

Strathbogie Shire Council

Council Meeting Agenda

Tuesday 15 April 2025

Agenda

Council Meeting

15 April 2025 at 4:00 pm

Meeting to be held at the Euroa Community Conference Centre and livestreamed on Council's website

<https://www.strathbogie.vic.gov.au/council/our-council/council-meetings-and-minutes/>

Councillors

Mayor Cr Claire Ewart-Kennedy
Deputy Mayor Cr Scott Jeffery
Cr Laura Binks
Cr Gregory Carlson
Cr Vicki Halsall
Cr Clark Holloway
Cr Fiona Stevens

Municipal Monitor

Marg Allan

Officers

Tim Tamlin	Interim Chief Executive Officer
Amanda Tingay	Director People and Governance
Oliver McNaulty	Director Sustainable Infrastructure
Rachael Frampton	Director Community and Planning
Michelle Harris	Interim Media and Communications Manager
Kerry Lynch	Governance Officer

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Meeting Procedure

1 Welcome

Councillors Vision

We will be a Councillor group that delivers valuable outcomes for our community through teamwork characterised by:

- respectful debate
- collaboration, and
- the commitment to being inclusive and transparent.

Councillor Values

- Respect
- Integrity
- Accountability
- Transparency
- Responsiveness

2 Acknowledgement of Country

We acknowledge the Traditional Custodians of the places we live, work and play.

We recognise and respect the enduring relationship they have with their lands and waters, and we pay respects to the Elders past, present and emerging.

Today we are meeting on the lands of the Taungurung peoples of the Eastern Kulin nation, whose sovereignty here has never been ceded.

3 Privacy Notice

This public meeting is being streamed live via our website ([Council Meetings and Minutes | Strathbogie Shire](#)) and made available for public access on our website along with the official Minutes/Decisions of this meeting.

All care is taken to maintain your privacy, however, as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public.

It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes/Decisions.

4 Governance Principles

Council considers that the recommendations contained in this Agenda gives effect to the overarching governance principles stated in Section 9(2) of the *Local Government Act 2020*. These principles are as follows:

1. Council decisions are to be made and actions taken in accordance with the relevant law
2. priority is to be given to achieving the best outcomes for the municipal community, including future generations
3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted

4. the municipal community is to be engaged in strategic planning and strategic decision making
5. innovation and continuous improvement are to be pursued
6. collaboration with other Councils and Governments and statutory bodies is to be sought
7. the ongoing financial viability of the Council is to be ensured
8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making
9. the transparency of Council decisions, actions and information is to be ensured.

5 Apologies/Leave of Absence

6 Disclosure of Conflicts of Interest

7 Confirmation of Minutes/Decisions of Previous Meetings

The minutes have been circulated to Councillors and posted on Council website [Council Meetings and Minutes | Strathbogie Shire](#) pending confirmation at this meeting.

RECOMMENDATION

That the Minutes of the Council Meeting held on 18 March 2025 be confirmed as a true and accurate record of the meeting.

That the Minutes of the Extraordinary Council Meeting held on 25 March 2025 be confirmed as a true and accurate record of the meeting.

8 Petitions

Nil

9 Mayor and Councillor Reports

9.1 Mayor's Report

9.2 Councillor Reports

10 Public Question Time

Public Question Time

Questions for the Ordinary Council Meeting can be submitted to be read, and responded to, by the Chair, or a member of Council staff nominated by the Chair, during the Public Question Time. Questions must be submitted 30 hours prior to the Council meeting, by emailing info@strathbogie.vic.gov.au.

Public Question Time will be conducted as per Rule 35 of Strathbogie Shire Council's Governance Rules. The required [form](#) for completion and lodgement, and associated [Procedural Guidelines](#), can be found on Council's website at www.strathbogie.vic.gov.au.

As the questions are a permanent public record and to meet the requirements of the *Privacy and Data Protection Act 2014*, only the initials of the person asking the question will be used in the Minutes of the meeting, together with a Council reference number.

11 Officer Reports

11.1 Strategic and Statutory Planning

11.1.1 Planning Scheme Amendment C85 - Lot B Murray Street, Nagambie

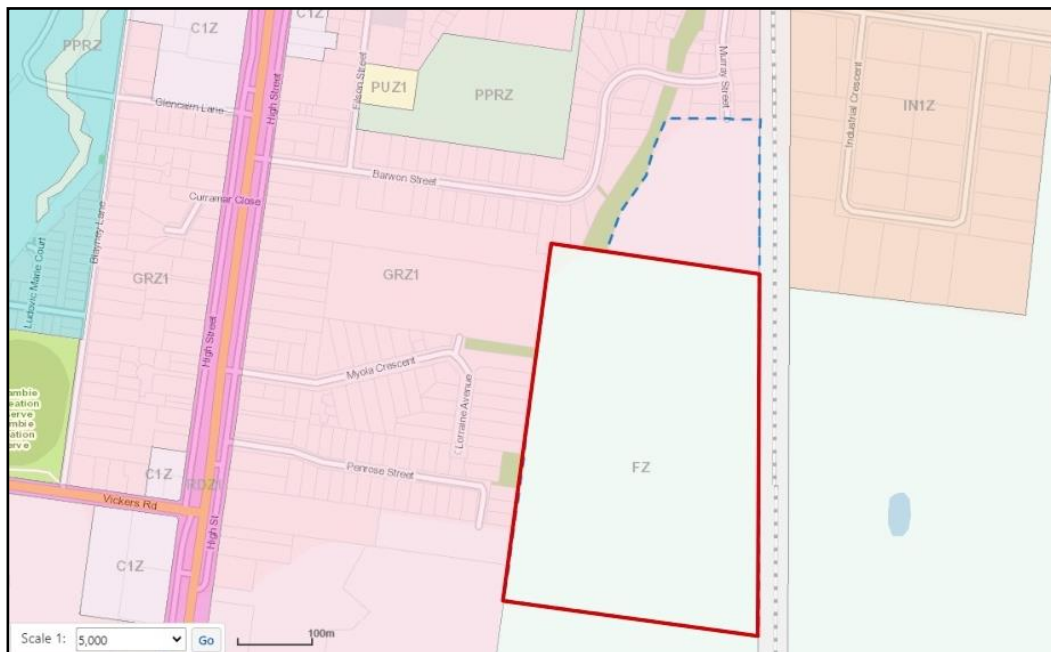
AUTHOR Senior Planner

RESPONSIBLE DIRECTOR Director Community and Planning

EXECUTIVE SUMMARY

This report is presented to Council to consider submissions received from the public exhibition of Planning Scheme Amendment C85 to the Strathbogie Planning Scheme (the Scheme).

This amendment is a private proponent driven amendment and seeks to rezone land known as Lot B PS81593J or more commonly referred to as land directly south of Murray Street, Nagambie as pictured in the map below (red outline).



The land has an area of 15.87 hectares and the amendment proposes to rezone the land from Farming Zone (FZ) to General Residential Zone (GRZ) and at the same time apply a Development Plan Overlay (DPO) to guide and control any future subdivision of the land.

Public exhibition of the amendment occurred between the 7 September and 10 October 2023.

A total of eight (8) submissions were received during the exhibition period, these submissions were from government agencies and referral authorities, no submissions were received from any member of the general public.

This report seeks Council's consideration of:

- The submissions made during the exhibition period
- Actions proposed including changes to the amendment to address the submissions received and

- A final decision from Council on the amendment.

RECOMMENDATION

That Council:

1. **Considers all submissions to Strathbogie Planning Scheme Amendment C85, pursuant to Sections 22 and 23 of the *Planning and Environment Act 1987* (the Act)**
2. **Adopts the amendment pursuant to Section 29 of the Act, with the changes identified in Attachment 2 and to the revised Planning Scheme Map 22ZN**
3. **Submits the amendment to the Minister for Planning pursuant to Section 31 of the Act for approval**
4. **Notifies submitters to Amendment C85 of Councils decision**
5. **Delegates to the Director of Community and Planning responsibility to make any changes to documents as required by the Department of Transport and Planning or identified by Council officers in the preparation and finalisation of the planning scheme amendment material.**

PURPOSE AND BACKGROUND

Amendment C85 is a private proponent driven amendment with a request lodged on behalf of the landowner with Council to rezone the subject land in Market Street, Nagambie from Farming Zone to General Residential Zone with a Development Plan Overlay.

Council previously considered this request and determined to progress the request and apply to the Minister for Planning for permission (known as Authorisation) to prepare and exhibit the amendment. The Minister granted this request on 26 June 2023 and accordingly exhibition of the amendment followed.

The Scheme identifies the land as a 'potential site for future urban expansion' (Area B) of the township of Nagambie local planning policy at Clause 11.01-1L-04 of the Scheme which implements the recommendations of the Nagambie Structure Plan 2008.

This policy and structure plan seek that further rezoning of land is sequenced to provide a consistent supply of urban land to the town. The proponent has identified that Area A which is currently zoned for Residential purposes is actively under development and has several planning permits in play for future subdivision. This amendment seeks to facilitate the next development front given the advanced development state of Area A and to support a consistent supply of urban land.

Nagambie has experienced increased population growth and changing demographic trends, resulting in demand for a greater amount of housing provision and a variety of housing types.

The draft 2020 *Nagambie Growth Management Strategy (NGMS 2020)* identifies an annual growth rate of 2.9% or an additional 1,143 new dwellings with an approximate land supply requirement of 102.87 hectares to meet the forecasted population of 4,000 residents in 2036.

The existing residentially zoned land to the south of Nagambie is largely constrained through different ownership and no established or integrated access. The subject land provides an opportunity for residential development to be integrated into the township by road connections via Murray Street and linkages to the south and southwest of the site.

Exhibition of Amendment C85

Public exhibition of the amendment occurred between the 7 September and 10 October 2023. Public exhibition of amendments is governed by Section 19 of the Act, which in the case of amendment C85 involved notice in the form of:

- Landowners and occupiers of the surrounding area
- Notice in local newspapers within the area. (Seymour, Nagambie, Euroa and Shepparton)
- Display at council offices and on Councils website
- Notice in the Victorian Government Gazette
- Notification to referral agencies and prescribed Ministers.

Submissions to the Amendment

A total of eight (8) submission have been received to the amendment, these submissions are all from government and referral agencies. The table below categorises the submissions.

Submitter	Submission type
Submissions that object or request a change	
Country Fire Authority (CFA)	Requests changes
Department of Transport and Planning (DTP) - (Transport Division)	Requests changes
Environment Protection Authority Victoria (EPA)	Requests changes
Goulburn Broken Catchment Management Authority (GBCMA)	Objecting submission - seeks changes
Submissions that do not object or request a change	
Department of Energy, Environment and Climate Action (DEECA)	Letter of support.
Goulburn-Murray Water (GMW)	No objection – requests no changes
Goulburn Valley Water (GVW)	No objection
VicTrack	No objection

Attachment 1 to this report provides a more comprehensive summary and analysis of the submissions, including any actions proposed to address issues raised within any of the submissions.

Consideration of Submissions

Following exhibition of an amendment, Council must consider all submissions received pursuant to sections 22 and 23 of the *Planning and Environment Act*.

Where a submission requests a change to the amendment, Council must either:

Sec 23(1):

- a) *Change the amendment in the manner requested; or*
- b) *Refer the submission to a Panel appointed by the Minister; or*
- c) *Abandon the amendment or part of the amendment.*

Response to Submissions and Post Exhibition Changes

Council officers have considered all the submissions to the amendment and have undertaken further consultation with the submitters to address both the requested changes, concerns and propose changes to the amendment if possible.

Attachment 1 outlines this analysis and responds in detail to the submissions.

In response to the submissions it is proposed to change the amendment either through alteration to the proposed DPO6 or the proposed zoning of the land. These changes are discussed below:

Proposed Policy Changes: Development Plan Overlay – Schedule 6 (DPO6)

In response to the submission by the CFA, DTP (Transport) and the EPA, revision has been made to the exhibited DPO6 to include additional requirements around bushfire protection, traffic reporting and noise/amenity respectively.

Changes made ensure that these issues have a visual presence in the DPO6 and provide design requirements for any future subdivision of the land.

The redrafted DPO6 can be found at **Attachment 2** to this report.

The GBCMA submission raised more broadly the issue of flooding and inundation across other areas of the site and refers to the recommendation of the Nagambie Flood Study (2017). It should be noted that there are no current flood related overlays that represent this study across the subject land.

However, Council, at its meeting in August 2024 resolved to prepare planning scheme amendments to implement flood controls in an interim capacity and an eventual permanent control. This work is being undertaken with the assistance and expertise of the GBCMA and will utilize the Department of Transport and Planning Flood-related Amendments Standing Advisory Committee, which was setup in 2023 in response to devastating flood events of October 2022 across Victoria.

Proposed Zoning and Flooding

The amendment was exhibited with the entire site to be rezoned from Farming Zone to General Residential Zone. Due to the flood and inundation issues raised within the submission by the GBCMA, it is now proposed that the area known as the 'Tabilk Depression' in the North East corner of the site should be rezoned to Public Park and Recreation Zone.

Changing the zone in this area will remove this section of the site from any future residential development in recognition that this area contains the highest flood risk on the land, with possible depths greater than 1 metre.

COMMUNITY ENGAGEMENT

Public exhibition of the amendment occurred between the 7 September – October 2023. Public exhibition of amendments is governed by Section 19 of the Act, which in the case of amendment C85 involved notice in the form of:

- Landowners and occupiers of the surrounding area
- Notice in local newspapers within the area. (Seymour, Nagambie, Euroa and Shepparton)
- Display at council offices and on Councils website
- Notice in the Victorian Government Gazette.

In addition to the above, two drop in sessions were also held at the Nagambie Regatta Centre during this public notice period.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 2: Live. Access. Connect

We are moving through our townships connecting via walking and cycling tracks

Strategic Focus Area 4: Inclusive. Productive. Balanced.

We target economic development to enhance our region.

We are managing growth carefully to protect the environment and meet our social infrastructure needs.

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Maximise public transparency and accountability around our performance and decision-making processes.

Regional, State and National Plans, Policies and Legislation

State

Victoria's Housing Statement (2023) was released by the Victorian Government in September 2023 in response to the growing urgency for greater housing supply to support projected population growth.

Through it the Victorian Government has set a target of 80,000 dwellings per year for the first decade, and in total an additional 1.6 million homes in Victoria by 2051. Whilst Nagambie is not a town designated to support large scale growth, this amendment facilitates future supply options and plays a role in supporting this State level plan.

Regional

Clause 11.01-1R of the Scheme embeds the key recommendations of the Hume Regional Growth Plan into the Scheme. Nagambie is not designated as a high level growth town like Shepparton or Wodonga, rather the plan recognises it as a 'key urban settlement' with can support growth and lifestyle opportunities.

This amendment recognises this and supports this regional policy objective.

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
The amendment fails/ is not supported.	Possible	Minimal	Low	This amendment has been made in line with the <i>Planning and Environment Act 1987</i> . All final decisions on amendments are made by the Minister for Planning There is always a risk that the Minister will not approve the amendment or make further changes beyond those proposed within this report.
Water inundation impacts on lots created as part of the subdivision of the land.	Possible	Moderate	Medium	The amendment has been assessed and developed in accordance with current flood controls and has been reviewed by the relevant authority.

LEGAL CONSIDERATIONS

This planning scheme amendment has followed the process outlined within the *Planning and Environment Act 1987* and it is considered that there are no significant legal considerations associated with this report.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

This report will be presented to Council in a Council meeting, open to the public and live streamed to the public. This is consistent with Council's Transparency Policy, enabling the community to have oversight regarding the matters being discussed by Council and the decisions being made.

FINANCIAL VIABILITY CONSIDERATIONS

The amendment process like the general planning permit process has fees associated with different stages. Amendment C85 is a private proponent driven amendment and therefore

the proponent must pay fees to Council, including in this case for the consideration of submissions.

If Council decides to adopt the amendment and submit the amendment to the Minister for Planning an additional fee of \$530.70 will be payable to the Minister on lodgement. This fee will be paid by the proponent.

SUSTAINABILITY CONSIDERATIONS

Economic

The amendment seeks to support population growth in Nagambie including the ongoing economy of this community and the broader region.

Social

The amendment seeks to rezone urban land to facilitate the expansion of the Nagambie Township. Future subdivision of the site could provide a variety of housing choices to support and accommodate the present and future population of Nagambie.

Environmental

The subject land is a designated investigation area and its consideration is occurring in a sequenced manner, this allows Council to limit urban sprawl and also create connected communities designed to provide opportunities for active transport and therefore reduce environmental impacts through decreased private vehicular movements.

Climate Change

The Strathbogie Planning Scheme along with the *Planning and Environment Act 1987* have climate change considerations embedded within policy settings in particular State Planning Policy.

Council is also part of the Alliance for a Sustainable Built Environment (CASBE) and the Goulburn Murray Climate Alliance. Opportunities through this alliance including working with the development community to design future subdivisions in a more sustainable way through the Sustainable Subdivisions Framework (SSF) trial.

It is noted that at this stage this trial is voluntary to applicants. The Scheme also contains key policy directions and controls to support passive solar design and other Environmentally Sustainable Design (ESD) outcomes in any subdivision or development.

HUMAN RIGHTS CONSIDERATIONS

There are no significant human rights implications arising from this report.

CONCLUSION

Exhibition of Planning Scheme Amendment C85 has been completed and the amendment is now presented to Council to consider the submissions received and the issues raised within them.

Changes have been made to the Amendment in response to relevant submissions and it is now ready for Council's consideration.

ATTACHMENTS

Attachment 1 – C85 Submissions table


Attachment 2 – Post Exhibition - Development Plan Overlay – Schedule 6

Attachment 1 – Strathbogie Amendment C85 – Submissions Table		
Submitter / Issues Raised / Changes Requested	Analysis/ Conclusion / Proposed Changes	Action
Country Fire Authority (CFA)		
<p>This submission makes the following comments and requests changes to the DPO6 schedule to better identify bushfire design and protection requirements in any future development of the land:</p> <p>Bushfire Management Plan (BMP)</p> <ul style="list-style-type: none"> That the BMP effectively be separated into two parts; one being requirements associated with the general information that has to be shown within the BMP ie site layout or location of hazards, and the second; more specific bushfire protection measures that need to be met and included within the Plan. That clear bushfire protection measures be identified and captured independently within the BMP. <p>The submission also provided recommended changes to the proposed DPO6 for bushfire protection measures under the following themes:</p> <ul style="list-style-type: none"> Setbacks; Vegetation management and defensible space requirements; Perimeter roads adjacent to bushfire hazards; Multiple access/entry points capable of accommodating fire fighting appliances; Non combustible fencing to be required to any perimeter fence of a bushfire hazard or for any lot that front a bushfire hazard interface. <ul style="list-style-type: none"> That the reference to Landscape Concept Plan be amended and placed in under the heading 'Open Space'. 	<p>Council Officers have considered the submission of the CFA and the proposed wording changes to DPO6.</p> <p>Overall, the changes requested by the CFA provide a logical approach to the form of the final planning control. The changes have been integrated into a revised DPO6 as requested that can be found at Attachment 2.</p> <p>The CFA have advised that they are satisfied with the changes proposed.</p>	<ul style="list-style-type: none"> Submission Acknowledged. Amend the proposed DPO6 Schedule as a post exhibition change. Advise the submitter.
Dept of Transport and Planning (DTP) - (Transport Division)		
<p>The submission provides no objection to the rezoning of the land, however requests two minor changes to the proposed DDO6:</p> <ul style="list-style-type: none"> The 'Traffic Impact Assessment Report' requirement under Clause 4.0 – Requirements for development plan be amended to 'Transport Impact Assessment Report' in accordance with relevant guidelines. The Schedule be amended to include the following requirement under the Traffic Impact Assessment Report: <ul style="list-style-type: none"> 'Identifies any impacts to the rail network and any mitigating works that would be required as a result of the proposed subdivision and development'. 	<p>The two changes requested within the submission have been considered by Council Officers and are considered appropriate for inclusion within the proposed DPO6.</p>	<ul style="list-style-type: none"> Submission Acknowledged. Amend the proposed DPO6 Schedule as a post exhibition change. Advise the submitter.

Attachment 1 – Strathbogie Amendment C85 – Submissions Table		
Submitter / Issues Raised / Changes Requested	Analysis/ Conclusion / Proposed Changes	Action
Environment Protection Authority – Victoria (EPA)		
<p>This submission has requested that Council further consider a number of issues and has requested changes to the proposed DPO6. The main issues raised are summarised below:</p> <p>Concrete Batching Plants EPA initially raised concern over the proximity of the site to existing concrete batching plants located to the East of the site, inline with the requirements of EPA publication 1518.</p> <p>Following further investigation by Council Officers, EPA issued follow up advice on this issues including that:</p> <p><i>Having reviewed the additional information from Council, it appears that Council have determined that the 100 metres separation distance has been met. Therefore, EPA have no further comment to make on this matter.</i></p>	<p>This requirement has been satisfied and no further changes are required.</p>	<ul style="list-style-type: none"> • Submission Acknowledged. • Amend the proposed DPO6 Schedule as a post exhibition change as discussed. • Advise the submitter.
<p>Potentially Contaminated Land</p> <p>The EPA's submission raises issues around the land being considered potentially contaminated under the criteria within Ministerial Direction 1 and Planning Practice Note 30 and provided the following advice:</p> <ul style="list-style-type: none"> • As previously highlighted, stockpiles of imported fill are identified as having a 'medium' potential for contamination in <i>Planning Practice Note 30 – Potentially Contaminated Land</i> (DELWP, 2021) (PPN30). • The Peer Review classifies the Site as having a low potential for contamination based on limited soil sampling of the stockpiles. • Where land is potentially contaminated, Clause 5 of Ministerial Direction 1 <i>Potentially Contaminated Land</i> (MD1) states that: <i>"5c) where it has determined the land, or parts of the land, are potentially contaminated, must state the determination in the amendment Explanatory Report and satisfy itself that the environmental conditions of that land are or will be suitable for that use".</i> • Further at Clause 6, <i>"In accordance with clause 5(c) a planning authority must comply with either sub- clause (1), (2) or (3): (1) Before it gives a copy or notice of the amendment under Section 17, 18 or 19 of the Act a planning authority must ensure that an environmental auditor has issued a preliminary risk screen assessment statement stating that an environmental audit is not required for sensitive uses, children's playgrounds and secondary schools allowed by the amendment".</i> • PPN30 recommends a PRSA (or audit option applies) as the appropriate level of assessment where there is a 'medium' potential for contamination. • In this instance, a Peer Review has been prepared, rather than a PRSA. Noting the requirements at Clause 6 of MD1, it would appear that this approach does not follow the direction. 	<p>Following receipt of the EPA submission, Council officers have undertaken further consultation with the amendment proponent and also the EPA with regards to this issue.</p> <p>Council has also engaged its own consultants to undertake a further review of the proponents site investigation report and additional information from the proponent. This subsequent work was discussed and re-referred to the EPA, in particular investigation and clarification surrounding the issue of imported fill: EPA have issued subsequent advice in an email stating:</p> <ul style="list-style-type: none"> • <i>EPAs previous advice highlighted that stockpiles of imported fill represent a medium potential for contamination under PPN30.</i> • <i>The Updated Peer Review has clarified that the stockpiles are not considered to be 'stockpiles of imported fill' (in accordance with PPN30) (see page 4).</i> • <i>Therefore, the previously identified source of potential contamination at the site is no longer present.</i> • <i>EPA considers the conclusion that the site is not considered potentially contaminated land is consistent with policy and guidance. However, it is ultimately the responsibility of the Planning Authority to determine the accuracy and suitability of the recommendations made in the Updated Peer Review, noting what is required to satisfy MD1.</i> <p>Overall, based on the advice of the EPA and Councils consultants, the amendment is considered to satisfy the requirements of Ministerial Direction 1. The explanatory report is to be updated to reflect this.</p>	

Attachment 1 – Strathbogie Amendment C85 – Submissions Table		
Submitter / Issues Raised / Changes Requested	Analysis/ Conclusion / Proposed Changes	Action
<p>Noise The submission highlights the sites adjoining relationship to the Shepparton- Melbourne railway line and its potential for noise and vibration impacts on any new sensitive land uses that could be established from approval of this amendment.</p> <p>Therefore, the EPA requests that the proposed DPO6 be amended to include the following requirement:</p> <p><i>An Acoustic Assessment report, prepared by a suitably qualified acoustic engineer or other suitably qualified person to the satisfaction of the responsible authority, which:</i></p> <ul style="list-style-type: none"> ○ <i>Applies the following noise objectives:</i> <ul style="list-style-type: none"> ▪ 35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am ▪ 40 dB LAeq,16h when measured within a living area between 6 am and 10 pm. ○ <i>Noise levels should be assessed:</i> <ul style="list-style-type: none"> ▪ considering the cumulative noise from all sources impacting on the proposal including industry and road traffic, as well as potential other noise sources; and ▪ in unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment. ○ <i>For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).</i> ○ <i>Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives, which is consistent with Clause 13.05-1 and can be implemented through subdivision with measures such as:</i> <ul style="list-style-type: none"> ▪ Land use separation, appropriate setback distances, use of barriers, and orientation and positioning of lots so that private open space is shielded from noise from the Principal Freight Network. ▪ Clearly identifies areas where any attenuation measures are required. • <i>Includes additional considerations, where relevant, to address:</i> <ul style="list-style-type: none"> • potential noise character (tonality, impulsiveness or intermittency); • noise with high energy in the low frequency range; and • transient or variable noise. 	<p>The requested changes from the EPA is considered reasonable and therefore has been included in a revised version of the DPO6 for Councils consideration.</p>	

Attachment 1 – Strathbogie Amendment C85 – Submissions Table		
Submitter / Issues Raised / Changes Requested	Analysis/ Conclusion / Proposed Changes	Action
<p>Farming Zone Interface</p> <p>The submission highlighted previous advice provided by the EPA concerning the sites interfaces with Farming Zoned land and potential amenity impacts from agricultural activities. EPA commented on the following policy requirement from the proposed DPO6:</p> <p><i>“A Site Investigation and Site Context Plan that shows adjoining land and the incorporation of treatment(s) at the interface with existing ongoing and future land uses, particularly those with potential amenity impacts”.</i></p> <p>Should Council be satisfied that this requirement will address any potential amenity impacts associated with agricultural activities, EPA has no further comment to make on this matter.</p>	<p>It is noted that Farming Zoned land is located to both the South and the East of the site.</p> <p>The DPO6 provides the requirement to identify and outline treatments to the farming zoned land.</p> <p>Perimeter roads around any future subdivision is a requirement from a bushfire perspective, these roads can play a secondary role in assisting to actively manage the interface between urban and agricultural uses. It is considered that the drafted DPO6 provides the right policy settings to manage this issue.</p>	

Attachment 1 – Strathbogie Amendment C85 – Submissions Table		
Submitter / Issues Raised / Changes Requested	Analysis/ Conclusion / Proposed Changes	Action
Goulburn Broken Catchment Management Authority (GBCMA)		
<p>The submission opposes the amendment on the following grounds:</p> <ul style="list-style-type: none"> The proposed rezoning of the land to General Residential Zone (GRZ) is not consistent with the findings of the Nagambie Flood Study (2017). Proposed amendment C052, particularly the application of the Urban Floodway, has not been reflected in the proposed amendment.  <p>Figure 1 Proposed Amendment C52 Flood Related Planning Controls</p>	<p>The submission raises the issue of flooding across the land and the findings of the Nagambie Flood Study 2017 as it relates to this site and surrounding area.</p> <p>Overlay controls within the Strathbogie Planning Scheme that represent the recommendations of the Nagambie Flood Study do not presently exist.</p> <p>Council in August 2024 resolved to change this situation through the preparation of planning scheme amendments across the Municipality to implement flood related planning controls.</p> <p>This work is being undertaken with the assistance and expertise of the GBCMA and will utilize the Department of Transport and Planning Flood-related Amendments Standing Advisory Committee, which is a State wide project to ensure flood related studies are reflected within planning schemes across Victoria.</p> <p>Although this work is being undertaken, implementation of these controls will be sometime away.</p>	<p>Refer to further discussion within the main report.</p>

Attachment 1 – Strathbogie Amendment C85 – Submissions Table		
Submitter / Issues Raised / Changes Requested	Analysis/ Conclusion / Proposed Changes	Action
Submissions that do not oppose or request a change to the Amendment.		
Department of Energy, Environment and Climate Action (DEECA)		
The submission provides support to the amendment as exhibited.	N/A	<ul style="list-style-type: none"> Submission Acknowledged. No change is required.
Goulburn-Murray Water (GMW)		
The submission provides no objection to the amendment	N/A	<ul style="list-style-type: none"> Submission Acknowledged. No change is required.
Goulburn Valley Water (GVW)		
The submission provides no objection to the amendment and advises Council that sewer assets controlled by the corporation are located on the land and will need protection in any future subdivision,	N/A	<ul style="list-style-type: none"> Submission Acknowledged. No change is required.
VicTrack		
<p>The submission provides no objection to the amendment.</p> <p>The submission also highlights to Council the interface that the land has to VicTrack's land and refers Council to 'VicTrack Rail Interface Guidelines' for further consideration in the preparation of any future development plan.</p> <p>The corporation also advises Council that it will seek the prevention of drainage onto the railway corridor, appropriate fencing and the location of drainage basins away from the boundary through a future planning permit process.</p>	<p>The submission is noted and requires no further action or changes to the amendment.</p> <p>The interface guidelines referred to within the submission are a listed as a policy document at Clause 18.02-3S of the Planning Scheme and therefore Council must have regard to them in considering any development plan for the site.</p>	<ul style="list-style-type: none"> Submission Acknowledged. No change is required.

SCHEDULE [6] TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO[6]**.

NAGAMBIE SOUTH EAST**1.0**

--/--/----
Proposed C85strb

Objectives

To require that development of the land occurs in an orderly manner having regard to timing, staging and provision of open space and roadways that provides multiple access and egress points and which conveniently connect to the broader township.

To require future development that integrates environmentally sustainable design, including solar orientation, methods to reduce urban heat effects, and the efficient use of energy and water.

To ensure that the Tabilk Depression is appropriately managed for bushfire and flooding risk as public land.

2.0

--/--/----
Proposed C85strb

Requirement before a permit is granted

A permit may be granted for the following before a development plan has been approved:

- The construction or carrying out of buildings and works, including site preparation.
- Removal or creation of easements or restrictions.

Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and development of the land and will not compromise the objectives for the site as set out in this schedule.

3.0

--/--/----
Proposed C85strb

Conditions and requirements for permits

The following conditions and/or requirements apply to permits:

- A permit must include the requirements specified in Clause 4.0.
- A permit may contain conditions which give effect to the provisions and requirements of the approved development plan.

4.0

---/---/---
Proposed C85strb

Requirements for development plan

A Development Plan must include the following requirements:

- A single Development Plan for the whole of the land to which the schedule applies.
- A Site Investigation and Site Context Plan that shows adjoining land and the incorporation of treatment(s) at the interface with existing ongoing and future land uses, particularly those with potential amenity impacts.
- An Acoustic Assessment report, prepared by a suitably qualified acoustic engineer or other suitably qualified person to the satisfaction of the responsible authority, which:
 - Applies the following noise objectives:
 - 35 dB LAeq,8h when measured within a sleeping area between 10 pm and 6 am
 - 40 dB LAeq,16h when measured within a living area between 6 am and 10 pm.
 - Noise levels should be assessed:
 - considering the cumulative noise from all sources impacting on the proposal including industry and road traffic, as well as potential other noise sources; and
 - in unfurnished rooms with a finished floor and the windows closed and be based on average external noise levels measured as part of a noise level assessment.
 - For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).
 - Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives, which is consistent with Clause 13.05-1 and can be implemented through subdivision with measures such as:
 - Land use separation, appropriate setback distances, use of barriers, and orientation and positioning of lots so that private open space is shielded from noise from the Principal Freight Network.
 - Clearly identifies areas where any attenuation measures are required.
- Includes additional considerations, where relevant, to address:
 - potential noise character (tonality, impulsiveness or intermittency);
 - noise with high energy in the low frequency range; and
 - transient or variable noise.

Land Use and Subdivision

- The overall subdivision of the area, the proposed lot layout, sizes and density of lots which provide opportunities for a diverse range of housing types.
- The overall pattern of development of the area and how it responds to the Nagambie

Style Guidelines as contained within the Nagambie Growth Management Strategy 2008 as appendix B.

- The overall development pattern should be generally rectangular in shape and located on a north-south or east-west axis that maximises optimal solar orientation and incorporates a road layout that allows for the use of perimeter roads. The use of cul de sacs is to be avoided.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas) local destinations or points of local interest, High Street retail area, community hubs, open spaces and public transport.
- The ultimate layout and road alignment must consider the natural direction of overland flow paths for both stormwater and riverine flooding, and the requirements of the relevant Nagambie Flood Study Final Report (2017) and must include:
 - Unless otherwise agreed, a mechanism to ensure that any dwelling located within the identified Land Subject to Inundation Overlay as identified in the above document, must be constructed a minimum of 300 millimetres above the flood level identified.

Open Space

- **A Landscape Concept Plan** that shows:
 - All open space areas, indicating the location of plantings, pathways, shade, shelter and seating within open space areas as well as at intervals along pathways.
 - Open space and reserve areas, including the Tabilk Depression, designed to not create new bushfire hazards or increase bushfire risk and to be maintained in a low threat condition.
 - The location and size of open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation.
 - Public open spaces designed to provide:
 - Public spaces of a minimum of 0.4 hectares that is demonstrated to be unencumbered.
 - The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
 - Opportunities for visual surveillance to promote safety of users, through encouraging active frontages.

Bushfire Mitigation and Protection

- All new lots must either:
 - include a building envelope that is capable of achieving a setback from a bushfire hazard to enable construction standard of BAL 12.5 (equivalent to a radiant heat exposure of 12kilowatts/square metre) under AS 3959-2018

(*Construction of Buildings in Bushfire-prone Areas* - Standards Australia, 2018); or

- be located a sufficient distance from the hazard vegetation that a building may be sited anywhere on the lot to achieve compliance with a BAL 12.5 construction standard; or
- achieve a setback, for the purposes of defensible space, between future lots and hazard vegetation as follows:
 - 19 metres from the east and southern boundary, and
 - 27 metres from the Tabilk Depression.
- Any vegetation located in the setback between a future dwelling and a bushfire hazard must be managed in accordance with defensible space standards as set out in Table 6 of Clause 53.02.
- A perimeter road between future lots and the bushfire hazards along the eastern and southern boundaries and the Tabilk Depression.
- The road design and layout to provide a minimum of two access/egress points that connect into the existing road network.

Flora and Fauna

- A **Flora and Fauna Survey**, prepared by a suitably qualified expert, which includes but is not limited to, identification of the health and habitat value of any native vegetation located on the land and prepared in accordance with current Biodiversity Assessment Guidelines.
- The layout of the site and road alignment must seek to avoid removal of native vegetation.

Infrastructure Services

- An **Integrated Stormwater Management Plan** that incorporates water sensitive urban design techniques and provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts. The plans are to address:
 - Stormwater management methods, including the location of any on-site drainage retention facilities in accordance with the Infrastructure Design Manual.
 - The need for consideration of future subdivision layouts and road alignments to address the natural direction of overland flow paths for stormwater and riverine flooding, and the requirements of *Nagambie Flood Study 2017*.
- A Transport Impact Assessment Report in accordance with relevant guidelines that:
 - demonstrates that the proposed road network provides a high degree of connectivity and external and internal permeability.
 - identifies any required upgrades to the broader network as a result of the proposed subdivision.
 - specifies traffic measures necessitated by the future development.

- outlines existing cycle and pedestrian networks, including the waterside accessway and routes to key activity generators such as the High Street retail area, school, and other community facilities.
 - Identifies any impacts to the rail network and any mitigating works that would be required as a result of the proposed subdivision and development.
- An **Infrastructure Provision Plan** in accordance with the Infrastructure Design Manual to be approved by the responsible authority which makes arrangements for the owner or developer or both, to meet the entire cost of infrastructure and utilities, both on and off the land, generally associated with, or relating to the subdivision of the land and that addresses:
 - The Infrastructure Provision Plan and staging plan must be submitted as part of the development plan, indicating the proposed staging of the development.
 - Arrangements for provision of any necessary works including open space areas, infrastructure and utilities referenced in the various plans submitted as part of the Development Plan.
 - The provision, staging and timing of stormwater, drainage works and earthworks.
 - Staging and delivery of any identified works.

11.1.2 Variation to Contract Number 23/24-04 Municipal Settlement Strategy (Referred to as Urban Growth Strategy)

AUTHOR Director Community and Planning

RESPONSIBLE DIRECTOR Director Community and Planning

EXECUTIVE SUMMARY

In October 2023, Council via delegation awarded Contract number 23/24-04 Municipal Settlement Strategy to SD Planning for a sum of \$86,993.50 (including GST). SD Planning were appointed to develop the Municipal Settlement Strategy now referred to as the Urban Growth Strategy (UGS).

A variation (VO1) to Contract 23/24-04 Municipal Settlement Strategy to the value of \$10,500 (including GST) was approved under the delegation in July 2024. This additional work was required to align and deliver the existing conditions report, mapping, coordination and consistency across the UGS and the Rural Residential and Land Use Strategy, another key strategic land use planning document, as the two documents were being developed concurrently by two different consultants.

A second variation (VO2) is required to Contract 23/24-04 Municipal Settlement Strategy, for a further \$6,600 (including GST). This second variation was required to support the work required to participate in and deliver components of the Community Panel. The structure of the deliberative engagement was not determined when the original contract was awarded, as it was intended to be undertaken by internal resources which subsequently became unavailable. This second variation when combined with VO1, takes the total sum of the variation to 19.7%, which exceeds 15% of the total contract value, therefore it requires a Council resolution for approval, in accordance with Councils Procurement Policy.

The approval of VO2 would take the total contract value for CN 23/24-04 Municipal Settlement Strategy to \$104,093.50 (including GST). This second project variation can be accommodated within the existing operating budget allocation for strategic planning.

RECOMMENDATION**That Council:**

- 1. Approve the variation of \$6,600.00 (including GST), increasing the value of Contract No. 23/24-04 Municipal Settlement Strategy \$104,093.50 (including GST) to cover additional work associated with community engagement**
- 2. Note the previous variation of \$10,500 (including GST), approved under delegation**
- 3. Note that the project variation to cover additional work associated with the community engagement can be accommodated within the existing strategic planning budget.**

PURPOSE AND BACKGROUND

The purpose of the report is to approve a second variation (V02) to Contract 23/24-04 Municipal Settlement Strategy, for an additional \$6,600 (including GST). This second variation was required to support the work to participate in and deliver components of the Community Panel.

ISSUES, OPTIONS AND DISCUSSION

In October 2023, Council via delegation awarded Contract number 23/24-04 Municipal Settlement Strategy to SD Planning for a sum of \$86,993.00 (including GST). SD Planning were appointed to develop the Municipal Settlement Strategy now referred to as the Urban Growth Strategy (UGS).

The Urban Growth Strategy will guide sustainable urban development to 2051. It will aim to provide certainty about preferred development outcomes for Council, service providers, the community, landowners, and developers. The UGS integrates existing Council strategies, addresses land use opportunities and constraints, and considers broader population and lifestyle trends to establish a clear framework for future land use.

A variation (VO1) to Contract 23/24-04 Municipal Settlement Strategy to the value of \$10,500 (including GST) was approved under the delegation in July 2024. This work was required to align and deliver the existing conditions report, mapping and consistency across the UGS and the Rural Residential and Land Use Strategy, another key strategic land use planning document. Two different consultants were appointed for these respective strategies requiring additional meetings to ensure alignment and better coordination.

A second variation (V02) is required to Contract 23/24-04 Municipal Settlement Strategy, for a further \$6,600 (including GST). This second variation is required to support the work required to participate in and deliver components of the Community panel. The structure of the deliberative engagement was not determined when the original contract was awarded. As it was intended to be undertaken by internal resources which subsequently became unavailable. This second variation when combined with VO1, takes the total sum of the variations over 15% of the total contract value.

In accordance with Council's Procurement Policy, variation(s) above 15% of the total Contract value must be approved by Council. The cumulative value of VO1 and VO2 is \$17,100 (including GST), which is 19.7% of the Contract Price.

The approval of VO2 would take the total contract value for CN 23/24-04 Municipal Settlement Strategy to \$104,093.50 (including GST).

COMMUNITY ENGAGEMENT

No community engagement was required on this matter.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 4: Inclusive. Productive. Balanced.

We are managing growth carefully to protect the environment and meet our social infrastructure needs.

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Be accountable for the decisions we make and the quality of service we deliver. Maximise public transparency and accountability around our performance and decision-making processes.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the following legislation, council policies and key strategic documents:

The requirement for this report is in accordance with Council's Procurement Policy. VO2 is also a result of Council's requirement to use deliberative engagement when developing key strategic documents of Council as outlined in Council's Community Engagement Policy.

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Lack of transparency with community	Unlikely	Moderate	Low	Regular reporting to Council and the community on contracts
Further works beyond budgeted amount	Possible	Moderate	Low	Contract variation once deliberative remit was understood/ agreed

LEGAL CONSIDERATIONS

There are no significant legal considerations associated with this report.

The additional work associated with VO2 was required to ensure Council is acting in accordance with the *Local Government Act 2020*, and the requirement for Council to use deliberative engagement on key long term strategy documents.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

This report will be presented to Council in a Council meeting, open to the public and live streamed to the public. This is consistent with Council's Transparency Policy, enabling the community to have oversight regarding the matters being discussed by Council and the decisions being made.

FINANCIAL VIABILITY CONSIDERATIONS

The additional funds required to accommodate VO2 are offset by savings obtained by vacant staff positions.

COLLABORATION

No formal collaboration was undertaken in the production of this report.

HUMAN RIGHTS CONSIDERATIONS

There are no significant human rights implications arising from this report.

CONCLUSION

A second variation has been received relating to Contract 23/24-04. This variation is in addition to a previous variation that was approved. The total of both variations is \$17,100 including GST) which takes the cumulative variation total above 15%, in line with Council's Procurement Policy this variation is now ready for Council's consideration.

ATTACHMENTS

Nil

11.1.3 Planning Applications Received and Planning Applications Determined 1 March 2025 to 31 March 2025

AUTHOR Principal Planner

RESPONSIBLE DIRECTOR Director Community and Planning

EXECUTIVE SUMMARY

In accordance with Council's Planning Applications referral to Council Policy, this monthly report lists all Planning Applications Received (Attachment One) and Planning Applications Determined (Attachment Two) from 1 March to 31 March 2025.

It is noted that there were nine (9) new planning applications received for the month and ten (10) were determined for the month.

The latest available Planning Permit Activity Performance (PPARs) figures for the month of March have been included as Attachment Three.

Attachment Four provides an update on current Victorian Civil and Administrative Tribunal (VCAT) appeals.

The contents of this report are provided for information purposes only, the listing of current planning applications on public display can be found on Council's website.

RECOMMENDATION

That Council:

- 1. Receive the report**
- 2. Note that there were nine (9) new planning applications received, and ten (10) planning applications decided on during the period of 1 to 31 March 2025.**

PURPOSE AND BACKGROUND

To report to Council on the current planning application activity and matters considered under delegation.

ISSUES, OPTIONS AND DISCUSSION

Council is a Responsible Authority under the *Planning and Environment Act 1987* (the Act). In this role, Council administers the Strathbogie Planning Scheme (Planning Scheme) and, among other things, determines planning permit applications made for the use and development of the land in the municipality. Under delegated authority of Council, Council officers determine some matters.

Many types of use and development do not require a planning permit and may take place without being recorded as part of the planning approvals data. The statistics presented do not represent all development activity in the municipality. In addition, some planning permits are

not acted on, or there may be a delay between when the approval is granted and when works take place.

COMMUNITY ENGAGEMENT

Individual applications consider these requirements through assessment phase of each application as per the *Planning and Environment Act 1987* and the provisions of the Strathbogie Planning Scheme.

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Failure to notify Council of a planning permit application of significant public interest or that is controversial in nature.	Possible	Moderate	Low	Regular reporting on planning permit applications received and decided.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

This report continues to demonstrate that Council is being transparent in its position in relation to all applications received and determined by the Council.

CONCLUSION

This report is provided for Council to note the current planning permit application activity for March 2025.

ATTACHMENTS

Attachment 1: Planning Applications Received

Attachment 2: Planning Applications Determined

Attachment 3: Planning Permit Activity Performance Figures

Attachment 4: Current VCAT Appeals

Attachment One – Planning Applications Received March 2025

Date Received	Application No	Address	Proposal	Cost Of Development
04-03-2025	P2025-022	33 ASHWIN STREET VIOLET TOWN VIC 3669 Australia	Use and development of land for the construction of a store.	\$10,000.00
14-03-2025	P2025-023	2 MILLARDS LANE EUROA VIC 3666 Australia	Two lot subdivision (house lot excision)	\$0.00
17-03-2025	REF20250030	107 WHEELERS LANE CREIGHTONS CREEK VIC 3666 Australia	Development of land for the construction of a shed	\$15,000.00
26-03-2025	P2025-024	35 SCOTT STREET EUROA VIC 3666	Development of land for a major promotion sign.	\$25,000.00
28-03-2025	P2025-025	336 PENNY LANE GOORAM VIC 3666	Development of land for additions to an existing dwelling; Construction of two farm sheds	\$250,000.00
31-03-2025	REF20250034	416 SEVEN CREEKS ESTATE ROAD EUROA VIC 3666	Development of land for the construction of a dwelling	\$1,900,000.00
31-03-2025	REF20250035	3 LAURIE CRESCENT NAGAMBIE VIC 3608	Construction of two dwellings; Two lot subdivision	\$920,000.00
05-03-2025	V2025-005	667 EUROA-MANSFIELD ROAD EUROA VIC 3666 Australia	Development of land for construction of a farm shed	\$50,000.00
28-03-2025	V2025-006	1805 Creightons Creek Road Creightons Creek 3666	Development of land for construction of a farm shed.	\$70,000.00

Attachment Two – Planning Applications Determined March 2025

Date of Decision	Application No	Address	Proposal	Decision
14-03-2025	P2021-122-1	25 Tarcombe Street Eurora	Extend liquor license operating hours	NOD to Grant a Permit
19-03-2025	P2024-004-1	11 Nolans Road Ruffy	Use and development for a dwelling amended to include a shed	Permit
17-03-2025	P2024-110	46 Cowslip Street Violet Town	Development of land for additions to a residential aged care facility	Permit
14-03-2025	P2024-124	45 Binney Street Euroa	Use of land for a liquor license	NOD to Grant a Permit
19-03-2025	P2024-125	69 Loddings Lane Nagambie	Native vegetation removal	Permit
14-03-2025	P2025-001	48-52 Graham Street Euroa	Development of land for an extensio to an existing egg grading facility and removal of native vegetation	Permit
24-03-2025	P2025-007	1484 Pranjip Road Pranjip	Boundary realignment	Permit
17-03-2025	P2025-013	107 Wheelers Lane Creightons Creek	Development of land for the construction of a shed	Permit
26-03-2025	P2025-020	50 Spencer Street Avenel	Use and development of land for the construction of a dwelling	Permit
26-03-2025	P2025-021	511 Avenel Nagambie Road Avenel	Development of land for the construction of a pergola	No permit required

Attachment Three – Planning Permit Activity Performance figures

Summary

1 March 2025 to 31 March 2025

Planning permits summary helps identify trends in planning permit applications. This helps to support improvements to the planning system, understand reasons for permit workload volumes in council areas, compare data across Victoria and give councils helpful information for managing resources.

Applications received

The number of applications received. This gives an indication of the pipeline of Planning applications and workload for responsible authorities (RA) along with supporting a comparison to the number determined or approved. This has been broken down into application type to demonstrate the proportion of new applications compared to amendments.

9

Responsible authority (RA) outcome

The number of applications with an outcome from the responsible authority, this includes any outcome which removes it from RA processing. This supports insight into the workload and delivery from RAs.

This has been broken down into application type to demonstrate the proportion of new applications compared to amendments.

10

8 out of the 10 were issued within the statutory timeframe

80%

The two that were issued outside the statutory timeframe were the ones that were issued as NOD's due to objections – when objections are received council mediates and that sits outside the statutory process and extends the timeframe

Attachment Four – Current VCAT appeals

Hearing Date	Ref No	Address	Proposal	Appeal
Compulsory Conference (sets the direction and identifies preliminary matters) April 2025 Hearing July 2025	P2023-128 P1022/2023	82 Kirwans Bridge Road Kirwans Bridge	Camping and Caravan Park	S82 (objector)

11.2 Community

11.2.1 Engagement approach to review Council's position to fund events that celebrate Australia Day on January 26

AUTHOR Director Community and Planning

RESPONSIBLE DIRECTOR Director Community and Planning

EXECUTIVE SUMMARY

At the 10 December 2024 Council Meeting Council resolved to:

“Authorise officers to prepare and present a report at the April 2025 Council Meeting on options for Council to undertake a review of Council’s policy position relating to events that celebrate Australia day on January 26, to include engagement with the Strathbogie Shire community, affected community groups, and the Taungurung Land and Waters Council at a minimum”.

This report presents a proposed engagement approach for Council’s consideration regarding the matter in line with the resolution.

RECOMMENDATION

That Council:

- 1. Approve the community engagement approach as outlined in the Community Engagement Section of this report to review Council’s policy position on events that acknowledge Australia Day**
- 2. Invite representatives from Taungurung Land and Waters Council and Yorta Yorta Nation Aboriginal Corporation to present to Council at a future Council Briefing**
- 3. Invite a representative from each of the local Australia Day Committee’s in the municipality to present to Council at a future collective Council Briefing**
- 4. Undertake broad community engagement via a community poll in line with the approved community engagement approach**
- 5. Authorise the Director Community and Planning to engage a suitably qualified company to undertake the randomised phone poll in line with the approved community engagement approach up to \$15,000 excluding GST**
- 6. Receive a further report at a future Council Meeting upon completion of recommendations two (2), three (3), four (4) and five (5).**

PURPOSE AND BACKGROUND

This report presents an engagement approach to Council to inform Council’s position relating to funding and formal representation at community events that acknowledge Australia Day.

ISSUES, OPTIONS AND DISCUSSION

Council's involvement in events that acknowledge Australia Day has varied over the years and has often taken the form of funding and formal attendance. Council has not had a specific policy stating its position relating to Australia Day.

Council has a statutory responsibility under Local Law No.2 Community to consider Event Applications for all events held on public land owned or managed by Council.

Events seeking funding have previously received funding through Council's grant programs, in line with the relevant grant guideline.

The Australian Federal Government through the National Australia Day Council provides funding for Australia Day events through their Community Events Grant Program, direct to event organisers.

This funding supports inclusive and accessible events that reflect, respect, and celebrate Australian culture and history. Council has previously applied for these funds and then distributed them out to community groups. More recently groups have been eligible to apply directly to the National Australia Day Council for the funding, due to a change in the Federal Grant Programs eligibility criteria and guidelines.

At the 17 May 2022 Council Meeting, in response to a Notice of Motion received in 2021 and Council's Memorandum of Understanding with Taungurung Land and Waters Council (Taungurung), Council authorised engagement with the broader community and Australia Day Committees within the Shire on Council's role on January 26 outlining several options.

At the extraordinary Council Meeting on 28 June 2022, the engagement report was presented to Council and there was no clear consensus on a future direction. This report was noted by Council and a resolution was carried to '*continue to celebrate January 26 in 2023, as per the previous arrangements*'. Previous arrangements had included support for community events through funding, Council representation and varying event management support.

At the Council Meeting held on 16 May 2023, Council considered a further report relating to Council's role in acknowledging January 26 - 2024 and beyond, as the previous resolution/s only pertained to the arrangements for 2023.

At this meeting a statement from Taungurung Land and Waters Council had been received stating their position on January 26 which also respected the responsibilities and commitments of partners and stakeholders and also asked them to "*frequently consider deeply the views of the Taungurung Nation and the actual need to continue celebrating a day which would continue to isolate and segregate the Taungurung people on their own Country*".

Council resolved to:

1. Note the Taungurung Land and Waters Council Statement on January 26
2. No longer formally supports celebrations on January 26, from 2024 and beyond
3. Amend Council's Event Sponsorship Guidelines and Community Grant Guidelines deeming activities celebrating Australia Day on 26 January (in kind or cash) as ineligible
4. Continue to fulfill Council's statutory obligations – event permit under Local Law 2
5. Empower the Share Strathbogie Community Panel to determine how we best recognise volunteers in our community who make outstanding contributions within existing resources. Note that Australia Day Committees may continue arrangements that they determine and seek funding directly from the National Australia Day Council.

In 2024, Council did not provide support (financial, in kind, or via formal Councillor representation) to the four events that were held on January 26 within the municipality to celebrate Australia day as per the resolution.

At the 10 December 2024 Council Meeting, Council received a letter from the Euroa Australia Day Committee requesting Council immediately reinstate support for events that celebrate Australia Day on January 26. At this meeting Council resolved to:

1. Receive and note the letter dated 16 November 2024, from the Euroa Australia Day Committee 2025, requesting Council immediately reinstate Council's official support of Australia Day on January 26
2. Authorise officers to prepare and present a report at the April 2025 Council Meeting on options for Council to undertake a review of Council's policy position relating to events that celebrate Australia day on January 26, to include engagement with the Strathbogrie Shire community, affected community groups, and the Taungurung Land and Waters Council at a minimum
3. Following an Expression of Interest process, provide funding to Australia Day Committees, or their relevant auspice agency, up to the value of \$2000, to support events held in the Strathbogrie Municipality that celebrate Australia Day on January 26, 2025
4. Authorise the Chief Executive Officer to award the approved funding to the relevant Australia Day committee or auspice agency following the review of their Expressions of Interest through a letter of financial agreement
5. Refer the costs associated with item four (4) above to the mid-year budget review process for Council's consideration
6. Support the Australia Day January 26, 2025, events through Councillor representation, should councillors choose to do so.

Six community events celebrating Australia Day were held in 2025 within Strathbogrie Shire. These events were organised by community committees, all six received funding through Council, one also received funds from the National Austral Day Council in addition to the funding received from Council.

The resolution passed on 10 December 2024 requires Council to engage with Taungurung, as First Nations representatives, along with the affected community groups and the Strathbogrie Shire Community at a minimum, to help inform a future Council position on events that acknowledge Australia Day.

COMMUNITY ENGAGEMENT

Community Engagement Approach

A proposed engagement approach giving regard to the Council's Community Engagement Policy has been developed and with the aim of engaging with a broad cross section of the municipality.

To demonstrate this, it incorporates the use of an independent randomised phone poll with the intent to reach a statistically significant response rate of 400 residents and encourage engagement with those who may not usually engage with the Council.

This approach also includes targeted engagement via a council briefing with:

- Taungurung and Yorta Yorta Nation Aboriginal Corporation (Yorta Yorta), Registered Aboriginal Parties representing areas of the municipality
- A representative from each of the Australia Day Committees in the municipality.

It also proposes broad Council led community engagement through a community poll available on Share Strathbogie and through hard copy polls with reply paid envelopes made available at Council's customer service centres and identified locations in the municipality.

(IAP2 level) Depth: Consult

Public participation goal: To obtain public feedback on analysis, alternatives and/or decisions.

Promise to the public: We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.

The goals and tools used are summarised in Table One below.

Stage	Goal	Tools and Methods
One	<ul style="list-style-type: none"> • To inform the community about Council's engagement regarding Council's position to fund events that acknowledge Australia Day • To ensure the community understands how to share their views. • To seek community input via a Community Poll and a randomised phone survey. 	<ul style="list-style-type: none"> • Social media • Media release • Share Strathbogie online engagement • Website content • Council Column • In person Voting at Customer Service or via collection of hard copy poll with a reply paid envelope at various locations in the municipality • Randomised phone poll (required to yield a statistically significant response rate of n=400) conducted via an independent quantitative research company
Two	To seek input from those who this matter has a direct impact on	Provide an opportunity for a: <ul style="list-style-type: none"> • Council Briefing for Taungurung Land and Waters Council • Council Briefing for Yorta Yorta Nation Aboriginal Corporation • Collective Council Briefing for a representative from each local Australia Day Committee in the Municipality
Three	To inform the community of the outcome of the engagement.	<ul style="list-style-type: none"> • Social media • Media release • Share Strathbogie update • Engagement report • Website content • Council Column

Methodology

Targeted engagement will occur via a letter of invitation to be sent to Taungurung, Yorta Yorta and Australia Day Committee representatives to come and present to Council on whether Council should fund events that acknowledge Australia Day.

A community poll will be used to gain an understanding of community support for Council funding for and formal Council representation at Australia Day events.

The community poll and randomised phone poll will incorporate the below:

Preamble

Australia Day (January 26) is a federally recognised public holiday. The Federal Government makes funding available to local government and/ or community groups for Australia Day events. Council is not engaging in discussions about changing the date or other political aspects, as that remains a Federal Government matter, but Council can decide its involvement in local events and activities.

Question 1:

To what extent do you support Strathbogie Shire Council providing funding to local community groups for events that acknowledge Australia Day?

(Please select one)

- Strongly support
- Somewhat support
- Neutral / No opinion
- Somewhat oppose
- Strongly oppose

Question 2:

To what extent do you support Councillors attending community events that acknowledge Australia Day in an official capacity?

(Please select one)

- Strongly support
- Somewhat support
- Neutral / Leave it to individual Councillors
- Somewhat oppose
- Strongly oppose

Community poll

The community poll will be available via Share Strathbogie, for a three-week period, with online voting requiring a log in to Share Strathbogie to protect the validity of the poll.

For those unable to vote via Share Strathbogie, a hard copy option will be available at Council's Customer Service Centres in Nagambie and Euroa, and a hard copy with a reply-paid envelope will be made available at a location in Strathbogie, Violet Town, Avenel and Longwood.

Lodgement in both formats will require the participant to provide their name, address, email and sign a declaration to support validity. Only polls from those that can provide an address in the municipality will be included in the final engagement report.

Randomised phone poll

Concurrently with the Council's community poll, a randomised phone poll using the same questions will be conducted by an independent quantitative research company. The target for this poll will be a yield of 400 responses, to provide a statistically significant data set incorporating the views of those who don't often engage with the Council's traditional engagement processes.

An engagement report will be completed at the conclusion of all engagement activities which will be presented and considered by Council prior to the report being made available to the public on Council's website.

The Community Engagement Policy has been considered in development of this proposed Engagement approach.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 1: Engage. Create. Unite.

First Nations culture, knowledge and heritage enriches our Shire.

Strategic Focus Area 4: Inclusive. Productive. Balanced.

We care, support and listen to each other.
We partner with our community to achieve great things.

Strategic Focus Area 5: Strong. Healthy. Safe.

We have protected 'the vibe' we love.

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Maximise public transparency and accountability around our performance and decision-making processes.

Be financially responsible, achieving the greatest possible community benefit from the programs, initiatives and services we fund.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the following legislation, council policies and key strategic documents:

- *Local Government Act 2020*
- Community Engagement Policy
- Local Law No. 2 Community
- Memorandum of Understanding (MOU) with Taungurung

Council is not legislated to perform any functions relating to participating, funding or representation at community events on Australia Day.

The decision to hold, fund or participate in events on Australia Day is at the discretion of Council.

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
The community poll is not considered valid	Possible	Minimal	Medium	The requirement to provide evidence and sign a declaration to provide some assurance that the vote is legitimate
The outcome of the engagement report is not representative of the municipal community	Possible	Minimal	Medium	Randomised phone poll to be undertaken with the aim to yield a statistically significant sample size
Reputational risk to Council	Possible	Minimal	Medium	A clear engagement approach has been proposed and is presented to Council to ensure the community and impacted stakeholders know how Council will be engaging on this matter.

LEGAL CONSIDERATIONS

Council is a party to a Memorandum of Understanding (MOU) with Taungurung. The MOU is underpinned by several principles which establish the basis for mutual commitment and the relationship between parties.

The MOU does not limit Council's ability to provide funding for or be formally represented at events that acknowledge Australia Day.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

This report will be presented to Council in a Council meeting, open to the public and live streamed to the public. This is consistent with Council's Transparency Policy, enabling the community to have oversight regarding the matters being discussed by Council and the decisions being made.

FINANCIAL VIABILITY CONSIDERATIONS

A funding allocation of up to \$15,000 excluding GST is required to engage a company to undertake the randomised phone poll to achieve a statistically significant data set. Savings in the current 2024-25 operating budget will be required to be identified by officers to accommodate this unbudgeted expenditure.

The Australian Federal Government through the National Australia Day Council provides funding for Australia Day events through their Community Events Grant Program, direct to event organisers. This funding supports inclusive and accessible events that reflect, respect, and celebrate Australian culture and history.

SUSTAINABILITY CONSIDERATIONS

Social

This report seeks to undertake a proposed engagement process with the community to consider whether Council should fund and be formally represented at events that acknowledge Australia Day.

HUMAN RIGHTS CONSIDERATIONS

There are no significant implications for human rights arising from this report, as the report relates to a proposed engagement approach. The engagement approach aims to be inclusive and considered, providing opportunities for the broader community to have their voices heard, whilst providing a more targeted avenue of engagement for those immediately impacted by this matter.

CONCLUSION

This report presents a proposed engagement approach to review Council's position to fund and be represented at community events that acknowledge Australia Day, for Council's consideration.

ATTACHMENTS

Nil

11.2.2 Municipal Building Control Intervention Policy

AUTHOR Manager Community Safety

RESPONSIBLE DIRECTOR Director Community and Planning

EXECUTIVE SUMMARY

Organisational policies provide the framework and structure for Council's business operations to ensure the application of good governance, risk and compliance.

The Municipal Building Control Intervention Policy sets out how and when Council and its Municipal Building Surveyor will respond to building control matters where:

- a private building surveyor has been appointed and is responsible to carry out functions under the Act, and
- when matters will be referred to the Victorian Building Authority and/or Building Practitioners Board for their administration and enforcement of the *Building Act 1993*.

The Municipal Building Control Intervention Policy has been reviewed in accordance with the schedule requirements of the policy. The review identified that minimal changes were required, the changes identified include:

- Updating the referenced Building Regulations year from 2006 to 2018
- Adding a note clarifying when it is appropriate to refer to Council's Complaints Policy.

These updates ensure the Policy remains current and aligned to regulatory requirements.

RECOMMENDATION

That Council:

- 1. Adopt the Municipal Building Control Intervention Policy.**
- 2. Place the Policy on Council's website, along with the publication of a notice in Council's weekly newspaper column and social media pages about the adoption of the policy.**

PURPOSE AND BACKGROUND

The purpose of the report is to adopt the Municipal Building Control Intervention Policy in accordance with the schedule requirements of the policy.

ISSUES, OPTIONS AND DISCUSSION

The Building Act 1993 outlines the responsibilities of Council in the intervention of building works not in accordance with the legislation. These responsibilities not only reduce unnecessary risk to council they also ensure that all matters reported to council are investigated in a timely manner and where appropriate reported to the relevant bodies.

It is also designed to deter illegitimate or incompetent practitioners by the threat of referral to the appropriate Building Authority being the Building Practitioners Board or the Victorian Building Authority.

The policy ensures that intervention occurs at an appropriate time, and that the relevant actions are taken in a timely manner to act on any complaint and make the relevant reports to the appropriate bodies.

It also provides Council with the ability to intervene using the powers set out in the *Building Act 1993* or to seek voluntary compliance.

There have been only minor changes made to this policy to ensure it is consistent with the current Act and Regulations and reflects our current operational structure.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the following legislation, council policies and key strategic documents:

- *Local Government Act 2020*
- *Building Act 1993*
- Building Regulations 2018

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Risk to life and building if the Application of this policy is not adhered to.	Possible	Major	Medium	Ensure policy is adhered to and enforced.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

In the interests of transparency and open and honest communication with our community this report is presented to a public Council meeting.

INNOVATION AND CONTINUOUS IMPROVEMENT

This policy ensures continuous improvement and includes regular review.

HUMAN RIGHTS CONSIDERATIONS

The recommendation does not limit any human rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

Organisational policies provide the framework and structure for Council's business operations to ensure application of good governance, risk and compliance.

A review of the Council's Municipal Building Control Intervention Policy has been undertaken, with only minor changes recommended and the Policy is presented for adoption.

ATTACHMENT

1. 202503 Municipal Building Control Intervention Policy

Strathbogie Shire Council Municipal Building Control Intervention Policy

OFFICIAL

March 2025

Strathbogie
SHIRE COUNCIL

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Municipal Building Control Intervention Policy

Document ID:	369543 SSCEDOC-43802981-380
Effective Date:	11 April 2017
Last Review:	20 September 2022
Current Review:	March 2025
Date Adopted by Council:	
Next Scheduled Review Date:	March 2027
Responsible Officer:	Director Community and Planning

PART 1 POLICY

1. PURPOSE

To set policy as to:

- (1) how and when Council and its Municipal Building Surveyor will respond to building control matters where a private building surveyor has been appointed and is responsible to carry out functions under the *Building Act 1993* (the Act)
- (2) when matters will be referred to the Victorian Building Authority and/or Building Practitioners Board for their administration and enforcement of the *Building Act 1993*.

2. POLICY STATEMENT

Objectives:

- To direct matters/complaints to appropriate bodies
- To manage risk and provide accountability in building control
- To reduce unnecessary Council liability
- To provide consistency and transparency of Council's approach in the administration and enforcement of the *Building Act 1993*.

Municipal Building Control Intervention Policy Document 369543

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- To deter wayward practitioners by threat of referral to the Building Practitioners Board and/or Victorian Building Authority for disciplinary or directive actions.

3. APPLICATION OF THIS POLICY

- 3.1 When a complaint is received the Municipal Building Surveyor will use the Building Control Filter Criteria ('the Filter Criteria'), as set out in the Municipal Building Control Intervention Guidelines, to determine when to intervene using the powers under the Building Act. The filter uses a risk assessment matrix to classify the method of response based on the level of risk to life and property.
- 3.2 The filter criteria provides for a range of actions - from immediate action by the Municipal Building Surveyor and referral of the matter to the relevant building surveyor (for him or her to attend to the matter).
- 3.3 Where there may be unprofessional conduct or failure to comply with the Act or Regulations, by any building practitioner, these may be referred to the Building Practitioners Board or the Victorian Building Authority for supervision, direction and/or discipline.

4. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities
Deputy Municipal Building Surveyor	To administer the relevant provisions of the <i>Building Act 1993</i> and the Building Regulations 2018
Municipal Building Surveyor	To administer the relevant provisions of the <i>Building Act 1993</i> and the Building Regulations 2018

5. DEFINITIONS

Term	Meaning
Council	means the Strathbogie Shire Council
Deputy Municipal Building Surveyor (DMBS)	means the officer appointed by Council under the <i>Local Government Act 1989</i>
Municipal Building Surveyor (MBS)	means the officer appointed by Council under the <i>Local Government Act 1989</i>
Private Building Surveyor	means Private Building Surveyor

OFFICIAL**6. RELATED POLICIES AND LEGISLATION**

The following Council, State, regional and national plans and policies are relevant to this policy:

- *Building Act 1993*
- Building Regulations
- Municipal Building Control Intervention Guidelines (Part 2 to this document)
- When it is deemed that the matter is not considered relevant to this policy it will be referred to Councils Complaints policy

7. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the Chief Executive Officer at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

8. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

OFFICIAL**PART 2 Guidelines****ASSOCIATED WITH MUNICIPAL BUILDING CONTROL INTERVENTION POLICY**

For Council's Administration and Enforcement of:

Parts 3,4,5,7 & 8 of the *Building Act 1993* and Building Regulations 2018 in circumstances where a private building surveyor has been appointed to carry out functions

Municipal Building Control Intervention Policy Summary

When a complaint is received the Municipal Building Surveyor will use the Building Control Filter Criteria ('the Filter Criteria'), as set out in the Municipal Building Control Intervention Guidelines, to determine when to intervene using the powers under the *Building Act 1993*. The filter uses a risk assessment matrix to classify the method of response based on the level of risk to life and property.

The filter criteria provides for a range of actions - from immediate action by the Municipal Building Surveyor to the referral of the matter to the relevant building surveyor (for them to attend to the matter).

Where there may be unprofessional conduct or failure to comply with the Act or Regulations, by any building practitioner, these may be referred to the Building Practitioners Board or the Victorian Building Authority for supervision, direction and/or discipline.

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9. BUILDING CONTROL INTERVENTION FILTER CRITERIA**STEP 1 - Determine The Possible Consequences Of The Matter Being Complained Of:**

Table E1 Qualitative measures of consequence and impact

Level	Descriptor	Example detail description
1	Insignificant	No injuries, low financial loss, no detriment to health, no damage to property, siting
2	Minor	Injury (self-treatable e.g., minor cuts or abrasions), medium financial loss, minimal detriment to health, minor damage to property.
3	Moderate	Injury (medical treatment required by other), high financial loss, moderate detriment to health, moderate damage to property.
4	Major	Serious non-permanent injury, major financial loss, major detriment to health, major damage to property.
5	Catastrophic	Permanent injury or death, huge financial loss, irreparable damage to property.

STEP 2 - Determine The Likelihood Of The Event In Step 1 Occurring

Table E2 Qualitative measures of likelihood

Level	Descriptor	Description
A	Almost certain	Is expected to occur in most circumstances
B	Likely	Will probably occur in most circumstances
C	Possible	Might occur some time
D	Unlikely	Could occur at some time
E	Rare	May occur only in exceptional circumstances

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STEP 3 - Locate The Issue On The Risk Matrix By Comparing The Likelihood To The Consequence

Table E3 Qualitative risk analysis matrix - level of risk

Likelihood	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (almost certain)	M	M	E	E	E
B (likely)	M	M	H	E	E
C (Possible)	L	M	H	H	E
D (unlikely)	L	L	M	H	E
E (rare)	L	L	M	H	H

STEP 4 - Identify Action To Be Taken #

Table E4 Legend for Risk Analysis Matrix and Treatment

E	Extreme Risk: Immediate action required	Refer to PBS without delay*	Council/MBS takes immediate action to suitably reduce risk**	If there is evidence of conduct by any building practitioner such that a funding under section 179(1) of the <i>Building Act 1993</i> could be made by the Building Practitioners Board the matter, with supporting evidence, may be referred to that Board for inquiry
H	High Risk: Attention needed in reasonable time	Refer to PBS without delay*	Council/MBS takes action if PBS is not taking action to suitably reduce the risk within reasonable time	If there is suspicion that any practitioner has engaged in conduct that may amount to illegal conduct or conduct as set out in section 179(1) of the Act the matter may be referred to the Victorian Building Authority for investigation
M	Moderate Risk: Treatment by PBS	Refer to PBS without delay*	No other action by Council/MBS	and
L	Low Risk: Manage by referral	Refer to PBS without delay* Or Refer complainant to PBS without delay	No other action by Council/MBS	If it is necessary to do so the proper administration of the Act, may refer the matter of RBS to the Building Authority for the exercise of its directive powers un S205M of the <i>Building Act 1993</i> .

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When the MBS forms an opinion that an emergency order is required then these matters are automatically 'Extreme Risk' (see notes on emergency orders on next page)

*Consider the privacy of the complainant when referring the matter to the PBS.

** s89(1) The Victorian Building Authority, on the application of an owner or adjoining owner may declare that emergency protection work is required in respect of a particular adjoining property.

STEP 5 - Take The Action As Required By The Matrix**Emergency Orders**

An emergency order may be issued pursuant to section 102, Division 1, Part 8 of the *Building Act 1993*. Section 102 of the Act provides an MBS with the power to deal with urgent safety matters in a timely and efficient manner.

An emergency is not an essential condition for the issuing of an emergency order. However, the heading of Division 1, Part 8, "Emergencies", does give some guidance as to the context in which the words in that Division are to be interpreted.

An emergency order should be used where, in the circumstances described in section 102, the MBS forms the view that there is a danger to life or property. Typically, an emergency order should be issued where there is a sense of urgency in the situation and immediate action is warranted. It should be noted that a building notice under section 106 cannot compel the owner or occupier to take immediate action.

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10. SUPPORTIVE LETTERS

Letter - Referral of complainant to PBS - L-'Low Risk'

Option 1 Letter - Low Risk

[COUNCIL LETTERHEAD]

[Insert name of PBS]

[Insert address of PBS]

Dear

Re: Building work at [insert address]

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the *Building Act 1993* in respect of the building/building work at the above address.

Information has been received by this office regarding [insert details of complaint].

The above matter is considered to be within the scope of your appointment, and you are the appropriate person to deal with this issue and any surrounding issues.

Having considered the Municipal Building Control Intervention Filter Criteria Policy that has been adopted by this Council, the Municipal Building Surveyor does not intend exercising powers under the Building Act which are equally available to you. If, after a reasonable time however, it becomes evident that you have not taken appropriate action, the details of this matter may be referred to the Building Practitioner's Board and/or the Victorian Building Authority.

Yours faithfully

Copy: Owner Copy: Complainant

(Consider the privacy of the complainant when referring the matter to the relevant building surveyor)

Municipal Building Control Intervention Policy Document 369543

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OFFICIAL**Letter - Referral of complainant to PBS - L-'Low Risk'****Option 2 Letter - Low Risk**

[COUNCIL LETTERHEAD]

[Insert name of Complainant]

[Insert address of Complainant]

Dear

Re: Building work at [insert address]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

The Building Act 1993 establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances such as this, where a private building surveyor has been appointed, it is that private building surveyor who has powers and responsibilities which enable and obligate them to deal with the matters raised by you. I recommend therefore that you raise your concerns directly with the private building surveyor relevant to this work. The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

* I have also referred your concerns to the relevant private building surveyor for their action. A copy of that referral is enclosed. (* optional paragraph if also referring to relevant private building surveyor)

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Victorian Building Authority also has powers to oversee private building surveyors.

Any future matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Victorian Building Authority (both of 733 Bourke Street, Docklands, Victoria, Australia 3008 T: 1300 815 127).

Yours faithfully

OFFICIAL

Letter - Referral of complaint to PBS - M-'Moderate Risk'

[COUNCIL LETTERHEAD]

[Insert name of PBS]
[Insert address of PBS]

Dear

Re: Building work at [insert address]

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the *Building Act 1993* in respect of the building/building work at the above address.

Information has been received by this office regarding [insert details of complaint].

The above matter is considered to be within the scope of your appointment, and you are the appropriate person to deal with this issue and any surrounding issues.

Having considered the Municipal Building Control Intervention Filter Criteria Policy that has been adopted by this Council, the Municipal Building Surveyor does not intend exercising powers under the Building Act which are equally available to you. If, after a reasonable time however, it becomes evident that you have not taken appropriate action, the details of this matter may be referred to the Building Practitioner's Board and/or the Victorian Building Authority.

Yours faithfully

Copy: Owner

Copy: Complainant

(Consider the privacy of the complainant when referring the matter to the relevant building surveyor)

OFFICIAL**Letter to complainant advising of referral to PBS - M-'Moderate Risk'**

[COUNCIL LETTERHEAD]

[Insert name of Complainant]

[Insert address of Complainant]

Dear

Re: Building work at [insert address]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

The Building Act 1993 establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances such as this, where a private building surveyor has been appointed, it is that private building surveyor who has powers and responsibilities which enable and obligate them to deal with the matters raised by you.

I have therefore referred your concerns to the relevant private building surveyor for their action. A copy of that referral is enclosed.

The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

You may also wish to contact the private building surveyor directly.

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Victorian Building Authority also has powers to oversee private building surveyors.

Any future matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Victorian Building Authority (both of 733 Bourke Street, Docklands, Victoria, Australia 3008 T: 1300 815 127).

Yours faithfully

OFFICIAL

Letter – Referral of Complaint to PBS - H-'High Risk'

[COUNCIL LETTERHEAD]

[Insert name of PBS]

[Insert address of PBS]

Dear

**Re: Urgent Referral
Building work at [insert address]**

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the *Building Act 1993* in respect of the building/building work at the above address.

Information has been received by this office regarding [insert details of complaint].

The above matter is considered to be within the scope of your appointment, and you are the appropriate person to deal with this issue and any surrounding issues.

Having considered the Municipal Building Control Intervention Filter Criteria Policy that has been adopted by this Council, the Municipal Building Surveyor does not at this time intend exercising powers under the Building Act which are equally available to you. If, after a reasonable time however, it becomes evident that you have not taken appropriate action, the Municipal Building Surveyor may intervene and take any necessary action under the Building Act.

In the event it is necessary for the Municipal Building Surveyor to intervene, details of this matter may be referred to the Building Practitioner's Board and/or the Victorian Building Authority.

Yours faithfully

Copy: Owner

Copy: Complainant

(Consider the privacy of the complainant when referring the matter to the relevant building surveyor)

OFFICIAL**Letter to complainant advising of referral to PBS - H-'High Risk'**

[COUNCIL LETTERHEAD]

[Insert name of Complainant]

[Insert address of Complainant]

Dear

Re: Building work at [insert address]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

The Building Act 1993 establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances such as this, where a private building surveyor has been appointed, it is that private building surveyor who has powers and responsibilities which enable and obligate them to deal with the matters raised by you.

I have therefore referred your concerns to the relevant private building surveyor for their action. A copy of that referral is enclosed.

The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

You may also wish to contact the private building surveyor directly.

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Victorian Building Authority also has powers to oversee private building surveyors.

Any future matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Victorian Building Authority (both of 733 Bourke Street, Docklands, Victoria, Australia 3008 T: 1300 815 127).

In the event that the private building surveyor has not taken action in regard to your concerns within [insert time period] please advise this office accordingly.

Yours faithfully

OFFICIAL

Letter to PBS - E-'Extreme Risk'

[COUNCIL LETTERHEAD]

[Insert name of PBS]

[Insert address of PBS]

Dear

**Re: Urgent Referral
Building work at [insert address]**

Council records disclose that you have accepted an appointment to carry out a private building surveyor's functions under Part 6 of the Building Act 1993 in respect of the building/building work at the above address.

Information has been received by this office regarding [insert details of complaint].

I have reviewed the circumstances of this matter and am of the opinion that there is an imminent danger to life or property and as such, having considered the Municipal Building Control Intervention Filter Criteria Policy, as adopted by this Council, I have determined that it is necessary that I make an Emergency Order pursuant to section 102 of the *Building Act 1993*.

A copy is enclosed for your information.

The Emergency Order does not take away from your duties and powers with respect to the building work - however, if you are contemplating further enforcement regarding these same issues, I recommend that you consult with this office and possibly the Victorian Building Authority before doing so.

Yours faithfully

Municipal Building Surveyor

Copy: Owner Copy: Complainant

(Consider the privacy of the complainant when referring the matter to the relevant building surveyor)

OFFICIAL**Letter to complainant advising of Emergency Order and PBS - E- 'Extreme Risk'**

[COUNCIL LETTERHEAD]

[Insert name of Complainant]

[Insert address of Complainant]

Dear

Re: Building work at [insert address]

I refer to your concerns regarding building work at the above site.

Council records disclose that a private building surveyor has been appointed in relation to that building work.

The Building Act 1993 establishes a privatised system of ensuring compliance with the relevant legislation and codes. In circumstances where a private building surveyor has been appointed, it is that private building surveyor who has responsibility to deal with matters pertaining to the building work being undertaken at the site.

In the present circumstances however, I consider that there is a danger to life or property and as such, having also considered the Municipal Building Control Intervention Filter Criteria Policy, as adopted by this Council, I have determined that it is necessary that I make an Emergency Order pursuant to section 102 of the *Building Act 1993*.

I have forwarded a copy of that emergency order to the private building surveyor.

The private building surveyor's details are as follows:

[Insert name and contact details of the relevant private building surveyor]

You may also wish to contact the private building surveyor directly.

The Building Practitioners Board is the professional regulating body in respect of all building practitioners including private building surveyors. The Victorian Building Authority also has powers to oversee private building surveyors.

Any future matters relating to the conduct, functions or practices of the private building surveyor or other building practitioners may also be referred to the Building Practitioner's Board and/or Victorian Building Authority (both of 733 Bourke Street, Docklands, Victoria, Australia 3008 T: 1300 815 127).

Yours faithfully

Municipal Building Surveyor

OFFICIAL

Letter to Building Practitioners Board

[COUNCIL LETTERHEAD]

The Chairperson
Building Practitioners Board
GPO Box 536
Melbourne VIC 3001

Dear Sir/Madam

Re: [Insert name of building practitioner] - Request for Inquiry

Matters have come to the attention of Council, which in the view of Council, warrant the holding of an inquiry into the conduct of [insert name of building practitioner] who is/ was a registered building practitioner.

I request, pursuant to section 178(1)(d) of the *Building Act 1993*, that the Building Practitioners Board conduct said inquiry.

I enclose a chronology of events as they concern the building practitioner in addition to a summary of what I believe are the matters complained of and copies of relevant documents.

Please do not hesitate to contact Council staff if further information and evidence is required.

I look forward to advice of the Board's decision in this matter.

Yours faithfully

Chief Executive Officer

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Letter to the Victorian Building Authority requesting an investigation into the conduct of a building practitioner

[COUNCIL LETTERHEAD]

Victorian Building Authority
GPO Box 536
MELBOURNE VIC 3001

Dear Sir/Madam

Re: [Insert name of building practitioner/s]

A matter has come to the attention of Council which indicates that the conduct of the above practitioner/s warrant/s investigation by you.

The circumstances of this matter are set out in the enclosed chronology of events and summary of Council's concerns.

I request that you investigate the above practitioners and take the appropriate enforcement action.

Please advise me in due course of the results of your investigation.

Yours faithfully

Municipal Building Surveyor
[insert name of council]

OFFICIAL

Letter to the Victorian Building Authority requesting direction to PBS under s205M

[COUNCIL LETTERHEAD]

Victorian Building Authority
GPO Box 536
MELBOURNE VIC 3001

Dear Sir/Madam

Re: **[Insert name of PBS]**
Building Surveyor Functions

A matter has come to the attention of Council which indicates that the functions of a private building surveyor under the *Building Act 1993* or Building Regulations have not been carried out in an appropriate manner.

The circumstances of this matter are set out in the enclosed chronology of events and summary of Council's concerns.

This matter is currently a serious cause of concern.

A notice and direction to the private building surveyor by the Victorian Building Authority under section 205M of the Building Act may compel the private building surveyor involved to deal with the issue in an appropriate and timely manner. This would avoid or contain any unnecessary Council involvement and therefore enable proper administration of the private building surveyor's function.

It is therefore requested that the Victorian Building Authority review this matter and take appropriate action as a matter of urgency.

Please do not hesitate to contact Council staff if further information is required.

Yours faithfully

Chief Executive Officer

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Fact Sheet - The Building Permit System in Victoria

Who can issue a Building Permit?

Prior to 1 July 1994 building permits and approvals could only be obtained from the local council, which was then responsible for carrying out all building work inspections etc.

Since the introduction of the Building Act on 1 July 1994, property owners have had a choice as to who can carry out building permit services and functions - Council (through the municipal building surveyor) or any one of many private building surveyors.

Whereas a municipal building surveyor is an office required by and answerable to the council, a private building surveyor is an independent person and not associated with or controlled by the Council.

An application for a building permit (and therefore the choice of building surveyor) can only be made by the owner of land or a person acting as an agent of the owner. This is often a professional such as the architect or draftsman. A person acting as the owner's agent must, however, have the written authority of the owner to do so.

The building surveyor who issues the building permit (whether private or municipal) is generally responsible for ensuring that the building work complies with the requirements of the Building Act and the Building Regulations. The Building Act contains provisions to promote that only one building surveyor carries out the required functions regarding issuing permits and carrying out inspections. That building surveyor may, however, engage qualified and registered building inspectors to carry out the building inspections during the course of construction.

A municipal building surveyor or a private building surveyor appointed to issue a building permit in respect of particular building work has power to enforce compliance with the Building Act and Building Regulations through various methods including issuing building notices and orders.

A person who fails to comply with a building order can be prosecuted in the Magistrates Court. Where a private building surveyor issues a building order, but it is not complied with, they are required to refer the matter to the Victorian Building Authority.

The Victorian Building Authority

The Victorian Building Authority is the peak statutory body in Victoria dealing with building work and has a number of statutory functions and powers including (but not limited to):

- Collecting the building permit levy (a levy payable for any building work valued in excess of \$10,000)
- To monitor and enforce compliance with the Building Act and the Building Regulations
- To monitor developments relevant to the regulation of building standards in Victoria
- To provide information (including to consumers) on matters relating to building standards and the regulation of buildings, building work and building practitioners

Municipal Building Control Intervention Policy Document 369543

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- Providing information and training to assist people carrying out functions under the Building Act or the Building Regulations
- To promote the resolution of consumer complaints about work carried out by builders
- To conduct or promote research relating to the regulation of the building industry
- Prosecuting breaches of the Building Act or Building Regulations
- Issuing directions to building surveyors requiring them to carry out their functions in accordance with the Building Act
- In certain circumstances (including when a private building surveyor has referred a matter to it), exercising the powers of a municipal building surveyor which may, but does not necessarily, entail the carrying out of work required to bring about compliance with a building order.

The Victorian Building Authority carries out investigations into alleged breaches of the Building Act and Building Regulations in addition to investigating issues of conduct with respect to registered building practitioners (including building surveyors, building inspectors, engineers and builders). The Victorian Building Authority may refer such conduct issues to the Building Practitioners Board for a disciplinary inquiry if it believes there is sufficient evidence to do so.

The VBA may also appoint performance auditors to (amongst other things) examine the work of registered building practitioners to ensure:

- it has been competently carried out and does not pose any risk of injury or damage to any person and
- that the Act and Regulations have been complied with.

The Building Practitioners Board

The Building Practitioners Board has a number of statutory functions and powers including (but not limited to):

- To administer the registration system for building practitioners being builders (including demolishers), building surveyors, building inspectors, engineers and draftspersons
- To make recommendations to the Minister of Planning regarding the qualifications for registration
- To conduct an inquiry about the conduct or ability to practise of a registered building practitioner
- To supervise and monitor the conduct and ability to practice of registered building practitioners.
- Suspending a practitioner's registration pending the holding and determination of an inquiry if the Board considers it is in the interests of the public to do so

The supervision and monitoring of conduct is largely carried out through the holding of disciplinary hearings (Inquiries) into the conduct of building practitioners following either a Municipal Building Control Intervention Policy Document 369543

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direct complaint from a member of the public or a referral to the Building Practitioners Board by the Victorian Building Authority.

The Building Practitioners Board, on finding a building practitioner guilty of misconduct may (amongst other penalties), fine that practitioner or suspend or cancel that practitioner's registration.

Local Government

Council is responsible by section 212 of the Building Act to administer and enforce specified parts of that Act and the whole of the Building Regulations within its municipal district. As with many other responsibilities, Council has the ability to determine, through the adoption of policies, how it will carry out these functions having regard to competing obligations and limited resources. Policies have the benefit of establishing priority as to how to best serve and protect the public.

The Building Control Intervention Filter Criteria (BCIFC)

The BCIFC is a Council policy for dealing with complaints regarding building work where a private Building Surveyor has been appointed.

The BCIFC allows for a range of actions by Council depending on the nature of the complaint. This may include referring the complainant directly to the private building surveyor, taking direct intervention action or referring the matter to the Building Practitioners Board for inquiry or to the Victorian Building Authority for investigation.

Members of the public can also make complaints regarding a building practitioner direct to the Victorian Building Authority or the Building Practitioners Board.

For further information on building control functions, services, policies and the current system visit <insert URL to Council website>.

Further information on the Victorian Building Authority and the Building Practitioners Board can be obtained from:

The Victorian Building Authority
GPO Box 536, MELBOURNE VIC 3001
Phone | 1300 815 127

11.2.3 Compliance and Enforcement Policy

AUTHOR Manager Community Safety

RESPONSIBLE DIRECTOR Director Community and Planning

EXECUTIVE SUMMARY

Organisational policies provide the framework and structure for Council's business operations to ensure application of good governance, risk and compliance.

The Compliance and Enforcement Policy sets out how and when Council and its Authorised Officers will respond to Compliance matters.

The policy also demonstrates Council's commitment to:

- Promoting fairness, transparency, and accountability in its regulatory and enforcement activities
- Applying a consistent and proportional approach to compliance, ensuring the protection of public safety, community amenity, and the environment
- Enabling community members to report concerns and engage with Council processes in an open and inclusive manner.

Council has not previously had a Compliance and Enforcement Policy. This policy will support good governance and greater consistency and transparency for the Community when Council deals with compliance and enforcement matters complementing the existing legislation that is in place.

RECOMMENDATION

That Council:

- 1. Adopt the Compliance and Enforcement Policy**
- 2. Place the Policy on Council's website, along with the publication of a notice in Council's weekly newspaper column and social media pages about the adoption of the policy.**

PURPOSE AND BACKGROUND

The purpose of this report is to adopt the Compliance and Enforcement Policy.

ISSUES, OPTIONS AND DISCUSSION

The policy will establish a framework for transparent decision-making and to promote a practical and proportionate approach to regulatory and enforcement activities. It aims to ensure that all enforcement and compliance actions undertaken by Council to safeguard public amenities, community safety, and the environment are carried out with integrity, independence, consistence, and with the public interest as a priority.

The policy ensures that intervention occurs at an appropriate time, and that the relevant actions are taken in a timely manner to act on any complaint and make the relevant reports to the appropriate bodies.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the following legislation, council policies and key strategic documents:

Section 71 of the *Local Government Act 2020* grants councils the power to make local laws for any act, matter, or thing for which they have a function or power under that or any other Act, provided the local law is consistent with local law requirements.

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Risk to life and building and reputation if the application of this policy is not adhered to.	Probable	Moderate	Medium	Ensure policy is adhered to and enforced.

LEGAL CONSIDERATIONS

The policy will ensure decision making is in accordance with the following:

- *Local Government Act 2020*
- *Local Law No 2 Community*

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

In the interests of transparency and open and honest communication with our community this report is presented to a public Council meeting.

INNOVATION AND CONTINUOUS IMPROVEMENT

This policy ensures continuous improvement and includes regular review.

HUMAN RIGHTS CONSIDERATIONS

The recommendation does not limit any human rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

Organisational policies provide the framework and structure for Council's business operations to ensure application of good governance, risk and compliance.

A new Compliance and Enforcement Policy has been created and is ready for adoption.

ATTACHMENT

1. 202405 Draft Compliance and Enforcement Policy (1)

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Strathbogie Shire Council Compliance and Enforcement Policy

April 2025

Strathbogie
SHIRE COUNCIL

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Compliance And Enforcement Policy

Document ID:	927583 SSCEDOC-43802981-83
Effective Date:	
Last Review:	New
Current Review:	April 2025
Date Adopted by Council:	
Next Scheduled Review Date:	April 2027

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Responsible Officer:	Director Community and Planning
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PART 1 POLICY

1. PURPOSE

Strathbogie Shire Council and the community have a shared responsibility to protect public amenity and maintain community safety. As a part of this commitment, Council has the legal obligation to ensure compliance under several Acts, regulations and laws. This legislation plays a vital role in achieving positive outcomes for community health, safety and amenity.

The purpose of this policy is to establish a framework for transparent decision-making and to promote a practical and proportionate approach to regulatory and enforcement activities. It aims to ensure that all enforcement and compliance actions undertaken by Council to safeguard public amenities, community safety, and the environment are carried out with integrity, independence, consistence, and with the public interest as a priority.

2. POLICY STATEMENT

Strathbogie Shire Council is committed to:

- Promoting fairness, transparency, and accountability in its regulatory and enforcement activities.
- Applying a consistent and proportional approach to compliance, ensuring the protection of public safety, community amenity, and the environment.
- Enabling community members to report concerns and engage with Council processes in an open and inclusive manner.

This policy aligns with other Strategic Plans of Council and reinforces Council's dedication to acting with integrity, ensuring decisions are clear and justifiable, and building trust by prioritising the public interest in all enforcement and compliance activities.

3. APPLICATION OF THIS POLICY

This policy is relevant to a broad range of regulatory and enforcement activities undertaken by Council's Authorised Officers within the municipality. This includes, but is not limited to, the following legislation administered by Council:

- *Building Act 1993*
- *Country Fire Authority Act 1958*
- *Domestic Animals Act 1994*
- Domestic Animals Regulations 2015
- *Environment Protection Act 1970*
- *Fire Rescue Victoria Act 1958*
- *Food Act 1984*
- *Impounding of Livestock Act 1994*
- *Infringements Act 2006*

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- Infringements Regulations 2016
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Planning and Environment Act 1987*
- *Prevention of Cruelty to Animals Act 1986*
- Prevention of Cruelty to Animals Regulations 2008
- *Public Health and Wellbeing Act 2008*
- Public Health and Wellbeing Regulations 2009
- *Tobacco Act 1987*
- *Residential Tenancies Act 1997*
- *Road Safety Act 1986*
- *Road Safety Road Rules 2017*
- *Road Management Act 2004*
- *Summary Offences Act 1966*
- Community Local Law No 2

This policy does not aim to restrict the discretion or official duties of Council's authorised officers. It acknowledges that, in some situations, legislation may mandate specific actions that authorised officers must take when addressing non-compliance. Officers are expected to consider the full context and details of each case, make decisions on their merits, and ensure alignment with legislative requirements.

4. DEFINITIONS

Term	Meaning
Authorised Person	means a person who is authorised by Council under an Act, regulation or local law to exercise appropriate powers under an Act, regulation or local law
Complaint	means a customer request or action
Compliance	Refers to an agency, corporation, or person meeting or taking steps to comply with relevant laws and regulations
Council	means the Strathbogie Shire Council
Duty Holder	refers to any person that is under a legal duty to do something, or refrain from doing something, or to prevent something from occurring. Who the duty holder is, and the role or capacity they have, will vary depending on the law that creates the duty.
Enforcement	means a range of procedures and actions taken by Council to ensure that a person or organisation complies with their statutory obligations
Enforcement Decisions	includes any decision made by an Authorised officer during the investigation or prosecution of an alleged breach of the law.
Notice/Order	Is a written direction of an Authorised Officer requiring specific action to be taken or ceased to achieve legislative compliance.
Offence	means an act, default or conduct prejudicial to the community, the commission of which by law renders the person responsible liable to punishment by fine or imprisonment

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Prosecution	means the institution and conduct of legal proceedings against a person, organisation or corporation for an alleged offence(s).
Summary Offence	Is a criminal act in some common law jurisdictions that can be proceeded with summarily, without the right to a jury trial and/or indictment (required for an indictable offence)
Unlawful Activity	means any act or omission that is contrary to law, including any Act, Regulation, or other statutory instrument administered or regulated by Council.

5. COUNCIL'S APPROACH TO REGULATION AND ENFORCEMENT

The Primary aim of Strathbogie Shire Council regulatory and compliance services is to assist community members, businesses and visitors to:

- Understand laws that may impact them and their legal obligations
- Voluntarily comply with relevant legislation
- Rectify non-compliance issues within a reasonable timeframe
- Prevent further or repeated instances of non-compliance.

In fulfilling its regulatory responsibilities, Council adopts a structured approach to education, and enforcement to achieve legislative compliance. This approach is outcome focused, escalating proportionately based on factors such as the level of risk, community harm, the seriousness of the breach, the potential to achieve compliance, and the need for deterrence.

- **Education** – Providing accessible information, advice, and education in various formats, including in-person engagement, to raise awareness, encourage compliance and proactively prevent breaches.
- **Encouragement** - Offering clear instructions and allowing reasonable time to address breaches or meet requirements, often through verbal directions, correspondence, or other informal measures.
- **Enforcement** – Taking formal actions such as issuing orders or notices, imposing fines, conducting rectification works, seizing items, or initiating legal proceedings to remedy breaches and deter further non-compliance.

6. GUIDING PRINCIPLES

Strathbogie Shire Council will conduct compliance and enforcement activities within a structured legal and policy framework. All enforcement actions and decisions will be guided by the following principles:

Proportionality	<p>A proportional response means that enforcement actions will correspond to the severity of the breach.</p> <p>Strathbogie Shire Council acknowledges that most individuals aim to comply with the law and will support compliance by being open and helpful. Informal guidance may be provided, and individuals will have the opportunity to discuss compliance challenges.</p> <p>Focus will be placed on those whose actions present the greatest risks, or where hazards are least effectively controlled.</p>
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	<p>Depending on the seriousness and frequency of the violation, the Council will aim to minimise the burden on the individual by enforcing only the necessary actions to ensure future compliance.</p> <p>Prosecution will generally be considered as a last resort or for serious violations. Legal proceedings may be required in cases where the hazard is significant or widespread in the community, serving to deter future breaches.</p>
Consistency	<p>Strathbogie Shire Council aims to apply a consistent approach in similar cases to achieve consistent outcomes.</p> <p>While professional judgment and discretion are necessary to assess the unique circumstances of each case, officers will:</p> <ul style="list-style-type: none"> •Follow established procedures •Ensure fair, equitable, and non-discriminatory practices •Record and justify any deviations from standard procedures
Transparency	<p>Council is committed to being transparent about its enforcement processes and the laws it upholds. Council officers will clearly communicate expectations and maintain detailed records of every investigation.</p> <p>In educating the community and engaging with duty holders, Council will distinguish between what is legally required and what is desirable but not mandatory.</p> <p>Officers will remain open to discussions regarding potential and actual breaches, both before and after enforcement decisions are made.</p> <p>When remedial action is required, officers will provide clear, understandable explanations about why such action is necessary. Where applicable, officers will give prior notice of the intention to take formal action, outlining the steps required to achieve compliance and the timeline for doing so. Information about the right to request a review or appeal of the decision will be provided where relevant.</p> <p>In cases where notice cannot be given, officers will document the reasons for this.</p> <p>Customers/Complainants will be informed about the action taken and the rationale behind it.</p> <p>Any private or confidential information received during investigations will be handled in accordance with legal requirements and our Complaints Policy.</p> <p>Customers/Complainants may be informed of the steps Council</p>

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	<p>has taken but may not be provided with personal information about the duty holder or their circumstances that influenced the enforcement decision.</p> <p>Strathbogie Shire Council acknowledges that enforcement actions sometimes require public disclosure, which helps the community understand Council's role and the consequences of legal violations. However, when releasing information to the media, Council will also consider:</p> <ul style="list-style-type: none"> •Whether disclosing information could interfere with ongoing enforcement activities •If the investigation is still in progress or incomplete; and •Whether there are any factors specific to the complainant or duty holder that could lead to misleading or incomplete public information <p>In such cases, it may be appropriate for Council to withhold public comment.</p>
	<p>In determining the appropriate response to non-compliance, Council will take into account:</p> <ul style="list-style-type: none"> •The level of risk the non-compliance presents to community health, safety, and amenity •Whether Council is best placed to address the issue of non-compliance; and •The most efficient allocation of the Council's regulatory resources <p>This approach acknowledges that it is neither feasible nor appropriate for Council to respond to every alleged violation. Instead, Council's focus will be on areas where there is the greatest risk to public health, safety, and community wellbeing.</p> <p>The following diagram (Figure 1) demonstrates how Council assesses risk by evaluating both the likelihood and the severity of potential harm.</p>

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Figure 1.

	LIKELIHOOD				
CONSEQUENCE	(1) Almost Certain	(2) Likely	(3) Possible	(4) Unlikely	(5) Rare
(A) Catastrophic	E	E	E	H	H
(B) Major	E	H	H	H	M
(C) Moderate	H	M	M	M	L
(D) Minor	M	M	L	L	L
(E) Insignificant	L	L	L	L	L

E = EXTREME risk; do not proceed with activity, immediate action required.
H = HIGH risk; senior management attention needed.
M = MEDIUM risk; management responsibility must be specified.
L = LOW risk; manage by routine procedures and monitor for future change

7. AUTHORISATION OF OFFICERS

Only officers who possess the necessary training, qualifications, and/or experience will be authorised to carry out enforcement actions. Additionally, officers will be thoroughly trained and knowledgeable about Council's policies and procedures to ensure a consistent approach in the performance of their duties.

Officers are expected to present their authorisations when requested.

In most cases, enforcement staff will make decisions based on:

- Established operating procedures
- Defined business practices; and
- Guidance from more experienced officers

8. CONFLICTS OF INTEREST

Where a personal association or relationship with the alleged offender or any other person involved exists the Authorised Officer will ensure that:

- an alternative Authorised Officer will investigate and make decisions where possible
- a supervisor will be notified
- the facts about any conflict/relationship will be recorded in accordance with Council's Staff Code of Conduct CEO Directive
- a conflict-of-interest disclosure form will be completed if required.

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9. INVESTIGATING NON-COMPLIANCE

Authorised Officers may initiate investigations into unlawful conduct based on information provided by the public, reports from external agencies, surveillance activities (such as the use of cameras in areas prone to littering or graffiti), or through proactive initiatives such as audits and inspections (e.g., fire prevention checks, parking patrols, or assessments related to permits and registrations). Officers may also oversee compliance with court or VCAT orders.

Reports of potential violations are evaluated to determine the level of risk, priority, and appropriate response. Anonymous reports are recorded and assessed; however, limited information can restrict follow-up actions.

10. ENFORCEMENT MECHANISMS

A variety of enforcement mechanisms may be applied, depending on the specifics of each case. These mechanisms, provided under relevant legislation, allow Authorised Officers to investigate, collect evidence, and address non-compliance. Responses are expected to be fair, consistent, and proportional, ensuring community safety and trust.

If a decision is made not to investigate, reasons are documented, and the reporting party (if known) is informed. Factors influencing enforcement decisions include:

- Credibility of the information received
- Risk level associated with the alleged breach
- Seriousness of the issue
- Intent or negligence involved
- History of similar conduct
- Likely outcomes of enforcement actions
- Capacity to comply
- Deterrent effects on the individual and community; and
- Impacts on the wider community

Council's Authorised Officers will assess each matter by utilising the tools outlined in Diagrams 1 and 2 below, in alignment with the Council's Risk Management Framework. These tools assist officers in prioritising compliance actions and determining the most suitable enforcement options for each case.

Table 1: Likelihood of Non-Compliance Rating

Likelihood of Non-Compliance	Description
Almost Certain	Recurrent non-compliance, previous legal action for similar or related violations, failure to take corrective actions as instructed, refusal or failure to comply with an officer's direction or provide required information, submission of false or misleading information, obstruction of an officer.
Likely	Intentional or deliberate non-compliance, past enforcement actions for similar or related violations, clear and obvious requirements when the breach occurred

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	(e.g., signage, permit conditions), significant negligence leading to the breach, little to no indication of capacity to meet regulatory obligations, insufficient efforts to remedy risks or damage caused by the breach.
Possible	Previous instances of non-compliance, lack of awareness of regulatory obligations, negligence resulting in the breach, insufficient actions taken to fully comply with requirements or instructions, risks have been mitigated, some corrective measures or actions have been taken, displays willingness and capacity to comply.
Unlikely	No history of non-compliance, little to no awareness of regulations, cooperative approach, demonstrates strong willingness and capacity to comply, promptly addressed the breach and implemented corrective actions to resolve harm or risks.

Table 2: Impact / Consequence of Non-Compliance Descriptor

Consequence	Description
Major	Significant impact on community or environment. Imminent or severe risk to safety, health, amenity, or environment, even if harm has not yet occurred. High public interest in the issue, requiring specific and/or general deterrence.
Moderate	Moderate impact on community or environment. High level of risk to safety, health, amenity, or environment, even if no harm has occurred. Substantial public interest, with a strong need for deterrence.
Minor	Minor impact on the community or environment. Low to medium risk to safety, health, amenity, or environment that can be easily or quickly addressed. Some corrective actions or measures required. Medium public interest, with some need for deterrence.
Negligible	Minimal or no impact on safety, health, amenity, or environment. Low potential for broader community concern. Unsubstantiated or frivolous reports that fall outside Council's jurisdiction.

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Table 3: Enforcement Response Matrix

Likelihood of Non-Compliance	Impact / Consequence of Non-Compliance			
	Negligible	Minor	Moderate	Major
Almost Certain	Elevated	Elevated	Significant	Significant
Likely	General	Elevated	Elevated	Significant
Possible	Low	General	Elevated	Significant
Unlikely	Low	Low	General	Elevated

Table 4: Enforcement Actions Enforcement Response Level	Possible Enforcement Actions
Low	<p>No Action – Record Only: This option may be considered appropriate following an initial assessment or investigation under the following circumstances:</p> <ul style="list-style-type: none"> There is insufficient evidence to support that a breach of legislation has taken place or is currently occurring. The report originates from an anonymous source, and the information provided is inadequate to locate the alleged violation or justify further investigation. The concerns raised are deemed to be trivial, vexatious, or without merit. The alleged violation falls outside of Council's jurisdiction or authority (in which case, a referral to the relevant agency may be necessary). Taking enforcement action could compromise other significant ongoing investigations. The issue constitutes a civil dispute that is better suited for resolution through alternative means (e.g., boundary disputes). The issue has already been addressed through voluntary compliance. <p>Informal Action</p> <p>Informal action may be appropriate when the circumstances outlined above do not apply, and the risk level is considered low. Options for informal action include:</p> <ul style="list-style-type: none"> Providing advice or information regarding regulatory requirements and how to achieve compliance, either verbally or in writing. Engaging in discussions with the individual to reach a voluntary agreement or undertaking to resolve the issue. Sending a letter requesting work to be completed, activity to cease, or permits to be obtained, as an alternative to more formal enforcement steps. Issuing a verbal or written warning. <p>Informal action is also more suitable when the likelihood of a successful prosecution is low or when the matter could be resolved through less formal means.</p>

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	<ul style="list-style-type: none"> •
General	<p>General Action may include the following:</p> <ul style="list-style-type: none"> • Issuing a notice to comply or other legal direction to remedy a breach of legislation
Elevated	<ul style="list-style-type: none"> • Issuing a penalty infringement notice • Council carrying out the required work specified in a compliance notice or legal directive if the person fails to comply (at the individual's expense). • Executing warrants or court orders to search premises, seize items, animals, or restrict access. • Initiating formal administrative proceedings (e.g., dangerous dog declarations). • Responding to legal actions initiated by individuals challenging Council's enforcement measures. • Entering into formal agreements or undertakings with the individual. • Pursuing a court injunction to prevent further unlawful activity. • Enforcing court orders to carry out work or remove individuals from premises. • Starting legal proceedings or prosecution for violations of relevant laws or regulations. • Monitoring court orders to ensure ongoing compliance. • •
Significant	<ul style="list-style-type: none"> • Seeking an injunction through the courts to prevent future or continuing unlawful activity • Executing court orders to conduct works or remove a person from a premises • Commence prosecution or other legal proceedings for an offence against the relevant Act or Regulation. • Monitoring orders of the court to ensure ongoing compliance

11. DECISION REVIEWS AND APPEALS

Where no statutory right of review applies

If a person has a complaint about an *enforcement decision* within the meaning of this policy, the person may request that the *enforcement decision* be reviewed by an alternative decision maker.

Where it is practicable to do so, an alternative decision maker will review the enforcement decision, applying the principles in this policy.

Where it is practicable to do so, the reviewing officer will advise the requestor of the outcome of the review.

A person may only request a review of an *enforcement decision* once.

Compliance and Enforcement Policy Document 927583

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Where a statutory right of review applies, the person will be advised to follow the process available to them.

A statutory right of review applies to many enforcement decisions, including:

- The decision to issue an infringement
- The decision to serve a charge sheet or an initiating application
- The decision to issue a Building Notice or Building Order
- The decision to issue a Fire Prevention Notice
- The decision to issue a Prohibition or Improvement Notice, and
- any other decision where the enabling legislation provides for an independent review, appeal or process to challenge the decision.

If a person has a complaint about the conduct of an Authorised Officer or other Council representative, they may lodge a formal complaint in accordance with Council's Complaints Policy or contact the Victorian Ombudsman for further advice

12. RELATED POLICIES AND LEGISLATION

The following Council, State, regional and national plans and policies are relevant to this policy:

- Council Plan
- Customer Service Charter
- Complaints Policy
- Instruments of Authorisation and Delegation
- Risk Management Policy
- Risk Management Framework
- Staff Code of Conduct CEO Directive

13. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

14. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality, and dignity.

11.2.4 Community Funding Model and Guidelines

AUTHOR Manager Community and Culture

RESPONSIBLE DIRECTOR Director Community and Planning

EXECUTIVE SUMMARY

Council's Community Funding Model provides an opportunity for groups to undertake projects that align with and support the Community Vision. Council has a long history of providing community funding to groups in the Municipality to support the delivery of important community projects.

The proposed 2025-2026 Community Funding Model comprises two competitive grant streams and two non-competitive funding streams:

- Community Grants (competitive), incorporating Sustainability, Community Strengthening and Quick Response Grants
- Event Grants (competitive)
- Community Support Funding (non-competitive)
- Strategic Partnership Funding Agreements (non-competitive).

The Strategic Partnership Funding Agreements have been incorporated into the model for 2025-26 to clearly represent all avenues available to the community for funding.

The updated model includes the Reducing Emissions grant renamed *Sustainability Grants* to accommodate the expanded scope for projects that deliver a positive environmental change by reducing emissions at Council owned assets and reducing waste going to landfill.

This report presents the revised Community Funding Model 2025-2026 and relevant grant guidelines for Council's Community Grant Programs 2025-2026, for Councils consideration.

This report also authorises the implementation of the model through the promotion and release of the guidelines and opening of the grants prior to the start of the 2025-2026 financial year to enable community groups adequate time to prepare grant applications and support the delivery of these important projects.

RECOMMENDATION

That Council:

1. **Adopt the Community Funding Model 2025-26 and associated guidelines for Community Grants and Event Grants for 2025-2026**
2. **Authorise Officers to implement the model through the promotion and release of grant guidelines and information on Council's Website, local media, publications and broadly through a range of networks, with**
 - the Community Strengthening and Sustainability Grants program for 2025-2026 opening on 16 April 2025 and closing on 21 May 2025
 - the Event Grants program for 2025-2026 opening on 2 June 2025 and closing on 31 May 2026 or when funds are expended
 - the Quick Response Grants program for 2025-2026 opening on 1 July 2025 and closing on 31 May 2026 or when funds are expended.

PURPOSE AND BACKGROUND

The purpose of this report is to provide a summary of the proposed changes and improvements to the Community Funding Model 2025-26 and Grant Guidelines for 2025-26, following an annual continuous improvement review. The review takes the below into consideration:

- community feedback
- internal council feedback
- the Fraud Control Over Local Government Grants report from the Victorian Auditor Generals' Office.

ISSUES, OPTIONS AND DISCUSSION

Council's Community funding model enables Council to support a range of important community projects. Council operates multiple community funding programs.

The Community Funding Programs offered in 2024-25 were as follows:

- Community Grants Program, including Community Strengthening (up to \$10,000), Reducing Emissions (up to \$20,000), and Quick Response grants (up to \$1,000)
- Event Grants (up to \$5,000)
- Three Strategic Funding Agreements totalling \$19,948.50
- Community Planning Reference Group (Action Groups) administration (\$1,000) and community engagement funding (\$500), and community engagement funding for groups developing their four-year Community Plan (\$500).

Following the successful implementation of the 2024-2025 Community Funding Model, an annual review to ensure continuous improvement of the program has been undertaken.

The review took into consideration feedback from community members, council officers including Council's assessment panel, benchmarking against other Council's regarding current best practice.

The community feedback response rate from 2024-2025 applicants was 53% providing valuable feedback for the review and key points for consideration when updating the model and guidelines for 2025-2026.

Community funding provides an opportunity for not-for-profit community groups to access funding to undertake projects and activities that complement the Community Vision.

The proposed Community Funding Model 2025-2026 intends to support a more accessible grants program and respond to identified areas of improvement following the annual review.

This includes strengthening support for project delivery through more timely decisions on funding and variation requests and expanding the community's ability to reduce emissions by including projects that reduce waste going to landfill to the renamed Sustainability grants program.

While all applicants were satisfied with the level of support from Council and with the resources provided, and commented the process was much easier than in previous years, the review identified areas for improvement including:

- Reducing the time from application to receiving funds for Event Grants to support community in the timely delivery of events

- Reducing Council resource demand resulting from numerous council reports for Event Grant applications
- Reducing the time between submission of variation requests and decision to support community with timely project delivery
- Expanding the Reducing Emissions grants to include projects reducing waste going to landfill
- Exclude ongoing projects which are part of a Community Plan from the 'what cannot be funded criteria, 'Retrospective funding for projects that have already occurred or have commenced' to support the delivery of Community Plans.

The Community Funding Model continues to be informed by the Victorian Auditor General's Office 2022 Fraud Control Over Local Government Grants Report (VAGO 2022 Report). The review uses the nine recommendations from this report to identify areas for improvement including excluding councillors from assessing and making recommendations on grant applications.

Whilst the Community Vision and Council Plan 2025-2029 are currently being developed, the objectives of the Community Grant and Event grant program of bringing people together to connect, collaborate, celebrate, upskill, share resources, and put ideas into action remain unchanged as they will continue to support the revised Community Vision and new Council Plan.

The recommended changes to the Community Funding Model 2025-2026 are detailed in Table 1. Recommended changes to community funding and associated rationale.

Table 1. Recommended changes to community funding model, and/or associated Guidelines, along with rationale for change

	Recommended Change	Rationale
1	Rename 'Reducing Emissions' grants to 'Sustainability Grants' and include projects that reduce waste going to landfill to the existing project scope of reducing emissions at Council owned community managed assets.	In response to: <ul style="list-style-type: none"> • community feedback requesting the expanded scope • oversubscription of the inaugural Reducing Emissions grants 2024-25 Provides continuing support of Council's Climate Change Action Plan 2022-2027
2	Community Grants (Community Strengthening, Sustainability, and Event Grants) funding decisions move from Council to CEO delegation	In response to community feedback. Length of time from application to funding decision was obstructing the timely delivery of projects and events. Supports the implementation of the VAGO 2022 Report recommendations
3	All decisions on variation requests move either CEO, or Director Community and Planning delegation, depending on the nature of the variation.	In response to community feedback. The length of time from submission of variation request to decision was obstructing the timely delivery of projects and events.
4	Update 'variation' information in the Guidelines to include major variations in scope that result in outcomes unrelated to the original project application may result in the	In response to community. Confusion on what constitutes a significant change in project scope which may result in the revoking of grant approval, versus a minor change which can be reviewed through the variations process.

	withdrawal of grant approval and a refund of grant funds.	
5	Projects relating to facilities will be limited to one application per facility in each grant stream, each application must be a different project	Multiple applications by different groups for one facility can negatively impact equitable distribution of grants
6	Remove celebrating January 26 from the 'what cannot be funded' list	Awaiting Council Officer Report following community engagement as per 10 December Council meeting
7	Remove events whose sole focus is alcohol from the 'what cannot be funded' list. Add events with alcohol that cannot provide a copy of their relevant liquor license and an alcohol management plan which includes alcohol free zones around areas that have designated children's activities to the 'what cannot be funded' list.	Provides flexibility to support community events where the sole focus is alcohol but is well planned and does not encourage irresponsible consumption of alcohol.
8	Exclude ongoing projects which are part of a Community Plan from the exclusion criteria 'Retrospective funding for projects that have already occurred or have commenced' in the 'what cannot be funded' list.	To support the delivery of Community Plans
9	Include Strategic Partnership Funding Agreements in the funding model following successful trial in 2024-2025	Provides financial security and supports important annual events that contribute significantly to our visitor economy.

COMMUNITY ENGAGEMENT

The recommended changes have been developed through a continuous quality improvement process and are informed by feedback received from the community, including a survey of applicants, and Council Officers involved in the administration of the grants.

The changes aim to strengthen and improve the program for the municipality.

Council will provide an information video and offer 1:1 sessions for community to introduce the updated model and support the application process for funding in the upcoming 2024-2025 program in addition to Council's usual forms of communications including print, web and social media.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 2: Live. Access. Connect.

We are focused on activities that build economic, financial and social security.

Strategic Focus Area 4: Inclusive. Productive. Balanced.

We have empowered locals to make decisions.

We care, support and listen to each other.

We partner with our community to achieve great things.

We are smart spenders, buying local wherever possible.

We target economic development to enhance our region.

We are capitalising on our region's strengths.

Strategic Focus Area 5: Strong. Healthy. Safe.

We are working together to share knowledge and get things done.

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Be accountable for the decisions we make and the quality of service we deliver.

Be financially responsible, achieving the greatest possible community benefit from the programs, initiatives and services we fund.

Ensure our organisation's structure and resource allocation are regularly reviewed so they align with the goals and deliverables of the Community Vision and this Council Plan.

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Assessor conflict of interest	Unlikely	Low	Low	Conflict of Interest declared prior to assessment of applications
Over allocation of budget	Rare	Low	Low	Community Strengthening and Sustainability will have funding recommendations in line with the budget. Events and Quick Response grant streams close automatically when funds expended
Updated model not well received by community	Unlikely	Low	Low	Updates are based on community feedback. Community workshops to promote and improve understanding of model provided. Communication and Engagement Plan to promote updated model

Community Strengthening and Sustainability grants oversubscribed, some projects not funded as a result.	Possible	Low	Low	Transparent assessment process Clear feedback to unsuccessful applicants
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CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

This report will be presented to Council in a Council meeting, open to the public and live streamed to the public. This is consistent with Council's Transparency Policy, enabling the community to have oversight regarding the matters being discussed by Council and the decisions being made.

FINANCIAL VIABILITY CONSIDERATIONS

There is \$288,000 investment in the proposed 2025-2026 draft budget for community funding.

The following table details the breakdown of this proposed allocation across the Community Funding Model for the 2025-2026 financial year. There has been no increase in the draft budget from the prior year.

Depending on the outcomes of Council's budget process, the figures may be adjusted. Community will be notified of the total pool for funds available for community funding in 2025-2026 subject to the successful adoption of the budget.

Grant Type	Proposed 2025-2026 allocation
Community Strengthening	\$173,000
Sustainability	
Quick Response	
Events	\$50,000
Community Support Funding	\$65,000
TOTAL FUNDING	\$288,000

Awarding any grants is subject to the adoption of the 2025-2026 Council Budget.

SUSTAINABILITY CONSIDERATIONS

Economic

Community Funding supports economic growth across the Shire. Local businesses benefit from increased visitor economy with projects and events assisting in an increase of visitors as well as an increase in the average length of stay of those visitors. Applicants are also encouraged to buy from local suppliers where possible.

Social

The Community Funding Model encourages social impact projects and events that will support building a vibrant, inclusive and connected community.

Environmental

Environmental sustainability is promoted at various stages of the grants process. Community grant applicants must identify if or how their project supports Council's Climate Change Action Plan 2022-2027 which includes protecting our natural environment.

Impacts of projects and events on the natural environment will be assessed in the assessment process and mitigation strategies included in funding agreements.

Climate Change

The Community Funding Model continues to support Council's Climate Change Action Plan 2022-2027 through a designated funding stream targeting emissions reduction. This will be achieved by supporting the community to reduce electricity consumption, install solar powered and batteries, and upgrade gas appliances to electric and the introduction of the new project category reducing waste going to landfill.

Community Grant and Event Grant applications must consider climate change such as minimising waste going to landfill and ensure that their project or event is minimising harmful impacts on our natural environment.

Event Grants recipients must also complete a Waste Wise Plan which includes the ban on single use plastics.

INNOVATION AND CONTINUOUS IMPROVEMENT

The changes in the proposed community funding model demonstrate a continuous improvement approach taking into consideration community feedback, benchmarking against other Council programmes and key learnings from the delivery of the 2024-25 community funding program.

COLLABORATION

Benchmarking against other Council's has occurred to ensure Council's community funding model is fit for purpose and reflects best practice grant/community funding principles.

HUMAN RIGHTS CONSIDERATIONS

There are no significant implications for human rights arising from this report.

CONCLUSION

Community funding provides an opportunity for groups to undertake projects that complement the focus areas identified as priorities for the Strathbogie Shire Council.

The review took into consideration community and officer feedback, VAGO 2022 Report recommendations, and benchmarking against other Council's.

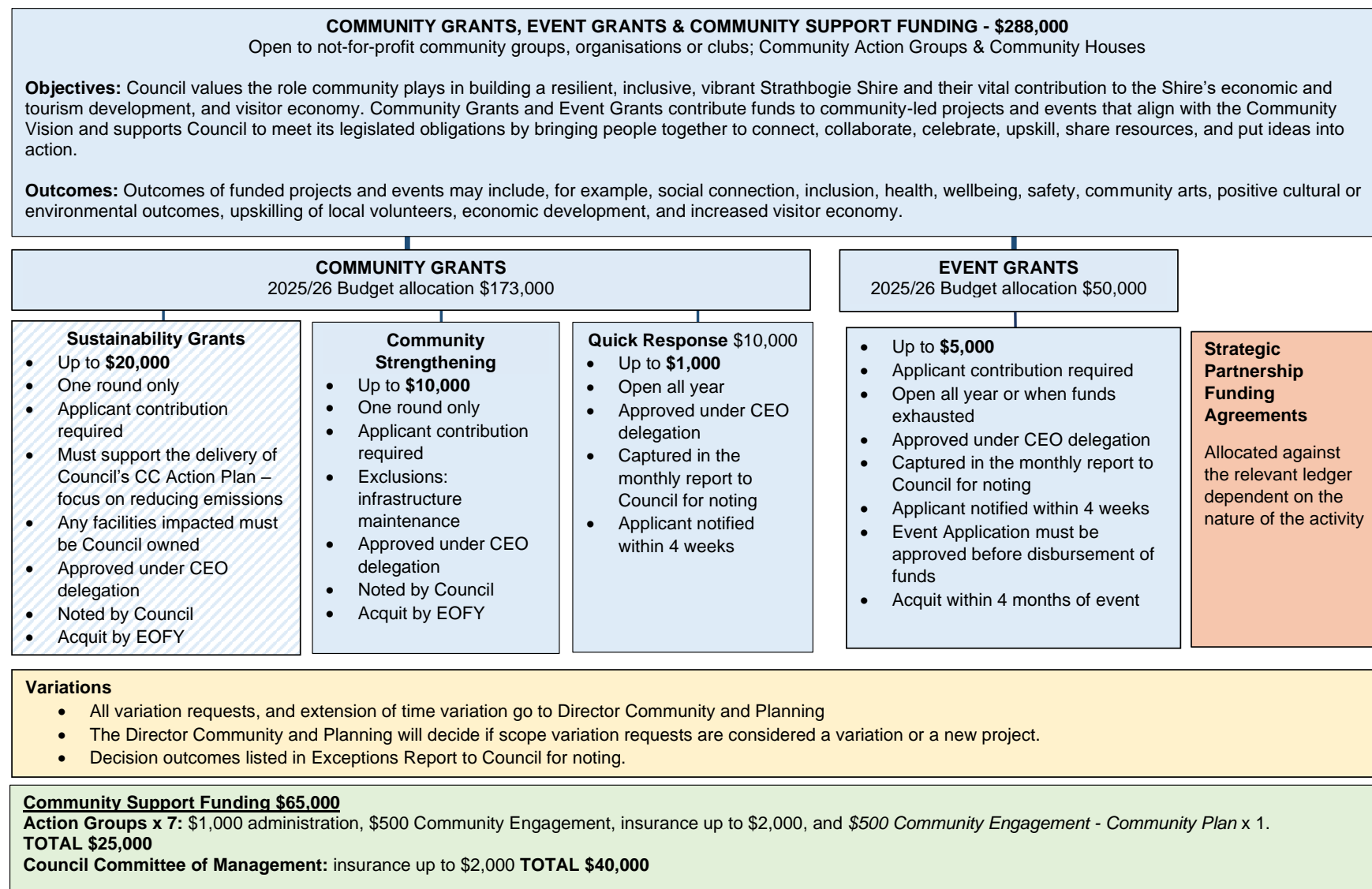
The report presents a proposed Community Funding Model and associated guidelines for the 2025-2026 financial year for Council's consideration.

ATTACHMENT

1. 20240325 2025-26 Community Funding Model
2. 2025-2026 Event Grant Guidelines
3. 2025-2026 Community Grant Guidelines

Doc ID SSCEDOC-1682404178-11

2025-26 COMMUNITY FUNDING MODEL



Doc ID SSCEDOC-1682404178-11

Doc ID SSCEDOC-1682404178-11

OFFICIAL

Strathbogie Shire Council

Event Grant Guidelines

2025-2026

Strathbogie
SHIRE COUNCIL

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Event Grant Guidelines

Strathbogie Shire Council's Event Grants contribute funds to events that align with the Community Vision bringing people together to connect, collaborate, celebrate, upskill, share resources, and put ideas into action.

Strathbogie Shire Council values the role community plays in building a resilient, inclusive, vibrant Strathbogie Shire.

These grants support community groups to implement accessible, Waste Wise events that they design and deliver in Strathbogie Shire. Positive outcomes of funded events may include, for example, social connection, inclusion, health, wellbeing, safety, community arts, cultural or environmental outcomes, economic development, and increased visitor economy.

Funds available

Grants of up to **\$5,000** are available in this program. Applicants must provide a minimum matching contribution to the value of \$1 for every \$5, i.e. 20%, of grant funds requested. For more information on applicant contributions please refer to page 4.

Before you get started

Before applying:

1. Read these guidelines and check your group and event's eligibility for this program
2. Submit an **Event Application** with a completed Risk Assessment and Waste Wise Plan. You can find the Event Tool Kit to assist you with your event planning [here](#) and the Event Application form [here](#).
3. Confirm approval of any Council in-kind contributions
4. Discuss your application with the Events Team prior to submission. The Events Team can be contacted on 1800 065 993

Note: Council Officers can assist with the application process but cannot review draft applications.

To apply

Applications must be submitted online at [Event Grants | Strathbogie Shire](#)

Key dates

Grants open on **June 2**, 2025, and remain open for the 2025-26 financial year or until the Event Grant's budget is expended.

Applications must be received at least four weeks prior to your event to accommodate the assessment process.

If successful, Event Grant funds will only be paid following approval of your Event Application. Processing times for Event Applications vary depending on the size of your event. To accommodate the Event Application assessment and approval process, allow a minimum of 6 weeks – 3 months for small public events, 3-6 months for medium-sized events, and 6-12 months for large events.

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Who can apply?

- ✓ Incorporated groups, or unincorporated not-for-profit groups with auspice from an appropriate incorporated association with:
 - a minimum \$20,000,000 Public Liability Insurance
 - an ABN
 - a bank account

Who cannot apply?

- ✗ An individual
- ✗ Emergency services
- ✗ Educational institutions
- ✗ Religious organisations or institutions
- ✗ Political organisations
- ✗ Commercial, profit-making organisations
- ✗ State or federal government agencies
- ✗ State sporting organisations or governing bodies
- ✗ An elected member or employee of Strathbogie Shire Council. Elected members or employees of Strathbogie Shire Council cannot be involved in the development of an application and are not eligible to sign or be listed on any grant
- ✗ Groups who have an overdue acquittal and/or owe money to Council from a previous grant
- ✗ Groups or organisations that receives revenue from electronic gaming machines
- ✗ Groups who have already received or been approved for an Event Grant in the 2025-26 financial year
- ✗ An auspice organisation that has provided auspice to another Event Grant application in the 2025-26 year

Auspice

To auspice is to lend support to another person or group. In the context of grant applications, the auspice organisation is the one that receives the grant money on your behalf and is ultimately responsible to ensure the event is completed and funds are spent according to the Funding Agreement. The auspice organisation does not deliver the event.

Eligible organisations will need to seek an auspice organisation if your organisation does not meet the 'who can apply' criteria. If you require an auspice, the auspice organisation must meet the 'who can apply' criteria and your application will require a letter confirming the auspice agreement.

An auspice will only be accepted for unincorporated organisations or incorporated organisations who do not have an ABN, and/or a minimum \$20,000,000 Public Liability Insurance, and/or a bank account.

More information about using an auspice arrangement can be found at [What is auspicings? | Not-for-profit Law \(nfplaw.org.au\)](#)

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What will and won't be funded?**YES**

- ✓ Affordable, accessible, Waste Wise events that promote the Community Vision, bring people together, and enable participation and skill sharing
- ✓ Events that will have positive social and/or environmental, and/or cultural outcomes *e.g. promote diversity, inclusion, physical activity, wellbeing, safety, community arts, environmental conservation, waste reduction, action on climate change, cultural awareness*
- ✓ Events that express or celebrate local identity and the unique values of individual places and townships
- ✓ Events that celebrate and/or showcase Strathbogie Shire, and provide a range of community benefits including supporting economic development and the visitor economy

NO

- ✗ Applications received less than 4 weeks prior to the event
- ✗ Events outside of the Strathbogie Shire municipality
- ✗ Events that have already received or been approved for Council funding for the 2025-26 financial year
- ✗ Retrospective funding for events that have already occurred
- ✗ Events that do not align with the Community Vision
- ✗ Events for political purposes and/or promotion
- ✗ Fundraising events that don't comply with the [Fundraising Act 1998](#) and/or where the beneficiary is an individual and/or located outside Strathbogie Shire
- ✗ School awards or school fundraising events
- ✗ Private events being defined as events where participants are selectively invited to participate and not broadly accessible to the local community
- ✗ Events that directly promote smoking, gambling, or drugs.
- ✗ Events where alcohol is available for consumption that **cannot** provide a copy of their relevant liquor licence and an alcohol management plan which includes alcohol free zones where children's activities are located
- ✗ Costs of attending conferences or sporting events, travel or accommodation
- ✗ Fundraising prizes
- ✗ Operational costs e.g. rent, utilities
- ✗ Staff wages (this does not include payment of contractors or services to deliver the project/event) or payment to a service provider under the same ABN as the applicant
- ✗ Costs of Council permit fees including Place of Public Entertainment (POPE) permits

OFFICIAL**Applicant contribution**

Applicants must provide a minimum matching contribution to the value of \$1 for every \$5, i.e. 20%, of grant funds requested. For example, if you request a \$5,000 grant you will be required to provide a minimum of \$1,000 towards the costs of the event. Your contribution can be cash and/or in-kind.

In-kind contributions are contributions by volunteers and suppliers in terms of time, goods, or professional services donated to the event.

You can calculate the value of in-kind time for services such as:

- General committee/community member contribution (e.g. planning, coordination, etc) at \$40 per hour
- Specialist or expert contribution (e.g. tradesperson, professional services) at \$80 per hour

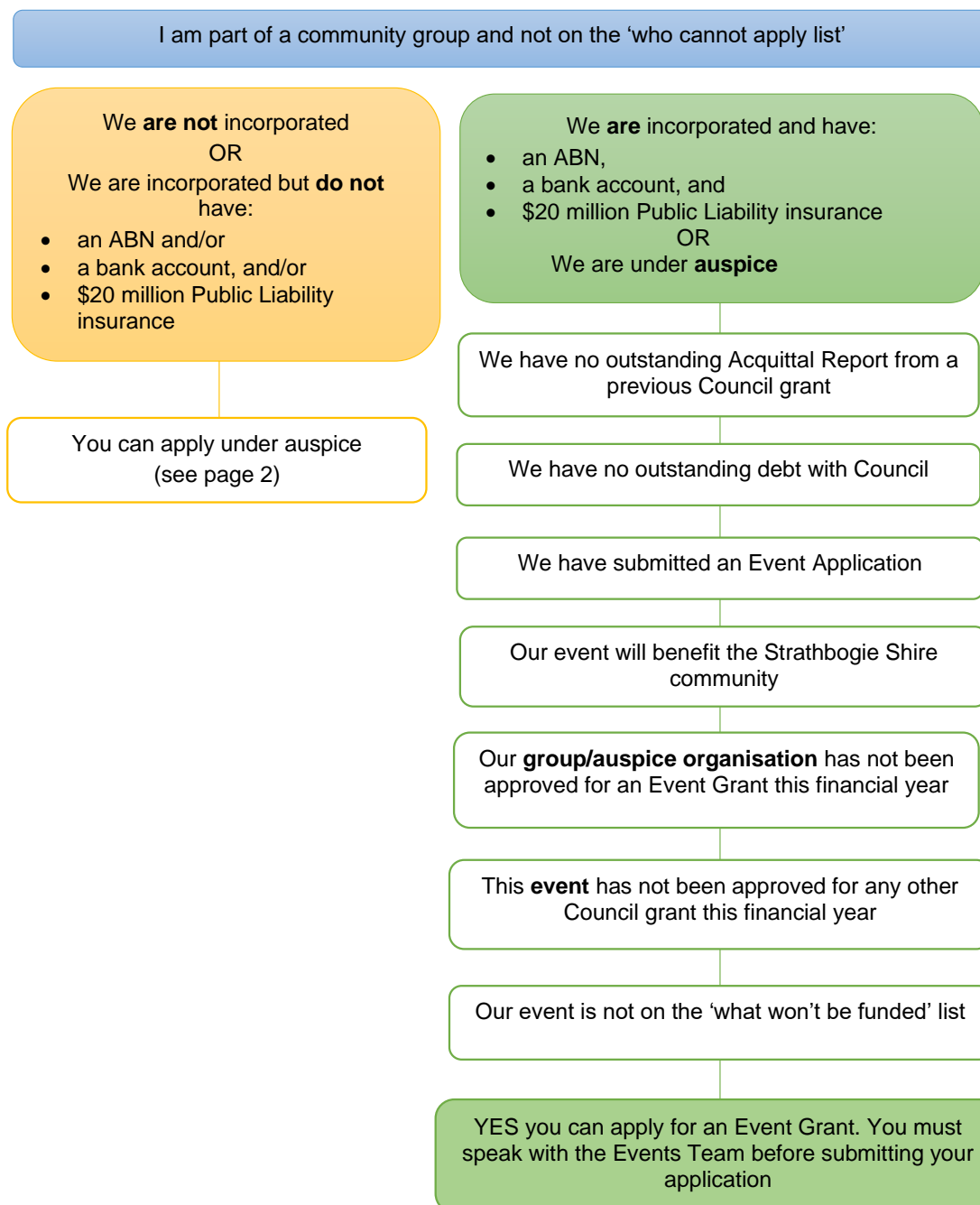
Council in-kind

Council can also provide in-kind contributions to your event e.g. event equipment and Council owned venue hire. All requests for in-kind contributions from Council must be approved and included in your application. Any in-kind contributions requested from Council must be included in the total amount you are applying for which cannot exceed the \$5,000 grant limit.

For example, if you are requesting the maximum of \$5,000 for an Event Grant and request a \$1,000 Council in-kind contribution for venue hire, Council's contribution would be in-kind to the value of \$1,000 and grant funds (cash) to the value of \$4,000.

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Can I apply for a grant?



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How will my application be assessed?

The assessment process involves three steps.

Step 1: eligibility check

Council Officers conduct eligibility checks on all applications, refer to the 'Who can apply' and 'What will and won't be funded' sections. If your application is ineligible, you will be notified within five business days from receipt of your application.

Step 2: pre assessment panel screening

Applications that meet the eligibility criteria undergo pre assessment panel screening where they must meet the following criteria before they can move to Step 3:

Applications must:

- Be complete, with all required documentation
- Provide a **balanced budget** including accurate in-kind contributions, evidence of other funding sources, and quotes
- Have a matching contribution from the applicant to the value of \$1 for every \$4 of the total grant funds requested
- Include the value of the in-kind contribution from Council, if applicable, into the total amount of funding requested not exceeding the funding maximum of \$5,000, refer page 4
- Have evidence of community support
- Have identified the level of impact on adjacent residents and landowners
- List partner organisations
- List other funding sources
- Have submitted an Event Application

If your application does not meet these criteria, you will be notified within 5 business days from the date of the pre-assessment screening and provided the opportunity to update your application and resubmit within 5 business days of receiving notice.

Step 3: assessment panel review

The Event Grants Program is a competitive process, funds are awarded based on merit. When your application meets the pre-assessment panel screening criteria, your application moves to the final assessment stage where it will be reviewed by a panel made up of three or more Council Officers using the following criteria and weighting:

40% Why? Why is the proposed event important and does the community support it?

40% What? What is the event delivering and how will the community benefit?

20% Who? Who is delivering the event, and do they have capacity to deliver?

Funding Recommendations

Each application will receive a total score based on responses to all the questions in the application.

Applications will be either recommended for funding with a funding amount or not recommended for funding.

All eligible Event Grant applications will be determined by the Chief Executive Officer. You will receive confirmation of the funding decision within four weeks of receipt of your application.

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Funding Information

The final decision on whether to fund or not to fund your event is informed by a rigorous assessment process. You must also be aware that you may not be allocated the full amount requested. This decision could be based on the results of the assessment or to assist Council to manage demand to ensure fair and equitable access to the Event Grants program.

You will be advised in writing of the funding decision which will be final. There is no review or appeal process.

Funding Agreement

When a grant is awarded, you will be offered a Funding Agreement with Council specific to your event.

In accepting a Strathbogie Shire Event Grant, you are committing to:

- Signing a Funding Agreement prepared by Council, specific to your event
- Using the funding provided for the approved activities/items only
- Not undertaking any changes to budget items in the application without prior written approval from Council
- Returning any unspent funds at the completion of the event or the end of the Funding Agreement unless prior approval in writing from Council has been obtained
- Providing an Acquittal Report in line with the conditions outlined in the Funding Agreement
- Notifying Council of any changes to key event contacts and providing relevant contact details within five business days of the changes
- Acknowledging Council's funding support in line with Strathbogie Shire Council's [Acknowledgement and Publicity Guidelines](#). All promotional material must use the correct logo as provided in the guidelines.
- Being responsible for the management and delivery of the event
- Obtaining the necessary permits, approvals, landowner consent, and meeting any costs associated with those permits and approvals
- Ensuring the event adheres to the Waste Wise Events guide to minimise waste
- Adopting a 'buy local' and environmentally sustainable forward approach to procurement
- Listing the event with the Australian Tourism Data Warehouse – ATWD [Australian Tourism Data Warehouse \(ATDW\)](#)
- Giving an acknowledgement of Traditional Owners and/or a Welcome to Country at the opening of your event which is a requirement of all events receiving funding from the Strathbogie Shire Council
- Understanding Council is not responsible for meeting any shortfalls should the event run over budget
- Understanding Council reserves the right to withdraw support if you do not comply with Council policy or any written agreement entered into. This includes the return of funds or variations to the Funding Agreement
- The event must be approved by Strathbogie Shire Council prior to any payment of grant funds

Payment will be made to the nominated bank account following approval of the event and the receipt of a signed Funding Agreement which will act as an invoice.

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Funding duration

A successful grant application is not ongoing funding. Council provides funding for the term specified in the Funding Agreement. Events should aim to become sustainable without support from Council.

GST

Council grants are not subject to GST and the grant amount does not include GST unless otherwise stated.

However, exceptions may apply if all the following conditions are met:

- the relevant grant applicant is registered for GST and
- the applicant makes a taxable supply in return to the council and
- the applicant provides a valid tax invoice to the council.

The above provisions are subject to change as per tax regulations.

Applicants that are registered for GST and able to claim GST paid for expenditure associated with the grant funds, will have claimable GST factored into grant allocation decisions.

Variations

Recipients must notify Council in writing and obtain approval for any changes to the items or the event for which funding has been approved including the budget, timing and scope.

Please be aware that major variations in scope that result in outcomes unrelated to the original event application may result in the withdrawal of grant approval and a refund of grant funds.

You will be notified of the outcome of your variation request within two weeks of receipt of the request.

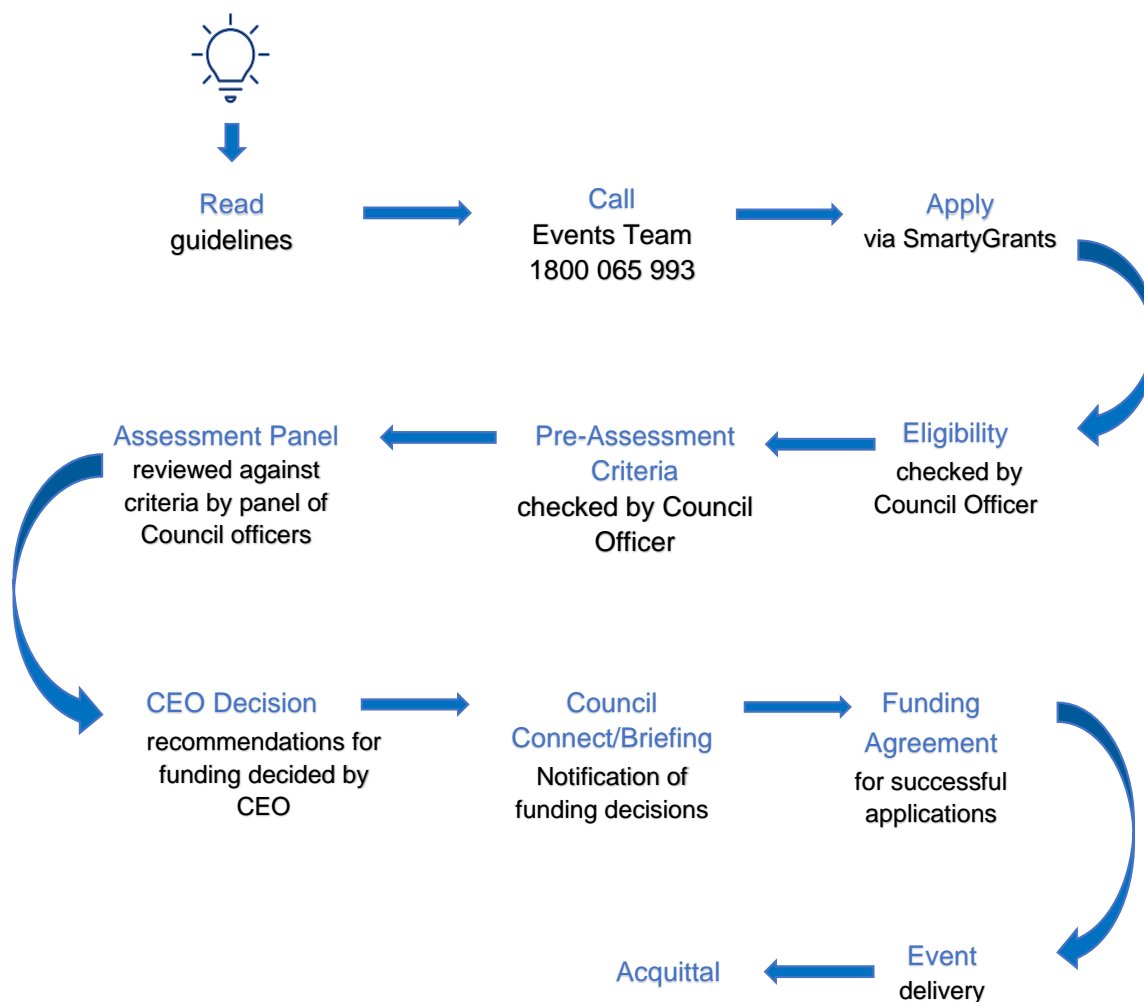
If the event is cancelled or modified without prior approval, or the variation request is declined, the Recipient agrees to reimburse the total amount determined by Council within seven days of Council making such request for reimbursement.

More Information

To support your event planning you can find Council's [Event's Policy](#) and [Event Tool Kit](#) on our website.

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GRANT PROCESS



Strathbogie Shire Council

Community Grant Guidelines

April 2025

Strathbogie
SHIRE COUNCIL

Community Grant Guidelines

Strathbogie Shire Council's Community Grants contribute funds to projects that align with the Community Vision bringing people together to connect, collaborate, celebrate, upskill, share resources, and put ideas into action.

Strathbogie Shire Council values the role community plays in building a resilient, inclusive, vibrant Shire.

Positive outcomes of funded projects may include, for example, social connection, inclusion, health, wellbeing, safety, community arts, positive cultural or environmental outcomes, economic development, and increased visitor economy.

For the purposes of these guidelines, the term 'project' refers to any activity, initiative, or program proposed for funding under the Community Grants program.

Community Grants Program

Sustainability Grants Category

These grants support Council's Climate Change Action Plan and the key action area of reducing emissions with a focus on energy saving initiatives at community managed, Council owned facilities, and reducing waste going to landfill. Projects must be completed in the 2025-26 financial year and may include, for example, upgrades to energy efficient appliances, installation of renewable energy supply, bicycle repairs/recycling, or hard waste recovery projects. Sustainability Grant allocations will be determined by the Chief Executive Officer following assessment and applicants will be notified of the outcome by June 30. Applicants must provide a contribution to the project budget which can be cash or in-kind.

Maximum Grant Available: \$20,000

Key dates: Opens 16 April, closes 21 May 2025

Community Strengthening Category

These grants support local community groups and creatives to implement accessible community projects that they design and deliver. It focuses on people and social connection; building community capacity around the principles of respect and equality; and locally led responses to opportunities and needs. These grants support larger projects that will be completed within the 2025-26 financial year. Community Strengthening grant allocations will be determined by the Chief Executive Officer following assessment and applicants will be notified of the outcome by June 30. Applicants must provide a contribution to the project budget which can be cash or in-kind.

Maximum Grant Available: \$10,000

Key dates: Opens 16 April, closes 21 May 2025

Quick Response Category

Like the Community Strengthening grant, these grants contribute funds towards accessible community-led projects but give you more flexibility to respond to currently presenting opportunities and/or needs. These grants support smaller, spontaneous projects that can be completed within three months. Quick Response grant allocations will be determined by the Chief Executive Officer and applicants will be notified of the outcome within four weeks of receipt of your application.

Maximum Grant Available: \$1,000

Key dates: Opening 1 July 2025, closes 31 May 2026 or when grant funds are expended

Before you get started

1. Read these guidelines and check your group and your project's eligibility
2. Discuss your application with Council's Community Development Officer prior to submission by calling 1800 065 993.

Note: Council Officers can assist with the application process but cannot review draft applications.

To apply

Applications must be submitted online at [Community Grants Program | Strathbogie Shire](#)

Who can apply?

- ✓ Incorporated groups based in Strathbogie Shire, or unincorporated not-for-profit groups based in Strathbogie Shire with auspice from an appropriate incorporated association with:
 - A minimum \$20,000,000 Public Liability Insurance
 - An ABN
 - A bank account

Who cannot apply?

- ✗ An individual
- ✗ Emergency services
- ✗ Educational institutions
- ✗ Religious organisations or institutions
- ✗ Political organisations
- ✗ Commercial, profit-making organisations
- ✗ State or federal government agencies
- ✗ State sporting organisations or governing bodies
- ✗ An elected member or employee of Strathbogie Shire Council. Elected members or employees of Strathbogie Shire Council cannot be involved in the development of an application and are not eligible to sign or be listed on any grant
- ✗ **Quick Response Grant** - groups who have an overdue acquittal or owe money to Council from a previous Community Grant
- ✗ Groups who are unable to complete acquittals for 2024-25 Community Strengthening, Reducing Emissions, and/or Quick Response Grants by the 31 May 2025.
- ✗ Groups who owe money to Council from a previous grant
- ✗ A group or organisation that receives revenue from electronic gaming machines
- ✗ Groups who have already received or been approved for funding from the same funding category in the 2025-26 financial year
- ✗ An auspice organisation that has provided auspice to another Community Grant application in the same grant category in the 2025-26 financial year

Auspice

To auspice is to lend support to another person or group. In the context of grant applications, the auspice organisation is the one that receives the grant money on your behalf and is ultimately responsible to ensure the project is completed and funds are spent according to the Funding Agreement. The auspice organisation does not deliver the project.

Eligible organisations will need to seek an auspice organisation if your organisation does not meet the 'who can apply' criteria. If you require an auspice, the auspice organisation must meet the 'who can apply' criteria and you will need to provide a letter confirming the auspice agreement.

An auspice will only be accepted for unincorporated organisations or incorporated organisations who do not have an ABN, and/or a minimum \$20,000,000 Public Liability Insurance, and/or a bank account.

More information about using an auspice arrangement can be found at [What is auspicing? | Not-for-profit Law \(nfplaw.org.au\)](https://www.nfplaw.org.au/What-is-auspicing/)

What will and won't be funded?

YES

Community Strengthening Grant and Quick Response Grant

- ✓ Projects that promote the Community Vision
- ✓ Projects that will have positive social and/or environmental, and/or cultural outcomes e.g. *promote inclusion, community connection, physical activity, wellbeing, safety, community arts, environmental conservation, action on climate change, cultural awareness, upskilling volunteers*
- ✓ Projects that express or celebrate local identity and the unique values of individual places and townships
- ✓ Projects that celebrate and showcase Strathbogie Shire supporting economic development and the visitor economy

Sustainability Grant

- ✓ Projects that reduce emissions by reducing waste going to landfill
- ✓ Projects that reduce the emissions of community managed, Council owned facilities including:
 - The replacement of inefficient gas or electrical appliances with energy efficient electrical options [Energy Rating Calculator](#)
 - Solar panels and batteries to offset nighttime electricity usage (not as an alternative power supply during power outages) installed by a Clean Energy Council certified installer [Clean Energy Council | Renewable Energy Australia](#)

NO

- ✗ Applications received after the funding round closing date
- ✗ Projects that have already received Council funding or been approved for another grant from Council for the 2025-26 financial year
- ✗ Multiple project applications for the one facility within the same grant stream.
- ✗ Projects delivered outside of the Strathbogie Shire municipality
- ✗ Retrospective funding for projects that have already occurred or have commenced excluding ongoing projects as part of a Council approved Community Plan.
- ✗ Projects that don't align with our Community Vision

- ✗ Projects for political purposes and/or promotion
- ✗ Projects that are the responsibility of other agencies (e.g. charities, government agencies)
- ✗ Applications that can't confirm they will be able to obtain the required permits and permissions
- ✗ Costs of attending conferences or sporting events; travel or accommodation
- ✗ Fundraising prizes
- ✗ Catering costs
- ✗ Operational costs e.g. rent, utilities, insurance
- ✗ Staff wages (this does not include payment of contractors or services to deliver the project) or payment to a service provider under the same ABN as the applicant
- ✗ Projects that will result in a Council asset that has not received prior approval
- ✗ Projects at Council owned facilities that have not been approved by the facility's Committee of Management
- ✗ **Sustainability Grants** - projects that install solar batteries solely for use as an alternative power supply during power outages
- ✗ **Sustainability Grants** – works for fixed appliances at Council owned facilities that have not been approved by Council
- ✗ **Community Strengthening Grant** and **Quick Response Grant**- projects that are defined as facility maintenance on community and Council owned buildings; small appliances are acceptable.

Applicant contribution – Community Strengthening and Sustainability Grants

Community Strengthening Grant and Sustainability Grant applicants must provide a contribution to the costs of the project. Your contribution can include cash and/or in-kind contributions.

In-kind contributions are contributions by volunteers and suppliers in terms of time, goods, or professional services donated to the project or event.

You can calculate the value of in-kind time for services such as:

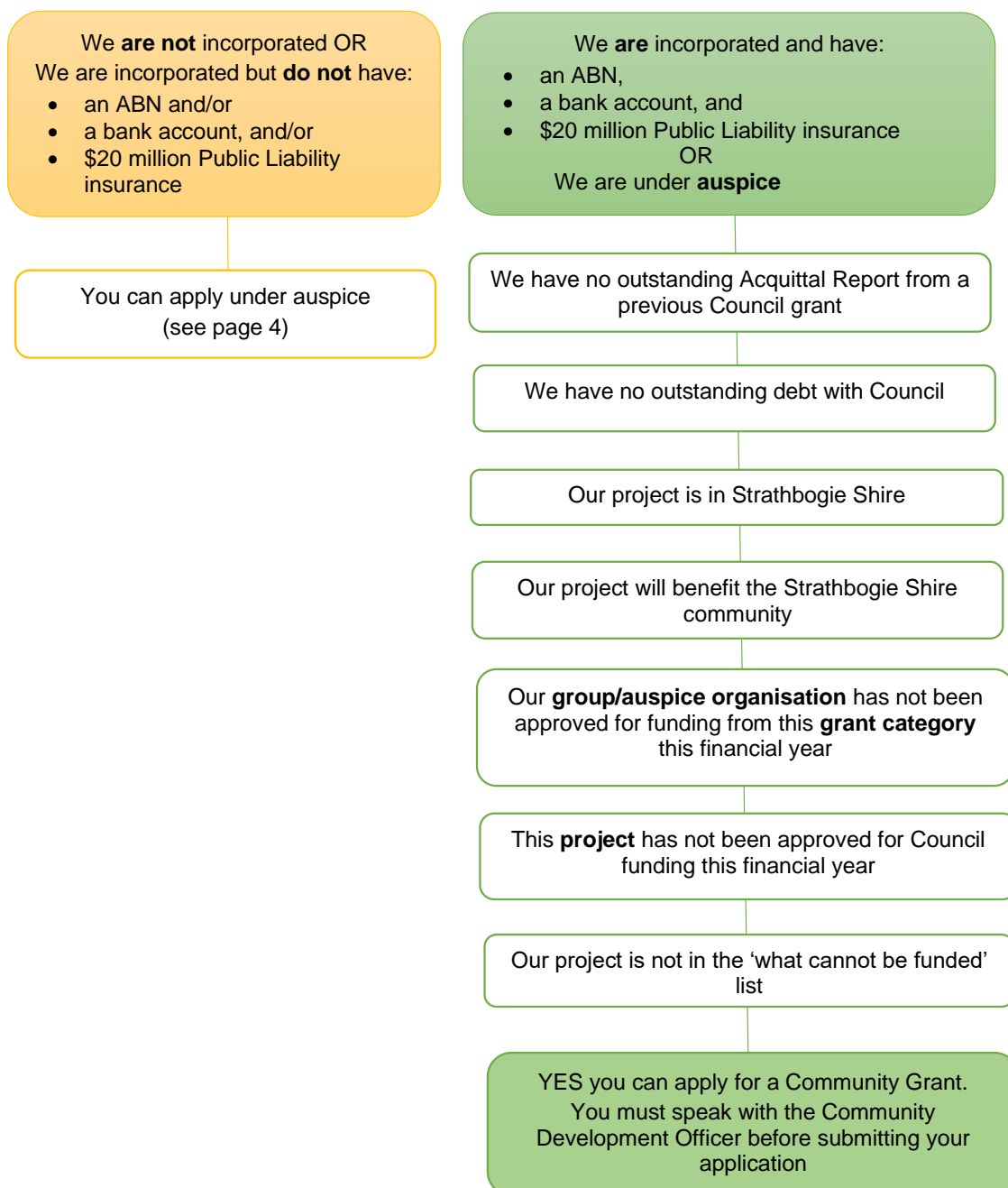
- General committee/community member contribution (e.g. planning, coordination, etc) at \$40 per hour
- Specialist or expert contribution (e.g. tradesperson, professional services) at \$80 per hour

Council can also provide in-kind contributions to your project e.g. event equipment, Council owned venue hire. All requests for Council in-kind contributions must be approved and included in your application. Any in-kind contributions requested from Council must be included in the total amount you are applying for which cannot exceed the maximum grant funds available.

For example, if you are requesting the maximum of \$10,000 for a Community Strengthening Grant and request a \$2,000 Council in-kind contribution, Council's contribution would be in-kind to the value of \$2,000 and grant funds (cash) to the value of \$8,000.

Can I apply for a grant?

I am part of a community group based in Strathbogie Shire and not on the 'who cannot apply list'



How will my application be assessed?

The assessment process involves three steps.

Step 1: eligibility check

Council Officers conduct eligibility checks on all applications, refer to the 'Who can apply' and 'What will and won't be funded' sections. If your application is ineligible, you will be notified within five business days from receipt of your application.

Step 2: pre assessment panel screening

Applications that meet the eligibility criteria undergo pre assessment panel screening where they must meet the following criteria before they can move to Step 3:

Applications must:

- Be complete and have provided required documentation
- Provide a balanced budget including accurate in-kind contributions, evidence of other funding sources, and quotes
- **Community Strengthening Grant** and **Sustainability Grant** - demonstrate a contribution from the applicant
- Include the value of the in-kind contribution from Council, if applicable, into the total amount of funding requested not exceeding the funding maximum, refer page 1.
- Have evidence of community support
- Have identified level of impact on adjacent residents and landowners
- Have listed partner organisations and other funding sources if applicable
- Have listed required permissions including landowner consent and permits if applicable
- Have approval from council for any Council assets resulting from the project
- Have Committee of Management approval for projects at Council owned facilities
- **Sustainability Grant** - a Clean Energy Council certified installer will be engaged to install solar panels and batteries
- **Sustainability Grant** - demonstrate a reduction in emissions
- **Sustainability Grant** - have works permission from Council for the installation of any fixed appliances including solar panels and wall mounted air conditioning

If your application does not meet these criteria, you will be notified within five business days from the date of the assessment screening. You will be provided the opportunity to update your application and resubmit prior to the closing date or, for Quick Response Grant applications only, within five business days of receiving notice.

Step 3: assessment panel review

The Community Grants Program is a competitive process, funds are awarded based on merit. When your application meets the pre assessment panel screening criteria, your application moves to the final assessment stage where it will be reviewed by a panel made up of three or more Council Officers using the following criteria and weighting:

40% Why? What need does the project address and does the community support it?

40% What? What is the project delivering and what does it hope to achieve?

20% Who? Who is delivering the project and what capacity do they have to deliver it?

Funding Recommendations

Each application will receive a total score based on responses to all the questions in the application.

Applications will be either recommended for funding with a funding amount or not recommended for funding.

Funding for all eligible applications will be awarded under Chief Executive Officer delegation.

Funding Information

The final decision on whether to fund or not to fund your project is informed by a rigorous assessment process. You must also be aware that you may not be allocated the full amount you requested. This decision could be based on the results of the assessment or to assist Council to manage demand to ensure fair and equitable access to the Community Grants program.

Grant funds will not be dispersed until all acquittals and any monies owed from previous grants are completed.

You will be advised in writing of the funding decision which will be final. There is no review or appeal process.

Funding Agreement

When a grant is awarded, you will be offered a Funding Agreement with Council specific to your project.

In accepting a Strathbogie Shire grant, you are committing to:

- Signing a Funding Agreement prepared by Council, specific to your project.
- Being responsible for the management and delivery of the project
- Providing a Risk Management Plan if required
- Using the funding provided for the approved activities/items only.
- Not undertaking any changes to budget items in the application without prior written approval from Council
- Returning any unspent funds at the completion of the project or the end of the Funding Agreement unless prior approval in writing from Council has been obtained.
- Providing an Acquittal Report in line with the conditions outlined in the Funding Agreement
- Notifying Council of any changes to key project contacts and providing relevant contact details within five business days of the changes
- Obtaining the necessary permits, approvals and landowner consent, and meeting any costs associated with those permits
- Acknowledging Council's funding support in line with Strathbogie Shire Council's [Acknowledgement and Publicity Guidelines](#). All promotional material must use the correct logo as provided in the guidelines.
- Adopting a 'buy local' and environmentally sustainable forward approach to procurement
- Understanding Council is not responsible for meeting any shortfalls should the project run over budget
- Understanding Council reserves the right to withdraw support if you do not comply with Council policies or any written agreement entered into. This includes the return of funds or variations to the Funding Agreement.

Payment will be made to the nominated bank account following receipt of a signed Funding Agreement which will act as an invoice.

Funding duration

A successful grant application does not result in ongoing funding. Council provides funding for the term specified in the Funding Agreement. You or your group are responsible for the future sustainability of your project beyond the funding period. All acquittals must be submitted by 31 May 2026.

GST

Council grants are not subject to GST and the grant amount does not include GST unless otherwise stated.

However, exceptions may apply if all the following conditions are met:

- the relevant grant applicant is registered for GST and
- the applicant makes a taxable supply in return to the council and
- the applicant provides a valid tax invoice to the council.

The above provisions are subject to change as per tax regulations.

Applicants that are registered for GST and able to claim GST paid for expenditure associated with the grant funds, will have claimable GST factored into grant allocation decisions.

Variations

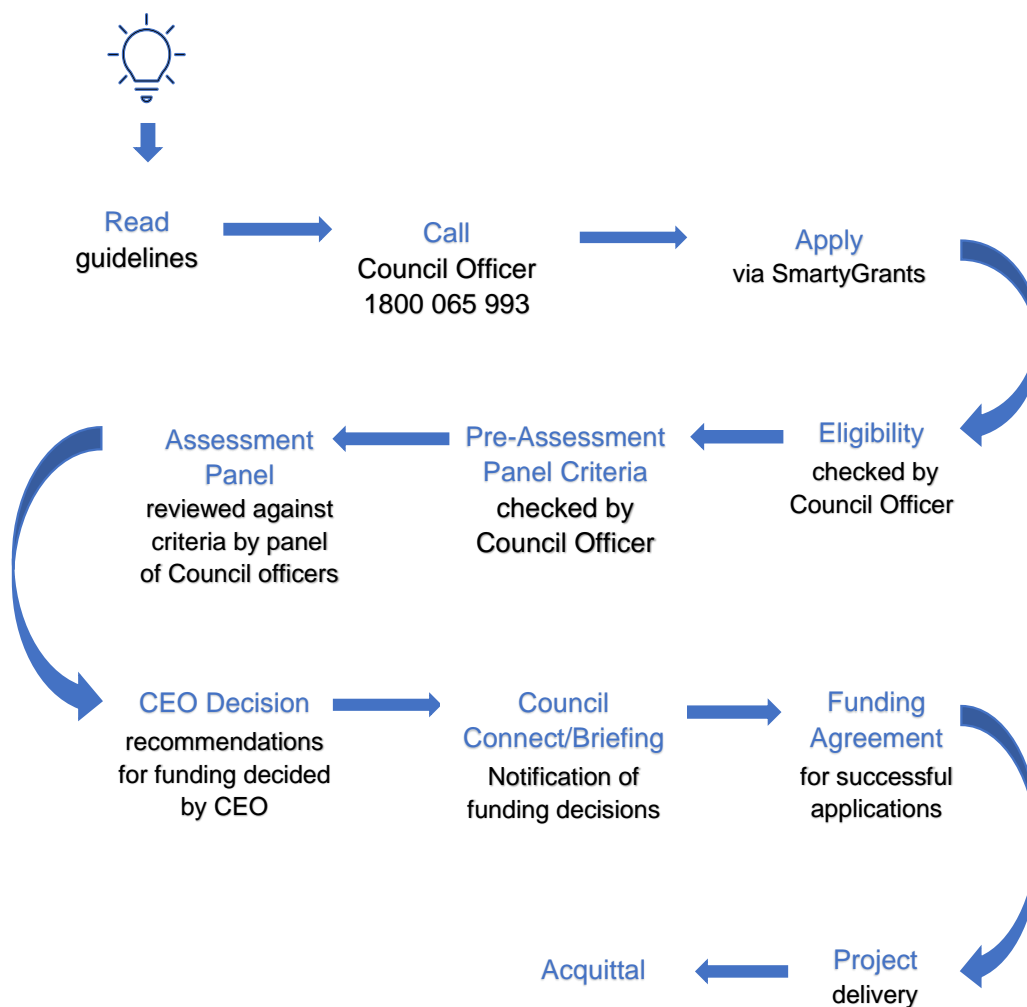
Recipients must notify Council in writing and obtain approval for any changes to the items or project for which funding has been approved including the budget, timing and scope.

Please be aware that major variations in scope that result in outcomes unrelated to the original project application may result in the withdrawal of grant approval and a refund of grant funds.

You will be notified of the outcome of your variation request within two weeks of receipt of the request.

If the project is cancelled or modified without prior approval, or the variation request is declined, the Recipient agrees to reimburse the total amount determined by Council.

GRANT PROCESS



11.3 Infrastructure

11.3.1 Contract 24/25-24 Construction of Violet Town Streetscape Stage One

AUTHOR Acting Manager Project Delivery

RESPONSIBLE DIRECTOR Director Sustainable Infrastructure

EXECUTIVE SUMMARY

The Strathbogie Shire Streetscape Program commenced in the 2021-22 Financial Year, with Stage one and two works completed in Euroa, Longwood, and Avenel. These projects were funded through the Local Roads and Community Infrastructure Program (LRCIP). Strathbogie streetscape works were completed in late 2024. This report considers the recent tender process for streetscape construction works in Violet Town.

Cowslip Street in Violet Town, being a VicRoads Arterial Road, required additional coordination with the Department of Transport and Planning resulting in extensive project delays. The project scope for Violet Town Streetscape Stage one includes upgraded pedestrian crossings, bike lanes, center median refurbishment, landscaping, street furniture, and lighting.

Following a competitive procurement process for the above works, one tender was received, however the pricing was significantly above budget and not in accordance with market benchmarks.

RECOMMENDATION

That Council:

- 1. Receive and note the outcome of the tender assessment for Contract No. 24/25-24**
- 2. Inform the tenderer that their tender was unsuccessful**
- 3. Note that the readvertised tender will be via select invitation of suitably qualified contractors**
- 4. Authorise the Chief Executive Officer following the procurement process to award contract(s) for the Violet Town Streetscape works for a combined value of up to \$380,000.00 (excluding GST) to the successful tenderer(s)**
- 5. Note that a further Council Report will be provided to Council no later than July 2025 once the procurement process is completed.**

PURPOSE AND BACKGROUND

Council advertised the construction tender (Contract 24/25-24) between 14 March 2025 and 6 April 2025. Only one submission was received. This tender was assessed by Council officers and found to be qualitatively compliant however the pricing was significantly above budget and not in line with market benchmarks.

In accordance with the Procurement Policy value for money must be demonstrated in all procurement activities. During this tender process, Council has met its obligation to seek open competition, but the result in this instance does not meet the objectives of value for money or efficient use of public funds.

Through this report Council officers seek Council approval to pursue a revised procurement strategy involving a selective private second round tender to suitably qualified contractors with demonstrated capacity to deliver streetscape and civil works within regional Australia.

This is line with the “Best Practice Procurement Guidelines for Local Government 2024”

It is essential that the recommended actions be implemented as delays in executing these actions may jeopardise the availability of Local Roads and Community Infrastructure Program (LRCIP) funding. Timely delivery is essential to ensure grant conditions are met and the funding is not forfeited.

Officers are in discussion with the federal government regarding the LRCIP funding to investigate alternate avenues to secure the available funding should the approach outlined above not be successful.

TENDER PROCESS

The public tender was released on “Tender Search” via the Council website on the 14 of March 2025.

Council also advertised in Saturdays The Age newspaper (statewide reach), Euroa Gazette, Benalla Ensign, Shepparton News, in the week following release. By the close of tenders at 4:00PM on 6 of April 2025, one tender submission was received.

The sole tender submission was assessed for its compliance including the contractual terms and conditions and the requirements of the response schedules. The Tender received was deemed conforming on qualitative assessment criteria. However, the pricing was significantly above allocated budget of \$380,000.00 (excluding GST) and not in line with market benchmarks which resulted in not meeting the objectives of value for money or efficient use of public funds.

Panel Assessment Process

In accordance with Council’s Procurement Policy, the evaluation panel and evaluation criteria weightings were determined prior to the release of the Tender documentation. The evaluation panel members were nominated prior to the release of the tender submissions for evaluation. The panel signed ‘Conflict of Interest’ statements prior to the evaluation panel viewing the submitted tenders.

The Tender Evaluation Panel comprised the following Strathbogie Shire Council Officers:

1. Manager Asset Planning, Sustainable Infrastructure
2. Acting Manager Project Delivery, Sustainable Infrastructure
3. Project Officer, Sustainable Infrastructure, and
4. Procurement and Tender Officer, Finance (moderator, non-voting member).

The principle that underlies the awarding of all Council contracts is that a contract is awarded on the basis of providing the overall best value, offering the most benefit to the community and the greatest advantage to Council. As elaborated previously the sole tender submission for this tender does not exhibit value for money.

CONFIDENTIALITY

This report comprises confidential information under Section 66(2)(a) of *the Local Government Act 2020*, as it contains commercially sensitive information. A confidential attachment is included for this report.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 1: Engage. Create. Unite.

We create welcoming social spaces where people can connect.

Strategic Focus Area 2: Live. Access. Connect.

We all have access to important services.

We are moving through our townships on connected walking and cycling tracks.

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Delays in engaging contractors could risk LRCIP funding loss	Probable	Major	High	Expedite revised procurement approach and closely monitor project timeline
Limited market response to selective quotes	Possible	Moderate	Medium	Use pre-qualified, known contractors with proven delivery in similar works in region
Perception of reduced transparency or fairness in procurement	Possible	Moderate	Medium	Maintain full documentation and apply consistent criteria to all invited contractors
Higher-than-expected quotations again from select contractors	Possible	Major	High	Benchmark pricing, negotiate with multiple firms, consider revised scope or phasing if necessary
Resource strain in managing parallel negotiations	Possible	Moderate	Medium	Allocate project management resources specifically to procurement coordination

LEGAL CONSIDERATIONS

There are no significant legal considerations associated with this report.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

All steps have been taken in line with Council's Procurement Policy which ensures transparency in the process. Decisions made by Council will be:

- undertaken in accordance with the *Local Government Act 2020* and the Governance Rules.
- will be conducted in an open and transparent forum with information available via Council reports.

FINANCIAL VIABILITY CONSIDERATIONS

Adopting the recommended procurement approach is financially prudent and aligned with Council's obligation to deliver value for money.

The revised approach allows for negotiation with qualified contractors, which is expected to result in more competitive pricing than the initial tender. It also reduces the risk of cost overruns by enabling better scope control and budget alignment at an early stage.

Moreover, this pathway maximises the opportunity to fully utilise the LRCIP funding allocation within the approved grant timeframes.

SUSTAINABILITY CONSIDERATIONS

Economic

The project supports the local and regional economy by creating opportunities for qualified regional contractors to participate in the delivery of infrastructure works. By stimulating local procurement, the program fosters employment, enhances contractor capability, and retains expenditure within the region, promoting long-term economic resilience.

Social

The Streetscape Program is designed to enhance community well-being through improved public spaces that support inclusion, accessibility, and civic pride. The upgrades will contribute to more vibrant and liveable townships, fostering social interaction, safer pedestrian environments, and community engagement.

Environmental

The project incorporates environmentally responsible construction practices where feasible, including the use of recycled materials, efficient waste management, and sustainable landscaping elements. The procurement strategy will encourage contractors to minimise their environmental footprint during project delivery.

INNOVATION AND CONTINUOUS IMPROVEMENT

The proposed approach supports innovation by encouraging contractors to present creative construction methods, modern materials, and technologies that enhance project outcomes.

By fostering a culture of continuous improvement, the program is positioned to deliver high-quality, sustainable infrastructure more efficiently and responsively to community needs.

HUMAN RIGHTS CONSIDERATIONS

There are no significant human rights implications arising from this report.

CONCLUSION

The recommended course of action represents a timely, practical, and compliant response to an unsuccessful tender outcome. It enables Council to meet its funding obligations, deliver high-quality public infrastructure, and maintain its commitment to responsible financial management and community benefit.

Immediate adoption of the proposed procurement approach is essential to safeguard federal funding and ensure successful project delivery of Violet Town Streetscape Stage one construction.

CONFIDENTIAL ATTACHMENT

Tender Details for Contract 24/25-24 Construction of Violet Town Streetscape Stage One

The attached recommendation and evaluation matrix has been provided to Councilors under separate cover as it is confidential under section 3 of the *Local Government Act 2020* as it contains:

- a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

This section applies because the matter concerns contracts around which negotiations have not been finalised, and it would prejudice the Council's position in the negotiations.

- g. private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

This section applies because the information contains confidential commercial information submitted by the business through the tender process and it would unreasonably expose the business through providing an unfair advantage to their competitors.

11.4 Corporate

11.4.1 Euroa Caravan Park Lease

AUTHOR Interim Chief Executive Officer

RESPONSIBLE DIRECTOR Interim Chief Executive Officer

EXECUTIVE SUMMARY

Council is the land manager for parcels of Crown land, one of which includes the Euroa Caravan Park.

Council has received a request from the Euroa Caravan Park tenant to enter into direct negotiations for a new twenty-one (21) year lease to support further community benefits proposed by the tenant.

There are provisions contained within the Leasing policy for Victorian Crown Land 2023 to allow for direct negotiations where the Council is satisfied with the incumbent tenant, and the tenant can clearly demonstrate the community benefits of continuing as the tenant at the site.

RECOMMENDATION

That Council:

1. **Note the request from the Euroa Caravan Park tenant to enter into direct negotiations for a new twenty-one (21) year lease to support further community benefits proposed by the tenant**
2. **Note that there are provisions contained within the Leasing policy for Victorian Crown land 2023 to allow for direct negotiations where the Council is satisfied with the incumbent tenant, and the tenant can clearly demonstrate the community benefits of continuing as the tenant at the site**
3. **Is supportive “in principle” to progress negotiations with the incumbent tenant, Lilly Ann Pty Ltd, and work towards finalising a draft lease for Council’s consideration at a future Council Meeting.**

PURPOSE AND BACKGROUND

Department of Energy, Environment and Climate Action (DEECA) Leasing Policy for Crown Land (2023) contemplates the possibility of a new lease with a lessee of Crown land who is at least halfway through their lease and more than 18 months away from their lease ending. Direct negotiations for a new twenty-one (21) year lease for the Euroa Caravan Park are not restricted by these time constraints.

DEECA can approve a new lease with the same lessee for a period of 21 years without the existing lease being surrendered and a competitive process being undertaken.

To ensure the tenant can clearly demonstrate the community benefits of continuing as the tenant at the site, DEECA recommends that Council request a detailed business case from the incumbent tenant, and assess this business case to ensure:

- That the business proposal is viable
- That there's an understanding of how the prospective tenant has or will build up the business
- The reliability of the tenant
- That the lease offers the best value to the landlord and the community and therefore doesn't need to go through a competitive process
- An understanding of the minimum term required to amortise the proposed capital works or management initiatives
- Confidence that the prospective tenant has the financial capacity to fund and implement the proposed capital works program and meet lease commitments and manage the business.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 2: Live. Access. Connect.

We are focused on activities that build economic, financial and social security.

Strategic Focus Area 4: Inclusive. Productive. Balanced.

We partner with our community to achieve great things.

Regional, State and National Plans, Policies and Legislation

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Loss of potential of community benefit by not exploring the request for a new 21 year lease.	Possible	Moderate	Medium	Council consider a new 21 year lease and the associated community benefits.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

This report will be presented to Council in a Council meeting, open to the public and live streamed to the public. This is consistent with Council's Transparency Policy, enabling the community to have oversight regarding the matters being discussed by Council and the decisions being made.

CONFIDENTIAL ATTACHMENT**Euroa Caravan Park Proposal**

The attached proposal has been provided to Councilors under separate cover as it is confidential under section 3 of the *Local Government Act 2020* as it contains:

- g. private commercial information, being information provided by a business, commercial or financial undertaking that—
 - i. relates to trade secrets; or
 - ii. if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage

This section applies because the information contains confidential commercial information submitted by the business process and it would unreasonably expose the business.

11.4.2 Public Interest Disclosure Policy

AUTHOR Governance Officer

RESPONSIBLE DIRECTOR Director People and Governance

EXECUTIVE SUMMARY

In Victoria, a Public Interest Disclosure is a complaint or allegation about improper conduct or detrimental action involving a public officer or body. It is handled under the *Public Interest Disclosures Act 2012*, with the Independent Broad-based Anti-corruption Commission (IBAC) playing a key role in assessing and investigating them.

The *Public Interest Disclosures Act 2012* ensures that people who report improper conduct and corruption in the Victorian public sector (whistleblowers) can do so in the knowledge that they will be protected.

The Public Interest Disclosure Policy and Procedure establish a system for reporting disclosures of improper conduct or detrimental action by the Strathbogie Shire Council or its employees.

Following a scheduled review, the policy and procedure is presented for adoption by Council.

RECOMMENDATION

That Council:

1. **Adopt the Public Interest Disclosure Policy and Procedure**
2. **Place the policy on Council's website, along with the publication of a notice in Council's weekly newspaper column and social media pages informing the community about the adoption of the updated policy.**

PURPOSE AND BACKGROUND

The purpose of the report is to adopt the Public Interest Disclosure Policy and Procedure following a scheduled review.

ISSUES, OPTIONS AND DISCUSSION

Strathbogie Shire Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2012* (the Act). It does not tolerate improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.

The *Public Interest Disclosures Act 2012* aims to:

- Encourage and assist people to report improper conduct and detrimental action taken in reprisal for a public interest disclosure.
- Provide certain protections for people who make a disclosure or those who may suffer detrimental action in reprisal for a disclosure.

- Ensure that certain information about a disclosure is kept confidential – the identity of the person making the disclosure and the content of that disclosure.

The intent of the Public Interest Disclosure Policy and Procedure is to ensure that robust systems are in place which reinforce Council's obligations when receiving a disclosure.

It establishes the governance structures necessary to support the making and handling of disclosure of improper conduct and/or detrimental action, in line with the guidelines of the independent broad-based anti-corruption commission (IBAC).

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Be accountable for the decisions we make and the quality of service we deliver.

Maximise public transparency and accountability around our performance and decision-making processes.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the following legislation, council policies and key strategic documents:

- *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019*
- *Public Interest Disclosures Act 2012*
- *Local Government Act 1989 and 2020*
- *Freedom of Information Act 1982*
- *Public Administration Act 2004*
- *Independent Broad-based Anti-Corruption Commission Act 2011*
- *Constitution Act 1975*
- Public Interest Disclosures Regulations 2019
- Model Councillor Code of Conduct
- Fraud and Corruption Policy
- Staff Code of Conduct CEO Directive

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
The failure of Council, to appropriately manage Public	Low	Medium	Medium	Adopt the Public Interest Disclosure Policy

Interest Disclosure obligations results in risk and potential consequences for the organisation, including possible prosecution for breaches under the Acts, loss of public trust and reputational damage.				
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LEGAL CONSIDERATIONS

Protections apply to disclosures made in line with the requirements specified in/by:

- *Public Interest Disclosure Act 2012*
- Independent Broad-based Anti-corruption Commission (IBAC)
- Victorian Ombudsman

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

Strathbogie Shire Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

FINANCIAL VIABILITY CONSIDERATIONS

The ability to make disclosures around misconduct, which may include fraud and corruption, is an important good governance mechanism ensuring that Council's finances are managed with integrity and probity.

INNOVATION AND CONTINUOUS IMPROVEMENT

Regular reviews of the policy and procedure are required so as to ensure relevancy and currency in accordance with legislative and statutory obligations.

HUMAN RIGHTS CONSIDERATIONS

The recommendation does not limit any human rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

This policy and procedure aims to formalise the Council's commitment to robust reporting disclosures of improper conduct or detrimental action by the Strathbogie Shire Council or its employees.

Once adopted, the community will be informed of the updated policy via social media and Council's website.

ATTACHMENT

1. 202504 DRAFT Public Interest Disclosure Policy

OFFICIAL

Strathbogie Shire Council Public Interest Disclosures Policy and Procedure

April 2025

Strathbogie
SHIRE COUNCIL

OFFICIAL

Contents**PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURE****Error! Bookmark not defined.**

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Public Interest Disclosure Policy and Procedure

Document ID:	613552
Effective Date:	19 August 2020
Last Review:	September 2023
Current Review:	April 2025
Date Adopted by Council:	
Next Scheduled Review Date:	April 2027
Responsible Officer:	Director People and Governance

OFFICIAL**PART 1 POLICY****1. PURPOSE**

The policy and procedures establish a system for reporting disclosures of improper conduct or detrimental action by the Strathbogie Shire Council (Council) or its employees. The system enables such disclosures to be made to the Public Interest Disclosure Coordinator or to the Independent Broad-based Anti-Corruption Commission (IBAC). Disclosures may be made by any person. This includes a person who is a member (elected member of Strathbogie Shire Council), officer or employee of the Council.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors. As an alternative, employees may make a disclosure of improper conduct or detrimental action under the Act in accordance with these procedures.

2. POLICY STATEMENT

Strathbogie Shire Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2012* (the Act). It does not tolerate improper conduct by its employees, officers or members, nor the taking of reprisals against those who come forward to disclose such conduct.

Strathbogie Shire Council recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

The *Public Interest Disclosures Act 2012* (the Act) aims to:

- Encourage and assist people to report improper conduct and detrimental action taken in reprisal for a public interest disclosure.
- Provide certain protections for people who make a disclosure or those who may suffer detrimental action in reprisal for a disclosure.
- Ensure that certain information about a disclosure is kept confidential – the identity of the person making the disclosure and the content of that disclosure.

The Act also established a new parliamentary oversight committee. The Integrity and Oversight Committee (IOC), consolidates the oversight of a number of Victorian integrity agencies, including the Independent Broad-based Anticorruption Commission (IBAC), the Victorian Ombudsman (VO) and the Office of the Victorian Information Commissioner (OVIC).

3. THE REPORTING SYSTEM – MAKING A DISCLOSURE**3.1 What Is A Public Interest Disclosure?**

Public interest disclosures are reports about:

- improper conduct of public bodies or public officers (such as corrupt conduct)

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- detrimental action that a public officer or public body has taken against a person in reprisal for them (or another person) having made a public interest disclosure or cooperated with the investigation of a public interest disclosure.

A disclosure can relate to conduct or action that:

- may have already taken place
- may be occurring now
- may happen in the future.

3.2 Who A Public Interest Disclosure Can Be About

Disclosures can be made about:

- public bodies
- public officers
- conduct of a person who is not a public officer or is not employed by a public body, where their conduct is adversely affecting the honest performance of a public body or public officer or is intended to adversely affect their effective performance.

Public bodies include:

- a council (established under the *Local Government Act 1989 and 2020*)
- public sector bodies (including public entities and special bodies)
- incorporated or unincorporated bodies established under an Act for a public purpose, including universities
- Electoral Boundaries Commission
- a body performing a public function on behalf of the State or a public body or public officer (for example, a regulatory function or a function that is publicly funded).

Public officers include:

- local government councillors and council employees
- public servants, including IBAC officers
- university employees and teachers
- Victoria Police personnel
- Members of Parliament, including ministers' ministerial officers, parliamentary advisers and officers, electorate officer's judicial officers, including coroners, members of the Victorian Civil and Administrative Tribunal (VCAT), associate judges, judicial registrars
- statutory office holders, including the Auditor-General and the Victorian Ombudsman, and the Director of Public Prosecutions
- the Governor, Lieutenant-Governor or Administrator of the State.

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Further information about the types of public bodies and public officers about whom disclosures can be made is in the *Public Administration Act 2004*, and the *Independent Broad-based Anti-Corruption Commission Act 2011* (IBAC Act).

Someone can still make a disclosure even if they can't identify the person or the organisation to which the disclosure relates.

3.3 Who Can Make A Disclosure?

Anyone can make a disclosure about improper conduct or detrimental action – both members of the public and employees of a public body. However, to fall within the scheme, disclosures must be made to an organisation that is authorised to receive disclosures.

Disclosures can be made by individuals or a group of people. A company or business cannot make a Disclosure - but any member of staff can.

3.4 Organisations That Can Receive A Public Interest Disclosures

Disclosures about some public bodies or officers must only be made to particular entities.

The following diagram sets out where disclosures about specific public bodies or officers should be made.

Disclosures around specific public bodies or officers and where they should be made.

<ul style="list-style-type: none"> the Chief Commissioner of Police the Director of Public Prosecutions the Chief Crown Prosecutor the Solicitor-General the Governor the Lieutenant- Governor or Administrator the Director, Policy Integrity the Electoral Commissioner a Commissioner or member of a Board of Inquiry appointed under the <i>Inquiries Act 2014</i> a judicial employee a Ministerial officer a Parliamentary adviser an electorate office a Parliamentary officer a Minister of the Crown who is not a member of Parliament. 	IBAC
<ul style="list-style-type: none"> a Councillor the Information Commissioner the Health Complaints Commissioner. 	IBAC or the Victorian Ombudsman
<ul style="list-style-type: none"> the Chief Examiner or an Examiner appointed under the <i>Major Crimes (Investigative Powers) Act 2004</i> a Victorian Ombudsman officer a Victorian Auditor-General's officer a Judicial Commission officer (other than a judicial member of the Board of the Judicial Commission). 	IBAC or the Victorian Inspectorate

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<ul style="list-style-type: none"> a member of police personnel (other than the Chief Commissioner). 	IBAC or a Prescribed Member of Police Personnel
<ul style="list-style-type: none"> a member of Parliament (Legislative Council). 	President of the Legislative Council
<ul style="list-style-type: none"> a member of Parliament (Legislative Assembly). 	Speaker of the Legislative Assembly
<ul style="list-style-type: none"> a Public Interest Monitor an IBAC officer 	The Victorian Inspectorate
<ul style="list-style-type: none"> a Judicial officer or a member of VCAT who is not a judicial officer 	IBAC or the Judicial Commission
<ul style="list-style-type: none"> a Victorian Inspectorate Officer. 	Integrity and Oversight Committee, the Speaker of the Legislative Assembly or the President of the Legislative Council

If the subject of the disclosure is not listed in the previous diagram, the disclosure can be made to the following organisations that are authorised to receive public interest disclosures.

Table 1 – List of organisations authorised to receive public interest disclosures (if not listed in previous diagram).

Organisation	Officer Who Can Receive Disclosures
<p>Council</p> <p>All councils can receive disclosures that relate to the conduct of themselves, or disclosures made by their own members, officers or employees. Disclosures about councils can also be made to IBAC, or to the Victorian Ombudsman or the Victorian Inspectorate.</p>	<ul style="list-style-type: none"> Chief Executive Officer A person identified in the council's procedures as a person who can receive a disclosure about that council, e.g. Public Interest Disclosure Coordinator Manager or supervisor of the discloser Manager or supervisor of the person who is the subject of the disclosure.
IBAC	<ul style="list-style-type: none"> The Commissioner A Deputy Commissioner The Chief Executive Officer An IBAC employee An IBAC consultant.
Victorian Ombudsman	<ul style="list-style-type: none"> A Victorian Ombudsman officer.

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Victorian Inspectorate	<ul style="list-style-type: none"> • The Victorian Inspector • A Victorian Inspectorate employee.
<p>Public Service body</p> <p>Public service bodies can only receive disclosures that relate to the conduct of themselves, or disclosures made by their own members, officers or employees. Disclosures about public sector bodies can also be made to IBAC, or to the Victorian Ombudsman or the Victorian Inspectorate.</p>	<ul style="list-style-type: none"> • Head of the relevant public service body • A person identified in the council's procedures as a person who can receive a disclosure about that council, e.g. Public Interest Disclosure Coordinator • Manager or supervisor of the discloser • Manager or supervisor of the person who is the subject of the disclosure.

3.5 Disclosures Made To An Organisation That Is Not Authorised To Receive Public Interest Disclosures

If someone makes a disclosure to an agency that isn't authorised to receive public interest disclosures, the disclosure will not be protected under the Act. The person should be advised what organisations can receive disclosures.

3.6 How Can A Disclosure Be Made?

A person may make a disclosure verbally or in writing. The disclosure may also be anonymous.

Private Verbal Disclosure

Disclosures can be made in person, by phone or by leaving a voice mail message.

Verbal disclosures must be made in private. This means the person making the disclosure must reasonably believe that only the following people (other than themselves) are present or able to listen to the conversation:

- a lawyer representing the person making the disclosure (if any)
- one or more people to whom a disclosure can be made under the Act or Regulations.

This does not preclude a group of individuals from making a joint disclosure.

If the disclosure is made verbally, the person receiving the disclosure should make notes at the time. This person can also record the conversation but should give prior warning that the conversation will be recorded. The conversation should not be recorded if the discloser objects.

Written Disclosure

A written disclosure can be provided to the Council by:

- delivering it in person to the office of the Strathbogie Shire Council
- mailing it to the office of Strathbogie Shire Council
- emailing to the email address of the office of the Strathbogie Shire Council or to the official email address of a person nominated to receive a disclosure in the Council's procedures or in the Public Interest Disclosures Regulations

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- completing the online form available on the IBAC and the Victorian Ombudsman websites.

Anonymous Disclosure

A discloser need not identify themselves to make a disclosure.

An anonymous disclosure can be made by using unverifiable email addresses, through anonymous phone calls or in a face-to-face conversation or meeting where the person refuses to identify themselves (provided that meeting or conversation takes place 'in private' in accordance with the Public Interest Disclosures Regulations).

If the disclosure comes from an email address where the identity of the person making the disclosure cannot be determined, the disclosure should be treated as an anonymous disclosure.

3.7 Who Can Receive Disclosures?

Disclosures of improper conduct or detrimental action by the Strathbogie Shire Council or its employees, may be made to the Public Interest Disclosure Coordinator.

The following officers of Council can receive disclosures:

- Chief Executive Officer
- Public Interest Disclosure Coordinator
- Public Interest Disclosure Officer

The Director People and Governance has been appointed as the Public Interest Disclosure Coordinator.

The Public Interest Disclosure Coordinator will be the main contact point at Strathbogie Shire Council.

4. DEFINITION OF KEY TERMS

Disclosures can be made under the public interest disclosure regime where they relate to improper conduct or detrimental action. Definitions of these terms are set out below.

4.1 Improper Conduct

Improper conduct includes corrupt conduct, criminal offences and other conduct specified in the Act. If the conduct is trivial, it will not meet the threshold of improper conduct.

When assessing allegations of improper conduct, you need to identify that there is a link between the conduct and the official function of a public officer or public body.

4.1.1 What Improper Conduct Includes

Improper conduct includes corrupt conduct and/or any of the following conduct by a public officer or public body in their capacity as a public officer or public body:

- a criminal offence
- serious professional misconduct

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- dishonest performance of public functions
- an intentional or reckless breach of public trust
- an intentional or reckless misuse of information or material acquired in the course of the performance of the functions of the public officer or public body
- a substantial mismanagement of public resources
- a substantial risk to health or safety of one or more persons
- a substantial risk to the environment
- conduct of any person that:
 - adversely affects the honest performance by a public officer or public body of their public functions
 - is intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and results in the person, or an associate of the person, obtaining:
 - a licence, permit, approval, authority or other entitlement under any Act or subordinate instrument
 - an appointment to a statutory office or as a member of the board of any public body under any Act or subordinate instrument
 - a financial benefit or real or personal property
 - any other direct or indirect monetary or proprietary gain, that the person or associate would not have otherwise obtained.
- conduct of any person that could constitute a conspiracy or attempt to engage in any of the conduct referred to above.

4.2 Detrimental Action

It is an offence for a person to take, threaten to take or allow another person to take detrimental action against another person in reprisal for making a public interest disclosure.

Detrimental action includes:

- action causing injury, loss or damage
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action

The person need not have actually taken the detrimental action but can just have threatened to do so or incited someone else to do so.

When assessing a disclosure for detrimental action the following will be considered as part of the assessment:

- both the nature of the detrimental action and whether it is being taken in reprisal for a public interest disclosure
- did the person take or threaten the action (or incite or permit another person to take or threaten the action) because (or in the belief that):

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- the other person (or anyone else) has made, or intends to make, the disclosure
- the other person (or anyone else) has cooperated, or intends to cooperate, with an investigation of the disclosure.

The Act does not prevent a manager taking management action against a person who has made a disclosure provided that the making of the disclosure is not the reason for the management action being taken.

4.3 Serious Professional Misconduct

Serious professional misconduct is not defined in the Act. For the purpose of these procedures, it will be thought about where there is a serious failure to exhibit the skills and experience required to perform the responsibilities of the office, as well as a serious breach of professional conduct expected in the workplace.

To identify whether serious professional misconduct has occurred, the following will be considered:

- if the person has behaved in a way that is inconsistent with the expectations, skills and responsibilities of their office
- the behaviour the person engaged in was in their capacity as a public officer
- the misconduct was serious.

The following factors will be considered when assessing whether the misconduct is serious:

- persistent, repeated or premeditated behaviour
- risks posed to others or the consequences of the behaviour (including for the public officer and others)
- the level of public trust and responsibility attached to the public office
- the amount of money involved in the wrongdoing
- how the conduct is perceived by the person's peers
- whether the conduct would result in significant disciplinary or potentially criminal penalties
- the size of the discrepancy between what the person should have done and what they did
- whether it should have been apparent to the person that they were wrong.

5. WHAT STANDARDS NEED TO BE APPLIED?

The disclosure needs to be assessed to decide if it is about improper conduct or detrimental action. There are two standards that should be considered.

Table 2 – Standards to be applied when deciding if improper conduct or detrimental action

Shows or tends to show improper conduct or detrimental action	Reasonable belief that improper conduct or detrimental action has occurred
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Does the information provided show or tend to show there is improper conduct or detrimental action?	Does the discloser believe on reasonable grounds that improper conduct or detrimental action has occurred?
Reliability of the information	Reasonable belief
<p>In assessing if there is improper conduct or detrimental action, look at all the information provided about the alleged conduct and about the discloser:</p> <ul style="list-style-type: none"> What is the discloser's connection to the alleged conduct? Are they a victim, a witness, or a participant? How did they come to know about the conduct? Were they directly involved in it? Did they observe it happening to another person? Did someone else tell them about it? How detailed is the information provided? Is there sufficient information to enable you to consider whether there is improper conduct or detrimental action? How reliable is the information? Is it supported by other information? 	<p>A person making a disclosure must reasonably believe that improper conduct or detrimental action has occurred or is going to occur.</p> <p>This requires more than a suspicion. The belief must have supporting facts and circumstances. For example, it would not be sufficient for a person's disclosure to consist simply of a one sentence statement like 'I know XYZ is corrupt'.</p> <p>The test is whether a reasonable person, possessed of the same information, could believe that the improper conduct had occurred.</p> <p>Other matters that can be considered to determine if there are reasonable grounds for the discloser's belief is the reliability of the information they have provided, even if it is second or third hand. Consider how the person would have obtained the information and the amount of detail that has been provided.</p> <p>Consider the credibility of the discloser or the people who provided the discloser with information.</p>

6. HANDLING DISCLOSURES

6.1 Receiving Disclosures

When the CoM receives a complaint, report or allegation of improper conduct or detrimental action, the first step will be to determine whether the disclosure may be a public interest disclosure by going through the assessment process set out in the previous section.

6.2 Notifying the Outcome of the Assessment

Table 3 – Steps outlined to determine if complaint, report or allegation of improper conduct or detrimental action is in fact a public interest disclosure.

It is a public interest disclosure	It is NOT a public interest disclosure
<p>Notify the appropriate agency</p> <p>Strathbogie Shire Council (Council) will notify the appropriate agency in writing, within 28 days after the disclosure was made, that:</p>	<p>Strathbogie Shire Council will advise the discloser in writing, within 28 days after the disclosure was made, that:</p>

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<ul style="list-style-type: none"> the disclosure may be a public interest disclosure Council is sending the disclosure for assessment. <p>Council will also provide the agency with any information obtained regarding the disclosure in the course of inquiries. Note, this information can be provided at the time of notification or at any later time.</p> <p>IBAC is the appropriate agency for all disclosures except the following:</p> <ul style="list-style-type: none"> Disclosures about IBAC or the Public Interest Monitor must be notified to the Victorian Inspectorate. Disclosures about the Victorian Inspectorate must be notified to the Integrity and Oversight Committee. <p>Notify the discloser</p> <p>Council will notify the discloser in writing, within 28 days after the disclosure was made, that the disclosure has been sent to IBAC for assessment.</p>	<ul style="list-style-type: none"> Council does not consider the disclosure shows or tends to show improper conduct or detrimental action the disclosure has not been sent to IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee for assessment the discloser's identity doesn't have to be kept confidential, but protections under Part 6 of the Act apply, for example: <ul style="list-style-type: none"> ➢ they can't be fired, disciplined or bullied for making the disclosure ➢ they are protected from legal actions such as defamation and civil liability. <p>Note, Council does not have to provide the discloser with this information unless the discloser has indicated, or it otherwise appears to the Council, that they wish to receive the protections that apply to a public interest disclosure under the Act.</p> <p>Council will consider whether the disclosure could be dealt with according to your organisation's normal complaint handling procedures.</p>
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6.3 Can a Discloser Ask That a Complaint Not Be Dealt With as a Public Interest Disclosure?

Yes. A discloser can advise that they do not want the disclosure treated as a public interest disclosure by stating so in writing at the time of making the disclosure or within 28 days of making the disclosure.

6.4 Protection for Public Officers

When a public officer acts in good faith and in accordance with the public interest disclosure scheme, they do not commit an offence under section 95 of the *Constitution Act 1975* or any other Act that imposes a duty to maintain confidentiality, and do not breach confidentiality obligations or information disclosure restrictions.

6.5 If Urgent Action is Required While A Disclosure is Being Assessed

In some circumstances, the disclosure may be about conduct that may pose an immediate threat to the health and safety of individuals, or the preservation of property, or may consist of serious criminal conduct.

Examples could include a child protection worker allegedly assaulting children in care, a council worker allegedly lighting bush fires, or a person threatening to poison the water supply.

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In these cases, Council will take immediate action while considering whether or not it is a disclosure that must be notified to IBAC. Council may also take immediate action while awaiting IBAC's decision on a notified matter.

It may be necessary to report criminal conduct to Victoria Police for immediate investigation or take management action against an employee to prevent future conduct.

While the Act limits the release of information about disclosures, it allows Council to disclose the content of the disclosure 'to the extent necessary for the purpose of taking lawful action' in relation to conduct that is the subject of a disclosure, including disciplinary process or action. However, this does not allow Council to reveal the identity of the discloser.

There is also an exception that allows both disclosure content and the discloser's identity to be shared with Victoria Police where an investigating entity has previously disclosed information to the Chief Commissioner of Police relating to actual or potential criminal conduct and the information is relevant to an investigation by Victoria Police of the criminal conduct.

7. IBAC ASSESSMENT

Once a notification is made to IBAC, then IBAC must assess whether, in IBAC's view, the assessable disclosure is a public interest complaint. If IBAC is of the view that the assessable disclosure is a public interest complaint, then the discloser is protected.

In making its assessment, IBAC may seek additional information from the notifying entity or from the discloser if IBAC considers there is insufficient information to make a decision.

If IBAC determines that a disclosure is a public interest complaint, it will investigate or refer a disclosure, or it may take no further action.

7.1 IBAC'S Determination

IBAC will provide the following information to a disclosure following its determination:

Table 4 – Information provided by IBAC when making a determination.

It is a public interest complaint	It is NOT a public interest complaint
<p>IBAC must advise the discloser of the determination and the action it will take. This includes advising the discloser whether IBAC has decided to investigate or refer the complaint or take no further action.</p> <p>If IBAC decides to take no further action it must give reasons for its decision.</p> <p>If IBAC decides to investigate or refer the complaint it must provide a written statement advising the discloser that it is an offence to disclose IBAC's action.</p>	<p>IBAC must advise the discloser in writing within a reasonable time, that:</p> <ul style="list-style-type: none"> • IBAC has determined their disclosure is not a public interest complaint • the disclosure will not be investigated as a public interest complaint • their identity does not have to be kept confidential. <p>IBAC will advise the notifying entity of its determination.</p>

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<p>IBAC must notify the discloser in writing and within a reasonable time. However, IBAC may decide not to notify the discloser or the entity that has notified the disclosure if it considers that notifying would have one of the adverse consequences set out in the IBAC Act.</p> <p>These adverse consequences include putting a person's safety at risk or prejudicing an investigation under the IBAC Act.</p>	<p>IBAC may also consider treating the disclosure as a complaint under the IBAC Act which engages its powers to refer the matter to a more appropriate agency to investigate, including the agency the complaint is about.</p> <p>IBAC will consult with the discloser prior to doing so.</p>
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7.2 IBAC – Investigating Complaints

IBAC may choose to investigate the alleged conduct if it is corrupt conduct that is serious or systemic.

7.2.1 Confidentiality and Welfare Issues

During the investigation of a public interest complaint, IBAC or another investigating entity may need to contact the public body that is the subject of the complaint.

If so, the public body or public officer will be able to disclose information about the public interest complaint without breaching the confidentiality requirements of the Act.

IBAC or the relevant investigating entity may also disclose the identity of the discloser and the content of the complaint if necessary. If so, the public body or public officer to whom the information has been disclosed is bound by the confidentiality requirements of the Act.

In addition, if the public body or public officer is advised of the identity of the discloser, then they will be required to look after the welfare of the discloser and provide protection against possible detrimental action.

7.3 IBAC – Referring a Complaint

IBAC may refer a public interest complaint to another investigating entity:

- Complaints about the conduct of a member of Victoria Police may be referred to the Chief Commissioner of Police.
- Other complaints may be referred to the Victorian Ombudsman, or depending on the nature of the complaint, the Chief Municipal Inspector, the Judicial Commission, the Racing Integrity Commissioner or the Information Commissioner.

If there is another public body that may be more suited to investigating a complaint (for example, a council or Victorian Government department), IBAC may refer the complaint to that body if the person who made the complaint gives their consent.

7.4 IBAC – No Further Action

If IBAC dismisses a public interest complaint, it must do so for reasons set out in the Act, for example if the complaint:

- lacks substance or credibility

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- is vexatious or trivial
- is about a matter that neither IBAC nor a body specified in the IBAC Act may investigate.

7.5 IBAC'S Obligations – Providing Information To the Discloser at the End of An Investigation

IBAC must provide the discloser with information about the results of its investigation. This will include any action taken by IBAC and any recommendation by IBAC that action or further action be taken.

IBAC may provide written information to the relevant principal officer about the commencement, conduct or result of an investigation. This includes any actions taken and any recommendations for action or further action. However, IBAC must not provide any information that is likely to lead to a discloser being identified.

IBAC does not have to provide this information to either the discloser or the relevant principal officer if it considers the disclosure might result in any of the possible adverse outcomes specified in section 163(4) of the Act.

8. PROTECTION FOR PERSONS MAKING DISCLOSURE

The following types of disclosures are protected:

- any disclosure assessed as public interest disclosure (where the assessment has been made by an organisation that is authorised to receive disclosures). The protections apply even if the public body receiving the disclosure does not notify IBAC.
- any notification that IBAC receives and determines to be a public interest complaint.

How the discloser is protected is set out below:

- cannot be fired, disciplined or bullied for making a disclosure
- is not subject to any civil or criminal liability for making a disclosure
- is not committing an offence against the *Constitution Act 1975* or any other Act that imposes obligations of confidentiality or any other restriction on the disclosure of information
- is not breaching any other obligation (made by oath, rule of law or practice) requiring him or her to maintain confidentiality or otherwise restrict confidentiality
- cannot be held liable for defamation in relation to information included in a public interest disclosure.

8.1 Confidentiality – Content and Identity of a Person Making a Public Interest Disclosure

Confidentiality is another way that disclosers and other people involved in public interest complaint investigations are protected.

There are two main restrictions on disclosing information. Breaching either of these restrictions is an offence.

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Content of a public interest disclosure must be confidential	Identity of a person making a public interest disclosure must be confidential
<p>The Act prohibits the disclosure of the content, or information about the content, of any disclosure that has been assessed as a public interest disclosure.</p> <p>This restriction applies to a person or body that receives a disclosure or is provided information about the disclosure by an investigating entity assessing or investigating it. The restriction does not apply to the discloser.</p>	<p>The Act prohibits the disclosure of information that would be likely to lead to the identification of a person who has made a public interest disclosure.</p> <p>This restriction applies to any person or body, other than the discloser.</p>

These restrictions and their exceptions are set out in sections 52, 53 and 54 of the Act.

8.1.1 Exceptions to Confidentiality Requirements

There are certain circumstances where the confidentiality requirements do not apply. These are:

- when a body is exercising its functions under the Act
- it is disclosed by an investigating entity for the purpose of the exercise of functions under the Act that authorises that investigating entity to investigate a public interest complaint
- IBAC, the Victorian Inspectorate or the Integrity and Oversight Committee determines the disclosure is not a public interest complaint
- when a disclosure is to Victoria Police where an investigating entity has previously disclosed information to the Chief Commissioner of Police relating to actual or potential criminal conduct and the information is relevant to an investigation by Victoria Police of the criminal conduct
- it is for the purpose of a proceeding or for a disciplinary process under a relevant Act
- the disclosure is necessary for the discloser to obtain legal advice or representation, interpretive services, the advice of a parent or guardian (for disclosers under 18 years), the advice of an independent person (for disclosers who are illiterate or have mental or physical impairments)
- the disclosure is for the purpose of assisting the discloser to seek advice or support from a registered health practitioner or trade union or employee assistance program
- the disclosure is to Workcover for a workers compensation claim or to the Fair Work Commission for an application.

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Confidentiality doesn't apply if:

- the disclosure is in accordance with a direction or authorisation from the investigating entity that is investigating the public interest complaint
- the disclosure is necessary for taking lawful action in relation to the conduct that is the subject of the disclosure.

8.1.3 Additional Exceptions to Confidentiality of the Identity of a Person Making a Public Interest Disclosure

Confidentiality doesn't apply if the discloser gives written consent.

8.2 Limits of Protection

A number of the protections in the Act do not apply if a discloser:

- knowingly provides false or misleading information
- claims that a matter is the subject of a public interest disclosure knowing the claim to be false.

The Act also specifically states that a person is still liable for their own conduct even if they disclose that conduct.

A person who makes a disclosure is not protected against legitimate management action being taken in relation to them.

9. OFFENCES

Taking disciplinary or other action against a person who has made a disclosure creates the perception that it is being taken in reprisal for the disclosure.

Where disciplinary or other action is being contemplated, the Chief Executive Officer or other responsible public officer must be able to clearly demonstrate that:

- the fact that a person has made a public interest disclosure is not any part of the reason for taking action against the employee
- there are good and sufficient grounds that would fully justify action against any other person in the same circumstances
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

Council may obtain legal advice before taking any action against the person making a public interest disclosure.

Care will be taken to thoroughly document the process. This includes recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for making the disclosure.

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The person making a public interest disclosure should be clearly advised of the proposed action to be taken and of any mitigating factors that have been taken into account.

10. THE REPORTING SYSTEMS

10.1 Contact Persons Within Strathbogie Shire Council

Disclosures of improper conduct or detrimental action by Strathbogie Shire Council or its employees, may be made to the Public Interest Disclosure Coordinator or the Chief Executive Officer.

All correspondence, phone calls and emails from internal or external persons making a disclosure must be referred to the Public Interest Disclosure Coordinator.

Where a person is contemplating making a disclosure and is concerned about approaching the Public Interest Disclosure Coordinator in the workplace, he or she can call the Public Interest Disclosure Coordinator and request a meeting in a discreet location away from the workplace.

10.2 Alternative Contact Persons

A disclosure about improper conduct or detrimental action by Strathbogie Shire Council or its employees may also be made directly to IBAC.

The following sets out where disclosures about persons other than employees or Councillors of Council should be made. Disclosures relating to Councillors must be made to IBAC or the Victorian Ombudsman.

Public Interest Disclosure Coordinator	Address: PO Box 177, 19A Binney Street, Euroa, Vic, 3666 Telephone: 1800 065 993 Internet: www.strathbogie.vic.gov.au Email: info@strathbogie.vic.gov.au
Independent Broad-based Anti-Corruption Commission (IBAC)	Address: GPO Box 24234 MELBOURNE VIC 3001 Telephone: 1300 735 135 Internet: www.ibac.vic.gov.au Email: info@ibac.vic.gov.au
Victorian Ombudsman	Ms Marlo Baragwanath Address: Ombudsman Victoria Level 2, 570 Bourke Street MELBOURNE VIC 3000 Telephone: 1800 806 314 Internet: www.ombudsman.vic.gov.au Email: ombudvic@ombudsman.vic.gov.au
Local Government Inspectorate	Address: Level 27, 1 Spring Street MELBOURNE VIC 3000

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	Telephone: 1800 469 359 Internet: www.lgi.vic.gov.au Email: inspectorate@lgi.vic.gov.au
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11. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities
Employees	<p>Employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.</p> <p>All employees of Strathbogie Shire Council have an important role to play in supporting those who have made a legitimate disclosure. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.</p>
Public Interest Disclosure Coordinator	<p>The Public Interest Disclosure Coordinator will be the main contact point within Council and will:</p> <ul style="list-style-type: none"> • Establish and manage a confidential filing system. • Receive all disclosures. • Receive phone calls, emails and letters from members of the public or Council employees seeking to make a disclosure. • Be a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action. • Make arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace. • Receive any disclosure made orally or in writing (from internal and external person). • Commit to writing any disclosure made orally. • Impartially assess the allegation and determine whether it is a disclosure made in accordance with the Act (that is, a public interest disclosure). • Take all necessary steps to ensure the identity of the person making the disclosure and the identity of the person who is the subject of the disclosure are kept confidential. • Impartially assess each disclosure to determine whether it is a public interest disclosure.

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	<ul style="list-style-type: none"> • Refer all public interest disclosures to IBAC. • Appoint a Welfare Manager to support the person making the disclosure and to protect him or her from any reprisals. • Collate and provide statistics on disclosures made.
Receipt of Disclosures by Staff	<p>Council staff receiving telephone calls must not enquire into the circumstances of the disclosure and must refer the caller to the Public Interest Disclosure Coordinator. If the disclosure is received in the mail or in some other written form, the letter, email, or document must be immediately and personally delivered to the Public Interest Disclosure Coordinator without recording any details of the disclosure in the Council electronic document management system.</p> <p>The contents of disclosure telephone calls or mail are confidential and a person divulging any matter relating to a disclosure will be subject to prosecution for offences and any penalties under the Act.</p>
Manager People and Culture	<p>The Manager People and Culture is responsible for looking after the general welfare of the discloser. The Welfare Manager will:</p> <ul style="list-style-type: none"> • Examine the immediate welfare and protection needs of the discloser and seek to foster a supportive work environment. • Advise the discloser of the legislative and administrative protections available to him or her. • Listen and respond to any concerns of harassment, intimidation or victimisation in reprisal for making disclosure. • Ensure the expectations of the discloser are realistic. <p>The Welfare Manager may be a person from within Council or a third party engaged for that purpose.</p>
The Freedom of Information Act	<p>Documents may not be subject to the <i>Freedom of Information Act 1982</i> if they disclose information that:</p> <ul style="list-style-type: none"> • relates to a public interest disclosure or police complaint disclosure • is likely to identify a person who has made a public interest disclosure. <p>Public bodies should ensure that any officers handling freedom of information requests are aware of this section.</p> <p>Council's Freedom of Information Officer will give consideration to contacting IBAC prior to providing any document originating from IBAC or relating to a public interest disclosure, if requested under the <i>Freedom of Information Act 1982</i>.</p>

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12. CONFIDENTIALITY

Strathbogie Shire Council will take all reasonable steps to protect the identity of the discloser. Maintaining confidentiality is crucial in ensuring reprisals are not made against a discloser.

The Act requires any person who receives information due to the handling or investigation of a public interest disclosure, not to disclose the information except in limited circumstances.

12.1 Information Management

Strathbogie Shire Council will ensure all files, whether paper or electronic, are kept in a secure room and can only be accessed by the Public Interest Disclosure Coordinator, or Welfare Manager (in relation to welfare matters). All printed material will be kept in files that are clearly marked as a Public Interest Disclosures Act matter and warn of the civil and criminal penalties that apply to any unauthorised divulging information concerning a public interest disclosure.

All electronic files will be produced and stored on a stand-alone computer and be given password protection. Backup files will be kept on an encrypted memory stick. All materials relevant to an investigation, such as tapes from interviews, will also be stored securely with the public interest disclosure file(s).

Council will not email documents relevant to a disclosure matter to any computer where general staff have access and will ensure all phone calls and meetings are conducted in private.

13. MANAGING THE WELFARE OF THE DISCLOSER**13.1 Commitment to Protecting the Discloser**

Council is committed to the protection of genuine disclosers against detrimental action taken in reprisal for the making of public interest disclosures. The Public Interest Disclosure Coordinator has the primary responsibility for ensuring the discloser is protected from direct and indirect detrimental action, and that the culture of the workplace is supportive of public interest disclosures being made.

The Public Interest Disclosure Coordinator will appoint a Welfare Manager to all disclosures who have made a public interest disclosure.

In addition to these procedures, the Welfare Manager will manage the welfare of persons associated with a public interest disclosure.

14. COLLATING AND PUBLISHING STATISTICS

Strathbogie Shire Council is required to publish certain statistics about the Act in its annual report. That information relates mainly to how these procedures may be accessed, and the number of disclosures notified to the IBAC for assessment under the Act during the financial year.

The Public Interest Disclosure Coordinator will establish a secure register to record such information, and to generally keep account of the status of disclosures made under the Act. Public Interest Disclosure Policy and Procedure Document 613552

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15. RELATED POLICIES AND LEGISLATION

- *Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Act 2019*
- *Public Interest Disclosures Act 2012*
- *Local Government Act 1989 and 2020*
- *Freedom of Information Act 1982*
- *Public Administration Act 2004*
- *Independent Broad-based Anti-Corruption Commission Act 2011*
- *Constitution Act 1975*
- Public Interest Disclosures Regulations 2019
- Councillor Code of Conduct
- Fraud and Corruption Policy
- Staff Code of Conduct CEO Directive

16. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

11.4.3 Public Transparency Policy

AUTHOR Governance Officer

RESPONSIBLE DIRECTOR Director People and Governance

EXECUTIVE SUMMARY

Section 57 of the *Local Government Act 2020* (the Act) stipulates that councils are required to adopt and maintain a Public Transparency Policy. This policy gives effect to the public transparency principles outlined in section 58 of the Act and assumes that all matters must be public, except in very specific and limited circumstances.

The public transparency principles, at section 58 of the Act, must be applied to all aspects of a council's operations and decision making, and one of the overarching principles of the *Local Government Act 2020* is that "the transparency of Council decisions, actions and information is to be ensured" (s. 9(2)(i)).

A scheduled review of the Public Transparency Policy has been undertaken and there are no substantive changes to the policy.

RECOMMENDATION

That Council:

- 1. Adopt the Public Transparency Policy**
- 2. Place the policy on Council's website, along with the publication of a notice in Council's weekly newspaper column and social media pages about the adoption of the policy.**

PURPOSE AND BACKGROUND

Following a scheduled review, and there being no substantive or legislative changes since the introduction of the *Local Government Act* in 2020, the purpose of the report is to adopt the Public Transparency Policy.

ISSUES, OPTIONS AND DISCUSSION

The Act says that a council must adopt and maintain a public transparency policy. The policy must, amongst other things, give effect to the public transparency principles listed at section 58 of the Act:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act
- Council information must be publicly available unless:
 - the information is confidential by virtue of this Act or any other Act
 - public availability of the information would be contrary to the public interest
- Council information must be understandable and accessible to members of the municipal community
- public awareness of the availability of Council information must be facilitated.

Additionally, council information must be understandable and accessible. Community members must understand how they can access council information.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Be accountable for the decisions we make and the quality of service we deliver.

Maximise public transparency and accountability around our performance and decision-making processes.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the following legislation, council policies and key strategic documents:

- *Charter of Human Rights and Responsibilities Act 2006*
- *Child Safe Standards Child Wellbeing and Safety Act 2005*
- *Disability Discrimination Act 1992*
- *Freedom of Information Act 1982*
- *Health Records Act 2001*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- United Nations Convention on the Rights of Persons with Disabilities
- United Nations Convention on the Rights of a Child
- Communications and Engagement Policy
- Privacy and Data Protection Policy
- Privacy Policy
- Open Data Policy
- Child Safe Policy
- Public Interest Disclosure Policy
- Complaints Policy
- Governance Rules

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
The failure of Council, to appropriately manage its information and public transparency obligations	Low	Medium	Medium	Adopt the Public Transparency Policy.

under the Acts results in risk and potential consequences for the organisation, including possible prosecution for breaches under the Acts, loss of public trust and reputational damage.				
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LEGAL CONSIDERATIONS

Section 57 of the *Local Government Act 2020* requires that Council adopt and maintain a public transparency policy that supports the implementation of the public transparency principles outlined by the Act.

The revised policy ensures continued compliance with these requirements.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

In the interests of transparency and open and honest communication with our community this report is presented to a public Council meeting.

HUMAN RIGHTS CONSIDERATIONS

There are no significant implications for human rights arising from this report.

CONCLUSION

Council is committed to the principles of public transparency, good governance, open and accountable decision making and making council information publicly available, except where that information is confidential under the provisions of the Act or another act, or contrary to the public's interest.

This policy aims to formalise the Council's commitment to transparent decision-making processes and freely available public access to Council information. Once adopted, the community will be informed of the updated policy via social media and Council's website.

ATTACHMENT

1. 202504 Draft Public Transparency Policy

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Strathbogie Shire Council Public Transparency Policy

April 2025

Strathbogie
SHIRE COUNCIL

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Public Transparency Policy

Document ID:	636592
Effective Date:	19 August 2020
Last Review:	September 2022
Current Review:	April 2025
Date Adopted by Council:	
Next Scheduled Review Date:	April 2027
Responsible Officer:	Director People and Governance

PART 1 POLICY

1. PURPOSE

The purpose of this policy is to:

- 1.1 enshrine the public transparency principles
- 1.2 describe the ways in which Council information will be made publicly available
- 1.3 specify which Council information must be made publicly available as a matter of course
- 1.4 describe the categories of Council information that may be unavailable to the public

This Policy is adopted under section 57 of the *Local Government Act 2020*.

2. POLICY STATEMENT

Section 57 of the *Local Government Act 2020* (the Act) stipulates that councils are required to adopt and maintain a Public Transparency Policy. This policy gives effect to the public transparency principles outlined in section 58 of the Act.

Council is committed to the principles of public transparency, good governance, open and accountable decision making and making council information publicly available, except where that information is confidential under the provisions of the Act or another act, or contrary to the public's interest.

This policy aims to formalise Council's commitment to transparent decision-making processes and freely available public access to Council information.

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3. APPLICATION OF THIS POLICY

This policy applies to all Councillors, Council staff including contractors and volunteers, and delegated committees under the Act.

4. DEFINITIONS

Term	Meaning
Child Safe Standards	In 2015, the <i>Child Wellbeing and Safety Act 2005</i> was amended to include Child Safe Standards. The Standards are designed to drive cultural change and embed practice of protecting children into the everyday thinking of an organisation.
Council	means Strathbogie Shire Council being a body corporate constituted as a municipal Council under the <i>Local Government Act 2020</i> .
Councillors	means the individuals holding the office of a member of Strathbogie Shire Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer
Closed meetings	Under section 66(5) of the Act, Council may determine that a meeting is to be closed to the public to consider confidential information. A meeting may therefore be closed to the public if Council resolves to close the meeting, in order to consider a confidential matter regarding issues of a legal, contractual or personnel nature and other issues deemed not in the public interest.
Community	means the residents and ratepayers of, and visitors to, the Municipal Shire of Strathbogie and may, depending on the context, refer to all of those people or to particular subsets of those people.
Community engagement	Refers to a planned process that supports public decision-making. It includes: <ul style="list-style-type: none"> • Sharing information and providing updates • Seeking feedback and gathering input • Dialogue and deliberation It is also sometimes referred to as public consultation.
Confidential information	As defined by Section 3 of the Local Government Act 2020 confidential information means the following information: <ol style="list-style-type: none"> a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values d) law enforcement information, being information which if released would be reasonably likely to prejudice the

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	<p>investigation into an alleged breach of the law or the fair trial or hearing of any person</p> <ul style="list-style-type: none"> e) legal privileged information, being information to which legal professional privilege or client legal privilege applies f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs g) private commercial information, being information provided by a business, commercial or financial undertaking that— <ul style="list-style-type: none"> (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) i) internal arbitration information, being information specified in section 145 j) Councillor Conduct Panel confidential information, being information specified in section 169 k) information prescribed by the regulations to be confidential information for the purposes of this definition l) information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> <p>For the purposes of this Policy and the Act's Public Transparency Principles, "information" includes documents.</p>
Decision makers	Persons acting with the delegated authority of Council to make decisions, including decision makers who decide on whether or not to release information.
Exempt document / Exempt information	For the purposes of administering decisions under the <i>FOI Act 1982</i> , a conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).
Health Privacy Principles (HPPs)	Schedule 1 of <i>Health Records Act 2001</i> (Vic) contains the Health Privacy Principles (HPPs) and coincides with the <i>Privacy and Data Protection Act 2014</i> (Vic) which ensures a minimum standard for how Victorian public sector organisations should manage health information.
Information Privacy Principles (IPPs)	Schedule 1 of the <i>Privacy and Data Protection Act 2014</i> (Vic) contains the Information Privacy Principles (IPPs). The IPPs are the core of privacy law in Victoria and set out the minimum standard for how Victorian public sector organisations should manage personal information.
Part II Statement	A register of publicly available documents available from the Strathbogie Shire Council: Part II Statement – 2024 as required by <i>Freedom of Information Act 1982</i> .
Public interest/public interest test	While there is no set definition of public interest, broadly speaking, public interest can be defined as a deliberative decision-making process (by delegated decision makers such as

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	FOI Principal Officers) to determine whether information about Council's activities / decisions should be released to the public. As set out by the Office of the Victorian Information Commissioner, a "pro release" or information-sharing culture or factors that favour release of information, exists in this decision making process.
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5. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities
Councillors	Champion public transparency through leadership, modelling practice and open decision-making
Chief Executive Officer and Executive Leadership Group	Champion behaviours that foster transparency and drive the public transparency principles through policy, processes, and leadership
Chief Executive Officer	Has ultimate decision-making powers on behalf of Council in relation to the release of Council information (*decisions made by CEO or their delegates may be reviewed by external regulatory bodies such as OVIC or VCAT upon appeal)
Governance Team	<ul style="list-style-type: none"> • Training and awareness of public transparency principles and privacy (personal and health information which may be confidential) • Processing Freedom of Information requests, information requests involving children and other vulnerable groups should be dealt with through this mechanism. • Custodians of the endorsed electronic document records management process • Responsible for policy review in accordance with policy cycle • Responsible for reviews, assessments and decision-making evaluations received by external regulators and other age
Communications Engagement and Advocacy Team	<ul style="list-style-type: none"> • Determining and facilitating the best methods / channels for effectively disseminating Council information • Engaging the community about Council matters and decisions that affect them
Digital Innovation and Technology Team	<ul style="list-style-type: none"> • Facilitate the flow of publicly available Council information onto electronic Council platforms
Council Officers	<ul style="list-style-type: none"> • Responsible for public transparency as appropriate to their role and function, e.g. requesting information be published to Council's website, considering information access barriers • Assisting the Governance Team with information requests / Freedom of Information requests as required

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6. PUBLIC TRANSPARENCY POLICY

Section 57(2) of the Act states a public transparency policy must:

- (a) give effect to the public transparency principles
- (b) describe the ways in which Council information is to be made publicly available
- (c) subject to section 58(b), specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act
- (d) include any other matters prescribed by the regulations.

Council's Public Transparency Policy reflects that public transparency principles and human rights are inextricably intertwined.

Public transparency, the public's ability to access information including the government's decision making / thought processes, is intrinsic to an inclusive democracy and honouring human rights.

This is acknowledged by the *Charter of Human Rights and Responsibilities Act 2006* (Vic); that is, citizens' ability to form and express their own informed opinions, ideas, and decisions, and to participate fully in civic life, hinges on their ability to successfully access information (transparency).

The Charter is clear that:

"(2) Every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside Victoria and whether:

- (a) orally; or
- (b) in writing; or
- (c) in print; or
- (d) by way of art; or
- (e) in another medium chosen by that person."

The government is responsible for providing the public with the transparency mechanisms to enable freedom of expression by way of access to information / ways to seek information, e.g. making available a register of publicly available information and documents (refer Council's Part II Statement) as set out by the *Freedom of Information Act 1982*. To this end, the public must be made aware of what local government does, how it acts and what information it holds – including what personal information it holds about its constituents.

The Freedom of Information mechanism promotes transparency and accountability around policy making, administrative decision making and government service delivery by providing a way for the public to access information that might affect them, or even being able to request Council amend information it holds on them. Further, community engagement activities at Council extend an opportunity to the public to provide feedback or have input into the decision-making process.

Councils are obliged to release documents which are in the public interest, unless a valid exemption under legislation applies (and therefore may not be in the public interest to be released).

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6.1 Public Transparency Principles

Strathbogie Shire Council ('Council') is committed to transparent and accountable governance and decision making. Council's decision making is supported by the effective creation and management of endorsed documents, which importantly set organisational compliance and ethical standards. Not only should endorsed documents created by Council be meaningful and useful to the organisation, but they should also be accessible and valuable to relevant key stakeholders, such as staff members in the course of their duties, and the public.

The Local Government Act 2020 ('the Act') specifies that the role of a Council is:

"...to provide good governance in its municipal district for the benefit and wellbeing of the municipal community."

The provision of effective governance includes a Council performing its role in accordance with the overarching governance principles. Amongst other principles, the overarching governance principles state that:

- The transparency of Council decisions, actions and information is to be ensured

Therefore, Council commits to the following principles for Public Transparency as detailed within Section 58 of the Act:

- a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act
- b) Council information must be publicly available unless:
 - i. the information is confidential by virtue of this Act or any other Act; or
 - ii. public availability of the information would be contrary to the public interest
- c) Council information must be understandable and accessible to members of the municipal community
- d) Public awareness of the availability of Council information must be facilitated.

At a minimum, and to ensure accountability to constituents, the Act requires councils to make the following endorsed documents publicly available:

- A Community Vision (for at least the next ten financial years)
- A Council Plan (for at least the next four financial years)
- A Financial Plan (for at least the next ten financial years)
- An Asset Plan (for at least the next ten financial years)
- A Revenue and Rating Plan (for at least the next four financial years)
- An Annual Budget (for each financial year and the subsequent three financial years)
- A Quarterly Budget Report
- An Annual Report (for each financial year)
- Financial Policies

The Act also requires councils to prepare:

- A Workforce Plan (including projected staffing requirements for at least four years)

6.2 Transparency of Council Decisions

Council's activities are diverse and extensive, amongst them:

- Significant infrastructure is installed and maintained
- A range of services are provided, e.g. waste collection services

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- Various laws are enforced for community amenity and safety, in accordance with legislation and Council's Community Local Law No 2.

All of the above culminate in a large volume of information/documents being produced, stored, and disseminated by Council, including some endorsed documents mandated by various pieces of federal or state legislation or regulations.

Information considered to be in the public interest about Council's activities and functions may be obtained in various ways:

- Council's website
- Administratively upon application through Council, for free or for a fee, e.g. copies of building permits and building information certificates
- Administratively through Council under various Acts (which may also have associated access fees), including the *Freedom of Information Act 1982*

Council will meet its obligations under Section 58 of the Act by:

- Keeping detailed and current records on the information and documents it holds, including conducting regular document updates and audits in line with the Records Management Archive and Disposal Framework
- Facilitating the Freedom of Information process for access to Council documents as per the *Freedom of Information Act 1982* and *Health Records Act 2001*
- Publishing a list of what documents are publicly available for free, or for an administrative fee, and under what legislation access can be sought. (Documents may be freely published on the Strathbogie Shire Council website, available by inspection at the Council offices, or by request)
- Providing access to Council's decision-making via the Council meeting process, supported by written documents such as agendas and minutes
- Advertising formal access mechanisms to information, e.g. Council's external website, and considering ways to include and increase its constituents' participation in Council's decision making process. (Council shares large amounts of information and documents on its website. This includes but is not limited to information and documents on the services we provide, policies which relate to the public, public notices, and public registers)
- Community engagement activities provide the community with genuine opportunities to inform Council's projects, strategies, services, and decisions that affect them. This includes providing the community with any relevant Council information (refer Section 6.6 below)
- Ensuring our information is accessible to people with disability and other marginalised groups by implementing universal design principles¹ and providing content in multiple formats as required

¹ 'Universal design' in this context refers to the design and composition of Council's information environment so that it can be accessed, understood, and used to the greatest extent possible by the broadest amount of people possible, regardless of their age, ability, cultural background, or other differentiating factors.

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6.2.1 Council Meeting Decisions

The decision-making process of Council meetings will be:

- Undertaken in accordance with the Act and Council's Governance Rules
- Conducted in an open and transparent forum as much as possible, with Council meetings open to the community to observe in person or in real time via livestream (internet), unless closed to the public for specified circumstances permitted by virtue of Section 66(2) of the Act, which provide for the meeting being closed:
 - (a) The meeting is to consider confidential information; or
 - (b) Security reasons; or
 - (c) It is necessary to do so to enable the meeting to proceed in an orderly manner².
- Informed by the views and opinions of the community whose rights and interests will be directly affected by the decision – the public has a right to respond regarding matters that affect them
- Available to the public via Council meeting agendas and minutes, and supporting information (minutes are also available as an audio recording of the proceedings)

6.2.2 Closed Council Meetings and Confidential Attachments

Where reasonably practicable to do so, Council will be mindful to limit the number of decisions made through 'Closed Council' meetings.

From time to time, there may be Council reports presented in an 'Open' meeting of Council however with confidential/closed council attachments provided to Councillors and the Executive Leadership Team separately.

If a decision or attachment is not made or made available to the public, this will only be undertaken when the matter involves confidential information as defined under Section 3 of the Act. Please refer to definitions section four for a comprehensive explanation of confidential information.

6.3 Public Interest Test

Council information will not be made publicly available if doing so would be contrary to the public interest.

However, there is no set definition of 'public interest'. Deciding what is in the public interest involves a case-by-case consideration of the relevant context and circumstances.

The *Freedom of Information Act 1982* suggests that the deliberative process of releasing information in the 'public interest' be one that favours public access to information, specifically taking into account the following factors favouring access:

² Also noting that when a Council meeting is closed to the public, the publicly available meeting minutes must state the ground/s for determining the meeting be closed under S 3(1) of the Act and an explanation of why the ground/s applied.

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“11B: Public Interest Exemptions – Factors

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
- (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A)
 - (b) inform debate on a matter of public importance
 - (c) promote effective oversight of public expenditure
 - (d) allow a person to access his or her own personal information.”

When deciding whether to release information, decision makers must commence the public interest test from the position of acknowledging the presumption in favour of disclosure of information³.

Following recognition of the legislative context the public interest test requires the decision maker to:

1. Identify the relevant public interest considerations in favour of disclosure
2. Identify the relevant public interest considerations against disclosure
3. Determine the weight of the public interest considerations in favour of and against disclosure and come to a conclusion about whether the factors in favour of disclosure outweigh the factors against disclosure (taking into account the presumption in favour of disclosure)

Further, decision makers, such as Council's Governance Officers and Chief Executive Officer, are required to provide written reasons for their decision. If access to some or all of the information is refused, a decision maker ideally should:

- Provide reasons for the decision
- Set out findings of facts on any material, question of fact reference sources of information that informed the findings of facts; and
- Set out the general nature and format of the records held by the agency that contain the information concerned.

Whether or not the information, once released, may cause embarrassment, confusion or loss of trust or confidence in the government, is considered to be irrelevant to the decision to release information.

In a similar framework, Strathbogie Shire Council's Governance Rules, stipulates in relation to decision making that a natural justice approach apply, that is, that constituents have a right to reply or provide feedback on matters or decisions of Council that affect that. Council's decision makers must also make decisions:

- 6.1.1 fairly, by giving consideration and making a decision which is balanced, ethical and impartial; and
- 6.1.2 on the merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations

³ Information and Privacy Commission NSW factsheet, 'What is the public information test

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Without unnecessarily restricting the information available by administrative release, where a public interest test is inconclusive or agreement about the information to be released is unable to be agreed with the person requesting the information/document, the applicant is to be referred to the Freedom of Information process in order to ensure their legal rights and independent review mechanisms are preserved.

6.4 Contrary to Public Interest Considerations

When assessing whether making certain Council Information publicly available would be contrary to the public interest, the decision makers will have regard to, among other things:

- (a) The sensitivity of the Council information
- (b) Whether the Council information comprises a draft, internal working documents, or is outdated information
- (c) Any adverse effect that releasing the Council Information would have on the effectiveness of Council's decision-making processes.

Without limiting the above, factors that might lead to a decision that the release of Council Information is contrary to the public interest might include whether release would be likely to:

- (a) Disclose personal or health information
- (b) Disclose information or opinions of a preliminary nature such that they might:
 - (i) Mislead the community with respect to Council's position on a matter
 - (ii) Have a substantial adverse effect on the municipal economy
- (c) Prejudice discussions or negotiations between Council and any other party, in relation to a contract, legal proceedings or any other matter
- (d) Impair or otherwise impact on:
 - (i) Council's ability to obtain information in future that is similar in nature to the Council information
 - (ii) Negotiations with respect to employment arrangements for Officers
 - (iii) Defence, prosecution, and settlement of legal proceedings
- (e) Impact on the reasonable allocation of Council's resources, including in responding to requests for Council information that are assessed by the Chief Executive Officer as being 'unreasonable' in nature

6.5 Confidential Information (information not for public release)

Some Council information may not be made publicly available. Information will only be withheld from the public if the information is considered confidential, that is, its release would be contrary to the public interest, on balance of considerations, or the Information Privacy Principles (IPPs) as defined by the *Privacy and Data Protection Act 2014*.

"Confidential information" is defined in section 3 of the *Local Government Act 2020* and included in the definitions in section four.

Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if:

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- Release of information is contrary to law
- Is likely to cause harm to any person or violate their human rights, including children and other vulnerable groups, endanger them or put them at risk of psychological or physical harm
- Is not in the public interest to do so for some other reason (see table below)

Where information is not confidential, and not already publicly available, Council will apply the principles of a 'public interest test' (see Section 6.2 above). Consideration should also be given by decision-makers as to the administrative resources required to process an information request, and reasonableness of the request, in determining whether to release the information or not.

The table below describes the types of confidential information that may be exempted from release:

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	<p>Has the same definition as the <i>Privacy and Data Protection Act 2014</i>. Examples of personal information includes:</p> <ul style="list-style-type: none"> • name, date of birth • income, purchases, and spending habits • race, and ethnic origin • blood type, DNA code, fingerprints • marital status and religion • education • home address and phone number <p>This includes personal information relating to both clients of Council and Council officers. For example, Council holds personal information on its ratepayers (e.g., names and addresses) in order to carry out its functions (e.g., planning, valuation, and property services).</p> <p>It may also request personal information to provide education, welfare, and other community services. In some instances,</p>

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	personal information may be contained on a public register (register of building permits, food premises and animal registration details).
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the Councillor Code of Conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
Confidential information under the Act (includes 1	Information that was confidential information for the purposes of: <ul style="list-style-type: none"> • Section 3 of the <i>Local Government Act 2020</i> • Section 77 of the <i>Local Government Act 1989</i>
Sensitive Information	Means a type of personal information which includes an individual's racial or ethnic origin, political views, religious beliefs, sexual preferences, membership of groups or criminal record.
Health Information	Includes personal information or opinion about: <ul style="list-style-type: none"> • an individual's physical, mental, or psychological health (at any time) • an individual's disability (at any time) • expressed wishes about the future provisions of health services to individuals • health services provided, or to be provided, to an individual • an individual, collected to provide a health service to an individual (e.g. disability or aged care service, immunisation service or maternal and child health service). <p>For example, Council holds health information on clients who require home maternal health services</p>

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6.6 Public Awareness of Council Information Availability

Making information and documents available to the public is only successful if members of the public are aware of the existence of information/documents and know how and where to access them.

Council must take proactive steps to inform the public and highlight to them the existence and availability of information and documents, and to assist them with any additional needs they may have regarding access, as much as possible and where practicable. Council officers may wish to consider the following methods of communicating information with the public, even using one or more methods simultaneously:

- Annual report
- Public / statutory notices advertised in the newspaper
- Direct letter mailouts to residents
- Direct emails to residents via customer database
- Signage, posters, or brochures
- Share Strathbogie (digital engagement / community consultation platform)
- Electronic newsletter to subscribers
- Latest news on Strathbogie Shire Council website
- Social media including the Strathbogie Shire Council Facebook page

By being transparent with the public and engaging with the community as early as possible on matters that affect them, Council aims to achieve the following:

- Make more informed decisions
- Better understand the needs and priorities of diverse communities and stakeholder
- Successfully engage with children and young people and educate them on their rights to safety, information, and participation – their right to a 'voice'
- Create greater transparency and trust
- Support genuine and meaningful conversations
- Foster stronger relationships with our community and stakeholders
- Build community understanding about Council's scope of work and decision-making process
- Facilitate information sharing
- Create better public value
- Promote better social cohesion
- Improve social capital
- Deliver better outcomes for the community

Officers are encouraged to review a comprehensive list of community engagement principles and methods outlined in Council's Communication and Engagement Policy.

6.7 Accessibility of Council Information

Council is committed to making information available to all members of the public in a way that is understandable and accessible, in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

The United Nations Convention on the Rights of Persons with Disabilities, ratified by Australia, speaks to the importance of states/governing bodies making information accessible to all people, including persons with a disability who may have unique needs around access, stating:

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“Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others... to information and communications, including information and communications technologies and systems... These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:...

- a. Information, communications, and other services, including electronic services and emergency services.”

Further,

“Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost
- Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes, and formats of communication of their choice by persons with disabilities in official interactions
- Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities
- Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities
- Recognizing and promoting the use of sign languages.”

Council acknowledges that while written communication (text) is its predominant form of communication with the public, inclusive methods of public discourse should be facilitated where practicable. Council therefore encourages its Officers and document authors to be conscious of possible barriers to the access of information within the community, when preparing and disseminating information about Council's activities and services.

Officers should consider the following:

- Presentation of information – is the format and font easy to read?
- Use of plain English in Council documents
- Community engagement methods/publication channels – is the information reaching its intended audience successfully in an understandable way?
- Provision of information in various formats (not just text), such as hardcopy, electronic, audio recordings, livestreams etc
- Are there other ways to convey information beyond text, e.g. a text to voice/translation facility on Council's website; can graphics or pictorial information be incorporated into documents for explanatory purposes?
- Other supports that could be put in place to increase public access, e.g. publishing documents in languages other than English, links to inclusive information (Easy to Read) services

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6.8 Breaches

All Council staff are responsible for adhering to the Public Transparency Principles as enshrined by Section 58 of the Act, *Health Records Act 2001* and the *Privacy and Data Protection Act 2014*.

The Act states: "The Chief Municipal Inspector may examine, investigate, and prosecute ...

(b) any possible breaches of this Act."

A breach of the Act could include Council's failure to adopt and make available to the public any of the documents identified as publicly available in the Act.

All Council staff have a role to play in ensuring that Council decision-making, guided by policies and other endorsed documents, is current best practice governance and regularly updated.

The failure of Council, as an organisation, to appropriately manage its information and public transparency obligations under the Acts results in risk and potential consequences for the organisation, including possible prosecution for breaches under the Acts, loss of public trust and reputational damage.

7. RELATED POLICIES AND LEGISLATION**Legislation**

- *Charter of Human Rights and Responsibilities Act 2006*
- *Child Safe Standards Child Wellbeing and Safety Act 2005*
- *Disability Discrimination Act 1992*
- *Freedom of Information Act 1982*
- *Health Records Act 2001*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*
- United Nations Convention on the Rights of Persons with Disabilities
- United Nations Convention on the Rights of a Child

Council Documents

- Communications and Engagement Policy
- Privacy and Data Protection Policy
- Privacy Policy
- Open Data Policy
- Child Safe Policy
- Public Interest Disclosure Policy
- Complaints Policy
- Governance Rules
- Part II Statement (*Freedom of Information Act 1982*) – publication of certain documents and information

8. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

Public Transparency Policy Document 636592

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9. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to twenty fundamental human rights under four key values that include freedom, respect, equality, and dignity.

11.4.4 Internal Resolution Procedure

AUTHOR Governance Officer

RESPONSIBLE DIRECTOR Director People and Governance

EXECUTIVE SUMMARY

In October 2024 the *Local Government Act 2020* was amended to include a Model Councillor Code of Conduct.

The amendments to the *Local Government Act 2020* also required councils to implement an Internal Resolution Procedure to provide an additional pathway for resolving conflicts between Councillors.

The Internal Resolution Procedure must comply with the requirements of Schedule 1A of the Local Government (Governance and Integrity) Regulations 2020 and must be adopted by 1 July 2025.

RECOMMENDATION

That Council:

- 1. Adopt the Internal Resolution Procedure**
- 2. Place the procedure on Council's website, along with the publication of a notice in Council's weekly newspaper column and social media pages about the adoption of the procedure.**

PURPOSE AND BACKGROUND

The purpose of the Internal Resolution Procedure is to provide a conciliation process that Councillors follow to deal with and resolve conflict, dispute, disagreement or alleged breaches of the Model Councillor Code of Conduct (collectively referred to as 'disputes'). This procedure is adopted in accordance with section 54A of the *Local Government Act 2020*.

ISSUES, OPTIONS AND DISCUSSION

Throughout the Council term, disputes may arise from time to time. Where possible, Councillors commit to attempting to resolve these disputes internally by engaging in the internal resolution process provided in this procedure.

As part of the management of alleged breaches of the Model Councillor Code of Conduct, section 140 of the Act requires councils to adopt an internal resolution procedure, and must contain the following:

- a conciliation process to be conducted by the Mayor, or where the Mayor is a party to the dispute or otherwise unable to act, the Deputy Mayor or another person
- any other process Council considers appropriate
- details of:

- how a matter that is an alleged breach is to be dealt with, including the circumstances in which the available processes may be used
- how a Councillor can access the procedure, including initiating a request to have a matter dealt with through the available processes
- roles and responsibilities of parties to a matter
- roles, functions and duties of the person conducting each relevant process
- any support Council will make available to parties or the person conducting the process
- the form and availability of a record of any agreement, resolution or outcome reached through a process.

The proposed procedure meets the above requirements.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Be accountable for the decisions we make and the quality of service we deliver.

Maximise public transparency and accountability around our performance and decision-making processes.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the following legislation, council policies and key strategic documents:

- *Local Government Act 2020*
- Local Government (Governance and Integrity) Regulations 2020
- *Gender Equality Act 2020*
- Model Councillor Code of Conduct.

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Council has not adopted the Internal Resolution Procedure and is not compliant with the <i>Local Government Act 2020</i> .	Low	Medium	Medium	Council adopt the procedure

LEGAL CONSIDERATIONS

The *Local Government Act 2020* requires Council to implement prescribed procedures in relation to dealing with alleged breaches of the Model Councillor Code of Conduct, which are prescribed in the Local Government (Governance and Integrity) Regulations 2020.

Council has until 1 July 2025 to adopt an internal resolution procedure.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

In the interests of transparency and open and honest communication with our community this report is presented to a public Council meeting.

HUMAN RIGHTS CONSIDERATIONS

There are no significant implications for human rights arising from this report.

CONCLUSION

The Internal Resolution Procedure provides both parties to a dispute with support and encouragement to resolve the dispute in a manner that enables the Councillors to move forward and maintain effective working relationships.

The Procedure is designed to minimise cost and disruption of disputes to Council and individual Councillors and, where possible, avoid disputes escalating and becoming the subject of an internal arbitration.

ATTACHMENT

1. 202504 Draft Internal Resolution Procedure

OFFICIAL

Strathbogie Shire Council

Internal Resolution Procedures

April 2025

Strathbogie
SHIRE COUNCIL

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Internal Resolution Procedures

Document ID:	971836
Effective Date:	
Last Review:	New
Current Review:	April 2025
Date Adopted by Council:	
Next Scheduled Review Date:	April 2027
Responsible Officer:	Director People and Governance

PART 1

1. PURPOSE

This Internal Resolution Procedure (**Procedure**) is adopted under and in accordance with section 140 of the *Local Government Act 2020 (Act)* and regulation 12A of the *Local Government (Governance and Integrity) Regulations 2020*.

This Procedure will be observed when dealing with alleged breaches of the Model Councillor Code of Conduct.

2. INTERNAL RESOLUTION PROCEDURE

Disputes between Councillors may arise in a variety of circumstances. This Procedure is to apply to those disputes in which one Councillor (**the Complainant**) alleges that another Councillor (**the Respondent**) has breached the Model Councillor Code of Conduct.

This Procedure provides both parties to a dispute with support and encouragement to resolve the dispute in a manner that enables the Councillors to move forward and maintain effective working relationships.

This Procedure is designed to minimise cost and disruption of disputes to Council and individual Councillors and, where possible, avoid disputes escalating and becoming the subject of an internal arbitration.

It is acknowledged that this Procedure will not be suitable for resolution of all disputes between Councillors.

An overview of the Procedure is annexed, in the form of a flowchart.

OFFICIAL**3. FIRST STAGE OF INTERNAL RESOLUTION PROCEDURE – DISCUSSION**

A Complainant is encouraged to raise their issue directly with the Respondent in a respectful and courteous manner, either in person or in writing, where they feel comfortable to do so.

Councillors are encouraged to recognise that:

- (a) certain behaviours and communications may be perceived by others to be causing issues or offence that may not have been intended
- (b) it can provide useful insight to reflect on their own behaviour or motivation and possible contribution to the dispute, whether intended or not; and
- (c) dealing with the dispute early is more likely to avoid the issue escalating and resolve it before it threatens the effective operation of Council.

It is useful to frame any issue from the Councillor's perspective (e.g. "I felt disrespected when you said / did ..."), rather than accusing another person of holding a particular position or taking a negative action deliberately. A Councillor should let the other Councillor know how they feel and ask for an explanation, rather than making accusations or assumptions.

4. SECOND STAGE OF INTERNAL RESOLUTION PROCEDURE – CONCILIATION

Where a direct conversation between Councillors has not been successful in resolving the dispute, or a Councillor does not feel comfortable communicating directly with another Councillor, the second stage of this Procedure is conciliation.

4.1 Initiating conciliation

A Complainant initiating conciliation must notify the Mayor and the Respondent of the dispute by completing a **Conciliation Application Form**. That form (see Attachment 1 to this Procedure) must:

- (a) specify the names of the Complainant and Respondent
- (b) specify the provision (or provisions) of the Model Councillor Code of Conduct alleged to have been breached
- (c) detail what was said or done by the Respondent to constitute a breach of the Model Councillor Code of Conduct
- (d) attach any supporting information to provide examples of the behaviour complained of (e.g. screenshots or emails) and
- (e) be dated and signed by the Complainant.

4.2 Participating in conciliation

Councillors are not obliged to engage in conciliation but should only decline to participate if they honestly and reasonably believe that their participation would adversely affect their health or wellbeing or would otherwise be unsafe.

A Respondent declining to participate in the conciliation must advise the Complainant and the Mayor of their unwillingness to participate, and the reasons for

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it. That advice must be provided no more than one week after receiving the Conciliation Application Form.

4.3 Conduct of conciliation

Conciliation is to be conducted by the Mayor except when the Mayor is a party to the dispute or otherwise unavailable to conduct conciliation. In that case the Deputy Mayor will assume the role of the Mayor in the conciliation process. If both the Mayor and the Deputy Mayor are parties to the dispute or otherwise unavailable to conduct the conciliation, the role of the Mayor must be performed by a Councillor jointly chosen for the purpose by the parties.

When, in this Procedure, reference is made to the Mayor it includes:

- (a) the Deputy Mayor; and
- (b) a Councillor jointly chosen for the purpose by the parties,

when the Mayor and/or the Deputy Mayor are parties to the dispute or otherwise unavailable to conduct a conciliation.

4.4 Roles and responsibilities

The role of the Mayor is to provide guidance to the parties to the dispute about the Standards of Conduct in the Model Councillor Code of Conduct, and actively explore whether the dispute can be resolved by agreement between them.

The role of the Complainant and Respondent is to explain their respective positions and, in a show of goodwill, actively explore the possibility of resolving the dispute by agreement.

All Councillors are responsible for conducting themselves in a courteous and respectful manner at all times during the conciliation.

The role of the Councillor Conduct Officer is to provide the Mayor with the administrative support necessary to arrange and conduct the conciliation.

4.5 Support from Council

Council, through the Councillor Conduct Officer, will provide administrative assistance to the Mayor when arranging a time and place for conciliation, including any technical assistance that may be required. Council will make a venue available to the Councillors within Council's offices that is private and suited to the conciliation process.

Council will not provide any substantive guidance or advice about the subject matter of the dispute or pay the costs of legal advice or representation for any Councillor in connection with this Procedure. Parties to a dispute may seek their own legal or other advice at their own cost, if they choose to do so.

OFFICIAL**4.6 End or termination of conciliation**

Conciliation will end or be terminated if any of the following occurs:

- (a) the parties cannot jointly choose a Councillor to conduct the conciliation within one week of being asked to do so
- (b) the Respondent notifies the Mayor that they do not wish to participate in conciliation, and the reasons for it, within one week of receiving the Conciliation Application Form
- (c) the Respondent does not respond to the Conciliation Application Form at all within two weeks of receiving it
- (d) conciliation has not occurred within four weeks of the Complainant submitting the Conciliation Application Form
- (e) conciliation has occurred and the parties have been unable to resolve the dispute; or
- (f) the dispute has been resolved.

The time for conciliation may be extended by agreement between the parties to the dispute, whether or not the matter has been escalated to one of the formal dispute resolution procedures outlined in the Act.

4.7 Confidentiality

Parties and other participants are expected to maintain confidentiality concerning the dispute and the operation of this Procedure.

4.8 Record of outcome

The Mayor must document any agreement that is reached between the Complainant and Respondent. The agreement must be signed by the Complainant, Respondent and Mayor. Copies must be provided to the Complainant and Respondent, and the original must be retained by the Mayor. Again, parties and the Mayor are expected to maintain the confidentiality of the agreement reached.

5. INTERNAL RESOLUTION PROCEDURE DOES NOT APPLY IN THESE CIRCUMSTANCES

The following disputes are not covered by this Procedure:

- (a) differences between Councillors in relation to policy or decision making, which are appropriately resolved through discussion and voting in Council meetings
- (b) complaints made against a Councillor or Councillors by a member or members of Council staff, or by any other external person
- (c) allegations of sexual harassment

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- (d) disclosures made about a Councillor under the *Public Interest Disclosures Act 2012*, which can only be made to the Independent Broad-based Anti-corruption Commission; and
- (e) allegations of criminal misconduct, which should be immediately referred to Victoria Police or the relevant integrity authority.

6. FORMAL DISPUTE RESOLUTION PROCEDURE

This Procedure operates alongside, and does not replace, the formal dispute resolution procedures outlined in the Act.

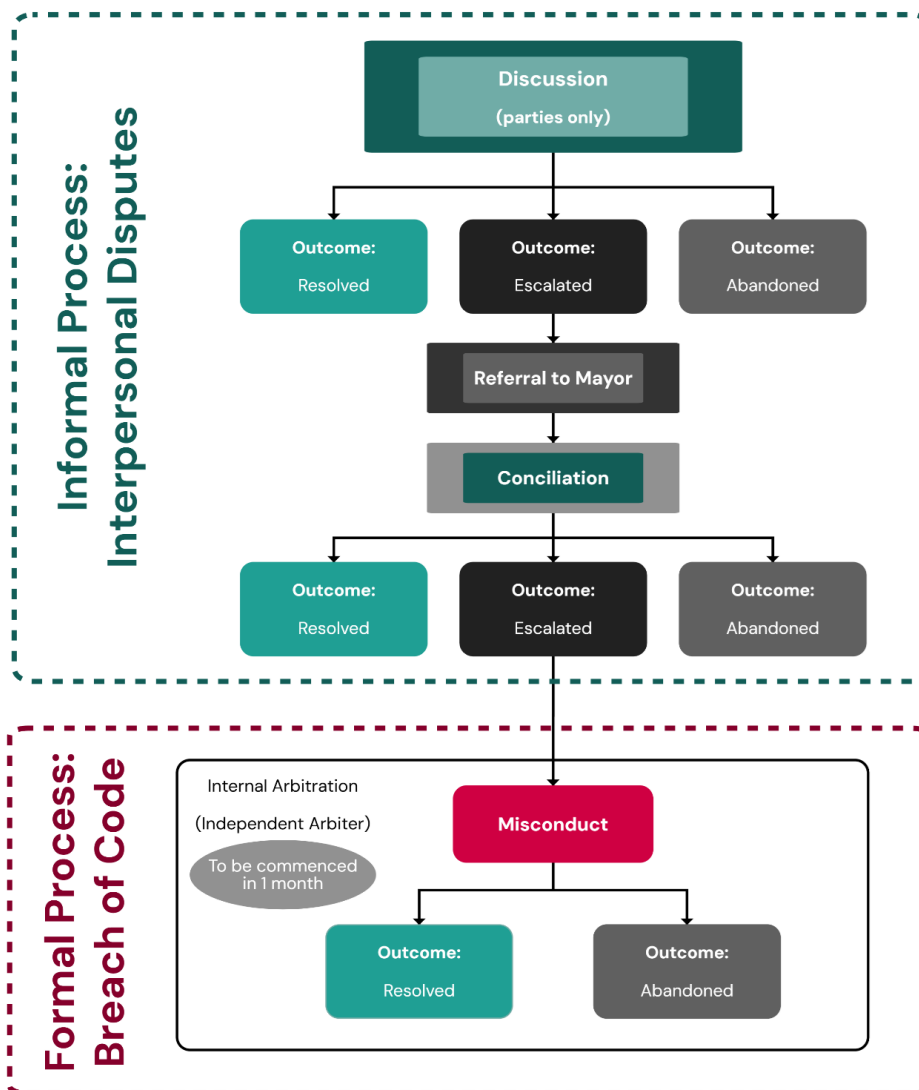
The formal dispute resolution procedure applies to misconduct, serious misconduct and gross misconduct.

Section 141 of the Act provides for an internal arbitration process concerning a breach of the Standards of Conduct set out in the Model Councillor Code of Conduct.

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Annexure

INTERNAL RESOLUTION PROCEDURE FLOWCHART



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Attachment 1 Conciliation Application Form

Complainant:	
Respondent:	
Provisions of Model Councillor Code of Conduct breached:	
Action constituting breach:	
(Include dates, times and detailed descriptions of the action complained of. Attach further documents as necessary.)	

Signed by)
)
)
 on)

11.4.5 Business Continuity Management Policy

AUTHOR Governance Officer

RESPONSIBLE DIRECTOR Director People and Governance

EXECUTIVE SUMMARY

In accordance with a recommendation from Council's Internal Auditors and as follow up from the business continuity training and testing conducted by Jardine Lloyd Thompson, a Business Continuity Management Policy has been developed.

An effective Business Continuity Management Policy is Council's overarching strategy outlining how the organisation will maintain or quickly resume critical business operations in the event of a disruption, ensuring stability and minimizing potential damage or financial losses.

This report recommends that the Business Continuity Management Policy is adopted.

RECOMMENDATION

That Council:

- 1. Adopt the Business Continuity Management Policy**
- 2. Place the policy on Council's website, along with the publication of a notice in Council's weekly newspaper column and social media pages informing the community about the adoption of the updated policy.**

PURPOSE AND BACKGROUND

To adopt the Business Continuity Management Policy.

ISSUES, OPTIONS AND DISCUSSION

Effective business continuity management helps to prevent and mitigate the severity of potential business disruptions on the organisation and its stakeholders and fully restore operations in the most efficient manner following a disruption.

Business Continuity aims to:

- understand potential risks of unplanned disruptions, especially those related to the provision of the Council's prioritised services
- identify the Council's prioritised services/activities, required recovery timeframes and hence the restoration priority for business operations
- periodically review, modify, update or revise the business continuity framework to consider and account for emerging risks.

From a business perspective, this can be achieved through:

- Supporting its strategic objectives
- Protecting and enhancing its reputation and credibility

- Contributing to organisational resilience.

Council has a number of responsibilities related to the Business Continuity Management Policy including:

- adopt a Business Continuity Management Policy and be familiar with the business continuity arrangements.
- authorise Chief Executive Officer to make amendments to the Business Continuity Management Policy from time to time
- ensure adequate resources are allocated for testing the business continuity arrangements
- receive reports from time to time on the aspects of business continuity.

The Business Continuity Management Policy will support and underpin the Business Continuity Plan which is under significant review.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Achieve the highest level of good governance across the organisation and as an elected Council.

Be accountable for the decisions we make and the quality of service we deliver.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the following legislation, council policies and key strategic documents:

- Business Continuity Plan
- Risk Management Policy
- Risk Management Framework
- ITC Disaster Recovery Plan
- Emergency Management Plan

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
The absence of a business continuity management policy lacks structure in the governance of business continuity	Low	Medium	Medium	Adopt a Business Continuity Management Policy and Plan

LEGAL CONSIDERATIONS

Clause 8.4.4 of ISO 9001:2015 (International management system standard) requires that organizations establish, implement, and maintain business continuity plans that are proportionate to the risks they face.

The plans should be regularly reviewed, updated, and tested to ensure their effectiveness, and any necessary improvements should be made.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the *Local Government Act 2020*.

HUMAN RIGHTS CONSIDERATIONS

There are no significant human rights implications arising from this report.

CONCLUSION

The development of the Business Continuity Management Policy enforces Council's commitment to good governance and best practice principles.

ATTACHMENT

1. 202504 Draft Business Continuity Management Policy

Staff Only

Strathbogie Shire Council Business Continuity Management Policy

April 2025



Staff Only

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Business Continuity Management Policy

Document ID:	SSCEDOC-43802981-444
Effective Date:	
Last Review:	New
Current Review:	April 2025
Date Adopted by Council:	
Next Scheduled Review Date:	April 2026
Responsible Officer:	Director People and Governance

Staff Only**PART 1 POLICY****1. PURPOSE**

The purpose of this policy is to address the organisation's approach to business continuity management.

2. POLICY STATEMENT

Effective business continuity management helps to prevent and mitigate the severity of potential business disruptions on the organisation and its stakeholders and fully restore operations in the most efficient manner following a disruption.

Business Continuity aims to:

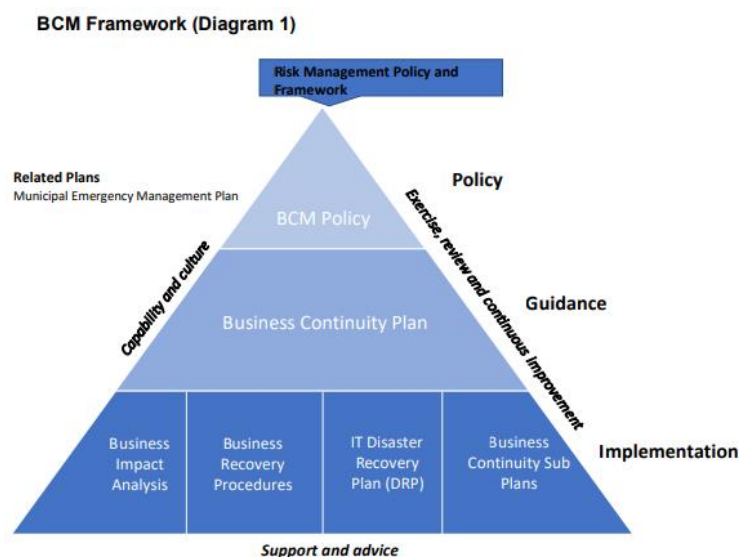
- understand potential risks of unplanned disruptions, especially those related to the provision of the Council's prioritised services
- identify the Council's prioritised services/activities, required recovery timeframes and hence the restoration priority for business operations
- periodically review, modify, update or revise the business continuity framework to consider and account for emerging risks.

Effective Business Continuity enables:

- continued prioritised services to the public and other stakeholders in times of disruption
- best use of personnel and other resources at times when both may be scarce
- reduces the period of disruption to the organisation, the public and other stakeholders and resume normal working hours more efficiently and effectively after a period of disruption
- complies with applicable legislative and regulatory requirements
- improve the resilience of the Council's infrastructure to reduce the likelihood of disruption, and
- reduces the operational, financial, and reputational impact of any disruption.

The Business Continuity Management Framework is outlined in diagram one. Depending on the type and severity of the disruption, the Business Continuity Plan, the IT Disaster Recovery Plan (DRP), and the Municipal Emergency Management Plan could all be enacted simultaneously. The Council's approach is based on AS ISO 22301:2020 – Security and resilience – Business continuity management systems – Requirements.

Staff Only



3. APPLICATION OF THIS POLICY

This policy applies to all Council staff, Councillors, contractors and service providers, volunteers, and visitors.

The policy must be read in conjunction with Council's Business Continuity Plan, Risk Management Policy, Emergency Management Plan, and the IT Disaster Recovery Plan.

4. DEFINITIONS

Term	Meaning
Business Continuity Management	means a framework for identifying an organisation's risk of exposure to internal and external threats, with the ability to effectively respond to such threats and protect the business interests of the organisation.
Business Continuity Plan (BCP)	means a plan established by an organisation, identifying potential impacts that threaten the organisation and providing a framework for building resilience and the capability for an effective response that safeguards the interests of its key stakeholders, reputation, brand, and value creating activities
Business Impact Analysis	The process that assesses the quantitative and qualitative loss that might occur if the business was to suffer a major business interruption. The findings from the business impact analysis are used to inform a business continuity planning strategy and solution.
Council	means the Strathbogie Shire Council
Crisis	an intense, unexpected, and unstable state that disrupts normal operations, has highly undesirable outcomes and

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	requires out-of-the-ordinary measures to restore order and normality.
Business Continuity Management Team	means the group responsible for the implementation of the BCP should it be invoked. This group is given prime responsibility for ensuring that the Plan is implemented when required.
Critical Business Functions	means a service that, if not delivered, would have a major or catastrophic impact on Council's reputation, client health, legislative or contract compliance, service delivery, financial performance and public health and safety.
Disaster Recovery Plan (DRP)	the DRP serves as the guide for Council IT staff to maintain IT services in the event of an interruption or restore IT systems and infrastructure in the event of a disaster or similar scenario.
Disruption	an event that interrupts normal business functions, operations, or processes, whether anticipated (e.g. hurricane, political unrest) or unanticipated (e.g. security breaches, blackout, terror attack, earthquake).
Incident	an adverse event that might cause disruption, loss or emergency, or lead to a crisis.
Risk	means the chance that an event will occur that will impact upon the Council's objectives as defined in the Council Plan. It is measured in terms of consequence and likelihood.
Threat	a potential cause of an unwanted incident, which can result in disruption to business processes, harm to individuals, the environment, or the community.

5. ACCOUNTABILITY AND RESPONSIBILITIES

Role	Responsibilities
Audit and Risk Committee	<ul style="list-style-type: none"> monitor the effectiveness of the Business Continuity Plan ensuring alignment with the AS ISO 23001
Council	<ul style="list-style-type: none"> adopt a Business Continuity Management Policy and be familiar with the business continuity arrangements. Authorise CEO to make amendments to the Business Continuity Management Policy from time to time ensure adequate resources are allocated for testing the business continuity arrangements receive reports from time to time on the aspects of business continuity.
Chief Executive Officer	<ul style="list-style-type: none"> oversees the establishment and facilitation of the business continuity management throughout the Council.

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Director People and Governance	<ul style="list-style-type: none"> • oversee regular reviews and testing of the validity, integrity, and practicality of implementing the IT Disaster Recovery Plan (DRP) • provide updates on significant changes and report on the performance of the DRP to the Chief Executive Officer, Executive Leadership Team and the Audit and Risk Committee • oversee the regular review and assessment of the strategies outlined in the DRP including confirmation that adequate financial and human resources are available to implement the strategies.
Executive Leadership Team (ELT)	<ul style="list-style-type: none"> • initiate actions out of the Business Continuity Plan when required • implement action items identified in the Business Continuity Plan • as required, test the aspects of the Business Continuity Plan and make the organisation 'ready' for any emergency affecting the organisation • provide awareness and training to staff members • work with regional and State organisations to resource share to reduce cost of business continuity arrangements • adopt suitable modern approaches to make business continuity aspects more economical • advise Council from time to time of arrangements and progress on the action from the Business Continuity Plan • review the Business Continuity Plan at least every two years.
Manager Digital Innovation and Technology	<ul style="list-style-type: none"> • overseeing regular reviews and testing of the validity, integrity and practicality of implementing the DRP • providing updates on significant changes and report on the performance of the DRP to the Chief Executive Officer, Executive Leadership Team and the Audit and Risk Committee • overseeing the regular review and assessment of the actions outlined in the DRP
All Staff	<ul style="list-style-type: none"> • to be familiar with the Business Continuity Plan • participate in the relevant training and testing of the Business Continuity Plan • advise Senior Management proactively on the aspects of business continuity relevant to individual work areas • action items from the Business Continuity Plan • report to Senior Management on the issues effecting business continuity.

6. POLICY PRINCIPLES

The purpose of a Business Continuity Management Framework is to prepare for, provide and maintain controls and capabilities for managing an organisation's overall ability to continue to operate during disruptions. This can be achieved through:

a) From a business perspective:

Business Continuity Management Policy Document SSCEDOC-43802981-79

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- Supporting its strategic objectives
 - Protecting and enhancing its reputation and credibility
 - Contributing to organisational resilience.
- b) From a financial perspective:
- Reducing legal and financial exposure
 - Reducing direct and indirect costs of disruptions.
- c) From the perspective of interested parties:
- Protecting life, property, and the environment
 - Considering the expectations of interested parties
 - Providing confidence in the organisation's ability to succeed.
- d) From an internal process perspective:
- Improving its capability to remain effective during disruptions
 - Demonstrating proactive control of risks effectively and efficiently, and
 - Addressing operational vulnerabilities.

7. POLICY

The following attributes will be implemented and maintained as part of this statement:

- a complete, organised and effective approach to business continuity management that will enable an efficient and orderly resumption of prioritised services following a disruption, through to restoration of all services
- a constructive business continuity culture to support and enable employees to understand their contribution to the Council's functions, activities and processes which deliver our services
- assurance that the resources needed for Business Continuity Management are available and will support Managers to demonstrate their leadership and commitment as it applies to their areas of responsibility
- regular business impact analysis and assessment of the risk of the loss of key activities/ services relied on to determine the services critical to our community and our service continuity objectives.
- commitment to the establishment and maintenance of a business continuity plan which enables the Council to respond to and recover from potential loss. This is crucial to reinstating the prioritised services within required timeframes and can assist in mitigating the severity of the disruption
- preparation for when disruption requires the Municipal Emergency Management Plan and/ or business continuity plan and/ or DRP to be enacted.
- implement and maintain a program of testing to validate the effectiveness of its business continuity management plan
- education, training and awareness on business continuity management to ensure employees are competent in their allocated role
- commitment to a continual improvement process of business continuity management.

8. COMPLIANCE AND MONITORING

The Audit and Risk Committee monitors the effectiveness of the Business Continuity Management Framework ensuring alignment with the AS ISO 23001.

Staff Only

The success of business continuity management will be measured against each element of the business continuity management lifecycle including the following measures:

- whether the policy is current
- the extent to which business continuity has been incorporated into risk management reviews and strategies
- an initial business impact analysis has been conducted for each department within the past three (3) years
- percentage of business impact analyses with business continuity solutions approved by the Executive Leadership Team
- percentage of approved solutions implemented within approved timeframe
- business continuity test has been conducted in the past twelve months.
- the Executive Leadership Team review the Business Continuity Plan annually.

9. RELATED POLICIES AND LEGISLATION

The following Council, State, regional and national plans, and policies are relevant to this policy under each subtitle.

Legislation

- *Local Government Act 2020*
- *Occupational Health and Safety Act 2004*
- AS/NZS 5050:2010 – Business continuity – Managing disruption related risk
- ISO 31000:2018 – Risk Management - Guidelines

Council Related Documents

- Business Continuity Plan
- IT Disaster Recovery Plan
- Municipal Emergency Management Plan
- Risk Management Policy

10. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the Chief Executive Officer at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

11. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the Charter of *Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The Charter of *Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality, and dignity.

11.4.6 Strategic Risks

AUTHOR Risk Officer

RESPONSIBLE DIRECTOR Director People and Governance

EXECUTIVE SUMMARY

The Risk Management Policy was adopted in June 2024, along with the Risk Management Framework following a comprehensive review process.

Within the Policy and Framework, there are a number of responsibilities for Councillors, including setting the risk appetite for the organisation and providing acceptance on Council's strategic risks.

Over the past eight months considerable work was undertaken to develop Council's strategic risks. The strategic risks were reviewed and validated by the Audit and Risk Committee in September 2024 and reviewed by Councillors in February 2025. Below are the summarised strategic risks:

Risk 1	Financial Sustainability
Risk 2	Health and Safety
Risk 3	Governance, Compliance Reputation and Relationships
Risk 4	Environmental Impact
Risk 5	Interruption to Business – (failure of information technology systems including cyber-attacks)

The purpose of this report is to adopt the Strategic Risks.

RECOMMENDATION

That Council:

Adopt the overarching Strategic Risks as presented in the report:

- **Financial Sustainability**
- **Health and Safety**
- **Governance, Compliance Reputation and Relationships**
- **Environmental Impact**
- **Interruption to Business – (failure of information technology systems including cyber-security)**

PURPOSE AND BACKGROUND

The purpose of this report is to adopt the high level strategic risks subsequent to Councillors review of the risks on 28 February 2025.

ISSUES, OPTIONS AND DISCUSSION

Strategic risks are forward looking and linked to the Council's strategic objectives, vision and Council Plan. The timeframe for these risks is typically aligned to the strategic plan (i.e. four years). Strategic risks are few and externally focused.

Strategic risks are managed through the Strategic Risk Register, which is reviewed by the Executive Leadership Team and the Audit and Risk Committee on a quarterly basis and then submitted to Council for review and consideration.

In accordance with the Risk Management Policy Councillors have various responsibilities relating to risk management including:

- The overall responsible body for the review and adoption of the Risk Management Policy and the Risk Management Framework
- Accountable for risk management at Council
- Set the risk appetite and has a role in identifying, assessing and managing strategic risk
- Receives advice and recommendations from the Audit and Risk Committee.

Additionally the application of the Risk Management Framework will assist Council to:

- Achieve its goals and objectives and the Council Plan priorities and actions
- Protect the safety of people, assets, finances and Council reputation
- Take risks in accordance with approved policies and organisational values
- Adopt risk treatment activities that are fit for purpose, cost effective and are designed to reduce risk to an acceptable level
- Embed a culture that promotes awareness and accountability for risk, so it becomes a normal way that business is done at Council.

In February and July each year Council will receive a report for their review and acceptance on Council's Strategic Risks, their likelihood and consequences of occurring and risk mitigation strategies.

In February each year, Council will review the risk appetite and tolerances for the organisation and revise as required.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Be accountable for the decisions we make and the quality of service we deliver.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the following legislation, council policies and key strategic documents:

- Risk Management Policy
- Risk Management Framework

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
If an organisation does not proactively manage risk, it is in danger of potential challenges, disruption and failing to achieve strategic objectives.	Low	Medium	Medium	Adopt robust strategic risks

LEGAL CONSIDERATIONS

Under the Local Government (Planning and Reporting) Regulations 2014, Council is required to generate:

“six-monthly reports of strategic risks to Council’s operations, their likelihood and consequences of occurring and risk minimisation strategies”.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the *Local Government Act 2020*.

HUMAN RIGHTS CONSIDERATIONS

There are no significant human rights implications arising from this report.

CONCLUSION

Strategic risks can significantly impact an organisations ability to achieve its long-term strategic goals and objectives, potentially affecting its viability and success.

Strathbogie Shire Council commits to proactively identifying and managing strategic risks to stay competitive, resilient, and achieving long-term goals in line with its Community Vision and Council Plan.

ATTACHMENT

1. 20250415 Strategic Risk Register (1)

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Risk	Risk Description	Likelihood	Consequence	Risk Controls Examples (not limited to)
Financial Stability	<p>Financial Impact of Risks to Council</p> <ul style="list-style-type: none"> • Volatile inflation and price changes • Rate Capping • Inadequate indexation of grants and tied and untied programs, • Changes to State and Federal Government set levies and taxes (i.e. Workcover and Superannuation) • New legislation that affects local government • Impacts of more regular weather and environmental events that adversely impacts the resources available to deliver the Council Plan goals and targets. <p>Impacts</p> <ul style="list-style-type: none"> • Rates income • Funding unplanned expenses • Management of assets and infrastructure • Investment capacity • Adequate insurance cover • Less funding and resources available to meet Council priorities (non-mandatory services and activities as more expenditure is absorbed in externally imposed items). 	3	3	<ul style="list-style-type: none"> • Local Government Performance Reporting Framework (LGPRF) indicators and VAGO External Audits • Service reviews, works programming and monitoring resource allocation • Advocacy for funding opportunities • Advocating through peak bodies and to local members about impacts of Government decisions and changes • Short and long term financial budget planning • Financial reporting to Audit and Risk Committee • Shared services with other Local Governments and Project CODI
Health and Safety	<p>Failure to Provide a Healthy and Safe Workplace</p> <p>Provision of a safe workplace (including physical environment) for all Staff, Councillors and Contractors is a mandatory obligation.</p>	3	3	<ul style="list-style-type: none"> • Occupation Health and Safety Strategy December 2025 • Safe Work Method Statements (high risk construction work) • Manage contractor engagement through project/procurement surveillance • Health and wellbeing – enhanced focus on Mental Health
Governance and Compliance	<p>Failure To Transparently Govern And Embrace Good Governance</p> <p>Including managing our legislative compliance, Employee and Councillor conduct.</p>	2	3	<ul style="list-style-type: none"> • Return to elected Councillors November 2024 • Councillors commitment to good governance • Model Councillor Code of Conduct and mandatory induction and training • Annual Local Government Performance Reporting • Local Government Victoria draft Model Governance Rules being developed

OFFICIAL

				<ul style="list-style-type: none"> • Staff Code of Conduct CEO Directive under review • Regular staff training
Environmental Impact	Significant and More Sustained Weather Events Impacting Infrastructure and Daily Life Impact of climate change on communities and on Strathbogie Shire Assets. Impacts on our ability to respond. Effect of Council's own environmental footprint.	3	3	<ul style="list-style-type: none"> • 2022-2027 Climate Change Action Plan (including goals for zero-net emissions) • Advocate to Federal and State governments for investment in reliable power supply infrastructure with a focus on renewable energy. • Provide adequate human and plant resources to respond. • Municipal Emergency Management Plan and - Municipal Emergency Management Plan Committee • Appropriate planning in place to respond. • Bushfire Management Overlay in Planning Scheme. • Rapid Earth Fault Current Limiters (SP Aus Net) • Municipal Stormwater Strategy - implementation of flood controls into Strathbogie Planning Scheme. • Business continuity plan and emergency management testing, training and review
Interruption of Business	Failure of Information Technology Systems Including Cyber-Attacks Business interruption can occur through failure of systems and by malicious actions including cyber-attacks and under investment in technology.	3	4	<ul style="list-style-type: none"> • Quarterly external vulnerability monitoring • Firewall Infrastructure Monthly Report • Annual disaster recovery testing • Restricted physical access to ICT Infrastructure • Monthly security awareness training for staff • Engage a cyber security company for a managed security operations Centre to monitor Councils ICT environment 24x7 for any cyber threats

11.4.7 Emergency Services and Volunteer Fund Levy - Advocacy

AUTHOR Director People and Governance

RESPONSIBLE DIRECTOR Director People and Governance

EXECUTIVE SUMMARY

In December 2024, the Victorian Government announced that the Fire Services Property Levy (FSPL) will be replaced by the new Emergency Services and Volunteers Fund (ESVF) from 1 July 2025. The ESVF represents a significant increase over the current FSPL, particularly for primary producers, where the main variable component of the levy will almost triple.

All ratepayers will be subject to this new tax, which could result in an additional \$2.5 million in property taxes for Strathbogie Shire property owners. This imposes a substantial burden on ratepayers, adding to their existing rates.

It is important to recognise that this new tax is being introduced by the State Government.

Local councils will bear much of the impact of this tax, not only in terms of the reputational fallout from collecting additional funds from ratepayers, and complaints about the increases, but also in the resource burden of administering the tax on behalf of the State Government.

For smaller councils like the Strathbogie Shire, the resources required for rate collection are already stretched. The responsibility for collecting the ESVF should rest with the State Revenue Office, which has the infrastructure and capacity to manage tax collection effectively, as it already does with Land Tax, ensuring a fair distribution of administrative duties across the state. It is widely believed that the reputational, resource, and administrative burden should be carried by those implementing the tax.

Our Shire is home to many primary producers, and in addition to advocating for the tax collection process to be handled by the State, we must also address the impact this levy will have on our community. Information gathered by Rural Councils Victoria (as detailed in attachment 1) estimates that across Victorian rural councils, the ESVF levy will impose:

- \$139,025,274 extra will be taken from rural communities each year
- For each rural council area, the average additional tax take will be \$3.7 million
- This represents an increase of 90%, compared to the Fire Services Levy it replaces
- Primary producers will bear the brunt of the change, with an average 154% rise in the amount payable
- Residential landholders in rural areas will only have an average increase of 31%, with commercial operators paying 65% more.

For Strathbogie Shire ratepayers there is likely to be a 91% increase with the introduction of the new ESVF levy, in line with the overall Rural Councils Victoria modelling.

Rural Councils Victoria, in collaboration with several individual rural councils, has initiated advocacy efforts on this matter. This report aims to support and contribute to that advocacy campaign.

RECOMMENDATION**That Council:**

- 1. Endorse the position of Rural Councils Victoria by advocating to the Victorian Government regarding the Emergency Services Volunteer Fund Levy to:**
 - a. Recalculate the levy formula so country communities aren't disproportionately footing the bill for emergency services across the State**
 - b. Guarantee that all new revenue collected in country areas is used to support emergency volunteers in those same communities**
 - c. Use the State Revenue Office to collect the expanded and higher taxing levy – taking the burden off councils.**

PURPOSE AND BACKGROUND

To reaffirm Council's position on the Victorian Government's proposed Emergency Services and Volunteers Fund (ESVF), set to take effect on 1 July 2025.

ISSUES, OPTIONS AND DISCUSSION

On 13 December 2024, the Victorian State Government announced that the Fire Services Property Levy (FSPL) would be replaced by the Emergency Services and Volunteer Fund (ESVF) effective 1 July 2025.

The ESVF aims to expand funding for emergency services by introducing a tax on properties to support a broader range of entities. This includes:

- Victorian State Emergency Service (VICSES)
- Triple Zero Victoria
- State Control Centre
- Forest Fire Management Victoria
- Emergency Recovery Victoria
- Country Fire Authority (CFA) and Fire Rescue Victoria (FRV), which were the entities previously funded by the FSPL.

The amount to be collected by Council under the ESVF will be determined by the State and remitted to the State Revenue Officer similar to the FSPL. The method of calculating the ESVF charge follows the same process as the FSPL, with both fixed and variable components.

The fixed component is adjusted annually by the Consumer Price Index while the variable charge is set by the State and will be announced each April for the following year.

The State has indicated that the variable component of the ESVF charge will increase by 64% to 189% from the current variable rates depending on the property classification.

Initially the State advised that the CFA and Victoria State Emergency Service lifetime members and volunteers would be exempt from ESVF on their principal place of residence. The State has now advised that the principal place of residence exemption is now going to be processed as a rebate administered by the State Government.

Capital improved value (CIV) is determined by the Valuer General's Office, being the State Government's authority on statutory valuations. Based on CIV values from 2024-25, the increase in revenue generated across the Strathbogie Shire from the change from FSPL to ESVF is calculated to an increase from \$2.76m to \$5.27m.

This figure will be confirmed once the final (stage 4) valuations for 2025-26 are received from the Valuer General in June. In the State Budget for 2024-25, VICSES, Triple Zero Victoria, the State Control Centre, Forest Fire Management Victoria and Emergency Recovery Victoria were funded via general State revenue.

For the 2025-26 period, the funding for these entities will transition from general State revenue to the ESVF.

It is important to note that the increase in payments resulting from the shift from the FSPL to the ESVF could affect ratepayers' ability to pay this higher levy. As well as the property's usual Council rates which will impact Council as payment to, and receipts by, Council are required to be apportioned evenly across Council rates and the ESVF levy, despite how a ratepayer might direct.

COMMUNITY ENGAGEMENT

Whilst no formal community engagement has been undertaken, many councils and coordinating bodies have provided feedback to the State Government regarding the implementation of the Emergency Services and Volunteers Fund, including impacts on resourcing and potential financial hardship impacts on communities.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 5: Strong. Healthy. Safe.

We have protected 'the vibe' we love.

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Regional, State and National Plans, Policies and Legislation

This report is aligned with the Rural Councils Victoria Advocacy.

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Ratepayer inability to pay rates due to increase of the Emergency Services and Volunteers Fund	Possible	Medium	Moderate	Advocacy to the state government

LEGAL CONSIDERATIONS

At the time of writing this report, the Fire Services Property Amendment (Emergency Services and Volunteers Fund) Bill 2025 is being considered by the Victorian Parliament.

CONFLICT OF INTEREST DECLARATION

No Council Officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

In the interests of transparency and open communication with our community this report is presented to a public Council meeting.

FINANCIAL VIABILITY CONSIDERATIONS

Council anticipates that the implementation of the ESVF will create resource impacts on Council starting from April 2025.

The first rates notice for 2025-26 will be delivered in late August 2025 and will need to accurately reflect ratepayers obligations regarding the ESVF. The State Government has indicated that additional funding will be provided to Council to assist with the management of the ESVF.

At the time of the writing this report it is uncertain how much this additional funding will be available, or the basis for how it might be calculated.

SUSTAINABILITY CONSIDERATIONS

Economic

This additional cost impost will ultimately be passed down through the cost of food with the increased cost of operating primary production businesses. The tax could have a negative impact on the Victorian economy, with a disproportionate impact on rural communities, and the financial viability and returns of farming enterprises.

Social

The increased tax is an excessive burden during the cost-of living crisis, with implications for the economic health of the community overall.

COLLABORATION

This report supports the advocacy work undertaken by Rural Councils Victoria (RCV). RCV represent Victoria's rural councils, supporting and promoting strong, liveable, prosperous rural communities, and representing the one in nine Victorians who live in rural communities. RCV has thirty four member councils across the state.

HUMAN RIGHTS CONSIDERATIONS

There are no significant human rights implications arising from this report.

CONCLUSION

The report seeks Council endorsement to formally advocate the position of Rural Councils Victoria relating to the Victorian Government's proposed Emergency Services and Volunteers Fund, set to take effect on 1 July 2025.

ATTACHMENT

1. Impact Analysis - Emergency Services and Volunteer Fund Levy



Impact analysis

RCV analysis of the Victorian Government's Emergency Services and Volunteer Fund levy.

Headline results

- \$139,025,274 extra will be taken from rural communities each year.
- For each rural council area, the average additional tax take will be \$3.7 million.
- This represents an increase of 90%, compared to the Fire Services Levy.
- The hardest hit councils will be:

Colac-Otway (+151%)	Yarriambiack (+123%)
Hindmarsh (+117%)	Moyne (+117%)
- Primary Producers will bear the brunt of the change, with an average 154% rise in the amount owed.
- Rural residential landholders only will have an average increase 31%, with commercial operators paying 65% more.

Council level data

LGA	FSL impact	New ESVF levy	Increase	% change
Hindmarsh	\$1,863,772	\$4,052,881	\$2,189,109	117%
Yarriambiack	\$2,722,192	\$6,071,619	\$3,349,428	123%
Swan Hill	\$3,683,193	\$5,979,401	\$2,296,208	62%
East Gippsland	\$8,535,717	\$12,992,439	\$4,456,721	52%
South Gippsland	\$6,454,983	\$11,603,176	\$5,148,193	80%
Wellington	\$8,929,971	\$14,460,968	\$5,530,997	62%
Macedon Ranges	\$7,394,869	\$11,951,388	\$4,556,518	62%
Golden Plains	\$3,673,929	\$6,663,994	\$2,990,065	81%
Moyne	\$5,014,421	\$10,900,028	\$5,885,608	117%
Corangamite	\$4,539,828	\$8,849,518	\$4,309,690	95%
Southern Gramps	\$3,783,000	\$7,881,000	\$4,098,000	108%
Glenelg	\$4,147,517	\$7,719,450	\$3,571,933	86%
Colac Otway	\$3,694,726	\$9,305,290	\$5,610,564	151%
Mansfield	\$2,638,168	\$4,559,622	\$1,921,454	73%

Benalla	\$2,373,289	\$4,285,320	\$1,912,031	81%
Murrindindi	\$3,348,051	\$6,203,081	\$2,855,030	85%
Indigo	\$2,685,436	\$5,341,372	\$2,655,936	99%
Strathbogrie	\$2,760,106	\$5,276,697	\$2,516,591	91%
Total (18 councils)			\$65,854,077	
Average (18 councils)			\$3,658,560	90%
		All RCV Councils (33)	\$120,732,474	
		All rural councils (38)	\$139,025,274	

Inequities laid bare (Primary Producers vs Commercial vs Residential)

LGA	Residential increase (\$)	Residential change (%)	Commercial increase (\$)	Commercial change (%)	Primary Producer increase (\$)	Primary Producer change (%)
Hindmarsh	\$64,779	16%	\$33,368	35%	\$2,076,762	164%
Yarriambiack	\$69,924	14%	\$28,573	39%	\$3,222,034	162%
Swan Hill	\$292,101	23%	\$279,823	68%	\$1,777,547	126%
East Gippsland	\$1,340,790	28%	\$794,150	78%	\$2,031,661	117%
South Gippsland	\$937,735	33%	\$320,208	68%	\$3,692,131	140%
Macedon Ranges	\$1,878,005	41%	\$569,999	75%	\$1,967,618	143%
Golden Plains	\$995,635	53%	\$292,680	79%	\$1,907,669	170%
Moyne	\$470,176	34%	\$116,083	74%	\$5,180,370	170%
Corangamite	\$255,980	24%	\$160,507	57%	\$3,539,954	136%
Southern Gramps	\$244,000	21%	\$170,000	61%	\$3,593,000	168%
Glenelg	Unavailable	23%	Unavailable	56%	Unavailable	184%
Mansfield	\$486,904	37%	\$188,430	73%	\$1,211,779	137%
Benalla	\$652,015	58%	\$153,656	69%	\$1,021,166	137%
Murrindindi	\$515,197	34%	\$177,827	69%	\$2,023,198	171%
Indigo	\$357,408	29%	\$224,901	63%	\$2,079,345	197%
Strathbogrie	\$283,987	31%	\$150,856	76%	\$2,041,341	137%
Total	\$8,844,636	-	\$3,661,061	-	37,365,574	-
Average	\$589,642	31%	\$244,071	65%	2,491,038	154%

11.4.8 Contracts, Works, Variations and Grants Awarded Under Delegation 1 March 2025 to 31 March 2025

AUTHOR Chief Financial Officer

RESPONSIBLE DIRECTOR Director People and Governance

EXECUTIVE SUMMARY

The purpose of this report is to inform Council and the community of the status of requests for the publicly advertised tenders, invitations for written quotations and quotations provided using collaborative and/or third-party contracts which have been awarded under delegation for the period 1 March 2025 to 31 March 2025.

The report specifically relates to works that form part of Council's 2024-25 adopted Budget.

The report also details any grants awarded as per Council's adopted Community Funding Model, or variations approved under delegation. Council adopted a Community Funding Model at the July 2023 Council Meeting authorising the Chief Executive Officer to award Quick Response Grants.

RECOMMENDATION

That Council note:

- 1. There were nil contracts awarded under delegated authority by the Interim Chief Executive Officer**
- 2. There were nil contracts awarded under delegated authority by Director(s)**
- 3. There were nil contracts awarded under delegated authority by Manager(s)**
- 4. There was one low value contract variations of up to 15% of original contract value awarded under delegation by a Director in March 2025**
- 5. There were nil quick response grant applications received during the reporting period.**

PURPOSE AND BACKGROUND

In line with Council's approach to transparency and good governance, the Contracts, Works and Grants Awarded Under Delegation report will be tabled for information purposes at each Council Meeting.

The report details any contracts, works or grants that have been awarded under delegated authority by the Interim Chief Executive Officer, a Director, or a Manager within their approved financial threshold. This report specifically relates to works and/or services that formed part of Council's approved 2024-25 budget.

ISSUES, OPTIONS AND DISCUSSION

Any contract awarded under delegation is made in accordance with Council's Procurement Policy. Through the Instrument of Delegation to the Interim Chief Executive Officer the Council has delegated authority to the following:

- Interim Chief Executive Officer – award a contract up to the value of \$170,000 for goods and services and \$220,000 for works
- A Director – award a contract up to the value of \$100,000 for goods, services and works
- A Manager – varies in value depending on the functionality contained within the portfolio, awarding of contracts up to the value of between \$10,000 to \$50,000 for goods and services and works.

Council adopted a Community Funding Model in July 2023 authorising the Interim Chief Executive Officer to award Quick Response Grants via this report. Officers received one Quick Response Grants in this period.

Contracts Awarded Under Delegated Authority by Interim Chief Executive Officer

Nil

Contracts Awarded Under Delegated Authority by Director

Nil

Contracts Awarded Under Delegated Authority Manager(s)

Nil

Contract Variations of up to 15% of original Contract value awarded under delegation by Interim Chief Executive Officer

Contract No.	CN 21/22-38 Rural Residential and Rural Land Use Strategy
Contract Name	CN 21/22-38 – Rural Residential and Rural Land Use Strategy Consultant engaged Council to assist to prepare the Rural Residential and Land Use Strategy (RRLUS).
Contract Details	A variation of 3.72% for the sum of \$5,094.50 (inc GST) was approved to be paid to the contractor due to additional time required to complete the first round of engagement, including additional meeting time and preparation for the deliberative engagement process. This is within the allowed 15% variation of the executed contract, including with an earlier variation of \$8,100. Total variations are now 9.64%.
Value Including GST	\$5,094.50
Supplier	RM Consulting Group
Scheduled Commencement	Works already in progress
Scheduled Completion Date	30 April 2025

Quick Response Grants Awarded Under Delegated Authority by Interim Chief Executive Officer.

Nil

COMMUNITY ENGAGEMENT

Where required, external stakeholders have been engaged providing input on relevant projects.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Maximise public transparency and accountability around our performance and decision-making processes.

Regional, State and National Plans, Policies and Legislation

- Community Funding Model
- Delegations and Instruments of Appointment and Authorisation

RISK CONSIDERATIONS

This report has identified the following risk(s):

Risk(s)	Likelihood	Consequence	Rating	Mitigation Action
Lack of transparency with community	Unlikely	Moderate	Low	Regular reporting to Council and the community on contracts and grants awarded under delegation
Without projects being awarded under delegation, delays to progressing approved and budgeted projects and not meeting annual Council plan targets are possible	Possible	Moderate	Low	Delegations in place and regular reporting to Council and the community on contracts and grants awarded under delegation

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

This report demonstrates that Council is being transparent by providing information to the community regarding the awarding of any works projects and grants issued under delegation.

FINANCIAL VIABILITY CONSIDERATIONS

The contracts, works and grants awarded under delegation are projects that have formed part of Council's adopted 2024-25 budget and were within the budget allocation.

SUSTAINABILITY CONSIDERATIONS

Economic

Works awarded under delegation provide an opportunity to generate great economic benefit using local contractors and the purchasing of materials and supplies. In addition, the enhancement of infrastructure continues to make our municipality a place of destination, one where people choose to live, work and play.

Social

Each project includes several social benefits to our community. Some of these benefits include infrastructure that encourages health and wellbeing activities and amenity improvements.

HUMAN RIGHTS CONSIDERATIONS

The recommendations do not limit any Human Rights under the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

It is important that decisions and actions taken under delegation are properly documented and transparent in nature.

The report details the publicly advertised tenders, invitations for written quotations and quotations provided using collaborative and/or third-party contracts which have been awarded by the Interim Chief Executive Officer, Directors and Managers under delegated authority of the Council during the period 1 March 2025 to 31 March 2025.

This report advises Council of any grants awarded under CEO delegation as per Council's adopted Community Funding Model. There were nil grants awarded during the reporting period.

This report also advises of any contract variations of up to 15% of original Contract value. There was one variation to Contracts that meet this requirement during the reporting period.

ATTACHMENTS

Nil

11.4.9 Record on Informal Meetings of Councillors March 2025

AUTHOR Governance Officer

RESPONSIBLE DIRECTOR Director People and Governance

EXECUTIVE SUMMARY

In accordance with Section (114) of the Strathbogie Shire Council Governance Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors
- is attended by at least one member of Council staff, and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting, these are known as Informal Meetings of Councillors.

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

- tabled at the next convenient Council meeting
- recorded in the minutes of that Council meeting.

The details of the Record of Informal Meetings of Councillors for the period 1 March 2025 to 31 March 2025 are shown in the attachments below.

RECOMMENDATION

That Council:

Notes the Record of Informal Meetings of Councillors from 1 March 2025 to 31 March 2025.

POLICY CONSIDERATIONS

Council Plan

This report is consistent with the following key strategic focus areas and or actions in the 2021-25 Council Plan:

Strategic Focus Area 6: Accountable. Transparent. Responsible.

Achieve the highest level of good governance across the organisation and as an elected Council.

Maximise public transparency and accountability around our performance and decision-making processes.

CONFLICT OF INTEREST DECLARATION

No Council officers and/or contractors who have provided advice in relation to this report have declared a general or material conflict of interest regarding the matter under consideration.

TRANSPARENCY

This report will be presented to Council in a Council meeting, open to the public and live streamed to the public. This is consistent with Council's Transparency Policy, enabling the community to have oversight regarding the matters being discussed by Council and the decisions being made.

ATTACHMENTS

1. 20250304 Record of Informal Meetings of Councillors
2. 20250311 Record of Informal Meetings of Councillors
3. 20250318 Record of Informal Meetings of Councillors
4. 20250325 Record of Informal Meetings of Councillors

Staff Only

Record of Informal Meetings of Councillors

Meeting Details	Title	Councillor Briefing	
	Date and Time	4 March 2025 at 9:15 am	
	Location	Euroa Conference Room	
Present	Councillors	<ul style="list-style-type: none"> • Mayor Cr Ewart-Kennedy • Cr Binks • Cr Carlson • Cr Halsall 	<ul style="list-style-type: none"> • Cr Holloway • Cr Stevens • Marg Allan (Municipal Monitor)
	Officers	<ul style="list-style-type: none"> • Tim Tamlin – Interim CEO • Amanda Tingay – Director People and Governance • Rachael Frampton – Director Community and Planning • Michelle Harris – Interim Media and Communications Manager • Oliver McNulty – Director Sustainable Infrastructure • Andrew Davies - Chief Financial Officer • Sagara Gunasekara – Finance Co-ordinator • Greg Underhill – Manager Digital Innovation and Technology • Braydon Aitken – Manager Planning and Investment • Planning Officers • Kerry Lynch – Governance Officer • June Strutt – Corporate Planning Advisor 	
	Guest Speakers	Simon Hicks, Project Manager, Rural Councils Transformation Program	
	Apologies	Cr Jeffery	

Disclosures of Conflict of Interests

Disclosure of Interests are to be made immediately prior to any relevant item being discussed
(Local Government Act 2020 - Section 131)

Matters Considered		Disclosures and Comments
1	Rural Councils Transformation Program (Project CODI)	None
2	Council Plan 2025-29 Workshop	None
3	Planning Matters	None
4	Rural Residential Land Use Strategy and Urban Grown Strategy	None
5	2025-26 Budget	None
6	Euroa Caravan Park	None
7	Consider feedback from community consultation -Council Meeting Time	None

The meeting concluded at 5:45 pm

Record completed by	Officer Name - Officer Title	Kerry Lynch, Governance Officer
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Staff Only

Record of Informal Meetings of Councillors

Meeting Details	Title	Councillor Briefing	
	Date and Time	11 March 2025 at 9:15 am	
	Location	Euroa Conference Room	
	Councillors	<ul style="list-style-type: none"> Mayor Cr Ewart-Kennedy Deputy Mayor Cr Jeffery Cr Binks Cr Carlson Cr Halsall 	<ul style="list-style-type: none"> Cr Holloway Cr Stevens Marg Allan (Municipal Monitor)
	Officers	<ul style="list-style-type: none"> Tim Tamlin – Interim CEO Amanda Tingay – Director People and Governance Rachael Frampton – Director Community and Planning Michelle Harris – Interim Media and Communications Manager Oliver McNulty – Director Sustainable Infrastructure Chris Bishop – Assets Officer Andrew Davies - Chief Financial Officer Sagara Gunasekara – Finance Co-ordinator Jean McKinnon – Community Development Officer Braydon Aitken – Manager Planning and Investment Planning Officers June Strutt – Corporate Planning Advisor Kerry Lynch – Governance Officer 	
	Guest Speakers	Planology (Darren Wong Director and Kate Kennedy Special Council)	
	Apologies	Nil	

Disclosures of Conflict of Interests

Disclosure of Interests are to be made immediately prior to any relevant item being discussed
(Local Government Act 2020 - Section 131)

Matters Considered		Disclosures and Comments
1	Council Plan 2025-29 and Community Vision Workshop	None
2	Revenue and Rating Plan, Long Term Financial Plan, Capital Works Program 2025-26, Asset Plan, Community Funding Model	None
3	Mandatory Training: Planning	None
4	Mandatory Training: Community Representation	None
5	Review Council Meeting Agenda 18 March 2025	None

The meeting concluded at 5:30 pm

Record completed by	Officer Name - Officer Title	Kerry Lynch, Governance Officer
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Staff Only

Record of Informal Meetings of Councillors

Meeting Details	Title	Councillor Briefing	
	Date and Time	18 March 2025 at 9:15 am	
	Location	Euroa Conference Room	
Present	Councillors	<ul style="list-style-type: none"> Mayor Cr Ewart-Kennedy Cr Binks Cr Carlson Cr Halsall 	<ul style="list-style-type: none"> Cr Holloway Cr Stevens Marg Allan (Municipal Monitor)
	Officers	<ul style="list-style-type: none"> Tim Tamlin – Interim CEO Amanda Tingay – Director People and Governance Rachael Frampton – Director Community and Planning Michelle Harris – Interim Media and Communications Manager Oliver McNulty – Director Sustainable Infrastructure Kate Thomson – Principal Property Officer Kerry Lynch – Governance Officer 	
	Guest Speakers	Nil	
	Apologies	Cr Jeffery	

Disclosures of Conflict of Interests

Disclosure of Interests are to be made immediately prior to any relevant item being discussed
(*Local Government Act 2020* - Section 131)

Matters Considered		Disclosures and Comments
1	Citizenship Ceremony	None
2	Euroa Caravan Park	None
3	Review Council Meeting Agenda	None
4	Ordinary Council Meeting	None

The meeting concluded at 5:45 pm

Record completed by	Officer Name - Officer Title	Kerry Lynch, Governance Officer
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Staff Only

Record of Informal Meetings of Councillors

Meeting Details	Title	Councillor Briefing	
	Date and Time	25 March 2025 at 9:15 am	
	Location	Euroa Conference Room	
Present	Councillors	<ul style="list-style-type: none"> Mayor Cr Ewart-Kennedy Cr Binks Cr Carlson 	<ul style="list-style-type: none"> Cr Holloway Cr Stevens Marg Allan (Municipal Monitor)
	Officers	<ul style="list-style-type: none"> Tim Tamlin – Interim CEO Amanda Tingay – Director People and Governance Rachael Frampton – Director Community and Planning Michelle Harris – Interim Media and Communications Manager Oliver McNulty – Director Sustainable Infrastructure Andrew Davis – Chief Financial Officer Sagara Gunasekara – Finance Coordinator Chris Bishop – Assets Officer June Strutt – Corporate Planning Advisor Kerry Lynch – Governance Officer 	
	Guest Speakers	Nil	
	Apologies	Cr Jeffery, Cr Halsall	

Disclosures of Conflict of Interests

Disclosure of Interests are to be made immediately prior to any relevant item being discussed
(*Local Government Act 2020* - Section 131)

Matters Considered		Disclosures and Comments
1	Feedback from Deliberative Engagement Workshops	None
2	Community Vision and Council Plan 2025-29	None
3	Asset Plan, Revenue and Rating Plan, Capital Works Program 2025-26, Long Term Financial Plan, 2025-26 Draft Budget	None

The meeting concluded at 4:45 pm

Record completed by	Officer Name - Officer Title	Kerry Lynch, Governance Officer
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11.5 Communications, Engagement and Advocacy

Nil

12 Notice of Motion

Nil

13 Notice of Rescission

Nil

14 Confidential Business

Nil

15 Urgent Business

Nil

16 Next Meeting

The next meeting of Strathbogie Shire Council will be held on 20 May 2025 at Euroa Community Conference Centre commencing at 4:00 pm.

There being no further business the meeting closed atpm.

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Chair

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Date