



Minutes

Council Meeting held at 12.30 PM on Monday 6 June 2022 in the Council Chamber, Pleasant Creek Historic Precinct.

Present

Cr Tony Driscoll (Mayor)
Cr Lauren Demspey
Cr Murray Emerson
Cr Kevin Erwin
Cr Trevor Gready
Cr Rob Haswell
Cr Eddy Ostarcevic PhD

Ms Liana Thompson, Chief Executive Officer
Mr Daryl Clifton, Director Corporate and Community Services
Mr Trenton Fithall, Director Infrastructure and Amenity

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 27 June 2022.

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1. Apologies

Nil

2. Confirmation of Minutes

Council Meeting held on Monday, 2 May 2022

Unscheduled Council Meeting held on Monday, 23 May 2022

RESOLUTION

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

Moved: Cr Murray Emerson

Seconded: Cr Kevin Erwin

Carried

3. Matters Arising from the Minutes

Nil

4. Presentations/Awards

The Mayor presented Ms Diane Goodwin with the Western Australia Nursing Service Medal.

5. Presentation of Petitions and Joint Letters

Nil

6. Disclosure of a Conflict of Interest at a Council Meeting

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which he or she-

- (i) is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or**
- (ii) intends to be present must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice-**
 - advising of the conflict of interest;**
 - explaining the nature of the conflict of interest; and**
 - detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the-**
 - name of the other person**
 - nature of the relationship with that other person or the date on receipt, value and type of gift received from the other person; and**
 - nature of that other person's interest in the matter;**

and then immediately before the matter is considered at the meeting announcing to those present that he or she has a conflict of interest and that a written notice has been given to the Chief Executive Officer.

The Councillor must, in either event, exclude themselves from the decision-making process, including any discussion or vote on the matter and any action in relation to the matter and leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

Members of Staff

A member of Council staff must disclose any conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a report for a Council meeting. They must immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining its nature.

Nil

7. Informal Meetings of Councillors

[Liana Thompson, Chief Executive Officer]

Council's Governance Rules require that if there is a meeting of Councillors that-

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, delegated committee meeting or community asset committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are:

- tabled at the next convenient Council meeting; and
- recorded in the minutes of that Council meeting.

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

📅 Date	Meeting Description	📋 Matters Considered At The Informal Meeting:	Conflict Of Interest Disclosures		
23/05/2022	Organisational Effectiveness Briefing	7.1 Business Transformation Strategy	Councillor/Officer	Item Number	Left Meeting
		7.2 C4 2016/17 - Provision of ICT Services and Support			
		7.3 Reappointment of Audit and Risk Committee Member			
		7.4 Audit and Risk Committee Biannual Activity Report			
		7.5 Quarterly Finance Report			
		7.6 C5 2017/18 - Provision of Fleet Services			
		7.7 Tender Process			
		7.8 C1 2021/22 - Stawell, North Park Soccer Pitch Lighting			
		7.9 Stawell Tourism Action Strategy - Draft			
16/05/2022	Sustainable Infrastructure Briefing	8.1 Council Agenda Review	Councillor/Officer	Item Number	Left Meeting
		8.1 Review of Council Plan 2021-25			
		8.2 Preparation of Budget 2022-23			
		8.3 Draft General Local Law 2022			
		8.4 Green Waste and Organics Feasibility/Trial			
		8.5 Public Recycling Bins			
09/05/2022	Economic Growth Briefing	8.6 Lord Nelson Park User Agreements	Councillor/Officer	Item Number	Left Meeting
		8.1 10.30am Presentation - Great Western Football Netball Club			
02/05/2022	Lifestyles and Community Briefing	8.2 11.00am Presentation - NCLLEN	Councillor/Officer	Item Number	Left Meeting
		7.1 Rating and Revenue Model for 2022/23			
		7.2 11am Presentation - Federation University			
13/04/2022	Councillor Briefing Budget	8.1 Council Agenda Review	Councillor/Officer	Item Number	Left Meeting
		Budget 2022-23			
12/04/2022	Councillor Briefing Budget	Budget 2022-23	Councillor/Officer	Item Number	Left Meeting
		Budget 2022-23			
26/04/2022	Sustainable Infrastructure Briefing / Organisational Effectiveness Briefing	8.1 Glass Recycling	Councillor/Officer	Item Number	Left Meeting
		8.2 Waiving Refunding Development Approval Permit Application Fees Policy			
		8.3 Domestic Wastewater Management Plan			
		8.4 Urban Tree Planting Program			
		8.5 Quarterly Council Action Plan Report			
		8.6 Appointment of Independent Chair to CEO Employment and Remuneration Committee			
		9.1 C9 2021/22 - Production and Supply of Meals for the Delivered Meals Service	Ms Liana Thompson	8.6	Yes

RESOLUTION

That the report on Informal Meetings of Councillors be approved.

Moved: Cr Kevin Erwin
Seconded: Cr Lauren Dempsey

Carried

8. Items Brought Forward

Nil

9. Consideration of Reports of Officers

9.1. Enhance Lifestyle and Community

9.1.1. Proposed General Local Law 2022

Author/Position: Kate Sage, Coordinator Environment & Community Protection

Purpose

To seek Council approval to release for public exhibition, the proposed General Local Law in accordance with the *Local Government Act 2020*.

Summary

Council is required to adopt a new General Local Law as the current local law is set to expire on 7 September 2022 pursuant to Division 3 of the *Local Government Act 2020*.

The General Local Law is ultimately aimed to protect the amenity of the municipality and the health and safety of the community. This is not simply about compliance but about creating an environment that is equitable and fair, where residents, businesses and visitors alike can participate in the community with mutual respect and enjoyment.

Recommendation

That Council approves the proposed General Local Law 2022 for public exhibition and seeks feedback in accordance with Council's *Community Engagement Policy*.

RESOLUTION

That Council approves the proposed General Local Law 2022 for public exhibition and seeks feedback in accordance with Council's *Community Engagement Policy*.

Moved: Cr Eddy Ostarcevic

Seconded: Cr Kevin Erwin

Carried

Background/Rationale

Local Laws must be reviewed regularly to ensure they remain relevant and reflect the contemporary expectations of council. Section 111 of the *Local Government Act 2020* determines that all Local Law sunset after 10 years. Council's General Local Law 2012 operates until 7 September 2022.

The review of the General Local Law began in late 2021 and has resulted in the proposed Northern Grampians Shire Council Local Law 2022, being prepared.

On behalf of the community, Council has a significant amount of assets vested in, controlled or owned that need to be protected. This Local Law provides protection of these assets so that Council and the community do not unreasonably bear the cost of repairing damage to these assets caused by others.

The objectives of this Local Law are to provide:

- a. the peace, order, and good governance of the municipality
- b. a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets expectations
- c. the safe and fair use and enjoyment of municipal places
- d. the protection and enhancement of the amenity and environment of the municipality
- e. the fair and reasonable enjoyment of private land
- f. the protection of assets vested in council
- g. the uniform and fair administration of this General Local Law 2022

The General Local Law 2012 will be revoked at the time of adoption of the new General Local Law 2022.

A General Local Law explanatory document (attached) is made available to assist the community with understanding how the review has been undertaken, including what has and has not been included in the local law following the review and consultation.

Legislation, Council Plan, Strategy and Policy Implications

Section 71 of the *Local Government Act 2020*

Council Plan 2021-25

- Enhance Lifestyles and Community
- Boost Economic Growth
- Providing Sustainable Infrastructure
- Improve Organisational Effectiveness

Options

Option 1

That Council endorses the proposed General Local Law 2022 for public exhibition in accordance with Council's *Community Engagement Policy*. **[recommended]**

Option 2

That Council endorses the proposed General Local Law 2022 for public exhibition in accordance with Council's *Community Engagement Policy* with changes. **[not recommended]**

Option 3

Council does not endorse the proposed General Local Law 2022. **[not recommended]**

Implications

The subject matter has not raised any sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications.

Legal advice has been sought through Russell Kennedy Lawyers to ensure Council complies with its legislative requirements.

Procurement

Not applicable

Community Engagement

In accordance with Council's *Community Engagement Policy*, consultation took place in February 2022 with the community, providing an opportunity to raise any concerns or issues they have with the current local law. The community was also given the ability to raise new issues that should be considered as part of a new local law.

Council's Have Your Say page was used as a source of the consultation with information posted on council's social media and Community Updates in the local newspapers. Other departments within council were also consulted and raised issues for consideration.

As a result of the consultation, over 130 submissions were received with a range of items raised. A summary of the submissions received can be found in the table below with comments explaining the reasons for or against inclusion.

Submission	Officer Comments
Regulate E-Bikes in Halls Gap	E-bikes are considered a bicycle in accordance with the Road Safety Road Rules 2017 and their use is regulated and enforced through this legislation. It is not recommended to regulate the use of e-bikes as a council function
Update Waste Services regulations and definitions in line with new and upcoming waste requirements	Waste, in part, to be regulated via a Waste Services Guidelines as a document incorporated into the local law. This will allow Council to adjust its waste service to align with the State Government's requirements for food and organic waste and container deposit initiatives
Better definition of Unsightly Land as it creates public nuisances	Include overgrown vegetation as unsightly land
Camping on private property currently unregulated and creates unregulated development	Regulate the amount of time permitted to camp, including in a caravan, on private property
Amend open air burning provisions to reduce risk, administrative burden and align with <i>CFA Act</i>	Requirement for a permit through Council removed in certain circumstances, reducing the cost to community and administrative burden on Council. Open air burning must comply with conditions within the local law and other legislation
Regulate the use of Drones	Drones are regulated by CASA legislation, and it is not recommended for Council to regulate further
Prohibit the use of fireworks in Halls Gap and during the fire danger period	Fireworks are regulated via Worksafe and the CFA. The CFA issue permits during the fire danger period. Council has already consulted the CFA to ensure improved conditions of CFA fireworks permits. It is not recommended that council regulate fireworks further. Fireworks used on council land requires a permit
Cats to be contained to private property	Council can create orders under the <i>Domestic Animals Act</i> that regulate the movement of cats. Council can choose to do this at any stage and will be considered separately to the local law
Review terminology and definitions	Entire local law reviewed to be consistent with other legislation and municipalities
Allow more than 2 dogs	This is not recommended as Council receives many complaints regarding uncontrolled dogs. Allowing more on properties is likely to create more issues
Removal duplicate legislation	<ul style="list-style-type: none"> Abandoned vehicle clause removed as managed by the <i>Local Government Act</i> Aerodrome and obstacle limitation surface clause removed

- | | |
|--|--|
| | as managed by CASA Legislation
– Dogs on leash and animal excrement removed as managed by <i>Domestic Animals Act</i> |
|--|--|

Permit administrative details have also been removed from the local law and placed into Local Law Guidelines which is a document incorporated into the local law. These guidelines will detail the expectations of the community and Council. These requirements are generally administrative and Council's lawyers have recommended that they are not part of the local law.

The community expressed their expectations for Council to improve its enforcement of the local law as there is inconsistency with its enforcement.

In addition to the consultation undertaken during the review process, the public exhibition of the Proposed Northern Grampians Shire Council General Local Law 2022, in accordance with *Section 73 of the Local Government Act 2020*, gives the community a further opportunity to consider the proposed General Local Law 2022 and if it addresses and responds to the concerns raised and optimises community safety and amenity needs.

An overview of the proposed General Local Law has been presented to the community as part of council's Info Expos in Stawell and St Arnaud on April 21 and 22 respectively.

The final draft of the General Local Law 2022 is a combination of the work completed by Russell Kennedy Lawyers, our internal reviews and community consultation.

A detailed Local Law Explanatory Document has also been prepared and is made available to the community as part of the public notice period.

Innovation and Continuous Improvement

All considerations for a reduction in risk to Council have been taken, along with the best outcome/least burden for community members.

We believe that the changes to the General Local Law 2022 are an improvement and will benefit the community and improve the safety and amenity of people who reside and visit the Northern Grampians Shire.

Collaboration

Nil

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Kathryn Sage, Coordinator Environment & Community Protection

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

Attachments

1. Proposed General Local Law 2022 [9.1.1.1 - 28 pages]
2. NGSC Local Law Explanatory Document [9.1.1.2 - 9 pages]
3. Local Law Guidelines - Northern Grampians Shire General Local Law 2022 [9.1.1.3 - 18 pages]
4. Waste Services Guidelines 2022 [9.1.1.4 - 4 pages]

Northern Grampians Shire Council General Local Law 2022



June 2022



Northern Grampians Shire Council
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1. GENERAL LOCAL LAW 2022

The **General Local Law 2022** is a Local Law made under Division 3 of Part 3 of the *Local Government Act 2020* and section 42 of the *Domestic Animals Act 1994*.

2. OBJECTIVES

The Objectives of this Local Law are to provide for –

- (a) the peace, order, and good governance of the municipality;
- (b) a safe and healthy environment so that the community within the municipality can enjoy a quality of life that meets expectations;
- (c) the safe and fair use and enjoyment of municipal places;
- (d) the protection and enhancement of the amenity and environment of the municipality;
- (e) the fair and reasonable enjoyment of private land;
- (f) the protection of assets vested in Council; and
- (g) the uniform and fair administration of this General Local Law 2022.

3. COMMENCEMENT

This Local Law commences on [insert date].

4. REVOCATION OF LOCAL LAWS

On the commencement of this Local Law, the following Local Law is revoked –

- Northern Grampians Shire Council – *General Local Law 2012*.

5. APPLICATION OF THIS LOCAL LAW

The Local Law –

- (a) applies throughout the municipality; and
- (b) is inoperative to the extent of any inconsistency with any Act, Regulation or Planning Scheme in force in the municipality; and
- (c) does not apply where any act or thing is authorised by any Act, Regulation or the Planning Scheme in force in the municipality.

6. DEFINITIONS

In this Local Law –

amenity of an area is the quality that the area has of being pleasant and agreeable;

Authorised Officer means a person appointed by Council under section 224 of the *Local Government Act 1989*;

collection day means the day of the week the contents of a waste bin or recycling bin are due to be collected, which –

- (a) in the case of a waste collection service provided by Council, is the day of the week specified by Council; or
- (b) in the case of a waste collection service provided by a privately engaged contractor, is the day of the week specified by the contractor;

commercial area means any land zoned within a Commercial Zone in the Planning Scheme;

contravention has the same meaning as it has in the *Interpretation of Legislation Act 1984*;

Council means the Northern Grampians Shire Council;

Council asset includes land, and infrastructure whether built or natural, vested in, owned or managed by Council;

direct/direction means an instruction given by an Authorised Officer either in writing or verbally;

e-cigarette has the same meaning as it has in the *Tobacco Act 1987*;

event includes but is not limited to a circus, carnival, festival, activity or procession which has exclusive use of a municipal place or part thereof for commercial, private, or fundraising purposes;

footpath means the roadside land between the property boundary and the nearest edge of the constructed road surface, whether the footpath is constructed, partially constructed or unconstructed;

heavy vehicle has the same meaning as defined in the *Road Safety Act 1986*;

incinerator means an external structure, which is used or capable of being used for the purpose of containing matter whilst it is burning, excluding a barbeque or properly constructed fireplace;

industrial area means any land zoned within an Industrial Zone in the Planning Scheme;

infringement notice has the same meaning as defined in the *Infringements Act 2006*;

land has the same meaning as it has in the *Interpretation of Legislation Act 1984*;

liquor has the same meaning as defined in the *Liquor Control Reform Act 1998*;

litter has the same meaning as defined in the *Environment Protection Act 2017*;

livestock has the same meaning as defined in the *Livestock Management Act 2010*;

Local Law means this local law, the *General Local Law 2022*;

Local Law Guidelines means the document titled “Local Law Guidelines” as formulated and published by Council from time to time which is an incorporated document under this Local Law pursuant to section 76 of the *Local Government Act 2020*;

municipal place means –

- (c) a place, which is owned or occupied by the Council; or
- (d) a place, including road, where the care and management has been vested in Council; or
- (e) any other land where the owner or manager has obtained approval from Council for the Local Law or part thereof to be applicable to that land, and the place is open to, or accessible to member of the public regardless of whether or not a fee is payable to enter;

Municipality mean the municipal district of the Northern Grampians Shire Council;

no smoking area means an area designated to be a no smoking area under clause 21(1);

notice to comply means a written direction served in person or by mail to a person, or owner or occupier of a property;

pedestrian has the same meaning as it has in the *Road Safety Road Rules 2017*;

penalty unit has the same meaning as it has in section 110(1) of the *Sentencing Act 1991*;

permit means a permit issued under this Local Law;

Planning Scheme means the Northern Grampians Planning Scheme;

procession means an organised group of people proceeding along a road, or a gathering for a ceremony or function and includes but is not limited to a fun run and bicycle event. It does not include a procession of cars associated with a funeral service or an ANZAC Day March;

property has the same meaning as land;

public waste bin means a Council provided bin located in a municipal place, including a litter bin and cigarette butt bin;

recyclables refer to materials that are able to be treated or processed to make suitable for re-use;

residential area means any land zoned within a Residential Zone in the Planning Scheme;

road has the same meaning as defined in the *Local Government Act 1989*;

roadway means the formed section of a road, whether sealed or unsealed, that is generally associated with the passage of vehicles;

rural land means any land zoned within a Rural Zone in the Planning Scheme;

skip means a container that has a storage capacity of greater than 240 litres used for the depositing and or storage of waste and or recyclables;

smoke in the context of a tobacco product or an e-cigarette has the same meaning as in the *Tobacco Act 1987*;

tobacco product has the same meaning as defined in the *Tobacco Act 1987*;

vehicle has the same meaning as defined in the *Road Safety Road Rules 2017*;

vehicle crossing means a driveway connecting property to the street or road, in the area between property boundary and the road surface;

vermin include such pest species as rats, mice, foxes, rabbits, feral cats, or other non-native animals;

waste means any discarded item, including rubbish, refuse, garbage, junk, and litter and includes any commercial, construction, demolition, or industrial, materials that are unwanted or discarded;

Waste Services Guidelines means the document titled “Waste Services Guidelines” as formulated and published by Council from time to time which is an incorporated document under this local law pursuant to section 76 of the *Local Government Act 2020*.

COMMUNITY SAFETY AND AMENITY

7. HEAVY VEHICLES

Without a Permit, a person must not keep or store any heavy vehicle –

- (a) upon any road for which Council is the relevant Road Authority; or
- (b) on any land in a residential area; or
- (c) on Council land.

Penalty: 10 penalty units

8. OPEN AIR BURNING AND BURNING OF OFFENSIVE MATERIALS

(1) Subclauses (2) and (3) do not apply to a fire –

- (a) in a barbeque while being used for the purpose of cooking food; or
- (b) in a chiminea, potbelly stove, or small open fire in a suitable container for heating, cooking, cultural or social purposes, which is not offensive; or
- (c) generated by a tool of trade while being used for the purpose for which it was designed.

(2) Within a residential area, a commercial area or an industrial area a person must not, without a permit, burn in the open air any material, substance or thing in a heap that exceeds the size of 1 cubic metre.

Penalty: 20 penalty units

(3) A person who lights a fire in the open air or uses an incinerator must ensure that –

- (a) the fire is lit more than 3 metres from the allotment boundary; and
- (b) the fire is supervised at all times by a person over the age of 16 years; and

- (c) there are adequate means readily available for extinguishing the fire; and
- (d) the fire is not within 3 metres of any flammable material except for growing vegetation not exceeding 10cm in height; and
- (e) the fire is not offensive and does not cause a nuisance to any other person; and
- (f) the fire does not create a hazard; and
- (g) the fire does not have an adverse impact on visibility beyond the property boundary, including reducing the visibility of motorists and other users of a road

Penalty 20 penalty units

- (4) Where an authorised officer considers that a person is causing a condition which is unsafe, dangerous to health, offensive or non-compliant with this local law because of the way that person is using an incinerator or is burning in the open air, the authorised officer may direct that the fire be extinguished.
- (5) A person who lights or allows a fire to remain alight contrary to the provisions contained within this Local Law, must extinguish the fire immediately on being directed to do so by an Authorised Officer.

Penalty 20 penalty units

- (6) A person must not burn or cause to burn any offensive materials including any matter which contains any, or consists of –
 - (a) manufactured chemicals; or
 - (b) rubber or plastic; or
 - (c) petroleum or oil, other than in a properly constructed and operating heating appliance or in an internal combustion engine; or
 - (d) paint or receptacle which contains, or which contained paint; or
 - (e) household waste; or
 - (f) other offensive or noxious matter; or
 - (g) non timber based building materials; or
 - (h) treated or painted timber; or
 - (i) green or wet vegetation.

Penalty: 20 penalty units

- (7) An Authorised Officer may direct a person burning material contrary to subclause (6) to extinguish the fire and that person must do so.

Penalty: 20 penalty units

9. UNSIGHTLY LAND

- (1) An owner or occupier of land, or a person authorised by the owner or occupier of the land to undertake works on the land, must ensure that the land –
- (a) is not detrimental to the general amenity of the neighbourhood in which it is located by the appearance of any of the following –
- (i) any stored unregistered motor vehicles or machinery or any parts thereof; or
 - (ii) the storing of scrap metal; or
 - (iii) the storing of second hand building materials; or
 - (iv) the storing of recyclables; or
 - (v) waste; or
 - (vi) disused excavation material; or
 - (vii) overgrown vegetation; or
 - (viii) unconstrained rubbish;
- (b) is kept free of any graffiti; and
- (c) does not become a haven for vermin to establish on the land.

Penalty: 20 penalty units

- (2) If an Authorised Officer considers that an owner or occupier of land is failing to comply with the requirements of this clause he or she may require the person to take remedial action to limit the impact of the condition or appearance of the land on the general character or amenity or safety of the neighbourhood, including the screening of the land by a fence or other means.

10. ENGLISH AND EUROPEAN WASPS

An owner or occupier of land must destroy any English or European wasp nest on that land.

Penalty: 5 penalty units

11. CAMPING

- (1) Without a permit, a person must not camp, or allow any other person to camp, on any road or municipal place other than a caravan park or an area designated for camping in –
- (a) a tent; or
 - (b) a motor vehicle; or
 - (c) a caravan; or
 - (d) a motorhome-campervan; or
 - (e) a temporary, or makeshift structure.

Penalty: 10 penalty units

- (2) An Authorised Officer may direct a person who is responsible for camping contrary to subclause (1) to move the camp from the road or municipal place and that person must do so.

Penalty: 20 penalty units

12. CAMPING ON PRIVATELY OWNED LAND

The owner or occupier of land must not, without a permit, camp, or allow any other person to camp, on that land –

- (a) in a manner that causes a nuisance; or
- (b) for any more than 4 consecutive weeks; or
- (c) for any more than a total of 3 months in any calendar year.

Penalty: 20 penalty units

13. OBSTRUCTING VEGETATION

A person must not allow any vegetation growing on land owned or occupied by that person to –

- (a) overhang any footpath or other part of the road used by pedestrians so that it impedes pedestrian access or is likely to cause injury or damage; or
- (b) overhang a road at a height less than 2.4m from the surface of the road; or
- (c) drop leaves, fruit, seeds or other vegetation on the road causing a hazard for road users; or
- (d) be of a height or width to –
 - (i) obstruct the view between vehicles at an intersection; or

- (ii) obstruct the view between vehicles and pedestrians where they come close to each other; or
- (iii) obscure a traffic control item from an approaching vehicle or pedestrian; or
- (iv) obscure street lighting; or
- (v) otherwise constitute a danger to vehicles or pedestrians or compromises the safe and convenient use of the road or footpath.

Penalty: 20 penalty units

14. ALLOCATED NUMBERS OF PREMISES TO BE DISPLAYED

- (1) The Council may allocate premises numbers if it believes this is necessary to identify premises in the municipality, and from time to time, may make changes to those numbers.
- (2) If the Council has allocated a street number to a premises, the owner of the premises must identify the premises with that number and must renew or replace the number as often as may be necessary.

Penalty: 5 penalty units

- (3) The owner of the premises must ensure that the number as described in subclause (1) is of characters at least 95mm high and 50mm wide and placed in such a position as to be clearly readable from the roadway to which the address relates.

Penalty: 5 penalty units

15. WASTE COLLECTION

A person must comply with any requirement imposed on that person in the Waste Services Guidelines.

Penalty: 20 penalty units

16. MUNICIPAL WASTE FACILITIES

- (1) A person who uses a municipal transfer station or waste facility must –
 - (a) comply with any conditions of use of the station or facility as determined by Council from time to time;
 - (b) comply with any directions given by Council staff or contractors in charge of the station or facility; and
 - (c) pay any applicable fees and charges as determined by Council from time to time.

Penalty: 20 penalty units

- (2) Without permission given by an Authorised Officer, a person must not remove material of any kind which has been deposited at a Council transfer station other than materials that are available through a Council approved reuse facility.

Penalty: 20 penalty unit

17. PUBLIC WASTE BINS

A person must not deposit in a public waste bin any –

- (a) household waste; or
- (b) commercial or industrial waste, including food, cigarette ash, cigarette butts or recycling materials from commercial or industrial premises; or
- (c) a lit cigarette; or burning materials; or
- (d) waste of a shape, size or weight that cannot be contained in the public waste bin.

Penalty: 20 penalty units

18. WASTE AND RECYCLING BINS

- (1) A waste or recycling bin awaiting collection of its contents must not be placed on a road, or on any other municipal place, more than 24 hours prior to the collection day.

Penalty: 20 penalty units

- (2) A waste or recycling bin must be removed from a road or any other municipal place within 24 hours of the collection day.

Penalty: 20 penalty units

- (3) The owner or occupier of premises must remove any materials which have spilled from the property's waste or recycling bin onto a road, or any other municipal place.

Penalty: 20 penalty units

- (4) An Authorised Officer may direct the owner or occupier of premises to remove any materials which have spilled from the property's waste or recycling bin onto a road or any other municipal place and that person must do so.

Penalty: 20 penalty units

- (5) If an item has been placed in a Council supplied kerbside waste bin and is an item that must not be placed in that bin in accordance with the Waste Services Guidelines, an Authorised Officer may direct the owner or occupier of the premises to remove the item and that person must do so.

Penalty: 20 penalty units

19. SKIPS IN A MUNICIPAL PLACE

- (1) Except for Council supplied waste and recycling bins, a permit under this local law must be obtained at least two business days prior to the placement of any skip used for the storage of waste and/or recyclables in a municipal place.

Penalty: 20 penalty units

- (2) An Authorised Officer may direct the person responsible for the placement of the skip referred to in subclause (1) to remove the skip if it is placed without a permit or is not placed in accordance with the permit conditions and that person must do so.

Penalty: 20 penalty units

- (3) An Authorised Officer may direct the person responsible for the placement of the skip referred to in subclause (1) to remove any spilt waste or recycling materials and that person must do so.

Penalty: 20 penalty units

MUNICIPAL PLACES

20. USE OF MUNICIPAL PLACES

- (1) Without a Permit, a person must not use a municipal place other than for its intended purpose.

Penalty: 10 penalty units

- (2) Except where authorised by Council or an Authorised Officer, a person must not, on a road or municipal place –

- (a) prune, remove or damage any Council tree, shrub, or vegetation; or
- (b) plant a tree, shrub, or vegetation; or
- (c) landscape an area; or
- (d) damage any Council garden beds or related infrastructure including tree guards, irrigation, retainer walls or watering systems; or
- (e) remove, or install landscaping related infrastructure including tree guards, irrigation, or watering systems.

Penalty: 10 penalty units

- (3) An owner or occupier of premises must maintain and keep in good condition any vehicle crossing attached to the premises.

Penalty: 20 penalty units

21. NO SMOKING IN MUNICIPAL PLACES

- (1) Council may by resolution designate a municipal place or part of a municipal place to be a no smoking area.
- (2) Council must display signs at the municipal place, or part of a municipal place advising that it is a no smoking area.
- (3) A person must not smoke a tobacco product or an e-cigarette in a no smoking area.

Penalty: 5 penalty units

- (4) An Authorised Officer may direct a person who is contravening or has contravened subclause (3) to –
 - (a) leave the no smoking area; or
 - (b) in the case of a tobacco product, extinguish and then dispose of the tobacco product; or
 - (c) in the case of an e-cigarette, cease using the device.
- (5) A person to whom a direction is given under subclause (4) must comply with that direction.

Penalty: 20 penalty units

- (6) This clause does not apply to any smoking that is prohibited by the *Tobacco Act 1987*.

22. LIQUOR IN A MUNICIPAL PLACE

- (1) Without a Permit, a person must not consume or be in possession of any liquor in an unsealed container in a municipal place.

Penalty: 20 penalty units

- (2) Subclause (1) does not apply –
 - (a) between the hours of 11am and sunset, to persons partaking of a meal at a public barbeque or public picnic facilities with built infrastructure to facilitate eating; or
 - (b) to a person who consumes or possesses liquor in any licensed premises or authorised premises as defined in the *Liquor Control Reform Act 1998*.
- (3) An Authorised Officer may direct a person who is contravening or has contravened subclause (1) to dispose of the liquor and that person must do so.

Penalty: 20 penalty units

23. BEHAVIOUR

- (1) A person must not behave in a municipal place in a manner which is –
- (a) boisterous, harmful or which is likely to interfere with the reasonable use or enjoyment of the municipal place by any other person; or
 - (b) considered by an Authorised Officer to be damaging or harmful to the municipal place.

Penalty: 10 penalty units

- (2) An Authorised Officer may direct a person who is acting contrary to subclause (1)(a) or subclause (1)(b) to cease that behaviour and that person must do so.

Penalty: 20 penalty units

24. PROHIBITED ACTIVITIES IN MUNICIPAL PLACES

- (1) A person must not whilst in municipal place –
- (a) enter upon or remain on an area set aside as a playing ground during the course of an organised sporting event while matches are in play unless that person is a player, official or competitor; or
 - (b) use any playground equipment other than for the purpose for which it is provided; or
 - (c) fish in or swim, paddle, dive or jump into or enter any wetland, lake, pond, or fountain unless designated by Council as being permitted; or
 - (d) throw, place, or allow to be thrown or placed any object or substance into any wetland, lake, pond, or fountain; or
 - (e) play, engage in, or practise any game, sport or activity in a manner that is –
 - (i) dangerous to any other person in the municipal place; or
 - (ii) likely to interfere with the reasonable use or enjoyment of the municipal place by any other person; or
 - (f) ride, lead or allow to wander any horse, pony, or other like animal other than in the area and at a time designated by Council; or
 - (g) drive, ride in or on or otherwise use any vehicle other than in the area designated by Council.

Penalty: 10 penalty units

- (2) An Authorised Officer may direct a person who is acting contrary to subclause (1) to immediately cease the activity and that person must do so.

Penalty: 20 penalty units

25. WORKING ON VEHICLES IN A MUNICIPAL PLACE

- (1) A person must not in municipal place –
- (a) paint a vehicle; or
 - (b) service a vehicle; or
 - (c) carry out maintenance on a vehicle; or
 - (d) repair or dismantle a vehicle except in an emergency breakdown to enable it to be removed.

Penalty: 5 penalty units

- (2) An Authorised Officer may direct a person who is working on a vehicle contrary to subclause (1) to immediately cease the activity and that person must do so.

Penalty: 20 penalty units

26. DISPLAY VEHICLES FOR SALE

- (1) Without a permit, a person must not in a municipal place display a vehicle for sale.

Penalty: 5 penalty units

- (2) An Authorised Officer may direct a person who is in charge of a vehicle displayed for sale contrary to subclause (1) to remove the advertising or the vehicle from the municipal place and that person must do so.

Penalty: 20 penalty units

- (3) Subclause (1) does not apply to a vehicle being driven out on a road, or a vehicle that is lawfully parked in front of the owner's residential address and the advertising is within the vehicle.

27. VEHICLES ON MUNICIPAL PLACES

- (1) Without a permit, a person must not use a vehicle on any municipal place, unless the municipal place has been designated by Council for the use of that vehicle.

Penalty: 10 penalty units

- (2) Subclause (1) does not apply to a municipal place that is a road.

- (3) A person must not use a vehicle on any municipal place –

- (a) so as to interfere with the amenity, reasonable use, or enjoyment of the municipal place by another person; or

- (b) in a manner that damages any vegetation, Council assets or land.

Penalty: 10 penalty units

- (4) An Authorised Officer may direct the person in charge of the vehicle being used contrary to subclause (1) or subclause (2) to leave the municipal place or cease the activity and that person must do so.

Penalty: 20 penalty units

28. EVENTS

Without a permit, a person must not conduct an event in a municipal place.

Penalty: 20 penalty units

29. FIREWORKS

Without a permit, a person must not conduct a firework display or ignite fireworks in a municipal place.

Penalty: 20 penalty units

30. FOOTPATH USE

- (1) Without a Permit, a person must not conduct any footpath activity, excluding pedestrian use.

Penalty: 10 penalty units

- (2) A person conducting a footpath activity must comply with any requirement imposed on that person in the Local Law Guidelines.

Penalty: 10 penalty units

- (3) For the purposes of this clause footpath activity includes, but is not limited to any of the following occurring on the footpath –

- (a) the placement of signs; or
- (b) the placement of street furniture; or
- (c) the placement of bins, except for bins placed out for collection in accordance with this Local Law and any requirement set out in the Waste Services Guidelines; or
- (d) trading; or
- (e) the placement of street structures, umbrellas, blinds, and awnings; or
- (f) the placement of banners, flags, and bunting; or
- (g) the display of goods; or
- (h) conducting raffles; or

- (i) busking, spruiking; or
 - (j) any organised group or public gatherings; or soliciting or collecting gifts of money or subscriptions; or
 - (k) the display of vehicles or goods for sale; or
 - (l) the collection of waste materials, except in accordance with this Local Law and any requirement set out in the Waste Services Guidelines; or the placement of chairs, tables, and items ancillary to outdoor eating; or the placement of barriers, fences, dividers; or
 - (m) the placement of outdoor heating devices.
- (4) An Authorised Officer may direct the person responsible for a footpath activity that contravenes subclauses (1) or (2) to immediately stop and that person must do so.

Penalty: 20 penalty units

- (5) An Authorised Officer may direct the person responsible for the placement of any item contrary to subclauses (1) or (2), or not placed in accordance with the conditions of a permit issued under this Local Law, to remove the offending item and that person must do so.

Penalty: 20 penalty units

ANIMALS

31. EXCESS ANIMALS IN RESIDENTIAL AREA

- (1) Without a permit, an owner or occupier of premises in a residential area must not keep, or allow to be kept, any animals in excess of the number of specified below for each animal –
- (a) 2 cats;
 - (b) 2 dogs;
 - (c) 10 pigeons;
 - (d) 10 poultry;
 - (e) 10 domestic rats;
 - (f) 10 domestic mice;
 - (g) 4 guinea pigs;
 - (h) 4 domestic rabbits;
 - (i) 6 reptiles; or

- (j) 4 ferrets.

Penalty: 10 penalty units

- (2) Without a permit, an owner or occupier of premises in a residential area must not keep, or allow to be kept, more than four different types of animals at the premises.

Penalty: 20 penalty units

- (3) Progeny of animals kept will not be considered for the purpose of subclause (1) or subclause (2) until they are 12 weeks of age.

32. AGRICULTURAL ANIMALS IN A RESIDENTIAL AREA

- (1) Without a permit, an owner or occupier of premises in a residential area must not keep, or allow to be kept, any agricultural animals including –

- (a) large birds including emus, ostriches, turkeys, or geese; or
- (b) horses or donkeys or like animals; or
- (c) sheep; or
- (d) goats; or
- (e) roosters; or
- (f) pigs; or
- (g) camels; or
- (h) other agricultural animals.

Penalty: 10 penalty units

- (2) Progeny of animals kept will not be considered for the purpose of subclause (1) until they are 12 weeks of age.

33. ANIMALS IN RURAL AREA

- (1) Without a permit, an occupier of rural land must not keep, or allow to be kept, more than –

- (a) 4 cats; or
- (b) 4 dogs.

Penalty: 10 penalty units

- (2) Progeny of animals kept will not be considered for the purpose of subclause (1) until they are 12 weeks of age.

34. CATS IN HALLS GAP AREA

- (1) A person in the Halls Gap area (Maps 35, 36 and 37 of the Planning Scheme as identified in Schedule 2) must not keep a cat which was not in their possession and being kept in the Halls Gap area before 21 October 1993.

Penalty: 20 penalty units

- (2) The owner of a cat which is exempt under subclause (1) must ensure –
 - (a) that the cat is confined totally indoors or in an escape proof enclosure on the owner's premises; and
 - (b) when outside the owner's premises the cat must be confined to an enclosed vehicle.

Penalty: 20 penalty units

35. GRAZING, MOVING OR DROVING LIVESTOCK

- (1) Without a permit, grazing of livestock on a road is prohibited (regardless of whether the area is fenced).

Penalty: 20 penalty units

- (2) Without a permit, a person must not move or drove any livestock in a municipal place unless the livestock are being –
 - (a) moved in order to travel a reasonable distance within the municipality from one property to another and the properties are under the same ownership or management; or
 - (b) relocated by an Authorised Officer; or
 - (c) relocated in an emergency to avoid or minimise danger; or
 - (d) moved in accordance with any appropriate code of practise, Act of Parliament or Regulation applicable to the activity.

Penalty: 20 penalty units

ADMINISTRATION

36. DELEGATION

Council delegates to –

- (a) Council's Chief Executive Officer, all the powers, discretions, authorities, and considerations of Council under this Local Law; and
- (b) Council's Authorised Officers, the powers to implement this Local Law.

37. ENFORCEMENT

- (1) If an Authorised Officer believes that a person has contravened or failed to comply with this Local Law or the person has contravened or failed to comply with a permit issued under this Local Law, the Authorised Officer may, by written notice called a notice to comply served on that person, make any reasonable direction to that person to remedy the contravention or failure to comply with this Local Law or a permit.
- (2) An Authorised Officer may act to remedy any circumstances which threatens a person's life, health or property, or an animal, without serving a notice to comply under this clause, provided that –
 - (a) the circumstances arise out of a person's use of a municipal place or failure to comply with a provision of this Local Law; or
 - (b) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
 - (c) the person to whom a notice would have otherwise been served is as soon as possible notified of the urgent circumstance and the action taken to remedy it.
- (3) An Authorised Officer may –
 - (a) impound any item that encroaches or obstructs the free use of a municipal place;
 - (b) release the impounded item to its owner on payment of a fee previously determined by Council, which it is not to exceed an amount that reasonably represents the cost to Council of impounding, keeping, and releasing the item; and
 - (c) sell, destroy, dispose of, or give away the impounded item if the owner of the impounded item has not paid the required fees.
- (4) If an Authorised Officer impounds an item under this Local Law, they must serve on the owner of the impounded item a notice of seizure as soon as possible after the impounding.
- (5) If the identity or whereabouts of the owner of an item impounded under this Local Law is unknown, Council must take reasonable steps to ascertain the owner's identity and/or whereabouts prior to exercising its powers under subclause (3)(c).

- (6) Council is entitled to retain out of the proceeds of sale of any impounded item its reasonable costs incurred in impounding, keeping, and selling the item.
- (7) A person is guilty of an offence if the person –
 - (a) contravenes or fails to comply with a provision of this Local Law, including any document incorporated under this Local Law; or
 - (b) engages in any activity without a current permit where a provision of this Local Law requires that the person obtain a permit beforehand; or
 - (c) contravenes a condition of a permit issued under this Local Law; or
 - (d) contravenes or fails to comply with a notice to comply issued under subclause (1).
- (8) The maximum penalty for a contravention or failure to comply with this Local Law is the penalty stated under the provision or where no penalty is stated under the provision, the maximum penalty is 20 penalty units.

38. INFRINGEMENT NOTICE

- (1) If an Authorised Officer believes that a person has committed an offence against this Local Law, the Authorised Officer may issue to that person an infringement notice.
- (2) An offence for which an infringement notice may be served is an infringement offence within the meaning of the *Infringements Act 2006*.
- (3) The penalty set in respect of an infringement notice for an infringement offence under this Local Law is the penalty set out in Schedule 1.

39. PERMITS

- (1) An application for a permit under this Local Law must –
 - (a) be in a form approved by Council;
 - (b) be accompanied by the fee determined by Council; and
 - (c) comply with any requirements contained in the Local Law Guidelines.
- (2) An Authorised Officer may require an applicant to –
 - (a) supply more information; or
 - (b) give public notice of the application.

- (3) An Authorised Officer may decide to –
 - (a) grant a permit with or without conditions; or
 - (b) refuse to grant a permit on any ground they believe appropriate; or
 - (c) apply any conditions relevant to such permits; or
 - (d) give consideration to any guidelines applicable to such permit.
- (4) An Authorised Officer may revoke a permit.
- (5) A permit expires on the expiry date specified in the permit.
- (6) The Chief Executive Officer may exempt, in writing, a person from the requirement to obtain a permit under this Local Law.
- (7) In deciding to grant a permit, an Authorised Officer may require the applicant to lodge with Council a bond for such amount and in such a manner as the officer deems reasonable in the circumstances.
- (8) If Council is required to remedy a breach of a permit or repair any damage caused by any work carried out under a permit, it may, for that purpose, use part or all of any bond associated with that permit and must afterwards release any remainder of that bond.
- (9) Council may seek additional costs from the permit holder if the costs to remedy a breach of a permit are greater than the bond being held for the Permit.
- (10) On satisfactory completion of any works under a permit, or when the permit expires Council must release any applicable bond.
- (11) If after 12 months Council cannot locate a person entitled to the release of any bond, Council may retain the bond and pay the money into its general revenue.
- (12) The Local Law Guidelines apply to all applications for a permit made under this Local Law and to all permits issued under this Local Law.

40. FEES

The Council may, from time to time by resolution determine fees for the purposes of this Local Law.

41. INCORPORATED DOCUMENTS

Pursuant to section 76(1) of the *Local Government Act 2020*, the following documents are incorporated documents under this Local Law –

- (a) the document titled “Waste Services Guidelines” as formulated and published by Council from time to time; and the document titled “Local Law Guidelines” as formulated and published by Council from time to time.

42. CERTIFICATION

The General Local Law 2022 was made by resolution of Northern Grampians Shire Council on [date].

.....

Mayor/Councillor

.....

Chief Executive Officer/Senior Officer

SCHEDULE 1: INFRINGEMENT PENALTY SCHEDULE**Clause 38(3)**

The penalty set in respect of an infringement notice for an infringement offence under this Local Law is the penalty set out in the table below.

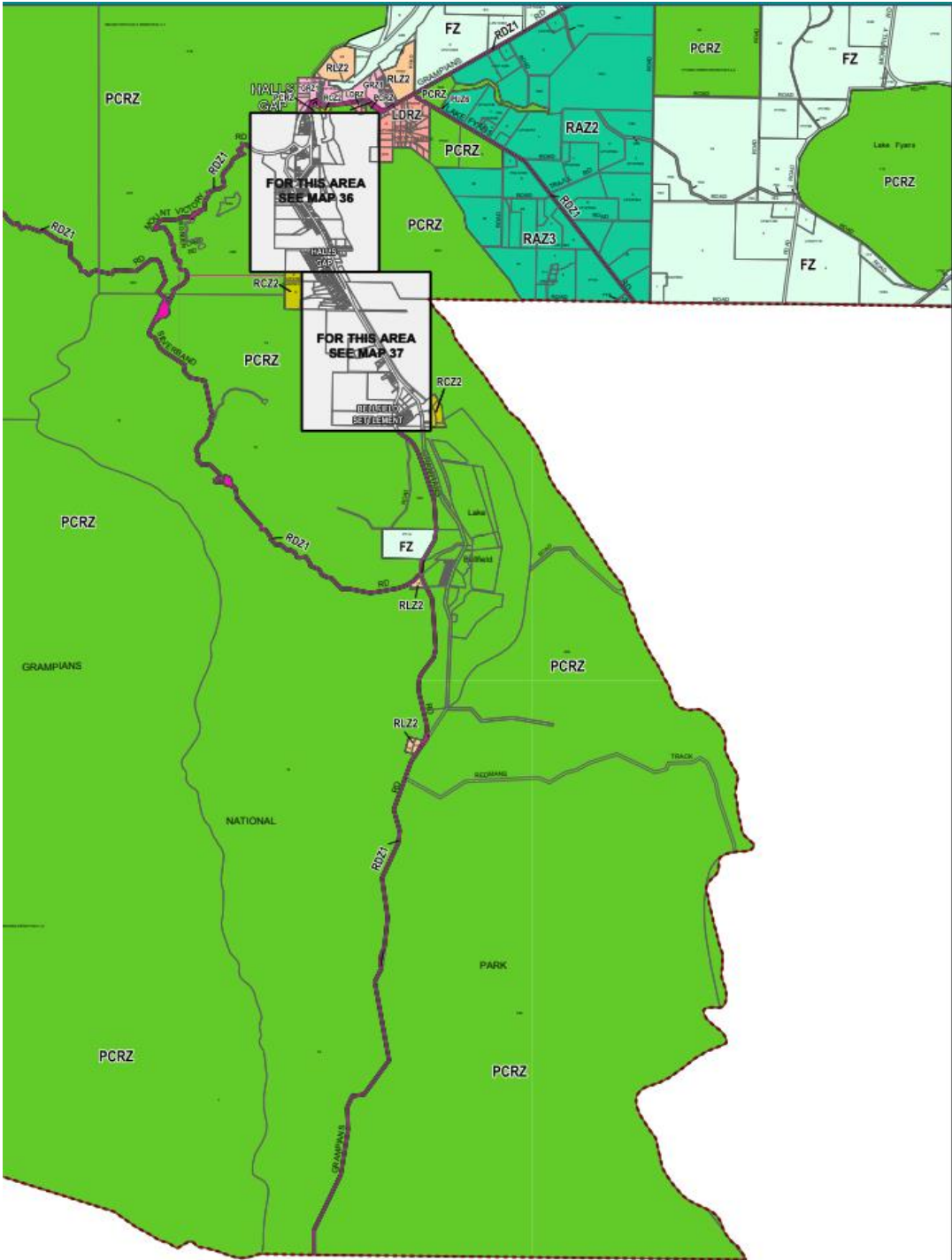
Clause	Infringement penalty (penalty units)
7	1
8(2)	2
8(3)	2
8(5)	2
8(6)	2
8(7)	2
9(1)	1
10	0.5
11(1)	1
11(2)	1
12	1
13	1
14(2)	0.5
14(3)	0.5
15	1
16(1)	1
16(2)	1
17	1
18(1)	1
18(2)	1
18(3)	1
18(4)	1
18(5)	1
19(1)	1
19(2)	1
19(3)	1

Clause	Infringement penalty (penalty units)
20(1)	1
20(2)	1
20(3)	1
21(3)	0.5
21(5)	1
22(1)	1
22(3)	1
23(1)	1
23(1)	1
24(1)	1
24(2)	1
25(1)	0.5
25(2)	1
26(1)	0.5
26(2)	1
27(1)	1
27(3)	1
27(4)	1
28	1
29	1
30(1)	1
30(2)	1
30(4)	1
30(5)	1
31(1)	1
31(2)	1
32(1)	1
33(1)	1
34(1)	1
34(2)	1

Clause	Infringement penalty (penalty units)
35(1)	1
35(2)	1
37(7)(c)	1
37(7)(d)	1

SCHEDULE 2: CATS IN HALLS GAP AREA

Clause 34





Northern Grampians Shire Council Local Law Explanatory Document

Proposed General Local Law 2022

June 2022



Northern Grampians Shire Council
LIVE | WORK | INVEST | VISIT

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1. INTRODUCTION

The Northern Grampians Shire Council (Council) General Local Law 2012 commenced on 7 September 2012 and sunsets in September 2022.

To ensure that the Local Law remains current and meets the needs of Council and the Community an extensive review of the Local Law has been undertaken. The review has considered issues that have been identified since the commencement of the General Local Law 2012 and with the current local law expiring, a major review of the Local Law is required.

The proposed Local Law is ultimately aimed to protect the amenity of the municipality and the health and safety of the community. This is not simply about compliance but about creating an environment that is equitable and fair where residents, businesses and visitors alike can participate in the community with mutual respect and enjoyment.

On behalf of the community, Council has a significant amount of assets vested in, controlled or owned by Council that need to be protected. The proposed Local Law provides protection of these assets so that Council and the community do not unreasonably bear the cost of repairing damage to these assets caused by others.

The General Local Law 2012 will be revoked at the time of adoption of the new General Local Law 2022.

Under Section 71 of the *Local Government Act 2020*, Council has the power to make local laws for, or with respect to, any act, matter or thing for which the Council has a function or power, subject to:

- a local law must not be inconsistent with any Act (including the **Charter of Human Rights and Responsibilities Act 2006**) or regulations;
- a local law must not duplicate or be inconsistent with a planning scheme that is in force in the municipal district;
- a local law for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles;
- a local law must not exceed the power to make local laws conferred by this Act or any other authorising Act;
- a local law must be consistent with the objectives of the Local Government Act or any other authorising Act;
- a local law must be expressed as clearly and unambiguously as is reasonably possible;
- unless there is clear and express power to do so under the Local Government Act or any other authorising Act, a local law must not—
 - seek to have a retrospective effect; or
 - impose any tax, fee, fine, imprisonment or other penalties; or
 - authorise the sub-delegation of powers delegated under the local law;
- a local law must comply with any details prescribed in the regulations relating to the preparation and content of local laws.

This explanatory document is intended to provide information to the community about the Proposed Local Law and to assist any member of the public who may wish to make a submission to Council during the Public Consultation process required under the Local Government Act.

2. OBJECTIVES

The objectives of the proposed General Local Law 2022 are to provide:

- a) the peace, order and good governance of the municipality;
- b) a safe and healthy environment so that the community within the municipality can enjoy a quality life that meets expectations;
- c) the safe and fair use and enjoyment of public places;
- d) the protection and enhancement of the amenity and environment of the municipality;
- e) the fair and reasonable use and enjoyment of private land;
- f) the protection of assets vested in Council; and
- g) the uniform and fair administration of the General Local Law 2022.

3. COMMUNITY ENGAGEMENT

In accordance with Council's Community Engagement Policy, Council commenced engagement with the community regarding the proposed General Local Law in February 2022. The community were provided an opportunity to raise any concerns or issues they have with the current local law and were provided the opportunity to raise any new issues that should be considered as part of the new local law.

Council's Have Your Say page was used as a source for the consultation with information posted on Council's Social Media and Community Updates in the local newspapers. In April 2022, Council undertook community Info Expos in Stawell and St Arnaud where the Local Law review was available for discussion.

A detailed brief is included within the Council report from the June 2022 Council meeting explaining the reasons for or against the inclusion of recommended issues.

Section 73 of the Local Government Act 2020 states the process to be undertaken before Council makes a local law. Council must comply with its own community engagement policy and is required to give public notice of its intention to create a Local Law stating:

- the objectives of the proposed local law;
- the intended effect of the proposed local law;
- that a copy of the proposed Local Law may be obtained from the Council office and website;
- the community engagement process that applies in respect of the making of the local law.

4. MAIN CHANGES

Council has undertaken an extensive review of the General Local Law to ensure it is consistent with other legislation and manages current and/or emerging issues. Changes to the local law from the General Local Law 2012 vary from minor to major with a large amount of minor changes including:

- Definition updates
- Formatting
- Deletion of unnecessary content
- Removal of clauses managed by other laws, including:
 - Aerodrome and obstacle limitation surfaces (managed by CASA legislation)
 - Abandoned Vehicles (managed by the Local Government Act)
 - Dogs on Leash and Animal Excrement (managed by the Domestic Animals Act)

Major changes to the local law include:

<i>Inclusion of overgrown vegetation in unsightly land</i>	Overgrown vegetation is a common complaint received by Council outside of the fire season. If left unmanaged, it can create risks leading into the fire season but also assist in harbouring vermin and snakes.
<i>Removal of the need to obtain an open-air burn permit in certain circumstances</i>	This change reduces the cost to the community and the administrative burden on Council. The risk of uncontrolled fires continues to be managed with conditions of burning noted in the local law, including burning in piles less than 1 cubic metre
<i>Camping on Private Property</i>	Limitations have been placed on the length of time permitted to camp on private land outside of a registered caravan park.
<i>No smoking in municipal places</i>	Smoking, including passive smoking is a well-known public health risk. Smoking permitted in municipal places results in littering where cigarette butts are not lawfully disposed of. The no smoking provisions in the proposed local law, which operate alongside the no smoking provisions in the <i>Tobacco Act 1987</i> have been updated to reflect current trends with the use of e-cigarettes in addition to the smoking of tobacco products.
<i>Development of Local Law Guidelines incorporated into the General Local Law</i>	Administrative sections of the local law have been removed and placed into guidelines as incorporated documents under the local law. These guidelines can be reviewed from time to time by Council to ensure of their currency and consistency. These guidelines assist in informing the community regarding the processes needed to be taken as part of the local law. They do not affect and purpose of the local law.
<i>Development Waste Services Guidelines incorporated into the General Local Law</i>	Most waste sections of the local law have been removed. With legislative changes coming through State legislation, it is expected that many sections within the local law would be affected. To ensure Council's law remains current in line with these changes, the guidelines have been developed. This document outlines the guidelines and processes relating to Council's kerbside service, waste service compulsory areas and waste management.

5. MEASURES OF SUCCESS

Whilst enforcement of the Local Law is important, measures of success must have regard to the impact of local law related actions, whether that is information or enforcement against those objectives.

Council will measure the success of the Local Law through;

- The number and subject of infringement notices and notices to comply issued;
- The number, subject and outcome of appeals received;
- The number, subject and outcome of prosecutions undertaken;
- The number, subject and outcome of public complaints received, relating to the Local Law;
- The qualitative assessment by Council Officers or in consultations regarding community compliance.

6. EXISTING LEGISLATION

Council believes that the proposed Local Law has a number of provisions which complement existing legislation and provide a more appropriate local response, whilst not overlapping, duplicating or conflicting with existing Victorian State legislation.

There are many pieces of existing legislation that deal with issues covered by the proposed Local Law, such as:

- Country Fire Authority Act 1958;
- Domestic Animals Act 1994;
- Environment Protection Act 2017;
- Public Health and Wellbeing Act 2008;
- Road Management Act 2004;
- Road Safety Act 1986 and the Road Safety Road Rules 2017;
- Summary Offences Act 1966;
- Impounding of Livestock Act 1994
- Tobacco Act 1987; and
- Liquor Control Reform Act 1998.

The objectives of the Country Fire Authority Act 1958 are supported by the controls proposed in the Local Law in relation to incinerators and burning off.

The Domestic Animals Act 1994 encourages councils to make resolutions on the control of dogs and cats within the municipality. The local law complements this Act and the Impounding Livestock Act 1994 by regulating the number of dogs and cats which may be kept, the types of animals that can be kept and the ability to graze livestock with a permit.

The Public Health and Wellbeing Act 2008 does not provide the ability to intervene promptly to support immediate abatement of situations, such as nuisance issues, where there may be risks to public health. Provisions of the local law can intervene prior to the nuisance occurring.

The no smoking provisions in the proposed Local Law operate alongside the no smoking provisions contained in the *Tobacco Act 1987*. The proposed Local Law allows Council to designate a municipal place or part of a municipal place to be a no smoking area, where that place or part of a place is not already a no smoking area under the *Tobacco Act 1987*.

Council believes that the proposed Local Law does not contain any clauses where it is considered that Victorian State legislation alone would provide a more appropriate response to issues concerned. To the extent that there may be overlap, it is considered that the Local Law provides a more timely and flexible response appropriate to the issues concerned.

Council believes that items dealt with in the Local Law are not dealt with within the planning scheme.

The Local Law is inoperative to the extent of any inconsistency with any Act, Regulation or Planning Scheme and the Local Law does not apply where an act or thing is authorised by any Act, Regulation or the Planning Scheme in force in the municipality.

7. RISK ASSESSMENT

Council undertakes risk assessments formally across many factors of the organisation and the local law is considered as part of the risk considerations. A formal risk assessment has not been undertaken for each clause beyond the identification of problems and existing records.

RISK	Method in which Council plans to manage exposure
<i>Community not aware of the Local Law obligations (if adopted)</i>	<p>Community consultation will occur before adoption and will comply the mandatory requirements of the Act.</p> <p>After adoption the Local Law will be available on Council's website and Customer Service Centres. Local Laws and other Council Officers will serve an educational role in their day-to-day interactions with the community.</p> <p>Specific items within the Local Law requiring a more focused education campaign/targeted information will be identified and a program commenced.</p>
<i>Overlap with other legislation</i>	No overlapping legislation identified. If legislation is identified or created during the operational period of this Local Law, the legislation takes precedence over the Local Law.
<i>Failure to request and/or hear public submissions on proposed Local Law</i>	Submissions will be called for and heard in accordance with the Local Government Act and Council's community engagement policy..
<i>Other agencies not aware of new provisions within Local Law</i>	<p>Other relevant agencies will be consulted before the proposed Local Law is presented for adoption.</p> <p>These include Victorian Police, Country Fire Authority and Animal Welfare Groups.</p>
<i>Legislative approach adopted</i>	<p>Council is of the view that the proposed Local Law is necessary to protect the amenity of the municipality and the health and safety of the community.</p> <p>The overall approach for the development of the proposed Local Law is to be consistent with the existing Local Law. The decision regarding which regulatory approach to take varied according to the extent of risk, the perceived extent of non-compliance and the enforcement resources available.</p> <p>Northern Grampians Shire Council's existing General Local Law 2012 was considered to be low impact and generally consistent with neighbouring and like councils.</p> <p>The proposed Local Law features:</p> <ul style="list-style-type: none"> • Clear guidance and/or standards for specific activities; • The provision of permits to undertake certain activities rather than prohibition; • reasonable enforcement procedures including warnings, the issuing of infringement notices, impounding items if required and an internal review process for infringement notices; and • an appropriate level of penalty units to be applied for breaches of the provisions of the law.

8. RESTRICTION OF COMPETITION

National Competition Policy does not automatically demand greater exposure to competition, although it does require an assessment of how the government conducts business activities that compete, or potentially compete, in the market.

Local laws must not restrict competition unless Council can demonstrate:

- that the benefits outweigh the costs
- there is no other way of achieving the objective.

The proposed Local Law defines behavioural requirements and usage standards for municipal places which include Council run activities/businesses. These requirements and standards do not restrict competition.

9. PENALTIES

The proposed Local Law sets out penalties for infringement notices which may be issued as an alternative to prosecution in respect of offences against the Local Law.

Council feels that a base level of 1 penalty unit is sufficient to act as a deterrent for most offences if there is appropriate enforcement vigilance. 1 penalty unit is currently set at \$181.74 as per the *Monetary Units Act 2004*

According to the Attorney-General's guidelines to the Infringement Act 2006, "An infringement penalty should generally be approximately no more than 20-25% of the maximum penalty for the offence and be demonstrated to be lower than the average of any related fines previously imposed by the courts".

20 penalty units are the maximum penalty that may be applied for all offences if the matter is prosecuted in the Magistrates Court.

10. PERMITS

The permit process aims to achieve the orderly use of Council and community assets and ensures Council is aware of or may prepare for, activities that may impact the wider community.

To satisfy the transparency and accountability principles of best practice local law making, permit applications and consideration of permits are detailed in the Local Law Guidelines which is a document incorporated under the local law.

11. FEES

In accordance with section 77 of the *Local Government Act 2020*, Council may impose fees and charges applicable to the Local Law.

The purpose of fees chargeable under the Local Law will generally be to recover costs or charge a fair market rate for use of community assets. The fees are not intended to make a profit or subsidise other forms of activity. The proposed Local Law allows Council to set fees from time to time and this will be done as part of the Council's annual budget process.

12. COMPARISON WITH NEIGHBOURING AND LIKE COUNCILS

As part of this review project, the provisions within the proposed Local Law have been compared with the local laws of neighbouring councils and other councils with similar local laws, including:

- Ararat Rural City
- Pyrenees Council
- Southern Grampians Shire
- Hepburn Shire
- Central Goldfields Shire
- Buloke Shire Council
- Yarriambiack Shire Council

Council does not believe that any clauses within the proposed local law greatly differ from other local governments within Victoria.

13. CHARTER OF HUMAN RIGHTS

Council has assessed the proposed Local Law for compatibility with the Charter of Human Rights and Responsibilities. Council is of the opinion that the provisions of the proposed Local Law do not impact on human rights as detailed in the Charter.

The proposed Local Law does engage Property Rights. A person must not be deprived of his or her property other than in accordance with law. Provisions in the proposed Local Law regarding impounding are justifiable as due processes are followed to remedy situations before impounding occurs.

Any property impounded will be done so in accordance with the proposed Local Law and therefore the right is engaged but not limited.

Local Law Guidelines

Version 1 –

*Incorporated Document under the Northern
Grampians Shire Council General Local Law
2022*



May 2022



Northern Grampians Shire Council
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INTRODUCTION

The Local Law Guidelines is an incorporated document under the Northern Grampians Shire Council General Local Law 2022.

The purpose of the Local Law Guidelines is to assist with the administration and enforcement of the Local Law.

Words and phrases used in the Local Law Guidelines have the same meaning as they have in the Local Law.

GUIDELINES FOR THE ASSESSMENT OF PERMIT APPLICATIONS

1. HEAVY VEHICLES – CLAUSE 7 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 7 of the Local Law, an Authorised Officer must consider –

- (a) the times involved, and the potential impact on neighbourhood amenity;
- (b) the likely interference caused to pedestrian or vehicular traffic and its impact on public safety;
- (c) likely impact on infrastructure;
- (d) vehicle lighting;
- (e) noise levels;
- (f) impact on Council assets;
- (g) current land usage;
- (h) distance from residential premises; and
- (i) any other matter an Authorised Officer reasonably believes is relevant to the application.

2. OPEN AIR BURNING – CLAUSE 8 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 8 of the Local Law, an Authorised Officer must consider –

- (a) climatic and environmental conditions anticipated;
- (b) firefighting resources available;
- (c) materials to be burnt;
- (d) whether the ground and air space within three metres is clear of flammable material;
- (e) whether an adult will be present to supervise the fire at all times;
- (f) any consultation that has occurred with neighbours and consideration has been given to any submissions or comments received;
- (g) whether the application triggers a need for consultation with the Council's Municipal Fire Prevention Officer; and
- (h) any other matter an Authorised Officer reasonably believes is relevant to the application.

3. USE OF MUNICIPAL PLACES – CLAUSE 20 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 20 of the Local Law, an Authorised Officer must consider –

- (a) the intended use of the municipal place;
- (b) whether the usage applied for is appropriate in the proposed location;
- (c) whether another place, municipal or private property, would be more appropriate;
- (d) whether the activity will have an impact on business and tourism (positive or negative);
- (e) whether community consultation is required;
- (f) any impact on any Council property or assets;
- (g) the likely interference caused to any pedestrian or vehicular traffic and its impact on public safety;
- (h) the times involved, and the potential impact on neighbourhood amenity;
- (i) the activity has the appropriate Public Liability Insurance;
- (j) whether this is the appropriate permit (refer to the Activity Table Schedule 1) and whether the application needs to be referred to, or discussed with, another department of Council; and
- (k) any other matter the Authorised Officer reasonably believes is relevant.

4. LIQUOR IN A MUNICIPAL PLACE – CLAUSE 22 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 22 of the Local Law, an Authorised Officer must consider –

- (a) the nature, duration, and location of the proposed activity;
- (b) whether the permit should include a condition imposing a ban on glass containers;
- (c) the land use of adjoining allotments and the general amenity of the street and neighbourhood;
- (d) whether the location has a verifiable history of liquor-related offences or liquor-behaviour problems;
- (e) the proximity of existing licensed premises;
- (f) the effect on the quiet enjoyment of people in the municipality;
- (g) the impact, if any, on business and tourism (positive or negative);
- (h) public health safety;
- (i) whether the surrounding community has been consulted and any comments or submissions received;

- (j) whether Public Liability Insurance exists;
- (k) whether this is the appropriate permit (refer to the Activity Table in Schedule 4) and whether the application needs to be referred to, or discussed with, another department of Council;
- (l) any advice offered by Victoria Police or any relevant other public authority; and
- (m) any other matter the Authorised Officer reasonably believes is relevant.

5. VEHICLES ON MUNICIPAL PLACES – CLAUSE 27 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 27 of the Local Law, an Authorised Officer must consider –

- (a) the nature, duration, and location of the proposed activity;
- (b) the suitability of the land for use by vehicles;
- (c) the number of vehicles for which the permit is required;
- (d) the days, times, and hours such vehicles are to be used;
- (e) the likely effect on the amenity of the area including noise impacts;
- (f) whether neighbouring properties have been consulted and consideration given to any submissions or comments received;
- (g) the likely damage which may be caused to Council property or assets;
- (h) the nature and extent of any public risk to be created by the activity;
- (i) whether Public Liability Insurance exists; and
- (j) any other matter the Authorised Officer reasonably believes is relevant.

6. EVENTS – CLAUSE 28 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 28 of the Local Law, an Authorised Officer must consider the guidelines provided in relation to the use of municipal places (clause 19 of the Local Law).

7. FIREWORKS – CLAUSE 29 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 29 of the Local Law, an Authorised Officer must consider –

- (a) the seasonal conditions and any existing Country Fire Authority (CFA) declared fire restrictions;
- (b) flammable materials on any land within one kilometre;

- (c) whether the applicant has CFA permission;
- (d) the land use of the area and the impact upon it;
- (e) availability of adequate means of controlling and extinguishing the spread of fire;
- (f) whether the fireworks would constitute a danger to vehicles or pedestrians or compromises the safe and convenient use of a road or the area;
- (g) the proximity of neighbouring animals, including any livestock within a two-kilometre radius;
- (h) whether the required notification has been given to Work Safe and the appropriate pyrotechnic qualifications are held by the person proposing to supervise and light the fireworks;
- (i) the tourism benefits;
- (j) whether the surrounding community has been notified or consulted and any comments or submissions received in response;
- (k) whether the applicant holds public liability insurance (minimum \$10 million); and
- (l) any other matter the Authorised Officer reasonably believes is relevant.

8. FOOTPATH USE – CLAUSE 30 OF THE LOCAL LAW

- (a) When determining whether to issue a permit in relation to clause 30 of the Local Law, an Authorised Officer must consider –
 - (i) that safe pedestrian access is the primary purpose (with the maintenance of vehicle safety lines), of all footpaths. Other activities such as trading, storage, advertising, and street events are secondary;
 - (ii) whether the footpath activity will have a positive contribution to the character, business operation and amenity of the business precinct; and
 - (iii) whether the use will impact positively or negatively on the surrounding residential area.
- (b) The following guidelines apply to footpath use.
 - (i) **Zones**

In order to provide a clear and consistently unobstructed access way for pedestrians, and sight safety lines for road users, the footpath is divided into five zones.
 - (ii) **Pedestrian Zone**

The Pedestrian Zone provides a continuous accessible path of travel for people of all abilities extending from the property boundary for a minimum width of 1.8 metres.

Note: for non-ambulatory people, this accessible path of travel does not include a step, stairway, turnstile, revolving door, escalator, or any other impediment which could prevent it from being safely negotiated by people with disabilities.

(iii) **Trading Activity Zone**

The Trading Activity Zone is the only area of the footpath where goods, outdoor eating furniture and ancillary items, and advertising signs, may be placed, subject to the provisions of the Local Law and these guidelines.

(iv) **Kerbside Zone**

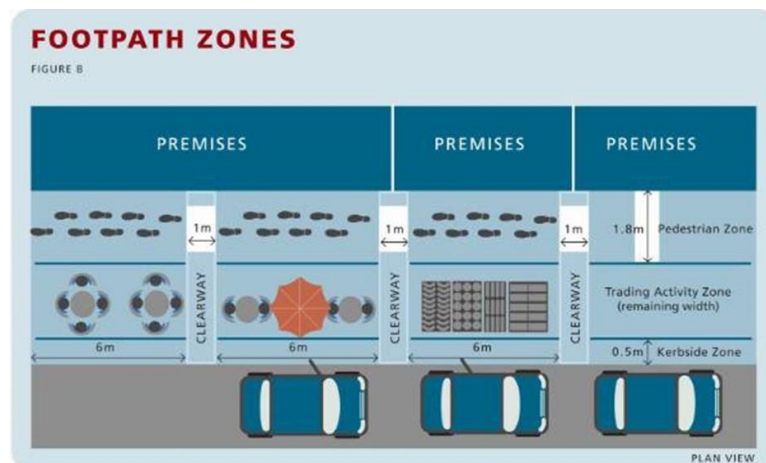
- (1) The Kerbside Zone is a buffer from the roadside kerb to allow for road safety and access to and from parked vehicles.
- (2) The Kerbside Zone is a minimum of 0.5 metre buffer, as measured from the edge of the road, to allow for access to and from parked vehicles including loading zones.
- (3) Where there is a disabled parking bay, the setback from the road will be at least 1.5 metres.

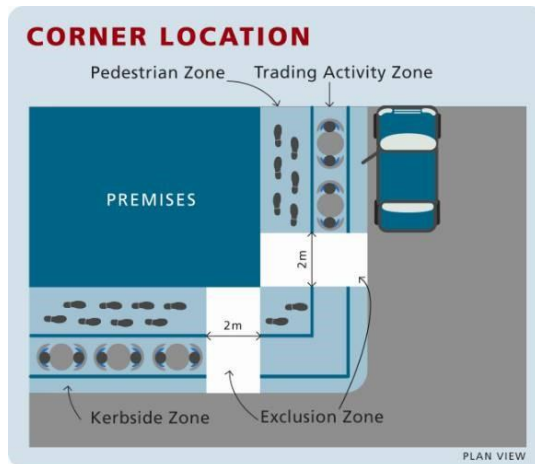
(v) **Clearway Zone**

The Clearway Zone is a 1-metre-wide area on the footpath comprising 0.5 metres on each side of a property boundary and extending across the footpath through to the roadside kerb.

(vi) **Exclusion Zone**

The Exclusion Zone at a corner location is a 2-metre-wide area on the footpath from the property side boundary through to the roadside kerb.





(vii) **Core Provisions**

The following core provisions must not be varied. Where these requirements cannot be met, a footpath activity requiring a permit under the Local Law is prohibited –

- (1) the minimum footpath width required before the footpath activity can be considered is 2.7 metres;
- (2) the minimum width of the Pedestrian Zone must be 1.8 metres and the minimum width of the Kerbside Zone must be 0.5 metres;
- (3) where a constructed footpath is greater than 1.8 metres in width and there is an associated unconstructed area, any permitted footpath activity must be in the unconstructed area and not breach the Kerbside Zone or Pedestrian Zone;
- (4) footpath activities for which a permit exists where the whole permit area is not being used, must be placed or conducted nearest to the roadside kerb of the Trading Activity Zone. Any unutilized space within the Trading Activity Zone must be left clear for pedestrian access;
- (5) all goods and furnishings within the Trading Activity Zone must not be brought into the Pedestrian Zone or the Kerbside Zone regardless of weather conditions;
- (6) the advertising area on screens or barriers must be restricted to the business name or logo, or the key product (e.g.: the brand name of the product available at the business). This must not exceed 20 percent of the total area of each screen or barrier;
- (7) planter boxes must not display advertising material;
- (8) the permit issued must be displayed prominently at the front of the business to which the permit applies;
- (9) existing infrastructure, regardless of ownership, must not be used to support or secure any signs, goods, or furnishings;

- (10) clearance of one metre is required from public infrastructure, including, but not exclusive to, fire hydrants; litter, recycling, or cigarette butt bins; pay phones; council street furniture; planter boxes;
- (11) no items may be placed in or overhang the Pedestrian Zone, the Kerbside Zone, the Clearway Zone, or the Exclusion Zone;
- (12) any item placed between two metres and nine metres of an intersection of property lines must not exceed 1.2 metres in height; and
- (13) if Council is not the responsible road manager, written approval must be obtained from the responsible road manager for the intended use prior to the permit application being assessed.

(viii) ***Outdoor eating***

Any chairs, tables and ancillary items associated with outdoor eating must –

- (1) only be placed outside premises which are registered under the *Food Act 1984* to serve food and/or beverages;
- (2) only be placed in the Trading Activity Zone of the footpath;
- (3) only be placed on the footpath during the normal trading hours of the business which they relate, unless otherwise approved by Council; and
- (4) be of sufficient weight or secured in such a way as to prevent them causing a hazard.

(ix) ***Barrier Screens***

The form and construction of any barrier screen must be suitable for its functional requirements and location, taking into account prevailing weather conditions, and must –

- (1) be associated with the use of the footpath for an outdoor eating facility;
- (2) only be placed in the Trading Activity Zone;
- (3) be no more than 1.2 metres high; or less than 0.9 metres high;
- (4) only be in place during the normal trading hours of the business with which they are associated; and
- (5) be placed so that the screens are stable and secure or weighted so that they will not be moved by patrons or prevailing weather.

(x) ***Goods for display***

- (1) All items displayed on the footpath must –
 - (A) only be placed in the Trading Activity Zone regardless of weather conditions;

- (B) only be placed on the footpath during the normal trading hours of business which they relate;
 - (C) not exceed a height of 1.5 metres, or length of 2.5 metres, and width of 1 metre;
 - (D) not form a continuous display area greater than 2.5 metres in length, and there must be a minimum 1 metre clear space at each 2.5 metre interval;
 - (E) be kept in a clean and tidy state, including the area around the display;
 - (F) not impede access to or from any loading zone or disabled parking bay;
 - (G) not cause difficulty to any footpath users, including pedestrians and people exiting or accessing parked vehicles or the footpath; and
 - (H) not overhang either the Kerbside Zone, Clearway Zone, Exclusion Zone, or Pedestrian Zone.
- (2) Consideration may be given for an individual item for display where that item exceeds the 2.5 metre length, 1.5 metre height or 1 metre width. When considering such a permit application an Authorised Officer must consider the following –
- (A) pedestrian safety and access;
 - (B) visual amenity;
 - (C) other permit activities within the vicinity;
 - (D) maintenance of the 1 metre clear space at either end of the displayed item;
 - (E) the weight of the item; and
 - (F) any other matter the Authorised Officer reasonably believes is relevant.
- (xi) ***Movable signs (including A frames)***
- (1) use of this advertising medium at the front of premises, apart from food and retail shops, is not encouraged;
 - (2) where a business is undertaking any other footpath activity requiring a permit under the Local Law, the display of movable signs is not encouraged; and
 - (3) any advertising on the sign is restricted to the name of the business or logo or the key product (e.g., the brand of the product available at the business) sold by the business.
- (xii) ***Lock-in devices in footpath***
- (1) display and furniture items may be secured to the footpath by a lock-in device;

- (2) lock-in devices will only be approved when the device lies flat with the footpath when not in use; and
- (3) approval must be sought from the Infrastructure department before any lock-in devices are installed.

9. EXCESS ANIMAL IN RESIDENTIAL AREA – CLAUSE 31 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 31 of the Local Law, an Authorised Officer must consider –

- (a) whether a Planning Scheme Permit Application is required, such as boarding or breeding of animals;
- (b) whether the animals are capable of breeding, and are impacted by any code of practice for the operation of breeding and rearing establishments that is in force;
- (c) the land-use and size of the applicant's land and that of adjoining allotments;
- (d) the proximity to adjoining premises;
- (e) the impact on the amenity of the area;
- (f) the type and numbers of animals to be kept;
- (g) the potential impact on adjoining owners;
- (h) whether there has been any consultation with neighbours and any consideration given to any submissions or comments received;
- (i) the adequacy of animal accommodation and the level of maintenance and management of waste currently undertaken and proposed if permit application is successful;
- (j) whether the animals will attract other animals or birds, including feral cats, and the impact this has on the area; and
- (k) any other matter the Authorised Officer reasonably believes is relevant.

10. AGRICULTURAL ANIMALS IN RESIDENTIAL AREA – CLAUSE 32 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 32 of the Local Law, an Authorised Officer must consider the guidelines that apply to Excess Animals in a Residential Area – clause 31 of the Local Law.

11. ANIMALS IN RURAL AREA – CLAUSE 33 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 33 of the Local Law, an Authorised Officer must consider the guidelines that apply to Excess Animals in a Residential Area – clause 31 of the Local Law.

12. GRAZING, MOVING OR DROVING LIVESTOCK – CLAUSE 35 OF THE LOCAL LAW

When determining whether to issue a permit in relation to clause 35 of the Local Law, an Authorised Officer must consider –

- (a) whether the droving or moving of livestock is through any areas identified with conservation values, as droving and moving of livestock in these areas may require approval from State or Commonwealth departments and as such is not encouraged;
- (b) whether the area can be grazed or trampled without impacting on the conservation values of the road as part of moving and droving livestock;
- (c) whether the livestock will be adequately supervised and under effective control by a person who is competent in the management of livestock at all times they are on the road;
- (d) whether the applicant can adequately feed and water the livestock on the roads proposed;
- (e) any seasonal conditions such as drought or flood, either locally or within the State, and the State's response to these conditions and roadside droving or moving of livestock;
- (f) whether there will be any impacts on Council property, infrastructure, or assets;
- (g) actions proposed to mitigate any damage to Council property, infrastructure, or assets;
- (h) the hours and duration which livestock are on the road, as permits are only valid for daylight hours;
- (i) the number of livestock that are to be on the road;
- (j) whether the person has current public liability insurance that covers moving or droving;
- (k) whether an inspector of livestock administering the *Livestock Disease Control Act 1994* has been notified of any notifiable diseases under that act either in the proposed area of the moving or droving of livestock or within the herd to be moved or droved; and
- (l) any other matter the Authorised Officer reasonably believes is relevant to the application.

PERMIT REQUIREMENTS

The following Guidelines apply to all permit applications, permits issued or corrections made to permits issued by Council. They override any contradictory conditions applied to a permit –

- (a) an application for a Permit must be accompanied by the specified fee;
- (b) an application for a Permit will not be processed until the specified fee is paid in full to Council;
- (c) if the application for a permit is approved and issuing of the Permit involves an additional fee or fees, the permit is not valid until the appropriate fee or fees are in full to the Council;
- (d) the applicant may be required to give public notice, or written notice to adjoining landowners and other specified parties inviting submissions on lodged application for a Permit;
- (e) all permits expire on the expiry date specified in the permit;
- (f) Council may reject an application, modify the conditions of an existing Permit, or withdraw or suspend a permit if –
 - (i) any conditions contained in these guidelines are not met; or
 - (ii) the sight and access of drivers, cyclists or pedestrians is interfered with so as to create a hazardous situation; or
 - (iii) permit conditions have not been met or there is a second instance of failure to comply with permit conditions; or
 - (iv) the permit holder fails to maintain public liability insurance; or
 - (v) the permit is, under any circumstances likely to cause detriment to the amenity of the area, including the ambience of areas; or
 - (vi) Council officers believe a misrepresentation or concealment of fact has been made in the application for the permit; or
 - (vii) a material changes of circumstances impacting on the permit, has occurred since the permit was granted;
- (g) permits are not interchangeable, e.g., a permit for a movable advertising sign does not permit the display of goods if the advertising sign is not used;
- (h) permits are not transferable. A new permit must be obtained by the new proprietor if the proprietorship of a business changes. Likewise, if a business changes location;
- (i) Council may correct a permit if the permit contains an error;
- (j) a permit may be suspended by giving three working days' notice in writing of the decision to propose cancellation or withdrawal of the permit; and
- (k) any permit applicant or holder who is aggrieved by any matter in the refusal, granting, reviewing, modification, suspension, cancellation, or renewal of a permit, and/or in relation to any written notice, notice to comply in relation to breaches of conditions of a permit, may, by written request within 20 working days of the date of the incident, notice or matter concerned,

seek a review by Council of the matter. However, the making of any such request will not in any way remove that person's obligation to act in accordance with any directions or notices which are applicable under the permit or any notices issued pursuant to matters related to the permit.

COMPLIANCE GUIDELINES

13. ALLOCATED NUMBERS OF PREMISES TO BE DISPLAYED – CLAUSE 13 OF THE LOCAL LAW

In relation to clause 13(3) of the Local Law, the following requirements apply for the purposes of the owner of the premises ensuring that the premises number is clearly readable from the roadway to which the address relates –

- (a) in residential areas, the identifying numbers must be placed beside the most obvious entrance to the property from the roadway to which the premises address relates;
- (b) in rural areas the identifying numbers must be placed in a conspicuous position at the driveway entrance to the premises;
- (c) properties with multiple residences facing the roadway must also display the road number with the unit/flat number to the same standards;
- (d) where there is no entranceway to the property from the roadway that the address relates to, the number must still be displayed on the property boundary facing the roadway that the address relates to;
- (e) the display of a number on a road that is different to the road that the number relates to shall be accompanied by its road name; and
- (f) the numbers must not be attached to a tree.

SCHEDULE 1 - ACTIVITY TABLE FOR PERMITS AND PERMISSIONS

This table provides a ready reckoner for use by the public and Council staff in determining the appropriate Council Department with responsibility to manage an activity. It is a general guide only and may from time to time be amended by Council.

ACTIVITY	PERMISSION
Erect structure in or on road reserve.	Written request to Infrastructure Dept. for consideration.
Removing or interfering with structure on road reserve.	Written request to Infrastructure Dept. for consideration.
Planting or removing tree or vegetation.	Written request to Infrastructure Dept. for consideration.
Tunnelling under road reserve.	Written request to Infrastructure Dept. for consideration.
Connecting road to road.	Written request to Infrastructure Dept. for consideration.
Installing drains, pipes, cables on road reserve.	Written request to Infrastructure Dept. for consideration.
Erecting an obstruction on the road reserve (i.e., scaffolding).	Written request to Infrastructure Dept. for consideration.
Installing a driveway crossing.	Written request to Infrastructure Dept. for consideration.
Constructing a footpath.	Written request to Infrastructure Dept. for consideration.
Any traffic impact work (including pedestrian).	Written request to Infrastructure Dept. for consideration.
Permanent structure on road reserve.	Written request to Infrastructure Dept. for consideration.
Fixed barrier, fence, divider.	Written request to Infrastructure Dept. for consideration.
Signage on blind.	Written request to Planning Dept. for consideration.
Consume or possess alcohol in unsealed container in a public place.	Permit required – Local Laws.
Skips or non-council refuse containers on Council land.	Permit to be obtained within 2 business days of the placement. Local Laws.
Use sound amplification equipment in a public place, or able to be heard from a public place.	Permit required – Local Laws.
Conduct a street party, street festival or procession on a road.	Permit required – Local Laws. Road closure – permit Infrastructure Dept.

ACTIVITY	PERMISSION
<p>Fire in the open air or in an incinerator.</p> <p>Not permitted to burn domestic waste.</p> <p>Fuel reduction burning in fire danger period must comply with CFA Act.</p> <p>Fuel reduction burning outside the Fire Danger Period must comply with Summary Offences Act.</p>	<p>Permit required- Local Laws.</p> <p>Unless</p> <ul style="list-style-type: none"> • In a properly constructed fireplace for cooking food or for warmth. • Farming or rural area. • Halls Gap Last 14 Days in October and first 14 days in May.
Use a vehicle on Council land, road, or reserve unless area designated for that purpose.	Permit required – Local Laws.
Keep a heavy vehicle on land in a residential area, Council land or road.	Permit required – Local Laws.
Keep more than 2 dogs, 2 cats, 10 pigeons, 10 poultry, 10 domestic rats, 10 domestic mice, 4 guinea pigs, 4 domestic rabbits, 6 reptiles and 4 ferrets in a residential area.	Permit required – Local Laws.
Owner or occupier of land in residential area- to keep any agricultural birds or animals.	Permit required – Local Laws.
Keep more than 4 cats and 4 dogs on rural land.	Permit required – Local Laws.
Move or Drove Livestock on a road or municipal place.	<p>Permit required – Local Laws.</p> <p>UNLESS</p> <ul style="list-style-type: none"> • Being moved a reasonable distance between properties. • Being relocated by an authorised officer. • Relocated in an emergency. • Moved in accordance with any code of practice, Act or parliament or Regulation applicable to the activity.
Scavenging at Municipal transfer Station or landfill.	Permission required - Waste Management Officer
FOOTPATH USE	
Movable signage including A frames.	Permit required – Local Laws.
Street furniture including bins.	Permit required – Local Laws.
Trading on a road reserve or footpath.	Permit required – Local Laws.
Shade structures, umbrellas.	Permit required – Local Laws.
Banners Flags and bunting.	Permit required – Local Laws.

ACTIVITY	PERMISSION
Displays of goods.	Permit required – Local Laws.
Raffles.	Permit required – Local Laws.
Live entertainment, busking or spruiking.	Permit required – Local Laws.
Organised groups or public gatherings.	Permit required – Local Laws.
Umbrella.	Permit required – Local Laws – may only be used in outdoor eating facility.
Barrier screens.	Permit required – Local Laws – may only be used in outdoor eating facility.
Planter boxes, pot plants.	Permit required – Local Laws.
Chairs, Tables, ancillary items associated with outdoor eating.	Permit required – Local Laws.
Displays of goods.	Permit required – Local Laws.
Place any structure for the purpose of offering for sale any goods or services.	Permit required – Local Laws.
Solicit business or gifts of money.	Permit required – Local Laws
Sell or offer for sale any goods or services, carried about or placed on the person or any other movable thing.	Permit required – Local Laws.
Use Municipal place for other than intended use.	Permit required – Local Laws.
Fireworks display on a municipal place.	Permit required – Local Laws.
Install locking devices to secure displays/furniture on footpath.	Permit required – Local Laws.

Waste Services Guidelines

Version 1

*Incorporated document under the
Northern Grampians Shire Council
General Local Law 2022*



June 2022



Northern Grampians Shire Council
LIVE | WORK | INVEST | VISIT

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WASTE SERVICES GUIDELINES

The *Waste Services Guidelines* is an incorporated document under the Northern Grampians Shire Council *General Local Law 2022*.

The **Waste Services Guidelines** outlines the guidelines and processes relating to Council's kerbside services, waste service compulsory areas and waste management.

DEFINITIONS

Words and phrases used in the *Waste Services Guidelines* have the same meaning as they have in the Local Law.

The following terms are defined in these Guidelines –

- **compulsory waste services zone** means all areas within the municipality declared by Council from time to time where Council provides kerbside waste collection services.
- **recycling** refers to materials that are able to be treated or processed to make suitable for re-use.

KERBSIDE SERVICES

- (1) Council provides a kerbside waste collection service in the compulsory waste services zone.
- (2) The owner or occupier of any premises in the municipality that is not located within the compulsory waste services zone may apply to Council for a waste collection service to be provided to that premises and Council may provide such a service where it is capable of being provided and on such terms as determined by Council.

COUNCIL SUPPLIED KERBSIDE BINS

- (1) A person must not place, or cause to be placed, in any Council supplied kerbside bin any –
 - (a) concrete, masonry, or bricks; or
 - (b) motor oil, oil filter, solvents, flammable liquids, or liquid paint; or
 - (c) sewerage or liquid waste; or
 - (d) needle, syringe, or medical waste; or
 - (e) hazardous chemicals; or
 - (f) volatile, explosive, or flammable substance; or
 - (g) waste of a shape, size, or weight that cannot be contained in the provided bin; or
 - (h) broken glass or other sharp objects unless they are properly contained or wrapped in such a way as to render them harmless; or
 - (i) hot ash or burning materials; or
 - (j) dirt, dust, or other matter from any vacuum cleaner, hair, or other similar matter unless it has been securely wrapped.
- (2) A person must not place, or cause to be placed, in any Council recycling service bin, any materials other than –
 - (a) paper; or
 - (b) cardboard; or
 - (c) aluminium cans, trays, and foil; or
 - (d) steel can (excluding paint and oil cans); or

- (e) aerosol cans; (empty); or
- (f) glass bottles and jars (excluding broken glass and crockery); or
- (g) rigid plastic containers including but not limited to soft drink bottles, milk, juice, yoghurt, or food containers; or
- (h) any other material designated by Council from time to time as being a material that may be placed in a Council recycling collection service bin.

ADDITIONAL COUNCIL COLLECTION SERVICE

- (1) Council may, from time to time, conduct an additional Council collection service of other waste where owners or occupiers of a premises may place the Council specified type of material on a road or designated collection area for collection and removal by Council or a Council contractor.
- (2) A person must not place any specified waste materials on a road or designated collection area more than 24 hours before the scheduled additional Council collection service collection day.
- (3) A person must not place any materials other than those materials that are specified by Council as being part of the additional Council collection service on a road, designated collection area or any other municipal place.
- (4) A person must not leave any materials on a road or designated collection area for more than 24 hours after the scheduled additional Council collection service collection day.
- (5) A person must not interfere with any materials placed on a road or designated collection area that have been placed there as part of the additional Council collection service.
- (6) An Authorised Officer may direct the owner or occupier of the property to remove any materials that are inappropriately placed, placed after the collection date, or are not specified as part of the additional Council collection service that have been placed in a road or designated collection area and the person must do so.
- (7) Subclause (5) does not apply to a person authorised by Council to remove such materials during the additional Council collection service.

9.2. Boost Economic Growth

Nil

9.3. Providing Sustainable Infrastructure

9.3.1. Capital Projects Adjustment

Author/Position: Trenton Fithall, Director Infrastructure and Amenity

Purpose

The purpose of this report is to determine the most appropriate means of progressing (or not) the delivery of certain projects within council's Capital Program that would otherwise have to be delayed, rescope or cancelled, due to the unforeseen increasing cost of delivery.

Summary

Due to the ongoing private and public investment in infrastructure, supply constraints and manufacturing disruptions, council is experiencing a significant rise in prices for the delivery of its projects. This significant increase in costs was unforeseen at the time of project development, including scope, budgets, grant applications, etc. For multiple projects, the price increase puts the projects at risk of either not achieving the desired outcomes or being put on hold or even cancelled. A decision is required to determine if these projects continue, taking into consideration the increased estimated cost and if so, how the difference in the budget is made up.

Recommendation That Council

1. withdraws projects:

- Central Park, Stawell Hardstand Surface Surrounds
- Market Square, St Arnaud Stage #3 – Carpark
- Sundial Ave & Bellfield Crescent, Halls Gap - Kerb & Channel
- Fenwick St, Deep Lead - Town Street Sealing

from the Local Roads and Community Infrastructure Fund Round 3, freeing up budget to a value of \$972,581 and

2. seeks to reallocate said grant funding towards:

- North Park, Stawell, Lighting for Soccer and Athletics Track
- Stawell Library Redevelopment
- Lord Nelson Park, St Arnaud Sports Lighting

meeting the expected budget shortfall, enabling the project deliverables to be achieved.

RESOLUTION

That Council

1. withdraws projects:

- Central Park, Stawell Hardstand Surface Surrounds
- Market Square, St Arnaud Stage #3 – Carpark
- Sundial Ave & Bellfield Crescent, Halls Gap - Kerb & Channel
- Fenwick St, Deep Lead - Town Street Sealing

from the Local Roads and Community Infrastructure Fund Round 3, freeing up budget to a value of \$972,581 and

2. seeks to reallocate said grant funding towards:

- North Park, Stawell, Lighting for Soccer and Athletics Track
- Stawell Library Redevelopment
- Lord Nelson Park, St Arnaud Sports Lighting

meeting the expected budget shortfall, enabling the project deliverables to be achieved.

Moved: Cr Lauren Dempsey

Seconded: Cr Eddy Ostarcevic

Carried

Background/Rationale

Over the past 12 months the construction industry across Australia has seen an overall increase in cost of around 8% in the delivery of non-residential construction and civil works. This can be attributed to strong demand for delivery from the residential sector and ongoing public and private investments putting significant demand on trades and the supply of materials. The sector has also felt material supply constraints coming from production disruptions, global demand for steel and oil, and disrupted domestic and global supply streams.

Council has experienced similar challenges in the delivery of projects in recent history with multiple examples of projects experiencing supply challenges, materials price increase and quotes/tenders coming in far in excess of the expected cost. Recent experience has shown that in particular cases council has seen up to 75% increase over 12 months, far above the industry. The recent significant price increases across the sector were unforeseen at the time when many projects were developed, and prepared for budgets and grant applications. This leaves some of council's projects at risk of either not meeting satisfactory outcomes or over expenditure against the budget.

The expected duration of the increased cost is difficult to understand and needs careful consideration in the development of projects now and in the future. If projects see higher inflated costs for an extended period, it will have an impact on council's project delivery, achieving less value for money across all projects that council would have otherwise achieved.

The risk of certain projects has come to a head through recent tendering which warranted an analysis of current projects and their budget concerns.

Projects currently in planning and at risk include:

Project	Budget	Funding	Current estimate	Budget Shortfall
North Park, Stawell, Lighting for Soccer and Athletics Track	\$228,000	2021-22 Strategic Projects (State) - \$146,000 Council - \$82,000	\$485,000	\$257,000
Stawell Library Redevelopment	\$640,000	Living Libraries Infrastructure Program (State) - \$640,000	\$940,000	\$300,000
Lord Nelson Park, St Arnaud Sports Lighting	\$585,000	Local Road and Community Infrastructure Program (Federal) - \$335,000 Local Sports Infrastructure Fund (State) - \$250,000	\$1,000,000	\$415,000
			Total	\$972,000

Further analysis considered projects which could be withdrawn from the current program of works, to make up the financial shortfall of the projects noted above. This was done as a means to assess project priorities within the program and weight up the cost of delivering some projects versus others. To manage and maintain council's financial position within the overall budget, projects considered were those that pose no impact to council's bottom line.

Projects considered for review include:

Project	Budget	Funding
Market Square, St Arnaud Junior Play	\$110,000	Local Road and Community Infrastructure Program (Federal) - \$110,000
Market Square, St Arnaud Stage #3 – Carpark	\$433,000	Local Road and Community Infrastructure Program (Federal) - \$433,000
Central Park, Stawell Hardstand Surface Surrounds	\$88,000	Local Road and Community Infrastructure Program (Federal) - \$88,000
Central Park, Stawell – Stage 1 Changerooms	\$1,455,000	Local Road and Community Infrastructure Program (Federal) - \$655,000

		Sports & Recreation Victoria (<i>State</i>) - \$800,000 (<i>unconfirmed</i>)
North Park Precinct, Stawell Skate Park	\$655,000	Local Road and Community Infrastructure Program (<i>Federal</i>) - \$655,000
St Arnaud Streetscape – Final Stage	\$425,387	Local Road and Community Infrastructure Program (<i>Federal</i>) - \$425,387
Gertrude St, Stawell Drainage	\$270,000	Local Road and Community Infrastructure Program (<i>Federal</i>) - \$270,000
Sundial Ave & Bellfield Crescent, Halls Gap - Kerb & Channel	\$310,000	Local Road and Community Infrastructure Program (<i>Federal</i>) - \$310,000
Fenwick St, Deep Lead - Town Street Sealing	\$141,581	Local Road and Community Infrastructure Program (<i>Federal</i>) - \$141,581
Total	\$3,887,968	

Based on current project progress, Council Plan objectives, delivery timeframes, looming start dates and funding streams, a budget review proposal is described below.

Proposed Projects to be withdrawn from the current Program	Funding available		Adjusted Projects	Current Budget	Propose Adjustment	Proposed Budget
Central Park, Stawell Hardstand Renewal	\$88,000		North Park, Stawell, Lighting for Soccer and Athletics Track	\$228,000	+\$257,581	\$485,581
Market Square, St Arnaud Stage #3 – Carpark	\$433,000		Stawell Library Redevelopment	\$640,000	+\$300,000	\$940,000
Sundial Ave & Bellfield Crescent, Halls Gap - Kerb & Channel	\$310,000		Lord Nelson Park, St Arnaud Sports Lighting	\$585,000	+\$415,000	\$1,000,000
Fenwick St, Deep Lead - Town Street Sealing	\$141,581					
Total	\$972,581		Total		\$972,581	

If council was to withdraw projects from the program, consideration would need to be given to the inclusion of said projects in future programs due to the previous commitment made by council.

Any movement of external funding will require the approval of the funding body.

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2021-25 – Enhance Lifestyle and Community

Economic Development Strategy and Action Plan 2021-31

Lord Nelson Park Precinct Plan 2015-24

Library Service Review 2021

Options

Option 1

That Council

1. withdraws projects:

- Central Park, Stawell Hardstand Surface Surrounds
- Market Square, St Arnaud Stage #3 – Carpark
- Sundial Ave & Bellfield Crescent, Halls Gap - Kerb & Channel
- Fenwick St, Deep Lead - Town Street Sealing

from the Local Roads and Community Infrastructure Fund Round 3, freeing up budget to a value of \$972,581 and

2. seeks to reallocate said grant funding towards:

- North Park, Stawell, Lighting for Soccer and Athletics Track
- Stawell Library Redevelopment
- Lord Nelson Park, St Arnaud Sports Lighting

meeting the expected budget shortfall, enabling the project deliverables to be achieved.

[recommended]

Option 2

That Council makes available budget from projects within the program to fund some or all of the estimated budget shortfall and reallocates to some or all of the projects identified at risk. **[not recommended]**

Option 3

That Council does not amend the budgeted program and reviews the scope of the identified projects to better fit within the budget allocation. **[not recommended]**

Implications

Any identified sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications have been addressed in this report.

Procurement

No procurement was required in the development of this report

Community Engagement

Councillors were briefed on council's objectives, priorities and impact on the community being considered in the development of this report. No direct community engagement was undertaken.

Innovation and Continuous Improvement

As a matter of course, the program and individual projects are each reviewed to ensure that the additional budget requirements are necessary for the successful delivery of the intended outcomes. This is a matter of due diligence and continuous review of the circumstances that lead to these identified risks and ensure council obtains value for money within the current industry environment.

Collaboration

The funding bodies are a critical stakeholder in the delivery of said projects and concerns have been considered.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Trenton Fithall, Director Infrastructure and Amenity

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

Attachments

Nil

9.4. Improve Organisational Effectiveness

9.4.1. Audit and Risk Committee Biannual Activity Report

Author/Position: **Graham Haylock, Manager Financial Services**

Purpose

To table the Audit and Risk Committee Biannual Activity Report as per the requirement of the *Local Government Act 2020*.

Summary

In accordance with the *Local Government Act 2020*, the Audit and Risk Committee must prepare a biannual report that describes the activities of the Audit and Risk Committee.

A copy of this report is provided to the Chief Executive Officer for tabling at the next Council meeting.

The biannual report has been prepared by the Audit and Risk Committee Chair, Mr Peter Knights.

Recommendation

That Council receives and notes the Audit and Risk Committee Biannual Report for the six months to 31 December 2021.

RESOLUTION

That Council receives and notes the Audit and Risk Committee Biannual Report for the six months to 31 December 2021.

Moved: Cr Kevin Erwin

Seconded: Cr Murray Emerson

Carried

Background/Rationale

The Audit and Risk Committee (ARC) is an independent advisory committee to Council, established to assist in the effective conduct of council's responsibilities for good governance, the management of risk, financial reporting and maintenance of reliable systems and internal controls in order to facilitate the achievement of its organisational objectives in an efficient, effective and ethical manner.

Section 54 of the *Local Government Act 2020* requires the ARC to prepare a biannual report that describes the activities of the Audit and Risk Committee and provide a copy of the report to the Chief Executive Officer for tabling at the next Council meeting.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 2020 - Sections 53 and 54.

Options

Option 1

That Council receives and notes the Audit and Risk Committee Biannual Report for the six months to 31 December 2021. **[recommended]**

Option 2

That Council does not receive and note the Audit and Risk Committee Biannual Report for the six months to 31 December 2021. **[not recommended]**

Implications

The subject matter has not raised any sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications.

Procurement

There are no procurement implications.

Community Engagement

There are no community engagement implications.

Innovation and Continuous Improvement

The Audit and Risk Committee Charter provides a comprehensive description of the functions of the Audit and Risk Committee.

Collaboration

No collaboration was required for this report.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Graham Haylock, Manager Financial Services

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

Attachments

1. Audit Committee Biannual Report for the 6 months to 31 December 2021 **[9.4.1.1 - 2 pages]**

Northern Grampians Shire Council

AUDIT COMMITTEE BIENNIAL REPORT
for the 6 months to 31 December 2021

1. Attendance and Meetings

The Northern Grampians Shire Council Audit Committee has met twice this financial year to date by way of online teams meetings. Whilst adequate, at times this format is less than ideal for enabling fuller communication and discussion. This is obviously a direct result of the Covid restrictions and having attendees join the meeting online from time to time for either expediency and practicality, is now established as appropriate protocol, we will look forward to in person meetings where possible for, I would suggest, most of our meetings going forward.

2. Activity

The VAGO appointed external auditors RSD Chartered Accountants from Bendigo continued their engagement and completed the full year Audit Report and Final Management letter, reviewed in our first meeting in September. The lack of internal audit activity was flagged as a concern by RSD. From that reporting to our meeting a resolution was passed for management to prepare an external review into Councils' Risk Management Framework as a basis for developing the internal audit function.

Consultants Crowe prepared the review with nine recommendations for Council to use in finalising the RMF and integration of associated systems, which was presented at the February meeting.

The former Annual Audit Activity Calendar and Risk Register has been transitioned gradually to the digital system by the Council leadership team to enable a much improved and pertinent risk reporting function. We understand it is largely from this CAMMS system reporting the internal audit and strategic review functions will be managed including the input from this committee. Whilst this has taken longer than ideal, we would expect to see initiated action from this systems based approach this year, if compliance with the implied requirement to have a formal internal audit program cannot be met as yet by the CAMMS system then an interim arrangement should be made before balance date June 30.

The industry move to systems and reliance on digital data increasingly places this organisation into risk exposures from either malicious or inadvertent data breaches or failures. The noted need of an updated disaster management plan for ICT as noted in this quarter's audit plan from RSD, highlights to continued

need for resources to this area, and gives us an ideal target for internal audit and strategic review for the current year with further items for the 2022 /2023 year's program to be determined on review of reporting from CAMMs and feedback from the Risk Committee.

We have received and reviewed interim Financial Statements at our February meeting and found them well presented and explained. Thank you to the Governance, Compliance and Finance team and to my fellow members of the committee for their contribution.

Peter Knights FCPA
Chair
Northern Grampians Shire Council Audit Committee

April 22nd. 2022

9.4.2. Reappointment of Audit and Risk Committee Member

Author/Position: **Graham Haylock, Manager Financial Services**

Purpose

To approve the reappointment of Ms Lynn Jenz to the Audit and Risk Committee for an additional three year term ending 30 April 2025.

Summary

The Audit and Risk Committee comprises three independent members:

- Mr Peter Knights, Chairperson, appointed until 30 June 2024
- Mr Tony Roberts, appointed until 1 September 2022
- Ms Lynn Jenz, appointed until 1 April 2022

At the Audit and Risk Committee Meeting held 27 April 2022, the committee recommended that Ms Lynn Jenz be reappointed to the Audit and Risk Committee for a three year term ending 30 April 2025.

Recommendation

That Council appoints Ms Lynn Jenz to the Audit and Risk Committee until 30 April 2025.

RESOLUTION

That Council appoints Ms Lynn Jenz to the Audit and Risk Committee until 30 April 2025.

Moved: **Cr Kevin Erwin**

Seconded: **Cr Murray Emerson**

Carried

Background/Rationale

The Audit and Risk Committee (ARC) is an independent advisory committee to Council, established to assist in the effective conduct of council's responsibilities for good governance, the management of risk, financial reporting and maintenance of reliable systems and internal controls in order to facilitate the achievement of its organisational objectives in an efficient, effective and ethical manner.

The ARC Charter sets out the appropriate authority, composition, meeting requirements and responsibilities of the committee to ensure good practice and compliance with the requirements of the *Local Government Act 2020*, and is supported by the committee's guidelines.

The Audit and Risk Committee comprises three independent members:

- Mr Peter Knights, Chairperson, appointed until 30 June 2024
- Mr Tony Roberts, appointed until 1 September 2022
- Ms Lynn Jenz, appointed until 1 April 2022

The appointment of each of the three independent members is staggered to ensure that only one new appointment is made in any one financial year. Independent members are appointed for a three-year term and eligible to apply for reappointment following the completion of a term.

At the Audit and Risk Committee Meeting held 27 April 2022, the committee recommended that Ms Lynn Jenz be reappointed to the Audit and Risk Committee for a three year term ending 30 April 2025.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 2020 - Sections 53 and 54.

Audit and Risk Committee Charter

Options

Option 1

That Council appoints Ms Lynn Jenz to the Audit and Risk Committee until 30 April 2025. **[recommended]**

Option 2

That Council does not appoint Ms Lynn Jenz to the Audit and Risk Committee until 30 April 2025. **[not recommended]**

Implications

The subject matter has not raised any sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications.

Procurement

There are no procurement implications.

Community Engagement

No community engagement was required for this item.

Innovation and Continuous Improvement

The Audit and Risk Committee Charter provides a comprehensive description of the functions of the Audit and Risk Committee.

Collaboration

No collaboration was required for this item.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Graham Haylock, Manager Financial Services

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

Attachments

Nil

9.4.3. Quarterly Finance Report

Author/Position: **Graham Haylock, Manager Financial Services**

Purpose

To advise Council of the Financial Report for the third quarter ended 31 March 2022.

Summary

The Financial Report for the period ending 31 March 2022 shows the forecasted end of year result for the current financial year based on actual results to 31 March 2022.

It is projected that the Council will end the year with \$20.3 million in cash. It should be noted that the report only reflects spending to 31 March 2022.

Recommendation

That Council notes the Financial Report for the third quarter ended 31 March 2022.

RESOLUTION

That Council notes the Financial Report for the third quarter ended 31 March 2022.

Moved: Cr Kevin Erwin

Seconded: Cr Eddy Ostarcevic

Carried

Background/Rationale

As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer is required to provide Council with a financial report, comparing the actual and budgeted results to date and an explanation of any material variations.

This report is the third financial report for the 2021-22 financial year that will assess council's performance against the adopted budget.

The report shows the forecast end of year result for the current financial year based on actual results to 31 March 2022 together with percentage variations to the adopted budget.

Legislation, Council Plan, Strategy and Policy Implications

Local Government Act 2020

Council Plan 2021-25 – Improve Organisational Effectiveness

Options

Option 1

That Council notes the Financial Report for the third quarter ended 31 March 2022 without amendments. **[recommended]**

Option 2

That Council notes the Financial Report for the third quarter ended 31 March 2022 with amendments. **[not recommended]**

Implications

The subject matter has not raised any sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications.

Procurement

The report does not raise any procurement agreement matters.

Community Engagement

No community engagement was required

Innovation and Continuous Improvement

This report incorporates the impact of new accounting standards and better practice reporting.

Collaboration

No collaboration was required in completing this report.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Graham Haylock, Manager Financial Services

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

Attachments

1. Quarterly Finance Report - March 2022 **[9.4.3.1 - 14 pages]**

Financial Report

31 MARCH, 2022



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Executive Summary as at 31 March, 2022

It should be noted that this report only reflects spending to 31 March, 2022.

The forecast shows a favourable movement of \$8.6M in expected closing cash held at the end of the financial year compared to budget.

It is projected that the Council will end the year with \$20.3M cash.

Cash Flow Statement as at 31 March, 2022

	Actuals to March, 2022 \$'000	Total Forecast \$'000	Budget 2021-22 \$'000	Variations to Budget Fav (Unfav) \$'000
Operating Activities				
Revenue				
Rates & Charges	(12,540)	(19,220)	(18,756)	464
Operating Grants	(4,961)	(10,890)	(10,493)	397
Statutory Fees & Fines	(281)	(476)	(455)	21
User Fees	(5,667)	(1,318)	(1,813)	(495)
Contributions	(103)	(103)	(50)	53
Other Revenue	(498)	(871)	(883)	(12)
Total Revenue	(24,050)	(32,878)	(32,450)	428
Expenses				
Employee Costs	14,565	17,768	17,166	(602)
Materials & Services	5,714	9,797	9,388	(409)
Borrowing Costs	50	75	75	-
Other Expenses	954	1,542	1,608	66
Total Expenses	21,283	29,182	28,237	(945)
Net Operating	(2,767)	(3,696)	(4,213)	(517)
Investing Activities				
Capital Expenditure	14,517	25,475	15,649	(9,826)
Capital Grants	(2,230)	(12,482)	(8,081)	4,401
Capital Income	-	-	(155)	(155)
Capital Contributions	(470)	(510)	(510)	-
Proceeds from investment in associates	-	-	-	-
Repayment of Loans & Advances	-	9	(63)	(72)
Net Investing Activities	11,817	12,492	6,840	(5,652)
Financing Activities				
New Loans	-	-	-	-
Principal Repayments	1,069	1,092	1,092	(0)
Interest Paid - Lease Liability	-	3	3	-
Repayment of Lease Liability	-	198	87	(111)
Net Trust Movement	(7)	(117)	-	117
Net Financing Activities	1,062	1,176	1,182	6
Net Movements for Year	10,112	9,972	3,809	(6,163)
Opening Cash	30,232	30,232	15,450	14,782
Closing Cash	20,120	20,260	11,641	8,619

Operating Statement as at 31 March, 2022

75% through the year

	YTD Committed Actuals \$000's	Forecast \$000's	Adopted Budget \$000's	% Actuals to Forecast %
Revenue				
Rates & Charges				
Residential	(8,007)	(7,999)	(7,738)	100%
Farm/Rural	(5,359)	(5,359)	(5,562)	100%
Commercial	(754)	(755)	(725)	100%
Industrial	(494)	(494)	(291)	100%
Cultural & Recreational	(11)	(11)	(11)	100%
Municipal Charge	(1,337)	(1,337)	(1,330)	100%
Garbage Charge	(2,849)	(2,842)	(2,830)	100%
Rates in Lieu	(24)	(24)	(326)	100%
Rates & Charges	(18,836)	(18,821)	(18,811)	100%
Grants Capital				
Capital Grants	(2,445)	(12,482)	(8,081)	20%
Grants Capital	(2,445)	(12,482)	(8,081)	20%
Grants Operating				
Aged & Disability Services Grants	(732)	(880)	(868)	83%
Child Care Grants	(636)	(974)	(853)	65%
Environmental Grants	(75)	(75)	(75)	100%
Untied Grants	(3,192)	(8,205)	(8,205)	39%
Operating Grants	(633)	(633)	(368)	100%
Public Safety Grants	(42)	(123)	(123)	34%
Grants Operating	(5,311)	(10,890)	(10,493)	49%
User Fees				
Aged and Disability Service Fees	(356)	(384)	(382)	93%
Building Fees	(1)	(1)	0	100%
Child Care Fees	(203)	(277)	(276)	73%
Leisure Fees	(327)	(460)	(698)	71%
Local Law Fees	(53)	(116)	(115)	46%
Other Fees	(61)	(142)	(142)	43%
Public Health Fees	(48)	(48)	(46)	100%
Rental Income	(88)	(116)	(116)	76%
Private Works Infrastructure	(19)	(19)	(17)	100%
Waste Management Fees	(42)	(42)	(22)	100%
User Fees	(1,199)	(1,606)	(1,813)	75%
Statutory Fees and Fines				
Building Fees	(142)	(285)	(285)	50%
Local Law Fees	(2)	(4)	(4)	54%
Other Fees	(31)	(37)	(29)	85%
Planning Fees	(151)	(151)	(137)	100%
Statutory Fees and Fines	(326)	(476)	(455)	68%
Contributions				
Contributions to Capital	(470)	(510)	(510)	92%
Contributions Other	(103)	(103)	(49)	100%
Contributions	(573)	(613)	(559)	94%
Other Revenue				
Interest Income	(0)	(175)	(175)	0%
Other Revenue	(498)	(696)	(652)	72%
Other Revenue	(498)	(871)	(827)	57%
Revenue	(29,189)	(45,758)	(41,039)	64%
Revenue (excl Rates & Charges)	(10,353)	(26,938)	(22,228)	38%

Operating Statement as at 31 March, 2022

75% through the year

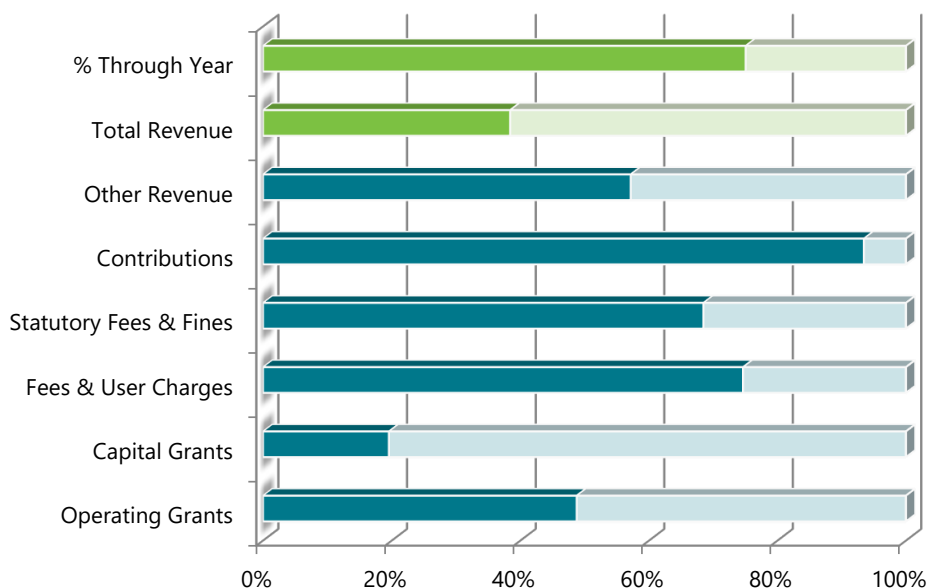
	YTD Committed Actuals \$000's	Forecast \$000's	Adopted Budget \$000's	% Actuals to Forecast %
Expenses				
Employee Benefits				
Salary & Wages	12,916	15,313	14,910	84%
Superannuation	1,099	1,523	1,463	72%
LSL Provision Movement	0	430	429	0%
Fringe Benefit Tax	(16)	33	33	-49%
Workcover	469	469	331	100%
Employee Benefits	14,467	17,767	17,166	81%
Materials & Services				
Advertising	73	123	122	59%
Audit Fees	71	86	86	83%
Bank Fees	39	66	66	58%
Catering	9	46	45	19%
Communications	101	162	162	62%
Professional Advice	372	582	554	64%
Contractors	2,181	3,416	2,884	64%
Contributions - Reciprocal	155	155	116	100%
Cost of Goods Sold	123	175	175	71%
Equipment Mtc & Repair	470	711	680	66%
Fuel	359	557	556	64%
Insurance	562	586	586	96%
Leases	230	368	368	63%
Legal Expenses	27	123	117	22%
Memberships & Subscriptions	141	233	144	60%
Minor Equipment	66	87	73	76%
Office Supplies	5	10	10	46%
Other Materials and Services	1,225	1,481	800	83%
Postage & Freight	19	37	37	52%
Printing	19	81	81	24%
Recruitment & Retention Expenses	38	38	21	100%
Security Expenses	33	58	58	57%
Software Costs	671	1,016	1,000	66%
Uniforms & Protective Clothing	117	136	96	86%
Utilities	270	443	427	61%
Apprentice Reimbursements	411	477	337	86%
Materials & Services	7,784	11,251	9,598	69%
Depreciation				
Depreciation	0	13,818	13,818	0%
Depreciation	0	13,818	13,818	0%
Amortisation				
Amortisation	0	86	86	0%
Amortisation	-	86	86	0%
Finance Costs				
Borrowing Costs	50	75	75	67%
Lease Costs	0	3	3	0%
Finance Costs	50	78	78	65%
Other Expenses				
Contributions - Non Reciprocal	628	979	979	64%
Councillor Allowances	158	214	214	74%
Other Expenses	167	349	293	48%
Other Expenses	954	1,542	1,486	62%
Bad & Doubtful Debts				
Other Debtors	2	2	0	100%
Bad & Doubtful Debts	2	2	0	100%
Expenses	23,257	44,544	42,232	52%
Expenses (excl Depreciation)	23,257	30,640	28,328	76%

Operating Statement as at 31 March, 2022

75% through the year

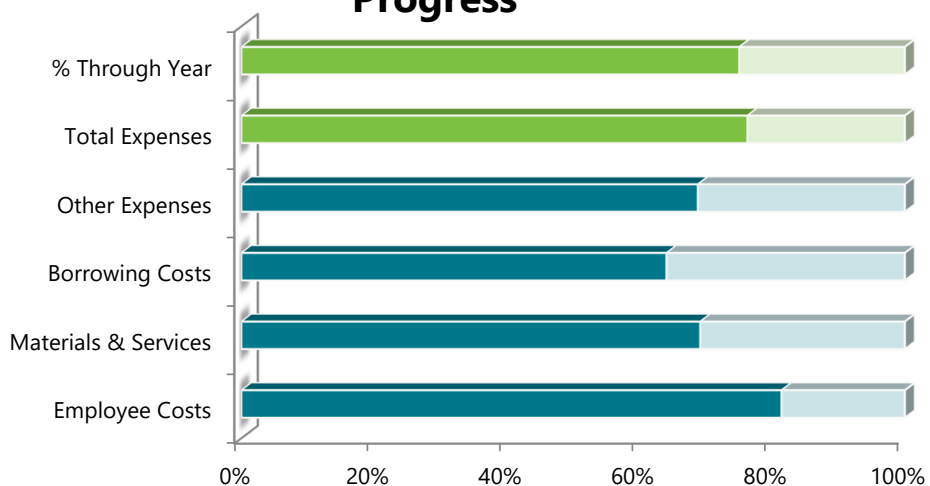
	YTD Committed Actuals \$000's	Forecast \$000's	Adopted Budget \$000's	% Actuals to Forecast %
Other Income Statement Items				
Proceeds of Asset Sales	-	-	-	0%
Written Down Value of Assets Sold	-	(155)	-	0%
Net (Increment) Revalued Assets	-	-	-	0%
Other Income Statement Items	0	(155)	0	0%
Operating Statement	(5,932)	(1,369)	1,193	

Ordinary Operating Revenue Progress



This graph excludes rates & charges, with the details for this area shown in the Debtors Report.

Ordinary Operating Expenditure Progress



Capital & Project Expenditure Summary

Programs	Actuals \$000's	Forecast \$000's	% Complete	Remaning
Major Emergency Restoration	183	-	0%	100%
Roads	4,882	7,616	64%	36%
Bridges	785	2,190	36%	64%
Building	3,959	5,986	66%	34%
Drainage	376	352	107%	-7%
Open Spaces	2,556	5,235	49%	51%
Land & Land Improvements	767	1,260	61%	39%
IT	37	37	100%	0%
Plant, Vehicles & Equipment	1,325	1,326	100%	0%
Projects	547	933	59%	41%
Total Capital & Projects	15,416	24,934	62%	38%

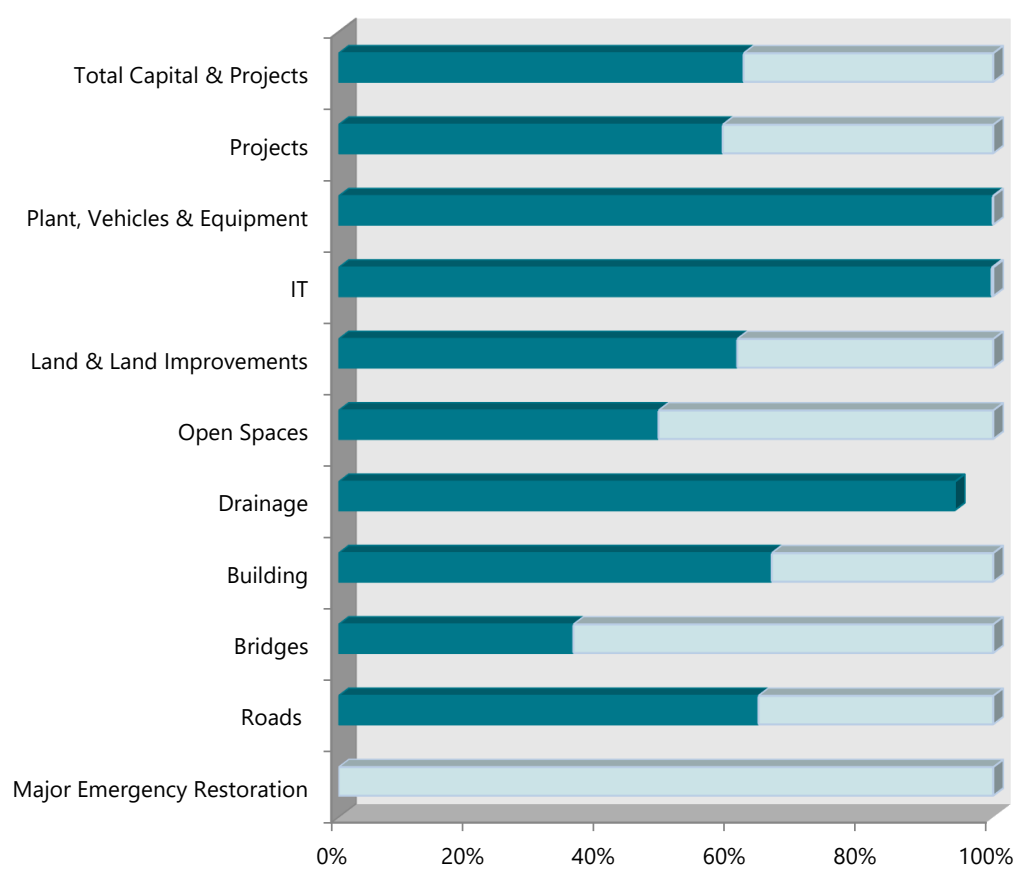
2021/22 Capital Program

Capital Projects	14,364	23,161
Expensed Projects	869	1,386

2021/22 Major Emergency Restoration

Capital Projects	153	-
Expensed Projects	30	-
Total Capital & Projects	15,416	24,546

Capital & Project Expenditure Progress



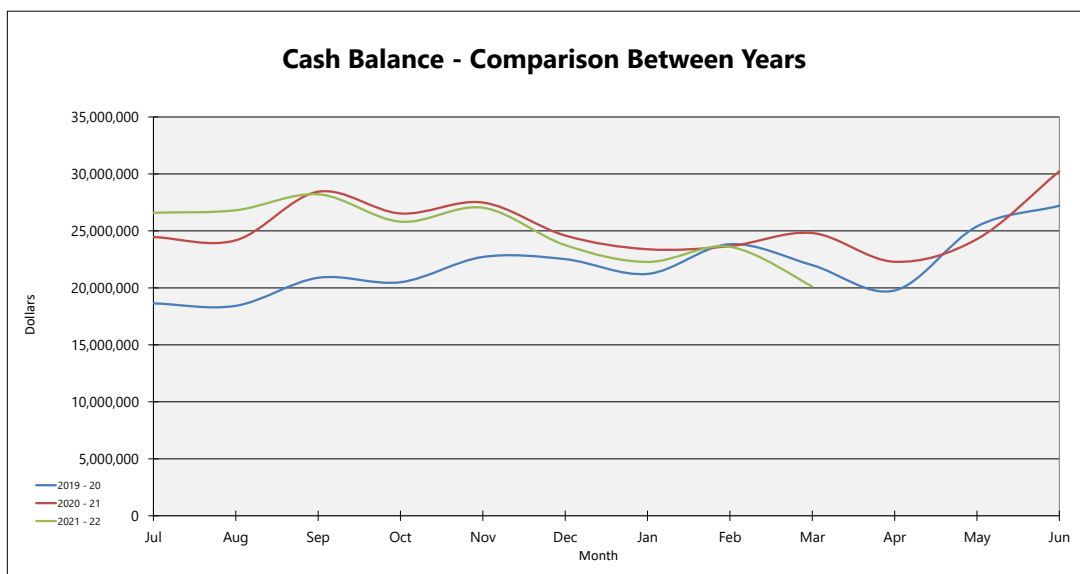
Capital & Project Expenditure Summary as at 31 March, 2022

Capital and Projects	Forecast	Adopted Budget	Variation
02 - Capital			
1112 - B - Roads - Aerodrome Program	656,530	300,000	356,530
1101 - B - Roads - Final Seal Program	403,607	323,607	80,000
1110 - B - Roads - Footpaths Program	629,599	408,100	221,499
1100 - B - Roads - Kerb & Channel Program	563,017	228,750	334,267
1102 - B - Roads - Major Rural Roads Program	398,000	398,000	0
1104 - B - Roads - Resealing Program	1,269,238	1,198,400	70,838
1105 - B - Roads - Resheeting Program	939,464	939,464	0
1106 - B - Roads - Rural & Residential Program	320,544	240,000	80,544
1111 - B - Roads - Streetscapes	976,568	540,387	436,181
1107 - B - Roads - Town Street Sealing Program	82,000	82,000	0
1108 - B - Roads - Transport Dev Program	797,337	408,000	389,337
1109 - B - Roads - Urban Rd Improvement Program	175,000	82,000	93,000
1103 - B - Roads - Rehabilitation Program	373,619	252,000	121,619
1113 - C - Bridge & Major Culverts Program	2,190,166	1,028,120	1,162,046
1114 - C - Floodway Program	31,000	21,000	10,000
1115 - D - Building Program	5,985,623	3,496,000	2,489,623
1116 - E - Drainage Program	352,283	164,250	188,033
1122 - F - Open Spaces Program	5,234,842	4,087,500	1,147,342
1120 - G - Land & Land Improvement Program	1,260,000	600,000	660,000
1119 - H - IT Program	0	0	0
1118 - H - Plant, Vehicles & Equipment Program	974,885	810,000	164,885
1121 - J - Projects	933,041	40,000	893,041
Grand Total	24,546,363	15,647,578	8,898,785

Capital & Project Revenue Summary as at 31 March, 2022

Capital and Projects	Forecast	Adopted Budget	Variation
02 - Capital			
1112 - B - Roads - Aerodrome Program	(360,000)	(300,000)	60,000
1101 - B - Roads - Final Seal Program	(157,000)	(157,000)	0
1110 - B - Roads - Footpaths Program	(371,200)	(194,100)	177,100
1104 - B - Roads - Resealing Program	(880,000)	(880,000)	0
1105 - B - Roads - Resheeting Program	(520,984)	(520,984)	0
1111 - B - Roads - Streetscapes	(425,387)	(425,387)	0
1108 - B - Roads - Transport Dev Program	(204,000)	(204,000)	0
1103 - B- Roads - Rehabilitation Program	(140,000)	(140,000)	0
1113 - C - Bridge & Major Culverts Program	(377,500)	(150,000)	227,500
1114 - C - Floodway Program	(10,000)	(10,000)	0
1115 - D - Building Program	(3,231,000)	(1,571,000)	1,660,000
1116 - E - Drainage Program	(88,000)	(88,000)	0
1122 - F - Open Spaces Program	(5,876,719)	(3,550,500)	2,326,219
1120 - G - Land & Land Improvement Program	(600,000)	(400,000)	200,000
1121 - J - Projects	(98,000)	0	98,000
Grand Total	(13,339,790)	(8,590,971)	4,748,819

Cash and Investments as at 31 March, 2022



Total Cash Balance at Month End												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
2019 - 20	18,642,143	18,424,373	20,885,437	20,496,673	22,711,437	22,520,759	21,226,659	23,831,676	21,993,073	19,771,946	25,394,596	27,206,212
2020 - 21	24,458,405	24,173,971	28,436,358	26,525,969	27,490,366	24,592,324	23,388,847	23,663,702	24,811,535	22,290,630	24,280,838	30,230,677
2021 - 22	26,594,594	26,813,020	28,211,375	25,807,441	27,033,930	23,750,045	22,274,406	23,607,188	20,121,050			

Restricted Cash required as at 31 March 2022

\$ 5,681,000

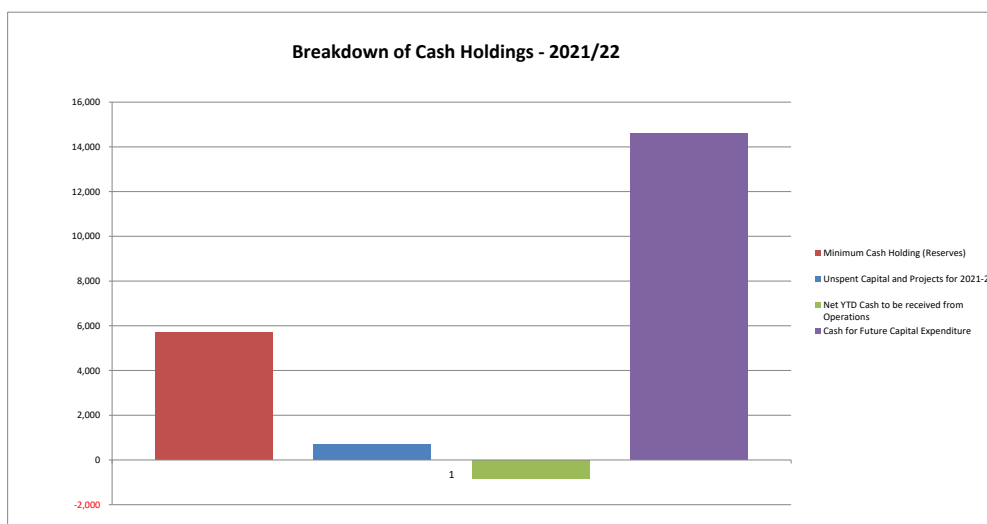
Available Cash as at 31 March, 2022

\$ 14,440,050

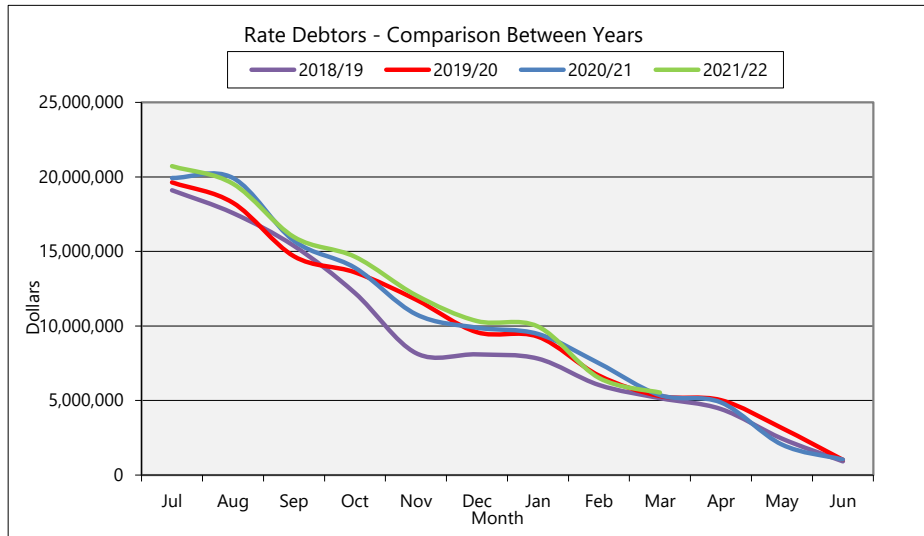
\$ 20,121,050

Breakdown of Cash Holdings

	\$000's
Minimum Cash Holding (Reserves)	5,681
Cash for Future Capital Expenditure	14,580
Unspent Capital and Projects for 2021-22	706
Net YTD Cash to be received from Operations	-846
Total Cash held as at 31 March 2022	20,121



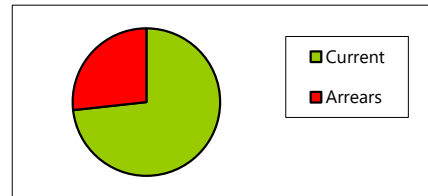
Debtors Reports as at 31 March, 2022



Rates Debtors YTD

Current
Arrears
Total

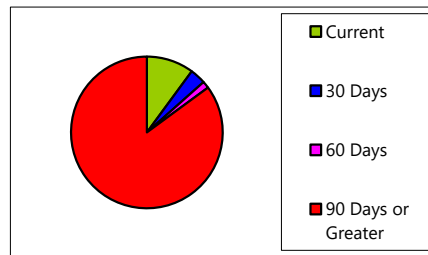
\$	%
4,055,000	73%
1,479,931	27%
5,534,932	100%



Sundry Debtors YTD

Current
30 Days
60 Days
90 Days or Greater
Total

\$	%
71,447	10.1%
23,756	3.4%
10,507	1.5%
602,601	85.1%
708,311	100%



Details:

Current

A couple of funding invoices valued at \$ 15k were recently raised.

30 days

Debts from slow paying debtors, Road Accident Clean-up (\$11k) and Fire Hazard Clean-up (\$3.3k) make up the bulk of this outstanding balance.

60 days

The majority of the outstanding balance has been paid since month end.

90 Days or Greater

Balances outstanding on several sundry debtors including \$61k due from Stawell Cemeteries and \$525k for road upgrade funding from the Department of Transport. Updated reporting of works completed have been provided to the department to encourage payment.

Loan Report - Budget 2021/22

Borrowing Principles:

Indebtedness

Our level of debt will not exceed 60% or \$11.3 million of rates and charges revenue.

Indebtness Calculation Check 6% ✓

Debt Servicing Costs

Our level of annual debt servicing costs (principal plus Interest) will not exceed 5% or \$2.1 million of our total operating revenue.

Debt Servicing Calculation Check 3% ✓

Loans Budgeted 2021/22

Principal

	\$000's
Loans Outstanding as at 30 June, 2021	2,189
Add proposed new loans 2021/22	-
Less Scheduled Repayments 2021/22	(1,092)
Loans Outstanding as at 30 June, 2022	1,097

Expiry of Existing Loans

	Expiry	Current Balance \$000's
Loan 16	Jun-23	97
Loan 20	Jun-26	1,000
		1,097

9.4.4. Business Transformation Strategy

Author/Position: Julia Smith, Manager Business Transformation

Purpose

The purpose of this report is to consider the future direction of business transformation across the organisation and to adopt the *Business Transformation Strategy 2022-26*.

Summary

The purpose of the *Business Transformation Strategy 2022-26* (the strategy) is to provide a simple road map for the direction of business transformation in order to build on the work undertaken to date and guide the organisation towards delivery of improved services to the community. The strategy sets clear actionable goals and identifies actions needed to achieve them to ensure we take advantage of the latest available technologies, ensuring council is connected, customer focused, and outcome driven.

Recommendation

That Council adopts the *Business Transformation Strategy 2022-26*.

RESOLUTION

That Council adopts the *Business Transformation Strategy 2022-26*.

Moved: Cr Eddy Ostarcevic

Seconded: Cr Rob Haswell

Carried

Background/Rationale

In 2017 the *Business Transformation Strategy 2017-2021* was developed, which sought to build on the work of the previous strategy and place Northern Grampians Shire Council as a leader in the use of technology, whilst continuing to identify and realise efficiencies and ensuring improved customer experience. This strategy resulted in 13 strategic actions, 11 of which have been implemented. Several additional major projects were undertaken in the same timeframe.

The *Business Transformation Strategy 2022-26* seeks to continue to build on this work and identifies three strategic priorities to be embedded into the approach and decision making for delivery of all business transformation services:

- Accessibility
- Usability
- Security

Five strategic outcomes have been identified to guide the strategic goals and actions, which together provide the roadmap for how we will achieve our desired outcomes:

- Customers experience seamless, easy to use, accessible services
- Employees are enabled to optimise available technology and equipment
- Employees are empowered to innovate and improve
- Accurate, relevant data is easily accessible to make evidence-based decisions
- Our ICT environment is well managed, modern, and secure

Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2021-25 - Improve Organisational Effectiveness

Options**Option 1**

That Council adopts the *Business Transformation Strategy 2022-26*. **[recommended]**

Option 2

That Council does not adopt the *Business Transformation Strategy 2022-26*. **[not recommended]**

Implications

Any identified sustainability issues (economic, social, environmental or climate change) or heritage/cultural, amenity, human rights/gender equality, privacy, risk management, budgetary and asset management implications have been addressed in this report.

Procurement

The strategy was developed in-house.

Community Engagement

An employee survey was conducted in December 2021 to gather feedback from across our workforce. 76 responses were received from 242 surveys distributed. The results were used to summarise employees' pain points which were then used to inform development of the strategy and action plan.

Innovation and Continuous Improvement

The strategy represents a vision for technology reform, building on the achievements realised by implementation of the previous strategies and seeks to continue to place Northern Grampians Shire Council as a leader in innovation and the use of technology.

Collaboration

The strategy is a roadmap of where Council is heading and how we will get there. There is a focus on collaboration with a strategic goal to collaborate across the local government sector to eliminate duplication, build capacity, and increase efficiency, using common standards and platforms where appropriate.

The Business Transformation Team has formed a close working relationship with the Business Systems Team at Southern Grampians Shire Council, to share information and collaborate where possible.

Several collaborative projects are specifically identified in the action plan which will be undertaken with neighbouring councils, including Southern Grampians Shire Council. While there was no direct collaboration with regards to development of the strategy, consultation was undertaken to reconfirm that the Northern Grampians Shire Council and Southern Grampians Shire Council's long term directions are aligned.

Officer's Declaration of Interest

All officers providing advice to Council must disclose any interests, including the type of interest.

Julia Smith, Manager Business Transformation

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

Attachments

1. Draft Business Transformation Strategy [9.4.4.1 - 16 pages]



Business Transformation Strategy (draft)

2022-26

June 2022



Northern Grampians Shire Council
LIVE | WORK | INVEST | VISIT

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 #ngshire #liveworkinvestvisit #wandervictoria

***The Business Transformation Strategy 2022–26
has been developed to provide a simple roadmap
of where we are going and how we are going to get
there, with clear actionable goals and identified actions
needed to achieve them.***



Our vision:

Our vision for business transformation at Northern Grampians Shire Council is:

“To be leaders in customer experience and service delivery with improved business processes using new and available technologies”



Our purpose:

“To engage across the organisation to enhance processes and the use of technologies”

Our goal:

“Optimised processes for improved service delivery to the community”

Introduction

Council is committed to exploring and implementing new and innovative ways of doing things to achieve the best outcomes for the community. The Northern Grampians Shire Council *Business Transformation Strategy 2022-26* represents a vision for technology reform, building on the achievements realised by implementation of the previous strategies.

Purpose

The *Business Transformation Strategy 2022-26* will build upon the work undertaken to date and continue to guide the organisation towards delivery of improved services to the community taking advantage of the latest available technologies, ensuring council is connected, customer focused, and outcome driven.

Background

In 2013, development of Council's *ICT Strategy 2013-17* provided direction for migration of the ICT environment from a static desktop environment to a mobile computing environment wherever appropriate. The strategy provided 16 key recommendations, which laid the foundation for the implementation of council's *Anywhere, Anytime, Any device* strategy. Most of the recommendations were implemented during this period, resulting in significant change and improvements to Council's current technology environment.

The *Business Transformation Strategy 2017-21* sought to build on that work and place Northern Grampians Shire Council as a leader in the use of technology, whilst continuing to identify and realise efficiencies and ensuring improved customer experience. During this period council's servers were migrated to a cloud hosted solution putting council in an excellent position to very quickly adopt to new ways of working, including arrangements required in response to the Covid-19 pandemic and the need to continue to provide services to the community in a very different working environment.

The *Business Transformation Strategy 2022-26* seeks to continue to build on this work and again place Northern Grampians Shire Council as a leader in innovation and the use of technology.



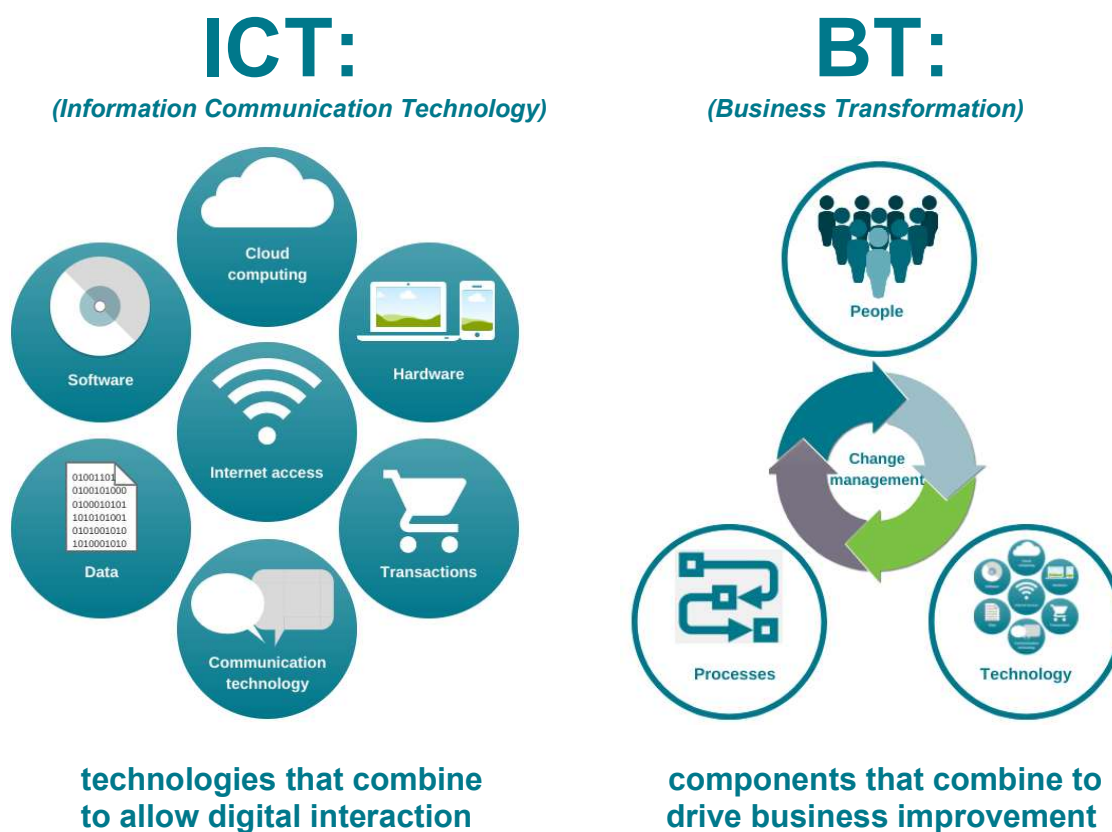
About us and what we do

The **Business Transformation Team** is made up of three key activity streams:

- Information Communication Technology (ICT)
- Business Transformation (BT)
- Geographical Information Systems (GIS)

ICT is widely recognised across Northern Grampians Shire Council as one of the key enablers for quality service provision and is an essential component for responding successfully to both the current challenges, and those of the future.

BT is about refusing to accept *'that's just how we do things'* and not falling into the trap that *'just because something is not broken it can't be improved'*. However, it is also recognised that business transformation is not just about technology, but also understanding and redesigning services, and the communication and cultural change required for this to be successful. This involves thinking about the whole service and getting multidisciplinary teams together to transform the experience for users to deliver change that makes a genuine difference.



GIS is a specialised area of expertise that plays a critical role in capturing, analysing, and managing spatial data to visually present information to the public, and support efficient internal daily operations to deliver services to the community.

Transformation is about refusing to accept 'that's just how we do things.'

Our values

The **Code of Conduct for Council Staff** provides a set of core values to guide staff conduct:

Code of Conduct for Council Staff	
1. Core Values	
Values help staff work out what is the right thing to do, legally and ethically. They can provide guidance to determine conduct and are particularly important in situations that are not covered by rules.	
The core values of the Council are that we are a skilled and capable organisation which is:	
CORE VALUES	
RESPONSIVE	through community engagement, listening to and responding appropriately to community needs
ACCOUNTABLE	being transparent and honest in dealings and responsible in decision making
FAIR	being informed and impartial in decision making
INNOVATIVE	being positive and able to find solutions
SUSTAINABLE	stewardship of the community, environment, economy and Council
RESPECTFUL	of people's views and diversity

When the Business Transformation department was formed in 2016, the team developed its own set of guiding principles in line with the core values.

The following seven guiding principles were identified and embedded into the approach for delivery of all BT services and are still applicable to how the team will deliver their services now and into the future:

Agile - we will evolve solutions through iterative development between cross functional teams

Collaborate - we will work together to achieve business improvements

Experiment - we will be bold and try new ways of delivery

Lead - we will build workforce capability that encourages creativity and innovation

Lean - we will provide value through continuous improvements and waste reduction

Plan - we will develop plans and implement projects where a clear benefit is determined, whilst balancing risk

Share - we will share data, information, and service capability with other agencies wherever appropriate

Transformation is about refusing to accept 'that's just how we do things.'

Our Objectives

When the Business Transformation department was formed in 2016, a set of operational objectives was developed by the team.

The following ten objectives were identified and embedded into the approach for delivery of all BT services. They remain relevant to the services the team aim to deliver now and into the future and have been used to help guide development of this strategy.

- **Investigate and implement innovative technologies to improve customer experience**
- **Provide a fast, reliable, and secure network**
- **Support the development and use of software systems that meet service needs**
- **Work with staff to provide and optimise use of appropriate client hardware**
- **Work with staff to investigate and implement innovative, cost-efficient technologies to improve service delivery**
- **Work with staff to improve quality and access to appropriate council data for informed decision making**
- **Ensure suitable ICT governance systems in place for new technologies**
- **Work with staff to redesign business processes to achieve greater efficiency and service excellence**
- **Work with staff to analyse data to inform decision making**
- **Provide appropriate resources to achieve planned objectives**

Transformation is about refusing to accept 'that's just how we do things.'

Council has adopted eight outcomes identified as critical to the success of our community and our council. The outcomes represent what we work to achieve and have been informed by the *Northern Grampians Shire Community Vision* and the *Economic Development Strategy*.

While the services that the Business Transformation Team provide across the organisation support the delivery of just about every service, their work is most closely aligned with the strategic outcome of ***“Being a better council”***



**COUNCIL
PLAN**

2021-2025

**NORTHERN
Gramplins
SHIRE COUNCIL**

**COMMUNITY
together**

- Enhance Lifestyle and Community
- Boost Economic Growth
- Provide Sustainable Infrastructure
- Improve Organisation Effectiveness

Strategies and indicators relevant to the *Business Transformation Strategy 2022-26* are primarily contained within the **Improve Organisational Effectiveness** goal.

The operational components of the *Council Plan 2021-25* are the actions adopted to ultimately deliver on the goals and outcomes.

Development of the *Business Transformation Strategy 2022-26* is aligned with these goals, outcomes, and actions, in conjunction with technology trends, best practice and other external influences.

Review of the BT Strategy 2022-26

Ongoing financial pressures and the need for organisational efficiencies without sacrificing quality mean council will have to continue to become more efficient in the way that it works. Technology will continue to play a key role in transformation processes and opportunities to work smarter must be embraced by everyone.

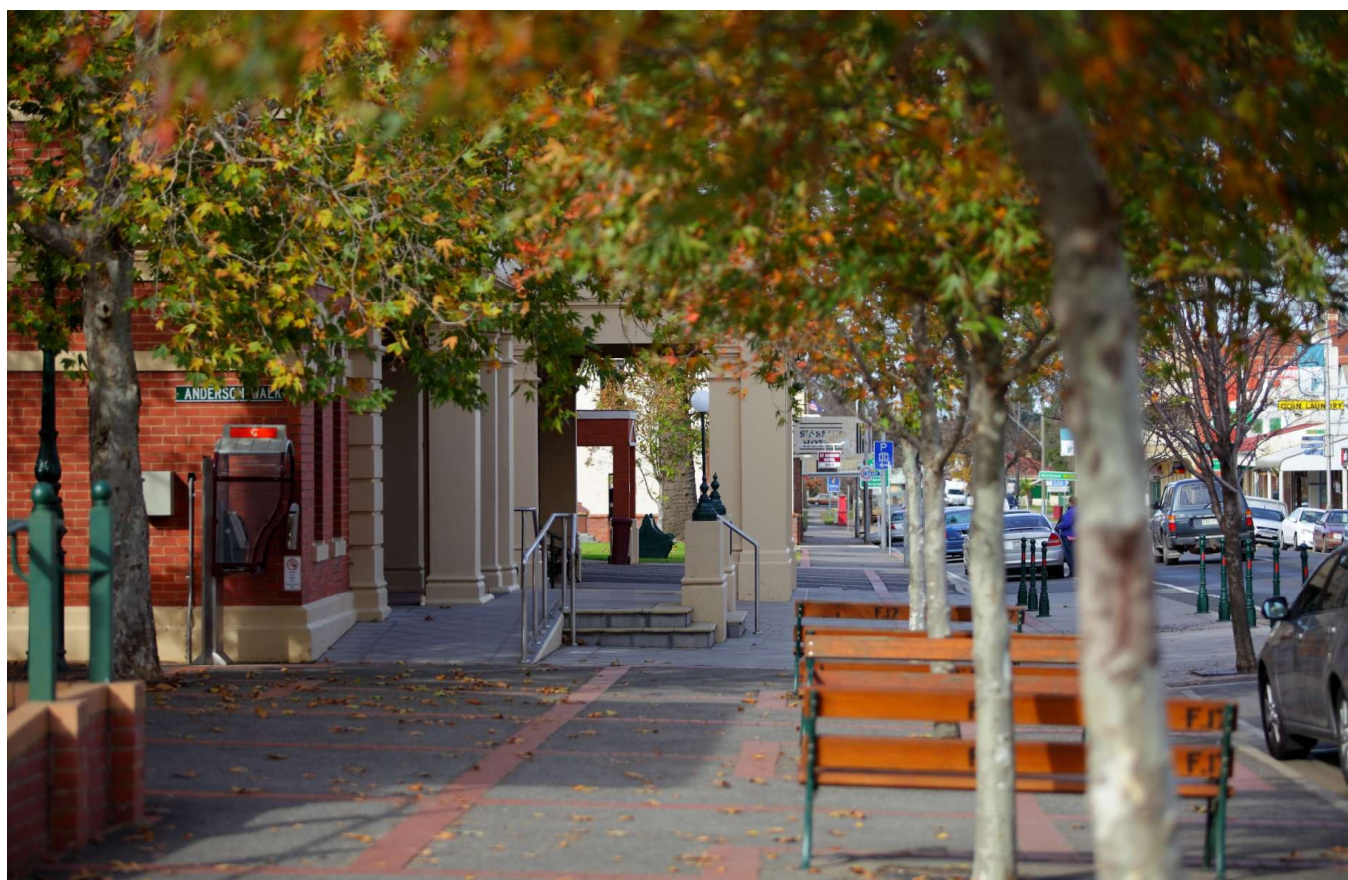
There will always be a need for continuous innovation and response to change, challenges, and opportunities as they arise. While rapid improvements are an important part of responding to changing needs, business transformation is not a new concept, nor is it an overnight task. Business Transformation is a journey - not a destination!

This strategy is a continuation of the previous strategy, building on the work undertaken to date, and for that reason, the previous priorities, outcomes, and strategies have been incorporated and updated into this strategy, and this will continue to happen into the future.

Technology continues to change at a rapid pace, there are new solutions constantly offering opportunities to improve operational efficiency, and while the future direction of technology development can be predicted to a degree in the short term, it is very difficult to envisage what form emerging technologies will take in the longer term.

This strategy is an important tool for ensuring that influences and changes that affect the direction of council's Business Transformation service provision are captured and managed appropriately.

As such, it is a document that will continually evolve, enabling the organisation to move dynamically to meet new challenges and exploit new opportunities, while ensuring alignment to the Council Plan Goals and Outcomes. To ensure that the strategy maintains alignment with the Council Plan, annual reviews will be undertaken in conjunction with the annual Council Plan review and the BT Team business plan review.



Where are we now?

Due to the work undertaken over the period of the previous strategy, council found itself well positioned to respond effectively and efficiently to the unusual situation it was thrust into by the Covid-19 situation.

With most of its servers in a private cloud, and already being embedded in a collaborative working environment the workforce was able to move quickly to a *working from home* environment and continue to provide services to the community seamlessly.

The work undertaken on redevelopment of council's website has resulted in an improvement in online transactions, with all forms on the website now being true digital forms that can be completed and submitted online, at a time that suits the customer.

However, as with all council services, there is a limit on what can be achieved with the available resources, and there is always more that can be done. Several legacy systems still exist, proving to be one of the major hurdles during the Covid-19 response.

During 2021 a major project was undertaken to migrate from the Google suite of efficiency tools to the Microsoft 365 environment, creating the potential to better collaborate with other councils and identify and implement operational efficiencies that can be leveraged using the Microsoft platform.

Council remains committed to collaborating across the local government sector to eliminate duplication, build capacity, and increase efficiency, using common standards and platforms where appropriate. Opportunities to work together have been investigated and partnerships formed, with two major projects currently underway in collaboration with several of our neighbouring councils.

Where do we want to be?

Council prides itself on being innovative and will strive to continue to build on the work undertaken to date.

A focus on implementation of '*best fit*' solutions to renew or replace legacy systems will ensure council continues to improve its service delivery, for both internal and external stakeholders. '*Best fit*' focuses on not necessarily 'the best' as indicated by the term '*best of breed*' which implies the biggest and best, and probably the most expensive, but the most appropriate option for council, meaning not paying for technology that over services council's needs, resulting in licensing costs for functionality that council does not have the resources to utilise or optimise.

Our aim is for secure technology and data that is easy to access and use in order to provide service excellence.

Major challenges and influences

In 2013, when the council's *Anywhere, Anytime, Any Device* ICT Strategy was developed, approximately **31%** of the workforce was connected to council's network. In 2022 **100%** of the workforce is connected in some way, and usage across the organisation is only going to increase in the future. This has resulted in more diverse technologies being implemented, and a much higher expectation to support the use of technology across the whole organisation.

With more than 200 employees user and system management requirements continue to increase, along with ICT service helpdesk requests, and now, more than ever, there is an expectation to plan and execute major projects to realise improvements, in parallel to supporting 'business as usual'.

The Covid-19 situation has increased the focus across the sector on cyber security and information governance. Being a very technical area of expertise, this places council in the same situation as many other small rural councils, with pressure to manage the ever-changing landscape of keeping council's network safe.



Employee engagement

Development of the Business Transformation Strategy 2022-26 was undertaken in conjunction with the information gathered from across the workforce by a survey conducted in December 2021.

The survey was undertaken, inviting all employees to provide insights into:

What systems do you use and how much?

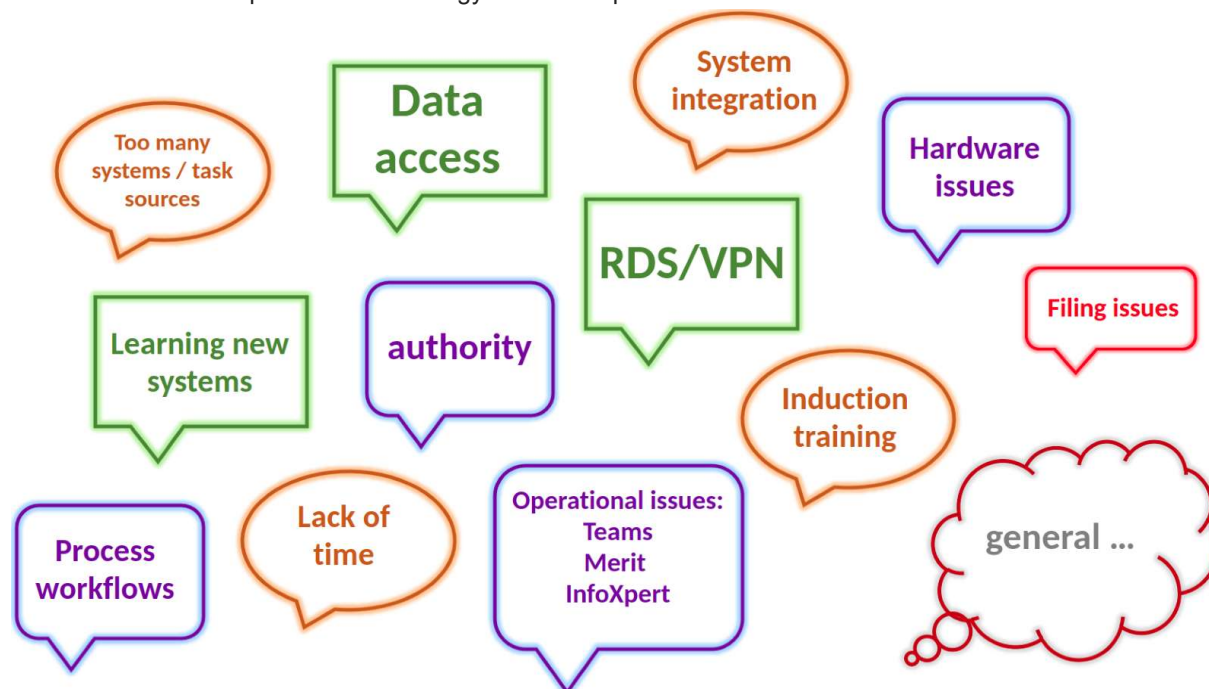
How do you access systems and what's your experience?

How do you experience issue reporting?

What do you think about our communication and training?

Pain points, good stuff, and any other general comments.

The response rate for the survey was 31% across the whole workforce (76 responses from 242 surveys distributed) which equates to 39% of all employees with a council email address (72 responses from 187 surveys distributed). The results were used to summarise employees' pain points which in turn have been used to inform development of the strategy and action plan.



Strategic Priorities

Three strategic priorities have been identified as the core values that underpin all business transformation activities and are the key focus areas that will lead to the achievement of our goals and successful outcomes for our customers.

The three priorities previously identified in the Business Transformation Strategy 2017-21 (*Customer experience, Digital first, and Data*) remain as relevant now as they were in 2017 and have been incorporated into the three strategic priorities identified in the development of this strategy.

The three strategic priorities are:

Accessibility



Usability



Security



The strategic priorities will be embedded into the approach and decision making for delivery of all BT services.

Strategic Outcomes

Likewise, the four outcomes previously identified in the Business Transformation Strategy 2017-21 remain as relevant now as they were in 2017 and have been incorporated into the five strategic outcomes identified in this strategy.

The five strategic outcomes are:

Customers experience seamless, easy to use, accessible services

Employees are enabled to optimise available technology and equipment

Employees are empowered to innovate and improve

Accurate, relevant data is easily accessible to make evidence-based decisions

Our ICT environment is well managed, modern, and secure

Strategic Goals

The following strategic goals are how we will achieve our desired outcomes.

We will ensure customers experience seamless, easy to use, accessible services by:

- placing the customer at the centre of everything we do
- continuing to review and redesign processes and services
- continuing to review and develop council's website

We will ensure employees are enabled to optimise available technology and equipment by:

- reviewing our legacy systems and planning to renew or replace where appropriate, and improving the user experience where not
- continuing to review, develop, deliver, and monitor training and support programs
- continuing to investigate and leverage the Microsoft 365/Azure platform

We will empower employees to innovate and improve by:

- facilitating redesign of processes around the needs of the user
- investigating new and emerging technologies and supporting implementation where appropriate
- collaborating across the local government sector to eliminate duplication, build capacity, and increase efficiency, using common standards and platforms where appropriate

We will ensure accurate, relevant data is easily accessible to make evidence-based decisions by:

- building capacity to utilise new and existing tools to analyse data to inform critical decision making
- recognising data as a critical asset whilst protecting privacy requirements and ensuring accessibility
- releasing appropriate information into the public arena enabling the community to access and use the information
- collaborating with other agencies to standardise data to enable sharing where possible

We will ensure our ICT environment is well managed, modern, and secure by:

- conducting appropriate security audits and implementing identified improvements
- migrating to a modern public cloud platform
- migrating to modern identity management solutions
- migrating to modern software provisioning (cloud-based) solutions

These goals drive the prioritisation and allocation of available resources to the projects in the Business Transformation Action Plan.

Northern Grampians Shire Council Business Transformation Action Plan

Major projects currently planned for the period of this strategy are listed below and detail the actions required to achieve the strategic goals. The action plan will be reviewed annually, and further details of each project will be documented in the Business Transformation Team's annual action plan and individual project plans.

Project		Timeframe				
		2022	2023	2024	2025	2026
Customers experience seamless, easy to use, accessible services						
Customer service review	Develop and implement a 'first call resolution' customer service model					
LeaniNG Forward Stage 2	Plan and deliver priority customer experience improvements					
Website development	Develop and implement a <i>Website Experience Improvement Plan</i>					
Employees are enabled to optimise available technology and equipment						
ERP 'best fit' project	Renew enterprise resource planning (ERP) software – a collaborative project with our neighbouring councils					
ICT asset management	Develop and implement a formal <i>ICT Asset Management Plan</i>					
ICT support framework	Develop and deliver a formal ICT Support Framework to improve onboarding and ongoing ICT support					
Managing records better - together	Implement a new electronic records system (EDRMS) – a collaborative project with our neighbouring councils					
Optimise M365	Plan and deliver process improvements utilising the Microsoft 365 product suite					
Employees are empowered to innovate and improve						
Continuous Improvement	Plan and deliver priority process improvements					
Accurate, relevant data is easily accessible to make evidence-based decisions						
Data management	Develop and implement a <i>Data Management Strategy</i>					
Data utilisation	Develop and implement a <i>Data Utilisation Plan</i>					
Improve reporting	Investigate and implement reporting tools and build reporting capability across the council					
Accurate GIS data	Plan and implement GDA 2020 and the new Victorian digital cadastre					

continued...

continued...

Project		Timeframe				
		2022	2023	2024	2025	2026
<i>Our ICT environment is well managed, modern, and secure</i>						
Cyber security	Undertake cyber security audits and plan and implement audit recommendations					
Information security	Develop and implement an annual <i>VPDSF Action Plan</i>					
Move to modern cloud	Plan, prepare, and migrate servers to a public cloud					
Identity management	Plan and implement modern identity management systems					
Upgrade to cloud systems	Plan and prioritise a system review / renewal / replacement program					

**BUSINESS TRANSFORMATION AT
NORTHERN GRAMPIANS SHIRE COUNCIL**

... it's a journey, not a destination.



Northern Grampians Shire Council
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10. Notices of Motion or Rescission

Nil

11. Reports from Councillors/Committees

Queen Mary Botanic Garden Advisory Committee Minutes – 20 April 2022.

Councillors provided brief reports on their activities on behalf of Council since the last Council meeting.

The Mayor gave an update on signage for Queen Mary Gardens from the Queen Mary Botanic Gardens Committee.

Cr Dempsey spoke on the success of IDAHOBIT Day flag raising and community event.

Cr Dempsey provided an update on the progress of the North Park Skate Park design.

Cr Dempsey spoke on the success of the Mothers Day Classic which she had the honour of being MC on behalf of the Stawell Country Womens Association.

Cr Dempsey spoke about the completion of the new netball courts at North Park.

Cr Dempsey spoke on the progression of gender equality at this year's Stawell Gift making mention of the women's names on the scoreboard.

Cr Emerson thanked the Mayor for allowing him the opportunity to stand in for him when opening the new building at Lord Nelson Park. Cr Emerson spoke on the success of the Lord Nelson Park and North Park development and how it is a great example of what can be achieved when working together.

Cr Ostarcevic gave an update on North Central LLEN Annual General Meeting.

RESOLUTION

That the reports be received.

Moved: Cr Murray Emerson

Seconded: Cr Kevin Erwin

Carried

Queen Mary Botanic Garden Advisory Committee minutes, 20th April 2022

Present Joanne Hamilton, Marg McCahon, Brenda Proctor, Janelle Patching (Sec), Dorothy Patton (Pres), Lindy Parry, Lyn box, Ros Small

Apologies Dorothy Baldwin, Tony Driscoll

Minutes from previous meeting true and correct, moved Marg McCahon, seconded Lyn Box.

Matters arising previous meeting

Brick sign-Dorothy obtained update from Jason Abbott and Trenton Fithall from NG Shire for progress report. Trenton will get back to Dorothy on plan, Jason had applied for a plan to go through to look like the Stuart Mill sign, Dorothy advised Jarryd Ezard he would use Hawke from Donald for the bricklaying and would require a plan, Trenton Fithall to give a scale plan and permit. **Action Dorothy to communicate further with Trenton Fithall from NG Shire.**

Wisteria Planting- Discussion were to plant was held – **Action Jo Hamilton to follow up with Jarryd Ezard to meet, to organise cutting of tiles for planting space.**

Developmental new area-discussion on natural children's explore area, mound, balance beam, and children's seating etc, photos shown of Port fairy natural balance beam-**Action Janelle to contact Port Fairy Shire and the Pyrenees Shire to obtain supplier information.**

Access rom Millett Street-Discussion on parking and access via Millett Street, are there going to be no parking signs or the possibility of a loading zone and could there be bin access-**Action Dorothy to discuss with Trenton Fithall for answers from NG shire perspective.**

Does the chain also need to be reinstalled to stop people parking at that end of Gardens? **Action Dorothy to discuss with Gardener contact.**

Hedges-the existing hedges have been pruned to contain them at the 1.2 metre heights as agreed, but the new hedges have not been looked at, discussion about new gardener team:

Shane cross, Health Pole, Georgie Deon, Sharon Sheppard and Riley apprentice from Stawell. **Action Jo Hamilton to gain best contact person from Tony Driscoll to attend meetings and gain updates from, and for future garden correspondence.**

Grant application- note, did not progress further has grant date expired.

No other items from previous minutes moved Lindy Parry, seconded Deirdre Freeman

Business arising

Committee books handover-Janelle declared to the committee that there had not been a handover of previous books, Jason had made contact with full intentions but it didn't happen, this will occur when he returns from leave. **Action Janelle to follow up with Jason at that time.**

Meeting purpose -Discussion on our meeting purpose and the statement that reflects it, to include on our agenda. The purpose may include the words 'development and restoration of', Ros believes there is something in the history. **Action Ros to refer to history files to determine if there was a previous meeting purpose.**

Email list- Committee members updated their email contacts or postal address with Janelle for future correspondence. Discussion held that a new gardener contact would be needed in Jason absence from the committee so we can have QM gardens updates. **Action Jo to contact Tony Driscoll to confirm gardener contact and email details.**

Other business

Official name of our committee- Discussion held on what our committee is actually called as previously we were the QMG Committee of Management but now we are an Advisory Committee this should be identified and clarified. **Action Dorothy to contact Tony Driscoll to determine.**

Collections of plants- Discussion held for Committee member to research the Kevin Walsh plan of the garden, particularly page 25, on the palm collection. Friends may put some money to the palm collection as suggestion-**Action Committee members to research Kelvin Walsh plan prior to next meeting.**

Deirdre raised that the meeting in the Gardens could be held in the start of New Year when weather is more suitable, first meeting of the year will involve a walk through.

Dorothy raised the friends of the gardens are still prepared to give the gardens \$1000 towards buying new plants each year, so we start a fresh and get this happening again.

Meeting venue to be booked- **Action Janelle to contact the NG Shire for booking of room.**

Next meeting 15th

12. Urgent Business

Council to consider as Urgent Business its support for the Victorian Government to commit to the completion of the Murray Darling Rail Project.

Cr Emerson asked that the matter of Council giving its support for the Victorian Government to commit to the completion of the Murray Darling Rail Project be considered as Urgent Business.

RESOLUTION

That the items as listed be considered as Urgent Business.

Moved: Cr Murray Emerson

Seconded: Cr Kevin Erwin

Carried

RESOLUTION

That Council gives its support in the form of a letter for the Victorian Government to commit to the completion of the Murray Darling Rail Project.

Moved: Cr Kevin Erwin

Seconded: Cr Murray Emerson

Carried

13. Public Question Time

The Mayor received a Public Question Time Question Without Notice submission at the meeting.

Mrs Wendy Melbourne, 12 Brown Street Stawell

1. If more volunteers were to be obtained, would this persuade councillors to leave the Visitor Information Centre on the Western Highway?

The Mayor said if more volunteers were recruited Council would take it into consideration.

2. How much consultation with library staff has been done?

The Mayor said the item had gone to a Council meeting, reported in the paper and community consultation.

3. Has parking (cars and caravans) been considered if the Visitor Information Centre is moved?

The Mayor said Council has considered the parking situation.

Chief Executive Officer will provide written responses to Mrs Melbourne.

14. Closure of Meeting Pursuant to Section 66(2)(a) of the Local Government Act 2020

A Council or delegated committee may resolve that the meeting be closed to members of the public if it considers it necessary because a circumstance specified below apply:

The circumstances are-

- (a) the meeting is to consider confidential information; or
- (b) security reasons; or
- (c) it is necessary to do so to enable the meeting to proceed in an orderly manner.

If the circumstances specified in subsection (b) or (c) apply, the meeting can only be closed to the public if the Council has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.

14.1. C4 2016/17 - Provision of ICT Services and Support

14.2. C5 2017/18 - Provision of Fleet Services

14.3. C11 2021/22 - Stawell, North Park Football Pitch Lighting

RESOLUTION

That items 14.1, 14.2 and 14.3 be considered in Closed Council as it deals with confidential information as detailed in section 3(1) of the *Local Government Act 2020*.

Moved: Cr Murray Emerson

Seconded: Cr Kevin Erwin

Carried

RESOLUTION

That the meeting be closed to consider the item listed pursuant to section 66 of the *Local Government Act 2020*.

Moved: Cr Murray Emerson

Seconded: Cr Kevin Erwin

Carried

OPEN COUNCIL

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

14.1 That Council agrees to extend contract C4 2016/17 - Provision of ICT Services for the second two year option commencing 1 July 2022 until 30 June 2024.

14.2 That Council approves the extension of contract C5 2017/18 - Provision of Fleet Services to Fleet Partners Pty Ltd for a further one year from 1 July 2022 to 30 July 2023.

14.3 That Council awards contract C11 2021/22 - Stawell, North Park Soccer Pitch Lighting to Coutts Electrical & Data Pty Ltd trading as Laser Electrical Horsham for their submitted lump sum price.

15. Close

There being no further business the Mayor declared the meeting closed at 1.16pm.

Confirmed

A handwritten signature in black ink, appearing to be 'Tony Driscoll', written in a cursive style.

CR TONY DRISCOLL
MAYOR

Date: 27 June 2022