

Strathbogie Shire Council

Council Meeting Minutes / Decisions

Tuesday 19 March 2024

Minutes/Decisions

Council Meeting

Tuesday 19 March 2024, at 6pm

Meeting 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/>

Administrator:

Peter Stephenson

Officers:

Julie Salomon – Chief Executive Officer

John Harvey – Director Sustainable Infrastructure

Rachael Frampton – Acting Director Community and Planning

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 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 these Minutes/Decisions 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

Amanda Tingay – Director People and Governance

6. Disclosure of Conflicts of Interest

The Chief Executive Officer declared a material conflict of interest under section 128 of the Local Government Act 2020 in Confidential Business Item C.B.1 - Chief Executive Officer Performance Review – March 2023 to March 2024

7. Confirmation of Minutes/Decisions of Previous Meetings

The Administrator adopted the Motion

That the Minutes/Decisions of the Council Meeting held on Tuesday, 20 February 2024, be confirmed (Council Meetings and Minutes | Strathbogie Shire)

33-23/34 **CARRIED**

8. Petitions

Correspondence was received in April 2022, from Colin and Josie Burton, which included letters from four adjoining residents/landholders of Neelands Road, Euroa, raising concerns with the road surface and dust concerns of Neelands Road due to increased traffic along this road, for reasons outlined in their letters.

On recently becoming aware of these letters, it is now considered they be deemed a Petition for presentation to Council.

The letters primarily read -

The road has gone from a low volume local traffic road to the main connecting road between Mansfield Road and Strathbogie Road. An ever-increasing number of cars and more importantly livestock trucks and other heavy vehicles now use this road. The road has no speed restrictions.

Neelands Road is a dirt road which is experiencing ever increasing traffic and this is contributing to ever increasing dust problems for the residents that reside along this road.

The traffic volume has increased due to a number of reasons, including:

(I) The "Willows" bridge weight limit over the Seven Creeks has been removed with the renewal of the bridge, allowing trucks and other heavy vehicles to use the road.

{II} The Hume Freeway and traffic lights on the old Hume Highway in Euroa has encouraged cars and trucks to seek Neelands Road as an alternative (and quicker) route between Mansfield Road and Strathbogie Road.

{III} There is an increasing number of residents and particularly horse studs in the area, which use the road as a thoroughfare between Mansfield Road and Strathbogie Road.

{IV} The Shire of Strathbogie has kept this road in better condition in recent years and this has encouraged more traffic to use the road, and subsequently we are experiencing significantly more dust.

{V} The clearance of overhead tree branches encouraging larger trucks.

This road is a main connecting road between Mansfield Road and Strathbogie Road and carries a large volume of traffic.

We, the undersigned residents/adjoining landholders are requesting the Shire of Strathbogie to upgrade this road to a sealed bitumen surface, to better handle the increased volume of traffic (particularly heavy vehicles) and eliminate the major dust problem as a matter of urgency. Further, a sealed road offers much safer road conditions for all road users.

The Administrator adopted the Motion

- That Council accept the petition in relation to the road surface and dust concerns of Neelands Road, Euroa, submitted by five residents of Neelands Road, Euroa; and***

8. Petitions (cont.)

MOTION (cont.)

2. ***That the petition be referred to the Director Sustainable Infrastructure for consideration and response.***

34-23/24 **CARRIED**

9. **Reports of Administrator**

As mentioned earlier, my name is Peter Stephenson, and I am Council's Administrator. Appointed by the Minister of Local Government under section 230 of the Local Government Act 2020, my role constitutes the Council - meaning that I perform all its functions, powers and duties.

As I have been undertaking conversations with our residents at the 'Talk to the Administrator' sessions, most recently held in Nagambie, I have been using this opportunity to also talk to people about the opportunity the October 2024 Council elections offers residents to become involved in local government.

If you are thinking of standing for Council at the 2024 October elections and would like to know more about Council, our services, the new unsubdivided structure and what's involved in becoming a Councillor, then please keep your eye out for sessions we will be hosting commencing in late April as follows:

The anticipated dates are –

- Monday 29 April: On line – 7.00 pm to 8.00 pm
- Thursday 2 May: In person at Nagambie Lakes Regatta Centre – 6.00 pm to 7.00 pm
- Tuesday 7 May: In person at Euroa Community Conference Centre and on line – 1.00 pm to 2.00 pm
- Wednesday 8 May: On line – 7.30 am to 8.30 am

We will be advertising these sessions widely including how to book – there will be a range of 'in person' and 'on line' sessions at differing locations and times so that it gives people a range of options to participate. I will be participating in these sessions and I look forward to meeting people who attend these sessions.

The right to nominate as a candidate, and the right of citizens to vote for a candidate that best represents them, is a cornerstone of our democracy and I encourage you to consider nominating to represent Strathbogie. It's an opportunity to move forward from the recent suspension of Councillors and ensures good governance into the future.

Recently, I was invited to MC at Council's International Women's Day event at Tahbilk Homestead's Private Gardens. Guests were treated to two incredibly inspiring speakers, each offering unique perspectives on the theme 'Inspire Inclusion'.

Hayley Purbrick shared her insights on integrating environmental sustainability considerations into her family's winery business. Emily Quattrocchi, who is in a wheelchair as the result of a car accident, inspired guests with her incredible journey to a career in the film industry. She emphasised the importance of including individuals with disabilities in our daily lives and creating and accommodating facilities that enhance their daily experiences.

9. Reports of Administrator (cont.)

This year has already seen lots of events take place across the Shire, and there are many more to come, including the Festival of Small Halls live music event at Avenel tomorrow night, the annual Heads of the River Rowing on Lake Nagambie later this month and the upcoming Longwood Carriage Driving event in May.

Council has been actively advocating for improved energy security by engaging in discussions with AusNet and collaborating with our local member in Federal Parliament, Helen Haines, following the community's concerns in light of the recent months' widespread blackouts. We look forward to some positive outcomes from those advocacy actions.

Council's advocacy for funding for Kirwans Bridge is continuing and we have more pleas from the community to have it fixed – you can see these on our Wall of Support for Kirwans Bridge on our engagement site - Share Strathbogje. Visit www.share.strathbogje.vic.gov.au to view this page and many other projects you can engage on and have your say.

ARTBOX is currently located at Jacobson's Lookout in Nagambie and it has been attracting great interest recently with the exhibition titled 'Anabranch' by Gus Leunig and Angus Cameron. It's the final exhibition in the location at Nagambie before ARTBOX travels up to Strathbogje where it will be located in the grounds of the Strathbogje Memorial Hall. The first exhibition is by local Euroa artist, Bruce Hargrave. Keep an eye out for details on his exhibition.

It's also time to celebrate Harmony Week, which occurs in March each year and includes 21 March, which is the United Nations International Day for the Elimination of Racial Discrimination. The ongoing theme of Harmony Week is 'Everybody belongs', and it is a time of cultural respect for all. Some may have noticed the orange flag flying at the Binney Street roundabout and in front of the old Nagambie Library site, which was formerly the Shire of Goulburn office. Orange is the colour chosen to represent Harmony Week and traditionally orange signifies social communication and meaningful conversations. It also relates to the freedom of ideas and encouragement of mutual respect. Council flies this flag and other community flags in accordance with Council's Community Flag Flying Policy and Procedure. In celebration of Harmony Week, join us for a free screening of the acclaimed documentary 'Journey Beyond Fear', which has a parental guidance rating, at the Euroa Community Cinema on Thursday 21 March 2024 at 6.00 pm, followed by an insightful talk with the film maker, Robyn Hughs.

Finally, I want to remind residents, if you have any questions about my appointment, having been re-appointed on 7 March, please do not hesitate to contact me. My contact details can be found on the Council website on the 'Administrator' page or you can contact Customer Service who will kindly pass your request on. I am happy to speak with anybody who calls.

10. Public Question Time

Council Ref: HG: 12/2024

1. Avenel Active emailed Council on 30/11/23 and 3/02/24 for update on Action 2.1.8, 23-24 Council Plan Update re: Avenel Railway Carpark with no reply. Can we have a copy of Council's 'background document' for the Action, per Agenda Item 11.4.4 2021-2025 Council Plan – 2023/2024 Six Monthly Review?

10. Public Question Time (cont.)

2. Council reports in Action 2.1.9, 23-24 Council Plan Update re: community safety at Avenel Railway Carpark it will 'continue to look for opportunities to advocate'. Avenel Active requests report from Council of any advocacy in 23-24 to the Department of Transport and Planning or any agency.

Response

Council officers have advised that they have made repeated attempts to contact the ARTC, the owner of the subject property, by phone during 2023 and 2024 without any response from this office.

Correspondence was received in 2023 indicating that if council was proposing to utilise the area for community purposes it would be required to lease the entire portion of the property.

Consideration of Council leasing the land and redeveloping it as a carpark with the associated lighting etc will be subject to appropriate terms being negotiated with the ARTC and, should this be acceptable, appropriate budget being made available in Council's future budgets.

However, the ARTC did also inform Council in recent discussions that the area would not be available for lease/development until the rail upgrade works are completed as the ARTC has identified it as one of the many stockpile sites for the materials required for the upgrade.

Subsequently, no budget allowance has been made for the lease, or redevelopment, of this land in the 24/25 Budget preparations to date.

The Sustainable Infrastructure Division will continue in its endeavours to reconnect with the officers at the ARTC to persuade them to provide it earlier and at terms that would benefit the community.

I have asked that the Director Sustainable Infrastructure contact you to make a time to discuss this matter in more detail.

11. Officer Reports

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- 11.2 Community
- 11.3 Infrastructure
- 11.4 Corporate
- 11.5 Governance and Customer Service
- 11.6 Executive

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	CLOSURE OF THE MEETING TO CONSIDER MATTERS DEEMED CONFIDENTIAL IN ACCORDANCE WITH SECTION 66(2)(A) AND PART 1, SECTION 3 DEFINITIONS OF THE LOCAL GOVERNMENT ACT 2020	
	(f) <i>personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs</i>	
	C.B. 1 Chief Executive Officer Performance Review – March 2023 to March 2024	
	CONFIDENTIAL APPENDICES	
	APPENDICES DEEMED CONFIDENTIAL IN ACCORDANCE WITH SECTION 66(2)(A) AND PART 1, CLAUSE 3 OF THE LOCAL GOVERNMENT ACT 2020	
	(g) <i>private commercial information, being information provided by a business, commercial or financial undertaking that—</i>	
	(ii) <i>if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage</i>	
	Appendix 1: Tender Evaluation for Project Collaborative Digital Innovation (CODI) IT Systems Alignment - Enterprise Resource Planning (ERP) Solution	
	Appendix 2: Quotation Evaluation for Contract No. 23/24-36: Out Front Deck Mowers utilizing MAV Light Plant & Equipment Purchasing Contract (LP20091)	

11. OFFICER REPORTS

11.1 STRATEGIC AND STATUTORY PLANNING

11.1.1 Planning Applications Received and Planning Applications Determined - 1 to 29 February 2024

Author: Manager Planning and Investment

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

This report provides listings of all Planning Applications Received (Attachment 1) and Planning Applications Determined (Attachment 2) for the period of 1 to 29 February 2024. 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 January 2024. The February 2024 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 eight (8) new planning applications received and twelve (12) 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 where no decision has been made.

The Administrator adopted the Motion

That Council:

- 1. Note that there were eight (8) new planning applications received, and twelve (12) planning applications decided on during the period of 1 to 29 February 2024.***
- 2. Note the report.***

35-23/24 **CARRIED**

11.3 **INFRASTRUCTURE**

11.3.1 **Capital Program Delivery Status – Six Monthly Report**

Author: Director Sustainable Infrastructure

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

This report provides commentary on the delivery status of all approved capital projects for the 2023/24 financial year providing updates on their delivery status in terms of budget phasing comparison and completions timelines as at 29 February 2024 (refer Attachment 1).

These key areas of the report are highlighted using a traffic light system with the following reporting condition:

- if the project actual expenses or the timeline for completion is within +/- 10% of the forecasted status the information is provided in yellow.
- if the current actual expenses are greater than the phased budget forecast or the timeline for completion is past the original planned date the information is reported in red.
- if the current actual expenses are less than the phased budget forecast or the timeline for completion is before the original planned date the information is reported in green.

These delivery timelines are reflecting most projects are on track to be delivered in this financial year.

Projects that are forecast to not be completed in the current financial year will be completed in the 2024/25 financial year. These projects have external funding streams that provide for delivery timelines across two financial years and do not place the receipt of funding at risk. Furthermore, their late delivery will not impact on the delivery of the 2024/25 financial years Capital Program.

The Administrator adopted the Motion

That Council note the progress of the 2023/24 Capital Works Program with most projects anticipated to be completed by the end of the 2023/24 Financial Year.

36-23/24

CARRIED

11.3.2 Contract No. 23/24-36: Out Front Deck Mowers x 2 - Request for Quotation

Author: Procurement and Tenders Officer and Manager Operations

Responsible Director: Director Sustainable Infrastructure

EXECUTIVE SUMMARY

Council has undertaken a request for quotation (RFQ) process from supplier members of the Municipal Association of Victoria's (MAV) Light Plant & Equipment Purchasing Contract (LP20091) for Contract No. 23/24-36 - x2 Out Front Deck Mowers. This procurement option was utilised as it allows for the targeted and efficient quotes process from industry specialist suppliers, providing group buying pricing and is permitted by Strathbogie Shire Council's Procurement Policy (last update November 2023) clause 20, Exemptions, Collaborative Engagement. It allows for Council to continue to meet its obligation to obtain Best Value, and compliance requirements of the *Local Government Act 2020*.

Through advertising in MAV's sourcing portal Vendor panel, Council invited quotes for the two (2) Out Front Deck Mowers with the initial RFQ opening at Thursday 2 of November 2023. At the close of the RFQ process at 4pm Wednesday 15 November 2023, three (3) quotation submissions were received.

After initial independent assessment, evaluation and in-person inspection and test operation, the result of the officer evaluations is summarised in the tables within this report. It is recommended that Council award the RFQ process to Kubota Australia Pty Ltd, via their agent Bertoli Farm Machinery Shepparton for a total amount of \$131,890.00 (including GST).

The Administrator adopted the Motion***That Council:***

- 1. *Notes the outcome of the Request for Quotation assessment process for Contract No. 23/24-36 - Out Front Deck Mowers utilizing MAV Light Plant & Equipment Purchasing Contract (LP20091);***
- 2. *Awards the Contract No. 23/24-36 - Out Front Deck Mowers utilising MAV Light Plant & Equipment Purchasing Contract (LP20091) for a total amount of \$131,890.00 (including GST) to Kubota Australia Pty Ltd, via their agent Bertoli Farm Machinery Shepparton;***
- 3. *Authorises Officers to advise the unsuccessful quoters; and***
- 4. *Authorises the Chief Executive Officer to award the Contract by signing a letter of award and approving a purchase order for the amount above.***

37-23/24

CARRIED

11.3.3 Project Collaborative Digital Innovation (CODI) IT Systems Alignment - Enterprise Resource Planning (ERP) Solution

Author: Manager Digital Innovation and Technology

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The Lower North Eastern Regional Councils (LNERC) Rural Councils Transformation Program is a business transformation program of work across four Councils, being the Shire Councils of Mansfield, Murrindindi and Strathbogie and the Benalla Rural City Council, to *“improve service delivery and enhance Councils’ collaboration through the transformation of ICT and Digital Systems, the adoption of aligned business capabilities (people, process and technology) and modern ways of working”*.

The program has been funded with a \$1,000,000 grant from the Rural Councils Transformation Program (RCTP), \$888,000 from the Business Acceleration Fund (BAF) and \$2,276,480 from the four Councils (equating to a contribution of \$569,120 per Council), across three financial years. To date, all funding milestones have been achieved resulting in all grant funding being acquitted to Mansfield Shire Council, as the lead Council.

A previous procurement process was undertaken for delivery of Building, Planning and Regulatory, and Information Management solutions. To finalise the selection of solutions to meet the goals of the transformation program, a further procurement process for an Enterprise Resource Planning (ERP) solution was successfully completed.

As a result, the officer recommendation is to award contracts for the delivery of an ERP solution incorporating modules for Finance, Customer Relationship Management, and Property/Rates to Civica, with an option to include Human Resources and Payroll as an additional module.

The Administrator adopted the Motion

That Council:

- 1. Awards the lump sum contract for the implementation of the Enterprise Resource Planning to Civica for implementation of the Finance, Customer Relationship Management and Property/Rates modules into Mansfield, Murrindindi and Strathbogie Shire Councils, and Benalla Rural City Council;***
- 2. Authorise the Chief Executive Officer to advise Mansfield Shire Council of Strathbogie Shire Council’s approval to award the contract in accordance with the Memorandum of Understanding signed by all four (4) Councils, including payment of all agreed contributions;***
- 3. Supports the option to award the lump sum contract to Civica for the implementation of the HR/Payroll module into Mansfield, Murrindindi and Strathbogie Shire Councils, and Benalla Rural City Council following the approval of a formal change request to include the module in the Project CODI schedule;***

11.3.3 Project Collaborative Digital Innovation (CODI) IT Systems Alignment - Enterprise Resource Planning (ERP) Solution (cont.)

MOTION (cont.)

4. ***Award the contracts for ongoing servicing agreements between Strathbogie Shire Council and the selected vendor as follows:***
 - a. ***Awards the ongoing servicing agreement for the licencing of the Enterprise Resource Planning Finance, Customer Relationship Management and Property/Rates modules between Strathbogie Shire Council and Civica for the amount of \$731,566, for a term of 5 years.***
 - b. ***Awards the ongoing servicing agreement for the licencing of the HR/Payroll module between Strathbogie Shire Council and Civica for the amount of \$26,523 excluding GST, for a term of 5 years following the approval of a formal change request to include the module in the Project CODI schedule;.***
5. ***Note the contract period of 5 years is effective from 1 April 2024 till 31 March 2029, with options of two x 2 year extensions;***
6. ***Note that pricing for the ERP modules is accommodated within the project budget for implementation and Council's annual budget for annual commitments;***
7. ***Note that pricing for the Human Resources and Payroll module will require additional budget of \$62,964 excluding GST including 10% contingency as Strathbogie Shire Council's contribution to the implementation costs, and ongoing licencing will be accommodated within Council's annual budget; and***
8. ***Authorise the Chief Executive Officer to execute the contracts as detailed in recommendation 4.***

38-23/24

CARRIED

11.3.4 Contract 23/24-01: Roads Pavement Rehabilitation Program 2023/24

Author: Director Sustainable Infrastructure

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

At the 20 February 2024 Meeting, Council varied Contract 23/24-01 Roads Pavement Rehabilitation Program 2023/24, awarded to Bild Infrastructure, by an amount of \$15,523.20 inclusive of GST, for a combined variation of 12.9% of the original contract value. This variation was to implement a treatment of the active springs encountered during the rehabilitation of the Creek Junction Road sites at Kithbrook within the contract.

Unfortunately, this treatment was unsuccessful in rectifying the unstable nature of the road at its location and, as a consequence of disturbing the springs, a significant additional length of the road now requires treatment.

Further investigations have identified that pavement materials previously placed will need to be removed and a further depth of 300 to 500 mm of the existing subgrade for a distance over 100m for the full width of the road is required to be removed and replaced.

The materials placed previously, and the existing pavement materials, will be reused for the repair where suitable, however, the entire additional treatments are valued at \$198,759.79 including GST.

This amount has been negotiated with the contractor and is considered to represent value for money. To fund these works, the planned 2023/24 pavement rehabilitation works program on the prioritised thirteen (13) segments on four (4) Council roads will be reduced. As such, the planned Spring Creek Road at Kithbrook works (four (4) segments) will be removed and deferred to next year's rehabilitation program, to provide \$127,346.00 inclusive GST.

It is recommended that the additional funds required be obtained from currently uncommitted funds of \$50,135 incl GST allocated to the Locksley-Nagambie Road bridge project and the balance from the Sealed Roads Rehabilitation Budget.

Due to the extent of the treatment required and the road not able to be opened without the works, and no additional sites available for the Contractor to move onto awaiting the approvals at the March 2024 Council Meeting, the variation would have incurred additional costs estimated at \$10,000 per week.

Subsequently, after briefing Council and the Chief Executive Officer, works were progressed to completion to enable the road to be reopened for the community at the earliest opportunity.

11.3.4 Contract 23/24-01: Roads Pavement Rehabilitation Program 2023/24 (cont.)**The Administrator adopted the Motion*****That Council:***

- 1. Approve Variation Quotation Request VQR-04 and VQR-05 which increases the total project costs by a further \$198,759.79 incl GST for a combined variation of 20.87% of the original contract value and authorise the Chief Executive Officer to sign the appropriate Variation Quotation Request form; and***
- 2. Note that the project variations can be accommodated within existing budget allocations specifically from the Road Rehabilitation Budget, after deferring the Spring Creek Road rehabilitation sections and utilising the unallocated funds from the Locksley Nagambie Road Bridge works and the Sealed Roads Rehabilitation Budget, which combined currently has sufficient budget to cover this expenditure.***

39-23/24 CARRIED

11.3.5 Contracts, Works and Grants Awarded under Delegation - 1 to 29 February 2024

Author: Procurement and Tenders Officer

Responsible Directors: Director People and Governance

EXECUTIVE SUMMARY

The purpose of this report is to inform Council and the community of the status of request for the publicly advertised tenders, invitations for written quotations and quotations provided using collaborative and/or third-party contracts which have been awarded under delegation for the period 1 February 2024 to 29 February 2024. This report specifically relates to works that form part of Council's 2023/24 adopted Budget.

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

The Administrator adopted the Motion

That Council note:

- 1. The Contracts awarded under delegated authority by the Chief Executive Officer and the Director Sustainable Infrastructure; and***
- 2. That no quick response grant applications were received during the reporting period.***

40-23/24 **CARRIED**

11.4 **CORPORATE**

11.4.1 **New Council Policy: Draft Council Policy Management Policy**

Author: Director People and Governance

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

Organisational policies provide the framework Council's business operations need, and a structure which ensures good governance, risk and compliance.

The new draft Policy Management Policy will govern how Council creates, communicates and maintains all policy documents across Council consistent with the principles of good governance and the *Local Government Act 2020*.

Specifically, the draft Policy Management Policy (the draft Policy) defines and characterises all level of policy documents within Council. Furthermore, the draft Policy ensures a clear and consistent approach in the development of Council and Management endorsed policy through:

- the application of principles that underpin good policy,
- a consistent process for approval, review and rescission of policy,
- a consistent process for documenting and recording policy,
- a consistent process for dissemination of policy, and
- flexibility in establishing municipal specific, sector generic and operational policies.

The Administrator adopted the Motion

That Council:

1. ***Adopt the draft Policy Management Policy; and***
2. ***Place the Policy Management 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 policy.***

41-23/24

CARRIED

11.4.2 New Council Policy: Draft Councillor Briefing Policy

Author: Director People and Governance

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

Organisational policies provide the framework and structure for Council's business operations to ensure application of good governance, risk and compliance.

The application of the draft Councillor Briefing Policy is to provide a clear process for the operation of councillor briefings and means that Council:

- Provide transparent governance and strong leadership, demonstrating excellence in the way we do business by being innovative and responsive,
- Ensure that Councillors have access to timely and detailed information and make informed decisions in the best interests of the municipality on matters that will, or are likely to, require a formal decision of Council sometime in the future, and
- Ensure good contemporary governance through accountable and transparent practices, appropriate risk management and continuous improvement.

Briefings do not provide transparency into decision-making. As such, there is no delegated authority to make decisions on Council's behalf or legally binding decisions are made in these forums. Moreover, these forums are to provide Councillors with the opportunity to seek clarification, provide feedback on proposals and reports that will later come to Council, receive updates and if necessary be provided with additional information on matters before Council.

Council Officers may use these forums to advise Councillors and receive direction on issues for which they have delegated authority.

This new policy is scheduled for review at least two years from the date of adoption.

The Administrator adopted the Motion

That Council:

- 1. Adopt the draft Councillor Briefing Policy; and***
- 2. Place the new 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 policy.***

42-23/24

CARRIED

11.4.3 Council Policy Review: Draft Tourism Related Directional Signage Policy

Author: Acting Director Community and Planning

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

Organisational policies provide the framework and structure for Councils business operations to ensure application of good governance, risk and compliance.

The purpose of this Policy is to establish clear principles and guidelines to assist the management of tourist attraction, community facility and community services (i.e. tourism related) directional signage within the municipality.

This Policy has been updated to Council's new policy template and only minor changes have been made to wording, grammar and the responsible officer, reflecting Council's current structure and positions. No changes of significance were made to this policy.

This policy is scheduled for review two years from the date of adoption.

The Administrator adopted the Motion

That Council:

- 1. Adopt the draft Tourism Related Directional Signage Policy; 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 revised policy.***

43-23/24 CARRIED

11.4.4 Council Policy Review: Draft Roadside Fatality Memorials Policy

Author: Director Sustainable Infrastructure

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

Organisational policies provide the framework Councils business operations need, and a structure which ensures good governance, risk and compliance.

The draft Roadside Fatality Memorials Policy will govern how Council and the community creates and maintains Roadside Fatality Memorials across the Municipality consistent with the principles of good governance and the *Local Government Act 2020*.

The Administrator adopted the Motion

That Council:

- 1. Adopt the draft Roadside Fatality Memorials Policy; and***
- 2. Place the Roadside Fatality Memorials 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 policy.***

44-23/24 CARRIED

11.4.5 S5 – Instrument of Delegation to the Chief Executive Officer Update

Author: Coordinator Governance and Records Management

Responsible Director: Director People and Governance

EXECUTIVE SUMMARY

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

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

The existing instrument of delegation from Council to the CEO was approved by Council on 19 October 2023. Six monthly reviews and updates of the S5 Instrument are undertaken to respond to changing circumstances. There have been no substantive changes to the S5 Instrument of Delegation since that time.

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

The Administrator adopted the Motion

That Council in the exercise of the power conferred by S11(1)(b) of the Local Government Act 2020 (the Act), Strathbogie Shire Council (Council) resolves that:

- 1. There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument;***
- 2. The Instrument comes into effect immediately upon the Common Seal of Council is affixed to the Instrument;***
- 3. On the coming into force of the Instrument, all previous delegations to the Chief Executive Officer are revoked; 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.***

45-23/24

CARRIED

11.4.6 S6 – Instrument of Delegation to Members of Staff Update

Author: Coordinator Governance and Records Management

Responsible Director: Director People and Governance

EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) requires regular 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 would become unsustainable due to the volume of decisions made by the administration on behalf of Council every day.

This instrument provides for delegations that 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 relate to specialised legislation such as the *Planning and Environment Act 1987*, *Roads Management Act 2004*, and the *Environmental Protection Act 1970*.

The 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 the current organisational structural.

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, and so this instrument, once signed, will be available for inspection by the public upon request.

The Administrator adopted the Motion

That in the exercise of the powers conferred by the legislation referred to in the attached 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 when the Common Seal of Council is affixed to the Instrument.***

11.4.6 S6 – Instrument of Delegation to Members of Staff Update (cont.)

MOTION (cont.)

3. ***On the coming into force of the Instrument, the Instrument endorsed at its meeting of 21 November 2023 be revoked and replaced by the 19 March 2024 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.***

46-23/24 **CARRIED**

11.4.7 S11, S11A and S11B - Instruments of Appointment and Authorisation Update

Author: Coordinator Governance and Records Management

Responsible Director: Director People and Governance

EXECUTIVE SUMMARY

Regular reviews are required to be made to the S11 Instrument of Appointment and Authorisation, S11A Instrument of Appointment and Authorisation *Planning and Environment Act 1987* and the S11B Instrument of Appointment and Authorisation *Environment Protection Act 2017* to ensure the instruments are reflective of the current organisation structure.

The *Local Government Act 1989* is still active in relation to the appointment of authorised officers, not the 2020 Act.

These instruments give specified officers the ability to enforce legislation and are essential to ensuring any enforcement action is undertaken on behalf of Council in a legal and robust manner. The Instruments also appoint officers to key roles and positions including the Municipal Building Surveyor, Municipal Emergency Management Officer and appointment of Councillor Conduct Officer.

The updated instruments, once approved by Council, will remain in force until the next update is prepared in response to legislative changes, changes in position titles or staff changes.

The Administrator adopted the Motion

That in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached Instruments of Appointment and Authorisation (S11, S11A and S11B), Strathbogie Shire Council (Council) resolves that:

- 1. The members of Council staff referred to in the Instruments be appointed and authorised as set out in the Instruments;***
- 2. The S11 Instrument of Appointment and Authorisation endorsed by Council at its meeting of 17 October 2023 be revoked and replaced by the 19 March 2024 instrument;***
- 3. The S11A Instrument of Appointment and Authorisation endorsed by Council as its meeting of 19 September 2023 be revoked and replaced by the 19 March 2024 instrument;***
- 4. The S11B Instrument of Appointment and Authorisation endorsed by Council as its meeting of 19 September 2023 be revoked and replaced by the 19 March 2024 instrument;***
- 5. The instruments be signed and sealed by Council under the Strathbogie Shire Council Local Law No 1 Use of the Common Seal 2020; and***

11.4.7 S11, S11A and S11B - Instruments of Appointment and Authorisation Update
(cont.)

MOTION (cont.)

6. ***The instruments come into force immediately when the Common Seal of Council is affixed to the Instruments and remains in force until Council determines to vary or revoke it/them.***

47-23/24 **CARRIED**

11.4.8 S18 – Instrument of Sub-Delegation under the Environment Protection Act 2017 Update

Author: Coordinator Governance and Records Management

Responsible Director: Director People and Governance

EXECUTIVE SUMMARY

The *Environment Protection Act 2017* (the new EP Act) and Environment Protection Regulations 2021 came into effect on 1 July 2021. Under the new EP Act the scope of local government's role as a regulator has not changed, but there are changes to the laws and powers of local governments, including a delegation of powers from the Environment Protection Authority (EPA) to Councils. The S18 sub-delegates Council's powers (delegated to it by the EPA) to members of Council staff.

This Instrument provides for delegations that 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 relate to specialised legislation, in this case the *Environmental Protection Act 1970*.

The S18 Instrument of Sub-Delegation Environment Protection Act 2017 is updated six monthly ensuring currency of positions within the organisation structure and changes to state government legislative frameworks.

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

The Administrator adopted the Motion

That in the exercise of the powers conferred by the legislation referred to in the attached S18 Instrument of Sub-Delegation under the Environment Protection Act 2017, Strathbogie Shire Council (Council) resolves that:

- 1. The members of staff referred to in the S18 Instrument of Sub-delegation under the Environment Protection Act (EPA) 2017 be appointed and authorised as set out in the instrument,***
- 2. The instrument come into force immediately when the Common Seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it, and***
- 3. The instrument be signed and sealed by Council under the Strathbogie Shire Council Local Law No. 1 – Use of the Common Seal 2020.***

48-23/24

CARRIED

11.4.9 Strathbogie Shire Council Audit and Risk Committee – Confirmed Minutes of the Ordinary Meeting held on 27 November 2023

Author: Coordinator Governance and Records Management

Responsible Director: Director People & Governance

EXECUTIVE SUMMARY

This report presents the confirmed minutes of the ordinary meeting held on 27 November 2023, endorsed by the Audit and Risk Committee at its meeting held on 1 March 2024.

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

Business:

- 2023 Audit and Risk Committee Annual Committee Performance Report Jan23-Dec23
- Recruitment of Audit and Risk Committee Independent Member
- Monitor Climate Change Action Plan Progress
- 2023/2024 Mid-Year Budget Update
- Internal Audit Updates – RSD Audit
- Outstanding Internal Audit Items
- Policy Review
- Risk Management Internal Audit update
- Audit and Risk Committee 2023/2024 annual workplan progress review
- Human Resources Key Strategic Indicators report
- Strathbogie Shire Council Enterprise Agreement no10 2023 update
- Councillor Reimbursements quarterly report
- Chief Executive Officer Purchasing Card quarterly report
- Fraud Risk Management Report
- Investment and Borrowings Report quarterly report
- Items raised by the Committee

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

The Administrator adopted the Motion

That Council receive and note the Confirmed Minutes of the Strathbogie Shire Council Audit and Risk Committee meeting of 27 November 2023.

49-23/24

CARRIED

11.4.10 Strathbogie Shire Council – Victorian Electoral Structure Review Outcome

Author: Director People and Governance

Responsible Director: Chief Executive Officer

EXECUTIVE SUMMARY

The *Local Government Act 2020* (sections 14 – 16) introduced changes to the electoral representation review process. The *Local Government Act 2020* (the Act) states that a review of electoral representation models must be conducted and implemented prior to the October 2024 general election for all Councils that are not comprised of single member wards. Strathbogie was one of 39 Councils that were reviewed in 2023. An independent electoral structure review panel appointed by the Minister for Local Government has reviewed the electoral structure of Strathbogie Shire Council.

The panel looked at:

- whether the Council had an appropriate number of Councillors, and
- whether it should be unsubdivided or subdivided.

The panel considered a range of factors when deciding on the models, including:

- research and analysis,
- voter growth or decline over time , and
- public submissions.

The electoral representation advisory panel recommended that Strathbogie adopt an unsubdivided electoral structure, represented by 7 Councillors. This advice was submitted to the Minister for Local Government as required by the Terms of Reference of the electoral representation advisory panel and the Act.

The Minister for Local Government supported the panel's decision and announced the new electoral structure of Strathbogie Shire Council on Thursday 15 February 2024. In accordance with this announcement, Strathbogie Shire Council will change to an unsubdivided electoral structure, with seven Councillors. The change will apply at the next Council general election in October 2024.

The Administrator adopted the Motion

That Council note the outcome of the Strathbogie Shire Council electoral structure review, acknowledging that Strathbogie will move to an unsubdivided electoral structure with seven Councillors effective October 2024.

50-23/24

CARRIED

11.5 GOVERNANCE AND CUSTOMER SERVICE

11.5.1 Re-Appointment of Administrator

Author: Chief Executive Officer

EXECUTIVE SUMMARY

On the 7 March 2024, the Minister for Local Government, the Hon Melissa Horne MP (the Minister) announced the re-appointment of Mr Peter Stephenson as the Administrator for Strathbogie Council effective from 7 March 2024 until 6.00 am on the day of the October 2024 Council elections (refer Attachment 1). Notice of the Orders in Council, affirming the appointment, was published in the Victorian Government Gazette on 7 March 2024 (refer Attachment 2).

This follows the Minister's announcement on 5 December 2023, where Strathbogie Shire Council (elected members) was suspended under section 257 of the *Local Government Act 2020* for the remainder of its term and Mr. Stephenson was appointed as interim Administrator until (12.00 midnight) 6 March 2024.

As Administrator, Mr Stephenson will continue to provide support, leadership and strategic oversight of Council's operations. Under section 230 of the *Local Government Act 2020*, Mr Stephenson will constitute the Council and will perform all its functions, powers and duties.

In accordance with the terms and conditions as set by the Minister for Local Government (refer Attachment 2), Mr Stephenson will be remunerated \$254,300.00 per annum (inclusive of superannuation) for the part time (for a minimum of three days/week) statutory role, plus reimbursement of reasonable out-of-pocket expenses incurred in exercising the functions, powers, duties of administrator.

Mr Stephenson has held senior roles in a range of organisations including government, community services, higher education and health sectors. He is a former Councillor and Mayor of Darebin City Council. He was appointed in March 2023 as the second Municipal Monitor for Strathbogie Shire Council and was previously a Municipal Monitor for South Gippsland Shire Council and the Rural City of Wangaratta.

The Administrator adopted the Motion

That Council note:

- 1. The re-appointment of Mr Peter Stephenson announced by the Minister for Local Government the Hon Melissa Horne MP, as the Administrator (part time) for Strathbogie Shire Council effective 7 March 2024 until 6.00 am on the day of the October 2024 Council elections;***
- 2. The Instrument Fixing Conditions, Remuneration and Allowances of Administrator (the Instrument) for Strathbogie Council under section 231 of the Local Government Act 2020 as set by the Minister for Local Government for the period of Mr. Stephenson's appointment; and***

11.5.1 Re-Appointment of Administrator (cont.)

MOTION (cont.)

- 3. *In accordance with the Instrument, the remuneration set for the Administrator (part time) is \$254,300.00 per annum (inclusive of superannuation), plus reasonable expenses incurred in exercising the functions, powers, and duties of the role.***

51-23/24 **CARRIED**

11.5.2 Monthly Performance Report

The March 2024 Monthly Performance Report includes reports as follows:-

- Building Department – February 2024 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) – February 2024
- Customer Enquiry Analysis Report – Report for February 2024
- Waste Management Reporting ~ Year to Date – February 2024
- Transfer Station Date - February 2024
- Actioning of Council Reports Resolutions – Council Meeting Tuesday 20 February 2024
- Outstanding Actions of Council Resolutions to 29 February 2024
- Review of Council Policies and Adoption of new Policies – February 2024
- Records of Informal Council Briefings / Meetings – 1 to 29 February 2024

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.

The Administrator adopted the Motion

That the report be accepted.

52-23/24 **CARRIED**

12. NOTICES OF MOTION

Nil

13. NOTICES OF RESCISSION

Nil

14. URGENT BUSINESS

Nil

15. CONFIDENTIAL BUSINESS

The Administrator declared the following item -

- *Chief Executive Officer Performance Review – March 2023 to March 2024*

to be Confidential in accordance with Section 66(2)(A) and Part 1, Section 3 Definitions of the *Local Government Act 2020* -

(f) *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs*

This ground has been applied to this matter as it relates to the Chief Executive Officer's Annual Performance Review (refer to the Confidential Business Certificate attached).

CLOSURE OF THE MEETING TO THE PUBLIC TO CONSIDER MATTERS DEEMED CONFIDENTIAL IN ACCORDANCE WITH SECTION 66(2)(A) AND PART 1, SECTION 3 DEFINITIONS OF THE LOCAL GOVERNMENT ACT 2020

The Administrator adopted the Motion

That Council, in conformance with section 66(2)(a) and the definitions for confidential matters under Part 1, section 3 the Local Government Act 2020 (the Act), resolve to close the meeting to members of the public for the purpose of considering item/s relating to:-

- Chief Executive Officer Performance Review – March 2023 to March 2024

53-23/24

CARRIED

7.35 pm

The Chief Executive Officer left the meeting due to declaring a material conflict of interest

The public gallery was closed and livestreaming of the meeting to the public ceased at 7.35 pm

The livestreaming of the meeting to the public recommenced at 7.40 pm**7.40 pm**

The Chief Executive Officer returned to the meeting.

The Administrator adopted the Motion

That Council reopen the meeting to the public.

54-23/24 **CARRIED**

Confirmation of Confidential Business Decision/s**C.B. 1 Chief Executive Officer Performance Review – March 2023 to March 2024**

For the purposes of transparency, Council resolved to release the below information of the Confidential Business report in relation to the Chief Executive Officer Performance Review for the period March 2023 to March 2024, as follows:

EXECUTIVE SUMMARY

Council has in place a Chief Executive Officer Employment and Remuneration Policy (update November 2023) which sets the parameters for assessing performance, contractual obligations, and remuneration.

With the suspension of Council on 5 December 2023, the Chief Executive Officer Employment and Remuneration Committee comprised the Interim Administrator (Peter Stephenson) and Independent Member, Wendy Jones. This Committee's role is to review, discuss and recommend to Council matters required by section 44 of the *Local Government Act 2020* in relation to the Chief Executive Officer (CEO).

The performance review period of March 2023 to March 2024 has presented numerous challenges including governance issues and the impacts of significant increased costs in materials and services, a tight labour market and continued severe weather events. Despite these obstacles, the CEO has maintained a strong organisation and achieved significant results. The CEO provided comprehensive commentary to each Key Performance Indicator, demonstrating a strong performance over the reporting period. The Committee agreed with the CEO's self-assessment ratings and noted that there were no areas of concern surrounding the CEO's performance.

The Council also resolved to release the following information publicly –

1. *Note the recommendations of the Chief Executive Officer Employment and Remuneration Committee following the completion of the annual performance review process and acknowledge that the CEO has met the performance criteria as detailed in attachment 1;*

Confirmation of Confidential Business Decision/s (cont.)

C.B. 1 Chief Executive Officer Performance Review – March 2023 to March 2024

2. *Approve the Key Performance Areas and professional development approach recommended by the Chief Executive Officer Employment and Remuneration Committee for the period March 2024 to 31 December 2024 noting that the upcoming reporting period is to align with the calendar year; and*
3. *After undertaking a benchmarking exercise with like sized Councils, increase the Chief Executive Officer's remuneration package.*

The Administrator adopted the Motion

That the decisions made in camera be ratified by Council.

56-23/24 **CARRIED**

NEXT MEETING

The next monthly meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 16 April 2024, at the Euroa Community Conference Centre, at 6pm.

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.45 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date