



Yarriambiack
SHIRE COUNCIL

Minutes

Ordinary Meeting of Council

28 August 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 reads 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 (of this Agenda) 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 or recording 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 livestream, the meeting may continue provided the gallery remains open to the public in accordance with Council's meeting procedures and Governance Rules, clause 2.42.3 (g).

3 ACKNOWLEDGEMENT AND PRAYER

Mayor K Zanker to open the meeting at **9.30am** by acknowledging the Traditional Owners 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 and present'.

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	Tony Caccaviello	Chief Operating Officer
Council Officer	Monique Metlika	Governance Support Officer
Council Officer	Tim Rose	Manager Community Health
Council Officer	Rebecca Botheras	Sport and Recreation Coordinator
Council Officer	Vanessa Lantzakis	Acting Manager Assets
Council Officer	Anita McFarlane	Manager Corporate Services
Council Officer	Joel Turner	Manager Infrastructure and Works

5 APOLOGIES

Name / Role	Description of Leave / Absence

6 CONFIRMATION OF MINUTES

6.1 MINUTES 24 JULY 2024 – ORDINARY MEETING

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

Recommended Motion:

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

Resolution:

Moved Cr Massey

Seconded Cr Heintze

That the recommendation be adopted.

Carried

6.2 MINUTES 24 JULY 2024 – CLOSED (CONFIDENTIAL) MEETING

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

Recommended Motion:

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

Resolution:

Moved Cr Kirk

Seconded Cr Massey

That the recommendation be adopted.

Carried

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 (Chapter 5- Disclosure of Conflict of Interest at Council Meetings).
- 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
Cr Tom Hamilton	15.8 Murtoa Permit – Camping at Lake Marma	Member of Murtoa Big Weekend Committee.

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
22 November 2023 Item 15.4	Lascelles Caravan Park endorsed. Lease to be enacted.	Lease signed and completed. Action Closed.
26 June 2024 Item 15.3	Reallocation of SHARE Grant 2023-24 funding to the installation of Automated External Defibrillator (AED) machines at Council owned Senior Citizen buildings.	
26 June 2024 Item 15.4	Unallocated funds of SHARE Grant 2023-24 funding be redistributed towards the installation of the fence at Murtoa Silo Art rail corridor to mitigate the risk.	

9 PETITIONS

No petitions received.

10 CORRESPONDENCE

Outgoing		
Date	Recipient	Details
12 August 2024	Victorian Pride Lobby	Letter – Response to Public Question
06 August 2024	Vic Grid	Letter – Yarriambiack Shire Council Submission to the Draft Transmission Plan Guidelines
06 August 2024	Resources Victoria	Letter – Resources Victoria Critical Minerals Community Benefit Sharing Feedback
31 July 2024	Beulah and District Residents	Letter and Survey – Beulah Waste and Recycling Services
29 July 2024	Murtoa Residents West of Lake Marma	Letter and Survey – Commonwealth Housing Support Program – Lakeside Sewer and Water Scheme Stage 2 Murtoa

Incoming		
Date	Sender	Details
07 August 2024	Victorian Pride Lobby	Public Question Submission
06 August 2024	Barengi Gadjin Land Council	Letter – Sorry Business Barengi Gadjin Land Council
31 July 2024	The Hon Sonya Kilkenny MP Minister for Planning	Response letter in relation to request for an environment effects statement (EES) to occur for the proposed Campbells Bridge Wind Farm project. <u>Confidential Attachment: Letter - Request for Environmental Effects Statement - The Hon Sonya Kilkenny MP</u>
30 July 2024	Woomelang and District Development Association	Thank you for continued development of town and construction of footpath on the east side of Barbary Street between Brook and Proctor Street. <u>Confidential Attachment: Letter - Thank You for Town Improvements - Woomelang DDA</u>

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
23 September 2024	Special Meeting
14 October 2024	Ordinary Meeting
10 February 2025	Ordinary Meeting
14 April 2025	Ordinary Meeting
14 July 2025	Ordinary Meeting

12 ACTIVITY REPORTS

12.1 MAYOR ACTIVITY REPORT

Mayor Kylie Zanker – Warracknabeal Ward (August)		
Date	Activity	Location
26/07/24	Mayor and CEO Meeting	Online
26/07/24	Meeting with Warracknabeal Herald Reporter	Warracknabeal
29/07/24	Draft Vic Transmission Plan	Warracknabeal
29/07/24	Draft Vic Transmission Plan Webinar	Online
31/07/24	Speed Field Days	Speed
01/08/24	Regional Councils Victoria Conference Dinner	Trawool
02/08/24	Rural Councils Victoria Forum	Trawool
06/08/24	Minyip Senior Citizens Meeting with CEO	Minyip
06/08/24	Donald Mineral Sands Transport Route Meetings (two sessions 2.30pm and 5.30pm)	Minyip
07/08/24	Inquiry into Local Government Funding and Services Public Hearing (Participant)	Online
08/08/24	Quarterly Wimmera Regional Mayor and CEO Meeting	Horsham
09/08/24	Mayor and CEO Meeting	Warracknabeal
09/08/24	Meeting with Jade Benham MP and Yarriambiack Shire	Online
09/08/24	Citizenship Ceremony	Warracknabeal
12/08/24	Patchewollock Inc Meeting	Online
14/08/24	Council Forum – Travel to Visit Projects	Warracknabeal, Minyip, Rupanyup and Murtoa
14/08/24	Wimmera Southern Mallee Central Highlands MAV Regional Meeting	Nhill
16/04/24	Meeting with Dr Anne Webster MP and Yarriambiack Shire	Online
19/08/24	Meeting Jacinta Ermacora MP and Yarriambiack Shire	Online
20/08/24	Grampians Mallee Tourism Meeting	Online
20/08/24	Warracknabeal Scout Annual Report and Awards	Warracknabeal
22/08/24	Victorian Local Government Mayors, CEOs, and MAV Delegates Networking Event	Melbourne
23/08/24	MAV State Council Meeting	Melbourne

Mayor Kylie Zanker – Warracknabeal Ward (August)		
27/08/24	Communities in Transition – Change and Opportunity for Our Region	Horsham

12.2 COUNCILLOR ACTIVITY REPORTS

Cr Andrew McLean – Hopetoun Ward (August)		
Date	Activity	Location
29/07/24	Vic Grid Webinar	Online
14/08/24	Council Forum – Travel to Visit Projects	Warracknabeal, Minyip, Rupanyup and Murtoa
14/08/24	Hopetoun Pool Committee Annual General Meeting	Hopetoun
19/08/24	Meeting with Jacinta Ermacora MP and Yarriambiack Shire	Online

Cr Tom Hamilton – Dunmunkle Ward (August)		
Date	Activity	Location
30/07/24	WSMD Board Meeting	Online
02/08/24	Rail Freight Alliance Meeting	Melbourne
05/08/24	WSMD Board Meeting	Online
07/08/24	DMS Transport Meeting	Minyip
12/08/24	Rupanyup Progress Meeting	Rupanyup
14/08/24	Council Forum – Travel to Visit Projects	Warracknabeal, Minyip, Rupanyup and Murtoa
16/08/24	Meeting with Dr Anne Webster MP and Yarriambiack Shire	Online
19/08/24	Meeting with Jacinta Ermacora MP and Yarriambiack Shire	Online
21/08/24	Dinner with Seymour Heritage Rail Centre	Horsham

Cr Graeme Massey – Warracknabeal Ward (August)		
Date	Activity	Location
01/08/24	Warracknabeal Showgrounds Committee Triennial General Meeting	Warracknabeal
02/08/24	Warracknabeal Ladies Rest Rooms Annual General Meeting	Warracknabeal
14/08/24	Council Forum – Travel to Visit Projects	Warracknabeal, Minyip, Rupanyup and Murtoa
14/08/2024	Chair for Band Scout Hall Annual Reports and Awards Presentation	Warracknabeal

Cr Chris Lehmann – Hopetoun Ward (August)		
Date	Activity	Location
09/08/24	Meeting Yarriambiack Shire with Jade Benham MP	Online
14/08/24	Council Forum – Travel to Visit Projects	Warracknabeal, Minyip, Rupanyup and Murtoa
14/08/24	Hopetoun Pool Committee Annual General Meeting	Hopetoun
14/08/24	Giants Cricket Annual General Meeting	Hopetoun
16/08/24	Meeting with Dr Anne Webster MP and Yarriambiack Shire	Online
19/08/24	Meeting with Jacinta Ermacora MP and Yarriambiack Shire	Online
21/08/24	Beulah Progress Meeting	Beulah

Cr Corinne Heintze – Dunmunkle Ward (August)		
Date	Activity	Location
25/07/24	Yarrilinks Planting with Murtoa P12 Students	Rupanyup
06/08/24	Donald Mineral Sands Transport Route Meeting	Minyip
14/08/24	Council Forum – Travel to Visit Projects	Warracknabeal, Minyip, Rupanyup and Murtoa
19/08/24	Meeting with Jacinta Ermacora MP and Yarriambiack Shire	Online
27/08/24	Wimmera Innovation Series – Communities in Transition	Horsham

Cr Karly Kirk – Warracknabeal Ward (August)		
Date	Activity	Location
31/07/24	Speed Field Days	Speed
01/08/24	Regional Councils Victoria Conference Dinner	Trawool
02/08/24	Regional Councils Victoria Forum	Trawool
14/08/24	Council Forum – Travel to Visit Projects	Warracknabeal, Minyip, Rupanyup and Murtoa
19/08/24	Meeting with Jacinta Ermacora MP and Yarriambiack Shire	Online

12.3 CHIEF EXECUTIVE OFFICER ACTIVITY REPORT

Tammy Smith (August)		
Date	Activity	Location
26/07/24	By Five Executive Officer and other Stakeholder Meeting regarding Childcare and Kindergarten Services	Horsham
26/07/24	Mayor and CEO Meeting	Online
26/07/24	Rural Councils Victoria Committee Meeting – Forum Discussion	Online
26/07/24	Wimmera Southern Mallee Development Affordable Housing Discussion	Online
31/07/24	Mallee Machinery Field Days	Speed
01/08/24	LGPro CEO Forum	Trawool
02/08/24	Rural Councils Victoria Forum	Trawool
05/08/24	Meeting with Community Member and Rail Freight Alliance – Rail Options for Mineral Sands discussion	Online
06/08/24	Donald Mineral Sands Transport Route Meetings (two sessions 2.30pm and 5.30pm)	Minyip
06/08/24	Minyip Senior Citizens Meeting with Mayor	Minyip
07/08/24	Flood Recovery Funding Discussion with Emergency Management and Stakeholders	Dimboola
07/08/24	Meeting with Community Member	Warracknabeal
07/08/24	Inquiry into Local Government Funding and Services Public Hearing (Participant)	Online
08/08/24	Quarterly Wimmera Regional Mayor and CEO Meeting	Horsham
08/08/24	Wimmera Southern Mallee Development CEO Briefing Post Board Meeting	Horsham
09/08/24	Mayor and CEO Meeting	Warracknabeal
09/08/24	Meeting Yarriambiack Shire with Jade Benham MP	Online
09/08/24	Campbells Bridge Wind Farm Northern Grampians and Yarriambiack Bi-Monthly Meeting	Online
09/08/24	Fortnightly Catch-Up Hopetoun and Beulah Childcare Transition Working Group Meeting	Online
12/08/24	Department of Education Murtoa Early Learning Centre Briefing Session	Horsham
13/08/24	Grampians Wimmera Mallee Visitor Economy Partnership Pre-Board Meeting Discussion	Online
13/08/24	REZET Meeting – Silo Bag Waste Discussion	Warracknabeal
14/08/24	Council Forum – Travel to Visit Projects	Warracknabeal, Minyip,

Tammy Smith (August)		
		Rupanyup and Murtoa
14/08/24	Wimmera Southern Mallee Central Highlands MAV Regional Meeting	Nhill
14/08/24	Stand For Council Wimmera Southern Mallee	Nhill
16/08/24	Rural Councils Victoria Committee Meeting	Online
19/08/24	MAV Monday Connect	Online
19/08/24	Mayor and CEO Meeting	Warracknabeal
19/08/24	Meeting Jacinta Ermacora MP and Yarriambiack Shire	Online
20/08/24	Destination Management Plan Workshop	Warracknabeal
20/08/24	Warracknabeal Action Group Online Meeting	Warracknabeal
20/08/24	Wheatlands Museum Update	Warracknabeal
21/08/24	Meeting with West Wind Representative	Warracknabeal
21/08/24	Meeting with Hopetoun and District Neighbourhood House	Hopetoun
21/08/24	Beulah Progress Association Meeting	Beulah
27/08/24	Communities in Transition — Change and Opportunity — Wimmera Innovation Series	Federation University Horsham
23/08/24	Fortnightly Catch-Up Hopetoun and Beulah Childcare Transition Working Group Meeting	Online
23/08/24	Mayor and CEO Meeting	Warracknabeal
27/08/24	LGPro 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 Mayor (Chairperson), or if delegated by the Chairperson, the Chief Executive Officer, a Councillor 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 Councillor / Officer is to respond.

The party submitting the question need not physically attend the Council Meeting, however if they are not physically present at the part of the meeting allocated for public question time, the Mayor (Chairperson) may determine that a verbal answer will not be provided at the meeting and a written answer will instead be communicated after the meeting.

13.1 QUESTIONS SUBMITTED

Name: Sean Mulcahy	Town: St Kilda
Question: The public questions were received on 06 August 2024 and a response was provided on 12 August 2024 in accordance with Division 8 – Public Question Time – Yarriambiack Shire Council Governance Rules.	
Respondent: Mayor Kylie Zanker	
Response: Letter sent on 12 August 2024.	

Name: Andrew Weidemann	Town: Rupanyup
Question: Given there is a lot of anxiety in the Shire community around mining will Council give due consideration to ratepayers concerns and provide independent advice around specific concerns - radiation exposure- water and hydrology - impacts on labour resources- heavy metal contamination around crop production effect on markets.	
Respondent: Mayor Kylie Zanker	
Response: Thank you for your question received at 9.54 am yesterday, 27 August. We are committed to exploring what is available and/or can be sourced in relation to independent advice to address the communities' concerns. Our CEO will explore options on behalf of Council and we will communicate this to you via written response.	

Name: Sara Trotter	Town: Rupanyup
Question: Are the current council aware of the history of mineral sands mining in the area and that in the 1990s the Shire collaborated with landowners in the DMS mining zones to help protect their farming land?	
Respondent: Tammy Smith, Chief Executive Officer	
Response: Thank you for your question received at 9.35am yesterday, 27 August. We will need to take your question on notice and assess our records. We will provide an update to your question via written correspondence once we have reviewed our files. Noting, Council is not the decision maker in relation to planning determinations for projects that require an Environmental Effects Statement.	

Name: Joan Huggins	Town: Wheelers Hill, Melbourne
Question: 1. Did Council contact the landowners directly affected by mineral sand mining to understand how they and their families will be impacted before signing the Memorandum of Understanding with Astron/DMS? 2. Has Council sighted a cost benefit analysis of this project?	
Respondent: Tammy Smith (on behalf of Mayor Zanker)	
Response: Thank you for your question received at 8.54am yesterday, 27 August. The Environmental Effects Statement for the Donald Mineral Sand Mine (DMS) was approved in 2008 for Phase 1 of the Donald Project located on mining licence (MIN5532). An Environmental Effects Statement (EES) for the DMS project was favourably assessed by the Victorian Planning Minister in 2008, allowing the project to proceed to the formal approvals and licencing stages, subject to various requirements. Final project approvals require submission and approval of a Workplan, by Earth Resources Regulation (part of DEECA) of all project components and activities on the mining lease (MIN 5532).	

Until recently, as far as I am aware, we have not received formal written correspondence from the community objecting to the project, and if anything, the community has been generally supportive of the project.

The MoU is around ensuring, that if the Workplan is approved by Resources Victoria we are leveraging the greatest community benefit, and our community is put at the forefront for consideration.

In regard to question 2, we would need to take that on notice as we would need to explore the detail of information, we were privy to in 2008.

14 COUNCILLOR REPORTS

14.1 MAYORS REPORT

On 01 August I attended the Rural Councils Victoria Forum in Trawool with Cr Karly Kirk and our Chief Executive Officer, Tammy Smith.

This was an excellent chance to network and collaborate with rural Councils throughout Victoria. The theme of preparing for the Federal Election was well-received, as we discussed major ideas and the key issues that will shape the election.

Keeping crucial issues in mind, we have been in discussions with our Members of Parliament, Jacinta Ermacora MP, Jade Benham MP, and Anne Webster MP over the past month. Additionally, a meeting with Emma Kealy MP is scheduled for later this month.

Our primary advocacy and conversations have concentrated on the shortage of childcare and housing, the significance of rural health services for our communities, and the vital role they play in community health delivery; furthermore, we have communicated our rising concerns about the divisions within our community due to renewable energy and mining projects.

With the Federal Election approaching, we are reviewing our primary advocacy documents and preparing to effectively communicate our community's needs.

On Tuesday 20 August I attended the presentation for the final draft of the Wimmera Mallee Destination Management Plan (DMP), and the Yarriambiack Local Area Action (LAAP) Plan, facilitated by the Grampians, Wimmera Mallee Tourism. The DMP and LAAP are important documents to leverage State Tourism Funding going forward and will drive the strategic priorities for the new Visitor Economy Partnership.

It was an honour to attend the Warracknabeal Scouts Annual Report and Awards Presentation in Warracknabeal on Wednesday 20 August. I watched as a Leader and Scout took their investiture into Scouting and as other Scouts received awards and badges for their outstanding accomplishments. I was extremely honoured, and very surprised to be presented with the "Friends of Scouting Scarf" for my involvement over the years in Scouting.

I'm excited to attend the Hopetoun Bowling Club 1924-2024 100th Celebration on Friday, August 30. It's sure to be a joyful event celebrating sportsmanship, friendship, and community pride.

This will be the last Mayors report, as we enter Election Period at 12 noon on 17 September 2024.

It has been an honour and a privilege to serve the community and Council, not only as a Councillor, but as the Mayor for the last three terms.

15 REPORTS FOR DECISION

15.1 LOCAL LAW

Prepared by Tim Rose, Manager Community Health

SUMMARY

Council has the broad power to develop a Local Law under s71 *Local Government Act 2020*. Local Laws are made "for or with respect to any act, matter or thing in respect of which the Council has a function or power under this or any other Act". Community Local Laws should be developed to respond to issues and community needs within our local context.

The current General Local Law No.5 was last adopted on the 23 September 2015, with a prescribed sunset period of 10 years. Due to increasing Local Law related issues and some identified gaps, Council sort to review this document and develop contemporary procedural guidelines that will accompany the new Local Law.

A review of the Local Laws commenced in late 2023 and with the assistance of Maddocks Lawyers, a draft Local Law was developed, presented to the community and now before Council for final consideration. The Local Law Guidelines have also been developed and will be deemed an associated document when the new laws are enacted.

Recommended Motion:

That Council:

- a) Acknowledges that the proposed Local Laws have been certified by a qualified person, with the certificate viewed by Council, confirming that the laws proposed before Council are consistent with the local law requirements contained within the *Local Government Act 2020*;
- b) Adopts the proposed Local Law as the General Local Law 2024 and the associated Guidelines, enacting these clauses with a prescribed sunset period of 10 years, unless revoked sooner;
- c) Approves the publishing of the new General Local Law 2024 in the Victorian Government Gazette, in accordance with the requirements of s.74(4) *Local Government Act 2020*.

Resolution:

Moved Cr Heintze

Seconded Cr Kirk

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Certified General Local Law 2024](#)

[Attachment: Local Law Guidelines](#)

[Confidential Attachment: Community Feedback – Local Law](#)

DISCUSSION

The Local Law review process commenced in late 2023, with the assistance of Maddock's Lawyers, who have significant experience and expertise in the development of Local Law documents. This process involved an extensive review of various Local Government area Local Laws to determine what issues were impacting the safety and environments of other Councils. Importantly, given that Local Laws are to be developed so that they respond to issues within a local context, the review also included detailed assessments of current and new/emerging issues that have been reported by staff and the community.

The proposed Local Law, together with the Local Law Guidelines and a summary sheet, was made available to the community in late June for a period of four weeks, concluding on 26 July 2024. Public consultation also included visiting five town committees to create awareness around the proposed document, answer questions and distribute hard copies for increased dissemination.

Following the consultation process, feedback from the community was received regarding the issues below:

Community Feedback	Council’s Response
<p><u>Registration of Public Events</u></p> <p>This law presented a concern to the community as it was thought that an event registration process would increase the workload of volunteers and subsequently result in less events and economic activity in the municipality.</p>	<p>While Council has obligations to ensure the safety of residents and visitors at all events on public or private land, which was the motivation for this law, community concern has been acknowledged and accepted. Council has removed the event registration from the proposed Local Law and will utilise Council policy to manage the safety of events into the future.</p>
<p><u>Truck Parking in Township</u></p> <p>Concerns in response to truck parking was largely a result of residents being unaware that this practice is already illegal in accordance with Victorian Road Safety Road Rules 2017. Angst around the availability of approved truck parking areas and our region’s reliance on agriculture was also raised.</p>	<p>These laws have been included in the new Local Law due to an increase in the receipt of community complaints around heavy and long vehicles parking in residential streets. The regulation of truck parking will provide Council with increased enforcement options to manage trucks parked illegally that are disrupting residences.</p> <p>However, most importantly, the Local Law also provides a permit process that, when approved, allows trucks to park legally in townships. Without this Local Law, truck parking is illegal, and Council would not be able to offer any alternative options.</p>
<p><u>Alcohol Consumption in Public Places</u></p> <p>Feedback on this law highlighted community concern regarding the impact this will have on public events and a misunderstanding that this law was ‘new’. There was also confusion regarding the scope of this law, specifically, where it applies and the prohibited times.</p>	<p>Council appreciates the angst surrounding this law and community events. Therefore, approved public events will be exempt from requiring a permit to consume alcohol in a public place.</p> <p>This proposed law has reduced its regulatory scope in comparison to the current Local Law. Council proposes to remove several places across three townships that previously banned alcohol consumption 24 hours a day. Council has opted for a more consistent approach, where this law will only prohibit the consumption of alcohol in townships between the hours of 11pm and 6am, without a permit.</p> <p>These laws are well supported by communities, with evidence confirming that residents feel safer and have improved perceptions around amenity.</p>

Community Feedback	Council's Response
<p><u>Shipping Containers</u></p> <p>Community concern was raised in relation to prohibition of shipping containers on private land, without a permit.</p>	<p>The new Local Law allows residents to place a shipping container on private property for up to six months. Shipping containers used for longer periods, require a permit. Council has acknowledged the feedback received and amended the law so that the permit requirements relate only to township properties and not rural land.</p> <p>Council often receives calls from concerned residents regarding the permanent use of shipping containers in townships and it is regarded as an important issue that requires regulation.</p>
<p><u>Feeding of Stray Animals or Birds on Private Property</u></p> <p>Council received feedback expressing angst around the new law that prohibits the feeding of stray animals.</p>	<p>This law demonstrates how local laws respond to local issues. Council is receiving a significant increase in the number of complaints from the community in relation to the number of stray cats at some properties. These situations impact surrounding properties and often place financial and psychological pressure on the person feeding the animals.</p> <p>Council will continue to support residents to remove stray animals and respond accordingly to individuals that abandon animals.</p>

The community consultation process also assisted in identifying areas that required further clarification, minor grammatical errors and suggestions that improve the overall readability of the documents.

RELEVANT LAW

Local Government Act 2020 (the Act) – Section 71 – Power to make Local Laws

In accordance with s72 of the Act, Local Law limitations include:

- Must not duplicate or be inconsistent with the planning scheme.
- Must not provide power in excess of what is provided under another piece of Legislation.
- Must be consistent with the objectives of all other Legislation, it is a subordinate instrument.
- Local Laws must be expressed clearly and unambiguously as reasonably possible.

COUNCIL PLANS AND POLICIES

Yarriambiack Shire Council – Council Plan 2021-2025

Strategic Objective 4: A Council Who Serves Its Community

RELATED COUNCIL DECISIONS

Council Meeting 23 September 2015 – adoption of Council's General Local Law No 5

OPTIONS

Council may elect to review the Local Law documents further if the proposed laws, in the opinion of Council, require further consideration and amendment.

SUSTAINABILITY IMPLICATIONS

Economic – Part 4, Division 1 – Business – This section provides for the regulation of business activities such as roadside trading, display of goods, advertising signage and outdoor eating facilities. While these laws are linked to business activity, it is not expected to have any bearing on economic activity.

Social – Local laws are the primary tool that may be utilised to respond to community safety, wellbeing and amenity. Robust local laws assist in increasing overall community health and wellbeing.

Environmental – The Local Law incorporates some key environmental standards for our communities, particularly in relation to burning controls, waste management, noise and some pest animals.

Climate Change – The issues identified above enhance environmental sustainability, indirectly supporting climate change actions.

Financial – A failure to create legally sound and responsible local laws may expose Council to liabilities in the future.

COMMUNITY ENGAGEMENT

Significant public consultation has been undertaken as a result of this review process. The document was presented to Councillors on three occasions for feedback and consideration. The document was promoted through Council’s online and hardcopy media platforms and open for public consultation for four weeks. Hardcopies were available at the Council office for inspection by any person interested.

The documents were also presented in person to Minyip, Rupanyup, Murtoa, Warracknabeal and Beulah township committees. This provided an opportunity to further promote the proposed laws and encourage feedback or comments from the community. These sessions generated constructive discussion and helped shape and inform the final draft being presented to Council.

Submissions were also received by residents and community groups within our Shire. These contributions were integral to the way Council managed and amended the clauses highlighted in the ‘Discussion’ section above. All feedback provided is available for review in the ‘Attachment’ section, labelled ‘Community Feedback – Local Law’.

GENDER IMPACT ASSESSMENT

Not applicable.

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	Council has been given the legislative power to regulate risks in the community. A failure to apply a robust and reasonable Local Law may breach Council’s obligations under the <i>Local Government Act 2020</i> .	Reduces Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The implementation of a reviewed Local Law that responds to the current and emerging issues in our communities, directly furthers Council’s strategic objectives within the Council Plan 2021-2025.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	A failure to adequately manage community safety and amenity may have reputational consequences for Council in the future.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Local laws are subordinate to State and Federal legislation. Therefore, this document has been developed to support and align with various pieces of legislation and appropriate public policy. Given the variety of legislation that the proposed Local Law topics cover, please see the attached certification for evidence that the Local Law is consistent with Victorian Legislation.

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 SPORT AND RECREATION STRATEGY

Prepared by: Rebecca Botheras, Sport and Recreation Coordinator and Tony Caccaviello, Chief Operating Officer

SUMMARY

Council engaged Tredwell Management Services to develop the Sport and Active Recreation Strategy 2024-2034. The Strategy will provide strategic direction guiding the Council's sport and active recreation infrastructure planning and programming across the next 10 years, while further outlining the funding principles that will determine the Recreation Reserves and Swimming Pools Annual Allocations.

This report intends to present the final Sport and Active Recreation Strategy 2024-2034 to the Council for consideration and endorsement.

Recommended Motion:

That Council:

- a) Adopt the Sport and Active Recreation Strategy 2024-2034 as presented.
- b) Adopt the funding principles as presented based on community feedback and strategy development.
- c) Delay the decision on the Recreation Reserves and Swimming Pools Annual Allocations, with a review of funding allocation and amounts to be modelled as part of the 25/26 budget process following Council determination of overall funding allocation amount.
- d) Direct the Chief Executive Officer to collect the required information to inform the Recreation Reserves and Swimming Pools Annual Allocations as part of the 25/26 budget process.

Resolution:

Moved Cr Kirk

Seconded Cr Lehmann

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Sport and Active Recreation Strategy 2024-2034](#)

[Attachment: Sport and Active Recreation Strategy Summary of Changes](#)

[Attachment: GIA Assessment - Sport and Active Recreation Strategy](#)

DISCUSSION

In February 2023, Yarriambiack Shire Council commenced works on the development of the Sport and Active Recreation Strategy 2024-2034.

Sport and active recreation play an important role in maintaining and improving the health and wellbeing of the Yarriambiack community. The purpose of the Strategy is to provide a roadmap for further development of sport and active recreation to support strong communities through the provision of a diverse range of accessible sport and active recreation opportunities and infrastructure. The Strategy has identified sport and active recreation trends and challenges facing Yarriambiack Shire Council and provides direction to enable Council and other stakeholders to respond appropriately.

The Strategy is a ten-year municipal strategic plan that will enable a strategic and outcomes-based approach to the development of community sport and active recreation infrastructure within the Yarriambiack Shire Council, and directly leverage health and wellbeing outcomes through sport and active recreation programming.

The Strategy further provides the Council with a blueprint for facility management, while outlining new principles to guide the formation of annual contributions to Recreation Reserves and Swimming Pools with due consideration of budget constraints.

The planning principles outlined below have been developed based on community aspirations and industry best practice to guide the development and management of sport and active recreation across the Shire. The planning principles underpin the Strategy and Action Plan and as previously mentioned will further align to the funding contributions model.

1. Principle 1: Maximum Community Participation
2. Principle 2: Shared Precincts and Community Hubs
3. Principle 3: Sustainability
4. Principle 4: Partnerships
5. Principle 5: Working Together with Clubs and Community
6. Principle 6: Maximized and Validated Community Benefit
7. Principle 7: Effective Management and Maintenance

Recreation Reserves Funding Model:

1. Mandatory – Annual Reporting Compliance (Consumer Affairs, Council and DEECA).
2. 66% - allocated based on three principles scoring relative to all other recreation reserves:
 - 26% - Principle 1 – Maximum Community Participation and Validated Community Benefit
 - 15% - Principle 2 – Effective Maintenance, Management and Sustainability
 - 26% - Principle 3 – Shared Precinct and Community Hubs, Partnerships and Working Together with Clubs and Community
3. 33% - allocated based on population as a percentage of all towns with Recreation Reserves.

Swimming Pool Funding Model:

1. Mandatory – Annual Reporting Compliance (Consumer Affairs, Council and DEECA).
2. 40% - allocated based on main pool area size as a percentage of all towns with pools. This criterion is to include the area size of all toddler / learning pools.
3. 35% - allocated based on pool usage and attendance.
4. 25% - allocated based on town population as a percentage of all towns with pools.
5. Consolidate the allocation of management and lifeguard costs into overall pool funding.

A consistent method will be developed to collect pool usage and attendance data across the Shire's Pools. A consistent method to assess the scoring principles will then be implemented by Council Officers to support both approaches. This will be completed as part of the 2025-26 budget process.

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

RELATED COUNCIL DECISIONS

Council Meeting 25 May 2016 – adoption of the Yarriambiack Shire Council Sport and Recreation Strategy 2016

OPTIONS

- a) The council could choose to reject the recommendation and request further community consultation be undertaken on the Sport and Active Recreation Strategy 2024-2034.
- b) The council could choose to reject the recommendation and request further amendments be made to the Sport and Active Recreation Strategy 2024-2034.

SUSTAINABILITY IMPLICATIONS

Economic: Through development of a Sport and Active Recreation Strategy, Council and community groups will have strategic direction for the management and development of facilities along with provision of programming opportunities. In turn, this will assist with not only infrastructure investment but sport and active recreation programming that will provide economic benefits across the municipality.

Social: Implementation of the Strategy through strategic investment and planning resulting in modern sport and recreation facilities and program offerings will encourage and support participation, social interaction and improved health and wellbeing outcomes.

Environmental: There are environmental and sustainability impacts to this strategy. Resilience to climate change and opportunities to design with environmental impacts in mind are important as recreational spaces are planned and developed, and this is reflected in Environmental Sustainability being captured as a principle of delivery for the strategy and annual allocations.

Financial: The Strategy recommends actions for Council-owned and managed facilities that will have cost implications. Additionally, the annual allocations for swimming pools and recreation reserves will require ongoing financial investment from the Council.

COMMUNITY ENGAGEMENT

The community consultation and engagement undertaken to inform the development of the Yarriambiack Sport and Active Recreation Strategy was guided by a *Community and Engagement Strategy* developed in collaboration between Council and Tredwell Management Services. Community consultation has been undertaken across two stages.

Firstly, the following mechanisms were used to engage with the community and key stakeholders:

- Online community survey: 49 submissions were received
- Online club/user group survey: 17 club surveys were received
- Community Workshops: 12 in-person workshops were held with 109 attendees. 2 online workshops were held with 6 attendees
- Stakeholder Interviews: Interviews were held via Teams with key State Sporting Associations and State Government Departments

Once the draft Sport and Active Recreation Strategy was developed, Council commenced *Stage 2* of the Community Engagement in accordance with Council's Community Engagement Policy. The Council released the DRAFT Sport and Active Recreation Strategy 2024-2034 out on Public Exhibition from 22 May 2024 – 21 June 2024. Council sought feedback on the overarching strategy, along with specific questions surrounding the Priority Projects outlined within the Strategy and Implementation Plan, while providing an opportunity for community members to build their own funding model for Recreation Reserves and Swimming Pools Annual Contributions. The council received 31 submissions.

The Sport and Recreation Strategy has subsequently taken on board the feedback from the community engagement and has been revised and presented as final. A summary of the changes made to the Strategy is presented in the *Summary of Changes* attachment.

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 a) Introduce a new policy, program and/or service; or b) Is it a review of a policy, program and/or service; that directly and significantly impacts the public?	YES <input checked="" type="checkbox"/> A GIA has been completed. NO <input type="checkbox"/> A GIA is not required.
Link to Gender Impact Assessment	GIA – Sport and Recreation Strategy

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
Strategy Execution and Change Management Risk - Residual Risk Level Medium	The Sport and Active Recreation Strategy will provide clear actions and initiatives that link to the Council Plan and drive strategic and operational activities of Council for a 10-year period 2024-2034.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Strategy outlines recommended actions for Council-owned and managed facilities that will have cost implications. Additionally, the strategy will outline the principles driving the annual allocations for swimming pools and recreation reserves, which will require ongoing financial investment from the Council.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The Strategy incorporates an Implementation Plan identifying each community’s priority projects and key initiatives. This plan will enable strategic and coordinated project planning and delivery, while clearly outlining Council’s role.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Active Victoria 2022-2026

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 ROAD HIERARCHY 2023-2025, STAGE TWO COMMUNITY ENGAGEMENT

Prepared by: Vanessa Lantzakis, Acting Manager Assets and Sudan Bhandari, Asset and Design Engineer

SUMMARY

The report seeks endorsement from Council to adopt the revision of the Road Hierarchy that was adopted on 25 October 2023. The changes are a result of the stage two consultation process that occurred in accordance with Council's Community Engagement Policy.

Council must prepare a Road Hierarchy to establish design and construction standards and service levels that Council will endeavour to provide for the various classes of urban and rural roads. In addition, the Road Hierarchy will determine which road category should undertake periodic inspection and collect condition data to maintain the road to a higher standard based on the road surface material.

Recommended Motion:

That Council:

- a) Adopt the revised Road Hierarchy 2023-2025 for a maximum period of the next four financial years.
- b) Endorse that the Road Hierarchy 2023-2025 be reviewed again in the 2025-26 Financial Year period, to align with the next revision of the Road Management Plan, that is due for review 12 months after a Council election.
- c) Endorse that the Road Register 2023 be revised to align with this revised Road Hierarchy 2023 -2025.

Resolution:

Moved Cr Heintze

Seconded Cr Kirk

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Road Hierarchy 2023 – 2025](#)

[Attachment: Community Consultation Review - Assessment Outcome](#)

[Attachment: Map of Road Hierarchy Changes](#)

DISCUSSION

What is the Road Hierarchy Plan?

Council must direct its limited road funding to where it will achieve best value. This road hierarchy is an essential tool in the management of the local roads for which the Council has responsibility. This hierarchy provides direction in the following aspects of road management:

- Target specification for the physical characteristics of the road.
- Frequency of routine maintenance inspections to be carried out on a regular basis by Council staff.

The hierarchal classifications reflect the relative community importance of roads and enable Council to effectively define an appropriate level of service to all roads in the Council Road network.

The classifications included in the draft Road Hierarchy are considered to be the most appropriate for Yarriambiack Shire. The classifications have been developed after consideration of the following points:

- the function of the road/street
- the volume and type of traffic
- the availability of funds to maintain the road/street.

Council developed a two-stage community consultation process that allowed community members to provide feedback on the Draft Road Hierarchy Plan itself, and the proposed specific road hierarchy changes on roads and streets based on the category review and previous community consultations held in 2021/2022.

Stage 2 - Specific hierarchy changes to roads and streets based on updated categories from Stage 1.

The aim of the second part of the consultation process was to obtain feedback from the community regarding the proposed changes to the hierarchy on specific roads and streets based on the category review.

The community feedback was sought between 17 June 2024 and 02 August 2024 to provide feedback and object to the proposed changes. No objections were received in relation to the proposed changes to the hierarchy.

RELEVANT LAW

Section 90(3) of the *Local Government Act 2020* requires a Council to develop or review the Council Plan in accordance with its deliberative engagement practices and adopt the Council Plan by 31 October in the year following a general election.

Part 3 – Road Management Plans of the Road Management Regulations (General) 2016 requires a municipal council to conduct and complete a review of its road management plan within the period referred to in section 125(1) of the *Local Government Act 1989*. This section of the *Local Government Act 1989* has been repealed and replaced with Section 90 (3) of the *Local Government Act 2020*.

A review of a Road Management Plan must be conducted in accordance with Section 54 of the *Road Management Act 2004*.

COUNCIL PLANS AND POLICIES

a) Council Plan 2021-2025

Objective 1: A Vibrant and Diversified Economy.

- Maintaining a safe road network that reflects our communities' priorities including the movement of agricultural machinery,
- Ensuring land use does not compromise the right to farm,

Objective 4: A Council Who Serves its Community.

- Providing a range of communications aligned to our residents and stakeholder needs,
- Embedding good governance in all decision making made by Council,

b) Road Management Plan

RELATED COUNCIL DECISIONS

Council Meeting Minutes 29 June 2023 - 15.2 Road Management Plan 2022 adoption.

Council Meeting Minutes 25 October 2023 – 15.4 Road Hierarchy 2023-2025, Stage One Community Engagement adoption.

OPTIONS

- #### a)
- Councillors could choose not to adopt the Road Hierarchy and make changes to categories and/or request further consultation with the community.

SUSTAINABILITY IMPLICATIONS

Economic:

- Improved road network and high safety compliance leads to better long-range capital works planning and future cost savings, along with providing a clear framework for decision making.
- Assists in the maintenance and sustainability of heavy vehicle routes and good access to primary producing properties within the farm to market road network.
- Assists with future and current working relationships and long-term planning with businesses.

Social:

- Improves reputational outlook by having an implemented Road Management Plan and supporting Road Hierarchy that addresses road safety compliance within the Council's road network.
- Provides equitable access for all.
- The framework assists in Councils compliance aspects to allow for people to access their properties and enhance their wellbeing.

Financial:

- Having the Road Management Plan framework and Road Hierarchy in place and a robust safety inspection regime could benefit Council in future funding opportunities for capital road work programs.
- Council is identified as an unviable Council, where rates and charges do not cover the cost of operations. Our Council is heavily reliant on grant funding, therefore we must utilise the limited funds we have to the greatest benefit of the entire municipality. The Road Management Plan sets standards, assists in the decision-making process and identifies where Council spends its limited revenue.

COMMUNITY ENGAGEMENT

Council developed a two-stage community consultation process that allowed community members to provide feedback on the Draft Road Hierarchy Plan itself, and the proposed specific road hierarchy changes on roads and streets based on the category review and previous community consultations held in 2022.

These were aimed at engaging the community to discuss the current version of the road management plan along with the road hierarchy, and to identify matters and information that could improve the development of the draft documents.

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

Following the initial community engagement process, the Road Hierarchy was adopted by Council at the 25 October 2023 meeting.

Stage 2 - Specific hierarchy changes to roads and streets based on updated categories from Stage 1.

The second part of the consultation process aims to obtain feedback from the community regarding the proposed changes to the hierarchy on specific roads and streets based on the category review.

Consideration was given to the road hierarchy criteria, traffic movements including heavy vehicle routes, farming usage and existing and upcoming residential needs.

The community was invited to provide feedback on the stage two review during the period between 17 June 2024 and 02 August 2024 being in excess of the 28 day minimum requirement. Property owners were notified via post who were impacted by

the listed road changes. Extensive advertising in local newspapers, Yarri Yarns, social media and Council’s website occurred.

Council received five responses during the consultation period. Three responses have been managed as maintenance requests; and one customer was provided with further information pertaining to the road classifications. The person who submitted the fifth submission has been unable to be contacted after several attempts. Council will continue to follow up on the submission and action as necessary, pending the outcome of communications. Consideration of their submission will inform the 2025 review. None of the responses have been deemed as an objection.

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	Once the Road Management Plan (RMP) and Road Hierarchy are adopted, Council complies with the relevant associated Act’s and regulations, assists in reduction of legal liability and any reputational damage.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Policies and procedures to remain in place due to the RMP and Hierarchy being adopted. Community consultation been considered during the process.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Road Management Plan 2022- 2025 and Road Hierarchy 2023-2025 assists with the development of maintenance and capital programs managing the risk for raising sufficient revenue to meet Council requirements.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Victorian State Government – Transport Strategies and Plans

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 PROCUREMENT POLICY REVISION

Prepared by Helen Pollard, Procurement and Contracts Officer

SUMMARY

In accordance with the *Local Government Act 2020 (Act)*, Council is required to prepare and adopt a Procurement Policy (the Policy), which specifies the principles, processes and procedures applying in respect of the purchase of goods, services and works.

As per the Act, the policy must be reviewed at least once during a four-year term of Council. Version 5 of the policy was reviewed in August 2023 and adopted by Council resolution on 23 August 2023. A further review has been undertaken with reference to the Best Practice Procurement Guidelines 2024.

Recommended Motion:

That Council:

- a) Revoke the Procurement Policy (Version 5) adopted on 23 August 2023.
- b) Adopt the Procurement Policy (Version 6) as attached, that complies with sections 108 and 109 of the *Local Government Act 2020*.

Resolution:

Moved Cr McLean

Seconded Cr Heintze

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Procurement Policy](#)

[Attachment: Victorian Local Government Best Practice Procurement Guidelines 2024](#)

DISCUSSION

This policy has been reviewed taking into consideration the 'Best Practice Procurement Guidelines for Victorian Local Government 2024' developed by the Municipal Association of Victoria in collaboration with a reference group of Victorian Local Government procurement professionals.

Aside from minor administrative changes, the following key amendments have been made to the Policy:

Section	Description
1.4 Legislative Compliance Standards	Added reference to Section 109 of the <i>Local Government Act 2020</i> in paragraph 1 and added this paragraph: Council must consider collaboration with other Councils and public bodies in the procurement of goods or services; as per Section 109 (2) of the Act, the CEO must ensure that any report to the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.
3.3 Conflict of Interest	Paragraph 2 – added the requirement 'or household' member to also declare a conflict-of-interest requirement

Section	Description
	<p>and referenced referring to the Council's Enterprise Agreement for the definition of 'immediate family'.</p> <p><i>This update to include 'or household' is in line with the Fairwork Commission requirement in relation to the undertaking relating to Council's Enterprise Agreement No.Ten 2024 and matches declarations that must be made when lodging Expressions of Interest in relation to the disposal of Council Assets (e.g Sale of Portable Building Hopetoun July 2022 and Sale of Mobility Scooters September 2023).</i></p>
3.3.1 (d) Council Employees – Businesses and Plant	<p>Changed wording in second dot point from a Council employee's direct family to read immediate family, or household member.</p>
3.4 Gifts, Benefits and Hospitality	<p>Referring to the offer of bribes, clarified they must be promptly brought to the attention of:</p> <ul style="list-style-type: none"> • The Chief Executive Officer if the matter relates to Council Employees. • For Councillors, it should be the Chief Executive Officer or the Mayor.
4.7 Collaborative Procurement	<p>Referenced section 109 (2) of the <i>Local Government Act 2020</i>.</p> <p><i>109 (2) The Chief Executive Officer must ensure that any report to the Council that recommends entering into a procurement agreement includes information in relation to any opportunities for collaboration with other Councils or public bodies which may be available.</i></p>
5.3 (d) Internal Controls	<p>Provided further detail regarding how appropriate authorisations are obtained and documented:</p> <ul style="list-style-type: none"> • Where there is a variance greater than 10% between invoices and the initial Purchase Order, the Accounts Payable Officer will contact the relevant Manager and request they raise a Purchase Order for the variance; and • If an invoice is received for a Purchase Order that has already been fully expended, the Accounts Payable Officer will follow this up with the relevant Manager. <p><i>Amended as per recommendation from Procurement Internal Audit in June 2023.</i></p>
6.1 Thresholds	<p>Updated the Thresholds table, with the following main changes as per below:</p>
	<p>Procurement Value was \$0 - \$100 increased to \$0 - \$200 based on feedback from Council employees.</p> <p>Line added to specifically reference the instore sheets (e.g. held at selected stores)</p>
	<p>Procurement Value was \$101 - \$15,000 increased to \$201 - \$15,000</p>

Section	Description
	<p>Procurement Value was \$15,001 to \$25,000 increased to \$15,001 - \$50,000; and minimum market engagement was three emailed/written quotes.</p> <p><i>Minimum market engagement changed to two emailed/written quotes.</i></p> <p><i>Will reduce the requirement to publicly advertise Request for Quotes (RFQ's) below \$50,000, noting majority of projects the Procurement and Contracts Officer releases exceed \$50,000. Increasing the limit here will eliminate full blown tender process for smaller spends. This level is still very conservative in comparison to similar sized Council procurement thresholds.</i></p> <p><i>Two publicly advertised RFQ's were released in the 2023/2024 financial year, one was for \$40,000 and the other was for \$75,000.</i></p>
	<p>Procurement Value was \$25,001 to \$80,000 amended to \$50,001 - \$79,999</p>
	<p>Procurement Value was \$80,001 to \$250,000 amended to \$80,000 - \$250,000</p>
	<p>>\$250,000 – added the requirement that Panel Supply Contracts must be approved by Council Resolution.</p>
<p>6.2 Exemption from Market Engagement</p>	<p>Amended the opening paragraph as there was no reference in the Procurement Management Manual on the documentation process for justifying an exemption.</p> <p>Added a new clause 6.2.1 Justifying the Exemption to address this.</p>
	<p>Exemption 1. Updated the clarification to the following requirement:</p> <p>Where the CEO or Council (based on financial delegation), has resolved that the contract must be entered into because of an emergency.</p> <p>If the expenditure is above CEO financial delegation, or the CEO has prepared the Procurement Exemption, a report must be prepared and presented to Council at the next scheduled Council Meeting.</p>
	<p>Exemption 4. Professional services unsuitable for tendering</p> <p>Added Engineers, Planners and Municipal Building Surveyors.</p>
	<p>Exemption 8. Road Construction and Maintenance activities undertaken by Council</p> <p>Third paragraph - Removed the word activities from this statement, to ensure clarification regarding what was exempt, i.e. materials only.</p>
	<p>Exemption 10. Traditional Owners – amended this exemption as follows:</p>

Section	Description
	<p>10. Traditional Owners and ATSI Businesses and Social Enterprises and added the following paragraph:</p> <p>Exemption to directly purchase from social enterprises or Aboriginal and Torres Strait Islander businesses where the estimated value of the procurement is up to \$20,000 (excluding GST). The identified business must be registered or certified with an appropriate and relevant organisation such as Kinaway, Supply Nation, or Social Traders. The procuring Council employee must first determine whether an Aboriginal and Torres Strait Islander business or social enterprise could deliver the required goods, work or service on a value for money basis.</p> <p><i>Amended in line with current Victorian Government approach to Social Procurement Social procurement - Victorian Government approach buyingfor.vic.gov.au</i></p> <hr/> <p>Exemption 11. Purchase of second-hand Plant or Equipment – new exemption added:</p> <p>Based on historical narrative, it has been demonstrated that issuing an RFQ for second-hand items of plant or equipment yields little or no result.</p> <p>The CEO has the discretion to approve the purchase of a second-hand item of plant or equipment from either a reputable auction house or a direct to market approach.</p> <hr/> <p>Exemption 12. Plant and Equipment Servicing – new exemption added:</p> <p>Where it is required to maintain a valid warranty.</p> <p>Plant and equipment servicing and spare parts – plant and equipment purchased by Council requires servicing at regular intervals. In certain instances, to maintain a valid warranty, works need to be carried out by recognised suppliers and therefore Council will utilise the services of the manufacturers from whom the plant or equipment was originally purchased.</p> <p>This clause also applies to specific manufacturer spare parts purchased to complete works on Council’s plant and equipment.</p>
6.4.2 Panel Suppliers	<p>Amended to read 6.4.2 Panel Suppliers – Yarriambiack Shire Council</p> <p><i>Added Yarriambiack Shire Council to this clause to differentiate between the Panel Supply Contracts created by Council as opposed to other panel arrangements referenced throughout this policy e.g. MAV Procurement, Procurement Australia, Local Buy, State Government Purchasing Contracts etc.</i></p> <p><i>Deleted Purchasing Threshold tables for Council Panel Suppliers from this policy – these will be inserted into the Procurement Management Manual.</i></p> <p><i>Purchasing thresholds for Panel Suppliers are still being refined. The requirements will reflect what is required at 6.1 Thresholds.</i></p>

Section	Description
	<p><i>To date all Panel Supplier are required to provide a Schedule of Rates as part of their submissions.</i></p> <p><i>A link to these tables may be inserted to the Policy at a later date or added as an appendix to the Policy.</i></p> <p>6.4.2.1 New Heading Added – Engaging Panel Suppliers and Panel Quote Selection Justification.</p> <p>Added details of what Panel Supply Contracts Council has in place and what are in development.</p> <p>6.4.2.2 New Heading Added – Engaging Suppliers Outside of Panel Supply Contracts</p>
16 Annexure A – Authorised Delegations Listing	<p>Deleted Governance Officer Corporate Debit Card reference.</p> <p><i>Does not exist (as per Corporate Debit and Credit Card Policy).</i></p> <p>CEO’s Debit Card – Updated Delegation Limit from \$2,500 to \$5,000 and added CEO delegated transactions (purchase of SaaS products subscriptions already detailed).</p> <p><i>Amended to reflect the limit and restrictions identified in the Corporate Debit and Credit Card Policy.</i></p>

The Council also has enacted a Procurement Management Manual (Version 5, dated March 2023), which supports and details the overarching procurement process. This document will be revised in alignment with the updates to the Procurement Policy (Version 6) and will be adopted by the Chief Executive Officer.

RELEVANT LAW

Council is required to have a Procurement Policy under section 108 of the *Local Government Act 2020*.

COUNCIL PLANS AND POLICIES

Council Plan 2021 – 2025 Strategic Objective 4 – A Council Who Serves its Community
Embed good governance practices into all decision making (managing Council’s strategic and operational risks) and implementing systems to support sound financial and strategic decision making.

RELATED COUNCIL DECISIONS

- Council Meeting – 25 August 2021 – 13.3 Procurement Policy – adoption of first version of Procurement Policy to comply with the *Local Government Act 2020* (referred to as Procurement Policy 2021-2025 (Version 6))
- Council Meeting – 23 February 2022 – 13.1 Procurement Policy – adoption of Version 2 of the policy
- Council Meeting – 23 November 2022 – 14.1 Procurement Policy Revision – adoption of Version 3 of the policy
- Council Meeting – 23 August 2023 – 14.4 Procurement Policy Revision – adoption of Version 5 of the policy (*noting Version 4 of the policy dated 13 December 2022 was an administrative update only (in accordance with the CEO delegation), with the addition of the new Manager Family Youth and Children.*)

OPTIONS

Councillors can choose not to accept the changes, and or recommend further changes to the policy for consideration.

SUSTAINABILITY IMPLICATIONS

Economic: Economic viability of businesses within the municipality and the importance of supporting local supply (where possible) to encourage growth and prosperity within the Shire.

Supporting local supply assists with the maintenance and creation of jobs and promotes regional prosperity.

COMMUNITY ENGAGEMENT

Not applicable.

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:

<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 policy ensures Council's compliance with the requirements of the <i>Local Government Act 2020</i> . The policy also provides an overarching framework which Council must undertake to procure goods, services and works.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	A robust procurement policy and supporting procedures and processes ensures a transparent, accountable, and ethical system that provides value for money to our community.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	Robust procurement processes ensure value for money is achieved, thereby mitigating risks of financial losses and/or excess charges.	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.

15.5 SAFER LOCAL ROADS AND INFRASTRUCTURE PROGRAM PROJECT PROPOSALS

Prepared by Joel Turner, Manager Infrastructure and Works

SUMMARY

This report outlines the Safer Local Roads and Infrastructure Program (SLRIP) and Council's projects for consideration. This funding stream is to replace the Heavy Vehicle Safety and Productivity Program (HVSPP) and Bridge Replacement Program (BRP). The funding targets road assets exclusively. The funding allows Council to design and construct road projects internally, enhancing Council's identified heavy vehicle routes. Yarriambiack Shire Council qualifies for 20% Council contribution, with 80% funding body contribution.

Recommended Motion:

That Council:

- a) Endorses the proposed road projects for the Safer Local Roads and Infrastructure Program submission.
- b) Endorses the Chief Executive Officer to approve additional projects to be added to the submission if they meet the SLRIP criteria and are identified in council's All Roads Lead to Yarriambiack Advocacy document.

Resolution:

Moved Cr Lehmann

Seconded Cr Kirk

That the recommendation be adopted.

Carried

ATTACHMENTS

[Link Website: All Roads Lead to Yarriambiack Advocacy Document](#)

[Attachment: SLRIP Guidelines](#)

DISCUSSION

The Program commenced on 01 July 2024 to provide funding for projects to address current and emerging priorities in road infrastructure needs.

The Program has been created as part of the Australian Government's commitment to strengthen investment to support the delivery of safer and more productive roads across Australia.

The Program is an application-based merit-assessed funding program, open to all state and territory governments and Local Government Areas (LGAs). Applications must directly address at least one of the Program's focus areas which are linked to priorities in road infrastructure needs. The focus areas are road safety, productivity, bridge renewal, road resilience, road sustainability and heavy vehicle rest areas.

The Program consolidates the Bridges Renewal Program (BRP) and Heavy Vehicle Safety and Productivity Program (HVSPP) into a single program.

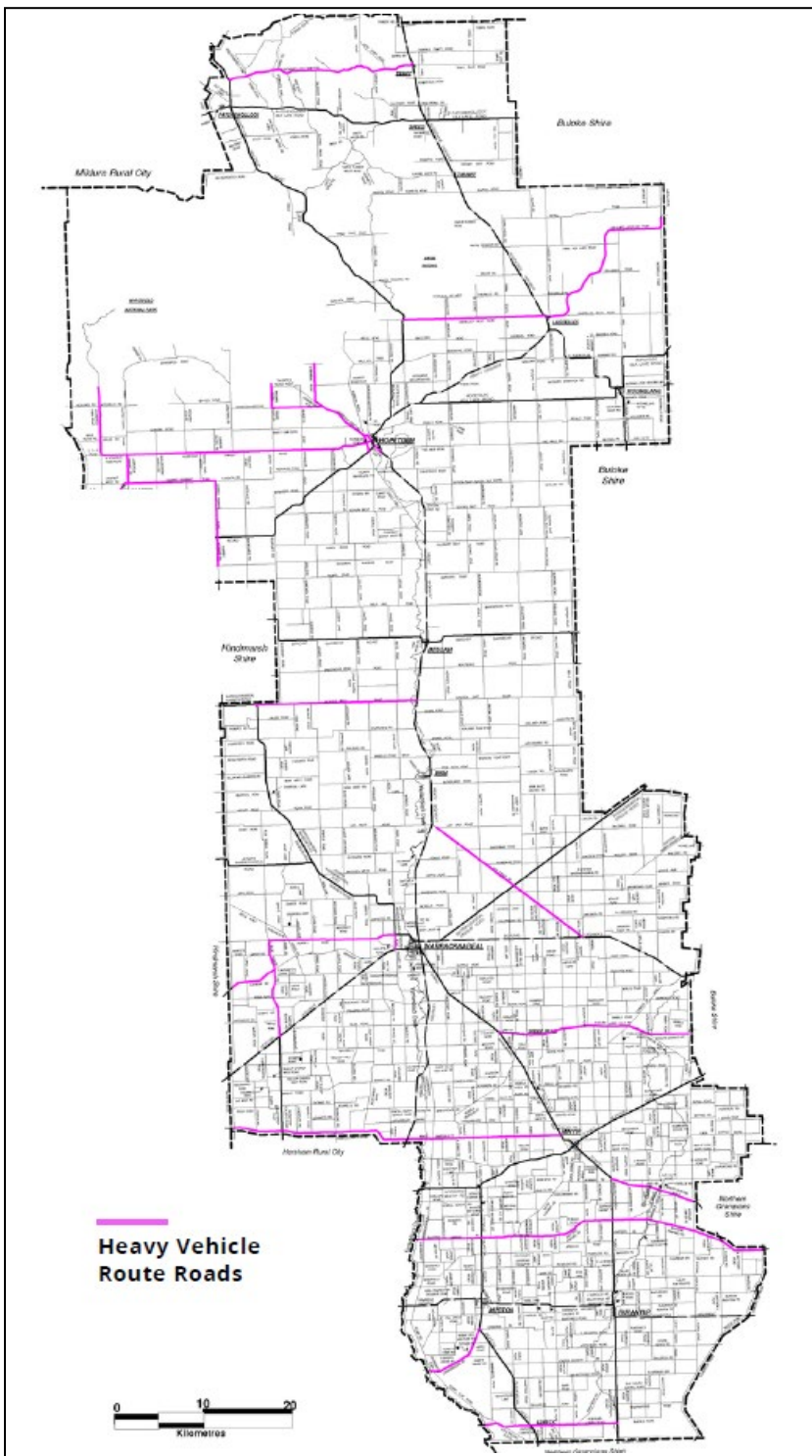
For projects submitted by LGAs, the Program will contribute up to 80% of the total project cost for projects located in regional and remote areas, and up to 50% of the total project cost for projects located in urban areas, up to the cap of \$5 million per project.

Delivery timeframes for successful projects are within 36 months from the date the funding offer is sent out.

This delivery timeframe allows Council to space out projects and incorporate them into upcoming financial years, reducing the need to find council funds immediately to contribute to the projects.

Council’s heavy vehicle routes are shown in councils All Roads Lead to Yarriambiack Road Advocacy Document and the map below. The roads Yarriambiack had in the final tranche of the HVSPF funding were as follows:

- Hopetoun Yaapeet Road
- Sea Lake Lascelles Road
- Banyena Pimpinio Road
- Sheep Hills Warracknabeal Road
- Glenorchy Road (Joint Project with Northern Grampians Shire)



<p>Priority 1 Roads</p> <ul style="list-style-type: none"> • Banyena Pimpinio Road \$6,924,440 • Dimboola Minyip Road \$2,097,320 • Lascelles West Road \$2,983,708 • Longerenong Road \$1,476,056 • Minyip Banyena Road \$1,694,274 • Minyip Dimboola Road \$2,864,277 • Sea Lake Lascelles Road \$3,340,097 <p>Priority 2 Roads</p> <ul style="list-style-type: none"> • Hopetoun Yaapeet Road \$5,304,447 • Horsham Lubeck \$2,683,082 • Patchewollock Tempy Road \$3,691,113 <p>Priority 3 Roads</p> <ul style="list-style-type: none"> • Antwerp Road \$1,025,966 • Aubrey Road \$2,515,053 • Blue Ribbon Road \$2,115,316 • Boolite Sheep Hills Road \$2,420,165 • Cambacanya Road \$193,850 • Galaquil West Road \$3,251,502 • Golf Links Road \$42,162 • Hopetoun West Road \$96,463 • Lah Angle Road \$1,250,242 • Sheep Hills Warracknabeal Road \$570,640 • Wirribial Road \$955,881 • Wyperfeld Park Road \$2,786,250 • Yaapeet Kenmare Road \$4,163,036 <p>Total Investment: \$54,445,340</p>

Project Proposals

Council's list of proposed projects is similar to the previous HVSP applications with edits to the scope of the works in each project, changing the estimated costs. Noting the estimated costs need to also be revised in our Road Advocacy document.

The Minyip Banyena Road has been added to the list along with truck parking bays identified in the Heavy Vehicle Parking Locations in Urban Areas. The following list below has been added to the scope for funding this year:

- Hopetoun Yaapeet Road
- Sea Lake Lascelles Road
- Banyena Pimpinio Road
- Sheep Hills Warracknabeal Road
- Glenorchy Road (Joint Project NGSC)
- Minyip Banyena Road
- Truck Parking Bays.

Budget Co-contribution

The Council has no provision for the 20% co-contribution in the 24/25 budget. A provision will be included in the 25/26 budget. The Council's funding contribution will be required the following financial year from when a project is awarded.

RELEVANT LAW

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

COUNCIL PLANS AND POLICIES

- a) From the Council Plan 2021-25; Objective 1: A vibrant and Diversified Economy
Maintaining a safe road network that reflects our communities' priorities including the movement of agricultural machinery.
- b) Road Management Plan
- c) Road Hierarchy
- d) Assets and Operations Guideline

RELATED COUNCIL DECISIONS

Not applicable.

OPTIONS

Alternate options:

1. Council requests to further investigate project options outside of the proposed list.

SUSTAINABILITY IMPLICATIONS

Social: Safety for road users and improved heavy transport routes throughout the Shire.

Financial: The SLRIP program will contribute up to 80% of the total project cost for projects located in regional and remote areas, and up to 50% of the total project cost for projects located in urban areas, up to the cap of \$5 million per project.

COMMUNITY ENGAGEMENT

Council's All Roads Lead to Yarriambiack advocacy document has been developed based off feedback from the community and revised based on the consultation process undertaken to revise the Road Management Plan and Road Hierarchy. The document can be found on Council's website.

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 and Operations Guidelines.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	The projects identified are based off community consultation and understanding of the strategic heavy vehicle routes across the Shire.	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
Financial Risk - Residual Risk Level Medium	Utilising the delivery timeframes the financial risk can be managed across the three financial years.	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 S6 - INSTRUMENT OF DELEGATION FROM COUNCIL TO MEMBERS OF COUNCIL STAFF

Prepared by Jo White, Governance Officer

SUMMARY

As per the *Local Government Act 2020*, the S6 Instrument of Delegation from Council to Members of Council Staff was reviewed and adopted on 22 May 2024.

As best practice the S6 Instrument of Delegation is reviewed biannually 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 22 May 2024 be revoked.

Resolution:

Moved Cr Massey

Seconded Cr Heintze

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: S6 Instrument of Delegation from Council to Members of Council 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 a review of its delegations and authorisations that aligns with the Maddocks review and updates released. Updates have been made as follows:

- Updated position name changes to reflect organisational structure.
- Four additional clauses were added under the *Food Act 1984*.
- Five clauses were removed from the *Road Management Act 2004*.

- The Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2024 replaced the 2020 Regulations and introduced several changes to enhance outcomes for park residents, visitors, operators and Local Government. As part of this change, new delegations were assigned to Council Officers.

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 Meeting 22 May 2024 – 15.2 S6 Instrument of Delegation to Members of Council Staff

Council Meeting 26 April 2023 – 15.1 S6 Instrument of Delegation to Members of Council Staff

Council Meeting 23 November 2022 – 13.5 S6 Instrument of Delegation to Members of Council Staff

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.

- That Council does not approve the S.6 Instrument of Delegation bringing in to question the legality of decision making by Council staff.
- 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.

15.7 FRAUD AND CORRUPTION PREVENTION POLICY

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

SUMMARY

Council's Fraud and Corruption Prevention Policy was due for revision on 30 June 2024. The Policy has been revised and minor amendments made to ensure compliance with current Council practices.

RECOMMENDATION

That Council:

- a) Rescind the Fraud and Corruption Prevention Policy adopted on the 30 June 2021, and;
- b) Adopt the revised Fraud and Corruption Prevention Policy as attached to this Council report.

Resolution:

Moved Cr Kirk

Seconded Cr Hamilton

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Draft Fraud and Corruption Prevention Policy](#)

DISCUSSION

Section 101 – Financial Management Principles of the *Local Government Act 2020* requires that Council manage and monitor financial risks. The *Local Government (Planning and Reporting) Regulations 2020* requires Council to have a Fraud Policy outlining Council's commitment and approach to minimising the risk of fraud.

As per Schedule 1 of the *Local Government (Planning and Reporting) Regulations 2020*, the Annual Reporting process must be completed attesting to the policy being active and current.

The Fraud and Corruption Prevention Policy has been revised and some minor administrative changes have been made to reflect current staff titles.

RELEVANT LAW

Section 101 – Financial Management Principles of the *Local Government Act 2020*

COUNCIL PLANS AND POLICIES

- Yarriambiack Shire Council Annual Report
- Corporate Credit and Debit Card Policy
- Public Interest Disclosure Policy and Procedure
- Procurement Policy

RELATED COUNCIL DECISIONS

Council Meeting 23 June 2021 – adopted Fraud and Corruption Prevention Policy.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Financial - The policy addresses the risk of fraud and corruption with a focus on prevention. Limiting opportunities of fraud has a positive benefit to the financial viability of Council.

COMMUNITY ENGAGEMENT

The policy is not required to undertake a community engagement process as it is a requirement within the *Local Government Act 2020* and supporting regulations to have a policy to mitigate the risk of fraud.

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	The Policy meets the requirements within the <i>Local Government (Planning and Reporting) Regulations 2020</i> to have a current Fraud Policy.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Policy assists to minimise the risk of fraud which could have a financial impact on Council.	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.

Conflict Declared by	Reason - Explanation	Time Councillor Left Meeting
Cr Tom Hamilton	Member of Murtoa Big Weekend Committee.	9.59am

15.8 MURTOA PERMIT – CAMPING AT LAKE MARMA

Prepared by Craig Byron, Local Laws Officer

SUMMARY

Council received a permit application on 07 May 2024 from the Lake Marma Reserve Committee of Management requesting that a section of the large vacant carpark area within the Lake Marma Reserve be approved for temporary fully self-contained camping.

Only suitably equipped caravans will be approved to stay in this area, which is being made available to accommodate additional visitors during Murtoa's Big Weekend event held from 04 - 06 October 2024. The dates of the request being Thursday 03 October to Monday 07 October 2024. In response to the application, seven objection notice templates were sent to adjacent property owners of the proposed camping venue. Council received one objection.

Recommended Motion:

That Council:

Approve the application to allow camping at the designated area, subject to the following conditions:

- a) All caravans permitted to occupy the area must be fully self-contained, with sealed greywater tanks. No buckets to capture greywater is permitted.
- b) Due to the proximity of the camping area to nearby residences, noise must be kept to minimum between the hours of 10pm and 7am.
- c) A limit of up to 11 caravans is permitted at any one time.
- d) The Lake Marma Reserve Committee of Management must monitor the above conditions to ensure compliance.

Resolution:

Moved Cr Kirk

Seconded Cr Massey

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Lake Marma Reserve - Landowner Consent for Murtoa Big Weekend](#)

[Attachment: Lake Marma Reserve Map of Camping Request](#)

[Attachment: Objection for Camping Permit at Lake Marma](#)

DISCUSSION

The Lake Marma Reserve Committee of Management have identified that there is insufficient available accommodation for self-contained caravans in Murtoa for the Murtoa Big Weekend. The committee identified the large vacant carpark area of the Lake Marma Reserve and have applied for a Local Laws Permit to make this area a temporary camping venue.

The Committee obtained permission from the land holder (DEECA) and all caravan bookings will be professionally managed by Murtoa Progress Association's Murtoa Caravan Park Manager.

One objection has been received, with the basis of that objection being that they are concerned about having complete strangers directly across the road from them along with the noise and traffic that will occur.

On 24 August 2022, Councillors endorsed temporary camping at Rabl Park for the 150th Anniversary of the Murtoa Big Weekend. Council received no complaints over that weekend in relation to camping at Rabl Park.

RELEVANT LAW

Local Law No.5:

Local Law clause 304 Camping in public places

- (1) A person must not, without a permit
 - (a) Occupy or use public place for camping, or
 - (b) Keep, erect, or place any tent, caravan, or annexe in any public place.
- (2) Clause 304(1) does not apply to
 - (a) Land where camping is authorised under the Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 1999
 - (b) Camping for less than twenty-four hours in areas where Council has determined overnight camping is permitted.

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025 – Strategic Objective 1: A Vibrant and Diversified Economy.
- Tourism Strategy 2023-2027.
- General Local Law No.5 - This application process is in accordance with Council's local laws.

RELATED COUNCIL DECISIONS

Council Meeting 24 August 2022 – Camping at Rabl Park Murtoa – Murtoa Big Weekend and 150th Anniversary

OPTIONS

In determining the outcome of this application, Council may:

- a) Add, remove or varying the proposed conditions; or
- b) Refuse the application.

SUSTAINABILITY IMPLICATIONS

Economic: Increased camping opportunities, aim to increase the visitor spend within the Shire, boosting the local economy.

Social: Providing additional opportunities for camping supports tourism and the local economy, enhancing community health, wellbeing and prosperity.

Environmental: Conditions have been recommended to ensure the risk is mitigated in relation to waste water and noise.

COMMUNITY ENGAGEMENT

Notice of objection to permit forms were sent to seven immediate neighbours. One objection was received.

GENDER IMPACT ASSESSMENT

Not applicable.

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	Ensure the permit process is undertaken transparently and in accordance with Local Laws to ensure event organisers know their permit application has been managed appropriately. Ensure the potential permit conditions are enforced to ensure surrounding ratepayers are not impacted by camping (if approved).	Reduces Residual Risk Level
Environmental Sustainability Risk - Residual Risk Level Medium	Ensure noise restrictions, between 10pm and 7am, over the course of the event, are strictly complied with. Conditions imposed in relation to wastewater collection.	Reduces Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Ensure the permit application process is undertaken transparently and in accordance with Local Laws to ensure fairness to all stakeholders.	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.

Conflict Declared by	Reason - Explanation	Time Councillor Returned to Meeting
Cr Tom Hamilton	Member of Murtoa Big Weekend Committee.	10.02am

15.9 LEASE OF HOPETOUN CHILD CARE BUILDING

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

This report confirms that Uniting Vic Tas (Uniting) has dissolved their lease at 87-89 Mandeville Street Hopetoun, the former childcare centre site. It seeks Council's approval to allow the Chief Executive Officer to enter a peppercorn lease with a family day care provider for in venue-based services at the Hopetoun Early Years building. This will be a complementary service with the aim of reestablishing childcare in Hopetoun in the near future.

Recommended Motion:

That Council:

- a) Acknowledges that the Uniting Vic Tas Lease has now ceased for the childcare section of the building at 87-89 Mandeville Street Hopetoun.
- b) Endorse for the Chief Executive Officer to enter into a lease and/or licence agreement on behalf of Council to support the establishment of in-venue care in the childcare section of the building at 87-89 Mandeville Street Hopetoun.
- c) Endorse for the lease and/or licence to be a peppercorn lease (\$0 value) to encourage, support and promote Council's commitment to establishing childcare in our Shire.
- d) Endorse that the utilities (water and power) be paid by Council to support childcare to be established within the building at 87-89 Mandeville Street Hopetoun.

Resolution:

Moved Cr McLean

Seconded Cr Lehmann

That the recommendation be adopted.

Carried

ATTACHMENTS

Not applicable.

DISCUSSION

Background

In April 2024, the Hopetoun Uniting Early Learning Centre regrettably had to temporarily shut its doors, due to a lack of available qualified staff. Since the doors closed, Uniting had devoted considerable efforts to attracting new personnel. However, amidst a notable shortage of skilled professionals affecting Early Childhood Education and Care Centres nationwide, the centre did not re-opened.

Although Yarriambiack Shire Council does not run childcare services, we have been actively talking with Uniting and other providers to come up with ideas for reopening the service in a way that is sustainable and meets community needs in the long term.

A co-located model hosting both sessional kindergarten and childcare services, managed by one provider within the same establishment, stands as the most viable strategy for the future and is the optimal path for the centre's reopening going forward. This model enables greater flexibility assisting with staff-to-child ratios and meeting safety standards. Emerge Early Years Services has been identified as the most logical and equipped service provider to reestablish childcare and manage Kindergarten services in Hopetoun and Beulah.

On July 24, 2024, the Yarriambiack Shire Council Councillors formally resolved to proceed with the community consultation process of the proposal to hand over the Hopetoun and Beulah combined kindergarten services to Emerge.

There are several obstacles in reopening the childcare. It has been made clear by Commonwealth Government officials that the Community Child Care Funding Restricted (CCCFR) currently granted to Uniting by agreement is non-transferable. Before lobbying for CCCFR allocation, Emerge must obtain the standard Child Care Subsidy approval. This may take some time to work through.

The sessional kindergarten model operating across both Hopetoun and Beulah will continue in 2025, and plans for the pre-prep roll out are currently underway. Families have participated in an engagement process with both Yarriambiack Shire and Emerge on how this will be implemented.

Council is currently undertaking a community consultation process regarding this proposal.

Family Day Care – In Venue Care

An individual is interested in providing In Venue Family Day Care at the Hopetoun Early Years building, which has the potential to enhance childcare services in the long run and help families in urgent need of childcare in the short term. We are currently working with a provider to register this service. Our aim is for the individual to commence In Venue Family Day Care as soon as possible. Even after childcare services begin, we hope the individual will continue offering in-venue care on days when long day care childcare is unavailable.

Lease Arrangement

On 30 July 2024, Uniting Vic Tas notified the Council of their intention to terminate their current lease with Yarriambiack Shire. To allow Family Day Care – In Venue Care to function from the Hopetoun building, a new lease must be established. With the Council entering the Election Period (caretaker) starting at 12noon on 17 September 2024, it is proposed that the Chief Executive Officer be formally authorised to negotiate and sign the lease on behalf of the Council.

According to the Council's Leases and Licences Policy, the Family Day Care – In Venue Care provider would fall under Commercial / Private Use Category C, which requires market rates to be paid for the lease. It is suggested, however, that the provider be classified as equivalent to a Category B, given that its operations offer essential services to the community and provide substantial benefits. Therefore, it is recommended that the lease be offered at a discounted market rate, akin to a peppercorn lease.

This approach aligns with our commitment to securing childcare services within our Shire.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025: Strategic Objective 2: A Healthy and Inclusive Community
- Early Years Plan 2023 - 2028

RELATED COUNCIL DECISIONS

Closed Council Meeting 24 July 2024 - Future Direction of Early Childhood Services

OPTIONS

- a) Council could choose to charge a market rate, or discounted market rate for the use of the building. This may be a barrier to the service being established.

SUSTAINABILITY IMPLICATIONS

Economic: Childcare is crucial for economic sustainability as it enables parents, especially mothers, to participate in the workforce, thereby increasing household income

and reducing poverty. Access to affordable, high-quality childcare allows parents to pursue education and job training, leading to higher lifetime earnings. This, in turn, boosts economic growth by increasing the labour force and reducing absenteeism and turnover. Moreover, childcare supports children's development, preparing them for future educational success and productive adulthood. Early childhood education enhances cognitive skills, social abilities, and overall well-being, leading to a more skilled and capable workforce. Investing in childcare also promotes gender equality by enabling women to work, thus contributing to economic growth and reducing gender disparities. In summary, childcare is a vital component of economic sustainability as it supports workforce participation, enhances children's development, and promotes gender equality. By investing in childcare, societies can achieve long-term economic growth and stability.

Social: Childcare has significant social sustainability implications as it promotes well-being, equity, and social justice. By providing children with a safe and nurturing environment, childcare supports their development and prepares them for future success. It also enables parents, especially single parents, to maintain employment and income, reducing poverty and enhancing quality of life. Additionally, childcare fosters social inclusion and cultural competence, helping children and families from diverse backgrounds to thrive. Overall, investing in childcare contributes to a more equitable and socially sustainable society.

COMMUNITY ENGAGEMENT

Community engagement has commenced with families who utilise kindergarten and childcare in Hopetoun and surrounds.

A community meeting was held on 26 March 2024 in Hopetoun to discuss the closure of the Hopetoun Childcare Centre. A further community meeting was held on 18 July 2024 to discuss the options moving forward.

In addition, the Have Your Say in relation to the future operations of the Hopetoun and Beulah Early Years Services is open and closes on 22 August 2024.

Council is also collecting expressions of interest for the in-venue family day care on behalf of Little Tikes Family Day Care.

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>
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Council is actively working and exploring opportunities to reopen childcare in Hopetoun.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Community Engagement has occurred in relation to the Childcare closure. Council is actively working to seek solutions to re-open childcare within Hopetoun.	Maintains Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Establishing a formal lease and/or licence arrangement with the In-Venue Care Provider assists with managing compliance and liability risk.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- Victorian State Government Early Childhood Reform Plan
- Commonwealth Government Early Years Strategy 2024-2034

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 LEASE OF LAND AT WARRACKNABEAL AND HOPETOUN AERODROMES FOR CFA TANKS

Prepared by Jo White, Governance Officer

SUMMARY

The Country Fire Authority (CFA) installed firefighting storage tanks at the Hopetoun aerodrome in 2017 and Warracknabeal aerodrome in 2018. Vic CFA would like to formalise CFA's current tenure at the Hopetoun and Warracknabeal airports by way of a licence agreement.

Recommended Motion:

That Council:

- a) In accordance with s115 of the *Local Government Act 2020* and Council's Community Engagement Policy, undertake community consultation.
- b) Endorse the Chief Executive Officer to negotiate details with the CFA for the lease to be executed, providing the intent of the lease agreement is not altered, and there are no objections received.
- c) Endorse the affixing of the Common Seal to the Lease Agreement in accordance with Council's Common Seal and Conduct at Meetings Local Law.

Resolution:

Moved Cr Kirk

Seconded Cr Heintze

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: CFA Licence Agreement Template for consideration](#)

DISCUSSION

In 2017, the CFA installed firefighting storage tanks at the Hopetoun aerodrome and in 2018 installed tanks at the Warracknabeal aerodrome. In July, Council was notified by Vic CFA that they wished to formalise the CFA's current tenure at the aerodromes by entering into an agreement with Council.

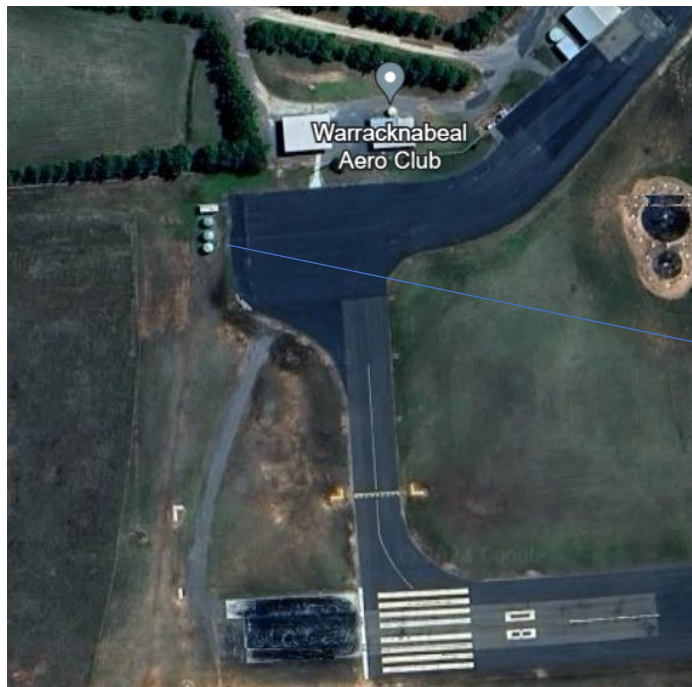
Vic CFA is seeking a tenure of 10 years with a further option to extend for a further 10 years.

Under s115 *Local Government Act 2020* and Council's Community Engagement Policy, Council is required to undertake a period of community consultation regarding the proposed lease agreement.

Below is arial images of the location of the current tanks.



Hopetoun Aerodrome
CFA Tank Location



Warracknabeal
Aerodrome CFA Tank
location.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025: Strategic Objective 1: A Vibrant and Diversified Economy
- Council Plan 2021-2025: Strategic Objective 2: A Healthy and Inclusive Community
- Council Plan 2021-2025: Strategic Objective 4: A Council Who Serves Its Community
- Leases and Licences Policy

RELATED COUNCIL DECISIONS

- Council Meeting 25 January 2023 - Item 18.2 Rupanyup Recreation Reserve Lease Renewal
- Council Meeting 27 July 2022 - Item 16.3 Hopetoun Scout Hall lease, Hopetoun and District Historical Society Inc

OPTIONS

a) Council could choose to enter into a shorter-term agreement.

SUSTAINABILITY IMPLICATIONS

Financial: The tanks are currently located on Council land, and a fee will be provided as part of the licence agreement arrangement.

COMMUNITY ENGAGEMENT

Council is currently undertaking the Have Your Say – Lease of Land at Warracknabeal and Hopetoun Aerodromes for CFA Fire Fighting Tanks process. Feedback from the community is invited until 5.00pm on Thursday 12 September 2024.

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	Ensuring a robust lease is enacted enables Council to meet its corporate governance and compliance obligations and reduces its liability risk.	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.

15.11 RECONCILIATION ACTION PLAN AND LOCAL GOVERNMENT ENGAGEMENT STRATEGY

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

On 25 October 2022, the Victorian Government and Barengi Gadjin Land Council, signed agreements under the *Traditional Owner Settlement Act 2010* (Vic) and related legislation. The Recognition and Settlement Agreement (RSA) commenced on 13 December 2022.

Incorporated into the RSA is the Local Government Engagement Strategy (LGES). This paper requests Councillors' approval to adopt the Local Government Engagement Strategy, created collaboratively by Yarriambiack Shire Council and Barengi Gadjin Land Council.

Recommended Motion:

That Council:

- a) Adopt the Yarriambiack Shire Council and Barengi Gadjin Land Council Local Government Engagement Strategy as attached to this report; and
- b) Endorse for the Chief Executive Officer to continue to revise and update the Strategy in partnership with Barengi Gadjin Land Council on a bi-annual basis, recognising this strategy is a working document.

Resolution:

Moved Cr Kirk

Seconded Cr Heintze

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Yarriambiack Shire Council and Barengi Gadjin Land Council Local Government Engagement Strategy](#)

DISCUSSION

Yarriambiack Shire Council (YSC) has embraced the opportunity to work in partnership with Barengi Gadjin Land Council (BGLC) to develop our Reconciliation Action Plan and Local Government Engagement Strategy.

Schedule 6 of the RSA contains the LGES. When reflecting on the requirements outlined in the RSA, as a Council we deemed that many of the activities were already incorporated within legislative requirements, which we were enacting.

We did not deem that the LGES placed any additional burden on Council, or our resources. If anything, this strategy has had a positive influence on building partnerships, based on mutual respect and trust with BGLC.

Attached to this report is our LGES that will be a working document, continuously reviewed during our bi-monthly meetings with BGLC.

We aim to enhance our collaboration with our Traditional Owners regarding land, environment, natural resources, water, and cultural heritage management.

RELEVANT LAW

- *Traditional Owner Settlement Act 2010*
- *Native Title Act 1993 (Cwth)*

COUNCIL PLANS AND POLICIES

- Council Plan 2021-2025
- Tourism Strategy 2023-2027
- Economic Development Strategy 2023-2027
- Early Years Plan 2023-2028

RELATED COUNCIL DECISIONS

Council Plan 2021-2025, incorporating Councils Community Engagement Policy.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Social: Engaging with Traditional Owners is crucial for achieving social sustainability. It helps in building trust-based relationships, minimising conflicts, and supporting sustainable outcomes. The principles of Free, Prior, and Informed Consent (FPIC) are critical in this engagement, ensuring that Traditional Owners are involved in decisions that impact their land and resources.

Environmental: Engaging with Traditional Owners has significant environmental sustainability implications. It involves recognising and respecting their cultural heritage, knowledge, and connection to the land. This engagement ensures that Traditional Owners are actively involved in decision-making processes that affect their land and resources, leading to more sustainable and equitable outcomes.

COMMUNITY ENGAGEMENT

The Council has worked closely with BGLC to formulate the attached Strategy. We have arranged bi-monthly meetings to discuss the strategy, along with projects and regional issues that affect our people and environment.

GENDER IMPACT ASSESSMENT

Not applicable.

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
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Being on the forefront in developing and adopting the strategy ensures collaborative engagement at the onset where land, water and natural resources are being incorporated into projects and plans across the Shire. This ensures a smooth strategy execution, where key partners are part of the initial discussions, where concepts are being planned and/or formulated.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	As a Council we pride ourselves on being inclusive and supportive of our entire community. We have embraced the opportunity to engage more collaboratively and deliberatively with our Traditional Owners.	Reduces Residual Risk Level

<p>Political Risk - Residual Risk Level Low</p>	<p>Whilst the State Government has entered into this Agreement with BGLC, it incorporates Local Government Engagement expectations within. It is important that as a Council we actively understand the expectations, and respect the Strategy, and its desired outcomes of mutual respect, trust, collaboration and partnership, supporting its implementation.</p>	<p>Reduces Residual Risk Level</p>
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REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

[Traditional Owner Engagement | firstpeoplesrelations.vic.gov.au](https://www.firstpeoplesrelations.vic.gov.au)

[Recognition and Settlement Agreement | BGLC](#)

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.

15.12 HEAVY VEHICLE PARKING LOCATIONS IN URBAN AREAS

Prepared by Joel Turner, Manager Infrastructure and Works

SUMMARY

The Heavy Vehicle Parking document was prepared to show the long term urban heavy vehicle parking locations around the Yarriambiack Shire. Identifying appropriate locations for sleep and rest breaks for truck drivers and associated costs to implement them. Several consultations with outdoor Shire staff, truck drivers, transport contractors and the public have been completed for all the following towns: Lascelles, Hopetoun, Beulah, Warracknabeal, Minyip, Murtoa and Rupanyup.

Amended Motion:

That Council:

- a) Adopts the heavy vehicle parking location in urban area document, to help guide trucking contractors requiring overnight or longer-term parking within the Yarriambiack Shire with the following changes:
 - i. Update the document not to reference Lascelles Street in Hopetoun; and
 - ii. Remove Johnston Street as a reference to location in Minyip.

Resolution:

Moved Cr Kirk

Seconded Cr Hamilton

That the recommendation be adopted.

Carried

ATTACHMENTS

[Attachment: Location of Heavy Vehicle Parking in Urban Areas](#)

DISCUSSION

Trucks and heavy vehicles are permitted to travel on local rural roads, up to B-Double combinations.

In recognition of the growing freight demand while also managing and improving local streets, truck parking within the urban areas of the municipality poses several risks. Issues include the impact on neighborhoods, safety risks, obstruction or impeding vision, potential damage to infrastructure and noise creation for residential properties.

Costings to upgrade each site has been included in the document to assist with budgeting upgrade works and sourcing funding opportunities.

Limitation of the document:

- The document only guides vehicles longer than 9m and greater than 10.5 tonnes.
- The findings of heavy vehicle parking locations are only in Lascelles, Hopetoun, Warracknabeal, Beulah, Minyip, Murtoa, and Rupanyup towns. The study excludes small towns: Tempy, Speed, Woomelang, Patchewollock, Turriff, Brim, Yaapect, and Sheep Hills.

RELEVANT LAW

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

COUNCIL PLANS AND POLICIES

- a) Council Plan 2021-25 Strategic Objective 1: A Vibrant and Diversified Economy Maintaining a safe road network that reflects our communities' priorities including the movement of agricultural machinery.
- b) Road Management Plan
- c) Road Hierarchy
- d) Assets and Operations Guideline

RELATED COUNCIL DECISIONS

Not applicable.

OPTIONS

Alternate options:

- 1. Council continues to consult with the public to refine the parking locations further.

SUSTAINABILITY IMPLICATIONS

Social: Providing a safe place for heavy vehicles to park overnight or for longer rest breaks reducing the impacts on residents.

Financial: This document would be used to source funding for these parking locations. The financial cost to upgrade the sites to an acceptable level is minor.

COMMUNITY ENGAGEMENT

Community consultation occurred in 2024. Trucking contractors and locals were given the opportunity to provide feedback through Council’s online system. Feedback received has been incorporated into the final plan.

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 and Operations Guidelines.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	Consultation for the document was thorough giving all parties ample time to provide recommendations. The document is the first stage of assisting to address the truck parking issues identified across the Shire.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The document provides an outline of priority projects to be explored for funding opportunities.	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.

15.13 REQUEST TO RESHEET MELLIS ROAD

Prepared by Joel Turner, Manager Infrastructure and Works

SUMMARY

This report considers a request for Council to gravel resheet a section of Mellis Road, from Stawell Warracknabeal Road to a property 4.3km to the East. The proposed road section is currently classified as a Rural Collector Road, RC2 – Gravel Surface. The property owner has offered to fund the supply and delivery of the pavement material and requested Council supply plant and labour to carry out the resheet works in the 2024/25 financial year.

Recommended Motion:

That Council:

- a) Endorses to resheet the 4.3km section of Mellis Road utilising the roads maintenance budget, to meet the requirements of the Road Hierarchy which classifies this road as a Rural Collection Road RC2 – Gravel Surface.
- b) Endorse for the resheet to be added to the 24/25 capital works program, with labour and plant costs associated with the works to be reallocated from the operational maintenance budget.
- c) Acknowledge that the pavement materials will be paid for, supplied, and delivered to the site by the property owner who requested the works.

Resolution:

Moved Cr Kirk

Seconded Cr Lehmann

That the recommendation be adopted.

Carried

ATTACHMENTS

[Confidential Attachment: Email Received by Property Owner](#)

DISCUSSION

Council received an email on the 20 June 2024 requesting that 4.3km of gravel be laid on Mellis Road heading east from Stawell Warracknabeal Road intersection to an existing property entrance.

The issues presented in the email were as follows:

- The proposed section of Mellis Road is in relatively poor condition apart from a 1.6km resheet that was completed in 2022/23 at chainage 1000-2600 (this section would only require light work).
- This area is not only the main access to the property owners house but also the main access to their farm, with a section through the middle causing issues during the wetter months.

The road is currently an all-weather access collector road shown in the image below.



Ongoing Maintenance Implications

Mellis Road is classified as a RC2 Rural Collector Road, Councils' highest grade of gravel road. The road receives a higher level of attention than Rural access roads, inspected every 12 months and it is deemed maintenance will be minimised after the resheet, extending out the timeframe for the next maintenance grade as/and when required.

Officers Finding

Council's 2024/25 Capital Works Program has a reduced budget from previous years and will allow council workers time to carry out additional maintenance works throughout the year. The works on Mellis Road could be achieved during this financial year from a plant and labour scheduling prospective. The road is a rural collector and heavily used, the upgrade at the cost of the farmer to move the road along in priority is a benefit to Council and the Community, as this road needs to be maintained at a high level regardless.

The cost to Council to construct the proposed section 4300m in length by 4m minimum width, to a gravel surface, would be estimated at \$38,700 for plant and labour. The material and cartage cost to the property owner is estimated to be \$200,000.

We don't believe this project is suitable to replace a project in the current capital program, as they are in a more severe condition than Mellis road. It is a good opportunity to utilise maintenance funds to carry out more intensive work which will in turn reduce maintenance required on Mellis Road and not be a large cost to Council for the quantity of work that will be achieved.

Under the Council's Road Hierarchy, the requested section of Mellis Road is classified as a Rural Collector Road (RC2), gravel surface. This type of road needs to be maintained to a higher standard in accordance with the Council's Road Management Plan, Road Hierarchy, and Assets and Operations Guidelines.

Road Hierarchy – Rural Collector

A road that provides or is part of a secondary link between two areas, two roads of a higher classification or a combination thereof. Collector roads also collect traffic from access roads and channel it to roads of higher classification. Many of these roads form a "grid" for all weather access across the Shire. Traffic is usually a mix of local and non-local. This category can also include roads that are primary access to public facilities such as cemeteries, sports grounds, waste disposal sites etc.

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.

- a) Objective 1: A vibrant and diversified economy
Maintaining a safe road network that reflects our communities' priorities including the movement of agricultural machinery.
- b) Road Management Plan
- c) Road Hierarchy
- d) Assets & Operations Guideline

RELATED COUNCIL DECISIONS

Council Meeting 25 January 2023 – Request to Upgrade the Section of Millers Road

Similar type of decision has occurred in the past regarding Millers Road. This was an upgrade. The Council denied the request to upgrade the section of Millers Road due to the road already meeting its obligations in relation to the requirements of Council’s adopted Road Management Plan and Road Hierarchy. This resulted in Council asking the group of landowners, to contribute to pay all costs for gravel.

OPTIONS

Alternate options:

1. Council agrees to resheet the section of Mellis Road at entirely Council’s cost.
2. The Council asks for the landowner to pay all costs including plant and labour for the new gravel surface and the Council would program the works to be carried out in 2024-25.
3. The plant and labour component for the works be funded by reallocating capital budget towards the project.
4. The plant and labour component for the works be funded by reallocating prioritising gravel maintenance budget towards the project.

SUSTAINABILITY IMPLICATIONS

Social: Safety for road users and improved transport route to and from the primary farm. The works also benefit the wider community as a collector road.

Financial: This work could be carried out utilising Council’s Road maintenance budget in 2024/25. This reduces the effect on future capital works budgets by reducing the required amount to be spent on Mellis Road in coming years.

COMMUNITY ENGAGEMENT

Opportunities during Road Hierarchy consultation in 2022.

GENDER IMPACT ASSESSMENT

Not required for this report.

RISK

Utilizing 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	Conformity with Road Management Plan, Road hierarchy, and Assets and Operations Guidelines.	Maintains Residual Risk Level
Reputational Risk - Residual Risk Level Low	The road 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

Financial Risk - Residual Risk Level Medium	The higher maintenance spend on Mellis road along with the supplied material will significantly reduce the financial burden of maintaining the road for the next 10 years.	Maintains Residual Risk Level
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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.

15.14 COMMONWEALTH HOUSING SUPPORT PROGRAM APPLICATION

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

The Commonwealth Government has committed \$1.5 billion to the Housing Support Program (HSP) in a range of measures designed to help achieve the National Housing Accord's target of building 1.2 million new, well-located homes over 5 years from 01 July 2024.

Council has applied for the HSP Community Enabling Infrastructure Stream (CEI). The CEI Stream will provide funding to local, state and territory governments for enabling infrastructure and community amenity projects.

This report outlines the projects Council has applied for and seeks endorsement for the projects to be added to the Capital Works Program for 24/25 if the funding applications are successful. An outcome is expected to be announced in late 2024.

Recommended Motion:

That Council:

- a) Endorse, subject to securing funding, to include the following projects in the 24/25 Budget, with the total expenditure not exceeding the amount applied for in the funding application:
 - i. Anderson Street Infrastructure Project: Enabling Retirement Living in Warracknabeal with total expenditure capped at \$2,886,204 million (ex GST);
 - ii. Hopetoun Old School Site Housing Infrastructure Development, with total expenditure capped at \$1,525,128 million (ex GST);
 - iii. Murtoa Lakeside Sewer and Water Scheme Extension: Enabling Housing Development Near Lake Marma, with total expenditure capped at \$1,130,000 million (ex GST)
 - iv. Rupanyup Gibson Street Housing Infrastructure Development, with total expenditure capped at \$594,397 thousand (ex GST).
- b) Endorse for the Chief Executive Officer to commence the project implementation as committed to in the funding application, if successful.

Resolution:

Moved Cr Kirk

Seconded Cr Heintze

That the recommendation be adopted.

Carried

ATTACHMENTS

[Link: Housing Support Program | Department of Infrastructure, Transport, Regional Development, Communications and the Arts](#)

DISCUSSION

Yarriambiack Shire Council has submitted four applications under the HSP CEI opportunity, aligning with the strategic priority to support diverse housing options for current and future community needs.

Below is an outline of each funding submission:

1. Anderson Street Infrastructure Project: Enabling Retirement Living in Warracknabeal

The project will construct essential infrastructure for 34 Anderson Street Warracknabeal, a 9,838 sqm allotment located close to the town centre. The project is a partnership with Dunmunkle Lodge and will deliver essential infrastructure to support the development of 14 independent living units for our senior residents. The project scope includes:

- Construction of approximately 200 metres of new road, including kerb and channel.
- Installation of approximately 400 metres of footpaths, designed for accessibility.
- Implementation of a stormwater drainage system, incorporating water-sensitive urban design principles.
- Connection of water, sewerage, electricity, and telecommunications services to the 9,838 sqm site.
- Installation of energy-efficient street lighting.
- Creation of visitor parking areas.
- Landscaping of public areas, including the planting of native vegetation.

The funding application does not include the building of the units therefore future funding opportunities will need to be explored.

The total cost for the enabling infrastructure project is \$2,886,204 million. Council has applied for the full cost of the project.

If successful, Council will engage RMG Driscolls to manage the project. RMG Driscolls has completed the service planning and cost estimations for the project and has provided further in-kind support to get this project to application stage.

2. Hopetoun Old School Site Housing Infrastructure Development

The project will construct enabling infrastructure at the Hopetoun Old School Site to support future residential development. This includes building roads, drainage systems, sewer and water networks, and power services. The works will cover approximately 2 hectares of land, preparing the site for up to 10 residential lots.

The scope includes:

- Construction of approximately 300 metres of internal roads, including pedestrian pathways.
- Installation of a stormwater drainage system, including retention and treatment facilities.
- Construction of a sewer network, connecting to the existing town system.
- Installation of a water supply network, including fire hydrants.
- Establishment of electrical supply infrastructure, including street lighting.
- Installation of telecommunications conduits.
- Site preparation and earthworks for up to 10 residential lots.
- Implementation of erosion and sediment control measures.
- Construction of crossovers and driveways.
- Installation of street signage and line marking.
- Landscaping of public areas and nature strips.

The total cost for the enabling infrastructure project is \$1,525,128 million. Council has applied for the full cost of the project.

If successful, Council will engage RMG Driscolls to manage the project. RMG Driscolls has completed the service planning and cost estimations for the project and has provided in-kind support to get this project to application stage.

3. Murtoa Lakeside Sewer and Water Scheme Extension: Enabling Housing Development Near Lake Marma

The project will extend sewer and water infrastructure to undeveloped land west of Lake Marma, Murtoa. It involves installing new sewer and water mains to connect over 20 properties, removing a significant barrier to residential development in this well-located area near the town centre.

The scope includes:

- Installation of new sewer mains to connect over 20 properties to the existing sewerage system.
- Extension of water mains to provide potable water connections to these properties.
- Associated works such as trenching, pipe laying, and connection to existing infrastructure.
- Restoration of affected areas post-construction.

The project will be delivered through a collaboration between Yarriambiack Shire Council, GWMWater, and CHS Group Australia. CHS Group, a pre-qualified contractor with GWMWater, will provide expert advisory services and precise project cost estimations. The work will be carried out in compliance with all relevant standards and regulations, ensuring the new infrastructure integrates seamlessly with existing systems.

The total cost for the Enabling infrastructure project is \$1,130,000 million. Council has applied for the full cost of the project.

4. Rupanyup Gibson Street Housing Infrastructure Development

The project will construct enabling infrastructure for an initial eight new residential lots in central Rupanyup. Works include water, sewer, and power connections, road construction, and associated civil works. This development will unlock land for housing in a strategic location approximately 300 metres from Rupanyup's town centre.

The project scope includes:

- Water infrastructure: Installation of water mains and connections to each lot.
- Sewer infrastructure: Construction of sewer mains and lot connections.
- Electrical infrastructure: Power line extensions, upgrade and connections to each lot.
- Road construction: Building a new access road to service the lots.
- Drainage works: Installation of stormwater drainage systems.
- Telecommunications: Provision for NBN or equivalent connections.
- Street lighting: Installation of energy-efficient LED street lighting.
- Footpaths and kerbing: Construction of pedestrian-friendly infrastructure.

The development is located on Lot 4 in Plan of Subdivision PS4121665, transferred to the Rupanyup Future Fund on November 24, 2021 from Council. The project will prepare the land for immediate sale and housing construction, with all necessary planning permits already secured.

This project will be delivered in collaboration with Yarriambiack Shire, Rupanyup Future Fund, RMG Driscolls and CHS Group Australia. Noting, Yarriambiack Shire Council is not the owner of the land, and is auspicing the funding on behalf of the Rupanyup Future Fund.

The total cost for the Enabling Infrastructure project is \$594,397. Council has applied for the full cost of the project.

5. Funding Outcome and Actions

Following the funding guidelines, the results will be disclosed in late 2024. Each project is defined and can initiate once funding is confirmed. As the scope of these projects will extend beyond the Capital Works Program for 24/25, it is recommended that Councillors approve their inclusion in the program. The approval will be for the total cost of the funding application exclusively. Council is not obligated to provide additional funds for these projects.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

Strategic Objective 1: A Vibrant and Diversified Economy.

Strategic Priority:

- Advocate and support economic development and investment in our region.
- Plan for and support diverse housing options to meet community needs now and into the future.

Strategic Objective 2: A Healthy and Inclusive Community.

Strategic Priority:

- Support infrastructure investment that promotes an inclusive and socially connected community to enhance liveability.

RELATED COUNCIL DECISIONS

Council Meeting 27 March 2024 – Item 15.6 Enabling Tourism Funding Application, Hopetoun Former School Site.

OPTIONS

Not applicable.

SUSTAINABILITY IMPLICATIONS

Economic: Supporting housing initiatives aligns with Councils Economic Development Strategy and Council Plan strategic priorities. It enables economic growth and development within our Shire.

Social: The opportunity to provide appropriately located and well designed, serviced land for housing supports executive style homes, worker accommodation and independent retirement living options across our Shire.

Financial: The opportunity for the parcels of land to be developed in partnership with other organisations and via grant funding reduces the financial burden on Council.

COMMUNITY ENGAGEMENT

Council has supported the Rupanyup Future Fund to realise the vision of creating housing opportunities within their township. Providing housing options supports economic growth and development to enhance the prosperity of the region.

GENDER IMPACT ASSESSMENT

Not applicable.

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	Proactively pursuing grant opportunities demonstrates Councils commitment to addressing the housing shortage across our Shire.	Reduces Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	Council has scoped the projects in conjunction with specialist Engineers and Civil and Electrical contractors to mitigate cost escalation / unknown cost risks. Council will also engage a specialist project manager to oversee all projects. This has been built into the funding application scope.	Maintains Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Councils application to the Commonwealth Housing Support Program demonstrates Councils commitment to delivering on the Council Plan Strategic Priorities and Councils Economic Development Strategy.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- Victoria’s Housing Statement: [Victoria's Housing Statement | vic.gov.au \(www.vic.gov.au\)](http://www.vic.gov.au)
- Rural Councils Victoria Housing Blue Print: [Research – Rural Councils Victoria](#)
- Commonwealth National Housing and Homelessness Plan
- Delivering the National Housing Accord: [Delivering the National Housing Accord | Treasury.gov.au](#)

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

No reports for noting.

17 PERMITS ISSUED

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

Recommended Motion:

That Council:

Note the permits issued by Council between 01 July 2024 and 31 July 2024.

Resolution:

Moved Cr Kirk

Seconded Cr Massey

That the recommendation be adopted.

Carried

Reference No	Description	Address	Date of Issue
Planning Permits			
PA20240014	The use of land for the purpose of gypsum mining (earth and energy industry)	Hopetoun	23/07/2024
PA20240019	Construction of workers accommodation	Beulah	26/07/2024
PA20240022	Construction of a shed	Beulah	30/07/2024
PA20240023	Construction of two dwellings on a lot	Hopetoun	30/07/2024
PA20240024	Two lot subdivision	Murra Warra	30/07/2024
Local Law Permits			
12-24	Keeping more than allowed number of animals (Renewal)	Murtoa	17/07/2024
RRWP & APP Permits			
2024 - 09	Soil sampling	Gun Club Road	17/07/2024

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 or conveniently 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, they must provide a response to the Councillor as outlined in 2.13 (e) of the Governance Rules.

19 NEXT MEETING

Unscheduled Meeting 11 September 2024 (to be advertised).

Wednesday 25 September 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 10.20am.

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

Resolution:

Moved Cr Massey Seconded Cr Hamilton

That the recommendation be adopted.

Carried

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. CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS FOR 24/25

This Agenda item is confidential information for the purpose of section 3(1) of the *Local Government Act 2020*:

- a) Because it is personal information, being information which if released would result in unreasonable disclosure of information about any person (section 3(1)(f)); and
- b) This ground applies because the Agenda Item concerns human resource information about the Chief Executive Officer, that would, if prematurely released, compromise Council's position in relation to the requirement to comply with the *Privacy and Data Protection Act 2014*.

2. C341-2024 HOPETOON CARAVAN PARK CARETAKER

This Agenda item is confidential information for the purpose of section 3(1) of the *Local Government Act 2020*:

- 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.