

AGENDA

Council Meeting

6.00pm Tuesday 24 October 2023

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

NEXT COUNCIL MEETING
6.00pm Tuesday 21 November 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 and confidential minutes of the Council Meeting held on Tuesday 26 September 2023.

5 DECLARATION OF CONFLICT OF INTEREST

6 CITIZENSHIP CEREMONY

Executive Summary

Council would like to congratulate two residents on their decision to become Australian Citizens.

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

7 PUBLIC QUESTION TIME

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 Record - Strategic Briefing - 3 October 2023
2. Informal Meeting of Councillors Records - Council Briefing - 17 October 2023

RECOMMENDATION

That Councillors 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

COUNCIL ENGAGEMENT / EVENTS

Cr Cunningham

- National Police Remembrance Day Service Western Region
- Geelong-Ballarat Rail Stakeholder Group Meeting
- G21 Region Plan – Joint Pillar Workshop
- Golden Plains Farmers Market Council Listening Post
- G21 October Board Meeting

Cr Gamble

- Rural Council Victoria Annual General Meeting (on behalf of the Mayor)
- Golden Plains Farmers Market Council Listening Post
- Municipal Association of Victoria Annual Conference
- Federal Government Energy Transition Roundtable: Improving community engagement (on behalf of the Mayor)

- G21 Region Plan Refresh Workshop
- GPS Volunteers in Action exhibition
- Scouts Eumeralla (Anglesea) 100 years celebration and regional scouting event (on behalf of the Mayor)

Cr Getsom

- Ballarat Regional Landfill Monitoring Committee Meeting
- Timber Towns Victoria Annual General Meeting

Cr Kirby

- G21 Region Plan – Joint Pillar Workshop
- Golden Plains Farmers Market Council Listening Post
- Launch of the Shelford Community Plan

Cr Rowe

- Leave of absence

Cr Sharkey

- G21 Region Plan – Joint Pillar Workshop
- Golden Plains Farmers Market Council Listening Post
- Municipal Association of Victoria Annual Conference and State Council meeting

Cr Whitfield

- Golden Plains Farmers Market Council Listening Post
- Golden Plains Municipal Emergency Management Planning Committee

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 ANNUAL REPORT 2022/2023

File Number:

Author: Lisa Baldock, Coordinator Communications and Engagement

Authoriser: Eric Braslis, CEO

Attachments: 1. Golden Plains Shire Council - Annual Report - 2022/2023

RECOMMENDATION

That Councillors receive the Golden Plains Shire Council Annual Report 2022/23, in accordance with the *Local Government Act 2020*.

EXECUTIVE SUMMARY

In accordance with Section 133(1) of the *Local Government Act 2020*, Council is required to prepare an Annual Report each fiscal year, which must be presented at a public Council Meeting by 31 October. Additionally, the Act mandates the public notification of the report's availability for inspection, both at Council offices and on Council's website.

The Annual Report 2022/23 provides a comprehensive insight into the operations underpinning Golden Plains Shire Councils' success and expands on our achievements and performance in the 2022/23 financial year against the five community outcomes areas as set out in the Council Plan 2021-2025

BACKGROUND

This report aims to fulfill the obligations outlined in Section 98 of the *Local Government Act 2020*. It encompasses various components, including the following:

- Report of Operations
- Audited Performance Statement
- Audited Financial Statements
- Auditor's report on the Performance Statement prepared under section 98
- Auditor's report on the Financial Statements under Part 3 of the *Audit Act 1994*, and
- Any other matter required by the regulations.

The Report of Operations and Performance Statement in the Annual Report 2022/23 adhere to the 'Better Practice Guide' published by the Department of Environment, Land, Water, and Planning (DELWP), while the Financial Statements follow the Local Government Model Financial Report, as stipulated by regulations. Section 99 to 100 of the Act outlines the necessary steps, including the following:

- Council must pass a resolution giving its approval in principle to the Performance Statement and Financial Statements;
- Council must authorise two Councillors to certify the Performance Statement and financial statements in their final form, after any changes have been made following the audit; and
- Council must hold a publicly advertised meeting to present the Annual Report.

Council has complied with all these requirements.

DISCUSSION

The year 2022/23 saw significant achievements, and milestones. We have focused on infrastructure development ensuring our roads, bridges, and public facilities meet the needs of a growing population. We have supported various initiatives, including the opening of our new Civic Centre with energy-efficient features. The Climate Emergency Action Plan was finalised in 2022 to address climate change over the next decade. Council also made strides in reconciliation, received funding for youth spaces, and allocated funds for sports facility upgrades, all contributing to a positive impact on residents' lives.

Expanding further, we have supported various initiatives, such as setting up solar compacting bins at Turtle Bend Reserve and Bannockburn Heart and collaborating with Barwon Water and G21 councils to develop the Regional Renewable Organics Network. Additionally, the Golden Plains Shire Wind Farm East project began in early 2023, aiming to establish a wind energy facility. Once completed, this project will supply clean energy to over 500,000 households, benefitting the Rokewood and broader community for generations to come. It marks an essential step towards a brighter future for their families.

Following extensive consultation and engagement with local Traditional Owners and Reconciliation Australia, Council has taken an important step forward on its journey of reconciliation with Council adopting its first Reflect Reconciliation Action Plan (RAP) in July 2022. Under the Reconciliation Australia framework, the RAP outlines actions targeting the four strategic focus areas of Relationships, Respect, Opportunities and Governance.

Council welcomed a \$2.2 million contribution from the State Government's Growing Suburbs Fund for the Inverleigh Action Youth Space and Stage 2 of the Bannockburn Skate Park Upgrade. Furthermore, we welcomed the infusion of \$60k funding through the Victorian Government's Barwon and Waterways of the West Grant Program to develop a masterplan for the newly acquired Moorabool River Reserve in Batesford.

Council has welcomed the allocation of \$250k from the Victorian Government's 2022-23 Country Football and Netball Program for the much-anticipated upgrade of the oval at Don Wallace Recreation Reserve in Teesdale in addition to \$1.5 million from the State Budget for the development of new female-friendly changerooms at the reserve. The project is due for completion in late 2024.

Community engagement has been a cornerstone of our efforts, with numerous events, workshops, and forums organised to encourage participation and inclusivity. We believe that involving our residents in the decision-making process is essential for shaping a vibrant and cohesive community. The Woody Yaloak Equestrian Centre Masterplan exemplified the significance of community engagement, where Council actively involved residents through open forums, consultations, and workshops, allowing them to voice their ideas and concerns. This inclusive approach ensured that the Masterplan accurately reflected the community's needs and desires of the community, fostering a harmonious and inclusive development process and strengthening the bond between Council and community.

Looking to the future, Council acknowledges that several challenges lie on the horizon, from population growth, transportation infrastructure, talent retention, advocating efforts, environmental, social and financial sustainability, we recognise the need to address these challenges proactively and collaboratively.

The 2022/203 Annual Report is presented to Council; each chapter tells a story of our collective efforts and the positive impact we have had on the lives of our residents, now and into the future.

Auditor General's Reports

The Auditor's Report on the Financial Statements and the Auditor's Report on the Performance Statement are contained within the Financial Section of the Annual Report. Both audit opinions are unqualified.

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)	Yes
Service Performance (Consideration of Service Performance Principles under s.106 of LGA 2020)	No
Risk Assessment	Yes
Communication	Yes
Human Rights Charter	Yes

GOVERNANCE PRINCIPLES

The Golden Plains Shire Council Annual Report 2022/23 has been prepared in accordance with the *Local Government Act 2020*. The Financial Statements have been prepared utilising the Local Government Model Financial Report, as required by the regulations. Both the Report of Operations and Performance Statement contained in the Annual Report have been prepared based on the 'Better Practice Guide' developed by the former Department of Environment, Land, Water and Planning (DELWP).

POLICY/RELEVANT LAW

The Golden Plains Shire Council Annual Report 2022/23 has been prepared in accordance with the *Local Government Act 2020* and it must be presented at a Council meeting open to the public by 31 October 2023 as required under Section 100(1) of the Act.

PUBLIC TRANSPARENCY

The Performance Statement and Financial Statements were presented, along with the Auditor's Management Letter and Closing Report, to Council's Audit and Risk Committee at its meeting held 3 October 2023.

STRATEGIES/PLANS

The following Golden Plains Shire Council strategic plans are relevant to the Annual Report 2022/23: Council Plan 2021-2025, Long-Term Financial Plan 2021-2031 and Annual Budget.

FINANCIAL MANAGEMENT

Preparation of the Performance Statement and Financial Statements have been prepared in accordance with the *Local Government Act 2020*, the Local Government (Planning and Reporting) Regulations 2014, Australian Accounting Standards and other mandatory professional reporting requirements. The Performance Statement and Financial Statements have been subject to audit and Certification by the Victorian Auditor-General's Office with unqualified audit opinions issued.

COMMUNICATION

As required under the *Local Government Act 2020*, the Golden Plains Shire Council Annual Report 2022/23 will be published on Council's website and promoted to the community through traditional and digital media channels. A copy of the Annual Report will also be available to view at Council's Customer Hubs.

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 – Receive the Golden Plains Shire Council Annual Report 2022/23- This option is recommended by officers as the Annual Report 2022/23 has been prepared in accordance with the *Local Government Act 2020* and has been presented to Council by 31 October 2023, as required under Section 133(1) of the *Local Government Act*.

Option 2 – Not receive the Golden Plains Shire Council Annual Report 2022/23- This option is not recommended by officers as the failure to adopt will mean Council does not meet its obligations under Section 100(1) of the *Local Government Act 2020*.

Option 3 – Defer receiving the Golden Plains Shire Council Annual Report 2022/23- This option is not recommended by officers as the Annual Report 2022/23 will mean Council does not meet its obligations under Section 100 (1) of the *Local Government Act 2020*.

CONFLICT OF INTEREST

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

CONCLUSION

The Golden Plains Shire Council Annual Report 2022/23 is an accurate and detailed report of the operations and services of Council in the past financial year, as well as a strategic account of the Council's achievements and challenges over the past year. It is recommended that Council receive the Golden Plains Shire Council Annual Report 2022/23.

8.3 LOCAL GOVERNMENT PERFORMANCE REPORTING INDICATORS - END OF YEAR REPORT

File Number:**Author:** Sophie Brown, Governance and Risk Specialist**Authoriser:** Lynne Gray, Director Corporate Services**Attachments:** 1. LGPRF End of Year Report 2022/23**RECOMMENDATION**

That Councillors receive the end of year report on the Local Government Performance Reporting Indicators for the period 1 July 2022 to 30 June 2023, as attached.

EXECUTIVE SUMMARY

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

Council's performance against the LGPRF measures is reported to management, the Audit & Risk Committee and Council on a six-monthly basis. Additionally, the Performance Statement (which is a sub-set of these indicators) are included in the Golden Plains Shire Council Annual Report.

The end of year report for the period 1 July 2022 to 30 June 2023 is provided for Council's information (Attachment 1).

BACKGROUND

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

The LGPRF is made up of 58 measures and a Governance and Management Checklist of 24 items which together build a comprehensive picture of Council performance.

The 58 measures comprise of reporting across the following service areas:

- **Aquatic Facilities** (*not applicable*).
- **Animal Management** - *Provision of animal management and responsible pet ownership services to the community including monitoring, registration, enforcement, and education.*
- **Food Safety** - *Provision of food safety services to the community including registrations, education, monitoring, inspections, and compliance.*
- **Governance** - *Provision of good governance to the community including making and implementing decisions with reference to community engagement, policy frameworks and agreed practice.*
- **Libraries** - *Provision of print and digital based resources to the community in a variety of formats including collection services, e-services, research tools and interactive learning programs.*
- **Maternal Child Health** - *Provision of universal access to health services for children from birth to school age and their families including early detection, referral, monitoring and recording of child health and development.*
- **Roads** - *Provision of a network of sealed local roads under the control of the municipal council to all road users.*

- **Statutory Planning** - *Provision of land use and development assessment services to applicants and the community including advice and determination of applications.*
- **Waste Collection** - *Provision of kerbside waste collection service to the community including garbage and recyclables.*
- **Financial Performance** - *Provision of relevant information about the effectiveness of financial management in local government including efficiency, liquidity, obligations, operating position, and stability.*
- **Sustainable Capacity** - *Provision of relevant information about whether local governments have the capacity to meet the agreed service and infrastructure needs of their community.*

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

DISCUSSION

The end of year report covering the period 1 July 2022 – 30 June 2023 is provided (Attachment 1) for Council's information. The data captured in the report shows Council's performance for the 2022/23 year against the LGPRF measures. Data is measured against performance over the last 4 financial years with the aim of maintaining all areas that were tracking well and improving those that weren't.

Of the 55 measures reported key areas of improvement to note are as follows:

- **Food Safety:**
 - Number of days between receipt and first response action for food complaints reduced from 3.1 days in 2021/22 compared to 1.2 days in 2022/23.
 - 78% reduction in number of critical and major non-compliance outcome notifications from 2021/22 to 2022/23.
- **Libraries:**
 - 21% increase in physical library collection usage compared to 2021/22.
- **Waste Collection:**
 - 29% reduction in the number of kerbside collection bins missed during 2022/23 compared to 2021/22.
- **Financial Performance:**
 - \$1.6m reduction in total loans at June 2023 compared to June 2022.
- **Sustainable Capacity:**
 - 20% reduction in staff turnover rate compared to 2021/22.

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)	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 six-monthly reporting of the LGPRF measures to Council will specifically:

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

POLICY/RELEVANT LAW

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

PUBLIC TRANSPARENCY

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

SERVICE PERFORMANCE

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

COMMUNICATION

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

HUMAN RIGHTS CHARTER

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

OPTIONS

Option 1 – That Council receive and note the 2022/23 end of year report in its present form.

This option is recommended by officers as all applicable results against the LGPRF measures for the 2022/23 financial year have been made available.

Option 2 – That Council do not receive and note the 2022/23 end of year report.

As the report is a summary of the LGPRF measures for the 2022/23 financial year which has concluded, this option is not recommended by officers as the report provides information on actions already taken.

Option 3 – That Council require further information.

This option is not recommended by officers as all applicable results against the LGPRF measures for the 2022/23 financial year have been made available. Further requests for additional information or changes may be implemented in future reports.

CONFLICT OF INTEREST

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

CONCLUSION

This report provides information on Council's performance in relation to the LGPRF measures contained in the Local Government (Performance Reporting) Framework 2014 which provides for a transparent reporting mechanism to the community in relation to Council's performance.

8.4 AUTHORISATION OF PLANNING SCHEME AMENDMENT C104 - TEESDALE FLOOD STUDY

File Number:**Author:** Daniel Murrihy, Strategic Planner**Authoriser:** Leanne Wilson, Acting Director Community, Planning & Growth

Attachments:

1. Teesdale Flood Risk Identification Study Summary Report (under separate cover)
2. Teesdale Flood Risk Identification Study Data Collation Report (under separate cover)
3. Teesdale Flood Risk Identification Study Joint Validation Report (under separate cover)
4. Teesdale Flood Risk Identification Study Design Modelling (under separate cover)
5. Teesdale Flood Risk Identification Study Flood Intelligence Warning Report (under separate cover)
6. Teesdale Flood Risk Identification Study Flood Damages Mitigation Report (under separate cover)
7. C104gpla Proposed LSIO and FO Map (under separate cover)
8. C104gpla Current LSIO and FO Maps proposed to be replaced (under separate cover)
9. C104gpla Instruction Sheet Authorisation (under separate cover)
10. C104gpla Explanatory Report (under separate cover)

RECOMMENDATION

That Council:

1. Adopt the findings of the Teesdale Flood Risk Investigation Study (Water Technology Pty Ltd, 2023).
2. Authorise the preparation and exhibition of an amendment to the Golden Plains Planning Scheme to modify the Land Subject to Inundation Overlay and Floodway Overlay Mapping in Teesdale.

EXECUTIVE SUMMARY

This report seeks adoption of the Teesdale Flood Risk Investigation Study and authority to prepare and exhibit an amendment to the Golden Plains Planning Scheme to amend the existing Land Subject to Inundation Overlay (LSIO) and Floodway Overlay (FO) mapping.

The study provides a detailed assessment of the Teesdale township floodplain and identifies where flooding may impact upon residents, properties and infrastructure. The study provides high quality up-to-date flood mapping that predicts flooding heights, and identifies high risk areas for flood warning and evacuation. The study assessed three mitigation options which were found not to be financially viable. The Municipal Flood Emergency Plan (MFEP) is also being updated with flood intelligence from this study.

BACKGROUND

Water Technology were commissioned by Golden Plains Shire Council (Council) to undertake the Teesdale Flood Risk Identification Study. The investigation area covers the Native Hut Creek and tributaries in the township of Teesdale, as shown in [Figure 1](#). Teesdale is identified as a Priority Flood Risk Area in the Corangamite Regional Floodplain Management Strategy (2018), which identifies both riverine and flash flood risks for the town and states that “flooding associated with Native Hut Creek has damaged several residential properties”.

Council received funding for the study through the Risk and Resilience Grants Program managed by Emergency Management Victoria with funding provided by the Australian Government in partnership with the Victorian Government under the National Partnership Agreement for Disaster Risk Reduction. Two rounds of community consultation were undertaken to gather and then confirm the analysis of the flood levels. Climate change projections were used in the determination of the updated extent of the LSIO and FO.

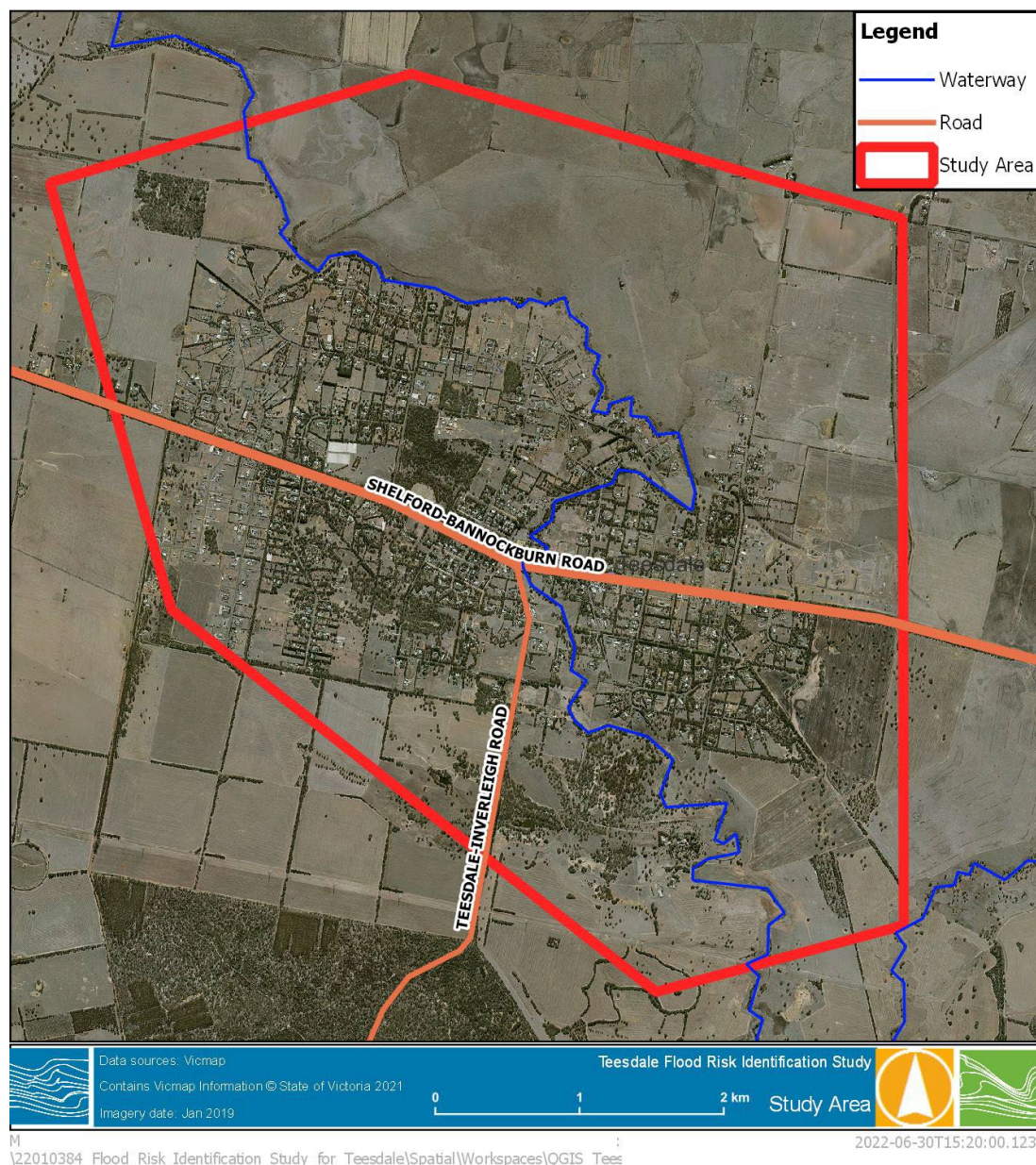


Figure 1 - Investigation Area for Flood Risk Identification Study

The increased area covered by the proposed LSIO and FO will lead to an increase from 103 to 141 properties in Teesdale that are affected by the Overlays. The extent of the changes to the proposed overlays can be seen in Figure 2. This includes 28 properties that currently have houses on them.

Comparison of Current extent of LSIO and FO in Teesdale to proposed LSIO and FO from the Teesdale Flood Risk Investigation Study

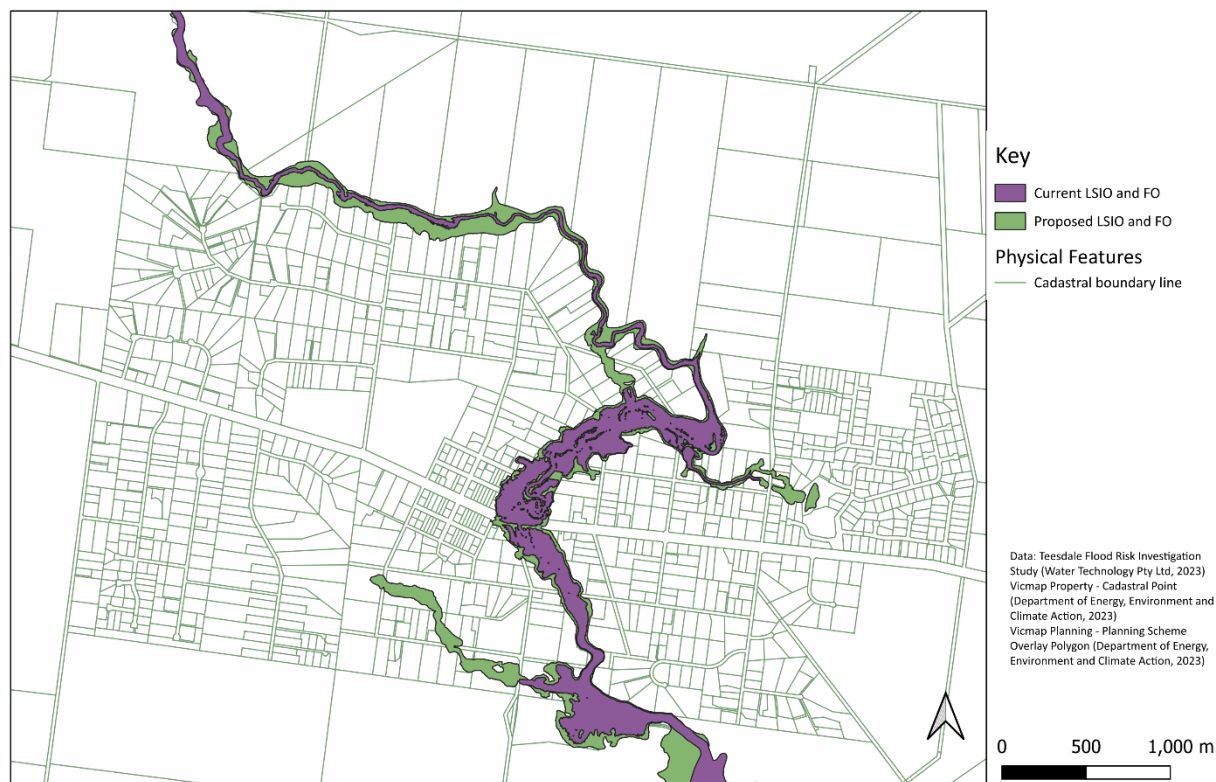


Figure 2 Comparison of the extents of the Current and Proposed LSIO and FO in Teesdale

DISCUSSION

The study area had a lack of available calibration information as the area has no stream gauges, few rain gauges within the catchment and the absence of accurate historical flood level information which made calibration of the models difficult to achieve. To overcome this, a joint validation approach that relies heavily on anecdotal information was adopted, which was facilitated through two rounds of community consultation.

The initial community consultation sessions were held in person on 4 August 2022 at the Teesdale Community Hall and online on 9 August. Approximately 20 attendees shared information with Golden Plains Shire, Vic SES and Water Technology officers. The majority of concerns raised at the session related to infill and greenfield subdivision and associated increased flows in local drainage, however, information regarding historical riverine flooding of Native Hut Creek was shared.

Water Technology built different models of water flows through historic rain events and checked how these matched the historical records obtained through the consultation. An additional community consultation event was held on 9 March 2023 to display the models and obtain additional historical records to validate the findings. The joint validation process showed the models were suitable to replicate a range of flow events and adoption in design flood modelling for Native Hut Creek.

Additional components to improve the flood warning capability were recommended, with two additional gauges proposed. Three mitigation options were investigated but none of the options achieved a favourable financial cost/benefit ratio.

The mitigation recommended by the study was for changing the mapping in the Golden Plains Planning Scheme based on the 1% Annual Exceedance Probability flood, which is often referred to as a 1 in a 100-year flood event, with projected increased rainfall intensity to 2100 under the climate change projection Representative Concentration Pathway RCP8.5 as shown in Figure 3.

The climate change projection RCP8.5 is the model used by the Intergovernmental Panel on climate change to predict the scenario where greenhouse gas emissions continue at a similar rate to recent years. The Teesdale Flood Project Reference Group proposed using this projection as there was only marginal difference to other projections modelled and it provided the most protection to possible climate change effects.

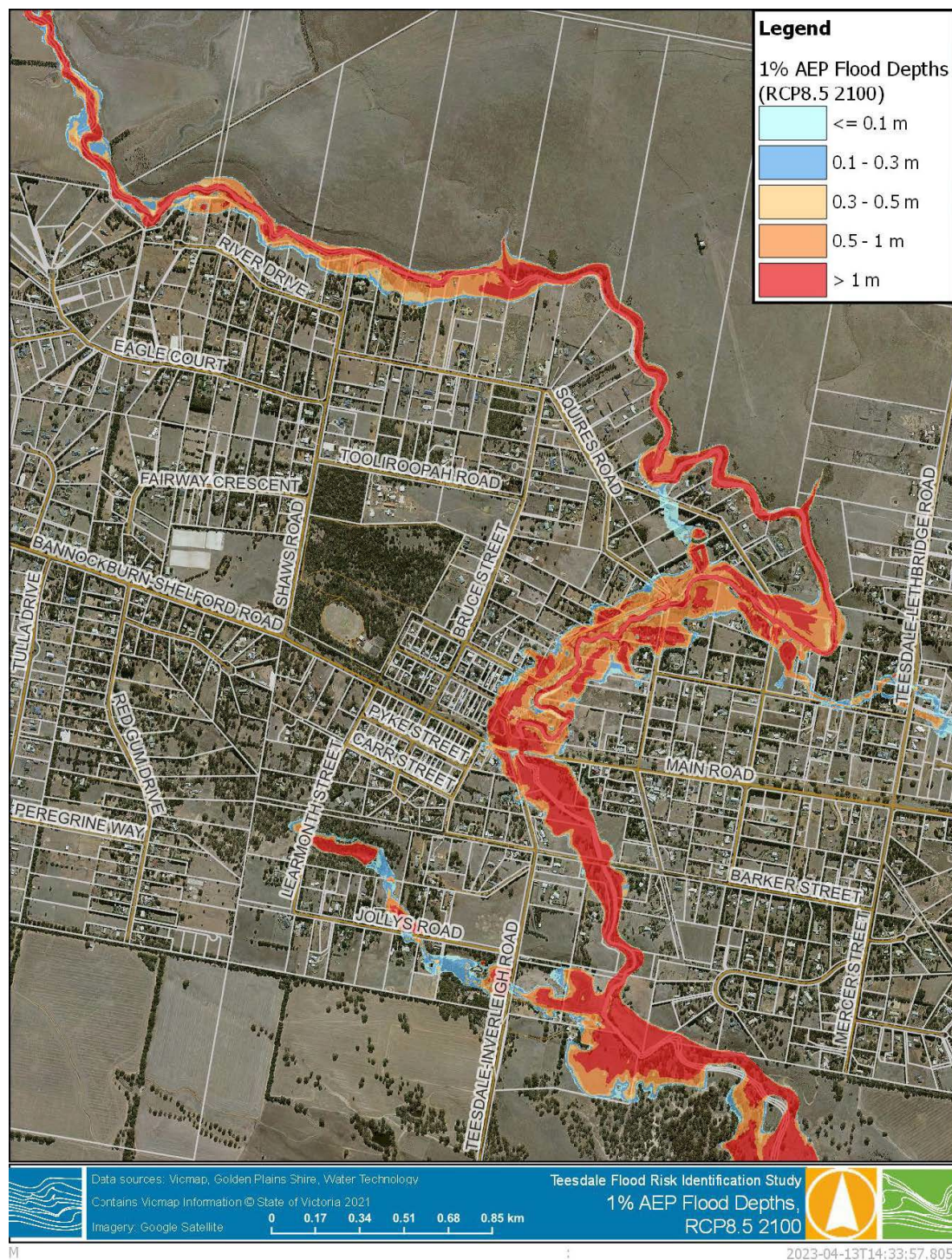


Figure 3 - 1% AEP Flood Depths in Teesdale under projected RCP8.5 to 2100

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)	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 Flood Risk Investigation study and proposed Amendment have been prepared in consultation with the Corangamite Catchment Management Authority (CCMA) and the SES. The extent of the overlays and the configuration of the mapping included in this Amendment have been prepared in consultation with the CCMA. Other agencies will be consulted via the exhibition process of this amendment.

POLICY/RELEVANT LAW

The Amendment is proposed to proceed in accordance with the provisions of the *Planning and Environment Act 1987*. The steps in the Amendment process are shown below in Figure 3.

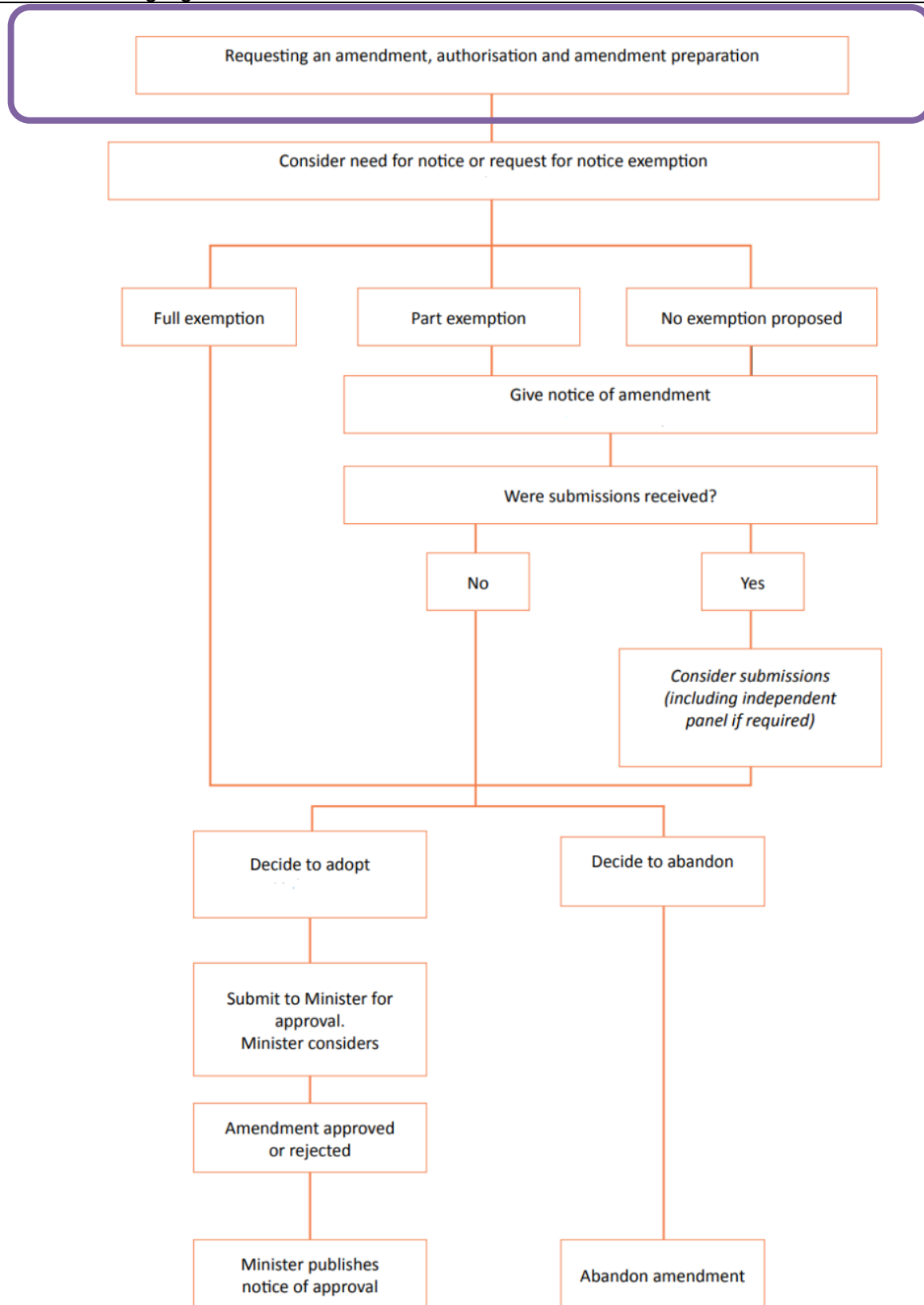


Figure 4 Planning Scheme Amendment process flow chart

Section 4 of the Planning & Environment Act 1987 sets out the objectives for planning in Victoria, including the following:

- To provide for the fair, orderly, economic and sustainable use, and development of land;
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

- To balance the present and future interests of all Victorians.

Section 6 of the Planning and Environment Act 1987 identifies what planning schemes can provide for, including (among other things) the ability to:

- Regulate or prohibit any use or development in hazardous areas or in areas which are likely to become hazardous areas.

The proposed Amendment responds to these objectives and responsibilities by identifying flood related hazards within Teesdale, and ensuring that the Planning Scheme accurately identifies the location of these hazards thus ensuring all people are provided with a safe environment, assets are appropriately designed and located, and future development does not compromise natural systems.

The proposed Amendment will assist landowners in understanding potential hazards and guiding development on their land and will assist Council and the Corangamite Catchment Management Authority in making more informed and effective decisions on development of land affected by flooding.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Environmental:

The Amendment should have a positive effect on the environment. Flooding has environmental benefits as flood-prone areas may provide valuable habitats for plants and animals and serve as natural water storage areas. Areas of environmental significance, such as swamps, billabongs and wetlands have an important role to play in supporting biodiversity, recycling nutrients and maintaining water quality. By accurately identifying flood-prone areas, these areas can be protected from inappropriate development that may pose a threat to water quality and flora and fauna communities. The identification of flood-prone areas will ensure that development is compatible with local environmental conditions including flood hazards and drainage conditions.

Social:

The Amendment seeks to protect new development from the effects of flooding and minimise the effect of development on flood processes.

Economic:

The Amendment is expected to have positive economic and social benefits for the municipality. Flooding carries significant costs for the community, individual landowners and the state. Flood damage can disrupt communities and in extreme cases, cause extensive and costly damage to public and private assets, cause agricultural losses, personal hardship and loss of life. By careful planning of new development and earthworks having regard to environmental risks, future financial and community impacts of flooding can be reduced.

Climate Change:

The flood modelling is based on climate change projections to ensure that the future population is protected from increased rainfall and more intense flooding events.

COMMUNITY ENGAGEMENT

Community consultation sessions were held on the August 4 2022 from 4 to 7pm at the Teesdale Community Hall and on August 9 2022 between 6:30pm and 7:30 pm as an online session. An additional session was held on March 9 2023 between 4pm and 6pm at Teesdale Community Hall where the preliminary results were made available. Information on the consultation was provided on the Council Consultations webpage, a direct mail out to all residents of Teesdale in July 2022 and March 2023, advertisement in the Golden Plains Times, and posting on the Golden Plains Shire's social media platforms.

PUBLIC TRANSPARENCY

The exhibition of the amendment and reporting will ensure the transparency of the decision-making process.

STRATEGIES/PLANS

The Golden Plains Planning Scheme, specifically at Clause 13.03-1S, contains strategies to identify land affected by flooding, including that land inundated by the 1 in 100 year flood event is identified within the planning scheme and its associated overlays. The proposed Amendment seeks to implement this specific strategy within the planning scheme.

FINANCIAL MANAGEMENT

The Teesdale Flood Risk Identification Study was supported by the Victorian Government with funding provided by the Australian Government in partnership with the States and Territories under the National Partnership Agreement for Disaster Risk Reduction.

The proposed Amendment will improve the application and administration of the Golden Plains Planning Scheme, through providing certainty for Council, CCMA and land owners. It is considered that the amendment will have a minor impact on the resource and administrative costs of the Responsible Authority due to the additional land area covered by the Land Subject to Inundation Overlay and the Floodway Overlay. It is further considered that these increased demands will be offset by the improved performance of the planning scheme and the potential for reduced demands on Council's emergency management response and flood recovery resources.

RISK ASSESSMENT

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

If the Teesdale Flood Risk Identification Study is not adopted and the proposed Amendment not authorised, the Golden Plains Shire Planning Scheme will not accurately locate hazards and allow for development in areas that may be affected by flooding in the future.

COMMUNICATION

Communication of the Amendment will be in accordance with the Planning and Environment Act 1987

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 – Adopt the Teesdale Flood Risk Investigation Study and authorise the preparation and exhibition of the Planning Scheme Amendment to implement the changes recommended in the study.

This option is recommended by officers as it reduces the risk to the community members from buildings constructed in areas that may be impacted by flooding in the future, reduces risk to damage to property, and improves planning and response to future flood events.

Option 2 – Adopt the Teesdale Flood Risk Investigation Study but do not authorise the preparation and exhibition of the Planning Scheme Amendment to implement the changes recommended in the study.

This option is not recommended by officers as it will not improve planning and response to future flood events and will not reduce the risk to community and property

Option 3 – Do not adopt the Teesdale Flood Risk Investigation Study nor authorise the preparation and exhibition of the Planning Scheme Amendment to implement the changes recommended in the study.

This option is not recommended by officers as it will not reduce the risk to the community and property in future flood events.

CONFLICT OF INTEREST

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

CONCLUSION

The study provides an improved understanding of flood behaviour in Teesdale. Flood intelligence information from the study was extracted and summarised to provide information to assist in raising awareness of flooding within the community and to improve the emergency response information available to VicSES, CFA and Council. Modelling updates including flood depth, velocity and water surface elevation have been used to develop proposed planning layers based on the 1% AEP projected RCP8.5 to 2100 flood events.

8.5 MOORABOOL RIVER RESERVE MASTERPLAN - ADOPTION

File Number:**Author:** Dale Smithyman, Natural Resources Officer**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** 1. Moorabool River Masterplan**RECOMMENDATION**

That Council adopts the Moorabool River Reserve Masterplan as attached.

EXECUTIVE SUMMARY

The Moorabool River Reserve is a 17 hectare public open space and conservation reserve in Batesford. A master plan has been developed by Council to guide the site's future development and management as a public open space and conservation reserve, following community and stakeholder engagement. The final master plan is presented to Council for adoption.

BACKGROUND

The 17-hectare Moorabool River Reserve on Vigneron Way in Batesford has recently come to Council as public open space as part of the Riverstone development. The reserve has approximately 2.8 kilometres of frontage to the Moorabool River and contains areas of remnant riparian vegetation as well as open space suitable for passive recreation. Whilst in an area of identified cultural heritage sensitivity, the site offers much in terms of biodiversity protection and passive recreational opportunities for the local and wider community.

Local community representatives strongly sought the development of a Master Plan for the reserve to guide any future development and the ongoing management of the Reserve. Council's Environment and Sustainability Team obtained grant funds through the State Government's Iconic Urban Waterways Grants Program to develop the Master Plan.

A Draft Masterplan was developed by consultants following consultation with the Batesford community, Wadawurrung Traditional Owners and other stakeholders as well as special interest groups. Consultation included direct mail out to Batesford residents, engagement with key Batesford community groups, online survey and social media releases, a community meeting and a reserve walk.

The Draft Masterplan was tested through a second round of community and stakeholder consultation with minor amendments made and most of the key actions retained in their original form. The amendments made in summary are:

- Changes to text to clarify issue and / or remove ambiguity.
- Reference to koala population in area and additional flora and fauna information.
- Inclusion of more inclusive public furniture.
- Interaction and engagement with Wadawurrung Traditional Owners in implementation and management of the reserve.

The final Masterplan presented for adoption brings together extensive background information, community and stakeholder feedback and Council officer input to define and guide the future management of the reserve.

DISCUSSION

Based on feedback received during the community engagement phases of the project, the Masterplan has identified the following vision for the reserve.

The Moorabool River Reserve is a cornerstone of the Batesford public open space network:

- *valued for its protected and peaceful landscape, history, biodiversity and natural floodplain values;*
- *a place where its Wadawurrung values are protected and cultural connections past and present are understood and respected; and*
- *a safe, well-connected space for the community to access and enjoy.*

Key goals of the Masterplan include:

- Traditional custodian values and culture;
- Protection and restoration of biodiversity;
- Improvement in awareness of heritage values, and;
- Improved public access;
- Provide for low key, climate resilient, recreation facilities.

The outcomes of the Masterplan are to be achieved through the implementation of a suite of overall reserve actions, as well as specific actions tied to three identified management zones.

Masterplan actions include:

- Adopting Wadawurrung naming of the reserve;
- Integrating Wadawurrung management through a reserve focussed Healthy Country Plan;
- Restoration of biodiversity through revegetation;
- Installation of interpretive signs;
- Installation of a picnic/gathering place and nature based play space;
- Installation of seating;
- Pest plant and animal control;
- Maintenance for public access and safety (i.e. fire, flood), and;
- Permitting dogs in the reserve, provided they are under control and on leads.

The Masterplan provides action tables aligning responsibilities and priority for actions.

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	Yes

(Consideration of Strategic Planning Principles under s.89 of LGA 2020)	
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

The Masterplan clarifies and prioritises the future management and development of the Moorabool River Reserve in Batesford to align with Council responsibilities and community aspirations. The Masterplan aligns with the Council Plan 2021-2025, the Climate Emergency Plan 2022-2032, Municipal Public Health and Wellbeing Action Plan 2021-2025 and the Environment Strategy 2019-2027. Objectives and actions also support broader external strategic plans associated with the protection, conservation and management of the Moorabool and Barwon River catchments, including Kitjarra-dja-bul Bullarto langi-ut.

POLICY/RELEVANT LAW

The Masterplan identifies legislation and statutory responsibilities for Council pertaining to the management and development of the reserve. Council must comply with relevant legislation in the conservation, protection and management actions identified for the reserve.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Future management of the Moorabool River Reserve is essential in ensuring that the reserve is well managed for its environmental, cultural and recreational values.

The Moorabool River Reserve will provide an important public open space asset for in Batesford. The proposed primary use of conservation and passive recreation in nature encourages a range of benefits to the community. Recreation in nature has demonstrated positive physical and mental health outcomes contributing to improved personal wellbeing and reduced societal impacts.

A well-managed reserve with a clear plan for the future will ensure that natural and cultural values are enhanced and protected.

COMMUNITY ENGAGEMENT

Initial community engagement for the development of the Draft Master Plan was undertaken during November 2022. Activities included a mail out survey, online survey, community engagement meeting and two (2) walks on Country with community members. This engagement elicited 46 responses providing information on the reserve values, key issues, uses of the reserve and opportunities. A site walk with Wadawurrung representatives was also undertaken to investigate traditional custodian interests and opportunities regarding the future management of the reserve.

Community feedback indicated that walking and dog walking were the two primary uses of the reserve and were reflected as the key recreational opportunities. Feedback overwhelmingly sought to have the natural values protected.

The Draft Masterplan was tested through a second round of community engagement via an online survey and community meeting. The consultation period for the survey was open for three weeks between 26 July 2023 and 16 August 2023, The survey consisted of four questions seeking feedback

on the Draft Masterplan. There was also an evening community meeting at the Batesford Hall on 8 August 2023.

In total there were 8 responses to the survey and two written responses; including the Batesford Community Planning Group – Community Survey. Approximately 20 residents attended the community meeting where a diverse range of views regarding the Masterplan were forthcoming.

The survey responses and community meeting feedback almost universally supported the position that the conservation and enhancement of the natural values of the reserve was paramount while still allowing and managing community access.

A number of considerations that were identified for inclusion in the final Masterplan included:

- provision of an alternative to log seats;
- provision of a dog off leash area;
- provision of dog poo bags/bins;
- provision of picnic shelter(s) to provide shelter for reserve visitors, and;
- poor access due to subdivision design.

Discussion around the provision of visitor infrastructure, in particular a picnic shelter, with its associated issues with rubbish and inappropriate use proved to be the item of highest contention both online and at the community meeting. Survey respondents and community meeting participants provided views on all sides of the issue.

Poor public access due to subdivision design creating long walking accesses was also a key issue raised, with discussion around opening the long access to public vehicles for people with limited mobility.

Only minor changes to the Masterplan resulted from the second round of community consultation.

PUBLIC TRANSPARENCY

The development of the Masterplan has been conducted as an open and transparent process. Council sought to engage with and seek input and feedback from the Batesford community and other key stakeholders at all stages of its development.

STRATEGIES/PLANS

The Masterplan identifies the strategic context in which the Moorabool River Reserve and its future management exists. This provides guidance to both Council and the community as to the wider strategic context and the future conservation and management of the reserve.

FINANCIAL MANAGEMENT

Proper management of the Moorabool River Reserve is essential to ensure that Council resources are effectively and efficiently expended. The Masterplan is a key document on the path to ensuring that this occurs. It outlines the future management directions for the reserve and identifies where resources are required to be focussed to achieve the outcomes of the plan.

The addition of a 17-hectare public open space reserve to Council's land portfolio will require additional budgetary and staff resourcing contributions to ensure proper care of the reserve is undertaken. The Masterplan identifies guidance on priorities for funding.

The Masterplan also identifies key projects that can be funded through external grants. Council has been in consultation with the Kitjarra dja bul Bullarto Langi-ut (Places of Many Stories) project regarding funding of key elements of the plan including interpretive and entry signs, nature-based play space, picnic shelter and access infrastructure.

Council will continue to seek funding and plan for staff resources for implementation of actions over the life of the plan.

RISK ASSESSMENT

Risk implications include:

- The Masterplan seeks to mitigate the risks of insufficient planning to manage a nature based open space reserve.
- The Plan lays out the management of the reserve to ensure that the reserve is well managed to minimise the financial and public risk to Council while minimising the risk of damage to natural assets.
- As a publicly accessible, natural open space reserve immediately adjacent to a waterway, the reserve carries a level of inherent risk that it is not entirely able to be addressed.
- The Masterplan directly addresses this risk (e.g., flood, tree hazard) through actions to reduce the risk to the public and thereby Council's risk exposure.

COMMUNICATION

Communication of the adoption of the Moorabool River Reserve Masterplan will be undertaken by online correspondence with community members and stakeholders who had input to Masterplan and a social media release. The document will be made available on Council's website.

OPTIONS

Option 1 – Council adopt the Moorabool River Reserve Masterplan

This option is recommended by officers as a comprehensive process has been undertaken to develop the plan.

Option 2 – Council does not adopt the Moorabool River Reserve Masterplan

This option is not recommended by officers as a comprehensive process has been undertaken to develop the plan. The plan has already been delayed by external factors and further delay may lead the community to disengage from the process and not support the outcome.

Option 3 – Council delays the adoption of the Moorabool River Reserve Masterplan

This option is not recommended by officers as a comprehensive process has been undertaken to develop the plan. The plan has already been delayed by external factors and further delay may lead the community to disengage from the process and not support the reserve.

CONFLICT OF INTEREST

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

CONCLUSION

The Moorabool River Reserve Masterplan guiding the future conservation, protection and management of the 17 hectare reserve in Batesford has been developed following community and stakeholder engagement and is presented to Council for adoption.

8.6 COUNCILLOR CODE OF CONDUCT - ADOPTION

File Number:

Author: Rosie Wright, Coordinator Governance and Risk

Authoriser: Lynnere Gray, Director Corporate Services

Attachments: 1. For Adoption - Councillor Code of Conduct

RECOMMENDATION

That Council:

1. Revoke the Councillor Dispute Resolution Policy 2021.
 2. Adopt the revised Councillor Code of Conduct, as attached, in place of the previously adopted Councillor Code of Conduct 2021.
-

EXECUTIVE SUMMARY

Council must develop a Councillor Code of Conduct in accordance with section 139 of the Local Government Act 2020 (the 'Act'). Council previously adopted a Councillor Code of Conduct and a Councillor Dispute Resolution Policy on 23 February 2021, to meet the required implementation of the Act. A comprehensive review has been conducted of the Councillor Code of Conduct and the Councillor Dispute Resolution Policy, and a revised Councillor Code of Conduct is presented to the Council for adoption. The Councillor Dispute Resolution Policy has been integrated into the revised Code of Conduct and as such, can be revoked with the adoption of the revised Code of Conduct.

BACKGROUND

Section 139 of the Act requires that Councils develop a Councillor Code of Conduct (a 'Code').

The purpose of the Code is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as Councillors.

The Code:

- a) Must include the standards of conduct prescribed by the Local Government (Governance and Integrity) Regulations 2020 which are expected to be observed by Councillors;
- b) Must include any other provisions or address any other matters prescribed by those or any other regulations for the purpose of the Code (at the time of writing, no other matters or provisions have been regulated for the purpose of the Code);
- c) May include any other matters which the Council considers appropriate, other than any other standards of conduct.

A Council may review or amend the Code at any time. To amend the Code, a formal resolution of the Council passed at a meeting by at least two-thirds of the total number of Councillors elected to the Council. For Golden Plains Shire Council, this is at least 5 Councillors in favour of the amendment required to pass the resolution.

DISCUSSION

The previously adopted Code was the first iteration of the Code under the new Act. With the completed implementation of the Act and learning across the sector in relation to the operation of the conduct framework provided by the Act, opportunities for improvement have been identified in the existing Code and Dispute Resolution Policy.

Key opportunities for improvement are:

- Including an informal dispute resolution process that Councillors can engage in to resolve disputes, prior to or instead of initiating a legislative misconduct process;

- Removing parts which repeat or copy large sections of the Act and instead referencing the Act through footnotes, to improve readability;
- Integrating the Dispute Resolution Policy into the Code to reduce to a single document and source of information;
- Including and explaining specific Councillor conduct obligations provided by the Act (for example use of position and resources and confidential information provisions).

A brief summary of each section and changes from the previous Code or Dispute Resolution Policy is provided below.

Section of revised Code	Summary	Previous Code/policy alignment
<i>Ch 1 – Preliminary Provisions</i>	Provides the context, purpose and scope of the Code with reference to the Act. Significantly reduced the length of these sections from previous Code, as definitions and sections of legislation moved to footnotes or definitions part of Code. Scope clause added.	Clauses 1 & 2 – both Code and Policy.
<i>Ch 2 – Values and Standards of Conduct</i>	Clause 4 formalises the Councillor ‘Commitment to good governance’ pledge, which is read by the Mayor at each Council meeting. Clause 5 ensures that the Standards of Conduct are included in the Code, however reduces the length of the clause by providing these as an Appendix to the Code. Clause 6 provides the GPSC Values, as per the previous Code.	Clauses 3, 4, 5, 6, 7 - Code
<i>Ch 3 – Roles and Responsibilities</i>	Provides a description and explanation of the roles of each key position within Council and the Councillor conduct framework. These are: <ul style="list-style-type: none"> - Council (clause 7); - Councillors (clause 8); - Mayor (clause 9); - Deputy Mayor (clause 10); - Chief Executive Officer (clause 11); - Councillor Conduct Officer (clause 12); - Principal Councillor Conduct Registrar (clause 13). 	Clause 6 – Code Definitions – both Code and Policy.
<i>Ch 4 – Specific Councillor Conduct Obligations</i>	Covers other conduct obligations included in the Act that apply to Councillors. These are: <ul style="list-style-type: none"> - Misuse of position (clause 14); - Directing members or Council staff (clause 15); - Actively participating in the Council decision making processes, including by ensuring they are free from bias, respectfully engaging in debate, and seeking further information if required (clause 16); - Declaration of conflict of interests (clause 17); 	Clauses 8, 9, 10, 11 – Code Clause 16 - Policy

	<ul style="list-style-type: none"> - Misuse of confidential information (clause 18); - Taking steps to eliminate discrimination, vilification, sexual harassment and behaving in a safe, respectful and inclusive manner (clause 19). <p>This ensures that the Code includes the key conduct obligations for Councillors, beyond the regulated Standards of Conduct and can be referred to as a single source of information.</p>	
<i>Ch 5 – Dispute Resolution and Breaches of the Code</i>	<p>This part implements the informal dispute resolution process that can be undertaken by Councillors prior to or in place of a misconduct process provided by the Act (clauses 20-23).</p> <p>The process is proposed to include three steps:</p> <ol style="list-style-type: none"> 1. Informal discussion between the parties involved in a dispute; 2. Resolution discussion between the involved parties, facilitated by the Mayor (or if the Mayor is involved in the dispute, the Deputy Mayor or most recent past Mayor); 3. Mediation between the involved parties by an external qualified mediator. <p>While the Mayor facilitates the resolution discussion in step two, it is not their position to determine or impose any sanctions or courses of action for the involved parties. The purpose of this role is to guide discussion and ensure that all parties engage respectfully in the resolution process.</p> <p>Applications for steps two and three above are coordinated through the Councillor Conduct Officer, however this person does not play a role in mediating or facilitating any dispute resolution.</p> <p>The revised Code provides for record keeping and documentation of any agreed outcomes or resolutions.</p> <p>This chapter of the Code includes an explanation of the legislative conduct framework (being misconduct, serious misconduct and gross misconduct) and the steps that may be taken to address each of these levels of behaviour (clauses 24 – 26).</p> <p>As noted at clause 23 of the revised code, while Councillors may proceed directly to the actions provided by the Act to respond to what they believe to be misconduct or serious misconduct, it is strongly recommended that Councillors engage or attempt to engage in the informal dispute resolution process provided in this chapter.</p>	<p>New - Informal dispute resolution</p> <p>Clause 12 – Code</p> <p>Clauses 4-15 – Policy</p>
<i>Ch 6 – Other Matters</i>	<p>The recently released Operation Sardon report (at recommendation 31) recommended that any model Code of Conduct provided by the State Government should contain a statement that Council officers and members of the public may complain to the Chief Municipal Inspector. This has been incorporated into the revised Code at clause</p>	New

	30 with a brief description of the scope of the Local Government Inspectorate's scope of power under the Act.	
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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)	No
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

The governance principles are a key factor of the revised Code and are specifically addressed at clause 7.

POLICY/RELEVANT LAW

- Local Government Act 2020
- Local Government (Governance and Integrity) Regulations 2020

PUBLIC TRANSPARENCY

Adoption of the Code in a public meeting ensures that there is transparency of the conduct obligations which apply to Councillors, as well as the processes and steps that may be taken if Councillor behaviour does not meet the standards of conduct.

RISK ASSESSMENT

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

Councillors face significant risks, including fines, if they fail to comply with the Standards of Conduct or other conduct obligations as provided by the Act and included in the revised Code.

COMMUNICATION

Councillors will be provided with a copy of the revised Code which will also 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 – Adopt the revised Councillor Code of Conduct, which includes revoking the Councillor Dispute Resolution Policy.

This option is recommended by officers as the Code has been comprehensively reviewed and represents a more cohesive, clear and comprehensive document. The revised Code provides improved processes for informal resolution of disputes.

Option 2 – Do not adopt the revised Councillor Code of Conduct and continue to use the existing Councillor Code of Conduct 2021 and Dispute Resolution Policy.

This option is not recommended by officers as it is considered that the reviewed Code would provide an improvement to the governance practices of the Council.

CONFLICT OF INTEREST

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

CONCLUSION

A comprehensive review has been conducted of the Councillor Code of Conduct and the Councillor Dispute Resolution Policy, and a revised Councillor Code of Conduct is presented to the Council for adoption. The Councillor Dispute Resolution Policy has been integrated into the revised Code of Conduct and as such, can be revoked with the adoption of the revised Code of Conduct.

8.7 MEDIA AND COMMUNICATIONS POLICY - ADOPTION

File Number:**Author:** Lisa Baldock, Coordinator Communications and Engagement**Authoriser:** Eric Braslis, CEO**Attachments:** 1. Media and Communications Policy**RECOMMENDATION**

That Council adopt the updated Media and Communications Policy as attached, in place of the previous Media Statements and Public Notice Policy.

EXECUTIVE SUMMARY

The Media and Communications Policy has been reviewed and a draft presented to Council for feedback at its Strategic Meeting on 5 September 2023. Since that time, the Policy has been updated to improve the operation of the Policy and to provide clarity on its intent and attached for adoption by Council.

BACKGROUND

The Media and Communications Policy was first adopted by Council on 30 June 1994, followed by several reviews undertaken and adopted; September 1998, February 2004, September 2010, August 2014 and September 2018. Evolving media landscape and the rise of social media and online platforms has prompted Council to update the policy to address new communication conventions.

Since commencing the review in mid-2023, further discussions have ensued with Councillors at their briefings. Additionally, Council officers considered several Victorian Council's Media and Communications Policies with the view align this policy with established conventions.

Councillor feedback was received on the draft Media and Communications Policy, noting a number of matters were tabled for consideration surrounding options pertaining to including examples of scenarios specific to each section of the policy, which have now been included in the attached policy to improve the operation of the policy.

The preparation of the Media and Communications Policy provides clear direction for Councillors, employees, contractors and volunteers of Council.

DISCUSSION

Golden Plains Shire Council is dedicated to upholding its compliance with legislation and the Councillor Code of Conduct regarding the appropriate utilisation of media and social media platforms by Councillors, employees, contractors and volunteers.

In order to ensure that the interaction between the Council, media, and the communications landscape is effectively managed to maximise Council's benefits while minimising the risks of adverse publicity and misunderstandings resulting from inaccurate or inappropriate information sharing, the revised Media and Communications Policy (draft) has been developed.

This policy provides a structured framework for communication between the Council, its staff, and stakeholders. Its primary goal is to enhance the community's awareness of Council's services, activities, achievements, and resources, ultimately contributing to a positive Council identity.

Through media communication, Council aims to keep the community well-informed and engaged in discussions about Council activities, services, and programs. The reviewed policy has been updated to align with established conventions and offers clear and concise processes when interacting with media.

While all sections of the policy have been reviewed, the key changes relate to the following:

- **Policy purpose:** to provide a clear framework for communications between Council, staff and its stakeholders in order to build a positive identity for council.
- **Scope:** applies to all Councillors, employees, contractors, and volunteers of Council.
- **Policy statement:** official commentary, official online presence, individual commentary and social media, media and communications requests.
- **Roles and responsibilities:** summary of roles and responsibilities described in the policy.
- **Compliance:** outlines policy owner obligations align with relevant statutory obligations, government policy and Council's requirements/strategies/Values
- **Reporting:** internal reporting framework
- **Records management:** relevance to *Public Records Act 1973*.
- **Definitions:** defines established conventions for definition, terms and abbreviations
- **Related legislation and documents:** references for context

Furthermore, Council will note that examples have been embedded into the policy for clarity, specifically:

- **Section 3.2.2:** Official online presence
- **Section 3.3.1** Individual commentary and social media
- **Section 3.3.4** Individual commentary and social media
- **Section 3.3.5** Individual commentary and social media
- **Section 3.3.6** Individual commentary and social media

The Media and Communication Policy provides an opportunity for Council to embrace the benefits of powerful communications whilst safeguarding its reputation, promoting transparency, and fostering community engagement.

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)	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)	Yes
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

Amendments have been proposed to the Media and Communications Policy, in order to pursue continue improvement. The proposed amendments align with policies adopted by surrounding Councils and *Local Government Act 2020*.

POLICY/RELEVANT LAW

- *Local Government Act 2020*
- Local Government (Governance and Integrity) Regulations 2020
- *Privacy and Data Protection Act 2014*
- *Charter of Human Rights and Responsibilities Act 2006*
- Councillor Code of Conduct
- Election Period Policy
- Governance Rules
- Interaction between Councillors and Council Staff Protocol

COMMUNITY ENGAGEMENT

If adopted, the policy will be published on the Council's public webpage.

PUBLIC TRANSPARENCY

The Media and Communications Policy ensures public transparency in relation to interactions with media.

RISK ASSESSMENT

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

- Media plays a crucial role in shaping public opinion. By having a robust policy Council has the framework to ensure it contributes to positive reputation management, which is crucial for maintaining a desired community image.
- Consistent messaging prevents the dissemination of conflict or inaccurate information that can lead to confusion and mistrust.
- Legal compliance - failure to review and adopt the Media and Communications Policy would lead to non-compliance with relevant legislative / Council's Governance Rules/Law/Policies.

COMMUNICATION

If adopted, the policy will be published on the Council's public webpage.

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 Media and Communications 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 Media and Communications policy.

This option is not recommended 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 regarding this matter.

CONCLUSION

The Media and Communications Policy is presented to Council to adopt, following feedback from Council at its Strategic Briefing meeting held on 5 September. The policy has been reviewed with changes made to align the policy to the *Local Government Act 2020* and Code of Conduct and relevant Council policies/Values.

8.8 REVIEW OF INSTRUMENT OF DELEGATION - COUNCIL TO COUNCIL STAFF

File Number:

Author: Sophie Brown, Governance and Risk Specialist

Authoriser: Lynnere 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. Each duty and/or function and/or power in the instrument be delegated to the member of Council staff holding, acting in or performing the duties of the position referred to in the instrument, as shown in Attachment 1, subject to the conditions and limitations specified.
 2. The Chief Executive Officer is authorised to sign the attached instrument of delegation.
 3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it, and must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 4. The previous instrument dated 23 May 2023 is revoked.
-

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 a small change to the instrument and the associated delegated positions, it has been updated and is presented to Council 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 of powers by Council is formalised via a written instrument of delegation and is considered essential to enable day-to-day decisions to be made.

There are several reasons why delegations should be reviewed regularly, but most importantly to:

- identify decision-makers to ensure accountability and responsibility for decisions; and
- ensure 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 role as a delegated officer.

Council last reviewed and adopted the Instrument of Delegation to Members of Council Staff at the 23 May 2023 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:

Provision	Previous Instrument	New Instrument
Planning and Environment Act 1987 s 181	Delegation wording: <i>Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar- General.</i>	Delegation wording: <i>Duty to apply to the Registrar of Titles to record the agreement.</i>
	Delegated positions: <i>CEO; DCPG; MPL; CSTATP</i>	Delegated positions: <i>CEO; DCPG; MPL; CSTATP; SO; PSOS; TP</i>

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
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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).

OPTIONS

Option 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 *Instrument of Delegation – Council to Members of Council Staff*, it is now appropriate for Council to adopt the amended instrument. By carrying out a review of the

instrument 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.

8.9 REVIEW OF INSTRUMENT OF DELEGATION - ENVIRONMENT PROTECTION ACT 2017

File Number:**Author:** Sophie Brown, Governance and Risk Specialist**Authoriser:** Lynne Gray, Director Corporate Services**Attachments:** 1. Instrument of Sub-delegation - Environment Protection Act 2017

RECOMMENDATION

By this Instrument of Sub-Delegation, in exercise of the power conferred by section 437(2) of the Environment Protection Act 2017 and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 ('instrument'), Golden Plains Shire Council resolves that:

1. Each duty and/or function and/or power in the instrument be delegated to the member of Council staff holding, acting in or performing the duties of the position referred to in the instrument, as shown in Attachment 1;
2. The Chief Executive Officer is authorised to sign the attached instrument of delegation;
3. The instrument comes into force immediately upon execution and remains in force until Council determines to vary or revoke it, and must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
4. The previous instrument dated 22 November 2022 is revoked.

EXECUTIVE SUMMARY

The Instrument of Delegation of the Environment Protection Authority under the Environment Protection Act 2017 requires that members of Council staff holding, acting in or performing the duties of the position referred to in the instrument must be delegated through resolution of Council. The instrument was last reviewed and adopted by Council in November 2022. A review of that instrument has now been completed and updated to reflect organisational structure changes.

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

BACKGROUND

The Chief Executive Officer (CEO) appoints the majority of Council staff delegations under Council's delegation to the CEO. However, under section 437(2) of the Environment Protection Act 2017 ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act the appointment cannot be delegated to the CEO and must be made through resolution of Council.

The instrument was reviewed by Maddocks Lawyers in July 2023 and the delegated staff have been reviewed and updated to reflect organisational structure changes.

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.

Maddocks Lawyers reviewed the Instrument of Sub-delegation under the Environment Protection Act 2017 in July 2023. There were no changes to be made to the instrument.

The specific delegations provided through this instrument under the Environment Protection Act 2017 include:

1. Section 271 – the power to issue improvement notice;

2. Section 272 – the power to issue prohibition notice;
3. Section 279 – the power to amend a notice;
4. Section 358 – functions of the Environment Protection Authority;
5. Section 359(1)(b) – the power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective; and
6. Section 359(2) – the power to give advice to persons with duties or obligations.

This instrument is subject to the following limitations:

1. The powers, duties and functions described in column 2 of the Schedule are only delegated for the purpose of regulating:
 - a. onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - b. noise from the construction, demolition, or removal of residential premises.

The proposed changes to the instrument are detailed below:

- Position title change from Manager Development and Regulatory Services to Manager Regulatory Services.

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 legislation referred to in the attached Instrument of Sub-delegation.

ENVIRONMENTAL/SUSTAINABILITY IMPLICATIONS

Delegation of powers provided by the *Environment Protection Act 2017* 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 delegations, including the dates on which the last reviews took place.

RISK ASSESSMENT

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

- Delegated officers are required to ensure legislative compliance; and
- Delegations mitigate risks associated with inappropriate exercise of powers.

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).

OPTIONS

Option 1 – That Council adopt the reviewed Instrument of Sub-delegation (*Environment Protection Act 2017*)

This option is recommended by officers as this will ensure compliance with legislation and ensure the appropriate delegations are in place for members of Council staff exercising these powers.

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 delegations to perform their duties.

CONFLICT OF INTEREST

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

CONCLUSION

The appointment of delegated officers under the *Environment Protection Act 2017* cannot be delegated to the CEO and must be made by resolution of Council. The Instrument of Delegation of the Environment Protection Authority under the Environment Protection Act 2017 was last reviewed and adopted by Council in November 2022. A review of that instrument has now been completed and updated to reflect organisational structure changes. It is recommended that Council consider and adopt the revised the instrument, as shown at Attachment 1.

8.10 PANEL OF SUPPLIERS - ELECTRICAL SERVICES & MAINTENANCE WORKS**File Number:****Author:** Simone Muschalla, Building and Facilities Officer**Authoriser:** Phil Josipovic, Director Infrastructure and Environment**Attachments:** Nil**RECOMMENDATION**

That Council:

1. Resolves to award the Contract GPSC-RFT-14-2023- Panel of Suppliers - Electrical Services & Maintenance Works for an initial period of three (3) years with two (2) x 12 month extensions at Council's discretion to:
 - a) Stack Electrical & Data Pty Ltd
 - b) G.T. Electrical Contractors Pty Ltd
 - c) Barwon Asset Solutions Pty Ltd.
2. Delegates to the Chief Executive Officer or his delegate authority to execute the contract on behalf of Council.

EXECUTIVE SUMMARY

Golden Plains Shire Council wishes to engage a panel of suitably qualified contractors to undertake Electrical Services & Maintenance Works for Council.

BACKGROUND

Golden Plains Shire Council requires suitably qualified, experienced providers for the provision of Electrical Services & Maintenance Works for approximately 180 buildings, facilities and structures of varying classes and occupancy - from major municipal buildings to sporting pavilions and community facilities.

Appointing a panel of contractors for 'Electrical Services & Maintenance Works' 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 to provide Electrical Services & Maintenance Works for Council was advertised from 28 July 2023 to 27 August 2023, with six (6) submissions received on closing. The submissions were reviewed, and compliance checked prior to releasing to the tender evaluation panel.

After the evaluation panel members individually reviewed and scored each tender, a consensus evaluation meeting was held on 14 September 2023. The evaluation panel agreed that 3 suppliers would be sufficient to service this contract, which is in line with the tender evaluation plan. Stack Electrical & Data Pty Ltd, G.T. Electrical Contractors Pty Ltd and Barwon Asset Solutions Pty Ltd were chosen as the preferred suppliers based on consensus agreement/scores as measured by capacity, capability, price and local content.

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

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

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-14-2023- Panel of Suppliers - Electrical Services & Maintenance Works complies with GPSC Procurement Policy and the Local Government Act 2020.

PUBLIC TRANSPARENCY

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

FINANCIAL MANAGEMENT

The total estimated cost for the services to be provided under this contract is approximately \$210,000 per annum based on historical expenditure. The costs associated with electrical services at Council

buildings and facilities are budgeted for across various Council operational and maintenance budgets.

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 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-14-2023- Panel of Suppliers - Electrical Services & Maintenance Works.

This option is recommended by Council officers through the Tender evaluation and selection process which recommends Electrical Services & Maintenance Works to be awarded to:

- Stack Electrical & Data Pty Ltd
- G.T. Electrical Contractors Pty Ltd
- Barwon Asset Solutions Pty Ltd.

Option 2 – Approve Tender Award – GPSC-RFT-14-2023- Panel of Suppliers - Electrical Services & Maintenance Works to alternative supplier/s.

This option is not recommended by Council officers as a thorough evaluation and selection process has been undertaken on all submissions presented for GPSC-RFT-14-2023 – Panel of Suppliers - Electrical Services & Maintenance Works. Stack Electrical & Data Pty Ltd, G.T. Electrical & Data Pty Ltd and Barwon Asset Solutions Pty Ltd were identified by panel consensus as the most suitable suppliers to provide these services to Council.

Option 3 – 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, may result in higher costs to maintain Council buildings and facilities, inefficient processes to undertake urgent electrical works and reputational damage for Council.

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-14-2023- Panel of Suppliers - Electrical Services & Maintenance Works 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, Stack Electrical & Data Pty Ltd, G.T. Electrical & Data Pty Ltd and Barwon Asset

Solutions Pty Ltd, met the Council's tender requirements and are considered best placed to provide these services for Council.

9 NOTICES OF MOTION

Nil

10 PETITIONS

Nil

11 CONFIDENTIAL REPORTS FOR DECISION

Nil