



Murrindindi
Shire Council

Scheduled Meeting of Council

Agenda

Wednesday 27 July 2022
Alexandra Council Chambers
Perkins Street
6:00 PM

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1 ACKNOWLEDGEMENT OF COUNTRY AND COUNCILLORS' PLEDGE

1.1 Acknowledgement of Country

The meeting will be opened with the Mayor reading the following on behalf of the Murrindindi Shire Council:

“Murrindindi Shire Council is proud to acknowledge the Taungurung and Wurundjeri people as the traditional custodians of the land we now call Murrindindi Shire.

We pay our respects to their Elders past, present and emerging, who are the keepers of history, traditions, knowledge and culture of this land.”

1.2 Councillors' Pledge

“The Councillors, democratically elected to represent our community as the Murrindindi Shire Council, are committed to working together in the best interests of the people who live in our municipality, those who conduct business here and those who visit.”

2 PROCEDURAL MATTERS

2.1 Privacy Note

This public meeting is being streamed live via our Facebook page and made available for public access on its website along with the official Minutes of this meeting.

2.2 Apologies and Request for Leave of Absence

2.3 Disclosure of Interest or Conflict of Interest

In accordance with section 130 (1)(a) of the *Local Government Act 2020* Councillors are required to disclose any “conflict of interest” in respect of a matter to be considered at a Council Meeting.

Disclosure must occur immediately before the matter is considered or discussed.

2.4 Confirmation of Minutes

Minutes of the Scheduled meeting of Council held on 22 June 2022.

RECOMMENDATION

That Council confirm the minutes of the 22 June 2022 Scheduled Meeting of Council.

2.5 Petitions

Petitions received will be tabled at the Scheduled Meeting of Council.

2.6 Community Recognition

Council may suspend standing orders to thank and acknowledge particular community achievements.

2.7 Matters Deferred from Previous Meeting

Council may resolve to defer a matter to a future meeting for consideration for various reasons. Where a matter has been previously deferred it will be tabled for consideration under this section.

2.8 Urgent Business

Council may by resolution admit an item of urgent business only if:

- a. it relates to or arises out of a matter which has arisen since distribution of the Agenda; and
- b. deferring the item until the next Meeting will mean a decision on the item will not have any effect on the matter; or
- c. the item involves a matter of urgency as determined by the Chief Executive Officer; and
- d. it cannot be addressed through an operational service request process.
- e. Provided the matter does not:
 - I. substantially affect the levels of Council service
 - II. commit Council to significant expenditure not included in the adopted budget
 - III. establish or amend Council Policy.

3 PUBLIC PARTICIPATION

3.1 Open Forum

Section 8 of the *Governance Rules 2020* allows for Community Participation in Council Meetings. Open Forum is an opportunity for the general public to present to Council on a matter listed on the Agenda or any other matter.

3.2 Questions of Council

Questions of Council are an opportunity for the general public to submit a question prior to the Scheduled Meeting and receive a response from Council in the Questions of Council time.

4 REPORTS - ASSETS AND DEVELOPMENT DIRECTORATE

4.1 Climate Change Policy

Attachment(s)	Attachment 1 - Climate Change Policy Draft [4.1.1 - 6 pages]
Presenter	Vito Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

This report seeks Council's endorsement of the Draft Climate Change Policy for public consultation to seek feedback from the community prior to formal adoption by Council.

The Policy has been prepared as the second of a triad of documents proposed to guide Council in its response to climate change; the other two documents are the Climate Change Pledge (as previously adopted) and a Climate Change Action Plan (presently under preparation).

This report responds to the action from the 2021/2022 Council Plan to "Develop a Climate Change Policy".

RECOMMENDATION

That Council release the Draft Climate Change Policy for public consultation, to seek feedback from the community prior to formal adoption by Council.

Background

In its 2021/2022 Council Plan, Council committed to several related actions to address the issue of climate change. Amongst others, these include:

- Finalise the draft Greenhouse Gas Reduction (Climate Change Mitigation) Plan
- Develop a Shire-wide Climate Change Adaptation Plan
- Develop a Climate Change Policy
- Submit a voluntary Climate Pledge in accordance with section 47 of the *Climate Change Act 2017* and lead business and community by example to target net-zero carbon emissions by 2040 or sooner (now 2035).

The Climate Change Action Plan delivers on the first two actions.

Council adopted its Climate Pledge at the Scheduled meeting held on 24 November 2021.

This draft policy is the second step towards delivering the three related strategic documents that will underpin Council's response to climate change.

Discussion

The purpose of this policy is to set the strategic objectives for Council to achieve net zero emissions by 2035. It is further intended to guide how Council can work in partnership with the community so that the Shire may also endeavour to become carbon neutral by 2035.

Climate change is affecting all of us, and we all have a responsibility to act. Climate change is the single biggest risk Council faces, threatening our core business functions and ability to provide essential services to the community. Council is required to address climate change under Victorian legislation (the *Local Government Act 2020* and *Climate Change Act 2017*), and, through engaging on our 10-Year Community Vision and 2021-25 Council Plan, our community has made it clear that they expect Council to act.

Council's emissions make up 2% of the total emissions of the Shire. For this reason, the policy relates to not only the actions Council will take to reduce its own emissions, but also how it will work with businesses, households, service providers and land managers to help reduce the other 98%. It is intended that such actions will be aimed at assisting the local community to address climate emissions in a way that will benefit them, by making them more resilient to the impacts of climate change; physically, financially and jurisdictionally.

Within Council, the response to climate change needs to be holistic, with all areas of the organisation taking responsibility for any actions they may undertake, where those actions may be enhanced by having regard to climate change mitigation or adaptation implications, whether it be through governance or operations.

It is for these reasons that the draft policy includes a suite of commitments, in the form of statements related to policy objectives.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Our Protected Environment* strategy "to protect and enhance our natural environment, supporting environmental sustainability, community resilience, innovation and adaptation to climate change to achieve net-zero emissions by 2035".

Related plans and strategies also include the 2021/2022 Council Plan actions as listed above and those listed in Section 6 of the attached Draft Policy.

Relevant Legislation

The policy objectives and guiding principles have been considered in accordance with Section 47(2) of the *Climate Change Act 2017*.

Financial Implications and Risk

There are no financial implications or risks directly related to the development and adoption of the policy. The enactment of the policy, through ensuing actions, will have regard to the organisation's financial planning processes and controls. The costs of such actions will more than offset by the avoided cost of doing nothing.

The policy itself is a key component of the corrective actions required to mitigate the risk of climate change.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

It is intended to develop a community consultation plan, in order to seek feedback from each stakeholder cohort within the local community.

4.2 Contract 22/4 Street Sweeping Services 2022-2025

Attachment(s)	Confidential Attachment 1 – CONT22/4 Street Sweeping Services
Presenter	V Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

The purpose of this report is for Council to appoint a supplier for CONT22/4 Street Sweeping Services for a three year contract not exceeding a total of five years including all optional extensions.

The tender for these works closed at 3pm on 19 May 2022. Three submissions were received with two Tender prices being under the current street sweeping budget and one over the budget allocation.

A detailed evaluation process was undertaken in line with Council's Procurement Policy and against the tender evaluation criteria by a Tender Evaluation Committee.

Given that the Tender prices were received well under the available budget, options were considered for an enhanced street sweeping and township beautification services.

Based on the analysis undertaken, the Committee recommended that Tender 2 be awarded CONT22/4 Street Sweeping Services for a three year contract not exceeding a total of five years including all optional extensions. The contract will be for a lump sum price of \$172,707 for the three year contract that includes regular kerb and channel, heavy leaf fall cleansing services and a contingency allowance of \$20,000 per annum for an as needs footpath sweeping service for each town with an option for a further two years subject to satisfactory performance.

The Committee further recommended that the total contract amount should be \$387,845 over the period of the contract and that the remaining funds available for street sweeping is used for road maintenance works.

RECOMMENDATION

That Council:

1. appoint CONT22/4 – Street Sweeping Services to Tender 2 for an initial period of three years starting 20 August 2022 for a lump sum price of \$172,707 that includes regular kerb and channel and heavy leaf fall cleansing services with an option for a further two years subject to satisfactory performance;
2. approve an annual contingency amount of \$20,000 for the provision of footpath cleaning to occur on an as needed basis for the main towns;
3. approve a total contract amount of \$387,845 over the period of the contract of five years should all extension options be authorised;
4. approve that the remaining budget of \$50,738 allocated for street sweeping be redistributed to road maintenance activities across the Municipality;
5. authorise the Chief Executive Officer to extend CONT22/4 Street Sweeping Services beyond the initial term for a further two-year period subject to satisfactory performance; and

6. release this resolution and the name of Tenderer 2 into the Minutes of the Scheduled Meeting of 27 July 2022.

Background

At the 24 May 2017 Council meeting, the current Street Sweeping services contract (CONT17/5) was adopted. All extension options have now been exercised and the current contract cessation date is 1 July 2022. A short one-month extension has been secured with the current incumbent. Opportunities for collaborative services were explored with neighbouring Councils and Mansfield Shire expressing keen interest in joining this opportunity.

Tenders were called for the Street Sweeping Services on 20 April 2022 closing on 19 May 2022 and were advertised on Murrindindi and Mansfield Councils website, Facebook pages, The Age and Local Shire's Newspapers. A total of three (3) submissions were received.

Council's streets sweeping services contract is to provide a sweeping service to councils 80+Km of kerb and channel network on a programmed basis as well as provide additional main street sweeping during heavy leaf fall periods.

Discussion

Councils Procurement Policy requires that all tenders be evaluated by a tender evaluation committee (Committee).

The Committee responsible for evaluating this tender comprised of:

- Acting Manager Community Assets (Murrindindi – Chair)
- Coordinator Facilities (Murrindindi)
- Procurement Officer (Murrindindi non-scoring probity)
- Procurement Officer (Mansfield)
- Senior Coordinator Field Services (Mansfield).

A pre-evaluation meeting concluded that Tenderer 2 was required to provide further clarification on Environmental and OH&S requirements. These were provided deeming all submissions conforming to proceed to evaluation.

Prior to the next meeting communication was received by Mansfield Shire expressing their desire to remove themselves from the tender process as they felt that the opportunity did not represent value for money for Mansfield Shire. The tender submissions for Murrindindi were benchmarked against the current tendered service and it was determined that two of the three submissions provided a value for money service. Discussions were held with both Council's procurement departments, and it was determined that Mansfield would not participate with the collaborative process. Mansfield withdrew from the tender process.

Murrindindi Shire Council then sought a review from the tenderers considering the amended scope of works. Responses were to be received by COB Friday 3 June 2022.

The evaluation Panel was restructured and included the following:

- Acting Manager Community Assets (Chair)
- Coordinator Facilities
- Team Leader Parks and Gardens
- Probity Officer (Non-scoring).

Tenders were assessed against the following criteria:

- Price – 40%
- Capacity to deliver – 15%

- Capability to deliver – 10%
- Understanding of the requirement – 15%
- Relevant experience – 10%
- Social/sustainable procurement – 10%.

Each submission was then evaluated individually to consider the Tenderer's ability to meet the requirements of the contract. Tenders were assessed with particular attention to the evaluation criteria requirements.

The Committee, including the probity advisor, convened as a group at the completion of the individual evaluations to discuss the outcomes. Pricing was not part of this conversation. All panel members assessed the submissions according to the criteria. Individual scores were then averaged and applied to the master spreadsheet and pricing included. This provided an overall score for each Tenderer.

A detailed evaluation of the tenders is provided as a confidential attachment to this report.

Based on the analysis undertaken, the Committee recommended that Tender 2 be awarded CONT22/4 Street Sweeping Services for a three year contract not exceeding a total of five years including all optional extensions. The contract will be a lump sum price of \$172,707 for the three year contract period for the street sweeping and heavy leaf falls cleansing service with an option for a further two years subject to satisfactory performance. It is further recommended that a contingencies allowance of \$20,000 per annum (\$100,000 over 5 years of the contract) be provided for an as needs footpath sweeping service for the main towns.

The Committee further recommended that the total contract amount should be \$387,845 over the period of the contract and that the remaining available budget that is allocated for street sweeping services be used for road maintenance works across the Municipality.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to "connect our communities through improved roads, footpaths and public transport".

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategic objective "to provide fit-for-purpose infrastructure that meets current and future service demands and needs for our community".

This report supports the *Council Plan 2021-2025 Beautiful Towns and Rural Settings* strategy to "provide spaces within our towns that are vibrant, attractive, safe and accessible".

Relevant Legislation

Local Government Act 2020.

Financial Implications and Risk

The 2022/23 adopted Council Budget has an allocation of \$128,307. The allocation is sufficient to deliver the contract with the surplus available for an as needs footpath sweeping service and increased funding for road maintenance works.

Conflict of Interest

A conflict of interest was declared by a Council Officer in relation to this report. The Officer declared a conflict of interest due to having an existing professional relationship with Tenderer 3. An independent probity officer was appointed to the panel for the duration of the evaluation process to ensure compliance with Council's procurement policy.

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

4.3 Blue Gums To Eildon Recreational Trail Contract Award

Attachment(s)	Confidential Attachment 1 – Contract 22/2 - Blue Gums Caravan Park to Eildon Recreational Trail
Presenter	Vito Albicini, Director Assets & Development
Approved by	Director Assets & Development
Purpose	For decision

Executive Summary

At its 27 April Scheduled Meeting, Council resolved to award Contract 22/2- Blue Gums Caravan Park to Eildon Recreational Trail to Holman Vic Constructions for a lump sum price of \$1,596,809, subject to a favourable financial check.

Further to that decision this report seeks Council endorsement to accept a \$200,000 bank guarantee in place of the receipt of a favourable financial check to enable the awarding of the contract.

RECOMMENDATION

That further to the Council decision on item 4.5 at the Scheduled Meeting on 27 April 2022, Council endorse the acceptance of a \$200,000 bank guarantee in place of a financial check, to enable the awarding of CONT22/2 - Blue Gums Caravan Park to Eildon – Recreational Trail to Holman Vic Constructions for a lump sum price of \$1,596,809 to complete all required works.

Background

The evaluation of the 'Blue Gums to Eildon Recreational Trail' tender was completed in March 2022, and conditionally awarded at the 27 April 2022 Scheduled Meeting of Council (see below).

RESOLUTION

Cr K Haslam / Cr I Gerencser

That Council:

- 1. accept the tender from Holman Vic Constructions Pty Ltd (Tenderer 1) (Subject to a financial check score returned of marginal or above) and award CONT22/2 – Blue Gums Caravan Park to Eildon – Recreational Trail – for a lump sum Price of \$1,596,809 to complete all required works**
- 2. approve the allocation of \$46,191 as a contingency amount to be used for the delivery of this contract**
- 3. release the name of Tenderer 1 (Holman Vic Constructions Pty Ltd) into the Minutes of the Scheduled Meeting of 27 April 2022.**

As the financial check for the preferred contractor (Holman Vic Constructions) had not been received from Equifax Corporate Scorecard in time for the Council Meeting, an amended motion

was put to Council to conditionally award the contract based on the satisfactory return of a marginal financial check result, or higher.

Discussion

With the financial check now having been received, it is proposed that:

- A bank guarantee be issued to Council from the contractor for \$200,000, to be held as financial security until the project reaches a stage of practical completion
- This bank guarantee be returned on the issuing of the practical completion certificate at the end of the project.

Project officers are recommending that if a bank guarantee is provided by the contractor, Council can issue a purchase order for the works and commence the project.

The details of the financial check and the bank guarantee proposal are outlined in the confidential attachment to this report.

It must be noted that this bank guarantee of \$200,000 provides risk mitigation for the financial security of the contract.

A separate retention amount for the project will be kept as per the standard contract general conditions for any defects.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategic objective “to ensure our services, people and systems deliver the best possible outcomes for our communities now and into the future”.

Relevant Legislation

The procurement process for these works was carried out in accordance with Council’s Procurement Policy and section 186 of the *Local Government Act 1989*.

Road Management Act 2004.

Financial Implications and Risk

Based on the scope of this project, Council officers have concluded that the risk is minimal. A detailed risk assessment is provided in the confidential attachment.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

5 REPORTS - COMMUNITY ENGAGEMENT DIRECTORATE

5.1 Child Safety and Wellbeing Policy

Attachment(s)	Attachment 1 - Child Safety and Wellbeing Draft Policy [5.1.1 - 9 pages] Attachment 2 - Draft Statement of Commitment 2022 05 25 [5.1.2 - 1 page]
Presenter	S Murphy, Director Community Engagement
Approved by	Director Community Engagement
Purpose	For decision

Executive Summary

This report:

- Outlines key changes to the Child Safe Policy
- Highlights areas requiring further resource allocation
- Presents the revised Statement of Commitment.

RECOMMENDATION

That Council

1. **adopt the revised Child Safety and Wellbeing Policy as contained in Attachment 5.1.1**
2. **endorse the Statement of Commitment as contained in Attachment 5.1.2.**

Background

Federal and State-based investigations have highlighted the responsibility for all organisations working with children to play a role in preventing and appropriately responding to child abuse. These include The Royal Commission into Institutional Responses to Child Sexual Abuse and the Victorian Government's Betrayal of Trust: Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations. Both found that, historically many organisations were more concerned with the protection of the organisation than the protection of children, which led to serious and horrific consequences for children.

In response, legislative changes were made which require organisations to:

- create a workplace culture that promotes and fosters child safety
- report any concerns regarding the safety of children
- promote and engender the participation and empowerment of children.

Council adopted its first Child Safe Policy including the Statement of Commitment to child safety in January 2018. The policy was subsequently reviewed and adopted in May 2021.

In 2019, the Department of Health and Human Services (DHHS) undertook a review of the Victorian Standards to ensure they were as strong as possible and to consider how they could better align with the recommendations of the Royal Commission.

In 2020, the DHHS Review recommended several changes to better align the Standards with the National Principles for Child Safe Organisations and made other recommendations to strengthen

administration of the Standards. The Victorian Government later adopted these recommendations and set an introduction date of 1 July 2022.

Amendments proposed to the current policy and Statement of Commitment reflects these changes and provides a framework for Council to meet our obligations.

Discussion

After the adoption of the current policy a working group was set up to develop an implementation plan. Not long into this process, the new child safe standards were announced, with a start date of July 2022. At this stage it was understood that the current Child Safe policy would be inadequate to be compliant with the new standards. Council's Statement of Commitment also required revising.

Some of the main differences between the old standards and the new ones are:

- Safety includes Children's wellbeing
- Greater emphasis in recognising and celebrating Aboriginal and Torres Strait Islander culture, recognising the impact it has on the cultural safety of children
- Much greater emphasis on understanding children's diverse circumstances and additional vulnerabilities, i.e., cultural, disability, children who cannot live at home, LGBTI children
- Information sharing between organisations
- Including child safety in all risk assessment/management plans
- Collaboration with community and families.

The presented draft policy (attached) clearly articulates Council's position regarding protecting children from harm. It identifies responsibilities of staff and leaders to implement the policy. This revision does not remove any of the previous policy objectives.

The Statement of Commitment has been lifted from the draft Policy to support community awareness and education on Council's commitment and status as a child safe organisation. The Statement is included as an attachment for Council endorsement.

While some service areas of Council have expertise in child wellbeing; given the impact across the whole organisation, including managing the inherent strategic risk, governance, and broad employee skill development, it requires support and oversight from across the organisation.

Meeting our Child Safe requirements will require a greater investment of resources, both human and financial. An implementation plan will be developed to support our transition to the new policy and should be operationalised by the working group as identified in the policy.

Some key actions include:

- Ensuring all Working with Children Checks are reviewed annually as a minimum to ensure they are still current
- Ensuring all staff are trained on recognising and responding to abuse
- Ensure staff investigating child safety complaints are provided training/support.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Resilient Communities* strategy to "in collaboration with our community, support our children and young people to be happy, healthy and engaged".

Relevant Legislation

Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015
Worker Screening Act (Vic) 2020

Crimes Amendment (Protection of Children) Act 2014.

Financial Implications and Risk

This revised policy includes increased expectations to train all staff including Child Safe Officers to identify and respond to suspected abuse, including internal investigations. It also includes enhanced governance arrangements which requires staff resourcing in order to mitigate the financial and reputational risk to Council. Budget provision to deliver online training has been allocated in 2022/23.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

5.2 Grants and Contributions Program - July Allocations

Attachment(s)	Nil
Presenter	S Murphy, Director Community Engagement
Approved by	Director Community Engagement
Purpose	For decision

Executive Summary

This purpose of this report is to present Council with the June 2022 Grants and Contribution Program applications and variations for noting and endorsement.

RECOMMENDATION

That Council:

- 1. endorse the following variations recommended by the Grants and Contributions Assessment Panel:**

Application	Original Grant Awarded	Variation Request
The Outdoor Education Group – Eildon Wanggai Business Case Development Project	\$15,000	Timing change

- 2. endorse the following allocations recommended by the Grants and Contributions Assessment Panel:**

Application	Amount
Upper Goulburn Community Radio Incorporated - Taste of Tamworth	\$2,500
Alexandra Community Shed/Eildon & District Woodworkers Guild - Wood Moving Trailer	\$2,500
Buxton Progress Association Inc - Buxton Community Christmas Party 2022	\$1,000

Triangle Arts Group Incorporated - Marysville Art Show and ArtsFest 2022	\$4,500
Caleb Hall - 2022 Australian Men's Sixes Lacrosse Team Individual Athlete Sponsorship	\$1,000

Background

The Grants and Contributions Program provides the opportunity for not-for-profit community groups and organisations, social enterprises and businesses to seek funding from Council to support events, activities and projects that align with the *Murrindindi Shire Council 2021-2025 Council Plan*.

The funding streams provided under the program are:

- Fee Reductions (and waivers by exception)
- Quick Response
- Governance, Skills and Capacity Building
- Sponsorships (including eligible individuals)
- Community Projects and Events
- Small and New Tourism Events
- Events of State Significance
- Business Plan Support.

Each stream has its own objectives, eligibility and assessment criteria and can be found in the Program Guidelines on Council's website.

Assessment occurs monthly for Fee Reductions, Quick Response and Governance, Skills and Capacity Building grant streams and in March, July and October for all other streams. This is the first grant round of the 2022/23 financial year.

Discussion

Council officers have assessed the following grant variations and provide the following recommendations:

Variation Requests

1. The Outdoor Education Group - Eildon Wanggai Business Case Development Project

This project aims to develop a business plan to develop The Outdoor Education Group's Camp Eildon and Camp Wanggai sites to increase capacity and provide opportunity to service the tourist market.

The applicant has previously been impacted by COVID-19 restrictions and more recently by several staff changes which has impacted the ability to progress the project. A dedicated project officer has now been allocated to ensure the project will be delivered through to completion.

Grant variation recommended.

New applications

Council officers have assessed the following grant applications and provided recommendation for decision by Council:

Community Projects and Events

1. CPE-21/22-031 - Upper Goulburn Community Radio Incorporated - Taste of Tamworth

The Taste of Tamworth is music event hosted by UGFM volunteers for the community. It is held at the Alexandra Shire Hall and will feature four professional artists/bands who perform regularly at the Tamworth Music Festival including Kinglake duo 'Carter and Carter'. The event is a fundraising initiative for UGFM. It provides the community with an opportunity to gather (reducing isolation) at a cultural event, connecting community to the performing arts while supporting local music.

The performance in Alexandra is one of ten held across Victoria that make up the Taste of Tamworth Tour.

Recommended for a grant of \$2,500

2. CPE-21/22-032 - Alexandra Community Shed/Eildon & District Woodworkers Guild - Wood Moving Trailer

The applicants have demonstrated a commitment to WorkSafe and other safety initiatives over the past few years. This includes relocating the mill and purchasing a forklift. Processing its own timber from community donated logs there is a risk in handling such heavy timber. At present they use members trailers, which are not always available and not always safe and appropriate for such an exercise. The grant will go towards a purpose-built trailer. The main advantage of this trailer is the FLAT BED and DROP-DOWN SIDES, enabling the logs to be handled by the fork, and secured for safe transport.

Recommended for a grant of \$2,500.

3. CPE-21/22-035 - Buxton Progress Association Inc - Buxton Community Christmas Party 2022

This grant will assist with the delivery of a Christmas Party, including Santa on the fire truck and activities for the kids, with a barbecue and amenities for all, held in Buxton Recreation Reserve. Attendance will be focussed on Triangle community but visitors and tourists welcome and offered at no charge. This event brings the community together in a relaxed atmosphere, with a focus on the kids, to reduce isolation and strengthen bonds. It is particularly important this year as COVID restrictions are slowly relaxed.

Recommended for a grant of \$1,000.

4. CS/CPE-21/22-015 - Triangle Arts Group Incorporated - Marysville Art Show and ArtsFest 2022

Marysville has held a Melbourne Cup Day Weekend Art Show each year for over 50 years and for the second-year running will also encompass the Marysville ArtsFest. These shows encourage and support sustainable economic, social, and cultural development in our communities and provide an opportunity for Murrindindi artists to present their work for sale. It is an important event in the town's calendar as a social event between locals, weekenders, and tourists. Over 120 artists showed art in 2021. The Marysville Art Show and ArtsFest are important events that help bring life to the town over the long weekend.

Recommended for a grant of \$4,500.

Community Sponsorship

1. CS-21/22-013 - Caleb Hall - 2022 Australian Men's Sixes Lacrosse Team Individual Athlete Sponsorship

The 2022 Australian Men's Sixes Lacrosse Team is competing in the World Games in Birmingham, Alabama for the first time in order to showcase and introduce Lacrosse to the Olympics. Caleb Hall, a Flowerdale resident, is seeking sponsorship to participate in an elite international sporting event, the Australian Men's Sixes Lacrosse, in the USA in July 2022.

Recommended for a grant of \$1,000.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategic objective "to prioritise and promote a culture in which the economy, businesses and community can grow and thrive".

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy to "boost local investment and employment opportunities through activities that encourage businesses, social enterprise, and industry sectors to thrive and grow".

This report supports the *Council Plan 2021-2025 Growth and Opportunity* strategy "support and promote our tourism and events sector to boost the economy through increased visitation".

Relevant Legislation

There are no legislative considerations to this report.

Financial Implications and Risk

The below financial table shows grant funds allocated to date in this Financial Year:

Grant Stream	July allocations	Previous allocations	Total 22/23
	\$	\$	\$
Fee Reductions	0	0	0
Governance, Skills and Capacity Building	0	0	0
Quick Response	0	0	0
Community Sponsorship, Projects and Events	11,500	0	11,500
Tourism Events	0	0	0
Business Plan Support	0	0	0
Funds returned to Council	0	0	0
TOTAL	11,500	0	11,500

The indicative total budget of the Grants and Contributions Program for the 22/23 financial year is \$180,000.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

6 REPORTS - CORPORATE & SHARED SERVICES DIRECTORATE

6.1 S6. Instrument of Delegation to Staff

Attachment(s)	S 6. Instrument of Delegation to Council Staff (27 July 2022) [6.1.1 - 63 pages]
Presenter	M Chesworth, Director Corporate & Shared Services
Approved by	Director Corporate & Shared Services
Purpose	For decision

Executive Summary

This report seeks Council's adoption of the Delegations to the Chief Executive Officer and staff under the prescribed legislation.

RECOMMENDATION

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Murrindindi Shire Council (Council) RESOLVES THAT –

- 1. It delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.**
- 2. The instrument comes into force the moment the common seal of Council is affixed to the instrument.**
- 3. On the coming into force of the instrument, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked.**
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

Background

Council is a legal entity comprised of its members (the seven Councillors). Its decision making power exists only as a group through resolution, not as single Councillors. Most decisions are not required to be made at a Council level, therefore the Council must entrust some of the decision making power to others, this is done through delegations and authorisations.

Under the *Local Government Act 2020*, Council can only delegate powers conferred by the Act or the remaining powers of the *Local Government Act 1989* to the Chief Executive Officer.

The Council however remains able to delegate powers under various other pieces of legislation, direct to Council staff such as the *Planning and Environment Act 1987* or the *Food Act 1984*. This is documented in the S6. Delegation from Council to members of Council Staff (Attachment 6.1.1).

Section 224 of the *Local Government Act 1989* has not been repealed therefore Council also retains its power to Authorise Officers under the *Local Government Act 1989* for the purposes of enforcement of the *Planning and Environment Act 1987* and various other legislation.

Delegations are to be reviewed annually or where there is a significant legislative or staffing change.

Discussion

Recent position title changes in the Assets and Development Directorate required a review of the delegations to ensure that the appropriate members of staff had the relevant delegated powers.

Council Plan/Strategies/Policies

This report supports the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategic objective “to ensure our services, people and systems deliver the best possible outcomes for our communities now and into the future”.

Relevant Legislation

The *Local Government Act 2020* section 11 provides for Council to delegate its powers to the Chief Executive Officer. The *Local Government Act 1989* section 224 provides for Council to authorise officers to undertake delegated powers. The instruments cover various pieces of legislation and Council’s responsibilities.

Financial Implications and Risk

Effective and efficient functioning of Local Government would not be possible without formal delegations to Council officers.

Conflict of Interest

There are no declared conflicts of interest by Council officers in relation to this report.

Community and Stakeholder Consultation

No external community or stakeholder consultation was required for this matter.

- 7 COUNCILLOR AND CEO REPORTS**
- 7.1 Notices of Motions**
- 7.2 Cr Karine Haslam**
- 7.3 Cr Ilona Gerencser**
- 7.4 Cr Eric Lording**
- 7.5 Cr John Walsh**
- 7.6 Cr Sandice McAulay**
- 7.7 Cr Damien Gallagher**
- 7.8 Cr Sue Carpenter - Mayoral Report**
- 7.9 Chief Executive Officer Report**

8 ASSEMBLIES OF COUNCILLORS

Purpose

For noting.

Executive Summary

This report presents the records of assemblies of Councillors for 22 June 2022 to 20 July 2022, for Council to note.

RECOMMENDATION

That Council receive and note the records of assembly of Councillors for 20 June 2022 to 22 July 2022.

Background

An assembly of Councillors includes advisory committees, where one or more Councillors were present, along with planned or scheduled meetings involving at least half of the Councillors and a Council officer.

A Councillor who has a conflict of interest at an assembly of Councillors, must disclose the conflict of interest, and leave the meeting while the matter is being discussed.

Discussion

A written record is required to be kept of every assembly of Councillors, including the names of all Councillors and staff at the meeting, a list of the matters considered, any conflict of interest disclosed by a Councillor, and whether a Councillor who disclosed a conflict left the meeting.

The following summary details are for 22 June 2022 to 20 July 2022:

Meeting Name/Type	Council Pre-Meet
Meeting Date:	22 June 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Planning Application - 61 Acheron Road, Acheron - Use and Development of the Land for a Dwelling 2. Murrindindi Shire Council 10 Year Asset Plan (LGA2020) - For adoption 3. Councillor nomination for Local Government State-wide Waste Forum 4. Contract 22/1 - Great Victorian Rail Trail Art Installations Project 5. Grants and Contributions Program - June Allocations 6. 2022/23 Annual Budget 7. Priority Action Plan 2022-23
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh, Cr I Gerencser
Council Officer Attendees:	L Bonazzi, M Chesworth, S Murphy, V Albicini, T Carter, N Stewart, C Fraser, N Grey, D Echeverry
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session & Open Community Meeting
Meeting Date:	29 June 2022
Matters Discussed:	<ol style="list-style-type: none"> 1. Friends of Frank Thomson Reserve 2. Library Review and Draft Strategy and Action Plan 2022-2026 3. Open Community Meeting from 4:00pm
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr J Walsh, Cr I Gerencser
Council Officer Attendees:	M Chesworth, S Murphy, V Albicini, T Carter, D Echeverry, J Rabel, C Ramsden, C Fraser
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	6 July 2022
Matters Discussed:	1. Yea Saleyards Strategy and Business Plan 2022-2032 2. Flat Lead Road Farm Forestry Update & Timing
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr S McAulay (V), Cr J Walsh, Cr I Gerencser
Council Officer Attendees:	M Chesworth, S Murphy, V Albicini, S Russell, L Elward, L Harrison
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session
Meeting Date:	13 July 2022
Matters Discussed:	1. Kinglake Village & Streetscape integration plan 2. Proposed Council Road Discontinuance – Part of Hull Road, Marysville 3. Child Safe & Wellbeing Policy update 4. Planning –Facts about planning #2
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh, Cr I Gerencser
Council Officer Attendees:	M Chesworth, S Murphy, V Albicini, L Harrison, B Scott, S Collier, S Porter, C Fraser, N Stewart, G Taylor (V)
Conflict of Interest Disclosures:	Nil

Meeting Name/Type	Briefing Session			
Meeting Date:	20 July 2022			
Matters Discussed:	1. Free from Violence Local Government Program 2. Development Services - Planning Report June 2022 3. Murrindindi Forestry Plan - update by State Government 4. Draft Climate Change Policy 5. Capital Works Monthly Report 6. Blue Gums To Eildon Recreational Trail Contract Award 7. CONT22/4 Provision of Street Sweeping Services 8. Grants and Contributions Program - July Allocations			
Councillor Attendees:	Cr S Carpenter, Cr D Gallagher, Cr K Haslam, Cr E Lording, Cr S McAulay, Cr J Walsh, Cr I Gerencser			
Council Officer Attendees:	M Chesworth, S Murphy, V Albicini, L Harrison (V), B Scott, S Collier (V), N Carter (V), C Fraser (V), N Stewart (V), S Russell, M Spinks (V), P Dundas (V)			
Conflict of Interest Disclosures: Yes				
Matter No.	Councillor making disclosure	Was a vote taken?	Did the Councillor leave the room?	When? Before or after discussion?
8	Cr J Walsh	No	Yes	Before
8	Cr S McAulay	No	Yes	Before
8	Cr K Haslam	No	Yes	Before

Council Plan/Strategies/Policies

This matter is consistent with the *Council Plan 2021-2025 Transparency, Inclusion and Accountability* strategy to “maintain transparent, inclusive and accountable governance practices”.

Relevant Legislation

This report supports the *Local Government Act 2020* overarching governance principles, in particular “the transparency of Council decisions, actions and information is to be ensured”.

Financial Implications and Risk

There are no financial or risk implications.

Conflict of Interest

Any conflicts of interest are noted in the assembly of Councillors tables listed above.