



AGENDA

Council Meeting

6.00pm Tuesday 23 May 2023

VENUE:
The Well
19 Heales Street, Smythesdale

NEXT COUNCIL MEETING
6.00pm Tuesday 6 June 2023

Copies of Golden Plains Shire Council's Agendas & Minutes
Can be obtained online at 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 Shire Hall (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 of the Council Meeting held on Wednesday 26 April 2023.

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

7 BUSINESS REPORTS FOR DECISION

7.1 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 Record - 2 May 2023
2. Informal Meeting of Councillors Record - 16 May 2023

RECOMMENDATION

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

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

- Citizenship Ceremony
- Ground Breaking Ceremony – Rokewood Wind Farm
- Official Opening Queenscliff Ferry Terminal
- Meeting with Catherine King MP
- ANZAC Day Services:
 - Linton Primary School
 - Bannockburn

- Teesdale
 - Shelford
 - Smythesdale
 - Bannockburn Football & Netball Club Match
- Golden Plains Arts Trail Launch
- EPA Governing Board Meeting
- Official Opening of the Ross Creek Play & Active Recreation Upgrade
- Golden Plains Farmers' Market
- Creators & Craft Market
- Mandatory Training | Workplace Behaviour incorporating Sexual Harassment
- Golden Plains Shire Council and Department of Transport and Planning - Quarterly Catch Up
- Community Leadership Program Presentation
- Council Draft Budget 2023/2024 Online Forum
- National Volunteers Week - Volunteers in Action Exhibition Opening
- Rokewood Netball and Tennis Courts Upgrade - Official Opening
- Progress Pride Flag Raising Ceremony
- YMCA Community Market
- Meeting with Martha Haylett, MP

Cr Gamble

- ANZAC Day Services:
 - Bannockburn
 - Teesdale
 - Shelford
 - Smythesdale
- Friends of Inverleigh Nature Conservation Reserve working Bee
- Anzac Day Services: Teesdale; Shelford; Smythesdale; Haddon
- Golden Plains Art Trail: Teesdale; Haddon; Smythesdale; Dereel
- Vera Scantelbury Brown OBE; sculpture launch, Linton
- Launch of the Mini Tech Hub at Meredith Sharing Shed
- Citizenship Ceremony
- Rainbow Flag Raising with Victorian Commissioner for LGBTIQ+
- Community Leadership Program Presentation
- Council Draft Budget 2023/2024 Online Forum
- Volunteers in Action Exhibition Launch and Speech
- G21 Transport and Planning Pillar Meeting
- Rokewood Netball and Tennis Courts Upgrade - Official Opening

Cr Getsom

- ANZAC Day Services:
 - Linton Primary School
 - Haddon
 - Smythesdale

Cr Kirby

- Citizenship Ceremony
- Ground Breaking Ceremony – Rokewood Wind Farm
- Active Ageing & Inclusion External Advisory Group Meeting
- ANZAC Day Services:
 - Corindhap
 - Rokewood
- Timber Towns Victoria General Meeting
- Community Leadership Program Presentation
- Council Draft Budget 2023/2024 Online Forum
- National Volunteers Week - Volunteers in Action Exhibition Opening
- Rokewood Netball and Tennis Courts Upgrade - Official Opening
- Progress Pride Flag Raising Ceremony

Cr Rowe

- ANZAC Day Services:
 - Meredith
 - Bannockburn Football & Netball Club Match

Cr Sharkey

- Citizenship Ceremony
- Ground Breaking Ceremony – Rokewood Wind Farm
- Progress Pride Flag Raising Ceremony
- Council Draft Budget 2023/2024 Online Forum
- Golden Plains Art Trails

Cr Whitfield

- Citizenship Ceremony
- Anzac Day Service – Inverleigh

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.

7.2 COMMUNITY STRENGTHENING GRANTS 2023 ROUND 1

File Number:

Author: Akemi Kida, Community Development & Grants Officer

Authoriser: Steven Sagona, Director Community, Planning & Growth

Attachments: Nil

RECOMMENDATION

That Council note and acknowledge the approved Community Strengthening Grants 2023 Round 1 for the value of \$30,241.45 to the following recipients:

- Woody Yaloak Historical Society – *‘Historical Themed Mural’* – \$5,000
 - St Mary MacKillop Catholic Primary School – *‘Indigenous Community Connections Project’* – \$7,000
 - Geelong Landcare Network – *‘Wildlife Hollows and Nesting Box Workshops’* - \$3,200
 - Smythesdale Cemetery Trust – *‘Gorse removal at Smythesdale Cemetery’* - \$1,500
 - Moorabool Valley Masters Football Club – *‘Goal Post Safety Padding’* - \$2,126
 - Haddon Community Learning Centre Inc – *‘Haddon CLC Community Kitchen Fridge/Freezer Replacement’* - \$3,635.45
 - Cape Clear Recreation Reserve – *‘Solstice Bonfire 2023’* - \$1,180
 - Inverleigh RSL Sub-Branch – *‘Inverleigh RSL Sub-Branch Internal & External Painting’* - \$6,600.
-

EXECUTIVE SUMMARY

Council’s Chief Executive Officer (CEO) has approved the funding of eight community projects, proposed by a variety of community groups through Council’s Community Strengthening Grants Program 2023 Round 1.

Council received nine applications during March 2023. The eight successful applications will be supported by a total Council contribution of \$30,241.45 across the grant streams as follows:

- Healthy Active Living: \$13,541.45 (for health and wellbeing, sports and recreation projects).
- Environment and Sustainability: \$4,700 (for environmental projects).
- Creative Community: \$12,000 (for arts and culture projects).
- Community Safety: \$0 (for safety related projects).

Council’s contribution of \$30,241.45 for the Round 1 Community Strengthening Grants 2023 will deliver in eight projects with a combined total project value of \$64,757. Some of the key community benefits across the eight projects are:

- Promoting increased physical activity and social connection
- Providing educational and social support services
- Enhancing and improving appeal of community spaces

Successful grant recipients will be acknowledged via a Community Strengthening Grants presentation at the Council Meeting on 23 May 2023.

BACKGROUND

The Community Strengthening Grants Program provides funding, expertise and support to not-for-profit organisations and community groups that deliver projects and programs aligned to the Golden Plains Community Vision 2040 and the Council Plan 2021-2025.

There are two rounds of grants annually with the funding of up to \$10,000 in the following four streams:

1. Creative Community
2. Environment and Sustainability
3. Health Active Living
4. Community Safety

DISCUSSION

Round 1 of the Community Strengthening Grants 2023 opened on 1 March and closed on 31 March 2023.

Community Engagement

Extensive promotion was delivered via the following:

- Council's website
- Media release
- Social media
- Community newsletters
- Golden Plains eGazette
- Emails to community groups, committees, and sport and recreation clubs
- Web banner

Drop-in information sessions were also held in Bannockburn, Smythesdale and virtually in March 2023. Due to low participation trends, in future these in-person information sessions will be replaced with grant writing workshops. These workshops will help community groups and organisations develop a quality application, and aid in identifying other funding opportunities using Grant Guru platform.

Assessment

An assessment panel was formed for each stream and was made up of Council's Community Development and Grants Officer along with two Council officers whose roles and/or expertise are directly related to each of the streams. The panels assessed each application individually using a program called SmartyGrants. Once the individual assessments were completed, these assessments were collated and the panel met to discuss each application, to finalise their funding recommendations to the CEO.

Nine applications were received for the Community Strengthening Grants 2023 Round 1 requesting \$39,241.45 in funding. All applications met the eligibility criteria and were assessed by an internal panel against the funding criteria set out in the Community Strengthening Grants Standard Guidelines.

One application was assessed as unsuccessful as the panel determined that further development and detail was required in the project plan. Council officers will contact the unsuccessful applicant to advise of the outcome and assist with future funding rounds or alternative options.

Program Analysis

This year's first round of the Community Strengthening Grants opened on 1 March 2023 (previously 1 April 2022). The earlier opening date better accommodates the Berrybank Wind Farm Community Grants Program. Accordingly, these grant programs are now staggered throughout the year as follows:

- 1 March: Round 1 of the Community Strengthening Grants Program open
- 1 June: Berry Bank Community Grants Program open
- 1 September: Round 2 of Community Strengthening Grants Program open

Awarding of Successful Grants

Councillors will be invited to recognise the eight successful grant recipients at the commencement of the Council Meeting on 23 May 2023. A short description of each group's project and the amount of funding awarded will be announced.

Representatives from the successful community groups will be invited to attend the Council Meeting in person or virtually.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

The Governance Principles under section 9 of the Local Government Act 2020 have been considered and applied both in the recent review of the Community Strengthening Grants program and in the assessment of applications in this round.

POLICY/RELEVANT LAW

Council 5.1 Community Grants Program Policy.

The Community Grants Program aims to enable community groups to further enhance the wellbeing and quality of life of the wider community in a partnership relationship with Council.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The Environment and Sustainability funding stream of the Community Strengthening Grants Program directly targets environmental sustainability, resilience and a healthy environment for communities in Golden Plains Shire.

COMMUNITY ENGAGEMENT

The following strategies were undertaken to promote the Community Strengthening Grants Program 2023, Round 1:

- Promotional articles published in the Golden Plains Gazette and in a number of community newsletters.
- Emails were provided to community groups, sport and recreation clubs, community and coordinators.
- A variety of articles and promotion was undertaken via Council's website and Social Media platforms including the promotion of drop-in sessions.
- One-on-one mentoring was offered and provided via meetings, online conferencing or over the telephone.

PUBLIC TRANSPARENCY

The Community Grants Program Framework was adopted in February 2020 and provides clear processes and criteria for public transparency in the submission, assessment and awarding of community grants.

FINANCIAL MANAGEMENT

Council's Annual Budget provides an allocation of \$140,000 toward the Community Strengthening Grants Program.

Proposed funding of \$30,241 in this round will be paid from the FY23/24 budget and will leave \$110,658 in budget for the Community Strengthening Grants Round 2, 2023 which is scheduled for September 2023. Berrybank Wind Farm Community Grants funding of \$68,333 will also be available for community applications for the FY 23/24.

RISK ASSESSMENT

A common risk associated with grant programs concerns the application of fair, consistent, transparent and merit-based assessment processes. The Community Strengthening Grants Framework is applied to the assessment of all applications for grants in the interests of a consistent approach to both identifying and mitigating risks to the community and Council.

COMMUNICATION

Communication on the outcome of all applications received for the Community Strengthening Grants will occur following this report being acknowledged by Council. A ceremony to award the grants at the Council meeting on 23 May 2023 will be undertaken and the outcomes will be promoted via Council's digital and print media platforms.

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

A Gender Impact Assessment has been conducted and there are no identified gender inequality implications.

OPTIONS

Option 1 – Council note and acknowledge the approved community grants recipients as detailed in this report.

This option is recommended by officers as the Community Grants Framework as adopted by Council in February 2020 has been applied to all grants applications and following an assessment process, the funded projects have been approved by the CEO.

Option 2 – Council do not acknowledge the approved community grants recipients as detailed in this report.

This option is not recommended by officers.

CONFLICT OF INTEREST

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

CONCLUSION

Council's Community Strengthening Grants Program is an important initiative that has been highly valued by the community for many years. Under Round 1 of the 2023 program, a further eight projects will be delivered, adding \$30,241 of Council investment and a total return of \$64,757 in total project value to local communities across Golden Plains Shire.

Representatives from the successful community groups will be invited to attend the Council Meeting in person or virtually.

7.3 INVERLEIGH DRAINAGE IMPROVEMENT PROJECT

File Number:**Author:** Vicki Shelton, Manager Asset Services**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** 1. Inverleigh Drainage Investigation Report**RECOMMENDATION**

That Council:

1. Receive and note the Inverleigh Drainage Investigation report as attached.
2. Proceed with the functional design and feasibility assessments of Options 1, 2 and/or 2a.
3. Note that each of the respective options relies on additional downstream works and broader drain maintenance to ensure that the works can achieve the most beneficial outcome without adversely impacting downstream properties.
4. Receive a further report outlining the detailed design, costs and the staged implementation program for improvement works prior to progressing to tender.
5. Redirect the \$545k Emergency Drainage and \$809k LRCI Drainage as shown in 2023/24 Capital works program towards the delivery of the preferred options identified in Recommendation 2.
6. Note that a further flood study will be undertaken in the coming months for the Bannockburn North and Bannockburn South area, which will result in recommended drainage improvement works incurring further costs.

EXECUTIVE SUMMARY

Water Technology were engaged in early 2023 to further investigate and model the Inverleigh North Catchment, taking into account the November 2022 storm event and identify and test mitigation options. The report recommends a number of options and combinations to minimise impact of flooding due to a 1% AEP rain event. Having reviewed the cost benefit of recommended options and their combinations, it is recommended that Option 1 combined with Option 2 and/or 2a should proceed to functional design and feasibility assessments.

BACKGROUND

Nuisance flooding of properties occurred in 2018 leading to mitigation works being performed in the Faulkner and Common Road swale drains in an attempt to increase capacity of the drainage system and manage stormwater flows in the catchment. Community concerns were raised around continued flooding post the works and hazards created by the deeper swale drains, as well as erosion occurring downstream along Common Road.

Water Technology Consultants were engaged in 2021 to undertake a flood investigation and drainage assessment for the residential area north of the township of Inverleigh. The assessment focused on the performance of the drainage network in the area of Faulkner and Common Roads. The report identified key areas of concern and potential options to mitigate or reduce flooding in the catchment.

The outcomes of the 2021 report identified that detailed modelling of the flooding risk within this location indicates an existing flooding risk to private properties. Typically, the flooding is characterised by shallow depths of relatively low hazard, as a result of inefficiencies and a lack of capacity in the drainage network. Several mitigation options have been tested aimed at reducing private property damage and improving drainage performance. It was recommended that Council consider further investigation to refine the most suitable outcome. Council was briefed in July 2022 post works undertaken and in November 2022 post the flood event. Water Technology were re-

engaged in early 2023 to model the November 2022 flood event and to identify and test further mitigation options. A further two studies by Water Technology will be undertaken in the coming months, one in the Bannockburn north area and one in the Bannockburn south area. These studies are likely to result in recommended drainage improvement works requiring budget allocations to be made. Once completed, these studies will be the subject of a Council report.

DISCUSSION

As part of the 2023 investigation, detailed flood mapping of a range of design flood events was completed. In addition, the modelling also produced maps based on a simulation of the November 2022 flood event, which significantly impacted a number of residential properties along Faulkner Road and King Road. It is noted that during the November event an estimated 80mm fell between 9:00 pm on the 13th and 9:00 am on the 14th, with the storm magnitude assessed to be in the order of a 0.5% AEP event - or 1 in 200 Year ARI. Best practice is to design drainage systems to cater for a 1% AEP event (1 in 100 year). The results of the November event mapping were validated against the recollections of the impacted residents and were shown to provide an accurate representation of observed flooding.

Based on the results of the flood mapping, an assessment of the functionality of the drainage network was completed. The drainage network within this part of Inverleigh consists of open drains along roadways and easements. These drains, which service a 160-ha catchment, are designed to outfall to two main locations along Common Road and at the end of King Road. The investigation found that the existing drainage infrastructure is insufficient for the catchment it services due to several factors, such as reduced system capacity (undersized), lack of maintenance (drain sedimentation and vegetation overgrowth), and design issues - including network slope and alignment in the lower catchment.

To address the identified drainage deficiencies a number of mitigation options were investigated. Council officers have prepared high level preliminary estimates of the options. Options identified by the consultant shown below and officer estimated costs are shown in brackets.

- Option 1 – Lowering of the intersection of Argyle Court and Faulkner Road to drain towards King Road – (initial estimate \$824,000).
- Option 2 – Increasing the flood retarding basin size at Gregory Drive by combining the 2 basin footprints into one larger basin – (initial estimate \$451,000).
- Option 2a – Increasing basin size and re-directing high-flows from the basin toward Common Road directly west, out falling via the existing gully and easements - initial estimate \$205,000).
- Option 3 - Lowering / re-grading Faulkner Road to Common Road to provide active flow path within the road – (initial estimate \$3.7m).
- Option 4 – Golf Club Diversion, redirecting flows from the upper catchment within a drain on the Golf Club site – (initial estimate \$260,000).

These options were tested individually and in various combinations as part of mitigation schemes, resulting in an improvement to flood conditions within the estate to varying degrees. The most meaningful reduction to flood depth and corresponding flood risk was shown to occur with Option 1 and Option 3. These options focus on reducing the likelihood of excess stormwater breaking out of the existing network and flowing south over properties fronting Faulkner Road towards King Road. These options benefit for additional works including Option 2, 2a and / or Option 4 (through Ultimate Scheme 5), all of which address deficiencies within the upper catchment.

Based on the findings of the modelling, it is recommended that Council proceed with functional design and feasibility assessments of the recommended options, in particular Options 1 and 2 and /or 2a. Noting that each of the respective options relies on additional downstream works and broader drain maintenance to ensure that the works can achieve the most beneficial outcome without adversely impacting downstream properties.

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

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

COMMUNITY ENGAGEMENT

Affected community members were consulted during the model development phase of the consultancy and have been informed of the progress of this project and will receive a copy of the drainage report and the outcome of Council's decision.

FINANCIAL MANAGEMENT

An additional \$545,000 has been allocated in the 2023-2024 budget for emergency drainage works. \$808,665 has been set aside from the LRCI phase 4 program for drainage works. The options proposed will be designed and costed, along with further advice on the capacity of Council to undertake works within available budgets.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Community members will be updated on the progress of works identified in the 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 – Accept the report recommendations and proceed with design and feasibility assessments for the recommended options

This option is recommended by officers as the most appropriate way forward to manage flooding in this catchment.

Option 2 – Not proceed with recommended works

This option is not recommended by officers as the drainage system assessment has shown deficiencies and therefore works are required to minimise impacts on properties in the catchment.

CONFLICT OF INTEREST

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

CONCLUSION

Based on the findings of the modelling, it is recommended that Council proceed with functional design and feasibility assessments of the recommended options – in particular Options 1 and 2 and/or 2a – noting that each of the respective options relies on additional downstream works and broader drain maintenance to ensure that the works can achieve the most beneficial outcome without adversely impacting downstream properties. Timing of delivery of works to consider available budgets and phasing. Maintenance activities also to be undertaken.

7.4 LOCAL ROAD AND COMMUNITY INFRASTRUCTURE - PHASE 4 FUNDING ALLOCATION - UPDATE

File Number:

Author: Phil Josipovic, Director Infrastructure and Environment

Authoriser: Phil Josipovic, Director Infrastructure and Environment

Attachments: 1. Proposed Road Upgrade Locations

RECOMMENDATION

That Council:

1. Note that an additional \$769,282 has been allocated to the Golden Plains Shire Council under Phase 4 of the Local Roads and Community Infrastructure (LRCI) Program for road projects.
2. Endorse allocating the additional \$769,282 to fund the Slate Quarry Road improvement project.
3. Note the project 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 Council endorsed projects from the initial LRCI Phase 4 allocation and the Slate Quarry Road improvement project be considered ineligible for the LRCI program by the Federal Government, a subsequent report will be provided to Council proposing alternative options.

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 \$1,333,655 will be made available to Golden Plains Shire Council for projects to be delivered between 1 July 2023 and 30 June 2025. On 3 May 2023, the Federal Government announced an additional \$250 million allocation under this program to rural, regional or outer-suburban councils to spend on roads. Council's additional allocation is \$769,282, bringing total Phase 4 funding to \$2,102,937.

This program assists local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local communities. Council has previously endorsed a list of projects to be undertaken with funding from the initial Phase 4 allocation. The additional funding recently announced is to be directed towards road projects. Council officers have detailed designs ready to be tendered for four priority road upgrade projects, two of which are already funded within existing budget and have been tendered. The remaining two are considered good candidates for the additional LRCI funds.

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 support 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 in May 2022 Phase 4 of the LRCI Program through the 2022-23 Budget. 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. On 3 May 2023, the Federal Government announced an additional \$250 million allocation under this program to rural, regional or outer-suburban councils to spend on roads. Council's additional allocation is \$769,282. bringing total Phase 4 funding to \$2,102,937.

DISCUSSION

An initial 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. The additional allocation of \$769,282 is required to be delivered within the same timelines but is expected to be used for road projects.

At its February 2023 meeting, Council endorsed a list of projects to be nominated for funding under the initial Phase 4 allocation.

Council Officers have compiled, in priority order, a list of four potential priority road projects (and draft costings) to fund under the additional allocation of the LRCI Phase 4 program as provided in the table below.

| Project | Proposed LRCI Allocation | Comments |
|---|--------------------------|--|
| Cape Clear-Rokewood Road (north) – 600m | \$321,000 | Road widening over sharp curve, address sight distance issues. Project has been funded through existing budgets (Council's annual road improvement program). |
| Cape Clear-Rokewood Road (south) – 580m | \$419,000 | Road widening over sharp curve, address sight distance issues. Project has been funded through existing budgets (Council's annual road improvement program). |
| Slate Quarry Road – 800m | \$780,000 | Widening to two lanes between Ballan-Meredith Road to existing two lane road. |
| Dereel-Rokewood Junction Road – 1500m | \$782,000 | Road widening over sharp curves and steep slope, history of crashes. |

Site locations are shown in Attachment 1.

It is recommended that the Slate Quarry Road works be endorsed for funding by the additional LRCI funding given it is the highest priority unfunded project.

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 be submitted and approved by the Department of Infrastructure, Transport and Regional Development, Communications and the Arts. Should any of the projects/items in this report and the February 2023 report be deemed ineligible for LRCI funding, a subsequent report will be provided to Council proposing suitable alternatives.

While the first two projects listed above appear to be possible candidates, it should be noted that all previous Phases guidelines required projects to be in addition to business as usual or already programmed activities. Given the first 2 projects above are already fully funded through existing budgets and programs, if they were nominated with a view to effectively re-direct their respective budgets to other areas, it is considered that this would not be approved by the Department of Infrastructure, Transport and Regional Development, Communications and the Arts.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

The nominated project 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

It is proposed a media release and information on Council's website be released following Council's resolution on preferred LRCI projects, with information to be updated following approval of projects by the Federal Government.

FINANCIAL MANAGEMENT

The proposed Slate Quarry Road improvement project is fully designed and ready to be issued for tender. The estimated cost of \$780,000 (inclusive of contingency allocation) is slightly above the allocated LRCI additional allocation, and any slight over expenditure can be managed within existing budgets if required.

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 project proposed has been identified and prioritised with this in mind and provides Council the best opportunity to deliver within the budgets and required timeframe in addition to existing programs.

COMMUNICATION

A media release and information on Council's webpage will be prepared following approval by the Federal Government of all projects nominated for LRCI funding.

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 Slate Quarry Road project as recommended for funding under extended 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 project proposed is expected to meet the funding guidelines whilst delivering a significant project that would not otherwise be funded in the near future.

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

This option is not recommended by officers as it represents a lost opportunity to deliver a significant road project.

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

Council may choose the nominated road project. This option is not recommended by officers as the recommended project has 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 additional \$769,282 being made available to Golden Plains Shire to the Slate Quarry Road improvement project outlined in this report and submit to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts for final approval.

7.5 TREE PROTECTION AND MANAGEMENT POLICY

File Number:**Author:** Brayden Lane, Coordinator Roads, Drainage and Town Maintenance**Authoriser:** Kate Milburn, Manager Environment and Open Spaces**Attachments:** 1. Tree Protection and Management Policy**RECOMMENDATION**

That Council adopt the attached Tree Protection and Management Policy.

EXECUTIVE SUMMARY

The DRAFT Tree Protection and Management Policy was first considered by Council at its 21 February 2023 meeting. Following Council endorsement to proceed to community consultation, the Policy was publicly exhibited in March 2023. Submissions received comprised minor feedback, all of which have been addressed within the updated Policy by the Environment and Open Space team. Community members that provided feedback were individually contacted and thanked for their contribution. Fundamentally, the feedback and updates have not changed the Policy intent.

The Policy is now being presented to Council for adoption.

BACKGROUND

In October 2019, the Crowe audit report was prepared following Coroner recommendations to local government on tree management. 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 preparation of the Tree Protection and Management Policy provides direction for a tree management framework, and 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 Tree Protection and Management Policy is the overarching document to the Golden Plains Shire Councils tree management framework.

The policy has been reviewed by the community, and relevant Golden Plains Shire Council departments to ensure all areas of the tree management framework have been addressed and that the community understands our commitment to tree protection and management.

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 |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020) | No |
| Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020) | Yes |
| Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020) | Yes |
| Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020) | Yes |
| Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020) | Yes |

| | |
|---|-----|
| Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020) | No |
| Risk Assessment | Yes |
| Communication | Yes |
| Human Rights Charter | No |
| Gender Equality (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 Tree Protection and Management Policy seeks to contribute positively to sustainability principles identified within the Environment Strategy and Climate Emergency 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 Policy was publicly exhibited for community comment from the 1st of March to the 22nd of March 2023, in accordance with Council's Community Engagement Policy. Three (3) community submissions were received. All submitters were from within the Golden Plains Shire. The Environment & Open Spaces team responded individually to each community member.

As a result of community feedback, minor updates have been completed as follows:

1. A grammatical change was made to section 3.6, as follows:
 - **Previous text:** *reference was made to a redundant section (5.11) of the Policy.*
 - **Updated text:** *This has been updated to correctly reference section 3.1.*
2. The following update to section 3.9 – Tree Removal has been made to ensure the Policy has the ability to absorb Responsible Authority name changes (for example, from DELWP to DEECA).
 - **Previous text:** *"Trees residing on DELWP land will require the approval from DELWP"*
 - **Updated text:** *" Trees residing on Crown land will require the approval from responsible authority."*

PUBLIC TRANSPARENCY

The 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 by Council.

STRATEGIES/PLANS

The 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 as well as Cypress Avenue maintenance strategy.

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 should 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 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.

There are no identified risk implications associated with this report.

COMMUNICATION

Officers informed the community of the public exhibition/community feedback process through online and social media content. 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).gender equality

OPTIONS

Option 1 – Adopt the Tree Protection and Management

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). The updated Policy has been updated to include the community consultation results.

Option 2 – Do not adopt the 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 regard to this matter.

CONCLUSION

The Tree Protection and Management Policy reflects Australian best practice and industry standards.

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

The Policy has been developed to include all principles and requirements of the *Local Government Act 2020*, and has been publicly exhibited for community comment.

Endorsement of the Draft Tree Protection and Management Policy will create a tree management framework and identifies tree management procedures, as per recommendations of the Crowe audit report.

7.6 SALE OF COUNCIL LAND IN BATESFORD

File Number:**Author:** Rosie Wright, Coordinator Governance and Risk**Authoriser:** Lynne Gray, Director Corporate Services**Attachments:** 1. Location of Land - Batesford**RECOMMENDATION**

That Council:

1. Note the submissions received in relation to the possible sale of the land.
2. Deem the land as shown on attachment 1 as surplus to Council's needs.
3. Authorise the Chief Executive Officer or his delegate to commence initial discussions with any interested parties and the statutory process required by s 114(2) of the Local Government Act 2020 to sell the land.
4. Receive a report to a future Council meeting for final determination of the process and conditions for sale of the land.

EXECUTIVE SUMMARY

Council owns a narrow strip of land in the Dog Rocks North Estate in Batesford which is unutilised for any Council or public purpose. The land appears best suited for sale. In order to commence the statutory process to sell, a planning permit needs to be obtained to remove the reserved status of the block, and Council is required to comply with section 114 of the Local Government Act 2020 which sets out the legislative process for the sale of Council land.

At its meeting on 25 October 2022, Council determined to conduct a community engagement process on the possible sale of the land. The responses to the community engagement are now presented to the Council for consideration.

BACKGROUND

Council owns a 2496m² narrow strip of vacant land in Batesford, situated between 39 and 45 Daruma Way, which is not in use for any Council or public purpose. Adjoining the land are private residential blocks. The land is 10 metres in width and 249.6 metres in length. It is not an appropriate site for subdivision. The land is zoned Low Density Residential, and its zoning was never altered to the Public Park and Recreation Zone. The development plan for the Dog Rocks North Estate endorsed in 2005, shows this strip of land classified as a walkway reserve, but has since ended up leading only to a private property. See attachment 1.

DISCUSSIONCommunity Engagement

Council determined at its meeting on 25 October 2022 to conduct a community engagement process on the possible sale of the reserve.

Community engagement commenced on 23 January 2023 until 22 February 2023. Members of the public could provide feedback online, by email or by post. Additionally, residents surrounding the land from Midland Highway, Fyansford-Gheringhap Road, to Dog Rocks Road received a letter by mail informing them about the property and seeking their feedback.

Respondents were asked to respond whether they agreed or disagreed with the possible sale of the land. If they disagreed with the possible sale, they were asked how they would like to see the land used. 15 responses were received. 6 agreed with the sale of the land and 9 disagreed. All but one of the respondents were from Batesford. Of those who disagreed, the preferred alternative use of the land was as a nature space with suggestions including planting of trees or shrubs,

vegetable gardens, walking path, installation of benches or playgrounds. All responses are provided below, with some information redacted as it would identify the submitter. Full unredacted submissions have been provided to the Councillors.

| Response by locality | Number of Responses | % of responses |
|----------------------|---------------------|----------------|
| Disagree | 9 | 60.00% |
| Batesford 3213 | 8 | |
| Teesdale 3328 | 1 | |
| Agree | 6 | 40.00% |
| Batesford 3213 | 6 | |
| Grand Total | 15 | 100.00% |

| Locality | Agree/disagree | Feedback comments |
|----------------|----------------|---|
| Batesford 3213 | Disagree | Plant a tree corridor (bushes) |
| Batesford 3213 | Disagree | As tree canopy and biodiversity disappears, why not plant with a row of suitable native trees? If the Council is not keen on the idea of planting and maintaining a tree corridor there to increase tree canopy in the area while introducing some extra habitat for wildlife, (birds, insects, reptiles etc.), then we suggest that the funds from its sale remain in Batesford and be directed to the environmental management of the Moorabool River Reserve in Riverstone. If the locals are keen to see this land sold then we doubt if they would object to the funds being used for another useful community purpose in Batesford, and the MRR at Riverstone would seem an obvious choice. |
| Batesford 3213 | Disagree | Community playground and garden (veggie) |
| Batesford 3213 | Disagree | Open space. Trees and shrubs planted, walking path, for local community |
| Teesdale 3328 | Disagree | Public Space. Trees, Park, Benches, Garden |
| Batesford 3213 | Agree | |
| Batesford 3213 | Agree | |
| Batesford 3213 | Disagree | used for parkland or recreation purposes. however, if land is sold then how and where will the proceeds be distributed? if sold the proceeds need to be distributed within Batesford estate, as it is property of the dog rocks estate council and will benefit Batesford residents. |
| Batesford 3213 | Agree | |
| Batesford 3213 | Agree | |
| Batesford 3213 | Disagree | The sale of this will lead to more subdivisions. [REDACTED] |
| Batesford 3213 | Disagree | I'd prefer to see it used for local landcare/nature groups, public play space or walk, etc. |
| Batesford 3213 | Disagree | Left as is |
| Batesford 3213 | Agree | |
| Batesford 3213 | Disagree | Walk way for people to use on walks. |
| Batesford 3213 | Agree | |

Options For Use

1. Sale

In accordance with Council's decision on 25 October 2022, a community engagement process has been completed. Council may now choose to declare the land surplus and commence a process to sell. In order to sell, a planning permit will need to be obtained to remove the reserved status on the block. The requirement for obtaining a permit is under Clause 52.02, Easements, Restrictions and Reserves and the relevant section of the Subdivision Act 1988 is section 24A.

Before selling the land, the Council must, in accordance with section 114(2) of the Local Government Act:

- (a) At least 4 weeks prior to selling or exchanging the land, publish notice of intention to do so;
- (b) Undertake a community engagement process in accordance with Council's Community Engagement Policy; and

- (c) Not more than 6 months prior to sale, obtain a valuation of the land.

A community engagement process has already been completed in relation to this land. Following the completion of the remaining statutory requirements (being publication of a notice of intention to sell and a valuation of the land), a report would be returned to the closed part of a Council meeting for a final decision to sell, as described in clause 9 of the Sale and Exchange of Council Land policy.

Benefits of sale include the investment of proceeds of sale into other projects including, as suggested in the community feedback, those local to the Batesford area, and a reduction in Council's maintenance responsibilities for the parcel.

2. Retain

A playground would not be suitable on this land due to the narrow width of the block. A playground on this site would not be able to meet the play space design principles provided by the Victorian State Government or the design criteria for play spaces under Council's Play Space Strategy. There is an existing play space less than one kilometre from the site, being the Dog Rocks Playground in Toolloora Way.

The site has been inspected by Council's arborist and would be suitable for single row tree planting on one side of the parcel. This would allow access for future maintenance of the trees and grass.

Retaining the land for the purposes of tree planting would support the Council Plan under objective 2.4 – Attractive and well-maintained infrastructure and public spaces and objective 3.1 – Valuing and protecting nature, cultural heritage and the environment. It would also support the Environment Strategy 2019 – 2027 and the Climate Emergency Plan.

Retention of the parcel would keep responsibility for grass and any trees that are planted with Council, as well as creating a possible future risk of liability from tree related damage. This risk could be mitigated by species selection and proactive inspection schedules, which are planned for development in accordance with the draft Tree Management Policy.

There is currently no allocation in the budget for works on this parcel.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

| Implications | Applicable to this Report |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020) | No |
| Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020) | Yes |
| Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020) | Yes |
| Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020) | No |
| Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020) | No |
| Service Performance | No |

| | |
|--|-----|
| (Consideration of Service Performance Principles under s.106 of LGA 2020) | |
| Risk Assessment | No |
| Communication | Yes |
| Human Rights Charter | No |
| Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020) | No |

GOVERNANCE PRINCIPLES

The recommendations of this report are proposed with a view to achieving the best outcome for the municipality.

POLICY/RELEVANT LAW

- Subdivision Act 1988
- Local Government Act 2020

COMMUNITY ENGAGEMENT

In accordance with section 114 of the Local Government Act 2020, before selling or exchanging land, Council must publish a notice of intention to do so 4 weeks prior on Council's website, and in any other manner prescribed by the regulations, and undertake a community engagement process in accordance with Council's Community Engagement Policy.

A community engagement process has been conducted in accordance with Council's October 2022 decision.

PUBLIC TRANSPARENCY

In accordance with section 58 of the Local Government Act 2020, this report will be made publicly available as part of the Council Meeting Agenda.

RISK ASSESSMENT

There are no identified risk implications associated with this report.

COMMUNICATION

Community engagement has been undertaken in accordance with Council's October 2022 decision.

If a decision is made to declare the land surplus and commence the statutory process to sell the land, a notice of intention to sell would be published on Council's website.

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 – Declare the land as surplus, seek a planning permit to remove the reserved status on the block, and commence the statutory process to sell

This option is recommended by officers as the suitable uses of the land are limited due to its shape.

Option 2 – Retain the land

If Council chooses to retain the land, the suitable uses are limited due to the shape of the parcel.

CONFLICT OF INTEREST

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

CONCLUSION

The strip of Council land provides no current benefit to the community nor would it be a suitable site for subdivision. Subject to process outlined in this report, sale of the land would allow for better use of this land.

7.7 COUNCIL PLAN 2021-2025 IMPLEMENTATION - QUARTER THREE

File Number:

Author: Emma Whitelaw, Business Partner Performance and Change

Authoriser: Brooke Holmes, Manager People, Performance & Governance

Attachments: 1. Council Plan Implementation Report – Quarter 3

RECOMMENDATION

That Council note the implementation of the Year 2, Quarter 3 actions (1 January 2023 to 31 March 2023) of the Council Plan 2021-2025.

EXECUTIVE SUMMARY

This report is to update Council on the progress made in implementing Year 2, Quarter 3 actions in the Council Plan 2021-2025. Overall, implementation of the Council Plan has progressed well in Quarter 3, with majority of Council Plan Actions on track for completion during Quarter 4.

BACKGROUND

The Council Plan 2021-2025 is Council's commitment to delivering on the 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 third 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 3.

Delivery of Year 2 Council Plan Actions continue to progress well throughout Quarter 3. Majority of actions are on track for completion during Quarter 4, with the exception for actions surrounding waste management services, the review of hard waste initiatives and Council delivered opportunities and employment pathways for local residents.

Delays in these actions have been highlighted internally and Council Officers continue to work with the Senior Management Team to address factors which are causing a delay in the achievement of these actions.

Key achievements from the Community, Planning and Growth directorate for Quarter 3 include the completion and official opening of the Vera Scantlebury sculpture in Linton, progress on the draft Growing Places Strategy public exhibition, commencement of a 15hr per week 3-year-old kindergarten program and continuous development of the Bushfire Resilience project.

Key achievements from the Infrastructure and Environment directorate for Quarter 3 include the completion of the Ross Creek Play Space and Active Recreation Upgrade, Haddon Trail Extension, Rail Trail Improvements and Moorabool Reserve Master Plan community consultation. Further highlights include Stage five of the Meredith-Shelford Road and Arthurs Lane Bridge in Grenville achieving 80% completion and completion of the Tannery Road Floodway upgrade.

Key achievements from the Corporate Services directorate for Quarter 3 include the continuous focus on supporting good governance and decision making through the delivery of training programs, enhancements to meeting agendas and delegation reviews. Further highlights include the project design and implementation of the Smart Shires and Core Systems Transformation projects and the continued development of People and Culture activities, including improvements to the capabilities and functionality of the Aurion system.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

| Implications | Applicable to this Report |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020) | No |
| Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020) | No |
| Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020) | Yes |
| Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020) | Yes |
| Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020) | No |
| Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020) | Yes |
| Risk Assessment | No |
| Communication | Yes |
| Human Rights Charter | No |
| Gender Equality (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 3 from 1 January 2023 to 31 March 2023.

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 3 from 1 January 2023 to 31 March 2023.

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 3 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 3 of the Council Plan 2021-2025 are well underway. Continued action and future planning will continue to see the successful progression and completion of the Council Plan 2021-2025.

7.8 FINANCE REPORT - QUARTER 3

File Number:

Author: Fiona Rae, Manager Finance

Authoriser: Lynnere Gray, Director Corporate Services

Attachments: 1. Financial Dashboard
2. Finance Reports

RECOMMENDATION

That Council note the Quarter 3 Finance Report for the 9 months ended 31 March 2023.

EXECUTIVE SUMMARY

At 31 March 2023, the Income Statement reports total operating revenue of \$44.7m and total operating expenditure of \$34.5m, which results in a year-to-date surplus of \$10.2m. This is \$1.6m favourable variance compared to the original budget, and \$168k favourable variance to the revised budget.

The Capital Works Statement reports total capital works expenditure (including commitments) of \$14.3m, which is \$1.8m above the original budget, and \$4.4m below the revised budget. The revised budget includes \$9.5m rolled forward for projects.

The Quarter 3 report was presented to the Audit and Risk Committee at their 9 May 2023 meeting.

BACKGROUND

The contents of this report assist the 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 nine (9) 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 March 2023 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

DISCUSSION

The operating result for the period is reporting a surplus of \$10.2m compared to the original budgeted surplus of \$8.6m and revised budgeted surplus of \$10.4m. This favourable variance 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 – Delays in progress payments for LRCI phase 2 \$488k, LRCI phase 3 \$1.3m and the Roads to Recovery grant \$1m.

- Materials and services – underspend in multi-year projects with roll forwards expected at \$1m, timing of spending compared to budget phasing where budgets are expected to be fully utilised \$1.3m, partially offset by unbudgeted flood damage costs \$800k
- Employee Benefits – variance in budget phasing of July pay period 2 fortnights v actual phasing 1.6 fortnights and savings from employee vacancies.

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 March 2023 the 'Adjusted Underlying Result' is generating a surplus of \$3.1m, compared to a revised budget underlying surplus of \$1.1m. This favourable variance of \$2m 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 \$14.3m, \$1.8m above the original budget of \$12.5m, and \$4.4m below the revised budget of \$18.8m.

The capital program has delivered 114% of the YTD original budget and 76% 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 |
|--|-------------------|-----------------|------------------------------|------------------------------|
| Bannockburn Bowls Upgrade lighting audit | 70,952 | 45,006 | 25,946 favourable variance | 36.57% favourable variance |
| Fire access track | 5,000 | 9,160 | 4,160 unfavourable variance | 83.2% unfavourable variance |
| Ross Creek Play and Active Rec Upgrade | 368,480 | 412,426 | 43,946 unfavourable variance | 11.93% unfavourable variance |
| Linton Depot refurbishment | 26,277 | 27,690 | 1,413 unfavourable variance | 5.38% unfavourable variance |

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

- Meredith-Shelford Road Stages 4 & 5 (Awarded July 2022, to be completed in July)
- Tannery Road floodway works road improvement (Approved July 2022)
- Arthurs Lane bridge renewal (Awarded in September 2022, 90% complete)
- Playground refurbishments – Lethbridge Rec Reserve (To be tendered in May)
- Cypress Tree replacement (Works to commence in May)
- Meredith Skate Park (Awarded October 2022, to be completed in May)
- Leighdale Equestrian Upgrade (Works commenced in May)
- Linton Oval Drainage Upgrade (To be tendered in May)
- 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 \$450,000 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 \$ |
| Nil | | | |

Council officers have been proactive 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-03-2023 – Turf Sports Ground Maintenance

The table below outlines tenders/RFQs awarded during the quarter.

| Project | Awarded To | Contract Value (ex-GST) \$ |
|---|-------------------------|----------------------------|
| GPSC-RFQ-24-2022 – Excavator | Komatsu Pty Ltd | 155,282 |
| GPSC-RFT-21-2022 – Building Cleaning Services | Bohan Cleaning Services | 231,995 (annually) |

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. There were no variations in this category during the quarter:

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

| Implications | Applicable to this Report |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020) | Yes |
| Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020) | No |
| Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020) | Yes |
| Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020) | Yes |

| | |
|---|-----|
| Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020) | No |
| Risk Assessment | Yes |
| Communication | Yes |
| Human Rights Charter | Yes |
| Gender Equality (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 has been presented to the Audit and Risk Committee at the 9 May 2023 meeting.

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 regard 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.

7.9 AUDIT & RISK COMMITTEE REPORT - 9 MAY 2023**File Number:****Author:** Sophie Brown, Governance and Risk Specialist**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** 1. Audit & Risk Committee Unconfirmed Minutes - 9 May 2023**RECOMMENDATION**

That Council note the unconfirmed minutes from the Audit & Risk Committee meeting held on 9 May 2023.

EXECUTIVE SUMMARY

This report is being submitted to Council to provide a summary of business considered at the 9 May 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)

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

| | |
|--|----|
| Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020) | No |
|--|----|

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 9 May 2023 meeting of the Audit & Risk Committee. The next meeting of the Audit & Risk Committee will be held on 12 September 2023.

7.10 DRAFT COUNCILLOR SUPPORT AND EXPENSES POLICY**File Number:****Author:** Rosie Wright, Coordinator Governance and Risk**Authoriser:** Lynne Gray, Director Corporate Services**Attachments:** 1. Councillor Support and Expenses Policy**RECOMMENDATION**

That Council adopt the reviewed Councillor Support and Expenses Policy, as attached, in place of the previously named Councillor Expenses and Entitlements Policy.

EXECUTIVE SUMMARY

The Council Expenses and Entitlements Policy was last reviewed and adopted by Council at its meeting on 23 November 2021 with minor changes to improve clarity and function of the policy. A detailed review has now been undertaken and comprehensive changes are suggested to improve the operation of the policy.

BACKGROUND

The Local Government Act 2020 (the 'Act') requires that Council adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees.

As per section 41(2) of the Act, a policy adopted by a Council under this section must:

- a) Specify procedures to be followed in applying for reimbursement and in reimbursing expenses;
- b) Comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses (to date, no regulations have been issued for this purpose);
- c) Provide for the reimbursement of childcare costs where the provision of childcare is reasonably required for a Councillor or member of a delegated committee to perform their role, and
- d) Have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.

The Victorian Government published a Policy Statement on Local Government Mayoral and Councillor Allowances and Resources in April 2008, which considered the support and resources that are reasonably required for the performance of the Councillor role. The Act shifted responsibility for setting Councillor allowances to the Victorian Independent Remuneration Tribunal, which published its first determination in December 2021. This determination did not consider reimbursement of expenses or provision of reasonable support or resources.

It is an offence under the Act for a person who is or has been a Councillor or member of a delegated committee to intentionally misuse their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or any other person (section 123(1)). This expressly includes in section 123(3)(e), the use of public funds or resources in a manner that is improper or unauthorised.

DISCUSSION

Since the November 2021 review of this policy, a comprehensive review has been conducted. This has included review of Councillor Expenses policies from 11 Victorian councils, the Victorian Government Policy Statement on Local Government Mayoral and Councillor Allowances and Resources, and template policies published by local government industry bodies from around Australia.

The policy extends to members of delegated committees, as required by the Act, however Golden Plains Shire Council does not currently have any delegated committees. This is included to both meet the requirements of the Act and to ensure that a policy is in place should any delegated committees be developed in the future.

While all sections of the policy have been reviewed and altered, the key changes are summarised below.

- **Renamed:** previously named Council Expenses and Entitlements Policy. Renamed to Councillor Support and Expenses Policy, as this is a more accurate description of the contents of the policy and reflects the non-financial resources and support provided to Councillors;
- **Headings:** Simplification of headings into 4 key categories with corresponding sub-categories, to improve readability and clarity;
- **Guiding principles:** Policy statement expanded to include overarching guiding principles for Councillors (contained in clause 3.5). This commits Councillors to proper conduct, participation and access, equity, appropriateness and reasonableness, and accountability and transparency;
- **Approval of professional development:** Criteria and considerations for the approval of attendance at professional development programs, provided at clause 6.2.3. This will provide clarity and certainty for determining when a professional development program is appropriate and reasonable for a Councillor to attend;
- **Professional development by non-industry peak bodies:** Where a Councillor seeks to attend a professional development program delivered by a non-industry peak body, additional justification must be provided to describe the way in which the program aligns with the criteria provided at clause 6.2.3 and will require approval by the Mayor;
- **Annual ALGA and MAV Councillor weekend:** Attendance by the Mayor at the annual ALGA conference in Canberra and attendance by all Councillors at the annual MAV Councillor Development Weekend is considered under the policy and would no longer require a resolution of Council;
- **Annual expenditure:** Maximum expenditure per financial year for the Mayor is increased to \$5,000. Councillor expenditure remains at \$3,000;
- **Mileage claims:** Private vehicle expenditure (i.e. mileage claims) can be reimbursed for eligible Council business as defined in clause 6.4.2. Where this expenditure is claimed for inspection of issues raised by community members, these community members must be specifically identified. If a community member wishes to remain anonymous, an alternative or no verification may be acceptable, based on the circumstances. Where an activity is attended by a Councillor on a voluntary basis or there is no resolution or policy of Council in support of attendance, the activity will not be deemed to be performing the role of a Councillor and costs should be met by the Councillor;
- **Upgrading travel:** Clauses 6.5.4 to 6.5.6 provide Councillors with the option to upgrade or extend travel or accommodation on the condition that any additional costs to the Council be met by the Councillor. Where a partner, spouse or companion accompanies a Councillor, any additional costs must be met by the Councillor unless there is a bona fide and pre-approved business reason for their attendance;
- **Deadline for submitting claims:** claims must be submitted within one month of the end of each quarter except at the end of financial year (30 June) when they must be submitted within 14 days to enable end of year reporting processes to take place. In the case of a late claim, a reason for the failure to submit within the timeframe must be submitted to the Mayor for consideration and approval. Claims for expenses older than 6 months will not be reimbursed.
- **Dispute of claim decisions:** Addition of a process for dispute of decisions made about claim reimbursement. Where a claim decision is disputed, the CEO in consultation with the

Director Corporate Services will provide reasons for the decision to the Mayor to discuss with the relevant Councillor. If the matter remains unresolved, it will be reported to the Council for a final decision. A Councillor can only dispute a decision made on their own claim.

- **Claim forms:** the claim form for all approved claims will be provided as an attachment to the briefing report, in support of the accountability and transparency principle at clause 3.5 of the policy.

The review included consideration of reimbursement of other forms of travel expenses, such as bicycle expenses. Of the 11 Councillor expenses policies that were included in benchmarking for this policy review, three (Melbourne, Darebin and Yarra Councils) maintain a fleet of Council owned bicycles for use by Councillors with Melbourne Council also reimbursing Councillors for kilometres travelled by privately owned bicycle. As the largest of these LGAs (Darebin) covers 54km² while Golden Plains spans 2,703km², it was not considered reasonable to specifically include in this review. Alternative forms of travel to and from professional development programs are provided for in clause 6.5.1 and Councillors may claim other expenses not specifically provided for in the policy in accordance with clause 7.3.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

Amendments have been proposed to the Councillor Support and Expenses Policy in order to pursue continuous improvement. The proposed amendments align with policies developed by surrounding Councils and Local Government Victoria's best practice draft policy.

POLICY/RELEVANT LAW

- *Local Government Act 2020* (Vic)
- Policy Statement on Local Government Mayoral and Councillor Allowances and Resources (Victorian State Government, 2008)
- Allowance payable to Mayors, Deputy Mayors and Councillors (Victoria) Determination No. 01/2022 as varied by [2022] DCMA 01

PUBLIC TRANSPARENCY

The Councillor Support and Expenses Policy ensures public transparency in relation to the reimbursement of Councillor expenses and the resources and facilities that are made available to Councillors in the performance of their duties. The policy provides for quarterly reporting to ensure ongoing transparency in relation to Councillor reimbursements and expenses.

FINANCIAL MANAGEMENT

The Councillor Support and Expenses Policy provides for reasonable support and expenses to be reimbursed to Councillors, which must be considered within the context of the Council's financial resources.

RISK ASSESSMENT

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

The Local Government Act 2020 prescribes that Council must adopt and maintain a policy for reimbursement of out-of-pocket expenses incurred by Councillors. In order to comply with this legislation, the Council Expenses and Entitlements Policy must be maintained.

COMMUNICATION

If adopted, the policy will be published on the Council's public webpage. A suite of forms will be developed to support Councillors in making and submitting claims. The policy provides for ongoing reporting and communication of costs incurred by and reimbursed to Councillors.

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

A gender impact assessment has been conducted and has identified potential gender implications and recommendations, which have been addressed in the policy.

- All Councillors and members of delegated committees have access to resources and expense reimbursements to the same level. This is further reiterated by the inclusion of the general guiding principle 'Equity', which states a commitment to all Councillors and members of delegated committees having equal access to expenses and facilities.
- Care has been taken not to use gendered language in the policy (e.g. reference to spouses, partners or companions, rather than wife/husband).
- The policy provides for reimbursement of expenses for those who may be in a carer relationship or have care responsibilities or requirements.

- The policy provides for support of people who may require modified or specialised vehicles for transport of wheelchairs or other support aides.
- The policy addresses provision of meals with specific dietary requirements (e.g. for those who may be vegetarian for cultural or religious reasons).

OPTIONSOption 1 – That Council adopt the Councillor Support and Expenses policy.

This option is recommended by officers as the amendments proposed will improve the operation of the policy.

Option 2 – That Council do not adopt the Councillor Support and Expenses policy.

This option is not recommended by officers as there are opportunities to improve Council's existing policy.

CONFLICT OF INTEREST

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

CONCLUSION

Under 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. A comprehensive review of the previously named Council Expenses and Entitlements Policy has been completed and amendments are now proposed.

7.11 INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL STAFF

File Number:

Author: Rosie Wright, Coordinator Governance and Risk

Authoriser: Lynne Gray, Director Corporate Services

Attachments: 1. Instrument of Delegation – Council to Members of Council Staff

RECOMMENDATION

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Golden Plains Shire Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation – Council to Members of Council Staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
2. The Chief Executive Officer is authorised to sign the attached instrument of delegation.
3. The instrument comes into force immediately once this resolution is made.
4. On the coming into force of the instrument all previous versions of the same are revoked.
5. 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 legislation referred to in the attached *Instrument of Delegation – Council to Members of Council Staff* (Attachment 1) enables Council to delegate functions, duties and powers, other than specific exemptions, to Council staff. Following changes to both the instrument and the structure of the Council administration, this instrument has been updated and is presented for adoption.

BACKGROUND

Council can act in only one of two ways:

1. A decision by resolution of Council, and
2. Instrument of delegation to others to act on Council's behalf.

Delegation by Council of powers is formalised via written instruments of delegation. Delegation of powers is considered essential to enable day-to-day decisions to be made.

There are several reasons why delegations should be reviewed regularly, including:

- identifying decision-makers to ensure accountability and responsibility for decisions;
- ensuring Council set conditions, limitations and guidelines for decision-makers, including reporting requirements;
- Council decisions are often subject to legal scrutiny in courts and tribunals. This calls for precision about what decision was made, who made it and when it was made.

Delegations must be performed and executed in accordance with any guidelines or policies of Council and position roles and responsibilities. Members of Council staff who have delegated powers are provided with the necessary training and supporting materials to assist them in understanding their roles as a delegated officer.

Council last reviewed and adopted the Instrument of Delegation to Members of Council Staff at the 25 October 2022 Council meeting.

DISCUSSION

Council subscribes to the Maddocks Lawyers Delegations and Authorisations Service. This service not only assists Council in managing its delegations and authorisations, but also assists members of staff to understand the scope of their powers and avoid any risk of acting outside their delegated authority. This service includes provision of instruments of delegation templates based on the best practice model along with regular updates taking into account any legislative changes to the various acts and regulations included in the delegations.

A review of the instruments of delegation from Council to members of Council staff has been undertaken.

Summary of Changes – S6 Instrument of Delegation from Council to members of Council staff:

- Minor changes required under the instrument template issued by Maddocks Lawyers (January 2023), specifically changes to:
 - Planning and Environment Regulations 2015, regs 25(a) and 25(b);
- An internal review to ensure alignment with overall organisational requirements, structure and position responsibilities, specifically restructure of the previous Manager Development and Regulatory Services into Manager Planning and Manager Regulatory Services; and
- Execution clause changed to no longer require common seal of Council.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

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

POLICY/RELEVANT LAW

Local Government Act 2020; and

The legislation referred to in the attached Instrument of Delegation.

PUBLIC TRANSPARENCY

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

FINANCIAL MANAGEMENT

The delegations presented to Council, ensure only limited staff are delegated to make financial decisions, therefore ensure Council has provisions in place to mitigate risks of financial mismanagement, and risks associated with fraud.

RISK ASSESSMENT

- Delegates are required to ensure Legislative Compliance; and
- Delegations mitigate risks associated with Fraud and Corruption.

COMMUNICATION

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

Changes to the delegations 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).

OPTIONSOption 1 – That Council adopt the amended Instrument of Delegation

This option is recommended by officers as this will ensure compliance with legislation and provide a clear framework to ensure the members of Council staff are aware of and acting within their designated levels of authority.

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 delegations when acting within their position, and delay items for the community.

CONFLICT OF INTEREST

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

CONCLUSION

After a thorough review of Council's Instruments of Delegation to Members of Council Staff, it is now appropriate for Council to adopt the amended Instrument of Delegation. By carrying out a review of the instruments of delegation, Council will ensure compliance with legislation and provide a clear framework to ensure the members of Council staff are aware of and acting within their designated levels of authority.

7.12 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 sign the instrument.
3. The instrument comes into force immediately upon being signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it.
4. The previous instrument dated 28 March 2023 is revoked.

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 March 2023. A review of that instrument has now been completed and updated to reflect staffing changes that have occurred in the Environment and Open Spaces team, and the Statutory Planning team.

It is recommended that Council consider and adopt the revised Instrument, as shown in 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 January 2023. Authorised staff have been recently reviewed and the instrument has been updated to reflect staff changes in Council's Environment and Open Spaces team, and Statutory 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:

| Change | Reason |
|-------------------------|---|
| Added Luke Purcell | Appointed as Coordinator Environment and Sustainability |
| Removed Sarah Fisher | Resigned as Coordinator Statutory Planning |
| Removed Richard Russell | Authorisation no longer required. Re-Appointed to Resource Recovery and Waste Support Officer |

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

| Implications | Applicable to this Report |
|--|---------------------------|
| Governance Principles (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Policy/Relevant Law (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Environmental/Sustainability Implications (Consideration of the Governance Principles under s.9 of LGA 2020) | Yes |
| Community Engagement (Consideration of Community Engagement Principles under s.56 LGA 2020) | No |
| Public Transparency (Consideration of Public Transparency Principles under s.58 of LGA 2020) | Yes |
| Strategies and Plans (Consideration of Strategic Planning Principles under s.89 of LGA 2020) | No |
| Financial Management (Consideration of Financial Management Principles under s.101 of LGA 2020) | No |
| Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020) | No |
| Risk Assessment | Yes |
| Communication | No |
| Human Rights Charter | No |
| Gender Equality (Gender Impact Assessment required by s.9 of Gender Equality Act 2020) | 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 *Planning and Environment Act 1987*.

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).

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 March 2023. A review of that instrument has now been completed and updated to reflect staffing changes that have occurred in the Environment and Open Spaces team, and the Statutory Planning team. It is recommended that Council consider and adopt the revised the Instrument, as shown at Attachment 1.

7.13 TENDER - TURF SPORTS GROUND MAINTENANCE

File Number:**Author:** Kate Milburn, Manager Environment and Open Spaces**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Award Contract GPSC-RFT-03-2023- Turf Sports Ground Maintenance to Turf Care & Hire Pty Ltd. for the initial sum of \$389,754.00 (exclusive of GST) per annum as per Schedule of Rates for the initial Contract term of three (3) years, with two x 12-month options to extend at Council's discretion.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council, including extension options.

EXECUTIVE SUMMARY

Golden Plains Shire Council are seeking a suitably qualified and experienced contractor to complete turf sports ground maintenance across the Shire. The scope of services includes, but is not limited to:

- Oval Mowing - Fixed Program
- Oval Spraying & Sports Ground Maintenance
- Removal & Laying Wicket Covers

Following a comprehensive tender process, Turf Care & Hire Pty Ltd met the Council's tender requirements and is considered best placed to provide these services for Council.

DISCUSSION

The tender was advertised on the 24 March 2023 and closed on the 14 April 2023. Three (3) submissions received within the tender period. The submissions were reviewed and checked for compliance. *Nil* submissions were identified as non-compliant.

The evaluation panel members reviewed and scored each tender independently. A consensus evaluation meeting was then administered by Procurement on 20 April 2023. Non-scoring evaluation of the Occupational Health and Safety documentation was also undertaken by the Safety and Wellbeing team.

Turf Care & Hire Pty Ltd were chosen as the preferred supplier by consensus agreement. The submissions and scores were measured against *capacity, capability, price, and local content*. *Turf Care & Hire Pty Ltd* is the existing mowing contractor.

A confidential Tender Evaluation Report has been previously provided to Councillors.

The current contract allows for mowing only of sports grounds, at a cost to Council of \$110,000.00 per annum. All other sports ground maintenance activities are currently undertaken by multiple suppliers, each with separate contractual arrangements. These works are supervised and administered by the Open Space Infrastructure Officer.

The (new) 2023-2025 agreement has combined all relevant turf care activities including:

- Oval Mowing - Fixed Program

- Oval Spraying & Sports Ground Maintenance
- Removal & Laying Wicket Covers

These services are to be delivered by one supplier with the intent that turf care is delivered in an integrated and efficient manner across the Shire. Additionally, integration of services will ensure optimal surfaces are delivered for our community, as well as reducing the administrative cost of co-ordinating multiple contractors.

Of the proposed annual \$389,754.00 per annum, *Turf Care & Hire Pty Ltd* (as the existing mowing contractor) has not increased their annual mowing rates for this contract.

REPORTING AND COMPLIANCE STATEMENTS

Local Government Act 2020 (LGA 2020)

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

GOVERNANCE PRINCIPLES

Tender GPSC-RFT-03-2023- Turf Sports Ground Maintenance complies with the current GPSC Procurement Policy and the Local Government Act 2020.

POLICY/RELEVANT LAW

Tender GPSC-RFT-03-2023- Turf Sports Ground Maintenance complies with the current GPSC Procurement Policy and the Local Government Act 2020.

PUBLIC TRANSPARENCY

Public notice was provided and included advertisements in the Geelong Times, Ballarat Times, Golden Plains Times and Council's web portal – eProcure. Decision outcomes will be advised on eProcure tender website and Council/SMT minutes.

FINANCIAL MANAGEMENT

The tender is proposed to be costed to various operational 2022/23 budgets. The tender is within available budgets for the proposed works.

RISK ASSESSMENT

Risks were considered by the evaluation panel. Requirements associated with this specific type of risk activity are actively monitored throughout the life of the contract.

COMMUNICATION

Council decisions on tender/s awarded are advised through Council Minutes and electronic tender system and supplier notifications via procurement email.

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 Tender Award – GPSC-RFT-03-2023-Turf Sports Ground Maintenance. This option is recommended by Council officers through the tender evaluation and selection process which recommends Turf Sports Ground Maintenance to be awarded to *Turf Care & Hire Pty Ltd*.

Option 2 – Not award contract to any tenderer. This option is not recommended as the works have been identified as high need and if a contract is not awarded, a vital service to the community will be delayed or not provided.

CONFLICT OF INTEREST

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

CONCLUSION

The Evaluation Panel has conducted a comprehensive and detailed assessment of the submissions which were received in response to Council's request for tender GPSC-RFT-03-2023-Turf Sports Ground Maintenance project as outlined in this report to ensure compliance with:

1. *Relevant provisions of the Local Government Act 2020- (Vic); and*
2. *Council's Procurement Policy requirements*

In conclusion, Turf Care & Hire Pty Ltd met the Council's tender requirements and is considered best placed to provide these services for Council.

8 NOTICES OF MOTION

8.1 NOTICE OF MOTION - GEELONG REGIONAL LIBRARY CORPORATION

File Number: 74

Attachments: 1. **Cr Sharkey - Notice of Motion - 23 May 2023**

I, Councillor Owen Sharkey, give notice that at the next Ordinary Meeting of Council be held on 23 May 2023, I intend to move the following motion:-

MOTION

That Council:

Noting that the City of Greater Geelong's draft budget contribution to the Geelong Regional Library Corporation (GRLC) in 2023-24 results in a shortfall of \$1.118 million to the GRLC's draft 2023-24 budget, prepares a submission to the City of Greater Geelong draft budget noting that:

- Library facilities and services operated by GRLC play a regional role beyond individual municipal boundaries,
- The GRLC's necessary decision to reduce, including close, library services within the City of Greater Geelong will impact residents of the broader region and not just the ratepayers of the City of Greater Geelong,
- That the City of Greater Geelong increase its contribution to the GRLC in 2023-24 to a level that does not impact current service delivery in the region.

RATIONALE

1. **Regional Impact:** Forcing Geelong Regional Libraries to use cash reserves directly impacts our region and its residents. By utilising these funds without proper consultation, there is a potential risk of adverse effects on the availability and accessibility of facilities. As a shareholder in these funds, it is crucial to voice our concerns to ensure that decisions made have the best interests of the community in mind. The ongoing detrimental effects resulting from this decision have the potential to jeopardise the development and well-being of our region.
2. **Lack of Consultation:** The absence of prior consultation is a matter of significant concern. It is essential to engage in open dialogue and consult all stakeholders who may be affected by the decision. By not seeking input from the community, COGG has missed an opportunity to gather valuable perspectives, alternative solutions, and ensure that the decision-making process is democratic and reflective of the diverse needs and preferences of the region. This lack of consultation undermines the strategic nature that Geelong should adopt in its decision-making processes.
3. **Preservation of Community Resources:** Libraries play a vital role in our community. They provide access to educational resources, foster a sense of community, and contribute to cultural enrichment. Preserving and prioritising these resources is crucial for the well-being and development of our region. By utilising cash reserves without considering the long-term impact on these community resources, Geelong's decision fails to adopt a strategic approach that safeguards the cultural and educational well-being of the region.

In conclusion, the rationale for raising concerns and submitting a Notice of Motion is driven by the need for inclusive decision-making processes, transparency, and the preservation of community resources. By addressing these concerns, we strive to protect the interests of our region and its residents, ensuring that decisions made align with the collective vision and needs of the community. Geelong should adopt a more strategic approach, considering the potential long-term detrimental effects on the region and prioritise the preservation of valuable community resources like libraries.

I commend this Notice of Motion to Council.

9 PETITIONS

Nil

10 ITEMS FOR TABLING

In accordance with section 147(4) of the Local Government Act 2020, the Arbiter's decision and statement of reasons on the matter of an application by Councillor Gamble concerning Councillor Rowe is to be tabled and is to be recorded in the minutes of the meeting.

11 CONFIDENTIAL REPORTS FOR DECISION

RECOMMENDATION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 66 of the Local Government Act 2020:

11.1 Tender - Collaborative Bituminous Surfacing Resealing Program - CH003

This matter is considered to be confidential under Section 3(1) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

11.2 Growing Places Strategy Informing Document for Community Engagement - Endorsement

This matter is considered to be confidential under Section 3(1) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with land use planning information, being information that if prematurely released is likely to encourage speculation in land values.
