

# **AGENDA**

## **Council Meeting**

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**6.00pm Tuesday 22 August 2023**

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

NEXT COUNCIL MEETING  
6.00pm Tuesday 26 September 2023

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

## **Code of Conduct Principles**

### **WORKING TOGETHER**

We Councillors will:

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

### **BEHAVING WITH INTEGRITY**

We Councillors will:

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

### **MAKING COMPETENT DECISIONS**

We Councillors will:

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

## Members of the Gallery

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

### MEETING PROCEDURES

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

### MEETING FACILITIES

Council meetings are generally held at:

- Golden Plains Shire Council Civic Centre (2 Pope Street, Bannockburn)
- Linton 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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	Nil	

## **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 as circulated of the scheduled Council meetings held on 25 July 2023 and confidential minutes of the scheduled Council meeting held on 25 July 2023, which remain confidential in accordance with section 3(1)(h) of the Local Government Act 2020.

## **5 DECLARATION OF CONFLICT OF INTEREST**

## **6 PUBLIC QUESTION TIME**

## **7 CITIZENSHIP CEREMONY**

Council would like to congratulate the following residents on their decision to become Australian Citizens:

- Mrs Genalyn Dalen Cooper and Mr John Reza Dalen who are from Philippines and reside in Haddon
- Mrs Lila Ann-Helen Dempsey who is from Sweden and resides in Bannockburn
- Mr David Carl Kehler who is from Canada and resides in Teesdale
- Mr Joseph Panackal Sebastian who is from India and resides in Meredith
- Mrs Judith Ann Parsons who is from the United Kingdom and resides in Bannockburn
- Mr Daniel Thomas Walker who is from the United Kingdom and resides in Inverleigh
- Ms Riza Gimeno Cabantud and Ms Rane Therese Cando Dalen who are from Philippines and reside in Scarsdale.

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A formal Citizenship Ceremony will take place at the commencement of the Council Meeting.

## **8 BUSINESS REPORTS FOR DECISION**

### **8.1 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 (Strategic Briefing - 1 August 2023)
2. Informal Meeting of Councillors (Councillor Briefing - 15 August 2023)

#### **RECOMMENDATION**

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

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#### **EXECUTIVE SUMMARY**

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

#### **MANDATORY BOARDS / COMMITTEES / MEETINGS**

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

#### **COMMUNITY ENGAGEMENT / EVENTS**

##### **Cr Cunningham**

- Bannockburn & District Chamber of Commerce Directory Launch Networking Function
- Ministerial Forum for Mayors on Public Disruptions
- G21 Stakeholder Forum, Torquay
- LGPro Emerging Leaders Program
- Golden Plains Farmers' Market
- Meeting with City of Ballarat Mayor
- Peri Urban Group of Councils State Parliament Delegation

- Gender Equality for Councillors Session
- Council Community Feedback Forum - Footpath Strategy 2023-2033 - Bannockburn
- Dereel Community Plan Launch & Afternoon Tea
- Golden Plains Youth Battle of the Bands
- TGGB – Sustainable Destination Masterplan
- Meeting of G21 Mayors
- Meeting with Ballarat Mayor, Cr Des Hudson
- Support The Voice Forum
- Greater Ballarat Alliance of Councils Launch
- Youth Hub – Facility Upgrade
- Planning Reform Consultation

**Cr Gamble**

- G21 Stakeholder Forum, Torquay
- Golden Plains Farmers' Market
- National Tree Planting Day in Bannockburn Bush
- Voice Information Night at Wathaurong Aboriginal Co-operative
- Council Community Feedback Forums - Footpath Strategy 2023-2033:
  - Smythesdale
  - Haddon
  - Bannockburn
- Meeting with Surf Coast Shire Deputy Mayor
- Smythesdale Market

**Cr Getsom**

- Nil

**Cr Kirby**

- Dereel Community Plan Launch & Afternoon Tea

**Cr Sharkey**

- Nil

**Cr Whitfield**

- Moorabool River Reserve Master Plan Community Engagement Session – Batesford
- Council Community Feedback Forums - Footpath Strategy 2023-2033 – Batesford

**INFORMAL MEETINGS OF COUNCILLORS**

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

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

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

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

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



## 8.2 BERRYBANK WIND FARM COMMUNITY GRANTS 2023

**File Number:****Author:** Akemi Kida, Community Development & Grants Officer**Authoriser:** Emma Wheatland, Acting Director Community, Planning & Growth**Attachments:** Nil

### RECOMMENDATION

That Council note and acknowledge the approved Berrybank Wind Farm Community Grants 2023 for the value of \$76,740 to the following recipients:

- Shelford Duck Race - '*Shelford Duck Race*' - \$10,100 (total for multi-year funding over 3 years)
- Maude She Oaks & Steiglitz Community Planning Group - '*Bunjil Lookout Community Gathering*' - \$13,800 (total for multi-year funding over 3 years)
- Shelford Public Hall Reserve Committee of Management Inc. - '*Shelford Public Hall Rejuvenation Project*' - \$49,751 (total for multi-year funding over 2 years)
- Cape Clear Recreation Reserve - '*Valentines Bush Dance and Winter Solstice Bonfire*' - \$15,850 (total of for multi-year funding over 3 years)
- Inverleigh Bowls Club Inc. - '*Greens Lighting Upgrade*' - \$15,763
- Inverleigh Sporting Complex - '*Spectator Shelter*' - \$10,000.

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### EXECUTIVE SUMMARY

Council's Chief Executive Officer has approved the funding of the above noted six community projects, proposed by a variety of community groups through the Berrybank Wind Farm Community Grants 2023 program.

Council received 14 applications during June 2023 requesting \$302,829 in funding. The six successful applications will be supported by a total contribution of \$115,264 from Berrybank Development Pty Ltd (Berrybank) over the next three years as follows:

- FY23-24: \$76,740
- FY24-25: \$26,374
- FY25-26: \$12,150

The six projects will deliver a combined total project value of \$406,937. Some of the key community benefits across the six projects are:

- Promoting increased physical activity and social connection and bringing communities together
- Enhancing accessibility and improving safety of community spaces

This was a highly competitive round as the total amount requested was over \$160,000 for FY23-24 where the available funding was \$78,000.

### BACKGROUND

The Berrybank Wind Farm Community Grants program is an annual grants program distributing funds in the following two categories:

- Economic Development and Tourism Projects including Events.
- Community Projects and Events (over \$10,000)

The program is open to both community and business organisations and multi-year applications are permissible.

The program commenced in September 2022, and is funded by the Berrybank and administered by Council in accordance with the Berrybank Community Grants Agreement dated 12 September 2019 (Agreement). The anticipated schedule of funding contributions is as follows:

- 1 July 2022 \$60,000
- 1 July 2023 \$60,000
- 1 July 2024 \$102,500
- 1 July 2025 \$102,500, and thereafter for the balance of the 15-year term of the Agreement.

Unallocated funding will be carried over to future grant rounds.

The program is overseen by the Berrybank Wind Farm Community Grants Committee which comprises three Council representatives, two community representatives and one Berrybank representative (Committee). The Committee is responsible for providing advice on the program guidelines including assessment criteria, assessing applications and making recommendations to the CEO on the allocation of funds.

## **DISCUSSION**

The Berrybank Wind Farm Community Grants 2023 opened on 1 June and closed on 30 June 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

Grant Writing Workshops were also held in Bannockburn on 8 May 2023 and Smythesdale on 9 June 2023. Over 20 community members attended across both sessions, with attendees representing Senior Citizens Groups, Men's Shed's, RSL, Craft Groups and more. Workshops were facilitated by Simon Coutts from Grantus and aimed to help community groups develop quality grant applications, and aid in identifying other funding opportunities using Grant Guru web platform.

### **Assessment**

An assessment panel consisting of two Council officers, two community representatives and one Berrybank representative formed the assessment panel. The required Council assessors were reduced to two (from three) based on feedback and evaluation from the previous round. The current program adopts a peer-review assessment model and changes were adopted to avoid split decisions.

All applications met the eligibility criteria and were assessed by the panel against the funding criteria set out in the Berrybank Wind Farm Community Grants Standard Guidelines (Guidelines).

The individual panel members assessed each application independently using the SmartyGrants system, assessed on merit based on a set weighting to assist with transparency around ranking of applications. Once the individual assessments were completed, these assessments were collated into a matrix by Council Officers and the panel met to discuss ranking of each application funding recommendations were then provided for approval to the CEO.

Eight applications were assessed as unsuccessful mainly due to the limited amount of funds available. Council officers will contact the unsuccessful applicants to advise of the outcome and assist with future funding rounds or alternative options.

## Program Analysis

Analysis of the previous Community Strengthening Grants rounds identified the need to further build the capacity of community groups in developing quality grant applications and facilitate opportunities for support/mentoring. The following activities were delivered to assist with this:

- Two Grant Writing Workshops were held in May and June.
- Guidelines were updated to provide further clarity for events, community arts/assets and projects that incorporates First Nation's culture and/or heritage.

In addition, using feedback from applicants and assessor's, significant improvements were made to the application process and design in SmartyGrants. Some of these improvements included development of a Pre-Eligibility Checklist to assist community to identify set eligibility requirements for their projects before proceeding to a full application process (permits, food handling and landholder consent) ensuring viability of the applications and reducing administrative process and increasing efficiency for Council Officers.

## Awarding of Successful Grants

A representative from GPG Naturgy Group (the parent company of the Berrybank) and the community representatives from the Committee will be invited to recognise the successful grant recipients at the commencement of the Council Meeting on 22 August 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
<b>Governance Principles</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Policy/Relevant Law</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Environmental/Sustainability Implications</b> (Consideration of the Governance Principles under s.9 of LGA 2020)	Yes
<b>Community Engagement</b> (Consideration of Community Engagement Principles under s.56 LGA 2020)	Yes
<b>Public Transparency</b> (Consideration of Public Transparency Principles under s.58 of LGA 2020)	Yes
<b>Strategies and Plans</b> (Consideration of Strategic Planning Principles under s.89 of LGA 2020)	No
<b>Financial Management</b> (Consideration of Financial Management Principles under s.101 of LGA 2020)	Yes
<b>Service Performance</b> (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
<b>Risk Assessment</b>	Yes
<b>Communication</b>	Yes
<b>Human Rights Charter</b>	Yes
<b>Gender Equality</b>	Yes

(Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	
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## 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 Berrybank Wind Farm Community 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

Following assessment of the applications, the funded projects are not expected to have undue adverse impact on environmental and sustainability objectives.

## COMMUNITY ENGAGEMENT

The following strategies were undertaken to promote the Berrybank Wind Farm Community Grants Program 2023:

- 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 the Grant Writing Workshop.
- One-on-one mentoring was offered and provided via meetings, online conferencing or over the telephone.
- Ongoing face to face engagement and promotion through Council programs, networks and community meetings.

## PUBLIC TRANSPARENCY

The Guidelines provide clear processes and criteria for public transparency in the submission, assessment and awarding of fundings.

## FINANCIAL MANAGEMENT

\$78,023 was available for the FY23-24 (new allocation of \$60,000 plus rollover from FY22-23 of \$27,558 minus the FY23-24 multi-year funding commitment of \$9,535).

Proposed funding of \$76,740 in this round will be paid from the FY23-24 budget with the following multi-year funding commitment:

- \$26,374 to be carried over to FY24-25
- \$12,150 to be carried over to FY25-26

Unallocated funds of \$1,283 will be carried over to the FY24-25 round where a further \$102,500 will be made available.

Annual administration fee of \$5,000 is also provided by Berrybank in addition to the grant funding amount.

## RISK ASSESSMENT

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

A common risk associated with grant programs concerns the application of fair, consistent, transparent and merit-based assessment processes. The Guidelines were 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 Berrybank Wind Farm Community Grants will occur following this report being noted and acknowledged by Council. A ceremony to award the grants at the Council meeting on 22 August 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**

As this report relates to the development or review of a policy, program or service that has a direct and significant impact on the public, the Gender Equality Act 2020 requires that a Gender Impact Assessment (GIA) be undertaken. A GIA was conducted on Council's Community Strengthening Grant program in May 2022 with learnings equally applies to the Berrybank Wind Farm Community Grants program. There are no identified gender inequality implications.

## **OPTIONS**

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

This option is recommended by officers as the Agreement and the Guidelines have been applied to all grant applications and following an assessment process, the funded projects have been approved by the CEO.

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

This option is not recommended by officers.

Option 3 – Council defer the report.

This option is not recommended by officers as this would likely lead to a delay in the awarding of grants to community groups, thus delaying project delivery and community outcomes.

## **CONFLICT OF INTEREST**

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

## **CONCLUSION**

The Berrybank Wind Farm Community Grants program is an important initiative that delivered in partnership with the Berrybank. Under the 2023 program, a further six projects will be delivered, adding \$115,264 of the Berrybank's contribution and a total return of \$406,937 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.

### 8.3 COUNCIL PLAN 2021-2025 IMPLEMENTATION - QUARTER FOUR

**File Number:****Author:** Emma Whitelaw, Business Partner Performance and Change**Authoriser:** Lynne Gray, Director Corporate Services**Attachments:** 1. Council Plan Implementation Report - Quarter 4**RECOMMENDATION**

That Council note the implementation of the Year 2, Quarter 4 actions (1 April 2023 to 30 June 2023) of the Council Plan 2021-2025.

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**EXECUTIVE SUMMARY**

To update Council on the progress made in implementing Year 2, Quarter 4 actions of the Council Plan 2021-2025.

**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 on the fourth quarter of Year 2 of the 2021-2025 Council Plan has continued across all strategic objectives.

Delivery of Year 2 Council Plan Actions continue to progress well throughout Quarter 4, with 78 of the 83 actions reaching completion at the conclusion of the reporting period.

Seven actions relating to the implementation of the Environment Strategy and Waste and Resource Recovery Strategy and one action relating to the Core System Transformation Project have experienced delays during Year 2 of the Council Plan.

Delays have been highlighted internally and Council Officers continue to work with the Senior Management Team to address factors which have caused a delay in the achievement of these actions. Council Officers will continue to progress these key actions as Year 3 of the 2021-2025 Council Plan commences.

A detailed explanation of all actions completed are included in Attachment: 1. Council Plan Implementation Report – Quarter 4.

Council recognises a number of key achievements across each directorate for the Quarter 4 reporting period.

Highlights from the Community, Planning and Growth directorate include the delivery of the inaugural Golden Plains Career Expo, which showcased a range of education, training, and career opportunities, with 30 exhibitors and over 400 people in attendance. Further highlights include the publishing of the Draft Growing Places Strategy in May and the approval of three Building Blocks Kindergarten Infrastructure Grants.

The Infrastructure and Environment directorate finalised several key infrastructure projects across Quarter 4. This included the reopening of a new two-lane reinforced concrete bridge crossing Yarrowee River on Arthurs Lane in Grenville, the opening of the Ross Creek Play and Active Rec Upgrade and Multi Playspace in Meredith. Further highlights include the adoption of the Tree Protection and Management Policy, which provides direction for the planting and continued management of trees located on Council managed land.

Key achievements from the Corporate Services directorate include the continued focus on the Customer Experience and the strengthening of accountability and equity through a review and endorsement of the Councillor Expenses and Support Policy. Further highlights include continued development of people and performance activities, including project management of a new performance management and learning system.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

**GOVERNANCE PRINCIPLES**

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

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

**POLICY/RELEVANT LAW**

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

**PUBLIC TRANSPARENCY**

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

**STRATEGIES/PLANS**

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

**SERVICE PERFORMANCE**

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

**RISK ASSESSMENT**

There are no identified risk implications associated with this report.

**COMMUNICATION**

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

**HUMAN RIGHTS CHARTER**

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

**OPTIONS**

Option 1 – that Council note the implementation of the actions contained in the Council Plan 2021-2025 for Year 2, Quarter 4 from 01 April 2023 to 30 June 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 4 from 01 April 2023 to 30 June 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 4 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 4 of the Council Plan 2021-2025 have made great progress. Future planning for Year 3 actions has commenced, to ensure a successful progression of the Council Plan 2021-2025.

## **8.4 EXCISION OF SOUTH STEIGLITZ ROAD RESERVE FROM MINING EXPLORATION LICENCE**

**File Number:****Author:** Dale Smithyman, Natural Resources Officer**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:**

1. Steiglitz Community Request
2. South Steiglitz Flora and Fauna Habitat Assessment Jul 21

### **RECOMMENDATION**

That Council writes to the Minister for Energy and Resources seeking the excision of the South Steiglitz Road from exploration licence EL6164 held by New Hanover Exploration Pty Ltd.

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### **EXECUTIVE SUMMARY**

Council has been contacted by members of the Steiglitz and wider community asking that Council approach the Minister for Energy and Resources seeking to have the road reserve containing the South Steiglitz Road excised from a gold mining exploration licence held by New Hanover Exploration Pty Ltd to protect biodiversity and amenity. Due to the adjacent National Park and the refusal of adjacent land holders to allow exploratory drilling on their properties, the road reserve is the only location where exploratory drilling could be undertaken in the area which will have detrimental impacts on the environment and amenity of the area.

### **BACKGROUND**

South Steiglitz Road is a 3.3 km long gravel track within a 22-metre wide (1 chain) Council managed road reserve (5.9 hectares) that separates the Brisbane Ranges National Park from adjacent private land south of the township of Steiglitz (Figure 1). The track arose during the mining days of the 1850's through 1900's when it serviced several mining operations on either side of the track. The track commences at the Bert Boardman Reserve on the Steiglitz Road in the Steiglitz Historic Park and skirts the eastern edge of the southernmost section of the Brisbane Ranges National Park. The narrow track meanders in and out of the defined road reserve, sometimes being well within the National Park alongside. Whilst not a through road, it serves 3 residential properties as well as providing access for tourism, park management and fire suppression. The road reserve supports predominately native vegetation in good to very good condition that is contiguous with native vegetation in the National Park and on private land.

The current New Hanover Exploration Mining Exploration Licence EL6164 (Figure 2) covers approximately 51km<sup>2</sup> over the southern part of the Steiglitz goldfield and encompasses both private and public land but, in recognition of its biodiversity value, excludes the Brisbane Ranges National Park. The Exploration Licence was granted in 2016 and is due to expire in 2026. This licence follows on from a previous expired licence held by New Hanover from 1999 to 2015. New Hanover Exploration are an exploration only company. Several mining companies have shown interest in the licence. The most recent being Kalamazoo Resources, abandoned their interest after engaging with the local community. However, if New Hanover are successful in their exploration, mining partners are likely to be sought to open a mining operation.



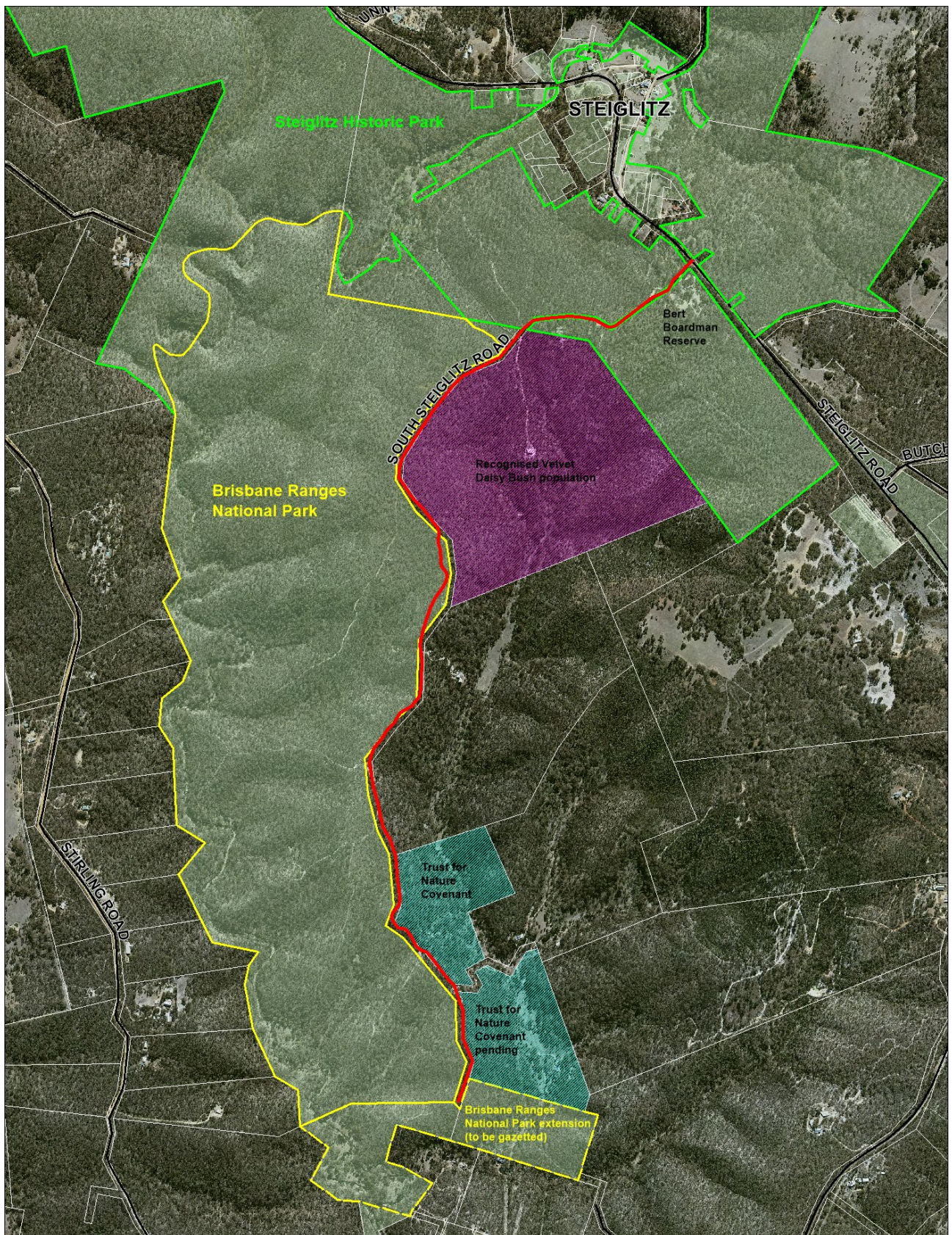


Figure 1: South Steiglitz Road showing the Brisbane Ranges National Park (yellow) and adjacent private land



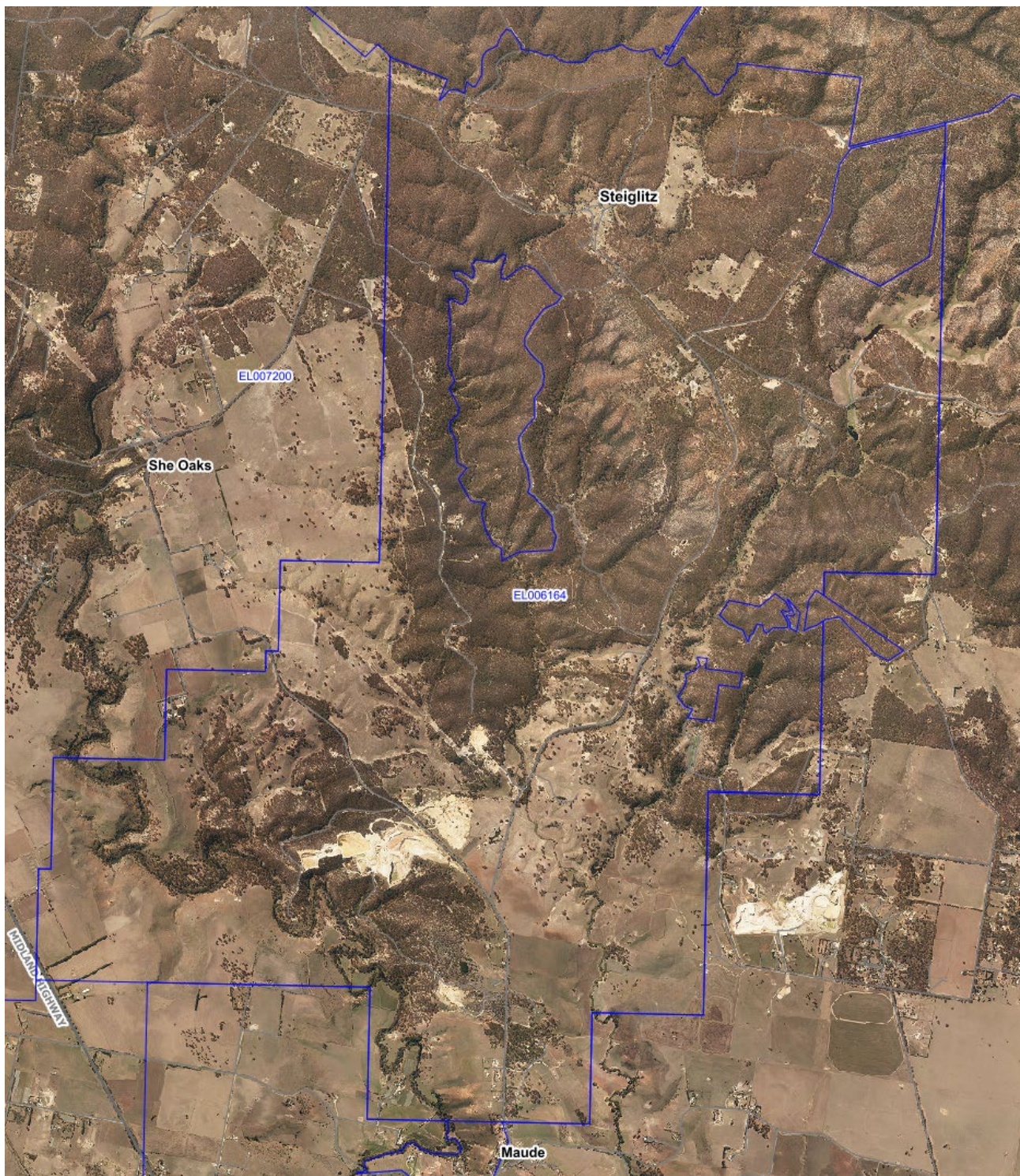


Figure 2: EL6164 licence area. Note that the Brisbane Ranges National Park is excised from the licence.

Due to the adjacent National Park and the refusal of adjacent land holders to allow exploratory drilling on their properties, the road reserve is the only location available for exploratory drilling to be undertaken in this area. Drilling will have detrimental impacts on the environment and amenity of the area.

The Steiglitz and wider community are opposing the further exploration for gold and the establishment of mining in the area due to its negative impacts on the environment, amenity, tourism and traffic.



## DISCUSSION

### Exploration licences

Exploration licences under the Mineral Resources (Sustainable Development) Act 1990 allow for a wide range of ground intrusive activity including drilling which is considered 'low impact exploration' and does not require a work plan. Under the Code of Practice, the onus for responsibility to ensure compliance with the licence and any environmental requirements is pushed back to the licence holder. Lack of oversight and enforcement is alleged to have resulted in breaches of previous licences over this area and a current breach reported by the community is being investigated by Earth Resources Regulation.

The Minister has power to retrospectively vary an existing licence for reasons such as risks to the environment, rehabilitation of the land or to implement a recommendation of the Land Conservation Council.

The Minister can also amend the licence on transfer to a new owner.

Additionally, the license holder must regularly surrender land according to a defined schedule. Under the current licence, the next land surrender is in October 2023 and the Minister could require that the South Steiglitz Road is part of this surrender.

The Steiglitz and wider community are seeking Council support to have the Minister excise the road reserve from the licence area to prevent exploratory drilling.

### Environmental significance

South Steiglitz Road forms the eastern boundary of part of the Brisbane Ranges National Park. This National Park parcel was originally part of the Steiglitz Historic Park but was subsequently gazetted into the National Park in 1987 recognising its significant biodiversity value. Being contiguous with the National Park, the vegetation along the South Steiglitz Road reserve; despite disturbance from intermittent road maintenance, shares many of its significant biodiversity assets.

State Government and citizen science records show that the endangered Velvet Daisy bush (*Olearia pannosa subsp. cardiophylla*) occurs within or immediately adjacent to the road reserve.

Adjacent private properties also contain significant biodiversity assets with some properties protected under Trust for Nature covenant. One adjacent property contains the second largest known population of Velvet Daisy Bush in Victoria.

The Steiglitz community commissioned a qualified consultant to conduct a Flora and Fauna Habitat Assessment in July 2021 (attached) that identified the high flora and fauna habitat values for the road reserve and surrounding area as well as threats posed by the proposed exploratory drilling and potential mining operation establishment.

### Exploration Impacts

Exploratory drilling involves the use of heavy machinery, establishment of drilling pads for drill rigs, multiple vehicle movements and the drilling of multiple drill holes.

Direct impacts through the removal of native vegetation and damage to soil result in loss of habitat for native fauna. The disturbed work area is relatively large. The exploration sites conducted by New Hanover on private land in 2009/10 were 245m<sup>2</sup> and 340m<sup>2</sup> respectively. Despite New Hanover advising in their Annual Report that the sites were remediated, they are still clearly visible in 2022 aerial imagery.

Exploration impacts also include noise from drilling and additional traffic, dust or mud, erosion, contamination of surface water flow, detrimental impacts on adjacent waterways and light impacts on nocturnal fauna from night operations.

### Environmental Risks

The use of the road reserve for test drilling and, if successful, the opening of a gold mining operation would pose significant environmental risks to the National Park and adjacent private properties.

Cinnamon fungus (*Phytophthora cinnamomi*); a soil borne water mould pathogen that kills native vegetation, is prevalent in the Brisbane Ranges National Park. Swathes of Grass Trees have been

killed by the pathogen and significant efforts have been expended by government and community programs to limit its spread and impact. Phytophthora can also impact agriculture, horticulture and forestry. The pathogen is spread in soil on vehicles and equipment and travels through the soil in soil moisture. A single infection point at the top of a hill can impact native vegetation in a plume down the hill. South Steiglitz Road is on a ridge line and an infection on the road brought in by drilling machinery could negatively impact native vegetation both in the National Park and private property.

Drilling operations directly impact native vegetation and fauna through damage and removal of vegetation to establish drill pads and disturbance of wildlife. Evidence shows that drill pad sites are not adequately remediated on completion of works.

### **Traffic Impacts**

The South Steiglitz Road is a narrow gravel track with overhanging vegetation that is primarily used by local residents to access their properties but is also a popular access for visitors to the National Park. The road enters through the Bert Boardman Reserve adjacent to the Steiglitz Road. Bert Boardman Reserve is a very popular day visitor location with families.

Exploratory drilling operations would increase heavy vehicle movements through the Bert Boardman Reserve and along the South Steiglitz Road. The road is narrow and has insufficient clearance to allow heavy vehicles to pass other cars.

Access by drilling rigs may require upgrade to sections of the road and the trimming or removal of overhanging vegetation that contributes to the amenity of this track.

Based on previous exploratory drilling operations, the road does not have previously impacted areas of size sufficient to support drill pads thereby requiring the establishment of such pads within the road reserve. These pads will remove vegetation, may impede traffic movement and will require rehabilitation following completion of works.

The excision of the road reserve from the exploratory licence would not have any impact on the existing management or use of the road by residents, management bodies, emergency vehicles or tourists.

### **Social and amenity impacts**

The broad support for the campaign to prevent exploratory drilling on the South Steiglitz Road is shown by the Steiglitz community's social media campaign; Don't Undermine Steiglitz. The campaign rapidly gained in excess of 800 followers which may have contributed to Kalamazoo Resources abandoning their interest in the licence following their community consultation.

The Brisbane Ranges National Park and adjacent Steiglitz Historic Park are popular with visitors seeking a place to recreate in nature and appreciate the natural and historic values of the area.

Additionally, residents along South Steiglitz Road and in the wider Steiglitz area have moved to the area for the peaceful and natural lifestyle offered by quiet bush properties.

Use of the South Steiglitz Road for drilling exploration and, if successful, establishment and operation of a mining industry is at odds with these values and the sustainability values in the Council Plan 2021-2025.

Additionally, the existence of the exploration licence over the area has contributed to secondary community issues since it has become public. Steiglitz residents state that evidence of illegal fossicking have become widespread. Fossicking or prospecting for gold is only permitted in a defined area in the Steiglitz Historic Park. No prospecting is allowed in the National Park. While prospecting is generally allowed in a road reserve, as the South Steiglitz Road wanders in and out of the road reserve, it is not always possible to determine whether the road is in the reserve or not. Anecdotal evidence from Steiglitz residents who have spoken with prospectors indicates that prospectors believed they were in the road reserve when they were actually prospecting in the National Park.

## **REPORTING AND COMPLIANCE STATEMENTS**

*Local Government Act 2020 (LGA 2020)*

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

## GOVERNANCE PRINCIPLES

Adoption of the recommendation will provide a positive outcome for the Steiglitz community and the local environment. Steiglitz residents and the surrounding community; including visitors to the Historic Park and National Park are passionate about this part of the Golden Plains Shire. They have recently successfully contested several developments in their area that they consider would have been detrimental to their community and the local environment.

## ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

The environmental implications of not adopting the recommendation to excise the South Steiglitz Road from the licence area are as outlined in the report.

## COMMUNITY ENGAGEMENT

Council has engaged with a representative of the Steiglitz and wider community in the development of this report.

## STRATEGIES/PLANS

Adoption of this recommendation by Council aligns with the Sustainability vision adopted in the Council Plan 2021-2025.

## COMMUNICATION

On adoption of the recommendation, Council will correspond with the Minister for Energy and Resources the Honourable Lily D'Ambrosio MP. Council will advise the Steiglitz community of the correspondence via their nominated representative. Council will advise the Steiglitz community via their representative of the outcome of the correspondence to the Minister.

## 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 – Council corresponds with the Minister for Energy and Resources seeking the excision of the South Steiglitz Road road reserve from the exploration licence EL6164 held by New Hanover Exploration Pty Ltd.

This option is recommended by officers as the Steiglitz and wider community has approached Council to support their efforts to prevent exploratory drilling and, if such exploration is successful, the establishment of a mining operation. The Steiglitz community is opposing the further exploration for gold and the establishment of mining in the area due to its negative impacts on the environment, amenity, tourism and traffic.

Option 2 – Council does not correspond with the Minister for Energy and Resources seeking the excision of the South Steiglitz Road road reserve from the exploration licence EL6164 held by New Hanover Exploration Pty Ltd.

This option is not recommended by officers as it does not support the aspirations of the Steiglitz and wider community to protect the landscape and environment of Steiglitz from mining.

## CONFLICT OF INTEREST

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

## CONCLUSION

Council has been contacted by members of the Steiglitz and wider community asking that Council approach the Minister for Energy and Resources seeking to have the road reserve containing the South Steiglitz Road excised from a gold mining exploration licence held by New Hanover Exploration Pty Ltd to protect biodiversity and amenity. The road reserve holds significant environmental and amenity values and exploratory drilling would be detrimental to those values. Correspondence to the Minister seeking to have the road reserve excised from the licence area would assist the aspirations of the Steiglitz community to protect the area from development for mining.



**8.5 TENDER FOR MINOR CIVIL WORKS AND PLANT HIRE - PANEL OF SUPPLIERS****File Number:****Author:** Vicki Shelton, Manager Asset Services**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award the Contract RFT-06-2023 – Panel of Suppliers - Provision of Minor Civil Works and Plant Hire for a period of three (3) years with two (2) x one (1) year extensions for the rates provided to:
  - (a) East Contractors
  - (b) Fulton Hogan Industries Pty Ltd
  - (c) Total Plumbing-Solutions
  - (d) Begbies Earthmoving
  - (e) Patash And Civil Group Pty Ltd
  - (f) Begbies Contracting
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

**EXECUTIVE SUMMARY**

Council wishes to engage suitable qualified experienced provider/s for the provision of Minor Civil Works and Plant Hire services to deliver construction works across the Shire.

**BACKGROUND**

Golden Plains Shire Council (Council) requires the supply of civil works and plant hire services. Due to the vast nature of the service, Council seeks to appoint a panel of contractors for 'Minor Civil works and plant hire' as it will ensure the following:

- A wide range of services can be provided;
- A formal contract will be in place;
- Coverage of Councils large geographical area;
- Contractors can be called upon at short notice; and
- Value for money.

**DISCUSSION**

The tender was originally advertised on 15 May 2023, closing 7 June 2023, with 32 submissions received on closing. The submissions were reviewed, and compliance checked, with no submission identified as non-compliant. An initial meeting was held on 27 June 2023 to shortlist the 32 submissions received for the tender. The panel, in line with the tender evaluation plan, agreed that a panel of 6 would more than adequately service the requirements of this contract. With that in mind, the panel shortlisted the initial 32 submissions to top 15 based on services offered in line with Council requirements for these contracted services. Seventeen (17) submissions did not proceed to next stage based on their offered services by comparison to the other tender responses.

The shortlisted submissions then moved to the next phase of review in line with requirements specified in the tender. A final evaluation meeting was held on 27 July 2023 where the panel

reviewed and scored each tender individually and the final 6 highest ranked suppliers were recommended by consensus to form this panel of suppliers.

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

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

## GOVERNANCE PRINCIPLES

The overarching Governance Principles of the Act are a key consideration in the tendering processes for delivery of 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

Tender GPSC-RFT-06-2023 – Provision of Minor Civil Works and Plant Hire complies with the GPSC Procurement Policy and the *Local Government Act 2020*.

## COMMUNITY ENGAGEMENT

The community will be informed of planned works and any disruption to access during construction.

## **PUBLIC TRANSPARENCY**

Public Notice of Tender was provided and included advertisements in the Geelong Times, Ballarat Times, Golden Plains Times and Council's eProcure portal. Decision outcomes are advised on Council's eProcure tender website and in the Council Minutes

## **FINANCIAL MANAGEMENT**

The services provided are funded from various Council Road, Drainage and Footpath programs including Capital Upgrades, renewal and Maintenance Programs.

## **RISK ASSESSMENT**

There are no identified risk implications associated with this report.

Risks were considered by the Evaluation Panel requirements associated with this specific type of use. Activities are actively monitored throughout the life of the contract

## **COMMUNICATION**

Council decisions on tender/s awarded are advised through Council Minutes and the electronic tender system, and suppliers are notified 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-06-2023 – Provision of Minor Civil Works and Plant Hire

This option is recommended by officers through the Tender evaluation and selection process, which recommends that GPSC-RFT-06-2023 – Provision of Minor Civil Works and Plant Hire – be awarded to East Contractors, Fulton Hogan Industries Pty Ltd, Total Plumbing-Solutions, Begbies Earthmoving, Patash And Civil Group Pty Ltd and Begbies Contracting.

### Option 2 – Approve Tender Award – GPSC-RFT-06-2023 – Provision of Minor Civil Works and Plant Hire Tender to alternative supplier/s.

This option is not recommended by Council officers as a thorough evaluation and selection process has been undertaken of all submissions presented for GPSC-RFT-06-2023 – Provision of Minor Civil Works and Plant Hire. East Contractors, Fulton Hogan Industries Pty Ltd, Total Plumbing-Solutions, Begbies Earthmoving, Patash And Civil Group Pty Ltd and Begbies Contracting were identified by panel consensus as the most suitable suppliers to provide of these services to Council.

### Option 3 – Not award contract to any tenderer

This option is not recommended by officers as new, renewal and maintenance work on our civil infrastructure assets have been identified from condition assessments, renewal programs and community requests and, if a contract is not awarded, may result in reputational damage for Council and increased risk to asset users.

## **CONFLICT OF INTEREST**

No officer involved in preparing this report has any conflicts of interest in regard to 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-06-2023 – Provision of Minor Civil Works and Plant Hire as outlined in this report to ensure compliance with:

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

In conclusion, East Contractors, Fulton Hogan Industries Pty Ltd, Total Plumbing Solutions, Begbies Earthmoving, Patash And Civil Group Pty Ltd and Begbies Contracting met the Council's tender requirements and is considered best placed to provide these civil works for Council.

## 8.6 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; and
4. The previous instrument dated 27 June 2023 is revoked.

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### EXECUTIVE SUMMARY

The appointment of authorised officers under the *Planning and Environment Act 1987* cannot be delegated and must be made through resolution of Council. The Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* was last reviewed and adopted by Council in June 2023. A review of the instrument has now been completed and updated to reflect staffing changes that have occurred in the Community, Planning and Growth directorate.

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

### BACKGROUND

The Chief Executive Officer (CEO) appoints most 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 staffing changes that have occurred in the Community, Planning and Growth directorate.

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 Ransce Salan	New Coordinator Statutory Planning commencing
Removed Steven Sagona	Resigned as Director Community, Planning and Growth
Added Emma Wheatland	Acting Director Community, Planning and Growth

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

*Local Government Act 2020*; and  
*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 June 2023. A review of that instrument has now been completed and updated to reflect staffing changes that have occurred in the Community, Planning and Growth directorate. It is recommended that Council consider and adopt the revised the Instrument, as shown at Attachment 1.

## 8.7 DRAFT ELECTION PERIOD POLICY

**File Number:****Author:** Rosie Wright, Coordinator Governance and Risk**Authoriser:** Lynnere Gray, Director Corporate Services**Attachments:** 1. Draft Election Period Policy**RECOMMENDATION**

That Council

1. Endorse the draft Election Period policy at attachment 1 for public exhibition.
  2. Consider the policy for adoption at its September 2023 meeting.
- 

**EXECUTIVE SUMMARY**

Council must adopt an Election Period policy in accordance with section 69 of the Local Government Act 2020. The policy provides for the ways in which Council will operate to ensure fairness, transparency, and equity among candidates for Council elections.

Chapter 7 of Council's Governance Rules provide that the Election Period policy must be reviewed at least once in each Council term and no later than 12 months prior to the Election Period. As the Election Period policy forms part of Council's Governance Rules, a process of community engagement must be undertaken in order to update the policy.

**BACKGROUND**

The Election Period policy was last adopted by Council on 25 August 2020, prior to the 2020 general Council election.

The election period for a general election commences at the time that nominations close on nomination day and ends at 6pm on election day. It is sometimes referred to as the 'caretaker period'. For the 2024 election, the election period will commence on 24 September 2024 and end at 6pm on 26 October 2024.

Section 69 of the Local Government Act 2020 requires the Election Period policy to prohibit any decision during the election period for a general election that:

- a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- c) the Council considers could be reasonably deferred until the next Council is in place; or
- d) the Council considers should not be made during an election period.

Additionally, for general or by-elections, decisions that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election must be prohibited by the policy.

For the purposes of section 69 of the Act, a decision includes a resolution made at a Council or delegated committee meeting or the exercise or performance of a power, duty or function of the Council by a member of Council staff or a Community Asset Committee under delegation.

Serious penalties are imposed by section 123 of the Local Government Act for misuse of position by a person who is or has been a Councillor or member of a delegated committee. This includes misuse of information obtained in these positions or use of public funds or resources in a manner that is



improper or unauthorised. The maximum penalty provided by this section is 600 penalty units (\$115,386.00 as at 1 July 2023) or 5 years imprisonment.

As the Election Period policy forms part of the Governance Rules, a process of community engagement must be undertaken in accordance with section 60(5) of the Local Government Act prior to amending or adopting the policy.

## DISCUSSION

The Election Period policy ensures that Council can continue to operate and deliver the decision making, services and functions that are required by the Golden Plains Shire community, while ensuring that the election process is conducted in a fair and transparent manner which treats all candidates equally.

The reviewed draft has been updated to reflect the dates of the 2024 election and some minor changes have been made. These are listed below.

- Formatting changes for consistency throughout the document;
- Clause 3.8.2 added - This has been included to align the CEO's certification decision making with the requirements and terminology of the Local Government Act;
- Clause 3.14.1 added - specific section reference added to align with the Local Government Act;
- Clause 3.14.6 added - to provide clarity for Councillors about reimbursement of expenses and costs incurred during the election period;
- Clause 3.18 and 3.20 - clarified that information will not be released to all candidates where legislative restrictions do not allow this (for example privacy requirements);
- Clause 3.19 - information request register to be made accessible for inspection at Council's offices;
- Clause 3.21 - specific section reference added to align with the Local Government Act;
- Clause 3.23 - to provide a process for staff members who nominate as a candidate for Council;
- Definitions added to support these changes and reflecting the Local Government Act.

## REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

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

## GOVERNANCE PRINCIPLES

The adoption of an Election Period policy ensures that good governance continues to be provided for the municipal community during the election period.

## POLICY/RELEVANT LAW

- Local Government Act 2020
- Governance Rules

## COMMUNITY ENGAGEMENT

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

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

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

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

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

## PUBLIC TRANSPARENCY

The Election Period policy will be placed on public exhibition to provide community the opportunity to comment on the proposed changes and ensures that the process for making changes is in line with the public transparency principles under section 58 of the Act. The Election Period policy ensures transparency by clearly describing the kinds of decisions and processes that will apply during the election period.

## RISK ASSESSMENT

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

Failure to review and adopt the Election Period policy or failure to engage with the community would lead to non-compliance with the Act and Council's Governance Rules.

**COMMUNICATION**

The Election Period policy provides for communication of the election period processes to Councillors, candidates and Council staff.

If endorsed, the draft policy will be published to seek feedback from the community. Feedback from community engagement will be considered and any suggested changes may be incorporated into the draft documents before being presented for adoption at the Council meeting in September 2024.

**HUMAN RIGHTS CHARTER**

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

**OPTIONS**

Option 1 – That Council endorse the draft Election Period policy to be placed on public exhibition.

This option is recommended by officers to ensure that the Election Period policy is reviewed and adopted prior to the 2024 general election.

Option 2 – That Council do not endorse the draft Election Period policy.

This option is not recommended by officers as this may lead to delays in adoption of the policy and non-compliance with the Governance Rules.

**CONFLICT OF INTEREST**

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

**CONCLUSION**

The draft Election Period policy is presented to Council to endorse for public exhibition and community engagement. The policy has been reviewed with changes made to align the policy to the Local Government Act 2020. It is recommended for endorsement in order to ensure compliance prior to the 2024 general election.

## 8.8 COUNCILLOR EXPENSES AND MEETING ATTENDANCE REPORT - QUARTER FOUR ENDING 30 JUNE 2023

### File Number:

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

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

**Attachments:** 1. Councillor Expenditure FY 2022-23

### RECOMMENDATION

That Council note the contents of the Councillor Expenses and attendance report for quarter four of 2022/23 and total spend for financial year 2022/23.

### EXECUTIVE SUMMARY

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

### BACKGROUND

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

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

### DISCUSSION

Summarised in the attached document are the figures for expenses for the Mayor and Councillors for quarter four of 2022/23. As quarter four completes the financial year, the figures below are therefore the total spend for FY 22/23 and will be included in the Annual Report. Notably the total spend on expenses is within budget for the financial year.

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

Category	Annual Budget \$	Actual \$ YTD	Percentage spent
Conferences & Training Expenses	17,735	23,027.98	129.85%
Travel Expenses	5,605	9,704.31	173.14%
Car Expenses	12,797	5,657.55	44.21%
IT & Communications	6,426	2,921.56	45.47%
Childcare Expenses	-	-	-
<b>Total Councillor Expenses</b>	<b>42,563</b>	<b>41,311.40</b>	<b>97.06%</b>

Due to the earlier Council meeting in April caused by ANZAC Day, some expenses incurred or paid at the end of March have been reported in quarter four.

This report is the final report under the previous Councillor Expenses and Entitlement Policy, as the Councillor Support and Expenses Policy (adopted 25 July 2023) will take effect from quarter 1 2023/24.

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

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

Council held the following meetings:

- 4 scheduled Council meetings held in April (26<sup>th</sup>), May (23<sup>rd</sup>) and June (6<sup>th</sup> and 27<sup>th</sup>)

Councillor	Scheduled meetings (4 meetings)	Unscheduled meetings (0 meetings)	Total meetings (4 meetings)	Total meetings (YTD 2022-23)
Brett Cunningham	3	0	3	13
Gavin Gamble	4	0	4	14
Ian Getsom	2	0	2	11
Helena Kirby	4	0	4	13
Les Rowe	4	0	4	13
Owen Sharkey	4	0	4	14
Clayton Whitfield	4	0	4	14

### REPORTING AND COMPLIANCE STATEMENTS

*Local Government Act 2020 (LGA 2020)*

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

<b>Communication</b>	No
<b>Human Rights Charter</b>	No
<b>Gender Equality</b> (Gender Impact Assessment required by s.9 of Gender Equality Act 2020)	No

### **POLICY/RELEVANT LAW**

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

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

### **PUBLIC TRANSPARENCY**

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

### **FINANCIAL MANAGEMENT**

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

### **HUMAN RIGHTS CHARTER**

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

### **OPTIONS**

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

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

Option 2 – That Council defer the report.

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

### **CONFLICT OF INTEREST**

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

### **CONCLUSION**

That Council note the contents of the Councillor Expenses and attendance report for quarter four of 2022/23 being the quarter ended 30 June 2023 and total spend for the financial year 2022/23.

**9 NOTICES OF MOTION**

Nil

**10 PETITIONS**

Nil

**71 CONFIDENTIAL REPORTS FOR DECISION**

Nil