



Yarriambiack
SHIRE COUNCIL

Agenda

Ordinary Meeting of Council

22 May 2024

COUNCIL CHAMBERS

34 Lyle Street, Warracknabeal

MEETING OF COUNCIL TO COMMENCE AT 9.30AM

We acknowledge that the activities of Yarriambiack Shire Council are being held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people.

MEMBERS OF THE PUBLIC MAY VIEW THE MEETING VIRTUALLY VIA THE LIVESTREAM

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OUR VISION

A connected rural community who values its land and wellbeing.

We will achieve this vision through:

- ✓ Supporting agriculture
- ✓ Strengthening business and tourism
- ✓ Staying connected through infrastructure
- ✓ Being a supportive Council
- ✓ Looking after our communities
- ✓ Being environmentally friendly

CONTINUOUS IMPROVEMENT

We drive continuous and sustainable improvement in service provision, operational efficiency, and stakeholder relations to create a leading organisation.

LIVE STREAMING

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

1 WELCOME

2 STREAMING PREAMBLE

The Chief Executive Officer is to read this section as part of the Meeting Governance process.

This Open Council Meeting is to be streamed live, recorded and published online.

I give notice to anyone who is in the gallery, that they maybe recorded, and their image may be published online.

Anyone who submits a question as part of item 13 – Public Questions will have their name stated and recorded as part of the livestreaming and recording, which is published online.

The Mayor and/or the Chief Executive Officer have the discretion and authority at any time to direct the termination or interruption of livestreaming. Such direction will only be given in exceptional circumstances, where deemed relevant. Circumstances may include instances where the content of debate is considered misleading, defamatory, or potentially inappropriate to be published.

The stream will stop prior to the closed section of the meeting, and that will conclude the Meeting of Council, open to the public.

The public can view this livestream via Council's YouTube Channel, with the link available via Council's website. The recording of Council Meetings will be available for viewing until the next scheduled Council Meeting.

Should technical issues prevent the continuation of the stream, the meeting will be adjourned until the issue is resolved or the meeting will be postponed to another time and date in accordance with Council's meeting procedures and Governance Rules.

3 ACKNOWLEDGEMENT AND PRAYER

Mayor K Zanker to open the meeting at **9.30am** by acknowledging the Indigenous Community and offering the opening prayer.

3.1 ACKNOWLEDGING TRADITIONAL OWNERS OF THE LAND

'We acknowledge that the activities of Yarriambiack Shire Council are held under the traditional skies and in the waterways and lands of the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk people, and we pay respects to their Elders, past, present and emerging'.

3.2 PRAYER

Almighty God, without whom no Council can stand, nor anything prosper we ask that you be present and guide us in our deliberations today. We pray that we will be fair in our judgements and wise in our actions and that decisions will be made with goodwill and a clear conscience for the betterment and welfare of the people of Yarriambiack Shire.

Amen

4 PRESENT

| | | |
|------------|-----------------|--------------------|
| Mayor | Kylie Zanker | Warracknabeal Ward |
| Councillor | Andrew McLean | Hopetoun Ward |
| Councillor | Tom Hamilton | Dunmunkle Ward |
| Councillor | Graeme Massey | Warracknabeal Ward |
| Councillor | Chris Lehmann | Hopetoun Ward |
| Councillor | Corinne Heintze | Dunmunkle Ward |
| Councillor | Karly Kirk | Warracknabeal Ward |

| | | |
|-----------------|------------------|----------------------------------|
| Council Officer | Tammy Smith | Chief Executive Officer |
| Council Officer | Belinda Penny | Governance Officer |
| Council Officer | Rebecca Botheras | Sport and Recreation Coordinator |
| Council Officer | Tim Rose | Manager Community Health |
| Council Officer | Joel Turner | Manager Infrastructure and Works |

5 APOLOGIES

| Name / Role | Description of Leave / Absence |
|--|---------------------------------------|
| Council Officer, Chief Operating Officer Tony Caccaviello | On Leave |

6 CONFIRMATION OF MINUTES

6.1 MINUTES 24 APRIL 2024 – ORDINARY MEETING

Minutes of the Ordinary meeting of Council held on 24 April 2024 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Ordinary Meeting of Council held on 24 April 2024, as circulated be taken as read and confirmed.

6.2 MINUTES 24 APRIL 2024 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) meeting of Council held on 24 April 2024 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Closed (Confidential) Meeting of Council held on 24 April 2024, as circulated be taken as read and confirmed.

7 DECLARATION OF CONFLICT OF INTEREST

Pursuant to Division 2 – Conflict of Interest, of the *Local Government Act 2020* general and material conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting.

A Councillor who has declared a conflict of interest in respect of a matter must:

- a) Disclose the conflict of interest in the manner required by the Yarriambiack Shire Council Governance Rules.
- b) Exclude themselves from the decision-making process in relation to that matter, including any discussion or votes on the matter at any Council meeting or delegated committee, and any action in relation to the matter.

General conflict of interest is if a relevant person has an interest in a matter if an impartial, fair-minded person would consider that the person’s private interests could result in that person acting in a manner that is contrary to their public duty

- a) *Private interests* mean any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- b) *Public duty* means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person.

Material conflict of interest is if a relevant person has an interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter,

- a) The benefit or loss incurred may be directly or indirectly,
- OR
- b) In a pecuniary or non-pecuniary form.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

7.1 CONFLICT OF INTEREST DECLARED

| Conflict Declared by | Agenda Item | Reason - Explanation |
|----------------------|-------------|----------------------|
| | | |
| | | |

8 BUSINESS ARISING

8.1 BUSINESS ARISING FROM PREVIOUS MINUTES

As per ongoing and pending actions list, item 8.2

8.2 ONGOING AND PENDING ACTIONS

| Council Meeting | Recommendation Action | Action Taken |
|-------------------------------|--|---|
| 28 September 2022 | Council to undertake a recycling collection service survey in October 2023 | Task added to the Council Meeting and Forum Agenda Planner 2023. Survey is currently out for community consultation as part of the Master Environment Strategy development. This action is now deemed closed. |
| 25 October 2023 Item 15.4 | Stage two of the Community Engagement process that identifies specific hierarchy changes to roads and streets based on updated categories from the Stage 1 consultation process to be conducted in January 2024. | The final hierarchy consultation will commence in May 2024. |
| 22 November 2023 Item 15.4 | Lascelles Caravan Park endorsed. Lease to be enacted. | Lease is currently undertaking the review process, consulting with stakeholders. |
| 22 November 2023 Item 15.5 | Murtoa Caravan Park endorsed that Council Officers can apply to DEECA to sub-lease to Murtoa Progress Association. | Lease is awaiting Ministerial approval. |

9 PETITIONS

No petitions received.

10 CORRESPONDENCE

| Outgoing | | |
|----------|---------------------------------------|--|
| Date | Recipient | Details |
| 30/04/24 | Community Garden Committee | Letter outlining Council decision to support the Community Garden with the purchase of land via a \$15k donation |
| 30/04/24 | Hopetoun Community Garden | Letter in response to Fruit Fly concerns |
| 24/04/24 | The Hon. Minister Tim Pallas MP | Letter requesting funding support of Reclink Australia |
| 24/04/24 | The Hon. Minister Gayle Tierney | Letter inviting the Minister to open the Woomelang Affordable Housing Units |
| 22/04/24 | Mallee Catchment Management Authority | Letter endorsing the 2024/25 Seasonal Watering Proposal |
| 22/04/24 | ARTC | Letter advocating for the upgrade of the Maroona to Portland rail line |

| Incoming | | |
|----------|-------------------------|---|
| Date | Sender | Details |
| 17/04/24 | The Hon. Minister Shing | Letter of response in relation to the Recreational Water Security of Supply – Wimmera Mallee Pipeline |

11 SPECIAL COMMITTEES

11.1 AUDIT AND RISK COMMITTEE MEETING SCHEDULE

The proposed scheduled meeting program is as follows for the next 12 months for the Audit and Risk Committee:

| Date | Description |
|----------------------|------------------|
| Monday 15 April 2024 | Ordinary Meeting |
| Monday 15 July 2024 | Ordinary Meeting |
| September 2024 TBC | Special Meeting |
| October 2024 TBC | Ordinary Meeting |
| February 2025 TBC | Ordinary Meeting |

11.2 HOPETOUN SWIMMING POOL COMMUNITY ASSET COMMITTEE

The Hopetoun Swimming Pool Community Asset Committee meeting was held on 8 May 2024. Minutes from this meeting were received by the CEO in accordance with the Community Asset Committee Charter.

Recommended Motion:

That Councillors note the minutes of the Hopetoun Swimming Pool Community Asset Committee held 8 May 2024 have been received by the CEO.

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT

| Mayor Kylie Zanker – Warracknabeal Ward (April) | | |
|---|--|--|
| Date | Activity | Location |
| 24/04/24 | Beulah Community Consultation Budget 24/25 | Beulah |
| 25/04/24 | ANZAC day events | Sheep Hills, Brim, Warracknabeal |
| 26/04/24 | Mayor / CEO catch up | Warracknabeal |
| 26/04/24 | Hopetoun Presentation Ball official party | Hopetoun |
| 30/04/24 | Vic Grid Consultation | Warracknabeal |
| 01/05/24 | Beulah Post Office Budget Pop-up Session 24/25 | Beulah |
| 01/05/24 | Brim Budget Pop-up Session 24/25 | Brim |
| 02/05/24 | Hopetoun Community Consultation Budget 24/25 | Hopetoun |
| 03/05/24 | Mayor / CEO catch up | Warracknabeal |
| 03/05/24 | Warracknabeal ladies Probus Budget Consultation 24/25 | Warracknabeal |
| 04/05/24 | Invited to officially welcome and open the Lutheran Victoria Tasmania Convention | Warracknabeal |
| 06/05/24 | Combined Probus of Beulah and Hopetoun Consultation Budget 24/25 | Beulah |
| 07/05/24 | Townscape Annual General Meeting | Warracknabeal |
| 08/05/24 | Council Forum | Warracknabeal |
| 08/05/24 | Beulah Lions Club Budget Consultation 24/25 | Beulah |
| 09/05/24 | Quarterly Wimmera Regional mayor and CEO Meeting | Horsham |
| 09/05/24 | Bendigo Bank Housing Discussion | Online |
| 10/05/24 | Mayor / CEO catch up | Warracknabeal |
| 13/05/24 | Warracknabeal Senior Citizens Budget Consultation 24/25 | Warracknabeal |
| 13/05/24 | Rupanyup Community Consultation Budget 24/25 | Rupanyup |
| 14/05/24 | Warracknabeal Community Consultation Budget 24/25 | Warracknabeal |
| 16/05/24 | Lubeck Community Consultation Budget 24/25 | Lubeck |
| 17/05/24 | Municipal Association Victoria (MAV) State Council Meeting | Melbourne |

| Mayor Kylie Zanker – Warracknabeal Ward (April) | | |
|--|---|---------------|
| 20/05/24 | Patchewollock Senior Citizens Budget Consultation 24/25 | Patchewollock |
| 20/05/24 | Rupanyup Lions Club Budget consultation 24/25 | Rupanyup |
| 21/05/24 | Brim Lions Club Budget Consultation 24/25 | Brim |

12.2 COUNCILLOR ACTIVITY REPORTS

| Cr Andrew McLean – Hopetoun Ward (May) | | |
|---|---|-----------------|
| Date | Activity | Location |
| 25/04/24 | ANZAC day event | Woomelang |
| 26/04/24 | Hopetoun P-12 Presentation Ball | Hopetoun |
| 30/04/24 | Vic Grid Presentation | Warracknabeal |
| 02/05/24 | Hopetoun Community Consultation Budget 2024-25 | Hopetoun |
| 08/05/24 | Council Forum | Warracknabeal |
| 21/05/24 | Sunraysia Highway Improvement Committee Meeting | St Arnaud |

| Cr Tom Hamilton – Dunmunkle Ward (May) | | |
|---|--|-----------------|
| Date | Activity | Location |
| 03/05/24 | Rail Freight Meeting | Online |
| 08/05/24 | Council Forum | Warracknabeal |
| 13/05/24 | Rupanyup Community Consultation Budget 2024-25 | Rupanyup |

| Cr Graeme Massey – Warracknabeal Ward (May) | | |
|--|-----------------------|--|
| Date | Activity | Location |
| 25/04/24 | ANZAC day event | Sheep Hills, Brim, Warracknabeal |
| 30/04/24 | Vic Grid Presentation | Warracknabeal |
| 08/05/24 | Council Forum | Warracknabeal |

| Cr Chris Lehmann – Hopetoun Ward (May) | | |
|---|--|-----------------|
| Date | Activity | Location |
| 24/04/24 | Beulah Progress Association Annual General Meeting (AGM) | Beulah |
| 24/04/24 | Yaapeet Progress Association Meeting | Yaapeet |
| 25/04/24 | ANZAC day event | Hopetoun |
| 30/04/24 | Vic Grid Presentation | Warracknabeal |
| 08/05/24 | Hopetoun Swimming Pool Annual General Meeting (AGM) | Hopetoun |

| Cr Corinne Heintze – Dunmunkle Ward (May) | | |
|--|---|-----------------|
| Date | Activity | Location |
| 25/04/24 | ANZAC day event | Minyip |
| 30/04/24 | Vic Grid Presentation | Warracknabeal |
| 01/05/24 | Minyip Progress Association Meeting | Minyip |
| 08/05/24 | Council Forum | Warracknabeal |
| 13/05/24 | Minyip Memorial Hall Annual General Meeting (AGM) | Minyip |
| 16/05/24 | Lubeck Community Consultation Budget 2024-25 | Lubeck |

| Cr Karly Kirk – Warracknabeal Ward (May) | | |
|---|---|-----------------|
| Date | Activity | Location |
| 25/04/24 | ANZAC day event | Sheep Hills |
| 30/04/24 | Vic Grid Presentation | Warracknabeal |
| 01/05/24 | Brim Budget Pop-up Session 24/25 | Brim |
| 08/05/24 | Council Forum | Warracknabeal |
| 14/05/24 | Warracknabeal Community Consultation Budget 2024-25 | Warracknabeal |

12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT

| Tammy Smith (April) | | |
|---------------------|---|---------------|
| Date | Activity | Location |
| 24/04/24 | Beulah Community Consultation Budget 24/25 | Beulah |
| 26/04/24 | Mayor and CEO Meeting | Warracknabeal |
| 30/04/24 | Vic Grid Consultation Session | Warracknabeal |
| 01/05/24 | Beulah Post-Office Budget Pop-Up Session 24/25 | Beulah |
| 01/05/24 | Brim Budget Pop-Up Session 24/25 | Brim |
| 01/05/24 | Joint Local Government and State Government Online Briefing | Online |
| 02/05/24 | By Five Monthly Steering Committee Meeting | Online |
| 02/05/24 | Hopetoun Community Consultation Budget 24/25 | Hopetoun |
| 03/05/24 | Warracknabeal Ladies Probus Budget Consultation 24/25 | Warracknabeal |
| 03/05/24 | Mayor and CEO Meeting | Warracknabeal |
| 06/05/24 | Combined Probus of Beulah and Hopetoun Consultation Budget 24/25 | Beulah |
| 07/05/24 | Townscape Annual General Meeting | Warracknabeal |
| 08/05/24 | Council Forum | Warracknabeal |
| 08/05/24 | Beulah Lions Club Budget Consultation 24/25 | Beulah |
| 09/05/24 | Quarterly Wimmera Regional Mayor and CEO Meeting | Horsham |
| 09/05/24 | CEO's and WSMD Board Meeting Debrief | Horsham |
| 09/05/24 | Bendigo Bank Housing Discussion | Online |
| 09/05/24 | Rural Councils Victoria Executive Meeting | Online |
| 10/05/24 | Meeting Mentor | Melbourne |
| 10/05/24 | Mayor and CEO Meeting | Warracknabeal |
| 13/05/24 | MAV Webinar Submission to Commonwealth Financial Sustainability Inquiry | Online |
| 13/05/24 | Warracknabeal Senior Citizens Budget Consultation 24/25 | Warracknabeal |
| 13/05/24 | Rupanyup Community Consultation Budget 24/25 | Rupanyup |
| 14/05/24 | Warracknabeal Community Consultation Budget 24/25 | Warracknabeal |
| 14/05/24 | Warracknabeal Tourist Information Centre Meeting | Warracknabeal |
| 15/05/24 | Grampians, Wimmera Mallee Tourism Stakeholder Meeting | Horsham |
| 16/05/24 | Lubeck Community Consultation Budget 24/25 | Lubeck |

| Tammy Smith (April) | | |
|----------------------------|---|---------------|
| 20/05/24 | Patchewollock Senior Citizens Budget Consultation 24/25 | Patchewollock |
| 20/05/24 | Rupanyup Lions Club Budget Consultation 24/25 | Rupanyup |
| 21/05/24 | Brim Lions Club Budget Consultation 24/25 | Brim |

13 PUBLIC QUESTIONS

Division 8 – Public Question Time (Yarriambiack Shire Council Governance Rules)

Community Members (excluding Councillors) may submit a question to Council.

Questions must be submitted in writing, stating the name and address of the person submitting the question, on an approved or permitted form by Council. [Public Questions for Council – Yarriambiack Shire Council](#).

Questions must be submitted 24 hours prior to a Council Meeting.

The questions will be answered at a Council meeting by the Chief Executive Officer or a nominated Officer.

If questions are submitted less than 24 hours before the Council meeting, they will be answered at the meeting where possible, and if no answer can be given, then a written answer will be given to the person as soon as possible after the Council meeting.

No person can submit more than two questions at any Council meeting (unless permitted by the Chair – Mayor).

The question will not be allowed if:

- i. relates to a matter outside the duties, functions and powers of Council;
- ii. is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- iii. deals with a subject matter already answered;
- iv. is aimed at embarrassing a Councillor or an Officer;
- v. relates to a personnel matter; or
- vi. contains or refers or relates to Confidential Information.

Questions and answers must be as brief as possible, and no discussion is allowed other than for the purpose of clarification.

The Name of Person and Question will be read out by either the Mayor or Chief Executive Officer, and the nominated Officer is to respond.

13.1 QUESTIONS SUBMITTED

| | |
|--------------------|--------------|
| Name: | Town: |
| Question: | |
| Respondent: | |
| Response: | |

14 COUNCILLOR REPORTS

14.1 MAYORS REPORT

The CEO and I are currently undertaking a Budget Roadshow presenting a high-level draft budget for the fiscal year 2024-25, outlining key initiatives, priority projects, and anticipated challenges for the upcoming period. In addition to our advertised community sessions, we are also visiting Senior Citizens, Lions and Probus Clubs across the Shire. We thank the community for the warm welcome, and their genuine interest in our draft budget, priority projects and advocacy to date.

A snapshot of our Budget for the 24/25 year is outlined below:

Infrastructure Investment and Community Development:

In the absence of a further commitment of the Commonwealth Local Roads and Community Infrastructure Funding, we have accounted for a reduction in investment in roads and associated infrastructure in the 2024-25 financial year. However, we eagerly await confirmation of the financial value of additional funding from the Commonwealth Government's Roads to Recovery program, which is expected to support the delivery of our capital works program. As of now, no provisions for this additional funding have been included in the 2024-25 budget.

We are committed to advancing community development projects, including the construction of three affordable homes in Rupanyup, Warracknabeal, and Hopetoun in the next financial year. Additionally, Community Contributions will continue, with the council making financial contributions towards various community facilities and operations, including swimming pools, progress associations, recreation reserves, halls, and weir pool operations. We sincerely thank the community for being active volunteers and partners in service delivery. Without our volunteers, Council would be unable to offer the level of service currently being provided.

Property Valuations and Differential Rates:

Property valuations have continued to rise across residential, commercial, and rural sectors. Notably, there has been an overall increase in valuations for each class, with residential properties experiencing a 5.76% rise, commercial properties 5.87%, and rural properties 16.35%.

Following a thorough review, it is recommended that the farm differential rate be adjusted to 42c less of the rate in the dollar for the fiscal year 2024-25, aiming to alleviate the burden on our farming community. Yarriambiack Shire maintains a farm differential rate to ensure fairness in service funding, acknowledging the unique challenges and capacities of rural properties.

Waste Management and Sustainability:

The council proposes a 10% increase in waste charges for 2024-25, recognising the ongoing challenge of waste management in our Shire. Despite this increase, full cost recovery remains elusive, with a projected deficit of \$200k still forecast. Over the next year, we will focus on enhancing waste management practices, including the review and possible introduction of community and hard waste collection services in smaller towns and reviewing existing services to reduce costs and improve efficiency. We encourage residents to participate in the Master Environment Strategy survey that is currently open to the public. The survey will ensure our Strategy and Action Plan to effectively manage our waste and recycling is fit for purpose, representing our community needs.

Furthermore, we aim to introduce year-round free green waste services at our transfer stations and/or nominated collection points, promoting sustainability and community engagement in waste reduction efforts.

Key Initiatives, Priority Projects, and Advocacy:

We have identified several key initiatives and priority projects for 2024-25, including infrastructure funding applications, community recycling and waste hubs implementation, and attracting funding for various development projects and masterplans.

This includes seeking funding via the Regional Community Sports Infrastructure Funding for the redevelopment of the Murtoa Netball Courts and the Hopetoun Swimming Pool, and the Enabling Tourism Funding to facilitate the Hopetoun Former School site project to be shovel ready to secure future investment.

We also have several worker accommodation and housing initiative funding applications in the pipeline.

Additionally, our advocacy priorities for the upcoming financial year encompass housing, early childhood education and care, recognition of recreational water as a high-security asset, roads funding, retaining and enhancing rural health services, and addressing the significant cost burden of waste collection and disposal on rural councils.

Get Involved:

We encourage all residents to engage with the council by providing feedback on the draft budget and participating in community initiatives aimed at enhancing the liveability and sustainability of Yarriambiack Shire. The draft budget is now available for feedback and available for viewing on our website. Alternatively, a copy of the draft budget can be mailed out on request, via a request to the Customer Service Team. Feedback will close at 5pm, Friday 14 June 2024.

For further information and updates on council initiatives, residents are invited to sign up for our weekly Yarri Yarns newsletter.

15 REPORTS FOR DECISION

15.1 S5 INSTRUMENT OF DELEGATION TO CHIEF EXECUTIVE OFFICER

Prepared by Belinda Penny, Governance Officer

SUMMARY

To comply with the *Local Government Act 2020* and to support good governance and efficient business operations, Council may delegate specific power, duties or functions to the Chief Executive Officer or to Council Staff by way of an Instrument of Delegation.

This annual review includes updates to legislation and any organisational changes made since the previous review and update.

Recommended Motion:

In the exercise of the power conferred by s 11(1)(b) of the *Local Government Act 2020* (**the Act**), Yarriambiack Shire Council (**Council**) **RESOLVES THAT** –

1. There be delegated to the person holding the position, or 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 instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

ATTACHMENTS

[Attachment: S5 Instrument of Delegation to Chief Executive Officer](#)

DISCUSSION

In exercising the powers conferred by section 11(1) of the *Local Government Act 2020* and other legislation referred to in the attached instruments of delegation, Yarriambiack Shire Council delegates certain power, duties and functions to the Chief Executive Officer and Council Staff.

This enables for the effective day-to-day operations and administration of the Council and places conditions and limitations to ensure Council continues to make key strategic decisions.

Utilising the Maddocks lawyers subscription, Council has undertaken an annual review of the S5, Instrument of Delegation to the Chief Executive Officer.

An update to section 1.1 in the Schedule was required to ensure the Procurement Policy and Instrument of Delegation aligned.

Schedule 1.1 was updated to reflect that the Chief Executive Officer is not to enter a contract exceeding \$250,000.00 (excluding GST) as outlined in the Procurement Policy.

RELEVANT LAW

Section 11 of the *Local Government Act 2020* requires that a Council may Instrument delegate specific powers, duties or functions to the CEO.

COUNCIL PLANS AND POLICIES

Council Plan 2021 - 2025

Strategic Objective 4 – A Council Who Serves its Community

Good governance practices adopted in the review of the S5 Instrument of Delegation.

RELATED COUNCIL DECISIONS

Council Meeting:23 February 2022, S5 Instrument of Delegation to Chief Executive Officer

OPTIONS

- a) That Council does not approve the S.5 Instrument of Delegation bringing in to question the legality of decision making by the Chief Executive Officer.
- b) That Council approve the S.5 Instrument of Delegation with modified conditions and limitations.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

There has been no specific community engagement in relation to the S.5 Instrument of Delegation and the Instrument is the standard format with no recommended changes.

GENDER IMPACT ASSESSMENT

Not applicable

RISK

Utilising the Risk Management Framework the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|--|--|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | Review of the S5 Instrument of Delegation to Chief Executive Officer ensures Council is operating within an authorised legislative framework | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15.2 S6 INSTRUMENT OF DELEGATION TO MEMBERS OF COUNCIL STAFF

Prepared by Belinda Penny, Governance Officer

SUMMARY

As per the *Local Government Act 2020*, the S6 Delegation from Council to Members of Council Staff was reviewed and adopted on 26 April 2023.

As best practice the S6 Instrument of Delegation is reviewed annually to ensure consistency with legislative requirements.

Recommended Motion:

In the exercise of the powers conferred by the legislation referred to in the attached instrument of delegation, Yarriambiack Shire Council (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 *S6 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.
5. That the previous S.6 Instrument that was adopted 26 April 2023 be revoked.

ATTACHMENTS

[Attachment: S6 Instrument of Delegation to members of staff](#)

DISCUSSION

Council is conferred with the power to delegate certain powers, duties and functions directly to Council Staff.

This enables the effective day-to-day operations and administration of the Council and places conditions and limitations on provisions to ensure Council continues to make key strategic decisions.

Council has undertaken an annual review of its delegations and authorisations that aligns with the Maddocks review, and updates released. No major updates have been determined within the attached S6 Instrument of Delegation. However, two updates have been made as follows:

- Updated position name changes to reflect organisational structure.
- Updated the ability for planning applications be considered and approved, during Election Period only by the Manager Development and Environmental Services, where objections are received. This is to ensure decisions are not delayed.

RELEVANT LAW

This instrument can be used by a council to delegate to members of its staff those powers that are contained in legislation which have their own power of delegation (but no express power of sub-delegation). If it is intended that the CEO is also to exercise these powers, then the CEO must be named in this instrument as a delegate (notwithstanding any other delegation to the CEO).

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.
 Good governance practices adopted in the review of the S6 Instrument of Delegation.

RELATED COUNCIL DECISIONS

Council reviews Instruments of Delegations on a regular basis with the S.6 Instrument most recently updated on 26 April 2023.

OPTIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

- a) That Council does not approve the S.6 Instrument of Delegation bringing in to question the legality of decision making by Council Staff.
- b) That Council approve the S.6 Instrument of Delegation with additional modified conditions and limitations.

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

There has been no specific community engagement in relation to the S6 Instrument of Delegation and the Instrument is the standard format with no recommended changes.

GENDER IMPACT ASSESSMENT

Not required for this report.

RISK

Utilising the Risk Management Framework the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|---|--|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | Review of the S6 Instrument of Delegation ensure Council is operating within an authorised legislative framework. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15.3 HOLLANDS ROAD 2 UPGRADE

Prepared by Sudan Bhandari, Asset and Design Engineer

SUMMARY

This report considers a request for Council to upgrade a section of Hollands Road 2, from Centre Hill Road to the Property on the east. The proposed road section is currently classified as a Rural Access, RA5 – unformed road on a natural surface.

Recommended Motion:

That Council:

- a) Endorses the recommendation to upgrade the section of Hollands Road 2, from Centre Hill Road intersection to the existing property towards the east (2.32kms), to an all-weather access road, in accordance with Council's Road Management Plan and Road Hierarchy, which states that "*Council will endeavour to provide an all-weather access to all existing residential properties within the municipality, that are "primary place of residence". Such access will be provided from the nearest all-weather access road as determined by the Council Officer*".
- b) Endorse the inclusion of the upgrade of the section of Hollands Road 2 (as noted in point a) in the 24/25 Budget; and
- c) Endorse that Hollands Road 2, from Centre Hill Road intersection to the existing property (2.32kms) towards the east be reclassified to Rural Access Road (Primary) RA2 formation in accordance with Council's Road Management Plan and Road Hierarchy.

ATTACHMENTS

Attachment: letter received from property owner, along with rates notice (withheld)

Attachment item is confidential for the purpose of section 3(1) of the *Local Government Act 2020*.

1. Because it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f));

DISCUSSION

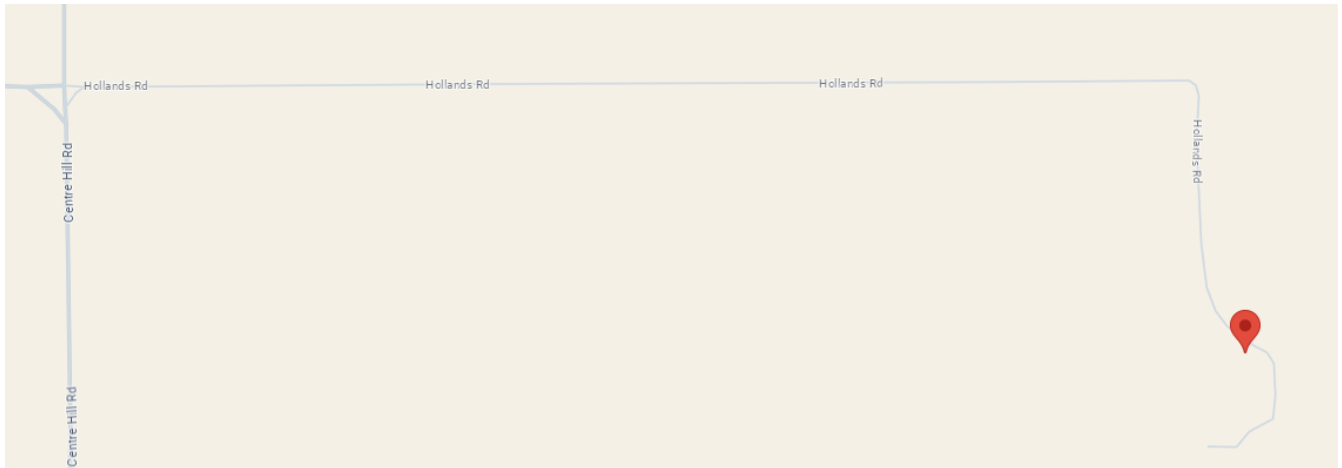
Background

Council received an email on 05 March 2024 requesting that 2.32 km of gravel be laid on Hollands Road 2 from Centre Hill Road intersection to the existing property towards the East.

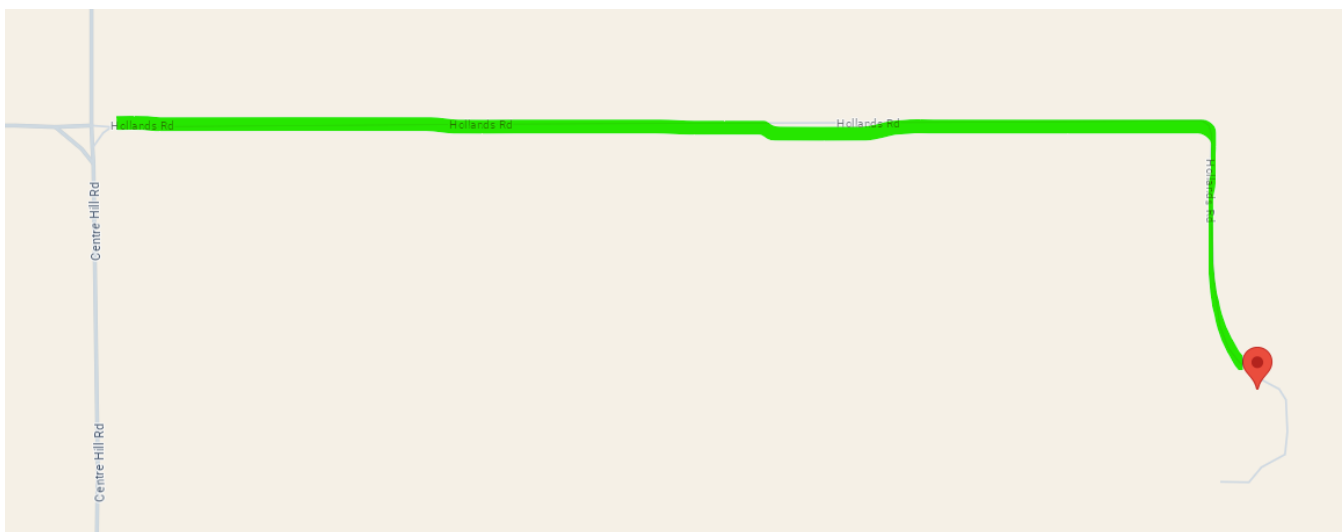
The issues outlined in the email received regarding the road were as follows:

- a) A family resides permanently at the property.
- b) The proposed section of Hollands Road 2 is unusable when wet and gets chopped up when dry. This restricts access in and out of the property.
- c) Hollands Road 2 is very sandy.
- d) If the section of Hollands Road 2 was gravelled, then the residents would have an all-weather access road to their property.
- e) Requires grading of Hollands Road 2 from the intersection of Centre Hill Road and Hollands Road 2 towards the property located on the East which is 2.32 km long.
- f) The road that has been requested to be upgraded is currently a dry-weather access road.

Map 1: Identifies the location of property along Hollands Road.



Map 2: Identifies the section of the road that has been requested to be upgraded



Request Assessment in Accordance with Councils Road Management Plan and Hierarchy

The request has been assessed against Council’s Road Management Plan and Hierarchy.

The property known as 452 Hollands Road, Lascelles has only one main residence, and is occupied by a family, being the property owners. It currently does not have all weather access to the property.

Under Council’s Road Hierarchy, the requested section of Hollands Road 2 is classified as a Rural Access Road (secondary) RA5, earth formation. This type of road can only be maintained to a higher standard in accordance with the Council’s Road Management Plan, Road Hierarchy, and Assets and Operations Guidelines.

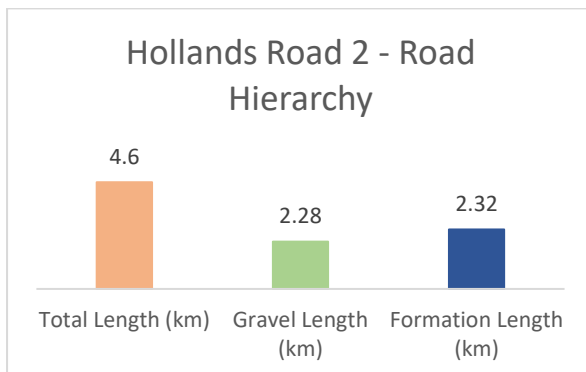
This property would have been classified as an RA5 in accordance with Section 5.15 of Council’s Road Management Plan, that identifies that access to farm properties and lands with unoccupied houses will be provided via earth formation which will, at a minimum, provide dry-weather access to those properties.

As the farm property and lands is now regarded as occupied, in accordance with Section 5.15 of Council’s Road Management Plan, *“Council will endeavour to provide an all-weather access to all existing residential properties within the municipality, that are “primary place of residence”. Such access will be provided form the nearest all-weather access road as determined by the Council Officer”*. It is recommended that Council upgrade the road to fulfil its obligations, as outlined in the Road Management Plan.

In addition, it is recommended that works be undertaken and that the section of road be reclassified to Rural Access Road (Primary) RA2 formation.

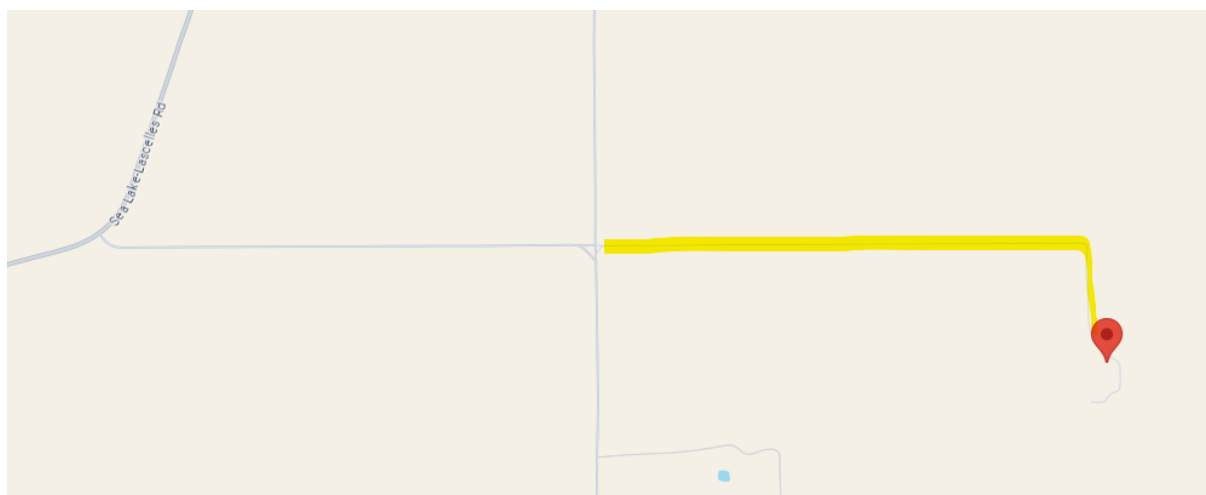
Scope of Works Required

Hollands Road 2 is 4.6 km in total, starting from Sea Lake Lascelles Road to the property at 452 Hollands Road.



The capital maintenance option of selecting the appropriate surface material (gravel), at the proposed section of Hollands Road 2 (East of Centre Hills Road for 2.32 kilometres), would improve the road pavement conditions, safety and allow the property owner to use the road in all-weather conditions.

Map 2: East of Centre Hills Road – 2.32kms that requires upgrading



To address this issue, the operations team would need to resheet the road and bring it up to an RA2 all-whether standard.

The cost to construct the proposed section 2320m in length by 4m wide, to a gravel surface, would be estimated at \$81,200 (1km would cost \$35,000).

Based on this assessment, Officers have included Hollands Road in the Draft Budget for the 24/25 Financial Year. However, Councillors could choose not to endorse this recommendation, and therefore Hollands Road would be removed from the draft budget document.

RELEVANT LAW

- *Local Government Act 2020*
- *Road Management Act 2004*

COUNCIL PLANS AND POLICIES

From the council plan 2021-25 strategic objective 1 applies to this decision.

Objective 1: A vibrant and diversified economy

- Maintaining a safe road network that reflects our communities' priorities including the movement of agricultural machinery.

- Road Management Plan
- Road Hierarchy
- Assets and Operations Guideline

RELATED COUNCIL DECISIONS

- 23 March 2022, Ordinary Meeting of Council. Item 14.2 Upgrade Sections of Nullan Road and Hemphills Road Nullan. Council endorsed the upgrade of the relevant segment and reclassification.
- 26 October 2022, Ordinary Meeting of Council. Item 15.2 Request to Upgrade Sections of Yarriambiack Drive and Coffeys Road. Council endorsed the upgrade of the relevant segment.
- 26 October 2022, Ordinary Meeting of Council. Item 15.3 Request to Upgrade Access to 158 Wathe Reserve Road Lascelles. Council endorsed the upgrade of the relevant segment and reclassification.

OPTIONS

Recommended options:

1. Council agrees to upgrade the section of Hollands Road 2 to an all-weather access road and re-categorize the road as Rural Access Road (Primary RA2).
2. Council asks for the landowners to contribute to pay all costs for the gravel surface and Council would program the works to be carried out in 2025-26. When the surface reaches the end of its life, the financial cost for renewal will be reviewed at that time. The road would stay as a Rural Access (Secondary) RA5-earthen road on the road Hierarchy, but the surface would be gravel.
3. Council asks for the landowners to contribute a percentage of all costs for the gravel surface and the Council would program the works to be carried out in 2024-25. When the surface reaches the end of its life, the financial cost for renewal would be reviewed at that time. The road would stay as a Rural Access (Secondary) RA5-earthen road on the road Hierarchy, but the surface would be gravel.
4. Refuse the request to upgrade and reclassify Hollands Road 2 but categorize the road as a Rural Access Road (Primary) RA3, increased grading frequency.

SUSTAINABILITY IMPLICATIONS

Social: Safety for road users and improved transport route to and from the primary farm.

Financial: This would need to be funded through the Council's 2024/25 Capital Works Program or maintenance expenditure which would require additional budget.

COMMUNITY ENGAGEMENT

Opportunities during road hierarchy consultation in 2022.

GENDER IMPACT ASSESSMENT

Not required for this report.

RISK

Utilising the Risk Management Framework, the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|--|--|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | Conformity with Road Management Plan, Road hierarchy, and Assets & Operations Guidelines | Maintains Residual Risk Level |
| Reputational Risk - Residual Risk Level Low | The road upgrade request is to be presented to the Council. | Maintains Residual Risk Level |
| Political Risk - Residual Risk Level Low | The report presented to the Council through a neutral lens with no biases. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15.4 ROAD REGISTER 2023-24

By: Vanessa Lantzakis, Acting Manager Assets

SUMMARY

Council's Roads Register document outlines the roads on which the Yarriambiack Shire Council has care and management responsibilities for.

Councils' road network is made up of all the roads in which they are responsible for. Each road is broken down to individual road segments to enable better asset management.

The road register document captures the road segments, segment lengths, the road hierarchy categories and whether the segment is sealed or unsealed, along with other specific detail.

Arterial roads are managed by Regional Roads Victoria (formerly VicRoads). Any roads that aren't listed in the Council's Roads Register, including tracks through Crown Land, are managed by other authorities such as the Department of Energy, Environment and Climate Action (DEECA)(formerly DELWP).

Recommended Motion:

That Council:

- a) Endorse the Road Register 2023-24 as attached to this report to comply with the requirements of the *Road Management Act 2004*; and
- b) Revoke any prior versions of the Road Register.

ATTACHMENTS

[Link: Road Management Plan 2022-2025 \(Website\)](#)

[Attachment: DRAFT Road Register for Local Roads and Streets](#)

DISCUSSION

In accordance with the *Road Management Act 2004*, all road authorities, including Councils, must keep a Register of Public Roads that they are responsible for.

The previous adoption of the Road Register was in January 2022 and there have been minimal road segment classification changes since the register was amended and adopted last.

Alterations to the road register may occur because:

- Reclassifications are necessary because of change in surface type (e.g. gravel road is now seal, or an earth surface is now gravel due to the Capital works Program); and
- Are amended as part of any Council decisions based on public requests and assessment.

The only changes to the Road Register since January 2022 have been in relation to upgrades and the reclassification of roads that have been brought before Council for endorsement.

RELEVANT LAW

- *Local Government Act 2020*
- *Road Management Act 2004*

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025: Strategic Objective 1 – A vibrant and diversified economy

Council Plan 2021-2025: Strategic Objective 4 – A Council that Serves its Community

RELATED COUNCIL DECISIONS

Council Meeting, 19 January 2022 Ordinary Minutes, Item 14.2 Road Register

OPTIONS

Council must comply with the *Road Management Act 2004*, Section 19 and Schedule 1 for keeping roads registered in respect of the coordinating road authority.

Council has the option of either:

1. Adopting the Road Register 2023-24
2. Not adopting the Road Register 2023-24 and advise of an alternative method for registering Council’s public roads, which will specify the details as per Schedule 1 of the *Road Management Act 2004*.

SUSTAINABILITY IMPLICATIONS

Not applicable for this report.

COMMUNITY ENGAGEMENT

Changes to the road segments reflect community engagement where Council has endorsed the upgrade and reclassification of roads.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

Utilising the Risk Management Framework the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|---|--|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | Approve the Road Register 2023-24 to identify all public roads within the municipality. | Reduces Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15.5 RISK MANAGEMENT MANUAL REVISION

Prepared By: Tammy Smith, Chief Executive Officer

SUMMARY

The *Local Government Act 2020* requires Council to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.

To ensure good governance is achieved, Council operates within a risk management framework that aims to achieve the best outcomes for the community including future generations.

The attached Risk Management Manual has been revised, in consultation with the Audit and Risk Committee, and is being presented to the Council for adoption.

Recommended Motion:

That Council:

- a) Adopt the Risk Management Manual Revision as attached that will come into effect from 22 May 2024; and
- b) Revoke prior versions of the Risk Management Manual.

ATTACHMENTS

[Attachment: Risk Management Manual Revision](#)

[Attachment: Risk Appetite Changes](#)

DISCUSSION

Council undertook a holistic review of its risk management practices, adopting a new approach to managing risk across the organisation in 2021.

A review of Councils Risk Management Manual has been completed, which includes the Risk Appetite Statement. This was presented and endorsed by the Audit and Risk Committee on 15 April 2024.

Below is an outline of the changes as follows, that are incorporated into the attached Risk Management Manual Revision:

- a) The Councils Strategic Action target dates have been revised; however, it would be recommended that the target date be removed, and only the Action and Desired Outcome be reported in the Manual.

| Action | Target Date | Desired Outcome |
|---|---|---|
| Implementation and completion of risk management communication and training for all Leadership Team | 30 June 2022 Ongoing induction for all new management employees. Continuous training provided. | To ensure Management are aware of and take ownership of their role and responsibilities in relation to risk management. |
| Implementation and completion of risk management | 30 June 2022 | To ensure staff and labour hire sub-contractors are informed |

| Action | Target Date | Desired Outcome |
|---|--|--|
| communication and training for all employees and sub-contractors. | Ongoing for all new employees. | and adhere to Council's risk management requirements. |
| Implement a training plan for all contractors who engage in works for Yarriambiack Shire Council, to ensure they understand their risk management requirements. | 31 December 2024 Pegasus induction program for all contractors. | To ensure sub-contractors are informed and adhere to Council's risk management requirements. |
| Implementation of standardised risk management practices across the Council. | 30 June 2022 | To have a systemised approach to risk management across the organisation. |
| The establishment of a strategic and operational risk registers in RelianSys Software. | 31 July 2021 | To establish a risk database to identify, monitor and control risks and to embrace opportunities for improvement. |
| The effective monitoring and reporting of strategic and operational risks each quarter as defined in this Manual. | 31 December 2021 | To provide Councillors, the Audit and Risk Committee and Management with up-to-date data to make informed decisions. |
| Action Plan identified for all Outstanding Audit Actions on the Audit Task List, with the aim of closing out actions in a timely manner, based on risk rating. | On-going | To enhance governance practices and processes across the organisation. |

In addition, the Risk Appetite has been reviewed, with a copy of the changes attached to this report for reference.

It is recommended that the following adjustments be made to the Risk Appetite (that is incorporated into the Manual) as attached to this report, and summarised below as follows:

| | |
|-------------------|--|
| Financial | Working Capital ratio be removed. This is reported quarterly via the Financial and Non-Financial Performance Report. |
| | Include a benchmark on effective capital works planning. With an aim of being 15% or less, between budget versus actuals. This benchmark is aimed at ensuring capital works planning is realistic and also encourages efficient procurement planning. |
| | The VAGO Local Government 2022/23 Audit findings identified that Councils reporting to VAGO and LGV was delayed. Whilst it was not necessarily a Council issue, opposed to a VAGO issue, not meeting deadlines in relation to reporting should be monitored by both Council and A&R Committee. |
| Talent Management | The Sector Average for staff turnover based on 22/23 VAGO LG Audit was 18%. The acceptable tolerance range has been adjusted to reflect benchmarking. |

| | |
|--|---|
| | Staff absenteeism has been increased, as we encourage people to stay home if they are unwell. We must expect that absenteeism rates will increase, with the expectation around people staying home if they are unwell. |
| Reputational | Complaints timeframes have been reduced to 28 days to reflect Council’s Complaints Handling Policy requirements. |
| Corporate Governance, Compliance and Liability | Benchmarking has been included for the Internal Auditor engagement and A&R Committee meeting times. Previously, there were no indicators measuring this metric. Similarly, the Workplan, Risk Management Framework Indicators risk tolerance indicators have been developed and included in the revision. |
| | It is recommended encouraging a ‘just’ culture is removed as there are no tolerance ranges identified for this statement. |
| Security and Technology | It is recommended that two additional statements be introduced with measures. This includes intrusion detection and monitoring, and internal testing to monitor staff knowledge and awareness of malicious activities. The statements with associated risk tolerance ranges have been developed based on the VAGO Local Government Audit findings, and identified risks associated with Security and Technology. |

RELEVANT LAW

Schedule 1 of the Local Government (Planning and Reporting) Regulations 2020 identifies that Council should have an adopted Risk Policy and management is required to present risk reports to Council. The report on strategic risks to Council’s operations, their likelihood and consequence of occurring, along with risk minimisation strategies are to be presented at minimum on a six-monthly basis.

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.

RELATED COUNCIL DECISIONS

Council Meeting, 25 August 2021, Risk Management Manual Adopted by Council.

Council Meeting, 22 May 2024, 15.6 Performance Reporting Framework revision.

OPTIONS

- a) Council may request further changes to the Risk Appetite Statement.

SUSTAINABILITY IMPLICATIONS

Council must give effect to the overarching governance principles in section 9 of the *Local Government Act 2020*, when considering sustainability implications.

The establishment and monitoring of strategic and operational risks provides a governance framework to consider economic, social and environmental sustainability risks of the municipal district.

COMMUNITY ENGAGEMENT

Community Engagement has not been undertaken to review the manual. However, consultation with the Audit and Risk Committee has occurred.

In accordance with section 9 of the *Local Government Act 2020*, Council must in the performance of its role give effect to the overarching governance principles.

The development of a Risk Management Manual is utilised as a tool for decision making to achieve good governance.

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

Utilising the Risk Management Framework the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|--|--|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | The review and adoption of the manual creates an overarching process for assessing and recording risks and embedding risk identification as part of its decision-making process. The Risk Appetite review ensures good governance and compliance is monitored. | Maintains Residual Risk Level |
| Reputational Risk - Residual Risk Level Low | A robust risk management identification process decreases Council’s risk of reputational damage, with the view to mitigating and implementing control measures to reduce the potential impact. | Maintains Residual Risk Level |
| Financial Risk - Residual Risk Level Medium | Risk management identification and control measure implementation, reduces the potential costs associated with the risk being realised. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15.6 PERFORMANCE REPORTING FRAMEWORK

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

The Local Government Planning and Reporting Regulations 2020, Governance and Management Checklist in Report of Operations requires the Council to have a Performance Reporting Framework. Council has a Performance Reporting Framework, which includes Financial and Non-Financial Performance Reporting indicators, which are derived from Council's adopted Risk Appetite.

Management, in consultation with the Audit and Risk Committee, has undertaken a review of its Risk Management Manual and Risk Appetite Statement. The Risk Appetite Statement has been revised and the Financial and Non-Financial Performance Reporting indicators have been updated. This paper seeks for the Councillors to endorse the draft changes as attached.

Recommended Motion:

That Council:

- a) Adopted the revised Yarriambiack Shire Council Performance Reporting Framework as attached; and
- b) Revoke prior versions of the Yarriambiack Shire Council Performance Reporting Framework.

ATTACHMENTS

[Attachment: Yarriambiack Shire Council Performance Reporting Framework](#)

DISCUSSION

The Performance Reporting Framework outlines the legislative framework in which Council must operate and includes the reporting timeline and the documents to be presented to Council, to meet the statutory requirements.

The Financial and Non-Financial Performance Reporting indicators included in the Performance Reporting Framework are derived from the Risk Appetite Statement.

The revision of the Performance Reporting Framework has been completed, due to the revision of the Risk Management Manual being undertaken, as outlined in the previous Report 15.5 – Risk Management Manual Revision.

In addition, based on feedback from the Audit and Risk Committee, the full Management Report is not being presented to the Audit and Risk Committee and Councillors going forward. Instead, an exceptions summary report (of the Management Report) will replace this, outlining key areas of risk and/or concern, with the aim of summarising the Management Reporting review. This ensures the focus for the Audit and Risk Committee and Councillors remains at a Strategic level.

RELEVANT LAW

Local Government Act 2020

Local Government Planning and Reporting Regulation 2020

COUNCIL PLANS AND POLICIES

- a) Council Plan 2021/2025 – Key Objective 4: A Council Who Serves Its Community
- b) Council Budget 2023-24, and Draft Council Budget 2024-25
- c) Annual Report

d) Risk Management Manual

RELATED COUNCIL DECISIONS

Council Meeting – 28 September 2022, Item 14.1 Performance Reporting Framework

Council Meeting – 22 May 2024, Item 15.5 Risk Management Manual Revision

OPTIONS

The option presented in this report to provide the Council with a revised and updated Performance Reporting Framework, that guides when performance reports are to be presented to Council and the Audit and Risk Committee, enhances governance and oversight, and promotes transparency in decision making.

SUSTAINABILITY IMPLICATIONS

Financial: Yarriambiack Shire Council is heavily reliant on operational and capital grants as a source of revenue funding. This poses a significant financial risk to Council. The reduction in the rate cap decreases Councils’ ability to raise source revenue.

COMMUNITY ENGAGEMENT

Engagement has not been undertaken to develop the Performance Reporting Framework. However, consultation with the Audit and Risk Committee has occurred.

In accordance with section 9 of the *Local Government Act 2020*, Council must in the performance of its role give effect to the overarching governance principles.

The financial and non-financial performance indicators are utilised as a tool for decision making to achieve good governance.

GENDER IMPACT ASSESSMENT

A gender impact assessment is not required for this report.

RISK

Utilising the Risk Management Framework the following assessment has been made:

| Strategic Risk Description and Residual Risk Level | Action to Mitigate/Reduce Risk | Does Action maintain or reduce Residual Risk Level |
|---|---|---|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | The management Reporting provided quarterly to Council Forum and the Audit and Risk Committee incorporates details on legislative and compliance activities, along with the status of operational plan objectives for each department, that have the potential to impact on Council’s strategic risk levels. This provides enhanced oversight that compliance activities are being undertaken and addressed across the organization. However, it is noted that the full report should not be presented, only an exception, summarised report identifying key risks and or challenges. Which should be the focus of the A&R Committee and Councillors. | Maintains Residual Risk Level |
| Financial Risk - Residual Risk Level Medium | The quarterly Financial and Non-Financial Performance Report included in the Performance Reporting Framework includes budget compared to actuals reporting, which enables management, Audit and Risk Committee and Councillors to monitor the financial performance of Council and assess and address risks as they arise. | Maintains Residual Risk Level |
| Program and Project Risk - Residual Risk Level Medium | The quarterly Financial and Non-Financial Performance Report incorporates detailed project reporting to Council Forum, providing enhanced oversight on the performance of projects. | Maintains Residual Risk Level |

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|--|--|--|
| Strategy Execution and Change Management Risk - Residual Risk Level Medium | The quarterly Council Plan actions update enables Council to monitor its strategy execution and assess its performance against its Council Plan actions. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15.7 USE OF ARTIFICIAL INTELLIGENCE POLICY

*Prepared by Tony Caccaviello, Chief Operating Officer; and
Daniel Brandon, Business Systems Coordinator*

SUMMARY

The emergence and rapid advancement of artificial intelligence (AI) provides opportunities for Yarriambiack Shire Council as an organisation to operate more effectively and efficiently. However, there is also the potential for AI to be poorly used or applied and there are also ethical questions when it comes to the use of AI for some tasks.

The attached Use of Artificial Intelligence Policy seeks to address the use of AI tools by Council staff, contractors and Councillors in a way that embraces the potential of positive transformative change presented by the technology, but also ensures that the utilisation of AI aligns with Council's legal, ethical, and community standards.

Recommended Motion:

That Council:

- Adopt the Use of Artificial Intelligence Policy as attached to this report, that will come into effect on 22 May 2024.

ATTCHMENTS

[Attachment: Use of Artificial Intelligence Policy](#)

DISCUSSION

Artificial Intelligence's rapid ascent is quite notable even within an era of rapid innovation in technology and software. Its continued evolution will inevitably lead to integration with various industries and sectors - Local Government will be no exception. It seems clear that this technology has the potential to reshape the nature of work.

AI can create efficiencies and deliver improved outcomes for some tasks and services. It can be used in a range of ways from taking on mundane tasks to generating/gathering ideas. Governments, organisations and businesses globally are considering the benefits and challenges of using artificial intelligence. Simpler forms of AI have been around for decades (spellchecking, facial recognition, chatbots) but in recent years the level of sophistication and "generative learning" capability of AI has taken an exponential leap.

While there is widespread agreement that AI can deliver benefits it's important to be cognisant that there are also risks associated with AI.

While it is impossible to anticipate how Artificial Intelligence will evolve and shape the way Local Government functions into the future, it is already being used by the sector to perform daily tasks and Council's across the sector are seeing job applications written by AI. It is important that Council has a proactive policy that gives shape to how staff, contractors and Councillors use AI at present but is also adaptable and principles based so that it can be used to assess future uses that we may not anticipate.

Simple AI, such as spellcheck and predictive text in word processing software, reminders from Outlook when an attachment is forgotten, and several automated processes used by Council owned software have been used for some time. However, there are an increasing number of uses that are more complex and creative in nature, doing more than just the most basic processing tasks. The most topical example is ChatGPT, which is an AI language model which produces human-like text based on the inputs it receives. It can be used for any instance where text is needed, which may include drafting emails and correspondence, writing reports, proofreading and editing, and drafting social media posts.

It is also a very effective tool for idea generation and conducting research.

This technology has the potential to transform the way work is done, but also comes with risks. Some potential uses include data analytics and insights to inform evidence-based decision-making, process automation to streamline repetitive tasks and reduce operational costs, predictive analytics to anticipate citizen needs, AI-driven chatbots and virtual assistants to provide personalised support, infrastructure management to optimise the maintenance of assets, fraud detection to safeguard public funds and resources.

The risks posed that need careful consideration and mitigation include data privacy and security concerns, potential biases in algorithmic decision-making, legal and regulatory compliance issues, ethical considerations, performance and reliability challenges, over-reliance on AI system that could result in a loss of some skills among staff, as well as possible disruptions if there are system failures or technical problems.

The attached policy aims to address the use of AI tools by Council staff in a way that embraces the potential of positive transformative change presented by the technology, but also ensures that the utilisation of AI aligns with Council's legal, ethical, and community standards.

It uses guidance from the Australian Government's Digital Transformation Agency to inform its content, but it is adapted to the specific needs of Yarriambiack Shire Council. It organised under the following four areas:

- AI should be Deployed Responsibly
- Accountability and Human Centred Decision Making
- Transparency
- Privacy Protection and Security

RELEVANT LAW

Nil

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025 – Strategic Objective 4: A Council Who Services Its Community
- Information Management Policy
- Information Privacy Policy
- ICT Acceptable Use Policy

RELATED COUNCIL DECISIONS

Nil

OPTIONS

Nil

SUSTAINABILITY IMPLICATIONS

Financial: There is no immediate financial impact of adopting this policy. However, it is likely that AI tools will increasingly cease to be offered for free and Council may have to consider purchasing software at some point in the future.

COMMUNITY ENGAGEMENT

Community Engagement is not required in relation to the development and administration of this policy.

Council will take an informed approach to consultation in relation to the use of AI and the adoption of this policy. The policy also deals with transparency around the use of Artificial Intelligence.

RISK

Utilising the Risk Management Framework the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|--|---|--|
| Security and Technology Risk - Residual Risk Level Low | The primary risk in regard to this policy is around data security and privacy. The policy requires that inputs into AI tools do not include or reveal any classified information, or personal information held by council. | Maintains Residual Risk Level |
| Innovation Risk - Residual Risk Level Low | The AI space is rapidly changing and impacting the way we work. As such it is important that a policy is in place to guide how AI is used at Council and that it is regularly reviewed as the technology matures and regulation occurs. This policy will be reviewed on an annual basis | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Australian Government – Digital Transformation Agency, Interim guidance on government use of public generative AI tools

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15.8 RUPANYUP RECREATION RESERVE MASTERPLAN

Prepared by: Rebecca Botheras, Sport and Recreation Coordinator

SUMMARY

The Yarriambiack Shire Council sought funding and allocated its own funds to develop a Masterplan for the Rupanyup Recreation Reserve.

The Rupanyup Recreation Reserve is owned by Council, with a Lease Agreement in place with an appointed Incorporated Committee managing the reserve.

The Rupanyup Recreation Reserve has several facilities that are nearing the end of their lifecycle, are non-compliant with current facility standards, and/or no longer meeting the needs and demands of the communities.

The Rupanyup Recreation Reserve requires strategic decision making and investment over the coming years.

This report intends to present the final Rupanyup Recreation Reserve Masterplan to Council for consideration and endorsement.

Recommended Motion:

That Council:

- Adopt the Rupanyup Recreation Reserve Masterplan as attached to this report; and
- Authorises the Chief Executive Officer to seek funding opportunities for the implementation of the Rupanyup Recreation Reserve Masterplan.

ATTACHMENTS

[Attachment: Rupanyup Recreation Reserve Masterplan](#)

DISCUSSION

In October 2022, Yarriambiack Shire Council received funding through the Victorian Government's 2022 Local Sports Infrastructure Fund – Planning Stream to develop a Masterplan for the Rupanyup Recreation Reserve.

ROSS Planning was awarded Contract C326-2023 following via a Council Resolution on 26 April 2023 to develop the Masterplan. An extensive community and stakeholder engagement process was then undertaken.

Rupanyup Recreation Reserve:

The Rupanyup Recreation Reserve is a well-used community sport and recreation precinct owned by the Council and managed by an appointed Incorporated Committee via a Lease Agreement. The Recreation Reserve is home to four sporting clubs providing opportunities in AFL, Netball, Tennis and Cricket.

However, many of the existing assets are beyond their useful lives, are surplus to the community's needs, are lacking facility compliance and are not accommodating to the needs and demands of user groups and the broader community. This has resulted in the ability to re-think the existing layout and arrangements within the Recreation Reserve, leading to the development of a 10-year strategic Masterplan. The Masterplan has been developed following an extensive community engagement process involving user groups, the wider Rupanyup community, Council Officers, key stakeholders including Government agencies and State Sporting Associations.

Overall, the Masterplan identifies several priorities that the Rupanyup Community believe are of critical importance on ensuring sustainability and the continuation of quality sport and active recreation opportunities, along with other general community events and activities. The Rupanyup Community will ultimately use this strategic Masterplan to

guide their decision making in relation to infrastructure developments over the next 10 years. This will ensure the Rupanyup Recreation Reserve can cater for the existing needs of the community and the future demands placed upon it.

The indicative costings table below highlights a summary of the investment that is required to implement the key priorities of the Masterplan: (note that not all actions are listed and costed)

| Description | Total |
|--|-----------|
| <p>Short Term Priorities</p> <ul style="list-style-type: none"> • Undertake field surface upgrades (reshaping, irrigation and drainage) • Upgrade the cricket practice facility. • Upgrade the central amenities. • Redevelop the indoor shed to cater for indoor cricket and community events. • Remove the former CFA Facilities. | \$996,000 |
| <p>Medium Term Priorities</p> <ul style="list-style-type: none"> • Construct goal netting behind the AFL goals. • Upgrade the oval perimeter fencing with white picket style fencing. • Construct a covered deck area at the western side of the community centre. • Install solar panels. | \$518,000 |
| <p>Long Term Priorities</p> <ul style="list-style-type: none"> • Demolish the former kitchen and social rooms. • Plant wind break trees along the northern, eastern and southern boundaries. | \$100,000 |

Finally, the Masterplan will undergo a 10-year implementation period, while seeking external funding in partnership with the Australian and Victoria Governments and the communities to achieve the outcomes.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025: Strategic Objective 2 – A Healthy and Inclusive Community

Yarriambiack Shire Council Sport and Recreation Strategy 2016-2025: Planning principles addressing benefits to the community, community need, accessibility, sustainability, multi-purpose and diversity of opportunities.

RELATED COUNCIL DECISIONS

29 June 2022 – adoption of the 2022/2023 budget which included Council’s Contribution for the Beulah, Brim and Rupanyup Recreation Reserve Masterplans.

28 June 2023 – adoption of 2023/2024 budget which included a carryover of the Beulah, Brim and Rupanyup Recreation Reserve Masterplan funding allocation.

22 November 2023 – adoption of the Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans.

13 December 2023 – adoption of the Hopetoun Recreation Reserve and Warracknabeal Recreation Precinct Masterplans.

24 April 2024 – adoption of the Beulah and Brim Recreation Reserve Masterplans.

OPTIONS

- a) Council could choose to reject the recommendation and request further community consultation be undertaken on the Rupanyup Recreation Reserve Masterplan.
- b) Council could choose to reject the recommendation and request further amendments be made to the Rupanyup Recreation Reserve Masterplan.

It is important to note that the Rupanyup Recreation Reserve Masterplan is jointly funded by the State Government. In line with the Funding Agreement, Council has in place with the Department of Jobs, Skills, Industry and Regions, Council is required to adopt and submit the final Masterplans to the Department by 31 May 2024.

SUSTAINABILITY IMPLICATIONS

Economic - development of the Rupanyup Recreation Reserve Masterplans will provide Council and the Recreation Reserve Committee with strategic direction for the management and development of the facilities into the future. This in turn will assist with infrastructure investment and subsequent economic benefits to the Rupanyup Community.

Social - Infrastructure investment to provide modern sport and recreation facilities encourages and supports participation, social interaction and improved health and wellbeing outcomes.

Environmental - environmental sustainability has been considered when establishing key design principles in the preparation of the Masterplan, with specific focus on water management and renewal energy initiatives.

Financial - fully implementing the Rupanyup Recreation Reserve Masterplan is going to require an indicative financial investment exceeding \$2 million. This would require funding from the State and Federal Government, along with requiring an investment from the Community.

COMMUNITY ENGAGEMENT

The Rupanyup Recreation Reserve Masterplan was developed in close consultation with the Rupanyup community. An onsite community consultation session was held on the 16 August 2023 with ROSS Planning. ROSS Planning also undertook one-on-one phone calls with key stakeholders.

The DRAFT Masterplan was released onto Public Exhibition from the 6 March 2024 – 4 April 2024 for review and comment. During the Public Exhibition Period, Council received written feedback submissions from community members who felt the consultation had been inadequate and requested further time and additional community consultation be undertaken.

ROSS Planning returned to Rupanyup and undertook an additional community consultation session on 22 April 2024.

The Masterplan has subsequently taken on board the feedback from the community engagement and has been revised and presented as final.

GENDER IMPACT ASSESSMENT

| Gender Impact Assessment (GIA) | | Status |
|--|--|---|
| Does this Council report recommendation | | YES <input checked="" type="checkbox"/> |
| a) Introduce a new policy, program and/or service; or | | A GIA has been completed. |
| b) Is it a review of a policy, program and/or service; that directly and significantly impacts the public? | | NO <input type="checkbox"/> |
| | | A GIA is not required. |
| Link to Gender Impact Assessment | GIA – Rupanyup Recreation Reserve Masterplan | |

RISK

Utilising the Risk Management Framework the following assessment has been made:

| Strategic Risk Description and Residual Risk Level | Action to Mitigate/Reduce Risk | Does Action maintain or reduce Residual Risk Level |
|---|---|---|
| Reputational Risk - Residual Risk Level Low | Developing Masterplans for the Rupanyup Recreation Reserve indicates Council’s commitment to working with the Rupanyup community, to identify priority projects backed by strategic planning to guide future infrastructure investment. | Maintains Residual Risk Level |
| Financial Risk - Residual Risk Level Medium | The Rupanyup Recreation Reserve Masterplan has identified that an indicative financial investment exceeding \$2 million is required to implement and deliver the infrastructure investments outlined. | Maintains Residual Risk Level |
| Program and Project Risk - Residual Risk Level Medium | The development of the Masterplan identifying different projects as part of one overarching document, allows for strategic and coordinated project planning. The structure of the plan outlines clear deliverable phases providing direction for required funding applications for future infrastructure investment | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- Active Victoria 2022-2026
- AFL preferred Community Facility Guidelines 2024
- Netball Australia National Facilities Policy
- Tennis Australia National Facilities Planning and Development Guide
- Victorian Cricket Infrastructure Strategy

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15.9 FINAL REVISED MASTERPLAN FOR MINYIP RECREATION RESERVE

Prepared by: Rebecca Botheras, Sport and Recreation Coordinator

SUMMARY

The Yarriambiack Shire Council sought funding and allocated their own funds to develop a Masterplan for the Minyip Recreation Reserve.

Following initial adoption of the Minyip Recreation Reserve Masterplan, a request was received to reconsult and consider the Minyip Bowling Club within the strategic planning document.

This report intends to present the final revised Minyip Recreation Reserve Masterplan to the Council for consideration and endorsement.

Recommended Motion:

That Council:

- Revoke the Council decision on the 22 November 2023 to endorse the Minyip Recreation Reserve Masterplans as presented to Council during the Ordinary Meeting of Council.
- Adopt the revised Minyip Recreation Reserve Masterplan as attached to this report; and
- Authorises the Chief Executive Officer to seek funding opportunities for the implementation of the Minyip Recreation Reserve Masterplan.

ATTACHMENTS

[Attachment: Minyip Recreation Reserve Masterplan \(revised\)](#)

DISCUSSION

In June 2022, Yarriambiack Shire Council received funding through the Victorian Government's 2021-22 Local Sports Infrastructure Fund – Planning Stream to develop a Masterplan for the Minyip Recreation Reserve.

ROSS Planning was awarded Contract C319-2023 following a Public Request for Tender Process that took place between 30 September and 10 November 2022, to develop the Minyip Recreation Reserve Masterplan.

Minyip Recreation Reserve:

Minyip Recreation Reserve is a well-used sport and recreation precinct owned by the Department of Energy, Environment and Climate Action (DECCA) and managed by an appointed Committee of Management. It is the home of three sporting clubs providing opportunities in AFL, netball, cricket, and tennis. Between them, these clubs are home to more than 350 players with activity undertaken across the year.

In addition to the formal sporting opportunities, the Reserve also includes the town's public swimming pool and a BMX dirt jump track. A war memorial creates an 'entry' to the Reserve, with a Men's Shed located to the north-east of the Oval.

However, many of the existing assets are beyond their useful lives and there is scope to re-think the existing layout and arrangements within the Reserve. As such, a 10-year strategic Masterplan has been developed following an extensive community engagement process including user groups, the broader Minyip Community, Council staff, key stakeholders including Government agencies and State Sporting Associations.

This strategic masterplan identifies several priorities that the Minyip Community believes are of critical importance in ensuring sustainability and the continuation of quality sport and active recreation opportunities, and general community events. The Minyip Community will use this strategic Masterplan to guide their decision making in relation to infrastructure developments over the next 10 years to ensure the Minyip Recreation

Reserve can cater for the existing needs of the community, and the future demands placed upon it.

The indicative costings highlight that a \$5,101,000 investment is required to implement the Masterplan. The table below summarises the indicative costings and key priorities:

| Description | Total |
|---|--------------------|
| Short Term Priorities <ul style="list-style-type: none"> • New Amenities and Changerooms Facility. • New Swimming Pool Amenities and Changerooms. • Goal Netting & Electronic Scoreboard on oval. • Construct two new Netball & Tennis Courts / Lighting. • *Upgrade the Minyip Bowling Club grass green into a synthetic surface* | \$4,002,000 |
| Medium Term Priorities <ul style="list-style-type: none"> • New Play and Picnic Node. • Upgrade the War Memorial and surrounds. • Construct a helipad. | \$544,000 |
| Long Term Priorities <ul style="list-style-type: none"> • Upgrade the oval lighting. • Sealed carparking and pathways. | \$555,000 |
| TOTAL PROJECT COST | \$5,101,000 |

Minyip Bowling Club:

Council received a written request following adoption of the Minyip Recreation Reserve Masterplan at the Council Meeting held on 22 November 2023, to consider a review of the Masterplan to incorporate the Minyip Bowling Club.

The Minyip Bowling Club Committee wished to determine the feasibility of relocating the club into the Minyip Recreation Reserve.

ROSS Planning was re-engaged by Council to undertake a review of the Minyip Recreation Reserve Masterplan, investigate the opportunities to incorporate the Minyip Bowling Club and undertake additional community consultation.

ROSS Planning met with the Minyip Bowling Club on 22 April 2024 to explore the operations of the club, the membership base, and aspirations of the club to relocate to the Minyip Recreation Reserve. At the conclusion of the meeting, it was determined that it is not a feasible or sensible option to relocate the Minyip Bowling Club due to the complexities of space and the layout at the Minyip Recreation Reserve, the infrastructure that would be required in comparison to what the club currently have available, and the subsequent cost. As such, a resolution was reached that the Bowling Club would remain in their current location, but the Masterplan document be amended to include a statement about the Minyip Bowling Club and highlight their intentions to seek funding for a synthetic bowling green.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

Minyip Community Action Plan

Council Plan 2021 – 2025: Strategic Objective 2 – A healthy and inclusive community

Yarriambiack Shire Council Sport and Recreation Strategy 2016-2025: Planning principles addressing benefits to the community, community need, accessibility, sustainability, multipurpose, and diversity of opportunities.

RELATED COUNCIL DECISIONS

29 June 2022 – Adoption of 2022/2023 budget which included Council’s Contribution for the Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans.

28 June 2023 – Adoption of 2022/2024 budget which included a carryover of the Minyip Recreation Reserve and Rabl Park, Murtoa Masterplan funding allocation.

22 November 2023 – Adoption of the Minyip Recreation Reserve and Rabl Park, Murtoa Masterplans.

13 December 2023 – Adoption of the Hopetoun Recreation Reserve and Warracknabeal Recreation Precinct Masterplans.

24 April 2024 – Adoption of the Beulah and Brim Recreation Reserve Masterplans.

OPTIONS

- a) Council could choose to reject the recommendation and request further community consultation be undertaken on the Minyip Recreation Reserve Masterplan
- b) Council could choose to reject the recommendation and request further amendments be made to the Minyip Recreation Reserve Masterplan

SUSTAINABILITY IMPLICATIONS

Economic – development of the Minyip Recreation Reserve Masterplan will provide Council, the Minyip Recreation Reserve Committee of Management and Community with strategic direction for the management and development of the sport and recreation facilities into the future. This in turn will assist with infrastructure investment and subsequent economic benefits to the Minyip community.

Social – Infrastructure investment to provide modern sport and recreation facilities encourages and supports participation, social interaction and improved health and wellbeing outcomes.

Environmental - environmental sustainability has been considered when establishing key design principles in the preparation of the Masterplan, with specific focus on water management and renewal energy initiatives.

Financial - fully implementing the Minyip Recreation Reserve Masterplan is going to require an indicative financial investment of \$5,101,000. This would require funding from the State and Federal Government, along with requiring an investment from the Community.

COMMUNITY ENGAGEMENT

The Minyip Recreation Reserve Masterplan was developed in close consultation with the Minyip community.

An onsite community consultation session was held on the 14 March 2023 with ROSS Planning, followed by an online community survey that was held for a period of 28 days. ROSS Planning also undertook one-on-one phone calls with key stakeholders and made visits to the local schools.

The DRAFT Masterplan was released onto Public Exhibition from the 11 August – 14 September 2023 for review and comment. ROSS Planning returned on the 15 & 16 August 2023 to present the DRAFT Masterplan to the Minyip Recreation Reserve Committee and User groups at an onsite meeting.

Following adoption of the Minyip Recreation Reserve Masterplan on 22 November 2023, Council received correspondence from the Minyip Progress Association and the Minyip Bowling Club, requesting that additional consultation be undertaken, and consideration be given to include the Minyip Bowling Club within the Masterplan. ROSS Planning

undertook additional community consultation and met with the Minyip Bowling Club on 22 April 2024. A further phone call was had with the Minyip Progress Association Chair, to provide an update on the additional consultation and outline the outcome of the meeting with the Minyip Bowling Club.

The Masterplan has subsequently been reviewed and amended, to incorporate the feedback from the community engagement. The Masterplan is now presented as final.

GENDER IMPACT ASSESSMENT

The Gender Equality Act 2020 requires entities to conduct gender impact assessments on all new policies, programs and services that directly and significantly impact the public as well as those up for review.

| Gender Impact Assessment (GIA) | | Status |
|--|--|---|
| Does this Council report recommendation | | YES <input checked="" type="checkbox"/> |
| c) Introduce a new policy, program and/or service; or | | A GIA has been completed. |
| d) Is it a review of a policy, program and/or service; that directly and significantly impacts the public? | | NO <input type="checkbox"/> |
| | | A GIA is not required. |
| Link to Gender Impact Assessment | GIA – Minyip Recreation Reserve Masterplan | |

RISK

Utilising the Risk Management Framework the following assessment has been made:

| Strategic Risk Description and Residual Risk Level | Action to Mitigate/Reduce Risk | Does Action maintain or reduce Residual Risk Level |
|---|--|---|
| Reputational Risk - Residual Risk Level Low | Developing a Masterplan for the Minyip Recreation Reserve indicates Councils commitment to working with the Minyip community to identify priority projects, backed by strategic planning to guide future infrastructure investment. | Maintains Residual Risk Level |
| Financial Risk - Residual Risk Level Medium | The Minyip Recreation Reserve Masterplan has identified that an indicative financial investment of \$5,101,000 is required to implement and deliver the infrastructure investments outlined. | Maintains Residual Risk Level |
| Program and Project Risk - Residual Risk Level Medium | The development of the Masterplan identifying different projects as part of one overarching document allows for strategic and coordinated project planning. The structure of the plan into clear deliverable phases provides direction for required funding applications for future infrastructure investment. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- Active Victoria 2022-2026
- AFL Preferred Community Facility Guidelines 2024
- Netball Australia National Facilities Policy
- Tennis Australia National Facilities Planning and Development Guide
- Victorian Cricket Infrastructure Strategy

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

15.10 EXTERNAL PRIVATE WORKS POLICY

Prepared by Joel Turner, Manager Infrastructure and Works

SUMMARY

Council's External Private Works Policy was due for review in 2023. The policy provides guidance for situations in which Council may undertake external private work activities along with outlining a systematic and transparent process for work carried out, outside of normal operational scope.

RECOMMENDATION

That Council:

Adopt the revised External Private Works Policy, which is included as an attachment to this report, and that it will supersede the External Private Works Policy that was adopted by Council in 2021.

ATTCHMENTS

[Attachment: External Private Works Policy](#)

DISCUSSION

The Local Government Inspectorate Report, "Protecting integrity Yarriambiack Shire Council Investigation" was released in November 2019. The Local Government Inspectorate findings highlighted several deficiencies in governance practices across the Shire.

As recommended in the Yarriambiack Inspectorate Action Plan, Council developed and adopted the External Private Works policy in 2021.

Minor Administrative updates have been made to the policy in relation to position titles. The intent of the policy has not changed or been altered.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

- The Yarriambiack Local Government Inspectorate Action Plan was adopted at the 2019 November Ordinary Council Meeting
- Inspectorate Report - Yarriambiack Action Plan 4.1 Private Works

RELATED COUNCIL DECISIONS

Council Meeting 24 February 2021 – Adoption of External Private Works Policy

OPTIONS

Nil

SUSTAINABILITY IMPLICATIONS

Social: The implementation of the External Works Policy will provide the community with confidence in the overall handling of this type of work outside of council's normal operational scope.

Financial: Shows a clear understanding of Council's position on any external private works and associated costs that Council will charge because of any permitted works.

COMMUNITY ENGAGEMENT

Not Applicable

RISK

Utilising the Risk Management Framework the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|---|--|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | It is best practice to have an External Works Policy, to ensure compliance with legislative requirements. | Maintains Residual Risk Level |
| Reputational Risk - Residual Risk Level Low | Failure to maintain a structured external works procedure can result in reputational damage to Council. This policy provides guidance and sets expectations on how Council is to manage external works. | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not Applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

16 COUNCIL REPORTS FOR NOTING

16.1 S11A AUTHORISATION AND S18 SUB-DELEGATION REVIEW

Prepared by Belinda Penny, Information Management and Governance Officer

SUMMARY

As best practice the Instrument of Delegations are reviewed biannually to ensure consistency with legislative requirements.

Rerecommended Motion:

That Council:

Note that a review of the S11A and S18 Instrument of Delegations has occurred, and no changes are required.

ATTACHMENTS

Not applicable

DISCUSSION

To be noted, during the annual review of Delegations by Council Officers, the S18, Instrument of Sub-Delegation; Environment Protection Act 2017 and S11A, Instrument of Appointment and Authorisation; Planning and Environment Act 1987 were also reviewed. The review identified that there were no changes required. Therefore, the S18, Instrument of Sub-Delegation; Environment Protection Act 2017 adopted by Council on 23 March 2022 and the S11A, Instrument of Appointment and Authorisation; Planning and Environment Act 1987 adopted by Council on 26 April 2023 remain current.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025 Strategic Objective 4: A Council Who Serves its Community.

RELATED COUNCIL DECISIONS

Minutes 23 March 2022, Ordinary Meeting of Council, S18 Instrument of Sub-Delegation; Environment Protection Act 2017

Minutes 26 April 2023, Ordinary Meeting of Council, S11A Instrument of Appointment and Authorisation; Planning and Environment Act 1987.

OPTIONS

Council could request that whilst changes have not been made, that the Delegations and Authorisations still be presented to Councillors for endorsement (with no changes).

SUSTAINABILITY IMPLICATIONS

Not applicable

COMMUNITY ENGAGEMENT

There has been no specific community engagement in relation to the review, as this is a governance review and practice.

GENDER IMPACT ASSESSMENT

Not required for this report

RISK

Utilising the Risk Management Framework the following assessment has been made:

| <i>Strategic Risk Description and Residual Risk Level</i> | <i>Action to Mitigate/Reduce Risk</i> | <i>Does Action maintain or reduce Residual Risk Level</i> |
|---|--|--|
| Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low | Review of the S6 Instrument of Delegation ensure Council is operating within an authorised legislative framework | Maintains Residual Risk Level |

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable

CONFLICTS OF INTEREST

All officers involved in the preparation of this report have declared that they do not have a conflict of interest in the subject matter of this report.

17 PERMITS ISSUED

List of permits issued in April 2024 is listed below for noting.

Recommended Motion:

That Council:

Note the permits issued by Council between 1 April 2024 and 30 April 2024

| Reference No | Description | Address | Date of Issue |
|----------------------------|---|---------------------------|---------------|
| Building Permits | | | |
| BLD20240393 | Construction of single carport | Warracknabeal | 24/04/2024 |
| BLD20240394 | Extensions to a dwelling and construction of a shed | Hopetoun | 24/04/2024 |
| BLD20240389 | Construction of two warehouse facilities | Brim | 23/04/2024 |
| Planning Permits | | | |
| PA20240016 | Construction of a dwelling | Warracknabeal | 18/04/2024 |
| PA20240015 | Use of land to store a dwelling | Rupanyup | 19/04/2024 |
| PA20240004 | Construction of a single storey dwelling | Murtoa | 19/04/2024 |
| Local Law Permits | | | |
| 03-24 | Keeping extra animals | Warracknabeal | 09/04/2024 |
| 04-24 | Keeping extra animals (greyhounds) -permit renewal | Warracknabeal | 16/04/2024 |
| 08-24 | Street Trade Permit – Morrow Motor Group | Warracknabeal Hopetoun | 05/04/2024 |
| 09-24 | Street Trade Permit – South End Florists | Warracknabeal | 08/04/2024 |
| 10-24 | Street Trade Permit – Fido Dog Treats | Warracknabeal | 19/04/2024 |
| RRWP & APP | | | |
| 2024-06 | New Stormwater Drainage | Warracknabeal | 08/04/2024 |
| Septic Tank Permits | | | |
| | | | |

18 URGENT BUSINESS

Business cannot be admitted as urgent business, other than by resolution of Council. Council must only admit business as urgent if the business:

- a) Cannot safely be deferred until the next Council meeting; or
- b) Involves a matter of urgency, as determined by the CEO.

Councillors may ensure that an issue is listed on an Agenda by submitting a Notice of Motion in accordance with Governance rules, item 2.13.

If the CEO rejects the Notice of Motion, she must provide a response to the Councillor as outlined in 2.13 (e) of the Governance Rules.

19 NEXT MEETING

26 June 2024

20 CLOSED

Council will close the Ordinary Meeting of Council and move to the Closed Confidential Meeting of Council. Noting the meetings will be considered two separate meetings.

SUMMARY CLOSED (CONFIDENTIAL) MEETING AGENDA

That, in accordance with sections 66(1) and 66(2)(a) of the *Local Government Act 2020*, the meeting be closed to members of the public for consideration of the following confidential items:

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| 1. ELECTRICITY COLLABORATIVE PROCUREMENT |
| <p>This Agenda item is confidential information for the purpose of section 3(1) of the <i>Local Government Act 2020</i>:</p> <ul style="list-style-type: none"> a) Because it is Council business information, being information that would prejudice Council's position in commercial negotiations if prematurely released (section 3(1)(a)); and b) This ground applies because the Agenda Item concerns the progress of ongoing contractual negotiations that would, if prematurely released, diminish the strength of Council's position in those negotiations. |
| 2. PERMIT FOR ADDITIONAL ANIMALS |
| <p>This Agenda item is confidential information for the purpose of section 3(1) of the <i>Local Government Act 2020</i>:</p> <ul style="list-style-type: none"> 2. Because it is law enforcement information, being information that if released would be reasonably likely to prejudice the investigation into an alleged breach of the local law, or the fair trial or hearing of any person (section 3(1)(d)); and 3. Because it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs (section 3(1)(f)); <p>This ground applies because the Agenda Item concerns personal information about a rate payer that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the <i>Privacy and Data Protection Act 2014</i> and enforcement activities.</p> |