

Strathbogie Shire Council

Council Meeting Agenda

October 2022

Acknowledgement of Country

We acknowledge the traditional custodians of the lands on which we strive, the peoples of the rivers and the hills of the Strathbogie Shire region who walked these lands for generations.

We pay our respects to the elders of the past, and the speakers of the first words, who lived in harmony with this country.

We acknowledge the elders of the present, who seek to regain their culture, and to teach the elders of the future their law, their history and their language.

We pay our respects to them and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

We honour their spirit – and the memory, culture, art and science of the world's oldest living culture through 60,000 years.

Agenda

Council Meeting

Tuesday, October 18, 2022, at 6pm

Meeting to be held virtually and livestreamed on Council's website:

<https://www.strathbogie.vic.gov.au/council/our-council/council-meetings-and-minutes/>

Council:

Cr Laura Binks (Mt Wombat Ward) – Mayor
Cr Paul Murray (Hughes Creek Ward) – Deputy Mayor
Cr David Andrews (Lake Nagambie Ward)
Cr Reg Dickinson (Lake Nagambie Ward)
Cr Sally Hayes-Burke (Seven Creeks Ward)
Cr Kristy Hourigan (Seven Creeks Ward)
Cr Chris Raeburn (Honeysuckle Creek Ward)

Officers:

Julie Salomon – Chief Executive Officer
Amanda Tingay – Director Community and Planning
Dawn Bray – Director People and Governance
Vlad Adamek – Director Sustainable Infrastructure
Kristin Favaloro – Executive Manager Communications and Engagement

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1. Welcome
2. Acknowledgement of Country
3. Apologies / Leave of Absence
4. Disclosure of Conflicts of Interest
5. Confirmation of Minutes of Previous Meetings

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday, September 20, 2022, be confirmed.

6. Petitions
7. Reports of Mayor and Councillors and Delegates
8. Public Question Time
9. Officer Reports
 - 9.1 Strategic and Statutory
 - 9.2 Community
 - 9.3 Infrastructure
 - 9.4 Corporate
 - 9.5 Governance and Customer Service
 - 9.6 Executive
10. Notices of Motion
11. Notices of Rescission
12. Urgent Business
13. Confidential Business

Julie Salomon
Chief Executive Officer
October 14, 2022

Next meetings

The next meeting of the Strathbogie Shire Council will be the Annual Statutory Meeting, which is scheduled to be held on Tuesday, November 8, 2022, at the Euroa Community Conference Centre, at 6pm.

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, November 15, 2022, at the Euroa Community Conference Centre, at 6pm.

Public question time

Questions for the Ordinary Council Meeting can be submitted to be read, and responded to, by the Mayor during the Public Question Time. Questions must be submitted before 12 noon on Tuesday, November 15, 2022, by emailing info@strathbogie.vic.gov.au.

Public Question Time will be conducted as per Rule 31 of Strathbogie Shire Council's Governance Rules. The required [form](#) for completion and lodgement, and associated [Procedural Guidelines](#), can be found on Council's website at www.strathbogie.vic.gov.au.

As the questions are a permanent public record and to meet the requirements of the Privacy and Data Protection Act 2014, only the initials of the person asking the question will be used together with a Council reference number.

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9. OFFICER REPORTS

9.1 STRATEGIC AND STATUTORY PLANNING

9.1.1 Planning Permit Application No. P2022-071: Use and Development for a Dwelling on Crown Allotment 2a Section B Parish Of Merton ~ Strathbogie Road Strathbogie Vic 3666

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

An application has been received for the use and development for a dwelling on a small lot in the Farming Zone. The lot is not identified in the Rural Residential Strategy 2004 for managed rural residential development.

The lot measures 0.8 hectares in an area where the minimum lot size is 40 hectares for an as of right use for a dwelling. The lot is adjacent to large farming enterprises – all greater than 40 hectares, and all carrying out grazing and animal production. The farms range in size from 67ha to 140 hectares.

It is known that where lifestyle dwellings are set amongst farming activities, there is conflict between the two uses. Introduced lifestyle lots can have adverse effects on farming activities due to complaints that maybe received due to noise, dust, chemical use, scare guns, firearms use and non-urban working hours etc. The dwelling may have expectations of road upgrades, increase in farming land prices due to lifestyle lots being allowed, introduction and exacerbation of pests and impact on biosecurity and the inability to expand and / or change the farming activities.

The proposal was advertised to adjacent and nearby owners and occupiers by way of letters and the application was displayed on Council's website. No objections have been received.

Given the proposal is not weighted in favour of support when assessed against the planning scheme, the assessing officer makes a recommendation of refusal.

This application is being heard before Council, as it was 'called in' by Councillor Kristy Hourigan prior to the new policy parameters and associated templates came into effect.

9.1.1 Planning Permit Application No. P2022-071: Use and Development for a Dwelling on Crown Allotment 2a Section B Parish Of Merton ~ Strathbogrie Road Strathbogrie Vic 3666 (cont.)

RECOMMENDATION

That Council:

1. ***Having caused notice of Planning Application No. P2022-071 to be given under Section 52 of the Planning and Environment Act 1987 and or the planning scheme; and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Strathbogrie Planning Scheme in respect of the land known as (V11456 F114 CA 2A SEC B Parish of Wondoomarook) Crown Allotment CA2A Section B Merton-Strathbogrie Road, Strathbogrie VIC 3666, for the Use and Development for a Dwelling for the following reasons:***
 - a) ***The proposal does not support the Purpose of the Farming Zone and does not weight in favour of support when assessed against the appropriate decision guidelines of the Farming Zone:***
 - ***The proposal for a dwelling has no connection to farming.***
 - ***The proposal has the potential to limit operation and expansion of adjoining and nearby agricultural uses.***
 - ***The proposal will lead to proliferation of dwellings in the area which are not connected to farming, with potential for adverse impacts.***
 - b) ***The proposal, when assessed against the policy throughout the Strathbogrie Planning Scheme, is not weighted in favour of support. The relevant policy that provides direction are:***
 - a. ***Clause 02.03-4 – given the proximity to Melbourne and major regional centres, and the scenic nature of the area, there is a continual demand for rural lifestyle development not associated with farming. This leads to land use conflicts between residential uses and rural industries.***
 - b. ***Clause 13 – the risk of the development for erosion and landslide has not been assessed and therefore is an unknown. The proposal cannot be supported without assessment of the risk.***
 - c. ***Clause 14 – the proposal does not protect the state's agricultural base as it is an incompatible use with farming, in this location.***

PURPOSE AND BACKGROUND

The proposal is to use and develop land for a dwelling on a lot of 0.8 hectares in an area that has a minimum lot size of 40 hectares for an as of right use for a dwelling.

The proposal was advertised to adjacent and nearby owners and occupiers by way of letters and the application was displayed on Council's website. No objections have been received.

A site visit was undertaken on a number of occasions to assess site and surrounds.

9.1.1 Planning Permit Application No. P2022-071: Use and Development for a Dwelling on Crown Allotment 2a Section B Parish Of Merton ~ Strathbogie Road Strathbogie Vic 3666 (cont.)

The proposal was referred internally to Council's Engineering and Environmental Health Departments and externally as required by the planning scheme to Goulburn Murray Water given the subject site is within the water catchment area. No objections were received.

Consultation was sought with Council's Strategic Planning Team who advised accordingly in regards to the Rural Residential Strategy 2004 and future investigations for rural residential development.

The applicant was informed that the proposal was unlikely to be supported post initial assessment.

The proposal was assessed against the planning scheme and was weighted in favour of refusal.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the Planning and Environment Act 1987 (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of land within the municipality.

Under delegated authority of Council, Council Officers determine some matters, particularly where no objections have been received. This application is being heard before Council, as it was 'called in' by a Councillor Kristy Hourigan prior to the new policy parameters and associated templates came into effect.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Individual applications consider these requirements through assessment phase of each application as per the Planning and Environment Act 1987 and the provisions of the Strathbogie Planning Scheme. The application was advertised to adjacent and nearby owners and occupiers. The proposal was accessible on Council's website. The notice was carried out in accordance with the legislation.

The applicant was informed that the proposal was unlikely to be supported post initial assessment.

Council Plans and Policies

There are no implications on the Council Plan or any Council policy as a result of this decision.

9.1.1 Planning Permit Application No. P2022-071: Use and Development for a Dwelling on Crown Allotment 2a Section B Parish Of Merton ~ Strathbogie Road Strathbogie Vic 3666 (cont.)

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the Planning Officer Report (attachment 1).

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The Planning and Environment Act 1987 and Strathbogie Planning Scheme provide the relevant legal frameworks against which planning applications are assessed. This proposal is being considered under Section 61 of the Planning and Environment Act 1987.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

The declaration is made within the body of the Planning Officer Report as attached.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard before Council, as it was 'called in' by a Councillor before the new policy parameters and associated templates came into effect.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

This proposal is not supported as it will impact detrimentally on the local, state and national economy should productive farming land be incrementally eroded due to unmanaged demand for rural lifestyle development.

Social

There could be a detrimental impact on the farming community's social cohesion, health and wellbeing, and support of each other, due to the encroachment of rural lifestyle development.

9.1.1 Planning Permit Application No. P2022-071: Use and Development for a Dwelling on Crown Allotment 2a Section B Parish Of Merton ~ Strathbogie Road Strathbogie Vic 3666 (cont.)

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987*.

Climate change

The report is recommending that Council issue a notice of decision to refuse to grant a permit. However, it is important to highlight that the Strathbogie Planning Scheme has incorporated broader considerations on Climate Change and any works would be required to comply with relevant legislation.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Internal consultation included Strategic Planning, Environmental Health and Engineering.

External referral was required to Goulburn Murray Water given the subject site is within the water catchment area.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Refuse to Grant a Permit.

ATTACHMENTS

Attachment 1: Planning Officer Report (*separate document*)

Attachment 2: Plans (*separate document*)

9.1.2 Planning Permit Application No. P2021-052: Use of Land for a Store (Earthmoving Equipment on Site and Cars within Existing Shedding), on Lot 29 on Plan of Subdivision 099517, Certificate of Title Volume 9100 Folio 253 ~ Taylor Drive, Miepoll Vic 3666

Author: Senior Planning Officer

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

An application has been received for the use of land for a Store in the Farming Zone. The application is seeking retrospective approval. The proposed store includes two different components. The first is the storage of personal car collection and memorabilia in the existing shedding. The second being the storage of earthmoving equipment externally on the site. The earthmoving activity has grown since the lodging of the initial application and is considered to be utilised in a similar manner to a work depot.

This site has an area 3.348 hectares and contains scattered shedding. The lot is identified as Area 5 in the Rural Residential Strategy 2004. The site is located approximately 9 kilometres northwest of the Euroa. It is accessible via an unsealed road and set amongst rural residential properties. These properties are mostly developed through precedent that has been established by Council over the years. The land is partially affected by the Land Subject to Inundation Overlay.

The application was advertised to surrounding landowners. Six (6) objections/submissions were received.

The proposal, having been assessed against the planning scheme, is not weighted in favour of support when assessed against the planning scheme, the assessing officer makes a recommendation of refusal.

RECOMMENDATION

That Council

1. *Having caused notice of Planning Application No. P2021-052 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Strathbogie Planning Scheme in respect of the land known as (Lot 29 on Lodged Plan 099517), Taylor Drive, Miepoll VIC 3666, for the Use and development of the land for a Store (earthmoving equipment on site, and cars within existing shedding), based on the following grounds:*

- a) *The proposal does not weight in favour; when assessed against what are considered appropriate decision guidelines of the Farming Zone:***
- it is incompatible with adjoining and nearby land uses***
 - The area is used for rural residential living as identified in the 2004 Rural Residential Strategy.***

- 9.1.2 Planning Permit Application No. P2021-052: Use of Land for a Store (Earthmoving Equipment on Site and Cars within Existing Shedding), on Lot 29 on Plan of Subdivision 099517, Certificate of Title Volume 9100 Folio 253 ~ Taylor Drive, Miepoll Vic 3666 (cont.)

RECOMMENDATION (cont.)

- b) The proposal, when assessed against the policy throughout the Strathbogie Planning Scheme, is not weighted in favour of support. The relevant policy that provides direction are:**
- a. Clause 02.03-3 - Environmental Risk - the proposed activity may pose an environmental risk as it has the potential to pollute waterways and soils, particularly during flood events.**
 - b. Clause 12.03-1S - River Corridors, Waterways, Lakes and Wetlands - the proposal may lead to potential pollution of waterways.**
 - c. Clause 13 – Environmental Risks and Amenity - the siting of the proposed Use has the potential to harm the environment, human health and amenity through incompatible land use.**
 - d. Clause 13.02-1S- Bushfire - the proposed Use has elements which increase the fire risk within the existing residential settlement.**
 - e. Clause 13.03-1S - Floodplain Management - the proposed activity may lead to the contamination (oils, fuel, chemicals) of floodwaters.**
 - f. Clause 13.04-1S - Contaminated and potentially contaminated land**
The application is retrospective, there are concerns appropriate measures have not been in place and contamination of soils and water may have already occurred. The proposed Use may not be able to be mitigated and lead to future contamination. The land is identified in a rural residential area which is a sensitive use.
 - g. Clause 13.05-1S Noise Management - the proposed activity has the potential to impact on the health of the occupants of nearby rural dwellings from noise exposure.**
 - h. Clause 13.07-1S – Land Use Compatibility – the proposed Use is incompatible with adjoining and nearby residential land uses due to amenity and pollution concerns.**
 - i. Decision Guidelines of Clause 65 – the proposed store will result in a compatibility issue with the surrounding residential land uses. The level of the proposed activity is considered not in keeping with the existing neighbourhood character. The Use is not associated or in accordance with a Home-Based Business. The proposed activity will cause an impact on the amenity of the residents. Additionally, the proposal may also result in pollution to the surrounding environment.**

PURPOSE AND BACKGROUND

The purpose of the report is to bring before Council a recommendation in response to an application for a Store in the Farming Zone. The application has received five objections and one submission detailing concerns regarding the proposal.

The proposed use is currently operating on the land and the applicants are seeking retrospective approval.

9.1.2 Planning Permit Application No. P2021-052: Use of Land for a Store (Earthmoving Equipment on Site and Cars within Existing Shedding), on Lot 29 on Plan of Subdivision 099517, Certificate of Title Volume 9100 Folio 253 ~ Taylor Drive, Miepoll Vic 3666 (cont.)



Image 1: Subject Site – Taylor Drive Miepoll

This application came about by way of complaints and a planning application was lodged at the direction of Council's Compliance Officer.

The landowner intends to store personal car collection and memorabilia in the existing sheds.

An earthmoving business is being operated from the site currently and earthmoving equipment is moved to and from the subject site to external work sites during the day, including the weekend, and are stored overnight on the subject site, if not left on the job site.

Vehicles that are stored and moved to and from the site are:

- HR and LR trucks
- excavator
- pozzitrack loader
- wheeled bobcat
- assortment of attachments and implements
- triaxle trailer
- landscaping tipper trailer
- maintenance supplies and spare parts
- landscaping tools and stock.

9.1.2 Planning Permit Application No. P2021-052: Use of Land for a Store (Earthmoving Equipment on Site and Cars within Existing Shedding), on Lot 29 on Plan of Subdivision 099517, Certificate of Title Volume 9100 Folio 253 ~ Taylor Drive, Miepoll Vic 3666 (cont.)

The site does not contain a dwelling, it has an area of 3.348 hectares and contains scattered shedding. The subject site is not serviced and relies on a 10-metre-wide drainage easement that bisects the property in a north-south direction in the middle of the property which then intersects with watercourses that feed into the Seven Creeks. The site is partially within the Land subject to Inundation Overlay.

The land is located in the Farming Zone and is identified as Area 5 in the 2004 Strathbogie Shire Rural Residential Strategy. The Strategy provides for controlled development of small farming zoned lots for rural residential development.

It is quite clearly evidenced that this small settlement has been developed over the years for 'rural residential lifestyle' and the amenity expectation would be and is acknowledged as being different to that in other areas of the Farming Zone.

Figure 5: Area 5 (Arcadia-Two Chain Road)



Image 2: Area 5 – 2004 Rural Residential Strategy

9.1.2 Planning Permit Application No. P2021-052: Use of Land for a Store (Earthmoving Equipment on Site and Cars within Existing Shedding), on Lot 29 on Plan of Subdivision 099517, Certificate of Title Volume 9100 Folio 253 ~ Taylor Drive, Miepoll Vic 3666 (cont.)



Image 3: Identified Area 5 for rural residential development (south-eastern sections off Arcadia Two Chain Road) – subject site

The proposal was referred to Strathbogie Shire Council's Health and Engineering Departments, and Goulburn Broken Catchment Management Authority who gave Conditional consent.

The application has undergone mediation with the earthmoving business owner regarding possible amendments due to concerns regarding the amenity and environmental concerns. On completion of the final assessment the applicants were informed that the proposal was unlikely to be supported by planning officers.

The proposal was assessed against the Strathbogie Planning Scheme and was weighted in favour of refusal.

9.1.2 Planning Permit Application No. P2021-052: Use of Land for a Store (Earthmoving Equipment on Site and Cars within Existing Shedding), on Lot 29 on Plan of Subdivision 099517, Certificate of Title Volume 9100 Folio 253 ~ Taylor Drive, Miepoll Vic 3666 (cont.)

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the Planning and Environment Act 1987 (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of land within the municipality.

Under delegated authority of Council, Council Officers determine some matters.

This application is to be determined by Council in accordance with Council's Planning Permit Applications Referral to Council Policy.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making. Individual applications consider these requirements through assessment phase of each application as per the Planning and Environment Act 1987 and the provisions of the Strathbogie Planning Scheme. The application was advertised to the neighbouring lots.

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- sending letters to adjoining landowners
- Placing (a) sign on site
- Notification of the application on Council's website.

Six objections/submissions have been received.

The matters raised by objectors/submitters are as follows:

- Reducing the quality of life and amenity of the residents in the surrounding rural residential area.
- Impact on existing flora and fauna resulting in the loss of biodiversity values.
- Sedimentation discharge and runoff into the water catchment area and Seven Creeks.
- Detrimental impacts on the existing ecosystem within the site and surrounding environment leading to the broader agricultural area
- Loud noises generated by the earth moving trucks and equipment (Commercial Traffic).
- Burning of stockpiles resulting in poor air quality.
- Road damage along Taylor Drive from heavy earth moving trucks.
- Existing livestock and native wildlife within the surrounding area affected.
- Increase traffic and associated increase in noise, dust and road damage as a result.

9.1.2 Planning Permit Application No. P2021-052: Use of Land for a Store (Earthmoving Equipment on Site and Cars within Existing Shedding), on Lot 29 on Plan of Subdivision 099517, Certificate of Title Volume 9100 Folio 253 ~ Taylor Drive, Miepoll Vic 3666 (cont.)

- Dumping/Rubbish collected from contract clearing
- Non-compliance with state and local planning policy of the Strathbogie Planning Scheme.

A site visit was completed. Consultation has been carried out with the objectors/submitter. Further information is contained within the Planning Officer Report (attachment 1).

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Response to state policy is included within the Planning Officer Report attached (attachment 1).

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

There is no conflict of interest and the declaration is included within the Planning Officers Report attached.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as the proposal has six (6) objections to the proposed use and development of land for a Store (Earthmoving equipment on site and cars within existing shedding), in accordance with Council's Planning Permit Applications Referral to Council Policy. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

- 9.1.2 Planning Permit Application No. P2021-052: Use of Land for a Store (Earthmoving Equipment on Site and Cars within Existing Shedding), on Lot 29 on Plan of Subdivision 099517, Certificate of Title Volume 9100 Folio 253 ~ Taylor Drive, Miepoll Vic 3666 (cont.)

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

There are no broader economic implications from the proposal or as a result of this application.

Social

There will be a detrimental impact on the existing rural residential development, and community within this area. The proposal is not compatible with the surrounding properties, existing uses. Amenity of the residents will be affected including their health and wellbeing due to the effects of the proposed use.

Environmental

The application has been assessed against the relevant provisions of the Planning and Environment Act 1987. The proposal has the potential to cause pollution and have detrimental noise impacts. The proposal includes the operation of an earthmoving business in close proximity to neighbouring rural residential lots. It may also result in further habitat fragmentation / loss.

Climate change

This report recommends that Council issue a Notice of Decision to Refuse to Grant a Permit. However, the Strathbogie Planning Scheme has incorporated broader considerations on Climate Change and any works would be required to comply with relevant legislation.

HUMAN RIGHTS CONSIDERATIONS

There will be a detrimental impact on the impact on the existing rural residential development, and settlement within this area. The proposal is not compatible with the surrounding properties, existing uses. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Refuse to Grant a Permit.

ATTACHMENTS

Attachment 1: Planning Officer Report (*separate document*)

Attachment 2: Subject Land Map (*separate document*)

Attachment 3: Locality Map (*separate document*)

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669

Author: Senior Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

The proposal is for the use of land for a Multi Lot Subdivision at Lot 5 on Plan of Subdivision 748655B Certificate of Title Volume 12032 Folio 918 12 Orchid Street, Violet Town VIC 3669. This also includes the creation of sewer and drainage easements and the removal of native vegetation (which is deemed lost due to the creation of lots with an area less than 0.4 hectares).

The original application was lodged on the 23 June 2021. An initial assessment of the application was undertaken, however it was deemed that the proposal did not meet the requirements of Clause 56 under the Strathbogie Planning Scheme. Consultation was undertaken with the applicant, and subsequently revised plans were submitted to Council.

The plan of subdivision received by Council on the 29 September 2021 was advertised in early November 2021. Following the advertising period, thirteen (13) Objections/Submissions were received. The majority of concerns raised by Objectors includes but not limited to:

- Protection of Avenue of Remembrance/Honour
- High density living
- Lot size
- Traffic
- Drainage
- Character of the area.

Following the completion of the advertising period, Officers undertook extensive consultation with the objectors and applicant including onsite meetings, correspondence (both verbal and written) and stakeholder specific meetings including qualified arborists. As part of this process, one (1) objection and one (1) submission were withdrawn subject to conditions being included on any planning permit issued.

A detailed planning assessment was undertaken on this revised application. Following this assessment, it was considered that Officers would not support the application in its current format due to the impact on the Avenue of Remembrance/Honour. The applicant was informed of this assessment and was advised that a further revised plan be submitted demonstrating the removal of crossovers within the Avenue of Remembrance/Honour. The final revised plan was submitted on the 9 September 2022. This final revised plan was advertised, and one (1) objection has since been withdrawn. There remain eleven (11) objections to this planning permit application.

Upon final assessment, it is considered the proposal meets the objectives of the Municipal Planning Strategy, Planning Policy Framework, the General Residential Zone.

It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION

That Council:

having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.08, Clause 52.02, Clause 52.17, Clause 52.29, Clause 53.01 and Clause 56, Municipal Planning Strategy and Planning Policy Framework of the Strathbogie Planning Scheme in respect of the land known as Lot 5 on Plan of Subdivision 748655B, Certificate of Title Volume 12032 Folio 918 12 Orchid Street, Violet Town VIC 3669 for a Multi Lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plan Subdivision:

1. ***The subdivision and development must be generally in accordance with the endorsed plans and permit. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.***

Section 173 Agreement

2. ***Prior to the issue of Statement of Compliance, a Section 173 Agreement must be entered into that provides for the following requirements:***
 - a) ***Must not permit any dwelling without separate 10,000 litre rainwater storage tanks and any dwelling or associated buildings not plumbed to supply re-use water for toilets and garden.***
 - b) ***Native trees on Lots 10 and 11 must not be removed without prior consent from the Responsible Authority. (This does not include the trees marked for removal on the plan of subdivision).***
 - c) ***Any works undertaken on or around the Avenue of Remembrance/Honour must obtain prior consent from the Responsible Authority.***
This includes but not limited to:
 - ***Construction of crossovers***
 - ***Pruning***
 - d) ***No secondary access will be permitted on lots 11,12,13,14,15,16,17,19.***
 - e) ***The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Council prior to construction. A copy of each of the approved plans will be held by Council for future reference.***
 - f) ***The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems".***

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).

- g) A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network. www.designmanual.com.au*
- h) Each on-site detention stormwater system must be constructed either prior to, or currently with, the construction of any dwelling on the specified lots. Each on-site detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans.*
- i) The owner will maintain, and not modify without prior Council written approval, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times.*

The Owner will pay for all the costs associated with the preparation of the Section 173 Agreement. The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Avenue of Remembrance/Honour

- 3. Works within an area of greater than 10% of the Tree Protection Zone of any tree require a tree root investigation to determine the actual location and extent of tree roots by a qualified person to the satisfaction of the Responsible Authority.*
- 4. Development plans should then be made to avoid significant root damage to the subject tree.*
- 5. Any required pruning is performed by qualified Arborists to comply with AS 4373 2007 - Australian Standard: Pruning of Amenity Trees.*

Tree Protection Specifications

- 6. The following tree protection specifications must be met:*
 - a) A "Tree Maintenance Program" shall be implemented before, during, and after construction to increase and maintain the health of the tree/s.*
 - b) A "Tree Protection Zone" is to be established around the tree/s. Chain-mesh fencing (at least 1.6 meters high) should be installed no closer to the trunk of the tree/s than the "Tree Protection Zone" measurement for the relevant tree, as specified in this document, or by a qualified Arborist.*

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

- c) This fencing should be installed before construction works commence. The fencing shall contain signage with the words “KEEP OUT - TREE PROTECTION ZONE”.*
- d) The surface of the Tree Protection Zone shall be covered to a depth of approximately 150mm with coarse woodchips, mulch, or similar matter. This shall be replenished as required.*
- e) No such material should be applied within 50mm of the trunk of any tree to be retained.*
- f) The Tree Protection Zone shall be irrigated regularly where required, as directed by the Consulting Arborist.*
- g) The relevant tree/s shall be pruned to remove any deadwood and stumps greater than 25mm in diameter from the tree canopy prior to the commencement of construction. Some live branches may also need to be removed for clearance and/or access.*
- h) Connected roots greater than 25mm in diameter should not be torn from the ground by machinery. Any encountered root greater than 25mm in diameter shall be severed cleanly with sharp secateurs or a sharp hand saw. Any damaged areas of root should be removed.*
- i) A suitably qualified Arborist shall perform all pruning works to meet or exceed the Australian Standard for the Pruning of Amenity Trees (AS 4373-1996).*
- j) Grade changes are prohibited within the Tree Protection Zone. The existing soil levels within the Tree Protection Zone are to be maintained.*
- k) Any digging within the Tree Protection Zone is prohibited without the written consent of the Consulting Arborist. This includes hand-dug trenches.*
- l) Where the installation of utilities/services through the Tree Protection Zone is unavoidable, they shall be bored below the trees root system at a depth to be determined by the Consulting Arborist.*
- m) Multiple installations shall be organised to use a common route.*
- n) No equipment of any sort shall be attached to the tree/s in any way.*
- o) The Consulting Arborist shall be notified when the tree/s incur damage of any sort.*
- p) Storm water run-off paths and water table levels and their respective effects on tree health should be considered in the planning phase of the development.*
- q) No material, equipment, or waste should be deposited, stored, or parked within the Tree Protection Zone during the period of construction.*
- r) A suitably qualified Arborist should inspect and monitor the tree/s frequently during construction, and every 6-12 months thereafter.*

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

Engineering Conditions:

Street/Road Name Allocation

7. ***Before the plan of subdivision is certified under the Subdivision Act 1988, the applicant must lodge an application to the Council's Street Naming Committee for the approval of any street names and street numbers on the proposed plan of subdivision.***
8. ***Prior to the Certification under the Subdivision Act 1988, any easements for the purpose of draining lots to the legal point of discharge or ensuring continued vehicle access in maintained must be created.***

Construction Management Plan

9. ***Prior to the commencement of works, including any demolition and excavation, and Certification being issued, a Construction Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and provide details of the following:***
 - a) ***Hours for construction activity in accordance with any other condition of this Permit;***
 - b) ***Measures to control noise, dust, litter, water and sediment laden runoff;***
 - c) ***Measures to inform adjacent residents of work schedules;***
 - d) ***Measures relating to removal of hazardous or dangerous material from the site, where applicable;***
 - e) ***A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors / tradespersons upon completion of such areas, without delay;***
 - f) ***Contact details of key construction site staff;***
 - g) ***A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves;***
 - h) ***Any other relevant matters.***

Site Environment Management Plan

10. ***Prior to the commencement of works, a Site Environment Management Plan (SEMP), must be submitted to and approved by the responsible authority and, where relevant, other authorities. When approved, the plan will be endorsed and form part of this planning permit.***
11. ***The approved SEMP must be implemented to the satisfaction of the Responsible Authority.***

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

Traffic Management Plan

12. ***Prior to the commencement of works, and Certification being issued, a Traffic Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been approved by the Responsible Authority. The plan must be in accordance with the IDM and provide details of the following:***
- a) ***Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;***
 - b) ***A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;***
 - c) ***Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;***
 - d) ***Any other relevant matters.***

Stormwater Management Plan

13. ***Prior to works commencing and Certification being issued, a properly prepared Stormwater Management Plan with an Overland Flow Analysis, with computations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual. The information and plans must include:***
- a) ***how all storm-water deposited upon, and transferred through, the developed site during a minor 20% AEP rainfall event is collected and conveyed by underground pipes to a legal point of discharge nominated by the Responsible Authority;***
 - b) ***how all storm-water runoff originating from, or currently flowing through, the developed site in a major 1% AEP rainfall event is collected and conveyed by secure overland and/or underground flood pathways to a legal point of discharge identified by the Responsible Authority;***
 - c) ***computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority;***
 - d) ***independent drainage for each lot (for subdivisions only);***
 - e) ***location of the overland flow paths within the development;***
 - f) ***each proposed lot having a stormwater property drain inlet point, constructed in underground pipes extending from the legal point of discharge to within its property boundary***
 - g) ***measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;***

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

- h) a maximum discharge rate from the site is to be determined by computation to the satisfaction of the Responsible Authority;*
- i) documentation demonstrating approval from the relevant authority for the legal point of discharge;*
- j) all roof water from buildings and surface water from hard paved areas will be collected and conveyed to a Legal Point of Discharge so as to prevent stormwater nuisance to adjoining land.*
- k) that the development makes provision for upstream stormwater inflows*

Prior to the issue of Statement of Compliance for the plan of subdivision the drainage detailed in the approved Drainage Discharge Plan must be constructed to the satisfaction of the Responsible Authority. All works are subject to a twelve-month liability period.

- 14. Prior to the commencement of works and Certification being issued, final construction plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, be in accordance with the IDM and must show: -*
 - a) All bearings, distances, levels, street names, lot numbers, lots sizes, reserves and easements;*
 - b) The road reserve, carriageway and verge widths;*
 - c) All infrastructure including drainage, concrete footpath, kerb and channel, public lighting and utility services;*
 - d) Vehicle crossing for each lot;*
 - e) Street tree locations;*
 - f) The protection and retention of all trees within the road reserve;*
 - g) All surface details;*
 - h) All relevant road signage and line marking*
 - i) Speed limit signs as appropriate and*
 - j) any CFA requirements including hydrants.*
- 15. The final design parameters for the roadways and pathways must be based on Council's Infrastructure Design Manual (IDM) as modified from time to time, all to the satisfaction of the Responsible Authority. All works shall conform to plans and specifications prepared by a qualified engineer at Owner's expense and approved by the Responsible authority. A list of specific details and requirements are as follows: -*
 - a) Pram crossings must be provided at all intersections to the satisfaction of the responsible authority.*
 - b) Include in the design plans recommendations resulting from any required Traffic Impact Assessment.*

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

- c) *A pavement design must be submitted for the entire road network by a suitably qualified engineer in accordance with clause 12.7 of the IDM. Irrespective of such design a minimum pavement depth of 250mm must be provided in an approved material. Council requires that the pavement wearing course be in accordance with Clause 12.7.16.*
- d) *Design of roads and footpath must be accessible to people with disabilities and include tactile ground surface indicators, and kerb ramps required for the safe movement of people with disabilities as per relevant Australian Standards.*
- e) *Subsoil drainage installed for all kerb and channel.*
- 16. *Prior to certification of the plan of subdivision the owner must complete and duly sign a Statutory Declaration agreeing to the allocation of street numbers.*
- 17. *Prior to the issue of Statement of Compliance of the plan of subdivision, the owner must display street numbers for each lot which clearly identifies the address of each lot to the satisfaction of the Responsible Authority.*
- 18. *Prior to the issue of Statement of Compliance, the subdivider must construct/provide vehicle crossing to each and every lot and/or reserves within the subdivision development in accordance with Council's Infrastructure Design Manual. Alternatively, vehicle crossings are not required to be constructed where mountable (SM2-M) kerb and channel is used.*

Landscaping

- 19. *Prior to the issue of Statement of Compliance, the subdivider must provide Street trees as shown on the Endorsed Plan(s) and must include the planting of one (1) MATURE (2 – 3 metres high) street tree per lot (of an approved species and location), or to such higher standards by agreement and must be selected and planted by a qualified Horticulturist / Arborist. Unless otherwise agreed in writing, the Authority will only approve plans and specifications complying with council's Infrastructure Design Manual standards and /or any approved landscaping management plans as appropriate.*
- 20. *Prior to Certification being issued, a detailed landscape plan, for the whole of the site, must be prepared and implemented. The detailed landscape plan must be to the satisfaction of the responsible authority and must be submitted and assessed against the construction plans by the responsible authority. The landscape plan must be drawn to scale with dimensions and must show:*

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

- a) ***Detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.***
 - b) ***Soil quality and planting techniques in medium or verge tree planting zones along arterial roads (including service road nature strips) that will support full growth of medium to large trees.***
 - c) ***Details of boundary fencing and/or other treatments such as landscaping along the Murchison Violet Town Road and Orchid Street frontages the land that includes a range of fencing styles so as not to create a solid fencing treatment along these boundaries.***
 - d) ***Details of the removal of any approved street trees in the road reserves. \$660 including GST must be paid to Council for replacement. (Native trees may require additional approval and fees)***
21. ***Prior to the issue of a Statement of Compliance all nature strips and public open space must be seeded and fertilised and grass must be established.***
22. ***Prior to the issue of a Statement of Compliance all landscaping works (including street trees and fencing) shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The time of planting can be coordinated with Council to increase the survival rate of the street trees.***
23. ***The landscaping shown on the endorsed plans including street trees must be maintained for a period of twenty-four months from the date of practical completion of the works to the satisfaction of the responsible authority. Formative pruning must be undertaken to the satisfaction of the Responsible Authority after twelve months. Any dead, diseased or damaged plants are to be replaced as needed. Refer to Clause 24 of the Infrastructure Design Manual.***

Engineering Plans

24. ***Before issuing the Statement of Compliance all works constructed or carried out must be in accordance with all approved plans and completed to the satisfaction of the Responsible Authority.***
25. ***Prior to issuing the Statement of Compliance for the subdivision the owner or developer must submit the following –***
- a) ***An assets statement for each street.***
 - b) ***‘As Constructed’ information for the entire work in each development and stage, detailing information as listed in the Infrastructure Design Manual.***
 - c) ***A certified plan showing the extent and depth of fill in excess of 300mm placed on any of the allotments.***

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

- d) ***‘As Constructed’ drainage information provided in D Spec format to Council’s satisfaction.***

Road Upgrading

26. ***Prior to the issue of Statement of Compliance, the developer must construct the proposed roadway in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:***

- a) ***underground drainage;***
- b) ***underground conduits for water, gas, electricity and telephone;***
- c) ***appropriate intersection and traffic measures;***
- d) ***appropriate street lighting and signage,***
- e) ***high stability permanent survey marks***
- f) ***any CFA requirements including hydrants.***

Street Lighting

27. ***Prior to the issue of a Statement of Compliance, public street lighting must be provided to streets, footpaths and public open spaces designed in accordance with relevant Australian Standards, relevant Council Policy, the IDM and to the satisfaction of the responsible Authority (category P4 unless otherwise directed).***

Signage

28. ***Prior to the issue of a Statement of Compliance any street names and speed limit signs as agreed to with the Responsible Authority must be erected.***

Site Management During Construction

29. ***Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the following EPA guidelines and policies: -***
- ***Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and***
 - ***Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).***
30. ***In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.***

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

31. ***The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.***
32. ***Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.***
33. ***The earthworks and lot filling must be as per the guidelines specified in Council's Infrastructure Design Manual, to the satisfaction of the Responsible Authority.***
34. ***The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.***

Engineering fees for maintenance bond and supervision

35. ***Prior to the issue of a Statement of Compliance payment must be made to the Responsible Authority of an engineering design checking fee of up to 0.75% of the value of documented works, the amount to be determined by the Responsible Authority.***
36. ***Prior to the issue of Statement of Compliance for the subdivision, a maintenance bond to the value of 5% of the actual total construction cost for road and drainage works must be paid to the Responsible Authority.***
37. ***Prior to the issue of a Statement of Compliance payment must be made to the Responsible Authority of a supervision fee up to 2.5% of the actual total construction cost for roads and drainage works, the amount to be determined by the Responsible Authority (the permit holder must submit a copy of the road and drainage Construction Contract Schedule, for verification of the amount by Council).***

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

Council's Assets

38. *Before subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Council's assets/Public infrastructure caused as a result of the development or use permitted by this permit.*

Fencing:

39. Prior to Certification being consented to, a 1.8 metre Colourbond fence is to be erected along the full length and to ground level, of the common boundary with 4437 Murchison-Violet Town Road.

Ausnet:

The applicant must –

40. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
41. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
42. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
43. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
44. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
45. *Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.*

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

46. ***Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.***
47. ***Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.***
48. ***Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.***
49. ***Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.***
50. ***Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.***

Country Fire Authority:

Hydrants

51. ***Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:***
 - a) ***Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.***
 - b) ***The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.***

Department of Environment Land Water and Planning:

Notification of permit conditions

52. ***Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.***

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

Protection of native vegetation to be retained

53. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:

- a) A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and**
- b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.**

The fence must be constructed of star pickets and paraweb or similar to the satisfaction of the responsible authority.

54. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a) vehicular or pedestrian access;**
- b) trenching or soil excavation.**
- c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;**
- d) construction of entry and exit pits for underground services; or**
- e) any other actions or activities that may result in adverse impacts to retained native vegetation.**

Native vegetation offsets

55. The total area of native vegetation permitted to be removed is 0.161 hectares, comprised of:

- a) 1 patch of native vegetation comprised of 5 small trees;**
- b) One (1) large scattered tree; and**
- c) One (1) small scattered tree.**

56. To offset the removal of 0.161 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:

- A general offset of 0.060 general habitat units located within the Goulburn Broken Catchment Management Authority boundary or Strathbogie Shire municipal district;**
- have a Strategic Biodiversity Value score of at least 0.271;**
- provide protection for at least One (1) large tree;**
- must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).**

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

Offset evidence

57. ***Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This must include:***
- a) ***a security agreement signed by both parties, and***
 - b) ***a management plan detailing the 10-year management actions and ongoing management of the site***

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification. and/or

58. ***credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.***

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

59. ***Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Environment, Land, Water and Planning at p&a.north@delwp.vic.gov.au.***

Department of Transport:

60. ***Only two accesses will be permitted from the subject land to the Murchison-Violet Town Road to the satisfaction of the Responsible Authority and Head, Transport Victoria.***
61. ***Prior to the release of statement of compliance, both the accesses must be constructed and sealed to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria.***
62. ***The driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).***

Goulburn Murray Water:

63. ***Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.***

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

- 64. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.**
- 65. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.**
- 66. All works within the subdivision must be done in accordance with EPA Publication 960 “Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites”, September 2004.**

Goulburn Valley Water:

- 67. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;**
- 68. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; downstream augmentation works may be required at the developer’s expense.**
- 69. Provision of one water tapping per lot at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- 70. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
- 71. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer’s expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- 72. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;**

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

73. *The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;*
74. *The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.*
75. *The land to be included in an extension of the Sewer and Water Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide reticulated sewer and water to this development. Such amount being determined by the Authority at the time of payment;*

General Amenity:

76. *The subdivision and building and works hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:*
- a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin; and*
 - e) *others as appropriate.*
77. *The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.*

Telecommunications:

78. *The owner of the land must enter into an agreement with:*
- *A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*
 - *A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

79. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- **A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- **A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

Subdivision Conditions:

80. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.

Easements:

81. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

Referral Under Section 8 of the Subdivision Act 1988:

82. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Public Open Space Contribution:

83. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must pay to the responsible authority five per cent of the site value of all the land in the subdivision.

The owners must advise Council, in writing, to undertake the property valuation and must pay the Council's reasonable costs and expenses to provide such a valuation for payment in lieu of the public open space contribution.

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

Permit Expiry:

Subdivision:

84. This permit will expire if one of the following circumstances applies:

- a) the subdivision is not started (Certification) within two (2) years of the date of this permit;**
- b) the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.**

The Responsible Authority may extend the time at part (a) if a request is made in writing before the permit expires or within six months afterwards.

Expiry of Permit – Native Vegetation:

85. This permit will expire if the native vegetation is not removed within two years of the issue of the permit and evidence of the offset provided for council's records.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or**
- within six months afterwards if the use or development has not yet started; or**
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.**

Planning Notes:

- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.**
- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.**
- This proposal has been assessed against Clause 32.08, Clause 52.02, Clause 52.17, Clause 52.29, Clause 53.01, Clause 56, Municipal Planning Strategy and Planning Policy Framework.**
- Consent to Work within Road Reserve: Prior to works commencing on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.**

Country Fire Authority Notes:

- CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)**
- CFA does NOT consent under Section 9 of the Subdivision Act to the Certification of the Plan of Subdivision. CFA does require the Plan of Subdivision for this planning permit application to be referred under Section 8 of the Subdivision Act.**

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

RECOMMENDATION (cont.)

- ***CFA does NOT consent to the Statement of Compliance for Subdivision at this stage.***

Department of Transport Notes

- ***Separate consent for works within the road reserve and the specifications of these works may be required under the Road Management Act.***
- ***Please note that Amendment VC205 was gazetted on 20 January 2022. The amendment introduced the Transport Zone and deletes the Road Zone. The Head, Transport for Victoria recommends that the permit preamble be updated to reflect this change.***

Goulburn Murray Water Notes:

- ***The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.***

Ausnet Notes:

- ***It is recommended that, at an early date the applicant commences negotiations with Ausnet Electricity Services Pty Ltd for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).***
- ***Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.***
- ***Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.***

Goulburn Valley Water Notes:

- ***Where the land is to be developed in stages, the above conditions will, in general, apply to any subsequent stage of the estate development. However, as any future stages of the development will be connected to the Corporation's water supply and sewerage systems independently of this stage, the Corporation reserves the right to revise any conditions applicable to any subsequent stages lodged.***

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

PURPOSE AND BACKGROUND

The application proposes a Multi Lot Subdivision and the creation of sewer and drainage easements and the removal of native vegetation (which is deemed lost due to the creation of lots with an area less than 0.4hectares) on Lot 5 on Plan of Subdivision 748655B Certificate of Title Volume 12032 Folio 918 12 Orchid Street, Violet Town VIC 3669.

Due to the complexities of the application the Plan of Subdivision has undergone several revisions.

The original application was lodged on the 23 June 2021. An initial assessment of the application was undertaken, however it was deemed that the proposal did not meet the requirements of Clause 56 under the Strathbogie Planning Scheme (this plan was not advertised). Consultation was undertaken with the applicant, and subsequently revised plans were submitted with the plan received on the 29 September 2021, placed on public notice in November 2021.



Image 1: Application advertised November 2021

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

Following the advertising period, and thirteen (13) objections/submissions were received. The majority of concerns raised by objectors included but is not limited to:

- Protection of Avenue of Remembrance/Honour
- High density living
- Lot size
- Traffic
- Drainage
- Character of the area.

Officers undertook extensive consultation with the objectors and applicant including onsite meetings, correspondence (both verbal and written) and stakeholder specific meetings including qualified arborists. As part of this process, one (1) objection and one (1) submission were withdrawn subject to conditions being included on any planning permit issued.

A detailed planning assessment was undertaken on this revised application. Following this assessment, it was considered that Officers could not support the application in its current format due to the impact on the Avenue of Remembrance/Honour in accordance with policy under the Strathbogie Planning Scheme. The applicant was informed of this assessment and was advised that a further revised plan be submitted demonstrating the removal of crossovers within the Avenue of Remembrance/Honour. The final revised plan for consideration was submitted on the 9 September 2022. This final revised plan was advertised, and one (1) objection has since been withdrawn. There remain eleven (11) objections to this planning permit application. The most significant change incorporated in the final revised plan was no access/crossovers within the Avenue of Remembrance/Honour.

This plan has lot sizes ranging from 573sqm to 1216sqm. The applicant will be required to submit a landscaping plan, which must provide details of boundary fencing and/or other treatments such as landscaping along the Murchison Violet Town Road and Orchid Street frontages of the land to the satisfaction of the Responsible Authority.

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

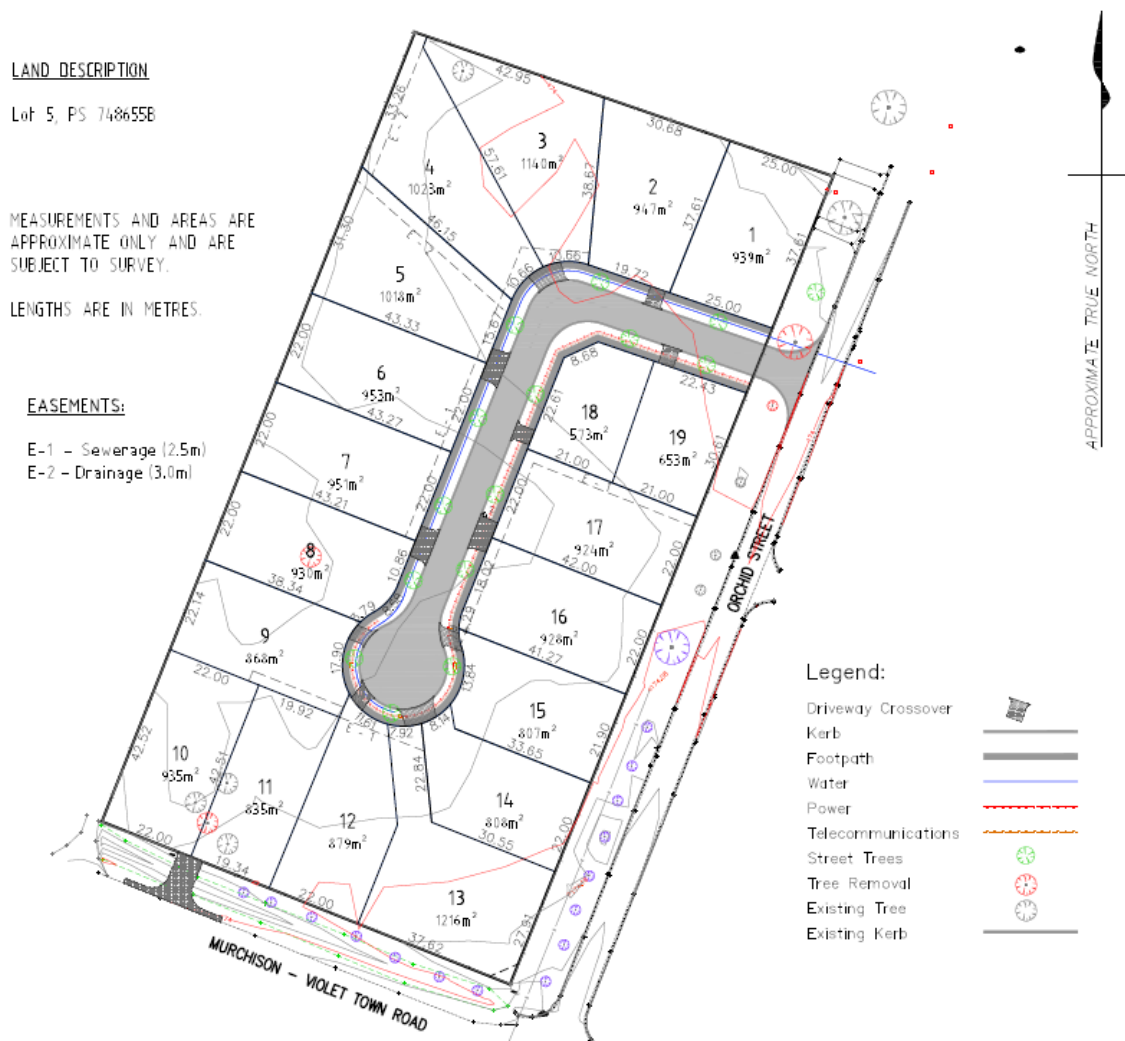


Image 2: Final revised plan advertised September 2022

Native Vegetation Removal

The site contains indigenous vegetation which includes six *Eucalyptus camaldulensis* trees (red gums), four which form a small patch of native vegetation, one is isolated and the other dead. All of these trees require a permit for their removal and an offset if a permit is granted (this vegetation is deemed lost, due to the creation of lots less than 0.4hectares). Should a permit be granted a third-party offset will be purchased. To discourage the removal although deemed lost, a Section 173 agreement will be placed on title stating native trees on lots 10 and 11 must not be removed without consent from the Responsible Authority. This does not include the trees marked for removal on the proposed plan of subdivision.

Only the Sugar Gum (*Eucalyptus cladocalyx*), located on the Orchid Street road reserve can be removed without the requirement of an offset, as it is planted.

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

A Vegetation Quality Assessment has been carried out by the applicant and it has been determined the total area of native vegetation proposed to be lost totals 0.161 hectares, comprised of:

- a) 1 patch of native vegetation comprised of 5 small trees;
- b) One (1) large scattered tree; and
- c) One (1) small scattered tree.

Figure 1 – Map of native vegetation to be removed, destroyed or lopped

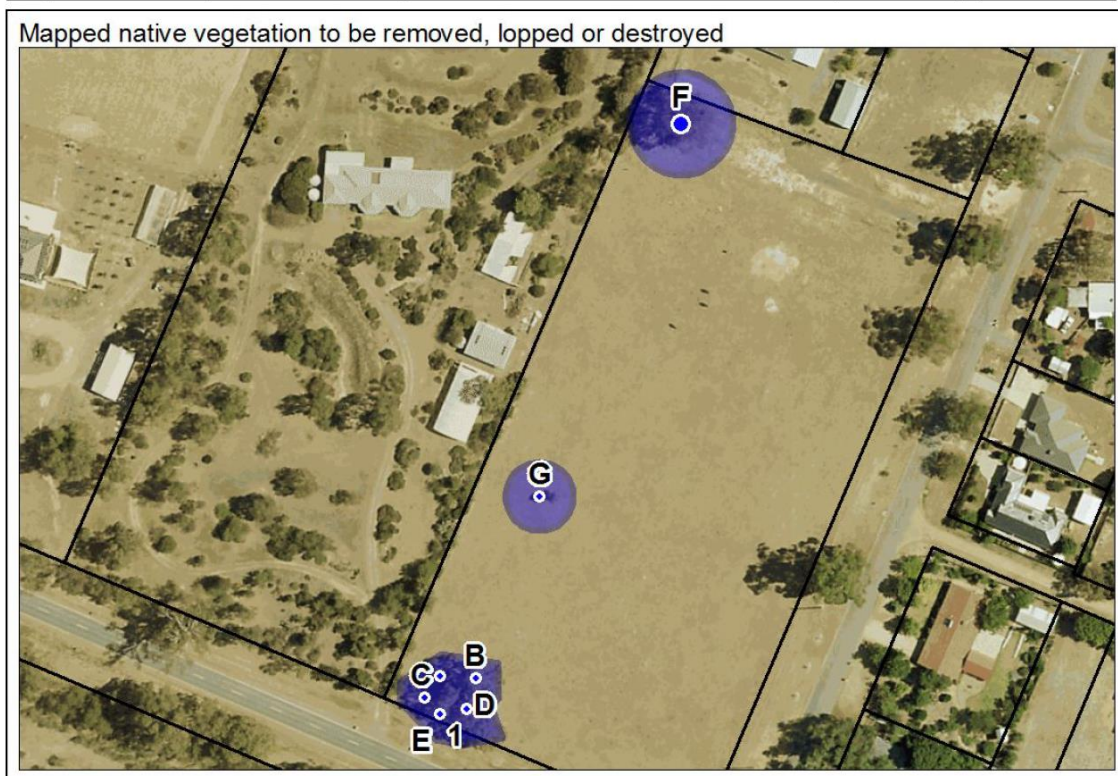


Image 4: Map of native vegetation to be removed, destroyed or lopped on the subject site

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)



Waypoint 1: dead tree

Image 5: Sugar Gum on subject site



Patch of Eucalyptus camaldulensis trees: waypoint 3,4,5,6,& 7 trees.

Image 6: Vegetation proposed for removal on subject site

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

ISSUES, OPTIONS AND DISCUSSION

- The proposal has been assessed against Clause 56 and meets the relevant objectives and standards.
- The subject site is within the General Residential Zone and lends itself to future infill development.
- The subject site not affected by any Overlays including any Flood Overlay.
- The subject site in within an area of Cultural Sensitivity. A Cultural Heritage Management Plan has been prepared by the applicant and has been approved.
- The land has an area of more than 1.9 hectares, proposed lots are less than 0.4 hectares. Clause 52.17 has been assessed. Consequential loss of Vegetation has been considered and addressed via Conditions and offset requirements as per DELWP recommendations.
- The proposed lots vary from 573 square metres to 1216 square metres. Lots within the area within Violet Town vary from approximately 387 square metres to 2085 square metres and therefore this is considered in keeping with the character of the area.
- Council received thirteen (13) objections and one (1) submissions. One (1) objector and one (1) submission withdrawn. One objection and one submission has been withdrawn. Another objector has advised they may withdraw their objection based on appropriate drainage Conditions. Twelve (12) objections remain.

Objections are in relation but not limited to:

- Avenue of Remembrance/Honour
- high density living, size of proposed lots, and Court bowl road construction not consistent with neighbourhood character and country lifestyle living
- climate change
- sustainability principles
- Traffic including traffic management plan, safety, parking or gardening on the nature strip
- Violet Town has no other area with street lighting and footpaths. and this not needed in a small rural town, footpaths leading out of the subdivision would lead to nowhere and have no connections
- NBN connectivity
- power outages and have an electricity network that needs upgrading,
- dust
- noise during and after any construction on site
- easements proposed & drainage, including storm water draining into the Honeysuckle Creek - storm water infrastructure causing flooding
- urban run-off, discharge and flow rates should be less after development
- proposal abuts rural land uses- significant disturbance for our farming activities. In particular we are concerned about the risk to our sheep from domestic dogs, excessive noise, excessive traffic movement, dust and light spill

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

- impact on life, economic standing and social consequences of an entire local community
- there is no viable work in Violet Town for future residents and no market for their construction
- the current available blocks need to be built on before more valuable land is subdivided
- open spaces
- the developers will remove the topsoil from the land
- impact that destroying grazing pasture has on the environment
- destruction of 5 redgums
- building envelopes and/or legal agreements preventing future subdivision into smaller land parcels, which could be sold as vacant lots, or have multiple dwellings on the one lot, no monitoring of the size of future houses, a purchaser of one of the 20 blocks in the new Violet Town subdivision could potentially apply to divide the block further and/or apply to build a multi-dwelling development of 2, 3 or 4 unit
- building envelopes on lots 1 and 2 should be used to protect the 4 native trees
- public open space
- permit condition that requires each lot to include a rainwater tank of at least 10,000L to use in toilets and the garden
- construction Management Plan (CMP) or Site Environmental Management Plan (SEMP).
- neighbourhood character

These concerns have been considered and addressed in the attached Planning Officer Report. Appropriate Conditions regarding above issues will be included on any planning permit issued. It is considered the proposal is appropriate and has been assessed against the Strathbogie Planning Scheme and a recommendation for Notice of Decision to Grant a planning permit has been made by Council Officers.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

Individual applications consider these requirements through assessment phase of each application as per the *Planning and Environment Act 1987* and the provisions of the Strathbogie Planning Scheme.

As identified throughout the report, multiple plans were submitted as part of this application. Notification was carried out twice; once in the initial stages and the second being the plan of subdivision for final consideration. Both plans were advertised to adjacent and nearby owners and occupiers, including any objectors. These plans were also accessible on Council's website. The notice was carried out in accordance with the legislation.

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

Objectors were provided feedback to their concerns and meetings with Council officers were held where plans and supporting documents were made available, concerns discussed, and questions answered.

Objectors have been kept up to date as to the status of the proposal. Conditions have been provided to the objectors and this will enable them to view how their concerns can be addressed as far as reasonably practicable by permit conditions.

Changes to the proposed plan of subdivision have resulted in protection of the Avenue of Remembrance/Honour as detailed in most of the objections received. In addition, appropriate Conditions will be included should any planning permit be issued regarding their future protection.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

There is no conflict of interest, and the declaration is included within the Planning Officers Report attached.

Transparency

This application is being heard by Council as the proposal has over five objections to the proposed multi lot subdivision, in accordance with Council's Planning Permit Applications Referral to Council Policy. Hearing the application in the public meeting will allow all parties the opportunity to be heard by Council prior to a decision being made.

9.1.3 Planning Permit Application No. P2021-107: Multi lot subdivision and the creation of sewer and drainage easements and the removal of native vegetation ~ 12 Orchid Street, Violet Town VIC 3669 (cont.)

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

This proposal is supported by the planning scheme and state policy to allow for projected population growth to be accommodated in appropriate locations throughout the region. The economic implications are positive for the region and locality.

Social

The proposal will provide for diversity in housing and potential increase in residents to become part of the existing community, supporting the local economy, the local schools and businesses.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987*. Consequential loss of Native vegetation has been appropriately considered. The site is within the Bushfire Prone Area and the risk is considered to be low given there is no identifying planning overlay to suggest a high bushfire risk.

The layout meets the requirements of Clause 56 for good solar access.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, and all works will be required to comply with relevant legislation.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to grant a permit, subject to conditions, in accordance with the officer recommendation.

ATTACHMENTS

Attachment 1: Planning Officer Report (*separate document*)

Attachment 2: Locality Map (*separate document*)

9.1.4 Planning Applications Received and Planning Applications Determined - 1 to 30 September 2022

Author: Acting Manager Planning and Investment

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

This report provides listings of all Planning Applications Received (Attachment 1) and Planning Applications Determined (Attachment 2) for the period of 1 to 30 September 2022. The latest available Planning Permit Activity Performance Figures are also attached (Attachment 3). The contents of this report are provided for information purposes only.

It is noted that there were nine (9) new planning permit applications received and fourteen (14) planning permit applications decided upon during the reporting period.

RECOMMENDATION

That Council:

- 1. Note that there were nine (9) new planning permit applications received, and fourteen (14) planning permit applications decided on during the period of 1 to 30 September 2022.***
- 2. Note the report.***

PURPOSE AND BACKGROUND

To report to Council on the current planning application activity and matters considered under delegation.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Council is a Responsible Authority under the Planning and Environment Act 1987 (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of the land in the municipality. Under delegated authority of Council, Council officers determine some matters.

Many types of use and development do not require a planning permit and may take place without being recorded as part of the planning approvals data. The statistics presented do not represent all development activity in the municipality. In addition, some planning permits are not acted on, or there may be a delay between when the approval is granted and when works take place.

9.1.4 Planning Applications Received and Planning Applications Determined
- 1 to 30 September 2022 (cont.)

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

Individual applications consider these requirements through assessment phase of each application as per the Planning and Environment Act 1987 and the provisions of the Strathbogie Planning Scheme.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This report continues to demonstrate that Council is being transparent in its position in relation to all applications received and determined by the Council.

CONCLUSION

This report is provided for Council to note the current planning permit application activity.

ATTACHMENTS

Attachment 1: Planning Applications Received (*separate document encompassing Attachments 1, 2 & 3*)

Attachment 2: Planning Applications Determined

Attachment 3: Planning Permit Activity Performance Figures

9.2 COMMUNITY

9.2.1 Application for Sponsorship – Shrine of Remembrance Exhibition (Longwood)

Author: Manager Community and Culture

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Council has received a sponsorship application from the Longwood Community Centre Inc to assist with the delivery of a Shrine of Remembrance Exhibition ‘*Changed Forever: Legacies of Conflict*’ sharing stories of migrants from war-torn countries and veterans of overseas service. It explores the impacts of global and civil conflict in changing lives and shaping contemporary Australia.

The request is for a cash contribution of \$2,000 to assist with the cost of electricity, cleaning, advertising, marketing and printing, and catering on the opening night of the exhibition to be held on Friday 28 October.

The event application scored 18/25 in the Sponsorship Program criteria assessment.

The event will result in several social and economic benefits to the Strathbogie Shire Community and will be delivered in line with Council’s Events and Regulatory policies and procedures.

Council allocated \$30,000 in the 2022/2023 Budget to the Event Sponsorship program to sponsor events held in the Strathbogie Shire that meet the Sponsorship Program criteria and are submitted in line with the Guidelines. Applications can be received any time throughout the financial year and are considered at a Council meeting. Three applications are being considered at the October Council meeting, demonstrating significant demand for the Program.

This report recommends the approval of the sponsorship application from the Longwood Community Centre for \$2,000 to support the delivery of the 2022 Shrine of Remembrance exhibition ‘*Changed Forever: Legacies of Conflict*’.

RECOMMENDATION

That Council:

- 1. Approve sponsorship of \$2,000 from the 2022/23 budget allocation for sponsorship to the Longwood Community Centre Incorporated to assist with the delivery of the Shrine of Remembrance Exhibition at the Longwood Community Centre to be held 28 October – 27 November 2022;***
- 2. Work with the Longwood Community Centre Incorporated to reduce overall waste produced at the event through the implementation of the Waste Wise Events Guidelines as outlined in the Climate Change Action Plan 2022-27; and***

9.2.1 Application for Sponsorship – Shrine of Remembrance Exhibition (Longwood)
(cont.)

RECOMMENDATION (cont.)

3. ***Make it a condition of the sponsorship funding that the Longwood Community Centre Incorporated comply with COVID-19 directions issued by the Chief Health Officer/Department of Health at the time of the event.***

PURPOSE AND BACKGROUND

Following the success of the Shrine of Remembrance touring exhibition held in 2017, which brought more than one thousand visitors to Longwood, Longwood Community Centre Incorporated have been offered another exhibition to be displayed for the month of November 2022 at the Longwood Community Centre. The exhibition will be staffed by volunteers from the Longwood Community Centre and Action Group when the exhibition is open to the public and the groups will assist with hanging of the pictures and arranging the Opening night event.

The Shrine of Remembrance touring exhibition '*Changed Forever - Legacies of Conflict*' tells stories of migrants from war-torn countries and veterans of overseas service, presented beside those of recent veterans of overseas service in the Australian Defence Force. All have been redefined by the emotional and physical dislocation of war and seek to reconcile this with their new lives. It explores the impacts of global and civil conflict in changing lives and shaping contemporary Australia.

The Exhibition features art, objects, photographs, audio visuals and interactives, telling personal stories reflecting the range and depth of experiences in conflict and life post-war.

The Exhibition is touring throughout Victoria from 11 September 2019 – June 2023. It is a great honour that Longwood has been offered this special exhibition and a testament to the community group and local interest.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The event organisers will obtain Event Approval from Strathbogie Shire Council, they have submitted all required documentation including, risk plans, and public liability insurance. Due to the nature of the event, this is low impact event.

This event aligns well with the key principles of the Sponsorship Program as the event:

- Promotes community engagement and participation.
- Contributes to building healthy and vibrant communities; and
- Increases economic development, tourism and the visitor economy.

9.2.1 Application for Sponsorship – Shrine of Remembrance Exhibition (Longwood) (cont.)

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

The event will involve many individuals and groups from within Longwood and the wider community, local RSL's, Army personnel and their families from nearby Puckapunyal and schools will also be invited to attend. The 2017 exhibition also resulted in a number of additional activities including dinners and guest speakers, this is expected to occur again with this new exhibition.

POLICY CONSIDERATIONS

Council Plans and Policies

This initiative addresses the key objectives of the Council Plan 2021-2025 as follows:

- Strategic focus area 4: Inclusive. Productive. Balanced.
Our Community's goals – We target economic development to enhance our region; we are capitalising on our region's strengths

This initiative also directly relates to the Arts and Culture Strategy 2019-2023 as follows: Goal 1: A Connected and Vibrant Community which is focused on strengthening the strong sense of belonging and community pride, by increasing the opportunities for creative stimulation and connectedness.

- Strategic Objective 1.1 – we will support initiatives that bring people together, encourage collaboration and partnerships and create networks.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

There are no relevant regional, state or national plans or policies that are relevant to this report.

LEGAL CONSIDERATIONS

One of the overarching governance principles under section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Conflict of Interest Declaration

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 2020*.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

9.2.1 Application for Sponsorship – Shrine of Remembrance Exhibition (Longwood) (cont.)

In the interest of transparency and open and honest communication with community, this request for sponsorship from the Longwood Community Centre Incorporated is to be acknowledged in a public forum providing full disclosure of the allocation of sponsorship funding within the community.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the ongoing financial viability of the Council is to be ensured.

There is a total budget allocation of \$30,000 to the Sponsorship Program for the 2022/23 financial year. In this current financial year, three applications have been approved for sponsorship totalling a cash value of \$6,101, leaving a balance of \$23,899. In addition to this application there are two other applications being considered by Council at the October Council meeting totalling \$8,000 (in cash value).

Sponsorship Program 22/23	
Allocated budget (cash)	\$30,000
2022-2023 Actuals (cash approved sponsorship applications)	\$ 6,101
2022-2023 Approved In-kind Sponsorship Value	\$ 205
Number of Sponsorship applications approved as at 1/10/2022	3

SHRINE OF REMEMBRANCE EXHIBITION – Proposed budget

Income		Expenditure	
Strathbogie Shire Council	\$ 2,000	Electricity and cleaning	\$ 400
Longwood Community Centre	\$ 29	Opening night catering	\$ 500
		Printing	\$ 1,129
Total Income	\$ 2,029	Total Expenses	\$ 2,029

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The event will result in several economic benefits to the Longwood Community and the wider region. All the items relating to the event will be sourced locally, where possible and the event is estimated to attract a large number of people to Longwood.

9.2.1 Application for Sponsorship – Shrine of Remembrance Exhibition (Longwood) (cont.)

Social

The event will offer significant social benefit. The event provides an opportunity for participants, community and visitors alike to view the exhibition, learn about international conflict, its affect and how it relates to Australian society. This event will provide educational opportunities that would not be offered in any forum otherwise, at no cost to participants. The experience will be on offer to all sectors of the community.

Environmental

Council Officers believe this event will have minimal environmental or amenity implications for Council or the broader community.

Council Officers will work with Longwood Community Centre Incorporated to support the reduction of overall waste produced at the event through the implementation of the objectives of both the Waste Wise Events Guidelines and the Climate Change Action Plan 2022 – 2027.

Climate change

As highlighted above, Officers will work with event organisers to support the reduction of overall waste produced at the event through the implementation of the objectives of both the Waste Wise Events Guidelines and the Climate Change Action Plan 2022-2027.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The organisers will ensure that all regulatory and Covid safe requirements are in place as part of the approved event application.

COLLABORATION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Council will provide the required assistance to the event as per Council's role and responsibility in line with the Local Government Act 2020 and relevant policies and procedures.

HUMAN RIGHTS CONSIDERATIONS

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*.

9.2.1 Application for Sponsorship – Shrine of Remembrance Exhibition (Longwood)
(cont.)

CONCLUSION

It is recommended that Council approve financial sponsorship of \$2,000 to the Longwood Community Centre Incorporated to support the delivery of the Shrine of Remembrance Exhibition. This exhibition will deliver partnerships within the community between various organisations, defence force personnel and their families as well as community members from Longwood and the broader region.

ATTACHMENTS

Attachment 1: Remplan Report – Shrine of Remembrance Exhibition (*separate document*)

9.2.2 Application for Sponsorship – Euroa Music Festival

Author: Manager Community and Culture

Responsible Director: Acting Director Community and Planning

EXECUTIVE SUMMARY

Council has received a sponsorship application from the Euroa Music Festival Incorporated for sponsorship of the Euroa Music Festival to be held on 5 November 2022 at Euroa Memorial Oval.

The request is for \$5,000 in cash to go towards the cost of event insurance, signage and marketing. This is the second time the event will be held in Strathbogie Shire. The Strathbogie Shire Council sponsored the inaugural festival with a \$5,000 grant in 2020.

The event application scored 13/25 against the Sponsorship Program criteria assessment.

The event will result in several significant social and economic benefits to Euroa and the wider municipal Community and will be delivered in line with Council's Events and Regulatory policies and procedures.

Council allocated \$30,000 in the 2022/2023 Budget to the Event Sponsorship program to sponsor events held in the Strathbogie Shire that meet the Sponsorship Program criteria and are submitted in line with the Guidelines. There is a significant demand for the Program demonstrated by the number of applications already approved in this financial year (3). Three applications are being considered at the October Council Meeting. Currently there is \$23,899 remaining in the Event Sponsorship Program budget.

Council has also sponsored the Euroa Chamber of Commerce and Business \$3,000 for the Euroa Music Festival prelude event. These funds were awarded and provided to the Euroa Chamber of Commerce and Business at the 19 October 2021 Council meeting as the event was scheduled to take place on 25 March 2022. The event was rescheduled due to the postponement of the Festival and will now take place on Friday 4 November 2022, in Binney Street Euroa.

This report recommends approval of the sponsorship application from Euroa Music Festival Incorporated for a financial contribution of \$3,000 to support the delivery of the 2022 Euroa Music Festival, rather than the \$5,000 requested. This partial funding is recommended due to the demonstrated demand of applications for the event sponsorship fund and is consistent with similar applications approved by Council this financial year.

RECOMMENDATION

That Council:

- 1. Approve sponsorship of \$3,000 from the 2022/23 budget allocation for sponsorship to the Euroa Music Festival Incorporated to assist with the delivery of the Euroa Music Festival at the Euroa Memorial Oval to be held on 5 November 2022;***

9.2.2 Application for Sponsorship – Euroa Music Festival (cont.)

RECOMMENDATION (cont.)

2. ***Work with Euroa Music Festival Incorporated to reduce overall waste produced at the event through the implementation of the Waste Wise Events Guidelines as outlined in the Climate Change Action Plan 2022-27; and***
3. ***Make it a condition of the sponsorship funding that Euroa Music Festival Incorporated comply with COVID-19 directions issued by the Chief Health Officer/Department of Health at the time of the event.***

PURPOSE AND BACKGROUND

The inaugural Euroa Music Festival (Festival) was held in February 2020. Since then, the festival has been postponed twice due to the COVID-19 pandemic.

Council has received a sponsorship application from the Euroa Music Festival Inc for sponsorship of the Euroa Music Festival to be held on 5 November 2022 at Euroa Memorial Oval.

The aim of the Festival is to create a rich music experience for attendees and artists, to promote the township of Euroa and provide a friendly safe live music experience. One of the pillars of the festival is to adopt a 'war on waste' philosophy which aims to minimise festival landfill.

The Festival encourages attendees to stay the weekend by offering camping, on the conveniently located Euroa Showgrounds and a full program of events. A youth oriented 'Battle of the Bands' is planned in Binney Street on Friday 4 November to give the festival goers a different experience and to give local young people a chance to play on the big stage at the festival.

The event provides a great opportunity to showcase the town of Euroa and the broader Strathbogie region to a wide range of people who would not necessarily travel to Euroa, offering a large scale music Festival.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The event application submitted in line with council's Event Sponsorship Guidelines and has been reviewed. The application was of an acceptable standard, with a score of 13/25 in the Sponsorship Program criteria assessment.

9.2.2 Application for Sponsorship – Euroa Music Festival (cont.)

The event organisers will obtain Event Approval from Strathbogie Shire Council, and provide all required documentation including, risk plans, liquor licence and public liability insurance. Due to the nature of the event, this is high risk event so considerable time has been contributed by Event organisers and Council staff in working together to ensure all documentation is completed to an appropriate standard.

This event aligns well with the key principles of the Sponsorship Program as the event:

- Promotes community engagement and participation;
- Contributes to building healthy and vibrant communities; and
- Increases economic development, tourism and the visitor economy.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

Key stakeholders in the community have been engaged with this project from its inception, with a dedicated community stakeholder group formed to assist with planning and delivery of the event. The Euroa Music Festival Incorporated have kept the community informed through regular updates in the Euroa Gazette as well as social media posts and other relevant music festival sites.

The Euroa Music Festival Incorporated are working closely with several community groups and local businesses to promote the festival and business participation.

POLICY CONSIDERATIONS

Council Plans and Policies

Strategic focus area 4: Inclusive. Productive. Balanced.

Our Community's goals – We target economic development to enhance our region; we are capitalising on our region's strengths

Arts and Culture Strategy 2019 -2023

Goal 1: A Connected and Vibrant Community which is focused on strengthening the strong sense of belonging and community pride, by increasing the opportunities for creative stimulation and connectedness.

Strategic Objective 1.1 – we will support initiatives that bring people together, encourage collaboration and partnerships and create networks.

LEGAL CONSIDERATIONS

One of the overarching governance principles under section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Conflict of Interest Declaration

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 2020*.

9.2.2 Application for Sponsorship – Euroa Music Festival (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

In the interest of transparency and open and honest communication with community, it is recommended that this request for sponsorship for the Euroa Music Festival 2022 be acknowledged in a public forum providing full disclosure of how potential allocated sponsorship funding is being distributed within the community.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

There is a total budget allocation of \$30,000 to the Sponsorship Program for the 2022/23 financial year. In this current financial year, three applications have been approved for sponsorship totalling a cash value of \$6,101, leaving a balance of \$23,899. In addition to this application there are two other applications being considered by Council at the October Council meeting totalling \$8,000 (in cash value).

Council has also sponsored the Euroa Chamber of Commerce and Business \$3,000 for the Euroa Music Festival prelude event. These funds were awarded and provided to the Euroa Chamber of Commerce and Business at the 19 October 2021 Council meeting as the event was scheduled to take place on 25 March 2022. The event was rescheduled due to the postponement of the Festival and will now take place on Friday 4 November 2022, in Binney Street Euroa.

This report recommends approval of the sponsorship application from Euroa Music Festival Incorporated for a financial contribution of \$3,000 to support the delivery of the 2022 Euroa Music Festival, rather than the \$5,000 requested. This partial funding is recommended due to the demonstrated demand of applications for the event sponsorship fund and is consistent with similar applications approved by Council this financial year.

Sponsorship Program 22/23	
Allocated budget (cash)	\$30,000
2022-2023 Actuals (cash approved sponsorship applications)	\$ 6,101
2022-2023 Approved In-kind Sponsorship Value	\$ 205
Number of Sponsorship applications approved as at 1/10/2022	3

9.2.2 Application for Sponsorship – Euroa Music Festival (cont.)**EUROA MUSIC FESTIVAL – Proposed budget**

Income		Expenditure	
Strathbogie Shire Council	\$ 5,000	Talent	\$ 75,000
Ticket sales	\$ 110,000	Advertising	\$ 20,000
Food & drink revenue	\$ 25,000	Staging & lighting	\$ 35,000
Sponsorship	\$ 65,000	Event hire	\$ 20,000
Merchandise sales	\$ 10,000	Insurance	\$ 15,000
		Security	\$ 10,000
		Event management	\$ 12,000
		Printing	\$ 3,000
		Event staff	\$ 3,000
		Cleaning waste	\$ 5,000
		Site fees	\$ 6,000
		Safety wellbeing	\$ 6,000
		Other expenses	\$ 5,000
Total Income	\$ 215,000	Total Expenses	\$ 215,000

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The event will result in several economic benefits to the Strathbogie Shire Community. All the items relating to the event will be sourced locally, where possible and it is anticipated that participants will stay extra days to enjoy Euroa and explore the area.

Social

The event will offer significant social benefits to the community. The event provides an opportunity for participants, community and visitors alike to connect, re-engage and explore the local area, this is particularly important after extended periods of restriction, isolation. The event will see a large number of visitors visit Euroa and surrounds a provides an invaluable social opportunity for residents to meet new people and connect with old friends. As the event is delivered in partnership with the community and community groups, significant social benefit is expected.

Environmental

Council Officers believe this event will have minimal environmental or amenity implications for Council or the broader community, as they Euroa Music Festival Incorporated are committed to minimising waste to landfill.

Council Officers will work with the Euroa Music Festival Incorporated to support the delivery of the Euroa Music Festival and reduce the overall waste produced at the event through the implementation of the objectives of both the Waste Wise Events Guidelines and the Climate Change Action Plan 2022-2027.

9.2.2 Application for Sponsorship – Euroa Music Festival (cont.)

Climate change

As highlighted above, Officers will work with event organisers to support the reduction of overall waste produced at the event through the implementation of the objectives of both the Waste Wise Events Guidelines and the Climate Change Action Plan 2022-2027.

Given the strong commitment from the Committee to reduce waste to landfill, this event may provide Council with a best practice example of a waste wise and environmentally conscious event, which could be captured and promoted to other event organisers.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The organisers will ensure that all regulatory and Covid safe requirements are in place as part of the approved event application.

COLLABORATION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Council will provide the required assistance to the event as per Council's role and responsibility in line with the Local Government Act 2020 and relevant policies and procedure regarding event approval.

HUMAN RIGHTS CONSIDERATIONS

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*.

CONCLUSION

It is recommended that Council approve financial sponsorship of \$3,000 to the Euroa Music Festival Inc to support the delivery of the 2022 Euroa Music Festival. The Festival will bring a wide range of people and artists together from around Victoria and provides an opportunity to showcase Euroa and the region. The event will result in several economic and social benefits to the community and the broader area.

ATTACHMENTS

Attachment 1: Remplan Report – Euroa Music Festival (*separate document*)

9.2.3 Application for Sponsorship – Nagambie Lakes Community House Christmas Carols Event 2022

Author: Manager Community and Culture

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Council has received a sponsorship application from the Nagambie Lakes Community House to support the delivery of the 2022 Christmas Carols event on Sunday 4 December.

The request is for a cash contribution of \$5,000 to assist with the cost of musicians, technical production, staging and food purchases at this free event.

The event application was of an excellent standard, with the application scoring 24/25 in the Sponsorship Program criteria assessment.

The event will result in significant social and economic benefits to the Nagambie Community and will be delivered in line with Council's Events and Regulatory Policies and procedures.

In Council's approved operating budget 2022/2023, Council allocated \$30,000 to the Sponsorship program to sponsor events held in the Strathbogie Shire that meet the Sponsorship program criteria, submitted in line with the application Guidelines.

This report recommends the approval of the sponsorship application from the Nagambie Lakes Community House to the value of \$3,000 to support the delivery of the 2022 Christmas Carols event. The reduced amount is in line with other approved sponsorship applications in the current financial year and is in response to the demand for this funding already observed in the first quarter of the financial year.

RECOMMENDATION

That Council:

- 1. Approve sponsorship of \$3,000 to Nagambie Lakes Community House to support the delivery of the Nagambie Christmas Carols event to be held on 4 December 2022;***
- 2. Work with the Nagambie Lakes Community House to reduce overall waste produced at the event through the implementation of the Waste Wise Events Guidelines as outlined in the Climate Change Action Plan 2022-27; and***
- 3. Make it a condition of the sponsorship funding that the Nagambie Lakes Community House comply with COVID-19 directions issues by the Chief Health Officer/Department of Health at the time of the event.***

9.2.3 Application for Sponsorship – Nagambie Lakes Community House Christmas Carols Event 2022 (cont.)

PURPOSE AND BACKGROUND

The Nagambie Christmas Carols event aims to provide a free, a family friendly live music event, celebrating community and Christmas in Nagambie. Last year's Carols event was highly successful, attracting hundreds of people to the shoreline of Lake Nagambie. The aim of this year's event is to build on that success and become a Shire wide attraction for locals, visitors and tourists. The event will include and showcase a number of Community groups, such as the CFA, Nagambie Kinder and Pre-school and the local Primary Schools.

The event is free to the community and scheduled to be held on Sunday 4 December involving carols, performance, activities, food and drink at a family friendly time in an outdoor location at Jacobson's Outlook.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The event organisers will obtain Event Approval from Strathbogie Shire Council, and will be required to submit documentation including, risk plans, and public liability insurance.

Due to the nature of the event, this is considered a medium impact event.

This event aligns well with the key principles of the Sponsorship Program as the event:

- Promotes community engagement and participation,
- Contributes to building healthy and vibrant communities, and
- Increases economic development, tourism and the visitor economy.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

Several partners have provided letters of support for this application and will participate in the event. Both primary schools, and Nagambie Preschool and Childcare will be participating in the event. They are planning to employ local musicians to accompany those performing. The event gives families and individuals an opportunity to come together, celebrate the season and perform in a joyful community event.

The event is also in response the success of a similar event in Nagambie in 2021.

POLICY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

9.2.3 Application for Sponsorship – Nagambie Lakes Community House Christmas Carols Event 2022 (cont.)

Council Plans and Policies

This initiative addresses the key objectives of the Council Plan 2021 – 2025 as follows:

- Strategic focus area 4: Inclusive. Productive. Balanced.
Our Community's goals – We target economic development to enhance our region; we are capitalising on our region's strengths

This initiative relates to the Arts and Culture Strategy 2019 -2023 as follows: Goal 1: A Connected and Vibrant Community which is focused on strengthening the strong sense of belonging and community pride, by increasing the opportunities for creative stimulation and connectedness.

- Strategic Objective 1.1 – we will support initiatives that bring people together, encourage collaboration and partnerships and create networks.

Regional, State and National Plans and Policies

There are no regional, state or national plans or policies that are relevant to this report.

LEGAL CONSIDERATIONS

One of the overarching governance principles under section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Conflict of Interest Declaration

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 2020*.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

In the interest of transparency and open and honest communication with community, this request for sponsorship from the Nagambie Lakes Community House is to be acknowledged in a public forum providing full disclosure of the allocation of sponsorship funding within the community.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

There is a total budget allocation of \$30,000 to Event Sponsorship in the 2022/23 Council Budget. In the current financial year, three applications have been approved for sponsorship totalling a cash value of \$6,101, leaving a balance of \$23,899. In addition to this application there are two other sponsorship applications being considered by Council at the October Council meeting.

9.2.3 Application for Sponsorship – Nagambie Lakes Community House Christmas Carols Event 2022 (cont.)

Sponsorship Program 22/23	
Allocated budget (cash)	\$30,000
2022-2023 Actuals (cash approved sponsorship applications)	\$ 6,101
2022-2023 Approved In-kind Sponsorship Value	\$ 205
Number of Sponsorship applications approved as at 1/10/2022	3

Nagambie Lakes Community House Christmas Carols Event (proposed)

Income		Expenditure	
Strathbogie Shire Council	\$5,000	Technical Production	\$2,000
St Malachy's Church	\$300	Musicians	\$1,800
		Staging	\$600
		Printing (St Malachy's Church)	\$300
		Food	\$600
Total Income	\$5,300	Total Expenses	\$5,300

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The event will result in several economic benefits to the Nagambie Community and the wider region. All the items relating to the event will be sourced locally, where possible and the event is estimated to attract an attendance of over 200 and give tourists who are in Nagambie a Christmas experience.

Social

The event will offer significant social benefit. The event provides an opportunity for participants, community and visitors alike to join together at this time of celebration and share the joy, at a free community event. The event is open to all in the community.

Environmental

Council Officers believe this event will have minimal environmental or amenity implications for Council or the broader community.

Council Officers will work with Nagambie Lakes Community House to support the delivery of the Nagambie Christmas Carols event and reduce the overall waste produced at the event through the implementation of the objectives of both the Waste Wise Events Guidelines and the Climate Change Action Plan 2022 – 2027.

Climate change

As highlighted above, Officers will work with Nagambie Lakes Community House to support the delivery of the Nagambie Christmas Carols event and reduce the overall waste produced at the event.

9.2.3 Application for Sponsorship – Nagambie Lakes Community House Christmas Carols Event 2022 (cont.)

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The organisers will ensure that all regulatory and Covid safe requirements are in place as part of the approved event application.

COLLABORATION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Council will provide the required assistance to the event as per Council's role and responsibility in line with the Local Government Act 2020 and relevant policies and procedures.

Several community groups and organisations are working closely to deliver a free community-based Christmas event.

HUMAN RIGHTS CONSIDERATIONS

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*.

CONCLUSION

It is recommended that this request for sponsorship be approved, for a reduced amount of \$3,000, in line with similar event sponsorships in 2022/23 financial year and based on current demand for sponsorship. The Nagambie Christmas Carols event will bring a wide range of community members and groups together in Nagambie and provides an opportunity to showcase the broader region. The event will result in several economic and social benefits to the community and is free to attend.

ATTACHMENTS

Attachment 1: Remplan Report – Nagambie Christmas Carols 2022 (*separate document*)

9.2.4 Euroa Health Funding Advocacy

Author: Economic Development and Projects Coordinator

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

The Euroa Bush Nursing Hospital (now known as Euroa Health Incorporated) was established in 1927 by the local community and is located at 36 Kennedy Street Euroa.

Euroa Health Incorporated (Euroa Health) provides the following services:

- Acute Care
- Urgent Care
- GraniteHill
- Residential Aged Care
- Care at Home
- Community Gym

Given Euroa Heath's Bush Nursing Hospital status, it is recognised as a private facility and although it does receive some limited State Government funding in the form of grants, it does not receive recurrent funding to support its operations. This is primarily due to its private status despite it being a registered charity operating as a not-for-profit which returns all monies and benefits to the community. There are some options to apply for grant funding to support the operations of the acute ward however, these are "one-off" funding options that rely upon the support and assent of the Minister and do not provide certainty for future operations of the service.

Euroa Health offers a 22 bed Acute Services Ward (with three beds dedicated to emergency treatment services on a 24-hour seven day per week basis). Euroa Health does not receive adequate State government funding to provide acute services and it has only been since 2017 that approximately \$400,000 (or \$18,181.00 per acute bed) has been provided by the State with the majority funding for the acute services being provided by community fundraising, patients with private health cover and Veterans Affairs patients. Numbers in these sectors are declining creating a shortfall in revenue which is not sustainable for more than two further years.

Unless adequate ongoing funding is provided by the State government Euroa Health will be forced to close the acute services ward and community members will need to travel to larger regional areas for acute medical services and hospitalisation.

In response to this necessity, Euroa Health is currently undertaking a large advocacy campaign lobbying for recurrent State Government funding of the hospital's acute care services.

Euroa Health's funding advocacy is centred around the following ask:

- Seeking the support of Government to adequately fund the Acute Service moving forward, and provide a level of parity in income for Euroa Health, and
- The people of the Strathbogie Shire are the only Shire in Victoria without a publicly funded hospital, and the time has come for the Government to ensure the viability of the service moving forward.

9.2.4 Euroa Health Funding Advocacy (cont.)

Euroa Health are seeking the sum of \$1.6 million per year from the State government to assist in funding its acute services. This amount is much lower than that provided to other comparable hospitals and represents very high value for money to both the State government and the community. Securing this modest State Government funding will ensure that Euroa Health provides an important local service to our community into the future.

RECOMMENDATION

That Council:

1. ***Support Euroa Health Incorporated in its advocacy for recurrent State Government funding for its acute care service to ensure its ongoing viability and service provision to our community, and***
2. ***Write to local state members of parliament and candidates for the forthcoming state election and promoting Euroa Health's campaign through Council's various communication platforms.***

PURPOSE AND BACKGROUND

The Euroa Bush Nursing Hospital (now known as Euroa Health Incorporated) was established in 1927 by the local community and is located at 36 Kennedy Street Euroa.

Euroa Health Incorporated (Euroa Health) operates the following services:

- Acute Care
- Urgent Care
- GraniteHill
- Residential Aged Care
- Care at Home
- Community Gym

As an original Bush Nursing Hospital, Euroa Health is deemed a private facility, and therefore ineligible to receive recurrent funding for its acute care services. There are currently five Bush nursing hospitals remaining in Victoria and it is expected that this number will decrease in the coming years.

Euroa Health offers a 22 bed Acute Services Ward (with three beds dedicated to emergency treatment services on a 24-hour seven day per week basis). There are some options to apply for grant funding to support the operations of the acute ward however, these are "one-off" funding options that rely upon the support and assent of the Minister and do not provide certainty for future operations of the service.

9.2.4 Euroa Health Funding Advocacy (cont.)

Euroa Health receives limited State Government funding to provide acute care services and it has only been since 2017 that approximately \$400,000 (or \$18,181.00 per acute bed) has been provided by the State with the majority funding for the acute services being provided by community fundraising, patients with private health cover and Veterans Affairs patients. Numbers of patients in these sectors are declining due to advancing age demographics, creating a shortfall in revenue which is not sustainable for more than two further years.

In response to this necessity, Euroa Health is currently undertaking a large advocacy campaign lobbying for recurrent State government funding of the hospital's acute care services as follows:

- Seeking the support of Government to adequately fund the Acute Service moving forward, and provide a level of parity in income for Euroa Health, and
- The people of the Strathbogie Shire are the only Shire in Victoria without a publicly funded hospital, and the time has come for the Government to ensure the viability of the service moving forward.

Euroa Health are seeking the sum of \$1.6 million per year from the State government to assist in funding its acute services. This amount is much lower than that provided to other comparable hospitals and represents very high value for money to both the State government and the community.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Euroa Health has provided the below considerations that have led to the need behind the advocacy campaign.

Euroa Health Acute Care Services:

- Euroa Health operates a fully accredited 22 bed hospital providing Acute services.
- Urgent Care Centre (3 beds operating 24 hours / 7 days per week)
- Medical care for both the acute and urgent care services is provided by GPs from Euroa Medical Family Practice credentialled by Goulburn Valley Health.
- The need for funding is driven by a decline in the numbers of people with private health insurance, and those funded by the Department of Veterans Affairs in the region.

Euroa Health Board and Management have worked hard to address financial sustainability:

- 2022-2023 financial year, the acute inpatient unit is budgeted to operate at a \$800k loss
- Significant cost effectiveness measures implemented
- Strong community support via fundraising and very successful opportunity shop

9.2.4 Euroa Health Funding Advocacy (cont.)

- Advocacy, supported by local MPs resulting in \$400k pa Victorian Government funding since 2017 to support public funded beds in Acute. 100% use of the \$400k since implementation which has to be managed frugally to ensure we have sufficient for the entire year (2 beds per day average)
- Seeking new revenue streams

Why Euroa Health Acute Service is part of the solution:

- Infrastructure at Euroa Health is ready to receive additional patients
- Nursing / GP medical model / radiologist currently in place to deliver care.
- Care delivered locally improves discharge planning and post discharge follow up
- Reduction in the time AV is out of region transporting patients to G VH, as direct admission for suitable clinical conditions for patients becomes achievable
- Point of access and flow = solution for all 22 beds become available for admission to clear bed pressure on other hospitals like Goulburn Valley Health
- Direct admission option for public patients

Further, Euroa Health has highlighted that if recurrent funding for the acute services were secured it would then be possible to increase the availability of health services at the hospital and the local community. This could include day surgery and some other routine surgical procedures which would preclude the need for community members to travel long distances to obtain the services.

Unless adequate ongoing funding is provided by the State government Euroa Health will be forced to close the acute services ward and community members will need to travel to larger regional areas for acute medical services and hospitalisation.

By contrast examination of the annual reports of similar sized public hospitals has revealed the following State government funding statistics:

- Rochester/Elmore: 10 beds received - \$759,300 per bed.
- Alexandra: 25 acute beds - received \$320,960 per bed.
- Kerang: 20 beds - received \$433,790 per bed.
- Mansfield: 24 beds - received \$542,167 per bed.

It is a matter of public record that all health services such as Goulburn Valley Health are struggling to keep up with public demand primarily resulting from the covid-19 pandemic. The proposed recurrent funding model for the Euroa health acute ward still retains a component of community fundraising and offers a “bargain basement” price to the State government to operate 22 much-needed acute beds. In contrast, the closure of the Acute Services ward at Euroa Health would place considerable additional strain on surrounding regional health services and on the Ambulance service which will be required to transport patients from the community to regional centres over 50 km away rather than transport them directly to the local service. The additional transport needs will lower the availability of ambulance services to the Euroa community.

9.2.4 Euroa Health Funding Advocacy (cont.)

With the growing trend for remote working / learning, Euroa and surrounding district is experiencing accelerated population growth creating a higher demand for health services and it is anticipated that this population growth will continue.

It is therefore considered imperative that local health services “grow with the community” and it is considered important that Council advocate for ongoing State Government funding to facilitate this growth.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Engagement has occurred with Euroa Health on this matter. Community engagement by way of a public advocacy campaign would raise public awareness and demonstrate Council’s commitment to improve and retain health services in the community.

POLICY CONSIDERATIONS

Council Plans and Policies

Under the current Council plan, Council is committed to ensuring public health and well-being within Strathbogie Shire.

In particular this initiative sits under:

- Strategic Focus Area 5: Strong. Healthy. Safe

Whilst this advocacy is not specifically detailed in the Council Plan, the health and wellbeing of our community underpins all Council actions and business operations. As such, this advocacy to support Euroa Health’s campaign to retain and improve health services within our local community demonstrates Council ongoing commitment to public health and wellbeing.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Euroa Health is currently ineligible for recurrent funding due to its private status. This campaign seeks the support of the Government to adequately fund the Acute Service moving forward and provide a level of parity in income for Euroa Health.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

There are no legal issues to be considered in this matter.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.2.4 Euroa Health Funding Advocacy (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

To ensure transparency of Council's position, this matter is being heard before council in an open public meeting.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

There are no financial implications associated with this report for Council as the advocacy work will be undertaken within existing resources.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The provision of acute health services at Euroa builds on the needs of a growing community and improves "liveability" in turn attracting residential and commercial investment to the region. The provision of these services also adds to local employment and will provide building blocks for improvements to other services such as minor surgery into the future.

Social

The provision of acute health services at Euroa also provides "health security" to local residents and improves community perception of the district is a desirable place to live and work. It will also improve the quality-of-life for those suffering illness and their family members by greatly reducing the need for them to travel to obtain medical services to visit family and friends suffering/recovering from illness.

Environmental

The provision of acute health services at Euroa significantly reduces the need for Strathbogie residents to travel to regional centres for medical services including emergency services.

Climate change

The improvement and continuation acute health services at Euroa will reduce the need for patient transport and travel by residents requiring treatment and will have a positive effect on greenhouse gas reduction.

HUMAN RIGHTS CONSIDERATIONS

As identified within the campaign, the people of the Strathbogie Shire are the only Shire in Victoria without a publicly funded hospital, and the time has come for the Government to ensure the viability of the service moving forward.

9.2.4 Euroa Health Funding Advocacy (cont.)

CONCLUSION

Euroa Health is seeking Council assistance in advocating for improved State government funding for its Acute Ward.

The funding requested is \$1.6 million annually to operate 22 beds at a cost of approximately \$72,000 per bed per year or \$200 per day a figure that is much lower than that paid for other public hospital beds around regional Victoria. This funding will basically “top up” funding obtained through community fundraising activities and private/Veterans Affairs patients.

Euroa Health has highlighted that the current funding model is unsustainable, and that the health service will be forced to close the acute ward within two years if it does not receive extra funding from the State government.

ATTACHMENTS

Nil

9.2.5 School Crossing Supervision Program

Author: Manager Community Safety

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

The School Crossing Supervision Program is led and funded by the Department of Transport. Historically there has been an informal partnership between State and Local Government, with local government delivering the service on behalf of the state. Children's school crossings are placed at locations to help children safely cross the road, especially on their way to and from school with formal crossings monitored by a crossing supervisor before and after the school day. Some of these crossings also feature pedestrian-operated signals, where required. Council currently manages five school crossing sites within the municipality, four of these are located on Department of Transport managed roads. The only school crossing located on a council managed road is situated in Goulburn Street, Nagambie.

While local governments have traditionally provided the School Crossing Supervision service on behalf of the State there is no legislative requirement for Council to perform this role. Over time, the financial allocation from the state government for the program has dwindled, resulting in local governments and as such rate payers, picking up the short fall in funding. As the years progress, this funding gap is continuing to increase with Council contributing approximately 62% (to program costs) to top up this state government service. This inequity of funding is something faced by all local government areas that deliver the School Crossing Supervisor Program on behalf of the State Government.

In addition to the increasing costs in maintaining the program, it is becoming increasingly difficult to find staff for the role given the limited working hours (one hour in the morning and one hour in the afternoon on school days). Consequently, other Council staff are often being taken away from their normal duties to perform the crossing supervisor role. There has also been no innovation or review of the school crossing supervisor program since its inception in 1975, noting that in 2016 the Government made a commitment to undertake broad strategic review into the movement and safety of school students. To date that commitment remains unfulfilled.

Given this is an issue facing the Victorian local government sector, the City of Monash is coordinating an advocacy campaign (with the support of the Municipal Association of Victoria and a representative committee made up of other Council representatives) to seek restoration of funding for this critical service. In summary, the campaign objectives are:

- The Victorian Government to commit to fully fund the delivery of the School Crossing Program.
- Requesting the Victorian Government conduct an urgent review and reform of the current School Crossing Supervisor model (noting that in 2016, the Government made a commitment to undertake a broad strategic review into the movement and safety of school students that to date has remain unfulfilled).
- Engage with community stakeholders to increase awareness and support of the reduced/lack of financial support for Councils to provide school crossing supervisor services.

9.2.5 School Crossing Supervision Program (cont.)

The City of Monash are requesting a financial contribution of \$1,500 for rural/peri-urban Councils towards the advocacy campaign. At the time of writing this report, 22 councils have joined the campaign and the advocacy has commenced.

It is becoming unsustainable for Council to continue to take on the burden of the financial cost shift from the State Government for this service. Joining the advocacy campaign will focus attention on the need for a sustainable program into the future.

In addition, officers propose that Council include in its advocacy that the funding, if successful, should also be fully indexed. Should the advocacy campaign be unsuccessful, it is recommended that Council consider options into the future, including (but not limited to), looking to the exit service by 10 July 2023 with the view for the service to be operated directly by the Department of Transport with no loss or reduction of service levels for parents and children utilising this important service.

RECOMMENDATION

That Council:

- 1. Recognises that child safety is and remains the primary consideration associated with the School Crossing Supervision Program;***
- 2. Join the City of Monash advocacy campaign to commit to fully fund the delivery of the School Crossing Program at a cost of \$1,500;***
- 3. Endorse that as part of this campaign, Strathbogie will also advocate for a fully indexed program; and***
- 4. Receive a further report in the March 2023 Council Meeting cycle to consider a range of options for the program (including but not limited to):***
 - a. Continue to provide the fully funded and indexed service on behalf of the State Government Department of Transport; or***
 - b. If full funding is not achieved, consider exiting the service by 10 July 2023 with the view for the service to be operated directly by the Department of Transport, with no change in service levels for parents and children utilising this important service.***

PURPOSE AND BACKGROUND

School Crossing Supervision plays a critical role in community safety when assisting children and families crossing the road before and after school. School crossings are key to making roads safer around schools and are highly valued by the community at large.

The need for a school crossing to have a supervisor is triggered by a number of traffic and pedestrian counts.

9.2.5 School Crossing Supervision Program (cont.)

Initially the School Crossing Supervision Program was predominately funded by the State Government. Over time, this financial contribution has dwindled leaving Councils to fund the shortfall to deliver the program.

Council currently manages five school crossing sites, with four of these sites being located on Department of Transport managed roads. The only school crossing located on a council owned road is situated in Goulburn Street Nagambie. Table 1 below details the schools currently receiving this service.

Table 1: List of School Crossings:

Location	School
Anderson Street, Euroa	St Johns Primary School
Clifton Street, Euroa	Euroa Primary School
Livingstone Street, Avenel	Avenel Primary School
Goulburn Street, Nagambie	Nagambie Primary School
High Street, Nagambie	St Joseph's Primary School

Table 2: Current daily average usage

School	Average number of children crossing AM	Average number of children crossing PM
St Johns Primary School	60	45
Euroa Primary School	6	6
Avenel Primary School	4	4
Nagambie Primary School	23	52
St Joseph's Primary School	9	6

Monash City Council conducted a state-wide questionnaire with councils across the state to understand the position of other councils regarding continuing to offer the school crossing supervisor service. The responding councils reported that the service cost considerably more than the state government was providing councils to operate the service. The survey results revealed:

- 97 per cent of Councils have unsupervised crossing sessions
- 82 per cent regularly face crossing supervisor staff shortages, and
- 87 per cent consider the system no longer fit for purpose.

On the 28 July 2022 the Mayor of the City of Monash (with the support of the Municipal Association of Victoria and a representative committee made up of other Council representatives) hosted an online meeting to discuss the future of school crossings with fellow local government representatives. The meeting was attended by representatives from at least 40 local government areas. Common themes from this meeting included:

- Victorian Government financial support for Councils to provide the service has gradually, but significantly, decreased over time.
- Changing demographics are making it increasingly difficult to attract staff
- Growing number of crossing sessions are unstaffed each year
- Costs to Councils are increasing
- The program is no longer fit for purpose and needs to change as its not sustainable
- It is a highly sensitive issue and one that requires careful management.

9.2.5 School Crossing Supervision Program (cont.)

The City of Monash commenced the campaign in September 2022. The policy objectives of the campaign are:

1. The Victorian Government to commit to fully fund the delivery of the School Crossing Program.
2. Requesting the Victorian Government conduct an urgent review and reform of the current School Crossing Supervisor model (noting that in 2016, the Government made a commitment to undertake a broad strategic review into the movement and safety of school students that to date has remain unfulfilled).
3. Engage with community stakeholders to increase awareness and support of the reduced/lack of financial support for Councils to provide school crossing supervisor services.

The campaign also provides individual Councils to determine a solution that is tailored to meet their own needs, either in isolation or through coordinated activity with similarly aligned Councils.

Ensuring an appropriate share of State funding for school crossing supervisors is therefore considered an important advocacy issue. New technology is currently being rolled out across 38 sites in six metropolitan council areas. Dynamic crossings use sensors and high-definition cameras to detect how many people are waiting at a crossing and adjust the crossing time accordingly, keeping students and families safe and improving traffic flow.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

There are a number of factors that have led council to review this service including:

- Council has no legislative requirement to provide the school crossing supervision program.
- Other councils have already divested themselves from delivering school crossing supervisor services in Victoria.
- Four of the five school crossings currently managed by Strathbogie Shire Council are situated on roads owned and managed by the Department of Transport.
- Council currently provides approximately 62% subsidy for the school crossing supervision program.
- Operating within a rate capping environment, it is difficult for Council to continue to simply provide the same level of services from year to year in circumstances where there are significant new emerging challenges which are deserving of Council funding consideration.

9.2.5 School Crossing Supervision Program (cont.)

- The fact that the share of funding contribution to school crossing supervision costs has increased by more than 50% for local councils since 1975 while the proportion of funding contributed by the State Government has almost halved.
- The ongoing provision of school crossing supervision is an important service, but one that ought to be fully funded by the State Government as it is a program that is led by the State Government.

It is becoming unsustainable for Council to continue to take on the burden of the financial cost shift from the State Government for this service. Joining the advocacy campaign will focus attention on the need for a sustainable program into the future.

In addition, officers propose that Council include in its advocacy that the funding, if successful, should also be fully indexed. Should the advocacy campaign be unsuccessful, it is recommended that Council consider options into the future, including (but not limited to), looking to exit service by 10 July 2023 with the view for the service to be operated directly by the Department of Transport with no loss or reduction of service levels for parents and children utilising this important service.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Given the sensitivity of this report, a full communications plan has been developed to support the rollout of the messaging of this campaign. The advocacy campaign will be a mix of engagement of local members and Ministers, with social media and media. Upon signing onto the campaign, a kit will be distributed to all participating councils that includes templates, fact sheets and draft media releases. Strathbogie will tailor this kit as required.

Communications and consultation will also be undertaken with the five abovementioned schools, school councils and the school crossing supervisors. A frequently asked questions sheet will also be circulated and available on Councils webpage.

Staff engagement is paramount as part of this process. School Crossing Supervisors and associated administration staff will continue to be informed on the progress of the campaign as it continues to be rolled out and any subsequent actions that Council may consider in the future.

POLICY CONSIDERATIONS

Council Plans and Policies

Council's Road Management Plan 2021-2025: Road infrastructure means - The infrastructure which forms part of a roadway, pathway or shoulder, including:

- a) Structures forming part of the roadway, pathway or shoulder; and the road related infrastructure, and
- b) Materials from which a roadway, pathway or shoulder is made, such as asphalt, bitumen, gravel, lane markers and lines.

9.2.5 School Crossing Supervision Program (cont.)

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Council's statutory powers and functions in relation to roads are generally outlined in:

1. Local Government Act 1989:

- There is nothing in the LGA which specifically addresses children's crossings, or Council's management of them, and there is no statutory obligation for the provision of school crossing supervisors.

2. Road Management Act 2004 and the Road Management (Works and Infrastructure) Regulations 2015 made under the Road Management Act:

- Council's obligations as the responsible road authority with respect to children's crossings are set out in the Road Management Act, the Road Safety Act and the associated regulations.
- Council is generally the responsible road authority for municipal roads within its municipal district. Council's functions include road maintenance, traffic management and infrastructure installation. Council's functions and duties as the responsible road authority include an obligation to inspect, repair and maintain the public roads for which it is the responsible road authority.
- On arterial roads, the Road Management Act allocates responsibility between Council and the Department of Transport. Council is generally responsible for any part of an arterial road outside of the part of the road used by through traffic, i.e. all areas outside of the 'kerb to kerb' area of the road.
- Guidance on Council's responsibilities with respect to road management is provided by the 'Code of Practice for Operational Responsibility for Public Roads' dated 30 May 2017. The purpose of the Code is to clearly define the allocation of responsibilities for public roads between the Department of Transport and municipal councils. Council is required to have regard to the Code of Practice when exercising its powers and functions over roads.
- The Code provides, at clause 10(3)(m), that Council is required to perform the functions of a responsible road authority with respect to:
 - children's crossings, including advance warning signs and crossing signs, road markings and pedestrian fencing located on the roadside (but excluding the roadway pavement). Council is the road authority with respect to school crossings on arterial roads; and
 - infrastructure that comprises a school crossing is 'road infrastructure' under the Road Management Act, so Council has a duty of inspection, repair, and maintenance in respect of it.
- Accordingly, in relation to children's crossings on public roads for which Council is the responsible road authority, Council must inspect, maintain, and repair the children's crossings.

9.2.5 School Crossing Supervision Program (cont.)

- It is important to note that Council's obligation under the Road Management Act 2004 to maintain school crossing infrastructure does not create an obligation on Council to provide the school crossing supervisor program. The Road Management Act 2004 legislative focus is concerned with road infrastructure, not with human resources.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

- Section 40 of the Road Management Act 2004 places a statutory duty on Council to inspect, maintain and repair public roads for which it is responsible.
- Code of Practice under the Road Management Act 2004 – Operational Responsibilities for Public Roads – Clause 10(3)(m) children's crossings, including advance warning signs and crossing signs, road markings and pedestrian fencing located on the roadside (but excluding the roadway pavement).
- Section 205 of the Local Government Act 2020 requires that Council has the care and management of municipal roads within its responsibility.

There is no legal funding agreement in place for the provision of the school crossing supervisor service, just an informal arrangement that has been in place since 1975. Council receives a confirmation letter of funding annually from the Department of Transport.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

Given the sensitivity surrounding this report and should the recommendation be supported by Council a comprehensive communication and engagement plan will be developed consisting of key messages to inform the community of the decision of council and subsequent information.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

In the 2021/22 financial year, council received \$32,850 in funding from the Department of Transport to provide the service, and the actual costs for the year totalled approximately \$82,078 (Council contributing 62% to the program). The state has confirmed an increase of funding of approximately 20% for each supervisor for the 2022/23 financial year, however, to date the funding is yet to be received.

9.2.5 School Crossing Supervision Program (cont.)

Regardless of this, over time, this financial contribution has dwindled leaving Councils to fund the shortfall to deliver the program in a rate capped environment.

Regardless of options into the future, Council would still be required to maintain the painting of posts and lines at each school crossing on a biennial basis as detailed in the Code of Practice for Operational Responsibility for Public Roads section 10(3)(m) however is able to be managed under existing budget.

The City of Monash are requesting a financial contribution of \$1,500 for rural/peri-urban Councils towards the advocacy campaign. This contribution can be accommodated within existing budget parameters.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

It is becoming unsustainable for Council to continue to take on the burden of the financial cost shift from the State Government for this service. Joining the advocacy campaign will focus attention on the need for a sustainable program into the future.

Social

Children's school crossings are placed at locations to help children safely cross the road, especially on their way to and from school with formal crossings monitored by a crossing supervisor before and after the school day. The service is one that is highly valued by the community.

Environmental

Allowing children to ride and walk to school in a safe manner provides a healthy option that has minimal impact on the environment.

Climate change

Ridding and walking to school provides a way for students to minimise their environmental footprint.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

The City of Monash is coordinating an advocacy campaign (with the support of the Municipal Association of Victoria and a representative committee made up of other Council representatives) to seek restoration of funding for this critical service. There has been sector consultation undertaken by the City of Monash.

9.2.5 School Crossing Supervision Program (cont.)

HUMAN RIGHTS CONSIDERATIONS

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

CONCLUSION

Initially the School Crossing Supervision Program was predominately funded by the State Government. Over time, this financial contribution has dwindled leaving Councils to fund the shortfall to deliver the program in a rate capped environment. The City of Monash are leading an advocacy campaign to demonstrate and highlight to government that the funding model is not sustainable. In addition, there are growing concerns that the program is no longer not fit for purpose.

ATTACHMENTS

Nil

9.3 INFRASTRUCTURE

9.3.1 Tree Management Plan: Urban and Rural Strategies and Tree Management Policy

Author: Environment and Waste Coordinator

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

At its August 2022 Meeting Council endorsed the draft Tree Management Plan: Urban and Rural Strategies (the Plan) for community consultation. This period of consultation has now been completed and this report presents the Tree Management Plan: Urban and Rural Strategies and Tree Management Policy for final adoption by Council.

Council's Tree Management Plan documents the management strategies Council has in place to ensure the longevity and quality of trees within our urban environments, as well as the risk management framework that will be applied to mitigate risk to the community as much as is reasonable and practicable.

RECOMMENDATION

That Council:

- 1. Note the community engagement report as attached to this report;***
- 2. Adopt the Tree Management Policy;***
- 3. Endorse the Tree management Plan: Urban and Rural Strategies, and***
- 4. Establish an annual Tree Planting Program target of an additional 100 trees in urban areas across the Shire for the 2022/23, 2023/24 and 2024/25 financial years, excluding tree plantings as part of the Streetscape programs, and requirements for new developments.***

PURPOSE AND BACKGROUND

As part of the findings of the December 2020 Internal Audit Report in relation to Tree Management, a series of recommendations we made including further developing and implementing the Tree Management Plan: Rural and Urban Strategies to ensure that it adequately addresses all risks associated with tree assets and meets industry standards.

Strathbogie Shire Council is responsible for more than 15,000 trees throughout the municipality and this plan addresses such items as risk area mapping, inspection and maintenance standards, reference material and service levels. Completion and adoption of this plan will enable detailed assessment of the resources required to manage Council's trees in-line with industry standards.

9.3.1 Tree Management Plan: Urban and Rural Strategies and Tree Management Policy (cont.)

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

For Council to show that it has satisfied its duty of care to the community, it is required to demonstrate that it has in place a reasonable regime for both inspecting the public network of trees and for planning and implementing required works to ensure a reasonable level of safety.

These aspects of inspection and response are key components and are dealt with in the draft Plan. Inspection targets, maintenance targets and response times are identified in the document and are based on risk so as to ensure community safety and in the discharge of its statutory and common law duty to inspect, assess and manage (with regard to risk), all trees for which the Council is responsible.

The attached Tree Management Policy (the Policy) sets out the overarching principles which are needed to govern the actions as detailed in the Tree Management Plan. The Plan details the high-level actions which are needed to achieve the policy objectives.

Further documents that will be developed to supplement and operationalise the Plan including a detailed Procedures Manual should the Policy and Plan be endorsed by Council.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Consultation on the Tree Management Plan was undertaken as outlined in the Community Engagement Plan. The process has been further outlined below in Table 1 and in the attached Engagement Report (Attachment 3):

Table 1: Community Engagement Plan

Project stage	Engagement goals	Tools and methods
One	Inform <ul style="list-style-type: none"> Facilitate genuine stakeholder and community engagement to seek input to the draft plan. Provide clear communications to the community to ensure providing feedback is easy Provide timely information to the community and key stakeholders about the plan. 	Communication tools <ul style="list-style-type: none"> Media release Social media eNews story Advertising Website content Engagement methods <ul style="list-style-type: none"> Share Strathbogie submission tool Letters seeking feedback

9.3.1 Tree Management Plan: Urban and Rural Strategies and Tree Management Policy (cont.)

Two	Inform <ul style="list-style-type: none"> • Inform the community and stakeholders how their feedback informed the final Tree Management Plan • Inform the community the plan is complete 	<ul style="list-style-type: none"> • Update to website • Update to Share Strathbogie • Letters to submitters
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Table 2 provides a high level summary of the submissions received and officer's response. The full submissions form part of the Community Engagement Plan report (attachment 3):

Table 2: Summary of Submissions

Submission 1: Euroa Resident	
Submission	Officer Response
<p>Council should address the challenges and build on this clear community commitment, undertaking the following:</p> <ul style="list-style-type: none"> • reconvene the community street tree planters group as a matter of urgency and re-establish a street tree planting program across the shire. • use the skills and expertise of the staff and volunteers at the Euroa Arboretum • recognise that we have some remarkable tree scapes in our towns around the Shire. This recognition should include establishing listings for some of the heritage trees. • consider ways in which we can recognise some of the mighty trees which remain in the Strathbogie Forest to become a leading science and biodiversity communicator in local government settings. • Establish a respectful dialogue with the Taungurung clans in line with the MOU which already exists about the number and status of culturally modified trees around the town of Euroa 	<p>Council staff are currently working with the community to determine the best location and species for tree planting in each of our townships.</p> <p>Council will only be planting from a tree list that is climate appropriate. This work was undertaken with the Goulburn Murray Climate Alliance and other Councils in our region,</p> <p>The Climate Change Action Plan has an action to develop a significant tree register.</p>
Submission 2: Strathbogie Resident	
<p>The Shire of Strathbogie has a reputation for its lovely landscapes, with the Strathbogie Tablelands being one of the most spectacular.</p> <p>The Shire's urban tree planting / streetscaping program needs to continue in all of our small townships, to increase the</p>	<p>To address these issues and ensure that there is adequate urban cooling in our changing climate Council has committed to the following expenditure over the next three financial years to improve canopy cover and cooling in our urban areas. This has been further supplemented with a grant from Emergency</p>

number of trees across the whole landscape – for healthy living and, especially, to do our part to combat Climate Change.

It is so important that the Shire has its planting budget – we need to take advantage of this and plant as much as we can as soon as possible.

We believe there is a huge need for an ongoing annual Streetscape Planting programme, to replace any trees lost and expand planting across all township areas where trees can be planted appropriately. This is a fantastic opportunity for the Shire to tap into the energy and commitment in our community, and to establish a lasting and productive partnership.

Let's do it!

Management Victoria of \$85,000. The budget allocation is:

Year 1: 2022/23 - \$98,676

Year 2: 2023/24 - \$66,500

Year 3: 2024/25 - \$74,324

Council staff are currently working with the community to determine the best location and species for tree planting in each of our townships. This program will run until 2025.

Submission 3: Euroa Environment Group

Trees and landscape values are regularly listed amongst the key reasons people move to or visit Strathbogie Shire.

It concerns us that we are already way behind in our streetscape planting programme.

When we undertook the 2020 plantings, we did not want them to be “one-offs”. The plantings proposed for this spring must also not be one-offs. We must act now to schedule a regular planting programme, which fill the gaps (too common) in our streetscapes.

Council must set an annual target, based on attrition rates, and replacement capacity.

We believe community-led plantings allow for at least 200 trees per town to be planted annually. We achieved that in 2020 with minimal exertion. Euroa Environment Group is happy to continue in its capacity as a partner with Council. We have the connections to the town “champions” and with their energy and commitment we can make this a lasting and productive partnership.

To address these issues and ensure that there is adequate urban cooling in our changing climate Council has committed to the following expenditure over the next three financial years to improve canopy cover and cooling in our urban areas. This has been further supplemented with a grant from Emergency Management Victoria of \$85,000. The budget allocation is:

Year 1: 2022/23 - \$98,676

Year 2: 2023/24 - \$66,500

Year 3: 2024/25 - \$74,324

Based on this feedback, the report recommendation details an annual target of an additional 100 trees planted across the Shire on an annual basis for the next three (3) years.

Euroa used to have a reputation for its beautiful trees and shady streets. Let's regain that reputation.	
Submission 4: Euroa Resident	
<p>Please exercise a high degree of care before destroying any tree /wildlife habitat.</p> <p>Look after yourself, don't destroy the nature that we have in this country town, just to replicate the jungle that increasing numbers of disenchanted city/suburban expats realise that they are missing.</p> <p>A project of nesting box creation and installation and permanent marking of nesting sites on a Council register and habitat would be useful for the birds and mammals and for future reference of developers and concrete enthusiasts.</p> <p>We also need to provide food sources for wildlife, so for every ratepayer, a gift of a native tree or shrub from the arboretum and an area each year to plant in would be a positive move, for example roadsides that need a clean up creek banks, even private land, all nature strips and around all parks and (sporting grounds, shrubs, not limb dropping trees).</p> <p>A nature park for kids would be well suited at the arboretum, not in our main park, and a footpath /bike track to arboretum should be a priority.</p>	<p>As part of the Climate Change Action Plan Council will work with the Euroa Arboretum to promote Gardens for Wildlife to increase biodiversity.</p> <p>Council is soon to commence a program where all children aged between two and three and a half years will receive native plants from the Euroa Arboretum at their key age and stage visit delivered through Council's Maternal and Child Health Program.</p> <p>Council will commence the planning work for a nature-based playground in Euroa in the coming months. We would warmly welcome your participation in the community engagement process.</p>
Submission 5: Ruffy Resident	
<p>This plan describes the responsibilities of the Council in relation to a Tree Management Plan.</p> <p>I would like to see the following included:</p> <p>Who is responsible for many of the actions?</p> <p>What data is collected/used</p> <ul style="list-style-type: none"> • What procedures are referenced when completing many of the tasks? • Plan review. How can a review be undertaken when the plan does not detail (amongst other considerations) documentation of assessments, investigation, reviews, inspections, remedial actions, tree health, near misses/failures, trends, KPIs. • Arborist - it is my assumption that the Strathbogie Shire Council has achieved Quality accreditation ISO 9000/9001. 	<p>The Tree Management Plan is a strategic document which sets out the broad directions, principles, responsibilities, and approaches to how Council will manage trees across the municipality in both urban and rural environments.</p> <p>This will be outlined in a detailed Procedure Manual that will be developed to compliment this Plan.</p>

<p>Therefore, I would expect that a professional arborist would only be engaged by Council if they comply with the requirements specified by the quality accreditation.</p>	
<p>9.2 Rural Trees (gazetted public roads): Section 107 of the Road Management Act 2004 is not accurately quoted in its entirety</p>	<p>The Act is quoted correctly.</p>
<p>Significant Tree Register: Who (position) is responsible and accountable for maintaining the significant tree register. There should be a clause added here to emphasize community safety.</p>	<p>This will be developed as an Action in the Climate Change Action Plan.</p>
<p>What is the purpose of the inclusion regarding trees which have propagated themselves with Council having no statutory obligation nor common law duty to inspect and/or maintain unless Council receives requests or evidence to suggest that they present an active risk to the public. What risk is implied here as the majority of trees within the Strathbogie shire are natives and would have been self sown.</p>	<p>Council has direct management responsibility for trees that are planted by Council in the urban areas. Those that self propagate in rural areas, unless directly impacting on the road envelope, are not directly managed by Council.</p>
<p>Point 4 - 13.2 Rural areas Council is responsible for clearing or pushing trees into the road reserve for biodiversity and habitat, when trees fall outside the road maintenance envelope, but within the road reserve on to the road pavement (refer to Appendix 2). This is a conflicting statement when the council is obligated under Section 43 of the Country Fire Authority Act 1958 to 'take all practicable steps to prevent the occurrence of fires on, and minimize the danger of the spread of fires, on any road under its care and management'.</p>	<p>Council is required to balance the potential fire risk with the requirement to protect our native flora and fauna. As part of Councils fire management responsibilities steps are undertaken to minimise fire risks on our rural roadsides.</p>
<p>If a tree from the road reserve outside of the tree maintenance envelope, or from a private property falls onto a public road, Council MUST (Section 107 of the Road Management Act 2004) act in the interests of public safety to clear part or ALL of the fallen tree. However, Council has no responsibility or liability for any tree outside of the road maintenance envelope as defined in Strathbogie Shire Road Management Plan.</p>	<p>Council fully exercises its common law duty and statutory obligations under the Road Management Act 2004, the Strathbogie Shire Council Road Management Plan and within the draft Tree Management Plan</p>
<p>Point 5 -14.2 Proactive maintenance scope Rural areas:</p>	<p>A qualified arborist (contractor) will carry out an inspection if our service inspector has</p>

This section implies that Council is not responsible, nor does it have a liability, for any tree outside of the road maintenance envelope as defined in Strathbogie Shire Road Management Plan. For trees outside of the Road Maintenance Envelope: what is the assessment process, who will do it, will a report be provided to the parties who have reported the unsafe or dangerous tree or trees, is there a nominated time frame of the inspection to occur and report provided?

Point 6 - 15.1 Risk framework: to effectively identify and manage risks Council will undertake a range of inspection/maintenance regimes

- Who (position) is responsible for managing the inspections?
- Will 5 and 1 year plans be documented and transparent to ratepayers? What systems are being used and who will document these.
- With the "Tree Incident Report", will appropriate measures highlighting success or failure of the plan be developed and reported and who (person) is responsible for managing.

Point 6 -15.2 Quantified tree risk assessment (QTRA):

In Table 1 Target Ranges for Property, Pedestrians and Vehicles, target range 3, there is an error. In the column vehicle traffic (number per day), 420 - 43 @43 kph should read 420 - 43 @ 60kph

Point 8 - 15.4 Inspection and risk assessment regime for rural areas
It would be valuable to attach a link identifying specific road classifications within the Shire

Point 9 - 15.4 Inspection and risk assessment regime for rural areas
Table 9 Inspection Regime – rural roads. What is the logic for the inspection regime? Is there scientific evidence and conclusions to support this inspection regime?

Point 10 -15.5.2 Rural Roads:
Is there a written procedure detailing the inspection criteria? Is recording, reporting

identified an issue with a tree outside of the road maintenance envelope or if a member of the public submits a request. This assessment will be undertaken as soon as practicable.

This will be further outlined in the Procedures Manual. All documentation is maintained and managed as part of Council's document management system and can be requested under the Freedom of Information Act.

This error has been updated in the final draft plan.

Council's online mapping system, Pozi, has a layer showing Vicroads declared roads.
[https://strathbogie.pozi.com/#/x\[145.33000\]/y\[-36.72561\]/z\[10\]/layers\[vicroadsdeclaredroads\]/tab\[layers\]/](https://strathbogie.pozi.com/#/x[145.33000]/y[-36.72561]/z[10]/layers[vicroadsdeclaredroads]/tab[layers]/)

The inspection levels are set in accordance with the road classification (based on volumes of traffic)

This will be further outlined in the Procedures Manual.

and remedial actions included in this procedure? Consistency is paramount; a documented procedure will ensure that it occurs when responsible incumbents change.	
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Specific tree projects will have their own individualised consultation that is tailored to the specific circumstances. This will occur in all circumstance with the exception of trees which are an immediate risk and require immediate action for the safety of the public.

Staff are currently working with the community to identify the locations and tree species for planting to best complement the existing character in each township. Council is aiming to undertake plantings as soon as possible but are constrained by supply of appropriate stock. Council also previously worked with the Goulburn Murray Climate Alliance (GMCA) to deliver the Naturally Cooler Towns Project which recommended climate appropriate plantings for our region over the next 50 years.

A report completed in 2019 shows the amount of green cover (including trees and grassed areas) for each of Strathbogie Shire's main townships.

Township	Green Cover %
Nagambie	35%
Violet Town	35%
Longwood	47%
Euroa	51%
Avenel	71%
Strathbogie	94%

These results show that Nagambie, Longwood, Euroa and Violet Town have the lowest amounts of green cover. To address these issues and ensure that there is adequate urban cooling in our changing climate Council has committed to the following expenditure over the next three financial years to improve canopy cover and cooling in our urban areas. This has been further supplemented with a grant from Emergency Management Victoria of \$85,000. The budget allocation is:

Year 1: 2022/23 - \$98,676

Year 2: 2023/24 - \$66,500

Year 3: 2024/25 - \$74,324

Action 7 from the Climate Change Action Plan 2022 – 27 is to “Develop a Significant Tree Register” this will support the protection of our valuable tree assets.

In rural areas Council is responsible for the maintaining the road maintenance envelope to ensure access for vehicles. The clearing and fragmentation of remaining native vegetation is a threat to the flora and fauna species in our Shire. Where practicable Council will endeavour to protect and maintain habitat on roadsides and the management of fallen trees in roadsides will be further expanded on in the Procedure Manual and the Roadside Management Plan.

9.3.1 Tree Management Plan: Urban and Rural Strategies and Tree Management Policy (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

Strathbogie Shire Council Plan 2021 – 25

- 1.4 – Creation of a Significant Tree Register
- 3.1.6 - Involve the community in tree planting projects across the Shire

The Climate Change Action Plan

Action 7 – Develop a Significant Tree Register

Strathbogie Shire Council Electrical Line Clearance Management Plan 2022/2023

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The draft Plan considers the findings of a 2014/2015 Coroner's investigation into a death in a Victorian Council's recreation space resulted in the following recommendations regarding the management of trees.

- the need for community education about a council's tree safety and maintenance programs,
- improved awareness of reporting mechanisms for trees within high risk area, and
- the importance of inspections and maintaining tree management data bases to monitor the health of trees with the view to a council managing any identified risks as appropriate (proactive management of trees with respect to risk).

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Council decisions are to be made and actions taken in accordance with the relevant law.

The draft Plan takes account of requirements of the following legislation:

- Road Management Act 2004 (VIC)
- Local Government Act 2020
- Occupational Health and Safety Act 2004 (VIC)
- Flora and Fauna Act 1988
- Planning and Environment Act 1987
- Agricultural and Veterinary Chemicals (Control of Use) Act 1992
- Heritage Act 1995
- AS 4373-2007 Pruning of Amenity Trees
- AS 4970 -2009 Protection of Trees on Development Sites
- AS 2303-2015 Tree Stock for Landscape Use
- Electricity Safety Act 1998 and the Electric Safety (Electric Line Clearance) Regulations 2015 (and 2020 update).

9.3.1 Tree Management Plan: Urban and Rural Strategies and Tree Management Policy (cont.)

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This report is being presented to an open Council meeting and a copy of the adopted Plan, Policy and Procedure will all be available on Councils website.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The Plan will enable/support service planning and associated resource allocations to ensure that Council's long-term financial viability is assessed, known, budgeted, and thereafter secured.

The additional annual cost to manage this plan will be \$38,000 per year, increasing yearly with CPI.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

Trees have a value which can be determined in order to assess appropriate decisions regarding the management of the natural environment.

Social

It is considered that community health and wellbeing will be improved with the progression of tree management plans – e.g. recreation facilities, public safety. There will also be benefits regarding the transport network e.g. safety for travellers, walking and cycling or transportation needs of all people.

Environmental

A healthy and safe tree management regime will provide environmental benefits through providing habitat for wildlife, carbon offset and community safety through greater inspection and action in line with the Plan.

Climate change

Trees have an important role to play in mitigating the effects of climate change through moderation of the heat island effect, reduction in CO₂ emissions and carbon offset.

9.3.1 Tree Management Plan: Urban and Rural Strategies and Tree Management Policy (cont.)

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The draft Plan will be formally updated every four (4) years. However, it will be continuously reviewed to identify opportunities for improved practices and be formally presented to Council on a twelve (12) monthly basis commencing from the time of adoption of the final version.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

In compiling this plan, information has been sourced from tree management plans of other Councils and collaboration internally was required to complete the draft Plan.

HUMAN RIGHTS CONSIDERATIONS

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

CONCLUSION

The draft Tree Management Plan: Urban and Rural Strategies details the management system that the Council proposes to implement in the discharge of its statutory and common law duty to inspect, assess and manage (with regard to risk), all trees for which the Council is responsible. It is recommended that Council endorse the Tree Management Policy and final draft Tree Management Plan: Urban and Rural Strategies.

ATTACHMENTS

Attachment 1: Tree Management Plan: Rural and Urban Strategies (*separate document*)

Attachment 2: Tree Management Policy (*separate document*)

Attachment 3: Tree Management Plan Community Engagement Report (*separate document*)

9.3.2 Tender for Contract No. 22/23-11: Footpath and Kerb Works – Bury Street, Euroa

Author: Manager Projects Delivery, Project Officer, Procurement and Tenders Officer

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a competitive process for the Footpath and Kerb works along Bury Street Euroa, between Campbell Street and Binney Street.

The public tender process for the Footpath and Kerb Works – Bury Street Euroa has been undertaken to meet Council's compliance requirements under Council's Procurement Policy.

This project is required to make the necessary widening and extension of footpath to the kerb along Bury Street, Euroa, ensuring that Strathbogie Shire region has safe, efficient and quality footpaths. This project forms part of Council's adopted Capital Works Program for the financial year 2022-23.

Through public advertisement in local and national newspapers, Council invited tenders for the work under Contract 22/23-11, initially advertised between 5th August 2022 and 31st August 2022. At close of tender on 31st August 2022, three (3) tenders were received.

These tenders have been assessed and evaluated by Council Officers and having considered the results of the evaluation, it is recommended that Council awards this contract to One Stop Civil for the lump sum of \$235,000, including GST.

RECOMMENDATION

That Council:

- 1. Receives and notes the outcome of the tender assessment process for Contract Number 22/23-11 – Footpath and Kerb Works – Bury Street, Euroa Lump Sum as set out in the confidential appendices attached to this report;***
- 2. Awards the tender for Contract No 22/23-11 Footpath and Kerb Works – Bury Street, Euroa - Lump Sum to One Stop Civil Tatura for a total amount of \$235,000.00 including GST;***
- 3. Authorises officers to advise the unsuccessful tenderer; and***
- 4. Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

9.3.2 Tender for Contract No. 22/23-11: Footpath and Kerb Works – Bury Street, Euroa

PURPOSE AND BACKGROUND

There is existing footpath constructed of concrete along Bury Street between Binney Street and Campbell Street on the south side. The existing footpath has been identified as not wide enough and there are sections that are missing connections to the kerb and others that need replacing, creating a risk to pedestrians. This works has therefore been identified to remove the risks and improve ease of usage by pedestrians using the footpath.

The proposed widening of the footpath and connection to the kerb will improve safety and enable seamless access from Campbell Street to Binney Street.

This report seeks Council approval of the recommendations on Tender Evaluation exercise on Contract No 22/23-11 Footpath and Kerb Works – Bury Street, Euroa, and to award the contract to the winning tenderer as provided in this report.

TENDER PROCESS

The public tender was released on “Tendersearch” via the Council website on the 5th August 2022. The tender was advertised in Saturday’s The Age newspaper (state-wide reach), Euroa Gazette, in the week following release. By the close of tenders at 4.00pm on 31st August 2022, three (3) tenders were received.

All tender submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules, two (2) out of the three (3) tenders received were deemed conforming.

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
Spot on Concreting Pty Ltd
One Stop Civil
Cleave’s Earthmoving & Drainage Pty Ltd

Table 2 below lists the tender offer (excluding GST) at the close of the advertised tender period.

Table 2: Tender Offers Received (including GST)

Tender Offers Received at Close of Tender Period (including GST) in lowest to highest order
\$0.00 (non-conforming)
\$235,000.00 (conforming)
\$313,205.20 (conforming)

9.3.2 Tender for Contract No. 22/23-11: Footpath and Kerb Works – Bury Street, Euroa

Panel Assessment Process

In accordance with Council's Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to release of the Tender documentation. The evaluation panel members were nominated prior to release of the tender submissions for evaluation. The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders

The Tender Evaluation Panel members were made up of the following Strathbogie Shire Council staff members:

1. Project Officer, Sustainable Infrastructure
2. Senior Project Officer, Sustainable Infrastructure
3. Manager Project Delivery, Sustainable Infrastructure, and
4. Procurement & Tender Officer, Finance (moderator, non-voting member).

The principle that underlies the awarding of all Council contracts is that a contract is awarded on the basis of providing the overall Best Value, offering the most benefit to the community and the greatest advantage to Council.

The tenders were assessed and evaluated against the following criteria and weightings:

- Tendered Price (60%)
This criterion measures the price only – either lump sum or unit rates – submitted by the tenderer. In accordance with Council's Procurement Guidelines, a price weighting of 60% is applied, unless a Council exemption is sought.

All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders. The comparative assessment awards the highest evaluation score (60%) to the lowest priced tender submission. The subsequent tender submissions received reduced evaluation scores based on the percentage difference between them and the lowest priced tender.
- Demonstrated Qualifications / Skills and Experience (10%)
Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterium.
- Project Methodology (10%)
As the Work requires timely completion and elimination/mitigation of work-related risks, this criterium is considered important and therefore allocated a weighting of 10%.
- Management - Schedules (10%)
Quality Management Systems, Policies, Relevant Certifications, and Insurance are likewise considered vital and therefore included with an allocated weighting of 10%.

9.3.2 Tender for Contract No. 22/23-11: Footpath and Kerb Works – Bury Street, Euroa

- **Local Content (10%)**

In accordance with Procurement Guidelines and being consistent with value for money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 10% was allocated to this tender.

TABLE 3: Evaluation Criteria

Criteria	Weighting (%)
Price	60
Qualifications / Skills & Experience	10
Time Delivery, methodology and capacity to deliver	10
Management -Schedules	10
Local Content	10
Total	100

ISSUES, OPTIONS AND DISCUSSION

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Evaluation Moderation Process

The purpose of the moderation meeting is to discuss and moderate scoring discrepancies larger than three points and to raise any concerns and/or queries that may need to be put to the tenderers prior to recommending the preferred Tenderer.

No Moderation meeting was required for this tender as no scoring was outside of three points.

Panel Assessment Summary

At the completion of the tender evaluation process, One Stop Civil attained the top ranking with a total score of 91.33%. One Stop Civil offered the lowest tendered price and thereby received the highest score available on pricing (60%), they also received a good qualitative score of 31.33% out of 40%. The Tender Evaluation Panel was therefore satisfied that their tender represents the best value outcome for Council. The company is based in Tatura, Victoria.

One Stop Civil have ample experience in Footpath Works and have completed similar work for other organisations in the past. They have demonstrated capability to complete the Works outlined in the tender with minimal supervision based on their submitted documents. Their references are good and consistent with their declared project history.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

9.3.2 Tender for Contract No. 22/23-11: Footpath and Kerb Works – Bury Street, Euroa

Consultation and Communication

Surrounding community is aware of the project work as the work is listed under the Capital Works Budget in 21/22 and 22/23. Once the Contract is awarded, the community will be notified about the works via local newspapers and Council social media channels prior to commencement of construction works. The residents along Bury Street will also receive a letter explaining the works and the disruption to access to their properties whilst the work is completed.

Community Implications

The proposed construction and upgrade of the Footpath will deliver an integral upgrade to Bury Street, Euroa. The project will improve safety.

Risk Management

The Tender Evaluation Panel considers early commencement of Work as vital to its successful delivery, to ensure work is commenced during the favourable weather. The Panel therefore advise timely award and signing of Contract Agreement with the appointed contractor.

POLICY CONSIDERATIONS

Council Plans and Policies

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

This report is consistent with the Strathbogie Shire Council Procurement Policy.

The *Council Plan* is relevant with the following:

- Key Initiative 2.1
Ensure that upgrades of Council facilities, as identified in the capital works program, are compliant with the Disability and Discrimination Act 1992 to improve access for people with all abilities

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

Asset Management Strategy

- Ensure the Shires infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state, and national plans and policies are to be taken into account in strategic planning and decision-making.

There are no regional, state, and national plans or policies relevant to the report.

9.3.2 Tender for Contract No. 22/23-11: Footpath and Kerb Works – Bury Street, Euroa

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The recommendation has no legal or statutory implications which require the consideration of Council.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

All steps have been taken in line with Council's Procurement Policy which ensures transparency in the process. Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules.
- will be conducted in an open and transparent forum with information available via Council reports.

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured

The budget allocated for Footpath & Kerb Works – Bury Street, Euroa in 2022-23 Capital Works Program is \$154,577.50. Therefore, the recommended tender price of \$235,000.00 (incl GST) implies a budget shortfall of \$80,422.50. To address the cost variance and additional works envisaged, it is proposed the shortfall of \$80,422.50 be provided from 22/23 unallocated budget and will be reviewed at the mid-year budget.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic and Social

The project will improve safety, provide environmental and economic outcomes and increase social participation.

9.3.2 Tender for Contract No. 22/23-11: Footpath and Kerb Works – Bury Street, Euroa

Environmental

Awarded Contractor shall develop a site-specific Environmental Management Plan and implement it during the construction period in line with project specification and legislation governing Environmental Protection. Council officers will monitor the proper implementation of Environment Management Plan throughout the project cycle.

HUMAN RIGHTS CONSIDERATIONS

Victorian Charter of Human Rights and Responsibilities Act 2006

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

CONCLUSION

Council invited tenders for Contract No 22/23-11 Footpath and Kerb Works – Bury Street, Euroa. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications. It is proposed that Council endorses the recommended contract award for the Footpath and Kerb Works – Bury Street, Euroa as discussed herein.

ATTACHMENTS

Nil

APPENDICES

Appendix 1: Tender Evaluation for Contract No 22/23-11: Footpath and Kerb Works – Bury Street, Euroa - CONFIDENTIAL

9.3.3 Tender for Contract No. 22/23-06 22/23: Roads Reseal Program

Author: Project Officer Projects Delivery

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

As part of the Strathbogie Shire Council's approved budget, selected municipal roads require resealing to improve safety, increase life of the roads, to lower ongoing maintenance costs and to decrease frequency of maintenance activities. To implement the reseal program, tender documentation was prepared for the public advertisement.

Under this contract for 2022/23, it is planned to reseal selected segments of 18 council roads which were prioritised based on third party road conditions assessment done in 2022. This resealing work also includes reinstate line marking, installation of Raised Reflective Pavement Markers (RRPMs) as required and where applicable.

Through public advertisement in local and state newspapers, Council invited tenders for the work under Contract No. 22/23-06, Roads Reseal Program between 12/08/2022 and 07/09/2022. At the closing of Tender, six (6) tender submissions received. These tenders have been assessed and evaluated by Council Officers and a summary of results is detailed in this report.

Having considered the tender evaluation outcomes, it is recommended that the Council awards the lump sum contract to Boral Resources (VIC) Pty Ltd, for a total amount of \$812,058.37, including GST.

RECOMMENDATION

That Council:

- 1. *Notes the outcome of the tender assessment process for Contract No 22/23-06 Roads Reseal Program - Lump Sum as set out in the confidential appendices attached to this report;***
- 2. *Awards the tender for Contract No 22/23-06 Roads Reseal Program - Lump Sum to Boral Resources (VIC) Pty Ltd based in Port Melbourne for a total amount of \$812,058.37, including GST;***
- 3. *Authorises officers to advise the unsuccessful tenderers; and***
- 4. *Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

PURPOSE and BACKGROUND

This report seeks Council approval of the recommendations on Tender Evaluation exercise on Contract No 22/23-06 Roads Reseal Program, and to award the contract to the highest scoring tenderer as provided in this report.

9.3.3 Tender for Contract No. 22/23-06 22/23: Roads Reseal Program (cont.)

Tender Process

The public tender was released on <https://www.eprocure.com.au/strathbogies/> website on the 12 August 2022. The tender was advertised in Saturday's The Age newspaper (state-wide reach), and Shepparton News in the week following release. By the close of tenders at 4.00pm on 7 September 2022, six (6) tender submissions had been received.

All tender submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules, and all tender submissions were deemed conforming.

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
Boral Resources Pty Ltd
Country Wide Asphalt Pty Ltd
Fulton Hogan Industries Pty Ltd
Primal Surfacing Pty Ltd
Rich River Asphalt Pty Ltd
SprayLine Road Services

Table 2 below lists the tender offer at the close of the advertised tender period. The differences in prices within the supplied tables 2 and 4 are due to tenderers' error within the submitted documentation.

Table 2: Tender Offers Received (excl GST)

Tender Offers Received at Close of Tender Period (incl. GST) in lowest to highest order
\$812,058.37
\$863,442.92
\$899,802.04
\$929,777.00
\$1,077,891.76
\$1,157,148.77

Panel Assessment Process

In accordance with Council's Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to release of the Tender documentation. The evaluation panel members were nominated prior to release of the tender submissions for evaluation. The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders.

9.3.3 Tender for Contract No. 22/23-06 22/23: Roads Reseal Program (cont.)

The Tender Evaluation Panel members were made up of the following Strathbogie Shire Council officers as follows:

1. Manager, Project Delivery
2. Senior Project Officer, Project Delivery
3. Project Officer, Project Delivery

The principle that underlies the awarding of all Council contracts is that a contract is awarded based on providing the overall Best Value, offering the most benefit to the community and the greatest advantage to Council.

Strathbogie Shire Council mandates 60% weighting on submitted tender pricing, ensuring that pricing is heavily prioritised in the tender evaluation decision. However, a 40% weighting allocated to qualitative tender ensures that decisions are not solely cost driven but on overall value offered by the tenderer. A tenderer must provide good qualitative submissions to be successful.

The tenders were assessed and evaluated against the following criteria and weightings:

- Tendered Price (60%)
This criterion measures the price only – either lump sum or unit rates – submitted by the tenderer. In accordance with Council's Procurement Guidelines, a price weighting of 60% is applied, unless a Council exemption is sought.

All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders. The comparative assessment awards the highest evaluation score (60%) to the lowest priced tender submission. The subsequent tender submissions received reduced evaluation scores based on the percentage difference between them and the lowest priced tender.
- Capability - Experience, Proposed Personnel, CVs, Methodology, Traffic Management Plan (15%)
Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterion.
- Capacity – resources, plants and equipments, financial (10%)
As the Work requires timely completion and elimination/mitigation of work related risks, this criterion is considered important and therefore allocated a weighting of 5%.
- Business and Management Requirements – OHS, EMS, Quality, Risk, Management schedules, HR, QMS, ISO (5%)
Quality Management Systems, Policies, Relevant Certifications and Insurance are likewise considered vital and therefore included with an allocated weighting of 5%.

9.3.3 Tender for Contract No. 22/23-06 22/23: Roads Reseal Program (cont.)

- Local Content (10%)

In accordance with Procurement Guidelines and being consistent with value for money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 10% was allocated to this tender.

TABLE 3: Evaluation Criteria

Criteria	Weighting (%)
Price	60
Business and Management Requirements – OHS, EMS, Quality, Risk, Management schedules, HR, QMS, ISO	5
Capacity – resources, plants and equipment, financial	10
Capability - Experience, Proposed Personnel, CVs, Methodology, Traffic Management Plan	15
Local Content, Regional Benefit, Social Procurement	10
Total	100

ISSUES, OPTIONS AND DISCUSSION

Evaluation Moderation Process

The purpose of the moderation meeting is to discuss and moderate scoring discrepancies larger than three points and to raise any concerns and/or queries that may need to be put to the tenderers prior to recommending the preferred Tenderer.

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed tenderers submitted schedules and attachments against the evaluation criteria. The Moderator (Procurement & Tender Officer) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On Wednesday 21 September 2022 the Panel members and the Moderator met for the tender moderation meeting.

Panel Assessment Summary

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

At the completion of the tender evaluation process, Boral Resources Pty Ltd attained the highest ranking with a total score of 92.47%. Boral scored the highest on both qualitative and pricing components, 32.47% and 60% respectively. Primal Surfacing Pty Ltd scored second highest total of 82.86% which is significantly lower to that of Boral. All other tenderers scored below 80% on their total scoring.

The Tender Evaluation Panel was therefore satisfied that Boral Resources Pty Ltd represents the best value outcome for Council.

9.3.3 Tender for Contract No. 22/23-06 22/23: Roads Reseal Program (cont.)

Boral Resources Pty Ltd is based in Port Melbourne Victoria and it forms part of Boral Ltd group of businesses which listed on ASX. They have ample experience in roadworks and general civil construction, and have completed similar works for Strathbogie Shire Council and other regional councils in the past. They have demonstrated capability to complete Works in the tender with minimal supervision based on their submitted documents. They advised that there will be 13-16 full time equivalent local jobs will be created for the contract term if they are awarded.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

The matter under consideration does not require community consultation process at this time.

POLICY CONSIDERATIONS

Council Plans and Policies

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the 2021-2025 Council Plan.

This report is consistent with the Strathbogie Shire Council *Procurement Policy*.

The Council Plan is relevant with the following:

- Strategic focus area 2 - Live. Access. Connect;
- Strategic focus area 4 - Inclusive. Productive. Balanced;
- Strategic focus area 5 - Strong. Healthy. Safe;

Asset Management Policy

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

Asset Management Strategy

- Ensure the Shires infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

There are no regional, state and national plans or policies relevant to the report.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The recommendation has no legal or statutory implications which require the consideration of Council.

9.3.3 Tender for Contract No. 22/23-06 22/23: Roads Reseal Program (cont.)

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered that this report meets Council's Procurement Policy which ensures transparency in the process.

Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules;
- will be conducted in an open and transparent forum with information available via Council reports,

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The approved Capital Budget for 22-23 Reseal Program is \$909,000 within existing allocations. This award would be \$812,000 where there might be a potential saving of \$97,000 on this award.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

By linking producers to markets, workers to jobs, students to school, and the likes, roads are vital to support positive economic outcomes for the community.

Social

Improved paved surface of the roads listed in the work scope will enhance the safety of travellers, emissions and fuel consumptions.

Environmental

The proposed works will consider mitigating any environmental impacts to wildlife and the roadside reserves. Environmental management plans will be implemented throughout the construction period.

9.3.3 Tender for Contract No. 22/23-06 22/23: Roads Reseal Program (cont.)

Climate change

Climate change can have direct and indirect impacts on road infrastructure. The direct impacts are due to the effects of the environment. Rainfall changes and temperature can alter moisture balances and influence pavement deterioration and affect the aging of bitumen. The indirect impacts of climate change on roads are due to the effects on the location of population and human activity altering the demand for roads.

HUMAN RIGHTS CONSIDERATIONS

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.

CONCLUSION

Council invited tenders for Contract No 22/23-06 Roads Reseal Program. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications. It is proposed that Council endorses the recommended contract for the 2022-23 Roads Reseal Program to Boral Resources Pty Ltd.

ATTACHMENTS

Nil

APPENDICES

Appendix 2: Tender Evaluation for Contract No. 22/23-06 22/23: Roads Reseal Program - CONFIDENTIAL

9.3.4 Tender for Contract No. 22/23-07: Pavement Rehabilitation Program 22/23

Author: Manager Project Delivery

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Pavement Rehabilitation Program is part of Strathbogie Shire Capital Work Program for the Financial Year 2022-23. The project is required to maintain Council Road assets to ensure that Strathbogie Shire region has safe and high-quality local roads.

Through public advertisement in local and national newspapers, Council invited tenders for the Work under Contract No. 22-23-07 between 29/07/2022 and 09/09/2022.

Five (5) tenderers submitted tenders for the Work. These tenders have been assessed and evaluated by Council Officers and a summary of results is shown in the attached table (Attachments 1 and 2). Having considered the results of the evaluation, it is recommended that Council awards the tender contract to GW & BR Crameri Pty Ltd based in Myrtleford Victoria.

RECOMMENDATION***That Council:***

- 1. Receives and notes the outcome of the tender assessment process for Contract No 22-23-07 Pavement Rehabilitation Program;***
- 2. Awards the tender for contract No 22-23-07 Pavement Rehabilitation Program-Lump Sum to GW & BR Crameri Pty Ltd for a total amount of \$1,421,750.00, including GST;***
- 3. Authorises officers to advise the unsuccessful tenderer;***
- 4. Authorises the Chief Executive Officer to execute the Contract by signing and affixing the Common Seal of Strathbogie Shire Council; and***
- 5. Notes that construction will commence early December 2022 with an anticipated completion by March 2023.***

PURPOSE AND BACKGROUND

As a part of Strathbogie Shire Council Capital Works Program for Financial Year 2022-23, selected municipal roads requiring rehabilitation have been placed under Council annual Pavement Rehabilitation Program. The program's objectives include improving safety, increasing lifespan of the roads, reducing ongoing maintenance costs, and decreasing frequency of maintenance activities. To implement the pavement rehabilitation program, tender documentation was prepared for public advertisement.

9.3.4 Tender for Contract No. 22/23-07: Pavement Rehabilitation Program 22/23 (cont.)

Under the FY 2022/23 program, it was planned to carry out pavement rehabilitation works on multiple segments on ten (10) council roads which were prioritized based on the road conditions assessment carried out as follows:

- Site #1 Nagambie-Locksley Rd, Nagambie
- Site#2 Morningside Rd, Warring
- Site#3 Ash Street & Livingston Street, Avenel
- Site #4 Cree Street, Euroa
- Site#5 Backwater Court, Kirwans Bridge, Nagambie
- Site#6 Mitchell Street, Violet Town
- Site#7 Towri Court, Nagambie
- Site#8 Nicholson Street, Violet Town
- Site#9 Agar Street, Violet Town
- Site#10 McKindleys Road, Nagambie

The Pavement Rehabilitation Program also includes sealing, installation of raised pavement markers, line marking, and installation of guideposts as required.

ISSUES, OPTIONS AND DISCUSSION

Tender Process

The public tender was released on “Tendersearch” via the Council website on the 29 July 2022. The tender was advertised in Saturday’s The Age newspaper (state-wide reach), and the Shepparton News in the week following release. The tender was initially scheduled to open to accept submissions for 26 days up till 24/08/2022. However, due to changes made to the scope of work during the tender period, tender close date was extended to 09/09/2022, thus making a 42 days period in total. By close of tenders at 4.00pm on 09 September 2022, five (5) tender’s submissions had been received.

All tenderers submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules, and all tender submissions were deemed conforming.

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
Bitu-mill Pty Ltd
Downer EDI Works Pty Ltd
GW & BR Crameri Pty Ltd Pty Ltd
MACA Civil Pty Ltd
Mawsons Constructions Pty Ltd

Tender Price

Table 2 below shows the range of the tender price offer (from the lowest to the most expensive) at the close of the advertised tender period.

9.3.4 Tender for Contract No. 22/23-07: Pavement Rehabilitation Program 22/23 (cont.)**Table 2:** *Tender Offers Received (Incl GST)*

Tender Offers Received at Close of Tender Period (Incl GST) in lowest to highest order	
	\$2,048,365.00
	XXXXXX
	XXXXXX
	XXXXXX
	\$2,937,191.00

Panel Assessment Process

In accordance with Council's Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to release of the Tender documentation. The evaluation panel members were nominated prior to release of the tender submissions for evaluation. The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders.

The Tender Evaluation Panel members were made up of the following Strathbogie Shire Council staff members:

1. Senior Project Officer; Sustainable Infrastructure
2. Project Officer; Sustainable Infrastructure
3. Project Officer; Sustainable Infrastructure
4. Manager Finance (Moderating)

The principle that underlies the awarding of all Council contracts is that a contract is awarded on the basis of providing the overall Best Value, offering the most benefit to the community and the greatest advantage to Council.

The tenders were assessed and evaluated against the following criteria and weightings:

- Tendered Price (60%)
This criterion measures the price only – either lump sum or unit rates – submitted by the tenderer. In accordance with Council's Procurement Guidelines, a price weighting of 60% is applied, unless a Council exemption is sought.
All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders. The comparative assessment awards the highest evaluation score (60%) to the lowest priced tender submission. The subsequent tender submissions received reduced evaluation scores based on the percentage difference between them and the lowest priced tender.
- Demonstrated Qualifications / Skills and Experience (10%)
Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterion.
- Compliance with Specification (10%)
Due to the importance for the tender to meet the specification, a weighting of 10% was allocated.

9.3.4 Tender for Contract No. 22/23-07: Pavement Rehabilitation Program 22/23 (cont.)

- Project Methodology (5%)
As the Work requires timely completion and elimination/mitigation of work-related risks, this criterium is considered important and therefore allocated a weighting of 5%.
- Management - Schedules (5%)
Quality Management Systems, Policies, Relevant Certifications, and Insurance are likewise considered vital and therefore included with an allocated weighting of 5%.
- Local Content (10%)
In accordance with Procurement Guidelines and being consistent with value for money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 10% was allocated to this tender.

Table 3: Evaluation Criteria

Criteria	Weighting (%)
Price	60
Compliance with Specification	10
Qualifications / Skills & Experience	10
Project Methodology	5
Management - Schedules	5
Local Content	10
Total	100

Evaluation Moderation Process

The purpose of the moderation meeting was to discuss and agree on limiting scores gaps on each question within three points where such large gaps occur. The meeting was also aimed at raising and resolving issues of concerns (if any) to clarify with the tenderers prior to recommending the preferred Tenderer.

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed tenderers responses and attachments submitted against the evaluation criteria. The Moderator (Manager Finance) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On Monday 26 September 2022 the Panel members and the Moderator met to finalise the evaluation exercise through moderation meeting.

Best and Final Offer

Given that the lowest tendered price of \$2,048,365.00 was significantly above the budget allocated for the Rehabilitation Program, the Project and Assets Team met to reduce the scope of work to fit within the budget. Therefore, work scope was reduced to segments on six (6) roads as outlined below;

- Site #1 Nagambie-Locksley Rd, Nagambie
- Site#2 Morningside Rd, Wahring
- Site#3 Ash Street& Livingston Street, Avenel
- Site #4 Cree Street, Euroa
- Site#5 Backwater Court, Kirwans Bridge, Nagambie
- Site#8 Nicholson Street, Violet Town

9.3.4 Tender for Contract No. 22/23-07: Pavement Rehabilitation Program 22/23 (cont.)

Subsequently, the four (4) tenderers with low range of tender prices and adequate scoring in qualitative tenders were requested to provide their Best and Final Offers for the reduced work scope in a bid to optimise value for the budget available.

The tenderers' responses to this request have been included in Table 4 below;

Table 4: *Revised Tender Prices Received (Incl GST)*

Revised Tender Prices (Incl GST) <i>(in lowest to highest order)</i>	
Best & Final Offers (Revised Scope)	
	\$1,421,750.00
	No new offer
	No new offer
	No new offer
	\$1,877,460.00

Panel Assessment Summary

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

At the completion of the tender evaluation process, GW & BR Crameri Pty Ltd attained the top ranking with a total score of 91.29%. GW & BR Crameri Pty Ltd based in Myrtleford Victoria offered the lowest tendered price giving them the highest score available on pricing of 60% and received an outstanding qualitative score of 31.29% out of 40%. The Tender Evaluation Panel was therefore satisfied that their tender represents the best value outcome for Council.

GW & BR Crameri Pty Ltd have demonstrated experience in roadworks and general civil construction and have previously completed similar works for Strathbogie Shire Council. They have demonstrated capability to complete schedule of works in the tender with minimal supervision based on their submitted documents. Their references are sound and consistent with their declared project history.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Consultation

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

Risk Management

The Tender Evaluation Panel considers early commencement of Work as vital to its successful delivery, to ensure work is completed before the unfavourable winter weather. The Panel therefore advise timely award and signing of Contract Agreement with the appointed contractor.

9.3.4 Tender for Contract No. 22/23-07: Pavement Rehabilitation Program 22/23 (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

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

This report is consistent with the Strathbogie Shire Council Procurement Policy.

The Council Plan 2021-25 is relevant with the following Strategic

Focus Area 2: Live. Access. Connect.

The strategies and long-term capital budgets in place ensure we work towards all our facilities and buildings being accessible by people of all abilities

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The recommendation has no legal or statutory implications which require the consideration of Council.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered by the author of this report that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules.
- will be conducted in an open and transparent forum with information available via Council reports.

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The 2022/23 Budget allocation for the revised schedule of works covered under Rehabilitation Program amounts to \$1,330,100. Therefore, an offset of \$91,650 is required to execute the project. Furthermore, it is recommended that an additional \$200,000 is required for contingencies considering high level of latent conditions normally associated with Rehabilitation Programs.

9.3.4 Tender for Contract No. 22/23-07: Pavement Rehabilitation Program 22/23 (cont.)

Offset can be made for the extra fund required from the 2022/23 unallocated budget and from potential savings from other Capital Works currently having excess budgets

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Social

The social impact of this works will be related to: Transport – Provide a safety road for all commuters.

Environmental

The proposed works will not have a negative impact on the natural environment.

Climate change

The recommendation has no significant implications on Climate Change and on the general environment.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The Roads Rehabilitation program would ensure safety and promote social interaction across communities within the shire, this would in turn enhance innovation within the society.

HUMAN RIGHTS CONSIDERATIONS

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

CONCLUSION

Council invited tenders for Contract No 22/23-07 Pavement Rehabilitation Program. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications. The scope of works was required to be reduced from ten (10) projects to six (6) priority projects based on condition assessments in order to align with the allocated budget. It is proposed that Council awards the Pavement Rehabilitation Program tender to GW & BR Crameri Pty Ltd based in Myrtleford Victoria

ATTACHMENTS

Nil

APPENDICES

Appendix 3: Tender Evaluation for Contract No. 22/23-07: Pavement Rehabilitation Program 22/23 - CONFIDENTIAL

9.3.5 Municipal Association of Victoria October State Council Meeting Motion - Submission for increased essential road maintenance funding

Author: Director Sustainable Infrastructure

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

Strathbogie Shire Council is committed to providing a safe environment for the residents and travelling public; however, our road infrastructure has sustained a significant increase of reactive road maintenance repairs over recent years

The last three years La Nina activity has seen increased rain fall which in turn created a higher volume of maintenance activity on our roads and drainage network. The current funding arrangements are not sustainable and require urgent and sustained State Government funding intervention.

Compared to their rate base and ability to generate revenue, small rural shires are an asset heavy level of government. With the majority of revenue coming from rates and charges, the ability to raise the rates has been significantly constrained by the rate capping since 2016 which has not kept pace with actual costs required to construct, maintain and upgrade road and other assets.

Strathbogie has managed its road maintenance responsibility prudently, considering the combined impacts of climatic conditions, rate capping and reduced government grants. Over time continued less than ideal investment in roads, maintenance and infrastructure renewal, will have long-term impacts on the quality and safety of local roads across Strathbogie Shire and rural/regional councils in Victoria more broadly.

RECOMMENDATION

That Council note the Notice of Motion which calls for urgent and sustained State Government funding intervention for road maintenance and infrastructure renewal submitted to Municipal Association of Victoria (MAV) for consideration at the MAV State Council Meeting scheduled for Friday 14 October 2022.

PURPOSE AND BACKGROUND

Strathbogie Shire Council is committed to the safety of its people and has an obligation under the OHS Act 2014 and the Roads Act 2004 to provide a safe environment for the travelling public.

The last three years La Nina activity has seen increased rain fall which in turn created a higher volume of maintenance activity on our roads and drainage network. The current funding arrangements are not sustainable and require urgent and sustained State Government funding intervention.

9.3.5 Municipal Association of Victoria October State Council Meeting Motion - Submission for increased essential road maintenance funding (cont.)

Strathbogrie has managed its road maintenance responsibility prudently, considering the combined impacts of climatic conditions, rate capping and reduced government grants. Over time continued less than ideal investment in roads, maintenance and infrastructure renewal, will have long-term impacts on the quality and safety of local roads across Strathbogrie Shire and the other rural/regional councils in Victoria more broadly.

This report is presented to Council for noting.

ISSUES, OPTIONS AND DISCUSSION

Over the past three years the Strathbogrie Shire has seen a substantial increase in inclement weather such as high rain falls, localised hurricanes and increased wind. This has seen an increase in loss of vegetation, mainly larger trees, and significant level of our unsealed and sealed road network deteriorate at a higher rate than previously experienced. The increased deterioration is reflected in the DoT infrastructure, such as Hume Highway, Goulburn Valley Highway, Western Highway, Loddon Valley Highway and Heathcote Nagambie Road.

The current State Government Funding falls short of the now road maintenance requirements and will require urgent and sustained government funding intervention.

As a small rural shire, Strathbogrie is responsible for the maintenance of 2,204 kms of road network consisting of:

- 735 kms sealed roads,
- 1469 unsealed roads,
- 125 bridges and 8 footbridges,
- 387 culverts, and
- 37 kms cycleways and 14.8 kms formed walking tracks.

Councils sealed road infrastructure has seen an increase in pavement failure due to more than normal road pot holing. Under previous conditions our potholing work has lasted six months, however the amount of rain that we have received thus far has seen the same pothole been repaired up to three times a month. The potholes if not attended too in the required time frame, develop into a pavement failure which becomes an expensive rectification. Council has seen a large increase in pavement failures due to the rain penetrating the sealed surface. The current cost of sealed road major patching works in our Council area can be between \$85 - \$125 per square meter depending on depth of pavement.

The unsealed road infrastructure consists of roads which have a 150mm layer of manufactured material, typically a class 3 crush rock, and some instances NDCR which is widely used for sheeting. The heavy rain has seen the deterioration of these roads and in some instances the whole road base has been washed away. The current cost to lay and compact the material to the original condition is approximately \$65 per lineal meter laid at a 4.5-meter pavement width.

9.3.5 Municipal Association of Victoria October State Council Meeting Motion - Submission for increased essential road maintenance funding (cont.)

Currently we have kilometres of our gravel road network that has been significantly directly affected by La Nina requiring a re-sheet. This equates to \$14,799,070 to restore our road infrastructure back to the original condition of three (3) years ago. Additionally, estimated costing to address the deterioration of our sealed road network are in the order of \$9,000,000 to \$10 million.

As with many small rural shires, Council manages many of the services and infrastructure used by communities every day. Compared to their revenue, small rural councils are an asset-heavy level of government. Government grant revenue for roads and road networks has become significantly constrained in a post Covid lockdown environment.

With small ratepayer populations, limited sources of revenue and responsibility for over two thousand kilometres of roads, rural councils such as Strathbogie struggle to maintain the key road links that keep our communities connected and our produce and resource economy going. The gap between revenue and infrastructure expenditure is growing in light of the current climatic conditions.

The majority of Councils' revenue derived from rates and charges to cover funding needs to meet increasing service demands, new government policy, rising costs and community expectations, but the ability to raise rates in Victoria has been constrained by rate capping since 2016 which has not kept pace with the actual costs required to construct, maintain and upgrade roads and other assets.

According to Regional Councils Victoria (RCV), Regional Victoria produces a third of the state's exports, and the regional road network is the link holding these economies together. When rural road links break down, so do rural businesses, adding thousands of dollars in fleet maintenance and overheads. This is money that businesses could have reinvested, including expanding their workforces. Increasing state government investment in critical road links will allow producers to reduce unnecessary overheads, improve freight efficiency, and support the tens of thousands of export jobs rural Australians rely on.

Furthermore, RCV purport that Council roads make up 87 per cent of the State's Road network and represent 10 per cent of local government expenditure. This is putting disproportionate strain on rural councils that have large road networks but a small rating base to help fund their upkeep.

Over time, the under-investment in roads, maintenance and infrastructure renewal by councils will have long-term impacts on the quality and safety of local roads, and the availability of community facilities across Victoria. Small rural shires such as Strathbogie do not have the rate revenue to manage the negative impact of the recent climatic conditions on our shires road network.

A dedicated and sustained State Government grant funding program is urgently required to assist rural Shires such as Strathbogie to undertake local road maintenance projects thereby ensuring safe connectivity for our community and visitors and improve access for agriculture and supply chains.

9.3.5 Municipal Association of Victoria October State Council Meeting Motion - Submission for increased essential road maintenance funding (cont.)

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

This advocacy is based on feedback that we have heard from our community.

POLICY CONSIDERATIONS

Council Plans and Policies

This report and Motion submitted for consideration at the October 2022 MAV State Council meeting is consistent with Strategic Focus Area 2, Live. Access. Connect. as detailed in the Strathbogie Shire 2021 – 2025 Council Plan.

The report also aligns with the following Council strategies and plans:

- Asset Management Plan 2021/31
- Public Road Register
- Road Management Plan
- Stormwater Management Plan Vol 1
- Stormwater Management Plan Vol 2

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Council decisions are to be made and actions taken in accordance with the relevant law.

This report and MAV State Council Motion considers:

- Road Management Act 2004 (VIC)
- Local Government Act 2020
- Occupational Health and Safety Act 2004 (VIC)
- Flora and Fauna Act 1988
- Heritage Act 1995

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This report is being presented to an open Council meeting and a copy of the Motion will all be available on Councils website.

9.3.5 Municipal Association of Victoria October State Council Meeting Motion - Submission for increased essential road maintenance funding (cont.)

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Whilst there are no financial implications associated with this advocacy,

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

Poorly maintained roads can have a negative impact on the local community.

Social

Community health and wellbeing will be improved with the required maintenance standards of our roads and associated infrastructure.

Environmental

A well-maintained infrastructure will provide a sustainable impact on our environment

Climate change

Climate Change has seen our local and rural roads network determinate much faster than normal due to the La Nina effect.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

It is anticipated that this motion to MAV should open up discussions between the State and Local Government bodies.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

The intent of submitting this Motion to the October 2022 MAV Sate Council meeting is to trigger further urgent talks with the State Government which, it is hoped, will lead to a dedicated funding stream for rural Councils to address their road infrastructure significantly impacted by La Nina activity.

HUMAN RIGHTS CONSIDERATIONS

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

9.3.5 Municipal Association of Victoria October State Council Meeting Motion - Submission for increased essential road maintenance funding (cont.)

CONCLUSION

Strathbogie has managed its road maintenance responsibility prudently, considering the combined impacts of climatic conditions, rate capping and reduced government grants. Over time continued less than ideal investment in roads, maintenance and infrastructure renewal, will have long-term impacts on the quality and safety of local roads across Strathbogie Shire and rural/regional councils in Victoria more broadly.

This report seeks to advocate for a dedicated and sustained State Government grant funding program that will assist rural Shires such as Strathbogie to undertake urgent local road projects directly impacted by La Nina activity over the past three (3) years by to ensure connectivity for our community and visitors and improve access for agriculture and food supply chains.

ATTACHMENTS

Attachment 1: Motion to the October 2022 MAV State Council Meeting

9.4 CORPORATE

9.4.1 Review – Purchasing Card Policy

Author: Chief Financial Officer

Responsible Director: Director People and Governance

EXECUTIVE SUMMARY

Council, at its Ordinary Meeting 15 October 2019 adopted the Purchasing Card Policy in its current form.

The policy is now due for review given some three years have lapsed since its adoption. The review has been undertaken by officers and a number of minor changes to the wording and structure of the policy have been made.

There is no change to the overall intent of the policy, however some changes related new card provider are included.

The following changes have been updated on the Purchasing Card Policy:

- New clarification added to who this policy applies to. (section 3, page 6)
- Minor changes to roles and responsibilities (Section 4, Page 6)
- Minor changes to card recording and authorisation in ProMaster added (Section 4, Page 8)
- New contact details added (Section 6, Page 10)

The updated policy was considered by the Audit and Risk Committee at an extraordinary meeting on 7 October 2022, with the recommendation being that Council note and adopt the revised policy subject to the following changes:

- Deletion of the bullet point relating to emergency situations in the policy statement section
- Amendment to the timing of internal audits on purchasing card activities and controls to reflect the cyclical review in accordance with the internal audit calendar set by the Audit and Risk Committee.

Following the review by the Audit and Risk Committee, the policy requires review and adoption by Council.

RECOMMENDATION

That Council:

- 1. Note and adopt the updated Purchasing Card Policy 2022; and***
- 2. Place the updated policy on Council's website, along with the publication of a notice in Council's weekly newspaper columns and social media pages informing the community about the adoption of the updated policy.***

PURPOSE AND BACKGROUND

Council adopted its current Purchasing Card Policy on 15 October 2019. This policy was due for review in July 2021. The review has now been conducted and minor changes have been suggested.

9.4.1 Review – Purchasing Card Policy (cont.)

The purpose of this policy is to set up best practice framework for purchase cards and mitigate potential fraud and financial risk. This policy aims to achieve governance rules for application and usage of corporate cards. It also set up guiding principle and reporting.

ISSUES, OPTIONS AND DISCUSSION

This policy applies to purchasing cards, which includes credit, debit, EFTPOS and similar bank cards, as well as the use of mobile technology issued by Council to process electronic payments and used for purchasing goods and services on behalf of Council.

The following changes have been updated on the Purchasing Card Policy:

- New clarification added to who this policy applies to. (section 3, page 6)
- Minor changes to roles and responsibilities (Section 4, Page 6)
- Minor changes to card recording and authorisation in ProMaster added (Section 4, Page 8)
- New contact details added (Section 6, Page 10)

A new Council policy template is now in use and so the review has translated the existing policy into this new format.

The revisions made to the policy are highlighted by mark-ups in Attachment 1.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

This is an internal policy and consultation undertaken with internal stakeholders. No further consultation has been undertaken given the minor amendments made to the policy and the lack of significant issues that have arisen during the past two years of the policy's application and implementation.

POLICY CONSIDERATIONS

Council Plans and Policies

The review and adoption of this policy is consistent with Strategic Focus Area 6 of the 2021-25 Council Plan – Accountable. Transparent. Responsible.

It supports the achievement of the following strategies outline in this section of the Plan:

As a Council we will:

- *Achieve the highest level of good governance across the organisation and as an elected Council*
- *Be accountable for the decisions we make and the quality of service we deliver*
- *Maximise public transparency and accountability around our performance and decision-making processes*
- *Be financially responsible, achieving the greatest possible community benefit from the programs, initiatives and services we fund.*

9.4.1 Review – Purchasing Card Policy (cont.)

The completion of the policy impact assessment tool also implements the following initiative:

6.1.5 Incorporate the gender impact assessment tool into decision making processes to assess the gendered impacts of policies, programs and services.

The referral of the reviewed policy to the Audit and Risk Committee also ensures the achievement of the following initiative:

6.1.6 Support the Audit and Risk Committee in completing its work plan for 2022–23.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The report is consistent with Best Value, National Competition Policy and Competition and Consumer Act 2010 requirements.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The Local Government Act 2020 (the Act) provides financial management provisions. All the transactions conducted through purchasing cards are subject to relevant provisions in the Procurement Policy.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the transparency of Council decisions, actions and information is to be ensured.

Transactions done through purchasing cards are subject to monthly random audits by internal staff and report to Executive Leadership Team.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Number of cards and card expense limits are set to minimise financial risk. The recommendation has no capital or recurrent budget considerations.

9.4.1 Review – Purchasing Card Policy (cont.)

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The recommended changes to the Purchasing Card Policy will have no significant economic implications on the wider community however it does provide low cost purchasing options for the Council.

Social

There are no social implications to this report and the proposed changes to the Purchasing Card Policy.

Environmental

The recommendation has no significant negative environmental or amenity implications for Council or the broader community.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The proposed changes to the Purchasing Card Policy are a significant improvement in management of small/low-cost purchases. This will save time and cost for the Council.

HUMAN RIGHTS CONSIDERATIONS

The Purchasing Card Policy is consistent with the Human Rights Charter, in particular, by promoting the rights of members of the community to take part in public life.

CONCLUSION

The review of the Purchasing Card Policy has been undertaken by officers and a number of minor changes to the wording and structure of the policy have been made. Amendments to the draft policy requested by the Audit and Risk Committee have been made. It is recommended that Council adopts the new draft Purchasing Card Policy.

ATTACHMENTS

Attachment 1: Draft Purchasing Card Policy (*separate document*)

Attachment 2: Policy Impact Assessment Tool (*separate document*)

9.4.2 Review – Rates and Charges Collection and Hardship Policy

Author: Chief Financial Officer

Responsible Director: Director People and Governance

EXECUTIVE SUMMARY

Council, at its Ordinary Meeting 17 March 2020 adopted the Rates and Charges Collection and Hardship Policy in its current form.

The policy is now due for review given some two years have lapsed since its adoption. This review has been undertaken and only minor changes have been made to the policy to:

- Clarify the policy relates to the waiving of rates and charges applies to rateable land used for residential purposes in accordance with Section 171(4) (b) of the Local Government Act 2020
- Inclusion of an updated financial delegations table
- Include a new requirement for the reporting of interest write offs to Council

There is no change to the overall intent of the policy, however some changes to spend amount purchase processes.

The updated policy was considered by the Audit and Risk Committee at an extraordinary meeting on 7 October 2022, with the recommendation being that Council note and adopt the revised policy.

Accordingly, this report seeks Council adoption of the revised policy.

RECOMMENDATION

That Council:

1. ***Note and adopt the updated Rates and Charges Collection and Hardship Policy 2022; and***
2. ***Place the updated policy on Council's website, along with the publication of a notice in Council's weekly newspaper columns and social media pages informing the community about the adoption of the updated policy.***

PURPOSE AND BACKGROUND

Council adopted its current Rates and Charges Collection and Hardship Policy on 17 March 2020. This policy was due for review in July 2022, the annual review has been conducted and changes have been suggested.

The Local Government Act 2020 provides legislated payment options to facilitate the payment of rates and charges. In addition to these, Council provides additional payment frequencies to assist ratepayers to manage their debts.

9.4.2 Review – Rates and Charges Collection and Hardship Policy (cont.)

The Policy allows Council to ensure that monies owed are recovered in a manner acceptable to Council and the person/organisation experiencing financial hardship.

Hardship can arise in numerous ways for our community.

Having the means available to temporarily assist the community member to allow them time to overcome their hardship in a sensible and sensitive way is appropriate.

ISSUES, OPTIONS AND DISCUSSION

This Policy applies to any person who is levied rates or charges, including the Fire Services Levy, within the municipality.

The following changes have been updated on the Rates and Charges Collection and Hardship Policy:

- Wording has changed to “*The Policy on waiving of rates and charges applies to rateable land used for residential purposes which is used exclusively for residential purposes by that person and is that person’s sole or principle place of residence in accordance with Section 171(4) (b) of the Act*”
- The financial delegation table has been updated
- Interest write offs will now be reported to Council
- The policy has been translated into the new Council policy template.

Audit and Risk Committee has reviewed this policy on 07th October 2022 in an extraordinary meeting and recommended following changes. Below changes are now incorporated into the attached policy.

- Section 7 (Page 6) – Fourth bullet point, sentence updated.
- Section 8.2 (page 7) Waiver of interest – Both Director People & Governance and CEO’s approval is added to interest waiver determinations.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

No further consultation has been undertaken given the minor amendments made to the policy and the lack of significant issues that have arisen during the past two years of the policy’s application and implementation.

Community consultation has been conducted as part of budget process for levying of rates.

POLICY CONSIDERATIONS

Council Plans and Policies

Rates and Charges Collection and Hardship Policy is in accordance with Strategic focus area 6: Accountable. Transparent. Responsible of the 2021/25 Council Plan.

The policy ensures good governance and accountability in decision making and supports the achievement of the following strategies outline in this section of the Plan:

9.4.2 Review – Rates and Charges Collection and Hardship Policy (cont.)

As a Council we will:

- *Achieve the highest level of good governance across the organisation and as an elected Council*
- *Be accountable for the decisions we make and the quality of service we deliver*
- *Maximise public transparency and accountability around our performance and decision-making processes*
- *Be financially responsible, achieving the greatest possible community benefit from the programs, initiatives and services we fund.*

The completion of the policy impact assessment tool also implements the following initiative:

- 6.1.5 *Incorporate the gender impact assessment tool into decision making processes to assess the gendered impacts of policies, programs and services.*

The referral of the reviewed policy to the Audit and Risk Committee also ensures the achievement of the following initiative:

- 6.1.6 *Support the Audit and Risk Committee in completing its work plan for 2022–23.*

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The report is consistent with Best Value, National Competition Policy and the Competition and Consumer Act 2010 requirements.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The Local Government Act 2020 (the Act) provides legislated payment options to facilitate the payment of rates and charges.

Under Section 170 of the Act, Council may defer, in whole or part, any payment due on the grounds of hardship. The Act goes on to say Council may waive a whole or part of any rate or charge or interest if a person is suffering financial hardship (Section 171).

The difference between a waiver and a deferral is that a deferral suspends payment for a period of time whereas a waiver permanently exempts payment of the fee or charge under discussion.

9.4.2 Review – Rates and Charges Collection and Hardship Policy (cont.)

Applications for waiver and deferral will be individually assessed against the criteria stated in this Policy.

Section 170 of the Act enables Council to defer the payment for rates, charges and interest.

Section 171 of the Act enables Council to waive the whole or part of any rate, charge or interest for particular classes of ratepayers e.g. pensioners.

Sections 171 & 171A of the Act enable Council to waive rates and charges, based on financial hardship, upon application from the ratepayer

Section 171 (4) (b) of the Act states that: “A person may only apply for a waiver in respect of rateable land or a part of rateable land which is used exclusively for residential purposes by that person and is that person's sole or principle place of residence.”

Section 172 of the Act enables Council to charge interest on unpaid rates and charges.

Section 181 of the Act enables Council to sell land or cause land to be transferred to the Council to recover unpaid rates and charges.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the transparency of Council decisions, actions and information is to be ensured.

This policy reports all interest written off to the Council on an annual basis.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Only financial impact is from interest waiver/write off and some cashflow impact from deferred rates and payment plans. However net financial impact cannot be assessed at the time of this report written.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

9.4.2 Review – Rates and Charges Collection and Hardship Policy (cont.)

Economic

The recommended changes to the Rates and Charges Collection and Hardship Policy will have no significant economic implications on the wider community however it does provide support to ratepayers with financial hardships within the municipal district.

Social

There will be some positive social implications to this report and changes to the Rates and Charges Collection and Hardship Policy. Policy identifies various measures for ratepayers with financial hardships. This will have positive social impact.

Environmental

The recommendation has no significant negative environmental or amenity implications for Council or the broader community.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The changes to the Rates and Charges Collection and Hardship Policy if adopted is a significant improvement in management of outstanding rates and significant benefits to ratepayers in financial hardship.

HUMAN RIGHTS CONSIDERATIONS

The Rates and Charges Collection and Hardship Policy is consistent with the Human Rights Charter, in particular, by promoting the rights of members of the community to take part in public life.

CONCLUSION

The current Strathbogie Shire Rates and Charges Collection and Hardship Policy has been reviewed and updated. There is no change to the overall intent of the policy, however some changes to spend amount purchase processes. It is recommended that the new draft Rates and Charges Collection and Hardship Policy, noting the input and comments from Council's Audit and Risk Committee.

ATTACHMENTS

Attachment 1: Draft Rates and Charges Collection and Hardship Policy (*separate document*)

Attachment 2: Policy Impact Assessment Tool (*separate document*)

9.4.3 Review – Disposal or Sale of Council Assets Policy and Procedure

Author & Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

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.

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 transparent way.

The policy is now due for review given some three years have lapsed since its adoption. The review has been undertaken by officers and a number of minor changes to the wording and structure of the policy have been made.

There is no change to the overall intent of the policy given it has been operating well over the past three years, however some of the changes include:

- Translation into the new Council policy template
- Updating of document and position title references.

The updated policy was considered by the Audit and Risk Committee at an extraordinary meeting on 7 October 2022, with the recommendation being that Council note and adopt the revised policy subject to the following changes:

- Additional text on page 3 to read "Whether a piece of land, piece of machinery or a smart phone, asset disposal needs to be undertaken in an open and transparent way *that ensures a best value for money outcome is achieved.*"
- Additional text under section 4, Accountability and Responsibilities to ensure that the Chief Finance Officer is notified that the asset is disposed of so the asset register can be updated, and that all associated items to the asset (such as insurance, registrations, maintenance/service agreements) are cancelled/transferred.

RECOMMENDATION

That Council:

- 1. Note and adopt the updated Disposal or Sale of Council Assets Policy and Procedures 2022; and***
- 2. Place the updated policy on Council's website, along with the publication of a notice in Council's weekly newspaper columns and social media pages informing the community about the adoption of the updated policy.***

9.4.3 Review – Disposal or Sale of Council Assets Policy and Procedure (cont.)

PURPOSE AND BACKGROUND

Council has had a disposal or sale of assets policy and procedures since 2019 as this was one of the recommendations arising from the Victorian Auditor General's Office investigation into Fraud and Corruption Controls in Local Government that same year.

The purpose of this policy is to set up best practice framework for the sale or disposal of assets.

The *Local Government Act 2020* 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.

There have been minor changes to the policy mainly legislative updates and officer position title updates.

ISSUES, OPTIONS AND DISCUSSION

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 the following principles in all disposals of asset activities:

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

The Audit and Risk Committee held an extraordinary meeting on 7 October 2022 focussing on policies, and requested:

- Additional text on page 3 to read "Whether a piece of land, piece of machinery or a smart phone, asset disposal needs to be undertaken in an open and transparent way *that ensures a best value for money outcome is achieved.*"
- Additional text under section 4, Accountability and Responsibilities to ensure that the Chief Finance Officer is notified that the asset is disposed of so the asset register can be updated, and that all associated items to the asset (such as insurance, registrations, maintenance/service agreements) are cancelled/transferred.

These amendments have been made.

9.4.3 Review – Disposal or Sale of Council Assets Policy and Procedure (cont.)

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

This is an internal policy and consultation undertaken with internal stakeholders. No further consultation has been undertaken given the minor amendments made to the policy and the lack of significant issues that have arisen during the past two years of the policy's application and implementation.

POLICY CONSIDERATIONS

Council Plans and Policies

The review and adoption of this policy is consistent with Strategic Focus Area 6 of the 2021-25 Council Plan – Accountable. Transparent. Responsible.

It supports the achievement of the following strategies outline in this section of the Plan:

As a Council we will:

- *Achieve the highest level of good governance across the organisation and as an elected Council*
- *Be accountable for the decisions we make and the quality of service we deliver*
- *Maximise public transparency and accountability around our performance and decision-making processes*
- *Be financially responsible, achieving the greatest possible community benefit from the programs, initiatives and services we fund.*

The completion of the policy impact assessment tool also implements the following initiative:

- 6.1.5 *Incorporate the gender impact assessment tool into decision making processes to assess the gendered impacts of policies, programs and services.*

The referral of the reviewed policy to the Audit and Risk Committee also ensures the achievement of the following initiative:

- 6.1.6 *Support the Audit and Risk Committee in completing its work plan for 2022–23.*

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

9.4.3 Review – Disposal or Sale of Council Assets Policy and Procedure (cont.)

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.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

- The Local Government Act 2020
- Road Management Act 2004
- 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.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

9.4.3 Review – Disposal or Sale of Council Assets Policy and Procedure (cont.)

The key feature of this policy is the method of disposal of Council Assets the table below sets out the Disposal method of Council assets.

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.

9.4.3 Review – Disposal or Sale of Council Assets Policy and Procedure (cont.)

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The use of this policy is born at the operational level and supports responsible financial management in line with the financial planning principles of the Act.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

The resale of Council property aims to ensure that assets that still have a useful life are reused and repurposed by others.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The policy offers a wide range of disposal methods of surplus plant.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

There are no notable impacts on this element arising from this report.

HUMAN RIGHTS CONSIDERATIONS

There are no notable impacts on the Human Rights and Responsibilities Act or Charter arising from this report.

CONCLUSION

The Disposal or Sale of Council Assets Policy and Procedure was initially developed in accordance with section 55 of the Local Government Act 2020. Through the review of the policy responsible officers will ensure that surplus assets are disposed of in accordance with the relevant legislation and internal requirement.

This policy and its procedures apply to all Strathbogie Shire Council Operations and are designed to achieve advantageous disposal outcomes.

ATTACHMENTS

Attachment 1: Strathbogie Shire Council Disposal or Sale of Council Assets Policy and Procedure (*separate document*)

Attachment 2: Policy Impact Assessment Tool (*separate document*)

9.5 GOVERNANCE AND CUSTOMER SERVICE

9.5.1 Review – Risk Management Policy 2022

Author and Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

The current Risk Management Policy was adopted by Council in June 2019.

The policy is now due for review given some three years have lapsed since its adoption. This review has been undertaken and it was decided that a major rewrite of the policy was required to reflect recent work undertaken with the Audit and Risk Committee in preparing the Strategic Risk Register.

The main changes made through the review process include:

- Translation to the new Council Policy template
- Inclusion of a new section on accountability and responsibilities to provide clarity around the implementation of the policy and its procedures
- Provision of a summary of our risk management approach, including the system for analysing, rating and treating risks
- Our overall risk rating approach and risk tolerance/intervention levels.

The revised policy will help drive the cultural change required across the organisation in relation to risk management. Significant gains in this area have been made over the past twelve months in terms of ensuring risk management is considered in our day-to-day operations, however it is fair to say there is still more work to be done.

Oversight of Council's risk management framework is a key focus for our Audit and Risk Committee. As such, the updated policy was considered by the Audit and Risk Committee at an extraordinary meeting on 7 October 2022.

Following the review by the Audit and Risk Committee, with no changes to the policy requested, this report seeks Council adoption of the revised policy.

RECOMMENDATION

That Council:

- 1. Note and adopt the revised Risk Management Policy 2022; and***
- 2. Place the updated policy on Council's website, along with the publication of a notice in Council's weekly newspaper columns and social media pages informing the community about the adoption of the updated policy.***

9.5.1 Review – Risk Management Policy 2022 (cont.)

PURPOSE AND BACKGROUND

Council has for some time had a policy around risk management as part of our Enterprise Risk Management Framework.

The proactive management of risk is a core role of Councils administration, and the Audit and Risk Committee Charter identifies oversight of our risk management approach as one of their key remits.

Council policies are generally reviewed every two years and so an update is overdue.

A new Council policy template is now in use and so the review has translated the existing policy into this new format.

The revised policy forms Attachment 1.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The policy review was informed by benchmarking against other risk management policies from like councils, information gained through recent internal audit findings and through the invaluable feedback gained through the development of the Strategic Risk Register.

The more detailed policy outlines the core principles of Council's risk management approach, as set out in the Enterprise Risk Management Framework.

The updated policy is designed to provide a more effective quick reference guide for our staff, contractors, Audit and Risk Committee and Council to help drive the integration of a risk management culture and way of thinking into our day-to-day operations.

A section on roles and responsibilities has been added to provide clarity and accountability around implementing our risk management policy, which will hopefully help support drive the cultural change required across the organisation in relation to risk management. Significant gains in this area have been made over the past twelve months, however there is still more work to be done.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

This policy is internally focussed, however consultation has been undertaken with the Audit and Risk Committee in the preparation of this policy review. The Committee consists of three Councillor representatives, (currently the Mayor Cr Laura Binks as of September 2022, Councillors Andrews and Murray) and four independent, highly qualified community representatives (currently Paul Ayton, Chair, Mark Freudenstein, Alister Purbrick and Alistair Thompson).

9.5.1 Review – Risk Management Policy 2022 (cont.)

The policy clearly states that consultation with external stakeholders will be undertaken where appropriate in the identification, analysis and treatment of risks through our Strategic Risk Register, Operational Risk Register and day to day risk management analyses and treatment plans.

POLICY CONSIDERATIONS

Council Plans and Policies

The review and adoption of this policy is consistent with Strategic Focus Area 6 of the 2021-25 Council Plan – Accountable. Transparent. Responsible.

It supports the achievement of the following strategies outline in this section of the Plan:

As a Council we will:

- *Achieve the highest level of good governance across the organisation and as an elected Council*
- *Be accountable for the decisions we make and the quality of service we deliver*
- *Maximise public transparency and accountability around our performance and decision-making processes.*

The completion of the policy impact assessment tool also implements the following initiative:

- 6.1.5 *Incorporate the gender impact assessment tool into decision making processes to assess the gendered impacts of policies, programs and services.*

The referral of the reviewed policy to the Audit and Risk Committee also ensures the achievement of the following initiative:

- 6.1.6 *Support the Audit and Risk Committee in completing its work plan for 2022–23.*

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The policy review has been informed through the independent internal (AFS and Associates Pty Ltd) and external audit program (through the Victorian Auditor General's Office), which provides external expert input and feedback on our risk management approach, treatments and strategies.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The policy impact assessment tool at Attachment 2 outlines how the updated policy complies with our legislative obligations and how it aligns with the principles of the *Local Government Act 2020*.

9.5.1 Review – Risk Management Policy 2022 (cont.)

Risk management, including management and mitigation of climate change risks, form core principles of the Act that Council must address in its day to day operations.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The policy achieves public transparency through monitoring reports, Strategic Risk Register Updates and the consideration of independent internal/external audits being presented to the Audit and Risk Committee, which then flow through to public Council meeting agendas and discussion at Council.

The risk management policy will be published on Council's website so it accessible to the broader public.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

One of the key strategic risks on our Strategic Risk Register, which is referenced in the Risk Management Policy, is financial viability. Financial oversight is a key role of the Audit and Risk Committee, the Executive Management Team and Council. The external audits undertaken by the Victorian Auditor General's Office ensures external oversight and monitoring of Council's finances.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Climate change mitigation is identified in the strategic risk register and is one of the factors considered when identifying, analysing and controlling risks, whether they be at a strategic risk or operational risk level.

The policy impact analysis tool outlines the positive contribution the policy makes to gender equity given that risk management is based on ensuring a safe and healthy workplace and community in terms of the impacts of Council operations and functions. The risk management approach aims to ensure that negative unintended consequences on certain groups of people are identified, analysed and proactively managed. When undertaking a risk management analysis for individual risks, Council functions and services we must consider the impacts, expected and unexpected/adverse and beneficial, on different groups within our community.

9.5.1 Review – Risk Management Policy 2022 (cont.)

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

One of the objectives of the policy is to instil a continuous improvement culture across the organisation through risk identification, management and monitoring. Continuous improvement is supported by the Audit and Risk Committee and the independent internal/external audit program.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Collaboration around our risk management approach is gained through:

- the independent external audit processes, including the Victorian Auditor General's Office (VAGO)
- independent internal audits undertaken by AFS and Associates
- liaising with other councils around their risk management activities and controls
- referring this policy, our Enterprise Risk Management Framework and updates on our work to address Strategic Risks to the Audit and Risk Committee.

HUMAN RIGHTS CONSIDERATIONS

As noted in the policy impact assessment tool, the reviewed policy supports the rights listed under the *Charter of Human Rights and Responsibilities Act 2006*.

Risk identification plays a role in:

- supporting the welfare and protection of families and children at a strategic and operational risk management level
- Social inclusion and equity as this is a consideration when analysing potential risks at a strategic and operational level
- The consideration of cultural differences and approaches, ensuring that risk management controls are informed by stakeholder consultation.

CONCLUSION

A thorough review of the existing Risk Management Policy has been undertaken to ensure it aligns with recent work undertaken on refining our Strategic Risk Register and risk management approach.

The adoption of this new policy will help strengthen our culture around day to day proactive risk management across the organisation and elected Council.

ATTACHMENTS

Attachment 1: Draft Risk Management Policy (*separate document*)

Attachment 2: Policy Impact Assessment Tool (*separate document*)

9.5.2 Review – Council Expenses Policy 2022

Author and Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

The current Council Expenses Policy was adopted by Council in August 2020. Council must adopt and implement this type of policy under section 41 of the Local Government Act 2020.

The policy is now due for review given some two years have lapsed since its adoption. This review has been undertaken and only minor changes have been made to the policy to:

- Utilise the new Council Policy template
- Update policy and Council Plan references
- Insert a new section on accountability and responsibility to provide clarity around the implementation of the policy and its procedures
- Provide clarity around the reimbursement of childcare costs given questions that have arisen around the receipt of the childcare rebate.

There is no change to the overall intent of the policy.

The updated policy was considered by the Audit and Risk Committee at an extraordinary meeting on 7 October 2022, with the request to delete the reference to the Australian Tax Office tax rebate amount per kilometre given this amount changes each year.

Following the review of the updated policy by the Audit and Risk Committee this report seeks Council adoption of the revised policy.

RECOMMENDATION

That Council:

- 1. Note and adopt the updated Council Expenses Policy 2022; and***
- 2. Place the updated policy on Council's website, along with the publication of a notice in Council's weekly newspaper columns and social media pages informing the community about the adoption of the updated policy.***

PURPOSE AND BACKGROUND

Council has for some time had a policy around Councillor expenses. The introduction of a new Local Government Act in 2020 modified the requirements for the content of such a policy, resulting in the adoption of a new policy by Council in August 2020.

Council policies are generally reviewed every two years and so an update is now due.

There have been no legislative changes in relation to the requirements for a council expenses policy since the introduction of the new Act in 2020.

9.5.2 Review – Council Expenses Policy 2022 (cont.)

A new Council policy template is now in use and so the review has translated the existing policy into this new format.

The revisions made to the policy are highlighted in red text in Attachment 1.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The review of our existing policy has been supported through the review of material published by Local Government Victoria, designed to provide guidance to councils around compliance with the new Act's provisions.

Our detailed policy is considered to be best practice given that it places strict limitations on expenditure by Councillors in relation to items such as alcohol, travel and conferences while balancing the need for Councillors to represent the community and continue their professional development.

The two most substantial changes made during the review process was the introduction of a section on roles and responsibilities to clarify the accountability framework for the policy.

The policy also clarifies that Council will only refund the gap between the rebate and the cost of the childcare incurred while conducting legitimate Council business.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Community engagement was undertaken on the draft policy in June and July 2020. No submissions were received.

No further consultation has been undertaken given the minor amendments made to the policy and the lack of significant issues that have arisen during the past two years of the policy's application and implementation.

POLICY CONSIDERATIONS

Council Plans and Policies

The review and adoption of this policy is consistent with Strategic Focus Area 6 of the 2021-25 Council Plan – Accountable. Transparent. Responsible.

It supports the achievement of the following strategies outline in this section of the Plan:

As a Council we will:

- *Achieve the highest level of good governance across the organisation and as an elected Council*

9.5.2 Review – Council Expenses Policy 2022 (cont.)

- *Be accountable for the decisions we make and the quality of service we deliver*
- *Maximise public transparency and accountability around our performance and decision-making processes*
- *Be financially responsible, achieving the greatest possible community benefit from the programs, initiatives and services we fund.*

The Council Expenses Policy also supports the implementation of the following key initiative:

- 6.2 *Implement an ongoing good governance training program for Councillors and staff, including self-assessment elements, which is monitored by the Audit and Risk Committee.*

The completion of the policy impact assessment tool also implements the following initiative:

- 6.1.5 *Incorporate the gender impact assessment tool into decision making processes to assess the gendered impacts of policies, programs and services.*

The referral of the reviewed policy to the Audit and Risk Committee also ensures the achievement of the following initiative:

- 6.1.6 *Support the Audit and Risk Committee in completing its work plan for 2022–23.*

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Advice from Local Government Victoria and also feedback from the Local Government Inspectorate in 2020, which noted that our Council Expenses Policy was best practice, has been taken into consideration during the review process.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The policy impact assessment tool at Attachment 2 outlines how the updated policy complies with our legislative obligations and how it aligns with the principles of the Local Government Act 2020.

Section 41 of the Act requires that Council adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.

9.5.2 Review – Council Expenses Policy 2022 (cont.)

Further, the policy must:

- (a) specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
- (b) comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and
- (c) provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and
- (d) have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the *Carers Recognition Act 2012*.

The revised policy ensures continued compliance with these requirements.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is noted that our existing policy required expenses to be reported quarterly to the Audit and Risk Committee. In accordance with our Public Transparency Policy 2020, the reimbursements will continue to be published on Council's website once the Audit and Risk Committee's minutes have been noted by Council.

An annual total of reimbursed Councillor expenses must also be included in the Annual Report, which is also on this Council Agenda.

In addition, there are circumstances where Councillors require a resolution from Council to attend conferences and undertake professional development. The policy also includes a requirement for the Councillor to report back to the community via a Council meeting on the learnings and benefits to the municipal community of their attendance.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The establishment of clear rules around the use of public funds by Council is an important means through which to ensure that public monies are expended in a way that is compliant with the law, while supporting Councillors in representing the municipal community of Strathbogie Shire.

9.5.2 Review – Council Expenses Policy 2022 (cont.)

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

There are no material sustainability impacts arising from this policy review, other than that the reimbursement of legitimate Councillor expenses ensures that our elected members are supported in undertaking their roles, which creates social, economic and social benefits for the municipal community.

The policy impact analysis tool outlines the positive contribution the policy makes to gender equity and ensuring that Councillors with caring and parenting roles are supported in line with the requirements of the Act.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

Frequent review of policies ensure that changes to legislation and a response to any issues that have arisen during the application of the policy can be addressed. During this review, only minor changes were required but clarification around the childcare rebate has been provided given this has been an issue that has arisen in recent times.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Collaboration has been achieved through working with Local Government Victoria around the development of their guidance on this policy and in referring the updated policy to the Audit and Risk Committee for their feedback and input.

HUMAN RIGHTS CONSIDERATIONS

As noted in the policy impact assessment tool, the reviewed policy supports the rights listed under the *Charter of Human Rights and Responsibilities Act 2006* by supporting participation in public life and equality through support for Councillors in whatever circumstances or social roles they perform.

CONCLUSION

The updated policy was considered by the Audit and Risk Committee at an extraordinary meeting on 7 October 2022. Given that there is no change to the overall intent of the policy, officers recommend that Council note and adopt the revised policy.

ATTACHMENTS

Attachment 1: Draft Updated Council Expenses Policy (*separate document*)

Attachment 2: Policy Impact Assessment Tool (*separate document*)

9.5.3 Review – Public Transparency Policy 2022

Author and Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

The current Public Transparency Policy was adopted by Council in August 2020. Council must adopt and implement this type of policy under section 57 of the Local Government Act 2020.

The policy is now due for review given some two years have lapsed since its adoption. This review has been undertaken and only minor changes have been made to the policy to:

- Utilise the new Council Policy template
- Update policy and Council Plan references
- Insert a new section on accountability and responsibility to provide clarity around the implementation of the policy.

There is no change to the overall intent of the policy.

This report seeks Council adoption of the revised policy.

RECOMMENDATION

That Council:

- 1. Note and adopt the updated Public Transparency Policy 2022.***
- 2. Place the updated policy on Council's website, along with the publication of a notice in Council's weekly newspaper columns and social media pages informing the community about the adoption of the updated policy.***

PURPOSE AND BACKGROUND

The introduction of a new Local Government Act in 2020 introduced a mandatory requirement for a public transparency policy to be adopted by all Councils, resulting in the adoption of a new policy by Council in August 2020.

Council policies are generally reviewed every two years and so an update is now due.

There have been no legislative changes in relation to the requirements since the introduction of the new Act in 2020.

A new Council policy template is now in use and so the review has translated the existing policy into this new format.

The revisions made to the policy are highlighted in red text in Attachment 1.

9.5.3 Review – Public Transparency Policy 2022 (cont.)

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The review of our existing policy has been supported through the review of material published by Local Government Victoria, designed to provide guidance to councils around compliance with the Act's provisions.

Only minor changes have been made to the updated policy in relation to document reference updates and the introduction of a roles and responsibilities section to clarify accountability for the application and implementation of the policy.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Community engagement was undertaken on the draft policy in June and July 2020.

No further consultation has been undertaken given the minor amendments made to the policy and the lack of significant issues that have arisen during the past two years of the policy's application and implementation.

POLICY CONSIDERATIONS

Council Plans and Policies

The review and adoption of this policy is consistent with Strategic Focus Area 6 of the 2021-25 Council Plan – Accountable. Transparent. Responsible.

It supports the achievement of the following strategies outline in this section of the Plan:

As a Council we will:

- *Achieve the highest level of good governance across the organisation and as an elected Council*
- *Be accountable for the decisions we make and the quality of service we deliver*
- *Maximise public transparency and accountability around our performance and decision-making processes*

The completion of the policy impact assessment tool also implements the following initiative:

- 6.1.5 *Incorporate the gender impact assessment tool into decision making processes to assess the gendered impacts of policies, programs and services.*

9.5.3 Review – Public Transparency Policy 2022 (cont.)

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Advice from Local Government Victoria in relation to the preparation of a public transparency policy has been taken into consideration during the review process.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The policy impact assessment tool at Attachment 2 outlines how the updated policy complies with our legislative obligations, including the achievement of the public transparency principles of the *Local Government Act 2020*.

Section 57 of the Act requires that Council adopt and maintain a public transparency policy that supports the implementation of the public transparency principles outlined by the Act.

Further, the policy must:

- give effect to the public transparency principles
- describe the ways in which Council information is to be made publicly available
- subject to section 58(b), specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act
- include any other matters prescribed by the regulations

The revised policy ensures continued compliance with these requirements.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The focus of this policy is to explain to our community how Council will maximise transparency in decision making, its actions and the information it holds.

The policy outlines what information will be provided to our community through:

- Council's website
- a request to inspect or obtain a copy of a document
- a freedom of information request.

9.5.3 Review – Public Transparency Policy 2022 (cont.)

The Act does, however, provide exemption from public release of information under eleven categories, including confidential information as defined by the Act and other legislation such as the Privacy and Data Protection Act 2014.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

There are no material implications on financial viability, other than noting that information relating to Councillor expenses, budgets and long term financial plans are to be made accessible to the public.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

There are no material sustainability impacts arising from this policy review.

The policy impact analysis tool outlines the gender neutral impacts of the policy, along with the benefits of ensuring that information can be accessed equally by all member of our community.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

Frequent review of policies ensure that changes to legislation and a response to any issues that have arisen during the application of the policy can be addressed. During this review, only minor changes were required.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Collaboration has been achieved through working with Local Government Victoria around the development of their guidance on this policy.

HUMAN RIGHTS CONSIDERATIONS

As noted in the policy impact assessment tool, the reviewed policy supports the rights listed under the *Charter of Human Rights and Responsibilities Act 2006* by supporting participation in public life and equality in access to information.

9.5.3 Review – Public Transparency Policy 2022 (cont.)

CONCLUSION

The periodic review of the public transparency policy has been completed, with only minor changes required given no issues have arisen from the policy's implementation since its adoption in 2020.

Once adopted, the community will be informed of the updated policy via social media and Council's website.

ATTACHMENTS

Attachment 1: Draft Updated Public Transparency Policy (*separate document*)

Attachment 2: Policy Impact Assessment Tool (*separate document*)

9.5.4 Monthly Performance Report

The October 2022 Monthly Performance Report includes reports as follows:-

- Building Department – September 2022 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – September 2022
- Customer Enquiry Analysis Report – Report for September 2022
- Waste Management Reporting ~ Year to Date – September 2022
- Transfer Station Data – September 2022
- Actioning of Council Reports Resolutions – Council Meeting Tuesday 20 September, 2022
- Outstanding Actions of Council Resolutions to 30 September, 2022
- Review of Council Policies and Adoption of new Policies – September/October 2022
- Records of Informal Council Briefings / Meetings – 1 to 30 September 2022

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.

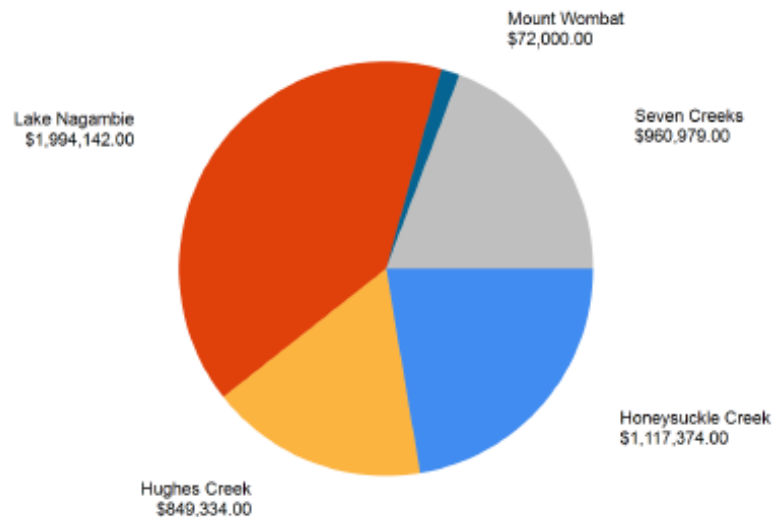
RECOMMENDATION

That the report be noted.

BUILDING ACTIVITY**SEPTEMBER 2022****Building Activity**

A report on new building permits recorded in Council's building permit register in September 2022

Ward	Number of Lodgements	Cost Of Works
Honeysuckle Creek	1	\$1,117,374.00
Hughes Creek	8	\$849,334.00
Lake Nagambie	10	\$1,994,142.00
Mount Wombat	2	\$72,000.00
Seven Creeks	3	\$960,979.00
	24	\$4,993,829.00

**Honeysuckle Creek**

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
6619990350691	20/09/2022	Construction of	Dwelling	Marraeeney	\$1,117,374.00
					\$1,117,374.00

Hughes Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
7721033885309	02/09/2022	Alteration to	School building	Avenel	\$239,142.00
9063485620068	06/09/2022	Construction of	Shed	Avenel	\$31,686.00
4215633864361	19/09/2022	Construction of	Farm Shed	Locksley	\$54,557.00
1132302758935	20/09/2022	Construction of	Shed	Avenel	\$36,525.00
3307645391150	15/09/2022	Construction of	Swimming Pool and Fence	Avenel	\$14,500.00
7066923722504	14/09/2022	Construction of	Dwelling & Garage	Avenel	\$322,318.00
4679080745568	16/09/2022	Construction of	Stables	Mangalore	\$64,589.00
3661436931157	16/09/2022	Construction of	Stables	Avenel	\$86,017.00
					\$849,334.00

Lake Nagambie

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
8996424616931	01/09/2022	Construction of	Dwelling & Garage	Nagambie	\$313,778.00
6315491208690	01/09/2022	Construction of	Carport & Shed	Tabilk	\$43,844.00
8294328119641	01/09/2022	Construction of	Shed	Nagambie	\$14,950.00
1996682209624	07/09/2022	Construction of	Verandah	Nagambie	\$15,800.00
8389076699522	16/09/2022	Construction of	Dwelling & Garage	Nagambie	\$278,986.00
4923070334611	20/09/2022	Construction of	Dwelling & Garage	Nagambie	\$260,174.00
4206432881151	26/09/2022	Construction of	Dwelling & Garage	Nagambie	\$423,270.00
9943446588572	19/09/2022	Construction of	Detached Dwelling & Garage	Nagambie	\$394,205.00
9263928918421	27/09/2022	Construction of	Dwelling & Garage	Nagambie	\$233,132.00
2097918913407	28/09/2022	Construction of	Shed	Nagambie	\$16,003.00
					\$1,994,142.00

Mount Wombat

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
1727471873621	16/09/2022	Construction of	Machinery Shed	Gooram	\$22,000.00
1315328191939/0	26/09/2022	Construction of	Farm Storage	Gooram	\$50,000.00
					\$72,000.00

Seven Creeks

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
3025780634017	13/09/2022	Extension to	Dwelling & Construction of a shed	Euroa	\$569,950.00
7940726396312	12/09/2022	Construction of	Carport	Euroa	\$21,029.00
8557446181368	15/09/2022	Construction of	Dwelling & Garage	Euroa	\$370,000.00
					\$960,979.00

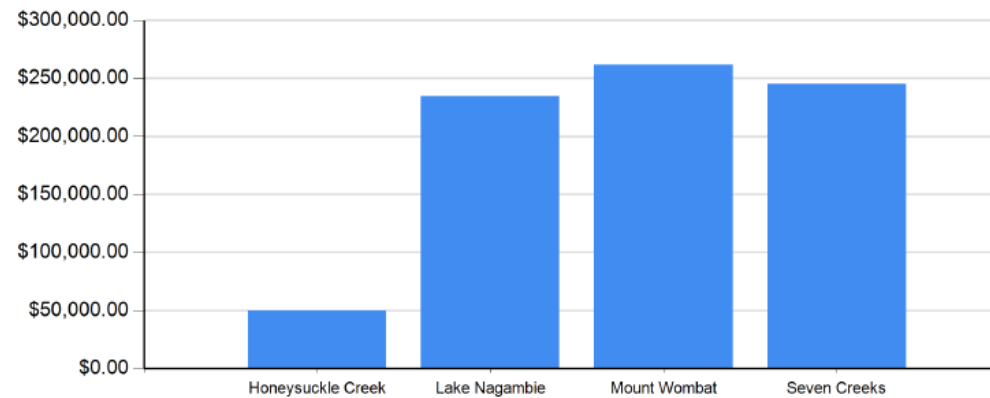
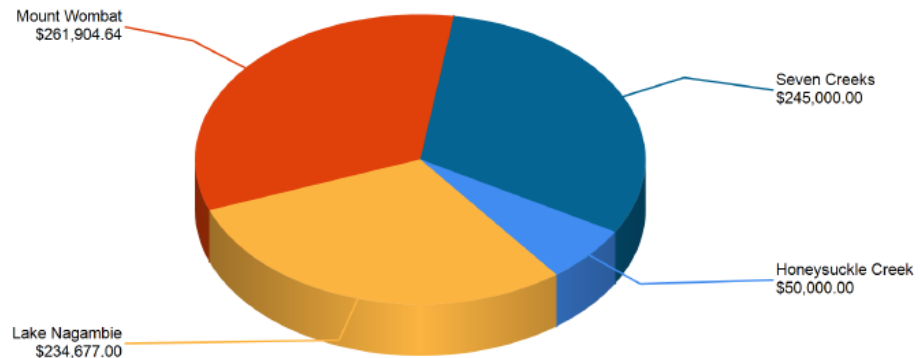
PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL IMPROVED VALUE)
SEPTEMBER 2022



Planning Applications Determined

September 2022

Honeysuckle Creek	\$50,000.00
Boho	\$50,000.00
Lake Nagambie	\$234,677.00
Whroo	\$234,677.00
Mount Wombat	\$261,904.64
Gooram	\$20,000.00
Ruffy	\$16,904.64
Strathbogie	\$225,000.00
Seven Creeks	\$245,000.00
Euroa	\$6,000.00
Euroa	\$200,000.00
Euroa	\$9,000.00
Euroa	\$30,000.00
Total Value	\$791,581.64



CUSTOMER ENQUIRY ANALYSIS REPORT - REPORT FOR SEPTEMBER 2022



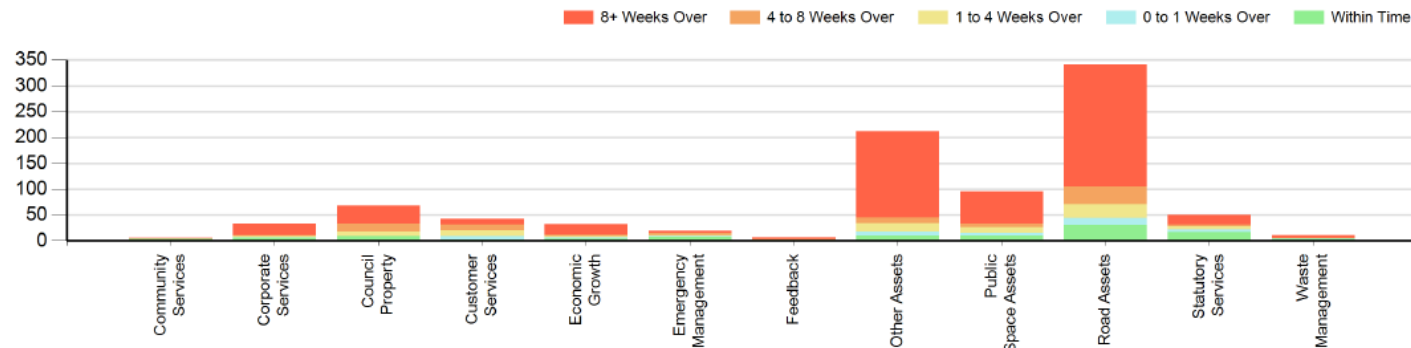
Request Throughput Analysis

01/09/2022 to 30/09/2022

C	Complete / New	> 80%	50-80%	< 50%
N				
O	Overdue / Remaining	< 33%	34-70%	> 70%
R				

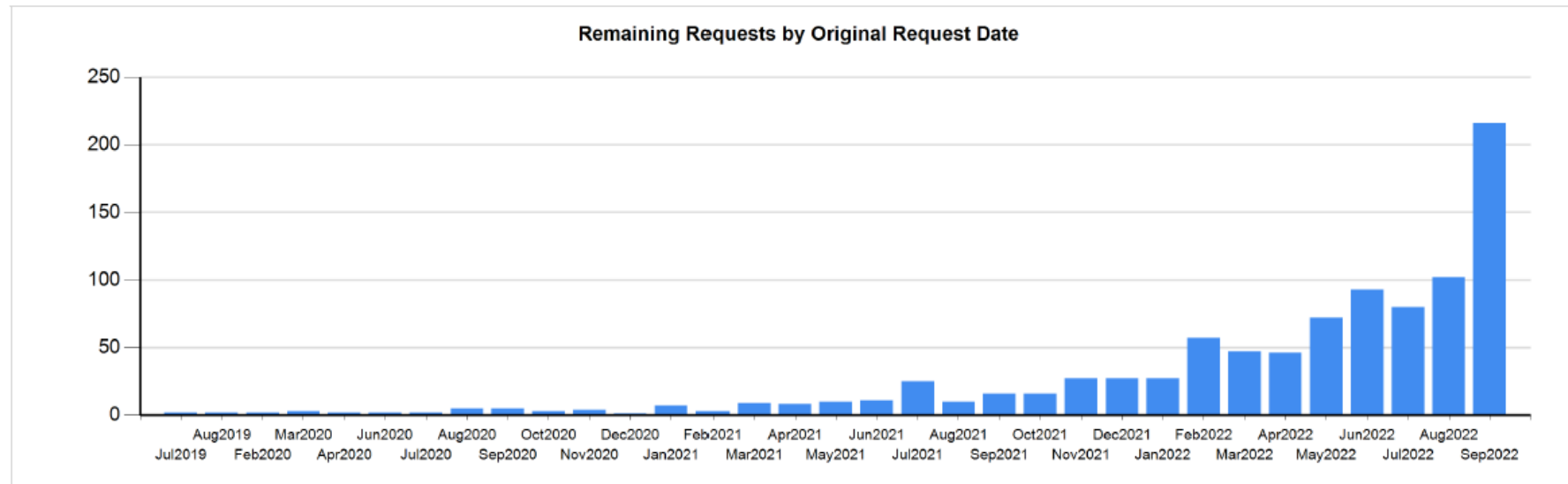
Service Area	Existing Requests	New Requests	Completed Requests	Remaining Requests	C N	Within Time	Over Time	O R	Pending Resources	Service Area Usage
Community Services	2	25	21	6	✓	4	2	✓	0	<div style="width: 10%;"></div>
Corporate Services	37	60	64	33	✓	6	27	✗	0	<div style="width: 20%;"></div>
Council Property	75	39	44	70	✓	9	61	✗	0	<div style="width: 15%;"></div>
Customer Services	41	73	68	46	✓	2	44	✗	0	<div style="width: 25%;"></div>
Economic Growth	41	157	166	32	✓	4	28	✗	0	<div style="width: 30%;"></div>
Emergency Management	19	60	59	20	✓	8	12	⚠	0	<div style="width: 20%;"></div>
Feedback	5	4	2	7	⚠	0	7	✗	0	<div style="width: 5%;"></div>
Other Assets	208	42	38	212	✓	10	202	✗	0	<div style="width: 10%;"></div>
Public Space Assets	100	51	44	96	✓	10	86	✗	11	<div style="width: 15%;"></div>
Road Assets	326	139	118	346	✓	30	316	✗	1	<div style="width: 30%;"></div>
Statutory Services	64	118	131	51	✓	17	34	⚠	0	<div style="width: 25%;"></div>
Waste Management	10	23	22	11	✓	4	7	⚠	0	<div style="width: 5%;"></div>
Total	928	791	777	930		104	826		12	

Request Ageing



Service Usage





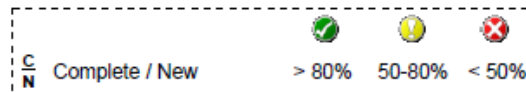
		Community Services	Corporate Services	Council Property	Customer Services	Economic Growth	Emergency Management	Feedback	Other Assets	Public Space Assets	Road Assets	Statutory Services	Waste Management
2019	July									2			
	August										2		
2020	February										1		1
	March									1	2		
	April										2		
	June							1		1			
	July									2			
	August					2			1	1			1
	September									1	4		
	October		1			1					1		
	November			1						1	2		
	December									1			
	January		3	2		1							1
2021	February			1						2			
	March			2		1			3	1	2		

2021	April								4		4		
	May								4		6		
	June			1					6	2	2		
	July			1		1		1	12	1	9		
	August		2	1						2	5		
	September			1	1	1			2	6	5		
	October			2	1	1			2	5	5		
	November			1					7	4	14		1
	December			1			1	1	9	2	13		
2022	January		6	1		1	1		6	6	6		
	February			5	1	1		1	19	11	19		
	March	1	1	5	1	3	1		18	5	9	3	
	April		1	3		3			21	4	11	3	
	May		4	1	1	3			24	3	29	6	1
	June		3	3	4				21	6	52	4	
	July	1	1	11	2	1	1	1	8	2	48	3	1
	August		2	11	13	5	5		20	11	30	5	
	September	4	9	16	22	7	11	2	25	24	64	27	5
Total		6	33	70	46	32	20	7	212	107	347	51	11

Definitions

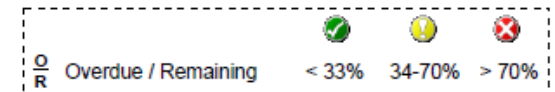
Service Area	Grouping of services by area of responsibility
Existing	Requests open prior to reporting period
New	Requests made during reporting period
Within Time	Remaining Requests where defined deadline is after reporting period
Pending Resources	Requests where additional resources are required to continue. This includes labour, materials, and financial resources.

Complete New 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.

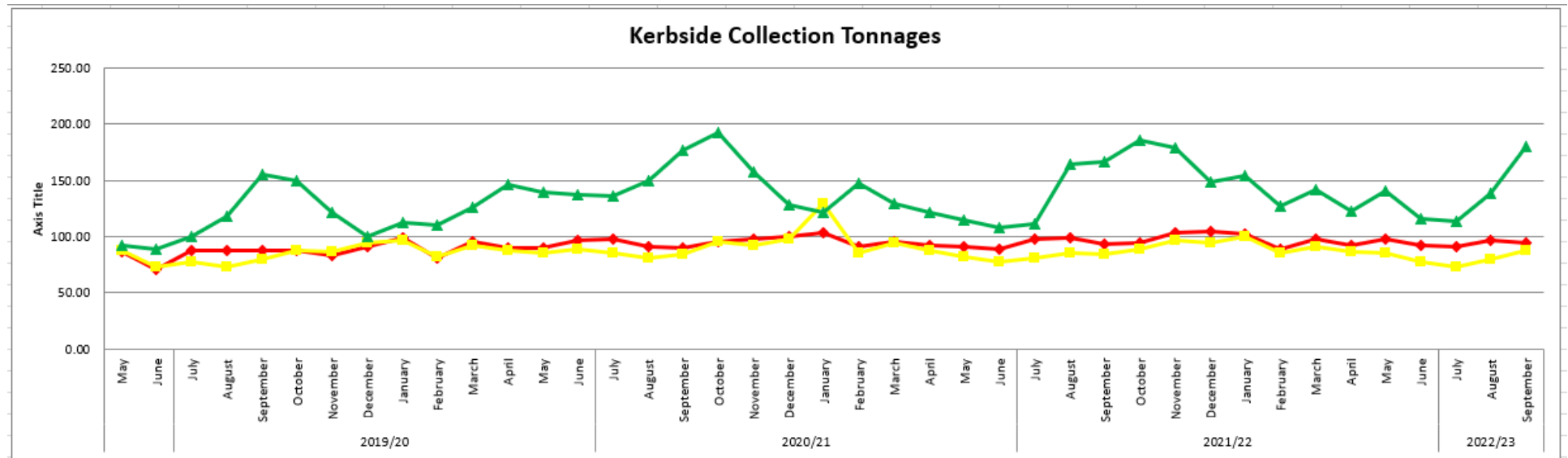


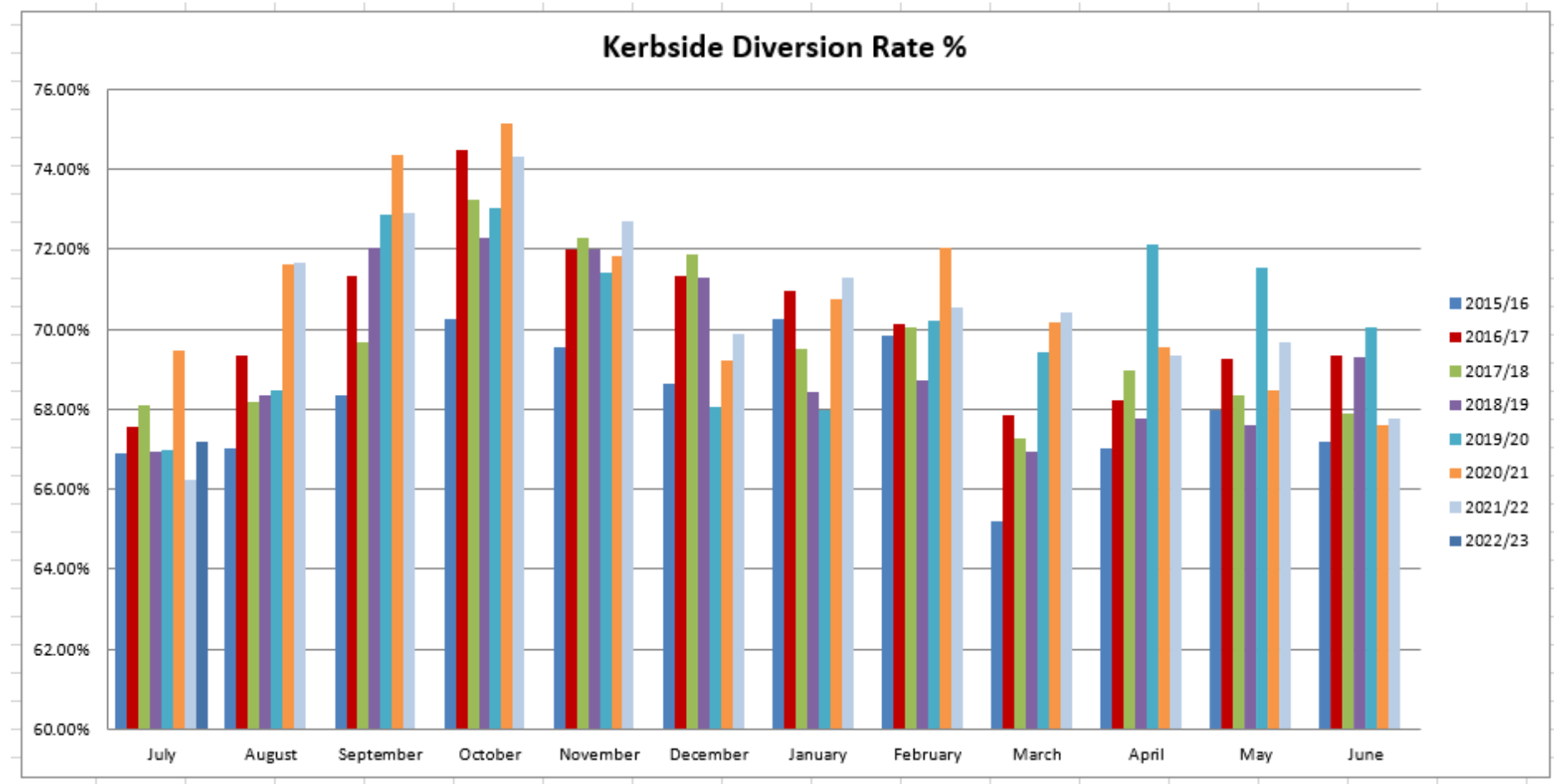
Service	Activities that provide value to the customer
Remaining	Requests incomplete at end of reporting period
Completed	Requests completed during reporting period
Over Time	Remaining Requests where defined deadline is before the end of the reporting period

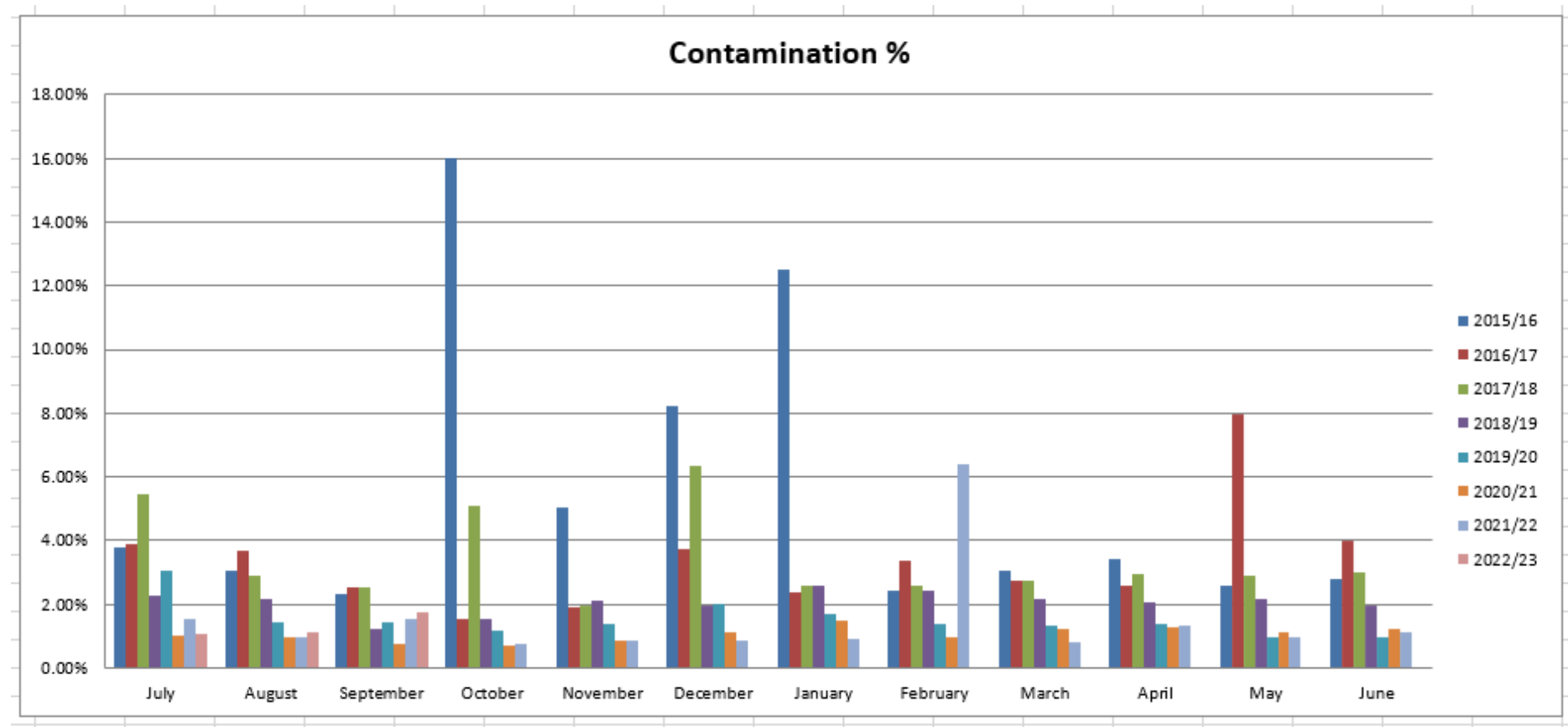
Overdue Remaining An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.



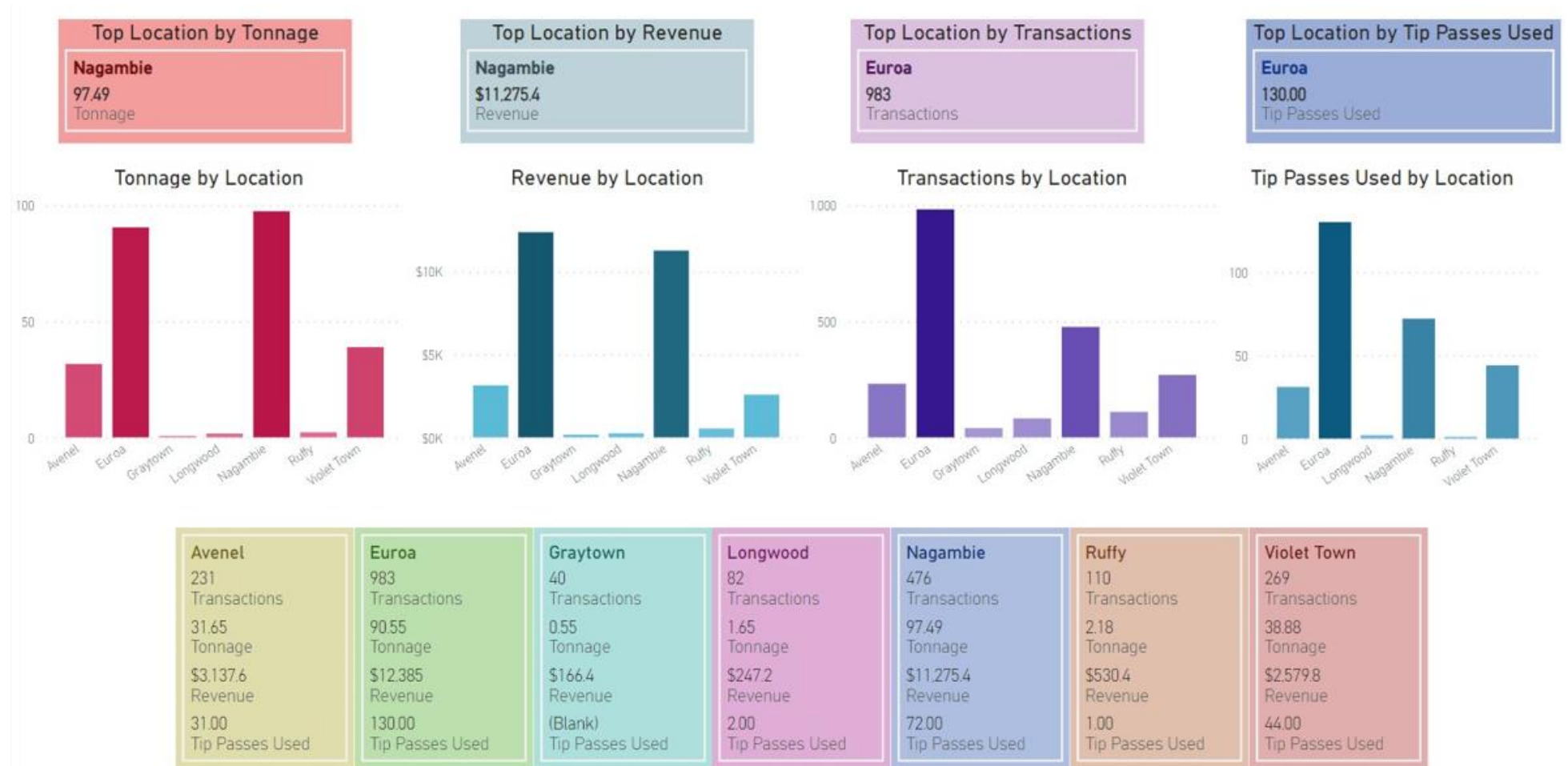
WASTE MANAGEMENT REPORTING
YEAR TO DATE - SEPTEMBER 2022



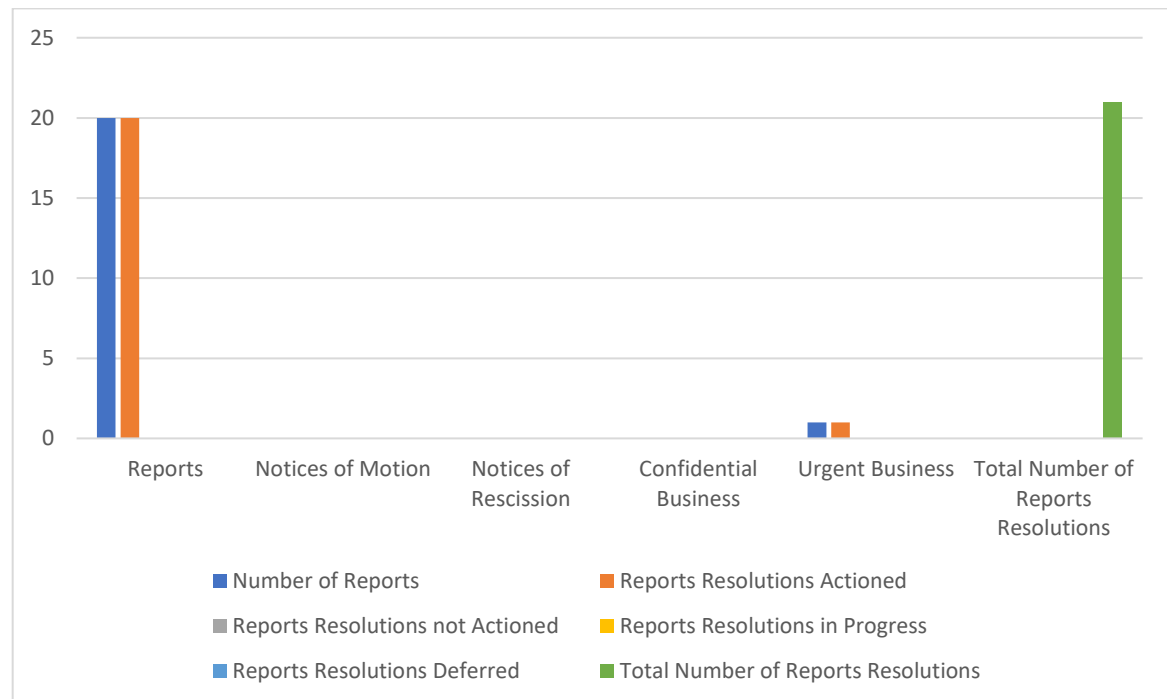




TRANSFER STATION DATA – SEPTEMBER 2022



ACTIONING OF COUNCIL REPORTS RESOLUTIONS
COUNCIL MEETING – TUESDAY 20 SEPTEMBER 2022



**OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO
30 SEPTEMBER 2022**

This Report is to advise the Councillors, Executive Leadership Team 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
<i>Nil</i>		

**REVIEW OF EXISTING COUNCIL POLICIES
AND ADOPTION OF NEW POLICIES**

Review of Policy / New Policy	Policy Name	Details
Review	Purchasing Card Policy	Refer to Item 9.4.1
Review	Rates and Charges Collection and Hardship Policy	Refer to Item 9.4.2
Review	Disposal or Sale of Council Assets Policy	Refer to Item 9.4.3
Review	Risk Management Policy 2022	Refer to Item 9.5.1
Review	Council Expenses Policy 2022	Refer to Item 9.5.2
Review	Public Transparency Policy 2022	Refer to Item 9.5.3

RECORDS OF INFORMAL COUNCIL BRIEFINGS / MEETINGS**For period 1 to 30 September 2022**

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Informal Council Briefings / Meetings

Date of Meeting: Tuesday 13 September 2022

Time: 10.00 – 10.30 am (Councillors Only)
10.45 – 4.00 pm (Councillors / ELT)

Attendees:Councillors

Paul Murray (Deputy Mayor)
David Andrews
Reg Dickinson
Sally Hayes-Burke
Kristy Hourigan
Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)
Dawn Bray (Director, People and Performance)
Vlad Adamek (Director, Sustainable Infrastructure)
Kristin Favaloro (Executive Manager, Communications and Engagement)
Braydon Aitken (Acting Director, Community and Planning)
Dan Moloney (Strategic Planner) [Item 3]
Trish Kubeil (Senior Statutory Planner) [Item 3]

Apologies

Cr Laura Binks (Mayor)
Amanda Tingay [Director, Community and Planning]

1. Councillors Discussions
2. Rockies Bridge
3. Planning Scheme Update
4. Review of draft September 2022 Council Meeting Agenda

Declaration of Interest/s under Local Government Act 2020 (General Conflict of Interest - Section 127 / Material Conflict of Interest – Section 128)

Councillor/s -

Matter No.	LGA 2020 Interest Section	Names of Councillor/s who disclosed interest	Did the Councillor/s leave the meeting?
4 / 9.2.1	128	Cr Raeburn	Yes (left meeting at 2.31 pm / returned at 2.44 pm)

Officer/s - NIL

Record of Informal Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Informal Council Briefings / Meetings

Date of Meeting: Tuesday 20 September 2022

Time: 2.00 pm – 3.00 pm (Teams meeting): CEO Employment and Remuneration Committee & CEO
 3.00 pm – 4.00 pm: Councillors only
 4.00 pm – 5.00 pm: Councillors, ELT if required
 6.00 pm – 8.20 pm: Councillors & ELT

Attendees:

Councillors

Cr Laura Binks (Mayor)
 Paul Murray (Deputy Mayor)
 David Andrews
 Reg Dickinson
 Sally Hayes-Burke
 Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)
 Dawn Bray (Director, People and Performance)
 Vlad Adamek (Director, Sustainable Infrastructure)
 Kristin Favaloro (Executive Manager, Communications and Engagement)
 Braydon Aitken (Acting Director, Community and Planning)

Apologies

Cr Kristy Hourigan
 Amanda Tingay [Director, Community and Planning]

1. CEO Performance Mid-Year Review *(CEO Employment and Remuneration Committee only)*
2. Councillors Strategy Session
3. Councillors Discussions / Officers available for Councillor questions
4. Council meeting

Declaration of Interest/s under Local Government Act 2020 (General Conflict of Interest - Section 127 / Material Conflict of Interest – Section 128)

Councillor/s -

Matter No.	LGA 2020 Interest Section	Names of Councillor/s who disclosed interest	Did the Councillor/s leave the meeting?
4 / 9.2.1	128	Cr Raeburn	Yes (left meeting at 6.37 pm / returned at 6.44 pm)
4 / 9.6.2	128	Cr Binks	Yes (left meeting at 7.59 pm / returned at 8.06 pm)

Officer/s - NIL

9.6 EXECUTIVE

9.6.1 Acting Arrangements – Chief Executive Officer Annual Leave

Author: Chief Executive Officer

EXECUTIVE SUMMARY

The Chief Executive Officer (CEO) requested and has had approved a period of annual leave effective 25 November 2022 to 1 January 2023. In accordance with the Local Government Act 2020, an application for annual leave, long service leave, personal leave or other absence is to be approved by the Mayor on behalf of Council.

Section 11(23) of the Local Government Act 2020 allows a Council to delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days. The appointment of Acting CEO for a period of leave exceeding 28 days will be made by Council resolution.

This recommendation seeks Council endorsement to appoint Amanda Tingay, Director Community and Planning to the Acting Chief Executive Officer role for the aforementioned period of approved annual leave in accordance with the requirements of the Local Government Act 2020.

RECOMMENDATION

That Council:

- 1. *Endorse the appointment of Amanda Tingay, Director Community and Planning, to the acting role of Chief Executive officer effective from 25 November 2022 to 1 January 2023; and***
- 2. *Note that a Higher Duties allowance will be paid for this period in accordance with Councils Higher Duties policy.***

PURPOSE AND BACKGROUND

This report seeks Council's consideration and endorsement to appoint Amanda Tingay, Director Community and Planning, to the role of Acting Chief Executive Officer during the Chief Executive Officer period of annual leave effective 25 November 2022 to 1 January 2023 in accordance with the requirements of the Local Government Act 2020.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The Chief Executive Officer (CEO) requested and has had approved a period of annual leave effective 25 November 2022 to 1 January 2023. In accordance with the Local Government Act 2020, an application by the CEO for annual leave, long service leave, personal leave or an extended absence is to be approved by the Mayor on behalf of Council.

9.6.1 Acting Arrangements – Chief Executive Officer Annual Leave (cont.)

Section 11(23) of the Local Government Act 2020 allows a Council to delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days. The appointment of Acting CEO for a period of leave exceeding 28 days will be made by Council resolution.

It is proposed that Council considers and endorses the appointment of Amanda Tingay, Director Community and Planning to the role of Acting Chief Executive Officer for the period of the CEO's approved annual leave.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision-making.

No external consultation has been undertaken in the preparation of this report as the matter is for Councillor determination under the Local Government Act 2020.

POLICY CONSIDERATIONS

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The council are elected under the Local Government Act 2020 to undertake their duties in the best interests of the people in the municipality by providing the overall policy and strategic direction.

The role of a Chief Executive Officer in Victorian local government is essential to the operations and delivery of council services for the community. It is important that acting arrangements are in place during periods of leave to ensure continuity of business to the community.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9, part 2, division 6, part 41 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

As prescribed under the legislative framework for local government, the CEO is employed and managed by the entity comprised of elected community representatives for Strathbogie Shire who make decisions by democratic vote.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.6.1 Acting Arrangements – Chief Executive Officer Annual Leave (cont.)

Transparency

One of the overarching governance principles in section 66 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The purpose of this report is to present all relevant information in an open and transparent context for decision-makers to review and consider in accordance with the *Local Government Act 2020*.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

There are no financial implications associated with the recommendation outside of the parameters of the approved 2022/23 Council budget.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

There are no direct sustainability implications arising out of this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The appointment of a member of Council's executive leadership team to the role of Acting CEO is an important opportunity for career development and learning.

HUMAN RIGHTS CONSIDERATIONS

There are no significant implications arising from this report in relation to the *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

The recommendation to appoint an officer to the role of Acting CEO for a period of leave more than 28 days is in accordance with the *Local Government Act 2020*. It is proposed that Council consider and endorse the appointment of Amanda Tingay Director Community and Planning to the acting role for the period of CEO approved annual leave effective 25 November 2022 to 1 January 2023.

ATTACHMENTS

Nil.

9.6.2 2021/22 Annual Report

Author: Executive Manager Communications and Engagement

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The Annual Report is a requirement under the Section 98 (1) of the Local Government Act 2020.

The annual report must be presented to a council meeting (open to the public) by 31 October 2022.

There is no longer a provision in the Act to submit the annual budget or annual report to the Minister for Local Government.

The annual report describes the organisation's performance over the 2021–22 financial year against the objectives of the Council Plan 2021-25 and Budget 2021–22.

The report tells us where Council is doing well and where we can do better in helping the community realise its long-term goals.

RECOMMENDATION

That Council note the Strathbogie Shire Council Annual Report 2021-2022 for the year ended 30 June 2022, as attached to this report, including the Financial Statements and Performance Statement, as certified by the Auditor General.

PURPOSE AND BACKGROUND

The Annual Report is a requirement under the Section 98 (1) of the Local Government Act 2020. The annual report must be presented to a council meeting (open to the public) by 31 October 2022.

Importantly, the Annual Report provides an account of Council's performance to our community. It details Council achievements against the goals of the Council Plan and our performance against stipulated measures. It further provides an account of Council's financial management during the previous financial year.

The Annual Report is also an opportunity to acknowledge all the great activities that have happened across the municipality and note the challenges of COVID-19 that have impacted on operations during the year.

The Annual Report 2021-2022 contains:

- A report on the operations of the Council including highlights throughout the year
- Audited Financial Statements and Performance Statement
- Other general information required by the Local Government (Finance and Reporting) Regulations 2004 and the Local Government Act.

9.6.2 2021/22 Annual Report (cont.)

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

A feature of this year's Annual Report is our year in review. It outlines a series of achievements by Council in the 2021-22 year. Some of these include:

- **Council Plan and Community Vision.** In 2021/22 Council adopted two of its most significant documents – the Community Vision and the 2021-25 Council Plan. The adoption of these important strategic documents followed more than eight months of community engagement to ensure they reflected the views, vision, and direction of those living in the Shire. It also included Council's first ever Community Forum.
- **Strathbogie Rocks Podcast series.** We launched a series of podcasts that captured the spirit of Strathbogie Shire. Completed in conjunction with start-up company Storytowns, the podcasts feature the Shire's towns – Avenel, Longwood, Strathbogie, Euroa, Violet Town, Nagambie and Ruffy – as well as an episode exploring our many tracks and trails.
- **Transfer Station Resale Shop Feasibility Study.** A feasibility study looking into introducing resale shops at Council's Resource Recovery Centre's (RRC) recommended the initial introduction of one shop at Nagambie RRC. The study was conducted after Council received a \$10,000 grant from Sustainability Victoria. The report highlighted the following recommendations:
- **Youth Crews.** Council established township-based youth crews and a FReeZa Crew, made up of young people aged between 12 and 25. The crews work alongside our youth development officer to organise local activities, advocate for youth-focused needs in their community, learn leadership skills and connect with other young people in their community.
- **Climate Change Action Plan.** Council spent more than eight months running many different stages of community engagement opportunities to develop our Draft Climate Change Action Plan. It followed Council becoming the 100th Council in Australia to declare a Climate Emergency in 2021 and just the third to pass this Notice of Motion unanimously.
- **Community grants awarded.** Council successfully awarded 21 grants as part of the 2021-22 Community Grants Program. The Grants Program encourages organisations to apply for grants of up to \$5,000.
- **Economic Development Strategy.** We worked with businesses throughout the Shire to start work on an Economic Development Strategy for the next five years. Council's engagement included an online survey, and face-to-face business workshops, to ensure input from local businesses. The aim of the strategy is to strengthen existing and create new economic opportunities for the businesses in the Shire.

9.6.2 2021/22 Annual Report (cont.)

- **Nagambie Active Youth Hub and Nagambie Netball Court Redevelopment.** The \$590,593 project was jointly funded by Strathbogie Shire Council and the Victorian Government's 2020-21 Local Sports Infrastructure Fund and contains an array of exciting features, including a skate park, basketball half court, table tennis tables and more.
- **MOU signed with TLaWC.** A Memorandum of Understanding between the Taungurung people and Strathbogie Shire Council (TLaWC) was officially signed and adopted in 2021. The MoU with the TLaWC will strengthen Council's relationship with first peoples, and the Traditional Owners of Taungurung Country.
- **Euroa cinema revamp.** Old second-hand seating at the Euroa Community Cinema was replaced with new comfortable seats thanks to a \$130,000 cultural and infrastructure grant from the Victorian Government.
- **Energy audits to reduce costs.** The Tablelands Community Centre in Ruffy, Strathbogie Memorial Hall and Euroa Historical and Genealogical Society Inc received energy audits with the aim of reducing energy bill cost, energy use and greenhouse gas emissions.
- **Australian Rowing Championships.** We hosted the 2022 Australia Rowing Championships at the Nagambie Lakes Regatta Centre. The championships saw the country's best rowers come to Nagambie providing a huge economic boost to our region and putting the Regatta centre in spotlight.
- **Asset Plan adopted.** We adopted a new Asset Plan which outlines how assets are managed in the municipality, including maintenance, renewal, acquisition, expansion, and decommissioning.
- **Cloth Nappy Reimbursement Program.** We launched a program that allowed residents to access a one-off reimbursement to cover half the costs of cloth nappies and associated accessories. The Cloth Nappy Reimbursement Program (six-month trial) was created to encourage local families to reduce waste produced by disposable nappies.
- **New grader.** An impressive new grader joined Council's machinery fleet undertake our Grading Program. The new John Deere grader is responsible for the important task of maintaining almost 1500km of gravel roads. The new machine is one of three graders employed by Council to work across roads on rotation.
- **A Council brand update.** We adopted a new corporate brand, which is an update, refresh or renewal of our current brand. Council will stop using the boxes and instead using a stronger style font that better represents the rivers and ranges of Strathbogie Shire.

9.6.2 2021/22 Annual Report (cont.)

- **Streetscape works.** Works started on streetscape upgrades in Avenel, Euroa and Longwood. The designs were developed after an extensive community consultation program, which provided our community many opportunities to have their say. Works include, new paving surfaces, gardens, lighting and so much more!
- **Winter Wonderland.** Jacobson's Outlook in Nagambie and the old Gambles Nursery Site in Euroa became winter wonderlands in June. Council, Go Nagambie and the Euroa Chamber of Business and Commerce created family friendly events that brought ice skating to our Shire.
- **Rockies suspension footbridge started.** Work on another of Council's impressive projects began this year – the Rockies Suspension Bridge! The \$560,000 is a community-led project which will provide a connection to the Apex Community walking track, providing two-way all abilities access over the Sevens.
- **Council sought feedback on January 26.** Council asked the community for its input into a review of traditional Australia Day celebrations. The aim was to be more respectful and to begin to recognise the significance of the day to Aboriginal and Torres Strait Islander Australians.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

The Executive Leadership Team, Senior Leadership Group and Council officers were all consulted in the preparation of the 2021-2022 Annual Report. No external consultation is required.

POLICY CONSIDERATIONS

Council Plans and Policies

This recommendation is consistent with the Budget 2021-22 and the Council Plan 2021-25.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The Annual Report is a requirement under the Section 98 (1) of the Local Government Act 2020. The annual report must be presented to a council meeting (open to the public) by 31 October 2022. There is no longer a provision in the Act to submit the annual budget or annual report to the Minister for Local Government.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.6.2 2021/22 Annual Report (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The 2021-22 Annual Report is being discussed in a Council meeting open to the public. The document ensures full transparency on Council's achievements against the final year of 2021-25 Council Plan, along with Audited Financial Statements and Performance Statement.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The Annual Report includes the financial statements for 2021–22 and the Auditor General's audit.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

A full version of the Annual Report 2021–22 was published on the Council's website at www.strathbogie.vic.gov.au

Economic

There are no social implications associated with this report.

Environmental

A full version of the Annual Report 2021–22 was published on the Council's website at www.strathbogie.vic.gov.au

Climate change

A full version of the Annual Report 2020–21 was published on the Council's website at www.strathbogie.vic.gov.au

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The design of the Annual Report and Financial Report is an in-house cost as Council has a part-time graphic designer on staff.

9.6.2 2021/22 Annual Report (cont.)

CONCLUSION

That Council receives and considers the Strathbogie Shire Council Annual Report 2021-2022 for the year ended 30 June 2022, including the Financial Statements and Performance Statement, as certified by the Auditor-General. Council's Annual Report for the Financial Year 2020-2021.

ATTACHMENTS

Attachment 1: Strathbogie Shire Council Annual Report 2021-22 (*separate document*)

9.6.3 Cost Shifting Advocacy Campaign

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

Rising expenses, the ongoing rate capping system and cost shifting pose an increasing challenge to the financial sustainability of councils. In turn, this negatively impacts the vital services and infrastructure delivered on behalf of the community.

Councils manage many of the services and infrastructure used by communities every day. Compared to their revenue, small rural shires such as Strathbogie are an asset-heavy level of government.

Increasingly the state government expects councils to shoulder additional costs on top of this. Arrangements for many co-funded services such as emergency management, maternal and child health and the school crossing supervisor program have shifted in favour of the state over time. New responsibilities are also put on councils, or transferred from existing state agencies, without sustainable resourcing. Furthermore, the Royal Commission into National Natural Disaster Arrangements aptly noted that where a state government delegates responsibilities to local government, councils must be resourced and supported to perform them.

On 12 September 2022 the Boroondara City Council Mayor, Cr Jane Addis, wrote to all Victorian Councils expressing concern about the extent of cost shifting from the state government to local government which is limiting Council's ability to meet the future operational and infrastructure needs of its community (refer Attachment 1). Boroondara was requesting support to participate in a campaign that seeks to address the funding inequity and shortfall. This report recommends that Council join the campaign led by Boroondara City Council to lobby State Government to renegotiate agreements for co-funded services that over time have shifted an increasing burden to councils. Ensuring appropriate funding for services delivered on behalf of State Government will ensure that Council will be better able to respond to the needs and priorities of their communities and improved quality of local services and infrastructure across Victoria.

RECOMMENDATION

That Council:

- 1. Note the letter from the Mayor of Boroondara City Council expressing concern about the extent of cost shifting from the State Government to Local Government which is limiting Council's ability to meet the future operational and infrastructure needs of its community; and***
- 2. Support this cost shifting campaign by writing to Premier of Victoria, Daniel Andrews, and Local State Members of Parliament expressing concern about the extent of cost shifting from the State Government to Local Government, limiting Council's ability to meet the future operational and infrastructure needs of its community that will ensure long term financial sustainability of Strathbogie Shire and the sector more broadly.***

9.6.3 Cost Shifting Advocacy Campaign (cont.)

PURPOSE AND BACKGROUND

Cost shifting from the Federal and more significantly from the Victorian State Government has been a major financial issue for many years and poses a serious risk to both the ability to deliver services and local governments' financial sustainability. In ascertaining the potential impacts of cost shifting it is important to highlight some of the key financial pressures on local government. There are significant cost pressures on Local Government due to the following factors:

- Declining levels of Government grants and service funding agreements as proportionate to increasing costs and demand for service delivery and infrastructure,
- Announcements of new Victorian Government services such as free three-year-old kindergarten and the doubling of hours of four-year old kindergarten with minimal consultation which will require additional rooms, which has the potential to financially impact kindergarten infrastructure owned by Council,
- Managing and renewing community assets, and
- State Government Rate Capping.

The National State of the Assets Report 2018 revealed that \$30 billion is required to renew and replace ageing infrastructure. The amount of infrastructure requiring renewal will continue to increase over the next 20 years as structures built during the post-war rapid growth period of the 1960s and '70s age and their condition, capacity and function declines. Compared to their rate base and ability to generate revenue, small rural shires are an asset-heavy level of government. This is particularly relevant for municipalities such as Strathbogie.

Furthermore, the last three years of La Nina activity has seen increased rain fall which has created a higher volume of maintenance activity on our roads and drainage network. Currently we have 227.678 km of road that has been affected by La Nina requiring a re-sheet, equating to \$14,799,070.00 to restore our road infrastructure back to the original condition 3 years ago. Continued less than ideal investment in service provision, roads, maintenance, and renewal primarily due to State Government imposed cost shifting, rate capping and reduced grant funding will have long-term impacts on service delivery and infrastructure across our Shire.

This report recommends that Council join the campaign led by Boroondara City Council to lobby State Government and Local Parliamentarians to renegotiate agreements for co-funded services that over time have shifted an increasing burden to councils.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Cost shifting occurs when the responsibility for, or merely the cost of, providing a certain service, concession, asset or regulatory function is shifted from one sphere of government to another, without corresponding funding or revenue raising ability required to deliver that new responsibility. Cost shifting from the Federal and more significantly from the Victorian State Government has been a major financial issue for many years and poses a significant risk to both the ability to deliver services and local governments' financial sustainability.

9.6.3 Cost Shifting Advocacy Campaign (cont.)

Revenue sources for Council are limited, coming primarily from rates and charges and to a lesser extent grants, user fees and charges and statutory fees and fines. Rate capping has prevented Councils from increasing their rates beyond the cap set by the State Government since 2016 with the cap generally based on or close to the CPI. However, costs for local government have been increasing substantially more than CPI given the high focus on wage costs, service delivery, material costs and also infrastructure maintenance and renewal.

The following outlines some of the current cost shifts which directly impact Council and rate payers:

- *School Crossing Supervision:*
While local governments have traditionally provided the School Crossing Supervision service on behalf of the State, there is no legislative requirement for Council to perform this role. Over time, the financial allocation from the state government for the program has dwindled, resulting in local governments and as such rate payers, picking up the shortfall in funding. As the years progress, this funding gap is continuing to increase with Council contributing approximately 62% (to program costs) to top up this state government service. This inequity of funding is something faced by all local government areas that deliver the School Crossing Supervisor Program on behalf of the State Government.
- *Maternal and Child Health:*
The Victorian Government has gradually increased responsibilities of Maternal and Child Health nurses over the past decade. The funding required to resource these changes has not always been provided to sustain the changes. The MAV is seeking a review of the State Government resourcing of the maternal and child health service and an ongoing commitment to the 50:50 partnership with local government in the provision of this essential universal service.
- *Early Years Infrastructure:*
Council plays a key role in the renewal of existing kindergarten and community not for profit long day care facilities. The Victorian Government's Kindergarten Reform will have a significant impact on Council owned early childhood education and care facilities. In addition to the infrastructure challenges associated with the provision of 15 hours of three-year-old kindergarten, the Victorian Government recently announced it would be increasing funding from 15 hours of four-year-old kindergarten to 30 hours for each child. Single unit kindergarten facilities will be severely impacted in their ability to deliver both 30 hours of four-year-old kindergarten and 15 hours of three-year-old kindergarten each week.

This is a priority issue forming part of the MAV advocacy to the Victorian Government seeking funding to ensure that this reform agenda is successfully implemented, including the increased demand for infrastructure provision to meet community needs.

9.6.3 Cost Shifting Advocacy Campaign (cont.)

- *Building Reform:*
Since the initial deregulation of the building industry in the early 1990's there has been an incremental shift in responsibility to Councils as part of the building system. This has come about primarily from legislative change which has resulted in greater inspection and oversight for Municipal Building Surveyors including in relation to Essential Services Inspections and Swimming Pool and Barrier Compliance.
- *Planning:*
The Victorian Government is currently implementing significant changes to the planning system through the Planning Reform Program 2020-2024 which will not only reduce the involvement of Council and local communities in many planning matters and erode the integrity and efficiency of the well-established system but continue a progressive cost shift to Council's without adequate fees or funding available. These include (inter alia) ESD changes, tree and vegetation controls and digital planning reforms. These are in addition to reviews required to be undertaken.
- *Landfill Levy and Waste Services:*
Local councils are required to take on the financial burden of increases in the State landfill levy and the increased processing costs of the local market. This has seen local governments paying more for waste disposal, recycling, and organics processing than ever before. Landfill operators are minimising increase or at times holding their disposal costs whilst the landfill levy has increased at a disproportionate rate. Council's disposing of dumped rubbish across the municipality are levied the same charges despite not being the responsible party, as residents and commercial operators seek to avoid the increased cost of landfill.

State legislation introduced through the Circular Economy seeks to mandate material separation for recycling, forcing the need for an additional collection cycle and infrastructure. Whilst seed funding has been made available to assist in establishing a service, the ongoing cost is directly attributable to residents.

- *Environmental Protections:*
The Environment Protection Authority (EPA) is the State Government agency primarily responsible for leading the response to environmental, waste and pollution issues to reduce their harm on the community. The EPA was established in 1971 under the Environment Protection Act 1970. However, a series of legislative changes to the Act over a number of years has gradually shifted the burden of responsibility for environmental issues towards Councils. The EPA considers Council as partners, joint-regulators and duty holders in the environment protection framework.

9.6.3 Cost Shifting Advocacy Campaign (cont.)

- *Climate Change Response and Mitigations:*

In April 2021, Council became the 100th Council in Australia to declare a Climate Emergency and has subsequently adopted a Climate Action Plan. This plan outlines how Council will respond to the challenge of climate change over time, including how Council will work with the community and other levels of government. Whilst Council is continuing to reduce emissions, local governments don't have broad legislative or financial control over major community emissions sources. These are mostly controlled by the state and federal governments. For example:

- electricity generation and distribution,
- transport policy,
- ESD planning controls

The Local Government Act 2020 also required Councils to consider climate risk on in all business decisions and as such, Councils wears a significant cost impact in mitigating and dealing with the effects of climate change, particularly in relation to public infrastructure.

- *Emergency Management and Recovery:*

Emergency management is complex and the stakes are high. It is critical that councils are empowered and adequately funded to lead local resilience building, support local planning and effectively coordinate local-level relief and recovery.

In 2019, a state-facilitated assessment through the State Government's Councils & Emergencies project found sector-wide capability and capacity gaps in several of councils' critical emergency management roles. Despite this, there has been no investment in sector training and development, nor an increase in funding commensurate with their expanding role.

Whilst Strathbogie has managed the impacts of cost shifting and rate capping prudently and is in a generally stable financial position, the effects of cost shifting will continue to diminish the ability to deliver services and infrastructure renewal needs into the future. This means that cost shifting is a significant issue which will impact the financial sustainability of the municipality. Given the current economic climate with an increased cost of services and infrastructure and reduced grants, cost shifting is becoming a heightened issue once again.

The consequences of cost shifting directly impacts Councils capacity to delivery services and infrastructure at the levels expected by the community. The following options are available:

- Reduce staffing levels,
- Reduce services and or service levels,
- Move away from services that are not a core local government responsibility, and or
- Seek an exemption to the rate cap to increase rates, which may ultimately not be supported by the State Government.

9.6.3 Cost Shifting Advocacy Campaign (cont.)

Appropriate funding for services delivered on behalf of State Government will ensure that Council will be better able to respond to the needs and priorities of their communities and improved quality of local services and infrastructure across Victoria without the need to reduce staffing or service levels.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Consultation has been undertaken with relevant internal Departments.

POLICY CONSIDERATIONS

Council Plans and Policies

A key pillar of the 2021-25 Council Plan is to advocate on behalf of our community. Furthermore, the report supports the achievement of Strategic Focus Area 6: Accountable. Transparent. Responsible: *to be financially responsible, achieving the greatest possible community benefit from the programs, initiatives and services we fund.*

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

Cost shifting can often be hidden or embedded in systems, processes and obligations on local government. Meeting Occupational Health and Safety requirements, Disability Discrimination Act requirements and reporting expectations can all have an impact. Even the increased requirement to meet certain accounting, Ombudsman and auditing responses brought about by State Government expectations has cost implications often not covered within standard budgets and the rate cap.

The Municipal Association of Victoria regularly raises the concerns associated with cost shifting and rate capping on behalf of local government although there is no specific current campaign addressing the overall issue. The recent MAV State Council Meeting in June this year endorsed a number of motions that are relevant to the sustainability of local government.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The Local Government Act 2020 drives improved service delivery, innovation, collaboration, and financial management in accordance with the service performance principles. This advocacy report supports equitable funding to deliver these objectives.

9.6.3 Cost Shifting Advocacy Campaign (cont.)

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the transparency of Council decisions, actions and information is to be ensured.

Transactions done through purchasing cards are subject to monthly random audits by internal staff and report to Executive Leadership Team.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Cost shifting that is currently known has been taken into consideration in the current budget and long-term financial plan. It is expected that cost shifting will continue to put pressure on future budgets, especially in a rate capped environment and as costs increase for existing expenditure areas.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Whilst there are no direct impacts resulting from this report, it should be noted that the effects of cost shifting in a rate capped environment will have a direct impact on Council's ability to deliver core services and facilities to the community.

INNOVATION AND CONTINUOUS IMPROVEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

Appropriate funding for services delivered on behalf of State Government will ensure that Council will be better able to respond to the needs and priorities of our community and improved quality of local services and infrastructure across the municipality.

HUMAN RIGHTS CONSIDERATIONS

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

9.6.3 Cost Shifting Advocacy Campaign (cont.)

CONCLUSION

The cost shift to Councils has been a significant issue for many years with recent examples such as Maternal and Child Health, school crossing supervisor program and building reform. In a rate capped environment and with significantly increasing operational and infrastructure renewal costs the impact of cost shifting raises concern for the sustainability of Council and its ability to meet the future needs of its community.

It is proposed that Council support Boroondara City Council Cost Shift Campaign by raising this issue with the State Government, and Local Parliamentarians.

ATTACHMENTS

Attachment 1: Correspondence from Boroondara City Council (*separate attachment*)

10. NOTICES OF MOTION**11. NOTICES OF RESCISSION****12. URGENT BUSINESS****13. CONFIDENTIAL BUSINESS****Confidential Appendices**

These appendices have been classified as being confidential in accordance with section 66(2)(a) and Part 1, section 3 of the Local Government Act 2020 as they relate to:

- (g) *private commercial information, being information provided by a business, commercial or financial undertaking that –*
 - (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage*

- C.A. 1 (g) Tender Evaluation for Contract No 22/23-11: Footpath and Kerb Works – Bury Street, Euroa
- C.A. 2 (g) Tender Evaluation for Contract No. 22/23-06: Roads Reseal Program
- C.A. 3 (g) Tender Evaluation for Contract No. 22/23-07: Pavement Rehabilitation Program 22/23

NEXT MEETING

The next meeting of the Strathbogie Shire Council will be the Annual Statutory Meeting, which is scheduled to be held on Tuesday, November 8, 2022, at the Euroa Community Conference Centre, at 6pm.

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, November 15, 2022, at the Euroa Community Conference Centre, at 6pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT..... P.M.