

Strathbogie Shire Council

Extraordinary Council Meeting Agenda

April 11, 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

Extraordinary Council Meeting

Tuesday, April 11, 2023, at 6pm

Meeting to be held at the Nagambie Lakes Regatta 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 David Andrews (Lake Nagambie Ward)
Cr Reg Dickinson (Lake Nagambie Ward)
Cr Sally Hayes-Burke (Seven Creeks Ward)
Cr Kristy Hourigan (Seven Creeks Ward)
Cr Chris Raeburn (Honeysuckle Creek Ward)

Officers:

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

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Julie Salomon
CHIEF EXECUTIVE OFFICER

March 31, 2023

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5. OFFICER REPORTS

5.3 INFRASTRUCTURE

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie

Author: Senior Project Officer - Project Delivery

Responsible Director: Acting Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Weir Road and Reedy Lake Road Upgrade – Nagambie project formed part of Council's 2022/23 Capital Works Program.

At the August 2022 Council Meeting, Council resolved to award Contract No 22/23-01 for Weir Road and Reedy Lake Road Upgrade – Nagambie to Seven Creeks Excavations Pty Ltd, after emerging as the successful tenderer following a competitive tender process. The lumpsum contract was awarded to the contractor for a total sum of \$738,070.

The project was scheduled to commence in October 2022; however, was delayed due to the incessant rains and following major flood event which resulted in the isolation of the Kirwan's Bridge community.

After informal discussions with Council, Officers took the opportunity to learn from this flood event and review the design of Weir Road and Reedy Lake Road to try and minimise the possibility of this road being impassable in any future flood. After further consultation, a revised design was completed with a recommendation to alter the pavement layers to lift sections of the road.

After negotiations with the existing Contractor, the altered design specifications would require the approval of a revised contract price (after negotiation) of \$1,822,870.08 (inclusive of GST) representing a \$1,084,800.08 or 147% increase to the original contract amount.

There are four courses of action that Council could take at this juncture:

- Option 1 – deliver the project as originally scoped using the existing contract, with construction commencing in April 2023 and continuing during winter where there are heightened risks of short and long term pavement failure due to inclement weather/cool conditions
- Option 2 – increase the design specifications to raise the road pavement height to above flood level and approve an exception to our Procurement Policy to vary the existing contract by more than 20%, with works commencing in April 2023 and continuing during winter where there are heightened risks of short and long term pavement failure due to inclement weather/cool conditions
- Option 3 - increase the design specifications to raise the road pavement height to above flood level and approve an exception to our Procurement Policy to vary the existing contract by more than 20%, with works commencing in September 2023 when weather conditions are more conducive to road construction

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (cont.)

- Option 4 – cancel the existing contract, pay compensation to the existing contractor (which may be the full contract price) and retender the project at the new specification levels, with construction commencing in late 2023.

Each of these four options have pros and cons; some with significant potential adverse impacts on Council and the community.

With the window for ideal weather for road building being over by the end of March, it is recommended to commence the works in September 2023 and be completed by December 2023. Delaying the commencement of works will overcome any further need for cost variations due to damage to works caused by inclement weather.

On balance, it is recommended that Option 3 – approving an exception to the Procurement Policy and approving a variation to the contract to allow for the improved design specification but delaying commencement to the project until September 2023 is considered the best course of action.

However, there is strong community sentiment and expectation that the road is sealed prior to the winter months. A meeting of the Kirwans Bridge Community Panel was held on 28 March 2023, during which feedback on the timing of this project was discussed, along with options for additional grading and watering of the road should the project be deferred until Spring.

Should Council decide to defer construction until September 2023, Council's Operations team will continue to monitor the condition of Weir Road and allocate resources to grading the road once a fortnight if required. The regularity of grading will be informed by regular inspections by Operations staff and will be dependent on weather conditions over the winter period.

There are two options to enable regular grading to occur; Option 1 is to take a grader out of rotation and allocate it solely to Weir Road, which would cost around \$2,830. Option 2 is to hire an additional grader to allocate to Weir Road at a cost of \$105,709 incl GST for a five (5) month period. It is considered that there would be an adverse impact on other communities given that taking an existing grader out of rotation would delay the scheduled grading program across the broader locality, therefore Option 2 is recommended as the preferred course of action. This additional budget allocation needs to be made as part of the additional funding package for this project.

It is recognised that this is a difficult decision to make given the complexity of issues and competing interests, however it is considered that taking a longer term, sustainable view of the project will result in reduced interruptions and safety impacts for the community, along with better long term value for money outcomes for Council.

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (cont.)

RECOMMENDATION

That Council:

1. ***Endorse the course of action of Option 3 – to increase the design specifications to raise the road pavement height to above flood level, approve an exception to our Procurement Policy to vary the existing contract by more than 20%, and works to commence in September 2023 when weather conditions are more conducive to road construction;***
2. ***Approve the contract variation of \$1,084,800.08, increasing the overall value of Contract No 22-23-01 Weir Road and Reedy Lake Road Upgrade – Nagambie, to \$1,822,870.08 inclusive of GST;***
3. ***Approve the carry forward of the budget allocated to this project in the 2022-23 financial year to the 2023-24 financial year, while providing an additional budget allocation within the 2023-24 capital works program to cover this variation;***
4. ***Note that construction will commence September 2023 with an anticipated completion by December 2023 to minimise the risk of further project escalations;***
5. ***Note the exception to best practice in terms of variations under Council's Procurement Policy in the 2022-23 Annual Report; and***
6. ***Note that an additional operational expenditure allocation of \$105,709 inc GST is required to be made by Council as part of the project cost to hire a grader to be stationed at Weir Road to provide for fortnightly grading until the roadworks commence in the Spring in line with the request from local residents.***

PURPOSE AND BACKGROUND

This project supports a strategic alternative freight/commuter/tourist route, capacity upgrade and improved pavement quality along Weir and Reedy Lake Roads Nagambie, especially when utilised as a detour when Kirwans Bridge is closed.

The project will upgrade a 2.7 kilometre unsealed gravel section of both Weir and Reedy Lake Roads, between Nagambie/Rushworth Road and Kettles Road, through the construction of a sealed pavement with shoulders.

The proposed construction and upgrade of this road will deliver an integrated transport structure, capable of efficiently moving freight, commuter, and tourists (including motorcyclists and cyclists) throughout the region by providing a key alternative route from the Kirwans Bridge Township to the Nagambie Township.

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (cont.)

The project will improve safety, provide environmental and economic outcomes, increase social participation, and enable the seamless access with other arterial, regional roads and interstate access points.

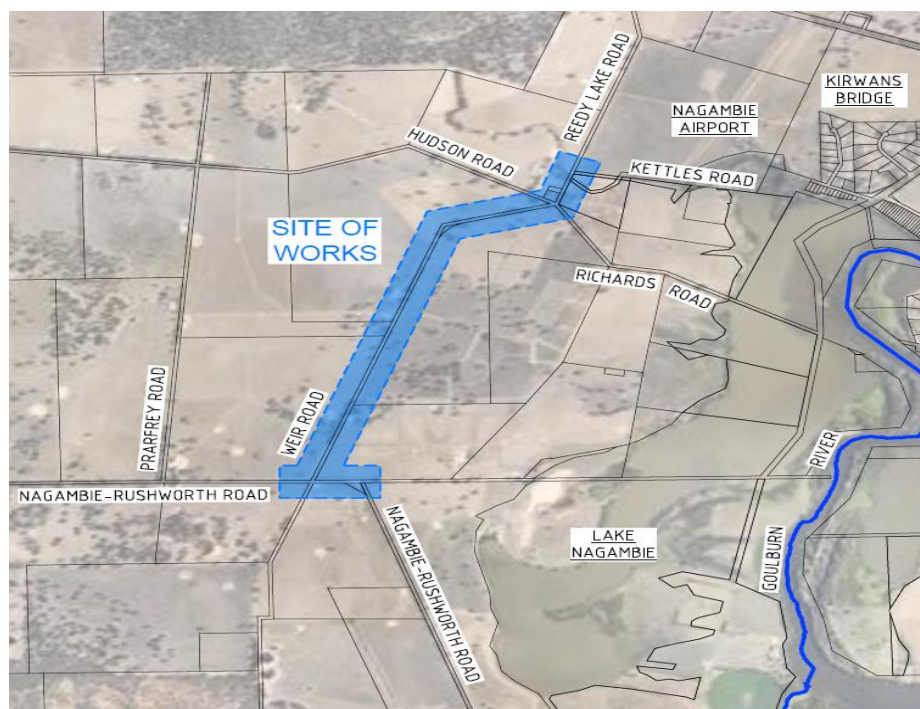
This report seeks Council approval for the recommendations noted above to complete the project based on revised design to raise sections of the road to prevent future flood inundation to levels of the October 2022 flood event.

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.

Weir Road and Reedy Lake Road Upgrade – Nagambie project formed part of Council's 2022/23 Capital Works Program. At the August 2022 Council Meeting, Council approved to award Contract No 22/23-01 for Weir Road and Reedy Lake Road Upgrade – Nagambie to Seven Creeks Excavations Pty Ltd, after emerging as the successful tenderer following a competitive tender process. The lumpsum contract was awarded to the contractor for a total sum of \$738,070.

The project was scheduled to commence in October 2022, however, was delayed due to the incessant rains and following major flood event which instigated the isolation of the Kirwan's Bridge community. Officers took the opportunity with learnings from this event to review the design of Weir Road and Reedy Lake Road to try and minimise the possibility of this road being impassable in any future flood event. After further consultation a revised design was completed with a recommendation to alter the pavement layers and lifting of sections of the road. The location of the proposed works is as follows:



5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (cont.)

After negotiation, the revised contract price provided by the Contractor for the revised project was \$1,822,870.08 (inclusive of GST) representing a \$1,084,800.08 or 147% increase to the original contract amount.

With the ideal weather for road construction now past, it is recommended to commence the works in September 2023 and be completed by December 2023.

However, officers are aware that there is strong community sentiment and expectation that the road is sealed prior to the winter months.

Risk Considerations:

Should works commence during the autumn / winter months, there is a very high risk of inclement/cold weather affecting the project completion and the likelihood of further project cost escalations. If excavation works commenced and inclement weather set in, there is a high risk that the road base would become soft rendering it impassable.

As such, this would necessitate the closure of the entire road until deemed safe for use. This will create significant access issues to daily commuters and commercial vehicles, will cause further public unrest as there are no close detour routes available given that the Kirwans Bridge remains closed. Furthermore, insufficient drainage around the works area makes the construction impractical during the colder months and any inclement weather events.

Companies will not take responsibilities for failure of bitumen works undertaken during these weather conditions.

Therefore, officers recommend that the works should commence in September to avoid potential closure of the road and further cost escalations as vital to successful delivery of the works under this project. Further, it is important to note that a delay in taking decision is likely to attract further costs.

Whilst the variation represents a significant additional cost, acceptance of this variation and recommendations will upgrade an asset to the Council with added value and functionality, while providing best outcomes for the community now and in years to come whilst the longer-term solution/s for Kirwans Bridge are investigated and funded.

Making a 20% or greater variation to the Contract that was originally subject to a public tender process does require the approval of an exception to best practice under our Procurement Policy. This exception will require a reference in the Council's Annual Report. Whilst a listed exemption to our Procurement Policy is undesirable, publishing the Council's procedural shortcomings should be considered in balance with the recent devastation of the October flood, the reduced community road access should the road level increase not be undertaken and the potential additional financial costs associated with cancelling the Contract and seeking tender submissions at 2023 pricings.

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (cont.)

There are 4 options open to Council to deliver the project as outlined in the table below:

Option	Pros	Cons
<p>1 Deliver the project as per original Contract specifications as resolved by Council in August 2022</p>	<ul style="list-style-type: none"> • Possibility of delivery within the financial year (subject to a decision being made at this Extra Ordinary Council meeting) • Delivery of project with the possibility of minimal variations (weather dependent). 	<ul style="list-style-type: none"> • Pavement structure failures due to increased traffic • Inability to seal the road due to approaching cold weather • Further variations on both cost and completion timeframes due to construction being undertaken at the wrong time of the year • Disturbance to commuters due to possible closure of the road due to inclement weather impacts • Further road closures during future flood events • Failure to learn from the October 2022 flood event and address duty of care obligations by not mitigating flood risks as required under legislation • Potential Shire reputational damage relating to the extra costs that may be incurred due to construction in unseasonable weather.
<p>2 Increase the road pavement height to minimise future flood impacts and approve an exception under our Procurement Policy to vary the contract, with work commencing in April 2023</p>	<ul style="list-style-type: none"> • Possibility of delivery within the financial year (subject to a decision being made at this Extra Ordinary Council meeting) • Contractor has agreed to use 2022 schedule of rates 	<ul style="list-style-type: none"> • The need to secure additional budget allocations of over \$1m • Inability to seal the road due to approaching cold weather • Further variations on both cost and completion timeframes due to construction being undertaken at the wrong time of the year • Disturbance to commuters due to possible closure of the road due to inclement weather impacts • Additional costs in repairs and maintenance in the future • Potential Shire reputational damage relating to the extra costs that may be incurred due to construction in unseasonable weather • Requirement to approve an exception to our best practice approach to variations under our Procurement Policy, noting the matter in our Annual Report.

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (cont.)

<p>3 Increase the road pavement height to minimise future flood impacts and approve an exception under our Procurement Policy to vary the contract, with work commencing in September 2023</p>	<ul style="list-style-type: none"> • Deliver the project to a high standard and quality to minimise ongoing maintenance commitments • Contractor has agreed to use 2022 schedule of rates • minimal disturbance to the local community during construction and also in the longer term during future flood events • reduced possibility for the need for additional variations to the contract cost or timelines • implementation of our obligations to mitigate climate change impacts as required under the Local Government Act 2020 • responds to lessons learnt from the October 2022 flood in terms of raising the road pavement above experienced flood levels. 	<ul style="list-style-type: none"> •The need to secure additional budget allocations of over \$1m •Possible community dissatisfaction due to the project not commencing until September 2023 •Requirement to approve an exception to our best practice approach to variations under our Procurement Policy, noting the matter in our Annual Report.
<p>4 Cancel the existing contract and readvertise the tender with the increased design specifications and works schedule</p>	<ul style="list-style-type: none"> • Possibility of receiving a better offer 	<ul style="list-style-type: none"> • The need to secure additional budget allocations • Tenderers will use 2023 rates • Council will be required to pay damages to the current Contractor, which may be the full contract price • Reputational damage to Council of having to pay damages for no community benefit in terms of a road being constructed • Further delays in delivery due to the lengthy tender process • There is a high risk that a new tender process would result in a higher project cost, excluding the compensation that would need to be paid to the existing contractor. • Possible community dissatisfaction due to the project not commencing until late 2023.

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (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.

A meeting was held between the Kirwans Bridge Community Panel and Council officers on Tuesday 28 March 2023, where one of the topics of discussion was seeking their feedback on the preferred timing of the Weir Road project.

The Panel requested information as to whether any alterations would be made to the Weir Road/Nagambie Rushworth Road intersection. As shown in Attachment 1, the project would involve works at this intersection to widen the road width to allow for an easier turning manoeuvre into and out of Nagambie Rushworth Road to and from the west.

The Panel also asked if the project was delayed whether Weir Road could be graded once a week, however this is not possible given Council's inability to staff a weekly grading program. Community members also asked if the road could be watered down more regularly should the weather be dry. It is proposed that a water cart will form part of the grader hire and therefore can be used to dampen down any dust as part of the fortnightly grading of the road.

To ensure the condition of Weir Road is proactively managed through the Winter months in accordance with the request for the residents, under the recommended option to commence works in September 2023, it is proposed that frequent inspections are undertaken of the road's condition by the Operations team and that a site specific grader be allocated to allow for fortnightly runs. Alternatively, Councillors have the option to continue the fortnightly inspection regime for this road and undertake a six (6) weekly grade.

Based on the feedback of panellists at this meeting, the Extraordinary Council Meeting was delayed a week from April 4 to April 11 to provide more time for the community to provide feedback on the options.

The Kirwans Bridge and the surrounding community was notified about the proposed work through a Frequently Asked Questions Fact Sheet and letter delivered to all residents, the Bailleston CFA, businesses along High St in Nagambie and made available at Council's Nagambie Customer Service Centre. Updates to the broader community were via Council's website, local newspapers and a media release.

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*.

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (cont.)

The *Council Plan* is related with the following:

- Strategic Focus Area 3 – Live. Access. Connect
- Strategic Focus Area 5 – Strong. Healthy. Safe

Asset Management Policy

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

Asset Management Strategy

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

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 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.

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (cont.)

The current budget allocation for this project for 2022/23 is \$1,063,117 (inc GST), which includes funding from the Local Roads and Community Infrastructure Program of \$502,200. The additional budget required from Council is \$759,753.06 (inc GST) to complete the project plus a further \$105,709 (inc GST) to fund the five (5) month grader package required to provide a fortnightly grading program of this road as requested by the local residents.

This additional cost can be accommodated from within the current capital works budget utilising Council allocations for flood mitigation works.

To ensure the condition of Weir Road is proactively managed through the Winter months under the proposed option to commence works in September 2023, it is proposed that frequent inspections are undertaken of the road's condition by the Operations team and that a grader be allocated to allow for fortnightly runs.

There are two options to enable this additional maintenance to occur; Option 1 is to take a grader out of rotation and allocate it solely to Weir Road, which would cost around \$2,830. Option 2 is to hire an additional grader to allocate to Weir Road at a cost of \$105,709 (inc GST). Both figures include floating costs, water cart support, operator costs and fuel.

It is considered that there would be an adverse impact on other communities under Option 1 given a grader would be taken off the existing grading program for the broader locality and stationed at Weir Road for several months. It is considered this course of action would adversely impact other communities in the locality. Therefore Option 2 is recommended as the preferred course of action.

SUSTAINABILITY CONSIDERATIONS

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

Instead, the proposed construction and upgrade of this road to mitigate the impacts of future floods will deliver an integrated transport structure, capable of efficiently moving freight, commuter, and tourists (including motorcyclists and cyclists) throughout the region.

The project will improve road safety, provide environmental and economic outcomes, increase social participation, and enable the seamless access with other arterial, regional roads and interstate access points.

Further, the change to the design parameters to ensure the road is above historic flood levels responds to Council's legislative obligations to consider climate change impacts and mitigations under the *Local Government Act 2020*.

INNOVATION AND CONTINUOUS IMPROVMENT

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

5.3.1 Contract Variation – Contract No. 22-23-01: Weir Road and Reedy Lake Road Upgrade – Nagambie (cont.)

The outcome of the project would ensure access, safety and promote social interaction across communities within the shire. Adopting a longer term view for the design and specifications of key infrastructure to address climate change and mitigations is key to adopting a longer term sustainable lens to the design of capital works projects.

HUMAN RIGHTS CONSIDERATIONS

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

CONCLUSION

After considering the options to progress this capital works project it is, on balance, recommended that Option 3 represents the course of action that will incur less overall costs and minimise potential adverse impacts on the community.

This option, to approve an exception to our normal Procurement Policy variation process given the community safety and public benefit issues at hand, and approve a significant variation to the existing contract, is felt to achieve the best overall outcomes in terms of value for money and adhering to our climate change mitigation obligations under the *Local Government Act 2020*.

ATTACHMENTS

Attachment 1: Diagram of widening of Weir Road / Nagambie Rushworth Road Intersection

5.5 GOVERNANCE AND CUSTOMER SERVICE**5.5.1 Notice of Motion – Extraordinary Council Meeting Tuesday 11 April 2023
Submission to Electoral Representation Review Panel’s Preliminary Report
Lodged by Councillor Laura Binks (Mayor), Councillor Kristy Hourigan and
Councillor Sally Hayes-Burke (Notice of Motion Ref. No. 01/2023)**

We, Mayor Laura Binks, Councillor Kristy Hourigan and Councillor Sally Hayes-Burke, wish to lodge the following Notice of Motion under Governance Rule 34.

The motion we wish to put to Council is:

That Council:

- 1 Note the Local council electoral structure review Preliminary Report Strathbogie Shire Council March 2023, prepared by the Electoral Representation Advisory Panel.
2. Make a submission to the Electoral Representation Advisory Panel in response to their Preliminary Report advocating for:
 - (a) an electoral structure that provides for 7 councillors, thereby minimising the need for the Mayor to use a casting vote to decide on matters given this is considered to be a poor governance outcome that has the potential to impact on efficient and representative decision making
 - (b) the adoption of a seven ward model, each with a single councillor as its representative, to ensure all communities of interest have a voice in their elected council and that the potential dominance of candidates from the larger townships is overcome.
3. Makes a request in submission for an opportunity for Mayor Binks to make a verbal presentation of their written submission to the Electoral Representation Advisory Panel’s online public hearing on 19 April 2023.

Signed: Mayor Laura Binks



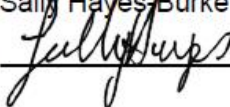
Councillor Kristy Hourigan

Councillor



Councillor Sally Hayes-Burke

Councillor



Date: 30/03/2023

- 5.5.1 Notice of Motion – Extraordinary Council Meeting Tuesday 11 April 2023
Submission to Electoral Representation Review Panel’s Preliminary Report
Lodged by Councillor Laura Binks (Mayor), Councillor Kristy Hourigan and
Councillor Sally Hayes-Burke (Notice of Motion Ref. No. 01/2023) (cont.)

MOTION:

That Council:

1. ***Note the Local council electoral structure review Preliminary Report Strathbogie Shire Council March 2023, prepared by the Electoral Representation Advisory Panel.***
2. ***Make a submission to the Electoral Representation Advisory Panel in response to their Preliminary Report advocating for:***
 - (a) ***an electoral structure that provides for 7 councillors, thereby minimising the need for the Mayor to use a casting vote to decide on matters given this is considered to be a poor governance outcome that has the potential to impact on efficient and representative decision making***
 - (b) ***the adoption of a seven ward model, each with a single councillor as its representative, to ensure all communities of interest have a voice in their elected council and that the potential dominance of candidates from the larger townships is overcome.***
3. ***Request in the submission an opportunity for Mayor Binks to make a verbal presentation of their written submission to the Electoral Representation Advisory Panel’s online public hearing on 19 April 2023.***

BACKGROUND

The Minister for Local Government appointed an Electoral Representation Advisory Panel to review the electoral structure for Strathbogie Shire in December 2022.

Despite a Council resolution and representations to the Minister for Local Government to delay this review and to cover the review’s cost of around \$65,000, the Panel commenced consulting with the public on 1 February 2023 around possible electoral structures.

The initial public submission period was open for three weeks in February. Six (6) preliminary submissions were received by the Panel, proposing a range of electoral models. Four (4) of these were made by my fellow Councillors as private citizens of our shire.

5.5.1 Notice of Motion – Extraordinary Council Meeting Tuesday 11 April 2023
Submission to Electoral Representation Review Panel’s Preliminary Report
Lodged by Councillor Laura Binks (Mayor), Councillor Kristy Hourigan and
Councillor Sally Hayes-Burke (Notice of Motion Ref. No. 01/2023) (cont.)

The Panel have now considered data provided by the Victorian Electoral Commission on voter numbers and distribution, along with the written submissions and have released a Preliminary Report outlining three possible options for our electoral structure for the 2024 General election onwards, which are:

- Model 1 – an unsubdivided electoral structure with 7 councillors
- Model 2 – a subdivided electoral structure with a total of 6 councillors from 2 wards with 3 councillors each
- Model 3 – a subdivided electoral structure with a total of 6 councillors from 3 wards and 2 councillors each.

The Panel are now seeking public comment on these three options. Submissions close on 12 April 2023 and submitters may request an opportunity to make a verbal submission to the Panel during an online meeting to be held on 19 April 2023.

DISCUSSION

It is considered that none of the three models provide an optimal outcome for the Strathbogie municipal community; all have pros and cons.

After discussion between Councillors, it is considered that the principles that underline any future electoral representation model for the shire must provide for:

- An odd number of councillors, to avoid the need for the Mayor/Chair of the meeting from having to use a casting vote, which is considered to be undemocratic and has the potential to undermine efficient and effective decision making
- Local representation for our varied communities of interest across the shire, avoiding the possibility of domination by representatives from the major townships of Euroa and Nagambie.

Given these principles, it is considered that an electoral model of 7 wards, each with 1 councillor, represents the best possible outcome for our community.

As Mayor, I would like the opportunity to make a verbal submission to the Panel at the online public hearing to be held on 19 April 2023.

We note that the Panel did consider an electoral structure of 7 wards with 1 councillor each, but stated that the six submissions did not indicate support for this structure. They did note, however, that the seven councillor model preserved representation for the existing communities of interest.

HUMAN RIGHTS CONSIDERATIONS

Our suggested model of 7 wards, each with 1 Councillor is consistent with the participation in public life right under the *Charter of Human Rights and Responsibilities Act 2006*.

- 5.5.1 Notice of Motion – Extraordinary Council Meeting Tuesday 11 April 2023
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Lodged by Councillor Laura Binks (Mayor), Councillor Kristy Hourigan and
Councillor Sally Hayes-Burke (Notice of Motion Ref. No. 01/2023) (cont.)

CONCLUSION

Councillors believe it is important to provide input into the electoral representation review process and so have identified an electoral model that provides the best opportunity for local representation and effective decision making in the form of 7 wards, each represented by 1 councillor.

ATTACHMENTS

Attachment 1: Proposed written submission

ATTACHMENT 1: SUBMISSION

The seven (7) Councillors of the Strathbogie Shire thank the Electoral Representation Review Panel for their work on their Preliminary Report.

Council, at an Extra Ordinary Meeting held on 11 April 2023, resolved that we respectfully ask the Panel to reconsider their dismissal of a representation model that consists of 7 wards, each with 1 councillor when making your final recommendation final recommendations to the Minister for Local Government.

We believe that a model of 7 wards each with 1 councillor not only satisfies the requirements of the Local Government Act 2020 in relation to electoral structures but also:

- ***Provides for an odd number of councillors, thereby minimising the need for the Mayor to use a casting vote to decide on matters.***

The need for the Mayor or the Chair of a meeting to use a casting vote to break a deadlock is a greater possibility when there is an even number of councillors.

As a Council, we believe that the use of a casting vote is undemocratic and also places a significant amount of pressure on the Mayor/Chair, which may lead to division in the Council over time.

Further, the use of a casting vote, if conventions are applied to maintain the status quo, may lead to a stalemate or a failure to make efficient and effective decisions on key strategic matters.

We consider both to be poor outcomes for our community.

- ***Ensures all communities of interest have a voice in their elected council and that the potential dominance of candidates from the larger townships is overcome.***

As Councillors, we are very concerned that the three models outlined in the Preliminary Report do not represent the best representational outcomes for our varied communities of interest across our large shire.

We believe that the Panel has already demonstrated that a seven ward structure is feasible in terms of the even distribution of voters per ward (within parameters set by the Victorian Electoral Commission).

We do not accept the Panel's comments on page 16 of the Preliminary Report that the proposed boundaries represent functional communities of interest – none of the models provide an optimal outcome in this respect.

Our intimate knowledge of our shire and our community has led us to consider that the 7 ward, 1 councillor structure is the best way in which our varied and individual communities, all with their own aspirations and flavour, can be represented.

This model ensures that the elected council is comprised of representatives from across the shire, not from the main townships, as is the real threat of an unsubdivided council or a municipality split into half.

We thank the Panel for considering our views and wish to request an opportunity for our Mayor, Laura Binks, to make a verbal representation to the public hearing session on 19 April.

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