



Yarriambiack
SHIRE COUNCIL

Agenda

Ordinary Meeting of Council

26 June 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 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 may be 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	Monique Metlika	Governance Support Officer
Council Officer	Anita McFarlane	Manager Corporate Services
Council Officer	Tony Caccaviello	Chief Operating Officer
Council Officer	Bernardine Schilling	Manager People and Culture

5 APOLOGIES

Name / Role	Description of Leave / Absence

6 CONFIRMATION OF MINUTES

6.1 MINUTES 22 MAY 2024 – ORDINARY MEETING

Minutes of the Ordinary meeting of Council held on 22 May 2024 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Ordinary Meeting of Council held on 22 May 2024, as circulated be taken as read and confirmed.

6.2 MINUTES 22 MAY 2024 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) meeting of Council held on 22 May 2024 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Closed (Confidential) Meeting of Council held on 22 May 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
Tammy Smith	15.6 – CEO Employment and Remuneration Policy	Relates to the CEO Contract Terms.

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
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 Stage 2, Road Hierarchy consultation commenced week of 17 June 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.	Approval granted and being circulated for signing. Action Closed.
22 May 2024 Item 15.3	Hollands Road 2 Upgrade	Inclusion of upgrade of the section of Hollands Road 2 in 2024/25 Budget. Action Closed.

9 PETITIONS

No petitions received.

10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
20/06/24	Road Hierarchy Property Owners	Letters sent to residents who own property along the roads identified in the review list for upgrade, downgrade or no further action required.
31/05/24	Commonwealth Government	Letter – Commonwealth Inquiry into Sustainability for Local Government
23/05/24	Property Owners	Letter – Outcome of Hollands Road 2 Upgrade

Incoming		
Date	Sender	Details

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 WOOMELANG RETIREMENT UNITS COMMUNITY ASSET COMMITTEE

The Woomelang Retirement Units Community Asset Committee meeting was held on 12 June 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 Woomelang Retirement Units Community Asset Committee held 12 June 2024 have been received by the CEO.

11.3 YARRIAMBIACK TOURISM ADVISORY COMMITTEE

The Yarriambiack Tourism Advisory Committee meeting was held on 03 June 2024.

[Attachment: Yarriambiack Tourism Advisory Committee of Council 03 June 2024](#)

Recommended Motion:

That the minutes of the Yarriambiack Tourism Advisory Committee of Council be taken as read and confirmed.

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT

Mayor Kylie Zanker – Warracknabeal Ward (June)		
Date	Activity	Location
24/05/24	Mayor and CEO Catch-Up	Warracknabeal
27/05/24	Speed Field Days Committee Meeting	Speed
27/05/24	Patchewollock Budget 2024/25 Community Consultation	Patchewollock
27/05/24	Woomelang 2024/25 Budget Community Consultation	Woomelang
27/05/24	Radio Interview with Rebecca Lowe regarding Council AI Policy	Phone
29/05/24	IBAC Forum	Horsham
29/05/24	Tourism Stakeholder Meeting Workshop	Warracknabeal
30/05/24	MAV Mayor and CEO Dinner	Melbourne
31/05/24	Mayor and CEO Catch-Up	
03/06/24	Meeting with Journalist from Horsham Times	Horsham
03/06/24	Tempy/Speed/Turriff Budget Consultation 2024/25	Tempy
04/06/24	Warracknabeal Men's Probus Meeting	Warracknabeal
05/06/24	Minyip 2024/25 Budget Community Consultation	Minyip
07/06/24	Lake Lascelles Radio Broadcast	Hopetoun
11/06/24	Citizenship Ceremony	Warracknabeal
12/06/24	Council Forum and CEO Review	Warracknabeal
13/06/24	Rural Business and Community Board Meeting	Online
14/06/24	Mayor and CEO Catch-Up	Warracknabeal
18/06/24	Brim Lions Club Meeting 2024/25 Budget Consultation	Warracknabeal
19/06/24	Rupanyup Hall Committee Meeting to Officiate the Change of Office Bearers	Rupanyup
19/06/24	Grampians Mallee Tourism "Postcards" Interview	Murtoa
24/06/24	Hopetoun Men's Shed Health and Wellbeing lunch event	Hopetoun
25/06/24	Officially opened the Yarriambiack Business Expo	Warracknabeal

12.2 COUNCILLOR ACTIVITY REPORTS

Cr Andrew McLean – Hopetoun Ward (June)		
Date	Activity	Location
27/05/24	Patchewollock Inc Meeting and Budget Consultation 2024/25 – Patchewollock	Patchewollock
28/05/24	Sunraysia Highway Improvement Committee Meeting	St Arnaud
03/06/24	Tempy/Speed/Turriff Budget Consultation 2024/25	Tempy
07/06/24	Outside Radio Broadcast at Lake Lascelles	Hopetoun
12/06/24	Council Forum and CEO Review	Warracknabeal

Cr Tom Hamilton – Dunmunkle Ward (June)		
Date	Activity	Location
30/05/24	Stakeholder Workshop	Rupanyup
03/06/24	Yarriambiack Tourism Advisory Committee Meeting	Warracknabeal

Cr Graeme Massey – Warracknabeal Ward (June)		
Date	Activity	Location
29/05/24	Destination Management Plan and Local Area Action Plan	Warracknabeal
03/06/24	Yarriambiack Tourism Advisory Committee Meeting	Warracknabeal
05/06/24	Anzac Park Users Group Meeting	Warracknabeal
11/06/24	WAG Meeting	Warracknabeal
12/06/24	Council Forum and CEO Review	Warracknabeal

Cr Chris Lehmann – Hopetoun Ward (June)		
Date	Activity	Location
22/05/24	Beulah Progress Meeting	Beulah
03/06/24	Yarriambiack Tourism Advisory Committee Meeting	Warracknabeal
12/06/24	Council Forum and CEO Review	Warracknabeal

Cr Corinne Heintze – Dunmunkle Ward (June)		
Date	Activity	Location
27/05/2024	West Vic Business Seminar	Taylors Lake
31/05/24	WSMTG	Online
04/06/24	VicGrid REZ Community Benefits Consultation	Online
05/06/24	Minyip Progress and 2024/25 Budget Community Consultation	Minyip

Cr Corinne Heintze – Dunmunkle Ward (June)		
12/06/24	Council Forum and CEO Review	Warracknabeal
25/06/24	DMS Stakeholder Group Meeting	Minyip

Cr Karly Kirk – Warracknabeal Ward (June)		
Date	Activity	Location
27/05/24	West Vic Business Forum	Taylor's Lake
29/05/24	Visit Wimmera Mallee Tourism Meeting	Warracknabeal
03/06/24	Yarriambiack Tourism Advisory Committee Meeting	Warracknabeal
06/06/24	Navigating Vocational Crossroads Forum	Online
12/06/24	Council Forum and CEO Review	Warracknabeal

12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT

Tammy Smith (June)		
Date	Activity	Location
24/05/24	GWMWater Developer Works Information Session	Warracknabeal
24/05/24	Rural Councils Victoria Committee Meeting	Online
24/05/24	Mayor and CEO Catch-Up	Warracknabeal
27/05/24	Speed Lions Club Meeting – Mallee Machinery Field Days	Speed
27/05/24	Budget Consultation 2024/25 – Patchewollock	Patchewollock
28/05/24	Budget Consultation 2024/25 – Woomelang	Woomelang
29/05/24	IBAC Session	Horsham
29/05/24	Destination Management Plan and Local Area Action Plan	Warracknabeal
30/05/24	MAV Mayor and CEO Dinner	Melbourne
31/05/24	Mayor and CEO Catch-Up	Warracknabeal
03/06/24	Tempy/Speed/Turriff Budget Consultation 2024/25	Tempy
04/06/24	Warracknabeal Men’s Probus Meeting	Warracknabeal
05/06/24	Joint State and Local Government Monthly CEO Forum	Online
05/06/24	Budget Consultation 2024/25 – Minyip	Minyip
05/06/24	ANZAC Park Meeting	Warracknabeal
06/06/24	WSM Regional Partnership Meeting	Horsham
06/06/24	Meeting with Consultant and RNWH	Warracknabeal
07/06/24	Outside Broadcast Hopetoun – Lake Lascelles	Hopetoun
12/06/24	Council Forum and CEO Review	Warracknabeal
12/06/24	Thrive By 5 Panellist – Country Kids and Communities	Online
13/06/24	GNET Meeting	Online
13/06/24	Wimmera CEO Meeting	Online
13/06/24	Meeting with Emerge Early Years Services	Horsham
14/06/24	Mayor and CEO Catch-Up	Warracknabeal
17/06/24	MAV Monday Connect	Online
18/06/24	Brim Lions Club Meeting	Warracknabeal
19/06/24	RCV Secretariat Meeting	Online
20/06/24	Rural and Regional Planning Conference	Creswick
20/06/24	Bi-Monthly – BGLC Meeting	Online
20/06/24	CEO Briefing Post WSMD Board Meeting	Online

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

Community Consultation

Over the last few months, the CEO and I have been actively engaging with our community in regard to:

- The proposed budget 2024/25,
- Waste and recycling charges and understanding the cost on Local Government to manage this service,
- Council's Key Initiatives and Priority Projects over the next 12 months; and
- Council's Key Advocacy Agenda.

We have undertaken extensive consultation, with 190 people attending sessions across the Shire.

We thank everyone who attended and who provided feedback during the sessions.

Along with the Budget, we are also seeking feedback on the Draft Sport and Recreation Strategy 2024-2034, which contains a survey asking for your views on how Council should allocate funds to support the running of recreation reserves and swimming pools. Through the survey, we are interested in your thoughts on the principles established for allocating funding contributions, and what you consider are the highest priority and percentage apportionment to inform the distribution model.

Road Hierarchy: In 2022 Council undertook Community consultation to review both the Road Management Plan and the Road Hierarchy.

The consultation process consisted of face-to-face meetings, an online survey using a media platform and the opportunity to submit submissions via the post.

Council received feedback throughout the community consultation process that has informed the development of the Road Management Plan 2022-2025 and the review of the Road Hierarchy 2023-2025.

Council adopted the Road Management Plan revision on 29 June 2023, and the Road Hierarchy (stage 1) revision on 25 October 2023.

Stage 2 of the Road Hierarchy revision has included specific hierarchy classification changes to roads and streets based on updated categories adopted in the Road Hierarchy review from Stage 1.

Stage 2 of the Road Hierarchy consultation process aims to obtain feedback from the community regarding the proposed changes to the hierarchy, in relation to specific roads and streets based on the category review. Letters have been mailed out to rate payers where their property access is located along a road that has been assessed as part of the process. Feedback is open until the 02 August 2024.

Governance Rules: Our Council Governance Rules has also undertaken a review to prepare for the upcoming election. The Governance Rules revision is now open for feedback and consultation will conclude on 16 July 2024.

Grampians, Wimmera Mallee Tourism

We were delighted to host the 3WM, Morning Rush Team for a live broadcast from Lake Lascelles, Hopetoun Mallee Bush Retreat. As part of the new Visitor Economy Partnership, this was one of the many initiatives planned to highlight and market the Wimmera Mallee Region. It was also wonderful to be part of the Channel 9, Postcards visit to the region which showcased the iconic Murtoa Stickshed.

15 REPORTS FOR DECISION

15.1 ADOPTION OF THE 2024/25 BUDGET

Prepared by Anita McFarlane, Manager Corporate Services (Principal Accounting Officer)

SUMMARY

The 2024-25 Budget has been prepared. After advertising and public community consultation sessions held across the Shire, the Budget is now tabled and presented for adoption.

Recommended Motion:

1. That in accordance with Section 94 of the *Local Government Act 2020* (the Act) the 2024-25 Budget as tabled be adopted.
2. That the Chief Executive Officer be authorised to give public notice of this decision to adopt the Budget.
3. That a copy of the adopted Budget be forwarded to the Minister for Local Government before 30 June 2024.
4. Declare the fees and charges for the 2024-25 financial year as contained in the 2024-25 Budget document. The Chief Executive Officer be authorised to approve amendments and inclusions to the fees and charges throughout the financial year.
5. That Council approve the overall Capital Works program budget (as included in the 2024-25 Budget) of \$8,643 million and that:
 - i. the Chief Executive Officer be authorised to approve the reallocation of Capital Works funding between identified Capital Works areas to meet Council's strategic objectives; and
 - ii. any addition or removal of Capital Works program projects for the 2024-25 financial year be approved by resolution of Council; and
 - iii. All changes to the Capital Works program endorsed by the Chief Executive Officer be reported in the quarterly Financial and Non-Financial Performance Report presented to Council.
6. That Council note the Community Consultation feedback submissions summarised in the Community Engagement section of this report; and
7. That Council endorse that if the funds are received for the Commonwealth Disaster Recovery Funding Arrangement payment, that Council revisit the 2024/25 Budget, with particular focus on the Capital Works program, relating to roads and footpaths.

ATTACHMENT

[Attachment: Budget 2024/25](#)

DISCUSSION

In accordance with Section 94 of the *Local Government Act 2020* (the Act) Council is required to formally adopt a budget for each financial year and the subsequent 3 financial years by 30 June each year.

1. Rates and Charges

The Draft Budget provides an increase in general rate revenue of 2.75% for the 2024-25 year. The rate cap has been set at 2.75% by the Minister for Local Government.

Council intends to raise \$14,948,247 in rates and charges which includes general rates (\$12,266,142), municipal charge (\$426,624), service charges (\$1,795,481) and payments in lieu of rates (\$460,000).

It should be noted that whilst Council may raise approximately \$14.9 million in rates and charges in the 2024-25 financial year, as at the 31 March 2024 Council had \$1.19 million in rates arrears, relating to prior years, and \$1.661 million still outstanding of rates to be collected relating to the current financial year. Collectively, there was \$2.858 million outstanding / to be collected. Council only raised \$14.817 million in rates and charges in 2023-24 and had an outstanding rates arrears balance (current and prior) of 19% at the 31 March 2024. It is estimated that we will land around 8% in outstanding rates and charges as at the 30 June 2024, which is considered higher than the 4% average for Victorian Councils.

Whilst we have a higher-than-average rates arrears balance, we actively pursue this through debt collection, and where we can, sell properties via the Section 181 Act provisions within the *Local Government Act 1989*. This process is resource intensive, costly and time consuming. It can be argued that we can reclaim the costs back on the sale of the property, however, we must outlay the costs upfront in the first instance to commence the process. This places pressure on our cashflow, and the number of properties we can pursue at any one time. The rates arrears represent missed opportunities for community development, infrastructure improvements, and essential services. When residents' capacity to pay is restricted, our Council faces challenges in maintaining public amenities, supporting education, and fostering economic growth and development.

Differential Rate Changes

Council believes differential rates contribute to the equitable and efficient distribution of the rate burden to ratepayers. The differential rate has been adjusted in the 2024-25 financial year to 42% less of the rate in the dollar. This is adjusted from 38% in the 2023-24 financial year.

The differential rate ratios are as follows:

- General Land (100% of the general rate in the dollar)
- Farmland (58% of the general rate in the dollar)

The rates in the dollar to be applied for the 2024/25 year are as follows:

Type	cents/\$CIV
General Land	0.2997
Farmland	0.1739

Municipal Charge

The municipal charge will increase from \$81.83 to \$84.08 per rateable assessment for the 2024-25 year. A person may apply to Council for an exemption from the payment of a municipal charge on rateable land in accordance with Section 159(3) of the *Local Government Act 1989*.

Waste and Recycling Charge

Ideally, Waste and Recycling should be full cost recovery to Council, with it being a user pays service. With the increases incurred via our waste and recycling contract, and with the State Government landfill levy increasing, it was identified that Council would need to raise the waste and recycling charges by 22% to be full cost recovery.

It was recognised that this would be a significant burden on our rate payers, and therefore the annual service charges for the collection and disposal of refuse and recycling will increase by 10.0%. It is envisaged that this charge will increase by 10%

each year for the next three years to achieve full cost recovery. It should be noted that Council will operate at a \$200,000 deficit for waste and recycling, and there will need to be cost shifting across Council services to offset the deficit.

A waste service charge, recycling service charge and a glass recycling charge will be made on all improved properties within Council, excluding commercial and rural properties where such services are provided only upon request.

Free Green Waste

Council offered designated free green waste weeks during the 2023-24 financial year. Going into the 2024-25 financial year, green waste will be free all year round for residents, with a load not to exceed greater than 6 x 4 trailer size. This offer will not be available to businesses or commercial entities. A criterion for the exception of free green waste is currently being developed and will be available from 01 July 2024.

The purpose of offering free green waste disposal is to prevent accumulation and motivate our residents to maintain their properties in good condition. This initiative aims to lower fire hazard risks and decrease the number of unattractive and dangerous properties. Such properties pose problems for Council Officers and often require significant time and money to resolve.

Declaration of Rates and Charges

Council will declare the rates and charges at the July Council meeting, after the Fair Go Rates System annual compliance has been completed as of 30 June 2024.

Payment in lieu of Rates (PiLOR) and Investment

Council has budgeted \$460,000 for PiLOR. Council has committed funds towards community asset investment in the 2024-25 year as follows:

- \$170,000 of this funding as a co-contribution and/or investment into the Hopetoun Swimming Pool upgrades (Council resolution 28 February 2024 and included in Capital Works budget 2024-25).
- \$90,000 for the Yaapect Streetscape Works (included in Capital Works budget 2024-25).
- \$91,800 for the Hopetoun Old School Site, Enabling Tourism Funding co-contribution (Council resolution 27 March 2024); and
- \$100,000 co-contribution for the Murtoa Netball / Tennis Court Project as part of the Regional Community Sports Infrastructure Funding application (Council resolution 28 February 2024).

Budget Deficit and Capital Works Program

Council is estimating a budget deficit of \$1.654 million in the 2024-25 year. Council has not factored into the budget the \$1.5 million Commonwealth Disaster Recovery Funding Agreement (DRFA) payment, as this is currently going through the claims process, and it is unclear if Council will receive all or part of the funding. If Council receives the funds, it will contribute towards reducing the deficit.

The Roads to Recovery (R2R) Funding announcement has been made, with Council to receive \$11,642,207 for the five-year funding period from 01 July 2024 to 30 June 2029. The funding letter states that the nominal annual allocation gradually increases over the next five years. This line in the letter indicates that the \$11 million may not be an even allocation each year, however this has not been clarified.

If it was an even allocation, we would have \$2,328,441 per year available for roads over the next five years.

We have budgeted \$1.2million in R2R Funding in 2024-25, and a Council cash contribution towards our road network of \$1.33 million.

It is recommended that the additional R2R Funding, be offset against the Council’s cash contribution towards the roads, to reduce our operating deficit.

It is then recommended that we await the outcome of the DRFA claim, and if successful in receiving the funds, we reassess the budget, and consider boosting our footpath and roads program in the second half of 2024-25.

As a Council we are committed to continuously reviewing our service levels, commitments and operating costs across the Shire, to ensure the additional R2R funding does not get absorbed into our operating expenses.

This recommendation enables Council to assess our Cashflow position, and to make an informed decision, whilst also managing our strategic Financial Risk.

Capital Works

The proposed Budget provides the Capital Works projects that will be undertaken for the 2024-25 year which is classified by expenditure type and funding source (Pages 39 to 45).

The Capital Works program is less than the last two years’ due to funding constraints.

Between 2018-19 and 2022-23 financial years, Council has invested \$5.4 million in Plant and Equipment, and a further \$1.9 million was committed in the 2023-24 budget, demonstrating our commitment to ensuring our assets are updated to support our road making activities.

Council’s property investment is greater than prior years, as the Regional Infrastructure Fund, Affordable Housing project is to be completed in the 2024-25 financial year. This final stage of the project is to build units in Hopetoun, Warracknabeal and Rupanyup to the value of \$1.5million.

Council has allocated funds of \$200,000 in the budget towards Master Environment Strategy initiatives. Such initiatives will be identified when Council endorses the final strategy and action plan prior to entering the Election Period in 2024.

	Project Cost \$'000	New \$'000	Renewal \$'000	Upgrade \$'000	Grants \$'000	Contributions \$'000	Council Cash \$'000
Property	2,814	2,386	13	415	1,816	70	928
Plant & Equipment	1,037	792	180	65	7	-	1,030
Infrastructure	4,972	96	3,416	1,280	3,054	-	1,738
Total	8,643	3,274	3,609	1,760	4,877	70	3,996

2. Employee Costs

The Employee costs have increased from the 2023-24 financial year, due to the increase in the Enterprise Agreement, superannuation, Workcover and income protection costs. In addition, Council has four staff members moving across from Skillinvest, accounted for as Contractors in prior years, and has also reduced its allocation to Capital Works, due to the reduction in the program in 2024-25. (Program in 2023-24 – \$14.9 million, opposed to \$8.5million in 2024-25).

3. Schedule of Fees and Charges

The Budget presents the fees and charges of a statutory/non-statutory nature which will be charged in respect of various goods and services during the 2024-25 financial year. The fees and charges are based on information available at the time of publishing and may vary during the financial year subject to changes in Council’s policy or legislation (Pages 53 to 65).

RELEVANT LAW

Local Government Act 2020 - Section 94

Local Government Act 1989 - Section 159, 167, 172

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025
- Yarriambiack Shire Council Revenue and Rating Plan 2024-28 as presented in this Council Agenda.
- Yarriambiack Shire Council Debt Management, Relief and Hardship Policy

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

The Council Budget is a statutory requirement and must be adopted each financial year by 30 June. Council can elect to not adopt the Draft Budget. This would be a breach of the Act given the legislative requirement to adopt a budget by 30 June 2024. This would also inhibit Council from performing duties and functions post 30 June.

Council Officers modelled the financial implications of reducing general rates below the gazetted rate cap (2.75%). Modelling indicates a reduction of general rate revenue would impact Council's ability to sustain current service level standards and its ability to generate income through matched Government grants over a 10-year period and is not recommended.

SUSTAINABILITY IMPLICATIONS

Financial: Rate capping continues to place restrictions on Council's ability to raise its own source income and places an ever-increasing reliance on grants from other tiers of Government which can change over time. Council must be mindful of its own financial sustainability and therefore take a more conservative approach to debt than other levels of Government and/or the private sector may take.

COMMUNITY ENGAGEMENT

The Draft Budget 2024-25 was made available for community feedback in accordance with Council's Community Engagement Policy. The engagement process comprised of media information across print, social media, and was placed on Council's website. The Community Engagement process was supported by in person community consultation forums across the Shire.

Feedback was invited from 13 May 2024 to 14 June 2024. Council received two (2) submissions. A summary of the feedback is as follows:

Submission 1: The Road between Murtoa and Horsham was identified as a priority for 24/25 by the resident (name of road not identified, assumed resident is referring to Wimmera Hwy). It was also deemed that the public toilets in McDonald Street Murtoa should be considered due to the high traffic of people and flow.

The Wimmera Hwy is a VicRoads asset, and the resident will be encouraged to make a submission through to the VicRoads feedback portal to raise areas of concern.

The McDonald Street toilets are assumed to be the toilets located on Marma Street, near the corner of McDonald Street. We will encourage the resident to provide this feedback to the Murtoa Progress Association to add to their community action plan. As part of the overarching Murtoa Kindergarten relocation, strategic planning will need to occur in relation to the Marma Street Kindergarten and public toilets site in consultation with the community.

Submission 2: Feedback from the Rupanyup Progress Association was a request for Council to consider extending the green waste dates and to consider for this to also

include larger items such as hard waste and e-waste to also be available free of charge, during this period.

As part of the budget review process, it is proposed to increase the availability of free green waste as outlined in the body of this report. E-waste and hard rubbish will be addressed through the Master Environment Strategy and Action Plan development.

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 Budget ensures compliance with the <i>Local Government Act 2020</i> Requirements.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The budget is prepared in a conservative approach and takes into consideration constraints around rate capping, reliance on grants, decreased funding opportunities, rising cost of raw materials, lack of available skilled trade. The prepared Budget has a focus on sustainable cost reductions to protect existing service levels.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Council’s Budget has been aligned with Council’s strategic priorities and changes to fees and charges have been communicated via the community consultation process.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Consideration has been given to other regional, state and national plans and policies as required throughout the preparation of this budget.

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 REVENUE AND RATING PLAN 2024-2028

Prepared by Anita McFarlane, Manager Corporate Services (Principal Accounting Officer)

SUMMARY

The *Local Government Act 2020* requires Council to prepare and adopt a "Revenue and Rating Plan", which replaces the "Rating Strategy" required by the *Local Government Act 1989*.

Section 93 of the *Local Government Act 2020* states that "A Council must prepare and adopt a Revenue and Rating Plan by the next 30 June after a general election for a period of at least the next 4 financial years."

To comply with the requirements of Section 93 of The Act, Council adopted its Revenue and Rating Plan 2021 – 2025 at the ordinary meeting of Council held on 23 June 2021.

As the Revenue and Rating Plan is a key element of Council's financial management framework, best practice would dictate that this plan be reviewed and updated annually as part of the Council budget process. This document has been reviewed and adopted in 2022, 2023 and is being presented again in 2024 as part of the budget process.

Recommended Motion:

That Council:

- a) Endorse the Draft Revenue and Rating Plan 2024–2028 as attached to this report; and
- b) Consider the Revenue and Rating Plan submission received by Council as a separate Council report before September 2024, in relation to the rate rebate scheme proposed to encourage landholders to protect remnant native vegetation.

ATTACHMENTS

[Attached: Draft Revenue and Rating Plan 2024-2028.pdf](#)

[Attachment: Letter Trust for Nature Covenants](#)

[Attachment: Submission Revenue and Rating Plan Review 2024-2028](#)

DISCUSSION

Section 93 of the *Local Government Act 2020* requires Council to prepare and adopt a Revenue and Rating Plan by the 30 June following a general election. The plan is to be developed for a period of at least the next four financial years.

The plan includes all sources of revenue including rates, charges, grants, contributions, and other revenue streams such as interest and rental agreements.

The 2021-2025 plan was developed utilising the Local Government Revenue and Rating Plan Guide incorporating the *Local Government Act 2020* reforms, the Local Government Best Practice Guide 2014 and the Ministerial Guidelines for Differential Rating 2013. Public consultation on the Revenue and Rating Plan 2021–2025 was undertaken between 10 and 21 June 2021.

The plan is reviewed and updated annually to reflect changes to Council's operating environment.

The draft 2024–2028 plan incorporates the following updates:

- All financial tables have been updated to incorporate the 2024-25 budget period cycle.

RELEVANT LAW

Section 93 of the *Local Government Act 2020*.

COUNCIL PLANS AND POLICIES

- The Yarriambiack Shire Council Budget 2024-2025
- The Council Plan 2021-2025

RELATED COUNCIL DECISIONS

- The Revenue and Rating Plan 2021- 2025 adopted on 23 June 2021
- The Revenue and Rating Plan 2022 - 2026 adopted on 29 June 2022
- The Revenue and Rating Plan 2023 - 2027 adopted on 28 June 2023

OPTIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Social – The inquiry into the Sustainability and Operational Challenges of Victoria’s Rural and Regional Council’s identified that Council’s such as Yarriambiack have lower community income, fewer employment opportunities, and higher levels of disadvantage resulting in communities having a higher reliance on Council’s services with less capacity or means to pay for them. Regional Council’s also see a greater application of pension and other consideration discounts on Council rates and a higher cost of living.

Financial – The Revenue and Rating Plan addresses Council’s increased reliance on grants to meet operational requirements. Council has an inability to generate additional revenue streams in comparison to their metropolitan counterparts, such as parking fees, fines, development applications and user charges for facilities and services.

COMMUNITY ENGAGEMENT

The Revenue and Rating Plan 2024-2028 was made available for community feedback in accordance with Council’s Community Engagement Policy.

Council received one submission regarding the Revenue and Rating Plan. The submission outlined that consideration be given to a rate rebate scheme to encourage landholders to protect remnant native vegetation. This supports the letter received by the CEO on 20 February 2024 and provided to Councillors on 13 March 2024 as an attachment to the Council Forum Agenda. The letter from the Trust for Nature, outlined the properties within Yarriambiack Shire and highlighted the opportunity for Council to provide a rating concession.

It would be recommended that such a rating concession should be considered separately, as a holistic review of rates and charges, and the financial impact on Council.

GENDER IMPACT ASSESSMENT

Not applicable 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	This Plan ensures compliance with the <i>Local Government Act 2020</i> requirements.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Plan identifies Council’s revenue streams and methodology for Rates and Charges. It highlights Council’s reliance on Grants to meet operational requirements. Therefore, Council can be proactive in applying for and sourcing grants to meet organisational requirements.	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 SHARE GRANT REALLOCATION 2023-24

Prepared by Sarah Collins, Manager Community Strengthening and Engagement

SUMMARY

On the 27 September 2023 Council noted the Share Grant Report for the allocation of the 2023-24 Program. As part of the report, it was identified that the total value of funding being allocated in that round was \$35,965.72, with the \$24,034.28 of the remaining funding pool to be carried forward to future funding rounds. This report recommends that part of the funds be reallocated to the installation of Automated External Defibrillator (AED) machines at Council owned Senior Citizen buildings that do not currently have an AED or are not in close proximity to an AED.

Recommended Motion:

That Council:

- a) Endorse that part of the unallocated SHARE Grant Funding for 23-24 be utilised towards the installation of the AED machines at Council owned Senior Citizen buildings.

ATTACHMENTS

Not applicable

DISCUSSION

After responding to a community request for a defibrillator (defibs) at the Warracknabeal Senior Citizens building, Yarriambiack Shire Council Officers undertook an audit of the current defib machines throughout the Yarriambiack Shire Council. It was found that multiple towns did not have good coverage of defibs registered on the Ambulance Victoria Defib Register.

A presentation at the December 13, 2024, Council Forum outlined Council's approach to addressing this issue, noting the four steps to be taken:

1. **Awareness** – Raise community awareness of the importance of AED's available in communities and how everyone can do their part to raise awareness.
2. **Registration** - Work directly with communities to register already existing AED's. Highlight the benefits to 24/7 accessibility. Identify communication platforms that inform community where they can find AED's.
3. **Additional AED Machines** - Identify any remaining gaps of where AED's are most needed in the community and source funding to purchase additional devices.
4. **Training** - Partner with Ambulance Community Officers (ACO's) and Ambulance Victoria to provide training on how to access and use defibs in an emergency.

While the training is currently ongoing, the awareness and registration campaigns have seen an increase of:

- 4 AED's noted on the Ambulance Victoria AED Register,
- 7 AED's have been donated to Yarriambiack Shire Council to be placed along the Silo Art Trail (yet to be implemented), and
- 3 AED's have been donated by the Warracknabeal Ambulance Community Officers to be located across Warracknabeal.

This brings the total number of newly registered/ gifted AED machines to 14 across Yarriambiack Shire Council since work began on this campaign.

In December 2023, Yarriambiack Shire Council applied for funding to obtain 6 AED machines to be placed at the active Senior Citizens buildings but were unsuccessful in our application. To continue work in this space, we are looking to implement 3 new

AED's to place at Yarriambiack Shire Council owned Senior Citizens buildings, costing approximately \$6,000. It is recommended that the funds be reallocated from the underspend in the Share Grant 2023-24 program towards the purchasing and installation of the new AED machines.

The proposed locations are the Minyip, Rupanyup and Hopetoun Senior Citizen buildings, noting that these buildings do not currently have, nor are they in close proximity to an existing recorded AED machine. While there is the argument that the Woomelang Senior Citizen building would be a reasonable choice to place an AED machine as the town currently only has 1 AED registered, the current AED is available 24/7 and is located next door to the building. In times of emergency, proximity to the AED machine is vital in increasing the chance of survival.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

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

RELATED COUNCIL DECISIONS

Council Agenda, 26 June 2024, item 15.4 Murtoa Silo Art Rail Corridor Trespassing.

OPTIONS

- a) Council could choose not to reallocate the SHARE grant funds to purchase and install the 3 AED machines at the proposed Senior Citizens locations.
- b) Council could choose to approve the reallocation of funds but propose different locations for the AED machines to be installed.
- c) Council could choose to approve less AED machines to be purchased and installed.

SUSTAINABILITY IMPLICATIONS

Social: With 38% of residents in Yarriambiack Shire Council aged 60years+, there is a significant increase in risk of a sudden cardiac arrest in our communities. Council needs to implement actions as stated in the Council Plan that align with *Objective 2: A Healthy and Inclusive Community*.

Financial: Council needs to manage the cost of implementing AED machines and the community benefit they provide. While there are the funds available through reallocation of SHARE Grant 2023-24 Community Grant Funds, there is also the ongoing servicing and maintenance costs that need to be assessed prior to committing to the purchasing of equipment and limit the ability to purchase more when funds are available.

COMMUNITY ENGAGEMENT

Community engagement has been ongoing throughout the AED Registrations and 'Call, Push Shock' campaigns through Council's digital and print media channels.

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>
Financial Risk - Residual Risk Level Medium	The project will be utilising unallocated 2023-24 funding to put towards the purchase of the AED Machines. Council can be proactive in seeking maintenance and servicing funding should it be required to assist with budgeting.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Council has a duty to act on Strategic Objectives as outlined in the Council Plan to ensure we are meeting community expectations of service delivery.	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 MURTOA SILO ART RAIL CORRIDOR TRESPASSING

Prepared by Sarah Collins, Manager Community Strengthening and Engagement

SUMMARY

Since the commissioning of the Silo Art in Murtoa, there have been several near misses reported in relation to tourists viewing the silo art and crossing an active railway line. This report is providing Council with an update on Council's actions to mitigate the risk.

Recommended Motion:

That Council:

- a) Note the report, which outlines the risks identified with the Murtoa Silo Art project; and
- b) Endorse that the SHARE Grant Program 2023-24 unallocated funds be redistributed towards the installation of the fence in Murtoa to address public safety.

ATTACHMENTS

Attachment: Australian Rail Track Corporation (ARTC) Murtoa Artwork Trespassing Risk Assessment Working Report (withheld attachment item is confidential for the purpose of section 3(1) of the *Local Government Act 2020*)

Because it is Australian Rail Track Corporation (ARTC) private commercial business information, considered commercial in confidence (section 3(1)(g)).

DISCUSSION

In April 2023, the disused Grain Corp Silos sited at Murtoa were adorned with painted murals, as a part of the Victorian Government Regional Tourism Infrastructure Funding campaign. The silos now form part of the Silo Art Trial.

The artwork was painted on the western side of the silos, facing the unfenced rail corridor. Since its commissioning, the artwork has drawn increased pedestrian flow.

Due to its location, there has been an increase in incidents of trespassing into the corridor to view the art, as reported by Australian Rail Track Corporation to Yarriambiack Shire Council.

Australian Rail Track Corporation has undertaken a rail corridor trespassing risk assessment and identified that there is a risk of Train / Pedestrian Collision due to:

- Unauthorised pedestrian access to the rail corridor.
- No barriers to prevent unauthorised pedestrian access into the rail corridor.
- There is obstruction to viewing the artwork; and
- A risk assessment was noted as not being conducted prior to the commissioning of the artwork by the grant recipients.

Significant consequences had been identified such as a fatality and/or serious injury, network delays, loss of public confidence and regulatory interest.

As a proposed treatment to address the risk the following has been proposed:

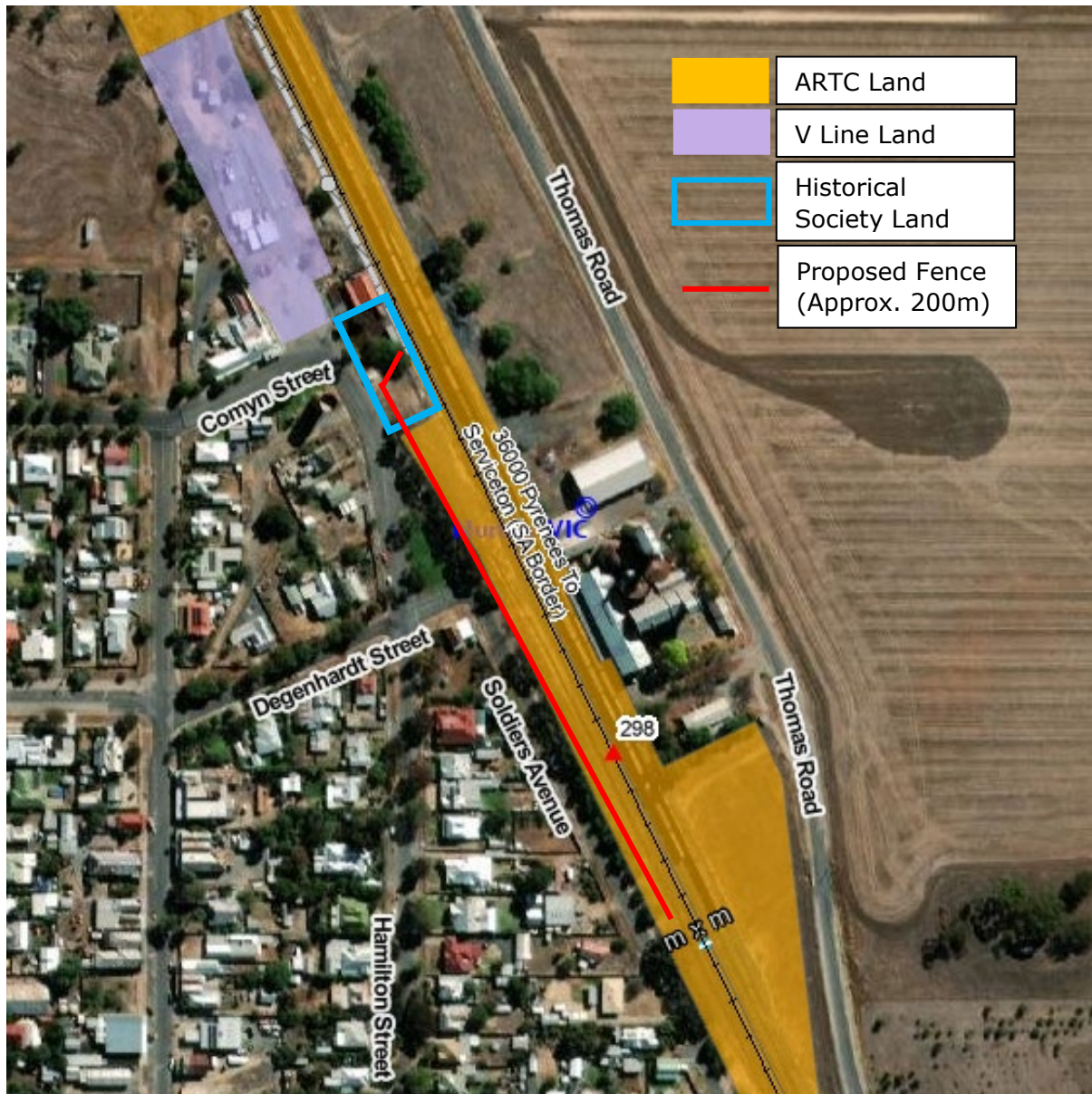
- Construction of fencing to prevent Pedestrian Access to the Rail Corridor.
- Placement of signs in close proximity to the Silo Art warning pedestrians of the Hazards of oncoming Trains.
- Community Awareness program and possible warnings placed on the Victorian Silo Art Trial Website; and
- Erection of signs emphasising the optimal viewing area.

As this is deemed a public safety matter, Council has had to step in and work with Australian Rail Track Corporation to address the risk.

Australian Rail Track Corporation is commissioning signs to be installed within close proximity of the Silo Art, to warn pedestrians of the risk.

Council is working with our Visitor Economy Partnership to alert travellers to the risks and additional signage to optimise viewing.

To mitigate the risk further, it is proposed that a farm fence, with a top barb wire be installed to prevent tourists attempting to access and cross the active train line to view the silo art.



As this is a public safety issue, to mitigate the risk and undertake the works, it is estimated that the costs will be approximately \$2,000 (excluding internal plant and labour costs). It is recommended that the funds be reallocated from the underspend in the Share Grant 2023-24 program towards the construction of the fencing.

Council Officers will continue to work with Australian Rail Track Corporation to address the public safety issue, with an aim of installing a suitable fence within the area identified. Noting that this project was not a Council Project, nor was it an endorsed Australian Rail Track Corporation project. However, both parties wish to ensure public safety is addressed as a priority.

The Murtoa Progress Association has provided in principle support to partially fund the fencing to assist with addressing the issue.

In the future, to mitigate the risk of this issue arising again, Council will require an applicant for tourism attractions to demonstrate they have undertaken a risk assessment and to outline control measures to be implemented at the time of making an application for a permit. Control measures will form part of any approved permit and will be required to be in place prior to the use commencing or prior to the artwork being installed.

RELEVANT LAW

- *Occupational Health and Safety Act 2004*

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025: Strategic Objective 1: A Vibrant and Diversified Economy

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

- a) Council could choose not to install the fence and rely on signage. However, it would be in the best interest of public safety to address the risk in its entirety now that it is identified.

SUSTAINABILITY IMPLICATIONS

Economic: The enhancement of the Silo Art Trail is important to supporting the tourism industry to strengthen and develop. Tourism diversifies the economy supporting economic growth and development.

Financial: The unidentified risk has financial implications on Council, as it is expected that Council addresses the risk now that it is identified. Council could choose to only support the signage elements of the risk assessment, however, we would then need to consider where our legal liability rests, if we are aware of a risk, and have failed to implement all controls to mitigate it. Council could be exposed to litigation costs.

COMMUNITY ENGAGEMENT

The Murtoa Progress Association, as the grant recipient and project manager of the Silo Art has been provided with updates in regard to the issues identified.

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>
Program and Project Risk - Residual Risk Level Medium	A risk assessment identifying the risks was not undertaken initially. Going forward, Council will ensure a risk assessment is embedded into the planning permit requirements.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The silo art supports Councils and the Wimmera Mallee vision of expanding and enhancing the Silo Art Trail.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Erecting the fence reduces Councils exposure to liability risk.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Failing to act on a known and identified risk, could expose Council to reputational risk with stakeholders and regulators.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- Wimmera Mallee Tourism Strategy 2022-2027

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 CHILD SAFETY STANDARDS

Prepared by Bernardine Schilling, Manager People and Culture

SUMMARY

While mandatory Child Safe Standards (the Standards) have been in effect in Victoria since 2016, the Victorian Government announced the eleven new Standards that commenced from 1 July 2022. The Child Safe Code of Conduct and the Child Safety and Wellbeing Policy have been revised and updated to reflect the eleven (11) standards and to provide clear guidance of what is expected of Council to comply.

The eleven new Standards replaced Victoria's current seven Standards and principles.

Recommended Motion:

That Council:

Rescinds the current:

- a) Child Safety Policy and Statement of Commitment; and
- b) Child Safer Code of Conduct and the Website Declaration that outlines Yarriambiack Shire Council's declaration of commitment for the Child Safe Standards as adopted on 24 July 2019.

Adopt the revised versions of the:

- a) Child Safety and Wellbeing Policy;
- b) Child Safe Code of Conduct; and
- c) Website Declaration that outlines Yarriambiack Shire Council's declaration of commitment for the Child Safe Standards as attached.

ATTACHMENTS

[Attachment: Child Safety and Wellbeing Policy](#)

[Attachment: Child Safety Code of Conduct](#)

[Attachment: Website Declaration](#)

DISCUSSION

Key changes include new requirements which aim:

- a) to involve families and communities in the efforts of an organisation to keep children and young people safe,
- b) for a greater focus on safety for Aboriginal children and young people,
- c) to manage the risk of child abuse in online environments; and
- d) for greater clarity on the governance, systems, and processes to keep children and young people safe.

The new Standards also provide greater clarity for organisations on the minimum actions required to meet each standard.

Changes made support greater national consistency, reflecting the National Principles for a Child Safe Organisation developed following the Royal Commission into Institutional Responses to Child Sexual Abuse.

The updated Child Safe Standards are to be implemented Council wide and be considered in all decision-making activities that affect children and young people (under 18 years).

Council's adoption of the new Standards and actions demonstrates Council's commitment that we do not tolerate child abuse of any kind. Council's actions provide our community with reassurance that we are committed to keeping our children and younger people

safe, promoting the cultural safety of Aboriginal children, those from culturally and linguistically diverse backgrounds and children with disabilities.

RELEVANT LAW

All Victorian organisations that provide services or facilities to children are required by law to comply with the Child Safe Standards.

The [Human Services Regulator](#) within the Department of Families, Fairness and Housing plays an important role in regulating human services to minimise harm and to protect the safety and rights of children, young people and adults. As part of this role and in line with the [Child Wellbeing and Safety Act 2005](#), the Human Services Regulator oversees and promotes compliance by department funded or regulated organisations with the Child Safe Standards. The Human Services Regulator has adopted a risk-based regulatory approach to assessing compliance, which is consistent with the department's Better Regulatory Practice Framework.

COUNCIL PLANS AND POLICIES

- Council Plan 2021 - 2025
 Strategy Objective 2 – A healthy and inclusive community, reducing family violence and violence against children.

RELATED COUNCIL DECISIONS

Council Meeting 24 July 2019 – Item 13.5 Child Safe Standards.

Child Safety Policy and Statement of Commitment

Child Safer Code of Conduct, that was incorporated into the Employee Code of Conduct; and approved the Website Declaration that outlines Yarriambiack Shire Council’s declaration of commitment for the Child Safe Standards.

OPTIONS

No other options exist in this case, as the new Standards commenced on 1 July 2022 and are mandatory for all organisations that interact with children and young people.

SUSTAINABILITY IMPLICATIONS

Nil

COMMUNITY ENGAGEMENT

Once adopted, the revised Child Safe Code of Conduct, Child Safety and Wellbeing Policy and Website Declaration will be made available to our community via our website.

These documents will be communicated to all staff and promoted across the community.

GENDER IMPACT ASSESSMENT

Not required for this report.

RISK

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	This Policy and Code of Conduct ensures compliance with the Child Safe Standards as per the <i>Child Wellbeing and Safety Act 2005</i> Update policy and Employee Code of Conduct to ensure communication of changes.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Update of standards and training to ensure compliance by the staff of Yarriambiack Shire Council.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Local Councils must comply with the Child Safety Standards as per the *Child Wellbeing and Safety Act 2005* (Vic).

The New Standards include new obligations for organisations to:

- a) increase the involvement of families and communities in the organisations' efforts to keep children and young people safe,
- b) have a greater focus on the safety of Aboriginal children and young people by requiring organisations to establish a culturally safe environment in which the diverse and unique identities of Aboriginal children and young people are respected and valued,
- c) manage the risk of child abuse in online environments,
- d) ensure policies and procedures address all the New Standards and are regularly reviewed and improved,
- e) give particular attention to the needs of children and young people who identify as lesbian, gay, bisexual, transgender or intersex,
- f) analyse complaints and report findings of reviews to staff, volunteers, the community, families and children and young people,
- g) ensure greater clarity about governance, systems and processes in place to keep children and young people safe.

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 CEO EMPLOYMENT AND RENUMERATION POLICY

Prepared By: Bernardine Schilling, Manager People and Culture

SUMMARY

In accordance with S45 *Local Government Act 2020* Council is required to develop, adopt and keep in force a Chief Executive Officer (CEO) Employment and Remuneration Policy.

The purpose of the report is to present the recommendations resulting from the review of Council's Chief Executive Officer and Director Employment and Remuneration Policy conducted by the Audit and Risk Committee and Councillors.

Recommended Motion:

That Council:

- a) Rescind the Chief Executive Officer and Directors Employment and Remuneration Policy adopted at Council on 23 June 2021; and
- b) Adopt the revised Chief Executive Officer Employment and Remuneration Policy as attached to this report.

ATTACHMENTS

[Attachment: CEO Employment and Remuneration Policy](#)

DISCUSSION

On 15 April 2024 the Audit and Risk Committee reviewed the CEO and Directors Employment and Remuneration Policy and made the following recommendations:

- remove the Director recruitment component within the policy and create a standalone policy,
- Council to have the discretion regarding the 'term of appointment' of an Independent Advisor, with the option to appoint up to a four-year term for consistency and convenience to coincide with a Chief Executive Officer's four-year contract, and the Council term, without the need to advertise each year,
- Council to have the discretion to 'reappointment' a current Chief Executive Officer, with the option to rollover a Chief Executive Officer's contract for a further 2 years without advertising, with the option to extend up to and including the final term of the contract – (maximum of 10 years in total).

At Council's Closed (Confidential) Meeting on 24 April 2024 Council endorsed that the current CEO and Directors Employment and Remuneration Policy be reviewed by Maddock Lawyers, supported with the following recommended changes;

- Removal of the Employment and Appointment of a Director with a standalone policy to be developed.
- Councillors having the discretion regarding the term of appointment of an Independent Advisor, with the option to appoint up to a four-year term for consistency and to coincide with a Chief Executive Officer's four-year contract, without the need to advertise each year,
- Councillors have the discretion regarding the rollover of a Chief Executive Officer's Contract up to a further 3 years without advertising with the option to extend up to and including the final term of the contract (maximum of 10 years' service before re-advertising -Change made so the appointment doesn't fall in line with Council Elections).

The Policy has been revised to incorporate the changes whilst remaining compliant with the requirements of the *Local Government Act 2020*.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025, Strategic Objective 4: A Council Who Services Its Community
- Transparency Policy

RELATED COUNCIL DECISIONS

- Council Meeting – 28 August 2019 – CEO Employment and Remuneration Policy.
- Council Meeting – 23 June 2021 – CEO and Directors Employment and Remuneration Policy.
- Audit and Risk Committee Meeting – 26 June 2023 – General review by Committee members.
- Council Meeting – 24 April 2024 - CEO Employment and Remuneration Independent Chair.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Social: The changes to the current policy will enhance community confidence in Council's decision making regarding the recruitment and management of Council's Chief Executive Officer.

Financial: Financial costs of advertising will be reduced if Council were to have the discretion to:

- engage an Independent Advisor for the term of a Chief Executive Officer's Contract, and
- rollover a Chief Executive Officer's Contract up to a further 3 years without advertising with the option to extend up to and including the final term of the contract (maximum of 10 years).

COMMUNITY ENGAGEMENT

The CEO Recruitment and Renumeration Policy will be available via Council's website and made available for inspection at the Council's main office, 34 Lyle Street, Warracknabeal.

GENDER IMPACT ASSESSMENT

Not applicable 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 one Independent Advisor for the full term of the CEO’s Contract would maintain consistency and convenience of the performance review process and the ability for Council to have the discretion to reappoint a current CEO would be less disruptive, offering stability and continuity to both Council staff and community.	Maintains Residual Risk Level
Talent Management Risk - Residual Risk Level Low	The policy ensures the best possible candidate is recruited based on the principles of merit and the market is tested at maximum every ten years.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Will reduce advertising costs over the period.	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.

The Chief Executive Officer has declared a conflict of interest in relation to this matter and has removed herself from all discussions and/or meetings.

The Chief Executive Officer Employment and Remuneration Policy directly relates to the Chief Executive Officer. During this section and item of the meeting, the Chief Executive Officer will depart. The Manager People and Culture will act in the Chief Executive Officer role during this period of the meeting.

16 COUNCIL REPORTS FOR NOTING

16.1 LEASE OF AIRCRAFT HANGAR HOPETOUN

Prepared by Belinda Penny, Governance Officer

SUMMARY

This paper is being presented as an information report to inform Councillors that a Lease has been enacted for the Aircraft Hangar at the Hopetoun Aerodrome in accordance with Council's S7 Instrument of Delegations, under *s115 Lease of Land, Local Government Act 2020*.

Recommended Motion:

That Council:

- a) Note that the Chief Executive Officer, under her delegation has executed a lease for the housing of a personal use aeroplane at the Hopetoun Airport hangar;
- b) For a period of 5 Years;
- c) With an annual rental fee set at \$2,870 per year that will be adjusted annually by CPI in accordance with the terms and conditions of the Lease Agreement.

ATTACHMENTS

[Attachment: Lease Agreement – Aircraft Hangar, Hopetoun Aerodrome.](#)

DISCUSSION

In March 2024 Council was approached by two residents to store their private aeroplanes at the Hopetoun Airport Hangar.

A valuation report was commissioned by a certified and qualified valuer to ascertain the annual rental value to inform the lease agreement.

A lease agreement has been negotiated with one of the parties, to store both planes in the Hangar.

In accordance with the *Local Government Act 2020*, a Council's power to lease any land to any person is limited to a lease for a term of 50 years or less.

In addition, Council is not required to undertake a community engagement process in relation to this lease as;

- the lease rent is not greater than \$100,000 per year, or the current market rental value of the land is not \$100,000 or greater per year; and
- The lease is not for 10 years or more.

RELEVANT LAW

- *Local Government Act 2020, s115 Lease of Land*

COUNCIL PLANS AND POLICIES

Council Plan 2021-2025: Strategic Objective 1: A Vibrant and Diversified Economy

Council Plan 2021-2025: Strategic Objective 2: A Council Who Services Its Community

RELATED COUNCIL DECISIONS

Council Meeting - 24 May 2023, Equipment Access Agreement Hopetoun and Warracknabeal Aerodrome, item 15.2

OPTIONS

Not applicable

SUSTAINABILITY IMPLICATIONS

Social: The support of local pilots and plane owners to practice their craft is important to maintain the skillset within the region, but also broadens people’s leisure and cultural experiences.

Financial: Whilst minimal, the lease fees support the overarching running costs of the Hopetoun aerodrome.

COMMUNITY ENGAGEMENT

Community Engagement is not required in accordance with s115 of the *Local Government Act 2020*.

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	The lease agreement is being presented to Council for noting and had been developed utilising a Russell Kennedy Lawyers template.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Supporting a local person to store their plane at our airport demonstrates a commitment by Council to work closely with the community for the greater benefit of the municipal district.	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.

17 PERMITS ISSUED

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

Recommended Motion:

That Council:

Note the permits issued by Council between 1 May 2024 and 31 May 2024.

Reference No	Description	Address	Date of Issue
Building Permits			
BLD20240388	Construction of a shed	Hopetoun	10/05/2024
BLD20240399	Change of use to a dwelling	Hopetoun	29/05/2024
Planning Permits			
TP43-23	Construction of a rural worker accommodation	Warracknabeal	13/05/2024
PA20240005	Construction of a farm shed and removal of vegetation	Lah	09/05/2024
PA20240007	Construction of a pool within an LSIO	Warracknabeal	09/05/2024
PA20240013	Two lot subdivision	Hopetoun	09/05/2024
PA20240017	Construction of a shed with an DDO	Kellalac	09/05/2024
Local Law Permits			
05-24	Keeping more than allowed number of animals	Murtoa	06/05/24
06-24	Keeping more than allowed number of animals	Warracknabeal	16/05/24
07-24	Keeping more than allowed number of animals	Tempy	23/05/2024
11-24	Street Trade Permit	Info Centre – Scott St Warracknabeal Gateway BEET Hopetoun	01/05/2024
12-24	Street Trade Permit	In front of 107-119 Scott St Warracknabeal	16/05/2024

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

24 July 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 as two separate meetings.

Recommended Motion:

That the Ordinary Meeting of Council is now closed at (state time).

Council will now proceed to the Closed (Confidential) Meeting of Council.

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:

1. PANEL OF PREFERRED SUPPLIERS
<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. HOPETOUN DEPOT AND AERODROME POWER SUPPLY 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.