



# Minutes

---

Ordinary Council Meeting held at 12.30 PM on the Monday 7 October 2019 in the Council Chamber, St Arnaud Town Hall.

## **Present**

Cr Kevin Erwin (Mayor)  
Cr Tony Driscoll  
Cr Murray Emerson  
Cr Rob Haswell  
Cr Jason Hosemans  
Cr Karen Hyslop  
Cr Merrilee Reid

Mr Vaughan Williams, Acting Chief Executive Officer  
Mr Trenton Fithall, Director Operations  
Mrs Naomi Goode, Director Communities

## **Affirmation**

We recognise the traditional owners of the land.  
We are inspired by the early pioneers and by those who gave their lives for our country.  
We now ask God's blessing on our deliberations  
and on our commitment to build a better lifestyle and environment.

Confirmed at the meeting of Council on Monday 11 November 2019.

## Table of Contents

1. Apologies .....	3
2. Confirmation of Minutes .....	3
3. Matters Arising from the Minutes .....	3
4. Presentations/Awards.....	3
5. Presentation of Petitions and Joint Letters.....	3
6. Disclosures of Interest and Declarations of Conflict of Interest .....	4
7. Assemblies of Councillors.....	5
8. Items Brought Forward .....	6
9. Consideration of Reports of Officers .....	7
9.1. Audit Committee Chair Appointment 2019-20.....	7
9.2. Financial Reserves Policy .....	10
9.3. Procurement Policy.....	15
10. Notices of Motion or Rescission.....	29
11. Reports from Councillors/Committees.....	29
12. Urgent Business .....	29
13. Public Question Time.....	29
14. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 1989.....	35
15. Close .....	36

**1. Apologies**

Nil

**2. Confirmation of Minutes**

Ordinary Meeting held on Monday, 2 September 2019

Special Meeting held on Monday, 16 September 2019

**RESOLUTION**

**That the minutes as listed, copies of which have been circulated, be confirmed and adopted.**

**Moved: Cr Murray Emerson**

**Seconded: Cr Rob Haswell**

**Carried**

**3. Matters Arising from the Minutes**

Nil

**4. Presentations/Awards**

Nil

**5. Presentation of Petitions and Joint Letters**

Nil

## **6. Disclosures of Interest and Declarations of Conflict of Interest**

**A Councillor who has a conflict of interests and is attending the Council meeting of the Council must make a full disclosure of that interest.**

- a. by either-**
  - i. advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or**
  - ii. advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and**
- b. classifying the type of interest that has given rise to the conflict as either-**
  - i. a direct interest; or**
  - ii. an indirect interest and specifying the particular kind of indirect interest under:  
section 78 - close association  
section 78A - financial interest  
section 78B - conflicting duties  
section 78C - receipt of an applicable gift  
section 78D - consequence of becoming an interested party  
section 78E - impact on residential amenity; and**
- c. describing the nature of the interest; and**
- d. if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.**

### **Members of Staff**

**Under Section 80C of the *Local Government Act 1989*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.**

Nil

## 7. Assemblies of Councillors

[Vaughan Williams, Acting Chief Executive Officer]

An assembly of Councillors means a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and 1 member of Council staff which considers matters that are intended or likely to be: - the subject of a decision of the Council; or subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee [s 76AA]; but does not include a meeting of the Council, a special committee of the Council, an audit committee established under s 139, a club, association, peak body, political party or other organisation.

A matter means a matter with which a Council, special committee or a member of Council staff is concerned and that will require –

- a. a power to be exercised, or duty or function to be performed, or a decision to be made, by the Council or a special committee in respect of the matter;
- b. a power to be exercised, or duty or function to be performed, or a decision to be made by a member of council staff in respect of the matter.

Section 80A of the *Local Government Act 1989* requires that the written record of an Assembly of Councillors is, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that Council Meeting.

The records for the period since the last ordinary Council meeting are listed below.

Date	Description	Matters/considered	Councillor / Officer making disclosure	Item No.	Left meeting Y/N
19/08/2019	Sustainable Infrastructure Briefing	10am Presentation - Robert Kelly, Lions Club of Stawell; Asset Management - Bridges and Major Culverts; Building Maintenance Service Review; 2018/19 Capital Works Completion; Discontinuance of Road Reserve - Marnoo; C4 2019/20 - External Plant & Equipment Hire for Civil Works - New Contract; C2 2019/20 - Provision of Plumbing & Gas Fitting Services - New Contract; C3 2019/20 - Provision of Electrical Maintenance Services - New Contract.	Michael Bailey	8.6	Yes
26/08/2019	Organisational Effectiveness Briefing	Rating Strategy Review; Annual Report 2018-19; Audit Committee External Member Appointment; Queen Mary Gardens Committee of Management - Appointment of Members; Waste Strategy Engagement; Annual Designation of Neighbourhood Safer Places (Places of last resort); Crown Land Purchase - Old Chook Farm.	N/A	N/A	N/A
02/09/2019	Lifestyles and Community Briefing	Fitopia Space at SSAC - Options For Use; Waites Robson Development Update; Market Square - St Arnaud Concept Plan; Stand Up, Stand Out St Arnaud - Community Visioning;	Cr Kevin Erwin Vaughan Williams Michael Bailey	8.5 9.7 14.1	Yes Yes Yes

**Northern Grampians Shire Council  
20191007 Ordinary Meeting**

		2019-20 WDA Membership; Council Agenda Review.			
09/09/2019	Economic Growth Briefing	Retail Amenity Improvement Program; Advocacy Trip Update; 12pm - Chris Sounness, WDA.	N/A	N/A	N/A
16/09/2019	Sustainable Infrastructure Briefing	Federation Park Operational Requirements; Halls Gap Update; C2 2017/18 - Provision of Civil Engineering & Project Management Consultancy Services; C1 2019/20 - North Park Multi Purpose Clubroom Development - New Contact; Engineers Register; C6 2019/20 - Plant Replacement Program - New Contract; Council Agenda Review.	N/A	N/A	N/A

**RESOLUTION**

**That the report on Assemblies of Councillors be approved.**

**Moved: Cr Karen Hyslop**

**Seconded: Cr Murray Emerson**

**Carried**

**8. Items Brought Forward**

Nil

## 9. Consideration of Reports of Officers

### 9.1. Audit Committee Chair Appointment 2019-20

**Author/Position:** Belinda Johnson, Acting Manager Financial Services

#### Summary

The purpose of this report is to appoint the Audit Committee Chair and to set the remuneration for the committee chair and external independent committee members for the 2019-20 financial year.

#### Recommendation

##### That Council:

1. reappoints Mr Peter Knights to the position of Audit Committee Chair for a 12 month term from 27 June 2019 to 27 June 2020
2. sets the remuneration for the Audit Committee Chair from 1 July 2019 at \$2,000 per annum and
3. sets the remuneration for the external independent Audit Committee members from 1 July 2019 at \$250 per meeting attended.

#### RESOLUTION

##### That Council:

1. reappoints Mr Peter Knights to the position of Audit Committee Chair for a 12 month term from 27 June 2019 to 27 June 2020
2. sets the remuneration for the Audit Committee Chair from 1 July 2019 at \$2,000 per annum and
3. sets the remuneration for the external independent Audit Committee members from 1 July 2019 at \$250 per meeting attended.

Moved: Cr Karen Hyslop

Seconded: Cr Murray Emerson

Carried

## Background/Rationale

The Audit Committee Guidelines provide that election of the Chair and determination of remuneration for external independent members on the Audit Committee are to be considered annually by Council.

The *Local Government Act 1989* allows Council discretion to pay independent members a fee. This fee is paid annually at the completion of the financial year of service and is to be reviewed and set for the coming financial year by Council.

At its 9 September 2019 meeting, the Audit Committee nominated Peter Knights to continue as Chair for 2019-20, subject to Council's approval Mr Peter Knights, a valued and experienced member of the Audit Committee has performed a role on the Audit Committee for many years and has been the chair since 2012-13.

It is recommended that Council maintains the remuneration at \$2,000 for the chair to reflect a fair fee for the time, commitment and responsibility involved in being chair of the committee.

A fee has been recommended for the non-chair independent members on a per meeting basis to reflect a fair fee for the time, commitment and responsibility involved in being a member of the committee. In the instance that a reciprocal arrangement is put in place with a comparable organisation whereby a Council officer sits as a member of another organisation's audit committee, no fee is paid.

## Legislation, Council Plan, Strategy and Policy Implications

*Local Government Act 1989*

Council Plan - Improve Organisational Effectiveness

## Options

### Option 1

That Council:

1. approves the reappointment of Mr Peter Knights to the position of Audit Committee Chair for a 12 month term from 27 June 2019 to 27 June 2020
2. sets the remuneration for the Audit Committee Chair from 1 July 2019 at \$2,000 per annum and
3. sets the remuneration for the external independent Audit Committee members from 1 July 2019 at \$250 per meeting attended. **[recommended]**

### Option 2

That Council does not reappoint Mr Peter Knights to the position of Audit Committee Chair and seeks another nomination **[not recommended]**

## Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

## Consultation

Not applicable

## Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Belinda Johnson, Acting Manager Financial Services

In providing this advice as the author, I have no disclosable interests in this report.



**Attachments**  
Nil

## 9.2. Financial Reserves Policy

**Author/Position:** **Natalie Martin, Coordinator Financial Sustainability**

### **Summary**

A new policy has been created to show the purpose of individual financial reserve funds and to detail how these reserve funds will be increased and decreased. This forms part of the annual budget process whereby Council outlines the expected transfers to reserves and transfers from reserves.

The attached policy outlines Council's commitment to the creation and maintenance of financial reserves to record future commitments for specific purpose expenditures. Council will set aside funds in the reserves with amounts to be decided during the annual budget process and at any other time by Council, with the amounts to be transferred accordingly.

At the Audit Committee meeting on 9 September 2019, the Audit Committee recommended that Council adopts the Financial Reserves Policy.

### **Recommendation**

**That Council adopts the proposed Financial Reserves Policy as recommended by the Audit Committee on 9 September 2019.**

### **RESOLUTION**

**That Council adopts the proposed Financial Reserves Policy as recommended by the Audit Committee on 9 September 2019.**

**Moved:** Cr Karen Hyslop

**Seconded:** Cr Rob Haswell

**Carried**

## **Background/Rationale**

Council currently maintains several reserve funds which have been created to enable surplus operating cash to be put to one side in order to be allocated to future expenditures. These reserves are created for specific uses.

The proposed policy details the name and purpose of each individual financial reserve that is held and also specifies the conditions around annual movements to these funds.

## **Legislation, Council Plan, Strategy and Policy Implications**

Improve Organisational Effectiveness; ensure compliance with all Acts and Regulations relevant to Council

## **Options**

### **Option 1**

That Council agrees to adopt the proposed Financial Reserves Policy as recommended by the Audit Committee on 9 September 2019. **[recommended]**

### **Option 2**

That Council does not agree to adopt the proposed Financial Reserves Policy as recommended by the Audit Committee on 9 September 2019. **[not recommended]**

## **Implications**

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

## **Consultation**

Northern Grampians Shire Council Audit Committee  
Internal stakeholder

## **Officer's Declaration of Interest**

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Natalie Martin, Coordinator Financial Sustainability

In providing this advice as the author, I have no disclosable interests in this report.

## **Attachments**

1. Financial Reserves Policy **[9.2.1 - 3 pages]**

# Financial Reserves Policy



## Council Policy

**Responsible director**  
**Responsible officer**  
**Functional area**  
**Date adopted by Council**  
**Review date**

Director Corporate Services  
Manager Financial Services  
Financial Services  
October 2019  
March 2020

### Purpose

The purpose of this policy is to outline Council's commitment to the creation and maintenance of financial reserves to record future commitments for specific purpose expenditures. The policy will provide a rationale for the purpose of financial reserves and detail how the reserves funds will be increased and decreased.

### Background

Reserves are created where surplus operating cash is put to one side to be allocated to future expenditures. Reserves are not mandated but if they exist the cash held in the reserves is required to be available for its specified use.

### Policy

Council will set aside funds in the reserves with amounts to be decided during the annual budget process and at any other time by Council, with the amounts to be transferred accordingly.

During the annual budget process Council outlines the expected transfers to reserves and transfers from reserves. These transactions will be in line with this policy. However, if that purpose does not eventuate or Council changes its priorities the funding can be diverted to other purposes subject to Council approval.

The following are reserves currently used by Council and specifies their purpose and conditions around annual movements:

Reserve name and purpose	Council transfers to the reserve	Council transfers from the reserve
<p><b>Development Reserve:</b> The Development Reserve is used to assist with Social infrastructure Capital initiatives that Council wishes to financially support. Social infrastructure is defined as:</p> <ul style="list-style-type: none"><li>• Community and sports facilities</li><li>• Support for housing developments</li><li>• Local Government facilities</li><li>• Infrastructure to support the use of recreational water</li></ul>	<p>Annually an amount determined during the budget process as income from revenue in lieu of rates, generally raised through renewable energy projects and the sale of Council properties</p>	<p>The investment in social infrastructure and community assets during the financial year and as determined by the annual budget process</p>

<p><b>Gravel Pits Restoration:</b> The gravel pits restoration reserve was previously utilised for the future rehabilitation of gravel pits. No further funding is now added into this reserves and instead it is used to provide for the existing rehabilitation of the pits.</p>	<p>No new funds are transferred to this reserve</p>	<p>The cost of spending on rehabilitation of the pits decreases this reserve</p>
<p><b>Community/Heritage Loan Reserve:</b> The Community/Heritage Loan Reserve is used to provide low interest loans for community groups or heritage streetscapes in retail precincts in our towns, to enable repair and maintenance of those streetscapes with the aims of quality appearance and public safety.  The amount available for lending is restricted to \$150,000.</p>	<p>Movements are reflected by repayments of loan balances</p>	<p>Lending made under the Community Loans Policy whereby the cumulative effect is restricted to \$150,000</p>
<p><b>Waste Program Reserve:</b> The waste program reserve is used to assist with the cost of strategic projects, compliance and long term planning for Council's landfills, transfer stations and waste management responsibilities.</p>	<p>Annually any surplus of revenue raised in any one year less the operating costs of providing the waste service</p>	<p>The cost of strategic projects, compliance and long term planning within Council landfills, transfer stations and capital investments specifically related to waste management</p>
<p><b>Long Service Leave Reserve:</b> The long service leave reserve is used to assist with the funding for employee's long service leave payments. The reserve is based on 10% of Current Employee Benefits Liability.</p>	<p>As determined by current employee provisions at the end of each financial year</p>	<p>As determined by current employee provisions at the end of each financial year</p>
<p><b>Defined Benefit Reserve:</b> The defined benefit reserve is used to assist with the funding of any call that may be made on Council as a result of a shortfall in the defined benefit superannuation entity.  The reserve is currently capped at \$300,000.</p>	<p>Annually an amount determined during the budget processes sufficient to fund potential future calls by the superannuation authority in relation to unfunded superannuation liability. Any annual assessment of the Vested Benefit Index (VBI) falling below 100% will trigger a review</p>	<p>Any funds required to finance a call made upon Council by the superannuation authority. A reduction in funds as a result of the Vested Benefit Index (VBI) raising well above 100%</p>
<p><b>Loan Repayment Reserve:</b> The loan repayment reserve is used to set aside funds for the repayment of the interest only loans.</p>	<p>Annually an amount determined during the budget processes for future repayments and any additional interest only loans obtained by Council</p>	<p>Any funds required to finance the repayment of the principal on the due dates of the outstanding interest only loans</p>

### **Council Plan Objective/Strategy**

- improved Social and Economic viability of the shire
- Enhance Lifestyle and Community
- Provide Sustainable Infrastructure

### **Legislation and Standards**

There is no specific legislative requirement to maintain internally restricted financial reserves, however internally restricted cash is disclosed in the financial report.

### **Responsibilities**

The Manager Financial Services is responsible for the review and management of this policy.

### **Stakeholders**

Mayor, Councillors, Chief Executive Officer, Director Corporate Services, Director Economic & Community, Manager Financial Services, Manager Community Strengthening, Manager Economic Growth, Heritage Advisor and nominated officers, community organisations and commercial business owners.

### **Review**

This policy and related procedures will be reviewed annually.

### **Communication and implementation**

Community Organisation Loans Procedures  
Community Organisation Application for Loan Funding  
InfoXpert (EDRMS)

### **References**

Verandah & Heritage Streetscape Guidelines (to be developed)

### **Privacy and Data Protection compliance**

All Council policies consider the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* which adopts a risk-based approach to protective data security. Governance arrangements are in place to protect security across the domains of information, personnel, ICT and physical.

### **Charter of Human Rights compliance**

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

### **Definitions**

Nil

### **Review history**

<b>Date</b>	<b>Review details</b>	<b>Action</b>
09/09/19	Presented to Audit Committee	Recommend to Council
30/09/19	Reported to Councillor Briefing	
07/10/19	Reported to Council Meeting	

### 9.3. Procurement Policy

**Author/Position:** Natalie Martin, Coordinator Financial Sustainability

#### Summary

Council is required to prepare and approve a Procurement Policy under s.186A of the *Local Government Act 1989* (the Act). At least once in each financial year, Council must review the current procurement policy and may, in accordance with the Act, amend the policy.

At the Audit Committee meeting on 9 September 2019, the Audit Committee recommended that Council adopts the updated Procurement Policy.

A summary of the updates are as follows:

- Cumulative supplier spend clarified
- Clarification around purchasing of training/conference fees

#### Recommendation

**That Council adopts the updated Procurement Policy as recommended by the Audit Committee on 9 September 2019.**

#### RESOLUTION

**That Council adopts the updated Procurement Policy as recommended by the Audit Committee on 9 September 2019.**

**Moved:** Cr Jason Hosemans  
**Seconded:** Cr Tony Driscoll

**Carried**

## Background/Rationale

Council is required to prepare and approve a Procurement Policy under the Act. At least once in each financial year, Council must review the current procurement policy and may, in accordance with the Act, amend the policy.

According to the Act, a Procurement Policy means the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council.

The Audit Committee approved the following changes:

- **Cumulative supplier spend clarified:**  
The thresholds for a formal public tender have now been further clarified to state that a formal public tender will come into effect when one of the following occurs: a) the cumulative supplier spend per financial year exceeds or is expected to exceed the threshold, or b) the expected spend per project exceeds the threshold.
- **Purchasing of training/conference fees:**  
An addition to the policy under Officer's Financial Delegations has been made which clarifies that no employee can raise a purchase order or authorise reimbursement for their own training/conferences and associated costs (such as accommodation and meals). This should at all times be referred to their line manager for approval and authorisation.

The Audit Committee has recommended that Council adopts the update Procurement Policy.

## Legislation, Council Plan, Strategy and Policy Implications

Section 186A of the *Local Government Act*

## Options

### Option 1

Council agrees to adopt the updated Procurement Policy as approved by the Audit Committee on 9 September 2019. **[recommended]**

### Option 2

Council does not agree to adopt the updated Procurement Policy as approved by the Audit Committee on 9 September 2019. **[not recommended]**

## Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

## Consultation

Northern Grampians Shire Council Audit Committee  
Internal stakeholders

## Officer's Declaration of Interest

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Natalie Martin, Coordinator Financial Sustainability

In providing this advice as the author, I have no disclosable interests in this report.

## Attachments

1. Procurement Policy 2019 (1) [9.3.1 - 11 pages]





# Procurement Policy 2019

*Council Policy*

October, 2019





Northern Grampians Shire Council  
LIVE | WORK | INVEST | VISIT

#### CONTACT US

-  [ngshire@ngshire.vic.gov.au](mailto:ngshire@ngshire.vic.gov.au)
-  [www.ngshire.vic.gov.au](http://www.ngshire.vic.gov.au)
-  (03) 5358 8700
-  PO Box 580 Stawell VIC 3380

#### CONNECT WITH US

-  [facebook.com/ngshire](https://facebook.com/ngshire)
-  [@ngshire](https://twitter.com/ngshire)
-  [@northerngrampiansshire](https://www.instagram.com/northerngrampiansshire)
-  #ngshire #liveworkinvestvisit #wandervictoria

## PROCUREMENT POLICY 2019

### Council Policy



**Responsible director:**  
**Responsible officer:**  
**Functional area:**  
**Date adopted by Council:**  
**Review date:**

Director Corporate Services  
Manager Financial Services  
Financial Services  
October 2018  
October 2019

---

### Purpose

The purpose of this document is to set out the key policies and principles forming the framework for procurement at the Northern Grampians Shire Council, to ensure that all purchases:

- are undertaken in a consistent and robust manner
- are consistent with Council objectives
- comply with all relevant legislation; and
- meet expected standards of probity and transparency.

This policy document is supported by a more detailed set of Procurement Guidelines which are designed to assist with the implementation of this policy. These documents, along with the relevant sections of the *Local Government Act 1989* (the Act), provide direction for how all Council procurement should be performed.

### Background

Section 186A of the Act requires Council to prepare and approve a procurement policy which must include the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council.

The Northern Grampians Shire Council spends a significant amount of its annual budget on purchasing goods and services and assets. These purchases have an enormous impact on the delivery of programs, services and projects therefore it is crucial that the process is well conducted.

### Policy

#### Basic Principles

There are some basic principles that should be applied to all purchases, irrespective of the value or complexity of the purchase:

- value for money
- open and fair competition
- accountability
- risk management
- probity and transparency
- ethical behaviour
- other considerations

### **Value for Money**

Value for money does not necessarily mean accepting the lowest price, (section 186(4) of the Act provides that there is no obligation to accept the lowest tender) but obtaining the best quality and value for the price, for quality goods/services that meet Northern Grampians Shire Council's criteria and cost constraints.

### **Open and Fair Competition**

All prospective suppliers/vendors must be treated fairly in an open and transparent manner without bias (or perception of bias), with the same access to information regarding the proposed purchase, in order to enable submission of quotes/tenders to be made on the same basis.

### **Accountability**

Clear and robust processes consistent across the entire organisation must be followed, in order that the lines of responsibility and accountability are clear, and to ensure that appropriate audit controls are in place.

### **Risk Management**

All purchases carry some level of risk. It is important that this risk is identified, assessed and dealt with appropriately.

### **Probity and Transparency**

Probity in purchasing relates to fairness, impartiality and integrity, and is often used in a general sense to mean good process. All Council dealings must be conducted in a fair and open manner, observing the highest standards of honesty, and demonstrating the highest levels of integrity consistent with the public interest.

Council's purchasing processes must be undertaken in a manner which meets all expected standards of probity and transparency, including consistent application of procedures, appropriate record keeping, compliance with policies and legislation, consideration for suppliers, and clear and transparent decision making.

### **Ethical Behaviour**

Ethical behaviour encompasses the concepts of honesty, integrity, probity, diligence, fairness, trust, respect and consistency. Council's purchasing processes must be undertaken in a manner which meets all expected standards of ethical behaviour and includes avoiding conflicts of interest and avoiding improper use of an individual's position. At all times, Councillors and Council staff must act in accordance with relevant policies, codes of conduct and guidelines regarding gifts and hospitality and conflicts of interest.

Specific processes regarding application of these basic principles are included within the Procurement Guidelines. If any officer is unclear regarding their responsibilities in regards to procurement they should seek advice from the Manager Financial Services.

### **Other Considerations**

There are also a number of organisational and legislative directives that help set the framework for purchasing decisions made by Council including the Council Plan and the *Local Government Act 1989* (see – Legislation/Standards).

In addition to the requirements of the Act, purchasing decisions must also give consideration to other principles, Council policies, guidelines and philosophies. These include:

- sustainable procurement
- social procurement
- environmental purchasing
- local purchasing philosophy
- innovation and collaboration
- category management
- purchase orders
- information security
- officer's financial delegations; and

- thresholds

### **Sustainable Procurement**

Council will consider benefits and value for money based on whole of life costs, as well as social and environmental impacts of its procurement processes, in order to achieve the best outcomes for the community having regard to the long-term and cumulative effects of its decisions.

### **Social Procurement**

Council supports procurement that not only delivers appropriate value for money goods and services and works, but also generates positive social outcomes.

Where strategic opportunities arise, Council's Economic Development Team will work with locals to encourage economic development.

The Economic Development Team and Contract Officer will work with local suppliers to explain Council's requirements with regards to providing goods and services and works to Council and the tendering processes in line with this policy, and encourage them to tender for business.

### **Environmental Purchasing**

Council prefers to purchase recycled and environmentally sound products whenever they perform satisfactorily and represent value for money.

### **Local Purchasing Philosophy**

Council is committed to supporting the local business community and encouraging its involvement in purchasing processes. Buying locally is preferred where local suppliers are competitive and achieve value for money.

### **Innovation and Collaboration**

Council will use innovative procurement solutions to promote sustainability and achieve best value and will collaborate with other local government entities whenever possible in order to achieve the best outcomes for the community.

### **Category Management**

Council will use a category management approach to identify the most appropriate and effective sourcing and supply arrangements in order to achieve the best outcomes for the community.

### **Purchase Orders**

Notwithstanding the processes used to select suppliers, purchase orders are to be raised and forwarded to suppliers to commit Council expenditure in advance of the goods or services being received, or works being commenced, in accordance with the Council's Purchasing Guidelines.

### **Officer's Financial Delegations**

Section 98 of the Act defines the process for Council to delegate its powers, duties and functions to a member of its staff. Northern Grampians Shire Council has by an Instrument of Delegation delegated powers and responsibilities to the Chief Executive Officer. In turn, the Chief Executive Officer has delegated powers, responsibilities and financial purchasing limits to Officers as appropriate to perform their duties.

Officers must be aware of their role and financial responsibilities and must ensure that all purchases they make are within their delegated authority. In the case of a purchase exceeding their authority the intended purchase should be referred to an appropriate officer with suitable delegated levels and is under no circumstances to be split to come in under their financial delegation.

It should be noted that no employee can raise a purchase order or authorise reimbursement for their own training/conferences and associated costs (such as accommodation and meals) and this should at all times be referred to their line manager for approval and authorisation.

### Thresholds

There are a number of methods by which goods and services can be purchased, however not all methods are appropriate to all circumstances. The critical factors in determining the most appropriate method to purchase goods or services are the value of the purchase, the extent of risk associated with the purchase and any other complexities involved in the purchase decision.

Other factors such as market size/potential suppliers and time constraints may affect the decisions made in regards to the procurement process.

The current legislated value of contracts for which a formal public tender is to be conducted by Council is \$150,000 GST inclusive for contracts for goods and services and \$200,000 GST inclusive for contracts for the carrying out of works.

It should be noted that the thresholds as detailed below for a formal public tender will come into effect when one of the following occurs: 1) the cumulative supplier spend per financial year exceeds or is expected to exceed the threshold or 2) the expected spend per project exceeds the threshold.

In order to ensure that unforeseen variations will not cause Council to be non-compliant with the requirements of the Act, the following table sets out Council's policy regarding procurement processes to be followed based on the value of the purchase.

<b>Value of Purchase (exc GST)</b>	<b>Method of Purchasing / Selection of Supplier</b>
<b>Under \$5,000</b>	<ul style="list-style-type: none"> <li>Officers are able to determine the most appropriate process as identified in Council's Procurement Guidelines.</li> </ul>
<b>\$5,000 - \$25,000</b>	<ul style="list-style-type: none"> <li>Minimum 2 written quotations (exemptions provided for in the Procurement Guidelines).</li> </ul>
<b>\$25,001 - \$100,000</b>	<ul style="list-style-type: none"> <li>Minimum 3 written quotations (exemptions provided for in the Procurement Guidelines).</li> </ul>
<b>\$100,001 - \$125,000 relating to contracts for the purchase of goods and services</b>	<ul style="list-style-type: none"> <li>Minimum 3 written quotations (exemptions provided for in the Procurement Guidelines).</li> <li>May be publicly advertised.</li> <li>Formal contract agreement should be implemented if the purchase involves high risk for Council.</li> <li>Use of agency contracts (e.g. Procurement Australia) may be considered.</li> <li>Public Tender may be used depending on risk, complexity or where project estimates are close to \$125,000 for contracts for the purchase of goods and services.</li> </ul>
<b>\$125,001 and over relating to contracts for the purchase of goods and services</b>	<ul style="list-style-type: none"> <li>Public Tender is required.</li> <li>Option to Tender, or conduct Expression of Interest (EOI) followed by a Tender, as defined in <i>Local Government Act 1989</i> s.186.</li> <li>Use of agency tenders, (e.g. Procurement Australia) subject to Ministerial approval, may be considered.</li> </ul> <p>Contracts that are exempt from tendering are:</p> <ol style="list-style-type: none"> <li>contracts entered into because of an emergency</li> <li>contracts entered into with Council acting as the agent for a group of Councils, and the Council has otherwise complied with the Act</li> <li>contracts entered into in accordance with arrangements approved by the Minister; and</li> <li>contract types that have been exempted from this section by regulations.</li> </ol>

<p><b>\$100,001 - \$170,000</b> relating to contracts for the carrying out of works</p>	<ul style="list-style-type: none"> <li>• Minimum 3 written quotations (exemptions provided for in the Procurement Guidelines).</li> <li>• May be publicly advertised.</li> <li>• Formal contract agreement should be implemented if the purchase involves high risk for Council.</li> <li>• Use of agency contracts (e.g. Procurement Australia) may be considered.</li> <li>• Public Tender may be used depending on risk, complexity or where project estimates are close to \$170,000 for contracts for the carrying out of works.</li> </ul>
<p><b>\$170,001 and over</b> relating to contracts for the carrying out of works</p>	<ul style="list-style-type: none"> <li>• Public Tender is required.</li> <li>• Option to Tender, or conduct Expression of Interest (EOI) followed by a Tender, as defined in <i>Local Government Act 1989</i> s.186.</li> <li>• Use of agency tenders, (e.g. Procurement Australia) subject to Ministerial approval, may be considered.</li> </ul> <p>Contracts that are exempt from tendering are:</p> <ol style="list-style-type: none"> <li>1. contracts entered into because of an emergency</li> <li>2. contracts entered into with Council acting as the agent for a group of Councils, and the Council has otherwise complied with the Act</li> <li>3. contracts entered into in accordance with arrangements approved by the Minister; and</li> <li>4. contract types that have been exempted from this section by regulations.</li> </ol>

Specific details regarding application of these procurement processes are included within Council's Procurement Guidelines. If any officer is unclear regarding their responsibilities in regards to procurement they should seek advice from the Manager Financial Services.

### Compliance

Compliance with this policy, including associated guidelines, is mandatory.

Officers must bring any instances of non-compliance to the attention of their direct Manager or Director. The Manager or Director must then notify the Manager Financial Services of the non-compliance and any remedial action taken.

Non-compliance with this policy is taken seriously and will be dealt with in accordance with Council's [Disciplinary Procedure](#).

### Council Plan Objective/Strategy

Council Plan 2017-2021; Objective - to improve organisational effectiveness.

Strategies for effectiveness - streamline processes by reviewing internal processes to reduce red tape and increase efficiency.

### Legislation & Standards

#### Local Government Act 1989 – s.186A Procurement Policy

Section 186A of the Act requires Councils to prepare and approve a procurement policy which must include the principles, processes and procedures that will apply to all purchases of goods, services and works by the Council.

#### Local Government Act 1989 – s.186 Competitive Process

Section 186 of the Act requires Councils to undertake a competitive process to test the market by giving public notice before entering into a contract when the value of the contract is equal to or greater than:

- \$150,000 GST inclusive for contracts for goods and services, and
- \$200,000 GST inclusive for contracts for the carrying out of works.

These thresholds are reviewed from time to time and any amendments fixed by an Order in Council. (Refer Appendix 1 - Order in Council dated 5 August, 2008)

While there are some exceptions to this, the general principle is that, as a minimum, purchases of these amounts should be opened up to appropriate levels of competition.

### **Council interpretation of s. 186 Competitive Process**

There is no specific length of time applicable to a contract for the purpose of applying thresholds under section 186 of the Act. Where significant amounts are spent in aggregate either on one supplier or for one service over time, Council will determine whether section 186 of the Act applies based on the optimum period for the contract, on the basis of value for money, the efficiency and effectiveness of the procurement and the assessed value.

### **Local Government Act 1989 – s. 208 Best Value Principles**

Section 208 of the Act sets out the Best Value Principles through which Councils are required to determine the most effective means of providing a service to the community. The Act also sets out a number of factors which may be taken into account when applying the principles, for example:

- The need to review services against the best on offer in both the public and private sectors
- An assessment of value for money in service delivery
- Community expectations and values
- The balance of affordability and accessibility of services to the community
- Opportunities for local employment growth or retention
- The value of potential partnerships with other governments (Local, State, and Commonwealth)
- Potential environmental advantages for the municipal district.

These principles apply to the delivery of services as a whole and should be applied by officers when making purchasing decisions on behalf of Council.

### **Responsibilities**

The Director Corporate Services is responsible for the good governance of Council's procurement practices. The Manager Financial Services is responsible for the development and management of this policy. The Contracts Officer is responsible for assisting delegated purchasing officers and facilitating compliant tender and contract processes and procedures.

Monitoring of the Procurement Policy will be through:

- day to day enforcement of the processes as defined in the Procurement Guidelines by the officer/s responsible for processing the final payments for purchases made on behalf of Council
- periodic scrutiny of the processes as defined in the Procurement Guidelines by the officer/s responsible for authorising the final payments for purchases made on behalf of Council; and
- Internal Audits.

### **Stakeholders**

Mayor, Councillors, Chief Executive Officer, Director Corporate Services, Manager Financial Services, Contracts Officer, all delegated purchasing officers and all other Council staff, temporary employees, contractors and consultants while engaged by Council.

### **Review**

This policy will be reviewed annually, in line with the *Local Government Act 1989*, section 186A. If the policy is deemed to require only minor changes then the review process is to inform Councillors through the Councillor Bulletin. Significant alterations to the policy will require the Council to adopt the changes.

### **Communication & implementation**

Northern Grampians Shire Council's EDRMS infoXpert  
Procurement Guidelines  
Council induction and in-house training presentations



### **References**

Victorian Local Government Best Practice Procurement Guidelines 2013  
MAV Model Procurement Policy (August 2011)  
Local Government Victoria Conflict of Interest Guidelines  
Procurement Guidelines  
Staff Code of Conduct  
Councillor Code of Conduct  
Protected Disclosure Procedure  
Fraud Policy and Fraud Awareness Training  
Council Purchasing Delegations  
Standard Tender and Contract documents  
[Disciplinary Procedure](#)

### **Privacy and Data Protection compliance**

All Council policies must consider the *Privacy and Data Protection Act 2014* and the *Victorian Protective Data Security (VPDSS) Framework* which adopts a risk-based approach to protective data security. This policy includes relevant, identified security risks and governance arrangements in place to protect security across the domains of information, personnel, ICT and physical.

### **Charter of Human Rights compliance**

It is considered that this policy does not impact on any human rights identified in the *Charter of Human Rights & Responsibilities Act 2006*.

### **Definitions**

In this Policy, the following words and phrases have the meanings set out below:

Procurement/Purchasing – to buy or acquire products, goods or services using Council's operational or capital works budgeted funds in order to deliver outcomes consistent with Council's objectives.

Category – an area of spending determined by market boundaries separating different products, services or industries.

Category Management – recognising suppliers within certain markets that are likely to have similarities which enable a tailored approach to procurement.

Conflict of Interest - an interest, pecuniary or otherwise, that could conflict with the proper performance of duties, or conflict or incompatibility between personal interests and the impartial fulfilment of public or professional duties.

Expression of Interest – Public request for organisations to register their interest in the supply of goods or services but without providing details of pricing, conducted in accordance with section 186(2) of the Act.

Sustainable Procurement – a process whereby Council meets its needs for goods and services and works in a way that achieves value for money on a whole of life basis in terms of generating benefits not only to Council, but also to society and the economy, whilst minimising damage to the environment.

Tender / Request for Tender – Public request for organisations to submit a bid for the supply of goods or services, including pricing and other relevant information which demonstrates their ability to meet the specification and address the relevant selection criteria.

Your PA Procurement Australia (Maps Group) / MAV Procurement – External contracting organisations that act on behalf of all Victorian Local Governments and establishes various supply and service contracts at tendered rates.

**Review history**

<b>Date</b>	<b>Review details</b>	<b>Action</b>
7 November, 2013	Aligned to new format and updated to include information based on the Victorian Local Government Best Practice Guidelines 2013 and MAV Model Procurement Policy (Updated).	Presented to Audit Committee 12 November, 2013  Presented to Council Briefing 18 November, 2013  Presented to Council Meeting 2 December, 2013
18 November 2014	Increase the threshold levels that have remained constant for many years to recognise inflationary increases in costs.	Presented to Audit Committee 25 November, 2014  Presented to Council Briefing 23 November, 2014  Presented to Council Meeting 1 December, 2014
4 November 2015	Altered the review process of the policy to incorporate this statement, "If the policy is deemed to require only minor changes then the review process is to inform Councillors through the Councillor Bulletin. Significant alterations to the policy will require the Council to adopt the changes."	Submitted to the Councillor Bulletin on 4 November, 2015
29 June 2017	Aligned to new format and forwarded to civic support to include in next Councillor Bulletin	Submitted to the Councillor Bulletin on 29 June, 2017
22 August 2018	<p><i>New threshold limits:</i></p> <p>Threshold limit for going to public tender separated into 2 different dollar values being:</p> <ol style="list-style-type: none"> <li>1. \$125,001 and above relating to contracts for the purchase of goods and services</li> <li>2. \$170,001 and above relating to contracts for the carrying out of works</li> </ol> <p>Amended all NGSC thresholds from GST inclusive to GST exclusive.</p> <p>Included an additional section under thresholds in relation to information on compliance with the policy.</p>	Presented to Audit Committee 5 September 2018  Presented to Council Meeting 1 October 2018

Procurement Policy 2019

	New wording around purchase order splitting added.	
29 July 2019	<p><i>Thresholds:</i> Paragraph 3 added for formal public tender to include cumulative spend per supplier and spend per project.</p> <p><i>Officers Financial Delegations:</i> Paragraph 3 added whereby no employee should be purchasing/reimbursing their own training/conferences and associated costs.</p>	Presented to Audit Committee 9 September 2019
7 October 2019	Presented to Council Meeting 7 October 2019	

## Appendix 1

1908 G 32 7 August 2008

*Victorian Government Gazette*

---

### ORDERS IN COUNCIL

#### **Local Government Act 1989**

#### ORDER FIXING THE VALUE OF CONTRACTS FOR WHICH A PRIOR PUBLIC TENDER IS TO BE CONDUCTED BY LOCAL COUNCILS

##### Order in Council

The Governor in Council under section 186(1) of the **Local Government Act 1989** sets the value of –

- \$150,000 for contracts for the purchase of goods and services: and
- \$200,000 for contracts for the carrying out of works,

for which a Council must, before entering into the contract, give public notice of the purpose of the contract and invite tenders from any person wishing to undertake the contract, or give public notice of the purpose of the contract or the project to which the contract relates and invite expressions of interest from any person interested in undertaking the contract or all, or any part of, the project.

This Order comes into operation on the day it is made.

Dated 5 August 2008

Responsible Minister

RICHARD WYNNE MP  
Minister for Local Government

RYAN HEATH  
Clerk of the Executive Council

---

## 10. Notices of Motion or Rescission

Nil

## 11. Reports from Councillors/Committees

Cr Erwin and Cr Reid provided an update on the advocacy trip to Parliament House.

## 12. Urgent Business

Nil

## 13. Public Question Time

**Peter Rose, 36 Archdale Road, Carapooee**

**Given that so many residents from Carapooee would be so adversely affected by the impact of the Harvey Gravel pit, what measures have council taken to find alternative and more remote sites?**

Mr Fithall, Director Operations, provided the following response:

Council has multiple operating gravel quarries throughout the shire to effectively manage its road network. Managing the resource supply and demand is difficult and high risk which we must manage.

Council's Mine Lane Gravel Quarry in Carapooee has always had a limited lifespan and Council has been making preparations for that.

Council opened a Gravel Pit in Tottington in 2014 and performed trials in 2017. These trials weren't as effective as we hoped them to be and later ceased using that material.

Preparations started for the Harvey Pit in 2015 and all early indications looked very good in regards to quality and quantity.

Council trialled a site in Kanya in 2016 which proved not to be appropriate.

Council is in early negotiations with a landowner in Marnoo.

To our surprise, the Mine Lane Gravel Quarry in Carapooee has recently been exhausted with only a small amount left available for this year's projects.

Finding a good quality, long-lasting resources which doesn't impact on the environment and surrounding residents is difficult.

We are open to talk to any landowner who may think they have such a resource and be interested in working with us.

**Anne Molony, 382 Dunolly Road, Carapooee 3477**

**What I would like to see is a written copy of the Council's 'Community Engagement Plan' for the proposed development of the site WA 6067 Lot CA 44c on Stuart Mill Low Rd, Carapooee as a gravel mine.**

Mr Fithall, Director Operations, provided the following response:

WA6067 at CA 44c is in draft and all corresponding information has not been finalised.

The draft Engagement Plan for WA6067 stipulates that neighbouring residents within 1 km of the site would be engaged directly through the planning permit process.

The draft plan stipulates that Council will accommodate community concerns as far as practical.

**Anne Molony, 382 Dunolly Road, Carapooee 3477**

**I would like to know why the fact that the Excavation Manager Hayden Harvey's Father owns the proposed gravel mine site is not considered a conflict of interest by the Council and administration officers?**

Mr Fithall, Director Operations, provided the following response:

At the initiation of any work being done in preparation for gravel extraction at the proposed Harvey Pit site, a Conflict of Interest was declared and appropriate measures are in place to manage and mitigate any risk that the conflict could cause.

Hayden Harvey has not and will not make or influence any decisions in regards to gravel excavations at the proposed site.

**Bernie Casey, 63 Bowen Street, St Arnaud**

**Why has NGSC not offered free disposal of green waste for one month as three of our neighbouring councils have done so far for the last three years?**

Mr Fithall, Director Operations, provided the following response:

Green waste received at our transfer stations is more often than not contaminated with weeds or just general waste which makes it very expensive to dispose of and that is something we have brought to Council as an option. Council currently subsidises transfer station fees by 40% - 60% for all ranges of waste streams accepted.

Council has a permit exemption burn off period from 14 to 27 October this year and we have been running that for the last few years. It is an alternative for people to dispose of their green waste. This initiative is far more cost-effective for both Council and the community allowing residents an opportunity to reduce their fire risk before the Summer. It starts their fire readiness preparations.

Council is currently engaging in regards to its Waste Strategy and I encourage anyone who has any interest in waste or recycling, to have a look on our website and fill out the survey, we are pretty keen to hear anyone and everyone's thoughts. Waste is an ever-evolving beast and whatever information we can have at our hands is only going to help us manage it.

**Mr Casey asked a series of related questions:**

**What cost is it to the Council for people to bring their own waste when other councils are doing it and not charging?**

**How much is it to take a trailer load of green waste to the tip?**

**Why can other councils offer the free disposal and not this council?**

**How much green waste does Council get compared to hard waste?**

There was a general discussion and the Mayor said Council would provide a written response.

**Richard Bazeley, 67 Millett Street, St Arnaud**

**1. When might I receive a reply to my letter tabled at the last Council Meeting?**

**2. How was the decision to withdraw from the WRLC arrived at and why was there no public consultation and information given about this decision?**

**3. Why is this essential service being targeted when other services are not being cut?**

Mr Williams, Acting Chief Executive Officer, provided the following response:

---

It is Council's objective to review all services provided to the community. Libraries are expensive services to provide so a review was undertaken on that service. The proposed changes will impact on how the service is administered and will not impact on the service as it is provided to the community.

Mr Williams apologised for not responding to Mr Bazeley's letter and said he would answer all Mr Bazeley's questions at the meeting scheduled with him and the Friends of the St Arnaud Library later in the afternoon.

Mr Williams said that libraries have not been targeted, all services are being reviewed.

(Unknown) asked the following related question:

**Why don't you use this excess money from the wind farm to back up the library?**

Mr Williams, Acting Chief Executive Officer, provided the following response:

The surplus from the wind farm under the reserve policy that we have just put out is to go towards community capital which is constructed assets and not to supplement services. In the case of libraries the services will not be diminished.

Mr Bazeley asked a related question.

**How many services have been cut?**

The Mayor responded and said children's services in Stawell had been contracted out and we continue to run the service in St Arnaud. We no longer fund school crossings. Parks and Gardens was not changed as people said they liked the look of the towns.

The Mayor explained that there had been no community consultation on the library services review as there was to be no cuts to the services or funding, just a reduction in the costs to run the service.

(Unknown) asked the following related question:

**If you take funding away from the library what is the effect it will have on the library?**

Mr Williams, Acting Chief Executive Officer provided the following response:

We believe the efficiencies will not impact on the level of service provided to the community. Currently, there is a Wimmera Regional Library Corporation that works on behalf of five councils to provide library services across the five council areas. We are not unique in this, regional libraries are going to come under a VAGO report into their effectiveness and about four of them have been wound up over the last five years because that particular model of providing library services is quite expensive. Libraries are empowered under the Act to provide services to the contributing councils but they have to operate as a separate organisation that requires a Chief Executive Officer, library plans, they have to submit budgets, and a whole pile of bureaucracy that needs to be duplicated because they are a separate entity which would not be required if they were brought within the councils. So that is where we believe the savings are going to be made, not from the services on the ground and online.

Mr Williams said he was meeting with the Friends of the St Arnaud Library later in the day and he would continue those meetings as the Council does the progression to the new version of the service which will be effective from 1 July 2020.

**Robyn McDonald, 740 St Arnaud-Wycheproof Road, Sutherland**

- 1. 12 months ago, when Valley Park Farm were granted their retrospective permit allowing them to run 50,00 free range chooks in a recognised waterway we were assured by this council that this was the best way to achieve compliance, and that you would act on any breaches of the 51 conditions agreed to at VCAT. As per that order, Valley Park Farm willingly agreed to have**
-

Stormwater and Environmental Management plans approved within three months of the granting of the permit, with a further three months agreed to implement any works associated with those plans. Both those deadlines are well and truly past. As there is still no satisfactory Stormwater Management Plan in place, (not to mention numerous other breaches along the way), isn't it finally time for the shire to meet its legal obligations and initiate the necessary action to revoke that permit? The shire has knowingly ignored blatant non-compliance by this company for almost 3 years. Are you going to continue to allow this to drag on indefinitely, ignoring the rights of the existing landholders who are being impacted by this development?

The Mayor, Cr Kevin Erwin, provided the following response:

The questions were asked on a couple of fronts at the last meeting and they are still discussing with Water Technology which I believe is the company that is doing the work for the chook farm. They are discussing with the North Central Catchment Authority in order to finalise the stormwater management plan. The main points of contention are the retaining dam and whether it is sufficient to hold the run-off and from bunded range areas.

**2. How was it possible for the shire to endorse an Environmental Management Plan for this enterprise two months ago, that references clauses of a non-existent SMP?**

Water Technology will shortly visit the site to confirm the design location of the dam, swale and potential realigned waterway. Once the North Central Management Catchment Authority is happy with the details of the dam we will be in a position to endorse the stormwater management plan. We are chasing up the PIN notice and have got confirmation that they will pay the fine this week.

Mrs McDonald asked the following related question:

**What happens when they don't meet the demands of the stormwater management plan?**

The Mayor responded and said once we get both plans endorsed we will take it from there.

(Unknown) asked the following related question:

**Shouldn't those have all been decided before the permit was issued?**

The Mayor responded that Council would get back to the McDonalds with a more informed answer.

Anne Hughes, 51 Shearing Shed Road Carapooee West

**1. Affected residents ask will Councillors come and talk with us about the continuing problem please before decisions are made on the proposed Babylon Festival 2020?**

Cr Reid indicated she would be available to meet with residents and Mrs Hughes said she would arrange a date.

**2. When was the Australian Valuation Property Classification Code (AVPCC) 501: Native Vegetation/Bushland and Covenant adopted by NGSC and why are some covenanted properties not being rated under 501 classification?**

Mr Williams, Acting Chief Executive Officer, provided the following response:

The AVPCC is a code that the valuers put on properties, they do not relate to how we rate them. There are a lot of classifications. The valuer puts the classifications on the properties, Council does not maintain those. When the valuer goes out and does their assessment they actually put all of the codes on the property and we are a recipient of those.

Mrs Hughes asked a related question:

---



So the only method to get the 501 is to object to whatever your code is? Mr Williams agreed.

**3. When did Councillors receive notification of the proposed gravel quarry at Carapooee?**

A written response will be provided.

**Yvonne Nevill, 18 Butcher Street, St Arnaud**

**Given that the community has an expectation of open and transparent governance, we have noticed at Council meetings that Council business is primarily a voting process where little discussion or debate is held. Could you please explain where and when Council debate and discussion take place and why the vote on issues is held in private at Council briefings and not held during Council meetings before the general public?**

The Mayor, Cr Erwin, read out the question and said there is debate and there is no vote held in private council briefings.

Mr Williams, Acting Chief Executive Officer, provided the following response:

In relation to council process, a long time ago council meetings started at 6 o'clock and went through to 1 o'clock in the morning and that was when officers and councillors met and all presentations conducted in a completely public environment; they went forever. That model of undertaking council decisions is something that has not been part of most councils for probably twenty odd years now. In terms of the voting, the Mayor is correct, no decisions of council are made outside of council meetings. That is quite a strict rule and at councillor briefing sessions administration brief the councillors on various topics that come up and while we are quizzed on as administration on the nature of the topics that come out of those discussions no decision is actually made until they come to a council meeting. The trend going forward which I think is the better process is the deliberative engagement process which is intended and this is something enshrined in the new version of the Local Government Act going forward and the intention there is that well before anything impacts on you, you are consulted, they call it deliberative consultation. Hence the Future of St Arnaud plan just recently been about is one of the things. Part of that process is that in the first instance is identifying all stakeholders and that can be everybody, other services in town, affected members of the community, other aspects of even council and the intention of that is to have that discussion about the impacts, alternatives and how those services could be done or changes made and then it is decided at a council meeting. The council meeting process at the end is the final part of it. If you go back say 25 years, all that was trying to happen in one room which was a horrible experience for everybody so I think where we have an area for improvement is in the community consultation space.

**Anne Molony, 382 Dunolly Road, Carapooee 3477**

**Does this apply to the community engagement plan for the Harvey quarry which started in 2017 and no one has contacted anyone of the community except in the past two weeks?**

Mr Fithall, Director Operations, provided the following response:

For that particular event the engineering staff went and had a look at the options they could have for installing a gravel pit and the first part of that engagement is the planning application process. You have to set up proposed working hours as part of the working authority, there is nothing to say this is going to happen, it is not a fait accompli. You have to prepare all this information so that you are fully aware of all the implications for that. This is the appropriate forum to hear your concerns about the location of the gravel pit and the process is the planning process. We already have a lot of objections and the vocalisation today is another reinforcement of those concerns. This effectively is part of the community consultation.

Part of the permit being a small permit, the issues that come from that are minor in that regard and therefore the spread of the engagement we undertook was less than it would be for a major permit. We notified people in proximity to the site. This is a small permit. The Work Authority 6067 is going to

encompass a larger area and require further extensive engagement which will be done if that proceeds on the back of this permit.

Mrs Molony asked a related question:

**Why is that whole proposal written at all levels except community engagement?**

Mr Fithall, Director Operations, provided the following response:

There is a draft engagement plan that is within that. It is all in draft, can be amended, it is only in the initial stages at the moment and the smaller permit that is currently in process in not the larger work authority. The engagement plan was written at the initiation of the planning for that permit. It is stipulating what we intend to do. All the information you are referencing is not a final documentation whatsoever and what we have today is only a small permit.

The Mayor said the proposed hours are put in to get a work authority and until you get the work authority it doesn't proceed.

The Mayor said the unanswered questions will receive a written response, including the three questions submitted by Mr Malcolm Scott.

Malcolm Scott, 644 Dunolly Road, Carapooee

1. **Why does a 'Test Pit' not require a permit? This test pit is 1 hectare in area 10,000 m<sup>2</sup> x 2m deep, this means 20,000 cubic m. 400 truck loads (50 tonne truck capacity). This is just another devious move by you NGSC.**

The Mayor repeated that questions will receive a written response as soon as possible.

The following two questions were also submitted by Mr Scott prior to the meeting and will receive a written response.

2. **Lot 44C, what is the size-hectares and why was this project plotted in secrecy, deliberately so that we, the people who would be affected by it, had very little time or information/detail to object. No contact, no consultation, nothing.**
3. **Why does this Council treat its residents/ratepayers with indifference, ignore any objections that we raise? What compensation will be offered to me for the devaluation of my property which will occur?**

#### **14. Closure of Meeting Pursuant to Section 89(2) of the Local Government Act 1989**

A Council or Special Committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following :

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matter;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any other person;
- (i) A resolution to close the meeting to members of the public.

14.1 C2 2017/18 - Provision of Civil Engineering & Project Management Consultancy Services

14.2 C1 2019/20 - North Park Multi Purpose Clubroom Development - New Contract

14.3 C6 2019/20 - Plant Replacement Program - New Contract

#### **RESOLUTION**

That items 14.1, 14.2 and 14.3 be considered in Closed Council as it deals with confidential matters as detailed in section 89 of the *Local Government Act 1989*.

Moved: Cr Murray Emerson

Seconded: Cr Tony Driscoll

Carried

#### **RESOLUTION**

That the meeting be closed to consider the item listed pursuant to section 89(2) of the *Local Government Act 1989*.

Moved: Cr Murray Emerson

Seconded: Cr Tony Driscoll

Carried

#### **OPEN COUNCIL**

The Acting Chief Executive Officer reported on the item discussed in Closed Council.

14.1 That Council defers consideration of Contract C1 2019/20 - North Park Multi Purpose Clubroom Development to the next Ordinary Council meeting.

14.2 That Council agrees to take up the second and final one year option to extend Contract No. C2 2017/18 - Provision of Civil Engineering and Project Management Consultancy Services with the current contractors Allan Ralph, CT Management Group Pty Ltd, Ecology Australia Pty Ltd, Heil Engineering Consultants Pty Ltd and Rural Works Pty Ltd.

14.3 That Council awards Contract No. C6 2019/20 - Plant Replacement Program to the following tenderers:

- Supply and delivery of one new GCM Diesel Tip Truck with Tipping Tray with trade-in to Bendigo Truck Centre
- Supply and delivery on one new GCM Diesel Tip Truck with Tipping Tray and Chipper Bin with Trade-in to Bendigo Truck Centre

**15. Close**

There being no further business the Mayor declared the meeting closed at 1.32pm.

Confirmed



CR KEVIN ERWIN  
CHAIRPERSON

Date: 11 November 2019