



44 Station Street
Cobram Vic 3644
www.moirā.vic.gov.au
info@moirā.vic.gov.au

AGENDA

ORDINARY MEETING OF COUNCIL **FOR** **WEDNESDAY 24 FEBRUARY 2021** **TO BE HELD AT COBRAM CIVIC CENTRE** **COMMENCING AT 6:00 PM**

RECORDING

Consistent with section 12.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

LIVE STREAMING

Council meetings will now be lived streamed to allow those interested in viewing proceedings greater access to Council decisions and debate, without attending the meeting in person.

1. CALLING TO ORDER – CEO

2. PRAYER

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

3. ACKNOWLEDGEMENT OF COUNTRY

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

4. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS

6. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation: “That the minutes of the Ordinary Council Meeting held on Wednesday, 16 December 2020, as prepared, be confirmed.”

8. COUNCILLOR REPORTS

COUNCILLORS TO PROVIDE VERBAL REPORTS

9. PUBLIC QUESTION TIME

10. OFFICER REPORTS FOR DETERMINATION

10.1 OFFICE OF CEO

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NIL

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NIL

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NIL

13. PETITIONS AND JOINT LETTERS

NIL

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NIL

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- 17. CONFIDENTIAL BUSINESS
- 18. GENERAL CONFIDENTIAL BUSINESS
- 19. CLOSE OF MEETING

File No: Various

Item No: 9

QUESTIONS FROM THE PUBLIC GALLERY

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

- (1) The Council will hold Questions of Council Time for up to 30 minutes duration at the beginning of each Ordinary Meeting to allow questions of Council. Extension of time may be granted at the discretion of the Mayor.
- (2) Questions of Council are an opportunity for the general public to submit a question prior to the Ordinary Meeting and receive a response from Council in the Questions of Council time.
- (3) Council meetings are recorded and broadcasted to the public, this includes community questions and responses.
- (4) Questions of Council time will not apply during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the Act.
- (5) Questions of Council may be on any matter relevant to the jurisdiction of the Council except if it:
 - (a) is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
 - (b) relates to confidential information as defined under the Act;
 - (c) relates to the personal hardship of any resident or ratepayer; or
 - (d) relates to any other matter which the Council considers would prejudice the Council or any person.
 - (e) Deals with a subject matter already answered
- (6) No more than two questions will be accepted from any person at any one meeting.
- (7) Where the Chief Executive Officer does not accept a question, the submitter is to be informed of the reason or reasons for which their question was not accepted.
- (8) A question submitted in writing by a member of the public, which has been disallowed by the Chief Executive Officer will be provided to any Councillor on request.
- (9) Questions may be read by the submitter where they are present at the meeting. Where the submitter is not present they shall be read by a delegate of the Chief Executive Officer and may be abridged to get to remove unnecessary commentary and only state the question.
- (10) Questions submitted to the Council must be:
 - (a) in written form;
 - (b) contain the name, address and email or contact telephone number of the person submitting the question;
 - (c) in a form approved or permitted by the Council (Template available on Council's website);
 - (d) addressed to the Chief Executive Officer; and
 - (e) submitted no later than the day prior to the meeting by email to info@moira.vic.gov.au clearly stating is a question for the meeting

FILE NO: F13/789
1. A GREAT PLACE TO LIVE

ITEM NO: 10.1.1

NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2021

RECOMMENDATION

That Council in accordance with section 8A of the *Public Holidays Act 1993*, request the Minister for Small Business, to declare a full day public holiday within the Numurkah district, as defined on the attached map, on Wednesday 20 October 2021 for the Numurkah Show as a substitute public holiday for the appointed Melbourne Cup Day holiday in 2021.

1. Executive Summary

Council received a letter from the Numurkah Agricultural Society requesting that Moira Shire Council, under the Public Holiday Amendment Bill 2011, recommend the Society be granted a Public Holiday for the 2021 Numurkah Show which will be held on Wednesday 20 October 2021 for the Numurkah District. (The Numurkah district is defined by the Numurkah Agricultural and Pastoral Society Inc as the area within the Shire boundaries prior to amalgamation.)

Under the Act, Councils can request substitute public holiday days for Melbourne Cup Day. In the past, Council has successfully requested that a public holiday be declared for the last ten Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2021.

2. Background and Options

The Public Holidays Act 1993 was amended in 2008 and as a result Melbourne Cup Day was automatically made a public holiday across the entire State of Victoria. This change ensured that all Victorians receive the same number of public holidays each year, regardless of where they live.

The Public Holiday Amendment Bill, May 2011 amended the Public Holiday Act 1993 so that Councils may request substitute public holiday days for Melbourne Cup Day.

A request must be made at least 90 days before the Melbourne Cup Day to which the request relates.

In years prior to 2008, Council declared a half day public holiday in the Numurkah district, as it existed prior to amalgamation, in recognition of the local Numurkah Show. However no alternate arrangements were declared in any other area.

Since 2011 Council has requested that a public holiday be declared for the Numurkah Show Days. It is recommended that Council continue to support the full day public holiday for the Numurkah Show Day in 2021.

3. Financial Implications

There are no identified financial implications to Council in relation to this decision as the annual budget has taken into account all entitled public holidays.

4. Risk Management

There are no risk management issues associated with this report.

FILE NO: F13/789
1. A GREAT PLACE TO LIVE

ITEM NO: 10.1.1

NUMURKAH SHOW AS A SUBSTITUTE PUBLIC HOLIDAY FOR THE APPOINTED MELBOURNE CUP DAY HOLIDAY IN 2020 (cont'd)

Internal and External Consultation

A petition was received by Council in early 2011. Council received a delegation from the Numurkah Agricultural and Pastoral Society on the 21st of March 2011 seeking support for the Show Day public holiday. Council has since received letters annually requesting that Council recommends a Public Holiday.

5. Regional Context

Regional councils have the ability to nominate a full-day public holiday or two half-day public holidays in different parts of their municipality for agricultural and pastoral shows or regional race days, following the amendment to the Public Holidays Act.

6. Council Plan Strategy

A great place to live.

7. Legislative / Policy Implications

The Public Holiday Amendment Bill, May 2011 amended section 8 of the Public Holiday Act 1993 so that it is subject to a new section 8A. Section 8A allows councils to request a substitute holiday for Melbourne Cup Day.

Under the amended Act, non-metropolitan councils may request in writing that the Minister make a declaration under Section 8(1):

- (a) that the day appointed under section 6, being the first Tuesday in November (Melbourne Cup Day) is not in a specified year such a public holiday in the whole or any part of the municipal district of that Council; and
- (b) that another day or two half days (one half day of which may be Melbourne Cup Day) be appointed as a public holiday or two public half-holidays in that year.

A request under subsection (1) must be made at least 90 days before the Melbourne Cup Day to which the request relates.

8. Environmental Impacts

There are no identified environmental implications associated with this report.

9. Conflict of Interest Considerations

There are no officer conflict of interest issues to consider within this report.

10. Conclusion

Council is aware that changes to the Public Holidays Act 1993, amended in 2011, creates an opportunity to support the Numurkah Show as a public holiday and that strong representations have been made, particularly from the Numurkah Agricultural and Pastoral Society in relation to Council's ability to support the event and the public holiday in the area.

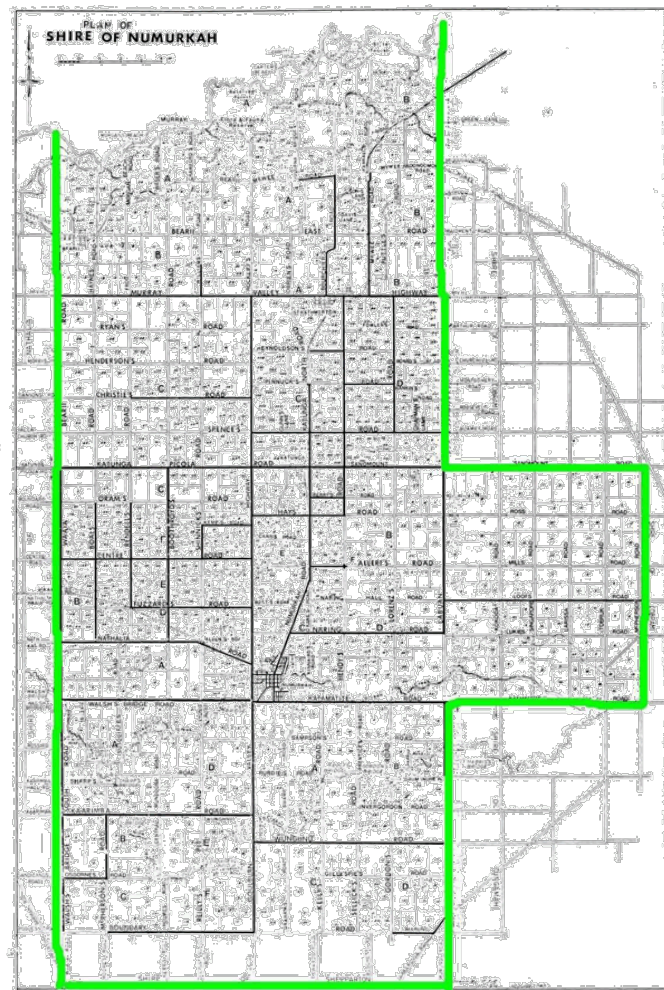
Moir Shire Council has requested the substitute public holiday for the Numurkah Annual shows for the last ten years and it is recommended that Council support the full day public holiday for the Numurkah Show in 2021.

Attachments

- 1 Map of Numurkah Boundary

ITEM NO: 10.1.1

ATTACHMENT No [1] - Map of Numurkah Boundary



FILE NO: F19/8/004
4. A WELL RUN COUNCIL

ITEM NO: 10.1.2

COUNCILLOR APPOINTMENT AND OATH OF OFFICE DECLARATION

RECOMMENDATION

That Council:

1. Note Cr Cox as the elected Councillor following the Victorian Electoral Commission countback.
2. Note Cr Cox's Oath of Office declaration.

1. Executive Summary

The Victorian Electoral Commission (VEC) conducted their countback procedure to fill an extraordinary vacancy in Moira Shire Council, following the passing of Councillor Andrew Goldman.

On the 11th January 2021 the VEC held their live countback process via video link. As a result of this countback Councillor Ed Cox was elected as a Moira Shire Councillor.

On 14th January 2021 Cr Cox made his Oath of Office declaration in front of family, Councillors and council officers in the Councillor Briefing Room. This declaration was also live streamed via our Facebook page.

2. Background and Options

The VEC conducted a countback procedure to fill an extraordinary vacancy in Moira Shire Council on Monday 11th January 2021, following the passing of Councillor Andrew Goldman.

The vacancy was filled by a countback of all formal votes from the 2020 Moira Shire Council Election (instead of voters voting in a by-election). Votes were redistributed to candidates who were unsuccessful at that general election, and who remain eligible to participate in the countback to fill the extraordinary vacancy.

The countback was based on the proportional representation method of counting. The candidate who achieved the quota will be elected. Councillor Ed Cox achieved the quota and was elected as a councillor.

On 14th January 2021 Cr Cox made his Oath of Office declaration in front of a gathering in the Councillor Briefing Room. The Oath was administered by the Chief Executive Officer.

3. Financial Implications

The cost of the count back was \$1,320 and covered within the current budget.

4. Risk Management

If a person elected to be a Councillor does not take the Oath within three months after the declaration, the office of the Councillor becomes vacant.

5. Internal and External Consultation

Details of the countback and Oath of Office are published on our website and Facebook page.

6. Council Plan Strategy

The countback and Oath of Office aligns with the Council Plan Strategy 4 – A Well Run Council.

7. Legislative / Policy Implications

The Oath of Office was conducted in accordance with section 30 of the *Local Government Act 2020*.

8. Environmental Impact

There are no environmental impact considerations.

9. Conflict of Interest Considerations

There are no officer conflict of interest considerations.

10. Conclusion

That Council note the outcome of the VEC countback process and the attached Oath of Office Declaration by Cr Cox.

Attachments

- 1 Oath of Office Declaration

FILE NO: F19/8/004
4. A WELL RUN COUNCIL

ITEM NO: 10.1.2

COUNCILLOR APPOINTMENT AND OATH OF OFFICE DECLARATION
(cont'd)

ATTACHMENT No [1] - Oath of Office Declaration




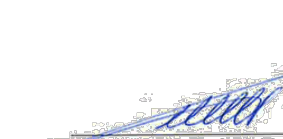
OATH OF OFFICE

I Ed Cox swear by almighty God that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skills and judgement.


Ed Cox – Signature


Made before Mark Henderson
Chief Executive Officer
on the 14 January 2021

Moirá Shire Council
ABN: 20 538 141 700
Post: PO Box 578, Cobram, Vic 3643
DX: 37801, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrawonga Service Centre:
100 Belmore Street, Yarrawonga

Phone: 03 5871 9222
Fax: 03 5872 1567
NRS: 133 677

Email: info@moira.vic.gov.au
moira.vic.gov.au



FILE NO: F20/69
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

COUNCILLOR CODE OF CONDUCT

RECOMMENDATION

That Council adopt the updated and revised Councillor Code of Conduct.

1. Executive Summary

This report seeks Council's adoption of the revised and amended Councillor Code of Conduct.

In accordance with section 139 of the *Local Government Act 2020*, council must review and adopt a Councillor Code of Conduct within 4 months after a general election.

The revised document has been developed with references to several legislative documents and best practice.

2. Background and Options

The Councillor Code of Conduct sets out the standards for conduct expected of Councillors and is a key tool for guiding Councillors behavior.

The Code of Conduct was prepared by Council officers with reference to:

- Council's previous Code of Conduct
- *Local Government Act 2020*
- Local Government (Governance and Integrity) Regulations 2020
- Best practice guidance by [Local Government Victoria](#) and other councils.

In conducting the review most of the amendment made to the code relate to changes in legislation from the *Local Government Act 1989* to the *Local Government Act 2020*.

New additions to the Code include:

- Standards of conduct and
- Overarching governance principles

A council must review and adopt the Councillor Code of Conduct within 4 months of a general election.

3. Risk Management

Adoption of the Code, declaration by Councillors and the associated publication of the Code is important to fulfilling Councils legislative obligations and providing the community with a clearer understanding of the role of Council and Councillors.

4. Internal and External Consultation

The Code has been prepared with a range of resources including best practice guidance from Local Government Victoria and other Councils.

The draft code has been provided for Councillors review and feedback.

5. Regional Context

All Victorian Councils are required to review and update their Code of Conduct by 24 February 2021.

6. Council Plan Strategy

Aligns with our Council Plan Strategy 4: A well run council.

7. Legislative / Policy Implications

In line with the implementation of the *Local Government Act 2020* (2020 Act) section 139 of the 2020 Act now replaces section 76C of the *Local Government Act 1989*. A council must review and adopt the Councillor Code of Conduct within 4 months of a general election.

8. Environmental Impact

Nil

9. Conflict of Interest Considerations

There are no conflict of interest considerations associated with this report.

10. Conclusion

The revised Councillor Code of Conduct is attached for consideration.

FILE NO: F20/69
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

COUNCILLOR CODE OF CONDUCT (cont'd)

Attachments

- 1 Councillor Code of Conduct

FILE NO: F20/69
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

COUNCILLOR CODE OF CONDUCT (cont'd)

ATTACHMENT No [1] - Councillor Code of Conduct



**Councillor
Code of Conduct**

24 February 2021

This Code of Conduct was adopted by Moira Shire Council at the Ordinary
Council Meeting held on 24 February 2021

FILE NO: F20/69
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

COUNCILLOR CODE OF CONDUCT (cont'd)

ATTACHMENT No [1] - Councillor Code of Conduct

Councillor Code of Conduct



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FILE NO: F20/69
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

COUNCILLOR CODE OF CONDUCT (cont'd)

ATTACHMENT No [1] - Councillor Code of Conduct

Councillor Code of Conduct



1. INTRODUCTION

Councillors are committed to working together in the best interests of the people within our community and to discharging our responsibilities to the best of their skill and judgement.

As the democratically elected representatives of Moira Shire, Councillors hold a unique and important role within Victoria. Councillors provide leadership for the good governance of the municipality and the local community as recognised in the Local Government Act 2020 (The Act). This Act describes how the Council will be accountable in the performance of its functions, the exercise of expected standards of conduct and behaviour and the use of resources.

The community expects its Council to provide fair, accurate and unbiased advice, to act responsively and to manage assets efficiently. To assist in meeting these expectations section 139 of the Act requires councils to adopt a code of conduct to be observed by Councillors.

Accordingly, Moira Shire operates under two codes of conduct – one for Councillors and one for staff. The two codes linked with common principles, but they distinguish the expectations of Councillors as elected representatives, from those of staff who are employees of the Council.

2. PURPOSE OF THE COUNCILLOR CODE OF CONDUCT

The purpose of local government is to provide a system under which Councils perform the functions and exercise the powers conferred by or under the *Local Government Act 2020* and any other Act for the peace, order and good government of their municipal districts. Good governance is fundamental to a Council being able to perform its purpose. Good governance relies on good working relations between Councillors.

This Code:

- sets out the standards of conduct expected of elected representatives;
- endeavours to foster good working relations between Councillors to enable them to work constructively together in the best interests of the local community; and
- mandates Councillor conduct designed to build public confidence in the integrity of local government.

A copy of this Code (as amended from time to time) must be:

- given to each Councillor;
- available for inspection at the council office and any district offices; and
- published on the Council's website.

Subsequent to the 2020 Council elections, a person elected to be a Councillor is not capable of acting as a Councillor until the person has read the Councillor Code of Conduct and made a declaration stating that they will abide by the Code. It is the personal responsibility of Councillors to ensure that they are conversant with, and comply with, the provisions of this Code.

3. OBJECTIVES OF A COUNCIL

The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions. In seeking to achieve its primary objective, a Council must have regard to the following facilitating objectives:

- to promote the social, economic and environmental viability and sustainability of the Moira Shire;
- to ensure that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community;
- to improve the overall quality of life of people in the local community;
- to promote appropriate business and employment opportunities;
- to ensure that services and facilities provided by the Council are accessible and equitable;

FILE NO: F20/69
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

COUNCILLOR CODE OF CONDUCT (cont'd)

ATTACHMENT No [1] - Councillor Code of Conduct

Councillor Code of Conduct



- to ensure the equitable imposition of rates and charges; and
- to ensure transparency and accountability in Council decision making.

4. ROLES AND RESPONSIBILITIES

ROLE OF A COUNCIL

Section 8 of the Act describes the role of a Council, which is to provide good governance in the Moira Shire for the benefit and wellbeing of the municipal community.

A council provides good governance if it performs its role in accordance with section 9 of the Act provides the following details of the overarching principles and supporting principles:

- a) Council decisions are to be made and actions taken in accordance with the relevant law;
- b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- c) the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- d) the municipal community is to be engaged in strategic planning and strategic decision making;
- e) innovation and continuous improvement is to be pursued;
- f) collaboration with other Councils and Governments and statutory bodies is to be sought;
- g) the ongoing financial viability of the Council is to be ensured;
- h) regional, state and national plans and policies are to be taken into account in strategic planning and decision making; and
- i) the transparency of Council decisions, actions and information is to be ensured.

In giving effect to the overarching governance principles, a Council must take into account the following supporting principles:

- a) the community engagement principles;
- b) the public transparency principles;
- c) the strategic planning principles;
- d) the financial management principles;
- e) the service performance principles.

ROLE OF MAYOR

The Mayor is the elected leader of the Council. A key role of the Mayor is to facilitate good relationships between Councillors, Councilors and the Chief Executive Officer (CEO) and Executive Management Team. The Mayor sets the tone and style of behaviour, practice and projection of the Council working with, supporting and coordinating the team of Councillors.

Section 18 of the Act provides the primary roles and responsibilities of the Mayor, including:

- a) chair Council meetings; and
- b) be the principal spokesperson for the Council; and
- c) lead engagement with the municipal community on the development of the Council Plan; and
- d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- f) assist Councillors to understand their role; and
- g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- h) provide advice to the CEO when the CEO is setting the agenda for Council meetings; and
- i) perform civic and ceremonial duties on behalf of the Council.

At all times Councillors will respect the role and precedence of the Mayor, Deputy Mayor or appointed representative of the Mayor at all Council proceedings as the representative of the Moira Shire Council.

FILE NO: F20/69
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

COUNCILLOR CODE OF CONDUCT (cont'd)

ATTACHMENT No [1] - Councillor Code of Conduct

Councillor Code of Conduct



ROLE OF DEPUTY MAYOR

The role of the Deputy Mayor is to give effective support to the Mayor and Councillors during the day-to-day function of Council.

The Deputy Mayor must undertake the role of the Mayor if:

- the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- the office of Mayor is vacant.

The Deputy Mayor will take responsibility for the internal resolution process when the matter relates to the Mayor.

THE ROLE OF A COUNCILLOR

Section 28 of the Act provides that the role of a Councillor is to:

- (a) participate in the decision-making of the Council; and
- (b) represent the interests of the municipal community in that decision making; and
- (c) contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan.

In performing the role of a Councillor, a Councillor must:

- (a) consider the diversity of interests and needs of the municipal community; and
- (b) support the role of the Council; and
- (c) acknowledge and support the role of the Mayor; and
- (d) act lawfully and in accordance with the oath or affirmation of office; and
- (e) act in accordance with the standards of conduct; and
- (f) comply with Council procedures required for good governance.

The role of a Councillor does not include the performance of any functions that are specified as functions of the CEO under section 46 of the Act.

COUNCILLORS APPOINTED BY COUNCIL TO DELEGATED COMMITTEES

Councillors will at all times accept that when a Councillor is appointed by the Council as a member of a delegated committee the Councillor will:

- represent the views of the Council where they are known;
- not forecast or pre-empt the views of Council;
- report to Council at an Ordinary Council Meeting on the issues or progress of the committee and any recommendations made by the committee for Council to consider; and
- recognise that formal decisions made by the committee are binding on the committee as a whole.

5. COUNCILLOR STANDARDS OF CONDUCT

The Act places obligations on Councillors in relation to way they should act. The Act also prohibits certain conduct by Councillors and prescribes penalties for Councillors who contravene these provisions.

The Councillor Conduct framework is aimed at ensuring Councillors conduct themselves in accordance with standards expected. This includes the values and behaviours Councillors collectively set and outlined in the Code.

Section 139 of the Act requires a Councillor Code of Conduct to include the standards of conduct prescribed by the regulations expected to be observed by Councillors.

FILE NO: F20/69
4. A WELL RUN COUNCIL

ITEM NO: 10.2.1

COUNCILLOR CODE OF CONDUCT (cont'd)

ATTACHMENT No [1] - Councillor Code of Conduct

Councillor Code of Conduct



Treatment of others

A Councillor must treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that they:

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

Performing the role of Councillor

A Councillor must do everything reasonably necessary to ensure that they perform the role of a Councillor effectively and responsibly, including by ensuring that they:

- (a) undertake any relevant training or professional development activities
- (b) diligently use Council processes to become informed about matters which are subject to Council decisions; and
- (c) are fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represent the interests of the municipal community by considering and being responsive to the diversity of interests and needs of the municipal community.

Compliance with good governance measures

To ensure the good governance of the Council, a Councillor must diligently and properly comply with the following:

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

Councillor must not discredit or mislead Council or public

In performing the role of a Councillor, a Councillor must:

- ensure that their behaviour does not bring discredit upon the Council; and
- not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

Standards do not limit robust political debate

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

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COUNCIL DECISION MAKING

The Council is committed to making all decisions impartially and in the best interests of the whole community.

Councillors recognise that as elected representatives of the community they have an obligation to understand the legal framework established under the provisions of the Local Government Act and, in doing so, Council acknowledges that effective decision-making is vital to the democratic process and an essential component of good governance. Accordingly, all Councillors will:

- actively and openly participate in the decision making process, striving to be informed so as to achieve the best outcome for the community;
- respect the views of the individual in debate on issues. However, Councillors also accept that decisions are based on a majority vote;
- accept that no Councillor can direct another Councillor on how to vote on any decision;
- accept that decisions of Council can only be made at a formally constituted Council meeting and that individual Councillors do not have decision making power;
- commit to making decisions based on adopted Council policies;
- accept and respect that the functions and role of the CEO are defined by the *Local Government Act 2020* and that the CEO's accountability is solely to the Council as a whole;
- support and foster a healthy working relationship between the Mayor and the CEO and will assist where appropriate in facilitating the relationship;
- attend and participate in a minimum of 80% of scheduled meetings, briefings and workshops for Councillors unless a leave of absence has been approved by Council;
- acknowledge the value of workshops and briefing sessions for Councillors as a forum to suggest ideas, raise issues and provide input to policy and other decision making;
- support collaboration between the organisation and Council at all meetings, workshops and briefings to promote good governance and strategic thinking for the community;
- prepare for all scheduled meetings, briefings and workshops by reading all papers which are distributed in advance to ensure a thorough understanding of the topics to be discussed;
- accept that decisions of the Council are binding on the whole Council; and
- accept and respect the decision made by the majority of Councillors through the democratic process without compromising the rights of individual Councillors to maintain their opposition to a Council decision.

While it is acceptable for an individual Councillor to publicly state that they did or did not vote in favour of any Council decision, this shall be done in a manner which is respectful of the Council's decision. Therefore Councillors will:

- not undermine the authority or public perception and standing of the Moira Shire Council or any other Councillor;
- not criticise the decision of the Council; and
- actively support the implementation of the decision of Council.

ADHERANCE TO THE GOVERNANCE RULES

All Councillors confirm that they will adhere to Council's *Governance Rules* in their general conduct as Councillors.

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6. CONDUCT OBLIGATIONS

FUNCTIONS OF THE CHIEF EXECUTIVE OFFICER (CEO)

The relationship between the Councillors and CEO is critical to the good governance of the Moira Shire.

Under Section 46 of the Act, the CEO is responsible for:

- supporting the Mayor and the Councillors in the performance of their roles;
- ensuring the effective and efficient management of the day to day operations of the Council;
- ensuring that the decisions of the Council are implemented without undue delay;
- ensuring that the Council receives timely and reliable advice about its legal obligations under the Act and any other Act;
- supporting the Mayor in the performance of the Mayor's role as Mayor;
- setting the agenda for the Council Meetings after consulting the Mayor;
- when requested by the Mayor, reporting to the Council in respect of the implementation of a Council decision;
- carrying out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the *Workplace Injury Rehabilitation and Compensation Act 2013*;
- establishing and maintaining an organisational structure for the Council;
- being responsible for all staffing matters, including appointing, directing, managing and dismissing members of Council staff;
- managing interactions between members of Council staff and Councillors ensuring that policies, practices and protocols that have support arrangements for interaction between members of Council staff and Councillors are developed and implemented;
- performing any other function or duty of the Chief Executive Officer specified in the Act or any other Act.

Councillors undertake to respect the functions of the CEO and to comply with the policies, practices and protocols defining appropriate arrangements for interaction between Council staff and Councillors that are put in place by the CEO.

USE OF COUNCIL RESOURCES

A Council must make available to the Mayor and the Councillors the resources and facilities reasonably necessary to enable them to effectively perform their role.

Councillors will commit to using Council resources effectively and economically by:

- maintaining adequate security over Council property, facilities and resources provided to assist in performing the role and will comply with any Council policies applying to their use;
- ensuring any expense claims that are submitted comply with the relevant legislative provisions and Council policy and procedures;
- not using Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate;
- not using public funds or resources in a manner that is improper or unauthorised;
- ensuring that Council resources are not used in a way that creates an impression of Council endorsement;
- implementing a transparent, thorough and regular system of reporting on our use of Council funds and property during the course of performing our duties; and

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- complying with computer network, email and internet standards, policies and procedures as authorised by the CEO.

GIFTS AND BENEFITS

Councillors will comply with Council's *Councillor Gift Policy* and will scrupulously avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from an individual Councillor or from the Council.

Councillors will take all reasonable steps to ensure that their immediate family members (as per the definition in section 126 of the Act) do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.

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

Councillors will recognise that gifts equal to or above the gift disclosure threshold received in the 12 months prior to election from a person or body that has a direct interest in a matter may give rise to an indirect interest because of receipt of an applicable gift.

All campaign donations will be recorded in the campaign donation return.

COMMUNICATION, MEDIA AND SOCIAL MEDIA

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

At all times messages communicated through Council's media (including social media) must be clear and consistent, and positively portray the Council position, reflecting Moira Shire as a decisive and responsible governing body.

Councillors will undertake to comply with the Council's communication, media and social media policy and protocols and respect the functions of the Mayor and CEO to be the spokespersons for the Council in accordance with our policy.

Without exception all Councillors will use their official Council allocated email address for all email communications to and from the Moira Shire.

The Mayor will provide official comment to the media on behalf of Council where the matter is of a political, controversial or sensitive nature. This includes:

- state-wide political issues affecting Local Government;
- contentious local issues that impact the community that do not relate directly to the business of Council but to the representation of the community;
- issues pertaining to policy and Council decisions; and
- issues relating to the strategic direction of the Council.

A Councillor is only to make official comment to the media if the Mayor has nominated that Councillor to do so.

The CEO is the official spokesperson for all operational matters pertaining to the Moira Shire as an organisation including:

- staffing and structure of the organisation; and
- legal or operational matters.

The CEO may nominate a Council officer as spokesperson if appropriate.

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Individual Councillors are entitled to express their personal opinions through the media, public forums and social media. Where Councillors choose to do so, they will make it clear that such comment is a personal view and does not represent the position of Council. A Councillor will undertake to ensure that any such comment is devoid of comments that could reasonably be construed as being derogatory, offensive or insulting to any person.

PERSONAL DEALINGS WITH COUNCIL

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

7. PROHIBITED CONDUCT

The *Local Government Act 2020* has specific provisions that prohibit Councillors from certain conduct. This conduct relates to:

- misuse of position
- improper direction and improper influence
- confidential information
- conflict of interest
- electoral conduct

These matters are set out below in order to provide a complete picture of the obligations on Councillors. While these matters are not of a nature to be addressed as a contravention of the Councillor Code of Conduct, Councillors undertake to comply with the prohibitions on Councillor conduct set out below. These matters should more properly be the subject of an application to a Councillor Conduct Panel for a finding of serious misconduct or a complaint to the Local Government Inspectorate or the Independent Broad-based Anti-corruption Commission, depending on the nature of the allegation.

Note: Serious misconduct by a Councillors means:

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

MISUSE OF POSITION

In accordance with section 123 of the Act, a Councillor must not misuse his or her position:

- a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- b) to cause, or attempt to cause, detriment to the Council or another person.

Circumstances involving the misuse of position by a Councillor include:

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- a) making improper use of information acquired as a result of the position he or she held or holds; or
- b) disclosing information that is confidential information within the meaning of section 125 of the Act; or
- c) directing, or improperly influencing, or seeking to direct or improperly influence, a member of Council staff in contravention of section 124 of the Act; or
- d) exercising or performing, or purporting to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform; or
- e) using public funds or resources in a manner that is improper or unauthorised; or
- f) participating in a decision on a matter in which they have a conflict of interest.

IMPROPER DIRECTION AND IMPROPER INFLUENCE OF COUNCIL STAFF

In accordance with Section 124 of the Act, a Councillor must not intentionally direct, or seek to direct a member of Council staff:

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

CONFIDENTIAL INFORMATION

A Councillor must not, intentionally or recklessly, disclose information that he or she knows, or should reasonably know, is confidential information or has been defined as 'confidential information' in accordance with section 125 of the Act.

Councillors acknowledge that they will comply with their obligations under section 125 of the Act in relation to confidential information and recognise that this obligation extends to ensuring the safekeeping of confidential information.

Breaches of this section of the Act carry with it a penalty of up to 120 penalty units.

A Councillor may disclose information that he or she knows is confidential information in the following circumstances:

- a) for the purposes of any legal proceedings arising out of the Act;
- b) to a court or tribunal in the course of legal proceedings;
- c) pursuant to an order of a court or tribunal;
- d) in the course of an internal arbitration and for the purposes of the internal arbitration process;
- e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
- f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor
- g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
- h) to a Commission of Enquiry to the extent reasonably required by a law en;
- i) to the extent reasonably required for any other law enforcement purposes.

Councillors are to treat Council information appropriately by:

- not using information gained by virtue of being a Councillor for any purpose than to exercise their role as a Councillor;
- not using the personal information held by Council for a Councillor's own personal or business purposes, outside of his or her functions as a Councillor;
- respecting the Council's policies and protocols in relation to public, media and social media comments and communications;

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- recognising the requirements of the *Privacy and Data Protection Act 2014* regarding the access, use and release of personal information;
- taking reasonable steps to ensure the secure access, storage and disposal of Council information by avoiding the use of non-council devices, email accounts, including shared email accounts, and other electronic distribution storage and disposal options;
- when Councillors collect personal information for Council business this information is subject to the *Privacy and Data Protection Act*, and other legislation such as the *Public Records Act and Freedom of Information Act*.

CONFLICT OF INTEREST

Division 2 of the Act states that if a Councillor has a conflict of interest in a matter which is to be considered at a Council Meeting, delegated committee, community asset committee, an assembly of Councillors, an audit committee or a section 223 committee; the Councillor must, if he or she is attending the meeting, disclose the conflict of interest in accordance with the provisions of the Act (unless any of the exemptions apply).

A Councillor has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the Councillor would be directly altered if the matter is decided in a particular way. This includes where there is a reasonable likelihood that the person will receive a direct benefit or loss that can be measured in financial terms and where the Councillor, or together with a member or members of the person's family have a controlling interest in a company or other body that has a direct interest in the matter.

A conflict of interest also exists where a Councillor has any of the 6 types of indirect interest. These indirect interests are:

1. **Close association** - an indirect interest because of a close association with a family member, relative or member of the household who has a direct interest;
2. **Indirect financial interest** - an indirect financial interest, including holding shares above a certain value in a company with a direct interest;
3. **Conflicting duty** - a conflicting duty arising from having particular responsibilities to a person or organisation with a direct interest;
4. **Applicable gift** - receipt of an applicable gift or gifts from a person or organisation with a direct interest;
5. **Interested party** - a party to the matter by having become involved in civil proceedings in relation to the matter; and
6. **Residential amenity** – this occurs where there is a reasonable likelihood that the person's residential amenity will be altered if the matter is decided in a particular way.

In addition to the requirements of the Act:

- Councillors will give early consideration to each matter to be considered by the Council, special committee of which the Councillor is a member, or assembly of Councillors, to ascertain if they have a conflict of interest.
- Concerns about the result of a Council decision should not influence the Councillor's decision about whether to disclose a conflict of interest. The Councillor's responsibility to disclose a conflict of interest overrides any other obligation a Councillor as a decision maker.
- Councillors recognise that the legal onus to determine whether a conflict of interest exists rests entirely with the individual Councillor.
- Assistance from Council Officers is limited to aiding understanding of the provisions of the Act. Officers cannot offer any formal advice in relation to a potential conflict.

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- If a Councillor cannot with certainty say that he or she does not have a conflict of interest, the Councillor should declare a conflict of interest and comply with the relevant requirements as if they had a conflict of interest.
- If the Councillor considers that they may be unable to vote on a matter because of a conflict of interest, they will notify, as soon as possible, the Mayor or the Committee Chair, depending on whether the matter is to be considered by the Council a special committee, or an assembly of Councillors, as well as the CEO.

OTHER LEGISLATIVE REQUIREMENTS

The Act includes requirements in relation to Councillor eligibility, electoral conduct and the election period (caretaker period). Alleged contraventions of these provisions are not to be dealt with by the Council using the internal resolution procedure in this Code of Conduct. Allegations in relation to contravention of these provisions should be directed to the Victorian Electoral Commission or the Local Government Inspectorate, depending on the nature of the allegation, for investigation and any consequent action.

Councillors undertake to comply with the various provisions relating to these matters.

8. COUNCILLOR INTERACTION WITH THE BUSINESS

Councillors support a strong, open, professional and partnership relationship between the Council and the Council organisation to assist in achieving Council's objectives by using the following protocols:

- recording and submitting requests for service to the Executive Support Mayor and Councillors for entry into the Council's customer request system.
- providing feedback and raising any issues of concern directly with the CEO and not with the staff members or via the media (including social media). Issues of concern include but are not restricted to:
 - behaviour or actions of Council staff members;
 - reports and publications prepared by the Council organisation;
 - service delivery standards; and
 - strategy or direction of the Council organisation.
- acting with courtesy towards Council staff in all situations, respecting the need for staff to have a quiet work area free of significant interruptions and/or inappropriate behaviours.
- Councillor interactions with the business will be in accordance with the policies, practice and protocols authorised by CEO

COUNCILLOR REQUEST FOR INFORMATION

It is recognised by the organisation that Councillors require information in order to undertake their role. The organisation must take into account a range of factors in considering the information request:

- the *Privacy and Data Protection Act 2014* principles, including the responsibility of the organisation to remove identifying personal information;
- resources and workload;
- if the information relates to a new issue, an issue currently before Council or a matter already dealt with by Council; and
- if the information should be provided to the requesting Councillor only or to all Councillors.

In general most requests for information will be made at Councillor Workshops, briefing sessions or committees where Councillors and officers as a group can properly understand the nature of the request, any implications, resource issues and timelines. In responding to information requests outside these forums the following principles will apply:

- requests for information should be made to the CEO or the relevant General Manager.

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- access to information held by the Council which is not publicly available can be made available to a Councillor where it will assist a Councillor in their consideration of a matter that requires a Council decision.
- access to information that is of interest to a Councillor but not related to a matter requiring a Council decision will be dealt with at the discretion of the CEO.
- requests that are able to be carried out without impacting on existing priorities, workload or resources will be undertaken promptly.
- requests for information relating to an issue currently before Council should be treated with priority so that Councillors have the information they need to make informed decisions at Council meetings.
- where the information is very specific (such as a constituent specific issue) it will be provided only to the requesting Councillor.
- where the information is more general such as relating to an issue currently before Council, the information will be provided to all Councillors.
- if the information cannot be provided without significantly impacting on existing priorities, workload or resources or if the information request relates to information about an issue which has already been dealt with by Council, the information request can be put to Council for a decision.
- if the requesting Councillor wishes, an officer report would be put to Council outlining the request, the impact and context of the request to enable Council to make an informed decision as to whether the information request should be implemented by the organisation.
- if the information cannot be provided within a few days or cannot be provided without agreement of Council, the requesting Councillor will be contacted and advised of the likely timeline and/or process for providing the information

9. DISPUTE RESOLUTION

Before commencing any formal dispute resolution process, the Councillors who are parties to a dispute are expected to use their best endeavours to resolve the matter in a courteous and respectful manner between themselves. Where, after these endeavours have been exhausted, the matter still remains unresolved, the parties may resort to any or all of the Council's 3 phase dispute resolution process.

The Council's three phase dispute resolution process involves:

1. **Direct Negotiation** between the parties in dispute with the Mayor in attendance to provide guidance;
2. **External Mediation** by an independent mediator engaged by the CEO; and
3. An internal resolution procedure involving an independent **Arbiter**.

This dispute resolution procedure is to be used when Councillors have been unable to resolve an interpersonal conflict and where the situation is unduly affecting the operation of the Moira Shire. It is not intended to resolve differences in policy or decision-making, which are appropriately resolved through discussion and voting in Council meetings.

PHASE 1 – DIRECT NEGOTIATION

Where Councillors who are in dispute have not been able to resolve the dispute between them, either (or both) party (parties) may request the Mayor to convene a meeting of the parties.

A dispute referred for direct negotiation may relate to:

- an interpersonal conflict between Councillors where the conflict is or is likely to affect the operations of the Council; or
- an alleged contravention of the Councillor Code of Conduct.

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The party requesting the direct negotiation meeting is to provide the Mayor with the name of the other Councillor and the details of the dispute in writing. The written request is to indicate that it is for a "direct negotiation" dispute resolution process. Where the request relates to an alleged contravention of the Councillor Code of Conduct, the request must:

- specify the name of the Councillor alleged to have contravened the Code;
- specify the provision(s) of the Code that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the request is made by a group of Councillors; and
- be signed and dated by the requestor or the requestor's representative.

The requestor is to notify the other party of the request and provide him or her with a copy of the written request either at the same time as it is provided to the Mayor or as soon as practicable thereafter.

The Mayor is to ascertain whether or not the other party is prepared to attend a "direct negotiation" meeting.

If the other party is not prepared to attend a meeting, the Mayor is to immediately advise the requestor. No further action is required of the Mayor.
If the other party declines to participate in a meeting, this does not constitute a contravention of this Councillor Code of Conduct and the dispute will move to Phase 2.

If the other party consents to a meeting, the Mayor is to convene a meeting of the parties at the earliest available opportunity. Unless one or both parties are unavailable, this should be within 5 working days of receiving the consent of the other party.
The Mayor may present the parties with guidelines, in advance of the meeting or at the meeting, to help facilitate the meeting.

The role of the Mayor at the meeting is to provide guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 8 of the Act, and the observation of the councillor conduct principles and the Councillor Code of Conduct.

The Mayor is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to external mediation or the internal resolution procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, either or both of the parties have recourse to external mediation or the internal resolution procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

Where the Mayor is a party to the dispute, the request is to be made to the Deputy Mayor (if any) or the immediate past Mayor. The Deputy Mayor or the immediate past Mayor will perform the functions ascribed to the Mayor.

PHASE 2 – EXTERNAL MEDIATION

A Councillor or a group of Councillors may make an application for a dispute to be referred for external mediation whether or not the dispute has been the subject of an application for "direct negotiation".

An application made for a dispute to be referred for external mediation may relate to:

- an interpersonal conflict between Councillors where the conflict is or is likely to affect the operations of the Council; or
- an alleged contravention of the Councillor Code of Conduct.

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The applicant is to submit a written application to the Councillor Conduct Officer setting out the name of the Councillor and the details of the dispute. The application is to indicate that the application is for an "external mediation".

Where the application relates to an alleged contravention of the Councillor Code of Conduct, the application must:

- specify the name of the Councillor alleged to have contravened the Code;
- specify the provision(s) of the Code that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the application is made by a group of Councillors; and
- be signed and dated by the applicant or the applicant's representative.

The applicant is to notify the other party of the request and provide him or her with a copy of the application either at the same time that it is submitted to the Councillor Conduct Officer or as soon as practical thereafter.

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

When the other party declines to participate in an external mediation, this does not constitute a contravention of this Councillor Code of Conduct and the dispute will move to Phase 3.

If the other party agrees to participate in an external mediation, the Councillor Conduct Officer is to immediately advise the applicant, the Mayor and CEO.

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

The mediator is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to the internal resolution procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, the applicant has recourse to the internal resolution procedure where the matter relates to an alleged contravention of the Councillor Code of Conduct.

PHASE 3 - ARBITER

A Councillor or a group of Councillors may make an application alleging that a Councillor has contravened this Code of Conduct. The application must:

- specify the name of the Councillor alleged to have contravened the Code;
- specify the provision(s) of the Code that is alleged to have been contravened;
- include evidence in support of the allegation;
- name the Councillor appointed to be their representative where the application is made by a group of Councillors; and
- be signed and dated by the applicant or the applicant's representative.

The application must be submitted to the Councillor Conduct Officer.

An applicant may withdraw an application for an internal resolution procedure. Once an application has been withdrawn, the same or a similar application relating to the same instance in relation to the respondent Councillor cannot be resubmitted by the applicant.

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COUNCILLOR CODE OF CONDUCT (cont'd)

ATTACHMENT No [1] - Councillor Code of Conduct

Councillor Code of Conduct



On receiving an application, the Councillor Conduct Officer will:

- advise the Mayor and CEO of the application without undue delay;
- provide a copy of the application to the Councillor who is the subject of the allegation at the earliest practical opportunity but not later than 2 working days from receipt of the application;
- identify an arbiter to hear the application;
- obtain from the arbiter written advice that they have no conflict of interest in relation to the Councillors involved;
- notify the parties of the name of the proposed arbiter and provide them with the opportunity (2 working days) to object to the person proposed to be the arbiter;
- consider the grounds of any objection and appoint the proposed arbiter or identify another arbiter;
- provide a copy of the application to the arbiter as soon as practicable after the opportunity for the parties to object to an arbiter has expired;
- after consultation with the arbiter, advise the applicant and the respondent of the time and place for the hearing; and
- attend the hearing(s) and assist the arbiter in the administration of the process.

In identifying an arbiter to hear the application, the Councillor Conduct Officer must select an arbiter who is suitably independent and able to carry out the role of arbiter fairly.

The role of the arbiter is to:

- consider applications alleging a contravention of the Code of Conduct by a Councillor;
- make findings in relation to any application alleging a contravention of the Councillor Code of Conduct which the arbiter must give to the Council;
- give a written statement of reasons supporting the findings to the Council at the same time as it gives its findings to the Council;
- recommend an appropriate sanction or sanctions where the arbiter has found that a Councillor has contravened the Code of Conduct.

In considering an application alleging a contravention of the Code of Conduct, an arbiter will:

- in consultation with the Councillor Conduct Officer, fix a time and place to hear the application;
- authorise the Councillor Conduct Officer to formally notify the applicant and the respondent of the time and place of the hearing; and
- hold as many meetings as he or she considers necessary to properly consider the application.

The arbiter may hold a directions hearing;

- have discretion to conduct the hearings as he or she deems fit while ensuring that the hearings are conducted with as little formality and technicality as due and proper consideration of the application allows;
- ensure that the parties to and affected by an application are given an opportunity to be heard by the arbiter;
- consider an application by a respondent to have legal representation at the hearing to ensure that the hearing is conducted fairly and may, in his or her absolute discretion, grant the application or deny the application;
- ensure that the rules of natural justice are observed and applied in the hearing of the application; and
- ensure that the hearings are closed to the public.

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

An arbiter:

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COUNCILLOR CODE OF CONDUCT (cont'd)

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- may find that a Councillor who is a respondent to an internal resolution procedure application has not contravened the Code;
- may find that a Councillor who is a respondent to an internal resolution procedure has contravened the Code;
- will suspend consideration of an internal resolution procedure during the election period for a general election.

The arbiter is to give a copy of his or her findings and the statement of reasons to the Council, the applicant and the respondent. At the same time, the arbiter provides the findings and statement of reasons, he or she shall, where a Councillor has been found to have contravened the Code, recommend an appropriate sanction or sanctions for the contravention for consideration by the Council.

A copy of the arbiter's findings, statement of reasons and any recommended sanctions is to be submitted to the next ordinary meeting of the Council for its consideration. If an arbiter has found that a contravention of the Code has occurred, the Council may, after considering the arbiter's findings, statement of reasons and recommendation on sanctions, give any or all of the following written directions to the Councillor:

- direct the Councillor to make an apology in a form or manner specified by the Council;
- direct the Councillor to not attend up to, but not exceeding, 2 meetings of the Council (in respect of the next scheduled meetings of the Council);
- direct that, for a period of up to, but not exceeding, 2 months on a date specified by the Council the Councillor:
 - be removed from any position where the Councillor represents the Council; and
 - to not chair or attend any advisory committee or special committee meeting or an assembly of Councillors or any other meeting specified in the direction.

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

- a) failure by a Councillor to comply with the Council's internal resolution procedure; or
- b) failure by a Councillor to comply with a written direction given by the Council under section 176 of the Act; or
- c) repeated contravention of any of the Councillor conduct principles.

Allegations of misconduct are heard on application by a Councillor Conduct Panel.

DURING CARETAKER PERIOD

An application cannot be made for an internal resolution procedure during the election period for a general election. Any internal resolution procedure that is in progress is to be suspended during the election period for a general election.

If the respondent to an application for an internal resolution procedure is not returned to office as a Councillor in the election, the application lapses. If the respondent is returned to office in the election, the application may resume if:

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

10. COUNCILLOR CONDUCT PANEL

Where a matter cannot be resolved internally, an application can be made for a Councillor Conduct Panel to be established. A Panel has the power to consider both "misconduct" and "serious misconduct" of a Councillor.

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COUNCILLOR CODE OF CONDUCT (cont'd)

ATTACHMENT No [1] - Councillor Code of Conduct

Councillor Code of Conduct



Misconduct:

- Failing to comply with a Moira Shire's internal resolution procedure including failure to abide by any decision of Council in relation to a breach of the code and repeated breaches of councillor conduct principles

Serious misconduct:

- Failing to comply with panel processes, bullying, improperly directing staff, releasing confidential information and repeated misconduct.

APPLICATION FOR A PANEL

An application for a Panel can be made by:

- Council - via resolution;
- A Councillor; or
- A group of Councillors.

Applications are made to the Principal Councillor Conduct Registrar.

- Moira Shire Council's Principal Conduct Officer assists the Principal Councillor Conduct Registrar in the conduct of their role, functions and duties.
- The Principal Councillor Conduct Registrar has the power to reject applications for a panel in prescribed circumstances

COMPOSITION OF A PANEL (SECTION 142 OF THE ACT)

A Councillor Conduct Panel is to comprise of a lawyer and a person with relevant expertise. The relevant expertise is broader than just local government knowledge and may include specialist knowledge in governance, ethics and probity.

A Councillor Conduct Panel may give findings of:-

- Remedial action
- Requiring a Councillor to undertake mediation, training, or counselling.

Misconduct finding:-

- Reprimand the Councillor.
- Direct the Councillor to make an apology.
- Direct the Councillor take a leave of absence for a period up to 2 months.
- Direct that a Councillor is ineligible to hold the office of Mayor for a period of up to 4 years (but not exceeding the remainder of the Councillor's term of office).

Serious Misconduct finding:-

- Reprimand the Councillor.
- Direct the Councillor to make an apology.
- Direct the Councillor take a leave of absence for a period up to 2 months.
- Direct that a Councillor is ineligible to hold the office of Mayor for a period of up to 4 years (but not exceeding the remainder of the Councillor's term of office).
- Suspend the Councillor from office for a period not exceeding 6 months.

11. THE CHIEF MUNICIPAL INSPECTOR

In relation to allegations of serious misconduct against Councillors, the Chief Municipal Inspector has the power to investigate and also initiate applications for a Panel to be established.

The Panel:

- is responsible for making applications to VCAT to consider findings of "gross misconduct" against Councillors; and
- has the power to investigate and prosecute various offences under the Act.

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COUNCILLOR CODE OF CONDUCT (cont'd)

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GROSS MISCONDUCT

Gross Misconduct is the most serious type of misconduct behaviour. It is defined as behaviour that demonstrates that a Councillor is not of good character, or is otherwise not a fit and proper person to hold the office of Councillor.

The Chief Municipal Inspector makes application to VCAT for that body to consider such alleged behaviour/s.

Gross Misconduct finding:

- Disqualification of Councillor of up to eight years.
- Ineligible to be a candidate for a period of up to eight years.

12. INDEPENDENT BROAD BASED ANTI-CORRUPTION COMMISSION (IBAC)

IBAC has a major role under the provisions of the *Protected Disclosure Act 2012* in investigating any possible improper or corrupt conduct of Councillors.

The *Protected Disclosure Act 2012* provides that any person that has reasonable grounds to believe that improper or corrupt conduct has occurred, can make a disclosure.

Disclosures may relate to both Councillors and Officers Moira Shire.

Any disclosure regarding a Councillor or Councillors are to be made direct to IBAC. Further details are available on the IBAC website www.ibac.vic.gov.au

13. ELECTION PERIOD (CARETAKER) POLICY

Moirra Shire is committed to fair and democratic elections.

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. Council therefore commits to the principle that it will make every endeavour to avoid making decisions that inappropriately bind an incoming Council during an election period.

Council adopted on 23 October 2019, a Caretaker Policy (Election Period Policy) that governed the actions of Moirra Shire Council and Councillors during the 2020 election period. The election period was a 5-week period from 12:01am Friday 18 September through to 6pm Saturday 24 October 2020.

14. DISCLAIMER

Moirra Shire Council's Councillor Code of Conduct under the Act is intended to ensure all Councillors agree to the standards of conduct and behaviour documented within the Code. Councillors have other legal obligations – under the Act, other legislation and at common law – that are not documented or reported in this Code. The Code should be read in the context of those other obligations.

15. STATUTORY REQUIREMENTS

In accordance with section 139 of the *Local Government Act 2020* Moirra Shire Council is required to review and adopt the Councillor Code of Conduct within the period of four months after a general election.

It is acknowledged that in accordance with the legislation, this Code addresses the statutory requirements set out in section 139 of the Act, namely it:

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- Sets out the internal resolution procedure for dealing with an alleged contravention of the Councillor Code of Conduct by a Councillor
- Includes other provisions addressing matters as seen appropriate by Moir Shire Council.

16. ENDORSEMENT

This Councillor Code of Conduct was adopted at an ordinary council meeting held on 24 February 2021 and subsequently signed by all Councillors.

Additionally, in accordance with the provisions of section 30 of the Act Councillors are required to sign and make a declaration stating they have read the Councillor Code of Conduct and they will abide by the provisions of the Code. The declarations of each Councillor present at the council meeting are incorporated as part of the Council Minutes.

Councillor

Signature

Cr Libro Mustica

Cr Julie Brooks

Cr Kevin Bourke

Cr Peter Elliot

Cr Peter Lawless

Cr Wayne Limbrick

Cr Ed Cox

Cr Peter Mansfield

Cr Marie Martin

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ITEM NO: 10.2.2

COMMUNITY ENGAGEMENT POLICY

RECOMMENDATION

That:

1. Council adopt the Community Engagement Policy.

1. Executive Summary

The *Local Government Act 2020* (the Act) requires Council to adopt its first Community Engagement Policy on or before 1 March 2021. This provides the policy framework in which Council will engage the community.

The Final Policy was developed in consultation with the community, with an initial survey conducted in August 2020, posting on the Council website, social media, newspaper advertising, and delivery in the annual rates notice to all ratepayers. Face-to-Face sessions were held in all the major towns in January 2021. Councillors and staff will reinforce councils commitment to deliver effective engagement opportunities for the community to participate in to influence decision making.

2. Background and Options

Effective community engagement enables council to better understand the needs, concerns and aspirations of the community and stakeholders. It develops positive relationships and builds trust and can be flexible and often unique to each separate community.

With the implementation of a Community Engagement Policy comes the opportunity to develop different techniques or practices to enable greater participation and engagement.

An internal working party was established in March 2020 with the aim to develop a policy that would best reflect our commitment to deliver effective communication and stakeholder engagement.

3. Financial Implications

There are no financial implications with the development of this policy.

4. Risk Management

This policy has been developed within the timelines and in consultation with the community as required under the Local Government Act.

5. Internal and External Consultation

A survey was conducted in August 2020 in order to seek feedback from our community members on their preferred methods of communication and to understand ways in which we could help them to participate more meaningfully in consultation activities.

This survey was posted on our website and was promoted via our Annual Rates and Valuation Notice, Social and print media. It was made available for 5 weeks with 60 responses received.

The outcomes of the survey provided insights into the methods used to be informed of activities within council and the community. Many respondents also used the survey to provide some valuable feedback in how council could have better conversations with the community, with a strong focus on deliberative engagement.

The Draft Policy was then posted on our website under the 'Have your Say' section from the 23 December 2020 until the 29 January 2021. It was made available for 5 weeks with 7 responses received.

A face to face campaign was also conducted on the 20 January 2021 in the four major towns. The Senior Communications Advisor and Infrastructure Liaison Officer hosted the sessions with a total of 10 community members taking the opportunity to hold a conversation with the staff.

6. Regional Context

The policy will apply to consultation programs relating to projects, plans and works undertaken within the Moira municipality.

7. Council Plan Strategy

The implementation of a Community Engagement Policy will reflect the strategic objective of 'A Well Run Council'.

8. Legislative / Policy Implications

This Policy is required under Section 55 of the *Local Government Act 2020* and must give effect to the principles in Section 56 of the Act.

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COMMUNITY ENGAGEMENT POLICY (cont'd)

9. Environmental Impact

Activities developed and conducted in future community engagement programs will take into consideration any environmental impacts.

10. Conflict of Interest Considerations

There are no conflict of interest considerations in this report.

11. Conclusion

The Community Engagement Policy will support council in achieving its objectives to foster positive relationships with its communities and provide a commitment to use deliberative engagement practices to obtain greater participation.

Attachments

- 1 Community Engagement Policy - Final Draft

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COMMUNITY ENGAGEMENT POLICY (cont'd)

ATTACHMENT No [1] - Community Engagement Policy - Final Draft

Community Engagement Policy



Policy type	Council
Adopted by	Moirā Shire Council
Responsible General Manager	General Manager Corporate
Responsible Officer	General Manager Corporate
Date adopted	February 2021
Scheduled for review	4 years from the date of adoption

PURPOSE

This policy will reinforce councils commitment to provide opportunities for the community to influence the decisions, policies and plans of Council by actively participating in engagement programs and processes, lending us their experiences and expertise.

It will formalise our community engagement practices and provide the tools to conduct effective and consistent engagement with the community to better inform future planning of services, setting budgets and developing policies and strategies.

SCOPE

This policy provides direction on formal (including legislated) and informal community engagement activities undertaken by, or on behalf of, Council, including, but not limited to, the:

- Development or review of the Community Vision
- Preparation and adoption of the Council Plan
- Development, adoption and review of the Financial Plan
- Development, adoption and review of the Asset Plan
- Electoral structure review
- Governance rules
- Municipal Health and Wellbeing Plan and Road Management Plan
- Proposing and making a Local Law
- Budget or Revised budget
- Compulsory acquisition of land
- Selling, exchange or lease of land
- Development of Council policies that directly impact the community
- Planning and delivery of projects that create or change assets and service levels

This policy applies to all community engagement activities undertaken by Council, including work undertaken by consultants and volunteers.

The policy does not apply to community engagement processes that are subject to prescribed processes imposed by other Victorian legislation such as land-use planning applications or other Council processes such as service requests or complaints.

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COMMUNITY ENGAGEMENT POLICY (cont'd)

ATTACHMENT No [1] - Community Engagement Policy - Final Draft

Community Engagement Policy



OBJECTIVES

The objectives of this Policy are to:

- articulate Council's commitment to engage with the community on decisions and development of plans and policies that affect them;
- improve understanding of community and stakeholder engagement;
- outline how community engagement is integrated into Council activities in order to support decision making and strengthen relationships and partnerships.

Council is committed to:

- promote the development of Moirá Shire;
- educate and inform communities on the services Council delivers; and
- engage with communities in order to develop better relationships, premised upon informed decision-making and a relationship of trust.

DEFINITIONS

Community: A group of people who reside in the same geographical area or have a common interest, background, affiliation or membership.

Stakeholder: an individual or group with an interest in the decisions of Council and are directly impacted by their outcome. They can also be part of the community.

Communication: Imparting or exchanging of information or ideas by speaking, writing or through other channels or mediums.

Participation: The act of taking part in something or being involved in activities.

Deliberation: A long and careful consideration or discussion and involves a group of representative community members considering relevant facts from multiple points of view and identifying options.

Engagement: An open accountable process where individuals and groups of the community are given the opportunity to exchange views and information to help inform and enhance the final decision making process of Council.

Consultation: The activity of seeking input on a number of options or a pre-determined recommendation to assist Council to make informed decisions.

Partnership: This occurs when two or more people or organisations work together to realise or achieve a goal.

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Community Engagement Policy



ENGAGEMENT PRINCIPLES

Council's principles for good consultation are to:

- actively seek the input/opinion of relevant stakeholders to plans and changes, before they are put into effect;
- use consultation to assist Council to make informed decisions;
- demonstrate strong leadership with decision-making, reflecting what is best for the municipality in the 'big picture';
- prioritise engagement with those stakeholders who are directly affected by any plans or changes;
- seek the input of a range of stakeholders that reflects the make-up of the municipality.

Section 56 of the *Local Government Act 2020* establishes five community engagement principles applicable to Council. As required by *Section 55* of the Act, this policy gives effect to these principles.

Principle
Principle 1: A community engagement process must have a clearly defined objective and scope.
Principle 2: Participants in community engagement must have access to objective, relevant and timely information to inform their participation.
Principle 3: Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement.
Principle 4: Participants in community engagement are entitled to reasonable support to enable meaningful and informed engagement.
Principle 5: Participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

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LEVEL OF COMMUNITY ENGAGEMENT

This policy draws upon the International Association for Public Participation's (IAP2) Public Participation Spectrum to guide the range and extent of participation at each of the five levels.

The five levels of engagement outlined on the spectrum may be utilised to meet our commitment to the community:

Level	Goal	Promise	Examples of Activities
Inform	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	We will keep you informed.	Social media Print media Direct Mail Onsite signage Information sessions Community News Public meetings
Consult	To obtain public feedback on analysis, alternatives and/or decisions.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	Survey / Poll Focus groups Drop-in sessions Submission Public meeting
Involve	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	Working/Reference Group Advisory Group Workshop Deliberative Polls
Collaborate	To partner with the public in each aspect of the decision including the development of alternatives and identification of the preferred solution.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decision to the maximum extent possible.	Advisory Committees Participatory decision making Deliberative Process
Empower	To place final decision-making in the hands of the public.	We will implement what you decide.	Ballots Juries Deliberative process

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TYPE AND FORM OF COMMUNITY ENGAGEMENT

Council will consider the need to engage the community when a proposed change or decision is likely to:

- have significant impact on quality of life in the region;
- impact on services or facilities for residents and ratepayers;
- have a significant budgetary impact;
- involve a level of conflict, controversy or sensitivity; and
- when it is a legislated requirement to do so.

Consultation techniques, processes and timeframes

Council will use different community engagement techniques and communication mechanisms depending upon the issue or project, its particular circumstance and the audience it needs to target.

Council's decision to engage the community will consider:

- the legislative, cultural, social and economic factors that may constrain meaningful public participation;
- the cost of engagement (including the demand it makes on community and staff time) should represent good value for ratepayers, given the scope and scale of the decision; and
- whether or not Council can obtain the community information it requires from another source, or previous engagement activity in order to maximise the use of limited resources and minimise the likelihood of consultation fatigue developing within the community.

Deliberative Engagement

This form of engagement involves bringing together a group of representative community members to consider evidence and diverse perspectives to weigh up the various options and come to a judgement on the way forward and develop a set of recommendations.

Council will undertake deliberative engagement in the following circumstances:

1. where it has a legislated obligation (including Community Vision, Council Plan, Financial Plan and Asset Plan); or
2. where it resolves that it wants its decision-making on a matter or initiative to be informed by this model of community engagement.

Deliberative practices are conducted in the 'Involve', 'Collaborate' and 'Empower' levels of influence on the IAP2 spectrum. It does not replace or take away from the decision-making powers of elected representatives.

Examples of deliberative engagement practices are:

- working with Advisory Panels;
- online proposals and ideas, discussed by a panel or community members;
- participants asked to consider and prioritise ideas and options; and
- a representative group participates in a series of sessions of information exchange.

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Participatory Engagement

Participatory practices take place at the first two levels of influence on the spectrum, 'Inform' and 'Consult' and involve one-way information exchange either from Council to community or community to Council. This engagement typically occurs when feedback is invited on previously prepared ideas, alternatives or draft documents.

Examples of participatory practices are

- surveys;
- polls, ideas gathering; and
- submissions.

Participation at this level can be very broad.

Submissions process

Where the community is invited to make submissions Council may decide to use section 223 of the *Local Government Act 1989*, which establishes a formal process for considering community input to Council decisions.

STATUTORY REQUIREMENTS

Some elements of community engagement are directed by statutory requirements. Under the *Local Government Act 2020* Council has a statutory obligation to develop a long-term Community Vision, Financial Plan and Asset Plan, as well as a four-year Council Plan. Under the Public Health and Wellbeing Act 2008 Council has a statutory requirement to develop a four-year Municipal Public Health and Wellbeing Plan. Council will meet its statutory obligations by ensuring the community will have an opportunity to participate in the development of these plans.

As a guide, the type of community engagement to be implemented is set out below:

Matter	Community Engagement Approach
Community Vision (s88)	Deliberative
Council Plan (s90)	Deliberative
Financial Plan (s91)	Deliberative
Asset Plan (s92)	Deliberative
Budget (s95 & s96)	Participatory
Making of a Local Law (s73)	Participatory
Acquiring or selling land (s112)	Participatory
Other statutory and non-statutory plans, strategies or policies, service planning and capital works projects	Type to be selected depending on the complexity of the matter.

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Community Engagement Policy



RESPONSIBILITIES

Responsibilities for implementing this policy are shared as follows:

Party/parties	Roles and Responsibilities
Councillors	<ul style="list-style-type: none">• Have a good understanding of the Community Engagement Policy and Framework• Help identify issues that would benefit from community engagement• Promote participation in engagement activities• Review the findings of engagement programs and consider the results as part of the decision making process• Balance the range of stakeholder views and concerns on an issue when making a decision
Corporate Management Team	<ul style="list-style-type: none">• Have a good understanding of the Community Engagement Policy and Framework• Champion better practice community engagement through policy, process and leadership• Monitor implementation and compliance with this policy
Managers/Supervisors	<ul style="list-style-type: none">• Manage areas of responsibility to ensure community engagement is consistent with this policy
Staff	<ul style="list-style-type: none">• Undertake actions which make community engagement activities consistent with this policy• Allow enough time to properly develop and implement the engagement process• Ensure participants have the information they need to participate effectively• Encourage discussion and understanding of all viewpoints• Uphold the principles of the Community Engagement Policy
Community Members	<ul style="list-style-type: none">• Be respectful of our engagement processes, our Councillors & staff and other community members and stakeholders• Participate constructively in engagement programs and activities• Share local knowledge, experience and expertise
Representative Bodies and Advisory Committees	<ul style="list-style-type: none">• Bring a representative voice to Council processes• Strengthen relationships between community members and council.• Encourage and promote community engagement opportunities among networks• Share information among networks

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COMMUNITY ENGAGEMENT POLICY (cont'd)

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Community Engagement Policy



PLANNING, IMPLEMENTATION AND EVALUATION

Employing good community consultation principles and practices will:

- develop local community-based decision-making, citizenship and social responsibility;
- empower local communities by facilitating citizens' direct input into decisions that affect their lives; and
- provide a means for citizens to participate in public life beyond the election of Council representatives.

Council will facilitate this by developing and maintaining a Community Engagement Framework that provides simple rules and strong incentives for community input into Council decisions, supported by monitoring, evaluation, information provision and feedback.

PROCESS FOR INFORMING THE COMMUNITY OF THE OUTCOME

In determining the methods for informing the community of the outcome of engagement processes, Council will consider:

- the relevant community engagement plan;
- the stakeholders involved; and
- the relevance to, and the interest level of, the broader community.

The methods used to inform the community of the outcome of engagement processes will be outlined in specific community engagement plans, and will include, but not be limited to:

- publication on Council's website;
- posts on Council's social media sites;
- print media;
- direct communication with individuals or groups that have participated in the process or requested to be notified of the outcomes (e.g. phone, email or post); or
- formal in-person announcements (e.g. community meeting).

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COMMUNITY ENGAGEMENT POLICY (cont'd)

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Community Engagement Policy



RELATED POLICIES

Complaints Handling Policy
Advertising Protocol

RELATED LEGISLATION

Local Government Act 1989
Local Government Act 2020
Local Government (Planning and Reporting) regulations 2014
Disability Act 2006 (Part 2 – Section 5 Principles)
Charter of Human Rights and Responsibilities Act 2006 (Part 2 – Section 15 Freedom of expression & Section 18 Taking part in public life)
Equal Opportunity Act 2010 (Part 4 – Section 45 Service Provision)
Road Management Act 2004

REFERENCES

Moirā Shire Council – Governance Rules – 28 August 2020
Moirā Shire Council - Project Management Framework
Disability Access and Inclusion Plan
Gender Equity Plan/Policy

REVIEW

This policy will be reviewed four years from the date of adoption, with operational amendments as required, in accordance with Council's approval.

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ITEM NO: 10.2.3

COUNCIL PLAN 2017 - 2021 HALF YEAR PERFORMANCE REPORT

RECOMMENDATION

That Council note the progress achieved towards the 2017-2021 Council Plan Performance Indicators.

1. Executive Summary

This report provides an update on Council's progress in delivering the 2017-2021 Council Plan priorities for the period 1 July to 31 December 2020.

The Plan included 28 indicators to measure Council's success in delivering the intent of the Plan.

The report demonstrates Council's progress against the key objectives of A Great Place to Live, A Thriving Local Economy, A Clean Green Environment, and A Well-Run Council.

2. Background and Options

The Council Plan was adopted in June 2017 with the goals and actions to be delivered over 4 years to June 2021.

The Plan included 28 indicators to measure Council's success in delivering the intent of the Plan. This report provides an update on Council's progress against the indicators from 1 July to 31 December 2020.

3. Progress Highlights

During the reporting period, Council delivered a range of outcomes, some of which include:

- **A Great Place to Live**
 - The establishment of three of the four Creative Hubs in Yarrawonga, Numurkah and Nathalia who will lead implementation of Councils Arts & Culture Strategy.
 - Continuing to progress actions from the Recreation Strategy, Wellbeing for All Ages Strategy & Community Safety Strategy.
 - Continuing to support our communities in their efforts to define and plan for their future with community planning in progress for Wunghnu and Numurkah, and preliminary discussions being held with Bundalong and St James & District communities.
 - Providing timely and accurate information in response to COVID 19 on a number of initiatives that were delivered ranging from financial subsidies and grants for community organisations & business to programs responding to social isolation.
 - Completion of many of the capital works projects that contribute to making our shire a great place to live.
- **A Thriving Local Economy**
 - Continuing to implement the various strategies that support our local economy including the Economic Development Strategy & Visitor Services Strategy, with the implementation of the Visitor Services Strategy nearing completion.
 - Commencing development of a new Business Prospectus to attract investment in the shire.
 - Promoting our region through the use of the recently completed mobile visitor information centre van (Mobile VIC) throughout the shire and the state. The Mobile VIC received 261 "walk-in" enquiries for the ten days it was operational during December.
 - Supporting business to manage the impacts of the COVID-19 pandemic, including guiding businesses to access Council & State Government assistance that is available for example the activation of outdoor public spaces for hospitality businesses, and by providing some financial support to food, beauty, and accommodation businesses by waiving registration fees for 2020/21.
 - Development of a range of marketing programs such as the Visiting Friends and Relatives & V-Postcards Campaign to keep Moira Shire front of mind during the COVID 19 lockdown and to encourage visitation as restrictions ease.
- **A Clean Green Environment**
 - Continuing to implement our Waste Management & Services Strategy and Environmental Sustainability Strategy.
 - Providing education with the community and staff on waste reduction, waste diversion from landfill and waste processing, which has led to our organics contamination being one of the lowest in the state.
 - Applying best practice in our operations with regard to environmental sustainability by conducting energy efficiency audits & sports reserve lighting audits, and installing solar power systems at a number of our recreation reserves/facilities.
 - Implementation of Mobile Health which an electronic tool for inspection reports that eliminates paper waste.

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- ***A Well Run Council***

- Complying with its obligations under the new Local Government Act 2020 by adopting and implementing relevant policies, rules and other guidance within the required timeframes.
- Continuing to make improvements to customer service as the online community portal, online dog registration and work is being completed for online building and planning applications
- Maintaining high level participation with other Councils in groups including the Hume Region Local Government Network, Murray River Group of Councils, North East Council collaboration, GV Waste Groups and GV Regional partnerships.

4. Financial Implications

Funding to enable delivery of the Council Plan initiatives is determined through the annual budget process.

5. Conflict of Interest Considerations

No officer conflicts of interest were identified in the preparation of this report.

6. Conclusion

Council note the progress towards implementation of the Council Plan goals and actions attached to this report.

Attachments

- 1 Council Plan Half Year Performance Report - Progress to 31 December 2020

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Moira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator		Strategic Actions	Progress to 31 December 2020
Strategy 1 - A great place to live			
1. Our communities feel safe and are proud to live in Moira.	Preparing and implementing our Arts and Cultural strategy in partnership with key stakeholders.	<p>Council continues to implement its Arts & Culture Strategy. During the first half of 2020/21:</p> <ul style="list-style-type: none"> - Three of the four Creative Hubs have been established in Yarrowonga, Numurkah and Nathalia to lead the implementation of the strategy at the local level. A hub for Cobram continues to be discussed. Council has partnered with Regional Arts Victoria to deliver a twelve month mentoring program to upskill and facilitate networking opportunities for the Creative Hubs. - A one off Arts & Culture grant funding round was awarded to support the arts communities while Council progressed with the expression of interest for the Creative Hubs. - Council has been working with the Creative Hubs to establish a register of artists, assets (tangible & intangible) and a calendar of events. - Council supported several community art projects including the Picola Silo art, Katamatite Toilet Mural and the Numurkah Pool Pump Shed Photomontage mural. 	
	Delivering appropriate programs and services to prevent disease and support healthy, safe and secure environments.	<p>A range of services and programs are delivered to the community including Maternal & Child Health and Immunisation services, Environmental Health Services, Mosquito Monitoring, Syringe Disposal and Neighbourhood Watch Programs.</p> <p>Maternal Child Health and Immunisation services maintain high take-up rates in spite of the impacts of COVID-19.</p> <p>Community Services respond to the requirements of the State and Federal Governments in program development and priority setting. This has been specifically relevant in early years where the roll out of three-year-old Kindergarten has seen the development of the Kindergarten Infrastructure and Services Plan and the completion of the Shire's strategic review of Shire Kindergarten interface arrangements.</p> <p>Environmental Health has met 100% of its statutory requirements relating to food safety, beauty and accommodation infection control, and tobacco surveillance. This included a food sampling program that assessed allergen management, drinking water, and consumable ice across Moira.</p>	

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Performance Indicator	Strategic Actions	Progress to 31 December 2020
		Environmental Health has implemented new statutory requirements for the registration of aquatic facilities and the development of Water Quality Risk Management Plans. Additionally, Environmental Health continues to support food, beauty, and accommodation businesses re-opening and adapting to ever-changing state government COVID-19 requirements. This includes on-site and virtual assessments, mail-outs, and phone advice.
	Developing and implementing our Municipal Health and Wellbeing Action Plan.	Council continues to implement its Wellbeing for All Ages Strategy (Municipal Public Health & Wellbeing Plan). An annual review of the Strategy has been conducted. The outcomes and progress of the review will be presented to Council mid-2021.
	Prioritising support for community groups and agencies working to address disadvantage and improve social cohesion.	Council provides assistance to partner agencies, including the Community Houses, MHA Care and Moira Food Share. Council provides financial support to community groups through its Community Strengthening Grants Program. Council continues to operate its Disability Advisory Committee. Council's response to COVID 19 has served to preserve and promote community wellbeing. In addition to providing timely and accurate information to community a number of initiatives were delivered ranging from financial subsidies and grants for community organisations and business to programs responding to social isolation.
	Developing and implementing a needs based asset management plan.	An Asset Capitalisation Policy was adopted by the CEO in November 2020. Community Engagement for a new Asset Management Plan has been on hold due to COVID-19 restrictions. Council is developing an on-line community engagement plan instead of holding onsite consultation forums.

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Moirai Shire Council Plan 2017-2021 – Half Year Performance		Progress to 31 December 2020
Performance Indicator	Strategic Actions	<p>The Yarrawonga Framework Plan has been completed with the Victorian Planning Authority following consultation with community.</p> <p>Council is continuing to make progress to support local communities to develop Community Plans for each of the small towns across the shire.</p> <p>Community Planning for both Wungah and Numurkah is underway. Preliminary discussions have taken place with Bundalong and St James & District to commence planning in these areas in coming months.</p> <p>Council has provided its digital priorities to the Goulburn Digital Plan Working Group and they continue to advocate on Council's behalf, and is advocating for street lighting in small towns.</p>
	Developing masterplans for the four larger towns (main towns).	
	Developing Community Plans for all smaller towns.	
	Advocating for utility services for small towns experiencing growth.	
Implementing the Community Safety Plan.		<p>The Community Safety Committee meets quarterly. Council continues to implement the action plan in its Community Safety Strategy and work in partnership with community organisations, health services, schools and Victoria Police.</p> <p>Despite some delays due to COVID-19 Council in partnership with a number of other organizations, has still delivered a number of programs to schools across the shire, including the My Passport Program (for alcohol and other drug harm minimisation). Council supports the Live 4 Life Program, with Teen Mental Health First Aid being rolled out to all Year 8 students and the rollout to Year 11 students will be completed in early 2021. Youth Mental Health First Aid was held with some teachers, wellbeing and youth services staff.</p> <p>Council supports and promotes initiatives such as Odd Socks Day and 16 Days of Activism.</p> <p>Council supports the L2P driver program through Berry Street, and supports the local road safety group to install electronic signage for the return to school period. The Community Safety Committee have also committed to a partnership for a program specific to migrant drivers (delay due to Covid-19).</p>

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Moirá Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
2. Our communities are better connected as a result of improved access to digital and transport services.		<p>A Gender Equality Plan for Moirá Shire Council is being developed.</p> <p>New lights have been installed to increase visibility and public safety across the shire in various locations including the Train Park Picola, Newman Square Walkway Numurkah, Memorial Park & Toilet Block Nathalia, Levings Park Cobram, Numurkah Apex Park & Skatepark and the Yarrawonga Foreshore.</p> <p>Council have worked with local Health Services to respond to demand for COVID testing.</p>
	Maintaining and enhancing library and community hub facilities.	<p>Council, through GV Libraries operates library services throughout the shire. Online services and borrowing have remained operational during the pandemic.</p> <p>The Goulburn Valley Regional Library Board has a Moirá Shire executive presence and a Moirá Shire community representative.</p> <p>Council is progressing the Yarrawonga Town Hall and Library Precinct project. Architects have been engaged to undertake detailed design and consultation to inform this design has been completed.</p>
	Preparing and implementing an investment plan for footpaths.	<p>A priority list was developed for 2020/21 which were all successfully completed. Council is developing a priority list for 2021/22 program based on forecast expenditure of \$150,000 in Council's Capital Works Budget.</p>
	Developing a Community Transport Advocacy Plan to improve connectivity across Moirá and with regional	<p>Council continues to work with agencies and service providers to understand community transport needs and advocate for service improvements.</p>

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Moirira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
	cities and Melbourne.	
3. Recreational and sports facilities and clubs are accessible and welcome female participation.	Continuing to maintain and provide facilities and services that our community values and need.	<p>Section 86 Committees have been transitioned to Community Asset Committees and 'Friends Of' groups in accordance with the Local Government Act 2020 and the principles adopted by Council in 2019. All Committees are working with Council to determine optimum management models for their facilities. This work has been complicated by COVID-19, however arrangements are in place for interim transition of committees to meet required deadlines.</p> <p>Council has completed the following projects at Council facilities:</p> <ul style="list-style-type: none"> - Wilby Hall renovation. - Yarrawonga Showground & Victoria Park Watering System. - Hunt Street playground fencing. - Murray Heights playground. - BBQ at Kennedy Park. - Nathalia outdoor Gym – Part of the Nathalia Community Plan. - Cobram Kindergarten Extension. - Gilmore Street Education Precinct. - Community Lighting MVH Walking Track Yarrawonga.
	Implementing the Recreation Strategy to support active lifestyles through passive and organised sport and recreational services and infrastructure.	<p>Council continues to implement the Recreation Strategy.</p> <p>The following projects have been completed during the reporting period:</p> <ul style="list-style-type: none"> - Katamatite Netball Courts realignment. - JC Lowe Oval – Lighting and Netball Court Renewal. <p>The following projects are underway:</p> <ul style="list-style-type: none"> - Yarrawonga Multisport Stadium – detailed design phase continues. - Wunghnu Recreation Reserve Community Building Amenities upgrade. - Yarroweyah Recreation Reserve Accessible Toilet. - Numurkah Showgrounds Netball Court Renewal.

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Moirira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
		<ul style="list-style-type: none">- Strathmerton Netball Court Renewal.- Energy Efficiency audits have been undertaken or are underway at a number of our facilities.- Sports reserve lighting audits at 11 recreation reserves are expected to be completed by end of June 2021.- Raw water pump audits and water use reviews at our recreation reserves are expected to be completed by the end of June 2021.
4. There is improved flood protection for urban areas.	Beginning implementation of an agreed Shire-wide Drainage Mitigation Plan and Flood Mitigation Plan.	<p>The Upper Broken Boosey Creek Flood Study had been on hold until November 2020 due to COVID-19 and not being able to undertake onsite community engagement plus travel restrictions. The consultant was also delayed in receiving additional information from the Goulburn Broken Catchment Management Authority as they also suffered delays due to COVID-19.</p> <p>Further flood modelling has been undertaken based on preferred final design levee alignment for the Numurkah Floodplain. Additional project management resources have been sourced to manage next steps involving cultural heritage & environmental assessments, review of land tenure for easement acquisition purposes and to negotiate works approval permits with other service authorities.</p> <p>Final detail design plans prepared based on preferred levee alignment option of Pyke Road.</p>
Strategy 2 - A thriving local economy		
5. Increased business investment and job creation.	Connecting with local business to understand their needs.	<p>Council maintains regular contact with business and industry stakeholders throughout the shire.</p> <p>Economic Development has been supporting businesses over the COVID-19 lockdown and subsequent period, which has involved provision of access to training, business planning, marketing and mentoring assistance together with help in applying for grant funding.</p> <p>A suite of initiatives to support and assist businesses manage the impacts of COVID-19 was approved in August 2020. Council has assisted the business community to access these initiatives, plus the additional state government assistance that is available for example the activation of outdoor public spaces for hospitality businesses. In addition, Council provided financial support to food, beauty, and accommodation businesses by waiving registration fees for 2020/21.</p>

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Moirai Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
		SED Consultants have been engaged by Moira, Shepparton & Campaspe Shires to prepare a business case for a Designated Area Migrant Agreement (DAMA) for this region. As part of this study SED will be undertaking a workforce needs assessment. This will assist in determining when future training programs could be targeted to assist businesses and employees.
	Attracting investment in energy sources for industry including alternative and renewable energy such as solar and waste-to-energy.	Council continues to support renewable energy projects. Construction has commenced on two small (approx. 5 megawatts) solar farms one on Naring Road west and the other off Formby Road Wunghnu.
	Providing support to business to navigate Council's planning and other regulatory processes.	AGBIOEN have commenced site works for a bioenergy plant at Sangs Road Katunga.
6. Improved planning permit processing times with 90 per cent of planning permits processed within 60 days.		Council has assisted more than 57 new and expanding businesses following implementation of its Better Approvals process. This new, simplified process involves a personal relationship with a single "go-to" Council contact which streamlines approvals processes for applicants.
7. Implementation of the Economic Development Plan.	Developing and implement a new economic development plan.	Council continues to implement the actions from the Economic Development Strategy. Below are some highlights: <ul style="list-style-type: none"> - Implementation of Councils Visitor Services Strategy 2017-2021 is nearing completion. - Council has conducted a review of its Recreational Vehicle (RV) Friendly Strategy and implementation is underway. - A Business Function and Events planner has been set up on the Sun Country on the Murray website - Funding has been granted for the implementation of Phase one of the Murray River Adventure Trail and the detailed business case is nearly completed. - Development of an events framework in progress. - Development of a new Business Prospectus to attract investment in the Shire is underway.

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Moirā Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
8. Access to commercial and industrial land that meets current and 10-year forecast demand.	Facilitating growth by working with developers to provide industrial, commercial and residential land to satisfy projected demand. Developing commercial and industrial land strategies for our main towns and higher growth centres including Cobram, Nathalia, Numurkah, Yarrawonga as well as Katunga and Strathmerton. Providing a strong voice for our Shire and partnering with stakeholders to influence regional, state and federal water policy and its implementation.	New Glanmire Residential Estate at Woods Road Yarrawonga is experiencing unprecedented demand. Stage 2 of the Nathalia Joint Venture residential estate (Venture Court) is nearing completion with presales strong. Council has been undertaking feasibility studies on a range of sites across the four large towns in the Shire.
9. Council representation on regional water and business forums.		Ongoing. Council promotes and advocate for the interests of Moira Shire business, industry and community through its participation in the GMID Water Leadership Forum, the Murray River Group of Councils and the Murray Darling Association. Environmental Health is collaborating with GVV and neighboring LGA's on the development and feasibility of a tool to assess sewer options for small townships.

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Moirai Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
10. The GMW Connections Project is complete and enabling agriculture diversity.		Goulburn Murray Water continues to progress the Connections Project.
11. Improved accessibility and digital connectivity.	Continue to lobby for standardisation of the Tocumwal railway line to facilitate rail freight growth.	Council continues its involvement in a group of Councils (Food Bowl Inland Rail Alliance) working together to lobby to standardise the route. Council is hopeful that this will occur in the next 5 years.
	Continuing to advocate for improvements in the arterial road network.	Council has applied for funding to upgrade the GMW bridges on Numurkah Road that are currently causing Heavy Mass Limit vehicles to be speed restricted on this road.
	Advocating for access to high quality digital and mobile phone services for business and community.	Council participates in the Goulburn Valley Region Digital Working Group and advocates for improved digital connectivity across the shire, including meeting with NBN Co. Council has been successful in its application for \$50,000 grant funding in the Regional Digital Fund project, Bridging the Digital Connectivity Gap. The funding will be used to engage a consultant to determine how businesses' current and future digital connectivity requirements can be met, exploring the potential use of Council infrastructure across the four main towns and smaller localities across the shire. Council is now looking to engage a suitable consultant to undertake this work.
12. Increased year round tourism visitation and yield across the Shire.	Reviewing our tourism marketing, servicing and	Development of the mobile visitor information centre van (Mobile VIC) has been completed and the van is being used throughout the shire and the State. The mobile VIC received 261 "walk-in" enquiries for the ten days it was operational during December.

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Moirira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
	delivery arrangements.	<p>The Mobile VIC recently attended the St Kilda markets and is scheduled to attend the Nagambie 'Go Fish' event later in 2021. The mobile VIC has been successful in attracting visitors that would not normally visit a Visitor Information Centre.</p> <p>Council is implementing the State Government's \$250,000 Outdoor Eating and Entertainment Package as follows:</p> <ul style="list-style-type: none"> - \$130,000 for Council to activate the public space outside hospitality businesses - \$120,000 to activate towns by further supporting Local Tourism Associations' and one of events and entertainment. <p>Environmental Health supports food and accommodation businesses re-opening and adapting to state government COVID-19 requirements as they change. This includes on-site and virtual assessments, mail-outs, and phone advice.</p>
	Developing our Tourism Strategy with input from key agencies including Parks Victoria, Goulburn-Murray Water (GMW), tourism organisations and indigenous groups.	Council's strategy for tourism has been incorporated into the Economic Development Strategy.
	Implementing the Tourism Strategy that builds on our parks, beaches, foreshores and wetlands and engages our	<p>Council has developed a range of marketing programs such as the Visiting Friends and Relatives & V-Postcards Campaign to keep Moira Shire front of mind during the COVID lockdown and to encourage visitation as restrictions ease.</p> <p>A Sun Country on the Murray Nature Escape brochure has been developed and is being distributed.</p>

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Moirira Shire Council Plan 2017-2021 – Half Year Performance		Progress to 31 December 2020
Performance Indicator	Strategic Actions	
	tourism sector across all seasons.	Structural alterations to the Cobram Visitor Information Centre building have commenced and are due to be completed by end May 2021. Council is currently seeking Expressions of Interest for the potential use of this space.
	Identify and build tracks and trails where appropriate to support healthy lifestyles and our tourism offering.	State funding has been announced for the implementation of the Murray River Adventure Trail phase one (i.e. Barmah to Koondrook). Further meetings to be held with key stakeholders (e.g. local councils, CMAs, Parks Victoria and NSW NPWS) around governance and implementation. Council was successful in its application for funding for the Yarrawonga to Burramine Cycling and Walking Trail. This funding comes from the Murray-Darling Basin Economic Development Program. Project Planning to deliver the trail is well progressed. River Connect – Prioritisation of projects with stakeholders was the focus in 2020. A Stakeholder workshop will be held in the first half of 2021.
13. Increased indigenous and local youth employment.	Understanding workforce needs and encourage opportunity through access, inclusion and training.	The program showcases local business employment opportunities to local schools, in collaboration with the Goulburn Murray Local Learning and Employment Network (GMLLEN). This had been progressing very successfully until the COVID-19 restrictions. This program will begin again in the new year when school resumes, assuming restrictions are no longer in place. Council are working with the Department of Education, local industries and GMLLEN on a program - Transforming Career Education: School-Industry Roundtables (SIRT). Building and strengthening partnerships between all parties to improve outcomes for local youth and businesses. GMLLEN have been successful in receiving full funding for a "Goulburn Murray Virtual Industry Careers Experience". Council will have a representative on the Steering Committee and in industry focus groups.

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Moirira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
Strategy 3 - A clean green environment		
14. More efficient water and energy use by Council.	Implementing best practice operations and programs across Council.	<p>Implementation of Councils Environmental Sustainability Strategy and Corporate Emissions Reduction Plan continues.</p> <p>Council applies best practice in our operations with regard to environmental sustainability. Highlights of the first half of the 2020/21 year include:</p> <ul style="list-style-type: none"> - signing a Power Purchasing Agreement for 100% renewable energy from June 2021. - project planning for a 50 kilowatt solar power system for the Numurkah Sports and Aquatic Centre. - Solar systems have been installed at the Waaia Recreation Reserve (11.8Kw) and Strathmerton Recreation Reserve (10Kw). - solar power systems with battery storage have been installed at four of our transfer stations. - Air-conditioning upgrade to energy efficient technology has occurred at the Cobram Office. <p>Council has also completed energy efficiency audits on the following facilities:</p> <ul style="list-style-type: none"> - Waaia Recreation Reserve. - Yarrawonga Outdoor Pool. - Nathalia Sports & Community Centre. <p>Audits are also underway at the Strathmerton Recreation Reserve and Yarrawonga Showgrounds Victoria Park.</p>

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Performance Indicator	Strategic Actions	Progress to 31 December 2020
15. Reduced volumes of waste into landfill.	Continue implementation of best practice waste management.	<p>Highlights of the Waste Management and Services Strategy implementation:</p> <ul style="list-style-type: none"> - E-waste sheds have been completed and are in use at the four main transfer stations. - Construction of a Commercial Waste Sorting Facility is underway at the Cobram Transfer Station. - Construction of a new Cell (Cell 9) is well underway. - Mobile Health has been implemented, which an electronic tool for inspection reports that eliminates paper waste. <p>Council works in partnership with State Government, the Goulburn Valley Waste and Resource Recovery Group and industry.</p> <p>Council is working towards compliance with the State Governments Circular Economy Policy, with modelling, transition plans and business cases for a 4 bin kerbside system near completion. The fourth bin will include a purple lid bin for glass recycling. The move to a 4 bin system is expected to occur in 2024.</p> <p>Over recent years, through a variety of programs and projects Council has been able to reduce landfill waste volumes to half of what they were 10 years ago.</p>
16. Achieve a net gain in native vegetation for Council activities.	Pursuing opportunities to enhance the natural environment.	<p>Management of Councils offset sites and native vegetation reserves continues. Activities included:</p> <ul style="list-style-type: none"> - Fencing. - Weed and pest control completed on 1670kms of road. - Planting of around 4,000 native trees and shrubs. - minimising impact on native vegetation by council works and securing offsets when native vegetation losses was unavoidable.

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Performance Indicator	Strategic Actions	Progress to 31 December 2020
17. Business and community confidence in their readiness to respond to change.	<p>Providing resources and knowledge to help community, businesses and Council understand, prepare for and respond to environmental sustainability challenges.</p> <p>Supporting business and the community to transition to more environmentally sustainable practices and options.</p>	<p>Council continues to be a leader in providing sustainability education to the community. Ongoing education with the community and staff has been provided on waste reduction, waste diversion from landfill and waste processing, which has led to our organics contamination being one of the lowest in the state.</p> <p>Information has been provided on energy saving, power grid and renewable technologies as well as biodiversity in Moira Shire Council including management of native vegetation.</p> <p>Council has run a suite of environmental events.</p> <p>Council offers Environmental Upgrade Agreements to assist businesses invest in environmental initiatives.</p>

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Performance Indicator	Strategic Actions	Progress to 31 December 2020
	<p>Partnering with agencies to support drainage (and groundwater management) to improve long term protection and prosperity of irrigated land, the environment and infrastructure from the return of high water tables and salinisation.</p>	<p>Environmental Health is collaborating with GVV and neighboring LGA's on the development and feasibility of a tool to assess sewer options for small townships to reduce the environmental impacts of aging septic systems.</p> <p>Council representatives have participated in the Goulburn Broken and North East Integrated Water Management forums.</p> <p>Council also:</p> <ul style="list-style-type: none"> - Completed a Stormwater Management Plan - Developed preliminary plans to convert Cobram's Gemmill Street basin into a wetland. - Created ponds and revegetated areas at JC Lowe Oval, Yarrawonga. - Continued to support the Goulburn Broken Stormwater Project. - Continually reports Potable water. - Developed a Yarrawonga Drainage Strategy. - Commenced an audit on Councils rural water.
	<p>Supporting grassroots environmental improvement and protection works.</p>	<p>Ongoing partnership with Friends of Chinaman's Island Nature Reserve (FOCINR) and Yarrawonga Urban Landcare Group (YULC). Implementing the Roadside Weed and Pest Control Management Plan in partnership with Landcare and adjoining landholders.</p>
<p>18. Business, community and environment resilience and recovery from natural disasters including flood and fires.</p>	<p>Improving the flood resilience of the catchment's, people, infrastructure, land, water and biodiversity through partnerships with community and stakeholders.</p>	<p>Council is active in the water management space and is extremely proactive in preparing our communities for flood, fire, and the COVID-19 pandemic and other emergencies.</p>

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FILE NO: F17/620
4. A WELL RUN COUNCIL

ITEM NO: 10.2.3

COUNCIL PLAN 2017 - 2021 HALF YEAR PERFORMANCE REPORT (cont'd)

ATTACHMENT No [1] - Council Plan Half Year Performance Report - Progress to 31 December 2020



Moirira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
19. Business, community and Council awareness of and compliance with environmental regulatory and legislative obligations.	Working in partnership with regional groups and agencies to encourage innovation, education and access to sustainable services and practices.	<p>Council operates the Environmental Sustainability Advisory Committee, which assists Council in understanding the specific needs and interests in the community.</p> <p>Council coordinates environmental sustainability activities in schools in partnership with Goulburn Valley Water, Goulburn Murray Landcare Network and Broken Boosey Conservation Management Network.</p>
20. Council services and infrastructure are sustainable in design and operation.	Developing and implementing Councils Environmental Sustainability Strategy.	<p>Council continues to implement its Environmental Sustainability Strategy. A report of the 2019/20 achievements has been completed and is available on Council's website.</p> <p>Council ensures our waste sites and services comply with changing legislation and policy (e.g. the state's new circular economy policy.)</p> <p>Council implemented an online pool/spa registration process in response to the new statutory requirements for pools and spas in Victoria. Existing pools and spas were required to be registered by November 2020. All new pools and spas are to be registered within 30 days of completion. More than 1250 pools and spas have been registered in the shire to date. Further advertising and reminders to existing pool/spa owners will be taking place in Jan/Feb 2021, and Council will begin issuing infringement notices from March 2021.</p> <p>Environmental Health ensures new septic systems comply with EPA requirements, and failing systems are remedied. Environmental Health also investigates nuisance complaints relating to odour, noise, dust, smoke, wastewater, and chemical spray drift.</p>

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.3

COUNCIL PLAN 2017 - 2021 HALF YEAR PERFORMANCE REPORT (cont'd)

ATTACHMENT No [1] - Council Plan Half Year Performance Report - Progress to 31 December 2020



Moirira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator		Strategic Actions	Progress to 31 December 2020
Strategy 4 - A well run council			
21. Community satisfaction with Council is better than for peer councils as measured by Local Government Performance Reporting Framework compulsory indicators:	<ul style="list-style-type: none"> Overall view of direction of Council Community consultation and engagement 	Developing a longer-term vision for the Shire.	<p>Council continues to have a strong sustainable financial sustainable position. The newly elected Council will be creating a new Four year Council Plan, four year Budget, and a ten year Long Term Financial Plan.</p> <p>Council is complying with its obligations under the new Local Government Act 2020 by adopting and implementing relevant policies, rules and other guidance within the required timeframes.</p> <p>The Victorian Government commissioned Community Satisfaction Survey and is conducted annually. The survey has seen an improvement consistent with other large rural councils. The next survey will be conducted in early 2021.</p> <p>Council is working towards a new, strategic integrated planning and reporting with Community involvement required under the new Local Government Act.</p> <p>During the pandemic Council were able to allow most staff to work safely from home and continue operations out in the field. Council has also developed more channels in which to interact with Council such as the online community portal, online dog registration and work is being completed for online building and planning applications</p>
		Building Council's advocacy, leadership and governance capacity.	
		Continuously innovating and improving our customer service delivery and accountability.	
		Providing clear and consistent understanding of Council's role and capacity.	

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COUNCIL PLAN 2017 - 2021 HALF YEAR PERFORMANCE REPORT (cont'd)

ATTACHMENT No [1] - Council Plan Half Year Performance Report - Progress to 31 December 2020



Moirira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
<ul style="list-style-type: none"> Lobbying on behalf of the community Decisions made in the interest of the community Overall feeling about performance of Council Rating of Council for customer service. 	<p>Develop and implement a Communications and Engagement Plan.</p>	<p>A draft Community Engagement Policy has been developed and released for community feedback. Under the <i>Local Government Act 2020</i> the policy is to be adopted by 1 March 2021.</p>

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COUNCIL PLAN 2017 - 2021 HALF YEAR PERFORMANCE REPORT (cont'd)

ATTACHMENT No [1] - Council Plan Half Year Performance Report - Progress to 31 December 2020



Moira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
		<p>Council operates the Audit & Risk Committee formed under the new Local Govt. Act 2020. The committee met 3 times during the reporting period.</p> <p>Council adopted a revised Audit & Risk Committee Charter in November 2020.</p> <p>During the reporting period, internal audits were conducted for:</p> <ul style="list-style-type: none"> - IT Risk Management - Infrastructure Asset Management - Statutory Planning. <p>Implementation of the WHS Strategy and Operational Plan is active, planned and adjusted as lessons learned and improvements are identified during consultation for continuous improvement opportunities.</p> <p>WHS Policies and Procedures are developed, reviewed and implemented following consultation with stakeholders.</p>
22. An increase in grants secured.		Council grants are reported separately in the Financial Statements, and have increased in comparison to previous years.
23. A pipeline of shovel ready projects for grant applications.	Identifying capital funding needs and developing business cases that match Council's investment priorities.	A list of shovel ready projects is being used to seek Federal and State funding.

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4. A WELL RUN COUNCIL

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COUNCIL PLAN 2017 - 2021 HALF YEAR PERFORMANCE REPORT (cont'd)

ATTACHMENT No [1] - Council Plan Half Year Performance Report - Progress to 31 December 2020



Moirira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator	Strategic Actions	Progress to 31 December 2020
24. Community understanding and acceptance of the rationalisation of underutilised assets and services.	Reviewing and rationalising assets and services to identify gaps, overlap and surplus. Defining Council's capacity to undertake emergency management functions.	Service reviews in 2021 will pinpoint gaps and create opportunities for efficiency Council is transitioning to the requirements in the new Emergency Management legislation 2020. Council participates in the Interim Hume Regional Emergency Management Planning Committee. This committee has drafted the Regional Emergency Management Plan which was endorsed by the Emergency Management Commissioner on 26 November 2020. Council has provided local content to inform this regional plan.
25. Consistently achieve our financial performance indicators that are determined by Council with reference to the Victorian Auditor General's Office (VAGO) acceptable range parameters.		Council's financial performance indicators are reported in the Local Government Financial Reporting Framework (LGPRF).

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4. A WELL RUN COUNCIL

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COUNCIL PLAN 2017 - 2021 HALF YEAR PERFORMANCE REPORT (cont'd)

ATTACHMENT No [1] - Council Plan Half Year Performance Report - Progress to 31 December 2020



Moira Shire Council Plan 2017-2021 – Half Year Performance

Performance Indicator		Strategic Actions	Progress to 31 December 2020
26. We establish and deliver shared services with regional partners such as neighbouring councils.	Identifying and pursuing relevant opportunities for efficiencies and shared services with other councils including cross border councils.	Council maintains high level participation with other Councils in groups including the Hume Region Local Government Network, Murray River Group of Councils, North East Council collaboration, GV Waste Groups, GV Regional partnerships.	Relations with key government departments are also strong, particularly with the Environmental Protection Authority, Regional Development Victoria, Regional Roads Victoria, Local Government Victoria and Department of Environment, Land Water & Planning. Environmental Health is collaborating with GVV and neighboring Councils on the development and feasibility study of a shared tool to assess sewer options for small townships.
	Forming and sustaining partnerships with other councils, departments, industry and organisations.		
27. Improved awareness of capital works progress and delivery.		Council uses its website, newsletters, advertising and social media to provide timely updates of major projects. Council has also started sending a bi-monthly Community Newsletter which will feature updates on capital works projects. The first issue of this newsletter went out in December 2020.	
28. Satisfied and happy Councillors and staff with access to appropriate and relevant career development support.	Delivering leadership development and workforce succession plans.	New and returning Councillors elected in the 2020 Council Election have started the onboarding process required on the Local Government Act 2020. A leadership development program is currently being developed to roll out in 2021. Workforce succession plans are currently being established, with some plans in place.	

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FILE NO: F16/701
4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

QUARTERLY BUDGET REVIEW - DECEMBER 2020

RECOMMENDATION

1. That Council notes the projections for the 2020/21 financial year contained in the December 2020 Quarterly Budget Review.
2. That Council notes the Environmental Upgrade Agreements quarterly performance report.

1. Executive Summary

Income Statement

There has been an increase in the Approved September 2020 budget surplus of \$1.01 million to a surplus of \$1.27 million in the December 2020 forecast. This is mainly due to revenue generated from rates and charges on supplementary property valuations and income from planning and building fees.

Balance Sheet

The Balance Sheet of Moira Shire continues to remain strong.

Cash Flow Statement

The cash position of Moira Shire continues to remain strong.

Capital Expenditure

There is no change to the 2020/21 Adopted Budget capital works program, the capital works forecast for the December 2020 remains at \$22.79 million. In addition, a further \$22.07 million in other capital works remain, these include works commenced in 2019/20 and other capital works that have been scoped but construction has not yet commenced.

Financial Performance indicators

All Financial performance indicators remain within an acceptable range.

2. Background and Options

The quarterly budget review mandated under Section 97 of the Local Government Act 2020.

The Act requires that at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with actual revenue and expenditure to date presented to the Council.

3. Financial Implications/

3.1 Summary of changes to projected operating result for the 2020/21 financial year

The surplus for the Proposed December 2020 Forecast expected to be \$1,271,342 – an increase of \$259,182 compared to the Approved September 2020 forecast of \$1,012,160.

Approved Forecast Sep 2020 vs Proposed Forecast Dec 2020	(Favourable) / Unfavourable \$
Surplus – September 2020 Forecast	(1,012,160)
Rates and charges	(167,107)
Operating Grants	(350,700)
Capital Grants	(287,472)
Capital Contributions	289,456
Statutory Fees and Fines	(150,000)
Other Operating Income	(3,880)
Materials and Consumables	291,521
Contract Services	119,000
Proposed December 2020 Forecast Surplus	(1,271,342)

The major reasons for the decrease in the surplus are as follows:

- a) **Rates and Charges** – Income of (\$167k) received for general rates, municipal charges and waste charges generated from supplementary valuations on property assessments.

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

QUARTERLY BUDGET REVIEW - DECEMBER 2020 (cont'd)

- b) **Operating Grants** – New community grants received for Covid-19 safe Australia Day Celebrations (\$21k) and Artly – Lets Stay Connected program (\$30k), Bridging the Digital Connectivity Gap (\$50k) and Outdoor Eating and Entertainment Package (\$250k).
- c) **Capital Grants** – Recognition of grant income for completed projects Yarrowonga JC Lowe Oval – Female Friendly Facilities (\$40k) and Yarrowonga MVH Community lighting program (\$81k) and receipt of grant income (\$150k) for Stewarts Road Three Bridges and (\$16k) for Gilmore Street Yarrowonga projects completed in 2019/20.
- d) **Capital Contributions** – Decrease driven by cancellation of Special Scheme for Catona Crescent Cobram \$322k offset by income received from developers for contribution to future works at Botts Road/MVH Yarrowonga (\$33k).
- e) **Statutory Fees and Fines** – Increased income from Town Planning fees (\$100k) and Swimming Pools fees (\$50k).
- f) **Other Operating Income** – Increase due to reimbursement of contributions to North East Regional Development Scheme (\$4k) and Insurance rebates (\$10k) offset by a decrease in Caravan Park income due to Covid-19 relief \$10k.
- g) **Materials and Consumables** – Additional costs for community grants Covid-19 safe Australia Day Celebrations \$21k, Artly – Lets Stay Connected programs \$30k and Outdoor Eating and Entertainment Package \$250k, offset by other savings (\$10k).
- h) **Contract Services** – Increased external professional support to assist with capital projects funded by Drought Relief and Community Infrastructure grants \$50k, Integrated Water Management project \$19k and Bridging the Digital Connectivity Gap \$50k.

3.2 Income Statement

Income Statement	Adopted Budget 2020/21	YTD Actuals 2020/21	Approved Forecast Sep 2020	Proposed Forecast Dec 2020	Approved Forecast Sep 2020 vs Proposed Forecast Dec 2020
Income					
Rates and charges	(39,071,838)	(39,355,346)	(39,158,813)	(39,325,920)	167,107
Operating Grants	(5,818,270)	(3,767,992)	(7,098,068)	(7,448,768)	350,700
Capital Grants	(6,740,000)	(3,169,322)	(9,701,627)	(9,989,099)	287,472
Capital Contributions	(352,000)	(132,544)	(452,000)	(162,544)	(289,456)
Operating Contributions	(68,000)	-	(68,000)	(68,000)	-
Contributions - non-monetary (Donated assets)	(200,000)	-	(200,000)	(200,000)	-
Reimbursements and Subsidies	(59,775)	(41,300)	(59,775)	(69,986)	10,211
User Charges	(1,935,525)	(775,719)	(1,935,525)	(1,925,525)	(10,000)
Statutory Fees and Fines	(1,357,150)	(737,181)	(1,382,150)	(1,532,150)	150,000
Interest Income	(350,000)	(90,915)	(350,000)	(350,000)	-
Other Revenues	(697,539)	(109,283)	(685,915)	(689,584)	3,669
Net Gain on Disposal of Property, Plant & Equipment	(36,800)	(207,275)	(104,093)	(104,093)	-
Income Total	(56,686,897)	(48,386,876)	(61,195,966)	(61,865,669)	669,703
Expenditure					
Employee Costs	22,591,457	9,996,764	22,783,069	22,783,069	-
Materials & Services	15,841,349	7,431,264	16,491,500	16,783,021	(291,521)
Contract Services	6,898,299	2,247,561	7,130,049	7,249,049	(119,000)
Utilities	1,086,930	501,387	1,089,430	1,089,430	-
Bad and Doubtful Debts	10,000	-	10,000	10,000	-
Depreciation	11,109,787	5,310,000	11,109,787	11,109,787	-
Other Expenses	871,439	170,610	887,439	887,439	-
Interest on Borrowings	92,614	46,960	92,614	92,614	-
Interest on Leases	79,918	46,248	79,918	79,918	-
Interest on Unwinding of Discount of Provisions	300,000	-	300,000	300,000	-
Written Down Value of Infrastructure Replaced	200,000	-	200,000	200,000	-
Share of Net Loss of Associated Entity	10,000	-	10,000	10,000	-
Expenditure Total	59,091,793	25,750,794	60,183,806	60,594,327	(410,521)
Operating Result	2,404,896	(22,636,083)	(1,012,160)	(1,271,342)	259,182

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4. A WELL RUN COUNCIL

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QUARTERLY BUDGET REVIEW - DECEMBER 2020 (cont'd)

3.3 Balance Sheet

	Adopted Budget 2020/21	Approved Forecast Sep 2020	Proposed Forecast Dec 2020	Approved Forecast Sep 2020 vs Proposed Forecast Dec 2020
Balance Sheet				
Current Assets	33,402,000	37,822,765	37,573,794	4,420,765
Non-Current Assets	614,120,000	614,120,000	611,644,000	-
Total Assets	647,522,000	651,942,765	649,217,794	4,420,765
Current Liabilities	9,861,000	9,861,000	8,904,000	-
Non-current Liabilities	19,348,000	19,348,000	17,829,000	-
Total Liabilities	29,209,000	29,209,000	26,733,000	-
Net Assets	618,313,000	622,733,765	622,484,794	4,420,765
Equity	618,313,000	622,316,844	622,067,873	4,420,765

3.4 Statement of Cash Flow

	Adopted Budget 2020/21	Approved Forecast Sep 2020	Proposed Forecast Dec 2020	Approved Forecast Sep 2020 vs Proposed Forecast Dec 2020
Statement of Cash Flow				
Net cash flows provided by operating activities	18,418,000	15,156,472	14,905,001	(3,261,528)
Net cash flow used on investing activities	(24,843,000)	(21,911,707)	(21,911,707)	2,931,293
Net cash flows provided by financing activities	4,478,000	(722,000)	(722,000)	(5,200,000)
Net change in cash held	(1,947,000)	(7,477,235)	(7,728,706)	(5,530,235)
Cash at the beginning of the year	30,024,000	39,975,000	39,975,000	9,951,000
Cash at the end of the year	28,077,000	32,497,765	32,246,294	4,420,765

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QUARTERLY BUDGET REVIEW - DECEMBER 2020 (cont'd)**3.5 Statement of Capital Works - Proposed Forecast**

Capital Works	Total Capital Works Forecast as at Dec 2020 *	Adopted Budget 2020/21	Other Capital Works as at Dec 2020	YTD Actuals 2020/21
Property				
Land		-		
Land improvements (incl land development)	3,384,162	610,000	2,774,162	199,413
Buildings	19,212,364	9,118,500	10,093,864	1,020,304
Total property	22,596,526	9,728,500	12,868,026	1,219,717
Plant and equipment				
Heritage plant and equipment		-		
Plant, machinery and equipment	1,533,353	1,283,900	249,453	436,584
Fixtures, fittings and furniture	13,600	13,600	-	6,091
Computers and telecommunications	88,750	-	88,750	-
Total plant and equipment	1,635,703	1,297,500	338,203	442,675
Infrastructure				
Roads	8,745,930	4,655,000	4,090,930	2,884,991
Bridges	157,614	90,000	67,614	5,973
Footpaths and cycleways	1,259,589	1,200,000	59,589	376,938
Drainage	4,055,927	2,977,000	1,078,927	452,549
Kerb and channel	1,072,800	540,000	532,800	220,060
Recreational, leisure and community facilities	2,768,771	1,211,400	1,557,371	1,005,730
Waste management	1,931,983	900,000	1,031,983	1,111,329
Parks, open space and streetscapes	282,760	157,000	125,760	177,515
Aerodromes	286,400	-	286,400	-
Other infrastructure	61,513	30,000	31,513	10,123
Total infrastructure	20,623,287	11,760,400	8,862,887	6,245,208
Total capital works expenditure	44,855,516	22,786,400	22,069,116	7,907,600
Outstanding commitments				5,666,393
Total YTD Actuals plus commitments				13,573,993

*Total Capital Works is the sum of the Adopted Budget 2020/21 and all other approved capital works rolled over from previous years,.

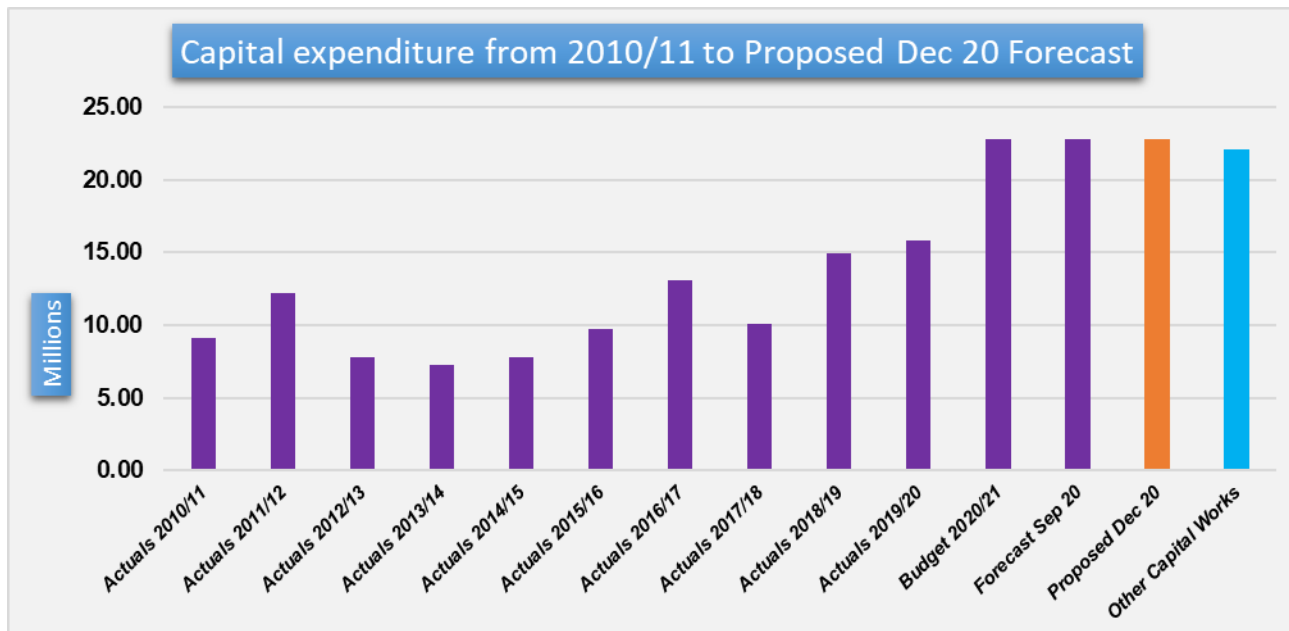
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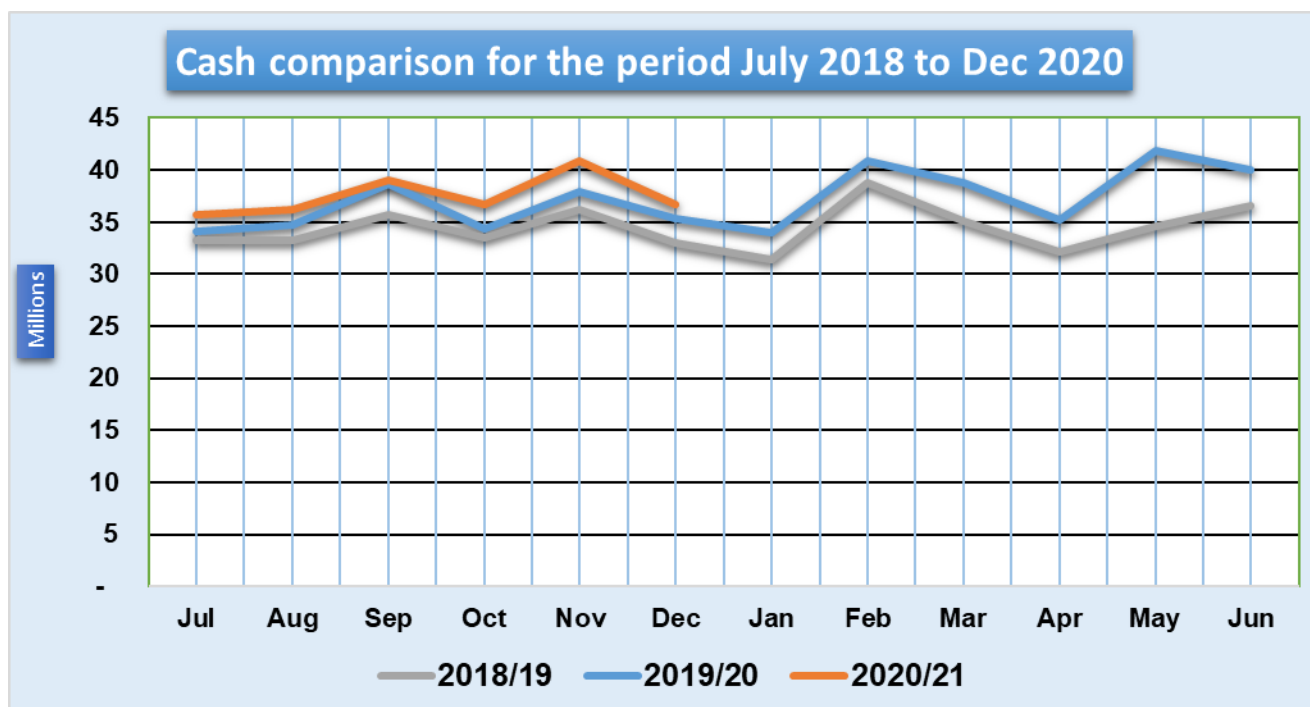
QUARTERLY BUDGET REVIEW - DECEMBER 2020 (cont'd)

3.6 Capital Expenditure

Historical expenditure on capital works:



3.7 Cash Balance



The balance of Cash and cash equivalents at 30 June 2021 proposed to be \$32.2 million.

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QUARTERLY BUDGET REVIEW - DECEMBER 2020 (cont'd)

3.8 Financial Performance Measures

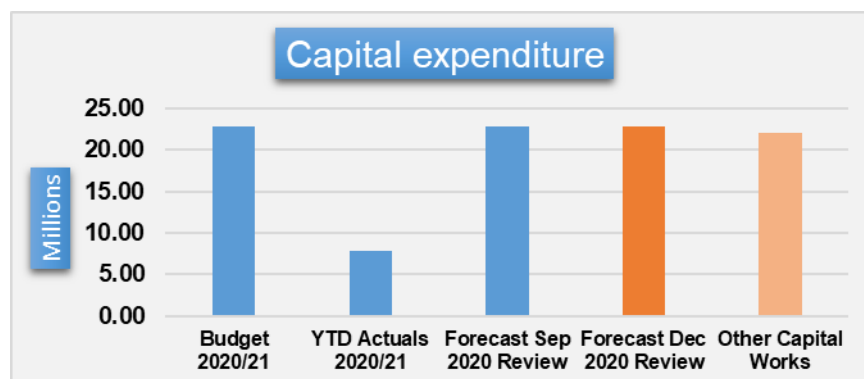
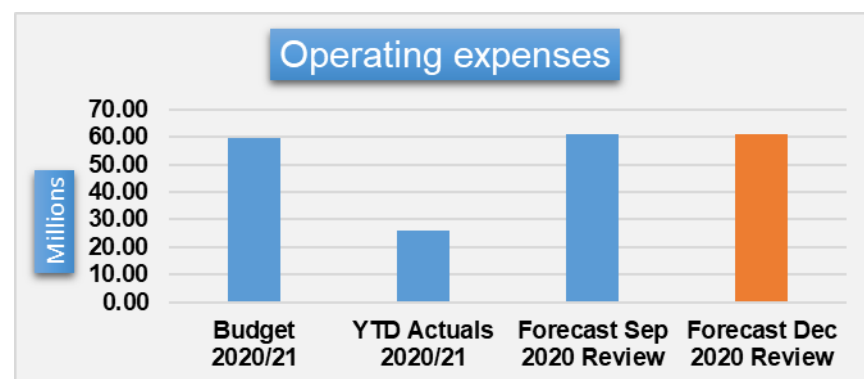
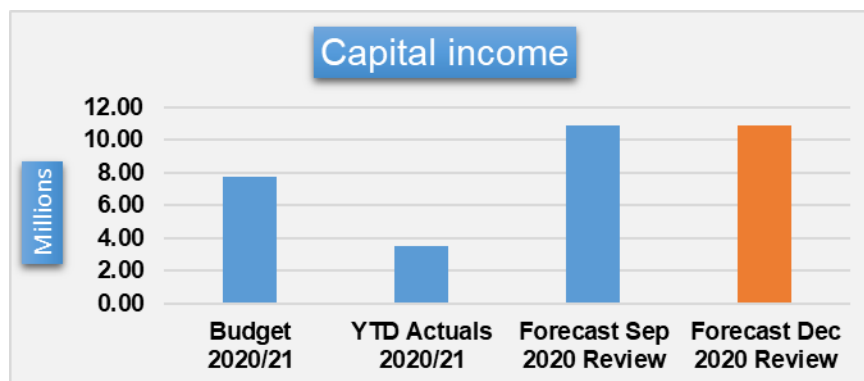
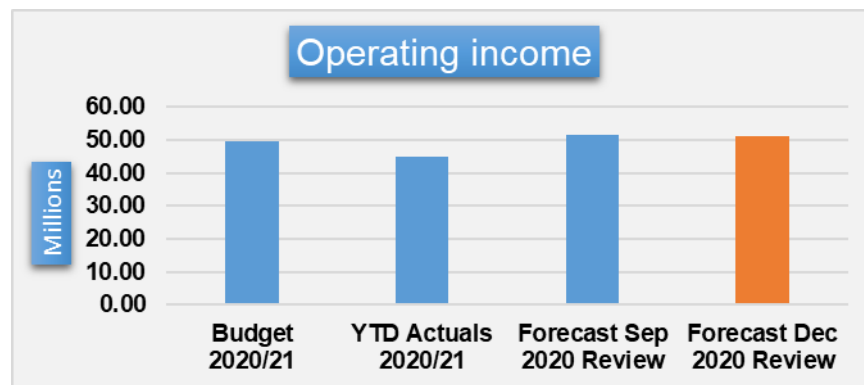
	Dimension/indicator /measure	Band / Range	Results 2019	Results 2020	Budget 2020/21	Sep 2020 Review	Dec 2020 Review
	Efficiency						
	Expenditure level						
E2	Expenses per property assessment [Total expenses / Number of property assessments]	\$2,000 to \$5,000	\$3,197	\$3,369	\$3,383	\$3,412	\$3,389
	Revenue level						
E4	Average rate per property assessment [General rates and Municipal charges / Number of property assessments]	\$700 to \$2,000	\$1,641	\$1,673	\$1,742	\$1,718	\$1,726
	Liquidity						
	Working capital						
L1	Current assets compared to current liabilities [Current assets / Current liabilities] x100	100% to 400%	333.69%	337.56%	338.73%	383.56%	380.93%
	Unrestricted cash						
L2	Unrestricted cash compared to current liabilities [Unrestricted cash / Current liabilities] x100	10% to 300%	268.14%	259.24%	255.30%	300.13%	333.69%
	Obligations						
	Loans and borrowings						
O2	Loans and borrowings compared to rates [Interest bearing loans and borrowings / Rate revenue] x100	0% to 70%	6.73%	3.93%	15.57%	15.47%	15.53%
O3	Loans and borrowings repayments compared to rates [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	0% to 20%	3.73%	2.88%	1.61%	1.60%	1.61%
	Indebtedness						
O4	Non-current liabilities compared to own source revenue [Non-current liabilities / Own source revenue] x100	2% to 70%	29.91%	31.23%	43.78%	43.24%	40.13%
	Asset renewal and upgrade						
O5	Asset renewal and upgrade compared to depreciation [Asset renewal and upgrade expense / Asset depreciation] x100	40% to 130%	130.17%	78.73%	96.27%	96.27%	96.27%
	Operating position						
	Adjusted underlying result						
OP1	Adjusted underlying surplus (or deficit) [Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100	-20% to 20%	7.22%	1.91%	-7.50%	-0.19%	-1.59%
	Stability						
	Rates concentration						
S1	Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	30% to 80%	60.01%	62.39%	70.31%	64.34%	65.40%
	Rates effort						
S2	Rates compared to property values [Rate revenue / Capital improved value of rateable properties in the municipality] x100	0.15% to 0.75%	0.60%	0.59%	0.58%	0.56%	0.56%

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QUARTERLY BUDGET REVIEW - DECEMBER 2020 (cont'd)

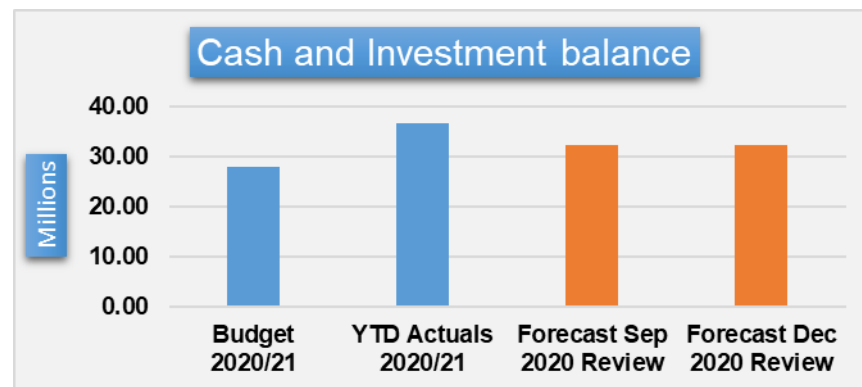
3.9 Financial Indicators



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4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

QUARTERLY BUDGET REVIEW - DECEMBER 2020 (cont'd)



4. Risk Management

It is appropriate to examine the risks as they may affect Council's financial position. The areas identified below flagged to highlight potential impacts on Council.

Capital Works

Council's capital works need to be managed prudently to strengthen Council's financial position and ensure Council meets all the low risk financial sustainability indicators as specified by the Victorian Auditor-General's Office.

Grant Income

Council has a significant level of government grants. These grants underpin several capital works projects and operating programs, all of which are of importance to the Moira community. Capital grants for 2020/21, total \$9.99 million and operating grants \$7.45 million (this excludes \$5.83 million of 2020/21 Financial Assistance Grant received in 2019/20).

5.

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.4

QUARTERLY BUDGET REVIEW - DECEMBER 2020 (cont'd)

Environmental Upgrade Agreement (EUAs) - Quarterly Performance Reporting

This report provides an update on the Environmental Upgrade Agreements involving Council, as required by Section 181G of the *Local Government Act 1989*.

EUAs provide a mechanism to assist business located within Moira Shire to fund works that improve the energy, water or environmental efficiency or sustainability of a building on their rateable land.

Under a EUA, councils administer the recovery of the EUA charges and transfer the funds to the funding body. Council does not provide funding or assume financial risk.

Councils are required to report quarterly on the performance of EUAs involving council.

Reporting requirement	Status as at 30 December 2020
a) Each environmental upgrade agreement entered into in the last quarter, and the rateable land to which the agreement relates	No new agreements were entered into during the reporting period
b) Each environmental upgrade charge approved in respect of the agreements referred to in paragraph (a), and the value of the charges	No new agreements were entered into during the reporting period
c) The total number of environmental upgrade charges in operation in the last quarter;	4
d) The total value of all environmental upgrade charge payments that have fallen due and have not been paid;	Nil
e) The total value of all environmental upgrade charge payments that are yet to fall due.	\$4,557,831.91

6. Internal and External Consultation

The following members of staff consulted:

- Corporate Management Team
- All Managers
- Financial Controller

The Council's December 2020 budget review provided for public viewing in accordance with Council's open and transparent governance policy.

7. Regional Context

There are no regional issues to consider within this report.

8. Council Plan Strategy

A well run Council.

9. Legislative / Policy Implications

This report complies with Section 97 of the *Local Government Act 2020*, and Council's Budget and Financial Reporting policy.

10. Environmental Impact

Council's sound financial position continues to allow Council to implement and maintain its environmental projects.

11. Conflict of Interest Considerations

There are no officer conflicts of interest issues to consider within this report.

12. Conclusion

The projected cash position is \$32.24 million as at 30 June 2021.

An operating surplus of \$1.27 million forecast as at 30 June 2021.

A total 2020/21 capital works program of \$44.86 million.

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QUARTERLY BUDGET REVIEW - DECEMBER 2020 (cont'd)

Council continues to manage its position and continues to seek additional revenue streams and monitor expenditure.

Attachments

Nil

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4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

LGPRF 2020/21 HALF YEARLY REPORT

RECOMMENDATION

That Council note the progress towards the Local Government Performance Reporting Framework for the first six months of 2020/21.

1. Executive Summary

This report details performance against Council's Performance Reporting Framework for the first 6 months of 2020/21.

Council's Performance Reporting Framework comprises of 58 indicators measuring financial and non-financial performance and is based on the Local Government Performance Reporting Framework (LGPRF) and the Government and Management Checklist.

The report has been prepared in accordance with Moira Shire's Performance Reporting Policy and Performance Reporting Framework and fulfils Council's reporting statutory and policy obligations.

Council's performance across the first 6 months of 2020/21 is summarised below.

2. Background and Options

Council is required to prepare and publish a half yearly report detailing performance against Council's Performance Reporting Framework that includes the Local Government Performance Reporting Indicators.

COVID 19 restrictions have impacted on a number of performance indicators during the reporting period. This included the temporary closure of the Numurkah Aquatic and Fitness Centre, the libraries in the major towns and the suspension of the mobile library service offered to the smaller communities also with consistent travel restrictions within Victoria and the border closures.

Council's full year report is published in the Annual Report and via the [Know Your Council](#) website. While the full year report is audited, the half yearly report is not audited but provides an opportunity to review processes and performance.

Report highlights

- A 66% decrease in the number of visits to our aquatic facilities for the same period last year has been being attributed to the impacts of COVID-19.
- A proactive community awareness approach on responsible pet ownership to reunite impounded pets has seen a continual increase in registered pets being re-united with their owners. Almost 35% of all animals collected by Council have been re-united with their owners with 67% of all animals collected either reunited with their owners or rehomed with a new owner.
- Council continues its efforts in streamlining system and operational efficiencies for the provision of Environmental Health services:
 - Number of days between receipt and first response of food complaints have decreased by 51% since 2018
 - Food safety inspections reports can now be produced and sent in the field with the implementation of "Mobile Health"
 - In response to COVID-19 Council implemented centralised bookings for inspections, and virtual assessments for mobile food premises unable to cross the Victorian border
 - Over 100% of food premises have received safety assessments in the last six-month period.
- A decrease in active library borrowers has been attributed to the impacts of COVID 19 restrictions.
- Participation rate for Maternal and Child Health services showed a decline in the six-month report to December 2020. Although the data is still within the expected range, Council staff continue to review their processes to capture all clients. Full year reporting shows a more accurate representation of participation.
- Moira Shire residents continue to achieve excellent rates of recycling and organic waste processing with the total of proportion of waste diverted out of landfill surpassing 56% of all kerbside waste collected. Comparison data from the Know Your Council website shows Moira Shire Council leading the way in this indicator.
- Increase in loans and borrowings compared to rates reflects the 2020/21 budgeted borrowings for the Yarrawonga Library and Cobram East drainage projects.
- Council maintains a healthy financial position however some of the key indicators have been impacted by the Federal Government's prepayment of this year's assistance grants in the previous financial year. This impact of the payment timing is highlighted by Council's adjusted underlying surplus which is currently -1.59%.

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

3. Financial Implications

There are no financial risks associated with this report.

4. Risk Management

Compliance with the Local Government Act, Reporting regulations and Council Policy.

5. Conflict of Interest Considerations

There are no Council officer conflicts associated with the preparation of this report.

6. Conclusion

This report fulfills Council's requirement for half yearly reporting in accordance with Moira Shire Local Government Performance Reporting Framework. The report presents changes and highlights that have occurred in the first 6 months of the 2020/21 reporting period.

It is recommended that Council note this half yearly progression of this report.

Attachments

- 1 LGPRF - six monthly report to December 2020

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4. A WELL RUN COUNCIL

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Indicator - Service Performance						
Aquatic Facilities						
To provide safe, accessible and well utilised facilities						
AF2	Health inspections of aquatic facilities <i>[Number of authorised officer inspections of council aquatic facilities / Number of council aquatic facilities]</i>	.86	1.00	1.14	0.00	No inspections have occurred in this reporting period. Inspections will occur in the early part of 2021.
AF6	Utilisation of aquatic facilities <i>[Number of visits to aquatic facilities / Municipal population]</i>	3.01	2.99	2.11	0.34	The outbreak of the Covid-19 pandemic throughout Melbourne and Regional Victoria during 2020 has affected consumer confidence, and consistent travel restrictions and border closures have also seen our local and holiday participation attendance dramatically decrease throughout our pool facilities.
AF7	Cost of aquatic facilities <i>[Direct cost of aquatic facilities less income received / Number of visits to aquatic facilities]</i>	New in 2020	New in 2020	\$11.70	\$11.11	New indicator introduced in the 2019/20 reporting period, combines both indoor and outdoor facilities cost.
Animal Management						
To protect the health and safety of animals, humans and the environment						
AM1	Time taken to action animal management requests <i>[Number of days between receipt and first response action for all animal management requests / Number of animal management requests]</i>	1.00	1.00	1.01	1.01	
AM2	Animals reclaimed <i>[Number of animals reclaimed / Number of animals collected]</i>	23.72%	24.12%	30.37%	34.62%	Council continues to promote community awareness on responsible pet ownership in its endeavour to reunite impounded pets with their owners. This proactive approach has attributed to a continual increase in registered pets being returned to their owners.
AM5	Animals rehomed <i>[Number of animals rehomed/Number of animals collected] x 100</i>	New in 2020	New in 2020	49.74%	32.42%	A proactive media campaign promotes re-housing of suitable pets through Council's Pet Adoption Program or Foster Care program.

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4. A WELL RUN COUNCIL

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Animal Management cont'd To protect the health and safety of animals, humans and the environment						
AM6	Cost of animal management service per population <i>[Direct cost of animal management service/Population]</i>	\$11.70	\$8.81	\$11.23	\$5.32	This result is for the 6-month reporting period. Full year reporting will show a more accurate representation of cost.
AM7	Animal management prosecutions <i>[Number of successful animal management prosecutions/Number of animal management prosecutions] x 100</i>	New in 2020	New in 2020	100.00%	0	No prosecutions occurred in this reporting period.
Food Safety To protect public health by preventing the sale of unsafe food						
FS1	Time taken to action food complaints <i>[Number of days between receipt and first response action for all food complaints / Number of food complaints]</i>	2.43	2.25	1.38	1.17	Council has continued its efforts on streamlining system and operational efficiencies allowing EHO's to action complaints on the day they're received.
FS2	Food safety assessments <i>[Number of registered class 1 food premises and class 2 food premises that receive an annual food safety assessment in accordance with the Food Act 1984 / Number of registered class 1 food premises and class 2 food premises that require an annual food safety assessment in accordance with the Food Act 1984] x100</i>	100.00%	106.39%	117.33%	103.70%	Council has implemented 'Mobile Health', an electronic tool allowing inspection reports to be produced and sent in the field. In response to COVID-19, Council implemented centralised bookings for inspections, and virtual assessment for mobile food premises unable to cross the Victoria border.
FS3	Cost of food safety service <i>[Direct cost of the food safety service / Number of food premises registered or notified in accordance with the Food Act 1984]</i>	\$535.67	\$482.06	\$443.99	\$280.66	Council continues to improve the use of Health Manager and Mobile health to enable more efficient registrations and inspections of food premises. Additionally, a single registration cycle has replaced four quarterly periods, allowing all registration renewals to be processed in one annual period.

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Food Safety cont'd To protect public health by preventing the sale of unsafe food						
FS4	Critical and major non-compliance outcome notifications <i>[Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100</i>	21.43%	100.00%	100.00%	100.00%	
Governance To make and implement decisions in the best interests of the community						
G1	Council decisions made at meetings closed to the public <i>[Number of council resolutions made at ordinary or special meetings of council, or at meetings of a special committee consisting only of councillors, closed to the public / Number of council resolutions made at ordinary or special meetings of council or at meetings of a special committee consisting only of councillors] x100</i>	20.61%	8.14%	7.38%	8.22%	Council is committed to minimising the number of resolutions made in closed meetings and remains below the all Council average.
G2	Satisfaction with community consultation and engagement <i>[Community satisfaction rating out of 100 with how council has performed on community consultation and engagement]</i>	50.00	53.00	53.00	N/A	Reported annually.

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Governance cont'd To make and implement decisions in the best interests of the community						
G3	Councillors attendance at Councils meetings <i>[The sum of the number of councillors who attended each ordinary and special council meeting / (Number of ordinary and special council meetings) x (Number of councillors elected at the last council general election)] x100</i>	94.44%	96.83%	90.74%	98.41%	Attendance at Council meetings has increased in the past six months.
G4	Cost of elected representation <i>[Direct cost of the governance service / Number of councillors elected at the last council general election]</i>	\$40,509.56	\$41,403.44	\$40,190.89	\$16,239.56	This result is for the 6-month reporting period. Full year reporting will show a more accurate representation of cost.
G5	Satisfaction with Councils decisions <i>[Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]</i>	48.00	49.00	50.00	N/A	Reported annually.
Libraries To provide free accessible and well utilised print and digital based resources						
LB1	Physical library collection usage <i>[Number of physical library collection item loans / Number of library physical collection items]</i>	3.07	2.98	2.44	2.40	Even with the impacts of COVID-19, which included the temporary closure of libraries, usage remained steady.
LB2	Recently purchased library collection <i>[Number of library collection items purchased in the last 5 years / Number of library collection items] x100</i>	48.19%	49.95%	51.31%	48.06%	
LB4	Active library borrowers in municipality <i>[Number of active library borrowers in the last three years / The sum of the population for the last three years] x100</i>	15.47%	15.71%	15.61%	14.00%	The impacts of COVID-19 has seen temporary closure of libraries, including the mobile library facility that services the shires smaller communities, resulting in a slight decrease.

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Libraries cont'd						
To provide free accessible and well utilised print and digital based resources						
LB5	Cost of library service per population <i>[Direct cost of the library service/Population]</i>	\$18.99	\$19.71	\$20.34	\$20.34	
Maternal and Child Health						
To promote healthy outcomes for children in their families						
MC2	Infant enrolments in MCH service <i>[Number of infants enrolled in the MCH service (from birth notifications received) / Number of birth notifications received] x100</i>	101.62%	101.85%	100.55%	101.38%	
MC3	Cost of MCH service <i>[Cost of the MCH service / Hours worked by MCH nurses]</i>	\$87.52	\$93.35	\$85.97	\$97.31	Variance driven by increased delivery of enhanced Maternal & Child Health funding services in line with increased funding provided by DHHS.
MC4	Participation in the MCH service <i>[Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100</i>	80.35%	80.61%	81.89%	73.67%	This result is for the 6-month reporting period. Full year reporting will show a more accurate representation of participation.
MC5	Participation in MCH service by Aboriginal children <i>[Number of aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100</i>	93.27%	93.10%	94.81%	88.15%	This result is for the 6-month reporting period. Full year reporting will show a more accurate representation of participation.
MC6	Participation in 4-week Key Age and Stage visit <i>[Number of 4-week key age and stage visits/ Number of birth notifications received] x 100</i>	New in 2020	New in 2020	98.62%	97.24%	

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Roads To provide a sealed local road network that is safe and efficient						
R1	Sealed local road requests <i>[Number of sealed local road requests / Kilometres of sealed local roads] x100</i>	26.66	16.33	17.01	8.13	This result is for the 6-month reporting period. Full year reporting will show a more accurate representation of cost.
R2	Sealed local roads below the intervention level <i>[Number of kilometres of sealed local roads below the renewal intervention level set by council / Kilometres of sealed local roads] x100</i>	89.81%	91.00%	94.65%	N/A	Reported annually.
R3	Cost of sealed local road reconstruction <i>[Direct cost of sealed local road reconstruction / Square metres of sealed local roads reconstructed]</i>	\$26.50	\$75.44	\$50.64	N/A	Reported annually.
R4	Cost of sealed local road resealing <i>[Direct cost of sealed local road resealing / Square metres of sealed local roads resealed]</i>	\$4.98	\$4.26	\$4.46	N/A	Reported annually.
R5	Satisfaction with sealed local roads <i>[Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]</i>	44.00	49.00	51.00	N/A	Reported annually.
Statutory Planning To make planning application decisions which are consistent with the local planning scheme						
SP1	Time taken to decide planning applications <i>[The median number of days between receipt of a planning application and a decision on the application]</i>	51.00	57.00	56.00	58.00	

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Statutory Planning cont'd						
To make planning application decisions which are consistent with the local planning scheme						
SP2	Planning applications decided within 60 days <i>[Number of planning application decisions made within 60 days / Number of planning application decisions made] x100</i>	79.75%	69.45%	64.23%	64.36%	
SP3	Cost of statutory planning service <i>[Direct cost of statutory planning service / Number of planning applications received]</i>	\$1,457.47	\$1,474.46	\$1,477.26	\$722.31	This result is for the 6-month reporting period. Full year reporting will show a more accurate representation of cost.
SP4	Planning decisions upheld at VCAT <i>[Number of VCAT decisions that did not set aside Council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100</i>	66.67%	75.00%	100.00%	0	No VCAT decisions have occurred during this reporting period.
Waste Collection						
To maximise the amount of kerbside waste diverted from landfill						
WC1	Kerbside bin collection requests <i>[Number of kerbside garbage and recycling bin collection requests / Number of kerbside bin collection households] x1,000</i>	18.47	19.28	36.04	21.45	This six monthly figure is in line with last year's figures.
WC2	Kerbside collection bins missed <i>[Number of kerbside garbage and recycling bin collection requests / Number of kerbside bin collection households] x1,000</i>	0.40	0.55	1.14	0.58	This is a good result and in line with previous figures.
WC3	Cost of kerbside garbage bin collection service <i>[Direct cost of the kerbside garbage bin collection service / Number of kerbside collection bins]</i>	\$128.77	\$128.08	\$128.71	\$70.87	Driven by a 9.5% increase in volume collected compared to the same time last year.

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Waste Collection cont'd To maximise the amount of kerbside waste diverted from landfill						
WC4	Cost of kerbside recyclables bin collection service <i>[Direct cost of the kerbside recyclables bin collection service / Number of kerbside recyclables collection bins]</i>	\$49.53	\$58.35	\$57.48	\$34.44	Driven by a 19.5% increase in direct cost compared to the same time last year, due to increased volumes and increased industry contract price.
WC5	Kerbside collection waste diverted from landfill <i>[Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100</i>	54.39%	53.41%	54.64%	56.22%	Still showing some continuous improvement even though recyclables markets are in turmoil.
Indicator - Financial Performance						
Efficiency Uses resources efficiently						
E2	Expenses per property assessment <i>[Total expenses / Number of property assessments]</i>	\$2,962.66	\$3,196.56	\$3,368.75	\$3,389.39	
E4	Average rate per property assessment <i>[Total rate revenue/Number of property assessments]</i>	New in 2020	New in 2020	\$1,673.01	\$1,752.72	New indicator introduced in the 2019/20 reporting period, replacing the previous average residential rate per property assessment.
Liquidity Generate sufficient cash to pay bills on time						
L1	Current assets compared to current liabilities <i>[Current assets / Current liabilities] x100</i>	444.74%	333.69%	337.56%	380.93%	Results are due to early receipt of income from 2021/22 financial assistance grants.
L2	Unrestricted cash compared to current liabilities <i>[Unrestricted cash / Current liabilities] x100</i>	360.82%	268.14%	265.77%	333.69%	Results are due to early receipt of income from 2021/22 financial assistance grants.

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Obligations						
Appropriate level of long term obligations						
O2	Loans and borrowings compared to rates <i>[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100</i>	10.07%	6.73%	3.93%	15.53%	Result includes 2020/21 budget increase in loans for Yarrawonga Library and Cobram East drainage projects.
O3	Loans and borrowings repayments compared to rates <i>[Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100</i>	3.82%	3.73%	2.88%	1.61%	Result does not include 2020/21 budget increase in loans for Yarrawonga Library and Cobram East drainage as funds have not been drawn down.
O4	Non-current liabilities compared to own source revenue <i>[Non-current liabilities / Own source revenue] x100</i>	33.41%	29.91%	31.23%	40.13%	
O5	Asset renewal and asset upgrade compared to depreciation <i>[Asset renewal and asset upgrade expense/Asset depreciation] x 100</i>	New in 2020	New in 2020	78.74%	96.27%	New indicator adding asset upgrades to asset renewals, COVID-19 restrictions caused delays in the commencement of some capital works projects.
Operating position						
General an adjusted underlying surplus						
OP1	Adjusted underlying surplus (or deficit) <i>[Adjusted underlying surplus (deficit)/ Adjusted underlying revenue] x100</i>	11.34%	7.22%	1.92%	-1.59%	Results are due to early receipt of income from 2021/22 financial assistance grants.
Stability						
Generate revenue from a range of sources						
S1	Rates compared to adjusted underlying revenue <i>[Rate revenue / Adjusted underlying revenue] x100</i>	60.70%	60.01%	62.39%	65.40%	

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4. A WELL RUN COUNCIL

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2018	2019	2020	July to Dec 2020	Comments
Stability cont'd Generate revenue from a range of sources						
S2	Rates compared to property values <i>[Rate revenue / Capital improved value of rateable properties in the municipality] x100</i>	0.64%	0.60%	0.59%	0.56%	
Indicator – Sustainability Capacity Sustainable Capacity Meet the agreed service needs of the community						
C1	Expenses per head of municipal population <i>[Total expenses / Municipal population]</i>	\$1,758.39	\$1,888.82	\$2,005.38	\$2,032.73	
C2	Infrastructure per head of municipal population <i>[Value of infrastructure / Municipal population]</i>	\$15,188.70	\$15,451.76	\$16,299.72	\$17,099.82	
C3	Population density per length of road <i>[Municipal population / Kilometres of local roads]</i>	8.08	8.15	8.20	8.20	
C4	Own source revenue per head of municipal population <i>[Own-source revenue / Municipal population]</i>	\$1,419.52	\$1,484.38	\$1,516.15	\$1,470.25	
C5	Recurrent grants per head of municipal population <i>[Recurrent grants / Municipal population]</i>	\$519.94	\$472.90	\$514.39	\$260.76	2020/21 result is due to 50% of the Financial Assistance Grant received in advance and recognised as income in 2019/20.
C6	Relative Socio-Economic Disadvantage <i>[Index of Relative Socio-economic Disadvantage by decile]</i>	2.00	2.00	2.00	2.00	
C7	Percentage of staff turnover <i>[Number of permanent staff resignations and terminations/Average number of permanent staff for the financial year] x 100</i>	9.75%	15.62%	12.95%	4.44%	Result reflects lower staff turnover mainly due to COVID-19.

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



LGPRF Indicator	Performance Measure	2020	July to Dec 2020
Indicator – Governance and Management checklist			
Checklist Strong Governance and Management Frameworks			
1	Community engagement policy <i>(policy outlining council's commitment to engaging with the community on matters of public interest)</i>	The new Local Government Act 2020 requires a policy to be developed and adopted by 1 March 2021. A working group has been set up to engage with the community in line with the requirements of the new act to develop this policy.	The Draft Community Engagement Policy has been developed and is currently out for public consultation. The final policy will be presented to Council at its February meeting.
2	Community engagement guidelines <i>(guidelines to assist staff to determine when and how to engage with the community)</i>	Adopted June 2007, amended September 2011. The guidelines will be updated and new practices established during the development of the Community Engagement Policy.	Adopted June 2007, amended September 2011 The draft Community Engagement Framework has been developed and will be finalised in line with the adoption of the Community Engagement Policy.
3	Strategic Resource Plan <i>(plan under section 126 of the Act outlining the financial and non-financial resources required for at least the next 4 financial years)</i>	Adopted: 24 June 2020	No change
4	Annual Budget <i>(plan under section 130 of the Act setting out the services to be provided and initiatives to be undertaken over the next 12 months and the funding and other resources required)</i>	Adopted: 24 June 2020	No change
5	Asset management plans <i>(plans that set out the asset maintenance and renewal needs for key infrastructure asset classes for at least the next 10 years)</i>	Operation of current plans: 17 August 2009	No change
6	Rating strategy <i>(strategy setting out the rating structure of Council to levy rates and charges)</i>	Adopted: 27 March 2019	No change
7	Risk policy <i>(policy outlining Council's commitment and approach to minimising the risks to Council's operations)</i>	Adopted: 23 October 2019	No change
8	Fraud policy <i>(policy outlining council's commitment and approach to minimising the risk of fraud)</i>	Adopted: 27 May 2020	No change

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LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

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9	Municipal emergency management plan <i>(plan under section 20 of the Emergency Management Act 1986 for emergency prevention, response and recovery)</i>	6 July 2016 Reviewed plan scheduled to be presented to Council meeting 24 July 2019	Endorsed: 24 July 2019
10	Procurement policy <i>(Policy under section 186A of the Act outlining the matters, practices and procedures that will apply to all purchases of goods, services and works)</i>	Adopted: 10 December 2019	Adopted: 25 November 2020
11	Business continuity plan <i>(plan setting out the actions that will be undertaken to ensure that key services continue to operate in the event of a disaster)</i>	Adopted: 23 January 2018	No change
12	Disaster recovery plan <i>(plan setting out the actions that will be undertaken to recover and restore business capability in the event of a disaster)</i>	Adopted: 22 May 2018 Updated: May 2019	No change
13	Risk management framework <i>(framework outlining council's approach to managing risks to the Council's operations)</i>	Framework consists of Council Risk Policy 23 October 2019, Fraud Management Policy 27 May 2020, Risk Management Plan (under review) and Audit & Risk Committee Charter 27 May 2020	Framework consists of Council Risk Policy 23 October 2019, Fraud Management Policy 27 May 2020, Risk Management Plan (under review) and Audit & Risk Committee Charter 28 November 2020
14	Audit Committee <i>(advisory committee of council under section 139 of the Act whose role is to oversee the integrity of a council's financial reporting, processes to manage risks to the council's operations and for compliance with applicable legal, ethical, and regulatory requirements)</i>	Established March 1997 Audit & Risk Charter adopted 27 May 2020	Established March 1997 Audit & Risk Charter adopted 28 November 2020
15	Internal audit <i>(independent accounting professionals engaged by the council to provide analyses and recommendations aimed at improving council's governance, risk and management controls)</i>	Current provider engaged: 22 January 2020	No change
16	Performance reporting framework <i>(a set of indicators measuring financial and non-financial performance, including the performance indicators referred to in section 131 of the Act)</i>	Date of operation of current framework: 10 December 2019	No change

FILE NO: F13/3135
4. A WELL RUN COUNCIL

ITEM NO: 10.2.5

LGPRF 2020/21 HALF YEARLY REPORT (cont'd)

ATTACHMENT No [1] - LGPRF - six monthly report to December 2020

LGPRF - Six Monthly Report to 31 December 2020



17	Council Plan reporting <i>(report reviewing the performance of the council against the Council Plan, including the results in relation to the strategic indicators, for the first six months of the financial year)</i>	Reported: 26 February 2020	No change
18	Financial reporting <i>(quarterly statements to Council under section 138 of the Act comparing budgeted revenue and expenditure with actual revenue and expenditure)</i>	Reports: 25 September 2019 (Annual Report 2018/19) 23 October 2019 18 December 2019 22 April 2020	Reports: 23 September 2020 (Annual Report 2019/20) 25 November 2020
19	Risk reporting <i>(six-monthly reports of strategic risks to council's operations, their likelihood and consequences of occurring and risk minimisation strategies)</i>	Reports: 20 February 2020 7 May 2020	Reports: 30 July 2020 22 October 2020
20	Performance reporting <i>(six-monthly reports of indicators measuring the results against financial and non-financial performance, including performance indicators referred to in section 131 of the Act)</i>	Annual report: 25 September 2019 Six monthly report: 27 February 2020	Annual report: 23 September 2020
21	Annual report <i>(annual report under sections 131, 132 and 133 of the Act to the community containing a report of operations and audited financial and performance statements)</i>	Reported: 26 September 2018	Reported: 23 September 2020
22	Councillor Code of Conduct <i>(Code under section 76C of the Act setting out the conduct principles and the dispute resolution processes to be followed by Councillors)</i>	Adopted: 8 February 2017	No change
23	Delegations <i>(a document setting out the powers, duties and functions of council and the Chief Executive Officer that have been delegated to members of staff)</i>	Updated: 25 October 2017 Review: 28 February 2018	Updated: 26 August 2020
24	Meeting procedures <i>(a local law governing the conduct of meetings of council and special committees)</i>	Adopted: 24 May 2017	No change

FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

RATES AND CHARGES POLICY REVIEW

RECOMMENDATION

That Council revoke its Rates and Charges Policy.

1. Executive Summary

The Rates & Charges Policy was adopted in February 2016. The purpose of the Policy was to provide direction on issues involving rates and charges. The Policy duplicates what is already covered in the rates and charges provisions of the *Local Government Act 1989*, which remain in place until they have been repealed and replaced in the *Local Government Act 2020*.

A review of this legislation has determined that it is no longer required as it is a duplication of what is covered in the Act. Council also has additional policies in place to provide guidance to ratepayers in respect to financial hardship and collection of rates and charges.

2. Background and Options

The Rates & Charges Policy was first adopted by Council in March 2002 and was developed to provide direction on issues involving rates and charges including Valuations, Supplementary Valuations, Preparing and Issuing Rates Notices, Fire Services Property Levy, Non-rateable Land, Payment Arrangements, Rebates and Concessions, Waiver of Rates, Charges or Interest, Financial Hardship, Interest on Unpaid Rates or Charges, Recovery of Unpaid Rates or Charges. The Policy was last reviewed and adopted in February 2016.

Council continues to have policies in place to address financial hardship for rateable properties in the shire, including the Financial Hardship Policy and the COVID-19 Financial Hardship Policy.

A new Rate Collection Policy and Procedure has also been endorsed by the Chief Executive Officer on 12 January 2021. The policy provides details of Councils rate collection processes, ensuring the efficient and consistent collection of all property rates accounts. A copy of this Policy is also attached to this report.

3. Financial Implications

There are no financial implications associated with this report.

4. Risk Management

There is no risk associated with the revocation of this policy as the requirements are documented in the *Local Government Act 1989*.

5. Internal and External Consultation

The recommendation to revoke this policy has been endorsed by the Corporate Management Team.

6. Regional Context

Policies relating to rates and charges apply to all properties within the Moira Shire Council.

7. Council Plan Strategy

Revoking a policy that is no longer required supports the Council Plan Strategy of "A well run Council".

8. Legislative / Policy Implications

The policy duplicates the provisions of the *Local Government Act 1989* and is therefore no longer required.

9. Environmental Impact

There are no environmental considerations associated with this report.

10. Conflict of Interest Considerations

There are no officer conflict of interest considerations associated with this report.

11. Conclusion

It is recommended that Council revoke the Rates and Charges Policy as it is no longer required.

Attachments

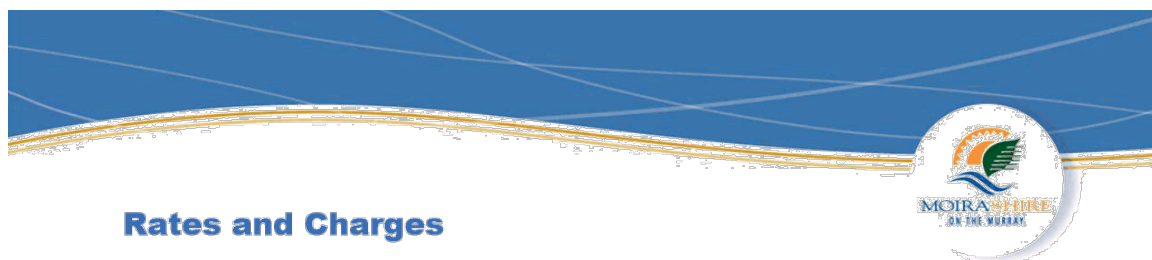
- 1 Rates & Charges Policy
- 2 Rate Collection Policy & Procedure

FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [1] - Rates & Charges Policy



Rates and Charges

Policy type	Council
Adopted by	Moira Shire Council
Responsible director	General Manager Corporate
Responsible officer	Team Leader Revenue
Date adopted	22 February 2016
Scheduled for review	22 February 2019

PURPOSE

To provide direction on issues involving rates and charges and to contribute to the effective management of Council's financial resources.

SCOPE

This policy applies to all property rates and charges payable to Council.

DEFINITIONS

Financial Hardship

When a ratepayer has difficulty in meeting basic living costs and the payment of their rates and charges significantly contributes to their financial burden.

POLICY

1) Valuations

Under s157 of the *Local Government Act 1989*, a Council may use the site value, net annual value, or capital improved value system of valuation.

Council uses the capital improved value system of valuation.

Under s11 of the *Valuation of Land Act 1960*, a general valuation of all rateable land within a municipal district must be made as at 1 January in every even calendar year.

2) Supplementary Valuations

Council will maximise its valuation base by conducting and applying supplementary valuations at least quarterly in accordance with s13DF of the *Valuation of Land Act 1960*.

3) Preparing and Issuing Rate Notices

Under s155 of the *Local Government Act 1989*, a Council may declare the following rates and charges on rateable land (as defined in s154 of the Act and s4 of the *Cultural and Recreational Lands Act 1983*):

- General rates under s158.
- Municipal charges under s159.
- Service rates under s162.

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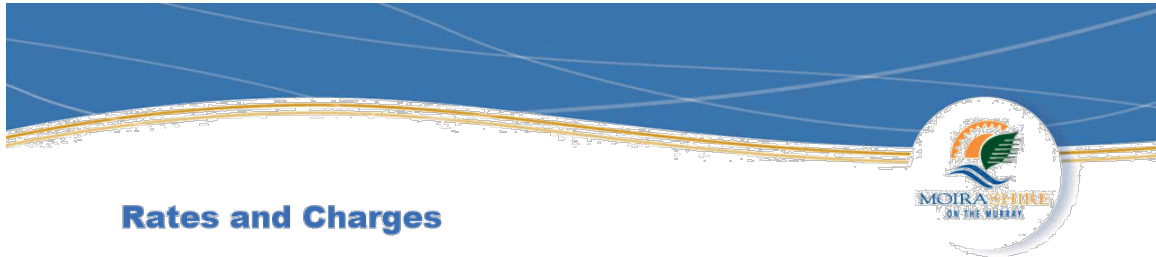
Telephone (03) 5871 9222 Fax (03) 57872 1567 NRS 133 677 Mail PO Box 578 Cobram VIC 3643
Email webmaster@moira.vic.gov.au Web www.moira.vic.gov.au
Office Locations 44 Station Street Cobram 100 Belmore Street Yarrawonga

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4. A WELL RUN COUNCIL

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RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [1] - Rates & Charges Policy



Rates and Charges

- (d) Service charges under s162.
- (e) Special rates under s163.
- (f) Special charges under s163.

Where land is defined as recreational land under the *Cultural and Recreational Lands Act 1983*, Council will determine an amount payable giving consideration to s4(1) of that Act.

Under s158 of the *Local Government Act 1989*, a rate notice must be issued at least 14 days before the date on which the first payment of the rate or charge is due.

4) Fire Services Property Levy

Council collects the Fire Services Property Levy (FSPL) in accordance with the *Fire Services Property Levy Act 2012*, which legislates that all Victorian property owners are liable for a financial contribution to the State's fire services. The FSPL is listed on the rate notice as a separate item.

5) Non-rateable Land

Under s154 of the *Local Government Act 1989* certain types of land are considered non-rateable. All applications to have land assessed as being non-rateable shall be in writing and must be accompanied by documentary evidence to support the claim. Approved applications are valid for one year only.

6) Payment Arrangements

Under s167 of the *Local Government Act 1989*, a Council *must* allow a person to pay a rate or charge in four instalments, and *may* allow a person to pay a rate or charge in a lump sum. Instalments and lump sum amounts are due and payable on the date fixed by the Minister by notice published in the Victorian Government Gazette. These dates are listed on rate notices.

Council offers the following payment arrangements:

- a) Quarterly instalments.
- b) Lump sum payment.
- c) 10 instalments (by direct debit only).

7) Rebates and Concessions

Under s169 of the *Local Government Act 1989*, a Council may grant a rebate or concession on any rate or charge in circumstances including, but not limited to:

- (a) To assist the proper development of the municipal district.
- (b) To preserve buildings or places in the municipal district which are of historical or environmental interest.
- (c) To restore or maintain buildings or places of historical, environmental, architectural or scientific importance in the municipal district.
- (d) To assist the proper development of part of the municipal district.

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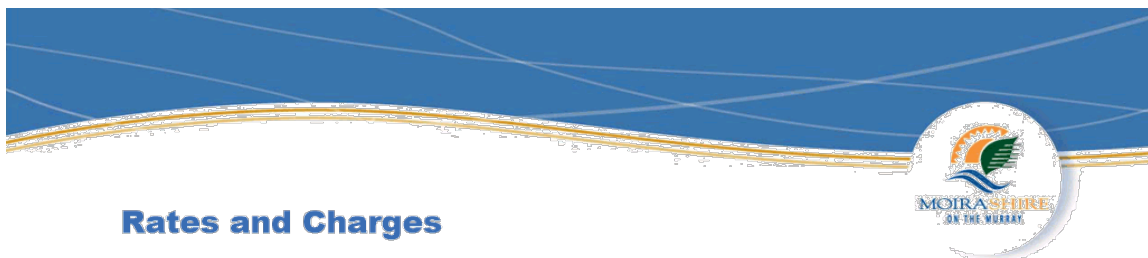
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RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [1] - Rates & Charges Policy



Rates and Charges

Council also grants the Municipal Rates Concession, which:

- (a) Is available to homeowners who hold either a Pensioner Concession Card or a Veterans' Affairs Gold Card.
- (b) Provides a 50 per cent discount on council rates up to a specified annual maximum.
- (c) Is available to homeowners in respect of their principal place of residence.

Where a property owner has entered into a conservation covenant with Trust for Nature, Council may also grant a rebate or concession.

8) Waiver of Rates, Charges or Interest

Under s171 of the *Local Government Act 1989*, a Council may waive rates, charges or interest in relation to:

- a) An eligible recipient within the meaning of the *State Concessions Act 2004*.
- b) Any other class of persons determined by a Council resolution. This could be applied in declared situations, such as exceptional circumstances resulting from a flood, bushfire or drought event. Objectives to be achieved by the waiver must be included in the Council resolution.

9) Financial Hardship

Council recognises that there may be some persons who, due to financial hardship, are genuinely unable to pay their rates and charges by the due date.

Council may provide assistance to persons who can prove financial hardship by establishing payment plans and waiving interest payable on overdue accounts.

Further details are available in the *Financial Hardship Policy*.

10) Interest on Unpaid Rates or Charges

Under s172 of the *Local Government Act 1989*, a Council is able to charge interest on rates or charges that are not paid by the due date as specified in s167 or s158(4B) of the Act.

Council will charge interest from the due date listed on the rate notice at the rate prescribed under the *Penalty Interest Rates Act 1983* as published in the Victoria Government Gazette.

11) Recovery of Unpaid Rates or Charges

Where rates and charges are overdue, Council will work with the ratepayer to establish a payment plan to recover outstanding amounts. Interest will be charged on outstanding amounts as outlined in Clause 10.

In cases where no payment plan has been established Council will, as prescribed in s180 of the *Local Government Act 1989*, commence recovery action for any material amounts outstanding.

When a debt fails to be recovered by Council or its debt collector, recovery will be sought through the Magistrates' Court.

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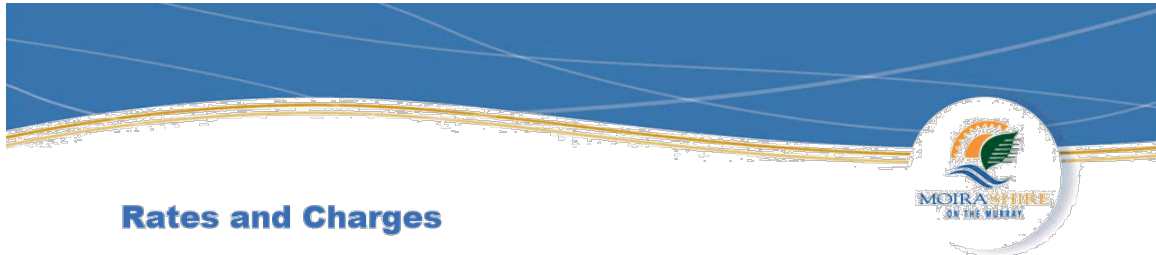
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RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [1] - Rates & Charges Policy



Rates and Charges

If procedures in accordance with s180 of the *Local Government Act 1989* fail, a report will be presented to Council considering the possible sale of the property in accordance with s181 of the *Local Government Act 1989*, if there are three or more years of outstanding rates.

12) Rating Strategy

Council will review its rating strategy at least every four years (or earlier if required) in line with the general revaluation of properties in the municipality, with the aim of adopting a fair and equitable method of apportioning rates and charges across the municipality.

RELATED POLICIES

Development of Policy Documents, and Policy Guideline
Financial Hardship Policy
Special Rates and Charges

RELATED LEGISLATION

Cultural and Recreational Lands Act 1963
Fire Services Property Levy Act 2012
Local Government Act 1989
Magistrates' Court Act 1989
Penalty Interest Rates Act 1983
State Concessions Act 2004
Valuation of Land Act 1960

REFERENCES

Instrument of (Sub) Delegation by the Chief Executive Officer

REVIEW

This policy will be reviewed three years from the date of adoption, with operational amendments as required, in accordance with Council's approval.

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Telephone (03) 5871 9222 Fax (03) 57872 1567 NRS 133 677 Mail PO Box 578 Cobram VIC 3643
Email webmaster@moira.vic.gov.au Web www.moira.vic.gov.au
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FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [2] - Rate Collection Policy & Procedure

Rate Collection Policy and Procedure



Policy type	Chief Executive Officer
Adopted by	Chief Executive Officer
Responsible General Manager	General Manager Corporate
Responsible officer	Team Leader Revenue
Date adopted	This Policy was approved at the Corporate Management Team meeting held on 12 January 2021.
Scheduled for review	This policy will be reviewed two years from the date of adoption, or sooner if required.

PURPOSE

The objective of this policy is to provide guidance and inform ratepayers of Council's debt collection procedures to reduce Council's outstanding debts while maintaining Council's professional relationship with ratepayers.

Rates constitute the majority of the income for Moira Shire Council and the payment of rates by property owners is crucial to the effective operation of Council.

Currently Rates and charges are levied against properties in accordance with the *Local Government Act 1989* (The Act).

Once the new *Local Government Act 2020* has been updated to reflect the pending rates and charges provisions this policy will be updated within 3 months from that date. Until such time the provisions of the *Local Government Act 1989* applies.

The timely recovery of rates and charges is essential to ensure adequate funding of the ongoing services and capital work projects Council provides for community benefit. To ensure equity to the broader community Council follows the payment due dates and interest calculation as set down in the Act.

Where hardship has not been established, Council will avail themselves of the options under Sections 177, 180 and 181 of the Act to recover overdue amounts. These recovery methods may include legal action and ultimately the sale of the property in question.

SCOPE

This policy will apply to Council, its employees, and its contracted service providers, including all employees of the Revenue team and Council's debt collection agency.

The policy also applies to all property owners and ratepayers of Moira Shire Council. In particular, the policy applies to those property owners where financial hardship cannot be established and Council may avail itself of the collection options under Sections 177, 180 and 181 of The Act to recover overdue amounts. These recovery methods include legal action and, in extreme circumstances, the sale of property.

It is important to note that this policy does not apply to the Fire Services Levy as that is a State government levy and Council does not have the power to waive or defer these debts.

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RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [2] - Rate Collection Policy & Procedure

Rate Collection Policy and Procedure



Overdue rates and charges cannot be challenged on the basis of non-compliance with this policy and must be paid in accordance with the required payment provisions.

Throughout any of these steps, a ratepayer may contact Council's Revenue Department to negotiate a mutually agreed payment arrangement, at which time, any action (whether it be legal action or early intervention action) will be suspended. Failure to comply with the agreed arrangement will result in the collection process resuming. Council reserve the right to discontinue any further payment arrangement negotiations if the conditions are not adhered to.

OBJECTIVES

The objectives of the Rate Collection Policy are to:

- ensure all debts owed to Council are paid, where possible, by the due date and followed up within specified timeframes;
- ensure a fair, equitable and accountable approach to Council's debt management and collection decisions and practices;
- provide transparency to ratepayers, Councillors, and staff as to Council's debt collection protocols and framework;
- assist ratepayers to meet their obligations, rather than redistributing the impact of rate arrears to other ratepayers;
- ensure Council's debt collection is sensitive and responsive to financial hardship issues;
- provide assistance to ratepayers experiencing financial hardship; and
- provide guidelines for council staff and its contractors to manage ratepayer financial hardship effectively and consistently.

Whilst the collection of rates and charges at Moira Shire Council is in accordance with the *Local Government Act 1989*, this policy will ensure that Council has clear documented guidelines for the efficient and consistent collection of all outstanding property rate accounts.

SECTION 1 – RATES AND CHARGES COLLECTION

Council relies on the prompt payment of rates and charges to run the municipality. Rather than redistributing the impact of rate arrears to other ratepayers, Council's debt collection process will be continual and ongoing.

Arrangements for the payment of rates and charges are detailed in s167 of Act. The current Instalment due dates are:

First instalment	30 September
Second instalment	30 November
Third instalment	28 February
Fourth instalment	31 May

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RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [2] - Rate Collection Policy & Procedure

Rate Collection Policy and Procedure



Lump sum payments are due by 15 February.

Rate accounts that are paying in quarterly instalments will receive an instalment notice at least 14 days before the due date of each instalment.

Rate accounts that are on a lump sum payment will receive an instalment notice at least 14 days before the due date of 15 February.

Fortnightly payments may also be setup by contacting Council. The fortnightly payments will be calculated for a period of 20 fortnightly repayments (40 weeks).

If any of the above dates fall on a non-business day, the payment date is moved to the next Business day.

Council will consider all payment options that can be managed within the Revenue area and aims to:

- Establish principles to apply to the overall collection of property rate accounts;
- Establish options of payment (Full, Instalment, Direct Debit, and Arrangements); and
- Identify the type of assistance that may be offered by Council.

Council has an established Financial Hardship Policy and should be referred to for information on waivers, payment plans or deferrals.

SECTION 2 – EARLY INTERVENTION STRATEGIES

When a ratepayer does not meet their payment obligations Council will make reasonable endeavours to inform them of the overdue amount.

The convention for Early Intervention is as follows:

Step	Action
Reminder Notice issued	A reminder notice requesting payment will be issued 14 days after the final lump sum payment is due on 15 Feb or the fourth instalment payment for those paying quarterly. The ratepayer will have 14 days to make payment.
Final Notice issued	If no payment or action has been taken by the ratepayer 14 days after a reminder notice has been sent, and the amount of rates outstanding is greater than \$500, a final notice will be issued by Council
Pending Legal Action	If the account remains unpaid after the final notice a notice is issued advising the ratepayer if no action is taken within 14 days of the notice then the account will escalate to Council's debt collection agency
Phone Call, text and/or Email contact	If the account remains unpaid after the Pending Legal notice Council will attempt contact with

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RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [2] - Rate Collection Policy & Procedure

Rate Collection Policy and Procedure



	the ratepayer in the form of a text, phone call and emails to discuss the outstanding balance and a payment arrangement put in place
--	--

Payment Arrangement

A payment arrangement is a schedule of payments agreed to by both the Council and ratepayer which provides for flexible payment of debts after their due date has lapsed. This differs from 'instalment payments' which Council offers for on-time payment of rates and charges. Details on different options for payment arrangements can be found in Council's Financial Hardship policy.

SECTION 3 – DEBT COLLECTION INITIATION

If the rate account remains unpaid after early intervention by Council and the debt is over the threshold allowed for outstanding rates, then the debt will be referred to Council debt collection agency. The current debt threshold is set at \$2,000. As the costs of legal action are significant and are charged to the property rate account the threshold may be reviewed and changed at any time by the General Manager Corporate. Any changes will be published within this policy with the date noted.

This measure will provide more time for hidden instances of financial hardship to emerge, whilst not disadvantaging the Council as penalty interest will continue to apply.

In accordance with Section 180, "if a rate or charge (including any instalment or any part of a rate or charge) remains unpaid after it is due and payable, the Council may recover it in the Magistrates' Court or by suing for debt".

A mutually agreed payment arrangement between Council and the ratepayer may be put in place at any time during the debt collection process – including legal proceedings. The arrangement will result in the suspension of any legal proceedings. If the arrangement is breached, then legal proceedings will continue.

The Financial Hardship policy should be referred to for further information on payment arrangements. Council reserve the right to discontinue any further payment arrangement negotiations if the conditions are not adhered to.

Debt Collection Referral

In order the accounts to be referred to Council's debt collection agency a file will be produced listing all outstanding greater than the debt threshold. This file is reviewed by the Revenue Officer and then referred to commence the recovery process.

The early intervention process by the debt collection agency is as follows.

Day 1	Demand letter requiring payment within 14 days
Day 3	Contact tracing (using various electronic sources to obtain additional contact details for ratepayer)
Day 7	Phone Call

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RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [2] - Rate Collection Policy & Procedure

Rate Collection Policy and Procedure



Day 10	SMS/Email
Day 14	Notice Before Summons (Solicitors letter)
Day 20	SMS/Email
Day 24	Phone Call
Day 30	SMS/Email

Following the completion of this early intervention any accounts over the debt threshold that remain unpaid or have no arrangement in place will proceed to a field call.

Field Calls

Amounts over the debt threshold that remain unpaid will then be scheduled for a field call.

- In undertaking a field call, a process server goes to the mailing address or property location to interview the debtor or ascertain where the debtor may be located.
- If no one is in attendance at the premises, then the process server returns another (2) times and will leave a card advising the occupier of the premises to contact them.

The process server will complete a report which is then sent back to the debt collection agency which shows the type of property, vehicles on the premises and any other information as to the interview or non-presence of persons.

SECTION 4 – LEGAL ACTION PROCEDURE

Throughout any of the above mentioned stages, a mutually agreed payment arrangement between Council and the ratepayer may be put in place which will suspend any legal proceedings. If the arrangement is breached, then legal proceedings will continue.

Details on different options for payment arrangements can be found in Council's Financial Hardship policy. Council reserves the right to terminate any negotiations in regards to a payment arrangement if the terms and conditions are not adhered to.

All associated legal fees in relation to debt recovery action are as per the Magistrates Court General Civil Procedure Rules – Scale of Costs, all of which are recoverable from the ratepayer. Any legal costs incurred will generally not be waived. Council's Hardship Policy should be referred to for waivers.

Issuing of Complaint

After a minimum of 21 days since the initial Demand letter or text, should no contact (including the receipt of full or part payment) be received from the customer by either Council or the debt collection agency and the amount of the debt is no less than the threshold. The debt may be referred to the Magistrates' Court and a Complaint issued in accordance with Section 180 of the Act.

Once a complaint is prepared and lodged with the Court for issue, the associated legal costs become chargeable to the ratepayer.

Within 21 days from the date of service of a complaint the ratepayer is obligated to:

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RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [2] - Rate Collection Policy & Procedure

Rate Collection Policy and Procedure



- Pay the claim in full plus costs or
- Request a suitable payment arrangement or
- Lodge a completed Notice of Defence with the Court (thereby giving notice of their intention to dispute the claim).

After the expiration of the 21 days if the ratepayer has failed to carry out any of the above (including the receipt of full or part payment be received from the ratepayer by either Council or the debt collection agency,) an application will be made to the Court for a Judgement Order against the ratepayer for the amount of the debt plus costs.

Issuing of Judgement (Magistrates Court)

A Judgement Order will have a negative effect on the ratepayers' credit file for the next 5 years. Judgement must be obtained prior to the expiry of the Complaint (regardless of the debtor's circumstances) if the debt including legal costs aren't paid in full.

If payment is made in full after the Judgement Order has been entered, then Council will issue a letter confirming the debt has been paid and requesting the judgment to be set aside by the court. The debtor can then take this letter to the Court and apply to have the Judgment dissolved.

Where the above actions fail to result in collection of the outstanding debt, the following actions are available to Council to facilitate recovery:

Instalment order (Judgement Debt Recovery Act)

An application may be made to the Court of an Order that debts including interest and costs be paid by instalments. This is done by way of Application to the Court. The Court then may Order that the defendant pay the outstanding amount according to their means.

Summons of Oral Examination (Magistrates Court)

After 14 days from the date of issue of the Judgement, should no contact (including the receipt of full or part payment) be received from the customer by either Council or the debt collection agency the matter may proceed to Summons Oral Examination (SOE).

This procedure is used for gathering information about the debtor, including assets, bank account, employment details, etc.

A summons for oral examination is served on the defendant, which requires them to attend Court and be examined by the Registrar of the Magistrates' Court. The defendant must divulge their financial situation under oath to the Registrar including their means to satisfy the debt.

If the defendant fails to attend on the specified day, the Court may issue a Warrant to Arrest to enforce attendance.

Issue of Attachment of Earnings

An Attachment of Earnings Summons can be issued by the Magistrates Court. A "Particulars of Employment" form is sent to the payroll office of the defendant's employer. This form is then

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RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [2] - Rate Collection Policy & Procedure

Rate Collection Policy and Procedure



completed and returned to the solicitor setting out the gross/net wages, number of dependents etc.

The Court can then order that a specified amount be deducted from the defendant's wages. It is an offence for the employer not to return the particulars of employment form or refuse to make deductions as ordered by the court.

The defendant's employment cannot be terminated under the Act as a result of this action.

Rental Demands

The rental demand procedure is available under Section 177 of the Act.

By way of service of a rental demand, the rent paying occupier is notified that he/she is required to pay rent directly to Council. It is an offence for the owner to interfere with these payments. If the occupier refuses to comply with this demand, Council may issue legal proceedings against the occupier to recover the total amount due in accordance with the provisions of the Act.

Mortgagee Letter

If other legal procedures have not been successful, Council can establish via a Title search if there is a mortgage on the property.

A letter of demand is then sent to the mortgagee. This may result in the bank or other lending institution paying the outstanding amount.

Caveats

As rates and charges are a first charge on a property, Council can lodge a caveat on title where rates and charges remain unpaid.

This does not result in immediate payment; however, it secures Council's debt. If the property is sold or re-financed the caveat cannot be withdrawn to allow transfer unless the outstanding amount is paid in full.

Warrant Seizing Goods

A Warrant can be issued to the Sheriff's Office requesting a seizure of goods. It should be noted that some goods are not able to be seized like necessary household goods, tools of trade and low valued motor vehicles.

Final step: Sale of Land for Unpaid Rates and Charges

The final course of action available to Council under Section 181 of the Act allows for the sale property for the purpose of collection of the outstanding rates and charges.

- There must be rates and charges outstanding for a period of 3 or more years.
- Council must pass a resolution to sell the property for the recovery of outstanding rates and charges.
- Council must obtain appropriate Court orders.
- Council must not have an existing current arrangement for the payment of outstanding rates and charges.
- A written valuation of the land must be obtained from a Valuer.

FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 10.2.6

RATES AND CHARGES POLICY REVIEW (cont'd)

ATTACHMENT No [2] - Rate Collection Policy & Procedure

Rate Collection Policy and Procedure



- Serve a notice on anyone appearing from the Land Title Register as an interest in the land.
- Give public notice of Council's intention to sell and
- Notify registered parties of auction details.

Once all requirements above are fulfilled, Council's debt collection agency will issue a pre Section 181 letter to the property owner advising that Council will proceed to sell the property if no action is taken.

The sale of a property is only taken once Council has exhausted all other debt collection options. A report will be generated outlining details of the property and the actions that have been taken in order to recover the outstanding debt. The elected Councillors will make the decision as to if the property will be sold.

RELATED POLICIES

Financial Hardship Policy

RELATED LEGISLATION

Local Government Act 1989

Charter of Human Rights & Responsibilities Act 2006

Magistrates Court Act 1989

Penalty Interest Rates Act 1983

REFERENCES

Financial Hardship Application Form

Instrument of (Sub) Delegation by the Chief Executive Officer

Moirá Shire Council
ABN: 20 538 140 700
Post: PO Box 578, Cobram, Vic 3658
DX: 37601, Cobram

Cobram Administration Centre:
44 Station Street, Cobram
Yarrawonga Service Centre:
300 Bolmore Street, Yarrawonga

Phone: 03 5871 9222
Fax: 03 5872 1887
NRS: 133677

Email: info@moira.vic.gov.au
moira.vic.gov.au



FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 10.2.7

SALE OF COUNCIL LAND POLICY REVIEW

RECOMMENDATION

That Council revoke its Sale of Council Land Policy.

1. Executive Summary

The Sale of Council Land Policy was adopted in July 2013. The purpose of the Policy was to ensure that Council followed best practice and achieve statutory compliance in the sale, exchange and transfer of Council owned land.

A review of this policy has determined that it is not required as there is a legislated process for the sale of Council land in the *Local Government Act 1989* and adequate further guidance also exists in the *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land*.

2. Background and Options

The Sale of Council Land Policy was first adopted by Council in March 2003 and was last reviewed and adopted in July 2013.

With the revoking of this policy, Council will continue to follow the provisions set out in Section 189 of the *Local Government Act 1989*, which remains in place until they have been repealed and/or replaced in the *Local Government Act 2020*. Council will also continue to follow the *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land* (Department of Planning and Community Development 2009), and any subsequent changes to these guidelines, to ensure best practice and compliance with legislative requirements when undertaking the sale, exchange or transfer of Council land.

The guidelines also include general principles to follow when considering land for sale, exchange or transfer to ensure the best interests of the community are upheld.

3. Financial Implications

There are no financial implications associated with this report.

4. Risk Management

There is no risk associated with the revocation of this policy as the legislated process for the sale of land is set out in the *Local Government Act 1989* and adequate guidance exists in the *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land*.

5. Internal and External Consultation

The recommendation to revoke this policy has previously been noted by the Corporate Management Team and the Audit & Risk Committee.

6. Regional Context

This policy relates to the sale, exchange or transfer of council land within the Moira Shire municipality.

7. Council Plan Strategy

Revoking a policy that is no longer required supports the Council Plan Strategy of "A Well Run Council".

8. Legislative / Policy Implications

The process for sale, exchange or transfer of Council land is covered in legislation so there are no legislative implications with the revoking of this policy.

9. Environmental Impact

There are no environmental considerations associated with this report.

10. Conflict of Interest Considerations

There are no officer conflict of interest considerations associated with this report.

11. Conclusion

It is recommended that Council revoke the Sale of Council Land Policy as it is no longer required.

Attachments

- 1 Sale of Council Land Policy - adopted July 2013

FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 10.2.7

SALE OF COUNCIL LAND POLICY REVIEW (cont'd)

ATTACHMENT No [1] - Sale of Council Land Policy - adopted July 2013



Sale of Council Land

Policy type	Council
Adopted by	Moirai Shire Council
Responsible director	Director Shire Development and Liveability
Responsible officer	Manager Infrastructure
Date adopted	15 July 2013
Scheduled for review	15 July 2016

PURPOSE

To ensure best practice and statutory compliance is achieved in the sale, exchange and transfer of Council owned land.

SCOPE

This policy applies to the sale or exchange of Council land, except where section 181 or section 191 of the *Local Government Act 1989* applies.

POLICY

1. To ensure best practice and compliance with legislative requirements when undertaking the sale, exchange or transfer of land Council will follow the *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land*.
2. Any decision to deviate from the Guideline will only be made by Council after careful consideration of appropriate advice, with the circumstances which led to this decision being explained and documented.
3. Council's Sale of Council Land Quality Assurance Procedure will provide direction to ensure that the process is undertaken correctly and is consistently applied.
4. The following criteria will be used to conduct an assessment to determine whether a property should be made available for sale:
 - (a) Identification of current and potential future usage.
 - (b) Ability to contribute to positive social outcomes.
 - (c) Facilitating investment and positive economic development outcomes.
 - (d) Positive environmental outcomes.
 - (e) Favorable financial outcomes.

RELATED POLICIES

Development of Policy Documents, and Policy Guideline
Asset Management Policy

RELATED LEGISLATION

Local Government Act 1989

Page 1 of 2

Local Calls 1300 369 966 STD Calls (03) 5871 9222 Fax (03) 57872 1567 TTY (03) 5871 2262
Mail PO Box 578 Cobram VIC 3643 Web www.moirai.vic.gov.au Email webmaster@moirai.vic.gov.au

FILE NO: F13/2557
4. A WELL RUN COUNCIL

ITEM NO: 10.2.7

SALE OF COUNCIL LAND POLICY REVIEW (cont'd)

ATTACHMENT No [1] - Sale of Council Land Policy - adopted July 2013



Sale of Council Land

REFERENCES

Department of Planning and Community Development (2009), *Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land*
Moirashire Council, *Sale of Council Land Quality Assurance Procedure*

REVIEW

This policy will be reviewed three years from the date of adoption, with operational amendments as required in accordance with Council's approval.

Page 2 of 2

Local Calls 1300 369 966 STD Calls (03) 5871 9222 Fax (03) 57872 1567 TTY (03) 5871 2262
Mail PO Box 578 Cobram VIC 3643 Web www.moirashire.vic.gov.au Email webmaster@moirashire.vic.gov.au

FILE NO: F21/28/001
4. A WELL RUN COUNCIL

ITEM NO: 10.4.1

COBRAM VISITOR INFORMATION CENTRE - RENOVATION WORKS

RECOMMENDATION

That Council:

1. Award the contract for the Cobram Visitor Information Centre Renovation Works to Ultra Project Services Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moirra Shire Council invited submissions for structural and building works at the Cobram Visitor Information Centre, 2 - 4 Station Street Cobram.

After consideration of the submissions, the evaluation panel recommends that the contract be awarded to Ultra Project Services Pty Ltd.

2. Background and Options

Works under contract were not estimated to exceed the price required to go to public tender and were advertised as a public quote. The prices submitted slightly exceeded the delegations of Council staff, therefore the recommendation is required to be presented to Council.

The scope of work includes:

- Restumping
- New floor
- Compliant toilet facilities
- Grease trap
- General improvements to allow a commercial venture to operate from the facility

Works under this contract will be paid as a lump sum.

Works are not to commence until the Building Permit has been issued and are expected to be completed within 12 weeks from the negotiated start date.

Date of Public Notice

The tender was publically advertised on Councils e-tender platform, TenderSearch.

Submissions closed on 29 January 2021.

Receipt of Tenders

2 submissions were received.

Supervision

Superintendent: Manager Construction and Assets
Superintendent Representative: Coordinator Design and Construction

Panel Membership

Staff in the following positions independently evaluated the tender submissions:

- Manager Construction and Assets
- Coordinator Design and Construction
- Project Manager

The Procurement Coordinator moderated the tender evaluation.

Non-conforming tenders

No submission were considered to be non-conforming.

FILE NO: F21/28/001
4. A WELL RUN COUNCIL

ITEM NO: 10.4.1

COBRAM VISITOR INFORMATION CENTRE - RENOVATION WORKS (cont'd)

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	50%
Skills and Resources	15%
Methodology	15%
Availability	10%
Contribution to Local Economy	10%

A summary of the evaluation is provided in the confidential attachment.

3. Financial Implications

The recommendation is within the project budget.

4. Risk Management

To minimise the risks associated with the works under contract, the following conditions must be met:

- The successful contractor is to be the holder of Public Liability Insurance with a minimum coverage of \$20 million.
- Prior to the commencement of works, the successful contractor must supply the Superintendent with a Safety Management Plan inclusive of Job Safety Analysis and Safe Work Method Statements.
- Various hold points will be applicable where the work may not proceed without review and approval by the Superintendent.
- All on-site personnel are required to undertake a Moira Shire Council Site Induction.

5. Internal and External Consultation

The tender was advertised on Council's TenderSearch website.

The Coordinator Design and Construction and Manager Construction and Assets approved the tender documentation.

6. Regional Context

This project contributes to the strategic objective of continuing to maintain and provide facilities and services that our community value and need.

7. Council Plan Strategy

The Council Plan addresses the need for a well-run Council by implementing a transparent, engaging and accountable governance structure for current and future generations. The processes undertaken to award the contract met the legislative and policy requirements relating to procurement and tendering.

8. Legislative / Policy Implications

The process to obtain tender was undertaken in accordance with the requirements of the section 186 of the *Local Government Act* and Council's adopted Procurement Policy and Guidelines.

9. Environmental Impact

The nature and location of the works has very little environmental impacts. There will be no disruption to flora or fauna.

The works include the installation of a grease arrestor to comply with the water authority regulations. In addition, a heritage study was completed and covered the impact of the proposed works and any restrictions that may apply.

10. Conflict of Interest Considerations

There was no conflict of interest declared for this evaluation process.

11. Conclusion

The recommendation is to award the contract for the Cobram Visitor Information Centre Renovation Works to Ultra Project Services Pty Ltd.

Attachments

- 1 Cobram Visitor Information Centre Renovation Works - APPENDIX A (CONFIDENTIAL) - *printed in separate document*

FILE NO: C038/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.2

C038/20 - RECONSTRUCTION OF POWER STREET, NATHALIA

RECOMMENDATION

That Council:

1. Award the contract for C038/20 Reconstruction of Power Street, Nathalia to Quarrell Civil Construction Pty Ltd.
2. Authorise the Chief Executive Officer to sign and seal the contract documents.

1. Executive Summary

Moirra Shire Council invited submissions for the reconstruction of Power Street in Nathalia.

After consideration of the submissions, the evaluation panel recommends that contract C038/20 be awarded to Quarrell Civil Construction Pty Ltd.

Background and Options

This contract is for reconstruction of its full length between Bromley and Pearce Streets, a total distance of approximately 260m.

The scope of work includes:

- Excavation to design levels
- Road pavement construction
- Bus Bays
- Concrete kerb and channel
- Asphalt overlay to new works
- Underground drainage works
- Concrete and granitic sand footpaths
- Raised School Crossing
- Linemarking and signage

Works are to be completed within 16 weeks from the date of acceptance and will be paid as a lump sum.

Date of Public Notice

Paper	Date
TenderSearch	9 January 2021
Border Mail	9 January 2021
Shepparton News	12 January 2021
Cobram Courier	13 January 2021
Numurkah Leader	13 January 2021
Yarrawonga Chronicle	13 January 2021

Submissions closed 3 February 2021.

Receipt of Tenders

8 submissions were received.

Supervision

Superintendent: Manager Construction and Assets

Superintendent Representative: Coordinator Design and Construction

Panel Membership

Staff in the following positions independently evaluated the submissions:

- Manager Construction and Assets
- Coordinator Design and Construction
- Design Engineer

FILE NO: C038/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.2

C038/20 - RECONSTRUCTION OF POWER STREET, NATHALIA (cont'd)

The Procurement Coordinator moderated the tender evaluation.

Non-conforming tenders

No submission was considered to be non-conforming.

Tender Evaluation

The following evaluation criteria and weightings were used:

Evaluation Criteria	Evaluation Weighting
Price	40%
Track Record	20%
Compliance with Specification	10%
Skills and Resources	10%
Management of Schedules	10%
Contribution to Local Economy	10%

A summary of the evaluation is provided in the confidential attachment.

2. Financial Implications

The recommendation is within the approved budget.

3. Risk Management

To minimise the risks associated with the works under contract, the following conditions must be met:

- The successful contractor is to be the holder of Public Liability insurance with a minimum coverage of \$20 million.
- Works under contract are to comply with the VicRoads Standard Specification for Roadworks and Bridgeworks and the Local Government Infrastructure Design Manual.
- The successful contractor is required to submit a COVID 19 Management Plan including how they intend to implement the Government Guidelines.
- The successful contractor will be appointed as the Principal Contractor and is authorised to have management or control of the workplace and discharge of duties in relation to the Occupational Health and Safety Act and Regulations.
- Prior to the commencement of works, the successful contractor must supply the Superintendent with a Traffic Management Plan, Environmental Management Plan and a Health and Safety Co-Ordination Plan inclusive of:
 - Contractor Verification Checklist
 - Coordination Plan
 - Safe Work Method Statements
- Various hold points will be applicable where the work may not proceed without review and approval by the Superintendent.
- All on-site personnel are required to undertake a Moira Shire Council Site Induction.
- A Plant Risk Assessment is required for each item of heavy plant to be supplied, hired or expected to enter the work site.

4. Internal and External Consultation

The tender was advertised on Council's TenderSearch website, Border Mail, Shepparton News and the local newspapers.

The Coordinator Design and Construction, Manager Construction & Assets and General Manager Infrastructure approved the tender documentation.

5. Regional Context

This project contributes to the strategic objective of continuing to maintain and provide facilities and services that our community value and need.

FILE NO: C038/20
4. A WELL RUN COUNCIL

ITEM NO: 10.4.2

C038/20 - RECONSTRUCTION OF POWER STREET, NATHALIA (cont'd)

6. Council Plan Strategy

The Council Plan addresses the need for a well-run Council by implementing a transparent, engaging and accountable governance structure for current and future generations. The processes undertaken to award the contract meet the legislative and policy requirements relating to procurement and tendering.

7. Legislative / Policy Implications

The tender process was undertaken in accordance with the requirements of the section 186 of the *Local Government Act* and Council's adopted Procurement Policy.

8. Environmental Impact

Section 1.16, 1.17, 1.60.A4 and 176 of the Specification stipulates the contractor's environmental responsibilities and will form part of the contract.

In addition, the successful contractor is required to submit an Environmental Management Plan prior to the commencement of works.

9. Conflict of Interest Considerations

There was no conflict of interest declared for this tender evaluation process.

10. Conclusion

The recommendation is to award contract C038/20 to Quarrell Civil Construction Pty Ltd.

Attachments

- 1 C038/20 - Reconstruction of Power Street - APPENDIX A (CONFIDENTIAL) - *printed in separate document*

FILE NO: VARIOUS

ITEM NO: 15

GENERAL BUSINESS**6.4. General business**

(1) If the Agenda for a Meeting makes provision for urgent business, business cannot be admitted as Urgent Business other than by resolution of Council and only then 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) the matter does not:
 - substantially affect the levels of Council service;
 - commit Council to significant expenditure not included in the adopted budget;
 - establish or amend Council Policy; or
 - commit Council to any contractual arrangement.

(2) A Councillor proposing a matter be admitted as urgent business must lodge it in writing to the Chief Executive Officer four (4) hours prior to the Meeting.

(3) The Chief Executive Officer will advise the Mayor of any matter he or she determines appropriate for Council to consider admitting as urgent business.

FILE NO: VARIOUS

ITEM NO: 16

MEETING ADJOURNMENT**RECOMMENDATION**

That the meeting be adjourned for 10 minutes.

RECOMMENDATION

That the meeting be resumed.

RECOMMENDATION

That pursuant to the provisions of the Local Government Act 2020 (the Act), the meeting will now be closed to members of the public to enable the meeting to discuss matters in items 17.1 and 17.2 which the Council may, pursuant to the provisions of Section 66 (2) of the Act resolve to be considered in closed session.