

Strathbogie Shire Council

Council Meeting Minutes / Decisions

November 21, 2023

Minutes/Decisions

Council Meeting

Tuesday, November 21, 2023, at 6pm

The Council Meeting of Tuesday, November 21, 2023, lapsed at 9.52 pm on Tuesday, November 21, 2023 due to a failure to maintain a quorum.

The Meeting of Tuesday, November 21, 2023 Reconvened on Tuesday, November 28, 2023, at the Euroa Community Conference Centre at 2.00 pm. As there was no quorum, the meeting was unable to commence. The Mayor advised the gallery that she would advise the timing of a reconvened meeting once she had consulted with her colleagues.

As the Councillors were suspended by the Minister for Local Government before this lapsed meeting could be reconvened, it has been administratively closed with effect midnight 5 December 2023. The matters in the agenda which were to be considered after this point, regarding the election of Mayor and Deputy Mayor, are no longer relevant matters.

Meetings 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

Councillor Weatherald interjected the Mayor's Welcome to put forward a Point of Order

Point of Order

The Point of Order relates to the term of the current Mayor which expired on the eighth day of November this year. The term was an election of 12 months, period. Under the Act, it is normally the responsibility of the Mayor to ensure that the replacement is in place before the term expires. In this case, there has been a deliberate extension out of the term and I think it is unsustainable that you are in the Chair now because you are back to the rank of Councillor not Mayor and, respectfully I would think that the statutory meeting should take precedence and that the meeting process should be that the Chief Executive Officer take the Chair, elect a new Mayor, and then the meeting can proceed in an orderly fashion.

The Governance Advisor provided clarification on the term for a Mayor, according to the Local Government Act 2020. He also referred to Item 12 of the meeting Agenda – Elections to Office.

The Mayor advised that, based on the advice from the Governance Advisor, she did not hold up Councillor Weatherald's Point of Order relating to the Mayoral term.

Councillor Weatherald requested to move a motion of dissent from the Mayor's ruling. Councillor Murray seconded the motion.

In accordance with Rule 71 (Dissent from Chair's Ruling), the Mayor vacated the Chair, and the Deputy Mayor assumed the role of Temporary Chair.

The Temporary Chair invited Councillor Weatherald to state the reasons for their dissent, which he did.

The Temporary Chair invited the Chair to respond, which she did.

The Temporary Chair then put forward the following motion –

That the Chair's ruling be dissented from.

In favour

Cr Weatherald

Against

Cr Raeburn
Cr Hayes-Burke
Cr Binks
Cr Murray

Councillor Weatherald called for a division

In favour

Cr Weatherald

Against

Cr Hayes-Burke
Cr Raeburn
Cr Murray
Cr Binks

The Mayor assumed the Chair and continued her Welcome address

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 was streamed live via our website ([Council Meetings and Minutes | Strathbogie Shire](#)) and is 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

Nil

6. Disclosure of Conflicts of Interest

Nil

7. Confirmation of Minutes/Decisions of Previous Meetings

MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR HAYES-BURKE

That the Minutes/Decisions of the Council Meeting held on Tuesday, October 17, 2023, be confirmed (*Council Meetings and Minutes | Strathbogie Shire*)

202-22/23 **CARRIED**

8. Petitions

Nil.

9. Reports of Mayor and Councillors and Delegates

Cr Murray

Attended –

- Euroa Show on Saturday 28 October
- Standpipe Trophy Cricket Match at Friendlies Oval between Shepparton Youth Club and Euroa on Saturday 4 November, and presented trophy on behalf of Greening Euroa Project
- Nagambie Water Park on Monday 6 November
- Avenel Action Group AGM on Wednesday 8 November
- Longwood Action Group AGM on Wednesday 8 November
- Remembrance Day Service at Avenel and laid a wreath at the Longwood War Memorial on Saturday 11 November 2023
- Shout out to Jeff Starkey on launch of his World War One history book at Euroa on Sunday 12 November
- Thanked Collingwood Football Club for bringing 2023 AFL Premiership Cup to Euroa on Sunday 12 November
- Vintage Car Rally, held in Euroa on Friday 17 and Saturday 18 November
- Australian Carriage Driving Championship at Longwood Recreation Reserve, held on Saturday 18 and Sunday 19 November

Cr Murray addressed the meeting -

I continue to hold out hope for a future and for a democratic process moving forward in our Shire and for Councillors to represent the people of our Shire in the coming year ahead. I intend to keep working on the assumption that the democratic right of people to be represented in local government is important and vital.

I hope the Minister sees that as important to hold on to, and that there are some other measures that can be made to cope with the current and past situation.

I believe that our current Councillors can operate together for the future and that we can continue to make good decisions, many of which we have already made and my fellow Councillors have already talked about some of those in the past.

I think we can make some good decisions moving forward as well. We have a couple of vacancies that need to be filled and I think that is an exciting proposition in the coming months. I see great hope for us moving forward, and I am not of the view, unlike some that are less sanguine about the future – I see it as more hard work ahead, but achievable in the future.

9. Reports of Mayor and Councillors and Delegates (cont.)

Cr Raeburn

- Passing of prominent Boho resident, Mr Allan Smith – known as ‘Daffy’.
- Attended Victorian Local Governance Association ‘Civility in Local Government’ forum in Melbourne on Friday 17 November
- Violet Town Shadforth Mile on Sunday 19 November

Cr Raeburn addressed the meeting –

I am so grateful and glad that I have been part of this community as a Councillor, and it’s sad that I have to say this.

With a sad heart and with pride of where I have come from and who I am, I am foreshadowing this could be our last meeting, and I would like to take the opportunity tonight to say a few words.

We know the Minister’s decision after the second Municipal Monitor Peter Stephenson’s appointment to Strathbogie Shire Council is imminent.

I want to thank our community, officers, and fellow Councillors. Together we have achieved so many great things for Strathbogie Shire.

But it hasn’t been an easy ride. Mr Stephenson’s job was to determine if we could continue to function as a Council.

Unfortunately – I am unable to talk publicly about confidential issues.

Doing this would be a significant breach of the Local Government Act.

I look forward to the day I can provide our community with more understanding.

What I can say today is I am so proud to call Strathbogie Shire Council home.

I’m proud that I have been strong, that I have stood up for what I believe in.

I strongly believe in democracy, in robust discussion and debate that needs everyone’s voices to work.

I also believe in respect and treating people well.

Today I would also like to say Local Government needs change.

We need greater opportunity to support those doing the right thing.

All a Councillor has to do is resign to make the consequences of a Code of Conduct breach disappear.

How is this transparent? How does this help Council explain what’s happening behind closed doors?

We have had almost 30 code of conduct breaches – the details of which are confidential and I am not allowed to say.

So, without understanding or information, we have a community rightly questioning where the problem is.

In recent weeks I have had so many people ask me why I don’t just resign.

Tonight the answer is - I will never resign from this Shire.

Cr Hayes-Burke

Cr Hayes-Burke addressed the meeting -

I, like Councillor Raeburn, would like to say a few words on reflection because this potentially could be our last Council Meeting.

I have loved being a Councillor.

I am incredibly proud of the work we have done with the Taungurung Land and Waters Council, our declaration of a climate emergency, our decision to fly to Rainbow Flag on IDAHOBIT Day and to no longer participate in activities on January 26 – a day that causes great pain for so many people.

I am equally proud of our significant progress in community engagement and the genuine opportunity for our community to share their thoughts, feedback, and advice.

9. Reports of Mayor and Councillors and Delegates (cont.)

The establishment of our Community Panel is putting our small rural shire at the forefront of community engagement.

We are also leading the way in considering the environment and climate change in everything we do.

Along with this we have achieved infrastructure upgrades such as the Rockies Footbridge, accessible toilets at the Friendlies, streetscape upgrades and works are progressing on the link to the arboretum.

I love the Pitch My Project initiative that is giving our community real input into our budget.

I love our cloth nappy rebate initiative.

But being a Councillor has also been hugely challenging.

I have struggled with a lack of trust between Councillors, and I have struggled with the poor treatment of each other, and officers, by some Councillors.

I have been threatened.

I have felt targeted by the people who I am meant to be working with to achieve great things for our community.

Despite this, I have been committed to learning and good governance.

Unfortunately, I do not believe some of my colleagues have had the same commitment.

Code of conduct breaches, confidentiality breaches, poor governance, and the inability to engage productively with each other and the Council administration, is unacceptable.

I believe more needs to be done to support Councillors and Officers who are not breaching the code of conduct.

The consequences of these breaches should not disappear after resignation.

We need to be able to be transparent with our community, to build trust and understanding in those doing the right thing.

Cr Weatherald

- Standpipe Trophy Cricket Match at Friendlies Oval between Shepparton Youth Club and Euroa on Saturday 4 November
- Queen Elizabeth Gardens at Nagambie
- Attended Remembrance Day service at Nagambie on Saturday 11 November
- AFL Premiers Cup brought to Euroa on Sunday 12 November
- Attended an opera at Violet Town Anglican Church

Cr Weatherald addressed the meeting –

As a Councillor, I am fit and able to carry on serving this community. I am not tired, I am not worn out and I am not frustrated. I believe local government has been poorly dealt with here, and what has happened has done no credit to this Shire, and there will be a Mayoral election at the end of this meeting for probably the shortest term Mayor that has ever set foot in the world. But it's important to have faith that this Shire will not sink and if the events go the right way, I would like to be on the Minister's doorstep tomorrow just making a little indentation in her knowledge about what has happened.

9. Reports of Mayor and Councillors and Delegates (cont.)

Mayor

Council is currently seeking community feedback on some important projects. We're calling for Strathbogie residents to express their interest in joining the Strathbogie LEAP Steering Group to develop the town's draft Local Emergency Action Plan.

LEAPs are a local community/individual household approach to emergency preparedness.

So far, we have developed action plans for Euroa, Avenel and Violet Town and now we're looking to Strathbogie. So, if you're interested, learn more by heading to www.share.strathbogie.vic.gov.au

Please note that the fire season starts 1am on Monday 27th November. Please ensure your properties are prepared and safe for the coming summer months. Visit www.cfa.vic.gov.org for more information.

We're also seeking feedback on our Playground and Open Space Strategy. It's an important document that will guide the future provision and upgrades of playgrounds and open spaces right across our shire.

In particular we're looking for input to the Euroa Nature Play Space where we're asking the community to help pick the equipment, and the Seven Creeks Masterplan.

In the Seven Creeks Masterplan we are particularly keen to draw to your attention to Twomey's Bridge.

The bridge needs work to ensure compliance with modern accessibility standards along with strengthening works. We want to understand the importance of Twomey's Bridge to our community, how we should manage its future and where it sits in order of preference.

Head to www.share.strathbogie.vic.gov.au to have your say.

Whilst I am talking about engagement, I would like to extend an incredibly massive thank you to Executive Manager Communications and Engagement, Kristin Favaloro, as this is Kristin's last meeting with us tonight. I think we can all agree that having Kristin join and lead the Communications and Engagement side of Strathbogie Shire has seen some really amazing advances in how our community is able to engage with our Shire. We wish Kristin all the very best.

The Mayor addressed the meeting -

Tonight is my last Council Meeting as Mayor of the 2023 Mayoral Term, a role I have learnt immensely in and because of this I hope you will indulge me with some time to speak.

I was elected as the Mount Wombat Ward Councillor at Strathbogie Shire Council in 2020.

I was a first time Councillor, and I was so passionate and excited to represent the community I love.

I wanted to drive change in Council, to ensure it was working with the community to drive projects and plans that created significant benefits for the whole municipality.

And we have done this. We have achieved many fantastic outcomes some of these being:

- A four-year Council Plan with community at the heart
- Best practice Deliberative Engagement with community
- Initiation of a Streetscape Revitalisation project across the municipality
- Opening the Rockies Bridge over the Seven Creeks

9. Reports of Mayor and Councillors and Delegates (cont.)

- Progressing the Nagambie foreshore project
- Nagambie splash park
- Capping the Violet Town landfill

But – as I'm sure many understand – the true test of a team is when things get tough.

And, as a Council we have been challenged by many issues.

We've grappled with how to manage a tight budget with many competing priorities. We've examined all the services we provide as a council and made tough choices to discontinue certain activities and services, so we are better aligned with our core business and corporate responsibilities.

Despite the many challenges, we were still making many good decisions to ensure the long-term sustainability of the Shire and achieve our Council Plan.

However, our greatest challenge has been councillors understanding their role, the role of the CEO and Council Officers and the importance of governance and following the Local Government Act.

We have experienced multiple code of conduct breaches and regular unacceptable behaviour towards each other, the CEO, and the Council Officers.

It has been awful.

I have almost resigned many times. It is only because of my continued support network that I have stayed in the position.

It is all our responsibilities to understand and uphold the Local Government Act and the many policies, plans, charters and strategies that are a part of Strathbogie Shire Council.

The most important of these, I believe, is the Strathbogie Shire Councillor Code of Conduct. It is a document which has very clear standards of conduct, as are prescribed under the Local Government Act.

The failure to uphold these standards of conducts has created a disrespectful and unsafe workplace.

There are posters in the Civic Centre bathrooms that remind us that 'Not all disrespect leads to violence, but all violence starts with disrespectful behaviour.

Every year Council supports and promotes the 16 Days of Activism against Gender-Based violence. As elected members, we must demonstrate the highest level of curtesy and respect.

And, while we are currently in a different position that we were a month ago, or six months ago, I do not believe we have had enough time to come together and work as a team.

We are still seeing breaches in confidentiality. And while I desperately want to talk about these issues, I cannot, and I will not because I will not practice poor governance.

I am committed to creating a respectful decision-making environment and if that means we need to lose our democratically elected members to achieve this, I am okay with that.

Everyone deserves better. Our community deserves better. Our CEO deserves better. Strathbogie Shire Council Officers deserve better. My fellow Councillors deserve better.

We may be elected by the people, but we must be committed to performing our governing roles with respect, courtesy, and kindness.

We must be committed to learning our roles and understanding the complexity of Local Government.

Local Government is not like State or Federal Government. We don't work with a government and an opposition.

9. Reports of Mayor and Councillors and Delegates (cont.)

We are all, Councillors, the CEO and Officers, part of the one team working to achieve the Council Plan as created in consultation with the community we are here to serve.

So, today I also want to respond to some recent personal attacks on my character and ability.

I want to say that sweeping bad behaviour under the rug would have been the easy thing to do.

Yes, I could have put up and shut up, but I'm better than that.

Monitors have been appointed to more than 10 Victorian Councils.

How many more are struggling through the same issues at Strathbogie, but not speaking up.

I am a young female Mayor who's not willing to put up with a disrespectful and unsafe workplace.

I am brave enough to say that poor behaviour is not okay and to do something about it.

I hope you can see this outcome as positive, not negative.

10. Public Question Time

Council Ref: NM: 43/2023

1. What was the cost for the Two (2) Monitors that were in attendance at the Shire?
2. What are the costs for the upcoming elections of the 2 vacant seats in the Nagambie and Sevens Creek Ward?

Responses

In response to your first question, the cost for the 2 Municipal Monitors appointed to Strathbogie Shire Council was \$87,191.20. \$31,665.24 was the cost for the first Monitor, Janet Dore, and \$55,525.96 for the second Monitor, Peter Stephenson

In reply to your second question, we have been recently advised verbally that an approximate charge of \$90,000 is required per election. We expect there would be some economies of scale in conducting two elections concurrently but are not able to quantify these at this time.

Council Ref: MM: 44/2023

1. Apology - Will I ever receive an Apology from this Shire of when I was assaulted after a meeting I was involved in as an objector to a planning permit and the applicant Assault myself outside the front of the entrance? I have asked in previous meetings and nothing to date has come forth?
(as the previous CEO and current and previous councillors are well aware and nothing ever done nor to see if I was ever ok or given help from the assault)
2. Rates - Why is there still problems in the Rates Department when brought to the attention over 5 years and still not fixed

Responses

We agree in that respectful behaviour is something that we all expect and is a fundamental right for all people. I would like to sincerely apologise on behalf of Council. Even though I wasn't here at the time, I would still like to sincerely apologise and I am sorry to hear of your assault – that is actually not acceptable.

10. Public Question Time (cont.)

I understand that Phil Carruthers has been in contact to meet with you after the meeting to get more details. We hope that you were able to pursue a resolution through the Victoria Police.

In response to your second question regarding the rates - to help us better understand the complexities of the concerns you have expressed in your question, I am going to ask that we refer them to Ms Amanda Tingay, Director People and Governance, for review. Amanda can be contacted at info@strathbogie.vic.gov.au or please make a time and she will be more than happy to meet with you to discuss those complexities and the matter in more detail.

Council Ref: TM: 45/2023

1. Why has this Shire NOT performed in 28 years?
2. The Road Reserves, Crown Reserves, Shire Reserve - Why has these all failed in the Strathbogie Shire? (they never failed in the previous shires).

Responses

These are very broad questions unfortunately, and we are not able to answer them specifically. We are unable to comment on what has happened 28 years ago; we can only comment on what has happened in the past years that we have had carriage of, but we now note that the Shire rates above average for its classifications on public perception and objective criteria.

We would be happy to meet with you to discuss those concerns with you in greater detail so that we may be able to answer your questions in more detail.

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

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.

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11.6	Executive	
	Nil	
	CONFIDENTIAL APPENDICES	
	<p>APPENDICES DEEMED CONFIDENTIAL IN ACCORDANCE WITH SECTION 66(2)(A) AND PART 1, CLAUSE 3 OF THE LOCAL GOVERNMENT ACT 2020</p> <p>(g) <i>private commercial information, being information provided by a business, commercial or financial undertaking that—</i></p> <p>(ii) <i>if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</i></p>	
	Appendix 1:	Tender Evaluation for Contract No. 23/24-01: Roads Pavement Rehabilitation Program 23/24

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 15th 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.

MOVED: COUNCILLOR WEATHERALD
SECONDED: COUNCILLOR MURRAY

Amendment:

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. *Accept the report and note the achievement.***

203/22/23 CARRIED

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.

***MOVED: COUNCILLOR HAYES-BURKE
SECONDED: COUNCILLOR MURRAY***

Amendment:

That Council:

- 1. Note the independent Road Safety Audit issued by Redsquare Traffic on 10 October 2023;***
- 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; and***
- 3. Write to the Nagambie Primary School notifying them of the outcome of the Road Safety Audit.***

204-22/23 CARRIED

Councillor Weatherald called for a division

For the Recommendation

*Cr Raeburn
Cr Murray
Cr Hayes-Burke
Cr Binks*

Against the Recommendation

Cr Weatherald

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.

MOVED: COUNCILLOR HAYES-BURKE
SECONDED: COUNCILLOR RAEBURN

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.**

205-22/23 **CARRIED**

Councillor Weatherald called for a division

For the Recommendation

Cr Murray
Cr Raeburn
Cr Hayes-Burke
Cr Binks

Against the Recommendation

Cr Weatherald

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 \$2,942 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.

***MOVED: COUNCILLOR HAYES-BURKE
SECONDED: COUNCILLOR MURRAY***

That Council:

- 1. Approve the Event Grant application from Euroa Chamber of Business and Commerce Incorporated to the value of \$2,942 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".***

206-22/23 CARRIED

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.

MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR HAYES-BURKE

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.***

207-22/23 **CARRIED**

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

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR HAYES-BURKE

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

MOTION (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.***

208-22/23 CARRIED

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.

***MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR HAYES-BURKE***

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.***

209-22/23 CARRIED

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.

***MOVED: COUNCILLOR WEATHERALD
SECONDED: COUNCILLOR RAEBURN***

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.***

210-22/23 CARRIED

Councillor Hayes-Burke called for a division

For the Motion

Cr Murray
Cr Raeburn
Cr Weatherald
Cr Binks

Against the Motion

Cr Hayes-Burke

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.

MOVED: COUNCILLOR HAYES-BURKE
SECONDED: COUNCILLOR RAE BURN

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

MOTION (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.***

211-22/23 **CARRIED**

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.

MOVED: COUNCILLOR RAEBURN

SECONDED: COUNCILLOR HAYES-BURKE

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.***

212-22/23 CARRIED

MOVED: COUNCILLOR HAYES-BURKE
SECONDED: RAEBURN

That the meeting be adjourned for 5 minutes.

213-22/23 CARRIED

8.20 pm:

The meeting adjourned, and livestreaming of the meeting was paused.

8.29 pm

The meeting resumed, and livestreaming of the meeting recommenced.

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.

MOVED: COUNCILLOR RAEburn
SECONDED: COUNCILLOR HAYES-BURKE

That Standing Orders be suspended to seek further advice from the Governance Advisor.

214-22/23 **CARRIED**

8.40 pm:

The meeting adjourned, and livestreaming of the meeting was paused.

8.42 pm:

The meeting resumed, and livestreaming of the meeting recommenced.

MOVED: COUNCILLOR RAEburn
SECONDED: COUNCILLOR HAYES-BURKE

That Standing Orders be resumed.

215-22/23 **CARRIED**

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

MOVED: COUNCILLOR RAEBURN
SECONDED: COUNCILLOR HAYES-BURKE

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.***

216-22/23 CARRIED

Councillor Weatherald called for a division

For the Motion

Cr Murray
Cr Raeburn
Cr Hayes-Burke
Cr Binks

Against the Motion

Cr Weatherald

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.

MOVED: COUNCILLOR MURRAY

SECONDED: COUNCILLOR RAEburn

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

217-22/23 **CARRIED**

Councillor Weatherald called for a division

For the Motion

Cr Murray

Cr Raeburn

Cr Hayes-Burke

Cr Binks

Against the Motion

Cr Weatherald

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.

MOVED: COUNCILLOR RAE BURN

SECONDED: COUNCILLOR HAYES-BURKE

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.)

MOTION (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.***

218-22/23 **CARRIED**

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.

***MOVED: COUNCILLOR WEATHERALD
SECONDED: COUNCILLOR MURRAY***

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

219-22/23 CARRIED

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.

MOVED: COUNCILLOR HAYES-BURKE

SECONDED: COUNCILLOR RAEBURN

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.***

220-22/23 CARRIED

Councillor Weatherald called for a division

For the Motion

Cr Murray

Cr Hayes-Burke

Cr Raeburn

Cr Binks

Against the Motion

Cr Weatherald

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.

***MOVED: COUNCILLOR WEATHERLD
SECONDED: COUNCILLOR RAEBURN***

Amendment:

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.***
- 3. Award a certificate of appreciation to Mark Freudenstein for exceptional service to the Strathbogie Shire Council Audit and Risk Committee.***

221-22/23 ***CARRIED***

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.

MOVED: COUNCILLOR RAEburn
SECONDED: COUNCILLOR MURRAY

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.***

222-22/23 CARRIED

Councillor Weatherald called for a division

For the Motion

Cr Murray

Cr Hayes-Burke

Cr Raeburn

Cr Binks

Against the Motion

Cr Weatherald

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.

MOVED: COUNCILLOR MURRAY
SECONDED: COUNCILLOR WEATHERALD

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.***

223-22/23 CARRIED

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.

MOVED: COUNCILLOR WEATHERALD
SECONDED: COUNCILLOR MURRAY

That Council note:

- 1. The Chief Executive Officer has received written notice from Councillor Reg Dickinson of his resignation as Councillor for the Lake Nagambie 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 Lake Nagambie 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.***

224-22/23 **CARRIED**

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 Data - 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.

MOVED: COUNCILLOR HAYES-BURKE
SECONDED: COUNCILLOR RAEBURN

That the report be accepted.

225-22/23 CARRIED

At 9.52 pm at the meeting held on Tuesday, November 21, 2023, Councillor Chris Raeburn made the following statement –

I would like to abstain from tonight's Mayoral election. I'm leaving the chamber as I cannot support the appointment of a new Mayor in the current environment at Strathbogie Shire. In the past few weeks, we have seen significant breaches in confidentiality and I do not want to waste my time or the community's time by pretending we are functional.

At 9.52 pm at the meeting held on Tuesday, November 21, 2023, Cr Sally Hayes-Burke stated she felt the same as Cr Raeburn and also left the meeting.

THERE NO LONGER BEING A QUORUM TO CONSIDER ITEM 12 – ELECTIONS TO OFFICE – THE MEETING LAPSED AT 9.52 PM

THE MEETING RECONVENED ON TUESDAY 28 NOVEMBER 2023, AT THE EUROA COMMUNITY CONFERENCE CENTRE, COMMENCING AT 2.00 PM

A QUORUM WAS NOT ACHIEVED FOR THIS MEETING, AND IT DID NOT COMMENCE. (The Mayor advised the gallery that she would advise of the details for a reconvened meeting after consulting her colleagues.)

AS THE COUNCILLORS WERE SUSPENDED BY THE MINISTER FOR LOCAL GOVERNMENT BEFORE THIS LAPSED MEETING COULD BE RECONVENED, IT HAS BEEN ADMINISTRATIVELY CLOSED WITH EFFECT MIDNIGHT 5 DECEMBER 2023. THE MATTERS IN THE AGENDA WHICH WERE TO BE CONSIDERED AFTER THIS POINT, REGARDING THE ELECTION OF MAYOR AND DEPUTY MAYOR, ARE NO LONGER RELEVANT MATTERS

Confirmed as being a true and accurate record of the Meeting

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Chair

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Date