



MINUTES OF THE ORDINARY COUNCIL MEETING OF THE HINDMARSH SHIRE COUNCIL HELD AT THE COUNCIL CHAMBER, NHILL ON WEDNESDAY 1 FEBUARY 2017, COMMENCING AT 3.00PM.

AGENDA

1. Acknowledgement of the Indigenous Community and Opening Prayer

2. Apologies

3. Confirmation of Minutes

4. Declaration of Interests

5. Public Question Time

6. Correspondence

7. Assembly of Councillors

7.1 Record of Assembly

8. Planning Permit Reports

8.1 Application for planning permit 1545-16

9. Reports Requiring a Decision

9.1 Chief Executive Officer

9.1.1 Council Plan 2013-2017 (Revised and Adopted 15 June 2016) Strategic Activities Progress Report

9.2 Director Corporate and Community Services

9.2.1 Review of Councillor & Mayoral Allowances

9.2.2 Procurement Policy Review

9.2.3 Review of Instruments of Delegation by Council

9.3 Director Infrastructure Services

9.3.1 Road Management Plan and Road Hierarchy Review

10. Special Committees

No report

11. Late Reports

No report

12. Other Business

No report

13. Confidential Matters

No report

14. Meeting Close

Present: Crs. D. Nelson (Mayor), R. Lowe (Deputy Mayor), D. Colbert, T. Schneider, R. Gersch, R. Ismay

In Attendance:

Greg Wood, (Chief Executive Officer), Ms. Anne Champness (Director Corporate and Community Services), Miss Taegan Salt (Executive Assistant).

Apology:

Mr. Adrian Gasperoni (Director Infrastructure Services)

1. ACKNOWLEDGEMENT OF THE INDIGENOUS COMMUNITY AND OPENING PRAYER

Cr Nelson opened the meeting at 3:00pm by acknowledging the Indigenous Community and offering the opening prayer.

2. APOLOGIES

Nil

3. CONFIRMATION OF MINUTES

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on Wednesday 21 December 2016 in the Council Chamber, Nhill as circulated to Councillors be taken as read and confirmed.

MOVED: CRS R. Lowe/R. Gersch

That the Minutes of the Ordinary Council Meeting held on Wednesday 21 December 2016 in the Council Chamber, Nhill as circulated to Councillors be taken as read and confirmed.

CARRIED

Attachment: 1

4. DECLARATION BY COUNCILLORS OR OFFICERS OF ANY DIRECT OR INDIRECT INTEREST IN ANY ITEM ON THE AGENDA.

- Direct; or
- Indirect interest
 - a) by close association;
 - b) that is an indirect financial interest;
 - c) because of conflicting duties;
 - d) because of receipt of an applicable gift;
 - e) as a consequence of becoming an interested party; or
 - f) because of an impact on residential amenity.

Declaration of direct or indirect interest must also be advised by Councillors at the commencement of discussion of the specific item.

5. PUBLIC QUESTION TIME

6. CORRESPONDENCE

6.1 GENERAL CORRESPONDENCE

Responsible Officer: Chief Executive Officer
Attachment: 2

Introduction:

The following correspondence is tabled for noting by Councillors:

- 11/01/2017 from Andrew Broad MP
Request for funding to improve terrestrial digital television in Rainbow.
- 11/01/2017 to Andrew Broad MP
Request to attend a Council Briefing.

RECOMMENDATION:

That Council note and endorse the correspondence.

MOVED: CRS T. Schneider/R. Lowe

That Council note and endorse the correspondence.

CARRIED

7. ASSEMBLY OF COUNCILLORS

Responsible Officer: Director Corporate and Community Services
Attachment: 3

Introduction:

The attached Assembly of Councillors Record is presented as an attachment to the Council agenda for the information of Councillors and recorded at the Council meeting as required under s80A Local Government Act 1989.

Options:

1. That Council accept the Assembly of Councillors Records as presented.

RECOMMENDATION:

That Council accept the Assembly of Councillors Records as presented.

MOVED: CRS R. Gersch/D. Colbert

That Council accept the Assembly of Councillors Records as presented.

CARRIED

Attachment: 3

8. PLANNING PERMITS

8.1 APPLICATION FOR PLANNING PERMIT 1545-16

Responsible Officer:	Director Infrastructure Services
File:	Planning – Applications – 1545-16
Assessment:	100220
Attachment:	4
Applicant:	Country Fire Authority
Owner:	Country Fire Authority
Subject Land:	Lot 3, Section 2, LP 508 (124 Affleck Road, Lorquon)
Proposal:	Buildings and works associated with a Rural Fire Station
Zoning & Overlays:	Farming Zone No Overlays
Attachments:	Plan

Summary:

The CFA is undertaking a state-wide program to improve facilities at rural fire stations. This includes the provision of toilet and changing facilities. The Lorquon rural fire station currently lacks these facilities. The application seeks approval to install a prefabricated structure containing a single toilet and hand basin, combined change room facilities measuring 2.4m x 1.5m and 2.52m high. The structure will be positioned adjacent the west wall of the fire station. It will be connected to the electricity supply of the fire station building. The waste from the toilet will be directed to a septic tank system.

A Rural Fire station (which falls within the definition of an 'emergency services facility') is a Section 2 use under the Farming Zone and any 'buildings and works' associated with a Section 2 use require a planning permit. The proposal will not interfere with the existing layout of the site and has no external implications. Accordingly, there are no town planning concerns with the proposal.

The Hindmarsh Planning Scheme promotes improvements in community and emergency services. The proposal is consistent with these policy directives.

Notification & Referral of Application:

Pursuant to Sections 52 and 55 of the Planning and Environment Act 1987 (the Act), notice of the application can be given to the community and must be referred to stipulated authorities.

Community:

Pursuant to Section 52 of the Act, Council is required to give notice of this application to any person it considers the grant of the permit may cause material detriment. Notice of this application was not given to adjoining landowners because the Town Planner is satisfied that the grant of the permit would not cause material detriment to any person.

Authorities:

Pursuant to Section 52 of the Act, notice of this application was not sent to any authorities due to the nature of what is proposed.

Pursuant to Section 55 of the Act, notice of this application was not required to be sent to any

agencies.

Strategic, Statutory and Procedural Requirements:

The proposal is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

Report to Council:

The Town Planner advises that all obligations of Council (strategic, statutory and procedural) have been addressed and discharged in this planning application.

Processing Times:

The application was received on the 24 November 2016 with fees paid on the 9 December 2016. The report is being presented to the Council meeting of 1 February 2017. The statutory processing time requirements of the Planning and Environment Act 1987 have been satisfied.

Conflict of Interest:

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

Officer Responsible – Adrian Gasperoni, Director Infrastructure Services

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

Author – Peter Jewell, Town Planner

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

RECOMMENDATION:

That Council approve Planning Application 1545-16 allowing a Planning Permit for buildings and works associated with a rural fire station at Lot 3, Section 2, LP 508 (124 Affleck Road, Lorquon). The Planning Permit shall be issued with the following conditions:

1. Endorsed Plan:

The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the consent of the Responsible Authority.

2. The waste water created must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

3. Permit Lapse/Extension:

The time for commencement of the development is within two years from the date of issue of the permit and the development works are to be completed within two years of the commencement of the permit. An extension of time of the development may be issued if application is made less than three months after the date on which the permit would have lapsed.

MOVED: CRS R. Lowe/T. Schneider

That Council approve Planning Application 1545-16 allowing a Planning Permit for

buildings and works associated with a rural fire station at Lot 3, Section 2, LP 508 (124 Affleck Road, Lorquon). The Planning Permit shall be issued with the following conditions:

1. Endorsed Plan:

The location and design of the development as shown on the endorsed plans shall not be altered or modified, whether or not in order to comply with any statute or statutory rule or local law or any other reason without the consent of the Responsible Authority.

2. The waste water created must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

3. Permit Lapse/Extension:

The time for commencement of the development is within two years from the date of issue of the permit and the development works are to be completed within two years of the commencement of the permit. An extension of time of the development may be issued if application is made less than three months after the date on which the permit would have lapsed.

CARRIED

Attachment: 4

9. REPORTS REQUIRING A DECISION

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 COUNCIL PLAN 2013-2017 (REVISED AND ADOPTED 15 JUNE 2016) STRATEGIC ACTIVITIES PROGRESS REPORT

Responsible Officer: Chief Executive Officer

Attachment: 5

Discussion to be held during the meeting regarding the status of the 2016/17 strategic actions in the revised Council Plan 2013-17.

RECOMMENDATION:

That Council note the report.

MOVED: CRS R. Gersch/T. Schneider

That Council suspend standing orders.

CARRIED

MOVED: CRS T. Schneider/R. Lowe

That Council resume standing orders.

CARRIED

MOVED: CRS T. Schneider/R. Ismay

That Council note the report.

CARRIED

Attachment 5

9.2 DIRECTOR CORPORATE & COMMUNITY SERVICES

9.2.1 REVIEW OF COUNCILLOR & MAYORAL ALLOWANCES

Responsible Officer: Director Corporate and Community Services

Introduction:

The purpose of this report is to review and determine the Mayoral and Councillor Allowances within the framework established by the Local Government Act 1989.

Discussion:

Councillors are democratically elected by the residents and ratepayers of the municipality. Once elected, councillors are required to carry out various roles and functions impartially, to the best of their ability, and in the best interests of the municipality. This includes providing community leadership and guidance, through attendance at various Council and community meetings, and setting the strategic direction for the municipality. In recognition of this, Councillors and the Mayor are entitled to receive an allowance.

The Victorian Government sets upper and lower limits for all allowances paid to Councillors and Mayors. For the purpose of these allowance limits, councils are divided into three categories based on the income and population of each council. Each council is required to determine the precise annual amount that will be paid to its Mayor and Councillors, within the limits of the categories set by the Government.

Section 74(1) of the Local Government Act 1989 requires that councils must review and determine the level of Mayoral and Councillor Allowances within six months after a general election or by the next 30 June, whichever is later. The allowance levels determined apply from the time of Council making a resolution after conducting a review of its allowances and remain in effect until the next election.

Allowance levels are subject to annual automatic adjustments that are announced in the Victorian Government Gazette by the Minister for Local Government. A council would only undertake another review of its allowance level during its term under the following circumstances:

- If the limits set by the Government for any of the categories were changed;
- If a council's category status was upgraded after an annual assessment found upward movements in its population and revenue figures that made it eligible for a higher category; or
- If a council made a successful submission to a Local Government Panel to have its category changed on the basis of an exceptional circumstances case.

The Minister for Local Government has approved an adjustment factor increase of 2.5% to the below Mayoral and Councillor allowances, effective 1 December 2016, under section 73B(4) of the Local Government Act 1989.

The relevant allowance range limits that apply to Hindmarsh Shire Council (as a Category 1 Shire) from 1 December 2016 (subject to an additional amount equivalent to the superannuation guarantee of 9.5 per cen.) are:

- An allowance paid to Councillors for performing their duties – minimum \$8,324, maximum \$19,834 (subject to any amendments by Order in Council).
- An allowance paid to the Mayor for performing his/her mayoral duties – maximum amount

\$59,257 (subject to any amendments by Order in Council).

Hindmarsh Shire Council, like many of its peers in Category 1, has historically opted for the maximum allowance.

In accordance with section 223 of the Local Government Act 1989, Council is required to consult with the community by giving 28 days' notice of its intention to set Councillor Allowances. Council must also consider any submissions that may be received.

At its meeting on 7 December 2016, Council resolved to;

- "1. Determine what allowance is to be paid to the Councillors and Mayor, noting that the range must be between \$8,324 and \$19,834 for Councillors and a Maximum of \$59,257 for the Mayor, plus an additional 9.5% being an amount equivalent to superannuation.*
- 2. Give notice under Section 74 and Section 223 of the Local Government Act 1989 of its intention to:*
 - (a) Fix the Councillor allowance at \$19,834 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance, equating to \$21,718 (exclusive of annual indexation).*
 - (b) Fix the Mayoral allowance at \$59,257 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance, equating to \$64,886 (exclusive of annual indexation).*
- 3. Authorise the Chief Executive Officer to carry out the administrative procedures necessary to enable the Council to carry out its functions under Section 223 of the Act in relation to the review of the Councillor Allowances and Mayoral Allowance.*
- 4. Consider, and if requested, hear any submission received in accordance with Section 223 of the Act at a meeting of the Council on a date to be determined."*

In accordance with the above resolution and Section 74 and Section 223 of the Local Government Act 1989, Council gave public notice of its intent in the Wimmera Mail Times on 19 December 2016.

Options

Council can choose to set the allowances within the range determined by Order in Council.

Link to Council Plan:

Strategic Objective 4.1: Long term financial sustainability

Financial Implications:

Council's 2016/17 Budget includes an allowance of \$60,547 for Mayoral Allowance and \$110,700 for Councillor Allowances.

Risk Management Implications:

No risk management implications arise.

Conflict of Interest:

Section 79C of the Act states that there are certain situations where a Councillor is taken to not have a conflict of interest.

"Section 79C(1) A Councillor is taken to not have a conflict of interest for the purposes of this Division if the matter only relates to –
(c) a decision in relation to the payment of allowances to the Mayor or Councillors under section 74 or 74C(2)"

Therefore Councillors are not required to declare a conflict of interest when considering and/or setting Councillor and Mayoral allowances.

Under section 80C of the LGA officers providing advice to Council must also disclose any interests, including the type of interest.

Author and Officer Responsible: Anne Champness, Director Corporate & Community Services

In providing this advice as the Author and Officer Responsible, I have no interests to disclose.

Communications Strategy:

Council must state the Councillor and Mayoral Allowances on its website and in its Annual Report.

RECOMMENDATION:

That Council, noting that no submissions in regards to Councillor or Mayoral allowances were received, determine to

- (a) Set the Councillor allowance at \$19,834 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance, equating to \$21,718 (exclusive of annual indexation).*
- (b) Set the Mayoral allowance at \$59,257 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance, equating to \$64,886 (exclusive of annual indexation).*

MOVED: CRS R. Gersch/R. Lowe

That Council, noting that no submissions in regards to Councillor or Mayoral allowances were received, determine to

- (a) Set the Councillor allowance at \$19,834 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance, equating to \$21,718 (exclusive of annual indexation).*
- (b) Set the Mayoral allowance at \$59,257 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance, equating to \$64,886 (exclusive of annual indexation).*

CARRIED

9.2.2 PROCUREMENT POLICY REVIEW

Responsible Officer: Director Corporate and Community Services

Attachment: 6

Introduction

Council's Procurement Policy is the key operational policy for tendering, quotations for and purchasing of good and services. The intent of the Procurement Policy is to achieve best value outcomes and ensure high standards of probity and accountability in Council's procurement of goods, services and works. It must be reviewed annually.

The current policy was adopted on 18 December 2013 and reviewed in July 2015 and May 2016. It is proposed that no changes be made to the Procurement Policy following its 2017 review.

Discussion

The *Local Government Act 1989* (the Act) section 186A requires Council to prepare, 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. Council must review the Procurement Policy annually and make it available for public inspection at Council offices and on its website.

The purpose of the Policy is to ensure that Council's procurement principles, policies, processes and procedures, achieve the following objectives:

1. Value for money, innovation and continuous improvement in the provision of services for the community;
2. A strategic approach to procurement planning, implementation and evaluation;
3. Enabling sustainable outcomes including economic, environmental and social sustainability;
4. Efficient and effective use of Council resources;
5. Utilising collaboration and partnership opportunities;
6. High standards of probity, transparency, accountability and risk management; and
7. Compliance with legislation, Council Plan objectives, Council policies and industry standards.

The scope of the procurement process commences with the need to procure a service or goods and continues through to the delivery of goods or completion of works and services. This Policy will apply to all purchases made on Council's behalf.

The 2013 review of Council's Procurement Policy was undertaken in partnership with the Wimmera Grampians group of councils' Wimmera Regional Procurement Excellence Network (WRPEN) and with reference to the Municipal Association of Victoria Model Procurement Policy (Updated) August 2011, and the DPCD Victorian Local Government Best Practice Procurement (LGBPP) Guidelines 2013.

The key change when Council adopted its new Procurement Policy in 2013 was in the requirement for quotations. Where the previous Procurement Policy described six different quotation methods, the revised clause 2.3.2.2 *Quotations* significantly simplified this to three methods. In 2015, a further review of the purchasing thresholds was undertaken, examining whether they had proven suitable or should be revised. As obtaining two quotes for purchases over \$5,001 had proven difficult due to the combination of comparatively remote communities and works often specialised and urgent in nature, the policy's values for quotations and the

number of quotations requested were adjusted. The policy was also adjusted to include public advertising of purchases with a value of \$100,001 to \$149,000/\$199,000.

In 2016, the Procurement Policy was again reviewed in line with the Local Government Act. No changes to the policy were made. In early 2017, another internal review of the Procurement Policy was undertaken. Officers recommend that no changes to the policy be made.

Link to Council Plan:

Strategy 4.1: Long-term financial sustainability.

Strategy 4.6: An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation.

Financial Implications

The Policy, and associated training, provides the processes to be followed when tendering for goods and services. The financial delegations indicate what staff can authorise and the approvals required for having recommendations accepted by Directors, CEO and Council.

Risk Management Implications

Purchases and payments are regularly reviewed by the Finance Team to ensure compliance with the policy.

Conflict of Interest:

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

Author and Officer Responsible – Anne Champness, Director Corporate & Community Services

In providing this advice as the Author and Officer Responsible, I have no disclosable interests in this report.

Communications Strategy:

The Procurement Policy is available to key suppliers. The document is also available on Council's website.

RECOMENDATION:

That, having reviewed its Procurement Policy, Council make no changes to the policy in its current form.

MOVED: CRS R. Ismay/R. Lowe

That, having reviewed its Procurement Policy, Council make no changes to the policy in its current form.

CARRIED

Attachment 6

9.2.3 REVIEW OF INSTRUMENTS OF DELEGATION BY COUNCIL

Responsible Officer: Director Corporate & Community Services

Attachment: 7, 8

Introduction

Section 98 of the *Local Government Act 1989* (the Act) empowers Councils to delegate various duties, functions and powers to Council staff.

There are two Instruments of Delegation made by Council:

- The general delegations to the Chief Executive Officer
- The delegation to specific staff relating to various items of legislation.

The Act requires that Council review delegations made by it to staff within 12 months of an election.

Discussion

The Act and a variety of other items of legislation make express provision for the appointment of delegates to act on behalf of councils. Delegation of powers is essential to enable day to day decisions to be made and for the effective operation of the organisation.

The Instrument of Delegation from Council to the Chief Executive Officer was made in October 2013. It is proposed that the instrument be amended to include a limitation on the Chief Executive Officer's delegation that they not take an action or do an act or thing which is required by law to be done by Council resolution. This change is not the result of legislative amendment, but is added to clarify the position that where something is required to be done by Council resolution, the CEO will not be able to exercise that power, duty or function under delegation. It is noted that in these circumstances, the CEO is able to take action to implement a decision made by Council resolution.

It is suggested the following item be inserted in the instrument:

5. *if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;*

The Instrument of Delegation from Council to Council staff has been updated to reflect a variety of legislative changes since the last amendment in October 2013.

Amendments to this Instrument include the following:

- New duties and powers in the *Cemeteries and Crematoria Act 2003*;
- Various changes and new duties and powers in the *Planning and Environment Act 1987*, some of which are the result of legislative amendment and others are to clarify the operation of a particular power, duty or function;
- Renaming of the *Rail Safety Act 2006* to the *Rail Safety (Local Operations) Act 2006*;
- Replacing of the *Planning and Environment Regulations 2005* by the *Planning and Environment Regulations 2015*;
- *Planning and Environment (Fees) Interim Regulations 2015* have been replaced with the *Planning and Environment (Fees) Regulations 2016*;
- Addition, for clarification, of the power to refuse to renew a registration, under regulation 13/(2) of the *Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010*;

- With respect to the *Food Act 1984*, the reference to some duties and functions under this Act has been removed, as it is considered unnecessary that these be directly delegated from Council to staff, pursuant to section 58A of the Act; and
- Insertion of comments in the “Conditions and Limitations” column for section 64 of the *Planning and Environment Act 1987*.
- Minor amendments in relation to provisions of the *Road Management Act 2004* relating to bus stopping points and infrastructure.

Options:

Council can approve the delegations outlined in the attached Instrument of Delegation to the Chief Executive Officer and Instrument of Delegation to members of Council staff, modify the delegations or consider other options, e.g. revoke all or some delegations.

Link to Council Plan

4.6 An organisation that takes its risk management responsibilities seriously and embeds a culture of risk management throughout the organisation

Financial Implications

Council subscribes to the Delegations and Authorisations service provided by Maddocks Lawyers, at a cost of \$2,500/year. The subscription ensures that Council is notified of any alterations to its delegations or authorisations required by changes in regulations.

Risk Management Implications

The use of the Maddocks service significantly reduces the potential risk of staff not being appropriately authorised in the exercise of various powers and functions.

Conflict of Interest

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

Author and Officer Responsible – Anne Champness, Director Corporate & Community Services

In providing this advice as the Author and Officer Responsible, I have no disclosable interests in this report.

Communications Strategy

Relevant staff will be provided with confirmation of the amendments to the Instruments of Delegation.

RECOMMENDATION:

That Council resolve as follows:

(A) DELEGATION TO CHIEF EXECUTIVE OFFICER

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that:

- 1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the***

attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.

- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument.*
- 3. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.*
- 4. The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
- 5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.*

(B) DELEGATION TO MEMBERS OF COUNCIL STAFF

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation Council resolves that

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

MOVED: CRS R. Gersch/T. Schneider

That Council resolve as follows:

(A) DELEGATION TO CHIEF EXECUTIVE OFFICER

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation, Council resolves that:

- 5. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.*
- 6. The instrument comes into force immediately the common seal of Council is affixed*

to the instrument.

- 7. On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.**
- 8. The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.**

(B) DELEGATION TO MEMBERS OF COUNCIL STAFF

In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of delegation Council resolves that

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

CARRIED

Attachment 7, 8

9.3 DIRECTOR OF INFRASTRUCTURE SERVICES

9.3.1 ROAD MANAGEMENT PLAN AND ROAD HIERARCHY REVIEW

Responsible Officer: Director Infrastructure Services

Attachment: 9, 10

Introduction:

In accordance with Section 54 (5) of the Road Management Act 2004, Hindmarsh Shire Council is required to conduct a review of its Road Management Plan at prescribed intervals. In line with the Road Management (General) Regulations 2016 each incoming municipal council must review its road management plan within the period of six months after each general election or by the next 30 June, whichever is later.

The purpose of the review, consistent with the role, functions and responsibilities of the Council as a road authority under the Act, is to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and the classes of road to which the Council's Road Management Plan applies are safe, efficient and appropriate for use by the community served by the Council.

The current Hindmarsh Shire Council Road Management Plan (RMP) and Road Hierarchy have been under review over a period spanning several years. The results of this process are now ready for endorsement so that they can be released for community consultation prior to adoption. Draft documents are attached to this report.

Discussion:

Community consultation regarding the Road Hierarchy and current RMP occurred in the period July through September 2015 when a series of Farmer Consultation Meetings were convened across the Shire. Over 200 farmers were involved and provided valuable feedback across a number of road related areas.

As a result of the consultation process a listing of proposed changes to the road hierarchy were made and have been incorporated into this draft. Once Council have accepted the draft RMP & Hierarchy further public consultation will be undertaken to ensure that stipulated levels of service are acceptable to the local community before final approval is sought.

The Road Hierarchy is a division of the road network into individual road classifications or types. This allows each classification to be managed in a pre-defined manner in keeping with the function of each road which is detailed in the Road Management Plan and appendices. The aim of the RMP & Hierarchy is to allow the Road Management System to be concise, understandable, easy to implement and easily communicated with all stakeholders.

This review seeks to improve the efficiency and functionality of the current road network, to provide a clearer more consistent definition of road classes, and subsequently to produce agreed service standards.

The most significant change is the introduction of inspection and defect criteria for the additional road hierarchy classification "6S" which covers more strategic earth roads. "6S" was a classification which was introduced as a direct result from the Farmer Consultation forums, and covers roads that are used by farmers as important connector roads and not just roads leading to individual farming properties.

Next steps:

Section 54 of the Road Management Act 2004 requires that upon amending a road management plan the road authority must give notice in the Government Gazette and in a local newspaper concerning the purpose and amendments to the road management plan, where a copy can be obtained or inspected, and advising that any person who is aggrieved by the proposed road management plan may make a submission on the proposed RMP. The road authority must allow at least 28 days after the notice as a public submission period.

Therefore notice of the Draft Road Management Plan will be advertised in the Herald Sun, plus additional notices in the Victorian Government Gazette and local newspapers as soon as practicable after the February Council meeting if endorsement is given.

Subsequently if no objections or comments are received the Council will be requested to formally adopt the Road Management Plan 2017 at its April 2017 meeting allowing notice of adoption of the Road Management Plan to then be formally gazetted in the Victorian Government Gazette and advertised in the Wimmera Mail Times.

Once the Road Management Plan and Road Hierarchy Review have been endorsed by Council, a process of public consultation can commence. This will include:-

- Presenting the proposal to the community,
- Gauging consensus and thereby minimising future rate payer discontent,
- Potential for fine tuning of the classification of some roads based on community feedback.

Community consultation will include farmer consultations, advertising and making documents and maps available at Customer Service Centres and on Council's Website for feedback over an extended period.

Public submissions can then be reviewed and the RMP and Hierarchy can be updated as required and formally adopted and formally gazetted.

Options:

Option One – Council may endorse the attached Road Management Plan and Road Hierarchy and begin the process of community consultation leading to adoption as required by the Road Management Act 2004.

Option Two – Council may decide not to amend the existing Road Management Plan and Road Hierarchy as contained in the 2009 documents and not be required to give notice under regulation 10 of the Road Management (General) Regulations 2016.

Link to Council Plan:

3.2: Well-maintained physical assets and infrastructure to meet community and organisational needs.

Financial Implications:

The Road Management Plan and Road Hierarchy Review by themselves have no direct impact on Council's budget. However the changes made will impact on Council's future budgets.

These documents set out the service standards for the Hindmarsh Shire Council Road network and changes made to the Plan will affect the Council's financial commitment to the maintenance, renewal and upgrade of road infrastructure into the future. The elevation of 6R earth roads to 6S strategic roads and 5R all weather gravel roads will increase Council's

maintenance expenses going forward. These changes endeavour to provide a balance between the transport needs of the local community and appropriate and affordable levels of service that Council is able to provide.

Risk Management Implications:

The review of the Road Management Plan and Road Hierarchy address risk across the municipal road network by placing roads of similar risk into urban and rural road classes which are then allocated corresponding levels of service and defect inspection regimes.

Conflict of Interest:

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

Officer Responsible – Adrian Gasperoni, Director Infrastructure Services

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

Author – Mike Coppins, Asset Manager

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

Communications Strategy:

Communication and community engagement are detailed under “Discussion” above.

RECOMMENDATION:

That Council endorse for public consultation the Road Management Plan (as required by Section 54(5) of the Road Management Act 2004) and Road Hierarchy classifications as set out in the attached documents and undertake community consultation as per the Act.

MOVED: CRS R. Ismay/R. Lowe

That Council endorse for public consultation the Road Management Plan (as required by Section 54(5) of the Road Management Act 2004) and Road Hierarchy classifications as set out in the attached documents and undertake community consultation as per the Act.

CARRIED

Attachment 9, 10

10. SPECIAL COMMITTEES

No report

11. LATE REPORTS

No report

12. OTHER BUSINESS

Cr. R Gersch declared a conflict of interest, indirect interest: c) because of conflicting duties; for item 12 – Wimmera Development Association.

Cr R. Gersch left the room at 3:46pm

MOVED: Cr. R. Lowe/R. Ismay

That Council endorse Cr R Gersch to be the community representative on Wimmera Development Association.

CARRIED

Cr. R Gersch returned at 3:47pm

13. CONFIDENTIAL REPORTS

In accordance with Section 89 (2) of the *Local Government Act* 1989, Council may close the meeting to the public if items to be discussed are deemed confidential, that is, if the items to be discussed relate to:

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

15. MEETING CLOSE

There being no further business, Cr Nelson declared the meeting closed at 3:48pm
