

Council Meeting

Agenda

Date: Wednesday 28 June 2023

Time: 5.30pm

**Venue: Civic Centre (Council Meeting Room)
13 Mair Street, Benalla**

Any person wishing to participate in Question Time or Public Submissions in accordance with Rule 7.2 and 7.3 of the *Governance Rules 2020* should contact the Council by emailing council@benalla.vic.gov.au or telephoning the Governance Coordinator Jess Pendergast on (03) 5760 2600.

In accordance with Rule 6.4 of the *Governance Rules 2020* the Council Meeting will be livestreamed via the Council's website and an audio recording will be made of the proceedings.

Members of the public are encouraged to watch the live broadcast of the meeting at www.benalla.vic.gov.au

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Agenda

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor Danny Claridge
Councillor Peter Davis
Councillor Don Firth
Councillor Punarji Hewa Gunaratne
Councillor Justin King
Councillor Gail O'Brien

In attendance Dom Testoni Chief Executive Officer
Robert Barber General Manager Corporate
Cathy Fitzpatrick Manager Finance
Courtney Naughton Manager Economic Development and Sustainability
Jess Pendergast Governance Coordinator

Opening and Acknowledgment of Country

The Chair will open the meeting and recite the following Acknowledgement of Country.
We, the Benalla Rural City Council, acknowledge the traditional custodians of the land on which we are meeting. We pay our respects to their Elders past and present and to Elders from other communities who may be here today.

Statement of Commitment

The Councillors will recite the following Statement of Commitment:

*I declare,
that as a Councillor of Benalla Rural City
I will undertake on every occasion
to carry out my duties in the best interests of the community
and that my conduct shall maintain the standards of our Councillor Code of Conduct
so that I may faithfully represent
and uphold the trust placed in the Council
by the people of Benalla and District.*

Governance Matters

This Council Meeting is conducted in accordance with the *Local Government Act 2020* and the *Benalla Rural City Council Governance Rules 2020*.

Recording of Council Meetings

In accordance with the *Governance Rules 2020* clause 6.4 meetings of Council will be audio recorded and made available for public access, with the exception of matters identified as confidential items in the agenda.

Behaviour at Meetings

Members of the public present at a meeting must remain silent during the proceedings other than when specifically invited to address the Committee.

The Chair may remove a person from a meeting for interjecting or gesticulating offensively after being asked to desist, and the chair may cause the removal of any object or material that is deemed by the Chair to be objectionable or disrespectful.

The Chair may call a break in a meeting for either a short time, or to resume another day if the behaviour at the Council table or in the gallery is significantly disrupting the Meeting.

Disclosures of Conflict of Interest

In accordance with the *Local Government Act 2020*, a Councillor must declare any Conflict of Interest pursuant to Section 130 of the Act in any items on this Agenda.

At the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by clearly stating:

- the item for which they have a conflict of interest;
- whether their conflict of interest is general or material; and
- the circumstances that give rise to the conflict of interest.

Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor must indicate to the Meeting the existence of the conflict of interest and leave the Meeting.

Apologies and Leave of Absences

Councillor Danny Claridge is seeking a leave of absence from 3 July to 5 August 2023.

Recommendation:

- 1. That the apology/ies be accepted.**
- 2. That a leave of absence be granted to Councillor Danny Claridge from 3 July to 5 August 2023.**

Confirmation of the previous Meeting Minutes

The minutes have been circulated to Councillors and posted on the Council website www.benalla.vic.gov.au pending confirmation at this meeting.

Recommendation:

That the Minutes of the Council Meetings held on Wednesday 24 May 2023 be confirmed as a true and accurate record of the meeting.

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1. Public Question Time

The Council's *Governance Rules 2020* provide the opportunity for members of the public to lodge written questions of broad interest to the Council and the community.

Questions of the Council will not be allowed during any period when the Council has resolved to close the meeting in respect of a matter under section 66 (1) of the *Local Government Act 2020* (the Act).

A question may be on any matter except if it:

- is considered malicious, defamatory, indecent, abusive, offensive, irrelevant, trivial, or objectionable in language or substance;
- relates to confidential information as defined under the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any person.

No more than two questions will be accepted from any person at any one meeting.

All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.

Like questions may be grouped together and a single answer provided.

The Chair may nominate a Councillor, the Chief Executive Officer or another member of Council staff to respond to a question.

Recommendation:

That the question(s) and answer(s) be noted.

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2. Petitions

Record of Committees

3.1 Recommendations from Finance and Planning Committee

The recommendations of the Finance and Planning Committee meeting held on Wednesday 14 June 2023 are attached as **Appendix 1**.

Recommendation:

That the recommendations of the Finance and Planning Committee meeting held on Wednesday 14 June 2023 be adopted.

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Business**1. Proposed 2023/24 Budget – Consideration of Submissions**

The report considered submissions received on the proposed *2023/24 Budget*.

The *2023/24 Budget* will be considered for adoption at the Council Meeting on 28 June 2023.

Cr Hearn / Cr King:

That the report be noted.

Carried

2. Proposed Discontinuance of Roads at Flynns Road and Lee Road Railway Crossings, Winton North

The report sought the Council's authority to consider whether the government roads being the whole of the land contained in Crown folios volume 11782 folios 963 and 964 located at Flynns Road and Lee Road railway crossings, Winton North should be discontinued.

Cr Firth / Cr Davis:

That Council, acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (Act):

- 1. Having following all the required statutory procedures pursuant to sections 207A and 223 of the Act, and being of the opinion that the government roads at Flynns Road and Lee Road railway crossings, Winton North, being the land shown highlighted red on the locality plan attached to this report as Appendix 1 (Roads), are not reasonably required for public use for the reasons set out in this report, resolves that the Roads be discontinued.**
- 2. Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the Victoria Government Gazette.**
- 3. Directs that any public rights or interests required to be created or saved over the Roads by any authority be done so and not be affected by the discontinuance of the Roads.**

Carried

3. Building and Planning Approvals – April and May 2023

The report detailed planning permit applications and building approvals for April and May 2023.

Cr Davis / Cr Firth:

That the report be noted.

Carried

4. 2022/2023 Quick Response Grants

The report presented funding applications for 2022/23 Quick Response Grants.

Cr Davis / Cr Hearn:

That a \$500 grant from the 2022/2023 Quick Response Grant program be allocated to Goorambat and District Community Group.

5. Urgent Business

An item was submitted for consideration under urgent business.

Cr Davis / Cr King:

That the urgent business item be accepted.

Carried

The Council Meeting to be held on Wednesday 28 June 2023 at 5.30pm will contain a report for the Sale of Land at Enterprise Park, Benalla in confidential business.

Due to the commercial in confidence information being provided it was proposed that the Council Meeting be held solely as a face-to-face meeting in accordance with section 3.3.6 of *Governance Rules 2020*.

In accordance with Rule 6.4 of the *Governance Rules 2020* the Council Meeting will still be lived streamed via the Council's website excluding confidential business.

Cr Hearn / Cr King:

That the Finance and Planning Committee, acting under its delegated authority of the Council, resolve:

That the Council Meeting to be held on Wednesday 28 June 2023 at 5.30pm be held solely as a face-to-face meeting in accordance with section 3.3.6 of *Governance Rules 2020*.

Carried

Closure of Meeting

The Finance and Planning Committee meeting closed at 5.57pm.

3.2 Assemblies of Councillors, Advisory and External Committees

Under Council's *Governance Rules 2020* the Chief Executive Officer is required to provide a written record of the Assemblies of Councillors at a scheduled Council Meeting.

The record of Assemblies of Councillors since the report presented at the meeting on 24 May 2023 are attached as **Appendix 1**.

Copies of the Minutes from the following meetings have been provided to councillors under separate cover.

May 2023

3 May 2023	Communications Advisory Committee
3 May 2023	Assembly of Councillors Briefing
10 May 2023	Benalla Festival Advisory Committee
16 May 2023	Former Benalla Migrant Camp Conservation Management Plan Implementation Steering Committee
17 May 2023	Assembly of Councillors Briefing

Recommendation:

That the report be noted.

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Record of Assemblies of Councillors, Advisory and External Committees

May 2023

Communications Advisory Committee

1.30pm Wednesday 3 May 2023, Civic Centre (Council Meeting Room)
13 Mair Street, Benalla.

Chair Councillor Bernie Hearn (Mayor)

Councillors Councillor Danny Claridge
Councillor Peter Davis

In attendance Dom Testoni Chief Executive Officer
Courtney Naughton Manager Economic Development and Sustainability
Grant Banks Communications and Engagement Coordinator
Tracey Beaton Executive Coordinator

Apologies: Nil

Conflicts of Interest disclosed: Nil

Items discussed:

1. Review of actions from meeting held 29 February 2023
2. Media highlights from the previous month
3. Hive activity for the previous month
4. Draft Terms of Reference
5. Communications and Engagement Coordinator Update
6. Business engagement update
7. General Business

Assembly of Councillors

5.30pm Wednesday 3 May 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Councillors

Councillor Bernie Hearn (Mayor)
Councillor Danny Claridge
Councillor Peter Davis
Councillor Don Firth
Councillor Punarji Hewa Gunaratne
Councillor Justin King
Councillor Gail O'Brien

In attendance

Dom Testoni	Chief Executive Officer
Robert Barber	General Manager Corporate
Jane Archbold	Manager Community
Courtney Naughton	Manager Economic Development and Sustainability
Alison Angus	Tourism Coordinator
Tom Arnold	Community Development Coordinator
Grant Banks	Communications and Engagement Coordinator
Sharon Geer	Events Coordinator

Apologies: Councillor Justin King

Conflicts of Interest disclosed: Item 1 – Councillor Bernie Hearn and Councillor Punarji Hewa Gunaratne

Items discussed:

1. 2022/23 Community Grants Program
2. Draft Child Safety and Wellbeing Policy
3. Draft Benalla Rural City Council Communications Strategy 2023-25
4. Benalla Rural City Council Tourism and Events Strategy 2018-2022 Status Report
5. Plastic Wise Council Policy Review
6. Related Party Disclosure Policy Review

Benalla Festival Advisory Committee

4pm Wednesday 10 May 2023, Customer Service Centre (Geoff Oliver Meeting Room), 1 Bridge Street East, Benalla.

Chair:	Councillor Justin King	Council Representative
Committee:	Councillor Don Firth	Council Representative
	Caroll Bolitho	Community Representative
	Stephanie Brack	Youth Development Coordinator
	Vince Branigan	Community Representative
	Di Harper	Community Representative
In attendance:	Sharon Geer	Events Coordinator
	Kirsten Hein	Administration Officer
	Will Smith	Youth Engagement Officer
Apologies:	Councillor Justin King, Stephanie Brack, Vince Branigan, Di Harper, Kirsten Hein	
Conflicts of Interest disclosed:	Nil	

Items discussed:

1. Planning for the 2023 Benalla Festival (4-12 November 2023)
2. 2023 Sponsorship Opportunities
3. General Business

Former Benalla Migrant Camp Conservation Management Plan Implementation Steering Committee

3pm Tuesday 16 May 2023, Civic Centre (Council Meeting Room), 13 Mair Street, Benalla.

Chair:	Councillor Danny Claridge	Council Representative
Committee:	Councillor Don Firth	Council Representative
	Councillor Punarji Gunarante	Council Representative
	Greg Robertson	Manager Facilities and Information Technology
	Nilesh Singh	Manager Development
	Joni Jones	Balloon Association of Victoria
	Jim Tullberg	Benalla Theatre Company Inc.
	Bruce Cowan	Gliding Club of Victoria Inc.
	Michael Hedderman	Community Representative
In attendance:	Elise Wood	Senior Facilities Officer
	Georgia Spencer	Administration Officer
Apologies:	Councillor Punarji Gunaratne, Nilesh Singh, Joni Jones	

Conflicts of Interest disclosed: Nil

Items discussed:

1. Business arising from previous meeting
2. Living Heritage Grant
3. Manager Facilities and Information Technology Report
4. General Business

Assembly of Councillors

5.30pm Wednesday 17 May 2023, Civic Centre (Council Meeting Room) 13 Mair Street, Benalla.

Councillors

Councillor Bernie Hearn (Mayor)
Councillor Danny Claridge
Councillor Peter Davis
Councillor Don Firth
Councillor Punarji Hewa Gunaratne
Councillor Justin King
Councillor Gail O'Brien

In attendance

Dom Testoni	Chief Executive Officer
Robert Barber	General Manager Corporate
Courtney Naughton	Manager Economic Development and Sustainability
Catherine Macmillian	Business Development Coordinator
Lucy Hansen	Communications and Engagement Officer

Apologies: Councillor Bernie Hearn and Gail O'Brien

Conflicts of Interest disclosed: Nil

Items discussed:

1. Proposed Arthur Baird Memorial Sculpture – Consideration of Submissions
2. Benalla Street Art Update
3. Social Media Policy Review
4. Media Policy Review
5. Naming of Exhibition Space and Cinema in the Visitor Information Centre

Officer Reports

4.1 Authorisation of Signing and Sealing of Documents

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4.2 Audit and Risk Committee 2022/23 Activity Report

SF/4444-03

Robert Barber – General Manager Corporate

PURPOSE OF REPORT

Audit and Risk Committee chairperson Cameron Gray will present a report on the activities of the Audit and Risk Committee in 2022/23.

BACKGROUND

In accordance with the *Local Government Act 2020* the Audit and Risk Committee is required to report its activities to the Council.

The report to Council was endorsed by the Audit and Risk Committee at its meeting on Tuesday 20 June 2023.

ACTIVITIES

Meetings

The Committee met five times in 2022/23:

1. 26 July 2022
2. 18 October 2022
3. 22 November 2022
4. 21 February 2023
5. 20 June 2023

Attendance

Member	26 July	18 October	22 November	21 February	20 June
Cameron Gray	✓	✓	✓	✓	✓
Michael Hedderman	✓	✓	✓	✓	✓
Rita Ruyters	✓	✓	✓	✓	✓
John Stapleton (term expired 31 December 2022)	✓	✓	✓		
Justin Reid (term started 24 May 2023)					✓
Cr Peter Davis	Apology	✓	✓	✓	✓
Cr Justin King (term ceased 16 November 2022)	✓	✓			
Cr Danny Claridge (term started 16 November 2022)			✓	✓	✓

Activities

Key activities undertaken by the Committee included:

Financial Performance and Audit

- *Local Government Performance Report of Operations* considered.
- Daft Annual Financial Report and draft Performance Statements for year ended 30 June 2022 approved in principle.

Internal Control Environment

- Procurement exemptions considered.
- Fraudulent and corrupt behaviour and significant compliance matters monitored.
- *Gifts/Offer of Hospitality 2022* presented.
- Key policies considered: *Risk Management* and *Procurement*.

Risk Management

- Proposal to review Council's Risk Management Framework considered.
- Result of insurance tender considered.
- Risk management activities reported.
- Occupational Health and Safety issues monitored.

Fraud Prevention Systems and Controls

- Instances of unethical behaviour, fraud and corruption noted. Potential low-level fraud at Benalla Landfill and Resource Recovery Centre reported.

Internal Audit

- Implementation of *Business Continuity and Disaster Recovery* internal audit recommendations monitored.
- Internal Audit Report: 2022-01 Risk Assessment and Strategic Internal Audit Program approved.
- Results from Internal Audit Report: 2023-01 Revenue and Internal Charges considered.
- Internal Audit Planning Document: Capital Project Management approved.

External Audit

- *2021 Benalla Landfill and Resource Recovery Centre Position Paper* considered.
- *Closing Report and Final Management Letter for the year ended 30 June 2022* considered.
- *Benalla Rural City Council Audit Strategy Memorandum For The Financial Year Ending 30 June 2023* and *Benalla Rural City Council Interim Management Letter For The Year Ending 30 June 2023* considered.

Compliance Management

- **VAGO** reports considered: *Fraud Control Over Local Government Grants, Annual Plan 2022-23, Regulating Private Pool and Spa Safety, and Results of 2021-22 Audits: Local Government.*
- **Local Government Inspectorate** report considered: *Checking compliance: A review of Council policies.*
- *Commission of Inquiry Into Moira Shire Council* report considered.

Recommendation:

That the *Audit and Risk Committee 2022/23 Activity Report* be accepted.

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4.3 Benalla Rural City Council 2023/2024 Budget

SF/2485-08

Cathy Fitzpatrick – Manager Finance
Robert Barber – General Manager Corporate
Dom Testoni – Chief Executive Officer

PURPOSE OF REPORT

The report presents for adoption the *2023/24 Budget*.

BACKGROUND

The Council at its meeting on Wednesday 19 April 2023 resolved:

1. *That the proposed 2023/24 Budget be endorsed for public exhibition for a period of at least 28 days from 20 April 2023.*
2. *That submissions relating to the proposed 2023/24 Budget be heard at a meeting of the Finance and Operations Committee on 24 May 2023.*
3. *That the Council consider submissions relating to the proposed 2023/24 Budget at a Council meeting on 14 June 2023.*
4. *That the Council consider the adoption of the 2023/24 Budget at a meeting of the Council on Wednesday 28 June 2023.*

Public notice of the proposed *2023/24 Budget* was given on the Council's website on 20 April 2023 and in the *Benalla Ensign* on Wednesday 26 April 2023.

Feedback was also sought via the Council's website and promoted on social media.

A community information session was held on Tuesday 2 May 2023 at the Benalla Civic Centre.

The submission period closed 5pm Thursday 18 May 2023.

At the close of the submission period four submissions had been received.

There have been no material changes proposed to the final *2023/24 Budget* following the consideration of submissions.

DISCUSSION

The *2023/24 Budget* has been distributed under separate cover and is available for download from the Council's website.

Key Financial Issues

Rates and Charges

Rates and the Municipal Charge are increased by 3.5 per cent in line with the Victorian Government's Fair Go Rate system rate cap.

Increases less than 3.5 per cent have been considered and modelled, however, it is recommended that the full rate cap percentage increase be applied due to:

- The 10-year cumulative impact of a 'less than rate cap' increase in general rates and charges, for example, a 2.9 per cent increase in general rates and charges in 2023/24 rather than 3.5 per cent results in a loss of more than \$1 million in revenue over the next 10 years.
- The organisation's tenuous long-term financial sustainability. This proposed budget projects deficits in 2025/26 (\$2.459 million) and 2026/27 (\$2.530 million).
- A 7.8 per cent increase in the Consumer Price Index to the December 2022 quarter.
- A growing municipality that requires new infrastructure, programs and services.

General rates are budgeted to raise \$15.018 million in 2023/24.

The Municipal Charge increases from \$260.85 to \$269.95 and will raise \$2.152 million.

Waste management charges increase by 5 percent and will raise \$4.272 million.

An increasingly important source of income, revenue in lieu of rates (primarily revenue from solar farms), is budgeted to raise \$405,000.

User Fees

It is proposed that existing fees and charges increase by an average of 3.5 percent and will raise \$3.622 million in 2023/24.

Operating Grants

Operating grants total \$6.839 million, including \$4.770 million from the Australian Government's Financial Assistance Grant program.

Capital Grants

Capital grants are budgeted to be \$14.356 million in 2023/24. Key capital grants include an estimated \$10 million from the Natural Disaster Financial Assistance scheme to repair damage to infrastructure caused by flood and storm events in 2022/23.

Receipt of a \$2.8 million Benalla Art Gallery Redevelopment Project grant is also budgeted.

Employee costs

In 2023/24, employee costs are forecast to increase by \$1.207 million (9.86 per cent).

The increase includes two temporary roles to:

- project manage the Council's substantial capital works program
- coordinate the Regional Councils Transformation (RCT) information technology shared services project.

Two new employees (1.2 EFT) will be engaged to deliver the Social Inclusion Action Group program. These positions are fully funded by the Victorian State Government.

Following the Council's exit from delivering aged and disability services, an Ageing Well Project Officer will be permanently employed to improve health and wellbeing outcomes for older Benalla Rural City residents.

Approximately \$372,000 of the increase is due to a rise in wages and salaries in accordance with the Council's Enterprise Agreement and a 0.5 per cent increase in the Superannuation Contribution.

Borrowings

No new borrowings are proposed for 2023/24. Borrowings are budgeted to total \$2.173 million as at 30 June 2024.

Properties

Property assessments are projected to increase by 80 to 8,366. The 'Residential (Benalla)' category by increases by 73.

Capital Works

The proposed budget includes capital works of \$21.206 million. New works total \$17.869 million with \$3.337 million of works carried forward from 2022/23.

Asset expenditure types: New \$3.364 million, Renewal \$16.505 million and Upgrade \$1.337 million.

Capital works in 2023/24 will be funded by grants: \$14.007 million, Council cash: \$7.194 million and contributions: \$5,000.

Key capital projects include:

Flood remediation works:	\$10,000,000
Benalla Art Gallery Redevelopment:	\$2,800,000
Waste management:	\$2,633,000
Drainage works:	\$1,182,000

Fees and Charges

All statutory fees and charges for 2023/24 have been updated.

An additional fee under waste management for *Additional and Replacement Commercial Customer Access Cards* of \$30 has been included following a separate community engagement process.

The \$71.50 fee under environmental health services for *Class 2 Food Safety Program Standard Template – Replacement Copy* has been removed.

Proposed Benalla Aquatic Centre 2023/24 fees have recently been provided. These fees will be subject to further consideration with the outcome reported to the Council.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance.*
- *High performance culture.*
- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, community engagement on the proposed *2023/24 Budget* was undertaken at the 'Involve' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to the used
Involve	Work with the community to ensure their concerns or aspirations are reflected in the alternatives developed. Feedback provided on how community input influenced the decision.	<ul style="list-style-type: none"> ▪ Community input sought via 'the Hive' community engagement website prior to the development of the proposed budget ▪ Council report. ▪ Public notice in the <i>Benalla Ensign</i> and on the Council website. ▪ Proposed <i>2023/24 Budget</i> to be exhibited and feedback invited. ▪ Promotion of proposed <i>2023/24 Budget</i> via media, website and social media. ▪ Community information session conducted. ▪ Proposed <i>2023/24 Budget</i> made available in hardcopy for review at key locations. ▪ Audit and Risk Committee invited to provide feedback.

LEGAL OR STATUTORY IMPLICATIONS

The proposed *2023/24 Budget* has been developed to ensure compliance with the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

GENDER EQUALITY ACT

Under the *Gender Equality Act 2020* the Council is required to undertake a gender impact assessment when developing or reviewing any policy, program or service that has a direct and significant impact on the public.

A gender equity assessment found the proposed *2023/24 Budget* as having an overall neutral gender impact.

FINANCIAL IMPLICATIONS

Costs associated with the development of the proposed *2023/24 Budget* have been met from existing budget allocations.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

CONCLUSION

The *2023/24 Budget* is based on sound financial principles, prudent debt management and responsible asset management in what are difficult financial times for rural councils.

Non-material changes have been made to the proposed budget released for public comment on 20 April 2023, primarily:

- Amended fees and charges (discussed above).
- Updated service performance outcome indicators.
- Inclusion of forecast 2022/23 capital works expenditure type (page 31).
- Updates to *Section 4.1.1 Rates and charges* based on latest valuation data.

Recommendation:**1. Adoption of the 2023/24 Budget****That the Council:**

- having considered the results of the community engagement undertaken by Council, the *2023/2024 Budget* presented to this meeting be adopted by Council in accordance with section 94 of the *Local Government Act 2020*.
- note the *2023/24 Budget* also incorporates a Budget for the 2024/2025, 2025/2026 and 2026/2027 Financial Years.

2. Fees and Charges

- That each of the fees, charges and penalties referred to in the Schedule of Fees of Charges (the Schedule) contained in the Budget be fixed in the respective amounts specified in the Schedule.

3. Declaration of Rates and Charges**Amount Intended to be Raised:**

An amount of \$21,442,000 (or such greater amount as is lawfully levied as a consequence of this Recommendation being adopted) be declared as the amount which Council intends to raise by general rates, the municipal charge and the annual service charge (described later in this Recommendation), which amount is calculated as follows:

General Rates	\$15,018,000
Municipal Charge	\$2,152,000
Annual Service Charge	\$4,272,000

4. General Rates

- 4.1 That the Council declare a general rate in respect of the 2023/2024 Financial Year.
- 4.2 That the Council further declared that the general rate be raised by the application of differential rates.
- 4.3 That the differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.
 - 4.3.1 Residential Land (Benalla)
Any land which is:
 - a) used or adapted to being used primarily for residential purposes; and
 - b) located within the Benalla urban area.

4.3.2 Residential Land (Rural Township)

Any land which is:

- a) used or adapted to being used primarily for residential purposes; and
- b) located outside the Benalla urban area in an area zoned TZ (Township Zone) or LDRZ (Low Density Residential Zone) under the Benalla Planning Scheme.

4.3.3 Business Land

Any land which is:

- a) used or adapted to being used primarily for commercial or industrial purposes; and
- b) not Rural Land – Farmland.

4.3.4 Vacant Land (Benalla)

Any land:

- a) on which no habitable building is erected; and
- b) which is located within the Benalla urban area.

4.3.5 Vacant Land (Rural Township)

Any land:

- a) on which no habitable building is erected; and
- b) is located outside the Benalla urban area in an area zoned TZ (Township Zone) or LDRZ (Low Density Residential Zone) under the Benalla Planning Scheme.

4.3.6 Rural Land – Non-Farming

Any land which is:

- a) not Rural Land – Farmland; and
- b) located in an area zoned RLZ (Rural Living Zone), FZ (Farm Zone), RCZ (Rural Conservation Zone) or UFZ (Urban Floodway Zone) under the Benalla Planning Scheme.

4.3.7 Rural Land – Farmland

Any land which is:

- a) not less than 2 hectares in area; and
- b) used primarily for the business of grazing (including agistment), dairying, pig-farming, poultry farming, fish farming, tree farming, bee-keeping, viticulture, horticulture, fruit growing, the growing of crops of any kind or combination of any such activities.

- 4.4 Differential rate will be determined by multiplying the Capital Improved Value of each rateable land (categorised by the characteristics described in paragraph 2.3 of this Resolution) by the relevant percentages indicated in the following table:**

Property Category	Cents in the dollar of Capital Improved Value
Residential (Benalla)	0.003277
Residential (Rural Township)	0.002560
Business properties	0.005509
Vacant Land (Benalla)	0.004798
Vacant Land (Rural Township)	0.002269
Rural Land (Non-Farming)	0.002377
Rural Land (Farmland)	0.001838

- 4.5 considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that:**
- 4.5.1 the respective objectives of each differential rate be those specified in the Schedule to this Resolution; and**
 - 4.5.2 the respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution; and**
 - 4.5.3 the respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution; and**
 - 4.5.4 The relevant:**
 - a) uses of;**
 - b) geographical locations of;**
 - c) planning scheme zoning of; and**
 - d) types of building on****the respective types or classes of land be those identified in the Schedule to this Resolution.**
- 4.6 Confirm that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.**
- 4.7 In accordance with Section 4(1) of the *Cultural and Recreational Lands Act 1963*, the amount of rates payable in respect of each of the rateable lands to which that Act applies be determined by having regard to the services provided by Council in relation to such lands and having regard to the benefit to the community derived from such recreational lands. This amount shall be 0.004259 multiplied the Capital Improved Value of that rateable land.**

5. Municipal Charge

- 5.1 That the Council declare a Municipal Charge in respect of the 2023/2024 Financial Year.**
- 5.2 That the Municipal Charge be declared to cover some of the Council's administrative costs.**
- 5.3 That the Municipal Charge be in an amount of \$269.95 for each rateable property within the municipal district.**

6. Annual Service Charge

- 6.1 That the Council declare an annual service charge in respect of the 2023/2024 Financial Year.**
- 6.2 That the annual service charge be declared for the collection and disposal of refuse, and be levied in respect of all rateable land within the municipal district.**
- 6.3 That the annual service charge be in the sum of, and be based on the criteria, specified below:**

Type of Receptable Made Available for Provision of Service	Per Rateable Property
Urban Areas	
80 It Organic - 80 It Waste with Recycle	\$393.00
120 It Organic - 80 It Waste with Recycle	\$434.50
240 It Organic - 80 It Waste with Recycle	\$523.00
80 It Organic - 120 It Waste with Recycle	\$479.50
120 It Organic - 120 It Waste with Recycle	\$567.00
240 It Organic - 120 It Waste with Recycle	\$653.00
80 It Organic - 240 It Waste with Recycle	\$740.50
120 It Organic - 240 It Waste with Recycle	\$826.50
240 It Organic - 240 It Waste with Recycle	\$914.00
Rural Areas	
80 It Waste with Recycle	\$393.00
120 It Waste with Recycle	\$567.00
240 Waste with Recycle	\$914.00
Additional Collection Options	
Additional Bin - Organic	\$259.50
Additional Bin - Waste	\$207.50
Additional Bin – Recycle	\$221.50
Weekly Collection – Waste	\$228.00
Weekly Collection - Recycle	\$188.00

7. Incentive

That no incentive be declared for the early payment of the general rates, Municipal Charge or annual service charge previously declared.

8. Extra Instalment Options

That the Council may, in addition to payment quarterly on the dates specified in section 167 of the *Local Government Act 1989*, by further Resolution, specify other options as to the manner in which the general rates, Municipal Charge and annual service charge may be paid.

9. Consequential

9.1 That it be recorded that the Council requires any person to pay interest on any amounts of rates and charges which:

9.1.1 that person is liable to pay; and

9.1.2 have not been paid by the date specified for their payment, such interest to be calculated in accordance with section 172(2) of the *Local Government Act 1989*.

9.2 That the General Manager Corporate be authorised to levy and recover the general rates, municipal charge and annual service charge in accordance with the *Local Government Act 1989* and *Local Government Act 2020*.

10. That all submitters on the proposed *2023/24 Budget* be written to thanking them for their submission and advising of the Council's decision to adopt the *2023/24 Budget*.

11. That the Chief Executive Officer be authorised to effect minor administrative and wording changes to the *2023/24 Budget* if required.

The Schedule

Residential (Benalla)

Objective: The objective of this differential rate is to ensure that all rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, including (but not limited to) the:

- construction and maintenance of infrastructure assets
- development and provision of health and community services
- provision of general administration and support services.

Types and Classes

Any land which is:

- used or adapted to being used primarily for residential purposes; and
- located within the Benalla urban area.

Use and Level of Differential Rate

The money raised by the differential rate will be applied to the items of expenditure described in the Budget. The level of the differential rate is the rate that Council considers is necessary to achieve the objectives specified above.

Geographic Location

Situated in the Benalla urban area.

Use of Land

Any residential use permitted under the Benalla Planning Scheme.

Planning Scheme Zoning

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable this category. The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Benalla Planning Scheme, will be LDRZ – Low Density Residential Zone, GRZ – General Residential Zone, UFZ – Urban Floodway Zone or MUZ – Mixed Use Zone.

Residences established in other zones with existing non- conforming rights or planning approval are also eligible for inclusion in this category.

Types of Buildings

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2023/24 financial year.

Residential (Rural Township)

Objective: The objective of the Residential (Rural Township) differential rate is that the reduced benefits received by the lower density properties.

Types and Classes

Any land which is:

- used or adapted to being used primarily for residential purposes; and
- located outside the Benalla urban area in an area zoned TZ (Township Zone) or LDRZ (Low Density Residential Zone) under the Benalla Planning Scheme.

Use and Level of Differential Rate

The money raised by the differential rate will be applied to the items of expenditure described in the Budget. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

The level of the differential rate is the rate that Council considers is necessary to achieve the objectives specified above.

Geographic Location

Situated in a Rural Township location.

Use of Land

Any residential use permitted under the Benalla Planning Scheme.

Planning Scheme Zoning

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to this category. The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Benalla Planning Scheme, will be TZ – Township Zone or LDRZ – Low Density Residential Zone. Residences established in other zones with existing non-conforming rights or planning approval are also eligible for inclusion in this category.

Types of Buildings

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2023/24 financial year.

Business

Objective: The objective of the Business differential rate is to recognise the benefits derived by this class of property, including higher infrastructure investment and general support services.

Types and Classes

Any land which is:

- used or adapted to being used primarily for commercial or industrial purposes; and
- not Rural Land – Farmland.

Use and Level of Differential Rate

The money raised by the differential rate will be applied to the items of expenditure described in the Budget. The level of the differential rate is the rate that Council considers is necessary to achieve the objectives specified above.

Geographic Location

Wherever located in the municipal district.

Use of Land

Any business use permitted under the Benalla Planning Scheme.

Planning Scheme Zoning

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to this category. The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Benalla Planning Scheme will be, C1Z – Commercial 1 Zone, C2Z – Commercial 2 Zone, IN1Z – Industrial 1 Zone, IN2Z – Industrial 2 Zone, TZ – Township Zone, IN3Z – Industrial 3 Zone or MUZ – Mixed Use Zone. Businesses established in other zones (i.e. GRZ – General Residential Zone) with existing non-conforming rights or planning approval are also eligible for inclusion in this category.

Types of Buildings

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2023/24 financial year.

Vacant Land (Benalla)

Objective: The objective of the Vacant Land (Benalla) is to encourage development of this class of land.

Types and Classes

Any land:

- on which no habitable building is erected; and
- which is located within the Benalla urban area.

Use and Level of Differential Rate

The money raised by the differential rate will be applied to the items of expenditure described in the Budget. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

The level of the differential rate is the rate that Council considers is necessary to achieve the objectives specified above.

Geographic Location

Situated in the Benalla urban area.

Use of Land

Any use permitted under the Benalla Planning Scheme.

Planning Scheme Zoning

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to this category. The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Benalla Planning Scheme, will be LDRZ – Low Density Residential Zone (situated adjacent to the Benalla urban area), GRZ – General Residential Zone, UFZ - Urban Flood Zone or MUZ – Mixed Use Zone.

Types of Buildings

The types of buildings on the land within this differential rate are all buildings which are constructed on the land or which are constructed prior to the expiry of the 2022/23 financial year.

Vacant Land (Rural Township)

Objective: The objective of the Vacant Land (Rural Township) differential rate is to encourage development of this class of property while taking into account the reduced benefits received by lower density properties.

Types and Classes

Any land:

- on which no habitable building is erected; and
- is located outside the Benalla urban area in an area zoned TZ (Township Zone) or LDRZ (Low Density Residential Zone) under the Benalla Planning Scheme.

Use and Level of Differential Rate

The money raised by the differential rate will be applied to the items of expenditure described in the Budget. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

The level of the differential rate is the rate that Council considers is necessary to achieve the objectives specified above.

Geographic Location

Situated in a Rural Township location.

Use of Land

Any use permitted under the Benalla Planning Scheme.

Planning Scheme Zoning

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to this category. The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Benalla Planning Scheme, will be TZ – Township Zone or LDRZ – Low Density Residential Zone (situated in a Rural Township.)

Properties located adjacent to established Township precincts, with a land area of generally less than 5ha and located in the Farm Zone – FZ, will be included in this category.

Types of Buildings

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2023/24 financial year.

Rural (Non-Farming)

Objective: The objective of the Rural - Non Farming differential rate is to recognise the reduced infrastructure investment and provision of services to this class of property.

Types and Classes

Any land which is:

- not Rural Land – Farmland; and
- located in an area zoned RLZ (Rural Living Zone), FZ (Farm Zone), RCZ (Rural Conservation Zone) or UFZ (Urban Floodway Zone) under the Benalla Planning Scheme.

Use and Level of Differential Rate

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

The level of the differential rate is the rate that Council considers is necessary to achieve the objectives specified above.

Geographic Location

Situated in a rural location (excluding areas immediately adjacent to rural township precincts).

Use of Land

Any use permitted under the Benalla Planning Scheme.

Planning Scheme Zoning

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to this category. The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Benalla Planning Scheme, will be RLZ – Rural Living Zone or FZ – Farming Zone or RCZ – Rural Conservation Zone or UFZ – Urban Floodway Zone.

Types of Buildings

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2023/24 financial year.

Rural (Farmland)

Objective: The objective of the Rural – Farmland differential rate is to recognise the reduced infrastructure investment and provision of services to this class of property. The differential rate also recognises the land stewardship and amenity that large rural holdings provide to the rural landscape.

Types and Classes

Any land which is:

- not less than 2 hectares in area; and
- used primarily for the business of grazing (including agistment), dairying, pig-farming, poultry farming, fish farming, tree farming, bee-keeping, viticulture, horticulture, fruit growing, the growing of crops of any kind or combination of any such activities.

Use and Level of Differential Rate

The money raised by the differential rate will be applied to the items of expenditure described in the Budget by Council. The level of the rate for land in this category is considered to provide for an appropriate contribution to Council's budgeted expenditure, having regard to the characteristics of the land.

The level of the differential rate is the rate that Council considers is necessary to achieve the objectives specified above.

Geographic Location

Wherever located in the municipal district.

Use of Land

Any use permitted under the Benalla Planning Scheme.

Planning Scheme Zoning

The characteristics of planning scheme zoning are applicable to the determination of land which will be subject to the rate applicable to this category. The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the Benalla Planning Scheme will be FZ – Farming Zone, RCZ – Rural Conservation Zone or subject to an approved land use activity, RLZ – Rural Living Zone or LDRZ – Low Density Residential Zone or IN1Z – Industrial One Zone.

Types of Buildings

The types of buildings on the land within this differential rate are all buildings which are now constructed on the land or which are constructed prior to the expiry of the 2023/24 financial year.

4.4 Procurement Policy Review

SF/1506

Cathy Fitzpatrick – Manager Finance

PURPOSE OF REPORT

The report presents for consideration the updated *Procurement Policy*.

BACKGROUND

The *Local Government Act 2020* Section 108 requires the Council to prepare and adopt a Procurement Policy which specifies the principles, processes and procedures applying in respect of the purchase of goods and services by the Council, including for the carrying out of works. The *Procurement Policy* was adopted by the Council on 29 June 2022.

The purpose of the *Procurement Policy* (refer **Appendix 1**) is to ensure Council is committed to ensuring its purchasing practices are sustainable, efficient and deliver value for money, while encouraging a competitive environment for suppliers and seek to support local enterprise to provide current and long-term benefit to the community.

The *Procurement Policy* (the Policy) has been in use for 12 months. Several improvement opportunities were identified over the 12 months with the experience of flood emergency response and general purchasing questions by staff on how to handle common items that have been identified.

DISCUSSION

The Policy was reviewed in accordance with Council's Administration Policy *Management Guidelines Policy*.

The additions to the Policy are intended to better reflect the legislative expectations of Councils and it has become a more user-friendly policy reference.

During the review of the Policy, 15 Victorian council's procurement policies were used as the main points of reference.

The proposed amendments include the following additions:

- Table of Contents expanded to be used as a quick reference.
- Expands the details for Procurement During an Emergency.
- Removes petty cash as a purchasing option.
- Recognises the software system processes required to be utilised by officers.
- Appendix 1 – Glossary of Terms.
- Appendix 2 – Requirement for tenders, proposals, and quotations includes a reference table.
- Appendix 3 – Delegations for procurement authority.

- Appendix 4 – Benalla Rural City Council Procurement Exemptions and Transactions exempt from requiring a Purchase Order (provides a detailed expanded lists).
- Appendix 5 – Benalla Rural City Council Sustainable Procurement

The Policy was endorsed by Council's Leadership Team at its meeting on Friday 2 June 2023.

The Policy was presented to the Audit and Risk Committee at its meeting on Tuesday 20 June 2023. The Audit and Risk Committee endorsed the Policy and recommended that the Probity Plan Audits section be strengthened. Considering this advice, this section will now read:

Probity Plan Audits:

A formal probity plan should be developed and a probity advisor appointed in the following circumstances:

- Where a proposed contract is considered by the Council or the CEO that a potential supplier is likely to be tendering and there may be a perceived conflict of interest issue.

COUNCIL PLAN 2021-2025 IMPLICATIONS

Leadership

- *Good governance.*
- *High performance culture.*
- *Engaged and informed community.*
- *Effective and responsive advocacy.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that due to administrative nature of the Policy, community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none">▪ Policy presented in a public report to the Council.▪ Policy to be published on Council's website.

FINANCIAL IMPLICATIONS

There are no material financial implications with the development or implementation of the Policy. The implementation of the Policy will be accommodated within the existing budget.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

The Policy complies with the following key statutory legislation:

- *Local Government Act 2020*;
- *Council Policies and Procedures*;
- *Council Code of Conduct*;
- *Local Government Procurement Best Practice Guidelines*; and
- other relevant legislative requirements such as, but not limited to the *Competition and Consumer Act*, *Goods Act* and the *Environmental Protection Act*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

- 1. That the *Procurement Policy* be adopted.**
- 2. That the *Procurement Policy* be reviewed by June 2025.**

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CP 16 Procurement Policy

Responsible Officer:	Manager Finance
Document type:	Council Policy
Reference:	CP 16
Adopted by Council:	
Date of next review:	

Policy Statement

Council recognises that a procurement policy and its associated guidelines will support the achievement of the Council's strategic procurement objectives.

Council is committed to ensuring its purchasing practices are sustainable, efficient and deliver value for money, while encouraging a competitive environment for suppliers and seek to support local enterprise to provide current and long-term benefit to the community.

Purpose

Benalla Rural City Council's Procurement Policy has been written under Section 108 of the *Local Government Act 2020* (the Act). The Act requires Benalla Rural City Council (Council) to:

- develop, approve and comply with a Procurement Policy encompassing the principles, processes and procedures applied to all purchases of goods, services and works by the Council.
- provide guidance to Council to allow consistency and control over procurement activities;
- promote the highest levels of procurement accountability, probity and ethical behaviours in public sector purchasing;
- support the achievement of Council's strategies, aims and objectives as stated in the Council Plan prepared and adopted by Council under section 90 of the Act;
- ensure compliance with legislation;
- ensure openness and transparency of the decision-making process;
- nominate a threshold value for Public Tenders and Request for Quotations;
- seek to promote open and fair competition and provide Value for Money; and
- provide for collaboration in procurement with other councils or public bodies.

The Policy covers all procurement activities of the Council and is binding upon Councillors, Council Officers, contractors and consultants while engaged by the Council.

This policy will apply to Councillors, Council Officers and all persons undertaking procurement on Council's behalf and they are accountable for complying, with all relevant procurement legislative and policy requirements.

“Non-compliance” with this Policy may result in a contravention of legislative requirements (including contravention of the Act) and disciplinary action that could include dismissal. In addition, criminal and civil penalties may be imposed if any Councillor or Council Officers act in contravention of any laws, including (without limitation) laws regarding fraud, corruption, bribery or Australian competition and consumer laws.

Principles

This policy represents the principles, processes and procedures that will be applied to the procurement of all goods, services and works by Council. The scope of this policy commences from when Council has identified a need for procurement requirements. It continues through to the delivery of goods or completion of works or services.

Council will apply the following fundamental principles to procurement activities:

- promote open and fair competition;
- provide value for money by minimising the total cost of ownership over the lifetime of the requirement consistent with acceptable quality, reliability and delivery considerations;
- achieve high standards in probity, transparency, accountability and risk management in all procurement activities;
- comply with relevant legislative requirements;
- respond to the climate emergency in proportionate urgency and scale and give preference to the procurement of environmentally sustainable goods, services or works and providers who preference the same;
- ensure Councils procurement decisions and initiatives are based on clear and transparent evidence, informed economic, environmental, and social considerations;
- identify social procurement opportunities with local social enterprises and other relevant parties;
- commit to creating and maintaining a child safe organisation, where protecting children and preventing and responding to child abuse is embedded in the everyday thinking and practice of all Councillors, Council Officers, contractors, and volunteers;
- seek continual operational and process improvement including innovative and technological initiatives with the objective to reduce overall activity costs and achieve best practice;
- commit to the strategic use of local suppliers to encourage economic development while remaining compliant with the Competition and Consumer Act 2010 and other fair-trading legislation;
- identify and support indigenous businesses and enterprises; and
- promote collaborative procurement.

Council is committed to reducing any negative social and environmental impacts by conducting preferential purchasing of products and services that have been produced or manufactured to ethical standards which have minimal negative impacts on the environment and human health.

These procurement principles align with Benalla Rural City Council's organisational values associated with Accountability.

Procurement, Tendering and Contract Management Guidelines

Benalla Rural City Council has developed set of guidelines for Procurement, Tendering and Contract Management Procedures and Guidance that provide guidance to staff on all operational aspects of procurement processes. Staff will have access to the Guidelines via Council's Intranet.

The guidelines also provide for a framework of procurement procedures to:

- promote consistency and control over Benalla Rural City Council's procurement activities;
- demonstrate accountability to all stakeholders;
- provide guidance on ethical behavior in public sector procurement and contract management;
- apply the elements of best practice in procurement; and
- ensure the right outcome is achieved when purchasing goods and services.

The Procurement Unit will maintain and periodically review these guidelines to ensure that best practice principles are updated and communicated to Council Officers.

The Guidelines will conform to this Procurement Policy and will be updated in line with any amendments/additions applied to this Policy and the Best Practice Procurement Guidelines.

GST

All monetary values stated in this policy include GST unless specifically stated otherwise.

Procurement Methods, Thresholds and Requirements

Procurement Methods

The acquisition of goods, services or works may be achieved through different methods. These methods are determined by several factors such as overall estimated cost, procurement strategy, the competitive landscape, the term of the contract or period of construction, the scope of the contract and the amount of risk involved in the delivery of the service or works.

Project values are exclusive of GST, provisional sums and all amounts payable under any optional extension periods. The scope of projects must not be split into smaller portions to avoid proper process unless there is significant savings to be realised or there are specialised components required that are not generally a core activity for suppliers/contractors and require separate consideration.

Council's standard methods for procuring goods, services and works shall be by:

- corporate credit or debit card or purchase order for low value simple purchases;
- an email quotation process for purchases;
- a short form contract following a public Request for Quotation (RFQ);
- a short form contract following a public Request for Tender (RFT);

- Contracts and arrangements established by another government entity, local authority or group purchasing scheme. e.g. Municipal Association of Victoria (MAV) or National Procurement network members (e.g. Local Buy), Procurement Australia (PA) etc. This includes contracts covering Federal, State or Local Government Purchasing. Contract extensions granted for the purpose of aligning expiry dates for collaborative engagements; and
- other methods of procurement or exemptions to this Policy due to abnormal circumstances such as emergencies, sole suppliers or interruption to a delivery of key services in accordance with their level of authority.

Procurement Thresholds

Section 108 of the Act details that each Council will set the public tender threshold above which tenders or expressions of interest for contracts must be publicly invited.

A public tender process must be used for all procurements valued at \$300,000 (ex GST) and above.

For procurements valued under \$300,000 (ex GST), the procurement methodology and thresholds detailed in **Appendix 2** must apply.

Exemptions From Public Tendering

The following circumstances are exempt from the general publicly published tender, quotation and expression of interest requirements.

Exemption Type	Explanation, limitations, responsibilities and approvals
A contract made because of genuine emergency or hardship.	See Procurement During an Emergency of this Procurement Policy for further details regarding Emergencies.
Government entity / approved third party	<p>This general exemption allows engagements:</p> <ul style="list-style-type: none"> ▪ with another government entity or government owned entity. For example, Federal, State or Local Government or an entity owned by the Federal, State or Local Government; and/or ▪ in reliance on contracts and arrangements established by another government entity, local authority or local government group purchasing scheme, Municipal Association of Victoria (MAV) or National Procurement network members (e.g. Local Buy), Procurement Australasia (PA).
Extension of contracts while Council is at market.	<ul style="list-style-type: none"> ▪ Allows Council to extend an existing contract where the procurement process to replace the contract has commenced, and where the tender process or negotiations will take or are taking longer than expected. ▪ This exemption may be used when the establishment of an interim short-term arrangement with an alternative supplier is considered not to be in the public interest, as it may be cost prohibitive and/or present a risk in the delivery of critical public services to the municipality.
Professional services unsuitable for tendering	<ul style="list-style-type: none"> ▪ Legal Services ▪ Insurance

Contract variations (that are not in effect new contracts)	See Contract Variations for further details regarding the procurement procedure to be observed for contract variations.
Novated Contracts	<ul style="list-style-type: none"> Where the initial contract was entered into in compliance with the Act and due diligence has been undertaken in respect to the new party.
Information technology resellers and software developers	<ul style="list-style-type: none"> Allows Council to renew software licenses and maintenance and support, or upgrade existing systems, where there is only one supplier of the software, who holds the intellectual property rights to the software.
Statutory Compulsory Monopoly Insurance Schemes	<ul style="list-style-type: none"> Motor vehicle compulsory third party WorkCover
Operating Leases	<ul style="list-style-type: none"> Where a lessor leases an asset (generally a vehicle or plant and equipment) to Council and assumes the residual value risk of the vehicle.
Other specific Council exemptions	<ul style="list-style-type: none"> Where the procurement is on Council's procurement exemptions list (refer Appendix 4). Specific Council exemptions will be reviewed and updated in Appendix 4 from time to time, as per the Policy Review Process

In addition, the CEO may approve ad-hoc exemptions in circumstances where it can be demonstrated that it is in the best interests of the community to do so.

Procurement During an Emergency

Where an Emergency has occurred, Council's CEO may authorise procurements without the need for a competitive procurement process where the CEO is of the opinion that delays in obtaining and analysing quotations or similar would unduly frustrate any response to the Emergency.

Once the effects of the Emergency have passed, all further procurement should be compliant with this Procurement Policy, the Act and other relevant legislation.

For the purposes of this clause, an **Emergency** is defined as a sudden or unexpected event or occurrence requiring immediate action and includes:

- the occurrence of a natural disaster, hazard, flooding or fire event at or in relation to Council property or Council's municipality;
- the unforeseen cessation of trading of a business-critical service provider; or
- any other situation which is liable to constitute a risk to life, health, well-being, or property.

Purchase Order Requirements

The purchase of goods, works and services must be acquired under an official purchase order that documents the type of services, items, and/or quantities and agreed price.

The purchase order must be raised before any commitment is made to purchase goods, works or services from a supplier in Nimblex. In other words, the purchase order must be raised when the goods, services or works are ordered and not when an invoice is received by Council.

The purchase order must clearly and explicitly communicate Council's requirements. Once accepted by the supplier, the purchase order is binding on both Council and the supplier and any procurement spend is limited by and must not exceed the purchase order.

Exemptions from raising purchase orders:

- The Procurement Unit will maintain a listing of expenditure types that are exempt from the requirement to raise a purchase order. These exemptions may be revised from time to time and those current are listed in **Appendix 4**.

Contract Variations

Contract variation expenditure may be exempt from the procurement procedure described in **Procurement Thresholds** if the variation:

- forms part of an existing contract; and
- in itself does not change the contract to such an extent that it could be deemed that a new contract has been established.

If the contract variation is so extensive that the variation would be deemed a new contract, then a competitive procurement process may be required as set out in **Procurement Thresholds**.

Where the cumulative value of all proposed variations is greater than 20 percent of the Original Contract Value (or greater than the approved contingency budget, whichever is the lower) it would be seen as a genuine variation and would not be deemed a new contract. In such cases, written advice of the variance to either the General Manager Corporate, CEO or Council, dependant on the initial approval.

The written advice is for information purposes only. Works do not need to be put on hold. Variances should be entered and approved in eBMS/Nimblex.

All contract variations must be assessed to determine whether they are properly characterised as variations or whether they are in effect a new contract. This will depend on factors like:

- the monetary value of the proposed variation, i.e. the value of the variation in the context of the thresholds fixed by this Procurement Policy at **Procurement Thresholds**; and
- the subject matter of the proposed variation, and whether it is consistent with the scope of the original contract.

Council Officers should be cautious in readily determining that a contract variation is not a new contract, in order to minimise the risk of investigation into Council's processes (including by the Local Government Inspectorate), reputational damage to Council or complaint by dissatisfied and unsuccessful suppliers. Council Officers should seek guidance from the Procurement Unit when considering contract variations.

Tenders

All public tenders invited by the Council will be published via Council's eTendering Portal and be advertised in the media.

Further assistance in capturing a greater competitive advantage is gained through Council's e-tendering system (TenderSearch). The details of any supplier that registers on this system as a user, are archived within the system. At the time of registering, these suppliers must provide information relating to their core business activities.

When Council releases a tender to the market, the system automatically sends a notification to every registered supplier that has identified its core business as being relative to the tender.

In the circumstance that a strong focus on local supply is required, an advertisement may also be placed in one of the local news media that is distributed throughout the municipality'.

Similarly, there may be a requirement for national distribution. In this case the Procurement Unit will collaborate with the relevant Council Officers to determine the best news media to provide the widest access to the marketplace.

The Procurement Unit will collaborate with the relevant Council Officers to determine the appropriate period for open tender.

Tender Evaluation

A Tender evaluation panel is to be established to evaluate each tender submission against the selection criteria and its composition will be determined by the respective Manager or General Manager. Consideration should be given to diversity in the makeup of the panel.

The Evaluation Panel is required to fulfill the following minimum requirements:

- The panel must have a minimum of three members (minimum two Council staff) and may include external consultants who are specialist in the area;
- The panel would desirably have an independent (non-scoring) member as appointed by the Procurement Unit;
- The evaluation process must be documented, robust, systematic and unbiased;
- Once a preferred tenderer is selected negotiations may be conducted in order to obtain the optimal solution and commercial arrangements, providing they remain within the intent and scope of the tender. Such negotiations must be exhausted with one tenderer before beginning with another tenderer;
- The panel will produce a written report of their evaluation using the prescribed evaluation template; and
- Tender Evaluation must be updated in eBMS/Nimblex Tender & Quotation Management System

Non-Conforming Tenders

Upon receipt all tender submissions will be reviewed by the Procurement Unit to ensure that required schedules have been submitted.

A tender submission will be deemed non-conforming if:

- required schedules have not been included or are incomplete;
- the submission has not met specification requirements; and
- where the tendered price is 30 percent or greater than the allocated budget and all other tendered prices.

A tender submission may be identified as non-conforming during the Evaluation process. In this case, the evaluation panel should quarantine the submission and refer to the Procurement Unit for further review/confirmation of non-conformance.

Council may sometimes receive tenders which offer one or more alternatives, which were not sought in the tender documentation. Council should always be open to innovative proposals as they may offer excellent opportunities for improvements and are consistent with Council's ability to achieve continual improvement. Tender documentation where innovative solutions are sought should specifically invite non-conforming tenders to be submitted which Council will consider along with all other tenders.

A Tenderer submitting a non-conforming tender shall fully detail the extent of any variance from the tender documents in tender Schedule headed "Statement of Conformance". If the "Statement of Conformance" is not correctly completed the tender may not be further considered at the discretion of the evaluation panel.

Evaluation Criteria

There are two separate components to be taken into consideration when determining Value for Money, Qualitative (Non-Financial) and Quantitative (Financial).

- The Qualitative component relates to Tenderers responses to selected criteria to determine the capabilities and capacity of each tenderer.
- The Quantitative component relates to the tendered costs for the delivery of the goods, services or works.

Council may include the following evaluation criteria categories to determine whether a proposed contract provides Value for Money:

- Mandatory compliance criteria (e.g. OH&S, Insurance, Financial Viability, Statutory Declaration);
- Tendered price;
- Capability of the Tenderer to provide the goods, or services or works;
- Capacity of the Tenderer to provide the goods, services or works;
- Project Management, Methodology or Provision of Services;
- Customer Service and Innovation;
- Quality, Environmental & Social Sustainability;
- Child safeguarding;
- Industrial Relations; and
- Other specific criteria as required.

Best and Final Offer (BAFO)

To complement the Value for Money solution Council may include relevant clauses to tender conditions associated with Construction and Major Service tenders where a Lump Sum price is requested. These tender conditions will provide Council the option to initiate a BAFO with short listed tenderers that may result from the overall tender process.

Primarily, a BAFO process is conducted as a final stage with shortlisted tenderers when the evaluation panel consider it beneficial. It is described as a means to assist selection of a preferred tender when the offerings provided by two or more tenders are of similar weighting or are difficult to distinguish between, or in the event that all tenderers have submitted prices that exceed the budgeted amount.

The panel may also consider the inclusion of a value management process to review possible alternatives to certain nominated items such as materials, fixtures and fittings, appliances or service.

Expression of Interest (EOI)

An expression of interest is a precursor to a tender. A contract cannot be awarded after an EOI without an invited tender process. An EOI is generally used to narrow the companies invited to tender. The EOI does not consider price but focuses on the quality, qualifications and expertise of submitters. Following an EOI companies meeting the listed requirements may be invited to tender.

An expression of interest should be used in circumstances where:

- there is likely to be many tenderers, tendering will be costly, or the procurement is complex; and
- there is uncertainty as to the interest of suppliers or vendors to offer the potential products or services or to undertake the proposed work.

Sole or Select Sourcing

Supply of goods, services or works can be sought from one supplier (sole sourcing) or a restricted group of suppliers (select sourcing) where it is consistent with this Procurement Policy and:

- It is in the public interest;
- There is one or a limited number of available tenderers in the market or suppliers able to submit quotations;
- The marketplace is restricted by statement of license or third-party ownership of an asset (excluding public utility plant); or
- Council is party to a joint arrangement where Council jointly owns the Intellectual Property with a third-party provider.

Quotations

Any procurement which is less than the tender levels outlined in **Procurement Thresholds** may be procured using a quotation.

The situation may arise where insufficient quotations are received to satisfy requirements outlined in **Procurement Thresholds**. This may occasionally occur where there are few suppliers for the goods, services or works being sought or the work is highly specialised. In this case, the details of the suppliers contacted for quote must be recorded in eBMS/Nimblex and an appropriate comment recorded. Any evidence such as emails requesting the quote should also be recorded.

Refer to the Procurement Guidelines outlined in **Procurement, Tendering and Contract Management Guidelines** for further details on quotation process.

Collaborative Procurement

In accordance with section 108 (3) (c) of the Act, the Council will first give consideration to potential collaborative opportunities with other Councils and public bodies or utilise Collaborative Procurement arrangements when procuring goods, services and works in order to take advantage of economies of scale.

Council Officers must consider any opportunities for collaborative procurement in relation to any proposed procurement process being undertaken by Council. Any council report that recommends entering into a procurement agreement must set out information relating to opportunities for Collaborative Procurement, if available, including:

- The nature of those opportunities, if any, and the councils or public bodies with which they are available; and
- Why Council did, or did not, pursue the identified opportunities for collaboration in relation to that procurement process.

Opportunities for collaborative procurement are available to Council through government or a nominated agent, such as Procurement Australasia, Municipal Association of Victoria (MAV), Regional Purchasing Excellence Network Hume Region (RPEN Hume) or other local government entities, for the benefit of numerous state, federal and/or local government entities that achieves best value by leveraging combined economies of scale.

Council specific construction / works projects, where the specifications for the works required are unique to an individual Council site and are not applicable to the other Councils will for instance not be considered for collaboration.

Any Federal or State Government grant funded projects may be excluded from collaborative procurement.

Panel Contracts

An Approved Supplier is a contractor/company that has been appointed following an open tender process. Approved Suppliers cannot be appointed in any other manner, no minimum quantity of sales or turnover is guaranteed to an Approved Supplier

The use of established panels should be transparent as suppliers appointed to the panel will have a reasonable expectation that Council will provide panel members with an equal opportunity to quote for goods, services or works. Prior to the establishment of a panel there should be clearly documented methodology on how works/services are to be determined for allocation to companies appointed to the panel for the life of the panel contract.

Consideration should be given to the quantity of approved companies to be appointed to maintain a workable panel.

When accessing established panel arrangements quotations should be sought consistent with the guidelines set out in this Policy to ensure that any procurement through panels demonstrates value for money and a competitive process.

An exception is that an Approved Supplier may be appointed directly for works up to \$25,000 where a Schedule of Rates has been provided under the terms of the panel. For procurements greater than \$25,000 the quotation requirement outlined in **Procurement Thresholds** must be followed.

Council Officers responsible for the contract management of panel arrangements should be mindful of day-to-day practicalities and acknowledge that a competitive public process and a value for money assessment has already been undertaken to establish the panel in the first instance. Accordingly, there may be situations where no further benefit is obtained from seeking quotations from the panel. For example:

- small, every-day, low risk, low value works such as those from trade services providers like electricians, plumbers; or
- where the contract with each individual panel supplier includes a comprehensive schedule of rates covering all expected work item types so the costs for packages of work can be accurately determined beforehand by the Council Officer without the need for further quotations.

In the above examples, it may be appropriate for the Council Officer to allocate work across the individual panel suppliers based on their respective skill sets and capacity at the time to meet Council's required timeframes. This allocation methodology should be determined prior to the establishment of the panel.

Panel Arrangements – Approved Suppliers:

Approved Suppliers will be appointed following a formal tender process and will be contracted for the time period as outlined in the tender specification, including any options for extensions.

Approved Suppliers should be monitored periodically to determine if such suppliers should remain on the panel. Approved Suppliers who fail to meet expectations may be removed from the Panel without notification.

Council may choose to run a tender process to add suppliers to a panel during its term, if it determines that the panel may benefit from having additional suppliers incorporated before the end of the initially advertised term.

Sustainability Procurement

Council is committed to enhancing the environment by adopting the principles of environmentally sustainable procurement and will aim to make purchases that have the least impact on the environment and human health, within the context of purchasing on a value for money basis.

Consistent with the principle of Environmental Sustainability, Council's procurement activities will be undertaken having regard to Sustainable Procurement objectives as detailed in **Appendix 5**. The ability to meet or exceed the standards must be considered in the preparation of specifications and the evaluation of RFQs or Tenders for Panel of Supplier Contracts or Contract values \$150,000 or more.

Social Procurement

Consideration of social procurement, as part of the procurement selection criteria provides an opportunity to generate positive social outcomes in addition to the delivery of goods, services and works. Including Social Sustainability criteria aligns with Council's social objectives to help enhance partnerships with community and first nations stakeholders, build stronger communities and helps to address structural and systemic inequality.

When evaluating Social Sustainability and in addition to local sustainability and first nations people, evaluation panels should consider the following:

- Employment and training - creating local employment opportunities through clauses and specifications in Council contracts. Developing practical training to build long-term employment opportunities;
- Gender Equality - promoting gender equality (including adherence to the Gender Equality Act 2020 where applicable) and encouraging women's full and equal participation. Gender equality is proven to increase business performance and deliver diversity of thought leading to more innovative solutions;
- Diversity and Social Inclusion - ensuring all businesses have the same opportunity to tender for Council contracts. Ensuring that the supply markets around essential and key services for Council remains diverse and vibrant. Ensuring that local suppliers such as small to medium-sized enterprises, social enterprises and first nations businesses (refer above) are well positioned to prosper in the local economy; and
- Service innovation - fostering a new social economy, addressing service gaps by piloting joint ventures between councils and external partners.

Legislative and Policy Compliance and Control

Governance

Council shall establish a procurement management responsibility structure and delegations ensuring accountability, traceability and auditability of all procurement decisions made by Council.

Council's procurement structure should:

- ensure flexibility to purchase in a timely and efficient manner the diverse range of material, goods, works and services required by Council;
- ensure that prospective contractors and suppliers are afforded an equal opportunity to tender/quote;
- encourage competition;
- incorporate strategies for managing risks associated with all procurements and be applied consistently; and
- ensure Council undertakes good record keeping allowing for accountability and transparency to the community. that transparency and good record keeping are undertaken.

Legislative Compliance, Standards and Related Policies

The Council's procurement activities will be carried out to the professional standards required by best practice and in compliance with the:

- Local Government Act 2020;
- Council Policies and Procedures;
- Council Code of Conduct;
- Local Government Procurement Best Practice Guidelines; and
- other relevant legislative requirements such as, but not limited to the Competition and Consumer Act, Goods Act and the Environmental Protection Act.

Probity Requirements

Council's procurement activities shall be performed with integrity and in accordance with all relevant legislation, policies and procedures.

Conflicts of Interest:

Councillors and Council Officers shall, at all times avoid situations in which private interests' conflict, or might reasonably be thought to conflict, or have the potential to conflict, with their Council duties.

Councillors and Council Officers involved in the procurement process, in particular preparing tender documentation, including writing tender specifications, tender opening, and tender evaluation panels, must:

- **Avoid** conflicts, whether actual, potential, or perceived, arising between their official duties and their private interests. Private interests include the financial and other interests of Councillors and Council Staff, plus their relatives and close associates;

- **Declare** that there is no conflict of interest. Where future conflicts, or relevant private interests arise, Council Staff must make their manager and the chairperson of the relevant tender assessment panel or board aware and allow them to decide whether the officer should continue to be involved in the specific procurement activity; and
- **Observe** prevailing Council policy and guidelines on how to prevent or deal with conflict-of-interest situations; and not utilise any procurement related information whether or not for personal gain.

Tender Processes:

All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act. All tender panel members will be required to familiarise themselves with the Code of Conduct For Tender Evaluation Panel Members

Open and Fair Competition:

All prospective contractors and suppliers must be afforded an equal opportunity to tender or quote. Impartiality must be maintained throughout the procurement process so it can withstand public scrutiny.

Confidentiality of information provided by existing and prospective suppliers must be maintained at all times, particularly commercially sensitive material such as, but not limited to prices, discounts, rebates, profit, manufacturing and product information.

Accountability and Transparency:

Accountability in procurement means being able to explain and provide evidence on the process followed.

The test of accountability is that an independent third party must be able to see clearly that a process has been followed and that the process is fair and reasonable.

Therefore, the processes by which all procurement activities are conducted will be in accordance with the Council's procurement policies and procedures as set out in this policy and related relevant Council policies and procedures.

Additionally, all council staff must be accountable for all procurement decisions made over the lifecycle of all goods, services and works purchased by the Council and record and document all performance and other relevant matters to ensure a transparent audit trail for monitoring and reporting purposes.

Gifts and Hospitality:

A Councillor or member of council staff must not, for themselves or others, seek, request or solicit gifts. All gift offers, whether accepted or not, must be declared. Bribes and inducements must be reported to the Independent Board-based Anti-corruption Commission.

Disclosure of Information:

Commercial in-confidence information received by the Council must not be disclosed and is to be stored in a Council's information management secure business system.

Councillors and Council staff are obliged to protect information, by refusing to release or discuss the following:

- information disclosed by organisations in tenders, quotation or during tender negotiations;
- all information that is Commercial in Confidence information; and
- pre-contract information including but not limited to information provided in quotes and tenders or subsequently provided in pre-contract negotiations.

Discussion with potential suppliers during tender evaluations must not go beyond the extent necessary to resolve doubt on what is being offered by that supplier.

Complaints Handling:

Members of the public and suppliers, are encouraged to report known or suspected incidences of improper conduct to the CEO. Councillors and Council Officers will report and manage complaints in accordance with Council's internal policies and processes.

Probity Plan Audits:

A formal probity plan should be developed, and a probity advisor appointed in the following circumstances:

- Where a proposed contract is considered by Council or the CEO that a potential supplier is likely to be tendering and there may be a perceived conflict of interest issue
- Where the proposed Total Contract Sum exceeds \$10 million over the life of the contract or for a lesser value set by Council from time to time; or
- Where a proposed contract is considered by Council or the CEO to be particularly complex, of a high risk or controversial nature, and requiring a high level of public confidence.

A probity advisor may be appointed to any tender evaluation panel and may be appointed to oversee the evaluation process.

Risk Management

The principles of risk management are to be appropriately applied at all stages of Procurement activities, which will be properly planned and carried out in a manner that will protect and enhance the Council's capability to prevent, withstand and recover from personal injury, property damage, reputational loss, financial exposure and interruption to the supply of goods, services and works.

Management of Procurement Risk:

The provision of goods, services and works by a supplier or contractor potentially exposes Council to risk. The Council could minimise its risk exposure through measures including:

- providing sufficient planning and lead-time for Procurement preparation and consideration.
- using appropriate Council standard-form contracts provided by Council's Procurement Unit or Australian Standard contracts which include current, relevant clauses to mitigate risk to Council;

- requiring security deposits where appropriate;
- ongoing and timely Contract management;
- effectively managing the contract including monitoring and enforcing performance.
- referring specifications to relevant experts for review where considered appropriate;
- requiring contractual agreements before allowing the commencement of work; and
- systemically reviewing all relevant policies and procedures;

Responsible Financial Management:

The principle of responsible financial management shall be applied to all procurement activities. Responsibility for financial management must be accepted and adhered to by Council Officers in undertaking any procurement activities.

Council funds must be used efficiently and effectively to procure goods, works and services and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles as set out in this Procurement Policy.

Council Officers will:

- ensure the availability of funds within an approved budget must be established prior to the commencement of any procurement;
- not authorise or write multiple purchase orders to avoid the authorisation process requirements or circumvent their procurement or financial authority;
- not approve expenditure that relates to them personally – any expenditure of this nature must be referred to the next higher level of authority for approval; and
- ensure that any purchase orders are generated at the point where the commitment to purchase goods, services or works has been made. i.e., a purchase order must be raised in the relevant systems (as updated and which at the time of publication of this Procurement Policy, is eBMS/Nimblex) when the goods, services or works are ordered and not when an invoice is received by Council.
- ensure that procurement approvals are in accordance with Council financial policies and delegations, as determined by Council and the CEO under instruments of delegation.
- monitor cumulative spend with suppliers at least annually. If expenditure with a supplier or a number of suppliers providing similar goods, services and works is ongoing in nature and the cumulative spend is likely to exceed the tendering threshold over a two-year period, then Council will review the opportunity to pursue a contract for such goods, services and works through a competitive process; and
- ensure that suppliers, contractors and Council staff not request, encourage or facilitate the prohibited act of 'order splitting' (splitting one order into a succession of orders) for the purpose of obtaining the goods or services under a financial delegation level or procurement delegation level for any goods, services or works.

Dispute Resolution:

Any dispute arising from the application of this policy will be referred to the Chief Executive Officer for investigation and resolution.

Occupational Health and Safety Management Systems (OHSMS):

Benalla Rural City Council requires all contractors and service providers to comply with all legislative and regulatory requirements, particularly in relation to Occupational Health and

Safety.

It will be mandatory for all relevant contractors engaged by Council to provide services or works, to have a documented OHSMS that conforms to the requirements of the OHS Act 2004 and that the system is implemented during the conduct of those services or works.

This is a mandatory requirement and non-compliance may result in disqualification of current and prospective suppliers and contractors.

Insurance and Indemnity Requirements:

Successful tenderers must take out and maintain insurance cover for the term of the contract and any additional period specified within the contract. Evidence of cover must be provided prior to receipt of goods or services and prior to commencing works under the contract.

The type and minimum amount of insurance cover required is as follows:

Type of Contract	Type of Insurance	Minimum Level Required
Goods and Services	Public Liability	\$20M
	Professional Indemnity	\$5M
	Products Liability	\$10M
	WorkCover / Motor Vehicle	As required
Panel / Annual Supply / Works	Professional Indemnity	\$10M (if applicable)
	Products Liability	\$20M
	WorkCover / Motor Vehicle	As required
Consultants	Public Liability	\$20M
	Professional Indemnity	\$5M
	WorkCover / Motor Vehicle	As required

Variations to the above require a completed risk assessment of the project/scope and written approval of the responsible Manager based on the risk assessment results prior to the tender being released.

Limiting contractor or consultant liability may restrict Council's Insurer's rights to recover in the event of a loss which, in turn, could expose Council to uninsured losses. Where a limit on liability is being contemplated a risk assessment should be undertaken at the procurement planning stages to ascertain what the risk exposures might be and how that exposure is intended to be controlled. Any limits proposed must be approved by the responsible Manager.

Evidence of cover in the form of a Certificate of Currency will be required. Council will also ensure any other appropriate insurance, i.e., Product Liability, Motor Vehicle or Fiduciary or Work Cover details are obtained prior to the commencement of the Contract.

Any exemption to minimum requirements must be authorised by the Chief Executive Officer or General Manager Corporate.

Fraud and Complaints:

Council takes allegations of fraudulent activity and complaints about procurement seriously and is committed to handling such disclosures sensitively and confidentially. Members of the public, suppliers and council staff are strongly encouraged to report fraudulent allegations or complaints about procurement processes and/or staff taking part in procurement activities to the Chief Executive Officer or Council's General Manager Corporate.

Public Interest Disclosure:

The Public Interest Disclosure Act is an instrument which provides a mechanism for the disclosure of improper conduct by public officers and public bodies and to investigate alleged corruption and misuse of power. The Act also provides protection to those that make any disclosures or may suffer reprisals in relation to those disclosures.

Councillors and Council Officers must protect and not disclose information received by Council that is declared Commercial in Confidence by the CEO.

Endorsement:

Council Officers must not endorse any products or services. Individual requests received for endorsement must be referred to Manager level or above.

Internal Control

The Council will establish and maintain a framework of internal controls over procurement processes that will ensure:

- more than one person is involved in and responsible for a transaction end-to-end;
- transparency in the procurement process;
- a clearly documented audit trail exists for procurement activities;
- appropriate authorisations are obtained and documented;
- systems are in place for appropriate monitoring and performance measurement; and
- compliance with the procedure and ongoing contract management will be subject to internal reviews and audits.

Internal Compliance Reporting:

Appropriate performance measures and reporting systems must be used and followed to monitor performance and compliance with procurement policies and procedures. This will include but not be limited to regular review of contract variations and compliance with this Procurement Policy.

Material Breaches of this Procurement Policy must be reported as soon as practicable to the relevant Manager, General Manager Corporate and CEO, and periodically to the Audit & Risk Committee. See section on non-compliance of this Procurement Policy.

Delegations of Authority

Council has delegated a range of powers, duties and functions to the CEO in relation to procurement. These delegations aim to ensure that the Council's procurement structure operates according to processes that:

- Are flexible enough to procure in a timely manner the diverse range of goods, works and services required by Council;
- Guarantee that prospective contractors and suppliers are afforded an equal opportunity to tender or submit a quotation; and
- Encourage competition and collaboration, even where the CEO runs a procurement process under delegation.

Such delegations define the limitations within which Council Officers are permitted to commit Council to the procurement of goods, services or works and the associated costs. The Instrument of Delegation allows specified Council Officers to undertake certain purchases, quotation, tender and contractual processes without prior referral to Council. This enables Council to conduct procurement activities in an efficient and timely manner whilst maintaining transparency and integrity.

Council has delegated responsibilities relating to the expenditure of funds for the purchase of goods, services and works, the acceptance of quotations and tenders and for contract management activities to the CEO. The CEO has further delegated some of those responsibilities to other members of Council Officers, subject to specified conditions and limitations. Delegations for procurement authority can be found in **Appendix 3**.

Contract Management

Procurement Guidelines as set out in **Procurement, Tendering and Contract Management Guidelines** have been developed by the to assist any Council Officer that has contract management within their portfolio. The guidelines are located in the Procurement Intranet site.

The purpose of contract management is to ensure that the Council, and where applicable its clients, receive the goods, services or works provided to the required standards of quality and quantity as intended by the contract by:

- establishing a system monitoring and achieving the responsibilities and obligations of both parties under the contract;
- providing a means for the early recognition of issues and performance problems and the identification of solutions; and
- adhering to Council's Risk Management Framework and adhering to relevant Occupational Health and Safety Contractor Compliance Procedures.

All Council contracts are to include contract management requirements. Furthermore, contracts are to be proactively managed by the member of Council Officers responsible for the delivery of the contracted goods, services or works to ensure the Council receives Value for Money.

Charter Of Human Rights And Responsibilities Act 2006 And The Equal Opportunity Act 2010

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

Review

The Policy must be reviewed at least once during each four-year term of Council as per section 108 (5) of the *Local Government Act 2020*.

This Policy may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

“The Act” means the Victorian Local Government Act 2020.

“Collaborative Procurement Arrangement” is contractual arrangement established by the Council, government or a nominated agent, such as Procurement Australasia, Municipal Association of Victoria (MAV), Regional Purchasing Excellence Network Hume Region (RPEN Hume) or local government entity, for the benefit of numerous state, federal and/or local government entities that achieves best value by leveraging combined economies of scale.

“Commercial in Confidence” means information that, if released publicly or to a third party, may prejudice the business dealings of a party, including but not limited to prices, discounts, rebates, profits, methodologies and process information.

“Contract Management” means the process of ensuring both parties to a contract meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.

“Council” means Benalla Rural City Council.

“Councillors” are Council’s elected representatives (the Mayor and Councillors) or Administrator(s) appointed to act in this capacity.

“Council Officer” means all full-time, part-time and temporary City employees and contractors and consultants while engaged by the City from time to time.

“IBAC” are the Independent Broad-based Anti-corruption Commission.

“eBMS/Nimblex” Council’s Tender and Contract Management system.

“Indigenous Business” As per Supply Nation’s definition, an Indigenous Business is one that is at least 50% owned by an Aboriginal or Torres Strait Islands person(s).

“Fraud” means deception resulting in financial or personal gain.

“GST” means GST within the meaning of A New Tax System (Goods and Services Tax) Act 1999 (Cth).

“Guidelines” mean the Victorian Local Government Best Practice Procurement Guidelines 2013 and Preface to the New Best Practice Procurement Guidelines 2021. If this policy is inconsistent with the guidelines, this policy supersedes the guidelines.

“Local Content” means a contractor or supplier having their registered office within a 100km radius of the Benalla Rural City Council Customer Service Centre at 1 Bridge Street East, Benalla.

“Probity” means qualities demonstrating strong moral principles and good process, achieved through clear processes consistent with the City’s policies and legislation, which consider the legitimate interests and ensure the equitable treatment of all suppliers.

“Procurement” means the process of acquiring external goods, services or works from initial concept through to disposal of an asset at the end of its useful life or completion of the contract.

“Quotation” means a formal statement of promise, submitted usually in response to a request for quotation, by a potential supplier to supply the goods, services or works required by a buyer at specified prices and within a specified period.

“Risk” means anything that could prevent Council from achieving its objectives. Risk may arise from an event, an action, or from a lack of action. It is measured in terms of consequences and likelihood.

“Schedule of Rates Contract” is a standing offer arrangement based on a Schedule of Rates contract that sets out rates for goods and services which are available for the term of the agreement but without a commitment to purchase a specified value or quantity of goods or services.

“Social Procurement” means a strategic approach to meeting social and economic objectives throughout procurement using procurement processes and purchasing power to generate positive social and economic outcomes in addition to the delivery of efficient goods, services and works.

“Sustainability” means meeting the needs of the present generation without compromising the ability of future generations to meet their needs, including social procurement, local content and environmental considerations.

“Request for Quotation (RFQ)” is a process of inviting parties from either a select list or via public advertisement and to submit an offer by RFQ followed by evaluation of submissions and selection of a successful bidder or tenderer in accordance with pre-determined evaluation criteria. A RFQ is for a lower amount than a full Tender process, and documentation and opening time is shorter.

“Request for Tender (RFT)” is a process of inviting parties from either a select list or via public advertisement to submit an offer by tender followed by evaluation of submissions and selection of a successful bidder or tenderer in accordance with predetermined evaluation criteria.

“Thresholds” the value above which procurement, unless exempt, is subject to the mandatory procurement procedures.

“Value for Money” means the optimum combination of quantitative and qualitative components of a tender offer.

Requirement for tenders, proposals, and quotations

Public Tender Threshold

- **Goods, services and carrying out of works with an estimated value greater than \$300,000 (ex. GST)** will be procured through public tender unless an exception is granted by the Chief Executive Officer in consultation with the Council.
- **Goods, services and carrying out of works with an estimated value of equal to or less than \$300,000 (ex. GST)** may be procured via public tender, if this is considered the best approach to market, but will in most instances, be procured in accordance with the procedures i.e. Request for Quotation, Expression of Interest, a Council panel arrangement or a collaborative procurement arrangement.
- To achieve best value for money, a contract below \$300,000 (ex. GST) which is assessed as complex, strategic or high risk can also be procured via public tender or a public expression of interest. These market approaches are to be approved by the Chief Executive Officer and reported to the Audit and Risk Committee.

Council will invite tenders and quotations from the supply market for goods, services, and works in accordance with the thresholds listed in the below table. Procurement engagements should not be split to circumvent these thresholds. If a procurement engagement is likely to reach the upper limit of a threshold, then it is recommended to pre-emptively follow the requirements of the next incremental threshold.

For procurements valued under \$330,000 (include GST), the procurement methodology and thresholds detailed below must apply.

Financial Thresholds <i>(AUS\$ incl. GST)</i>	Procurement Requirement			
	Process Managed by	Market Engagement	Engagement Type	Documentation
< \$10,000 <i>(incl. GST)</i>	Business Unit	1 Verbal Quote (Minimum). To be sourced from a local supplier if possible.	Purchase Order or Purchase Card to Financial Delegation.	Quote details must be diarised** and documented on the Purchase Order.
\$10,001 to \$25,000 <i>(incl. GST)</i>		3 Written Quotes* (Minimum).	Can be open to the public or sent to a minimum of 3 suppliers.	Quotes must be registered in <i>Nimblex</i> .
\$25,001 to \$50,000 <i>(incl. GST)</i>		At least 1 quotation from a local supplier.		A file number must be obtained, and a Procurement Initiation Form (PIF) raised for approval on <i>Nimblex</i> .
\$50,001 to \$330,000 <i>(incl. GST)</i>				A file number must be obtained, and a Procurement Initiation Form raised for approval on <i>Nimblex</i> . Quotes to be released via the E-Tender Portal
> \$330,000 <i>(incl. GST)</i>	Procurement Unit	Public Tender	Contract	Public Tender to be advertised in the Newspaper and released publicly via the E-Tender Portal. A file number must be obtained, and a Procurement Initiation Form (PIF) raised for approval on <i>Nimblex</i> .
A PIF must be completed above \$25,000 <i>(incl. GST)</i>	Business Unit	The use of MAV Procurement, Procurement Australia or WOGV SPC contracts are to be considered.		The Contracts and Procurement Coordinator must be consulted for guidance within thresholds above \$25,000 incl. GST.

* A minimum of one of the quotes **must be** obtained from a local supplier/provider wherever possible.

** Purchases made by Council Purchase Card shall be considered as diarised. If a Purchase Order (PO) is used, then a notation should be made when the PO is being created.

Delegation of Procurement Authority**Delegations Reserved for the Council**

Commitments and processes which exceed the CEO's delegation, and which must be approved by Council are:

- Signing of contract documents
- Tender recommendations and Contract approval for all expenditure as delegated by Council.

Only the Council can award contracts that are greater than: - \$300,000 (ex GST) for goods, services or works.

Delegation of Authority to the Chief Executive Officer

Awarding contracts for the acquisition of goods, works and services up to the value of \$300,000 excluding GST in respect of any one contract, unless the contract, purchase or payment has been previously approved by resolution of Council or a Delegated committee.

Approving expenditure for statutory charges or other matters such as superannuation, taxation, the Fire Services Property Levy, EPA Levy, WorkSafe, telecommunications, investments, street lighting, court and tribunal expenses, insurance charges generally consistent with the approved or revised budget. A summary of expenditure approvals for this expenditure will be reported in the quarterly financial report.

Delegation of Authority to Council Officers

Council procurement activities are undertaken using a Delegation of Procurement Authority allowing authorised and trained, Council Officers to approve certain purchases, quotation, tender and contractual processes without prior referral to the Council. Council Officer procurement delegations will be documented and reviewed annually.

Council staff can procure goods and services up to their Financial Delegation for the following:

- Acceptance of Quotes.
- Contract term extensions (within authorised budget).
- Flexi Card purchases.

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Specific Council exemptions will be reviewed and updated this Policy from time to time, as per the Policy Review Process.

Exemptions for obtaining Quotes:

A copy of completed (signed) Procurement Exemption to be forwarded to Procurement Unit for further reporting to Risk and Audit Committee.

All areas of expenditure identified in clause 4.3 and below are exempt from the requirements of this policy. However, transactions must still comply with the tendering threshold.

- **Shop Supplies** – Business Units of the Council that operate a retail outlet and are required to purchase stock for resale to the public. Goods purchased for the purpose of resale are exempt from obtaining quotes. This is due to the nature of the goods that are offered for resale, which may be of a unique nature;
- **Performers/Events** – Where Performers and ticketed events are sourced for resale and these performances/events will return an income to the Council quotations are not required;
- **Artworks and transportation of Artworks** - The Council is in a unique position of operating an Art Gallery. It is not practical to obtain quotes for the purchase of artworks as each piece of work is unique. These Items are to be purchased within annual budget restraints. If an artwork is commissioned to be created, then this exemption does not apply, and quotations/tender must be sought;
- **Sole Supplier (Core Service)** - The Council deals with several core service sole suppliers where there is no market to test and obtain multiple quotations. Examples of core service sole suppliers are:
 - Professional membership payments and subscriptions (must relate to position held at the Council);
 - Where the supplier is the sole source of specific intellectual property;
 - Ongoing computer software licences; and
 - Advertising (newspapers, magazines, TV, radio and Social Media (e.g., Facebook and similar);
- **Plant and Equipment Servicing and Spare Parts** - plant and equipment purchased by the Council require servicing at regular intervals. To maintain a valid warranty, works need to be carried out by recognised suppliers using genuine parts;
- **Direct purchasing of goods and services** from Social Procurement businesses where the estimated value of the procurement is up to \$25,000 includes GST. The identified business must be certified with Social Traders or are businesses that trade to intentionally tackle social problems, improve communities, provide people with access to employment and training, or help the environment. Must be not for profit and Value for Money must be the final consideration;

- **Payroll expenses** - Superannuation and PAYG;
- **Goods and Services** - Tax payable;
- **Postage** - Australia Post;
- **Vehicle registrations** - VicRoads vehicle registrations;
- **Councillor expenses** - Allowances and Reimbursements;
- **Levies** - EPA Victoria Levy, Fire Services Property Levy;
- **Acquisition of Land and Buildings;**
- **Medical expenses;**
- **Venue hire;**
- **External audit fees** – Victorian Auditor General's Office;
- Professional workshop and conference registration fees and associated costs.

Transactions exempt from requiring a Purchase Order:

- Payment request forms;
- Utilities –Gas, Electricity and Water only;
- Civic Hall Acquittal's;
- Workcover/medical Expenses;
- Police Checks;
- Legal expenses;
- Auditors;
- Advertising
- Transfer of Long Service leave;
- Telstra;
- Tourism North East annual membership and buy in
- Physio, Health Care Groups;
- Memberships;
- Subscriptions;
- Donations (Staff Fundraising);
- Pathway Refunds;
- Debt Collection;
- Rent; and
- Community Grants/Strategic Partnerships.

Sustainability is a key feature of Council's long-term vision. Council is committed to implementing procurement practices that provide social value to the community by including economic, social and environmental Sustainability considerations into Value for Money evaluations.

Sustainable outcomes will be determined on a case-by-case basis, to ensure that the outcomes sought are proportionate to the individual procurement activity (including scale, value, complexity and level of opportunity and risk), as unduly onerous requirements may be unachievable or unnecessarily deter potential suppliers.

“Economic sustainability” where Council supports Local Suppliers and economic development by:

- encouraging purchases that are from Local Suppliers and from local inputs.
- supporting small to medium enterprises (SMEs).
- generating opportunities for local employment and supply chains.
- designing competitive procurement processes that attract local businesses.
- undertaking early local market engagement.
- fostering innovation and emerging sectors.

“Environmental sustainability” where Council seeks to make procurement decisions that have minimal effect on the depletion of natural resource and biodiversity by promoting:

- green purchasing.
- reduced greenhouse gas emissions.
- reduced waste to landfill and the increase of the amount of waste recycled.
- reduced water consumption and the improvement of water management.
- improved environmental management in Council's supply chain.
- improved resilience and adaptability to climate change.
- support for the circular economy.
- improved environmental management of Council's supply chain.
- consideration of suppliers' environmental systems and practices.
- the collection, storage and analysis of emissions data from major suppliers.
- working in collaboration with major suppliers to reduce emissions associated with the services they provide to Council.

4.5 Benalla Art Gallery Committee Terms of Reference Review

SF/1893

Eric Nash – Benalla Art Gallery Director

Courtney Naughton – Manager Economic Development and Sustainability

PURPOSE OF REPORT

The report presents the reviewed *Benalla Art Gallery Committee Terms of Reference*.

BACKGROUND

The Benalla Art Gallery Committee, as defined by the *Benalla Art Gallery Terms of Reference*, is comprised of:

- Two Benalla Rural City Councillors
- Chief Executive Officer of Tourism North East
- Not fewer than three and not more than six general members
- President, or delegate, of the Friends of the Benalla Art Gallery Inc.

DISCUSSION

The *Benalla Art Gallery Terms of Reference* (Terms of Reference) have been reviewed by the *Benalla Art Gallery Committee* (the Committee).

The Committee's recommends that an update occurs to the Terms of Reference to include a Tourism North East delegate under section *10 Committee Membership*.

The Tourism North East delegate would attend committee meetings when the Tourism North East Chief Executive Officer is unable to attend.

The proposed change to the Committee's Terms of Reference is under section *10 Committee Membership*, and will read:

10. Committee Membership

10.1. The Committee shall be comprised of the following members:

- Two Benalla Rural City Councillors
- Chief Executive Officer, or delegate, of Tourism North East
- Not fewer than three and not more than six general members
- President, or delegate, of the Friends of the Benalla Art Gallery Inc.

The revised *Benalla Art Gallery Committee Terms of Reference* is attached as **Appendix 1**.

COUNCIL PLAN 2021-2025 IMPLICATIONS**Leadership**

- *Good governance.*
- *High performance culture.*
- *Engaged and informed community.*
- *Effective and responsive advocacy.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that due to administrative nature of the Terms of Reference, community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none"> ▪ Terms of Reference presented in a public report to the Council. ▪ Terms of Reference to be published on Councils website.

FINANCIAL IMPLICATIONS

There are no material financial implications with the development or implementation of the Committee's Terms of Reference.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

That the *Benalla Art Gallery Terms of Reference* be adopted.

Terms of Reference

Benalla Art Gallery Community Asset Committee

JUNE 2023

Document Control

Draft terms of reference created:	June 2023
Terms of reference adopted by Council:	
Version number:	V1

1. Constitution

- 1.1. The Benalla Art Gallery Committee is constituted as a Community Asset Committee in accordance with section 65 of the Local Government Act 2020.

2. Name of the Committee

- 2.1. The Committee will be known as the Benalla Art Gallery Committee.

3. Strategic Plan

- 3.1. In conjunction with the relevant Council Officers, develop and monitor a Strategic Plan for the Gallery.

4. Collection Management and Development

- 4.1. Establish and maintain acquisition, conservation and deaccession policies.
- 4.2. Accept works of art as gifts, as informed by the relevant Gallery policies, including those in accordance with the Income Tax Assessment Act.
- 4.3. Approve the acquisition of works of art into the Gallery collection based on the Acquisition Policy.
- 4.4. Approve the deaccession of works of art from the Gallery collection based on the Deaccession Policy.

5. Exhibition Policy

- 5.1. In conjunction with the relevant Council Officers, and in line with the Strategic Plan, establish and maintain exhibition policies to inform the annual Exhibition Schedule.

6. Benalla Art Gallery Acquisition Trust Fund

- 6.1. Appoint Trustees to administer the Benalla Art Gallery Acquisition Trust Fund as prescribed by the Trust Deed.

7. Fundraising

- 7.1. Raise funds and encourage contributions by way of gifts, bequests, grants, sponsorships, personal or public appeals.
- 7.2. Seek and implement innovative ways to proactively raise funds in line with the Benalla Art Gallery Strategic Plan.

8. Strategic Plan and Reporting Requirements

- 8.1. The Committee must prepare and adopt a Strategic Plan for the Gallery at least 6 months prior to the expiration of the current Strategic Plan and provide it to Council for approval.

8.2. The Strategic Plan must include:

- a statement of the vision, values and objectives of the Gallery
- the strategies and policies that the Gallery will adopt to achieve that vision and those values and objectives; and
- such other matters (if any) as Council directs

8.3. Provided that the Strategic Plan addresses all matters specified in clause 8.2, it may include other matters

8.4. The Committee must inform the Chief Executive Officer of:

8.5. changes to the Strategic Plan; and

8.6. any other matters that it considers could significantly affect the achievement of the objectives set out in the Strategic Plan in a timely manner upon such changes being made

8.7. The Committee will report to the Chief Executive Officer on or before 20 August each year on changes and achievements of objectives.

8.8. The Chief Executive Officer at their absolute discretion may require that the Committee report more frequently.

9. Terms of Reference

9.1. A review of the Committee Terms of Reference will be conducted on a biannual basis to comply with Council's schedule.

10. Committee Membership

10.1. The Committee shall be comprised of the following members:

- Two Benalla Rural City Councillors
- Chief Executive Officer, or delegate, of Tourism North East
- Not fewer than three and not more than six general members
- President, or delegate, of the Friends of the Benalla Art Gallery Inc.

11. Appointment of Committee members

11.1. All Committee members are appointed by resolution of Council..

11.2. If, as a result of the expiration of the term, or the resignation or removal of a Committee member, the total number of current Committee members falls below 7, Council must fill that vacancy in accordance with clause 11.1

11.3. Before appointing a person as a Committee member under clause 11.1, Council must be satisfied that the person has knowledge or experience relevant and beneficial to the Gallery.

11.4. Subject to clause 11.1, a Committee member holds office:

11.5. For the period specified in the Council resolution, which must not exceed three years; or

11.6. If no period is specified in the Council resolution, for a period of 3 years.

- 11.7. Subject to clause 11.1, a current Committee member may be reappointed by Council, taking into account any recommendation of the Committee, for a further term not exceeding three years.
- 11.8. The Committee may recommend to Council that a Committee member be reappointed for a further term if the Committee forms the view that the Committee member's reappointment will be of specific benefit to the Benalla Art Gallery's strategic direction. In that case, the Committee will describe that specific benefit to Council.

12. Chair

- 12.1. A member of the Committee is to be appointed annually as the Chair of the Committee by Council resolution.
- 12.2. The Committee is to appoint a temporary Chair should the Chair be absent or unable to perform the functions of the Chair.

13. Leave of absence

- 13.1. A Committee member, including the Chair, must request a leave of absence where they know that they will be absent from 3 or more consecutive meetings of the Committee.
- 13.2. The Chair must submit a request to Council for a leave of absence, which may be granted on such terms and conditions as Council sees fit.
- 13.3. Any other Committee member must submit a request to the Chair for a leave of absence, which may be granted by the Chair on such terms and conditions as the Chair sees fit.
- 13.4. The Chair must notify Council if the Chair grants a leave of absence to a Committee member for a period exceeding 6 months.

14. Resignation

- 14.1. A Committee member may resign his or her appointment by giving Council written notice of that resignation.
- 14.2. The resignation takes effect on the day it is received by Council or, if a later day is specified in the resignation, on that later day.

15. Termination of appointment

- 15.1. Council may terminate the appointment of a Committee member if the Committee member
- 15.2. has engaged in serious misconduct of any kind; or
- 15.3. is unable to perform the duties of his or her office because of physical or mental incapacity.

- 15.4. Council must terminate the appointment of a Committee member if the Committee member:
- is declared bankrupt or is disqualified to act as a Director of a company under the Corporations Act 2001 (Cth)
 - applies to take the benefit of any law for the relief of bankrupt or insolvent debtors
 - is convicted of an indictable offence
 - is absent from three consecutive meetings of the Committee without the leave of Council or the Chair; or
 - fails, without reasonable excuse, to comply with an obligation imposed on him or her by the Act

16. Convening of meetings

- 16.1. The Chair will convene such meetings of the Committee as are, in his or her opinion, necessary for the efficient conduct of its affairs.
- 16.2. The Chair must convene at least four meetings of the Committee each calendar year.
- 16.3. The Chair must, on receipt of a written request signed by a majority of the current Committee members, convene a meeting of the Committee.
- 16.4. Committee meeting dates, times, locations and agendas will be advertised on the Council website.
- 16.5. Committee meetings will be open to members of the public.

17. Presiding at meetings

- 17.1. The Chair must preside at all meetings of the Committee at which he or she is present.

18. Conduct of meetings

- 18.1. The conduct of meetings will accord with Rules 3.1, 3.2, 3.3, 4, 5, 6.7-6.22, 8.8, and 10 of the Benalla Rural City Council Governance Rules 2020.

19. Subcommittees

- 19.1. The Committee may resolve to form a subcommittee for an assigned task or in a particular area and will determine the membership of that subcommittee, who may be Committee members, employees of Council or any other person whom the Committee deems appropriate with the professional knowledge or experience that will facilitate the work of the Subcommittee in a positive and productive manner in accordance with the Benalla Art Gallery strategic objectives.
- 19.2. A subcommittee's function is to act as an advisory body and make recommendations to the Committee and relevant Council Officers.
- 19.3. At least one member of a subcommittee must be a Committee member.

20. Insurances

- 20.1. The Council shall arrange and maintain a portfolio of insurances to cover all possible risks, including a Personal Accident Policy for members, a Voluntary Workers Policy and an Indemnity Policy for members of the Committee.

4.6 Fawckner Drive Precinct Masterplan

SF/1506

Tom Arnold – Community Development Coordinator
Dean Steegstra – Open Spaces Coordinator
Robert Barber – General Manager Corporate

PURPOSE OF REPORT

The report presents the draft *Benalla Fawckner Drive Masterplan*.

BACKGROUND

Benalla's Fawckner Drive Precinct is a highly valued community open space that is enjoyed by a broad cross-section of the community.

The precinct is bordered by the Benalla CBD, Lake Benalla and hosts the monthly Benalla Market. The precinct is comprised of the Skatepark and BMX track, community event spaces, Lake Benalla walking track, RV Camping site, Sir Edward 'Weary' Dunlop Learning Centre (Benalla Library) and the Senior Citizens Centre.

The purpose behind the development of a masterplan for the Fawckner Drive Precinct is to:

- enhance and protect natural assets
- to create a space that encourages use for all community members
- incorporate community and user groups feedback
- opportunities and challenges are identified
- to capitalise on tourism and economic development opportunities
- improve pedestrian connections and link existing infrastructure
- align recreational planning with other planning strategies and processes
- assist council to advocate to other tiers of government for funding
- establish priorities and costings for any improvements to the precinct
- future improvements are well planned.

DISCUSSION

The draft *Benalla Fawckner Drive Masterplan Report (Appendix 1)* has been developed by specialist contractor *Playce* following a community consultation program and is based on community and Council feedback.

The draft *Benalla Fawckner Drive Masterplan Report* (the Masterplan) ensures that Council's objectives to ensure open space and public places in existing and developing communities are thoughtfully planned, connected, green, sustainable, accessible, engaging and inclusive and consider the needs of ageing community.

Prior to formal adoption by the Council, the Masterplan must be presented back to the community to ensure that it is reflective of their ideas and aspirations for the precinct.

COUNCIL PLAN 2021-2025 IMPLICATIONS**Community**

- *A healthy, safe and resilient community.*
- *A connected, involved and inclusive community.*

Livability

- *Vibrant public spaces and places.*
- *Connected and accessible roads, footpaths, transport and parking.*

Economy

- *Thriving business and industry.*
- *Flourishing tourism.*

Environment

- *Healthy and protected natural environment.*

Leadership

- *Engaged and informed community.*

FINANCIAL IMPLICATIONS

The project has a budget allocation of \$30,000. Playce was engaged at a cost of \$24,000.

A combination of external and internal funding will be required to deliver the Masterplan's proposed projects over the coming years. The *2022/23 Budget* allocates \$100,000 to upgrading the skate park and BMX track within the precinct. This allocation will be carried forward to the 2023/24 financial year.

Additional grant funding from the Victorian Government's Creating Safer Places program will be allocated to projects within the precinct once the masterplan has been finalised.

LEGISLATIVE AND STATUTORY IMPLICATIONS

It is considered that the report is consistent with the *Charter of Human Rights and Responsibilities Act 2006* and *Gender Equality Act 2020*.

COMMUNITY ENGAGEMENT

The community consultation process involved both internal and external engagement to ensure a broad range of opinions and experiences were canvassed.

These included:

- presentation to Council's Leadership Team, councillors, and Council staff
- online consultation and paper based surveys
- attendance at the Benalla Lakeside Craft and Farmers Market
- stall at Benalla Skate Park competition

- meeting with Age Friendly Reference Group
- presentation at U3A Benalla Annual General Meeting
- signage with QR codes on site.

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement on the draft *Benalla Fawckner Drive Masterplan Report* be undertaken at the 'Involve' level under the International Association for Public Participation's IAP2 public participation spectrum as detailed in the table below:

Level of Public Participation	Promise to the community	Techniques to be used
Involve	Work with the community to ensure their concerns or aspirations are reflected in the alternatives developed. Feedback provided on how community input influenced the decision.	<ul style="list-style-type: none"> ▪ Council report. ▪ Community input sought via 'the Hive' community engagement website. ▪ Public notice in the <i>Benalla Ensign</i> and on the Council website. ▪ Proposed <i>Benalla Fawckner Drive Masterplan Report</i> to be exhibited and feedback invited. ▪ Promotion of proposed <i>Benalla Fawckner Drive Masterplan Report</i> via media, website and social media. ▪ Community information session conducted at Benalla Farmers Market and key user groups. ▪ Proposed <i>Benalla Fawckner Drive Masterplan Report</i> made available in hardcopy for review at key locations. ▪ Large signage with QR Codes directing people to the Hive website displayed in the Fawckner Drive precinct.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

CONCLUSION

It is recommended that the draft *Benalla Fawckner Drive Masterplan* be endorsed for public exhibition until Friday 11 August 2023.

People making a submission on the Masterplan will be invited to speak to their submission at the Finance and Planning Committee meeting on 23 August 2023.

Recommendation:

That the draft *Benalla Fawckner Drive Masterplan* be endorsed for public exhibition for a period of at least 28 days.

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Benalla Fawckner Drive

Masterplan Report

Concept Design Report
June 2023



TABLE OF CONTENTS.

WHAT IS INCLUDED IN THE DRAFT MASTERPLAN?

Introduction	03
Community Consultation Summary	04
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Movements & Access Plan	16
Analysis & Constraints Plan	17
Site Opportunities Plan	18

INTRODUCTION.

PROJECT BACKGROUND

Benalla Rural City (Benalla) is a small local government area (2,350 sq km) located in the north-eastern region of Victoria. It comprises the township of Benalla and the communities of Baddaginnie, Devenish, Goorambat, Swanpool, Tatong, Thoona and Winton. Only two hours from Melbourne along the Hume Freeway, the Rural City has a population of over 14,000, with 9,000 people living in the Benalla urban area.

Council's vision is to provide a sustainable, thriving and cohesive community where lifestyle, culture, health and wellbeing are supported by strong leadership and community partnership.

ABOUT THE DRAFT FAWCKNER DRIVE PRECINCT MASTERPLAN

The Draft Masterplan has been developed to ensure that Councils' objectives to ensure open space and public places in existing and developing communities are thoughtfully planned, connected, green, sustainable, accessible, engaging and inclusive and consider the needs of ageing community.

The Fawckner Drive Precinct is a highly valued community open space that is enjoyed by a broad cross-section of the community. The precinct is bordered by the Benalla CBD, Lake Benalla and hosts the monthly Benalla Market. The precinct is comprised of the Skatepark and BMX track, community event spaces, Lake Benalla walking track, RV Camping site, Sir Edward 'Weary' Dunlop Learning Centre (Benalla Library) and the Senior Citizens Centre.

WHAT IS THE PURPOSE OF THE DRAFT MASTERPLAN

- Future improvements are well planned
- Opportunities and challenges are identified
- Assist Council to advocate to other tiers of government for funding
- Incorporate community and user groups feedback
- To create a space that encourages use for all community members
- Enhance and protect natural assets
- To capitalise on tourism and economic development opportunities
- Improve pedestrian connections and link existing infrastructure
- Align recreational planning with other planning strategies and processes
- Establish priorities and costings for any improvements to the precinct

WHAT IS OUTSIDE THE SCOPE OF THE DRAFT MASTERPLAN?

The Draft Masterplan does not offer detailed design for proposed projects within it. Should the Council decide to pursue a project outlined in the Draft Masterplan, it would necessitate thorough design development and active involvement of the community through engagement initiatives.

Upgrades to Council owned facilities within the precinct such as the Benalla Senior Citizens Centre and Sir Edward 'Weary' Dunlop Learning Centre (Benalla Library) will be considered separately by the Council.

COMMUNITY CONSULTATION SUMMARY

This section outlines the result of the consultations undertaken for Benalla Fawckner Drive Masterplan. Working with Benalla Rural City Council, Playce conducted face-to-face community consultations, skate-focused consultation and events, Age Friendly group consultation, meetings with Council reference groups, and 3 weeks of an online survey, there were more than 100 participants engaged in the consultation process. Ideas and thoughts were collected from the community and a number of key needs and wants were identified.

This feedback was then used to inform the Masterplan design of the Benalla Fawckner Drive Precinct.

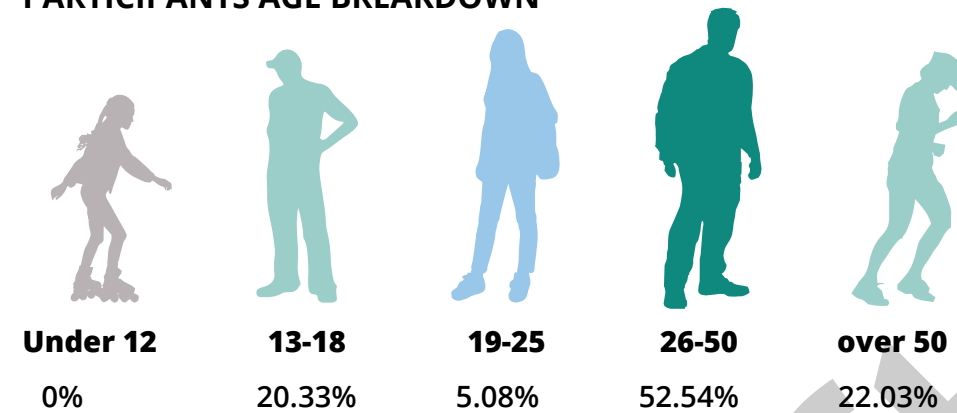
COMMUNITY CONSULTATION SUMMARY

PARTICIPANTS

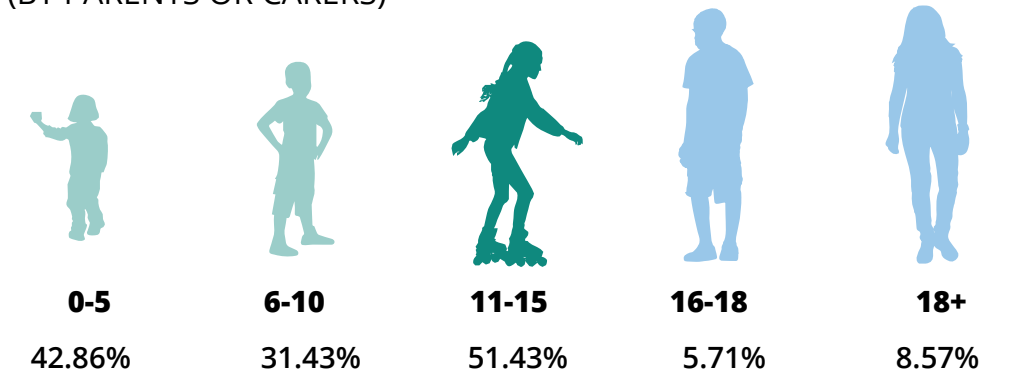
= 100+ People engaged

- + 58 survey responses
- + 3 weeks online consultation
- + 1 month community consultation
- + Council reference groups
- + Stall at Benalla farmers market
- + Benalla BMX, Skate, Scoot event

PARTICIPANTS AGE BREAKDOWN



CHILDREN REPRESENTED IN SURVEY (BY PARENTS OR CARERS)



WHICH IS MOST IMPORTANT TO YOU AND WOULD LIKE TO SEE DEVELOPED FIRST?



Upgraded Pump Track



Upgraded Skate Park



New Skate Plaza



Social and Active Play



Multi-functional Social Space



Lawn Space with Stage for large events



Multi-purpose Sports Court and Terraces

PREFERRED SOCIAL AND ACTIVE PLAY



Flying Fox



Mini Golf



Fitness Element

PREFERRED MULTI-FUNCTION SPACE FACILITY



Shade Structure



Picnic Spot



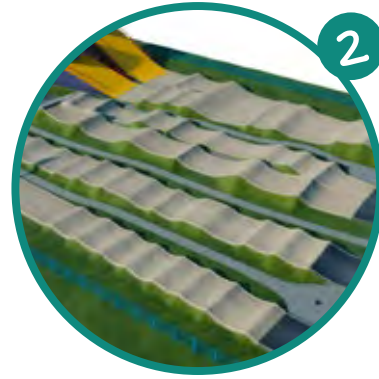
Lounging Space

COMMUNITY CONSULTATION SUMMARY

PREFERRED PUMP TRACK STYLE



Pump Track
For bikes, skate and scooters



BMX racing track
Competition level



Jumps Track
Tricks and jumps for BMX

WHAT SKILL LEVEL PUMP TRACK WOULD YOU LIKE TO SEE?

1 Intermediate pump track
51.35%

2 Beginner pump track
27.03%

3 Advanced pump track
21.62%

PREFERRED MULTI-PURPOSE COURT FACILITY



Rebound wall & climbing wall



Table Tennis / Foosball



Full court with Basketball & Netball hoops

PREFERRED STYLE



Park / Mixed
A combination of street and transition elements



Transition / Bowl
Transition / bowled elements, vert / extensions, & volcanoes



Street / Plaza
Ledges, rails, banks, stairs, & flat ground elements

PREFERRED FEATURES



Mini Ramp



Hips / Transition



Spine / Volcano



Bowl

OVERALL CONSULTATION SUMMARY

Over face-to-face community consultations, skate-focused consultation, Age Friendly group consultation, and 3 weeks of an online survey, there were more than 100 participants engaged in the consultation process. Ideas and thoughts were collected from the community and a number of key needs and wants were identified.

Overall, there was strong interest across the board in upgrading the pump track, upgrading the skate facility, having more social and active play, space for events, and multi-purpose courts. There were leading trends for the upgraded pump tracks, the upgraded skate parks, and social and active play; there was also a strong emphasis on a space with a shade structure, providing outdoor social and hangout space, sports court for multi-purposes.

Overall, it is a great outcome. The community embraced many ideas presented on the Dotmocracy board, and see it as an opportunity for a space that can be enjoyed by all residents of Benalla.

MASTERPLAN CONCEPT

The Masterplan for Benalla Fawckner Drive Reserve Precinct recognises the importance of enhancing connectivity within the area while identifying potential for community engagement through versatile event spaces, a community market area, sports courts, picnic spots, upgrades to the existing skate park and pump track, and fitness facilities.

The design objectives focus on establishing a well-connected, green, sustainable, and inclusive precinct that caters to diverse age groups and abilities. The masterplan aims to promote community participation by providing a wide range of recreational opportunities and fostering community engagement.

To ensure accessibility and functionality, the precinct features an interconnected network of accessible paths that connect various facilities such as swings, a flying fox, picnic tables, the skate park, the pump track, and other amenities. The design incorporates flexibility, prioritising multi-use spaces. For instance, the multi-sports court can be transformed into a community market area through the use of removable bollards. Additionally, the main social area, equipped with shelters, a stage, and modular furniture, enables the hosting of community events.

By unifying the reserve and offering flexibility, recreational value, and community activations, the precinct becomes an integral part of the Benalla community, providing a vibrant space for residents to enjoy.

MASTERPLAN CONCEPT



KEY ELEMENTS

- 01 **Stage/Events Space**
Stage for large community events such as festivals and concerts
- 02 **Multi-sports Court**
Multi-purpose hard stand and sports court for small to medium community events and markets and well as sports for daily use
- 03 **Rebound Wall / Climbing Wall**
Offering climbing and bouldering experiences
- 04 **Shelter, Social Area and BBQ area**
Small stage with outdoor seating and BBQ facility for socialising, small events such as gigs and exhibitions
- 05 **Table Tennis / Ping Pong Table**
- 06 **Hammocks + Nets**
Hammocks and Net structure for social play and hanging out
- 07 **Upgraded Skate Park**
Replacing the existing steel skate elements within the skatepark with a "park style" facility, potential inclusion of elements such as a mini ramp, banks, hips, transitions, volcano, manual pads, ledges, and rails.
- 08 **Single Point Swing**
Accessible via rubber path
- 09 **Pump Track**
Proposed intermediate pump track - asphalt
- 10 **Fitness Station**
Fitness Area with varied equipments, Climbing bars, and all abilities options
- 11 **Shelter with picnic seating and BBQ**
- 12 **Flying Fox**
accessible via rubber path, offering all ability seats
- 13 **Market Space**
Semi-Formalized gravel area with dedicated car parking spots. This space can also be closed off for market overflow, events bump in and bump out as well as food truck parking during large events
- 14 **Picnic + Social area facing the Lake**
- 15 **Lawn**
Reduce car park and provide additional lawn space for library
- 16 **Terrace Seating**
Terrace seating utilising existing mound to create social seating and viewing of court and events
- 17 **Improved Access**
Improve library access paths from car park and to new recreation spaces
- 18 **Connection to the Island & Playground**
Path connection from Carier St to the island and the Playground
- 19 **Formalise Existing Car Park**
* Note: all paths and pedestrian circulation are accessible

PRECEDENT IMAGERY

MULTI PURPOSE AREA

+

SOCIAL AREA

+

FITNESS AREA & CLIMBING WALLS

+

UPGRADED SKATE & PUMP TRACK

Draft

PRECEDENT - MULTI PURPOSE AREA

Key Plan



Multi-sports Court + Line Marking



Table Tennis



Rebound Wall with Line Marking



Terrace Seating for Events



Community Market Space



Terrace Seating and Stage



Seating integrated with Garden Bed

PRECEDENT - SOCIAL AREA

Key Plan



Shelter



Modular Seating



Nets for Social Play



Flying Fox



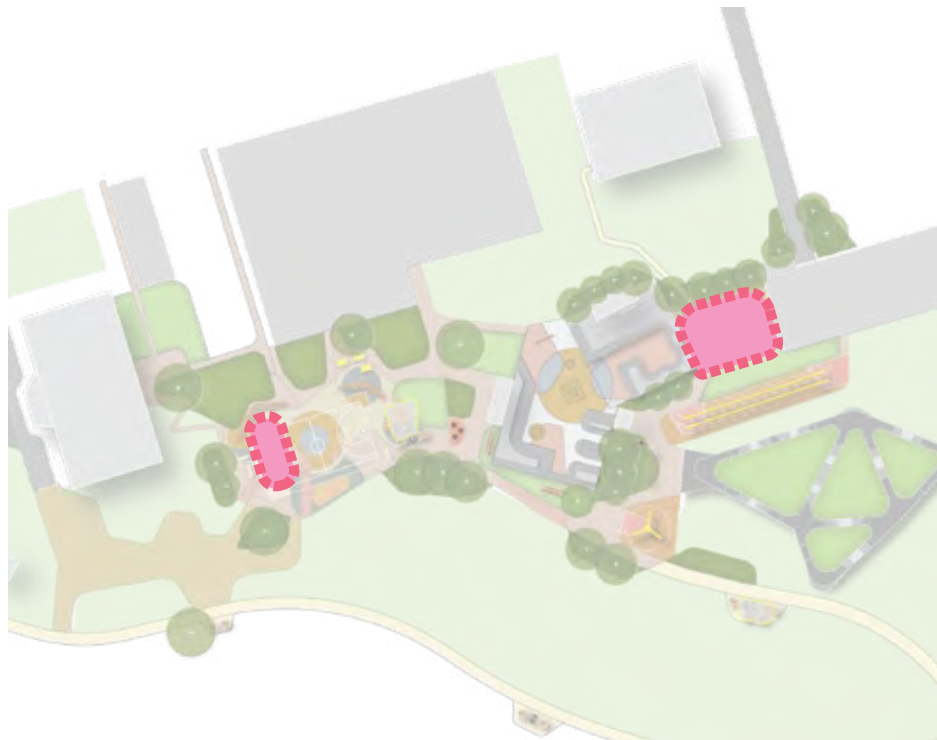
Hammocks



Single Point Swing

PRECEDENT - FITNESS AREA & CLIMBING WALL

Key Plan



Climbing Bars



Climbing Walls with Playful Elements



Outdoor Fitness Stations for all ages



Sculptural-like Climbing Walls



Fitness Bars and Exercise equipment

PRECEDENT - UPGRADED SKATE AND PUMP TRACK

Key Plan



Park / Mix style Skate Park



Mini Ramp



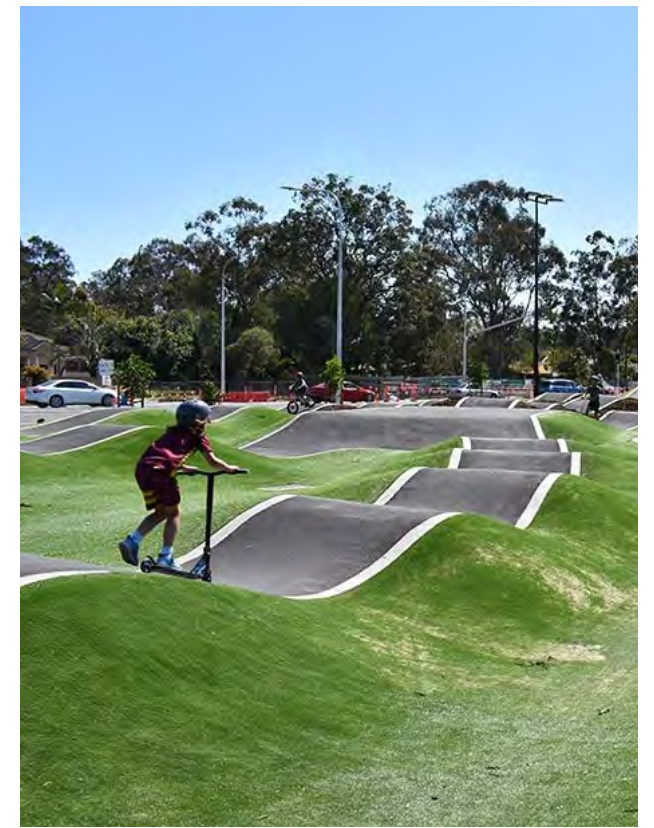
Hips / Transition



Pump Track for Bikes, Skate and Scooters



Pump Track - Berm feature



Pump Track - Rollers, Bank Turns

SUPPORTING INFORMATION

ZONING PLAN

+

MOVEMENTS & ACCESS PLAN

+

SITE ANALYSIS & CONSTRAINTS PLAN

+

SITE OPPORTUNITIES

SUPPORTING INFORMATION - ZONING PLAN



LEGEND

- SOCIAL PLAY AREA
- ACTIVE WHEEL SPORTS AREA
- RECREATIONAL AREA
- MULTI USE HARDSTAND / SPORTS COURT
- SEMI FORMALISED PARKING AND EVENT SPILL-OUT SPACE

The recreational areas are designed to be open and flexible. The lawn space can be utilized for picnics and community events, and a stage is proposed to the west of the Library for potential large festivals.

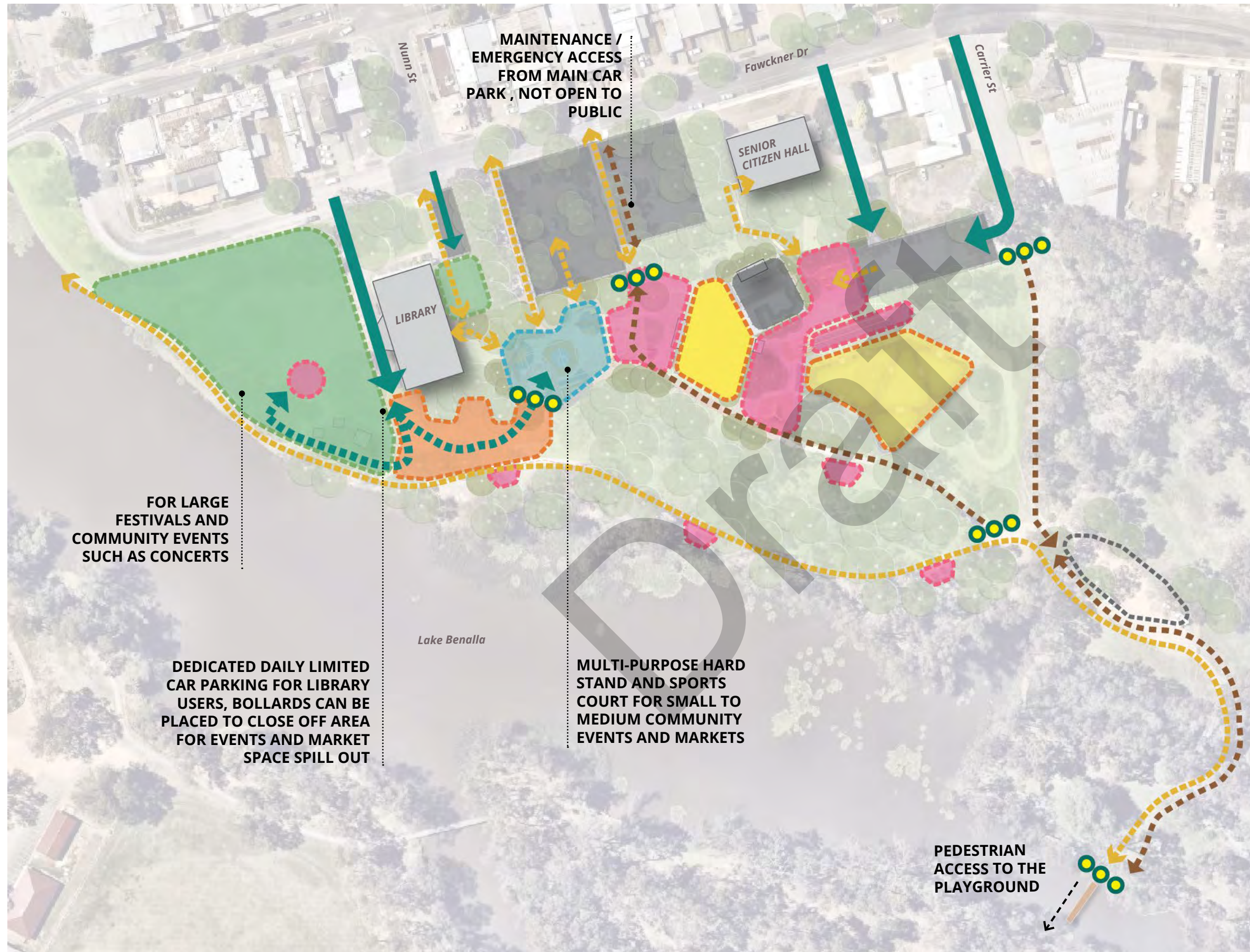
A semi-formal parking and events spill-out space is located to the south of the library.

The multi-purpose area consists of a hardstand surface primarily used as sports courts on a daily basis, but it can be transformed into a community market space during weekends. It also provides relevant facilities for hosting events.

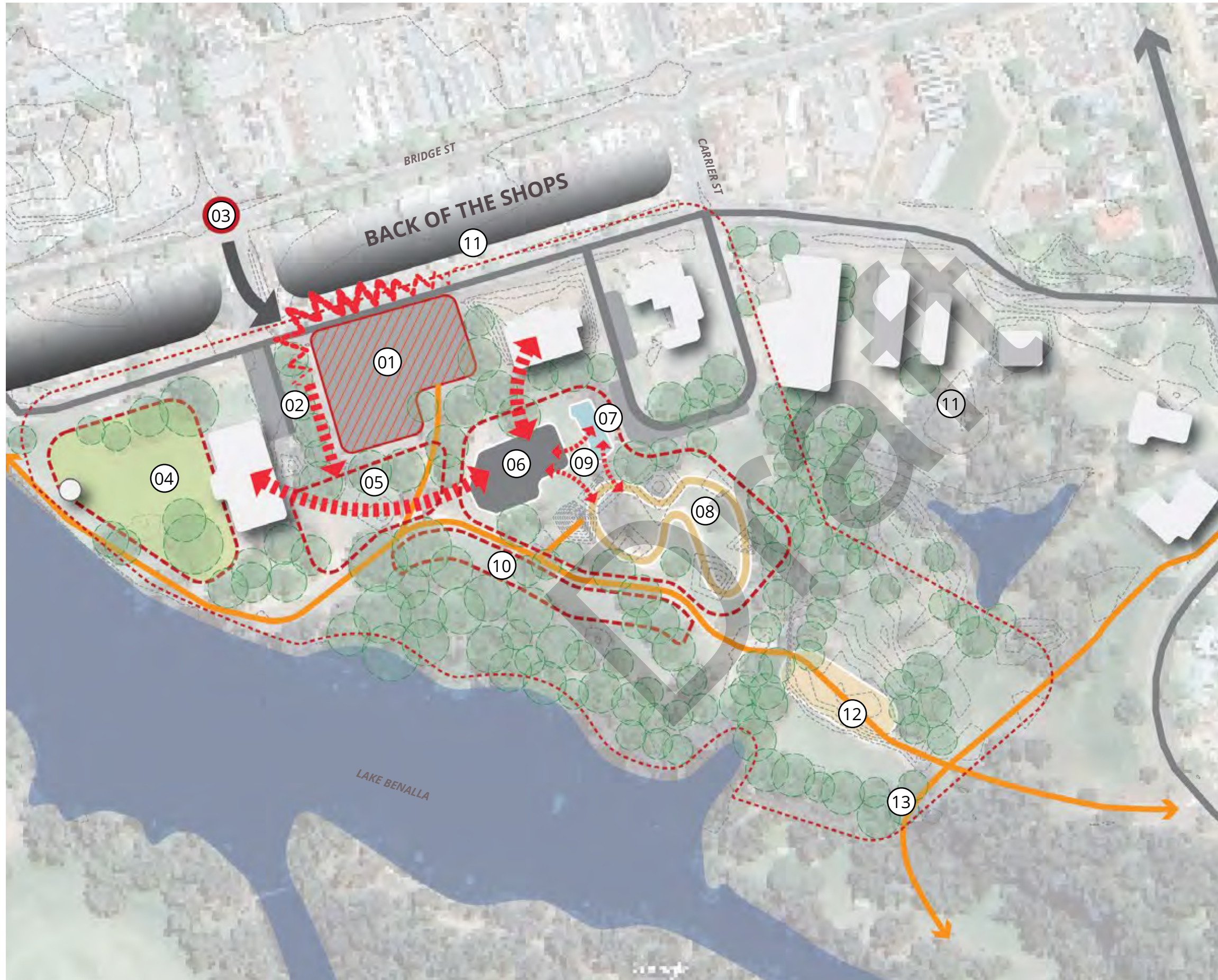
The social area serves as a cohesive element for the entire precinct, offering shaded areas, various seating options, BBQ and picnic facilities, as well as fitness equipment. Social and motion play elements are considered, including a large single-point swing, hammocks, and a flying fox, are incorporated to promote a fun and relaxing social environment that caters to a diverse range of user groups.

The skate park and pump track are upgraded based on the community's preferred elements.

SUPPORTING INFORMATION - MOVEMENTS & ACCESS PLAN



SUPPORTING INFORMATION - ANALYSIS & CONSTRAINTS PLAN



KEY ELEMENTS

- 01 Existing car park is both a visual and physical barrier to the site
- 02 Lack of clear connection to the main street no clear pedestrian priority of access from town centre
- 03 Lack of way-finding and awareness of existing facilities facility
- 04 Lawn space being utilised as event space, however missing other relevant amenities such as stage
- 05 Under utilised lawn space between library and recreational areas
- 06 Existing skate park - older facility opportunity to upgrade. Currently it is geared towards BMX, opportunity to include beginner level skaters and other styles of skating.
- 07 Existing 3 x half courts, currently under-utilised, no full court available for games. Opportunity for other sports and games
- 08 Existing pump track - not well maintained berms and pumps have overgrown and washed out. Opportunity to upgrade,
- 09 Existing active recreational facilities are disjointed are older facilities. Opportunity to provide linkages, social amenity and upgrade facilities.
- 10 Lawn Space and gravel path currently used as market space. This causes conflict with other pedestrians and dog walkers. Other issues include muddy and wet ground conditions after rainfall, making it an unpleasant user experience.
- 11 Back of the shops - less activated areas. Opportunity to increase passive surveillance via community activation of the precinct.
- 12 Current path used as road to access RV Parking. This is potential safety issue and promotes conflict between users. This will only increase as the precinct is redeveloped. RV parking location to be reviewed for better suited location,
- 13 Opportunity to increase safety for pedestrians by relocating RV parking, and providing clearer paths of travel for passive recreation, dog walking and nature walks to the islands and natural surrounds.

SUPPORTING INFORMATION - SITE OPPORTUNITIES PLAN



LEGEND

- Pump Track
- Upgraded Existing skate park
- New Skate Plaza
- Multi-purpose Court
- Active community space
- Picnic/ Social Areas
- Active Social Play Area
- Large space for events/ performances
- Possible stage for events
- Way-finding
- Way-finding Entry Feature
- Running track
- ↔ Pedestrian Connections / Key Paths
- ↔ Waterfront Promenade
- Extent of Works

KEY ELEMENTS

- 01 Upgraded Skate Park**
Upgrade of existing Skate park, this area is geared more towards BMX and other wheel play, upgrading of older steel elements to more contemporary style
- 02 New Skate Plaza**
Convert 3 existing half courts into a new skate plaza area with street style elements.
- 03 Multi-purposes Court**
Multi-purpose hard stand area featuring a full size court to replace half courts. This area converts to a space for markets and community events with a social space that includes a stage.
- 04 Terrace seating**
A back drop to the stage and community space/ sports court, terraces take advantage of the existing embankment to create viewing seats for games, events and concerts.
- 05 Multi-functional Active Social space**
Modular seating and shade structures combine to create a multi-functional space that acts as a frame work for many community events.
- 06 Running and walking track**
This track skirts all the active areas providing access and great running surface for the community.
- 07 Proposed Social + Play Area**
Older teen play - hangout modular seating, hammocks and nets, giant basket swing and other large play equipments
- 08 Pump Track**
Upgrade of run-down pump track to include pumps, berms and other elements.
- 09 RV Parking to be reconsidered**
This is to be reviewed as best location for RV parking. With proposed work and community spaces being introduced this becomes a conflict between pedestrians and vehicles
- 10 Large scale events**
Lawn space and possible stage for large scale concerts, events and performances.

4.7 2022/2023 Quick Response Grants

SF/2857

Tom Arnold – Community Development Coordinator
Jane Archbold – Manager Community

PURPOSE OF REPORT

The report presents funding applications for 2022/23 Quick Response Grants.

BACKGROUND

The Quick Response grant program enables local community groups, clubs and organisations to seek funding to increase their capacity to work in partnership with the Council and others to address local needs and enhance the local community.

The program distributes grants up to \$500 allowing local clubs, groups and organisations the opportunity to seek funds when the need arises.

DISCUSSION

Applications for consideration under the 2022/23 Quick Response Grant program are detailed in the table below.

Applicant	Details	Amount Requested	Proposed Assistance
Lurg Hall and Reserve Committee of Management	The Hall and Reserve Committee are holding the annual trivial pursuit night at the Lurg Hall on 22 July. This is a main fund raiser for the committee to cover costs for amenities and maintenance. The \$500 grant will go towards purchasing various prizes and awards during the night.	\$500	\$500
Warrenbayne Recreation Reserve Committee Inc.	Each year in July, the Warrenbayne Recreation Reserve Committee holds a major fundraiser in the form of a supper dance. The supper dance provides an opportunity for locals and folk from neighbouring districts to come together and enjoy the social interaction, renewal of friendships and making new acquaintances in a fun, relaxed setting. The Warrenbayne Recreation Reserve Committee will run a raffle, have a lucky-door prize and provide an old-fashioned supper to top it all off. Grant funds will go towards event costs such as catering and entertainment.	\$500	\$500

Applicant	Details	Amount Requested	Proposed Assistance
Astronomy Benalla	The Astronomy Club is seeking funding to purchase battery, carry bag and other small equipment. The purchase of the battery and carry bag will address health and safety issues and allow the club to safely host events without power leads running along the ground in the dark as well as move heavy equipment safely. The reduced amount of proposed assistance is due to part of the application being ineligible. The Club had requested \$100 to cover the price rise in equipment to be purchased as part of their successful 2023 Community Grant.	\$500	\$400
Goorambat Public Hall Reserve Committee of Management Incorporated	The Committee is seeking funding for a Multifunction Colour Laser Printer that can print, scan and copy. The device is used by the committee for their documents and meetings and be available for any community printing that needs completing. The previous device is no longer in working order.	\$448	\$448
Total		\$1,948	\$1,848

COUNCIL PLAN 2021-2025 IMPLICATIONS

Community

- *A healthy, Safe and resilient community.*
- *A connected, involved and inclusive community.*

Leadership

- *Engaged and informed community.*

COMMUNITY ENGAGEMENT

In accordance with the Council's *Community Engagement Policy*, it is proposed that community engagement be undertaken at the 'Inform' level under the International Association for Public Participation's IAP2 public participation spectrum.

Level of Public Participation	Promise to the community	Techniques to be used
Inform	We will provide information	<ul style="list-style-type: none"> ▪ Promotion of program via media, website and social media. ▪ Program presented in public reports to the Council. ▪ Outcomes advised directly to applicants. ▪ Outcomes detailed in Annual Report.

FINANCIAL IMPLICATIONS

The *2022/23 Budget* allocates \$15,000 to the Quick Response Grant program. To date, \$13,730 in Quick Response Grant funding has been allocated.

To ensure transparency and accountability, where assistance is provided in meeting the cost of Council facility hire, the payment is reflected in relevant ledger accounts via an internal transaction.

For example, if the Council agrees to meet the hire cost of the Benalla Town Hall a credit would be made to the Town Hall income ledger account and a debit made to the Annual Grant Program expense ledger account.

In addition, recipients of support throughout the financial year are detailed in the Annual Report.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflicts of interest in this matter.

Recommendation:

- 1. That \$500 grant from the 2022/2023 Quick Response Grant program be allocated to Lurg Hall and Reserve Committee of Management and Warrenbayne Recreation Reserve Committee Inc.**
- 2. That a \$400 grant from the 2022/2023 Quick Response Grant program be allocated to Astronomy Benalla.**
- 3. That a \$448 grant from the 2022/2023 Quick Response Grant program be allocated to Goorambat Public Hall Reserve Committee of Management Incorporated.**

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4.8 Mayor and Councillor's Attendance at Committees and Civic Functions

SF/808-08

Tracey Beaton - Executive Coordinator

The Mayor and Councillors, listed in alphabetical order, attended meetings and events as detailed below during the period from 15 May 2023 to 18 June 2023.

Councillor Danny Claridge	
16 May	Benalla Family Research Group Meeting
	Former Benalla Migrant Camp Conservation Management Plan Implementation Steering Committee Meeting
17 May	Councillor Only Time
	Assembly of Councillors – Business Review
18 May	National Volunteer Week Morning Tea
	Municipal Association of Victoria Members Briefing - Council Safety and Security
	Royal Historical Society of Victoria's Latest Research - Ned Kelly "a new lens"
19 May	Municipal Association of Victoria – State Council Meeting
23 May	Benalla Indoor Recreation Centre - 15 million in funding announced by State Member for Northern Victoria Jaclyn Symes
24 May	Councillor Only Time
	Benalla Family Research Group - Annual General Meeting
	Additional Finance and Planning Committee Meeting
	Council Meeting
25 May	Benalla Sustainable Futures Group - Annual General Meeting
26 May	Environmental Markets and Climate Resilience In The Goulburn Broken Region
	Reconciliation Week Morning Tea
5 June	Benalla Project – RESPOND Community Meeting
7 June	Councillor Only Time
	Communications Advisory Committee
	Benalla Historical Society Committee Meeting
	Assembly of Councillors – Business Review
13 June	Benalla Art Gallery Committee Meeting
14 June	Councillor Only Time
	Finance and Planning Committee Meeting
15 June	Climate and Environment Strategy Workshop at Baddaginnie

Councillor Peter Davis	
17 May	Councillor Only Time
	Assembly of Councillors – Business Review
18 May	National Volunteer Week Morning Tea
23 May	Benalla Indoor Recreation Centre - 15 million in funding announced by State Member for Northern Victoria Jaclyn Symes
24 May	Councillor Only Time
	Additional Finance and Planning Committee Meeting
	Council Meeting
7 June	Councillor Only Time
	Communications Advisory Committee
	Assembly of Councillors – Business Review
13 June	Benalla Art Gallery Foundation Meeting
14 June	Councillor Only Time
	Finance and Planning Committee Meeting

Councillor Don Firth	
17 May	Councillor Only Time
	Assembly of Councillors – Business Review
23 May	Benalla Indoor Recreation Centre - 15 million in funding announced by State Member for Northern Victoria Jaclyn Symes
24 May	Councillor Only Time
	Additional Finance and Planning Committee Meeting
	Council Meeting
5 June	Benalla Project – RESPOND Community Meeting
7 June	Councillor Only Time
	Assembly of Councillors – Business Review
14 June	Tourism North East Forum - Accessibility and Inclusivity in Victoria's High Country
	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
	Finance and Planning Committee Meeting
15 June	Climate and Environment Strategy Workshop at Baddaginnie

Councillor Punarji Hewa Gunaratne	
17 May	Assembly of Councillors – Business Review
24 May	Additional Finance and Planning Committee Meeting
	Council Meeting
7 June	Assembly of Councillors – Business Review
14 June	Finance and Planning Committee Meeting
15 June	Lions Club of Benalla 66th Changeover Dinner

Mayor Councillor Bernie Hearn	
17 May	Councillor Only Time
17-20 May	Australian Local Government Women's Association 2023 National Conference
23 May	Interview with the Border Mail
	Benalla Indoor Recreation Centre - 15 million in funding announced by State Member for Northern Victoria Jaclyn Symes
24 May	Interview with ABC Radio
	ALIA National Simultaneous Storytime
	Councillor Only Time
	Additional Finance and Planning Committee Meeting
	Council Meeting
25 May	Homelessness Discussion Meeting
26 May	Environmental Markets and Climate Resilience In The Goulburn Broken Region
29 May	Reconciliation Week Morning Tea
31 May	Municipal Emergency Management Planning Committee Meeting
1 June	Rotary Dinner
5 June	State Mental Health and Wellbeing Promotion Adviser Online Meeting
	Benalla Local Safety and Traffic Liaison Committee Meeting
	Benalla Project – RESPOND Community Meeting
6 June	Accessibility Reference Group Meeting
	Indi Cultural Policy Roundtable Meeting
7 June	Councillor Only Time
	Communications Advisory Committee
	Assembly of Councillors – Business Review
8 June	Tomorrow Today 2023 Grants Presentation
	FCJ College - Let's Find Our Voice Concert
14 June	Tourism North East Forum - Accessibility and Inclusivity in Victoria's High Country
	Councillor Only Time
	Finance and Planning Committee Meeting
15 June	ABC Radio Interview
	Climate and Environment Strategy Workshop at Baddaginnie
	Lions Club of Benalla 66th Changeover Dinner
16 June	Benalla Health's - Morrie Evans Wing, 45th Birthday Celebration
	Benalla Theatre Company - 'The Drowsy Chaperone'

Councillor Justin King	
17 May	Councillor Only Time
	Assembly of Councillors – Business Review

Councillor Justin King	
18 May	National Volunteer Week Morning Tea
19 May	Benalla Art Gallery Launch - Exhibition Celebration: Eamon O'Toole – Hot Lap
24 May	Councillor Only Time
	Additional Finance and Planning Committee Meeting
	Council Meeting
29 May	Reconciliation Week Morning Tea
	Churchill Reserve Committee of Management Meeting
1 June	Rotary Dinner
14 June	Councillor Only Time
	Benalla Festival Advisory Committee Meeting
	Finance and Planning Committee Meeting
15 June	Climate and Environment Strategy Workshop at Baddaginnie

Councillor Gail O'Brien	
17 May	Councillor Only Time
17-20 May	Australian Local Government Women's Association 2023 National Conference
23 May	Benalla Indoor Recreation Centre - 15 million in funding announced by State Member for Northern Victoria Jaclyn Symes
24 May	Councillor Only Time
	Additional Finance and Planning Committee Meeting
	Council Meeting
25 May	Benalla Sustainable Futures Group: Annual General Meeting
26 May	Environmental Markets and Climate Resilience In The Goulburn Broken Region
29 May	Reconciliation Week Morning Tea
5 June	Benalla Health and Wellbeing Partnership Meeting
	Benalla Project – RESPOND Community Meeting
6 June	Accessibility Reference Group Meeting
	Forum with MP Susan Templeton, Special Envoy to the Federal Minister of the Arts regarding the Federal Governments "Revive" project
7 June	Councillor Only Time
	Assembly of Councillors – Business Review
8 June	FCJ College - Let's Find Our Voice Concert
14 June	Finance and Planning Committee Meeting

Recommendation:**That the report be noted.**

4.9 Council Actions Pending

Council Actions Pending are detailed in **Appendix 1**.

Recommendation:

That the report be noted.

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Council Actions Pending

Action No.	Meeting Name	Item	Action	Officer	Status/notes
1.	F&P Committee 14-June-23	5	Urgent Business That the Finance and Planning Committee, acting under its delegated authority of the Council, resolve: That the Council Meeting to be held on Wednesday 28 June 2023 at 5.30pm be held solely as a face-to-face meeting in accordance with section 3.3.6 of Governance Rules 2020.	CEO	Completed
2.	F&P Committee 14-June-23	4	2022/2023 Quick Response Grants That a \$500 grant from the 2022/2023 Quick Response Grant program be allocated to Goorambat and District Community Group.	MC	Completed
3.	F&P Committee 14-June-23	2	Proposed Discontinuance of Roads at Flynn's Road and Lee Road Railway Crossings, Winton North That Council, acting under clause 3 of Schedule 10 of the <i>Local Government Act 1989</i> (Act): 1. Having following all the required statutory procedures pursuant to sections 207A and 223 of the Act, and being of the opinion that the government roads at Flynn's Road and Lee Road railway crossings, Winton North, being the land shown highlighted red on the locality plan attached to this report as Appendix 1 (Roads), are not reasonably required for public use for the reasons set out in this report, resolves that the Roads be discontinued. 2. Directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the Victoria Government Gazette. 3. Directs that any public rights or interests required to be created or saved over the Roads by any authority be done so and not be affected by the discontinuance of the Roads.	MAI	1. Completed 2. In progress 3. Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
4.	Council Meeting 24-May-23	4.11	Benalla Sports and Equestrian Reserve Committee In exercise of the powers conferred by s 63 of the Local Government Act 2020 (the Act), the Council resolves that: <ol style="list-style-type: none"> 1. That the Benalla Sports and Equestrian Reserve Committee be established as a Community Asset Committee. 2. The purposes of the Community Asset Committee are those set out in the Instrument of Sub-Delegation from the Chief Executive Officer to Community Asset Committees. 3. The members of the Community Asset Committee be delegated the powers, duties and functions set out in the Instrument of Sub-Delegation from the Chief Executive Officer to Community Asset Committees: <ol style="list-style-type: none"> a. upon the signing of the Instrument; and b. remains in force until the Council determines to vary or revoke it. 4. The powers, duties and functions conferred on the members of the Community Asset Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt. 5. The instrument be signed by the Chief Executive Officer and the Mayor. 	CEO	1. Completed 2. Completed 3. Completed 4. Completed 5. Completed
5.	Council Meeting 24-May-23	4.10	Related Party Disclosure Policy Review <ol style="list-style-type: none"> 1. That the Related Party Disclosure Policy be adopted. 2. That the Related Party Disclosure Policy be reviewed in May 2027. 	GMC	1. Completed 2. Policy to be reviewed in May 2027.
6.	Council Meeting 24-May-23	4.7	2022/23 Quick Response Grant Program <ol style="list-style-type: none"> 1. That \$500 grants from the 2022/2023 Quick Response Grant program be allocated to Benalla P-12 College and U3A Benalla. 2. That a \$230 grant from the 2022/2023 Quick Response Grant program be allocated to Benalla Migrants Association Inc. 	MC	1. Completed 2. Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
7.	Council Meeting 24-May-23	4.5	Social Media Policy Review 1. That the <i>Social Media Policy</i> be adopted. 2. That the <i>Social Media Policy</i> be reviewed in May 2027.	MEDAS	1. Completed 2. Policy to be reviewed in May 2027.
8.	Council Meeting 24-May-23	4.4	Media Policy Review 1. That the <i>Media Policy</i> be adopted. 2. That the <i>Media Policy</i> be reviewed in May 2027.	MEDAS	1. Completed 2. Policy to be reviewed in May 2027.
9.	Council Meeting 24-May-23	4.3	Establishment of the Benalla Street Art Advisory Committee 1. That the <i>Benalla Street Art Advisory Committee</i> be established. 2. That the <i>Benalla Street Art Advisory Committee Terms of Reference</i> be adopted. 3. That Cr Firth and Cr O'Brien be appointed as the councillor representatives on the <i>Benalla Street Art Advisory Committee</i> for the 2022/23 Council year. 4. That an expression of interest process be undertaken to obtain representatives from key stakeholder groups and community representatives to join the <i>Benalla Street Art Advisory Committee</i> .	MEDAS	1. Completed 2. Completed 3. Completed 4. In progress
10.	Council Meeting 24-May-23	4.2	Arthur Baird Memorial Sculpture 1. That the Arthur Baird Memorial Sculpture project be approved. 2. That the Arthur Baird Memorial Sculpture be located in the car park of the Sir Edward 'Weary' Dunlop Learning Centre as proposed in the community engagement program.	MEDAS	1. Completed 2. Project in progress
11.	F&P Committee 10-May-23	5	Assets and Infrastructure Department Activity Report For The Quarter Ended 31 March 2023 1. That the report be noted. 2. That the proposed <i>Additional Commercial Customer Access Card</i> and <i>Replacement Commercial Access Card</i> fees of \$30 be placed on public exhibition for a period for at least 28 days.	MAI	1. Completed 2. In progress

Action No.	Meeting Name	Item	Action	Officer	Status/notes
12.	Council Meeting 19-Apr-23	4.4	<i>Climate Change Adaptation Action Plan 2013-2025 and the Environment Strategy 2016-2020 Review</i> <ol style="list-style-type: none"> That the report be noted. That a draft <i>Benalla Rural City Council Climate and Environment Strategy</i> be developed. That the <i>Benalla Rural City Council Climate and Environment Strategy Communications and Stakeholder Engagement Plan</i> be endorsed. 	MEDAS	<ol style="list-style-type: none"> Completed In progress Completed
13.	Council Meeting 19-Apr-23	4.3	Proposed Discontinuance of Roads at Flynns Road and Lee Road Railway Crossings, Winton North <p>That the Chief Executive Officer, acting under clause 3 of Schedule 10 of the <i>Local Government Act 1989</i> (Act):</p> <ol style="list-style-type: none"> Directs that the required statutory procedures be commenced to discontinue the government roads located at the Flynns Road and Lee Road railway crossings, Winton North. Directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the <i>Benalla Ensign</i>. Gives public notice required to be given under sections 207A and 223 of the Act should state that if the Roads are discontinued, the Roads will vest in the Crown. That the Finance and Planning Committee consider any submissions received pursuant to section 223 of the Act at its meeting on 24 May 2023. 	MAI	<ol style="list-style-type: none"> Completed Completed Completed Completed. Report presented to F&P Committee on 14 June 2023.

Action No.	Meeting Name	Item	Action	Officer	Status/notes
14.	Council Meeting 19-Apr-23	4.2	Proposed 2023/2024 Budget <ol style="list-style-type: none"> 1. That the proposed <i>2023/24 Budget</i> be endorsed for public exhibition for a period of at least 28 days from 20 April 2023. 2. That submissions relating to the proposed <i>2023/24 Budget</i> be heard at a meeting of the Finance and Planning Committee on 24 May 2023. 3. That the Council consider submissions relating to the proposed <i>2023/24 Budget</i> at a Council meeting on 14 June 2023. 4. That the Council consider the adoption of the <i>2023/24 Budget</i> at a meeting of the Council on Wednesday 28 June 2023. 	MF	<ol style="list-style-type: none"> 1. Completed 2. Completed 3. Completed 4. Completed
15.	Council Meeting 15-Mar-23	4.3	Arthur Baird Memorial Sculpture That the proposed Arthur Baird Memorial sculpture be endorsed for public exhibition for a period of at least 28 days.	MEDAS	Completed
16.	Council Meeting 15-Mar-23	4.2	Proposed Tesla Carpark Lease <ol style="list-style-type: none"> 1. That submissions be received. 2. That in-principle support be given to the installation of an electric vehicle supercharger in the carpark at the rear of 49-59 Smythe Street, Benalla. 3. That licence agreement negotiations be finalised with Tesla Motors Australia Pty Ltd for the use and occupancy of land at the rear of 49-59 Smythe Street, Benalla. 4. That a report on licence agreement negotiations be presented to the Finance and Planning Committee meeting on 5 April 2023. 5. That submitters be advised of the Council's decision. 	MEDAS	<ol style="list-style-type: none"> 1. Completed 2. Completed 3. Completed 4. Negotiations are continuing. Report expected in August 2023. 5. Completed

Action No.	Meeting Name	Item	Action	Officer	Status/notes
17.	F&P Committee 1-Mar-23	3	Planning Scheme Review Amendment – Benalla Planning Scheme Review That Council resolves to: <ol style="list-style-type: none"> 1. Note and forward the <i>Benalla Planning Scheme Review 2022</i> to the Minister for Planning in accordance with Section 12B (5) of the <i>Planning and Environment Act 1987</i>. 2. Seek assistance from Regional Planning Hubs to prepare and exhibit a planning scheme amendment to implement the <i>Benalla Planning Scheme Review 2022</i>. 	MD	1. Completed 2. In progress
18.	F&O Committee 27-Jul-22	2.	Presentation: Benalla Centrelink Campaign <ol style="list-style-type: none"> 1. That the Council reach out to Centrelink to send a representative to present to the Council. 2. That the Council continue to advocate to the Federal Government for the re-opening of the Benalla Centrelink and National Disability Insurance Agency (NDIA) offices. 	CEO	1. In progress 2. Meeting held with Minister for NDIS and Minister for Government Services Hon Bill Shorten MP. Continuing to advocate.
19.	F&O Committee 15-Jun-22	9.	Financial Hardship Policy Review <ol style="list-style-type: none"> 1. That the <i>Financial Hardship Policy</i> be adopted. 2. That the <i>Financial Hardship Policy</i> be reviewed once the <i>Local Government legislation Amendment (Rating Reform and Other Matters) Bill 2022</i> becomes legislation. 	MF	1. Completed 2. Legislation has been passed. A report will be presented once further clarification has been received.

5. Reports by Councillors

Recommendation:

That the report(s) be noted.

6. Notices of Motion

7. Notices of Rescission Motion

8. Urgent Business

Business can only be admitted as urgent business by resolution of the council, and only then if it:

- relates to or arises out of a matter which has arisen since distribution of the agenda; and
- cannot be deferred until the next Council Meeting without having a negative impact on the Council, the municipality or the local community; and
- cannot be addressed through the Customer Request Management System.

A Councillor proposing that a matter be admitted as urgent business must lodge it in writing with the Chief Executive Officer by 4pm on the day of the meeting.

The Chief Executive Officer will advise the Mayor of any matter that the Chief Executive Officer determines appropriate for the Council to consider admitting as urgent business.

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Confidential Business

It is proposed that the following items be considered in confidential business pursuant to the *Local Government Act 2020* as they contain personal information or private commercial information that would result in the unreasonable disclosure of information about a person, their personal affairs or expose the business, commercial or financial undertaking if released:

- 9.1 Appointment of Committee Members for the Benalla Street Art Advisory Committee
- 9.2 Sale of Land at Enterprise Park, Benalla
- 9.3 Confidential Reports by Councillors
- 9.4 Confidential Council Actions Pending

Recommendation:

That the meeting be closed to the public for the consideration of the confidential business item noted above pursuant to Sections 3(1) and Section 66(2)(a) of the *Local Government Act 2020*.

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10. Reopening of the meeting to the public

Recommendation:

That the meeting be reopened to the public.

Closure of the meeting