------|
| Cr Amanda McClaren | Councillor (CHAIR) | Kathi Clark-Orsanic | Community Representative |
| Claire Taylor | Strathbogrie Shire | Tess Noonan Egan | Community Representative |
| Debra Ellis | Strathbogrie Shire | Janelle Toomey | Community Representative |
| Rosa Purbrick | Community Representative | | |

Apologies

| | | | |
|-------------------|--------------------------|--------------|---------------------------------------|
| Cr Debra Bower | Councillor | Sissy Hoskin | Go Nagambie |
| Kristen MacKenzie | Community Representative | David Roff | Group Manager Corporate and Community |

| ITEM | PERSON RESPONSIBLE |
|--|----------------------------|
| 1. WELCOME MEMBERS AND ACKNOWLEDGMENT OF COUNTRY Amanda McClaren (interim CHAIR) welcomed and paid recognition of traditional custodians of the land | CHAIR – Amanda McClaren |
| 2. APOLOGIES – as above | All |
| 2a. ACCEPTANCE OF PREVIOUS MINUTES Acceptance of minutes from last meeting 28/08/19 Moved: Deb Ellis Seconded: Janelle Toomey | |
| 3. ACTIONS FROM PREVIOUS MINUTES / UPDATE OF ONGOING MATTERS 3.1 Update on Urban Planning projects 3.1.1 Nagambie Water Tower <ul style="list-style-type: none"> ▪ No further development, Actions to be carried over from previous minutes ▪ Janelle spoke to a prospective artist for the projects we have been looking at in relation to large scale art projects. ▪ She spoke directly with RONE who is completely committed for next 2yrs. Beyond 2021 he would like to take over a ghost town and do something on a larger scale like this - to rejuvenate a space. Very open to speaking with everyone about potential opportunities for this. ▪ Very talented street and mural artist that was identified through an initiative Janelle was involved in. He is someone who potentially will be able to complete the project within budget. Not local, but could engage with local people. ▪ Silos at Nagambie Railway precinct - Nagambie Action/Go Nagambie. Tim Purbrick is involved in this and has spoken with Rosa. This groups project could be a potential location for large scale art work. | All |

| | |
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| <p>5.3 Funding opportunity – Creative Victoria</p> <ul style="list-style-type: none">▪ Discussion regarding the opportunity to undertake a feasibility study to look at under-utilised spaces in our Shire. Expression of Interest has been prepared by Claire to be submitted by 9th October. 4 - 6mth project for this to be completed. General expressions of interest summaries received from Consultants have been provided▪ Strathbogie Inc has been speaking with arts groups in the area. Janet Fogarty has written a letter requesting a letter of support from Council for their application for the Creative Victoria grants as well. <p><i>Actions:</i></p> <ul style="list-style-type: none">▪ Councils expression of interest to be submitted on 9th October.▪ Tess to arrange for a one page summary of Strathbogie Incs project proposal to be sent. Once received the letter and summary proposal to be presented to EMT | <p>Claire Taylor Tess Noonan Egan</p> |
| <p>6. OTHER BUSINESS</p> <ul style="list-style-type: none">▪ Acknowledgement of Janelle Toomey and her contribution to the Group – thanks and farewell. | <p>All members</p> |
| <p>7. MEETING CLOSED @ 12:07pm</p> | |
| <p>8. NEXT MEETING/S: October – 9:30, Thursday 31 October, Euroa (Council – Meeting Room 2) November - TBC December - TBC</p> | |

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9.7 ORGANISATION

9.7.1 Draft Disposal or Sale of Council Assets Policy 2019

Author / Department

Project Officer Corporate Governance / Executive Services

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest, as defined by the *Local Government Act 1989*.

Summary

One of the issues addressed by the Victorian Auditor General's Office (VAGO) Fraud and Corruption Controls – Local Government Audit dated June 2019 was the means through which council assets were disposed of.

Strathbogie Shire Council came into specific criticism due to the past practice of including Council vehicles as part of staff packages upon leaving the organisation and the ability for Councillors and staff to purchase Council assets without any open, competitive process.

A range of policies are required to be amended to prohibit these practices, and the Acting Chief Executive Officer gave an order to the Executive Management Team in late June that no asset shall be sold directly to Councillors or staff. The draft Motor Vehicle Policy, which is still under review, also states that vehicles cannot be sold directly to staff or Councillors.

Council does not, however, have a current disposal or sale of assets policy. This means there is no overriding policy or procedure for the disposal of all types of assets – whether it be land, a mobile phone, office furniture, plant or fleet. There is also no standard documentation that is required to be completed to provide an auditable trail as to how assets have been disposed of.

The new Disposal or Sale of Council Assets Policy 2019 is designed to address this policy gap and to ensure that there is an auditable, transparent process for the disposal of all Council assets. It also reinforces that there is to be no direct sale/disposal from Council to staff, Councillors or contractors.

The policy also specifies who has the authority to approve the disposal of assets based on value and the process that needs to be undertaken to dispose of the asset.

A range of considerations are outlined that must form the basis of asset disposal decisions, ensuring there are linkages to Council's Asset Management Policy and Asset Management Plans. The notion of maximising community value, not just financial value, is also a key consideration.

The Executive Management Team reviewed this policy on 30 October 2019 and approved it for consideration by the Audit Committee at the Special Audit Committee meeting of 22 November 2019. In turn the Audit Committee resolved to refer the draft policy to Council subject to minor amendments.

9.7.1 Draft Disposal or Sale of Council Assets Policy 2019 (cont.)

The purpose of this report is to seek Council adoption of the Disposal or Sale of Council Assets Policy 2019.

RECOMMENDATION

That Council:

1. **Adopt the Disposal or Sale of Council Assets Policy 2019.**
2. **Publish the adopted Disposal or Sale of Council Assets Policy 2019 on its website.**

21/20 **CRS THOMSON/MASON** : *That the Recommendation be adopted.*

CARRIED

Background

The VAGO audit related to fraud and corruption control. Twelve (12) recommendations made by VAGO related to Strathbogie Shire, primarily focusing on strengthening policies and procedures to ensure that Council expenditure reflected community expectations and provided for sufficient controls to mitigate possible fraud and corruption.

One of the issues VAGO identified in relation to Strathbogie Shire was the past practice of disposing of Council vehicles through staff exit packages:

*'We recommend that Strathbogie Shire Council:
12. cease all sales and the provision of vehicles to council staff as part of exit packages.'* (pg 15)

A Chief Executive Officer directive was given to Council's management team to ensure this VAGO recommendation was implemented soon after the VAGO report was released.

The policy identifies the following principles:

- consistency with Council's Asset Management Policy and asset management plans
- open and effective communication
- independence in the method of disposal
- maximising community value
- ethical behaviour and fair dealing
- sound record keeping
- sustainability objectives.

The draft policy was reviewed by Councillors at an Assembly of Council on 19 November 2019. Councillors identified two grammatical errors requiring correction.

9.7.1 Draft Disposal or Sale of Council Assets Policy 2019 (cont.)

Council's Audit Committee, at its Special meeting of 22 November 2019, resolved to refer the draft policy to Council for review subject to the following minor amendments:

- adding a statement under section 2 clarifying that the policy relates to volunteers registered by Council
- including a definition for Council staff which includes volunteers under section 3
- amending the wording of section 15 Auditing and Reporting to state that Council's independent auditors 'will' undertake periodic reviews against the policy rather than 'may'.

Alternative Options

A number of disposal of assets policies and previous reports from VAGO in relation to asset management have been reviewed in the development of this new policy to ensure that best practice is adopted by Council.

Risk Management

The adoption of this policy by Council will serve to address the potential for fraud and corruption and therefore act as a risk mitigation measure. The key to ensure the success of the policy and its procedures will be regular internal monitoring of the disposal of assets.

Considering the risk of ownership of the asset (eg it may contain hazardous materials) is also one of the decision-making criteria when assessing disposal of an asset.

The policy outlines procedures for disposal to ensure clear and consistent direction is provided to decision makers, along with asset disposal evaluation forms to provide a practical means of implementing the policy's provisions. A form must be completed for all assets being sold or disposed of to ensure there is an auditable trail for future internal and external auditing.

Strategic Links – policy implications and relevance to Council Plan

The relevant objectives and actions of the Council Plan (reviewed 2019) relate to the implementation of the Combined Action Plan:

Goal 5: To be a high performing Shire

Conduct an organisation wide cultural change / innovation program that promotes a "can do philosophy", continuous improvement processes, culture of collaboration and a willingness to embrace positive change.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

One of the key principles of the draft policy is to maximise community value when disposing of assets. This is not just limited to financial value but to the consideration of positive or negative impacts on service delivery to the community and if/how the asset will be replaced.

9.7.1 Draft Disposal or Sale of Council Assets Policy 2019 (cont.)

Financial / Budgetary Implications

The disposal of assets is one of the key pillars of developing and managing a Council budget. Annual budgets and long-term financial plans must consider the renewal and disposal of assets. To this end, budgets reflect the value of current assets, depreciation and replacement costs.

The policy links the disposal of assets to Council's Asset Management Policy and Asset Management Plans, all of which inform Council's financial management practices. This means that the recommendations of these policies and plans can be implemented through day to day decision making.

One of the goals of the policy is to maximise the financial returns from asset disposal.

Economic Implications

There are no significant economic implications arising from this report.

Environmental / Amenity Implications

There are no environmental or amenity implications arising from this report, however the policy does highlight the need to achieve 100 percent diversion from landfill. One of the seven principles underpinning the policy are sustainability objectives meaning Council must dispose of assets in a sustainable way.

Community Implications

There are no significant community implications arising from this report, aside from the hope that by continuing to strengthen Council's policies and procedures in the wake of the VAGO report Council can continue to rebuild the community's confidence in our ability to fight corruption and manage public funds and assets in a consistent, open and accountable way.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The *Local Government Act 1989* outlines statutory provisions for the sale of Council owned land, which are referenced in the policy.

Consultation

Community consultation has not been undertaken given this is a draft Council policy aimed to establish internal protocols and processes.

Having said that, once adopted the policy will be accessible on Council's website and copies can be provided through its customer service centres.

The draft policy has been circulated to the Executive and key staff involved in asset management for comment, with a number of improvements made to the draft policy as a result.

Attachments

- Draft Disposal or Sale of Council Assets Policy 2019.



DISPOSAL OR SALE OF COUNCIL ASSETS POLICY

| COUNCIL POLICY | |
|------------------------------|---|
| Document ID: | |
| Effective Date: | |
| Last Review: | |
| Current Review: | |
| Endorsed by Audit Committee: | 22 November 2019 |
| Adopted by Council: | |
| Next Review Date: | December 2021 |
| Responsible Officer/s: | Group Manager Community Assets, Group Manager Corporate & Community |

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1. INTRODUCTION

Council owns a range of assets to support service provision to the community ranging from roads, bridges, land and machinery and to information technology equipment and office furniture. Whether large or small, the responsible management of Council's assets must be a whole of organisation commitment.

The *Local Government Act 1989* and *Road Management Act 2004* underline the role of Council as custodians of all Strathbogie Shire Council assets and its responsibility to:

- provide stewardship
- adopt a corporate asset management policy and asset management strategy
- consider the impact of financial and service level decisions on Council's assets.

A key part of the effective management of Council's assets is the identification of, and process for, disposing of redundant assets.

Whether a piece of land, piece of machinery or a smart phone, asset disposal needs to be undertaken in an open and consistent manner, while achieving best value for the community.

2. POLICY POSITION

This policy and its procedures apply to any person or body responsible for the identification of assets that require disposal or rationalisation.

Councillors, Council employees, volunteers and contractors must comply with following principles in all disposal of asset activities:

(a) Consistency with Council's Asset Management Policy and asset management plans

A decision to dispose of an asset must be consistent with Council's Asset Management Policy and any relevant asset management plan that applies to the category or type of asset.

(b) Open and effective competition

Disposal of assets should be undertaken in an open manner, resulting in effective competition and in a way that stands up to public scrutiny. Fair and equitable consideration must be given to all prospective purchasers.

(c) Independence in the method of disposal

Assets must be disposed of in a way that avoids the disposal of any asset to a Councillor, staff member or contractor without an independent, public and competitive process being undertaken.

(d) Maximising community value

Council must aim to achieve best value for the community when disposing of assets, which is not limited to monetary value alone. The assessment of community value must include consideration, as applicable, of:

- Whether the asset being disposed of requires replacement and if so, what new assets will be acquired
- consistency with the Council Plan and other strategic priorities
- financial considerations including all relevant direct and indirect benefits
- efficiency and effectiveness
- the costs of various disposal methods
- internal administration costs
- risk exposure
- any associated environmental benefits.

(e) Ethical behaviour and fair dealing

Council is to behave with impartiality, fairness, independence, openness and integrity in all decisions, discussions and negotiations.

(f) Sound record keeping

Officers are responsible for completing the necessary forms and documentation outlined in this policy and its procedures to ensure the disposal of assets can be tracked and independently audited.

(g) Sustainability objectives

In undertaking any disposal activities Council will act in a sustainable manner.

3. DEFINITIONS

| | |
|---------------------------|---|
| Asset | means any physical item that Council owns and that, at any time, has been treated pursuant to the Australian Accounting Standards as an 'asset'. It does not include financial investments or finance related activities. |
| Council staff | means people employed by Council and all volunteers registered with Council. |
| Land | means community land, vacant land, road reserves, caravan park, any legal interest Council has in land and any other land related assets, such as buildings, on that land. |
| Major plant and equipment | means an asset with a current market value exceeding \$2000 (excluding GST) such as vehicles, construction equipment and artworks but excludes land. |
| Minor plant and equipment | means an asset with a current market value less than \$2000 (excluding GST) such as office furniture, information technology |



equipment and small tools.
the Act means the *Local Government Act 1989*

4. EXTERNAL REFERENCES

Local Government Act 1989

Fraud and Corruption Controls – Local Government, Victorian Auditor General's Office of Victoria, June 2019

Asset Management and Maintenance by Councils - Victorian Auditor General's Office of Victoria, February 2014

Local Government Assets: Management and Compliance – Victorian Auditor General's Office of Victoria, May 2019

5. RELATED COUNCIL DOCUMENTS

Councillor Code of Conduct 2017

Asset Management Policy 2017

Fraud and Corruption Policy 2017

Motor Vehicle Policy 2013 and associated Motor Vehicle Procedures 2017

Procurement Policy 2018 and Procurement Procedures 2013

Staff Code of Conduct April 2019

Various Asset Management Plans

Council's delegations instruments, particularly the financial delegations instrument

6. POLICY OBJECTIVES

This policy and its procedures apply to all Strathbogie Shire Council operations and are designed to achieve advantageous disposal outcomes through:

- implementing Council's Asset Management Policy and asset management plans
- ensuring the disposal or rationalisation of Council's assets is carried out in a transparent, fair, and independent manner
- enhancing value for the community by using competitive disposal processes
- promoting the use of resources in an efficient, effective and ethical manner
- ensuring decision making is consistent, fair and equitable
- making decisions with probity, accountability and transparency
- satisfying Council's economic, social and environmental policies
- appropriately managing risk
- compliance with all relevant legislation.

7. REVIEW OF THIS POLICY

This policy will be reviewed every 3 years unless the Chief Executive Officer or Council determines that an earlier review is required.

8. CONSIDERATIONS TO IDENTIFY ASSETS DUE FOR DISPOSAL

8.1 Factors to be considered when assessing if an asset is due for disposal

The following factors must be considered when identifying an asset that is due for disposal and addressed in writing when completing the relevant Asset Disposal Evaluation Form outlined in Attachment 1:

- how the disposal of the asset implements the Council Plan, Strategic Resource Plan and long-term financial objectives
- the relevant Asset Management Plan's provisions for asset renewal and disposal
- whether the asset is underutilised
- useability of the asset
- the remaining useful life of the asset
- current market value
- any duplication of the asset that supports its disposal
- annual maintenance costs
- cost of repair or replacement for a similar asset
- appropriate timing for the disposal to maximise community benefit
- any impacts, positive or negative, of the disposal of the asset on the community
- the service provided by the asset, whether it requires replacement to meet service needs and how its replacement will be funded
- potential risk of ownership (eg contains hazardous materials), including health and safety risks for operators or the community
- cultural or historical significance of the asset
- any positive or negative impact on human rights and Council meeting its obligations under the Victorian Charter of Human Rights and the *Charter of Human Rights and Responsibilities Act 2006*
- the outcome of any community consultation processes
- any restrictions on the proposed asset disposal
- any other relevant Council policies
- where or for what purpose the proceeds of the asset's sale will be allocated or spent.

9. METHODS OF ASSET DISPOSAL

The following options are available for the disposal or rationalisation of an asset in the most cost effective and beneficial manner to the community. When assessing the means of disposal, it is important to aim to achieve the objective of 100% diversion from assets going to landfill:

| Disposal method | Rationale |
|--|--|
| Trade in | Trading in equipment as part of another purchase or plant rationalisation process |
| Expression of Interest | Seeking expressions of interest from prospective buyers through the placement of public notices in relevant newspapers and on Council's website in accordance with Council's Procurement Policy and Procedures |
| Open tender | Using a public tender process to openly seek bids in accordance with Council's Procurement Policy and Procedures |
| Sale or public auction of land | Engaging the services of a real estate agent or auctioneer (in accordance with the Procurement Policy and Procedures) to offer the land for auction or sale after satisfying the requirements of the Act (including requesting a current valuation of the asset) |
| Sale or public auction for other assets (excluding land) | Engaging the services of an agent or auctioneer (in accordance with the Procurement Policy and Procedures) to dispose of the asset via a public auction (whether online or in person) |
| Demolish, Dump or Recycle | Depending on the condition, safety and useability of the asset, the value of the asset may be written off and the asset disposed of through demolition, dumping or waste collection if beyond economical repair |
| Secure destruction | Items to be sent for secure destruction in order to comply with Australian Government Protective Security Policy Framework and/or other relevant Agencies' policies |
| Donation to a charity or gifting to a community organisation | Donation of the asset to a registered charity or gifting to a local community group/organisation |
| Land exchange | A land exchange by private treaty between Council and another party may be considered where there is identified mutual benefit and quantifiable community benefit to equalise the value of the land in accordance with section 191 of the Act. |

10. PREPARATION OF ASSETS FOR DISPOSAL OR SALE

Prior to disposal or sale, the asset must be checked to ensure that the asset does not contain:

- additional items not intended for sale
- confidential documents (including memory sticks, records, files or papers)
- documents on Council letterhead which may be used in a fraudulent way
- hard drives which have not been erased or physically destroyed to delete Council operated software in order to avoid breach of licenses or information and data privacy
- hazardous materials
- any other identifier that the property was once owned by Strathbogie Shire Council.

The officer responsible for disposal of the asset must verify that asset being disposed does not contain information classified as 'sensitive' or higher. If media or equipment is unable to be sanitised, then secure destruction must be the method of disposal.

11. PUBLIC CONSULTATION

Sections 189 and 207(a) of the Act require Council to undertake mandatory public consultation when considering a proposal to sell land.

To facilitate this process, a resolution of Council is required to commence the consultation process and must include a discussion of the merits of the asset's disposal against the provisions of Section 8 Considerations to Identify Assets Due for Disposal.

Council must then consider any written (and supporting verbal) submissions made during the statutory consultation period prior to deciding as to whether the land will be sold.

12. NO DIRECT SALE TO COUNCILLORS, COUNCIL OFFICERS OR CONTRACTORS

Councillors, Council officers, volunteers and contractors are not permitted, under any circumstance, to purchase assets being disposed of by Council unless the method of disposal is through a public auction or sale process that is being undertaken by an independent third party (ie real estate agent or auctioneer).

13. BUYER'S RISK

Regardless of the disposal method used all prospective buyers must be advised in writing that the asset is disposed of, without any faults, at the buyer's risk ('as is where is'). Buyers are to rely on their own investigations regarding the condition and function of the asset and Council will not be responsible for any repairs or maintenance of the asset.

14. EXEMPTIONS IN EXCEPTIONAL CIRCUMSTANCES

From time to time there may be exceptional circumstances that arise where the processes and guidance outlined in this Policy will not deliver the best outcome for Council or the community.

Should this be the case, the waiver of the requirements of this policy must be subject to a resolution of Council to ensure maximum transparency and accountability to the community.

15. AUDITING AND REPORTING

Council's independent internal auditors will undertake periodic reviews of the process undertaken to dispose of assets as part of the ongoing audit program.

Findings of such audits must be reported to the next available Council Audit Committee meeting.

16. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

17. PROCEDURES

The following procedures are designed to ensure that all decisions relating to this policy are made in a consistent and open manner.

17.1 Process for consideration of the disposal of an asset

Once the factors outlined under Section 8.1 have been considered and assessed the completed Asset Disposal Evaluation Form must be signed by the relevant departmental manager responsible for the asset prior to being forwarded to the appropriate officer or body in accordance with the table below.

Exclusion for plant or fleet

Plant and fleet are excluded from the authorisations outlined in the table below only if pre-approval of its disposal has been given through the adoption of the annual Council budget.

Should approval have been given for the disposal of fleet or plant through this means, the Manager Operations and Group Manager Community Assets must co-sign the asset disposal form.

| Disposal method | Value of \$1 – \$1000 | Value of \$1001 – \$20,000 | Value of \$20,001 – \$100,000 | Value of >\$100,001 |
|---|---|---|---|---|
| Trade in Expression of Interest Open Tender Public Auction Demolish or Recycle (excludes sale or disposal of land) | Authority to approve: Relevant departmental manager for the asset Responsibility for implementation: Relevant departmental manager for the asset | Authority to approve: Group Manager Community Assets or Group Manager Corporate & Community Responsibility for implementation: Relevant departmental manager for the asset | Authority to approve: CEO following discussion with Executive Management Team and implemented by the relevant Asset Manager Responsibility for implementation: Relevant departmental manager for the asset | Authority to approve: Council resolution Responsibility for implementation: Relevant Group Manager |
| Donation to charity or gifting to community organisation | Authority to approve: Chief Executive Officer Responsibility for implementation: Relevant department manager for the | Authority to approve: Chief Executive Officer Responsibility for implementation: Relevant departmental manager for the | Authority to approve: Council resolution Responsibility for implementation: Relevant Group Manager | Authority to approve: Council resolution Responsibility for implementation: Relevant Group Manager |

| | asset | asset | | |
|--|--|--|---|---|
| Sale or public auction of land | Authority to approve: Council resolution Responsibility for implementation: Relevant department manager for the asset | Authority to approve: Council resolution Responsibility for implementation: Relevant department manager for the asset | Authority to approve: Council resolution Responsibility for implementation: Relevant Group Manager | Authority to approve: Council resolution Responsibility for implementation: Relevant Group Manager |
| Exchange of land or sale of land by private treaty | Authority to approve: Council resolution Responsibility for implementation: Relevant Group Manager | Authority to approve: Council resolution Responsibility for implementation: Relevant Group Manager | Authority to approve: Council resolution Responsibility for implementation: Relevant Group Manager | Authority to approve: Council resolution Responsibility for implementation: Relevant Group Manager |

17.2 Identifying method of disposal or sale

The selection of the disposal method for the asset must include the consideration of the following:

- the nature, economic life and condition of the asset
- public demand and interest in the asset
- the method most likely to return the highest revenue
- the community benefit gained (particularly for the consideration of donating the asset)
- the monetary and community value of the asset
- whether it is light vehicle or heavy plant and equipment
- whether the asset is land (and therefore must meet certain provisions of the Act)
- the costs of the disposal method compared to the expected revenue
- compliance with Council policies and other statutory obligations.

17.3 Sale of land

Any sale, exchange or transfer of land must comply with the provisions of the Act, namely:

- the requirement to seek a valuation from a suitably qualified professional (valuations cannot be more than six months old from the date of sale)
- the mandatory community consultation requirements of section 189 unless section 191 of the Act is being applied for the transfer or exchange of land
- the mandatory community consultation requirements of section 207(a) if the land to be sold forms part of a road that has been discontinued as a result of Council exercising its powers under clause 3 of schedule 10 of the

Act unless section 191 of the Act is being applied for the transfer or exchange of land.

Following compliance with the Act, sales are to be conducted through a public process of public auction, public tender or through registrations of expressions of interest, unless circumstances exist that justify an alternate method of sale such as the sale or exchange of land by private treaty in accordance with a Council resolution.

Sales and exchanges of land or land and buildings should not occur if less than the market value, as assessed by Council's valuer.

However, if there is demonstrable and quantifiable community benefit gained by selling the land for less than the market value, or to exchange the land for land of a lesser value, a report to Council must explain the reasons leading to the recommendation to Council to accept a sale price less than market value or to exchange land for other land with a lower value. Council will then decide as to whether the proposed sale or exchange is appropriate.

17.4 Donation of assets to a charity or gifting to a community organisation

Donations of surplus or redundant assets may only be made with the authority of the Chief Executive Officer or Council resolution (in accordance with the table in section 16.1 of this Policy) after exploring all other avenues for recouping a fair financial return for Council or any alternate use within Council.

Council officers must only consider donations in response to a formal Expression of Interest process in accordance with Council's Procurement Policy and Procedures, limiting the submissions of interest to registered charities or community organisations.

Expressions of Interest must be made in writing by the charity or community group and must quantify the community benefit gained from a donation to their organisation.

The Expressions of Interest will be considered by the relevant Departmental Manager, with a recommendation made to the Executive Management Team or, if deemed appropriate by the Chief Executive Officer, to Council for consideration.

The registered charity or community group successful in being donated or gifted the asset must facilitate its removal/pick up themselves.

18. FORMS



ASSET DISPOSAL EVALUATION FORM

Completed form to be forwarded to the relevant officer or body as identified in section 16.1 of the Disposal of Assets Policy 2019. This form is not to be used for land sale or exchange.

| Details of Asset | | | |
|--|----|---|----|
| Asset identification | | | |
| Asset location (Council property ID) | | | |
| Street address (if applicable) | | | |
| Asset description | | | |
| Ownership details | | | |
| Relevant asset management plan disposal provisions | | | |
| Description of how asset is used and services it provides to the organisation and/or community | | | |
| Current valuation of asset | \$ | | |
| Estimated market value | \$ | | |
| Estimated cost of disposal | \$ | Total expected revenue (ie estimated market value minus cost of disposal) | \$ |
| Have you verified that the asset being disposed does not contain information | | | |

| | |
|--|--|
| <p>classified as sensitive or higher. (If the answer is no and the media or equipment is unable to be sanitised, secure destruction must be the method of disposal).</p> | |
| <p>Assessment of the need for disposal against factors outline in section 8.1 of the Disposal of Council Assets Policy 2019</p> | |
| <p>Assessment of proposed method of disposal against the considerations of section 9 of the Disposal of Council Assets Policy</p> | |
| <p>How the asset is going to be replaced (if replacement required)</p> | |
| <p>How will the proceeds from the sale be allocated or spent?</p> | |
| <p>Is the asset a piece of plant or fleet that has pre-approval in the adopted Council budget for disposal and therefore can be approved by the Operations Manager and Group Manager Community Assets? Please identify the date of the Council resolution and in what account(s) the future disposal of the asset is represented.</p> | |
| <p>Are there any legislative requirements that need to be satisfied?</p> | |
| <p>Recommendation</p> | |
| <p></p> | |

| | | | |
|--|--|--------------|--|
| Signature, name and position of officer making the assessment | | Date: | |
|--|--|--------------|--|

| Authorisation required under section 16.1 of the Disposal of Council Assets Policy | | | |
|---|--|---|--|
| <input type="checkbox"/> Departmental Manager | | <input type="checkbox"/> Group Manager | |
| <input type="checkbox"/> CEO | | <input type="checkbox"/> Council resolution | |
| Authorising officer's comment | | | |
| Authorising officer's name, position and signature | | Date: | |
| Date considered by EMT (if applicable) | | | |
| Date of Council resolution (if applicable) | | | |
| Decision implemented by (officer name, position and date) | | | |

DRAFT



LAND DISPOSAL EVALUATION FORM

Completed form to be forwarded to the relevant officer or body as identified in section 16.1 of the Disposal of Assets Policy 2019. This form is to be used for land sale or exchange.

| Details of Asset | | | |
|--|----|--|----|
| Asset identification (Council property ID) | | | |
| Street address | | | |
| Asset description | | | |
| Ownership details (eg any encumbrances on title) | | | |
| Relevant asset management plan disposal provisions | | | |
| Description of how asset is used and services it provides to the organisation and/or community | | | |
| Current valuation of asset prepared by a suitably qualified Valuer (must be less than 6 months old) | \$ | | |
| Estimated cost of disposal | \$ | Total expected revenue (ie estimated market value minus cost of disposal) | \$ |
| Assessment of the need for disposal against factors outline in section 8.1 of the Disposal of Council | | | |

| | | | |
|---|--|--------------|--|
| Assets Policy 2019 | | | |
| Assessment of proposed method of disposal against the considerations of section 9 of the Disposal of Council Assets Policy | | | |
| How the asset is going to be replaced (if replacement required) | | | |
| How will the proceeds from the sale be allocated or spent? | | | |
| Are there any legislative requirements that need to be satisfied? | | | |
| Recommendation | | | |
| | | | |
| Signature, name and position of officer making the assessment | | Date: | |

| | |
|--|--|
| Authorisation required under section 16.1 of the Disposal of Council Assets Policy | |
| <input type="checkbox"/> Council resolution | |
| Date proposal considered by EMT prior to being placed on a Council agenda (if applicable) | |
| Date of Council resolution (if applicable) | |
| Decision implemented by (officer name, position and date) | |

9.7.2 Draft Gifts, Benefits and Hospitality Policy 2019

Author / Department

Project Officer Corporate Governance / Executive Services

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest, as defined by the *Local Government Act 1989*.

Summary

The Victorian Auditor General's Office (VAGO) Fraud and Corruption Control – Local Government report dated June 2019 identified that a number of Council policies and procedures required review.

Strathbogie Shire Council came into specific criticism due to the past practice of one senior executive of buying gifts for suppliers and a general lack of fraud and corruption control mechanisms in existing policies and procedures.

Council has an existing Acceptance of Gifts and Hospitality Policy, initially adopted by Council in 2008 and last reviewed by Council in 2017. While relatively short, it does establish a range of principles for the acceptance of gifts and hospitality, along with the requirement that all gifts over \$50 must be declared.

It is fair to say that the existing policy does not deal with the following issues:

- benefits that a councillor or officer may receive such as free or discounted accommodation or access to a sporting event
- gifts, benefits or hospitality from staff or councillors to suppliers or prospective tenderers
- the provisions of the *Local Government Act 1989* (the Act) which relate to the receipt of \$500 of gifts or benefits from a single person or supplier by an officer or councillor over a 5-year period immediately resulting in a declarable conflict of interest under the Act
- definitions for various types of gifts, benefits and hospitality such as token gifts, official gifts and gifts of appreciation
- the provision of timelines for the declaration and recording of all gifts, benefits and hospitality received and declined
- ensuring that all tender or expression of interest for the provision of goods, services or works explicitly states that no gifts must be made to councillors or staff and that should such an offer be made, the potential supplier will be excluded from the procurement process
- auditing and reporting mechanisms to monitor adherence to the policy and Act.

The revised Gift, Benefits and Hospitality Policy 2019 is designed to address these gaps and help reinforce the cultural change created by the development and implementation of other fraud and corruption controls.

9.7.2 Draft Gifts, Benefits and Hospitality Policy 2019 (cont.)

The Executive Management Team reviewed this policy on 30 October 2019 and approved it for consideration by the Audit Committee at the Special Audit Committee meeting of 22 November 2019. In turn the Audit Committee resolved to refer the draft policy to Council subject to minor amendments.

The purpose of this report is to seek Council adoption of the Disposal or Sale of Council Assets Policy 2019.

RECOMMENDATION

That Council:

- 1. Adopt the Gifts, Benefits and Hospitality Policy 2019.**
- 2. Publish the adopted Gifts, Benefits and Hospitality Policy 2019 on its website.**

22/20 CRS THOMSON/BOWER : That the Recommendation be adopted.

CARRIED

Background

VAGO, Council and the Audit Committee have all made recommendations around strengthening fraud and corruption controls across a number of Council policies and procedures.

There was a resolution from the 2 July 2019 Special Council meeting specifically relating to the need for Council policy to explicitly prohibit the acceptance of gifts from suppliers.

The policy position of the revised document can be summarised as follows:

- Councillors, staff or contractors must not accept a gift, benefit or hospitality that could be perceived as being intended to or likely to influence him or her in the fair, impartial and efficient discharge of their duties
- Councillors, staff or contractors must take measures to avoid the generation of conflict of interest through the acceptance of gifts which combine to create an Applicable gift under the Act
- the CEO or Departmental Manager is responsible for authorising whether or not the gift, hospitality or benefit is to be accepted, returned or donated to a local charity or not for profit organisation if the estimated value is more than \$50 and infrequently received (ie less than twice a year)
- all expression of interest and tender documentation must include a standard clause around the offer of gifts, benefits or hospitality.

9.7.2 Draft Gifts, Benefits and Hospitality Policy 2019 (cont.)

New procedures are proposed, including the completion of the declaration form and updating of the Gifts and Hospitality Register within five (5) days of receipt or offer of the item or benefit.

Quarterly audits will be overseen by the Group Manager Corporate & Community, including the calculation of the total value of gifts from a person or company to any one councillor or officer to monitor the Applicable gift provisions of the Act. An annual report will also be provided to the Audit Committee and Executive Management Team within three months of the end of the financial year.

The draft policy was reviewed by Councillors at an Assembly of Council on 19 November 2019. Councillors requested that section 8.7 of the draft policy be amended to require a link to the policy to be included in every expression of interest or public tender process.

Council's Audit Committee, at its Special meeting of 22 November 2019, resolved to refer the draft policy to Council for review subject to the following minor amendments:

- adding a statement under section 1 clarifying that the policy relates to volunteers registered by Council
- including a definition for Council staff which includes volunteers under section 3
- amending the definition of 'token gift' to clarify that such gifts can be received up to twice in a year
- require quarterly reports to the Audit Committee relating to listings on the gifts, benefits and hospitality register and levels of compliance with the policy.

Alternative Options

A range of policies and public reports from other councils have been reviewed and considered to identify what procedures constitutes best practice, as per the recommendations from the Audit Committee and Council.

Risk Management

The adoption of the draft policies is a key risk management tool to mitigate possible fraud and corruption.

It serves to strengthen internal monitoring and auditing, helping create a culture within the organisation that the behaviour of Councillors, staff and contractors must be open, transparent and can pass 'the pub test' at all times.

Strategic Links – policy implications and relevance to Council Plan

The relevant objectives and actions of the Council Plan (reviewed 2019) relate to the draft policies attached to this report:

Goal 5: To be a high performing Shire

Conduct an organisation wide cultural change / innovation program that promotes a "can do philosophy", continuous improvement processes, culture of collaboration and a willingness to embrace positive change.



9.7.2 Draft Gifts, Benefits and Hospitality Policy 2019 (cont.)

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The revised policy seeks to ensure a level playing field for all procurement processes by ensuring that any prospective or existing supplier that offers any kind of gift, benefit or hospitality to a councillor or staff member is immediately precluded from the procurement process.

Financial / Budgetary Implications

There are no significant financial or budgetary implications arising from this report.

Economic Implications

There are no significant economic implications arising from this report.

Environmental / Amenity Implications

There are no environmental or amenity implications arising from this report.

Community Implications

Community consultation has not been undertaken given this is a draft Council policy aimed to establish internal protocols and processes.

Having said that, once adopted the policy will be accessible on Council's website and copies can be provided through its customer service centres.

The draft policy has been circulated to the Executive and key staff.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Legal / Statutory Implications

It has been observed that awareness of the provisions of the Act in relation to applicable gifts may not be as widely known or on top of mind with Councillors, staff and contractors as it should be.

The policy aims to rectify this deficiency by including provisions around applicable gifts. The education program and roll out of this policy, once adopted, will highlight this issue to raise awareness of conflict of interest provisions.

Consultation

The draft policies are not required to be subject to a consultation process under the *Local Government Act 1989*.

Attachments

- draft Gifts, Benefits and Hospitality Policy 2019.



GIFTS, BENEFITS AND HOSPITALITY POLICY

| COUNCIL POLICY | |
|------------------------------|-------------------------------------|
| Document ID: | |
| Effective Date: | |
| Last Review: | 21 March 2017 |
| Current Review: | October 2019 |
| Approved by Audit Committee: | 22 November 2019 |
| Adopted by Council: | |
| Next Review Date: | December 2021 |
| Responsible Officer/s: | Group Manager Corporate & Community |

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1. INTRODUCTION

This policy outlines the process for the acceptance, declaration and allocation of gifts, benefits and hospitality received by Strathbogie Shire Councillors, staff and contractors.

It will assist when Councillors, Shire staff, volunteers and contractors are:

- assessing whether acceptance of the gift, hospitality or benefit is appropriate
- ensuring that a declarable indirect conflict of interest is not created through the acceptance of gifts, hospitality or benefits
- declaring and recording the offer of the gift, hospitality or benefit.

It ensures Strathbogie Shire Council:

- registers the receipt of the gift, benefit or hospitality
- where appropriate, distributes the gift in an appropriate manner
- records all declined gifts, benefits or hospitality for maximum transparency and accountability
- has a system of review and reporting in place to assess compliance with this policy and to identify any potential issues of concern that require further action.

2. POLICY POSITION

This policy has been developed to ensure transparency and the principles of good governance and accountability are practiced by Councillors, staff and contractors when being offered gifts, benefits or hospitality in the course of their duties.

As a guiding principle, Councillors, staff or contractors must not accept a gift, benefit or hospitality if it could be perceived as being intended to, or likely to, influence him or her in the fair, impartial and efficient discharge of their duties as a Councillor or staff member.

Councillors, staff and contractors must take measures to avoid the generation of a conflict of interest as defined by the *Local Government Act 1989* through the acceptance of one or more gifts, benefits or hospitality that combine to an Applicable gift as defined by this policy. Everyone must be mindful that a five year timeframe is applied by the Act for the acceptance of gifts from a person, company or body who has a direct interests in the activities or work undertaken by the Council (see Attachment 1).

The Chief Executive Officer (where the gift, benefit or hospitality is received by a Councillor or Group Manager) or Departmental Manager (where the gift, benefit or hospitality is received by a staff member or contractor) is responsible for authorising whether or not the gift, hospitality or benefit is to be returned to the donor, retained by the recipient or retained and placed in a 'pool' to be shared by other staff and/or Councillors. Other options may include donating the gift to a local charity or not for profit organisation.

3. DEFINITIONS

Applicable gift

Pursuant to Section 78C of the Local Government Act 1989, applicable gift means one or more gifts with a total value of \$500 or more received from a person or persons (or their agent) such as a director, consultant, contractor, agent or employee of a person, company or body that the staff member knows has a direct interest within 5 years preceding the decision regarding each Council matter.

This excludes:

- 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
- 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.

Benefit

means something which is believed to be of value to the receiver, such as access to a sporting event, preferential treatment, access to confidential information, accommodation, personal services, and pleasure/vacation trips.

Conflict of Interest

means that a Councillor or staff member has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest. A conflict of interest can exist even if no improper action results from it.

Council staff

means people employed by Council and all volunteers registered with Council.

Estimated value

means the face value or estimated retail value.

Gift

means an item, entertainment or other token of appreciation that is not deemed to be of a modest value.

The following constitutes a gift:

- goods and services given of a commercial value
- property (real or otherwise)
- transfers of money
- loans of money or property
- free services (tickets to events/conferences, accommodation, entertainment, sporting

| | |
|------------------------------------|---|
| | events etc) |
| | <ul style="list-style-type: none">• goods and services made available at heavily discounted prices. |
| Gift disclosure threshold | means \$500 or a higher amount or value prescribed by the regulations supporting the <i>Local Government Act 1989</i> |
| Gifts of appreciation | means a gift that is presented to an individual to express thanks, such as flowers, chocolates or moderately priced alcohol and the like. These gifts are generally a one-off occurrence and below nominal value. |
| Hospitality | means a meal or service which is offered, has a value greater than the nominal value and is not viewed as being connected to official Council business or part of a meal accepted as part of a conference or seminar. |
| Indirect interest | means the source of an indirect conflict of interest for a Councillor, Council officer or member of a special committee under sections 77A and 78C of the <i>Local Government Act 1989</i> (see Attachment 1) |
| Monetary gifts | means cash, cheques, money orders, travellers' cheques, direct deposits or items which can be easily converted to cash. This also includes loans of money. It also includes gift cards, lottery ticket, scratch and win cards and the like. |
| Nominal value | means an item with a face or estimated value of less than \$50. |
| Official gift | means a gift presented to the Shire or the Council and include gifts received from a Sister/Friendship City, organisations or corporations that are bestowing a corporate gift (plaques, plates, vases, trophies and artwork) or souvenirs. |
| Reasonable hospitality | means a meal or service provided by an organisation to a Councillor, member of Council staff or contractor who attends a function or event in an official capacity and who receives the same hospitality offered to other guests. |
| the Act | means the <i>Local Government Act 1989</i> . |
| Token gift, benefit or hospitality | means a gift, benefit or hospitality of nominal value and infrequently received (up to two times in a 12-month period). Token gifts, benefits or hospitality may include low-priced promotional items, souvenirs or |

corporate gifts such as pens, mugs, gifts of single bottles of reasonable priced alcohol, free or subsidised meals of a modest nature, invitations to appropriate corporate or social functions organised by community groups or organisations, door prizes at conferences, trade shows etc.

4. EXTERNAL REFERENCES

Local Government Act 1989

Fraud and Corruption Controls – Local Government, Victorian Auditor General of Victoria, June 2019

5. RELATED COUNCIL DOCUMENTS

Procurement Policy 2018 and Procurement Procedures 2013

Fraud and Corruption Policy 2017

Staff Code of Conduct April 2019

Councillor Code of Conduct 2017

Discretionary Expenditure Policy (2017) and Guide (February 2019)

Council's delegations instruments, particularly the financial delegations instrument

6. POLICY OBJECTIVES

This policy and its procedures apply to all Strathbogrie Shire Council operations and are designed to:

- protect individuals from unknowingly creating a conflict of interest under the Act
- ensure that all accepted gifts, benefits and hospitality are appropriately recorded and disclosed
- ensure that all gifts, benefits and hospitality that have been returned or declined are recorded
- ensure Council, Shire Staff and Contractors follow sound and transparent business practices that can withstand any public scrutiny around the acceptance of gifts, benefits and hospitality.

7. REVIEW OF THIS POLICY

This policy will be reviewed every 3 years unless the Chief Executive Officer or Council determines that an earlier review is required.

8. GIFTS OR BENEFITS

8.1 Gifts and/or Benefits

Under NO circumstances is monetary gifts/cash money to be accepted.

Individuals must not solicit, demand or request gifts or any personal benefit by virtue of their position which could prejudicially influence, or be perceived to influence, a person in the performance of his or her public or professional duties.

To avoid a conflict of interest, acceptance of any gifts, benefits or hospitality in these situations must be declined.

In all cases the details of gift, benefit and hospitality received by or offered to (but declined/returned) a Councillor, Council staff member or contractor must be declared and recorded in the Gifts, Benefits and Hospitality Register within five business days (5) days of acceptance or return/refusal.

Under the Act gifts, other than election campaign donations, that were received more than 12 months before a person became a Councillor, a member of a special committee or a member of Council staff are exempt from being declared.

8.2 Token Gifts, benefits or hospitality

Token gifts, benefits or hospitality are those below the nominal value and could include:

- gifts of a nominal value that are infrequently offered (ie no more than twice in a calendar year)
- gifts of single bottles of reasonably priced alcohol as acknowledgement for giving a presentation or being the guest speaker
- free meals of a modest nature and/or beverages provided to Councillor/s, staff or contractors who are formally representing the Council at a work-related event such as training, workshops, or seminars
- refreshments of a modest nature provided at a conference where a Councillor or staff member is the guest speaker
- marketing or corporate mementos such as ties, scarves, pens, coasters, tie pins, diaries or chocolates
- flowers
- invitations to out of hours functions or social events organised by groups such as Council committees and community organisations.

Given their token nature and small monetary value such items are appropriate to accept, provided the provisions of the Act are met, particularly if the gift is offered in an open or public forum, where refusal of the gift would appear to be impolite.

Section 10.1 of this policy identifies reporting requirements for all token gifts, benefits and hospitality.

8.3 Official gifts

Individuals may be involved in social, cultural or community events where official gifts are presented or exchanged.

Where it would appear impolite or inappropriate to decline the offer, it is reasonable for official representatives of Council to accept official gifts on behalf of the Council.

A letter of thanks will be prepared and sent by Council staff acknowledging the gift to Council and not the individual Councillor.



All official gifts received are to be reported to the Chief Executive Officer (for Councillors) via the Executive Assistant to the Chief Executive Officer and recorded in the Gifts, Benefits and Hospitality Register within five business days (5) of receipt.

The gift will be considered the property of Council, and where suitable, the gift will be displayed in an appropriate and secure location for public viewing.

Where an item is not suitable for public display, the recipient can make an application to the Chief Executive Officer to retain the gift. The Chief Executive Officer will consider such applications on a case by case basis and will use his/her discretion as to the appropriate disposal/utilisation of the official gift.

8.4 Gifts of Appreciation

Individuals are not to seek a gift or benefit in appreciation of services rendered, however it is acknowledged that from time to time members of the community do offer gifts of appreciation.

Acceptable gifts of appreciation might include a letter or card of thanks as this is less likely to result in a situation that compromises either party.

Where an individual accepts a gift of appreciation it must not exceed the nominal value (eg a bouquet of flowers, a box of chocolates).

8.5 Gifts Never to be Accepted

The following gifts or benefits are considered totally inappropriate and must not be accepted:

- money, regardless of the amount
- access to confidential information
- promise of a new job or contracted employment
- preferential treatment (may include reciprocal favours given in return for a service provided by Council).

8.6 Hospitality

Where hospitality is less than the nominal value and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations.

Hospitality received when attending a function or event in an official capacity is exempt if:

- the hospitality is reasonable and not excessive in the circumstances; and
- others at the event are offered the same form of hospitality; and
- the Councillor, staff member or contractor is performing an official role at the function or event.

Hospitality IS considered to be a gift where a Councillor, staff member or contractor attends an event or function:

- using free tickets received and has no official duties to perform; and/or

- where free membership is offered; and/or
- where the hospitality exceeds the nominal value.

Any hospitality received must be recorded in the Gifts, Benefits and Hospitality Register within five business (5) days of their acceptance. Any refusal of hospitality must also be recorded on the Gifts, Benefits and Hospitality Register.

8.7 Other Circumstances

Christmas

Christmas is a time when Councillors, staff and contractors are often offered gifts and invitations to functions. Annual notification to all staff and Councillors of their obligations in respect to the receipt of gifts and invitations will be sent out by the CEO's office in late November.

Expressions of Interest/Tender Documentation

All Expression of Interest (EOIs) and tender documentation (specifications and contracts) must state that "*No offers of gifts, of whatever value, may be made to Councillors or staff. Any such offer during the procurement process will automatically exclude that participant from that process*". A link to this policy must also be included in the expression of interest/tender documentation.

9. AUDITING AND REPORTING

9.1 Quarterly auditing

The Group Manager, Corporate and Community will review the Gifts, Benefits and Hospitality register each quarter to identify the level of compliance with this policy. The findings of this audit will be reported to the Executive Management Team and the Audit Committee.

This process will also identify Councillors and staff that are in jeopardy of creating an indirect conflict of interest under the Act and its regulations.

Should any behaviours of concern be identified the matter must be immediately raised with the Chief Executive Officer and Group Manager, Community & Corporate, who will then commence a further internal investigation.

9.2 Annual Reporting

The Group Manager, Corporate & Community will be responsible for providing an annual report to the Audit Committee and the Executive Management Team within three (3) months of the end of the calendar year.

9.3 Internal audits

Council's independent internal auditors may undertake periodic reviews of gifts and benefits register as part of the ongoing audit program.

Findings of these audits are then reported to Council's Audit Committee.

10. PROCEDURES

The following procedures are designed to ensure that all decisions relating to this policy are made in a consistent and open manner.

10.1 Reporting

All gifts, benefits and hospitality received or declined/returned must be reported to the Chief Executive Officer if accepted by a Councillor, or by the relevant departmental manager/group manager where received by a staff member or contractor, using the Gifts, Benefits and Hospitality Form.

Token gifts, benefits or hospitality must be reported to the relevant manager or Chief Executive Officer (where the recipient is a Councillor) by completing the Gifts, Benefits and Hospitality Form and submitting it within five (5) days of receipt or of the gift/benefit/hospitality being refused or returned. The Manager will then forward the Executive Assistant to the Chief Executive Officer for registration on the Gifts, Benefits and Hospitality Register.

Gifts, benefits or hospitality over the nominal value are to be dealt with in accordance with the procedure outlined in table below within five (5) days of receipt or being refused/returned.

| Value | Process – Roles and Responsibilities |
|---|--|
| STAFF PROCESS | |
| Gift/, benefit or hospitality exceeding the nominal value | <p>Staff member</p> <ul style="list-style-type: none"> • Completes the Gifts, Benefits and Hospitality form and submits form to their Departmental Manager. <p>Manager</p> <ul style="list-style-type: none"> • Advises the Group Manager Corporate & Community of the value above \$50 • Determines compliance in accordance with Policy • Finalises form and submits form to the Chief Executive Officer • Ensures the Executive Officer to the CEO has updated the Gift and Hospitality Register • formally acknowledges the donor by way of a letter • ensures all documentation is saved in Council's electronic document management system. |
| COUNCILLOR PROCESS | |

| | |
|--|--|
| <p>Gift, benefit or hospitality exceeding the nominal value</p> | <p>Councillor</p> <ul style="list-style-type: none">• Completes form and submits the Gifts, Benefits and Hospitality form to Executive Assistant to the CEO. <p>Executive Assistant to the CEO</p> <ul style="list-style-type: none">• Advises CEO of value above \$50• Drafts formal acknowledgement letter for the donor via letter from CEO or Mayor (to be determined given nature of gift)• Updates Gift and Hospitality Register after CEO has signed the form. <p>CEO</p> <ul style="list-style-type: none">• Determines compliance in accordance with Policy• Where necessary consults with the Mayor on the matter and action to be taken• Finalises form and requests the Executive Assistant to the CEO to update the Gifts, Benefits and Hospitality Register• Signs and sends the acknowledgement letter to the donor• ensures all documentation is saved in Council's electronic document management system. |
|--|--|

10.2 Gifts, Benefits and Hospitality Register

The Gifts, Benefits and Hospitality Register will be made available for public inspection and contain the following information:

- date
- description of the gift, benefit or hospitality
- value and whether the gift is a token gift or over the nominal value identified by the policy
- the recipient
- the donor/provider details
- action taken (ie was it personally accepted, refused or returned to the donor, placed on display, or retained by the Manager/Chief Executive Officer to be pooled for staff use).



11. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

DRAFT



12. FORMS



GIFT, BENEFITS AND HOSPITALITY FORM

Completed form to be forwarded to the Executive Assistant to the Chief Executive Officer

| Details – Recipient to complete | | | |
|---|--|--------------------------------|--|
| Name of Recipient | | | |
| Position Title | | | |
| Name of Donor | | | |
| Donor Address (Agency/Organisation) | | | |
| Relationship of Donor to recipient | | | |
| Description of gift, benefit or hospitality | | | |
| Reason for gift, benefit or hospitality | | | |
| Estimated Value | \$ | Date Received or Offered | |
| Donor Acknowledged? | Yes <input type="checkbox"/> No <input type="checkbox"/> | | |
| Details of the gift, benefit or hospitality being declined or returned to the donor: | | | |
| <i>To my knowledge the donor is not currently subject to any tender, permit application processes or matters under consideration, for which this gift may be perceived as exercising a beneficial interest over any Councillor or staff member, including myself.</i> | | | |
| Recipient Signature | | Date: | |

Unless otherwise determined, all official gifts remain the property of Council.

| Gift Allocation – Line manager/ group manager to complete | |
|---|---|
| <input type="checkbox"/> Gift to be retained and pooled for staff use | <input type="checkbox"/> Gift to be returned to donor |
| <input type="checkbox"/> Gift to be retained by individual | <input type="checkbox"/> Other (explain below) |
| Line manager Instructions/ comment | |

| | | | |
|--|--|--------------|--|
| Manager Signature | | Date: | |
| Manager Name <i>(please print)</i> | | | |
| Manager comment <i>(if applicable)</i> | | | |
| CEO comment <i>(if applicable)</i> | | | |
| CEO Signature | | Date: | |
| <i>The personal information requested on this form is being collected by Council for the purpose of maintaining Council's Gift Register. The personal information will be used solely by Council for this primary purpose or directly related purposes. The employee, contractor or Councillor understands that the personal information provided is for these purposes and that they may apply to Council for access and/or amendment of the information.</i> | | | |

13. ATTACHMENT 1

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.

9.7.3 Instruments of Delegation and Authorisation Update
(S5 – Instrument of Delegation to The Chief Executive Officer)
(S6 – Instrument of Delegation from Council to Council Staff)
(S11 – Instrument of Appointment and Authorisation)
(S11A – Instrument of Appointment and Authorisation (Planning and Environment Act 1987))

Author/Department

Team Leader Building Health and Compliance Services / Corporate and Community Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

Following recent changes to staff titles, changeover in officers and minor legislative changes since the last review, a number of changes are required to be made to the following instruments:

- S5 Instrument of Delegation to The Chief Executive Officer,
- S6 Instrument of Delegation from Council to Council Staff,
- S11 Instrument of Appointment and Authorisation, and
- S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987). These were last updated in December 2017.

The amended delegations, once approved by Council, will remain in force until the next Delegations and Authorisations update is prepared or following staff position title change/s, and / or staff changes.

A new Instrument of Delegation from Council to Members of Council Staff (S6), Instrument of Appointment and Authorisation (S11) and Instrument of Appointment and Authorisation (Planning and Environment Act 1987) (S11A) which contain all updates have been prepared for adoption, and signing and sealing by Council. The Instrument of Delegation to The Chief Executive Officer (S5) has been updated in line with the current templates to ensure consistency across the suite of instruments.

Copies of the Instruments are tabled for identification and information purposes.

- 9.7.3 Instruments of Delegation and Authorisation Update (cont.)
(S5 – Instrument of Delegation to The Chief Executive Officer)
(S6 – Instrument of Delegation from Council to Council Staff)
(S11 – Instrument of Appointment and Authorisation)
(S11A – Instrument of Appointment and Authorisation (Planning and Environment Act 1987))

RECOMMENDATION

That, in the exercise of the powers conferred by section 98(1), of the Local Government Act 1989, (the Act) and the other legislation referred to in the Instrument of Delegation from Council to Council Staff (S6) and the Instrument of Appointment and Authorisation (Planning and Environment Act 1987 (S11A), Strathbogie Shire Council resolves that:-

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the Instrument of Delegation to the Chief Executive Officer (S5), Instrument of Delegation from Council to Council Staff (S6), the Instrument of Appointment and Authorisation (S11) and the Instrument of Appointment and Authorisation (Planning and Environment Act 1987) (S11A) , the powers, duties and functions set out in the Instruments, subject to the conditions and limitations specified in the Instruments.**
- 2. The Instruments come into force immediately the Common Seal of Council is affixed to the Instruments.**
- 3. On the coming into force of the Instruments, all previous delegations to members of Council Staff and the Chief Executive Officer under S5, S6, S11 and S11A are revoked.**
- 4. The duties and functions set out in the Instruments must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 5. The Instrument of Delegation to The Chief Executive Officer (S5) be signed and affixed with the Common Seal of Strathbogie Shire Council.**
- 6. The Instrument of Delegation from Council to Members of Council Staff (S6) be signed and affixed with the Common Seal of Strathbogie Shire Council.**
- 7. The Instrument of Appointment and Authorisation (S11) be signed and affixed with the Common Seal of Strathbogie Shire Council.**
- 8. The Instrument of Appointment and Authorisation (Planning and Environment Act 1987 (S11A) be signed and affixed with the Common Seal of Strathbogie Shire Council.**

- 9.7.3 Instruments of Delegation and Authorisation Update (cont.)
(S5 – Instrument of Delegation to The Chief Executive Officer)
(S6 – Instrument of Delegation from Council to Council Staff)
(S11 – Instrument of Appointment and Authorisation)
(S11A – Instrument of Appointment and Authorisation (Planning and Environment Act 1987))

RECOMMENDATION (cont.)

23/20 **CRS MASON/BOWER** : *That the Recommendation be adopted.*

CARRIED

Background

The delegation of specific functions to Council Staff enables decisions to be made in a timely manner and ensures that Council meetings are not required for procedural and everyday administrative matters or decisions. It also enables Council to utilise the technical knowledge, training and experience of staff members to provide the best possible service to our community.

Delegations are made at a formal Council meeting and specify what specific officers are empowered to do. Delegates must observe all strategies, policies and guidelines adopted by the Council and the Organisation. Through the Chief Executive Officer and senior managers, Council can monitor the actions of staff to ensure that they exercise their delegated authority within the general framework it has already determined. In this way, Council retains a measure of control over decision making.

Officers to whom delegated authority is generally given include the Chief Executive Officer, Executive Management, Senior Management and specially trained officers such as Town Planners, Environmental Health Officers, Building Surveyors and Engineers. Many routine decisions of a Council are made by members of staff as delegates.

Council staff are required to act impartially, with integrity and to avoid real or apparent conflicts of interest.

Council must keep a register of all delegations and this is among the documents that must be available for public inspection.

Authorisations allow the relevant officers of Council to generally institute proceedings for offences against Acts and regulations as Authorised Officers under the various Act/s.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified

- 9.7.3 Instruments of Delegation and Authorisation Update (cont.)
(S5 – Instrument of Delegation to The Chief Executive Officer)
(S6 – Instrument of Delegation from Council to Council Staff)
(S11 – Instrument of Appointment and Authorisation)
(S11A – Instrument of Appointment and Authorisation (Planning and Environment Act 1987))

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community. Instruments of Delegation and Authorisation are internal documents which identify who is able to make a decision or able to undertake their legislative duties. Changes to delegation do not remove or override any requirement of an officer or the Council to act in accordance with any other Council policy or guideline.

Victorian Charter of Human Rights and Responsibilities Act 2006

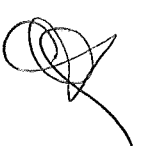
The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Community Engagement

Not Applicable



- 9.7.3 Instruments of Delegation and Authorisation Update (cont.)
(S5 – Instrument of Delegation to The Chief Executive Officer)
(S6 – Instrument of Delegation from Council to Council Staff)
(S11 – Instrument of Appointment and Authorisation)
(S11A – Instrument of Appointment and Authorisation (Planning and Environment Act 1987))

Attachments

Nil

Tabled Document/s

- S5 – Instrument of Delegation to The Chief Executive Officer
- S6 – Instrument of Delegation from Council to Council Staff
- S11 – Instrument of Appointment and Authorisation
- S11A – Instrument of Appointment and Authorisation (Planning and Environment Act 1987)



**9.7.4 Council Policy Review
– Information Security Policy**

Author & Department

ICT Business Analyst / Digital Innovation and Technology

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

The Strathbogie Shire Council Information Security Policy has been reviewed and updated to comply with legislation changes and to further align Council processes with industry best practice.

RECOMMENDATION

That Council adopt the updated Council Policy for Information Security, as attached.

CRS MASON/THOMSON –

Amendment:

- 1. That Council adopt the updated Council Policy for Information Security, subject to amendments.**
- 2. That the Council Policy for Information Security be referred to the Audit Committee for inclusion in the Internal Audit Program.**

24/20 ON BEING PUT, THE AMENDMENT BECAME THE MOTION

25/20 ON BEING PUT, THE MOTION WAS CARRIED

Background

Strong Information Security processes are critical to the daily operations of Council to protect the data stored in Council's systems. Maintaining an up to date policy, particularly in the ever changing space of Information Security, is a key component to ensure these processes are in place.

A number of legislation and industry practice changes have occurred since the last policy review, and new controls are required to ensure compliance with Council's responsibilities, and align with industry best practice.

The redeveloped policy addresses the legislation changes and has been aligned where possible with the ISO 27001:2015 standard, under the guidance of consultants with extensive industry expertise. Internal consultation was conducted with stakeholders representing all functions of Council to ensure the language used is clear and the changes are reasonable.

9.7.4 Council Policy Review
– Information Security Policy (cont.)

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

A number of legislation and industry standard changes since the last policy review require implementation of additional clauses in the Information Security policy to enforce compliance, and reduce risk to Strathbogie Shire Council and its customers.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

An updated policy enforces the appropriate behaviour to ensure we are maintaining data relating to the community according to regulations and minimising the risk of a breach occurring.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Community Engagement

The author of this report considers that the matter under consideration did not warrant a community engagement process because the policy is an internal operational document that has little interest to or direct impact on the community.

Attachments

- Strathbogie Shire Council Information Security Policy – 2019 Review



INFORMATION SECURITY POLICY

| COUNCIL POLICY | |
|------------------------|------------------------------------|
| Doc ID | 11567 |
| Effective Date: | 17/05/2011 |
| Last Review: | May / June 2015 |
| Current Review: | November 2019 |
| Adopted By Council: | |
| Next Review Date: | Biennially |
| Responsible Officer/s: | Director, Innovation & Performance |

A handwritten signature or scribble in the bottom left corner of the page.

1. Purpose and Scope

- 1.1. This Policy specifies the requirements for the management of information security for Strathbogie Shire Council.
- 1.2. For the purpose of this Policy:
 - The term “information” covers both information and data.
 - Information security refers to the confidentiality, protection, integrity, and availability of Strathbogie Shire Council information, information systems and networks.
- 1.3. This Policy (and its Related Documents) is designed to enable Strathbogie Shire Council to:
 - Maintain the security, privacy and quality of its information and that of its customers and other stakeholders.
 - Manage information risk within appetite, while ensuring that the Strathbogie Shire Council's business objectives are met.
 - Meet regulatory requirements and expectations relating to information risks.
- 1.4. All Business Units (BU) must implement the minimum baseline of controls prescribed in this Policy to manage information risk. Additional controls may be implemented if deemed necessary (e.g. to manage the risk profile of Strathbogie Shire Council, to meet any regulations or contractual arrangements).
- 1.5. This Policy applies to all personnel (employees, contractors, and Councillors) directly engaged by Strathbogie Shire Council or by a third-party partner providing services to Strathbogie Shire Council.

2. Policy Principles

- 2.1. Strathbogie Shire Council processes, stores and transmits large volumes of personal and confidential information through its information systems to service Strathbogie Shire Council's customers / stakeholders, conduct business activities and inform decision making. This information also forms records that are authoritative evidence of Strathbogie Shire Council's activities. Therefore, managing information risk is essential to Strathbogie Shire Council.
- 2.2. Strathbogie Shire Council's appetite for management of information risk is to operate effective controls to safeguard the confidentiality, integrity, quality and availability of customer, personnel and business information by continually enhancing information security capability, maintaining a strong position relative to other Victorian Councils which requires allocating sufficient resource capacity and capability to manage and control information security risks, whilst complying with applicable laws, contracts and regulations.
- 2.3. Strathbogie Shire Council aims to protect the business and the community, including its employees, customers, and councillors by minimising the impact of and learning from information risk.
- 2.4. Strathbogie Shire Council will implement controls to manage information risk throughout the information lifecycle irrespective of whether information and supporting processes are managed internally or through third party organisations.

Roles and Responsibilities

- 2.5. All personnel are responsible for appropriately using the information and information systems provided to them and following defined business processes to protect the security of information.
- 2.6. Information Management Steering Committee is ultimately responsible for the management of information risk.
- 2.7. Management (EMT and SLT) are accountable for meeting the requirements of this policy by:
 - Setting direction and leading by example.
 - Ensuring that Information risk activities are appropriately resourced and coordinated, and include representatives from different parts of the business.
 - Developing and maintain processes to ensure that the requirements of this Policy as well as any regulation or contractual requirements specifically applicable to their Business are met.
 - Ensuring that this Policy and associated procedures are communicated and accessible to all personnel and relevant external parties.
 - Ensuring that change initiatives do not weaken Strathbogie Shire Council's information risk profile.
- 2.8. The Manager Digital Innovation & Technology is responsible for:
 - Implementing an Information and Communications Technology (ICT) strategy that is aligned to industry standards (e.g. ISO 27001) where possible.
 - Maintaining relationships with relevant external bodies (e.g. Victoria Government Information Security Practice, other councils, law enforcement, industry groups, Municipal Association Victoria, and other State Government Agencies).
 - Investigating breaches of this policy and associated procedures

3. Policy Requirements

3.1. All Personnel Accountabilities

Reasonable steps must be taken to protect the confidentiality, integrity and availability of Strathbogie Shire Council information and information system assets.

3.2. Management accountabilities

- 3.2.1. Information risks must be identified, assessed and monitored and reported, accepted and / or acted upon in accordance with the Strathbogie Shire Council Risk Management Policy and associated Framework.
- 3.2.2. Personnel must be suitable for the roles for which they are being considered, and be aware of their responsibilities for ensuring security and quality of Strathbogie Shire Council information.
- 3.2.3. Information and systems must be classified and handled in accordance with the level of confidentiality of the information.
- 3.2.4. Access to information must be restricted to those parties with a business "need to know" through appropriate authentication mechanisms, with no individual able to perform all roles or functions within an end-to-end process.
- 3.2.5. Information and systems must be protected from unauthorised physical access, damage, theft or compromise of assets.
- 3.2.6. Managing information risk must be an integral consideration while developing, acquiring, enhancing and decommissioning information processes and systems.



- 3.2.7. Information must not be provided to any external party (including cloud hosted services) unless appropriately approved with controls developed and monitored.
 - 3.2.8. Information Security Incidents must be identified, managed, escalated, and reported on in a timely manner.
- 3.3. **Manager Digital Innovation & Technology Accountabilities**
- 3.3.1. Cryptographic Keys and certificates used to protect information must be managed and secured throughout their lifecycle.
 - 3.3.2. Changes to production systems must be appropriately approved, tested and implemented, with information and information systems protected through separation of production and non-production environments
 - 3.3.3. Systems availability must be protected through management of configuration, capacity, events, incidents and problems, supported by resilience and recovery controls.
 - 3.3.4. Ongoing and emerging information security threats and vulnerabilities must be identified, assessed and responded to in a timely manner.
 - 3.3.5. Key security-related events must be logged and monitored.
 - 3.3.6. Backups of information and information systems must be taken, stored securely and periodically tested.
 - 3.3.7. The security of Strathbogie Shire Council's Network must be protected.
4. **Policy Exemptions**
- 4.1. Policy Exemptions are required where the business is unable to comply with the mandatory requirements of this Policy and its related Standard Operating Procedures, and immediate action cannot be taken to achieve compliance. In this context, mandatory requirements are the 'must' and 'must not' statements.
 - 4.2. Policy Exemption requests must be submitted to the Policy Owner for review and will be forwarded to the Chief Executive Officer for approval at their discretion.
 - 4.3. In case of a conflict or inconsistency between this Policy and the laws and regulations of Victoria/Australia, those laws and regulations take precedence to the extent of the conflict or inconsistency, unless this Policy places a higher requirement, especially if compliance with this Policy would result in a breach of the local legislation or regulation. The Policy Owner must be informed if any such conflict or inconsistency exists.
5. **Policy Breaches**
- 5.1. Breaches of this Policy and related Standard Operating Procedures (i.e. non-compliance that is not managed via the formal exemption process) must be managed in accordance with the Strathbogie Shire Council Staff Code of Conduct CEO Directive.
 - 5.2. All instances of breaches of this Policy must be communicated immediately to Manager Digital Innovation & Technology. Any **material** or **systemic** breach of this Policy must be communicated to the Manager Digital Innovation & Technology and appropriate remediation measures agreed and implemented.

6. Related Documents

- Strathbogrie Shire Council Staff Code of Conduct CEO Directive
- Strathbogrie Shire Council Councillor Code of Conduct
- Strathbogrie Shire Council Media Policy
- Strathbogrie Shire Council Social Media Policy
- Strathbogrie Shire Council Records Management CEO Directive
- Strathbogrie Shire Council Transfer of Council Records to Places of Deposit Policy
- Strathbogrie Shire Council Fraud and Corruption Policy
- Strathbogrie Shire Council Privacy and Data Protection Policy
- Strathbogrie Shire Council Mayor and Councillor Correspondence CEO Directive
- Strathbogrie Shire Council ICT Change Management Policy
- Strathbogrie Shire Council ICT Change Management Framework
- Strathbogrie Shire Council Risk Management Policy
- Strathbogrie Shire Council Enterprise Risk Management Framework
- Employment contracts and associated records

LEGISLATIVE AND POLICY FRAMEWORK

Below is a list of legislation that is relevant in the context of information security for Strathbogrie Shire Council.

- Copyright Act 1968
- Fair Work Act 2009 (Commonwealth) – Human Resources policies
- Freedom of Information Act 1982
- Local Government Act 1989
- Victorian Equal Opportunity Act 1995 (or Australian Human Rights Commission Act 1986)
- Privacy and Data Protection Act 2014 (Vic)
- Public Records Act 1973 (Vic)
- Spam Act 2003
- Electronic Transactions Act 2001
- ISO 27001:2015 aligned



9.7.5 Strathbogie Shire Council Audit Committee
- Minutes of Special Audit Committee Meeting held on Friday 22 November 2019

Author / Department

Group Manager, Corporate and Community / Corporate and Community Department

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

Attached are draft unconfirmed Minutes of the Special Audit Committee meeting held on Friday 22 November 2019, which addressed matters raised in the VAGO Fraud and Corruption Audit.

Items considered by the Committee at this meeting were:

- Draft Disposal or Sale of Council Assets Policy 2019
- Draft new Gifts, Benefits and Hospitality Policy 2019
- Councillor Expenses and Allowances – 2016/17, 2017/18 and 2018/19

RECOMMENDATION

- 1. That the draft Minutes of Audit Committee meeting held on Friday 22 November be received.**
- 2. That Recommendations from the Audit Committee be endorsed.**

26/20 CRS THOMSON/LITTLE : That the Recommendation be adopted.

CARRIED

Background

The Strathbogie Shire Council Audit Committee is a Committee appointed by Council and pursuant to Section 139 of the Local Government Act 1989.

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

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

9.7.5 Strathbogie Shire Council Audit Committee
- Minutes of Special Audit Committee Meeting held on Friday 22 November 2019
(cont.)

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation will address some items which are of interest to the community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not warrant a community consultation process.

Attachments

- Draft Minutes of the Special Strathbogie Shire Council Audit Committee meeting held on Friday 22 November 2019.

STRATHBOGRIE SHIRE COUNCIL



Minutes of a Special Meeting of the Strathbogrie Shire Council Audit Committee held on Friday 22 November 2019 in Meeting Room 2 at the Strathbogrie Shire Council Offices, commencing at 9.30 a.m.

| | |
|---------------------------|--|
| Committee Members: | Ms Claire Taranto (Chair) - Community Representative |
| | Mr Mark Freudenstein - Community Representative |
| | Mr Robert Gardner - Community Representative |
| | Cr Amanda McClaren - Council Representative |
| Officers: | Mr Phil Howard - Acting Chief Executive Officer |
| | Mr Jeff Saker - Group Manager Community Assets |
| | Mr David Roff - Group Manager, Corporate and Community |
| | Ms Dawn Bray - Project Officer, Corporate Governance |
| Internal Auditors: | Mr Brad Ead - AFS & Associates |
| External Auditors: | Sanchu Chummar* - Senior Manager, Financial Audit - Victorian Auditor-General's Office * participated via conference call |

1. Welcome
2. Acknowledgement of Traditional Land Owners
'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'
3. Apologies

| | | |
|-----------------------|---|--|
| Mr Alister Purbrick | - | Community Representative |
| Cr Graeme Williams | - | Council Representative |
| Mr Upul Sathurusinghe | - | Manager Finance |
| Jonathan Kyvelidis | - | Sector Director, Local Government Victorian Auditor-General's Office |
4. Disclosure of Interests
Nil.
5. Confirmation of Minutes
N/A
6. Business

A handwritten signature in black ink, consisting of a stylized, cursive-like mark.

Strathbogie Shire Council
Special Audit Committee Meeting

22 November 2019

REPORTS INDEX

| 5. | Business | Report Page No. |
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| 5.2 | Draft new Gifts, Benefits and Hospitality Policy 2019 | 22 |
| 5.3 | Councillor Expenses and Allowances – 2016/17, 2017/18 and 2018/19 | 41 |



5. BUSINESS

5.1 Draft Disposal or Sale of Council Assets Policy 2019

Author / Department

Project Officer Corporate Governance / Executive Services

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest, as defined by the *Local Government Act 1989*.

Summary

One of the issues addressed by the Victorian Auditor General's Office (VAGO) Fraud and Corruption Controls – Local Government Audit dated June 2019 was the means through which council assets were disposed of.

Strathbogrie Shire came into specific criticism due to the past practice of including Council vehicles as part of staff packages upon leaving the organisation and the ability for Councillors and staff to purchase Council assets without any open, competitive process.

A range of policies are required to be amended to prohibit these practices, and the Acting Chief Executive Officer gave an order to the Executive Management Team in late June that no asset shall be sold directly to Councillors or staff. The draft Motor Vehicle Policy, which is still under review, also states that vehicles cannot be sold directly to staff or Councillors.

Council does not, however, have a current disposal or sale of assets policy. This means there is no overriding policy or procedure for the disposal of all types of assets – whether it be land, a mobile phone, office furniture, plant or fleet. There is also no standard documentation that is required to be completed to provide an auditable trail as to how assets have been disposed of.

The new Disposal or Sale of Council Assets Policy 2019 is designed to address this policy gap and to ensure that there is an auditable, transparent process for the disposal of all Council assets. It also reinforces that there is to be no direct sale/disposal from Council to staff, Councillors or contractors.

The policy also specifies who has the authority to approve the disposal of assets based on value and the process that needs to be undertaken to dispose of the asset.

A range of considerations are outlined that must form the basis of asset disposal decisions, ensuring there are linkages to Council's Asset Management Policy and Asset Management Plans. The notion of maximising community value, not just financial value, is also a key consideration.

The Executive Management Team reviewed this policy on 30 October 2019 and approved it for consideration by the Audit Committee at the Special Audit Committee meeting of 22 November 2019.

5.1 Draft Disposal or Sale of Council Assets Policy 2019 (cont.)

RECOMMENDATION

That the Audit Committee review the draft Disposal or Sale of Council Assets Policy 2019 and endorse its referral to the December 2019 Council meeting for consideration and adoption.

01/20 MARK FREUDENSTEIN/ROBERT GARDNER : That the Recommendation be adopted, subject to minor amendments being made to the draft 'Disposal or Sale of Council Assets Policy 2019', prior to its referral to the December 2019 Council meeting for consideration and adoption.

CARRIED

Background

The VAGO audit related to fraud and corruption control. Twelve (12) recommendations made by VAGO related to Strathbogie Shire, primarily focusing on strengthening policies and procedures to ensure that Council expenditure reflected community expectations and provided for sufficient controls to mitigate possible fraud and corruption.

One of the issues VAGO identified in relation to Strathbogie Shire was the past practice of disposing of Council vehicles through staff exit packages:

*'We recommend that Strathbogie Shire Council:
12. cease all sales and the provision of vehicles to council staff as part of exit packages.'* (pg 15)

A Chief Executive Officer directive was given to Council's management team to ensure this VAGO recommendation was implemented soon after the VAGO report was released.

The policy identifies the following principles:

- Consistency with Council's Asset Management Policy and asset management plans
- Open and effective communication
- Independence in the method of disposal
- Maximising community value
- Ethical behaviour and fair dealing
- Sound record keeping
- Sustainability objectives.

Alternative Options

A number of disposal of assets policies and previous reports from VAGO in relation to asset management have been reviewed in the development of this new policy to ensure that best practice is adopted by Council.

5.1 Draft Disposal or Sale of Council Assets Policy 2019 (cont.)

Risk Management

The adoption of this policy by Council will serve to address the potential for fraud and corruption and therefore act as a risk mitigation measure. The key to ensure the success of the policy and its procedures will be regular internal monitoring of the disposal of assets.

Considering the risk of ownership of the asset (eg it may contain hazardous materials) is also one of the decision making criteria when assessing disposal of an asset.

The policy outlines procedures for disposal to ensure clear and consistent direction is provided to decision makers, along with asset disposal evaluation forms to provide a practical means of implementing the policy's provisions. A form must be completed for all assets being sold or disposed of to ensure there is an auditable trail for future internal and external auditing.

Strategic Links – policy implications and relevance to Council Plan

The relevant objectives and actions of the Council Plan (reviewed 2019) relate to the implementation of the Combined Action Plan:

Goal 5: To be a high performing Shire

Conduct an organisation wide cultural change / innovation program that promotes a "can do philosophy", continuous improvement processes, culture of collaboration and a willingness to embrace positive change.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

One of the key principles of the draft policy is to maximise community value when disposing of assets. This is not just limited to financial value but to the consideration of positive or negative impacts on service delivery to the community and if/how the asset will be replaced.

Financial / Budgetary Implications

The disposal of assets is one of the key pillars of developing and managing a Council budget. Annual budgets and long-term financial plans must consider the renewal and disposal of assets. To this end, budgets reflect the value of current assets, depreciation and replacement costs.

The policy links the disposal of assets to Council's Asset Management Policy and Asset Management Plans, all of which inform Council's financial management practices. This means that the recommendations of these policies and plans can be implemented through day to day decision making.

One of the goals of the policy is to maximise the financial returns from asset disposal.

Economic Implications

There are no significant economic implications arising from this report.

5.1 Draft Disposal or Sale of Council Assets Policy 2019 (cont.)

Environmental / Amenity Implications

There are no environmental or amenity implications arising from this report, however the policy does highlight the need to achieve 100 percent diversion from landfill. One of the seven principles underpinning the policy are sustainability objectives meaning Council must dispose of assets in a sustainable way.

Community Implications

There are no significant community implications arising from this report, aside from the hope that by continuing to strengthen Council's policies and procedures in the wake of the VAGO report Council can continue to rebuild the community's confidence in our ability to fight corruption and manage public funds and assets in a consistent, open and accountable way.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The *Local Government Act 1989* outlines statutory provisions for the sale of Council owned land, which are referenced in the policy.

Consultation

Community consultation has not been undertaken given this is a draft Council policy aimed to establish internal protocols and processes.

Having said that, once adopted the policy will be accessible on Council's website and copies can be provided through its customer service centres.

The draft policy has been circulated to the Executive and key staff involved in asset management for comment, with a number of improvements made to the draft policy as a result.

Attachments

- Draft Disposal or Sale of Council Assets Policy 2019.

Please note: The draft Disposal or Sale of Council Assets Policy 2019 is not attached to this report, due to being the subject of another item for consideration/determination at the December Ordinary Council meeting (Item 9.7.1)

5.2 Draft new Gifts, Benefits and Hospitality Policy 2019

Author / Department

Project Officer Corporate Governance / Executive Services

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest, as defined by the *Local Government Act 1989*.

Summary

The Victorian Auditor General's Office (VAGO) Fraud and Corruption Control – Local Government report dated June 2019 identified that a number of Council policies and procedures required review.

Strathbogie Shire Council came into specific criticism due to the past practice of one senior executive of buying gifts for suppliers and a general lack of fraud and corruption control mechanisms in existing policies and procedures.

Council has an existing Acceptance of Gifts and Hospitality Policy, initially adopted by Council in 2008 and last reviewed by Council in 2017. While relatively short, it does establish a range of principles for the acceptance of gifts and hospitality, along with the requirement that all gifts over \$50 must be declared.

It is fair to say that the existing policy does not deal with the following issues:

- Benefits that a councillor or officer may receive such as free or discounted accommodation or access to a sporting event
- Gifts, benefits or hospitality from staff or councillors to suppliers or prospective tenderers
- The provisions of the *Local Government Act 1989* (the Act) which relate to the receipt of \$500 of gifts or benefits from a single person or supplier by an officer or councillor over a 5-year period immediately resulting in a declarable conflict of interest under the Act
- Definitions for various types of gifts, benefits and hospitality such as token gifts, official gifts and gifts of appreciation
- The provision of timelines for the declaration and recording of all gifts, benefits and hospitality received and declined
- Ensuring that all tender or expression of interest for the provision of goods, services or works explicitly states that no gifts must be made to councillors or staff and that should such an offer be made, the potential supplier will be excluded from the procurement process
- Auditing and reporting mechanisms to monitor adherence to the policy and Act.

The revised Gift, Benefits and Hospitality Policy 2019 is designed to address these gaps and help reinforce the cultural change created by the development and implementation of other fraud and corruption controls.

The Executive Management Team reviewed this policy on 30 October 2019 and approved it for consideration by the Audit Committee at the Special Audit Committee meeting of 22 November 2019.

5.2 Draft new Gifts, Benefits and Hospitality Policy 2019 (cont.)

RECOMMENDATION

That the Audit Committee review the revised Gifts, Benefits and Hospitality Policy 2019 and endorse its referral to the December 2019 Council meeting for consideration and adoption.

02/20 ROBERT GARDNER/ MARK FREUDENSTEIN : That the Recommendation be adopted, subject to minor amendments being made to the draft 'Gifts Benefits and Hospitality Policy 2019', prior to its referral to the December 2019 Council meeting for consideration and adoption.

CARRIED

Background

VAGO, Council and the Audit Committee have all made recommendations around strengthening fraud and corruption controls across a number of Council policies and procedures.

There was a resolution from the 2 July 2019 Special Council meeting specifically relating to the need for Council policy to explicitly prohibit the acceptance of gifts from suppliers.

The policy position of the revised document can be summarised as follows:

- Councillors, staff or contractors must not accept a gift, benefit or hospitality that could be perceived as being intended to or likely to influence him or her in the fair, impartial and efficient discharge of their duties
- Councillors, staff or contractors must take measures to avoid the generation of conflict of interest through the acceptance of gifts which combine to create an Applicable gift under the Act
- The CEO or Departmental Manager is responsible for authorising whether or not the gift, hospitality or benefit is to be accepted, returned or donated to a local charity or not for profit organisation if the estimated value is more than \$50 and infrequently received (ie less than twice a year)
- All expression of interest and tender documentation must include a standard clause around the offer of gifts, benefits or hospitality.

New procedures are proposed, including the completion of the declaration form and updating of the Gifts and Hospitality Register within five (5) days of receipt or offer of the item or benefit.

Quarterly audits will be overseen by the Group Manager Corporate & Community, including the calculation of the total value of gifts from a person or company to any one councillor or officer to monitor the Applicable gift provisions of the Act. An annual report will also be provided to the Audit Committee and Executive Management Team within three months of the end of the financial year.

5.2 Draft new Gifts, Benefits and Hospitality Policy 2019 (cont.)

Alternative Options

A range of policies and public reports from other councils have been reviewed and considered to identify what procedures constitutes best practice, as per the recommendations from the Audit Committee and Council.

Risk Management

The adoption of the draft policies is a key risk management tool to mitigate possible fraud and corruption.

It serves to strengthen internal monitoring and auditing, helping create a culture within the organisation that the behavior of Councillors, staff and contractors must be open, transparent and can pass 'the pub test' at all times.

Strategic Links – policy implications and relevance to Council Plan

The relevant objectives and actions of the Council Plan (reviewed 2019) relate to the draft policies attached to this report:

Goal 5: To be a high performing Shire

Conduct an organisation wide cultural change / innovation program that promotes a "can do philosophy", continuous improvement processes, culture of collaboration and a willingness to embrace positive change.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The revised policy seeks to ensure a level playing field for all procurement processes by ensuring that any prospective or existing supplier that offers any kind of gift, benefit or hospitality to a councillor or staff member is immediately precluded from the procurement process.

Financial / Budgetary Implications

There are no significant financial or budgetary implications arising from this report.

Economic Implications

There are no significant economic implications arising from this report.

Environmental / Amenity Implications

There are no environmental or amenity implications arising from this report.

Community Implications

Community consultation has not been undertaken given this is a draft Council policy aimed to establish internal protocols and processes.

Having said that, once adopted the policy will be accessible on Council's website and copies can be provided through its customer service centres.

The draft policy has been circulated to the Executive and key staff.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

5.2 Draft new Gifts, Benefits and Hospitality Policy 2019 (cont.)

Legal / Statutory Implications

It has been observed that awareness of the provisions of the Act in relation to applicable gifts may not be as widely known or on top of mind with Councillors, staff and contractors as it should be.

The policy aims to rectify this deficiency by including provisions around applicable gifts. The education program and roll out of this policy, once adopted, will highlight this issue to raise awareness of conflict of interest provisions.

Consultation

The draft policies are not required to be subject to a consultation process under the *Local Government Act 1989*.

Attachments

- Draft Gifts, Benefits and Hospitality Policy 2019

Please note: The draft Gifts, Benefits and Hospitality Policy 2019 is not attached to this report, due to being the subject of another item for consideration/determination at the December Ordinary Council meeting (Item 9.7.2)

5.3 Councillor Expenses and Allowances – 2016/17, 2017/18 and 2018/19

Author / Department

Project Officer Corporate Governance / Executive Services

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest, as defined by the *Local Government Act 1989*.

Summary

The Local Government Act 1989 (the Act) is abundantly clear that all councillors are to be paid an allowance, set by the Minister on an annual basis. Further, the Act is clear that councillors are also allowed to claim expenses incurred whilst performing official councillor duties relating to travel, child/family care, conferences and training, information technology and communication and car mileage.

The Local Government (Planning and Reporting) Regulations 2014 require these five categories of expenses, along with the allowances received by councillors, to be reported to the community and State government via the annual report.

The Victorian Auditor General's Office (VAGO) Fraud and Corruption Control – Local Government report dated June 2019 identified that Strathbogie Shire had not been reporting councillor expenses in the Annual Report in a way that was compliant with the requirements of the Local Government (Planning and Reporting) Regulations 2014. Councillor expenses were being reported, but not identifying expenses under the five categories, nor in a way that captured total expenses.

It is noted that there is no guidance provided by Local Government Victoria or VAGO around what types of goods and services should be placed into the various categories. This results in inconsistencies across Victorian councils. To demonstrate this, a review of all expense reporting was undertaken across north east Victoria and it was found that no two councils reported expenses in the same way; for example, some councils include the costs associated with the mayoral vehicle while others do not.

This lack of State guidance was highlighted in a letter from the Acting Chief Executive Officer to the Minister for Local Government in July, stressing the need for proactive guidance from the State to ensure that figures were consistently calculated and readily comparable across the state. Unfortunately, no response has been received.

In light of the lack of guidance, the Project Officer – Corporate Governance had to develop a methodology for the calculation of expenses. The methodology adopted by Council's Project Officer – Corporate Governance, and draft expenditure and allowance analysis were referred to Council's internal auditor, AFS and Associates, for review.

After making small modifications to the methodology in response to AFSs' advice, the expenditure and allowance figures for the past three financial years have been finalised. Councillors have been given the opportunity to review the expense reports and ask questions about their calculation. Several queries were received by officers and explanations given as to why the expenses were attributed to the Councillor(s) and clarification given as to what the expense was related to.

5.3 Councillor Expenses and Allowances – 2016/17, 2017/18 and 2018/19 (cont.)

In summary, all records relating to councillor expenses and allowances (including hard and soft copy records, fleet information and purchasing card records) were compiled and reviewed as a means of calculating expenses for the last three financial years. This was a complex and lengthy task, which resulted in the identification of a number of process improvements as a means of ensuring the process is less resource intensive in the future.

Many of these process improvements have already been implemented through changes to Council's financial software system and the adoption of the new Councillor Support, Resources, Reimbursement and Reporting of Councillor Expenses Policy 2019.

It should be noted that the expenses and allowances for the 2018/19 financial year have already been reported through the Annual Report, adopted by Council in October 2019.

RECOMMENDATION

That the Audit Committee:

1. **Having reviewed Councillor expenses and allowances for the 2016/17, 2017/18 and 2018/19 financial years, note the reported expenses.**
2. **Recommend to Council the publication of the Councillor expenses for the 2016/17, 2017/18 and 2018/19 financial years on Council's website.**

03/20 **MARK FREUDENSTEIN/ROBERT GARDNER** : *That the Recommendation be adopted.*

CARRIED

Note: It should be noted that this report is to address the insufficient reporting processes and financial allocations in the previous operational system and procedures of Council. Councillors were following the procedures and advice of the then current processes, and expenses were duly signed and authorised by the previous Chief Executive Officer

Background

VAGO made the following recommendation in relation to the publication of councillor expenses:

'We recommend that Greater Shepparton City Council, Strathbogie Shire Council, and Wyndham City Council:

- 11. publish councillor expenses for the 2017–18 year on their websites immediately and ensure their 2018–19 annual reports comply with Local Government (Planning and Reporting) Regulations 2014'. (pg 15)*

5.3 Councillor Expenses and Allowances – 2016/17, 2017/18 and 2018/19 (cont.)

The table below identifies the source of actions/recommendations relating to Councillor expenses.

| AUDIT COMMITTEE RECOMMENDATIONS | |
|---|--|
| <p>CEO & Mayoral expenses to be authorised by the Audit Committee.</p> <p>Summary of expenses to be provided to Audit Committee or high-level report based on quantity, value and categories specified in the Regulations.</p> | <p>This report seeks the Audit Committee's review of Councillor expenses for the past three financial years.</p> |
| VAGO RECOMMENDATIONS | |
| <p>Publish councillor expenses for the 2017–18 year on their websites immediately and ensure their 2018–19 annual reports comply with Local Government (Planning and Reporting) Regulations 2014.</p> | <p>This report outlines the expenses and allowances for the past three financial years. Once reviewed by the Audit Committee, they will be posted on Council's website.</p> <p>The 2018/19 Annual Report contains councillor expenses calculated by the method prepared by the Project Officer – Corporate Governance and reviewed by AFS and Associates Pty Ltd.</p> |
| COUNCIL RESOLUTIONS | |
| <p>Councillor Expenditure Policy Review</p> <ul style="list-style-type: none"> - Mayoral expenses to be signed off by the CEO - Councillor expenses to be signed off by CEO. <p>Expenses to be authorised by Audit Committee.</p> | <p>The new policy relating to councillor expenses requires the CEO to sign off all mayoral and councillor expense claims. A double control has been introduced by also requiring the Group Manager Community & Corporate to review and sign the claim forms.</p> <p>The purpose of this report is to provide the Audit Committee with the opportunity to review councillor expenses for the last three financial years.</p> <p>Quarterly reports will be submitted to the Audit Committee once the reporting system has been finalised (currently underway).</p> |
| <p>Councillors to agree that all expenses will be in accordance with the Councillor Expense Entitlement Policy.</p> | <p>Councillors are responsible for identifying what category the expense is to be allocated to (which is then checked by senior staff) and they must sign a declaration that the expenses were incurred while conducting councillor duties and that all the information is true and correct.</p> |

5.3 Councillor Expenses and Allowances – 2016/17, 2017/18 and 2018/19 (cont.)

| | |
|--|--|
| <p>Development of a reporting template and procedure for review and authorisation of CEO and Councillor expenses.</p> | <p>The reporting template was reviewed by the Audit Committee at its 12 September 2019 meeting and adopted by Council on 15 October as part of the new councillor expenditure policy.</p> <p>Data analytics systems are being developed to enable the quarterly reports to be generated and collated in an efficient way.</p> |
| <p>Disclose expenses for Councillors and Senior Staff in accordance with categories in LG Act regulations:</p> <ul style="list-style-type: none"> - Post expenditure on Council's website for 2016/17 and 2017/18 <p>Post expenditure on Council's website in the future.</p> | <p>This report outlines Councillor related expenses and allowances for the past three financial years. Once reviewed by the Audit Committee, they will be posted on Council's website.</p> <p>The reporting template has been adopted by Council and systems are nearly in place to facilitate quarterly reporting of councillor expenses, which represents best practice in local government.</p> |

Advice from AFS & Associates in relation to the methodology used to calculate expenses was to refer the methodology to VAGO for review and comment. Accordingly, the methodology was sent to VAGO on 1 November 2019, highlighting the need for feedback prior to this Audit Committee.

Alternative Options

There are no alternative options in relation to this matter as the requirement to report on councillor expenses is set out in State legislation.

Risk Management

The reporting of Councillor expenses to the Audit Committee is a risk mitigation tool that provides for independent review and monitoring of expenses, ensuring compliance with the Act and community expectations.

To ensure maximum transparency, an 'other expenses' category has been added to those required by the Regulations to capture expenditure that cannot be allocated to one of the five categories (eg printer cartridges).

5.3 Councillor Expenses and Allowances – 2016/17, 2017/18 and 2018/19 (cont.)

Strategic Links – policy implications and relevance to Council Plan

The relevant objectives and actions of the Council Plan (reviewed 2019) relate to the documents attached to this report:

Goal 5: To be a high performing Shire

Conduct an organisation wide cultural change / innovation program that promotes a "can do philosophy", continuous improvement processes, culture of collaboration and a willingness to embrace positive change.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

There are no implications arising from this report in relation to competition or best value.

Financial / Budgetary Implications

There are no significant financial or budgetary implications arising from this report, although the quarterly review of expenses will allow for more accurate budgeting in future years.

Economic Implications

There are no implications arising from this report in relation to economic development.

Environmental / Amenity Implications

There are considered to be no implications arising from this report in relation to environmental or amenity impacts.

Community Implications

The collation and publication of Councillor expenses for the past three financial years increases probity, accountability and transparency around how public funds are being spent. Reporting is also a mechanism through which changing community attitudes can be recognised and responded to by Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal / Statutory Implications

The reporting of Councillor expenses is a statutory obligation under the Act and Regulations.

Consultation

Consultation has been undertaken with Council's internal auditor, AFS & Associates Pty Ltd in relation to the methodology used to categorise expenses.

Attachments

- Councillor expenses and allowances – 2016/17, 2017/18 and 2018/19
- Advice from VAGO – Reporting of Councillor Expenses

Strathbogie Shire Council
Special Audit Committee Meeting

2016-17

| 2016-17 | Child-family care | Travel | Car Mileage** | IT and Comms* | Conferences & Training**** | Other | Total expenses |
|------------------------------------|-------------------|----------|---------------|---------------|----------------------------|--------|----------------|
| Cr Thomson | \$0.00 | \$148.69 | \$0.00 | \$0.00 | \$5,616.91 | \$0.00 | \$5,765.60 |
| Mayor McClaren | \$0.00 | \$148.69 | \$10,290.60 | \$1,290.26 | \$10,795.00 | \$0.00 | \$22,524.55 |
| Cr Swan (Bower) | \$0.00 | \$0.00 | \$4,779.20 | \$454.13 | \$5,800.24 | \$0.00 | \$11,033.57 |
| Cr Williams | \$0.00 | \$148.69 | \$1,384.42 | \$2,133.56 | \$6,517.66 | \$0.00 | \$10,184.33 |
| Cr Mason | \$0.00 | \$148.69 | \$139.68 | \$1,313.86 | \$5,966.90 | \$0.00 | \$7,571.13 |
| Cr Stothers | \$0.00 | \$0.00 | \$0.00 | \$1,698.78 | \$5,773.05 | \$0.00 | \$7,471.83 |
| Cr Little | \$0.00 | \$148.69 | \$5,137.53 | \$1,742.17 | \$6,570.82 | \$0.00 | \$13,599.21 |
| Cr Storer (July - Oct 2016) | \$0.00 | \$0.00 | \$0.00 | \$499.23 | \$652.14 | \$0.00 | \$1,151.37 |
| Cr Weatherald (July - Oct 2016) | \$0.00 | \$0.00 | \$255.68 | \$440.27 | \$1,309.38 | \$0.00 | \$2,005.33 |
| Cr Purbrick (July - Oct 2016) | \$0.00 | \$0.00 | \$0.00 | \$225.96 | \$652.14 | \$0.00 | \$878.10 |
| Mayor Furlanetto (July - Oct 2016) | \$0.00 | \$0.00 | \$5,669.59 | \$385.69 | \$1,277.56 | \$0.00 | \$7,332.84 |

IT and Comms*

includes hardware costs

Car Mileage**

excludes depreciation for Mayoral vehicle

includes expenditure from Mayor's fuel card from Council's assets system

excludes \$200 monthly payment from Mayoral allowance as a vehicle contribution

Conferences & Training****

includes 2016 Councillor induction costs following the October General election

| 2016-17 | Allowances (inc super equiv)*** |
|------------------------------------|---------------------------------|
| Cr Thomson | \$13,552.03 |
| Mayor McClaren | \$38,321.91 |
| Cr Swan (Bower) | \$20,122.95 |
| Cr Williams | \$20,122.95 |
| Cr Mason | \$13,552.03 |
| Cr Stothers | \$13,552.03 |
| Cr Little | \$20,122.95 |
| Cr Storer (July - Oct 2016) | \$6,570.92 |
| Cr Weatherald (July - Oct 2016) | \$6,570.92 |
| Cr Purbrick (July - Oct 2016) | \$6,570.92 |
| Mayor Furlanetto (July - Oct 2016) | \$14,627.41 |

Allowances *** includes the vehicle contribution deductions from the Mayoral allowance for Councillor McClaren

2017-18

| 2017-18 | Child-family care | Travel | Car Mileage** | IT and Comms* | Conferences & Training | Other | Total expenses |
|-----------------|-------------------|----------|---------------|---------------|------------------------|--------|----------------|
| Cr Thomson | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$464.29 | \$0.00 | \$464.29 |
| Mayor McClaren | \$0.00 | \$600.88 | \$17,645.50 | \$1,984.39 | \$11,484.15 | \$0.00 | \$31,714.92 |
| Cr Swan (Bower) | \$0.00 | \$0.00 | \$4,361.78 | \$264.28 | \$614.89 | \$0.00 | \$5,240.95 |
| Cr Williams | \$0.00 | \$36.96 | \$1,760.18 | \$1,098.64 | \$1,127.97 | \$0.00 | \$4,023.75 |
| Cr Mason | \$0.00 | \$21.66 | \$306.09 | \$1,013.74 | \$1,084.13 | \$0.00 | \$2,405.62 |
| Cr Stothers | \$0.00 | \$0.00 | \$0.00 | \$1,302.25 | \$634.89 | \$0.00 | \$1,937.14 |
| Cr Little | \$0.00 | \$36.16 | \$3,181.60 | \$978.24 | \$767.99 | \$0.00 | \$4,963.99 |

IT and Comms* includes hardware costs

Car Mileage** excludes depreciation for Mayor's vehicle
includes expenditure from Mayor's fuel card from Council's assets system
excludes \$200 monthly payment from Mayor as vehicle contribution

| 2017-18 | Allowances (including super equiv)*** |
|-----------------|---------------------------------------|
| Cr Thomson | \$21,971.65 |
| Mayor McClaren | \$63,243.50 |
| Cr Swan (Bower) | \$21,971.65 |
| Cr Williams | \$21,971.65 |
| Cr Mason | \$21,971.65 |
| Cr Stothers | \$21,971.65 |
| Cr Little | \$21,971.65 |

Allowances *** includes the vehicle contribution deductions from the Mayor's allowance for Councillor McClaren

2018-2019

| | 2018-19 | Child-family care | Travel | Car Mileage** | IT and Comms* | Conferences & Training | Other | Total expenses |
|-----------------|---------|-------------------|----------|---------------|---------------|------------------------|----------|----------------|
| Cr Thomson | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Mayor McClaren | \$0.00 | \$0.00 | \$790.38 | \$12,693.89 | \$847.92 | \$10,259.72 | \$0.00 | \$24,591.91 |
| Cr Swan (Bower) | \$0.00 | \$0.00 | \$27.62 | \$6,542.52 | \$181.88 | \$818.85 | \$198.18 | \$7,769.05 |
| Cr Williams | \$0.00 | \$0.00 | \$0.00 | \$1,314.54 | \$758.28 | \$2,586.76 | \$0.00 | \$4,659.58 |
| Cr Mason | \$0.00 | \$0.00 | \$0.00 | \$133.72 | \$577.21 | \$2,346.06 | \$0.00 | \$3,056.99 |
| Cr Stothers | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$644.02 | \$0.00 | \$0.00 | \$644.02 |
| Cr Little | \$0.00 | \$0.00 | \$0.00 | \$3,446.52 | \$674.12 | \$2,873.56 | \$347.07 | \$7,341.27 |

IT and Comms* no hardware costs incurred during this financial year

Car Mileage** excludes depreciation for Mayor's vehicle

includes expenditure from Mayor's fuel card from Council's assets system

excludes \$200 monthly payment from Mayor as vehicle contribution

| 2018-19 | Allowances (inc super equity)*** |
|-----------------|----------------------------------|
| Cr Thomson | \$22,411.04 |
| Mayor McClaren | \$64,556.37 |
| Cr Swan (Bower) | \$22,411.04 |
| Cr Williams | \$22,411.04 |
| Cr Mason | \$22,411.04 |
| Cr Stothers | \$22,411.04 |
| Cr Little | \$22,411.04 |

Allowances *** includes the vehicle contribution deductions from the Mayoral allowance for Councillor McClaren

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VAGO

11 November 2019

Ms Dawn Bray
Project Officer Corporate Governance
Strathbogrie Shire Council
109a Binney Street
Euroa VIC 3656

| SHIRE OF STRATHBOGRIE | | Victorian Auditor-General's Office | |
|-----------------------|-------|------------------------------------|--|
| Date: | City: | Level: | 31 / 35 Collins Street Melbourne Vic 3000 |
| 11 Nov 2019 | | Phone: | 1 800 8601 7000 |
| Ref to: | | Email: | enquiries@audit.vic.gov.au |
| Library: | QR: | Website: | www.audit.vic.gov.au |

Dear Ms Bray

File No: 33629

Reporting of Councillor Expenses

Thank you for your email dated 1 November 2019, in which you supplied a copy of Strathbogrie Shire Council's (the council) methodology and calculations for councillor expense reporting under the Local Government (Planning and Reporting) Regulations 2014 (the Regulations). It is pleasing to see the work the council has completed to respond to our recommendations.

Background

In our *Fraud and Corruption Control—Local Government* audit, we concluded that the council had not complied with the Regulations, which required the council to report councillor expenses in five specified categories.

We recommended that the council publish councillor expenses on its website for 2017–18 and ensure that its 2018–19 report is compliant with the Regulations.

You have asked us to review your methodology and calculations. As your recent activities have not been subject to an audit by our office, I am only able to give general comments and am unable to verify the calculations.

Council's actions to address the recommendation

You explain that you have now made attempts to accurately categorise the expenses into the five required categories. You have done this by reviewing credit card statements, diary entries, cross checking calculations and having council's internal auditors review your methodology and calculations. You have also circulated the finalised individual calculations to councillors for review.

The council's activities appear consistent with our commentary on page 34 about the need to capture all councillor expenses. In finalising your methodology and policy I draw your attention to:

- page 32 of our report, in the context of your reference to printer cartridges, which highlighted that the council provided no printing allowance or reimbursement to councillors as it provided councillors with tablets and the ability to use printers at council offices
- recommendation one in our report about the evidence a councillor must provide in support of a reimbursement.

Please also note that the Local Government Inspectorate (LGI) has published information on its website which confirms that it is currently completing an analysis of councillor entitlements and intends to report

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publicly in December 2019. From the information available, LCI's publication is expected to include opportunities to improve practices and ensure consistency across the sector. LCI's work may assist you in finalising your methodology and policy and ensure full compliance and better practice with the Regulations.

The steps the council has taken appear positive and should enable the council in future to more accurately capture and categorise councillor expenses to meet its legislative obligations and report transparently to its regulators and community.

If you wish to discuss this matter further, please contact Trang Ho on 03 8601 7190 or via email on Trang.Ho@audit.wic.gov.au.

Yours sincerely



RENEE CASSIDY
Assistant Auditor-General

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9.7.6 Arts and Culture Strategy 2019-2023

Author & Department

Manager Arts, Culture and Economy / Corporate and Community

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989

Summary

This is a presentation of the finalised Arts & Culture Strategy and associated 12 Month Action Plan to be endorsed and adopted by Council.

RECOMMENDATION

That Council endorses and adopts the Strathbogie Shire Arts and Culture Strategy and associated 12 Month Action Plan.

27/20 CRS BOWER/WILLIAMS : That the Recommendation be adopted.

CARRIED

Background

As a part of the current Council Plan, the Manager Arts, Culture and Economy has been working on the development of the first Arts and Culture Strategy and associated Action Plan for Strathbogie Shire.

The process has involved extensive community and relevant stakeholder consultation that started back in 2018, participation and input throughout the process by the Tourism, Arts and Culture Advisory Group (TACAG), advice and input from the Cultural Development Network (CDN) and other relevant peak bodies relating to Arts & Culture.

The DRAFT Arts and Culture Strategy and associated 12 Month Action were presented to Council in October 2019, and then put on display for public comment and feedback in November 2019, following the Engagement Plan as set up and implemented by the Comms Team.

Further community feedback has now been reviewed and incorporated into the Strategy and associated Action Plan where appropriate, with only minor revisions needing to take place which were:

- Small change to the graphics on Page 10
- A few spelling and grammar corrections throughout both documents
- The addition of an action item to include consideration of accessibility within arts and culture in item 1.2
- The addition of connection with relevant peak bodies within arts and culture within the action plan
- The addition of another action item to investigate embedding creative recovery as a part of our Emergency Management Plan in item 3.2



9.7.6 Arts and Culture Strategy 2019-2023 (cont.)

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

There is a possible risk of reputation to Council if this strategy is not adopted prior to the end of 2019 should the process of its development be required to be carried over into 2020.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

Members of the community have a vested interest in the development and implementation of this strategy and are awaiting news of its finalization and adoption.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

9.7.6 Arts and Culture Strategy 2019-2023 (cont.)

Consultation

There has already been extensive community and stakeholder consultation in the development of the DRAFT Arts & Culture Strategy consisting of 9 x 'Our Culture Matters' Community Workshops, 12 x one on one interviews with identified key stakeholders and online surveys with 55 responses received.

Further consultation has been sought by using the Strathbogie Shire Engagement Strategy which included further opportunities for online and email feedback, a social media strategy and media advertising.

Attachments

Nil.

Tabled Document/s

- Arts & Culture Strategy 2019-2023
- 12 Month Action Plan

Website Links

Due to the large size of the draft Arts & Culture Strategy and the 12 Month Action Plan, these documents can be viewed / downloaded via the following website links:-

- Arts & Culture Strategy 2019-2023
https://www.strathbogie.vic.gov.au/images/Plans_policies_Strategies_reports/2019%20-%202023%20Arts%20%20Culture%20Strategy.pdf
- Arts & Culture Strategy 2019-2023 12 Month Action Plan
https://www.strathbogie.vic.gov.au/images/Plans_policies_Strategies_reports/2019%20-%202023%20Arts%20%20Culture%20Strategy%2012%20Month%20Action%20Plan.pdf



9.7.7 Strathbogie Shire Council Community Local Law No.6 (2010) Review

Author & Department

Team Leader Building Health and Compliance Services / Building Health and Compliance Services Department

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

The Strathbogie Shire Council Community Local Law No.6 (2010) is due to expire on 7 October 2020. The intention of this report is to provide Council with an overview of the process for the review of the current Local Law.

RECOMMENDATION

That Council:

1. **Endorses the proposed process for the review and development of the proposed Local Law.**
2. **Nominates Councillor and Councillor to form part of the Project Reference Group.**

CR MASON NOMINATED CR THOMSON. CR THOMSON DECLINED THE NOMINATION.

CR MASON NOMINATED CR McCLAREN. CR McCLAREN ACCEPTED THE NOMINATION.

CR WILLIAMS NOMINATED CR MASON. CR MASON ACCEPTED THE NOMINATION.

CRS LITTLE/MASON –

Amendment:

That Council:

1. **Endorses the proposed process for the review and development of the proposed Local Law.**
2. **Nominates Councillor John Mason and Councillor Amanda McClaren to form part of the Project Reference Group.**

28/20 ON BEING PUT, THE AMEMDMENT BECAME THE MOTION

29/20 ON BEING PUT, THE MOTION WAS CARRIED

9.7.7 Strathbogrie Shire Council Community Local Law No.6 (2010) Review (cont.)

Background

Council's current Local Law is due to expire on 7 October 2020. The expiration of this current local law cannot be extended and affects all land within the Shire. The *Local Government Act 1989* requires Council to have a Local Law.

The purpose of the Community Local Law is to respond to the issues and needs of our community. The laws should provide to complement Council's responsibilities under both state and federal legislation by providing guidance and setting requirements and expectations. A local law is often adopted to protect public health, safety and amenity. The local law should be designed to ensure that the actions of any individual or group do not adversely affect the amenity of the community.

The process is intended to commence with the formation of a Project Reference Group. It is envisaged that the Project Reference Group will include the following:

- Two (2) Council Staff.
- Two (2) Councillors.
- One (1) Member of Council's Executive Management Team (EMT).
- Two (2) Community Representatives.
- At least Two (2) Industry Representatives (Agriculture, Public Health, Environment, Fire Management).

The feedback provided from the Project Reference Group, based on industry knowledge, community expectation and feedback, will be used to provide the content of the Draft Community Local Law which will be shared with our community. A Community Engagement Plan is currently being prepared.

In general terms, the process for the review will be as follows:

1. Form a Project Reference Group.
2. Review of the current local law including identifying areas which are working well, those which aren't and areas for improvement including those around current expectations. This will be based on the feedback of the Project Reference Group as well as the available feedback provided in relation to other recent consultation documentation.
3. Produce a draft document which takes into account all information gathered earlier.
4. Community Consultation in accordance with the Consultation Plan.
5. Review of feedback from Consultation.
6. Production of final document.
7. Presentation to Council for Adoption.

If, at the end of Step 4, a significant rewrite of the draft document is required, additional consultation will be required.

It is envisaged that an amended Community Local Law will be submitted to Council for adoption in the third quarter of 2020 prior to the Caretaker Period before the 2020 Local Government Elections.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.



9.7.7 Strathbogie Shire Council Community Local Law No.6 (2010) Review (cont.)

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation has no significant community or social implications for Council or the broader community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Community Engagement

Not Applicable

Attachments

Nil.

Tabled Document/s

Nil.

9.7.8 Draft Election (Caretaker) Period Policy 2019

Author / Department

Project Officer Corporate Governance / Executive Services

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers providing advice in relation to this report do not have a direct or indirect interest, as defined by the *Local Government Act 1989*.

Summary

Section 93B of the *Local Government Act 1989* (the Act) requires Council to develop and adopt an election period policy to outline the procedures to be applied by Council during the lead up to the election to ensure Council does not make inappropriate decisions, use resources inappropriately, undertake public consultation, hold Council events or publish any material that may be perceived to affect the outcome of the election.

A review of Council's existing policy has been undertaken. In line with best practice, as identified by the Local Government Inspectorate, the policy has been broadened to ensure that Council exceeds minimum requirements set out by the Act.

The draft policy outlines restrictions on the use of Council's social media, public consultation processes, events and the distribution of information. The Act requires all letters and any publications to first be certified by the Chief Executive Officer that no electoral material is contained within the document/publication.

A Register of Information Requests from Councillors and election candidates will also be maintained to ensure maximum transparency around the Council information being requested and the organisation's response to those requests.

It is important to remember, however, that Councillors must still undertake their duties as elected representatives under the Act and that they retain their title as 'Councillor' until 6pm on election day. However, the Chief Executive Officer will be the Council spokesperson during the election (caretaker) period and Councillors must not make comment to the media in an official capacity as Councillor. Media releases will be minimised and will only quote the Chief Executive Officer.

This report seeks Council's review and adoption of the draft Election (Caretaker) Period Policy 2019.



9.7.8 Draft Election (Caretaker) Period Policy 2019 (cont.)

RECOMMENDATION

That Council:

1. **Adopt the Election (Caretaker) Period Policy 2019.**
2. **Ensure a copy of the adopted policy is provided to all Councillors as soon as possible under section 93B (4)(a) of the Local Government Act 1989.**
3. **Publish and maintain the adopted Election (Caretaker) Period Policy 2019 on its website.**

30/20 *CRS THOMSON/LITTLE* : *That the Recommendation be adopted.*

CARRIED

Background

Election period restrictions have been in place for all local councils for some years.

The election period comes into force prior to each municipal election, which extends for 32 days from when candidate nominations close until 6 pm on election day.

For the purpose of the 2020 municipal election, the election period commences on 22 September 2020 and closes at 6pm on 24 October 2020.

Alternative Options

Several election period policies adopted by other councils have been reviewed, including those identified by the Local Government Inspectorate as good examples of election period policies.

Risk Management

The adoption of this policy by Council will serve to clarify the roles and responsibilities of Councillors, staff and candidates during the election period.

There are extensive, complex requirements and limitations on Council activities during the election period. A robust policy is required to ensure that legislative requirements are always met given the potential loss of reputation and penalties under the Act that can apply to any breach of election period requirements.

Strategic Links – policy implications and relevance to Council Plan

The relevant objectives and actions of the Council Plan (reviewed 2019) are:

Goal 5: To be a high performing Shire

Conduct an organisation wide cultural change / innovation program that promotes a "can do philosophy", continuous improvement processes, culture of collaboration and a willingness to embrace positive change.



9.7.8 Draft Election (Caretaker) Period Policy 2019 (cont.)

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

There are no significant implications arising from this report.

Financial / Budgetary Implications

The policy clearly states that Council resources are not to be used for electioneering or in any other manner that could be perceived as affecting the outcome of the election.

Economic Implications

There are no significant economic implications arising from this report.

Environmental / Amenity Implications

There are no environmental or amenity implications arising from this report.

Community Implications

There are significant community implications arising from this report given the imperative to ensure that all municipal elections are conducted in a free and open manner.

Community confidence in Council's impartiality during the election period must be maintained. The policy outlines a range of guidelines and procedures to ensure the conduct of Councillors and staff

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The *Local Government Act 1989* outlines statutory provisions for the sale of Council owned land, which are referenced in the policy.

Consultation

Community consultation has not been undertaken given this is a draft Council policy aimed to establish internal protocols and processes.

Having said that, once adopted the policy will be accessible on Council's website and copies can be provided through its customer service centres.

Attachments

- Strathbogie Shire Council Election (caretaker) Period Policy 2019.



ELECTION (CARETAKER) PERIOD POLICY

| COUNCIL POLICY | |
|------------------------|-------------------------|
| Document Reference: | |
| Effective Date: | 16/10/2001 |
| Last Review: | March 2016 |
| Current Review: | December 2019 |
| Adopted by Council: | |
| Next Review Date: | September 2023 |
| Responsible Officer/s: | Chief Executive Officer |

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1. INTRODUCTION

There is what is known as an 'election period' or 'caretaker period' that comes into force prior to each municipal election, which extends for 32 days from when candidate nominations close until 6 pm on election day.

During this time Council must avoid making decisions or acting in a way that could be seen to be influencing voters, or which will have a significant impact on an incoming Council. There are also restrictions on Council publishing or distributing electoral matter or making major policy decisions during the election (caretaker) period.

The purpose of this policy is to ensure the transparency and accountability around the behaviour and actions of Councillors, Council officers, contractors, registered Council volunteers and candidates during an election (caretaker) period.

Legislation requires all councils to prepare and adopt an election period policy that manages councillor conduct, decision making, transparency and equity, and use of Council resources during an election (caretaker) period.

2. POLICY POSITION

During an election (caretaker) period, Councillors:

- will continue to fulfil their duties (unless they are granted a leave of absence)
- will continue to engage and communicate with the community in undertaking their role as the local Councillor representative
- must comply with the Act and Councillor Code of Conduct
- must not use their position to influence Council officers, or access Council resources or information, in support of any election campaign or candidacy.

The Chief Executive Officer will, as far as practicable, plan for significant and major policy matters to be considered well in advance of the election (caretaker) period and ensure Council officers are aware of their obligations during an election (caretaker) period.

This Council policy exceeds minimum legislative requirements as it restricts the use of Council resources and decision making for any form of council election (for example a by election) by actively managing:

- decisions made by Council, Advisory Committee or a staff member acting under delegation during an election (caretaker) period
- Council's publications, promotion, media, consultations and events during an election (caretaker) period
- the use of Council resources, including venues, during an election (caretaker) period
- access to Council information by Councillors and candidates during an election (caretaker) period.

3. DEFINITIONS

| | |
|---|---|
| Certification | means the Chief Executive Officer's statement in writing that no electoral matter is contained within any publication produced by Council during the election (caretaker) period |
| Council branding | means branding and logos related to the: <ul style="list-style-type: none">• Euroa Community Cinema• Euroa Visitor Information Centre (The Hub)• Nagambie Visitor Information Centre• Evolve Youth committee• Active Evolution youth activity• Access and Disability Advisory Committee• Audit Committee• Love Strathbogrie. |
| Council resources | means Council: <ul style="list-style-type: none">• Staff, contractors and registered Council volunteers• owned property or property managed by Council on behalf of a third party• equipment• stationery• finances. |
| Electioneering | means any action, statement and/or publication that contains material directly related to, or likely to influence, a Councillor's re-election or a candidate's election. |
| Election (Caretaker) Period | means the period that starts on the last day on which nominations for the election can be received and ends at 6pm on the election day. For the purpose of the 2020 municipal election, the election (caretaker) period commences on 22 September 2020 and closes at 6pm on 24 October 2020. |
| Electoral advertisement, handbill, pamphlet or notice | means an advertisement, handbill, pamphlet or notice that contains electoral matter but does not include an advertisement in a newspaper announcing the holding of a Council or Committee meeting or a notice relating to a prescribed statutory consultation process which must be undertaken under legislation and cannot be delayed until after the election (eg notice of a planning permit application or the publication of the Annual Report). |
| Electoral matter | means any matter which is intended or likely to affect voting in an election but does not include any electoral material produced by, or on behalf of, the Returning Officer for the purposes of conducting an election. |

Electoral matter is to be interpreted as being intended or likely to affect voting in an election if it contains an express or implicit reference to or comment on:

- the election, or
- a candidate in the election, or
- an issue submitted to, or otherwise before, the voters in an election.

| | |
|------------------------|---|
| Inappropriate decision | means any decision that: <ul style="list-style-type: none">• could affect voting in an election• could reasonably be made after the election. |
| Major policy decision | means any decision <ul style="list-style-type: none">• relating to the employment, remuneration or termination of a Chief Executive Officer under section 94 of the Act, other than a decision to appoint an acting Chief Executive Officer.• relating to entering into a contract with a total value exceeding one per cent (1%) of Council's rates and charges revenue (based on the preceding financial year), which for the purpose of the 2020 municipal election is \$198,000.• Regarding exercising entrepreneurial powers for proposals over one per cent (1%) of Council's rates and charges revenue (from the preceding financial year), which for the purpose of the 2020 municipal election is \$198,000. |
| Municipal election | means any general election or by-election. |
| Prospective candidate | means any person who publicly expresses an intention to run as a candidate for a municipal election. |
| Public consultation | means a process that involves an invitation(s) to individuals, groups, organisations or the community in general, to comment on an issue, proposed action, or proposed Council policy. |
| Publication | means a document distributed by any means, whether in hard copy or electronically, including publication on the internet (a website or any form of social media), advertisements, promotional media releases, posters, newsletters/updates, booklets, surveys, invitations and group mailouts/emails. Letters to individuals or groups of people required under other legislation (for example notices to abutting owners for a planning permit application) are excluded from this definition. |
| Returning Officer | means the person appointed in writing by the Victorian Electoral Commission to conduct the election. |
| Significant decision | means an irrevocable decision that significantly |

- affects the municipality, the organisation and/or its community.
- Social media and websites means any form of social media account (eg Facebook, Twitter, Instagram) or website owned or auspiced by Council, including but not limited to:
- Council's Facebook, Twitter and Instagram account
 - Euroa Community Cinema Facebook, Instagram and Twitter account
 - Evolve Facebook account
 - What's on in Strathbogrie Shire
 - any auspiced social media site run and managed by committees appointed by Council under section 86 of the Act.

4. EXTERNAL REFERENCES

Local Government Act 1989

Victorian Electoral Act 2002

5. RELATED COUNCIL DOCUMENTS

Staff Code of Conduct April 2019

Councillor Support, Resources, Reimbursement and Reporting of Expenses Policy 2019

Councillor Code of Conduct 2017

Governance and Protocols Guide 2013

Media Policy and Protocols 2013

6. POLICY OBJECTIVES

Council and Councillor activities will be actively managed and monitored in the lead up to any election, whether it be a by-election or general election to ensure:

- there is a level playing field for all election candidates
- Council information can be equally accessed by all candidates
- Council resources are not used in any way to support an election campaign
- conflicts of interest are avoided
- there is a distinction and clear separation of activities between an incumbent councillor undertaking their duties under the Act and the role of that same person as a candidate or prospective candidate in a forthcoming election
- Council complies with all aspects of the Act in relation to activities and decision making in the election (caretaker) period.

The policy applies to all Councillors, Council staff, Council registered volunteers and contractors and must be complied with if you:

- are involved in making a major policy decision

- are involved in making a significant decision that will bind the incoming Council
- are about to publish written material which has reference in it to a candidate (which includes sitting Councillors), or the election or an issue before the voters in connection with the election
- are involved in the creation of any Council publication
- are involved in any public consultation process
- are a Councillor who is planning to attend a function or event
- supply resource support to Councillors
- are a Councillor requesting access to Council information
- are a Councillor requesting media advice.

Given the Local Government Bill 2019 is currently before Parliament, the requirements of this new act have also been considered in the drafting of this policy (refer to Attachment 1).

7. REVIEW OF THIS POLICY

This policy will be reviewed and adopted twelve months prior to the next municipal election.

8. POLICY

8.1 Candidacy

A Councillor must not use Council resources for candidacy, or any purpose that may be perceived as being used for candidacy (individual or political party). This applies to a Councillor standing in a local election and for any other elected positions, for example, positions on boards given such use would constitute misuse of position by the Councillor.

8.2 Council decisions

Council will not consider or make any decisions during an election (caretaker) period that would, or could be perceived to, affect voting in an election, unfairly commit the incoming Council to a major course of action or could reasonably be made after the election.

Council officers or special committees with delegated decision making authority are also not permitted to make any decisions that may be perceived to affect the outcome of an election or unfairly commit the incoming Council.

The only items to be considered at an Ordinary Council or Special Committee Meeting held during the election (caretaker) period will be the Annual Report and procedural items to complete the Council's term of office, for example, assemblies of Council, and delegate's reports.

Public Question Time will be suspended during the election (caretaker) period.

A Notice of Motion submitted by a Councillor during an election (caretaker) period that relates to an electoral matter will not be permitted.

Should Council consider there are extraordinary circumstances where the Strathbogrie community would be significantly disadvantaged by Council not making a particular major policy decision, Council will, by resolution, seek an exemption from the Minister for Local Government in accordance with section 93A(2) of the Act.

8.3 Caretaker statement

During the election (caretaker) period, the Chief Executive Officer will ensure a caretaker statement is included in any report submitted to a Council or a Special Committee Meeting for consideration.

The caretaker statement will specify one of the following:

- *"The recommended decision is not a major policy decision or inappropriate decision, as defined in section 93A of the Local Government Act 1989"*
- *"The recommended decision is to seek an exemption from the Minister because the matter requires a major policy decision within the meaning of section 93A of the Local Government Act 1989"*
- *"The recommended decision is a major policy decision, as defined in section 93A of the Local Government Act 1989, but an extraordinary circumstances exemption was granted by the Minister for Local Government on [insert date]"*.

During the election (caretaker) period, Council or a Special Committee will not make a decision on any matter or report that does not include one of the above caretaker statements.

8.4 Access to Council information

Request for Council information

Given that Councillors continue to perform their elected role during the election (caretaker) period, they will continue to receive all necessary information to fulfil their role under the Act.

Councillors who are candidates in the election will be treated the same as other candidates in relation to access to Council information. Councillors may continue to access Council information and public documents during the election (caretaker) period, but only as it is necessary for them to perform their current role and functions.

Information to be provided to Councillors will include information that is publicly and freely available such as Council Plans, Annual Reports, strategies, policies and the like.

Briefing papers in relation to the Annual Report and procedural matters to be decided at the Council Meeting or Special Committee Meeting during the election (caretaker) period will also be provided to Councillors.

All requests received by Council officers for information about Council's existing projects, programs or services will be responded to in a 'business as usual' manner. This means up to date responses will be provided about progress on Council projects or services to Councillors, candidates and members of the community.

A 'business as usual' approach does not include Council staff undertaking extensive research or analysis involving significant Council resources, or providing a level of information which would not normally be available.

All election-related enquiries from candidates, or prospective candidates (whether Councillors or not), must be directed to the Returning Officer. Where the matter is outside the responsibilities of the Returning Officer the matter will be referred to the Chief Executive Officer or delegate.

Applications for information under Freedom of Information legislation will be dealt with in the usual manner.

Keeping of a Request for Information Register

A Request for Information register will be maintained by the Chief Executive Officer and available for inspection by the public upon request.

The Register will be a public document that records all requests relating to electoral matters, routine and non-routine requests for information by Councillors and election candidates and a summary of the response provided.

Council officers are required to discuss requests for information by Councillors and candidates with their Manager to determine an appropriate response prior to providing the information (or declining to provide the information).

Managers are responsible for ensuring all requests are logged on the Register.

Requests for information that require significant resources to be devoted to a response, or which might be perceived to support an election campaign, will be referred to the Chief Executive Officer or delegate.

The Register will be published on Council's website for the duration of the election (caretaker) period, including a summary of response and/or link to any requested public document.

8.5 Council media, social media pages and publications

Certification of publications by the Chief Executive Officer

Section 55D of the Act outlines restrictions on Council publications, including electronic publications, during an election (caretaker) period.

The Chief Executive Officer must certify that a Council publication does not include electoral matter before it can be issued. While the Chief Executive Officer may authorise an officer(s) to vet material, only the Chief Executive Officer can formally certify material for publication (that is, this function may not be delegated).

Council will not issue, publish or distribute any publication during an election (caretaker) period, other than:

- media and social media responses/statements on an emergency or urgent service-related issue (such as a pool closure)
- those that are required under an Act or regulation
- the Annual Report as required by the Act.

Any publications to be issued during the election (caretaker) period must be forwarded to the relevant Manager for approval and then sent to the Group Manager Corporate & Community for vetting for electoral matter. Once vetted, the Group Manager will submit the publication to the Chief Executive Officer for certification.

Attachment 2 contains the certification memorandum required for any publication created during the election (caretaker) period.

The Group Manager Corporate & Community will ensure Council publications available in Council facilities are inspected before the election (caretaker) period to identify and temporarily remove anything that might reasonably influence the election.



Council spokesperson

The Chief Executive Officer, or delegate, will be the primary spokesperson for Council communications during an election (caretaker) period.

Media and social media responses and statements will only be issued during an election (caretaker) period in the name of the Chief Executive Officer and will be subject to certification by the Chief Executive Officer.

Council officers must not make any public statement that could be construed as influencing the election. This will be considered as an offense under the Employee Code of Conduct.

This section does not include statements of clarification on an issue certified by the Chief Executive Officer or delegate.

Councillors must not use their position as an elected representative or their access to officers and other Council resources to gain media attention in support of an election campaign.

Annual Report

The Act requires Council's Annual Report to be prepared and submitted to the Minister for Local Government by the end of September each year. As it is a statutory requirement, it does not require certification by the Chief Executive Officer.

The Annual Report must not include material that is considered electioneering or electoral matter, or that publicises the attributes or achievements of individual Councillors.

Information referring to specific Councillors will be limited to names, titles, contact details, membership of special committees and other bodies to which they have been appointed by Council.

A Mayor's Message will be included and will be restricted to general Council business and not specific achievements of elected representatives.

The Chief Executive Officer will determine the appropriate content for an Annual Report produced in an election (caretaker) period.

Council will print and distribute the same number of copies during an election (caretaker) period as for the preceding year.

Council websites and social media sites

During the election (caretaker) period, information about Councillors published on Council websites will only include names, contact details and titles and any information contained in the Annual Report.

The Agenda and Minutes for Council and Special Committee Meetings will continue to be published on Council's website.

No new material will be published on Council's websites or social media sites during an election (caretaker) period unless it relates to:

- emergency information (eg bushfires, heatwaves, blackouts, food recalls or floods)

- unforeseen interruption to Council services (eg pool closures)
- any prescribed information that the Returning Officer requires to be published to inform the community about the election process.

A statement will be published on all social media sites advising that Council is in caretaker period and no new information, other than that outlined above, will be published until after the election. It will also state that any information on the site was published before the election (caretaker) period, and direct people to contact customer service if they have any issues/requests.

The Group Manager Corporate & Community will ensure Council's social media sites are reviewed before the election (caretaker) period to identify and temporarily remove anything that might reasonably influence the election.

Internal publications/Intranet

The publication of internal newsletters and intranet information including instruction for the election (caretaker) period, policy and protocols, is permitted and will continue as normal during an election (caretaker) period. The promotion of Councillors, candidates, or political parties in internal publications is not permitted.

Councillor-issued communications

Councillors, like other candidates, are permitted to issue their own media releases, provided they do not use Council resources, including email, fax, logo or any branding, letterhead or any Council owned device. Councillors and candidates must make it clear that the views expressed are personal views only, and not the views of the Council.

Councillors are not permitted to comment in an official capacity on behalf of Council about an issue raised by the media during the election (caretaker) period.

Should media outlets contact Councillors, or candidates, directly for comment about an issue during the election period, Councillors and candidates are able to comment, provided they make it known to media outlets that the views expressed are personal views only, and not the views of Council.

Council officers cannot provide media advice or assistance to Councillors during an election (caretaker) period.

8.6 Council consultation and events

Public meetings and events

Council will not undertake any community consultations or events during the election (caretaker) period.

This includes promotion of upcoming consultations or events held after the election (caretaker) period but excludes prescribed consultation processes under legislation such as the *Planning and Environment Act 1987*.

Councillors may continue to attend community events, but no formal role will be accepted, or support provided by Council officers (for example, writing a speech).

Existing Council programs and services for the community will continue as business as usual, but new promotional activity is not permitted during an election (caretaker) period.

Speeches for external events

Council resources must not be used to prepare speeches, or support roles, for Councillors for community and external events during the election (caretaker) period.

Community consultation

Public consultation will be avoided during the election (caretaker) period, except for that required under the *Planning and Environment Act 1987* and other legislation where the matter cannot possibly be delayed until after the election (caretaker) period closes.

Council facilities/halls for hire

Council facilities will be able to be hired by local candidates (including Councillors) at the normal corporate hire rate determined for the facility in the lead up to an election, but not during an election (caretaker) period.

To avoid a perception that Council facilities are being used to promote any candidacy, no promotional material related to the event/hired use, apart from directional signage, can be displayed in the common public areas of the facility being hired. This will be advised at time of booking.

Candidates wishing to conduct electioneering activities in public space for example, a stall at a shopping strip or park, must apply for a permit in accordance with Council's Community Local Law.

No other promotional material, including signage, posters, flyers or banners, for any election candidacy is permitted on Council land or in its facilities at any time.

The Strathbogie Planning Scheme sets out the requirements relating to display of candidacy information on private land across the shire.

8.7 Use of Council resources

Councillors will have access to the resources necessary to fulfil their elected roles in accordance with the Councillor Code of Conduct.

Council resources including offices, vehicles, hospitality, equipment, email, mobile phones and stationery will remain available for Councillors to fulfil their elected role during an election (caretaker) period.

These resources must not be used for any election purposes or used in a manner that could be perceived as supporting or being connected with a candidate's election campaign.

Council officers will not undertake any tasks connected directly or indirectly with a candidate's election campaign.

8.8 Use of the Title 'Councillor'

Councillors may use the title 'Councillor' in their election material as they continue to hold office during the election (caretaker) period.

While a Councillor may refer to themselves as Councillor in all communication issued by the Councillor (verbal or written), it must be made clear that it is the communication of a candidate and not on behalf of Council.

8.9 Photographs and Images

Photographs and images paid for by Council or taken by Council officers must not be used in electoral material for any candidate. This includes images of Councillors, Council events, and Council owned or maintained infrastructure.

Photographs taken by Councillors, their family or friends, or professional photos they have directly commissioned and paid for, may be used in electoral material.

8.10 Council Branding and Stationary

No Council branding, logo or letterhead can be used for, or linked in any way to, a candidate's election campaign.

Use of Council logos, branding and stationery whether in hardcopy or electronic is only permitted for normal Council business.

8.11 Councillor Expense Reimbursement

Reimbursement of the out-of-pocket expenses for Councillors during the election (caretaker) period will only apply to costs that have been incurred in the performance of normal Council duties as per the Councillor Support, Resources, Reimbursement and Reporting of Expenses Policy 2019.

Expenses that could be perceived as supporting or being connected with a candidate's election campaign will not be reimbursed.

In the case of claims that cover a combination of Council and electoral business, the Chief Executive Officer may approve a partial reimbursement to cover Council related activities.

8.12 Councillor Correspondence

General correspondence addressed to Councillors will be answered in a usual manner.

Councillors will only sign the necessary minimum correspondence during the election (caretaker) period. Correspondence relating to significant, sensitive or controversial matters will be referred to the Chief Executive Officer.

9. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the Charter of *Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

10. ATTACHMENT 1 LEGISLATIVE PROVISIONS

Election Period Policy Provisions of the Local Government Act 1989

55D Prohibition on Council

- (1) A Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill, pamphlet or notice during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.
 - (1A) For the purposes of subsection (1), the publication of a document of a kind specified in that subsection does not include—
 - (a) publication of any document published before the commencement of the election period; and
 - (b) publication of any document required to be published in accordance with, or under, any Act or regulation.

Note See definitions of publish in section 3(1) and document in section 38 of the Interpretation of Legislation Act 1984.
- (2) The Chief Executive Officer must not intentionally or recklessly certify an electoral advertisement, handbill, pamphlet or notice during the election period unless it only contains information about the election process.

Penalty: 60 penalty units.
- (3) Despite section 98(2), the Chief Executive Officer must not delegate the power to certify any advertisement, handbill, pamphlet or notice under this section to a member of Council staff.
- (4) A Councillor or member of Council staff must not intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice during the election period on behalf of, or in the name of, the Council or on behalf of, or in the name of, a Councillor using Council resources if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer under this section.

Penalty: 60 penalty units.

93A Conduct of Council during election period

- (1) Subject to this section, a Council, a special Committee or a person acting under a delegation given by the Council must not make a major policy decision during the election period for a general election.
- (2) If a Council considers that there are extraordinary circumstances which require the making of a major policy decision during the election period, the Council may apply in writing to the Minister for an exemption from the application of this section to the major policy decision specified in the application.
- (3) If the Minister is satisfied that there are extraordinary circumstances, the Minister may grant an exemption from the application of this section to the major policy decision specified in the application subject to any conditions or limitations that the Minister considers appropriate.
- (4) A major policy decision made in contravention of this section is invalid.



- (5) Any person who suffers any loss or damage as a result of acting in good faith on a major policy decision made in contravention of this section is 93B Council to adopt an election period policy entitled to compensation from the Council for that loss or damage.
- (6) In this section, a major policy decision means any decision—
- (a) relating to the employment or remuneration of a Chief Executive Officer under section 94, other than a decision to appoint an acting Chief Executive Officer;
 - (b) to terminate the appointment of a Chief Executive Officer under section 94;
 - (c) to enter into a contract the total value of which exceeds whichever is the greater of—
 - (i) \$100 000 or such higher amount as may be fixed by Order in Council under section 186(1); or
 - (ii) 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year;
 - (d) to exercise any power under section 193 if the sum assessed under section 193(5A) in respect of the proposal exceeds whichever is the greater of \$100 000 or 1% of the Council's revenue from rates and charges levied under section 158 in the preceding financial year.

93B Council to adopt an election period policy

- (1) A Council must prepare, adopt and maintain an election period policy in relation to procedures to be applied by Council during the election period for a general election.
- (2) A Council must prepare and adopt an election period policy as required by subsection (1)—
- (a) by 31 March 2016; and
 - (b) following the general election on 22 October 2016, continue to maintain the election period policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.
- (3) An election period policy must include the following—
- (a) procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;
 - (b) limits on public consultation and the scheduling of Council events;
 - (c) procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.
- (4) A copy of the election period policy must—
- (a) be given to each Councillor as soon as practicable after it is adopted; and
 - (b) be available for inspection by the public at the Council office and any district offices; and
 - (c) be published on the Council's Internet website maintained under section 82A.
- (5) In this section—
- inappropriate decisions* made by a Council during an election period includes any of the following—
- (a) decisions that would affect voting in an election;
 - (b) decisions that could reasonably be made after the election.

Local Government Bill 2019

69 Governance Rules to include election period policy

- (1) A Council must include an election period policy 30 in its Governance Rules.
- (2) An election period policy must prohibit any Council decision during the election period for a general election that—
 - (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
 - (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
 - (c) the Council considers could be reasonably deferred until the next Council is in place; or
 - (d) the Council considers should not be made during an election period.
- (3) An election period policy must prohibit any Council decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.
- (4) A Council decision made in contravention of subsection (2)(a) or (b) is invalid.
- (5) Any person who suffers any loss or damage as a result of acting in good faith on a Council decision that is invalid by virtue of subsection (4) is entitled to compensation from the Council for that loss or damage.

304 Prohibition on Councillor or member of Council staff

- (1) A Councillor or member of Council staff must not use Council resources in a way that—
 - (a) is intended to; or
 - (b) is likely to—affect the result of an election under this Act.

Penalty: 60 penalty units.

- (2) A Councillor or member of Council staff must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the election period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulation.

Penalty: 60 penalty units.

11. ATTACHMENT 2 CERTIFICATION MEMO

MEMORANDUM

To: Group Manager Corporate & Community

CC: Chief Executive Officer

From: [INSERT NAME], [INSERT TITLE]

Subject: CERTIFICATION OF PUBLICATION DURING ELECTION PERIOD

Date:

Section 55D of *the Act* specifies a Council must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, any advertisement, handbill pamphlet or notice (including group emails) during the election period unless the advertisement, handbill, pamphlet or notice has been certified, in writing, by the Chief Executive Officer.

In accordance with the Election (Caretaker) Period Policy 2019 Council further commits that where a publication is deemed necessary for a Council service or function, it will be certified by the Chief Executive Officer.

Please insert details of the publication here, such as the intended audience, reasons that it must be issued during the election period and any legislation that requires this publication to be issued during the election period.

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Council Officer

Signature

Date



Group Manager Corporate & Community Use Only

The attached material has been reviewed and does not contain any electoral related matter to the best of my knowledge. In accordance with the requirements of s55D(1) of the *Local Government Act 1989*, please certify, that you as Strathbogrie Shire Council's Chief Executive Officer, authorise for this material to be printed, published or distributed.

| | | |
|----------------------|-----------|-------|
| _____ | _____ | _____ |
| Group Manager's Name | Signature | Date |

Certification by Chief Executive Officer

I, Julie Salomon, Chief Executive Officer, certify the attached material is suitable for printing, publishing or distributing on behalf of the Strathbogrie Shire Council.

| | |
|-----------|-------|
| _____ | _____ |
| Signature | Date |



9.7.9 Proposed new Euroa Visitor Information Centre Building

Author and Department

Acting Chief Executive Officer / Executive Services

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

Summary

Funds were originally allocated in the 2018/19 Capital Works Program for extensions to the Shire Offices complex at the Kirkland Avenue end of Bury Street to house a new fit for purpose Visitor Information Centre (VIC). The budget consideration focused on an extension onto the Bury Street frontage adjacent to the driveway, as attached.

The Euroa VIC that operates now is a joint project between Euroa Health and Strathbogie Shire Council and is in the commercial centre of Euroa in Binney Street and is known as "The Hub" which provides tourist and residential information.

The project proposed and budgeted for was instigated from a perceived need to find a permanent and a more appropriate building for the Euroa VIC, and to ensure compliance with accessibility. In addition, the new building concept and location would have provided a greater ability to achieve tourism accreditation and combine, in the future, Council's customer service department with the volunteer VIC program.

However, further assessment of the project and project cost estimates suggest that the building extension for the new VIC accommodation should be abandoned in its current format based on the following:

- Original budget estimates in the 2018/19 budget of \$160,000 and subsequent unspent funds carried over into 2019/20 of \$130,00 for design and construction are insufficient for the current proposal, i.e. recent estimates on preferred concept (attached) are in the vicinity of \$268,000.
- A lack of a business model/case to support the return on investment and previously identified need.
- The good prospect of finding an alternative option to construction of a new building, e.g. investigating and securing long term suitable accommodation in Binney Street.
- The fact that the existing arrangement and VIC service model is effective and well supported by the volunteers and community (albeit the need for a new site in Binney Street that is access compliant).

Therefore, it is recommended to Council to direct officers to investigate with Euroa Health a relocation of the current Euroa VIC to a suitable compliant building in Binney Street, Euroa, and redirect the budget allocation for consideration in the mid-year budget review.

9.7.9 Proposed new Euroa Visitor Information Centre Building (cont.)

RECOMMENDATION

That Council:

1. **Discontinues with the proposed Euroa Visitor Information Centre capital works project and redirect the funds for consideration in the 2019/20 mid-year budget review.**
2. **Directs the Acting Chief Executive Officer or delegate to work with Euroa Health to investigate an alternative building in the commercial area of Binney Street, Euroa, to house the Euroa Visitor Information Centre with its current service model.**

31/20 **CRS MASON/WILLIAMS** : *That the Recommendation be adopted.*

CARRIED

Background

At its Ordinary Meeting of Council 20 February 2018; Council passed the following resolution:

That Council –

1. *Having undergone consultation with volunteers and community, proceed with the attached Euroa Visitor Information Centre designs (extension onto Bury Street frontage adjacent to the driveway) with minor changes, featuring a diagonal entrance at the corner of the building facing both Bury Street and the Travellers Rest on Kirkland Avenue.*
2. *Having obtained feedback from both the Access and Disability Advisory Committee and Tourism, Arts and Culture Advisory Group -*
 - a. *Amend internal fit-out to incorporate their input, to be shown as areas on the floorplan to showcase art reflective of the area.*
 - b. *Bring concept external designs back to Council before proceeding to final design.*
3. *Investigate options with Euroa Health to continue to operate The Hub on Binney Street and a possible relocation to a more suitable and accessible building.*
4. *Relocate customer service to the new Visitor Information Centre and advertise this to the wider community.*

Alternative Options

That Council continues with the capital works project as proposed and allocates additional funds in the mid-year budget review based on current estimates. This alternative is not recommended.

9.7.9 Proposed new Euroa Visitor Information Centre Building (cont.)

Risk Management

The author of this report considers that there is a significant risk of over expenditure on the current proposed capital works project. The officer's recommendation mitigates this risk.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies and key strategic documents.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The current project budget allocation is under estimated by approximately \$140,000. The officer's recommendation, if supported, will allow the existing allocation of \$130,000 (less some minor administration costs expended) to be referred to the mid-year budget review for Council consideration.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

N/A.

Community Implications

The recommendation supports the continuation of the current service model of the "The Hub" which provides both tourist and residential services.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation is consistent with human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal / Statutory Implications

Leasing and partnership relationships are governed by the *Local Government Act 1989*.

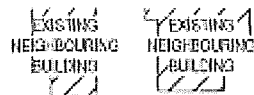
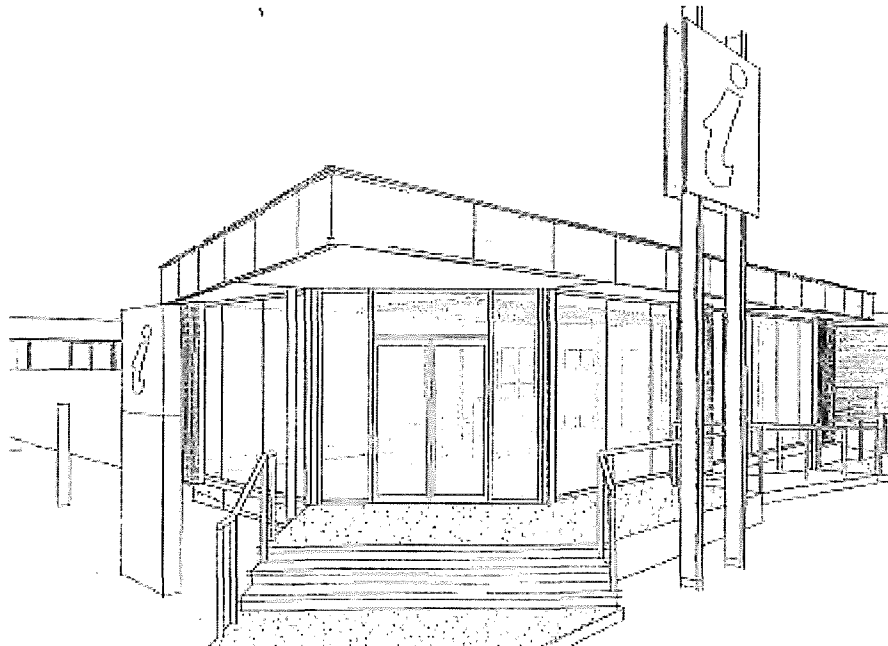
Consultation

If the recommendation is supported by Council, officers will commence consultation with Euroa Health to investigate a more suitable building for The Hub.

Attachments

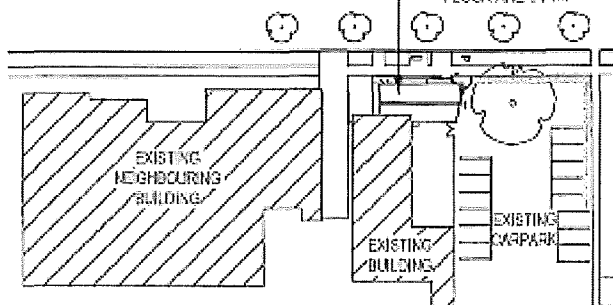
- Concept plan for the existing capital works project.

EUROA VISITOR INFORMATION CENTRE
CONCEPT PLAN



BURY STREET

PROPOSED EXTENSION
FLOOR AREA: 7 m²



KIRKLAND AVENUE

Location Plan
SCALE: 1 : 1000

9.7.10 Consideration of Request to Transfer Land at 37-41 Clifton Street, Euroa to Victorian State Emergency Service (VICSES)

Author and Department

Group Manager Community Assets / Community Assets Directorate

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

Summary

This report requests Council consider the request from Victoria State Emergency Service (VICSES) Euroa Volunteer Unit to transfer the land at 37 Clifton Street Euroa to the VICSES at a “peppercorn” amount or nil consideration.

This land has been occupied by VICSES under a previous lease agreement with Council since 1 September 2014. This lease was replaced by the current agreement which was executed on 13 November 2018. This lease expires on 31 July 2058.

RECOMMENDATION

For Council Decision.

CRS MASON/WILLIAMS –

Motion:

That the item be deferred to enable further information to be received.

32/20

ON BEING PUT, THE MOTION WAS CARRIED

Council has received a written request from the Victoria State Emergency Service (VICSES) Euroa Volunteer Unit to transfer the land at 37 Clifton Street Euroa to the VICSES at a “peppercorn” amount or nil consideration.

A copy of this request is included in this report as *Attachment A*.

The subject property has a total land area of 2,202 sqm and is located at 37 – 41 Clifton Street Euroa and comprises the Euroa SES unit being a former garage/service station that has been renovated, extended and converted into offices with drive through vehicle accommodation located about one kilometre south west of the Euroa CBD.

The subject property is contained in certificates of title volume 7655 folio 186 and volume 8599 and folio 933.

9.7.10 Consideration of Request to Transfer Land at 37-41 Clifton Street, Euroa to Victorian State Emergency Service (VICSES) (cont.)

The local planning scheme indicates the subject allotment is zoned Commercial 1 and is situated within a Land Subject to Inundation (LSIO). There are no heritage values associated with the property.

Attachment B is a location map of the site.

The subject property was purchased by Council on 29 October 2010 and has been developed and used by the VICSES under an agreement with Council since 1 September 2014.

On 16 January 2018, the then CEO of the MAV emailed Council advising that “we have finally reached formal agreement with the State on arrangements for funding of the Victoria State Emergency Services (VicSES) volunteer units”.

The email went on to advise that:

As you would be aware, the State announced through the budget that it will be taking over the operational costs of running VicSES volunteer units, including taking on long-term leases of units located on Council land.

Since that time, MAV, VicSES and Emergency Management Victoria have been negotiating the terms of the new MoU and lease agreements.

The agreement we have reached is outlined below.

- *Councils will no longer be responsible for the SES 50/50 operational funding effective 1 July 2017*
- *Councils will, until a lease is in place with VicSES, retain any current obligations for operational, and maintenance costs around building and services which have been part of ad hoc agreements between local SES services and councils*
- *Lease arrangements with the VicSES are to be on a peppercorn basis with target terms of 40 years or otherwise by negotiation with the SES Head Office.*

As a result of this correspondence the property is currently leased by Council to VICSES for \$1.00 per annum for a period of 40 years, commencing 1 August 2018 and expiring on 31 July 2058.

VICSES pays for telephone usage and public liability. Under the current lease, Council is responsible for all outgoings, structural repairs and maintenance.

A recent independent valuation commissioned by Council has determined the Market Value with Vacant Possession is \$360,000, including a Notional Land Value of \$165,000.

The Market Net Rental Value of the site is \$27,610 per annum exclusive of GST. These figures are based on the Independent Valuer's regard to various recent sales and lease transactions in the region.

During its period of tenancy at the site, VICSES has invested an estimated \$128,700 on works to the buildings and currently has \$16,000 allocated to supply and erect an additional shed with concrete floor and footings on the site.

9.7.10 Consideration of Request to Transfer Land at 37-41 Clifton Street, Euroa to Victorian State Emergency Service (VICSES) (cont.)

The reason for the request from VICSES is that they are seeking to assure tenure over these sites in order to give certainty.

In accordance with Section 191 of the *Local Government Act 1989*, Council may consider transferring the land currently occupied by VICSES at this location as follows:

LOCAL GOVERNMENT ACT 1989 - SECT 191

Transfer, exchange or lease of land without consideration

(1) *A Council's powers to transfer, exchange or lease any land include the power to do so with or without consideration to—*

(a) *the Crown; or*

(b) *a Minister; or*

(c) *any public body; or*

(d) *the trustees appointed under any Act to be held on trust for public or municipal purposes; or*

(e) *a public hospital within the meaning of the Health Services Act 1988 or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.*

(2) *Any transfer, exchange or lease under this section is valid in law and equity.*

(3) *Sections 189 and 190 do not apply to any transfer, exchange or lease under this section.*

VICSES is a public body for the purposes of section 191. Council is not required to comply with s189 in respect of any transfer of land to VICSES.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action.

The available options are to consider gifting the site to the VICSES as per their request or to continue to lease the site to VICSES as per the current 40 year lease at \$1 per annum.

Risk Management

Given the previous use of this land was as a petrol station it is highly likely that there is some degree of contamination on the site.

In the event that Council transfers the ownership of the site to VICSES, liability for contamination may also be transferred in the contract documentation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

9.7.10 Consideration of Request to Transfer Land at 37-41 Clifton Street, Euroa to Victorian State Emergency Service (VICSES) (cont.)

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

Gifting of this land purchased for \$180,000 of ratepayer funds in 2010 to a Statutory Authority has no financial benefit to the ratepayers however it does remove financial liability associated with any potential contamination and future costs associated with maintenance and upgrade of the buildings.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

VICSES is able to continue to provide its service to the Community from this location regardless of whether they own the property or lease the property.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council, other than those identified.

Consultation

Given that Section 191 of the *Local Government Act 1989* allows Council to consider transferring the land currently occupied by VICSES at this location "without consideration" and without complying with s189, the author of this report considers that the matter under consideration does not warrant a community consultation process.

Attachments

- Letter of request from Victoria State Emergency Service (VICSES) Euroa Volunteer Unit
- Locality Map



ATTACHMENT A:

ATTACHMENT A



14 March 2019

VICSES TRIM Reference: GD18/14811

Attention: Steve Crawcour
Chief Executive Officer
Strathbogie Shire Council
Binney Street
EUROA VIC 3666

Dear Mr Crawcour

Victoria State Emergency Service (VICSES) Euroa Volunteer Unit - Request to Transfer Land at 37 Clifton Street, Euroa

I refer to the recent execution of a 40 year lease of the above site for use and occupation by the Euroa VICSES Unit and thank the Strathbogie Council for their support.

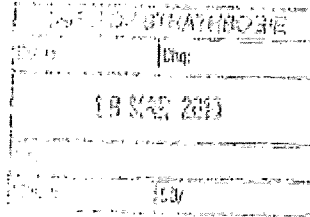
Recognising that local government is not necessarily in the business of providing emergency response services, a number of municipalities across the State have decided to transfer land occupied by VICSES Volunteer Units to VICSES at a peppercorn amount or nil consideration and are in the process of advertising the decision to the local community as required by the *Local Government Act 1989*. Section 191 of the *Local Government Act 1989* permits Councils to transfer land without consideration.

VICSES and the Euroa Volunteer Unit consider the transfer of the land occupied by the Euroa Volunteer Unit to VICSES will provide the best result (financial and non-financial) for Council and the community who rely on the services provided by the Euroa VICSES Unit. VICSES has a long term strategy to own land and associated volunteer units occupying that land as this will provide greater security of tenure and lessen the recurrent VICSES costs of asset ownership compared to leasing.

I would appreciate if the Strathbogie Shire Council would consider transferring the land occupied by the VICSES Euroa Volunteer Unit to VICSES at a peppercorn amount or nil consideration in accordance with section 191 of the *Local Government Act 1989*, having regard for the capital investment made by the VICSES Euroa Volunteer Unit on the site to date and the services provided by this Volunteer Unit to the community. VICSES is not in a position to pay full market value for any land acquisition.

If you require further information or wish to discuss this proposal further, please contact Justine Phelan, Manager Facilities and Capital Works by email: justine.phelan@ses.vic.gov.au or telephone 9256 9139.

Victoria State Emergency Service
Victorian Head Office
168 Sturt Street, Southbank, Victoria 3006
Telephone: (03) 9256 9000
Email: vicses@ses.vic.gov.au | ses.vic.gov.au





Yours sincerely

Stephen Griffin
Chief Executive Officer

Victoria State Emergency Service
Victorian Head Office
168 Sturt Street, Southbank, Victoria 3006
Telephone: (03) 9256 9000
Email: vicases@ses.vic.gov.au | ses.vic.gov.au



ATTACHMENT B:

ATTACHMENT B

| | |
|---|---|
|  | 22/08/2019 1:1241 |
| Euroa SES 37-41 Clifton Street Locality Plan | |
| <p><small>Disclaimer Note This map is a reproduction of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council does not accept any liability for any loss, cost, damage or injury, howsoever arising or connected with the use of the data. Any feedback on availability or errors would be appreciated. Council's Council Information System (CIS) is the primary source of information for this map. Council's Council Information System (CIS) is the primary source of information for this map.</small></p> | Shire Of Strathbogie Prepared By: Dean SHEW/CROSS |
|  | |

9.7.11 Financial Report to 30 November 2019

Author / Department

Group Manager, Corporate and Community / Corporate and Community Department

Disclosure of Interest

No officers providing advice in relation to this report have a direct or indirect interest, as provided in accordance with the Local Government Act 1989.

Summary

The appended November Financial Report compares YTD Budget to Actual November 2019.

The report contains the Income Statement, Balance Sheet, Cash Flow Statement and Statement of Capital Works.

In relation to the current year the operating surplus for the five months period ending 30 November was \$12,102,417.

As at 30 November 2019, total capital works was \$1,729,670 not including committed works.

RECOMMENDATION

That the Financial Report for the five months ended 30 November 2019 be noted.

33/20 CRS WILLIAMS/LITTLE : That the Recommendation be adopted.

CARRIED

Background

The 2019/20 Budget was prepared in accordance with the Local Government Act 1989, and was formally adopted at a Special Meeting of Council held on 25 June 2019.

Council considers and notes monthly Financial Reports in accordance with the Local Government Act 1989 (Act). Under Section 137 and 138 of the Act, Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management. This report satisfies those requirements.

Risk Management

Regular Financial Reporting in accordance with the Local Government Act 1989 support Council's focus on Risk Management, Monitoring of the 2019/20 adopted Budget provides for prudent financial management and ensures that Council is made aware of any known or potential financial risks.

9.7.11 Financial Report to 30 November 2019 (cont.)

Strategic Links – policy implications and relevance to Council Plan

This report is consistent with Council Policies, the Long Term Financial Plan and the Council Plan. The report also addresses Council's desire to review all aspects of Council's operations.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The report is consistent with Best Value, National Competition Policy and Competition and Consumers Act 2010 requirements. Close monitoring of budgets is in line with Best Value principles.

Economic Implications

The attached report, in conjunction with the detailed briefing to Council, considers all known economic implications for the financial year ending 30 June 2020.

Environmental / Amenity Implications

The recommendation in this report has no significant environmental or amenity implications for Council or the broader community.

Community Implications

This report has no significant unfavourable community or social implications for the Council or the broader community. Improved capital grant funding will result in improved infrastructure renewal outcomes.

Victorian Charter of Human Rights and Responsibilities Act 2006

The recommendation contained in this report does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

There are no statutory or legal implications. The Local Government Act 1989 allows for budget reallocations. Consideration and adoption of periodic Financial reports as per the Local Government Act 1989 ensures Council complies with its Legal and Statutory obligations

Consultation

Council officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Attachments

- Income Statement
- Balance Sheet
- Cash Flow Statement
- Capital Works Statement
- Financial Overview
- Capital Works detailed

STRATHBOGIE SHIRE COUNCIL
Comprehensive Income Statement
For the period ended 30 November 2019

| Income/Expenses | Adopted Budget | YTD Budget | YTD Actual | YTD Variance - Budget Vs Actual Fav/(Unfav) | Reference |
|---|---------------------|---------------------|---------------------|---|-----------|
| INCOME | | | | | |
| Rates and charges | 19,844,492 | 19,787,848 | 19,782,640 | (5,208) | |
| Statutory fees and fines | 530,097 | 203,079 | 210,939 | 7,860 | |
| User fees | 770,737 | 228,169 | 235,403 | 7,234 | |
| Grants - operating | 3,316,445 | 1,658,422 | 1,641,632 | (16,790) | 1 |
| Grants - capital | 4,334,200 | 982,500 | 993,898 | 11,398 | |
| Contributions - monetary | 372,575 | 81,613 | 92,187 | 10,574 | |
| Net loss on assets disposal | (500,000) | (16,800) | 7,650 | 24,450 | 2 |
| Other income | 416,300 | 143,639 | 139,138 | (4,501) | |
| Total Income | 29,084,846 | 23,068,470 | 23,103,487 | 35,017 | |
| EXPENSES | | | | | |
| Employee Costs | (10,195,246) | (4,251,458) | (4,019,582) | 231,876 | 3 |
| Material and services | (11,790,911) | (4,645,193) | (4,412,833) | 232,360 | 4 |
| Bad and doubtful debts | - | - | (428) | (428) | |
| Depreciation | (5,900,200) | (2,458,415) | (2,455,006) | 3,409 | |
| Borrowing costs | (23,000) | (13,531) | (13,706) | (175) | |
| Other Expenses | (285,050) | (128,354) | (99,515) | 28,839 | 5 |
| Total Expenses | (28,194,407) | (11,496,951) | (11,001,070) | 495,881 | |
| (Deficit)/surplus for the year | 890,439 | 11,571,519 | 12,102,417 | 530,898 | |
| Other Comprehensive Income | - | - | - | - | |
| Net asset revaluation increment/(decrement) | - | - | - | - | |
| Total comprehensive result | 890,439 | 11,571,519 | 12,102,417 | 530,898 | |

STRATHBOGRIE SHIRE COUNCIL

Balance Sheet

As at 30 November 2019

| Balance Sheet | Adopted Budget 30/06/2020 | YTD Actual |
|--|---------------------------------|----------------------|
| Assets | | |
| Current Assets | | |
| Cash and cash equivalents | 5,598,000 | 13,854,029 |
| Trade and other receivables | 2,168,000 | 13,128,374 |
| Inventories | 5,000 | 5,320 |
| Non-current assets classified as held for sale | 0 | 273,000 |
| Other assets | 113,000 | 278,092 |
| Total Current Assets | 7,884,000 | 27,538,815 |
| Non Current Assets | | |
| Investments in associates | 243,000 | 218,432 |
| Property, Infrastructure, plant and equipment | 302,126,000 | 291,371,919 |
| Other financial assets | 2,000 | 2,032 |
| Total Non Current Assets | 302,371,000 | 291,592,383 |
| Total Assets | 310,255,000 | 319,131,198 |
| Liabilities | | |
| Current Liabilities | | |
| Trade and other payables | (2,523,000) | (849,263) |
| Trust fund and deposits | (403,797) | (1,532,656) |
| Provisions | (2,895,000) | (7,085,596) |
| Interest-Bearing Loans and borrowings | (86,000) | (80,669) |
| Total Current Liabilities | 5,907,797 | (9,548,184) |
| Non Current Liabilities | | |
| Trust fund and deposits | (64,203) | (64,203) |
| Provisions | (3,947,000) | (1,297,202) |
| Interest-Bearing Loans and borrowings | (157,000) | (368,541) |
| Total Non Current Liabilities | 4,168,203 | (1,729,946) |
| Total Liabilities | 10,076,000 | (11,278,130) |
| Net Assets | 300,179,000 | 307,853,068 |
| Equity | | |
| Accumulated Surplus | (94,514,000) | (105,491,626) |
| Reserves | (205,665,000) | (202,361,442) |
| Total Equity | (300,179,000) | (307,853,068) |

STRATHBOGIE SHIRE COUNCIL
Cash Flow Statement
For the period ended 30 November 2019

| Cash Flow Statement | YTD Actual Inflows (Outflows) | Adopted Budget 2019/20 |
|--|----------------------------------|------------------------------|
| Cash flows from operating activities | | |
| Rates and charges | 9,673,632 | 19,844,000 |
| Statutory fees and fines | 210,939 | 530,000 |
| User fees | 235,403 | 771,000 |
| Grants | 3,752,465 | 7,650,000 |
| Contributions - monetary | 92,187 | 373,000 |
| Interest received | 15,165 | 220,000 |
| Other receipts | 228,900 | (26,000) |
| Net GST refund/(payment) | 255,833 | 1,465,000 |
| Employee Costs | (3,960,173) | (10,482,000) |
| Materials & services | (5,515,918) | (11,488,000) |
| Trust Funds and deposits / Other payments | (34,175) | (1,078,000) |
| Net cash provided by operating activities | 4,954,258 | 7,779,000 |
| Cash flows from investing activities | | |
| Payments for property, infrastructure, plant & equipment | (1,729,670) | (16,120,000) |
| Proceeds from sales of property, infrastructure, plant & equipment | 82,374 | 474,000 |
| Payments for landfill rehabilitation | - | - |
| Net cash used in investing activities | (1,647,296) | (15,646,000) |
| Cash flows from financing activities | | |
| Finance costs | (13,706) | (23,000) |
| Proceeds from borrowings | - | - |
| Repayment of borrowings | (55,704) | (125,000) |
| Net cash used in financing activities | (69,410) | (148,000) |
| Net increase (decrease) in cash and cash equivalents | 3,237,552 | (8,015,000) |
| Cash and cash equivalents at the beginning of the financial | 10,616,477 | 13,613,000 |
| Cash and cash equivalents at 30 November 2019 | 13,854,029 | 5,598,000 |
| Short-Term Investments as at 30 November 2019 | Actual | Credit Rating |
| NAB | 4,600,000 | A-1+ |
| CBA | 3,100,000 | A-1+ |
| ANZ | 1,000,000 | A-1+ |
| GMCU | 2,500,000 | Not rated |
| WESTPAC | 1,000,000 | A-1+ |
| | 12,200,000 | |

STRATHBOGIE SHIRE COUNCIL

Statement of Capital Works

For the period ended 30 November 2019

| CAPITAL EXPENDITURE | Adopted Budget | YTD Budget | YTD Actual | Variance YTD Budget to YTD Actual Fav/(Unfav) | Reference |
|---|-----------------------|-------------------|-------------------|--|------------------|
| Property | | | | | |
| Buildings | 1,927,000 | 413,000 | 805,885 | (392,885) | 6 |
| Recreation Leisure & Community Services | 1,972,000 | 439,340 | 286,665 | 152,655 | 7 |
| Total property | 3,899,000 | 852,340 | 1,092,570 | (240,230) | |
| Plant and equipment | | | | | |
| Plant, machinery and equipment | 1,100,000 | 275,000 | 43,065 | 231,935 | 8 |
| Furniture, Computers and telecommunications | 505,000 | 107,500 | 74,725 | 32,775 | 9 |
| Total Plant and equipment | 1,605,000 | 382,500 | 117,790 | 264,710 | |
| Infrastructure | | | | | |
| Roads | 6,915,250 | 581,500 | 233,844 | 347,656 | 10 |
| Bridges and culverts | 954,450 | 230,000 | 165,900 | 64,100 | 11 |
| Footpaths | 274,000 | 20,000 | 39,224 | (19,224) | |
| Drainage | 907,000 | 60,000 | 80,342 | (20,342) | 12 |
| Kerb and channel | 101,000 | 0 | 0 | 0 | |
| Total infrastructure | 9,151,700 | 891,500 | 519,310 | 372,190 | |
| Total capital works expenditure | 14,655,700 | 2,126,340 | 1,729,670 | 396,670 | |
| Represented by: | | | | | |
| New asset expenditure | 2,417,950 | 238,240 | 500,469 | (264,229) | |
| Asset renewal expenditure | 8,692,350 | 1,212,500 | 597,319 | 615,181 | |
| Asset upgrade expenditure | 2,942,400 | 677,600 | 538,030 | 139,570 | |
| Asset expansion expenditure | 603,000 | 0 | 93,852 | (93,852) | |
| Total capital works expenditure | 14,655,700 | 2,126,340 | 1,729,670 | 396,670 | |

FINANCIAL OVERVIEW NOVEMBER 2019

During the 5 months ended 30 November 2019, Strathbogie Shire Council recorded operating income of \$23.10m and total operating expenditure of \$11m resulting in a surplus of \$12.10m. This is a favourable variance of \$0.53m compared to the YTD budget of \$11.57m. An overview of the YTD Budget to Actual variances is provided in the following table.

YTD Capital expenditure is \$1.73m compared to YTD budget of \$2.13m. A review of Capital Works is provided separately.

OPERATING INCOME Fav./(Unfav).

| Ref. | Line Item | Variance | Notes |
|------|--------------------|----------|---|
| 1 | Grants - Operating | (16,790) | Decrease in Actual to YTD budget mainly due to: - Commonwealth Financial Assistance grant (\$30k) and Municipal Emergency Management Grant (\$60k). This is partially offset by increase in other operational grants received. |
| 2 | Assets disposal | 24,450 | Increase in Actual to YTD budget is mainly due to: - Profit from sale of used motor vehicles (\$8k). |

OPERATING EXPENDITURE Fav./(Unfav).

| Ref. | Line Item | Variance | Notes |
|------|----------------------|----------|---|
| 4 | Employee Costs | 231,876 | Decrease in Actual to YTD budget is mainly due to: - Staff vacancies and timing of staff cost. This has resulted in increase in contract labour hire by (\$73k) which is recorded under material and services. |
| 5 | Materials & Services | 232,360 | Decrease in Actual to YTD budget is mainly due to: - Decrease in Asset Maintenance expense (\$370k). - Decrease in External Consultancies expense (\$113k). - Decrease in external consultancies expense (\$54k). - Decrease in waste management expense (\$195k). This is mainly due to timing issue and decreases have been partially offset by expense increase in other areas such as legal fees (\$23k) advertising expenses (\$22k), contract labour hire (\$73k), contractor fees (\$245k). |
| 6 | Other Expenses | 28,839 | Decrease in Actual to YTD budget is mainly due to: - Timing of internal and statutory (VAGO) audit fees. |

| CAPITAL EXPENDITURE Fav. /(Unfav). | | | |
|------------------------------------|---|-----------|---|
| Ref. | Line Item | Variance | Notes |
| 7 | Buildings | (392,885) | Increase in Actual to YTD budget is mainly due to: - Avenel Pre-School Development (\$229k). This project completed in October and budget of \$150k to carry forward from 2018/19 year. This will be included in mid-year budget review. |
| 8 | Recreation, Leisure & Community Services | 152,655 | Decrease in Actual to YTD budget is mainly due to: - Loddings Lane Boat Ramp (\$155k). Budget of \$164k to carry forward from 2018/19 year. This will be included in mid-year budget review. - Access Works to Strathbogjie Recreation Reserve (\$11k). Work completed in September and the budget to carry forward from 2018/19 year. This will be included in the mid-year budget review. |
| 9 | Plant, machinery and equipment | 231,935 | Decrease in Actual to YTD budget is mainly due to: - Favourable variance due to timing of replacement of plant & equipment. |
| 10 | Furniture, Computers & Telecommunications | 32,775 | Decrease in Actual to YTD budget due to: - Less than budgeted expenditure on furniture and hardware. |
| 11 | Roads | 347,656 | Decrease in Actual to YTD budget due to: - Favourable variance due to timing of expenditure for multiple capital projects. |
| 12 | Bridges & Culverts | 64,100 | Decrease in Actual to YTD budget due to: - Wattlevale Road Bridge (\$48k). Work has been completed and the contractor is yet to be paid. |
| 12 | Drainage | (20,342) | Increase in Actual to YTD budget is mainly due to: - Euroa - Augment Castle Creek Levee (\$18k) due to timing of payment of invoices. |



Strathbogrie Shire Council Account Management Report

for year to November 2019 (actuals as at 05 December 19 - 42% of year)

| | Original Budget | Current Budget | YTD Budget | YTD Actual | YTD On Order | YTD Total Committed | YTD Variance | Rev. Bud. Variance | % Rev Bud |
|--|--------------------|--------------------|------------------|------------------|------------------|---------------------|-------------------|--------------------|------------|
| Recreation Leisure & Community Services | | | | | | | | | |
| Recreation Leisure & Community Services | | | | | | | | | |
| 0000000.300004 | \$0 | \$0 | \$0 | \$8,500 | \$0 | \$8,500 | -\$8,500 | -\$8,500 | 0% |
| 0000000.300005 | \$40,000 | \$40,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 | 0% |
| 0000000.300006 | \$80,000 | \$80,000 | \$0 | \$0 | \$74,263 | \$74,263 | -\$74,263 | -\$14,263 | 124% |
| 0000000.300013 | \$87,000 | \$87,000 | \$87,000 | \$42,631 | \$71,644 | \$114,274 | -\$47,274 | -\$47,274 | 171% |
| 0000000.300015 | \$0 | \$0 | \$0 | \$650 | \$0 | \$650 | -\$650 | -\$650 | 0% |
| 0000000.300018 | \$0 | \$0 | \$0 | \$155,526 | \$1,037 | \$156,563 | -\$156,563 | -\$156,563 | 0% |
| 0000000.300020 | \$20,000 | \$20,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$20,000 | 0% |
| 0000000.300022 | \$15,000 | \$15,000 | \$15,000 | \$1,301 | \$0 | \$1,301 | \$13,699 | \$13,699 | 9% |
| 0000000.300024 | \$20,000 | \$20,000 | \$0 | \$4,091 | \$4,091 | \$8,182 | -\$8,182 | \$11,818 | 41% |
| 0000000.300026 | \$15,000 | \$15,000 | \$0 | \$4,062 | \$0 | \$4,062 | -\$4,062 | \$10,938 | 27% |
| 0000000.300029 | \$0 | \$0 | \$0 | \$3,736 | \$0 | \$3,736 | -\$3,736 | -\$3,736 | 0% |
| 0000000.300030 | \$10,000 | \$10,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$10,000 | 0% |
| 0000000.300031 | \$15,000 | \$15,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$15,000 | 0% |
| 0000000.300032 | \$10,000 | \$10,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$10,000 | 0% |
| 0000000.300033 | \$10,000 | \$10,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$10,000 | 0% |
| 0000000.300034 | \$20,000 | \$20,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$20,000 | 0% |
| 0000000.300035 | \$150,000 | \$150,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$150,000 | 0% |
| 0000000.300038 | \$100,000 | \$100,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$100,000 | 0% |
| 0000000.300037 | \$30,000 | \$30,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$30,000 | 0% |
| 0000000.300039 | \$15,000 | \$15,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$15,000 | 0% |
| 0000000.300039 | \$20,000 | \$20,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$20,000 | 0% |
| 0000000.300040 | \$9,000 | \$9,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$9,000 | 0% |
| 0000000.300041 | \$43,000 | \$43,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$43,000 | 0% |
| 0000000.300042 | \$134,400 | \$134,400 | \$89,600 | \$4,247 | \$0 | \$4,247 | \$85,353 | \$130,153 | 3% |
| 0000000.300043 | \$50,000 | \$50,000 | \$33,000 | \$13,487 | \$0 | \$13,487 | \$16,513 | \$36,513 | 27% |
| 0000000.300044 | \$80,000 | \$80,000 | \$0 | \$500 | \$1,200 | \$1,700 | -\$1,700 | \$48,300 | 0% |
| 0000000.300045 | \$50,000 | \$50,000 | \$0 | \$35,708 | \$0 | \$35,708 | -\$35,708 | \$80,000 | 0% |
| 0000000.300046 | \$23,000 | \$23,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$14,264 | 71% |
| 0000000.300047 | \$150,000 | \$150,000 | \$100,000 | \$628 | \$0 | \$628 | -\$828 | \$23,000 | 0% |
| 0000000.300048 | \$3,000 | \$3,000 | \$3,000 | \$0 | \$0 | \$0 | \$0 | \$149,374 | 0% |
| 0000000.300051 | \$40,000 | \$40,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$3,000 | 0% |
| 0000000.300052 | \$25,000 | \$25,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$40,000 | 0% |
| 0000000.300053 | \$90,000 | \$90,000 | \$40,400 | \$0 | \$0 | \$0 | \$0 | \$60,600 | 0% |
| 0000000.300054 | \$137,000 | \$137,000 | \$91,340 | \$0 | \$0 | \$0 | \$0 | \$137,000 | 0% |
| 0000000.300056 | \$0 | \$0 | \$0 | \$11,318 | \$0 | \$11,318 | -\$11,318 | -\$11,318 | 0% |
| Total Recreation Leisure & Community Services | \$1,972,000 | \$1,972,000 | \$439,340 | \$286,685 | \$327,085 | \$613,770 | -\$174,430 | \$1,685,315 | 31% |
| Total Recreation Leisure & Community Services | \$1,972,000 | \$1,972,000 | \$439,340 | \$286,685 | \$327,085 | \$613,770 | -\$174,430 | \$1,685,315 | 31% |

Strathbogrie Shire Council
Account Management Report
for year to November 2019 (actuals as at 05 December 19 - 42% of year)

| | Original Budget | Current Budget | YTD Budget | YTD Actual | YTD On Order | YTD Total Committed | YTD Variance | Rev. Bud. Variance | % Rev Bud |
|------------------|------------------------|--------------------|------------------|------------------|-----------------|---------------------|-------------------|--------------------|------------|
| Buildings | | | | | | | | | |
| 0000000.350011 | \$120,000 | \$120,000 | \$120,000 | \$158,000 | \$0 | \$158,000 | -\$38,000 | \$38,000 | 132% |
| 0000000.350012 | \$370,000 | \$370,000 | \$10,000 | \$5,350 | \$2,680 | \$6,330 | \$1,670 | \$361,670 | 2% |
| 0000000.350004 | \$45,000 | \$45,000 | \$45,000 | \$0 | \$0 | \$0 | \$45,000 | \$0 | 0% |
| 0000000.350005 | \$80,000 | \$80,000 | \$0 | \$0 | \$0 | \$0 | \$80,000 | \$0 | 0% |
| 0000000.350006 | \$130,000 | \$130,000 | \$0 | \$0 | \$2,183 | \$2,183 | \$127,817 | \$127,817 | 2% |
| 0000000.350008 | \$170,000 | \$170,000 | \$170,000 | \$305,664 | \$12,720 | \$318,384 | -\$148,384 | -\$148,384 | 187% |
| 0000000.350009 | \$127,000 | \$127,000 | \$0 | \$0 | \$0 | \$0 | \$127,000 | \$0 | 0% |
| 0000000.350010 | \$0 | \$0 | \$0 | \$5,663 | \$37,308 | \$42,971 | -\$42,971 | -\$42,971 | 0% |
| 0000000.350011 | \$0 | \$0 | \$0 | \$229,561 | \$0 | \$229,561 | \$0 | -\$229,561 | 0% |
| 0000000.350012 | \$10,000 | \$10,000 | \$0 | \$0 | \$0 | \$0 | \$10,000 | \$0 | 0% |
| 0000000.350014 | \$0 | \$0 | \$0 | \$9,276 | \$0 | \$9,276 | -\$9,276 | -\$9,276 | 0% |
| 0000000.350018 | \$9,000 | \$9,000 | \$0 | \$0 | \$0 | \$0 | \$9,000 | \$0 | 0% |
| 0000000.350021 | \$0 | \$0 | \$0 | \$52,431 | \$32,042 | \$84,473 | -\$84,473 | -\$84,473 | 0% |
| 0000000.350022 | \$0 | \$0 | \$0 | \$14,488 | \$0 | \$14,488 | -\$14,488 | -\$14,488 | 0% |
| 0000000.350025 | \$20,000 | \$20,000 | \$0 | \$0 | \$0 | \$0 | \$20,000 | \$0 | 0% |
| 0000000.350027 | \$9,000 | \$9,000 | \$0 | \$5,000 | \$0 | \$5,000 | -\$4,000 | -\$4,000 | 56% |
| 0000000.350028 | \$0 | \$0 | \$0 | \$1,890 | \$0 | \$1,890 | -\$1,890 | -\$1,890 | 0% |
| 0000000.350032 | \$10,000 | \$10,000 | \$0 | \$0 | \$0 | \$0 | \$10,000 | \$0 | 0% |
| 0000000.350036 | \$40,000 | \$40,000 | \$40,000 | \$0 | \$0 | \$0 | \$40,000 | \$0 | 0% |
| 0000000.350037 | \$50,000 | \$50,000 | \$0 | \$0 | \$0 | \$0 | \$50,000 | \$0 | 0% |
| 0000000.350038 | \$30,000 | \$30,000 | \$0 | \$0 | \$0 | \$0 | \$30,000 | \$0 | 0% |
| 0000000.350039 | \$20,000 | \$20,000 | \$0 | \$0 | \$0 | \$0 | \$20,000 | \$0 | 0% |
| 0000000.350040 | \$150,000 | \$150,000 | \$0 | \$1,604 | \$2,105 | \$3,709 | -\$3,709 | \$146,291 | 2% |
| 0000000.350041 | | | | | | | | | |
| 0000000.350042 | \$50,000 | \$50,000 | \$0 | \$0 | \$0 | \$0 | \$50,000 | \$0 | 0% |
| 0000000.350043 | \$20,000 | \$20,000 | \$0 | \$0 | \$0 | \$0 | \$20,000 | \$0 | 0% |
| 0000000.350044 | \$36,000 | \$36,000 | \$0 | \$0 | \$0 | \$0 | \$36,000 | \$0 | 0% |
| 0000000.350045 | \$25,000 | \$25,000 | \$0 | \$0 | \$0 | \$0 | \$25,000 | \$0 | 0% |
| 0000000.350046 | \$351,000 | \$351,000 | \$10,000 | \$367 | \$0 | \$367 | \$10,000 | \$351,000 | 0% |
| 0000000.350047 | \$18,000 | \$18,000 | \$18,000 | \$0 | \$0 | \$0 | \$17,633 | \$17,633 | 2% |
| 0000000.350048 | \$30,000 | \$30,000 | \$0 | \$0 | \$0 | \$0 | \$30,000 | \$0 | 0% |
| 0000000.350049 | \$7,000 | \$7,000 | \$0 | \$16,690 | \$0 | \$16,690 | -\$7,000 | \$7,000 | 0% |
| 0000000.350050 | \$0 | \$0 | \$0 | \$805,885 | \$89,316 | \$895,201 | -\$482,201 | \$1,121,115 | 46% |
| | \$1,927,000 | \$1,927,000 | \$413,000 | \$805,885 | \$89,316 | \$895,201 | -\$482,201 | \$1,121,115 | 46% |
| | Total Buildings | \$1,927,000 | \$413,000 | \$805,885 | \$89,316 | \$895,201 | -\$482,201 | \$1,121,115 | 46% |

Strathbogrie Shire Council
Account Management Report
for year to November 2019 (actuals as at 05 December 19 - 42% of year)

| | Original Budget | Current Budget | YTD Budget | YTD Actual | YTD On Order | YTD Total Committed | YTD Variance | Rev. Bud. Variance | % Rev Bud |
|---|--------------------|--------------------|------------------|------------------|-----------------|---------------------|------------------|--------------------|------------|
| Roads | | | | | | | | | |
| Road Reseal Program | | | | | | | | | |
| 0000000.330042 Road Resealing Program | \$700,000 | \$700,000 | \$0 | \$675 | \$0 | \$675 | -\$675 | \$669,325 | 0% |
| Total Road Reseal Program | \$700,000 | \$700,000 | \$0 | \$675 | \$0 | \$675 | -\$675 | \$669,325 | 0% |
| Road Rehabilitation Program | | | | | | | | | |
| 0000000.330080 Pavement Rehabilitation Program | \$500,000 | \$500,000 | \$0 | \$770 | \$0 | \$770 | -\$770 | \$469,230 | 0% |
| 0000000.330093 Flang Country Roads - Upton Road | \$550,000 | \$650,000 | \$20,000 | \$6,678 | \$8,620 | \$18,498 | \$1,502 | \$531,502 | 3% |
| 0000000.330084 Flang Country Roads - Mullers Road | \$1,320,000 | \$1,320,000 | \$40,000 | \$16,807 | \$22,305 | \$38,112 | \$1,988 | \$1,281,898 | 3% |
| 0000000.330065 Flang Country Roads - Longwood Ruffy Tarcombe | \$1,500,000 | \$1,500,000 | \$30,000 | \$12,006 | \$13,090 | \$25,986 | \$4,014 | \$1,474,014 | 2% |
| Total Road Rehabilitation Program | \$3,870,000 | \$3,870,000 | \$90,000 | \$39,461 | \$43,905 | \$83,365 | \$6,634 | \$3,830,539 | 2% |
| Road Shoulder Pavement Program | | | | | | | | | |
| 0000000.330003 Shoulder Pavement Program | \$400,000 | \$400,000 | \$100,000 | \$0 | \$0 | \$0 | \$100,000 | \$400,000 | 0% |
| Total Road Shoulder Pavement Program | \$400,000 | \$400,000 | \$100,000 | \$0 | \$0 | \$0 | \$100,000 | \$400,000 | 0% |
| Road Resheet Program | | | | | | | | | |
| 0000000.330005 Resheeting Program | \$600,000 | \$600,000 | \$200,000 | \$0 | \$0 | \$0 | \$200,000 | \$600,000 | 0% |
| Total Road Resheet Program | \$600,000 | \$600,000 | \$200,000 | \$0 | \$0 | \$0 | \$200,000 | \$600,000 | 0% |
| Roads Zero Class Program | | | | | | | | | |
| 0000000.330013 Zero Class upgrade program | \$400,000 | \$400,000 | \$160,000 | \$0 | \$0 | \$0 | \$160,000 | \$400,000 | 0% |
| 0000000.330118 Zero Class: School Road | \$0 | \$0 | \$0 | \$41,836 | \$0 | \$41,836 | -\$41,836 | -\$41,836 | 0% |
| 0000000.330119 Zero Class: Gellibrand Tonks Road | \$0 | \$0 | \$0 | \$29,086 | \$0 | \$29,086 | -\$29,086 | -\$29,086 | 0% |
| 0000000.330120 Zero Class: Hahnel Road | \$0 | \$0 | \$0 | \$12,804 | \$0 | \$12,804 | -\$12,804 | -\$12,804 | 0% |
| Total Roads Zero Class Program | \$400,000 | \$400,000 | \$160,000 | \$83,606 | \$0 | \$83,606 | \$76,394 | \$316,394 | 21% |
| Roads General | | | | | | | | | |
| 0000000.300008 Nagambie Streetscape - furniture | \$12,750 | \$12,750 | \$0 | \$0 | \$0 | \$0 | \$0 | \$12,750 | 0% |
| 0000000.330008 Birket St Railway Pedestrian Crossing | \$189,000 | \$189,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$189,000 | 0% |
| 0000000.330009 Ewings/Livingstone | \$6,500 | \$6,500 | \$6,500 | \$4,000 | \$19,101 | \$23,101 | -\$16,891 | -\$16,891 | 357% |
| 0000000.330012 Nagambie Looksfley/McDonalds Rd | \$0 | \$0 | \$0 | \$2,000 | \$0 | \$2,000 | -\$2,000 | -\$2,000 | 0% |
| 0000000.330015 Town Entry Signs Nagambie | \$30,000 | \$30,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$30,000 | 0% |
| 0000000.330018 Sealing entry & exit Strathbogrie Hall | \$0 | \$0 | \$0 | \$4,000 | \$0 | \$4,000 | -\$4,000 | -\$4,000 | 0% |
| 0000000.330040 Avenel Primary School scope parking solution | \$10,000 | \$10,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$10,000 | 0% |
| 0000000.330088 Shelton Watson Street Corner | \$190,000 | \$190,000 | \$20,000 | \$7,853 | \$1,158 | \$9,011 | \$10,989 | \$180,989 | 5% |
| 0000000.330089 Kirkland Ave Carpark - Seal & Line Marking | \$40,000 | \$40,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$40,000 | 0% |
| 0000000.330060 Tennis Club - Car Park Scooping | \$5,000 | \$5,000 | \$5,000 | \$0 | \$0 | \$0 | \$5,000 | \$5,000 | 0% |
| 0000000.330061 Project Management | \$250,000 | \$250,000 | \$0 | \$92,248 | \$1,851 | \$94,100 | -\$94,100 | \$155,900 | 38% |
| 0000000.330062 Stack Sites/Stockpiles | \$12,000 | \$12,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$12,000 | 0% |
| 0000000.330066 Unallocated Infrastructure Fund - to match funding | \$200,000 | \$200,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$200,000 | 0% |
| 0000000.380001 Work In Progress- Others | \$845,250 | \$945,250 | \$81,500 | \$110,101 | \$22,920 | \$133,021 | -\$720 | -\$720 | 0% |
| Total Roads General | \$6,915,250 | \$6,915,250 | \$66,825 | \$233,844 | \$66,825 | \$300,669 | \$280,831 | \$6,681,406 | 4% |

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| | Original Budget | Current Budget | YTD Budget | YTD Actual | YTD On Order | YTD Total Committed | YTD Variance | Rev. Bud. Variance | % Rev Bud |
|------------------------------|------------------|------------------|------------------|------------------|-----------------|---------------------|------------------|--------------------|------------|
| Bridges | | | | | | | | | |
| Bridges Council | | | | | | | | | |
| 0000000.310014 | \$93,000 | \$93,000 | \$0 | \$0 | \$8,936 | \$8,936 | -\$8,936 | \$54,084 | 14% |
| 0000000.310016 | \$19,600 | \$18,600 | \$0 | \$4,698 | \$12,257 | \$16,945 | -\$16,945 | \$2,655 | 86% |
| 0000000.310017 | \$17,000 | \$17,000 | \$0 | \$790 | \$6,082 | \$6,872 | -\$6,872 | \$10,128 | 40% |
| 0000000.310020 | \$0 | \$0 | \$0 | \$0 | \$12,480 | \$12,480 | -\$12,480 | -\$12,480 | 0% |
| | \$99,600 | \$99,600 | \$0 | \$5,488 | \$39,765 | \$45,233 | -\$45,233 | \$54,132 | 45% |
| Total Bridges Council | | | | | | | | | |
| Bridges R2R | | | | | | | | | |
| 0000000.310003 | \$0 | \$0 | \$0 | \$268 | \$0 | \$268 | -\$268 | -\$268 | 0% |
| 0000000.310004 | \$0 | \$0 | \$0 | \$268 | \$0 | \$268 | -\$268 | -\$268 | 0% |
| 0000000.310005 | \$0 | \$0 | \$0 | \$268 | \$0 | \$268 | -\$268 | -\$268 | 0% |
| 0000000.310006 | \$0 | \$0 | \$0 | \$268 | \$0 | \$268 | -\$268 | -\$268 | 0% |
| 0000000.310007 | \$0 | \$0 | \$0 | \$268 | \$0 | \$268 | -\$268 | -\$268 | 0% |
| 0000000.310008 | \$0 | \$0 | \$0 | \$268 | \$0 | \$268 | -\$268 | -\$268 | 0% |
| 0000000.310009 | \$100,000 | \$100,000 | \$100,000 | \$1,295 | \$0 | \$1,295 | \$98,705 | \$98,705 | 1% |
| 0000000.310010 | \$0 | \$0 | \$0 | \$108,968 | \$0 | \$108,968 | -\$108,968 | -\$108,968 | 0% |
| 0000000.310012 | \$100,000 | \$100,000 | \$100,000 | \$35,741 | \$16,430 | \$52,171 | \$47,829 | \$47,829 | 52% |
| | \$200,000 | \$200,000 | \$200,000 | \$147,611 | \$16,430 | \$164,041 | \$35,959 | \$52,389 | 82% |
| Total Bridges R2R | | | | | | | | | |
| Footbridges | | | | | | | | | |
| 0000000.300009 | \$395,000 | \$395,000 | \$15,000 | \$6,690 | \$0 | \$6,690 | \$8,320 | \$388,320 | 2% |
| 0000000.310021 | \$250,000 | \$250,000 | \$15,000 | \$0 | \$0 | \$0 | \$15,000 | \$250,000 | 0% |
| 0000000.320033 | \$6,000 | \$6,000 | \$0 | \$6,141 | \$0 | \$6,141 | -\$6,141 | -\$141 | 102% |
| 0000000.330034 | \$3,850 | \$3,850 | \$0 | \$0 | \$6,141 | \$6,141 | -\$6,141 | -\$2,291 | 180% |
| | \$654,850 | \$654,850 | \$30,000 | \$12,821 | \$6,141 | \$18,962 | \$11,038 | \$642,029 | 3% |
| Total Footbridges | | | | | | | | | |
| | \$954,450 | \$954,450 | \$230,000 | \$165,900 | \$62,336 | \$228,236 | \$1,764 | \$788,550 | 24% |

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| | Original Budget | Current Budget | YTD Budget | YTD Actual | YTD On Order | YTD Total Committed | YTD Variance | Rev. Bud. Variance | % Rev Bud |
|-----------------------|------------------|------------------|-----------------|-----------------|------------------|---------------------|-------------------|--------------------|------------|
| Drainage | | | | | | | | | |
| 0000000.320005 | \$15,000 | \$15,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$15,000 | 0% |
| 0000000.320008 | \$0 | \$0 | \$0 | \$3,930 | \$0 | \$3,930 | -\$3,930 | -\$3,930 | 0% |
| 0000000.320016 | \$20,000 | \$20,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$20,000 | 0% |
| 0000000.320017 | \$0 | \$0 | \$0 | \$2,341 | \$0 | \$2,341 | -\$2,341 | -\$2,341 | 0% |
| 0000000.320018 | \$98,000 | \$98,000 | \$0 | \$55 | \$21,280 | \$21,345 | -\$21,345 | \$16,855 | 56% |
| 0000000.320019 | \$40,000 | \$40,000 | \$40,000 | \$42,354 | \$0 | \$42,354 | -\$2,354 | -\$2,354 | 106% |
| 0000000.320021 | \$10,000 | \$10,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$10,000 | 0% |
| 0000000.320022 | \$0 | \$0 | \$0 | \$1,200 | \$0 | \$1,200 | -\$1,200 | -\$1,200 | 0% |
| 0000000.320025 | \$143,000 | \$143,000 | \$0 | \$13,680 | \$4,040 | \$17,720 | -\$17,720 | \$125,280 | 12% |
| 0000000.320029 | \$88,000 | \$88,000 | \$0 | \$0 | \$14,752 | \$14,752 | -\$14,752 | \$53,248 | 22% |
| 0000000.320030 | \$10,000 | \$10,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$10,000 | 0% |
| 0000000.320031 | \$15,000 | \$15,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$15,000 | 0% |
| 0000000.320032 | \$20,000 | \$20,000 | \$0 | \$0 | \$88,480 | \$88,480 | -\$68,480 | -\$49,460 | 347% |
| 0000000.320036 | \$12,000 | \$12,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$12,000 | 0% |
| 0000000.320037 | \$80,000 | \$80,000 | \$20,000 | \$16,782 | \$26,000 | \$42,782 | -\$22,782 | \$17,218 | 71% |
| 0000000.320038 | \$60,000 | \$50,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$50,000 | 0% |
| 0000000.320039 | \$40,000 | \$40,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$40,000 | 0% |
| 0000000.320040 | \$100,000 | \$100,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$100,000 | 0% |
| 0000000.320041 | \$80,000 | \$80,000 | \$0 | \$0 | \$10,390 | \$10,390 | -\$10,390 | \$69,610 | 13% |
| 0000000.320042 | \$76,000 | \$76,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$76,000 | 0% |
| 0000000.320043 | \$80,000 | \$80,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$80,000 | 0% |
| 0000000.320044 | \$50,000 | \$50,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$50,000 | 0% |
| Total Drainage | \$907,000 | \$907,000 | \$60,000 | \$80,343 | \$145,932 | \$226,274 | -\$166,274 | \$826,658 | 25% |
| Total Drainage | \$907,000 | \$907,000 | \$60,000 | \$80,343 | \$145,932 | \$226,274 | -\$166,274 | \$826,658 | 25% |

Strathbogrie Shire Council
Account Management Report
for year to November 2019 (actuals as at 05 December 19 - 42% of year)

| | Original Budget | Current Budget | YTD Budget | YTD Actual | YTD On Order | YTD Total Committed | YTD Variance | Rev. Bud. Variance | % Rev Bud |
|---|--------------------|--------------------|------------------|-----------------|-----------------|---------------------|-------------------|--------------------|------------|
| Footpaths | | | | | | | | | |
| Footpaths | | | | | | | | | |
| 0000000.3200010 | \$0 | \$0 | \$0 | \$2,284 | \$0 | \$2,284 | -\$2,284 | -\$2,284 | 0% |
| 0000000.3200011 | \$20,000 | \$20,000 | \$20,000 | \$18,350 | \$0 | \$18,350 | \$1,650 | \$1,650 | 82% |
| 0000000.3200045 | \$46,000 | \$46,000 | \$0 | \$0 | \$55,818 | \$55,818 | -\$55,818 | -\$9,818 | 121% |
| 0000000.3200048 | \$10,000 | \$10,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$10,000 | 0% |
| 0000000.3200047 | \$22,000 | \$22,000 | \$0 | \$18,580 | \$0 | \$18,580 | -\$18,580 | \$3,420 | 84% |
| North Side | | | | | | | | | |
| 0000000.3200048 | \$52,000 | \$52,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$52,000 | 0% |
| 0000000.3200048 | \$71,000 | \$71,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$71,000 | 0% |
| Court | | | | | | | | | |
| 0000000.3200050 | \$7,000 | \$7,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$7,000 | 0% |
| 0000000.3200051 | \$46,000 | \$46,000 | \$0 | \$0 | \$38,808 | \$38,808 | -\$9,808 | \$8,982 | 86% |
| | \$274,000 | \$274,000 | \$20,000 | \$39,224 | \$95,426 | \$134,651 | -\$114,651 | \$234,776 | 48% |
| | \$274,000 | \$274,000 | \$20,000 | \$39,224 | \$95,426 | \$134,651 | -\$114,651 | \$234,776 | 45% |
| Kerb & Channel | | | | | | | | | |
| Kerb & Channel | | | | | | | | | |
| 0000000.3200009 | \$26,000 | \$26,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$26,000 | 0% |
| 0000000.3200007 | \$25,000 | \$25,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$25,000 | 0% |
| 0000000.3200026 | \$50,000 | \$50,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$50,000 | 0% |
| | \$101,000 | \$101,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$101,000 | 0% |
| | \$101,000 | \$101,000 | \$0 | \$0 | \$0 | \$0 | \$0 | \$101,000 | 0% |
| Plant & Machinery | | | | | | | | | |
| Plant & Machinery | | | | | | | | | |
| 0000000.3200001 | \$1,100,000 | \$1,100,000 | \$275,000 | \$3,611 | \$38,403 | \$42,014 | \$232,888 | \$1,057,888 | 4% |
| 0000000.3200002 | \$0 | \$0 | \$0 | \$38,454 | \$0 | \$38,454 | -\$38,454 | -\$38,454 | 0% |
| | \$1,100,000 | \$1,100,000 | \$275,000 | \$43,065 | \$38,403 | \$81,468 | \$193,532 | \$1,056,935 | 7% |
| | \$1,100,000 | \$1,100,000 | \$275,000 | \$43,065 | \$38,403 | \$81,468 | \$193,532 | \$1,056,935 | 7% |
| Furniture & Equipment | | | | | | | | | |
| Computers & Telecommunications | | | | | | | | | |
| 0000000.3700001 | \$250,000 | \$250,000 | \$47,500 | \$62,326 | \$4,808 | \$67,132 | -\$19,832 | \$182,868 | 27% |
| 0000000.3700003 | \$255,000 | \$255,000 | \$60,000 | \$12,399 | \$2,253 | \$14,652 | \$45,348 | \$240,348 | 6% |
| | \$505,000 | \$505,000 | \$107,500 | \$74,725 | \$7,059 | \$81,783 | \$25,717 | \$430,275 | 16% |
| | \$505,000 | \$505,000 | \$107,500 | \$74,725 | \$7,059 | \$81,783 | \$25,717 | \$430,275 | 16% |

9.7.12 Australian Rail Track Corporation (ARTC)

Author & Department

Acting Group Manager, Innovation & Performance / Innovation and Performance

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

Summary

At the Council meeting held the Tuesday the 14th May 2019, Council resolved, amongst other matters, to nominate 2 Councillors as members of the Euroa Working Group, this was as a result of ARTC advertising for expressions of interest to form the Euroa Inland Rail Project Working Group.

The Euroa Inland Rail Working Group have been meeting monthly with ARTC and in addition, came together to form a submission for Council to the Euroa Township Strategy.

The submission outlines outcomes of the groups work in relation to future opportunities for the Railway Precinct as identified within the Euroa Township Strategy.

This submission titled: *Creating a Civic Presence* forms an attachment to this report.

In addition to the work of the Euroa Working Group, Council Officers have also formed additional requirements.

It is intended that the recommendation be submitted to ARTC with a covering letter expressing Council's position in regard to future works and precinct planning within the Euroa Railway Precinct.

It is recommended that the 2 attachments are to be Council's formal position in regard to the ARTC Inland Rail Project.

RECOMMENDATION

That Council –

- 1. Acknowledge the attached documents named *Creating a Civic Presence* as submitted by the Euroa Inland Rail Working Group and additional requirements by Council titled *Strathbogie Shire requirements*.**
- 2. Submit these 2 attachments with a copy of these minutes to ARTC advising that these documents are Council's formal position in relation to any proposed works and future precinct planning to be conducted within the Euroa Railway Precinct.**

9.7.12 Australian Rail Track Corporation (ARTC) (cont.)

RECOMMENDATION (cont.)

And;

- 3. That these are minimum requirements of Council's expectations from ARTC when delivering the Inland Rail Project through Euroa.**

34/20 CRS THOMSON/WILLIAMS : That the Recommendation be adopted.

CARRIED

Background

Upon the formation of the Euroa Inland Project Working Group by ARTC, a number of monthly meetings have been held by ARTC with the group. The working group have made significant progress with ARTC. This has allowed the working group to formulate a comprehensive submission, particularly on the Rail and precinct planning opportunity to the Euroa Township Strategy.

It is this formal submission by the working group which has enabled Council to gain a greater understanding of our Community's requirements in this space and therefore allow Council to form a position in regard to our Community's and therefore Council's expectations of ARTC.

Prior community consultation and feedback

ARTC provided Council officers with technical engineering drawings for comment to ARTC in December 2018. A 10 day turn around to make a technical submission was provided by ARTC to which Council officers requested an extension of time due to the Christmas closure period for all authorities.

The information provided by ARTC was purely to comment within the scope of works at that stage of their project. Therefore, Council officers were limited by the parameters of the technical work of ARTC; however, the officers knew, in their professional opinion having regard to previous strategic documents that the scope needed to be broader with consideration of urban design, visual amenity, connectivity etc.

Council staff met with relevant representative groups to inform them of the scope provided to officers and that our technical submission needed to be in-line with our community's thoughts.

Council officers had 3 plans put together to assist in discussions with the community. The first plan depicted the works of ARTC, the second plan highlight potential issues and finally the third plan for discussion reflected the issues removed from plan 2 and expanded the precinct area of ARTC's scope. All discussion and consultation were within the confines of ARTC's suggested preferred solution. No discussion outside this scope was facilitated.

9.7.12 Australian Rail Track Corporation (ARTC) (cont.)

Over 3 evenings, Council representatives (Councillors and staff) were present to listen to the community and hear their thoughts; in addition, we provided clear direction that the community as individuals needed to make a submission direct to ARTC to ensure they were heard. As Council officers, our technical submission with covering letter reflected the important components/modifications we heard from the community. For example:

- 'Openness' no divide between both sides of the track
- Green open space for public purpose
- Pedestrian connections from both sides to ensure access for all abilities and most importantly reflect our aged demographic.
- Emergency Services access to the platform
- Make use of the disused VicTrack land (Old goods shed)
- Connection to the main street
- Improve the visual appearance of the area.

Council officers made their technical submission which we believe reflected what we heard but within the scope as required by ARTC.

Council heard our community speak at Officers consultation, ARTC's consultation sessions and Council Meetings. Council has made the following observations:

- That ARTC's initial project approach does not seem to have started by exploring current functionality of the existing overpass and surrounding precinct and desired outcomes for the same by the community. Perhaps understandably ARTC's initial response does not sufficiently address legacy issues created by the current overpass and the consequences on the surrounding precinct.
- That ARTC's approach to our community has not been satisfactory, and therefore, Council will be asking for more in-depth consultation from ARTC to inform ARTC's design.
- That ARTC need to consider the precinct as a whole, not just the area of their scope of works.
- That Council need to be strong and clear in what they want for the community.
- That further consideration of technical work needs to be completed to demonstrate that other options i.e. tunnel, can or can't be ruled out.

9.7.12 Australian Rail Track Corporation (ARTC) (cont.)

- That VicRoads provide Council with clear direction on their requirements to assist Council in weighing up options for ARTC's project.
- That the Officers modifications to ARTC's overpass plan was seen as a significant improvement by the majority of those whom viewed it recognizing that obviously there will be some amendments required.
- That upon a design being available that it be submitted to the Office of Victorian Government Architects for comment (OVGA) jointly from ARTC and Council.

Further work:

As representatives and advocates for our community, Council made a submission to ARTC by formal resolution in a letter dated 3rd April 2019 addressed to Rebecca Pickering and Ed Walker, and copied to the Hon. Michael McCormack, MP Deputy Prime Minister and Minister for Infrastructure, Lauren McKenzie of ARTC, Cameron Howie of ARTC and Shane Sykes of the Federal Department of Infrastructure, Regional Development and Cities. As moved by Council, this letter was published in The Euroa Gazette in the Letters to the Editor section for community information on Wednesday 16th April 2019 on page 6.

ARTC provided a response letter to Council on Thursday 11th April 2019 addressed to Mayor Amanda McClaren, addressing each of the six resolutions including, but not limited to: the formation of the working group, broader community consultation, incorporating holistic urban design principles, urban design specialist consultation, Council strategies and plans, and feedback from the Office of the Victorian Architects. The response and content of that letter was reviewed for discussion at Assembly of Councillors on Tuesday 23rd April, when Councillors agreed for a Council officer submission to The Euroa Gazette for public information on Friday 26th April 2019, which was carried out in consultation with ARTC as a courtesy. The letter was published in the Letters to the Editor section of The Euroa Gazette on Wednesday 8th May 2019 on page 6.

On Friday 12th April 2019, Mayor Amanda McClaren, Acting CEO Phil Howard, DESIGNeuroa advocate Edwina Thompson and Policy Research and Councillor Support Officer Katherine Crosbie attended an advocacy meeting in Wodonga, Victoria to discuss the ARTC Inland Rail Project for Euroa with the Hon. Michael McCormack, MP Deputy Prime Minister; whom prior to caretaker period (Election announced 11-04-19) was the Minister for Infrastructure who oversaw ARTC as a Government owned Statutory Corporation. The Hon. Michael McCormack, Deputy Prime Minister acknowledged Council's concerns, cited Council's formal submission and ARTC's letter of response; and suggested that Council meet with the ARTC CEO John Fullerton and Board Chair the Hon. Warren Truss AC.

9.7.12 Australian Rail Track Corporation (ARTC) (cont.)

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

Advocacy and community engagement are considered to be major requirements in relation to this project on Councils behalf, therefore there is no liability or financial risks as such. Council needs to carefully consider the next steps in the process to ensure the community's and Council's concerns are addressed by ARTC; or Council risks a poor infrastructure and urban design outcome and community dissatisfaction with community advocacy.

Strategic Links – policy implications and relevance to Council Plan

The following Strategic documents are of relevance for the ARTC Inland Rail Project. These documents highlight previous community consultation and views captured at the time of consultation. Upon review, these documents are still relevant as captured below.

The Euroa Structure Plan, Final Report 2010, Planisphere, Urban Strategy Planners, is a reference document within the Strathbogie Planning Scheme. Page 6 within the section of What we've heard, and additionally again on page 14 under the heading of Issues, states that there were; poor quality connections across the railway line. Page 24, of the ESP supports higher density residential in close proximity to the Euroa Railway Station, further emphasizing the importance of this connection. Page 28 continues to highlight that the Railway Street – train precinct to be made into garden reserve.

There is a strong strategic link to this document and the proposed project by ARTC. Within the Appendix to the ESP, 2010 consultation highlighted the following;

The railway underpasses and overpasses create a real and perceived barrier between the western and eastern and western sections of the town, potentially limiting the accessibility of existing basic and higher order services and facilities to the community west of the railway station.

The Euroa Neighbourhood Character Study, 2008, Planisphere, Urban Strategy Planners, listed as a reference document within the Strathbogie Planning Scheme, highlights that; views to the railway overpass were frequently emphasized as a negative feature of the character of some parts of the township. Furthermore, the community views were captured, and this highlighted what was important to them, one item was Proximity to shops, parks and the railway station.

9.7.12 Australian Rail Track Corporation (ARTC) (cont.)

The Urban Design Framework, Connell Wagner, July 2003 listed as a reference document within the Strathbogrie Planning Scheme. Page 10, quote the following; On the north western corner of the Euroa town centre, the overpass which leads the Shepparton-Mansfield Road over the North Eastern Railway has created two hazardous intersections. The intersections occur near the top of the overpass where ramps from Railway Street and a railway station service road intersect with the Shepparton-Mansfield Road. The hazard is due to short sight distances onto a climbing and curving road. The ramp which connects Railway Street with the overpass could be eliminated with negligible effect on traffic movement in the area. Removal of the ramp would remove a constraint on development and improvement of the western end of Railway Street and create the opportunity for parking improvements and a town edge small park.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers there are no capital or recurrent budget considerations at this stage of ARTC's project. However, should Council need to engage external expertise at any stage, this will need to be costed and reported appropriately.

Economic Implications

The Inland Rail Project with the re configuration of the Anderson Street overpass has the potential to create significant economic enhancements for Euroa if considered carefully. These works have potential to place the township of Euroa in a far greater position to capture people passing the town via road or train to stay or visit Euroa as a destination of choice by enhancing a railway precinct to bring greater community economic benefit.

Environmental / Amenity Implications

The Inland Rail project (Anderson Street overpass) has an opportunity to clean up an unsightly piece of land i.e. VicTrack land with the old goods shed. This precinct has the opportunity to be created into a useable space for potential car parking, community hub, arts and cultural precinct as reflected in several strategic studies.

Conversely, should the ARTC project be delivered poorly this would result in adverse amenity impacts.

Community Implications

The author of this report considers that the recommendation has significant community implications for Council and the broader community. Council's decision to act is in the best interest of the community to achieve an acceptable outcome to a Federal Government project is of utmost importance.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

9.7.12 Australian Rail Track Corporation (ARTC) (cont.)

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Community Engagement

Community engagement has been conducted prior to forming the Draft Euroa Township Strategy and has recently completed consultation of the Draft Strategy. Consultation has also been conducted via members whom were appointed via expressions of interest to ARTC to form the Euroa Inland Rail working group.

Attachments

- Submission by the Euroa Inland Working Group, *Creating a Civic Presence*
- Strathbogie Shire Requirements



PREAMBLE

A summary of the opinions of the Euroa Community as heard by members of the E.W.G.

CREATING A CIVIC PRESENCE

With the planned introduction of double stacked trains necessitating the removal of the Anderson Street bridge there are many possible solutions to an alternative rail crossing, some more palatable than others, to the community.

If the ARTC are to be the final arbiters on a replacement crossing and their chosen solution is a bridge replacement at Anderson Street then the Euroa community is overwhelmingly consistent in what its minimal expectation of what this bridge would entail.

Therefore what follows is a summary of those minimal expectations.

These baseline requirements are listed as:-

1. **Re-align & straighten tracks so that they run to the west side of the old Euroa Station.**
 - i) Euroa Station is platform 1 to Melbourne – (heritage precinct)
 - ii) Old goods shed environ is platform 2 to Albury
 - iii) Includes vehicular access to both platforms for emergency and service vehicles within a specified number of metres
 - iv) Disability Discrimination Act compliant and equitable access to both platforms
 - v) Customer parking area in very close proximity to both platforms (DDA compliant)
 - vi) Landscaping and visual screens to soften visual impact of hard surfaces
 - vii) (Alternatively: One passenger line only using a switchover i.e.(1 platform, 1 carpark, no tunnel)

2. **Provide an open span bridge structure with clear and visual amenity.**
 - i) Shift bridge apex as far west as possible – reduces visual impact
 - ii) Straighten road alignment over bridge (not straight)
 - iii) Bridge design MUST allow for re-connection of Railway & Hinton Streets and 2-way traffic under the bridge
 - iv) Minimal infrastructure on bridge (ABSOLUTELY no pedestrians)
 - v) Clear and enhanced lighting and balustrading. Positive visual impact
 - vi) Designed with the highest environmental standards
 - vii) Absolutely no concrete barriers/retaining walls in front of residences
 - viii) Maximize public space in, around and under bridge
(Is there a preferred ARTC bridge alignment? Land acquisition? Any? Who is impacted?)

3. **Verging/Merging traffic in relation to bridge design**
 - i) Allow for traffic moving west along Anderson Street to verge off towards Hinton/Railway Street. This allows for that traffic to turn left into Hinton Street or turn right into Railway Street.
 - ii) Allow for traffic travelling south along Railway Street to turn left and merge with the eastern traffic flow along Anderson Street

4. **Provide DDA compliant pedestrian and cycle access with underline crossing**
 - i) Enhance the present underline crossings with a special emphasis on DESIGN QUALITY. These crossings are:
 - a) Anderson Street to DeBoos Street
 - b) Kirkland Avenue to Sutherland Street (*can this crossing be car enabled as well?)

Provide a new crossing between Platform 1 and Platform 2

 - c) Railway/Binney Street to Scott Street



5. Restoration & Clean-Up

- i) There is a need to remove and make good
 - a) The old embankments
 - b) The standard rail and associated platform
 - c) Lighting
 - d) Re-vegetation
 - e) Drainage and services
- ii) On-going Management strategy

Summary

Please note that the members of the Euroa Working Group collectively had much loftier ideals than those presented here. However in our advisory role to the ARTC as spokespersons for the community we have put those ideals aside to present what are the absolute minimum expectations of the community in relation to a bridge replacement.

And finally could there be clarification on the boundaries of responsibility between ARTC, V-Line, Vic Roads and the Shire.



Strathbogie Shire Additional Requirements

Strathbogie Shire Council additional requirements to the Euroa Inland Rail Working Group, *Creating a Civic Presence*

Traffic Movements – Vehicle/Pedestrian/Cyclists

- Ensure that during construction stage of the Inland Rail project within Euroa, that alternative routes are capable of holding vehicular and pedestrian traffic volumes. (Approval must be sought from Council in regard to local road usage and condition assessments)
- Removal of all contaminated soil and materials within the Euroa Rail Precinct
- That ARTC commission an independent Traffic Impact Assessment demonstrating existing traffic and pedestrian movements and proposed traffic and pedestrian movements.
- Provide full Traffic Impact Assessment to Council Officers for review and comment which will take into consideration local knowledge of deliveries to main shopping precinct, heavy vehicle traffic movements and additional matters for consideration.
- Assist in the upgrade of Birkett/Campbell street intersection. For vehicle and pedestrian accessibility using desired lines.
- Ensure the use of desired lines for all pedestrian and cycling crossings for all railway intersection points using visually appealing urban design with urban tree canopy.
- Ensure the bridge has appropriate widths to allow for breakdowns.
- Ensure appropriate infrastructure is provided as a result of traffic impacts assessments and noise studies.

Parking

- Ensure that any loss of car parking be re-instated in alternative locations and formalised so as there is no loss of parking spaces.
- Improved crossing points DeBoos Street to Hinton Street. Birkett Street and Campbell Street.
- Establishment of parkland at 57-59 Garrett Street, fully landscaped
- Additional parking to be provided in conjunction with any new platforms
- Provision of shade for parking bays

Amenity/Health and Wellbeing

- Increased shelter and seating on platforms.
- Urban green design around entire precinct with significant tree canopy coverage.
- Ensure crossing infrastructure is visually sympathetic to surrounding character.
- No financial establishment costs to Council.

Signage

- All signage must align with Strathbogie Shire's Wayfinding Strategy to ensure consistency and deterrence from visual clutter.

Lighting of Public Spaces

- Ensure that all lighting plans are submitted to Council for consistency with our Lightening Strategy.

Neighbourhood Character

- Ensure that regard is given to Euroa's Neighbourhood Character where relevant

Other items

That upon ARTC submitting future design plans there may be other issues arise and therefore the above mentioned items in addition to the Euroa Inland Working Group items may not be complete.



9.7.13 Proposed Closure of Railway Crossing at McDonalds Road, Wahring

Author & Department

Group Manager Community Assets / Community Assets

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*."

Summary

As a result of a written request from V/Line regarding the possible closure of the railway crossing at McDonalds Road, Wahring, Council at the Council meeting on 18 April 2017 resolved to commence a S223 process to consider closure of this railway crossing.

Submissions closed on 15 November 2019. Two submissions regarding the proposal were received. One of the submitters requested to be heard in support of their submission and attended the Hearing of Submissions meeting on 10 December 2019.

As a result of the submissions, Council requested to meet on site with the submitters to further discuss their concerns. This meeting was scheduled to take place on 12 December 2019.

Following the Hearing of Submissions and site visit, Council is required to formally consider all received submissions and the request from V/Line regarding the possible closure of the railway crossing at McDonalds Road, Wahring at the Ordinary Meeting of Strathbogie Shire Council to be held on Tuesday 17 December 2019.

RECOMMENDATION

For Council Decision.

CRS LITTLE/WILLIAMS –

Motion:

That consideration of this matter be deferred.

35/20

ON BEING PUT, THE MOTION WAS CARRIED

Background

In January 2017, due to safety concerns, Council received a written request from V/Line to start the consultation process for possible closure of the railway crossing at McDonalds Road, Wahring.

9.7.13 Proposed Closure of Railway Crossing at McDonalds Road, Wahring (cont.)

V/Line also proposed to consult with the community on a proposal to close the McDonalds Road crossing in the interest of safety and requested Council's input in relation to the consultation.

A report was presented to Council for consideration at the 18 April 2017 Council meeting with the following recommendation being carried:

- *That Council inform V/Line they can proceed with notification of the potential closure as outlined in their letter.*
- *That Council invite submissions regarding the proposed closure under Section 223 of the Local Government Act 1989, to be heard by Council at a Special Meeting, to be held on a date to be determined.*

A copy of the letter from V/Line (Attachment A) is attached for your information.

Recent discussions with V/Line reconfirmed their interest in closing this crossing for safety reasons.

A S223 process was undertaken between 9 October 2019 and 15 November 2019 with two submissions being received. One of the submitters requested to be heard in support of their submission and attended the Hearing of Submissions on 10 December 2019.

Alternative Options

The author and other officers providing advice in relation to this report have considered potential alternative courses of action. No feasible alternatives have been identified.

Risk Management

The author of this report considers that there are significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The author of this report considers that the recommendation has no capital or recurrent budget considerations.

If the crossing is closed, Officers have requested funding from V/Line to fund any roadworks that may be required to enable the closure.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

9.7.13 Proposed Closure of Railway Crossing at McDonalds Road, Wahring (cont.)

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

It is considered that the proposal has community implications. It is a farming area which generates cropping related traffic. The estimated additional trip length with closure of the crossing is estimated at 5.5km (max).

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Attachments

- Attachment A: Letter from V/Line dated 24 January 2017
- Attachment B: Locality Map



ATTACHMENT A:

Level 9, 750 Collins Street, Docklands VIC 3008
GPO Box 5343, Melbourne VIC 3001
T (03) 9619 5900, F (03) 9619 5000 vline.com.au



24th January 2017

Shire of Strathbogie
P.O Box 177
EUROA VIC 3666

Attention: **Mr. Roy Hetherington**
Director Asset Services

Dear Mr. Hetherington,

RE: Level Crossing Safety

As the operator of Victoria's regional rail network, V/Line has safety as its number one priority and we value Council's support for this key objective.

V/Line has been assessing level crossings within the Strathbogie Shire; the assessments found that the following level crossing does not meet the requirements of Australian Standard AS 1742.7

| Description: | Type: | Coordinates: | Google Maps Hyperlink: |
|---------------------------|------------|---------------------------------|---|
| McDonnals Road Wahring | Stop Signs | -36.7378625531 145.194781307 | https://goo.gl/maps/sv3wu5Csr5G2 |

We would like to start the consultation process for possible closures.

In line with our safety-first approach, V/Line consults with local communities to reduce risks, as part of the communication process V/Line will complete the following:

- ✓ Obtain approval for the closures from the Emergency Services;
- ✓ Notify adjacent land owners in writing of the proposed closure and advise of alternate location/s to safely cross the tracks;
- ✓ Publish a public notice in the local paper/s should the crossing be located on a public road;
- ✓ Complete a letter box drop within a 1km radius of the crossing should the crossing be located on a public road.

Can you please advise if there are any other additional steps you would like V/Line to take as part of the communication stage?

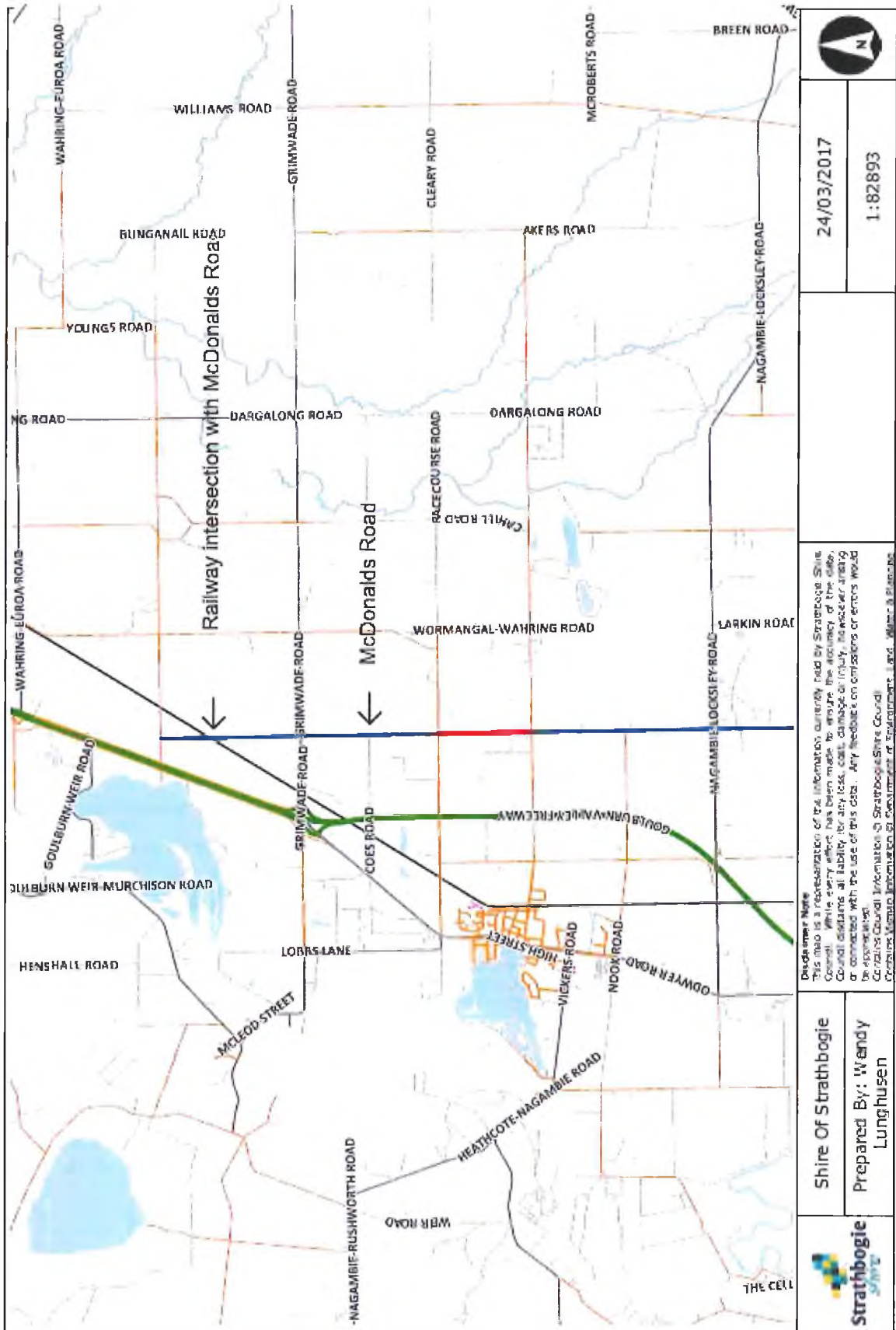
Managing the safety risks at level crossings is a responsibility shared between the rail operator and the organisations that manage the approach roads. We know that Council is just as committed to making its roads safe as V/Line is to making our rail operations safe for our customers, staff and the public.



With this shared responsibility, we look forward to Council's support in achieving the safest and most cost-effective solutions for the benefit of all Victorians.

Yours sincerely,

Barry Perkins
A/General Manager Asset Management & Performance

ATTACHMENT B:



| | |
|--|-------------------------------|
|  | 24/03/2017 |
| | 1:82,893 |
| <p><small>Disclaimer Note</small> This map is a representation of the information currently held by Strathbogrie Shire Council. While every effort has been made to ensure the accuracy of the data, Council disclaims all liability for any loss, cost, damage or injury, however arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. © Strathbogrie Shire Council Contains Material Information of Strathbogrie Shire Council Contains Material Information of Department of Environment, Land, Water & Planning</p> | |
| Shire Of Strathbogrie | Prepared By: Wendy Lungghusen |
|  | |

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9.7.14 Euroa Secondary College
- Request for Sponsorship of the 2019 Student Awards

Author & Department

Visitor Economy & Events Coordinator / Corporate and Community

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

Summary

The Euroa Secondary College have submitted a request for \$500 (\$250 per student) for sponsorship of the 2019 Strathbogie Shire Student awards; \$250 for one male student and \$250 for one female student.

This event has had Council funding in the previous five years.

RECOMMENDATION

That Council agree to sponsor the Euroa Secondary College Student Awards for \$500 for the next three years (until 2022).

36/20 CRS MASON/LITTLE : That the Recommendation be adopted.

CARRIED

Background

This award is given to students who are high achievers at the College in 2019.

Alternative Options

The author and other officers providing advice in relation to this report have considered there is no alternative courses of action.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

There is no strategic link to the recently developed Council Plan within Council's goals. However, that being noted, the overall Vision for the Council Plan is *"Together we are building a flourishing community"* through our mission of *"To support our community to grow through effective partnerships, engagement and equitable and efficient delivery of services"*.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

9.7.14 Euroa Secondary College
- Request for Sponsorship of the 2019 Student Awards (cont.)

Financial / Budgetary Implications

The Sponsorship requests granted this financial year total \$23,000 out of a budget of \$30,000, leaving a balance of \$7,000 in the Sponsorship budget, not including this application.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation could have a positive impact on the student who receives the award.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not require a community consultation process due to the nature of the request.

Attachments

Nil.

9.7.15 Euroa Citizens Band
- Request for Sponsorship of the 2019 Carols by Candlelight Event

Author & Department

Visitor Economy & Events Coordinator – Corporate and Community

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

Summary

The Euroa Citizens Band have submitted a request for \$1,000 for sponsorship of the 2019 Christmas Carols by Candlelight event in Seven Creeks Park, on 21 December 2019.

This event has had Council funding three times previously.

The Sponsorship requests granted this financial year total \$23,000 out of a budget of \$30,000, leaving a balance of \$7,000 in the Sponsorship budget, not including this application.

The officer providing advice in relation to this report has considered potential alternative courses of action. The following alternatives have been identified for the consideration of Council.

- *Reduced level of sponsorship,*
- *Cash sponsorship*
- *In kind sponsorship*
- *Cash and in-kind sponsorship*
- *No sponsorship*

RECOMMENDATION

For Council Decision.

CRS BOWER/MASON –

Motion:

That Council support the Euroa Citizens Band request for sponsorship to an amount of \$800 for the 2019 Carols by Candlelight event.

37/20

ON BEING PUT, THE MOTION WAS CARRIED

Background

This funding will be allocating to cover the costs of battery candles, hire of sound system and marketing.

Alternative Options

The author and other officers providing advice in relation to this report have considers the above alternative courses of action.

9.7.15 Euroa Citizens Band
- Request for Sponsorship of the 2019 Carols by Candlelight Event (cont.)

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

There is no strategic link to the recently developed Council Plan within Council's goals. However, that being noted, the overall Vision for the Council Plan is *"Together we are building a flourishing community"* through our mission of *"To support our community to grow through effective partnerships, engagement and equitable and efficient delivery of services"*.

Best Value / National Competition Policy (NCP) / Competition and Consumer Act 2010 (CCA) implications

The author of this report considers that the report is consistent with Best Value, National Competition Policy and Competition and Consumer Act requirements.

Financial / Budgetary Implications

The Sponsorship requests granted this financial year total \$23,000 out of a budget of \$30,000. Leaving a balance of \$7,000 in the Sponsorship budget, not including this application.

Economic Implications

The author of this report considers that the recommendation has no significant economic implications for Council or the broader community.

Environmental / Amenity Implications

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Community Implications

The author of this report considers that the recommendation could have a positive impact on the community.

Victorian Charter of Human Rights and Responsibilities Act 2006

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Legal / Statutory Implications

The author of this report considers that the recommendation has no legal or statutory implications which require the consideration of Council.

Consultation

The author of this report considers that the matter under consideration did not require a community consultation process due to the nature of the request.

Attachments

- Smarty Grants Assessment

2019-2020 Sponsorship Program
2019-2020 Sponsorship Assessment Form
Application SP20/16 From Euroa Citizen's Band
Form Submitted 12 Dec 2019, 2:50pm AEDT

Strathbogie Shire Council Assessment Tool

Guidelines for Assessors

Assessors must assess each application on its merits. Assessors must complete each section of the Assessment Form. Assessors have the capacity to recommend an amount different to that applied for. This decision must be justified.

Event Summary

Event Title

Carols By Candlelight
This question is read only.
From the application form

Event Summary

Providing music for Euroa's citizens while attending Carols by Candlelight in the Park Band is responsible for all the organization of the evening.
From the application form

Funds Requested

\$1,000.00
This question is read only.
From the application form

The applicant has satisfactorily completed Event Application Part A

- Yes - proceed
 No - Sponsorship assessment cannot be undertaken until Part A has been satisfactorily completed

The applicant has completed any outstanding acquittals?

- Yes - proceed
 No - Sponsorship assessment cannot be undertaken until any outstanding acquittals have been satisfactorily completed

Partnership/ Strategy

* indicates a required field

Partnership and Strategy Alignment

Scoring criteria:

Yes = 5 points
Somewhat = 2 points
No = 0 points

Does the project specify how it relates to a strategic goal/document? *

2019-2020 Sponsorship Program
2019-2020 Sponsorship Assessment Form
Application SP20/16 From Euroa Citizen's Band
Form Submitted 12 Dec 2019, 2:50pm AEDT

- 5
- 2
- 0

Strategic Goal score *

5

Autocalculated from response above.

Does the applicant provided evidence of significant partnerships, with clearly defined roles? *

- 5
- 2
- 0

(A partner is someone who is contributing to the project, either by financial means or by in-kind not just providing a letter of support).

Partnership Score *

0

Autocalculated from response above.

Events

How well does this event contribute to developing capacity to add benefit to community and local businesses? (Worth 5 points)

Rating

- 0: Does not develop capacity
- 1: Very minimal impact on the development of capacity; doesn't demonstrate any research/forethought; not likely to promote change
- 2: Minimal impact on the development of capacity; doesn't demonstrate much research/forethought; is possibly likely to promote change
- 3: Reasonable impact on the development of capacity; demonstrates some research/forethought; may promote short term change
- 4: Positive impact on the development of capacity; demonstrates good research/forethought; likely to promote short term change
- 5: Extremely positive impact on development of capacity; demonstrates excellent forethought/research; will promote ongoing and long term change

Event score *

3

Must be a number between 0 and 5.

Notes/ Consideration

Must be no more than 150 words.

Economic Development

* indicates a required field

Economic Benefit



2019-2020 Sponsorship Program
2019-2020 Sponsorship Assessment Form
Application SP20/16 From Euroa Citizen's Band
Form Submitted 12 Dec 2019, 2:50pm AEDT

How will this event build economic development?

- increased visitor economy
- increased expenditure at local businesses
- none of the above

Number of economic benefit items ticked *

1

Must be a number.

If tick 'none of the above', please mark as zero.

Economic Benefit Score

2

This number/amount is calculated.

Autocalculated from response above. Each tick represents 2 points. If ticked 2 items, then score will be automatically scored 4

Notes/consideration

Must be no more than 150 words

Sponsor Recognition

* indicates a required field

Recognition of Council (5 points)

Strathbogie Shire Council expects all successful applicants to formally recognize Council if funding is provided.

At a minimum the following must be undertaken

- Invite Council Officers and Councilors to the event
- The following wording must be incorporated in any promotional material related to the sponsored event: "Supported by Strathbogie Shire Council"
- The Strathbogie Shire Council logo must be visible on all marketing collateral and advertisements
- The event must be listed with the Australian Tourism Data Warehouse (ATDW)

Rating

- 0: No reference to recognition of Council in application
- 1: less than 2 actions ticked
- 3: all 4 action ticked
- 5: all 4 action ticked plus additional plans to recognized Council as a sponsorship

Recognition of sponsor rating score *

5

a number

Notes/consideration

Must be no more than 150 words



2019-2020 Sponsorship Program
2019-2020 Sponsorship Assessment Form
Application SP20/16 From Euroa Citizen's Band
Form Submitted 12 Dec 2019, 2:50pm AEDT

Recommendation

* indicates a required field

Recommendation

Total Score/ 25 *
15

Recommendation *

- Recommended
- Not Recommended
- For further review

Recommended Amount

\$800.00

Must be a dollar amount.

Must be a dollar amount

Recommended Funding conditions

For Council report

Internal Recommendation Comments

For Council report

Please upload REPLAN

No files have been uploaded

Assessor Coordinator *

Libby Webster

Date *

12/12/2019

Must be a date



9.7.16 Business Management System

The December 2019 Business Management System Report includes reports as follows:-

- Building Department – November 2019 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) - November 2019
- Customer Enquiry Analysis Report – Report for November 2019
- Waste Management Reporting ~ Year to Date - November 2019
- Actioning of Council Reports Resolutions – Council Meeting 19 November 2019
- Outstanding Actions of Council Resolutions to 30 November 2019
- Review of Council Policies and Adoption of new Policies – November/December 2019
- Record of Assemblies of Councillors
- Record of Minutes of Meetings of Special Committees of Council received in the past month

By reporting on a monthly basis, Council can effectively manage any risks that may arise. The Business Management System will also incorporate Council's corporate goals and objectives.

RECOMMENDATION

That the report be noted.

38/20 CRS BOWER/LITTLE : That the Recommendation be adopted.

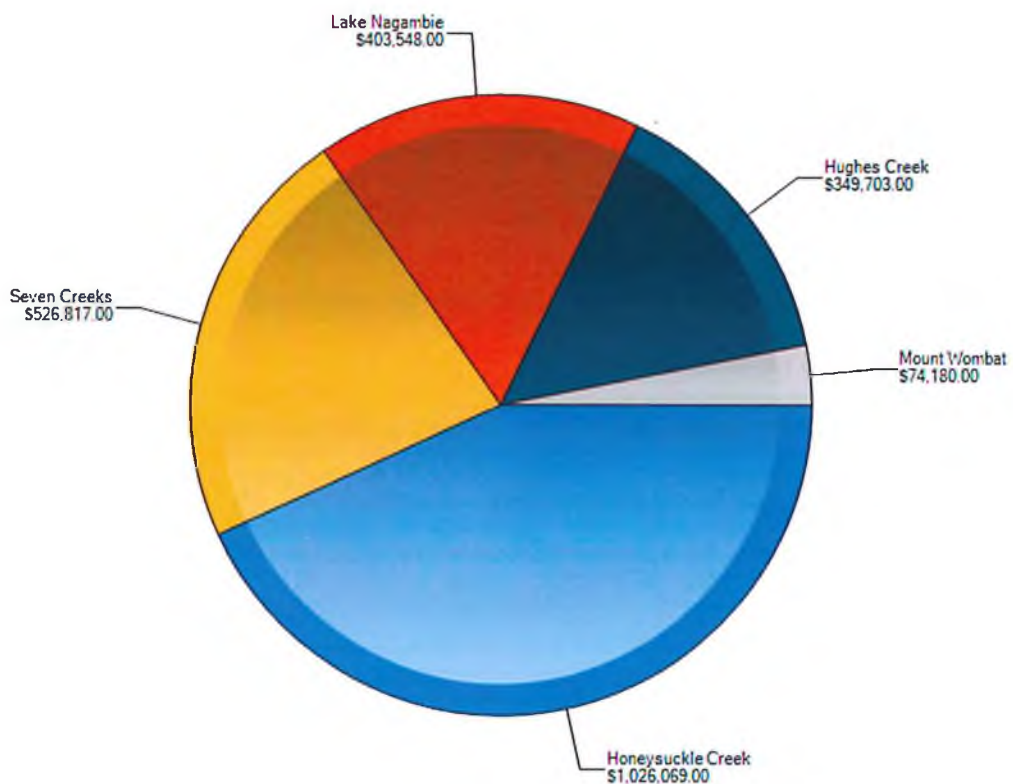
CARRIED

BUILDING ACTIVITY

NOVEMBER 2019

**Building Activity
November 2019**

Twenty-five (25) permits, with a works value of \$2,380,317, were lodged with Council in November. The proposed works, all residential or farm sheds, were spread evenly across the Councillor wards. Three permits were lodged for pool/spa safety barriers. This potentially is due to changes to the Building Regulations that came into force on December 1 that require pool and spa owners to register their pool and/or spa with Council and provide certification that the pool/spa is enclosed with a compliant child safety barrier.



Honeysuckle Creek

| Permit Number | Permit Date | Works | Building Use | Town | Cost Of Works |
|-----------------|-------------|--------------------------------|----------------------------------|-------------|---------------|
| 1528547963473/0 | 15/11/2019 | Alteration to, Construction of | Dwelling, Carport, Alfresco Area | Balmattum | \$158,411.00 |
| 1829241245939/0 | 29/11/2019 | Extension to | Dwelling | Nalinga | \$227,760.00 |
| 3196620754875 | 10/11/2019 | Construction of | Dwelling | Violet Town | \$315,748.00 |
| 3555903407074 | 20/11/2019 | Alterations & Additions to | Dwelling | Boho | \$324,150.00 |

Hughes Creek

| Permit Number | Permit Date | Works | Building Use | Town | Cost Of Works |
|---------------|-------------|-----------------|-----------------------|-----------|---------------|
| 2752513195682 | 6/11/2019 | Construction of | Shed | Avenel | \$30,000.00 |
| 3926855864771 | 30/10/2019 | Construction of | Dwelling & Garage | Avenel | \$307,703.00 |
| 5352121888228 | 25/10/2019 | Extension to | Shed | Avenel | \$5,000.00 |
| 5782939126299 | 12/11/2019 | Construction of | Swimming Pool Barrier | Mangalore | \$7,000.00 |

Lake Nagambie

| Permit Number | Permit Date | Works | Building Use | Town | Cost Of Works |
|-----------------|-------------|-----------------|-----------------------|---------------|---------------|
| 1337103614712 | 30/11/2019 | Construction of | Dwelling | Wahring | \$261,148.00 |
| 3355328657737 | 23/10/2019 | Construction of | Shed | Mitchellstown | \$68,000.00 |
| 4412753949053 | 24/10/2019 | Demolition of | Dwelling | Nagambie | \$10,000.00 |
| 4542546729641/0 | 7/11/2019 | Construction of | Swimming Pool Barrier | Mitchellstown | \$43,600.00 |
| 7466574884234/0 | 25/11/2019 | Restump of | Dwelling | Nagambie | \$11,800.00 |
| 9316582269845 | 26/11/2019 | Construction of | Deck, Roof | Nagambie | \$9,000.00 |

Mount Wombat

| Permit Number | Permit Date | Works | Building Use | Town | Cost Of Works |
|---------------|-------------|-----------------|--------------|---------------|---------------|
| 3086490896181 | 31/10/2019 | Construction of | Shed | Gooram | \$28,882.00 |
| 4101825384152 | 15/11/2019 | Construction of | Shed | Euroa | \$15,000.00 |
| 9463183776785 | 24/11/2019 | Construction of | Shed | Longwood East | \$14,798.00 |
| 9566327663659 | 13/11/2019 | Extension to | Shed | Longwood East | \$15,500.00 |

Seven Creeks

| Permit Number | Permit Date | Works | Building Use | Town | Cost Of Works |
|-----------------|-------------|-----------------|--------------------|-------|---------------|
| 1439648451665 | 25/11/2019 | Construction of | Shed | Euroa | \$7,813.00 |
| 1678891703544 | 12/11/2019 | Construction of | Spa safety barrier | Euroa | \$1,000.00 |
| 20180562/0 | 3/12/2018 | Construction of | Shed | Euroa | \$15,873.00 |
| 4080169329349/0 | 31/10/2019 | Construction of | Dwelling & Garage | Euroa | \$194,020.00 |
| 5767123260491/0 | 6/11/2019 | Construction of | Patio | Euroa | \$14,520.00 |
| 6130286131941/0 | 12/11/2019 | Construction of | Dwelling & Garage | Euroa | \$277,791.00 |
| 7171721026882 | 12/11/2019 | Construction of | Shed | Euroa | \$15,800.00 |

**PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL
IMPROVED VALUE)
NOVEMBER 2019**

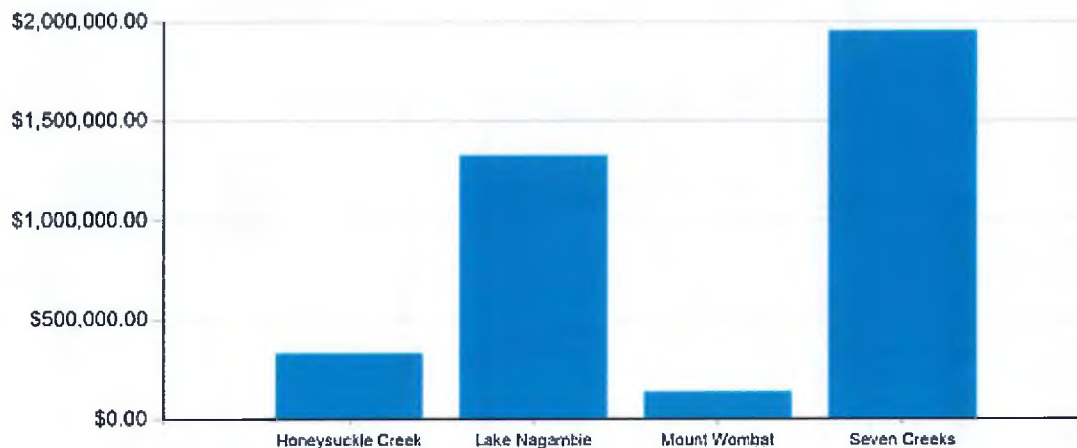
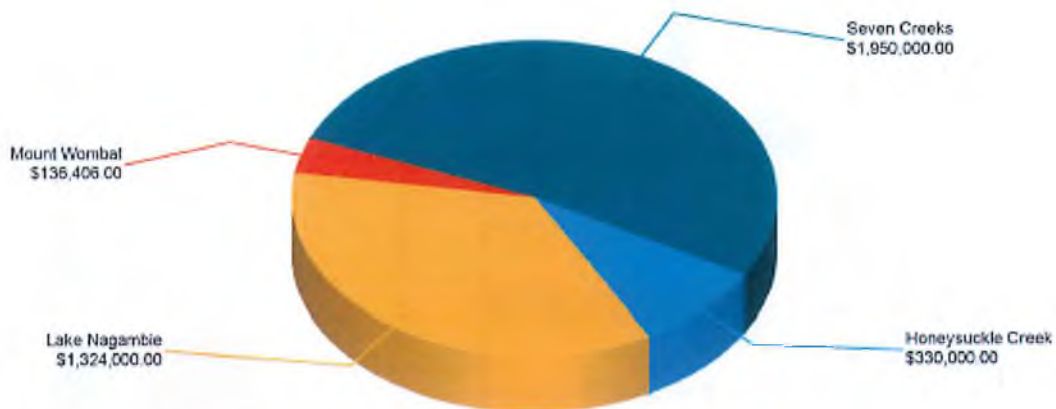


Planning Applications Determined

November 2019

| | |
|--------------------------|-----------------------|
| Honeysuckle Creek | \$330,000.00 |
| Earlston | \$300,000.00 |
| Violet Town | \$30,000.00 |
| | |
| Lake Nagambie | \$1,324,000.00 |
| Baileston | \$125,000.00 |
| Goulburn Weir | \$27,000.00 |
| Mitchellstown | \$40,000.00 |
| Mitchellstown | \$32,000.00 |
| Nagambie | \$1,100,000.00 |
| | |
| Mount Wombat | \$136,406.00 |
| Creightons Creek | \$48,000.00 |
| Longwood East | \$16,000.00 |
| Ruffy | \$60,406.00 |
| Strathbogie | \$12,000.00 |
| | |
| Seven Creeks | \$1,950,000.00 |
| Euroa | \$250,000.00 |
| Euroa | \$1,700,000.00 |
| | |
| Total Value | \$3,740,406.00 |

A handwritten signature in black ink, located in the bottom left corner of the page.



**CUSTOMER ENQUIRY ANALYSIS REPORT
- REPORT FOR NOVEMBER 2019**



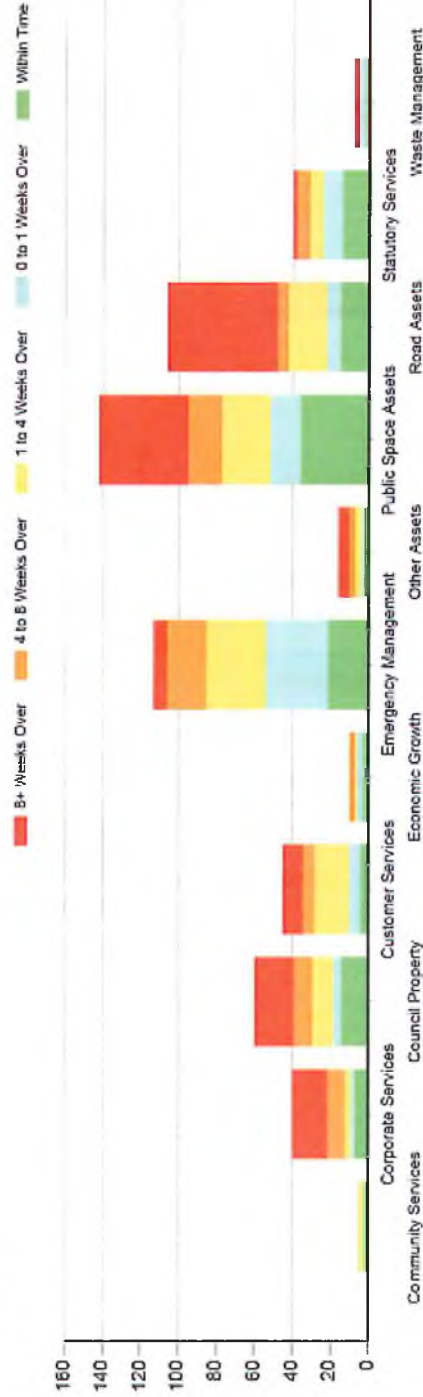
Request Throughput Analysis

01/11/2019 to 30/11/2019

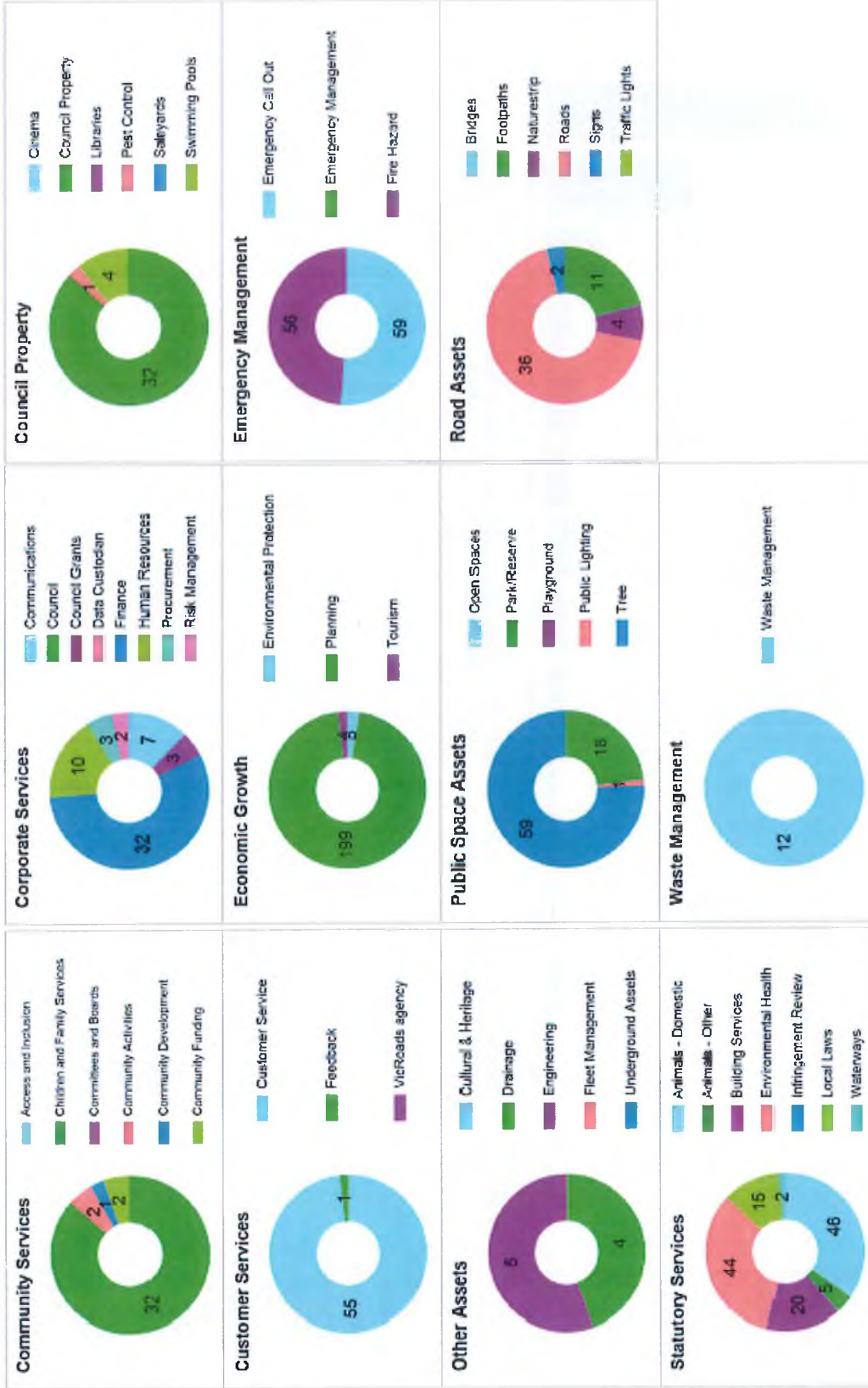
✔ Complete / New > 80% ⚠ 50-80% ✘ < 50%
✔ Overdue / Remaining < 33% ⚠ 34-70% ✘ > 70%

| Service Area | Existing Requests | New Requests | Completed Requests | Remaining Requests | Over Time | | Pending Resources | Service Area Usage |
|----------------------|-------------------|--------------|--------------------|--------------------|-------------|-----------|-------------------|--------------------|
| | | | | | Within Time | Over Time | | |
| Community Services | 3 | 37 | 35 | 5 | 2 | 3 | D | |
| Corporate Services | 41 | 57 | 58 | 40 | 7 | 33 | D | |
| Council Property | 51 | 37 | 28 | 60 | 14 | 46 | D | |
| Customer Services | 31 | 56 | 42 | 45 | 4 | 41 | D | |
| Economic Growth | 10 | 208 | 208 | 10 | 3 | 7 | D | |
| Emergency Management | 48 | 115 | 50 | 113 | 21 | 92 | D | |
| Other Assets | 14 | 9 | 7 | 16 | 3 | 13 | D | |
| Public Space Assets | 109 | 78 | 34 | 142 | 36 | 106 | 11 | |
| Road Assets | 106 | 53 | 50 | 106 | 15 | 91 | 3 | |
| Statutory Services | 47 | 132 | 137 | 40 | 14 | 26 | 2 | |
| Waste Management | 3 | 12 | 7 | 8 | 2 | 6 | D | |

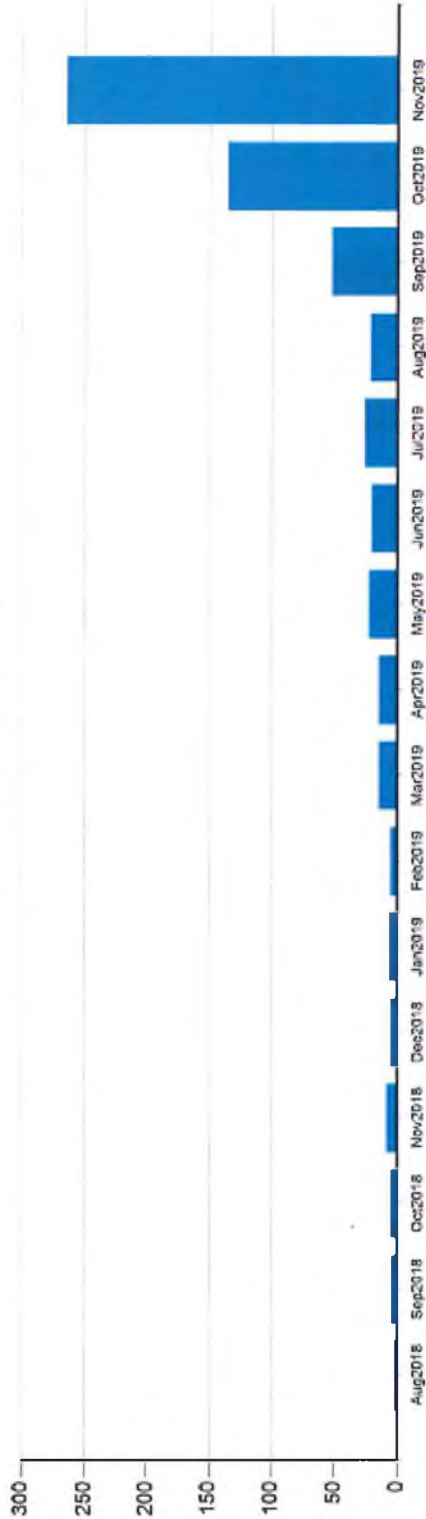
Request Ageing



Service Usage



Remaining Requests by Original Request Date



| | Community Services | Corporate Services | Council Property | Customer Services | Economic Growth | Emergency Management | Other Assets | Public Space Assets | Road Assets | Statutory Services | Waste Management |
|-----------|--------------------|--------------------|------------------|-------------------|-----------------|----------------------|--------------|---------------------|-------------|--------------------|------------------|
| August | | | | | | | | 2 | | | |
| September | | 1 | | | | | | 1 | 2 | | |
| October | | | 2 | | | | | 1 | 2 | | |
| November | | | 2 | | | | | 3 | 3 | | |
| December | | 1 | | | | 1 | | 1 | 2 | | |
| January | | | | 1 | | | | 2 | 1 | 2 | |
| February | | | 1 | | | | | 2 | 2 | | |
| March | | | 1 | | | | | 6 | 7 | | |
| April | | | | | | | | 6 | 8 | | |
| May | | 1 | | | | 1 | 2 | 8 | 9 | | |
| June | | 5 | 1 | 2 | | 1 | | 2 | 8 | | 1 |
| July | | 5 | 3 | 2 | | 1 | 2 | 6 | 4 | | 1 |
| August | | 1 | 3 | 3 | | 1 | | 5 | 8 | | |
| September | | 6 | 11 | 2 | | 5 | 2 | 16 | 5 | 4 | 1 |
| October | | 9 | 16 | 8 | 4 | 37 | 5 | 29 | 19 | 8 | |

| | | | | | | | | | | | |
|---------------|---|----|----|----|----|-----|----|-----|-----|----|---|
| 2019 November | 5 | 11 | 20 | 26 | 6 | 66 | 5 | 63 | 29 | 28 | 5 |
| Total | 5 | 40 | 60 | 45 | 10 | 113 | 16 | 153 | 109 | 42 | 8 |

Definitions

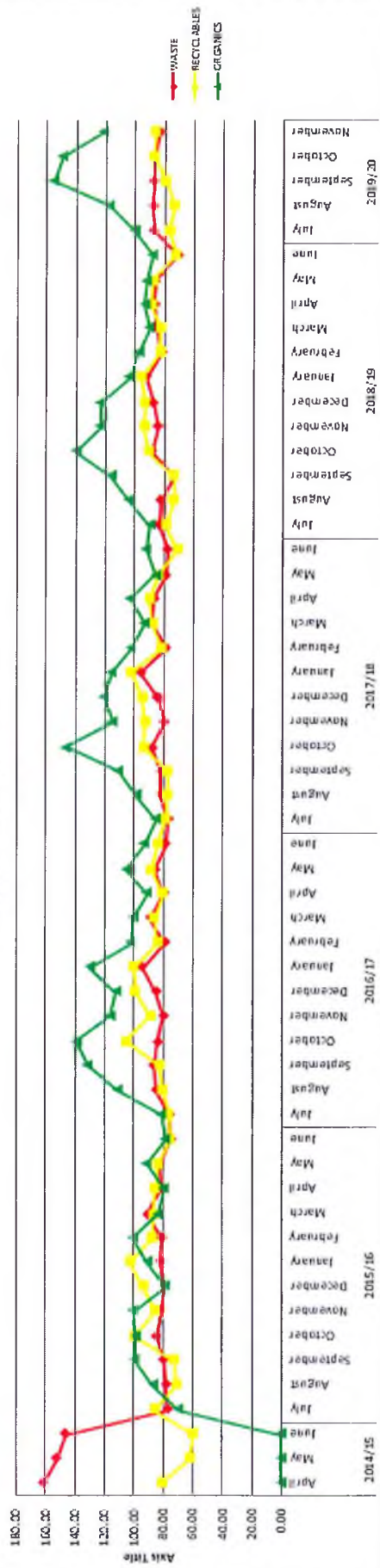
| | | | |
|--|---|---|---|
| <p><u>Service Area</u></p> <p>Existing</p> <p>New</p> <p>Within Time</p> <p>Pending Resources</p> <p><u>Complete New</u></p> | <p>Grouping of services by area of responsibility</p> <p>Requests open prior to reporting period</p> <p>Requests made during reporting period</p> <p>Remaining Requests where defined deadline is after reporting period</p> <p>Requests where additional resources are required to continue. This includes labour, materials, and financial resources.</p> <p>An indicator showing the ratio of Completed requests and New requests. Designed to represent how well we are keeping up with the demand for a service.</p> | <p>Service</p> <p>Remaining</p> <p>Completed</p> <p>Over Time</p> <p><u>Overdue Remaining</u></p> | <p>Activities that provide value to the customer</p> <p>Requests incomplete at end of reporting period</p> <p>Requests completed during reporting period</p> <p>Remaining Requests where defined deadline is before the end of the reporting period</p> <p>An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.</p> |
|--|---|---|---|

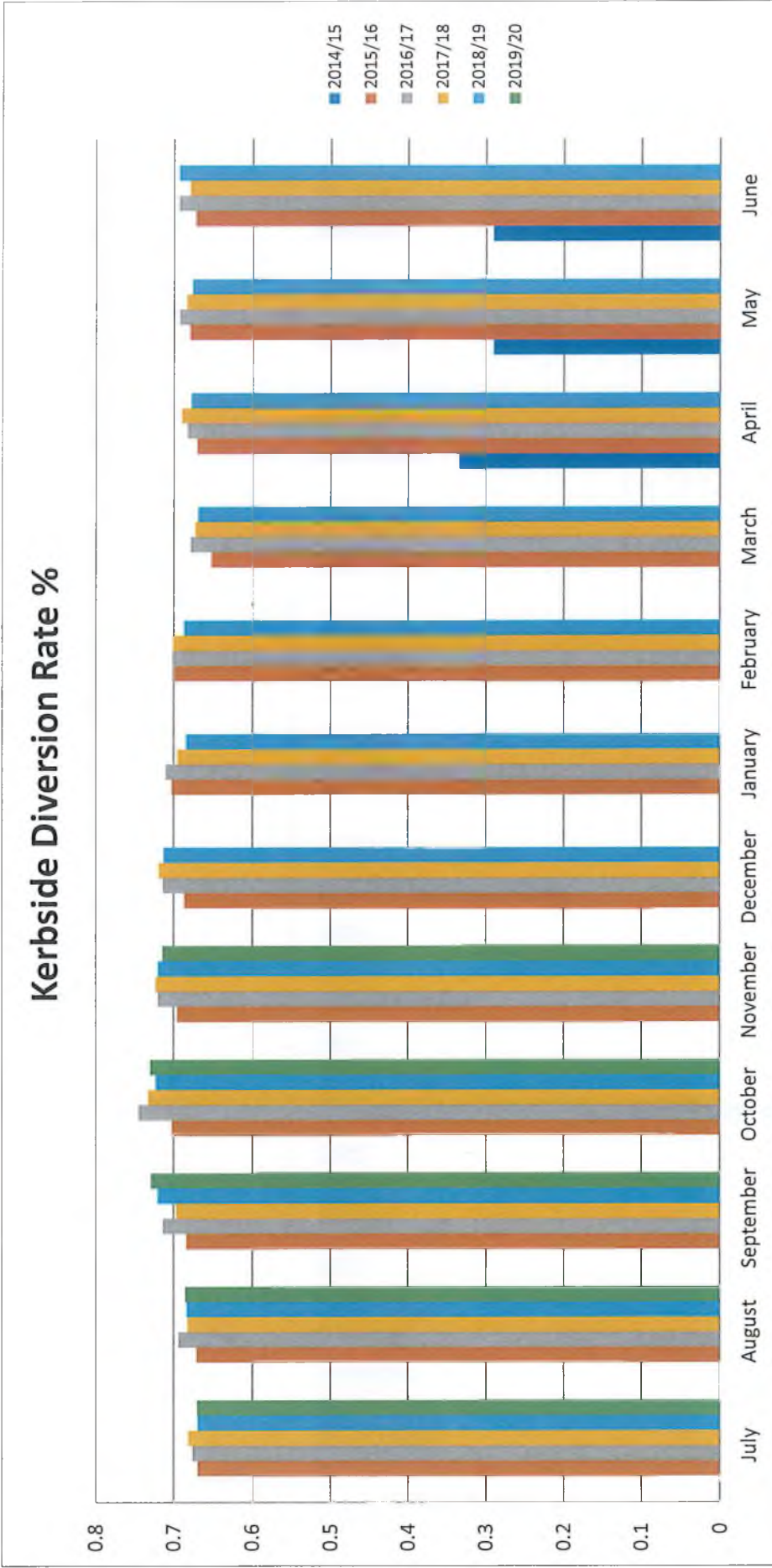
Complete / New > 80%
 50-80%
 < 50%

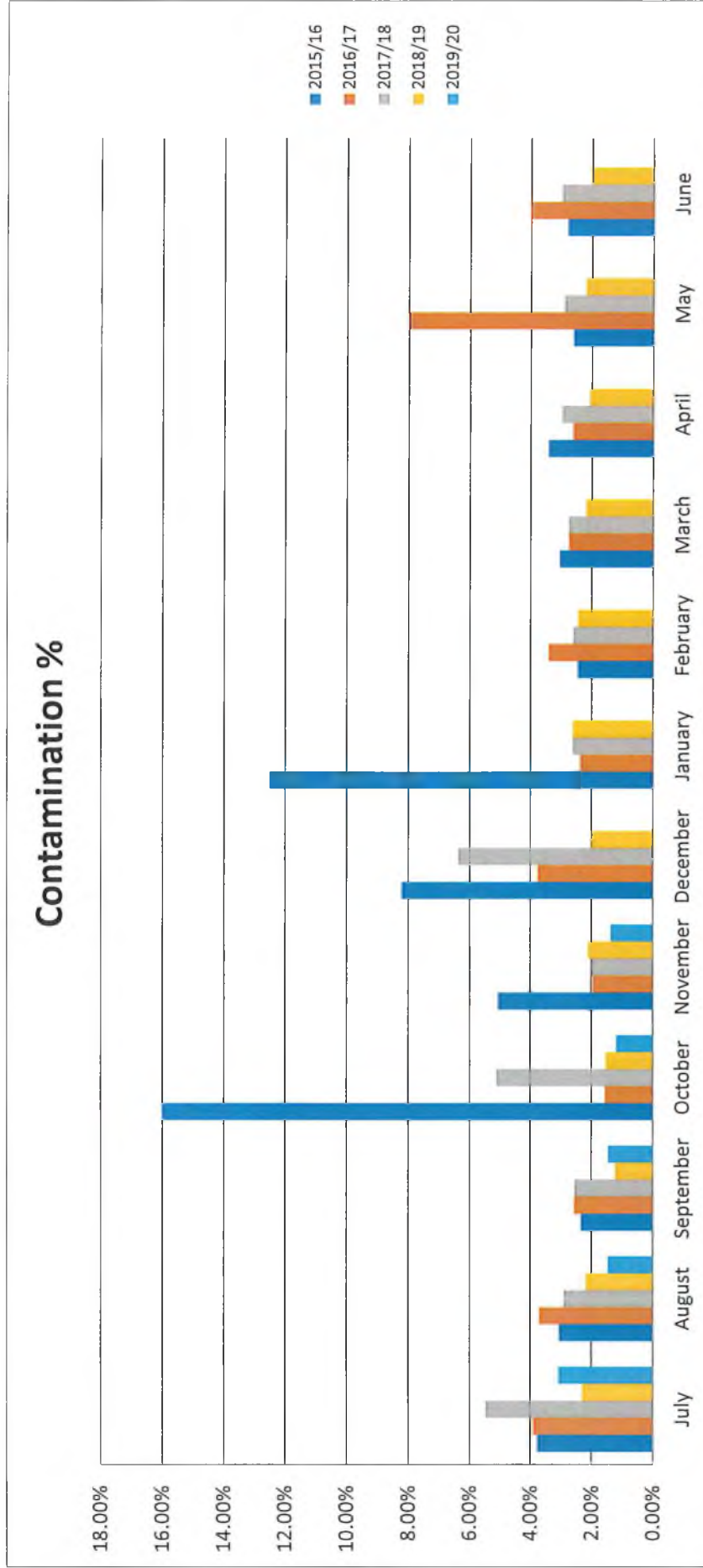
Overdue / Remaining < 33%
 34-70%
 > 70%

**WASTE MANAGEMENT REPORTING
 YEAR TO DATE - NOVEMBER 2019**

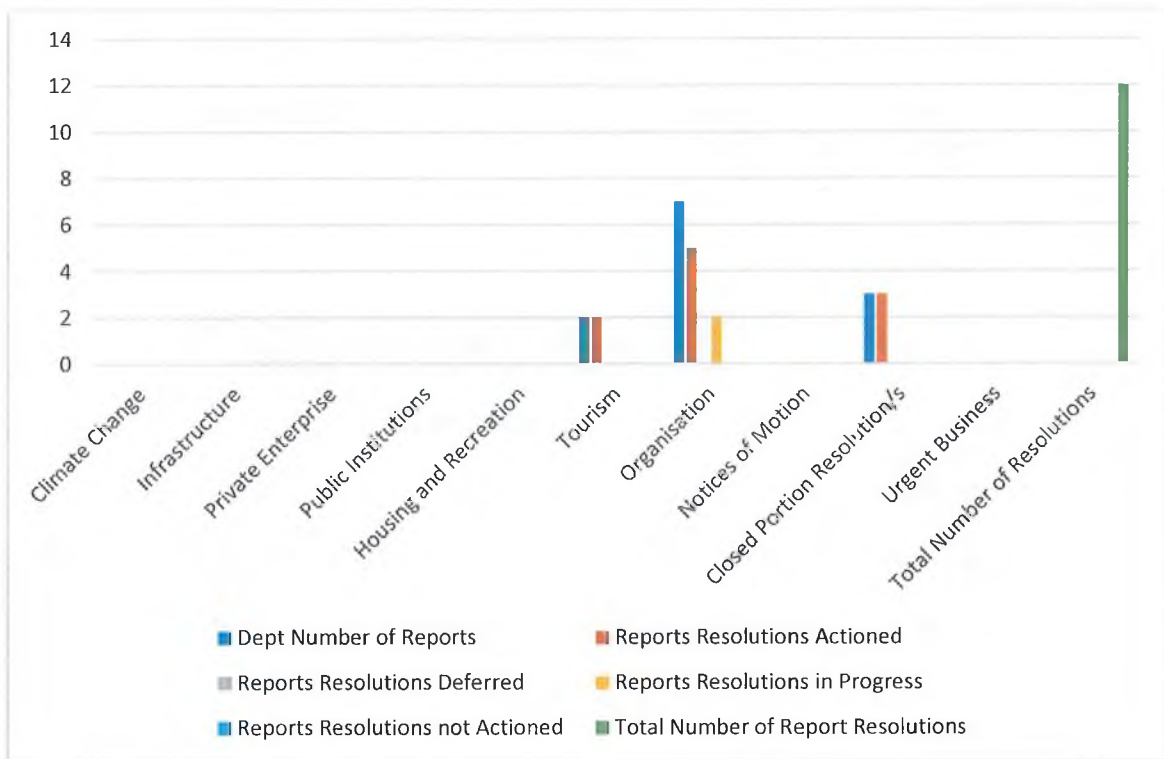
Kerbside Collection Tonnages







ACTIONING OF COUNCIL REPORTS RESOLUTIONS
COUNCIL MEETING – NOVEMBER 2019



**OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO
30 NOVEMBER 2019**

This Report is to advise the Executive Management Team, Councillors and the community of the status of previous Council resolutions which are in progress but are yet to be finalised.

| Council Meeting Date | Item No. | Description |
|-----------------------------|-----------------|--------------------|
| | | |

**REVIEW OF EXISTING COUNCIL POLICIES
AND ADOPTION OF NEW POLICIES**

| Review of Policy / New Policy | Policy Name | Details |
|--------------------------------------|--|---------------------|
| New Policy | Draft Disposal or Sale of Council Assets Policy 2019 | Refer to Item 9.7.1 |
| New Policy | Draft Gifts, Benefits and Hospitality Policy 2019 | Refer to Item 9.7.2 |
| Review of Policy | Information Security Policy | Refer to Item 9.7.4 |

RECORDS OF ASSEMBLIES OF COUNCILLORS

For period 6 November to 3 December 2019

Record in accordance with sections 77 and 80A(1) of the *Local Government Act 1989*

Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting]

Name of Meeting: Councillors Forum

Date of Meeting: Wednesday 6 November 2019

Time: 3.00 p.m. - 5.21 p.m.

Attendees:

Councillors

Amanda McClaren

Debra Bower

Malcolm Little

John Mason

Kate Stothers (*attended meetings at 5.03 p.m.*)

Alistair Thomson

Graeme (Mick) Williams

Officer/s

Phil Howard (Acting Chief Executive Officer)

David Roff (Group Manager, Corporate and Community)

Jeff Saker (Group Manager, Community Assets)

Emma Kubeil (Acting Group Manager, Innovation and Performance)

Apologies

Nil

Declarations of Interest

The Mayor advised she had an Conflict of Interest in Item 2.2 and would be leaving the meeting when the matter was discussed

1. Drought Communities Programme
2. Sponsorship Requests

2.1 Cuppa with a Copper and a Councillor

4.15 p.m.

The Mayor declared her Interest and left the meeting

Cr Mason was elected as Acting Chair for the period of absence of the Mayor

2.2 Avenel Primary School Sponsorship

4.16 p.m.

The Mayor returned to the meeting and assumed the role of Chair

3. Regional Infrastructure Fund - Potential Application
4. Review of Special Council Meeting Agenda
5. Item/s for Discussion
6. Special Council Meeting

Councillor/s - Declaration of Interest/s / Direct or Indirect

| Matter No. | Names of Councillor/s who disclosed interest | Did the Councillor/s leave the meeting? |
|------------|--|---|
| Item 2.2 | Cr McClaren | Yes |

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL

| Matter No. | Names of Officer/s who disclosed interest | Did the Officer/s leave the meeting? |
|------------|---|--------------------------------------|
|------------|---|--------------------------------------|



Record of Assembly of Councillors

Record in accordance with sections 77 and 80A(1) of the *Local Government Act 1989*

Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillors Forum
Date of Meeting: Tuesday 12 November 2019
Time: 12.30 p.m. – 6.29 p.m.

Attendees:

Councillors

Amanda McClaren
Debra Bower
Malcolm Little
John Mason
Kate Stothers
Alistair Thomson (*attended meetings at 6.00 p.m.*)
Graeme (Mick) Williams

Officer/s

Phil Howard (Acting Chief Executive Officer)
David Roff (Group Manager, Corporate and Community)
Jeff Saker (Group Manager, Community Assets)
Emma Kubeil (Acting Group Manager, Innovation and Performance)

Apologies

Nil

1. Councillors Discussions
- Declarations of Interest
2. On-line Mapping
3. Kerbside Collection Services Policy Review
4. Economic Development Master Plan
5. Review of Special (Statutory) Meeting Agenda
6. Review of Draft November Ordinary Council Meeting Agenda
7. Item/s for Discussion
 - 7.1 Tidy Towns Sustainable Communities 2019 Awards
Fruit Fly Project
 - 7.2 Fire at Benalla Tip
 - 7.3 Tender Update
8. Special (Statutory) Council Meeting

Councillor/s - Declaration of Interest/s / Direct or Indirect - NIL

Officer/s - Declaration of Interest/s / Direct or Indirect - NIL

Record of Assembly of Councillors

Record in accordance with sections 77 and 80A(1) of the *Local Government Act 1989*

Note: Details of matters discussed at the meeting that have been designated confidential under section 77 of the Local Government Act 1989 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillors Forum
Date of Meeting: Tuesday 19 November 2019
Time: 2.30 p.m. – 7.19 p.m.

Attendees:

Councillors

Amanda McClaren
Malcolm Little
John Mason
Kate Stothers
Alistair Thomson
Graeme (Mick) Williams

Officer/s

Phil Howard (Acting Chief Executive Officer)
David Roff (Group Manager, Corporate and Community)
Jeff Saker (Group Manager, Community Assets)
Emma Kubeil (Acting Group Manager, Innovation and Performance)

Apologies

Councillor Debra Bower

1. Councillors Discussions
- Declarations of Interest
2. Goulburn Valley Water – Water Update by General Manager – Service Delivery
3. Briefings -
 - Draft new Disposal of Council Assets Policy 2019
 - Draft new Gifts, Benefits and Hospitality Policy
4. November Ordinary Council Meeting Agenda Review
5. Consideration of Sale
6. Items for Discussion
 - 6.1 1. ARTC Inland Rail Proposal / Euroa Township Strategy
 2. Euroa Inland Rail (ATC) Working Group submission to Council
 - 6.2 Euroa Rotary Club – request to relocate unused BBQ shelter from Brock Street to Rotary Park
 - 6.3 Cr Williams
 - Turnbull Street Bore ~ increase to hours of access
7. November Ordinary Council Meeting

Councillor/s - Declaration of Interest/s / Direct or Indirect - NIL

Officer/s - Declaration of Interest/s / Direct or Indirect – NIL

RECORD OF MEETINGS OF SPECIAL COMMITTEES OF COUNCIL

Record of Minutes of Meetings received in the November / December 2019 Period

| Name of Special Committee | Date of Meeting |
|----------------------------------|------------------------|
| | |
| | |



10. NOTICES OF MOTION

11. URGENT BUSINESS

12. CLOSURE OF MEETING TO THE PUBLIC

7.17 p.m.

CRS LITTLE/WILLIAMS –

That Council, in conformance with Section 89(2) of the Local Government Act 1989, resolve to close the meeting to members of the public for the purpose of considering items relating to:-

- Ground(s) under section 89(2):

89(2)(d)

Contractual Matters

C.P. 1 Contract No. 17-18-49

- Provision of Arboriculture Services

C.P. 2 Contract No. 19-20-14

- 2019-20 Supply of Motor Grader

89(2)(h)

Any other matter which the Council or special committee considers would prejudice the Council or any person

C.P. 3 2020 Australia Day Shire-wide Award Winners

39/20

ON BEING PUT, THE MOTION WAS CARRIED

7.30 p.m.

CRS BOWER/MASON -

That Council open the meeting to members of the public and resume normal business.

43/20

ON BEING PUT, THE MOTION WAS CARRIED

13. CONFIRMATION OF 'CLOSED PORTION' DECISION/S

Closed Portion Decision/s -

C.P. 1 Contract No. 17-18-49 ~ Evaluation Report
- Provision of Arboriculture Services

RECOMMENDATION

That Council having publicly advertised for tender proposals relating to Contract 17/18-49 – Provision Arboriculture Services and evaluated the compliant tender proposals received:

- 1. Award the Separable Parts of the contract A - Large scale natural disaster emergency tree services to:**
Tenderer 1 Arboressence Pty Ltd;
Tenderer 5 North East Tree Services
Tenderer 6 Smith's Tree Services Victoria
Tenderer 7 H&K Doyle Pty Ltd TA Tree Solutions
Tenderer 8 Kenyons Tree Tactics Pty Ltd
Tenderer 9 Wright Out Pty Ltd

- 2. Award the Separable Parts of the contract B - Emergency response and clean up services to:**
Tenderer 9 Wright Out Pty Ltd
Tenderer 1 Arboressence Pty Ltd;
Tenderer 6 Smith's Tree Services Victoria

- 3. Award the Separable Parts of the contract C - General Tree Works to:**
Tenderer 9 Wright Out Pty Ltd
Tenderer 1 Arboressence Pty Ltd;
Tenderer 8 Kenyons Tree Tactics Pty Ltd

- 4. Award the Separable Parts of the contract D – Tree Root Maintenance to:**
Tenderer 9 Wright Out Pty Ltd
Tenderer 1 Arboressence Pty Ltd;
Tenderer 6 Smith's Tree Services Victoria

- 5. Award the Separable Parts of the contract E - Tree planting, maintenance and establishment to:**
Tenderer 9 Wright Out Pty Ltd
Tenderer 1 Arboressence Pty Ltd;

- 6. Award the Separable Parts of the contract F – Rural Road Canopy Clearing to:**
Tenderer 1 Arboressence Pty Ltd
Tenderer 9 Wright Out Pty Ltd



13. CONFIRMATION OF 'CLOSED PORTION' DECISION/S (cont.)

C.P. 1 Contract No. 17-18-49 ~ Evaluation Report
- Provision of Arboriculture Services (cont.)

RECOMMENDATION (cont.)

7. Award the Separable Parts of the contract G - Pest and disease management to:

Tenderer 6 Smith's Tree Services Victoria
Tenderer 1 Arboessence Pty Ltd;

8. Award the Separable Parts of the contract H - Electric Power Line Clearing to:

Tenderer 6 Smith's Tree Services Victoria
Tenderer 5 North East Tree Services

for a period of three years with two twelve month options for extension (five years in total);

9. Advise the other tenderers that they have been unsuccessful;

10. Endorses the signing and sealing of the Contract documents once received.

40/20 CRS THOMSON/WILLIAMS : That the Recommendation be adopted.

CARRIED



13. CONFIRMATION OF 'CLOSED PORTION' DECISION/S (cont.)

**C.P. 2 Contract No. 19-20-04 ~ Evaluation Report
- 2019-20 Supply of Motor Grader**

RECOMMENDATION

1. That the tender received from William Adams Pty Ltd of 200 Melbourne Road, Wodonga for Contract 19-20-04 for the 66 (sixty six) month operational lease of one new Caterpillar 12M Motor Grader for a total cost \$421,858 ex GST (66 monthly payments of \$6391.78 ex GST) be accepted by Council.
2. That the unsuccessful tenderers be advised.
3. That Council endorses the signing and sealing of the contract documents once received.

41/20 CRS WILLIAMS/LITTLE : That the Recommendation be adopted.

CARRIED

C.P. 3 2020 Australia Day Shire-wide Award Winners

RECOMMENDATION

That the Council awards the following recipients for the Shire-wide awards in 2020:

Due to the determined Recommendation for this item requiring confidentiality, it will not be recorded in the public component of the meeting.

42/20 CRS BOWER/MASON : That the Recommendation be adopted.

CARRIED

13. CONFIRMATION OF 'CLOSED PORTION' DECISION/S (cont.)

RECOMMENDATION

CRS WILLIAMS/BOWER -

That the decision/s of Council's 'Closed Portion' considerations be confirmed.

43/20

ON BEING PUT, THE MOTION WAS CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.31 P.M.

Confirmed as being a true and accurate record of the Meeting


.....
Chair

18/02/2020
.....
Date

