

**Strathbogie Shire Council**

# **Council Meeting Agenda**

**November 21, 2023**

# **Agenda**

## **Council Meeting**

**Tuesday, November 21, 2023, at 6pm**

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

<https://www.strathbogie.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 Sally Hayes-Burke (Seven Creeks Ward)  
Cr Chris Raeburn (Honeysuckle Creek Ward)  
Cr Robin Weatherald (Lake Nagambie Ward)

### **Officers:**

Julie Salomon – Chief Executive Officer  
Amanda Tingay – Acting Director People and Governance  
David Roff – Director Sustainable Infrastructure (Interim)  
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/Decisions 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/Decisions.*

### 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

### 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, October 17, 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. Elections to Office****13. Notices of Motion****14. Notices of Rescission****15. Urgent Business****16. Confidential Business**

**Julie Salomon**  
**Chief Executive Officer**  
**November 17, 2023**

**Next meeting**

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, December 12, 2023, at the Euroa Community Conference Centre, at 6pm.

Please note: this meeting will be held a week earlier than the normal schedule for Council meetings.

**Public question time**

Questions for the Ordinary Council Meeting can be submitted to be read, and responded to, by the Chair, or a member of Council staff nominated by the Chair, during the Public Question Time. Questions must be submitted before 12 noon on Monday November 20, 2023, by emailing [info@strathbogie.vic.gov.au](mailto:info@strathbogie.vic.gov.au).

Public Question Time will be conducted as per Rule 35 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](http://www.strathbogie.vic.gov.au).

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

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## 11. OFFICER REPORTS

### 11.1 STRATEGIC AND STATUTORY PLANNING

#### 11.1.1 Planning Applications Received and Planning Applications Determined - 1 to 31 October 2023

Author: Manager Planning and Investment

Responsible A/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 October 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 September 2023. The October PPARS Figures were not available at the time of writing this report as the monthly figures are not updated until 15<sup>th</sup> of each month. The contents of this report are provided for information purposes only.

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

Attachment 4 to this report provides an update on current Victorian Civil and Administrative Tribunal (VCAT) appeals relevant to the municipality of Strathbogie where no decision has been made.

#### **RECOMMENDATION**

##### ***That Council:***

1. ***Note that there were fourteen (14) new planning applications received, and fourteen (14) planning applications decided on during the period of 1 to 31 October 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 October 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***

**Attachment 1:** Planning Applications Received

**Attachment 2:** Planning Applications Determined

**Attachment 3:** Planning Permit Activity Performance Figures

**Attachment 4:** Current Victorian Civil and Administrative Tribunal Appeals

## **11.2 COMMUNITY**

### **11.2.1 Road Safety Audit – Goulburn Street, Nagambie**

Author: A/Director Community and Planning & A/Director Sustainable Infrastructure

Responsible A/Director: Director Community and Planning

#### ***EXECUTIVE SUMMARY***

At the Council Meeting on 19 September 2023 Council resolved to:

- 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.*

This report presents to Council the independent Road Safety Audit for noting and outlines several infrastructure measures officers will investigate for future funding opportunities and consideration in Council's budgetary process for 2024/25 and beyond.

In addition, Officers will also complete a series of minor works in Goulburn Street, to improve pedestrian safety as recommended in this report using existing allocations within Council's operational budget 2023/24.

#### ***RECOMMENDATION***

##### ***That Council:***

- 1. Note the independent Road Safety Audit issued by Redsquare Traffic on 10 October 2023; and***
- 2. Note that officers will address the recommendations outlined in the Independent Road Safety Audit at an operational level through Council's existing operational budget 2023/24 and consideration in future capital budget bids and/or relevant grant opportunities.***

#### ***PURPOSE AND BACKGROUND***

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.

Under the *Road Management Act 2004* and the *Road Management (Works and Infrastructure) Regulations 2015* made under the Road Management Act Council is responsible for municipal roads within its municipal district.

### 11.2.1 Road Safety Audit – Goulburn Street, Nagambie (cont.)

Council's responsibilities 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.

Following the September 19 2023 Council meeting, Council authorised an Independent Road Safety Audit *'to determine the most appropriate road safety infrastructure measures for the Goulburn Street, Nagambie, school crossing'*.

An independent Road Safety Audit has been completed and was issued to Council on 10 October 2023. It was undertaken in accordance with Austroads Guide to Road Safety, Part 6: Road Safety Audit.

A road safety audit is defined as a 'formal examination' of a future road or traffic project or an existing road or road related area, in which an independent, qualified team reports on the project's crash potential and actual safety performance respectively. This Road Safety Audit is an Existing Conditions Road Safety Audit and has been undertaken by a team of independent Department of Transport & Planning (DTP) Accredited Road Safety Auditors.

In line with Austroads Guide to Road Safety, Part 6, the site and existing conditions are contextualised in the first part of the audit report and the second part of the audit report sets out a range of findings and recommendations for Council to consider improving road and pedestrian safety.

#### **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 road safety findings have been assigned a risk rating based on the likelihood of a crash occurring as a result of the deficiency together with the potential consequence of that crash. The recommendations have also been assigned as either Primary (P) or Supporting (S).

The table below summarises the findings, risk rating and recommended action. There was a total of eight (8) findings.

	Finding	Risk Rating	Recommendation (P= primary, S= supporting)	Proposed Response
1.	Several signs were observed to be faded	Noted	Replace existing parking, bus and no standing signs (S)	Task to be completed by December 2023
2.	Tactile Ground Surface Indicators (TGSIs) installed at site were inconsistent and in poor condition	High	Review TGSIs treatment and modify where appropriate to achieve compliance (S)	Incorporate into a design brief for consideration in the 2024/25 budget.

11.2.1 Road Safety Audit – Goulburn Street, Nagambie (cont.)

3.	A pedestrian containment fence works well to funnel pedestrian towards an appropriate crossing point on the Southern side of Goulburn Street.	High	Consider installing a similar containment fence on the Northern side of Goulburn street, to improve pedestrian compliance (S)	Incorporate into a design brief for consideration in the 2024/25 budget
4.	40km/h speed limit sign on the Eastern approach was obscured, the sign on the Western approach was also too close to the crossing to allow sufficient time reduce speed.	High	Review all 40km/h signage and move to locations with greater visibility ensuring sufficient time for driver to adjust their speed and prepare for a crossing point. (P)	Task to be completed by December 2023
5.	T intersection at Boyd and Goulburn Street being so close to the crossing is problematic	Medium	Consider installing warning signs or similar on the Southern side of Goulburn Street to indicate presence of Children. (S)	Incorporate into a design brief for consideration in the 2024/25 or future budgets.
6.	Presence of heavy vehicles is a vital consideration. Presence of multiple heavy vehicle movement is generally not encouraged in locations with high pedestrian activity	High	Consider reducing the speed limit to 30km/h (P) Consider implementing Local Area Traffic Management (LATM) device to reduce vehicle speeds (P)	Incorporate into a design and construct brief for consideration in the 2024/25 budget.
7.	In accordance with the relevant VicRoads TEM, the parallel crosswalk lines shall be converted to 'broken line' pattern, should resurfacing be considered as a future improvement.	Noted	Consider transitioning to the new broken line standard if resurfacing is undertaken. (S)	Incorporate into a design and construct brief for consideration in the 2024/25 budget.
8.	School Crossing flags were out at 2pm on the day of the audit, this is inconsistent with the instructions provided by VicRoads TEM- <i>'Flags shall only be displayed when school children are likely to be proceeding to and from school'</i>	Medium	Flags should only be used when school children are likely to be proceeding to and from school.	No action from Council

### 11.2.1 Road Safety Audit – Goulburn Street, Nagambie (cont.)

As a result of the independent Road Safety Audit officers have identified that some tasks that can be completed as soon as practicable within existing resources, whilst others will require design, investigation, costing and construction. There are also some efficiencies and savings if some of the works are grouped into a design brief to determine the best overall safety response for that road, the conditions and the users.

#### **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.

Officers do not believe any specific community engagement is required in relation to this report.

Localised impacts of any changes to existing conditions will be addressed through design, project planning and project delivery once these potential impacts have been identified.

#### **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 and 2020:***

- 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.

### 11.2.1 Road Safety Audit – Goulburn Street, Nagambie (cont.)

- 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.
- 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.
  - 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.

### 11.2.1 Road Safety Audit – Goulburn Street, Nagambie (cont.)

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

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.

#### **Transparency**

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

The subject of this report is to be considered in an open Council meeting which the public may attend and is publicly streamed for all to view. This report provides transparency on Council's role and decisions in relation to future road safety measures and Council's responsibility regarding the maintenance of road infrastructure in Goulburn Street Nagambie.

#### ***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.

Two (2) recommendations from the independent Road Safety Audit can be completed as soon as practicable within Council's existing operational budget.

The additional recommendations will require the development of a design brief, and potential construction costs, this will be considered as per Council's annual capital budget process for 2024/25 and future years.

Officers will also look to identify any grant opportunities that may be relevant to the design or construct elements of this work to help offset the costs to rate payers where practicable.

### 11.2.1 Road Safety Audit – Goulburn Street, 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**

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.

##### **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. Active transport encourages individuals to ride and walk for short trips, improving health and wellbeing and minimising environmental impacts. Safe road systems, adequate amenities and footpaths support this.

##### **Environmental**

Active transport encourages individuals to ride and walk for short trips, improving health and wellbeing and minimising environmental impacts. Safe road systems, adequate amenities and footpaths support this.

##### **Climate change**

Active transport encourages individuals to ride and walk for short trips, improving health and wellbeing and minimising environmental impacts. Safe road systems, adequate amenities and footpaths support this.

#### ***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.

Road design and road safety is constantly evolving. The road safety audit report noted in this report provides a response based on best practice road safety design principles and current road safety regulations.

#### ***HUMAN RIGHTS CONSIDERATIONS***

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

#### ***CONCLUSION***

Following the September 2023 Council meeting officers engaged a consultant to complete an independent Road Safety Audit of Goulburn Street Nagambie, around the primary school precinct.

This report presents to Council the independent Road Safety Audit for noting and outlines several infrastructure measures officers will investigate for future funding opportunities and consideration in Council's budgetary process for 2024/25 and beyond.

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#### 11.2.1 Road Safety Audit – Goulburn Street, Nagambie (cont.)

In addition, Officers will also complete a series of minor works in Goulburn Street, to improve safety as recommended in this report using existing allocations within Council's operational budget 2023/24.

#### ***ATTACHMENTS***

**Attachment 1:** Goulburn Street School Crossing Existing Conditions Road Safety Audit October 2023

### **11.2.2 Pitch My Project**

Author and Responsible Director: Executive Manager Communications and Engagement

#### ***EXECUTIVE SUMMARY***

Pitch My Project was initiated as a way of ensuring community input into Council's budget.

The community 'pitches' ideas to Council to help ensure we're funding the things that matter to our community.

Council has now run Pitch My Project for three years. In the first year we funded 10 projects, in the second year we funded 13 projects and last year we received 30 pitches and funded six projects of largely increased value.

As the initiative has progressed, we have made changes and improvements.

Last year we launched early to give the community more time to pitch their ideas and we included a participatory budgeting exercise that allowed the community to determine the successful projects.

This year we are again proposing to launch early and allow the community to determine success, but we're proposing a change to the guidelines to include an opportunity for infrastructure upgrades.

This would align to strategic focus areas five (Strong. Healthy. Safe) and six (Accountable. Transparent. Responsible) in the 2021/25 Council Plan.

#### **RECOMMENDATION**

##### ***That Council:***

1. ***Endorse the updated Pitch My Project Guidelines and approach which include:***
  - a) ***Details of the submission process and time period,***
  - b) ***Clear assessment process,***
  - c) ***Councillor assessment process,***
  - d) ***Equitable community vote, and***
  - e) ***Opportunities for infrastructure projects.***
2. ***Approve the allocation of \$300,000 for Pitch My Project initiatives in the 2024/25 budget.***

#### **PURPOSE AND BACKGROUND**

The Pitch My Project initiative started in 2020 as part of Council's commitment to improving community engagement.

### 11.2.2 Pitch My Project (cont.)

Since its inception Council has funded more than 20 community projects throughout our Shire. Examples include:

- Euroa Community Garden
- Longwood Master Plan
- Nagambie Bowls Clubhouse works
- Solar Battery Heat Refuge for Avenel Memorial Hall
- Ruffy Recreation Reserve veranda
- Graytown shade sail
- Strathbogie Memorial Hall upgrade
- Euroa Memorial Oval septic tank decommissioning

#### ***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.

Now in its fourth year, the Pitch My Project initiative receives strong support from our community. Last year we achieved a record number of pitches, and we allocated funding to six projects at largely increased value.

The Pitch My Project Terms and Conditions state: *General maintenance of property will not be considered.*

Despite this, last year we received several pitches that could be considered maintenance or infrastructure requests. Examples of this were wall restorations, external lighting projects, kitchen upgrades and toilet block upgrades.

To ensure we meet community need for this type of project, which is less suitable for the Community Grants Project or the current Pitch My Project guidelines, officers are proposing an update that creates an infrastructure grant opportunity.

If endorsed, the updated guidelines will allow for infrastructure upgrade pitches to be made in:

- Strategic Focus Area 5: Strong. Healthy. Safe, and
- Strategic Focus Area 6: Accountable. Transparent. Responsible.

This would not require any changes to the funding model. A total of \$300,000 would continue to be allocated to Pitch My Project, with \$50,000 for each strategic focus area.

However, it allows an avenue for the community to apply for infrastructure funding, that they are clearly calling for.

Officers also propose strengthening the guidelines for the allocation of infrastructure grants, to exclude works on property that is not on Council's asset register.

### 11.2.2 Pitch My Project (cont.)

#### **COMMUNITY ENGAGEMENT**

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

The final stage of the Pitch My Project initiative is a participatory budgeting exercise. Participatory budgeting is a form of participation in which citizens are involved in the process of deciding how public money is spent.

Even on small scales (community grant allocations) participatory budgeting exercises have been credited with improving confidence in the process and in the organisation running the process, improving understanding, and creating positive outcomes.

Participatory budgeting gives community real input into where a budget is spent. As such, budgets can be spent in a way which better reflects the strengths, needs and aspirations of the community and can be more effective.

In Council's Pitch My Project participatory budgeting process we use a prioritisation exercise to ensure feedback is captured on every project.

This is done to ensure we have a broader understanding of priorities right across the shire and the results cannot be directly influenced by towns or clubs with the greatest population. They cannot just tick a box to vote for their project, they must prioritise all projects.

It's important to understand we are not attempting to deliver a perfect voting process. We are not the electoral commission, and we are not trying to be.

We are conducting community engagement to understand the community's thoughts, so Officers can make better recommendations and Council can make better decisions.

Our aim in community engagement is to increase participation and reach as many people as possible.

This is why we do not include a registration process, a validation process, or names on the hard copy surveys.

We don't need people's name to register their preferences.

By asking their demographic and location we can interrogate the data to understand what our community is telling us, and we can present the data in different ways to allow Council to make informed decisions.

### 11.2.2 Pitch My Project (cont.)

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

Applications will need to specifically identify how the suggested project is related to the implementation of an action in the Council Plan. This is because our financial resources need to be directed to achieving the Council Plan, which in turn helps achieve the Community Vision.

The funding also ensures alignment to the Council Plan by allocating \$50,000 to each of the six Strategic Focus Areas

##### 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 Local Government Act 2020 has at its core, the aim of ensuring all Victorians have the opportunity to engage with their council on local priorities and the future of their community.

#### **LEGAL CONSIDERATIONS**

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

The Local Government Act 2020 requires Councils apply their Community Engagement Policy in the development of financial management documents. The Pitch My Project Guidelines recommend an approach will allow Council to use deliberative engagement activities – through a participatory budgeting exercise - to develop its 2024/25 budget.

##### 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.

Transparency is key to an effective process. The proposed Pitch My Project Guidelines ensures transparency is achieved through the clear assessment process.

#### **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.

### 11.2.2 Pitch My Project (cont.)

Council Officers have proposed a \$300,000 allocation for Pitch My Project as part of the 2023/24 Budget. With funding of up to \$50,000 available, aligning to each of the six Strategic Focus Areas within the Council Plan.

#### **SUSTAINABILITY CONSIDERATIONS**

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

##### **Economic**

Good engagement leads to better decisions that are supported by the community.

##### **Social**

Best practice community engagement is one of the most effective ways of ensuring meaningful input into our decision making and building trust in Council.

##### **Climate change**

Council online engagement platform [www.share.strathbogie.vic.gov.au](http://www.share.strathbogie.vic.gov.au) helps Council achieve the aims of this policy and also contributes to Council's Climate Change Action Plan. In particular: Action 19. Monitor paper use and implement paper saving measures across the organisation.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

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

The proposed Pitch My Project Guidelines ensure we are continually improving this process. These guidelines ensure a clear and transparent assessment process.

#### **HUMAN RIGHTS CONSIDERATIONS**

The Pitch My Project Guidelines are consistent with the Human Rights Charter, in particular, by promoting the rights of members of the community to take part in public life

#### **CONCLUSION**

The Pitch My Project initiative is one of the best ways Council can continue to ensure it is funding the projects, services and initiative that matter to our community.

The new guidelines not only ensure transparency in the process, it creates a participatory budgeting exercise in which the community decides how the \$300,000 allocated to Pitch My Project will be spent.

Proposed updates to this year's guidelines allow community to apply for infrastructure funding they are calling out for.

#### **ATTACHMENTS**

**Attachment 1:** Draft Strathbogie Shire Council Pitch My Project Guidelines 2024/25

### **11.2.3 Event Grants Application Received** **- Euroa Chamber of Business and Commerce**

Author: A/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 an Event grant application for Council's consideration.

One application was received from Euroa Chamber of Business and Commerce Incorporated to support the delivery of the Twilight Shop Local Event on Friday 8 December 2023. This event provides an opportunity for the people of Euroa and surrounds to shop local, connect, and enjoy what the community of Euroa has to offer. It also provides local residents an opportunity to come together prior to Christmas to enjoy food, friends and the festive atmosphere. The application is for a total of \$2942 in cash to help cover the cost of kids activities, equipment hire and local musicians.

This event 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. The application has been submitted in-line with the Event Grant Guidelines 2023-24 adopted on 20 June 2023 and assessed using the relevant assessment process. The current application is of an acceptable standard and officers are recommending funding as per the application.

#### **RECOMMENDATION**

##### ***That Council:***

- 1. *Approve the Event Grant application from Euroa Chamber of Business and Commerce Incorporated to the value of \$2942 in cash, to support the delivery of the Twilight Shop Local Event in Euroa to be held on 8 December 2023; and***
- 2. *Work with grant recipient 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.

### 11.2.3 Event Grants Application Received - Euroa Chamber of Business and Commerce (cont.)

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 an Event grant application 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
Euroa Chamber of Business and Commerce Inc	Twilight Shop Local Event	\$2942	\$2942	\$0

The Euroa Shop Local Twilight event has been run for a number of years and has great support from other community groups including Euroa Community Action Group and Euroa Rotary. It provides an event for the local community to enjoy with live music from local artists, children's activities, an appearance from Santa and late night shopping. The events genesis was for local businesses and local market stall holders to generate & capitalise on extra business at this time of year.

This event provides an opportunity for the people of Euroa and surrounds to shop local, connect, and enjoy what the community of Euroa has to offer. It also provides local residents an opportunity to come together prior to Christmas to enjoy food, friends and the festive atmosphere.

The event application has been submitted, is deemed eligible and has been assessed in-line with the relevant assessment process.

The event 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.

### 11.2.3 Event Grants Application Received - Euroa Chamber of Business and Commerce (cont.)

Following assessment, officers recommend the application for funding, to the value requested by 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.

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.

The event is also supported by several other community organisations.

#### **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.  
Our community's goals – 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  
Our community's goals - We are focused on activities that build economic, financial and social security
- Strategic focus area 4: Inclusive. Productive. Balanced.  
Our community's goals – We target economic development to enhance our region; we are capitalising on our region's strengths. We partner with our community to achieve great things.
- Strategic Focus Area 5: Strong. Healthy. Safe  
Our community's goals – 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.

#### **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*.

### 11.2.3 Event Grants Application Received - Euroa Chamber of Business and Commerce (cont.)

#### **Transparency**

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

In the interest of transparency and open and honest communication with community, it is recommended that this 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	7
Total value of Event Grants approved 2023/24	\$24,858
2023/24 Allocation Remaining	\$25,142

**Table 3 – 2023/24 Event Grants Approved to date**

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	\$5,000	\$5,000
Nagambie Community House Inc	Nagambie Christmas Carols Event	\$5,000	\$5,000
Ruffy Tablelands Community Centre Inc	Tablelands Community Christmas Party	\$1,618	\$1,618
Nagambie Lakes Tourism & Commerce Inc trading as GoNagambie	GoNagambie Lakeside Campsite	\$5,000	\$5,000
Euroa Citizens Band Inc	Euroa Carols by Candlelight	\$1,300	\$1,300
<b>Total</b>			<b>\$24,858</b>

11.2.3 Event Grants Application Received  
 - Euroa Chamber of Business and Commerce (cont.)

**Table 4 - Twilight Shop Local Event – Proposed Budget**

INCOME		EXPENDITURE	
Shire Grant	\$2942	Kids activities	\$1347.00
Euroa Chamber of Business and Commerce	\$1000	Equipment hire	\$2275.00
		Portable toilets	\$220.00
		Local musicians	\$100.00
<b>Total</b>	<b>\$ 3942.00</b>	<b>Total</b>	<b>\$3942.00</b>

***SUSTAINABILITY CONSIDERATIONS***

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

**Economic**

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

**Social**

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

**Environmental**

Officers will work with the Event organisers to reduce the overall waste produced at the event 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 Event organisers will ensure that all regulatory requirements are in place consistent with the approved event application and conditions.

11.2.3 Event Grants Application Received  
- Euroa Chamber of Business and Commerce (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.

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 event funding application received from Euroa Chamber of Business and Commerce Inc to the value requested in the respective application to support the delivery of the Euroa Twilight Shop Local Event to be held on 8 December 2023.

The event will bring together people from across 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.

**ATTACHMENTS**

Nil

### **11.3 INFRASTRUCTURE**

#### **11.3.1 Tender for Contract No. 23/24-01: Roads Pavement Rehabilitation Program 2023/2024**

**Author:** Manager Project Delivery

**Responsible Director:** Director Sustainable Infrastructure (Interim)

##### ***EXECUTIVE SUMMARY***

As part of the 2023-24 adopted Capital Works program, Council plans to carry out pavement rehabilitation of selected sections of the municipal roads which were prioritized based on the Road Conditions Assessment. Work will also include sealing, installation of RRPMS, line marking, and installation of guideposts as required.

This maintenance program ensures Council roads retain their quality and their lifespans are extended, thus providing long-term cost savings to Council by ensuring that ongoing maintenance is kept to the minimum.

Through public advertisement in local and national newspapers, Council invited tenders for the work under Contract No. 23/24-01 between 15/09/2023 and 12/10/2023.

Nine (9) tenderers submitted tenders for the Work. These tenders have been assessed and evaluated by Council Officers and a summary of results is contained in this report. The report recommends that Council awards the tender to Bild Infrastructure Pty Ltd of Campbellfield, for a total amount of \$649,174.57 inclusive of GST.

##### ***RECOMMENDATION***

###### ***That Council:***

- 1. Receive and note the outcome of the tender assessment process for Contract No 23/24-01 Roads Pavement Rehabilitation Program 23/24;***
- 2. Awards the tender for contract No 23/24-01 Roads Pavement Rehabilitation Program 23/24 - Lump Sum to Bild Infrastructure Pty Ltd of Campbellfield, for a total amount of \$649,174.57 inclusive of GST;***
- 3. Authorise officers to advise unsuccessful tenderers;***
- 4. Authorise the Chief Executive Officer to execute the Contract by signing and affixing the Common Seal of Strathbogie Shire Council; and***
- 5. Notes that construction will commence in early December 2023 with anticipated completion by March 2024.***

### 11.3.1 Tender for Contract No. 23/24-01: Roads Pavement Rehabilitation Program 2023/2024 (cont.)

#### **PURPOSE**

As a part of the Strathbogie Shire Council Capital Works Program for Financial Year 2023-24, selected municipal roads requiring rehabilitation have been placed under Council's annual Pavement Rehabilitation Program.

The program's objectives include improving safety, increasing the lifespan of the roads, reducing ongoing maintenance costs, and decreasing the frequency of maintenance activities. To implement the pavement rehabilitation program, tender documentation was prepared for public advertisement.

Under the adopted 2023/24 program, it was planned to carry out pavement rehabilitation works on thirteen (13) segments on four (4) council roads which were prioritised based on the road conditions assessment carried out as follows:

- Creek Junction Road (3 segments)
- Spring Creek Road (4 segments)
- Euroa-Strathbogie Road (5 segments)
- Alexandersons Road (1 segment)

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

#### **TENDER PROCESS**

The public tender was released on "Tendersearch" via the Council website on the 15<sup>th</sup> of September 2023. The tender was advertised in Saturday's The Age newspaper (state-wide reach), Euroa Gazette, in the week following release. By the close of tenders at 4.00 pm on 12<sup>th</sup> October 2023, Ten (10) tenders were received with one (1) withdrawing.

All tender submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules, four (4) out of the ten (10) tenders received were deemed conforming.

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

*Table 1: Tender Submissions Received*

<b>Tender Submissions Received at the close of Tender Period (in Alphabetical Order)</b>
AMH Civil
Apex Earthworks Pty Ltd
BILD Infrastructure Pty Ltd
Central Vic Stabilising Pty Ltd
Country Wide Asphalt Pty Ltd
Downer EDI Works Pty Ltd
HIWAY Stabilizers Australia Pty Ltd
Mawson Constructions Pty Ltd
RECivil
The Stabilising Pty Ltd (withdrawn)

### 11.3.1 Tender for Contract No. 23/24-01: Roads Pavement Rehabilitation Program 2023/2024 (cont.)

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

*Table 2: Tender Offers Received (including GST)*

<b>Tender Offers Received at Close of Tender Period (including GST) in lowest to highest order</b>	
	\$519,206.00
	\$649,174.57
	\$674,052.90
	\$698,828.00
	\$718,421.39
	\$761,882.00
	\$890,488.89
	\$1,100,246.00
	\$1,121,980.00
	\$1,204,954.00

#### ***Panel Assessment Process***

In accordance with Council's Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to the release of the Tender documentation. The evaluation panel members were nominated prior to the release of the tender submissions for evaluation. The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders, originally Council's Procurement and Tender Officer was nominated as moderator (non-voting member) however, a conflict was declared and this position was filled by the Chief Financial Officer.

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

1. Project Officer, Sustainable Infrastructure
2. Senior Project Officer, Sustainable Infrastructure
3. Manager Projects, Sustainable Infrastructure, and
4. Chief Financial Officer, Finance (moderator, non-voting member).

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

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

- **Tendered Price (55%)**

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

### 11.3.1 Tender for Contract No. 23/24-01: Roads Pavement Rehabilitation Program 2023/2024 (cont.)

- Demonstrated Qualifications / Skills and Experience (15%)  
Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterium.
- Project Methodology (5%)  
As the Work requires timely completion and elimination/mitigation of work-related risks, this criterium is considered important and therefore allocated a weighting of 10%.
- Management - Schedules (5%)  
Quality Management Systems, Policies, Relevant Certifications, and Insurance are likewise considered vital and therefore included with an allocated weighting of 10%.
- Local Content (10%)  
In accordance with Procurement Guidelines and being consistent with value-for-money principles, where different products are of comparable price, quality and equivalent value can be sourced either locally or regionally; preference will be given to local suppliers. A weighting of 10% was allocated to this tender.
- Sustainability Schedule (10%)  
In accordance with Council's Procurement Policy, tenders over \$150,000 must include Sustainable Procurement Objectives, which include Economic Prosperity and Environmental Sustainability.

*TABLE 3: Evaluation Criteria*

Criteria	Weighting (%)
Price	55
Qualifications / Skills & Experience	15
Time Delivery, methodology and capacity to deliver	5
Management -Schedules	5
Local Content	10
Sustainability Schedule	10
<b>Total</b>	<b>100</b>

### **ISSUES, OPTIONS AND DISCUSSION**

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

### **Evaluation Moderation Process**

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

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed the tenderer's submitted schedules and attachments against the evaluation criteria. The Moderator (Manager of Finance) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On Thursday 19th October 2023, the Panel members and the Moderator met to finalise the evaluation through a moderation meeting.

### 11.3.1 Tender for Contract No. 23/24-01: Roads Pavement Rehabilitation Program 2023/2024 (cont.)

#### **Panel Assessment Summary**

At the completion of the tender evaluation process, Bild Infrastructure Pty Ltd attained the highest ranking with a total score of 88.12%. Bild Infrastructure Pty Ltd offered the lowest tendered price out of the conforming tenders and thereby received the highest score available on pricing (55%), they also received a good qualitative score of 33.12% out of 45%. The Tender Evaluation Panel was therefore satisfied that their tender represents the best value outcome for Council. The company is based in Campbellfield, Victoria.

Bild Infrastructure Pty Ltd has ample demonstrated experience in design works and has completed similar work for other organisations in the past. They have demonstrated the capability to complete the Works outlined in the tender with minimal supervision based on their submitted documents. Their references are good and consistent with their declared project history.

#### **COMMUNITY ENGAGEMENT**

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

The project work as the work is listed under the Capital Works Budget in 23/24. Once the Contract is awarded, the immediate community will be notified about the works via Local Newspapers and council social media channels prior to the commencement of construction works.

The residents along relevant roads will also receive a letter explaining the works and the disruption to access to their properties whilst the work is completed

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

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

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

The *Council Plan* is relevant with the following:

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

##### *Asset Management Policy*

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

##### *Asset Management Strategy*

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

### 11.3.1 Tender for Contract No. 23/24-01: Roads Pavement Rehabilitation Program 2023/2024 (cont.)

#### Regional, State and National Plans and Policies

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

There are no 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**

The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders. Originally Council's Procurement and Tender Officer fulfils the nominated role as moderator (non-voting member) however, a conflict was declared and this position was subsequently filled by the Chief Finance Officer.

All other officers 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 or were removed from the process if a conflict was declared.

#### **Transparency**

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

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

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

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

#### **FINANCIAL VIABILITY CONSIDERATIONS**

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

The approved Capital Budget for the combined Reseal and Rehabilitation Programs for the 2023-24 financial year amounts to \$2,149,000.00 . 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. 23/24-01: Roads Pavement Rehabilitation Program 2023/2024 (cont.)

Council has previously awarded the Reseal Program at \$1,425,000.00 leaving the remaining balance of \$724,000.00 to be directed towards the Rehabilitation Program. The current award of \$649,174.57 is within this budget allocation.

#### ***SUSTAINABILITY CONSIDERATIONS***

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

#### **Economic and Social**

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

#### **Environmental**

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

#### ***HUMAN RIGHTS CONSIDERATIONS***

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

#### ***CONCLUSION***

Council invited tenders for Contract No 23/24-01 Roads Pavement Rehabilitation Program 23/24. The submitted tenders were sought and evaluated strictly in accordance with the Council's Procurement Policy and against the provided brief and specifications. It is proposed that Council awards the Construction of Roads Pavement Rehabilitation Program 23/24 to Bild Infrastructure Pty Ltd.

#### ***ATTACHMENTS***

Nil

#### ***APPENDICES:***

**Appendix 1:** Tender Evaluation for Contract No 23/24-01: Roads Pavement Rehabilitation Program 23/24 - CONFIDENTIAL.

### **11.3.2 Tender for Contract No. 22/23-83: Community Engagement (CE) Consultancy – Panel of Suppliers**

Author and Responsible Director: Executive Manager Communications and Engagement

#### **EXECUTIVE SUMMARY**

Strathbogie Shire Council is committed to best practice community engagement.

We want to encourage participation. To support open, honest, and meaningful conversations with our community. This will ensure community members' priorities and expectations are reflected in Council activities and decision making.

In many cases, best practice community engagement means a move away from traditional consultation. It means a move towards deliberative engagement practice which puts community at the centre of the issue or decision that affects them.

To do deliberation correctly the use of an independent facilitator is important.

To ensure Council has access to this independence, officers have undertaken a public tender process to award a Panel of Suppliers. This meets Council's compliance requirements under our Procurement Policy.

This report recommends Council add the following companies:

- Atkin Collective
- ie community
- NGH Consulting
- Capire Consulting
- Max Hardy Consulting
- Solucio
- RMCG

#### **RECOMMENDATION**

##### ***That Council:***

1. ***Receive and note the outcome of the tender assessment process for Contract No 22/23-83 Community Engagement Consultancy – Panel of Suppliers.***
2. ***Award Panel of Supplier Arrangement for Contract Number 22/23-83 Community Engagement (CE) Consultancy – Panel of Suppliers for a schedule or rates-based contract for the contract term of three years:***
  - ***Atkin, Gaynor Neibounuo – Daylesford VIC***
  - ***I.E. COMMUNITY PTY LTD – North Melbourne VIC***
  - ***NGH Consulting – Bega NSW***
  - ***CAPIRE CONSULTING GROUP PTY LTD – Melbourne VIC***
  - ***Max Hardy Consulting – Fitzroy VIC***
  - ***SOLUCIO PTY LTD – Cheltenham VIC***
  - ***RMCG – Bendigo VIC***

### 11.3.2 Tender for Contract No. 22/23-83: Community Engagement (CE) Consultancy – Panel of Suppliers

#### RECOMMENDATION (cont.)

3. **Authorise officers to advise unsuccessful tenderers, and**
4. **Authorises the Chief Executive Officer to execute the Panel of Supplier Arrangements by signing and affixing with the Common Seal of Strathbogie Shire Council.**

#### **PURPOSE AND BACKGROUND**

Strathbogie Shire Council's Community Engagement Policy includes the following commitment:

*At Strathbogie Shire Council we are committed to working with our community. To ensure their thoughts, feedback, advice and expectations are reflected in the decisions we make.*

*We know that working together will ensure better decisions for our community.*

*We are committed to significant change when it comes to engaging with our community. Gone are the days of decisions being made behind closed doors and consultation being a 'tick the box' exercise.*

*Wherever possible we will be seeking community input into our decision-making process. We will be brave in doing this. Not shying away from telling the truth and having difficult conversations.*

*We want our community to trust we're making decisions with them. To ensure we are delivering the projects and services that remind our community every day that we are lucky to live in Strathbogie Shire.*

To ensure the highest level of influence the policy outlines the use of deliberative engagement. This is also a requirement of the Local Government Act 2020.

A deliberative process involves a diverse representation of participants; allows time and space for people to weigh up important, useful information from a range of sources; and, where decision-makers respond transparently to that input.

The key feature of a deliberative process is to come to a decision after considering all information and prioritising and weighing solutions. It can be scaled and targeted to fit the size and impact of the project.

Best practice deliberative engagement also requires the use of an independent facilitator.

To ensure access to facilitators, and to ensure we are meeting our procurement responsibilities, Council has undertaken a public tender process to award a Panel of Suppliers for Community Engagement Consultancy. This meets Council's compliance requirements under our Procurement Policy.

### 11.3.2 Tender for Contract No. 22/23-83: Community Engagement (CE) Consultancy – Panel of Suppliers

As per Strathbogie Shire's Procurement Policy, Council Officers will be required to obtain quotes from this Panel of Suppliers for Community Engagement prior to awarding works, therefor evaluating overall Best Value.

#### **TENDER PROCESS**

Tenders were invited by advertising on "Tendersearch" via the Council website on the June 8, 2023.

Council also advertised in Saturday's The Age newspaper (providing state-wide reach), Shepparton News, Benalla Ensign, Seymour Telegraph Nagambie Voice and Euroa Gazette.

Tenders were invited to apply for Part A, Part B, or both parts of the request for tender these being:

- Part A Development of a Recovery Plan
- Part B Community Engagement – Panel of Suppliers.

It was deemed Part A Development of a Recovery Plan, was no longer required, so this Council Report details Part B Part B Community Engagement – Panel of Suppliers.

By close of tenders 14 tender submissions were received. All tender submissions were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules.

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

<b>Tender submissions received at the close of the tender period (in alphabetical order)</b>
ARTICULOUS PTY LTD
ATKIN, GAYNOR NEIBOUNUO
CAPIRE CONSULTING GROUP PTY. LTD.
I.E. COMMUNITY PTY LTD
Max Hardy and Associates
MosaicLab
NGH Consulting
Ninety Mile Consulting Pty Ltd
PMLV INVEST & CONST PTY LTD
RMCG
SOLUCIO PTY LTD
Stanford Marketing Pty Ltd
The Trustee For Hatrick Family Trust
THREE6 PTY LTD

### 11.3.2 Tender for Contract No. 22/23-83: Community Engagement (CE) Consultancy – Panel of Suppliers

Table 2 below lists the tender offers (including GST) at the close of the advertised tender period.

*Table 2: Tender Offers Received (including GST)*

<b>Tenderer average Hourly Rate Offer as provided at Close of Tender Period (including GST) in lowest to highest order</b>	
	\$142.50
	\$167.50
	\$170.00
	\$186.00
	\$200.00
	\$205.00
	\$206.66
	\$234.00
	\$230.00
	\$214.00
	\$378.75

#### ***Panel Assessment Process***

In accordance with Council's Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to the release of the Tender documentation.

The evaluation panel members were nominated prior to the release of the tender submissions for evaluation. The panel signed 'Conflict of Interest' statements prior to the evaluation panel viewing the submitted tenders. The Tender Evaluation Panel members were made up of the following Strathbogie Shire Council staff members:

1. Executive Manager Communications and Engagement
2. Manager of Community and Culture
3. Communications and Engagement Adviser

The principle that underlies the awarding of all Council contracts is that a contract is awarded on the basis of providing the overall best value, offering the most benefit to the community and the greatest advantage to Council. The tenders were assessed and evaluated against the following criteria and weightings.

- **Tendered Price (60%)** This criterion measures the price only – either lump sum or unit rates – submitted by the tenderer. In accordance with Council's Procurement Guidelines, a price weighting of 60% is applied, unless a Council exemption is sought.
- **Demonstrated Qualifications / Skills and Experience (10%)** Due to the high level of technical skills required to provide this service, a weighting of 10% was allocated to this criterium.

### 11.3.2 Tender for Contract No. 22/23-83: Community Engagement (CE) Consultancy – Panel of Suppliers

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

Table 3: Evaluation criteria

Criteria	Weighting (%)
Price	60
Qualifications, skills and experience	10
Time delivery, methodology and capacity to deliver	10
Management schedules	10
Local content	10
<b>Total</b>	<b>100</b>

### ***ISSUES, OPTIONS AND DISCUSSION***

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

### **Evaluation Moderation Process**

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

The Tender Evaluation Panel individually reviewed all tender submissions in detail and assessed the tenderer's submitted schedules and attachments against the evaluation criteria. The moderator (Procurement & Tender Officer) averaged the scores and highlighted scoring discrepancies larger than three (3) points. On September 19, 2023, the panel members and the moderator met to finalise the evaluation through a moderation meeting.

### **Panel Assessment Summary**

At the completion of the tender evaluation process, seven tenderers received a qualitative score above 30 per cent which demonstrates strong previous experience, qualifications and understanding of the works required to successfully undertake projects requiring Community Engagement expertise.

### 11.3.2 Tender for Contract No. 22/23-83: Community Engagement (CE) Consultancy – Panel of Suppliers

These are:

- Atkin, Gaynor Neibounuo – Daylesford VIC
- I.E. COMMUNITY PTY LTD – North Melbourne VIC
- NGH Consulting – Bega NSW
- CAPIRE CONSULTING GROUP PTY LTD– Melbourne VIC
- Max Hardy Consulting – Fitzroy VIC
- SOLUCIO PTY LTD – Cheltenham VIC
- RMCG – Bendigo VIC

#### **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.

Awarding a Panel of Suppliers for Community Engagement Consultancy will help Council meet the commitments of its Community Engagement Policy. This means:

- Creating a consistent best practice approach to Strathbogie Shire Council's engagement, ensuring Council has a clear purpose and objectives for its community engagement activities
- Delivering deliberative engagement that meets our community's needs
- Increasing community participation in Council's decision making processes, ensuring better decisions that reflect community input
- Improving knowledge about the role of Council and the democratic decision-making process
- Improving community confidence in Council and the decisions it makes
- Clearly communicating how feedback is used to guide Council outcomes or decision making, and
- Meeting our legislative requirements under the Local Government Act 2020

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

Community engagement is a key way of helping achieve strategic focus area 1: Engage. Create. Unite in the 2021/25 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.

It is a key requirement under the Local Government Act 2020 that all Councils must use deliberative engagement practices to develop Community Vision Council Plan, Financial Plan and Asset Plan.

### 11.3.2 Tender for Contract No. 22/23-83: Community Engagement (CE) Consultancy – Panel of Suppliers

#### **LEGAL CONSIDERATIONS**

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

The Local Government Act 2020 has reformed community engagement on plans, policies and decision-making. The new legislation required all Councils to adopt and implement a Community Engagement Policy by 1 March 2021. As part of this policy, it must outline the use of deliberative engagement to develop the Community Vision Council Plan, Financial Plan and Asset Plan.

#### **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.

Council's Engagement Principles are a set of minimal requirements and objectives that our community engagement must adhere too. These are:

**Genuine and transparent:** We will be open and honest in our engagement approach. Our scope will be outlined, the purpose clear and we won't shy away from telling the truth – even when it is hard.

**Inclusive and accessible:** We will be approachable. We will create an environment where diversity of opinion is welcomed and everyone is heard.

**Responsive and flexible:** Our engagement approach will be adaptable to ensure it meets its purpose and generates participation. There is no one-size-fits-all approach so we will be watchful and ready to change.

**Listen and learn:** We will evaluate and monitor our engagement and consultation to ensure we continually improve.

#### **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 requirement of section 55 of the Local Government Act 2020 that Council must apply 'deliberative' processes for certain strategic plans will have a financial implication. Deliberative engagement processes are independently facilitated and recruited – meaning Council will be required to engage a contractor from the Panel of Suppliers to do this work.

### 11.3.2 Tender for Contract No. 22/23-83: Community Engagement (CE) Consultancy – Panel of Suppliers

#### ***SUSTAINABILITY CONSIDERATIONS***

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

#### **Economic and Social**

This panel of suppliers will help increase participation. Best practice community engagement is one of the most effective ways of ensuring meaningful input into our decision making and building trust in Council.

#### **Climate change**

One of Council's significant engagement improvements in the past year is our online engagement platform [www.share.strathbogie.vic.gov.au](http://www.share.strathbogie.vic.gov.au). The platform helps Council achieve the aims of this policy and also contributes to Council's Climate Change Action Plan. In particular: Action 19. Monitor paper use and implement paper saving measures across the organisation.

#### ***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 panel ensures continuous improvement.

#### ***HUMAN RIGHTS CONSIDERATIONS***

The Community Engagement Policy is consistent with the Human Rights Charter, in particular by promoting the rights of members of the community to take part in public life.

#### ***CONCLUSION***

Council invited tenders for Contract No 22/23-83 Community Engagement Consultancy – Panel of Suppliers. It is proposed Council awards a Panel of Supplier Arrangement for Contract Number 22/23-83 for a schedule or rates-based contract for the contract term of three years to:

- ATKIN, GAYNOR NEIBOUNUO
- I.E. COMMUNITY PTY LTD
- NGH Consulting
- CAPIRE CONSULTING GROUP PTY LTD
- Max Hardy Consulting
- SOLUCIO PTY LTD
- RMCG

#### ***ATTACHMENTS***

Nil.

### **11.3.3 Contracts, Works and Grants Awarded under Delegation - 1 to 31 October 2023**

Author: Procurement and Tenders Officer

Responsible Directors: A/Director People and Governance

#### **EXECUTIVE SUMMARY**

The purpose of this report is to inform Council and the community of the status of requests for 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 October 2023 to 31 October 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 Council Meeting authorising the Chief Executive Officer to award Quick Response Grants.

#### **RECOMMENDATION**

##### ***That Council:***

- 1. *Note the Contract awarded under delegated authority by the Chief Executive Officer;***
- 2. *Note the Contracts awarded under delegated authority by a Director; and***
- 3. *Note the Grants awarded under delegated authority by the 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 \$100,000 for Goods, Services and Works
- A Manager – varies in value depending on the functionality contained within the portfolio, awarding of contracts up to the value of between \$10,000 to \$50,000 for Goods and Services and Works.

### 11.3.3 Contracts, Works and Grants Awarded under Delegation - 1 to 31 October 2023 (cont.)

Council adopted a Community Funding Model at the 18 June 2023 Council Meeting authorising the Chief Executive Officer to award Quick Response Grants via this report. One (1) Quick Response Grant was received in this period. This application was assessed against the grant criteria as per Council's assessment process and was recommended by Officers for funding. Under delegation, the Chief Executive Officer approved this application.

#### **Contracts Awarded Under Delegated Authority by Chief Executive Officer**

<b>Contract No.</b>	CN 23/24-27
<b>Contract Name</b>	<b><i>Heritage Assessment of Chinaman's Bridge - Exemption</i></b>
<b>Contract Details</b>	Lump Sum Contract Exemption approved under Procurement Policy Item 20, Exemption clause "Professional Services unsuitable for Tender, Issues based advice which is unable to be quantified" as Heritage Victoria will only accept report from supplier - Extent Heritage Pty Ltd.
<b>Value Including GST</b>	\$98,325.70 including GST
	Extent Heritage Pty Ltd
<b>Scheduled Commencement</b>	1 November 2023
<b>Scheduled Completion Date</b>	1 March 2024

#### **Contracts Awarded Under Delegated Authority by Director**

<b>Contract No.</b>	CN 23/24-17
<b>Contract Name</b>	<b><i>Kinder Infrastructure Services Plan</i></b>
<b>Contract Details</b>	Lump Sum Contract Strathbogie Shire received State Government funding for engagement of a consultant to provide a combination of state-wide kindergarten supply and demand modelling and local data and knowledge.
<b>Value Including GST</b>	\$29,991.11 including GST
<b>Awarded to</b>	Community Childcare
<b>Scheduled Commencement</b>	28 October 2023
<b>Scheduled Completion Date</b>	28 February 2024 (purchase <u>cancelled</u> 2 November 2023, as Contractor unable to complete within funding timeframe)

11.3.3 Contracts, Works and Grants Awarded under Delegation  
- 1 to 31 October 2023 (cont.)

<b>Contract No.</b>	CN 23/24-13
<b>Contract Name</b>	<b><i>Detailed Design Slip Repair, Harry's Creek Road</i></b>
<b>Contract Details</b>	Lump Sum Contract, Flood Recovery
<b>Value Including GST</b>	\$45,870.00
<b>Awarded to</b>	Civil Deck Pty Ltd
<b>Scheduled Commencement</b>	13 November 2023
<b>Scheduled Completion Date</b>	16 February 2024

<b>Contract No.</b>	CN 23/24-14
<b>Contract Name</b>	<b><i>Detailed Design Slip Repair, Killeens Hill Road</i></b>
<b>Contract Details</b>	Lump sum tender
<b>Value Including GST</b>	\$28,600
<b>Awarded to</b>	GMR Engineering P/L
<b>Scheduled Commencement</b>	13 November 2023
<b>Scheduled Completion Date</b>	16 February 2024

**Grants Awarded Under CEO Delegation: Quick Response Grants**

<b>Applicant</b>	Euroa Historical and Genealogical Society
<b>Project Overview</b>	The project funds will be used to replace/upgrade the Euroa Museum computers used for research and storage of resources.
<b>Grant Amount approved</b>	\$999.00

**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.

### 11.3.3 Contracts, Works and Grants Awarded under Delegation - 1 to 31 October 2023 (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 contracts awarded under delegation are projects that have formed part of Council's 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.

#### **Economic**

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

#### **Social**

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

#### **Environmental**

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

#### **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 October 2023 – 31 October 2023.

This report also advises Council of any grants awarded under CEO delegation as per Council's adopted Community Funding Model. It is noted that no grants were received during the October 2023 period.

#### **ATTACHMENTS**

Nil.

### **11.3.4 Nagambie Locksley Road Bridge Replacement**

Responsible Director: Interim Director Sustainable Infrastructure

#### **EXECUTIVE SUMMARY**

For some years, the Nagambie Locksley Road bridge has been identified for replacement to address a number of safety issues. The project will be largely funded by two external programs:

- Federal Bridges Renewal program, and the
- Local Roads and Community Infrastructure for Rural Councils.

The bridge design has been optimised to minimise the number of trees required to be removed to improve alignment and site lines that will safely maintain the 100 kph speed limit without introducing hazards in the form of guard fence within the road reserve.

A Native Vegetation Removal Report has been prepared externally which proposes the removal of eleven (11) large trees, and seven (7) scattered small trees (refer Attachment 1). Offsets will need to be provided.

In accordance with the Planning Permit Applications - Referral to Council Policy, officers have given due consideration to the application for removal of Native Vegetation. Having received no objections to the proposed removal and approvals from referral authorities, Officers subsequently issued a Planning Permit under delegation.

#### **RECOMMENDATION**

##### ***That Council:***

- 1. Note that a Planning Permit has been issued for vegetation removal to enable replacement of bridge on Nagambie Locksley Road; and***
- 2. Note that the project, as budgeted in the 2023/24 Capital Works Program will ensure a viable and safe route between the Hume Freeway and Goulburn Valley Highways for all vehicles including heavy vehicles as per the conditions of funding.***

#### **PURPOSE AND BACKGROUND**

For some years the Nagambie Locksley Road bridge (refer Attachment 2) has been earmarked for replacement to address issues such as:

- Limited load capacity,
- Narrow nature of the bridge,
- Poor alignment and site lines on approaches,
- There are a number of sizeable agricultural and other users of large vehicles in the area,
- The road is a school bus route, and
- High numbers of heavy vehicle traffic between Goulburn Valley and Hume Highways.

#### 11.3.4 Nagambie Locksley Road Bridge Replacement (cont.)

The project will be largely funded by two external programs:

- Federal Bridges Renewal program, and the
- Local Roads and Community Infrastructure for Rural Councils.

The bridge design has been optimised to minimise the number of trees required to be removed to improve alignment and site lines that will safely maintain the 100 kph speed limit without introducing hazards in the form of guard fence within the road reserve.

This will still require some vegetation to be removed and a Native Vegetation Removal Report has been prepared externally which proposes the removal of:

- 8190 square metres of patch native vegetation including eleven (11) large trees, and
- Seven (7) scattered small trees.

Offsets need to be provided.

#### **ISSUES, OPTIONS AND DISCUSSION**

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

The replacement of the Nagambie Locksley Road bridge will address a number of issues that have been outstanding for many years, in particular increasing the level of safety of this section of the road whilst maintaining the current operating speed. Safety will be improved by widening the bridge and realignment of approaches to ensure clear site lines that will maintain the 100 kph speed limit without introducing hazards in the form of guard fence within the road reserve.

Officers submitted a planning application for Native Vegetation Removal to support the projects objectives and funding requirements. The Native Vegetation Removal Report concludes “*while the lost trees are native they are surrounded by multiple higher quality trees in the remnant vegetation located within roadside reserve and creek corridor surrounds*” and further the consultants “*are of the opinion that the activities as proposed will not have a significant effect on any of the identified threatened species and ecological communities*”

Advice received from all referral authorities is that removal of the vegetation is appropriate. Following consideration by officers and with no objections from the local community and landowners received, officers have issued a Planning Permit under delegation.

Council has a current policy “Planning Permit Applications – Referral to Council” which outlines the triggers for planning permit applications to be referred to a Council Meeting for decision.

This application for vegetation removal was not referred for Council decision, in line with the existing Policy (no objections received).

### 11.3.4 Nagambie Locksley Road Bridge Replacement (cont.)

Whilst this current project has an imperative to construct the bridge to satisfy requirements of the funding bodies and improve community outcomes, the removal of Native Vegetation has triggered this to be referred to Council for transparency.

Should Council support the objectives and outcomes for this project, tender documentation will be released as soon as practicable to deliver within the revised timelines.

#### **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 permit application was advertised and no submissions nor any objections from the referral authorities were received.

#### **POLICY CONSIDERATIONS**

##### **Council Plans and Policies**

##### **2021-2025 Strathbogie Shire Council Plan**

##### **Strategic Focus Area 2 – Live. Access. Connect**

Construction of the bridge will improve the community's ability to access the area in a safer manner.

##### **Strategic Focus Area 3 – Protect. Enhance. Adapt**

By undertaking vegetation removal in accordance with an independent review harmful impacts on the environment are minimised

##### **Strategic Focus Area 6 – Accountable. Transparent. Responsible.**

Whilst a Planning permit has been issued under delegation referral to an open Council meeting and amendment to an existing Policy improves the transparency of Council's operation

##### **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.

#### **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 a contract to construct will be consistent with Council's Procurement Policy and any associated guidelines.

#### 11.3.4 Nagambie Locksley Road Bridge Replacement (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 has been referred to Council for transparency given that Native Vegetation is required to be removed to achieve the project outcomes.

##### ***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 financial considerations being the cost of bridge construction and associated Native vegetation offsets which will be funded as part of the project.

As detailed in the 2023/24 Budget, Council has received external funding of \$600,000 from the Federal Government Bridges Renewal Program and \$830,375 from the Local Roads and Community Infrastructure for Rural Councils to support with project with a further Council budget allocation.

##### ***SUSTAINABILITY CONSIDERATIONS***

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted. Vegetation clearing has been minimised while allowing for the project to proceed.

##### **Economic**

Replacement of the bridge will improve transport links for vehicles engaged in the movement of goods particularly on the link between the Hume and Goulburn Valley Highways.

##### **Social**

Access for residents between locations will also be improved.

##### **Environmental**

Vegetation removal has been minimised while allowing for the project to proceed.

##### **Climate change**

Whilst some Native Vegetation is required to be removed, officer have ensured that this is at a minimum. As such, officers believe that is reflective of Councils ongoing commitment to climate change, sustainability and responsible environmental practices.

#### 11.3.4 Nagambie Locksley Road Bridge Replacement (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 new bridge will be a significant improvement to the current situation and support rural business operations.

##### **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.

Liaison has occurred with other levels of Government in order to obtain funding for the bridge project.

##### **HUMAN RIGHTS CONSIDERATIONS**

There are no human rights implications associated with the proposed project.

##### **CONCLUSION**

There is a need to replace the Nagambie Locksley Road Bridge whilst at the same time minimising environmental impacts. This report provides Council and the community details regarding this project and the requirements for Native Vegetation removal.

##### **ATTACHMENTS**

**Attachment 1:** Proposed Native Vegetation Removal and Realignment of Nagambie Locksley Road

**Attachment 2:** Nagambie Locksley Road Site Map

## **11.4 CORPORATE**

### **11.4.1 Council Policy Review: Draft Procurement Policy 2023**

Author: Director People and Governance

Responsible Director: Director People and Governance

#### ***EXECUTIVE SUMMARY***

Council, at its Ordinary Meeting 13 December 2022, adopted the Procurement Policy in its current form.

Section 108 (1) of the Local Government Act 2020 (the Act) requires the Council to prepare, adopt and comply with a Procurement Policy. Section 108(5) of the Act also requires Council to review its Procurement Policy at least once during four-year cycle. The current policy suggests a review once every two years, which is supported by input from Council's Audit and Risk Committee.

While there is no change to the overall intent of the policy, there are a number of changes and inclusion of additional sections to further strengthen the updated Procurement Policy and Procedure. These are as follows:

- Scheduled Review date proposed to be every two years as opposed to every 12 months
- Section 7 – Conflict of interest regarding exemptions to procurement processes
- Section 8 – inclusion of “overall” best value and effective risk management
- Section 8 – update of values in line with current approved values
- Section 19 – inclusion of expenditure >\$1,000 - \$2,500 minimum two verbal quotes (must be documented)
- Section 20 – exemptions: inclusion of CEO may determine to refer a report to ELT and that support from the Procurement and Tenders Officer must be requested. Inclusion of conflict-of-interest declaration to be completed by relevant officers prior to exemptions being sought.
- Section 20 – exemption type inclusion of grant funded Community Projects.

The updated policy was presented to the Audit and Risk Committee at its policy meeting in October 2023 and changes (in addition to the above) have been made in response to their recommendations to further strengthen:

- Section 18 - update table 2 – a request to all panel suppliers rather than two suppliers.

The updated policy is presented to Council for its adoption.

#### ***RECOMMENDATION***

##### ***That Council:***

1. ***Following an internal review and having received and considered the feedback from the Strathbogie Shire Council Audit and Risk Committee, adopt the updated Procurement Policy 2023; and***

#### 11.4.1 Council Policy Review: Draft Procurement Policy 2023

##### *RECOMMENDATION (cont.)*

2. ***Place the updated policy on Council's website, along with the publication of a notice in Council's newspaper columns and social media pages informing the community about the adoption of the updated policy.***

##### **PURPOSE AND BACKGROUND**

Council adopted its current Procurement Policy on 13 December 2022. As per the requirements of Section 108(5) of the Local Government Act 2020 and the existing Procurement Policy, an annual review has been conducted and changes are recommended to further strengthen its provisions.

These suggested changes, along with translating the existing policy into a new policy format and further strengthening governance arrangements around procurement, were presented to Council's Audit and Risk Committee on 6 October 2023. Further refinements to the updated policy have been made in response to the Committee's feedback.

##### **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 following changes have been incorporated into the updated Procurement Policy:

- Scheduled review date proposed to be every two years as opposed to every 12 months
- Section 7 – Conflict of interest regarding exemptions to procurement processes
- Section 8 – inclusion of "overall" best value and effective risk management
- Section 8 – update of values in line with current approved values
- Section 18 - update table 2 – a request to all panel suppliers rather than two suppliers
- Section 19 – inclusion of expenditure >\$1,000 - \$2,500 minimum two verbal quotes (must be documented)
- Section 20 – exemptions: inclusion of CEO may determine to refer a report to ELT and that support from the Procurement and Tenders Officer must be requested. Inclusion of conflict-of-interest declaration to be completed by relevant officers prior to exemptions being sought.
- Section 20 – exemption type inclusion of grant funded Community Projects

The recommended changes put controls in place to further enhance probity and governance processes providing protection to both Council Officers, Council and the expenditure of public money.

The current updated policy has also added more clarity to achieve best value for the municipality.

#### 11.4.1 Council Policy Review: Draft Procurement Policy 2023

##### **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 internally focussed policy where input from the Audit and Risk Committee, on which four independent community members sit, has been considered in the policy review process.

##### **POLICY CONSIDERATIONS**

###### Council Plans and Policies

The review of the Procurement Policy is consistent with Strategic focus area 6: Accountable. Transparent. Responsible of the 2021 - 25 Council Plan. The policy ensures good governance, transparency and accountability in decision making.

###### 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 Procurement Policy has been developed in accordance with best practice approaches from other council policies and considering recommendations from broader sector reviews around procurement by the Victorian Auditor General's Office and the Local Government Inspectorate.

##### **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 108 (1) of the Local Government Act 2020 (the Act) requires the Council to prepare, adopt and comply with a Procurement Policy. Section 108(5) of the Act also requires Council to review its Procurement Policy at least once during four-year cycle.

It is proposed that Council review this policy once every two years since our approach to procurement and tendering has undergone significant changes and the objective is to ensure it reflects best practice.

###### Conflict of Interest Declaration

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

###### 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.

#### 11.4.1 Council Policy Review: Draft Procurement Policy 2023

The adoption of the updated policy will strengthen probity and public transparency through more clarity being given around the use of a probity advisor when a project is valued at \$1 million or over (or where the project is likely to be of high public interest), project control groups and clearer roles and responsibilities throughout the procurement process.

##### **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 Procurement Policy is one of the key ways in which Council achieves best value for public money and underlines the need for competitive processes as a means of achieving this goal.

##### **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 clear environmental and social benefits arising from the policy given the inclusion of a sustainable procurement section to focus on the circular economy and drive environmental benefits (limiting environmental impacts in the process) and helping drive social procurement outcomes through the inclusion of a weighting for Taungurung Land and Waters Council related tenders.

##### **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 annual review of the policy is aimed at achieving continuous improvement around procurement activities.

##### **HUMAN RIGHTS CONSIDERATIONS**

The Procurement Policy is consistent with the Human Rights Charter, in particular, by promoting the rights of members of the community to take part in public life.

##### **CONCLUSION**

The policy review has been informed by an internal review and input from the Strathbogie Shire Council Audit and Risk Committee. The review ensures continuous improvement in the procurement activities of Council, improving its focus on environmental sustainability, social procurement and transparent decision making.

##### **ATTACHMENTS**

**Attachment 1:** Draft Procurement Policy 2023

**Attachment 2:** Draft Procurement Policy 2023 - Policy Impact Assessment Tool

### **11.4.2 Council Policy Review: Draft Tree Management Policy 2023**

Author: Administration Officer Operations

Responsible Director: Director Sustainable Infrastructure

#### **EXECUTIVE SUMMARY**

At its October 2022 Meeting Council adopted the Tree Management Policy (the policy). This policy has now been reviewed and amended as per the review schedule.

The purpose of the policy in conjunction with the Tree Management Plan: Urban and Rural Strategies (the plan) is to provide direction for the planting and continued management of trees located on Council managed land, streets, roads, reserves, and public open space. Minor amendments were made to the wording for greater clarity around council's responsibilities.

Following review by the Audit and Risk Committee at an extraordinary meeting held on October 6, 2023, this report seeks Council adoption of the Tree Management Policy 2023.

#### **RECOMMENDATION**

##### ***That Council:***

- 1. Adopt the amended Tree Management Policy 2023; and**
- 2. Place the updated policy on Council's website, along with the publication of a notice in Council's newspaper columns and social media pages informing the community about the adoption of the updated policy.**

#### **PURPOSE AND BACKGROUND**

Strathbogie Shire Council is responsible for more than 15,000 trees throughout the municipality and this policy and plan address such items as risk area mapping, inspection and maintenance standards, reference material and service levels.

The Policy provides the high-level framework to adequately addresses all risks associated with tree assets and informs the Tree Management Plan.

#### **ISSUES, OPTIONS AND DISCUSSION**

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

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

#### 11.4.2 Council Policy Review: Draft Tree Management Policy 2023 (cont.)

The policy sets out the overarching principles which are needed to govern the actions as detailed in the plan. The plan details the high-level actions which are needed to achieve the policy objectives.

The Tree Management Plan, adopted in October 2022 supplements and operationalises this Policy.

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

*Strathbogie Shire Council Plan 2021 – 25*

1.4 – Creation of a Significant Tree Register

3.1.6 - Involve the community in tree planting projects across the Shire

*The Climate Change Action Plan*

Action 7 – Develop a Significant Tree Register

*Strathbogie Shire Council Electrical Line Clearance Management Plan 2022/2023*

*Strathbogie Shire Council Tree Management Plan – Urban and Rural Strategies 2022*

#### **LEGAL CONSIDERATIONS**

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

The Policy takes account of requirements of the following legislation:

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

#### **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.

#### 11.4.2 Council Policy Review: Draft Tree Management 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.

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

##### ***FINANCIAL VIABILITY CONSIDERATIONS***

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

The Policy does not have any financial impacts.

##### ***SUSTAINABILITY CONSIDERATIONS***

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

##### **Economic**

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

##### **Social**

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

##### **Environmental**

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

##### **Climate change**

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

##### ***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 regular 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.

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#### 11.4.2 Council Policy Review: Draft Tree Management Policy 2023 (cont.)

***HUMAN RIGHTS CONSIDERATIONS***

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

***CONCLUSION***

The Tree Management Policy 2023 in conjunction with the Tree Management Plan: Urban and Rural Strategies details the management system that the Council has implemented in the discharge of its statutory and common law duty to inspect, assess, and manage (regarding risk), all trees for which the Council is responsible. It is recommended that Council endorse the revised Tree Management Policy 2023.

***ATTACHMENTS***

**Attachment 1:** Draft Tree Management Policy 2023

**Attachment 21:** Draft Tree Management Policy 2023 Policy Impact Assessment Tool

### **11.4.3 Council Policy Review: Draft Chief Executive Officer Employment and Remuneration Policy 2023**

Author and Responsible Director: Director People and Governance

#### ***EXECUTIVE SUMMARY***

Section 45 of the Local Government Act 2020 requires Council to develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy.

This Policy was adopted by Council on 19 October 2021. As prescribed in the policy and in accordance with the Local Government Act 2020, the Chief Executive Officer Employment and Remuneration Committee comprises the Mayor, two Councillors and an independent external committee member.

The Audit and Risk Committee is required to undertake an annual review of the policy in accordance with its Charter, in accordance with section 54 (2) (a) of the *Local Government Act 2020*. The annual review was required in October 2022, however due to conflicting priorities this policy was not reviewed at that time.

The Audit and Risk Committee, the CEO Employment & Remuneration Committee and relevant Officers have now reviewed the policy with minor changes made including:

- Independent member to chair the meeting;
- Policy transferred to the new policy template; and
- Updated references in the related Council Documents.

It is recommended that Council endorse the proposed changes suggested by the Audit and Risk Committee.

#### ***RECOMMENDATION***

##### ***That Council:***

- 1. Adopt the update Chief Executive Officer Employment and Remuneration Policy.***
- 2. Make the adopted updated Chief Executive Officer Employment and Remuneration Policy available to the public through the Council's website.***

#### ***PURPOSE AND BACKGROUND***

The adoption of a CEO Employment and Remuneration Policy (the Policy) is a requirement under the Local Government Act 2020 as part of its governance and integrity principles and sets out minimum standards for its content.

The Policy requires an annual review to be conducted by Council's Audit and Risk Committee. Any recommendations in relation to changes are presented to Council for consideration. The annual review was required in October 2022, however due to conflicting priorities this policy was not reviewed.

#### 11.4.3 Council Policy Review: Draft Chief Executive Officer Employment and Remuneration Policy 2023 (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.

Section 45 of the Local Government Act 2020 states the following:

- (1) A Council must 'develop, adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy.
- (2) The Chief Executive Officer Employment and Remuneration Policy must -
  - (a) Provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and
  - (b) Provide for the following:
    - i. The recruitment and appointment process;
    - ii. Provisions to be included in the contract of employment;
    - iii. Performance monitoring;
    - iv. An annual review; and
  - (c) Include any other matters prescribed by the regulations.
- (3) A Council must have regard to—
  - (a) any statement of policy issued by the Government of Victoria which is in force with respect to its wages policy (or equivalent); and
  - (b) any Determination that is currently in effect under section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 in relation to remuneration bands for executives employed in public service bodies—  
in developing the Chief Executive Officer Employment and Remuneration Policy.

The independent member must have (amongst other attributes) human resources related qualifications and/or experience, experience in senior executive performance reviews, an understanding of the Strathbogie Shire and its community, along with an understanding of good governance practices and previous experience working with governance bodies or boards.

This Policy was originally adopted by Council on 19 October 2021. The annual review was required in November 2022, however due to conflicting priorities this policy was not reviewed.

The Audit and Risk Committee and relevant Officers have now reviewed the policy with minor changes to be made including:

- Independent member to chair the meeting
- Policy transferred to the new policy template; and
- Updated references in the related Council Documents.

##### **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: Draft Chief Executive Officer Employment and Remuneration Policy 2023 (cont.)

Development of procedures around the recruitment and performance monitoring of the CEO is an internal matter. Community input has not been sought given its operational nature.

#### ***POLICY CONSIDERATIONS***

##### Council Plans and Policies

The development of this policy is consistent with the values outlined in the Council Plan 2021-25 of being ethical, open and transparent. The new policy requires a gender equity lens to be applied by Council and the Committee and requires adherence to Council's Gender Equity Policy. Council and the Committee must also ensure any actions or decisions are in accordance with the Procurement Policy in relation to the engagement of independent recruitment or legal experts and the Staff Code of Conduct.

##### 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 Act now requires CEO remuneration to be in line with decisions made by the Victorian Independent Remuneration Tribunal and therefore aligns local government CEO salaries with those of State government executives.

#### ***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 new Local Government Act 2020 sets out the following minimum requirements for the CEO remuneration and employment policy under section 45(2). The policy must include:

- provisions for how Council will seek independent professional input to assist with the implementation of the policy.
- procedures for the:
  - recruitment and appointment process;
  - provisions that should be included in the contract of employment;
  - how performance is to be monitored;
  - annual review of performance; and
  - other matters set out by the State through regulations (there are none at present).

Requirements for State government wages policy and the determinations of the Victorian Independent Remuneration Tribunal to be taken into account when reviewing remuneration.

The Act requires that a Council must adopt the first Chief Executive Officer Employment and Remuneration Policy by 31 December 2021 under section 45(4) of the Act.

#### 11.4.3 Council Policy Review: Draft Chief Executive Officer Employment and Remuneration Policy 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.

Setting out how the CEO will be recruited, how remuneration will be set and reviewed and how performance will be monitored in a policy available to the public via Council's website is in keeping with Council's Public Transparency Policy and the principles of the Act.

The input of independent advice through the use of an experienced member for the recruitment process, and through an expert sitting on the Committee, ensures professional advice is available to Council and the Committee when discharging their roles and responsibilities under the policy.

##### ***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.

Under the Policy and Act, CEO contract provisions and remuneration are required to be benchmarked against State policy and the determinations by an independent tribunal. Benchmarking with like councils across Victoria was undertaken for the existing CEO contract, however elements within the contract are somewhat inconsistent with broad practice.

The contract provisions will be funded through annual budget allocations.

##### ***SUSTAINABILITY CONSIDERATIONS***

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

The setting of performance criteria and ongoing performance monitoring of the CEO by the Committee and Council is an important way through which Council ensures the administration implements the Council Plan, the annual budget and other key strategic plans.

This helps drive the execution of ongoing social, economic, environmental and climate change initiatives.

#### 11.4.3 Council Policy Review: Draft Chief Executive Officer Employment and Remuneration 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 adoption of this policy is a continuation of the implementation of good governance and transparency principles under the new Act.

##### **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 has been informed by information provided by Local Government Victoria and through reviewing a wide range of similar policies recently adopted by other Councils across Victoria.

##### **HUMAN RIGHTS CONSIDERATIONS**

The adoption of this policy is consistent with the substantive rights set out by the Charter of Human Rights and Responsibilities Act 2006, including:

- recognition and equality
- privacy and reputation
- fair hearing.

The policy requires the Committee and Council to adhere to the Gender Equity Policy and to apply a gender equity lens when recruiting a CEO.

##### **CONCLUSION**

The adoption of the CEO Employment and Remuneration Policy ensures Council is compliant with the Local Government Act 2020.

Overall, the policy provides a consistent, fair and transparent framework for employment matters to guide Council, the Committee and the CEO.

##### **ATTACHMENTS**

**Attachment 1:** Draft Chief Executive Officer Employment and Remuneration Policy 2023

**Attachment 2:** Chief Executive Officer Employment and Remuneration Policy 2023 Policy Impact Assessment Tool

#### **11.4.4 Instrument Revocation: Instrument of Delegation from the Waterway Manager to Members of Council Staff**

Author: A/Director People and Governance

Responsible Director: Chief Executive Officer

##### ***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 Strathbogie Shire Council was first gazetted in the late 1980's, with Council being re-gazetted in June 2012. 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.

An Instrument of Delegation from the Waterway Manager to Members of Council Staff was prepared to assist Council perform its duties and functions as a Waterway Manager over the Goulburn River and Lake Nagambie waters. Over the years, the costs to deliver the waterways management function on behalf of the State Government has continued to grow. Waterway Managers do not receive any income from the State Government for performing the role. Following an unsuccessful advocacy campaign for funding spanning over seven months, on 1 November 2023, Council informed Safe Transport Victoria of its decision to relinquish its role as Waterway Manager for Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie effective immediately.

The purpose of this report is for Council to consider revoking the *Instrument of Delegation from the Waterway Manager to Members of Council Staff* contained within Attachment 1, as Council is no longer performing a waterway management role.

##### ***RECOMMENDATION***

***That Council revokes the Instrument of Delegation from the Waterway Manager to Members of Council Staff, effective 22 November 2023.***

##### ***PURPOSE AND BACKGROUND***

The Instrument of Delegation from the Waterway Manager to Members of Council Staff was prepared to assist Council to perform its duties and functions as a Waterway Manager over the respective waterways.

There are a number of provisions within the Marine Safety Act 2010 that cannot be sub-delegated by the CEO (as Council's Waterway Manager) to members of Council Staff and these are listed in the Instrument of Delegation. These delegations must be made direct from Council to the staff positions named. 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.

#### 11.4.4 Instrument Revocation: Instrument of Delegation from the Waterway Manager to Members of Council Staff (cont.)

Following an unsuccessful advocacy campaign for funding spanning seven months, Council informed Safe Transport Victoria of its decision to relinquish its role as Waterway Manager for Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie effective 1 November 2023.

The purpose of this report is for Council to consider revoking the *Instrument of Delegation from the Waterway Manager to Members of Council Staff* contained within Attachment 1, as Council is no longer performing a waterway management role.

#### **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 have been appointed as waterway manager under the Marine Act 1988 for the following waterway:

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

Safe Transport Victoria (now incorporating Maritime Safety Victoria) are the organisation responsible for appointing Waterway Managers and safety on waterways in Victoria. It is understood that Strathbogie Shire Council was first gazetted in the late 1980's, with Council being re-gazetted in June 2012. 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.

As a Waterway Manager, Strathbogie Council undertook this role in a voluntary capacity. With no financial support for the management function provided by the State Government to perform this role, Strathbogie ratepayers funded this function through rates. There was no opportunity to generate any income from this activity. Over the years, the financial contribution towards the management of the waterways continued to increase. Council approximately contributed between \$150,000-\$200,000 (increasing annually) to undertake the management of the waterway.

Following an unsuccessful advocacy campaign for funding spanning seven months, Council informed Safe Transport Victoria of its decision to relinquish its role as Waterway Manager for Goulburn River from Hughes Creek to Goulburn Weir including Lake Nagambie effective 1 November 2023.

#### **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 authorisation are internal documents responding to a legislative requirement, community engagement officers do not believe engagement is required.

#### 11.4.4 Instrument Revocation: Instrument of Delegation from the Waterway Manager to Members of Council Staff (cont.)

### **POLICY CONSIDERATIONS**

#### Council Plans and Policies

Efficient and effective decision making, as provided through this 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

#### 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 instrument has been in place to authorise officers to enable them to work with other agencies to ensure compliance with legislation, helping Council to fulfill its legislated role as a Waterway Manager, particularly in relation to the Marine Safety Act 2010.

### **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.

As Council has advised Safe Transport Victoria of its decision to relinquish its role as waterway manager effective immediately, the delegation instrument must now be revoked, as Council no longer has any role in this function. The State Government will also prepare a State Government Gazetted to formally relinquish Strathbogie Shire Council of this role.

#### Conflict of Interest Declaration

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

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

#### Transparency

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

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#### 11.4.4 Instrument Revocation: Instrument of Delegation from the Waterway Manager to Members of Council Staff (cont.)

By considering this report, Council is undertaking its requirements to formally revoke an Instrument of Delegation from the Waterway Manager to Members of Council Staff.

##### **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 negative financial implications associated with 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.

There are no significant sustainability impacts arising from revoking this instrument.

##### **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 purpose of this report is for Council to consider revoking the *Instrument of Delegation from the Waterway Manager to Members of Council Staff* contained within Attachment 1, as Council is no longer performing the waterway management role.

##### **ATTACHMENTS**

**Attachment 1:** Instrument of Delegation from the Waterway Manager to Members of Council Staff

#### **11.4.5 S6 Instrument of Delegation to Members of Council Staff 2023**

Author: Coordinator Governance & Records Management

Responsible Director: A/Director People and Governance

##### **EXECUTIVE SUMMARY**

*The Local Government Act 2020* (the Act) requires a review of all instruments of delegation.

The Council to Officers Instrument of Delegation is the way in which Council enables day to day decisions, made under a raft of legislation and local laws, to be made. Without this delegation of power, all decisions would have to be made by a resolution of Council, which cannot occur due to the volume of decisions made by the administration on behalf of Council every day.

This instrument provides for delegations that our legal counsel state cannot be sub delegated by the Chief Executive Officer (CEO), that is, they must be directly delegated from Council to the subject matter experts. The delegations cover specialised legislation such as the *Planning and Environment Act 1987*, *Roads Management Act 2004*, and the *Environmental Protection Act 1970*.

The draft Instrument before Council is based on the current delegation. There are some powers, such as setting fees, that are not delegated to any officer. The draft instrument before Council reflects organisational structural changes and position title changes that have occurred in recent months.

There are conditions against some delegated powers requiring notification of the CEO or Council through written notice within a specified period of a decision being made to ensure transparency and that information flows between the delegated officers and Council.

A public register of delegations must be maintained by the CEO under the Act and Council's Public Transparency Policy 2022, and so this instrument, once signed, will be available for inspection by the public upon request.

##### **RECOMMENDATION**

***That Council in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation, S6 Instrument of Delegation to Members of Council Staff, Strathbogie Shire Council (Council) resolves that:***

- 1. There be delegation to the members of Council staff holding, acting in or performing the duties of the officers or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties, and functions set out in that instrument, subject to the conditions and limitations specified in the Instrument;***
- 2. The Instrument comes into force immediately the common seal of Council is affixed to the instrument;***

#### 11.4.5 S6 Instrument of Delegation to Members of Council Staff 2023 (cont.)

##### *RECOMMENDATION (cont.)*

3. ***On the coming into force of the Instrument, the Instrument endorsed at its meeting of 18 August 2020 be revoked and replaced by the 21 November 2023 Instrument; and***
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.***

##### **PURPOSE AND BACKGROUND**

The Local Government Act 2020 requires the preparation and adoption of a set of Instruments of Delegation.

The various acts and regulations referred to in the instrument allow the delegation of powers from Council to members of Council staff.

The Instrument before Council has been reviewed and is based on the current instrument S6. The draft instrument before Council reflects organisational structural changes and position title changes that have occurred in recent months to hold authority under a range of legislation.

The purpose of this report is to facilitate the adoption of this Instrument so that day to day decision making can be efficient and seamless.

##### **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 Council to Officers instrument of delegation is the way in which Council enables day to day decisions, made under a raft of legislation and local laws, to be made. Without this delegation of power, all decisions would have to be made by a resolution of Council, which cannot occur due to the volume of decisions made by the administration on behalf of Council every day.

This instrument provides for delegations that our legal counsel state cannot be sub delegated by the Chief Executive Officer (CEO), that is, they must be directly delegated from Council to the subject matter experts. The delegations cover specialised legislation such as the *Planning and Environment Act 1987*, *Roads Management Act 2004*, and the *Environmental Protection Act 1970*.

The draft Instrument before Council is based on the current delegation. There are some powers, such as setting fees, that are not delegated to any officer. The draft instrument before Council reflects organisational structural changes and position title changes that have occurred in recent months.

#### 11.4.5 S6 Instrument of Delegation to Members of Council Staff 2023 (cont.)

There are conditions against some delegated powers requiring notification of the CEO or Council through written notice within a specified period of a decision being made to ensure transparency and that information flows between the delegated officers and Council.

A public register of delegations must be maintained by the CEO under the Act and Council's Public Transparency Policy 2022, and so this instrument, once signed, will be available for inspection by the public upon request.

#### **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 delegations are internal documents responding to a legislative requirement community engagement is not considered necessary.

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

The report is consistent with Council Policies, key strategic documents, and the 2021-2025 Council Plan in terms of ensuring officers can legally perform their roles under a variety of legislation.

Efficient and effective decision making, as provided through the S6 Instrument of Delegation is consistent with Strategic Focus Area 6 (of the Council Plan) – 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.*

##### 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 instrument of delegation to council officers enables them to work efficiently to ensure compliance with specialised legislation such as the *Planning and Environment Act 1987*, *Roads Management Act 2004*, and the *Environmental Protection Act 1970*.

#### **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.

#### 11.4.5 S6 Instrument of Delegation to Members of Council Staff 2023 (cont.)

By not maintaining currency of the Instrument of Delegation, this can potentially impact on the enforcement of legislation and jeopardises Council's compliance with its legal obligations. A copy of the instrument will be made available to the public in accordance with the Local Government Act and 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.

By considering this report the community becomes aware of some structures that Council has in place to administer various pieces of legislation.

The Act requires Council to maintain a public register of instruments of delegations. Once the Common Seal has been affixed to the Instrument, it will be made available on Council's website and copies made available in hard copy upon request, as required by our Public Transparency Policy 2022.

##### ***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 from the updating of this instrument.

##### ***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 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.

The review of instruments of delegation is one way in which our operations are constantly reviewed and refined to identify areas where operational efficiency and timely decision making can be enhanced.

##### ***HUMAN RIGHTS CONSIDERATIONS***

It is considered that the updating of this Instrument of Delegation has no material impact on the *Charter of Human Rights and Responsibilities Act 2006*.

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#### 11.4.5 S6 Instrument of Delegation to Members of Council Staff 2023 (cont.)

**CONCLUSION**

The draft Instrument of Delegation from Council to members of Council Staff is based on the current delegation, with some minor amendments to reflect changes to positions and the organisation's structure.

The endorsement and sealing of the instrument of delegation enables Council to fulfil its obligations so that day to day decision making can be efficient and seamless and the enforcement of various pieces of legislation.

**ATTACHMENTS**

**Attachment 1:** S6 - Instrument of Delegation to Members of Council Staff 2023

#### **11.4.6 Financial Report to 30 September 2023**

Author: Chief Financial Officer

Responsible Director: A/Director People & Governance

##### ***EXECUTIVE SUMMARY***

The appended September Financial Report compares year-to-date budget to Actual September 2023.

The report contains the Operational Performance, Income Statement, Balance Sheet, Cash Flow Statement, and capital performance and other financial data in graphical format.

In relation to the current year, the operating surplus for the three months period ending 30 September was \$17,709,665.

As at 30 September 2023, total capital works was \$1,596,926 not including committed works.

##### ***RECOMMENDATION***

***That Council note the Financial Report for the three months ended 30 September 2023.***

##### ***PURPOSE AND BACKGROUND***

The 2023/24 Budget was prepared in accordance with the Local Government Act 2020 and was formally adopted at an extraordinary Council meeting held on 27 June 2023.

Council considers and notes quarterly Financial Reports in accordance with the Local Government Act 2020 (Act). Under Section 97 the Act, Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management. This report satisfies those requirements.

##### ***ISSUES, OPTIONS AND DISCUSSION***

Explanations for significant budget variances are provided in financial performance overview section. Of note, the following comments provide context of the current financial position:

Income:

- There is an increase in rates and charges due to supplementary rate notices issued.
- There is a decrease in user fees mainly due to decrease in saleyard fee income \$13.8k, decreased Regatta Centre income of \$7.2K and timing of swimming pool fee income.

#### 11.4.6 Financial Report to 30 September 2023 (cont.)

- There is an increase in operating grant income mainly due to carry forward grant income from previous year of \$1,508.6K which include, flood recovery related grant \$1,045.3k and Nagambie growth plan grant \$361.7k. In addition, council received Victorian Grant Commission Financial Assistance Grant of \$75.2k.
- There is an increase in capital grant income mainly due to unspent carry forward grant income from previous year \$1,09.4k. This includes Stage 3 Local Road Community Infrastructure Funding Grant \$667.9k and Balmattum Hill Mountain Trail Planning Grant \$241.6k. In addition, council received Stage 4 Local Road Community Infrastructure Funding Grant \$907.9k.
- There is a decrease in monetary contribution due to waiver of GMW Nagambie Lake Leisure Park rent due to flood damage.
- There is a decrease in other income mainly due to timing of interest income on investments.

Expense:

- There is a decrease in employee cost is due to long service leave and annual leave provisions which are calculated and provided at the year end.
- There is a decrease in materials and services mainly due to less than budgeted contractors and professional service expense \$132.1k, assets maintenance expense \$92.2k.
- Current depreciation is a provisional amount, and this is to be reviewed and finalised when infrastructure capital works are finalised at the year end.
- There is a decrease in other expenses to accommodate the more than budgeted councillor conference and training expenses and legal expenses.

#### **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 officers believe that appropriate community engagement has occurred during the annual budgeting process and the quarterly financial statements are now ready for Council consideration.

#### **POLICY CONSIDERATIONS**

This report is consistent with Council Policies, the Long-Term Financial Plan and the Council Plan. The report also addresses Council's desire to review all aspects of Council's operations.

#### **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 statutory or legal implications. The Local Government Act 2020 allows for budget reallocations. Consideration and adoption of quarterly financial reports as per the Local Government Act 2020 ensures Council complies with its Legal and Statutory obligations.

#### 11.4.6 Financial Report to 30 September 2023 (cont.)

##### **FINANCIAL 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 attached report, in conjunction considers all known economic and financial implications for the financial year ending 30 June 2024.

##### **ENVIRONMENTAL/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 recommendation in this report has no significant environmental, social or amenity implications for Council or the broader community.

##### **HUMAN RIGHTS CONSIDERATIONS**

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

##### **CONCLUSION**

The report presents Council's actual financial performance compared to the adopted budget for the three months ended 30 September 2023.

##### **ATTACHMENTS**

###### **Attachment 1: Financial Report Attachments**

- Operational Performance
- Comprehensive Income Statement
- Financial Performance Overview
- Balance Sheet
- Statement of Cash Flows
- Capital Performance
- Other Financial Data

#### **11.4.7 Environmental Upgrade Agreements for Businesses**

Author: Environment and Waste Coordinator

Responsible Director: A/Director People and Governance & Director Sustainable Infrastructure

##### **EXECUTIVE SUMMARY**

Environmental Upgrade Agreements (EUA) enable lenders to partner with Councils to provide secure lending to local businesses for environmental upgrades; including (but not limited to), renewable energy (solar), energy storage, air conditioning, electric vehicle chargers and lighting.

Under an EUA, lenders provide finance to a building owner for environmental upgrades, with the local Council then collecting the repayments through an Environmental Upgrade Charge and remitting the funds to the lender. Use of the Council rates system means that loans become a statutory charge secured by the property, allowing lenders to offer more competitive loan terms.

Councils are able to offer EUAs under the Local Government Act. To offer EUAs, it is recommended that Council engages a Third-Party Administrator, of which Better Building Finance (BBF), is the sole service provider. Better Building Finance is owned by Sustainable Australia Fund, who is also the primary lender offering finance for EUAs.

On the basis that Council has declared a climate emergency and is aiming to do all that it can to reduce emissions, offering Environmental Upgrade Agreements to businesses and engaging BBF as a Third-Party Administrator is recommended.

##### **RECOMMENDATION**

###### ***That Council:***

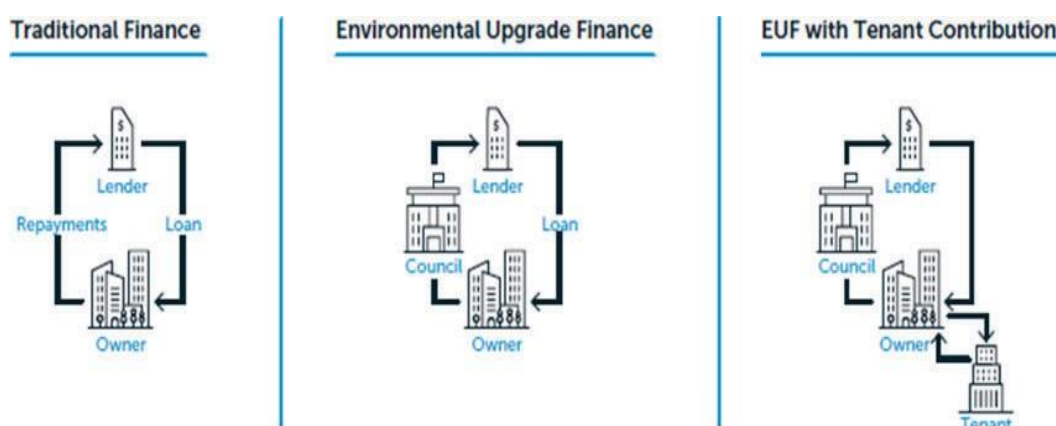
- 1. *Support Environmental Upgrade Agreements and proceeds to establish a program;***
- 2. *Appoint Sustainable Australia Fund to work collaboratively with Council to establish, administer and support the delivery of Environmental Upgrade Agreements, trading as Better Building Finance; and***
- 3. *Delegate the Chief Executive Officer the power to:***
  - a) *Enter into an Environmental Upgrade Agreement on behalf of Council; and***
  - b) *Declare and levy an environmental upgrade charge.***

##### **PURPOSE AND BACKGROUND**

Environmental Upgrade Agreements (EUAs) enable lenders to partner with Councils to provide secured loans to local businesses for environmental upgrades, such as renewable energy and battery storage, water efficiency and reuse, energy efficiency upgrades, sustainable transport (e.g. end of trip facilities, EV charging) and waste minimisation.

#### 11.4.7 Environmental Upgrade Agreements for Businesses (cont.)

The key purpose of EUAs is to help businesses access funding for sustainable building works. Under an EUA, lenders provide finance to a building owner for environmental upgrades, with the local Council then declaring an Environmental Upgrade Charge, which is collected and remitted back to the lender. Use of the Council rates system means that loans become a statutory charge secured by the property, allowing lenders to offer more competitive loan terms. If the property is tenanted, there is also the ability for the tenant to contribute to the loan repayments, recognising they benefit from cost savings as part of the upgrades. This helps to overcome the split incentive barrier commonly experienced in building upgrades.



#### ***ISSUES, OPTIONS AND DISCUSSION***

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

There are currently 48 Victorian Councils offering EUAs. Uptake is largely dependent on the resources Councils can allocate to actively support businesses into the program. In most Councils the average uptake is around two EUAs per year, however City of Melbourne supported 11 EUAs and Mornington Peninsula supported 21 EUAs over a six-year period.

There are two options to administer the EUAs, either self-administration or via a third-party. There is currently one active third-party administrator, Better Building Finance (BBF), servicing 47 of the 48 councils who offer EUAs. Through BBF, there has been \$75m invested into environmental upgrades, resulting in nearly 1,386,000 tonnes of reduced emissions and \$217m saved by businesses/property owners.

#### How are EUAs different to other financing options?

- Repayment is a statutory charge, invoiced via the rates notice,
- If the property is leased then (subject to the tenancy agreement) the statutory charge, or part thereof, can be passed through to the tenant as an Outgoing and recovered by the landlord (with agreement from the tenant before the EUA is signed),
- The loan is secured by the property and remains attached to the property (subject to agreement with the new owner, as the financial and environmental benefits stays with the building), and
- No consent or approval is required from an existing financier nor is there a requirement to take out a mortgage.

#### 11.4.7 Environmental Upgrade Agreements for Businesses (cont.)

##### *Option 1: Third-Party Administrator (recommended)*

BBF is the sole supplier of third-party administration services of EUAs in Australia. To engage BBF in this capacity, Council would be required to sign a Service Agreement with Better Building Finance.

If BBF is engaged as the Third-Party Administrator (TPA) their service includes taking responsibility for the overarching EUA process, including the documentation. This includes supporting businesses through the program, receiving and processing applications, creating contracts and monitoring performance. BBF, through a new online billing platform, can also take responsibility of the repayment collection process. This includes issuing the annual notice on Council's behalf, collecting repayments via a custodial agent and forwarding the funds to the lender.

BBF is owned by the Sustainable Australia Fund (SAF), which was originally the Sustainable Melbourne Fund set up by City of Melbourne with a \$5m low interest loan facility.

Sustainable Australia Fund (and BBF) was privatised in February 2019 with City of Melbourne repaid in full. SAF is now owned by a group of impact investors and the SAF senior management team. As a non-bank lender SAF is regulated by ASIC rather than APRA and are financed by a \$230m Warehouse Facility provided by a range of financial institutions include UBS and Bank Australia.

Council's role is to promote EUAs to local businesses and refer potential applicants to BBF. There is already one Violet Town business wanting to access an EUA for the installation of solar on their business (without any active promotion or recruitment from Council). This business could be used as a case study and used in the future promotion of the program.

Council also has specific roles in the administration process, including:

- Consenting to all new EUAs within the municipality and providing confirmation that the borrower has a strong rates payment history.
- Declaring the Environmental Upgrade Charge notice under section 181C of the Local Government Act 1989 and placing against property in rates system. This forms part of the Local Government Act 1989 remains in force until further notice.
- Following up any outstanding payments not received within 60 days of falling due. Council is expected to follow the same process as if rates were not paid. So far, only one borrower has defaulted over the eight years of the program, due to financial pressures of the COVID-19 pandemic.
- Reconciling repayments in the rates system.
- Discharging EUC against property at end of term.

It is important to note that Council is not liable for any outstanding charges, with section 181E of the Local Government Act 1989 specifically stating:

*'A Council is not liable for any failure by an owner or any occupier or an owner and any occupier (as the case requires) to pay an environmental upgrade charge or charges.'*

## 11.478 Environmental Upgrade Agreements for Businesses (cont.)

### *Option 2: Self-administration (not recommended)*

EUAs can be administered in-house by Council. There is one Council in Victoria, who currently takes this approach.

Whilst this is possible for Council to do, the set-up costs are expected to be high as Council would need to:

- Draft all relevant documentation that are acceptable to lenders (there aren't any standardised documents available and BBF own the intellectual property of their documentation)
- Negotiate and establish an agreement with a third-party lender to finance the upgrades.

There would also be higher ongoing staff resourcing requirements for administering the program, as well as retaining the responsibility for updating the documentation in the event of legislative change.

While we intend to proactively engage businesses to increase likely uptake, it is unknown how many EUAs will be entered into, and therefore making significant investment upfront is not recommended.

BBF offer a much better value proposition with established processes and systems and access to finance, given this is their primary service offering and allows Council to test the appetite of local businesses at little cost.

### **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.

At this stage no community engagement has been undertaken, should Council endorse this report promotion activities to businesses will occur.

### **POLICY CONSIDERATIONS**

#### Council Plans and Policies

This report is consistent with the following focus area of the 2021-2025 Council Plan: Strategic Focus Area 3: Protect. Enhance. Adapt including the strategies:

- *Our Climate Change Action Plan and our aim to be carbon neutral by 2025 for Council operations implements Council's declaration of a climate emergency so we lead by example by significantly reducing the organisation's carbon footprint.*

#### 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 a number of local and state policies including:

- Goulburn Murray Climate Alliance (local)
- Renewable Energy Action Plan (state)
- Climate Change Act 2017.

#### 11.4.7 Environmental Upgrade Agreements for Businesses (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.

Councils are able to offer EUAs under section 181C Environmental upgrade charge of the *Local Government Act 1989*. This part of the *Local Government Act 1989* remains in force until further notice.

Under sections 181A and 181C of the *Local Government Act 1989* councils have the power to enter into Environmental Upgrade Agreements and declare and levy environmental upgrade charges.

##### **Conflict of Interest Declaration**

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

##### **Transparency**

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured. This matter is being debated in an open Council meeting to ensure transparency.

##### **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 to Council to engage BBF to act as a TPA.. It is important to note that Council will not be liable for any failure by an owner or any occupier or an owner and any occupier (as the case requires) to pay an environmental upgrade charge or charges.

However, in the event of default, Council will need to use enforcement procedures to recover any unpaid repayments.

Council will use staff resources to promote EUAs to local businesses, as part of broader communications about the sustainable business programs available. There will also be some staff time required from the Rates team, which can be accommodated within existing resources.

##### **SUSTAINABILITY CONSIDERATIONS**

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

##### **Economic**

The key purpose of EUAs is to help businesses access funding for sustainable building works. Under an EUA, lenders provide finance to a building owner for environmental upgrades, with the local Council then declaring an Environmental Upgrade Charge, which is collected and remitted back to the lender.

#### 11.4.7 Environmental Upgrade Agreements for Businesses (cont.)

##### **Social**

Use of the Council rates system means that loans become a statutory charge secured by the property, allowing lenders to offer more competitive loan terms. If the property is tenanted, there is also the ability for the tenant to contribute to the loan repayments, recognising they benefit from cost savings as part of the upgrades. This helps to overcome the split incentive barrier commonly experienced in building upgrades.

##### **Environmental**

There are a range of environmental upgrade works that are eligible, including:

- Renewable energy (e.g. solar)
- Energy Storage
- Air Conditioning
- Electric Vehicle Chargers Lighting
- Energy Use Optimisation
- Water Efficiency and Reuse Systems
- End-Of-Trip Facilities
- Waste Management Systems
- Pollution Control.

This program can support any project that demonstrates they have addressed the UN Sustainable Development Goals

##### **Climate change**

As highlighted above, this initiative is consistent with Council's declaration of a climate emergency and subsequent Climate Change Action Plan.

##### **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.

Environmental Upgrade Agreements (EUAs) enable lenders to partner with Councils to provide secure loans to local businesses for environmental upgrades, such as renewable energy and battery storage, water efficiency and reuse, energy efficiency upgrades, sustainable transport and waste minimisation. 48 Victorian Councils have joined this initiative.

##### **HUMAN RIGHTS CONSIDERATIONS**

There are no negative human rights consideration associated with this report.

##### **CONCLUSION**

Council is committed to responding to the climate change and supporting business to reduce their impact and associated energy bills. Offering Environmental Upgrade Agreements to businesses and engaging BBF as a Third-Party Administrator is recommended and will be complementary to the existing sustainable business programs offered by Council.

##### **ATTACHMENTS**

Nil.

#### **11.4.8 Strathbogie Shire Council Audit and Risk Committee – Appointment of Independent Member**

Author: Manager People and Culture

Responsible Director: Director People and Governance

##### ***EXECUTIVE SUMMARY***

There is currently one vacancy on Council's Audit and Risk Committee following the end of the term of appointment for independent community representative Mr Mark Freudenstein.

The Audit and Risk Committee Charter requires the appointment of four (4) independent community representatives to help drive the important work undertaken by the Committee to provide independent oversight over Council finances, risk management and governance.

At its 9 September 2023 meeting, the Audit and Risk Committee endorsed the release of an Expression of Interest document outlining the roles, responsibilities and skill set required for the independent member, along with the process for advertising the vacancy. The interview panel comprised of the Chair of the Audit and Risk Committee, the Mayor (as the Councillor representative on the Audit and Risk Committee) and a senior Council staffer.

The vacancies were widely advertised on Seek, Council's website and social media platforms and local and regional newspapers between 25 September 2023 and 13 October 2023.

In response, ten (10) applications were received with a wide variety of skills and work experience. The interview panel shortlisted these applications and conducted two (2) interviews.

Following this process, and after conducting referee checks, the panel have recommended that Ms Sophie Lukeis be appointed to the Audit and Risk Committee for a term of three (3) years.

##### ***RECOMMENDATION***

###### ***That Council:***

- 1. Appoint Ms Sophie Lukeis to independent member of the Audit and Risk Committee for a three-year term commencing on 4 December 2023 and ending on 4 December 2026.***
- 2. Write to outgoing independent member Mark Freudenstein thanking him for his contribution to the committee.***

##### ***PURPOSE AND BACKGROUND***

In accordance with the Audit and Risk Committee Charter, four (4) independent community representatives sit on the Committee and are appointed for a term of three (3) years. The appointments are staggered year on year to ensure that there is continuity in external membership.

#### 11.4.8 Strathbogie Shire Council Audit and Risk Committee – Appointment of Independent Member (cont.)

Current independent member Mark Freudenstein's term expires on 1 December 2023.

An expression of interest process to fill the vacancy was undertaken in September/October 2023, after endorsement of an Expression of Interest document and recruitment process by the Audit and Risk Committee at its September 2023 meeting.

#### **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.

To attract a high calibre of applicants to the Audit and Risk Committee, an expression of interest document informed the recruitment process and highlighted the need for the following skills and experience:

- knowledge of the Strathbogie Shire community
- a relevant degree qualification
- expertise in financial management
- expertise in risk management and fraud prevention
- experience in public sector management, with experience in rural councils being an advantage
- experience related to internal and external audit functions
- strong interpersonal and communication skills.

In response, ten (10) applications were received with a wide variety of skills and work experience. The interview panel consisting of Paul Ayton, Chair of the Audit and Risk Committee, Mayor Laura Binks and Heike Manet, Manager People & Culture, shortlisted these applications and conducted two (2) interviews. Following this comprehensive recruitment and selection process, the interview panel has recommended the appointment of Sophie Lukeis as the new independent community representative. Her appointment will commence on 4 December 2023 and her term will expire on 4 December 2026 in accordance with the Audit and Risk Committee Charter.

Ms Lukeis has the following skill sets and experience:

- **Qualifications:** Bachelor of Arts; Post Graduate Diploma in Industrial Relations and Human Resources; Diploma in Positive Psychology; Company Directors Course
- **Experience:** Over 25 years' experience as a Senior Executive across a number of industries including Education, Finance, Telecommunications and Health; experience as a member of the Risk Committee of a school (her current place of work); cooperation with internal and external audit functions with focus on the people and culture perspective including payroll and compliance audits

#### 11.4.8 Strathbogie Shire Council Audit and Risk Committee – Appointment of Independent Member (cont.)

- **Skill:** Expertise in financial management through financial responsibility for all aspects of the extensive department budget including contract negotiations; strong interpersonal skills and emotional intelligence

#### **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 expression of interest process was widely promoted through locally and regionally circulating newspapers, the Shire's website and social media pages. Pleasingly, this exposure resulted in a high number of applications for external independent members on our Audit and Risk Committee.

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

In the 2021-25 Council Plan the appointment of independent community representative to Council's Audit and Risk Committee aligns to:

- Strategic focus area 6: 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.

The appointment of independent community members to Council's Audit and Risk Committee is consistent with the approach taken to independent oversight at State and Federal levels of government.

#### **LEGAL CONSIDERATIONS**

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

An Audit and Risk Committee must be appointed by all councils under section 53 of the *Local Government Act 2020* (the Act). A Charter, adopted by Council on 18 August 2020, outlines the Committee's membership, roles and responsibilities as defined by the Act. The Charter is required to be reviewed annually. This has occurred and the updated Charter was endorsed by Council on 17 October 2023.

The recruitment of the new independent community representative is in accordance with the requirements of the Act and the 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.

#### 11.4.8 Strathbogie Shire Council Audit and Risk Committee – Appointment of Independent Member (cont.)

Furthermore, the interview panel appointed to oversee the recruitment of the independent community representative also ensured there were no conflicts of interest in relation to any of the applicants.

##### **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 recruitment of the independent community representative was undertaken in an open, public and competitive process. The use of an expression of interest document, which identified the skills and expertise required of the new member, aimed to provide clarity and certainty around the appointment of the independent member.

This report also achieves optimal public transparency and accountability around the selection and appointment process by reporting publicly on the outcomes of the recruitment and interview process.

##### ***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.

Audit and Risk Committee members are currently awarded a stipend of \$380.53 per meeting for independent members. This is funded through existing budget allocations and so there are no financial implications of note arising from 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.

While there are no social, economic, environmental or climate change impacts of note arising from the appointment of the independent member to the Audit and Risk Committee, it should be noted that the Committee is required to monitor compliance with legislation and Council policies.

The Committee does, therefore, have an indirect role in terms of oversight that sustainability considerations are being implemented in day to day decision makings and that the risks around climate change form part of our strategic risk register and overall risk management strategies.

The Committee is required to annually monitor the progress to completion of the 2022-2027 Climate Action Plan.

#### 11.4.8 Strathbogie Shire Council Audit and Risk Committee – Appointment of Independent Member (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 role of the Audit and Risk Committee is to regularly receive internal and external independent audit reports, which frequently highlight areas for innovation and improvement in Council operations.

The Committee monitor the organisation's response to audit recommendations and therefore have an oversight role in ensuring operations continually improve.

##### **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 Audit and Risk Committee works collaboratively with Council's external auditors, the Victorian Auditor General's Office (VAGO or their representatives), internal auditors RSD Audit, and other external bodies as required.

##### **HUMAN RIGHTS CONSIDERATIONS**

It is considered that there are no impacts arising out of this report in terms of the rights and responsibilities set out under the *Charter of Human Rights and Responsibilities Act 2006* aside from the Committee having a role in ensuring all legislation and Council policy in relation to rights, equal opportunity and the like are adhered to.

##### **CONCLUSION**

A comprehensive and successful expression of interest process to recruit a new independent community representative to Council's Audit and Risk Committee was conducted between September and October.

The preferred candidate recommended by the three-member interview panel is highly qualified and will bring a mix of skills and experience to the Audit and Risk Committee.

It is therefore recommended that Ms Sophie Lukeis be appointed for a three year term in accordance with the Strathbogie Shire Council Audit and Risk Committee Charter.

##### **ATTACHMENTS**

Nil

## **11.5 GOVERNANCE AND CUSTOMER SERVICE**

### **11.5.1 2023/2024 Council Christmas / New Year Closures**

Author: Manager Human Resources

Responsible Director: Director People and Governance

#### ***EXECUTIVE SUMMARY***

The Council Offices in Binney Street, Euroa, Nagambie Customer Service Centre, and Operations Centres at Euroa and Nagambie close over the Christmas and New Year period each year, with the length of closure varying slightly, depending on when each public holiday falls.

This year, Christmas Day falls on a Monday and therefore it is proposed that the office closes from 12.00 pm on Friday, 22 December 2023 and reopens at 8.45 am on Tuesday, 2 January 2024. This length of closure remains consistent with previous years and has been widely accepted by the community.

It is important to note that this closure relates mainly to Council administration, and many of Council's services will remain available during this time. Directors and Executive Managers will make appropriate staffing arrangements to ensure that Ranger, after hours and emergency response services and essential services and programs required to operate during this period continue to do so without interruption.

#### ***RECOMMENDATION***

##### ***That Council:***

- 1. Endorse the proposed closure of Council offices at 12.00 noon on Friday, 22 December 2023 and reopen at 8.45 am on Tuesday, 2 January 2024.***
- 2. Authorise officers to publicise the closure by way of notice in locally circulating publications, on the Council's website, social media and notices at the Euroa Office and Nagambie Customer Service Centre.***

#### ***PURPOSE AND BACKGROUND***

The period between Christmas and New Year is typically a very quiet time for the organisation. Christmas Day 2023 falls on a Monday and therefore it is proposed that the office closes from 12.00 pm on Friday, 22 December 2023 and reopens at 8.45 am on Tuesday, 2 January 2024.

In recognition and appreciation of the flexibility, agility and commitment of staff in ensuring continuity of service provision to our community in what has been a challenging year, it is proposed to close the offices at 12.00 noon. This length of closure remains consistent with previous years and has been widely accepted by the community.

#### 11.5.1 2023/2024 Council Christmas / New Year Closures (cont.)

Staff involved in delivering essential services and programs continuing to operate throughout this period will continue as usual. During this time the transfer stations are closed on Christmas Day (Monday, 25 December 2023), Boxing Day (Tuesday, 26 December 2023) and New Year's Day (Monday 1 January 2024).

The following arrangements for Kerbside Collection will be in place during the closure period:

- On Christmas Day falling on a Monday there will be no kerbside services on this day but will be collected on the Tuesday.
- On New Year's Day falling on a Monday there will be no kerbside services on this day but will be collected on the Tuesday.
- The services that would normally be collected on Tuesday will be collected the next day (Wednesday).
- Services on Thursday and Friday will remain unchanged.

#### ***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.

As detailed above, it is important to note that this closure relates mainly to Council administration, and many of Council's services will remain available during this time. Directors and Executive Managers will make appropriate staffing arrangements to ensure that Ranger, after hours and emergency response services and essential services and programs required to operate during this period continue to do so without interruption.

#### ***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 purpose of this report is to inform the community of the proposed period of closure once resolved by Council. External communication will be via flyers on all office entrances, on the Strathbogie Shire Council Website, social media and Council's regular media columns.

#### ***POLICY CONSIDERATIONS***

##### Council Plans and Policies

This report aligns to the Council Plan 2021-2025, Strategic Focus Area 6: 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 practice is consistent with the leave arrangements as detailed in the Strathbogie Shire Council Enterprise Agreement Number 9 - 2019.

#### 11.5.1 2023/2024 Council Christmas / New Year Closures (cont.)

##### **LEGAL CONSIDERATIONS**

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

There are no legal considerations, the recommendation is consistent with the leave arrangements detailed in Council's Enterprise Agreement.

##### **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 coming before Council so that the proposed closure and arrangements for the continuation of essential services during the Christmas and New Year period can be heard within a Public Meeting.

##### **FINANCIAL VIABILITY CONSIDERATIONS**

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured. There are no additional financial implications associated with 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.

There are no sustainability considerations associated with this report.

##### **HUMAN RIGHTS CONSIDERATIONS**

There are no negative human rights consideration associated with this report.

##### **CONCLUSION**

The proposed closure period will provide staff with an adequate break over the festive season with minimal disruption to daily business and services to the public.

##### **ATTACHMENTS**

Nil

### **11.5.2 Adoption of Strathbogie Shire Council Mutual Respect Charter 2023**

Author: Director People and Governance

Responsible Director: Chief Executive Officer

#### ***EXECUTIVE SUMMARY***

The Strathbogie Mutual Respect Charter was adopted by Council at the September 2021 Council Meeting. The Charter was developed to underline the commitment to inclusive and respectful interactions between Councillors, the community and Council staff.

Council is committed to interacting more with its community in relation to decision making, as set out in our Public Transparency Policy and Community Engagement Policy. In being more consultative, there have been a growing number of incidents where interactions between the Council, community and staff have not been respectful. This, in turn, has an adverse impact on maintaining a safe workplace.

In a recent survey auspiced by the Equal Opportunity Commission, and completed by 54% of Council staff in June 2022, 14% of respondents stated that they had been bullied in the past 12 months.

Feedback from staff also indicated that they encounter more often inappropriate and abusive behaviour in interactions with community members.

While there is a Councillor Code of Conduct, Staff Code of Conduct and a Customer Service Charter that set out values and behaviours in our day-to-day interactions with others, it is felt that stronger and more concise statements around the expectations for the conduct of all interactions is required. Further, a greater focus on community interactions is required, particularly in light of the proposed Occupational Health and Safety (Psychological Health) Regulations (expected to come into effect within the next few months) that will create obligations on employers to protect their staff against psychosocial hazards.

State and Federal legislation require Council to identify risks to the health and safety of employees and the community and to take action to mitigate those risks. The Charter outlines the responsibilities and rights of all that are involved in Council business. Being treated with dignity, fairness and respect is at its very core. That is, Council has identified a risk to the health, wellbeing and welfare of staff, Councillors and the community, and the Charter is one way to mitigate this identified risk.

Adopting a clear statement around rights and behaviours, Council is enabling all parties to be able to call out inappropriate behaviour and to allow complaints around a breach of the Charter to be made to the Mayor or to the Chief Executive Officer.

Council also reserves the right to modify, curtail or decline service in response to ongoing unacceptable behaviour which because of its nature or frequency raises health, safety, or equity issues. This course of action will only be taken if absolutely necessary, however it is felt important that all parties be put on notice that repeated unacceptable behaviour will not be tolerated and will be acted upon.

### 11.5.2 Adoption of Strathbogie Shire Council Mutual Respect Charter 2023 (cont.)

Challenging inappropriate behaviour is an integral part of the cultural change we are trying to drive across the organisation to drive the highest standards of good governance, ethical behaviour and integrity. It is also a demonstration of leadership in a broader social context by stating that there is zero tolerance to disrespectful behaviour of any form.

An internal review of the Charter has been undertaken with no changes required at this time. It is also recommended that the Charter continues to be displayed around Council offices, at Customer Service Centres and information being available on our website and social media pages.

#### **RECOMMENDATION**

##### ***That Council:***

- 1. Adopt the updated Mutual Respect Charter 2023;***
- 2. Place the updated Charter on Council's website, along with the publication of a notice in Council's newspaper columns and social media pages informing the community about the adoption of the updated Charter.***

#### **PURPOSE AND BACKGROUND**

A number of organisations have, in recent times, implemented a mutual respect charter in an attempt to make a clear statement that disrespectful behaviour will not be tolerated, regardless of a position someone holds and irrespective of the role any party has in interacting with Council, Council staff (including our volunteers and contractors) or the community.

In working more closely with our community Council officers have been exposed to more frequent unacceptable behaviour from members of the public in particular. This is borne out by the results of the People Matter Survey recently undertaken in June 2021 for the organisation by the Equal Opportunity Commission.

It is essential, however, that respectful and inclusive behaviour works both ways – that is Councillors and staff alike must ensure that decisions are explained, processes are clear and consistent and that interactions are courteous, fair and open.

The Mutual Respect Charter sets the 'ground rules' for all interactions within and external to Council in the hope that all exchanges between parties are open, productive and respectful regardless of whether or not people agree with each other.

#### **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.

### 11.5.2 Adoption of Strathbogie Shire Council Mutual Respect Charter 2023 (cont.)

A number of mutual respect charters/policies were reviewed in the development of the Mutual Respect Charter. In particular, the City of Stonnington Mutual Respect Charter was one that the elected Council highlighted as a good example of this type of document.

The Mutual Respect Charter presented in this report takes a broader approach in comparison by highlighting the behaviours of three groups; the community, Council staff (including volunteers and contractors) and the elected Council.

#### **COMMUNITY ENGAGEMENT**

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

No community consultation has been undertaken for the review of the Mutual Respect Charter.

Furthermore, the promotion of the Charter to the community will support the creation of a culture where complaints about interactions with Councillors or Council staff can be made to the appropriate person, whether the Mayor in the case of the former or the Chief Executive Officer in the latter. It is essential that any such complaints be investigated and acted upon.

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

The review of the Mutual Respect Charter is consistent with Strategic focus area 6: Accountable. Transparent. Responsible of the 2021 - 25 Council Plan. The Charter ensures good governance, transparency and accountability.

##### 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.

Mutual respect policies and charters are being adopted by a wide variety of councils, government departments and quasi government agencies.

#### **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 provision of a safe workplace, free from bullying and harassment, is a requirement for employers under the *Occupational Health and Safety Act 2004*. This Act also requires an organisation to ensure the community is not placed at risk by the conduct of employees. Section 35 of this Act requires organisations to consult with its staff around health and safety risks and the measures which should be taken to mitigate those risks.

### 11.5.2 Adoption of Strathbogie Shire Council Mutual Respect Charter 2023 (cont.)

Section 49 of the *Local Government Act 2020* requires the Chief Executive Officer to prepare a staff code of conduct, while section 139 requires Council to adopt a Councillor Code of Conduct implementing the conduct principles outlined by the Act and any regulations. The code must prohibit discrimination, harassment (including sexual harassment) and vilification.

Federal legislation, in the form of the *Fair Work Act 2009*, *Sex Discrimination Act 1984* and the *Human Rights Commission Act 1986*, also sets out responsibilities for organisations to take active measures to prevent, and effectively respond to complaints about, bullying, sexual harassment and other behaviours that are detrimental to the health and welfare of staff and the community.

Overall, failure to address the issues raised by staff in the People Matters Survey and the experience of current Councillors, exposes Council to tangible risks in relation to breaching the aforementioned legislation.

#### **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.

One key purpose of the Mutual Respect Charter is to clearly articulate expectations around behaviours when interacting within and to Council. The Charter sets out everyone's roles, rights and responsibilities.

The document also clearly announces Council's willingness to take action against those who breach the Charter, particularly those who are consistently and frequently disrespectful and abusive in their interactions with other parties.

#### ***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.

Failure to address the concerns raised by staff in the People Matter survey, and anecdotal feedback from Councillors in relation to the occurrence of inappropriate behaviour from members of the community, can expose Council to potential future action which could have financial impacts on the organisation, whether it be through legal action or increases in WorkCover premiums.

#### ***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.

### 11.5.2 Adoption of Strathbogie Shire Council Mutual Respect Charter 2023 (cont.)

#### **Social**

Setting out clear standards of conduct and behaviour is one way in which Council can promote social cohesion and inclusion.

By challenging inappropriate behaviour and interactions, the Mutual Respect Charter recognises the potentially debilitating and destructive consequences of verbal abuse and other forms of disrespectful behaviour on an individual's health and wellbeing.

#### ***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 Mutual Respect Charter is a proactive way in which Council can address some of the concerns raised by staff and Councillors in relation to verbal abuse and inappropriate behaviour, while also ensuring that our interactions with the community display the leadership and courtesy expected of Councillors and Council employees.

In adopting this Charter, Council will join a growing number of organisations who are challenging inappropriate social behaviour.

#### ***HUMAN RIGHTS CONSIDERATIONS***

The adoption of the Mutual Respect Charter upholds the *Charter of Human Rights and Responsibilities Act 2006* in that it:

- offers protection from degrading treatment, maintaining an individual's dignity;
- upholds freedom of thought, conscience, religion and belief but requires differences in opinion to be communicated in a courteous and respectful manner;
- protects people's ability to take part in public life without fear of abuse or degrading treatment;
- protects the security of all parties by promoting respectful behaviour; and
- enables all parties to receive a fair and equal hearing without fear of reprisals.

#### ***CONCLUSION***

A Mutual Respect Charter is a proactive way in which Council, and the organisation, can make a very clear and public statement that all interactions with, and from, Council must be respectful, fair and courteous.

Being able to express differences of opinion is essential to the pursuit of good governance, good decision making and continuous improvement, however disagreeing with others or being frustrated at a decision made by Council is not an excuse for verbal abuse, degradation of others or disrespect.

It is essential that Councillors and Council officers (including volunteers and contractors) set an example within our community that people must be fair, courteous and respectful to each other. The adoption of this Charter will support existing codes of conduct and policies to achieve this.

#### ***ATTACHMENTS***

**Attachment 1:** Updated Strathbogie Shire Council Mutual Respect Charter 2023

### **11.5.3 Receipt of Resignation – Councillor Reg Dickinson**

Responsible Director: Chief Executive Officer

#### **EXECUTIVE SUMMARY**

The Chief Executive Officer received a written notice of resignation from Councillor Reg Dickinson, Lake Nagambie Ward, on Wednesday 18 October 2023.

The *Local Government Act 2020* (the Act), states that the resignation takes effect the day that it is delivered to the Chief Executive Officer.

An extraordinary vacancy in the Lake Nagambie Ward now exists.

The Act requires notification to the Minister for Local Government and the Victorian Electoral Commission within 72 hours of this extraordinary vacancy occurring.

As CEO, I have informed the Hon. Melissa Horne Minister for Local Government and the Electoral Commissioner for the Victorian Electoral Commission (VEC) of Cr Dickinson's resignation on 18 October 2023.

As there is one remaining eligible candidate for Lake Nagambie Ward (a multi-member ward), under section 280(2) and (3) of the *Local Government Act 2020*, the VEC have undertaken a modified countback to fill the extraordinary vacancy for the Lake Nagambie Ward. The VEC has subsequently advised Council that the modified countback was not successful and that a by-election is now required. The VEC will notify the Minister for Local Government that the modified countback has failed and fix a date for a by-election.

#### **RECOMMENDATION**

***That Council note:***

- 1. The Chief Executive Officer has received written notice from Councillor Reg Dickinson of his resignation as Councillor for the Lake Ward, received 18 October 2023.***
- 2. The Chief Executive Officer has informed the Minister for Local Government and the Electoral Commissioner of the Victorian Electoral Commission, by way of letter on 18 October 2023, that there is an extraordinary vacancy in the Seven Creeks Ward in accordance with section 258(8) of the Local Government Act 2020.***
- 3. The Victorian Electoral Commission has commenced proceedings for the election of a new Councillor for the Lake Nagambie Ward in accordance with the Local Government Act 2020.***

#### **PURPOSE AND BACKGROUND**

The purpose of this report is to inform the community of the resignation of Cr Reg Dickinson Lake Nagambie Ward and the steps taken by the Chief Executive Officer to meet the obligations under the *Local Government Act 2020* in relation to an extraordinary vacancy.

### 11.5.3 Receipt of Resignation – Councillor Reg Dickinson (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.

Section 35(1)(c) of the Act states that a Councillor ceases to hold office if they resign in writing to the Chief Executive Officer. This causes what is known as an extraordinary vacancy under the Act.

Under section 35 (7) of the Act, a resignation cannot be withdrawn once written notification is received by the Chief Executive Officer.

Section 258 of the Act relates to extraordinary vacancies. Under section 258(2) the resignation takes effect on the day it is delivered to the Chief Executive Officer.

Section 258(8) states:

*The Chief Executive Officer must within 3 working days of—  
(a) receiving a written resignation from a Councillor;....*

*— notify the Minister and the VEC that an extraordinary vacancy has occurred.*

Under section 261 of the Act, because the Lake Nagambie Ward is represented by more than one Councillor, a modified countback of votes will be undertaken, assuming that more than one or more candidates from the last election are eligible to be candidates for the purpose of the countback.

The countback is conducted by the Victorian Electoral Commission (VEC) in accordance with Division 8 of the Act.

It is noted that within 14 days of the extraordinary vacancy occurring, the VEC must publish a notice on the VEC's Internet site and give written notice to each eligible candidate at their last known address that a countback will be held.

The VEC have advised Council that the modified countback was unsuccessful and that a by-election is now required. The VEC will notify the Minister for Local Government that the modified countback has failed and fix a date for a by-election.

Once the new Councillor representative is announced by the VEC, an induction program and swearing in process will be implemented as soon as possible after the result is known. Any vacancies on Council appointed committees will also be filled upon the swearing in of the new councillor.

#### **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 Victorian Electoral Commission will prepare and publish all of the public notices and information regarding the countback procedure on its website, which will be available as a link through Council's website and social media pages.

### 11.5.3 Receipt of Resignation – Councillor Reg Dickinson (cont.)

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

The processes required to fill the extraordinary vacancy following the resignation of Cr Dickinson ensures due process is undertaken in accordance with legislation, which is consistent with the strategic objectives of Strategic Focus Area 6 Accountable. Transparent. Responsible of the 2021-25 Council Plan and the following strategy:

*As a Council we will:*

- *Achieve the highest level of good governance across the organisation and as an elected Council.*

##### 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 resignation process and filling of the extraordinary vacancy that has resulted is being undertaken in accordance with State legislation.

#### **LEGAL CONSIDERATIONS**

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

All requirements of sections 35 and 258 of the Act have been met by Cr Dickinson and Chief Executive Officer in terms of a resignation and the subsequent notification of an extraordinary vacancy having been created in the Lake Nagambie Ward.

##### 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 inform the public of Cr Dickinson's resignation as Lake Nagambie Ward Councillor.

Further information was provided to the community regarding Cr Dickinson's resignation through Council's website, social media accounts and a media release.

#### **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.

### 11.5.3 Receipt of Resignation – Councillor Reg Dickinson (cont.)

A sum of \$15,000 was allocated in the 2023-24 Council budget to cover the costs of the Victorian Electoral Commission and Councillor induction process.

The VEC have verbally advised officers that the cost of the by-election will be in the order of \$90,000. This is an unbudgeted expenditure and officers will make provisions to accommodate this cost in the mid-year budget.

#### **SUSTAINABILITY CONSIDERATIONS**

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

There are no implications relating to sustainability arising out of this matter, however the newly elected councillor will be fully briefed and informed about our sustainability framework and action on mitigating risks from climate change as required by the Act.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

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

The induction and training program for the councillor who will fill the extraordinary vacancy will be modelled on the program followed after the 2020 general election and the induction that Cr Dickinson received on her election via an extraordinary countback procedure in September 2021.

#### **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 filling of an extraordinary vacancy created by a councillor resignation requires a partnership between Council and the Victorian Electoral Commission.

#### **HUMAN RIGHTS CONSIDERATIONS**

There are no implications of note arising from this matter in relation to *the Charter of Human Rights and Responsibilities Act 2006*.

#### **CONCLUSION**

Following the receipt of written notice from Cr Dickinson in relation to his resignation from his position as a Councillor for the Lake Nagambie Ward, all procedures and requirements of the Local Government Act 2020 have been undertaken by the Chief Executive Officer.

#### **ATTACHMENTS**

Nil.

#### **11.5.4 Monthly Performance Report**

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

- Building Department – October 2023 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – October 2023
- Customer Enquiry Analysis Report – Report for October 2023
- Waste Management Reporting ~ Year to Date – October 2023
- Transfer Station Date - October 2023
- Actioning of Council Reports Resolutions – Council Meeting Tuesday 17 October 2023
- Outstanding Actions of Council Resolutions to 31 October 2023
- Review of Council Policies and Adoption of new Policies – October 2023
- Records of Informal Council Briefings / Meetings – 1 to 31 October 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.

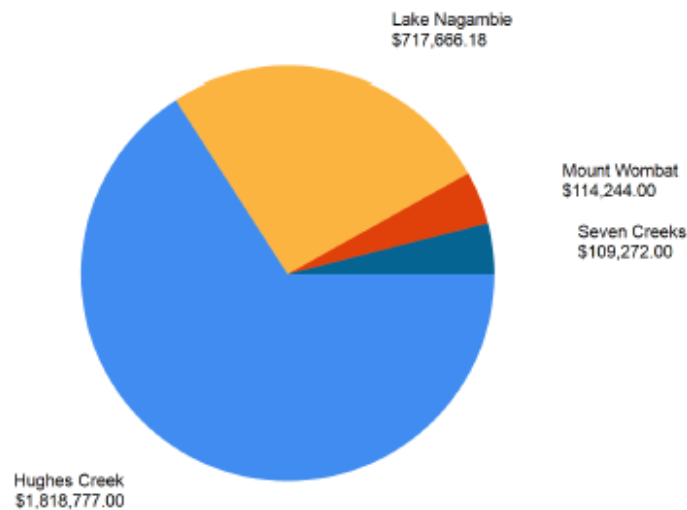
#### ***RECOMMENDATION***

***That the report be accepted.***

**BUILDING ACTIVITY****OCTOBER 2023****Building Activity**

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

Ward	Number of Lodgements	Cost Of Works
Hughes Creek	6	\$1,818,777.00
Lake Nagambie	6	\$717,666.18
Mount Wombat	2	\$114,244.00
Seven Creeks	3	\$109,272.00
	17	\$2,759,959.18

**Hughes Creek**

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
3795493288803	05/10/2023	Construction of	Farm Shed	Locksley	\$134,508.00
6102549594512	06/10/2023	Extension to	Horse Arena	Locksley	\$140,723.00
4727964673957	04/10/2023	Construction of	Dwelling & Garage	Avenel	\$950,000.00
1912551593295	13/10/2023	Construction of	Dwelling & Garage	Avenel	\$559,661.00
3689384124244	11/10/2023	Construction of	Outbuilding	Avenel	\$14,800.00
9504230509700	27/10/2023	Construction of	Cattle Yard Cover	Locksley	\$19,085.00
					<b>\$1,818,777.00</b>

### Lake Nagambie

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
6908179606903	24/10/2023	Construction of	Dwelling	Moormbool West	\$100,000.00
9565625279457	13/10/2023	Construction of	Dwelling & Garage	Nagambie	\$377,574.00
6784128347924	03/10/2023	Construction of	Shed	Kirwans Bridge	\$10,894.00
8018820873476	11/10/2023	Installation of	Swimming Pool Barrier	Nagambie	\$111,500.00
1950161562292	09/10/2023	Construction of	Swimming Pool Barrier	Nagambie	\$76,712.18
4572373459822	23/10/2023	Construction of	Farm Shed	Tabilk	\$40,986.00
					<b>\$717,666.18</b>

### Mount Wombat

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
8926422088080	10/10/2023	Construction of	Cattle Yard Cover	Gooram	\$101,244.00
6014063451534	18/10/2023	Restump of	Dwelling	Kelvin View	\$13,000.00
					<b>\$114,244.00</b>

### Seven Creeks

Permit Number	Permit Date	Works	Building Use	Town	Cost Of Works
5477193067632	04/10/2023	Construction of	Verandah	Euroa	\$34,272.00
1543709751565	10/10/2023	Demolition of	Dwelling	Euroa	\$59,000.00
3069395930171	25/10/2023	Restump of	Dwelling	Euroa	\$16,000.00
					<b>\$109,272.00</b>

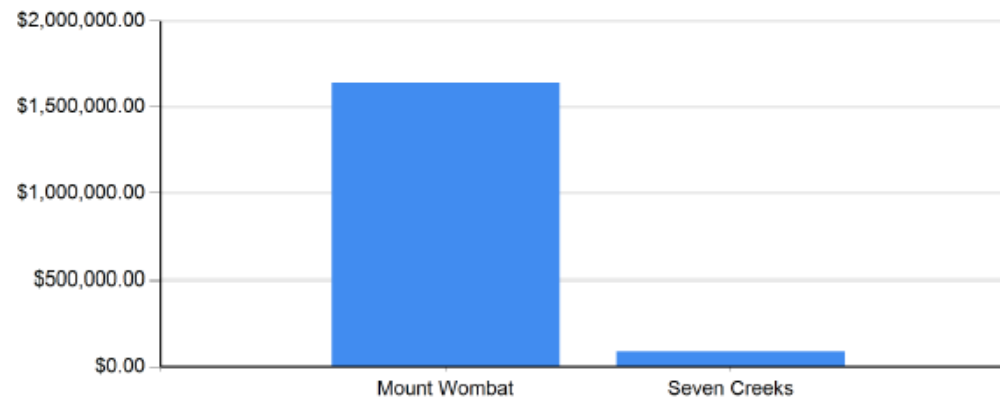
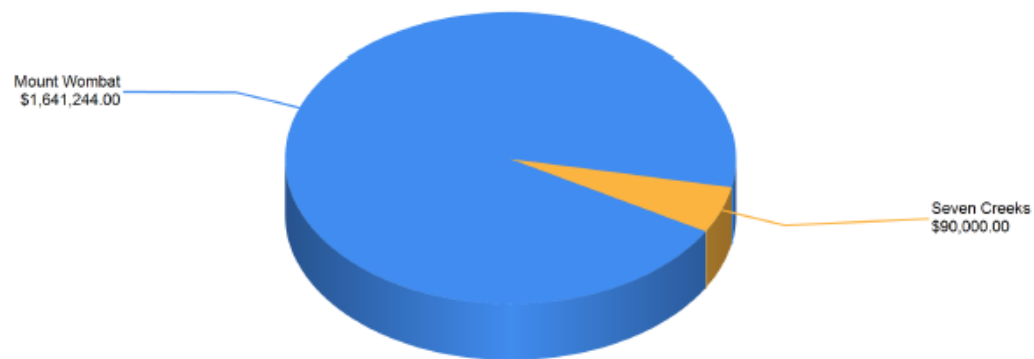
**PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL IMPROVED VALUE)**  
**OCTOBER 2023**



## Planning Applications Determined

October 2023

Mount Wombat	\$1,641,244.00
Goram	\$101,244.00
Kithbrook	\$30,000.00
Longwood East	\$60,000.00
Strathbogie	\$450,000.00
Strathbogie	\$1,000,000.00
Seven Creeks	\$90,000.00
Euroa	\$90,000.00
<b>Total Value</b>	<b>\$1,731,244.00</b>



## CUSTOMER ENQUIRY ANALYSIS REPORT - REPORT FOR OCTOBER 2023



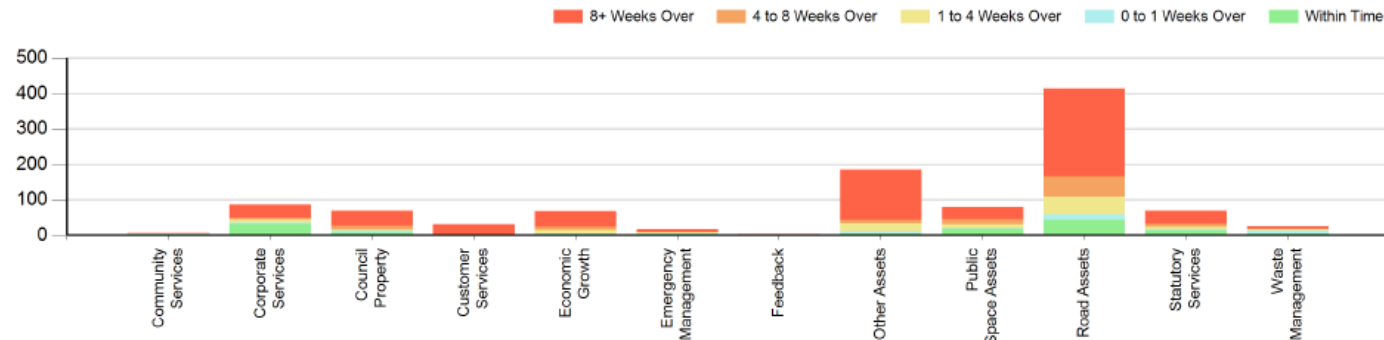
### Request Throughput Analysis

01/10/2023 to 31/10/2023

C N	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	3	58	54	7	✓	3	4	⚠	0	<div style="width: 10%;"></div>
Corporate Services	63	123	97	89	⚠	31	58	⚠	0	<div style="width: 40%;"></div>
Council Property	71	42	44	69	✓	7	62	✗	0	<div style="width: 10%;"></div>
Customer Services	29	7	6	30	✓	0	30	✗	0	<div style="width: 2%;"></div>
Economic Growth	58	154	143	69	✓	3	66	✗	0	<div style="width: 60%;"></div>
Emergency Management	11	71	65	17	✓	3	14	✗	0	<div style="width: 20%;"></div>
Feedback	4	0	1	3	✓	0	3	✗	0	<div style="width: 0%;"></div>
Other Assets	169	69	52	186	⚠	5	181	✗	0	<div style="width: 25%;"></div>
Public Space Assets	83	65	64	79	✓	19	60	✗	5	<div style="width: 20%;"></div>
Road Assets	374	133	89	418	⚠	43	375	✗	0	<div style="width: 50%;"></div>
Statutory Services	75	168	174	69	✓	14	55	✗	0	<div style="width: 60%;"></div>
Waste Management	33	48	55	26	✓	5	21	✗	0	<div style="width: 10%;"></div>
<b>Total</b>	<b>973</b>	<b>938</b>	<b>844</b>	<b>1062</b>		<b>133</b>	<b>929</b>		<b>5</b>	

#### Request Ageing



### Service Usage





2021	September			1	1	1			1	1	2		
	October			2						2	3		
	November			1					1		8		
	December			1			1		4		9		
2022	January		5	1					1	2	2		
	February			1					4	3	9		
	March			1						1	2		
	April			1					2		3		
	May		1						3	1	5	1	1
	June		1	1					5		11	1	
	July	1		5	1	1			3		16	1	
	August			2	2	2			9	1	3	3	
	September		1		3	1		1	8	2	11	2	
	October				1	3			11		6	3	
	November				5	5			12	1	14	4	
	December		1			2			3		6	5	
2023	January		1		8	1	4		1	1	8	1	
	February		1	1		5			2	3	7	3	
	March		4	1				1	3		13	1	2
	April		1			1			1	5	10	2	
	May		5	6	1	10			10	3	11	3	1
	June		2	2		3	1		19	3	23		
	July		7	4	1	4			13	4	19	4	
	August		2	12	4	1	3		11	4	42	7	
	September		6	10	1	9	1		10	16	70	5	2
	October	6	46	14	2	16	7		31	27	90	23	18
Total		7	89	69	30	69	17	3	186	84	418	69	26

## **Definitions**

Service Area      Grouping of services by area of responsibility

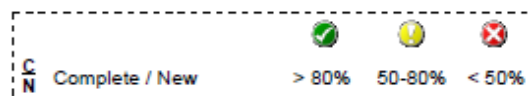
Existing            Requests open prior to reporting period

New                Requests made during reporting period

Within Time      Remaining Requests where defined deadline is after reporting period

Pending Resources      Requests where additional resources are required to continue. This includes labour, materials, and financial resources.

Complete  
New                An indicator showing the ratio of Completed requests and New requests. Designed to represent how well we are keeping up with the demand for a service.



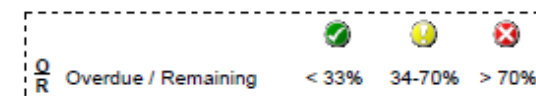
Service            Activities that provide value to the customer

Remaining        Requests incomplete at end of reporting period

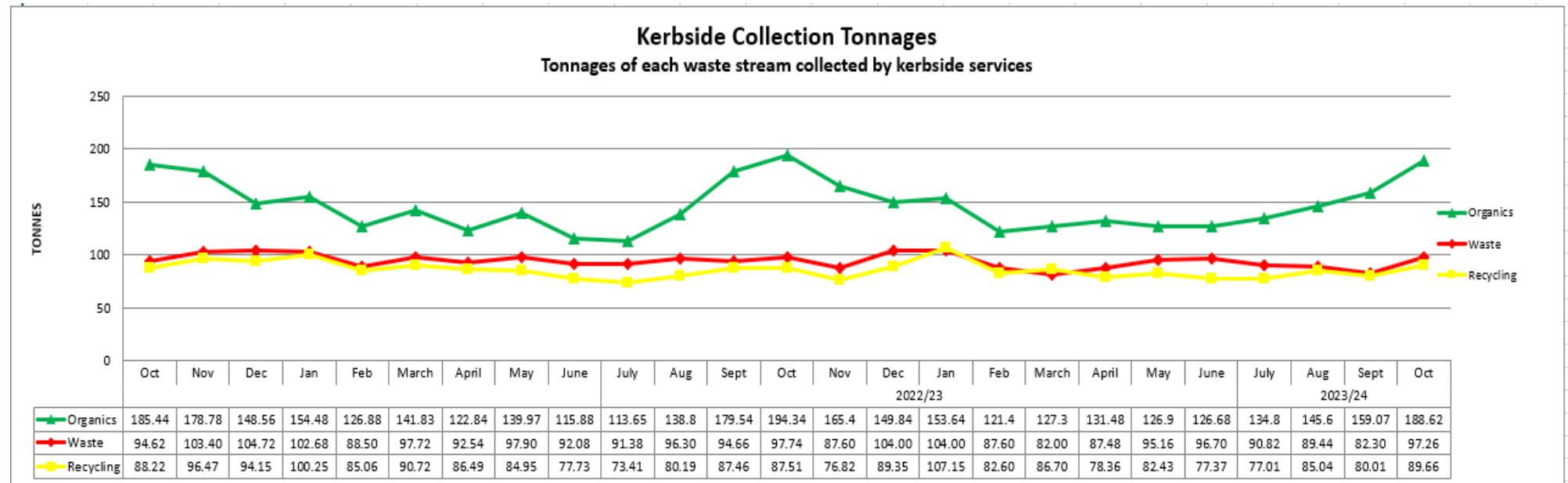
Completed        Requests completed during reporting period

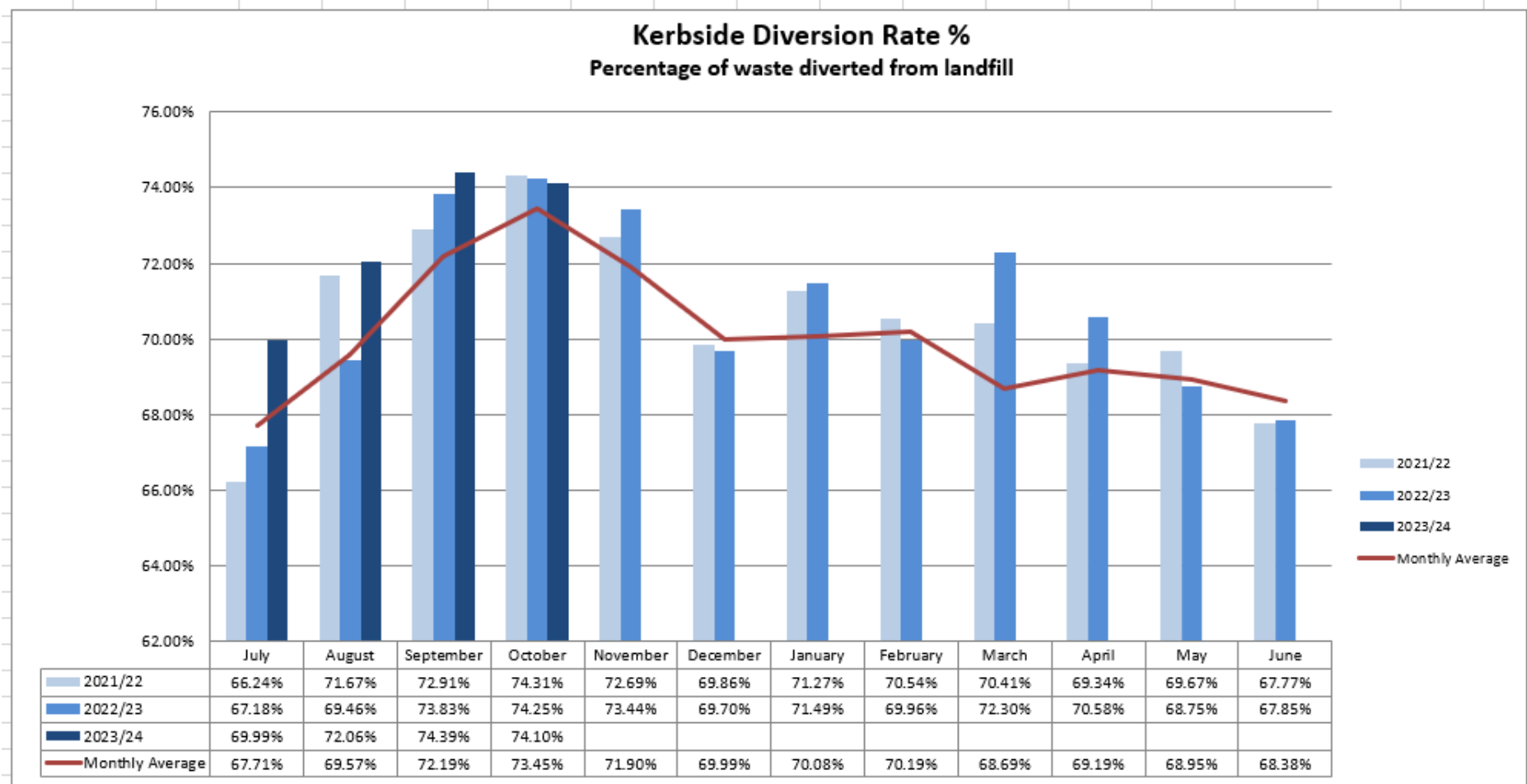
Over Time        Remaining Requests where defined deadline is before the end of the reporting period

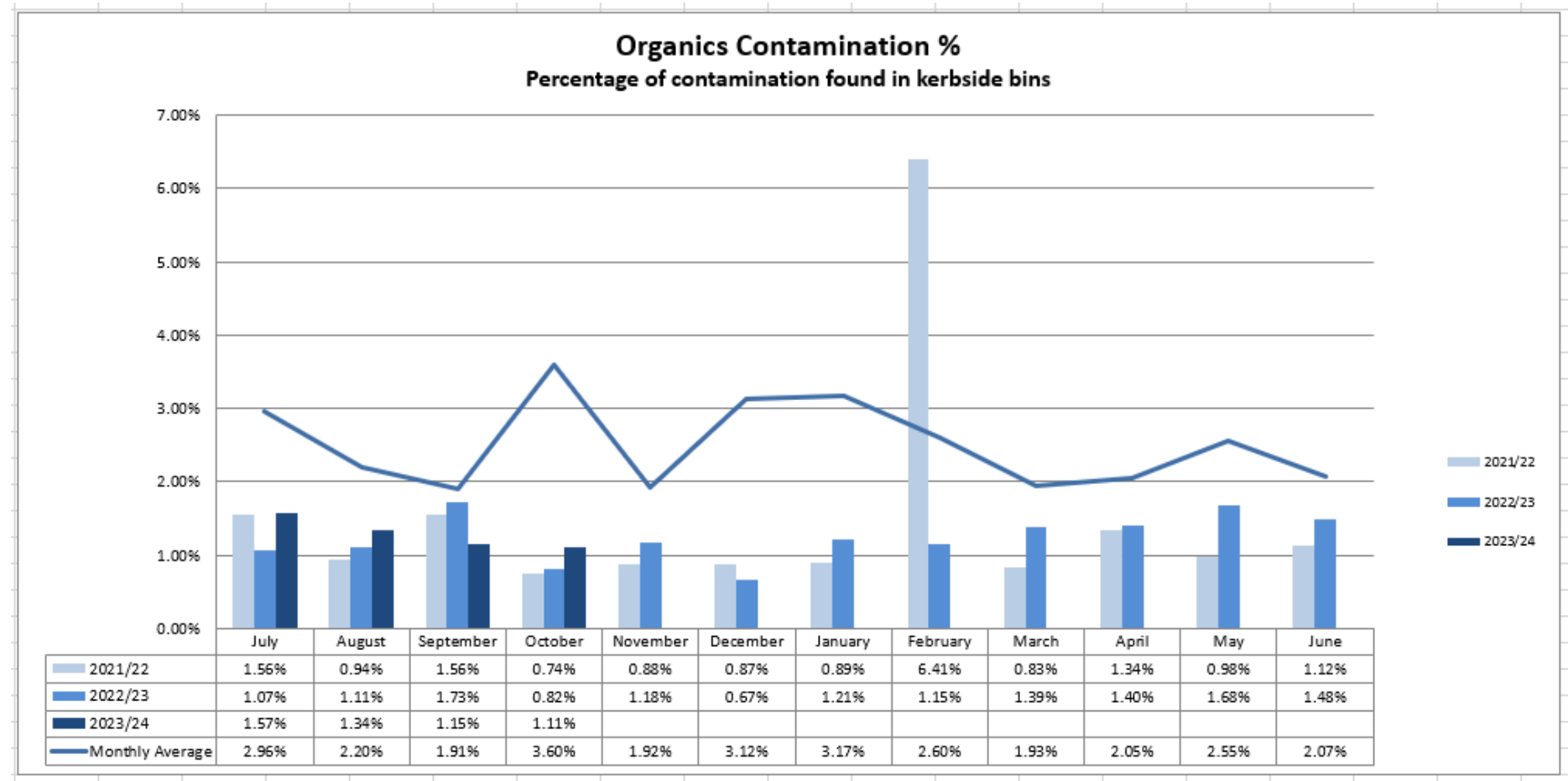
Overdue  
Remaining      An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.



**WASTE MANAGEMENT REPORTING**  
**YEAR TO DATE - OCTOBER 2023**



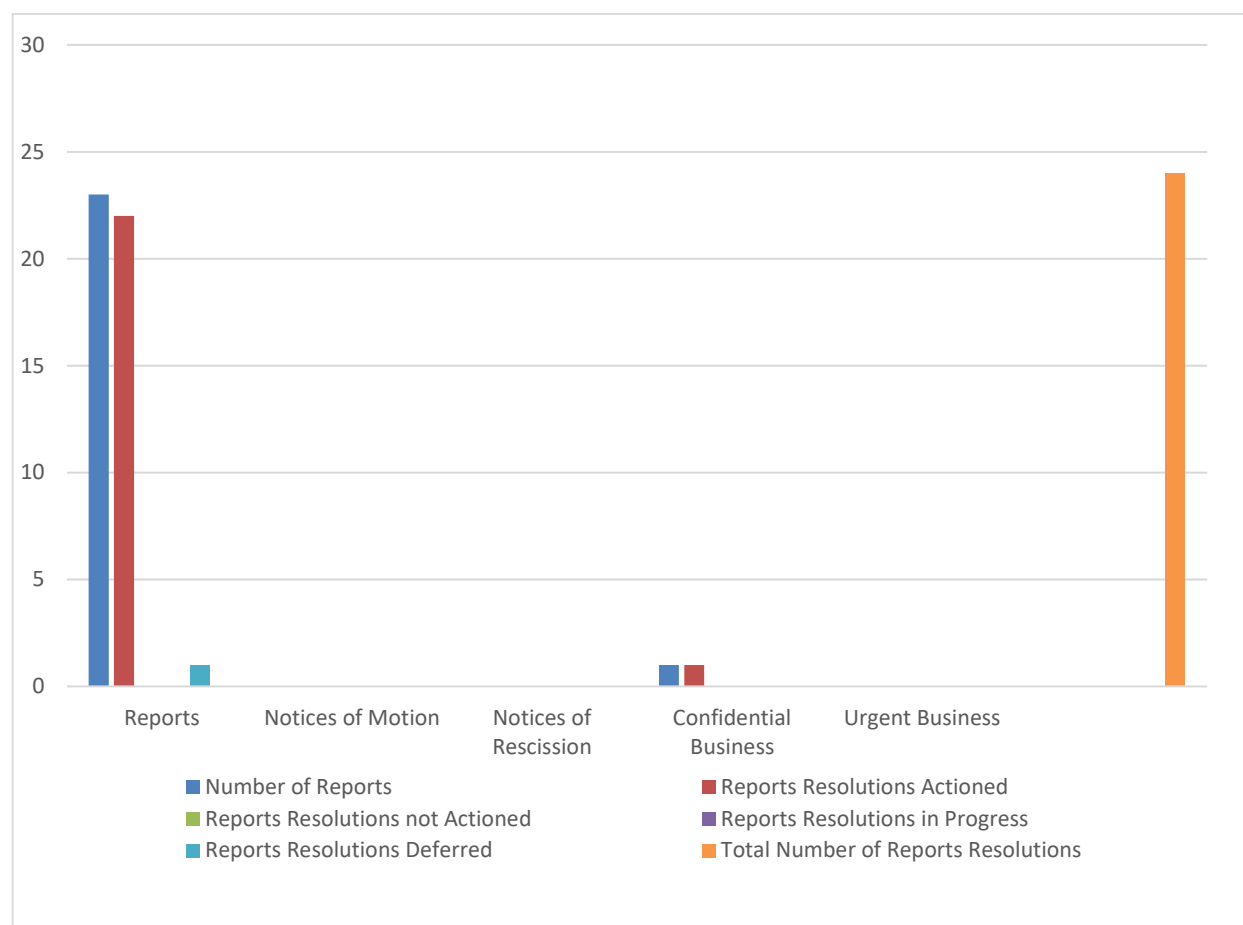




## TRANSFER STATION DATA – OCTOBER 2023



**ACTIONING OF COUNCIL REPORTS RESOLUTIONS**  
**COUNCIL MEETING – TUESDAY 17 OCTOBER 2023**



**OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO  
31 OCTOBER 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.*

<b>Council Meeting Date</b>	<b>Item No.</b>	<b>Description</b>
Nil		

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

<b>Review of Policy / New Policy</b>	<b>Policy Name</b>	<b>Details</b>
Review	Draft Procurement Policy 2023	Refer to Item 11.4.1
Review	Draft Tree Management Policy 2023	Refer to Item 11.4.2
Review	Draft Chief Executive Officer Employment and Remuneration Policy 2023	Refer to Item 11.4.3
Review	Council Policy Review: Planning Permit Applications Referral to Council Policy 2023	Refer to Item 11.4.4

## **RECORDS OF INFORMAL COUNCIL BRIEFINGS / MEETINGS**

### **FOR PERIOD 1 TO 31 OCTOBER 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 3 October 2023

**Location:** Euroa Community Conference Centre

**Time:** 1.00 pm to 3.15 pm

**Attendees:**

Councillors

Cr Laura Binks (Mayor)  
Cr Paul Murray (Deputy Mayor)  
Cr Reg Dickinson  
Cr Chris Raeburn  
Cr Robin Weatherald

Officers

Julie Salomon (Chief Executive Officer)  
Amanda Tingay (Director People and Governance-Acting)  
Rachael Frampton (Acting Director Community and Planning)  
Kristin Favaloro (Executive Manager Communications and Engagement)

Apologies:

Cr Sally Hayes-Burke  
Phillip Carruthers (Governance Advisor)

1. Waterways Management Update
2. 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 10 October 2023

**Location:** 9.30 am to 10.30 am: Elloura Estate Barbeque Area  
11.15 to 4.00 pm: Euroa Community Conference Centre

**Time:** 9.30 am to 4.00 pm

### Attendees:

#### Councillors

Cr Laura Binks (Mayor)  
Cr Paul Murray (Deputy Mayor)  
Cr Reg Dickinson  
Cr Sally Hayes-Burke  
Cr Chris Raeburn  
Cr Robin Weatherald

#### Officers

Julie Salomon (Chief Executive Officer)  
Rachael Frampton (Acting Director Community and Planning)  
Heike Manet (Acting Director People and Governance)  
Kristin Favaloro (Executive Manager Communications and Engagement)  
Phillip Carruthers (Governance Advisor)  
David Roff (Director Sustainable Infrastructure-Interim)

#### Apologies:

Amanda Tingay (Director People and Governance-Acting)

1. Official Opening of Nagambie Foreshore
2. Councillor discussion time
3. Review of draft October 2023 Council Meeting Agenda/Confidential Business/Confidential Appendices
4. Citizenship Ceremonies

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 17 October 2023

**Location:** Nagambie Lakes Regatta Centre

**Time:** 2.30 pm – 8.40 pm

### **Attendees:**

#### Councillors

Cr Laura Binks (Mayor)  
Cr Paul Murray (Deputy Mayor)  
Cr Reg Dickinson  
Cr Sally Hayes-Burke  
Cr Chris Raeburn  
Cr Robin Weatherald

#### Officers

Julie Salomon (Chief Executive Officer)  
Rachael Frampton (Acting Director Community and Planning)  
Heike Manet (Acting Director People and Governance)  
Kristin Favaloro (Executive Manager Communications and Engagement)  
Phillip Carruthers (Governance Advisor)  
David Roff (Director Sustainable Infrastructure-Interim)

#### Apologies:

Amanda Tingay (Director People and Governance-Acting)

1. Councillor only discussions
2. Briefing: 2024/25 Budget Timetable
3. Briefing: Pitch My Project
4. October 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 24 October 2023

**Location:** Euroa Community Conference Centre

**Time:** 1.30 pm – 3.45 pm

### **Attendees:**

#### Councillors

Cr Laura Binks (Mayor)

Cr Sally Hayes-Burke

Cr Chris Raeburn

Cr Robin Weatherald

#### Officers

Julie Salomon (Chief Executive Officer)

Kristin Favaloro (Executive Manager Communications and Engagement)

Phillip Carruthers (Governance Advisor)

#### Apologies:

Cr Paul Murray (Deputy Mayor)

1. Councillor only discussions
2. Councillors & CEO, EMCE, GO – Communications/Governance Workshop

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 31 October 2023

**Location:** Euroa Community Conference Centre

**Time:** 12.45 pm – 4.00 pm

### **Attendees:**

#### Councillors

Cr Laura Binks (Mayor)  
Cr Paul Murray (Deputy Mayor)  
Cr Sally Hayes-Burke  
Cr Chris Raeburn  
Cr Robin Weatherald

#### Officers

Julie Salomon (Chief Executive Officer)  
Kristin Favaloro (Executive Manager Communications and Engagement)  
Phillip Carruthers (Governance Advisor)  
Amanda Tingay (Director People and Governance - Acting) *(Items 3 & 4)*  
Rachael Frampton (Acting Director Community and Planning) *(Items 3 & 4)*

#### Apologies:

David Roff (Director Sustainable Infrastructure-Interim)

#### Guest Presenter:

Felicity Macchion (GV Libraries Chief Executive Officer) *(Item 3)*

1. Councillors & CEO, EMCE, GO – Communications/Governance Workshop
2. Councillors & CEO: CEO Six Month Review
3. GV Libraries Future Governance Model
4. Council's role in Waterways Management
5. Councillor only 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

Officer/s - NIL

## 12. ELECTIONS TO OFFICE

### 12.1 Provision of a Mayoral Motor Vehicle

Under section 13 of the Council Expenses Policy 2020 Council may determine whether or not a motor vehicle is provided for use by the Mayor.

Council has, in past years, determined that a vehicle would be provided for use by the Mayor and/or Councillors. The offer of the provision of a vehicle is at the discretion of the elected Mayor.

Council may also determine whether the Mayor sacrifices an amount for the additional cost of having full private use of the Mayoral vehicle.

In past years, the serving Mayor agreed to sacrifice an amount of \$235 per month from the Mayoral Allowance. The Council Expenses Policy identifies that this monthly contribution is currently paid by the Mayor.

It is recommended that the practice of the Mayoral contribution to the upkeep of the Mayoral vehicle continue. In line with the determination by the Minister for Local Government to apply a zero percent rise to allowances, it is recommended that there be no indexation to the current contribution paid by the Mayor.

#### **RECOMMENDATION**

##### ***That Council:***

- 1. Determine that a vehicle be made available for the Mayor with full private use.***
- 2. Determine the monthly contribution to the upkeep of that vehicle, to be deducted from the Mayor's allowance, at \$235 per calendar month.***

***Under Rule 10.1 of Strathbogie Shire Council's Governance Rules, the Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Local Government Act 2020 (section 25(3)(a) & (b))***

*Chief Executive Officer to take the Chair*

**12.2 Election of Mayor**

Section 18 of the Act defines the role of the Mayor is to:

- (a) chair Council meetings; and
- (b) be the principal spokesperson for the Council; and
- (c) lead engagement with the municipal community on the development of the Council Plan; and
- (d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- (e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- (f) assist Councillors to understand their role; and
- (g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- (h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- (i) perform civic and ceremonial duties on behalf of the Council.

The Mayor also has specific powers outline under section 19 of the Act:

- (a) to appoint a Councillor to be the chair of a delegated committee;
- (b) to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
- (c) to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

Under section 25(1) of the Act, a Mayor must be elected at a meeting that is open to the public. Any Councillor is eligible to be elected as Mayor.

The election of the Mayor must be chaired by the Chief Executive Officer and be conducted in accordance with the Strathbogie Shire Council Governance Rules (Governance Rules).

The Mayor must be elected by an absolute majority of the Councillors; if an absolute majority of the Councillors cannot be achieved, Council may resolve to conduct a new election at a later specified time and date.

If only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.

Rule 11 of the Governance Rules requires voting to be carried out by a show of hands.

As per Rule 12.2 states that any nominations for the office of Mayor must be in writing and in a form provided by the Chief Executive Officer and seconded by another Councillor.

The election for the Office of Mayor will be conducted with the call for written nominations to be submitted to the Chief Executive Officer.

## 12.2 Election of Mayor (cont.)

### **RECOMMENDATION**

***That Councillor ..... be elected as Mayor.***

## 12.3 Response by Elected Mayor

In accordance with Rule 13 of the Governance Rules a ceremonial speech of up to three minutes may be made by the elected Mayor.

*Mayor to take the Chair*

## 12.4 Determination of the establishment of the Office of Deputy Mayor

Council may establish an office of Deputy Mayor under the Act and under Rule 13 of the Governance Rules.

If Council establishes this office, the Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if:

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

If Council chooses not to appoint a Deputy Mayor, then an Acting Mayor can be appointed when the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting, the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness or the office of Mayor is vacant.

It is considered prudent to establish the Office of Deputy Mayor given the long-standing tradition of doing so at Strathbogie Shire and to provide clarity and consistency around roles and responsibilities should the Mayor be unavailable. It is also considered a more efficient means of dealing with Council business in the Mayor's absence.

### **RECOMMENDATION**

***That Council establish the Office of Deputy Mayor.***

**12.5 Election of Deputy Mayor**

Under Rule 13 of the Governance Rules any election for the office of Deputy Mayor is regulated by Rules 10-12 (inclusive) of that Chapter, as if the reference to the Chief Executive Officer is a reference to the Mayor; and Mayor is a reference to the Deputy Mayor (as the case may be).

***RECOMMENDATION***

***That Councillor ..... be elected as Deputy Mayor.***

**12.6 Response by Elected Deputy Mayor**

In accordance with Rule 13 of the Governance Rules a ceremonial speech of up to three minutes may be made by the elected Deputy Mayor.

**13. NOTICES OF MOTION**

**14. NOTICES OF RESCISSION**

**15. URGENT BUSINESS**

**16. CONFIDENTIAL BUSINESS**

**NEXT MEETING**

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday, December 12, 2023, at the Euroa Community Conference Centre, at 6pm.

Please note: this meeting will be held a week earlier than the normal schedule for Council meetings.

***THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT ..... PM***