

Strathbogie Shire Council

Council Meeting Agenda

September 19, 2023

Agenda

Council Meeting

Tuesday, September 19, 2023, at 6pm

Meeting to be held at the Euroa Community Conference Centre and livestreamed on Council's website:

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

Councillors:

Cr Laura Binks (Mt Wombat Ward) – Mayor
Cr Paul Murray (Hughes Creek Ward) – Deputy Mayor
Cr Reg Dickinson (Lake Nagambie Ward)
Cr Chris Raeburn (Honeysuckle Creek Ward)
Cr Robin Weatherald (Lake Nagambie Ward)

Officers:

Julie Salomon – Chief Executive Officer
Amanda Tingay – Director People and Governance (Acting)
Vlad Adamek – Director Sustainable Infrastructure
Rachael Frampton – Acting Director Community and Planning
Kristin Favaloro – Executive Manager Communications and Engagement
Phillip Carruthers – Specialist Governance Advisor

Meeting Procedure

1. Welcome

2. Acknowledgement of Country

We acknowledge the Traditional Custodians of the places we live, work and play. We recognise and respect the enduring relationship they have with their lands and waters, and we pay respects to the Elders past, present and emerging. Today we are meeting on the lands of the Taungurung peoples of the Eastern Kulin nation, whose sovereignty here has never been ceded.

3. Privacy Notice

This public meeting is being streamed live via our website ([Council Meetings and Minutes | Strathbogie Shire](#)) and made available for public access on our website along with the official Minutes of this meeting. All care is taken to maintain your privacy; however, as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes.

4. Governance Principles

Council considers that the recommendations contained in this Agenda gives effect to the overarching governance principles stated in Section 9(2) of the Local Government Act 2020. These principles are as follows:

- 1. Council decisions are to be made and actions taken in accordance with the relevant law;*
- 2. priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- 3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;*
- 4. the municipal community is to be engaged in strategic planning and strategic decision making;*
- 5. innovation and continuous improvement is to be pursued;*
- 6. collaboration with other Councils and Governments and statutory bodies is to be sought;*
- 7. the ongoing financial viability of the Council is to be ensured;*
- 8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;*
- 9. the transparency of Council decisions, actions and information is to be ensured.*

5. Apologies / Leave of Absence

Cr Sally Hayes-Burke (Seven Creeks Ward)

6. Disclosure of Conflicts of Interest

7. Confirmation of Minutes/Decisions of Previous Meetings

RECOMMENDATION

That the Minutes/Decisions of the Council Meeting held on Tuesday, August 15, 2023, be confirmed (Council Meetings and Minutes | Strathbogie Shire)

8. Petitions

9. Reports of Mayor and Councillors and Delegates

10. Public Question Time

11. Officer Reports

11.1 Strategic and Statutory

11.2 Community

11.3 Infrastructure

11.4 Corporate

11.5 Governance and Customer Service

11.6 Executive

12. Notices of Motion

13. Notices of Rescission

14. Urgent Business

15. Confidential Business

**Julie Salomon
Chief Executive Officer
September 15, 2023**

Next meeting

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, October 17, 2023, at the Nagambie Lakes Regatta 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, September 19, 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.

Reports Index

11.	OFFICER REPORTS	
11.1	Strategic and Statutory Planning	
11.1.1	Planning Applications Received and Planning Applications Determined - 1 to 31 August 2023	7
11.2	Community	
11.2.1	Ruffy Community Action Group Incorporated - Community Action Plan 2023-2027	9
11.2.2	Event Grants Applications Received	14
11.2.3	Community Strengthening Grant 2023-2024 Allocations	20
11.2.4	School Crossing Supervision Program – Goulburn Street Nagambie	30
11.2.5	Council's Role in Waterways Management (Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie)	41
11.3	Infrastructure	
11.3.1	Tender for Contract No. 23/24-02: Roads Reseal Program 2023/24	49
11.3.2	Extension of Contract Nos. 14/15-17,14/15-20,14/15-21,14/15-22 and Update on Contract No. 25/26-02 Landfill Tender	55
11.3.3	Contracts, Works and Grants Awarded Under Delegation - 1 to 31 August 2023	60
11.3.4	Contract No. 22-23-01: Weir Road and Reedy Lake Road	65
11.4	Corporate	
11.4.1	Strathbogie Shire Council Audit and Risk Committee – Confirmed Minutes of the Ordinary Meeting held on 2 June 2023 and Strategic Planning Meeting held on 12 July 2023	72
11.4.2	Council Policy Review – Public Interest Disclosure Policy 2023	76
11.4.3	Council Policy Review – Privacy and Data Protection Policy 2023	81
11.4.4	Council Policy Review – Planning Permit Applications Referral to Council 2023	86
11.4.5	Council Policy Review – Media Policy 2023	91
11.4.6	Instruments of Appointment and Authorisation Update - S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987) - S11B Instrument of Appointment and Authorisation (Environment Protection Act (EPA) 2017 - S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017	96

11.4.7	Instrument of Delegation - S5 Instrument of Delegation to the Chief Executive Officer	101
11.4.8	Submission: Ministerial Guidelines relating to Payment of Rates and Charges	105
11.4.9	Adoption of 2022/23 Annual Financial Report	110
11.4.10	Adoption of Draft Performance Statement 2022/23 and Draft Governance Management Checklist 2022/23	116
11.5	Governance and Customer Service	
11.5.1	Appointment of Councillor – Chief Executive Officer Employment and Remuneration Committee	122
11.5.2	Monthly Performance Report	126
11.6	Executive	
11.6.1	Acting Arrangements – Chief Executive Officer Annual Leave	145
12.	NOTICES OF MOTION	148
13.	NOTICES OF RESCISSION	148
14.	URGENT BUSINESS	148
15.	CONFIDENTIAL BUSINESS	148
	CONFIDENTIAL APPENDICES	
	<i>APPENDICES DEEMED CONFIDENTIAL IN ACCORDANCE WITH SECTION 66(2)(A) AND PART 1, CLAUSE 3 OF THE LOCAL GOVERNMENT ACT 2020</i>	
	<i>(g) private commercial information, being information provided by a business, commercial or financial undertaking that—</i>	
	<i>(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</i>	
Appendix 1:	Tender Evaluation for Contract No. 23/24-02: Roads Reseal Program 2023/24	

11. OFFICER REPORTS

11.1 STRATEGIC AND STATUTORY PLANNING

11.1.1 Planning Applications Received and Planning Applications Determined - 1 to 31 August 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 31 August 2023. The latest available Planning Permit Activity Performance (PPARS) Figures are also attached (Attachment 3). It should be noted that the latest PPARS Figures are for the month of July 2023. The August PPARS Figures were not available at the time of writing this report as the monthly figures are not updated until 15th of each month. The contents of this report are provided for information purposes only.

It is noted that there were twelve (12) new planning applications received and seventeen (17) planning applications decided upon during the reporting period.

RECOMMENDATION

That Council:

1. ***Note that there were twelve (12) new planning applications received, and seventeen (17) planning applications decided on during the period of 1 to 31 August 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.

11.1.1 Planning Applications Received and Planning Applications Determined
- 1 to 31 August 2023 (cont.)

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.

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

11.2 COMMUNITY

11.2.1 Ruffy Community Action Group Incorporated - Community Action Plan 2023-2027

Author: Manager Community and Culture

Responsible Director: Acting Director Community & Planning

EXECUTIVE SUMMARY

Council supports Community Action Groups to implement and drive projects that are important to them. Council supports action groups to facilitate a process whereby they undertake community consultation to come together and identify priorities for their community and create a four-year plan.

The Ruffy Community Action Plan was developed through consultation and engagement with the Ruffy community. They have identified four priority areas;

1. Support for local community groups and activities
2. Protect and enhance the natural & built environment.
3. Infrastructure
4. Community health and wellbeing

The Plan belongs to the Ruffy Community Action Group to deliver and implement.

This report presents the Ruffy Community Action Plan 2023-2027 for noting by Council and acknowledge the significant contribution of the Ruffy Community Action Group Incorporated in the development of the Plan.

RECOMMENDATION

That Council:

1. ***Note the Ruffy Community Action Plan 2023-2027 and publish on Council's website; and***
2. ***Acknowledge the significant contribution of Ruffy Community Action Group Incorporated in the development of the Ruffy Community Action Plan 2023-2027***

PURPOSE AND BACKGROUND

A review of the Ruffy Community Action Plan (Action Plan) was undertaken by Ruffy Community Action Group Incorporated (RCAG) in 2022.

RCAG gathered information and suggestions from the community through a community forum in October 2022 followed by a community survey. RCAG reported that responses to both were disappointing, however those attending the forum raised important issues which reflected community concerns more broadly.

11.2.1 Ruffy Community Action Group Incorporated - Community Action Plan 2023-2027 (cont.)

Following the forum and survey RCAG decided to use the response data from Ruffy residents collected as part of the Share Strathbogie community engagement program conducted by Council in 2021 to strengthen the Plan. The development process was informed by the Strathbogie Shire Council Community Planning Program Guidelines and the 2021-2025 Council Plan.

The Action Plan is included as Attachment 1 to this report.

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 community feedback was summarised into the following areas:

- Roads, drains, bridges & footpaths
- Climate Change/Environment
- Community Development
- Building facilities
- Arts & Cultural facilities

The Action Plan identifies the following key themes for 2023-2027:

1. Support for local community groups and activities

Ruffy is fortunate to be home to a wide variety of community groups. While each group has its own committee, RCAG can play an important role in supporting their activities, including advocating and applying for funding where appropriate.

2. Protect and enhance the natural & built environment.

Ruffy is in an area of significant natural beauty, for which successive generations have had stewardship and worked to preserve and enhance its enjoyment by locals and visitors. The Action Plan aims to support the community and Strathbogie Shire Council (Council) in maintaining these valuable facilities as well as facilitate their improvement and extended use and investigate other recreational possibilities.

3. Infrastructure

As shown in all community engagement and surveys, the local infrastructure, particularly road maintenance and repairs, remains a top priority for residents. As a Community Action Group, it is important for RCAG to continue to advocate on these issues & support residents in their submissions to local and state bodies and support residents.

4. Community health and wellbeing

Ensuring healthy lives and promoting wellbeing at all ages is essential to a sustainable community. Supporting physical, emotional, social, spiritual, and intellectual wellbeing will give our community a decreased risk of disease, illness, and injury. It is important that RCAG support all health and wellbeing initiatives presented by the community.

11.2.1 Ruffy Community Action Group Incorporated - Community Action Plan 2023-2027 (cont.)

Officers will work with the Ruffy Community Action Group to identify ways Council may be able to provide support and guidance to the Group to enable them to achieve the outcomes identified in their Plan. Under the current guidelines, they may also be eligible to receive funds through Council's Community Funding Model for some projects and activities.

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 development of a Community Plan requires a whole of community approach where all groups and individuals in the community have an opportunity to be involved.

RCAG conducted a community forum and a community survey to provide the opportunity for all community members to be involved in the development of the Action Plan.

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 Planning Program Guidelines
- 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.

There are no legal or statutory implications associated with 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.

In the interest of transparency and open and honest communication with our community this report is presented to a public Council meeting and all community action plans are published to Strathbogie Shire Council's website for public viewing.

11.2.1 Ruffy Community Action Group Incorporated - Community Action Plan 2023-2027 (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 Community Planning Program Guidelines state that all Community Action Plans must be endorsed by Council to be eligible for Council funding. An annual budget allocation of \$500 is provided to Community Action Groups to support them in Community Consultation activities when completing their Action Plans.

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

Ruffy Community Action Group rely on funding via Council's community planning program to support their administration activities. As part of the revised Community Funding program, this financial year Community Action Groups can apply for Community Strengthening Grants to support the implementation of their Action Plans.

Social

All the Action Plan's four themes and associated actions work towards building a sense of community and support community health and wellbeing.

Key actions include:

- Facilitating opportunities for social interaction
- Advocate for regular maintenance of existing walking tracks at Snow Gum Reserve and Eddy's Lane and investigate other possible tracks
- Location of defibrillators at Tablelands Community Centre and Ruffy Recreation Ground
- Establishing a local play group
- Supporting and participating in initiatives relating to:
 - Community Safety
 - Education
 - Environment
 - Climate resilience
 - Physical activity
 - Social connection activities

Environmental

The Action Plan identifies environment as an area of focus and includes actions in relation to advocating for appropriate care and maintenance of the local environment.

Climate change

The Action Plan identifies climate resilience as an area of focus, however no specific actions have been documented.

11.2.1 Ruffy Community Action Group Incorporated - Community Action Plan 2023-2027 (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 Community Action Plan outlines priorities and key actions to deliver continuous improvements to the community.

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

Ruffy Community Action Group Incorporated have followed a community engagement process and identified key actions which are aligned with community needs and link well to areas of the Council Plan 2021-25. The Community Plan outlines priorities and actions for Ruffy Community Action Group Incorporated to undertake over the next four years to deliver projects and activities that are important to the Ruffy community. Officers recommend that Council note the Ruffy Community Action Plan 2023-27 and acknowledge the significant contribution of Ruffy Community Action Group Incorporated to their community.

ATTACHMENTS

Attachment 1: Ruffy Community Action Plan 2023-27

11.2.2 Event Grants Applications Received

Author: Visitor Economy & Events Coordinator

Responsible Director: Acting Director Community and Planning

EXECUTIVE SUMMARY

Council adopted a community funding model at the June 2023 Council meeting. This model sets out the strategic direction and associated guidelines for the distribution of community funding for Strathbogie Shire Council. Event Grants provide grants of up to \$5,000 to eligible organisations and associations for events that align with the objectives of the Council Plan 2021-25, submitted in line with Council's Event Guidelines.

Council has received two (2) Event grant applications for Council's consideration.

One application was received from Nagambie Lakes Community House Incorporated to support the delivery of the Nagambie Community Carols on 3 December 2023. The community carols event is an annual event attracting 300 visitors and locals to the event. The application is for a total of \$5,000; \$4,881.20 in cash to help cover the cost of equipment hire and musicians and \$118.80 in kind for costs incurred by Council's third party contractor for rubbish removal.

An application has also been received from the Ruffy Tablelands Community Centre Inc. for funding to support the delivery of the Ruffy Tablelands Community Christmas Party on 2 December 2023. This is an annual event that can attract up to 300 attendees. The application is for \$1,618 in cash to help cover the cost of equipment hire and catering for the event.

Both events will result in several significant social and economic benefits to the Strathbogie Shire community and will be delivered in line with Council's Events and Regulatory policies and procedures.

Council has a budget of \$50,000 allocated to Event Grants under the Community Funding Model in the 2023/2024 Budget. Applications have been submitted in-line with the Event Grant Guidelines 2023-24 adopted on 20 June 2023 and have been assessed using the relevant assessment process. The current applications are of an acceptable standard and officers are recommend them for funding.

RECOMMENDATION

That Council:

- 1. Approve the Event Grant application to support the delivery of the Nagambie Christmas Carols Event to be held Sunday 3 December 2023 to the value of \$5,000, comprising of a \$4,881.20 allocation to the Nagambie Lakes Community House Incorporated and \$118.80 towards Council costs for waste services;***
- 2. Approve the Event Grant application from Ruffy Tablelands Community Centre Incorporated to the value of \$1,618 in cash to support the delivery of the Ruffy Tablelands Christmas Event to be held on Saturday 2 December 2023; and***

11.2.2 Event Grants Applications Received (cont.)*RECOMMENDATION (cont.)*

3. ***Work with grant recipients to reduce overall waste produced at the event through the implementation of the objectives of both the Waste Wise Events Policy and Sustainable Strathbogie 2030 in being “A Zero Waste Shire”.***

PURPOSE AND BACKGROUND

Council adopted a community funding model at the June 20, 2023 Council meeting. This model sets out the strategic direction and associated guidelines for the distribution of community funding for Strathbogie Shire Council.

Council recognises the importance of events and tourism to the social and economic growth of our region. Furthermore, Council has a strong history of supporting and delivering events across the Shire, this is demonstrated by an investment in events through Council’s Event Grant.

Event Grants provide grants of up to \$5,000 to eligible organisations and associations for events that align with the objectives of the Council Plan 2021-25.

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 has received two Event grant applications for Council’s consideration, detailed below in Table 1.

Table 1 – Event Applications to be determined

Applicant	Event	Total Amount Requested	Cash Contribution requested from Council	In Kind Contribution Requested From Council
Nagambie Community House Inc	Nagambie Christmas Carols Event	\$5,000	\$4,881.20	\$118.80
Ruffy Tablelands Community Centre Inc	Tablelands Community Christmas Party	\$1,618	\$1,618	0

The Nagambie Christmas Carols is a family friendly event featuring live music celebrating community and Christmas. In 2022 the Nagambie Christmas Carols attracted hundreds of people to the shorelines of Lake Nagambie. As in previous years, the Community House is partnering with a number of community groups, including the CFA, Nagambie Kinder and Pre-school, Nagambie Primary School and St. Joseph’s School. If successful, the funds requested will be used to help cover the costs of musicians, waste removal and equipment hire.

11.2.2 Event Grants Applications Received (cont.)

The Ruffy Tablelands Community Centre Incorporated host the annual Community Christmas Party where community and friends come together to celebrate the end of the year. If successful, the funds requested will be used to help cover the costs of equipment hire and catering.

The two (2) applications submitted have been deemed eligible and have been assessed in-line with the relevant assessment process.

Both events will result in several significant social and economic benefits to the Strathbogie Shire Community and will be delivered in line with Council's Events and Regulatory policies and procedures.

The event organisers must obtain Event Approval from Strathbogie Shire Council and deliver zero waste events. All required documentation including, risk plans, and public liability insurance have been provided.

Following assessment, officers recommend both applications for funding, to the value requested by the respective applicants.

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.

Event organisers have been working with key stakeholders, Council and the Community to plan a safe and successful event. The event will be publicised broadly across the community through the distribution of flyers and posters, social media and Council's website where appropriate.

POLICY CONSIDERATIONS

Council Plans and Policies

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

- Strategic focus area 1: Engage. Create. Unite.

We create welcoming social spaces where people can connect. We are inspired by our creatives and celebrate art and culture.

- Strategic focus area 2: Live. Access. Connect

We are focused on activities that build economic, financial and social security

- Strategic focus area 4: Inclusive. Productive. Balanced.

We target economic development to enhance our region; we are capitalising on our region's strengths. We partner with our community to achieve great things.

- Strategic Focus Area 5: Strong. Healthy. Safe

We have protected the 'vibe' we love

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.

There are no significant legal considerations associated with this report.

11.2.2 Event Grants Applications Received (cont.)

Conflict of Interest Declaration

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 2020*.

Transparency

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

In the interest of transparency and open and honest communication with community, it is recommended that this report be acknowledged in a public forum providing full disclosure of how potential allocated event grant funding is being distributed within the community. This action is also consistent with the requirements of the adopted Community Funding Model, where only Council through a Council resolution, can determine the outcome of an Event grant application.

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.

Council adopted an Event Grant budget allocation of \$50,000 in the 2023/24 operating budget. This allocation falls within the Community Funding Budget line item.

Table 2 – 2023/24 Event Budget overview

Adopted Budget 2023/24 Event Grants	\$50,000
Number of Event Grants approved 2023/24	3
Total value of Event Grants approved 2023/24	\$11,940
2023/24 Allocation Remaining	\$38,060*

**This figure does not include the two applications that are the subject of this report*

Table 3 – 2023/24 Event Grants Approved

Applicant	Event	Amount Requested	Amount approved by Council
Strathbogie Tablelands History Group (auspice: Strathbogie Tablelands Action Group Inc	Strathbogie Cup Weekend Festival	\$5,000	\$5,000
Cranksters Rod and Kustom Club Inc	Cranksters Cruise Nagambie	\$1,940	\$1,940
Euroa Show and Shine Inc	Australian National Show and Shine	\$5000	\$5000
Total funding approved to date			\$11,940

11.2.2 Event Grants Applications Received (cont.)

Nagambie Christmas Carols Event – Proposed Budget			
INCOME		EXPENDITURE	
Shire Grant	\$4,881.20	Corton Audio	\$1,419.00
Donations	\$2,800.00	Secret Artist	\$3,850.00
Rubbish Removal	\$118.80	Musicians	\$1,100.00
		Fortessima	\$800.00
		JL Production & Hire	\$192.50
		Power audio	\$300.00
		Rubbish Removal	\$ 118.80
		Contingency	\$ 19.70
Total	\$ 7,800.00	Total	\$7,800.00

Ruffy Tablelands Christmas Party Event - Proposed Budget

INCOME		EXPENDITURE	
Shire Grant	\$1,618.00	Jumping Castle	\$480.00
In Kind Labour	\$2,430.00	JT Trees	\$350.00
TCC cash	\$260.00	Balmattum Butchery	\$344.00
		Mawsons Bakery	\$240.00
		Burtons IGA	\$204.00
		In Kind Labour	\$2,430.00
		Rubbish removal	\$ 260.00
Total	\$ 4,308.00	Total	\$4,308.00

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 events will result in several economic benefits to the Strathbogie Shire Community. All the items relating to the events will be sourced locally, where possible.

Social

The events will offer significant social benefits to the local community and those attending the events. The events will provide an opportunity for participants, community, and visitors alike to connect, re-engage, make lasting relationships and celebrate their townships.

11.2.2 Event Grants Applications Received (cont.)

Environmental

Officers will work with the Event Committee to support the delivery of Nagambie Christmas Carols & Ruffy Tablelands Christmas Party Event to reduce the overall waste produced at the events through the implementation of the objectives of both the Waste Wise Events Policy and Guidelines and Sustainable Strathbogie 2030 in being “A Zero Waste Shire”. This includes the implementation of measures to enforce the State Governments ban on single use plastics.

Climate change

Officers will work with event organisers to implement initiatives in the Waste Wise Events Guidelines at this event, making it a showcase for how a waste wise event should be run and encouraging all to reduce their consumption of raw materials in a further effort to reduce the effects of climate change.

INNOVATION AND CONTINUOUS IMPROVEMENT

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

The organisers will ensure that all regulatory requirements are in place consistent with the approved event application and conditions.

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, Council’s Events Policy and any other relevant policies and procedures.

HUMAN RIGHTS CONSIDERATIONS

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

CONCLUSION

It is recommended that Council approve the two event funding applications, to the values requested by the respective applicants.

The events will bring together a range of people from around the region and will result in significant social benefits to the community, meeting the requirements of the Event Funding Guidelines, consistent with the Community Funding Model adopted by Council.

11.2.3 Community Strengthening Grant 2023-2024 Allocations

Author: A/Manager Community and Culture

Responsible Director: A/Director Community and Planning

EXECUTIVE SUMMARY

Strathbogie Shire Council's Community Grants program provides an opportunity for groups to undertake projects that complement the community vision and strategic focus areas of the Strathbogie Shire Council Plan 2021-25. At the 20 June 2023 Council meeting, Council adopted a new Community Funding Model, incorporating a range of community funding opportunities for the community and adding consistency across Council's application, assessment, and determination process.

As per the adopted Community Funding Model 2023-24, the Community Grants program features three streams of funding:

- Community Strengthening up to the value of \$10,000
- Community Conversations Jan 26 up to the value of \$5,000
- Quick Response up to the value of \$1,000

This report relates to the Community Strengthening Stream. The Community Strengthening Grant opened on 26 June 2023 and closed on the 7 August 2023. Officers received 15 applications in total, officers deemed one application ineligible based on Council's eligibility criteria, and 14 applications proceeded through to the assessment stage.

Following the assessment process, officers recommend that Council approve the 14 applications to the total value of \$107,618.

Officers recommend the remaining balance of \$61,246 be allocated as follows:

- \$54,246 be utilised for minor infrastructure upgrades and maintenance works on Council owned facilities in line with Council's maintenance and renewal program of works.
- \$7,000 be utilised for capacity building activities to support the community to identify, develop and deliver community projects in future years.

RECOMMENDATION

That Council:

1. ***Award funding to fourteen (14) applicants for the total sum of \$107,618 to the following organisations:***

<i><u>Applicant/Organisation</u></i>	<i><u>Proposed Funding</u></i>
<i>Avenel Active Inc.</i>	<i>\$9,974</i>
<i>Creightons Creek Recreation Reserve Inc.</i>	<i>\$10,000</i>
<i>Euroa Agricultural Society Inc.</i>	<i>\$10,000</i>
<i>Euroa Bridge Club</i>	<i>\$3,550</i>
<i>Friends of Violet Town Pool</i>	<i>\$10,000</i>
<i>Longwood Action Group Inc</i>	<i>\$10,000</i>
<i>Nagambie Golf Club Inc</i>	<i>\$10,000</i>
<i>Nagambie Rifle Club Inc</i>	<i>\$9,000</i>

11.2.3 Community Strengthening Grant 2023-2024 Allocations (cont.)

RECOMMENDATION (cont.)

	<i>Ruffy Recreation Reserve Inc.</i>	<i>\$3,347</i>
	<i>Strathbogie Ranges Conservation Management Network Inc</i>	<i>\$7,850</i>
	<i>Strathbogie Sports and Recreation Club Inc</i>	<i>\$9,893</i>
	<i>Strathbogie Tableland Action Group Inc.</i>	<i>\$3,416</i>
	<i>Tablelands Community Centre Inc</i>	<i>\$5,720</i>
	<i>Violet Town Bowls Club Inc</i>	<i>\$4,868</i>
2.	<i>Reallocate an amount of \$54,246 from the Community Program 2023/24 to deliver minor infrastructure upgrades and maintenance works on Council owned facilities in line with Council’s maintenance and renewal program of works; and</i>	
3.	<i>Reallocate an amount of \$7,000 from the Community Grants Program 2023/24 to deliver community capacity building activities to support the community to identify, develop and deliver community projects.</i>	

PURPOSE AND BACKGROUND

The purpose of this report is to determine the successful applications for Council’s Community Strengthening Grant 2023/24, and allocate any unspent funds associated with this program, ensuring community benefit consistent with the objectives in the Council Plan 2021-25.

The Community Strengthening grants support local community groups and creatives to implement accessible community projects that they design and deliver. It focuses on people and social connection; building community capacity around the principles of respect and equality; and locally led responses to opportunities and identified community needs. These grants support larger projects that will be completed within the 2023/24 financial year.

Officers received 15 applications in total, officers deemed one application ineligible based on Council’s eligibility criteria, as the project was for infrastructure, and 14 applications proceeded through to the assessment stage.

Following the assessment process, officers recommend that Council approve the 14 applications, in full to the total value of \$107,618.

As part of the revised Community Funding model introduced this year the grant funding per project was increased to \$10,000. The previous Community Grants program and Community Planning (Action Groups) grants were merged into one stream and renamed Community Strengthening Grants program.

11.2.3 Community Strengthening Grant 2023-2024 Allocations (cont.)

In previous years, organisations and groups were eligible to apply for infrastructure grants for minor upgrades and maintenance on facilities. Under the Community Funding Model 2023/24, applications for minor infrastructure upgrades and maintenance were made ineligible. Applications of this nature were excluded as they are very difficult to assess and compare with other projects in the program and relate to assets which should be on an asset register and maintained and upgraded in a considered and planned manner by the relevant asset owner.

Officers fielded several enquiries from the community in relation to infrastructure projects, upgrades and maintenance issues, these were referred to Council’s Building Maintenance Department to ensure they could be considered in light of Council’s maintenance, renewal and works Program.

The 2023-24 Community Strengthening grant applications have been assessed by an Assessment Panel comprising senior Council Officers from various internal departmental areas providing a diverse skill set and expertise in the assessment process. Additional advice was sought from other departments across Council dependent on the nature of the applications.

The applications were assessed, and a weighted score allocated against the following categories:

- 40% - WHY? What need does the project address and does the community support it?
- 40% - WHAT? What is the project delivering and what does it hope to achieve?
- 20% - WHO? Who is delivering the project and what capacity do they have to deliver?

Applications with a total score of 50% or over were eligible for funding consideration. The Assessment Panel have recommended 14 projects to receive funding as listed in Table 1.

Table 1: 2023-24 Community Strengthening Grant Applications

Applicant	Project	Allocation	Proposed specific conditions
Avenel Active Inc.	<i>Implementing the Avenel Community Plan 2022-2026</i> - four projects from Avenel Active’s 2023-24 Annual Action Plan. <ol style="list-style-type: none"> 1. Development of an Avenel community website 2. Delivery of a Taungurung wawa biik Cultural Learning Experience 3. Support for community first aid training 4. Distribution of the Community Voice 	\$9,974	

11.2.3 Community Strengthening Grant 2023-2024 Allocations (cont.)

Creightons Creek Recreation Reserve Inc.	<i>Connecting the Community Through History</i> - develop and install three history boards at the Creighton's Creek Hall as well as a series of history signs at up to 15 key locations in the valley.	\$10,000	Council to confirm roadside siting; confirm Taungurung LUAA requirement
Euroa Agricultural Society Inc.	<i>Euroa Showgrounds Community Kitchen</i> - purchase commercial-grade kitchen appliances, creating a sustainable and impactful space for the community to utilise.	\$10,000	
Euroa Bridge Club	<i>Euroa Bridge Club Electronic Scoring System</i> - purchase a laptop computer, six (6) 'Bridgemate' tablets and associated equipment to support club operations, assist in developing member's computer skills and enhance social connection.	\$3,550	
Friends of Violet Town Pool	<i>Bush Nippers Program</i> - with Lifesaving Victoria, run a Bush Nippers program designed to formally engage with young people in a fun way around water safety messaging, improving water safety, and building a potential aquatic workforce.	\$10,000	
Longwood Action Group Inc	<i>Upgrade to Bike Track in Pub Paddock</i> - create a loop so riders don't "run into each other" and make it safer for smaller children to ride. The track has wear and tear and needs to be regraded. Utilise earth works equipment working on the track to prepare the Nature Play Space area.	\$10,000	Partnership with Pitch My Project to add BMX track design to Nature Play Space design to ensure safety standard compliance and appropriate siting
Nagambie Golf Club Inc	<i>Replace irrigation pump</i> - purchase a new irrigation pump to enable irrigation of all the golf course during summer.	\$10,000	
Nagambie Rifle Club Inc	<i>NRC 100m Shooting Point/Mound Upgrade</i> - install a 100m shooting point, to facilitate usage of the range for wider community and extend our current 300yd shooting point to allow for more shooters.	\$9,000	

11.2.3 Community Strengthening Grant 2023-2024 Allocations (cont.)

Ruffy Recreation Reserve Inc.	<i>One Defibrillator</i> – purchase a Defibrillator to protect the lives of participants, spectators, and anyone visiting the Ruffy Recreation Reserve.	\$3,347	
Strathbogie Ranges Conservation Management Network Inc	<i>Drawn in Nature</i> - a series of 8 art en plein air sessions and a screen-printing workshop led by local artists followed by a 5-day exhibition	\$7,850	
Strathbogie Sports and Recreation Club Inc	Purchase of new Fridges and equipment for the newly renovated bar and kitchen to enable normal activities and hiring of the facilities to local groups and users	\$9,893	
Strathbogie Tableland Action Group Inc.	<i>Strathbogie Township Walking Track Signs</i> - provide the Strathbogie Township Walking Track with two new trailhead signs and four new interpretive signs	\$3,416	
Tablelands Community Centre Inc	<i>Tablelands Community Centre Defibrillator</i> – purchase defibrillator housed in fit for purpose cupboard and fund a community First Aid training course	\$5,720	
Violet Town Bowls Club Inc	<i>Come try bowling for all ages and limited mobility</i> – purchase of all-inclusive equipment for all abilities providing the opportunity for people of varying ages and abilities to participate in the annual Jack Attack program.	\$4,868	

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.

All recipients are required to sign a Grant Agreement which includes Terms and Conditions. Some projects may also receive a specific funding condition dependent on the nature of the project, refer to Table 1 to see any specific funding conditions.

The terms and conditions for all grants require grant recipients to formally recognise Strathbogie Shire Council in line with Council's Acknowledgement and Publicity Guidelines.

Council has no OH&S responsibility for the delivery and maintenance of any works being carried out as part of the funded projects. All works must be carried out by qualified tradespeople or professionals with the appropriate level of insurance and relevant certification and accreditation if required.

11.2.3 Community Strengthening Grant 2023-2024 Allocations (cont.)

Any electrical equipment purchased as part of these projects must comply with Council’s ‘test & tagging’ requirements if they are used in Council owned or managed facilities.

None of the 14 projects recommended for funding will result in a new Council asset. The life span maintenance including repairs of any assets resulting from these projects will remain the sole responsibility of the applicant.

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 Communications and Engagement Plan was developed for the 2023-24 Community Grants Program to introduce and promote the new Community Funding Model. Using a range of platforms including website, a media release, social media and emails to community groups, and community networks, the community were informed about the program, the application and assessment processes and encouraged to apply.

Two workshops were delivered, a face to face and online workshop during business hours and an after-hours workshop for those unable to attend the first workshop. A recording of the workshop was made available on Council’s website for those unable to attend. Council’s Community Development Officer was available to answer questions regarding applications and the Community Funding Program more broadly.

Table 2 outlines the four stages of the Communications and Engagement Plan. The first three stages are now complete.

Table 2: Communication and Engagement Stages

Stage	Goal	Tools and methods
One <i>Inform</i>	To inform the community of the changes to Council’s community funding model. To inform the community that the Community Grant Program is now open. To encourage the community to attend an information session. To remind the community about Community Grant Program timelines	<ul style="list-style-type: none"> • Face and Face and Online sessions • Media release • Social media • eNews • Website content • Advertising • Frequently Asked Questions
Two <i>Engage</i>	To provide applicants with the opportunity to seek feedback and assistance from Council Officers on their applications.	<ul style="list-style-type: none"> • Workshops • Media release • Social Media • eNews • Website content • Advertising
Three <i>Inform</i>	To keep applicants up to date on the process and what to expect	<ul style="list-style-type: none"> • Acknowledgement notification

11.2.3 Community Strengthening Grant 2023-2024 Allocations (cont.)

<p>Four <i>Inform</i></p>	<p>To inform the community the Community Grant Program’s success</p>	<ul style="list-style-type: none"> • Letter successful • Letter unsuccessful • Media release • Social media • Advertising • Website content • eNews
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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 Planning Program Guidelines
- 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.

The 2023-24 Applications have been assessed against key assessment criteria to ensure consistency, equity and transparency across the program.

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 interests of transparency and open and honest communication with our community this report is presented to a public Council meeting and all community action plans are published to Strathbogie Shire Council’s website for public viewing.

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.

11.2.3 Community Strengthening Grant 2023-2024 Allocations (cont.)*Table 3: 2023-24 Community Grants Budget Summary*

Community Grant Stream	2023-24 Allocation	Budget	2023-24 Allocation	Proposed
Community Strengthening		\$142,000		\$107,618
Community Conversations Jan 26		\$30,000		\$3,136
Quick Response		\$10,000		\$10,000
TOTAL		\$182,000		\$120,754
BALANCE Remaining		\$0		\$61,246

Council's 2023/24 budget allocated \$182,000 for the 2023-2024 Community Grants Program. The current allocation breakdown can be found in Table 3. This report also recommends the allocation of the remaining funds of \$61,246.

Officers recommend the remaining balance of \$61,246 be allocated as follows:

- \$54,246 be utilised for minor infrastructure upgrades and maintenance works on Council owned facilities in line with Council's maintenance and renewal program of works.
- \$7,000 be utilised for capacity building activities to support the community to identify, develop and deliver community projects in future years.

It is important to note that an allocation of \$10,000 for Quick Response grants is available to the community to apply for eligible projects in 2023/24. These grants are authorised under delegation of the CEO and are included in the monthly Contracts, Works and Grants Awarded Under Delegation Report that is presented to 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 distribution of funds through the 2023-24 Community Strengthening grants will greatly assist community groups to progress with important community projects. Many projects will support income opportunities through an increase in visitor numbers to our townships which will have a positive impact on the Shire's economic viability. Several projects will also utilise local contractors and services or involve the procurement of goods from local business.

Officers have also noted that the volunteer contribution for these projects is significant with \$37,877 being contributed in volunteer hours, following the introduction of a matching requirements for some grant streams.

Social

Social sustainability is about strengthening our society to improve our individual and collective wellbeing and resilience. It is about improving the quality-of-life Strathbogie Shire offers for current and future generations, so that community flourishes no matter what challenges are faced.

11.2.3 Community Strengthening Grant 2023-2024 Allocations (cont.)

All the projects recommended for funding have considered how to make their projects as inclusive as possible. The projects will build social capital and result in outcomes that support social sustainability through opportunities for social connection, upskilling volunteers, improving community safety, activities that support health and wellbeing, celebrating cultural diversity, and community art.

Environmental

None of the projects will have a significant negative environmental impact and 87% of projects were able to describe how their project would contribute to improving sustainability practices within the Strathbogie Shire area e.g. reducing emissions and waste going to landfill by upcycling/repurposing of goods in the first instance or, if upcycling is not possible, recycled material is used whenever possible.

Climate change

Twelve of the 14 projects aligned their project with the Strathbogie Shire Council Climate Change Action Plan 2022-27 including how they would reduce waste going to landfill, use renewable energy sources, purchase energy efficient appliances, use recyclable materials, and support community cohesion and resilience during climate challenges.

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.

Following a review of the Community Funding Program, a revised community funding model was adopted by Council in June 2023. The review took into consideration officer feedback, community feedback, the Fraud Control Over Local Government Grants report from the Victorian Auditor General's Office, and benchmarking against other Councils with the intent to deliver an improved funding model for Council and Community.

The new model promotes ease of access to funding for Community, increases in efficiency, improvements in governance, increased monetary value to deliver larger projects. In addition, the introduction of a matching component encourages buy in and commitment from the applicants, and recognises the significant in-kind contribution made by the community.

As part of the continuous quality Improvement process for the Community Grants Program, the revised model will be evaluated using applicant feedback, assessor panel feedback and best practice guidelines published by specialist organisations in the grant space.

HUMAN RIGHTS CONSIDERATIONS

The matters considered in this report align with the Charter of Human Rights and Responsibilities Act 2006

11.2.3 Community Strengthening Grant 2023-2024 Allocations (cont.)

CONCLUSION

The Community Strengthening grants support local community groups and creatives to implement accessible community projects that they design and deliver. It focuses on people and social connection; building community capacity around the principles of respect and equality; and locally led responses to opportunities and identified community needs. These grants support larger projects that will be completed within the 2023/24 financial year.

The purpose of this report is to determine the successful applications for Council's Community Strengthening Grant 2023/24, and allocate any unspent funds associated with the program, ensuring community benefit consistent with the objectives in the Council Plan 2021-25.

Officers received 15 applications in total, officers deemed one application ineligible based on Council's eligibility criteria, as the project was for infrastructure, and 14 applications proceeded through to the assessment stage.

Following the assessment process, officers recommend that Council approve the 14 applications, in full, to the total value of \$107,618.

It is recommended that the remaining balance of \$61,246 be utilised for minor infrastructure works on Council owned facilities and capacity building activities.

ATTACHMENTS

Nil

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie

Author: Acting Director Community and Planning

Responsible Director: Acting Director Community and Planning

EXECUTIVE SUMMARY

School Crossings play 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.

As per Council's resolution on 21 March 2023, Council exited the school crossing supervision program on 10 July 2023, making the relevant workforce redundant and handing the program back to the State Government - Department of Transport and Planning (DTP), the responsible authority, after several unsuccessful advocacy attempts.

DTP resumed the delivery of all crossings in the municipality with the exception of the crossing at Goulburn Street Nagambie. This exception was unexpected, as a precedent has been set in another municipality where DTP resumed supervision at all crossing sites regardless of road ownership.

Council has received feedback from the Nagambie Primary School community on the importance of children's safety and road safety at this site with a number of concerns being raised.

Council's decision to exit the service was based on several factors, primarily the inadequate funding received by Council to deliver a service on behalf of the State Government. Council was subsidising approximately 60% of the cost of the program. Council has been advocating to DTP for a fully funded program. This advocacy was unsuccessful.

Council has been communicating with DTP regularly to try and work towards a solution for the Goulburn Street Nagambie Crossing.

This report details four options for Council to consider including the associated limitations and opportunities/advantages associated with each option, along with the potential financial implications.

RECOMMENDATION

That Council:

- 1. Maintain its previous position, as endorsed at the 21 March 2023 Council meeting, of exiting the School Crossing Program; and***
- 2. Note that officers will undertake an independent Road Safety Audit, commencing on Monday 2 October 2023, to determine the most appropriate road safety infrastructure measures for the Goulburn Street, Nagambie, school crossing, and receive a further report at the October/November 2023 Council meeting.***

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie (cont.)

PURPOSE AND BACKGROUND

The purpose of this report is to consider the options for the delivery of a supervised school crossing at Goulburn Street Nagambie, following Council's decision to exit from the delivery of the service, a service the State Government is responsible for, across the municipality.

This action was authorised by Council at the 21 March 2023 Council meeting in line with the below recommendations:

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 18 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*

Council's exit from the delivery of the service was based on the inadequate funding allocated to Council by the State Government through the Department of Transport and Planning (DTP), for the delivery of the program at 5 crossings across the municipality, leaving ratepayers to contribute approximately 60% of the program delivery cost per annum.

DTP are the responsible authority for the program, setting the parameters, funding, and program requirements across the State.

School Crossings play 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.

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie (cont.)

Following Council's decision to exit the delivery of this DTP service, as per Council's resolution on 21 March 2023, DTP resumed the delivery of all crossings in the municipality with the exception of the crossing at Goulburn Street in Nagambie.

Council was notified of DTP's decision to not supervise the service at Goulburn Street at the end of June 2023. Council had already made provisions to cease the operation of the service and had worked with staff in the redundancy process. The decision not to supervise the crossing at Goulburn Street Nagambie was inconsistent with the actions and precedent set by DTP when Northern Grampians Shire Council withdrew from the delivery of service, approximately eight years ago.

DTP indicate that they are currently completing a statewide review of the school crossing supervision program which may result in changes to the way the service is delivered. This service has been delivered in its current form since 1975 and has not been modernised in line with many pedestrian safety and infrastructure developments now available to traffic and road safety experts.

ISSUES, OPTIONS AND DISCUSSION

Council has received much feedback on the importance of children's safety and road safety at this site. Refer to attachment 1 for a map of the area, along with the current crossing infrastructure and conditions known by Council. Council has met with Nagambie Primary School and DTP regarding the safety at this site and met on several occasions to advocate. Council has received correspondence on the matter from the Nagambie Primary School School Council President, Principal, various parents, and DTP.

In addition, questions were submitted for Question time at the August 2023 Council Meeting regarding Councils' role at the crossing, urging Council to reconsider its position specifically in regards to Goulburn Street, in light of the fact that DTP did not resume this service at this site.

Road safety and the safety of children's passage to and from school is a shared responsibility of many parties, this includes parents and carers of children, the school, DTP, Council and all road users.

Council's decision to cease the service was considered over the course of 12 months, with thorough and regular correspondence with DTP since October 2022, with reports to Council being tabled at the October 2022 and March 2023 Council Meetings informing Council's decision making.

Through this report Council is considering the need for any further action resulting from DTP not providing the supervised crossing service at Goulburn Street, Nagambie. Table 1 presents in detail, four options for consideration, including information obtained via meetings with DTP, formal correspondence, legal advice, risks and budget implications regarding the matter. The four options are:

- Option 1: Re-enter the program in full and absorb costs associated with delivery of the program across all the municipality
- Option 2: Supervise the Goulburn Street Crossing at full cost to Council, making the service Councils responsibility

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie (cont.)

- Option 3: Do not re-enter the DTP School Crossing Program, do not provide supervision at Goulburn Street Nagambie and continue to maintain and renew existing infrastructure as required under the Road Management Act 2004.
- Option 4: Do not re-enter the DTP School Crossing Program, do not provide supervision at Goulburn Street Nagambie, allocate funds and complete a road safety audit at the Goulburn Street crossing site to investigate appropriate road safety infrastructure to reduce risk to children, parents and carers, with a view to fund recommended infrastructure in future years.

It is important to note that DTP will not allow Council to re-enter the program and only deliver the crossing on Goulburn Street. It is a requirement of the program and the State Government that Council re-enter the delivery across all designated crossings, should it consider rejoining the program.

The number of crossings in Strathbogie Shire that need to be supervised under the program may change; the number and location of all crossings is subject to the outcomes of the Service Review currently being undertaken by DTP with the completion date of this review unknown. It is unclear what Council's role would be in the review of the program, but it is clear it would be a shared communications campaign across DTP and local Council's once outcomes are known.

According to the Department of Education and Training, Schools are not responsible for the establishment, staffing, resourcing, or maintenance of school crossings.

The following provide options for Council's consideration and ultimately determination.

Table 1.

Option	Limitations	Opportunities/ Advantages	Financial implications	Officer recommendation
<p>Option 1: Re - enter the program in full and absorb costs associated with delivery of the program across all the municipality.</p>	<p>-Workforce has been made redundant -Council continues to deliver an unsustainable model at the expense of rate payers -Number of supervised crossings is determined by DTP</p>	<p>-Supervision provided at Goulburn Street Nagambie, (this would still be dependent on outcomes of DTP Review of the Program)</p>	<p>In addition to the funding received from DTP, cost to Council estimated to be \$10,000 per crossing, per annum.</p>	<p>Not recommended</p>

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie (cont.)

Option	Limitations	Opportunities/ Advantages	Financial implications	Officer recommendation
<p>Option 2: Supervise the Goulburn Street Crossing at full cost to Council, making the service Councils responsibility</p>	<p>-Council would not receive any additional support from DTP -No access to Risk Assessment process, policy or resources relating to this program - There is no requirement in the Road Management Act for Council to provide a supervised crossing program</p>	<p>-Council is responsible for 1 crossing -DTP is responsible for all other crossing sites.</p>	<p>Cost to Council \$15,000 per annum, no funding would be received via DTP</p>	<p>Not recommended</p>
<p>Option 3. Do not re-enter the DTP School Crossing Program, do not provide supervision at Goulburn Street Nagambie and continue to maintain and renew existing infrastructure as required under the Road Management Act 2004.</p>	<p>-Goulburn Street Nagambie remains unsupervised -No other infrastructure measures in place to promote safe access</p>	<p>-Council is not responsible for a program that is not their responsibility -DTP is accountable for their policy and programs</p>	<p>Nil These costs are budgeted for as per Council's annual operating budget.</p>	<p>Not recommended</p>

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie (cont.)

Option	Limitations	Opportunities/ Advantages	Financial implications	Officer recommendation
<p>Option 4. Maintain its previous position, as endorsed at the 21 March 2023 Council meeting, of exiting the School Crossing Program, and allocate funds and authorise officers to complete an independent road safety audit at the Goulburn Street crossing site to investigate appropriate road safety infrastructure to reduce risk to children, parents and carers, with a view to fund recommended infrastructure in future years</p>	<p>-Goulburn Street Nagambie remains unsupervised</p>	<p>-Council is not responsible for a program that is not their responsibility -DTP is accountable for their policy and programs -Road Safety Audit will identify appropriate road safety and traffic calming infrastructure</p>	<p>\$7000 to complete a Road Safety Audit Funds and grant opportunities/future budget allocation to install recommended appropriate road safety infrastructure.</p>	<p>Recommended</p>

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.

Officers believe Option 4 is in the best interests of the municipal community, balancing Council’s financial constraints responsibly, legal responsibilities, whilst holding the State Government accountable for a program they are ultimately responsible for setting, coordinating, and delivering. Option 4 also looks to introduce additional road safety infrastructure to reduce risk to children, parents and carers travelling to and from school, recognising that this is the responsibility of many parties.

11.2.4 School Crossing Supervision Program – Goulburn Street 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.

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.

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 2004* 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.

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie (cont.)

- 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.
- 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.

In the absence of specific legislation allocating responsibility for the provision of school crossing supervisors to Local Government, then responsibility under the Victorian Constitution lies with the state government for the provision of this government service. Clearly this is why the state government provides funding for the service at present. 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.

Victoria Police are responsible for enforcement and compliance associated with road rules under the *Road Safety Road Rules 2017*.

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.

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie (cont.)

Transparency

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

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.

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 Council's role and decisions in relation to the future the Goulburn Street Nagambie School Crossing.

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 2022/23, Council received \$36,935.00 from the DTP to deliver the school crossing supervision program. The total cost to Council to deliver in 2022/23 was \$90,000.00. This figure does not include officer costs to administer the rostering and backfilling of crossing supervisors, and communications with DTP.

Financial implications associated with the options outlined in this report are presented in Table 1.

Option 4, the recommended option, presents a more responsible long-term option for Council to consider without an ongoing funding requirement.

Council may be eligible for grants for these types of road safety infrastructure upgrades to offset the cost to Council. The types of infrastructure associated with the recommended option is likely to be low maintenance.

This report proposes to reallocate funds from the Community Safety Budget to enable the officer's recommendation to be actioned.

Regardless of the outcome of this report, Council will 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, this 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.

Economic

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

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie (cont.)

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

Riding and walking to school provide a way for students to minimise their environmental footprint.

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.

Council continuously reviews the services it provides to the community and how Council funds are allocated against program areas. It is evident Council contributes a significant proportion of funds to a service it is not responsible for. Council recognises the importance of the service and undertook advocacy for adequate funding, welcoming a review of a program that has not been reviewed since its inception in 1975. However, this did not result in a fully funded program, at no cost to rate payers. This informed Council's decision to exit the service following the March 2023 Council Meeting. DTP have indicated that they will not take on responsibility for the crossing at Goulburn Street as it is located on a Council owned road, this will set a precedent for other municipalities in future. Through this report, Council now needs to reconsider its position at this crossing site, following on from some interest from the school community.

In addition, Council is recommending a Road Safety Audit of this section of Goulburn Street to fully understand opportunities for increased road safety including the opportunities to use new technology and infrastructure now available to support the functions of a school crossing.

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.

11.2.4 School Crossing Supervision Program – Goulburn Street Nagambie (cont.)

CONCLUSION

School Crossings play 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.

ATTACHMENTS

Attachment 1: Map of Goulburn Street Crossing Site and Road Conditions

11.2.5 Council's Role in Waterways Management (Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie)

Author: Acting Director Community and Planning

Responsible Director: Acting Director Community and Planning

EXECUTIVE SUMMARY

For many years, Strathbogie Shire Council has been appointed as waterway manager under the *Marine Act 1988* for the following waterway:

- Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie.

Safe Transport Victoria (now incorporating Maritime Safety Victoria) is the organisation responsible for appointing Waterway Managers and safety on waterways in Victoria. It is understood that Shire of Goulburn was first gazetted as Waterways Manager in the late 1980's, following amalgamation, this role was re-gazetted in June 2012 to Shire of Strathbogie. The appointment continues until such time as the gazetted waterways manager advises Safe Transport Victoria (STV) that it no longer wishes to perform this role.

In line with the recommendations passed by Council on 16 May, Council has ceased Contract 20/21-22 with the Boating Safety Operations provider, led an advocacy campaign and sent correspondence to various Minister and Shadow Ministers calling for a fully funded program. Council has met with various stakeholders and the Nagambie Waterways Advisory Committee regarding the matter. As at the time of writing this report, there is no confirmation from the State Government to provide a financial payment to Waterway Managers to cover the cost of performing the role. Officers continue to liaise with State Government.

The purpose of this report is to provide an update on the matter, give consideration to a range of options Council has for the future management of the respective Waterway, and recommend a position that is financially responsible and in the best interests of the municipal community.

Given that full funding was not achieved by 31 August 2023, officers are recommending that Council withdraw from the role of waterways manager effective 1 October 2023, and advise Safe Transport Victoria accordingly.

RECOMMENDATION

That Council:

- 1. Withdraw from the Waterways Management role effective 1 October 2023, notifying Safe Transport Victoria of Council's decision;***
- 2. Disband the Nagambie Waterways Advisory Committee and write to all members of the committee notifying them of Council's decision and thanking them for their service on the Committee; and***
- 3. Reconsider its position if Safe Transport Victoria provide full remuneration for the costs relating to the delivery of the service.***

11.2.5 Council's Role in Waterways Management (Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie) (cont.)

PURPOSE AND BACKGROUND

For many years, Strathbogie Shire Council has been appointed as waterway manager under the *Marine Act 1988* for the following waterway:

- Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie.

Safe Transport Victoria (now incorporating Maritime Safety Victoria) is the organisation responsible for appointing Waterway Managers and safety on waterways in Victoria. It is understood that Shire of Goulburn was first gazetted as Waterways Manager in the late 1980's, following amalgamation, this role was re-gazetted in June 2012 to Shire of Strathbogie. The appointment continues until such time as the gazetted waterways manager advises Safe Transport Victoria (STV) that it no longer wishes to perform this role.

Essentially, the role of waterway managers is to:

- Manage vessel activities on waters under their control
- Allocate and manage moorings and berths
- Provide and maintain navigation aids, appropriate signage of water levels, hazards, and rules applying to the waters
- Control navigation and vessel movement
- Designate areas in which anchorage of vessels is, or is not, permitted
- Alter or dredge channels for navigation, and
- Remove or mark obstructions.

Over the years, the financial contribution towards the management of the waterways has continued to increase. Council approximately contributes between \$150,000-\$200,000 (increasing annually) to undertake the management of the waterway. This includes the functions of:

- Enforcement Contract,
- Staff time assisting with event permit applications,
- Governance,
- Advisory Committee Management,
- Relevant administration and publishing public notices in the paper (where it is Council's responsibility), and
- Updating of communication channels.

The ongoing challenging fiscal environment that the State Government is imposing on Local Governments with the introduction of the Rate Cap, it is making Council's role extremely challenging to deliver core services to our community. The delivery of the Waterways Management function is not considered a core service typically delivered by local government rather, it is a discretionary service, one that could equally be delivered by State Government.

At the Council Meeting on 16 May 2023 Council resolved to:

1. *Authorise officers to notify 4site, current provider of the Provision of Boating Safety Operations (contract number 20/21-22), that the contract will cease as proposed on the 30 September 2023, with no option for extension to be applied.*

11.2.5 Council's Role in Waterways Management (Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie) (cont.)

2. *Authorise officers to write to Safe Transport Victoria (and relevant State Government Ministers and local members of Parliament) seeking annual and ongoing financial support to fully fund the cost of undertaking the Waterways Management role and notify relevant stakeholders and community of this advocacy ask.*
3. *If full funding is not achieved by 31 August 2023, receive a report in the September 2023 Council meeting cycle to either withdraw the service effective 1 October 2023 or consider options to remain as a Waterways Manager which would require the allocation of funding to investigate and identify a sustainable model, including but not limited to, recouping/offsetting service costs.*

The purpose of this report is to provide an update on the matter, give consideration to the range of options Council has for the future management of the respective Waterways, and recommend a position that is financially responsible and in the best interests of the municipal community.

ISSUES, OPTIONS AND DISCUSSION

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

In line with the recommendations passed by Council on 16 May, Council has ceased Contract 20/21-22 with the Boating Safety Operations provider, led an advocacy campaign and sent correspondence to various Minister and Shadow Ministers calling for a fully funded program. Council has met with various stakeholders and the Nagambie Waterways Advisory Committee regarding the matter.

Officers have discussed the matter in several forums including formal Nagambie Waterways Management Committee Meetings, correspondence with Safe Transport Victoria and correspondence with relevant Ministers, Shadow Ministers and other relevant dignitaries advocating for a full funding to deliver the Waterways Management Service for the designated water bodies.

At a recent Nagambie Waterways Advisory Committee on 24 August 2023, it was noted that:

The Nagambie Waterways Advisory Committee (NWAC) would be satisfied to receive a reduced waterways management service (from Council) if Council was to remain in the role as the waterway manager until such time as the NWAC has appointed a new fully funded Committee of Management which has been endorsed by Safe Transport Victoria.

The Advisory Committee expressed a strong desire for the waterway management to continue to be provided at a local level, keeping the management of the respective waterways within the local community's control.

11.2.5 Council’s Role in Waterways Management (Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie) (cont.)

Council has written to the Minister for Outdoor Recreation Sonya Kilkenny twice with copies to Minister for Local Government Melissa Horne, Minister for Water Harriet Shing, Minister for Tourism, Sport and Major Events Steve Dimopoulos, Safe Transport Victoria, all shadow ministers and all local state representatives.

In this correspondence we have advocated for a fully funded program for Council to be able to undertake the role without a cost to ratepayers. As at the time of writing this report, there is no confirmation from the State Government to provide a financial payment to Waterway Managers to cover the cost of performing the role. Officers continue to liaise with State Government.

This report presents a range of options for Council’s future role in waterway management and summary of considerations associated with each option, can be found in Table 1.

Table 1

Option 1	Summary of considerations
<p>Withdraw from Waterway Management role effective 1 October 2023</p>	<p>This option considers the challenges faced by Council as the Waterways Manager:</p> <ul style="list-style-type: none"> • It is becoming increasingly expensive to deliver this service (patrol contract and on water related remedial works is approx. \$100k, plus administration, event application management liaison, navigation aids etc). The total cost of providing the function is approximately \$150 - \$200k taking into consideration officer time, on water activities (signage/navigation aids), administration of the Advisory Committee, advertising/communications. • As at the time of writing this report, there is no confirmation from the State Government to provide a financial payment to Waterway Managers to cover the cost of performing the role. Officers continue to liaise with State Government. • There is an inability to generate any revenue from the delivery of this service. • The large body of water makes it difficult to monitor and deter undesirable behaviour. • The increasing expectation from water uses and key stakeholders to “do more” in relation to compliance and managing conflicting uses on the water body (with no additional resources). • There is no legislative requirement for Council or STV to deliver a compliance program on the waterways, nor is there any legislative requirement to employ a waterways manager on the lake and/or river. • There is no independent body to hand the service back to at a local level, the service will go back to the responsible authority, Safe Transport Victoria, until such time that a local committee can be established, separate from Council. • There is no budget allocated to the delivery of the service in 2023/24. • Places the day-to-day responsibility of the management of the waterway with Safe Transport Victoria.

11.2.5 Council’s Role in Waterways Management (Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie) (cont.)

Officer Recommendation:
 Officers recommend this option as the preferred option. This is a financially responsible option as Council cannot continue to subsidise a service it is not responsible for. Council has advocated to a range of relevant Ministers for a fully funded service and has had no confirmation. This option hands the service back to the State Government to manage and administer as they see fit.

Option 2	Summary of considerations
Continue Waterway Management role with a reduced level of service (no Council - managed boat patrols) until 1 July 2024; Identify/explore options for a new management committee; and If not successful withdraw from the service from 1 July 2024.	This option: <ul style="list-style-type: none"> • Provides all parties with more time to consider, plan and prepare for an alternate management model. • Respects the position of the Nagambie Waterways Advisory Committee. • Delivers a reduced service level that may lead to issues with compliance, safety and the management of community expectation. • Will cost Council less financially with the costs associated with this option being staff time, administration, and management only (approximately \$100,000 per annum). • Is challenging as there is increasing expectation from water uses and key stakeholders to “do more” in relation to compliance and managing conflicting uses on the water body (with no additional resources). • May lead to an alternative independent management body being identified, maintaining a local presence, keeping the management of the respective waterways within the local community’s control. • There are no funds allocated to this function in 2023/24.

Officer Recommendation:
 This option is not recommended as it relies on Council subsidising a service that is the State Governments responsibility. In the current rate caped environment, Council cannot continue to deliver services that are not the core business of Council. With a reduced service level, officers also anticipate issues in managing community expectations, complaints, on water issues without a contract service and compliance.

Option 3	Management of Lake Nagambie only
Continue with the Waterways Management role of Lake Nagambie only, with a reduced level of service (no council managed boat patrols)	<ul style="list-style-type: none"> • Provides for local management of a smaller concentrated area. • This area has a number of conflicting uses making it difficult to monitor and deter undesirable behaviour without an on water compliance contract. • There is no legislative requirement for Council or STV to deliver a compliance program on the waterways, nor is there any legislative requirement to employ a waterways manager on the lake and/or river. • Delivers a reduced service level that may lead to issues with compliance, safety and the management of community expectation. • Will cost Council less financially with the costs associated with this option being staff time, administration, and management only (approximately \$100,000 per annum) • There are no funds allocated to this function in 2023/24.

Officer Recommendation:
 This option is not recommended. This option relies on Council subsidising a service that is the State Government’s responsibility, Council cannot continue to deliver services that are not the core business of Council. With a reduced service level, officers also anticipate issues in managing community expectations, complaints, on water issues without a contract service and compliance.

11.2.5 Council's Role in Waterways Management (Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie) (cont.)

Officers recommend Option 1 as the preferred option based on the information presented in this report.

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 community advocacy campaign was initiated to support our efforts. This included Council-led social media, media releases and content on our website, along with paid advertising.

We encouraged the community to help Council call for support by sending a letter to the Minister for Outdoor Recreation and to use the social media tiles we created to draw attention to the issue. These were available on Council's website to download.

The Hon. Wendy Lovell MP and The Hon. Roma Britnell MP supported Council's advocacy campaign and recent advice from Annabelle Cleeland MP states that she raised the issue again with the Minister for Outdoor Recreation on 6 September 2023 in the hopes of finding a solution.

As at the time of writing this report, there is no confirmation from the State Government to provide a financial payment to Waterway Managers to cover the cost of performing the role. Officers continue to liaise with State Government.

POLICY CONSIDERATIONS

Council Plans and Policies

The Council Plan 2021-2025 outlines in objective 5.1.3 *Implement the outcomes of the Lake Nagambie and Goulburn River waterway zoning review to maximise opportunities for safe water-based activities*. This action is identified in year 2021/22. The Waterway Zoning Review is pending consideration and approval from Maritime Safety Victoria. It is likely the outcome of this review will be known in September/October 2023.

Regional, State and National Plans and Policies

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

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 is no legislative requirement for Council or Maritime Safety to deliver a compliance program on the waterways, nor is there any legislative requirement to employ a waterways manager on the lake and/or river.

11.2.5 Council's Role in Waterways Management (Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie) (cont.)

Waterway managers fulfil their responsibilities under the Act primarily by:

- managing key infrastructure such as moorings, berths, channels, navigation aids and safety signage in accordance with standards set by the Safety Director, and
- making and assuring compliance with safety rules such as vessel exclusion zones and speed limits in waters under their control.
- Waterway managers can also elect to exercise enforcement powers through the deployment of Transport Safety Officers authorised by the Safety Director.

Safe Transport Victoria have advised that the process to resign Council's role as waterways manager is to:

- Formally notify Safe Transport Victoria in writing,
- STV will provide a brief for the Minister; and that
- Once approved, a Gazettal will occur to relinquish the role (the actual gazettal process roughly takes two weeks).

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.

Council receives no income or annual contribution from Maritime Safety Victoria to perform the function of Waterways Manager.

Changes to the legislation have meant that Council (as the Waterway Manager) does not receive any financial income from any infringement notice that is given. Any revenue goes directly to the relevant State Government department and paid as consolidated revenue.

It is becoming increasingly expensive to deliver this service. It is estimated that the total cost of providing the function is approximately \$150 - \$200k taking into consideration contractor costs (if patrols are conducted), officer time, on water activities (signage/navigation aids), administration of the Advisory Committee, lake closure and use applications and advertising/communications. There is no ability to generate income from this program, with the exception of grants, which Council is then required to administer and oversee for the specific purpose.

11.2.5 Council's Role in Waterways Management (Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie) (cont.)

SUSTAINABILITY CONSIDERATIONS

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

Economic

The waterways within our municipality enhance the visitor economy of our region. Particularly the waterways in Nagambie, Mitchelstown, Tabilk and Kirwans Bridge offer a variety of on water activities including water-skiing, fishing and rowing that make Nagambie lakes a popular tourist destination.

Social

On water activities provide an opportunity for people to come together to participate in a shared interests and physical activity.

Environmental

There are no negative environmental impacts associated with this report.

Climate change

There are no negative environmental impacts associated with this report.

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

In line with the recommendations passed by Council on 16 May, Council has ceased the Contract 20/21-22 with the Boating Safety Operations provider, led an advocacy campaign and sent correspondence to various Ministers and Shadow Ministers calling for a fully funded waterways management service and have met with various stakeholders including the Nagambie Waterways Advisory Committee regarding the matter.

The purpose of this report is to provide an update on the matter, considering a range of options Council has moving forward, and recommended a position in the short and long term that is financially responsible and in the best interests of the municipal community.

ATTACHMENTS

Nil.

11.3 INFRASTRUCTURE

11.3.1 Tender for Contract No. 23/24-02: Roads Reseal Program 2023/24

Author: Senior Project Officer - Projects Delivery

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

As part of the Strathbogie Shire Council's approved 2023/24 Capital Budget, selected roads have been identified for resealing, this will improve safety, increase the life of the roads, lower ongoing maintenance costs and decrease the frequency of maintenance activities. To implement the reseal program, tender documentation was prepared for the public advertisement.

Under this contract for 2023/24, it is planned to reseal selected segments of 31 Council roads which were prioritised based on third party road conditions assessment. The total work package expands across 45km in length. The resealing work also includes reinstatement of line marking with long life thermoplastic markings, installation of Raised Reflective Pavement Markers (RRPMs) as required and where applicable on those road segments.

Through public advertisement in local and state newspapers, Council invited tenders for the work under Contract No. 23/24-02, Roads Reseal Program between 28/07/2023 and 23/08/2023. At the closing of Tender, five (5) tender submissions received. These tenders have been assessed and evaluated by Council Officers and a summary of results is detailed in this report.

It is recommended that the Council awards the lump sum contract to Boral Resources (VIC) Pty Ltd, for a total amount of \$1,425,804.06 (including GST) based on the tender evaluation outcomes.

The prioritisation of the rehabilitation and reseal programs hinges on the findings of a third-party road condition audit. These two programs are aligned in their pursuit of a shared objective: the extension of the lifespan of the current road network, thus delivering optimal returns on investment. In the 2023-2024 budget, a total amount of \$2,149,000.00 has been allocated for these initiatives. Council officers will take measures to ensure that both programs are executed within this allocation. This will be accomplished by giving precedence to road segments with the most critical needs as determined by the outcomes of the condition audit.

RECOMMENDATION

That Council:

- 1. Notes the outcome of the tender assessment process for Contract No 23/24-02 Roads Reseal Program;***
- 2. Awards the tender for Contract No 23/24-02 Roads Reseal Program - Lump Sum for a total amount of \$1,425,804.06 (including GST) to Boral Resources (VIC) Pty Ltd based in Port Melbourne, with project specific operations carried from Bendigo depot;***

11.3.1 Tender for Contract No. 23/24-02: Roads Reseal Program 2023/24 (cont.)*RECOMMENDATION (cont.)*

3. **Authorises officers to advise the unsuccessful tenderers; and**
4. **Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council.**

PURPOSE and BACKGROUND

This report seeks Council approval of the recommendations on Tender Evaluation exercise on Contract No 23/24-02 Roads Reseal Program, and to award the contract to the highest scoring tenderer as provided in this report.

Tender Process

The public tender was released on <https://www.eprocure.com.au/strathbogie/> website on the 28 July 2023. The tender was advertised in Saturday's The Age newspaper (state-wide reach), and Shepparton News in the week following release. By the close of tenders at 4.00pm on 23 August 2023, five (5) tender submissions had been received.

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

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

Table 1: Tender Submissions Received

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

Table 2 below lists the tender offer at the close of the advertised tender period.

Table 2: Tender Offers Received

Tender Offers Received at Close of Tender Period in lowest to highest order
\$ 1,425,804.06
\$ 1,450,692.76
\$ 1,548,090.27
\$ 1,560,741.14
\$ 2,071,206.18

11.3.1 Tender for Contract No. 23/24-02: Roads Reseal Program 2023/24 (cont.)

Panel Assessment Process

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

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

1. Manager, Project Delivery - Sustainable Infrastructure
2. Senior Project Officer, Project Delivery - Sustainable Infrastructure
3. Senior Engineer, Asset Planning - Sustainable Infrastructure
4. Procurement & Tender Officer, People and Governance (moderating).

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 in line with the Council Procurement Policy:

TABLE 3: Evaluation Criteria

Criteria	Weighting (%)
Price	50
Business and Management Requirements	Evaluator Review
Capacity - Subcontractors, Equipment & Resources, Experience, Current Contracts	10
Capability, Experience, Personnel CVs, Methodology, Traffic Management Plan	10
Local Content/Regional Benefit	10
Sustainability	10
Compliance/exclusion from Contract	10
Total	100

ISSUES, OPTIONS AND DISCUSSION

Evaluation Moderation Process

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

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed tenderers submitted schedules and attachments against the evaluation criteria.

11.3.1 Tender for Contract No. 23/24-02: Roads Reseal Program 2023/24 (cont.)

The Moderator (Procurement & Tender Officer) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On Monday 28 August 2023 the Panel members and the Moderator met to finalise the evaluation through moderation meeting.

Panel Assessment Summary

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

At the completion of the tender evaluation process, Boral Resources Pty Ltd attained the highest ranking with a total score of 92.68%. Boral scored the highest on both qualitative and pricing components, 42.68% and 50% respectively.

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

Boral Resources Pty Ltd is based in Port Melbourne Victoria and it forms part of Boral Ltd group of businesses which listed on ASX. The project related operations will be managed by their depot based in Bendigo. They have ample experience in roadworks and general civil construction and have completed similar works for Strathbogie Shire Council and other regional councils in the past. They have demonstrated capability to complete Works in the tender with minimal supervision based on their submitted documents. They advised that there will be 15 full time equivalent local jobs will be created for the contract term if they are awarded.

COMMUNITY ENGAGEMENT

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

The matter under consideration does not require community consultation process currently.

POLICY CONSIDERATIONS

Council Plans and Policies

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

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

The Council Plan is relevant with the following:

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

Asset Management Policy

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

11.3.1 Tender for Contract No. 23/24-02: Roads Reseal Program 2023/24 (cont.)

Asset Management Strategy

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

Regional, State and National Plans and Policies

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

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

LEGAL CONSIDERATIONS

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

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

Conflict of Interest Declaration

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

Transparency

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

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

Decisions made by Council will be: -

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

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

FINANCIAL VIABILITY CONSIDERATIONS

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

The approved Capital Budget for the combined Reseal and Rehabilitation Programs for the 2023-24 financial year amounts to \$2,149,000.00, within existing allocations. Council officers are committed to prudently managing these funds to ensure the successful execution of both the reseal and rehabilitation programs within this budget. This will be achieved by prioritising those road segments with the most pressing needs, as determined by the outcomes of the condition audit.

11.3.1 Tender for Contract No. 23/24-02: Roads Reseal Program 2023/24 (cont.)

Noting that the current award of \$1,425,000.00 will be allocated to the reseal program, the remaining balance of \$724,000.00 will be directed towards the Rehabilitation Program, which is currently in the final stages of scoping.

SUSTAINABILITY CONSIDERATIONS

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

Economic

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

Social

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

Environmental

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

Modified bitumen with Crumb Rubber (CR) derived from end-of-life tyres, will be used in spray seals which is a sustainable initiative using recycled material.

Climate change

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

HUMAN RIGHTS CONSIDERATIONS

Victorian Charter of Human Rights and Responsibilities Act 2006

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

CONCLUSION

Council invited tenders for Contract No 23/24-02 Roads Reseal Program. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications. It is proposed that Council endorses the recommended contract award for the 2023-24 Roads Reseal Program to Boral Resources Pty Ltd.

ATTACHMENTS

Nil

APPENDICES

Appendix 1: Tender Evaluation for Contract No. 23/24-02: Roads Reseal Program 2023/24 - CONFIDENTIAL

11.3.2 Extension of Contract Nos. 14/15-17,14/15-20,14/15-21,14/15-22 and Update on Contract No. 25/26-02 Landfill Tender

Author: Environment and Waste Coordinator

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council, at its meeting in February 2023 awarded contracts as part of the Hume Regional Collaborative Waste Tender for the below:

- CN 25/26-01 – Kerbside Collection
- CN 25/26-03 – Comingled Recycling Processing
- CN 25/26-04 – FOGO Organics Processing
- CN 25/26-05 – Glass Processing.

Contract CN 25/26-02 – Landfill Processing and Disposal was not awarded due to the presented options not being cost effective for Council and subsequently ratepayers. It was also determined at the February Council meeting that officers provide an update by 1 December 2023 on the reopened tender process.

This report provides an update on the tender process for CN 25/26-02 and the justification and endorsement of extension for an additional year to Council's existing waste contracts (CN 14/15-17, 14/15-20, 14/15-21 and 14/15-22) that were originally awarded in 2014 (as a 9 year + 1 year option extension) to ensure a smooth transition to Council's new contracts and to allow an adequate tool up period. It is recommended to exercise the 1 year option as an extension to the existing contracts, as Officers are satisfied with the contractors performance. In addition, to seek another contractor for a one year period, is not a cost effective solution or in the best interests of our community.

RECOMMENDATION

That Council:

1. ***Exercise the one-year option and extend CN 14/15-17 (Kerbside Collection) bringing the expiry date to 30 June 2025;***
2. ***Exercise the one-year option and extend CN 14/15-20 (FOGO Organics Processing) for an additional year to bring the expiry date to 30 June 2025;***
3. ***Exercise the one-year option and extend CN 14/1-21 (Recycling Processing) for an additional year to bring the expiry date to 30 June 2025;***
4. ***Exercise the one-year option and extend CN 14/15-22 for an additional year to bring the expiry date to 30 June 2025; and***
5. ***Note the update on the tender process for CN 25/26-02- Landfill Processing and Disposal.***

11.3.2 Extension of Contract Nos. 14/15-17,14/15-20,14/15-21,14/15-22 and Update on Contract No. 25/26-02 Landfill Tender (cont.)

PURPOSE AND BACKGROUND

In 2014, the Councils of Strathbogie, Benalla, Murrindindi, Mansfield and Mitchell Shire came together to collaboratively procure kerbside and transfer station collection, disposal and recycling services. This resulted in a much smoother and easier tender process and significant savings for all Councils involved. The ability to work together to deliver Councils biggest contract meant that the participating Councils were able to bring in external expertise to help manage the process. These current contracts will expire in 2024 and to ensure an adequate tool up period it is recommended that Council extend these contracts for the additional one year.

In 2022, Councils in the North East and Goulburn Valley came together again to undertake another collaborative tender process for waste services. From this process Council awarded tenders at its February 2023 Council meeting for Kerbside Collection, Commingled Recycling, Glass and FOGO processing and did not award a tender for Landfill.

This report will give an update on the Landfill tender process and recommend the extension of Council's existing contracts to ensure a smooth transition to the new contracts.

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.

North East and Goulburn Valley Waste and Resource Recovery Groups (NE&GVWRRG) jointly sponsored and facilitated a collaborative tender process to procure kerbside collections, waste disposal and processing services for kerbside waste streams for Local Government Councils and Alpine Resort Management Boards.

Strathbogie Shire Council tendered for the following services

- Kerbside Collection Services
- Events Bins
- Public Place Bins
- Bulk Bin transport
- General Waste disposal services
- Commingled recycling processing services
- FOGO processing services
- Glass processing services

At its February 2023 meeting, Council endorsed all tenders except for the landfill processing tender, due to the distances of the submitted tenderers. Staff are currently working with an adjoining Council to facilitate a joint tender process with this to be recommended for awarded by Council in early 2024. Tender documentation is currently being drafted and given the likely value of the contract, officers have engaged an independent Probity Advisor to assist with the process.

11.3.2 Extension of Contract Nos. 14/15-17,14/15-20,14/15-21,14/15-22 and Update on Contract No. 25/26-02 Landfill Tender (cont.)

Due to the tight timelines between the award of the contracts and the commencement date, to ensure a smooth transition to the new contracts it is strongly recommended that council exercise the option and extend its existing kerbside and processing contracts for an additional one year. Waste contracts, due both to their length and the complexity of services delivered, benefit from at least an 18 month tool up period to ensure all services are able to be delivered to the community at a high standard.

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.

Council staff have undertaken significant community engagement with the community with the Four Bin Kerbside Service was one of the most engaged projects on Share Strathbogie. In 2025 when preparing to roll out the new services staff will undertake further engagement to inform our community of the changes.

POLICY CONSIDERATIONS

Council Plans and Policies

The key strategic focus area that links in with the delivery of waste management services is

- Strategic Focus Area 3: Protect. Enhance. Adapt.

Action 3.6 Complete community engagement around the State Government's new 4 waste bin system to determine the structure of the service for tender purposes

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 proposed regional tender will consider that there has been significant policy, regulatory and industry change within the waste and resource recovery sector.

Key regulatory and current state changes that will be considered include:

China National Sword

- Widespread disruption to the recycling industry in 2018 due to a ban on the export of waste to China
- SKM Recycling insolvency and Cleanaway entry to the market

Government Intervention

- Guidance Notes and Model Contract Clauses (Model Clauses) for local governments 2018
- National Waste Policy at Federal level
- Greater regulatory scrutiny at State level

Environment Protection Act 2017 (Vic)

- General environmental duty, specific duties and permissions regime

Circular Economy Act 2021 (Vic)

- Greater consistency and transparency in service delivery
- Greater State government oversight (Recycling Victoria)

11.3.2 Extension of Contract Nos. 14/15-17,14/15-20,14/15-21,14/15-22 and Update on Contract No. 25/26-02 Landfill Tender (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.

Tender documentation is currently being drafted and given the likely value of the contract, and officers have engaged an independent Probity Advisor to assist with the process.

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. Strathbogie Shire Councils long term financial plan includes projections/assumptions regarding the cost of kerbside waste services and this extension will be captured as part of our normal budgeting processes.

Should this recommendation be supported the contracts prices will be subject to the existing rise and fall provisions within the contracts, which forms part of existing budgets and also long-term plan projections.

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 ability to collaboratively procure waste services across the region will mean that Council will be able to source the best value for money service for our residents.

11.3.2 Extension of Contract Nos. 14/15-17,14/15-20,14/15-21,14/15-22 and Update on Contract No. 25/26-02 Landfill Tender (cont.)

Social

Waste is considered a key service that Council delivers for its residents. Participating in this collaborative procurement process will mean that our residents continue to have access to high quality, best practice waste management services.

Environmental

This tender will have as one of its core tenants' mitigations to reduce the environmental impacts of waste management services. All staff involved in the development of this tender participated in a "Strategic Objectives Workshop" to ensure that the things that were important to the participating Councils were captured.

Reduction of carbon emissions, encouraging the development of the circular economy and investment in sustainable infrastructure all rated highly and were part of the tender and evaluation process.

Climate change

As part of the tender process the impacts of climate change will be investigated, but the strategic objectives of this tender are to minimise greenhouse gas emissions and environmental outcomes.

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 collaboratively procuring and maximising our tonnages we will be able to attract better technology to the region. The tender process will also ask for any innovative value adds to the contracts.

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.

As part of the original tender, Council collaborated with other Councils across the North East and Goulburn Valley. For the new Landfill Processing tender, staff will be collaborating with an adjoining Council.

HUMAN RIGHTS CONSIDERATIONS

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

CONCLUSION

A tender process was undertaken and all tenders were awarded except for the landfill processing tender, officer are now returning back to the market with an adjoining Council to award this tender. To ensure a smooth transition to the new contracts it is recommended that Council exercise its option and extend the existing contracts for an additional 1 year period.

ATTACHMENTS

Nil

11.3.3 Contracts, Works and Grants Awarded Under Delegation

Author: Procurement and Tenders Officer

Responsible Directors: Acting Director Community & Planning / Director People and Governance

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 August 2023 to 31 August 2023. This report specifically relates to works that form part of Council's 2023/24 budget.

This report also details any grants awarded under delegation as per Council's adopted Community Funding Model. Council adopted a Community Funding Model at the June 2023 Council Meeting authorising the Chief Executive Officer to award Quick Response Grants under delegation notifying Council in writing via this report.

RECOMMENDATION

That Council:

1. ***Note the Contracts awarded under delegated authority by the Chief Executive Officer, and/or Acting Chief Executive Officer;***
2. ***Note the Contracts awarded under delegated authority by a Director, and/or Acting Director; and***
3. ***Note the Grants awarded under delegated authority by the Chief Executive Officer and/or Acting Chief Executive Officer.***

PURPOSE AND BACKGROUND

In line with Council's approach to transparency and good governance, the Contracts, Works and Grants Awarded Under Delegation report will be tabled for information purposes at each Council Meeting. The report details any contracts, works or grants 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 and/or services that formed part of Council's approved 2023/24 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 \$170,000 for Goods and Services and \$220,000 for Works
- A Director – award a contract up to the value of \$50,000 for Goods and Services and \$50,00 for Works
- A Manager – award a contract up to the value of \$15,000 for Goods and Services and \$15,000 for Works.

11.3.3 Contracts, Works and Grants Awarded Under Delegation (cont.)

Council adopted a Community Funding Model at the 18 June 2023 Council Meeting authorising the Chief Executive Officer to award Quick Response Grants notifying Council in writing via this report.

Officers received one Quick Response Grant application from the Violet Town Community House Incorporated. This application has been assessed against the grant criteria and Council's assessment process, was deemed eligible and recommended for funding under this category. This recommendation for funding was authorised by the Acting Chief Executive Officer, in line with Council's adopted Community funding Model process.

Contracts Awarded Under Delegated Authority by Chief Executive Officer, and/or Acting Chief Executive Officer

Contract No.	CN 22/23-77
Contract Name	<i>Printing Services</i>
Contract Details	Schedule of Rates Contract 3 year term
Value Including GST	\$35,000 estimate per annum, based on previous 2 years.
Awarded to	Euroa Printers
Scheduled Commencement	11 September 2023
Scheduled Completion Date	10 September 2026

Contract No.	CN 23/24-06
Contract Name	<i>Decanting And Disposal Of Leachate Water – Violet Town Transfer Station</i>
Contract Details	Schedule of Rates on an as needs basis only.
Value Including GST	Approximately \$31,000 per decant and disposal
Awarded to	Peter Foott Waste Collection Pty Ltd
Scheduled Commencement	1 September 2023
Scheduled Completion Date	30 November 2023

11.3.3 Contracts, Works and Grants Awarded Under Delegation (cont.)

Contract No.	PN 23/24-05
Contract Name	<i>Provision of Consultancy for Banking and Billing services procurement</i>
Contract Details	Lump Sum Contract This is an exemption to obtaining marketplace under the 2022 Strathbogie Shire Procurement Policy, Item 20 Exemptions - "Professional Service not suitable for obtaining quotes"
Value Including GST	\$4,000
Awarded to	Whitmore Consultancy Pty Ltd
Scheduled Commencement	28 August 2023
Scheduled Completion Date	20 December 2024

Contracts Awarded Under Delegated Authority by Director and/or Acting Director

Contract No.	CN 23/24-03
Contract Name	<i>Provision of Consultancy for the Delivery of Nagambie Employment Precinct Economic Analysis</i>
Contract Details	Lump Sum Contract
Value Including GST	\$ 50,512
Awarded to	Geografia Pty Ltd
Scheduled Commencement	11 September 2023
Scheduled Completion Date	10 March 2024

Contracts Awarded Under Delegated Authority by Manager/s

Nil

11.3.3 Contracts, Works and Grants Awarded Under Delegation (cont.)

Grants Awarded Under Chief Executive Officer and/or Acting Chief Executive Officer Delegation

Grant	Quick Response
Applicant	Violet Town Community House Inc
Project Overview	The project funds will be used to support the delivery of a series of Art Workshops for the community. The grant is awarded under delegation in line with the process endorsed as a part of Council’s Community Funding Model at the 18 June 2023 Council Meeting.
Grant approved	Amount \$1,000

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.

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 2023/24 budget.

11.3.3 Contracts, Works and Grants Awarded Under Delegation (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

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

Many projects and service will result in 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 August to 31 August 2023.

This report also advises Council of any grants awarded under CEO delegation as per Council's adopted Community Funding Model.

ATTACHMENTS

Nil.

11.3.4 Contract No. 22-23-01: Weir Road and Reedy Lake Road

Author: Acting Chief Executive Officer

Responsible Director: Acting Chief Executive Officer

EXECUTIVE SUMMARY

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 start in October 2022; however, was delayed due to ongoing rain and a 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 minimise the possibility of this road being impassable in any future flood. Furthermore, a Geotechnical/Pavement analysis was conducted to understand the pavement layers. As per the recommendations provided in the report, the design was revised to incorporate the suggested increase in pavement depth, as advised by the Geotechnical study.

At the April 2023 Council meeting, Council resolved to:

- 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.*

Weir Road is an important road to the Kirwans Bridge community. It is the alternative route to Nagambie and is the only route when the historic bridge is closed.

The bridge's closure, and the Weir Road upgrade, have driven significant interest and concern from the local community. In response to this concern, Officers have meet with local landowners and the Kirwans Bridge Community Panel to better understand their concerns.

11.3.4 Contract No. 22-23-01: Weir Road and Reedy Lake Road (cont.)

Since the Council meeting in April 2023, officers have carried out traffic counts on Weir Road to ascertain traffic volume during Kirwan's Bridge closure. The counts have captured an increase in volume which now is 320 vehicles per day, in comparison with a significant lower vehicle per day count when the bridge is opened. Given this change and to ensure the road design and subsequent works are in line with standards, a new Road Safety Audit must be carried out to ensure the current design (4.0m sealing) meets road safety standard at the current traffic count. Should Council continue to proceed with the works, given the current vehicle count, the road would need to be widened to 6.2m seal and 1.5m shoulder both sides as per IDM standards.

As per designers' advice, the safest and the recommended option for this road is a 9.0m pavement, which would mean the removal of 126 trees and installation of guard rail at an estimated cost of \$620,000 plus required vegetation offsets. This number is the minimum number of trees to be removed. This number is the number of tree trunks that are in direct conflict with the road shoulder and earthwork batters. This number does not include the number of trees that have more than 10% of their TPZ (Tree Protection Zone) impacted and will be considered "technically lost". The number of "technically lost" trees should be determined by an arborist. Officers understand this would be a significant concern to the community, and therefore, do not believe this is an option at this time. As per IDM standards, the minimum standard for a rural road design with more than 150vpd (vehicles per day) is a 6.2m pavement with 1.5m shoulder both sides.

Proceeding with the tendered design (4.0m seal), does not meet the standards of the Infrastructure Design Manual due to the increased traffic volume, and therefore compromises the safety of the road. In both cases, sealing the road is not an option due to the vehicle count being higher than expected due to the closure of the bridge.

Given that the contract has been let, Officers are working to understand the financial implications of this situation. The contractor has been advised not to start works until further notice.

It is recommended that Council wait for the findings of the Road Safety Audit to determine what options are available and if there are any risks identified that these can be addressed prior to commencing works.

Officers would also like to acknowledge the members of the local community, who have continued to raise this issue. We appreciate their commitment and dedication to ensuring the safest and best solutions.

11.3.4 Contract No. 22-23-01: Weir Road and Reedy Lake Road (cont.)

RECOMMENDATION

That Council:

- 1. *Endorse that Contract No. 22-23-01 will not commence until an independent Road Safety Audit is complete; and***
- 2. *Receive a further report at a future Council meeting on the outcome of the Road Safety Audit detailing available options, financial implications and risk mitigation strategies.***

PURPOSE AND BACKGROUND

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 start in October 2022; however, was delayed due to ongoing rain and a 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 required 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 were four courses of action that Council considered 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.
- 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.

At the April 2023 Council meeting, Council resolved that Option 3 be the best way forward.

11.3.4 Contract No. 22-23-01: Weir Road and Reedy Lake Road (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.

Since the Council meeting in April 2023, officers have carried out traffic counts on Weir Road to ascertain traffic volume during Kirwan's Bridge closure. The counts have captured an increase in volume which now is 320 vehicles per day, in comparison with a significant lower vehicle per day count when the bridge is opened. Given this change and to ensure the road design and subsequent works are in line with safety standards, a new Road Safety Audit must be carried out on the current design. Under the current vehicle count, the road would need to be widened to 6.2m seal and a 1.5m shoulder to meet design standards.

As per designers' advice, the safest and the recommended option for this road is a 9.0m pavement, which would mean the removal of 126 trees and installation of guard rail at an estimated cost of \$620,000 plus required vegetation offsets. This number is the minimum number of trees to be removed. This number is the number of tree trunks that are in direct conflict with the road shoulder and earthwork batters. This number does not include the number of trees that have more than 10% of their TPZ (Tree Protection Zone) impacted and will be considered "technically lost". The number of "technically lost" trees should be determined by an arborist. Officers understand this would be a significant concern to the community, and therefore, do not believe this is an option at this time.

With concerns raised by the community, a Road Safety Audit by an independent expert has been initiated. This will identify any key concerns and outline recommendations that will ensure the road is safe. It is recommended that council wait for the findings of the Road Safety Audit to determine what options are available and, if there are any risks identified, that these can be addressed prior to commencing works.

Given the current significant higher vehicle count, sealing Weir Road, is not in line with IDM standards. A further traffic count will be carried out post Kirwan's Bridge opening to understand the traffic flow and apply those numbers to a new Road safety Audit. These two traffic counts and Road Safety Audits will be pivotal to understanding whether we are able to seal the road and or any other control measures that may have to be implemented.

While Council is committed to reopening Kirwans Bridge as soon as possible, we know we need significant funding to implement the long-term sustainable open that the Kirwans Bridge Community Panel has been instrumental in helping us design and deliver.

Council is currently exploring funding options for a short-term option for opening Kirwans Bridge, while we advocate for funding for the long-term solution. Unfortunately, despite this commitment, it means the timing of reopening Kirwan's Bridge continues to be unknown.

11.3.4 Contract No. 22-23-01: Weir Road and Reedy Lake Road (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.

Council has been working with the Kirwans Bridge Community Panel to ensure a sustainable long-term future for the historic Kirwans Bridge.

Through this process we now have design and costings for an upgrade that will ensure the bridge remains open and safe long into the future.

Council is now exploring funding options from the Victorian and Australian governments to implement the bridge upgrade. Most recently we have submitted an Expression of Interest for \$7 million from the Federal Government's Growing Regions Fund.

Council and the Kirwans Bridge Community Panel's next focus is advocacy and soon we will be inviting the community to attend a workshop to develop an advocacy plan that will ensure out-of-the-box ideas that will capture the attention of potential funders.

Officers are grateful for the support of the Kirwans Bridge Community Panel. We are confident that working together will ensure we attract funding for this essential community asset.

This process has allowed Officers to understand the importance of Kirwans Bridge to the community and for the movement of vehicles in the area.

We know reopening the bridge is the community's priority, however we also know the condition of Weir Rd is unacceptable for the current traffic count.

Officers have meet with local landowners and discussed the Weir Rd upgrade with the panel. It is through this community engagement that we have identified we need to ensure the Weir Rd design meets road safety standards.

While we wait for the outcome of the Road Safety Audit, we are also exploring options for a short-term solution to reopen Kirwans Bridge.

For the Kirwans Bridge community the upgrade of Weir Rd and the reopening of Kirwans Bridge are essential.

Once the Road Safety Audit is complete, we will hold further discussions with landowners, the panel and the broader community to inform them of the outcome.

POLICY CONSIDERATIONS

Council Plans and Policies

The Council Plan is related with the following:

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

11.3.4 Contract No. 22-23-01: Weir Road and Reedy Lake Road (cont.)

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.

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 is consistent with relevant regional plans.

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 contract has already been delayed and the contractor can access penalty payments. Officers are currently seeking legal advice on the matter. We must ensure the design meets safety standards given the current vehicle count. With Council's commitment to a long-term sustainable future for Kirwans Bridge, we will be able to reinvestigate sealing the road when the bridge is open and the vehicle count returns to normal. In addition, the consulting engineering firm commissioned to undertake the road design will not indemnify their design as it does not meet IDM standards as, in their opinion, there are risks associated with proceeding as per the design documentation. It is recommended that we wait until we receive the Road Safety Audit from the Independent contractor to ensure that if there are any risks that these can be mitigated prior to commencing works.

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.

11.3.4 Contract No. 22-23-01: Weir Road and Reedy Lake Road (cont.)

The cost of the Road Safety Audit is \$3,080.00 incl. GST and will be managed within existing budget parameters. The completion of the audit will detail any further financial implications.

As Contract No. 22-23-01 has been let, and works are to commence in September, legal advice is being sought regarding any contractual requirements including penalty rates that may apply to the contract.

SUSTAINABILITY CONSIDERATIONS

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

The proposed construction and upgrade of this road must take improved road safety into consideration. Commissioning an independent Road Safety Audit, will provide recommendations for any safety mitigating measure that need to be implemented to ensure road users can use the road safely. The project will, provide environmental and economic outcomes, increase social participation, and enable the seamless access with other arterial, regional roads and interstate access points.

HUMAN RIGHTS CONSIDERATIONS

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

CONCLUSION

Following a recent vehicle count, the vehicles travelling on Weir Road is considerably higher due to the closure of Kirwans Bridge. The works incorporated in Contract Number 22-23-01 were designed on a significantly lower vehicle count as this was when Kirwans Bridge was open for traffic. Given the higher volume of traffic currently on the road, the design does not meet the specifications of council's Infrastructure Design Manual.

It is recommended that council wait for the findings of the Road Safety Audit to determine what options are available and, if there are any risks identified, that these can be addressed prior to commencing works.

ATTACHMENTS

Nil

11.4 **CORPORATE**

11.4.1 **Strathbogie Shire Council Audit and Risk Committee – Confirmed Minutes of the Ordinary Meeting held on 2 June 2023 and Strategic Planning Meeting held on 12 July 2023**

Author and Responsible Director: Acting Director People & Governance

EXECUTIVE SUMMARY

This report presents the confirmed minutes of the ordinary meeting held on 2 June 2023 and the confirmed minutes of the Strategic Planning meeting held on 12 July 2023 for Council's noting.

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

2 June 2023 – Ordinary Meeting

Business

- Internal Auditor Services Tender Update
- 2023-24 Budget and Fees and Charges Update
- Enterprise Agreement No 10 Update
- Audit and Risk Committee Bi-Annual Report January 2023 -June 2023
- Project CODI (Collaborative Digital Transformation Project) Update
- Appointment of Municipal Monitor
- Business Continuity Plan Sub Plan Template Feedback
- Set Dates for 2023-2024 Audit and Risk Committee Meetings
- Local Roads and Community Infrastructure Program (LRCIP) Annual Report Phase 1,2 and 3 Audit – Victorian Auditor General's Office

Standing Reports

- Audit Updates
- Policy Review Update
- Strategic Risk Register Management Update
- Audit and Risk Committee 2023 Workplan update
- Protective Data Security Plan (PDSP) update
- Human Resources – Key Strategic Indicators
- CEO Purchasing Card
- Item raised by Committee members
- Confidential briefing with the CEO

12 July 2023 – Strategic Planning Meeting Workshop

- Internal Auditor Services Tender Update
- Discussions regarding Training Requirements/Opportunities
- Discussions regarding Managing/prioritising risk profile and key risks
- Requirements of the Audit and Risk Committee Charter and Workplan
- Member feedback

The confirmed minutes from the above meetings are presented for Council's noting.

RECOMMENDATION

That Council receive and note the confirmed Minutes of the Strathbogie Shire Council Audit and Risk Committee meetings of 2 June 2023 and 12 July 2023.

11.4.1 Strathbogie Shire Council Audit and Risk Committee – Confirmed Minutes of the Ordinary Meeting held on 2 June 2023 and Strategic Planning Meeting held on 12 July 2023 (cont.)

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*.

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 for 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*

11.4.1 Strathbogie Shire Council Audit and Risk Committee – Confirmed Minutes of the Ordinary Meeting held on 2 June 2023 and Strategic Planning Meeting held on 12 July 2023 (cont.)

- *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.

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.

11.4.1 Strathbogie Shire Council Audit and Risk Committee – Confirmed Minutes of the Ordinary Meeting held on 2 June 2023 and Strategic Planning Meeting held on 12 July 2023 (cont.)

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 now adopted 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.

The Strategic Risk Register outlines mitigation measures employed by Council to address climate change and also reflects 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 minutes of recent Strathbogie Shire Council Audit and Risk Committee meetings.

ATTACHMENTS

Attachment 1: Confirmed Audit and Risk Committee Minutes 2 June 2023

Attachment 2: Confirmed Audit and Risk Committee Minutes 12 July 2023

11.4.2 Council Policy Review – Public Interest Disclosure Policy 2023

Author: Coordinator Governance and Records

Responsible Director: Acting Director People and Governance

EXECUTIVE SUMMARY

Council, at its Ordinary Meeting 13 December 2022, adopted the Public Interest Disclosure Policy in its current form. This policy outlines Council's role in the public interest disclosure process as a nominated agency that can receive disclosures, which is a requirement under the *Public Interest Disclosure Act 2012* (formerly the *Whistleblowers Protection Act*).

The policy is now due for review, which has been undertaken by officers. Only minor administrative changes to the policy, along with the updating of Officer titles, and some grammatical corrections, have been made given that no concerns or issues have been raised since the policy's adoption.

The updated policy is recommended for Council adoption.

RECOMMENDATION

That Council:

- 1. Adopt the updated Public Interest Disclosure Policy 2023; and***
- 2. Authorise officers to place the updated policy 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 adoption of the updated policy.***

PURPOSE AND BACKGROUND

Council adopted its current Public Interest Disclosures Policy in December 2022, as required by the Public Interest Disclosures Act 2012 (the Act). A review is required to be undertaken annually, which has now been completed, with only minor changes recommended.

The purpose of this policy is to set up best practice framework to create awareness of the disclosure process, help create a culture where people feel safe in lodging a disclosure that relates to the improper conduct of a Councillor, Council Officer, or Contractor.

11.4.2 Council Policy Review – Public Interest Disclosure Policy 2023 (cont.)

Improper conduct is defined by the Act as being:

- corrupt conduct
- a criminal offence
- serious professional misconduct
- dishonest performance of public functions
- internal or reckless breach of public trust
- intentional or reckless misuse of information
- substantial mismanagement of public resources
- substantial risk to the health or safety of a person
- substantial risk to the environment
- conduct of any person that adversely affects the honest performance of a public officer
- or conduct of a person that is intended to adversely affect the effective performance of a public officer for the benefit of the other person.

This policy is an important way for Council to receive confidential feedback from its community to ensure good governance and the highest standards of conduct.

ISSUES, OPTIONS AND DISCUSSION

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

A public interest disclosure is a disclosure about wrongdoing in the public sector that serves the public interest. The Public Interest Act 2012 ensures that people who report improper conduct and corruption in the Victorian public sector (whistleblowers) can do so in the knowledge that they will be protected.

Council's Public Interest Disclosures Policy has been in operation since 2018, with no issues of concern or areas of improvement have been identified over this time.

The policy impact analysis tool identifies that the ability to lodge a disclosure anonymously, verbally or through a representative ensures equity in the policy's application and ease of access to the process for all sections of our community.

COMMUNITY ENGAGEMENT

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

This is an internal policy, and no consultation has been undertaken given the lack of significant issues that have arisen during the past three years of the policy's application. The process through which potential disclosures have been dealt with has been tested and the policy/procedures found to be robust.

11.4.2 Council Policy Review – Public Interest Disclosure Policy 2023 (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

The review of the Public Interest Disclosure Policy is consistent with Strategic Focus Area 6: Live, Access, Connect of the 2021-25 Council Plan.

Its review and adoption is consistent with the strategies outlined in the Council Plan to achieve these goals:

- *Achieve the highest level of good governance across the organisation and as an elected Council*
- *Deliver responsive and timely customer service across the organisation in line with the timeframes set out in our Customer Service Charter*
- *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.

The development of the policy has been informed by State guidance, particularly from Inder pendant Broad-based Anti-Corruption Commission (IBAC) and other examples of similar policies from other councils.

Some relevant documents used in the review and the policy's original development were:

- Key changes – Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight, and Independence) Act 2019
- Public Interest Disclosures Act 2012
- Public Interest Disclosures Regulations 2019
- Guidelines for making and handling protected disclosures, IBAC October 2016 (updated to reflect changes introduced in January 2020)
- Guidelines for public interest disclosure welfare management, IBAC January 2020
- Public interest disclosure procedures: requirements for implementation, IBAC September 2019.

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.

While being a principles-based Act, the *Local Government Act 2020* sets out the following minimum requirements for the complaints policy under section 107(1).

11.4.2 Council Policy Review – Public Interest Disclosure Policy 2023 (cont.)

The policy must include:

- (a) a process for dealing with complaints made to the Council; and
- (b) a process for reviewing any action, decision, or service in respect of which the complaint is made; and
- (c) a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review; and
- (d) the prescribed processes for dealing with complaints about the Council; and
- (e) the prescribed processes for internal review of complaints made to a Council; and
- (f) the prescribed processes for exercising the discretion referred to in paragraph (c); and
- (g) any other matter prescribed by the regulation.

The policy meets all of these requirements.

Conflict of Interest Declaration

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

Transparency

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

Setting out how disclosures will be dealt with, along with the measures to be taken to ensure the safety and welfare of all parties, is an integral part of creating a safe and enabling culture to facilitate disclosures.

FINANCIAL VIABILITY CONSIDERATIONS

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

Number of cards and card expense limits are set to minimise financial risk.

The ability to make disclosures around misconduct, which may include fraud and corruption, is an important good governance mechanism to ensure that Council's finances are managed with integrity and probity.

There are no significant financial implications arising out of the adoption of this policy and the additional work created by the implementation and review of the policy has been met by existing resource 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.

There are no direct sustainability considerations arising out of the adoption of the policy.

11.4.2 Council Policy Review – Public Interest Disclosure Policy 2023 (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 frequent review of the policy is one means through which continuous improvement is achieved. The analysis outlined by the Policy Impact Assessment Tool is a new process that ensures all legislative requirements are met, along with a deeper consideration of possible human rights and gender equity impacts of the policy's application.

COLLABORATION

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

This policy review has been informed by information provided by IBAC and through reviewing a wide range of similar policies recently adopted by other councils across Victoria.

HUMAN RIGHTS CONSIDERATIONS

The Public Interest Disclosure Policy is consistent with the Human Rights Charter, in particular, by promoting the rights of members of the community to take part in public life and addressing behaviour that may impact on people's safety and privacy.

CONCLUSION

The adoption of the reviewed Public Interest Disclosures Policy ensures Council is compliant with the *Public Interest Disclosures Act 2012* and seeks to provide for a safe, fair, consistent, and transparent approach to dealing with disclosures.

ATTACHMENTS

Attachment 1: Public Interest Disclosures Policy

Attachment 2: Public Interest Disclosures Policy - Policy Impact Assessment Tool

11.4.3 Council Policy Review – Privacy and Data Protection Policy 2023

Author: Coordinator Governance and Records

Responsible Director: Acting Director People and Governance

EXECUTIVE SUMMARY

Council, at its Ordinary Meeting on 20 February 2018, adopted the Privacy and Data Protection Policy. A complete review of the Council's outdated Privacy and Data Protection Policy has been completed aiming to ensure that Council complies with the provisions of the *Privacy and Data Protection Act 2014* in relation to the management, handling, and storage of personal information. As the last review was carried out in February 2018, a review of Council's existing policy intends to provide an update to any legislative and reporting requirements for Council, including formatting to Council's new policy template.

The policy is overdue for review, which has now been undertaken by officers. Update to Council's policy template, administrative changes to the policy, along with the updating of Officer titles, and some grammatical corrections have been made given that no concerns or issues have been raised since the policy's adoption.

The updated policy is recommended for Council adoption.

RECOMMENDATION

That Council:

- 1. Adopt the updated Privacy and Data Protection Policy 2023; and***
- 2. Authorise officers to place the updated policy 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 adoption of the updated policy.***

PURPOSE AND BACKGROUND

As the last review was carried out in February 2018, a review of Council's existing policy intends to provide an update to any legislative and reporting requirements for Council.

Council views the protection of an individual's privacy as an integral part of its commitment towards accountability and integrity in all its activities and programs. This policy outlines Council's commitment to protecting an individual's right to privacy and management of personal information as required by the *Privacy and Data Protection Act 2014* (Vic).

11.4.3 Council Policy Review – Privacy and Data Protection Policy 2023 (cont.)

This policy has been reviewed in order to:

- Establish a regime for the responsible collection, storage, handling, and disclosure of personal information;
- Provide individuals with right of access to information about themselves which is held by the organisation;
- Provide individuals with the right to request correction and amendment of information about themselves held by Council, including information held by contracted service providers.

Council will comply with the ten Information Privacy Principles (IPPs) as set out in the Privacy and Data Protection Act 2014. The IPPs establish standards for the handling of personal and/or sensitive information including collection, use, disclosure, storage, security, accessibility, and disposal. (See below for the IPPs in more detail).

Council will provide Privacy and Data Protection training to all new staff as part of the Corporate Induction Program, and refresher training where applicable.

Council has consulted with Office of the Privacy and Data Protection Commissioner and Local Government Victoria, while reviewing the current policy.

This policy is an important way for Council to ensure good governance and the highest standards of conduct in relation to ensuring protection of personal privacy.

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.

Strathbogie Shire Council (Council) acknowledges that the responsible handling of personal information is not only a legislative obligation but is also a key aspect of good corporate governance and maintains community confidence in Councils delivery of services. Accordingly, Council is committed to full compliance with its obligations under the *Privacy and Data Protection Act 2014* (Vic).

Council's role is to provide good governance in its municipal district for the benefit and wellbeing of the community.

Council's Privacy and Data Protection Policy has been in operation since 2001, with no issues of concern or areas of improvement have been identified over this time.

The policy impact analysis tool identifies that the ability to lodge a disclosure anonymously, verbally or through a representative ensures equity in the policy's application and ease of access to the process for all sections of our community.

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.

11.4.3 Council Policy Review – Privacy and Data Protection Policy 2023 (cont.)

There has been no consultation undertaken given the lack of any significant issues that have arisen during previous years of the policy's application. The process through which privacy and data protection issues have been dealt with has been tested and the policy/procedures found to be robust.

POLICY CONSIDERATIONS

Council Plans and Policies

The review of the Privacy and Data Protection is consistent with Strategic Focus Area 6: Accountable.Transparent.Responsible of the 2021-25 Council Plan.

Its review and adoption is consistent with the strategies outlined in the Council Plan to achieve these goals:

- *Achieve the highest level of good governance across the organisation and as an elected Council*
- *Deliver responsive and timely customer service across the organisation in line with the timeframes set out in our Customer Service Charter*
- *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.

The development of the policy has been informed by State guidance, particularly from Office of the Victorian Information Commissioner (OVIC) and other examples of similar policies from other councils.

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.

To ensure that the policy is in compliance with the requirements under the *Privacy and Data Protection Act 2014*, *Freedom of Information Act 1982*, *Health Records Act 2001*, *Victorian Charter of Human Rights and Responsibilities Act 2006*, *Public Records Act 1973*, and the *Local Government Act 2020 (Vic)*.

The policy meets all of these requirements.

Conflict of Interest Declaration

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

11.4.3 Council Policy Review – Privacy and Data Protection Policy 2023 (cont.)

Transparency

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

Setting out how Privacy and Data Protection will be dealt with, along with the measures to be taken to ensure the protection of personal information ensures the safety and welfare of all parties, is an integral part of creating a safe and enabling culture.

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.

Ensuring Council meets regulation around Privacy and Data Protection, is an important good governance mechanism to ensure that personal information is managed with integrity and privacy.

There are no significant financial implications arising out of the adoption of this policy and the additional work created by the implementation and review of the policy has been met by existing resource 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.

There are no direct sustainability considerations arising out of the adoption of the policy.

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 frequent review of the policy is one means through which continuous improvement is achieved. The analysis outlined by the Policy Impact Assessment Tool is a process that ensures all legislative requirements are met, along with a deeper consideration of possible human rights and gender equity impacts of the policy's application.

COLLABORATION

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

This policy review has been informed by information provided by OVIC and through reviewing a wide range of similar policies recently adopted by other councils across Victoria.

11.4.3 Council Policy Review – Privacy and Data Protection Policy 2023 (cont.)

HUMAN RIGHTS CONSIDERATIONS

The Privacy and Data Protection Policy is consistent with the Human Rights Charter, in particular, by promoting the rights of members of the community to take part in ensuring people's safety and privacy.

CONCLUSION

The adoption of the reviewed Privacy and Data Protection Policy ensures Council is compliant with the *Privacy and Data Protection Act 2014* and seeks to provide for a safe, fair, consistent, and transparent approach to dealing with privacy and data protection.

ATTACHMENTS

Attachment 1: Privacy and Data Protection Policy

Attachment 2: Privacy and Data Protection Policy - Policy Impact Assessment Tool

11.4.4 Council Policy Review – Planning Permit Applications Referral to Council 2023

Author: Manager Planning and Investment

Responsible Director: Acting Director Community and Planning

EXECUTIVE SUMMARY

Council, at its Ordinary Meeting 20 September 2022, adopted the Planning Permit Applications - Referral to Council Policy in its current form. This policy outlines the triggers for planning permit applications to be referred to a Council Meeting for decision.

The policy is now due for review. The review has been undertaken by the Manager Planning & Investment. Since the Policy has been in operation there has been an improvement in decision making timeframes and a reduction in the backlog of active planning permit applications. No changes to the current application of the Policy are recommended.

The Policy has been updated solely with a revised next Scheduled Review Date of September 2025. The update Policy is recommended for Council adoption.

RECOMMENDATION

That Council:

- 1. Adopt the updated Planning Permit Applications - Referral to Council Policy 2023; and***
- 2. Place the updated policy 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 adoption of the updated policy.***

PURPOSE AND BACKGROUND

A goal of the Council Plan is to approve 80% of planning permit applications within the statutory timeframe (60 days). Last financial year the Council's Statutory Planning Team approved 79% of applications within this timeframe. The Rural and Regional Council average for this period was 67%. The introduction of the Policy in 2022 has assisted in an improvement in the approval timeframes for planning permit application in the 2022-23 financial year.

The Policy has also assisted officers in getting through a backlog of planning permit applications reducing the number of active applications from 90 to 46 current active applications.

Council Officers have reported monthly to Council on planning permit applications received and applications decided under officer delegation. Officers have also been providing a weekly update on any planning applications proposed for refusal or that have received objections and are to be recommended for approval.

11.4.4 Council Policy Review – Planning Permit Applications Referral to Council 2023 (cont.)

Officers have received no complaints from regular applicants or community members regarding the Policy. Additionally, the Policy has helped provided certainty to the development community regarding the planning permit process.

Based on the above, officers believe the updated Policy should be adopted with the next scheduled review for September 2025.

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 triggers in the updated Planning Permit Applications Referral to Council Policy for referral of a planning permit application to Council for a determination, are generally consistent with surrounding rural and metropolitan Council's. Implementation of these triggers has provided for a level of consistency for regular users of the planning system in our region.

The updated Policy does not propose any changes to these triggers which are:

- An application with five (5) or more objections,
- An application that is called in by a Councillor,
- An application that raises an issue of significant public interest, concern or controversy, or is likely to do so, and/or
- An application where officers believe that the application or any issue arising in connection with it should be determined by the Council rather by officers.

Implementation of the policy has resulted in less planning permit applications being referred to Council for a decision in the last 12 months. By referring less applications to Council, more applications can be decided on within the statutory timeframe and moreover, the proposed approach will also provide officers the opportunity to process all applications in a timelier manner.

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 results of the recent Community Satisfaction Survey have shown that the community takes a keen interest in the time taken to approve planning permit applications. The feedback received as part of this survey showed a clear desire from the community for Council to work on improving planning permit approval timeframes.

Adoption of this Policy will help meet the needs identified by our community.

11.4.4 Council Policy Review – Planning Permit Applications Referral to Council 2023 (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

2021-2025 Strathbogie Shire Council Plan

Strategic Focus Area 4 – Inclusive. Productive. Balanced.

- Adoption of the policy will help ensure most planning permit applications are decided on in a timely manner, whilst also ensuring applications that are more complex in nature or of significant public interest are referred to Council for a decision. This process will ensure that planning applications that impact the community will have the maximum opportunity for community participation in the decision-making process.

Strategic Focus Area 6 – Accountable. Transparent. Responsible.

- Adoption of the Policy will help ensure responsible and timely customer service by allowing more simple applications with a low level of objections to be decided on within the Statutory Timeframe.

Adoption of the Policy will provide a clear level of accountability and transparency for the Council to the Community in terms of the types of applications that will need to be determined by Council.

The Policy aligns with the relevant goals and deliverables of the Council Plan by assisting in improving planning permit application approval timeframes.

Regional, State and National Plans and Policies

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

There are no regional, State and National Plans or Policies relevant to this report.

Council Officers completed the Policy Impact Assessment Tool during the development of this Policy and found that the Policy adequately considers and responds to the key areas outlined in the Tool.

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 considerations to consider regarding this report. Any procurement of public art will be consistent with Council's Procurement Policy and any associated guidelines.

All decision making will be undertaken in accordance with the requirements of the *Planning & Environment Act 1987*. Decision making on all planning permit applications will continue to be made in accordance with the relevant legislation.

11.4.4 Council Policy Review – Planning Permit Applications Referral to Council 2023 (cont.)

Conflict of Interest Declaration

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

Transparency

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

In the interest of transparency, it is recommended that the adoption of the updated Policy be considered in a public forum. This will ensure full disclosure of Council's policy position regarding planning permit applications required to be referred to Council for a determination.

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 significant financial implications associated with this report. Any costs associated with this report are budgeted for within Council's operating budget and are subject to Council's annual budgetary process.

If the Policy is adopted, it will assist in ensuring a larger number of planning permit applications are approved within the Statutory Timeframe. This will reduce the likelihood of any appeal to VCAT by a planning permit application based on Council's failure to decide on a planning permit application within the required 60-day timeframe.

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 timely approval of planning permit applications assists with stimulating new development within the Municipality. This has flow on effects for the local economy through the creation of jobs and additional work for existing local businesses.

Social

The timely approval of planning permit applications for new residential development provides the opportunity for improved transport and pedestrian connectivity.

Environmental

Adoption of the updated Policy will ensure any planning permit application that raises significant environmental issues will be referred to Council for determination.

11.4.4 Council Policy Review – Planning Permit Applications Referral to Council 2023 (cont.)

Climate change

There are no significant climate change impacts associated with this report. This policy will be applied in line with existing Council policy and will consider Council's commitment to Sustainable Strathbogie 2030, the Climate Change Action Plan and any other relevant Plans and Strategies, if appropriate.

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 provides for continuous improvement in the service delivery of Council's Statutory Planning function by ensuring a larger number of planning permit application will be approved in within the Statutory Timeframe.

COLLABORATION

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

In reviewing this Policy and preparing this report officers have reviewed similar policies from surrounding Municipalities to ensure general consistency in decision making and best value for planning permit applicants.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications associated with the proposed Policy. A Policy Impact Assessment has been undertaken which has considered The *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

Council is committed to undertake additional work to ensure timely decision making on planning permit applications. The Council Plan recognises the need for planning permit applications to be decided on within the Statutory Timeframe of 60 days.

This commitment is supported by Community feedback from the recent Community Satisfaction Survey, where the community has expressed frustration with the time taken to decide on simple planning permit applications.

Adoption of the updated Policy will continue to assist in improving planning permit application approval times while ensuring applications of strategic significance or that are controversial in nature are referred to Council for a decision. The triggers for planning permit applications to be referred to Council for a determination align with the key strategic direction of the Council Plan by ensuring inclusive, accountable, transparent, and responsible decision making.

ATTACHMENTS

Attachment 1: Strathbogie Shire Council Planning Permit Applications and Referral to Council Policy 2023

Attachment 2: Planning Permit Applications and Referral to Council Policy - Policy Impact Assessment Tool

11.4.5 Council Policy Review – Media Policy 2023

Responsible Director: Executive Manager Communications and Engagement

EXECUTIVE SUMMARY

The media plays an important role in Council's communication. Effective engagement with the media enables Council to:

- facilitate transparent, open and accountable government
- explain Council decisions and the impact of those decisions
- increase awareness of Council services, events, facilities and opportunities for involvement and participation
- advocate for the needs of the community
- encourage and support behaviour change for social and environmental benefit
- promote local tourism and the local economy.

This is why Council's Media Policy aims to maintain good working relationships with all media organisations including metropolitan and local print, radio, television and digital media. The Communications and Engagement Team achieves this through:

- Providing clear, consistent and reliable information to the media in a timely manner at all times
- Issuing regular media releases and statements
- Responding promptly to media questions and working to meet mutually agreed deadlines
- Initiating, developing and implementing positive media strategies that inform the community about Council activities and services, and enhance the reputation and image of the Strathbogie Shire Council.

The updated Media Policy has strengthened the accountability and responsibilities of the Mayor and/or Chief Executive Officer (or their delegates) as Council's official spokespersons. It also clearly outlines the role of the Communications and Engagement Team and responsibilities of Council staff.

RECOMMENDATION

That Council:

- 1. Adopt the updated Media Policy 2023;***
- 2. Place the updated policy on Council's website, along with the publication of a notice in Council's weekly newspaper column and social media pages information the community about the adoption of the policy; and***
- 3. Note the policy will be reviewed biennially and may change at any time, subject to a Council resolution.***

11.4.5 Council Policy Review – Media Policy 2023 (cont.)

PURPOSE AND BACKGROUND

The media policy provides clear direction for Councillors and the organisation regarding communication and media procedures and processes when addressing issues relevant to Strathbogie Shire Council.

It will ensure responses given to the media are presented in a consistent, accurate, clear and timely manner to provide opportunity for fair representation in the media.

The policy was developed in February 2012 and last reviewed in September 2013. The latest review has included significant updates and because of this, changes in the document have not been tracked.

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.

Strathbogie Shire Council uses a variety of communication channels to inform, educate, engage, and consult with the community on Council decisions, initiatives, policies, programs, activities and events.

Communication reinforces the reputation and values of Council and its organisation, and is accurate, timely, impartial, and consistent with legislation and policies. All communications will be written, produced, and distributed in an accessible manner.

Council will maximise the use of electronic and online communication to reduce printed material where practicable and appropriate. The media plays an important role in Council's communication. Effective engagement with the media enables Council to:

- facilitate transparent, open and accountable government
- explain Council decisions and the impact of those decisions
- increase awareness of Council services, events, facilities and opportunities for involvement and participation
- advocate for the needs of the community
- encourage and support behaviour change for social and environmental benefit
- promote local tourism and the local economy.

The Media Policy applies to Councillors and Council staff. It clearly outlines the roles and responsibilities of Councillors and staff.

It is the responsibility of the Mayor and Councillors to comply with the policy and respect the roles of Mayor, Deputy Mayor and Chief Executive Officer as spokespersons for the Council.

Section five of the policy sets out the primary spokesperson to the media on behalf of Council. The Mayor is the primary spokesperson, however when the Mayor is not available, he/she can delegate authority for media comments to the Deputy Mayor or relevant ward Councillor.

11.4.5 Council Policy Review – Media Policy 2023 (cont.)

The Mayor is the spokesperson for Council where the issue relates to Council policy and/or is of a political, controversial or sensitive nature.

The Chief Executive Officer is the official media spokesperson for all administrative, operational and management matters.

Individual Councillors wishing to initiate their own communication, through any channel, must make it clear that they are expressing their 'individual' view and not the 'official' view of Council.

Councillors are responsible for ensuring that information they are commenting on, or providing is accurate and consistent with legislation, policies, and Council decisions.

Councillors must advise the Chief Executive Officer and/or Executive Manager Communications and Engagement of any contact with the media, prior to providing any statement that may be reported in the public domain.

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 update of the Media Policy does not require community engagement. It guides internal responses to media enquiries.

POLICY CONSIDERATIONS

Council Plans and Policies

In the 2022/25 Council Plan, this policy aligns to:

- Strategic Focus Area 1: Engage. Create. Unite.

Other relevant Council documents include:

- Staff Code of Conduct CEO Directive
- Councillor Code of Conduct
- Social Media Policy

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.

Regional, state and national plans/policies that are relevant to the report/issue are

-

- Defamation Act 2005 (Victoria)
- Freedom of Information Act 1982 (Victoria)
- Local Government Act 2020 (Victoria)
- Information Privacy Act 2000 (Victoria)
- Privacy and Data Protection Act 2014 (Victoria)

11.4.5 Council Policy Review – Media Policy 2023 (cont.)

- Racial and Religious Tolerance Act 2001 (Victoria)
- Wrongs Act 1958 (Victoria)
- Privacy Act 1988 (Commonwealth)
- The human rights implications of this policy have been properly considered and the policy has been found to comply with Charter of Human Rights and Responsibilities Act 2006 (Victoria)

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 Media Policy helps facilitate transparent, open and accountable government.

Conflict of Interest Declaration

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

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 revised Media Policy is being discussed in a Council meeting open to the public.

Officers use media as an important way of informing the community. It is always included as part of a well-rounded Communications and Engagement Plan that also uses other tools and methods to inform the community.

The Media Policy helps facilitate transparent, open and accountable government.

FINANCIAL VIABILITY CONSIDERATIONS

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

There is no cost associated with providing editorial content to the media. Therefore, there are no financial implications for Council arising from the adoption of this policy or additional work created by its implementation.

SUSTAINABILITY CONSIDERATIONS

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

There are no direct sustainability considerations arising from the adoption of the policy, however the media can be used as a tool to inform the community about sustainability and climate information. It is also important to note the increased use of the media as an information source, reduces Council's reliance on printing.

11.4.5 Council Policy Review – Media Policy 2023 (cont.)

Economic

As outlined above an increased use of media reduces Council's reliance on printing, providing cost benefits to Council.

Social

The media helps Council communicate and share information. It's an important way of providing information to our community about Council decisions, Council projects and engagement opportunities.

The media can create education opportunities and it allows this information sharing and it is essential in reaching parts of the community whose communication preference is not online.

Environmental and Climate change

As outlined above there are no direct environmental benefits from the adoption of the policy, however media can be used as a tool to inform the community about sustainability and climate change information. It is also important to note the increased use of the media reduces Council's reliance on printing.

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 includes regular reviews to ensure it is meeting the needs of Council and the community.

HUMAN RIGHTS CONSIDERATIONS

The Media Policy is consistent with the Human Rights Charter, in particular freedom of expression. The policy seeks to ensure media releases and responses are inclusive, accurate and informative.

CONCLUSION

The adoption of the updated Media Policy 2023 provides clear direction for Councillors and the organisation regarding communication and media procedures and processes when addressing issues relevant to Strathbogie Shire Council.

It will ensure responses given to the media are presented in a consistent, accurate, clear and timely manner to provide opportunity for fair representation in the media.

ATTACHMENTS

Attachment 1: Updated Media Policy 2023

Attachment 2: Media Policy - Policy Impact Assessment Tool

11.4.6 Instruments of Appointment and Authorisation Update

- S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)**
- S11B Instrument of Appointment and Authorisation (Environment Protection Act (EPA) 2017)**
- S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017**

Author and Responsible Director: Director People and Governance (Acting)

EXECUTIVE SUMMARY

Following appointments to vacant positions, and officer position title changes, several changes are required to be made to the following instruments since the last adoption in September 2022:

- S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)
- S11B Instrument of Appointment and Authorisation (Environment Protection Act (EPA) 2017)
- S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017

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

The updated Instruments of Appointment and Authorisation S11A, S11B and Instrument of Sub-delegation S18 are recommended for Council adoption, signing and sealing.

RECOMMENDATION***That:***

1. ***Members of Council Staff referred to in the instruments be appointed and authorised as set out in the instruments:***
 - S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)***
 - S11B Instrument of Appointment and Authorisation (Environment Protection Act (EPA) 2017)***
 - S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017.***
2. ***The instruments come into force immediately the common seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.***
3. ***The instruments be signed and sealed by Council under the Strathbogie Shire Council Local Law No. 1 – Use of the Common Seal 2020.***

11.4.6 Instruments of Appointment and Authorisation Update

- S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

- S11B Instrument of Appointment and Authorisation (Environment Protection Act (EPA) 2017)

- S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017 (cont.)

PURPOSE AND BACKGROUND

There is a basic distinction between a delegation and an appointment to authorise an officer. A delegate acts on behalf of the Council, exercising the Council's powers. In contrast, a person who is appointed to a position has the authority to exercise the powers of that position directly from the enabling legislation.

Appointments identify the office to which the person is being authorised to exercise the powers legislation provides to it.

S47 of the *Local Government Act 2020* provides for Powers of Delegation.

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

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 main reason this report is required is to

- Update the Instruments to reflect current arrangements
- Allow for some recent appointments, changes to titles and acting roles

It is vital that the Instruments be updated to reflect the names and position titles of the officers that are to hold authority under a range of legislation.

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 the instruments of appointment, authorization and sub-delegation are internal documents responding to a legislative requirement community engagement is not considered necessary.

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 including Council Plan Goals.

11.4.6 Instruments of Appointment and Authorisation Update

- S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

- S11B Instrument of Appointment and Authorisation (Environment Protection Act (EPA) 2017)

- S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017 (cont.)

Strategic focus area 6: Accountable.Transparent.Responsible -

- *Achieve the highest level of good governance across the organisation and as an elected Council*
- *Deliver responsive and timely customer service across the organisation in line with the timeframes set out in our Customer Service Charter*
- *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.

The authorisation of officers enables them to work with other agencies to ensure compliance with legislation, particularly adherence to the powers under the Planning and Environment Act 1987 and the Environment Protection Act 2017.

The development of the instruments has been informed by State guidance, particularly from Local Government Lawyers and examples from other councils.

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.

Failure to keep authorisation instruments up to date can potentially impact on the enforcement of legislation and jeopardises Council's compliance with its legal obligations.

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.

By considering this report the community becomes aware of some structures that Council has in place to manage public safety and authorised officers capable of administering various pieces of legislation.

11.4.6 Instruments of Appointment and Authorisation Update

- S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

- S11B Instrument of Appointment and Authorisation (Environment Protection Act (EPA) 2017)

- S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017 (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.

There are no significant financial implications arising out of the review and updating these instruments and the additional work created by the review of the instruments has been met by existing resource 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.

There are no direct sustainability considerations arising out of the adoption of the instruments.

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 frequent review of instruments means through which continuous improvement is achieved.

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 review of these instruments has been informed by information provided by Local Government Lawyers and through reviewing a range of similar instruments recently adopted by other councils across Victoria.

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

The endorsement and sealing of instruments of authorisation enables Council to fulfil its obligations in relation to a number of public safety matters and the enforcement of various pieces of legislation.

11.4.6 Instruments of Appointment and Authorisation Update

- S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

- S11B Instrument of Appointment and Authorisation (Environment Protection Act (EPA) 2017)

- S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017 (cont.)

ATTACHMENTS

Attachment 1: S11A Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

Attachment 2: S11B Instrument of Appointment and Authorisation (Environment Protection Act 1987)

Attachment 3: S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017

11.4.7 Instrument of Delegation **- S5 Instrument of Delegation to the Chief Executive Officer**

Author and Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

One of the key instruments of delegation that facilitates efficient and effective Council operations and decision making is the S5 Instrument, through which Council delegates the bulk of its powers to the Chief Executive Officer (CEO).

This instrument identifies the decisions that cannot be made by the CEO, as prescribed by the Local Government Act 2020 (the Act), such as amending the Council Plan, expenditure of Council funds outside of certain parameters, amending local laws or the Governance Rules, approving the borrowing of money or amending/creating policies required to be adopted through a Council resolution.

The existing instrument of delegation from Council to the CEO was approved by Council on 19 July 2022. The current instrument introduced some minor changes, including marginal increases to the financial delegations given inflation and the ability to approve short term investment of Council funds (to be reported through the Audit and Risk Committee and Council. There have been no recommended changes to these current delegations as there have been no issues arise since the approval in July 2022 and therefore the current delegations have proved to be sufficient.

The authorisation of these delegations to the CEO will ensure for the ongoing efficiency of Council operations and a clear legal framework through which day to day decisions are made. The Instrument also enables the elected Council to focus on strategic matters rather than operational decisions in accordance with the Act.

RECOMMENDATION

That Council in the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), Strathbogie Shire Council (Council) resolves that:

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.***
- 2. The instrument comes into effect immediately upon the common seal of Council is affixed to the instrument.***
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.***
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

11.4.7 Instrument of Delegation - S5 Instrument of Delegation to the Chief Executive Officer (cont.)

PURPOSE AND BACKGROUND

This report is designed to ensure that the Council to CEO delegation instrument is kept up to date and relevant to current circumstances and in line with the thinking of the current elected Council.

This instrument of delegation is the key method by which the majority of decision-making powers and responsibility for ensuring compliance with legislation is passed from Council to the CEO. In turn, the CEO can delegate these powers to other Officers, provided they hold appropriate levels of authority and qualifications.

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 updating of the S5 Instrument of Delegation from Council to the CEO is one way in which good corporate governance is practiced.

This instrument ensures that the elected Council focuses on delivering the Council Plan and Community Vision by not being caught up in day-to-day decision making.

It is important to note that although the CEO has extensive delegations from Council, it does not mean that the CEO will automatically exercise these powers. A CEO is highly unlikely to exercise a legal power to make decisions on matters that are of significant interest to the community and where a decision may have an impact on the overall strategic direction of the organisation.

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 updating of an instrument which delegates power from Council to the CEO is not a matter where community consultation would provide any meaningful direction and therefore no engagement process has been undertaken.

POLICY CONSIDERATIONS

Council Plans and Policies

Efficient and effective decision making, as provided through the S5 Instrument of Delegation is consistent with Strategic Focus Area 6 – Accountable. Transparent. Responsible, including the following strategies outlined in the Council Plan:

As a Council we will:

- *Achieve the highest level of good governance across the organisation and as an elected Council.*
- *Maximise public transparency and accountability around our performance and decision making processes.*

11.4.7 Instrument of Delegation - S5 Instrument of Delegation to the Chief Executive Officer (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.

All councils across Victoria authorise CEO powers through this instrument.

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.

Updating of this instrument is to be undertaken within 12 months of a general election of Council under the Act.

The Instrument is based on a template provided by Council's governance lawyers to ensure it is in keeping with the Act's provisions.

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 purpose of this report is to ensure that the delegation of powers from Council to the CEO is carried out in a public manner. It is also important to note that this instrument of delegation will be available to the public via Council's website in accordance with our Public Transparency Policy and can also be inspected at Council's customer service centres by appointment.

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 has been no recommended change of an ability for the CEO to invest Council funds of up to \$3 million, this is considered prudent so that funds can be moved to where returns are greatest without the need for delay via a council resolution. It is important to note that any such decision will need to be reported to the Audit and Risk Committee so that there is transparency and accountability for these types of decisions.

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.

11.4.7 Instrument of Delegation
- S5 Instrument of Delegation to the Chief Executive Officer (cont.)

There are no significant sustainability impacts arising from the updating of this instrument.

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.

Updating the instrument of delegation ensures that efficient decision making can be made on a day-to-day basis via the Administration. Given continuing inflationary pressures, the threshold figures for financial decisions have remained the same so that Council is able to focus on key strategic decisions. It is important that annual reviews of the Instrument are undertaken to respond to changing circumstances.

HUMAN RIGHTS CONSIDERATIONS

It is considered that the updating of this Instrument of Delegation has no material impacts on the *Charter of Human Rights and Responsibilities*.

CONCLUSION

The draft Instrument maintains the maximum financial thresholds to reflect continued inflation impacts and continues the power to invest Council funds up to \$3 million with a requirement to report on such investment decisions to the Audit and Risk Committee to ensure independent oversight.

ATTACHMENTS

Attachment 1: S5 Instrument of Delegation from Council to the Chief Executive Officer

11.4.8 Submission: Ministerial Guidelines relating to Payment of Rates and Charges

Author: Chief Financial Officer

Responsible Director: A/Director People and Governance

EXECUTIVE SUMMARY

Local Government Victoria has initiated a public consultation regarding Ministerial Guidelines relating to the payment of rates and charges (s.181AA of the *Local Government Act 1989*).

Draft Ministerial Guidelines have been prepared in consultation with the Essential Services Commission and are available for review and feedback.

The Ministerial Guidelines will focus on:

- Defining hardship for the purpose of section 170
- Defining financial hardship for the purpose of sections 171, 171A, and 172A
- Outlining the content of hardship policies and financial hardship policies
- Specifying the circumstances in which a Council may apply the hardship policies and financial hardship policies
- Establishing the process for applying for a payment plan
- Addressing the waiver of interest on unpaid rates or charges under sections 171, 171A, and 172
- Covering any other matters encompassed by sections 170, 171, 171A, 171B, 172, 180, and 181.

The Local Government Victoria will evaluate the feedback received during the consultation process, with the findings presented to the Minister for Local Government for final determination in the first quarter of 2024.

Officers have developed a submission covering three main areas; clarification on ratepayer categories, involvement of third parties in assessing financial hardship and broadening the scope of hardship and financial hardship policies.

Consultation closed on the 15 September 2023. It is recommended that Council note the submission to the Ministerial Guidelines Relating to Payment of Rates and Charges.

RECOMMENDATION

That Council note the submission to the Ministerial Guidelines Relating to Payment of Rates and Charges.

PURPOSE AND BACKGROUND

The Victorian Ombudsman's 2021 "Investigation into how local councils respond to ratepayers in financial hardship" recommended that the Victorian Government provide clear, consistent definition of 'financial hardship' and issue guidelines regarding rates hardship relief.

11.4.8 Submission: Ministerial Guidelines relating to Payment of Rates and Charges (cont.)

Following input received through consultations conducted by the Essential Services Commission, Local Government Victoria (LGV) has prepared draft Ministerial Guidelines and invites the public, as well as councils and other stakeholders to provide any feedback.

The Minister consulted the Essential Services Commission as per 181AA(2) of the *Local Government Act 1989* in Oct 2022. The Essential Services Commission provided their interim advice in February 2023.

Local Government Victoria has initiated a public consultation regarding Ministerial Guidelines relating to the payment of rates and charges (s.181AA of the *Local Government Act 1989*).

Draft Ministerial Guidelines have been prepared in consultation with the Essential Services Commission and are available for review and feedback.

The Ministerial Guidelines will focus on:

- Defining hardship for the purpose of section 170
- Defining financial hardship for the purpose of sections 171, 171A, and 172A
- Outlining the content of hardship policies and financial hardship policies
- Specifying the circumstances in which a Council may apply the hardship policies and financial hardship policies
- Establishing the process for applying for a payment plan
- Addressing the waiver of interest on unpaid rates or charges under sections 171, 171A, and 172
- Covering any other matters encompassed by sections 170, 171, 171A, 171B, 172, 180, and 181.

ISSUES, OPTIONS AND DISCUSSION

The Local Government Victoria will evaluate the feedback received during the consultation process, with the findings presented to the Minister for Local Government for final determination in the first quarter of 2024.

Officers have developed a submission covering three main areas:

1. Clarification on Ratepayer Categories

In the landscape of ratepayer categorisation, numerous distinct segments coexist. As identified by current legislation, ratepayers are expressly defined as individuals who have attained the age of 18, with incorporated entities being intentionally excluded. Presently, the council's policies exclusively revolve around properties designated as primary places of residence, inadvertently excluding ratepayers who hold investment properties and land holdings. Therefore, it is good to establish a precise definition of the ratepayer to whom these guidelines shall apply. This will enable the council to implement these distinctions effectively and accurately.

11.4.8 Submission: Ministerial Guidelines relating to Payment of Rates and Charges (cont.)

2. Involvement of Third Parties in Assessing Financial Hardship

Our council staff possess a high level of expertise in assessing financial hardship. However, they are not the subject matter experts. At present, they have the option to engage the services of financial counsellors or other relevant third parties to ensure an equitable evaluation process. However, if the proposed wording, "Councils must not mandate that an applicant ratepayer involve third parties (such as financial counsellors) in the assessment or verification of their claims of financial hardship," is adopted, it may potentially curtail the council's capacity to utilise this valuable resource. Consequently, this might jeopardise the fairness of the assessment procedure.

3. Broadening the Scope of Hardship and Financial Hardship Policies

This section also addresses the concern raised in the previous point. The existing policies of the council exclusively extend hardship measures to primary places of residence. Nevertheless, the proposed section aims to broaden the applicability of these policies to all ratepayers, including those with investment properties and landholdings. The establishment of a clear and comprehensive definition specifying which ratepayers should be subject to these guidelines will furnish councils with unambiguous directives.

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.

While there was no community engagement undertaken in the development of this report, community members were able to provide a submission through the state governments "Engage" community engagement platform.

POLICY CONSIDERATIONS

Council Plans and Policies

This report is consistent with Strategic Focus Area 6 of the 2021-25 Council Plan Accountable. Transparent. Responsible.

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 consultation pertains to sections of the Local Government Act 1989 (as the new Act is not yet in place for these matters).

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.

11.4.8 Submission: Ministerial Guidelines relating to Payment of Rates and Charges (cont.)

Conflict of Interest Declaration

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

Transparency

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

This report is being tabled at a Council meeting provide transparency on the submission.

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.

While there are no financial implications associated with this report, the Ministerial Guidelines Relating to Payment of Rates and Charges relates to a number potential changes to financial hardship for ratepayers.

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 consultation paper discusses proposed changes to payment plans and hardship provisions.

Social

The discussion paper proposes changes to the terminology Financial Hardship and provides reference to the *Family Violence Protection Act 2008*.

Environmental

There are no negative environmental considerations that form part of this report.

Climate change

There are no negative environmental considerations that form part of this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

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

This engagement period provides an opportunity to have a say on draft guidelines that have been developed that will impact legislation in the future.

11.4.8 Submission: Ministerial Guidelines relating to Payment of Rates and Charges (cont.)

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.

Local Government Finance Professional (FinPro), as the leading member organisation for the finance professional of local councils in Victoria, has made a submission to this process. Council is a member of FinPro and supports their submission.

HUMAN RIGHTS CONSIDERATIONS

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

CONCLUSION

Officers have developed a submission covering three main areas; clarification on Ratepayer Categories, involvement of third parties in assessing financial hardship, and broadening the scope of hardship and financial hardship policies.

Consultation closed on the 15 September 2023. It is recommended that Council note the submission to the Ministerial Guidelines Relating to Payment of Rates and Charges.

ATTACHMENTS

Attachment 1: Feedback on Ministerial Guidelines relating to Payment of Rates and Charges

11.4.9 Adoption of 2022/23 Annual Financial Report

Author : Chief Financial Officer

Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

The Local Government Act 2020 (the Act) states it is essential there is a legislative framework that provides for councils to be accountable to their local communities in the performance of functions and the exercise of powers and the use of resources. It is a statutory requirement under the Act that councils prepare and report on medium and short term plans to discharge their duties of accountability and transparency to their communities.

The Act specifically requires that Council pass a resolution giving its approval in principle to the Annual Financial Report prior to formally submitting to the Auditor-General Victoria. The Act further requires that Council must authorise two Councillors to approve the Report.

The approved and audited Report then forms part of the Council's Annual Report, as required by Sections 98 and 99 of the Act.

The Audit and Risk Committee considered the Report at its meeting on Friday 8 September 2023. The Committee having reviewed the Annual Financial Report consisting of the Financial Statements and Notes, recommends the 2022/23 Annual Financial Report be considered for approval by Council.

RECOMMENDATION

That Council:

- 1. Approve in principle the 2022/23 Annual Financial Report;***
- 2. Authorise the Chief Executive Officer to make minor amendments to the 2022/23 Annual Financial Report, if required, and brief Council if amendments are made;***
- 3. Authorise Councillors Binks and Murray to sign the 2022/23 Annual Financial Report once finalised; and***
- 4. Authorise the Chief Executive Officer to:***
 - a) certify the 2022/23 Annual Financial Report; and***
 - b) include the Auditor's Certified Report in the Annual Report to be considered by Council at its October 2023 meeting.***

PURPOSE AND BACKGROUND

The Victorian Auditor-General's Office has completed the external audit of the 2022/23 Financial Report through its contracted auditors Crowe Australasia.

The Auditors were onsite at Council in late August 2023 which included a detailed review of the draft 2022/23 Annual Financial Report.

11.4.9 Adoption of 2022/23 Annual Financial Report (cont.)

The Annual Financial Report consisting of the Financial Statements and Notes (refer Appendix 1) has been prepared in accordance with relevant legislation, applicable Australian Accounting Standards and other related accounting guidelines.

The Victorian Auditor-General's certification is anticipated in late September 2023.

ISSUES, OPTIONS AND DISCUSSION

The Annual Financial Report is prepared strictly in accordance with the applicable Australian Accounting Standard which includes the Australian equivalent to International Financial Reporting Standards (AIFRS). These Standards require the preparation of five mandatory statements. These statements include –

- Comprehensive Income Statement (Operating – Accrual Statement), which comprises non-cash items such as Depreciation and cost of goods (assets) sold but excludes Capital Expenditure and Transfers to and from Other Reserves.
- Balance Sheet lists Councils' assets and liabilities. It indicates the overall financial position of Council as at 30 June 2023.
- Statement of Changes in Equity, which indicates movements in Council's Reserve Funds.
- Statement of Cash Flows, which indicates all cash expended and received for all activities during the financial year.
- Statement of Capital Works, which details Council's capital works expenditure for the financial year. It sets out the expenditure on creating or buying property, infrastructure, plant and equipment by each category of asset.

Council is also required to prepare two 'Budget Comparison Notes with variance explanations to the 2022/23 Annual Budget relating to:

1. Income and Expenditure
2. Capital Works.

The following analysis of the 2022/23 Annual Financial Report is at a macro level, which reflects the nature of the Report's disclosures. It is not designed nor intended to be used as a Management report that provides details of programs, or resultant variances. No analysis has been provided for the Statement of Changes in Equity.

1. **Income Statement**

The operating result represents the accrual accounting treatments, which includes the non-cash items of depreciation and cost of goods (assets) sold, but excludes expenditure on Capital items, loan proceeds and loan principal repayments and transfers to and from other reserves.

For the year ended 30 June 2023, Council reported an Operating surplus of \$6,771,007. Operating costs were \$39.5 million.

11.4.9 Adoption of 2022/23 Annual Financial Report (cont.)

The result was also impacted by recognition of income in accordance with Accounting Standards as follows:

- The need to reduce operating grant income by \$1,508,649 to reflect grants received but with obligations still attached at 30 June – will adjust in 2023/24 so there is no overall impact
- The need to reduce capital grant income by \$1,094,413 similar to above
- Recognition of expense of \$280,192 for amortisation of ‘right of use assets’, finance costs for leases (non-cash item)
- Early payment of 100% 2023/24 allocation of Finance Assistance Grant of \$6,689,543 from the Grants Commission. This has been recognised as income.
- There was an income increase of \$1,087,099 due to insurance recoveries to restore flood affected buildings. This is a one-off item due the impact from October 2022 flood.

2. Balance Sheet

Council’s Balance Sheet indicates that Council’s overall financial position and its cash and liquidity position is sound and within acceptable financial parameters.

Council’s cash position as at 30 June 2023 was represented by cash on hand and investments of \$25.1 million. This represents an increase in cash holdings of \$1.9 million during the 2022/23 financial year due primarily to receipt of increase in grants and insurance recoveries due to the October Flood. A number of capital works will also be carried over into the 2022/24 financial year.

The value of Council’s property, infrastructure, plant and equipment non-current assets as at 30 June 2023 is \$359.9 million, an increase of \$35.7 million, due primarily to an external revaluation of infrastructure assets.

Council’s end-of-year working capital ratio is 2.31:1, which is greater than the target ratio of 1.1:1. This ratio is used to assess Council’s ability to meet current commitments and is derived by dividing current assets by current liabilities.

3. Cash Flow Statement

Cash flow reflects expenditure on capital works and there are a number of projects reprioritised and completed due to the urgent need to complete recovery works from flood damage.

11.4.9 Adoption of 2022/23 Annual Financial Report (cont.)

4. Statement of Capital Works

Council completed \$13.5 million worth of projects for 2022/23, representing a increase of 85% over the previous year as unplanned flood recovery works and majority completion of other major capital projects like Violet Town Landfill restoration and Nagambie Boardwalk.

Major increase in infrastructure items like roads, bridges and culverts, parks and open space and building are due to restoration of damages caused by the October 2022 Flood event.

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 Annual Financial Statements are prepared and audited and once completed Council is required to advertise the fact that they are available for inspection as part of the Annual Report.

The release of the Annual Report will occur after the October 2023 Council meeting, where adoption of the report will be sought.

POLICY CONSIDERATIONS

Council Plans and Policies

The preparation of the annual financial statements is consistent with Strategic Focus Area 6 of the 2021-25 Council Plan Accountable. Transparent. Responsible, that outlines the following strategies:

As a Council we will:

- *Maximise public transparency and accountability around our performance and decision making processes*
- *Be financially responsible, achieving the greatest possible community benefit from the programs, initiatives and services we fund*
- *Ensure our organisation's structure and resource allocation are regularly reviewed so they align with the goals and deliverables of the Community Vision and this Council Plan.*

Regional, State and National Plans and Policies

Some of the capital works projects and services provided to the community during the year were funded by grant money provided by State and Federal governments and therefore were consistent with the policies and strategies of other levels of government.

11.4.9 Adoption of 2022/23 Annual Financial Report (cont.)

LEGAL CONSIDERATIONS

The Annual Statements have been prepared in accordance with the requirements and timelines laid out in the Local Government Act 2020 and its regulations, and in accordance with relevant Accounting Standards. Use has been made of the Local Government Model Financial Report 2021-22 released by Local Government Victoria to assist councils across the state in providing uniform financial reports that meet the requirements of the Act and accounting standards.

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

The Annual Statements will be presented to an open Council meeting and will then be available on the website and at the Customer Service Desk at Euroa and Nagambie for public review. Effective planning and reporting by councils is essential for ensuring transparency and accountability to the community and other levels of government as to how public money is being spent and the quality of services delivered.

FINANCIAL VIABILITY CONSIDERATIONS

The Annual Statements show Council to be in a sound financial position, with the Financial Plan to be updated to reflect the end of year result and any items required to be carried over into 2023/24 (both income and expenditure).

SUSTAINABILITY CONSIDERATIONS

Economic

The financial report and associated documentation provide published evidence and data on the financial costs and benefits across the main areas of Strathbogie Shire Council income and expenditure. Our report is intended to inform the community of the wider financial and economic impact of council expenditure.

Social

Strathbogie Shire Council, in partnership with other levels of government, is responsible for aspects of everyday life that our community value – from our public open spaces to accessible libraries, to strong local business and employment opportunities. The report outlines how Council is in a sound financial position, able to continue to support its community through services and facilities.

Environmental and Climate Change

The budget provided funds for the continuation of environmental programs and the development of the Climate Change Action Plan during the course of 2022-23.

INNOVATION AND CONTINUOUS IMPROVMENT

Council continues to refine its end of year processes. The audit has been conducted in a hybrid work environment with remotely and inhouse field work in partnership with Crowe Australasia, the Victorian Auditor General's Office appointed service provider. The external audit process always proves useful in terms of reviewing our internal processes and collation of evidence and data which form the basis of the report.

11.4.9 Adoption of 2022/23 Annual Financial Report (cont.)

COLLABORATION

Council, the Victorian Auditor-General's Office, Crowe Australasia and Council's Audit and Risk Committee have worked cooperatively in the preparation of the Annual Financial Report.

CONCLUSION

This report summarises the end of year result and recommends approval in principle of the Annual Financial Report. Council continues to remain in a sound financial position.

ATTACHMENTS

Attachment 1: Annual Financial Report 2022/23

11.4.10 Adoption of Draft Performance Statement 2022/23 and Draft Governance Management Checklist 2022/23

Author: Chief Financial Officer

Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

The Local Government Performance Reporting Framework is a mandatory system of performance reporting for all Victorian councils. It ensures that councils are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the local government sector.

The Framework uses a range of standardised indicators and metrics to ensure councils are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the local government sector.

The Local Government Act 2020 (the Act) requires that Council pass a resolution giving its approval to the Draft Performance Statement 2022/23 and Draft Governance Management Checklist prior to formal submission to the Auditor-General Victoria for their audit opinion. The performance statement provides our community with audited results against the prescribed performance indicators and measures.

The Draft Performance Statement shows consistent performance with previous years, with some metrics such as 0% non-compliance on food safety, increased participation in libraries (22.8%), same level of participation in maternal and child health and 100% compliance with statutory planning decision making.

The financial metrics identify sound and stable working capital ratio (over 200%), lower percentage of loan and borrowing repayment compared to rates (0.5%) and over 100% asset renewal ratio that helps to keep a sound asset network.

The Draft Governance Management Checklists focuses on a range of policies, plans and other documents, with its aim to identify if a sound good governance framework is in place for council. Strathbogie has performed well against this Checklist, with a 'Yes' answer against all of the listed items of the good governance framework.

The Audit and Risk Committee considered the Performance Report and Checklist at its meeting on Friday 8 September 2023, in accordance with the Local Government Act 2020. The Committee requested to add a comment to the Workforce Turnover (percentage of staff turnover) and recommend for council approval.

The Local Government Act 2020 (the Act) requires that Council pass a resolution giving its approval to the Performance Statement 2021/22 and Governance and Management Checklist prior to formal submission to the Auditor-General Victoria. The Act also requires that Council must authorise two Councillors to certify the Performance Statement and Governance and Management Checklist.

Once adopted, the Performance Statement and Governance and Management Checklist will form part of Council's 2021-22 Annual Report which will be considered by Council at its October meeting.

11.4.10 Adoption of Draft Performance Statement 2022/23 and Draft Governance Management Checklist 2022/23 (cont.)

RECOMMENDATION

That:

1. ***In accordance with Section 99(2) of the Local Government Act 2020, Council adopt, in principle, the –***
 - a) ***Performance Statement 2022/23.***
 - b) ***Governance and Management Checklist 2022/23.***
2. ***In accordance with Section 99 (3) of the Local Government Act 2020, Council authorise the Chief Executive Officer, Mayor Binks and Councillor Murray to certify the 2022/23 Performance Statement and Governance and Management Checklist once reviewed by the Victorian Auditor General's Office subject to any minor corrections required by the Victorian Auditor General; and***
3. ***Once finalised, the Performance Statement and Governance and Management Checklist be included in Council's 2022/23 Annual Report.***

PURPOSE AND BACKGROUND

In accordance with section 94 of the Local Government Act 2020, the Annual Budget 2022/23 included a list of prescribed indicators of service performance and financial sustainability that Council must report against in an annual Performance Statement. The indicators are identified in Local Government Victoria's (LGV) Local Government Performance Reporting System (LGPRF), which is in its seventh year of operation.

The Performance Statement provides a comparison between 2019/20, 2020/21, 2021/22 and 2022/23 with comments detailing any significant variances that are outside the tolerance identified by LGV. The Draft Performance Statement represents an independent certification of Council's results against the prescribed indicators. Crowe Australasia, the external auditors appointed by the Victorian Auditor General's Office, has conducted an audit of the Performance Statement and supporting evidence.

In addition, Section 98 of the Local Government Act 2020 requires Council to report on Council's assessment against the prescribed governance and management checklist for 2022/23. This checklist identifies a range of policies and documents prescribed by LGV as creating a sound governance framework that also complies with key legislative requirements.

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.

11.4.10 Adoption of Draft Performance Statement 2022/23 and Draft Governance Management Checklist 2022/23 (cont.)

The Local Government Performance Reporting Framework is a mandatory system of performance reporting for all Victorian councils. It ensures that councils are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the local government sector.

The LGPRF system is used to produce two documents: a Performance Statement and a Governance and Management Checklist. Both documents have been prepared and submitted to Crowe Australasia, the external auditors appointed by the Victorian Auditor General's Office for review. This audit process has now been completed.

The Performance Statement uses a series of service and financial indicators such as library usage, percentage of planning permit applications decided within statutory timeframes, asset management data and financial performance metrics. Local Government Victoria use a tolerance range of + or – 10% for variations from the previous year's performance; any variation above or below this figure requires a management comment to be provided to explain why performance is beyond this tolerance level.

The Draft Performance Statement shows consistent performance with previous years, with some metrics such as 0% non-compliance on food safety, increased participation in libraries (22.8%), same level of participation in maternal and child health and 100% compliance with statutory planning decision making.

The financial metrics identify sound and stable working capital ratio (over 200%), lower percentage of loan and borrowing repayment compared to rates (0.5%) and over 100% asset renewal ratio that helps to keep a sound asset network.

The Draft Governance Management Checklist (Attachment 2) focuses on a range of policies, plans and other documents, with its aim to identify if a sound good governance framework is in place for council. Strathbogie has performed well against this Checklist, with a 'Yes' answer against all of the listed items of the good governance framework.

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 Performance Statement and Governance and Management Checklists are prescribed legislative requirements set out by Local Government Victoria. While community engagement is a direct part of the reporting process, it is noted that some of the metrics used in the Performance Statement is based on the results of the Community Satisfaction Survey. The community therefore had a contribution to the Performance Statement.

11.4.10 Adoption of Draft Performance Statement 2022/23 and Draft Governance Management Checklist 2022/23 (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

The preparation of the annual Performance Statement and Governance and Management Checklist is consistent with Strategic Focus Area 6 of the 2021-25 Council Plan Accountable. Transparent. Responsible, that outlines the following strategies:

As a Council we will:

- *Maximise public transparency and accountability around our performance and decision making processes*
- *Be financially responsible, achieving the greatest possible community benefit from the programs, initiatives and services we fund.*
- *Ensure our organisation's structure and resource allocation are regularly reviewed so they align with the goals and deliverables of the Community Vision and this 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. The Performance Statement reports on indicators mandated by State Government through its Local Government Performance Reporting Framework and allow for comparison in performance between councils.

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 collation and reporting of data that comprises the Performance Statement and Governance and Management Checklist has been undertaken in accordance with the Local Government Act 2020 and its regulations.

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. Performance reporting is a key program promoting council transparency, accountability and performance. The data in the Performance Statement will appear on the Know Your Council website which will be available to the community and the data will also be included in Council's Annual Report. Transparency is also reinforced through the review of the Performance Statement and Governance and Management Checklist by Crowe Australasia, the external auditors appointed by VAGO, and a further review by VAGO itself.

11.4.10 Adoption of Draft Performance Statement 2022/23 and Draft Governance Management Checklist 2022/23 (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. Some of the indicators used in the Performance Statement indicators are directly from the Financial Statements. The Performance Statement shows Council's finances are in a sound position and that Council is performing relatively well against financial sustainability metrics.

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 Performance Statement contains an indicator of performance in Statutory Planning which includes 100% compliance of planning application decision making.

Social

The Performance Statement includes reporting in Indicators relating to:

- Maternal and Child Health
- Aquatic facilities
- Animal Management
- Food Safety.

The 2022/23 year saw increased participation in libraries, maternal and child health and zero non-compliance for food safety. The 2022/23 year saw a decrease in the usage of aquatic facilities due to a number of cooler days in the outdoor pool season that resulted in pool closures (as the minimum opening temperature was not reached).

Environmental

The Performance Statement contains an indicator on waste diversion from landfill. This indicator measures how much waste is diverted from landfill via organics and recyclables. The 2022/23 year saw an average diversion from landfill of 70.15% and an average contamination rate in the organics bin of 1.24% placing Council in the top three of Councils diverting waste from landfill.

Climate change

As highlighted above the indicators within the performance statement report on a number of environmental factors to do with waste diversion. Council also continues to deliver actions from the Climate Change Action Plan to help our community adapt and become more resilient.

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.

11.4.10 Adoption of Draft Performance Statement 2022/23 and Draft Governance Management Checklist 2022/23 (cont.)

Council continues to refine its end of year processes. Feedback from Crowe Australasia is also important to inform a review of our internal processes so that performance reporting can be further streamlined and strengthened for the 2023-24 reporting cycle.

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 staff, the Victorian Auditor-General's Office, their appointed service provider Crowe Australasia and Council's Audit and Risk Committee have been involved in the preparation of these reports.

CONCLUSION

The annual Performance Statement and Governance Management Checklist has been prepared in accordance with the Local Government Act 2020 and its regulations. Both documents have been subject to an external audit by Crowe Australasia, appointed by the Victorian Auditor General's Office, and will be subject to a final review by the Auditor General prior to finalisation.

In accordance with the Act, Council is required to adopt the documents in principle and identify two Councillors to sign the statement, along with the Chief Executive Officer. Once the final audit has been undertaken, minor amendments may need to be made prior to the inclusion of the Statement and the Checklist in Council's Annual Report.

ATTACHMENTS

Attachment 1: Strathbogie Shire Council Performance Statement 2022/23

Attachment 2: Governance and Management Checklist 2022/23

11.5 GOVERNANCE AND CUSTOMER SERVICE

11.5.1 Appointment of Councillor – Chief Executive Officer Employment and Remuneration Committee

Author: A/Director People & Governance

Responsible Director: A/Director People & Governance

EXECUTIVE SUMMARY

Council established a Chief Executive Officer Employment and Remuneration Committee, in accordance with section 45 of the Local Government Act 2020 (the Act), in February 2021. Under the Act, a Council Executive Officer Employment and Remuneration Policy must be adopted by Council, which was originally adopted by Council on 19 October 2021. This policy is used to set the remit of the Committee and provide guidance around how Council will seeking independent input from a human resource expert.

The membership of the Committee, to be appointed by Council, is:

- The Mayor, who is the Chair
- Two Councillors
- An independent member.

Councillor members (excluding the Mayor/Chair) are appointed every 12 months as part of the appointment to Committee's process. At its December 2022 meeting, Council appointed Mayor Laura Binks, Deputy Mayor Paul Murray and Cr Kristy Hourigan to the Committee for the 2022/2023 period. In addition, at the February 2023 Council meeting, following a recruitment process, Council appointed Wendy Jones as the independent member for the period 22 February 2023 to 21 February 2027.

In late July 2023, Cr Kristy Hourigan resigned from her role as Councillor for Strathbogie Shire. This report seeks to replace Cr Kristy Hourigan's vacancy on the Committee until such time as Committee appointments are considered at the December 2023 Council meeting.

RECOMMENDATION

That Council appoint Councillor Sally Hayes-Burke to the Chief Executive Officer Employment and Remuneration Committee until Committee appointments are considered at the December 2023 Council Meeting.

PURPOSE AND BACKGROUND

Council established a Chief Executive Officer Employment and Remuneration Committee, in accordance with section 45 of the Local Government Act 2020 (the Act), in February 2021. Under the Act, a Council Executive Officer Employment and Remuneration Policy must be adopted by Council, which was originally adopted by Council on 19 October 2021. This policy is used to set the remit of the Committee and provide guidance around how Council will seeking independent input from a human resource expert.

11.5.1 Appointment of Councillor – Chief Executive Officer Employment and Remuneration Committee (cont.)

ISSUES, OPTIONS AND DISCUSSION

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

The membership of the Committee, to be appointed by Council, is:

- The Mayor, who is the Chair
- Two Councillors
- An independent member.

Councillor members (excluding the Mayor/Chair) are appointed every 12 months as part of the appointment to Committee's process. At its December 2022 meeting, Council appointed Mayor Laura Binks, Deputy Mayor Paul Murray and Cr Kristy Hourigan to the Committee for the 2022/2023 period. In addition, at the February 2023 Council meeting, following a recruitment process, Council appointed Wendy Jones as the independent member for the period 22 February 2023 to 21 February 2027.

In late July 2023, Cr Kristy Hourigan resigned from her role as Councillor for Strathbogie Shire. This report seeks to replace Cr Kristy Hourigan's vacancy on the committee until such time as Committee appointments are considered at the December 2023 Council 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.

There was no external community consultation undertaken through the development of this report.

POLICY CONSIDERATIONS

Council Plans and Policies

The appointment of an independent subject expert to provide advice and guidance to the CEO Employment and Remuneration Committee achieves Strategic Focus Area (SFA) 6 Accountable. Transparent. Responsible.

The relevant strategies outlined in the Council Plan are:

As a Council we will:

- *Achieve the highest level of good governance across the organisation and as an elected Council*
- *Be accountable for the decisions we make and the quality of service we deliver*
- *Maximise public transparency and accountability around our performance and decision-making processes.*

11.5.1 Appointment of Councillor – Chief Executive Officer Employment and Remuneration Committee (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 policy applies to the Council in its management of the employment and performance of the Chief Executive Officer. This policy has been developed in accordance with the requirements of the Local Government Act 2020 relating to CEO employment and remuneration.

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.

The appointment of committee members is required by Council resolution.

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 costs associated with the development of this report.

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.

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 considered to be no discernible sustainability impacts from the appointment of the committee member.

HUMAN RIGHTS CONSIDERATIONS

There are no impacts in relation to the Charter of Human Rights and Responsibilities Act 2006 arising from this report.

11.5.1 Appointment of Councillor – Chief Executive Officer Employment and Remuneration Committee (cont.)

CONCLUSION

In late July 2023, Cr Kristy Hourigan resigned from her role as Councillor for Strathbogie Shire. This report seeks to replace Cr Kristy Hourigan's vacancy on the committee until such time as Committee appointments are considered at the December 2023 Council meeting.

ATTACHMENTS

Nil

11.5.2 Monthly Performance Report

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

- Building Department – August 2023 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – August 2023
- Customer Enquiry Analysis Report – Report for August 2023
- Waste Management Reporting ~ Year to Date – August 2023
- Transfer Station Date - August 2023
- Actioning of Council Reports Resolutions – Council Meeting Tuesday 15 August 2023
- Outstanding Actions of Council Resolutions to 31 August 2023
- Review of Council Policies and Adoption of new Policies – August 2023
- Records of Informal Council Briefings / Meetings – 1 to 31 August 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 accepted.

BUILDING ACTIVITY

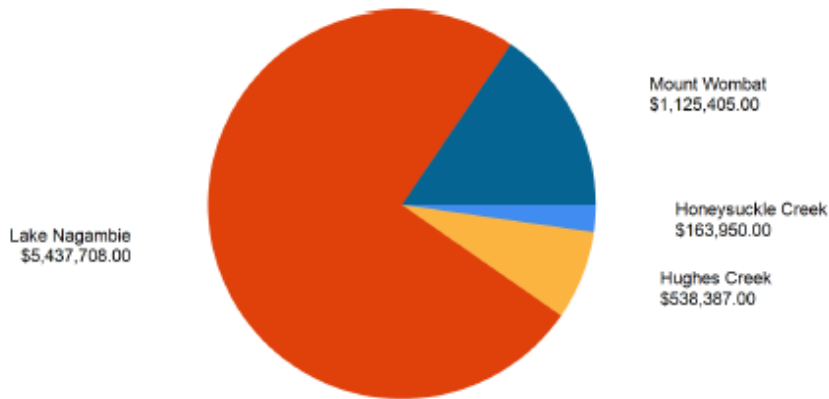
AUGUST 2023



Building Activity

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

Ward	Number of Lodgements	Cost Of Works
Honeysuckle Creek	2	\$163,950.00
Hughes Creek	4	\$538,387.00
Lake Nagambie	11	\$5,437,708.00
Mount Wombat	3	\$1,125,405.00
	20	\$7,265,450.00



Honeysuckle Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
1684992298748	03/08/2023	Construction of	Farm Shed	Boho South	\$126,000.00
4429320556046	24/08/2023	Construction of	Patio	Balmattum	\$37,950.00
					\$163,950.00

Hughes Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
3794032975897	08/08/2023	Alteration to	Carport	Avenel	\$22,953.00
3299677452458	15/08/2023	Construction of	Dwelling & Garage	Avenel	\$475,000.00
1208666206158	16/08/2023	Construction of	Farm Shed	Longwood	\$30,684.00
1878833079305	16/08/2023	Alteration to	Re-stump Dwelling	Avenel	\$9,750.00
					\$538,387.00

Lake Nagambie

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
7985695751263	03/08/2023	Construction of	Verandah	Nagambie	\$12,424.00
8020960465576	15/08/2023	Construction of	Swimming Pool and Fence	Nagambie	\$70,200.00
8383715561589	16/08/2023	Construction of	Shed	Nagambie	\$13,000.00
6132330667583	21/08/2023	Construction of	Hay Shed	Bailieston	\$40,000.00
7825007871011	21/08/2023	Construction of	2x Dwellings & Garage	Bailieston	\$3,800,000.00
7488550778463	10/08/2023	Construction of	Farm Shed	Goulburn Weir	\$92,660.00
2752830989255	18/08/2023	Construction of	Dwelling & Garage	Nagambie	\$381,476.00
8088557288389	16/08/2023	Construction of	Dwelling & Garage	Nagambie	\$530,853.00
8410544068228	26/08/2023	Construction of	Shed	Nagambie	\$47,425.00
3183828007974	24/08/2023	Construction of	Dwelling & Garage	Nagambie	\$375,152.00
9761486355606	30/08/2023	Construction of	Shed	Nagambie	\$74,518.00
					\$5,437,708.00

Mount Wombat

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
5256934478864	14/08/2023	Construction of	Shed	Sheans Creek	\$59,105.00
8336001882268	17/08/2023	Construction of	Dwelling & Garage	Strathbogie	\$1,035,300.00
5740407981529	29/08/2023	Restump of	Dwelling	Kelvin View	\$31,000.00
					\$1,125,405.00

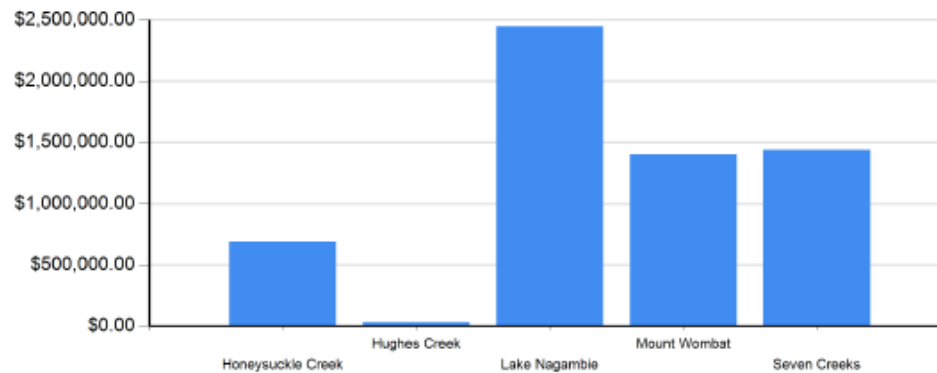
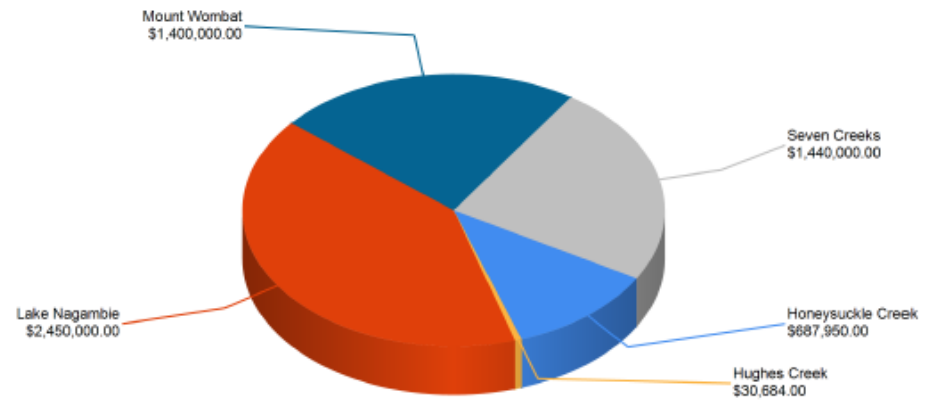
PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL IMPROVED VALUE)
AUGUST 2023



Planning Applications Determined

August 2023

Honeysuckle Creek	\$687,950.00
Balmattum	\$37,950.00
Upotipotpon	\$650,000.00
Hughes Creek	\$30,684.00
Longwood	\$30,684.00
Lake Nagambie	\$2,450,000.00
Mitchellstown	\$600,000.00
Nagambie	\$500,000.00
Nagambie	\$950,000.00
Nagambie	\$100,000.00
Tabilk	\$300,000.00
Mount Wombat	\$1,400,000.00
Creightons Creek	\$450,000.00
Sheans Creek	\$450,000.00
Strathbogie	\$500,000.00
Seven Creeks	\$1,440,000.00
Euroa	\$900,000.00
Euroa	\$540,000.00
Total Value	\$6,008,634.00



CUSTOMER ENQUIRY ANALYSIS REPORT - REPORT FOR AUGUST 2023

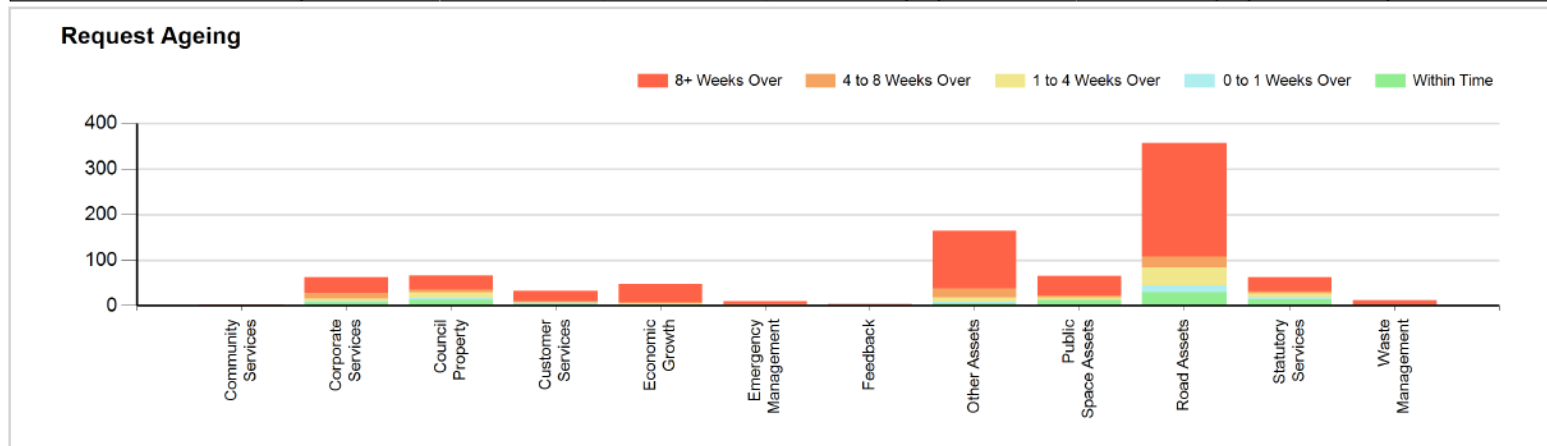


Request Throughput Analysis

01/08/2023 to 31/08/2023

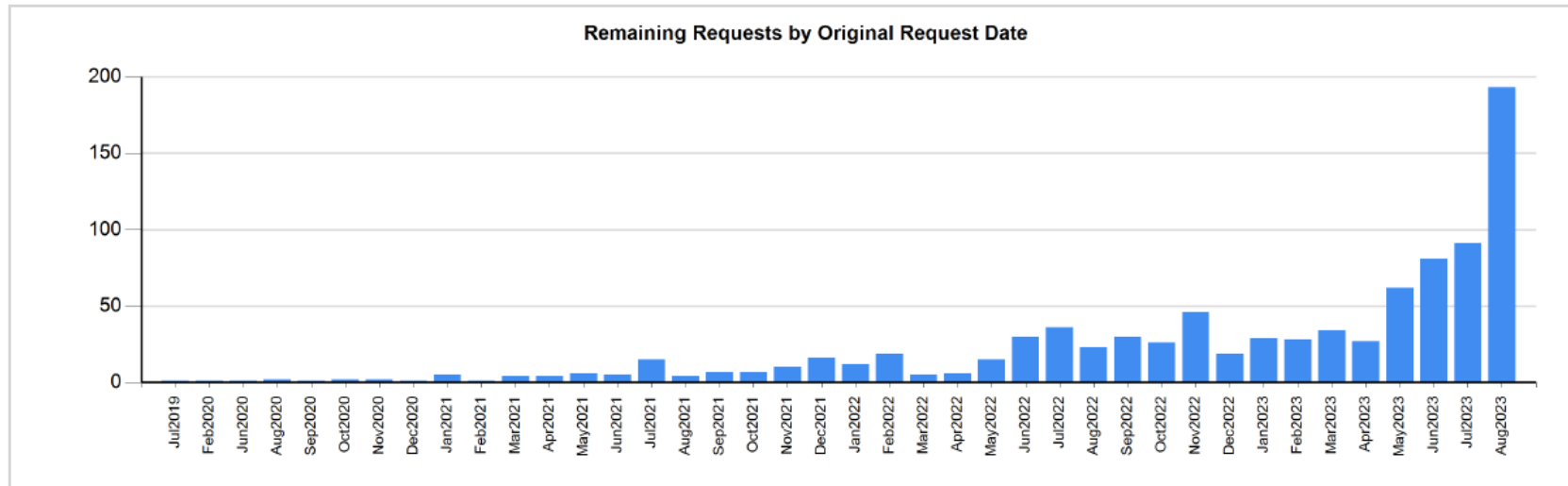
✔ Complete / New > 80%
 ⚠ 50-80%
 ✘ < 50%
 Overdue / Remaining < 33%
 34-70%
 > 70%

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	2	33	32	3	✔	2	1	✔	0	<div style="width: 10%; height: 10px; background-color: blue;"></div>
Corporate Services	57	112	107	62	✔	8	54	✘	0	<div style="width: 40%; height: 10px; background-color: blue;"></div>
Council Property	52	60	45	67	⚠	13	54	✘	0	<div style="width: 25%; height: 10px; background-color: blue;"></div>
Customer Services	31	49	43	37	✔	4	33	✘	0	<div style="width: 15%; height: 10px; background-color: blue;"></div>
Economic Growth	47	142	141	48	✔	2	46	✘	0	<div style="width: 60%; height: 10px; background-color: blue;"></div>
Emergency Management	9	11	9	11	✔	2	9	✘	0	<div style="width: 2%; height: 10px; background-color: blue;"></div>
Feedback	3	5	3	5	⚠	0	5	✘	0	<div style="width: 1%; height: 10px; background-color: blue;"></div>
Other Assets	169	37	39	166	✔	6	160	✘	1	<div style="width: 10%; height: 10px; background-color: blue;"></div>
Public Space Assets	76	43	48	66	✔	12	54	✘	5	<div style="width: 15%; height: 10px; background-color: blue;"></div>
Road Assets	357	108	104	361	✔	29	332	✘	0	<div style="width: 45%; height: 10px; background-color: blue;"></div>
Statutory Services	66	122	125	63	✔	14	49	✘	0	<div style="width: 50%; height: 10px; background-color: blue;"></div>
Waste Management	17	38	43	12	✔	1	11	✘	0	<div style="width: 10%; height: 10px; background-color: blue;"></div>
Total	886	760	739	901		93	808		6	



Service Usage





		Community Services	Corporate Services	Council Property	Customer Services	Economic Growth	Emergency Management	Feedback	Other Assets	Public Space Assets	Road Assets	Statutory Services	Waste Management
2019	July									1			
	February												1
	June						1						
	August				2								
2020	September										1		
	October		1		1								
	November									1	1		
	December									1			
	January		3		1								1
	February									1			
	March			1	1				2				
2021	April								3		1		
	May								2		4		
	June			1					3	1			
	July								9		6		

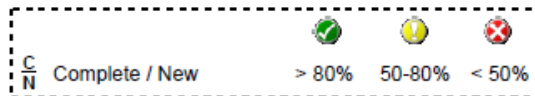
2021	August		1							3		
	September			1	1	1			1	1	2	
	October			2						2	3	
	November			1					1		8	
	December			1			1		4		10	
2022	January		5	1					1	2	3	
	February			1					4	4	10	
	March			1						1	3	
	April			1					2		3	
	May		1						4	1	7	1
	June		1	1					5		22	1
	July	1		5	1	1			3		23	1
	August			2	2	2			9	1	4	3
	September		1		3	1		1	9	2	11	2
	October				1	3			11		8	3
	November				6	5			12	1	18	4
	December		1			2			3	1	7	5
2023	January		1		8	1	4		1	1	11	1
	February		1	2		5			2	4	11	3
	March		4	1				1	3	5	17	1
	April		1	1		1			2	7	13	2
	May		6	6	1	10			13	6	15	3
	June		7	2		3	1		29	4	33	2
	July		13	11	2	4	1		16	5	30	8
	August	2	15	25	12	4	4	2	13	18	73	23
Total		3	62	67	37	48	11	5	167	71	361	63

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.

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

C
N 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.

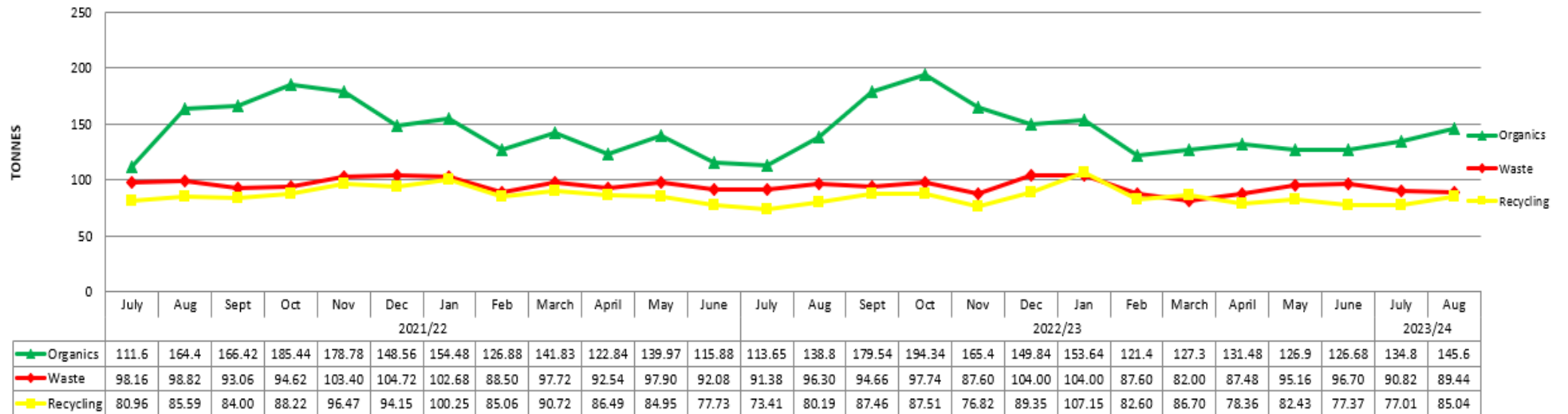


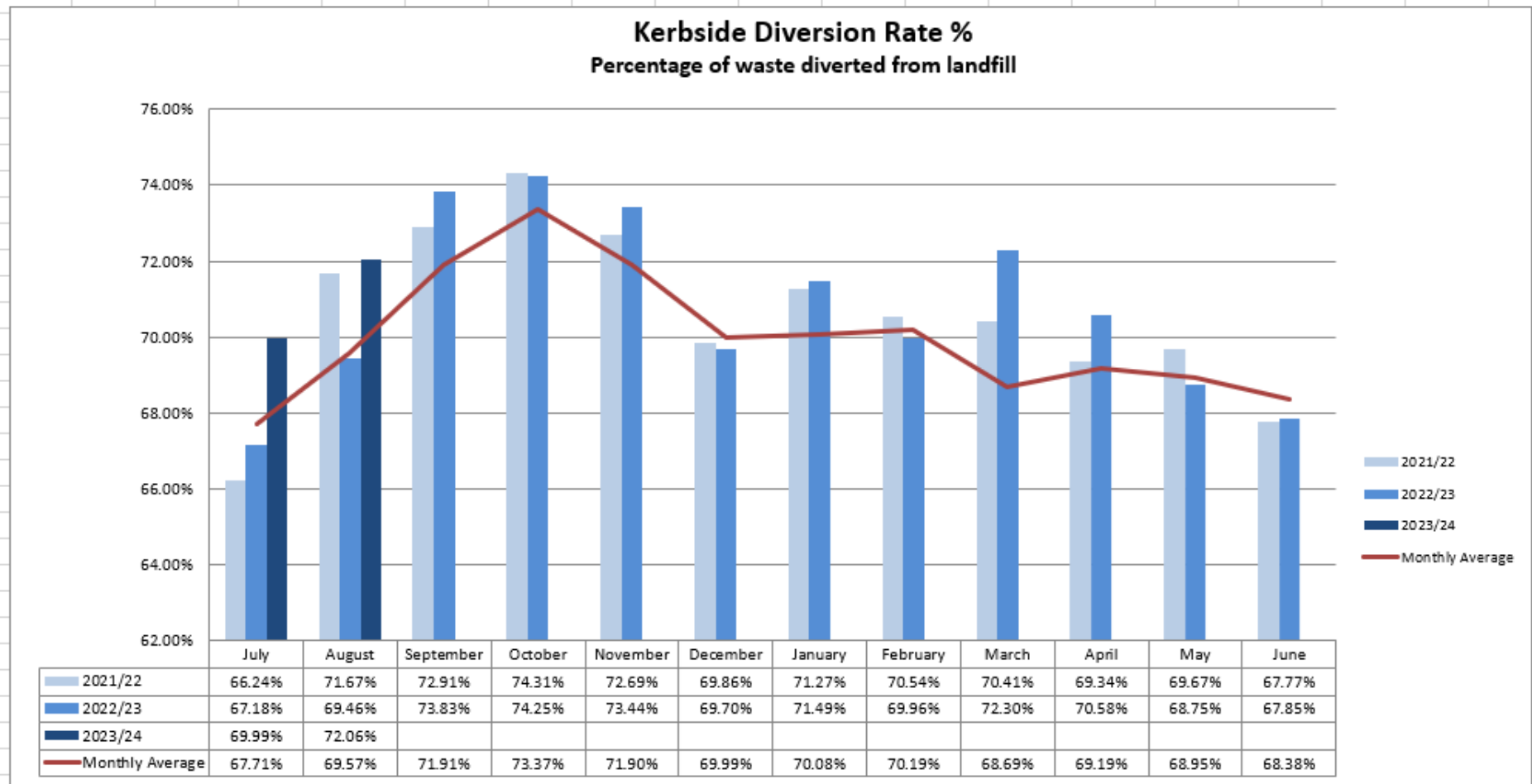
O
R Overdue / Remaining An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.

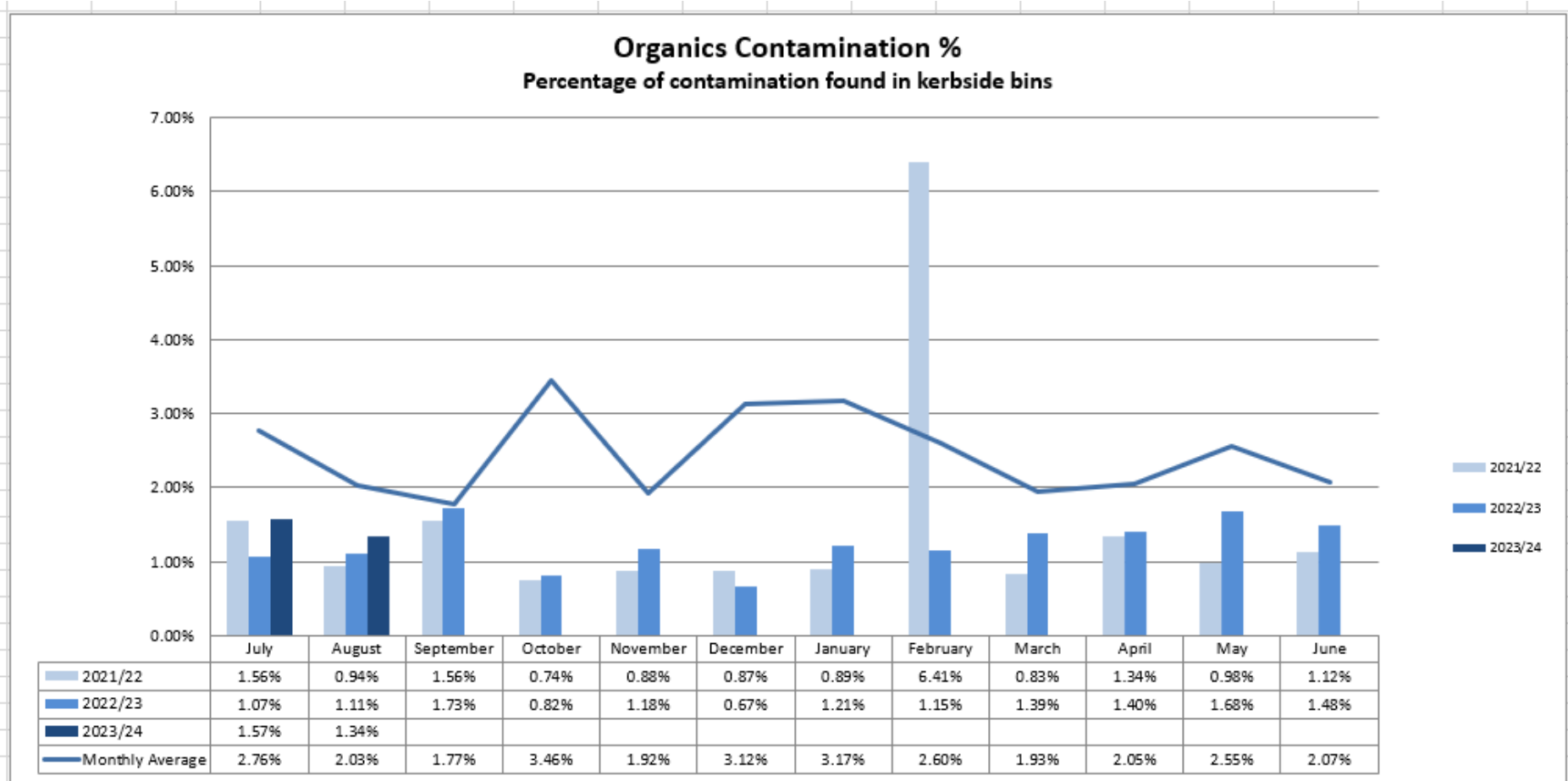


WASTE MANAGEMENT REPORTING
YEAR TO DATE - AUGUST 2023

Kerbside Collection Tonnages
Tonnages of each waste stream collected by kerbside services



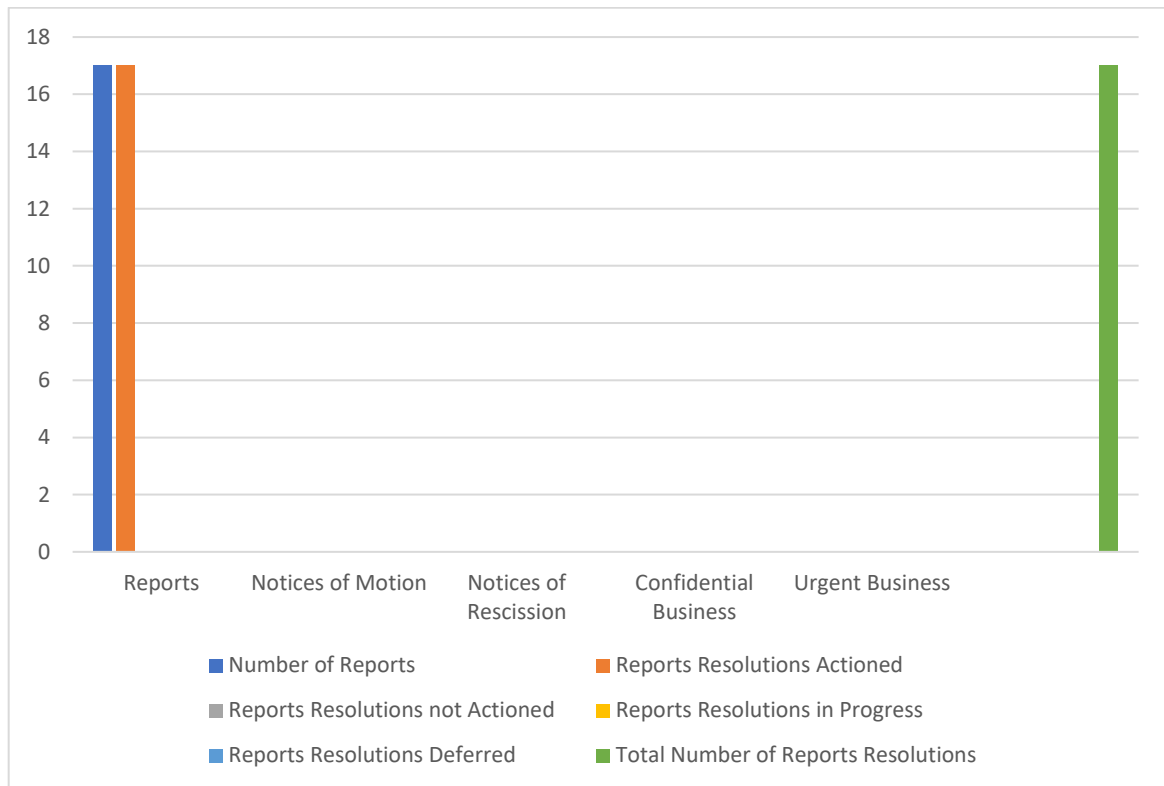




TRANSFER STATION DATA – AUGUST 2023



ACTIONING OF COUNCIL REPORTS RESOLUTIONS
COUNCIL MEETING – TUESDAY 15 AUGUST 2023



**OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO
31 AUGUST 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
Review	Public Interest Disclosure Policy 2023	Refer to Item 11.4.2
Review	Privacy and Data Protection Policy 2023	Refer to Item 11.4.3
Review	Planning Permit Applications Referral to Council 2023	Refer to Item 11.4.4
Review	Media Policy 2023	Refer to Item 11.4.5

RECORDS OF INFORMAL COUNCIL BRIEFINGS / MEETINGS

FOR PERIOD 1 TO 31 AUGUST 2023

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 1 August 2023

Location: Euroa Community Conference Centre

Time: 9.30 am to 11.00 am

Attendees:

Councillors

Cr Laura Binks (Mayor)

Cr Paul Murray (Deputy Mayor)

Cr Sally Hayes-Burke

Cr Reg Dickinson

Cr Chris Raeburn

Cr Robin Weatherald

Municipal Monitor:

Peter Stephenson

Apologies:

Nil

1. Councillor discussions

Declaration of Interest/s under Local Government Act 2020 (General Conflict of Interest - Section 127 / Material Conflict of Interest – Section 128)

Councillor/s - NIL

Record of Informal Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Informal Council Briefings / Meetings

Date of Meeting: Tuesday 8 August 2023

Location: Euroa Community Conference Centre

Time: 10.00 am to 4.10 pm

Attendees:

Councillors

Cr Laura Binks (Mayor)
Cr Paul Murray (Deputy Mayor)
Cr Sally Hayes-Burke
Cr Reg Dickinson
Cr Chris Raeburn
Cr Robin Weatherald

Municipal Monitor:

Peter Stephenson

Officers:

Amanda Tingay (Acting Director People and Governance)
Vlad Adamek (Director Sustainable Infrastructure),
Rachael Frampton (Acting Director Community and Planning)
Kristin Favaloro (Executive Manager Communications and Engagement)
Phillip Carruthers (Governance Advisor)

Apologies:

Julie Salomon (Chief Executive Officer)

1. Governance Rules Workshop
2. Presentation of Community Satisfaction Survey by JWS Research
3. Review of draft Council Meeting Agenda/Confidential Appendices
4. Councillor discussion time

Declaration of Interest/s under Local Government Act 2020 (General Conflict of Interest - Section 127 / Material Conflict of Interest – Section 128)

Councillor/s – NIL

Officer/s - NIL

Record of Informal Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Informal Council Briefings / Meetings

Date of Meeting: Tuesday 15 August 2023

Location: Euroa Community Conference Centre

Time: 12.30 pm to 8.21 pm

Attendees:

Councillors

Cr Laura Binks (Mayor)
Cr Paul Murray (Deputy Mayor)
Cr Sally Hayes-Burke
Cr Chris Raeburn
Cr Robin Weatherald

Municipal Monitor:

Peter Stephenson

Officers:

Julie Salomon (Chief Executive Officer)
Amanda Tingay (Acting Director People and Governance)
Rachael Frampton (Acting Director Community and Planning)
Phillip Carruthers (Governance Advisor)

Apologies:

Cr Reg Dickinson
Vlad Adamek (Director Sustainable Infrastructure),
Kristin Favaloro (Executive Manager Communications and Engagement)

1. Councillor Induction: Policies Briefing
2. Update on Planning Processes
3. Operation Sandon: Summary and potential implications
4. August 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 - NIL
Officer/s – NIL

Record of Informal Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Informal Council Briefings / Meetings

Date of Meeting: Tuesday 22 August 2023

Location: Euroa Community Conference Centre

Time: 1.30 pm to 3.45 pm

Attendees:

Councillors

Cr Laura Binks (Mayor)

Cr Paul Murray (Deputy Mayor)

Cr Sally Hayes-Burke

Officers:

Amanda Tingay (Acting Director People and Governance)

Rachael Frampton (Acting Director Community and Planning)

Phillip Carruthers (Governance Advisor)

Apologies:

Cr Reg Dickinson

Cr Chris Raeburn

Cr Robin Weatherald

Julie Salomon (Chief Executive Officer)

Vlad Adamek (Director Sustainable Infrastructure),

Kristin Favaloro (Executive Manager Communications and Engagement)

1. Destination Management Plan Briefing
2. School Crossing Supervisor Program
3. Councillor discussion time

Declaration of Interest/s under Local Government Act 2020 (General Conflict of Interest - Section 127 / Material Conflict of Interest – Section 128)

Councillor/s - NIL

Officer/s - NIL

11.6 **EXECUTIVE**

11.6.1 **Acting Arrangements – Chief Executive Officer Annual Leave**

Author: Chief Executive Officer

EXECUTIVE SUMMARY

The Chief Executive Officer (CEO) requested and has had approved a period of annual leave effective 1 December 2023 to 1 January 2024 (inclusive). In accordance with the Local Government Act 2020, an application for annual leave, long service leave, personal leave or other absence is to be approved by the Mayor on behalf of Council.

Section 11(23) of the Local Government Act 2020 allows a Council to delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days. The appointment of Acting CEO for a period of leave exceeding 28 days will be made by Council resolution.

This recommendation seeks Council endorsement to appoint Amanda Tingay, Director People and Governance (Acting), to the Acting Chief Executive Officer role for the aforementioned period of approved annual leave in accordance with the requirements of the Local Government Act 2020.

RECOMMENDATION

That Council:

- 1. Endorse the appointment of Amanda Tingay, Director People and Governance (Acting), to the acting role of Chief Executive officer effective from 1 December 2023 to 1 January 2024 (inclusive); and***
- 2. Note that a Higher Duties allowance will be paid for this period in accordance with Council's Higher Duties policy.***

PURPOSE AND BACKGROUND

This report seeks Council's consideration and endorsement to appoint Amanda Tingay, Director People and Governance (Acting), to the role of Acting Chief Executive Officer during the Chief Executive Officer period of annual leave effective 1 December 2023 to 1 January 2024 (inclusive) in accordance with the requirements of the Local Government Act 2020.

ISSUES, OPTIONS AND DISCUSSION

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

The Chief Executive Officer (CEO) requested, and has had approved, a period of annual leave effective 1 December 2023 to 1 January 2024 (inclusive). In accordance with the Local Government Act 2020, an application by the CEO for annual leave, long service leave, personal leave or an extended absence is to be approved by the Mayor on behalf of Council.

11.6.1 Acting Arrangements – Chief Executive Officer Annual Leave (cont.)

Section 11(23) of the Local Government Act 2020 allows a Council to delegate to the CEO the power to appoint an Acting CEO for a period not exceeding 28 days. The appointment of Acting CEO for a period of leave exceeding 28 days will be made by Council resolution.

It is proposed that Council considers and endorses the appointment of Amanda Tingay, Director People and Governance (Acting), to the role of Acting Chief Executive Officer for the period of the CEO's approved annual leave.

COMMUNITY ENGAGEMENT

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

No external consultation has been undertaken in the preparation of this report as the matter is for Councillor determination under the Local Government Act 2020.

POLICY CONSIDERATIONS

Regional, State and National Plans and Policies

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

The council are elected under the Local Government Act 2020 to undertake their duties in the best interests of the people in the municipality by providing the overall policy and strategic direction.

The role of a Chief Executive Officer in Victorian local government is essential to the operations and delivery of council services for the community. It is important that acting arrangements are in place during periods of leave to ensure continuity of business to the community.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9, part 2, division 6, part 41 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

As prescribed under the legislative framework for local government, the CEO is employed and managed by the entity comprised of elected community representatives for Strathbogie Shire who make decisions by democratic vote.

Conflict of Interest Declaration

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

11.6.1 Acting Arrangements – Chief Executive Officer Annual Leave (cont.)

Transparency

One of the overarching governance principles in section 66 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

The purpose of this report is to present all relevant information in an open and transparent context for decision-makers to review and consider in accordance with the Local Government Act 2020.

FINANCIAL VIABILITY CONSIDERATIONS

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

There are no financial implications associated with the recommendation outside of the parameters of the approved 2022/23 Council budget.

SUSTAINABILITY CONSIDERATIONS

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

There are no direct sustainability implications arising out of this report.

INNOVATION AND CONTINUOUS IMPROVEMENT

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

The appointment of a member of Council's executive leadership team to the role of Acting CEO is an important opportunity for career development and learning.

HUMAN RIGHTS CONSIDERATIONS

There are no significant implications arising from this report in relation to the *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

The recommendation to appoint an officer to the role of Acting CEO for a period of leave more than 28 days is in accordance with the Local Government Act 2020. It is proposed that Council consider and endorse the appointment of Amanda Tingay Director People and Governance (Acting) to the acting role for the period of the Chief Executive Officer's approved annual leave effective 1 December 2023 to 1 January 2024 (inclusive).

ATTACHMENTS

Nil.

12. NOTICES OF MOTION

13. NOTICES OF RESCISSION

14. URGENT BUSINESS

15. 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. 23/24-02:
Roads Reseal Program 2023/24

NEXT MEETING

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, October 17, 2023, at the Nagambie Lakes Regatta Centre, at 6pm.

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