

Strathbogie Shire Council

Council Meeting Agenda

March 21, 2023

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, March 21, 2023, at 6pm

**Meeting to be held at the Euroa Community Conference Centre 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 Reg Dickinson (Lake Nagambie Ward)
Cr Sally Hayes-Burke (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
Kristin Favaloro – Executive Manager Communications and Engagement
Bruce Rowley – Acting Director Sustainable Infrastructure

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1. Welcome
2. Acknowledgement of Country
3. Apologies / Leave of Absence
 - Cr David Andrews (Lake Nagambie Ward)
 - Cr Kristy Hourigan (Seven Creeks Ward)
 - Vlad Adamek – Director Sustainable Infrastructure
4. Disclosure of Conflicts of Interest
5. Confirmation of Minutes of Previous Meetings

RECOMMENDATION

1. ***That the minutes of the Council Meeting held on Tuesday, February 21, 2023, be confirmed.***
2. ***That the minutes of the Extraordinary Council meeting held on Tuesday, February 28, 2023, be confirmed, noting a minor administrative correction to Item No. 6.3, being the updating of the contract number in the resolution to Contract No. 22/23-33.***

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
March 17, 2023

Next meeting

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, April 18, 2023, 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, March 21, 2023, 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 in the Minutes of the meeting, together with a Council reference number.

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	CONFIDENTIAL APPENDICES	
	<p><i>APPENDICES DEEMED CONFIDENTIAL IN ACCORDANCE WITH SECTION 66(2)(A) AND PART 1, CLAUSE 3 OF THE LOCAL GOVERNMENT ACT 2020</i></p> <p><i>(g) private commercial information, being information provided by a business, commercial or financial undertaking that—</i></p> <p><i>(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</i></p>	
	<p>Appendix 1:</p> <p>Tender Evaluation for Contract No. 22/23-065: Supply and Install Nagambie Recreation Reserve Lighting</p>	
	<p>Appendix 2:</p> <p>Tender Evaluation for Contract No. 22/23-67: Provision of Tree Maintenance, Arboriculture, Professional Arborist - Schedules of Rates Contract</p>	

9. OFFICER REPORTS

9.1 STRATEGIC AND STATUTORY PLANNING

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb

Author: Strategic Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

The purpose of this report is for Council to consider a request to be made to the Minister for Planning to approve amendment C80strb to the Strathbogie Planning Scheme. Planning Scheme C80strb (C80) is a combined planning permit application and planning scheme amendment under Section 96A of the *Planning and Environment Act 1987* (the Act).

At the Council meeting held 15 September 2020, Council unanimously resolved to seek Ministerial authorisation to prepare and exhibit a combined planning scheme amendment (C80) and permit application P2019-096 for land 401 High Street Nagambie and 19 Lobbs Lane, Nagambie.

The amendment includes rezoning of the subject land from Farming Zone (FZ) to General Residential Zone (GRZ), proposes changes to the Floodway Overlay (FO) and applies the Environmental Audit Overlay (EAO) to part of the land subject to the planning permit application. The EAO is being applied as an environmental audit is currently being undertaken within the subject site. This audit is yet to be finalised and signed off by an independent auditor. No sensitive uses or buildings and works to facilitate such uses can be undertaken until the audit has been completed. The EAO will ensure this audit process is completed in line with relevant legislation.

The application also seeks planning permit approval for the subdivision of the land for a multi-lot residential subdivision, the creation/alteration of access to the Transport Zone Category 2 (High Street), and the removal of native vegetation and associated earthworks. A draft planning permit and associated conditions form part of the planning scheme amendment documentation to be submitted to the Minister for approval.

Section 173 Agreements associated with the draft planning permit have been prepared and are in the process of being signed. These agreements secure the provision of public works by the developer on both Council and Goulburn-Murray Water Land. In principle agreement has been obtained from all parties on the matters contained within these agreements.

Amendment C80 was on public exhibition for a period of four weeks. Three submissions were received following public exhibition, two of which were from agencies Goulburn Broken Catchment Management Authority (GBCMA) and Goulburn Murray Water (GMW). The other submission was from a private landowner. All submissions received by Council have been addressed, resolved, and withdrawn without the need for a Planning Panel.

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (cont.)

As all submissions have been reviewed and resolved, Council is now required to decide on amendment C080. Council officers recommend that Council adopt Amendment C80strb and submit the Amendment to the Minister for approval.

RECOMMENDATION

That Council:

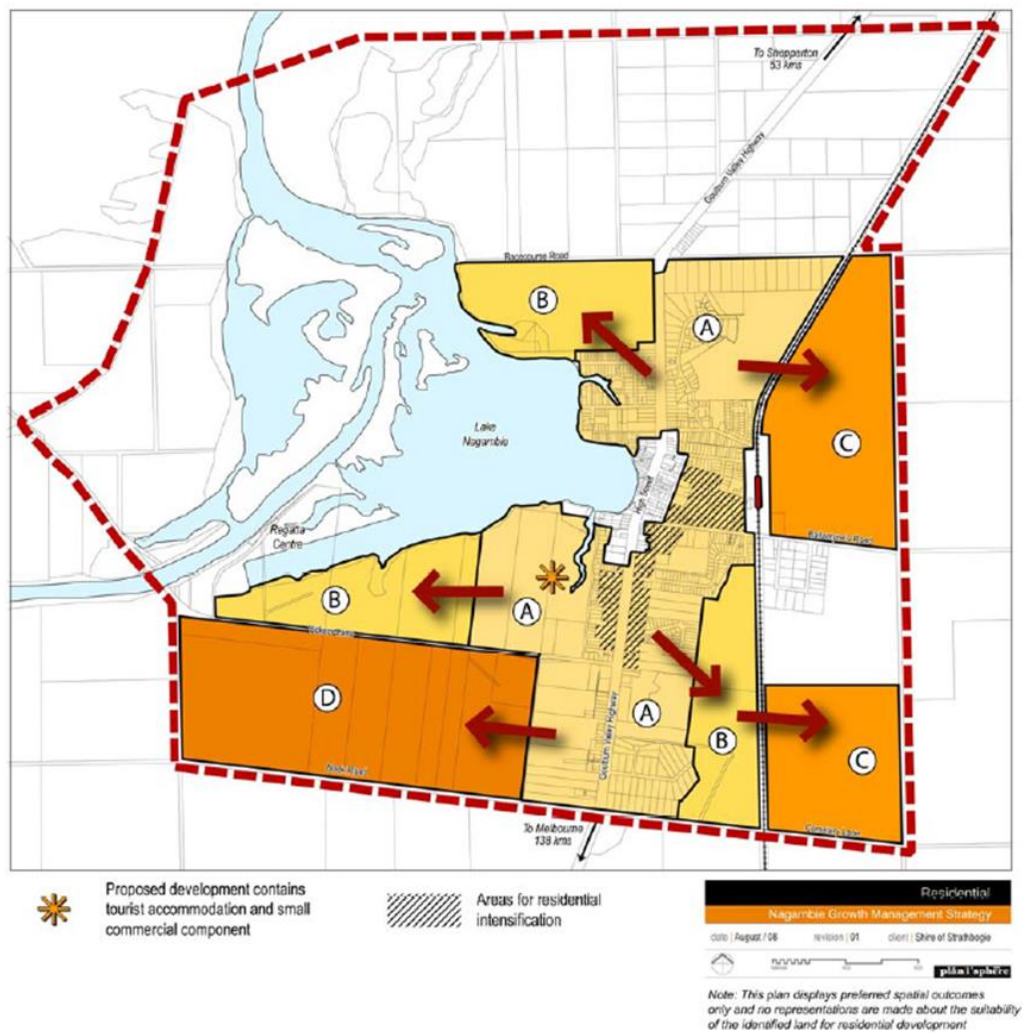
- 1. Adopt Amendment C80strb to the Strathbogie Planning Scheme in accordance with section 29 of the Planning and Environment Act 1987; and***
- 2. Submit Amendment C80strb to the Strathbogie Planning Scheme to the Minister for Planning for approval in accordance with Section 31 of the Planning and Environment Act 1987.***

PURPOSE AND BACKGROUND

Spiire Australia, on behalf of CRC Constructions, made a request for a combined planning permit and planning scheme amendment to the Strathbogie Planning Scheme to facilitate a multi-lot residential subdivision on the land known as 401 High Street, Nagambie and 19 Lobbs Lane, Nagambie.

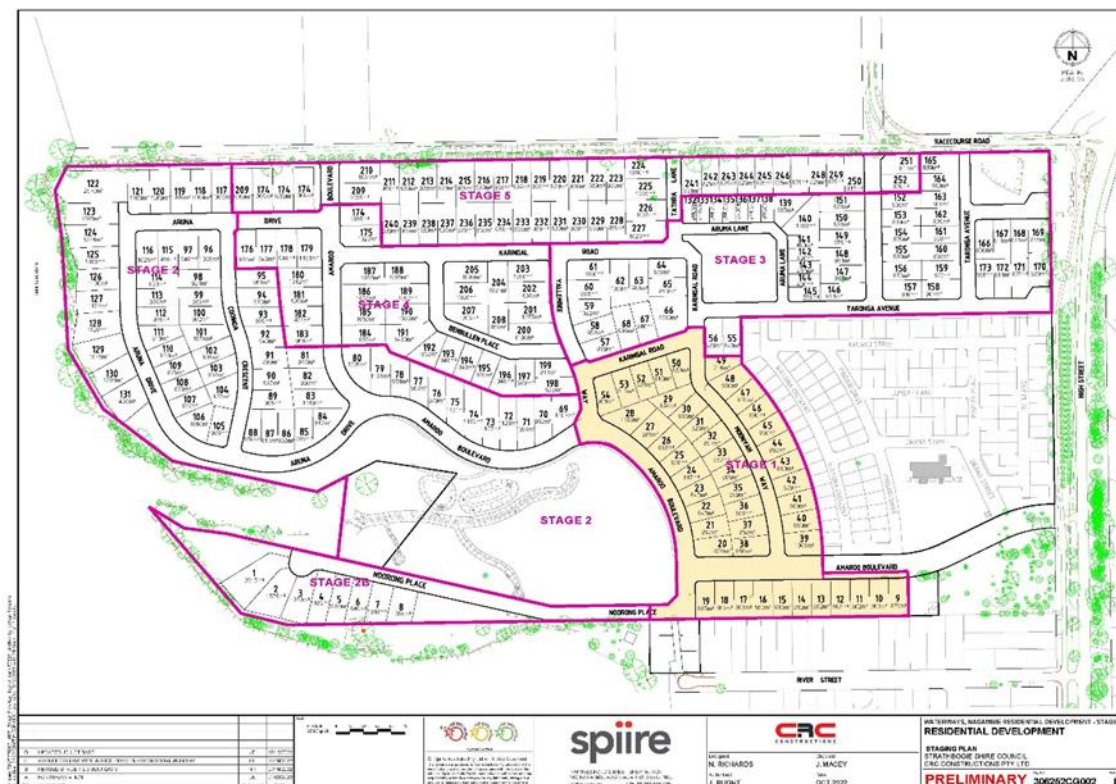
The land, being approximately 48 hectares in size, is located to the north of the Nagambie town centre, next to Lake Nagambie. The lot fronts High Street on the eastern boundary, Lobbs Lane on the northern boundary, houses fronting River Street on the southern boundary and Lake Nagambie on the western boundary. All lots are proposed to be accessed either via High Street or Lobbs Lane. This land was identified in the *Nagambie Growth Management Strategy 2008*, as a “B” area, which is land not currently zoned residential, but well located and adjacent to current residentially zoned land. In relation to the existing residential land, it is important to note that the property identified to the east of the subject site as “A” has permits issued for subdivision of the bulk of this area.

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (cont.)



9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (cont.)

The concept plan of the development is shown below:



The request for the planning scheme amendment and permit application were considered by Council in September 2020. Council resolved to seek Ministerial authorisation to prepare and exhibit the amendment and permit. Exhibition concluded on 13 August 2021. The exhibition period comprised the publication in the Government Gazette, Euroa Gazette, Nagambie Community Voice and on Council and Department of Environment Land, Water and Planning websites, letters to all adjoining property owners and occupiers, two drop-in information sessions: one all-day session and one night session.

Section 96A of the *Planning and Environment Act 1987* (The Act) provides an opportunity for a combined application to be made for both a planning scheme amendment and a planning permit. The intent of this combined permit/amendment process is to provide an integrated approach to both amending the scheme and approving a specific proposal, providing only one exhibition process and review opportunity. The combined procedure follows the planning scheme amendment process, not the application for planning permit process. The proposal is therefore exhibited as an amendment, with the review process for hearing unresolved submissions being a planning panel, not the Victorian Civil and Administrative Tribunal (VCAT).

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (cont.)

During the exhibition period, Council received 3 submissions to the amendment, 2 from referral authorities being the GBCMA and GMW, a further submission was received from a private landowner. All matters raised via the submissions have been resolved and the submissions have now been withdrawn. Further details in relation to the resolution of the submissions are included in the Community Engagement Section of this report. As all submissions were able to be resolved, a Planning Panel was not required.

As all submissions have now been resolved, Council is required to decide on amendment C80strb.

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 *Nagambie Growth Management Strategy* and the *Nagambie Structure Plan* both identify the land for residential development which will provide for the continuation of urban growth within the township of Nagambie. Policy considerations for the proposal are discussed in further detail in the Explanatory Report attached to this report.

Council has two options in considering this report:

- Option 1: That Council adopts the amendment and submits the amendment to the Minister for Planning for approval. This will include a request to approve the planning permit application, in line with the draft planning permit conditions included as an attachment to this report.
- Option 2: That Council does not adopt the amendment or support the request to be made to the Minister for Planning, to approve the amendment and therefore abandons the amendment and refuses to recommend that the planning permit application be approved.

This would mean that no amendment would be undertaken. In this instance, if Council do not proceed with the amendment, the land will remain in the Farming Zone and will not be further developed for residential use.

It is recommended of this report that Council undertake Option 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.

The strategic planning documents that support this proposal, being the *Nagambie Growth Management Strategy* and the *Nagambie Structure Plan* were both extensively consulted on with the local community and both have been adopted by Council and included within the Strathbogie Planning Scheme.

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (cont.)

Planning Scheme Amendment C80 is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the *Planning & Environment Act 1987*. This included advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment. All statutory and servicing authorities likely to be materially affected were also notified of the proposed amendment. Exhibition and notice of the amendment was carried out accordingly.

Under Section 19 of the *Planning & Environment Act 1987* the following notice must be undertaken:

- Notice to every Minister, public authority and municipal council that may be materially affected.
- To the owners and occupiers of land that may be materially affected.
- To any Minister, public authority, municipal council or person that is specifically prescribed.

Council officers also gave notice of the amendment in the following ways:

- Notice of amendment into the local papers
- Notice of amendment into the Government Gazette
- Letters to potentially impacted adjoining landowners and users.
- Advertisement on Council and DELWP websites
- Advertisement on Council social media
- Two in person drop-in sessions: one full day session and one evening session

Council received 3 submissions, 2 from referral authorities (GBCMA & GMW and 1 from a private landowner).

The Goulburn Broken Catchment Management Authority (GBCMA) made a submission with regard to two items:

- The amendment is not consistent with the Planning Policy Framework (Clause 13.01-1S and Clause 13.03-1S).
- The proposed amendment is not consistent with the flood levels for the Goulburn River which have been designated under the provisions of the Drainage of Land Act 1975.

In response to the correspondence of the GBCMA, a meeting was held between representatives of Spiire, Strathbogie Shire Council and the GBCMA on 11 August 2021. At this meeting an updated site survey of the land was presented. The meeting resolved the concerns of the GBCMA.

The GBCMA later confirmed this in writing as summarised below:

- The proposed amendment is consistent with the Planning Policy Framework (Clause 13.01-1S and Clause 13.03-1S).
- The proposed amendment complies with flood levels for the Goulburn River which have been designated under the provisions of the *Drainage of Land Act 1975*.

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (cont.)

Goulburn-Murray Water (GMW) made a submission to the planning scheme amendment, with regard to surface and ground water quality, use and disposal, and that planning permit conditions had not been applied. After a number of meetings and site visits between GMW, Council and the applicant, permit conditions have been applied to P2019-096. The conditions applied resolve and satisfy GMW's concerns and has subsequently resulted in GMW withdrawing their submission.

A private landowner made a submission to the amendment, specifying concerns about the original exhibited layout and the interface with the Low Density Residential Zoned (LDRZ) to the north of the subject site. As a result of this submission the proposed subdivision layout was adjusted to front the majority of lots to the Racecourse Road extension. As a result of these minor changes the submission was withdrawn.

As a result of the minor changes materially affected landowners were notified, individual meetings with landowners were held when requested, discussing concerns and other potential outcomes. Referral authorities and service providers were renotified of the layout change and provided ample opportunity to make submissions or comments to the changes. No submissions or comments were received regarding the layout change.

POLICY CONSIDERATIONS

Council Plans and Policies

This application has been assessed against the relevant strategic document, the *Nagambie Growth Management Strategy 2008* and is considered to be in accordance with the future land use and development directions identified within this document.

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 application has been considered in accordance with the principles of the *Planning and Environment Act 1987*, the *Strathbogie Planning Scheme* and all relevant reference material within those documents.

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.

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (cont.)

The planning scheme amendment process is shown in the figure below, currently the application is in the final approval phase (6).



As Council Officers were able to facilitate the withdrawal of all submissions, this amendment was not required to go through step 4 or 5 outlined above.

The process of amending the planning scheme is governed by the *Planning and Environment Act 1987*. Section 31(1) of the *Planning and Environment Act 1987*, requires a Planning Authority (Council) to adopt an amendment before being submitted to the Minister for Planning. Final approval is given by the Minister for Planning.

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.

In order to ensure transparency of process, and in accordance with Council Delegations, this matter is being heard at a Council meeting that is open to the public. The documents associated with the proposal have been made available for consideration in both a physical and an online format in accordance with the provisions of the *Planning and Environment Act 1987*.

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (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.

Costs associated with a combined permit/amendment process are borne by the developer, and the consideration of this matter has no financial implications for Council.

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 Amendment will result in positive economic impacts by providing for new residential lots within Strathbogie Shire.

The development of the land for residential purposes creates employment opportunities during the planning and construction phases, as well as attracting new residents to Nagambie which will make a positive contribution to the local economy.

Social

The proposed development provides for public open space, walking tracks and access to the lake throughout and adjacent to the development site. Consideration for linkages to the north of the development site has been made, with three open space linkages along the northern boundary of the development site. These will provide for a connected community both for the residents of the new development and for the broader area.

The following open spaces are being created as part of this development, at the cost of the developer:

- Open Space 1 – Main recreation area/wetland. This area includes:
 - Sheltered seating area
 - Seating walls
 - Sports court
 - Playground equipment
 - Landscaped and grassed areas
 - Footpaths connecting the park to the broader area
 - Lighting
- Open Space 2 – Internal Park. This area includes:
 - Sheltered seating area
 - Playground equipment
 - Landscaped and grassed areas
 - Lighting

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (cont.)

- Open Space 3 – Northern Reserve. This area includes:
 - Landscaped and grassed areas
 - Footpaths connecting the park to the broader area
 - Lighting
- Open Space 4 – Foreshore Park This area includes:
 - Landscaped and grassed areas
 - Footpaths connecting the park to the broader area
 - Lighting
- Open Space 5 – Northern pedestrian link. This area includes:
 - Landscaped and grassed areas
 - Footpaths connecting the park to the broader area

It is also proposed to put outdoor exercise equipment throughout the wetland along the shared path throughout the wetland area. The development also provides for pedestrian access to the south, directly to River Street, for residents to move both to and from the River Street public park in this area.

The development also provides for the construction of a shared path throughout the development. This will provide for more direct access to the waterfront for the whole community. The provision of footpaths throughout the development and the open spaces will create a safe environment for pedestrians separate from trafficable roads.

It is considered that this provides for a positive outcome for the broader community, particularly in relation to access to the lake and public spaces, which is a net community benefit in the provision of a safe and pleasant environment.

HIGH STREET NAGAMBIE INDICATIVE PUBLIC OPEN SPACES



9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (cont.)

Environmental

The amendment will have no significant environmental or amenity implications for Council or the broader community. There will be some vegetation removal undertaken as part of the subdivision. This removal has been assessed against the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation*. DELWP was notified during the exhibition period and did not object to the application. Any removal of vegetation will be required to be offset in accordance with the guidelines.

The draft planning permit also includes a Tree Protection Zone via 10-metre corridor along part of the northern boundary (Racecourse Road extension and unmade road reserve) has been used to avoid and minimise the loss of native vegetation.

Areas of public open space will be landscaped with native plantings.

While 12 large trees have been identified for removal, as part of a foreshore asset agreement and landscape plan approval process, GMW and Council will work closely with the permit applicant to ensure all infrastructure can be located outside of the tree protection zone. Areas of public open space will be landscaped with native plantings.

The application of the Environmental Audit Overlay to the land to be rezoned to general residential Zone ensures the requirement for an environmental audit is met before the commencement of any sensitive use (residential use, childcare centre, pre-school centre or primary school) or before the commencement of construction or carrying out of buildings and works associated with a sensitive use. The audit will determine whether the use and or building and works can occur, or if any conditions are required, such as building design and management controls before the use and development can occur. Any remediation works that may occur because of the audit process will be a positive environmental effect.

The audit required by the Environmental Audit Overlay is an audit pursuant to section 53X of the Environment Protection Act 1970, which provides an assessment of whether any clean-up is necessary having regard to the previous use of the land for agriculture.

An environmental audit for the site is currently being undertaken and has identified potentially contaminated land. Remediation works have been undertaken to remove any potentially contaminated materials and to replace with certified clean fill. The independent auditor will be undertaking site visits and tests imminently to ensure this work has been completed and complies with the relevant legislation to ensure no risk is then bourn to future residents of the development.

Climate change

The proposed amendment must address the requirements of the *Planning and Environment Act 1987* and the *Strathbogie Planning Scheme*. Both of these have requirements that climate change be given due consideration. The application has provided for offsetting of any native vegetation likely to be impacted the development of the land, and all infrastructure provision will be in accordance with the *Infrastructure Design Manual* and implement appropriate water sensitive urban design principles.

9.1.1 Adoption of Strathbogie Planning Scheme Amendment C80strb (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 proposed amendment and permit application have been exhibited in a public forum, with any interested party able to make a submission to the proposal. Council officers have been able to resolve the three submissions made to the application during the exhibition period. As a result, there has been no requirement for the application to be referred to an independent planning panel, appointed by the Minister for Planning.

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 proposed development has been considered by all relevant statutory bodies and service providers in preparation of the draft permit and exhibition period. All submissions have been acknowledged and resolved in line with the *Planning & Environment Act 1987*.

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. In particular, the applicant has prepared and had approved a Cultural Heritage Management Plan for the site in accordance with the *Aboriginal Heritage Act 2006*.

CONCLUSION

Planning Scheme Amendment C80 is a proponent driven, combined planning scheme amendment/planning permit process, for the rezoning of land and development of residential lots, at 401 High Street, Nagambie.

The amendment was exhibited for a period of one (1) month, the application was advertised via drop-in sessions, publication in the Government Gazette, Euroa Gazette, Nagambie Community Voice and on Council and DELWP websites, letters to all adjoining property owners and occupiers. Council received three (3) submissions all of which have been considered and resolved.

Council is now required to decide on Planning Scheme Amendment C80. Council Officers recommend that Council adopts the amendment and submits the amendment to the Minister for Planning for final approval.

ATTACHMENTS

Attachment 1: Draft Planning Permit P2019-096

Attachment 2: Explanatory Report

9.1.2 Planning Applications Received and Planning Applications Determined - 1 to 28 February 2023

Author: 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 28 February 2023. 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 twenty (20) new planning applications received and twenty (20) new planning applications decided upon during the reporting period.

RECOMMENDATION

That Council:

- 1. *Note that there were twenty (20) new planning applications received, and twenty (20) planning applications decided on during the period of 1 to 28 February 2023.***
- 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.

9.1.2 Planning Applications Received and Planning Applications Determined
- 1 to 28 February 2023 (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

Attachments 1-3: Planning Applications Received / Planning Applications Determined / Planning Permit Activity Performance Figures

9.2 COMMUNITY

9.2.1 Grants Program 2022/23 Small Projects – Application from Southern Aurora Memorial Committee

Author: Manager Community and Culture

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Council has received a 2022/23 Small Projects application under the Community Grants Program from the Southern Aurora Memorial Committee, under the auspice of Violet Town Action Group to assist with restoration of the garden prior to a planned celebration in March of the 150th anniversary of the railway coming to Violet Town.

The request is for a cash funding of \$1,000 to contribute to the costs of a gardening contractor who will be engaged to carry out the works.

The grant application was of an acceptable standard scoring 29/45 in the 2022/23 Community Grant Program Small Projects assessment.

The proposed works will result in social and economic benefits to Violet Town restoring the Southern Aurora Memorial gardens back to its original state as a safe and welcoming destination in readiness for the 150th anniversary celebrations.

In Council's approved operating budget 2022/2023, Council allocated \$115,000 to the Community Grants Program of which \$62,428 was distributed in round 1 and \$37,583 in round 2 totalling \$100,000. A further \$8,000 was allocated to the Small Projects program for individual grants up to \$1,000, and \$7,000 for community training workshops.

This report recommends the approval of the Community Grants Program Small Project grant application from the Southern Aurora Memorial committee, under the auspice of Violet Town Action Group for cash funding of \$1,000. This is first application to the Small Projects grant for the 2022/23 financial year.

RECOMMENDATION

That Council approve grant funding of \$1,000 to the Southern Aurora Memorial Committee, under the auspice of Violet Town Action Group to assist with the costs of beautification works at the site, under Council's Community Grant Program Small Projects Stream.

PURPOSE AND BACKGROUND

Council has received a Community Grants Program Small Project application from the Southern Aurora Memorial Committee, under the auspice of Violet Town Action Group, to assist with restoration of the memorial garden in preparation for a planned event in March for the celebration of the 150th anniversary of the railway coming to Violet Town.

9.2.1 Grants Program 2022/23 Small Projects – Application from Southern Aurora Memorial Committee (cont.)

The Small Projects program is part of the Community Grants program. Grants of up to \$1,000 are available for projects under the same categories as Community Grants from the 1st of September 2022 through to the end of the financial year or until the total allocation is expended.

The Southern Aurora Memorial Committee have applied for a \$1,000 grant to contribute to the costs of a local contractor who will beautify the site (weeding, garden works) prior to a small ceremony and unveiling of two more information signs to celebrate the 150th anniversary of the railway coming to Violet Town.

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 Southern Aurora Memorial Garden was installed in 2019 by the residents of Violet Town, and more recently murals were painted and unveiled in 2021. The Memorial incorporates unique street art, landscaping and a train carriage and honours those affected by one of Australia's worst train crashes. The Southern Aurora passenger train crashed just outside Violet Town on 7 February 1969, resulting in nine deaths and 117 injuries. Violet Town shows respect with its well-regarded Southern Aurora Memorial. Using art and design to tell the stories associated with that incident, and to deal with tragedy and promote positive human attributes such as bravery, the memorial attracts people from all over Australia to commemorate, remember, learn, reflect and heal.

The Southern Aurora Memorial received the Gold Award for the Best Monument or Memorial at the 2022 Australian Street Art Awards.

The garden is currently overgrown and requires maintenance to ensure a clear view of the plaques, signs and murals and to minimise snake habitat. This beautification will ensure a safe, accessible, welcoming space for people of all ages and abilities.

The proposed works will bring the Southern Memorial Garden back to its original state re-establishing a safe and welcoming destination for both locals and visitors to Violet Town.

This is a one-off activity engaging a private gardening contractor, once the works are completed, volunteers will maintain the gardens.

This application aligns with the principles of the Community Grants program by promoting community engagement and participation; supporting social inclusion and improving accessibility; and contributing to building healthy and vibrant communities.

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.

9.2.1 Grants Program 2022/23 Small Projects – Application from Southern Aurora Memorial Committee (cont.)

This has been a community driven, community led project with a well organised, active committee who enjoy strong community support. The community and committee have been involved in every element of planning and decision making in relation to this project.

Council officers believe no further engagement is required on this report.

POLICY CONSIDERATIONS

Council Plans and Policies

The report is consistent with Council Policies, key strategic documents and the Council Plan, in particular, aligning with:

- Community Funding and Investment Policy
- 2021-2025 Council Plan, specifically:
 - Strategic focus area 1: Engage. Create. Unite
 - Strategic focus area 4: Inclusive. Productive. Balanced
 - Strategic focus area 5: Strong. Healthy. Safe
 - Strategic focus area 6: Accountable. Transparent. Responsible

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.

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.

In the interests of transparency and open and honest communication with community, this report is presented to a public Council meeting providing full disclosure of the allocation of Community Grants 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.

In Council's approved operating budget 2022/2023, Council allocated \$115,000 to the Community Grants Program of which \$62,428 was distributed in round 1 and \$37,583 in round 2 totalling \$100,000. A further \$8,000 was allocated to the Small Projects program for individual grants up to \$1,000, and \$7,000 for community training workshops.

This is the first Small Projects application for the 2022-23 period.

9.2.1 Grants Program 2022/23 Small Projects – Application from Southern Aurora Memorial Committee (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 application will ensure the Southern Aurora Memorial garden is maintained as a safe and welcoming space attracting visitors to Violet Town from across Australia. The project will engage a local contractor and volunteers will continue to maintain the gardens following the contractor's work. The Memorial attracts people to visit Violet Town, this is expected to increase following the publicity likely to be received from the 2022 Australian Street Art Awards.

Social

The proposed works will ensure the Southern Aurora Memorial garden continues to offer a significant social benefit to locals and visitors alike. The garden uses art and design to tell stories and to deal with tragedy showcasing positive human attributes. It attracts people from all over Australia to commemorate, remember, learn, reflect and heal. As it is a community led and driven project, it is an opportunity for like-minded people in the community to come together and volunteer time on an important community asset, bringing significant opportunity for social connection and social capital.

Environmental

The application was made under the Environment and Sustainability category which supports community groups to undertake a range of environmentally sustainable projects to improve the natural and built environment and are free or low cost for the community to attend. The garden is open to everyone free of charge. It is planted with native bushes and grasses from the Strathbogie region but like all open spaces, it requires maintenance and will need regular pruning of leaves and branches to encourage their sustainability.

Climate change

Council officers believe this project has minimal climate change implications and is consistent with Council's Climate Change Action Plan.

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 Southern Aurora Memorial garden is in its nature innovative and the proposed works in this application with the plan for volunteers to provide ongoing maintenance reflects a continuous improvement approach by community members.

HUMAN RIGHTS CONSIDERATIONS

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

9.2.1 Grants Program 2022/23 Small Projects – Application from Southern Aurora Memorial Committee (cont.)

CONCLUSION

It is recommended that this Community Grant Program Small Project application from the Southern Aurora Memorial committee, under the auspice of Violet Town Action Group, be approved for funding of \$1,000 to support the engagement of a gardening contractor to restore the memorial garden to a safe, accessible, welcoming space for people of all ages and abilities.

ATTACHMENTS

Nil

9.2.2 Application for Sponsorship – Euroa Town Criterium 2023

Author: Manager Community and Culture

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

The Shepparton Cycling Club Inc have submitted a request for \$5,000 through Council's Sponsorship Program to support the delivery of the Euroa Town Criterium, to be held on 22 April 2023.

This will be the fourth time this event has been held in Euroa. The funds requested will be used to contribute towards the costs of traffic management and official timing. Council has provided sponsorship in previous years to this event, most recently providing sponsorship in 2022 to the value of \$5,000.

The event application was of an acceptable standard, with all questions addressed and the application scoring 15/25 in the Sponsorship Program criteria assessment. Under the Guidelines, organisations from outside Strathbogie Shire can apply for sponsorship provided that the event takes place in the municipality.

The event will result in several significant social and economic benefits to the Strathbogie 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.

The Sponsorship requests approved this financial year total \$23,115.

This report recommends the approval of the sponsorship application from the Shepparton Cycling Club Inc to the value of \$3,000 to support the delivery of the 2023 Euroa Town Criterium event. This recommendation for partial funding is due to the demonstrated demand for Sponsorship funds to date and is consistent with other applications approved by Council this financial year.

RECOMMENDATION

That Council:

- 1. Approve sponsorship to the value of \$3,000 to Shepparton Cycling Club Inc to assist with the delivery of the 2023 Euroa Town Criterium event held on 22 April 2023; and***
- 2. Work with the Shepparton Cycling Club Inc to reduce overall waste produced at the event through the implementation of the Waste Wise Events Guidelines and the State Government's ban on single use plastics as outlined in the Climate Change Action Plan 2022 – 27.***

9.2.2 Application for Sponsorship – Euroa Town Criterium 2023 (cont.)

PURPOSE AND BACKGROUND

The Euroa Criterium is presented in partnership by Shepparton Cycling Club and Euroa Rotary Club under the governance structure of AusCycling. The Shepparton Cycling Club is an affiliated cycling club with AusCycling through its membership with AusCycling Victoria. In the past the club has conducted several Track, Road, Cyclo-cross cycling events and has a long history of delivering high quality cycling events across the region.

These have included the Wodonga Take Deca Dash Point Score Summer Series, Wodonga Tafe Gravel Kermesse, Fruits of the Valley Cyclo-Cross and the Shepparton Christmas Track'. Euroa Rotary Club has conducted the 'Ride the Ranges' cycling event from Euroa for the past 10 years. The 2023 event will be conducted on the following morning after the criterium. Euroa Rotary conducts numerous other community events throughout the year including monthly markets and the 'Show and Shine'. Rotarians have also marshalled at the 'Herald Sun Tour' cycling race, the 'River and Ranges Winery Ride' and the 'Targa Rally'.

A Criterium (or Crit) is a bike race consisting of several laps around a closed circuit. The course is a 1.4km criterium rectangular circuit in Euroa, sections of Kirkland Avenue, Binney, Bury, Brock and Railway Streets will be closed from 12 – 6pm. There is an expected attendance of 450. Euroa Town Criterium has been held previously in 2016, 2017 and 2022.

The 2023 Euroa Town Crits, aims to boost the growth of cycling tourism. Riders and their support crews/ Family and friends will use the towns accommodation, dinning and tourism facilities.

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 require Event Approval from the Events Team, an application with Event Management Plan, risk and emergency management plans, site plans, traffic management plans and public liability insurance have been submitted, which is a requirement of the event approval process for Strathbogie Shire. These plans are reviewed and assessed by Council's Manager Community and Culture and Technical Officer – Asset Planning prior to a formal Event Approval letter being issued to the event.

The event organisers are required to notify affected business and residents of the closure of the streets and the potential impact to business and residential access.

This event aligns well the key principles of the Sponsorship Program in the specific areas below:

- Promote community engagement and participation
- Contribute to building healthy and vibrant communities
- Increase economic development, tourism and the visitor economy.

9.2.2 Application for Sponsorship – Euroa Town Criterium 2023 (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.

Holding the Euroa Town Crits, the day prior to the Ride the Ranges Euroa, ensures the economy of the town reaps the rewards, with an expected 300 entries and 500 support crew and spectators.

Criteriums on closed roads are safe, inclusive and spectator friendly. In the past this event has attracted local, state and national riders from diverse disciplines to compete at the event. There has been widespread publicity about the event in newspapers and social media and the Committee is actively engaged with community and Council Officers in the planning and delivery of this event.

The event organisers are required to notify affected business and residents of the closure of the streets and the potential impact to business and residential access.

POLICY CONSIDERATIONS

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
- Strategic focus area 5: Strong. Healthy. Safe.
Our Community's goals – We are encouraging health and wellbeing activities in sport and recreation.

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.

Again, this project has delivered numerous partnerships within the community between community groups, business and individuals. It is building the capacity of community to deliver well planned and implemented large scale events which will have positive impact both culturally, socially and economically.

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 or national plans or policies that are relevant to this report.

9.2.2 Application for Sponsorship – Euroa Town Criterium 2023 (cont.)

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.

The event organisers will require Event Approval from the Events Team, an application with Event Management Plan, risk and emergency management plans, site plans, traffic management plans and public liability insurance have been submitted, which is a requirement of the event approval process for Strathbogie Shire. These plans are reviewed and assessed by Council's Manager Community and Culture and Technical Officer – Asset Planning prior to a formal Event Approval letter being issued to the event.

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 our community, it is recommended that this request for sponsorship for the Euroa Town Crits 2023 event be acknowledged in a public forum providing full disclosure of how potential allocated sponsorship funding is being distributed within our 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.

2022 - 23 Sponsorship Budget

Allocated Budget	\$ 30,000
2022 – 23 Actuals (cash approved sponsorship applications)	\$ 23,115
2022 – 23 remaining budget	\$ 6,885
2022 – 2023 Approved in kind sponsorship value	\$ 205
Number of sponsorship applications approved as at 28/02/2022	13

There is a total budget allocation of \$30,000 to Event Sponsorship in the 2022/23 Council Budget. In the current financial year, seven applications have been approved for sponsorship totalling a cash value of \$23,115 leaving a balance of \$6,885.

9.2.2 Application for Sponsorship – Euroa Town Criterium 2023 (cont.)

There is a total budget allocation of \$30,000 to Event Sponsorship in the 2022/23 Council Budget. In the current financial year, seven applications have been approved for sponsorship totalling a cash value of \$23,115 leaving a balance of \$6,885.

Income

Strathbogie Shire Grant	\$5,000
Race Entries	\$5,000
Business Sponsorship	\$35,000
Other Sponsorship	\$5,000
Total	\$50,000

Expenditure

Traffic Management	\$6,300
VMS Board	\$2,200
Official Timing	\$4,094
Commissures	\$1,100
Moto Marshalls	\$660
Commentator	\$660
Rotary Volunteers	\$660
Crossing Flags	\$1,100
EntryBoss Systems	\$99
Temporary Fencing	\$10,000
Rider Numbers	\$1,386
VIP Marquee	\$3,500
Furniture	\$2,200
Public Address System	\$2,200
Broadcast Display Truck	\$2,200
Pro-Image TV Broadcast	\$4,400
Generator Hire	\$1,100
Takeova Security	\$775
Event First Aid Officers	\$1666
Equipment Transport	\$2,200
Forklift	\$1,500
Total	\$50,000

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 Euroa 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 450 people to Euroa.

9.2.2 Application for Sponsorship – Euroa Town Criterium 2023 (cont.)

The event will result in several economic benefits to the Strathbogie Community. Participants and their crews will require food, accommodation and supplies whilst they visit the area and the event itself will provide a great atmosphere for the broader community and spectators to stay, play and enjoy the local offerings. Traders will be the greatest beneficiaries of the crowd, with increased patronage and potential for extended hours to accommodate the extra patrons.

This event aims to boost the growth of cycling tourism in the local area. Riders and their support crews/family and friends will use the areas accommodation, dining, and tourism facilities.

Social

The event will deliver moderate social benefit to the community. The event provides an opportunity for participants, community, and visitors alike to join in the Euroa Criterium. The event is free to attend. The event may also promote cycling as a sport which has several health and wellbeing benefits for participants.

Environmental

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

Council Officers will work with Shepparton Cycling Club Inc to ensure that Council's Waste Wise Policy and Guidelines are considered in conjunction with the State Government's ban on single use plastics which came into effect on 1 February 2023. This ban is consistent with existing Council guidelines around the use of single use plastics at Council events.

Climate change

Council Officers believe this event will have minimal climate change implications and action is consistent with the above.

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.

With the event returning for the fourth time, it is very popular and a testament to the organisers, and the club more broadly, as the event has continued to grow and attract a large number of competitors.

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*.

9.2.2 Application for Sponsorship – Euroa Town Criterium 2023 (cont.)

CONCLUSION

It is recommended that this request for sponsorship be approved for \$3,000. The Shepparton Cycling Club Inc 2023 Euroa Town Criterium will bring a wide range of visitors to Euroa and showcase the broader region, resulting in several economic and social benefits to the community and will be delivered in Strathbogie Shire by a voluntary Committee.

ATTACHMENTS

Nil

9.2.3 Community Flag Flying Policy and Procedures

Author: Manager Community and Culture

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Council often receives requests to fly flags in recognition of a local community event, group or day of symbolism or celebration (community flags).

Council most recently received a request to fly the Rainbow Flag on International Day Against Homophobia, Biphobia, and Transphobia, held on 17 May annually. Council had no process in place to manage this request, or other community flag flying requests it may receive.

At the December 2022 Council meeting, in response to the above, Council resolved the following:

1. *Develop a draft Protocol for the flying of community flags using existing Council owned flag poles in Binney Street Euroa and High Street Nagambie in recognition of days of significance and events of symbolism or celebration; and*
2. *Present the draft Protocol to Council for consideration at the March 2023 Council Meeting.*

The Community Flag Flying Policy (the Policy) has now been developed and is presented to Council for its consideration.

This Policy provides a transparent, standardised process for the management of requests to fly community flags on the Council owned flag poles in Euroa and Nagambie; these flagpoles are in the roundabout at the intersection of Binney and Brock Street, Euroa and in front of the Nagambie Library at 352 High Street, Nagambie.

As a part of the development process, Officers have undertaken benchmarking against other Councils to provide insights into current practices and policies for community flag flying.

The policy enables community members, Councillors and Council employees to request the flying of community flags, enabling the celebration of identity, pride and symbolism, while outlining the process to manage and approve requests to fly community flags.

This Policy does not apply to the four flag poles located at Council's Municipal Office, in Binney Street, Euroa. The four flags flying permanently at this site are the Australian, Aboriginal, Torres Strait Islander and Taungurung Flags. These flags will continue to be flown, with no change.

The Australian Flag is flown in accordance with the Flags Act 1953 and the Australian Flag Booklet – Part 2: which is administered by the Department of Prime Minister and Cabinet. The other flags; Aboriginal, Torres Strait Islander and Taungurung are flown under the guidance of Taungurung Land and Waters Council as the Registered Aboriginal Party for Euroa, where the flags are flown.

9.2.3 Community Flag Flying Policy and Procedures (cont.)

RECOMMENDATION

That Council:

- 1. Adopt the Community Flag Flying Policy and Procedures; and**
- 2. Authorise Council officers to place the Policy and Procedures on Council's website, along with the publication of a notice in Council's weekly newspaper column and social media pages informing the community about the Policy.**

PURPOSE AND BACKGROUND

At the Council meeting on 15 November 2022, and in response to a question from a member of the community asking if Council would fly the rainbow pride flag on 17 May, the Chief Executive Officer responded:

We acknowledge that members of the community wish for Council to do more and so we will prepare a report for Council to consider in the near future regarding flying the Rainbow flag on IDAHOBIT day, 17 May.

Council flies the Australian, Aboriginal, Torres Strait Islander and Taungurung flags at the four available flag poles at the Council offices in Binney Street, Euroa. These flags will continue to be flown, with no change. The Australian Flag is flown in accordance with the Flags Act 1953 and the Australian Flag Booklet – Part 2, administered by the Department of Prime Minister and Cabinet.

Council also flies the Shire flag that consists of the shire logo on two Council owned flagpoles in Euroa and Nagambie. These flagpoles are in the roundabout at the intersection of Binney and Brock Street, Euroa and in front of the Nagambie Library at 352 High Street, Nagambie.

It is proposed Council utilises these existing flagpoles to fly community flags. The Policy developed applies to these Council owned and managed flag poles only.

Community flags are defined as a flag that represent a recognised significant day/week and/or cultural or community event and is not listed in the Australian Flag (3rd edition) booklet by the Department of Prime Minister and Cabinet.

Community flags provide an opportunity for communities within Strathbogie Shire to express and symbolise identity, pride and belonging celebrated at significant days, weeks and/or cultural or community events. Flags are a highly visible symbol of respect and can be used to promote a sense of community and create a welcoming environment.

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.

9.2.3 Community Flag Flying Policy and Procedures (cont.)

This Policy provides a transparent, standardised process for the management of requests to fly community flags on the Council owned flag poles in Euroa and Nagambie.

As a part of the development process, Officers have undertaken benchmarking against other Councils to provide insights into current practices and policies for community flag flying.

The Policy provides the rationale for flying community flags, and clarity regarding the roles and responsibilities associated with flying community flags.

The Policy includes (but is not limited to):

- the rationale for flying community flags
- the locations of the Council owned flagpoles available for community flag flying
- alignment with Council Values, Council Plan and Charter of Human Rights and Responsibilities Act 2006 that promotes freedom of expression and inclusiveness
- the responsibilities of Council employees, Councillors and Community in the application of the Policy
- the process for the submission, consideration, and assessment of requests to fly community flags
- the management of multiple requests to fly a community flag during the same period
- the responsibilities and therefore implied cost implications, for the maintenance of the flagpoles, monitoring of the flags while flying, and supply of the flags.

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.

There has been no specific community consultation undertaken in relation to this report. This report has been prepared in response to several requests received from the community to fly community flags.

Internal consultation has occurred with the relevant Council Departments.

Significant consultation occurred on the Council Plan 2021-2025, where inclusion was identified within the Community Vision.

POLICY CONSIDERATIONS

Council Plans and Policies

This report aligns with our Community Vision which underpins the Strathbogie Shire Council 2021-25 Council Plan. The Strathbogie Shire is a region of natural beauty with vibrant communities who are respectful, optimistic, and inclusive. We have a strong sense of belonging. We care deeply for Country and First Nations people. We are bold. We embrace opportunities. We welcome you.

9.2.3 Community Flag Flying Policy and Procedures (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.

This report relates to The Victorian Charter of Human Rights and Responsibilities 2006, Part 2 Human Rights, Item 15 Freedom of expression which states in summary that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds in any medium chosen by that person.

[Charter of Human Rights and Responsibilities Act 2006 \(legislation.vic.gov.au\)](https://legislation.vic.gov.au/Charter-of-Human-Rights-and-Responsibilities-Act-2006)

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.

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, the subject of this report is to be considered in an open Council meeting which the public may attend and is publicly streamed for all to view.

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.

Approved community flags requested by Community members/groups or organisations will be supplied by the requestor/s at no cost to Council.

Approved community flags requested by Councillors or Council employees will be supplied by Council at an approximate cost of between \$100 - \$250 per flag as part of the annual operating budget. A maximum of two flags per financial year will be provided for approved requests by Councillors or Council employees at a cost of no more than \$500 per annum.

9.2.3 Community Flag Flying Policy and Procedures (cont.)

Maintenance of the flagpoles, hoisting and lowering the flags, and monitoring of the flags while flying will be provided by Council as part of operations. Depending on the number of requests, this may result in an increase to the relevant officer's work tasks.

The Policy relates only to the use of existing Council owned and maintained flagpoles in Euroa and Nagambie.

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 two flagpoles covered by this policy are located in highly visible business precincts within the municipality, creating a welcoming environment for all.

Social

The application of the Policy enables Council to formally and respectfully support community groups who aim to make desired improvements to social health, wellbeing, and overall functioning.

Environmental

Environmental considerations have been considered as part of the development of the Policy. The Policy relates to the use of existing Council owned flagpoles only, avoiding the need to purchase and install new infrastructure.

Climate change

As highlighted above, this policy utilises existing flagpoles avoiding the need to purchase new infrastructure.

HUMAN RIGHTS CONSIDERATIONS

This report does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006 and encourages participation in civic life by our community.

The Policy Impact Assessment Tool has also been completed in relation to this Policy.

CONCLUSION

This report presents a Policy to Council that will enable community members, Councillors and Council employees to request the flying of community flags, enabling the celebration of identity, pride and symbolism. This Policy addresses the need to develop a process to manage and approve requests to fly community flags.

The Policy has now been developed and is presented to Council for adoption.

ATTACHMENTS

Attachment 1: Community Flag Flying Policy

Attachment 2: Community Flag Flying Policy Policy Impact Assessment Tool

9.2.4 School Crossing Supervision Program

Author: Manager Community Safety

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

The safety of our children walking to and from school is more than just a priority for Strathbogie Shire Council – it's non-negotiable.

This is why we deliver the School Crossing Supervision Program on behalf of the Department of Transport and Planning (DTP).

It's a program that has been keeping our children safe for many years.

We're proud of our school crossing supervisors and we know how valued they are by schools, parents and children.

However, there is part of the School Crossing Supervision Program that is not fair.

In Strathbogie Shire, Council and in turn ratepayers, pay about \$50,000 a year to deliver a service that is not ours. It is the responsibility of the Victorian Government.

Council manages five school crossing sites across the municipality, four of these on Victorian Government managed roads. The only school crossing located on a Council managed road is on Goulburn Street in Nagambie.

Over time, the financial allocation from the Victorian Government for the program has dwindled, resulting in local governments - and as such ratepayers - picking up the funding shortfall.

This funding gap is continuing to increase with Council contributing about 62 per cent (to program costs) to top up this Victorian Government service.

This inequity of funding is faced by all local government areas that deliver the School Crossing Supervisor Program on behalf of the Victorian Government.

On top of the increasing costs to maintain the program, it is increasingly difficult to find staff given the limited working hours (one hour in the morning and one hour in the afternoon on school days).

Council staff are often taken away from their normal duties to perform the crossing supervisor role.

In 2016 the Victorian Government committed to undertaking a broad strategic review of the program. This has not occurred.

There has been no innovation or review since the program's inception in 1975.

Because this is an issue facing the Victorian local government sector, the City of Monash is leading 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.

9.2.4 School Crossing Supervision Program (cont.)

At the October 2022 Council meeting, it was resolved 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.*

As part of the City of Monash advocacy campaign, meeting requests have been made to meet with the relevant Victorian Government Minister.

This has also been unsuccessful.

There have been widespread newspaper articles outlining the inequity in the School Crossing Supervision Program and the need for a fully funded service.

The Euroa Gazette reported on the Council resolution and information has been sent to schools with an active crossing to advise them of the situation.

In 2022/23 Council received a funding increase of 20 per cent taking the total funding amount to \$36,935 for the financial year.

This remains a significant short fall in the cost to deliver the program.

Because of the limited outcomes from the collective campaign and no commitment from the Victorian Government to a fully funded and fully indexed program, Officers believe more serious action is needed.

In accordance with the October 2022 Council resolution, it is recommended Council exit the School Crossing Supervision Program by 10 July 2023.

We now believe informing the department we plan to exit the service is our only way forward.

The department must understand Council is serious about finding financial savings for our ratepayers and it must provide this essential service for parents and children.

Council will continue to manage its legislated responsibility to inspect, maintain and repair the school crossing infrastructure, which includes signage and road markings.

9.2.4 School Crossing Supervision Program (cont.)

RECOMMENDATION

That Council:

- 1. Recognises that child safety is and remains the primary consideration associated with the School Crossing Supervision Program;***
- 2. In accordance with the October 2022 Council resolution, exit the School Crossing Supervision Program by 10 July 2023;***
- 3. Authorise Council Officers to directly inform the Department of Transport and Planning of Council's decision to exit the program by 10 July 2023;***
- 4. Continue to advocate to the Department of Transport and Planning to commit to ensuring no reduction in service for the safety of parents, carers and children in Strathbogie Shire;***
- 5. Authorise Officers to formally notify the following primary schools of Council's decision:***
 - Avenel Primary School***
 - Euroa Primary School***
 - Nagambie Primary School***
 - St John's Primary School (Euroa)***
 - St Joseph's Primary School (Nagambie);***
- 6. Note that Council Officers will enact the relevant redundancies clauses for effected staff in line with the Strathbogie Enterprise Agreement, acknowledging that redundancy costs will be about \$26,000 excluding any individual leave entitlements payable; and***
- 7. Provide a further report in the May 2023 Council Meeting cycle to advise of arrangements for the School Crossing Supervision Program post 10 July 2023.***

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.

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

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

9.2.4 School Crossing Supervision Program (cont.)

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

Table 1: List of School Crossings:

Location	School
Anderson Street, Euroa	St John's 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 John's 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

In 2022, 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 Victorian 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.

9.2.4 School Crossing Supervision Program (cont.)

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

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 provided individual Councils the ability to determine a solution tailored to meet their own needs, either in isolation or through coordinated activity with similarly aligned Councils.

Ensuring an appropriate share of funding for school crossing supervisors is therefore considered an important advocacy issue. New technology is 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.

At the October 2022 Council meeting, Council resolved to:

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.*

9.2.4 School Crossing Supervision Program (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.

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

- The continually cost shift to Councils to ensure the program is viable - Council currently provides about 62 per cent subsidy for the school crossing supervision program.
- 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.
- 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.
- The fact that the share of funding contribution to school crossing supervision costs has increased by more than 50 per cent for local Councils since 1975 while the proportion of funding contributed by the Victorian Government has almost halved.
- The ongoing provision of school crossing supervision is an important service, but one that ought to be funded by the Victorian Government as it is a program that is led by them.

It is becoming unsustainable for Council to continue to take on the burden of the financial cost shift from the Victorian Government for this service.

Following the Council resolution at the October 2022 Council meeting, the following updates are provided:

- Strathbogie joined the City of Monash advocacy campaign: two council reports, survey of local governments, leading advocacy campaign with MAV (28 partnering Councils)
- No commitment has been made by the Victorian Government to fully fund the School Crossing Supervision Program
- In addition, there has been no commitment by the state to review the program, other than the commitment that was made in 2016. This review has had no progress.
- Meeting requests have been made to the relevant Victorian Government Ministers, but to no avail.
- Newspaper articles in state-wide and also local newspapers (The Euroa Gazette)
- Information sent to school administration regarding the Council resolution, including a fact sheet and frequently asked questions.

9.2.4 School Crossing Supervision Program (cont.)

The City of Monash campaign continues (with a coalition of 28 councils), however it was clear from the commencement of the campaign, that each individual Council has the ability to vote on their own accord and in the interests of their own Council. There has been limited outcomes from the collective campaign nor any commitment from the Victorian Government to commit to a fully funded and fully indexed program.

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.

Staff engagement is paramount as part of this process. School Crossing Supervisors and associated administration staff were informed on the previous Council resolution and provided with information to assist with any questions that the community/users of the crossing may have had. School Crossing Supervisors have also been informed of the recommendation in this report and understand the reasons behind this recommendation.

Communications will also be undertaken with the five above mentioned schools, school Councils and the school crossing supervisors. Communications have been sent to the five schools, before and after the October 2022 Council resolution. A frequently asked questions sheet was circulated and available on Councils website. Further consultation will continue with the five schools, as the process continues.

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.

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.

9.2.4 School Crossing Supervision Program (cont.)

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 and Planning. 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.
- 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.

9.2.4 School Crossing Supervision Program (cont.)

- 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 and Planning.

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 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 and Planning to provide the service, and the actual costs for the year totalled about \$82,078 (Council contributing about 60 per cent to the program). Council has received funding of \$36,935 in the 2022/23 financial year, an increase of 20 per cent in funding (the full expenses of the 2022/23 financial year have not yet been realised). 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.

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.

9.2.4 School Crossing Supervision Program (cont.)

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.

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.

Council joined the City of Monash advocacy campaign (with the support of the Municipal Association of Victoria and a representative committee). The campaign also indicated that councils would take effect to their own decision making.

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 Victorian Government. Over time, this financial contribution has dwindled leaving Councils to fund the shortfall to deliver the program in a rate capped environment.

This report seeks Council's endorsement to exit the School Crossing Supervisor Program, formally advise the Department of Transport and Planning of this decision and continue to advocate to the department to ensure it continues to deliver the service into the future.

ATTACHMENTS

Nil

9.2.5 William Pearson Bequest 2022/23

Author: Manager Community and Culture

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Strathbogie Shire Council has been administering the William Pearson Bequest (the bequest) since 1969. The intent of the Bequest is to benefit (in Euroa only), children's playgrounds, kindergartens, parks and gardens, the Euroa town band, and for the general beautification of the town.

From the records historically available, the bequest has been used to support the Euroa Citizens Band (the Band) excluding seven allocations to other projects over various years.

From records dating back to around 2003, the William Pearson Bequest was included as a part of Council Community Grants. In 2016, the Euroa Citizens Band were informed by Council Officers that they could not use the funds to pay wages as per the Community Grant Guidelines of the time. In 2017, the Band requested they be exempt from the Community Grant Guidelines, to enable them to apply and pay their musical directors' stipend. In 2017-18, the Community Grant Guidelines were adjusted to allow the Band to apply for the Bequest to support the stipend for musical directors.

A scheduled review of the Community Grants Program was presented to Council at the Ordinary Council Meeting on the 20 February 2018. At this meeting, a recommendation to remove the William Pearson Bequest from the Community Grants program and for funds be provided to the Band on an annual basis was carried. In part the resolution reads as follows:

That Council:

Remove the William Pearson Bequest from the Community Grants program; these funds to be provided to the Euroa Citizens Band on an annual basis for their operation by way of a submission and an acquittal report annually.

In its current format, there are no guidelines around the distribution of funds, however for the previous four financial years \$2,500 has been provided as a non-competitive annual grant allocation to the Band and these funds have been used to pay a stipend to the Musical Directors.

In 2022, the Band approached Strathbogie Shire Council for funds to upgrade the kitchen facilities at the William Pearson Hall where they are based.

Council officers reviewed the process by which funds are allocated through the bequest and have since investigated and reviewed the conditions in William Pearson's Will.

Council Officers then put a proposal to the Euroa Band, where Council would provide the funds for the kitchen upgrade (approximately \$15,000 to the Band Hall) ensuring that the William Pearson Band Hall was fit for purpose, providing a legacy for the Band and other Hall users to enjoy. The Euroa Band was not in support of this and instead want the annual allocation for the payment of the Musical Directors.

9.2.5 William Pearson Bequest 2022/23 (cont.)

Considering the intent of the bequest and the ongoing administrative burden of the bequest continuing for another seven years in its current format, it is proposed Council allocate the remaining Bequest funds of \$17,940, consistent with the Council resolution carried at the February 2018 Council Meeting, to the Euroa Citizens Band.

RECOMMENDATION

That Council:

- 1. In accordance with the Council resolution of 20 February 2018, authorise the allocation of \$17,940, being the balance of the William Pearson Bequest, to the Euroa Citizens Band to be used for their operations;***
- 2. The allocation of \$17,940 be payable in the 2022/23 financial year, subject to the receipt of a tax invoice from the Euroa Citizens Band; and***
- 3. Note that this is the final payment of the William Pearson Bequest and that no future payments will be made as all funds in the Bequest are exhausted.***

PURPOSE AND BACKGROUND

William Pearson was born in 1875. He moved to Euroa in the 1890's as an apprentice in the plumbing and tin smithing trade and went on to build a successful plumbing business. William was very active in his community holding memberships and generously supporting the Fire Brigade, Rifle Club, Cycling Club, Town Band and Kindergarten.

Following his death in 1963, an article in the Euroa gazette described him as '*...a man totally free of unkind thoughts or actions and was ever generous in deed and will, gentle in speech and manner, and those who knew him so well will always hold him in high regard and affection.*'

William was survived by his only child William Verdon Pearson (known as Verdon) who died in 1966, and his niece Alice McCulloch who died in 1968. Verdon and Alice were the principal beneficiaries of William's Estate. Neither Verdon or Alice married or had children so following their deaths, as per William's instructions, the Residuary Estate was transferred '*... to the Shire Council of Euroa (such bequest to be known as the William Pearson Bequest) to be applied by it in its discretion for the benefit in Euroa of children's playgrounds, kindergartens, parks and gardens, the Euroa town band, and for the general beautification of the town.*'

Approximately £28,000 was transferred to the Euroa Shire in 1969 as The William Pearson Bequest. Every year since its inception, based on available records, there has been a payment made to the Band which has been used in part to fund a stipend to their Musical Directors. It was also used in 1972 to contribute towards the development of the northern side frontage of Seven Creeks as a caravan park and picnic area, and in 1976 to contribute to extensions to the Euroa Citizen & Band Hall, now known as the William Pearson Memorial Hall.

9.2.5 William Pearson Bequest 2022/23 (cont.)

Other recipients have included:

- Euroa Historical Society in 2003
- Euroa Lions Club in 2004
- Euroa Museum in 2004
- Euroa Secondary College in 2012
- Euroa Historical & Genealogical Society in 2016.

From the records historically available, the bequest has been used to support the Euroa Citizens Band (the Band) excluding seven allocations to other projects over various years.

From records dating back to around 2003, the William Pearson Bequest was included as a part of Council Community Grants. In 2016, the Euroa Citizens Band were informed by Council Officers that they could not use the funds to pay wages as per the Community Grant Guidelines of the time. In 2017, the Band requested they be exempt from the Community Grant Guidelines, to enable them to apply and pay their musical directors' stipend. In 2017-18, the Community Grant Guidelines were adjusted to allow the Band to apply for the Bequest to support the stipend of musical directors.

A scheduled review of the Community Grants Program was presented to Council at the Ordinary Council Meeting on the 20 February 2018. A recommendation to remove the William Pearson Bequest from the Community Grants program and for funds be provided to the Band on an annual basis was carried (there was no amount stipulated). That resolution in part reads:

That Council:

Remove the William Pearson Bequest from the Community Grants program; these funds to be provided to the Euroa Citizens Band on an annual basis for their operation by way of a submission and an acquittal report annually.

In its current format, there are no guidelines, however for the previous four financial years \$2,500 has been provided as a non-competitive annual grant allocation to the Band, these funds have been used to pay the Musical Directors as a stipend.

In 2022 Council Officers were approached by the Band requesting \$15,000 funding to upgrade the William Pearson Hall kitchen facilities. Council responded in November proposing the upgrade be funded from the Bequest which the Band did not support.

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.

William Pearson's intent for the Bequest was that it be applied by Council in its discretion for the benefit in Euroa of children's playgrounds, kindergartens, parks and gardens, the Euroa town band, and for the general beautification of the town.

9.2.5 William Pearson Bequest 2022/23 (cont.)

In the 53 years of the Bequest, other than seven allocations, the Band has been the sole beneficiary of the Bequest. Formal documentation is scarce, very little information can be found regarding how, or when this decision was made, except for the 2018 Council Report, which made no mention of the remaining fund balance, the intent of the funds as per the Will or historical allocations.

In its current format the Bequest will continue to be administered and require Council resources in this process for another seven years, for a very small amount of funding.

The current funding arrangement is also not fully reflective of the instructions contained in William Pearson's Will. Under the current arrangements, the Euroa Band are the sole beneficiaries of the Bequest. In addition, the funds are used specifically to contribute to the Musical Director's Stipend.

Based on this, Council officers propose that Council consider the allocation of the balance of the William Pearson Bequest (funds remaining \$17,940) via one final allocation to the Euroa Citizens Band during the financial year 2022/23 upon receipt of a tax invoice for the purposes of the group's operations.

Further to this allocation of funds, Council has no funds available in the current capital budget for any upgrades to the William Pearson Hall kitchen. Council has not earmarked future funding for this capital infrastructure project in the 10-year capital plan. The Euroa Citizens Band can choose to use the funds provided through the Bequest to support their operations and programming in any way, including the payment of musical directors and/or an infrastructure upgrade to their facilities that will support the operational longevity of the Hall and their operation. Any works to the kitchen or the building will require the relevant permits and approval. The use of funds through the William Pearson Bequest is at their discretion.

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 the Euroa Citizens Band, where members have expressed their desire for the annual allocation to continue for the purposes of supporting the payment of the Musical Directors.

Internal consultation has occurred with the relevant Council Departments and Council officers believe no further consultation is required.

POLICY CONSIDERATIONS

Council Plans and Policies

This report aligns with the Strathbogie Shire Council 2021-2025 Council Plan, Strategic focus area 6: Accountable. Transparent. Responsible, by providing a financially responsible, transparent, and equitable option for the administration of the William Pearson Bequest.

9.2.5 William Pearson Bequest 2022/23 (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.

There are no relevant Regional, State or National Plans or Policies relevant to this 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.

William Pearson's Will is a legally binding document. As per William's instructions, the Residuary Estate was transferred '*... to the Shire Council of Euroa (such bequest to be known as the William Pearson Bequest) to be applied by it in its discretion for the benefit in Euroa of children's playgrounds, kindergartens, parks and gardens, the Euroa town band, and for the general beautification of the town*'.

Council has administered the Bequest true to the intentions of William Pearson's Will.

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 subject of this report is to be considered in an open Council meeting which the public may attend and is publicly streamed for all to view. This report provides transparency on the administration of the William Pearson Bequest.

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 amount originally bequested was approximately £28,000 transferred to the Euroa Shire in 1969. As at 30 June 2022, there was a balance of \$17,940 in the William Pearson Bequest. Throughout this 53-year period the majority of allocation has been to the Euroa Citizens Band. Council has not claimed any administrative overheads on this money, and it has been purely allocated for the purposes contained within the will.

This report recommends Council allocate all remaining funds to the Euroa Citizens Band in the 2022/23 financial year. This will save Council funds in the long term, as the funding allocation will no longer require administration support from Council officers.

9.2.5 William Pearson Bequest 2022/23 (cont.)

Council has no funds available in the current capital budget for any upgrades to the William Pearson Hall kitchen. Council has not earmarked future funding for this capital infrastructure project in the 10-year capital plan. The Euroa Citizens Band can choose to use the funds provided through the Bequest to support their operations and programming in any way, including the payment of musical directors and/or an infrastructure upgrade to their facilities that will support the operational longevity of the Hall and their operation. Any works to the kitchen or the building will require the relevant permits and approval. The use of funds through the William Pearson Bequest is at their discretion.

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

With the funds solely allocated to the Euroa Citizens Band the spend of these funds would become the responsibility of this group for the purposes of their operations.

Social

The allocation of these funds will lead to some social benefit for the community of Euroa. The Bequest is clearly for the benefit of Euroa, in the form of kindergartens, playgrounds, parks and gardens, the Euroa Citizens Band and general beautification.

Environmental

There are limited environmental impacts associated with this report.

Climate change

There are limited climate change impacts associated with this report.

HUMAN RIGHTS CONSIDERATIONS

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

CONCLUSION

Strathbogie Shire Council has been administering the William Pearson Bequest (the bequest) since 1969. The intent of the Bequest is to benefit, in Euroa, children's playgrounds, kindergartens, parks and gardens, the Euroa town band, and for the general beautification of the town.

A scheduled review of the Community Grants Program was presented to Council at the Ordinary Council Meeting on the 20 February 2018. A recommendation to remove the William Pearson Bequest from the Community Grants program and for funds be provided to the Band on an annual basis was carried (there was no amount stipulated). That resolution in part reads:

9.2.5 William Pearson Bequest 2022/23 (cont.)

In its current format, there are no guidelines, however for the previous four financial years \$2,500 has been provided as a non-competitive annual grant allocation to the Band, these funds have been used to pay the Musical Directors as a stipend.

Based on this, Council officers propose that Council consider the allocation of the balance of the William Pearson Bequest (Funds remaining \$17,940) via one final allocation to the Euroa Citizens Band during the financial year 2022/23 upon receipt of a tax invoice for the purposes of the group's operations.

ATTACHMENTS

Nil

9.2.6 Violet Town Recreational Vehicle Friendly Site - Update

Author: Manager Community and Culture

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

The Recreational Vehicle (RV) market (caravan, campervan, motor home) has, and continues to have sizeable growth throughout the country. With this growth, local governments and communities are experiencing both positive and negative impacts as a result.

Council officers have been working with members of the Violet Town community regarding a potential RV Friendly site.

Council officers have investigated potential suitable sites in Violet Town, identifying the only partially suitable site being an area at the Violet Town Recreation Reserve along Tulip Street site.

The Violet Town Recreation Reserve currently does not have a Committee of Management in place, resulting in Council becoming the party responsible for management of the site, even though the land is owned by Department of Energy Environment and Climate Action (previously known as Department of Environment Land Water and Planning). This site has some significant limitations that need to be considered by Council and the potential manager of an RV Friendly Site.

Throughout this process, it has become evident that there is a combination of community support for, and opposition to, free or low-cost camping in Violet Town and at this site.

There is also no identified governance structure for the trial, as it is being led by a few interested community members rather than being driven by a formal governance structure, such as an incorporated group, or auspicing organisation.

Given these issues, Council Officers recommend to place project support on hold until such time that there is a formal community led RV Friendly site governance group. Further to this, once such a group is established, Council Officers recommence the provision of support and guidance to the project.

RECOMMENDATION

That Council:

- 1. Note the progress of the Violet Town Recreational Vehicle Friendly Site project;***
- 2. Place project support on hold until such time that there is a formal community led Recreational Vehicle Friendly Site governance group established; and***
- 3. Once a community led governance group is established, authorise Officers to recommence the provision of support and guidance to the project.***

9.2.6 Violet Town Recreational Vehicle Friendly Site – Update (cont.)

PURPOSE AND BACKGROUND

The Recreational Vehicle (RV) market (caravan, campervan, motor home) has, and continues to have sizeable growth throughout the country. With this growth, local governments and communities are experiencing both positive and negative impacts as a result.

As identified in the Council Plan 2021-2025, Council outlined its commitment to '*explore free camping possibilities and RV friendly town accreditation*' in objective 4.1.

In 2019 Council approved a low-cost camping trial at Longwood Recreation Reserve, led and managed by the Longwood Recreation Reserve Committee of Management.

At the June 16 2020 Council Meeting, Council approved the continued use of this site in Longwood. In addition, Council moved a motion to support future 4 months trials in other towns in the municipality, provided issues associated with risk, emergency management, landowner consent and community engagement were suitable addressed, and moved an additional recommendation to ensure that any further progress in Violet Town was subject to engagement with the Violet Town Caravan Park.

Following this, Council Officers have continued to work with members of the Violet Town community regarding the potential trial of an RV Friendly low-cost camping site. Council tried to engage the Violet Town Caravan Park in 2020 and at the time they chose not engage with Council Officers on the project.

Council officers have investigated potential suitable sites in Violet Town, identifying the only partially suitable site being an area at the Violet Town Recreation Reserve along Tulip Street site. The Violet Town Recreation Reserve currently does not have a Committee of Management in place, resulting in Council becoming the party responsible for management of the site, even though the land is owned by Department of Energy Environment and Climate Action (previously known as Department of Environment Land Water and Planning).

It is considered that this site has some significant limitations that need to be considered by Council and the potential manager of an RV Friendly Site. There is varied community support and opposition to free or low-cost camping in Violet Town and at this site.

There is also no identified governance structure for the trial, as it is being led by a few interested community members rather than being driven by a formal governance structure, eg: Incorporated group, or auspicing organisation. There has been no other local group identified that is willing to take responsibility and drive the project.

ISSUES, OPTIONS AND DISCUSSION

RV Friendly and free/ low-cost camping sites provide multiple opportunities for local communities and business to benefit from increase visitation. They can lead to significant economic and social benefit and help to stimulate the visitor economy of the municipality.

9.2.6 Violet Town Recreational Vehicle Friendly Site – Update (cont.)

Such sites work well in communities where they are passionate about RV Friendly sites, and where a suitable location and lead community group can be identified. It provides an opportunity to showcase the towns, their local offerings, business, and amenity. Many travellers often return to the sites they enjoy, leading to recurring visitation.

Site selection and community support is key for successful implementation. Significant consideration is required for each site, particularly in the below areas;

- Community support and engagement
- Insurance
- Risk and community safety
- Landowner consent
- Emergency management
- Financial implications; and
- Governance.

Initially, the Violet Town RV Project was identified as a project supported through Violet Town Action Group. Over time, this has changed and there is no identified formal governance structure in the form of an action group, Incorporated or auspicing body willing to drive and take responsibility for the project.

There is also varied levels of support for the project within the Violet Town community.

Council officers have reviewed the land area of Violet Town and identified that there is only one site at Tulip Street within the Recreation Reserve that is somewhat suitable for this project. This site has some significant limitations. These include;

- Governance: As the site is currently managed by Council, Council would be required to enter a lease/ license for that area with an interested party, eg: Violet Town Action Group or a local incorporated group to manage and oversee the RV Friendly site. Council does not currently have the resources to undertake this role.
- Insurance: appropriate insurance needs to be held by the group responsible for the site.
- Financial implications: there would be a financial cost to make this site suitable for an RV Friendly site. This includes infrastructure costs, tree inspections, concrete pads, signage, access and egress modifications, and does not include ongoing cleaning and waste costs that may be incurred.
- Risk: the site is used for a range of community purposes including football/netball, the Violet Town Market and other more passive recreation as the site is also home to a playground, skate park, pool and walking track. This would require thorough consideration and consultation in an RV Friendly operations plan that manages the day-to-day operations and condition of the site.
- Community support: community support for the project is varied, some community members oppose the concept, others the location, whilst others remain disinterested. Further community engagement would be required if the project is to progress to ensure there is adequate community support and acceptance of the site and capacity to manage it into the future.

9.2.6 Violet Town Recreational Vehicle Friendly Site – Update (cont.)

To progress this project, a lead agency, group or community organisation needs to be identified and formalised. Council would then work with this group to ensure all the above considerations are addressed and incorporated into the RV management plan and any other agreements that may be required.

Given the situation, Council Officers recommend to place project support on hold until such time that there is a formal community led RV Friendly site governance group. Further to this, once the group is established, Council Officers recommence the provision of support and guidance to the project.

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.

There have been several community engagement opportunities throughout the duration of this concept project.

A large community gathering was held in November 2021 where it was clear that support for the concept and the site is varied. There continues to be a small group of residents that are interested in the progression of this project. Furthermore, there are also community members that are not in support of the project.

Further community engagement is required and would be the responsibility of the governance group/committee to ensure adequate community engagement and support for the project exists.

POLICY CONSIDERATIONS

Council Plans and Policies

The Council Plan 2021-2025, outlines in Strategic focus area 4: Inclusive. Productive. Balanced - Initiative 4.1, that Council will '*Continue to explore free camping possibilities and RV friendly town accreditation*'.

There is one other free/ low cost camping site in the Strathbogie municipality; this is located in Longwood and operated by the Longwood Community Centre Incorporated.

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/ policies that are relevant to this report.

9.2.6 Violet Town Recreational Vehicle Friendly Site – Update (cont.)

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.

An RV Friendly Site requires significant consideration of risk. Risk is required to be assessed regarding site selection and then the operation risk of operating an RV Friendly site itself. This level of assessment requires resourcing and/ or significant knowledge.

Several issues concerning insurance, liability and governance will need to be addressed if a formal governance structure is identified within the community and if the project is to progress.

Consideration will also be required and addressed in the RV Management Plan in regard to potential negative impacts that may arise from the co-location of an RV site, playground, skatepark and pool all within the one site.

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 matter is to be presented at a Council meeting which is open to the public to attend and to view.

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.

If an RV Friendly site was to proceed there would be costs incurred - some may fall to Council as the responsible land manager or may be negotiated with a governance group/committee. These costs include but are not limited to infrastructure costs, development of a suitable lease/license agreement, tree inspections, concrete pads, signage, access and egress modifications. This does not include operating costs or potential costs including increased waste, utilities, and cleaning (which may be incurred due to the public toilets, power and water on site).

There is no budget allocation for this project in the existing budget or long term financial plan.

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.

9.2.6 Violet Town Recreational Vehicle Friendly Site – Update (cont.)

Economic

RV Friendly and free/ low-cost camping sites provide multiple opportunities for local communities and business to benefit from increase visitation. They can lead to significant economic and social benefit and help to stimulate the visitor economy of the municipality. It provides an opportunity to show case the towns, their local offerings, business, and amenity. Many travellers often return to the sites they enjoy, leading to recurring visitation.

Social

Sites work well in communities where they are passionate about RV Friendly sites, and where a suitable location and lead community group can be identified.

There is a chance that those utilising the site may be noisy, light a campfire, leave rubbish, and dispose of grey or black water on the curb side. A high number of RV travellers also travel with pets. The potential for increased noise due to the animals and their waste is also a possibility.

There is also consideration regarding potential negative impacts that may arise from the co-location of an RV site, playground, skatepark and pool within the one reserve.

Alternatively, with the potential increase in visitation there would be increased traffic and a presence in what is currently a dark and quiet car park. Increased foot traffic and expenditure in the Violet Town township and the profile of the township will potentially be seen as favourable in the RV market space.

Environmental

There will be some environmental impacts if this project is progressed, however, many of these will depend on the establishment of the site and the management/ operations plan for the site. These potential impacts may include:

- Waste
- Discharge of water
- Amenity impacts in a natural environment with a change in use.

Climate change

As highlighted above, there will be some climate change impacts if this project is progressed, however, many of these will depend on the establishment of the site and the management/ operations plan for the site.

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

Council Officers have been working with members of the Violet Town community regarding the potential trial of an RV Friendly low-cost camping site. Council Officers have investigated potential suitable sites in Violet Town, identifying the only partially suitable site being an area at the Violet Town Recreation Reserve along Tulip Street site.

9.2.6 Violet Town Recreational Vehicle Friendly Site – Update (cont.)

The Violet Town Recreation Reserve currently does not have a Committee of Management in place. As a result of this, Council becomes the party responsible for management of the site, even though the land is owned by Department of Energy Environment Climate Action.

There is varied community support and opposition to free or low cost camping in Violet Town and at this site. This site has some significant limitations that need to be considered by Council and the potential managers of the RV Friendly Site, consideration needs to be given to:

- Community support
- Insurance
- Risk and community safety
- Landowner consent
- Emergency management
- Financial implications; and
- Governance

This cannot be done until a lead agency, group or community organisation is identified and formalised to lead the project, eg: the project needs to be driven by an incorporated committee or auspiced by one.

Council officers recommend no further action on this project from a Council perspective until a formal (incorporated or auspiced) local agency, group or Committee is identified or established within the community to drive this project.

ATTACHMENTS

Nil

9.3 INFRASTRUCTURE

9.3.1 Tender for Contract No. 22/23-65: Supply and Install Nagambie Recreation Reserve Lighting

Author: Manager Project Delivery

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Strathbogie Shire aims to provide the community with a safe sport facility that will encourage social interaction and promote health and wellbeing.

Through public advertisement in local and national newspapers, Council invited tenders for the work under Contract No. 22/23-65 between 18/01/2023 and 10/02/2023.

Two (2) tenders were received for the work. These tenders have been assessed and evaluated by Council Officers and a summary of results is shown in the tables in the Confidential Appendices. Having considered the results of the evaluation, it is recommended to Council awards the tender contract to Watters Electrical Pty Ltd based in Shepparton Victoria.

RECOMMENDATION

That Council:

- 1. Awards the tender for contract No 22/23-65 Supply and Install Nagambie Recreation Reserve Lighting - Lump Sum to Watters Electrical Pty Ltd for a total amount of \$490,501.00 inclusive of GST;***
- 2. Authorises officers to advise the unsuccessful tenderer;***
- 3. Authorises the Chief Executive Officer to execute the Contract by signing and affixing the Common Seal of Strathbogie hire Council; and***
- 4. Notes that construction will commence early April 2023 with an anticipated completion by May 2023.***

PURPOSE AND BACKGROUND

The existing lighting at Nagambie Recreation Reserve has long been deemed inadequate and not fit for purpose.

9.3.1 Tender for Contract No. 22/23-65: Supply and Install Nagambie Recreation Reserve Lighting (cont.)

The inclusion of lighting at the netball courts and around the oval at the Nagambie Recreation Reserve is required to meet both existing demand for additional playing and practice time by also providing an illuminated area to assist with safety as well as addressing the increasing future demand in the sports of Netball, Football and Cricket.

In 2016, the Nagambie sporting and wider community was engaged in the preparation of the 'Nagambie Recreation Reserve Development Plan' and this was updated in 2019. Research undertaken found that participation in netball had grown by at least 25% in the previous five years and with the forecast growth in population as a result of the future development in Nagambie it is expected that there will be increased demand on both football and cricket as well.

This lighting project is an important part of the Nagambie Recreation Reserve Redevelopment Project and is a strategic priority for Strathbogie Shire, as evidenced by Council's financial commitment of \$320,000.

ISSUES, OPTIONS AND DISCUSSION

Tender Process

At the close of tenders, two 2) tenders were received. Both tenders received were assessed for compliance with the Terms and Conditions of Tender, and for conformance with tender specifications and were deemed conforming.

Tender Price

Table 1 below shows the range of the tender price offer (in ascending order of price) at the close of tender.

Table 1: Tender Offers Received (Incl GST)

Tender Offers Received at Close of Tender (Incl GST) (in ascending order)	
	\$452,853.00
	\$490,501.00

Panel Assessment Process

In accordance with Council's Procurement Policy, the Evaluation Panel was constituted and evaluation criteria were determined prior to advertisement of tender. The evaluation panel members were nominated prior to release of the tender submissions for evaluation. Each of the Evaluation Panel members completed the Conflict of Interest declaration before there were given access to the tenders to commence the process of evaluation.

The Tender Evaluation Panel included the following staff of Strathbogie Shire Council:

- Manager Project Delivery; Sustainable Infrastructure
- Senior Project Officer; Sustainable Infrastructure
- Project Officer; Sustainable Infrastructure
- Manager Finance (Moderating)

9.3.1 Tender for Contract No. 22/23-65: Supply and Install Nagambie Recreation Reserve Lighting (cont.)

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.
- Business & Management Requirements - OHS, COVID-19 SafePlan and Policy, Insurance, Quality, Risk, Management, HR, QMS/ISO (5%)
Quality Management Systems, Policies, Relevant Certifications, and Insurance, a weighting of 5% was allocated to this criterion.
- Capability, Experience, Personnel CVs, Methodology, Equipment, Managing Contract with current commitment (20%)
As the Work requires timely completion and elimination/mitigation of work-related risks, this criterion is considered important therefore allocated a weighting of 20%.
- Tender conformance, Offer of Alternative Tender, Request for Contract Changes/Exclusions (5%)
Due to the importance for the tender to meet the specification, a weighting of 5% was allocated to this criterion.
- 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 2: Evaluation Criteria

Criteria	Weighting (%)
Price	60
Business & Management Requirements	5
Capability, Experience, Methodology	20
Tender conformance,	5
Local Content	10
Total	100

9.3.1 Tender for Contract No. 22/23-65: Supply and Install Nagambie Recreation Reserve Lighting (cont.)

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.

After carefully reviewing the results of individual tender evaluation by respective panel members, it was revealed that the scores for all criteria by the panel members were within acceptable limits of variance and would not require moderation. Therefore, the moderator in agreement with other panel members concluded that a moderation meeting was not required.

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, Watters Electrical Pty Ltd attained the top ranking with a total score of 88.37%. Although Watters Electrical's tender price is higher than that of the second tenderer, they received a higher qualitative score of 32.98% out of 40%, thereby becoming the best overall. The Tender Evaluation Panel was therefore satisfied that their tender represents the best value outcome for Council.

Watters Electrical Pty Ltd is based in Shepparton. They have demonstrated experience in large electrical works and have previously completed works for Strathbogie Shire Council. They have also 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 further 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 quickly and make the facility available to the community in the earliest possible time. The Panel therefore advise timely award and signing of Contract Agreement with the appointed contractor.

9.3.1 Tender for Contract No. 22/23-65: Supply and Install Nagambie Recreation Reserve Lighting (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 Area:

Focus Area 2: Live. Access. Connect.

Our integrated service and infrastructure planning enables Council to adapt to and meet changing needs and a growing population.

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.

9.3.1 Tender for Contract No. 22/23-65: Supply and Install Nagambie Recreation Reserve Lighting (cont.)

Council allocated \$570,000.00 (incl. GST) for Supply and Install Nagambie Recreation Reserve Lighting in the 2022-2023 Capital Works Program. Therefore, the recommended tender price of \$490,501.00 (incl. GST) is within the approved budget allocation.

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 provide the community with a safe space that will encourage social interaction and promote health and wellbeing.

Environmental

The awarded Contractor will 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.

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.

Upgraded lighting can make the reserve more attractive and inviting, which can encourage more people to use the space, strengthening community ties. The first and most obvious benefit of using sports flood lights is improved safety. With better lighting, players will be able to see the playing field more clearly and react more quickly to any potential hazards.

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 22/23-65 Supply and Install Nagambie Recreation Reserve Lighting. 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 awards the Supply and Install Nagambie Recreation Reserve Lighting tender to Watters Electrical Pty Ltd based in Shepparton Victoria.

ATTACHMENTS

Nil

APPENDICES

Appendix 1: Tender Evaluation for Contract No. 22/23-65: Supply and Install Nagambie Recreation Reserve Lighting – CONFIDENTIAL

9.3.2 Tender for Contract No. 22/23-67: Provision of Tree Maintenance, Arboriculture, Professional Arborist - Schedules of Rates Contract

Authors Manager Operations

Responsible Director: Acting Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a competitive tender process for the services of a Professional Arborist to provide specialist tree maintenance advise, guidance and to oversee the implementation of Tree Management Plans in line with Council's Tree Management Policy. The life of the contract would be 3 years.

Through public advertisement in local and national newspapers, Council invited tenders for the work under Contract 22/23-67, with the initial tender opening on 9am Friday 13 January 2023.

At close of the initial tender on 9 February 2023, seven (7) tender submissions were received. These have now been independently assessed and evaluated by a panel of Council Officers, with the results summarised in the tables in the Confidential Appendices. All tender submissions were deemed to be conforming submissions, however only six (6) tenderers met the professional qualifications sought by the tender documentation.

The tender sought the provision of a tender of rates. Following the evaluation process, this report seeks Council's authorisation to constitute this contract with Geoffrey Riddock, Arborist of Baddaginnie and authorise the Chief Executive Officer to execute the Contract accordingly.

RECOMMENDATION

That Council:

- 1. Awards the tender for Contract No 22/23-67 – Provision of Tree Maintenance, Arboriculture, Professional Arborist – Schedule of Rates to Geoffrey Riddock Arborist of Baddaginnie for a period of 3 years;***
- 2. Authorises officers to advise the unsuccessful tenderers; and***
- 3. Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.***

PURPOSE AND BACKGROUND

Strathbogie Shire Council requires Consulting Professional Arborist services to oversee and implement its Electrical Line Clearance and Tree Management Plans in line with Council's Tree Management Policy.

The type of work involved includes Emergency works, Electrical line Clearance Inspections, Audits, Hazard Inspection, Routine Maintenance of the Shire's Tree Assets including those impeding on the Road Envelope on Roads maintained by the Shire. Inspections and all defect reporting need to be logged into the Shire's database via 'Confirm Connect'.

9.3.2 Tender for Contract No. 22/23-67: Provision of Tree Maintenance, Arboriculture, Professional Arborist - Schedules of Rates Contract (cont.)

The necessity for these services at this time is due to the previous contract for services coming to an end.

This report seeks Council approval to award Contract Number 22/23-67 - Provision of Tree Maintenance, Arboriculture, Professional Arborist – Schedule of Rates Contract to Geoffrey Riddock, Arborist.

TENDER PROCESS

Tenders were invited by advertising on “Tendersearch” via the Council website on the 13 January 2023. Council also advertised in Saturday’s The Age newspaper (providing state-wide reach), Shepparton News, Euroa Gazette, Benalla Ensign, Violet Town Village Voice Wangaratta Chronical, and Seymour Telegraph, in the week following release. By the close of tenders at 4.00pm on 9 February 2023, seven (7) 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. All the tender submissions were deemed conforming; however, six (6) tenderers were considered to offer the arborist with the most suitable qualifications.

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)
Asplundh Tree Expert (Australia) Pty Ltd
Civica Pty Limited
ENSPEC Pty Ltd.
Geoffrey Riddock Arborist
Total Tree Stump Removal
Underline Tree Clearing Pty Ltd
Xylem Tree Care

Table 2 below lists the tender Rates for Arborists

Table 2: Tender Offers Received (including GST)

Tender Rates for Arborist as provided at Close of Tender Period (including GST) in lowest to highest order
\$82.50 per hour
\$99.00 per hour
\$130.00 per hour
\$132.00 per hour
\$172.50 per hour
\$220.00 per hour
\$2,200.00 per day

9.3.2 Tender for Contract No. 22/23-67: Provision of Tree Maintenance, Arboriculture, Professional Arborist - Schedules of Rates Contract (cont.)

Assessment Process

The evaluation panel reviewing the submission consisted of the following officers:

- Manager Operations
- Administration Officer
- Coordinator Waste and Environment
- Procurement and Tenders Officer (process facilitator, non-voting member).

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.

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

- Tendered Price (50%)
This criterion measures the price only – either lump sum or unit rates – submitted by the tenderer.

All submissions were given a weighted score for their submitted price based on a comparative assessment of pricing for all tenders.
- Business & Management Requirements - OHS, COVID-19 Safe Plan and Policy, Insurance, Quality, Risk, Management, HR, QMS/ISO (Pass or Fail rating)
Quality Management Systems, Policies, Relevant Certifications, and Insurance.
- Capability, Experience, Personnel CVs, Methodology, Equipment, Managing Contract with current commitment (40%)
As the Work requires timely completion and elimination/mitigation of work-related risks, this criterium is considered important therefore allocated a weighting of 45%.
- Tender conformance, Offer of Alternative Tender, Request for Contract Changes/Exclusions (Pass or Fail rating)
Due to the importance for the tender to meet the specification, a weighting of 5% was allocated to this criterium.
- 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.

9.3.2 Tender for Contract No. 22/23-67: Provision of Tree Maintenance, Arboriculture, Professional Arborist - Schedules of Rates Contract (cont.)

TABLE 3: Evaluation Criteria

Criteria	Weighting (%)
Price	50%
Business & Management Requirements	Pass or Fail
Capability, Methodology and Experience	40%
Regional Benefit	10%
Conformance to Contract and Specification	Pass or Fail
Total Percentage Weightings	100%

The evaluation panel tasked with reviewing the tenders met on the afternoon of Wednesday 1 February 2023.

At the completion of the meeting, it was determined that Geoffrey Riddock Arborist could best deliver the Arborist Services as per the as per the specifications and has significant experience in all aspects of arboricultural services.

Council Officers assessing the submissions were therefore satisfied that Geoffrey Riddock Arborist submitted a tender represents the best value outcome for 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

Where required, external stakeholders have been engaged providing input on relevant projects.

Conflict of Interest Declaration

All offices, and/or contracts 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 demonstrates that Council is being transparent by providing information to the community regarding the awarding of any works projects.

9.3.2 Tender for Contract No. 22/23-67: Provision of Tree Maintenance, Arboriculture, Professional Arborist - Schedules of Rates Contract (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.

Funding for the provision of arboricultural services are to be met from within existing budget allocations. The total cost of the contract will vary on an annual basis, depending on the number of significant weather events.

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

Works awarded under delegation provide an opportunity to generate great economic benefit using local contractors and the purchasing of materials and supplies. In addition, the enhancement of infrastructure continues to make our municipality a place of destination, one where people choose to live, work and play.

Social

Each project includes several social benefits to our community. Some of these benefits include infrastructure that encourages health and wellbeing activities and amenity improvements.

Environmental

The works will be undertaken in line with an approved scope of works and ensure that the site is made good upon completion of the works.

HUMAN RIGHTS CONSIDERATIONS

The recommendations do not limit any Human Rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

Council invited tenders for Contract No22/23-67 - Provision of Tree Maintenance, Arboriculture, Professional Arborist – Schedule of Rates Contract for a period of 3 years. The Procurement Policy was followed, with a formal Request for Tender process undertaken, which resulted in seven (7) tender submissions received.

The tender from Geoffrey Riddock Arborist of Baddaginnie represented the overall Best Value outcome to the Strathbogie Shire.

ATTACHMENTS

Nil

APPENDICES

Appendix 1: Tender Evaluation for Contract No. 22/23-67: Provision of Tree Maintenance, Arboriculture, Professional Arborist - Schedules of Rates Contract – CONFIDENTIAL

9.3.3 Contracts and Works Awarded Under Delegation

Author: Procurement and Tenders Officer

Responsible Directors: Director Community & Planning / Director Corporate Operations

EXECUTIVE SUMMARY

The purpose of this report is to inform Council and the community of the status of request for the publicly advertised tenders, invitations for written quotations and quotations provided using collaborative and/or third party contracts which have been awarded under delegation for the period 1 February 2023 to 28 February 2023. This report specifically relates to works that form part of Council's 2022/23 budget.

RECOMMENDATION

That Council note the:

- 1. Contracts awarded under delegated authority by the Chief Executive Officer;***
- 2. Contracts and works awarded under delegated authority by a Director; and***
- 3. Works awarded under delegated authority by a Manager.***

PURPOSE AND BACKGROUND

In line with Council's approach to transparency and good governance, the Contracts and Works Awarded Under Delegation report will be tabled for information purposes at each Council Meeting. The report details any contracts and works that have been awarded under delegated authority by the Chief Executive Officer, a Director, or a Manager within their approved financial threshold. This report specifically relates to works that form part of Council's approved 2022/23 budget.

ISSUES, OPTIONS AND DISCUSSION

Any contract awarded under delegation is undertaken in line with Council's Procurement Policy. Through the *Instrument of Delegation to the Chief Executive Officer* the Council has delegated authority to the following:

- Chief Executive Officer – award a contract up to the value of \$150,000 for Goods and Services and \$200,000 for Works
- A Director – award a contract up to the value of \$50,000 for Goods and Services and \$50,000 for Works
- A Manager – award a contract up to the value of \$15,000 for Goods and Services and \$15,000 for Works.

9.3.3 Contracts and Works Awarded Under Delegation (cont.)**Contracts Awarded Under Delegated Authority by Chief Executive Officer**

Contract No.	CN 22/23-76
Contract Name	<i>Microwave Communication upgrade to Depot, and install Binney Street office</i>
Contract Details	Awarded under IT licence agreement provisions of Strathbogie Shire Procurement Policy. Upgrade to Depot office, install to Euroa lease office, annual service fee.
Value Including GST	\$25,718
Awarded to	Wave1 Microwave Link
Scheduled Commencement	15 March 2023
Scheduled Completion Date	14 March 2024

Contracts Awarded Under Delegated Authority by Director/s

Contract No.	CN 22/23-39
Contract Name	<i>Flood Damage Rectification - Remedial work to Drysdale Bridge – stage 1 and 2</i>
Contract Details	Awarded under emergency provisions of Strathbogie Shire Procurement Policy
Value Including GST	\$73,000
Awarded to	GHD Pty Ltd
Scheduled Commencement	1 March 2023
Scheduled Completion Date	30 June 2023

Contract No.	CN 22/23-32
Contract Name	<i>Flood Damage Rectification - Design and Preparation of Technical Specifications for Slip repairs</i>
Contract Details	Public Request for Tender Initial design – 30 days, second design - 14 days from development meeting.
Value Including GST	\$94,600
Awarded to	Chris Smith and Associates
Scheduled Commencement	6 March 2023
Scheduled Completion Date	21 April 2023

9.3.3 Contracts and Works Awarded Under Delegation (cont.)

Contracts Awarded Under Delegated Authority by Manager/s

Nil.

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

Where required, external stakeholders have been engaged providing input on relevant projects.

Community Implications

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

Conflict of Interest Declaration

All offices, and/or contracts 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 demonstrates that Council is being transparent by providing information to the community regarding the awarding of any works projects.

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 contracts awarded under delegation are projects that have formed part of Council's adopted 2022/23 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

Works awarded under delegation provide an opportunity to generate great economic benefit using local contractors and the purchasing of materials and supplies. In addition, the enhancement of infrastructure continues to make our municipality a place of destination, one where people choose to live, work and play.

9.3.3 Contracts and Works Awarded Under Delegation (cont.)

Social

Each project includes several social benefits to our community. Some of these benefits include infrastructure that encourages health and wellbeing activities and amenity improvements.

Environmental

The works will be undertaken in line with an approved scope of works and ensure that the site is made good upon completion of the works.

Climate Change

The author of this report considers that the recommendation has no significant implications on Climate Change and on the general environment.

HUMAN RIGHTS CONSIDERATIONS

This report considers that the recommendations do not limit any Human Rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

It is important that decisions and actions taken under delegation be properly documented and transparent in nature. The report details the publicly advertised tenders, invitations for written quotations and quotations provided using collaborative and/or third party contracts which have been awarded by the Chief Executive Officer, Directors and Managers under delegated authority of the Council during the period 1 February to 28 February 2023.

ATTACHMENTS

Nil.

9.4 CORPORATE

9.4.1 Strathbogie Shire Audit and Risk Committee – Confirmed Minutes of the Meeting held on 2 December 2022

Author and Responsible Director: Director, People & Governance

EXECUTIVE SUMMARY

This report presents the confirmed minutes of the 2 December 2022 for Council's consideration.

The items considered by the Committee at the meeting were as follows:

2 December 2022 -

- Audit and Risk Committee Appointments – Chair
- Audit and Risk Committee Annual Performance Report
- Appointment of Internal Auditor – Tender
- Goulburn Valley Regional Library Corporation Update and New Governance Model
- Councillors Expenses 2021-2022
- Audit and Risk Committee Charter Update
- Mid-Year Budget Review Update
- Electoral Representation Review
- Internal Audit Program Status Update and Industry Update
- Planning Department Audit
- Outstanding Internal Audit Items Update
- Policies Update
- Strategic Risk Register Management Update
- Audit Committee Work Plan
- Protective Data Security Plan (PDSP)
- Human Resources Key Strategic Indicators
- CEO Purchasing Card
- Item raised by Committee members.

The confirmed minutes from the above meeting are presented for Council's review and noting.

RECOMMENDATION

That Council receive and note the Confirmed Minutes of the Audit and Risk Committee meeting of 2 December 2022.

PURPOSE AND BACKGROUND

The Strathbogie Shire Council Audit and Risk Committee is a Committee appointed by Council and pursuant to section 53 of the *Local Government Act 2020*.

9.4.1 Strathbogie Shire Audit and Risk Committee – Confirmed Minutes of the Meeting held on 2 December 2022 (cont.)

The primary objective of the Audit and Risk Committee is to assist Council in the effective conduct of its responsibilities for compliance with Council policies and legislation, sound financial reporting and financial management, oversight of risk management including the Strategic Risk Register, good corporate governance, maintaining a reliable system of internal controls and facilitating the organization's ethical development.

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 independence of the Audit and Risk Committee ensures there is a 'watchdog' over Council operations at all times, which helps ensure the best interests of the municipal community are achieved through Council operations and decisions.

The advice received from the Committee influences strategic financial management, policy, risk management and good governance and decision making frameworks.

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 this matter is not required under Council's Community Engagement Policy given the operational nature of the committee and its operation under the Audit and Risk Committee Charter.

The Committee is comprised of four independent Community representatives and two Councillors (with one Councillor substitute representatives).

POLICY CONSIDERATIONS

Council Plans and Policies

The work of the Committee is consistent with Strategic Focus Area 6: Accountable. Transparent. Responsible, which outlines several strategies :

As a Council we will:

- *Achieve the highest level of good governance across the organization and as an elected Council*
- *Be accountable for the decisions we make and the quality of services we deliver*
- *Maximize 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 Audit and Risk Committee plays a key role in monitoring implementation of these strategies.

9.4.1 Strathbogie Shire Audit and Risk Committee – Confirmed Minutes of the Meeting held on 2 December 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.

The Audit and Risk Committee has been established under State government legislation, while its Workplan and Charter have been developed in accordance with State government guidelines.

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 Audit and Risk Committee has been constituted and established under sections 53 and 54 of the *Local Government Act 2020*, which requires all councils to appoint a Committee under a Charter.

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 appointment of an Audit and Risk Committee, along with noting the confirmed and unconfirmed minutes through this Council agenda at a public meeting, ensures transparency around the operation of the Committee and the issues that it is considering/monitoring.

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 independent overview of Council's financial management processes and performance is a key task undertaken by the Committee to ensure Council's ongoing financial sustainability.

An overview of the mid year review budget preparation process was provided to the Committee, along with a summary of the financial constraints and opportunities shaping the development of the review and the forthcoming 2023-24 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.

9.4.1 Strathbogie Shire Audit and Risk Committee – Confirmed Minutes of the Meeting held on 2 December 2022 (cont.)

The Strategic Risk Register outlines mitigation measures employed by Council to address climate change and also reflect the increasing risk of extreme weather events such as the October 2022 flood.

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 input of the Audit and Risk Committee into key governance and financial management tools such as the strategic risk register and policy reviews ensures continuous improvement is achieved across the organisation.

Service and value for money improvements are achieved through the internal and external audit process, the former of which is overseen by the Committee.

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 Committee endures collaboration with independent community members, internal auditors and external auditors appointed by the VAGO.

HUMAN RIGHTS CONSIDERATIONS

The Audit and Risk Committee's activities are consistent with the implementation of the Charter of Human Rights and Responsibilities Act 2006 in terms of its role in ensuring Council adheres to legislative requirements.

CONCLUSION

This report recommends the noting of the confirmed and unconfirmed minutes of recent Audit and Risk Committee meetings.

ATTACHMENTS

Attachment 1: Confirmed Minutes of Strathbogie Shire Council Audit and Risk Committee meeting held on 2 December 2022

9.4.2 Strathbogie Shire Council Audit and Risk Committee Charter

Author and Responsible Director: Director People and Governance

EXECUTIVE SUMMARY

As part of its Work Plan, Council's Audit and Risk Committee is required to review its Charter annually. The Charter was last adopted by Council in December 2021.

After a lengthy discussion at the Committee meeting, several amendments to the Charter have been recommended, which form the new draft Charter referred to Council for review and adoption.

In summary, the changes are:

- Clause 3
 - Insertion of an aim to increase gender diversity in the Committee's membership
 - Appointment of a third Councillor to be a substitute representative should any other Councillor representative be unable to attend to ensure quorums for all meetings
 - Requirement that the Mayor is to be one of the two permanent Councillor representatives to reflect the importance of the Committee's work
 - Insertion of a maximum 2 year consecutive term for Councillor representatives to provide an opportunity for all Councillors to participate in the Committee
 - Exemption of the Mayor from the two consecutive one year term provision for Councillor representatives
 - Update of Officer titles
 - Clarification that Councillor representatives will be appointed annually
- More emphasis be placed on regular training and development for Audit and Risk Committee members in clause 3.3
- Insertion of reference under Clause 4 to meetings, held at least annually, between the Audit and Risk Committee and Councillors to allow for the presentation of the Committee's Performance Reports
- Highlight oversight of emergency planning and recovery responses and periodic testing of these frameworks in clause 4.3.7
- Merger of Clauses 6 and 7 relating to reporting to avoid duplication
- Reference to the annual policy meeting and strategic planning meeting approved at the September Committee meeting (Clause 7.1)
- Clarification that the Director People and Governance review the minutes as well as the Chair (Clause 7.4)
- Updating of references to the Governance Rules (Clause 7.4)

Councillor representatives are required to be appointed by Council for the next twelve month period in accordance with the updated Charter; namely the Mayor and another Councillor as a permanent representative, with another Councillor nominated as a substitute should either permanent member be an apology for the meeting.

9.4.2 Strathbogie Shire Council Audit and Risk Committee Charter (cont.)

RECOMMENDATION

That Council:

1. ***Endorse changes to the Strathbogie Shire Council Audit and Risk Committee Charter as recommended by the Audit and Risk Committee as per the confirmed minutes of the 2 December 2022 Committee meeting.***
2. ***Makes the updated Charter available on a new Audit and Risk Committee page on the Shire's website, promoting its availability via its social media channels.***
3. ***Appoints Mayor Binks and Cr _____ as the permanent Councillor representatives, with Cr _____ as the substitute representative.***

PURPOSE AND BACKGROUND

The purpose of this report is to seek Council endorsement of amendments to the Audit and Risk Committee Charter (the Charter) in accordance with the minutes approved by the Audit and Risk Committee at its meeting on 3 March 2023.

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.

Having reviewed the Charter, the Audit and Risk Committee recommend changes around:

- Membership, with a focus on broader gender representation and Councillor rotation
- strengthening and streamlining clauses relating to reporting by the Committee to Council
- inclusion of decisions made in the past 12 months around holding dedicated strategic planning and policy meetings
- focusing on training and development for Committee members
- reflecting the decision made by Council and the Committee for at least an annual informal meeting.

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 is not considered necessary in respect of this matter given it is an internal Charter required to be prepared under the *Local Government Act 2020*.

9.4.2 Strathbogie Shire Council Audit and Risk Committee Charter (cont.)

POLICY CONSIDERATIONS

The Audit and Risk Committee Charter addresses the key objectives in the Council Plan 2021-25 as follows:

Strategic Focus Area 6 - Accountable.Transparent.Responsible

- *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*

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.

Amendments to the Charter have been made in light of the experiences in working as a Committee over the past 12 months.

LEGAL CONSIDERATIONS

Under the *Local Government Act 2020* Council is required to maintain an Audit and Risk Committee under section 53 of the Act. Section 54 requires Council to prepare and approve a Charter, which must specify the functions and responsibilities of the Committee, including to:

- (a) *monitor the compliance of Council policies and procedures with—*
 - (i) *the overarching governance principles; and*
 - (ii) *this Act and the regulations and any Ministerial directions;*
- (b) *monitor Council financial and performance reporting;*
- (c) *monitor and provide advice on risk management and fraud prevention systems and controls;*
- (d) *oversee internal and external audit functions.*

As part of its Charter, the Audit and Risk Committee is required to review the Charter annually.

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 Audit and Risk Committee provides oversight over Council's activities ensuring a high level of transparency.

9.4.2 Strathbogie Shire Council Audit and Risk Committee Charter (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 costs of operating the Audit and Risk Committee and the internal audit function are met from within existing budget allocations.

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.

An active Audit and Risk Committee assists in ensuring the sustainability of Council in a range of forms.

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.

By providing independent oversight Council's operations, the Audit and Risk Committee assists in achieving continuous improvement to Council's processes.

An annual review of the Charter also ensures that any learnings from the operation of the Committee over time are addressed so that the Committee operates as efficiently and effectively as possible.

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 with external bodies was not considered necessary on this occasion. The Audit and Risk Committee comprises Community and Councillor representatives therefore broad discussion is achieved in the context of reviewing the Charter.

HUMAN RIGHTS CONSIDERATIONS

This report does not limit any human rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

As part of its Work Plan, Council's Audit and Risk Committee is required to review its Charter annually. The Charter was reviewed at the Committee's meeting of 2 December 2022. As a result of the December 2022 review and robust discussion around its content, it is considered that the proposed amendments strengthen the Audit and Risk Committee Charter.

ATTACHMENTS

Attachment 1: Revised Strathbogie Shire Council Audit and Risk Committee Charter

9.5 GOVERNANCE AND CUSTOMER SERVICE

9.5.1 2021-25 Council Plan Actions Update – Half Year Progress Report

Author and Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

This report outlines the progress made with the implementation of the actions identified for delivery across the 2022-23 financial year.

The status of the actions has been assessed as at 31 December 2022 and therefore represents a six monthly update (Quarter 2) on the progress.

Of the 42 actions due for delivery this financial year, 32 are on track or ahead of where we expected to be mid year. Six (6) actions have been delayed and are under target, while a further four (4) actions are well behind schedule. These are:

- Completion of the Violet Town landfill rehabilitation, which was delayed by the October 2022 flood event
- Implementation of the Domestic Wastewater Management Plan, which has not commenced as only partial funding has been approved and the Plan expired in 2020
- The development of an Information Technology Strategy, which is behind target due to delays in the commencement of the Regional Digital Transformation Project, delays in the finalisation of a state strategy that we must align with and slower than expected progress in the alignment of the strategies of the four participating councils
- Delays in the completion of an audit of Council's property portfolio due to staff being focussed onto flood recovery and repairs.

Overall, progress against the Council Plan is tracking well over the first six months of the financial year, with about 80 per cent of actions on track or ahead of target.

RECOMMENDATION

That:

- 1. Council receive and note the December 2022 update on the progress of implementation of the actions identified for delivery during the 2022-23 financial year from the 2021-25 Council Plan.***
- 2. The summary of progress in implementing actions be made available to the public via the shire's website and social media platforms.***

PURPOSE AND BACKGROUND

Council adopted its 2022 update of the 2021-25 Council Plan in June 2022. The update identified the actions to be delivered during the new financial year.

The purpose of this report is to track progress against these actions.

9.5.1 2021-25 Council Plan Actions Update – Half Year Progress Report (cont.)

A quarterly report was not provided as staff were focussed on the emergency response and recovery to the October 2022 flood event. A six monthly update is therefore being provided.

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.

Seventy six percent (76%) of actions are on track in terms of where the organisation expected to be at the start of the financial year. This is a pleasing result, particularly in light of the ongoing disruption the October 2022 flood event has had on the Shire and its community.

Ten actions are behind schedule, although some of these are well behind schedule, mostly due to factors beyond the organisation's control.

The focus of the Executive Leadership Team, Management Group and staff continues to be the achievement of the Community Vision through the implementation of Council Plan actions, however it must be acknowledged that this is an ongoing challenge due to resource constraints and long term response to the October 2022 flood.

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.

A significant amount of community engagement was undertaken in the formulation of the Council Plan, with the Community Vision being solely the work of the Community Panel (that is, the vision was not amended by Council).

It is important to provide ongoing progress reports to the community around the tracking of Council Plan actions to 'close the loop' on their involvement and to assure the community that significant progress is being made to achieve their stated goals and priorities.

POLICY CONSIDERATIONS

Council Plans and Policies

This report outlines how the organisation is progressing against the delivery of the 2022-23 actions (Year 2) of the Council Plan.

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.

Many of the actions in the Council Plan align with State, Federal and regional policies and priorities.

9.5.1 2021-25 Council Plan Actions Update – Half Year Progress Report (cont.)

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 implications or matters arising from this report.

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 provision of progress reports to the community and Council as to how the organisation is progressing with the implementation of the Council Plan is an essential part of achieving public transparency and ensuring those who provided input into the plan's development are kept updated on the work being undertaken on their behalf.

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.

Delivery of the Council Plan forms the basis of our annual budget, Long Term Financial Plan and 10 year Capital Works Plan. The integration of these strategic documents helps ensure the Shire's ongoing financial sustainability.

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 numerous actions underway, as can be seen in Attachment 1, that deliver on social, economic, sustainability and climate change benefits.

Some of these include:

- Working with the Taungurung Land and Waters Council to implement the Memorandum of Understanding Council has with them
- Replacing the Advisory Committee structure with an exciting new Community Panel model to ensure dynamic and meaningful engagement between Council and the community
- Work on the delivery of community services such as bus services, re-establishment of the Youth Services Network and preparation of a playground strategy

9.5.1 2021-25 Council Plan Actions Update – Half Year Progress Report (cont.)

- Development of a Health and Wellbeing Action Plan, funding for Activism Against Gender Based Violence and anti-ageism campaigns
- Consultation completed to inform an Economic Development Strategy
- Completion of consultation on the Strathbogie Planning Scheme Review.

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.

Regular reporting of our progress on the Council Plan actions is a way in which the organisation tracks its performance and continuously reviews work priorities and resource management.

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.

Many of the projects in the Council Plan require collaboration, engagement and partnerships with the community, other levels of government and other agencies such as the Taungurung Land and Waters Council.

HUMAN RIGHTS CONSIDERATIONS

The delivery of several actions in the Council Plan, particularly those around social justice, gender equity and economic development support the achievement of the substantive rights outlined in the *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

Pleasant progress is being made to deliver the 2022-23 Council Plan actions, despite the ongoing challenge of the recovery from the October 2022 flood event.

ATTACHMENTS

Attachment 1: Council Plan Action Update Actions for Delivery 2022-23

9.5.2 Strathbogie Shire Council Councillor/Staff Interaction Policy

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

Interaction between the Councillors, Chief Executive Officer (CEO) and Council staff is critical to achieve a high performing and functioning Council. This ensures that the Councillors are provided with timely and accurate information to enable good decision making when representing the interests of the community.

To obtain the appropriate information in a timely manner, the Councillors are required to communicate with not only the CEO, but members of the Council Executive as well.

In communicating with Council staff, Councillors must maintain compliance with the provisions of the Local Government Act 2020 (the Act), particularly with regards to sections 123 and 124 of the Act. The draft Strathbogie Shire Council Councillor/Staff Interaction Policy (the policy) provides guidance to both Councillors and members of Council staff in appropriate communication and interaction to allow for performance of their duties as established by the Act.

RECOMMENDATION

That Council adopt the draft Strathbogie Shire Councillor/Staff Interaction Policy and note the policy review date of March 2025 (or earlier as required).

PURPOSE AND BACKGROUND

The Councillor/Staff Interaction Policy (the Policy) is pursuant to section 46(3)(c) of the Local Government Act 2020 (the Act) that states that the Chief Executive Officer (CEO) is responsible for managing interactions between members of Council staff and Councillors.

This includes ensuring that policies, practices and protocols are in place to support arrangements for interaction between members of Council staff and Councillors.

This policy provides guidance and support for Council staff and Councillors in the performance of their duties as established by the Act.

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 provides the guidance and clarity required by Councillors when needing to interact with Council staff and clarifies the separation of responsibilities between Councillors and staff. Furthermore, the Policy outlines the key staff Councillors may contact dependent upon subject matter and reiterates the provisions of the Act that Councillors are prohibited from improperly directing or seeking to influence Council staff.

9.5.2 Strathbogie Shire Council Councillor/Staff Interaction Policy (cont.)

The Policy objectives are to:

- acknowledge and recognise the respective roles and responsibilities of Councillors and council staff, in particular the CEO, in accordance with the Councillor Code of Conduct,
- support and assist Councillors and Council staff in respecting the roles and responsibilities of others within Council,
- maintain efficient, effective and transparent decision making and good governance arrangements,
- support compliance with the provisions of the Local Government Act 2020, particularly with regards to compliance with Section 123(3)(c) of the Act relating to misuse of position including directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff and section 124, which states that a Councillor must not intentionally direct, or seek to direct, a member of Council staff,
- recognise the responsibilities of the Council in ensuring that it meets the responsibilities of the Occupational Health and Safety Act 2004 and the Equal Opportunity Act 2010 to protect people from risks to their health and safety including harassment, bullying, violence and discrimination, and
- ensure contact with Council staff will be in accordance with the protocols supporting this 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.

Given that this is an internal policy, no community consultation is required. If adopted, officers will ensure that the policy is disseminated to all Council staff and that all policy parameters explained to them to ensure that there is no inappropriate communication between Council staff and Councillors.

POLICY CONSIDERATIONS

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

- Strategic focus area 6: Accountable. Transparent. Responsible.
As a Council we will achieve the highest level of good governance across the organisation and as an elected Council.

Other related Council policy documents include:

- Mutual Respect Charter,
- Councillor Code of Conduct,
- Staff Code of Conduct CEO Directive, and
- Governance Rules

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.

9.5.2 Strathbogie Shire Council Councillor/Staff Interaction Policy (cont.)

The following legislation has been considered and has informed the development of this policy:

- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Public Interest Disclosure Act 2012
- Freedom of Information Act 1982
- Occupational Health and Safety Act 2004
- Equal Opportunity Act 2010
- The Charter of Human Rights and Responsibilities Act 2006
- Domestic Animals Act 1994,
- Environment Protection Act 1970,
- Food Act 2010, Health Act 1958,
- Planning and Environment Act 1987,
- Road Safety Act 1986.

The policy provides guidance and clarity required by Councillors when needing to interact with Council staff and clarifies the separation of responsibilities between Councillors and staff thereby ensuring good governance practice.

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 author of this report and officers 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.

To ensure transparency, the subject of this report is to be considered in an open Council meeting which the public may attend and is publicly streamed for all to view.

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 or the Strathbogie Shire Council Councillor/Staff Interaction Policy.

9.5.2 Strathbogie Shire Council Councillor/Staff Interaction 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.

This policy will ensure that Councillors have access to appropriate and sufficient communication with Council staff to ensure that they have the information required to inform their decision making, while at the same time establishing appropriate protocols to reduce the likelihood of a Councillor breaching sections 123 or 124 of the Act.

HUMAN RIGHTS CONSIDERATIONS

The policy complies with the Human Rights and Responsibilities contained in the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

It is proposed that the draft Strathbogie Shire Councillor/Staff Interaction Policy will support positive and appropriate interactions between Councillors and Council staff. Furthermore, this Policy outlines how Councillors can access the information they need to perform their role in a timely manner and through the appropriate channels.

The policy complements the Councillor and Staff Codes of Conduct, the Mutual Respect Charter and supports compliance with the Local Government Act 2020.

ATTACHMENTS

Attachment 1: Draft Strathbogie Shire Council Councillor/Staff Interaction Policy

9.5.3 Monthly Performance Report

The March 2023 Monthly Performance Report includes reports as follows:-

- Building Department – February 2023 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – February 2023
- Customer Enquiry Analysis Report – Report for February 2023
- Waste Management Reporting ~ Year to Date – February 2023
- Transfer Station Data - February 2023
- Actioning of Council Reports Resolutions – Council Meeting Tuesday 21 February, 2023, and Extraordinary Council Meeting Tuesday 28 February 2023
- Outstanding Actions of Council Resolutions to 28 February, 2023
- Review of Council Policies and Adoption of new Policies – February 2023
- Records of Informal Council Briefings / Meetings – 1 to 28 February 2023

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.

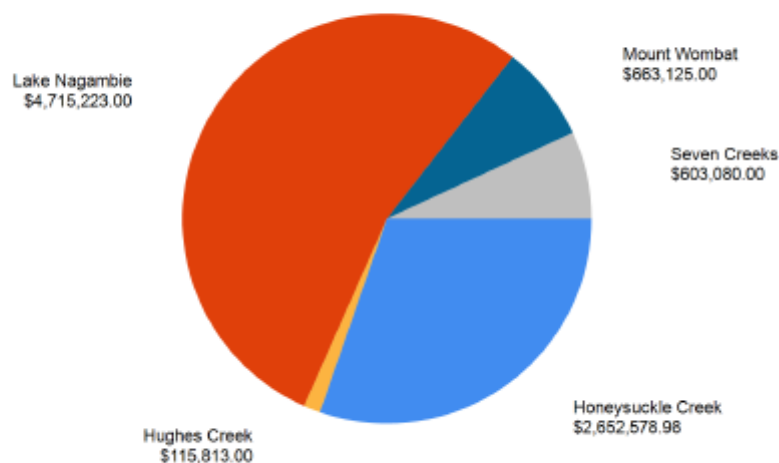
RECOMMENDATION

That the report be noted.

BUILDING ACTIVITY**FEBRUARY 2023****Building Activity**

A report on new building permits recorded in Council's building permit register in February 2023

Ward	Number of Lodgements	Cost Of Works
Honeysuckle Creek	5	\$2,652,578.98
Hughes Creek	4	\$115,813.00
Lake Nagambie	8	\$4,715,223.00
Mount Wombat	4	\$663,125.00
Seven Creeks	2	\$603,080.00
	23	\$8,749,819.98

**Honeysuckle Creek**

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
2669603765657	01/02/2023	Alterations & Additions to	Health Care Building	Violet Town	\$1,610,500.00
5461147735650	07/02/2023	Completion of	Dwelling	Violet Town	\$140,000.00
2051892326524	09/02/2023	Construction of	Dwelling	Tamleugh	\$380,450.00
8939569496074	09/02/2023	Construction of	Swimming Pool and Enclosure	Balmattum	\$62,556.98
6111705615525	28/02/2023	Construction of	Dwelling, Alfresco & Garage	Violet Town	\$459,072.00
					\$2,652,578.98

Hughes Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
9532897522310	09/02/2023	Construction of	Garage	Avenel	\$14,655.00
7487710104997	17/02/2023	Construction of	Shed	Avenel	\$25,000.00
2221568131173	22/02/2023	Construction of	Shed	Avenel	\$15,935.00
7459115514104	17/02/2023	Construction of	Farm Shed	Avenel	\$60,223.00
					\$115,813.00

Lake Nagambie

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
4258962566696	08/02/2023	Construction of	Shed	Nagambie	\$40,101.00
7301262818113	13/02/2023	Construction of	Shed	Nagambie	\$15,738.00
7603213173954	06/02/2023	Construction of	Shed	Nagambie	\$8,370.00
5442774496758	03/02/2023	Construction of	Dwelling & Garage	Nagambie	\$320,045.00
2032084386344	14/02/2023	Construction of	Verandah	Nagambie	\$11,607.00
4607450080941	14/02/2023	Construction of	Dwelling & Garage	Nagambie	\$281,362.00
9533575122274	19/02/2023	Construction of	Dwelling & Garage	Nagambie	\$4,000,000.00
8767594955769	15/02/2023	Construction of	Garage	Nagambie	\$38,000.00
					\$4,715,223.00

Mount Wombat

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
2701680897704	06/02/2023	Construction of	Farm Storage	Strathbogie	\$95,125.00
7250919328505	20/02/2023	Construction of	Dwelling & Garage	Euroa	\$450,000.00
8752898112040	14/02/2023	Extension to	Dwelling	Gooram	\$100,000.00
6779332703476	22/02/2023	Restump of	Dwelling	Sheans Creek	\$18,000.00
					\$663,125.00

Seven Creeks

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
7948813660179	03/02/2023	Construction of	Dwelling, Alfresco & Garage	Euroa	\$574,780.00
2456928696231	24/02/2023	Restump of	Dwelling	Euroa	\$28,300.00
					\$603,080.00

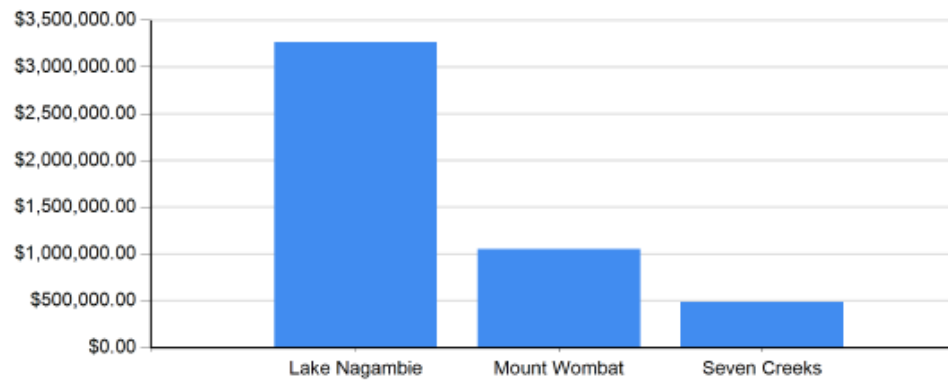
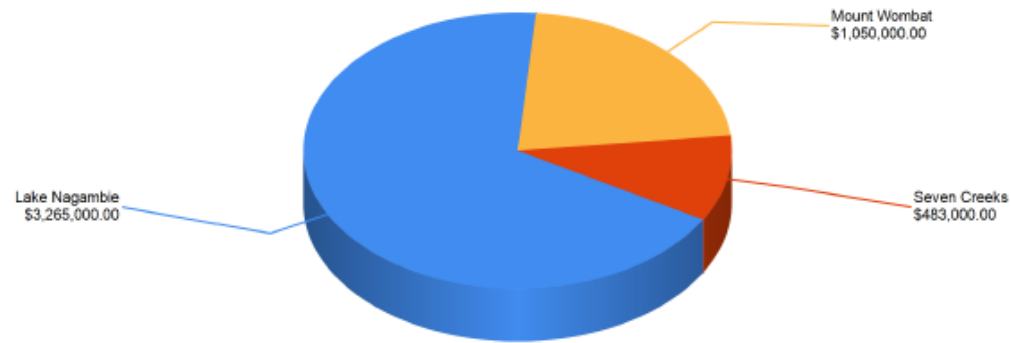
PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL IMPROVED VALUE)
FEBRUARY 2023



Planning Applications Determined

February 2023

Lake Nagambie	\$3,265,000.00
Mitchellstown	\$3,000,000.00
Nagambie	\$150,000.00
Tabilk	\$115,000.00
Mount Wombat	\$1,050,000.00
Strathbogie	\$450,000.00
Strathbogie	\$600,000.00
Seven Creeks	\$483,000.00
Euroa	\$33,000.00
Miepoll	\$450,000.00
Total Value	\$4,798,000.00






CUSTOMER ENQUIRY ANALYSIS REPORT - REPORT FOR FEBRUARY 2023



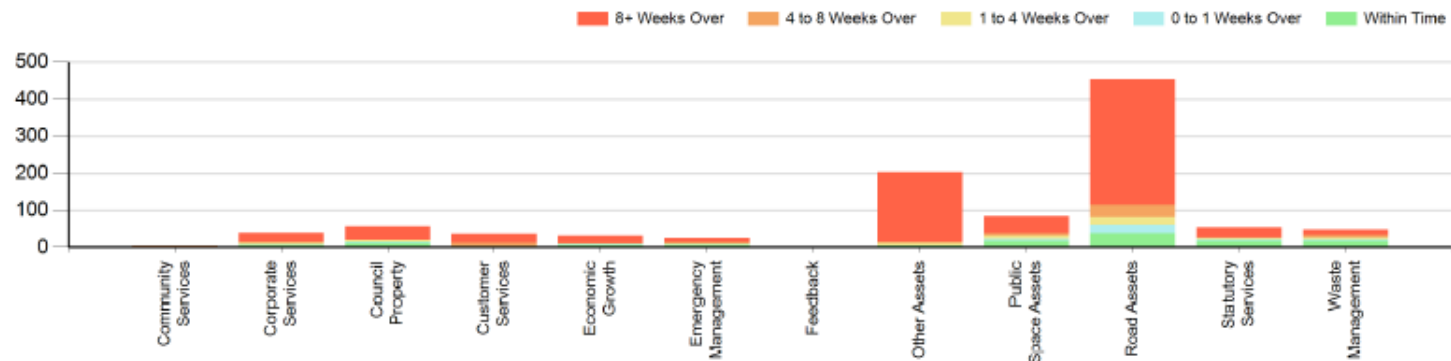
Request Throughput Analysis

01/02/2023 to 28/02/2023

				
$\frac{Q}{N}$	Complete / New	> 80%	50-80%	< 50%
$\frac{Q}{R}$	Overdue / Remaining	< 33%	34-70%	> 70%

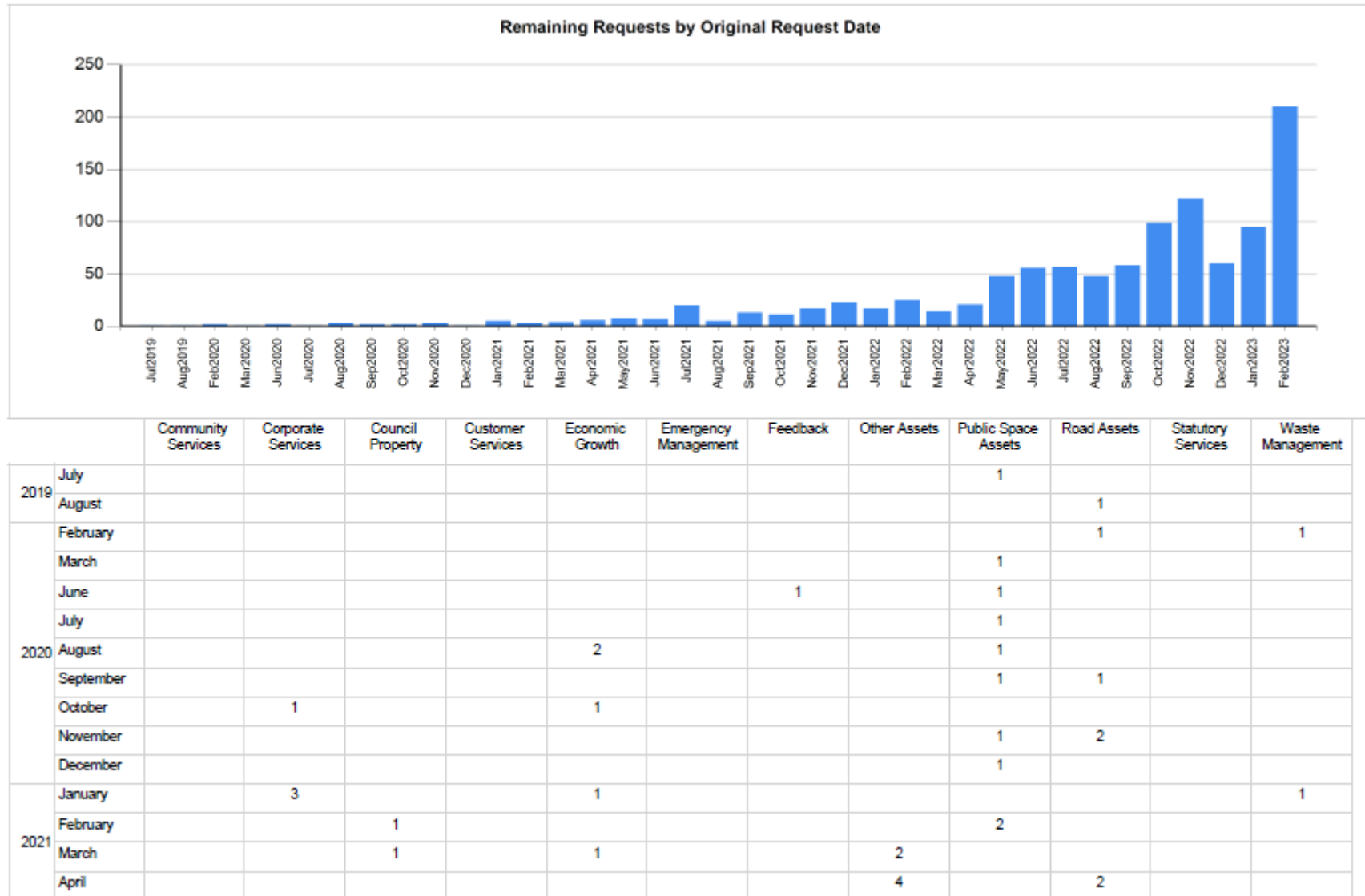
Service Area	Existing Requests	New Requests	Completed Requests	Remaining Requests	C/N	Within Time	Over Time	O/R	Pending Resources	Service Area Usage
Community Services	14	20	29	5	🟢	3	2	🟡	0	
Corporate Services	58	97	115	40	🟢	6	34	🔴	0	
Council Property	55	59	55	59	🟢	12	46	🔴	0	
Customer Services	76	3	42	37	🟢	0	37	🔴	0	
Economic Growth	34	179	180	33	🟢	6	27	🔴	0	
Emergency Management	44	50	69	25	🟢	6	19	🔴	0	
Feedback	6	0	4	2	🟢	0	2	🔴	0	
Other Assets	222	23	42	203	🟢	4	199	🔴	0	
Public Space Assets	107	57	57	85	🟢	18	67	🔴	22	
Road Assets	469	119	134	454	🟢	38	416	🔴	0	
Statutory Services	52	102	97	57	🟢	18	38	🟡	0	
Waste Management	46	62	59	49	🟢	18	31	🟡	0	
Total	1183	771	883	1049		129	918		22	

Request Ageing



Service Usage





2021	May								3		5		
	June			1					3	2	1		
	July								11		9		
	August		1							1	3		
	September			1	1	1			2	4	4		
	October			2					1	4	4		
	November			1					3	3	10		
	December			1			1		6	2	13		
2022	January		5	1					1	5	5		
	February			1					5	5	14		
	March			1			1		3	3	6		
	April			1					11		9		
	May		4	1					21	2	17	2	1
	June		1	1					13	3	37	1	
	July	1		6	1	1	1		4	2	39	1	1
	August			3	5	2	2		17	2	13	4	
	September		1	2	4	1		1	18	7	21	3	
	October		6	1	6	4	5		31	4	37	4	1
	November		1	7	6	5			26	6	58	5	8
	December		2	3	2	2	1		6	1	33	7	3
2023	January	1	3	4	12	3	7		3	11	37	4	10
	February	3	12	19		9	7		9	30	72	26	23
Total		5	40	59	37	33	25	2	203	107	454	57	49

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.

$\frac{C}{N}$ Complete / New   
> 80% 50-80% < 50%




Service Activities that provide value to the customer

Remaining Requests incomplete at end of reporting period

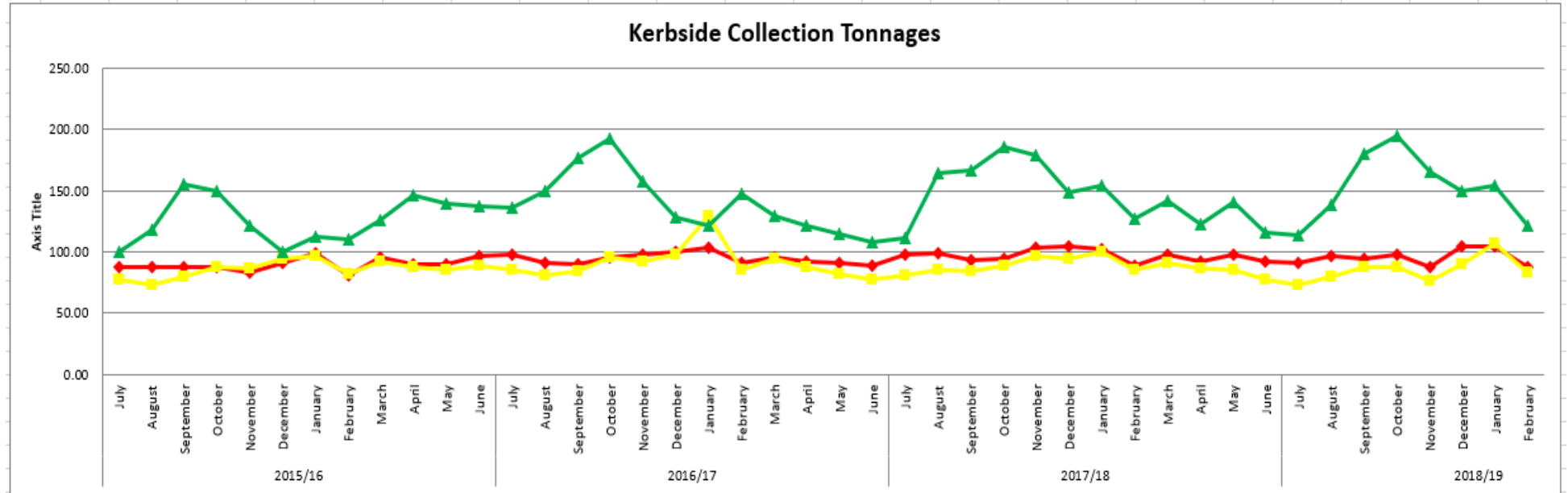
Completed Requests completed during reporting period

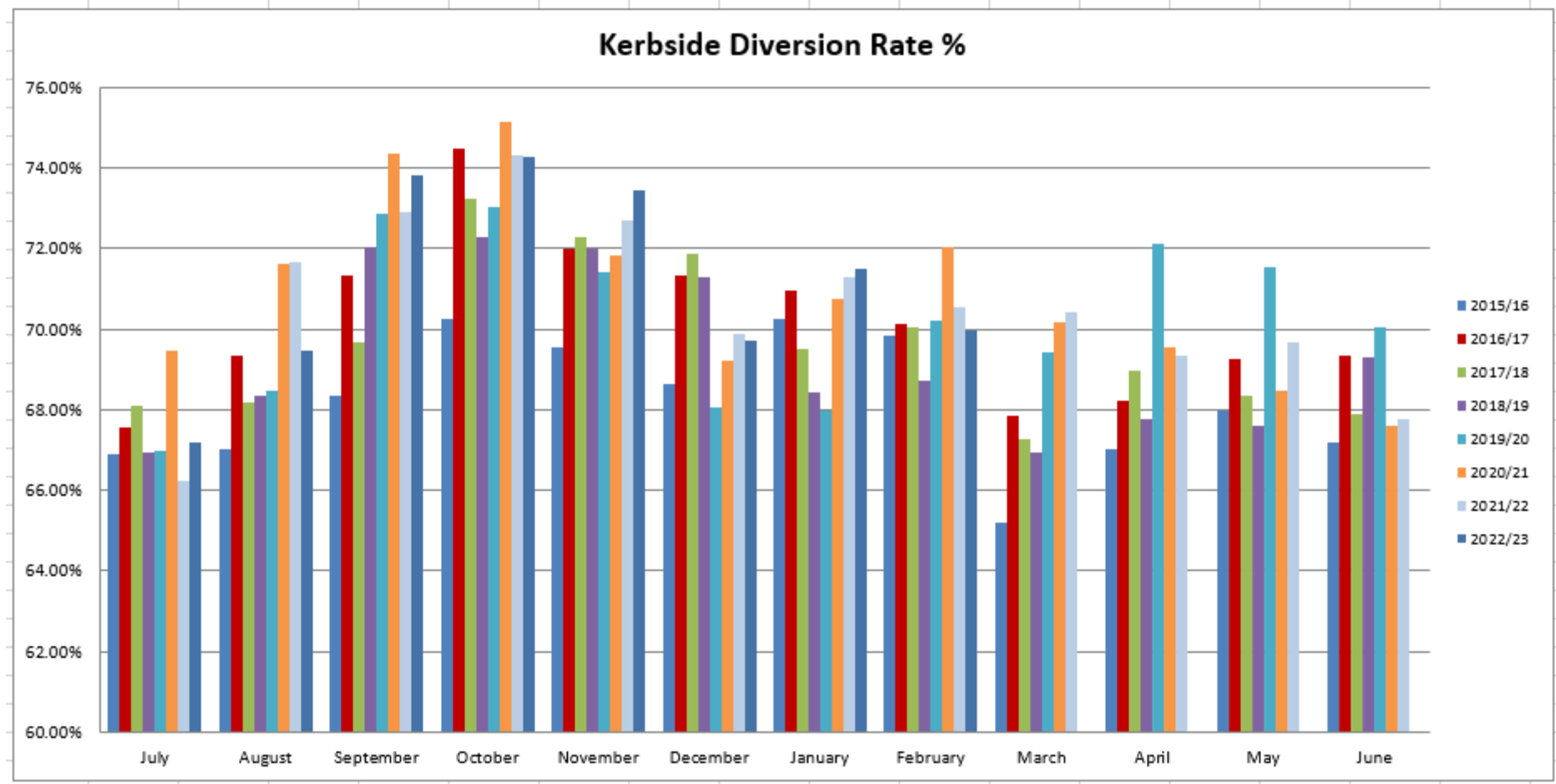
Over Time Remaining Requests where defined deadline is before the end of the reporting period

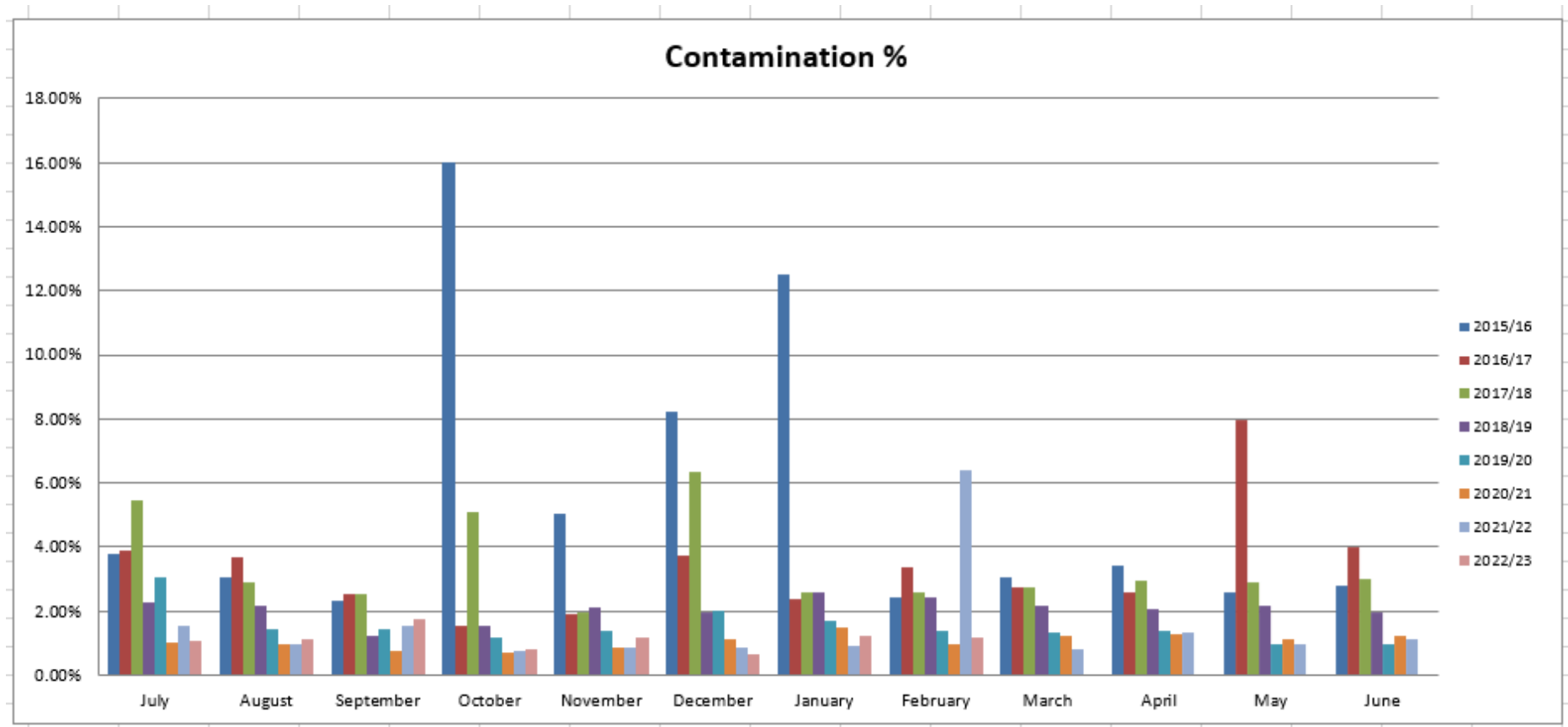
Overdue
Remaining An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.

$\frac{O}{R}$ Overdue / Remaining   
< 33% 34-70% > 70%

WASTE MANAGEMENT REPORTING
YEAR TO DATE - FEBRUARY 2023



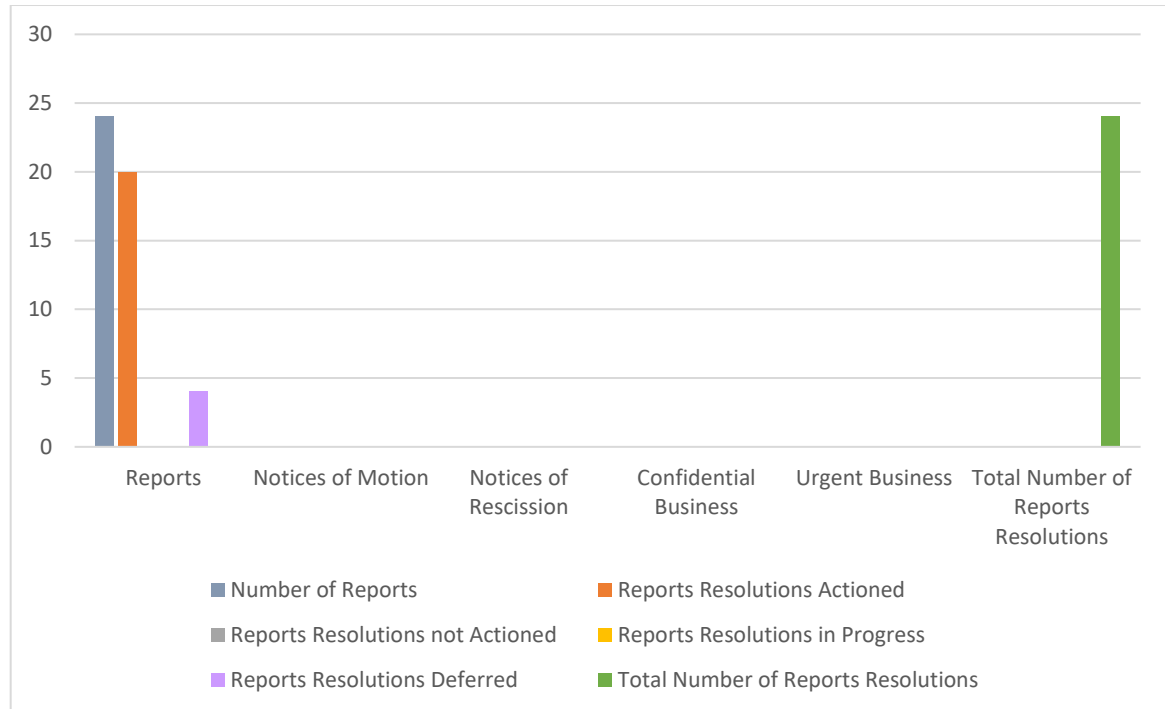




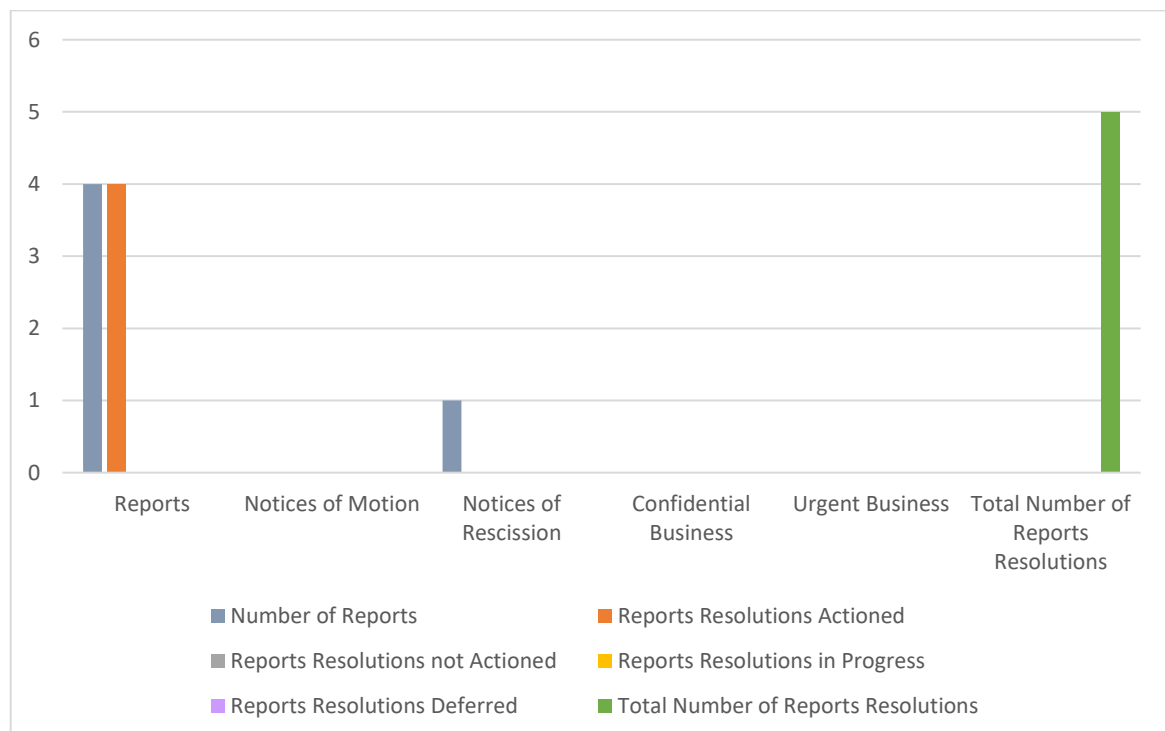
TRANSFER STATION DATA – FEBRUARY 2023



ACTIONING OF COUNCIL REPORTS RESOLUTIONS
COUNCIL MEETING – TUESDAY, FEBRUARY 21, 2023



ACTIONING OF COUNCIL REPORTS RESOLUTIONS
EXTRAORDINARY COUNCIL MEETING – TUESDAY, FEBRUARY 28, 2023



**OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO
FEBRUARY 28, 2023**

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
Nil		

**REVIEW OF EXISTING COUNCIL POLICIES
AND ADOPTION OF NEW POLICIES**

Review of Policy / New Policy	Policy Name	Details
New Policy	Community Flag Flying Policy and Procedures	Refer to Item 9.2.3
Review of Policy	Strathbogie Shire Council Councillor/Staff Interaction	Refer to Item 9.5.2

RECORDS OF INFORMAL COUNCIL BRIEFINGS / MEETINGS
FOR PERIOD 1 TO 28 FEBRUARY 2023

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 7 February 2023

Time: 9.00 am – 4.00 pm

Attendees:

Councillors

Cr Laura Binks (Mayor)
Paul Murray (Deputy Mayor)
David Andrews
Reg Dickinson
Sally Hayes-Burke
Kristy Hourigan
Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)
Amanda Tingay (Director, Community and Planning)
Dawn Bray (Director, People and Performance)
Vlad Adamek (Director, Sustainable Infrastructure)
Kristin Favaloro (Executive Manager, Communications and Engagement)
Molly Odgers (Environment and Waste Co-Ordinator [Item 2])
Planning Officers [Items 4 & 5]
Upul Sathurusinghe (Chief Financial Officer) [Items 8 & 9]

1. Councillors Discussions
2. Kerbside Collaborative Procurement Tender
3. ARTC Update
4. Briefing on Planning Application for February 2023 Council meeting
5. Planning Scheme Review
6. Electoral Structure Review
7. MAV State Council – Friday 19 May 2023
8. Mid-Year Budget Review
9. Flood Recovery Work and Costs

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 Officer/s who disclosed interest	Did the Officer/s leave the meeting?
Item 2	127	Cr Binks	No

Officer/s -

Matter No.	LGA 2020 Interest Section	Names of Officer/s who disclosed interest	Did the Officer/s leave the meeting?
Item 4	128	Director Community and Planning	Yes (left at 10.45 am / returned at 11.15 am)

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 14 February 2023

Time: 9.00 am – 3.15 pm

Attendees:

Councillors

Cr Laura Binks (Mayor) *(unable to attend meetings after 12.00 pm)*

Paul Murray (Deputy Mayor)

David Andrews *(apology for morning meetings)*

Reg Dickinson *(apology for morning meetings)*

Sally Hayes-Burke

Kristy Hourigan

Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)

Amanda Tingay (Director, Community and Planning)

Dawn Bray (Director, People and Performance)

Vlad Adamek (Director, Sustainable Infrastructure)

Kristin Favaloro (Executive Manager, Communications and Engagement)

1. Councillors Discussions
2. NBN Local Presentation
3. Victorian Electoral Commission Electoral Structure Review
4. Flood Update on Community Infrastructure
5. Review of draft February 2023 Council Meeting Agenda/Confidential Appendices

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 Officer/s who disclosed interest	Did the Officer/s leave the meeting?
Item 5 / 9.2.2	128	Cr Hourigan	Yes <i>(left at 2.00 pm / returned at 2.05 pm)</i>
Item 5 / 9.3.2	128	Cr Murray	Yes <i>(left meeting at 2.35 pm / returned at 2.45 pm)</i>

Officer/s -

Matter No.	LGA 2020 Interest Section	Names of Officer/s who disclosed interest	Did the Officer/s leave the meeting?
Item 5 / 9.1.1	128	Director Community and Planning	Yes (left at 1.15 pm / returned at 1.30 pm)
Item 5 / 9.3.2	128	Chief Executive Officer	Yes (left at 2.35 pm / returned at 2.45 pm)

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 21 February 2023

Time: 6.00 pm – 9.18 pm

Attendees:

Councillors

Cr Laura Binks (Mayor)
Paul Murray (Deputy Mayor)
David Andrews
Reg Dickinson
Kristy Hourigan
Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)
Amanda Tingay (Director, Community and Planning)
Dawn Bray (Director, People and Performance)
Vlad Adamek (Director, Sustainable Infrastructure)
Kristin Favaloro (Executive Manager, Communications and Engagement)
Braydon Aitken (Manager, Planning and Investment) *[part Item 1]*

Apologies:

Cr Sally Hayes-Burke

1. February 2023 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 Officer/s who disclosed interest	Did the Officer/s leave the meeting?
Item 1 / 9.4.5	127	Cr Binks	No
Item 1 / 9.2.2	128	Cr Hourigan	Yes (left at 7.39 pm / returned at 7.43 pm)
Item 1 / 9.3.1	127	Cr Hourigan	No
Item 1 / 9.3.2	128	Cr Murray	Yes (left meeting at 8.20 pm / returned at 8.27 pm)

Officer/s -

Matter No.	LGA 2020 Interest Section	Names of Officer/s who disclosed interest	Did the Officer/s leave the meeting?
Item 1 / 9.1.1	128	Director Community and Planning	Yes (left at 6.32 pm / returned at 7.36 pm)
Item 1 / 9.3.2	128	Chief Executive Officer	Yes (left at 8.20 pm / returned at 8.27 pm)

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 28 February 2023

Time: 11.15 am – 6.30 pm

Attendees:

Councillors

Cr Laura Binks (Mayor)
David Andrews
Cr Sally Hayes-Burke
Kristy Hourigan
Chris Raeburn

Officers

Julie Salomon (Chief Executive Officer)
Amanda Tingay (Director, Community and Planning)
Dawn Bray (Director, People and Performance)
Vlad Adamek (Director, Sustainable Infrastructure)
Kristin Favaloro (Executive Manager, Communications and Engagement)
Upul Sathurusinghe (Chief Financial Officer) *[part Item 5]*

Apologies:

Cr Paul Murray (Deputy Mayor)
Cr Reg Dickinson

1. Budget Discussions
2. Citizenship Ceremonies
3. Councillors and Audit and Risk Committee Independent Community Members
4. Councillor Discussion Time
5. Extraordinary 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 Officer/s who disclosed interest	Did the Officer/s leave the meeting?
Item 5 / 6.1	127	Cr Hourigan	No

Officer/s - NIL

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. 22/23-065:
Supply and Install Nagambie Recreation Reserve Lighting
- C.A. 2 (g) Tender Evaluation for Contract No. 2/23-67:
Provision of Tree Maintenance, Arboriculture,
Professional Arborist – Schedules of Rates Contract

NEXT MEETING

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, April 18, 2023, at the Euroa Community Conference Centre, at 6pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT..... P.M.