



# GANNAWARRA

*Shire Council*

**Wednesday, 17 February 2021**

**6.30pm**

**Seniors Citizens Centre**

**Kerang**

## **AGENDA**

### **Council Meeting**

The Council Meeting will be live-streamed via Council's website which can be accessed at this link [gannawarra.vic.gov.au/Council/Council-Meetings/Meeting-livestream](http://gannawarra.vic.gov.au/Council/Council-Meetings/Meeting-livestream)

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**Tom O'Reilly**  
**CHIEF EXECUTIVE OFFICER**

## **1 WELCOME TO COUNTRY**

Playing of the Welcome to Country video clip.

## **2 OPENING DECLARATION**

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

## **3 APOLOGIES AND LEAVE OF ABSENCE**

## **4 CONFIRMATION OF MINUTES**

Meeting - 16 December 2020

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

### **General conflict of interest**

Unless exempt under section 129 of the *Local Government Act 2020* (the Act) or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests (as defined in section 127(2) of the Act) could result in that person acting in a manner that is contrary to their public duty.

### **Material conflict of interest**

Unless exempt under section 129 of the *Local Government Act 2020* or regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor or member of Council staff has a material conflict of interest in respect of a matter if an affected person (as defined in section 128(3) of the Act) would gain a benefit or suffer a loss depending on the outcome of the matter.

### **Disclosure of a conflict of interest**

A Councillor who has a conflict of interest and is attending a meeting of the Council must make a full disclosure of that interest by either advising:

- a) the Council at the meeting immediately before the matter is considered at the meeting; or
- b) the Chief Executive Officer in writing before the meeting –

whether the interest is a general conflict of interest or a material conflict of interest; and the nature of the interest.

Note: If a Councillor advises the Chief Executive Officer of the details under b) above, the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

In accordance with section 130 of the Act, a councillor who has disclosed a conflict of interest in respect of a matter must exclude themselves from the decision making process in relation to the matter, including any discussion or vote on the matter at any Council meeting, and any action in relation to the matter.

Failure to comply with section 130 of the Act may result in a penalty of 120 penalty units

## **6 BRIEFING SESSIONS**

### **6.1 RECORDS OF COUNCILLOR BRIEFINGS - 10 DECEMBER 2020 TO 10 FEBRUARY 2021**

**Author:** Mel Scott, Executive Assistant - Chief Executive Office

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** 1 Record of a Councillor Briefing - 8 February 2021

#### **RECOMMENDATION**

**That Council note the records of Councillor Briefings from 10 December 2020 to 10 February 2021.**

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#### **EXECUTIVE SUMMARY**

This report presents to Council written records of Councillor Briefings in accordance with Clause 31 of the Gannawarra Shire Council Governance Rules.

#### **DECLARATIONS OF CONFLICT OF INTEREST**

The Officer preparing this report declares that they have no conflict of interest in regards to this matter.

#### **COUNCIL PLAN**

Council Plan 2017-2021: Good Governance and a Healthy Organisation.

#### **BACKGROUND INFORMATION**

In accordance with Clause 31 of the Gannawarra Shire Council Governance Rules, a written record of a meeting held under the auspices of Council is, as soon as practicable, reported at a meeting of the Council and incorporated in the minutes of that Council meeting.

The record must include:

1. The names of all Councillors and members of Council staff attending
2. The matters considered
3. Any conflict of interest disclosures made by a Councillor attending
4. Whether a Councillor who has disclosed a conflict of interest left the meeting.

#### **CONSULTATION**

Consultation with Councillors and staff has occurred to ensure the accuracy of the Councillor Briefing records.

#### **CONCLUSION**

To ensure compliance with Clause 31 of the Gannawarra Shire Council Governance Rules, it is recommended that Council note the Councillor Briefing records as attached to this report.

## RECORD OF A COUNCILLOR BRIEFING



<b>Type of Meeting</b>	Councillor Briefing	
<b>Date:</b>	Monday, 8 February 2021	
<b>Time:</b>	9:00am – 5:00pm	
<b>Location:</b>	Northern District Community Health	
<b>In Attendance: (Councillors)</b>	Cr Charlie Gillingham Cr Ross Stanton from 9:15am Cr Kelvin Burt Cr Travis Collier Cr Jane Ogden Cr Keith Link Cr Garner Smith	
<b>Apologies:</b>	Nil	
<b>In Attendance: (Officers)</b>	Tom O'Reilly, Phil Higgins, Geoff Rollinson, Stacy Williams, Lisa Clue, Mel Scott, Wade Williams, Paul Fernee, Shana Johnny, Kellie Burmeister, Roger Griffiths, Leigh Hollingworth, Alissa Harrower, Carole Wandin	
<b>In Attendance: (Other)</b>	Regina Komikha, CEO, Gemkom Dr Bill Petreski, Non-Executive Director Strategy, Investment & Partnerships, Gemkom	
<b>Matters Discussed:</b>	<b>Draft Council Agenda –February Meeting of Council Reports:</b> 7.1 Audit and Risk Committee Independent Member Appointment 7.2 Councillor Code of Conduct Review 7.3 Quarterly Financial Report – Quarter ending 31 December 2020 7.4 Sport and Recreation Victoria – Sports Infrastructure Stimulus Program 7.5 Community Engagement Policy 7.6 G08-2020 Industrial Estate Expansion – Tate Drive, Kerang 7.7 G09-2020 Murrabit Netball Changerooms 7.8 Application for Planning Permit P20.043 – Notice of Decision to Approve	
	<b>Councillor Briefing Updates:</b> <ul style="list-style-type: none"> <li>• 2021/2022 Draft Operational Budget</li> <li>• Proposed Schedule Fees and Charges 2021/2022</li> <li>• Draft 10 Year Capital Works Program</li> <li>• Budget 2021/2022 – Rating Strategy Options Update</li> <li>• Local Government Rating Review</li> <li>• Corporate Performance Reporting Framework Quarterly Report</li> <li>• Council Plan 2017-2021 Progress Report</li> <li>• NDIS Update</li> </ul>	
	<b>Councillor Strategic Briefing Update:</b> <ul style="list-style-type: none"> <li>• Strategic Projects – Towards 2025 Update</li> <li>• 2020/2021 Capital Works Program Update</li> </ul> <b>Councillor Issues Raised</b>	
<b>Conflict of Interest Disclosures</b>		
<b>Matter No.</b>	<b>Councillor/Officer making disclosure</b>	<b>Councillor/Officer left meeting Yes/No</b>
7.7 – G09-2020 Murrabit Netball Changerooms	Cr Travis Collier	Yes

<b>Completed By:</b>	Tom O'Reilly –Chief Executive Officer 
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## **7 BUSINESS REPORTS FOR DECISION**

### **7.1 COUNCILLOR CODE OF CONDUCT REVIEW**

**Author:** Lisa Clue, Acting Director Corporate Services

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** 1 Councillor Code of Conduct (Policy No. 078)

#### **RECOMMENDATION**

**That Council adopt revised Policy No. 078 – Councillor Code of Conduct as attached to this report.**

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#### **EXECUTIVE SUMMARY**

Council is required to ensure that its Councillor Code of Conduct meets the requirements of the *Local Government Act 2020* (the Act) and the Local Government (Governance and Integrity) Regulations 2020 (the Regulations) to include certain matters in the Code by 24 February 2021.

Council Policy No. 078 – Code of Conduct and Values for Elected Members (the Code) has been reviewed to include four new mandatory standards of Councillor conduct (conduct standards); a new internal arbitration process for determining complaints alleging misconduct under the Code and a number of new statements supporting each conduct standard.

#### **PURPOSE**

The purpose of this report is to seek Council adoption of revised Policy No. 078 – Councillor Code of Conduct (formally Code of Conduct and Values for Elected Members).

#### **ATTACHMENTS**

Policy No. 078 – Councillor Code of Conduct

#### **DISCUSSION**

The Act requires the Code to be reviewed and adopted by Council within four months of a general election, ie 24 February 2021.

The Code:

- must include the standards of conduct expected to be observed by Councillors, as prescribed by the Regulations; and
- must include any provisions prescribed by the Regulations; and
- must include provisions addressing any matters prescribed by the Regulations; and
- may include any other matters which the Council considers appropriate, other than any other Standards of Conduct.

The four conduct standards replace the Primary and General Principles of Councillor Conduct which previously existed under the *Local Government Act 1989*. The conduct standards outline mandatory requirements for Councillors that address the following main areas of Councillor behaviour:

Standard 1: Treatment of others.



Standard 2: Performing the role of Councillor.

Standard 3: Compliance with good governance measures.

Standard 4: Maintaining Council reputation.

The conduct standards are intended to provide greater clarity around the behaviour expected of Councillors and a consistent framework for handling complaints alleging misconduct under the Code.

The conduct standards have been embedded into the reviewed Code, supported by a number of existing and new statements supporting each standard. The Code review also considered consistency with relevant legislation and Council policies including Diversity, Fraud and Corruption and Complaint Handling.

The Internal Resolution Procedure describes the processes for Councillors to report and resolve a dispute with another Councillor under the Code, including the internal arbitration process for determining complaints alleging misconduct under the Code, in accordance with section 141 of the Act and regulation 11 of the Regulations.

#### **RELEVANT LAW**

*Local Government Act 2020*

Local Government (Governance and Integrity) Regulations 2020

*Equal Opportunity Act 2010*

*Occupational Health and Safety Act 2004*

*Public Records Act 1973*

#### **RELATED COUNCIL DECISIONS**

Policy No. 078 – Code of Conduct and Values for Elected Members was most recently reviewed and adopted by Council on 18 July 2018.

#### **OPTIONS**

To ensure legislative compliance, the Councillor Code of Conduct must be reviewed and adopted by Council by 24 February 2021.

#### **SUSTAINABILITY IMPLICATIONS**

Not applicable

#### **COMMUNITY ENGAGEMENT**

Not applicable

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable

#### **COLLABORATION**

Not applicable

#### **FINANCIAL VIABILITY**

Not applicable

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable

**COUNCIL PLANS AND POLICIES**

Council Plan 2017 – 2021 – Good Governance and a Healthy Organisation

Policy No. 074 – Information Privacy and Health Records

Policy No. 083 – Email, Intranet and Internet

Policy No. 100 – Fraud and Corruption

Policy No. 101 – Media

Policy No. 107 – Public Interest Disclosure

Policy No. 117 – Complaint Handling

Policy No. 118 – Election Period – incorporated into Council’s Governance Rules

Policy No. 129 - Diversity

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regards to this matter.



# COUNCILLOR CODE OF CONDUCT

## COUNCIL POLICY NO. 078

### 1. INTRODUCTION

As Gannawarra Shire Councillors we are committed to working together in the best interests of the people within our municipality and to discharging our responsibilities to the best of our skill and judgment.

We recognise and respect that everyone has the same human rights entitlement to allow them to participate in, and contribute to, society and our community. We also recognise that all persons have equal rights in the provision of, and access to, Council services and facilities.

Our commitment to working together constructively will enable us to achieve the intended outcomes of the Council Plan in a manner that is consistent with our values.

The primary role of Council is to provide good governance in the Gannawarra Shire for the benefit and wellbeing of the community. A Council provides good governance if it performs its role in accordance with the overarching governance principals and supporting principles and the Councillors of the Council perform their roles in accordance with section 28 of the *Local Government Act 2020* (the Act).

### 2. STANDARDS OF CONDUCT

We undertake to comply with the following:

#### 2.1 TREATMENT OF OTHERS

##### STANDARD OF CONDUCT

**A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—**

- (a) **takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010; and**
- (b) **supports the Council in fulfilling its obligation to achieve and promote gender equality; and**
- (c) **does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and**
- (d) **in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.**

##### GENERAL CONDUCT

In performing the role of Councillor, we will not conduct ourselves in a manner that:

- a) is likely to bring the council or other council officials into disrepute;
- b) is contrary to statutory requirements or Council's administrative requirements or policies;
- c) is improper or unethical;
- d) is an abuse of power;
- e) causes, comprises or involves intimidation or verbal abuse;
- f) involves the misuse of our position to obtain a private benefit;
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.

#### FAIRNESS AND EQUITY

- a) We will consider issues consistently, promptly and fairly, and deal with matters in accordance with established procedures, in a non-discriminatory manner.
- b) We will take all relevant facts know to us, or that we should be reasonably aware of, into consideration and have regard to the particular merits of each case. We will not take irrelevant matters or circumstances into consideration when making decisions.
- c) An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses b) and c) above.

#### HARASSMENT AND DISCRIMINATION

We will take positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the *Equal Opportunity Act 2010*.

Specifically, we will not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identify or intersex status or political, religious or other affiliation.

For the purpose of this Code, 'harassment' is any form of behaviour towards a person that is not wanted by the person; offends, humiliates or intimidates the person; and creates a hostile environment.

#### BULLYING

We will not engage in bullying behaviour towards others.

For the purposes of this Code, 'bullying behaviour' by a Councillor means the Councillor repeatedly behaves unreasonably towards another Councillor or a member of Council staff and that behaviour creates a risk to the health and safety of that other Councillor or member of Council staff.

#### WORK HEALTH AND SAFETY

We will comply with our duties under health and safety legislation and any relevant policies or procedures adopted by Council to ensure workplace health and safety. Specifically, we will:

- a) Take reasonable care for our own health and safety
- b) Take reasonable care that our acts or omissions do no adversely affect the health and safety of other persons
- c) Comply, so far as we are reasonably able, with any reasonable instruction that is given to ensure compliance with the Occupational Health and Safety Act 2004 and any policies or procedures adopted by Council to ensure workplace health and safety
- d) Cooperate with any reasonable policy or procedure of Council relating to workplace health or safety
- e) Report accidents, incidents and near misses to the Mayor, and take part in any incident investigations if required
- f) So far as is reasonably practicable, consult, cooperate and coordinate with all others who have a duty under the Occupation Health and Safety Act in relation to the same matter.

#### GENDER EQUALITY, DIVERSITY AND INCLUSIVENESS

We acknowledge and commit to Council's obligation to achieve and promote gender equality.

We will support and encourage diversity in the community; provide adequate, equitable and appropriate services and facilities to the community taking in account their diverse needs and community cohesion; and encourage active participation in public and civic life.

#### CULTURAL AWARENESS

We acknowledge and respect the Traditional Owners of our land, in particular the Barapa Barapa, Wamba Wamba and Yorta Yorta people.

In considering the diversity of interests and needs of the Gannawarra community, we will treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.

#### FOSTERING GOOD WORKING RELATIONSHIPS

We undertake to respect the functions of the Chief Executive Officer and to comply with the policies, practices and protocols established by him or her that define appropriate arrangements for interaction between Council staff and Councillors.

## 2.2 PERFORMING THE ROLE OF COUNCILLOR

#### STANDARD OF CONDUCT

**A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—**

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and**
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and**
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and**
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.**

#### VALUES

As Councillors, we acknowledge and endorse Gannawarra Shire Council's values and how they relate to our roles as Councillors:

- We will work closely with our community using our collective skills and knowledge to build a positive future. Together with our partners we will deliver great things for our community.
- We will be resourceful and resilient, employing creative problem solving to our challenges. We will plan and be prepared for when opportunities present.
- We will embrace new ideas and technology to deliver quality services to our community at a lower cost. We will make time to consider the big issues and actively seek creative solutions.
- We will listen to our community and use our collective knowledge and sound judgement to respond and close the loop.

#### COMMITMENT TO FAIR AND TRANSPARENT DECISION MAKING

We will undertake due diligence by properly examining and considering all information provided to us, and when necessary seeking further information, relating to matters that we are required to make a decision on.

We will at all times adhere to the Gannawarra Shire Council Governance Rules including provisions regarding the conduct of meetings.

We will not participate in binding caucus votes<sup>1</sup> in relation to matters to be considered at a Council meeting. This does not prohibit us from discussing a matter in question at a Council meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

#### RELATIONSHIP WITH THE COMMUNITY

We recognise that as representatives of the local community, we have a primary responsibility to be responsive to community views and to adequately communicate the position and decisions of Council.

We commit to comply with Council's Media policy and respect the functions of the Mayor and Chief Executive Officer to be the spokesperson for Council.

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<sup>1</sup> A binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before Council, irrespective of the personal views of individual members of the group on the merits of the matter before Council.

We undertake that, where we choose to express a personal opinion through the media, we will make it clear that it is a personal view and does not represent the position of Council. We further undertake to ensure that any such comment is devoid of comments that could reasonably be construed as being derogatory, offensive or insulting to any person.

We also undertake that we will not quote or divulge to any third parties, including social media forums, any comments made by Councillors at Councillor briefings (assemblies of Councillors) or Councillor-only meetings or sessions. This provision does not apply to a complaint made by a Councillor to the Principal Conduct Officer alleging a contravention of the Councillor Code of Conduct relating to a Councillor's conduct at a Councillor briefing or Councillor-only meeting or session.

We commit to comply with Council's Community Engagement Policy to gain a better understanding of local issues and needs, particularly relating to decisions before Council.

#### SUPPORT AND RESOURCES FOR COUNCILLORS IN DELIVERY OF THEIR ROLE

The Chief Executive Officer is responsible for ensuring Councillors have access to information necessary for the performance of their official functions.

Any information provided to a particular councillor in the performance of their official functions will also be made available to all other councillors, either routinely or by request.

Councillors who have a private interest only in Council information have the same rights of access as any member of the public.

Councillors who are precluded from participating in the consideration of a matter because they have a conflict of interest in the matter are not entitled to request access to Council information in relation to the matter unless the information is otherwise available to members of the public, or Council has determined to make the information available.

A decision to refuse a request by a Councillor to access information must take into account whether or not the information requested is necessary for the councillor to perform their official functions and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter. The reasons for a decision to refuse access will be provided to the Councillor requesting it.

#### CONFIDENTIAL AND RESTRICTED INFORMATION

Information obtained by Councillors in their capacity as a Council official must:

- a) not be used for private purposes
- b) not be used to seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for the Councillor, or any other person or body
- c) only be disclosed in accordance section 125(3) of the Act.

#### USE AND SECURITY OF CONFIDENTIAL INFORMATION

Councillors must maintain the integrity and security of confidential information in their possession, or for which they are responsible.

In addition to the general obligations of Councillors relating to the use of Council information, Councillors must:

- Only access confidential information that they have been authorised to access and only do so for the purposes of exercising their official functions.
- Protect confidential information.
- Only disclose confidential information if they have authority to do so.
- Only use confidential information for the purpose for which it is intended to be used.
- Not use confidential information gained through the official position of Councillor for the purpose of securing a private benefit for themselves or any other person.
- Not use confidential information with the intention to cause harm or detriment to the Council or any other person or body.
- Not disclose any confidential information discussed during a confidential session of a Council meeting or any other confidential forum.

#### USE OF RESOURCES

We commit to using Council resources effectively and economically. We will:

- maintain adequate security over Council property, facilities and resources provided to us to assist in performing our role and comply with any Council policies applying to their use;
- ensure any expense claims that we submit are in compliance with the relevant legislative provisions and Council policy;
- not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate; and
- not use public funds or resources in a manner that is improper or unauthorised.

#### COUNCIL RECORD KEEPING

All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the Public Records Act 1973 and Council's approved records management policies and practices.

All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

You must not destroy, alter, or dispose of Council information or records unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's Governance staff.

#### COUNCILLOR ACCESS TO COUNCIL BUILDINGS

Councillors are entitled to have access to the Council Chamber and Councillor lounge (subject to availability), and public areas of Council's buildings during normal business hours and for meetings. Councillors needing access to these facilities at other times must obtain authority from the Chief Executive Officer.

Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer (or their delegate) or as provided for in any protocols governing the interaction of Councillors and Council staff.

Councillors must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence Council staff decisions.

#### COUNCILLOR MISCONDUCT

We will not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this Code for an improper purpose.

A complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- To bully, intimidate or harass another Council official
- To damage another Council official's reputation
- To obtain a political advantage
- To influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- To influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- To avoid disciplinary action under established procedures
- To take reprisal action against a person for making a complaint alleging a breach of this Code
- To take reprisal action against a person for exercising a function prescribed under established procedures
- To prevent or disrupt the effective administration of this Code under established procedures.

## 2.3 COMPLIANCE WITH GOOD GOVERNANCE MEASURES

### STANDARD OF CONDUCT

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following—

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- (d) any directions of the Minister issued under section 175 of the Act.

### PERSONAL INTERESTS DECLARATIONS

We will disclose any information, whether of a pecuniary nature or not, of which we are aware and consider might appear to raise a conflict between our private interest and our public duty as a Councillor.

### COUNCIL EXPENSES

We will abide by Council Policy No. 092 – Councillor Allowances and Support including processes for claiming reimbursement of out-of-pocket expenses and use of Council vehicles, equipment and technology.

### GOVERNANCE RULES

We will comply with the Gannawarra Shire Governance Rules.

### GIFTS AND HOSPITALITY

We will scrupulously avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from an individual Councillor or from the Council.

We will take all reasonable steps to ensure that our immediate family members (parents, spouse, children and siblings) do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.

A gift can be accepted where the gift would generally be regarded as having a token value and could not be perceived to influence our actions as a Councillor.

It is appropriate to accept a gift where refusal may cause offence or embarrassment, in which case we will accept the gift on behalf of Council.

Where a gift is received on behalf of the Council with a value greater than \$30, the gift becomes the property of the Council. For transparency and accountability purposes, these gifts will be recorded in the Gifts Register with a notation that it is the property of the Council.

We recognise that one or more gifts with a total value of, or more than, \$500 (or another amount prescribed under section 128(4) of the Act), received by a person in the office of Councillor in the 5 years preceding a decision on a matter, that were or will be required to be disclosed as an election campaign donation, may give rise to a material conflict of interest in respect of that matter.

We will record all campaign donations in our "Campaign Donation Return".

### LAND USE PLANNING, DEVELOPMENT ASSESSMENT AND OTHER REGULATORY FUNCTIONS

We will ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. We will avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

In exercising land use planning, development assessment and other regulatory functions, we will ensure that no action, statement or communication between ourselves and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.



## 2.4 COUNCILLORS MUST NOT DISCREDIT OR MISLEAD COUNCIL OR PUBLIC

### STANDARD OF CONDUCT

- (1) **In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.**
- (2) **In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.**

### MISUSE OF POSITION

We will not intentionally misuse our position to gain or attempt to gain, directly or indirectly, an advantage for ourselves or for any other person or to cause, or attempt to cause, detriment to Council or another person.

Circumstances involving the misuse of position:

- a) making improper use of information acquired as a result of the position we hold; or
- b) disclosing information that is confidential information; or
- c) directing, or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
- d) exercising or performing, or purporting to exercise or perform, a power, duty or function that we are not authorised to exercise or perform; or
- e) using public funds or resources in a manner that is improper or unauthorised; or
- f) participating in a decision on a matter in which we have a conflict of interest.

### IMPROPER DIRECTION AND IMPROPER INFLUENCE

We will not intentionally direct, or seek to direct, a member of Council staff:

- a) in the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
- b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
- c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act; or
- d) in relation to advice provided to the Council, including advice in a report to the Council.

### CONFLICT OF INTEREST PROCEDURES

Council is committed to making all decisions impartially and in the best interests of the whole community. We therefore recognise the importance of fully observing the requirements of the Act and Council's Governance rules in regard to the disclosure of conflicts of interest.

For the purpose of this Code, "general conflict of interest" and "material conflict of interest", have the meanings specified in sections 127 and 128 of the Act.

We will comply with all the provisions of the Act and Governance Rules in regard to Conflicts of Interest.

In addition to the requirements of the Act and Governance Rules:

- We will give early consideration to each matter to be considered by Council or Councillor Briefing, to ascertain if we have a conflict of interest; and
- We recognise that the legal onus to determine whether a conflict of interest exists rests entirely with each of us as individual Councillors and that Council officers can only offer limited advice in relation to potential conflicts. If we cannot confidently say that we do not have a conflict of interest, we will declare a conflict of interest and comply with the relevant requirements as if we had a conflict of interest; and
- If we consider that we may be unable to vote on a matter because of a conflict of interest, we will notify, as soon as possible, the Mayor and the Chief Executive Officer.

**FRAUD AND CORRUPTION**

We acknowledge our obligation to report observed breaches of the prescribed standards of conduct set out in Schedule 1 to the Local Government (Governance and Integrity) Regulations 2020 and described in this Code of Conduct.

We acknowledge that complaints concerning alleged corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving substantial risk to public health and safety or the environment may be referred to external agencies for investigation and such complaints may be actioned through Council Policy 107 – Public Interest Disclosure and/or referred to the Independent Broad-based Anti-corruption Commission Victoria.

**ELECTIONS**

We will take leave of absence from Council if we nominate as a State or Federal election candidate and undertake to not use Council resources for electioneering.

**COMPLAINT HANDLING**

We will refer complaints received by us to Customer Service or the Chief Executive Officer in accordance with Council Policy No. 117 – Complaint Handling.

We acknowledge the guiding principles that form the basis of Council’s complaint handling – commitment, accessibility, transparency, objectivity and fairness, confidentiality, accountability and continuous improvement.

**PERSONAL DEALINGS WITH COUNCIL AND RELATIONSHIP BETWEEN COUNCIL OFFICIALS**

When we deal with Council in a private capacity (eg as a ratepayer, recipient of a service or applicant for a permit), we do not expect, nor will we request preferential treatment in relation to any such private matter. We will avoid any action that could lead Council staff or members of the public to believe that we are seeking preferential treatment.

We will undertake any personal dealings we have with Council in a manner that is consistent with the way other members of the community deal with Council. We will ensure that we disclose and appropriately manage and conflict of interest we may have in any matter in accordance with the requirements of this Code.

**2.5 STANDARDS DO NOT LIMIT ROBUST POLITICAL DEBATE**

**Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.**

**3. RELEVANT SECTIONS OF THE LOCAL GOVERNMENT ACT 2020**

3	Definitions	125	Confidential information
8	Role of a Council	127	General conflict of interest
10	Powers of Council	128	Material conflict of interest
18	Role of the Mayor	132	Personal Interests Returns
28	Role of a Councillor	137	Gifts
30	Oath or affirmation of office	139	Councillor Code of Conduct
127	General conflict of interest	141	Internal arbitration process
123	Misuse of position	149	Functions and powers of the Principal Councillor Conduct Registrar
124	Directing a member of Council staff	151	Functions of a Councillor Conduct Officer

## 4. RELATED COUNCIL POLICIES

Policy No. 074 – Information Privacy and Health Records  
Policy No. 083 – Email, Intranet and Internet  
Policy No. 100 – Fraud and Corruption  
Policy No. 101 – Media  
Policy No. 107 – Public Interest Disclosure  
Policy No. 117 – Complaint Handling  
Policy No. 118 – Election Period – incorporated into Council’s Governance Rules  
Policy No. 129 - Diversity

## 5. POLICY REVIEW

In accordance with the Act, Council must review this policy within four months after a general election of the Council. At the time of review, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

## 6. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council’s Kerang and Cohuna office or online at [www.gannawarra.vic.gov.au](http://www.gannawarra.vic.gov.au).

Any enquiries in relation to this policy should be directed to the Chief Executive Officer on (03) 5450 9333.

### **AltusECM Folder: 3.000518**

Originally adopted: 11/06/2003

Reviewed: 28/06/2006

Reviewed: 24/06/2009

Reviewed: 16/10/2013

Reviewed: 22/06/2016

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Reviewed: 18/07/2018

Reviewed: 17/02/2021

Minute Book Reference: 2710

Minute Book Reference: 5034

Minute Book Reference: 7519

Minute Book Reference: 10349

Minute Book Reference: 12411

Minute Book Reference: 12489

Minute Book Reference: 12699

## Internal Resolution Procedure

### 1. PURPOSE

This section describes the processes for Councillors who wish to report and resolve a dispute with another Councillor under the Code. Councillors recognise that the democratic process of local government involves holding, and expressing, different and sometimes opposing viewpoints. It is a normal, and vital, function of this process that these different views are shared in a considered and informed way. Although all Councillors strive to engage in positive, constructive and respectful interactions, conflict and/or disputes may arise.

All Councillors recognise that they hold an individual and collective responsibility to resolve disputes in a proactive, positive and courteous manner before they are escalated, to avoid such disputes threatening the effective operation of Council.

The primary purpose of an internal resolution procedure is to provide Councillors with support and mechanisms to resolve conflicts and disputes in a manner that enables them to move forward and establish and maintain effective working relationships. The procedure also provides avenues and guidance for escalating more serious issues and allegations where required.

This procedure:

- is not intended to resolve differences in policy or decision making, which are appropriately resolved through discussion and voting in council and committee meetings
- does not include a complaint made against a Councillor or Councillors by a member or members of Council staff, or by any other person, or a “disclosure” under the Public Interest Disclosures Act 2012 .

### 2. SCOPE

This procedure operates alongside, and does not displace, any external avenues provided for by legislation for the reporting and resolution of issues and disputes. It should be read in conjunction with the Act which sets out avenues for reporting matters of Councillor misconduct and establishes external authorities to hear, investigate, prosecute and make findings of Councillor misconduct, serious misconduct and gross misconduct.

For the purposes of this section:

- 'Councillor Conduct Officer' refers to an appointee of the Chief Executive Officer who must—
  - (a) assist the Council in the implementation of, and conduct of, the internal arbitration process of a Council; and
  - (b) assist the Principal Councillor Conduct Registrar to perform the functions specified in section 149(1); and
  - (c) assist the Principal Councillor Conduct Registrar in relation to any request for information under section 149(3).
- This procedure does not deal with allegations of criminal misconduct as they are envisaged to be raised with Victoria Police or other relevant mechanisms.
- Nothing in this procedure prevents an individual Councillor with a specific issue or dispute from pursuing other avenues available to them under the law.

For the avoidance of doubt, a Councillor or member of the public may raise a formal complaint through any available channel external to Council as provided by law.

In particular, some allegations of Councillor misconduct under this Code may also constitute serious misconduct under the Act. In these instances, it is open to Council, a Councillor, or a group of Councillors, to make an application for a Councillor Conduct Panel. For allegations of gross misconduct, Council, a Councillor(s) or members of the public can raise complaints to the Local Government Inspectorate.

### 3. INFORMAL RESOLUTION BETWEEN PARTIES TO A DISPUTE

Before commencing a formal dispute resolution process, the Councillors who are parties to a dispute are encouraged to use their best endeavours to resolve their issue or dispute in a courteous and respectful manner between themselves, stop any behaviour that is causing issues, and to avoid the issue escalating and threatening the effective operation of Council.

Where the issue or dispute remains unresolved or where the circumstances make informal resolution inappropriate, the parties may resort to Council's formal dispute resolution processes set out below.

## 4. FORMAL DISPUTE RESOLUTION AND REPORTING

### 4.1 INTERPERSONAL DISPUTE

Interpersonal disputes between Councillors involve conflict where there may be a breakdown in communication, a misunderstanding, a disagreement between Councillors, or strained working relationships.

To report an allegation that a Councillor has breached the Code in relation to an interpersonal dispute, a Councillor(s) must prepare a written application (the application) to the Mayor, or where not appropriate (including where the Mayor is involved in the allegation) the Deputy Mayor or the Councillor Conduct Officer (where there is a request for mediation), requesting that the matter be dealt with under the formal dispute resolution procedure. Such written application should include the name of the other Councillor and the details of the issue or dispute.

The Mayor (or Deputy Mayor or Councillor Conduct Officer, where relevant), will notify the other Councillor(s) of the application, and provide them with a written copy of the request.

#### Approach to resolution

Where there is an interpersonal dispute between Councillors, they have the option of requesting:

- Resolution discussion - with the Mayor or Deputy Mayor in attendance and facilitating the meeting (see section 5.1 for detailed information)
- Mediation - with an external mediator, via an application to the Councillor Conduct Officer (see section 5.2 for detailed information)
- Arbitration - with an independent arbiter, via an application to the Principal Councillor Conduct Registrar (see section 5.3 for detailed information).

### 4.2 ALLEGATION OF CONDUCT IN BREACH OF CODE

An allegation that a Councillor has contravened the Code may include a failure to disclose a conflict of interest, breach of confidentiality, improper direction of staff, improper use of Council resources, or a breach of Council policy. Such conduct may constitute serious misconduct or misconduct under the Act.

To report an allegation that a Councillor engaged in conduct in breach of the Code, a Councillor(s) must submit an application to the Principal Councillor Conduct Registrar. The application must:

- specify the name of the Councillor who is the subject of the allegation or complaint
- specify the provision(s) of the Code and/or relevant Council policy or protocol that the allegation relates to
- include evidence in support of the allegation
- name the Councillor appointed to be their representative where the application is made by a group of Councillors
- be signed and dated by the Applicant or the Applicant's representative.

## 5. DISPUTE RESOLUTION OPTIONS

### 5.1 RESOLUTION DISCUSSION

Where Councillors who are in dispute have not been able to resolve their dispute informally between themselves, a party may request in writing that the Mayor or Deputy Mayor (the 'Convenor') convene a confidential meeting of the parties to discuss the dispute.

The Councillor requesting the meeting is to provide the Convenor with the name of the other Councillor and the details of the dispute in writing. They should also notify the other Councillor of the request and provide a copy of the written request to them.

The Convenor is to ascertain whether or not the other party is prepared to attend the meeting.

If the other Councillor is not prepared to attend the meeting, the Convenor is to advise the party seeking the meeting. No further action is required of the Convenor.

If the other Councillor consents to a meeting, the Convenor is to hold a confidential meeting of the parties.

Unless one or both parties are unavailable, this should be arranged within ten working days of receipt of the meeting request.

The Convenor may provide the parties with guidelines in advance of the meeting or at the meeting, to help facilitate the meeting.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened.

The role of the Convenor at the meeting is to assist the parties to resolve the dispute. In the process of doing this they may provide guidance about what is expected of a Councillor including in relation to the role of a Councillor under section 28 of the Act and the Code.

The Convenor is to document any agreement reached at the meeting and provide copies of the agreement to both parties.

Where the dispute remains unresolved, a party may request mediation or arbitration.

## 5.2 MEDIATION

A Councillor or a group of Councillors may request that their dispute be referred to mediation. The mediation would be conducted by an external accredited mediator.

The party seeking the mediation is to notify the other party of the request and details of the dispute in writing at the same time that it is submitted to the Councillor Conduct Officer.

The Councillor Conduct Officer is to ascertain (in writing) whether or not the other Councillor is prepared to participate in the mediation. If the Councillor declines to participate in the mediation, they are to provide their reasons for not doing so in writing to the Councillor Conduct Officer. These reasons may be taken into account if the matter is subsequently the subject of an application for a Councillor Conduct Panel.

If the other party agrees to participate in mediation, the Councillor Conduct Officer is to advise the party seeking the mediation, the Mayor and CEO.

The Councillor Conduct Officer will engage the services of an external mediator to conduct the mediation at the earliest opportunity.

All parties will cooperate with the dispute resolution process and provide reasonable assistance to the external mediator and the Councillor Conduct Officer.

If the parties cannot resolve the dispute at the mediation meeting, a further meeting may be convened with the consent of both parties.

The mediator is to document any agreement reached. Copies of the agreement are to be provided to both parties.

Where the dispute remains unresolved, a Councillor may request the appointment of an arbiter.

## 5.3 INTERNAL ARBITRATION PROCESS

Internal arbitration involves a party (the Applicant) to a dispute requesting the Principal Councillor Conduct Registrar to appoint an impartial third party (the Arbiter) to make findings in relation to allegations concerning another Councillor(s) (the Respondent) and whether they have engaged in misconduct under the Act.

An application for an internal arbitration process to make a finding of misconduct against a Councillor can be made by:

- Council following a resolution of Council; or
- a Councillor or a group of Councillors.

The application must:

- specify the name of the Councillor alleged to have breached the conduct standards
- specify the clause of the conduct standards in the Local Government (Governance and Integrity) Regulations 2020 that the Councillor is alleged to have breached
- specify the misconduct that the Councillor is alleged to have engaged in that resulted in the breach of the conduct standards
- include evidence in support of the allegation
- name the Councillor appointed to be their representative where the application is made by a group of Councillors

- be signed and dated by the Applicant or the Applicant's representative
- be made within three months of the alleged misconduct occurring
- be given to the Principal Councillor Conduct Registrar in the manner specified by the Principal Councillor Conduct Registrar in any guidelines published under section 149(1)(c) of the Act.

After receiving an application the Principal Councillor Conduct Registrar will provide the application to the Councillor who is the subject of the application.

An Applicant may withdraw an application for arbitration at any time. Once an application has been withdrawn, the same or a similar application relating to the same issues or dispute in relation to the other Councillor cannot be resubmitted by the Applicant.

On receiving an application, the Principal Councillor Conduct Registrar will:

- advise the CEO (and the Mayor as appropriate) of the application without undue delay
- identify an Arbiter to hear the application
- obtain from the Arbiter written advice that they have no conflict of interest in relation to the Councillors involved
- notify the parties of the name of the proposed Arbiter and provide them with the opportunity (two working days) to object to the person proposed to be the Arbiter
- consider the grounds of any objection and appoint the proposed Arbiter or identify another Arbiter
- provide a copy of the Application to the Arbiter as soon as practicable after the opportunity for the parties to object to an Arbiter has expired
- after consultation with the Arbiter, advise the Applicant and the Respondent of the time and place for the hearing
- attend the hearing(s) and assist the Arbiter in the administration of the process.

The Principal Councillor Conduct Registrar, after examining an application, will appoint an arbiter to Council to hear the matter if satisfied that:

- the application is not frivolous, vexatious, misconceived or lacking in substance
- there is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct as specified in the application.

In identifying an Arbiter to hear the application, the Principal Councillor Conduct Registrar will select an Arbiter who is suitably independent and able to carry out the role fairly. The arbiter must be selected from a panel of eligible persons established by the Secretary to conduct an internal arbitration process.

The role of the Arbiter includes:

- consider an application alleging a contravention of the Code or breach of Council's policies or procedures
- make findings in relation to the application
- provide a written statement of reasons supporting the findings to the parties at the same time as providing the findings to Council
- recommend an appropriate sanction or sanctions where the Arbiter makes a finding of misconduct against a Councillor.

In considering an application alleging a contravention, an Arbiter will:

- in consultation with the Councillor Conduct Officer, fix a time and place to hear the application
- authorise the Councillor Conduct Officer to formally notify the Applicant and the Respondent of the time and place of the hearing
- hold as many meetings as they consider necessary to properly consider the application. The Arbiter may also hold a directions hearing
- ensure that the parties to and affected by an application are given an opportunity to be heard by the arbiter
- consider an application by a party to have legal representation at the hearing
- ensure that the rules of natural justice are observed and applied in the hearing of the application
- ensure that the hearings are closed to the public and held in confidence
- ensure that a Councillor who is a party to an internal arbitration process does not have a right to representation unless the arbiter considers that representation is necessary to ensure that the process is conducted fairly
- conduct the hearings with as little formality and technicality as the proper consideration of the matter permits.

Where an application to have legal representation is granted by an Arbiter, the costs of the Councillor's legal representation are to be borne by the Councillor in their entirety.

An Arbiter:

- may find that a Councillor who is a Respondent to an application has not engaged in misconduct
- may find that a Councillor has engaged in misconduct
- may hear each party to the matter in person or solely by written or electronic means of communication
- is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit
- may at any time discontinue the hearing if the arbiter considers that the application is vexatious, misconceived, frivolous or lacking in substance or the applicant has not responded, or has responded inadequately, to a request for further information
- will suspend the process during the election period for a general election
- must refer the matter in writing to the Principal Councillor Conduct Registrar if the arbiter believes that the conduct that is the subject of the application for an internal arbitration process appears to involve serious misconduct and would more appropriately be dealt with as an application to the Councillor Conduct Panel under section 154 of the Act.

The Arbiter is to provide a copy of his or her findings and the statement of reasons to:

- Council
- The applicant or applicants
- The Councillor who is the subject of the allegation
- The Principal Councillor Conduct Registrar.

A copy of the arbiter's decision and statement of reasons must be tabled at the next Council meeting after Council has received the copy of the arbiter's decision and statement of reasons and recorded in the minutes of the meeting. If the arbiter's decision and statement of reasons contains any confidential information, the confidential information must be redacted before submission to the Council meeting.

If an arbiter has made a finding of misconduct the arbiter may do any one or more of the following:

- direct the Councillor to make an apology in a form or manner specified by the arbiter
- suspend the Councillor from the office of Councillor for a period specified by the arbiter not exceeding one month
- direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the arbiter
- direct that the Councillor is removed from being the chair of a delegated committee for a period determined by the arbiter
- direct a Councillor to attend or undergo training or counselling specified by the arbiter.

A Councillor will cooperate with the arbitral process and provide reasonable assistance to the Arbiter.

An application cannot be made for an internal resolution by arbitration during the election period for a general election.

Any internal resolution procedure that is in progress is to be suspended during the election period for a general election.

If the Respondent to an application for an arbitration is not returned to office as a Councillor in the election, the application lapses. If the Respondent is returned to office in the election, the application may resume if:

- the application was made by Council and Council so resolves; or
- the application was made by a group of Councillors and any one (or more) of those Councillors who has been returned to office wishes to proceed with the application; or
- the Applicant (individual Councillor) is returned to office and wishes to proceed with the application.



#### 5.4 FAILURE TO PARTICIPATE IN INTERNAL ARBITRATION PROCESS

A Councillor who does not participate in the internal arbitration procedure may be guilty of serious misconduct. The Act provides that serious misconduct by a Councillor means any of the following:

- failure by a Councillor to comply with the Council's internal arbitration process
- failure by a Councillor to comply with a direction given to the Councillor by an arbiter under section 147
- the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor
- failure of a Councillor to comply with a direction of a Councillor Conduct Panel
- continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b) of the Act
- bullying by a Councillor of another Councillor or a member of Council staff
- conduct by a Councillor that is conduct of the type that is sexual harassment of a Councillor or member of Council staff
- the disclosure by a Councillor of information the Councillor knows or should reasonably know, is confidential information
- conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff
- the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with the Act.

Allegations of serious misconduct are heard on application to the Principal Councillor Conduct Registrar.

**7.2 QUARTERLY FINANCIAL REPORT - QUARTER ENDING 31 DECEMBER 2020**

**Author:** Shana Johnny, Acting Manager Finance

**Authoriser:** Lisa Clue, Acting Director Corporate Services

**Attachments:** 1 Quarterly Finance Report - December 2020

**RECOMMENDATION**

**That Council receive the report outlining the 2020/2021 quarterly financial report as at 31 December, 2020.**

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**EXECUTIVE SUMMARY**

At 31 December, 2020 Council is anticipating that the budgeted underlying surplus of \$1.154 million will increase by \$564k to an anticipated underlying surplus of \$1.718 million.

The budgeted Operating Result of \$7.944 million surplus will decrease by \$1.124m to an anticipated Operating Result of \$6.820 million surplus. This decrease is due to the deferral of grant income anticipated to be recognised into 2021/22.

Council's Capital Works program is progressing with an anticipated variation in scheduled works of \$1.968m. The adopted capital budget for 2020/2021 is \$17.504 million and it is expected to decrease to \$15.536 million by 30 June, 2021. This decrease is due to the timing of major multi-year projects awaiting confirmation or delayed notification of grants.

The financial position of the Council remains stable.

**PURPOSE**

Council prepares a quarterly financial report as at 30 September, 31 December and 31 March each year. The purpose of the report is to ensure that the financial position of the Council is being managed.

The Chief Executive Officer (CEO) statement is included as part of the second quarterly report as to whether a revised budget is or may be required under Section 97 of the *Local Government Act 2020*.

Sec 95 of the *Local Government Act 2020* states the following

- (1) A Council must prepare and adopt a revised budget before the Council—
- (a) can make a variation to the declared rates or charges; or
  - (b) can undertake any borrowings that have not been approved in the budget; or
  - (c) can make a change to the budget that the Council considers should be the subject of community engagement.

**ATTACHMENTS**

December Quarterly Financial Report.

**DISCUSSION**Operating Budget

The 'Summary of Adjustments' details the changes between the approved budget and the forecast to 31 December, 2020. The major changes in the operating budget are:-

- An increase in rate revenue of \$100k following supplementary valuations of approximately \$18 million being processed in the first part of the year.
- An increase in statutory fees is primarily due to increased planning and building fees due to increased development \$92k.
- A decrease in the anticipated level of fees and charges primarily due to COVID-19 hardship support and the temporary closure of facilities (\$62k). There is also a decrease in swimming pool attendance due to the cooler weather (\$35k). The decrease is partly offset by additional funding received from the Commonwealth Government to support childcare services (\$95k). This category also includes the reclassification of childcare subsidy from reimbursements to user fees (\$1.267m).
- An increase in operating grants of \$1.364m is primarily due to COVID-19 related grants (\$971k) and drought relief program funding (\$360k). Council has also been successful in receiving a number of minor grants to assist in the delivery of community services. The increase is offset by a reduction in the Victorian Grants Commission 2020/21 annual allocation (\$138k).
- A significant increase in reimbursements due to the growth within the National Disability Insurance Scheme (NDIS) services provided by Council (\$1.020m). There is also an increase in the demand for community care brokerage services (\$130k). This category also includes the reclassification of childcare subsidy from reimbursements to user fees (\$1.267m).
- A significant increase in employee costs primarily due to employee costs associated with the delivery of the NDIS services and community care brokerage services provided by Council (\$1.023m). This increase is offset by external reimbursements. Employee costs have also increased to facilitate the implementation of the COVID-19 related grant funded programs (\$454k). In the previous years, Council operated the swimming pools by using a contractor to provide staffing, this year Council will be employing day labour to undertake this function, this leads to a shift of costs from operational materials and services to employee costs (\$92k).
- An increase in operational materials and services is primarily due to increased spend to deliver the COVID-19 funded programs (\$285k) and drought relief programs (\$100k). There is a shift influenced by transfer of \$125k from operating to capital for the Morton Garner pavilion at the recreation reserve at Cohuna.
- Capital grants have decreased by \$1.717m. This decrease is primarily due to the deferral of grant funding for the major multi-year projects to 2021/22 (Kerang CBD Upgrade - \$1m, Murrabit Stormwater - \$462k, Apex Bridge - \$150k). It must be noted that the new accounting standard requires Council to recognise grant funding that has not been expended at 30 June as 'unearned income' in the Balance Sheet. After a review of the works required on the Appin South Bridge the level of expenditure has been decreased by \$290k with a corresponding decrease in the level of funding. The decreases mentioned have been offset by a grant for \$250k to expand outdoor eating capacity on Council land to comply with COVID-19 restrictions.

At the end of December, 50% of the forecasted capital works budget had been spent or committed. The capital budget adopted by Council was \$17.504 million. There is reduction in the

forecasted capital works budgeted of \$1.968m to recognise deferral of budgeted spend on major multi-year projects. The anticipated budgeted spend on capital works by 30 June 2021 is \$15.536m. A detailed listing of variations is included in the attachment. The major variations relate to:-

- Deferral of part of the Kerang CBD Upgrade in line with grant funding expected. This project is expected to be delivered over 2 financial years (\$1m).
- Murrabit stormwater project due to grant funding being announced in December and works programmed in 2021/22 (\$926k). This project is expected to be fully funded by external grants.
- Reduction in expenditure on the Appin South Bridge project \$290k.
- Kerang Children's Centre project expected to be carried forward into 2021/22 with an anticipated spend of \$100k in 2020/21. The scope of this multi-year project is expected to increase in line with the anticipated grant funding.
- A shift in the project expenditure in relation to Drought Stage 1 and 2.
- \$250k to be spent on the additional outdoor eating areas.
- Morton Garner pavilion project is expected to be delivered over two financial years with an anticipated spend of \$125k in 2020/21.
- Due to the delays experienced in contractor availabilities and approval authority consent the completion of the Koondrook Nature Based Tourism project has incurred \$260k expenditure.

### **CEO STATEMENT**

The Chief Executive Officer, as required under Section 97(3) of the Local Government Act 2020 is of the opinion a revised budget is not required.

### **RELEVANT LAW**

Section 97 of the *Local Government Act 2020* requires a quarterly report be presented to Council at a Council meeting which is open to the public showing a comparison of the actual and budgeted results to date and an explanation of any material differences.

### **RELATED COUNCIL DECISIONS**

The Quarterly Financial Report links to the budget process and the Council decision relating to the budget adoption in June 2020.

### **OPTIONS**

The variations projected are not significant and therefore a revised budget is not required.

### **SUSTAINABILITY IMPLICATIONS**

The key risks are financial and compliance risks. As the projected variations are positive and minor there is no increased financial risk with the Quarterly Financial Report.

### **COMMUNITY ENGAGEMENT**

The budget went through extensive consultation. This report highlights only minor change and no further community engagement has been undertaken.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Council Officers with responsibility for line budgets have had input into the report.

The December quarterly financial report is to be presented to Council's Audit and Risk Committee meeting on 23 March, 2021.

**FINANCIAL VIABILITY**

The Quarterly Financial Report presents the interim financial position to 31 December 2020 and is consistent with the budget.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

The budget and annual financial statements are prepared in accordance with the accounting standards.

**COUNCIL PLANS AND POLICIES**

This report aligns to the Council Plan strategy to pursue initiative to achieve long term financial sustainability.

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

In accordance with Section 130 of the *Local Government Act 2020*, the Officer preparing this report declares no Conflict of Interest in regards to this matter.




**Financial Report for**  
**the Quarter Ending**  
**31 December 2020**



**GANNAWARRA**  
*Shire Council*

**Comprehensive Income Statement**

	Note	As at 31 December 2020			Projected Year End		
		YTD Budget \$	YTD Actual \$	YTD Variance \$	FY Budget \$	FY Forecast \$	FY Adjustments \$
<b>Income</b>							
Rates and Charges	1	13,423,043	13,416,973	(6,070)	13,380,135	13,480,135	100,000
Statutory Fees and Fines	2	216,966	208,081	(8,885)	352,551	444,299	91,748
User Fees	3	1,686,593	1,720,907	34,314	1,974,868	3,220,568	1,245,700
Grants Operating	4	5,892,925	6,026,923	133,997	11,639,991	13,004,123	1,364,132
Contributions and Donations	5	60,355	61,139	784	81,225	109,703	28,478
Reimbursements	6	1,368,723	1,496,342	127,619	2,878,598	2,745,186	(133,412)
Sale of Assets		178,916	204,557	25,641	390,000	390,000	-
Cost of Assets Sold		(40,163)	(54,320)	(14,157)	(164,439)	(164,439)	-
Interest Earned	7	12,810	12,759	(51)	110,704	24,726	(85,978)
Other Income	8	114,510	107,506	(7,004)	292,044	259,066	(32,978)
<b>Total income</b>		<b>22,914,678</b>	<b>23,200,868</b>	<b>286,191</b>	<b>30,935,677</b>	<b>33,513,367</b>	<b>2,577,690</b>
<b>Expenses</b>							
Employee Costs	9	(7,579,290)	(7,596,480)	(17,190)	(13,743,579)	(15,507,085)	(1,763,506)
Operational Materials and Services	10	(4,952,736)	(4,849,109)	103,627	(9,135,426)	(9,389,496)	(254,070)
Bad and Doubtful Debts		-	(78)	(78)	(3,294)	(3,294)	-
Borrowing Costs		(6,939)	(6,977)	(38)	(78,279)	(78,279)	-
Depreciation		(3,171,270)	(3,190,909)	(19,639)	(6,345,113)	(6,345,113)	-
Other Expenses		(125,112)	(137,248)	(12,136)	(476,375)	(472,230)	4,145
<b>Total expenses</b>		<b>(15,835,347)</b>	<b>(15,780,801)</b>	<b>54,546</b>	<b>(29,782,066)</b>	<b>(31,795,497)</b>	<b>(2,013,431)</b>
<b>Underlying surplus/(deficit)</b>		<b>7,079,330</b>	<b>7,420,067</b>	<b>340,737</b>	<b>1,153,611</b>	<b>1,717,870</b>	<b>564,259</b>
Grants Capital and Major Projects	11	2,351,651	2,156,767	(194,883)	6,740,489	5,022,948	(1,717,541)
Contributions - Non Monetary Assets		-	-	-	-	-	-
Capital Contributions - Other Sources	12	-	-	-	50,000	78,500	28,500
<b>Surplus/(deficit) for the year</b>		<b>9,430,981</b>	<b>9,576,834</b>	<b>145,854</b>	<b>7,944,100</b>	<b>6,819,318</b>	<b>(1,124,782)</b>

Favourable greater than 10%   
 Constant between plus or minus 10%   
 Unfavourable less than 10% 

**Overall Result**

At 31 December 2020 Council is showing an underlying surplus of \$7.420 million, this is \$0.341 million more than budgeted for the same period. Income has a favourable variance of \$0.286m and there is a \$0.055m favourable variance for expenditure YTD.

Council is forecasting a \$1.718 million underlying surplus for 30 June 2021 which is an increase of \$0.564m on the 2020/21 adopted budget.

Note	Income		
<b>1</b>	<b>Rates and charges</b>	Favourable	100,000
1.1	115 supplementary valuations processed prior to rate run leading to an increase of approximately \$18m in CIV the majority increase is in residential		100,000
<b>2</b>	<b>Statutory fees and fines</b>	Favourable	91,748
2.1	An increase in the number of building permits, new dwelling permits and swimming pool registrations.		42,976
2.2	Planning Permits have increased significantly as a result of the Federal Governments' COVID-19 Building Stimulus. There has also been an increase in farm building applications due to predicted high yield of crops.		50,000
<b>3</b>	<b>User fees</b>	Favourable	1,245,700
3.1	At the August 2020 Council Meeting, Council resolved to support small business and community groups during the ongoing COVID-19 Pandemic by 50% fee reduction to all Food Act registered categories (\$17k) and 50% fee reduction to all Public Health and Wellbeing Act registered premises (\$3k), 100% waiver to Footpath Trading Permits (\$4k) and 50% reduction to Recreation Reserve user fees (\$6k).		(29,643)
3.2	At the July 2020 Council meeting, Council resolved to reduce facility hire charges for halls and senior citizens buildings by 50% due to the impact of COVID-19 on the region.		(10,000)
3.3	The Commonwealth Government has provided additional grant funding for childcare services (Family day care) to help with the impact of COVID-19 on fee paying parent community. \$80k is to be paid to educators and \$14k retained by Council. Offset by expenditure - refer to 10.12.		94,959
3.4	Arts and Culture fees have been impacted by COVID-19 due to fewer performances. Council received funding under the drought relief package to provide free performances.		(12,500)
3.5	Outdoor pool income has been affected by the cooler weather impacting memberships, pool attendance and kiosk sales.		(35,047)
3.6	Child Care Subsidy payments from the Commonwealth Government were classified as reimbursements in the Adopted Budget and have now been reclassified as fee for service. Refer to 6.4		1,266,843
3.7	Victorian Government initiative to provide free Kindergarten to support the recovery from the COVID-19 Pandemic has been offset by reduced parent contribution. Refer to 4.13		(64,937)
3.8	Parent administration levy on family day care were classified as contributions in the Adopted Budget and have now been reclassified as fee for service.		35,875
<b>4</b>	<b>Grants - Operating</b>	Favourable	1,364,132
4.1	Council has been successful in receiving grant from the National Australia Day Council under the COVID Safe Australia Day Program.		20,000
4.2	VGC grant funding for 2020/21 has been adjusted to show confirmed Federal Assistance Grants allocation (General Purpose Grant - \$48k and Local Roads Funding - \$90k). The final allocation was announced in August 2020.		(138,484)
4.3	Council received grant funding in June 2020 from the Department of Health and Human Services to deliver Drought Mental Health Support programs. This funding has been carried forward into 2020/21 to facilitate the completion of the program. Offset by expenditure - refer to 10.6		100,000
4.4	Council received additional grant funding through the Commonwealth Home Support Program (CHSP) as emergency support for COVID-19 to provide Meal on Wheels services to support people unable to attending social meals due to COVID restrictions. Refer to 9.2.		39,424
4.5	Council received additional grant funding through the Commonwealth Home Support Program (CHSP) for emergency support for COVID-19 to provide frail, older people access to CHSP services during the COVID-19 pandemic. Offset by expenditure - refer to 9.3 & 10.7.		168,949
4.6	Council has received funding from Bendigo Health to provide an In-Home At-Risk Education Support Service for young carers and students with special education support needs. Offset by expenditure - refer 9.6		40,622
4.7	2019/20 Maternal Child and Health funding unspent at 30 June 2020 has been carried over into 2020/21 to facilitate completion of the funded program.		37,010
4.8	Unspent grant funding received in 2019/20 under the Drought Relief Package Stage 1 has been carried forward to facilitate completion of the program. The delivery of the \$1m program had been delayed due to COVID-19 and an extension was granted to 31 December 2020. This funding has now been fully expended.		186,055
4.9	Grant funding received under the Drought Relief Package Stage 2 has been adjusted between operating and capital jobs to ensure that the funding of \$1m will be fully expended. Refer to 10.2 & 11.5.		73,600
4.10	The Move It Loddon Mallee Project that aims to encourage physical activity in the over 65 age group had been paused due to the COVID-19 Pandemic. Grant funding has been increased to recognise grant instalments expected in 2020/21 to facilitate the completion of this project. Offset by expenditure - Refer to 9.8 & 10.9		86,425



4.11	Annual grant funding from Creative Victoria under the Small Regional Presenters Program is not expected due to cancellation of performances due to COVID-19.		(15,000)
4.12	Council has been successful in obtaining grant funding under the Local Sport Infrastructure Program for Murrabit netball change room redevelopment (\$219k). Council had budgeted to receive \$250k for Sport & Recreation Grants. Budget has been reduced to reflect the reduction.		(30,800)
4.13	Victorian Government initiative to provide free Kindergarten and long day care to support the recovery from the COVID-19 Pandemic has been partly offset by reduced parent contribution(\$64k). Refer to 3.7.		228,666
4.14	Council has received funding from the Department of Health & Human Services under the Community Activation and Social Isolation Initiative Program (CASI). This program aims to help vulnerable people stay connected with family, friends & community. This grant funding is offset by costs to deliver this program. Offset by expenditure - refer to 9.11 & 10.13.		138,600
4.15	Council has received additional Maternal Child and Health Care (MCHC) funding for Sleep and Settling, and Enhanced programs. This grant is offset by the employment of an additional MCHC nurse to deliver this program. Offset by expenditure - refer to 9.10.		35,231
4.16	Council has received funding under the Working for Victoria program which is part of the Government's Coronavirus response to stimulate the economy by encouraging increased employment activity. Council is currently in the process of recruiting staff to fill these positions. Offset by expenditure - refer to 9.12 & 10.14.		355,126
<b>5</b>	<b>Contributions and Donations</b>	Favourable	28,478
5.1	Council has received funds under the Goulburn Murray Irrigation District Drought Employment Program (GMID DEP) to employ staff for a 6 month period to support the parks and garden crew. Offset by expenditure - refer to 9.13.		20,000
<b>6</b>	<b>Reimbursements</b>	Unfavourable	(133,412)
6.1	Council adopted the COVID-19 Hardship Policy (no. 140) on 15th April 2020 to assist ratepayers experiencing temporary financial hardship. The policy allows Council to hold off legal action of rates & charges. The impact is a decrease in legal fees charged. Offset by expenditure - refer to 10.5.		(17,244)
6.2	There is an increased local demand for Community Care Brokerage services. This increase is offset by an increase in employee costs to cater to the increased demand. Offset by expenditure - refer to 9.4.		130,000
6.3	The demand for National Disability Insurance Scheme (NDIS) services within the Shire has exceeded budgeted growth. This increase is offset by an increase in employee costs to cater to the increased demand. Offset by expenditure - refer to 9.5.		1,020,000
6.4	Child Care Subsidy payments from the Commonwealth Government were classified as reimbursements in the Adopted Budget and have now been reclassified as fee for service. Refer to 3.6.		(1,266,843)
<b>7</b>	<b>Interest Earned</b>	Unfavourable	(85,978)
7.1	Interests rates have been lower than expected during the year due to COVID-19. The RBA cash rate is currently 0.10%. At the time of preparing the budget, the cash rate had been 0.75%. The impact of the dramatic cash rate reduction on our cash investments is being reflected in the forecast.		(85,978)
<b>8</b>	<b>Other Income</b>	Unfavourable	(32,978)
8.1	Council's commercial premises & caravan park received rent relief from July to December 2020 due to business impacts of COVID-19		(29,978)

<b>Expenses</b>		
<b>9</b>	<b>Employee Direct Costs</b>	Unfavourable (1,763,506)
9.1	Additional cleaning and sanitisation is being undertaken as part of combating the COVID-19 pandemic.	(22,807)
9.2	Additional grant funding received through the Commonwealth Home Support Program (CHSP) as emergency support for COVID-19 to pay staff to deliver the meals on wheels program. Previously the meals on wheels program relied on volunteers to deliver the program. Refer to 4.4.	(29,725)
9.3	Council's additional grant funding received through the Commonwealth Home Support Program (CHSP) for emergency support for COVID-19 has been allocated towards an additional 2,064 hours of personal care services and an additional 1,080 hours of Individual Social Support services and towards providing personal alarms and devices. Offset by income - refer to 4.5 & 10.7.	(111,442)
9.4	The increase in local demand for Community Care Brokerage services has resulted in additional employee hours. Offset by income - refer to 6.2.	(92,640)
9.5	The demand for National Disability Insurance Scheme (NDIS) services within the Shire has exceeded budgeted growth. This increase is offset by an increase in employee costs to cater to the increased demand. Offset by income - refer to 6.3.	(743,777)
9.6	Majority of the funding from Bendigo Health to provide an In-Home At-Risk Education Support Service for young carers and students with special education support needs has been allocated towards providing services of 33 hrs per week for 28 weeks. Offset by income - refer to 4.6.	(32,401)
9.7	Two additional full time administration staff have been appointed to support the increased demand for NDIS services.	(186,786)
9.8	The Move It Loddon Mallee Project that had been paused due to the COVID-19 Pandemic. This project which was originally intended to be delivered using in-house staff will now be delivered using external services. Offset by income - refer to 4.10.	25,067
9.9	There has been some savings due to temporary staff vacancies during the year and redeployment of staff hours towards funded projects	84,113
9.10	Additional Maternal Child and Health Care (MCHC) funding for Sleep and Settling, and Enhanced program is offset by the employment of an additional MCHC nurse to deliver this program. Offset by income - refer to 4.15.	(51,600)
9.11	Funding received under Community Activation and Social Isolation Initiative Program (CASI) will be delivered by 2 staff. Offset by income - refer to 4.14 & 10.13.	(21,922)
9.12	Funding under the Working for Victoria program to stimulate the economy by encouraging increased employment opportunities within Council for 6 months. Offset by income - refer to 4.16.	(291,102)
9.13	Council has received funds under the Goulburn Murray Irrigation District Drought Employment Program (GMID DEP) to employ staff for a 6 month period to support the parks and garden crew. Offset by income - refer to 5.1.	(20,000)
<b>10</b>	<b>Operational Materials and Services</b>	Unfavourable (254,070)
10.1	Council's contribution towards the Morton Garner Pavilion Project was originally intended to be provided to the community group to facilitate this project. With Council now managing this project as part of its 2020/21 Capital Works Program, this contribution has now been reallocated to capital expenditure.	125,000
10.2	Expenditure for the funded Drought Relief Package Stage 2 has been adjusted between operating and capital jobs to ensure that the funding of \$1m will be fully expended. Refer to 4.9.	(73,600)
10.3	Unspent grant funding received in 2019/20 under the Drought Relief Package Stage 1 has been carried forward to facilitate completion of the program.	86,312
10.4	The grant received from the National Australia Day Council will be expended to hold COVID Safe Australia Day events within the Shire	(20,000)
10.5	COVID-19 Hardship Policy (no. 140) to assist ratepayers experiencing temporary financial hardship by way of holding off legal action of rates & charges has resulted in a decrease in legal fees. These fees are on charged to the ratepayer and is recognised under reimbursements. Offset by income - refer to 6.1.	17,244
10.6	Council received grant funding in June 2020 from the Department of Health and Human Services to deliver Drought Mental Health Support programs. This funding has been carried forward into 2020/21 to facilitate the completion of the program. Offset by income - refer to 4.3.	(100,000)
10.7	Council's additional grant funding received through the Commonwealth Home Support Program (CHSP) for emergency support for COVID-19 has been allocated additional hours of services and towards providing personal alarms and devices. Offset by income - refer to 4.5 & 9.3	(12,095)
10.8	Grant funding received under the Grow Gannawarra Early Children Program in June 2020 has been carried forward into 2020/21 to facilitate the completion of the project.	(20,000)
10.9	The Move It Loddon Mallee Project that had been paused due to the COVID-19 Pandemic. This project which was originally intended to be delivered using in-house staff will now be delivered using external services. Offset by income - refer to 4.10.	(31,877)
10.10	The arts and culture events has been scaled back as a result of COVID-19.	16,986
10.11	Insurance premiums has been higher than budgeted	(45,000)
10.12	Additional grant funding from the Commonwealth Government for childcare services to help with the impact of COVID-19 on fee paying parent community has been disbursed to family day care educators. Offset by income - refer to 3.3.	(80,259)
10.13	Funding received under Community Activation and Social Isolation Initiative Program (CASI) will be delivered by 2 staff and external services. Offset by income - refer to 4.14.	(116,678)
10.14	Funding under the Working for Victoria program to stimulate the economy by encouraging increased employment opportunities within Council for 6 months will be utilised to support the recruited staff with equipment required. Offset by income - refer to 4.16.	(64,025)

<b>11</b>	<b>Grants - Capital</b>	Unfavourable	(1,717,541)	
11.1	Council has been successful in receiving grant funding for the Morton Garner Pavilion Project of \$475k. This reduction in grant is reflected to show timing of recognition of grant.			99,000
11.2	Grant funding for the Appin South Bridge has been reduced to reflect grant funding expected in 2020/21.			(289,500)
11.3	Council has received grant funding to support expanded outdoor dining and entertainment in the Third Step of Victoria's roadmap to reopening program.			250,000
11.4	Council has received funding under the Community Safety Infrastructure Grants Program to improve public safety at Atkinson Park and the Library in Kerang.			64,656
11.5	Grant funding received under the Drought Relief Package Stage 2 has been adjusted between operating and capital jobs to ensure that the funding of \$1m will be fully expended. Refer to 4.9			(73,600)
11.6	Council has been successful in its application for grant funding of \$600k for the Kerang Children's Centre 3 year old Kinder project. This reduction in grant is reflected to show timing of recognition of grant.			(75,000)
11.7	Council has been successful in its application for grant funding of \$390k for the Koondrook All Abilities Park project. This reduction in grant is reflected to show final instalment of \$70k in 2021/22.			(70,000)
11.8	Murrabit Stormwater project is awaiting confirmation of grant funding of \$1.153m and the project has been deferred to 2021/22.			(462,240)
11.9	Council grant funding of \$1.31m for the Kerang CBD Upgrade (Stage 2) is expected to be received over 2 years. This reduction in grant is reflected to show timing of recognition of grant.			(1,000,000)
11.10	The Apex Bridge replacement is awaiting confirmation of grant funding of \$150k and the project has been deferred to 2021/22.			(150,000)
<b>12</b>	<b>Capital Contributions - Other Sources</b>	Favourable	28,500	
12.1	Contribution towards Koondrook All Abilities park project from Koondrook Hall Committee (\$25k) and Koondrook Development Committee (\$22.5k) has been confirmed.			47,500

**Capital Works Report as at  
31 Dec 2020**

	Note	Adopted Budget	YTD Actuals	Hard Commitments	Total Expenditure	Projected Forecast - Total Project Cost	Permanent Adjustments
<b>PROPERTY</b>							
<b>Land Improvements</b>							
Industrial Estate Expansions Tate Drive – Kerang		\$ 1,300,000.00	\$ 32,902.90	\$ 197,199.00	\$ 230,101.90	\$ 1,300,000.00	\$ -
<b>Buildings</b>							
Kerang depot upgrade		\$ 100,000.00	\$ 52,954.62	\$ -	\$ 52,954.62	\$ 100,000.00	\$ -
Truckwash toilets		\$ 20,000.00	\$ 1,333.37	\$ -	\$ 1,333.37	\$ 20,000.00	\$ -
<b>Building Improvements</b>							
Climate Change Adaptation		\$ 50,000.00	\$ 4,629.27	\$ 21,060.81	\$ 25,690.08	\$ 50,000.00	\$ -
Leitchville Swimming Pool Changeroom Bird proofing	1	\$ 25,000.00	\$ 10,472.73	\$ -	\$ 10,472.73	\$ 10,500.00	\$ (14,500.00)
Kerang Children's Centre 3 Year Old Kinder	2	\$ 250,000.00	\$ -	\$ -	\$ -	\$ 100,000.00	\$ (150,000.00)
<b>Leasehold Improvements</b>							
Power Upgrade Cohuna Caravan Park - Grant.Dep		\$ 280,000.00	\$ -	\$ 107,321.53	\$ 107,321.53	\$ 280,000.00	\$ -
<b>TOTAL PROPERTY</b>		<b>\$ 2,025,000.00</b>	<b>\$ 102,292.89</b>	<b>\$ 325,581.34</b>	<b>\$ 427,874.23</b>	<b>\$ 1,860,500.00</b>	<b>\$ (164,500.00)</b>
<b>PLANT AND EQUIPMENT</b>							
<b>Plant, Machinery and Equipment</b>							
Heavy plant replacement	3	\$ 790,000.00	\$ 190,133.82	\$ 221,400.00	\$ 411,533.82	\$ 764,065.00	\$ (25,935.00)
Light plant replacement		\$ 387,000.00	\$ 240,050.01	\$ -	\$ 240,050.01	\$ 387,000.00	\$ -
<b>Fixtures, Fittings and Furniture</b>							
<b>Computers and Telecommunications</b>							
ICT Capital renewals		\$ 200,000.00	\$ 44,861.22	\$ 12,429.09	\$ 57,290.31	\$ 200,000.00	\$ -
IT COVID-19		\$ 50,000.00	\$ -	\$ -	\$ -	\$ 50,000.00	\$ -
IT virtual meeting equipment		\$ 100,000.00	\$ -	\$ -	\$ -	\$ 100,000.00	\$ -
<b>Library books</b>							
Library book replacement		\$ 100,000.00	\$ 36,626.21	\$ 22,056.35	\$ 58,682.56	\$ 100,000.00	\$ -
<b>TOTAL PLANT AND EQUIPMENT</b>		<b>\$ 1,627,000.00</b>	<b>\$ 511,671.26</b>	<b>\$ 255,885.44</b>	<b>\$ 767,556.70</b>	<b>\$ 1,601,065.00</b>	<b>\$ (25,935.00)</b>
<b>INFRASTRUCTURE</b>							
<b>Roads</b>							
Bitumen Roads Reseal Program		\$ 816,000.00	\$ 257,473.82	\$ 484,344.36	\$ 741,818.18	\$ 816,000.00	\$ -
Gravel Re-sheeting Program		\$ 973,000.00	\$ 488,119.15	\$ 8,820.00	\$ 496,939.15	\$ 973,000.00	\$ -
Sealed Roads Rehabilitation Program		\$ 2,023,000.00	\$ 826,083.14	\$ 1,330.00	\$ 827,413.14	\$ 2,023,000.00	\$ -
Cohuna Cemetery drain crossing		\$ 35,000.00	\$ -	\$ 19,971.15	\$ 19,971.15	\$ 35,000.00	\$ -

	Note	Adopted Budget	YTD Actuals	Hard Commitments	Total Expenditure	Projected Forecast - Total Project Cost	Permanent Adjustments
<b>Bridges</b>							
Apex Park Bridge	4	\$ 300,000.00	\$ -	\$ -	\$ -	\$ -	\$ (300,000.00)
Appin South Bridge	5	\$ 290,000.00	\$ -	\$ -	\$ -	\$ -	\$ (290,000.00)
<b>Footpaths and Cycleways</b>							
Footpath replacement program		\$ 102,000.00	\$ 1,430.00	\$ 3,182.05	\$ 4,612.05	\$ 102,000.00	\$ -
Mead Street Cohuna	6	\$ 43,000.00	\$ 46,698.62	\$ -	\$ 46,698.62	\$ 46,699.00	\$ 3,699.00
Kerang to Koondrook Rail Trail (Murray River Adventure Trail)		\$ 733,000.00	\$ -	\$ -	\$ -	\$ 733,000.00	\$ -
<b>Kerb and channel</b>							
Kerb replacement program		\$ 150,000.00	\$ 22,799.49	\$ 21,991.37	\$ 44,790.86	\$ 150,000.00	\$ -
<b>Drainage</b>							
Murrabit Stormwater	7	\$ 926,000.00	\$ -	\$ 3,975.00	\$ 3,975.00	\$ -	\$ (926,000.00)
<b>Recreational, Leisure &amp; Community Facilities</b>							
Promotional infrastructure		\$ 50,000.00	\$ 38,741.61	\$ 2,240.00	\$ 40,981.61	\$ 50,000.00	\$ -
Swimming Pool Renewal Program		\$ 135,000.00	\$ 70,042.05	\$ 1,610.00	\$ 71,652.05	\$ 135,000.00	\$ -
Town/Boundary Entrances and Signage		\$ 25,000.00	\$ 1,740.00	\$ -	\$ 1,740.00	\$ 25,000.00	\$ -
ReSpark the Park - Cullen Street		\$ 65,000.00	\$ -	\$ 1,200.00	\$ 1,200.00	\$ 65,000.00	\$ -
Community Drought Resilience Support Program Round 2	8	\$ 313,000.00	\$ 86,576.19	\$ 17,337.64	\$ 103,913.83	\$ 239,400.00	\$ (73,600.00)
Cohuna Skate Park		\$ 600,000.00	\$ 8,667.50	\$ 581,992.84	\$ 590,660.34	\$ 600,000.00	\$ -
Cohuna CBD Waterfront Development		\$ 1,693,000.00	\$ 757,564.07	\$ 345,954.34	\$ 1,103,518.41	\$ 1,693,000.00	\$ -
<b>Parks, Open Space and Streetscapes</b>							
Automating irrigation systems	9	\$ 50,000.00	\$ 38,036.81	\$ -	\$ 38,036.81	\$ 46,301.00	\$ (3,699.00)
Tree planting program		\$ 30,000.00	\$ 12,900.12	\$ 10,120.51	\$ 23,020.63	\$ 30,000.00	\$ -
Local Road and Community Infrastructure Program - Kerang							
CBD Upgrade Stage 2	10	\$ 1,318,000.00	\$ 139,346.19	\$ 80,662.27	\$ 220,008.46	\$ 318,000.00	\$ (1,000,000.00)
RSL Memorial Park upgrades	11	\$ 30,000.00	\$ 46,950.60	\$ 41,041.50	\$ 87,992.10	\$ 85,000.00	\$ 55,000.00
Koondrook All Abilities Park	12	\$ 520,000.00	\$ 1,550.00	\$ 590,502.00	\$ 592,052.00	\$ 592,000.00	\$ 72,000.00
Sustainable Recreational Water for Quambatook		\$ 813,000.00	\$ -	\$ -	\$ -	\$ 813,000.00	\$ -
<b>Other Infrastructure</b>							
Acre21 (Art Work)		\$ 30,000.00	\$ -	\$ -	\$ -	\$ 30,000.00	\$ -
Climate Adaptation - Car Charger		\$ 110,000.00	\$ 90.91	\$ -	\$ 90.91	\$ 110,000.00	\$ -
Climate Adaptation - Street Lights		\$ 150,000.00	\$ 4,690.00	\$ 9,520.91	\$ 14,210.91	\$ 150,000.00	\$ -
Koondrook Levee Construction (inc Walking Track to Cassidy Lane)		\$ 350,000.00	\$ -	\$ -	\$ -	\$ 350,000.00	\$ -
Strategic program development		\$ 200,000.00	\$ 76,546.36	\$ 82,350.91	\$ 158,897.27	\$ 200,000.00	\$ -
<b>TOTAL INFRASTRUCTURE</b>		<b>\$ 12,873,000.00</b>	<b>\$ 2,926,046.63</b>	<b>\$ 2,308,146.85</b>	<b>\$ 5,234,193.48</b>	<b>\$ 10,410,400.00</b>	<b>\$ (2,462,600.00)</b>
<b>TOTAL NEW CAPITAL WORKS</b>		<b>\$ 16,525,000.00</b>	<b>\$ 3,540,010.78</b>	<b>\$ 2,889,613.63</b>	<b>\$ 6,429,624.41</b>	<b>\$ 13,871,965.00</b>	<b>\$ (2,653,035.00)</b>

	Note	Adopted Budget	YTD Actuals	Hard Commitments	Total Expenditure	Projected Forecast - Total Project Cost	Permanent Adjustments
<b>Works carried forward from the 2019/20 year</b>							
<b>INFRASTRUCTURE</b>							
<b>Recreational, Leisure &amp; Community Facilities</b>							
Koondrook Caravan Park - Stage 2 (Road & Drainage)		\$ 350,000.00	\$ 302,882.26	\$ 15,172.50	\$ 318,054.76	\$ 350,000.00	\$ -
Community Drought Resilience Support Program Stage 1	13	\$ 61,000.00	\$ 44,024.47	\$ 6,953.64	\$ 50,978.11	\$ 45,379.02	\$ (15,620.98)
<b>Footpaths and Cycleways</b>							
Gannawarra Arts Trail		\$ 50,000.00	\$ 24,887.50	\$ 24,863.41	\$ 49,750.91	\$ 50,000.00	\$ -
<b>Bridges</b>							
Appin South bridge		\$ 406,000.00	\$ 406,000.00	\$ -	\$ 406,000.00	\$ 406,000.00	\$ -
<b>Drainage</b>							
Southern levy acquisition	14	\$ 80,000.00	\$ 1,980.49	\$ 293.26	\$ 2,273.75	\$ 1,980.00	\$ (78,020.00)
Quambatook Levee continuation stage 2		\$ 32,000.00	\$ 32,000.09	\$ -	\$ 32,000.09	\$ 32,000.00	\$ -
<b>TOTAL INFRASTRUCTURE</b>		<b>\$ 979,000.00</b>	<b>\$ 811,774.81</b>	<b>\$ 47,282.81</b>	<b>\$ 859,057.62</b>	<b>\$ 885,359.02</b>	<b>\$ (93,640.98)</b>
<b>TOTAL CARRIED FORWARD CAPITAL WORKS 2019/20</b>		<b>\$ 979,000.00</b>	<b>\$ 811,774.81</b>	<b>\$ 47,282.81</b>	<b>\$ 859,057.62</b>	<b>\$ 885,359.02</b>	<b>\$ (93,640.98)</b>
<b>Other Projects</b>							
Outdoor Dinning - Misc	15	\$ -	\$ 48,289.06	\$ 46,720.00	\$ 95,009.06	\$ 250,000.00	\$ 250,000.00
Outdoor Dinning - The Bower Tavern		\$ -	\$ -	\$ 6,586.36	\$ 6,586.36	\$ -	\$ -
Outdoor Dinning - Chinos On Victoria		\$ -	\$ 1,200.00	\$ -	\$ 1,200.00	\$ -	\$ -
Outdoor Dinning - Royal Hotel Kerang		\$ -	\$ 10,184.78	\$ -	\$ 10,184.78	\$ -	\$ -
Outdoor Dinning - Kerang Family Tenpin Bowling & Leisure Lounge		\$ -	\$ 5,741.75	\$ -	\$ 5,741.75	\$ -	\$ -
Outdoor Dinning - Sh'Marnas Place		\$ -	\$ -	\$ 4,470.00	\$ 4,470.00	\$ -	\$ -
Outdoor Dinning - Mystic Park Hotel		\$ -	\$ 1,556.09	\$ -	\$ 1,556.09	\$ -	\$ -
Outdoor Dinning - Quambatook Hotel		\$ -	\$ -	\$ 19,063.64	\$ 19,063.64	\$ -	\$ -
Outdoor Dinning - Leitchville Hotel		\$ -	\$ 9,700.00	\$ -	\$ 9,700.00	\$ -	\$ -
Koondrook Wharf And Good Shed Phase 3 Power	16	\$ -	\$ 32,475.68	\$ -	\$ 32,475.68	\$ 35,000.00	\$ 35,000.00
Morton Garner Pavilion	17	\$ -	\$ 1,000.00	\$ -	\$ 1,000.00	\$ 125,000.00	\$ 125,000.00
Atkinson Park - A Safer Precinct For All	18	\$ -	\$ -	\$ -	\$ -	\$ 74,840.00	\$ 74,840.00
Computers for Children's Services (Building Blocks Improvement)	19	\$ -	\$ -	\$ -	\$ -	\$ 3,869.10	\$ 3,869.10
Koondrook Nature Based Tourism Hub	20	\$ -	\$ 257,867.66	\$ -	\$ 257,867.66	\$ 260,000.00	\$ 260,000.00
Mckenzie Rd & Wandella Rd Upgrade		\$ -	\$ 6,716.69	\$ -	\$ 6,716.69	\$ -	\$ -
Lower Loddon Road		\$ -	\$ (1,920.00)	\$ -	\$ (1,920.00)	\$ -	\$ -
Other Plant And Equipment	21	\$ -	\$ 21,328.64	\$ -	\$ 21,328.64	\$ 30,000.00	\$ 30,000.00
Koondrook Waterfront Connections		\$ -	\$ 1,350.00	\$ -	\$ 1,350.00	\$ -	\$ -
Purchase of Land - 6 Murray Street & 45 McCann Crescent, Kerang		\$ -	\$ 26,179.11	\$ -	\$ 26,179.11	\$ -	\$ -
<b>TOTAL OTHER PROJECTS</b>		<b>\$ -</b>	<b>\$ 421,669.46</b>	<b>\$ 76,840.00</b>	<b>\$ 498,509.46</b>	<b>\$ 778,709.10</b>	<b>\$ 778,709.10</b>
<b>TOTAL WORKS 2020/2021</b>		<b>\$ 17,504,000.00</b>	<b>\$ 4,773,455.05</b>	<b>\$ 3,013,736.44</b>	<b>\$ 7,787,191.49</b>	<b>\$ 15,536,033.12</b>	<b>\$ (1,967,966.88)</b>

**Summary - Overall Result**

The adopted capital budget for 2020/2021 is \$17.504m. There has been a reduction in the forecasted capital works budget by \$1.968m to recognise deferral of budgeted spend on multi-year projects. Anticipated budgeted spend by 30 June 2021 is \$15.536m. 50% of the forecasted capital works budget has been spent at the end of December.

As projects proceed a need may arise where the budget allocation needs to be reviewed, the following projects have been reviewed:

Note		\$
1	Leitchville Pool Bird proofing project is completed with savings.	(14,500)
2	Council has been successful in its application for grant funding of \$600k for the Kerang Children's Centre 3 year old Kinder project. This is a multi-year project with \$100k of the total project cost \$725k to be spent in 2020/21	(150,000)
3	\$30k moved from Heavy Plant Replacement to Other Plant and Equipment for purchase of additional capital purchase	(30,000)
	\$4,065 moved from operating to capital for the purchase on a Trailer for Community Care	4,065 (25,935)
4	The Apex Bridge replacement is awaiting confirmation of grant funding of \$150k and the project has been deferred to 2021/22.	(300,000)
5	Expenditure for the Appin South Bridge has been reduced to reflect total project cost.	(290,000)
6	\$3,699 moved from Automating Irrigation systems to offset overspend on Mead Street Footpath Project	3,699
7	Murrabit Stormwater project with grant funding of \$1.153m is expected to commence in August 2021.	(926,000)
8	Grant funding received under the Drought Relief Package Stage 2 has been adjusted between operating and capital jobs to ensure that the funding of \$1m will be fully expended. Refer Operating Statement	(73,600)
9	\$3,699 moved from Automating Irrigation systems to offset overspend on Mead Street Footpath Project	(3,699)
10	Council grant funding of \$1.31m for the Kerang CBD Upgrade (Stage 2) is expected to be received over 2 years. This is a multi-year project with \$318k of the total project cost \$1.318m to be spent in 2020/21.	(1,000,000)
11	RSL Memorial Park project scope expanded to \$85k total project cost using \$70k drought funding and \$15k of Council's funds as per original budget. No longer expecting \$15k Grant	55,000
12	Koondrook All Abilities Park increase project spend to \$592k due to tender award price increase	72,000
13	Drought Funding Stage 1 \$72k additional capital shifted from operating to Capital Projects	54,379
	Drought Funding Stage 1 \$70k allocated to RSL Memorial Park Project	(70,000) (15,621)
14	Southern levy acquisition project delayed til 2021/22	(78,020)
15	Grant received for outdoor eating and entertaining improvements to expand venue capacity on Council Land	250,000
16	Koondrook Wharf and Good Shed supply of 3 phase power to the Wharf area to compliment weddings and events to be held at the wharf	35,000
17	Council has been successful in receiving grant funding for the Morton Garner Pavilion Project of \$475k. This is a multi-year project with \$600k of the total project cost \$125k to be spent in 2020/21.	125,000
18	Funding received under the Community Safety Infrastructure Grants Program to improve public safety will be used to install lighting, CCTV and a smart bench at Atkinson Park and the Library in Kerang	74,840
19	Grant received to purchase new computers for the Cohuna, Koondrook and Leitchville Preschools	3,869
20	Koondrook Nature Base Hub was expected to be completed by 30 June 2020 however due to issues with contractor availabilities and approval authority consent, project is due to be completed in 2020/21	260,000
21	\$30k moved from Heavy Plant Replacement to Other Plant and Equipment for purchase of additional capital purchase	30,000
		<u>(1,967,967)</u>

## Balance Sheet As at 31 December 2020

	2019/20	Year to Date	Projected Forecast To 30 June 2021
	\$	\$	\$
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	5,621	7,606	6,265
Trade and other receivables	3,506	12,323	2,976
GST Receivable	285	-	285
Financial assets	4,471	1,700	4,471
Inventories	726	507	726
Other Assets	925	-	925
Non-current assets classified as held for sale	-	-	-
<b>Total current assets</b>	<b>15,534</b>	<b>22,136</b>	<b>15,647</b>
<b>Non-current assets</b>			
Property, infrastructure, plant and equipment	202,821	204,346	211,847
Investment Assets	1,152	1,152	1,152
<b>Total non-current assets</b>	<b>203,973</b>	<b>205,499</b>	<b>213,000</b>
<b>Total assets</b>	<b>219,507</b>	<b>227,634</b>	<b>228,647</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Trade and other payables	1,217	218	1,217
Trust funds and deposits	717	1,234	717
Unearned Income	954	3	3
Provisions (CL)	3,085	3,123	3,124
Interest-bearing loans and borrowings (CL)	116	59	400
<b>Total current liabilities</b>	<b>6,089</b>	<b>4,637</b>	<b>5,460</b>
<b>Non-current liabilities</b>			
Provisions (NCL)	1,103	1,104	1,103
Interest-bearing loans and borrowings (NCL)	340	340	3,289
<b>Total non-current liabilities</b>	<b>1,443</b>	<b>1,444</b>	<b>4,392</b>
<b>Total liabilities</b>	<b>7,532</b>	<b>6,081</b>	<b>9,852</b>
<b>Net Assets</b>	<b>211,975</b>	<b>221,553</b>	<b>218,795</b>
<b>Equity</b>			
Accumulated surplus	91,273	100,850	98,093
Reserves	120,702	120,703	120,702
<b>Total Equity</b>	<b>211,975</b>	<b>221,553</b>	<b>218,795</b>



## STATEMENT OF CASH FLOWS ('000)

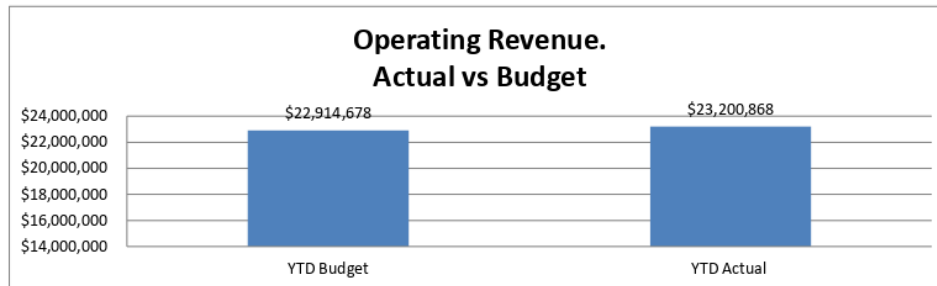
Description	2019/20	Year to Date	Projected Forecast To 30 June 2021
<b>Cash Flows from Operating Activities</b>			
Rates and charges	12,604	4,746	14,010
Statutory Fees and Fines	371	207	441
User Fees	1,490	1,577	3,543
Grants Operating	9,043	6,027	12,053
Grants Capital	5,920	2,157	5,023
Contributions monetary	150	61	188
Interest received	108	13	25
Trust funds and deposits taken	231	-	-
Other receipts	3,524	1,604	3,305
Net GST refund	(0)	285	1,878
Employee Costs	(13,913)	(7,557)	(15,468)
Materials & Services	(10,159)	(5,653)	(10,329)
Trust funds and deposits paid	-	518	-
Other Payments	(873)	(137)	(519)
<b>Net Cash provided by operating activities</b>	<b>8,496</b>	<b>3,847</b>	<b>14,149</b>
<b>Cash Flows from Investing Activities</b>			
Payment for property, infr. p&e	(10,327)	(4,773)	(17,090)
Proc. from sale property, infr. p&e	243	205	429
			-
Payment for investments	(283)	-	-
Proc. from sale of Investments		2,771	-
<b>Net Cash used in Investing activities</b>	<b>(10,367)</b>	<b>(1,798)</b>	<b>(16,661)</b>
<b>Cash Flows from Financing Activities</b>			
Proceeds from borrowings			3,500
Finance Costs	(33)	(7)	(78)
Loan Redemption	(108)	(57)	(267)
<b>Net Cash used in Financing Activities</b>	<b>(141)</b>	<b>(64)</b>	<b>3,155</b>
<b>Net Increase / (Decrease) in Cash/ Invest.</b>	<b>(2,012)</b>	<b>1,985</b>	<b>644</b>
<b>Cash / Investments at beginning of year</b>	<b>7,633</b>	<b>5,621</b>	<b>5,621</b>
<b>Cash / Investments at end of financial period</b>	<b>5,621</b>	<b>7,606</b>	<b>6,264</b>
<b>Investments on Hand at Year end</b>	<b>4,471</b>	<b>1,700</b>	<b>4,471</b>
<b>Total Cash, cash equivalents and investments</b>	<b>10,092</b>	<b>9,306</b>	<b>10,736</b>

**FINANCIAL OVERVIEW**

	Year to Date		
	YTD Budget	YTD Actual	Variance
Total income	\$22,914,678	\$23,200,868	\$286,191
Total expenses	(\$15,835,347)	(\$15,780,801)	\$54,546
<b>Underlying Surplus/(deficit)</b>	<b>\$7,079,330</b>	<b>\$7,420,067</b>	<b>\$340,737</b>

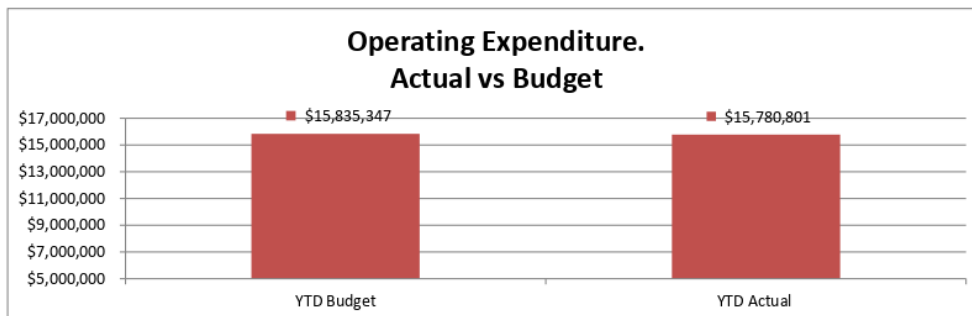
Abbreviations: YTD - Year to date EOY - End of year FY - Full year

**Operating Revenue:**



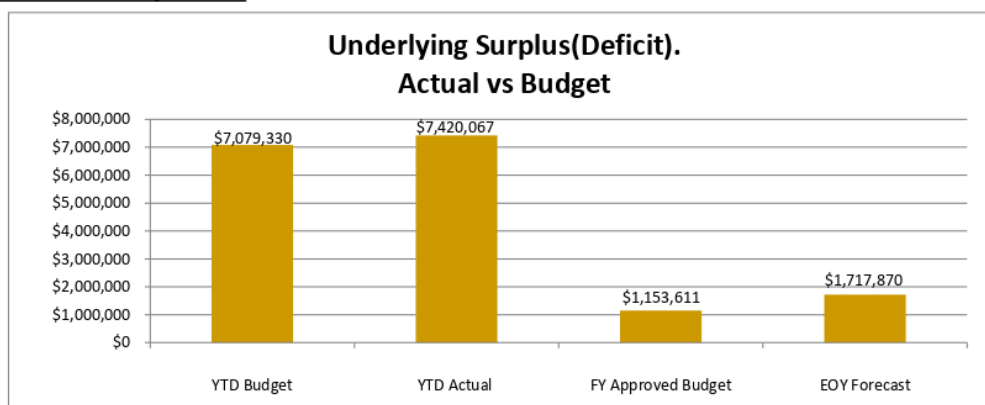
To date there is a favourable variance of \$0.286 million.

**Operating Expenditure:**



To date there is a favourable variance of \$0.055 million

**Result from ordinary activities:**

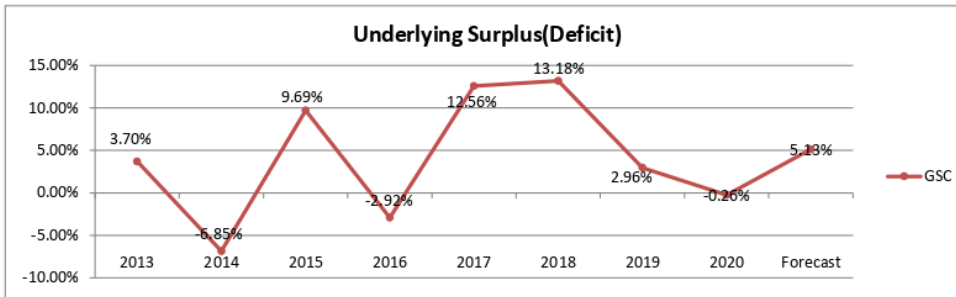


A favourable year to date result has been achieved with a forecasted favourable change on budget at 30 June 2021

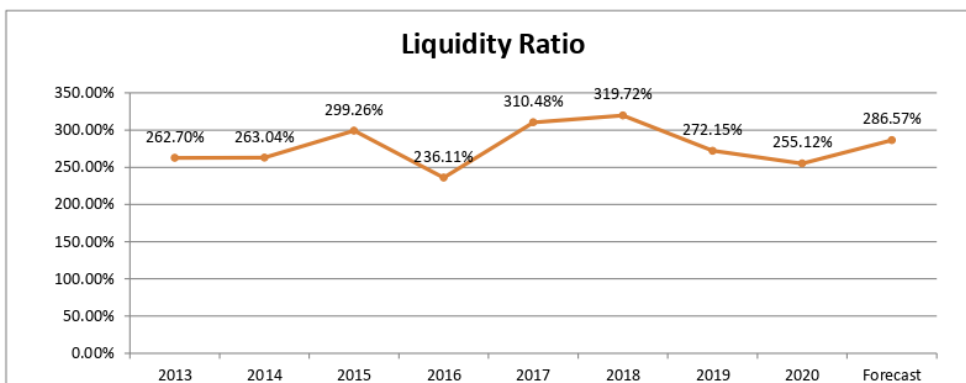
Abbreviations: YTD - Year to date FY - Full year EOY - End of year

**Financial Ratios**

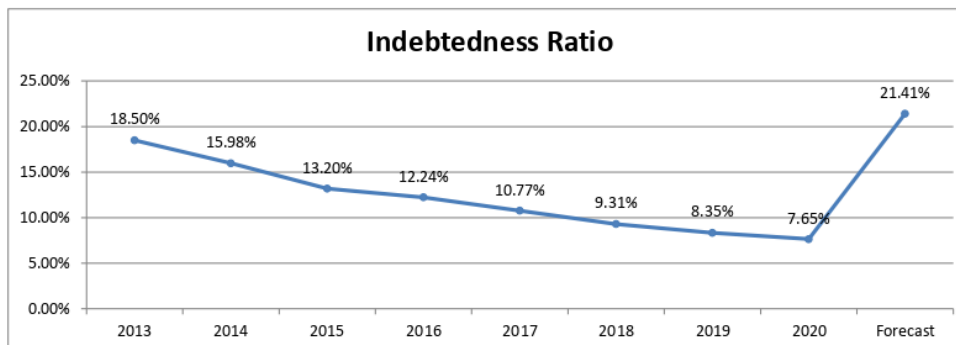
**Financial Sustainability:**



*Underlying surplus(deficit):* An indicator of the sustainable operating result required to enable Council to continue to provide core services and meet its objectives. The underlying deficit removes Non-Recurrent Capital grants from the surplus and reflects Council's ability to fund its operating expenditure out of all other operating income. A shift in the level of operating grants leads to a material change in the underlying deficit.



*Liquidity ratio:* Measures the level of Council's current assets to meet its current liabilities. A ratio higher than 100% indicates current assets being greater than current liabilities.



*Indebtedness Ratio:* Measures Council's non-current liabilities as a percentage of Council own source income.

### **7.3 SPORT AND RECREATION VICTORIA - COMMUNITY SPORTS INFRASTRUCTURE STIMULUS PROGRAM**

**Author:** Paul Fernee, Manager Community Engagement

**Authoriser:** Stacy Williams, Director Community Wellbeing

**Attachments:** Nil

#### **RECOMMENDATION**

##### **That Council**

- 1. Endorse a submission to Sport and Recreation Victoria's Community Sports Infrastructure Stimulus Program for the Sir John Gorton Precinct All Abilities Project Stage 1 for \$1.1M;**
- 2. Approve an allocation of \$100,000 as part of the 2021/22 Capital Program as a funding contribution to support this project.**

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#### **EXECUTIVE SUMMARY**

Council has been invited by Sport and Recreation Victoria to resubmit a funding application to the Community Sports Infrastructure Stimulus Program for the Sir John Gorton Precinct All Abilities Project. The report is seeking Council endorsement for the project, as required by the grant criteria, and for Council to consider an allocation of \$100,000 as part of the capital works program 2021/22 as a funding contribution to support this project.

#### **PURPOSE**

The purpose of this report is to seek Council endorsement for a funding application to Sport and Recreation Victoria's Community Sports Infrastructure Stimulus Program for the Sir John Gorton Precinct All Abilities Project Stage 1.

#### **ATTACHMENTS**

Nil

#### **DISCUSSION**

In mid-2020, Sport and Recreation Victoria released the Community Sports Infrastructure Stimulus Program, to assist in the recovery from COVID-19, which was designed to generate jobs across the State by stimulating Sport and Recreation Infrastructure projects. Council submitted an application for the Sir John Gorton All Abilities Precinct (\$3.1M), which incorporated an All Abilities play space at Atkinson Park, a Changing Places facility (the first in the Gannawarra) and accessibility upgrades at the Kerang Outdoor Pool. The program allowed for funding of projects from \$1M up to \$10M, with a 10% contribution from Council.

Council was unsuccessful in this application.

In the recent State Government budget, this program received additional funding which has been implemented by Sport and Recreation Victoria via an invite only approach, and requires endorsement from Council at a Council meeting.

Council has been invited to resubmit the Sir John Gorton All Abilities Precinct project, with applications due by 2 March 2021.

After negotiations with Sport and Recreation Victoria representatives in the past few weeks, it has been determined that based on available information to meet the extensive criteria required for this program, that if Council should resubmit as it has been invited to, that this is should be for a re-scoped project focussing on the development of the All abilities play space and Changing Places facility at Atkinson Park as Stage 1, with Stage 2 being the pool accessibility improvements with the funding to be sought at a later date dependent on the outcome of Council's Aquatic Strategy currently in development. This re-scoped project would seek \$1M from the program, with a required contribution of \$100,000 from Council.

The project has been developed by amalgamating a number of projects within Council's Social Inclusion Strategy 2019-2023 and Sport and Recreation Strategy 2019-2029 which recognise the importance of facilities being inclusive and accessible, and particularly within this precinct due to its high usage by both residents and travellers.

With Council recently gaining funding for All Abilities play spaces within the Cohuna and Koondrook townships, Kerang has been identified as the next space to be developed.

#### **RELEVANT LAW**

Nil.

#### **RELATED COUNCIL DECISIONS**

Nil.

#### **OPTIONS**

Council has been invited to apply specifically for this project and therefore it is recommended Council take up this invitation and submit an application, whilst considering a commitment of \$100,000 matching funding as part of the development of the 2021/22 capital budget.

#### **SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications through the endorsement of the recommended application.

#### **COMMUNITY ENGAGEMENT**

Council undertook a significant community engagement process as part of the development of the Social Inclusion Strategy 2019-2023 and Sport and Recreation Strategy 2019-2029, with actions from these strategies representative of this projects intent.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

The proposed project is representative of the innovative ways in which Council is seeking to provide a more inclusive municipality through changes to its built environment.

#### **COLLABORATION**

Not applicable.

#### **FINANCIAL VIABILITY**

The consideration of \$100,000 within the Capital budget to support this project would not impact the essential capital works that are required to renew Council's current assets.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Council Plan 2017-2021

Sustainable Natural & Built Environment - Managing facilities and assets now and into the future

Strong Healthy Communities – Active and Healthy Lifestyles

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regards to this matter

## 7.4 COMMUNITY ENGAGEMENT POLICY

**Author:** Paul Fernee, Manager Community Engagement

**Authoriser:** Stacy Williams, Director Community Wellbeing

**Attachments:** 1 Council Policy No. 131 Communications and Community Engagement  
2 Policy No.143 Community Engagement

### RECOMMENDATION

That Council

1. Adopt Policy No. 143 Community Engagement as presented and attached to this report;
2. Authorise the Chief Executive Officer to make amendments to the document to correct any minor drafting errors that do not materially alter their intent;
3. Repeal Policy No. 131 Communications and Community Engagement.

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### EXECUTIVE SUMMARY

The introduction of the *Local Government Act 2020* requires Council to adopt and maintain a community engagement policy on or before March 1, 2021. The draft policy has been made available for public feedback with two submissions received during the advertised period. With this feedback considered, the draft Policy is now presented for adoption. With the adoption of Policy No. 143 Community Engagement, the current policy No. 131 Communications and Community Engagement will be superseded and is therefore recommended to be repealed.

### PURPOSE

The purpose of this report is for Council to adopt Policy No. 143 Community Engagement and repeal Policy No. 131 Communications and Community Engagement.

### ATTACHMENTS

Policy No. 143 Community Engagement Policy

Policy No. 131 Communications and Community Engagement

### DISCUSSION

As part of the transition to the new *Local Government Act 2020* ('Act'), Council is required to adopt a Community Engagement Policy on or before 1 March 2021. The draft policy has been developed taking into consideration community feedback from late 2020 through a community engagement survey, Council's Community Engagement Strategy 2020-2025 adopted in September 2020 and best practice community engagement utilising the International Association of Public Participation spectrum.

Policy No. 143 Community Engagement replaces the need to undertake 28 day consultation processes (Section 223 of the *Local Government Act 1989*), highlighting that there are different levels of engagement depending on the type of decision to be made.

At the December Council Meeting, Council endorsed the Draft Community Engagement Policy for community feedback, with the feedback mechanism available through Council's website from Thursday 17 December 2020 until Friday 22 January 2021.

Council received 2 responses during the period, details and responses included;

Feedback	Response
<i>Has Council considered including focus groups in methods of engagement</i>	This detail is captured under workshops and Project Control Groups within the 'Methods of Engagement' section of the policy
<i>Are the 9 progress/community groups key engagement partners? What about hard to reach groups- is there the capacity to engage with these groups. It would be good to list the advisory groups- eg is the Kerang Elders one of these? Is the staff cohort in different directorates at GSC also considered part of the community to be engaged?</i>	Whilst community groups are important engagement partners, listing individual groups is problematic as these groups will change depending on the level of engagement and group activity. The 'Who do we engage' section broadly covers all these areas.
<i>Should you include a section called 'When do we engage'?</i>	This was considered in the development of the Policy. Engagement happens in different ways through various services, multiple times a day, it was felt including this element could restrict Council engagement processes.
General references about Council's website and engagement processes	These do not impact the policy content but rather how the policy is implemented
<i>Use reference committees including community people to oversee council projects all the way from initial planning to the end of construction</i>	This has been incorporated as an element of the 'methods of engagement' section on page 9.

The current policy, Policy No. 131 Communications and Community Engagement, adopted in 2016 covers elements of the new legislative requirements, but will be superseded by the new Policy No. 143 Community Engagement, and therefore can be repealed.

### RELEVANT LAW

Identified in Section 55 of the Act, Council must adopt and maintain a community engagement policy.

Furthermore Section 56 highlights the community engagement principles that the policy must address.

### RELATED COUNCIL DECISIONS

Council adopted the Community Engagement Strategy 2020-2025 in September 2020. This strategy aligns to the engagement principles identified in Section 56 of the Act, with the draft policy presented linking to this document.

Council endorsed the Draft Community Engagement Policy for community feedback at the December 2020 meeting of Council.

Council adopted Policy No. 131 Communications and Community Engagement in June 2016.



**OPTIONS**

As part of the transition to the new *Local Government Act 2020* ('Act'), Council is required to adopt a Community Engagement Policy on or before 1 March 2021, therefore it is recommended Council adopt the policy as presented.

**SUSTAINABILITY IMPLICATIONS**

Not applicable.

**COMMUNITY ENGAGEMENT**

The draft policy has utilised survey data from 2020 to understand how the community engages with or wants to engage with Council, which was included in Council's Community Engagement Strategy 2020-2025.

Through the advertised consultation period from Thursday 17 December, 2020 until Friday 22 January, 2021, Council received 2 submissions on the draft policy.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

The Community Engagement Policy responds to the new principles outlined within the Act. This shift in legislative requirements for engagement encourages Council to consider new and innovative ways to engage with the community. Many of these opportunities were identified in Council's Community Engagement Strategy 2020-2025, of which this policy supports.

**COLLABORATION**

Not applicable in the development of this policy.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Identified in the Council Plan 2017-21 Good Governance and Healthy Organisation – Engagement:

1. Our community is consulted on issues that will affect them
2. Improve the community's ability to self-access information on Council's services and programs

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regards to this matter.



## Communications and Community Engagement – Council Policy No. 131

### 1. POLICY PURPOSE

To ensure effective and appropriate communication and community engagement practices with the local community, visitors, Council and other stakeholders.

### 2. POLICY STATEMENT

While Gannawarra Shire Council communicates and engages relatively effectively, there are areas where improvements can be made to create a better understanding of Council's goals and functions. These areas are:

- Reaching a broader section of the community
- Improving communication flow
- Communicating Council's functions and strategic priorities
- Improving the way we engage.

The Gannawarra Shire Council Communications and Engagement Strategy 2016-2019 aims to improve Council's communication and engagement practices with the local community, visitors, Council and other stakeholders.

This strategy lists five goals, each of which sets out tasks to improve communication and engagement. These goals are:

1. Maintain an open and honest dialogue with the community.
2. Commit to community involvement in projects.
3. Develop community engagement capacity.
4. Ensure the community understands the decision-making process and how their feedback influences Council decisions.
5. Build understanding of and engagement with Council's goals and priorities.

The tasks outlined in the strategy each have specific measures which assist Council to ensure these tasks have been implemented, and therefore, the goals of the strategy successfully achieved.

Council will implement the actions of the Communications and Community Engagement Strategy 2016-2019, improving the communication flow and engagement between Council, the community and other stakeholders.

The document will be regularly reviewed to ensure the outcomes (and therefore the goals) of the strategy are being successfully implemented. A full review of the strategy will take place following the conclusion of the document's timeframe (2016-2019).

### 3. SCOPE

This policy applies to Councillors, staff and consultants responsible for communication and community engagement undertaken for, or on behalf of, Gannawarra Shire Council.

#### 4. RELATED POLICIES AND DOCUMENTS

- Communications and Engagement Strategy 2016-2019
- Policy No. 101 – Media
- Council Plan 2013-2017
- Gannawarra 2025
- Integrated Community Plan.

#### 5. POLICY REVIEW

Council will review this policy as required, but always at the conclusion of the time period for Gannawarra Shire Council's Communications and Engagement Strategy 2016-2019.

At the time it was developed, this policy was compliant with the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

#### 6. FURTHER INFORMATION

Members of the public may inspect all Council policies at Gannawarra Shire Council's Kerang and Cohuna Offices, or online at [www.gannawarra.vic.gov.au](http://www.gannawarra.vic.gov.au).

Any enquiries in relation to this policy should be directed to the Director Corporate Services on (03) 5450 9333.

Records – Document Profile No. 16/01423

Originally adopted: 22/06/2016 Minute Book Reference: 12420

To be reviewed: 2019

Council Policy No. 131 – Page 2 of 2



# COMMUNITY ENGAGEMENT POLICY 2021



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*Gannawarra Shire Council acknowledges the Barapa Barapa, Yorta Yorta and Wamba Wamba people as the Traditional Owners of the land now known as Gannawarra.*

*We pay our respects to Elders past, present and emerging, and acknowledge their rich culture and connection to Country.*

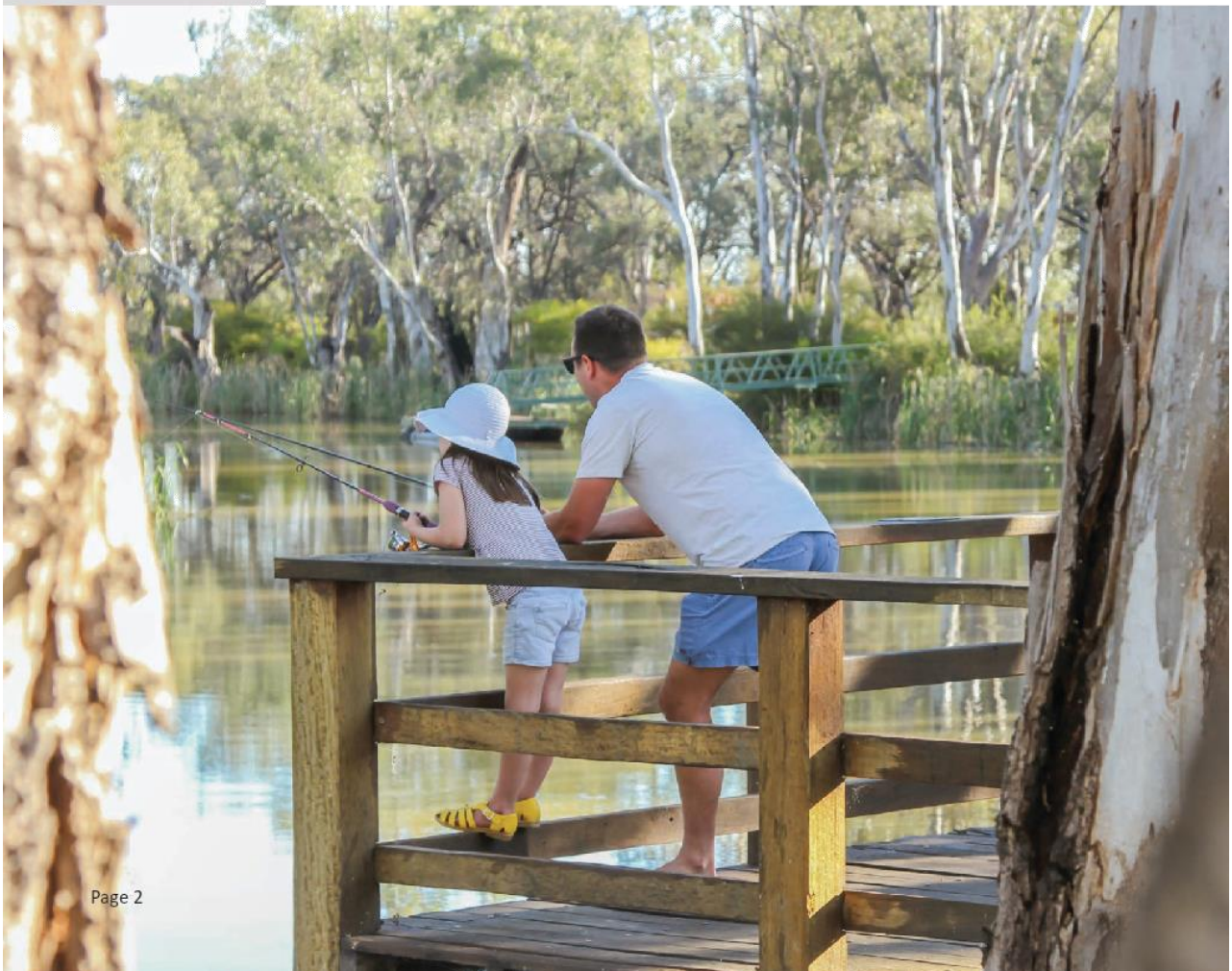


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## What is ‘Community Engagement?’

Community engagement is the processes by which Council provides deliberate opportunities for the community to participate in and influence Council decision making. Effective community engagement results from a strong partnership between Council and the community, in shaping the future together.

Effective community engagement enables Council to collect valuable information from our community and to consider that information in future decision-making. Community engagement also means the community is involved in Council decisions and processes, which offers residents ownership of projects and services.



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## What is the purpose of a Community Engagement Policy?

The policy is designed to guide the delivery of community engagement processes across the organisation to better inform decisions in the planning of services, setting of budgets, identifying and planning projects and developing policies and strategies. Council acknowledges that engagement should be a planned process that aims to work with our community and stakeholders to shape decisions and actions in the delivery of Council's services.

This policy provides the core values underpinning our approach to community engagement, and underpins Council's Community Engagement Strategy.



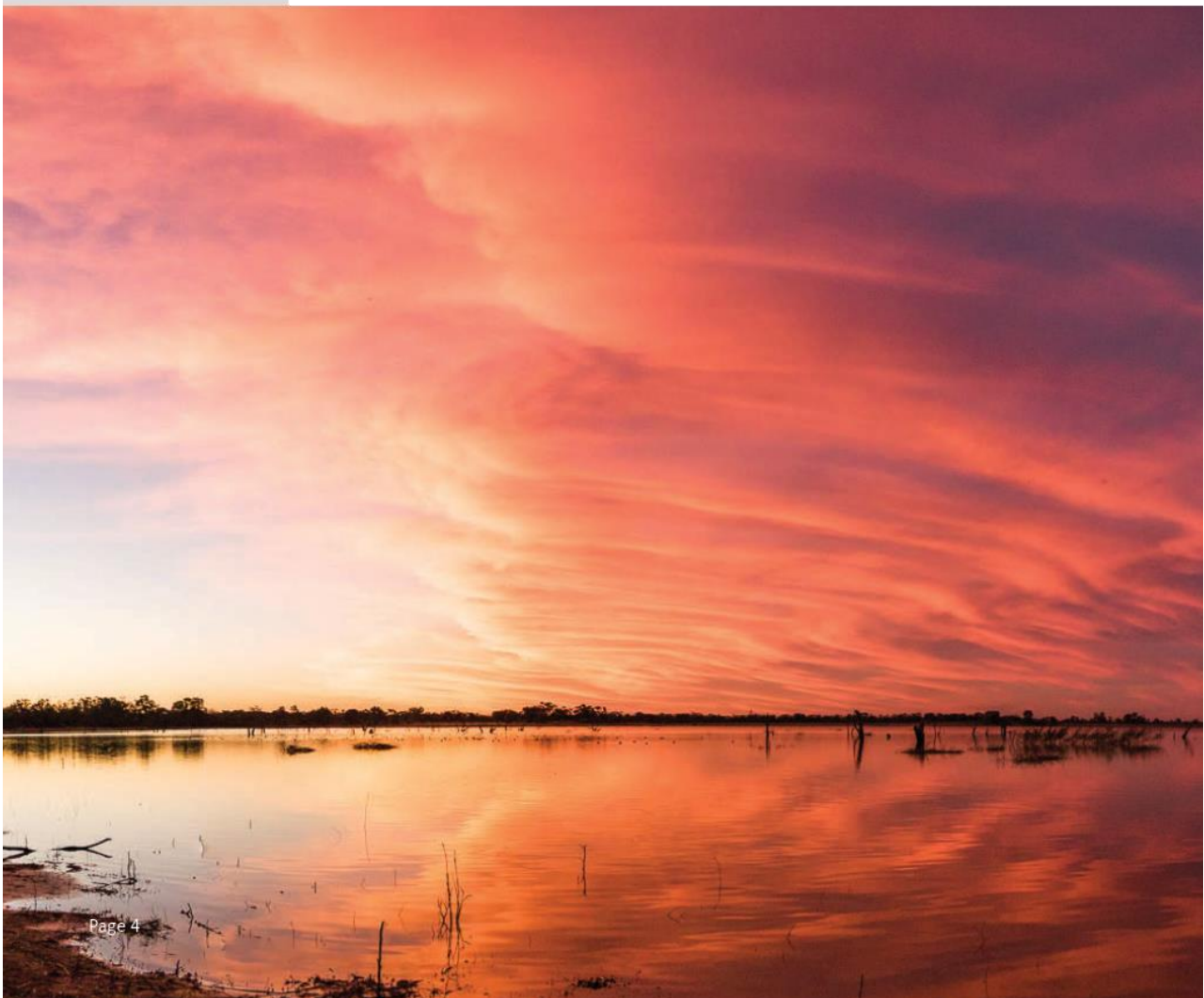
Page 3

## Why does Council engage?

Community engagement provides Council with greater opportunities to make informed decisions. Through engaging the community, Council is better able to understand local issues and needs.

Community engagement can support Council decision making by:

- Gathering information, genuine feedback and diverse points of view prior to making decisions
- Fostering community partnerships
- Increasing trust and community confidence
- Gathering contribution from stakeholders who are impacted by Council decisions
- Enhancing understanding of, and commitment to, projects and strategic decisions
- Improving accountability and transparency through open and genuine consultation and feedback on public participation outcomes.



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## Our Gannawarra Community

Our Gannawarra community is a diverse community who operates in many different ways. Through consultation earlier in the year, feedback from our community highlighted a number of important things:

- 80% of our community use Social Media
- 51% of people contact Council via Phone
- 67% of residents accessed Council's website in the past 12 months

The top 5 methods our community wants to receive information are;

- Social Media
- Gannawarra News
- Print Media
- Council and community meetings
- Council's Website

This Policy has been directly informed by a community engagement survey conducted in early 2020, Council's Community Engagement Strategy, the International Association of Public Participation, requirements of the *Local Government Act 2020* and from community feedback during December 2020 and January 2021.





## How do we engage?

We understand the importance of early engagement when proposing changes to, or introduction of new services, facilities, policies or local laws that impact our community. In some circumstances, engagement will occur several times before a plan is adopted or a decision is made. We commit that where decisions will have an impact on the community, the greater the impact, the greater the engagement will be.

Council will adhere to the engagement principles outlined within the Act, set clear engagement objectives, and consider statutory processes, community interest, political sensitivity, time, resources and budget constraints.

This Policy has been developed considering the International Association for Public Participation (IAP2) spectrum (refer Table 1). Many ideas, actions and decisions will involve more than one level of engagement. This is because the community can have different levels of influence at different stages of the project and different individuals and groups within the community may be more directly impacted than others.

Council will use appropriate and considered timeframes for each engagement, considering the complexity or impact of the action or decision to be made.

Table 1 - IAP2 Spectrum and Council’s engagement commitment.

	<b>Council’s Engagement Commitment</b>	<b>Community Role</b>
<b>Inform</b>	Council will inform and engage by maintaining an honest dialogue with our community.	Listen
<b>Consult</b>	Council commits to sharing information about Council projects and services with our community, giving them a reasonable opportunity to express their views, and taking those views into account in decision making.	Contribute
<b>Involve</b>	Council will work with our community to ensure they are included in the process of Council decision making that affect them?	Participate
<b>Collaborate</b>	Council will ensure the community are enabled to participate in the decisions that affect them.	Partner
<b>Empower</b>	Council will build understanding of its goals and priorities and work to empower our community to achieve community-led initiatives.	Partner or Lead



## Who do we engage?

When we are planning to make decisions which impact the community, we recognise the need to identify affected stakeholders. Some individuals or groups may only engage with Council on one key issue, some members of our community may fall within multiple stakeholder groups, making them particularly relevant to certain engagement processes. We will use the most appropriate methods of engagement to minimise barriers to engagement, and reach members of the community who may be underrepresented.

Council's key stakeholders can be broadly categorised into the following four groups:

### Community

- Residents
- Community groups
- Service users
- Businesses
- Tourists/Visitors
- Indigenous groups and organisations

### Influencers

Influence the ability of Council to gain funding and benefit from policy decisions:

- State and Federal Government
- Media
- Local business and community leaders
- Leadership organisations such as the Murray Regional Tourism Board or organisations with Councillor representation
- Municipal Association of Victoria
- Focus groups

### Partners

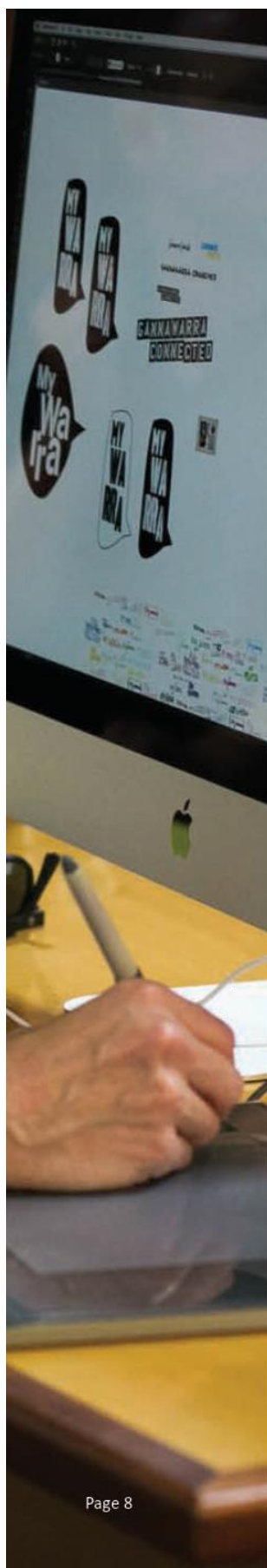
Ensure Council is able to offer its range of services to the community:

- Organisations and businesses which partner with Council to deliver services
- State and Federal Government agencies
- Neighbouring councils
- Municipal Association of Victoria
- Local health services
- Emergency Services

### Organisation

Responsible for the day-to-day operation of the Council and the ability of Council to serve its community:

- Councillors
- Council staff
- Volunteers
- Contractors



## Methods of Engagement

It is important that the methods and tools of engagement we use enable effective participation and meaningful feedback. We may need to use different methods at different stages depending on the reason we are engaging. For example we might consult to gather ideas early on and then involve, collaborate or empower to finalise priorities, details or decisions. Every situation will vary according to its context, who it affects and how it impacts them as well as what can be influenced or is achievable. To ensure the best outcome for each situation this will vary, highlighting the uniqueness of every engagement with our community.

### Inform

- Gannawarra News
- Media Releases
- Gannawarra Connect
- Radio
- Social Media
- Direct Mail
- Signage

### Consult

- Listening Posts
- Surveys (physical and online)
- Ideas boards

### Involve and Collaborate

Methods that can be conducted with varying levels of involvement

- Advisory Groups
- Workshops
- Online two way engagement tools
- Online forums/meetings
- Project Control Groups

### Empower

- Community led organisations or panels
- Independent Reference Groups
- Delegated decision making

It is important to note that these methods are not the only way we may engage. We will continue to look for new engagement methods that ensure we provide a voice to all residents and stakeholders.

## Our Legislative Responsibility

Council is committed to adhering to the Community Engagement principles detailed in the Local Government Act 2020:

- (a) a community engagement process must have a clearly defined objective and scope;
- (b) participants in community engagement must have access to objective, relevant and timely information to inform their participation;
- (c) participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement;
- (d) participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement;
- (e) participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

Other legislation relevant to this policy includes *Charter for Human Rights and Responsibilities Act 2006*, *Public Administration Act 2004*, *Equal Opportunity Act 2010* and the *Child Safety Act 2015*.

A number of Council documents are also linked to this Policy, including;

- Council Plan 2017-2021
- Policy No. 141 - Public Transparency Policy
- Community Engagement Strategy
- Social Inclusion Strategy
- Advocacy Strategy
- Policy No. 101 - Media



## Definitions

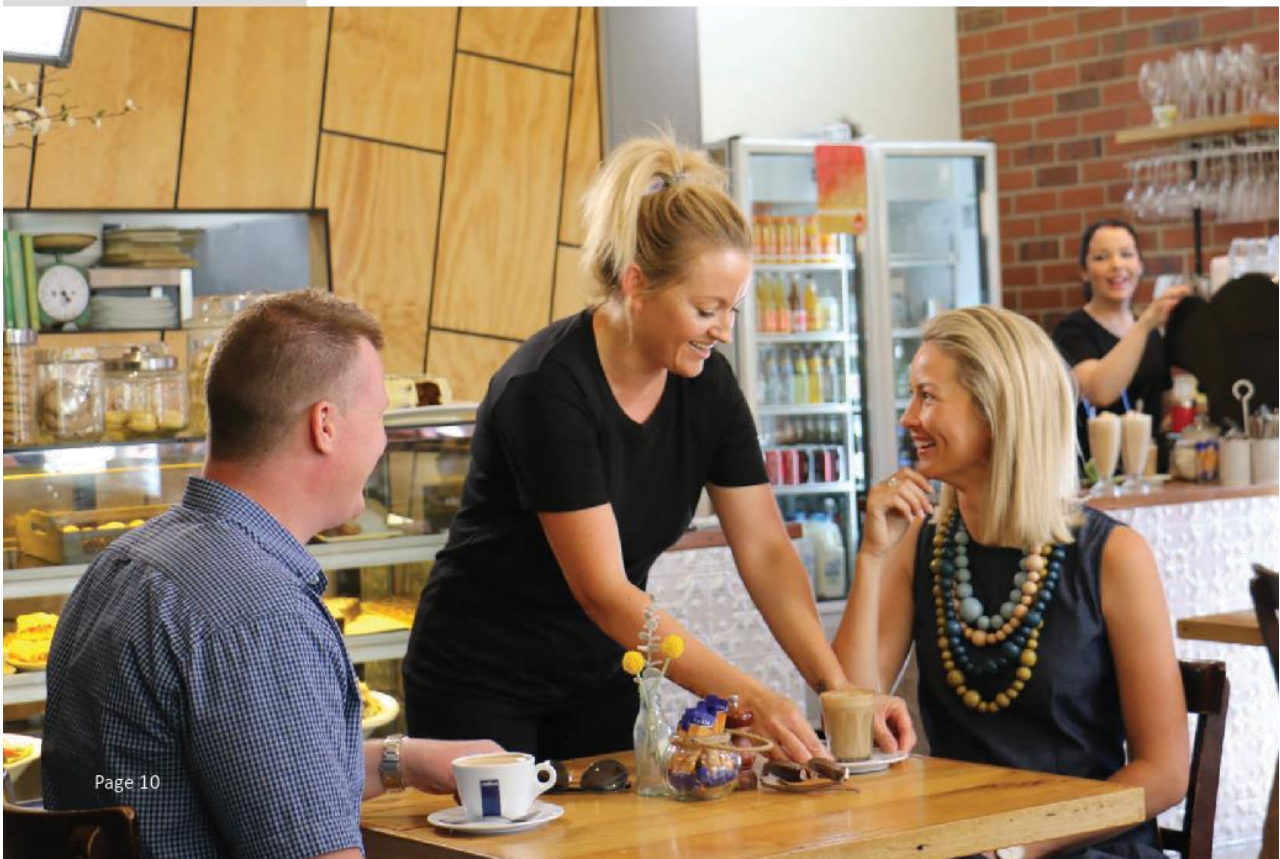
**Community Engagement:** by which Council provides deliberate opportunities for the community to participate in and influence Council decision making. Effective community engagement results from a strong partnership between Council and the community, in shaping the future together.

**Public Participation:** Encompasses a range of public involvement and can include, but is not limited to, simply informing people about what Council is doing, delegating decisions to public groups, consulting with members of the community about their views on certain issues, community activities and projects addressing the common good, membership on Council reference groups or committees or volunteering activities.

**Our Community:** includes people who live in the municipal district of the Council; people and bodies who are ratepayers of the Council; traditional owners of land in the municipal district of the Council; and people and bodies who conduct activities in the municipal district of the Council.

**Methods:** Refers to the number of engagement methods and tools used to engage with the community.

**Stakeholders:** Involves members of the community who may be impacted or interested in a topic or issue that an engagement process will address. Can also refer to external organisations and/or Government agencies involved in a project or decision.





## Gannawarra Shire Council

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[gannawarra](#)



[gannawarrashire](#)



[thegannawarra](#)

**7.5 G08-2020 INDUSTRIAL ESTATE EXPANSION - TATE DRIVE, KERANG**

**Author:** Wade Williams, Manager Projects and Property

**Authoriser:** Geoff Rollinson, Director Infrastructure and Development

**Attachments:** 1 G08-2020 Evaluation  
2 Tender Submitted Prices

**RECOMMENDATION**

**That Council;**

- 1. Award tender G08-2020 Industrial Estate Expansion – Tate Drive, Kerang to S&R Engineering and Construction Pty Ltd for the lump sum amount, not subject to rise and fall, of \$1,204,550.42 excluding GST.**
- 2. Approve an additional \$250,000 capital expenditure for the Industrial Estate Expansion – Tate Drive, Kerang project.**

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**EXECUTIVE SUMMARY**

Council officers have completed a tendering and evaluation process and seek approval from Council to appoint S&R Engineering and Construction Pty Ltd as the successful tenderer for the civil works relating to the development of stage 9 of the Tate Drive Industrial Estate in Kerang.

Council Officers also recommend that the project budget be increased to meet the project deliverables and Grant timeframes.

**BUDGET DISCUSSION**

The Tate Drive Industrial Estate budget of \$1,300,000 is derived from a split between State Government Grant Funding of \$900,000 and a Council contribution of \$400,000.

To deliver the project and all required Grant deliverables, a budget increase will be required of \$250,000 to allow officers to proceed to construction works and deliver the project this financial year.

**PURPOSE**

The purpose of this report is for Council to consider awarding tender G08-2020 for the development of roads and drainage, along with the installation of reticulated sewer and water networks, to facilitate the creation of an additional 13 lots of industrial land.

**ATTACHMENTS**

G08-2020 Tender evaluation.

Tender Submitted Prices.

**DISCUSSION**

Tate Drive Industrial Estate in Kerang has enabled the development of around 55 businesses, 130 jobs and around \$12,000,000 worth of investment.



This next stage, once completed will provide an additional 13 serviced industrial lots to provide opportunities for new business development in an industrial estate that is experiencing strong growth.

The overall project includes road construction, drainage, water supply, electricity and communications and is the final phase of the original development plan of the industrial estate. Allowance has been made for further expansion should additional neighbouring land become available.

This tender relates to the civil works associated with the development which include bulk earthworks, reticulated water and sewer network installation, underground drainage, kerb and road pavement construction. Separate design and construct quotes have already been awarded for the electrical and communications networks due to the specialised nature of the work.

Tenders for Industrial Estate Expansion – Tate Drive, Kerang were advertised through Council’s E-Tendering Portal and closed on 24 December 2020. A total of four submissions were received and subsequently evaluated by a panel of three Council officers.

Evaluation of the submissions included weighted criteria demonstrating price, contractor capability, project experience, timeframe for completing the works, risk minimisation and local benefit, all of which were included in the tender specification package.

EVALUATION CRITERIA	RELATIVE WEIGHTING
Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	30%
Tenderer’s and any nominated sub-contractor’s experience on similar projects and timeframes for completing the project.	25%
Tenderer’s and any nominated sub-contractors’ resources, technical and financial capabilities to successfully complete the contract.	20%
Tenderer’s and any nominated sub-contractor’s OH&S record and procedures and ability to minimise Council’s insurance risks.	15%
Local Benefit (refer to Council Policy 109 for guidance)	10%

The tendered prices are shown in the table below:

Tenderer	Price (excluding GST)
Tenderer A	\$1,219,205.31
Tenderer B	\$1,406,594.00
S&R Engineering Pty Ltd	\$ 1,204,550.42
Tenderer D	\$1,562,627.34

Following the evaluation process a series of interviews were conducted via telephone to confirm the references provided by the preferred tenderer.

#### RELEVANT LAW

Not applicable.

**RELATED COUNCIL DECISIONS**

Not applicable.

**OPTIONS**

1. Award the tender to S&R Engineering Pty Ltd for the lump sum amount of \$1,204,550.42 excluding GST, not subject to rise and fall.
2. Reject the tender and readvertise the tender with the anticipation that Council receive other tender submissions with competitive pricing more in line with the budget. This will delay the project's current Practical Completion of 15 May 2021.
3. Abandon the project and return the grant funding.

Officers recommend proceeding with Option 1.

**SUSTAINABILITY IMPLICATIONS**

- Maintenance

Typical maintenance and renewal of the infrastructure assets will be included in Council's asset management plans and an allowance made within Council's operating budget. This will result in a very minor increase over Council's existing asset base.

Ownership and maintenance responsibility for the reticulated water and sewer networks will be transferred to Lower Murray Water upon completion of the project.

- Social

Not applicable.

- Environmental

S&R Engineering Pty Ltd has ISO 14001 accreditation for Environmental Management and Council officers will supervise the works to ensure environmental obligations are met. Some settlement of sediments suspended in rainfall runoff is achieved as the water passes through the existing onsite detention dam.

- Climate Change

Not applicable.

**COMMUNITY ENGAGEMENT**

Communication with the adjacent landholders has been undertaken and will continue throughout the life of the project.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

There has been a significant price increase across the construction sector since the announcement of the state and federal government's response to COVID 19. Whilst the additional support is welcomed the stimulus packages have resulted in higher than anticipated tender amounts. The tender amount will exceed the project budget by \$244,240.32. Officers recommend increasing the project budget by \$250,000 with funds found within the existing 2020-21 Roads Program.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Loddon Mallee North Regional Growth Plan 2014

Future Direction 1: Ensure adequate supply of commercial and industrial land for employment across the region.

**COUNCIL PLANS AND POLICIES**

Council Plan 2017 – 2021: Sustainable Natural and Built Environment

Strategy 4: Implement Council's Capital Works Program.

Council Plan 2017 – 2021: Economic Diversity, Growth and Prosperity

Strategy 1: Facilitate growth and diversity opportunities within the Shire Gannawarra Shire.

Priority action: Further subdivision of Council's Industrial Estates aligned to demand.

Gannawarra Shire Economic Development Strategy 2019-2024

Action 2.3: Maintain a ready supply of industrial land in Kerang, Cohuna, Koondrook.

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares no conflict of interest in regards to this matter.

**Gannawarra Shire Council**

Contract name: Industrial Estate Expansion – Tate Drive, Kerang

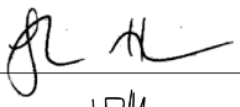
Contract number: G08-2020

Criteria	Weight	Tenderer 1		Tenderer 2		S&R Engineering and Construction		Tenderer 3	
		Score	Weighted score	Score	Weighted score	Score	Weighted score	Score	Weighted score
Price - Financial Cost to Council	0.30	5.71	1.71	4.29	1.29	5.83	1.75	3.10	0.93
Tenderer's and any nominated sub-contractor's experience on similar projects and timeframes for completing the project.	0.25	8.00	2.00	8.00	2.00	8.00	2.00	9.00	2.25
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	7.00	1.40	7.00	1.40	8.00	1.60	8.00	1.60
Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	7.00	1.05	8.00	1.20	8.00	1.20	8.00	1.20
Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	8.50	0.85	7.50	0.75	7.00	0.70	7.00	0.70
<b>TOTAL WEIGHTED SCORE:</b>			<b>7.01</b>		<b>6.64</b>		<b>7.25</b>		<b>6.68</b>

Criteria	Weight	Comments	Comments	Comments	Comments
Price - Financial Cost to Council	0.30	Auto Calculation	Auto Calculation	Auto Calculation	Auto Calculation
Tenderer's and any nominated sub-contractor's experience on similar projects and timeframes for completing the project.	0.25	Completed a small residential subdivision. Previous experience with roadworks and earthworks for Council and other organisations. Experienced sub-contractors.	Completed small residential and industrial subdivisions. Experienced sub-contractors.	Completed many reticulated water projects. Completed drainage and footpath works for other Councils. Staff experienced in major construction works including pavements.	Have completed a range of residential and industrial subdivisions for private and public developers. Experienced sub-contractors.
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	Have the necessary resources to complete the works.	Have the necessary resources to complete the works.	Have the necessary resources to complete the works. Experienced engineers and project managers.	Have the necessary resources to complete the works.
Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	Registered on Council's contractor management system 'Rapid Global'.	Third party accredited OHS, environment and quality management plans.	Third party accredited OHS, environment and quality management plans.	Third party accredited OHS, environment and quality management plans.
Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	Some supplies sourced locally. Some use of local trades.	Some supplies sourced locally.	Some supplies sourced locally.	Some supplies sourced locally.

**Evaluation Panel**

Name Leigh Hollingworth  
Title Civil Projects Officer



Name Wade Williams  
Title Manager Projects and Property



Name Geoff Rollinson  
Title Director Infrastructure and Development



The above personnel were previously approved to form the Evaluation Panel.

Consideration has been given when establishing the above evaluation panel to ensure proper probity issues are considered, especially when an existing contractor may be involved in the tender process.

All members of the Evaluation Panel shall bring signatories to this report declare their probity and confidentiality in dealing with this tender evaluation.

The evaluation process used was in accordance with the adopted policies of Gannawarra Shire Council and were advised to all tenderers in the Tender Conditions.

**Gannawarra Shire Council**

Contract name: Industrial Estate Expansion – Tate Drive, Kerang

Contract number: G08-2020

<i>Based on "Lump Sum" only</i>	Tenderer 1	Tenderer 2	S&R Engineering and Construction	Tenderer 3
Tender price:	\$ 1,219,205.31	\$ 1,406,594.00	\$ 1,204,550.42	\$ 1,562,627.34
Median Price	\$ 1,312,899.66	\$ 1,312,899.66	\$ 1,312,899.66	\$ 1,312,899.66
( Median Price -Tender Price )	\$ 93,694.35	-\$ 93,694.35	\$ 108,349.24	-\$ 249,727.69
10 x (Median \$ -Tender \$ ) / Median \$	0.71	-0.71	0.83	-1.90
<b>Financial Criteria Score:</b>	<b>5.71</b>	<b>4.29</b>	<b>5.83</b>	<b>3.10</b>

Median Price: \$ 1,312,899.66

Budget: \$ 0

Financial Criteria Score = 
$$\frac{5 + 10 (\text{Median Conforming Tender Price} - \text{Tender Price})}{\text{Median Conforming Tender Price}}$$

## **7.6 G09-2020 MURRABIT NETBALL CHANGEROOMS**

**Author:** Wade Williams, Manager Projects and Property

**Authoriser:** Geoff Rollinson, Director Infrastructure and Development

**Attachments:** 1 Evaluation  
2 Price Scoring

### **RECOMMENDATION**

- 1. That Council Award tender G09-2020 for the Murrabit Netball Changerooms to Membrey Master Builders for the lump sum amount, not subject to rise and fall, of \$303,664.95 excluding GST.**

---

### **EXECUTIVE SUMMARY**

Council officers have completed a tendering and evaluation process and recommend that the appointment of Membrey Master Builders as the successful tenderer for the development of the Murrabit Netball Changerooms.

### **PURPOSE**

This report provides information to inform Council in the decision making process, to award contract G09-2020 Murrabit Netball Changerooms for the development of compliant change rooms, and construction of new adjacent building to support home netballers, netball and football umpires, accessible toilet and first aid area.

### **ATTACHMENTS**

G09-2020 Tender Evaluation.  
Submitted Tender Prices.

### **DISCUSSION**

The Female Friendly Facilities project has been planned and developed by the Murrabit Football & Netball Club which identified that the Murrabit facilities require upgrading due to three main factors:

1. An increase in the usage of the facilities by females at the reserve all year round.
2. The deterioration of the existing facilities.
3. Changing needs of the community as the number of female umpires in football, and participation in women's sport in general, increases.

This project will create an improved facility for users, particularly females, of the facility by offering easier and safer access to toilet and change facilities which are female and family friendly. In addition, the outcome of this project will provide all sporting user groups with better change, shower and toilet facilities, particularly for netballers and umpires, both male and female.

The facility upgrade will encourage a broad range of community participation in football, netball and umpiring. The current facilities are non-compliant with current accessibility standards, and the complex lacks facilities for both netball and football umpires.

Designs and the tender specifications for the new facility were developed by McKnight and Bray Building Design, in consultation with the local user groups.

Tenders for the development of the Murrabit Netball Changerooms were advertised through Council's E-Tendering Portal, and closed on 27 January 2021. A total of 3 submissions were received, these were evaluated by a panel of Council officers.

Evaluation of the submissions included weighted criteria demonstrating price, contractor capability, project experience, timeframe for completing the works, risk minimisation and local benefit, all of which were included in the tender specification package as detailed in *Table 1*.

*Table 1: Evaluation Criteria*

EVALUATION CRITERIA	RELATIVE WEIGHTING
Financial costs to Council - including rates for variations etc. and any additional overhead costs and/or liabilities Council could bear (such as WorkCover).	35%
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	20%
Tenderer's and any nominated sub-contractor's experience on similar projects and standing, experience and skill within the industry.	20%
Tenderer's and any nominated sub-contractor's OH&S record and procedures and ability to minimise Council's insurance risks.	15%
Local Benefit	10%

*Table 2* shows the submitted tender prices:

*Table 2: Tender prices*

Tenderer	Price (excluding GST)
<b>Tenderer 1</b>	\$312,855.00
<b>Membrey Master Builders</b>	\$325,404.64
<b>Tenderer 2</b>	\$ 369,067.50

During the evaluation process it became clear that the cheapest tenderer could not meet the required timelines to comply with the grant agreement nor the community's requirements. This was confirmed during post tender negotiations.

Negotiations moved to the next preferred tenderer who confirmed being able to meet all required timelines.

The result is a contract for the amount of \$303,664.95 excluding GST. This results in a deficit in cash contributions, taking into account expenditure already incurred, of \$5,434.95. Consultation with the Murrabit Football and Netball Clubs has resulted in a commitment to provide the additional funding to cover the shortfall and allow the project to proceed.

**RELEVANT LAW**

Not applicable.

**RELATED COUNCIL DECISIONS**

Not applicable.

**OPTIONS**

1. Award the tender to Membrey Master Builders or the lump sum amount of \$303,664.95 excluding GST, not subject to rise and fall.
2. Abandon the project and return the grant funding.

Council officers recommend proceeding with Option 1.

**SUSTAINABILITY IMPLICATIONS**

- Maintenance  
Maintenance of the new facility will be the responsibility of the Murrabit Recreation Reserve Committee of Management (MRRCM). Material selections and design features of the facility have been designed to minimise maintenance costs.
- Social  
The improved facility will encourage participation in football, netball and umpiring through provision of accessible shower, toilet and change facilities.
- Climate Change  
The design incorporates environmentally friendly features such as water efficient toilets and shower heads along with LED lighting.

**COMMUNITY ENGAGEMENT**

The project has been conceived and largely developed by the community, principally the Murrabit Football and Netball Clubs.

Alternatives to reduce the cash cost of the project have been discussed with representatives of both the Murrabit Football and Netball Clubs and decisions on the preferred options made with their understanding and agreement.

Communication with the local community will be ongoing, via representatives of the user groups, as the project progresses.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

The original tendered amounts resulted in the total project exceeding the allocated budget, however receipt an additional contribution of \$5,434.95 excluding GST from the user groups, via the MRRCM, combined with the omission of a number of non-essential items, would allow Council to award the tender and remain within budget.



This would still see the broad scope of the project delivered under the contract. The user groups have agreed to provide in-kind support to complete some of the minor works to finalise the works, in accordance with the grant agreement with Sport and Recreation Victoria.

Failure to deliver on the Funding Agreement will result a return of the Grant Funding amount to Sport and Recreation Victoria and may affect future grant opportunities.

There will be no significant impact to Council's ongoing maintenance budget, as once the works are complete, responsibility for ongoing operations will revert to the MRRCM.

### **REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

State Government Victoria – Active Victoria strategic framework 2017 – 2021

Strategic Direction 2: Continue investment in female participation.

### **COUNCIL PLANS AND POLICIES**

Council Plan 2017 – 2021: Sustainable Natural and Built Environment

To initiate, develop and manage sustainable natural and built environments.

Council Plan 2017 – 2021: Strong and Healthy Communities

Seek funding to improve and develop infrastructure that encourages physical and leisure activities.

Sport and Recreation Strategy 2019-29: Other Projects

Female Friendly Facilities at Murrabit Recreation Reserve

### **TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

### **CONFLICT OF INTEREST**

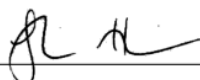
The officer preparing this report declares no conflict of interest in regards to this matter.

**Gannawarra Shire Council**  
**Contract name: Murrabit Netball Changerooms**  
**Contract number: G09-2020**

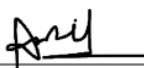
Criteria	Weight	Tenderer 1		Membrey Master Builders		Tenderer 2	
		Score	Weighted score	Score	Weighted score	Score	Weighted score
Price - Financial Cost to Council	0.30	5.39	1.62	5.00	1.50	3.66	1.10
Tenderer's and any nominated sub-contractor's experience on similar projects and timeframes for completing the project.	0.25	4.00	1.00	8.00	2.00	8.00	2.00
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	5.00	1.00	7.00	1.40	8.00	1.60
Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	8.00	1.20	8.00	1.20	7.00	1.05
Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	9.00	0.90	9.00	0.90	7.00	0.70
<b>TOTAL WEIGHTEDSCORE :</b>			<b>5.72</b>	<b>7.00</b>	<b>6.45</b>		

Criteria	Weight	Comments	Comments	Comments
Price - Financial Cost to Council	0.30	Auto Calculation	Auto Calculation	Auto Calculation
Tenderer's and any nominated sub-contractor's experience on similar projects and timeframes for completing the project.	0.25	Experienced builder. Unable to meet timelines for completion.	Experienced builder. Able to meet timelines for completion.	Commercial builder with 25yrs experience. Able to meet timelines for completion.
Tenderer's and any nominated sub-contractors' resources, technical and financial capabilities to successfully complete the contract.	0.20	Unable to meet timelines for completion due to other work commitments.	Has the capability to complete the works.	Has the capability to complete the works.
Tender's and nominated sub contractors OH&S record and procedures and ability to minimise Council's insurance risks.	0.15	Compliant in Rapid. Satisfactory insurances and policies/procedures.	Compliant in Rapid. Satisfactory insurances and policies/procedures.	Satisfactory insurances and policies/procedures.
Tenderers and nominated sub-contractor's operational base including assessment of business, staff location, materials purchasing and sub-contractor locations.	0.10	Based within council area and utilising predominantly local trades.	Based in neighbouring council area and utilising predominantly local trades.	Based in neighbouring council area and utilising trades from that municipality.

**Evaluation Panel**

Name Leigh Hollingworth   
 Title Project Manager

Name Geoff Rollinson   
 Title Director Infrastructure and Development

Name Amit Patel   
 Title Civil Projects Officer

The above personnel were previously approved to form the Evaluation Panel.

Consideration has been given when establishing the above evaluation panel to ensure proper probity issues are considered, especially when an existing contractor may be involved in the tender process.

All members of the Evaluation Panel shall being signatories to this report declare their probity and confidentiality in dealing with this tender evaluation.

The evaluation process used was in accordance with the adopted policies of Gannawarra Shire Council and were advised to all tenderers in the Tender Conditions.

**Gannawarra Shire Council**  
**Contract name: Murrabit Netball Changerooms**  
**Contract number: G09-2020**

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<i>Based on "Lump Sum" only</i>	Tenderer 1	Membrey Master Builders	Tenderer 2
Tender price:	\$ 312,855.00	\$ 325,404.64	\$ 369,067.50
Median Price	\$ 325,404.64	\$ 325,404.64	\$ 325,404.64
( Median Price -Tender Price )	\$ 12,549.64	\$ -	-\$ 43,662.86
10 x (Median \$ -Tender \$ ) / Median \$	0.39	0.00	-1.34
<b>Financial Criteria Score:</b>	<b>5.39</b>	<b>5.00</b>	<b>3.66</b>

**Median Price:** \$ 325,404.64

**7.7 APPLICATION FOR PLANNING PERMIT P20.043 – NOTICE OF DECISION TO APPROVE**

<b>Author:</b>	<b>Kellie Burmeister, Manager Planning and Regulatory Services</b>
<b>Authoriser:</b>	<b>Geoff Rollinson, Director Infrastructure and Development</b>
<b>Applicant:</b>	<b>Northern Land Solutions (Molin)</b>
<b>Owner:</b>	<b>BF &amp; GA Molin</b>
<b>Proposal:</b>	<b>Three (3) Lot Subdivision and Creation of Easement</b>
<b>Location:</b>	<b>Lot 1, TP130477, 24-26 Murray Parade, Koondrook</b>
<b>Attachments:</b>	<b>1 Proposed Plan of Subdivision</b>
	<b>2 Clause 56 Assessment</b>

**RECOMMENDATION**

That Council approve Planning Application P20.043 for a three lot subdivision and issue a Notice of Decision to Grant a Permit at Lot 1, TP130477, 24-26 Murray Parade, Koondrook subject to the following conditions:

**1. Layout**

The Plan of Subdivision lodged with Council for certification must be in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or conditions of this permit, without the written consent of the Responsible Authority.

**2. Statement of Compliance**

All conditions of this permit must be complied with prior to the issue of a Statement of Compliance for the subdivision.

**3. Drainage**

All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge to the satisfaction of the Responsible Authority.

**4. Easements to be Created**

All existing and proposed easements and sites for existing and required utility services must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

**5. Consent for Works on Road Reserves Required**

Consent for 'Works Within the Road Reserve' must be obtained from the Responsible Authority prior to the carrying out of any works within the Road Reserve including but not limited to vehicle crossing, footpath and kerb and channel works.

**6. Native Vegetation**

Native vegetation must not be removed from any of the lots except as required for a dwelling approved by a planning permit.

**7. Soil Testing**

Before a dwelling is constructed on lot 2 and 3, soil tests must be carried out to the satisfaction of the Responsible Authority and where necessary the land must be remediated to ensure its suitability for the proposed development.

**8. Public Open Space Contribution**

The applicant or owner must pay to the Responsible Authority a sum equivalent to 5% of the site value of all the land in the subdivision. This payment shall be made prior to the issue of a Statement of Compliance.

**9. Environmental Health Officer**

Developments on the proposed subdivision must connect to Lower Murray Water's reticulated sewerage system.

**10. VicRoads**

- a) Direct vehicular access to the subject land from Koondrook-Murrabit Road must not be permitted.
- b) Vehicular access to all three subdivisional lots (Lot 1, Lot 2 and Lot 3) must be via the local road (Murray Parade).

**11. Lower Murray Water**

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to Lower Murray Water pursuant to Section 8 of that Act.
- b) The requirements of Lower Murray Water must be met, in regard to the provision of water supply and sewerage services to the land, including payment of all associated costs prior to the Corporation agreeing to the issue of a Statement of Compliance.
- c) The holder of this permit or authorised agent must meet Lower Murray Water's requirements regarding easements in favour of the Lower Murray Urban and Rural Water Corporation prior to the submission of any plan of subdivision for Certification.

**LOWER MURRAY WATER NOTES****URBAN WATER SUPPLY:**

- The land is located inside the Corporation's Urban Water District.
- A new customer contributions charge for water is payable for the three additional lots.
- The Developer is required to enter into a Developer Design and Construct agreement with LMW to extend the water reticulation network.

**SEWERAGE:**

- The land is located inside the Corporation's Sewerage District.
- A new customer contributions charge for sewer is payable for the three additional lots.
- The Developer is required to enter into a Developer Design and Construct agreement with LMW to extend the water reticulation network.

**GENERAL:**

- The subdivider is required to pay the Urban Subdivision Processing Fee.
- All other requirements must be met prior to the Corporation consenting to Certification and agreeing to the issue of a "Statement of Compliance".

**12. North Central Catchment Management Authority**

Prior to certification a suitable restriction must be placed on title which requires:

- a) Any new dwelling/s on proposed Lot 2 and 3 must be sited on land where the existing natural surface level is greater than 77.1 metres AHD.

**Note:** Flood levels for the 1% AEP (100 year ARI) flood event have been declared for this area under provisions of the Water Act 1989. The applicable 1% AEP flood level for the location described above is 77.6 metres AHD.

North Central CMA advises that in the event of a 1% AEP flood event it is possible that the property may be subject to inundation from Murray River. However, it is recommended that a licensed surveyor be engaged to determine the exact effect of the applicable flood level on the property.

**13. Powercor**

- a) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
- b) The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

**Note:** Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.

- c) The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

**Note:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

- d) The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

**Note:** Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:

- Reserves established by the applicant in favour of the Distributor.
  - Substation lease at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.
- e) The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

**Note:**

- Existing easements may need to be amended to meet the Distributor's requirements.
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/ In Favour Of
	Power Line		Section 88 – Electricity Industry Act 2000	Powercor Australia Ltd

**POWERCOR NOTES**

It is recommended that applications for electricity supply to each lot be submitted at the earliest opportunity so that the precise requirements of the Distributor can then be determined and accommodated. Applications for electricity supply shall be submitted via the Distributor's web portal, "mySupply" which can be accessed via the following link: <https://customer.portal.powercor.com.au/mysupply/CIAWQuickCalculator>. Queries about this subdivision may be directed to the Customer Requests Team on 1800 771 434 or [crr@powercor.com.au](mailto:crr@powercor.com.au).

**14. Telecommunications**

- a) The owner of the land must enter into an agreement with:
- i.a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - ii. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- b) Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- i. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - ii. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Note: Aboriginal Cultural Heritage**

Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must be notified immediately of any such discovery at GPO Box 2392V, Melbourne 3001 or on (telephone) 1300 551 380.

If any suspected human remains are found, work in the area must cease and the Victoria Police and the State Coroner's Officer must be informed of the discovery without delay. The State Coroner's Office can be contacted at any time on telephone (03) 9684 4444.

If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery should also be reported to Aboriginal Affairs Victoria on (telephone) 1300 88 544 or (03) 9208 3287 and the provisions of Division 2 of Part 2 of the Aboriginal Heritage Act 2006 will apply.

Officers of Aboriginal Affairs Victoria shall be permitted access to the site at any reasonable time, for the purpose of monitoring adherence to conditions above.

All Aboriginal cultural heritage, that is, Aboriginal places, Aboriginal objects and Aboriginal human remains, is protected under the State Aboriginal Heritage Act 2006. It is an offence to do an act that will harm Aboriginal cultural heritage or is likely to harm Aboriginal cultural heritage.

Please note that under the Aboriginal Heritage Act 2006 any works involving high impact activities located within 200 metres of a culturally sensitive area, will require the development of a Cultural Heritage Management Plan. For more information regarding the kind of activities that trigger a Cultural Heritage Management Plan please refer to the Aboriginal Heritage Regulations 2007 or follow the web link to <http://www.aav.nrms.net.au/aavQuestion1.aspx>.

**EXECUTIVE SUMMARY**

This report is being presented to Council to determine a planning application for a three lot subdivision at 24-26 Murray Parade, Koondrook.

The application was advertised to surrounding property owners and occupiers and one written objection was received.

The proposal is considered to be appropriate for the site and consistent with the provisions of the Gannawarra Planning Scheme.

**PURPOSE**

To seek Council's decision on planning application P20.043 for a three lot subdivision.

**DECLARATIONS OF CONFLICT OF INTEREST**

The Officer preparing this report declares no Conflict of Interest in regards to this matter.

**COUNCIL PLAN**

Council Plan 2017-2021 – Economic diversity, growth and prosperity – Facilitate growth and diversity opportunities within the Shire.

**BACKGROUND INFORMATION**

The subject site is located at 24-26 Murray Parade, Koondrook. The site is approximately 5,148 square metres in size. The subject site comprises of an existing single storey dwelling and associated outbuildings. The area immediately surrounding the existing dwelling comprises of maintained garden area. The remainder of the site is vacant with a number of gum trees located centrally and towards the southern boundary of the property. Access to the site is provided off Murray Parade which is a gravel road.

Grigg Road runs parallel with the western and southern boundary of the property. The former Border Packers building, which is Industrial 3 Zone land, is located further to the west of the subject site. The Koondrook Environmental Reserve, former Masonic Lodge and cluster of developed residential lots is located further south/south west of the site. Murray Parade separates the allotment from the Murray River Reserve to the north. Land to the east/south east comprises General Residential Zone land, whilst some of the allotments have been developed upon some of the allotments remain undeveloped. It is noted that the property located at 147-149 Grigg Road is an Auto Panel business.

The subject site whilst located within a pocket of residential land more broadly is located within a section of Koondrook which comprises a mix of land zonings including residential, industrial, public conservation and road zone.

The site is within relatively close proximity to recreational, educational and commercial businesses and has access to potable water, sewerage, electricity and telecommunications networks.

The proposal seeks to execute a three lot subdivision of the land and create a 2m wide easement as is shown in Attachment 1.

Proposed Lot 1 (which encompasses the entirety of the existing dwelling) is 2078m<sup>2</sup> in size, vehicular access to this proposed lot will remain from Murray Parade. Proposed Lot 2 is 1440m<sup>2</sup> in size, vehicular access to this proposed lot will be provided off Murray Parade. Proposed Lot 3 is 1630m<sup>2</sup> in size, like proposed Lots 1 and 2 vehicular access to this lot will be provided from Murray Parade.



## CONSULTATION

The application was referred externally to North Central Catchment Management Authority, VicRoads, Lower Murray Water and Powercor under Section 55 of the *Planning and Environment Act 1989*. LMW, NCCMA, Powercor and VicRoads offered no objection to the granting of a planning permit subject to conditions.

The application was also referred externally to Country Fire Authority and Environment Protection Authority under Section 52 of the *Planning and Environment Act 1989*. Both CFA and EPA offered no objection to the proposed subdivision and no conditions were provided by either authority.

The application was referred internally to the Council's Engineering, Environmental Health and Building Departments, who offered no objection subject to the inclusion of conditions.

Notice of the application was given by mail on 10 July, 2020, to adjoining property owners and occupiers. One objection was received.

The key issues raised by the objector was:

- Concern regarding the aesthetic impact of the construction of residential fencing along the boundary fronting Grigg Road.
- Need for the provision of landscaping along the northern Grigg Road boundary.
- Need for the sealing of Murray Parade due to increase in traffic load.

In response to the issues raised by the objector, the following relate to how Council will address each of the points should approval be granted for the proposal.

- It is noted that no fencing is proposed to be erected as part of the proposed subdivision. Whilst separate planning approval will be required to develop dwellings on the undeveloped lots it is possible that a planning permit may not be required to construct residential fences on the allotments. It is important to note however that matters pertaining to fence height and setback from side and rear boundaries would be addressed as part of the building approvals process i.e. is regulated under the Building Regulations.
- There is already existing well established vegetation on the site (particularly the southern half of the existing allotment) and it would be a condition of the permit that this vegetation be retained. It is thought that once the lots are sold and developed, landscaping will occur to the new owners own personal preference. In addition, any planting along the Grigg Road road reserve would need consultation and approval from VicRoads.
- The sealing of Murray Parade would be an unrealistic expectation of the developer given that there are six other properties that have direct access from this road. To seal the road would require a Special Rates and Charges Scheme that would require each property to contribute to the upgrade. In addition, when the road condition deteriorates, requests should be made via Council's customer service team to be investigated for potential upgrade/repair works to occur.

## ASSESSMENT

The subject site is situated the General Residential Zone Schedule 1 (GRZ1) pursuant to Clause 32.08 of the Gannawarra Planning Scheme. One of the purposes of the GRZ1 is 'To encourage development that respects the neighbourhood character of the area.' Another purpose of the GRZ1 is 'To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.'

Clause 32.08-3 of the Gannawarra Planning Scheme states that a permit is required to subdivide land in the GRZ1. Clause 32.08-3 states that an application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56. Clause 32.08-3 also states that an application to subdivide land into 3-15 lots must meet all of the objectives and standards set out in Clause 56 that is except clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

The property is covered wholly by the Land Subject to Inundation Overlay (LSIO) and Specific Controls Overlay.

One of the purposes of the LSIO is 'To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.' Pursuant to Clause 44.04-3 a permit is required to subdivide land covered by the LSIO.

### **The State Planning Policy Framework (SPPF)**

- Clause 11.01-1S (Settlement): The objective is 'To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.'
- Clause 11.02-2S (Structure planning): The objective is 'To facilitate the orderly development of urban areas.'
- Clause 12.01-2S (Native vegetation management): The objective is 'To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.'
- Clause 12.03-1S (River corridors, waterways, lakes and wetlands): The objective is 'To protect and enhance river corridors, waterways, lakes and wetlands.'
- Clause 13.03-1S (Floodplain Management): The objective is 'To assist the protection of Life, property and community infrastructure from flood hazard.'
- Clause 13.04-1S (Contaminated and potentially contaminated land): The objective is 'To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.'
- Clause 13.05-1S (Noise abatement): The objective is 'To assist the control of noise effects on sensitive land uses.'
- Clause 14.02-1S (Catchment planning and management) The objective is 'To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.'
- Clause 15.01-1S (Urban Design): The objective is 'To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.'
- Clause 15.01-3S (Subdivision design): The objective is 'To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.'
- Clause 15.01-5S (Neighbourhood character): The objective is 'To recognise, support and protect neighbourhood character, cultural identity, and sense of place.'
- Clause 15.03-2S (Aboriginal cultural heritage): The objective is 'To ensure the protection and conservation of places of Aboriginal cultural heritage significance.'

- Clause 16.01-1S (Housing Supply): The objective is 'To facilitate well-located, integrated and diverse housing that meets community needs.'
- Clause 16.01-2S (Housing Affordability): The objective is 'To deliver more affordable housing closer to jobs, transport and services.'
- Clause 18.02-3S (Road System): The objective is 'To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.'
- Clause 19.03-2S (Infrastructure design and provision) The objective is 'To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.'

### **Local Planning Policy Framework (LPPF)**

- Clause 21.02-1 (Town Development) Objective 1 is 'To facilitate the orderly development of the municipality's main townships, consistent with the directions in the town structure plans.'
- Clause 21.03-1 (Native Vegetation): The objective is 'To protect and enhance remnant native vegetation and native flora and fauna habitat and promote development of linkages between areas containing remnant vegetation.'
- Clause 21.03-2 (Natural Assets): Objective 2 is 'To protect and enhance areas of public land, including forests, stream environs, lakesides and reserves.'
- Clause 21.03-3 (Murray River Environs) The objective is 'To manage the Murray River corridor's environmental values and resource capacity.'
- Clause 21.04-2 (Flooding): The objective is 'To manage flooding and floodplains so as to minimise loss and damage to property and infrastructure, and to preserve the function of floodplains to convey and store floodwater.'
- Clause 21.04-4 (Potential contamination): The objective is 'To understand and manage potentially contaminated land and land which has been used for industrial and other activities incompatible with future sensitive uses.'
- Clause 21.06-3 (Aboriginal Heritage): The objective is 'To protect, maintain and enhance the municipality's local Aboriginal heritage.'
- Clause 21.07-1 (Urban Residential) The objective is 'To encourage the provision of a range of housing types to meet market demand, including infill residential development that maximises the use of existing infrastructure.'
- Clause 21.09-1 (Main roads and railways): The objective is 'To provide safe efficient and attractive highways, main roads and railways throughout the municipality.'
- Clause 21.10-3 (Development Infrastructure): 'The objective is 'To ensure that existing and future residential, industrial and commercial development, including low density residential development, is provided with efficient and economic infrastructure for reticulated water, sewerage, electricity, telecommunications and drainage.'
- Clause 21.11-3 (Koondrook) One of the strategies is 'Encourage future residential development within the existing urban area by developing existing vacant lots and consolidating the urban area.'

### **Particular Provisions**

- Clause 52.02 (Easements, restrictions and reserves): The purpose of this Clause is 'To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people

are considered. A permit is required before a person proceeds: Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

- Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road): One of the purposes of this Clause is 'To ensure appropriate subdivision of land adjacent to identified roads.' Clause 53.29-2 stipulates that a permit is required to create access to a road in a Road Zone Category 1 and to subdivide land adjacent to a road in a Road Zone Category 1.
- Clause 53.01 (Public Open Space Contribution and Subdivision): A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988.
- The application has been assessed against Clause 56 (Residential Subdivision) of the Gannawarra Planning Scheme. One of the purposes of Clause 56 is 'To achieve residential subdivision outcomes that appropriately respond to the site and its context for infill sites within established residential areas.' An assessment against Clause 56 is included as an attachment to this report. This analysis shows that the proposed subdivision is in accordance with all the applicable provisions of Clause 56.

#### **The decision guidelines of Clause 65**

The proposal generally complies with the provisions of Clause 65.01 and Clause 65.02.

#### **Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)**

- State Environment Protection Policy (Waters of Victoria)
- Victorian Floodplain Management Strategy (Department of Environment, Land, Water and Planning 2016)
- Aboriginal Heritage Act 2006

#### **Relevant incorporated or reference documents**

Nil

#### **Relevant Planning Scheme amendments**

Nil

#### **OPTION ANALYSIS**

Council has two options in relation to this report:

1. To approve Planning Application P20.043 and issue a Notice of Decision to grant a planning permit subject to appropriate conditions. The objector has the opportunity to appeal Council's decision at VCAT.
2. To refuse Planning Application P20.043 and issue a Notice of Refusal stating the grounds of refusal. The permit applicant has the opportunity to appeal Council's decision at VCAT.

#### **RISK IMPLICATIONS**

There are no risk implications to Council.

**FINANCIAL IMPLICATIONS**

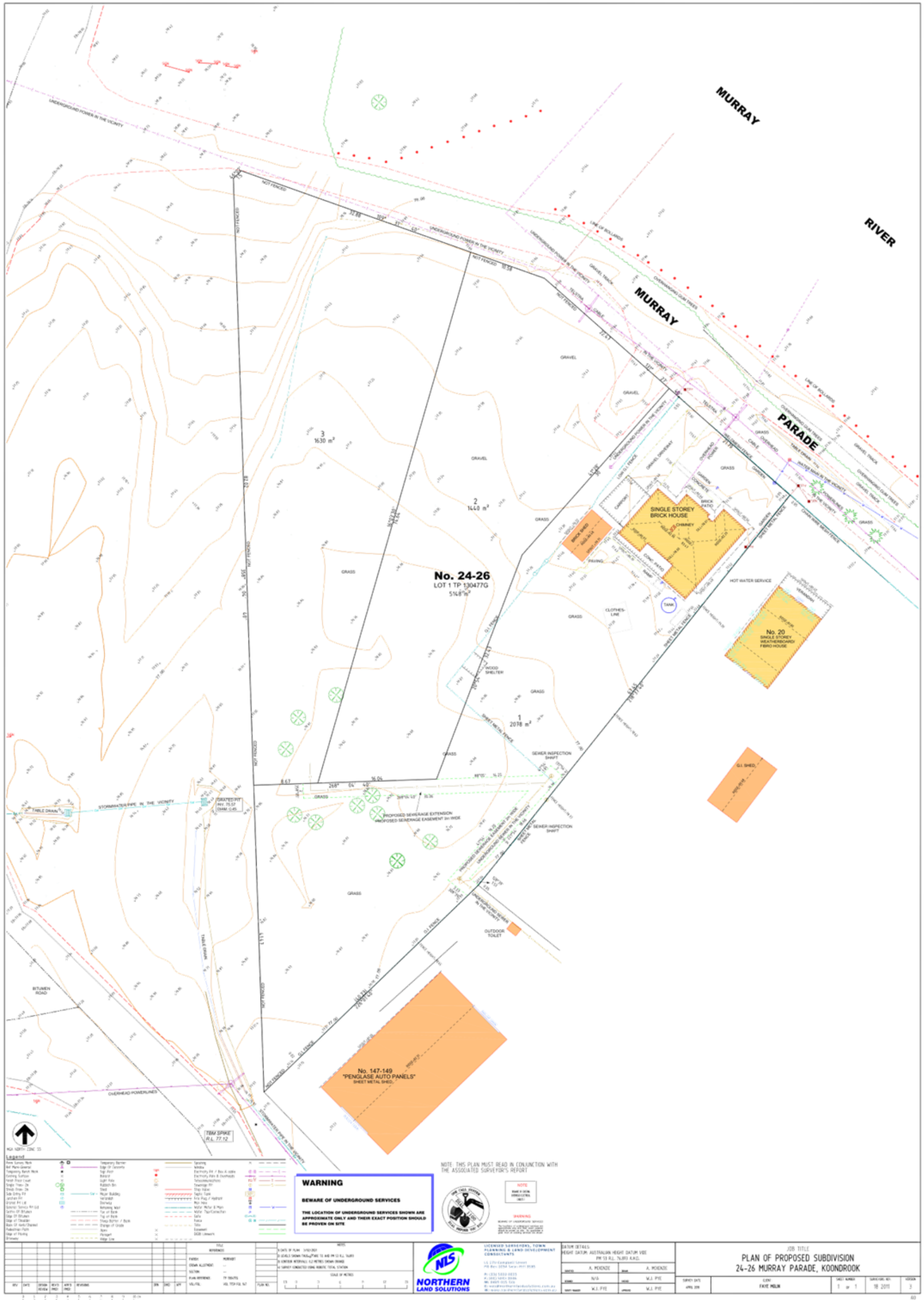
Nil

**CONCLUSION**

The proposed subdivision is considered appropriate for this site.

It is considered that the proposal is consistent with the Gannawarra Planning Scheme, in particular the purpose of the General Residential Zone and the state and local planning policy.

Given the above, it is recommended that the application be approved subject to the conditions as stated in the recommendation of this report and a Notice of Decision be issued.



Clause 56.01-1 Subdivision site and context description	The submitted subdivision report, plan of proposed subdivision and neighbourhood site context plan addresses those matters set out in Clause 56.01-1. <b>Has the objective/standards been met: Yes</b>
Clause 56.01-2 Subdivision design response	This information is contained within the submitted subdivision report i.e. the site, the proposal and planning considerations sections of the report. <b>Has the objective/standards been met: Yes</b>
Clause 56.03-5 Neighbourhood Character Objective	<p>Whilst there is no neighbourhood character policy established for the township of Koondrook it is noted that the proposed subdivision is not out of character with the other residential allotments located within the surrounding area. For purposes of this assessment surrounding area has been classed as all residential allotments located on the same block i.e. 20 Murray Parade, 18 Murray Parade, 16 Murray Parade, 14 Murray Parade, 12 Murray Parade, 141 Grigg Road, 143 Grigg Road, 145 Grigg Road and 147-149 Grigg Road.</p> <p>The lot sizes vary in this cluster of residential land with the smallest parcel being 625m<sup>2</sup> and the largest being approximately 1600m<sup>2</sup>. The three parcels of residential land (two of which are developed) located immediately to the east of the subject site are all greater than 1200m<sup>2</sup>. The land located towards the south of the block are smaller in size with the smallest parcel of residential land being approx. 625m<sup>2</sup>. All allotments directly adjoin the road reserve.</p> <p>It is interesting to note that the majority of dwellings located within the cluster of residential land sited between Penglase Street and View street is greater than 1000m<sup>2</sup> this cluster of developed residential allotments is located approx. 71m SW of the subject site.</p> <p>It is stipulated that on page 6 of the submitted subdivision report that no trees are proposed to be removed in order to facilitate the subdivision.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.04-1 Lot diversity and distribution objectives	Though there is no housing strategy for Koondrook it is noted that one of the strategies identified in Clause 21.11-3 (Koondrook) is to encourage future residential development within the existing urban area by developing existing vacant lots and consolidating the urban

	<p>area. Whilst the subject site is not vacant the proposed subdivision makes use of underutilised residential land to encourage additional residential development within the existing urban area. As stated in the planning report the proposal is able to connect into services such as sewer, electricity, water etc.</p> <p>It is noted that the proposed allotment sizes and configurations make it possible to develop the lots in a number of ways i.e. single dwellings, two or more dwellings etc. Given that the proposed lots are situated within the GRZ1 it is also possible that the lots could be further subdivided into smaller land parcels in the future.</p> <p>Whilst it is possible to walk to the Main Street from the subject site it is noted that this walk would take an individual approximately 20 minutes. To travel to Koondrook's CBD by vehicle it would take approximately 4min.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.04-2 (Lot area and building envelopes objective)	<p>All three allotments are above 500m<sup>2</sup> and are capable of providing a rectangle measuring greater than 10mx15m. It should be noted that both proposed lots 2 and 3 are able to contain this rectangle in areas which would not require any existing vegetation onsite to be removed.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.04-3 (Solar orientation of lots objective)	<p>Appropriate solar access is able to be provided for any future dwellings to be constructed on proposed lots 2 and 3.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.04-4 (Street Orientation Objective)	<p>Proposed lots 1, 2 and 3 are designed to be orientated to the street frontage. Buildings to be constructed on proposed Lot 1 and 2 will directly front Murray Parade (a dwelling is already constructed on proposed Lot 1). Given the design of proposed lot 3 it is possible that a dwelling etc. may front either Grigg Road or Murray Parade. Whilst it is inevitable that either the northern boundary of the lot or western boundary of the proposed lot will become the 'side' boundary of the property the design of any future dwelling to be constructed on the lot will inform how this lot integrates with the surrounding streetscape.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.04-5 (Common Areas objective)	<p>This subdivision application does not propose to create any areas of common land.</p> <p><b>Has the objective/standards been met: N/A</b></p>



Clause 56.05-1 (Integrated urban landscape objectives)	As the proposed subdivision does not create any new streets or public open spaces there is no requirement for the application to be accompanied by a landscape design. <b>Has the objective/standards been met: N/A</b>
Clause 56.06-2 (Walking and Cycling Network Objectives)	The proposed subdivision does not result in the creation of any new walking and cycling networks.  It should be noted that existing pedestrian linkages are available. It is approximated that it would take an individual 20 minutes to walk from the proposed development area to Koondrook's CBD. <b>Has the objective/standards been met: N/A</b>
Clause 56.06-4 (Neighbourhood Street Network Objective)	The proposed subdivision will not result in the creation of a new street network.  Vehicular access to proposed Lot 1 (developed allotment), Lot 2 and Lot 3 will be via Murray Parade. Crossovers etc. will be designed/sited in accordance with Council's specifications. It should also be noted that there is no formal footpath provided along the Murray Parade Road Reserve. <b>Has the objective/standards been met: N/A</b>
Clause 56.06-5 (Walking and Cycling Network Detail Objectives)	No footpaths, cycle paths or cycle lanes are proposed to be constructed as part of the proposed subdivision. <b>Has the objective/standards been met: N/A</b>
Clause 56.06-7 (Neighbourhood Street Network Detail Objective)	The proposed subdivision does not involve the design of any new roads or streets. <b>Has the objective/standards been met: N/A</b>
Clause 56.06-8 (Lot Access Objective)	Access to proposed Lots 1, 2, and 3 will be via Murray Parade which is a Council maintained road.  Council's Engineering Department has required that a Works within the Road Reserve permit be obtained prior to carrying out any works within the Road Reserve including vehicle crossing works. <b>Has the objective/standards been met: Yes</b>
Clause 56.07-1 (Drinking Water Supply)	It is stated in the application documentation that all lots within the proposed subdivision are capable of accessing Koondrook's reticulated town water system.  The application was referred to Lower Murray Water as part of the referrals process.  The referral response received from LMW stipulates that the requirements of Lower

	<p>Murray Water must be met in regards to the provision of water supply to the land prior to the Corporation agreeing to the issue of a Statement of Compliance.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.07-2 (Reused and Recycled Water Objective)	<p>It is stated on page 22 of the planning report that there is no reused or recycled water available to the site.</p> <p><b>Has the objective/standards been met: N/A</b></p>
Clause 56.07-3 (Waste Water Management Objective)	<p>The application was referred to both Lower Murray Water and Council's Environmental Health Department as part of the referrals process.</p> <p>The referral response received from LMW stipulates that the requirements of Lower Murray Water must be met in regards to the provision of sewerage services to the land prior to the Corporation agreeing to the issue of a Statement of Compliance.</p> <p>The Environmental Health Department also requires that developments on the proposed subdivision must connect to Lower Murray Waters reticulated sewerage system.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.07-4 (Stormwater Management Objectives)	<p>The application was referred to Council's Engineering Department as part of the referrals process.</p> <p>Council's Engineering Department has required that all stormwater and surface water discharging from the site, buildings and works must be conveyed to the Council stormwater pit located on the southern side of the Dalton Street – Grigg Road intersection.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.08-1 (Site Management Objectives)	<p>It is stated in the planning report that common building practices will be in place during any future construction and any erosion, dust, runoff, litter, chemical contamination will be managed in an appropriate manner.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.09 (Shared Trenching Objective)	<p>It is stated on page 22 of the planning report that where applicable, new development will be serviced using shared trenches.</p> <p><b>Has the objective/standards been met: Yes</b></p>
Clause 56.09-2 (Electricity, Gas and Telecommunications Objective)	<p>The application was referred to Powercor as part of the referrals process.</p> <p>The electricity supply must be provided to each lot in the subdivision in accordance with Powercor's requirements and standards.</p>

	<p>It is noted in the application documentation that no natural gas supply is available to the subject site.</p> <p>The mandatory conditions relating to telecommunications, listed in Clause 66.01-1, have been included as a condition of the approval.</p> <p><b>Has the objective/standards been met: Yes</b></p>
<p>Clause 56.09-3 (Fire Hydrants)</p>	<p>It is stipulated on page 23 of the planning report that there is currently a fire plug located directly in front of the existing dwelling i.e. proposed Lot 1. No new fireplugs or hydrants are proposed as part of this subdivision.</p> <p>Notice of the application was given to CFA as part of the referrals process. CFA advised that the existing fire hydrant hydrants provide coverage in accordance with Standard C29 of Clause 56.09-3.</p> <p><b>Has the objective/standards been met: Yes</b></p>
<p>Clause 56.09-4 (Public lightning objective)</p>	<p>No new roads, streets or footpaths are proposed to be created as part of this subdivision.</p> <p><b>Has the objective/standards been met: N/A</b></p>

**8 URGENT ITEMS****9 NOTICES OF MOTION**

Nil

**10 QUESTION TIME**

*Question Time provides an opportunity for members of the public to submit questions, in advance, to gain a response at the Council meeting.*

**QUESTIONS FROM THE GALLERY**

Completed Question Time forms must be submitted to the Chief Executive Officer via email [council@gannawarra.vic.gov.au](mailto:council@gannawarra.vic.gov.au) no later than 5.00 pm on the day prior to the Council meeting.

A maximum number of two questions may be submitted in writing by any one person.

Questions will be read by the Mayor or Chief Executive Officer.

The Mayor or Chief Executive Officer may indicate that they require further time to research an answer. In this case, an answer will be provided in writing generally within ten (10) business days.

Questions will be answered at the meeting, or later in writing, unless the Mayor or Chief Executive Officer has determined that the relevant question seeks confidential information defined in Section 3 of the Local Government Act 2020 such as:

- Council business information
- security information
- land use planning information
- law enforcement information
- legal privileged information
- personal information
- private commercial information
- confidential meeting information
- internal arbitration information
- Councillor Conduct Panel confidential information
- an issue outside the Gannawarra Shire Council core business

or if the question is:

- defamatory, indecent, abusive or objectionable in language or substance
- repetitive of a question already answered (whether at the same or an earlier meeting)
- asked to embarrass a Councillor or Council officer.

No debate or discussion of questions or answers shall be permitted and all questions and answers shall be as brief as possible.

## 11 DELEGATES REPORTS

### 11.1 DELEGATES REPORTS

**Author:** Mel Scott, Executive Assistant - Chief Executive Office

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

#### EXECUTIVE SUMMARY

Council has memberships with peak Local Government associations, local and regional forums along with statutory committees. Some memberships require that a Councillor be appointed to act as a delegate to formally represent Council; typically in a voting capacity. This Agenda item provides an opportunity for Council appointed delegates to present a verbal update on any pertinent matters arising from Council's membership on the following associations.

Association	Appointed Council Delegate
Central Victorian Greenhouse Alliance	Cr Stanton
Community Halls Community Asset Committee	Cr Burt
Loddon Campaspe Group of Councils	Mayor
Loddon Mallee Waste and Resource Recovery Group (LMWRRG) Forum	Cr Ogden
Municipal Association of Victoria	Cr Collier
Municipal Fire Management Planning Committee (MFMPC)	Cr Link
Murray River Group of Councils (MRGC)	Mayor
Rail Freight Alliance	Cr Stanton
Rural Councils Victoria	Cr Smith

NB: \* Audit and Risk Committee - no delegate report is required as the Audit and Risk Committee formally reports back separately to Council in accord with the Audit and Risk Committee Charter.

## 12 CONFIDENTIAL ITEMS

Nil