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SHIRE COUNCI

Ordinary Meeting of Council

11 September 2024 COUNCIL CHAMBERS 34 Lyle Street, Warracknabeal UNSCHEDULED 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

Photo Location: Playground, Brim



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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	Michael Evans	Manager Assets and Emergency Management
Council Officer	Tim Rose	Manager Community Health

5 APOLOGIES

Name / Role	Description of Leave / Absence



6 CONFIRMATION OF MINUTES

6.1 MINUTES 28 AUGUST 2024 – ORDINARY MEETING

Minutes of the Ordinary meeting of Council held on 28 August 2024 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Ordinary Meeting of Council held on 28 August 2024, as circulated be taken as read and confirmed.

Resolution:

Moved Cr Massey Seconded Cr Kirk

That the recommendation be adopted.

Carried

6.2 MINUTES 28 AUGUST 2024 – CLOSED (CONFIDENTIAL) MEETING

Minutes of the Closed (Confidential) meeting of Council held on 28 August 2024 be taken as an accurate record and confirmed.

Recommended Motion:

That the minutes of the Closed (Confidential) Meeting of Council held on 28 August 2024, as circulated be taken as read and confirmed.

Resolution:

Moved Cr Hamilton

Seconded Cr Heintze

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	8.6 Murtoa Land Transfer – 16 Cromie Street Murtoa	Shareholder in Murtoa Housing Innovation Pty Ltd



8 **REPORTS FOR DECISION**

8.1 MASTER ENVIRONMENT STRATEGY AND IMPLEMENTATION PLAN

Prepared by La Vergne Lehmann, Waste and Sustainability Coordinator SUMMARY

The *Local Government Act 2020* (The Act) strengthened the mandate for councils to act on climate change. The Act requires Council to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

The Master Environment Strategy 2024-2034 has been developed and is presented for adoption. This strategy will provide a strategic direction to the Council to guide waste, recycling and resource recovery, the environment including water, land and biodiversity and climate action over the next 10 years.

Recommended Motion:

That Council:

- a) Rescind the Resource Recovery and Waste Management Strategy adopted on the 27 July 2022.
- b) Adopt the Master Environment Strategy 2024-2034 and Implementation Plan 2024-25 as attached to this report; and
- c) Authorise for the Chief Executive Officer to seek funding opportunities for the implementation of actions outlined in the plan.

Resolution:

Moved Cr Heintze Seconded Cr Kirk

That the recommendation be adopted.

Carried

ATTACHMENTS

Attachment: Master Environment Strategy 2024-2034 and Implementation Plan 2024-25

<u>Attachment: Master Environment Strategy – What we Heard – Community Engagement</u> <u>Summary</u>

DISCUSSION

As identified in the Yarriambiack Shire's Council Plan 2021-2025, Community Vision is "a connected rural community who values its land and wellbeing". Being environmentally responsible is key to achieving this vision. The Council Plan identifies "a robust and thriving environment" as one of its four core strategic directions. This is based on feedback from our community that environmental sustainability is important.

In December 2023, Yarriambiack Shire Council commenced works on the development of the Master Environment Strategy 2024-2034.

Yarriambiack is a highly productive agricultural region and is also home to some unique and special natural features. We are dependent on the natural environment in so many ways and it is therefore critical that we protect our environment and resources to ensure the long-term viability and sustainability of the region.

Yarriambiack Shire is a small council with limited resources and, therefore, must work effectively within these constraints to progress its vision and goals. This means we must



be strategic about how and where we focus our efforts to maximise the impact we can have.

This Strategy focuses on three key themes:

Waste, Recycling and Resource Recovery

The goal is to increase diversion of waste from landfill and improve resource recovery rates through providing effective waste services, education and responsible procurement.

Environment – Water, Land and Biodiversity

Council will seek to protect and enhance the natural environment, including habitats, water resources and associated cultural values by minimising environmental impacts and supporting healthy ecosystems.

Climate Action – Adaptation, Mitigation and Renewable Energy

Working towards net zero emissions and enhancing community resilience in the face of a changing climate will be achieved by reducing greenhouse gas emissions from Council's own activities and operations, whilst also supporting and enabling others to do the same.

The Yarriambiack Shire face several key environmental challenges, and these have been recognised in the key themes:

- The high and increasing costs of waste management.
- Limited end product markets for recycled products.
- Restricted ability to utilise renewable energy resources due to poor grid integration.
- The impacts of a drying and warming climate for community, biodiversity, tourism and agricultural businesses.

Action Plan 24/25

The implementation plan included as part of the Master Environment Strategy outlines Councils key focus areas for the 24/25 financial year.

To expand on that further, Council will be focusing heavily on:

- Alternative options for glass collections, including hard stand/trailer collection points in townships and expanding on the Recycling and Hard Waste Collection hubs similar to what is implemented at Yaapeet, and being trialled at Patchewollock.
- Reviewing the operating hours of transfer stations, including patronage numbers, volume and types of waste collected and cost incurred to provide each service. This will inform the future operations and opening hours going forward.
- Enhancing the glass crusher processes and utilisation of materials.
- Functionality of our major transfer stations, including Hopetoun, Murtoa and Warracknabeal. Consider the long-term operating costs and the long-term capital investment and prepare a master plan and associated costings required to implement.
- Continue to provide feedback and data to the State Government Agencies, such as Sustainability Victoria and Recycling Victoria on the high costs and implications of kerbside collections and processing of various types of materials, particularly in a rural context.

RELEVANT LAW

- Local Government Act 2020
- Invasive species laws and the *Catchment and Land Protection Act* 1994
- Catchment and Land Protection Act 1994 Regulations 2022



• Climate Change Act 2017

COUNCIL PLANS AND POLICIES

Council Plan 2021 – 2025: Strategic Objective 3 – A Robust and Thriving Environment

RELATED COUNCIL DECISIONS

- Council Meeting 28 September 2022 Item 15.3 Mixed Recycling and Glass Recycling Collection Service Survey.
- Council Meeting 27 July 2022 Item 15.2 Resource Recovery and Waste Management Strategy
- Introduction of kerbside glass recycling service in May 2022.

OPTIONS

- a) The Council could choose to reject the recommendation and request further community consultation be undertaken on the Master Environment Strategy 2024-2034.
- b) The Council could choose to reject the recommendation and request further amendments be made to the Master Environment Strategy 2024-2034.

SUSTAINABILITY IMPLICATIONS

Economic: Through the development of a Master Environment Strategy, Council and the community will have strategic direction for the management of waste and recycling, environmental assets across the Shire and climate action. In turn, this will assist prioritising Council's resources and efforts to those activities that will result in the greatest positive impact across the municipality.

Social: Implementation of the strategy through focused actions in waste and recycling, the environment and climate action will encourage greater individual and collective action across the community thereby achieving more effective environmental outcomes.

Environmental: The entire focus of this strategy is on the environmental outcomes of a range of activities undertaken within the municipality. By identifying three key themes; waste and recycling, environmental assets including land, water and biodiversity and climate action, a more focused annual implementation plan will be developed each year to ensure that the strategy is implemented.

Financial: The Strategy recommends actions for the three key themes that include some of the most significant cost pressures for Council in the coming decade. Meeting community expectations and state government policy in these areas will need to be carefully managed within budget restrictions.

COMMUNITY ENGAGEMENT

To support the development of this Master Environment Strategy, Council has engaged with the local community. The purpose of this engagement was to test the strategic direction of the strategy and get community input on the proposed actions and their priority level. This ensures that the strategy is responsive to community needs and values.

The primary method of engagement was a survey that was open from early May to 17 June 2024. Respondents were encouraged to respond to the survey online, and paper copies were also made available. Yarriambiack Shire Council advertised the survey through local newspapers, website, social media, at its service centres and transfer stations. The survey received 78 responses.

Once the draft Master Environment Strategy was developed, Council commenced *Stage* 2 of the Community Engagement in accordance with Council's Community Engagement Policy. The Council released the draft Master Environment Strategy 2024-2034 out on Public Exhibition from 10 July 2024 – 08 August 2024. Council sought feedback on the



overarching strategy, along with specific questions surrounding the Priority Projects outlined within the Strategy and 2024/25 Implementation Plan. Project consultants conducted drop-in sessions across the Shire to receive further feedback.

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

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 Master Environment Strategy will provide clear actions and initiatives that link to the Council Plan and drive strategic and operational activities of Council from 2024-2034.	Maintains Residual Risk Level
Financial Risk - Residual Risk Level Medium	The Strategy outlines recommended actions for actions across the three key themes which will have cost implications. The strategy will be complemented by an annual implementation plan that will guide expenditure and outcomes each year.	Maintains Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	The Strategy includes an annual Implementation Plan identifying the key priorities each year. This plan will enable strategic and coordinated actions and delivery, while clearly outlining Council's role.	Reduces Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	The Strategy addresses the <i>Local Government Act 2020</i> requirements in relation to Climate Action and Change.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- Circular Economy (Waste Reduction & Recycling) Act 2021
- Environment Protection Act 2017
- Sustainability Victoria Act 2005
- Victoria's Biosecurity Strategy 2023
- Invasive Plants and Animal Policy Framework

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.



8.2 ROAD REGISTER 2024 UPDATE

Prepared by: Michael Evans, Manager Assets and Emergency Management

SUMMARY

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

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

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

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

The Road Register has been updated after the revised Road Hierarchy was adopted by Council on 28 August 2024.

Recommended Motion:

That Council:

- a) Endorse the Road Register 2024 as attached to this report to comply with the requirements of the *Road Management Act 2004*; and
- b) Revoke any prior versions of the Road Register.

Resolution:

Moved Cr Kirk

Seconded Cr Hamilton

That the recommendation be adopted.

Carried

ATTACHMENTS

Link: Road Management Plan 2022-2025 (Website)

Attachment: Road Register 2024

DISCUSSION

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

The previous amendment to the Road Register was in May 2024. Following this and subsequent adoption of the revised Road Hierarchy resulted in road segment classification changes.

The alterations to the road register occurred for two reasons:

- Reclassification due to change in surface type (e.g. gravel road is now sealed or an earth surface is now gravel due to the Capital Works Program)
- Classification amended as part of any Council decisions based on public requests.

RELEVANT LAW

- Local Government Act 2020
- Road Management Act 2004



COUNCIL PLANS AND POLICIES

Council Plan 2021-2025: Strategic Objective 1 – A Vibrant and Diversified Economy Council Plan 2021-2025: Strategic Objective 4 – A Council that Serves its Community

RELATED COUNCIL DECISIONS

- Council Meeting 22 May 2024 Ordinary Minutes Item 15.4 Road Register
- Council Meeting 28 August 2024 Ordinary Minutes Item 15.3 Road Hierarchy 2023-25, Stage Two Community Engagement

OPTIONS

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

Council has the option of either:

- 1. Adopting the Road Register 2024; or
- 2. Not adopting the Road Register 2024 and advise of an alternative method for registering Council's public roads, which will specify the details as per Schedule 1 of the *Road Management Act 2004*.

SUSTAINABILITY IMPLICATIONS

Not applicable for this report.

COMMUNITY ENGAGEMENT

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

GENDER IMPACT ASSESSMENT

Not applicable for this report.

RISK

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

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	Approve the Road Register 2024 to identify all public roads within the municipality.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Not applicable.

CONFLICTS OF INTEREST

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



8.3 PLANNING PERMIT APPLICATION PA20240026 – 11 WYCHUNGA STREET LASCELLES

Prepared by: Adam Moar, Manager Development and Environmental Services, and

James Thomas, Development Services Officer/Student Planner

SUMMARY

A planning permit application (PA20240026) has been lodged with Council for the proposed sale and consumption of liquor at an existing café in Lascelles. The café was approved by Council through Planning Permit TP25-23 in November 2023.

The application was notified to adjoining property owners for a period of 14 days with 37 submissions being received, 13 provided support, 23 objected to the proposal and the applicant submitted a comment to address the submissions.

The delegate report that is attached to this report provides and assessment of the proposal and the submissions against the provisions of the Planning and Environment Act and the provisions of the Yarriambiack Planning Scheme. On balance the application is recommended for approval subject to conditions.

Recommended Motion:

That Council:

Issues a Notice of Decision to Grant a Permit under the provisions of the Yarriambiack Planning Scheme in respect of the land known and described as 11 Wychunga Street Lascelles 3487 (Lot 193 PS: PS6219), for the sale and consumption of liquor subject to the following conditions:

Approved and Endorsed Plans – changes required

- 1. Before the use starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - a. be prepared to the satisfaction of the responsible authority.
 - b. be drawn to scale with dimensions.
 - c. submitted in electronic form.
 - d. be generally in accordance with the plans forming part of the application but amended to show the following details:
 - i. works identified in the 'noise and amenity plan' as required in Condition 9 of this permit.

Layout not Altered

2. The layout of the use must not be altered from the layout on the approved and endorsed plans without the written consent of the responsible authority.

Permitted Use

3. The site must continue to be used in the manner as approved through TP25-23 issued by Council on 27 November 2023. Any change in use may require further written approval from the responsible authority.

General Amenity Provision

- 4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land.
 - b. appearance of any building, works or materials.
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.
 - d. presence of vermin.

to the satisfaction of the responsible authority.

Hours of Operation

- 5. The use must only operate between the following times, as previously approved through Planning Permit TP25-23:
 - a. 9.30 am and 9.00 pm Monday to Friday
 - b. 10.00 am and 10.00 pm Saturday
 - c. 10.00 am and 9.00 pm Sunday or public holidays.

The responsible authority may consent in writing to vary these requirements.

Limit on Number of Persons

6. At any time no more than 250 persons may be present on the land. The responsible authority may consent in writing to vary this requirement.

Licensed Premises - Management / Supervision of Premises

7. At all times when the premises is open for business, a designated manager must be in charge of the premises to the satisfaction of the responsible authority. The manager must be authorised by the operator under this permit to make statements at any time on their behalf to any authorised police officer, any authorised officer of the responsible authority, or any authorised officer under the *Liquor Control Reform Act 1998*, and to take action on behalf of the operator in accordance with a direction by such officer.

Noise Control

8. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time.

Noise and Amenity Plan / Patron Management Plan

- 9. Before the use starts, a noise and amenity plan/ patron management plan must be approved and endorsed by the responsible authority. The noise and amenity plan/ patron management plan must be prepared by a suitably qualified person and must:
 - a. be prepared to the satisfaction of the responsible authority.
 - b. be submitted to the responsible authority in electronic form.
 - c. include the following details:
 - i. staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.
 - ii. signage to be used to encourage responsible off-site patron behaviour.
 - iii. the training of staff in the management of patron behaviour.
 - iv. staff communication arrangements.
 - v. measures to control noise emissions from the premises, which may include changes to the redline plan, and/or construction of a noise attenuating fence.
 - vi. complaint handling process to effectively manage any complaints received. This must include a Complaints Register to be kept at the premises which records details of the complaint received, any action taken and the response provided to the complainant.

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The responsible authority may consent in writing to vary any of these details.

Loudspeakers

10. No external sound amplification equipment, loudspeakers or public address system are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Commencement of Permit

11. This permit will operate from the issued date of this permit.

Expiry – Use

12. This permit as it relates to use will expire if the use does not start within 2 years after the issued date of this permit. In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

(The following information does not form part of this permit)

- A. The permitted development may need to comply with, or obtain the following further approvals:
 - 1. A liquor licence under the Liquor Control Reform Act 1998.

Resolution:

Moved Cr Kirk

Seconded Cr Heintze

Voted Yes - Cr Zanker, Cr Kirk, Cr Heintze, Cr Hamilton and Cr Massey.

Voted No - Cr McLean and Cr Lehmann.

That the recommendation be adopted.

Carried

ATTACHMENTS

Attachment: PA20240026 Delegate Report - 11 Wychunga Street Lascelles

Confidential Attachment: PA20240026 Application Documents

Confidential Attachment: Submission Summary

DISCUSSION

Planning Permit Application PA20240026 seeks to obtain a general licence for the café located at 11 Wychunga Street, Lascelles. The café was approved by Council at its 25 October 2023 meeting and has been operating since.

The application indicates that they will continue to operate the site as approved in the previous planning permit, however, now wish to serve liquor with meals. This includes retaining the existing hours of operation.

The site is located opposite the existing hotel in Lascelles. Currently the hotel is the only licenced premises within Lascelles.

The application was advertised to adjoining owners for a minimum period of 14 days. During this time there were 37 submissions received, this was a mix of support and objection. A summary of the submissions has been provided through the Delegate Report.

The objections discuss matters such as business competition, noise, and whether there is a need for a second premise selling alcohol. The letters of support discuss matters such as providing a choice in venue and atmosphere, hotel vs café.



The application has been assessed against the provisions of the Yarriambiack Planning Scheme and the required sections of the *Planning and Environment Act 1987*. The full assessment of the application is provided in the attached Delegate Report, along with the relevant sections of the planning scheme.

The overall assessment of the application provides for a recommendation to approve the application subject to conditions which relate to the amenity of the locality, hours of operation, and compliance with the endorsed plans and documents.

RELEVANT LAW

- Planning and Environment Act 1987
- Planning and Environment Regulations 2015

COUNCIL PLANS AND POLICIES

• Yarriambiack Planning Scheme

RELATED COUNCIL DECISIONS

25 October 2023, Council Meeting Minutes, 15.1 TP25-23 Planning Permit - Building and Works and Use of a building as a food and drink premises - 11 Wychunga Street, Lascelles

OPTIONS

Option 1:

That Council issues a notice to approve the planning permit subject to conditions. This option provides the objectors with the option to challenge the decision at VCAT.

Approving a planning permit subject to condition also provides the applicant to challenge any conditions at VCAT.

Option 2:

That Council issues a Notice of Decision to refuse the planning permit application for reasons relating to amenity. This option also allows the applicant to challenge the refusal at VCAT.

SUSTAINABILITY IMPLICATIONS

Economic: The application proposes to expand the services provided within an existing café. If approved, this liquor licence will become the second in town and would be located opposite the existing hotel. This provides visitors with a choice of venue to attend, and the businesses could compete for customers.

Social: The holder of a liquor license is required to serve alcohol responsibly, where this is not undertaken the owner could be fined or have their license revoked.

COMMUNITY ENGAGEMENT

This application has been advertised to adjoining owners for a minimum period of 14 days. Submissions can be accepted on any application until a decision has been made on the application.

The attached Delegate Report addresses the concerns raised by the submissions received for this application.

GENDER IMPACT ASSESSMENT

A gender impact assessment is not required for this report.

RISK

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

Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
Strategy Execution and Change Management Risk - Residual Risk Level Medium	Risk of approving inappropriate land uses on sites where amenity issues may arise, or not conditioning an approval appropriately to minimise amenity impacts.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Nil.

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.



8.4 ENAGAGE AND FREEZA FUNDING 2025-27

Prepared by: Tammy Smith, Chief Executive Officer and Tim Rose, Manager Community Health

SUMMARY

The State Government Engage 2025-27 grant to support youth development, along with FreeZa 2025-27 to deliver safe, youth friendly events have recently opened.

Both Grants close late September 2024. Council aims to apply for both grants in partnership with the Western Bulldogs Community Foundation.

This paper aims to seek endorsement from Councillors to pursue the funding opportunity.

Recommended Motion:

That Council:

- a) Endorse for the Chief Executive Officer to apply for both the:
 - i. Engage 2025-27 Grant Funding opportunity; and
 - ii. FreeZa 2025-27 Grant Funding opportunity;

partnering with the Western Bulldogs Community Foundation to deliver the programs across our Shire.

Resolution:

Moved Cr Hamilton

Seconded Cr McLean

That the recommendation be adopted.

Carried

ATTACHMENTS

Link: Engage! 2025-27 grants to support youth development | vic.gov.au (www.vic.gov.au)

Link: FReeZA 2025-27 grant program | vic.gov.au (www.vic.gov.au)

Link: Foundation | Western Bulldogs

DISCUSSION

Funding Opportunity

The Engage and FreeZa funding opportunities have become available, with Engage closing on 23 September 2024, and FreeZa on the 30 September 2024.

As these funding opportunities are only available for a three-year period, and there is no guarantee for continued, ongoing funding, Council has partnered with the Western Bulldogs Community Foundation to explore opportunities to deliver youth programs across our Shire.

Challenges for Youth Engagement

The Australian Bureau of Statistics in 2021 identified that 984 people aged between 10 and 24 years resided in our community, which is 15% of our population.

Our Council covers 7,157 square kilometres. The distance, and lack of transport options between our townships can be a challenge for youth participation across our Shire. This was evident when Council attempted to reinvigorate the Youth Council in 2023, with limited interest and travel being noted as a barrier to participation.



Proposed Program

Council has partnered with the Western Bulldogs Community Foundation in 2024 to deliver a School Holiday Leadership Program in Hopetoun, Murtoa and Warracknabeal, with the aim of engaging youth and addressing the barriers to participation, such as travel.

We wish to expand on this program from 2025-2027, working with our schools, and developing a leadership youth program that can be delivered by the Western Bulldogs Community Foundation.

In addition, we are planning additional youth engagement events, where health and wellbeing programs can be conducted in conjunction with our local sporting clubs across the Shire.

Our goal is to secure the highest possible funding to deliver the greatest benefits to the youth throughout our municipality.

Why the Western Bulldogs Community Foundation?

The Western Bulldogs Community Foundation is the club's community arm that utilises the trusted brand of the football club to deliver life changing programs. Participants are not required to play football and are not required to be associated with the Western Bulldogs.

At its core the Foundation delivers demonstrated impact in the areas of health and wellbeing, youth leadership, cultural diversity, social inclusion and community advocacy.

Our aim is to engage an organisation that can create an impact and inspire our Shire's youth.

With AFL football having high participation rates across our Shire, and region, and with the brand being well known and respected, we believe this is a highly beneficial partnership and opportunity for our young people.

Youth Engagement Commitment Statement 2024-2028 Alignment

Council adopted the Youth Engagement Commitment Statement in April 2024.

There are three Commitments to Engagement outlined in the Statement being:

- Listening to Us
- Engaging with Us
- Empowering Us

In 2024 Council Officers participated in engagement sessions with youth through their local secondary colleges. The main ideas identified were having a youth leadership program either incorporated in schools and/or with sporting clubs, opportunities to engage with youth across the Shire and utilising sport as a way to engage with young people. Travel was also noted as a barrier to participation, along with other after school hours commitment such as sport and work.

In developing the program in conjunction with the Western Bulldogs Community Foundation, we have acknowledged the feedback and will request that schools and sporting groups partner with us to support the implementation of the programs. They will not be required to financially support the program, only encourage and facilitate participation. To date, conversations with our local secondary schools have been extremely positive and supportive of the program.

Council will continue to offer programs for young people via our Engagement Van and Library service in addition to the Western Bulldogs Community Foundation programs.

Whilst we have considered engaging a Youth Officer to coincide with this funding opportunity, it is deemed a financial risk, as the funding is not secured. As has occurred previously, Council has missed out on Engage funding, and own source revenue has had to be allocated to supporting the position. This redirects funds from much needed roads and associated maintenance and infrastructure funding, where Council receives the most service requests and complaints.



We are convinced that collaborating with the Western Bulldogs Community Foundation offers significant advantages to both the Council and the community. Additionally, we believe this partnership can deliver a more robust and well-supported program for our youth, surpassing what the Council could achieve within the given funding constraints.

RELEVANT LAW

Local Government Act 2020

COUNCIL PLANS AND POLICIES

- Youth Engagement Commitment Statement 2024-2028
- Council Plan 2021-2025: Strategic Objective 2 A Healthy and Inclusive Community. Strategic Priority: We will develop partnerships to deliver services and/or provide opportunities to enhance the social health and wellbeing outcomes of our residents.

RELATED COUNCIL DECISIONS

Not applicable

OPTIONS

Councillors could choose to not support the funding application for the Engage and FreeZa funding to partner with the Western Bulldogs. Councillors could instead support the engagement of a staff member. Councillors need to consider the benefits of Western Bulldogs versus Council delivery, Councils financial position, service levels and core business activities.

SUSTAINABILITY IMPLICATIONS

Social: The engagement of a reputable organisation to deliver youth leadership, health and wellbeing sessions across our Shire aims to increase social connection, cohesion and enhance social health and wellbeing outcomes for our young people. It is envisaged that more youth will participate in programs where a product/brand forms a large part of the program.

Financial: Utilising a third party for delivery provides an overarching financial benefit to Council as they do not have the overheads related to staffing that are often not captured, considered, reported and recoverable as part of limited funding opportunities. Council is a financially unstainable Council and needs to focus on delivering core business activities that are underfunded and create the greatest areas of community dissatisfaction.

COMMUNITY ENGAGEMENT

The Youth Engagement Commitment Statement was made available for community feedback in accordance with Council's Community Engagement Policy between the dates of 18 March 2024 and 15 April 2024. It was also provided directly to local Secondary Schools to be made available to students for feedback. The Commitment Statement objectives support Council's vision to partner with the Western Bulldogs Community Foundation to deliver the youth leadership program, along with health and wellbeing programs.

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	The application for both FreeZa and Engage Funding supports Councils Youth Engagement Commitment Statement objectives. Partnering	Reduces Residual Risk Level



Strategic Risk Description and Residual Risk Level	Action to Mitigate/Reduce Risk	Does Action maintain or reduce Residual Risk Level
	with the Western Bulldogs supports the execution of the Commitment Statement.	
Financial Risk - Residual Risk Level Medium	Engaging a reputable third party with the necessary skills and expertise to implement the Council's initiatives can help mitigate the financial risks associated with limited funding when hiring staff to execute these programs.	Reduces Residual Risk Level
Reputational Risk - Residual Risk Level Low	Council pursuing Engage and FreeZa funding opportunities to deliver programs for our young people delivers on our Commitment Statement objectives.	Reduces Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

Victorian State Government: Our Promise, Your Future Victoria's Youth Strategy 2022-2027. <u>Our promise, Your future: Victoria's youth strategy 2022–2027 | vic.gov.au</u> (www.vic.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.



8.5 TINY TOWNS FUNDING OPPORTUNITY

Prepared by Tammy Smith, Chief Executive Officer

SUMMARY

Council aims to apply for the Tiny Towns – Round 2 Funding opportunity which closes on the 25 October 2024.

The three projects which Council will apply for are the Yaapeet Streetscape project, the Hopetoun Old School Site Accommodation Designs and Early Years equipment to support the establishment of Playgroup within our Library precinct.

This paper seeks endorsement from Councillors to apply for this funding opportunity and commit Council funds to the co-contribution amount required, in accordance with the funding guidelines.

Recommended Motion:

That Council:

- a) Endorse the Tiny Towns Round Two Funding application for:
 - i. The Hopetoun Old School Site Accommodation Design Project, with Council providing a \$50,000 co-contribution towards the project which is to be sourced from identified savings from the 23/24 capital works program.
 - ii. The Yaapeet Streetscape Project, with Council providing \$40,000 cocontribution towards the project, being sourced from the current allocated capital works 24/25 adopted budget.
 - iii. The Early Years Playgroup and Library Project with Council providing a \$6,250 contribution towards the project, being sourced from the Community Strengthening and Engagement Department operating budget.

Resolution:

Moved Cr Kirk Seconded Cr Massey

That the recommendation be adopted.

Carried

ATTACHMENTS

Link: Tiny Towns Fund - Regional Development Victoria (rdv.vic.gov.au)

<u>Attachment: 15.6 Ordinary Council Meeting Minutes, 13 December 2023 - Tiny Towns</u> <u>Funding Application Yaapeet</u>

Attachment: 14.2 Ordinary Council Meeting Minutes, 23 August 2023 – Endorsement of Hopetoun Former School Site Feasibility Study and Business Case

DISCUSSION

Yaapeet Streetscape Project

In September 2023 Council adopted the Yaapeet Streetscape Masterplan that centred around addressing feedback relating to landmarks and signage, planting, footpaths and kerbs, and rest stops. The Masterplan also included cost estimates for the proposed works and was ready to support funding applications when they became available to the Shire. The Tiny Towns funding, administered by Regional Development Victoria offers grants to eligible towns up to the value of \$50,000. The Council applied for funding in



round one, however, we were unsuccessful. We now wish to pursue this opportunity again, for round two.

The funding announcement provides the Council with the ability to seek the full amount of this funding to carry out initiatives identified in the Yaapeet Streetscape Masterplan. The Council have capital works funds available to put towards a contribution for the funding and also contribute to the costs of a school bus shelter.

This project will deliver high priority works identified in the master plan including:

- Bus shelter for students catching the school bus every day from Yaapeet,
- Town entrance signage at the Northern and Southern end of Yaapeet,
- The plantings of native trees along Byrne Street,
- Planting of low maintenance garden beds along Byrne Street,
- Wayfinding signage.

Council previously supported a Tiny Towns Round One application, on 13 December 2023 (refer to attachment for further details).

Hopetoun Old School Site Accommodation Design

On 23 August 2023 Councillors endorsed the Hopetoun Former School Site Feasibility Study and Business Case, and for \$50,000 to be allocated towards the residential development design phase of the project, for the purpose of seeking funding.

Council applied for the State Government Enabling Tourism Funding, the Commonwealth Partnerships and Precincts Funding, and submitted an Expression of Interest for the State Government Regional Worker Accommodation Funding to enact this project and were unsuccessful.

We have recently submitted a Commonwealth Housing Support Program funding application for the connecting infrastructure to support housing at the site. We hope to know the outcome in late 2024.

We aim to pursue the Tiny Towns opportunity, seeking \$50,000 in funding and matching it with a \$50,000 co-contribution, resulting in a total project budget of \$100,000. This budget will be allocated to the design work for the accommodation section at the Hopetoun Former School Site. Successfully completing this phase would position the Council more favourably for securing future construction funding.

Community Playgroup Support

The Warracknabeal Playgroup has been searching for a new home. To date they have been unsuccessful with finding an alternative, permanent location. Our Mayor and Manager Community Strengthening and Engagement have worked closely with our local playgroup and have identified that our Library would be a perfect location to support playgroup activities. The library has an outdoor fenced space, indoor area, amenities including coffee / tea making facilities. To support this partnership, we wish to purchase new equipment tailored to young people, and enhance the landscaping to encourage outdoor play, to the maximum value of \$25,000. Council would contribute \$6,250 to the funding application. Council has the funds available in the Community Strengthening and Engagement Department operational budget to contribute towards the funding application.

We also believe the enhancements to the landscaping and additional resources would not only support playgroup, but also assist with the delivery of school holiday activities and programs, along with providing play spaces for visitors to the library.



We consider this partnership a positive initiative where we can promote and encourage the use of our library service, whilst providing an opportunity for young people to socialise and learn through play, develop their social, emotional and physical skills, and for parents/carers to connect socially and develop their social networks.

RELEVANT LAW

• Local Government Act 2020

COUNCIL PLANS AND POLICIES

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

Strategic Priority: We will advocate for continued and enhanced funding to enable strategic investment in our roads, footpaths, and associated assets to support tourism, economic development and social inclusion and connection across the Shire.

 Council Plan 2021-2025, Strategic Objective 2 - A Healthy and Inclusive Community.
 Strategic Priority: We will develop partnerships to deliver services and/or provide opportunities to enhance the social health and wellbeing outcomes of our residents.

RELATED COUNCIL DECISIONS

- 13 December 2024 Council Minutes Ordinary Meeting Item 15.6 Tiny Towns Funding Application and Yaapeet Bus Shelter Capital Works Endorsement.
- 23 August 2023 Council Minutes Ordinary Meeting Item 14.2 Endorsement of Hopetoun Former School Site Feasibility Study and Business Case
- 27 March 2024 Council Minutes Ordinary Meeting Item 15.6 Enabling Tourism Application

OPTIONS

Councillors could choose not to apply for the funding opportunities for all or some of the projects, and instead fund the projects via own source revenue. However, Council is classified as an unstainable Council and is heavily reliant on grant funding to support key initiatives and development activities across the Shire.

SUSTAINABILITY IMPLICATIONS

Economic: Hopetoun Former School Site - The accommodation venue will provide an economic stimulus for the Shire and region, as it was noted in the feasibility study and business case, there was limited facilities that could accommodate large groups. This would encourage groups to stay and spend money within our Shire.

Social: Hopetoun Former School Site - The redevelopment of the site provides an overarching benefit to the Hopetoun and district community. Beautifying and investing in the site, enhances social health and wellbeing outcomes within the municipal district. It creates a sense of pride, and the housing development provides opportunities for people to reside longer in their communities, increasing and/or enhancing social connection.

Playgroup – Supporting playgroup with a venue enhances social connection, and wellbeing, and assists early childhood development.

Financial: Hopetoun Former School site - Council needs to ensure they invest in project planning to inform grant applications. There is a risk, in this current economic environment that Council could be exposed to cost escalation risks.

Environment: Yaapeet Streetscape - In the design and delivery stages of the project, consideration has and will be given to:

• Ensuring the low maintenance and relative hardiness of the plantings suggested including trees,



- The amenity of Byrne and Cowan Streets,
- The needs of individual homeowners and residents, especially those who may be impacted by the planting of trees,
- Council's tree policy regarding the recommended trees for Byrne Street.

COMMUNITY ENGAGEMENT

Council undertook community consultation activities to develop the Yaapeet Streetscape Master Plans and the Hopetoun Former School Site Business Case and Feasibility Study. The details of the community engagement undertaken is outlined in the attachments.

In addition, the Mayor and Manager Community Strengthening and Engagement have been consulting with the Playgroup representatives in relation to finding a suitable location and solution for the community.

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	The applications align with Council's strategic priorities outlined in the Council Plan 2021-2025.	Reduces Residual Risk Level
Financial Risk - Residual Risk Level Medium	Applying for grants to support Council priorities reduces the financial burden on Council's own source revenue. It enables Council to deliver more for the community.	Reduces Residual Risk Level
Program and Project Risk - Residual Risk Level Medium	Developing detailed designs provides assistance with ensuring projects are well scoped and costed.	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 Left Chambers
Cr Tom Hamilton	Shareholder in Murtoa Housing Innovation Pty Ltd	9.46 am

8.6 MURTOA LAND TRANSFER – 16 CROMIE STREET MURTOA

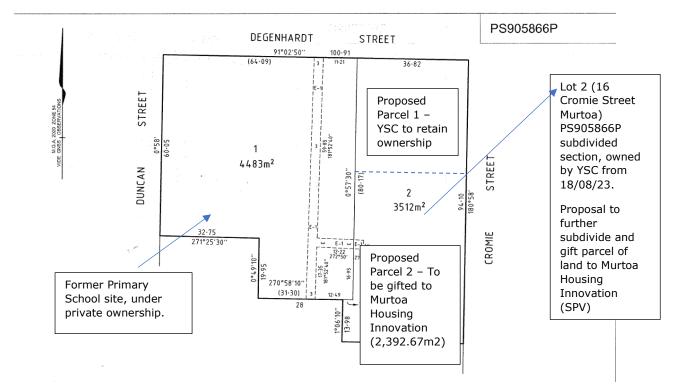
Prepared by: Tammy Smith, Chief Executive Officer

SUMMARY

Yarriambiack Shire Council (YSC) purchased the land known as Lot 2, 16 Cromie Street (Lot 2 PS905866P) Murtoa on 18 August 2023. This parcel of land was subdivided from the former Murtoa Primary School site, with the aim of being utilised for housing.

The Council has constructed two units on Lot 2 - 16 Cromie Street, Murtoa, leaving the rest of the land undeveloped. The Council has sought funding opportunities to develop the remaining land but has not succeeded in these efforts.

This paper recommends that the property located at 16 Cromie Street (Lot 2) be subdivided into two separate parcels. One parcel will remain under Council ownership, containing the existing units, while the other parcel is proposed to be gifted to Murtoa Housing Innovation Pty Ltd ACN 671 381 454, which is the special purpose vehicle established for the Murtoa Private Housing Initiative (Murtoa Housing Innovation Pty. Ltd) to facilitate further development of community housing in Murtoa. The structure of this special purpose vehicle is further explained in this report.



Recommended Motion:

That Council:

- a) Notes the submissions received and endorses the officer assessment in respect of those submissions;
- b) Resolves at Council's own cost to subdivide Lot 2, PS905866P, 16 Cromie Street, Murtoa into two lots to create a new lot comprising 2,392.67m² approximately for



disposal and development for community housing and a balance lot to be retained by Council;

c) Resolves to gift the proposed new lot (including funding the legal transfer cost) to Murtoa Housing Innovation Pty Ltd, recognising the community benefit the housing proposal will provide to the municipal district and on condition that Murtoa Housing Innovation Pty Ltd enters into a section 173 agreement under the Planning and Environment Act 1987 with Council to be recorded on title committing Murtoa Housing Innovation Pty Ltd to do the following:-

(i) commence and complete the proposed development and commence use for the intended purpose within prescribed time frames;

(ii) not use the land for any other purpose than the intended one without Council's written consent as donor of the land;

(iii) returning the land to Council (at Council's option) for nominal consideration and at the cost of Murtoa Housing Innovation Pty Ltd in the event that the land is not developed and used for the intended purpose; and

(iv) compensating Council for any loss Council may suffer as a consequence of a breach of such obligations

- d) Direct the Chief Executive Officer to inform all submitters of Council's decision (where able) and the reasons for Council's decision; and
- e) Delegates to the Chief Executive Officer the power to effect the subdivision and to complete the negotiation and signing of all documents to effect the gifting of the proposed new lot to Murtoa Housing Innovation Pty Ltd and to secure the return of such land in the event that the land is not developed for community housing within 4 years of transfer.

Resolution:

Moved Cr Kirk

Seconded Cr Heintze

That the recommendation be adopted.

Carried

ATTACHMENTS

Confidential Attachment: Legal Advice Russell Kennedy Lawyers - Gifting of Land (*This information is confidential in accordance with Section 3, Confidential Information (e) legal privileged information, being information to which legal professional privilege or client legal privilege applies.*)

Confidential Attachment: Valuation of Land Proposed to be Subdivided at 16 Cromie Street Murtoa (*This information is confidential in accordance with Section 3, Confidential Information (c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values.*)

DISCUSSION

Background

Council sought feedback from the community regarding a proposal to subdivide the land known as 16 Cromie Street Murtoa into two parcels. This land was initially purchased, in consultation with the former Murtoa Community Housing Asset Committee of Council to expand the housing stock within Murtoa. Council has built two units on the site, with



\$240,000 thousand being contributed from the former Murtoa Community Housing Asset Committee of Council towards construction of the two existing units.

The land is not fully developed, and Council has attempted to seek further funding to build more homes, with no success.

It is important to note that the Murtoa Community Housing Asset Committee of Council was a volunteer organisation of Council, that managed the existing housing units on McDonald Street Murtoa. The funds raised to contribute towards the building of the two units on 16 Cromie Street were raised through rent and volunteer hours from the Murtoa community.

Opportunity

Wimmera Southern Mallee Development (WSMD) is a public company limited by guarantee and has been established to lead, support, and encourage sustainable development of the Wimmera, Southern Mallee region of Victoria. WSMD currently comprises of six Councils including Yarriambiack.

As a public company limited by guarantee, WSMD has members, but no shareholders and its constitution include not-for-profit clauses.

WSMD has established a Special Purpose Vehicle (SPV) called the Wimmera Housing Initiative Project (WHIP). WSMD has 100% shares in the SPV – WHIP a proprietary company limited by Shares.

WHIP has established a further SPV called the Murtoa Housing Innovation Pty Ltd (Murtoa Private Housing Initiative). WHIP and Murtoa Progress will be shareholders. Private investment is also being sought for this SPV with the main aim of building more houses in Murtoa.

Murtoa Housing Innovation Pty Ltd aims to provide housing for people to downsize who already reside within the Yarriambiack and/or surrounding community, and for skilled workers. The rental will be based on market values, with the aim of providing affordable housing accommodation within our local community, encouraging people to live, work and reside within our community.

It is envisaged that the Murtoa Housing Innovation Pty Ltd will attempt to ascertain funding to support the building of the houses, and there maybe stipulations around the sale and/or rents associated with the funding agreement. Once Council gifts the land, they would be unable to direct how the profits were distributed.

In order to secure the community benefit to be derived from further development of the site for community housing, it is proposed to subdivide the site into two lots and to gift the newly created undeveloped lot (comprising approx. 2,392.7m²) to Murtoa Housing Innovation Pty Ltd for development for community housing as part of the Murtoa Private Housing Initiative.

This is on condition that Murtoa Housing Innovation Pty Ltd enters into a section 173 agreement with Council of the kind specified in the Recommended Motion, which will be recorded on the title to the land.

The section 173 agreement will require that the land must be returned to Council for nominal consideration and at the cost of Murtoa Housing Innovation Pty Ltd, if the land is not developed and used for the intended purpose within 4 years of the gift.

The cost to subdivide the land will be factored into the Affordable Housing Project budget that is currently being delivered and is estimated at \$8,971.10 (including GST).

RELEVANT LAW

Local Government Act 2020 – Division 4 – Powers in relation to land.



Section 114 Restrictions on power to sell, exchange or transfer without consideration land. Council was required to at least 4 weeks prior to dealing with the land, publish notice of intention to do so on Council's internet site, and in any other manner prescribed by the regulations and undertake a community engagement process in accordance with their Community Engagement Policy.

In addition, obtain from a person who holds the qualifications or experience specified under section 13DA (2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to dealing with the land.

Valuation of Land Act 1960: Council must obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to dealing with the land.

Council has obtained a valuation in accordance with its statutory obligations which establishes the market value of the land proposed to be gifted to be \$85,000.

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

Minutes Ordinary Meeting of Council 24 November 2021: 12.6 Transfer of Lot 4 Gibson Street Rupanyup to Rupanyup Future Fund.

OPTIONS

a) Council could choose not to gift the parcel of land to Murtoa Housing Innovation Pty Ltd. However, Councillors need to recognise that we are a financially unsustainable Council, and where we can partner with the community to deliver strategic objectives, it would be financial, socially and economically sustainable to do so.

We have also attempted to secure funding via the Victorian Big Build, in partnership with Haven Home Safe, and via the State Government Regional Worker Accommodation Fund and on both occasions been unsuccessful.

This collaboration might enhance Murtoa Housing Innovation Pty Ltd's prospects of obtaining future housing funds, thereby reducing the government's financial burden and making the investment more appealing from a funding viewpoint.

It is proposed that the gift be made on the basis that Murtoa Housing Innovation Pty Ltd enter into a section 173 agreement with Council under the *Planning and Environment Act 1987*, which is to be recorded on the title to the land once gifted and which will secure the obligations of Murtoa Housing Innovation Pty Ltd to develop and use the land for community housing within 4 years of transfer and, failing this, to retransfer the land to Council for a nominal sum.

b) Council could choose to be a Shareholder in the Murtoa Housing Innovation Pty Ltd, providing the land and receiving a distribution of profits into the future, opposed to gifting the land. Council would need to give consideration to the nexus between the



Murtoa Housing Innovation Pty Ltd and Council, and community expectations on Council leading and delivering the housing project(s) if they were to be a shareholder.

SUSTAINABILITY IMPLICATIONS

Economic: The gifting of the land supports economic growth and development, providing housing options for the community. There is a shortage of housing for our aged residents who wish to downside and remain within the community. We also are experiencing a shortage of housing to support early years, teachers, emergency services and health care professionals.

Under the WSMD adopted population projections for Yarriambiack Shire, the estimated annual housing demand for the southern part of the Shire (Dunmunkle area) is: 9-10 new dwellings per year to 2036 (this is also the scenario accepted by Council in the Economic Development Strategy) and in WSMD's high scenario it is 15 dwellings per year. The total new housing approvals for the whole Shire in 2023-24 was 17.

Social: Housing developments that support options for our aged community to downsize, along with opportunities for skilled workers to reside within our communities promotes social connection, with the aim of enhancing people's social health and wellbeing outcomes.

Environmental: Modern homes use advanced building techniques and materials, offering better insulation, efficient heating and cooling systems, and enhanced energy performance. These improvements decrease carbon footprints and significantly cut utility costs.

Financial: Council has struggled to secure additional funds for the development of 16 Cromie Street. The State Government Regional Worker Accommodation Fund prioritises private and government partnerships. Since Council is financially unsustainable, we can't contribute our own revenue for housing. Partnering is necessary for future housing projects. This approach offers a sustainable solution, lessening Council's financial load (maintenance and grant application costs) and fostering development in Murtoa. The Regional Workers Accommodation Fund is allocated over a three-year period, putting the Murtoa Private Housing Initiative in a favourable position to apply for funding in the future to develop the site. <u>Regional Worker Accommodation Fund - Regional</u> <u>Development Victoria (rdv.vic.gov.au)</u>

COMMUNITY ENGAGEMENT

Council sought feedback on this proposal from Monday 29 July 2024, until 12 noon Monday 26 August 2024. The feedback encouraged people to have their say, if they supported, did not support or had concerns that required addressing in relation to the proposal.

Council received eight submissions from the community engagement process, which was advertised via Councils website, social media and via local newspapers.

ASSESSMENT OF SUBMISSIONS

Council officers have assessed the submissions received and details of that assessment are as follows:

1. Housing gifted should be required to be leased or sold at affordable rents / purchase price only. Any profit made off the sales by developers should be redirected to council.

The Murtoa Housing Innovation Pty Ltd (MHI) aims to provide housing for people to downsize who already reside within the Yarriambiack and/or surrounding community, and for skilled workers. The rental will be based on market values, with the aim of providing affordable housing accommodation within our local community, encouraging people to live, work and reside within our community. It is envisaged that the MHI will attempt to ascertain funding to support the building of the houses, and there maybe



stipulations around the sale and/or rents associated with the funding agreement. Once Council gifts the land, they would be unable to direct how the profits were distributed. Council could choose to contribute the land to the MHI and be a shareholder, receiving a distribution of profits into the future.

2. What is going to be put in place to ensure the block of land is maintained, currently Council maintain the land, what will be put in place to ensure it is kept tidy? When this group falls over and cannot get enough funding who will the land be transferred too next? If they do get funding who has control on what type of housing is put on the land and what type of housing do they what to get, or is it just whatever they can get funding for and tick the box?

The block of land will continue to be mowed by Council until building commences. The MHI has secured enough shareholder contributions to commence planning for the building of their first house. Therefore, the risk relating to not securing enough funds is low. Council can negotiate a 173 Agreement with an owner of land to set out conditions or restrictions on the use or development of the land, or to achieve other planning objectives in relation to the land. Council can restrict that the land be only utilised for housing. The development considerations will require planning approvals from Council. The MHI has a vision of providing quality housing to the community, at a minimum, equivalent to the current units constructed at the site.

3. That would be very generous of council to gift a parcel of land which I'm sure will assist the older residents who have lived in Murtoa all their life to continue living in their community independently and allow younger families to move in if they sell their property however those who do not have a house to sell should also have the opportunity to move into a unit and should not be discriminated by the Murtoa society process association so please put this as part of the councils agreement.

There is no restrictions or requirements for residents currently residing in the Council owned units for them to sell their homes. Murtoa Progress Association and Council have never indicated that this would need to be a condition to live in either one of the existing units, or the proposed housing options. All parties will ensure this is communicated effectively when the homes are built and become available.

Other Comments submitted, not requiring a response were as follows:

- 4. Support. Murtoa community through Murtoa Progress Association worked voluntarily to secure this land for some years to make traction toward housing. Shire built to secure two affordable houses to ensure the block is filled with housing options, this gift to MHIP would assist achieving private housing options.
- 5. I believe that it is a great initiative for the council to gift of land. I believe it is a great way to improve the amount of residents in Murtoa.
- 6. I fully support this.
- 7. Fantastic idea. Very generous of the shire. We are involved in the housing initiative and hope this will bring new families to our amazing community.
- 8. We both fully support the initiative.

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	Gifting the land enables Council to enact its Housing initiatives. Currently Council is unable to expand on its housing stock as it has been unable to secure further funding.	Reduces Residual Risk Level
Corporate Governance, Compliance and Liability Risk - Residual Risk Level Low	Independent legal advice has been sought to ensure governance processes are acknowledged and followed.	Maintains Residual Risk Level
	There is a low risk that the decision of Council could be challenged, as we did not specifically advertise that the gifting of Land is in accordance with Section 114 of the Act, and we did not explicitly state a person could support or object to the proposal. This was implied with being provided with the ability to "Have Your Say". Whilst the risk is deemed low, it is still a risk that should be noted.	
Financial Risk - Residual Risk Level Medium	Gifting the land reduces the pressure on Council to utilise own source revenue to develop the site into the future. As a financially unsustainable Council it is important to direct funds to core business and explore partnerships for other identified initiatives.	Reduces Residual Risk Level
Innovation Risk - Residual Risk Level Low	The Murtoa Private Housing Initiative is an innovative option to increasing housing options within the Shire. The legal structure and process has been reviewed by our Lawyers to decrease Councils risk in supporting this innovative solution.	Maintains Residual Risk Level

REGIONAL, STATE AND NATIONAL PLANS AND POLICIES

- Victoria's Housing Statement: <u>Victoria's Housing Statement | vic.gov.au</u> (www.vic.gov.au)
- Rural Councils Victoria Housing Blue Print: <u>Research Rural Councils Victoria</u>
- Commonwealth National Housing and Homelessness Plan
- Delivering the National Housing Accord: <u>Delivering the National Housing Accord</u>
 <u>Treasury.gov.au</u>

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 Chambers
Cr Tom Hamilton	Shareholder in Murtoa Housing Innovation Pty Ltd	9.49 am



9 NEXT MEETING

Wednesday 25 September 2024

10 CLOSED

Recommended Motion: That the Ordinary Meeting of Council is now closed at 9.49 am. Resolution:

Moved Cr Kirk Seconded Cr Hamilton

That the recommendation be adopted.

Carried