

# **AGENDA**

## **Council Meeting**

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**7.00pm Tuesday 28 February 2023**

**VENUE:**  
**Golden Plains Civic Centre**  
**Council Chambers**  
**2 Pope Street, Bannockburn**

NEXT COUNCIL MEETING  
7.00pm Tuesday 28 March 2023

Copies of Golden Plains Shire Council's Agendas & Minutes  
Can be obtained online at [www.goldenplains.vic.gov.au](http://www.goldenplains.vic.gov.au)

## **Code of Conduct Principles**

### **WORKING TOGETHER**

We Councillors will:

- acknowledge and respect that a diversity of opinion exists among us;
- recognise that each of us has different life experience, knowledge and values, and that all of these contribute collectively to our discussions;
- behave with courtesy towards each other, Council officers and our citizens;
- conform to the policy and precedents that guide the conduct of meetings;
- attend punctually and participate in all relevant meetings, workshops and briefings;
- share reasonably in the representation, ceremonial and hosting tasks of the full Council; and
- honour the majority decisions made by the Council, irrespective of our own position, and explain these decisions frankly to the community, once made.

### **BEHAVING WITH INTEGRITY**

We Councillors will:

- identify our financial and personal interest, or potential interest, in any matter that comes before the Council;
- be honest and truthful;
- comply with laws and the regulations deriving there from;
- respect Council property and be frugal in its use, where allowed;
- avoid using our position for personal gain or to achieve advantage over others or to obtain preferential treatment;
- be sympathetic to the legitimate concerns of our citizens;
- act impartially when making decisions and have due regard to the needs of the community as a whole, rather than that of narrow vested interest; and
- acknowledge the role of Council officers in providing advice to us and in implementing Council decisions.

### **MAKING COMPETENT DECISIONS**

We Councillors will:

- without diminishing the short term focus, approach decisions with due regard to the long term needs of the municipality;
- form policies with regard to the needs of the entire Shire;
- direct our attentions to the strategic and statutory needs of the municipality rather than short term, transient, operational issues;
- seek to fully inform ourselves on the issues before Council before making a decision;
- take all reasonable steps to improve our knowledge of matters relevant to our municipal duties; and
- use and respect the professional knowledge of Council officers and other advisers to Council.

## Members of the Gallery

Welcome to a Golden Plains Shire Council meeting and thank you for joining us.

### MEETING PROCEDURES

The procedures for this Council meeting are provided in Council's Governance Rules. A copy of the Governance Rules can be found on Council's [website](#).

### MEETING FACILITIES

Council meetings are generally held at:

- Golden Plains Shire Council Civic Centre (2 Pope Street, Bannockburn)
- Linton Community Hub (68 Sussex Street, Linton)
- The Well, Smythesdale (19 Heales Street, Smythesdale)

### EXPECTATIONS OF THE GALLERY

Council meetings are decision-making forums and it is important that they are open to the community to attend and view proceedings. Community members may participate in Council meetings in accordance with Chapter 2, Division 7 of the Governance Rules.

At each meeting, there is an opportunity for members of the public to ask questions of the Council. Questions must be submitted to Council no later than 10:00am on the day of the meeting in order to be asked at the meeting.

Members of the public present at Council meetings must remain silent during the proceedings except when specifically invited to address the meeting. Mobile devices are permitted for silent use but must not be used for recording, talking or any usage that generates noise, unless permission is granted by the Chairperson of the meeting.

The Chairperson of the meeting may remove a person from the meeting if the person continues to interject or gesticulate offensively after being asked to desist. The Chairperson may cause the removal of any object or material that is deemed by them to be objectionable or disrespectful.

The Chairperson may call a break in a meeting for either a short time or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the meeting.

### RECORDING OF MEETINGS

Council meetings are recorded and streamed live on the internet. Recordings are archived and available on Council's [Youtube page](#).

All care is taken to maintain your privacy however as a visitor in the public gallery, your presence may be recorded.

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**1 OPENING DECLARATION**

We the Councillors of Golden Plains Shire declare that we will undertake, on every occasion, to carry out our duties in the best interest of the community and that our conduct shall maintain the standards of the code of good governance so that we may faithfully represent and uphold the trust placed in this Council by the people of Golden Plains Shire

**2 ACKNOWLEDGEMENT OF COUNTRY**

Golden Plains Shire spans the Traditional lands of the Wadawurrung and Eastern Maar Peoples.

Council acknowledges them as the Traditional Owners and Custodians and pays its respects to both Wadawurrung and Eastern Maar Elders past, present and emerging.

Council extends that respect to all Aboriginal and Torres Strait Islander People who are part of Golden Plains Shire.

**3 APOLOGIES AND LEAVE OF ABSENCE****4 CONFIRMATION OF MINUTES****Recommendation**

That Council confirms the minutes and confidential minutes, which remain confidential in accordance with section 3(1)(h) of the Local Government Act 2020, of the scheduled Council meeting held on 20 December 2022 as circulated.

**5 DECLARATION OF CONFLICT OF INTEREST****6 PUBLIC QUESTION TIME**

## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 LOCAL ROAD AND COMMUNITY INFRASTRUCTURE - PHASE 4 FUNDING ALLOCATION**

**File Number:**

**Author:** Ben Jordan, Manager Recreation & Community Infrastructure

**Authoriser:** Phil Josipovic, Director Infrastructure and Environment

**Attachments:** Nil

#### **RECOMMENDATION**

That Council:

1. Endorse allocating \$1,333,665 as part of the Federal Government's Local Roads and Community Infrastructure Program Phase 4 funding to the following projects (project allocations shown in brackets):
  - (i) Drainage Improvements - various locations (\$808,665)
  - (ii) Sebastopol Smythesdale Road (\$310,000)
  - (iii) Inverleigh Golf Club Septic System (\$150,000)
  - (iv) Ross Creek Public Toilet and Septic Upgrade (\$45,000)
  - (v) Safety Fencing Linton Recreation Reserve (\$20,000).
2. Note there may be opportunities to leverage (or consider leveraging) further funding from other sources utilising the Local Roads and Community Infrastructure contribution.
3. Note the list of projects endorsed by Council will be submitted to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for final approval.
4. Note that should any of the proposed items on the list above be considered ineligible for the LRCI program, a subsequent report will be provided to Council proposing alternative options.

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#### **EXECUTIVE SUMMARY**

Following continuing strong community and local government support, in May 2022 the Australian Government announced Phase 4 of the Local Roads and Community Infrastructure (LRCI) Program where an allocation of \$1,333,665 will be made available to Golden Plains Shire Council for projects to be delivered between 1 July 2023 and 30 June 2025.

This program assists local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local communities. As with previous rounds of the LRCI Program, councils can select a broad range of projects (community facilities, roads, traffic, bridges etc.) to deliver benefits to the community, such as improved accessibility, visual amenity and safety benefits.

At the time of writing this report, the guidelines for Phase 4 LRCI funding had not been released. Council Officers have determined and presented what are believed to be eligible projects that the funds can be allocated to based on the previous LRCI guidelines. It should be noted, the guidelines for previous phases did not vary in any significant way, and officers believe the Phase 4 guidelines will be very similar to previous versions. The projects presented cover a variety of locations and following Council endorsement, are required to be presented Department of Infrastructure, Transport, Regional Development, Communications and the Arts for approval.

## BACKGROUND

In May 2020, the Australian Government announced a new \$500 million Local Roads and Community Infrastructure Program (LRCI Program). This program was developed to enable councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic. Since that time, three phases of the LRCI Program have been rolled out with Golden Plains Shire Council receiving \$5.513 million in funding over that period.

Following continuing strong community and local government support, the Australian Government announced Phase 4 of the LRCI Program through the 2022-23 Budget in May 2022. Total funding for Phase 4 of the LRCI Program is \$750 million bringing the total Australian Government commitment to the LRCI Program to \$3.25 billion. Funding allocations are calculated in a similar way to how the Roads to Recovery Program and the road component of the Financial Assistance Grants works. This formula takes into consideration road length and population and is based on recommendations of Local Government Grants Commissions.

## DISCUSSION

An allocation of \$1,333,665 from the Department of Infrastructure, Transport and Regional Development, Communications and the Arts will be made available to Golden Plains Shire Council from 1 July 2023 as part of the Phase 4 of the LRCI Program for projects to be delivered by 30 June 2025. This longer delivery window (when compared to previous LRCI rounds) will allow Councils more time to plan larger or more complex projects that may be a higher priority and have a bigger impact in their community.

The guidelines for the extended program had not been released at time of writing this report, but based on the existing guidelines and available information regarding the extended program, officers believe the key eligibility criteria for projects to be nominated include:

- Projects eligible for funding are local road and community infrastructure projects that involve the construction, maintenance and/or improvements to council-owned assets (including natural assets) that are generally accessible to the public
- Projects must be delivered by 30 June 2025
- Projects must be additional to existing work plans
- LRCI funding cannot be used to substitute other funding sources, including Council budget allocations.

Following input from Councillors, Officers have compiled a list of potential projects (and draft costings) to fund under Phase 4 of the LRCI program as provided in Table 1 below.

**TABLE 1**

<b>Project</b>	<b>Proposed LRCI Allocation</b>	<b>Comments</b>
Drainage Improvements – various locations	\$808,665	Identification of locations/options currently being scoped through catchment studies.
Sebastopol Smythesdale Road	\$310,000	Road Safety improvements including intersection upgrades, application for speed limit reduction and drainage upgrades.
Inverleigh Golf Club Septic System	\$150,000	Council responsibility – existing system has reached end of life and replacement has been quoted.
Ross Creek Public Toilet and Septic Upgrade	\$45,000	Upgraded septic lines required and works at Ross Creek Recreation Reserve public toilets.
Safety Fencing Linton Recreation Reserve	\$20,000	Fencing along Highway with vehicles travelling at high speeds has been identified as major safety concern - chain mesh to replace old post/wire fence.
<b>TOTAL RECOMMENDED LRCI ALLOCATION</b>	<b>\$1,333,665</b>	

Table 2 below identifies other projects considered that were either not recommended or not supported by Councillors (for funding under LRCI Phase 4) at this point in time.

**TABLE 2**

<b>Project</b>	<b>Estimated Cost</b>	<b>Comments</b>
Purchase of a new / replacement Grader	\$438,665	To enable significant work on Council's unsealed roads network for a number of years. Clarity as to eligibility under LRCI had not been confirmed - if ineligible, the grader would've been replaced by the sealing of unsealed roads in a number of locations (program to be developed).
Play Space Upgrade – Shelford Recreation Reserve	\$150,000	Not funded in Play Space Strategy - existing equipment expected to reach end of life in 3-5 years and current play space location considered poor.
Teesdale Don Wallace Reserve – power upgrade, entry, traffic, parking works	\$180,000 (part)	Phase 2 to Phase 3 power upgrade is a priority quoted at \$50K. In addition, entry, safety and traffic works identified in Masterplan – would enable some initial design and staged works.
Meredith Recreation Reserve Improvements	\$250,000	Existing cricket nets at end of life, poor standard/ broken lighting and minor pavilion improvements are being costed/could be considered for around \$250K.
Smythesdale Sub-regional Play Space	\$1.2M - \$1.5M	Large scale project in planning phase. LRCI funds could be a part contribution (e.g. \$200K) and then trying to leverage funding from other funding streams to be considered initially.
Street Lighting LED Upgrade	\$386,000	Other funding options to be explored for this multi-year action of the Climate Emergency Plan. Note: street lighting assets are owned by Powercor but

		Council pays the operating and maintenance costs.
Maude Community Hub	\$1.1M	Federal election pledge of \$350K - estimated \$750K additional to deliver. Project requires design/scoping and clarity on Federal funding process and timing.

With the guidelines for Phase 4 of the LRCI Program yet to be confirmed at this point in time, the list of projects/items recommended for submission will need to be considered and approved by the Department of Infrastructure, Transport and Regional Development, Communications and the Arts.

Timely adoption of an agreed list of projects/items will enable Golden Plains Shire Council to make submissions to LRCI early in the application phase - which will soon be open to 537 Local Government Authorities Australia-wide. This will enable earlier approval of works to schedule into Council's delivery programs, noting that there will also be a significant amount of project planning and works to confirm/action funding commitments that were made to Golden Plains Shire during the 2022 Federal and State elections.

Should any of the projects/items in this report be deemed ineligible for LRCI funding, a subsequent report will be provided to Council proposing suitable alternatives.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

## **GOVERNANCE PRINCIPLES**

The overarching Governance Principles of the Act are a key consideration in proposing the utilisation of LRCI funding to deliver community infrastructure projects including:

- Priority is to be given to achieving the best outcomes for the municipal community
- Ongoing financial viability is to be ensured.

## **POLICY/RELEVANT LAW**

Many projects will need to be publicly tendered to comply with the contracting requirements of the Local Government Act and Council's Procurement Policy. Once projects are approved by the Federal Government, a legally binding funding agreement will need to be finalised.

## **ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

In accordance with Council procurement guidelines, the delivery of all LRCI projects will consider environmental sustainability in the purchasing of products/services and appointment of contractors.

## **COMMUNITY ENGAGEMENT**

Projects and items identified, that were either considered or proposed for LRCI funding, have been informed by engagement processes, feedback and priorities identified by the Golden Plains community.

## **FINANCIAL MANAGEMENT**

All the proposed projects have had preliminary investigations, and in some cases, design carried out. It is considered they will bring significant benefits to the community in advance of what would otherwise be the case if funding was not available.

The projects would be funded by the \$1,333,665 LRCI allocation noting that some of the projects may provide the opportunity to seek additional funding through State Government programs or grants.

## **RISK ASSESSMENT**

Key risks associated with this report include not being able to deliver the nominated projects within the budget or by the required completion date of 30 June 2025. The projects proposed have been identified and prioritised with this in mind and provide Council the best opportunity to deliver the within budgets and required timeframes in addition to existing programs.

## **COMMUNICATION**

A media release and information on Council's webpage will be prepared advising the community when the projects nominated for LRCI funding in this report are approved by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.

## **HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

## **GENDER EQUALITY**

The process of nominating potential projects for LRCI funding has been considered in accordance with s.9 of Gender Equality Act 2020 and no identified gender inequality implications have been identified.

In the implementation of any individual projects from this funding, Gender Impact Assessments (GIA) are to be considered and undertaken.

## OPTIONS

### Option 1 – That Council endorse the projects as recommended for funding under Phase 4 of the Local Roads and Community Infrastructure Program

This option is recommended by officers as an assessment of possible projects/items has been undertaken and the projects proposed are expected to meet the funding guidelines whilst delivering some significant projects that would not otherwise be funded.

### Option 2 – That Council decline the Phase 4 Local Roads and Community Infrastructure Program funding

This option is not recommended by officers as it represents a lost opportunity to deliver some significant road and community infrastructure projects.

### Option 3 – That the funding under Phase 4 of the Local Roads and Community Infrastructure Program be allocated to other projects

Council may choose to replace some or all the recommended projects/items. This option is not recommended by officers as the recommended projects have been considered with due consideration to asset management principles, ability to deliver in the required time frame, the expected funding guidelines and benefit for the broader Golden Plains Shire community.

## CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

## CONCLUSION

Phase 4 of the Local Roads and Community Infrastructure Program has been included in Federal Government Budget for implementation from 1 July 2023 to 30 June 2025.

It is recommended that Council allocate the \$1,333,665 being made available to Golden Plains Shire to the five items recommended in this report and submit to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for final approval.

Subject to approval, the LRCI Phase 4 projects will be further planned with deliverables and timelines communicated to stakeholders and the Golden Plains community.

## **7.2 COUNTRY FOOTBALL AND NETBALL PROGRAM APPLICATION - DON WALLACE RECREATION RESERVE OVAL UPGRADE**

**File Number:****Author:** Ben Jordan, Manager Recreation & Community Infrastructure**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** 1. Don Wallace Recreation Reserve (Teesdale) Masterplan**RECOMMENDATION**

That Council:

1. Endorse the preparation and submission of a funding application for the Don Wallace Recreation Reserve Oval Upgrade in Teesdale.
2. Endorse the allocation of an additional \$300,000 from the Open Space Reserve to the Don Wallace Recreation Reserve Oval Upgrade project in the draft 2023/24 Capex Budget to enable Council's financial contribution to the funding application.

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**EXECUTIVE SUMMARY**

Applications for the Victorian State Government funded Country Football and Netball Program (CFNP) are currently open to Councils to assist rural football and netball clubs to upgrade and develop community recreation facilities.

Following the recent development and adoption of the Don Wallace Recreation Reserve Masterplan in Teesdale, a project to upgrade the oval has been scoped and discussed with representatives from Sport and Recreation Victoria (SRV) and is considered suitable for a CFNP application.

It is proposed that officers undertake further planning and work to prepare and submit a CFNP funding application for the Don Wallace Recreation Reserve Oval Upgrade which will progress a major item identified in the Masterplan – this project will provide improved active recreation participation and social outcomes and also enable further future developments at the reserve.

Based on high level costings, Golden Plains Shire Council would be required to commit funding of \$400,000 to potentially leverage \$250,000 from SRV for a scope of works that will include resizing and alignment of the oval, fencing, subsurface drainage, irrigation and other supporting infrastructure. To enable this contribution, it is proposed that an additional \$300,000 be added to the draft 2023/24 Capex Budget from Council's Open Space Reserve

**BACKGROUND**

The Don Wallace Recreation Reserve, located at 1164 Shelford Bannockburn Road in Teesdale, was the subject of a master planning process that commenced in 2021 and was completed in 2022. The reserve is a Crown owned facility with management responsibilities delegated to Council, and then by agreement to the Don Wallace Recreation Reserve Committee of Management, which has driven sport participation and the development/activation of the reserve

A Masterplan (Attachment One) was completed for the Recreation Reserve with the support and input of stakeholders including Teesdale Cricket Club, Teesdale Junior Football Club, Teesdale Tennis Club, Teesdale Primary School and members of both the Recreation Reserve Committee of Management and adjoining Teesdale Grassy Woodlands.

The Masterplan was adopted by Council in October 2022 and provides strategic direction for the development and management of the Don Wallace Recreation Reserve for the period 2022 to 2032. It outlines clear and prioritised recommendations to assist in the scoping of potential funding/grant opportunities which aim to deliver facility improvements and increase participation.

A key component referenced in the Masterplan is the renovation of the oval to address the existing size, fencing, irrigation and surrounds. These improvements would all increase participation opportunities, but the current configuration and size of oval also limits access, parking, and safe circulation of vehicles/pedestrians within the reserve.

Upon completion of the Masterplan, a pre-election funding commitment was made by the Victorian State Government (Michaela Settle MP) for \$1.5M towards the construction of female-friendly changerooms at Don Wallace Recreation Reserve – it is expected further details on this commitment and funding process will be made available to Council in the coming months.

## DISCUSSION

### Country Football Netball Program

In early February 2023, details of a grants application round under Sport and Recreation Victoria's Country Football and Netball Program were announced. \$2.5M in State Government funding is being made available to assist regional football and netball clubs, associations and umpiring organisations to upgrade and develop facilities.

The relevant funding details for projects to assist rural football and netball clubs (competing in leagues affiliated with AFL Victoria Country) are:

Funding Amounts	Ratios	Projects Commence	Projects Complete	Applications Due
Up to \$250,000	SRV \$3:Local \$1	By December 2023	By December 2024	27 March 2023

Funding announcements for the CFNP grants are expected from June 2023 onwards.

Although funding applications do not require a formal resolution, the Don Wallace Recreation Reserve Oval Upgrade project (and required financial contribution) is being provided for Council endorsement prior to extensive further work being undertaken by officers, including engaging with community stakeholders.

### Don Wallace Recreation Reserve Oval Upgrade

Council Officers have conducted initial scoping discussions with SRV regional staff where appropriate projects were discussed should Council submit a CFNP application. Of these projects, an upgrade of the oval at Teesdale Don Wallace Recreation Reserve was considered favourable in terms of strategic alignment, scope, available funds and ability to deliver within timeframes.

Council have been strongly encouraged to apply for the maximum \$250K available to complete an oval upgrade at Don Wallace Recreation Reserve inclusive of the following elements:

- Oval Resizing and Alignment
- New Fencing (Black poly post and rail, chain mesh, concrete edging)
- Subsurface Drainage
- New Irrigation System
- New Coaches/Interchange boxes
- New Goal Posts
- Safety Netting - clubroom end (subject to funding/budget).

The initial estimated cost for the works to deliver the elements above equates to approximately a \$650,000 total project cost. Further work to undertake design and seek costings is in progress to ensure greater clarity and confirmation on project costs prior to submission of an application.

### Budget Implications for a CFNP Application

It is important to note that Council can allocate funds from the 2023/24 Financial Year (which is when the proposed project would be scheduled to commence).

Out of a proposed \$400,000 Council contribution, there is an additional \$300,000 required to be allocated in 2023/24 to progress this application. As provided in the report recommendations, it is proposed that a \$300,000 additional contribution be allocated from Council's Open Space Reserve to enable the Don Wallace Recreation Reserve Oval Upgrade project to potentially be funded in the Draft 2023/24 Capex Budget as follows:

Estimated Project Cost	Council Contribution 2023/24	SRV Funding Request
\$650,000 – further scoping being progressed.	\$100,000 Sports Oval Irrigation - already in draft Capex Budget. \$300,000 – Additional funding from Open Space Reserve to be provided in draft Capex Budget <b>Total Council Contribution \$400,000</b>	\$250,000 – maximum request from CFNP.

*Note: All dollars indicated are on the assumption that a CFNP application is successful*

Reducing the scope in terms of elements to be delivered, thus minimising Council's financial contribution to the project, has been considered (e.g., Council \$83K contribution for a total project cost of \$333K). However, indications from SRV are that an application for reduced scope is unlikely to be regarded as favourably in supporting participation outcomes as required by the County Football Netball Program.

The clear focus of a CFNP application would be towards achieving participation outcomes in active recreation for the Teesdale community. However, the Masterplan also clearly outlines that works to renovate/re-size the oval are a critical step to enable safe pedestrian and vehicle movement and access in and around the reserve. The Oval Upgrade project would be an important catalyst in addressing the priorities outlined in the Masterplan and enable greater future usability and development at the site, including actioning the State Government's 2022 election funding commitment.

Should the Country Football Netball Program application be unsuccessful, Council's 2023/24 financial contribution to the project would be withdrawn whilst further advocacy and funding opportunities for the project are explored.

### REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes

<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

## GOVERNANCE PRINCIPLES

The overarching governance principles in s.9 of the *Local Government Act 2020* provide for giving priority to achieving the best outcomes for the municipal community and that innovation and continuous improvement is to be pursued.

The adopted Masterplan for Don Wallace Recreation Reserve provided clear and prioritised opportunities for improved community infrastructure including identifying an Oval Upgrade as a significant improvement to create social and recreational and outcomes that align with community expectations. Scoping and preparation of external funding opportunities to address identified community and recreation priorities is also identified in the Council Plan 2021-2025 and Council's Sport and Active Recreation Strategy 2020-2030.

## COMMUNITY ENGAGEMENT

The community engagement principles under s.56 of the *Local Government Act 2020* were considered through engagement undertaken to develop the Don Wallace Recreation Reserve Masterplan.

Following endorsement of this report, extensive further engagement on the CFNP Oval Upgrade application will be undertaken with State Sporting Associations, Council departments, representatives from the Don Wallace Recreation Reserve Committee of Management and tenant clubs/users to inform the funding application process.

## PUBLIC TRANSPARENCY

One of the overarching governance principles in s.9 of the *Local Government Act 2020* is to ensure the transparency of decision making, actions and information. By seeking Council endorsement of the CFNP application and allocation of funding to the Oval Upgrade, Council is adhering to the public transparency principles in s.58 of the Act.

## STRATEGIES/PLANS

One of the overarching governance principles in s.9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making. This is further defined by the Strategic Planning principles under s.89 of the LGA 2020.

The preparation of the Don Wallace Recreation Reserve Masterplan was a strategic planning process engaging on future opportunities for this facility (including an Oval Upgrade) and aligned with the objectives and principles of the Golden Plains Shire Community Vision 2040, Council Plan 2021-2025 and Sport and Active Recreation Strategy 2020-2030.

## FINANCIAL MANAGEMENT

Consideration has been given to the financial management principles under s.101 of the *Local Government Act 2020*. The report details that an overall Council contribution of \$400,000 is required for the Oval Upgrade and an additional allocation of the \$300,000 from the Open Space Reserve is recommended in the 2023/24 draft Capex Budget to facilitate the funding application. As at June 2022, the balance of the Open Space Reserve was \$606,000 and is estimated will have a balance at June 2023 of \$1.02 Million.

Council's financial contribution to the project is nominal at this point in time for the 2023/24 Financial Year and can be withdrawn should the external funding application be unsuccessful, or Council choose not to proceed with a funding agreement.

## RISK ASSESSMENT

The preparation and submission of a funding application for the Don Wallace Recreation Reserve Oval Upgrade is considered low risk as it seeks to address a key item in the adopted Masterplan. The Masterplan process sought to mitigate the risks of insufficient planning and engagement with community to ensure that future facility development is informed by strong evidence and priorities.

If funded, the Oval Upgrade project and any future infrastructure improvements will be subject to further risk assessment processes. If not supported via the CFNP, Council will consider future options and funding opportunities for Don Wallace Recreation Reserve.

## COMMUNICATION

Following endorsement of the recommendations in this report, communication on Council's preparation of a funding application will be provided directly to internal and external stakeholders and partners involved in developing the Don Wallace Recreation Reserve Masterplan.

If the application for SRV funding is successful, online and media communications will be provided to the broader community including on the project scope, budget and delivery timelines.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

## GENDER EQUALITY

The process of preparing a funding submission for Don Wallace Recreation Reserve Oval Upgrade has been considered (in accordance with s.9 of Gender Equality Act 2020) to have identified no identified gender inequality implications.

If funded for delivery, a full Gender Impact Assessment will be required to be undertaken for delivery of the Oval Upgrade project.

## OPTIONS

Option 1 – That Council endorse the submission of the Don Wallace Recreation Reserve Oval Upgrade for the CFNP and allocate an additional \$300,000 to the project in the 2023/24 draft Capex Budget

This option is recommended by officers as the project has been identified as a key priority in the Reserve Masterplan and has been scoped as suitable for a CFNP application. The additional \$300,000 allocation will compete Council's contribution to the total project cost to potentially enable the leveraging of \$250,000 in Sport and Recreation Victoria funding.

Option 2 – That Council does not endorse the submission of the Don Wallace Recreation Reserve Oval Upgrade for the CFNP

This option is not recommended by officers as the adopted Masterplan outlines the oval upgrade as a key priority to improve the reserve/facility over the next ten years. The CFNP application

represents a strategic opportunity to progress this priority through a partnership/funding with Sport and Recreation Victoria.

Option 3 – That Council endorse the submission of the Don Wallace Recreation Reserve Oval Upgrade for the CFNP but does not allocate any further funding to the project in the 2023/24 draft Capex

This option is not recommended by officers as the funding application requires a Council financial contribution in the 2023/24 Capex Budget that would deliver a full oval upgrade in order to attract CFNP funding. Through discussions with SRV, a lesser project scope is unlikely to be considered favourably in terms of addressing broader activation, participation and safety outcomes.

### **CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

### **CONCLUSION**

The funding to deliver an Oval Upgrade at Don Wallace Recreation Reserve will progress a key item identified in the Masterplan for the Teesdale facility and the upgrade has been scoped and considered as an appropriate project for the SRV's Country Football Netball Program.

Subject to endorsement of the recommendations in this report, Council officers will continue work to prepare documentation, designs and costings to develop an application for the Oval Upgrade seeking \$250,000 in external funding. This will include allocating an additional \$300,000 in the draft Capex Budget 2023/24 to enable Council's contribution to the project.

Submissions for the Country Football Netball Program are due on 27 March 2023 and if successful, the \$250,000 in funding would contribute to delivery of the project between December 2023 and December 2024.

Further updates on recreation projects and funding opportunities will continue to be communicated to Councillors including the outcome of the submission for Don Wallace Recreation Reserve Oval Upgrade which is expected in June 2023.

### 7.3 DRAFT TREE PROTECTION AND MANAGEMENT POLICY

**File Number:****Author:** Brayden Lane, Coordinator Roads, Drainage and Town Maintenance**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** 1. Draft Tree Protection and Management Policy**RECOMMENDATION**

That Council:

1. Endorse the Draft Tree Protection and Management Policy for public exhibition.
  2. Receive a further report following the public exhibition period to adopt the Draft Tree Protection and Management Policy, with due consideration to any submissions received.
- 

**EXECUTIVE SUMMARY**

The current Tree Management Policy was identified as requiring additional information to support a tree management framework as part of an internal audit recommendation, undertaken in 2019 by Crowe consultants. Upon the recent appointment of qualified arborist Council officers in 2022, the policy has been updated to reflect current industry standards, best practice and to address the recommendations of the audit.

**BACKGROUND**

In October 2019, the Crowe audit report was prepared following Coroner recommendations to local government. The audit report focused on computer-based inventories, maintenance programs, risk assessment systems, formalising tree inspection programs and protocols and ensuring a qualified workforce to implement the works. The Crowe report identified that current Council tree management controls are inadequate. The policy update provides direction for a tree management framework, and directly addresses the key risks highlighted in the Crowe audit report.

**DISCUSSION**

Golden Plains Shire Council is committed to establishing a safe, well maintain and high amenity canopy coverage throughout the municipality. The Draft Tree Protection and Management Policy is the overarching document to the tree management framework.

The policy has been reviewed by relevant departments within Council to ensure all areas of the tree management framework have been addressed.

The following tree management actions have been addressed within the policy:

- **Tree Protection Requirements**: outlines protections from potential impacts resulting from development in accordance with *Australian Standard AS4970 - Protection of Trees on Development Sites*.
- **Tree Valuation Bonds and Payments**: explains valuation methods for raising and holding of bonds in relation to development, and/or enforcement procedures to prevent against potential damage to public trees.
- **Tree Planting**: in alignment with Council Environment Strategy 2019-2027 target to increase tree canopy cover, outlines planting suitability, permissions, species selection and standards criteria.
- **Tree Inspections**: identifies that a Council tree inspection program will be established and implemented through a risk based approach, and how it will be carried out within (and in response to) the Community.
- **Tree Pruning**: outlines responsibilities, statutory obligations, and standards that identify how and why trees will be pruned by qualified personnel.

- **Tree Removal**: outlines procedures and criteria for identifying and approving trees for removal.
- **Risk Management**: outlines that Council will take an informed risk based approach to tree management.
- **Tree Roots**: outlines how council will approach potential and actual impacts and claims associated with tree root damage and/or issues.
- **Significant Tree Inventory**: outline the criteria and process for trees to be registered as significant.
- **Electrical Line Clearance**: states the Responsible Authority, and that Council is not responsible for maintaining clearance around electric lines.
- **Community Communication, Consultation and Complaints**: outlines the process Council will follow manage complaints, communicate with the community.

The following procedures have been identified as priority actions. These procedures will be developed after the policy is adopted to ensure alignment, budget impact assessment and Council's risk framework. It is anticipated the following procedures will be developed in the 2023/24 financial year:

- **Tree Inspection**: Follow a risk based approach to tree inspection, including mapping and recording of tree assets. Prepare and commence implementation of a prioritised program of works.
- **Tree Pruning and Removal**: Follow a risk based approach to tree pruning and removal, including mapping and recording of information. Prepare and commence implementation of a prioritised program of works.
- **Tree Planting**: Identify a program of works for tree planting to increase canopy cover in alignment with the Environment Strategy.
- **Tree Protection**: Identifies the requirements for tree protection measures on development sites.
- **Arboriculture Reporting**: Provides a minimum requirement and structure for arboriculture reports submitted to Council in alignment with Australian Standards and best practice.
- **Significant Trees**: Identify a process for submissions, inspections, recording and mapping in the establishment of a significant tree register.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes

<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

## GOVERNANCE PRINCIPLES

In accordance with the Governance Principles s.9 of the Local Government Act 2020, the Tree Protection and Management Policy seeks to prioritise achieving the best outcomes for the municipal community, minimisation of risks and alignment with Australian Standards and industry best practice.

## ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The Draft Tree Protection and Management Policy seeks to contribute positively to sustainability principles identified within the Environment Strategy and Climate Emergency Response Plan. The policy has been updated to protect and increase tree canopy cover within the municipality, improve amenity and public safety for our community, and consider provision of habitat for some local fauna.

The policy identifies best practice for pruning and management to ensure longevity of public trees.

## COMMUNITY ENGAGEMENT

The Draft Tree Protection and Management Policy is recommended to be exhibited publicly for a four-week period for community feedback in accordance with Council's Community Engagement Policy.

## PUBLIC TRANSPARENCY

The Draft Tree Protection and Management Policy will be made publicly accessible providing transparency in framework and procedures for the management of trees, once the policy is adopted.

## STRATEGIES/PLANS

The Draft Tree Protection and Management Policy reflects the following items of the Council Plan 2021-25:

- 2.4.1 Provide high quality public spaces and infrastructure.
- 2.4.2 Maintain the amenity and cleanliness of townships, roadsides and public spaces.
- 3.1.1 Ensuring our native vegetation, ecosystems, flora and fauna and old growth trees are healthy and protected.
- 3.1.2 Value, promote and preserve our cultural and natural heritage for future generation.
- 3.3.1 Conduct land management practices and behaviours that enable a safe and thriving natural environment

This Plan reflects:

- Strategic Directions 3, Thriving natural environments, Environment Strategy 2019-2027

- Strategic Directions 3.1 Restore biodiversity and repair damaged ecosystems, Environment Strategy 2019-2027
- Strategic Directions 4, Invasive species, Environment Strategy 2019-2027
- Decrease the environmental impact of new developments in the Shire, Climate Emergency Plan 2022-2032.

## **FINANCIAL MANAGEMENT**

Budget has been allocated for tree clearing, roadside verge clearing and Cypress Avenue strategy and maintenance.

The tree clearing, roadside verge clearing budget items are currently managed by resourcing a reactive approach to tree management.

Additional budget may be required to implement a proactive approach to tree management through an ongoing inspection program. An initial risk based approach should be undertaken to determine priorities for tree management. These will include trees within Council controlled early years centres and other high public use areas.

## **RISK ASSESSMENT**

The Crowe report identified the lack of a Tree Management Framework as high risk. This policy is the overarching document for the Tree Management Framework and its strategic implementation assists with risk mitigation.

The Draft Tree Protection and Management Policy list procedures that must be created to form part of the Tree Management Framework, including tree inspection procedure that will outline timeframes of inspections, what will be inspected and how it will be inspected.

## **COMMUNICATION**

Officers will develop and print, online and social media content to inform the community of the public exhibition/community feedback process. Officers have also liaised with internal stakeholders.

## **HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

## **OPTIONS**

### Option 1 – Endorses the Draft Tree Protection and Management Policy for public exhibition and community feedback

This option is recommended by officers. The policy aligns with accepted industry standards, creates a tree management framework, identifies required tree management procedures and addresses key risks identified in the Crowe audit report (2019).

### Option 2 – Delay the endorsement of the Draft Tree Protection and Management Policy for public exhibition and community feedback

This option is not recommended by officers as it will delay the creation of tree management procedures and pose ongoing risk to Council and community until the Policy is adopted and implementation of key measures implemented.

### Option 3 – Do not adopt the Draft Tree Protection and Management Policy

This option is not recommended by officers. Key identified risks in the Crowe audit report (2019) will not be addressed.

## **CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

The Draft Tree Protection and Management Policy has been updated to reflect Australian and industry standards and to inform the development of a tree management framework.

The identified procedures will be created to map out process for the tree management framework.

The Policy has been developed to include all principles and requirements of the *Local Government Act 2020* and will be provided to the community for feedback.

Endorsement of the Draft Tree Protection and Management Policy for public exhibition and community feedback will create a tree management framework and identifies required tree management procedures, as recommended in the Crowe audit report.

## **7.4 CONTRACT VARIATION - MEREDITH-SHELFORD ROAD STAGES 4 & 5 RECONSTRUCTION**

**File Number:**

**Author:** Vicki Shelton, Manager Asset Services

**Authoriser:** Phil Josipovic, Director Infrastructure and Environment

**Attachments:** Nil

### **RECOMMENDATION**

That Council:

1. Approve the Meredith Shelford Road Stages 4 and 5 budget increase of \$60,000 to include the construction of upgraded Bridge Works.
  2. Approve the budget reallocation associated with the variation as outlined in this report.
- 

### **EXECUTIVE SUMMARY**

This report provides Council with information relating to the Meredith-Shelford Road Stage 4 & 5 reconstruction project (the Project). The report provides a brief background to the Project and the identification of additional required bridge upgrade works. Council is being requested to approve a variation to the original contract to include the bridge upgrade into the scope of works in line with Golden Plains Shire council Procurement Policy.

A full breakdown of project funding and expenditure items are included as well as recommended budget reallocation to cover the variation in cost.

### **BACKGROUND**

The tender for the Meredith-Shelford Road stage 4 & 5 reconstruction project was approved by Council in July 2022 for a sum of \$1,536,237.54 and is funded jointly from Local Roads and Community Infrastructure Fund (LRCI) and Roads to Recovery (R2R). The allocated budget for the Project is \$1.98 Million. To date officers have approved seven (7) variations, three (3) being additional subgrade works required to address soft spots (\$80.8K) and four (4) being for rectification works required following October and November storm events (\$172.8K).

The existing bridge along Meredith-Shelford Road at CH18572.96 is included in the Project for replacement. This bridge is composed of reinforced concrete beams, deck with masonry stone abutments and is about 6.1m long x 5.8m wide. Following detailed geotechnical and structural assessment of the bridge, it is proposed to upgrade the bridge by replacing it with a more up to standard structure with crown units and wing walls. The additional upgrade works impose an additional variation on the original approved contract to the value of \$144,771.29.

### **DISCUSSION**

Stages 4 & 5 are in the final stages of the Meredith-Shelford Road upgrade. The works are close to completion with the final task being the completion of the bridge replacement. An inspection of the bridge in 2020 identified failures due to undermining of abutments and concrete spalling on beams. An increase in usage by heavy vehicles and flood events in October and November 2022 have continued to cause further damage to the bridge.

The design of the project was completed in 2020 however an engineering assessment completed in October 2022 (following flood events) has determined that the bridge should be replaced and built to current standards. The bridge was included in the original contract however works only specified removal of the existing beams and installation of box culverts between the existing masonry piers using the existing foundations and overlay with asphalt. Following the updated

assessment, a more practical approach is to replace the whole structure to current standards with new piers, new foundations and new box culverts and wing walls with a concrete slab pavement and railings.

The current project widens the road to 7m to include 2 thru lanes with 100kph speed limit in each direction. The current bridge is 5.8m wide and the proposal will increase the width of the bridge to match the new road pavement.

If the bridge was not replaced the road would be narrow at this point creating a safety issue. Constructing the bridge to the original design will not provide the optimum long term function expected of our road network. Undertaking bridge works at a later date is likely to be at an increased cost and road closures will impact on road users.

The original bridge replacement price included in the tender was \$238,802.23. The new estimated bridge cost is \$383,574.52 therefore the variation for additional bridge works is costed at \$144,771.29 (Excl. GST). This work is comparative to the current Tannery Road floodway project which is of similar construction.

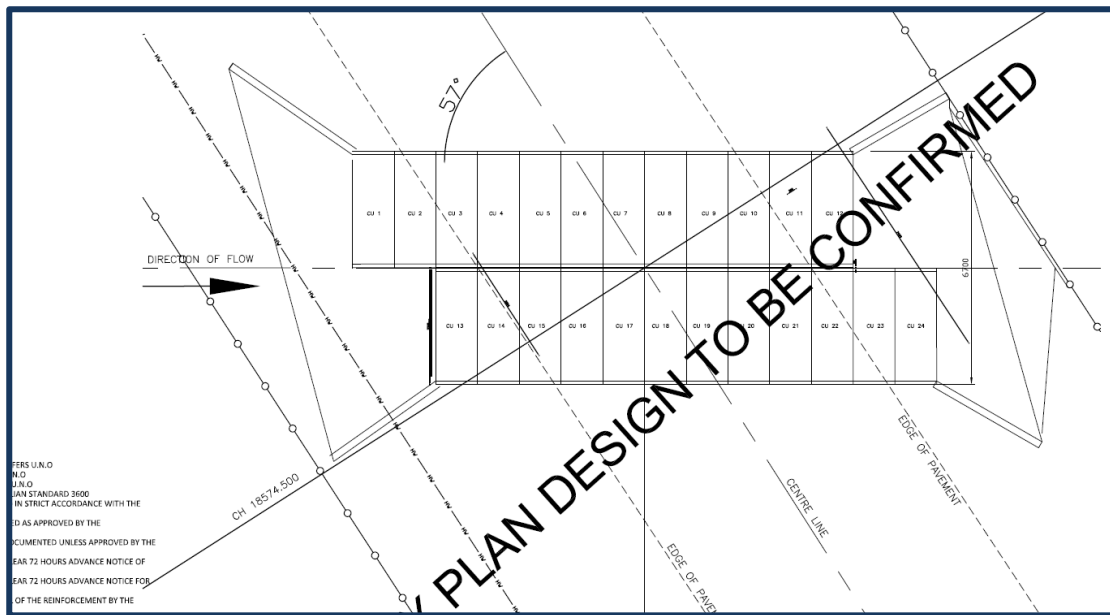
This report also seeks an additional \$100,000 contingency to be added to the project as the current bridge design is indicative and will also necessitate changes to guardrails.

As per the Golden Plains Shire Council Procurement Policy any variation amounts over and above 15% of an original contract sum must be approved by Council. The below tables outline the funding and expenditure summaries

<b>Funding Source</b>	<b>Amount (ex GST)</b>
LRCI – Stage 3 Meredith-Shelford Road stage 4	\$990,000
LRCI – Stage 3 Meredith-Shelford Road stage 5	\$667,810
Roads To Recovery – Meredith-Shelford Road stage 5	\$322,190
<b>Total</b>	<b>\$1,980,000</b>

<b>Construction Expenditure Item</b>	<b>Amount (ex GST)</b>
Original Contract Sum	\$1,536,237.54
Approved Variations Total	
VQ No.1-3 – subgrade works remove subgrade, stabilise pavement	\$50,807.50
VQ No.4-7 – additional rectification works due to flood event	\$172,819.42
<b>Total Expenditure to date – within budget</b>	<b>\$1,789,864.46</b>
Bridge variation	\$144,771.29
Contingency for final claims	\$100,000
<b>Total expenditure including variations and contingencies</b>	<b>\$2,034,635.75</b>
Variation above budget	\$54,635.75
<b>Proposed budget reallocation from within the Roads to Recovery program</b>	<b>\$60,000</b>

Refer below for layout design with 24 crown unit box culverts, wing walls and photos of existing bridge.



## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	No
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

### GOVERNANCE PRINCIPLES

The Meredith-Shelford Road Stage 4 & 5 project was procured by public tender. The variation estimate was provided by the awarded contractor.

### POLICY/RELEVANT LAW

The Golden Plains Shire Council Procurement Policy dictates that any contract variation exceeding 15% must be approved by Council. The variation to include the upgraded bridge construction works into the contract requires Council approval.

### COMMUNITY ENGAGEMENT

The community is kept informed of the road closures associated with the project works. Delaying the project will impact on road users.

### STRATEGIES/PLANS

Replacement of the bridge to current standards is in accordance with the Bridge Asset Management Plan.

## FINANCIAL MANAGEMENT

The tender is jointly funded from the Local Roads and Community Infrastructure Program Phase 3 Program (\$1,657,810) with the additional funding from the 2022-2023 Roads to Recovery Program (\$322,190) total budget \$1,980,000. The original tender \$1,536,237.54 was within the allocated project budget. However, with the required additional works plus already approved variations plus contingencies have increased the project expenditure to \$2,034,635.75. This is \$54,635.75 above the original budget, therefore it is recommended that additional funds of \$60,000 be reallocated from within the Roads to Recovery program to complete the project. The 2022/23 Roads to Recovery Program has unallocated funding of \$227K which is sufficient to cover the proposed overspend on the Project budget. The table below summarises the current status of 2022/23 Roads to Recovery budget allocation.

<b>Roads to Recovery Program budget 2022-2023</b>	<b>\$1,649,601</b>
• Meredith – Shelford Road stage 5 allocation	\$322,190
• Kopkes Road allocation	\$1,100,000
<b>Remaining funds unallocated</b>	<b>\$227,411</b>

## RISK ASSESSMENT

There are no identified risk implications associated with this report.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

## OPTIONS

### Option 1 – Approve the variation amount and the reallocation of budgetary amounts

This option is recommended by officers as it provides the lowest cost and most straight forward option to proceed enabling the project to be completed within the contract delivery dates.

### Option 2 – Not proceed with an upgraded bridge construction and build as per original tender

This option is not recommended by officers as the original construction proposed will provide a below standard facility that will not service the road users into the future.

## CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

## CONCLUSION

Subject to approval of the variation, these works will bring the bridge construction to current standards, completing this major road project that services the wider community between Meredith and Shelford.

## 7.5 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - QUARTER TWO ENDING 31 DECEMBER 2022

**File Number:****Author:** Rosie Wright, Coordinator Governance and Risk**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** 1. Councillor Expenditure - Q2 2022-23 (YTD)**RECOMMENDATION**

That Council:

1. Note the contents of the Councillor Expenses and attendance report for quarter two of 2022/23;
2. In accordance with section 23.5 of the Councillor Expenses and Entitlements Policy, approve for reimbursement the late claim submitted by Cr Rowe on 14 January 2023 for the sum of \$594.36 for travel expenses.

**EXECUTIVE SUMMARY**

The report provides a record of expenditure made on behalf of Councillors in the performance of their duties for quarter two of 2022/23. This report also includes quarterly updates on Councillor attendance at both scheduled and unscheduled meetings of Council, to provide transparency on Council decision making.

**BACKGROUND**

In accordance with legislation and policy, Councillors can be reimbursed for eligible out of pocket expenditure in relation to resources and training to undertake their role as Councillors.

Furthermore, Councillors have responsibility to provide leadership to the community including decision making on behalf of the community. The formal decision-making process is conducted through council meetings which are typically held on the fourth Tuesday of each month. The meetings provide an opportunity for community members to attend and if required, address the Council in support of their submissions. This report provides a regular update on Councillor attendance at scheduled meetings and unscheduled meetings of Council during the year. A summary of Councillor attendance at meetings is included in the Annual Report.

**DISCUSSION**

Summarised in the attached document are the figures for expenses for the Mayor and Councillors for quarter two of 2022/23.

The actual expenditure in comparison to the annual budget is as follows:

Category	Annual Budget \$	Actual \$ YTD	Percentage spent
Conferences & Training Expenses	17,735	6,073.82	34.25%
Travel Expenses	5,605	2,905.23	51.83%
Car Expenses	12,797	3,793.88	29.65%
IT & Communications	6,426	789.82	12.29%
Childcare Expenses	-	-	-
<b>Total Councillor Allowances</b>	<b>42,563</b>	13,562.75	31.87%

Please note that due to changes in account billing for IT and communications charges, the charges for this quarter will be reported in the next report.

### Late claim

The Councillor Expenses and Entitlements Policy (the Policy) states that claims for reimbursement of expenses are to be lodged on a quarterly basis within 14 days of the end of the quarter. Any late claims will only be reimbursed subject to a resolution of Council.

A claim for \$594.36 in travel expenses (being 762kms travelled between 12/10/2022 and 16/12/2022 and reimbursed at a rate of 0.78c/km in accordance with section 17.5 of the Policy) was submitted by Cr Rowe on 14<sup>th</sup> January 2023. As this was submitted more than 14 days following the end of quarter two of 2022/23, a resolution of Council is required in order to reimburse the claim.

### Councillor attendance at scheduled and unscheduled meetings of council

The table below outlines the Councillor attendance at both scheduled and unscheduled meetings of Council for quarter two of 2022/23.

Additionally, an unscheduled meeting was held in quarter one, which was not included in the quarter one report. This was held on 29 July 2022 and all Councillors were present. This meeting has been added to the YTD count below.

Council held the following meetings:

- 4 scheduled Council meetings held in October (25<sup>th</sup>), November (15<sup>th</sup> and 22<sup>nd</sup>) and December (20<sup>th</sup>)

Councillor	Scheduled meetings (4 meetings)	Unscheduled meetings (0 meetings)	Total meetings (4 meetings)	Total meetings (YTD 2022-23)
Brett Cunningham	4	0	4	8
Gavin Gamble	4	0	4	8
Ian Getsom	4	0	4	7
Helena Kirby	3 <i>Apology - October</i>	0	3	7
Les Rowe	4	0	4	7
Owen Sharkey	4	0	4	8
Clayton Whitfield	4	0	4	8

### REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No

<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	No
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

## POLICY/RELEVANT LAW

In accordance with section 41B of the *Local Government Act 2020*, Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.

The expenses outlined in this report comply with Golden Plains Shire Council's Councillor expenses and entitlement policy.

## PUBLIC TRANSPARENCY

In accordance with Section 58 of the *Local Government Act 2020*, information contained within this report complies with the public transparency principles.

## FINANCIAL MANAGEMENT

Councillor expenses and reimbursements are monitored against the annual financial budget to ensure expenses remain within the budget provision adopted.

## HUMAN RIGHTS CHARTER

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

## OPTIONS

Option 1 – That Council note the contents of this report.

This option is recommended by officers as it ensures compliance with legislated requirements.

Option 2 – That Council defer the report.

This option is not recommended by officers as the report provides an update on Councillor expenses and attendance for quarter two 2022/23 which has now finished.

## CONFLICT OF INTEREST

No officer involved in preparing this report has any conflicts of interest with regard to this matter.

## **CONCLUSION**

That Council note the contents of the Councillor Expenses and attendance report for quarter two of 2022/23 being the quarter ended 31 December 2022.

## 7.6 INSTRUMENT OF DELEGATION - COUNCIL TO CHIEF EXECUTIVE OFFICER

### File Number:

**Author:** Rosie Wright, Coordinator Governance and Risk

**Authoriser:** Lynne Gray, Director Corporate Services

**Attachments:** 1. S5 Instrument of Delegation - Council to CEO

### RECOMMENDATION

1. That the Council note the review conducted of the Conditions and Limitations of the S5 Instrument of Delegation (Attachment 1).
2. That this delegation be returned to the Council for review in February 2024.
3. In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (the Act), Golden Plains Shire Council (Council) resolves that –
  - i. 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.
  - ii. The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
  - iii. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
  - iv. 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.

### EXECUTIVE SUMMARY

The *Instrument of Delegation to Chief Executive Officer* must be re-made periodically to ensure it remains up to date and captures powers made or amended since the delegation was previously resolved by Council.

The Chief Executive Officer's delegation to determine any issue, take any action or do any act or thing is currently limited by a condition not to enter any contract exceeding the value of \$400,000 or make any expenditure that exceeds \$400,000. In response to the increasing cost of capital projects, an analysis of past tenders and benchmarking of similar Councils has been completed to inform the Council in determining the CEO's financial delegation.

### BACKGROUND

Council can act or make decisions in two ways, being through a resolution of Council or by an officer acting under delegation. Delegation by Council of powers is formalised via written instruments of delegation. Delegation of powers is essential to enable day-to-day decisions to be made.

The CEO has delegation to determine any issue, take any action or do any act or thing, subject to limitations. Council subscribes to the Maddocks Lawyers Delegations and Authorisations service, which provides template instruments of delegation and general advice about the function of delegations. The instrument of delegation from Council to the CEO is provided at attachment 1. The delegation to the CEO must be re-made periodically (typically annually) to ensure that

legislative powers created or amended since the delegation was previously resolved by Council are validly delegated to the CEO.

The CEO is currently delegated power to enter contracts or make expenditure, on the condition that the value of the contract or expenditure does not exceed \$400,000 (inclusive of GST). Previously, this amount was \$200,000 and was increased on 24 September 2019.

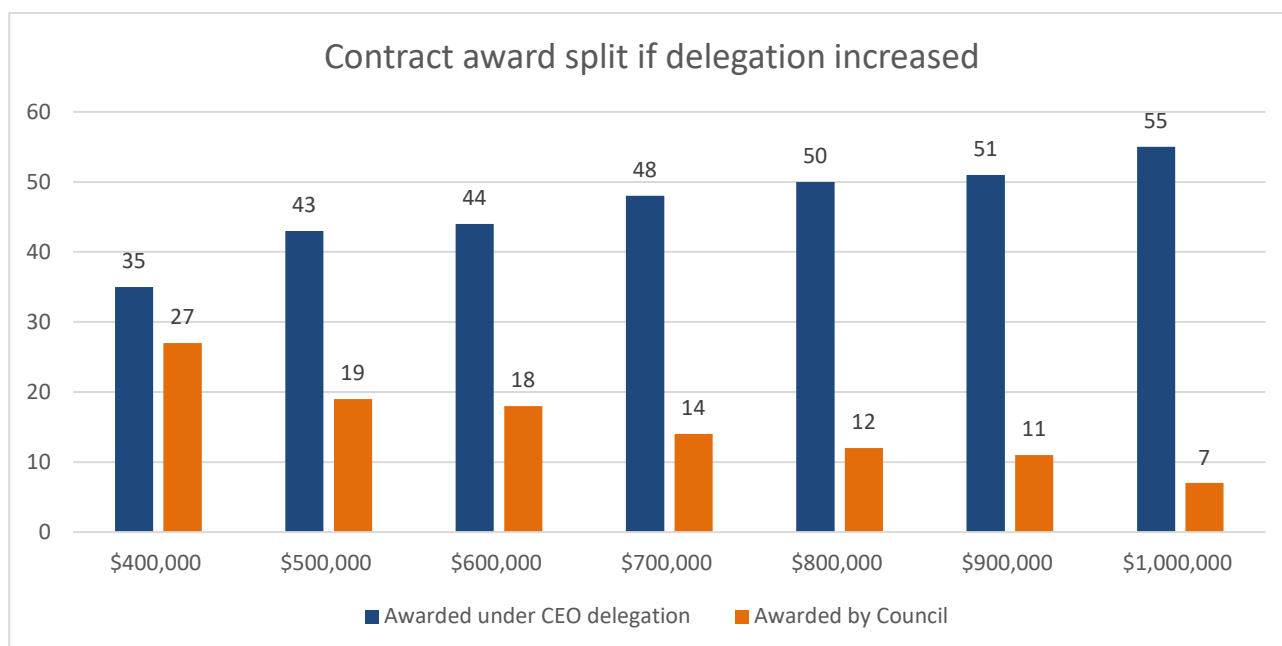
Procurement thresholds provide the procurement processes which must be followed for purchasing goods, services and construction works. An informal Contracts, Tenders and Grants advisory committee has been formed by the CEO, which is made up of the senior management team. The Committee receive and assess tender or quote evaluation reports for contracts or purchases between \$100,000 (which is over the delegation of a single Director) and under \$400,000. The Committee then makes a recommendation to the CEO as to whether the contract should be awarded or purchase made, following which the CEO exercises his delegation to award the contract or make the purchase.

## DISCUSSION

### Previous tender/quote analysis

A review has been conducted of all fixed price tenders and/or quotes from 2019 to December 2022 which have been assessed and awarded by either Council resolution (for those over \$400,000) or by the CEO on the recommendation of the Contracts, Tenders and Grants Committee. The seven (7) tenders which were costed on the basis of a schedule of rates were not included in the analysis.

62 tenders/quotes have been awarded by Council or the CEO throughout this time. Of the 62, 35 (or 56%) were under \$400,000 and were awarded by the CEO. 27 (or 44%) were over \$400,000 and resolved by Council. The below graph shows the impact on the number of tenders that would be awarded by the CEO or by Council if the CEO's delegation was increased, at \$100,000 increments.



If delegation is increased to (incl GST)	Awarded under CEO delegation		Awarded by Council	
	Number	Percent	Number	Percent
\$400,000	35	56%	27	44%
\$500,000	43	69%	19	31%
\$600,000	44	71%	18	29%
\$700,000	48	77%	14	23%
\$800,000	50	81%	12	19%
\$900,000	51	82%	11	18%
\$1,000,000	55	89%	7	11%

Average cost of tenders/quotes awarded under current \$400,000 delegation to CEO:	\$ 221,186.90
Average cost of tenders currently awarded by Council:	\$ 882,826.64
Average of all tenders/quotes:	\$ 509,320.34

### Benchmarking of other Councils

All other Council CEOs in Victoria have a similar delegation, subject to a financial limit. The below information provides the current CEO financial delegation for other peri-urban Councils, as well as similarly sized rural Councils. This information has been sourced from publicly available Council meeting minutes.

The Golden Plains Shire Council CEO delegation is below the average in both groups and notably is the lowest delegation when compared to other peri-urban Councils.

Peri-urban Councils	CEO Delegation
Golden Plains	\$400,000
Moorabool	\$550,000
Surf Coast	\$600,000
Baw Baw	\$750,000
Bass Coast	\$1,000,000
<b>Average:</b>	<b>\$660,000</b>
<b>Medium Rural Councils</b>	
Southern Grampians	\$150,000
Colac	\$300,000
Moyne	\$300,000
Moirra	\$350,000
Golden Plains	\$400,000

Corangamite	\$500,000
Glenelg	\$500,000
Swan Hill	\$1,000,000
Mt Alexander	\$1,000,000
<b>Average:</b>	<b>\$500,000</b>

### Aligning delegation to adopted Budget

Advice has been sought and has confirmed that the financial delegation can be structured in such a way that allows the CEO to enter into contracts or make expenditure up to a dollar figure limit (as is currently the case) or where the expenditure has been adopted in the annual budget with a dollar figure assigned, permit the CEO to enter into contracts or make expenditure provided it does not exceed the dollar figure in the adopted budget.

For example, if the usual CEO delegation is \$400,000 however the adopted budget includes \$1,000,000 for a bridge replacement project, this would allow the CEO to award a tender under delegation up to \$1,000,000 for that project. If the contract were to be recommended for award for an amount over the budgeted figure, the CEO would not have the power to enter that contract and a resolution of Council would be required.

In accordance with section 11(5) of the Local Government Act 2020, the delegation of a power to enter into a contract or make expenditure must specify a maximum monetary limit that cannot be exceeded. The delegation must therefore have an upper limit, but this can be achieved by reference to an amount approved in the budget provided it is clear what is being referred to.

Suggested wording would be:

*[restricted from...] entering into a contract exceeding the value of \$amount unless the contract is for a greater amount but that amount is less than the specific amount provided for the item in a budget approved by Council.*

As an example of the impact of this proposed change in the CEO delegation, the tenders approved in the current financial year (2022-23) have been reviewed. Of the four tenders that have been awarded by the Council in this financial year, one (specifically the Meredith Multi-Play Space) could have been approved by the CEO if the wording above was implemented in the CEO delegation.

Tender name	Comments
Meredith Shelford Road stages 4 and 5	Awarded for \$1,536,237.54 excl GST.  This contract could not have been awarded under CEO delegation as there wasn't a specific amount provided for the item in the budget but this was instead funded from a budget item containing funding intended to cover multiple projects.
Arthurs Lane Bridge Replacement	Awarded for \$443,716.77 excl GST.  This contract could not have been awarded under CEO delegation as there wasn't a specific amount provided for the item in the budget but this was instead funded from a budget item containing funding intended to cover multiple projects.
Meredith Multi-Play Space	Budgeted \$740,000, awarded for \$670,939.65 excl GST.  This contract could have been awarded under CEO delegation as the amount awarded does not exceed the specific amount budgeted for the item.
Rokewood Netball/Tennis Court	Budgeted \$651,000, awarded for \$670,659.70 excl GST.

Replacement	This contract could not have been awarded by the CEO under delegation, as the amount awarded exceeds the amount specifically budgeted for the item, due to inflationary pressures.
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### **Inflationary pressures to contracts and tenders**

Over the last two years, construction costs have risen at record rates driven by the demand for raw materials and the cost of labour. Whilst this is not unique to Golden Plains Shire, the smaller and more remote Councils have experienced a lack of competitiveness in the market for suitably qualified, commercial and civil contractors that can tender for and deliver projects outside of metropolitan areas. Multiple tender rounds have had to be conducted for certain projects where only a small number of responses have been received – that are often non-compliant, significantly above budget or both.

In relation to constructing Council facilities, commercial grade builds are required, and it is estimated that a \$400,000 build in 2019/20 would now cost well over \$600,000 to tender and construct. This is further complicated when external funding for projects is committed but the design and construction timeframe (to completion) can be anywhere from 10-36 months, leaving Council very exposed to market conditions/fluctuations and inflationary pressures in the interim period.

### **Difficulties/delays in appointing contractors**

Requiring a Council resolution following a public tender process in order to award contracts leads to a significant initial delay in the awarding and execution of a contract that can then have further compounding effects in delivery. An increase in time pressure on both the commencement of a project (Council is often required by funding bodies to start within 6 months) and the ability to meet milestones and have a completed, acquitted project is experienced in meeting government/grant requirements. For example, if a tender is evaluated and a recommendation as to award is finalised on 5 October 2022, the contract would not be awarded until 22 November 2022.

These delays become more problematic when government funding programs announce multiple projects at the same time, often towards the end of the calendar year (e.g. SRV and Growing Suburbs announced September/October). All of which places time pressure on small teams of staff to undertake multiple tender processes, simultaneously around holiday periods/staff leave, and without a Council Meeting until late February - possibly effecting project timelines by 2-3 months.

Many contractors in the current market seek to mitigate risk in RFQs or tender submissions by including a clause around prices being valid for only a limited number of days - this may be exceeded if delays occur due to timing of Council Meetings leading to potential price increases. Furthermore, many items of fleet/plant/materials have seen longer lead times required (especially since COVID) where delays in initial ordering result in extended delivery timelines and whilst waiting to hear on Council awarding tenders, contractors may choose to commence another project that is confirmed, and a Council project gets delayed.

Whilst not all issues will be solved through updates to delegations, any fast tracking of contractor appointment processes will likely allow Council to establish stronger relationships and greater flexibility/certainty with funding bodies (timing extension requests would be reduced) and contractors. As a \$150,000+ procurement threshold applies for tenders, CEO approvals would still go to the SMT contracts committee for confirming with full assessment reports for maintaining transparency (as currently occurs).

### **Increase to CEO financial delegation**

With the increasing inflation pressures on capital works, it is recommended that the financial limit on the CEO's delegation be increased.

The same confidential evaluation report that is completed and presented to the Council for tender award is completed for the Contracts, Tenders and Grants Committee for both tenders and quote procurement processes. It is a thorough and detailed report and presents a full view of the procurement process, from advertising and submissions through to a recommendation for award.

An example of the confidential tender/quote assessment reports that are provided to both the Contracts, Tenders and Grants Committee and to the Council have been provided to the Councillors.

An incremental approach to increasing the CEO financial delegation may also be considered. It is recommended that the CEO delegation is reviewed annually to ensure that it captures and includes any changes that are made to legislation in the time since it has previously been resolved. A modest increase could be applied and the delegation returned to the Chamber for further review and consideration of a further increase in 12 months time. Part 3 of the recommendation addresses this approach by including a 12 month review.

### **Audit and Risk Committee**

A similar report was provided to the Audit and Risk Committee on 20 October 2022 in keeping with past practice, as the 2019 increase to the CEO delegation was reviewed first by the Audit and Risk Committee. The current Audit and Risk Committee discussed and noted the report, commenting that they would leave any endorsement of the delegation amount to the Councillors.

## **REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

## **GOVERNANCE PRINCIPLES**

The CEO's delegation allows for decisions to be made quickly and efficiently to achieve the best outcomes for the municipal community, in giving effect to the overarching governance principles.

**POLICY/RELEVANT LAW**

Section 11(1) of the Local Government Act 2020 gives Council the power to delegate its powers, duties or functions under the Local Government Act 2020 or any other Act, other than those powers, duties or functions specified in section 11(2).

If the CEO delegation was changed, the procurement policy and processes would be updated to reflect the change.

**PUBLIC TRANSPARENCY**

The CEO delegation is resolved by the Council at an open Council meeting. This provides transparency to the public and transparency in relation to the process to expect when submitting a tender or quote for approval.

**FINANCIAL MANAGEMENT**

The CEO financial delegation impacts expenditure and contracts that the CEO can approve and enter into.

**RISK ASSESSMENT**

There are no identified risk implications associated with this report.

**COMMUNICATION**

The CEO delegation must be resolved by the Council. This will be communicated to the public in the minutes of the meeting.

Any changes would be communicated to the CEO and to the relevant business units, for example, Procurement.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

**OPTIONS**

Option 1 – That the Council re-make the delegation to the CEO with an increase to the financial delegation under 'Conditions and Limitations' points 1.1 and 1.2.

This option is recommended by officers to respond to inflationary pressures on construction contracts and tender costs. This may include applying an incremental increase to the financial delegation amount and reviewing the amount in a year to consider increasing by a further increment.

Option 2 – That the Council re-make the delegation to the CEO with the financial delegation remaining at \$400,000.00

This option is recommended by officers if option one is not adopted, however costs of construction and tenders are increasing significantly and project delays will increasingly be faced as contract costs increase.

Option 3 – That the Council defer the decision on the CEO delegation.

This option is not recommended by officers as the CEO delegation should be re-made periodically to ensure that any changes to legislation are captured in the delegation.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest with regard to this matter.

**CONCLUSION**

An analysis of tenders and quotes awarded over the last three years has been conducted, and benchmarking with other similar sized Councils has been collated. This information is now provided to the Council to re-make the CEO delegation and consider increasing the financial delegation.

## 7.7 GOVERNANCE RULES REVIEW

**File Number:****Author:** Rosie Wright, Coordinator Governance and Risk**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** 1. Governance Rules Chapter 2 - Draft for Consultation**RECOMMENDATION**

That Council:

1. Endorse the changes made to Chapter 2 of the Governance Rules (Attachment 1) for the purposes of community engagement, pursuant to section 60(4) of the Local Government Act 2020.
  2. Consider the Draft Governance Rules for adoption at the March 2023 Council meeting.
- 

**EXECUTIVE SUMMARY**

Council is required to develop, adopt and keep in force Governance Rules, pursuant to section 60 of the *Local Government Act 2020* ('the Act'). The Governance Rules were last adopted by Council in August 2022 following amendments to the Act. Prior to amending its Governance Rules, a Council must ensure that a process of community engagement is conducted, in accordance with section 60(4) of the Act.

In the six months of operation under the updated Rules, additional improvements to Chapter 2 – Meeting Procedures have been identified and drafted. These changes are presented to Council for endorsement and to commence a community engagement process. A final report to present any feedback from community engagement and to consider a final version of the Governance Rules for adoption will be presented at the March 2023 Council meeting.

**BACKGROUND**

The Governance Rules were first adopted by Council on 25 August 2020, as part of the implementation of the Act. A comprehensive review of the Governance Rules was conducted in 2022, following amendments to the Local Government Act 2020 that came into force on 2 September 2022. The amendments required Councils to include in their Governance rules procedures for requesting and approval of attendance by Councillors at Council meetings by electronic means of communication. The updated Rules were adopted by Council on 24 August 2022, ahead of the required September deadline.

**DISCUSSION**

With the benefit of six months of operation of the new provisions of the Governance rules, further changes have been identified to improve the operation and increase the accessibility of Council meetings. The changes have been made to Chapter 2 – Meeting Procedures, and a marked up copy showing the proposed changes is attached. All other chapters of the Governance Rules will be unchanged.

A summary of proposed changes and the purpose of the change is included in the table below.

<b>Rule</b>	<b>Proposed change</b>	<b>Purpose</b>
Rule 5.8(f) – Mayoral Election Process	Wording change, no change to process	This change is intended to improve clarity and remove ambiguity. The Mayoral election process is complex and is difficult to describe in clear and simple terms. This change to wording is intended to clarify that drawing of a lot will only eliminate one candidate at a time and following each elimination by lot, a vote will be repeated between the remaining candidates. This process will be repeated until a candidate is elected by absolute majority or until only two candidates remain.
Rule 34 – Public Question Time	<p>Clarity in process for public questions.</p> <p>Priority given to first question - Chairperson may defer the second question submitted by an individual until all persons have had their first question asked and answered.</p> <p>Additions to reasons that a question may not be read at a Council meeting.</p>	As only 30 minutes are allocated for public questions in Council meetings, these changes are intended to ensure efficient question time, in order to allow the maximum number of questions to be asked in question time as possible. Individuals submitting questions must still be present in the gallery, including by electronic means of communication, in order for a question to be answered during public question time and must read their question.
Rule 69 & 70 – Requests by Councillors to attend Council Meetings using Electronic Means of Communication	<p>Lowering the threshold for acceptance of a request to attend virtually.</p> <p>Providing the CEO with discretion to accept a request to attend virtually if it does not strictly adhere to the Rules.</p> <p>Shortening the timeframe for a request to be made from 24 hours to 3 hours.</p>	<p>The process of receiving requests by Councillors to attend Council meetings virtually was introduced with the amendments to the Local Government Act in September 2022. This process has now been used multiple times and learnings and improvements have been identified. Particularly, use of the virtual attendance process during weather events allows Council meetings and decision making to continue when Councillors may otherwise be unable to attend.</p> <p>These changes are therefore proposed to make it easier for Councillors to attend Council meetings electronically. Some restrictions do remain in place, for example where the meeting is being held in a location that does not have the facilities to support electronic attendance or where the meeting will consider the adoption of important strategic and statutory items, however the threshold for the CEO to grant a request to virtually attend one of these kinds of meetings has been reduced and no longer require 'extraordinary' circumstances.</p>

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

### GOVERNANCE PRINCIPLES

The Governance Rules will ensure adherence to the overarching governance principles in section 9 of the *Local Government Act 2020*. The governance principles have been considered throughout the review of the Governance Rules.

### POLICY/RELEVANT LAW

*Local Government Act 2020*

### COMMUNITY ENGAGEMENT

Community engagement will be conducted, allowing the community to review and make a submission on the draft documents prior to their finalisation and adoption by Council.

The *Local Government Act 2020* requires Council to ensure that a process of community engagement is followed in developing or amending its Governance Rules however, there is no legislative restriction or requirement as to the length of public exhibition period required.

The public exhibition of these documents will be advertised on the Council website and social media pages. The documents will be accessible via the Council website or in person at the Council offices.

Written submissions are invited from any person. Submissions must be received in writing by the date advertised and can be provided in the following ways:

- Through Council's website at <https://www.goldenplains.vic.gov.au/consultations>
- Emailed to [enquiries@gplains.vic.gov.au](mailto:enquiries@gplains.vic.gov.au)
- By mail addressed to the Chief Executive Officer, Golden Plains Shire Council, PO Box 111, Bannockburn, VIC 3331.

## **PUBLIC TRANSPARENCY**

The Governance Rules will be placed on public exhibition to provide community the opportunity to comment on the proposed changes and ensures that the process for making changes is in line with the public transparency principles under section 58 of the Act. The public transparency principles have been considered throughout the review of the Governance Rules.

## **RISK ASSESSMENT**

The *Local Government Act 2020* prescribes the provisions that must be included in the Governance Rules, as well as the process of engagement required in amending the same. Failure to engage with the community would lead to non-compliance with the Act.

## **COMMUNICATION**

A report was provided to Councillors at the December 2022 Councillor Briefing containing the proposed changes to be made to the Governance Rules.

Feedback from community engagement will be considered and suggested changes may be incorporated into the draft documents and presented to Councillors for further review before being presented for adoption at the Council meeting in March 2023.

## **HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

## **OPTIONS**

Option 1 – That Council endorse the draft amendments to the Governance Rules to be placed on public exhibition.

This option is recommended by officers to ensure that Council's Governance Rules are updated to continually improve and that the community engagement requirements under the Act are met.

Option 2 – That Council do not endorse the amendments to the Governance Rules.

This option is not recommended by officers as it is the opinion of officers that the additional changes recommended will enhance Council governance practices.

## **CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest with regard to this matter.

## **CONCLUSION**

The draft Governance Rules are being presented to Council to progress to public exhibition and community engagement in accordance with section 60(4) of the Act.

## 7.8 REVIEW OF INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

### File Number:

**Author:** Sophie Brown, Governance and Risk Specialist

**Authoriser:** Lynne Gray, Director Corporate Services

**Attachments:** 1. Instrument of Appointment and Authorisation - Planning and Environment Act 1987

### RECOMMENDATION

In the exercise of the powers conferred by s 147(4) of the *Planning and Environment Act 1987* and other legislation referred to in the attached Instrument of Appointment (the 'instrument'), Golden Plains Shire Council (Council) resolves that:

1. The members of Council staff referred to in the instrument as shown in Attachment 1 be appointed and authorised as set out in the instrument.
2. The Chief Executive Officer is authorised to execute the instrument by affixing the common seal in accordance with Council's Governance Rules.
3. The instrument comes into force immediately once the Common Seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 22 November 2022 is revoked.

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### EXECUTIVE SUMMARY

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council. The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last reviewed and adopted by Council in November 2022. A review of that instrument has now been completed and updated to reflect staffing changes that have occurred in the Planning team.

It is recommended that Council consider and adopt the revised Instrument, as shown at Attachment 1.

### BACKGROUND

The Chief Executive Officer (CEO) appoints the majority of authorised officers under Council's delegation to the CEO. However, under section 188(2)(c) of the *Planning and Environment Act 1987*, the appointment of authorised officers under this Act cannot be delegated and must be made through resolution of Council.

By authorising the relevant officers to act under the *Planning and Environment Act 1987* Council will ensure they have the required authority to carry out their roles within legislative requirements.

### DISCUSSION

Council subscribes to the Maddocks Lawyers Delegations and Authorisations service. This service includes the provision of templates and regular updates as required to reflect new or amended legislation.

The instrument of appointment and authorisation under the *Planning and Environment Act 1987* was updated by Maddocks Lawyers in July 2022. Authorised staff have been recently reviewed and the instrument has been updated to reflect staff changes in Council's Planning team.

Officers authorised to act under the *Planning and Environment Act 1987* have authorisation to enter sites, gather evidence or serve legal notices, etc. if required, as appropriate to their level of experience and qualifications.

The specific authorisations provided through this instrument include:

1. under section 147(4) of the *Planning and Environment Act 1987* – appointment as an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorisation generally to institute proceedings for offences against the Act and/or any regulations.

The proposed changes to the instrument are detailed below:

- Updated list of authorised officers following recent staff changes.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	No
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Consideration of the Gender Equality Act 2020 and obligations to conduct gender impact assessments on new or reviewed policies, procedures and services that have a significant and direct impact on the public)	No

## GOVERNANCE PRINCIPLES

The overarching Governance Principles have been taken into consideration when completing the update to the instruments of authorisation attached to this report.

## POLICY/RELEVANT LAW

The *Local Government Act 2020*; and

The legislation referred to in the attached Instruments of Delegation.

**ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

Delegation of powers provided by the *Planning and Environment Act 1987* will allow Council officers to exercise these powers in protection of the environment.

**PUBLIC TRANSPARENCY**

Council will make available for public inspection a register of authorisations, including the dates on which the last reviews took place.

**RISK ASSESSMENT**

- Authorised officers are required to ensure Legislative Compliance; and
- Authorisations mitigate risks associated with inappropriate exercise of powers.

**COMMUNICATION**

Council will make available for public inspection a register of authorisations, including the dates on which the last reviews took place.

Changes to the authorisations will be communicated internally.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

**GENDER EQUALITY**

This report has considered the gender equality principles as set out in the Gender Equality Act 2020. The gender impact assessment decision matrix has been completed and no gender impact assessment is required.

**OPTIONS**

Option 1 – That Council adopt the reviewed Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

This option is recommended by officers as this will ensure compliance with legislation and ensure the members of Council staff exercising these powers are appropriately authorised.

Option 2 – That Council defer the report.

This option is not recommended by officers as it will risk non-compliance with legislation and hinder Council staff who require these authorisations to perform their duties.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in relation to this matter.

**CONCLUSION**

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made by resolution of Council. The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last reviewed and adopted by Council in November 2022. A review of that instrument has now been completed and updated to reflect staffing changes that have occurred in the Planning team. It is recommended that Council consider and adopt the revised the Instrument, as shown at Attachment 1.

## **7.9 LOCAL GOVERNMENT PERFORMANCE REPORTING FRAMEWORK 6 MONTHLY REPORT**

### **File Number:**

**Author:** Sophie Brown, Governance and Risk Specialist

**Authoriser:** Lynne Gray, Director Corporate Services

**Attachments:** 1. Mid Year LGPRF Indicators Report - 2022-23

### **RECOMMENDATION**

That Council note the six-monthly report on the Local Government Performance Reporting Indicators (Attachment 1) for the period 01 July 2022 to 31 December 2022.

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### **EXECUTIVE SUMMARY**

Council is required under the *Local Government Act 2020* and Local Government (Planning and Reporting) Regulations 2020 to report on its performance in accordance with the Local Government Performance Reporting Framework (LGPRF).

Council's performance against LGPRF measures is reported to the Audit & Risk Committee and Council on a six-monthly basis and also included in the Golden Plains Shire Council Annual Report.

### **BACKGROUND**

The Local Government Performance Reporting Framework (LGPRF) is a key program developed by Local Government Victoria (LGV).

The LGPRF is a mandatory system of performance reporting that became a requirement for all Victorian Councils from the 2014-15 annual budgeting and reporting cycle onwards. It ensures that Councils are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the Local Government sector.

The framework is made up of 58 measures from a range of service areas, including roads, planning, animal management and waste. It is complemented by a Governance and Management checklist of 24 items, which shows the policies, plans and procedures in place at each Council. Together, they build a comprehensive picture of Council performance.

Council's performance against LGPRF measures is reported to the Audit & Risk Committee and Council on a six-monthly basis and also included in the Golden Plains Shire Council Annual Report.

### **DISCUSSION**

The six-monthly report at end of Quarter 2 covering the period 1 July 2022 - 31 December 2022 is provided (Attachment 1) for Council's information.

The data captured in the report shows Council's performance for the first six months of the 2022-23 year against the LGPRF indicators.

Data is measured against Quarter 2 performance from 2019-20 2020-21, 2021-22 and the 2021-22-year end result with the aim of maintaining all areas that were tracking well and improving those that weren't.

Council only reports on 55 of the indicators, as the remaining 3 relate to aquatic facilities that are not applicable. It should be noted that many of these indicator results are cumulative results and will increase each quarter, possibly changing the positive/negative status by 2022-23-year end.

A final report for the 2022-23 year will be provided to Council at either the September 2023 or November 2023 meeting pending finalisation of the end of year audit results.

In previous years, LGPRF data was uploaded to the 'Know Your Council' website and reporting system at the end of each financial year which allowed Council to track their progress against all Councils' in Victoria for the same period. From 31<sup>st</sup> December 2022 the performance data submitted by Councils' will be published via the Local Government Victoria website instead, and all web searches for 'Know Your Council' will be directed there.

Additionally, the LGPRF is undergoing changes in the second half of 2022-23 as Council works on the budget for 2023-24. As recommended by the Victorian Auditor-General in 2017, target setting is required from 2023-24, resulting from the amended Local Government (Planning and Reporting) Regulations 2022. As part of the budget process, Councils' must set targets against 8 of the 59 performance indicators. This requirement will be integrated into the 2023-24 Model Budget due for release in February 2023. At this time, Local Government Victoria will also release a LGPRF Target Calculator to assist in the setting of targets.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

## GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the *Local Government Act 2020*, the half-yearly reporting of the LGPRF Indicators to Council will specifically:

- Contribute to innovation and continuous improvement, and
- Ensure transparency of Council decisions, actions and information.

**POLICY/RELEVANT LAW**

Reporting on the LGPRF indicators ensures compliance with the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

**PUBLIC TRANSPARENCY**

Council's performance against the LGPRF measures will be presented to a public Council meeting six-monthly and year end and reported in the Golden Plains Shire Council Annual Report.

**SERVICE PERFORMANCE**

Reporting on the LGPRF Indicators provides valuable insights on the delivery of service performance principles under s.106 of the *Local Government Act 2020*.

**RISK ASSESSMENT**

There are no identified risk implications associated with this report.

**COMMUNICATION**

Council's performance against the LGPRF measures will be presented to a public Council meeting six-monthly and year end and reported in the Golden Plains Shire Council Annual Report.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

**OPTIONS**

Option 1 – That Council note the six-monthly report in its present form.

This option is recommended by officers as all available indicator results for the first half of the 22/23 period appear in the report.

Option 2 – That Council require further information.

This option is not recommended by officers as all available LGPRF indicators have been reported on. Further requests for additional information or changes may be implemented in future reports.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

Council is required under the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020* to report on its performance in accordance with the *Local Government Performance Reporting Framework (LGPRF)*.

The LGPRF is a mandatory system of performance reporting that ensures Councils' are measuring and reporting on their performance in a consistent way to promote transparency and accountability in the Local Government sector.

The six-monthly progress report for the period 01 July 2022 to 31 December 2022 is provided for Council's information (Attachment 1).

**7.10 COUNCIL PLAN 2021-2025 IMPLEMENTATION - QUARTER TWO****File Number:****Author:** Emma Whitelaw, Business Partner Performance and Change**Authoriser:** Brooke Holmes, Manager People, Performance & Governance**Attachments:** 1. Council Plan Implementation Report – Quarter 2**RECOMMENDATION**

That Council note the implementation of the Year 2, Quarter 2 actions (1 October 2022 to 31 December 2022) of the Council Plan 2021-2025.

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**EXECUTIVE SUMMARY**

This report is to update Council on the progress made in implementing Year 2, Quarter 2 actions in the Council Plan 2021-2025.

**BACKGROUND**

The Council Plan 2021-2025 is Council's commitment to delivering on the dreams and aspirations outlined in the Golden Plains Shire Community Vision 2040.

The Local Government Act 2020 requires that a Council Plan be prepared and adopted by 31 October in the year following a general election and that Council must address the strategic planning principles outlined in the Act in the preparation of its Council Plan and other strategic plans.

The Plan plays a key role in setting the strategic direction of Council for the Council term and ensuring an integrated approach is taken to planning, monitoring and performance reporting.

The Council Plan has been informed by extensive community engagement and expands on the four Themes of the Community Vision - Community, Liveability, Sustainability and Prosperity with the inclusion of an additional theme in Leadership. The Themes and Community Priorities provide the framework for Golden Plains Shire to align its strategic objectives and actions to for the next four years.

In addition, the Council Plan 2021- 2025 incorporates the Municipal Public Health and Wellbeing Plan (MPHWP) as required under the Public Health and Wellbeing Act 2008. This ensures the priorities for supporting, protecting, and improving the health and wellbeing of the Golden Plains Shire community are at the forefront of Council's strategic planning and are integrated across all Council services and initiatives.

**DISCUSSION**

Progress for the second quarter of Year 2 of the 2021-2025 Council Plan has continued across all pillars in the implementation of the Council Plan.

A detailed explanation of all actions completed are included in Attachment: 1. Council Plan Implementation Report – Quarter 2.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

Implications	Applicable to this Report
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	Yes
<b>Risk Assessment</b>	No
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

### GOVERNANCE PRINCIPLES

In accordance with the principles in Section 9 of the Local Government Act 2020, the quarterly reporting of the Council Plan will specifically:

- Contribute to innovation and continuous improvement.
- Ensure transparency of Council decisions, actions, and information.

### POLICY/RELEVANT LAW

The quarterly progress report is provided in relation to the Council Plan 2021-2025. Ongoing monitoring of progress is a requirement under section 89 of the LGA 2020.

### PUBLIC TRANSPARENCY

The Council Plan quarterly progress report is available for the public to view as part of the Council Meeting agenda or on request.

### STRATEGIES/PLANS

The quarterly Council Plan reports provide for ongoing monitoring of progress and regular reviews under section 89 of the LGA 2020.

**SERVICE PERFORMANCE**

The quarterly progress report focuses on Council's performance in relation to the actions of the Council Plan 2021-2025. Each quarterly report is a valuable tool in demonstrating service gains and improvements.

**RISK ASSESSMENT**

There are no identified risk implications associated with this report.

**COMMUNICATION**

The Council Plan quarterly progress report will be available for the public to view as part of the Council Meeting agenda or on request.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**OPTIONS**

Option 1 – that Council note the implementation of the actions contained in the Council Plan 2021-2025 for Year 2, Quarter 2 from 01 October 2022 to 31 December 2022.

This option is recommended by officers as the report is to provide an overview of the implementation of the actions contained in the Council Plan 2021-2025 for Quarter 2 from 01 October 2022 to 31 December 2022.

Option 2 – that Council require further information.

This option is not recommended by officers as the full content of the implementation of the actions throughout Year 2, Quarter 2 is accessible to Councillors.

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest regarding this matter.

**CONCLUSION**

As outlined in the attached report, actions for Year 2, Quarter 2 of the Council Plan 2021-2025 have commenced, with some well underway. Continued action and future planning will continue to see the successful progression and completion of the Council Plan 2021-2025.

## 7.11 QUARTER 2 FINANCE REPORT

**File Number:****Author:** Fiona Rae, Manager Finance**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:**

1. Financial Dashboard
2. Quarterly Finance Reports

**RECOMMENDATION**

That Council note the content in the Quarter 2 Finance Report for the 6 months ended 31 December 2022.

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**EXECUTIVE SUMMARY**

At 31 December 2022, the Income Statement reports total operating revenue of \$41.1m and total operating expenditure of \$23.1m, which results in a year-to-date surplus of \$18.0m. This is \$2.1m favourable compared to the original budget, and \$1.8m favourable to the revised budget.

The Capital Works Statement indicates total capital works expenditure (including commitments) of \$9.8m, which is \$1.1m above the original budget, and \$0.06m below the revised budget. The revised budget includes \$9.5m rolled forward for projects.

The Quarter 2 report was presented to the Audit and Risk Committee at the 14 February 2023 meeting for noting.

**BACKGROUND**

The contents of this report assists Council to gain assurance in relation to financial management of Council's operations. Section 138 of the *Local Government Act 1989* requires a statement, comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date, to be presented to Council at least every three (3) months.

Council has completed six (6) months of the 2022-23 financial year. The attached budget report has been prepared on an operating basis and includes a comparison of actual results for the period to 31 December 2022 to the annual budget adopted by Council for the following financial statements:

- Income Statement
- Balance Sheet
- Statement of Cash Flows
- Statement of Capital Works
- Corporate Summary
- Key Strategic Area Report
- Operational and Capital Grants

**DISCUSSION**

The operating result for the period is reporting a surplus of \$18.0m compared to the original budgeted surplus of \$15.9m and revised budgeted surplus of \$16.2m. This favourable variance of \$1.8m against the revised budget surplus is primarily due to:

- Rates and charges – Higher customer growth than budgeted
- Operating grants - \$500k Flood Support approved after the original budget was formulated and scheduled to be included in the revised budget as part of the March Q3 revisions.
- Capital grants – \$344k impacted by budget phasing of the Roads to Recovery grant

- Materials and services – underspend in recreation infrastructure maintenance \$390k, strategic planning \$314k, local roads resealing \$160k, community development \$113k and tree maintenance \$108k
- Employee Benefits – variance in budget phasing of July pay period 2 fortnights v actual phasing 1.6 fortnights

The 'Adjusted Underlying Result' removes any non-recurrent grants used to fund capital expenditure, non-monetary asset contributions and other capital contributions to fund capital expenditure from the operating result. This formula is prescribed within the *Local Government (Planning and Reporting) Regulations 2020*. At 31 December 2022 the 'Adjusted Underlying Result' is a surplus of \$10.5m, compared to a budget surplus of \$10.6m and revised budget surplus of \$8.6m. This favourable variance of \$1.9m to the revised budget is primarily due to variances in the operating result as outlined above (underspend in materials and services and employee benefits).

## Capital Projects

### Actual versus Budget

Total expenditure in the Statement of Capital Works (including commitments) is \$9.8m, \$1.1m above the original budget of \$8.7m, and \$0.6m below the revised budget of \$9.9m.

The capital program has delivered 113% of the YTD original budget and 99% of the YTD revised budget. The revised budget includes projects totalling \$9.5m rolled forward into 2022-23 for projects that span multiple years, mainly relating to LRCI Phase 2 & 3 (refer attached capital projects report).

### Delivery of Projects

A number of projects have been completed during the quarter as outlined below:

Project	Project Budget \$	Project Cost \$	\$ Variance	% Variance
Hino Tipper	\$210,000.00	\$231,085.00	\$31,085.00	14.8% unfavourable
Gang Mower	\$65,000.00	\$56,229.00	\$8,771.00	13.5% favourable
Three Trails	\$187,485.00	\$238,099.00	\$50,614.00	27% unfavourable

Any project savings made are transferred to consolidated revenue and provides opportunity to assist funding for the 2022-23 budget.

The following projects were carried over from 2021-22 into the 2022-23 year:

- Meredith-Shelford Road Stages 4 & 5 (awarded July 2022)
- Tannery Road floodway works road improvement (approved July 2022)
- Arthurs Lane bridge renewal (awarded September 2022)
- Playground refurbishments – Lethbridge Rec Reserve
- Cypress Tree replacement
- Meredith Skate Park (to be awarded in October)
- Leighdale Equestrian Upgrade
- Linton Oval Drainage Upgrade
- Netball/tennis court renewal

## Contracts approved under CEO delegation via the Contracts, Tenders and Grants Committee

As part of continuous improvement and reporting in relation to procurement activities, contracts that have been awarded between the values of \$200,000 and \$400,000 are presented to the Contracts, Tenders and Grants Committee to recommend for approval to the CEO. Contracts awarded between these values during the quarter are listed in the table below.

Contracts Awarded – Contract Value Between \$200,000 - \$400,000			
Project	Approved By	Awarded To	Contract Value \$
GPS-RFT-26a-2022 – Leighdale Centre Arena Project	CEO	Action Steel Pty Ltd	\$335,880.00

Council officers have been pro-active with earlier planning of projects and allocation of budgets than traditional processes, which has enabled a number of tenders to be issued and awarded well in advance of a normal year. Projects advertised during the quarter include:

- GPSC-RFT-18-2022 – Frenchmans Road 2 Bridges Replacement
- GPSC-RFT-21-2022 – Building Cleaning Services
- GPSC-RFT-24-2022 – Civic Centre Car Park Upgrade
- GPSC-RFT-26a-2022 – Leighdale Equestrian Centre Arena Project
- GPSC-RFQ-24-2022 – Excavator
- GPSC-RFQ-22-2022 – Smart Shires Network
- GPSC-RFQ-13-2022 – Truck Super Dog Trailers

The table below outlines tenders and subsequent contracts awarded during the quarter.

Project	Awarded To	Contract Value \$
GPSC-RFT-18-2022 – Frenchmans Road 2 Bridges Replacement	Road & Bridge Pty Ltd	\$1,095,026.00
GPSC-RFT-25-2022 – Rokewood Netball Tennis Court Upgrade	iDwala Pty Ltd	\$670,660.00
GPSC-RFT-23-2022 – Meredith Multi Play Space – Design & Construct	Convic Pty Ltd	\$670,940.00

In addition, if there have been any contract variations to contracts valued over \$200,000 greater than 10% but less than 15%, they will be reported to provide transparency in relation to variances. The following contract variation was approved during the quarter:

- GPSC-RFT-07-2022- Meredith-Shelford Road Widening Stage 4 and 5 (12.8%)

**REPORTING AND COMPLIANCE STATEMENTS***Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	No
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	Yes
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

**GOVERNANCE PRINCIPLES**

The Golden Plains Shire Council Quarterly Finance Report has been prepared in accordance with the *Local Government Act 2020*.

**POLICY/RELEVANT LAW***Local Government Act 2020**Local Government Amendment (Fair Go Rates) Act 2015**Local Government (Planning and Reporting) Regulations 2020*

Financial Plan

Annual Budget

**ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS**

Environmentally sustainable design and construction is included for all projects.

**COMMUNITY ENGAGEMENT**

A formal consultation process was not required.

**STRATEGIES/PLANS**

Financial reports are prepared ensuring consistency with Council's long term financial plan.

**FINANCIAL MANAGEMENT**

The Quarterly Finance Report is focused on the financial management and results for the reporting quarter. Council's financial management processes are in accordance with the *Local Government Act 2020*, *Local Government (Planning and Reporting) Regulations 2020*, Australian Accounting Standards and other mandatory professional reporting requirements. Financial sustainability is monitored by considering the financial result for the period and reporting key financial indicators on the financial dashboard.

**RISK ASSESSMENT**

There are identified risk implications associated with this report, detailed below:

In accordance Section 138 of the *Local Government Act 2020* a Quarterly Finance Report comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is required to be presented to Council at least every three months.

**COMMUNICATION**

The Finance Quarterly Report was presented to the Audit and Risk Committee at the 14 February 2023 meeting for noting.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (VIC).

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regards to this matter.

**CONCLUSION**

The content included in this report and the attached documents are consistent with the adopted Budget and Long-Term Financial Plan after taking in to account the movements described above.

**7.12 AUDIT & RISK COMMITTEE REPORT - 14 FEBRUARY 2023****File Number:****Author:** Sophie Brown, Governance and Risk Specialist**Authoriser:** Lynne Gray, Director Corporate Services**Attachments:** 1. Audit & Risk Committee Unconfirmed Minutes - 14 February 2023**RECOMMENDATION**

That Council note the unconfirmed minutes from the Audit & Risk Committee meeting held on 14 February 2023.

**EXECUTIVE SUMMARY**

This report is being submitted to Council to provide a summary of business considered at the 14 February 2023 meeting of the Audit & Risk Committee.

**BACKGROUND**

The Audit & Risk Committee (the Committee) is an independent advisory committee to Council. The primary objective of the Committee is to assist Council in the effective conduct of its responsibilities for financial reporting, management of risk, maintaining a reliable system of internal controls and facilitating the organisation's ethical development.

**REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

<b>Implications</b>	<b>Applicable to this Report</b>
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	No
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	No
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	No
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	No
<b>Communication</b>	No
<b>Human Rights Charter</b>	No
<b>Gender Equality</b>	No

(Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	
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**POLICY/RELEVANT LAW**

To remain compliant with Section 53 of *Local Government Act 2020*, the Audit and Risk Committee has been established to assist Council in fulfilling its responsibilities relating to risk management, financial management and control and reporting.

**PUBLIC TRANSPARENCY**

A summary of matters considered at the Audit and Risk Committee meetings is presented to an open Council meeting for transparency to the public.

**RISK ASSESSMENT**

There are no identified risk implications associated with this report.

**HUMAN RIGHTS CHARTER**

It is considered that this report does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).

**CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest with regard to this matter.

**CONCLUSION**

This report provides a summary to Council of business considered at the 14 February 2023 meeting of the Audit & Risk Committee. The next meeting of the Audit & Risk Committee will be held on 9 May 2023.

**7.13 DELEGATES REPORT & INFORMAL MEETINGS OF COUNCILLORS RECORDS****File Number:****Author:** Elise Holmes, Executive Assistant to the CEO**Authoriser:** Eric Braslis, CEO**Attachments:**

1. Informal Meeting of Councillors Informal Meeting of Councillors Record - 7 February 2023
2. Informal Meeting of Councillors Informal Meeting of Councillors Record - 21 February 2023

**RECOMMENDATION**

That Council receive and note the Delegates Report and Informal Meetings of Councillors for the past month.

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**EXECUTIVE SUMMARY**

At each Council meeting, Councillors have the opportunity to update their colleagues and the community about attendances at various Delegated Boards/Committees/Meetings that they attended on behalf of the Council and can acknowledge significant community events or Council functions / engagement opportunities that they have attended over the past month. This report contains records of informal meetings of Councillors as defined under Rule 1 of Chapter 5 of Council's Governance Rules.

**MANDATORY BOARDS / COMMITTEES / MEETINGS**

- Audit Committee
- G21 - Board of Directors
- Central Highlands Councils Victoria
- Peri Urban Group of Rural Councils
- Berrybank Wind Farm Community Engagement Committee
- Municipal Association of Victoria
- Geelong Regional Library Corporation
- Tourism Greater Geelong and the Bellarine Board
- Grampians Central West Waste & Resource Recovery Group - Local Government Forum
- Council Meeting, Strategic Briefing, Councillor Briefing and Portfolio meetings

**COMMUNITY ENGAGEMENT / EVENTS****Cr Cunningham**

- Meeting with Shelford / Barunah Plain Residents
- Announcement/photo opportunity with Catherine King MP at Berringa
- Back to School at Dereel
- Golden Plains Shire Council Community Awards
- Inverleigh Community Australia Day Breakfast
- Meeting with Lethbridge Residents
- Bannockburn War Memorial 100 Year Celebration

- Radio Interview with Rob Cameron - 94.7 Pulse FM
- Meeting with Beyond The Valley Organisers / Local Residents
- City of Ballarat/Trustees of Australian Ex-Prisoners of War Memorial - 19th Anniversary Service
- 2023/24 Online Budget Engagement Session
- Meeting with CEO and Michaela Settle MP
- Meeting with CEO and Martha Haylett MP
- Golden Plains Youth FReeZA Summer Sessions Event
- Quarterly Meeting with Department of Transport
- Smythesdale Arts and Music Fiesta
- Shelford Duck Race

**Cr Gamble**

- Council All Staff End of Year Celebration
- Surf Coast Shire's Pilk Purriyn Truth Telling Event, Torquay
- Golden Plains Shire Council Community Awards
- Multicultural Harvest Festival – Garibaldi
- Bannockburn Market
- Tracks and Trails Strategy - Community Engagements: Smythesdale, Bannockburn and Online
- 2023/24 Online Budget Engagement Session
- Youth Freeza Summer Sessions Event
- Friends of the Barwon Annual General Meeting
- Smythesdale Arts and Music Fiesta
- Shelford Duck Race

**Cr Getsom**

- Linton CFA Australia Day Breakfast
- Woody Yaloak Historical Society Australia Day Breakfast
- Golden Plains Shire Council Community Awards

**Cr Kirby**

- Dereel Men's Shed Annual General Meeting
- Bannockburn War Memorial 100 Year Celebration
- 2023/24 Online Budget Engagement Session
- Golden Plains Tracks and Trails Strategy - Community Workshops
- Active Ageing and Inclusion External Advisory Group Meeting
- Shelford Duck Race
- Wind Farm Meeting

**Cr Rowe**

- Meredith Golf Club Committee of Management Meeting
- Bannockburn War Memorial 100 Year Celebration

**Cr Sharkey**

- Golden Plains Shire Council Community Awards
- 2023/24 Online Budget Engagement Session

**Cr Whitfield**

- Golden Plains Shire Council Community Awards
- Inverleigh Australia Day Community Breakfast
- Golden Plains Shire MEMPC Meeting
- Bannockburn War Memorial 100 Year Celebration
- 2023/24 Budget Engagement Session
- Smythesdale Arts and Music Fiesta

**INFORMAL MEETINGS OF COUNCILLORS**

Rule 1 of Chapter 5 of the Governance Rules requires that if there is a meeting of Councillors that:

- a) Is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors.
- b) Is attended by an absolute majority of Councillors and one member of Council staff; and
- c) Is not a Council meeting, delegated committee meeting or community asset committee meeting.

The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- a) Tabled at the next convenient Council meeting; and
- b) Recorded in the minutes of that Council meeting.

Records of informal meetings of Councillors are reported to an open Council meeting in order to promote transparency of Council decisions, actions and information, in accordance with the Governance Principles as contained in s9(2) Local Government Act 2020. The informal meetings of Councillors records are attached to this report. Rule 6 of Chapter 5 of the Governance Rules provides procedures for the declaration of a conflict of interest at a meeting being held under the auspices of Council, which includes a meeting which meets the definition of an informal meeting of Councillors under Rule 1 of Chapter 5. The informal meetings of Councillors records attached include any declarations of conflicts of interest made at these meetings.

## **8 NOTICES OF MOTION**

### **8.1 NOTICE OF MOTION - SURPLUS LAND NORTH OF BANNOCKBURN RECREATION PRECINCT**

**File Number:** 72

**Attachments:** 1. Notice of Motion - Cr Les Rowe

I, Councillor Les Rowe, give notice that at the next Ordinary Meeting of Council be held on 28 February 2023, I intend to move the following motion:-

#### **MOTION**

That Council determine that the land declared as surplus at the Meeting on March 2021, situated north of the Bannockburn recreation precinct (3.5 HA) is necessary for future community needs and do not proceed to subdivision and sale at this time.

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#### **RATIONALE**

The rationale for this motion, Council ultimately decided at its March 2021 ordinary meeting with regards to the rezoning of land to support the said land as surplus. Appreciating that council has acted on the actual rezoning, the intent of this motion is to now deem this land as necessary for community needs.

Fellow councillors will appreciate that a lot has changed in the past two years and some will greatly appreciate that not enough community consultation was conducted. Given the rate of growth in our shire and the future demands that we constantly learn of it is now a time that we deem this land as necessary for future planning.

I commend this Notice of Motion to Council.

**9 PETITIONS**

Nil

**10 CONFIDENTIAL REPORTS FOR DECISION**

Nil